

**I. OPENING**

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)
- E. Public Comment Procedure

**II. PRESENTATIONS/HEARINGS**

- A. Resolution #82-2015 – Recognizing Brooke Lichak for Earning the Girl Scout Gold Award

**III. DEVELOPER ITEMS**

**IV. TOWNSHIP BUSINESS ITEMS**

- A. Eric & Elaine Goth – 2025 Wirth Road – Waiver for Well Isolation Distance
- B. Quarterly Township Landfill Consultant Report
- C. Response to Minor Permit Modification for Capping

**V. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of August 19, 2015 Minutes

**VI. PUBLIC COMMENT ON NON-AGENDA ITEMS**

**VII. COUNCIL & STAFF REPORTS**

- A. Township Manager
- B. Council
- C. Solicitor
- D. Engineer
- E. Planner

**VIII. ADJOURNMENT**

Next EAC Meeting: September 8, 2015  
Next Saucon Valley Partnership: September 10, 2015 @ HB  
Next Park & Rec Meeting: September 14, 2015  
Next Council Meeting: September 16, 2015  
Next Zoning Hearing Board Meeting: September 21, 2015  
Next Planning Commission Meeting: September 24, 2015  
Next Saucon Rail Trail Oversight Commission Meeting: September 28, 2015

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 2, 2015 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield, presiding.

**ROLL CALL: Present:** Thomas Maxfield, Vice President; Dave Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Linc Treadwell, Township Solicitor and Jim Birdsall, Township Landfill Engineer. **Absent:** Glenn Kern and Ron Horiszny, Council Members; Leslie Huhn, Assistant Manager; Judy Stern Goldstein, Township Planner; and Brien Kocher, Township Engineer.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

Mr. Maxfield said Council did not meet in Executive Session since our last meeting.

**PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Maxfield said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones. He asks that you give your fellow public the courtesy of the floor. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes. If you are up at the table, please speak into the microphone.

**II. PRESENTATIONS/HEARINGS**

**A. RESOLUTION #82-2015 – RECOGNIZING BROOKE LICHAK FOR EARNING THE GIRL SCOUT GOLD AWARD**

Mr. Cahalan read Resolution #82-2015. Mrs. deLeon said this is wonderful and she is always for keeping our kids busy. Mr. Maxfield and Mr. Willard congratulated Brooke.

**MOTION BY:** Mrs. deLeon moved for approval of Resolution #82-2015.

**SECOND BY:** Mr. Willard

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

**III. DEVELOPER ITEMS – None**

**IV. TOWNSHIP BUSINESS ITEMS**

**A. ERIC & ELAINE GOTH – 2025 WIRTH ROAD – WAIVER FOR WELL ISOLATION DISTANCE**

Mr. Goth was present and said when the house was purchased, there wasn't enough room to meet the requirement for the isolation distance. Mr. Maxfield said this is a replacement system and someone is living there.

**MOTION BY:** Mr. Willard moved for approval of the Hanover Engineering draft motion dated September 2, 2015 for the waiver for the well isolation distance at 2025 Wirth Road.

**SECOND BY:** Mrs. deLeon

Attorney Treadwell said there are three conditions, but the main one is they will have to sign an agreement acknowledging they are 62' away, not 100', per the draft motion.

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

**B. QUARTERLY TOWNSHIP LANDFILL CONSULTANT REPORT**

Mr. Jim Birdsall from Hanover Engineering was present to provide the quarterly update on IESI. The Committee reviewed all the activities at the landfill. The following is a summary of their investigations. There is a concern of the unstablized condition of the intermediate cover and the continuing escape of landfill gases into the atmosphere as recorded by DEP and the IESI consultants over the last prior quarter. There were 11 locations that exceeded 500 ppm and the

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landfill is checking them monthly. IESI is putting additional soil above and beyond the 12", but HEA is still concerned. IESI is trying to cure this gas problem more aggressively.

Mr. Birdsall said they still have not heard back from DEP with regard to their investigating the potential odors coming from BRE. The Committee has two recommendations for action by the Township. They recommend the Township write a letter to DEP to ask them if they have come to any conclusion on the BRE question. Mr. Birdsall said they are concerned about the ongoing odor complaints. The leachate flows in LMC-8 continue to increase due to precipitation and that's a concern. They are watching the chemical similarity of the PS-2 leachate flows to the leachate in the collection zone.

Mr. Birdsall said the Committee found no concern related to Groundwater Management. The truck totals at the landfill have decreased from month-to-month which brings with it a reduction in the overweight trucks.

Mr. Birdsall said regarding the air quality application for the expansion and the solid waste application of the landfill, they are recommending that DEP not issue one set of permits before they issue the other set of permits. Mr. Birdsall said they requested that DEP coordinate these permits and DEP has not responded to that request. There's a third set of minor permits, which are the NPDES water quality discharge.

Mrs. deLeon said they had an incident on the North Slope with the one rain storm. Mr. Birdsall said one of those basins do discharge in that direction, but he can reasonably assure you the basin was not the cause of the erosion event.

Mr. Birdsall said they had an NOV issued for the air violations and HEA has been stressing the lack of intermediate cover.

Mrs. deLeon asked if they ever agreed to do monthly inspections for the exceedances. Mr. Schleyer said it was discussed and they are looking at increasing point coverage for the surface monitoring and if needed to increase the frequency. Mrs. deLeon said she'd like to get copied on those reports when they take place.

Mr. Maxfield asked regarding the methane leaks when you do a fix and that fix breaks down again, what is the process and how do they attempt to fix it? Mr. Schleyer explained it's a combination of thickness of cover soil and compaction.

Mrs. deLeon said our consultants were concerned about the number of acres that are uncapped. Mr. Schleyer said that's why they accelerate between the permanent and temporary capping.

**C. RESPONSE TO MINOR PERMIT MODIFICATION FOR CAPPING**

Mr. Birdsall said there's a minor permit modification that IESI filed with DEP on August 17<sup>th</sup>. The regulations do not provide comment period. They looked at IESI's application last week. Mr. Birdsall prepared a letter dated September 1<sup>st</sup> with comments. DEP and the IESI has not seen this letter with the questions nor the answers, so he would like to add if Council is okay with questions and response and whether you want to take action or not take action. Mr. Schleyer said he doesn't think DEP will make a final decision unless they hear anything from the Township first, so if you want to produce a letter with questions and Rick Bodner's comments that satisfies the Township, then DEP can incorporate any part of that letter into the permit modification approval. Mr. Birdsall said assuming the permit was issued tomorrow, what is IESI's schedule to get some of the liner material in place? Mr. Schleyer said it's on the manufacturing list.

Mrs. deLeon said at our meeting on August 19<sup>th</sup>, it was mentioned the western expansion zoning change is too old now and off the table. Attorney Treadwell said he thinks what he said was he

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wasn't comfortable with anybody voting on the zoning ordinance amendment that was proposed over three years ago since too much time has passed since the public hearing. Mrs. deLeon said there should be some reference to DEP explaining what Attorney Treadwell just said and making sure DEP knows if it's brought up again. Attorney Treadwell said the area where the proposed western expansion was proposed to occur is not zoned for a landfill use. Mr. Willard said in the letter it asks how long the temporary cap systems will be in place. The answer says if it is determined that the western expansion is no longer an option, the final soil cover will be placed on the south slope temporary cap. Mr. Maxfield said some language should be included that would express exactly what Linc said that it is not on the Township's list right now because of the age of it. Attorney Treadwell said the time period that has elapsed has been too long for it to be voted on. In the MPC, there's a 90-day time period on adopting a zoning ordinance, but there's no specific time for a zoning ordinance amendment. Mrs. deLeon would like this included in the letter to DEP. Mr. Maxfield asked if we should send the August 24<sup>th</sup> and September 1<sup>st</sup> letters to DEP? Mr. Birdsall said he doesn't think they need August 24<sup>th</sup> letter, but he'd ask that three separate letters be sent out to the different entities. Mrs. deLeon said there are still ongoing landfill odors.

**MOTION BY:** Mrs. deLeon moved for approval to direct the Manager to send a letter to DEP regarding the BRE issue and the air quality.

**SECOND BY:** Mr. Willard

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

**MOTION BY:** Mrs. deLeon moved for approval to send a letter to the Bureau of Air Quality and the September 1, 2015 letter with the zoning status attached to it.

**SECOND BY:** Mr. Willard

Mr. Matt McClarin asked if the section of the landfill where they are putting the tarp on is the final grade of the landfill with the eastern expansion or what they are permitted for? Mr. Birdsall explained if they get their expansion to the SE the temporary cap will not be in place for very long. Mr. McClarin asked additional questions about the permanent capping. Mr. Birdsall explained the timing of temporary vs. permanent capping. Mr. McClarin spoke about using white tarping to which Mr. Schleyer stated they never intended to use white tarps. Mr. Birdsall said the old section of the landfill across the top has a permanent cap with 24" of soil on top of that. There was additional discussion regarding capping.

Stacie Misczenski, 4231 Roberts Avenue, said the temporary cover in the western corner will only be there 4 to 5 years, but she doesn't hear a timeframe in the letter. Mr. Birdsall said he's saying 4 to 5 years; that's his best guess in the way of applications. Ms. Misczenski asked that a timeline be put in the letter. Ms. Misczenski asked about gas collection involved with taking off the cover which Mr. Birdsall tried to explain. Mr. Maxfield asked Mr. Schleyer if he could provide a timeline to the Township? Mr. Schleyer said he would agree that the 4 to 5 years is a reasonable guess. Mrs. deLeon wanted to amend the motion to include the timeline.

**MOTION BY:** Mrs. deLeon amended her previous motion for approval to send a letter to the Bureau of Air Quality and the September 1, 2015 letter with the zoning status attached to it and include language regarding a timeline for completion.

Council requested some revisions to the letter and had discussion regarding such with Mr. Birdsall. Attorney Treadwell said he's confused about the western expansion they are referring to. Mr. Birdsall said he thinks he's talking about the area at the south slope. Attorney Treadwell said if he's talking about an expansion, they are just going to put a cap on it and they are done. Mr. Birdsall said what is he going to do to the last phase? Attorney Treadwell said he doesn't say. Ms. Misczenski said there's a lot of confusion with terminology. Mr. Maxfield said the western slope, where the tarps are proposed, that area would be either regraded into a western expansion or accept more garbage with a southeastern expansion, so if neither one is approved, that western slope stays

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and they would put cover right on top of it. Mr. Birdsall said that's what Rick is describing. Mrs. deLeon said without supporting this, this is trying to help with the odors.

Ms. Donna Louder asked if the host agreement has to be revised for the SE realignment? Mrs. deLeon said the regulations provide that as an option, but it doesn't have to be. Attorney Treadwell said for Phase IV, there was an amendment to the host agreement but that was dealing with the difference in daily tonnage and maximum volume, some restrictions on the Fox property, so unless any of these things are going to change, he doesn't know if there's a requirement for a new host agreement. Ms. Louder said her concern is if this temporary cover is going to alleviate some of the odor problems, can we put some kind of language that they have to make a decision within two years whether or not this temporary cover is being moved. Attorney Treadwell said he can't give an answer, but we could certainly put that language somewhere. Whether the landfill would sign anything agreeing to that or we could force them to do that, he doesn't think so. That appears to be an operational issue which is something that DEP controls. Ms. Louder said can we put it out to DEP. Attorney Treadwell said it's along the same lines as the question on the timeline we were talking about earlier. Attorney Treadwell said he's not 100% we can mandate that.

**SECOND BY:** Mr. Willard amended his second

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF AUGUST 19, 2015 COUNCIL MINUTES**

Mr. Maxfield said the August 19, 2015 minutes are ready for Council approval.

**MOTION BY:** Mr. Willard moved for approval of the August 19, 2015 Council minutes, with corrections, if any.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 2-1 (Mrs. deLeon – No; Mr. Horiszny and Mr. Kern – Absent)

**VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Mr. Matt McClarin asked the Township Manager for the status of the Steel City Park as it's one heck of a mess. Mr. Cahalan said since it was demolished PW has been out doing their road projects. They should be done by the end of this month and they will move to Steel City Park.
- Mr. McClarin said regarding the slide on the North Slope was that linked to IESI's operations? Mr. Birdsall said Chris Taylor did an inspection but he doesn't have the report with him. He doesn't think it was as there wasn't any activity on that side of the hill. Mrs. deLeon said it was the same week PennDOT closed the Narrows and we directed Chris Taylor to go out and investigate the hole in the road. At that time he noticed a runoff incident and he did do a report. Mr. Maxfield said he re-read the report today, and it said Chris believed the landfill was not responsible for the hole in the road. He said the other area where there was a washout the water drained from that part of the landfill where there was no detention. He also said there were other structures there already that showed there was probably runoff there in the past. Mr. Cahalan said the report is on the Township website.
- Atom Kallen said the PA DEP recently released a report forecasting an increase in the severity of weather in PA, particularly temperature and the intensity of storms. He asked if Council could investigate what Township facilities or locations might need reinforcements, particularly the landfill or railroad tracks to compensate for increased severity of weather. Mr. Maxfield asked if he meant climate change as DEP has been making those predictions for quite some time. Water is the biggest problem in the Township, not just the landfill. We have flat areas surrounded by slopes. Right now, from a global perspective, there's no way to stop it. Mr. Maxfield said we have taken measures that all environmental structures the Township has approved in the last 10 years including open space are areas that will absorb water.

**VII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan referred to a report that he will be giving Council each meeting on action items. He reviewed a Special Event request application for a photo workshop on September 19<sup>th</sup> at Heller Homestead. They are requesting a waiver of the application fee and security deposit which staff has no problem with.

**MOTION BY:** Mr. Maxfield moved to waive the fees for the photo workshop event and approval of the event.

**SECOND BY:** Mr. Willard

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

Mrs. deLeon asked if they need other insurance? Mr. Cahalan said that would be up to the SVC to insure themselves.

- Mr. Cahalan said there was a request for the removal of two tank covers in the lawn at the Heller Homestead. One is for a septic dosing tank and the other is for the well pump tanks, which are no longer being used. PW can do the work. If Council approves these two demolitions, they will have to obtain approval from PHMC. Mr. Maxfield said the well pump tank is probably historic and we should get an opinion from PHMC. He felt they should just do the first one, Mrs. deLeon agreed. This can be tabled and he can get more information.
- Mr. Cahalan read an update on the Act 537 plan which he received from Mr. Gar Davidson.
- Mr. Cahalan had two recommendations the Parks & Recreation Board made at their last meeting. One was to make all the Township parks tobacco free. Council would support this.

**MOTION BY:** Mrs. deLeon moved to direct staff and the Solicitor to come back with an ordinance change, which would add prohibition against smoking in parks to the Park & Recreation ordinances.

**SECOND BY:** Mr. Willard

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

Mr. Cahalan said P&R recommended the concept of installing a concession stand at Polk Valley Park that could be used by sports organizations. P&R suggested that the concession stand and restrooms could be contained in one building. Mrs. deLeon said too bad we can't use the house on the property. Mr. Maxfield said what would we need in terms of power and water? Mr. Cahalan said we were planning to bring water and electric service into the park if the composting toilet was to be installed. There are some wells that could be utilized up there and the power would be underground. Mr. Maxfield asked for more info on this before they vote on it. Mr. Cahalan said they can have the Planner work on this.

- Mr. Cahalan reviewed items regarding the Nixle Alerting System, PW road maintenance, Woodland Hills Preserve, Hellertown Area Library improvements, part-time Police Officers, and a stray pit bull. Mr. Willard spoke about Mr. Cahalan organizing a hayride wagon tour of the Woodland Hills Preserve for Council, EAC and P&R. He wondered if this could be open to residents as well. Mr. Cahalan said he is working to see if there's something to transport people and the focus is to have the Township boards look at it first.

**B. COUNCIL**

**Mr. Maxfield**

- He is interested on what was going on with the DEP odor study. Mr. Cahalan said the last communication was from Secretary Quigley saying that they are working on it.
- He said as a result of our last meeting, he's going to ask the Township and Council to approve the idea of having an independent engineer review the LV Industrial Park traffic study on Easton Road, especially because we have the same engineering firm serving both bodies. He would like to have someone else representing us. Maybe staff could come back with some recommendations. Mrs. deLeon said we were going to talk about this at the SVP meeting. Mrs. deLeon said after the SVP meeting, maybe we could invite Hellertown's engineer to come and give us an update on what they are doing.

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**Mrs. deLeon**

- She said Community Day was a very nice day and well attended.
- She said on Wednesday, September 23<sup>rd</sup>, the Hellertown/LS Chamber will have a small roundtable event.
- She asked if there was any news on the Narrows? Mr. Cahalan said they have not received any updates from PennDOT. She asked Mr. Cahalan to contact them.
- She asked the status of the non-uniform contract? Mr. Cahalan said they have another negotiating date in September.
- She said she would like all the legislators copies on the three DEP letters talked about earlier.

**Mr. Kern** – Absent

**Mr. Willard**

- He said every year we've picked very deserving businesses for our Community Day awards.
- He said they were informed that PPL was going to be cutting trees on Meadows Road that were encroaching power lines. They had a meeting with the residents and PPL at the site to discuss remediation with lower native plants and foliage to be installed and PPL agreed. Mr. Maxfield said he hopes it's a new role with PPL in dealing with the Township.

**Mr. Horiszny** – Absent

**D. SOLICITOR** – No report

**E. PLANNER** – Absent

**F. ENGINEER** – Absent

**VIII. ADJOURNMENT**

**MOTION BY:** Mr. Willard moved for adjournment. The time was 9:23 pm.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 3-0 (Mr. Horiszny and Mr. Kern – Absent)

Submitted by:

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Jack Cahalan  
Township Manager

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Ron Horiszny  
Council President