
**The Township Building remains closed to the public.
This meeting will be held through a Zoom teleconferencing link.
Information to join the meeting will be provided on our website.**

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. PUBLIC COMMENT – TOWNSHIP RESIDENT ONLY – 3 MINUTE TIME LIMIT – NON-AGENDA ITEMS

III. PRESENTATIONS/HEARINGS

- A. Introduction of Junior Council Persons for the 2020-2021 School Year

IV. DEVELOPER ITEMS

V. TOWNSHIP BUSINESS ITEMS

- A. Resolution #70-2020 – Authorization to Execute DUI Grant
- B. Quarterly Technical Consultant Committee Report on Bethlehem Landfill
- C. Discussion of LED Streetlight Conversion
- D. Submission and Review of 5-Year Capital Plan – 2021-2025

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of August 19, 2020 Council Minutes

VII. COUNCIL & STAFF REPORTS

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

VIII. PUBLIC COMMENT ON NON-AGENDA ITEMS – NON-RESIDENTS ONLY

IX. ADJOURNMENT

UPCOMING MEETINGS

Environmental Advisory Council: September 8, 2020
Saucon Valley Partnership: September 10, 2020 @ 6:00 p.m. @ LST
Parks & Recreation: September 14, 2020 @ 6:00 p.m. @ SC
Township Council: September 16, 2020
Planning Commission: September 24, 2020
Saucon Rail Trail Oversight Commission: September 28, 2020 @ 6:00 p.m. @ HB
Zoning Hearing Board: September 28, 2020

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order with the Zoom teleconferencing link on Wednesday, September 2, 2020 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Sandra Yerger, presiding.

ROLL CALL: Present: Sandra Yerger, President; Jason Banonis, Vice President; Priscilla deLeon, Kristen Stauffer, Thomas Carocci, Council Members; Leslie Huhn, Township Manager; Cathy Gorman, Director of Finance; Linc Treadwell, Solicitor; **Absent:** Brien Kocher, Township Engineer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. Yerger said Council did meet in Executive Session this evening to discuss personnel and potential property acquisition. Attorney Treadwell said regarding the potential property acquisition, if Council wants to proceed with an appraisal, the motion would be to obtain an appraisal on open space property No. 2020-5 in an amount not to exceed \$3,500.

MOTION BY: Mr. Carocci moved for approval to proceed with an appraisal on open space property No. 2020-5, not to exceed \$3,500.

SECOND BY: Mr. Banonis

ROLL CALL: 5-0

II. PUBLIC COMMENT – TOWNSHIP RESIDENT ONLY – 3 MINUTE TIME LIMIT – NON-AGENDA ITEMS – Mrs. Yerger said we ask that you keep your comments to three minutes per item. If you want to speak, please raise your hand. No one raised their hand.

III. PRESENTATIONS/HEARINGS

A. INTRODUCTION OF JUNIOR COUNCIL PERSONS FOR THE 2020-2021 SCHOOL YEAR

Mrs. Yerger said seven (7) students from Saucon Valley High School, Notre Dame High School, and Moravian Academy who are interested in participating in the Junior Council Person Program, are being recommended to Council for appointments to the Township Council, Environmental Advisory Council, and the Parks & Recreation Board.

MOTION BY: Mr. Banonis moved to approve Tyler Dickens, Avia Weber, Maclaine Oskin, Bela Silverman, Colin Griffith, Breanna Kemmerer, and Mason Simms to serve as Junior Council Members on the various Councils, Commissions, and Boards for the 2020-2021 school year.

SECOND BY: Mrs. deLeon

Mrs. deLeon said if they are on this Zoom call, can we hear from them. Mrs. Huhn said we do have some on this evening and they are unmuted if they have something to say. She said Avia was with us last year and she's going to be on Council again this year. Tyler is also on Council again as well, Maclaine is going to be volunteering for EAC, Colin and Mason will be joining Parks & Recreation. She said we will get information to you on the meeting dates and times. Mrs. deLeon said this is a great program and she's glad to see they are interested in this program.

ROLL CALL: 5-0

IV. DEVELOPER ITEMS – None

V. TOWNSHIP BUSINESS ITEMS

A. RESOLUTION #70-2020 – AUTHORIZATION TO EXECUTE DUI GRANT

Mrs. Huhn said Resolution #70-2020 has been prepared authorizing the Council President to execute the DUI grant application on behalf of the Lower Saucon Township Police Department. This is done annually and will be done for the 2020-2021 programs. Officer Winters runs the program and this is the Resolution they need to submit everything to get the reimbursements.

MOTION BY: Mr. Banonis moved for approval of Resolution #70-2020 – authorization to execute DUI grant.

SECOND BY: Mrs. Stauffer

ROLL CALL: 5-0

B. QUARTERLY TECHNICAL CONSULTANT COMMITTEE REPORT ON BETHLEHEM LANDFILL

Mrs. Yerger said Priscilla deLeon, Council Member, will provide a review of the 2nd quarter 2020 Technical Consultant Committee Landfill report.

Mrs. deLeon said the Committee met on August 18th for the second quarter. The first category is “Waste Acceptance and Management”. The committee didn’t really have any concerns to report to Council, just routine things back and forth.

Mrs. deLeon said under “Landfill Gas Management” the BRE plant has remained off-line. The landfill flare was online and burning landfill gas solely during the 2Q. The Bethlehem Landfill (BL) provided a copy of the odor complaint log from PA DEP which indicated that six odor complaints were reported to the department. Lauressa noted that in mid-June, BL started taking in a sludge mixture and the requirement was a 90/10 mix and this isn’t, and the reason we had the 90/10 mix in the past was to reduce odors. We were curious if there were any increase of odor complaints. Under recent development during the August 5, 2020 landfill inspection, the inspector advised that the flare was not functioning due to a mechanical failure resulting to odors along Applebutter Road east of Ringhoffer and ballooning of the temporary cap. Mrs. deLeon questioned if the Township was notified of the flare outage and Scott Brown replied that he wasn’t aware that we were notified. In the past, there has always been a gentleman agreement between the BL and the Township that when something like this happens out of the ordinary that they really should have a courtesy call to Leslie to let us know what is going on. She’s hoping that in the future if anything happens, they let us know. Aria Energy has been issued a General Permit for a RNG plant, it’s a facility on the landfill property. What troubles her is the PADEP Air Quality Program conducted zero inspections during the 2Q. BL has 14 gas probes just outside of the waste pack which are utilized for measuring the percentage of gas in the soil. LPG-3A has been recently showing gas levels on the increase and recently had the gas level reach 16.7% which is approaching the safe upper limit of 17%; Safe Limit Standards are between 5% and 17%. Rich Sichler noted that the atmosphere conditions can play a role in the measurements, i.e., if there is high atmospheric pressure and high humidity that could lead to higher percentage measurements. The odor incidents were documented with PADEP. The Committee is also recommending that Council voice the concern of the elevated gas being detected in LFG-3A to BL and the lack of PADEP inspections to PADEP Air Quality. She said usually residents will let her know if they smell a landfill gas odor. There was one on September 1st, August 30th, August 26, August 19th, August 7th that she knows about. It’s on the increase again.

Mrs. deLeon said on “Leachate Management”, approximately 1.5 years ago Council notified PADEP in writing about a concern with the elevated detection flow zones and that has been occurring since 2000. The comment is the same concern as the previous quarter. The Committee is reporting there are concerns with the continuous flow of leachate and/or stormwater within the leachate Detection Zone of the landfill as identified at several monitoring points. This ongoing condition should continue to be reviewed to identify significant developments that may warrant sealing off the suspect anchor trench sooner than currently scheduled, which is prior to the anticipated capping in 2023.

Mrs. deLeon said on “Groundwater Management”, the 2Q groundwater sampling event was completed May 25, 2020 to May 28, 2020 and Rich Sichler reported that PADEP has a new Hydrogeologist that is instituting new sampling protocols. Now if a monitoring well is dry, BL must expand the sampling parameters for the closest abatement well to the yearly parameters for that sampling event. That’s a great point when she sees 27 wells have been dry and haven’t been tested. She said the Committee has no concerns.

Mrs. deLeon said under “Traffic Management”, BL issued a Daily Operational Record of Overweight Vehicles, detailing vehicles and hauling company for the months of May, June and

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July. They indicated for the 1Q there were 14 trucks over more than 2,000 pounds over the 80,000 pound weight limit and 14 were more than 2,000 pounds over the 73,280 pound weight limit. At the last Landfill Committee meeting, Andy Krasnansky noted that several trucks are driving past his home on Applebutter Road to get to the landfill and that route is in violation of the Traffic Plan. We did talk about that in the meeting and the landfill will be looking into that.

Mrs. deLeon said under “Stormwater Management” we all know the horrific rain storms we’ve had. The stormwater flows off the landfill, west of cells 1A and 1B and east of the flare, and then was overflowing the collection system and flowing onto Applebutter Road during the Tropical Storm on August 4, 2020. The storm recorded 8-1/2”. BL was notified and was able to note the site conditions during the rain event. During a scheduled landfill inspection the next day, it was observed two erosion channels down the south face and the location where the collection system was overtopped and begin to flow toward Applebutter Road and discharged to the roadside as reported by a township resident. The committee is recommending to Council that BL have the effected collection system evaluated to ensure that it meets the minimum design standards of the Township and PADEP.

Mrs. deLeon said under “Status of Permit Applications to PADEP”, they approved a general permit to Aria Energy and a minor permit modification to BL issued on May 19, 2020 for the construction of the RNG Plant. BL also submitted a land development plan “Northern Realignment Land Development Plan, August 2020. She questioned if PADEP was provided a copy of the land development plan. Mrs. Huhn said not that we are aware of. Mrs. deLeon said under “Operational Changes”, there were no significant changes during the 2Q. The committee is concerned regarding the infrequency of the PADEP inspections occurring. She said everyone is operating under COVID-19, but we really need to stay on top of that.

Mrs. deLeon said under “Regulatory Oversight”, the PADEP conducted two inspections on April 24 and June 24, 2020. During the June inspection DEP noticed very light to moderate odors were detected along Applebutter Road west of Sherry Hill Road and along Applebutter Road near Skyline Drive. The report also noted it was garbage collection day along Sherry Hill Road. No violations were noted for the odors and no other violations were found. The April 29, 2020 NOV for final cover is ongoing. The committee has concerns regarding the infrequency of the PADEP inspections occurring.

Mrs. deLeon said under “Miscellaneous”, the committee has no concerns. To recap, the odors are continuing and she’s unhappy with the lack of the PADEP inspections. The leachate zones there’s a concern. The Traffic Plan there’s trucks going on roads they shouldn’t be on. The collection system, the stormwater flows is an ongoing concern. She doesn’t know if Council wants to send DEP a letter asking them for an update on how to address some of these issues. She said today they received in an email a PA Emergency Response incident report dated August 14, 2020, and apparently the department received a call on odors and sent someone out to observe and at 8:30 p.m. they were dispatched to investigate four malodor complaints from the same area in the Steel City section of LST. Confidential information about the complainants is attached to this report. It stated “I arrived at the first complainant property and was able to detect a light, intermittent, objectionable landfill related odor. The complainant stated that they did still detect the malodor but it was much lighter than when they first called in the complaint. They described it as “garbage, landfill gas, leachate” odor and objectionable. The complainant also expressed concerns about the “gas destruction” system and possible damage to it during recent tropical storm and remnant weather that affected the area recently. The complainant expressed interest in having program staff inspect the system”. He goes on to say he arrived at another home and no odor was detected there and at other places where no malodors were detected. She wants to thank the residents in the landfill area and on Applebutter Road because it helps DEP to keep track of this and monitor the landfill and make it safer.

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Mr. Banonis said you mentioned the odor issue and he would note that Steel City is in close proximity to the City of Bethlehem sewer plant and his nose is not trained well enough to know leachate vs. garbage vs. sewage. Do we know if the odors emanated from the landfill as opposed to perhaps the sewage plant or somewhere else, like a garbage train going by? Mrs. deLeon said they've been through his over the years and DEP has been out and they definitely know the difference between the sewage plant and landfill various odors. The train is different. There's different ages of garbage and it smells different. There is a difference between the train, sewage and landfill trash.

Mr. Banonis said you mentioned about the overweight (O/W) trucks and it looks like there were 7,976 that were there over the three-month period and out of those there were 28 flagged as being 2,000 lbs. or more overweight which comes to 3%. How does that compare to past history with O/W trucks, is that consistent, trending upwards, downwards, is it a good number. Mrs. deLeon said she doesn't have the answer, but she is very grateful to the landfill for having a policy program in place to deter the truck haulers from being O/W. Mr. Banonis said with regard to the trucks going the wrong way, or using roads they shouldn't be using, he understands the landfill has signs posted at the exit that says no left turn, but they can't control what happens on the roadways. Maybe that's something for the police to have some greater controls in that area to enforce to make sure that the truckers are abiding by the regulations.

Mrs. Huhn said the landfill has reached out to Chief Barndt to see if they could get more patrolling in that area to have some officers sit out there to monitor the truck traffic going past Mr. Krasnansky's house, going the other way they hit the City of Bethlehem. The landfill welcomes that the PD patrolling the area. Mrs. deLeon said if a resident does observe a truck on the wrong road, and if they can't get a license number, if they get the color and a time that it's occurring they can check in their log books.

Mr. Banonis said you mentioned some concern about the frequency of the inspections and it looks like there was one in April and one in June, does DEP typically inspect once a month or is it greater or less than that. Mrs. deLeon said it's usually once a month pre-COVID. The air reports were less frequently. Mr. Banonis said looking at April-May-June, it looks like DEP missed one of their typical inspections in May. Mrs. deLeon said she doesn't know if they were there in August. This report is based on the 2Q. Mr. Banonis said do we know if they've been out in June, July and August? Mrs. deLeon said they might have been out once again, but she'd have to check. Mr. Banonis said sending a letter to DEP to increase their inspections, but if we don't have data that they are delinquent in their inspections for a long period of time, we only see they missed one inspection and that was in the height of everything shut down for COVID, maybe we wait for the next cycle to see how frequently they've been out.

Mrs. deLeon said we talked about this, Tom. Mr. Carocci said their meeting was August 18th and they had not been there in August up to that point, he doesn't know if they came after that. Mr. Banonis said it looks like they come out the last week of the month based on April and June. Mrs. deLeon said not always. Mrs. Yerger said were they there in July? Mrs. deLeon said how about we have Leslie check and if they've only been out twice, then we send a letter, if not, we don't have to send a letter. Mrs. Huhn said she can see when they were out as it would be in Scott's report.

Mrs. Stauffer said Mrs. deLeon mentioned about the percentages getting close to the 17%, what action can be done about that. Mrs. deLeon said that's something new we are watching. She's not the consultant so we're just going to have to wait and see what the next things show. It never happened now it shows it's approaching the upper level. Mrs. Stauffer said if they have updates, she's eager to hear about that as well as the leachate.

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Mrs. deLeon said so we are going to check the records and send DEP a letter and inspect the landfill. There was one more thing, the sealing off of the anchor trench. It says this ongoing condition should be continued to be identified. We should wait and see what happens next month. Mrs. Huhn said we can do a reminder to Scott to ask him to make sure he monitors that and lets us know after his next inspection.

Mrs. Donna Louder, resident, said regarding the odors in Steel City, she can guarantee you the sewage treatment plant, as much as everyone wants to blame them, that odor does not for some unknown reason ever permeate Steel City as far as she knows. That night she made the phone call the gentleman showed up at her house, he was there about 45 minutes. The odor was throughout Steel City as she was out and caught it up at Schwab Avenue and it came all the way down to her house. She then called as it was super strong. When it's light and there's a whirlwind of it, they basically just ignore it. The way it was that night was unbelievable and she knows what the landfill smells like. The sewage treatment plant has nothing to do with it at all. Also, listening to the reports and checking in online and reading, she's finding the operational standards are changing at that landfill. She would like to know what the mixture of the sludge is. That is changing quality of life. The quality of life for the residents surrounding that landfill need to be kept on top of. With all these changes, she honestly believes that someone needs to address DEP, not wait to see what's happening next. Send them your concerns now, send them the residents' concerns now. The night the gentleman was at her house, they just stood out in her yard and he got a good whiff of it. He said he had four other properties to check. She did not see the report on the website. She is hoping you don't wait and you do send out something to DEP that tells them there are operational changes that are of concern and its affecting quality of life.

Mrs. deLeon said she's lived in Steel City since 1985 and she has never smelled the sewage treatment plant in Steel City, she's always smelled the landfill. Some days she will go let her dog out and there are some occasions that the odor hits you in the face and sometimes it's just an intermittent odor. It's happening more and more and it needs to be addressed. In this letter where the Committee talks about the lack of inspections and the capping, about the anchor trench and all that; she thinks we need to send DEP a letter to get them out sooner.

Mr. Carocci said when we sent them previous letters have we ever sent them a letter to ask them to increase the frequency of their inspections and if so, how did they respond. Mrs. Huhn said we have in the past and there have been varying responses, sometimes it's just manpower on their part, sometimes they will say they will try to get somebody out there. Mr. Carocci said he doesn't see any harm in sending a letter. There are still manpower and COVID issues. Mrs. deLeon said the letter should say the increase in odor complaints and leachate concerns.

- MOTION BY:** Mrs. deLeon moved to have the Manager send a letter to PA DEP with the concerns of odor and leachate.
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** 5-0

C. DISCUSSION OF LED STREETLIGHT CONVERSION

Mrs. Yerger said PPL Electric recommended converting 161 streetlights from High-Pressure Sodium to LED within the Township.

Mrs. Huhn said the request before Council is PPL is converting the 161 street lights with no cost to us. However, there are three street lights that we would be responsible for because they are less than 10 years old. The upfront cost for those three lights is \$558.00. It will be more cost efficient for the payment of these street lights and safer. Mr. Banonis said it will pay for itself in 11 months.

- MOTION BY:** Mr. Banonis moved for approval to convert 161 streetlights from High-Pressure Sodium to LED within the Township at the cost of \$558.00.
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** 5-0

D. SUBMISSION AND REVIEW OF 5-YEAR CAPITAL PLAN – 2021-2022

Mrs. Yerger said the Director of Finance has prepared a draft of the 5-year Capital Plan for Council's review and discussion.

Mrs. Cathy Gorman said we're presenting the 5-year capital plan and are moving ahead with a lot of the items we scheduled for 2020 which included Seidersville Hall improvements. They should be done by the end of the year. We are lessening our ordering of vehicles which you can see that the ones that were scheduled, the backhoe and police cruisers, is being pushed to next year. The Chief is requesting to order one that was budgeted for this year in hopes of getting it by the end of the year. Basically we are focusing on the building infrastructure, LED lighting throughout the buildings. We will be looking at our HVAC system in the next year to add to the Capital Plan. We are continuing on doing repairs to our roads, looking at our bridge inspections to get them itemized and prioritized and by repairs needed and cost estimates. We'll be doing the same thing for MS4 requirements for stormwater. For our park developments, next year we are looking at Easton Road ballfields with improvements as well as the pervious trail, we can look at Northampton County (NC) funding for that. They did express some interest to actually come out if we do it to make it a training for other municipalities at our site so they know how to do it and maintain it. Historic sites we are looking at reviewing Old Mill Bridge to make sure the repairs we made several years ago are standard and making sure if we need excess funding it falls within the Capital Plan guidelines that we'll be prepared for that. The two bigger items, one is our vehicle replacement schedule which you'll notice based on the prior year, our PW moved from a 10-year replacement schedule to a 15-year replacement schedule, which has really saved us a lot of money in the duration of time to push things out. There are some IT items that are going to be needed either next year or the following year and we'll have to hammer that down with the PD. Some items cannot be helped, such as their record management system as it ties into NC and we did receive a very hopeful email from DCED about the radio grant, so we are hoping to get the upgraded models for the police radios and then maybe if we can get that grant, look into partnering with the school district to get the amplifier that the PD requested. Overall it's looking very well. The additional allocations in the CAFR plan we've been making has really built up the unrestricted balance in that plan so that if emergencies do happen or if Council makes any decisions that you want to make some infrastructure improvements, there is some possibility of funding there to start it off. If there's anything Council wishes to add to it, or in planning mode, please let her know she can modify it. It's a living document and we change it every year based on priority and need and this is just a blue print or platform we use in our budgetary process.

Mr. Banonis said the \$327,000 for the police radio amplification system in the school district, and he knows you are working on grant money for that, is Hellertown Borough (HB) doing that as well, as they share the school district and is the school district also funding that. Mrs. Gorman said the first step that would be needed, is to confirm we got the radios. Once she gets confirmation we did get the radios and they do include Hellertown Borough (HB), then we can approach the school district. Maybe in 2022, work on grants in 2021, and partner up with the school district in their fiscal year with any matching grants or something along that line. It would be in their building.

Mr. Banonis said he noted you made a comment about the community pool and there was a comment that over 50% of the people who use the pool are LST residents, and this summer HB opted to close the pool and they didn't ask us for any consultation or input on that, and we pay on an annual basis per resident and give them an additional \$5,000. We're allocating a lot of money to a resource that is used by our residents, but we don't have a lot of control over how it's going to be used as we were never consulted this summer. Mrs. Gorman said the genesis of where this came from was the last hurricane where it wiped out the pool and it took a year to build it in and fix a lot of the infrastructure that was needed and Council at that time to incorporate that in our plan because there was a heavy kind of questioning from residents why don't we have a pool. On a municipal end, she can tell you it's a large expense to own and operate a pool of that size so we thought at that time it would be best to allocate some money, not give it to them, but perhaps if

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they applied for a grant for improvements or if they have an emergency expense, that they can petition Council and ask for it and if Council says no, you can appropriate that money anywhere else you'd like. It's there for that scenario if something horrible should happen to it.

Mr. Banonis said the records management system, you mentioned that it's something that is going to be required to remain in communication with the County, is that something the County or State will provide funding or grants for it, otherwise we would not be compatible with the 911 system. Mrs. Gorman said she can look but she doesn't think so. She will speak with the Chief and see what they are recommending. Originally the Chief had looked at one other software, and they were looking very carefully what could be used with cost and what would be best served by the PD so he is taking his time with that. It's our choice to get the system, but she believes it will make things easier for the officers in sharing documents.

Mr. Banonis said do we have to vote on this plan or is it just for informational purposes. Mrs. Gorman said this is for informational purposes and will be posted on the website. Basically whatever is in 2021 and the modifications we might make, that's what you might be seeing during budget deliberations and at that time if you want to delay something, you can make that decision and we'll roll it out

Ms. Andrea Wittchen, resident, said thank you, it's an excellent report. When you put this up on the website, would it be possible to condense the pertinent changes into a one-page summary so that the average citizen whose not going to be inclined to read through this whole thing, can quickly see what the proposed differences are between the previous plan and the future ones. Mrs. Gorman said yes.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF AUGUST 19, 2020 COUNCIL MINUTES

Mrs. Yerger said the August 19, 2020 Council minutes are ready for Council's review and approval.

MOTION BY: Mr. Banonis moved for approval of the August 19, 2020 Council minutes.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

VII. COUNCIL & STAFF REPORTS

A. MANAGER - Leslie Huhn

➤ Yesterday she provided you with a draft letter along with exhibits to be sent to the City of Bethlehem regarding the Creek Road variance request under review. The ZHB meeting for the City has been rescheduled to September 23rd. Attorney Elliott who has represented Council at the last hearing informed us that if Council would like to be formally admitted as a party, in order to preserve a right to take an appeal from adverse action, he's recommending his attendance at the Zoom meeting be authorized. The cost would be nominal to have him do this. It would be his per hour rate. He's done a lot of the legwork prior to this. She'd like to know if you'd like him to attend on the 23rd. Mrs. Stauffer said she mentioned it at the last meeting, about not being a party if we don't attend, and a letter might not suffice and Linc said that might be a possibility as well. She is wondering what is the likelihood of Bethlehem approving. It's a backdoor way of approaching this. Mrs. Yerger said it's important for us to state our position on this that we are not in favor of this and it's not the proper thing to do. Since the cost is not excessive, it might be important to have us on the record on what our position is. Mrs. deLeon said she agrees.

MOTION BY: Mrs. Stauffer moved to have Attorney Elliott attend the ZHB meeting in Bethlehem on September 23, 2020 to represent LST's interest in this property.

Mr. Carocci said why can't Linc attend like last time. Attorney Treadwell said it's usually the meeting dates that are the problem. Their ZHB meets on the night he has another meeting. Mrs. deLeon said plus Attorney Elliott was at the last one and has all the

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background. Mr. Banonis said he thought we talked about this previously and we were going to state in our letter we were going to ask that the letter be read into the record and that the Township would be noted as being an objector for future reference, doesn't that satisfy the concerns we have here. Attorney Treadwell said he thinks Chot's point is that saying we want to be an objector in the letter is different than actually appearing and saying we are here to object.

Mr. Banonis said do we have to pay that much for this. Attorney Treadwell said last time Attorney Vivian said he would certainly make our letter a part of his presentation in front of the ZHB. Mr. Banonis said he's personally satisfied with sending a letter under the terms we discussed. He's very confident in John Vivian using that letter to support his position. Whether we have an attorney stand up and say we object versus a letter and another licensed attorney who is representing a group of residents who are clearly objecting, we aren't going to tip the scale one way or the other than just to weigh in on it, so he doesn't know if it's really necessary.

Mrs. Yerger said to have this part of the record. Mrs. Stauffer said there are other people who are going to be parties to this and would want to appeal, that's where she's coming from. That would be a contention if we don't have someone present. Mr. Banonis said we're not the tip of the spear and we don't have to be there in such a visible expensive capacity. Mr. Carocci said he agrees. Why can't we be part of the record with a letter read into the record?

Attorney Treadwell said you are going to be part of the record, the ultimate question is if the ZHB says yes to the applicant and nobody else appeals and we don't have the ability to appeal because we didn't appear at the ZHB, that's the perfect storm. Mrs. Huhn said that would be an additional cost if we appeal.

Mr. Banonis said are we going to appeal this if the people from the City of Bethlehem aren't willing to fight. The impact to us is downstream which is not LST, it's the City and it's HB. Mrs. deLeon said its LST too, the Heller Homestead is on the other side of the Saucon Creek. Mr. Banonis said the Saucon Creek goes opposite. Mrs. Huhn said we are still entering our concerns, the only thing we are not going to do is have Chot enter us as an objector. Mrs. Yerger said as long as it's on the record as concerned residents and citizens for the sake of Hellertown as they are one of our partners. Mr. Banonis said are they sending their lawyer. Mrs. Yerger said not that she's aware of. Mr. Banonis said they are more impacted than we are and they are not sending a lawyer so why would we do it.

SECOND BY: Mrs. deLeon

Mr. Carocci said before he votes, he wants to know the cost of this. He'll say the same thing he said at the first meeting. Mrs. Huhn said he's \$185/hour. Mr. Carocci said how much did it cost for the first meeting for the LST taxpayers. Mrs. Huhn said she believes it was \$1,700. Mr. Carocci said so we'll spend another \$1,700 for him to go to another meeting and repeat what he said at the first meeting. Is that correct? Mrs. deLeon said she doesn't think it will cost \$1,700. You're a lawyer and you know. Mr. Carocci said these lawyers will rob you blind. Mr. Banonis said only some.

Attorney Treadwell said the last time it was for a rezoning request, this time it's an application for a variance. He's going to make a similar argument, but it's not the same. Mr. Carocci said this sounds like a long meeting. Mrs. Yerger said let her clarify from her perspective. What you are saying Jason is that you would have the attorney representing the homeowners along with the creek and you know he would be willing to present our concerns as the Township.

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Mr. Banonis said we'd send in a letter just as we had talked saying we want to be noted as an objector and we're not sending a representative. We rely upon the statements given by John Vivian at the last Council meeting, that he is going to be there on behalf of the residents and he would represent to the City's ZHB what our position is based upon our letter. He can't see spending \$1,700 on an issue that isn't in our Township. If it was in our Township, that's a different thing. It's in the City and the City has reached out to us and we're supporting the City and he doesn't see the need to take this on.

Attorney Treadwell said yes, Attorney Vivian did say at the last meeting he would use whatever letter we send as part of his argument. Mrs. Yerger said then it would be on the record? Attorney Treadwell said yes. It will be on the record no matter how we submit the letter. We have a right to do that as a neighboring township. Mr. Carocci said this meeting will have public comment so any of us can Zoom into the meeting and read the letter as a LST Council person. Mrs. Yerger said if that's the case she will withdraw her motion. Mrs. Stauffer said it was her motion. Mrs. Stauffer said her question is its \$180/hour, so \$1,700 is like a 9-hour meeting. Mrs. Huhn said that was with his background work also. Mrs. Stauffer said she thinks it would be helpful to have the appeal option so she has her motion on the floor. Mrs. Yerger said she will withdraw her second. Mrs. Huhn said she believes Priscilla seconded it.

Mrs. deLeon said would we lose that right by having somebody else reading it on the record and lose our right to appeal. That's further down the road. She doesn't understand if we have Mr. Vivian read our letter into the record how that will take away our right to appeal it if we are asking to be a party. Attorney Treadwell said the City of Bethlehem ZHB has certain rules and one is that they want you to show up and say you want to be a party as opposed to 17 different people sending in a letter saying they want to be a party and then you have 17 parties. Show how important it is to you. Mrs. deLeon said she just wants to put it on the record.

Mr. Banonis said he's fairly confident sitting here right now knowing what he knows, that if there is an appeal, he would not be voting in favor of us spending a lot of money on legal services to fight an appeal and be the lead party in an appeal. It's not our fight. He's not in support of what's being done by any means, he's also not in support of frivolously giving away Township taxpayer money on issues that aren't central to the Township's operations here. It doesn't make sense, we are way in the back of the line providing support for the City or John Vivian and we shouldn't be in the forefront.

Mrs. deLeon said she's mixed on this, she hears what Jason is saying about the \$1,700 and she doesn't know if she'd be willing to fight for something that's not in our Township. Mr. Carocci said let's say we write the letter and it's read into the record and we make our concerns against the development known and then it goes forward, if nobody challenges it from Bethlehem or John Vivian's group, he agrees with Jason, why would we challenge it. If they did decide to challenge it, couldn't Council vote to provide a financial variant to them to try and fight it if it went that far? Although we may not be an official party to it, we would support it in the future if we had to. If they are not willing to support it, why would we take the lead?

Attorney Treadwell said the first issue is what the applicant is asking for is a use variance which is the hardest thing to get, so there's a huge hurdle for them to cross first of all. If for some reason they end up getting a use variance, there's a whole lot of people who are going to be way more upset about it than we are. They are going to take that to the next level and if we wanted to join in as a friend of the court and file our own brief, we could do that too.

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Mr. Banonis said if we are going to be spending that much money why not use it for something that benefits residents like the people on Easton Road who are suffering from warehouses being thrown up in front of their houses. That seems to be a more direct impact on Township residents than what we have going on with this issue.

Mrs. Stauffer said we are sending a letter to Bethlehem supporting the people on Easton Road. She's not sure how else we can finically support the residents on Easton Road other than looking at attracting developers to the area. Mr. Banonis said that's just an example of a more direct impact to our residents than the one we just spend 15 minutes talking about.

Mr. Carocci said he'd rather see the money go to the Hellertown Library. Mrs. deLeon said if Attorney Vivian includes our letter, that if we wanted to we could appeal to the courts. Attorney Treadwell said we could file an appeal as friends of the court stating our position even though we aren't a party, but that's a whole other issue. Mrs. deLeon said the letter, does anyone have any problems with it. Mrs. Stauffer said she didn't withdraw her motion. Mrs. deLeon said she's mixed on this but she understands. She withdrew her second. Mrs. Stauffer she will then withdraw her motion.

MOTION BY: Mrs. deLeon moved to support the letter that was drafted by Leslie and Chot to send and approve to Attorney Vivian.

SECOND BY: Mrs. Stauffer

ROLL CALL: 5-0

- She said the public meeting for the Multi-Municipal Plan update has been rescheduled to October 14th at 6:00 p.m. We will hold it via HB WebEx platform. The interactive story map is available on our website for public review and the ability is on there to submit comments.
- She said the repair of Sanbrook Drive was completed today and will be opened up tomorrow morning by 6 a.m. and the school district has been notified.

B. COUNCIL

Mrs. Yerger – No report

Mrs. deLeon

- This morning there was an accident at the Freemansburg Bridge. Someone was coming down Shimersville Road and made the left onto the bridge and ended up in the pedestrian crosswalk. Thank God for the chain link fence as he did not go over the embankment and into the river. That's a very dangerous intersection. She said we really need to have another stop sign and people fly down there. She'd like to ask PennDOT to look into putting a stop sign at the end of Shimersville Road at the bridge where it meets Riverside Drive. Mr. Carocci said he doesn't have a problem.

MOTION BY: Mrs. deLeon moved to have the Manager write a letter to PennDOT asking them to evaluate the need of a stop sign at that intersection.

SECOND BY: Mrs. Yerger

Mrs. Donna Louder said the Freemansburg Bridge is Bethlehem City and it belongs to PennDOT. Bethlehem City can send an accident report to PennDOT and request all of it. She said that is wonderful Jason sat down and listened to trucks because we had a multitude of tractor trailers driving through Steel City since about 2010. We've been trying to get a sign to stop them from damaging property. There was a truck in her yard in a snow storm. Tractor trailers come in there and they take down stop signs. If someone could get a sign, that would be great. The PD has been great, they nd give them a fine and hopefully word of mouth slows them down.

ROLL CALL: 5-0

- She attended the Dewey Fireworks and they were fantastic.
- She got a phone call from somebody and she learned of this, it's her understanding the LV Transportation Study Technical Committee held a meeting today at 9 a.m. virtually. The Meadows Road Bridge was discussed by PennDOT. They recommended three options,

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repair, replace or remove with a cul-de-sac option. They are still working towards making a final decision, but in the interim we have to find out when their next meeting is and we have to be part of those meetings to find out what's going on. We also need to get our State and Federal reps involved in this process. She asked when was the last time we had any contact with anyone regarding this bridge, way before pre-COVID, maybe December. Mrs. Huhn said we continue to ask for updates. Mr. Banonis said he'll volunteer to be the liaison to participate in those meeting and report back to Council. Stepping back about the fireworks, we need to acknowledge that the fireworks didn't happen this year because of a funding issue with HB, and credit to private people and businesses for stepping up and making some substantial donations, one of them was the Steel Club, the landfill, Brad Wagner and some others that he's missing who need to be credited also especially this year when times are tough, it's great they were so generous. Moving forward to the bridge issue, he'll volunteer to be that person if that's what we're looking for. Mrs. Huhn will research when the FHWA meetings are. Mr. Carocci said when you say we haven't heard from anybody, what about the County who owns the bridge. Mrs. deLeon said she usually emails Mike McGuire and he hasn't gotten back to anyone. Mrs. Huhn said he usually lets us know some status updates. Mrs. deLeon said our first preference is to rehab it. It really needs to be saved. She thinks the cul-de-sac is absurd. Mr. Banonis said we all recognize we don't own the bridge, it's a County-owned bridge but we can certainly provide input on that and we are not paying for it, it sounds like Federal funds so he doesn't know how much weight we have to influence their decision-making but he'll be happy to participate in it. Mrs. deLeon said if we can find out when those meeting are, maybe she will tag along.

- She asked if we ever heard anything from the developer for Easton Road. Mrs. Huhn said she hasn't heard from the developer.

Mrs. Stauffer – No report

Mr. Carocci

- He congratulated Jason, he was named the 2020 PA Defense Attorney of the Year for the entire State by the PA Defense Institute.

Mr. Banonis

- He said everybody knows school is back in session. 70% of the students have gone back live and in person and they are back five days a week. They've been back for over a week and everything has been going well. Some sports have been resumed as well. He doesn't think they are using the Township fields, but it's nice to see the students and young people getting back to some recreation.
- Last month he participated in an all-day seminar that was put on by the LVPC dealing with truck traffic and parking issues, our proximity to the major highways is obviously relevant to that. It was very informative and he'll try to stay on top of that and keep everyone posted.

C. **SOLICITOR** – No report

D. **ENGINEER** – None

VIII. PUBLIC COMMENT ON NON-AGENDA ITEMS – NON-RESIDENTS ONLY – None

IV. ADJOURNMENT

MOTION BY: Mr. Banonis moved for adjournment. The time was 8:28 p.m.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council President