

- I. OPENING**
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Announcement of Executive Session (if applicable)

- II. PUBLIC COMMENT PROCEDURE**

- III. PRESENTATIONS/HEARINGS**

- IV. DEVELOPER ITEMS**

- V. TOWNSHIP BUSINESS ITEMS**
 - A. Zoning Hearing Board Variances
 - 1. James & Kelly Sunday – 2014 Majestic Overlook Drive – Variance to Install an In-Ground Swimming Pool with Patio, Fencing & Landscaping
 - 2. David & Sharon Kuhns – 1443 Greenwood Court – Variance to Install an In-Ground Swimming Pool
 - B. Kingston Park Improvements
 - C. Polk Valley Park Improvements
 - D. Installing Electric Hand Dryers in Town Hall & Southeastern Park Restrooms
 - E. Reading Road Trailhead Design Approval
 - F. Dimmick Park Grant Application Support Letter
 - G. Resolution #65-2012 – Transfer of Money
 - H. Rentzheimer House – 2038 Polk Valley Road – Bid Results
 - I. Award of Old Mill Bridge Restoration Bids
 - J. Discussion of Possible Zoning Amendment Regarding Sheds
 - K. Request of Placement of School Bus Stop Signs
 - L. Appointment of New Sewage Enforcement Officer

- VI. MISCELLANEOUS BUSINESS ITEMS**
 - A. Approval of August 15, 2012 Minutes

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

- VIII. COUNCIL & STAFF REPORTS**
 - A. Township Manager
 - B. Council/Jr. Council Member
 - C. Solicitor
 - D. Engineer
 - E. Planner

- IX. ADJOURNMENT**

Next Park & Rec Meeting: September 10, 2012
Next EAC Meeting: September 11, 2012
Next Saucon Valley Partnership: September 12, 2012 @ SVSD
Next Zoning Hearing Board Meeting: September 17, 2012
Next Council Meeting: September 19, 2012
Next Planning Commission Meeting: September 27, 2012

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I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 5, 2012 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Glenn Kern, President, presiding.

ROLL CALL: Present: Glenn Kern, President; Tom Maxfield, Vice President; Dave Willard, Council member; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; Dan Miller, Township Engineer. Absent: Ron Horiszny & Priscilla deLeon.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did not meet in Executive Session between the last meeting and this meeting.
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II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said if you are on the agenda, you have Council's undivided attention. We will address you thoroughly and completely at the end of each agenda item. We do open it up to the public for public comment. If you are here for a non-agenda item, that would fall under Item VII. Public Comment/Non-Agenda Items. That would be your opportunity to speak at that point. If you do speak, we ask that you use the microphones as the minutes are transcribed verbatim and we want to make sure we get every word and please state your name for the record for the transcriptionist.

III. PRESENTATION/HEARINGS

IV. DEVELOPER ITEMS

V. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCES

1. JAMES & KELLY SUNDAY – 2014 MAJESTIC OVERLOOK DRIVE – VARIANCE TO INSTALL AN IN-GROUND SWIMMING POOL WITH PATIO, FENCING & LANDSCAPING

Mr. Kern said the applicant is seeking a variance to install an in-ground swimming pool, which will exceed the maximum 25% allowable lot coverage by 4.6% (1,074 square feet).

Mr. James Sunday was present. He said with the house, driveway and existing patio, which is relatively modest, he's not certain what the total impervious coverage is, and with the swimming pool and decking, apparently what's stated up there is over impervious coverage. Mr. Kern said you were talking with our Zoning Officer at some point? Mr. Sunday said he was talking a little bit. The pool person drew up a plan and submitted it.

Mr. Kern said he doesn't know if you heard, but Council has taken a pretty strong stance against going over impervious coverage over the past three or four years since there's been severe flooding issues within the Township. Usually unless there's some real hardship or some need for the relief, historically, Council has not suggested that relief be issued.

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Mr. Sunday said they moved into the house twelve (12) years ago and always wanted to have a pool and pools are quite common in the neighborhood. He knows several people had to get variances and he didn't realize it would be a problem.

Mr. Maxfield said we probably have not granted any variances for this kind of thing in a few years. We've been aware of the storm water problems for quite some time. He will echo exactly what Mr. Kern said. What we should do is forward our ordinance to the pool builders as they seem to keep providing us with plans that go over the impervious coverage and we have not recommended that any of those go through in the last few years and he thinks we're going to have to stick with that.

Mr. Kern said we are just recommending to the ZHB. Attorney Treadwell said you don't actually recommend. You just take a position one way or the other or you don't take a position. Mr. Kern said there's a chance the ZHB will think differently. Attorney Treadwell said if the existing lot coverage is 22.3% that gives 2.7% to play with. Have you looked at sizing your pool differently to try and keep it at the 25% number? Mr. Kern said or reducing the size of the patio? Mr. Sunday said there's an existing patio which is quite modest and there's nothing extra they added to the home. What they are proposing is just the pool which is a free form pool which tends to be smaller. It's 600 square feet and just whatever decking they need. He assumes they can cut back on the decking, but to the extent the 25% will not make it reasonable. He doesn't know if there's anything they can do to change it.

Mr. Kern said the only options would be to reduce the size of the pool or reduce the size of the other impervious coverage. Mr. Sunday said is there any decking that could be used like pervious pavers. Would that be looked upon favorably? Mr. Kern said yes, it would be. Mr. Maxfield said not 100%. We talked about that before that what is considered to be pervious is not 100% pervious. In the past, we've had people actually take what they could of impervious surface on their property. We had one individual who actually removed some of their driveway. We had people that have worked with us on materials. This is quite a bit over, 1,000 square feet.

Mr. Sunday said when he spoke to the pool builder, there's apparently a storm drain existing in the back corner of our property and sometimes they have drainage issues, but there's a drain back there. They thought about moving the pool closer to the house to eliminate some of the decking, but the way the property is structured it's not feasible because of the way the water drains back to the storm drain. He doesn't know if there's any other suggestions you can make.

Attorney Treadwell said all we could say is try and work with the Zoning Officer and with your pool contractor to get it down to a number that's not over as much as this proposal is over. He doesn't have a vote, but he would guess Council would look a little differently if you were under 1% as opposed to over 4.9%. That would obviously require some redesign. Mr. Maxfield said even at 1%, we've been tight on it.

Mr. Sunday said they are part of that neighborhood and community and the kids all go to school together and he thinks even if they wanted to move to have a pool, it would be difficult because the housing market is upside down now.

Mr. Maxfield said one of the things we have mentioned in the past is that at 25% for an uphill denser neighborhood, as far as Township's go, we're pretty lenient on the percentages. 25% is a pretty high percentage. A lot of storm water studies have proven that when you get somewhere around 7% to 10% you start seeing negative impacts. That's why we would like people to fit within that 25%. We've said this before, we do want you to enjoy living here and to enjoy your property, but we have to consider everyone that is

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down slope from you and we have historically had bad storm water issues. We have had some issues in that specific area.

Mr. Kern said Council can support, oppose, or take no action with the application, which then proceeds to the ZHB and they do what they do anyway. Attorney Treadwell said if you take a position in opposition to the application, then the Township sends someone to the ZHB to explain to them why this Council is opposed to it. Mr. Maxfield said as your application currently exists, we would have to be against it. The other option would be to put your application with the ZHB on hold and work with Chris Garges and see if there's any way you could squeak close to that 25% or withdraw. Mr. Kern said it would probably be a month until it could be reviewed and until you worked things out with the Zoning Officer. We meet in two weeks, then two weeks after that. Mr. Sunday said the ZHB meets on September 17th. Mr. Maxfield said 1% would make us content.

Mr. Willard said he would not vote to oppose it tonight if we're consistent in that you go to the ZHB, they should know to decline it, but options are being presented now that you seem to be willing to consider, and could give you a good opportunity to be supported by Council and by the ZHB. He's only served for eight months and most of these we sent with no action. He remembers we did oppose one, and he can't remember how much over the impervious coverage it was, but it was considerably more than this. At this point, he would be ready to take no action, but hopefully you will come back with a revised proposal. Mr. Maxfield said it may have been a setback. Mr. Willard said it was three meetings ago.

Mr. Sunday said he would like to be able to make some modifications. The square footage of the pool is not huge, so he'll look at the decking and some pavers. Mr. Maxfield said what we would probably do is oppose the application tonight unless you were to withdraw yourself from the ZHB for their next meeting. We would do that to cover ourselves and all you would have to do is withdraw yourself and that position would go away and you would be able to talk to Chris Garges and do whatever you have to do to see about modifications. He thinks we are trying to encourage you to talk to Chris Garges. Talking isn't going to hurt anything.

MOTION BY: Mr. Maxfield moved that we oppose this application and send Attorney Treadwell to the ZHB unless the applicant withdraws from the next ZHB meeting.

SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any comments. Mr. Sunday said he's curious about Dave's comment about opposing one in the past and now we're opposing this one tonight. He wanted to know if that was really consistent. Mr. Kern said there's been more than one. Attorney Treadwell said Mr. Willard may have only been here for one. There are numerous ones in the past that have gone over the impervious. Mr. Kern said there's situations like this where they go over the impervious and you can review them in the minutes. It's been very consistent procedure by Council to oppose. Mr. Maxfield said we get a lot of applications for a lot of different things. We get applications for a structure within a setback. Someone may want to have a pool, but they meet their impervious coverage but they are within the 15' setback. We don't have a problem with that as a Council as much as we do with going the impervious percentage where it can actually affect flooding. If you look at that, you'll find we are pretty consistent with impervious coverage. Mr. Willard asked what was the size of the pool? Mr. Sunday said 1,600 square feet. Mr. Maxfield said that is the problem with impervious coverage that you can propose something relatively modest and yet it takes you over that percentage. Mr. Sunday spoke (**could not hear him**). Mr. Maxfield said that's why we would encourage you to talk to Chris Garges. Mr. Willard said they had a swimming pool on their property in Long Island. It was 16'x32', 320 square feet, a metal in-ground pool, and that was a pretty good size pool for the size of the yard. Mr. Maxfield said it says the pool itself is 1,620 square feet according to the plan. It looks like the majority of your square footage is in

decking, so maybe that would be a place to look. Attorney Treadwell said it's got to be about 1,100 square feet of decking then. Mr. Maxfield said 900 square feet. Mr. Sunday said (**could not hear him**). Attorney Treadwell said you had a little over 900 square feet to play with to get to 25%. He thinks you heard Council say they would work with you, but you are not going to be on the ZHB agenda for the 17th, it would have to wait until the October ZHB. You need to make that decision. Do you want to try and work it out or do you just want to go to the 17th? Mr. Sunday said he will talk and see if he can make some things feasible. Attorney Treadwell said the ZHB does what it wants to do and they are all independent thinkers. Mr. Sunday said (**could not hear** if he withdrew it or not).

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

2. DAVID & SHARON KUHNS – 1443 GREENWOOD COURT – VARIANCE TO INSTALL AN IN-GROUND SWIMMING POOL

Mr. Kern said the applicant is seeking a variance to install in in-ground swimming pool which will exceed the maximum 25% allowable lot coverage by 5.2% (732 additional square feet). They also are requiring relief of five (5) feet of the rear yard setback.

David and Sharon Kuhns were present. Mr. Kuhns said what they are asking is to include the wooded area in the calculation that is not presently calculated in the calculations. Their lot size is 20,092 square feet. The calculation is based on 14,169 square feet because of their wooded area. You need to include the wooded area in the calculations and that would be 22.4 acres with the pool. Mr. Maxfield asked why the wooded area was not included before? Mr. Kuhns said it's protected as it's removed from the impervious. Mrs. Kuhns spoke, but **could not hear** what she said. Mr. Kuhns said he could not really get an answer why it wasn't included in the calculations.

Ms. Stern Goldstein said she's going by what's on the plans because she hasn't been involved with the project, but it's their net buildable site area calculations that get it down to 14,169 square feet. That seems to be how they got down to the net buildable site area which is excluding any area with easements that they don't have, and then resource restricted lands because impervious surface is based on your net buildable site area.

Mr. Kuhns said it is their property and they aren't going to be building any structures on the wooded area. They are not allowed to, but as far as the calculations, they are not going to affect the wooded area, and he doesn't see why it shouldn't be used for the calculations. He chose to build a ranch house which takes up more square feet. That's where he is running into trouble as he took up so much square footage on their ranch house and driveway and they can't do anything else as you aren't counting that wooded area in the calculations. Ms. Stern Goldstein said this isn't a brand new calculation, it was on their grading plan and it clearly shows the time the house was being proposed that they had a remaining 38 square feet. She's just noting facts. She's not commenting on it. That's on the grading plan. Mr. Kuhns said they actually went over the impervious acreage with their patio. They had a variance with the patio so actually they are over the imperious now. He thinks by 60'. Ms. Stern Goldstein said it says 242 square feet. Mr. Kuhns said the patio is 280 square feet and they went over by 242 according to the documents in front of her. Ms. Kuhns said she didn't know what they would have to do to get the wooded area included in their land. There's a fence that runs behind that and then it's all wooded behind that and I-78 runs beside that. Ms. Stern Goldstein said it's not that it's not part of their land, it's just not part of their net buildable site area and it's not new to them or to this property. It was before the house was built when they made the choices on what size house to build and they've been through the process already with their deck, so it's not a new thing. It's the way it's defined in the ordinance and how you get to the net site buildable calculation. Mr. Kuhns said they understand that. They are just asking you to consider the square footage into the calculations and consider the wooded area for the

impervious calculations. If that isn't considered, then they will probably be denied. They are just asking to be **(could not hear)**.

Attorney Treadwell said you don't have the authority to do that. That would require a variance itself to get relief from that section. Mr. Kuhns said is it possible to get that changed? Ms. Stern Goldstein said that's not for her or for Council. That would be another variance. Mr. Miller said it's the variance they are seeking. Ms. Stern Goldstein said in addition to what they are asking now or instead of what they are asking now. Right now they are asking for a variance of additional impervious, and are asking for the rules to be changed instead. Mr. Maxfield said when they go to the ZHB, the ZHB is not going to be able to change those rules either. Your application to the ZHB would stand exactly as it does now, impervious surface and over. The most we could do at this point would be to take no action. That would be our opinion and let you make your argument to the ZHB why you would need that variance. Again, it's not going to result in a rule change for them or it would take us some time to even do something like that. He thinks we would be reluctant to do that.

Mrs. Kuhn said would we be shot down **(could not hear the rest of what she said)**. Mr. Maxfield said that would be up to the ZHB. What Attorney Treadwell said before was we basically give our opinion. We can support, oppose or take no action at all, which he was saying that's the most they could do was to take no position and let you go for it, and tell the ZHB what you told us. Realize you can't ask them to change the rules. It's going to be your application as stands. He'd be willing to do that if you would be willing to take no action and let the ZHB take their stance. Ms. Stern Goldstein said you certainly have the right to take no action any time you want to. She was just looking at the magnitude of the impervious and the evening. Ms. Kuhns spoke, **but could not hear**. Mr. Kuhns spoke, **but could not hear**. Mr. Maxfield said you are saying the pool structure is 732'. That is a lot.

Attorney Treadwell said to put it in perspective, the last applicant wanted 4.6% of relief and this applicant wants 5.2%. Mr. Maxfield said even though it results in less square footage. Attorney Treadwell said correct, but from a percentage wise. Ms. Kuhns spoke, **but could not hear her**. Mr. Kuhns spoke, **but could not hear him**.

Mr. Kern said what our Planner is saying that impervious is impervious, whether it's a wooded lot or not. Based on the calculations, they are even more over impervious than the previous applicant. Mr. Maxfield said by percentage. Ms. Kuhns spoke, **but could not hear her**. Ms. Stern Goldstein said she would never say that something can't happen. She's saying at this point with the application you have, this body can't change it nor can the ZHB. You can certainly ask for your variance and prove your hardship to the ZHB, which is up to you.

Mr. Kuhns said what procedures do they have to go through to get it changed? Ms. Stern Goldstein said that would be an ordinance amendment. Attorney Treadwell said the ordinance won't change unless Council changes it for everybody in the Township. You can't get it changed individually. The path you are on now is to go to the ZHB and try to convince them you have some type of a hardship and why they should let you go 5.2% over the 25%. Mr. Kuhns said okay, he understands that. That's what they will do.

Mr. Maxfield said he proposed no action, but he doesn't want the ZHB to think we don't care about this issue. It's a very important issue, so he'll let someone else make the motion on this one. Mr. Kern said the consistency would be to oppose as we did in the last one because they are even in more excess of the impervious. Mr. Maxfield said that leaves the applicant in the same place as when they walked in.

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- MOTION BY:** Mr. Kern moved that we oppose this application based on the excessive 5.2% impervious coverage and send Attorney Treadwell to the ZHB unless the applicant withdraws from the next ZHB meeting.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any comments? No one raised their hand.
- ROLL CALL:** 2-1 (Mr. Willard – No; Mrs. deLeon and Mr. Horiszny – Absent)

B. KINGSTON PARK IMPROVEMENTS

Mr. Kern said the Township Manager and Planner will review final recommendations for the installation of the composting toilet, pathway lighting, pavilion, park sign and memorial plaque with Council.

Mr. Cahalan said with the composting toilet, they are bringing that to Council tonight for your final approval so that we can move forward and get a sign off from DCNR on the grant fund and we can then begin the installation of the unit at the park. We submitted a grant to DCNR in 2011 and we based the grant on a model of composting toilet called Bio-Sun. That is a modular unit and it has a patented waste treatment system that is waterless and odorless and it only needs to be cleaned out. That unit that we were interested in was installed in Newtown Township in one of their parks back in 2010 with a lot of excitement. We based our cost on that unit. It was approximately \$49,000.00 for each of those units and we submitted a grant application to DCNR for composting toilets at Kingston, Steel City and Polk Valley Park. In 2011, we were fortunate to receive a grant totaling \$97,000.00 to put towards the cost of those toilets. Since then, a couple of things have happened. First thing was kind of a tragedy and that was the unit that was installed in Newtown Township was vandalized to the point where it had to be razed. Vandals actually broke down the doors; broke the walls; broke the solar panels about a year after it had been installed at the park. That was a unit that was made of wood and vinyl. The Bio-Sun patented system was acquired by Modern Concrete out of Easton, PA. They have expertise in pre-cast concrete structures. What they were able to do after the acquisition was to partner their concrete structures with the composting technology. The big difference is that the unit on top is solid concrete and it's impervious to vandalism because of that. With that, there was a little increase in cost since the grant was submitted. The unit that was about \$49,000.00 is now \$63,000.00 because of the things that have been added by Modern Concrete. What we plan on doing with the DCNR grant is taking \$30,000.00 from the grant for each of the three restrooms in the parks and using the rest out of the funds that are budgeted for the improvements. Modern Concrete also got approval through the State Co-Stars program so we only have to submit purchase order and it doesn't have to go out to bid in order to buy their modular unit. They brought to Council tonight the design layout of the modular restroom. There is a big 11"x17" handout which gives you the layout plan. You can see on the first page it's two units, a men's room and a woman's room. There's a 3'4" chase or utility closet in the center of the unit. The second page gives you the floor plan and the end elevation of the unit. The third page shows you how the unit is installed. The bottom portion is the vault where the waste treatment technically is and that's accessible through a Bilco door and a set of steps that leads down to the area. This doesn't require any maintenance, just a cleanout every five to six years. It shows you the front of the unit and then the last page is a simulated layout design of the unit in its finished state. That's what it will look like once it's installed. The installation will be done by our Public Works Department who will excavate the site for the underground vault. The vault will be delivered by Modern Concrete, and dropped in the ground. Once that's done, we will have the electric hooked up to run the aerator in the vault. Then Modern Concrete will come and install the modular unit on the top which has the restrooms. Everything will be hooked up electrically and the unit will be ready to go. We provided you with a list of the components that will go in the unit, standard restrooms features. The first part contains the waste treatment system checklist. The restroom fixtures include the two waterless toilets and one waterless urinal for the men's room. There are accessories like grab bars, stainless steel mirrors, stainless steel toilet tissue dispensers, hand sanitizers as it's waterless, trash receptacles, a list of doors and hardware and the electrical package is the end of the list of components. We also provided you with the warranties on all of those components; electrical plumbing, doors and hardware, HVAC partitions, paint,

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roofing, building structure and Bio-Sun systems. That is the component and how it will be installed. We are prepared to move forward if you are comfortable with that and as soon as we get the final sign off from DCNR which we anticipate any day now. There is one decision to be made and that's the exterior finish. Over against the wall there are some finishes. The brick and the clapboard is included in the \$63,000.00 cost. The pebbled finish is an additional \$5,800.00. Those exterior materials can be finished off with an anti-graffiti coating which we can do which will make it very easy to remove any graffiti with solvent or power washing. It's virtually an indestructible unit. It will be secure. It will be private. We'll talk to Fran and the Historical Society about opening and closing the unit. We think it's going to look nice up at the park and serve the residents for many years to come.

Mr. Kern asked Ms. Stern Goldstein if she has experience with the composting units? Ms. Stern Goldstein said yes. It wasn't the substantial unit from Modern. She visited them at Robert's Ridge Park on several occasions specifically to check for odors and things like that. They've always been advertised as no odor at all from the composting process and she found that to be true. Mr. Kern said he wonders how with the waterless system how it's odorless. How do they manage that? Ms. Stern Goldstein said it's because of the double vault system they have and all of the composting processes are down below. They advertise that at the end of five years everything has been reduced down to a small mass and it's in the double chamber and it's true, there has not been any problems with odors at Roberts Ridge in Newtown Township, Bucks County. It's adjacent to an elementary school and a totally accessible playground and one of the most heavily used playgrounds in that region. It gets a lot of use and the restrooms have been used and abused. They did catch the vandals that were responsible for that. They did a lot of destruction on the playground itself and the residents rallied around the playground and the composting toilets to get it all rebuilt. She actually is thrilled that Modern Concrete has the product now. She's not fond of concrete buildings, but with the amenities they are able to put into it to make it virtually indestructible, and especially the anti-graffiti topcoat which is very attractive for maintenance and for the Township. Mr. Kern said on the drawing they have a turning circle wheelchair, can you describe that? Ms. Stern Goldstein said it's their standard template to prove it's ADA accessible. They need to have a certain radius in which the wheelchair can turn. It is just to demonstrate the compliance. The one feature is the same feature that was done in Roberts Ridge which is the separate men and women's facilities. Some parks have a family unit which is better in a park setting to have the two restrooms.

Mr. Maxfield said he's noticing here is not any water to wash your hands. Are we going to have any system there, like a antibacterial system? Mr. Cahalan said that's the hand sanitizer. Ms. Stern Goldstein said that's part of the waterless system. Anyone who is used to visiting port-a-potties across the nation, the hand sanitizer is a very nice feature to have in a waterless system. It cuts down on the potential vandalism; cuts down on water usage from the dryers and it cuts down with the problems on stuffing paper towels into the toilets. Mr. Maxfield said he avoids port-a-potties. Ms. Stern Goldstein said she has used them the last twelve years and it's become a way of life.

Mr. Maxfield said he finds himself leaning toward the clapboard. The color on that is variable? Mr. Cahalan said they can discuss color arrangements. Mr. Cahalan asked if the Historical Society is in favor of the clapboard? Mr. Robb said they haven't seen this before, but why not shoot to blend the color with the park rather than the schoolhouse. Mr. Maxfield said so it blends in? Mr. Robb said yes, something that wouldn't stand out, like a green where you are viewing it up against the hedgerow. That's just his opinion. Mr. Kern said you are looking for approval for the \$63,000.00 expense? Mr. Cahalan said they have the money in the budget for the park improvements and also for the grant, they'll use \$30,000.00 from the DCNR grant approval to move forward with the installation subject to the sign off by DNCR and approval of the exterior type of material.

Mr. Matthew McClarin, resident, said he wants to know what the other two parks we are going to need bathrooms in? Mr. Cahalan said Steel City and Polk Valley Park. Mr. McClarin asked if

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Kingston Park was used by elderly people at night, the Historic Society. Are there any ball fields or Little Leagues who play there? Mr. Cahalan said no. not now. Mr. McClarin said Steel City is a neighborhood park. You don't need a bathroom there. It's a waste of money to put a \$67,000.00 bathroom toilet in a park. That is just from his perspective. The same with Polk Valley Park, you don't need a bathroom there. Why not take all the grant money, save it and put it just to this bathroom now? Mr. Cahalan said we do have programs at the parks for the children to go to in the summer. They go to various parks. They haven't gone to Steel City in the past two years as it was in a state where we are improving it. Once it's improved, there will be programs again there in the summer. Children will be dropped off by parents. You need a restroom facility. Mr. McClarin said he grew up in Bethlehem and went to the park programs and they never had bathrooms. They ran home and ran back and kept playing. Steel City is one of those communities where you are throwing away \$67,000.00 which doesn't need to be thrown away. Mr. Cahalan said you are going to have groups that go out to the parks like you do at Town Hall and mothers with young children will use the playground facility. The pavilion will be rented out for different groups for picnics. It is a neighborhood park, but it will be used by other people. Mr. McClarin said in the long run, how much does a port-a-potty cost for maintenance. Mr. Cahalan said in the long run, port-a-johns will cost the Township more than this unit will. Mr. McClarin said does this have solar panels? Mr. Cahalan said no. It has electric at Kingston Park. It will have electric at Steel City. At Polk Valley, it will need solar. Mr. McClarin said he's just saying we don't need a toilet at Steel City Park that's going to cost \$67,000.00. This money from the landfill is going to stop and it's going to stop very quick. Mr. Cahalan said \$30,000.00 of that came from a grant. Mr. McClarin said he understands that, but you're talking about spending another \$140,000.00 on toilets; another \$140,000.00. You don't know if the landfill is going to continue or not. We got four or five years of it left, so start spending money like it's going to stop. You're spending our money. Mr. Cahalan said let him just correct the figures. It's \$63,000.00. We have the \$30,000.00 from the DCNR grant and another \$33,000.00 on top of that from funds that are in the budget for park improvements – Steel City, Kingston and Polk Valley Park. Mr. McClarin said he knows it's budgeted in there. Mr. Cahalan said they did discuss this with Council before we submitted the grant. They did a projection of what we're paying for port-a-johns. If you've been at Polk Valley, there's at least four or five port-a-johns there. They are not cheap. They are there year round. Over the long run, these toilets will pay off. Mr. McClarin said he's saying Steel City doesn't need a \$70,000.00 toilet, that's it.

Mr. Kern said there's also Little League baseball at Steel City. Mr. McClarin said they don't need a toilet, not a \$70,000.00 toilet.

Mr. Cahalan said he needs a motion to move forward with the purchase and the installation of the composting toilets and we'll discuss the appropriate color for the exterior. We don't have any decisions, but will talk to the Historical Society and discuss it with Council.

- MOTION BY:** Mr. Maxfield moved for approval for the Kingston Park improvements as stated above by Mr. Cahalan.
- SECOND BY:** Mr. Willard
- Mr. Kern asked if anyone had any comments? No one raised their hand.
- ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Cahalan said the second issue the lighting. We mentioned we will need electrical service for the composting toilet. We are running a line from Limpar Lane pole into the park. That will be a line that will be hooked up to the composting toilet building and it will be accessible in that center chase utility area that will be locked, so the controls for the lighting will be in that area and we will discuss with Fran Robb about access to turn the lights on the pathway on and off. We also did discuss electric receptacles at the pavilion which came up at the meeting at Steel City. We've added that to the mix and had put that on the lighting plan so that the pavilion in Kingston Park will have electrical receptacles in case someone wants to come for a picnic and plug something in.

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Ms. Stern Goldstein said in your packet you should have an 11"x17" lighting plan. It shows four proposed bollards and one proposed luminaire or traditional light fixture. The light fixture would be at the junction of the path sort of caddy corner from the proposed composting toilet sort of where the parking meets the pathway. The four bollards would be located alternately spaced along the path by the composting toilet and the pavilion there would be three of them, and one more when you turn the corner going towards the existing schoolhouse. They met out in the field and these locations were determined to be appropriate by Fran and Mrs. Horiszny. They proposed the fixtures that you have seen before at a Council meeting. It's an appropriate type of fixture for the site and it also has the right amount of lighting, not too much. You can get people from the schoolhouse back to the parking lot. The two bollards closest to the pavilion serve as a beacon to get from one place to the other. At the schoolhouse itself there is a porch light that they would leave on so it would light the area between the schoolhouse and the hedgerow, and once you are at the hedgerow, you'll pick up the light from the bollard and turn left and continue on to the toilet and then towards the car. It would be appropriate for night time activities. Mr. Cahalan mentioned the coordination with lights on, lights off and that still needs to be worked out with the Society. That covers what's on the plans, and then there's a wild card thrown in. Roger has an alternative that might work. We're still waiting for additional details. It would be using a PPL fixture. It's a luminaire, a Victorian luminaire. It's a little taller. It would have a 14' mounting height. PPL could install it. According to Roger, it would light up enough of the area and you would not need any bollards. In talking with Jack, Leslie and Cathy this afternoon, she still feels at least one bollard in the area where the path goes through the tree line, something would be needed to serve as a beacon to get people from one place to another and get them safely so the ground itself is lit. It's possible that this fixture from PPL could be significantly less money. They don't have those costs yet, and they don't know if the fixture has even been discussed with the schoolhouse group yet. It's thrown into the mix as it could be a significant cost savings. Mr. Kern said it's worth exploring. Mr. Cahalan said they will look into it further and discuss it with Fran and Sue and then come back with some cost figures. Ms. Stern Goldstein said they did think of the whole night sky thing and the fixture from PPL if you look does have the top on. It would be consistent with lighting. It goes out but it doesn't go up.

Mr. Maxfield said he sees listed sodium bulb, high pressure sodium lamp type, do you know what the original one the Hadco is? Ms. Stern Goldstein said it is a difference in the color of light. Mr. Maxfield said when he thinks of sodium lights, he thinks of the orange nasty lights. Ms. Stern Goldstein said if she's not mistaken, high pressure sodium is what's out here. It's a little orange tinge to it. Mr. Kern said you can get 70 or 100 watt. Mr. Maxfield said he's guessing if Roger said one pole, he's probably thinking of 100 watt. Ms. Stern Goldstein said it's the combination of the height and the type of fixture, more light comes out the side. It covers more area. Mr. Maxfield said the other one is 10-6. Ms. Stern Goldstein said this one is 14. Mr. Kern said PPL has alternate poles. Ms. Stern Goldstein said they do. For the one Roger was talking about, it was 14 to cover the area. Mr. Maxfield said it's the plain round black pole? Ms. Stern Goldstein said yes. Mr. Kern said what is black boulevard and spun aluminum? Ms. Stern Goldstein said she doesn't know. She just saw the PPL information at 4:00 pm today. She thinks for the Victorian would be the brushed black. Mr. Maxfield said it never hurts to look into things. Ms. Stern Goldstein said correct, especially when you are spending money. Mr. Maxfield said we talked about this earlier, and he'd like to see a light that doesn't shine and take advantage of the space where it shines.

Mr. Fran Robb said is the PPL fixture manually controlled? Ms. Stern Goldstein said they doubt it, but they are not sure yet. Mr. Robb said then they would have light on out there all the time. Mr. Cahalan said they'd have to see about a timer. Mr. Robb said the other lights would only have to be turned on when there was an evening function because your parks close at dusk. If this one wasn't manually controlled, it would be a totally different situation. Ms. Stern Goldstein said that was one of the considerations we were talking about this afternoon that we have to look into more. Mr. Cahalan said they will bring this back for discussion at a future meeting.

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Mr. Cahalan said you will recall that Ms. Stern Goldstein came to one of the previous meetings and brought you a model of the pavilions for Kingston Park. You liked the Orlando model of pavilion. The issue is what size of the Orlando model you would like at Kingston Park? The size is 20'x34'. There is information in your packet. If Council is comfortable with the Orlando model, the decision is what size. Ms. Stern Goldstein said the 30'x34' looks good. The Orlando, they talked about them before. It's utilitarian, it's not ugly. It serves its purpose. To go with anything more ornate, it won't change the function of the pavilion but would add cost. It's a different type of roof and would add significant cost to it.

Mr. Maxfield asked if there was a recommendation for Polk Valley Park? Ms. Stern Goldstein said if you want a 30'x64', you could have a capacity of 120 to 160 people and if you went up to the 30'x84' you could accommodate 158 to 248 depending on the layout of the table and how many children per table. It really depends on the programming and functioning of it. Both of them would fit. The small one fits better, but if you are considering having intense summer programs there, intense camp and you want to accommodate all of the children in case of rain, the bigger one is nice. The bigger one also lends itself to use for lunches when tournaments are held at the park. Pavilions are always used at parks with active recreation. It comes down to the cost for the bigger one. Mr. Maxfield said where is it proposed for? Ms. Stern Goldstein said the gravel lot is where the future Community Center would go. Mr. Cahalan said it's to the east side of the quarries and then it would be accessible by a new pathway from the previous pathway that runs across the top of the three multi-purpose fields and then it connects with the pathway that leads down to Field 5 where the Manny Tavormina stone is. There's the parking lot and then what they are proposing is two connecting pathways from the top one and from the bottom pathway to get to that pavilion. That's on the Polk Valley Park plan. There also were proposed plans for a tot lot on the other side of the pavilion. This would make it accessible to the people pulling up in the parking lot who wanted to unload picnic baskets and other picnic supplies. Mr. Maxfield said he didn't want the pavilion automatically taken over by some sports function. Mr. Cahalan said that would be covered under their park policy for the pavilion that specify that when you rent the pavilion, you are not renting the entire park. Mr. Maxfield said he knows some landscaping went in, but one thing that is special about that particular area is the view shed of the gap to the north. He would like to make sure we maintain a view from that pavilion north, however we have to do that. It would be a great viewing spot. Ms. Stern Goldstein said with Council's permission that we go and do a site visit and put some flags down and look down. Doing in on a plan is one thing, but things are different when seen far away. We can have those points surveyed and put in. Mr. Maxfield said it's a beautiful thing and very panoramic. Mr. Kern said looking at a piece of paper doesn't cut it. Mr. Cahalan said let's deal with the Kingston Park first, and we can take action on that.

MOTION BY: Mr. Maxfield moved for approval of the pavilion at Kingston Park of 20'x34'.

SECOND BY: Mr. Willard

Mr. Kern asked if anyone had any comments? No one raised their hand.

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Cahalan said we have been working with Dr. Kingston who donated the park property. He has requested that a memorial plaque be installed on a rock near Ella's Garden to dedicate it in memory of his mother. We gave you a sample of what the plaque would look like. There's been discussions between Dr. Kingston and the Historical Society. The plaque would say "Ella's Garden, In Loving Memory of Ella Mary Ringhoffer Kingston, Attended the Lutz Franklin Schoolhouse 1933 to 1940". He is in favor of that and so is the Historical Society. We have an appropriate rock picked out. If Council would approve tonight the memorial plaque, it would run about \$600.00 to \$700.00 and we would have it mounted on the stone by the Moll Memorial Works in Hellertown. On the lighting map, Judy has put an indication where the rock would be with the plaque.

MOTION BY: Mr. Maxfield moved for approval of the plaque for Ella's Garden as stated above by Mr. Cahalan.

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SECOND BY: Mr. Willard

Mr. Kern asked if anyone had any comments? No one raised their hand.

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Cahalan said there's a park sign and they gave you a sample. It's a typical park sign that they put up at other parks. It says Lower Saucon Township, Kingston Park, and gives the address. They are going to be adding this piece down at the bottom on all the parks that says "Open Dawn to Dusk". That's been requested by the Police Department. If you are okay with us going forward with the Kingston Park sign, the location would be off of Limpar Lane and they are suggesting the sign be put when you come off of Limpar to the left side, on the Route I-78 side. It would only have to be one-sided and would be less expensive. Ms. Stern Goldstein said it would be consistent as the other signs you have at the other parks. The posts are wood, 4'x4' and we put some caps on the top and the rest is the foam board product that we have on the other signs.

MOTION BY: Mr. Willard moved for approval of moving ahead with the park sign for Kingston Park and locating in the area that was suggested at the entrance.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any comments? No one raised their hand.

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Gene Boyer, 2161 Saucon Avenue, said he knows he missed the Steel City get together on the improvements. Was there a get together on the people who were using the Kingston Park to decide you need this type of pavilion and so forth? Mr. Cahalan said they had meetings with the Historical Society and had several walk-throughs with that group out at Kingston Park and with Dr. Kingston. Mr. Boyer said they brought this request to Council? Mr. Cahalan said the pavilion is a standard park feature that we have in all the parks and this is something we wanted to do at Kingston, especially since there are children's school groups coming up there. They will be bused up to the park for a tour of the schoolhouse, then eat their lunch and maybe do a history type of lesson. That was the rationale. Mr. Boyer said how many people visit that park in a year? Mr. Cahalan said the park is adjacent to the schoolhouse. The park isn't open yet. We're trying to finish up the improvements that Council has designated. Mr. Boyer said how many people come to the schoolhouse in a year? Mr. Cahalan said that would be something we'd have to ask the Historical Society. Mr. Fran Robb said Sue would have more accurate numbers on that, but last year we had about 15 groups, maybe an average of 30 students per group. We not only had the elementary schools, but we had visits from DeSales University. It's not just a tour. They spend a few hours there and have the experience of attending a one-room schoolhouse, circa 1930. We also have private groups come, like the Red Hat Ladies. At the schoolhouse, there are public events. The last week of this month is the Apple Festival and we have an event in May, which probably reaches 50 to 60 visitors per day. Mr. Boyer said the park will enhance your ability at the schoolhouse? Mr. Robb said the big advantage of having the park is it allows off street parking, but more importantly, it allows the school buses to go in. The roads over there are very narrow. Mr. Boyer asked if there were any facilities for a bathroom in the schoolhouse? Mr. Robb said that's what we just discussed. Mr. Boyer said that was for the park. Mr. Robb said we have a port-a-potty, handicap accessible on the grounds and that will be eliminated and we'll be using the one in Kingston Park in the future. Mr. Cahalan said the port-a-potty is an ADA unit, but it's not 100% ADA accessible as it's sitting on the lawn. This unit will be handicapped accessible via the pathways in the park. Ms. Stern Goldstein said when we first started planning this with Dr. Kingston and the Historical Society, the issue was the schoolhouse itself could only accommodate a limited number of students on a trip and sometimes there will be larger classes or a group coming and with the pavilion, there could be an outdoor lesson for students and free time while the other half of the students are in the schoolhouse and they switch places. It can accommodate groups of other sizes that weren't necessarily accommodated in the schoolhouse because there was no facility to monitor and do a lesson with the other half of the group, just another reason for the pavilion – education purposes. Mr. Robb said class sizes are increasing with school cuts and laying off teachers. A lot of the schools don't want to send a class of 20; they want to fill the bus. Mr. Robb

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said in the past, they have found a volunteer to open the Hellertown Historical Society and then tried to split the groups between those two facilities, but that is not under their control. They had to depend on a volunteer from Hellertown to open up and entertain 30 kids for 2 or 2-1/2 hours. With the pavilion, we'd be able to have a program outside in the future. Mr. Maxfield said there's always fire code to consider. Mr. Robb said the capacity of the building is 50. Mr. Boyer said how much money did we spend tonight on this park? Mr. Cahalan said we haven't spent any money tonight. Mr. Boyer said he thought we were getting approvals for toilet and approvals for the pavilion. Mr. Cahalan said the toilet is \$63,000.00 and \$30,000.00 is coming from the State grant, so \$33,000.00. Mr. Boyer said the toilet is the only thing that was approved? Mr. Cahalan said we're going to discuss the lighting and we do have some other costs we'll bring back. Mr. Boyer said the pavilion wasn't part of that? Mr. Cahalan said they have to get a cost and will bring it back. Mr. Boyer said how did we get the grant for \$30,000.00, is it dependent on the size of something we're doing or spending? Mr. Cahalan said the grant was \$97,000.00. We actually put in a grant for more than \$170,000.00 with DCNR for the Bio-Sun model for three parks. They had to have some matching funds. They didn't give us all we asked for. We're spreading that out to the three parks and making up the difference from the budgets we established for improvements at Polk Valley, Steel City and Kingston Park.

C. POLK VALLEY PARK IMPROVEMENTS

Mr. Kern said the Township Manager and Planner will review the recommendations for the installation of a pavilion, an addition to the pathway and fencing at Polk Valley Park.

Mr. Cahalan said they will bring the pavilion back after they look at the view shed and location issues, and the appropriate size. Ms. Stern Goldstein has two recommendations for the pathway and fencing.

Ms. Stern Goldstein said two issues were brought to their attention. The first one is the pathway. It's an issue where at the intersection of the main park driveway on Polk Valley Road, there is one path that goes down towards the new bridge and then you drive up the driveway and there's a path internal to the park. There's a link missing now that people are coming from the high school campus and that whole link has been built. The missing link they are proposing it be filled in. On your plan, it's noted as proposed 8' width sidewalk connector to Polk Valley Road, previous concrete construction consistent with what's on the site already with the previous concrete. That's a simple connector using the same materials and same processes of materials you have elsewhere in the park. Mr. Maxfield said no problems with the stormwater drain? Is the piping deep enough so we can lay in the sidewalk? Ms. Stern Goldstein said yes, there's adequate cover on it. The other portion is a section of split rail fencing. The upper parking lot as you come down there's an area that's been suggested some split rail fencing should be installed because of the drop off adjacent to it. Mr. Cahalan said that's the pathway that leads from the upper parking lot through the quarry down to the gravel parking lot. Ms. Stern Goldstein said she thinks split rail fencing is the simplest and most appropriate solution for the park. Mr. Maxfield said there's also that stretch that comes from an area closer to the gravel area where there's a very steep short hill that comes down from where the gravel area is down on the sidewalk. That one we might as well do at the same time as that one is steeper. On a wet day, it's a little slick. Ms. Stern Goldstein said she knows the area and she is thinking just the one side. She likes to stay away from two sides unless you really, really need to get that tunnel effect on the trail. She thinks the one side is a steep drop-off.

Mr. Kern said we're looking for approval of the pathway and fencing, and the additional fencing that Mr. Maxfield added. Mr. Cahalan said that will all be done in-house.

- MOTION BY:** Mr. Maxfield moved for approval of the pathway, fencing and additional fencing he mentioned as stated above.
- SECOND BY:** Mr. Willard
- Mr. Kern asked if anyone had any comments? No one raised their hand.
- ROLL CALL:** 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

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Ms. Stern Goldstein said we have the DCNR grant for Polk Valley Park which everything has been done except for the meadow at the top. That's supposed to be a warm season grass meadow. It originally was going to be specified by Heritage Conservancy, and they've been given the task to do it. The timeframe is in accordance with the extension already granted from DCNR and has to be done by the end of November. The problem is warm season grass meadows don't germinate in the fall; they only germinate in the spring. They can be planted in the fall, and they specified a drill seeder that is appropriate, but it won't germinate until 60 days after it reaches the right temperature and warm season grass meadows take longer to germinate. Their recommendation is if they are using a warm season grass, it not be planted until the spring, then they can wait the 60 days to make sure there's proper germination in accordance with the specs and then there's the payment. It's hard to be specified something to be planted in the fall and hope and pray it's going to come and then issue payment for it, granted there will be maintenance bonds, but it's nice to make sure it's coming up. Grass meadows take two years to establish fully, but you would know what's coming up or not. So there's a dilemma. DCNR just conveyed to Cathy that it doesn't matter, it needs to be done by November. Cathy explained the grant was written for warm seasons grasses and those grasses don't do well. DCNR rep said they can change it. They do have regular cool season meadow grasses throughout the park, the difference is warm season grass tends to do better in the summer and the heat when the cool season ones don't do as well. Warm season grasses are generally tall. It's a whole different look, a different feel, a different educational component it the park and it attracts different wildlife and different birds. Cool season grasses are very nice also and look lovely. The question to Council is do you want to continue with the warm season grasses and we figure out what to do with DCNR, or do you want to change this to meet the parameters of the grant? You've spent more on the park than the grant amount required because when you received that grant several years ago it was greatly reduced from what you asked for, so your match, you've already paid for more than what you were required to do to get the park done. You've spent the amount of money on the park for the grant, but you don't have the meadow in yet. You have specs, everything is all done for the warm season grass. It would take them minimal amount of time to change it to cool season grass. She was reluctant on Friday when she got the email to just say let's change it as the original intent was for warm season grass. The question is how much does warm season grass mean to you, and do you want to pursue that or just close the grant? Mr. Kern said what's the difference in cost if we were to pursue the warm season grass? Ms. Stern Goldstein said the warm season grass meadow probably costs 1-1/2 times of what the cool season grass does because of the planting method and the cost of the seed. Mr. Kern said what would that be in dollars? Ms. Stern Goldstein said both of them within the budget you had and even below the budget you issued. She doesn't have the actual cost in front of her right now. Mr. Maxfield asked who was the contact at DCNR? Ms. Stern Goldstein said Jay Schreiberman. Mr. Maxfield said his experience with DCNR was that they were very workable with that sort of thing. Ms. Stern Goldstein said he's not one of the environmental people. Mr. Maxfield said we should try talking to him and his boss again as he'd like to see warm season grasses there. It was a great idea in the beginning and he'd still like to see it happen. It differentiates that area from the other areas of the park and if we talk to the right person, we could get an extension. Ms. Stern Goldstein said the problem is we've already had one extension and apparently Cathy is talking to the grants people and she keeps getting Jay. If Ms. Stern Goldstein could talk to Lorne Possinger, the environmental type people, she wouldn't even have to spend time persuading them, they would agree. Unfortunately, we don't get to pick our representative. If Council would like, she can work with Cathy and we can work our work up the chain as they certainly have contacts at the top if we need to. Mr. Maxfield said the planting method is plugs? Ms. Stern Goldstein said no, it's a drill seeder. It's a quite a nice machine. If you planted in the fall, the seed would be safe as it's in, it just doesn't germinate yet. It would just sit. Technically, it would have a cover crop of oats and you wouldn't be able to have any visual inspection that the seed has germinated which they like to do before they issue approval for payment. Mr. Cahalan said they have until the end of October. Ms. Stern Goldstein said if they were going to bid it, they'd have to bid it right away. She needed to convey what Cathy has found out but they can work their way up the ladder with DCNR. Mr. Kern said give it a shot. Mr. Maxfield said he'd really like to see the warm season grass.

D. **INSTALLING ELECTRIC HAND DRYERS IN TOWN HALL & SOUTHEASTERN PARK RESTROOMS**

Mr. Kern said the Manager would like to propose installing electric hand dryers in the restroom facilities at Town Hall and Southeastern Park facilities to reduce the cost of paper towels, eliminate vandalism, such as throwing the towels in the toilets, and to reduce staff time cleaning up the restrooms and refilling dispensers.

Mr. Cahalan said this is just a suggestion. He provided you with information. Most parks are converting their restrooms to the electric hand dryers. It uses less energy, is less costly for paper towels, cuts down on any vandalism, and eliminates the cleanup. We do have the two permanent restrooms at Southeastern and Town Hall Park where we could use them. For parks, we spend about \$500 a year on paper towels, and a lot of it is wasted by the kids using the recreation programs. There is a cost involved. If you feel we can move ahead, he can talk about it later. Mr. Kern said he thinks it's a great idea.

Mr. Willard said the example you gave was from Tacoma, Washington and it talked about the Xlerator model and some of the examples shown were some that don't do an effective job. He doesn't know what the cost comparison is, but he'd recommend we get the most modern one if we are going to do that. Mr. Cahalan said it's the best and is a greener model. It uses less energy. If you ever used one, it's like blowing the skin off your hand. They are designed to be vandal proof. He can bring this back and give you a cost at a future meeting.

E. **READING ROAD TRAILHEAD DESIGN APPROVAL**

Mr. Kern said the Township Manger and Planner would like to discuss with Council the final design plan for the parking and picnic area for the Saucon Rail Trail Trailhead on Reading Road.

Mr. Cahalan said the plan is up on the board. It's the sketch plan on Reading Road. This plan came out a few weeks ago, but because the Saucon Rail Trail Oversight Commission cancelled their meeting in August, they didn't get a chance to look at this and they won't be looking at it until their meeting on September 24th. It's here for discussion. The Rail Trail Commission will look at it and make recommendations and he will bring it back at the next Council meeting for approval.

Ms. Stern Goldstein explained the proposed trailhead which consists of a parking lot with a total of 20 parking spaces with a limited amount of woodland to be disturbed. There's a separate sketch in your packet that shows the amount of woodland to be disturbed. The other components are the driveway in and out, a two-way driveway; a small kiosk where you could post information about the trail. There would be a proposed port-a-potty or closed restroom. There would be a small picnic area. In proximity to the parking lot, a proposed water fountain which would be installed by others. The water fountain would just be off the trail so that use of it would not impede the heavy traffic on the trail itself. It would be at the junction of the trailhead. It's a pretty simple plan and making use of a little sliver of property we've called the Timko property. It's fairly comprehensive in its amenities but still low-key and keeping with the trail itself. It offers the minimum you need to offer in a trailhead in a little compact area with little woodland disturbance. It's pretty standard. The amenities is adding picnic tables.

Mr. Kern asked if anyone had any questions? Ms. Judy Boyer said they took a ride and went down Reading Road, does that come off of 412 and goes around where the bridge is? Does this have something to do with that bridge? Mr. Cahalan said that's the Old Mill Bridge. Ms. Boyer said is this going to be a walkway with that thing on Reading Road? Mr. Cahalan said if you park your car and go north on the rail trail towards Hellertown, you will cross over Bingen Road and head north towards Old Mill Road and that's where the bridge is, and you go across Meadows Road and come into Hellertown. You go over the Saucon Creek and go behind Neighbors and you're in downtown Hellertown. If you go south, you start walking into Upper Saucon and that's where you go by the SV Country Club. Mr. Kern said the trailhead actually borders the Weyhill Country Club part of the country club. Ms. Boyer said she wondered if the Reading Road trailhead could be

accessed over that bridge, and take you to the parking and picnic area? Mr. Cahalan said that has nothing to do with it.

F. DIMMICK PARK GRANT APPLICATION SUPPORT LETTER

Mr. Kern said Hellertown Borough is requesting a support letter for a grant they are submitting to Monroe County for funding for the construction of a new band shell in Dimmick Park.

Mr. Cahalan said this was requested at the last meeting that Hellertown is putting in this grant application for the Dimmick Park performance stage. Hopefully they'll get the funding for this project and go forward.

MOTION BY: Mr. Willard moved for approval for the support letter to Hellertown Borough.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any comments? No one raised their hand.

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

G. RESOLUTION #65-2012 – TRANSFER OF MONEY

Mr. Kern said Resolution #65-2012 has been prepared at the request of the Director of Finance to transfer monies from one Township fund to another.

**A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES FROM ONE
TOWNSHIP FUND TO ANOTHER**

SECTION 1.

The Council of Lower Saucon Township hereby authorizes the transfer of monies from one Township fund to another in accordance with Article XXXII, Section 3202 (f) of the Second Class Township code as follows:

<u>FROM</u>		<u>TO</u>		
<u>Amount</u>	<u>Account No.</u>	<u>Account Name</u>	<u>Account No.</u>	<u>Account Name</u>
\$ 4,949.80	37.493.000	Contingencies	37.452.370	Repairs/Maintenance
\$461,826.89	02.107.010	Oper. Reserve PLGIT	02.107.100	Oper. Reserve Acct
\$400,000.00	02.107.100	Oper. Reserve Acct		Oper. Reserve CD
\$500,000.00	05.107.002	Open Space Money Market		Open Space CD
\$300,000.00	33.107.000	Capital Money Market		Capital CD

SECTION 2.

The Township Manager is hereby directed to make the necessary transfers to implement this Resolution.

Mr. Cahalan said Cathy is asking that the money she has in the Contingencies for the Heller Homestead fund, about \$5,000.00 be moved into the Repairs and Maintenance line of that account. That's needed to pay for the repairs to the house and the root cellar which have been approved by Council. The rest of them are accounts she has with PLGIT which are invested and getting very low interest. She'd like to move them to CD's with Lafayette Ambassador Bank which is getting a little bit more interest on them. This is a transfer to these accounts to put them in the new Lafayette Ambassador CD's.

MOTION BY: Mr. Maxfield moved for approval of Resolution #65-2012.

SECOND BY: Mr. Willard

Mr. Kern asked if anyone had any comments? No one raised their hand.

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

H. RENTZHEIMER HOUSE – 2038 POLK VALLEY ROAD – BID RESULTS

Mr. Kern said the Township advertised for bids for the removal of the Rentzheimer House located on the Township-owned property at 2038 Polk Valley Road. The Township received no bids for this project and Council should discuss if they wish to have the Public Works Department remove the house.

Mr. Cahalan said we did have some calls and inquiries before we put this advertisement out, but once we advertised it, we did not get any bids for people to purchase and remove it from the property. He's not sure if the next step is demolition or leaving it as it is.

Mr. Maxfield said when we demolished the barn, did we recover some materials? Mr. Cahalan said yes, we wound up with a truck load of wood from the barn on this property that's in the back of Public Works. Mr. Maxfield said do we know of anything on the house that we might want to do the same? Mr. Cahalan said they did a house study. It traced the history of the house. He doesn't have the knowledge or expertise and we don't have anybody on staff who could do that. It's a circa 1880's type of house. The people from the SV Conservancy went through on a walk through and saw some hardware on the doors, but he doesn't think they saw anything significant in there, but he could be wrong.

Mr. Kern asked if there were salvage companies that would pay money for the brick? Mr. Cahalan said he's not sure about that, they haven't made any inquiries. Mr. Maxfield asked about a demo company coming in? Mr. Cahalan said that's what we were hoping. The one problem doing the demo and then salvaging is you have a pile of material that everybody is just going to be crawling through. He doesn't know from a safety standpoint if you want to get into something like that. Doing a demo and combing through and separating things is pretty labor intensive. Mr. Kern said when the Old Mill burned, a salvage company came in and there was value to the stones and they used the stones for building other structures, and the brick is unique, which may have value. Mr. Cahalan said they can make some inquiries and come back. Mr. Maxfield said we should probably decide the demolishing route is the route we want to take. He'd like to see that property be used as part of the park in the future. Mr. Cahalan said they will gather the information and bring it back.

I. AWARD OF OLD MILL BRIDGE RESTORATION BIDS

Mr. Kern said a bid opening was held on Monday, August 27, 2012 for the Old Mill Bridge restoration. The Township Manager will review the bid results with Council.

Mr. Cahalan said Mr. Miller will run through for Council and the audience what we are proposing. This is the Old Mill Bridge which spans the Saucon Creek at the Old Mill Road and connects with Reading Road on the other side. It was closed to vehicle traffic in 1983 and was acquired by the Township. It's now a pedestrian and bike crossing. It does connect with the Saucon Rail Trail. It's in the historic district of Ehrhart's Mill. It's a very unique suspension truss bridge, so we're looking to preserve it.

Mr. Miller said everybody bid on the same thing. The bids came back and the low bidder is the one who seemed most knowledgeable on the product. The project entails eight items. The first two are the most significant from a structural standpoint. The bottom tension cords, there's usually tension at the bottom and the top and the tension cords are cracked and disconnected. One is pretty much non-functional and the other is loose. Those need to be tightened. Also, the supports for the walking surface, there are two beams and there are U-bolts which are basically a U that holds the two beams together and those need to be replaced. In one location, the one beam is completely cracked through. It's very important in that location to get the U-bolts in. Repairing the deck basically in the process of doing the U-bolts, they may have to remove the deck, which is probably the simplest way of doing it. They need to repair whatever damage they cause during the process. The abutments have some spalding on them, and the rebars are showing and we need to fix the spalding and do the acid wash; the removal of the paint, getting rid of the flake, catching all the

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flakes so they don't get into the stream, prime and paint the whole structure. There are two posts at each end of the bridge. Two of the four posts are decorative that are original and two are pipes that have been replaced. The bid package went out with the requirement to replace the non-decorative ones to make them decorative and match. We also gave the option of replacing all four so it would be easier for them to find matching posts. The last item is repairing the handrail. It's fine, but it may get damaged in the process, so any damage they cause, they need to repair.

Mr. Kern asked what was the condition of the existing decking? Mr. Maxfield said they believe the decking is fine, but if they damage it doing the U-bolts, they'd have to repair it. Mr. Maxfield said isn't there some decorative elements in the top near the middle that are missing? Mr. Miller said if there are, he's unaware and it's outside the scope of the bid. Mr. Maxfield said he thought there was a floral thing up near the top and one side of it was missing, but he could be wrong. Mr. Miller said it may be, but it's just not in the package. Mr. Maxfield said the option of all four so they could match it, it's being placed with something decorative to what is there now. Would that be up to them or up to us? Mr. Miller said he thinks we have final say on that. He's not sure how it was worded. He's going to say we have a say in that and it was considered when they did the addendum. Mr. Maxfield said they are pretty unique.

Mr. Cahalan said they advertised bids and had a bid opening on August 27, 2012. We received six bids. The low bidder was Professional Construction Inc located at 4220 Myriah Court, Bethlehem and the bid was \$164,253.00. That package has been reviewed by the engineer. Mr. Miller said the lowest bidder we also feel is the most knowledgeable and took the most time to make sure they knew what they were bidding on and that's why we believe they came in with the lowest bid. We saw their work in the past and they are a reputable firm.

Mr. Cahalan said there are sufficient funds in the account for the Old Mill Bridge repair to cover this, so they were pleased it came in below the budgeted amount, so they are recommending that the bid be awarded to Professional Construction, Inc. in the amount of \$164,253.00.

MOTION BY: Mr. Maxfield moved for approval to award the bid to Professional Construction Inc. for the Old Mill Bridge repair for a total of \$164,253.00.

SECOND BY: Mr. Willard
Mr. Kern asked if anyone had any comments? Mr. Willard asked if we are always obligated to always take the lowest bid? Attorney Treadwell said you can take none, but you are always obligated to take the most responsible bid. If there's a question of somebody bidding on something different than what you required in your advertisement, then even though they are lower, they may not be responsive to what you asked for. Mr. Willard said he was happy to hear that this was the most professional firm as there was such a large variation in the bids. Even in the individual sections, he wondered if they all understood the bid. The amounts went from \$5,000.00 to \$37,000.00. Mr. Miller said most professionals and if he said that, they are a professional firm. We believe they are a good firm. He meant to say most knowledgeable for this project. Mr. Willard said you did say that, but he paraphrased it. Mr. Boyer asked if this bridge will be used for anything other than what it is now? Mr. Kern said it's a pedestrian bridge. Mr. Boyer asked if it will be blocked off the way it is now? Mr. Kern said yes. Mr. Boyer said will the signs be taken down that say do not enter? Mr. Cahalan said the signage is on one end and it has to do with no parking of vehicles. The appropriate signage will be up there for bike and pedestrian access. Mr. Boyer said do you have any idea how many people use this as a pedestrian bridge? Mr. Cahalan said they haven't done a count on that. Mr. Boyer said this is being done to make it more beautiful. The walkway was safe according to the engineer. Mr. Miller said that is beyond the paraphrase. There are two items we believe need to be done for the longevity of the bridge – the tension bars and the U-bolts. Right now, is it going to fall over tomorrow? No, but to maintain the bridge so it stays, those items need to be addressed. Painting and making things beautiful, the paint serves to protect the metal. Mr. Kern said that's the bulk of the expense of the bid, the painting. \$122,000.00 of the \$164,000.00 is for the painting because it's old lead paint that is falling into the Saucon Creek

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that needs to be contained and done properly and the bridge has been in bad need of paint for 15 to 20 years. Mr. Boyer said it's on the Redington Road side and that's why his wife was questioning the other parking. Mr. Kern said it spans Reading Road. Mr. Boyer said there isn't any other parking facility for people to be able to walk across? Mr. Kern said there's a fishing access all along the creek and the landowner allows parking all along the creek on that side next to the bridge and it's used heavily. It's used by fisherman all the time, hikers, and walkers. Mr. Cahalan said one of the reasons we acquired the Timko property was to give the public access for parking along the rail trail as we don't have any other access to the Rail Trail. Hellertown and Upper Saucon do. We wanted to give them a place to park and get on the trail without going on Old Mill Road and Meadows Road and parking along those properties illegally. Mr. Boyer said you purchased the property for the rail trail? Mr. Cahalan said the Timko property. Ms. Stern Goldstein went over that earlier. We got a grant from the State to purchase that property. Mr. Boyer said just for the parking so we can have access to the rails and trails. Mr. Cahalan said to buy the 2.2 acre property, we got a grant from the State to do that.

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Mr. Kern said what about paint color? Will it be green like it was originally? Mr. Miller said he's not sure. We do have the spec on painting. Mr. Kern said that would need discussion and final approval from Council as it's the most historic structure in the Township. If there was a preference on that, it would have been nice to know before it was put out to bid. Mr. Maxfield said when they scrape the bridge they will be able to see what color it was painted. Mr. Kern said he would go with the color it is now. Mr. Miller said he can check on that and will get back to you.

J. DISCUSSION OF POSSIBLE ZONING AMENDMENT REGARDING SHEDS

Mr. Kern said Council directed Staff to review the current zoning ordinance as it relates to accessory uses, specifically the types and placement of sheds. The Planner will discuss their recommendations.

Ms. Stern Goldstein said they were asked to look into the way sheds were regulated, especially accessory uses and the placement of sheds themselves. Right now, sheds are permitted as accessory use within all residential districts in the Township. Sheds are regulated as accessory buildings or structures; can't occupy more than 25% of the gross rear side yard area; and can't exceed the height of the principal building, or 25' in height, whichever is less. If it's a two-story building, it can't go over 25'. If it's a ranch, it can't go over the height of the ranch. There are some uses that may or may not be considered residential accessory buildings. There are some issues with portable pods, on demand storage, which brought most of this up. According to the definition of structure, in the Township, if it has an ascertainable location on the ground, it's considered a structure. It could be considered a temporary structure, but then how long is it a temporary structure. We're proposing we actually do an ordinance amendment to include things like that and the draft of that and it's on page 2 of the memo. Proposed ordinance revision to Section 180.131 residential accessory buildings or structures and this would suggest adding specific language to things that are not considered traditional accessory buildings. It gets into shall not include motor vehicles, mobile storage trailers/portable storage units, so it's clear that the portable storage unit is not a shed. Item 7 there would be a separate ordinance revision 180-131.1 dealing with portable storage units. That deals with only one placed in the front yard or one on a property at a time. It's dealing with the length of time it could be on the property. No signage except the basic telephone number and owner. It has to be placed on paved portion of the property so you're not going to create additional impervious for this. It has to be on the rear of the front yard setback line so it can't be in front of the minimum required front yard. It can't be used for storage of hazardous, flammable, combustible or toxic materials. In the event of a fire, flood, hurricane or other natural disaster which causes substantial damage to a primary structure, people are permitted to have things on their property to deal with their construction needs. The last was violations that come into code and enforcement. It's sort of a catch all in your ordinance to deal

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with the types of things that are coming up now. We are seeing more and more of the pods and on demand storage and they are not regulated. The only way to regulate them now is as a traditional shed. This actually gives the flexibility to the Zoning Officer to treat them as they are, a temporary nature.

Mr. Maxfield said there's a couple places in the Township where there are farms where they seem to have some storage of semi-trailers, three or four, on the property. He doesn't know if the farmer has given someone permission to store them there or they actually use them to transfer crops. It seems like some of the trailers sit there for six months. Ms. Stern Goldstein said if it's truly for an agricultural use and the property is over ten acres, the Township can't really regulate that. It's part of the agricultural component and under protection from the Farm Act, ACRE and you are all familiar with that. Mr. Maxfield said would the Zoning Office ask the farmer to certify these are used for farm use? Ms. Stern Goldstein said she's assuming if there's a complaint, our Zoning Officer would investigate with the traditional interview and see what the situation is. He would ask questions, and he would be able to figure out what's going on. He doesn't troll around looking for violations. That would be if there's a complaint and he goes out to look at it. Mr. Maxfield said this would in no way interfere with legitimate farm activity. Ms. Stern Goldstein said it can't and it won't. It shouldn't anyway, we shouldn't be interfering with farm activity.

Attorney Treadwell said the purpose of this was sometimes there are people who place, what he would call, unconventional sheds on their property and call it a shed, when, really if you look at it, is a semi-trailer, but you don't have anything in your ordinance that differentiates between a semi-trailer and your conventional shed. Ms. Stern Goldstein said essentially it is a box car sitting on the ground. Mr. Maxfield said up in the Poconos they had property with a stream running through it and they would pull in a rail car and cut the roof and sides off and just have a U shaped structure standing in the creek and someone said none of that anymore. Ms. Stern Goldstein said let's just say non-traditional structures are becoming more available and people are becoming more frugal in their purchase of amenities of their sites.

Attorney Treadwell said we need to know if you want us to proceed, we will prepare the zoning amendment and bring it back and advertise it and send it to the Planning Commission or if you are not interested, we'll just drop it. Mr. Maxfield said should they make a motion? Attorney Treadwell said no, they will bring it back. Ms. Stern Goldstein said she will get the digital copy to Attorney Treadwell and he will bring it back to you.

Mr. Willard said is the main thrust of the amendment about the portable storage unit? Attorney Treadwell said it's about defining what a shed is. What happens is somebody comes in and says they want to put a shed on their property and the Zoning Officer gives them a shed permit. A month later, someone says what is that on the property? The property owner says it's a shed and it doesn't look like anything you or I would generally consider to be a shed. Ms. Stern Goldstein said it also does the converse where someone said this isn't a shed, so I didn't need a permit. It deals with both ends of that situation. Mr. Maxfield said he did notice the setback requirements. He saw one the other day in the Township setting five feet from the road where someone had just dropped it off on their property. Ms. Stern Goldstein said right now that may or may not be a shed considering who is reading it and it might be cleared up now. Mr. Willard said is there a limit how long a dumpster can be on a property? Ms. Stern Goldstein said she's not sure, but it's not regulated by zoning.

K. REQUEST OF PLACEMENT OF SCHOOL BUS STOP SIGNS

Mr. Kern said the Saucon Valley School District has requested that two (2) "Bus Stop Ahead" signs be placed along Route 412 in the Apples Church Road area of Leithsville. Council would need to approve a request to PennDOT to ask them to conduct a study to determine if the signs are warranted at that location.

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Mr. Cahalan said Council approved similar signs a year or two ago down by Weavers Lane, so this is for another bus stop along Route 412 in the Apples Church Road area. We need PennDOT to conduct a study to see if they are warranted. We need a motion to send a letter to PennDOT to ask them to do that.

MOTION BY: Mr. Maxfield moved for approval as stated above by Mr. Cahalan.
SECOND BY: Mr. Willard
Mr. Kern asked if anyone had any comments? No one raised their hand.
ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

L. APPOINTMENT OF SEWAGE ENFORCEMENT OFFICER

Mr. Kern said Hanover Engineering is requesting that Ian M. Huff be appointed as a Township Sewage Enforcement Officer (SEO) joining Jeffrey Huff, Janice Buskirk, Jacob Schray, Scott Brown and Christopher Taylor as Township SEOs.

Mr. Cahalan said you got a letter from Jeff Huff. Ian has been certified as a SEO and we normally approve the appointment of the SEO annually, so he would join the ranks of the individuals you named in the announcement. Mr. Maxfield said we haven't had this many before? Mr. Miller said sometimes there's a storm and we need to put the SEO's in a certain municipality. We don't normally have everyone involved, but Christopher Taylor is a geologist, Scott Brown is primarily involved in landfill and other activities that are not being an SEO. Jake Schray is more involved in landfill and things up north, so basically our primary SEO's are Jeff Huff, Janice Buskirk and Ian. Ian isn't technically an SEO for you, so this is to fix that. Mr. Willard said there's no additional cost? Mr. Miller said no, it's the same. Attorney Treadwell said it gives you a wider variety of SEO's.

MOTION BY: Mr. Maxfield moved for approval of the Appointment of the SEO.
SECOND BY: Mr. Willard
Mr. Kern asked if anyone had any comments? No one raised their hand.
ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF AUGUST 15, 2012 MINUTES

Mr. Kern said the minutes of the August 15, 2012 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Willard said page 14 of 28, should read "maybe some of that being driven to BAPL by being designated as the home library"

MOTION BY: Mr. Willard moved for approval of August 15, 2012 minutes, with corrections.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any comments? No one raised their hand.
ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

➤ Donna Louder, 2145 Johnston Avenue, said for the past two hours she sat here and listened to money spent on toilets, fencing, tall grass, hand dryers, rails-to-trails, the expense to design and develop and other historical properties like Old Mill Bridge. She asked where the bulk of this money is coming from? Mr. Cahalan said from park funds that have been set aside for the improvements of those parks. Ms. Louder said where did the money come from when you set it aside, who gave it to you to set it aside? Mr. Cahalan said the Council authorized a loan several years ago that we put aside money for the acquisition and for the development of parks. Ms.

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Louder said what was the collateral for these loans? Mr. Cahalan said collateral is the Township. Ms. Louder said where did the Township expect to get these monies to pay for these loans? Mr. Cahalan said the debt for these loans is amortized with landfill funds. Ms. Louder said the landfill money is pretty much financing all of these beautifications? Mr. Cahalan said it's paying off the loans. Ms. Louder said the loans you are using to beautify these areas? Mr. Cahalan said a sum was borrowed and it was divided up and went to each of these parks to do these improvements. Attorney Treadwell said there's grant money in there also. Ms. Louder said right, \$97,000.00 of grant money was mentioned, and \$30,000.00 of each went to three different toilets. Ms. Stern Goldstein said there is more grant money than that. Ms. Louder said she understands that also. Ms. Louder said the bulk of the financing came from the landfill money to beautify certain parts of the Township and historical sites, and such. Her question is when we approach you to ask you to not expand this landfill; we are told there's a problem because our taxes will go up. It's a financial hardship for the Township to not allow this landfill to not expand. She does not understand this. You are playing two ends. You are spending like crazy and then crying poverty on the other hand. Which is it? Is this a very wealthy Township as long as the landfill expands or is it a Township that spends frivolously and has absolutely no reserved funds? Mr. Cahalan said he's not sure what your point is. He knows you want to make a speech. Do you have a question? Ms. Louder said she did have a question. Mr. Cahalan said he thinks he answered that. There was a loan taken out. Ms. Louder said a loan taken out based on the landfill income. Mr. Cahalan said the loans are amortized by the landfill funds. Ms. Louder said when we approach you, as a community and say please don't expand the landfill, the words that come out of your mouth is well then your taxes will go up, but yet you are taking this landfill money and using it for parks and historical sites and other things. You took loans out, \$900,000.00, and you are paying it back with landfill money. Mr. Cahalan said over a period of time. Ms. Louder said she believes it's 2014 or 2015. Now what happens when the landfill closes in 4-1/2 or 5 years? These loans will all be paid off. Mr. Cahalan said the bulk of them will be. Ms. Louder said what happens then? Will the taxes go up now because of your spending and it isn't paid off completely? Mr. Cahalan said we're spending on the parks out of a fixed amount that was borrowed over six or seven years ago. Ms. Louder said based on the income from the landfill? Mr. Cahalan said we are not spending any money from the General Fund. Ms. Louder said based on the landfill income, correct? Mr. Cahalan said it's paid off by the landfill income, not by the General Fund. Ms. Louder said but yet you are saying when the landfill closes, our taxes are going to go up. Mr. Cahalan said he never said that. Attorney Treadwell said he never heard anybody on Council saying your taxes are going to go up. Ms. Louder said that was a threat and it's in the minutes. You can go and look it up. That's what was said to us. Attorney Treadwell said there was some discussion that the level of spending could not stay the same if the landfill revenue wasn't there. There are options if the landfill closes in five years. One of them being that the Township doesn't spend as much. The other ones being that taxes go up. Those are the only two options. Ms. Louder said that's a good answer. Why don't we get a handle on the spending now while we still have some income to fork away? Mr. Kern said what do you call frivolous spending? Ms. Louder said frivolous spending, a \$4.0 million park. Mr. Kern said do you understand why that park was purchased? Ms. Louder said for open land. Mr. Kern said the major reason he voted yes to that was it prevented 167 housing units being built on that park, which would have raised your school taxes \$2 million. Ms. Louder said really, that's good; and the bridge being painted for \$122,000.00. Mr. Kern said that's taking care of business in the Township as there are structural and infrastructural repairs that need to be made on an ongoing basis, otherwise, they are going to fall into the river. Ms. Louder said how about the landfill? How about her end of town? Mr. Kern said that part of town is getting a new park and a new toilet, maybe, unless it gets voted against, but he thinks it's going to go through. Ms. Louder said thank you, thank you so very much for that. Mr. Maxfield said what you are understanding is the money end of things, but you're not understanding the job of a Township official, the job of the Township itself. It is to make the lives of the people in the Township better. We don't do that by sitting around on our keisters doing nothing and not spending any money because there are things that need to be done. Understand that, you benefit from the money that is being spent. Don't play games that you don't. He knows you want to stand up here and make a speech and try to make a point, but you're missing the basic part of how a Township functions and why a Township

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functions. You are missing it. Think about that. Ms. Louder said excuse me, she did think about that. Mr. Maxfield said think harder. Ms. Louder said you are going to expand the landfill while you play all this green stuff, the toilets are green, the lights are green, everything is energy conservative, what are you doing, getting the electricity from the landfill?

- Matt McClarin, 2198 Riverside Drive, said he got the minutes from the November 1, 2005 Council meeting. What it's about is the transfer of money from the landfill into the General Fund, and how that was never supposed to take place in the first place and how everyone knew this day was coming and no one prepared for it at all. He knows it's been asked for by many citizens to come up with a plan and a number to give us if this landfill closes, how much the taxes will go up? It's imminent that this is going to happen. Why can't we have a number on just making that \$700,000.00 that goes into the General Fund on what the number would be for our taxes to go up? That's what we are trying to find out. The \$1 million is going to be gone, he understands that as we are going to pay off those loans. Can you please do this for us and come up with a plan if the landfill does not expand, what we are going to do? He knows the budget season coming up. He hasn't been working just with people from Steel City. He's been working with Hugh Dugan, Sandy McClaskie, people from the other side of town on this and there are a lot more people than you think that are unhappy with the way things have been and the way things are going, now they will realize the facts. This budget season, he wants to make a goal. Don't spend any of the landfill money into the General Fund, not a dime or nickel, and try to get them loans paid off by 2016. If you can do that, you have his best wishes and you have everybody's best wishes in here. Just like Phoebe, that \$800,000.00 fee in lieu, that money was not guaranteed to this Township. That \$2 million a year isn't guaranteed. That goes off tons of garbage. It doesn't go off of IESI's just owning that property. You are playing with everybody's fire when you take out a million dollar loan and we have to pay it back. That money is not guaranteed from over there. Just like the residents convinced you about Phoebe, that money wasn't guaranteed. That money isn't guaranteed either. What's guaranteed is viable business being on Applebutter Road. Mr. Kern said the Phoebe residents did not convince him that the \$800,000.00 wasn't guaranteed. That had nothing to do with it. It had nothing to do with it other than the Planning Commission dropped it. Mr. Maxfield said the PC dropped it because the PC asked them for lots of information that they never provided. That's why it got dropped. Just like now, the Planning Commission isn't considering money. We're considering how it was as a planning issue in the Township. Mr. McClarin said he asked that Mr. Noble be removed from the PC as the first thing he said out of his mouth was he doesn't want his taxes to double, and that's the first thing he said in that meeting and that's against the law. Attorney Treadwell said he was at the PC meeting and he heard it. Do you know what Mr. Noble said? He said the only reason he's even considering it...you never let him finish. When he said the only reason he said he's even considering it, the whole crowd erupted. He had more to say. Did you hear him vote no. Ms. Louder said she swears on her life and her mother's life he said the word financially, my taxes going up. Mr. McClarin said he doesn't want to make enemies with you; you have to make the vote that will save his quality of life and everything that he worked hard for. He doesn't want to make enemies, he wants to convince you that this is going to ruin his life and he stays up at night thinking about this all the time. He bought his house for \$200,000.00 at the age of 22. He spent a lot of money on his house and works hard for everything he has. You see the case in Williams Township, where the guy got divorced over a landfill moving near his house. You don't think there's tons of people that value everything they have and worked hard all the time, and for you guys to sit here and look me in the eye and say, these parks are worth it in the future, all this stuff is worth it for me to sacrifice everything I have and work hard for and throw it away, then that's fine. He's trying to make friends with you. There are more people than the people in Steel City that are with us, that are going to be here with us. Whatever the decision is, if you decide with the landfill or the Township, personally, if you decide with that landfill, he's suing you and he doesn't care, and that's the thought from a lot of residents. You're in for a battle. It's going to be like Williams Township, and he doesn't care. You're not taking anything he worked hard for away, he doesn't care. He'll take you to Court for the rest of his life.
- Mr. Willard said you made reference to November 1, 2005 meeting minutes, he didn't get what the reference was. He'd like to say we were elected to these positions and we're working for you. He

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agrees with Tom Maxfield that there's a lot to be considered in sitting up here and making these decisions. He resents the fact that anybody thinks his mind is made up on this issue. He would appreciate it if you would not make this assumption. This issue has not even come to this body and he's been to every PC meeting. He's disappointed that they are unable to move it along and we don't have it in front of us at this stage, but please, everybody has an independent opinion. Everybody has a vote; everybody is going to do their best job to understand every aspect of this issue, but please don't make any assumptions about my decision at this point.

- Attorney Treadwell said he would like to further clarify what he said about Mr. McClarin asking that Mr. Noble be removed from the PC. What he said was Mr. Noble made a statement, and it's in the minutes, word for word, and it's along the lines that the only reason he's ever considered this is because his taxes might go up. Nobody let him finish because he has a feeling he might have had more to say, but when the audience interrupted, that was the end of it, so you should be careful about who you ask to be removed from the PC and he doesn't think it's fair to ask the people to be removed from the PC because they have their own opinion.
- Matt McClarin said at the last PC meeting, we've been told by the Solicitor, this wasn't about the landfill, this wasn't about money, this wasn't about anything, yet all them topics came up at the last PC meeting and the doors were blown wide open on the whole thing. Was it because IESI sent us a letter that they were planning on expanding, is that why we blew the whole situation up? We were told it wasn't about the landfill and it wasn't about money, and both of them subjects keep coming up. He personally heard two PC members talking before the meeting in terms of how many more years the landfill has if they zone the map that way. That's what he heard sitting in the front row. How do you think that makes him feel if it's not about the landfill? It is about the landfill. He doesn't understand why at the first PC meeting, we were torn apart from mentioning blasting, landfill, money, anything, and then all of a sudden when the other side wants to do it, they can do it all they want. He just thinks it's totally appalling the way this has been handled from day one about trying to hide behind the special exception rule until IESI sends us a letter about the landfill. Attorney Treadwell said what is the special exception rule? Mr. McClarin said that a landfill is allowed in a LI zone with Council's approval. Attorney Treadwell said that's not true. Mr. McClarin said then what's true? He's sorry, by the ZHB. Attorney Treadwell said do you want to go through the whole thing? Mr. McClarin said no, he doesn't want to go through the whole thing. Attorney Treadwell said right now, the way the zoning ordinance is written right now, a landfill is allowed in LI by a special exception from the ZHB, so what is your question? What is the special exception rule you are so upset about? Mr. McClarin said hiding behind it and saying it hasn't been about the landfill at the PC meeting. Attorney Treadwell said what rule has anybody been hiding behind? Mr. McClarin said special exception rule. Attorney Treadwell said what does that mean, what are you talking about? Mr. Maxfield said nobody has hidden anything. Mr. McClarin said you say this isn't about the landfill at the PC meeting and that you have to think about it as not as a landfill, something else. That's what you tell us every single time. When it is going to be a landfill. Mr. Maxfield said he will speak for the PC as he serves on it, you people, and he doesn't want to characterize the difference between you and us, but members of your group that have signed onto your website have not allowed us to talk about planning issues or zoning issues. You guys are the ones that keep bringing up all these other issues. Mr. Noble could not even get anything out of his mouth. He was the only guy who mentioned anything that was different than a planning issue. He mentioned the word taxes, one time. The rest of us can't even discuss anything because you guys, and you talk about you guys being blasted, we've been blasted out of the water with things we shouldn't even be talking about. You sit there and you say things to us, you accuse us of things, we've been accused of lining our pockets; we've been accused of making our minds up ahead of time; we've been accused of a myriad of things that you are just pulling out of the air. You absolutely have no proof for it at all, and he's frustrated by that whole process. He wishes if you could stick to planning and zoning issues, we'd have a much better PC meeting and this would have been moved along. Mr. McClarin said didn't he do that at the last PC meeting when he showed you guys what was in the Comprehensive Plan? Mr. Maxfield said that's you, what about all of the other members that ever didn't? Mr. McClarin said there are 300 people in the audience who are worrying about their quality of life and you don't think they are going to be upset. Mr. Maxfield said who got them there? Mr. McClarin said I got them there. Mr. Maxfield said right.

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Attorney Treadwell said no matter how many times he says that the zoning change process is about planning issues, he can't help what anybody thinks or says either. Ms. Stern Goldstein said she thinks she understands when Mr. McClarin was saying you were told it's not about the landfill and hiding behind special exception. Let her take a stab at what she thinks he may have heard. Repeatedly what she asked about rezoning from a planning perspective, she always says you don't look at any one use. You look at the potential uses that could be permitted in the zone you are talking about. That's a true statement and she will say that any time in any of her municipalities, where we're looking at a potential map amendment or a zoning change or amendment; however, that doesn't translate into you don't look at any particular use, you look at all uses. You don't look at just a landfill. She keeps saying you expand it and you have to look at the potential for anything. That doesn't mean she's saying it's not a landfill or it can't be a landfill. It could be anything that's listed in the permitted uses, a special exception or conditional use. She just wants to clear that up. No one is hiding behind any special exception rule. Right now, the landfill is permitted by special exception, the LI district. No one's hid behind anything. No one has said you can't consider a landfill, all she has done is continually caution the PC that you have to look at all the uses. Mr. McClarin said he understands it's covering your guy's backs. Ms. Stern Goldstein said it's not covering anyone, it's a true statement. Mr. McClarin said it's also covering your backs talking about other things. If it's only for the landfill, it would be spot zoning. Ms. Stern Goldstein said she is not covering her back by that statement. That is a true planning statement. Mr. McClarin said it is about the landfill. You can say that, but it is about the landfill and everybody knows that. Ms. Stern Goldstein said to her, it's a planning issue. Mr. McClarin said to him, it is too, and that's fine. Mr. Maxfield said he's going to do this now instead of under his reports, as he's incredibly frustrated earlier and he's also really concerned. He sat here a couple of meetings ago and he said he has not made his mind up. He wants to hear facts. He wants to hear truth. When he goes to the PC meeting, he hears lots of emotion, a lot of accusations thrown out. He sees someone take a small bit of something and turn it into a giant thing. Here's what he's going to do. Earlier in the week, he asked our staff to put together everything that has to do from the minutes you guys said or we said or whatever, that has to do with health, safety and welfare. That goes from people getting sick from the water that goes from people's quality of life, or whatever. He has a list here and it's about six pages of stuff and it's all unfounded because there's nothing to back it up. He said it's not proven. He's not saying it's not true. He's going to ask that the entire list go to our Landfill Consultants, that means our professionals, that means our engineer, our geologist, all the people that deal with all the junk you people having been citing and he's going to ask them to tell him what the heck this stuff means because if this stuff is true, then they have failed us because if it's true people are getting sick, then they have failed us as this will be our first warning, lying about the landfill. They are supposed to tell us this stuff. If it's not true, they've been doing the disservice to you guys as they haven't told you the truth, so he wants to know the same thing he asked for a couple of meetings ago. He wants to know the truth. He wants to know the accuracy. He wants to know exactly what we know, and he wants to know what we don't know. He is going to ask the Council to ask these Consultants a meeting from now, to sit down before us and answer these questions. There are about six pages of these things. If they don't have answers for these things, he's going to be pissed. He wants answers. He wants truth. He wants to make up his mind on accuracy. He wants to make it up on truth. He doesn't want to make it up on emotion, on hearsay or any of that junk, he wants truth. Those are the only people he knows that can give him truth at this point in time, our consultants. That's who he wants to hear it from and he hope everybody comes because we'll all learn together what the truth is and from that point on, we have to agree, we are going to accept that as the truth as those are the people that we've been relying on for years and years. Mr. McClarin said they aren't the people who live in the houses that are next to it. Mr. Maxfield said they are the people who are supposed to be protecting you people that live in the houses. Mr. McClarin said there's more to it than just the health. If he has to see a landfill right above his home, that's a little different and hear that thing all day long blaring in the background, they aren't going to tell you about that. They aren't going to tell you when the wind blows east, he can smell it from his house, they aren't going to tell you about that. Mr. Maxfield said there are a million citations about odor in here, so they are going to tell us about that. It was even suggested we bring someone from DEP here as we have been getting DEP reports to say

everything is fine. Mr. McClarin said this thing isn't even at the highest point yet. That's what you guys don't understand. It's still below the top of the mountain. We haven't even seen the worst of this thing yet. Personally, he swears to God on his mother's life, he talked to Sam Donato when he drives around the neighborhood, he wants to build out a wall all the way across the ridge of that mountain no matter what and that's what he told him. Mr. Maxfield said there's all kinds of things they may want to do, but they may not be able to do, but don't you want the truth? Mr. McClarin said obviously, yes, he wants the truth, but he lives the truth everyday as he can see, smell and live it every day. What about all my neighbors to the east? They are all going to get it. Mr. Maxfield said if the DEP report says there's no odor, he wants them to tell me why it says that when you are smelling it. He wants the truth, so he's hoping that because these are health, safety and welfare issues, that everybody wants the truth, his fellow Councilmen, his staff, everybody and the public want the truth. The truth is what should guide us, not people standing up screaming or brow beating people or whatever. Here we are raised voices talking and he doesn't want to do that. He wants to sit here and talk to you person to person and that means we have to base it on the truth and mutual respect. Let's get the truth, find out what it is, and then we can respect each other's opinions. Mr. McClarin said that's fine. He does get emotional up here as it's his well being and his family, and it's hard to sit here and talk person-to-person. The Comprehensive Plan hasn't been brought up once at one of the PC meetings, like a map showing what it is, and that Business Enterprise area shows that is the key to the whole thing. It says no high intensity uses, so why don't we make an enterprise area on Applebutter Road and take out the high intensity uses out of it. You are going to have viable business there for the rest of this Township's life. That's the only commercial space we have over there. If we can all come up with a magic place to plop an industrial park in the middle of LST, we are going to have this problem forever. It's only becoming worse when we use up more of that land. It's going to be bad. That's the type of stuff he's interested in, the Comprehensive Plan and learning all about that stuff. That hasn't been shown once at the meeting. He doesn't know if it's over people's heads or what. Mr. Maxfield said Ms. Stern Goldstein did try to explain it twice from what he heard about why the Comprehensive Plan says what it says. She made the statement she did, but these are questions we should all ask. If we think we don't care about how you feel, you're nuts. You're our neighbors. You are us; we are you. We might not live in Steel City, but don't tell him we don't care what you feel. That's why he works here. We're not up here to make money. We're not making any money. We care about our community. Mr. McClarin said he doesn't want to make this an east west, and the people he talked to on the other side of town don't want to make it an east west thing either. The research he has done and the stuff he worked on, he can honestly say we'd be better off without a landfill. That's just him. You can even ask his wife, but he's done a lot of research on this.

- Judy Boyer said she heard a lot of things we went through on these business items and a lot of them had to do with budget. She asked when you start working on the budget and how much input do people like us have on the budget. When you are doing the budget, is it brought up in these meetings or are there other meetings we should be coming to? Shame on us, there's hardly anybody here, and what she's seen in the short time she's been coming to these meetings, there aren't very much more than we are here. It's a shame we don't know what's going on when we get up here and answering, but by the same token we're all concerned about the spending and we're finding out the only way we are only going to be able to have an active word before it gets to a point where we come here and everything is budgeted already, is get here when the decisions are being made and learning more about it. She'd like to know when that budgeting begins and when do we hear about it so we can have a say before we come to a meeting and we hear about what's budgeted and what's going to be spent, then we get all out of shape. Mr. Kern said it begins in October. We'll have the exact dates. It's all open and public. It's a regular meeting just like this, open to the public. The reason we hardly ever get anyone is it's incredibly boring. You will see line item by line item, every penny that's spent in the Township, you'll see there's no frivolous expenses, all bare bones, and if you can find a place to cut, we welcome that. Ms. Boyer said the other thing is she wished there were ways we could get more people in the Township here. She knows how upset you get when we keep saying you made up your mind or we don't say we're really making an impact on your decision. She really got a chance in the last two months to really

talk to people as we handed out information to people asking them to come to meetings and she was so surprised to see people get the smile on their face and pat you on the back and say right, they've already made their decision. They know what they're doing. Yea, go ahead and try it, you're not going to get anyplace. Well, fortunately, that's not the way she was raised. If she feels she can make a difference for or at least fight for, she's going to do her best. She agrees with Matt, we're not going to get anywhere yelling at each other. That doesn't work and the idea is for all of us to work together. Mr. Maxfield said the one thing yelling proves is that we care. He respects that about Matt too, and he respects you have emotion. That is cool. Don't feel bad about it.

- Gene Boyer, 2161 Saucon Avenue, said Tom, he thinks you wanted to hear some facts and so forth; and Mr. Treadwell is on the PC and he didn't really get a chance to speak, as he got cut him off. He didn't get a chance to speak, so he'd to right now and have everybody open up their mind and listen to a few facts and figures he has from paperwork that supposedly public knowledge, actually August 15, he wants to congratulate David that we get draft minutes ahead of time. Just to ask a few questions, and he'd appreciate for him to stand up here and blast you and give you all the facts, he'd like to get some feedback and answer to some of the questions. Mr. Cahalan here was quoted, he was at the last meeting, but the pages he got from the minutes are after he left, so it was really helpful that there was a draft so he got a chance to look at them, and Mr. Cahalan made a comment and if you want, he'll go back and read it verbatim. He made a comment about DEP is concerned about the excessive leachate flows in the areas labeled LMC8. We also asked that we ask the DEP to require the landfill to identify the source of the flow of the additional corrected actions to reduce the flow. Mrs. deLeon mentioned it's been happening since 2000. He mentions this out of these notes only because the question was, and it got down to Mr. Maxfield said are we going to ask for them for a concern and an update, and Mrs. deLeon said DEP has a lot of cuts and there's not a lot of people watching. His question is, if it's been going on since 2000, maybe that's not the right year she said, but it's going all this time, we're talking about the incidents and problems which are happening at the landfill, it's going to continue if nobody really gets a handle on trying to get these people to answer questions, correct? Mr. Cahalan said are you referring the landfill responses? Mr. Boyer said he's referring to the Council and staff reports after he left as of August 15. He can read your quote. Mr. Cahalan said he can see what you are saying, are you asking us to respond to a statement? Mr. Boyer said he's asking to respond that it's been happening since 2000. Mr. Cahalan said a statement that Mrs. deLeon made? Mr. Boyer said she said it's been happening since 2000. She's been here a long time. His point is it's been happening with the landfill, problems with the landfill for a long time. Mr. Cahalan said this problem? The leachate? Mr. Boyer said you mentioned it, you started it. You brought it up here. Mr. Cahalan said let's be specific. You started out saying about the letter and the leachate in the LM8 zone, now you're talking about multiple problems at the landfill. Mr. Boyer said let's stick with the leachate. Mr. Cahalan said there's a letter they requested be sent to DEP, that came from the Landfill Consultants and the Landfill Committee, and he doesn't know, and he doesn't know if the Council knows, if this has been going on since the year 2000. We could find out and get back to you on that. Mr. Boyer said he's not concerned that it's literally been going on since 2000, just the fact that it's been going on five or six years. Mr. Cahalan said he doesn't know. It's something that they've been monitoring and he thinks at this point they asked that a letter go to DEP with those concerns. Mr. Boyer said did the letter go? Mr. Cahalan said yes. Mr. Kern said is this on the six page list of items? Mr. Maxfield said yes. Mr. Kern said this is an answer we'd like to have. His understanding to this date of what is going on with the leachate is it's an issue only if it gets into the ground water. The controls that are in place now prevent that from happening. Mr. Boyer said they've had problems? Mr. Kern said it's more than it should be, but it's being contained. It's more than what DEP says it should be, but it's not at a critical point. There are controls in place to address it as in well monitoring and pumping. If it gets to a critical point, it gets pumped out and goes into the waste water treatment plant in Bethlehem and there are protection wells to see if it's a problem and there hasn't been a problem and he'd like to know if his understanding is accurate and that will be determined when we talk to the experts. Mr. Maxfield said it's definitely going to be asked how serious is this leakage. Mr. Kern said how much of an issue is that, is it critical? Mr. Boyer said they had actually a pipe that blew off and created a problem and the inspectors were there and they had to put it back together and so forth. The point is the problem that they had,

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which was in a quarterly report, a public report, they published it, there's pictures of the pipe without a seal on it then there's pictures of a pipe later on in the report with 20 bolts and everything else to hold it up. The point is it's a landfill and not perfect. Glenn, if you weren't there and David you weren't there at the PC meeting, he said his illustration of what is happening is an iceberg. You see the top of all this, but really what's happening below. Do you folks really read every one of these reports? He really doesn't think you do and he's not saying you should, but there's a lot of stuff that's going on in the landfill and so forth. He has a couple of specific questions. His point is that there is leaching happening and it's going on for a long time, when are we going to get it to stop. Attorney Treadwell said these are the types of facts that were being referred to earlier as he specifically remembers that leachate pipe and there's a cap on the end of it and it fell off. They put it back on. That was the extent of that issue. It fell off and they put it back on when they realized it had fallen off. That's why you need to have your landfill experts here who can respond to some of these questions about if a cap falls off of a pipe and it gets put back on, is that a big deal or isn't it? He doesn't know, he's not a landfill expert, but that's what happened. Mr. Maxfield said that's what's going on. Everything that's being cited, we know nothing is perfect. Everything that is being cited is being treated like it's incredibly serious, we don't know if it is or not. He wants them to tell me. If this is a serious problem, and they know about it, why don't I know about it? Mr. Boyer said okay, he appreciates that. In the pictures, it shows where this ran out. It was running down the road, the white stuff that came out of there. It wasn't as simple as the cap fell off and the next day they put it back on. If you read the report, it's in the 1Q IESI to the Township and it's on the website. Mr. Boyer asked Mr. Maxfield, in that discussion on August 15, you were questioning and said you saw Option C as a viable solution and the fact that there were some parcels of land that they cut through the zoning, and made it there. You made a comment that maybe you should have the Open Space Committee look at that, and reserve or preserve some of that land. Does that mean we would buy that land as open space to preserve it? Mr. Maxfield said when he saw Option C, it looked to him, and we don't want to call it the landfill boundary, we want to call it the zoning boundary stopped where the power line was, which is a natural break. Beyond that was all woods and he thought when you hear about Steel City slopes and preserving it, that's actually down past the Hill Climb, but we had an opportunity there to connect the whole top of that mountain by preserving it and when we preserve things, we tend to buy conservation easements, which basically we don't buy the whole chunk of land, we buy the right to develop or not develop the land. What that says is that land can't be used for anything other than open space. We would have control over that. The intent was to actually buy the rights to it and preserve that whole thing. That would stop any incursion coming up from the ridge and going over the mountain. Mr. Boyer said that answers his questions and he wants to make a statement. He would not want this Township to buy back land that IESI has bought for their concern to originally make an improvement for the landfill, for him personally, and it has nothing to do with you guys, you make your own decision, he would not like to see us pay IESI back for an easement on their property. They own the properties that are cut in half, so there's not a question about that. Attorney Treadwell said most of the properties on the other side of the ridgeline are not owned by IESI and that's where the majority of the woods are. Mr. Boyer said that's exactly right, but he's just saying he would not want to see his dollars personally pay back IESI for an acre of their land that they already paid. They paid, what he would say in some cases, when you look at the record for .73 acres no property, no house and they paid half a million dollars for that property for whatever reason that's fine. They are a big company, they do that. He doesn't want to go back and pay for an easement for 10 to 20 acres they already paid for. Mr. Maxfield said when we do a conservation easement, we always ask if they would be willing to donate the easement, so that would be question number one. Mr. Boyer said if they donate it, that would be fine. Attorney Treadwell said it's always based on an appraisal too, it's not based on what someone may or may not have paid for. Mr. Boyer said good. There's a public permit for the landfill to go and get re-permitted for the next year that's coming to you for your approval and as a Township and Council to make recommendations to DEP if there are any about this permit, is this true? Mr. Maxfield said he thinks we are allowed to make comment on it, but they can grant it outside of us no matter what. Attorney Treadwell said if he understands the terminology correctly, it's a solid waste permit. It's the document that allows any landfill to take in the solid waste that comes in. He thinks they last for ten years. Mr. Miller said that's correct.

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Attorney Treadwell said he believes the ten years for the landfill is coming up. Mr. Miller said that's also correct. Attorney Treadwell said they have applied to DEP to renew that permit and LST has a chance, as does the LVPC to comment on that permit application. The Landfill Committee has issued a letter to the Township asking that the Township Council provide comments to DEP in accordance to what the Landfill Committee has said, and that will be on the September 19th agenda, when Mr. Birdsall will be here to explain what those comments mean. Mr. Boyer said what the comments of? Attorney Treadwell said of the Landfill Committee who is asking Council to send it to DEP, so that Mr. Birdsall, who is part of the Landfill Committee, can explain what the comments are and what they mean. Mr. Boyer said he understands from what that document that there's actually attachments that are supposed to give us the height that they are allowed to go and so forth, which he knows there has been questions on the topographical map. That was an important thing, how high can they actually go? Those facts are going to come up in that document. Mr. Maxfield said certain documents have certain things. A statement was made last time about there being no Township ordinance that establishes the height of a landfill. That's true because that stipulation is in the host agreement. It is in the host agreement, there is a limit to it, that they have to adhere to. Whatever that limit says, in the host agreement, and he believes some of the plans they gave recently, actually lowered the height that they initially planned to go? It has something to do with the retaining wall and it actually lowered the ridge line, something like that? That's something else we can ask details for. Attorney Treadwell said the height is on the engineering plans somewhere, he doesn't have them here. Mr. Boyer said he's just saying it exists, that's his point. He'd not asking how high it should be or asking if it's higher or lower, but just for you to know, it does exist because it's part of their documentation when they go to DEP. Mr. Kern said they are aware of that. It's in the host agreement and they cannot deviate from the host agreement. Mr. Boyer said part of these first four pages is general information of their permit, and he knows this is a topographical, but his point is this. This is a landfill and all he can tell you any investigation he has done they have probably an unimaginable amount of people making reports between the people who are coming in from DEP and their landfill people and everything else. They made in this application that supposedly went to Pennsylvania that their address was, IEIS Bethlehem Landfill at Bethlehem, Pennsylvania, at 17201 zip code. They didn't even put the right zip code on the form. Mr. Kern said that's probably because it's the other landfill they have in Chambersburg, PA. Mr. Boyer said his point is it's topographical. There are two questions he'd like to ask – in part of the list of this, it says will the project involve a construction activity that will result in earth disturbance? Now what would be your answer? Mr. Maxfield said yes. Mr. Willard said yes. Mr. Boyer said do you know they answered no. Interesting? Will the project involve discharge of storm water, waste water, from an industrial activity to a dry swale, surface water, ground water, or an existing sanitary sewer system or a separate storm water drain? Yes or no? Mr. Willard and Mr. Maxfield said yes. Mr. Boyer said they say no. Attorney Treadwell said this is why you need to have people who deal with landfills everyday and who are experts. There are a lot of different words in those questions and they could have different meanings for DEP or for a landfill engineer than they do for you and I in our everyday life. Mr. Boyer said okay. Attorney Treadwell said he doesn't know what the answer is, but he'd need someone who is a lot more knowledgeable about a landfill and how it operates before we start saying that they answered the question wrong. Mr. Boyer said you three fellows think logically from what we see and hear, we would think they were moving land up there and part of that...Attorney Treadwell said earth disturbance may have a technical meaning to DEP other than it does to you and I which means if I move the dirt around, I disturb the earth. Mr. Boyer said to Attorney Treadwell, tell me what you think the meaning if this is –will your project include infiltration of storm water, waste water to ground water within one half mile of public well supply, spring or infiltration gallery. What is public water supply mean? Is that something for the whole public or would it mean a well for someone who is an individual? Attorney Treadwell said it could be a DEP term, he doesn't know what public water supply means in terms of that application that somebody is answering. The question was does your project include infiltration? He's going to assume they answered it no. Mr. Boyer said right, but his point is this, and a lot of people heard this, a half of mile from that place, his neighbor has a well. They moved in December. In April, his wife had a problem. She has been losing her hair since April till now. The landfill people came out to do a test on his water.

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He doesn't know what the result of that is yet. His point is, he says the only thing different is they have different well water than they did before. There are a lot of things that has to be looked at. Mr. Kern said that's totally anecdotal and that's what Tom was alluding to, it has no basis to anything. The poor women could have had a disease prior to moving in. We just don't know. We can't use that as an example. Attorney Treadwell said the question you alluded to on the application was does the project include infiltration. Infiltration means you are purposely putting water into the ground. He guesses what they are saying is no, they are not doing it on purpose. Mr. Boyer said that's fine, they are on the other side of the mountain. Storm water should run off the other side and so forth. He agrees. Attorney Treadwell said it's an infiltration question, not a storm water question. Mr. Boyer said there's one more area of confusion. He asked Mr. Cahalan about the on-line budget information, if he looks at that information, there's a general revenue fund that is shown and there's a general expenditure and that shows for 2011 about \$6.7 million. In the same on-line system, there's a report from a management discussion and analysis which was the accountant's review of 2011. Mr. Cahalan said that was an audit. Mr. Boyer said in his revenue is \$9 million. To him, that's a big difference and he was wondering if there was some way to clarify to see what Mr. Cahalan put up compared to what the audit put up. It's \$3 million difference. Mr. Cahalan said the big difference is the budget that you looked at, we did at the beginning of the year, and that was a projection of what we anticipated, and would be the revenues and expenditures for the Township. The audit was done at the end of the year and that gave them the ability to track everything that came into the Township during that time. It's not the same thing in comparison, it's apples to oranges. Mr. Boyer said his wife was asking about the budget coming up, if your budget was \$6 million if he drops off the hundreds of thousands and it was 50% off because we wound up spending \$9 million, we really need to review that. Mr. Cahalan said you're comparing apples to oranges. Attorney Treadwell said the \$9 million is the amount that flowed through completely. Mr. Cahalan said there are escrow monies, there are other monies. Attorney Treadwell said there was money that was left over from years before that's in a "savings account". There's open space money that is specifically characterized only to be spent on open space and that's like \$3.0 million or more. It's all the different Township funds all combined together is the \$9 million; whereas a budget is the operating budget. The operating budget doesn't include the \$3.5 million that's in the open space account. Mr. Cahalan said correct. Attorney Treadwell said there's your difference right there. Mr. Cahalan said you looked at the general fund and revenues; there are also special funds which Attorney Treadwell is referring to. The funding for the parks are in special funds. The operating reserves are in special funds. The landfill is a special fund. That's not in the general revenue and expenditures. What he'd suggest if you have some questions about how we budget and the forms on-line, call us and come in and sit down with Cathy Gorman and she can go through all this and answer your questions. It would be a lot easier and informative for you than just asking us up here. Mr. Boyer said he only had that one question and it seemed like a big difference and the fact that this says revenues and that says revenues, and it was all in one year. Mr. Cahalan said he doesn't want it to sound like we don't have the answer to something, which we can get for you, and he also doesn't want you to be making a point which may not be accurate based on the information you reviewed. Mr. Boyer said is there any where on-line an accurate budget or result of the budget the year before? Mr. Cahalan said we have budgets on there for the past three years, and every month after each meeting there is a report that Council approves that shows what expenditures were made and what revenues were received. At the end of each year, an audit is done to make sure everything we did is accurate. Those are posted on the website also. Mr. Boyer said he's going to make himself vulnerable, but he went to those monthly budgets which show the checkbook basically, and it shows you the income for that month. He did his own audit of just taking the checks that you spent and the increase you had and beginning and ending balances for the months of this year. In March, there was a deficit amount received, if you look at the fact that there was \$10 million and don't take him exactly. In February there was \$10 million in the bank; in March there's \$8 million in the bank. In April, there's like \$13 million in the bank. It's like \$3 million we're missing from March to April. It wasn't spent. Mr. Cahalan said money comes in, it could have been increased revenues. He's not sure he understands where you are coming from or where you are going. He is suggesting that you come in and sit down and talk to us about it, but don't bring something up in a meeting where it sounds like you are alluding to

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questionable practices. He heard someone say here earlier about money that was never supposed to be transferred from the landfill fund to the general fund, and he forgot to ask Mr. McClarin who said that. Mr. Boyer said you folks do that, so that's fine. Mr. Cahalan said it sounds like you are saying that something that was done wrong. If you got questions, come in and ask us. He can't answer every one of your different questions. Mr. Boyer said did he ask you to answer that question. He just wanted to bring that up and said he was going to be vulnerable to begin with because the fact that he didn't have the exact figures, but he does have a paper at home where he actually did a beginning balance, and an ending balance for each month from January through July and in that month there was a drop of a few million dollars and in the following month there was an increase of a few million dollars. Mr. Cahalan said what does that imply though? Mr. Kern said Mr. Cahalan is suggesting you bring that piece of paper in and talk to Cathy Gorman. You can go through it line for line and get an answer. Mr. Boyer said he will, thank you. Mr. Maxfield said as we get asked all these questions, we don't have all the answers, but we know where to get them. All the facts and figures have been out in the open, nothing is hidden, and we're not hiding behind anything. He doesn't think there is a Township more open with this kind of information than we are. You know how much stuff you can find on-line. Mr. Boyer said there's so much on-line and his closing statement is that he is really looking forward to the landfill not continuing because he thinks that iceberg picture of what they are and what's happening underneath, in many different ways, is something that we won't know what's going to happen down the years as we can't see the whole thing that's happening with them and the stuff they take in and the stuff they shouldn't take in. They are not perfect; and we are not perfect. Life isn't perfect. We're being vulnerable and he'd appreciate that you really consider the fact that we are vulnerable with the landfill and our Township.

- Ms. Donna Louder said she just made an appointment with an allergist and on the paperwork that is about this thick, it asks if she lives near a landfill. Mr. Maxfield said really. Ms. Louder said really. She said this is from a physician's office. She'd also like to say carbon monoxide, you can't smell it, see it, or taste it, but it will kill you. Mr. Maxfield said methane is the same thing. You can't smell it, see it, or taste it. His allergist says he can't even go in the woods.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER – No report

B. COUNCIL
Mr. Maxfield

- He said he is guessing something was done already, but can we send flowers for Mr. Henn's service. Mr. Cahalan said that's being done.
- He said he wants to revisit that proposal he made earlier. He has six pages of the concerns that staff has. He has it on a digital form right now. He would like to have it forwarded to Council members and he'd also like to forward it to the Landfill Consultants. He would like to ask them to appear here, Laressa, Rich, and Jim Birdsall next meeting so we can get some answers for this stuff. Mr. Cahalan said we also have a Host Municipal Inspector, Chris Taylor. Mr. Maxfield said yes, Chris coming would be good. Maybe we should invite someone from DEP to come also, someone who could answer questions about the DEP reports. Mr. Cahalan said we can extend an invitation. Mr. Maxfield said he's going to make that a motion and he hopes you guys are as concerned about these issues.

MOTION BY: Mr. Maxfield moved for Mr. Cahalan to ask all the Landfill Consultants and a representative from DEP to appear at the next Council meeting on September 19, 2012 to be here to answer any questions anyone may have.

SECOND BY: Mr. Willard

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

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Mr. Willard

- He said he wants to thank the staff for posting the draft minutes on our website. Obviously our residents are reading them.
- He said he'll be attending one day of the Multi-municipal Trail Planning Summit on September 19th at DeSales. He said we are a shining star show case with our trails, so it will be a pleasure representing the Township there.
- He said he will miss the December 5th as he'll be in Germany to see their new grandson. He's scheduled to be born on November 19th.

Mr. Horiszny – Absent

Mr. Kern – No report

Mrs. deLeon – Absent

C. SOLICITOR – No report

D. ENGINEER

- Mr. Miller said going back to the painting of the bridge, it has to be PennDOT standards and doesn't necessarily specify down to that color green. We can ask. It probably doesn't cost that much. Mr. Kern said it's a major issue as it's a historic bridge. It can't be just any color. Mr. Miller said we can let them know. Mr. Kern said this is not frivolous, this is big. Mr. Cahalan said should we amend the approval subject to them agreeing to that? Mr. Miller and Attorney Treadwell said yes.

MOTION BY: Mr. Maxfield moved for approval to amend the award of the bid to Professional Contractors subject to them agreeing to the color of the paint that Council wants.

SECOND BY: Mr. Kern

ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

- Mr. Miller said there was a discussion a couple of meetings ago about drainage down to Wydnor from Glen Meadows and they looked at it and they don't think that the Glen Meadows Subdivision is causing any significant change to the drainage of the area. For the next meeting, Jim Birdsall is coming and Laressa may have a conflict, though he's not sure about that. Are you looking for Chris Taylor to come? Mr. Cahalan said Chris does make the monthly inspections of the landfill. Mr. Maxfield said he doesn't want Jim to sit there and not be able to answer a question. Attorney Treadwell said part of the idea is to get people who are actually out there in the field and answer some questions about where you can smell it, see it or hear it as are the issues that are being raised, and he doesn't know who at Hanover has more field experience. He knows Jim knows the most about the landfill, but is he out in the field that often to experience those types of things. Ms. Louder said does Chris attend most of the meetings? Mr. Maxfield said yes. Ms. Louder said Chris is there every time we have a landfill meeting and we actually do a physical tour. We get in the jeep and we drive down the hill and everything else. He gets out and takes pictures, the whole nine yards. He would be good. The reports have all been emailed to her and leachate coming from Cell 8, and that is actually the oldest cell in the landfill property. That is from Bethlehem owned it. They are now contemplating there may be a breach in the liner underneath that they placed and that leachate always increases with rain on that cell. Mr. Maxfield said that cell does not have a liner underneath it. Ms. Louder said there's a liner somewhere that holds up. They did something, but they are considering a breach in that and what's happening is the leachate is running and contaminating other cells. The numbers that have been coming off for the leachate were in the thousands about a year or so ago, and IESI, and she's not saying she wants them to stay forever, have done quite a bit of work to get these numbers down. Whenever it rains real hard or we have a storm, those numbers are astronomical. As soon as we have a drought, the number was

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down to a 100, which is acceptable. She thinks the 100 is the maximum it could be. They have been doing quite a bit to maintain that, but they can't seem to get a handle on it without digging it all up and putting it in a lined whole. When that smell comes, she's on vacation. That's what was said at the table. All the Landfill Committee reports have been put out and all the numbers are there. All the recommendations to DEP are on there. The gentlemen from Hanover are amazing and what she learned from being on the Landfill Committee, which has been a real experience for her, is BRE is even more toxic than the landfill, even more toxic. She doesn't know what those people are doing and that's something the Township should consider checking into.

E. PLANNER – No report

ADJOURNMENT

MOTION BY: Mr. Willard moved for adjournment. The time was 10:40 pm.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 3-0 (Mrs. deLeon and Mr. Horiszny – Absent)

Submitted by:

Jack Cahalan
Township Manaleger

Glenn C. Kern
President of Council