

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 19, 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, Ron Horiszny and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Karen Mallo, Township Planner; Dan Miller, Township Engineer.

**PLEDGE OF ALLEGIANCE**

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

Mr. Kern said Council did not meet in Executive Session between our last meeting and this meeting.

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Kern said if you are on the agenda, you have Council and Staff'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. He asked Mr. Cahalan if anything was taken off the agenda? Mr. Cahalan said the first item, V.A. under Township Business Items, Response to IESI Concerns, has been postponed to the October 3, 2012 meeting.

**III. PRESENTATION/HEARINGS – None**

**IV. DEVELOPER ITEMS – None**

**V. TOWNSHIP BUSINESS ITEMS**

**A. RESPONSE TO IESI CONCERNS (TENTATIVE SUBJECT TO DEP ATTENDANCE)**

Postponed to October 3, 2012.

**B. IESI PERMIT RENEWAL APPLICATION COMMENTS**

Mr. Kern said Township Landfill Engineer Jim Birdsall would like to review the comments prepared by the Township Landfill Committee following their review of the IESI Bethlehem Landfill Permit Renewal Application.

Mr. Birdsall said you have a letter in your packet dated August 23, 2012. What this addresses is a request by IESI to extend the life of the landfill under the envelope of their permit. It doesn't mean they are going to change the volume or anything about the characteristics of what they already have a permit for, but because permits are issued on a ten-year cycle, their ten years is coming up and it's more or less an administrative issue to request an extension and allow a re-review of where they are. That's another good reason for having a permit renewal to revisit issues that may be outstanding, even though the landfill may not be full. The Landfill Consultant Committee for the

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Township did review that. The State has given them a 60-day period of time to be able to respond. That period of time runs out on the 23<sup>rd</sup>, so we're very close to needing to provide a response if you want to provide a response. As consultants, we've laid out what we believe are issues that should be addressed in the application for extension. If they are addressed by the applicant, we would like to have the opportunity to see how they answered the questions, not just have them internally answered between IESI and the State, but that sort of administrative process would be up to the State. As you know, in the past, the State has been very cooperative in allowing comments to come in. They've been pretty cooperative in responding to the Township's interest. With that kind of a prelude, are there any initial questions by Council or would you like him to just go through the letter?

Mr. Kern asked if Mr. Birdsall could clarify the purpose of this particular letter that was generated? Mr. Birdsall said this particular letter would provide a review of the application for the extension of time. That would be the only thing. They've asked for another ten years to be able to finish their existing project. This has nothing to do with any possible expansion they would have in the future, it's just administratively to handle what they have under their permit right now. This review would be our comments and concerns that the consultants have with regard to either how they filled out the form, whether we feel they have advised the public and Council well enough as to some of the issues that are sort of ongoing where they answer yes, no problem, we're saying well, yes, there are some problems, so you should put no, then describe how you are addressing the problems. That's the sort of thing the dialogue we'd like to have on some of those issues. The other issue is the length of the permit. That's probably the biggest non-administrative issue and that is the length of the permit term, we're asking that it only be five (5) years instead of ten (10) years so that we can see that they are addressing these problems that are raised that are sort of ongoing, and if not, it gets to be revisited in five (5) years rather than revisited in ten (10) years assuming it's not full by then. Obviously, everyone predicts that it will be full within three (3) to five (5) years, so it probably never would even go ten (10) years anyhow. We just think there should be a little tighter control on that time period.

Mrs. deLeon said she'd like Mr. Birdsall to go over the letter so the public knows what is going on there. Mr. Maxfield asked if any of this information is new information or is this information that DEP is familiar with? Mr. Birdsall said he'll have to go through it with that question in mind. Off the top of his head, 99.9% is old information that we want to be brought forward. We want to make sure DEP is paying attention to these matters. The one new issue is again, the life of the permit, ten (10) years instead of five (5) years. There may be a couple of other things, but he thinks most of it DEP and IESI already know. Mrs. deLeon said back in 1988 when they passed Act 101, prior to that, communities really had no opportunity to comment on any DEP permit and when they passed Act 101, this allowed for the County and Host Municipality to do things like this and give us a time period so we didn't miss the opportunity if we wanted to take it. This is a very important part of the DEP public process. Mr. Birdsall said raising that issue of the County, the LVPC has responded on behalf of the County. He thinks there's a copy of that letter in our packet.

Attorney Treadwell asked Mr. Birdsall if DEP usually changes the life of this type of a permit, the request from ten (10) to five (5). Is that something they normally do? Mr. Birdsall said he didn't know. The permits he is more familiar with are things they do as engineers which are the NPDES permits and they have a five year life. He does know that within the five (5) years they can put different conditions on different years. DEP can impose conditions on the permit that says by year two you will have this done; by year four you will have this done. They can micro manage within five (5) years. He hasn't seen them ever go down less than five (5) years, and certainly no more than five (5) years because that's the federal permit, the NPDES, not the solid waste. Attorney Treadwell said we don't know whether this permit, if it gets renewed, is automatically for ten (10) years or DEP would say oh, we'll only make it for three (3) this time, etc. Mr. Birdsall said we don't know.

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Mr. Willard said this letter is addressed to the Township Manager and was circulated to us, which you are going to review with us now. The action or the next step would be to submit it to DEP with Council approval as comments to the application. Mr. Birdsall said yes, Council has handled these two different ways. Certainly you can chose what you want to do this time, but one is just transmitting the letter itself with a cover letter saying that Council authorized it to be sent on as comments of the Township, or you can authorize it to be sent on just as technical comments and Council has not taken a position; or third, you can just authorize Jack to write a letter which would incorporate these things and what we would do in the next couple of days is send him the Word document and he would put it into a format that he likes, but then these would be his words instead of the engineer's words. It's been handled two or three different ways.

Mr. Birdsall said the questions are as follows:

1. These comments are on the narrative. That whole set of paragraphs there is a concern we have with regard to how they calculate how many years they have left to fill up their existing permitted space. Landfills are permitted by volume and they have a certain air volume they are working with and they do a calculation annually on how much is left based upon what the change in vertical space and volume is each year they survey it. They do their surveying by aerial photography so they can pick out changes pretty accurately every year when they re-file. In this particular go round, they had a dramatic change in the number of years left and what we're asking for is we believe the narrative should be more specific as to why the change has occurred and depending on which calculation you use, it could be anywhere from 3-1/2 years left on landfill life to 5.2 years. That doesn't seem like a whole lot to people in the industry, but obviously it is a lot to your calculations on the budget and he thinks they should be a little bit more descriptive on why they believe a change is reasonable and warranted. He's had emails back and forth with their engineer and to Tom's question, they are aware of this issue and he still has this question he would like to resolve in front of DEP. Not only just a dialogue between their engineer and Mr. Birdsall, but also something that can explain this to Council and to DEP and having DEP's blessing or buy-in or what not.

Mr. Birdsall said going down to the bottom of that page, there are permit coordination questions and they've marked that basically a lot of these "don't apply". He thinks they do apply.

1. Mr. Birdsall said the first one deals with earth disturbance and they mark "no", they don't have to concern themselves with earth disturbance because they are covered under the landfill permit, but he still thinks that's earth disturbance, whether they need a separate earth-moving permit or not. They don't need a separate earth moving permit like E&S and NPDES as they are covered by the landfill, but it's a little misleading to say they aren't having any earth disturbance.
2. Mr. Birdsall said Item No. 6 on the top of the page, we recommend this item be marked "yes" instead of "no" because they do have stormwater and waste discharges. Basically, that's just a question and answer thing. We believe it should be answered "yes" and that there have been some malfunctions that you'll see a little bit later that he would like them to have explained in their narratives and then explain how they are going to mitigate malfunctions in the future.
3. Mr. Birdsall said Item 13.0 – again, we are recommending marking "yes". This involved air pollution and air emissions. They basically were saying no, they don't have any issues. Maybe they don't have any violations, but they do certainly have permits and he thinks they should explain they have permits and how those permits are issued and what the emissions are for under each of the permits.

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4. Mr. Birdsall said Item No. 16.0 is recommended that that item be marked “yes”. That’s because the property is served by public water supply and that was a yes or no answer, and they marked “no” that it wasn’t served by a public water supply, but it is and if you mark “yes” to that box, then you must supply a letter from the supplier indicating that service does not have any problems and it can provide service to the landfill. That’s sort of a paperwork trail. It’s not a problem, but it’s just a little misleading the way they answered it. Mr. Kern said this issue was brought up at our last Council meeting by a resident and the discussion ensued after that, that it’s just a procedural thing. Has IESI been contacted to why they answered in the manner they did? Is it possible there’s a reason for it? Mr. Birdsall said he didn’t send a copy of this letter to DEP as he didn’t know whether you had any concerns, so no, they aren’t aware of his concerns. They haven’t asked them about each of these other than the landfill volume thing and life which he knows showed up in their annual report and they raised the question, so the dialogue he has had with the engineer has been over the life of the landfill, not these other permit coordination things.
5. Mr. Birdsall said the next item is General Information. There they’ve actually copied the question and the question is “Have you informed the surrounding community and addressed any concerns prior to submitting the application to the Department?” They answered “yes” and to the best of his knowledge, they have not addressed the concerns of the surrounding community, even though many have been listed. He’s suggested we list the concerns that are still outstanding that we’ve addressed in other letters, in some cases, and in other cases, maybe they’ll be new.
6. Mr. Birdsall said the first one, the leachate has been a problem. He would rather have Laressa explain it, but you’ve seen it in different letters. There are leachate collection systems under the first layer of fabric that catch any leakage and then there are leachate collection systems under the other layer. There’s several different ways that leachate can be collected and disposed of, but if it gets into the second leachate collection liner, that’s an indication of a problem someplace, either water is getting between the two layers from the surface, like rainwater coming in and going sideways or it’s a split or hole or something in the upper layer of fabric allowing leachate to get into the lower layer. We’ve been harping on that for years and about two years ago, IESI did start to take aggressive action on this issue. Mr. Kern said this issue was originated by the old Bethlehem Landfill? Mr. Birdsall said no, this is all IESI’s. Mr. Kern said it’s not in the old fill area. Mrs. deLeon said we think it was from Phase III. Mr. Birdsall said he’s not ready to answer those sorts of questions. All he knows is that the leachate collection chambers that we watch over had more than 100 gallons per acre, per inch per day. That violated DEP regulations. They took aggressive action. They corrected the one leachate collection chamber pretty much as it’s always been showing basically no leachate since they made the one repair. The other leachate collection chamber is either 8 or 7, showed a substantial reduction after they made the one repair. They did find a place where the rainwater was getting between the two layers of liners and they corrected that. The second one still exceeds the DEP criteria and has never really been totally solved. What we’re asking DEP to do and we’re asking IESI to do is bring that issue up as part of your application for an extension and explain to DEP what your schedule is for addressing this matter and getting that one solved also or the rest of it solved. It doesn’t seem to still be a response to rain. You can track it to rain events, but even tracking it according to rain events, you don’t know if it’s getting in between the two liners up at the point of exposure or whether it’s actually going through the garbage and going down into something that’s actually under some of the garbage, so you still don’t know exactly what the source is. We’re asking that be attended to.
7. Mr. Birdsall said the next item is a north access drive. If you remember when the MSE wall was put forth and approved for Cell No. 4, what he did not realize at the time, and he should have, was that the normal road they were using for years, even when Bethlehem owned it, the

normal driveway to get down to the northern wells was always around on the east end of the property and then it went down the property and back along the fence line on the north side of the property. If you've been up there and know the property, it's basically right adjacent to their neighbor's property; in fact, the driveway was on the neighbor's property on what is still the City of Bethlehem property. When they did the MSE wall permit, they actually cut that road off. That road access didn't exist anymore because there's a large swale that takes water from the north side of the landfill around to the east to the south side of the landfill. In the meantime, what they are using is a driveway that goes straight down the hill to the north near the maintenance building right in the middle of the property and then they go out from either direction along the fence to monitor their wells. It's working, it's fine, but it was never approved as an access driveway and actually we believe that it doesn't actually meet the design criteria for an access driveway according to DEP's regulations. It's too steep. We're asking that they address that issue. It has been brought to their attention more recently, and this is not a long-standing issue. It's only something we realized fairly recently, so that first, IESI is aware of it, but it is also a community concern that they did not address prior to submitting the application for the extension.

8. Mr. Birdsall said item c. deals with the extremely heavy rainfall event in August 2012. There was mud and erosion out on the highway. They cleaned it up right away, but there were some issues that we're concerned about. IESI is aware of this. They have asked IESI for a re-evaluation of the swale that became overloaded. In particular, we wanted to know if it was actually built according to the design. We recognize that the design interval for storm on these swales is 25 year storms and if they had a 100 year storm, then it may have been overtopped, just because it was a freak storm. The basins that protect you from erosion leaving the property are designed for a 100 year storm, so we're just asking that they explain what happened, why it happened, was it built according to the design, were there some design things that they need to relook at just so that DEP and they are focusing on trying to minimizing the risk of that ever happening again. These things we're talking about, we're not only concerned about the north slope driveway, we're only concerned about today and we know they can cure these issues right away because they are there, but two or three years down the line when this thing is closed, there's not going to be anybody there. If there's an erosion event that comes out on Applebutter Road, it's going to be a two-day deal for the Township or State to mobilize and try and clean it up or find someone to clean it up. These are things that we want to make sure as we get closer and closer to finishing the landfill, they are solved, not only for a year or two, but they are solved for 20 years or however long DEP maintains control of these things.
9. Mr. Birdsall said the last one is that there were some complaints about trucks still coming in from the east side. Again, it's not a big issue because even since he wrote this letter, the trucks coming in from the east side have tapered down. They had started to use that when Applebutter Road was partially shut down because of the bridge repair, but now everybody should be coming in from the west and even since this letter, that compliance has become better.
10. Mr. Birdsall said Item No. 2 is really administrative only. This is only issues that we feel they should put in the application to describe the changes since the permit was first issued. What we're suggesting is that it just be highlighted as no more than one or two sentences saying in 2002, such and such was changed and 2004 such and such was changed by permit modification and go into a little explanation. That's more for just public information and kind of a snapshot of the history so that somebody has an easy reference on this new application to see that these things were approved and not just changed in the field without DEP approval, but approved by DEP and changed in the field.

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11. Mr. Birdsall said No. 3 on page 4 again goes to the ten year versus the five year request for a limitation on the permit.

Mrs. deLeon said being on the Landfill Committee, she agrees with everything Mr. Birdsall said, and she knows these are issues. It doesn't really matter if this was a City of Bethlehem concern or an IESI concern. When they assumed the landfill, they assumed the landfill. When dealing with the City when Act 101 was passed, the City was like those regs don't apply to us, we're a municipality. It is what it is. These are legit concerns. The part that says "have you informed the surrounding community and addressed any concern", she read the 87-page permit renewal application and they had the post cards in there of the notices that they sent to the County and Township and adjacent residents. It was interesting because if they buy up their surrounding properties, then they are adjacent to themselves; a lot of the protection that DEP has for adjacent residents don't apply as they notify themselves about this, so it doesn't go to the next property owner. It stops at the property owner. They address concerns, how would the public know to let them know. It wasn't real clear in the post card or letter they got. It just said the application was on display at Wilkes-Barre and here. They checked off "yes", so what did they do, how did they notify anybody? Mr. Birdsall said that's the standard that they have to meet, that they notify them and if it's on public display, if a property owner has concern, they can call DEP or visit DEP and voice their concern. It's not easy for the property owners to do that but he thinks that's where the Township can help out and if the Township is aware of some of these concerns as it does say community, so it would encompass the Township. You can provide comment also suggesting the answer of yes, is an incorrect answer.

Mrs. deLeon said there are a lot of people here about the landfill and as a resident you also have the right to comment to DEP in the 60-day window. If you don't know what to say, just send a letter saying you endorse the Township concerns and hope they incorporate this language in the permit. You want to do just the least of something. She said she was looking at this and she wants to talk about discrepancies. She's been complaining about discrepancies on the maps that the landfill issues. She and Rick Bodner have this ongoing conversation and to her, the map that says it all is the map that was approved during the last permit and it would be Map 4 of 21. It shows the Phase IV cells. If you look to the western boundary, you'll see the line. There's a little box that's called the Fox property and that is RA. That is not included in the 224 acres that they depicted or they have two numbers on that application. One is 224 property acres and 201 permit boundary acres. She finds it interesting because, unfortunately, when the Township did their map A, B, and C, they included the Fox property as LI zone. She's very unhappy about that. She kept looking at these maps and she kept wondering, something is wrong. It doesn't look like the boundary, and that's it. The Township included the Fox property, RA, in the LI zone. We have discrepancies, they have discrepancies. She wished there was some kind of a paragraph we could put in that letter asking DEP to insist that IESI always uses this map as a base. She has maps here and this map was prepared by the Township back a year and a half ago when we were doing the Form D, and it does not include the Fox property. She asked if we did a lot line change for the landfill? Mr. Birdsall said when they bought Fox? Mrs. deLeon said someone needs to look if they had a lot line change because if you go on Northampton County website, it will show the Fox property as hooked on as it's their property. She said here's a map that shows the cells and here's the Fox property. They do it different each time and it's very confusing. They need to stick to a plan. Five, ten years from now, there's going to be different players involved with this landfill. If the landfill closes, there's going to be 30 years. Somebody has to know consistency. They have to know where the old woodfill was. They have to know where the old landfill was. They have to know where Phase I lined and unlined was. They don't. They put Phase I and II all hooked together. It's very important that it's all separated. She doesn't know how to say that politely, but we need to ask them to do that constantly and consistently, always. The Township also has to fix A, B, and C. Unfortunately, IESI is not here for her to ask about why their Solicitor made this big comment at the last Planning Commission meeting about how wonderful they were and how perfect everything was because she'd like to have somebody explain to her why these discrepancies exist on the maps.

Mr. Kern said he would love to have IESI here to respond to a lot of these issues. Were they ever copied on this? Mrs. deLeon said how would they have been copied, we directed the consultants to do this. Mr. Kern said because we are discussing this. Mrs. deLeon said then why weren't they here? They had an opportunity. Mr. Kern said because they weren't copied and probably had no idea this was going to be on. Mrs. deLeon said she's sure they got the agenda. Mr. Maxfield said the Fox property has never been considered active landfill area, so as far as he can see it, is one possible mistake on the Township zoning. What else are we talking about, where else does it appear? Mrs. deLeon said one big mistake. Mr. Maxfield said it was a zoning mistake. Mrs. deLeon said she guesses she has higher standards, sorry. Mr. Maxfield said all he's looking at is the Fox property is separated from the rest of the active landfill area. It doesn't look like the maps are inaccurate to him. You can show him where they would be. Mrs. deLeon said the map that the landfill provides are always different. That's significant for this report. Mr. Maxfield said do you have any map that shows the Fox property as active landfill area? Mrs. deLeon said none of these maps say active landfill. Mr. Horiszny said is it possible that DEP would have the official map? Mrs. deLeon said this is the official map. It's the one that was approved when they had their phase IV expansion. That was the map. Mr. Maxfield said there's got to be an updated map because we have a whole list of things alluded to in a letter that are changes that have occurred since that approval and DEP probably had to be consulted and gave the approval for all of these. This list, he doesn't see anything on here. Like the stormwater Basin 7, has been eliminated. Everybody knows that. The power generation power facility has been built on their property, everybody knows that. Why are these special things that we have to bring up? There's got to be an updated map with DEP as all of these went through DEP. Mrs. deLeon said that's the map that was approved and it's dated 2001. Mr. Maxfield said there have been changes since then that have gone through the agency. Mrs. deLeon said these are the big maps that the landfill attaches, and here's the grading plan; this is dated December 2001. On this map, they show the Fox property. Then we had well locations. Here's map that shows the boundary and it appears that it's 224 acres. It's very confusing. Mr. Maxfield said he's not so sure he agrees with that assessment of the maps.

Mr. Maxfield said he'd like to talk about specifics in the letter. He'd like to go back to No. 1. Something he does not understand in it. He came into the Township and viewed the DEP reports and it looks to him like the air space went down, not up. He's seeing numbers that went in the other direction. The life of the landfill, which he understands, changed is an estimation based on tonnage that comes in during that time period, but he's not seeing a discrepancy in the air space. He sees air space in 2011 of a certain amount and then he sees the report from 2012 and the air space has gone down. Can you please explain what is going on there? Mr. Birdsall said the air space they are referring to at that point is what's left. You would expect the air space would go down as the years go by. That's not a problem. They have a certain height they have to abide by and then it gets filled up from the bottom, so as you get closer and closer to the last year, you are going to be down at 50,000 cubic yards or 10,000 cubic yards or 0 left. It's really more the matter of what they are assuming as tons per cubic yard compacted in the landfill. What we're talking about has no environmental issues related to it at all. They are more financial issues and what the expectations are for closure. Mr. Maxfield said we're going to have to change this letter then because this says very straightforwardly that there's so much air space remaining in the prior year and then we get to 2012 and it says indicating "somehow additional capacity has been gained at the site". We're talking air space capacity. That's exactly what it alludes to and that's not the case on the reports. It's an impossible situation. How can you operate for a year and then have less air space unless you've done something nasty and opened up a part of the landfill you weren't supposed to and they haven't done that, so the air space must go down. The reports are here at the Township if somebody wants to look at them.

Attorney Treadwell said that was one of his questions because he was confused. He said to himself how can they have a year's worth of stuff coming in and the air space capacity went up. Mr. Birdsall said that's their question also. That's what we would like them to explain. Attorney

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Treadwell said the question is, he pulled out the 2010 and 2011 report. The 2010 report on line 4 says there's 3.3 million cubic yards of air space remaining. The 2011 report on line 4 says there's 2.7 million cubic yards of air space remaining. It went down. Mr. Maxfield said it went as it should go. Their report is right, and our letter is wrong. Mr. Birdsall said he will check. Attorney Treadwell said he's just confused how it works. Mr. Birdsall said you're not looking at the application for the extension of the permit. He thinks you're looking at the year-end annual reports. His comment is geared to the narrative in the application for the extension, which is a separate document all together. Mr. Maxfield said the 2010 annual report had so many years left and then it goes on to quote these numbers. If they are coming from a different source, we should know that. Mr. Birdsall said okay. Mr. Maxfield said the other numbers he saw are exact quotes from their report, so he doesn't know why this would be different. Mr. Birdsall said he'll be more specific.

Mr. Maxfield said he wants Linc to speak to this, as he addressed a member of the audience who had a question which Linc answered by saying that he didn't know what a "yes" answer meant on the response form. Did you look into that? Attorney Treadwell said before we move on, he just wants to clarify that he's looking at the narrative that's in the application. On line 4, it says there's 2.7 million cubic yards of air space remaining, which is from their annual report. Maybe the 350,000 is on a different line. Maybe we're talking about tons remaining if they convert cubic yards to tons. Mrs. deLeon said Attorney Treadwell has the actual permit renewal up here. If they actually have and are saying they have 350,000 cubic yards more air space than they had a year ago, something is way off. That's not what the report is saying. For the report period of 2011, it says it went down to 2.7 when in 2010 it was 3.2. Mr. Birdsall said on the permit renewal application, and he doesn't know if this is exactly what you're looking at, the first page of it says "landfill has remaining capacity of approximately 2.529 tons per the annual report, attachment 1. Per that page, the landfill life is only 5.8 years. Attorney Treadwell said that's tons. That's not cubic yards of capacity because the volume of the landfill, if he understands it correctly, the capacity is based on volume, not on tonnage. He thinks about it like a fish tank he has at home. If he fills up his fish tank with sand, he's going to get a lot more tons in there than if he would if he filled it up with shaving cream. The volume is the same, but the tons are going to be more. If they actually got more volume, capacity-wise, that to him would be a much bigger deal than if they have more tons. The tonnage is just based on what they are bringing in or what people are putting there, not the volume. He doesn't know what the answer is, but we need to find out what the answer is before we tell DEP that they have 350,000 more cubic yards of volume left. Mr. Maxfield said if we find that figure, he'd like to know where it comes from. If it's part of the report, we should identify that area, maybe it's just a typo. Mr. Birdsall said he will clarify it and correct it if there's mistake there.

Mr. Maxfield said he is confused, back to his question of the yes's and no's, could someone explain that to him from a legal standpoint? Mrs. deLeon said she doesn't understand. Mr. Maxfield said at the last meeting they had someone mention this particular application about yes's and no's being checked about earth disturbances and things like that. Attorney Treadwell made the comment that he didn't know what the "yes" meant. What does a "yes" answer on this particular application entail? That is, what does "yes" mean and what specifications go along with that "yes" answer. Attorney Treadwell said after a resident raised that this last time, and he did not know the answer, he tried to find out what the answer was. He went to the DEP website and he pulled up their instructions for filling out one of these applications. In those instructions, there's a section called "what your yes answers means". It says if you answer yes to any of the questions in this section, you will probably need a specific permit or approval from DEP. Then it goes on to have a chart and it says in the chart, if you answer yes to question 1, then you need to contact the District Mining Permitting section because question 1 says "is this a coal mining project?" It goes all the way down to other stuff. The first question he had when he was looking at this was does this permit renewal application involve any physical changes to the landfill? Are they actually changing anything out there at all? Mr. Birdsall said no. Attorney Treadwell said okay. When you

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get to question 4 and it says will the project involve a construction activity that results in earth disturbance, what are we talking about when it says project? Obviously, any landfill is going to have earth disturbance. We know that, but is the question that's being asked, this permit application doesn't involve any new earth disturbance. Mr. Birdsall said correct. Attorney Treadwell said all the old earth disturbance has already been approved under the old permit modifications, the previous modifications, for the NPDES permits. Mr. Birdsall said isn't this an extension of that? Attorney Treadwell said he doesn't know. That's the question he's asking. If there's no new physical activity going on out there, answering yes based on what DEP says your yes answer means, would seem to indicate to DEP that there's something new coming and we need a new permit. He thinks we need to ask DEP that question. What does it mean? He forgets what the next one was. Mr. Birdsall the next one was No. 6, stormwater. Attorney Treadwell said will the project involve discharge of stormwater or wastewater from an industrial activity to a dry swale surface water, ground water, or an existing sanitary sewer system or separate sewer system. Obviously again, the landfill involves that, but if the question is, is there something new that you need a new permit for, then you would check "no". Whatever they have is permitted. Mr. Birdsall asked Attorney Treadwell to read the instructions again on the yes. Attorney Treadwell read the instructions for yes again. Contact the appropriate DEP office to further discuss the need for an authorization. If additional applications are necessary they will be mailed to you. Mr. Birdsall said if you mark "yes", explain that you have this other permit, that extends out to, let's say 2013, then you've answered it properly, he thinks. Attorney Treadwell said he would have to think when they built the berm wall thing, they had to answer yes to some of these questions because they were making physical changes. Is there a distinction? Mr. Birdsall said they didn't have a chart like this. This is kind of a housekeeping reality check if you want to call it that. Yes, I need a permit, here's my references to the permit, and then you go on with life. It's not a new permit, but it may trigger if they answer yes and they can't explain to DEP what permits they have, like the air quality permit, then ...Mrs. deLeon interrupted and said that was only a minor permit, wasn't it, the MSE wall? Mr. Birdsall said yes, but still you need DEP's approval. They got a new DEP approval for that. Mr. Maxfield said if they answered yes on the form that would be like them saying we recognized that we need a special permit to continue you what we've been doing the whole time. Mr. Birdsall said he doesn't interpret it that way, but if you do, that's fine. Attorney Treadwell said he's not saying he interpreted it that way, he's saying somebody should ask DEP to clarify what answering yes mean. If we say to DEP, we believe that the landfill should answer yes to six of these questions, what does that mean? He doesn't know what the answer is. Mr. Birdsall said if they agree with what you are saying, they'll write back and say they don't need to answer yes. Attorney Treadwell said he's not taking a position. He's trying to figure out what the answer is. It appears to him that if you own a landfill and you say no, there are no storm water issues, you are out of your mind as we know that there are storm water controls going on out there. If you are answering this form and saying no on this form as what the form is really asking is, is there any new things going on, then you would answer no. Mr. Birdsall said he understands what he's saying. Mr. Kern said as a Council member, it's confusing because when he sees this, it looks like the landfill is pulling a fast one or doing something incomplete. If we have IESI here to answer this and DEP present, this discussion would have been over in about 30 seconds and everyone would know what the story is. Mr. Birdsall said he thinks these issues are so minor. He started out by saying earlier; this is more an administrative issue than it is anything going on in the field. It's tracking it, getting the paperwork correct. Mrs. deLeon said her point if you look in that book, it says there's 224 acres, is the property...Mr. Kern interrupted and said while they are looking at that, the reason it would be important to copy IESI on this because they probably just thought it was a rubber stamp procedural issue and they didn't have any idea there were this many issues involved in the comment. It would have been very helpful, as a Council member, to have IESI and DEP here for the very reasons he just described. Rather than stretch it out with letters to DEP, a month before the response, it could be answered at the Landfill Committee meeting. Don't they meet monthly with IESI? Mr. Birdsall said yes. Mr. Kern said if these were brought up at the monthly meeting with IESI, maybe we'd have the answers prior to this meeting. Mr. Birdsall said point well taken.

Mrs. deLeon said she can't find it in there, but its 224 acres that was approved, and she wanted to make sure any subsequent maps that IESI gives us shows the 224 acres and does not include the Fox tract as that wasn't on the initial permit and we should stick with the numbers of 224 as being depicted on this map. Attorney Treadwell said he understands what she is saying. He remembers having this conversation back in 2001 about the difference with the permitted disposal area and the actual acreage of the landfill. Mrs. deLeon said the acreage of the landfill is 224 and that doesn't include Fox. If they are going to include the Fox, they should somehow ....Attorney Treadwell interrupted and said are you saying that they've included Fox in the 224 acres or it's just shown on the maps? Mrs. deLeon said on some of the maps they show their acreage as expanding into the Fox and she doesn't think it should. It should stay with what's in the permit, which is the 224 acres. Have them be consistent with that as its confusing. Mr. Maxfield said he thought the 224 was with the Fox and the 201 was without. Attorney Treadwell said his recollection was the 201 was the permitted disposal area which is the permit boundary. That's the foot print that they can't go outside of with the disposal stuff; however, there is other property that they own that is not in the disposal area, and Fox isn't big enough to make up that 23 acres. Mrs. deLeon said the reason they have the 224 is that the other DEP regs that are outside the permit boundary that they use for access roads and whatever, so it's important that whenever you see a landfill map, they only show the 224 acres as depicted in the permit, then the permit boundary would be the 201 acres. They have to be consistent. That's all she's asking for and it has to be language in that letter asking to do that.

Mr. Kern said in our next meeting we are going to have IESI and DEP present in the same room, so that might not be a bad opportunity. Mrs. deLeon said she'd like Council's support for that as it's only right and it's in the permit. Mr. Kern said that might be a good opportunity to bring that point up. Attorney Treadwell said he'd like to better understand what maps we're talking about. This is the Fox property here, he doesn't see a line around the Fox property showing...Mrs. deLeon interrupted and said it's on the later ones, like 2011. The more recent ones are showing it with a bigger area, and it's wrong. Attorney Treadwell said he wants to try and understand it. Mrs. deLeon said the point is this letter, we only have a 60-day window here and it expires on September 23.

Mr. Willard said with Mr. Kern's comment, does DEP ever give an extension of the comment period? It's a very unusual situation that we invited them here tonight and they couldn't make it for two weeks. He can't believe under the current scenario, IESI isn't monitoring the agenda and are not here tonight. If they weren't informed, it seems like it would be good to get all the parties in the room, which can't occur for two weeks, or by conference call, or give an extension.

Mr. Maxfield said he wants them to sit here and answer the questions in front of the people. Mr. Willard said he agrees with that. Under this scenario, do you think they would extend the comment period? Mr. Birdsall said they've been very generous in granting an extension. That is something they can follow up with tomorrow morning and get an email approval from Bill Tomayko if he's available. Mrs. deLeon said that's wonderful that he's coming to the meeting as he's the top person for this area and he's key to the discussion. Mr. Cahalan said he did contact Bill Tomayko today and he said he would not have a problem with a 30-day extension. Mrs. deLeon said how did you know we were going to need a 30-day extension? Mr. Cahalan said he was asked to call DEP to see if that was possible. Mr. Maxfield said he asked Mr. Cahalan to look into it. Mr. Birdsall said that will give him a chance to look at these other things you raised already. Is there anything else he can take a look at? Mrs. deLeon said just the consistency with the maps depicting the old areas. They should always be on the footprint of all the maps. We're maybe looking at a high hit on a monitoring well, like why all of a sudden is that high, is it because of the old phase I unlined area? This is all for the future to figure out what's going on there. Mr. Birdsall said he'll add a paragraph. Certainly the drawings are very hard to read and they do show different important things on whatever plan they are showing, so they'll intensify one thing for that purpose and maybe

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not pay attention to some of the other information which is background information. He would think it would be pretty easy for them to have a background piece of information that always shows up on every drawing that highlights a couple of the issues that Mrs. deLeon is concerned about that no matter when you look at the one in 2010 or the one in 2011, that background acreage, permit limit, the zoning district, those are the things that you are most concerned about for consistency. Mrs. deLeon said 224 is 224 and 201 is 201 and they should be consistent in showing that.

Mr. Maxfield said for information, he's reading the part, General Comments 1a, it talks about the leachate/stormwater. That's the first time he's seen it referred to as leachate/stormwater problem. We knew there had been testimony earlier that the stormwater made the condition worse, but he's wondering, you went through some scenarios there – possible hole in the liner, has the leachate/stormwater mix been tested? In other words, the normal amount of leachate that's coming off has the water, is the rest made up by stormwater or is it pulling leachate out with it or what? Mr. Birdsall said that has been analyzed, and he's not an expert in that field, but what he does remember in the various discussions was they were able to show, and it's not the testing they did, it's testing they gave to us as part of their normal protocol, IESI and their consultants, and our committee concluding was it wasn't groundwater. It wasn't the type of parameters you would see with normal groundwater. It wasn't a matter of groundwater coming up from the bottom; it was something coming from the top down. More than that, he doesn't know. Mr. Maxfield said you don't know about the percentage of leachate in it? Mr. Birdsall said no. Mr. Maxfield said he was trying to figure out if it was in an amount that stayed the same. Maybe the stormwater was getting in, in an earlier/later phase of the system. Is that information DEP has? Mr. Birdsall said he doesn't know whether it's Rich or Laressa who is most familiar with that parameter. It would probably be Rich as he's more of the chemist. We'll ask him to take a look at some of the leachate and see if he can tell whether there are different concentrations of leachate over the years. Mrs. deLeon said she doesn't want anybody to forget about the lot line change. Somebody needs to do research into that and let her know. Mr. Maxfield said where would that have been? Attorney Treadwell said we'll have it, if we did a lot line change, we'll have it. Mr. Maxfield said he doesn't remember a lot line change. Mr. Birdsall said they had bought a couple of properties, Mulligan and somebody else's. He sort of remembers one simple minor subdivision where they consolidated the properties. Attorney Treadwell said he thinks they recorded a new deed. Mr. Birdsall said then the deed would be recorded afterwards. Mrs. deLeon said that's why Northampton County shows it as one parcel, but when we prepared A, B, and C, it should have gone to the zoning map to prepare it, not go to Northampton County and use that. Attorney Treadwell said he doesn't think they did, but they'll look at that. If there's a mistake, they'll fix it. His question on the leachate stormwater thing was, the issue with it, it's being caught in the secondary containment area, is that right? Mr. Birdsall said correct. Attorney Treadwell said it's not a groundwater contamination problem? Mr. Birdsall said no. Attorney Treadwell said this stuff is functioning to the effect that if something's wrong somewhere, the secondary part is catching it. Mr. Birdsall said correct. Mr. Maxfield said there's no leakage into the environment? Mr. Birdsall said correct. Mr. Maxfield said it's still being treated? Mr. Birdsall said correct. Mrs. deLeon said it shouldn't be happening. Mr. Maxfield said no it shouldn't, but it's good to know that we're not making things worse. Mr. Kern said the safety measures that are in place are operating. Mr. Birdsall said correct. Mrs. deLeon said the trigger was that 100,000 gallons per day, and we were way over that, and that triggered DEP to come in and set deadlines, but the deadlines have come and gone, and we still don't know what's going on. Attorney Treadwell said what do they actually do with the water that's in that secondary containment area. You don't release it into the stormwater system. Mr. Birdsall said it's called leachate, just like the leachate that comes through the exposed garbage and it's collected in these leachate collection chambers, the LMC's, and it's directed to the sanitary sewer pipe that goes to the City of Bethlehem treatment plant. Attorney Treadwell said anything that gets collected in the secondary area, gets treated like it's leachate, whether it is or not, and it goes through the proper channel. Mr. Birdsall said exactly. Even the groundwater they are pumping out of the abatement wells, from the old unlined section, all that water, even though you'll hear that it's very, very clean. Even though it's very clean and

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whatever parameters were in there, are decreasing and decreasing as the years go by, that's going to the treatment plant also. That's not going into the stream. They are catching all that. Attorney Treadwell said theoretically, the stream should not be affected. Mr. Birdsall said that's correct. Mr. Maxfield asked if anyone knew when they decommissioned the woodfill area, how long ago did they stop filling? Mr. Birdsall said that goes way back, probably before the 70's. Probably in 1980 or 1981, trees were already this big around, it was many years before that. For those people hearing that for the first time, it's not woodfill, that's what everyone calls it, but it's actually a wooded area that was old fill. Even when Bethlehem was first coming in and applying for an expansion, they were required to examine that whole area to see if that area had any weird hazards. There was surface investigation; there was groundwater investigation; and DEP was convinced there was nothing in that old fill area of any environmental concerns, so the conclusion that DEP had was nobody had to cap that. If you remember, the uncaps on the original section on the east side, they were uncapped for a long period of time. It was when DEP came down with a hammer and finally told the City they had to cap it with a closure. DEP didn't want them to rip out trees that were 12" in diameter for regarding that area on the steep slope on the north side as it would have been an eroded mess to try to capture that. It would have been a loss of all those trees. That was left uncapped, and it's never been a problem. They are still monitoring the north side.

Mrs. deLeon said PPL's lines are landfill related, are we going to talk about that? Mr. Cahalan said we discussed it at the staff meeting and the Solicitor was going to look into that and give a report. Mrs. deLeon said are these lines going in the woodland area, the natural resource protection areas that we have? She wasn't sure by looking at the map and she didn't know what the process was and what role the Township or residents could play in this process? Attorney Treadwell said there are two types of PUC processes that this type of relocation would go through. The first is called an application which involves a lot of notification, a public hearing, and a bunch of other things. If the project meets one of three or four criteria, then it goes through a lesser process for lack of a better word. That process is called a letter of notification. He thinks from what he could see from the letter we got from PPL, and also from the statutes and regulations, is that this proposed relocation is less than two miles. The length that's being relocated is less than two miles. That is one of the criteria that allows PPL to go through the letter notification process as opposed to the full-blown application process. As you can see in the letter from PPL, it says a letter of notification will be forthcoming. Once the Township gets that letter of notification, there are then other processes that the Township can go through, one of them being to write to the PUC and tell them we don't think this should be a letter of notification process, we think it should be an application process, which the PUC can then say we agree or disagree. If you are going to say you want it to go through the application process instead of the letter of notification process, you have to have some reasons for it. That's how the process works. We're not at the point yet where the Township has received the actual letter of notification. Mrs. deLeon said the copy she printed out has the legend cut off, so she's not sure where they are putting the lines. Attorney Treadwell said he got the same map. Mr. Maxfield said they saw the route of the line six months to a year ago on a quick map at EAC and EAC did issue a statement of concern. He doesn't know what ever happened with that, and if it made it to Council or not. Attorney Treadwell said if he's reading the map correctly, the orange outline is where it is now, and the blue is where it would go. Mr. Miller said yes. Attorney Treadwell said the orange is the existing power line and the two blue lines look like they are easement lines, 150' wide, and the proposal would be to relocate it to the middle of the blue lines. Mr. Maxfield said our reading of the map said yes, they are taking down parts of the woodland to install and realign the line. Mrs. deLeon said is that part of the greenway up there? Mr. Maxfield said yes, it's part of the ridge, and they were not happy about that. They didn't want to lose any trees at all. He thinks it was trees that were on landfill property that they owned. Mrs. deLeon said it's not really landfill property, it's IESI property by the definition of DEP. Attorney Treadwell said it's not in the disposal area nor is it in their other permit area, the 224, it's property that would have been recently acquired by whoever it is that actually owns the landfill. That's the process. We're not at the point where the Township can participate yet because you didn't get the actual letter of notification yet.

Mrs. deLeon said the parcels that the EAC was looking at for the open space preservation, are these the parcels? Mr. Maxfield said they are going to investigate any parcels that touch the ridge. Mrs. deLeon said it would be the ones that the lines going through. Attorney Treadwell said he thinks the ridge on that map is north. Mrs. deLeon said we take this great effort to save our trees and then something like this can just come in and whack them down. Attorney Treadwell said you'll have an opportunity to comment on that and to contact the PUC with whatever position the Township wants to take.

Mr. Kern asked if there was any public comment?

Matt McClarin, 2198 Riverside Drive, said he knows Mr. Birdsall has talked a lot about the post closure of the landfill and you might want to put in this application process of trying to figure out who is exactly responsible for what, after this thing closes, and trying to get a clear idea of who's responsible for the swales or trying to figure out where this thing is going to head once it's closed down. Is the Township going to be responsible? Is DEP or IESI going to be responsible? Or after the 30 years? Does IESI have to maintain all this stuff? Mrs. deLeon said her questions she has asked DEP over all the years, they have bonds and the landfill is responsible up until 30 years by law. It could be shorter than that if everything is going well. DEP is in charge. Mr. McClarin said that's pretty much it. Does the wall on top of the mountain actually hold weight back or is it to deflect rain water? That berm, is the trash going to actually put pressure against the wall or is it just to deflect the water down the mountain? Mr. Birdsall said it is a structural wall, so it has to hold itself up and has to hold up all the earth behind it. The trash is not put immediately adjacent to the wall. There's earth that gets backfilled behind the wall and then the trash gets put against the earth. It does hold back as it's structural. Mr. McClarin said what's the life expectancy on the wall? Mr. Birdsall said he doesn't have that answer. Mr. McClarin said that wall is proposed to go across the top of his house, so he just wants to make sure how long it's going to last and what's the deal with it. The service road behind there, did anyone take into consideration how much water comes off those two service roads down at the flood zone at the bottom of the mountain and if it was a significant change at all to how much rain water comes from the service roads and the new berms they put up. Mr. Birdsall said the service road on top of the wall drains the other way, so it gets caught in a storm sewer system and it gets diverted to the south side. That was one of the reasons they put up the wall to direct more of the water to the south side. If you are talking about the service road along the fence, that's been there for 30 to 40 years, so it really hasn't changed. Mr. McClarin said they are putting berms on top of the mountain, like piles of dirt along the top. He wanted to see if anyone calculated how much water is coming off of those things. Is it adding water? Mr. Birdsall said it's not adding water to the north side. All these things are taking water away from the north side. Mr. McClarin said those things are straight up and down on top. Mr. Birdsall said there will be a crown once you get beyond the wall that continues up, so the top of the final landfill will be higher than the wall. There will be some water that flows to the north, but there was water that always flowed to the north. What the calculations are is that it's actually going to be less water flowing to the north than was before. Mr. McClarin said what do you mean before what? Mr. Birdsall said before it was ever there. Attorney Treadwell said before the landfill was ever there or before the berm was there, the MS4 wall. What he's trying to understand what Mr. McClarin is asking and he thinks he is asking, as a result of the MS4 wall, is there more water going towards his house in Steel City than before they put that MS4 thing up? Mr. McClarin said the MS4 wall is way down. He's talking about the service road you guys have at the top of the mountain that both sides come down and pitch down towards the hill climb. There's a big dirt hill there that's on top and they are just starting to build now. All that water is hitting that hill and hits the service road and goes flying down the mountain. He's concerned if they go across the ridge of that mountain, you know where that water will go – it will go right into his yard and he wants to make sure everyone is taking a calculation up there of how much water you are actually adding to go down the north side. That's his major concern the way the landfill is now and how much further it's going to come over with this permit. He doesn't know if they are going to add more to wall

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now with the new cell or not? Mr. Birdsall said they don't have any idea, they haven't sent anything in. Attorney Treadwell said there's no new wall proposed, is that correct? Mr. Birdsall said correct. Mr. McClarin said as of now. Attorney Treadwell said we haven't seen an application to build more on to that wall. Mr. Birdsall said that's correct, under the existing 201 acres. Attorney Treadwell said wherever the wall stops now is all that's been approved. Mr. McClarin said his comment about the post closure, everyone has some miscommunication. He doesn't know if the taxpayers are going to be accountable for any of this in the future, maybe they will be after 30 years. Attorney Treadwell said after 30 years, he thinks it's the property owner's responsibility, whoever that may be 30 years from now. Mrs. deLeon said as far as the point you talk about by your house, she and Donna were up there at the last monthly landfill meeting and two months in a row they complained about the silt fencing that was laying down. Mr. McClarin said that just holds back the earth, it doesn't hold back the water. Mrs. deLeon said it was filled with sediment and they supposedly cleaned that up.

Mr. Gene Boyer, 2161 Saucon Avenue, said the bonding, that's in place now and has been in place? Attorney Treadwell said it's in place now. It's actually in the application book he had. Mr. Boyer said it probably exists before they even had that. From the old permit, they must have had a bond and then it's just continued in the new one. Attorney Treadwell said he thinks this is actually a renewal of the old permit. Mr. Boyer said he just ran across this, the host community agreement amendment that was made back in 2001, on page 1, about halfway down, it says whereas the Township adopted on May 19, 1999, the Ordinance No. 99-6, which amends the Township zoning ordinance 2 among other things, extend to landfills and other waste facility, the requirements of Section 180-109F.2.A.1. for an earth berm to be placed around the parameter of the property of the berm ordinance. Do you know if that is required for any part of the landfill because he doesn't know there's a berm around the bottom part of it. He just drove there tonight and there's no berm at the edge of their property, but that was on that agreement. Mr. Maxfield said are we talking landscape berm? Attorney Treadwell said is there a berm that will be built at the landfill at some point? The question is, on the land development plan, is it show a berm being built? Mr. Birdsall said no. His recollection of that particular time period was the Township was getting hit with these permit requests, tighten up their regulations to require any landfill to have a pretty significant berm. There's 14' high and 100' wide, something like that, a pretty significant berm, around the entire landfill, but since it was an existing landfill and had an existing permit, you weren't able to enforce that particular provision on this particular site. Attorney Treadwell said he's trying to recall if that ordinance even ever got adopted or whether it was just a proposal. Mr. Birdsall said there was a proposal that was a lot tighter than that and had a lot of environmental conditions that was never able to be passed. Attorney Treadwell said there were a lot of questions with that proposed ordinance whether the Township was overstepping its legal bounds and what it could do and what it couldn't do. Mr. Birdsall said exactly, but he thinks the berm and the buffering stayed in for any quarry or landfill that was going to be built in the future. Mr. Boyer said they don't need to have a berm on any part of it at all? Mr. Birdsall said we'll have to check exactly what that language is, but the plan right now is there's no berm. Mr. Boyer said that probably relates to what Matt was talking about too if they continue to expand, it would require them to put in a berm or not because the fact it would be a new addition to, not an existing. Attorney Treadwell said that would be a question that would come up at the land development process if it ever got to that stage.

Mr. Russ Sutton, 2133 Saucon Avenue, said there's been discussion about no problem of environmental water runoff, but he's concerned about air quality. The landfill is the highest peak on that mountain and Steel City is here in the valley and this is Bethlehem Township over here. We're basically down wind and every time they stir that toxic waste up there, they compact it and particles could get in the air. There's asbestos in it. There could be heavy metals, it could be anything. From what he's heard, and he's been to the landfill, the only thing they have to monitor what's going in that landfill is Geiger counters on the tipping scales. Are there any limitations to what can go in that landfill? Are there any inspections? Attorney Treadwell said when you say toxic waste, what are you referring to? Mr. Sutton said asbestos, whatever was being dumped in that landfill on an ongoing basis. Again, we are getting into a thing where toxic waste might be a

term in DEP language that would be different than what we would be using. Mr. Sutton said he'll take the word toxic out, and use undesirable chemicals, pollutants, whatever is in the air. Every time they mix that and compound it, it's the highest point on the mountain and when wind blows, any particulate matter that is heavier than air is going to go down the other side of the valley and it's going to lie in that valley as it's heavier than air. All the residents in Steel City are being exposed to that. He's not saying it's a potential hazard; it could be a potential hazard. We don't know what's going into that landfill. You don't have a day-by-day basis of what's going in it. We know there have been two incidences of radioactive material going in there, and they have containers in there. He's concerned about the containment of that. He said there are tornados in that valley and what if it picks up the container of radioactive waste and dumps it on our side of the mountain or anyplace else. Was that a contingency when they put the waste management system in there for radioactive waste being stored there and what's being done about it? Is that going to be there forever? What is the contingency? What is their plan to deal with the radioactive waste? He doesn't have an answer, he's just asking questions. He's also concerned about we the people in Steel City having one egress going in Steel City and there's only a small road on Riverside Drive which is a one way road. If the river overflows, or there's a problem with that bridge or Saucon Creek on the other side of that bridge, there's only one way in and one way out. We had a fire in late spring that had we had a hard time getting out. He's concerned if the landfill catches on fire, what releases are going to be there? There are methane gases there, we know that, but what potential harm can it do to the residents behind there, and how do we get out of there? If you have an occupancy for a house, you cannot occupy a house with one egress. You have to have two. Why would a whole village only have one egress, in and out, not only that, the railroad tracks run there? If we have any kind of spill, we're trapped, we can't get in or out. You're putting millions of tons of who knows what in there, with millions of tons of methane they are burning off, that's fine, but if we have a catastrophic incident, what happens to us and who is responsible? You are talking about this 30-year bond. Does this bond go when the landfill is filled? Who is responsible after that? That could become an EPA Superfund site. There is a potential as we don't know what's going in it. Mr. Horiszny said they are only supposed to take municipal waste. They aren't supposed to take any toxic chemicals. There's no radiation going in there and that's why there are monitors on the scale so that whatever goes in, has a half life of two or three days and then it's gone. They buried the asbestos extra deep, if you will, in another hole and covered it immediately so it shouldn't be blowing over the hill. Attorney Treadwell said he thinks these are the operational type questions that would be answered or more easily addressed October 3<sup>rd</sup> when Mr. Birdsall is here with some of the Township experts along with the person from DEP. Your questions are on the list and will be answered. Mr. Sutton said we have plans A through D. What he'd like to know is what the cost of these plans is? What's the cost for Staff, Legal, Engineering and Planning for these four plans? When you have a financial plan, you don't deal with just one object, so it seems like the Township has all their eggs are in one basket with this landfill. Maybe we could spend money and energies on other development in the Township, the 378 corridor, there's lots of property there. We seem to be beating this landfill back and forth all the time. He thinks there should be other options to diversify. Face it, the landfill is going to go away. It's not going to be there forever and you want a renewable income source that is renewable for the land and it doesn't destroy the land. Once this thing is filled, the land is totally destroyed and never, never can be used again for anything. Mr. Maxfield said not true. Mr. Sutton said what can it be used for? Would you build a house on it? Mr. Maxfield said there are many, many uses. Landfills have been very creative on how they close down landfill areas. We just saw this last spring; Waste Management was running habitat tours, ski slopes, golf courses, all sorts of things. Attorney Treadwell said he's actually played golf on an old landfill. Mr. Maxfield said when people say there's nothing you can do with it, it's not true. Mr. Sutton said what developer would come in and utilize that development? Mr. Maxfield said a golf course developer or a ski slope developer. Mr. Sutton said the golf courses are shutting down in this area. Mr. Maxfield said every landfill's like that. Mr. Sutton said the likelihood of it being used is very slight. Mr. Maxfield said we don't know that. Mr. Horiszny said which brings up the desirability of open space. That means you are going to have 224 acres of open space. Attorney Treadwell said can you put a trail on top of a landfill; it's

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going to be grass at some point. Mr. Horiszny said sure. Mr. Sutton said it's very personal and emotional for the people in Steel City as we live there, it's in our back yards. It affects our property values, and it will affect them. No one is going to put a golf course up there, not in his lifetime.

Mrs. deLeon said in her years of landfill committee meetings, she's had several conversations with IESI regarding usage of the closed landfill and with all the 30 years of methane and those pipes that stick out of the ground for testing, it was a huge liability for them to allow anybody up there. They have a post closure plan and would have done that in their post closure plan. They had to have that when they approved the Phase IV expansion.

Mr. Sutton said the methane gas is not going to go away. There's going to be decay and will produce more and more over the lifetime of the landfill. You're putting millions of more tons in there. If you look at the Chrin landfill and compare the number of wells coming out of this one, you'll see a difference.

Frank Palumbo, 2556 Kings Mill Road, said his question is the radioactive waste there, and it's not confirmed there is radioactive waste. Mr. Kern said what do you mean by that? Mr. Palumbo said didn't he just hear there's radioactive waste being stored there? Loud outburst from audience. Mr. Kern said order, that's not how we run a meeting. He has courtesy of the floor. Mr. Palumbo said is there or is there not radioactive waste being stored there? Attorney Treadwell said maybe Mr. Birdsall can address that. Mr. Birdsall said we did prepare for tonight to answer some of these questions and the question is, the radioactive, radium 226, was identified with their screening device. It was put to one side. DEP was called in with their experts. IESI called in their Physicists and determined it had to be stored until DEP approved where it was to be transported. There is temporary storage right now. Every meeting we ask what is happening, has DEP made a decision yet, and as of yesterday, DEP had not made a decision. Apparently, they are talking about someplace in Tennessee. He doesn't know what they are lining up, but it is not to be there permanently and there is a temporary storage area. Attorney Treadwell said has any testing been done to determine if it's a danger to the public, the fact that it's there now? Mr. Birdsall said he can't speak to that issue. Attorney Treadwell said will DEP be able to speak to that issue on October 3<sup>rd</sup>? Mr. Birdsall said he would think so. Mrs. deLeon said it's been up there for how long? Mr. Birdsall said he thinks it was January. Mr. Palumbo said obviously they don't have a permit to bring any radioactive waste in there. How did it get there to begin with? Mrs. deLeon said what happens is when a truckload comes in, the hauler may not know it's in the bags, so there's a radiation monitor set up. Every truckload is monitored, and then when the alarm goes off, they have to identify what's there. Mr. Palumbo said can you explain how much weight, tons, pounds, containers? Mr. Birdsall said no, he can't. Maybe someone who has actually seen the container could. Ms. Louder said it's one container and in an isolation area. Mr. Birdsall said it's one large truckload. What he does know is the source is from the demolition in the Allentown area when they were tearing down buildings, either because of the gas explosion or the arena, so it is some sort of demolition waste. Radioactive material can get caught in things like that as there used to be things made of radioactive material that aren't anymore. It could be glow in the night lights, hospital waste has this. This device that monitors the radioactive waste is so sensitive that it can pick up tissue paper that's disposed of at a hospital, where somebody has gone through a treatment, so it's pretty sensitive. On some of those hits, they can tell by the signal strength, what the wave is, that it's either not harmful or is harmful. This was not necessarily hazardous unless you are leaning up against the truck for 150 days. It passed the threshold of being allowed to be disposed of and so it's set aside. Mr. Maxfield said as is a smoke detector. Mrs. deLeon said her recollection was, when they were tearing down houses in that NIZ area, one of the houses years ago used to be a paint store and that's when they painted with the glow in the dark paints. That's probably what most of it is. Mr. Palumbo said what controls does IESI have to manage this material that is there now? Mrs. deLeon said the DEP regs are specific into once that alarm triggers, it's not really their fault, because they don't know what comes in there. If it comes in on a truck, they are stuck with

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it. Just like an overweight truck, once their scale says they are overweight, they cannot have them leave because they'd be liable if there's an accident, so they have to deal with the overweight truck. In some instances, they are kind of stuck. Then the DEP regs trigger that they have to isolate it and find a home for it. When you are looking at the landfill and you go into the disposal area up in the corner, we don't know what the half life is and the distance, but it shouldn't be where it is. It's away from the main road. Mr. Palumbo said does the DEP have a timeline they need to get this? Mrs. deLeon said you can ask that question on the 3<sup>rd</sup>. We're not happy about it, but it's still sitting there. We talk about it every month at the landfill meetings. Mr. Kern said he thought Mr. Palumbo said it got past the detection area. Mr. Palumbo said he just heard about it at the last meeting. He lives toward Lower Saucon Road, but just because of the proximity, he's only a couple of miles away. He's concerned what's going into this place and what controls are being used. He's glad to hear there's a Geiger counter, but he doesn't really know what the waste management procedures are for incoming material and he's sure it's virtually impossible to control every single thing that's in every single truck. It's ridiculous to even think you can control it all. Mr. Maxfield said if they get a hit, they take the whole load apart till they find it. Mr. Palumbo said if you have a Geiger counter, but if you want to call it toxic materials or whatever, there is no physical way. Mr. Maxfield said if we get a shipment of asbestos in, we get a Form U submittal all the time. They go through DEP approval. They go through our Consultants and the Landfill Committee and they end up going into the landfill as it's a permitted material. Mrs. deLeon said who knows what's hidden in the bags. Mr. Maxfield said how many of us throw paint cans away? How many of us throw turpentine away? All these kinds of things that none of us should throw away. We need to do our part too. That stuff is just as nasty. How many people throw away an old gas can with chemicals in it that don't deteriorate for 25 years? Mr. Horiszny said or waste oil. Mr. Birdsall said there is one electronic waste recycling event coming up. There's also a hazardous waste event coming up on October 6<sup>th</sup>. The recycling event at the Township is October 13<sup>th</sup>. There is a medication take-back on September 29<sup>th</sup>.

Ms. Donna Louder, 2145 Johnston Avenue said to Mr. Birdsall, it says the HMI inspection report, from Laouessa McNemar, she's asking about item 21 that says the groundwater quality results are below Act 2 standards, and then it says the Act 2 standards are not used to determine if a landfill meets water quality criteria, and she was wondering if he could explain that to her. Mr. Birdsall said he can do some of that, but you can raise the question again next week. The Act 2 standard was developed for Brownfield cleanups. If you can prove the water leaking down into the ground from your surface, like the Bethlehem Steel property, got certain parameters and meets certain quality, it can pass for Act 2 basically as a clean site. It doesn't achieve the same quality of original groundwater, but it's clean enough for DEP to approve. What Laouessa is reminding us all, and we are all very well aware of it, is that IESI doesn't have to meet the Act 2 standard, they have to meet a much tougher standard which is non-degradation which means non-degradation compared to the pristine groundwater that's there. There are some wells that still actually test for the background or upgrading of water, and then there are wells that they test called downhill monitoring wells that test for the water that would flow away from the landfill underneath the landfill. Those two are checked for one another and then they checked over the life ever since we've been watching this to see if there's any increased degradation. It's a much tougher standard. Mr. Horiszny said do we need a motion to send this letter along with the maps included by Priscilla or are we going to wait and see if we get an extension, then review it first? Mr. Cahalan said they indicated we could get an extension. He can request it formally tomorrow. Mr. Maxfield said we need to re-examine a rewritten letter too until at least after October 3<sup>rd</sup>. There are some questions there that were still outstanding and he still doesn't understand the response to No. 1. He would like to postpone this until after we get some solid information. Mr. Horiszny said shouldn't we make a motion to request the extension and get it. If not, then we're over the limit. Mr. Maxfield said absolutely.

**MOTION BY:** Mr. Maxfield moved to request an extension for DEP deadline for thirty (30) days.

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Mr. Horiszny said what if it isn't granted? Mr. Maxfield said he doesn't know. He would still like to hear what happens on the 3<sup>rd</sup>.

**SECOND BY:**

Mr. Horiszny

Mr. Kern asked if anyone had any comments. Ms. Louder said she wondered if the September 27<sup>th</sup> Planning Commission meeting could be delayed until after October 3<sup>rd</sup> so that there could be more information given to everyone. Can that be postponed until after we hear from the DEP? Mr. Kern asked if there was any other business? Mr. Cahalan said he didn't think so. Mr. Maxfield said he thinks they would definitely appreciate the information. Attorney Treadwell said the first thing that he would want to emphasize is the Applebutter Road zoning question theoretically and legally has nothing to do with the current operations of the landfill. Those are two different, separate and distinct issues. When you are considering that the Planning Commission or this Council is considering a rezoning, you don't get into the details of the operations of what are going on there today. It's a planning for the future question, not a "what is happening there today" question. That being said, he wouldn't want anyone to confuse the fact that whatever discussions happen on October 3<sup>rd</sup> regarding the current operations going on at the landfill should not have an effect, in any way, on the issue of Applebutter rezoning. He wants to make that perfectly clear. As far as postponing the Planning Commission meeting goes, we've never done it with a direction from Council. It doesn't mean you can't ask the PC to postpone their meeting or even direct the PC to postpone their meeting, he would guess they would not have a problem with it. Mr. Maxfield said there's really nothing he can identify on the IESI concerns that would be considered to be a planning or zoning issue solely. It all looks like its landfill related. Mr. Horiszny said if they have business, they ought to conduct it as scheduled. Mr. Maxfield said there was a proposal for Option D, which hasn't been really discussed or examined at all. Mrs. deLeon said where is Plan D? Attorney Treadwell said it hasn't been done yet. Mrs. deLeon said the meeting is next week, and it includes the Fox property. Attorney Treadwell said they will take a look at that and figure out how that happened and if it's a mistake they will correct it. Mrs. deLeon said it is a mistake. Attorney Treadwell said that's what he said, if it's a mistake, they'll correct it.

**ROLL CALL:**

5-0

Mr. Boyer said he has a comment based on comments that were just made. He was at an EAC meeting with Tom Maxfield and he had mentioned the fact that he had heard and he just said there were no discussions on Plan D, but said that Plan D was not liked by IESI as they were cutting back quite a bit of space. Mr. Maxfield said that was told to him by a resident who, when the Planning Commission (P/C) discussed Plan D, watched IESI's faces. That's the only place that came from and that IESI scrambled. That's not a professional opinion. Attorney Treadwell said since there is no Plan D drawn as of yet, it would be impossible for the landfill to be upset with it, as they didn't draw it yet. If that's what you heard Mr. Maxfield, then they must have been upset with the way that Plan D was described at the last P/C meeting as there isn't any Option D at the moment. Mr. Maxfield said the important thing it was antidotal, he was told that by a resident. Mr. Boyer said will we have Plan D at the P/C meeting next week? Attorney Treadwell said if there's P/C meeting on the 27<sup>th</sup>, in all likelihood there will be some form of Option D unless the Township staff were to decide that Option D didn't make zoning and planning or legal sense. Mrs. deLeon said does that mean any of them did? Attorney Treadwell said he thinks you already heard from Boucher and James and himself that Options A, B and C made planning and zoning sense. You don't have to agree with them, but from a planning and zoning perspective, they made sense. Mr. Horiszny said he'd like to propose we get back to the agenda. Mr. Maxfield said how about direction like this so we don't take anything away from the P/C. Normally, the agenda is set or approved by the Chairman of whatever board it is, so let's just ask Jack to talk to John Landis and see what his feelings are about the P/C meeting and we'll go with what he says. Attorney Treadwell said usually the way the P/C meeting gets cancelled or rescheduled is one, there is nothing on the agenda and

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no reason to meet, or two, the Chairman of the P/C decides it needs to be postponed for some reason, so that would be perfect in keeping with the past practices of the P/C to have the Manager talk to the Chairman of the P/C and ask him what he wants to do.

**MOTION BY:** Mr. Maxfield moved to table the letter until after the meeting of October 3<sup>rd</sup>.

**SECOND BY:** Mr. Willard

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

**ROLL CALL:** 4-1 (Mr. Horiszny – No. He said if we don't get the extension, we don't send the letter, we lost the review. Mrs. deLeon said that Jack already spoke to Bill Tomayko. Mr. Cahalan said he has an email from Mr. Tomayko. Mr. Horiszny said it doesn't really matter; he got his no vote in there, so let's go on. Mr. Cahalan read the email which said "I do not see any problem with a request for a 30-day extension. Thirty days appears reasonable. Thanks for keeping me informed". Mr. Birdsall said if there's anything that needs to be written on the extension, could you please handle that? Mr. Cahalan said he would.

**C. PRESENTATION OF 2012 MINIMUM MUNICIPAL OBLIGATION (MMO)**

Mr. Kern said Act 205 requires the Township Manager, the Chief Financial Officer for the two employee pension plans to annually determine the Minimum Obligation of the Township for those plans for the coming year. The Township Actuary has prepared Minimum Municipal Obligations (MMOs) for both plans, which were reviewed by the Pension Advisory Committee at their meeting on September 12, 2012. The Township Manager will review the MMOs with Council.

Mr. Cahalan said Ms. Gorman can go over this. One covers the Township Police Department and the other one for the non-uniformed employees. Ms. Cathy Gorman, Director of Finance, said they prepared both MMO's for the non-uniform plan. The MMO for next year would be \$82,475.00 and for the uniformed plan would be \$258,715.00. That's based on payroll that was estimated on this year and the actuarial evaluation performed last year. Council will need to approve it to go into the 2013 budget.

Mr. Kern asked if anyone had any questions or comments?

**MOTION BY:** Mr. Maxfield moved for approval of the 2012 Minimum Municipal Obligation (MMO).

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**D. DRAFT 5-YEAR CAPITAL PLAN**

Mr. Kern said the Director of Finance has prepared a final draft of a 5-year Capital Plan for Council's review and input.

Ms. Cathy Gorman said you have the 5-year capital plan. Council has in your ordinances, that it requires administration present this to you every year. This is prepared every year to present capital expenses for five years. They've also prepared a narrative that identifies things they have done in the past couple of years and things that are in progress so you are aware they are keeping on track of different capital projects you have commissioned for them to do. If there are any questions, the capital plan includes infrastructure improvements and also a vehicle replacement schedule.

Mr. Kern asked if anyone had any questions or comments? Mrs. deLeon said you aren't going to go over the plan, you are just going let us look at it? Mr. Kern said have you reviewed it? Mrs. deLeon said yes, she has. Mr. Kern said do you have questions on it? Mrs. deLeon said normally we go over it. Mr. Cahalan said we just usually present it and ask Council if they have any

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questions about the plan. Mr. Maxfield said it's pretty straight-forward. Mrs. deLeon said she knows this is required by the administrative code. Are you going to incorporate this into the budget when you prepare it, in the 5-year plan part? Ms. Gorman said it's incorporated in the capital fund budget that's in the budget, so you will see that, and there's also the same line items identified in that budget that shows monies that we are saving for the future but we were allocating money for those projects so we have enough money for them. Mrs. deLeon said by approving this plan, it's still going to be discussed at our budget meeting? Mr. Cahalan said it doesn't require any approval tonight. This is just for your update. The administrative code says we are required to present this to you. There is no action needed.

Mr. Willard asked if Cathy would go over the assumptions on the receipts and usage of the .25 percent open space EIT. Ms. Gorman said what she has historically done, and you'll see this in the budget, is budget for approximately \$800,000.00 per year to be spent on open space. That is a guesstimate. Council cannot use any of it. Council can acquire property that's more than that amount. If it is more than that amount, then you would do a budget transfer resolution to take it out of the contingency line item. Those things are unknown. They are handled in executive session and negotiations for property, so she tries to keep it at a certain level that seems within reason. If Council opts to buy something more than that, after that decision is made, they would do a budget transfer resolution from the contingencies to make sure there is funding in that line item. Mr. Willard said their annual receipts are more than that, and there's also a starting balance. Ms. Gorman said yes. Mrs. deLeon said will this document be on our website? Ms. Gorman said historically it has not been on the website. Mrs. deLeon said is there any way we can post it? Ms. Gorman said if Council wishes. Mr. Kern said that would be good. Mr. Cahalan said they will get it on the website.

Mr. Gene Boyer said is it possible to just get a quick one liner dollar amount of what is expected to be spent on the five year capital budget for the next budget, like 2013, 2014, 2015, in that drawing? Could it be made public? Ms. Gorman said we can post this on the website tomorrow morning. From the capital fund, we run from \$400,000.00 next year to \$780,000.00 in 2014; \$170,000.00 the following year; 400,000.00 the following year; all of those are subject to change because some of the capital projects we have identified may not be ready to be completed that year. We're hoping they will be, but this is just a working document, much like a budget. It's subject to change; the same thing with the vehicle replacement schedule. There are times our PW Director has a vehicle that's on the inventory schedule. He has a 10-year plan and it may be rescheduled to be replaced at that time, but he may need to have another vehicle that warrants to be placed sooner for one reason for another. We make those calls at budget, but this is more of a forecast so we know where we are within five years. Mr. Boyer said it will be in detail more so? He only asked for the big numbers, he didn't want to get into detail. Ms. Gorman said most of it is vehicle replacement. There's Polk Valley Road traffic light. There's Meadows Road stabilization, things of that nature that has been brought before Council before. We've been trying to secure funding for those projects when they are ready to be started. Mr. Boyer said since this is a capital plan and we are going to talk about budgets starting in October, he started to go back and look at some of the older meeting minutes, and back in 2005, there was some interesting comments made by the Council. There was a discussion about budgeting at that time and Mr. Cahalan said he would discuss with Martha. He doesn't know who that is. Mr. Cahalan said that was Cathy's predecessor. Mr. Boyer said and what we will be doing with the accounting is laying out a plan to take the money from the landfill and put it into the so-called lock box and put the money away so we will have a build-up so that the landfill closure fund will be \$10 to \$15 million and now this discussion is about the landfill closing ten years down the road from 2005, which would be 2015. That never happened, did it? Mr. Cahalan said yes it did. Prior to 2006 or 2007, a lot of people smarter than him made a lot of predictions about what they were going to do, but they didn't come to fruition because circumstances with the economy prevented that. The lock boxes, the operating fund, are in the plan that Cathy discussed. We've been trying to put money into that for the last couple of years. The balance is currently.....Ms. Gorman interrupted and said currently \$660,000.00 and there's still

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money left in the landfill fund. Mr. Cahalan said we didn't meet the goal, but other things happened. We had to maintain Township services in the midst of an economic downturn and we were able to do that without coming to Council asking for a tax increase. Mr. Boyer said right, because part of that discussion in that period from 2005 to 2011 according to Cathy's figures that she's probably done on-line, we received about \$11.6 million and we only have \$600,000.00 saved out of that, which she just stated. Ms. Gorman said she has \$1.6 million in the landfill fund as well. Mr. Boyer said he just thought she said \$600,000.00. Ms. Gorman said she has \$600,000.00 in the operating reserve fund. We have \$1.6 million currently in the landfill fund. Mr. Boyer said it was nowhere near the \$10 or \$15 million. Mr. Kern also said his question was what are we going to do when there is no landfill money at all? How are we going to exist in a Township when there's no money there? Well, we have to raise taxes and that's the only thing to do. He thinks he mentioned this months ago when we were starting to talk about the landfill, that if it's not there, we should be thinking ahead. He can only give you credit, Glenn, in 2005, you were thinking ahead, but now we're seven years later and we are in no better shape, so what's the prognosis of going forward and thinking about that? Not having the landfill money? Mr. Kern said it's a challenge. It's been a challenge since he's been on Council. He has done everything he can to promote industry in the Township. He has met with Ashley Development; he's met with John Blair and begged them to come up with ideas to create industry, to create commercial development. He can go into detail later about exactly what he did, but it was lengthily meetings with planners at their expense on his own time, not as a Council member, as it was an interest of his to create and generate this and they said it is tough in this Township the way the infrastructure is, the way the Township is laid out in a U-shape; the fact that it's a combination of rural and residential. He asked the planners to create a Class A commercial zone and they said we can't do it, there's no way to put the infrastructure in to make it happen. It's tough. He doesn't know what the answer is, he wished he did. Mr. Boyer said hopefully we're not going to give up and just say we need the landfill as there's a lot of people who don't want the landfill and the problems of environmental and cost of individual people in the Township. There still isn't any other answer how to do that than raise taxes. Mr. Kern said and then the bad economy hit. One of the suggestions was to create a sort of promenade development along this Old Philadelphia Pike, and that would be a very long-term thing. It would be very challenging to do. Mr. Boyer said he thinks the budgeting this year will be very interesting and there will be a lot of people being interested in what we're doing and how we're spending our money and if we can't cut back in some ways to try to reduce if the landfill does close. Mr. Maxfield said there's one way to cut back and that's services, and that's what the Township provides, so cutting back, the Township will either raise taxes or cut back services. There would be no equipment available for fire companies; you're talking new Police cars, number of police. You are talking about all sorts of services that everybody really enjoys now. Yes, budget time is going to be real interesting. Mr. Boyer asked how much money do you have today in contingency funds as it seems like each particular fund or organization has a contingency fund, the capital does, the landfill does. Mr. Horiszny said the financial report comes up later, won't that be in there? Ms. Gorman said it would be in yours, but to answer the question, when the budget was initially done, it was a little over \$700,000.00, which is where she tries to keep that. That's general accepted accounting practices to keep a contingency of 10% of your annual operating costs. If we receive more income and we don't spend as much, that money gets rolled into your beginning balance at the end of the year, which has happened several years when we were able to do that, minimize our budgeted expenses and been able to keep above that threshold of where we thought we were going to be. We have to keep that in line or within a certain parameters as there are times within the last couple of years where our revenue sources and revenue income has been questionable. When times were good, she was getting close to \$400,000.00 to \$500,000.00 in deed transfers. The following year she had \$150,000.00. When you lose \$300,000.00 to \$400,000.00 in one year, it takes an effect. It's something we were trying to hedge against. Mr. Boyer said the \$600,000.00 that you mentioned earlier for the landfill is not considered a contingency fund, it's separate? Ms. Gorman said that's a whole separate line item. We are going to keep building it up until there's nothing left. Mr. Boyer said there's a contingency fund in the landfill fund? Ms. Gorman said there's a contingency in every fund. You'll notice if you go into the budget in the operating

reserve fund, there's no expenses in there, it's just money being put in. There's a beginning balance, your anticipated revenues, and your anticipated expenditures and then what your contingency is or what your balance should be at the beginning of the next year. The only fund that doesn't have anything budgeted in expenses is the operating reserve fund as that's not its purpose. Its purpose is to save money so we don't take money from there to buy anything else. We're saving that money on an annual basis.

**E. UPDATE ON HELLER HOMESTEAD PAINTING AND REPAIRS TO ROOT CELLAR**

Mr. Kern said the Manager will provide an update on the painting to the Heller House and an estimate from mason, Ron Rickert, for the stonework on the Root Cellar.

Mr. Cahalan said Walt's Professional Painting who was approved to do the work has stripped all the windows and the front entrance. The doors are held up because we were coming up with the appropriate paint color for that. He did replace the rotted wood sections, so the work is proceeding. He is just about ready to put the primer and finished coat on. We did approve him for a total of about \$15,000.00. We paid him \$3,500.00 so far. He has a request for an invoice for \$7,000.00. He's recommending we approve payment of that tonight.

**MOTION BY:** Mr. Horiszny moved for approval of the \$7,000.00 payment to Walt's Professional Painting.  
**SECOND BY:** Mr. Willard  
Mr. Kern asked if anyone had any comments. No one raised their hand.  
**ROLL CALL:** 5-0

Mr. Cahalan showed Council some photos of the root cellar taken today. The slate roof is finished. The wood in the front has been completed also. It looks like they did a real good job on it. The only thing remaining is the stone work. That was the work that was primarily the weeping mortar is on the inside portion which you can't see on the photographs. You have to go and open the door to the root cellar and look at the back wall. It involves that area. We did send out a request for proposal from R. S. Rickert Masonry and he did supply us with an estimate for this work. He said the repairs on the stone work consist of inside chipping and cleaning out of all weeping mortar and joints of the stonework that was previously relayed to a depth of approximately 1". Continues stone laying out to the new roof to support main roof beam and roof structures. Laying stone provided from job site with lime mortar provided from Lime Works from Quakertown. The inside mortar joints to be trolled and flushed to match existing with a white color mortar which will help later with whitewashing. On the exterior, he will hand chip all the weeping mortar from the attempt of laying stone on the west wall to a depth of approximately 1", clean thoroughly, re-point to match as close as possible to surrounding walls. That estimate is \$3,003.00. Mrs. deLeon said when he says exterior, is he talking about the two side walls and the back wall? Mr. Cahalan said no the exterior would be on one of the pictures. Mrs. deLeon said this piece of wood didn't come down like to cover all, there's a little bit showing. Mr. Horiszny said isn't the Rickert thing just for the inside and the outside of the back wall? Mr. Cahalan said the proposed scope of work was "install stone to be supplied by the Township on the interior of the rear western wall. Re-point stone on the inside and outside of rear western wall." That's the weeping and he's going to clean it and build it up. On the outside, he's just going to take it and clean up the weeping and re-point it. It's just the rear wall, that's all we asked Rickert to supply the estimate for. Mr. Maxfield said \$3,000.00 just for the rear wall. Mrs. deLeon said we were assuming that the piece of wood would come down and hide the other mortar sticking out and it didn't; if it would have come down another half inch. Mr. Horiszny said he didn't think there was any wood on the rear wall. Mr. Cahalan said the frieze board underneath. Mr. Kern said Priscilla is saying along the side wall. Mr. Horiszny said we're not talking about that. We're on the rear wall. Mr. Kern said but this is not what we're talking about. We're talking about the side wall. This wood didn't come down to cover the re-pointing that they did, so the re-pointing is showing. Mr. Horiszny said didn't we want an air gap in there? Mrs. deLeon said the air gap is in the front part where the gable is.

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There's space. Mr. Maxfield said \$3,000.00 for just the rear wall, is that what we're talking about here? Mr. Kern said was there another quote? Mr. Cahalan said we did get one from Alan Kunsman who did the slate roof. That was \$1,625.00. Mrs. deLeon said that didn't say he was using the lime mortar mix. She doesn't know if he was asked. Mr. Cahalan said they didn't ask him. He said the cost for relaying the remaining section of stone on the inside of the rear wall and for re-pointing the stone work on the outside of the rear wall. Mr. Horiszny said let's take that instead of the \$3,000.00. Mrs. deLeon said we don't know if he's using lime mortar mix, he might be using Portland cement and we don't want him to do that. Mr. Horiszny said it's not going to double the price. Mr. Kern said if we specify that he has to use the lime mortar mix and no Portland cement. Mrs. deLeon said the person we got the estimate from did the barn, so she knows he knows how to do quality work. She knows we are supposed to take the lowest price, but we don't have to if there's a more responsible bid. She knows the work Rickert does, and no disrespect to the other person, but it's been such an issue with this root cellar, that the mortar has to match and she has no guarantees from the other estimate that it's going to match. Mr. Maxfield said he would feel irresponsible for approving \$3,000.00 for a wall when there's an estimate for \$1,600.00 floating out there. Mr. Kern said we can clarify with the \$1,600.00 that he please use lime mortar and match to that color. We're just talking about interior stonework which is not critical. Mr. Maxfield said we just had a discussion of finances, and here we have an estimate of about 200% of the other one, so he's going with the 100% one.

Mr. Kern said before we approve it, we want to get clarification he'll use the lime mortar. Mr. Cahalan said he can do that and come back or you can approve it subject to him using the lime mortar and matching the color.

**MOTION BY:** Mr. Maxfield moved for approval of the \$1,625.00 bid from Alan Kunsman, subject to him using the lime mortar and matching the color.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any comments. Mrs. deLeon said she doesn't know what kind of work he does. Mr. Kern said just for his house, he would do that as you are talking about this little section that he's going to gouge out and fill it with lime mortar. It's already filled with what Marcus used. The rest of it is Portland cement. He agrees it should be lime mortar, but to double the price. Mrs. deLeon said he needs to redo his estimate and put it in writing because there's a method to using lime mortar and if you're not familiar with the process. Mr. Maxfield said he doesn't think he has to redo his estimate, he just has to agree to use lime mortar and not Portland cement at the same price. Mrs. deLeon said what's the problem with getting an amended bid and are supposed to get things in writing. Mr. Horiszny said we didn't ask him for an amended bid. We gave him the bid the way we wanted. That's the most. Mrs. deLeon said she doesn't think so, he would have specified. Mr. Horiszny said the motion just said that. Mrs. deLeon said she's not going to argue. It is what it is. You want to argue, she doesn't have time or energy. Mr. Kern said the motion is what you want. Mr. Miller said lime mortar is substantially more expensive, about ten times as expensive. Mr. Kern said no, that's the French lime mortar. If you use regular lime mortar, it's less expensive as you aren't using Portland cement. You are just using the lime slake, which you just take a bag of lime and you wet it in a barrel and it becomes slake and you mix it with sand. That's it. It's inexpensive if you can get. Mrs. deLeon said does PHMC have a standard for lime mortar mix? We go through this all the time. You'd think there would be a folder we keep so we're consistent every time. Mr. Kern said PHMC does have a standard and they do say you can use Portland cement in the lime mortar mix, so we're not using that standard, we're using lime mortar. Mr. Maxfield said we're actually going above their standards. Mrs. deLeon said whatever you want to say, whatever makes you happy.

**ROLL CALL:** 4-1 (Mrs. deLeon – No)

**F. APPROVAL OF AMENDMENT TO JOINT GAMING GRANT**

Mr. Kern said Hellertown Borough is requesting Township approval of an amendment to be submitted to the Northampton County Economic Gaming Revenue and Economic Redevelopment Authority regarding the use of the remaining funds in the joint grant.

Mr. Cahalan said Hellertown Borough asked us to do this. This was a joint application we put in for funds for the Dewy Fire Company ambulance for equipment. The grant monies were awarded for items such as EMS jackets and rescue helmets. There was \$1,370.00 remaining after they purchased those items and the Gaming Authority requires in an amendment from the municipalities for us or for Hellertown to use that remaining money for other items such as extraction gloves and safety glasses, so this request for Township approval for an amendment to be submitted to the Northampton County Economic Development and Gaming Revenue Authority regarding the use of the remaining funds in the joint grant.

**MOTION BY:** Mr. Horiszny moved for approval of the amendment to the joint Gaming Grant.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments. No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF SEPTEMBER 5, 2012 MINUTES**

Mr. Kern said the minutes of the September 5, 2012 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mr. Maxfield moved for approval of September 5, 2012 minutes, with corrections.  
**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 – Abstained)

**B. APPROVAL OF AUGUST 2012 FINANCIAL REPORTS**

Mr. Kern said the August 2012 Financial reports have been prepared and are ready for Council's review and approval. Mr. Maxfield said another job well done.

**MOTION BY:** Mr. Willard moved for approval of August 2012 Financial reports.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any comments? No one raised their hand.  
**ROLL CALL:** 5-0

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

- Joan Madzarac, 2074 Easton Road said she called today and was told she should write a letter to Mr. Cahalan about the truck traffic on Easton Road. She read "On March 7, 2012, I attended a Council meeting to discuss the truck traffic from Cherry Lane on Easton Road and the situation has gotten worse. They travel 24 hours a day, seven days a week and holidays. I know have two cracked basement windows, three broken cups, one broken plastic container, all caused by the vibration and shaking from the trucks. They constantly shift down and up. Brake and rumble, they are heavy and loud and disturb my sleep. PennDOT is installing berms and sound barriers along I-78 for homes that are 500' and more from the highway. My home is only 30' from the road and the very same trucks go by. The cabs have large engines that cause vibration. There is construction, interstate, double trailers, flatbeds, and garbage trucks, all serving the warehouse on Easton Road. There must be a road from the warehouse to 412 for these trucks to travel rather than

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on Easton Road. Something has to be done before they destroy my home. These trucks, when I go down to my mailbox, the ground actually shakes. They shake my house. Last night, I'm not in a good mood today as I didn't get any sleep. They went all night, all night long. Every time I thought I was going to fall asleep, another truck came through. They stop on Cherry Lane and when they make the turn, they turn right by my mailbox and that's the side of the house that my windows are broken. These are expensive windows. I'm going to have to pay for them, but I wish I could find out who broke them because that vibration is terrible. You never got back to her. Did you ever talk to anybody? There's a road that used to go from Easton Road to 412 brought the Coke Works. They closed that road in 1945 because they were afraid of sabotage during the war. Why can't they put a road from that warehouse to 412. If they put the railroad trestle over that section as they built it all up, why can't they put a tunnel under it to go to 412. They are putting all these berms and are protecting the homes from the sound and I get the full blast. What do I do now? Mr. Kern said are the trucks coming from the Intermodal? Ms. Madzarac said from that company. That's that other company, MFS. That's no longer there. She was coming from Bethlehem and she went to that Commerce Blvd. and a truck with beams was coming out of there and she followed him. Instead of going on I-78, he went up Cherry Lane and down Easton Road. Mr. Kern said why? Ms. Madzarac said she didn't know. Another time a truck came up with building material on it. She was sitting in her driveway and pulled out behind him and instead of going on I-78, he went out to Commerce Blvd. and went in there. Are they playing games? They are taking the stuff back and forth and these trucks are huge. They don't have a scale. They are loaded way above the cap. They told us they have a truck where they park down there, and bring the cab up. The cab is the thing that makes the noise. They rumble and when it rains they slip and slide as there is oil on Cherry Lane. She's going to get a truck in her house one of these days. That's how bad it is. It is really, really bad. What can be done? Mr. Maxfield said that road is still there that goes through that area. The Intermodal trucks have stuck it right in the middle to get around all of that, to get to the wood products place, so they are going to take the easy route and go up Cherry Lane and down. You're right he lives on Easton Road and hears those trucks all night long. Ms. Madzarac said one night it was so bad, on August 11<sup>th</sup> and 12<sup>th</sup>, there were no trucks. She could actually hear a woodpecker pecking on a neighbor's tree. It's so bad. It shakes her house. It practically shook her out of bed last night. That's how hard it shakes. It's going to ruin her home. The mortar is falling out of her chimney. Mr. Maxfield said he also witnessed a truck going up Cherry Lane and doing the T turn and back down again. Ms. Madzarac said there's a guy who lives in Bethlehem Fields and he's a driver and his truck is parked right there. He makes a U turn right there. He had the whole truck one day and he parked there. Hellertown lowered the speed limit on Easton Road to 25 MPH to discourage those trucks. Some of them can't go that slow, so now they are backing up again into Hellertown. It's getting so dangerous and she wants something done about it. If they think she's going to go Court and give her house to Bethlehem, they are fooled. She isn't going to give up. She'll go and punch that Callahan in the nose for what he's doing to her. One guy told her that they can't make money on roads, that's why they don't want to put roads through. They wanted warehouses there. Some guy told her they are afraid they will use the road. Of course, she will, she never goes on I-78. When she used to go to the hospital it took her a few minutes, now it takes her  $\frac{3}{4}$  of an hour. She sits on Cherry Lane until the light changes four times. Mr. Maxfield said he doesn't know where they are going but he knows they don't want to sit in that 412 traffic to go into Commerce Blvd. He doesn't know if that's going to change when 412 is done. Ms. Madzarac said it isn't. It's still happening. They closed the High Street bridge. They closed the road to go through the park. Everybody has to go on 412. She would love to have another road to get out of there. Mr. Maxfield said the truck traffic with the casino busses, it's real bad in the afternoon and it's not right. There's something wrong with the traffic patterns there. Ms. Madzarac said these people here who are arguing about this dump, when they closed Applebutter Road at Shimersville Road, we got all those trucks and those trucks are huge and they really rock you. She's against expanding that because of those trucks. If anything happens on Applebutter Road, we're going to get that traffic. Unless they can make something from Applebutter Road through that Intermodal thing to get out to 412 or on to I-78, please don't accept that expansion. Mr. Maxfield said instead of opening roads, they are closing roads. Ms.

Madzarac said Easton Road, the trucks don't run when the school bus runs as they can't get past each other down by the cemetery. It's so tight. In the wintertime, they say we're going to have a hard winter. Hellertown put curbing and sidewalks on Cherry Lane. Two years ago when it snows, they have a habit of bringing the snow down Cherry Lane and when they make the turn on to Easton Road, they dump all the snow in her driveway – 3' up. It's full of stones and big chunks of ice. She can't lift it or push it and she's not taking her snow blower down. Her whole driveway is cleaned except for there. She called PennDOT and they said in case you have an emergency, call them and they'll come down with a backhoe and clean you out. She talked to someone who had a problem and it took two days for them to come and get her out, she could die by then. Now with the curbing, it's going to be curb to curb and all that snow and ice is going to end up in her driveway. If she hires someone to come and push the snow up, she'll end up with all those huge stones. It's enough that every Spring she has to sweep her lawn and she has buckets of those stones. She picks them up and takes them in and gives them to anyone who wants them. Mr. Cahalan said what Ms. Madzarac is talking about is truck traffic going on Cherry Lane, which is a Borough of Hellertown Road, then onto Easton Road which is a PennDOT road. They are traveling to the eastern structure Wood Products plant that is on Easton Road. You are talking about them travelling predominately at night time. Ms. Madzarac said they used to start at 2:10 am, now last night they were going from 10 pm to 5 am then they quit as the school busses start. They were going all night, these trucks were going. Mr. Cahalan said they are using the entrance on Easton Road as it's open at that time. There is a gate that she had referred to that is accessible from Commerce Center Blvd. It goes through the Intermodal facility. It's controlled by the Intermodal facility; the trains in the back are their property. It may be locked at night and that's why the trucks are traveling through the front entrance. If they were to use this during the daytime, if they go down in this direction, they can go down along the railroad tracks. Ms. Madzarac said they never use it. All the trucks are on Easton Road, all day long. Her neighbor comes over to talk to her in her yard and they can't even talk to each other. It's so loud. She has her TV up full volume. She can't even hear the news at noon. Mr. Cahalan said as far as he knows, there are no prohibitions on those roads, prohibiting those trucks from traveling, but he can verify that. Mr. Maxfield said he doesn't know what's happening at night. After regular business hours, they chain off the Wood Products. Ms. Madzarac said no, it's not. She went down there; it's never chained off or never closed off. Mr. Maxfield said he got stopped there a couple of times by the chain. Ms. Madzarac said MFS is chained, but when you go into that company where the alliance trucks are, there's a road going in there and a road to the left. She'd like to go in there, but she's afraid she's going to do something to her, so she doesn't go in. When she goes by there, it's always open, and she doesn't know where the road to the left goes. Mr. Maxfield said are you talking about the entrance at the Wood Products place? Ms. Madzarac said they have beams in there that they take. Mr. Maxfield said he has definitely hit a chain there as early as 3:30 pm to 4:00 pm. Ms. Madzarac said they go at 2:00 am, that's the first truck that goes down Cherry Lane and goes in there. Mr. Cahalan said it could be materials that they may be positioning for the construction on the LVIP or Majestic properties. Ms. Madzarac said they say there's a truck depot down there, is that it? Mr. Cahalan said you said there are beams? Ms. Madzarac said steel I beams. Mr. Cahalan said those are Wood Products. He doesn't know whether they are taking in materials in that direction for the LVIP warehouse construction. Mr. Maxfield said they just built the Crayola warehouse down there and they are building another one, the beams could be going to the warehouse construction. There will be an end to that. Mr. Cahalan said that is all in the City of Bethlehem, PennDOT and the Borough of Hellertown. Ms. Madzarac said they called PennDOT to ask them to lower the speed limit for us. They will not do it. When they came to look at the section, they said there was a moving van at the Bethlehem Fields, and it was a blind section, so they made a three-way stop there. That doesn't help anything as they don't even stop. They just rumble through the right turn. They don't care who's there. She talked to LST police officer and told him they could make a mint here, and he said, he knows. She told him they are never here. Hellertown tries to catch them. When she cuts the grass or goes to get the mail, she's afraid as they are so close to her when they make that turn, she could touch that truck. She could bang on that door, that's how close they come to her. One of these days, she's going to get hit down there. They come over the white line.

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It's cracked where they turn. She's concerned about her house and her windows. They are going to be breaking all of them one day. It's going to cost her about \$400.00 to fix those two windows. She wishes you could help her to stop this. She can't go on with this. Mr. Maxfield said PennDOT just upgraded Easton Road a few years ago by painting the berms, even lower they did lower the speed limit, it seems to encourage that activity on it. Everybody rides all over the berms anyway. He doesn't know if there's anything we could do. They can't ask PennDOT to weight limit the road as they have upgraded it to accept trucks. Ms. Madzarac said she would like the trucks to go the other way to go through their section. Keep in Bethlehem, why bring it to Lower Saucon. Mr. Maxfield said he bets PennDOT will look at it per road condition. Ms. Madzarac said these kids used to race up Cherry Lane, and now that they have cars parked all over, they can't race there, so they are racing down Easton Road. They start at her house, you hear the brakes going, then they go down to the overpass. It's all at night as you can see the light beams, then they go up Wilhelm. It's getting worse and worse. She doesn't know what we can do about it. It has to stop. What's going to happen if they knock all the mortar out of her bricks? Ms. Madzarac said she's sick and tired of being awake at night. Mr. Maxfield said we need a reporter come out and put these companies on TV and shame them and then finally get some action. Ms. Madzarac said they were thinking of getting in touch with the Watch Dog on the Morning Call. Mr. Kern said what about Paul Bealer from the Valley Voice. Ms. Madzarac said in the winter time it's going to get worse when the ground freezes.

- Gordon Gress, 2371 Black River Road, said he has a relative who works at Easton Engineer Products. All their products come in by rail. They have seven trucks they load and they leave at 5 am. They come back when the runs are done, which are probably between 2 pm to 5 pm. Where are the other trucks are coming from is one good question. Easton has a gate that goes across the first part of their property and a chain on the second part. Nobody goes in there after hours as there are surveillance cameras. There is a dirt lane that runs with the railroad tracks towards Intermodal. He's not sure if that's open or not. Mr. Maxfield said he's seen some people try to get in there through the old Waylite site, but they can't get through the second gate. Mr. Gress said he worked for Bethlehem Steel for 35 years and they used to travel around that area, and there were roads down there, but he doesn't think they are passable anymore. Mr. Maxfield said he did get from the Commerce Blvd. on 412, and wove his way around the Intermodal trucks that were there and ended up at the Easton gate and the chain was up. He couldn't get through. If that was open, he could have gotten through. Mr. Gress said they maintain their property very well. He doesn't think the problem comes from there, so he doesn't know where all these other trucks would be coming from. There's nothing else down there. Ms. Madzarac said where are the flatbeds going? Mr. Gress said he has no idea. Ms. Madzarac said Alliance and EMS are the trucks. Mr. Gress said this is Easton Engineer Wood Products and all their trucks are identified. He didn't know what EMS is. Ms. Madzarac said they even took one flatbed and put it on top of another flatbed. Mr. Gress said that that's not Easton Engineer. Mr. Maxfield said it sounds like they are being loaded on a train somewhere. Ms. Madzarac said they are not going up Ringhoffer or Easton Road past the other underpass. Are they going to 611? They come right back. Mr. Gress said he didn't know, you got a mystery there. Most of Easton Engineer get on I-78 as most of their deliveries are in NJ and NY and they only have seven trucks running right now. Their business went downhill with this downturn. Ms. Madzarac said a train unloads and loads from either side. If they are taking things from a train, they have doors that open both ways. Mr. Gress said all Easton Engineer lumber comes in on open cars that are unloaded from one side only in the yard. Ms. Madzarac said she doesn't know what's happening down there. They are either playing games with her or doing it on purpose. Mr. Gress said she should get the name on the truck. Ms. Madzarac said flatbeds don't have names on them. Mr. Gress said all flatbeds have a cab in front of them. Ms. Madzarac said that doesn't have a name. Mr. Gress said it should have a name on it. The Interstate Commerce, it's got to have a name on it. Ms. Madzarac said the cabs come back and forth without the trailer. There's some kind of depot down there. Mr. Gress said that's a mystery, but he doesn't want to see Easton Engineer get blamed for it.
- Mr. Gordon Gress said he received a letter from the Manager and thank you for the reply. In his 46 years of coming here to these meetings, he's never gotten a written reply. Thank you. He'd like to

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give you the comments about the water on Black River Road, Fire Lane. It said “regarding the road paving that was done, the roadway in front of your house, which is 2371, and across Wydnor Avenue was addressed several years ago by removing the existing blacktop and installing a new surface which they did by using a laser level to get as much pitch as possible across the mouth of both your driveway and Wydnor Avenue since the area in question was extremely flat with very little pitch. Since these improvements were done, the Public Works Director stated that he has not received a complaint about standing water at this location. The Public Works Director also advised that they did have issues with the gutter along the side of Black River Road which they addressed in 2009 at the same time that they did the gutter work on Old Philadelphia Pike.” They did nothing in front of his driveway. They did Black River and Wydnor Lane and they did a good job. What the road crew does, they do very well. No complaints. He doesn’t call every time there’s water standing there. He just wondered yesterday when we had that downpour, if any of you people, ladies and gentlemen, ever went down there and watched what happens. Have you ever been down there in a torrential downpour? Mr. Maxfield said he was out at Meadows Road. Mr. Gress said he’d like him to come down to his road sometime. He had a berm across his driveway to keep the water from going into the lower level of his house. In the winter, it flows flat, it freezes. Every time he calls, the road crew comes down, excellent response. He would like to see the problem done away with, not attacked over time there’s a problem. The rest of the letter stated “The Public Works Director stated it would be a major project to resolve the issue of the stormwater on Black River Road, requiring the installation of storm sewers beginning at the northwest side of Fire Lane, continuing east along the south side of Black River Road which multiple cross piles and inlets, crossing Old Philadelphia Pike and ending at the Black River Creek between Old Philadelphia Pike. It would be approximately 1450 feet with an additional 300 feet +/- and 14 PennDOT inlet boxes, one for every foot”. He’s not an engineer, but he also thought maybe that’s what capital improvement projects are for. That was very nice that you brought that up today. The last part, “the retention pond on Fire Lane, the Township Engineer advised that this detention basin”, at least he learned what a retention and detention pond was, “was installed in circa 2004 to control stormwater run-off from the 3-lot, 3.6 Glen Meadows Subdivision. This basin is a detention basin where stormwater is stored or held temporarily until it slowly drains, rather than a retention basin where the stormwater is held indefinitely.” He doesn’t know what it’s detaining as there’s never been water in it. The other one is the retention pond, which there was no answer on that. He was concerned as that was the one at Saucon Square, with the water in it, and his concern was mosquitoes. Maybe there’s fish in it, he doesn’t know. Mr. Cahalan said that was addressed. You did not get the copy; it went to the company who manages that facility. The engineer did look at that basin. Mr. Miller said it appears that the lowest orifice was clogged. There’s no real good way to tell until they clean it out. It does appear that the lower level was not completely clogged, so he’s guessing it’s primarily vegetation as opposed to silt. Presumably, when that is dug up, it will drain in about two days. It should drain completely. Mr. Cahalan said they directed the management company to address that. Mr. Gress said wonderful, thank you for that. He said it also says “this stormwater run-off from the 25 acre upland watershed area that drains to the Black River Road area is not intended to drain into this basin.” That’s the 3.6 acre Glen Meadows subdivision lot. “In addition, the basin was not designed to control the run-off from Fire Lane.” That’s where the problem is, from Fire Lane coming down. He’d really like to see this addressed and he won’t have to keep coming here. Mr. Cahalan said that’s up to the items that are in the capital budget, or items that the Council has directed the Director of Finance and himself to fund for future consideration, which is not on the list. Mr. Gress said he wished it would go on the list. Mr. Cahalan said you have to convince the Council that this is something that should be done. Mr. Gress said he’s putting a plea into Council tonight to please put it on their list. He would like to see that addressed.

- Kareen Bleam, 4289 Fritz Avenue, said she knows we get a lot of rainwater from up above on Saucon Avenue and it does come down. When we have the rains, it comes down on Mixsell Avenue and Mixsell Avenue is pitched towards the river. Instead of having a swale so that the water runs down and goes down Adams Avenue or Matthews Avenue, it comes down the hill and it rolls over and goes into their yard and her husband is getting tired of putting in the berms. There’s

a sand mound on the house on the property behind them, that they had to do a ditch that the water wouldn't set right at the sand mound. It rolls around, and when we just get regular rains, she has pictures where it looks like they have a swimming pool in the yard besides the swimming pool that is there. It is so pitchy and it just comes down Mixsell Avenue down towards Riverside Drive. It just floods. The Steel City Mennonite Church put a storm drain in years ago. The water doesn't even go in that storm drain. It hits the grass and goes every which way. It doesn't go down the way it should go, so she doesn't even know what the purpose of that storm drain was. If somebody doesn't do something about it soon, she's going to have somebody dig a ditch, not even on her property, the Township part of the road, and she's going to have them put a swale there so that water doesn't do down. In the wintertime, when it rains and it turns into ice, she can't get out of her driveway. That used to be stone and she and her husband paved it years ago so they had a decent way to get out of Steel City or at least get out of their driveway, and we can't as it turns into ice. Then she's stuck at home, she can't get to work and you can't do anything about it. She's not going to go out and throw sand on it all the time and the Township won't maintain it as it's a paper street since 1970, with a promise they would put it in back in 1970 and they never did. Now they get stuck with the problem and every time it rains, they get the water from everybody else. There are two or three storm drains up on Saucon, and where does the water go? They are closed. Mrs. deLeon said it goes across the street between .....Ms. Blead interrupted and said, are they closed? Mrs. deLeon said she hasn't check them out for awhile. Ms. Blead said she believes they are closed. It comes down the hill a little bit, but nobody cleans the storm drains in Steel City either. The storm drains are packed. Dr. Weaver's was flooded yesterday because the storm drains are all full of brush, whatever's on the road. Nobody cleans the front of the yards up. She talks to somebody about why doesn't the Township cut the brush or make the people cut the brush in front of their property because they have very nice houses. You go Seidersville Road in the morning, there's an elderly man that walks. If you are on that side of the road you could hit him. Mr. Cahalan said we're at Steel City, now we're at Seidersville Road. Ms. Blead said she's just saying, nobody does maintain the brush or anything else. Mr. Cahalan said Seidersville is a PennDOT road, so let's go back to Steel City. He will look into her concerns and will discuss them with the Director of Public Works and get back to her. Ms. Blead said Roger knows about the problem from years ago. Mr. Cahalan said he will make a report to Council. Ms. Blead said did anyone do anything with the resident on Mixsell Avenue. They live 2148 next to the Mennonite Church, the guy who doesn't cut any of his weeds, and now we're getting snakes in our yards. Mr. Cahalan said if there was a complaint, it would have been addressed by the Zoning Officer. Ms. Blead said they said there was already a complaint and it was in the PATCH that the man was fined, but he doesn't do anything. He doesn't cut his grass. There's a bunch of trees in the yard. It looks like a wilderness and we have seen snakes. The granddaughters don't even come over to their house as they are afraid they are going to step on a snake. Her husband has gotten about four this year. They are only tiny, little things, but they don't like snakes. Mr. Cahalan said he will look into this and give Council an update.

- Ms. Joan Madzarac said she wanted to correct something. Mr. Cahalan had said that Cherry Lane is Hellertown. Mr. Cahalan said Hellertown and Bethlehem. Ms. Madzarac said Hellertown built that road, and they were very proud of it. They even came to her father and said they gave him a road. Her father said he doesn't think they did him any favors. It is now a PennDOT road. They clean the snow on there. Before all this stuff was built across the street, Hellertown used to come and clean the snow in front of her house, and they have hydraulic on their plow and he could turn it left or right, and he used to turn it so he could put the snow across the street when nothing was over there. Now that PennDOT took over, they keep those plows straight and anything that falls, falls into your driveway. She gets the full blast of that. She just wanted to correct that. It's PennDOT who cleans it. Hellertown comes down Cherry Lane but aren't really responsible for cleaning all of that. Also, about neighbors with rotten yards, she has a neighbor and people are complaining about him. He never cuts his grass and he said he's smarter than the Township and the Police and he can get away with it. He only cuts the front and when the Police came to her house, she told them about his yard, it's really high. He has vines, she has a fence and bushes as she doesn't want all those seeds to come over. She has a garden and she's still a farmer, and he doesn't cut it and it's

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real high and he has little trees growing through her fence and vines growing up her fence. She had to get poison to kill all of that. The Police tell her that he has a tree line, and because he has a tree line, he doesn't have to cut beyond the trees. There is no tree between his trees and her fence. He doesn't cut that either, so evidently he can get away with it. She'd like to know how you get away with that, she has to cut her grass, but he doesn't have to cut his.

**VI. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said on the Timko property, we've been talking recently about turning that into a trailhead for the Saucon Rail Trail, we got a DCNR grant for that acquisition. We did get one appraisal done which we submitted to DCNR and Cathy has been in touch with the representative at DCNR to clear all the paperwork so we can get the payment and they are indicating they need a second appraisal on that property. He's requesting approval from Council for a second appraisal on the Timko property and it would not exceed \$3,500.00 in cost. We weren't required at that time to get approval of the grant. We only got on appraisal, now they are saying they need the second one.

**MOTION BY:** Mr. Maxfield moved for approval to get a second appraisal for the Timko property not to exceed \$3,500.00.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

- Mr. Cahalan said we need the annual approval of Trick or Treat night in the Township. We're recommending Friday night, October 26, 2012 from 6:00 pm to 8:00 pm. Mr. Maxfield said no chance on going back to Sunday? Mr. Cahalan said we usually join with the Borough of Hellertown.

**MOTION BY:** Mrs. deLeon moved for approval of Trick or Treat night on Friday, October 26, 2012 from 6:00 p.m. to 8:00 p.m.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-1 (Mr. Horiszny – No)

**B. COUNCIL**

**Mr. Maxfield**

- He said Jack is entering into a new career as public speaking as Jack and Charlie are going to be at the Watershed Conference coming up this fall and he's going to speak about flooding in communities and our experience about that.
- He said yesterday, and Glenn may have mentioned he seen this too, he drove down Meadows Road and noticed quite a gushing of water coming out of the detention pond right next to the road and from there on, it went down and followed the ditch and got stalled at the Rail Trail and then took a left on to the Rail Trail and he's sure we have damage on the trail now. A lot of people have come and complained about the water in that area. He knows it was an exceptional event yesterday and it really rained like crazy. For the health of the trail, we ought to figure out something. We have a ditch going down and it just stops. Mr. Cahalan said it should go down, the ditch, under the people on Wilmet Lane which is open. When it hits the trail if it's traveling south, we did raise the trail bed up in order to accommodate that and take that flow down the trail before it dissipates. That is the direction we wanted to go. Mr. Maxfield said it was flowing across Meadows Road onto the trail. Mr. Cahalan said some of it flows over to Mr. Holum's side, and then travels down and goes up the other section. The other portion goes down on the PPL side and down on the trail. It has accommodated some heavy flows down there because the engineer was involved in raising up the trail so the water would not wash out.

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Mr. Maxfield said the one thing he saw that could probably make that situation easier to tolerate would be, the quantity coming out of the detention pond, it looked like if it had a slightly smaller orifice and we allowed the pond to fill up a little bit, that flow would be a lot less. It looked like what was coming out of that detention pond was going to erode a nice hole at the bottom going into the ditch. Mr. Cahalan said they can look at it. Mr. Kocher was here at the time of the meeting, so it was looked into as Mr. Holum complained about the outflow from that detention basin. Mr. Maxfield said we'll need some kind of material underneath that outflow if we want it long term to be okay. Mr. Miller said there's a little concern to changing the orifice on a detention basin you don't want. Mr. Maxfield said the development above was perfectly fine. Everything was draining to out there wonderfully and it was concentrating at one spot. If we could get an opinion on that, it would be great.

**Mr. Willard**

- He said he attended the Eastern Pennsylvania Greenways and Trails Summit the first day of a two day conference being held at DeSales University today, and he's happy to say the Saucon Rail Trail was mentioned in the introductory remarks as a success story and shining stars. Sandra Yerger was there, as well as Steve LaBrake from the Saucon Rail Oversight Commission. The workshops he attended were on getting improving communications, public health aspects on having trails in your community, and development of multi-municipal trails which is what we are doing. He'll pass along the information to the appropriate parties.
- He said he'd like to thank Leslie and Chris and Roger for attending to some weed mowing issues promptly, which had been brought to his attention by residents.
- He said he brought up the idea of a citizen academy and we all discussed it in general terms and we all think it's a good idea to educate our residents. He'd like to talk with the staff a little bit more and bring a proposal and timetable for implementation in 2013. He would like to bring it to the October 17<sup>th</sup> meeting.

**Mr. Horiszny**

- He said he was at the Authority meeting last night and they are also reviewing a 5-year plan there.

**Mr. Kern** – No report

**Mrs. deLeon**

- She said the Chamber is holding some upcoming events. There is a breakfast on Thursday, September 27<sup>th</sup> from 7:30 am to 9:00 am. It's going to be at the Hellertown Diner, \$10 per person and we're going to learn about Regional and Municipal Initiatives from Township Manager, Jack Cahalan and Borough Manager, Cathy Kichline. In the evening, the Chamber is planning a mixer to be held at B&B Pools, upon their request, and it's also September 27<sup>th</sup> from 5 pm to 7 pm. She got an email today with more information. That was the same night as the P/C meeting, but that might not be happening at that time.
- She said on Tuesday, October 2<sup>nd</sup> at 7 pm, the LST Historical Society and SV Conservancy will host a presentation by the Steelworkers Archives and they will present a program on Memories of Working Men and Women of the Bethlehem Steel Corporation. It will be held at Lower Saucon Township Hall. Guests are welcome and refreshments will be served.
- She said it was a very successful barn tour that was held last Saturday. It was just a wonderful event. This year Lanita Lum did our booklet and did a good job on it. They had good sponsors and it was just a wonderful thing. A couple of their barns were at SV Country Club and the silos were her favorite. If you go on the Conservancy's website, there are pictures you can see.

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C. **SOLICITOR** – No report

D. **ENGINEER** – Mr. Dan Miller said this morning there was preconstruction meeting for Old Mill Bridge. The construction will start on Monday providing they get the notice from the Township to proceed. The bridge will be closed from the start of construction until it's complete which is the end of November, and if they don't get it done in time, it will be carried over to spring.

E. **PLANNER** – No report

**VII. ADJOURNMENT**

**MOTION BY:** Mr. Willard moved for adjournment. The time was 10:23 p.m.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council