

I. OPENING

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

II. PRESENTATIONS/HEARINGS

III. DEVELOPER ITEMS

- A. AT&T Wireless Cell Tower – 1995 Leithsville Road – Site Plan Approval for Extension of Existing Tower
- B. Review of City of Bethlehem Zoning Hearing of a Special Exception on LVIP Lots 83 & 85 – 1145 Hellertown Road

IV. TOWNSHIP BUSINESS ITEMS

- A. Pipeline Updates
 - 1. Adelpia Gateway
 - 2. PennEast
- B. Approval of 2019 Minimum Municipal Obligation for Uniform/Non-Uniform Pension Plans
- C. Polk Valley Dog Park Fencing – Approval to Grant Final Acceptance & Enter Into Maintenance Period
- D. Woodland Hills Preserve – 4135 Countryside Lane – Bid Awards
 - 1. Stream Buffer Plantings/Restoration
 - 2. ADA Loop Trail & Pond Boardwalk Access
- E. Heller Homestead – 1890-1892 Friedensville Road
 - 1. Masonry Project – Discussion of Handrails & Knox Box Placement
 - 2. Discussion of Tree Removal

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of August 2018 Financial Reports
- B. Monthly Department Reports for August 2018

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

UPCOMING MEETINGS

Saucon Rail Trail Oversight Commission: September 24, 2018 @ UST
Planning Commission: September 27, 2018
Parks & Recreation: October 1, 2018 @ LST Town Hall
Township Council: October 3, 2018
Environmental Advisory Council: October 9, 2018
Saucon Valley Partnership: October 10 @ SVSD
Zoning Hearing Board: October 15, 2018

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 19, 2018 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Sandra Yerger, presiding.

ROLL CALL: Present: Sandra Yerger, President; Priscilla deLeon, Vice President; Donna Louder and Ryan Stauffer, Council Members; James Young, Zoning Officer; Cathy Gorman, Director of Finance; Tom Barndt, Chief of Police; Linc Treadwell, Township Solicitor; Mike Beuke, Township Planner; and Brien Kocher, Township Engineer. Absent: Glenn Kern, Council Member and Leslie Huhn, Township Manager

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. Yerger said Council did not meet in Executive Session prior to this meeting.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. Yerger said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones and state your name for the record. She asks that you give your fellow public the courtesy of the floor.

II. PRESENTATIONS/HEARINGS – None

III. DEVELOPER ITEMS

A. AT&T WIRELESS CELL TOWER – 1995 LEITHSVILLE ROAD – SITE PLAN APPROVAL (7:01 p.m.)

Attorney Treadwell said this is for a cell tower in which they are adding to its height. It went to the ZHB, and the P/C has already looked at the site plan. They got the relief that they requested from the ZHB, now it's back at Council for approval of the site plan in order for a permit to be issued. Ms. Kate Durso of Fitzpatrick, Lenz and Bubba was present representing the client. She said they were at Council previously and have since been at the ZHB, where they got the approval to extend the existing tower as they needed a variance in order to do that. There was no one who appeared in opposition at the ZHB. Attorney Durso said it will not be required to be lit. Mrs. deLeon asked if there a certain height it would have to be? Attorney Durso said typically, if it's 200' or above, they always have to be lit, or if it's close to an airport.

MOTION BY: Mrs. Louder moved for approval of the AT&T Wireless Site Plan per the draft motion dated September 19, 2018.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0 (Mr. Kern – Absent)

B. REVIEW OF CITY OF BETHLEHEM ZONING HEARING OF A SPECIAL EXCEPTION ON LVIP LOTS 83 & 85 – 1145 HELLERTOWN ROAD (7:05 p.m.)

Attorney Treadwell said this is for review as LVIP is planning on building on lots 83 and 85 which is in close proximity to Easton Road and I-78. There's a cul-de-sac that comes out of the existing 412 Industrial Park and the access to these buildings will be through that cul-de-sac. There's an emergency access onto Easton Road, so there's a second way in and out, but the proposal is for the general traffic to go in and out through the 412 Industrial Park. Mrs. deLeon said she and Leslie attended a PennDOT meeting on Easton Road where it was explained that they would try to keep traffic internal so it would not get worse on Easton Road.

Mrs. Yerger said behind the church on Easton Road, they have that all leveled out. Mr. Stauffer said the only access to Easton Road is through a parking lot; Attorney Treadwell said yes, it's the emergency access through that lot. Mrs. Yerger said somewhere in there was a substantial retention basin for I-78, so hopefully they won't encroach on that. Mrs. deLeon asked if we know if the emergency access will be gated and will they keep people from going in and out? Attorney Treadwell said they don't specifically know the answer to that, but we can find out; however, usually it's grass pavers with some type of bollard so people can't use it. Mrs. Yerger said the parking is going to get close to Easton Road. Mr. Kocher said he thinks that detention basin is

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going to discharge in the direction of the baseball field. We can't tell from the plan provided, and that's more of a land development feature than a ZHB issue, but if you are going to get more information you may want to find out more on the discharge of that basin.

Mr. Young said we have not gotten a full set of plans, and Attorney Treadwell said we should try to obtain a set. Mrs. deLeon asked if we can look at this again before it goes to the Bethlehem ZHB? Attorney Treadwell said the ZHB isn't going to talk about storm water discharge. Mrs. Yerger said there's almost no setback from Easton Road, and Mr. Kocher said it looks pretty tight. Mrs. deLeon said she doesn't see anything for buffer trees, and Attorney Treadwell said that could be on a different plan sheet. Mrs. Louder said the concern is the storm water drainage from the detention basins and she asked if Mr. Young could check into that with the City of Bethlehem and find out the distances? Mrs. Yerger said at the church and behind it, where the cemetery is, are they talking about going that way, and are they going to raise that all up? Mr. Kocher said we could write them a letter asking if they'd impose a buffering condition on it. Mrs. Yerger said she thinks we should. Mrs. Louder said she'd like to direct the Zoning Officer to contact the City of Bethlehem and get as much information as he can regarding the storm water.

MOTION BY: Mrs. deLeon moved to send the City of Bethlehem/Zoning Hearing Board a letter stating our concerns about the limited plans we received and concerns on the elevation, buffer, storm water as it pertains to the church, neighbors, and ball fields, and to add reasonable buffering as a condition. Council also expressed concern over the access to the emergency access point of entry.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

IV. TOWNSHIP BUSINESS ITEMS

A. PIPELINE UPDATES

1. ADELPHIA GATEWAY (7:21 p.m.)

Mrs. Gorman said there's a news release from Kimberly Clark announcing their use of the gas from Adelphia to change convert their coal-fired plant to natural gas.

2. PENNEAST (7:22 p.m.)

Attorney Treadwell said Attorney Elliott provided information describing where the PennEast Pipeline is in the FERC review process and the appeal that parties have taken to the U.S. Court of Appeals for the DC Circuit for the approval that FERC granted. He also has two estimates of what the cost to the Township is to join in that appeal. The first one is between \$20,000 and \$30,000 and the second one is \$10,000 for a lesser level of participation. Mrs. deLeon said the Township has opposed this along the way, wrote letters, and took a stand. It's unfortunate these costs are so high at this point because she thinks this is something that is very serious. Regarding the gas explosions in Massachusetts, their Governor said Columbia Gas is not doing a good job and he went on to criticize them for not knowing what they are doing. Here we are with these pipelines in our Township and the very same thing could be happening here. She doesn't have confidence in these gas companies, so what do we do?

Mrs. Yerger said from the tone of Attorney Elliott's letter, she's not sure that spending that kind of money is going to make much difference. Attorney Treadwell said if we don't file a petition to intervene, then we're not a part of the DC Federal Court of Appeals, but we can still comment. Mrs. deLeon said if you live near the Adelphia or PennEast pipeline, she'd be concerned and be looking into protecting yourself. No action was taken.

B. APPROVAL OF 2019 MINIMUM MUNICIPAL OBLIGATION FOR UNIFORM/NON-UNIFORM PENSION PLANS (7:26 p.m.)

Mrs. Gorman said MMO's were presented to the Pension Advisory Committee (PAC) and now they are presented to Council for approval. It's a little less money than it was for last year and the MMO for the uniformed plan is \$396,545, and the requirement for the non-uniformed plan is

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\$166,852. It's approximately \$170 less than what we budgeted for this year for the plans and hopefully with the evaluation next year we'll see a reduction in our MMO's for 2020 and 2021. If Council approves, this will be incorporated in the 2019 budget.

MOTION BY: Mrs. deLeon moved for approval of the 2019 Minimum Municipal Obligation for the Uniform and Non-Uniform Pension Plans.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-0 (Mr. Kern – Absent)

C. POLK VALLEY DOG PARK FENCING – APPROVAL TO GRANT FINAL ACCEPTANCE & ENTER INTO MAINTENANCE PERIOD (7:30 p.m.)

Mrs. Yerger said ABE Fence has completed the installation of fencing at PVP Dog Park and staff is requesting Council grant final acceptance, authorize release of payment for the work, and enter into the twelve-month maintenance period. Mrs. Gorman displayed pictures of the work that has been done and Mrs. Yerger said she knows they are pleased with the new style of latch on the gate.

MOTION BY: Mrs. Yerger moved to authorize the release of a \$21,855.00 payment to ABE Fence, Inc. and to enter into the twelve-month maintenance period which will expire September 19, 2019.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

D. WOODLAND HILLS PRESERVE – 4135 COUNTRYSIDE LANE – BID AWARD

1. STREAM BUFFER PLANTINGS/RESTORATION (7:32 p.m.)

Mrs. Gorman said when we acquired Woodland Hills there was a requirement for a master plan to be drafted, which Boucher & James created. The first project from that plan is for stream buffers and plantings. The lowest bid is from ArcheWild at \$78,157.12; we've had history with them before at Kingston Park. This is being paid out of the Open Space Maintenance Fund and we do have a 50% grant with the NC Open Space third round.

MOTION BY: Mrs. deLeon moved for approval of ArcheWild of Quakertown, PA for the installation of Stream Buffer Plantings and Restoration at Woodland Hills Preserve at a cost of \$78,157.12 to be paid from the Open Space Fund.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-0 (Mr. Kern – Absent)

2. ADA LOOP TRAIL & POND BOARDWALK ACCESS (7:34 p.m.)

Mrs. Gorman said this is access for ADA accessibility, and this was a bid also prepared by B&J and in compliance with the management plan. The lowest bid is from JNS Contracting of Line Lexington, PA at \$104,693. This will come out of the Open Space Maintenance Fund and is part of the 50% NC Open Space grant.

MOTION BY: Mrs. deLeon moved for approval of JNS Contracting, LLC of Line Lexington, PA for the installation of an ADA Loop Trail & Pond Boardwalk Access at Woodland Hills Preserve at a cost of \$104,693.00 to be paid from the Open Space Fund.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0 (Mr. Kern – Absent)

E. HELLER HOMESTEAD – 1890-1892 FRIEDENSVILLE ROAD

1. MASONRY PROJECT – DISCUSSION OF HANDRAILS & KNOX BOX PLACEMENT (7:37 p.m.)

Mrs. Yerger said Council previously awarded a bid for the repair of masonry at the Heller Homestead. Two options for the design of the handrail to be installed were presented to Council at the September 5th meeting. Staff would like to provide some additional information for Council's review. Council is requested to choose an option for each of the locations the handrail is to be installed, as well as the relocation of the Knox Box.

Mrs. Gorman said previously approved was the option with vertical bars, but in looking at photos of the Heller Homestead, you'll see that those would work for the entrance on the porch, but not necessarily for the bottom steps. Considering other options such as having a

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railing that would be mounted onto the side of the wall or have just one of the standalones that are mounted. Because of the width of the stairs are only 42” wide, having two inside might be a little too much, and just one was needed on one side. Additional photos of other railings are provided to consider those type of styles. Mrs. deLeon said some people can go up a step using their right hand and some people need to use their left hand, so a railing should be on both sides going up to the porch and down below.

Mrs. Yerger said she likes the open look for both of them. Mrs. deLeon said we had discussions on whether we were going to have a railing around the perimeter of the porch going into the front door. Mrs. Gorman said she thought it was going to be that way as that is what Council was concerned about with children falling off. Mrs. deLeon said that would go back to the other one, so we’re talking about three different places. She wouldn’t want to put an open railing going around the porch as kids could fall off. Mr. Stauffer said open is fine for the actual stairs as there are walls on both sides.

Mrs. Gorman said regarding the stairs on the lower level, do you want them mounted in the ground, or on the stone? Mrs. deLeon said she can’t envision that being on the stone being at the right height. Mrs. Yerger said the current ones are mounted in the ground, so she’s fine with them going in the ground. Mrs. Louder said she’d suggest the ground as well, that way you aren’t going to damage the stone. Mrs. Gorman said Option B is still considered what you want on the porch and Option A is what you want on the lower steps. Mrs. Yerger said on both sides of the lower steps.

MOTION BY: Mrs. deLeon moved for approval to have the contractor install on the porch and steps Option B; and on the lower steps Option A and the handrails on the steps are to be on both sides and put in the ground.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-0 (Mr. Kern – Absent)

Mrs. deLeon said can we put up a metal post for the Knox box? Mrs. Gorman said you’d want to make it visible, so the fire department knows where it is. She discussed this with Mr. Young and they thought putting it on a post and mounting it would work.

MOTION BY: Mrs. Yerger moved for approval that the Knox box be placed on a metal post on one of the two sides of the entry way to the house.

SECOND BY: Mrs. deLeon

Chief Barndt said he thinks that’s a good idea because where it is now it isn’t secure. He said his recommendation is to mount it on the left side.

MOTION BY: Mrs. Yerger amended her previous motion and moved for approval that the Knox box be placed on a metal post on the left side of the entry way to the house.

SECOND BY: Mrs. deLeon amended her second

ROLL CALL: 4-0 (Mr. Kern – Absent)

2. DISCUSSION OF TREE REMOVAL (7:49 p.m.)

Mrs. Yerger said PPL Electric Utilities is upgrading their service line along Friedensville Road and had proposed the removal of selected trees along the roadway adjacent the Heller Homestead. Based on discussion at the previous meeting, Council should choose whether to remove the trees as proposed or to request they remain and direct the manager to notify PPL of their decision.

Mrs. Gorman said Mrs. Huhn contacted PPL and if we give them notice before their scheduled work, they will take down what we want. Mrs. deLeon said she was here for the Ussler report and they did a really good job and Roger had a lot of recommendations for the trees. Mrs. Yerger got the impression that a majority of these trees are road-side at the side of the house. Mr. Stauffer said a lot are cedar trees, but they shouldn’t touch the house. Mr. Beuke said generally speaking, cedar trees do not necessarily pose a risk to foundations of buildings and basements unless they are within 10’, and the identified trees appear outside that distance and would not be negatively affecting the house.

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Attorney Treadwell said the question was while PPL is there, if Council wants anything else taken down, they were willing to do that. Mr. Stauffer said don't take anything down unless it's necessary. Mrs. Yerger if you look at the methodology on trimming trees, we have to be prepared for that if we want to keep them, they will look a little disfigured when trimmed to go around the electric lines. Mrs. deLeon said we should tell our PW to do a perimeter check of the branches hanging down on the buildings.

MOTION BY: Mrs. Yerger moved to allow PPL to remove the vegetation that they have identified as being necessary for the project, but nothing else.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-0 (Mr. Kern – Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF AUGUST 2018 FINANCIAL REPORTS (7:58 p.m.)

MOTION BY: Mrs. deLeon moved for approval of the August 2018 financial reports.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

B. MONTHLY DEPARTMENT REPORTS FOR AUGUST 2018 (7:59 p.m.)

Mrs. Louder said in the PD report, it has the financials and year-to-date, it says \$65,691, is that money that the PD has brought into the Township to date? Mrs. Gorman said that's revenue of what they brought in.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS (8:01 p.m.)

- Mr. Bill Farina, 1909 Willings Lane, Society Hill Association, said the residents of Society Hill are concerned about the gun and ammunition shop that is going to be coming in. He has two concerns and was at the ZHB on Monday night. One is that there was a lot of miscommunication regarding that hearing as there was an article in the Saucon Source that stated the purpose of that hearing was regarding the shop, and it turns out it wasn't. They had a lot of questions and were concerned, but they were spoken to very poorly. Jason Banonis spoke down to them and was getting angry as he said it wasn't the purpose of the meeting. Mr. Farina understands that frustration as he has served on boards, but if someone is speaking, the purpose of a government official is to remain calm, not to speak down to them, and not to get angry. The residents were confused, and as they were attempting to leave they were told to quiet down because the hearing was continuing. Mr. Banonis didn't give them a chance to exit, and Mr. Farina wants the Township Council to be aware that the ZHB behaved inappropriately and treated them very poorly as residents of Lower Saucon. Mrs. deLeon said she was also at that meeting and it was very confusing to the residents. Most of our residents in their lifetime of living in the Township probably only get involved one or two times with a Township issue to participate in our government process, and they don't know the process. It's hard to understand the difference as a resident when you come into the ZHB as it's a quasi-judicial body; they have a whole different set of procedures. In her conversations with several residents about the gun shop, she said it was not on the agenda for the ZHB; that was a Township matter and the Township ruled it was a retail use and when she read her agenda for the Council meeting two weeks ago, she thought it was confusing and thought it was for the gun shop. But if you read every word, it wasn't; she didn't realize the Township made the decision on Monday night. She sat there as a resident, not a Council person, and the people there were brand new to the system. They didn't know if they should call the Township, if they could get a sneak peek at the plans, and they didn't know they could all come and voice their opinion. There are storm water issues in that development that she did not know about. She may have had a different opinion on whether or not to oppose, take no action or deny that ZHB application. Mr. Farina said his second point is it would have been nice sitting at that meeting, the modification of the special exception they were seeking at Society Hill in 1990, if the dual list was put up on the screen. An older resident of Society Hill was sitting in the back and put her hand up as she couldn't hear. The first thing she got was a lecture on not to raise her hand because that wasn't appropriate procedure. All she wanted was them to move the microphones so she could hear. Mrs. deLeon said when the ZHB was sitting at the dais they had their microphones turned and they weren't speaking into them.

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They also didn't have audience members speaking stand at the podium. The transcriptionist may have been able to hear and type their comments, but the rest of the room couldn't hear them. Mrs. Louder said she apologizes because disrespectful behavior toward Township taxpayers is just unacceptable. Mrs. Yerger asked if they weren't invited to come up to the podium to speak? Mr. Farina said no, they never asked us to come up, they just let us speak. Mr. Farina said the transcriptionist just swore people in from their seats. Mrs. Yerger said that's not appropriate and she apologizes and appreciates him coming before Council. Mr. Stauffer said he's sorry Mr. Farina and many others felt that way. There are times when he gets the agenda and he's not entirely sure what they have to approve. Mr. Farina said most of us only found out about that through the Saucon Source, and their article was wrong and since then has been reprinted. Mrs. deLeon said there was a retraction. Mr. Farina said that was the only way most of us found out and that's something he wants to speak about. He printed out copies of the Municipal Code which he handed out, and stated that the ZHB is required to notify all residents and property owners within 200'. Most of Society Hill did not get a notice as there were only about two to three buildings out of 34 that were actually notified. Mrs. deLeon said they were in the radius. Mr. Farina said his concern is that Society Hill is a condominium association and in their declaration of documents, they have common space. He printed out the zoning ordinances definitions and terms and there is no definition of property. According to statute, you then use any word or terms not defined herein or used by standard dictionary use, and Meriam Webster lists properties as specifically owned or possessed, for example, a piece of real estate. In the declaration for Society Hill, "Society Hill exists as a divisible covenant of common space" meaning that within that 200' to 300' radius, land is owned jointly by all owners in the community. According to the municipal code, all property owners needed to be notified and this was not done. He owns a percentage of that land as it's in their legal declaration. The association itself does not own land, it's only the 314 unit owners. Mrs. deLeon said that's what Mr. Banonis was asking on Monday night. Mr. Farina said their solicitor asked and when he brought this up they said, "next question." The solicitor said they were notified so it's okay. He believes what he was referring to is the state statute that says there's a list, notices are sent, if it gets lost or it doesn't arrive, that list is a presumption of notification. The list was only 10% of who should have been notified and when he brought that up at the ZHB, he feels like it should have at least been discussed, but they simply moved on and then approved the modification of the special exception. He would have thought a 30-day delay and email the letters and let people come, and then hold the meeting. Mr. Stauffer asked if the association owns the land as the association is a non-profit corporation? Mr. Farina said the association itself is not a property owner; the residents are the owners and they empower the association. The association is simply the management entity and they hire out the landscapers and handles the maintenance. Mrs. Louder asked if the HOA board was notified? Mr. Farina said neither the HOA board nor the management company was notified. Mrs. Louder asked if anything was posted on the community bulletin board? Mr. Farina said no. Mrs. Louder said she thinks the HOA board should be notified as well as every individual. Mr. Farina said he is president of the board of Society Hill, but he's here as a resident, not representing the association. Attorney Treadwell said he's not going to second-guess what the ZHB did, and if anyone has an issue with what happened at the ZHB, there's an appeal process. The appeal process would put it in front of a judge to answer the question as to who should have been notified. The ZHB is a separate legal entity, it's not this Council. He doesn't represent the ZHB, they have their own solicitor, and it's not our place to second guess what they did. Mr. Farina said he doesn't expect to be able to appeal or overturn that ZHB decision because frankly, even if they went to court, had them revote on it, they are just going to approve it again. There have been several attempts over the years to develop neighboring properties that have not gone through, and if something comes up, he wants everybody in his association to be notified like they are legally supposed to be. Attorney Treadwell said there will be every intent to notify the people who need to be notified. Mr. Farina spoke to Mrs. deLeon and her response was to come to Council and express his frustration here. Mrs. deLeon said she was on this board in 1998 when they approved Society Hill and prior to approving it, she went to the P/C. They proposed 628 units which was a big deal to the Township back then as we had just changed our zoning. At the P/C meetings they explained what this common space was and that the property owners would have their little boxes. She didn't see that happen during this. Mr. Farina said he

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- appreciates their time and listening to him professionally and he will have to see what the HOA Board has to say on Monday night. Mrs. Yerger said thank you for bringing it to our attention.
- Mr. Josh Popichak, Saucon Source, said he does accept responsibility that there was an error in the article, but he would disagree with his characterization that the article was fantastically wrong. The article was about the fact that a gun shop was being proposed and what type of store it was. It was one paragraph about the nature of the special exception that was incorrect and it was corrected within two hours of the article being published. Mrs. deLeon said in all fairness, she read the packet and it was very confusing what they were trying to do.
 - Marion Conlon, 1847 Mansfield Street, said she wasn't at the meeting on Monday; however, she did place a call to Northwestern Law School because of the notion that the property as owned in community, and that they each own a little piece of the land. Her disappointment is that she wasn't there. Mrs. deLeon said whoever is here and not signed up on the email list, if you go on the Township's website, you can click on the "Join Our Email List" and you can choose what agendas you want to receive. A couple of days before the meeting, you will get an email and the link to get your agenda. Mr. Stauffer said the agenda is always available on the website.
 - Mo El Banna, Society Hill, said he owns a property on the corner and thinks the confusion was this is the first time the people heard this. The article talked about it being proposed, and they showed up Monday thinking it is something that is not approved, only to find out it was a done deal and there is nothing we can do about it. Part of the confusion was they should have known about it earlier; not that we are against guns, but they should consider it as intrusive. He's asking the Council to make sure the gun shop is safe, secure, and the parking lot is lit properly. Right now, it's totally dark and supposed to be open until 7. Attorney Treadwell said the Township always reviews and makes sure that any commercial property or certain type use is safe as we have regulations. We have things everyone has to follow whether you are selling donuts or guns. Mr. El Banna said he hopes there's going to be an effort, or special attention, that there are a lot of kids hanging around that block because of the bagel shop, and a lot of school busses coming by there. Mrs. deLeon said we are trying to find out whether that strip mall has public sewer or water; and we don't know the answer and that's terrible. How big is that septic system, how many people are using it, who checked it the last time, and are they maintaining it? Attorney Treadwell said those are all things in the normal course of business that get checked on. Mrs. deLeon said this was approved and we still don't know the answer. Attorney Treadwell said he can point to various different examples of where people live that we don't know whether they have public sewer or an on lot system. Mrs. deLeon said she disagrees what the definition of the gun shop is, being retail. There was a specific list of A and a specific list of B, and she didn't see gun shop on there. Attorney Treadwell said if the gun store is not a retail store, then it does not fit into any other use in our zoning ordinance which means we don't allow a gun store in LST. If we don't allow a gun store in LST, that means that somebody can come in, file a curative amendment, and put a gun store wherever they want. Mr. Stauffer said regarding the utilities, there are properties we don't know if they are public or private? We don't know if the Authority is sending them a bill? Attorney Treadwell said he couldn't tell you sitting here today if you have public sewer or you don't. Mr. Stauffer said the records are somewhere. Mrs. deLeon said she wants to know how much more space is there according to what is there, and does the LSA know if they are being billed for all the units there? Mrs. Yerger said we will find an answer out to your questions.
 - Gordon Gress, Black River Road, said he was also at the ZHB meeting and what he heard was they were not hooked up to public water. Mr. Young said he reached out to the Authority and they are not hooked up to public water or public sewer. Mrs. Louder said she'd like to have a letter sent out to LSA asking them to investigate this so we get the proper answer on it.
 - Danielle Wakely, 1917 Pine Court, said she's a realtor and when she bought their house in Society Hill, she understood they were in UR, and that the Society Hill plaza is also UR. This spot should have specific stores in it because there are 14 school busses within 500' that come in every day to Society Hill, and 314 families. The gun store is in the back corner of this property, and there are trees and one light and you cannot see the road; all you can see are the back yards. Regarding the uses of the property, she feels it is very limiting for a certain reason because you are in our neighborhood, and the definitions need to be looked at a little harder as donut shops are a lot different than gun shops. The current tenants that are in this strip mall are not happy about this,

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and she spoke to people who live across the street and they weren't notified. Lehigh University is across the street and there's a daycare center right there. She knows it's a 200' radius that gets notice, but there's a lot of things happening within 500' of this store. Mrs. deLeon said regarding the UR district applying to that strip mall, it was already there. In 1991, the ZHB took those things into consideration and came up with lists A and B. Ms. Wakely said we weren't allowed to speak about that topic on Monday as it wasn't up for discussion. Mrs. deLeon said you just couldn't talk about the gun shop. Ms. Wakely asked where their platform is to talk about this? She understands it's already been approved and a sign is hanging there already for the gun store. Is there a way to appeal the decision made Monday night? Attorney Treadwell said yes.

- Maxine DiMaggio said she spoke at the last meeting about traffic concerns; she's wondering how is that going to be dealt with? She knows PennDOT controls the speed limit, etc., but when she called the PD, they suggested she come to the meeting explaining her concerns which she did. She said there are about 22 busses in the morning at that stop. Attorney Treadwell said that property has a highway occupancy permit to use that road from PennDOT, giving them permission to use their property and access their frontage. Ms. DiMaggio said she was concerned about the speed coming down the hill and going up the hill. Attorney Treadwell said the speed is controlled by PennDOT; we have made numerous requests on various different roadways in LST, including this one, asking them to lower the speed limit; sometimes they do, sometimes they don't. Ms. DiMaggio said it's a very difficult place to get out of in the morning, and people are coming in and going out trying to beat the traffic. She hopes no one gets killed. All the families we have, almost 1,000 people, that's a lot to deal with and that's not counting across the street. Ms. DiMaggio said there's no additional lighting in the back there yet; just one light for that entire area. Mrs. Louder asked if there were any cameras back there? Mrs. deLeon said she wouldn't want to walk to that upper parking lot and park.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER (8:48 p.m.) (Township Manager absent with prior notification)

- Mrs. Gorman said PPL will be doing power line work using helicopters in Salisbury and LST the week of September 24th. It will be taking place at West Rader Lane, Route 378, Philadelphia Pike, Fire Lane, and Seidersville Road.
- Mrs. Gorman said there's a special event for LV Roadrunners on November 10th. It's the same 5K run they do over South Mountain.

MOTION BY: Mrs. deLeon moved for approval of the special event for LV Roadrunners on November 10, 2018.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mrs. Gorman said our Director of Public Works is requesting that one of our seasonal personnel be carried on until the end of the year due to a shortage in staffing and he's concerned about wet winter months. We have done this before with a current employee who started at the particular part-time summer rate which is the high level of the crew member rate in the non-uniformed contract. The hourly rate would be \$17.90. Mrs. Louder said she would have liked Mr. Rasich to be here to discuss this.

MOTION BY: Mrs. Louder moved for approval for the seasonal employee to be carried on until the end of the year.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

- Mrs. Gorman said we have received notice from the Commonwealth Financing Authority that we received two grants; one for \$50,679 from the Small Water and Sewer grant to replace the water line behind the PW Garage, and \$20,000 from DCED, which is for the alternate dog park. They did only award us \$20,000 for that, and she believes the requirement for that grant is a 15% match, and that's what they applied for. They are requesting the board to approve the grant with a local match of \$18,562, where the original amount was \$6,000. She may be able to utilize other grants if Council directs to do that. Mrs. deLeon said whatever grants are out there, we should apply for them. Mrs. Gorman said she provided a chart that shows the expenses for what we have to date done with

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Round 3 funding. We have done the roof at the pavilion, the exercise station at Town Hall, the swing set at Southeastern, and the dog fence. That leaves us with \$98,695 to utilize, so with Council's blessing she was going to contact NC about a secondary match could be applied to this, that way it would cost the Township nothing out-of-pocket. Mrs. deLeon said if they say no, you will come back and let us know and we can go to Plan B? Mrs. Gorman said Plan B which would be to pay for it out of our Capital Fund, in which we do have funding in our Parks Capital Fund to pay for it.

B. COUNCIL (8:55p.m.)

Mrs. Yerger – No report

Mrs. deLeon

- Tomorrow night at the Steel Club, there will be a ribbon cutting and it's open to the public.
- There's a shredding event on October 6th at Dimmick Park.
- She attended the ZHB and one of the applicants told the ZHB that Council took a mutual position on the application, which made it sound like we were okay with it. Usually we leave it up to the ZHB when it comes to storm water runoffs and by taking no action, we want the ZHB to do their jobs and look at that. She was annoyed that it gave the appearance we were okay with the submission.
- Council has made recommendations on applications about pervious and impervious coverage. Attorney Treadwell said our ordinances defines what is impervious and what isn't. When somebody wants to do a development, one of the site capacity calculations that they need to put on the plan is what the proposed impervious surface percentage is and it has to meet the percentage that is in our zoning ordinance. Oftentimes questions come up, such as with a deck, is it impervious meaning the water can't go through it or is it pervious meaning storm water does go through it? If you picture a deck, water goes through it; however, if the material underneath it is crushed stone, it hits the crushed stone and over time the crushed stone turns into a very similar concrete-substance which makes it impervious. A pool is another one. Mrs. deLeon said we've also asked people to cut down on their percentages by putting in pervious pavers, but that's not in our regulations. Attorney Treadwell said pervious pavers are in our regulations as impervious. Mr. Beuke said the definition of impervious surface is anything that cannot allow the penetration of water, and he can see if it included pervious paving. Any surface that does not absorb rain, all buildings, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt, stone or crushed aggregate should be considered impervious surfaces. This definition includes any pavement material that is designed to allow grass to grow up and through the pavement surface. Attorney Treadwell said we encourage people to use less impervious surface so that the storm water can infiltrate in the ground. Mrs. deLeon said then our regs don't need to be changed. Mrs. Louder asked why do we put crushed stone in drain fields if it's not impervious? Attorney Treadwell said sometimes you see very large rock that the water just goes around. Mr. Kocher said it's not crushed stone, it's clean open stone that allows the water to go through. Mrs. deLeon said she thinks there's more technology, more materials out there. Attorney Treadwell asked if she was saying the Township should require people to use a pervious pavement type substance everywhere instead of regular concrete? Mrs. deLeon said she doesn't know if "everywhere" is the word, but applicable, depending on the circumstance. Attorney Treadwell said that would be similar to requiring people to use pervious pavement every time a driveway is put in, and not asphalt. For all the ZHB applications that are over their impervious coverage, there's always a discussion with the applicant on how they can lower their impervious coverage. One of the ways to do that, in regards to a deck to be impervious, is as long as they didn't put stone or concrete underneath it. We always have those discussions on a case-by-case basis, but the fallback position in our Zoning Ordinance is that it's impervious because that's the best way to protect from having storm water problems. Part of the reason for the ZHB is when they are approached and asked to modify the zoning regulations, the ZHB is allowed to say yes, but can ask the developer to modify something. Attorney Treadwell said we've had multiple instances where the Township staff has recommended an applicant put in pervious pavers

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but they don't want to. The ZHB can say you aren't getting an approval of your zoning application unless you do it; they have that leverage. Mr. Gress said Allentown has a storm water fee imposed on all impervious surfaces to pay for storm water runoff, and they just removed driveways, stone driveways, and decks. New technology has come a long way, and this Township is not up to it. Copperhead Grille has spent \$1 million to put in a big parking lot next door with pervious black top with the drain field underneath it. Mrs. deLeon said she agrees with him. Mrs. Yerger said we have pervious pathways in the Polk Valley Park, and the way the parking lot has been configured it has basins that are naturalized to some degree that absorb the ground water. We have been in many of our own properties, very much ahead of the curb. Attorney Treadwell said it's an extremely simple process to change the Zoning Ordinance to say that decks, pervious pavers, pervious pavement, and pervious concrete are not considered impervious surfaces. Mr. Stauffer said somebody can pave their whole lot in pervious pavement and that would be fine. Attorney Treadwell said the ramification of that is you are not as conservative then when it comes to storm water. Our storm water regulations already require anybody over 1,000 square feet to infiltrate their storm water. Mrs. deLeon said she's just trying to save the residents money. Attorney Treadwell said there's a balancing act. Mr. Kocher said pervious pavement is much more expensive than conventional blacktop and it requires a lot more stone underneath. To impose that on the homeowner and pave their relatively small driveway with pervious pavement, they might not be able to get it as it is hard to acquire,, and the only way it works is if you maintain it. A regular homeowner is not going to understand the maintenance; you have to vacuum it and keep it clean. A commercial enterprise having pervious pavement is different than a homeowner. Additionally, you're going to impose an inspection requirement on a residential driveway or a pervious paver patio that you don't have now. Mr. Gress said you have to adapt with common sense to the area. Where we are at the base of the mountain with the high table water area, we have 100-year storms often like we have now, the water goes down the road and there's nothing you are going to do about it. Dig a hole there in March, water comes up. Mr. Farina said when Society Hill was built, regulations were different. All their blacktop counts against them in their calculation of pervious versus impervious. The regulations have changed such that they are completely handcuffed and can do nothing such as put in a shed for storage or if a homeowner wants to put in a patio. As a board member, he'd be very interested to look into and consider pervious asphalt, for instance. As a larger community, they could consider that expense if it allowed them to put in a parking space for a homeowner so they don't have to walk 500' to a handicapped spot. Looking at that definition would be extremely helpful in the future.

Mrs. Louder – No report

Mr. Stauffer – No report

C. SOLICITOR – No report (8:55 p.m.)

D. PLANNER – No report

E. ENGINEER – No report

VIII. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 9:13 p.m.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-0 (Mr. Kern – Absent)

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council Vice President