

I. OPENING

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

II. PRESENTATIONS/HEARINGS

- A. Jr. Council Person Program – Kelsey Gatchel
- B. Public Hearing & Consideration of Adoption of Ordinance No. 2016-04 – Puggy Lane Road Vacation

III. DEVELOPER ITEMS

IV. TOWNSHIP BUSINESS ITEMS

- A. Discussion of Draft 501c3 Policy
- B. Williams Township Yard Waste Agreement Renewal for 2017 at the SV Compost Center
- C. Ordinance No. 2016-05 – Draft Fair Housing & ADA Ordinance Amendment – Review and Authorize Advertisement
- D. Ordinance No. 2016-06 – Draft DAS (Mini-Cell Towers) Ordinance Amendment – Review and Authorize Advertisement
- E. Ordinance No. 2016-07 – Draft Right-of-Way Ordinance Amendment – Review and Authorize Advertisement

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of September 7, 2016 and September 21, 2016 Council Minutes

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next Zoning Hearing Board Meeting: October 17, 2016
Next Council Meeting: October 19, 2016
Next Saucon Rail Trail Oversight Commission Meeting: October 24, 2016 @ LST
Next Planning Commission Meeting: October 27, 2016
Next Park & Rec Meeting: November 7, 2016
Next Saucon Valley Partnership: November 9, 2016 @ LST
Next EAC Meeting: November 15, 2016

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday October 5, 2016 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

ROLL CALL: Present: Ron Horiszny, President; Sandra Yerger, Vice President; Glenn Kern, Priscilla deLeon and Donna Louder, Council Members; Leslie Huhn, Township Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; Brien Kocher, Township Engineer; Cathy Gorman, Director of Finance; Rachel Panek, Jr. Council member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE): Mr. Horiszny said Council did not meet in Executive Session since the last meeting.

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

II. PRESENTATIONS/HEARING

A. JR. COUNCIL PERSON PROGRAM – KELSEY GATCHEL

Mrs. Huhn said Kelsey Gatchel is a student at SVSD and interested in participating in the Jr. Council person program again for 2016-2017. Kelsey and Rachel will alternate Wednesday's.

MOTION BY: Mrs. deLeon moved to approve Kelsey Gatchel as Jr. Council member for Township Council for the school year 2016-2017.

SECOND BY: Mrs. Louder

ROLL CALL: 5-0

Mrs. deLeon asked Kelsey and Rachel to try to find other replacements for the Jr. Council program since they are seniors this year.

B. PUBLIC HEARING & CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2016-04 – PUGGY LANE ROAD VACATION

MOTION BY: Mrs. Yerger moved to open the hearing.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

Attorney Treadwell said there is an old section of Puggy Lane from 30+ years ago that still exists and is owned by Mrs. Birk. Mr. Homa is proposing to purchase a piece of property from Mrs. Birk and as part of that subdivision have requested that the Township vacate this portion of right-of-way (ROW) that runs through a portion of the Birk property. The applicant has prepared a description and the Township has prepared an ordinance. After the hearing, it will be ready for Council's consideration. HEA had one or two issues to make to the description. The other issue is LSA sent a map that shows a water line that is somewhat adjacent to Puggy Lane ROW. It's somewhat difficult to tell if the waterline is actually partially within the ROW that has been requested to be vacated. If after the hearing, Council agrees the old portion of Puggy Lane should be vacated, we should do it subject to the applicant complying with the wishes of the LSA regarding the waterline. Mrs. Birk is okay with this request.

MOTION BY: Mrs. Yerger moved to close the hearing.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved for approval for Ordinance No. 2016-04 – relative to the Puggy Lane Road Vacation with two conditions. One that the description be revised, per HEA's request and that the applicant resolve any possible easement issues with the LSA.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

IV. TOWNSHIP BUSINESS ITEMS

A. DISCUSSION OF 501c3 POLICY

Mrs. Louder said she wanted to make a suggestion that it have a dollar amount to the exceedance instead of it just being an open dollar amount and making everyone who is given any kind of money. Anything over \$500.00 you would have to fill out this paperwork. As to the fire companies she thinks the Township should hold the monies and have them present a submission of necessity for the article they are interested in and then we would cut them a check instead of giving them checks like we did in the past. She's not sure if they would be part of this with filling out the forms, but will have to submit their financial paperwork. They would have to submit a bill and then the Township would pay the bill.

Mrs. Gorman said they still would be required to submit something. If you want a standardized form, we can do something along that line also. If you want to do it in-house, we can certainly do that too. She said if the fire company insurance bill is \$50,000, they can submit that and she would pay it on their behalf and it would be their allocation for the year. She doesn't know how it would implicate any of their tax filings. They are reporting income and expenses and she's doing that in-house.

Mrs. Yerger said most government grants now for non-profits are reimbursable, so she must submit invoices for them to get their checks. Mrs. Yerger said they don't get the money until they show they have spent the money. Mrs. Gorman said the only problem she could foresee is the fire departments may not have the money to spend. Mrs. Yerger said she has no problem the way it's done as long as they follow the paper trail.

Attorney Treadwell said the difference is that instead of giving the fire companies \$50,000 with a check and they do whatever they want with it, they would submit to the Township invoices to show that they had purchased a piece of equipment or whatever it is, then the Township, under one scenario would reimburse them for that cost up to \$50,000.

Mrs. Louder said even if they didn't purchase it, but give us some kind of an estimate on what they want to purchase, then we would give them the money. That way they don't have to front it.

Attorney Treadwell said that's probably the easiest way to do it as opposed to the Township writing a check to the specific vendor. You give the money to the fire company and they pay the vendor. There would be an invoice that's already been paid or a purchase order that shows what's being purchased. It's different than how the Township operated previously.

Mrs. deLeon said she understands about the \$500, but there are other requirements in the list that they provided to us. The child involvement certification doesn't matter what dollar amount it is. That would have to happen regardless if you gave one dollar.

Mrs. Louder said maybe we can have an under \$500 packet and an over \$500 packet and the forms would be appropriate for what we would be handing them out for. Mrs. Gorman said there's one donation you do every year to David Lang Foundation where you are buying a golf hole in his memory.

Mrs. deLeon said earlier this year, Mrs. Huhn sent a letter to the historical societies for a copy of minutes and financial reports and that has never happened. That's very upsetting to her as we have no idea of what's going on.

Mrs. Yerger said she doesn't see a point in providing the minutes. She works with many foundations, government entities, she writes grants for a living and there is no reason to track minutes. No non-profit puts the minutes out publicly. Mrs. deLeon said you approve minutes at a meeting and the IRS could walk into your building anytime and ask for a copy of those minutes and financial reports. Mrs. Yerger asked Mrs. deLeon to give her one example of any non-profit

that has given their minutes to anybody. Mrs. deLeon said she doesn't know any off the top of her head. You need them in order to appoint officers and directors. Mrs. Yerger said the list is given every January. She doesn't see the point of the check register. An operating budget is no problem and your 990 is no problem.

Mrs. Gorman asked if the fire department is different from the other entities? If you are donating money to the sports groups are we asking them to submit an invoice to us? Is the same policy going to be for everyone? Mrs. deLeon said the list needs to be looked at. It has been ongoing for many years prior to the parks. Mrs. Huhn said we could bring the list to the budget hearing. Mrs. deLeon said we need to have more transparency on who we give our monies to. No disrespect to any group out there. Mrs. Yerger said the list is very long so we should visit it.

Mr. Horiszny said on most of these, do we get a formal request for money or are we just going by history? Mrs. Gorman said what the sports groups do is send her a request during budget deliberations, some kind of acknowledgement what they will use their funding for. That's been the process, but we can change it. Mrs. Gorman said that's why we should standardize it.

Mrs. Huhn said we'll work on the list and tweak it and bring it back.

B. WILLIAMS TOWNSHIP YARD WASTE AGREEMENT RENEWAL FOR 2017 AT THE SV COMPOST CENTER

Mrs. Huhn said we met this past week and recommended that the intergovernmental agreement with Hellertown Borough and Lower Saucon allows Williams Township to dump a portion of their yard waste at our facility with an annual fee of \$3,500. This past year Williams did not submit as much yard waste as they did in the past, so we didn't increase the fee.

MOTION BY: Mr. Horiszny moved to approve Williams Township Yard Waste Agreement renewal for 2017 at the Saucon Valley Compost Center at an annual fee of \$3,500.00.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

C. ORDINANCE NO. 2016-05 – DRAFT FAIR HOUSING & ADA ORDINANCE AMENDMENT – REVIEW AND AUTHORIZE ADVERTISEMENT

Ms. Stern Goldstein said the ordinance has several components. One is to revise the definition of family to eliminate the number of people to more closely comply with fair housing regulations. The next is dealing with reasonable accommodation and adds a new element to the zoning ordinance. If someone needed to add a ramp to their home to make an accommodation with someone with a disability, they would not be sent into the ZHB if they had setbacks or impervious surfaces. The Zoning Officer would make the decisions.

Attorney Treadwell said the purpose of this is if someone wants to put in a ramp and they don't have room. In that normal situation, the avenue is to go to the ZHB and ask for a variance; however, if you are a person with a disability, this allows you to do this without jumping through all those hoops. Mrs. deLeon asked how will people know to do this? Ms. Stern Goldstein said if somebody comes in and instead of filing for a variance, the Zoning Officer would determine they don't need to come in for a variance. Attorney Treadwell said this makes it easier for them.

Mrs. deLeon asked if you have an older person and they lost their spouse, they need to have help and they have a roommate, is that considered a family unit? Ms. Stern Goldstein said if they live as a family, care for each other as a family and share common cooking, living, and facilities, yes. If it's a boarder and there is a padlock on their room from the outside so nobody can come in, that would be a boarding house, not a family unit. This is protecting the Township from having suits filed against them. Attorney Treadwell said the overall intent is to bring the Township ordinance into compliance with the Federal Regulations and makes it easier for people with disabilities and makes it easier for people in the situation to live in a single family home as a family unit.

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Mrs. Louder asked does anything come into play on how many people can occupy the property? Ms. Stern Goldstein said that's an issue for the SEO for the septic system. The building code does have minimum square footage for living space and that's a separate building code issue.

Mrs. deLeon said the septic systems and occupants in a house might be a good thing to put in the newsletter. Mrs. Huhn said they can put it in the next newsletter.

MOTION BY: Mrs. Louder moved for approval to authorize advertisement for Ordinance No. 2016-05 and send it to the P/C and LVPC for review.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

D. ORDINANCE NO. 2016-06 – DRAFT DAS (MINI-CELL TOWERS) ORDINANCE AMENDMENT – REVIEW AND AUTHORIZE ADVERTISEMENT (ZONING)

Ms. Stern Goldstein said several years ago in a residential neighborhood in Bucks County, with everything underground, bigger cell towers started going up with DAS or mini-cell towers on them and the neighbors were up in arms as there were no above ground utilities there. That precipitated many years of new ordinances and all kinds of regulations. This ordinance will prevent that from happening in residential neighborhoods. There are two conditions for each, new towers and co-location, which she explained. These are the best you can do to protect yourselves and give the right to improve coverage to the cell service providers.

Attorney Treadwell said the other issue is it's easier under this new ordinance to co-locate than it used to be because we want to encourage cell tower companies to co-locate.

MOTION BY: Mrs. deLeon moved for approval to authorize advertisement of Ordinance No. 2016-06 and send it to the P/C and LVPC for review.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

Mrs. deLeon wanted to jump back to the first ordinance, when we talked about septic systems, should that be in the ordinance? Attorney Treadwell said he doesn't think it fits into the ADA one. He thinks there may be a separate sewer ordinance that states about how many bedrooms and people you can have in the residence.

E. ORDINANCE NO. 2016-07 – DRAFT RIGHT-OF-WAY ORDINANCE AMENDMENT – REVIEW AND AUTHORIZE ADVERTISEMENT (CHAPTER 140)

Ms. Stern Goldstein said this is the companion ordinance to the zoning ordinance amendment we just talked about. It amends your right-of-way (ROW) ordinance to permit, regulate and give the Township the ability to collect fees for these types of structures that might pop up. Attorney Treadwell said any other use that someone may want to do in your ROW. The PUC is regulated differently also. Mrs. deLeon asked if we don't do this, what happens? Ms. Stern Goldstein said you can't collect fees or have any say in what happens in the ROW with these types of structures or other structures in the ordinance.

MOTION BY: Mr. Horiszny moved for approval to authorize advertisement of Ordinance No. 2016-07 and send it to the P/C.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 7, 2016 AND SEPTEMBER 21, 2016 COUNCIL MINUTES

Mrs. Louder said on 09/07/16 minutes, page 3, line 26, IESI should be BRE. Mr. Horiszny said he had a couple of typos which were corrected. Mrs. Louder said on 09/21/16 minutes, Mr. Horiszny made the second to approve donating \$1,000.00 to the Spirit Parade.

MOTION BY: Mr. Horiszny moved for approval of the September 7, 2016 and September 21, 2016 Council minutes, with corrections.

SECOND BY: Mrs. Louder

ROLL CALL: 4-1 (Mrs. deLeon – No)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Suzanne Vesley, resident, said she works with burn survivors and firemen, and whatever money is allocated to them, they certainly deserve. She has come to the Township building to speak with Mr. Garges to discuss her next door neighbor's property and it was verified that permits were not obtained for various items which is causing damage to her home. She was told she should get an attorney. Why does she have to get an attorney and no one is taking care of her property? She's made sure she had permits for her shed, pool and deck. She would like to know what to do next. Mrs. Huhn said this is the first she's hearing of it. Mrs. deLeon said Mrs. Huhn and Attorney Treadwell should look into this and get back to Ms. Vesley.
- Mr. Thomas Carocci said some LST citizens and himself started a Facebook page to encourage Township residents to vote yes for the open space ballot question. Mr. Kern thanked Mr. Carocci for doing this. Mrs. deLeon said you could do a "Letter to the Editor". The Township can't take a stand. Mr. Carocci said they are going to try to organize something to be passed out at polling places on this issue. Mrs. Huhn said the ballot question will be in the newsletter. Mr. Horiszny said if anyone calls about the budget regarding the Polk Valley Park, can we give them answers? Attorney Treadwell said you are allowed to answer citizen questions. Mr. Horiszny said the comments on retiring the debt at Polk Valley Park are very important.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mrs. Huhn said the Martin and Martin letter dated September 22nd provided a plan to evaluate and reduce the flows in the Phase III leachate detection zones. Jim Birdsall is recommending this report be reviewed by our Technical Committee. He said it would be about \$1,050.00 that would include reviews by Tri-C Corporation, Neversink, and HEA. They will provide a written report. If additional time would be needed to consult DEP or IESI, additional costs may be incurred. Mrs. deLeon said this is very important issue.

MOTION BY: Mrs. deLeon moved for approval to have Tri-C, Neversink and HEA review the September 22nd letter from Martin and Martin, at a cost of \$1,050.00.

SECOND BY: Mrs. Louder

ROLL CALL: 5-0

- Mrs. Huhn said we received notice from the NC Gaming Authority that the Supreme Court has ruled that the local share money that is paid to the County and distributed to the municipalities which we normally apply for is a form of unequal taxation so the Court has suspended the effectiveness of its ruling for three months to allow the legislature to fix the problem. This will affect some grants we apply for. Mrs. deLeon said she thinks it's appropriate to write to the three legislators and tell them we are very concerned about this.

MOTION BY: Mrs. deLeon moved to authorize the Manager to send letters to our legislatures (Simmons, Boscola, Freeman, Northampton County, the Gaming Authority) regarding the Supreme Court ruling regarding local share money.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

- Mrs. Huhn gave an update on the RFP for the police studies. They spoke with the team who will be conducting the study and they will schedule their visit the week of October 24th. Staff will contact Council to see what time each member is available.
- Mrs. Huhn said DEP has issued a response letter to IESI on their second environmental assessment review for the SE Realignment. DEP wants a revised application to be submitted in 90-days. The Technical Committee will be reviewing this.

B. COUNCIL/JR. COUNCIL

Rachel Panek

- She said Friday night at the Football game they are supporting Breast Cancer Awareness month. Friday from 6:30pm to 10:30pm, their band is having a fundraiser at Yo-Fresh. Next week is their homecoming week.

Mr. Kern – No report

Mrs. Yerger – No report

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Mrs. deLeon

➤ She said they opened the Narrows on Friday.

Mrs. Louder

➤ She asked if there was any update on Black River Road? Mr. Kocher said no.

➤ She went to the Narrows and the road is nice and smooth, but the width is questionable.

Mr. Horiszny - He said he noticed the State offered the Narrows to us again.

C. **SOLICITOR** – No report

D. **PLANNER** – No report

E. **ENGINEER** – No report

VIII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 8:09 p.m.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Ron Horiszny
Council President