

I. OPENING

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

REVISED

II. PUBLIC COMMENT PROCEDURE

III. PRESENTATIONS/HEARINGS

- A. ~~LERTA Program for Majestic Site~~ (Tabled)
- B. ~~Se-Wy-Co—Leithsville Fire Company Merger~~ (Tabled)

IV. DEVELOPER ITEMS

- A. Sanbrook Apartments – 2400 Block of Black River Road – Waiver of Land Development

V. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variance – James & Kelly Sunday – 2014 Majestic Overlook Drive – Variance to Install an In-Ground Swimming Pool with Patio, Fencing & Landscaping
- B. Potential Rezoning – Applebutter Road
- C. Representation on Regional Police Study Committee
- D. Old Mill Bridge Repair – Approval of Payment Request

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of October 3, 2012 Minutes
- B. Approval of September 2012 Financial Reports

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

Next Council Meeting: October 24, 2012 (Budget)
Next Planning Commission Meeting: October 25, 2012
Next Park & Rec Meeting: November 5, 2012
Next EAC Meeting: November 13, 2012
Next Saucon Valley Partnership: November 14, 2012 @ LST
Next Zoning Hearing Board Meeting: November 19, 2012

www.lowersaucontownship.org

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, October 17, 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; Judy Stern-Goldstein, 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. We are going to use a little stricter enforcement of Roberts Rules. That basically means is courtesy of the floor, so whoever is speaking has everyone's attention. They'll be no outbursts. They'll be no talking on the side. We'll listen to whoever is speaking and at the completion of that, if you wish to speak, raise your hand and you'll be afforded that same courtesy of the floor where you will be able to speak uninhibited and unbothered by outbursts and comments. He hopes that's clear as he will be enforcing that tonight. If you do speak, please use the microphone as we do transcribe the minutes verbatim so the transcriptionist can get word for word of what you are saying. State your name for the record for that same reason so the transcriptionist knows who is speaking. He asked Mr. Cahalan if anything has been taken off the agenda? Mr. Cahalan said the two presentations have been taken off; the LERTA program for the Majestic site and the Se-Wy-Co Fire Company Merger has been tabled to a future meeting.

III. PRESENTATION/HEARINGS

A. LERTA PROGRAM FOR MAJESTIC SITE – TABLED

B. SE-WY-CO – LEITHSVILLE FIRE COMPANY MERGER – TABLED

IV. DEVELOPER ITEMS

A. SANBROOK APARTMENTS – 2400 BLOCK OF BLACK RIVER ROAD – WAIVER OF LAND DEVELOPMENT

Mr. Kern said the applicant is seeking a waiver of land development to alter one of the driveway entrances which accesses Black River Road. The proposed permanent location would access through Alice Drive.

Mr. August Antol from Liberty Engineering was present. He said there's an existing bridge that currently accesses the apartment buildings. That bridge is failing. Earlier this summer, they met

**General Business & Developer Meeting
October 17, 2012**

with Chris Garges and discussed this with him and he agreed we needed to submit a plan so the Township had record of the changes that were happening on site. Over the summer, this bridge has been blocked off and abandoned and the new driveway has already been constructed and is being used. The waiver is, since it was an emergency that needed to be done, the plan we're going through and working on with the engineers is to make sure the site impervious to add in the driveway all balances out. We are continuing to monitor that bridge that if it does show any future signs of failing, we'll acquire the necessary DEP permits to have it removed. At this time, it's stable enough as long as no one is driving a car over it, it's sufficient.

Mrs. deLeon asked about the parking spaces? Did she read there were not enough parking spaces? Mr. Antol said it is an existing non-conformity on the number of parking spaces on site. Mrs. deLeon said that's okay? Ms. Stern Goldstein said they just need to note it on the plan as they have. Mrs. deLeon asked if the widths have been changed? Ms. Stern Goldstein said the widths do not change.

Mr. Maxfield said is it currently being used for pedestrians or anything like that or is it totally blocked off? Mr. August said there are barricades put up, so it's totally blocked off.

Mr. Horiszny said is there any good reason to not remove it now? Mr. Antol said at this time, he hasn't. There are meetings set up to look at acquiring the permits to have it removed.

Mr. Maxfield said it would be nice to have it removed as soon as possible. We have so much flooding in that area.

Mr. Antol said unfortunately just to take it out since it's a stream crossing, it requires a GP-105 permit, so his meeting with DEP is to find out if they have an emergency plan that would allow it to be done and file paperwork, or is it the formal process which is going to be at least four month lead time to get the permits in hand to take it out. Mr. Maxfield said do you have to interact with PennDOT at all to remove that? Mr. Antol said he does not believe so.

Ms. Stern Goldstein said just as a clarification, there will be a permit, but it's not a GP-105, it's a different one. Mr. Antol said his apologies.

Mr. Maxfield said he has no objection; it's a good thing to do.

Mr. Kern asked if there were any comments from the audience? No one raised their hand.

- MOTION BY:** Mrs. deLeon moved for approval for the draft motion dated October 17, 2012, waiver of land development for Sanbrook Apartments.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any comments. No one raised their hand.
- ROLL CALL:** 5-0

V. TOWNSHIP BUSINESS ITEMS

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

Mr. Kern said the applicant has revised the application which still exceeds the allowable lot coverage. The applicant would like to discuss the revisions with Council.

Mr. Dominic Caluitti with Blue Haven Pools said they are doing a project for the Sunday's. Since the last meeting, they are looking at increasing the impervious coverage to 29.61%. They had a

**General Business & Developer Meeting
October 17, 2012**

pool decking around the pool at 900 square feet. Since the last meeting, they went back and revised the pool decking down to 600 square feet and they can use an impervious paver if permitted for the decking around the pool which will absorb water to percolate into the ground. We're asking for relief and the new impervious coverage would go down to 28.32% as on the proposed plan.

Mr. Maxfield said can you give us the square footage of the proposed pervious pavers? Mr. Caluitti said 600 square feet versus the 900 they had before.

Mr. Horiszny said it still looks like it's way too much coverage. Mr. Maxfield said it actually went down less than a 1.3%. Mr. Horiszny said is there any possibility of making some of the driveway pervious or removing some of it? That's probably the most coverage you have other than housing. Mr. Caluitti said they are willing to give up 200 square feet of their patio on the back of the house reducing that down to and that would give them another 200 square feet there. The existing deck is now 567 square feet and that would bring it down to 367 square feet. The total percentage would be 27.46%. Mrs. deLeon said the number is supposed to be 25%.

Mr. Maxfield said other than the patio, no changes were made to the pool design or size or anything like that? Mr. Caluitti said the pool was at 600 square feet, so it is not a large pool for that yard and for how the family wants to use it. Mr. Maxfield said unfortunately you put us once again in this dilemma where your location is relatively high up on the hill, and all that water goes downhill and goes into the Black River, which you just heard, we have flooding problems with. There's a little dent in the patio that's been taken out, 200 square feet, but we were hoping for was a real effort to get this down near 25%. Twenty-eight percent is not down near 25%.

Mr. Sunday said they did talk to Chris Garges in trying to develop a plan that was mutually agreeable and by instituting the pervious pavers, decreasing the pool deck in addition to taking out additional patio. If you would allow the pervious pavers, fine. Chris seemed to think that was a reasonable plan, but if you are opposed to it, maybe it's just not in the cards and they'll have to go to the ZHB. That effectively would bring the coverage down to 25% if we count the pervious pavers and cut down on the patio.

Mr. Maxfield said 3% is pretty much and you can't count those as 100% as they don't absorb 100% like a piece of ground would. Mr. Caluitti said the pool does absorb a certain amount of water before it would overflow and shed water out to the yard. The yard is fairly flat on the property. There is a storm water inlet on the back of their property. Water does go to the street. If the proposal is acceptable or would you consider taking the downspouts in the back of the house and putting them into a retention basin to absorb the water off the roof so that they can definitely take that 3%. Mrs. deLeon said are you proposing to do that? It's not on the plans currently.

Mr. Maxfield said when you say retention pond, you mean drywells. Mr. Sunday said yes. They could take that area and hold that water in the drywell areas. Mr. Maxfield said that would force absorption. He asked the Engineer and Planner how they felt about this? Ms. Stern Goldstein said from a planning perspective, they would still need the variance, but from a practical looking at the land perspective, there's a lot of merit going with the porous paving coupled with the dry infiltration trench they would propose, there's a lot of merit to that. Mr. Miller asked what kind of water and sewer they had? Mr. Sunday said it's city and public. Mr. Miller said that would be his main concern as there are setbacks from those. Mrs. deLeon said what about carbonate geology? Mr. Miller said they'd have to satisfy those regs if there's any closed depression or sinkholes on the lot. Mrs. deLeon said that would be a condition to what Judy just said. Mr. Maxfield said they are pretty high on the hill there so they may not have carbonate. Mrs. deLeon said she was sitting on this Council while that was still farmland and she knows the neighbors had problem with runoff coming from there. When the development was put in, they had to build detention basins or whatever those facilities are up there to try and keep the neighbors downstream protected. She thinks what you are proposing if it's okay with Planner and Engineer, she would definitely say

**General Business & Developer Meeting
October 17, 2012**

that's part of the package. Mr. Maxfield said the combination of the drywell and the pervious pavers would be a real effort. That shows you care and is also putting the water directly into the ground where it's absorbed and not increasing runoff. He would agree with that but it's got to be a combination of those two. It's got to be an effort to put it into the ground and infiltrate it.

Mr. Kern said what's the procedure for initiating the drywell design? Mr. Miller said the normal procedure is that they triggered something that the stormwater regulations would require them to do a stormwater design for. In that instance, they would hire a geologist or a geotechnical professional which would include an engineer to go out and investigate the site, dig probes to see what the depth of the bedrock and water table is or at least determine it's deep enough so that it's not a concern. If they are just doing roof runoff, then that's the extent of the infield testing. If they are infiltrating anything else, they'd have to do percolation tests in the area they are going to put the infiltration trench in and they have an engineer prepare a plan which, based upon the testing that's been done, we believe that this proposal, which would be a stone pit, or something like it, is adequate to manage the amount of impervious coverage that they have to manage. That gets submitted to the Township and to their office and they review it and there may be some back and forth between us and the designer. Then Hanover approves it on behalf of the Township.

Mr. Kern said sounds incredibly expensive. Mrs. deLeon said you came up with two suggestions to lower the percentage, do you have anything else in your pocket? Mr. Caluitti said they are surrounded by pools in their neighborhood with decking around their pools for recreation, to have the family at the house and to have their house more enjoyable. They are doing everything they can offer to do other than them having to move to another house.

Mr. Kern said what about making the pool smaller? Mr. Caluitti said 100 square feet is not going to do a whole lot. Mrs. Sunday said they have four children and the most children in the neighborhood. Everyone has pools in their neighborhood, which were in for a couple of years. They were the first people at the site with only a few houses there and everyone else has pools. There would be no reason they couldn't have a pool. The size of the pool is a lot smaller than most of the pools in the neighborhood and they have the most kids, so it makes sense.

Mr. Maxfield said you can always take your chances of going in front of the ZHB. If you wanted our opinion to be in favor of your application, he would think that combination they talked about with the drywell and the pervious pavers would do it. We can't ignore the people who are down slope who have potential to be flooded because we pushed the imperious coverage. He thinks he mentioned last time our percentages are really lenient compared to what the scientific evidence shows which can be impactful to properties. He would appreciate if you wanted to take that route, he would be in favor of that. It is going to cost a little bit of money, but it's for the good of the community. He's guessing your neighbor's pools went in before they redid their impervious coverage ratios and in response to the flooding we've had here. It's kind of a comprehensive thing and you are not the only person we've had to give a hard time to about these kinds of issues. If you go through the minutes, you'll see most of the people who come with impervious coverage requests to increase beyond 25% usually don't get it. He would appreciate it if you would try to do that. It's a real effort in a positive direction.

Mr. Horiszny said in the meantime we ought to oppose it if that don't happen. The fact that other people have pools doesn't mean they are over their impervious coverage limit either. Their lots could be bigger or their houses could be smaller or their driveways could be smaller. Mrs. Sunday said they already looked into that and talked to all of them and they are all over. Mr. Maxfield said for us, as we look at it universally, it's kind of a combination of all those percentages and if everybody's over 1% or 2%, we have a whole area over 1% or 2%.

Attorney Treadwell said at the previous meeting when the applicant was here, we made a motion to send him to the ZHB to oppose it. They are back here tonight because when we went to the ZHB,

**General Business & Developer Meeting
October 17, 2012**

they decided to take another look at it and try and reduce the impervious coverage. They have made that effort. Your options are if you want to oppose it unless the 600 square feet of decking is composed of pervious pavers. He asked if the 200 square feet of patio would be given up too? Mr. Horiszny said he would think. Mrs. deLeon said absolutely. Attorney Treadwell said they reduced the patio by 200 square feet, used pervious pavers for the 600 square feet of pool decking, and put in dry wells to capture any stormwater from the roof drains to the satisfaction of the Township engineer, if possible. Mrs. deLeon said what do you mean if possible? Mr. Maxfield said like Dan was talking about the setbacks, we don't know if they can make the setbacks, that sort of stuff. What are the setbacks? Mr. Miller said they are all different from different things. Sewage is 50'; from wells it's 100'; from houses if it's upstream, it's 100'; if it's downstream it's only 15'. The most restrictive here is there's a 40' separation from a lot line. Those are the main ones. The lot line would be the most restrictive of all of them unless they put it directly uphill at their house which he'd really recommend they don't. Mr. Maxfield said they might be looking a modified variance request. Attorney Treadwell said you'd still be looking at a variance request of whatever the new percentage is when you take out the 200 square feet of patio. Mr. Maxfield said if we are asking them to do the drywell investigations and all that, if we were to then look favorably upon the application if there were a problem where it was 10' too close in a setback, we might have a variance modification.

Mr. Miller said he has a slightly different question to ask. When these calculations for impervious cover are provided here, do those include the 200 square feet you are looking to remove? Has it been removed already from these calculations? Attorney Treadwell said no, it's additional to be removed. Mr. Miller said is the decking shown as part of the impervious as well? Mr. Sunday said yes. Mr. Miller said he thinks if you remove those, you are at the 25%. Ms. Stern Goldstein said if they take the 200 square feet off the existing patio, 27.46%; the porous paving for the decking still have to count as impervious for zoning, so they can't come out. They are correct in the 27.46%, but to compensate for additional pervious on the site for stormwater, it doesn't count all as impervious. You'll still have to go through the calculations. She really strongly believe they will be somewhere on the site that meets the parameters so they can do their dry well. That wouldn't be a variance as it isn't a zoning issue. She strongly believes there will be someplace on the site to get a drywell. Mr. Horiszny said a drywell pretty much takes the whole roofing thing out of the picture, the whole roof is considered pervious? Mr. Miller said are you asking stormwater or zoning? The answer will be different? Mr. Horiszny said stormwater. Mr. Miller said stormwater it's even better than impervious. It's in. If pervious is 30%, this is 0%. Mr. Maxfield said that's the way to go. Mr. Kern said if you do that, you'll get his support. Mr. Maxfield said we rarely support an application, but if we would if you were to go through that sort of effort. He knows he would.

Mr. Caluitti said if they revise the plan and submit it back to the Township, do they have to come back here? Attorney Treadwell said Council could make a motion tonight to oppose it unless they do those four things and then they don't have to come back here. Mr. Maxfield said when we say to the satisfaction of the Township, we're talking about the engineers or Chris Garges looking at it.

MOTION BY: Mr. Maxfield moved for approval as stated above by Attorney Treadwell.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any comments. No one raised their hand.
ROLL CALL: 5-0

B. POTENTIAL REZONING – APPLEBUTTER ROAD

Mr. Kern said the Planning Commission, which met on September 27, 2012 moved by a vote of 6-1 to recommend to the Council that it is inappropriate to entertain a rezoning in the Applebutter Road area.

**General Business & Developer Meeting
October 17, 2012**

Mr. Kern said his position at this particular time regarding this issue is he isn't ready to take action on this. It's too important a decision for him to rush to judgment on this. From a zoning perspective, he sees an odd pocket of RA that's in the middle of a heavier industrial uses. This RA zone is in the proximity of a power plant, which was not welcomed in Montgomery or Bucks County and it was embraced at this site by environmentalists. He would like to do more research and ask our staff to assist and find out why this area is appropriate for a power plant, and how and if that reflects on the RA zoning. Also related to the zoning, he recalls back in 1999 or 2000, that zoning in that area was originally LI and was changed to LM. He'd be interested in a report from staff of the history for the reasons for that change. Council also received a memo awhile ago from our professional planner sitting with us tonight stating it would be appropriate to consider rezoning of that area. Our solicitor concurred. Consideration for rezoning and approval of rezoning are two different things so the consideration and approval are two completely different things and he would like the opportunity in the future to consider this and intelligently discuss it at the Council level whether or not it's appropriate to rezone on this area. Also, this week Council has received a flurry of emails from Township residents in favor of rezoning. This afternoon we received a letter from the Fire Chief of Steel City, Chris Snyder, on Steel City Fire Company letterhead, stating his support of the rezoning of Applebutter Road. This is new information that he needs to factor into the mix regarding the rezoning question and because of all these reasons, he's not in a position tonight to take action on the Planning Commission (P/C) recommendation. He needs to absorb all this information and consider all the facts.

Mr. Maxfield said was action suggested by anybody? What would we normally do for action if the P/C recommended that it stay the same, we wouldn't normally take any action. Mr. Kern said what he's suggesting is taking no action just like we did with the Phoebe Home recommendation when P/C recommended Phoebe Home.

Mr. Willard said do we have to accept the recommendation? Do we have to do that by motion? He was prepared to make a motion that we accept it. Attorney Treadwell said if you go back to the previous discussions we've had regarding changes to the zoning ordinance, the only motion that you would need to make is if you want to change the zoning ordinance. If you don't take any action, the zoning ordinance stays as is. If you want to change the zoning ordinance, you have to make a motion to advertise it and then go through the MPC process in order to enact that change. From a legal standpoint, if you want to leave the zoning ordinance as it is today, there's no need to take any action.

Mrs. deLeon said she would still be comfortable with a vote. There have been a lot of people; a lot of time and effort went into this. She thinks that we should entertain a motion. The P/C gave us a recommendation. You can't really compare it to the Phoebe thing because it was a different scenario. It was explained by the solicitor to her that Phoebe came in on their own but IESI came in to the Township and the Township then proceeded with the process on entertaining a zoning change. To her, it's different and she really feels that we need to make a motion and get this over with, one way or another.

Mr. Maxfield said he doesn't think it's different. IESI didn't ask Council to rezone. P/C responded to a Council motion by a Council person to look into rezoning, so it's really no different than what happened at Phoebe. Mr. Kern said in his view, it's exactly the same because the recommendation from P/C is to take no action, which was the recommendation from P/C regarding the Phoebe Home request, so Council took no action.

Mr. Maxfield said he would be opposed to a vote on a different set of circumstances. He's said this before publicly that he would like when Mr. Kern, our President said, he would like to consider things. He supports that and supports talking about it. He doesn't want to make any sort of vote that stifles the conversation or that limits what Council can consider in the future. If you wanted to make a vote saying you accept the P/C recommendation, it's there whether we accept it or not.

**General Business & Developer Meeting
October 17, 2012**

Accepting it doesn't mean we support it. He doesn't even think it's necessary to make any sort of motion and he doesn't want to limit Council's ability to consider whatever it wants to consider. That's Council's job. He's not going to put the shackles on Council.

Mr. Horiszny said he agrees with what Mr. Kern and Mr. Maxfield have said.

Mr. Willard said he's attended four P/C meetings and he's heard all the comments at Council and read every email addressed to him, both pro and con, and he's done a considerable amount of research and he was prepared to take action tonight or vote if it came to a vote. He's more than happy to listen to the residents and consider this further as long as no voted motion means no action.

Mrs. deLeon said she has read all the emails from June, pro and con. She has to compliment the residents and also the P/C and Tom for taking the stand that they did. A lot of people took a lot of time researching. They didn't just send a standard email out. They took the time. They did research and came up with excellent reasons supporting their cause, their way of thinking. To her, that's what this is all about. A lot of you came here tonight and wanted to speak on this, and she thinks we should hear them. Again, she can't thank you enough for coming and being part of the government process as that's what it's all about.

Mr. Maxfield said he would also like to remind Council that we had a meeting two weeks ago that really shed an incredible amount of light on some of the issues that were brought up and we need to be considering that kind of stuff too as we move ahead. The effort for that whole thing was to get at the nitty gritty and get the truth behind any sort of statement or accusation or circumstance. We got pretty close there. We had DEP representatives. IESI was here at the table. We had Township representatives. We had our own consultants and everybody got a chance to chime in and we got as close as we can get to the truth about the circumstances.

Mrs. deLeon said we had the head of the department tell us they are operating the landfill the way they are supposed to be which is what he should be saying because if they weren't, his head would not be in the right place. There are issues that are still critical to her and she's going to be watching closely because we do have problems up there. DEP is aware of them and the Township is aware of them and she's going to be watching and the Landfill Committee is going to be watching.

Mr. Willard said further to Tom's comment for the people in the audience, as you know our minutes are verbatim and the minutes of that meeting are many pages long, posted in draft and should be approved tonight. If anyone would like to refer to the details of the last meeting, it will be available in the meeting minutes.

Mr. Kern said following up on Mrs. deLeon's comments, we are fortunate in this Township as we have a Landfill Committee. A lot of townships just rely on DEP and there's no oversight, so we have a double layer of oversight. We have DEP which has their regulations that the landfill must adhere to plus we have our Landfill Committee which oversees DEP and IESI. It's double protection and we're blessed to have that which means the operations are even safer than in other townships.

Mrs. deLeon said yes, and we're complimented too because we're probably the only one in the State of PA that does that. According to the Host Agreement that was approved by both bodies, the monthly meetings are open to the public, so if you'd let the Manager know in advance if you want to come, they are usually on the 3rd Thursday of the month at 1:00 pm. She's extending an invitation. Tomorrow at 1:00 pm, she'll be there.

Mr. Kern said he'd like to open it up for public discussion now.

**General Business & Developer Meeting
October 17, 2012**

Ms. Maryann Garber, said she represents Bethlehem IESI Landfill. Eight months ago, IESI Bethlehem Landfill made a presentation to Township Council of a conceptual plan for expansion of its existing landfill facility. What was evident from that presentation was that a rezoning of adjacent properties to the west would be required as a first (and threshold) step towards that end. In response to that presentation, Township Council directed its staff to prepare options for a rezoning of the area in the vicinity of the existing landfill, and for the Planning Commission to consider and recommend one or more of those options for Council consideration. Over the next seven months, four different options were developed by Township staff and presented to the P/C. The Township's professional planner and its Solicitor concluded that each of the four proposed options is consistent with the goals and objectives of both the Township and the Lehigh Valley Comprehensive Plans, and is based on sound land use and planning principals. The Township's professional planner further concluded that natural features, such as topography and woodlands, form a natural buffer from the proposed industrial area to surrounding existing residential uses, and that existing industrial uses within and adjacent to the subject area, such as the landfill and those in the City of Bethlehem, further support the zoning change. During the many P/C and Council meetings that have been hold over the past several months, a host of allegations about the existing landfill facility have been raised by a group of mostly Steel City residents. In response to those stated concerns, IESI has strived to provide residents with the facts about those stated concerns, IESI has strived to provide residents with the facts about Pennsylvania municipal waste landfills in general, and IESI's facility in particular by offering an on-site tour, through an educational mailer, through communications with the Landfill Advisory Committee, and in a presentation to the P/C in August. Nonetheless, some residents continued to allege there are significant issues of concern that should prohibit the Township from adopting a rezoning that would allow for an expansion of the IESI facility. These allegations are based on a fundamental misunderstanding of the engineering and operational controls employed by our facility, and fail to account for the comprehensive state and federal regulatory programs in place which have been demonstrated to be protective of human health and the environment. In an effort to separate fact from fiction, Township Council directed its own consultants, including Township Engineer Jim Birdsall, Special Landfill Consultant Lauressa McNemer, Host Municipal Inspector Chris Taylor, and Geologist and Special Groundwater Consultant Rich Sichler, to address each and every one of the allegations and concerns that were raised by those residents, to determine whether they had any basis in fact and whether there was any risk to human health and the environment as a result of the landfill's existing operations. On October 3rd, the Township consultants presented their findings at an almost four hour long public meeting. Bill Tomayko, Regional Waste Management Manger of the Northeast Regional Office of the PA DEP also participated in that presentation as did IESI's own professional consultants. The Township's consultants addressed allegations and concerns related to stormwater management; landfill construction; air quality and gas management; odors, noise, visual impact and other nuisance related issues; groundwater quality; and the radioactive waste load originating from the Allentown Arena project. These Township, DEP and IESI experts all concluded, among other things that:

- The landfill's liner system is state-of-the-art and is properly built and compliant with all applicable state regulations.
- That there have been no reported leaks from any of PA's modern, double-lined landfills to date.
- That flow in the landfill's leachate detection zone is not a public health and safety issue, that it is common for municipal waste landfills to have flow in these zones, and that there is "zero risk" associated with this condition.
- That IESI has an extensive groundwater abatement system that collects and treats the residual effects of historic dumping practices that pre-date Pennsylvania's municipal waste landfill regulations and IESI's ownership of the landfill, and year to year, there has been a steady improvement in groundwater quality at the site.
- That groundwater from the site does not flow in the direction of Steel City.

**General Business & Developer Meeting
October 17, 2012**

- Those stormwater management systems at the landfill are properly designed and properly functioning, and that no runoff from the landfill site reaches Steel City.
- That conditions created by a few abnormal storm events have been immediately and adequately addressed and remedied by IESI.
- That there have not been, nor is there any reasonable expectation that there will be, any water pollution discharge events from the site of any significance that would affect public health or safety.
- That there have been no documented problems with the landfill's gas management system, and that a gas management system that is operated correctly presents no risk to human health or the environment.
- That with regard to the radiation load, the landfill properly followed its Radiation Management Plan upon identification of that load, and that only the generator of the load, not the landfill, had the authority and responsibility for its removal and proper disposal. As an aside, we are happy to report that the generator removed the load on October 10th. As we stated at the 10/3 Council meeting, IESI is seeking approval from DEP to revise its Radiation Management Plan to authorize IESI to remove any future radioactive load that is erroneously delivered to the landfill, so that it does not have to wait for the generator to take action, as did in this instance.

In summary, both the Township's and DEP's experts concluded that there are no operational issues of any significance with IESI's current facility, debunking each and every one of the allegations that have been raised to date.

You've heard that any one of the four rezoning options presented by the Township staff is based on sound land use and planning principals. And you've heard from both the Township's own experts and from PA DEP that IESI operates a safe, well-run facility that meets or exceeds state and federal regulations. You've heard that many residents of the surrounding community, including Steel City, in fact find the landfill to be a good corporate neighbor and have not experienced any negative impacts from the landfill's existing operations. You've received letters and emails from upwards of 60 Township residents, including residents of Steel City, supporting a rezoning that would provide the landfill with the opportunity to expand.

What you already know is that the existing landfill provides significant financial benefits to this entire Township. IESI is the number one property tax payer in the Township. In addition, it pays close to \$2 million dollars annually in host fees, making up one-third of the Township's total annual budget. The total economic impact of the landfill operating within the Township is estimated at more than \$12 million a year. By creating jobs, purchasing equipment, investing in capital improvements, and hiring other local businesses for services, the landfill has a direct and positive impact on the community as a whole. Those benefits will continue with an expansion of the landfill. It is not only permissible, it is imperative that Township Council consider these very significant financial benefits for the Township and ALL of its residents in determining whether to continue consideration of a rezoning of the Applebutter Road area.

Mrs. deLeon said you say that it's a state-of-the-art landfill, and there's not really known problems in detection zones, it's normal, but you have one. Could you provide information on that? Ms. Garber said the information was provided at the October 3rd meeting, and in fact, it was Bill Tomayko that said flow in these detection zones is common in municipal waste landfills and it poses no risk. If you look at the minutes, that's fully documented. Mrs. deLeon said that's what he said but you said there's information and she thought maybe Ms. Garber had information. Ms. Garber said the information was provided on October 3rd.

Mrs. deLeon said like she said previously, Bill was here and she calls it a dog and pony show, sorry, that was presented to everybody. Of course, he's going to say everything's fine because he's the head. How many violations, NOV's has the landfill had in the past two years? Ms. Garber said

**General Business & Developer Meeting
October 17, 2012**

she doesn't have a record of the NOV's, but she does believe those issues were discussed at the October 3rd meeting, so again, she would really urge everybody in the Township to review the minutes of that meeting completely and that information is contained. Mrs. deLeon said do you remember me asking specifically why there were three air quality inspections in August, do you recall me asking a question, I believe and I don't want to put Allen's head on the block here. There were three air quality inspections and you didn't know that.....Ms. Garber interrupted and said she doesn't know what your question is, not that she didn't know something, she didn't know you finished your question. Mrs. deLeon said I have not, if you let me speak. She asked that there were three air quality inspections by DEP in August and she wanted to know what the results of that were, and she believes they were just routine inspections. She believes, and somebody correct her if she's wrong, there's a lot of information, that eight of the sixteen quality inspections, ten exceeded 500 ppm's. That's part of the gas collection system, so why were there exceedances if everything is wonderful. Ms. Garber said we report all of these issues to the Township and to DEP, so this information is free flowing and is provided to everybody who wants it. With regard to the specific incidences, our professional engineer, Rick Bodner is here and perhaps he could speak to that issue or Sam Donato. She doesn't have the specifics. She does know that the information has been provided to the Township and that's a perfect example of what can be discussed at the Landfill Advisory Committee meeting tomorrow if you have questions. Mrs. deLeon said that's exactly what she plans on doing because the inspections were in August and the Township received the information the day after the October 3rd meeting, on October 4th, so it took that long for the Township to get that information. Ms. Garber said we look forward to discussing that with you at the meeting tomorrow.

Mrs. deLeon said also everybody is saying and she has to say, compared to the City of Bethlehem, IESI does a great job, but then you have to realize what the City of Bethlehem did. What is the guarantee that you are going to be here? What is the guarantee that IESI is going to continue to operate this landfill or is it going to be operated like the City of Bethlehem? We have no guarantees because your Canadian corporation or whatever company, and you could be sold. You could go bankrupt. Anything could happen, so there's no real guarantee. She agrees, that's great, you guys are pretty responsible, she won't say 100%, because we had a landfill meeting and after the August inspections, and she doesn't believe that was discussed, and again, she is being honest with you. Ms. Garber said that's fine and she will respond to Mrs. deLeon's concerns about if IESI ultimately sells the landfill. As a permit holder, it has responsibilities and it can't transfer a permit to anyone. That approval process for the transfer is something that's governed by DEP and they go through the same exercise in reviewing a transfer as they do when you are applying for a permit in terms of compliance history and the like. That's where the assurance is provided with DEP oversight. Mrs. deLeon said she's familiar with that process, it happened in 1999 when the City of Bethlehem sold it to Eastern, so the Township was part of that same process.

Mr. Willard asked Ms. Garber if she could supply her written statement, it would save the transcriptionist a lot of work, and he did receive the postcard at home as a resident, and he also has one here tonight. He's familiar with economic impact studies. As a matter of fact, ArtsQuest does it for the impact of the arts in the community. He would be interested in seeing the details of the economic impact study of \$12 million a year. Ms. Garber said they are happy to provide you with that information.

Mr. Maxfield said he's a little bit offended at the dog and pony show comment because we sat here for four hours and he thought that the experts that were here, DEP and our own consultants, and everyone, answered as forthrightly and honest as they could. There was no attempt to obfuscate anything. Everything was out in the open and nobody shirked any questions. It wasn't a performance. It was an effort to get at the facts and he thinks we got there. At the very outside, you cannot call this thing a dog and pony show.

**General Business & Developer Meeting
October 17, 2012**

Mrs. deLeon said she's sorry Tom, but that's kind of what she called it. Mr. Maxfield said that is wrong. Mr. Willard said as stated in the debate last night, read the transcript.

Ms. Lanita Lum said she does not live in Steel City. In fact, she lives on the complete opposite side of Steel City. She's in LST on Martins Lane. Her property is seven (7) acres, only half of an acre is in LST, the rest is in Bucks County, so for this woman's comment that the people are only concerned who are in Steel City, they are not. Secondly, she doesn't doubt that DEP and the regulations are being followed to the best of their ability. She does believe, if one of her Council members tells her, as she did, that there are some emission problems and gas problems that they do exist. She doesn't follow everything. She sits on the school board, so she doesn't have time to sit on both. She believes the people who are elected. Nevertheless, DEP does run that. As to, she doesn't know the attorney's name, but she doesn't have a problem with Priscilla calling it a dog and pony show based on her performance tonight. She has never seen such a snarky person come into a community and speak and laugh at us the way you have. She has absolutely no interest in the landfill. It does nothing to her other than generate money towards our revenue. What she'd really like to talk about and she doesn't know if it's come up yet, and that is, spot zoning. Since she read everything, she is going to read a good portion of this. "Spot zoning is the application of zoning to a specific parcel of land within a larger zoned area when the rezoning is usually at odds with a city's master plan and current zoning restrictions. The rezoning may be for the benefit of a particular owner and at odds with pre-existing adjacent property owners. The standard State Zoning Enabling Act states "all such regulations shall be uniform for each class or kind of building throughout each district. Courts may rule certain instances of spot zoning as illegal. Such a change may have a legitimate use such as when a community wishes to have more local control in land use. This may occur in a rural county which has no zoning at all, where a village or hamlet may wish to maintain its characteristic feel often to protect tourism without adding another layer of local government and taxes by creating a municipality. The county designates the boundaries often that of an already census designated place and maintains regulations through the county commission instead of a separate town council. It may also be invalid as an arbitrary, capricious and unreasonable treatment of a limited parcel of land by a local zoning ordinance. It is an invalid exercise of authority. If spot zoning is not a right conferred upon the body by the state zoning and enabling statute because it deviates from the plan set out by the enabling statute". There are different areas of authority, variance where it may be arising, amendment to the ordinance, contract zoning. Contract zoning, which she believes this is, occurs when a local zoning authority accommodates a private interest by rezoning a district or a parcel of land within that district. Then the private interest may then be allowed to develop the land where before the zoning regulations prohibited such a land use. This is spot zoning in all instances. As a previous reporter, in this area, but prior to living here, she lived in Berks County. She covered townships. She covered schools, but primarily she covered townships and the worst thing and most disgusting thing someone can do is try to spot zone. Generally you see it happening in areas where an adult store wants to come into Main Street and we say we don't have an ordinance. In that case, they can go anywhere, but it just so happens that Hellertown was smart enough to put there's basically where Union Cemetery is. Nobody is going to put an adult store there. Her point being you have zoned that area that currently exists for the landfill. If you change that zoning to expand, you are spot zoning, and that's illegal. She has been curious for years and has even asked Council members, some are here, some are not anymore, the amount of money that this woman quoted, that we get as our tapping fee, tariff, whatever you call it, \$2 million a year. How many years has that landfill been here? Mrs. deLeon said since 1940, 1945, but we haven't received host fee monies until the 80's. Ms. Lum said in other words, for 32 years we've been receiving \$2 million a year. Mrs. deLeon said not every year. Ms. Lum said answer this question. Up to today's date, can you tell me how much money we've received, about? Is it \$25 million? Is it \$30 million? Ms. Gorman said before the most current host agreement was in place, it was significantly less than what we made now. The last negotiations included a 4% increase per year and the first year we received money was approximately...Mrs. deLeon interrupted and said we used to get \$300,000.00 or \$400,000.00 a year and that was when it was Phase III. When they came in with Phase IV, we renegotiated the

**General Business & Developer Meeting
October 17, 2012**

host fee because they claimed a deemed approval and threatened a lawsuit and to settle it, we had to increase the daily tonnage from 350 tons to 750 tons and therefore it increased the amount of garbage they were taking and shortened the life of the landfill. We got more each year and there's a 2% escalator built in. Ms. Lum said she's going to just throw a number out - \$10 million. Where did that \$10 million go? Mr. Willard said there is a report on line prepared by our Director of Finance, at the Council's request, that shows exactly the answer to your question. It's available on our website. Page 3 shows distribution of landfill funds. This is distribution; we may have taken in more from 2001 to present, \$8,500,000.00 over twelve years. It's available publicly online. Ms. Lum said her point being, that \$10 million was used to build this facility, and was used for other things. We put in a \$4 million Polk Valley Park, but that money was under her impression when she moved here, that it was put into an account because we knew one day the landfill would not be here anymore. Whether we extend this or not, there's going to come a day when we will not have the money. She feels extremely fortunate that she has lived in this Township for 14 years and to her knowledge, you have never raised her taxes. She don't want to go through what the school district's having to do because of the pension fund problem of never being funded properly that in another how many years, we are going to get whacked because we don't have enough money to budget our balance. Her suggestion would be that if you are going to move forward and you are going to allow the expansion of this landfill, she wants some assurances from Council telling her that money is going to be escrowed, earmarked, and we are only going to use the dividends and interest in order to do our special projects and they shouldn't be going to the open space EAC project that was passed at .025%. Mr. Maxfield said what are you talking about? Ms. Lum said what am I talking about, Tom you should know. Mr. Maxfield said I do know. I can't figure out what you just said. Ms. Lum said how much money is sitting there. She thinks we bought enough property, Tom. Mr. Maxfield said that's a different issue. Ms. Lum said she's talking about finances in general. She's not going to argue with him. Mr. Maxfield said fire trucks that serve the community. Ms. Lum said you all are financially and fiscally responsible to us, your constituents, just as she is financially and fiscally responsible to her community as a School Board Member and she will do whatever it takes through teachers strikes, through cutting back on expenses, to try to keep their taxes down. Unfortunately, Harrisburg has its real estate property tax system totally screwed up and no one up there wants to take it by the horns and do it themselves. All she's telling you is, back to spot zoning, you do that, and she thinks Linc, you will have to agree, if we bring an attorney in and we scream spot zoning, every single one of you is in trouble.

Attorney Treadwell said thank you and he's not going to take a half an hour to explain spot zoning. There is also a memo that is on the website authored by the Township Planner and himself which explains some spot zoning and some contract zoning issues. The simple answer is if either he or the Planner felt that this would raise a valid spot zoning question, they would have told you that at the beginning of the process. Both he and the Planner have reviewed all of those issues, him especially, because he wouldn't be doing his job if he allowed you to consider something that could be challenged as spot or contract zoning. That is not to say that somebody couldn't raise that as an issue, but he is fairly confident if this Council chose to rezone some land to industrial next to already existing industrially-zoned property, that it would be a very hard argument to make that it's spot zoning. Spot zoning is generally referred to as taking a piece of property, say in the middle of a residential zoning district, and making ten acres of it industrial. That's why it's called spot zoning. The last time he checked, Richland Township and LST are both governed by the MPC, the same set of rules. No, he does not think if Council chose to consider this rezoning option, that it would be spot zoning.

Mr. Kern said in answer to your other question, we have been responsible, fiscally responsible as you stated, you don't recall us raising taxes although we did. Let's keep that our little secret, and that's how we're being fiscally responsible.

Mr. Willard said he did some research for tonight and he'd like to comment on the tax issue. They've lived here for 6-1/2 years. He came from a high tax area and didn't really find any relief

**General Business & Developer Meeting
October 17, 2012**

here, but in breaking down his taxes, 77% goes for the school district, which we support; 17% goes to Northampton County; and 6% goes to LST. In the \$1.8 million property taxes being collected from all of us who are residents, it's representing 6% of his tax bill, so to suggest your taxes might go up by 30% or 50%, if we didn't have the revenue or when we don't have the revenue from the landfill, is a little misleading because that literally means his total tax bill would go up 1-1/2%. Nobody wants their taxes to go up, but we're only talking about the portion that comes to the Township, and in his case is 6%. It may vary for each of you, but he wants you to know that and those are the figures he came up with.

Mr. Maxfield asked Ms. Gorman to speak to that as he believes the statement was that Township taxes that would double. Ms. Gorman said she has heard that as well and the amount of money that we do get from IESI is significant. That money is allocated to pay down debt for this building and debt that was incurred by Council's prior to the ones that are up there. It also pays for almost all of the fire equipment placement that the Township has done. Before the landfill money came, we didn't help the fire departments pay for any of their vehicles. It's paid for quite a few other things in the past, even back early when it first came to inception, it fronted money for water hookups and things of that nature. The money that we would lose would end up being more for your future capital projects, your vehicles, anything related to your fire trucks. Those are the big things. Those are the long term things that this funding would pay for that we're going to lose.

Mrs. deLeon said when was the last time we put money in the fund for fire truck replacement? Ms. Gorman said quite a while ago because she put \$1 million in and provided Council with a 10-year plan on how to use that and it was gone within a year. Mrs. deLeon said right, because we used it to buy equipment. What year was that? Ms. Gorman said that was in 2007. Mrs. deLeon said since 2007, zero dollars has been put in a line item in the budget for fire equipment. Ms. Gorman said that's true. When she did that, when we proposed that to Council and we were in agreement with Council that it was going to be a 10-year plan, until we could be able to facilitate a more constant stream of income to fund those vehicles purchases. Within one year Council approved significant purchase for two different fire departments that wiped out that fund. Mrs. deLeon said that was based on input from all the fire companies as far as their level of trucks, but her point being, since 2007, we have been paying off the loans to balance the contingencies, putting money into contingencies. Ms. Gorman said we also decided that at that point, we really needed to look at our fire vehicle inventory and make a conscious effort of really taking a hard look at what we have and the operations of our fire departments. We've been doing that in the last couple of years, so in order to get a clear idea, our fire departments and our fire chief's in all four departments are working together to address this problem and to look at the future funding of this. They know that the long-term situation is that the landfill money is not going to be consistently there to help them buy these. Mr. Willard said our budget hearing is a week from tonight, the 24th, he thinks we should give the courtesy of the floor to the next person.

Mr. Maxfield said this has bothered him as it has come up with a couple different speakers. We are acting like it's a sin to have loans to pay off when those loans toward buying this building and Polk Valley Park, which are for the community. They are not for individual people on Council or individuals anywhere. It's like get out of your houses and use Polk Valley Park, it's for you, use it. Use this building. If we were still over in the other building, we wouldn't even be able to fit half of you people in the Council room; and if you happened to be one of the individuals arrested, you'd be put in a little closet chained to a pipe on the wall. That's what was there, and that's what this is replacing. It's a much better situation than was over there and it's here for a reason. It's here for you, use it. It's not a sin to have a loan to pay off public structures and public places. It's for you. Mr. Willard said we're not going back to the pipe system, so don't worry. Mr. Horiszny said we did put money in the fire replacement fund last year as it was his salary.

Ms. Donna Louder, 2145 Johnston Avenue, Steel City, said she missed the last two meetings as she was on vacation the one week and a death in the family the second week. She did read the minutes

**General Business & Developer Meeting
October 17, 2012**

that were on the computer and some of the things just made her cringe and some of the things she said, how can she question a professional. The first thing is she's sorry, she didn't receive one of the mailings, but her Mom did, thank you. The second thing is it says here on this mailing "Bethlehem Landfill's strong compliance, operational and safety records in conjunction with its state-of-the art practices are actually helping to improve area ground water conditions which were created by past operations of the landfill. This facility also produces clean, safe renewable energy that powers up to 1,900 homes each year". The reason she's bringing this issue up is on October 4th she received a report from Chris Taylor saying he did an inspection at the landfill. In this report it states that BRE, the place that accepts the methane and turns it into electricity, and the leachate and whatever else it takes in, is broke again. That facility has not been producing electricity, she's guessing the 10th month of the year, at least 8 months of this year that facility has been down and not operational. Mr. Taylor recommended to Al in this report that he should be sure to have extra parts on hand in case the flare breaks because the flare is burning off all the methane, and Al said he does have this and all this other good stuff going on, and he said actually he needed some safety equipment there as well for his employees and all kinds of good stuff, so they aren't producing electricity. If they are going to send out propaganda, how about if we keep it factual. Number 2, when anybody goes into the hospital for an x-ray, do they not get a lead apron laid on their genitals, laid on their thyroid, whatever the situation. Has anyone here ever had an x-ray and not had an apron? Some kind of protection from radiation? Do you know why this is put on you? This is put on you because in the books, it states "there is no allowable dose that is not harmful" and that is all radiation. All radiation is harmful. The dose of the radiation has not been established yet. In her profession, she's a radiographer. She does x-rays. She is licensed to do x-rays. She is licensed to produce x-rays and induce it into the human body. There is not one dose that is not harmful, so don't let anybody fool you about that dose that was sitting up at the landfill. That was her birthday, so thank you for that vote for not passing it. It was a great present, she got an email. She hopes again you reconsider what you are doing and taking on. The other thing is that landfill won't be anything. Somebody talked about a golf course last time, guess what, you have at least 60 some years to wait until it turns into one and she'll never get to play on it.

Jill Maurer said she lives in Woodfields. The landfill has operated on Applebutter Road in LST since 1941 for over 71 years. The LST has flourished over these 71 years. In 1941 when the landfill opened, the population of the Township was approximately 4,000. Our population is now approximately 10,700. All of LST, every neighborhood and every area has grown. Houses have been built. There have been a lot of kids born, a lot of birthdays celebrated and a lot of families raised in our Township with a working landfill. Everyone in our Township, with the exception of very few, has bought or rented their houses with the knowledge that the landfill is a well known part of our community. The very few exceptions that she talks about are those people who bought or rented their homes, more than 71 years ago. The bottom line is that the landfill has been in existence for over 71 years and it has not hindered the growth or tarnished the reputation of our community. Therefore, she's recommending a "yes" vote to support the landfill rezoning.

Mr. Ray O'Donnell said he lives in Saucon Valley Terrace off of Black River Road. This is a pretty complicated issue and he feels for everyone here. Nothing is really easy, but he'd like to speak to the point that you haven't considered before and that's IESI as a great community supporter. He's the President of the Saucon Valley Wrestling Club and companies and citizens like IESI have been very generous in helping to support numerous community organizations from baseball, to football, to softball, to wrestling, to other community projects. For example, the Environmental Education Center at Saucon Valley School District, IESI is donating most of the road that's going to enter into that facility. They do wonderful works with some of their money to help us in the community. This is not just a company. These people that work there live in our community. They go to school with our kids. They go to our churches. They participate in our activities. To just speak of them as a Canadian company or just a corporate mongrel, he thinks would be unfair. Finally, just based on the taxes and we've all been crunching our numbers lately, we pay a lot of taxes every month and he's thinking about the poor residents who are retired, that

**General Business & Developer Meeting
October 17, 2012**

you hear of these reverse mortgages, and you hear these nightmares that these poor elderly people cannot stay in their homes because they cannot afford just their taxes based off their small pensions or off of their small social security check. He thinks you should be sensitive that although some people may consider 6% of their tax burden and increasing that more, would not be that much, he would say it would hurt a lot of elderly residents that would even have to pay \$400 more a year.

Mr. Harry Gerstenberg, 2219 Applebutter Road, said unfortunately he's a familiar face here throughout the years. He's going to go back to a statement that was made on Council with zoning and there was a purpose at one time and it was Light Industrial (LI) properties. He was here bucking heads with that same issue when they turned it into Light Manufacturing (LM). There's a purpose that it was LI. That issue is closed. The issue with the other lady coming up and doing that spot zoning stuff. Whatever knowledge he has, and it may not be a college knowledge, but he can state the fact that you guys are correct with that spot zoning because he's lived in this community since the day he's been born. He lived as a resident on Applebutter Road for 23 years and that is all bug wash. One more statement, the lady that stood up here and said with our radiation stuff, yes, it came from a different source. It came into our Township. We had them taking care of it. That lady when she said she does radiation treatments, she would be blessed to the fact that if she had cancer, to take that radiation treatment to cure it as they use radiation to cure cancer and she wouldn't care how much radiation they put in there is she was going to be alive for another five years. He's sitting here and he would ask Council to do the best of their ability, in their knowledge that they have, and put all their data together, for the best of the community. He's not going to say yes or no, he's just voicing his opinion.

Russ Sutton said he's addressed you many times before. He lives at 2133 Saucon Avenue and he represents himself and his wife. They've been residents and taxpayers for the past 27 years in LST. He wishes to thank the P/C for listening to the residents of the Township and especially Tom Maxfield for listening to us. The vote was 6-1; it was kind of a no-brainer about what they said about that. We had our concerns. He was here on October 3rd for the other meetings and he's more educated than he was before about the potential problems. There are always potential problems no matter what happens. His concern is when he went to purchase his property, the first thing that he saw when he went into Steel City, it said a zoned community. He was impressed with that because he felt that protected him. When he visited his lot where he was going to buy, he was impressed by the rural, the quiet, the wildlife, the natural surroundings, the rural natural effects of the Township. That's why he chose to live and build there. He built his dream home with his own hands so he has a lot of invested time in this area of 27 years. He's a health care professional. He also knows the hazards. He worked in critical care in a hospital in an area for over 32 years, so he knows the hazards of asbestos and he knows that's in the landfill. They explained to him how it's buried and he understands that, but he also knows it's a carcinogen and he's seen many people on ventilators that died from it, so he does know it's a hazardous substance and you can't refute that. He knows it's up there and they take special measures and he understands that as well. The other thing is what he's concerned about is he wants to protect our rural and residential community. We're in basically the shadow of this landfill. He's taken a lot of pictures over the months. A picture is worth a thousand words. He has a whole album. He showed Council pictures. He knows what they say and what they plan on doing. This is only the beginning. The only thing he has a problem is they bought this property with full intentions of using it before it was even rezoned. The problem is this is an eyesore from everywhere you look in the valley, from 33, from Stabler Arena, from all different areas, Applebutter Road, Wassergass, all over the area. He has a whole album of pictures that shows you what it is and it definitely is an eyesore. The aesthetic value is not pleasing. He also wants to ask the company people and the lawyer, would she live next to this? Would she build her property next to this? Would she feel comfortable living next to this? The thing is he doesn't feel comfortable living next to this. When he moved to this Township, he inquired from the Township, when the landfill was going to be closed. They told him 2016. He was pleased with this answer. There was also another problem with the Coke Works. He heard that was going to be stopped as well so they satisfactorily answered his questions. Basically, he

**General Business & Developer Meeting
October 17, 2012**

was misled to know that this landfill was going to continue. That's not why he built his house there. That's not why he labored for 27 years to do that and what he'd like to do, his comment is to vote no for rezoning and to save our quality of life, our wildlife, our mountain, and for generations to come. When this pamphlet was sent out, he'd like to know how many yeses were proposed before this thing was mailed out because we've been here for months and now all of a sudden there's a whole bunch of people saying yes to this and they weren't here before. Now all of a sudden they showed up when this thing came out in the mail.

Mr. Ken Weaver, 1516 Surrey Road, said he and his family have been residents here for 13 years and he does support IESI in rezoning. He has a couple of comments. The representative from IESI made a lot of very salient points, so he just wanted to reiterate a couple of those that he also agrees with. Waste management is a very difficult business, whether you are talking about garbage or waste water treatment, but is a necessary one. It's also one of the most highly regulated industries in the world, whether you are talking about local municipal regulations, the DEP or the federal level with the EPA. Facilities like the one on Applebutter Road must maintain the highest standards, controls and testing to maintain the integrity of the facility, and above all, protect the environment and surrounding community. He has personal, first-hand experience which was years and years ago, as he used to be an environmental scientist waiting for the EPA and he did visit a lot of landfills along the way. He can tell you he's seen a lot of dirty and poorly run landfills and IESI is not one of them. In addition to being highly regulated, the Applebutter Road facility has evolved over the 71 years to be a highly technical and highly engineered facility. It's not just a dump. He's seen dumps and this is not a dump. They have leachate control systems, methane control systems. Yes, there have been issues with the energy conversion, but they have double liners. This is a highly engineered facility. They also have very tight operational protocols in place. A very good example, there's been talk about this load of material that came from the Allentown area ice hockey rink. A lot of landfills might take a look at that load and say go ahead and dump it, I'll take the tipping fee, but IESI didn't do that. They have strict protocols in place. The truck comes up, they inspect it, and they examined it. The City of Allentown didn't know what was in that load. The contractor didn't, the excavator didn't, and the driver didn't know what was in that load. IESI did their job, followed the checks and balances, determined that it had some sort of contamination and quarantined it. They did their job. They knew darn well that the DEP was going to be at their door step; the media was going to probably be at their door step. They did the right thing. He'd rather have a company with integrity to do the right thing than some other industrial company that might come in and pollute the environment even more. He does support IESI. He does support the zoning. Thank you for your time.

Mr. Matt McClarin, 2198 Riverside Drive, said he'd like to make a little motion here. Why don't we take a look at LST at the zoning map, take all the RA, and turn it into LI where everybody else lives too. We all bought our homes with knowing that zone was above our homes and there's absolutely no reason on earth to put anything else there except their precious landfill that they need and that you guys need the money. That's the only reason to rezone that property. The LVPC tells us to not rezone that property, and to protect in. Everything in our Comprehensive Plan tells us not to use high intensity uses over the most densely populated place of LST. The most densely populated place. When you look at that map, it's perfect. You got IESI landfill, and you have Steel City here. It's like a checkerboard. If these go this way, it's not going to be good. The only people in Steel City that actually feel the brunt of this so far are the people of the eastern side going straight up from Jefferson up to the top of that mountain to the side. If they move their operations over our homes, it's going to be ugly. When he came here nine months ago, he didn't want to waste his freaking time battling and getting a 6-1 vote from the P/C on something and then have you guys stick it to me and say, their voice does not matter at all because that's not right. That's not right at all. He paid a lot of money for his house. He enjoys his home. That's an RA zone. It's protected. It's put there to conserve the mountain up there. That's all we want. We're not against business along Applebutter Road. We're against the landfill above our houses with a gigantic wall and a mound of trash above it. That's what we're against. And you tell me to take

**General Business & Developer Meeting
October 17, 2012**

my kids outside, look up at that mountain in the wintertime, and look a big pile of trash with vultures circling over it, and I'm going to be pretty upset. You know what, this is absolutely ridiculous. You put me and my family through eight months of this crap. There is no reason for this at all, at all. This is totally uncalled for that you that you would put all your citizens at risk for this when they bought the land after we were there. We were there first. Why don't they offer to buy us all out in Steel City? Why don't you do that, come on, buy us out? He doesn't care, he'll move. Unless they are going to buy us out, then you got your property and keep it there. He doesn't want to live below a freaking trash heap. That's what you guys are trying to do. She knows it's against the Comprehensive Plan and he does too and they are going to make every excuse in the book to change it. That's not right. If you look at that map, all the property to the east is zoned industrial, all the property west is business enterprise, which means leave out the landfills, mines and everything else. You're going to be blasting apart the same mountain parallel to everybody's homes. Our homes sit on the same mountain you are going to be blasting a gigantic hole in. What sense does that possibly make? He doesn't think it makes any sense at all. This has got to stop. He ain't spending another night away from his kids to defend my freaking home in a Township where you guys should back him up.

Mr. Maxfield said that's exactly why we had the meeting two weeks ago. Lot of accusations just got thrown all over the place there, disastrous scenarios, everything. The meeting two weeks ago was to define actuality and what is reality and what is possible. It's not that, he's sorry.

Ms. Sandra McClaskie, 1803 Meadow Ridge Court, said she does not live in Steel City; she lives on the other side of town. However, she's been a Bethlehem resident for her entire life. Her father was a Bethlehem Steel executive. He served on the Planning Board the time the Comprehensive Plan was put together and this town began to grow from 4,000 residents to 12,000 residents. Today, she stands before you because she thinks there were some great intelligent people behind the Council, past, present and future that are here to safeguard the integrity of a rural community that had a Comprehensive Plan that was put together. There was a time her father worked for Bethlehem Steel, and yes, this landfill has been here since 1940. Bethlehem Steel did a lot of damage to the land around here and we all know that with the carbonate geology, the mining and the waste that was dumped from the Bethlehem Steel. Things were covered up. They were turned into light manufacturing. We look at the Steel City today. There was nothing left to do but make it a blacktopped area, and not disturb. She believes when we look at this landfill, it started back in 1940 and there were cans that were randomly thrown in there and there is contaminants in there. The only thing we could do is bury it because it was the safest thing to do, health-wise for all of us. As she sat here and listened to all of this and attended some of these meetings; unfortunately, she has been out of the state, but following everything. She has to be quite honest with you; her father was part of the planning. They were given a box to build in. We as residents were told that this was a 16 year venture. It was going to help pay for a building that we all stand in and she thinks there was some reservations of this, but it was to better the community and to give us a facility. We've accomplished that. We've moved miles and miles. We have parks thanks to the Polk Valley Park and we've got the Rails and Trails. She thinks that by expanding this landfill project, it goes right against what we all stand for and what we all came here for; and what they are asking us to do right now is to take what has been zoned residential, that a Comprehensive Plan was well thought out by individuals, possibly some of yourself. She thinks Priscilla was part of the Council at the time, but it was planned out. We zoned the residential areas. She stood before you with Phoebe's. We planned a community. If we start backing down and allow businesses to come in and dictate to us to take residential land and turn it into light manufacturing or light industry, we are a rural town. We are not Bethlehem. She did research on landfills. There were over 8,000 landfills in 2005. We have closed nearly 6,400 landfills, the old ones. Wisconsin alone closed 850 old landfills. This is partially an old landfill and she thinks when they did the process of defining this box, which IESI was supposed to stay within, it was within the parameters that it was in the safety zone. When you look around it and you start taking a residential land and turning it in to LI or LM or taking LM and turning it into LI, she would imagine LM, and she's not that knowledgeable of all of the zoning,

**General Business & Developer Meeting
October 17, 2012**

but it's supposed to be something that is not disturbing the land, if she's correct. Is she right? She's not sure but she thinks LM means not to disturb the land, that it's more of warehousing. Mr. Maxfield said he thinks she's talking about huge box warehouse things. Ms. McClaskie said now you turn it into LI and you are disturbing light that our predecessors have already deemed could be questionable or they've buried certain parts of this landfill. We are in a rural community and she thinks it's time that Council as well as the residents, we pay the lowest Township taxes in this whole area here. We pay 4% if she's correct in our property taxes. Mr. Maxfield said 4 mills. Ms. McClaskie said it's the lowest millage in the whole area. She thanks you for that. You've done a great job and we have really grown, but she thinks we are going in the right direction with parks and trails and developing our communities and making a place for our children to go out and play. This is just really in the opposite direction. It sets precedence that somebody can come in here and go to another section of our Township and take a residential land and turn it into commercial properties and that's not what we came here for and we knew what we bought. It was zoned residential. If you were standing before us and asking us to take something that was zoned LM and turn it into LI that would be a little closer match than taking something that is the backyards of these people and turning it into a dump. You're not turning it into a park; you're turning it into a dump. She has questions about the millage and the plastic liner you've put in there. We're putting twice as much dump or pounds per square footage in there. Has anybody tested these things? There's no proven fact that 30 or 40 years from now they are not going to leak. Who's going to monitor the cap? What if the cap fails? What if we have runoff? Mr. Maxfield said all these things were covered at the last meeting. Ms. McClaskie said she was there. She's just stressing that we've zoned a residential area. We have to stick to our grounds. We can't back down. These are our neighborhoods. She asks you to consider voting no on this. Mr. Maxfield said this is based on something our Solicitor said a lot and he believes it. Any planner, including your father, would have told you zoning is not a static thing. Mr. Maxfield said you, yourself live in an area that used to be farms. How do you think those people felt when those farms were destroyed to put in residential houses? Ms. McClaskie said when they went and they divided everything up and made the residential zoning and they made the commercial and the light zoning, what kind of density was there. It was all farmland. If you came down here 100 years ago, it was all farmland. If you came in 1875, they were mining zinc out; that's why you have carbonate geology. We have to learn from what happened in the past and get educated. Mr. Maxfield said we have to move forward sometimes. Ms. McClaskie said moving forward, expanding a landfill in a highly dense area, which is not for land management. Mr. Kern said we understand your point. Ms. McClaskie said she asks that you consider her vote and that you consider not and that we stick to our grounds and develop this community in the proper fashion and she thanks you for your time.

Mr. Dave Spirk, Erin Lane, said he did address the P/C also. He just wants to make a couple of points. He's here as a citizen of LST and he's fairly involved in the community and he has to say he applauds each and every one of you up here for your good work. He applauds everyone who is in this room for coming out and trying to do the right thing what they think is the right thing. He'd like to answer the question, why weren't more people here in support of the landfill at the other meetings? Honestly, he thinks that nobody believed that the P/C wouldn't let it go. Now that it would appear that it's in trouble of not being rezoned and expanded, that's when people are waking up and thinking, geez, I can't believe this is happening, I'm going to start coming to some meetings. He'd like to talk quickly about the taxes and he knows there's finance meetings and that sort of things, but he'll be fast. With regard to taxes in our Township, this is an issue that affects every single homeowner and business -- loss of tax revenue will result in increased taxes! Bottom line. There are some in the Township who make the statement that "If my taxes go up or even double, whatever that percentage may be, it's okay with me. This smacks of elitism and shows a complete disconnect with the many citizens who are struggling to simply make ends meet. Are those who oppose allowing this business to continue so unsympathetic to our many friends and neighbors who are just barely able to pay the taxes on their properties to continue to live in their own homes? Does everyone here fully understand the real financial benefit that this business has on our community? We have a budget of \$6.1 million. Ms. Gorman said General Fund of around

**General Business & Developer Meeting
October 17, 2012**

\$6.8 million. In 2012, \$1,842,755.40 in property tax income was brought into the Lower Saucon Township coffers...of that \$80,208.36 was derived from approximately 80 LST businesses. When he found that out, it was unbelievable to him. From that eighty thousand and change, over 20% (roughly seventeen thousand) comes from IESI – with the other businesses averaging just about \$800 each, if we don't raise taxes and we think it would come from other businesses, we would need on average 20 new businesses to replace the business real estate tax revenue provided by IESI. While the thought of somehow finding 20 new businesses to suddenly locate in LST – especially in these economic times - should be sobering, that isn't even close to the most significant part. There is no other business that can or could come anywhere near to replacing the extraordinary financial benefit that IESI provides to the general revenues of our Township through the payment of host fees – more than \$2 million per year. That's over 100 times more than they pay in business property taxes, which was already 20 times more than the average business in LST, and more than all the property tax revenue brought into the Township, residential and business, combined! In other words, \$1.8 million comes in from all business real estate revenue. \$2 million comes from just the tipping fees. The \$2 million represents 30% of our General Fund. He asked how can we make that up without raising taxes. It's impossible. Hundreds of years it would take. The only thing that could be done is to raise taxes. He'd like to talk about fiscal responsibility. The impact of IESI to our economy is not isolated to the yearly \$2,000,000 in host fees to LST; nor the almost \$17,000.00 in local real estate tax. IESI pays about \$215,000.00 plus to the Saucon Valley School District in property tax; although those impacts will very much be felt. \$215,000 to the school district would be a big hit. All those impacts will be felt. A successful local business has a rippling effect on the citizens of our region. That includes the hiring of employees, subcontractors and consultants; the purchasing of materials, supplies and equipment. The Landfill and its employees, subs and consultants buy lunches, use local services, vote and pay taxes as well as all of us here. As to IESI's \$2.2 plus million dollars that Lower Saucon Township and the Saucon Valley School District benefit from, these financial payments would be tremendously hard to replace. Removing over 2 million from our tax base cannot be economically recouped for hundreds of years without significant gut wrenching tax increases. At a recent October 9th SVSD Board meeting the Board debated the need for more local businesses and he quotes, one Board member, Sharon Stack, is quoted as saying "We are dying for commercial" yet on or about the same day, we had people debating whether we should get rid of the golden goose. Realistically, what will happen in his opinion and most economists' opinion is three pronged. When you take out one-third of the budget income, taxes imposed by LST and SVSD will rise. Services at each will be cut. We're not going to just ring it up by double to make up that \$2 million. It will probably rise a little bit and services will be cut. When you have rising taxes and depleted services, real estate values are lowered and when real estate lowers in any area, they are most hard hit in the lowest range in the property values. As taxes rise and services lower, real estate values lower as the net effect. Please do the right thing. Do what the majority of the citizens of Lower Saucon Township want you to do – be fiscally responsible. Keep successful, tax-paying, environmentally-friendly businesses in our township.

Mr. Dan O'Loughlin, 4235 Lewis Avenue, said he lives about 300 yards away from the municipal dump. He lives with his son-in-law and they live in a house which they had to prove to the Township when they were buying the land of 10 acres on the mountain, that they were not going to subdivide because the people around them were afraid they were going to subdivide it and build houses there. Fortunately, that's not what they intended to do and as far as he's able to know, that's the way it's going to stay in the family. He's reading a letter that his son-in-law wrote last night as he couldn't be here because he's at an important meeting in TN. It goes like this, "I'm writing to you today to ask that you follow the P/C recommendation for no rezoning. I have attended many of the meetings and heard all of the concerns. I purchased my property. I built a home in Steel City on the back slope of the mountain because it was secluded and tucked away from everything. My family hikes, rides four wheels, hunts and spends a lot of time on that mountain. When I go to the top and look over the area that could be destroyed by this rezoning, I am saddened and hurt. When I purchased my property, I was told that the zoning was such that the

**General Business & Developer Meeting
October 17, 2012**

landfill would not expand and would be closing within approximately 10 years. I believed that and hope that you will vote no to the rezoning issue. I have listened to many of the concerns, but have never seen a proper explanation of the budget. The landfill would have you believe they are 30% of the LST budget and today they may be. Within five years of the debt service, it's supposed to be paid off and then we will lose approximately \$1 million off of that budget. That means that when they close, we will not have a \$6 million budget, but only a \$5 million budget making the net loss from closing the landfill approximately only \$1 million dollars. The net effect on taxes is much less than what I have heard everyone speaking about because we have not had the debt to be paid off. I also have done a lot of reading regarding the health issues of the nearby landfill and the sheer enormity of possible health issues is amazing. IESI would have you believe that living next to the landfill is as safe as living on the other side of town. So I ask you, would you move your family next door to the landfill? If you let them expand, it is if they are moving closer to me, and I do not care to take the chance on my health, so if you would not live next to the landfill, I ask that you do not let them move closer to me". What he has to say is he doesn't know if you are aware of, but once a year the State Police is involved in and he doesn't know who funds this, but they stop the trucks that come into our county and for one day, they monitor the trucks coming into the landfill. This was out of a paper, the Times News LLC. Pennsylvania State Police inspected nearly 1,600 commercial vehicles transporting hazardous materials and issued 790 citations during a one day enforcement effort last week. This was Thursday, April 7, 2011; the acting Commissioner, Frank Noonan, announced today. Noonan said the initiative known as the commercial motor vehicle safe transportation of placard substance details or STOPS was aimed at determining if the trucks carrying hazardous materials are safe and do not present a danger to other motorists on PA highways. Troop M, Bucks, Lehigh and Northampton Counties, 89 inspectors, 12 vehicles were placed out of service. Three drivers were placed out of service; 43 citations, 72 written warnings. This is just one day folks, one day of these trucks coming into this landfill that they stopped on the road. Mr. Kern said was that hazardous material you were talking about? Mr. O'Loughlin said just the trucks that are coming to the municipal dumps. Mr. Kern said he's not sure IESI accepts hazardous materials. Mr. O'Loughlin said that's why these people were written up. They probably wouldn't have accepted it. He's not saying IESI is the bad person here; they do what they came within the limit of the law. What he's asking is how much longer are we going to put up with this toxic cap that they are building 215' high or whatever. Higher than the ridge of the mountain is, and part of the capped waste is on the other side of this ridge. All this pressure is bearing down on this bottom layer and he doesn't know about you people, but Japan has everything down as far as an earthquake goes. If we get an earthquake here, of over 1.6, you people have no idea how the land will ripple and if this land around here every ripples, the whole dumpsite is just going to come down and you'll never have to worry about Applebutter Road again. Mr. Donato said first of all he'd like to say they have a transportation plan in place that they monitor all of their vehicles on a regular basis. Second of all, what this individual was talking about, and he doesn't know this for a fact, but he thinks they were conducting a placard inspection on some of the highways. The vehicles that enter their facility do not transport hazardous waste. Their facility takes municipal, solid waste, which is typically generated from our homes. Mr. Kern said if it says hazardous waste on the placard, it doesn't even come close to entering the landfill. Mr. Donato said exactly. They have a compliance plan in place and we follow it and it doesn't come to our facility. What he was talking about was possibly intrastate transportation of DOT regulated material, not municipal solid waste.

Tim Steely, 2485 Applebutter Road, said his he and his brother own Red Barn Auto at the same address since 1979. In the past 33 years, they've seen a lot of changes with the landfill, not all for the good, but since IESI has owned it, there have been a lot of improvements. The roads are the cleanest they've ever been. The facility runs very efficient. Because of IESI, we have city water with fire hydrants. This includes Steel City, Ringhoffer Road, Applebutter Road, past their place. Since IESI has run the facility, they have had constructive criticism and legitimate complaints and also environmental issues and handle them the best to their ability, so we consider them a good neighbor and an asset to the community.

**General Business & Developer Meeting
October 17, 2012**

Mr. Walter Zagwoski, Ivywood Avenue, said he's listening to some of the conversations like this gentleman just said about IESI paid for the water. He lives in Steel City and he paid for his water the last 20 years himself. They never got any money from IESI. Besides the taxes, once you expand that dump, his house is worth a lot of money right now. When that dump is there, he's not going to be paying a lot of taxes anymore as his value is going to go way down and then you are going to have to look for more money as all the houses in Steel City, their value is going to go down. We can't pay taxes on a house that isn't worth anything. If his house value goes down because he has a dump in the backyard, his tax base is going to have to go down. These people aren't going to be able to afford to live there. These people are going to lose their houses. We can't pay taxes on a house that's worth nothing and paying 2 mills on our taxes, we can't do that. If they expand this dump, all these people in Steel City, the value of their houses is going to go down. It's not going to go up, they aren't improving the value of our houses, and they are taking the value right out of our houses. That's going to drop our tax rate and you people over here are going to be paying more taxes. He doesn't see the justification. You can't charge somebody taxes if your house isn't worth what it is today. The tax is going to go down. It's not going to go up. He thinks he understands that right. If the value of his house comes down, usually the taxes come down. It's pretty much simple. Can anyone up there answer that question? If my house is \$100,000.00 and it goes down to \$20,000.00, he still can't be paying taxes at \$100,000.00. Mr. Horiszny said yes you can if it doesn't get reassessed. It could even go higher. Mr. Zagwoski said he'll make sure he gets it reassessed because he can't afford to pay taxes on it. He's not going to pay taxes on a \$10,000.00 when it was \$150,000.00 before they moved in. It's just not going to happen. Mr. Kern said you are asking him to respond to a question that's a hypothetical and there's no answer for that. You're assuming something is going to happen that may or may not happen. Mr. Zagwoski said he thinks it's going to take the value of the house down. You have to admit, it's not going to make his value go up. It's got to go down. If your property values go down, your taxes are going to get assessed to go down. They are not going to keep our taxes up high. Mr. Kern said he understands your point and there is no answer to that. Mr. Zagwoski said he's just making that point and then him saying they paid for the water in Steel City, they did not pay for it. Steel City took a grant or Lower Saucon did and he had a 20 year payment on that sewer system. Mr. Maxfield said he didn't think he said that they paid for it. He said because of the landfill. Mr. Zagwoski said that was a community grant. That was a block grant and nothing to do with them. Mrs. deLeon said Steel City had a community block grant. Mr. Zagwoski said the landfill did not pay for the water system in Steel City. Mrs. deLeon said no, not a penny. Mr. Zagwoski said he doesn't even know if they owned the landfill 20 years ago. Mrs. deLeon said the City of Bethlehem did and they would have never been that generous. Mr. Zagwoski said they are good guys, but they aren't that good.

Mr. Sean Zagwoski said that's his father who just spoke and he has a different look about his whole this. He just got out of college and established a full time job doing the best to make it on his own and he's at the point to buy his first house, almost. He grew up in Steel City, he loved it. It was great and secluded and pretty quiet. The dump was always there, but at some point, everyone knew the dump was going to come to a close and now that you talk about this and the women spoke earlier about how the Township flourished going bigger and bigger, do you think it's going to continue to grow if you extend this x number amount of years. He has no interest in buying a house in LST because of that reason. Why would he want to if we are going to continue to grow and our taxes are going to change? Everybody's taxes are going to change regardless, so that's just a different look on it. How many other first-time home buyers are going to come to this area for this reason?

Ms. Barbara Grofic said she's a resident of the Woodfields. As citizens, we need to stop using misinformation and scare tactics as a tool to stop the landfill expansion project. The vast majority of the trash, and we heard this before, comes into the landfill every day as comprised of the very things that each of us discards in our home, and in our trash cans. The term "future underground toxic soup" has been spread around to cause concern and panic. Managing waste is a highly

**General Business & Developer Meeting
October 17, 2012**

monitored and regulated industry. The cells are constantly monitored for leachate accumulation. The disposal cells are well-designed, carefully constructed, redundantly protective containment systems that are constantly monitored; where leachate (or rainwater which percolates through the trash) is collected within the cells, removed and treated. The PA DEP is intimately involved in overseeing and monitoring all operations at the site, including the leachate management system, as well as process involved with the extraction of methane gas that is converted into energy. There may be some issues underway, but ultimately that's how it's supposed to be used. We have heard from the Township experts that have supported safety of the landfill. We have heard from the PA DEP. This Landfill is a highly regulated, constantly monitored, and it's a well run business. Please don't fall for the unfounded information that is provided by individuals who are not informed. Rather, choose to educate yourselves and others. She recommends the LST Council vote yes for landfill rezoning.

Ms. Kareen Blead said she lives on an unpaved Township road, 4289 Fritz Avenue. When somebody said that there's not a lot of people here compared to the first meeting, when was the first meeting? Steel City is filled with lots of homes and kids, lots of children. Children have to get up for school in the morning. They bought their property in 1968 and moved in, in 1971. They have two daughters who went to Saucon Valley, graduated from Saucon Valley, and they now live in Steel City because they like Steel City so much. When they moved into Steel City when they brought the property in 1968, they weren't worried about the dump because of the way it was going. Now we're starting to get worried. These children have been out playing. Now you see turkey buzzards all the time. You don't see any deer running through the yards anymore. These people over here live in big, fancy houses. They are worried about their taxes going up because their houses are worth more than the houses in Steel City. They didn't pay a lot for their house when they built it, but her daughter built a \$200,000.00 house and in five years, is it going to be worth \$200,000.00. She has two children that are going to school. Her other daughter has three children that went to Saucon Valley. There is no reason why they have to expand or rezone. They should be able to leave the rezoning exactly the way it was and when it's done, it's done. Dumps are depleting everywhere. We like Steel City. Her kids like Steel City. In fact, she knows a lot of people who moved back into Steel City once they got married. There are more problems to worry about in the Township with Steel City and the other places than there are with expanding or rezoning for the dump. When they moved in Steel City, they had a cow. Neighbors had a pig. That is what we wanted. We wanted that stuff. She would still love to have it. She would still like to get a steer and have the country land and stuff. She would rather smell that, manure from a steer, or from pigs or from chickens; we have neighbors who have chickens. She would love to smell that versus what we get from the dump. The reason those people are not here tonight is because it is now 9:00 and her granddaughters go to bed at 7:30 pm because they have to hit the bus at 8:00 am. That's why there's not a lot of people are here because the people that were there do have children. Remember the one lady who stood over in the corner at the first meeting? She said these are my grandchildren and I'm worried about my grandchildren. Well, they are not here tonight because somebody has to be taking care of them. Somebody has to get them ready for bed. She thinks you should check to see who they were the last time and find out why they weren't here. Do you have kids at home? Mr. Kern said not anymore. Ms. Blead said right. She doesn't have kids at home anymore either, they are up and gone, but they live behind her and up the street. She knows that those kids, and her children cannot be here, because some people have to work. Her son-in-law is working tonight, so her daughter has to get the kids to bed. Just because there was at the school that they said the vote was 6-1, that's not the reason they aren't here. We're lucky we had the people we had there and it wasn't that crowded. You have to take into consideration there are a lot of people that work. She worked till 6:00 pm and she didn't even eat supper yet. She ran right from home. She should be like that guy from DEP that said he had to leave because he had a two hour ride to go home, well, then he should have stayed home because he didn't give us any information, didn't have any paperwork, and he mentioned that to you. Was there any paperwork there that gave the amounts? There were no charts. We don't have any charts on this thing either. All we see is that. We read that in the paper back here. They came in with examples of what the

**General Business & Developer Meeting
October 17, 2012**

liner looks like. Did they? No, they didn't bring any of that stuff in. So how do we know what they are using? How do we know what it looks like? She's sure it's not one big piece of tarp that they couldn't bring one piece in and set it around and say this is what it is. It was a waste of everybody's time when it came to sitting and listening to what they had to say. They all sat around drinking water. Everybody got water bottles. Where were our water bottles? Who paid for that water? We didn't get any water bottles. We brought our own tonight. Now nobody up there is drinking water. Some people do and some people don't. Mrs. deLeon said it used to be coffee. Ms. Bleam said the thing of it is there are a lot of people who couldn't come here tonight for the simple fact that they work or they have children they have to get to bed, and there are some residents in Steel City that they don't care because their sewer runs in the street. So what do they care? They don't care, they live with that. Why would they worry about if there's a smell? Things are going on in the Township, other places, and we're not saying we don't want them to keep going on. We just don't want it rezoned. Did anybody here say we want them to close down? No. We just don't want it rezoned. You're talking about this business. Do you know how many businesses are in Steel City? Ms. Bleam said do they pay tax money to the Township? Ms. Bleam said because they are a business? How about the money they could be paying that these people aren't paying anymore that could be put into our budget? She bets there are 16 to 18 businesses in Steel City. Where's the tax money going? Are they giving it to you? Mr. Kern said they better be. Ms. Bleam said how do you know how many are in Steel City? Mr. Kern said of course we do. Ms. Bleam said you do? The police officer doesn't even know, he tells her husband one day that this bush is in the way. You're going to have to move over because he can't get through, so her husband moved over as the cop couldn't get through. He asked her husband who owns this property? It's an empty piece of land. Why would her husband know who owns it? The cops should know who owns it or bring it back to the Township and say, this has to be taken care of and it's not. Steel City is being let go like some of the other Township and she knows why. Just like the gentleman that was here talking about the radiation is, people get radiation for cancer and stuff, the last meeting he was here, he didn't want the dump to expand at all. Now because she's standing here, is her husband going to find her missing in a couple of weeks? This is not the Chrin dump, she understands that. Mr. Maxfield said he is totally lost. Ms. Bleam said you're totally lost? You don't read the paper. You should read the paper more.

Mr. Tom Butera said he lives over in the Wassergass area. He wants to address Mr. Maxfield's point about zoning changes. He wanted to say the western end of Applebutter Road from Shimersville to Ringhoffer Road may be one of the most industrialized stretches of road in our area. Within the Applebutter Road, there's a sewage treatment plant, an electrical power plant, as well as an industrial campus containing one of the east coast largest intermodal stations with rail service to nearby businesses including engineer, lumber, wholesaler, and a gas and distribution delivery plant, along with the landfill. These industries work together and complement each other in this location. This industrialized zone area and to believe that in the future it could be suitable for anything other than industrial would be short sighted. In addition to that, once this landfill finally does go, the Township over the years has spent a lot of money for open space, this will eventually be open space. At that point in time, then the landfill is filled to capacity and give it five, ten, or fifteen years and we'll then have open space and we can go from there.

Mr. Gene Boyer, 2161 Saucon Avenue, said he came prepared for something and Glenn shot a hole in the whole thing. He has to start over again. He wants to ask Tom. Tom sits on so many committees and we've heard from him. Glenn was not at the P/C meeting? Mr. Kern said correct. Mr. Boyer said he heard from Tom that he thought came from his heart that just busted out on the table. He said that a person up there had lived for 35 years and they had to move. The way he said it, emotionally and so forth, and then said I vote no. Mr. Boyer said he can't believe there is anything else in that man's mind because of the environmental background, because of all of the situations, he just didn't have the heart to do anything else than the right thing to say no. It's about an expansion of a landfill. He's here to say that he doesn't disagree with anybody who talks good for the landfill, for IESI. He thinks they do a great job. He thinks the one lady who was the

**General Business & Developer Meeting
October 17, 2012**

attorney said there wasn't any kind of problems and so forth, but in her one speech, she failed to mention that they did pay a \$45,000.00 fine for one of the problems they did have and it was like that didn't exist in her little talk. Tom, can you repeat what you said at the P/C about that family that lived there for 35 years and give it the emotion you did there? Mr. Maxfield said he's not an actor. He ran into a family that was up there who had lived there for 35 years. He said he wanted to stay here till he was 70, but he's going to have to leave here a little bit early said he had been fighting the landfill since he had moved there and that his main complaint was odor. He talked about the odor and how he couldn't live there anymore. This was an individual whose property was already bought by the landfill, so he already had an arrangement to move in a couple of years, and he knew he was moving. It was just a long term resident there. Mr. Boyer said it's interesting that you said that he was 70 years old as his mother who was 80 and before she got ill, she didn't want to leave from her home. She lived in a downtown situation, so for the fact that they came and bought it, he would have been there until his death probably. Mr. Maxfield said he was moving to Bethlehem Township as he couldn't handle it anymore and was tired of fighting it, so he just moved. Mr. Boyer said the other thing you just said also talks about the meeting we had here the last time. We had all those professionals here and everything was fine, and everything was covered. They take care of all the problems, all the situations, and here's a guy who had a problem with the odor, now he didn't show up. He was probably too old to be up this late like the lady said. He had a problem with them for how many years? Tom felt for that in the sense that this is a poor guy who has put up with all this fight and finally said he's going to leave. He thinks Dave hit the nail on the head on one of the things he'd like to speak about and that is the misleading information that comes from IESI in their little brochures about taxes and about the money. Dave did his homework and he thinks it's the same kind of homework that he did, that really everybody in this Township, it's approximately 6% of their tax bill for the total thing, so it's not really 30%, 50%. The other gentleman was just up here and said double the taxes. It's not going to double the taxes. If it doubles a \$400.00 bill, it's \$200.00. Divide that by 52 weeks and it's not a lot of money, even for the people who are in the situation of having a fixed income as they are not living in million dollar homes either. They are paying a very little tax to begin with. He thinks they do a good job for that. Their flyers are absolutely misleading. It was very interesting that in the last week, he was out of town and got home and he heard about the flyer that all of a sudden there's an opportunity to "yes" vote against this. All of a sudden is the first we hear of those people. Someone said it earlier, where have they been? Why weren't they here? They really figured it was going to happen within the fact that in the newspaper week after week, after week, that we had hundreds of people, we had different venues because we couldn't handle the people and they thought it was going to be a "yes" vote. He doesn't know how bright they are, but the question is why now all of a sudden? He has a question for Glenn, and said when you started this whole situation tonight, you made an opening statement and you made one thing that really stuck to him. You said you got a letter from the Chief of Police from Steel City and you....Mr. Kern said Fire Chief. Mr. Boyer said Fire Chief and you went on with your orientation on what to do. What makes him stop you from thinking anything or doing anything else? Why did he hit you so hard that you had to tell us that it was the Fire Chief? Mr. Kern said it didn't hit him hard. He's adding it to the mix of what he's considering and to that, that's an important factor when someone who represents Steel City in such a capacity is in support of rezoning. Mr. Maxfield said their understanding is it just wasn't the Fire Chief, it was the entire fire company that voted to take this position. He has the letter if you'd like to see it. Ms. Louder spoke out of turn again. Mr. Maxfield said you really have to stop this. You're a main offender, please stop. Mr. Boyer said in reference to the taxes and the tax information, he said Dave did his homework, he tried to do his homework and he sat with Cathy on Tuesday. He'd like to have her verify what he's going to say so it's just not him doing his homework as the other gentleman who was up here talking about the \$2 million and what he did. He agree that the landfill gives us about \$2 million. Out of that \$2 million, almost \$1 million or \$900,000 and change, is used to pay this building, land and for Polk Valley Park. Ms. Gorman said Polk Valley Park and other development. Mr. Boyer said it's about \$1 million. Ms. Gorman said a little less. Mr. Boyer said when the loans are paid off, it's now not a \$2 million contribution from them because we don't need \$1 million and hopefully we're not

**General Business & Developer Meeting
October 17, 2012**

going to spend \$1 million for some other building in the Township. Now we're down to \$1 million. How much, Cathy, do we put away to save out of that money that comes from the landfill as a reserve? Ms. Gorman said what we traditionally do is budget \$200,000.00 to \$300,000.00 for capital improvement projects which Council in its infinite wisdom, when over ten year ago when we started getting the landfill fund, developed a 10-year capital plan to insure we had funding for all these projects that are scheduled from this point on and ten years from now. It includes vehicles for police and public works. We also, after 2008, administration came to this Council and said, we were using too much or we were mitigating what we were using and said it was time we needed to raise taxes and that we had waited too long and it was 13 years and it was too long. We raised taxes one mill. That was approved by the majority of this Council and it was approved 4-1. That money that was used goes towards our General Fund which in the last couple of years has been \$6.8 million. That money when we did that, the money was put into an operational reserve fund. That was part of that plan when we raised that mill. Currently, we have over \$600,000.00 in there. By the end of this year, we should have approximately \$700,000.00 left in the landfill fund. We have \$1.5 million in the capital fund. We have been moving that money to reach those goals that Council had back in 2008. Unfortunately, for the past couple of years the economy is hit and it has taken its toll on this Township as well. Mr. Boyer said he's not sure he got the answer to his question. The question was we did \$1 million on loans. We have \$1 million left out of the \$2 million that these generous people offer us. How much of that \$1 million left do we put in reserve for the landfill specifically? The rest of it we may use for capital, we may use it for truck, whatever the case may be. How much do we save out of the \$1 million left as a reserve just for the landfill account? Ms. Gorman said there's no need to. That's what the operational reserve fund is for. The landfill money can be appropriated by Council and has been appropriated by Council to use for any capital improvement or anything it wishes to do. Mr. Boyer said you are exactly right. His point is, are we saving anything or are we spending it? Ms. Gorman said we're saving it. That's why we have \$1.5 million in capital for the next ten years in capital improvement plans and we have \$600,000.00 in our reserve plan and we still have sufficient funding in the landfill fund to continue to pay our debts for this year and we'll have sufficient funding at the end of this year as well – close to \$700,000.00. Mr. Boyer said why do we need that \$1 million if it's already reserved? Ms. Gorman said there are liabilities that this Township has that we need to address, and to sit and look at a budget year by year, is not financially responsible. Mr. Boyer said okay. He thinks his feeling of this whole problem with the landfill is that the real crux of it is the people that have been here for the last eight months, not the few people who have showed up tonight, not the few people or number of people who have sent you the emails, is that we don't want the landfill because we don't want the expansion to happen. If the landfill stayed in its box as he's heard Priscilla say in public meetings more than once, it would be fine, but they want to expand it. The benefit of expanding it gives them millions and multi-millions of dollars and for us, if we're going to be able to pay off our loans, if we have \$1 million that is left that they are giving to us presently, if we can replace the \$1 million or less than that, which is really absolutely necessary because part of that is put into an account for the future savings, we don't really need to have to have taxes frighten people, doubling them and all these exaggerations as it's not the big numbers. The budget that is talked about is \$6 million and you can agree or disagree, and that's an operation budget. That's not the total amount of money that the Township really goes through or uses in a year. The total amount of money that we have in the bank is over \$11 million. The total amount that is on the audit report is over \$9 million. Mr. Cahalan said those are restricted funds. He thinks we went over this before. Mr. Boyer said not all of them. Mr. Cahalan said yes they are. Mr. Boyer said no they aren't. Mr. Cahalan said they are restricted for a specific purpose unless the Council directs them to be used for something else. He thinks you need to do some more homework and you need to speak with Cathy a little bit more before you reach those conclusions. He suggests you come to the budget meeting and we'll have it up on the screen. This thing about looking at the amount and the audit and the \$12 million and looking at the operating general fund, it's two different sums of money. The majority of the difference between the \$6 million and the \$12 million is the restricted funds that are designated for a specific purpose and you know that, correct? Mr. Boyer said yes. Mr. Cahalan said he asks that you not confuse everybody by thinking that the Township is

**General Business & Developer Meeting
October 17, 2012**

spending \$12 million on its operating budget each year because it's not. Mr. Boyer said it's not, he didn't say it was. Mr. Cahalan said you're making it sound like we're spending \$12 million. Mr. Boyer said he doesn't want to do that and it's not a budget meeting. Mr. Cahalan said correct, it's not. Mr. Boyer said Sam also mentioned about the landfill that this is a landfill that's taking in domestic trash, municipal waste and so forth. The municipal waste we had at one of the Council meetings, there was a woman who stood up and talked about the thousands of tons of asbestos that had been put in that landfill. He doesn't know out of the thousands of tons of asbestos, domestic trash out of his trash bin or anybody else's in the house, it had to be more of the type of trash that comes from commercial, which is then unexpected trash, potential problems. The potential problem showed up when Allentown showed up. That's what the landfill means to him that he really looks to not have it expanded to have a potential problem down the road with something like that. That's why he thinks the people are fighting against the landfill. It's the potential problem. It's not that they do a bad job. Some people, as Tom said, smell it, but it's not really that kind of problem. The problem is really it's just an unknown factor because they can't see what they get. They can monitor it electronically, but they can't see it. There's a lot of misleading things about the numbers and in the budget we should definitely come out with that. The numbers you went back to in your introduction, you went back to the 70's and some of the regulations and the zoning changes and so forth, is there a reason we're doing that now and not the last eight months. Mr. Kern said what numbers are you talking about? Mr. Boyer said you talked about when you said you wanted to not make any decision tonight, you wanted to go back to 1999 and LI was turned to LM and those kinds of things. Is there a reason we are doing it today and not doing it in the last eight months? Mr. Kern said he's curious as to why we changed the zoning from what was originally LI, which would have permitted a landfill, back in 1999. Why did we change it back then? He's asking our staff to provide a historical report on what the rationale was for that so he has a better understanding. Mr. Boyer said will they go through the fact that we've had a real new Comprehensive Plan within that period of time? Mr. Kern said we'll see. Mr. Boyer said he hopes they go through that Comprehensive Plan and the value of that and the numbers we'll hope we get to the bottom of them. Mrs. deLeon said she's sure there were review letters back and forth from the P/C by Hanover back then. She doesn't know if the planner was here then.

Ms. Doreen Shosh, 2180 Mixsell Avenue, said she's reading a letter from her husband as he could not attend tonight. It says, "Dear Council. I have lived in Steel City for 46 years and I love living here. I grew up here as a child, hunted both sides of the mountain from Steel City and Applebutter Road side, Freemansburg Bridge, all the way to the end of Steel City Gun Club, with my father and brothers. People of Lower Saucon need permits to cut down trees. How many permits did the landfill obtain to cut down or plow over many trees where there is so much wildlife that is supported by small patches of too large patch of pine trees that have been plowed down on the south sides of the landfill property in the past. We love our mountain and our little town of Steel City. It is peaceful, quiet and much wildlife and beauty as I look outside. We have trees outside every window that are turning all so many colors of the fall. My children and two grandchildren live around the landfill area. I have built my own house in Steel City in 1981. We love the setting. I have privacy and great neighbors. I was injured in 1994 with a back injury that force me to retire early. I still try to spend time outside. We have some things here that some people could only dream of having. I have come to every Township and P/C meeting. I couldn't attend tonight's meeting due to another back surgery. Thank you for taking the time to listen to my letter and please vote no to the expansion".

Samuel Donato, District Manager of IESI said there was a statement made about us paying a \$42,000.00 fine. That information was incorrect. The fine came from the City of Bethlehem to the BRE power plant. It wasn't the landfill that created that discharge. That information is totally incorrect and false. Mrs. deLeon said Sam, you might not have created the situation, but you were the permittee so when the City of Bethlehem sent the violation letter, you had to pay it out of IESI, so technically, that is correct. Mr. Donato said your information is partially correct. Mrs. deLeon said she has the information from the City of Bethlehem fining you. Mr. Donato said he believes

**General Business & Developer Meeting
October 17, 2012**

what he said was true and factual. The discharge came from BRE. BRE reimbursed IESI. We wrote the check. BRE now has their own discharge permit so that they are not piggybacking on our discharge permit, but the fact remains, it was not Bethlehem Landfill, it was BRE. Mrs. deLeon said she hears you, but again, she has the copy of the April NOV letter from the City of Bethlehem citing you, IESI, as the faulty party because you were the permittee. Mr. Donato said as previously stated, the NOV came to us. BRE was using our discharge line. BRE reimbursed us. BRE had the discharge, not Bethlehem Landfill. Mrs. deLeon said she agrees with that, but who was the permittee at that time that the violation happened? Mr. Kern said Priscilla, clearly it's technical. Ms. Garber said she believes Mr. Donato got up to respond to Mr. Boyer's comment that it was representative of some kind of operational issue at the landfill and that she had represented that they did not have operational issues, but that she had neglected to reference the NOV. What Mr. Donato was explaining is that NOV did not result from an operational issue at the landfill. It resulted from an operational issue at BRE. IESI got the NOV as we're the permit holder, but it had nothing to do with IESI operations. That was the point of clarification. Mrs. deLeon said at the monthly landfill meetings, she also cited that it's unfortunate that it happened but you were the permittee.

Mr. McClarin said he wants to understand what's totally the meaning of this meeting? We're sitting here bickering about an existing landfill. Everybody at Steel City knows it's there. He thinks we were told in the beginning of these meetings, financials weren't going to be a part of this thing and they shouldn't be a big part of it. First it comes on sound land use and planning. We all should stick with the issues. We know what IESI does. We know they are there. It's going to be that way for another five years and everybody knows that. To sit here and bash each other back and forth has nothing to do with the zoning issue whatsoever, at all. It has to do with the facts and what people put time and effort into. What we hire a company to do. To be honest with you, we are spending a lot of money on this issue right now. We have to pay for the attorney's; we have to pay for the planners to put everything in. IESI isn't paying for this. We in this room are paying for this, so let's get it done. Let's vote "no". The majority of the residents this is going to affect and has already started affecting do not want this near their homes. They bought the property after we were there first. That's too bad. In the Comprehensive Plan, you guys have seen his packet. You guys know there's a light blue to the left and a dark purple to the right and that's there for a reason. If anything, the planners were probably banking on IESI to go east if they were going to go anywhere. To be honest with you, he thinks you'd have a lot less of a backlash if you went east other than coming over the most densely populated place in LST. How many countless families in there is this going to affect. Let's stick to the issues. Stop squabbling back and forth on the liner and this crap and that crap and everything else. We have an unlined landfill up there. Everybody knows that. Let's stick to it, be done, and concentrate on the zoning and please just get it over with now. Please vote. Where is this thing going to possibly go besides more of these bickering contests back and forth? Mr. Maxfield said Matt, we're not bickering, we're discussing. We're discussing and the simple fact that there are now more people here with different points of view should be a good thing. As we're getting together with the community, we are discussing this as a community. It's a community problem. It's a community decision ultimately. We are all going to have to figure out what we're doing with our community. These people don't want to abandon you in Steel City. This Council doesn't want to abandon you in Steel City. They are not your enemies. You're not their enemies. We're all in this together. When we start looking at it like we're together, and think facts and not emotion, then we can discuss. We may come to the decision that this is not a good thing to do, but we have to have the discussion. Discussion must happen. That's what we're doing here. He knows you don't want to be here night after night, but you know what, it's going to happen. And by the way, whoever said people have to work the next day, your Council works every time we have one of these meetings, a four hour meeting. Mr. McClarin said what he's trying to do here, let's try to follow the plan to the best of your ability. We as LST tax payers pay a quarter of our percent of EIT to save open space in the Township. If you look at the natural resource inventory, this property that the RA zone is in, could definitely be considered for acquiring instead of destroying. The open space tax alone brings in \$400,000.00 to \$600,000.00

**General Business & Developer Meeting
October 17, 2012**

for this Township to spread throughout and buy property. That's a gift everyone gave to themselves. Mr. Maxfield said it's more than that. Mr. McClarin said if we voted to raise our taxes by \$600,000.00. Mr. Maxfield said \$800,000.00. Mr. McClarin said \$800,000.00, and only \$600,000.00 of the landfill money actually goes into the General Fund, it's not killing anybody here. He doesn't see anyone complaining about the .25 of EIT. We voted it in. It's a myth. The money is a myth. Mr. Maxfield said no, it's not. Where the money has gone in the past is to services. It's gone to things like fire trucks, police cars. All those kind of services everyone enjoys. When you call the police, it's not like living in Williams Township where you have to wait five hours for the State Police, you know there's going to be a policeman there. You know that if you have a fire in Steel City, Steel City firemen are coming right up. You know that. Ask this Council, how much we've put out to buy fire trucks. How much does a fire truck cost? Hundreds of thousands of dollars. Mr. McClarin said he understands that. If we vote to have open space in the Township, why won't we vote to buy fire trucks? Mr. Maxfield said that's one of the proposals. Mr. McClarin said we should vote for emergency services. Eventually we are going to build so much stuff in this Township with all this money, how are you going to maintain all this stuff, all these parks, all these buildings, a recreation center, all these other things in line? Where's the maintenance money going to come from when they are no longer around? It's going to come out of all our pockets. Just remember, take it easy on the building, on the parks, all the other stuff, because eventually it's going to come out of our pockets.

Mr. Kern said this will be our last comment for the night. Ms. Sandra McClaskie said she thinks we should look at this industry and what the landfill they were defined in a box and that was the box that they were to build in. We defined this area that they want to use and turn into a landfill which eventually it comes to an end, so in 15 years, there's no more tax revenue. As we gluttonously take this \$2 million and we buy fire trucks, there are a lot of municipalities that don't have landfills, which somehow figure out how to buy within their tax budget and within their township spending to buy a fire truck. You are talking about taking land is now this box that they've been in for the last 16 years can never produce or generate any income to this Township, so now they want to take another step and take a little more and before you know it, we need to work to be E-Commerce in here and businesses in here and if we give away all the LI, where are they going to go, in the residential. She looks at why are we changing if it's LI? Why aren't we challenging to find something that's going to bring us tax revenue today, 30 years from now, 40 years from now? Mr. Maxfield said this is like the pot calling the kettle black, the only other industry or business or anything that came in here that wanted to give us some revenue was Phoebe and you guys voted against it. Ms. McClaskie said don't even go after that. They wanted to surround and put a commercial medical building in the neighborhoods which would be classified as spot zoning because it is completely surrounded nearly 2,500 families. No, Mr. Maxfield, and then told the Township they are going to run a 24-7 medical facility out patient care and run it on 90 people. They never came to this Council with a plan that made any sense and violated many of the zoning ordinances. Huge buildings and sitting on karst geology, Tom don't even go there. She's talking about the landfill and about if we take a parcel of land that should generate taxes today and 100 years today could generate taxes. If it's a landfill...Mr. Maxfield said if we talk about communities that somehow figure out how to do it, well they have commercial. We had an offer for commercial and you guys didn't want it. Ms. McClaskie said we are a rural community surrounded around a big city. We've got Route 378, we've got an empty supermarket over there. Why doesn't someone call Trader Joe's? Mr. Maxfield said that is a naïve view. Ms. McClaskie said she worked in an international business for 30 years and ran a \$300 million...Mr. Maxfield interrupted and said please.

Mr. Kern said you guys set the record tonight for gabbling and that's not how a meeting should be run. Discussion is over on this issue. Mr. Maxfield said we should make it clear we can discuss it whenever we want to. Mrs. deLeon said as an agenda item, she would hope. Mr. Maxfield said of course.

C. REPRESENTATION ON REGIONAL POLICE STUDY COMMITTEE

Mr. Kern said the Regional Police Study report that was received from DCED has been reviewed by the Township staff and meetings with Hellertown Borough representatives to review the findings will be scheduled. Council will discuss who will represent the Council at these meetings.

Mr. Cahalan said that's basically it. We did receive the report in May and since that time, staff, Cathy, Chief Lesser and himself have reviewed it and shared some of that information with staff at Hellertown Borough. We're going to be moving forward with meetings with their Council members, so we wanted to bring it back to Council and ask how you wanted to be represented at these meetings? Mr. Maxfield said he already mentioned it at an earlier meeting that he thought he volunteered Glenn and he seemed to agree. He and Glenn would volunteer to do it if necessary. He would like to do it. Mr. Kern said he's like to do it.

Ms. Lanita Lum said if you have received the report of the findings, shouldn't that be a public record, Right-to-Know that people can see it? Mr. Cahalan said yes, you can. You can go on the Township website and on the Hellertown Borough website and view it. Ms. Lum said she will do that.

Mr. Horiszny said does it need to be less than three? Attorney Treadwell said if you have three you have to advertise. Mr. Kern said there can be alternates. Mr. Horiszny said he'd be the alternate.

Ms. Lanita Lum said she will go on the website and read it. She knows it's been going on for so long and talked about it in COG. Can you tell me which way it leans? Mr. Cahalan said what is describes is a consolidated regional police force made up of the existing officers from the Township and the existing officers in Hellertown. There is no loss of staff, and it discussed what the cost of that will be. Ms. Lum said it does lay out the feasibility study and the costs that go with it? Mr. Kern said based on the state recommendation. Mr. Cahalan said what we are saying is we've looked at that and we have some additional information we want to share with Hellertown Borough.

- MOTION BY:** Mr. Willard moved for approval of Mr. Kern and Mr. Maxfield as LST Council representatives and Mr. Horiszny as the alternate for the Regional Police Study Committee.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any comments. No one raised their hand.
- ROLL CALL:** 5-0

D. OLD MILL BRIDGE REPAIR – APPROVAL OF PAYMENT REQUEST

Mr. Kern said the contractor doing the repairs on the Old Mill Bridge has submitted an application for a payment which has been reviewed by Hanover Engineering.

Mr. Miller said they are about a quarter of the way done. They are looking to get paid a little less than that. We're okay with that. They seem to be doing a good job thus far. Mr. Kern said what is the amount? Mr. Cahalan said \$38,907.81. That's 90% of what they asked for.

- MOTION BY:** Mr. Maxfield moved for approval of payment request for the Old Mill Bridge repair.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any comments. No one raised their hand.
- ROLL CALL:** 5-0

Mr. Kern asked about the status of the bridge as it looks like they took all the coverings off. It looks great and the job looks fantastic. It looks like they are half done actually. Mr. Miller said they are probably less than half done. They are about a quarter of the way done. The first stage is getting all the flake off. Mr. Kern said are they continuing this year? Mr. Miller said yes, they

**General Business & Developer Meeting
October 17, 2012**

really wanted to get it done this year. Mr. Cahalan said they have a deadline to get it finished by the end of November. It will be completed by then.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 3, 2012 MINUTES

Mr. Kern said the minutes of the October 3, 2012 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. deLeon moved for approval of the October 3, 2011 minutes.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF SEPTEMBER 2012 FINANCIAL REPORTS

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

MOTION BY: Mr. Horiszny moved for approval of the September 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

➤ Ms. Lanita Lum said she had a resident contact her asking her as most people don't understand the Right to Know and how to go about filing. The person asked if he could get an accounting relative to, and she doesn't know if this is the right acronym, the EAC's usage of funds to purchase properties, what they have spent, the addresses that have been bought, and the total amount, basically a final accounting. Does she need to put that in writing or is it publicly sitting here? Attorney Treadwell said he doesn't know if that record exists. The Right to Know act does not require any public agency to create a record that doesn't exist. All of that information is available and all of the files that were created relative to the purchase of any property or any conservation easements, but he doesn't know if you'll find it on a single sheet of paper. Ms. Lum said if tax dollars are being used to fund it, then it's her belief that the Township is responsible to have a final accounting of what property, the address, the amount, everything. She realizes you can't disclose agreement information that is pending, she understands that as it's executive session. If someone could provide from the conception of that organization's what was purchased, the date, address, amount. Mrs. deLeon said we have that. Mr. Cahalan said we have an inventory of open space properties that have been preserved. Attorney Treadwell said he said if it exists. He doesn't know if it exists. Mrs. deLeon said she thinks she asked for that. Mr. Cahalan said we have an inventory and can explain what was disbursed from the open space fund. Ms. Lum said will it show addresses and property owners? Mr. Cahalan said that's what's submitted to the county. Ms. Gorman said you could probably go in the 2012 budget. Ms. Lum said she's not this man's attorney, but she will certainly put it in writing, but it's the Township's responsibility to provide that information and not tell the guy that he has to go on the internet and find it himself. Mr. Cahalan said you started off by saying about a Right to Know request and he's not sure did they file one? Ms. Lum said she explained how to do that. He was very intimidated about doing that. Not because he's not an outspoken person, but as we all know, the average citizen doesn't know how local government works. Over the phone, she basically dictated the sentence to him. Mr. Cahalan said he can come in here and we can help him with the form. It's not that intimidating. People do it all the time. Ms. Lum said she'll do it for him. Mr. Cahalan said that's fine. If we get it and as the Solicitor said if there's a document we have, we'll provide it. Mr. Maxfield said

because the EAC only recommends these things and we made recommendations that Council hasn't followed, Council makes those decision in Executive Session. The record of it may be the minutes as then we make it publicly known we spend this much money on this. Ms. Lum said isn't there an agreement of sale at a certain point or deed transfer? That's what she's looking for. She doesn't even need your form, she can write a letter. Does it need to be hand delivered and signed or can it be emailed? Mr. Cahalan said you can email it. Mr. Horiszny said if we have a memo, why don't we just give it to them. Mr. Cahalan said the process is if it's a public document, they file the Right to Know. Ms. Lum said that's a formal request. Mr. Cahalan said if someone wants to come in and look at the property file, they can file the Right to Know and look through the file. Ms. Lum said she's just looking for the date of purchase, owner, and how much was paid. She'll just send an email. Mrs. deLeon said the statement was made that we make those decision in Executive Session. That is not correct. We do not make decisions. We discuss the issue and whatever, and then we come out here and we vote the decision. We don't make decisions in Executive Session. Ms. Lum said you do give discussion time before it's voted on, and how do the residents know, like heads up, we are going to be purchasing land, and you should probably know so if you want to come. Mr. Cahalan said the Council schedules a hearing when they are getting ready for purchase something with open space funds per Act 153, whatever it is. It's on the agenda, it is stated on there what it is and says it's the intention of Council to purchase open space property. There are tons of EAC minutes online where the EAC Open Space Sub-Committee probably discussed that property meeting after meeting. Mrs. deLeon said they only go back to the current year or the year before. They don't go on beyond that. She doesn't think there's an archive for the EAC. Ms. Lum said how long has it been in effect? Mr. Maxfield said we just finished off five and voted in another five. Ms. Lum said it's six years. Mr. Cahalan said the Open Space Sub-Committee is a little bit newer than the EAC.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER – No report

B. COUNCIL

Mr. Maxfield

➤ He said he did see Jack and Charlie at the Watershed Conference and it did bring back a lot of bad memories looking at the flooded areas in both of our communities. He said a lot of it was on floods and it made him more resigned to stick to our impervious coverage's and really be concerned about building in the flood plain.

Mr. Willard

➤ He said he indicated he would bring information on the Citizen's Academy tonight. He thinks it was stated from the floor that very few people know how our government works. This is an idea he learned about from some friends in Massachusetts, but come to find out there are a handful of academies in the State of PA and they are all concentrated in this area. Northampton County has one. The City of Bethlehem has one. He'll pass the information on theirs which has been operational for many years. He indicated two meetings ago that he would like to meet with staff and outline something for this and he did meet with Jack and Leslie on Friday. In your red folders, you'll find a draft on what our program would look like. He wants to thank Jack and Leslie for the preparation work and the research. There are two different proposals. They both involve six (6) one-hour meetings open to the public, but limited to 25 people per session, per class. They would run between 7:00 pm and 8:00 pm and we felt Thursday nights were the best nights for this. The first proposal involves just our Lower Saucon Township activities and staff. Jack brought a second proposal more along the lines of the Saucon Valley Partnership to incorporate Hellertown Borough and Saucon Valley School District. His thought was that we would choose one of these and get an agreement from the people who are listed as the

experts who would be making presentations and answering questions from the public and having discussions at the sessions. Then we would try to schedule this next February or March 2013. Mrs. deLeon said keep in mind that the Conservancy meets on some Thursday's, more so the 3rd Thursday of the month. Mr. Willard said we looked at the calendar relative to this building and other meetings that are on the calendar in the conference room and Thursday seemed to be the date with the least conflict. Mr. Maxfield said he thought the people on the Conservancy weren't even Lower Saucon residents, is that true? Mrs. deLeon said she's only commenting as on the second page, No. 6, it says representatives from the Saucon Valley Conservancy and Lower Saucon Township Historical Society, so she's just saying that the night we would do that one, she would hope it wouldn't be on the third Thursday where she would have a Conservancy meeting to go to. Ms. Lum said this actually came up at the school board meeting about a sound system and you have an excellent sound system compared to what they have. Mrs. deLeon said this is very great tonight as all the microphones are working. Ms. Lum said do you have the ability to videotape. If we brought the three entities together, and did a presentation and then somehow we were able to put it up on our site, your site, somewhere and it wouldn't have to be that large. They got a cost. Your sound system is ten times better than theirs. We know people don't come out and they aren't going to learn, but maybe if we have it on the website and do it right, even with a local audio place, they'd do it free for the exposure. The only problem is where's the band width to host it, and that we would have to discuss. Getting it on line would really be effective. Mrs. deLeon said wouldn't the students at the school district do this audio stuff? Ms. Lum said over the years, they have gotten out of doing that. They did away with it and the equipment is very antiquated. We really can't do it unless we invest in the real deal audio. As part of the COG if she would reach out to Rocky Alrich and say this is an opportunity to do it for us, your name is at the bottom, look at all the municipalities in town, you might be able to get jobs out of it. It might be valuable to do. That way they can learn. Mr. Cahalan said the Council actually asked the staff to look into something like that and come back and we hope to have information to share with the Council next Wednesday at the budget meeting. There's a system in place at Williams Township and Lower Macungie that tapes the meeting and makes it available the next day on the website. Ms. Lum said maybe that's something for the COG to pay for. Mr. Cahalan said he thinks this Council had a discussion about the minutes at a previous meeting and they are long, so they asked us to look into other alternatives. Ms. Lum said that would be a great use of our COG. Mr. Willard said is that related to the Citizens Academy or the regular meetings? Ms. Lum said regarding the Citizens Academy, that would be a great thing. Education is 75% of the way there. If we can get people to start understanding. Like you said before, what's the operating budget being earmarked for certain things that doesn't count. They don't get that. They don't get it with the schools. They don't get it with the Township. She thinks if we found a way, certainly not to give them too much information as they couldn't get it all, but if there's a format that is more concise, yes, we should follow that. Mr. Maxfield said they can watch it multiple times. Mr. Willard said there's two different objectives here. One is the develop the program, the content and to get 25 interested citizens to do this live and in person with our Township staff and others and they will become our future volunteers for committees. That's the first level that we are trying to establish. Recording it and making it available to the public is an excellent idea and once we get the format and the idea in place, he'd welcome that, but he would not like to go away from the idea of engaging 25 people in a presentation discussion. Mrs. deLeon said do we need any action on this? Mr. Willard said all we're looking for at this point is if you have a preference for version 1 or version 2 to start with a Citizens Academy for LST or do it on the Saucon Valley Partnership level, and if you would charge him to continue to work with the staff. He would be happy to take the responsibility for this. Mr. Maxfield said it almost looks like you should do both as he can see the way the Township works in getting lost with the way everything else works too. This almost looks like two separate programs to him. Mrs.

**General Business & Developer Meeting
October 17, 2012**

deLeon said technically the Borough is the Borough and they have their own set of rules which are different than the Township's administrative code. Mr. Willard said his first reaction on Friday when he met with Leslie and Jack was let's start with LST where we can control everything and get that going, and then move on from there. Because Jack had taken the time to present it both ways, there's certainly some merit as we are all part of the school district, so that piece is interesting. Maybe there are other things that could come into the first outline, but his preference was to start with LST functions first and get that program established.

MOTION BY: Mr. Maxfield moved for adoption of the first option starting with LST for the Citizen's Academy.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

Mr. Willard said he will continue to work with the staff on this.

Mr. Horiszny

- He said he attended the Watershed Coalition Conference, which our Manager spoke at along with Charlie Luthar about emergency management activities.
- He asked if Council would entertain a motion to delay our Thanksgiving eve meeting for a week? Mr. Cahalan said he's talking about the November 21st meeting which is the night before Thanksgiving. It would then be on November 28th. Mr. Horiszny said he will make the motion. Mrs. deLeon said we have to re-advertise that? Mr. Cahalan said yes.

MOTION BY: Mr. Horiszny moved to change the meeting on November 21st to November 28th.

SECOND BY: Mr. Maxfield

Mrs. deLeon asked what does it cost to re-advertise this? Ms. Huhn said it costs \$80.00. Mr. Willard said he will miss the 28th, but would be available the 21st, so he will vote against it when the vote comes. Mr. Horiszny said then let's just don't make a motion as he'll miss the 21st. Mr. Maxfield said can it be moved to another day? Mr. Horiszny said it could, but it's going to cost us \$80. Mr. Kern said we would probably get more people on the 28th. Mr. Willard said he would now vote for it. Mrs. deLeon said she would not vote for it. Mr. Horiszny withdrew his motion. Mr. Maxfield withdrew his second. Motion failed.

ROLL CALL:

Mr. Kern – No report

Mrs. deLeon

- She said you are going to talk about the Rails to Trails thing with Jerry, how was that resolved? Mr. Cahalan said he sent Council a memo and Dan prepared a letter about the detention basin. He was out there today with Roger and Jerry and went over what they had recommended in the memo that he sent to Council and he is fine with that. The Rail Trail is working the way it was designed to do. Dan explained in the letter about the detention basin. Mrs. deLeon said she didn't read that memo. Mr. Cahalan said it was a memo and a letter which went out yesterday. Mrs. deLeon said Jerry talked to her the other day and she asked if Jerry talked to Mr. Cahalan about all of his concerns? Mr. Cahalan said yes. They met with him.
- Sunday, October 21st, they have the Spirit of Saucon Valley Halloween parade at 2:00 pm.
- Thursday evening, October 25th, Hellertown – Lower Saucon Chamber is sponsoring a community coalition of civic groups and organization kick-offs. All representatives from Hellertown, Lower Saucon Community groups are invited to attend the kick-off to provide an opportunity for community groups to share their annual plans and events for 2013, to collaborate and determine how we can help each other. All civic groups will have an opportunity to share, so it's free to attend, but you have to pre-register by October 19th. It's from 5:00 pm to 7:00 pm at Hellertown Borough Hall and there will be refreshments.

**General Business & Developer Meeting
October 17, 2012**

- She asked if anyone was familiar with Envision Lehigh Valley? They added a Saucon Valley site, so on Monday, November 12th, Saucon Valley Middle School cafeteria from 6:00 pm to 8:00 pm, Envision Lehigh Valley is a public outreach for design to engage the citizens of Northampton and Lehigh Counties to create a truly sustainable Lehigh Valley. This three year envisioning project is funded through a sustainable communities grant through the U.S. Department of Housing and Urban Development.
- Hellertown-Lower Saucon Chamber their next board meeting is October 23rd which is Tuesday at 6:00 pm at Hellertown Borough Hall. There's going to be a presentation.
- She couldn't make the September breakfast, but Jack and Cathy attended a breakfast for the Chamber which was well received? Mr. Cahalan said yes.
- She said on September 27th, the Chamber had a mixer at B&B Pools. She attended that briefly and it was very nice.
- Friday evening, November 23rd will be Light Up Night and shopping spree drawing, which is normally held at Hellertown Borough Hall.
- December 4th is the holiday dinner at Sagra Bistro from 6:00 pm to 8:00 pm. The cost is \$20.00 per person.
- Trick or Treat night is Friday, October 26th from 6:00 pm to 8:00 pm.
- The Saucon Valley Conservancy holiday gathering and David Lee Artist Reception at the Heller Homestead is Monday, December 3rd from 7:00 pm to 9:00 pm.

- C. **SOLICITOR** – No report
- D. **ENGINEER** – No report
- E. **PLANNER** – No report

VII. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 10:30 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:

Jack Cahalan
Township Manager

Glenn C. Kern
President of Council