

I. OPENING

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

II. PRESENTATIONS/HEARINGS

- A. Citizen's Committee Presentation to Council

III. DEVELOPER ITEMS

- A. At the Helm – Redington Road – Release of Funds and Waiver of Recreation Fees Request

IV. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. William Zakocs, Jr. – 1456 Brunswick Court – Variance from Front and Rear Yard Setbacks to Construct a Two-Car Garage
 - 2. Debra & Silas Rodenbach, Jr. – 2776 Woodland Road – Variance from Section 180-98(4) to Permit a Second Driveway in which Regulations Only Allow One Driveway Per Property
- B. Resolution #85-2015 – Memorializing Consolidation of Library Services with Hellertown Area Library
- C. Resolution #88-2015 – Authorize Notification to Property Owner of Unsafe Tree
- D. Authorize Purchase of Replacement Phone System
- E. Act 115 of 2013 Open Space Maintenance Options
- F. Approval of JetPay Payroll Services License Agreement – Affordable Health Care Act Reporting

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of October 21, 2015 Council Minutes

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next EAC Meeting: November 10, 2015
Next Saucon Valley Partnership: November 12, 2015 @ LST
Next Zoning Hearing Board Meeting: November 16, 2015
Next Council Meeting: November 18, 2015
Next Planning Commission Meeting: November 19, 2015
Next Saucon Rail Trail Oversight Commission Meeting: November 23, 2015 @ UST
Next Park & Rec Meeting: December 7, 2015

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 4, 2015 at 7:00 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

ROLL CALL: Present: Ron Horiszny, President; Thomas Maxfield, Vice President; Dave Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; Boucher & James; Brien Kocher, Township Engineer. **Absent:** Glenn Kern, Council Member

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Horiszny said Council did not meet in Executive Session since the last meeting.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

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

II. PRESENTATIONS/HEARINGS

A. CITIZEN'S COMMITTEE PRESENTATION TO COUNCIL

Council Member David Willard said they have had an economic development initiative under way for the last two years with the Economic Development Task Force formed in 2014 and a Citizen's Committee formed in 2015. Mr. Willard reviewed a PowerPoint presentation from the 13- member Citizen's Committee.

Mr. Chris Garges, Zoning Officer, was present. He explained how they discussed policies and procedures to encourage economic development and make the process go more smoothly. The committee discussed all our ordinances and the MPC. The committee recommended forming a Planning/Zoning Review Committee. He reviewed the recommendations from the Committee.

Ms. Judy Stern Goldstein talked about zoning map and text amendments based on results of analysis, mapping, and review of existing parcels of development areas within the Township. She said if the Township wants to promote economic development, there needs to be a consideration of the difference between the resource protection of the township, the non-developed portion and the potential developed portion of the township.

Ms. Stern Goldstein said they reviewed the LST PA Sewage Facilities (Act 537) plan. Mrs. deLeon asked if they talked about the Leithsville proposed extension of the sewer? Ms. Stern Goldstein said that was discussed, but nothing was done by the committee to suggest any zoning changes in that area as the 537 is already underway. Mr. Maxfield said there's a reason that plan didn't go through. Ms. Stern Goldstein said if there was an effort by the Township on updating the 537 plan, there's nothing inappropriate at all at looking at that area of the Township. Mr. Maxfield said that's a perfect thing for the committee to look at. Mr. Horiszny said the LSA is working on a new pumping capacity for that area.

Mr. Willard gave a summary from the committee on how to expand and promote areas targeted for economic development; protect areas with sensitive environmental resources; and create a unified, balanced and sustainable community.

Mr. Willard said the next steps are a feedback and approval from Council. The recommendation from the Lehigh Valley Development Corporation was to look for some successes and market them to attract more.

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Mr. Maxfield asked regarding the Citizen's Committee recommendations about forming a planning/zoning review committee, what would be the real difference between what the committee would do and what the P/C does already? Mr. Maxfield said when an applicant comes to the P/C, they have tests for soil, etc., so if they are not doing that at this stage and getting advice or support, and then they do the tests at the P/C level and find out they can't do what they were talking about, isn't that an argument to do those tests right away? We have to make people aware these things may or may not happen. How do we get to the point of making those recommendations? Mr. Garges said they would have to look at it, as there's the EAC, outside agencies, fire and police companies and they may find out it's not feasible. Mr. Maxfield said it's been an investment of time for the P/C and other groups to massage this into something that is acceptable.

Ms. Stern Goldstein said when applicants come in this could be done at these meetings before they even spend any money, doing it from the get go. Mr. Willard said reducing submission deadlines/timeframes is a desirable goal if we can do it, but part of the discussion was how to streamline it while we meet all the requirements.

Mr. Maxfield said he has a concern about storm water. We have storm water regulations that most other communities don't have. He'd hate to lose that we still have flooded areas and it's a major impact. He considers our impervious percentages very friendly already. Ms. Stern Goldstein said the goal was not to loosen regulations, the Committee suggested those standards be studied and looked at.

Mr. Maxfield said when you set standards in one area as opposed to the other, it has to apply to the entire Township. Ms. Stern Goldstein said you can. You can't say within a certain zoning district, this parcel is treated different than this parcel, but you can say this zoning district is treated different than that zoning district.

Mrs. deLeon said storm water is important and she's willing to look at what they come up with. She thinks that by the time something gets to Council, the developer has spent a ton of money getting the plans a certain way, then he comes to a meeting and has to change things which isn't fair, but it's the process. To have two people on that Committee, she may not agree the direction they are sending the developer. She thinks we have a good staff that knows what we want.

Mr. Bruce Petrie, Redington Road said he'd be happy to volunteer his time to this committee having gone through this process with his subdivision.

III. DEVELOPER ITEMS

A. AT THE HELM – REDINGTON ROAD – RELEASE OF FUNDS AND WAIVER OF RECREATION FEES REQUEST

Mr. Bruce Petrie was present. He reviewed his request to not replace the landscaping. Attorney Treadwell said are you okay with Mr. Petrie's request to not replace the trees

MOTION BY: Mr. Horiszny moved to release \$164,040.00 of security being held for improvements, to date, that had been completed.

SECOND BY: Mr. Maxfield
Attorney Treadwell said the motion should include that the landscaping is acceptable to the Township Council.

MOTION BY: Mr. Horiszny amended his previous motion and moved to release \$164,040.00 of security being held for improvements, to date, that had been complete and that the landscaping is acceptable to the Township Council.

SECOND BY: Mr. Maxfield amended his second

ROLL CALL: 4-0 (Mr. Kern – Absent)

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Mr. Petrie said he is also requesting a waiver of the recreation fees associated with the project. Mr. Maxfield cited the fact that Mr. Petrie was preserving 140 acres, and allowing people to access it for recreational use.

Mrs. deLeon asked how this is listed on our open space map. Mr. Cahalan said the map doesn't speak of accessibility to specific parcels. Attorney Treadwell said the conservation easement documents speak to that. Mr. Maxfield said they need to first talk to the Petrie's.

Mrs. deLeon asked Judy to explain how we set the open space recreation fees, which Ms. Stern Goldstein explained was determined by the amount of recreation and open space land required per resident and got that down to a square footage required per new dwelling. Mrs. deLeon said this is a legal way of getting money to pay for parks and this is \$11,000.00 we could be putting in to pay for a park.

Mr. Maxfield said that's money dedicated to Parks and Recreation. The Petrie's are providing recreational opportunities for residents. The reason of the funds is the have funds to develop parks and recreation and to provide those opportunities for the people of the community. That opportunity is being provided already. He thinks 50% is more than fair. Mr. Willard said he likes compromise and he thinks 50% is a reasonable compromise.

- MOTION BY:** Mr. Maxfield moved for approval to request that Mr. Petrie pay 50% of the \$16,550.00 recreation fee.
SECOND BY: Mr. Horiszny
ROLL CALL: 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

IV. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCES

1. WILLIAM ZAKOCS, JR. – 1456 BRUNSWICK COURT – VARIANCE FROM FRONT AND REAR YARD SETBACKS TO CONSTRUCT A TWO-CAR GARAGE

Mr. Zakocs was present. He proposes to build a garage on his side yard and the setbacks have been changed since his house has been constructed and he'd like a relief on those setbacks. Mr. Maxfield said he feels it's a true hardship. Council took no action.

2. DEBRA & SILAS RODENBACH, JR. – 2776 WOODLAND ROAD – VARIANCE FROM SECTION 180-98(4) TO PERMIT A SECOND DRIVEWAY IN WHICH REGULATIONS ONLY ALLOW ONE DRIVEWAY PER PROPERTY

Mrs. Debra Rodenbach was present. She said they have a second driveway to a pole building that they put up 9 years ago. The driveway has been there and it just came to light that they have two driveways and didn't know they were only allowed to have one. They are asking to have both driveways. Council took no action.

B. RESOLUTION #85-2015 – MEMORIALIZING CONSOLIDATION OF LIBRARY SERVICES WITH HELLERTOWN AREA LIBRARY

Mr. Cahalan said he just heard from the librarian at the HAL that the representative from the Commonwealth Library has asked we hold off on approving this resolution until the December meeting.

C. RESOLUTION #88-2015 – AUTHORIZE NOTIFICATION TO PROPERTY OWNER OF UNSAFE TREE

Mr. Horiszny said the Township has been notified of an unsafe tree. This resolution has been prepared to notify the property owner the tree will be removed by All Seasons Tree Care in the amount of \$2,900.00.

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MOTION BY: Mr. Willard moved to approve Resolution #88-2015 authorizing notification to property owner of unsafe tee and authorize removal at the cost of \$2,900.00.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0 (Mr. Kern – Absent)

D. AUTHORIZE PURCHASE OF REPLACEMENT PHONE SYSTEM

Mr. Horiszny said the Township phone system is failing and obsolete. Mr. Cahalan said Roger Rasich explained at the last meeting about the phone system and the need to replace it. They researched and found the best system is from ET&T at a price of \$22,958.20. That price is through NJPA and we have funds in the budget to cover this.

MOTION BY: Mr. Maxfield moved to authorize purchase of replacement phone system in the amount of \$22,958.20 from Eastern Telephone & Telecommunications.
SECOND BY: Mr. Willard
ROLL CALL: 4-0 (Mr. Kern – Absent)

E. ACT 115 OF 2013 OPEN SPACE MAINTENANCE OPTIONS

Mr. Horiszny said Council asked staff to provide an outline of the potential options for use of open space funds for the maintenance of open space properties acquired by the Township.

Mr. Cahalan read his memo. The amendment provides for two different options, use up to 25% of the accumulated balance to develop, design and maintain property or create a separate maintenance fund and deposit up to 25% of future revenues. Mrs. deLeon said the amendment was passed in 2013 and she is in favor of it and thinks it should have been incorporated in this year's budget.

Attorney Treadwell said the amendment allows you to take up to 25% of the accumulated balance which is about \$4 million. That means this year you could have used up to \$1 million for maintenance. The second way to do it is starting next year to take up to 25% of next year's revenue and put it in a maintenance fund to pay for maintenance as you go forward. You can pick any percentage up to 25%.

Mr. Maxfield said the third option is not do either one of them. He asked how can we use open space money to pave Macarro Way? Mr. Cahalan said that may be a stretch. Mr. Maxfield said the referendum passed twice and neither one of the referendums that the public voted for said anything about maintenance, parking lots, or anything like that.

Mr. Horiszny said to him the first option is the smarter way to go as we could do it this year. Attorney Treadwell suggested you define what maintenance means so we don't get into a situation of is this maintenance or isn't it maintenance. Mr. Maxfield said developing open space areas is different than developing access to an open space area. Mrs. deLeon asked if we could use it this year and can we change the way we're doing it next year? Attorney Treadwell said you could do one this year and the second one next year. Mr. Cahalan reviewed the suggested uses outlined in his memo. Attorney Treadwell suggested a resolution that sets forth for 2015 what funds were used for maintenance retroactive on the parcels purchased with open space money to January 2015. Mr. Cahalan should come up with a number for the next meeting.

MOTION BY: Mrs. deLeon moved for approval to set up whatever steps are necessary to have this on the November 18th Council agenda along with a resolution, the maintenance definition and Mr. Cahalan will compile the maintenance costs from 2015.

Mr. Maxfield also asked to have for that meeting a definition of what maintenance is and hopefully it will have a lot less paving in it. Mr. Horiszny asked about paying for signage this year. Mr. Cahalan said one thing you could do is authorize HEA to survey the boundaries on the Dravec property. Mrs. deLeon would like a cost estimate for the surveying.

SECOND BY: Mr. Horiszny
ROLL CALL: 4-0 (Mr. Kern – Absent)

F. APPROVAL OF JETPAY PAYROLL SERVICES LICENSE AGREEMENT – AFFORDABLE HEALTH CARE ACT REPORTING

Mr. Cahalan said this will insure that the required forms and tracking imposed by the ACA on employers is done correctly. The annual license fee is \$1,680.00 and there's a one-time set-up fee of \$200.00 for 2016.

MOTION BY: Mr. Willard moved to approve JetPay Payroll Services license agreement for the Affordable Health Care Act reporting.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 21, 2015 COUNCIL MINUTES

Mr. Horiszny said the October 21, 2015 minutes are ready for Council approval.

MOTION BY: Mr. Horiszny moved for approval of the October 21, 2015 Council minutes.

SECOND BY: Mr. Maxfield

ROLL CALL: 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Joe Homy, 3814 Cannon Avenue, said he's trying to purchase a piece of property and it's slightly over 18,000 square feet. He does not plan to build on it. He's here to ask if the recreation fees on this piece of property could be waived. Mrs. deLeon asked if you are not developing this property, why would you pay recreation fees. Attorney Treadwell said if you create a new lot, and you put a note on the plan saying you aren't going to develop it, then you could ask this Council to waive the rec fee, but they cannot waive it tonight as he first needs to go through the subdivision process.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan provided an update on Fire Lane Road stormwater project. He said Hanover identified 16 areas along Black River Road where there will be conflicts with other utilities buried there and that means the line will have to be moved to accommodate that. The original estimated cost was \$522,000.00 and that number was used to secure the loan in the amount of \$575,000.00. Based on what Hanover has said, the cost of the project because of these conflicts, is projected to be in the \$600,000.00 range which puts us about \$55,000.00 over what you have in the proposed 2016 budget. Mr. Kocher said it would be good to have a \$70,000.00 contingency for this project. Mr. Gordon Gress asked when they put in the sewer, wouldn't they have encountered all these problems? Mr. Kocher said the sewer line crossed a lot of the same things they are going to cross, but the sewer line is a lot deeper, so it was not a conflict.
- Mr. Cahalan said he was advised by PennDOT that they are moving ahead with the repairs on Riverside Drive road closure and will start this winter and should be completed by May or June 2016.
- Mr. Cahalan said the Easton Road construction project between Ringhoffer and Country Side Lane has been put off indefinitely due to the gas lines that are close to the storm water pipe.
- Mr. Cahalan said Public Works will be starting Phase I work at the Steel City Park next week.
- Mr. Cahalan provided to Council letters from Lafayette Ambassador Bank indicating the loans for this building, Polk Valley Park and the loan for the land acquisition were paid off in full.
- Mr. Cahalan provided Council with the information on the use of the portable scales by the Police Department. Chief Lesser said in 2015, there were 20 of these events in which 16

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overweight citations were issued and in addition the scales have been used 10 additional times with officers during routine patrol.

B. COUNCIL

Mr. Maxfield

- He said he saw a video on the internet called “Over Saucon”. It’s a local photographer who put a camera on a drone and flew over the Saucon Valley. He it’s beautiful and supports parks and recreation.

Mrs. deLeon

- She said she asked Ms. Gorman for a comparison of the total costs incurred from the old non-uniform contract and the new one. The information she received was only based on one employee and not what she asked for. She asked for that comparison of the old contract versus the new contract and what’s it costing us.
- She asked staff to look into a possible property maintenance ordinance because there is an example of a house on Kings Mill Road that’s abandoned and boarded up. Attorney Treadwell said there are various options open to you as a Council and Township. The BOCA property and maintenance code has a lot of stuff in it so he’d suggest everyone take a quick read through it, because if you adopt the BOCA property maintenance code as it is, you probably have a very large number of properties in LST right now that are in violation of it. Once you adopt it, it’s a law and a rule, so you might want to be careful about that. Mr. Maxfield asked what the problem is with this house? Mrs. deLeon said the front door is boarded up, but there foreclosures that banks don’t keep up with. Mr. Horiszny said it looks like a huge number of problems and if you adopt it, you’d have to enforce it and the cost would be sky rocketing.
- Mrs. deLeon said BRE hasn’t been in operation for over a month. Steel City residents still smell odors from the landfill. While on site at the October 29th inspection, they smelled working face odors and a gassy odor.
- Mrs. deLeon said she went on the website and the recorded minutes only go back to June 2015. Ms. Huhn said the typed ones are on line, but she doesn’t think we can keep all the recorded ones as we don’t have all the capacity. Ms. Huhn said she will check with NA Studios. Mr. Cahalan said the program on there has a limited capability. If you want to archive, that will be additional cost.
- Mrs. deLeon said we received review letters from HEA and B&J regarding the Southeastern Realignment of the landfill, and we also got extension requests from IESI and asked for an explanation of the process. Attorney Treadwell said the extension isn’t a request, the applicant under the MPC has the ability to grant an extension on the 90-day review period that the Township has. Those extension requests extended the time for the Township to act until December 31, 2015.
- Mrs. deLeon said she found out the plans IESI submitted to DEP don’t include the berm that they were asking for a waiver of and the 50’ setback, so they didn’t present plans that met our regs.
- Mrs. deLeon said the LSA reconsidered sending a letter to FERC in support of the Bethlehem Authority who was telling FERC of problems with the PennEast Pipeline. She was disappointed with the LSA for not sending the letter.

Mr. Kern – Absent

Mr. Willard

- He said he’d like to congratulate Donna Louder, Sandra Yerger and Priscilla deLeon on the election to the Council beginning 2016. He wants to thank Priscilla, Ron, Tom and Glenn for serving with him the last four year and wanted to thank our staff and consultants also.

Mr. Horiszny

- He said we have a latex paint collection drive Saturday, November 7, 2015 at Town Hall from 9:00 a.m. to noon. It’s for Northampton County residents only.

D. SOLICITOR – No report

E. PLANNER – No report

F. ENGINEER – No report

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VIII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 9:33 p.m.

SECOND BY: Mr. Willard

ROLL CALL: 4-0 (Mr. Kern – Absent)

Submitted by:

Jack Cahalan
Township Manager

Ron Horiszny
Council President