

- I. OPENING**
- A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Announcement of Executive Session (if applicable)
- II. PUBLIC COMMENT PROCEDURE**
- III. PRESENTATIONS/HEARINGS**
- IV. DEVELOPER ITEMS**
- A. Kreichelt Minor Subdivision – 4184 Country Side Lane, Hellertown
- V. TOWNSHIP BUSINESS ITEMS**
- A. Adoption of 2014 Preliminary Budget
 - B. IESI PA Bethlehem Landfill Minor Permit Modification Technical Comments
 - C. Ordinance No. 2013-05 – Peddling & Soliciting Ordinance Discussion and Update
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- VI. MISCELLANEOUS BUSINESS ITEMS**
- A. Approval of September 25, October 9 & October 16, 2013 Council Minutes
- VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**
- VIII. COUNCIL & STAFF REPORTS**
- A. Township Manager
 - B. Council
 - C. Solicitor
 - D. Engineer
 - E. Planner
- IX. ADJOURNMENT**

Next EAC Meeting: November 12, 2013
Next Saucon Valley Partnership Meeting: November 13, 2013 @ SVSD
Next Council Meeting: November 20, 2013
Next Saucon Rail Trail Oversight Commission Meeting: November 25, 2013 @ UST
Next Park & Rec Meeting: December 2, 2013
Next Zoning Hearing Board Meeting: December 16, 2013
Next Planning Commission Meeting: December 19, 2013

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 6, 2013 at 7:03 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield presiding.

ROLL CALL: Present: Tom Maxfield, Vice President; Dave Willard, Priscilla deLeon and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Cathy Gorman, Director of Finance; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Judy Stern-Goldstein, Township Planner. Absent: Glenn Kern, President.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Maxfield said Council did not meet in Executive Session since our last meeting.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Maxfield said if you are on the agenda, you have Council and Staff's undivided attention. If you chose to speak, we ask that you use one of the microphones. Everyone gets to speak. He'd ask that you give your fellow public the courtesy of the floor. We do transcribe the minutes verbatim and want to make sure the transcriptionist gets every word. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes.

III. PRESENTATIONS/HEARINGS – None

IV. DEVELOPER ITEMS

A. KREICHEL T MINOR SUBDIVISION – 4184 COUNTRY SIDE LANE, HELLERTOWN

Mr. Maxfield said the applicant is proposing a two lot minor subdivision of a 5+ acre lot which contains an existing dwelling.

**DRAFT MOTION FOR KREICHEL T MINOR SUBDIVISION PLAN 4184
COUNTRYSIDE LANE TAX MAP PARCEL P8-14-19G PRELIMINARY/FINAL
SUBDIVISION PLAN APPROVAL FOR THE NOVEMBER 6, 2013 COUNCIL MEETING**

The Lower Saucon Township Staff offers the following approval motion for consideration by the Township Council for the "Lands Now or Formerly of Thomas E. & Sumrit Kreichel t Minor Subdivision Plan," as prepared by prepared by Keystone Consulting Engineers, Inc., dated August 29, 2013, no revision date, consisting of one (1) sheet.

Subject to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated October 18, 2013 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated October 16, 2013 from Boucher & James, Inc. to the satisfaction of the Township Council.
3. The Applicant shall provide a recreation fee-in-lieu-of-land contribution of \$3,310.

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4. The Plan shall be revised to indicate in a note and/or show the location of the well and sewage disposal areas on the adjacent properties to ensure at least a one hundred (100') foot separation is provided between wells and sewage disposal areas.
5. The Applicant shall provide four (4) copies of an aerial photograph showing an area extending a minimum of five hundred (500') feet surrounding the site.
6. The Applicant shall provide two (2) Mylars and seven (7) prints of the Record Plans with original signatures, notarizations, and seals.
7. The Applicant shall also provide two (2) CDs of all Plans in a functional editable file format (e.g. AutoCAD files) as well as a static image format (e.g. jpeg or pdf).
8. The Applicant shall pay any outstanding escrow balance due to the Township for review of the Plans and the preparation of legal documents.
9. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
10. All waivers granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

Township Council also approves waivers from the following requirements of the following Sewers Ordinance sections:

1. Section 130-14.K – to allow an elevated sand mound on a lot smaller than three (3) acres, provided it is larger than two (2) acres in size, which is the requirement of Zoning Ordinance Section 180-94.A(2).

Township Council also approves waivers from the following requirements of the following Subdivision and Land Development Ordinance (SALDO) sections:

1. Sections 145-33.C(1), (2), (3), (5) and 34.B – to not require any more existing features be shown on and for the required 500 feet surrounding the site than are already shown on the Plan, except as noted in Condition 4 of this approved motion.

Township Council also approves the Planning Module for this application, subject to the following conditions:

1. The Applicant shall provide the required setback is provided from the proposed sewage disposal area and the well(s) on adjacent properties.

Township Council further authorizes the Township Manager to notify the Applicant of Council's actions.

Carl Shursburg, Key Engineers; Tom Kreichelt, Owner were present. Mr. Kreichelt said the project is to basically split the lot into two pieces.

Mr. Maxfield asked if there was a recommendation from the P/C? Mr. Kocher said there was a recommendation. Attorney Treadwell asked Mr. Kreichelt to show the Council members the photo and the lot he's talking about. Mr. Kreichelt showed the Council the lot that he wants to split into two. Attorney Treadwell said the proposal is to subdivide it so you can create a building lot to the right. Mr. Kreichelt said correct.

Mr. Maxfield said the P/C recommendation talks about two waivers that he has requested and the P/C was in favor of that. The planning module was also recommended, so there was no problem there. They have two review letters from their engineers and planners. He asked if anyone had any comments?

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Ms. Stern Goldstein said the letter from Boucher & James is mostly dotting I's and crossing T's and she believes the applicant at the P/C meeting noted they will comply with those items.

Mr. Kocher said the same with the letter from Hanover Engineering.

Mr. Maxfield asked if Council or the audience had any questions? Mr. Horiszny asked to point out where the well and the field were. Mr. Kreichelt pointed out the well and field. Mr. Maxfield said you have primary and secondary sites for the new well as well as the old. Mr. Kreichelt said correct.

MOTION BY: Mr. Horiszny moved for approval per the staff recommendation.

SECOND BY: Mr. Willard

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

ROLL CALL: 4-0 (Mr. Kern – Absent)

V. TOWNSHIP BUSINESS ITEMS

A. ADOPTION OF 2014 PRELIMINARY BUDGET

Mr. Maxfield said the budget has been prepared and Council will review and discuss the preliminary adoption of the 2014 Budget. Email was received from Staff on some issues.

Mr. Cahalan said Cathy Gorman can review some of the changes she made to the proposed budget following the budget hearing. There is a memo in your packet. Mrs. deLeon said the record should reflect that our Controller, Lou Mahlman is present.

Ms. Gorman said the changes that were noted in the budget, some of the items were the estimated items in 2013, specifically in the expense line items, under Consulting Services under Tax Collection, we estimated a certain amount in 2013. They were told that no anticipated expense was going to be made for 2013. For the preliminary budget, they confirmed only that \$1,200.00 was going to be needed instead of the \$5,000.00 she budgeted. In Engineering for 2013 and 2014, she increased both slightly. She estimated \$57,700.00 for this year and in the preliminary budget, she moved to \$70,000.00 due to the Fire Lane and Black River Road feasibility work that was authorized by Council after the proposed budget was submitted. She also moved the \$185,000.00 from Landfill Funds and you will note that on 04.492.010 there is \$161,000.00 that will be going into the General Fund. You will see those offsetting expenses in the building outlay of 01.409.800 in the amount of \$73,518.00 and the Police Capital Outlay of \$86,582.00; which are Capital Expenses that were outlined in the memo they presented to Council at the budget hearing. Under transfers to other funds, account 04.092.000 was increased by \$24,900.00 and those expenses were moved to the Lutz-Franklin Schoolhouse fund, \$16,800.00 for the cupola repairs and to the Heller Homestead account, \$8,100.00 that Council approved for the stair repairs.

Ms. Gorman said also in the General Budget there was a minor change in the custodial janitorial services which was increased by \$582.00. That was for increased hours needed for our cleaning crew to clean the PD side and the Administrative side.

Ms. Gorman said with those changes, our fund balance is projected to be \$1,118,340.00 and our contingency amount would be \$128,473.00. There were also minor changes in the Landfill Fund. She received the 3Q2013 payment, so the host fees and BRE fees are actuals which would be \$2,030,323.00 and the royalty fees were \$6,292.00 which leaves the preliminary fund balance in that fund as \$1,117,368.00. With the other modifications, the contingency was \$1,639,391.00.

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Mr. Maxfield said the contingency again was what? Ms. Gorman said we originally had it at \$132,000.00 and it's now \$128,000.00. Those are all the changes and modifications that Council had requested for actuals that came in this year.

Mr. Cahalan said he sent a memo to Council. It concerns the 2014 contingency balance. He said "at the October 23rd budget hearing, the Township Director of Finance and the Manager presented Council with a proposed 2014 budget that showed a General Fund balance that's \$6,470,278.00 with no tax increase needed. The General Fund is balanced by using the \$1.1 million savings from 2013. The budget contained their recommendation that \$400,000.00 be transferred from the Landfill Revenue account to add \$100,000.00 to the operating reserve fund account balance and to add \$300,000.00 to the Capital Account balance to cover the anticipated purchase of the Police and PW replacement vehicles. In addition, they reviewed a list of security repair and maintenance needs for Township buildings and parks that totaled \$185,000.00 which they recommended be included in the budget using funds from the Landfill Revenue account. Council voted to approve these changes to be include in the draft 2014 Preliminary Budget, which is what Cathy just went over. Unlike previous budgets, this budget does not contain any transfers from the Landfill Revenue account to the General Fund. The 2014 proposed budget contained a contingency account balance of \$131,755.00 which Cathy has just indicated has been reduced to \$128,000.00. They pointed out to Council at the hearing that this amount was below recommended levels and they recommended that Council approve the transfer of an additional \$500,000.00 from the Landfill Revenue account to bring this up to \$631,755.00 going into 2014. This request was not approved by Council by a Council vote of 2-2. He urges the Council to reconsider this request for the following reasons.

1. Generally accepted accounting principles recommend that municipal governments adopt budgets with contingency balances ranging from one months operating expenditures, roughly 8.3% of budgeted expenses to three months of expenditures that would range to about 25%.
2. The purpose of the contingency fund is to have unrestricted undesignated funds in the budget as a hedge against economic uncertainties and to respond to unanticipated events or emergencies during the year.
3. Historically, the Township has been able to maintain a positive cash balance from the contingency funds and by being frugal with spending only on an essential needs during the budget year.
4. The contingency fund also serves to protect the Township from periods of negative cash flow during the budget year when more money is being paid out than is coming in. This is extremely critical during the first three months of each year when payroll and insurance costs must be met but our tax collections do not flow into the Township until March at the earliest. The Township is not permitted to transfer between funds during the first three months of the fiscal year.
5. Customarily, the Township has been carrying the unspent contingency funds over into the next year's beginning balance which allows us to address the short term cash flow issues in the beginning of the year and to focus on long term or multi-year budgeting.
6. If the Council decides to defer the decision on boosting the contingency fund balance in 2014 until sometime next year, and for whatever reason this is not done, the administration would not have enough cash in the fund balance at the beginning of 2015 to pay the Township's bills.
7. The use of the landfill funds to augment the contingency balance will have no effect on the landfill revenue account which will still maintain a healthy surplus of \$1.1 million in 2014.

Mr. Cahalan stated that he believes the addition of this funding to the preliminary budget would be prudent from a fiscal standpoint and would produce a more accurate picture of the Township's budgetary goals going into 2014.

Mr. Maxfield asked for any comment? Mr. Willard said the contingency we are talking about in the General Fund has been a million dollars or more every year, up until now, going back to 2010. It was

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presented to us with \$131,755.00 as the contingency and without the recommendation to make the transfer from the Landfill Fund to the General Fund, why did you do that, and reason to be asking or challenging, he thinks we were pretty much done with the discussion last time and he had raised the question about the contingency being alarmingly low. It's a question of generally accepted accounting principles and what should be that minimum balance. Why did it come to us this way as the proposed? Mr. Cahalan said he thinks what they were trying to show was that and he said tonight that historically we have been moving funds from the Landfill Fund into the General Fund to boost the contingency amount and what they were asking in the presentation was for Council to endorse that by moving those funds. He thinks that night that they did recommend the \$500,000.00 be moved during the discussion on that budget. Mr. Willard said what he was asking was if that's what you think should be done, why wasn't it presented to them that way? There are transfers to other funds from the Landfill Fund in the original proposed budget. Mr. Cahalan said because, historically, staff has been criticized for taking money from the Landfill Revenue Fund and transferring it and he wanted Council to endorse this transfer from the Landfill Revenue account.

Mr. Maxfield said he's very glad Jack issued this memo because as he stated last time, he was very uncomfortable with the vote and really uncomfortable with the low contingency and he doesn't think that what we did last time or what went through Council last time was an accurate view of our budget. Accuracy is really what we need to do. It was mentioned last time we were given a perception. Our job as Council is not presenting a sort of perception; our job is to present an accurate budget. A budget that shows exactly where the money is and where it's going. If we have debts and expenses laying around out there that we could cure with the budget and decided not to for perceptual reasons, he doesn't think that's accurate. He thinks it's almost like a hide and seek game, almost like deceptive. He's not into that deceptive budget that presents a certain perception that nobody even asked Council if we wanted to present that perception or not. He personally does not.

Mr. Horiszny said one of the other things that they really didn't mention much last meeting was the fact that we're not supposed to move things in the first three months and that's the critical period when we don't have income and either tax nor tipping fees coming in so we should reconsider and do it.

Mr. Willard said if he understands it correctly, that contingency is the end of year balance if we meet the revenue and expenditures in the budget. The beginning of the year balance for 2014 should be in the \$1.118 million range so we're talking about the first three months of 2015 here. There may be a shortage if we don't take these steps. Ms. Gorman said in 2015, yes. Mr. Maxfield said who know what could happen as the memo states. Mr. Willard said the budget, the line item for contingencies, it does state that any movement from that contingency line item to other funds has to be approved by Council? Mr. Cahalan said that's what it states. Mr. Willard said do we do that? Mr. Cahalan said if we have to move something from the contingency account we bring it to Council in a resolution, yes. Mr. Maxfield said has that always been the case? Mr. Cahalan said they went back and researched budgets, and the language first appeared in the 2004 budget. Mrs. deLeon said that was after Layne Turner left, we discovered some things going on in the budget and a lot of things were being transferred out of contingency funds and Council was not aware of that. To put checks and balances back into the budget review, they came up with a resolution. She did ask Leslie to find that resolution and she remembers us doing that. She doesn't remember if it was a resolution or policy, but that's how it's been.

Mr. Maxfield said that's something they definitely should look into because if that policy or resolution does exist, the resolution exists, there should be a vote. Mrs. deLeon said it passed, it was a motion that passed. That's how they got the language in the budget. Ms. Huhn said she can't find any motion. Mr. Cahalan said they can't find a resolution. Ms. Huhn said she looked back through minutes as well as the resolutions. Mr. Willard said on page 77 of the description of the line item, it says balance accounted at the end of the year estimated receipts and expenditures are correct. Any expenditure from this account requires Council approval by resolution. Mrs. deLeon said she knows what you are saying, by resolution, so it might have just been a policy thing we talked about. Mr. Willard said he

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does recall Ms. Gorman brought them memos that say we're transferring from contingency to certain funds for approval. He doesn't think money is moving out of that account without coming to the Council for approval, is it? Mr. Cahalan said no. Mr. Willard said he doesn't think it's a perceptual thing. We have the \$500,000.00 presumably if we have receipts come in whether it's in landfill funds or general contingency and if we have to keep track of it and approve it, then fine. Mr. Maxfield said he doesn't think that's his point. His point is that you have a landfill fund which is actually classed in our budget mistakenly as a special fund. It's a revenue fund. It's not a contingency fund and we're talking about drawing money from that fund which is not a contingency whenever we want. We know we can't even draw it in the first three months. To him, if there's a hole in the budget, we better make some plans to patch it and we'd better show how we're patching it. The perception that was mentioned last time which he's referring to was that we can balance the budget without landfill money, which is totally erroneous. We started out with \$400,000.00 from the landfill fund, so you can't pretend that it's not in there. It's revenue for the Township and that's how it should be classified, not contingency.

Mr. Willard said he's not trying to create a government shutdown like they did in Washington, but he thinks we are talking about a cash shortage in 2015, not 2014. That's why he felt this transfer could be made when we saw where we were tracking on our bottom line, revenue and expenditures. Mrs. deLeon said she agrees. Years ago before Phase III was a concept and developed and approved, the tonnage was 350 tons per day so the revenue per ton was a lot lower than it was today, and she asked Cathy what we used to get? Ms. Gorman said we ended up starting with the host agreement at \$600,000.00 to \$800,000.00. Years before that, \$300,000.00 to \$400,000.00. Mrs. deLeon said we used that for Applebutter Road water as the City refused to acknowledge the fact that they polluted the wells and would not even consider helping us out. We used that money for different projects and then when the city sold the landfill in 1998, and we had to come up with a new host agreement, the tonnage was increased because there was a perceived, they threatened litigation because of the failure to review it on time and that was not true. There was a threat of litigation in Phase IV when it got approved. Attorney Treadwell said he thinks the only litigation that was discussed as part of Phase IV was that the Township has advertised an ordinance that would regulate the hours of regulation and the tonnage. At that time, the landfill took the position that was in contradiction to the state regulations and the Township did not have authority to adopt that type of ordinance. Mrs. deLeon said she's remembering something different when they submitted their plans for Phase IV. Maybe she's thinking Phase III, but the tonnage changed. Her point being that the monies increased and at that time we wanted a new building, so we decided to use the landfill monies for a new building and we took out three loans. Mr. Cahalan said we took out one loan. Mrs. deLeon said then it became another loan and another loan. Mr. Cahalan said that's when the park was purchased. Mrs. deLeon said we used the money for that. It never really went in the General Fund initially, back in 2006, there was starting to be monies taken out of there. She voted no to some of the budgets. She remembers saying you are taking this money out and you're spending all this stuff and that's not the reason for the landfill money. It balanced the budget and then it rolled into the next year and there was a 2006 discussion of the budget. There was talk about we'll just take that back out then. Whatever monies aren't spent out of that contingency is going to go back into the landfill fund. That never happened. All we do is sit around here and talk. Mr. Cahalan said what we said was that any money left over would go into the operating reserve. We have been doing that as best as we can in the midst of probably the second worst recession in the country without any tax increases, and right now in the operating reserve fund there's a million dollars that they put away from that leftover money at the end of the year. Mrs. deLeon said how much went in there this year? Ms. Gorman said \$300,000.00 went in there this year and \$100,000.00 will go in there next year as we discussed last year that our target was to meet \$1 million. Mrs. deLeon said the year before, remember. Ms. Gorman said she believes that was \$300,000.00. She believes we've been taking from the landfill fund and putting it into the General Fund and it has occurred earlier than 2006. It happened earlier than that.

Mr. Maxfield said this is pretty much sparked what Mrs. deLeon said, that's not what the Landfill Fund is for. What is the Landfill Fund for? Why are we playing the game of holding it back when it

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could be revenue in our budget just like any other kind of revenue? What is this fund for? Was there ever a policy or agreement by Council what this money was to be used for? He doesn't know of any. Mrs. deLeon said over the years, it was just an unwritten policy. We never voted on it, but we tried to use it for different projects. She's sorry; she has 26 years to remember. Mr. Maxfield said it's revenue. That's what it comes back down to. It's just revenue. It's really coded different than any other revenue that comes into the Township. Mr. Horiszny said he thinks that was one of the things we covered last time. We have too many line items and too many different funds and if we reduced it, it would be simplification and easier to understand. Also, this second paragraph, explains where he and Dave are having a little problem, Dave in particular, said this is for 2015 and the second paragraph says it's for January 2014. We only have \$128,000.00 now.

Attorney Treadwell said the 2014 budget contains a contingency balance of \$131,000.00 which is now \$128,000.00. That's the balance of your General Fund account at the end of 2014. You start the year with your General Fund at \$1.1 million and you end with it at \$128,000.00. That General Fund does not include the \$800,000.00 of debt that the Township has have on the three loans. That was the discussion you had at the last meeting regarding hiring an accountant to look at the way you do your budget because technically that \$800,000.00 is a general township obligation. It has nothing to do with the landfill. It is backed up by the power and ability of the Township to tax its residents. It's a general fund obligation. It's not a landfill fund obligation. It's a general fund obligation. He would assume the accountant will have some suggestions regarding that and it will probably be similar to what the auditors do which is they take the landfill revenue and the \$800,000.00 in annual debt and they put it into the General Fund when they file their report with the state every year. He thinks the point Jack was trying to make is that if you end 2014 with \$128,000.00 cash on hand in the General Fund, you can't pay your bills for the first three months of 2015 and the suggestion to remedy that is to transfer cash somewhere during the 2014 year to bring that cash balance at the end of the year higher. However, if Council doesn't do that for whatever reason, then Jack's point is we can't pay our bills. If Dave, for example were to say in July, he makes a motion to transfer \$500,000.00 from the landfill account to the General Fund, and that motion doesn't pass then you are stuck in 2015 for the first three months for \$128,000.00 of cash to play with, to cover the first three months of expenses in 2015.

Mr. Horiszny said if we put that in there now, we have \$628,000.00 instead of \$128,000.00 we can utilize the money early in 2014, right? Attorney Treadwell said you could use it as Mr. Willard said if you have \$600,000.00 in your contingency if Council passes a resolution to move it from contingency. Say, for example, we get 20' of snow and you spend an extra \$200,000.00 on snow removal. You could take that money out of the contingency balance in the General Fund and direct it to the snow removal costs that you were not anticipating in this proposed 2014 budget. There are two purposes of that contingency balance. One is to account for unexpected expenses that you might have during the year, a Hurricane Sandy, a snowstorm, a generator breaks down, those types of things you don't anticipate. The second purpose of it is to have enough cash on hand in 2015 to cover your first three months of expenses.

Mr. Maxfield said when he hears these explanations, the only thing he can think of is someone is trying to prove something and he's not into trying to prove something with this budget. He wants the budget to be an accurate statement of where the Township, where the people's money is at. That's what he is going to vote for – an accurate budget.

Mr. Maxfield said he'll open it up to the floor.

Mr. Gene Boyer, Saucon Avenue, said he regrets using the word perspective, but he thinks if he can start out with what Jack has said tonight in his own words, it was that they brought a balanced budget to Council to show what the finances and the Council and the budget could be done for the year. It was his perspective to prove that the Council would approve a transfer into the contingency fund. If he would have come to Council with that already done as he's probably done in the last how many years he's worked here, or how long that Cathy's been here, there wouldn't have been any question because

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Council would have approved that. It was Jack's perception to make it a point that the Council make that transfer and he doesn't think that's right either. He forgives himself for saying that word as it's really the point of the budget and so forth. He thinks Tom has mentioned more than once and if we go through the record, it's probably a half dozen times, he's interested in an accurate budget. Cathy has made changes, with and whoever she got together with. He looked at this budget as a balanced budget. He reviewed it for a few things that he thinks are there, Tom, for accuracy, and also for the fact what's real and necessary in the budget. If he can start out with the Capital Fund, which is part of the budget even though it's a Special Fund, it's still part of the budget and is part of the fact that we want to have an accurate budget. The figures that were on-line and coincide with the little summary that we get today as a audience from the Township is that in the Capital Fund there's a line item, 33,481.700 and it has \$589,000.00 and \$606,000.00 and that was also one of the reason the extra money was to be put in there so we'd have some extra money to make sure we can pay for that. He doesn't know if Cathy can explain that to him, but the details that are in there, she has a list of number of trucks, a number of things that are in there, and Tom, for accuracy, as you as a Council member and everyone on the Council, if you look at this budget and you go through it, you would be interested to know that number matches the number that's on the summary page of \$589,606.00. If she expects to do any of the work that's in there, he added it up and it comes up to \$698,006.00. It's \$100,000.00 wrong.

Ms. Gorman said any PW vehicles, she's permitted to use state fund money for expenses on PW vehicles. The costs that are listed in the Capital budget for the amount that Mr. Rasich is projected, there's \$150,000.00 offset in the State fund which they are permitted to use for that purpose. Attorney Treadwell said the Capital Fund is accurate. You take the money that the Township will spend plus the \$100,000.00 that the State Fund will pay and that makes up the difference that Mr. Boyer just pointed out. Mr. Cahalan said that was pointed out in the presentation on October 23rd. Attorney Treadwell said there's no mistake in the Capital Fund. The numbers add up, is that right? Ms. Gorman said yes, as far as she knows, she did it several times.

Mr. Boyer said the presentation of 2014 as she did it here, was the same way she presented it in 2013. The 2013, if he can be corrected, she had State funds as funds to purchase it; however, the money that she showed in the budget was not over, but was net of the State funds, so there was definitely between 2013 and 2014 an accounting difference even though the State funds were there shown in both details and on the summary page. On the summary page last year, she had an accurate number and if you added up the value of the trucks, and showed the value of the State funds, it showed on the summary page that was the value. Now it's showing up less so she made a difference between one budget and the next. He doesn't know if she's mentioned that to you folks and the Council. Attorney Treadwell said the numbers are accurate? Ms. Gorman said she went through them with Roger, she can go through them again. These are three years of PW vehicles that Mr. Rasich has purchased. Every one of them comes back to Council before they are purchased and are requested for approval. Attorney Treadwell said the purpose of the budget; it's an estimate of what this Township may spend in 2014. It's not written in stone, it's a guess and every budget is a guess. Ms. Gorman said she does not have a physical quote from a dealer that says Truck No. 4 is going to cost x number of dollars. She relies on Mr. Rasich's opinion and his 20-plus years of service with the Township to provide her with an accurate number. Attorney Treadwell said he has an idea based on his experience on how much a dump truck or a plow costs. Ms. Gorman said exactly. Mr. Boyer said he's not disagreeing; trucks may cost twice what she has in the budget or may cost 50%. He's just saying there's an absolute presentation difference in how that particular line item... Attorney Treadwell interrupted and said you said there was a \$150,000.00 error in the budget. Mr. Boyer said well, if not, then last year there was an error. Attorney Treadwell said there's a difference in presentation. There's not an error. It's different than the way it's been presented.

Mr. Boyer said 2013 we had a line item called lean to building for \$15,000.00 in the same Capital budget for the PW department. It was a lean to building for the signage and also a generator that upgrades the building electrical to be done. He's looking at the fact that Council is approving a budget that he thinks as a citizen he's concerned about how we spend our tax money. In 2014, that same line

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item now, that was for \$15,000.00 for two things, a lean to building and an installation of a generator to electric to be done immediately. 2014 the lean to building now by itself, costs \$20,000.00. Twice the amount, we should have bought it last year and did the work instead of having a budget change like \$10,000.00 because we bought the electric generator last year and paid for it. Ms. Gorman said the generator was donated to the Township and they've been trying to make modifications to make it work at PW. One of the reasons she uses line items for certain things over and over again is because her auditors say she has too many line account items. All of this stuff should be on one line item as Capital expenses and listed as estimates as to what is to be expended. If it gets to a point where it's like okay, if she budgets \$100,000.00 for something, and it came to \$120,000.00, she would come back to Council and say this is going to cost \$120,000.00 and we can offset this by not buying this vehicle this year if this is the priority. That's the point of a Capital budget to prioritize your expenses as to what's needed as she did when the K-9 unit came up and it needed to be replaced, she said to Council, we didn't budget for a K-9 unit; however, we applied for a Gaming Grant under this line item and if we get the revenue, we'll get it and if we don't, we won't buy it this year, but we can use the money to pay for the K-9 unit. It comes back to Council.

Mr. Cahalan said let him just clarify as Mr. Boyer mentioned two figures, they are both estimates. None of that money has been spent, and before the money would be spent, we would come to this body with a recommendation and they would have to approve it. We are talking about an estimate from 2013 and an estimate from 2014. They are estimates. Mr. Boyer said what was the generator you did buy for \$3,700.00? Mr. Cahalan said they didn't buy a generator. Mr. Boyer said it's in the line item. Mr. Cahalan said they had to hook up the generator. She just said it was donated. Mr. Boyer said the hookup cost \$3,700.00? Mr. Cahalan said the hookup costs up to \$15,000.00. Mr. Gorman said that was brought to Council and approved. Mr. Boyer said the question is did it cost \$3,700.00 just to hook up it up? Mr. Cahalan said yes, it cost more than \$3,700.00 to hook it up. Ms. Gorman said there's a lot of modifications needed to that generator to get it to work with the electrical capabilities of the PW building. Mr. Maxfield said the reason for the generator is we experienced power outages during the last couple of hurricanes and it's to keep PW moving so we can keep people safe. Mr. Boyer said there's one on the books for this building, right? Mr. Cahalan said it's to hook up to the generator that's already there that powers the PD wing, but it doesn't power this administrative wing.

Mr. Boyer said he'd like to ask a question about the Snyder Hall expenses, the change in what the expenses are from last year to this year. Mr. Cahalan said he thinks he's talking about Seidersville Hall. They went over that with Council. It's probably the third year they went over this. There's a tab in the back of the budget which explains what they would like to do with Seidersville Hall. They have come to Council three times with some estimates of what those costs would be. They have not spent any of that money over there. If they would, they would come back to Council with estimates for approval of that work.

Mr. Boyer said did we ever get the loans for that? Mr. Cahalan said yes we did, it's covered in the presentation. Mr. Boyer said it doesn't show in the budget. Ms. Gorman said we got the loan, but we never drew down from it, but she does include that in with the rest of the debt payment. Mr. Boyer said the contingencies of \$918,267.00, there's \$588,000.00 and change, what are the projects that are dedicated to that? Mr. Cahalan said are you talking about the Capital Fund? Mr. Boyer said yes. Mr. Cahalan said we went over that. It's listed in the Capital Fund for 2014. If you look through the entire 2014 Capital Fund budget, you will see what we are asking Council, to purpose that money for those projects for 2014. Mr. Boyer said the contingency amount, there's \$588,000.00 there and it is dedicated and there's \$328,000.00 there unappropriated. Ms. Gorman said she encompasses a number based on the capital plan that's submitted to Council in September based on the inventory schedules she receives from PW and from the PD so that she can average out a net amount of money that the Capital Fund will need to pay for these expenses for the next five to ten years. The amount that is allocated to the Capital Fund will eventually go up depending on what Council would like to do for the future. Vehicle costs go up and instead of going from a year to year basis where she is going to have

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to ask Council for \$500,000.00 to \$600,000.00 for a vehicle and \$200,000.00 the next year, she tries to budget a certain amount for each year for the Capital Fund so there's enough funding in there to make sure the vehicles will be able to be paid for and there's a consistency of the amount that's required so we're not bouncing back from year to year just to cover the day to day things we would need. Mr. Boyer said are we going to purchase any vehicles this year? Ms. Gorman said absolutely. Mr. Boyer said why didn't we purchase any last year? Ms. Gorman said because of the economy, they were holding off as long as they could and the PW Director has been trying diligently to contact these companies to get specs. It's been delayed, but yes, they will order them and they will be paid for.

Mr. Boyer said in the Special Funds, according to the one that's on line and he didn't bring every Special Fund with him, we have a total of \$559,000.00 worth of projects this year in Special Funds. We have not in the last four years, exceeded \$350,000.00 in special projects. How are we going to get all these things done that are put in there and are line items that show there's not a project, it just says we're going to do what and spend the money what's necessary. Mr. Cahalan said how are we going to get them done? That's his job. Mr. Boyer said we haven't been able to do the Steel City Park. We haven't been able to do the other things that have been out there in the budget. Mr. Cahalan said do you know why we weren't able to do the Steel City project? Mr. Boyer said yes, we're spending \$56,000.00 on engineering fees and the past month it's another \$10,000.00. Mr. Cahalan said that's not the answer. You got your point across. We have been briefing Council and the Engineer has been briefing Council that there have been delays with PennDOT and with permits from DEP. You made your point so he won't answer anything further as that's what you are trying to do, is to make a point.

Mr. Boyer said the whole point is if we have a contingency money, which Mr. Willard said is really for this year, the concern is for next year that we have money and to have money available and as we start this budget in the first three months, it's not necessary to have the extra \$500,000.00 in the budget. Mr. Maxfield said we don't know that. Mr. Cahalan said that's your opinion. Let him point out that we also made a recommendation from the paid staff here, the Director of Finance here and the Township Manager, to put the money into the contingency account. You have an opinion that it shouldn't be done and that's what it is. Mr. Boyer said the monies that are in the budget, are general, they really don't have specific projects. They have this change in how they present the budget from one year to the next year, and no one seems to know how that happens as far as the \$100,000.00. To him, that's a lot of money. Mr. Maxfield said they just explained how that happened so don't say no one knows.

Attorney Treadwell said if you start any year with \$131,000.00 cash on hand in the General Fund, how quickly will you run out of that? Ms. Gorman said probably by January. She won't make the second payroll. Attorney Treadwell said that is related to payroll expenses, insurance policies, not discretionary spending, not whether you buy a truck in the first three months or you don't buy a truck, it's all fixed expenses. Ms. Gorman said correct. Attorney Treadwell said they are fixed expenses that are due each month. Mr. Boyer said he wouldn't want that to happen and he would sit here to fight that come June or July, that you put \$500,000.00 in there if that be the case and that be the budget in June or July. Attorney Treadwell said the question that Council needs to answer tonight, is if you are doing it in June or July, why risk not having that done. Why risk having this Council voting no and start the next January. Mr. Boyer said it wouldn't be a risk if there's a responsible Council here and they would vote no on something like that even if it was necessary in May. Attorney Treadwell said do you know that? Mr. Boyer said yes. He doesn't think Tom would sit here and vote against the Township going broke. Attorney Treadwell said your point is it shouldn't be shown as a transfer in the budget they are going to adopt. They are going to adopt this year, why? Mr. Boyer said they brought a balanced budget which if you read the papers, everybody looks if it's balanced or are they behind. They brought a balanced budget as a professional team here to the Council that this is what is necessary. Attorney Treadwell said with a recommendation that money be transferred from the Landfill account to the General Fund. Mr. Boyer said only to prove that the Council wants to put the money in there, that's what Jack said. Attorney Treadwell said when you say it's a balanced budget, it's balanced using \$1.1 million in savings this year. Mr. Boyer said right. Attorney Treadwell said if

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you start next, 2015, with \$131,000.00. Mr. Boyer said he's not talking about 2015. Attorney Treadwell said you need to. If you start next year, you have to plan ahead. You can't go paycheck to paycheck. That's what he does in his business. That's what he does in his house. You don't go paycheck to paycheck. You plan ahead. If you start 2015 with \$131,000.00 in your fund balance, how will the budget be balanced for 2015 because you needed \$1.1 million this year to balance it, how will you balance it in 2015 if you only start with \$131,000.00? Mr. Boyer said he would have twelve months to make necessary changes to balance the budget for 2015 as it comes about. Do you put four paychecks in advance ahead for the next month? You don't get them until then. Attorney Treadwell said no, he plans for that. He plans that they are coming in. Mr. Boyer said when it's necessary, that's when you use them. Attorney Treadwell said right. There's \$900,000.00 difference in General Fund expenses versus General Fund revenue. That's made up for in 2014 by the \$1.1 million savings from 2013. Assuming those expenses are the same in 2015, how do you balance the budget in 2015 if you don't plan for it now? Mr. Boyer said he already planned for it now as you'd have twelve months to plan for it. Attorney Treadwell said you budget on a year to year basis, not month by month. If you start 2015 with \$131,000.00 and your revenue is \$900,000.00 less than your expenses in the General Fund, how will you balance the 2015 budget? He's not the accountant, but he's the lawyer. The math doesn't make sense.

Mr. Willard said he'll end the suspense here. He's intending to vote for the Manager's recommendation tonight for these reasons. No. 1, we should be following the generally accepted accounting principles and this is the first time with the contingency at \$131,000.00 that we would not. We agreed as a Council last time to have an independent accountant come in and look at our overall budgeting system, so he's sure these types of areas will be identified. Third, it's clearly stated and he believes it to be true that any expenditures from this line item, whether it's \$131,000.00 or \$631,000.00 has to come before the Council for approval, and fourth before this meeting is over, he's going to ask for a monthly high level report of actual vs. budget to see what's the likelihood that we're going to spend the contingency or have a higher contingency. This year, fortunately due to proper budget management, and all the things that have been discussed, the ending contingency is \$600,000.00 higher than what we agreed to in the budget last year. He's hoping that by putting in \$500,000.00 and coming to a contingency of \$631,000.00 we'll end up with another \$1 million next year through proper budgeting, but he would like tracking throughout the year at a high level and you have an example of that where the line items are limited and you can clearly see the over/under and he would like to have that for the coming year. He's going to vote for the Manager's recommendation.

Mr. Boyer said do you have the 2013 budget for the Capital Fund on what we were supposed to spend in 2013? Ms. Gorman said 2013 we had a budgeted revenue of \$1.7 million and a contingency of \$660,000.00 so she would say \$1.1 million. The majority of that was Roger's vehicles which she already discussed was delayed, and Council's decision to delay the traffic light at Polk Valley and Route 412.

Mr. Boyer said he hopes all of the things going forward just work the way they are supposed to. He knows that his checking on the Steel City thing, Jack sent him a letter and said the Council did not get to approve some of the monies approved for the engineering fund, it just came out of another line item, but there wasn't a resolution to bring that, so he hopes in the future all the resolutions for monies transferred actually happen. Mr. Cahalan said let him clarify this. We are talking about contingency accounts. That's what Mr. Willard was referring to. You're getting off into a whole other thing that is your thing about the Steel City Park fund. You brought it up twice before and you got a response. You keep bringing it up to make it seem as stuff was done that Council didn't approve. Mr. Boyer said you sent him the letter, he'll bring it to Council next time. Mr. Cahalan said he responded to your request. Attorney Treadwell said to clarify what Jack said, the budget contains a provision that says any money should be transferred from a contingency without a resolution. It doesn't say monies can't be transferred within a fund from one line item to another. Mrs. deLeon said she thinks you should read the administrative code for appropriated monies and things that are not appropriated. That's why you approve a budget with a line item in it. Attorney Treadwell said he has read the code. Mrs.

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deLeon said she has too and she disagrees with that. That's why we approve a line item budget and we say this is going to be spent for this item, this is going to be spent for another and if you exceed that, that's why we have line item budgets. Why do we even bother then? Mr. Maxfield said that's why we have too many line item budgets. He wants to make sure that the policy we've been following has a history to it, if it doesn't, we need to either vote it up or down. He would like staff to do investigation one more time if you can find a record of that. He personally feels that he doesn't want Council micromanaging the budget and he will not vote for anything that goes too far.

Ms. Donna Louder, Johnston Avenue, said she would like to understand better from Mr. Willard or whoever can answer her, this money you are taking from the landfill fund and putting it into the contingency fund, she is understanding that's where it's going. Attorney Treadwell said it's going into the General Fund. Ms. Louder said if this money is not needed and not spent, it's being put there as a buffer, a cushion? Attorney Treadwell said it's being shown as additional revenue so at the end of the year cash balance is projected to be higher than \$128,000.00. Ms. Louder said that money is just going to sit there? It has absolutely no spending purpose at this time. Attorney Treadwell said there's no specific spending purpose tied to it. Ms. Louder said now this money is sitting there. We don't need it. Everything is great, the economy goes sky rocketing and everybody is happy. Now we have this money sitting there, why don't we put a deadline on it and put it back in the Landfill Fund if we aren't going to spend it and we don't need it. Attorney Treadwell said it may be needed to balance the 2015 budget. Ms. Louder said she understands that. After the first three months of the year, then if it's not used, why can't we put it back in the landfill money? Mr. Cahalan said he read this memo, but apparently he wasn't speaking clearly enough. No. 2 in the recommendations says the purpose of the contingency fund is to have unrestricted, undesignated funds in the budget as a hedge against economic uncertainties and to respond to unanticipated events or emergencies during the year. Ms. Louder said she understood that. Mr. Cahalan said it's just not sitting there. Ms. Louder said it's sitting there in case of an emergency. Mr. Cahalan said exactly. Ms. Louder said it's a rainy day fund. Mr. Cahalan said it's prudent to do that in a budget. That's what they are saying. Ms. Louder said thank you for doing that. What she is saying is that if you don't have that rainy day, put it back in the Landfill Fund. Mr. Cahalan said then it's not available as the ending balance going forward. Ms. Louder said the first three months of 2015 and we don't need it, why would we keep it there? Why wouldn't we put it back in the Landfill Fund? Attorney Treadwell said because you are not going to know that when you adopt your budget at the end of 2014. Ms. Louder said then let it stay there until the first three months of 2015. You don't have to spend it because it's there. Attorney Treadwell said nobody said anything about spending it. Ms. Louder said this is what she's saying. It's a rainy day fund sitting in an accessible place. Attorney Treadwell said it has a second purpose and the second purpose as you can see from the \$1.1 million rainy day fund in this year's budget is to balance the next year's budget. Ms. Louder said then she does not understand this is a rainy day fund. It's basically sitting there to carry over. Mr. Maxfield said it's both. It's a rainy day fund, but as previously mentioned, it's not a contingency fund, it's a revenue fund. It is not specifically for anything, not rainy days or anything. It's revenue into the Township. Ms. Louder said then let it sit in the Landfill Fund. Attorney Treadwell said why? Ms. Louder said why not? Mr. Cahalan said why can't it be moved from the Landfill Fund into the... Ms. Louder interrupted and said you can, if you want to keep us safer that way as residents of this Township, please do so. Mr. Cahalan said that's what they recommended. That's what they are doing. Ms. Louder said if we don't need to use it, put it back and save it. Mr. Maxfield said we don't know that. Ms. Louder said what if we don't need it, put it back. Mr. Cahalan said then it will roll into the next year's budget as we need to do multi-year budgeting. We also explained that if there is additional money we don't need, we have been putting it in the operating reserve account. There's a million dollars in there of that money that came from there. We have been doing that. Attorney Treadwell said if you don't have the savings at the end of each year to help offset the expenses for the next year, then taxes have to go up to cover the cost, so that's what it gets used for. Ms. Louder said exactly. Attorney Treadwell said isn't that a good thing? Ms. Louder said that's what she just told you. Attorney Treadwell said no, you didn't, you said put it back into the Landfill Fund, that's not the same thing. Ms. Louder said exactly. If you can move it to the Landfill Fund to the Contingency Fund, anytime after the first three months of the year, what is the big deal about

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taking it? Do you understand what she's saying? Attorney Treadwell said he doesn't and he's trying to understand to help you understand the budget. Ms. Louder said she understands you are looking at year one, running into year two running into year three. She understands that. She understands what you are using as the cushion. It's the landfill money coming as the cushion, being moved into year one and if we don't use it, it's being moved into year two, then two, then three. Why would it continue to move forward instead of going backwards? Attorney Treadwell said because it's not just a cushion. In this year's budget, the \$1.1 million budget cushion is being used to offset the \$900,000.00 difference between revenue and expense. The revenue in the General Fund is \$900,000.00 less than the expenses in the General Fund, so the \$1.1 million cushion gets used to cover that difference, so you need a cushion next year as you'll have the same deficit. You need to cover that and the year after that you need to cover that. You just can't put it back. Ms. Louder said we're going around in a circle. 10/31/06 that's the day, our first goal with this budget is to take the income received from the Landfill tipping fees and invest and grow these funds for the future. Have we done this? Mr. Cahalan said yes, we have. Ms. Louder said how much do we have? Mr. Cahalan said \$1 million in the operating reserve fund. Ms. Louder said in 2007, we got \$2 million and in 2008, we got \$2 million, and in 2009, we got \$2 million and in 2010, we got \$2 million, where's the rest of it? Mr. Cahalan said from where? Ms. Louder said the landfill money. Attorney Treadwell said it gets used to cover the difference between the General Fund expenses and the General Fund revenue. If your tax revenue is \$1million and your expenses are \$2 million, then you have to get revenue from somewhere else to cover that difference or you have to raise taxes. Ms. Louder said exactly, but where she's going with this, the expenditures created when the landfill money was coming in went astronomical. That's what you are banking on. The budget itself is balanced. You're looking at the landfill money to clean up the loans, not run the Township. 10% of it is running the Township. Attorney Treadwell said the budget itself, the General Fund operating budget has a \$900,000.00 deficit. The expenses are \$900,000.00 more than the revenue. Ms. Louder said she understands that. Attorney Treadwell said it's not balanced, it's balanced using the carryover from the previous year and that's how it gets balanced in the succeeding years. Ms. Louder said putting \$1 million away with the amount of money that we have taken in from the landfill tipping fees, is disgusting. The spending habit is what created it. Mr. Cahalan said for fire trucks, fire equipment. Ms. Louder said excuse me. Mr. Cahalan said excuse me. Mrs. deLeon said we're not supposed to be rude here. We're supposed to be decent to our residents, they pay your salary. Mr. Maxfield said let's be accurate again, please. Ms. Louder said when was the last time we donated money to the fire trucks. Mr. Cahalan said what he resents is being questioned as if there is some wrong doing with the budget. Ms. Louder said you're not being questioned because of wrong doing. You're being questioned because you are sitting in front of her as the Manager of the Township that she pays her taxes to, that's why you are being questioned. Excuse me for insulting you, that's ridiculous to be treated this way as a citizen and a taxpayer in this Township. Mr. Maxfield said you are the only one yelling right now. Ms. Louder said excuse me, I'm not yelling sir. Mr. Maxfield said it sounds like it is to him. Mrs. deLeon said she thinks Council needs to...Mr. Maxfield interrupted and said yes, please, order, absolutely, point of order, Council also. Mrs. deLeon said point of order, if you know what that means. Mr. Maxfield said he knows exactly what that means, some people don't.

- MOTION BY:** Mr. Horiszny moved that we move \$500,000.00 from the Landfill Revenue Fund to the General Fund Contingency Fund as requested by the Manager.
- SECOND BY:** Mr. Maxfield
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

Attorney Treadwell said you also need to make a motion to adopt the Preliminary Budget with the changes that Cathy discussed so they can be advertised.

Mrs. deLeon said in this year's budget, the door in front of the building is up for replacement and the basement. Wasn't that in the last budget and the year before that? Ms. Gorman said yes, it was. Mrs. deLeon said can somebody explain to her why that didn't get done? Mr. Cahalan said they've been

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managing again to have that healthy balance at the end of the year. They've only been focusing on priorities, and essential needs. They have been having their PW Department make the necessary repairs so that it is serviceable. That can only go so far and we need to replace the door and that's why we are back this year asking for that funding. Mrs. deLeon said after the budget meeting we had on the 23rd, she presented a list of repairs for the Heller Homestead. She knows there's a few things in the budget being the steps and has anything else been addressed by the administration on the list for next year's budget? Mr. Cahalan said has it been addressed right now? Ms. Gorman said not in this budget. She knows some of the items you had discussed, PW was out there doing maintenance type issues in the last couple of weeks. She has no idea what to budget based on the photos you showed. She doesn't think anybody would really know. If that's something our PW Department could do or if it's something that an outside contractor could do. Mrs. deLeon said off the top of her head, there's damage to the chimney. Mr. Cahalan said that's being looked at. Mrs. deLeon said is that in this year's budget? Mr. Cahalan said he doesn't know what's wrong with it. He thinks she showed a picture of some sort of vegetation growing from it. Mrs. deLeon said there were bricks and mortar, she doesn't have it with her. Mr. Cahalan said they will look into that. Ms. Gorman said if Council wants to move money to put in that contingency line item to make sure there's enough to make sure those expenses get done next year, then that will need to be a motion from this Council. Mrs. deLeon said the garage ruins, we talked about that. Mr. Cahalan said we have to bring the plan back that Boucher & James put together for discussion. Mrs. deLeon said will that be this year or next year? Mr. Cahalan said we can bring it back to a meeting before the end of the year. Mr. Maxfield said all these expenditures get voted on by Council. Mr. Cahalan said correct.

Mr. Willard said just point of clarification, didn't we discuss last time there's \$35,000.00 line item for historical structures? Ms. Gorman said that's not allocated to anything. If Council were to do so, you could use that funding for Lutz-Franklin and/or the Heller Homestead. Mrs. deLeon said could that wording be included on the historic structures pages, right now it only has Lutz-Franklin on there. Ms. Gorman said she can add it. Mr. Maxfield said are we saying it's coming out of the historic structures now? Ms. Gorman said the historic structures account has \$35,000.00 in it, it's not dedicated to anything as of yet. Mr. Willard said we discussed this last time. Ms. Gorman said correct, we did. Mrs. deLeon said what she is saying there's three historic structures in this Township, the bridge, the schoolhouse and the homestead. Mr. Cahalan said correct. Ms. Gorman said it would be much easier funding wise if anything from historical structures was in one fund or put it into the Capital account. Mr. Maxfield said what else are we drawing from if we aren't drawing from the historical fund to do repairs to the Heller Homestead. Ms. Gorman said the only other funding that's left in the Heller Homestead account was a recreation fee that's supposed to be for the development of that park area. Mr. Maxfield said that's something else we need to straighten out in the budget. Historic structures need to come out of historic funds, and recreation needs to stay in recreation. Mrs. deLeon said when you say that, there were certain parks established in the Township as a result of developments, is she correct such as the Southeastern Park. Attorney Treadwell said he's not sure, did a developer build the Southeastern Park? Mrs. deLeon said absolutely in 1988, we got that from Hovnanian. Attorney Treadwell said he wasn't here. Mrs. deLeon said she was. She's telling you. Attorney Treadwell said he knows, you asked him and he doesn't know the answer. Mrs. deLeon said Southeastern, nobody knew that. It was given to us as a result of Hovnanian, they first proposed the 14-acre Heller Homestead Park, and that was 14 acres. They were supposed to meet a certain acreage for their recreation fee. Ms. Stern Goldstein said based on the number of residents, there was a certain acreage assigned per dwelling unit. Mrs. deLeon said it had to be good land, flood plain, and they didn't meet that. They not only had to give us the Heller Homestead Park, but they had to find other acreage other place in the Township and that's how we got Southeastern Park. Ms. Stern Goldstein said thank you, she didn't know that either.

Mr. Willard said back to the earlier discussion, on page 116, there's three line items, maintenance and repair to historical structures budgeted \$35,000.00; maintenance and repairs to the Lutz-Franklin Schoolhouse with a zero budget and the Old Mill Bridge with a zero budget. Ms. Gorman said the \$35,000.00 would be brought to Council and they would advise Council at that time we would be

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paying it out of that fund. It doesn't have to be identified as Heller Homestead. It's up to Council what is needed, when it's needed.

Mr. Maxfield said his question is, we've done work on the Heller Homestead, where did that money come from? If it didn't come from the Historical Structure fund, then it obviously came from the Recreation fund. Mrs. deLeon said you have to understand that rec fee was given to the Heller Homestead Park which included the historic buildings, so any monies that were given to us by developers over the years, went to that park, which included, not only the rec fee. Mr. Maxfield said he knows what she is saying, but the park is a separate entity from the Homestead itself. There's a lot line drawn between them. Mrs. deLeon said there are two lots and if you look up the Society Hill documents, it includes Lot 1 and Lot 2 which includes 14 acres. It includes both lots. Mr. Maxfield said right now we have a park which is not the Heller Homestead and we have the Heller Homestead which is not the park. If that's the case or the way it's been in the past, then we need to change it. Mrs. deLeon said she thinks the parks identify the Heller Homestead as 14 acres, which is in our rec plan. Mr. Maxfield said then we need to change that. Mrs. deLeon said we can't change that as it was given to us as open space and recreation. Mr. Maxfield said we'll see if we can change it. Ms. Gorman said just for clarification, historically, we had always appropriated money to separate park funds and historical funds from the General Fund. Unfortunately, there's not that much money in there to do that this year. Mrs. deLeon said \$5,000.00 you did that a lot of years. Ms. Gorman said part of the planning process is to put \$5,000.00 a year towards each park so that when something needs to be replaced, there's money there to do it. It would be just a matter of Council getting an estimate and whatever year that's decided to do, if it's a \$50,000.00 project, you would only need \$10,000.00 because you had \$40,000.00 saved. Now it seems we're reverting back to going year to year. If that's Council's decision to do, then that's what we'll do.

- MOTION BY:** Mr. Horiszny moved for approval of the Preliminary Budget for 2014 with the changes made.
SECOND BY: Mr. Willard
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

B. ISEI PA BETHLEHEM LANDFILL MINOR PERMIT MODIFICATION TECHNICAL COMMENTS

Mr. Maxfield said the Township Landfill Consultants have prepared technical comments on this application which Jim Birdsall will review and request that they be forwarded to DEP.

Mr. Birdsall was not present, so Mr. Kocher spoke. He said after the technical consultants reviewed the permit modification, they are suggesting several comments be forwarded to DEP. The first one is to make sure any of this alternative daily cover is subject to the hosting fees. Then they are recommending that four conditions be attached to the permit if DEP issues it. No. 1 is that leachates from the Landfill are not to be used as a water source for the Posi-Shell project. No. 2, no composting and municipal sludge will occur on the site. No. 3, the process of using construction demolition debris to render fines for the alternative daily coverage be prohibited; and No. 4 all material must satisfy the approved waste acceptance plan. A response letter has been received from Martin and Martin and they have agreed to these conditions. Jim is suggesting they be passed along to DEP for their consideration.

Mrs. deLeon said she had received an email from Jim Birdsall and he had received a delivery from Martin and Martin with their responses. She had sent Jack an email, did anyone follow up on that so any correspondence regarding Township issues come directly to the Township? Mr. Cahalan said no, he hasn't done that yet. Mrs. deLeon said she thinks there are IESI representatives here and things change at every meeting and we have a Solicitor sitting here, but it's always been standard practice that any correspondence regarding Township business comes through the Township and then it gets stamped in and delivered here, there, wherever. It should never go to the Solicitor or

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Engineering office. Attorney Treadwell said he would agree with that. Mrs. deLeon said thank you, let's write that down. She asked if anyone from Martin and Martin was there? Mr. Bodner came up front. Mrs. deLeon said the Martin and Martin letter dated October 31st, under the first item, it says deliveries of ADC material will be within the maximum and average daily permit levels and thus traffic should not be an issue. Fees for ADC usage will be paid in accordance with DEP policy. Why doesn't that say our host fee? Mr. Donato said the fees are set by PA DEP, and the host fees will be paid also. The fee is set by the department at one dollar minimum per ton. They have a host agreement with the Township that's above that. This is a generic statement that all fees will be paid. Mrs. deLeon said you still have to pay DEP and us then? Mr. Donato said they have to pay everything. This is considered a waste that they are using to cover our waste material. It doesn't matter, all fees will be paid and it will stay within the ADV and the MDV, so there's no increase in truck traffic. Mrs. deLeon said great, that's what she read. She was confused about that word. On page 3, the comment from HEA's letter, we would ask the PA DEP not to approved any of these ADC's that have been used at other landfills where ongoing odor complaints can be attributed to that particular ADC. You have in bold, no comment. She's concerned about odors. Mr. Donato said the only thing is these materials have been approved throughout the state. The approvals are attached in their submittal that Jim and the Township have and have reviewed. If they generated any odors, his understanding is that the Department would not have approved them. Mrs. deLeon said a lot of these approvals and the approval letters from DEP in the packet you sent a couple of weeks ago, were old approval letters. She knows they were a few years old. Mr. Bodner said he thinks they all got approved within the last year. Mrs. deLeon said she saw one that was older than that. Mr. Donato said a little history. The site has been using daily alternative covers for about the last 12 years, so they are just modifying the different materials they are using, that's what this application is all about. We haven't had odor issues to date. Mrs. deLeon said she understands what you are saying, but her question still remains. She knows there are odor issues. Every now and then you have an odor issue as our residents complain. She knows Chrin landfill has odor issues. She just wants to make sure, and it's DEP approved, your site is DEP approved and we still have odor issues, so these other materials you are going to be using, in other landfills they don't have a problem. You can't tell her that, you know other landfills. Mr. Bodner who did not give his name said if there was a problem with odors, then DEP wouldn't be approving them. Mr. Donato said exactly. When this material gets approved, wherever it's used, an inspector from the Department will come out and do an observation. At that point, they will make a determination if there is an approval. You can't associate them with the other facility that's in Northampton County, please. Mrs. deLeon said why can't we. Mr. Donato said he thinks there's a big distinction there. Mrs. deLeon said you were both approved landfills, both got your plans approved and half of theirs slid down the mountain. Mr. Donato said again, he stands by his statement. Mr. Maxfield said let's address the one in our Township. Mrs. deLeon said she can say whatever she wants up here. Mr. Donato said that's fine. Getting back to their application, they are simply modifying the ADC's that they have been using for the past 12 years. These have been approved throughout the state and they decided it was time for them to expand their application. In the application, there are approvals from PA DEP, to back up where this material has been used throughout the State. Mrs. deLeon said going back to HEA's letter of October 21st, and she's assuming that's going to be the sample letter, or the basis to our letter to DEP, is that correct? Mr. Kocher said it can. Mrs. deLeon said it says in here about concerns over some of these products being used. We would ask PA DEP not to approve any of these ADC's that have been used at other landfills where ongoing odor complaints can be attributed to that ADC. That particular sentence is going to stay in there, correct? We are asking DEP to provide us with that information? Mr. Kocher said sure. Mr. Maxfield said was it Jim that wrote the letter, and where did that comment come from? Are the consultants aware of any kind of odor that's been associated with these in the past? Mr. Kocher said Jim's letter is a compilation of all the consultant's comments, so he doesn't know which particular consultant and where it came from. Mr. Maxfield said we don't have a specific record? Mr. Kocher said not that he's aware of. Mrs. deLeon said in the past when the previous owners of the landfill used sewage sludge and basically that's what you are doing, you are taking it in, whether you are using it for cover or whatever, and there was definitely odor problems,

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so she's sure the Landfill Committee knows that from the history. There were also NOV's issued because the sewage sludge was wetter than accepted. She's not saying the right words, but she sees Maryann's head bobbing up so she knows what she's talking about. We don't want you to get another NOV and neither do you. She knows past committee meetings we talked about sewage sludge and she remembers you kind of didn't want to take in sewage sludge as you didn't want to deal with the odors. She knows there are odor problems at different landfills and she just wants to make DEP is aware that we know that and if there are issues, she hopes they are honest and tell us. That's all we can ask of them to do. Mr. Donato said the only comment he can make to that statement is if any municipal sewage sludge does come into the facility, it will be composted prior to coming in which in many places are used as a soil additive to create top soil. It's not sewage from a sewage treatment that would be used. Mrs. deLeon said she's going to take you back to the late 1980's when DEP approved naturerite which is a cover to the original landfill. They promised nothing would happen there and we had four feet of foam falling and she has a movie of it. The foam was sliding down the north slope going over the Narrows, going down the cliff wall, going over the railroad tracks and going into the Lehigh River. They received an NOV for that. It was an approved source from DEP, so don't say she's making mountains over mole hills as she's been there, done that. She's been around the block too many times.

Ms. Louder said the landfills that are currently using this sludge soil, how close are they to a residential area? Mr. Bodner said he did not know, and Ms. Louder said thank you, done deal. Can somebody do a little research before you go bam, yes. Mr. Maxfield said he thinks that might be the Landfill Committee's research to be done. Ms. Louder said excuse me. Mr. Maxfield said order. Ms. Louder said no. You listen. It's Hanover...Mr. Maxfield said order, I will have your thrown out. Settle down, take your seat, order. Ms. Louder said she has order. Mr. Maxfield said if you have something to say, you can say it, don't start telling him what he's going to do. You got something to say, do it in a reasonable fashion. Ms. Louder said we are paying Hanover Engineer a fee every month to get these answers. She sits before you asking you how close is a residential area to a landfill that is using this sludge? Why can't this gentleman who is an engineer as well, who does this for a living, answer the question, or why can't Mr. Kocher answer it for her? It's been on the agenda, you received it on Friday. Why can't that question be answered? Again, silence. Attorney Treadwell said he doesn't believe nobody knew you were going to answer that question. So how could they prepare to answer it? Ms. Louder said that should just be common sense. If you have residents living near the landfill and it's mentioned there is an odor problem with this coverage, which it is mentioned by Mr. Birdsall in several pieces of his emails. Attorney Treadwell said you are asking me why Mr. Birdsall didn't answer a question you asked tonight. Ms. Louder said she's not asking you that. She's asking why there wasn't common sense used. On April 18, 2011, IESI sent a letter that says to Ed Dudick, Waste Management Program, Wilkes Barre, and they were doing a compost sludge manure or organic material study, and the Township knew all about it and there were all kinds of wonderful questions and six months later it went sour and went dead and nobody ever mentioned it again. So now, here it comes again for us, and she wants to know how close is the landfill that is using this sludge? Mr. Cahalan said isn't that an appropriate question for the Landfill Committee? Ms. Louder said it's for an engineer. Mr. Cahalan said isn't there an engineer that attends the Landfill Committee meetings? Mr. Maxfield said he thought there were several. Mr. Cahalan said aren't there Landfill Consultants that the Township pays that attend the Landfill Committee meeting? Mrs. deLeon said we haven't had a meeting since we got this application. Mr. Cahalan said that can't be transmitted by email to the consultants? Ms. Louder said she did that. Mr. Cahalan said oh, you did ask them. Before the meeting tonight? Ms. Louder said yes. Mr. Cahalan said, thank you.

Mrs. deLeon said paragraph 8 comment on page 3 on HEA's October 21st letter said we would ask that PA DEP not to approve any of these ADC's that have been used at other landfills where ongoing odor complaints can be attributed to that particular ADC. Can we add some wording in there and let us identify sites that have had odor complaints. Attorney Treadwell said you can add anything you want. You can ask DEP, but he's not sure if they will respond to the question. Mr.

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Kocher said you can add it. Mr. Maxfield said we don't even know if the odor is associated with any of the ADC's, as long as we are asking raw information if it is or it isn't. That's what he would ask. Mrs. deLeon said she backs up as she knows there are issues with sewage sludge. Mr. Maxfield said didn't we ask earlier if there was any record or and nobody said anything. Mrs. deLeon said not recently, as they have stopped taking in the sewage sludge. When was the last time you took sewage sludge in? Mr. Donato said prior to any waste coming in to their facility, their Compliance Manager, Mr. Schleyer will go out and inspect the waste and identifies it. They have turned down a number of wastes simply because they generate odors at the point of origin. For example, there was a waste water treatment plant at the end of the road. That sludge does not come to their facility for the simple reason that it has an odor and they struggle to manage it and anybody who drives by it can identify with it. Two, they go out of their way to make sure that they have no impact on the residents with the waste streams that they accept. The decomposed sludge is what is used on land applications and is used as a soil additive. It's not raw sludge that some other facility took 20 years ago and he can't comment on that. He can only comment on what they do and why they try to do it and what they are doing. Mrs. deLeon said she does recall those conversations with Allen at their monthly meetings when they did discuss not taking the City's sludge. Mr. Maxfield said you said the sludge you do take in would be composted? Mr. Bodner said that's one of the permit conditions that you wrote in the letter which they agreed to. Mr. Donato said if it comes in as an ADC, it's going to be composted before it comes in or they aren't going to accept it. It's very simple. Mr. Maxfield said this is why he would ask DEP if they are aware of any complaints associated with any of the agencies that are proposed and call the sludge, composted sludge. That is a reasonable request. Mrs. deLeon said we do have that in there, it's No. 8. Mr. Maxfield said that's not what we're saying. We're asking them not to approve any of the ADC's where there are ongoing odor complaints, we don't to this point know if there are any odor complaints. Mrs. deLeon said they'll tell us if there are any or not. Mr. Maxfield said he thought that's what we were proposing to ask for, information about whether it exists or not.

Mr. Al Schleyer from the Landfill said they clearly stated it's composted sewage sludge, so that means it's been broken down. It's much like composted leaves that's been broken down over the years. Mrs. deLeon said you're correct, she's using the wrong words. Yes, you are right. Mr. Schleyer said there's a huge difference between sewage sludge and composted sewage sludge as it's been properly composted. All the organics have been broken down into, as Sam has said, it's a soil amendment at that point and some places market it for that. They bag it and people put it in their flowerbeds. Mr. Maxfield said on that note, if everything is composted that comes in, if the sewage sludge is mentioned anywhere in this letter, it should be noted as composted sewage sludge. Mrs. deLeon said it is. Mr. Maxfield said let's make sure it is. Mr. Schleyer said a big part of daily cover is to suppress odors, so the department isn't going to approve something that's going to generate odors. That's one of the requirements of a daily cover to suppress odors so it's kind of like a built in understanding of what the definition of a daily cover is. Mrs. deLeon said the four points at the end of the letter, it says you agree to leachate shall not be used as a water source for mixing the Posi-Shell product, no composting of no municipal sewage sludge on site will occur, sludge used as ADC will be delivered to the site in composted form, processing of construction/demolition debris to render fines for ADC is prohibited. What does that mean? Mr. Donato said C&D are recycling centers that recycle wood, metal and various materials, and there's usually soil involved in it and sandy fines. They drop through the screens and that's what they will be using at the ADC's. Mrs. deLeon said sorry, Sam, but when she sees the word "fines" she thinks of dollars, what you just said. No. 4 all materials must satisfy the approved waste acceptance plan. Mr. Bodner said these are your words and your engineer's words and we are agreeing to that. Mrs. deLeon said she understands that. Your letter says that from Martin and Martin.

Mr. Willard said what were you doing in lieu of this and why are you taking this approach with the ADC's as it's such a process for all of us to implement. Mr. Donato said it's really a two-fold question. One, they have a soil deficiency at their facility at this given time, they have something in

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front of this board for the Fox Property as a potential borrow area. They are looking at an alternative means of covering their waste product while they are going through the process to extract that soil and this is just another component which will play into it. Mr. Willard said he thought that may be the case, but thank you for the explanation. Mr. Schleyer said in addition to that, it allows them to be a little more competitive with others within their industry in the area and it also will reduce the amount of soil that was taken from other places to be used as a cover in a landfill. It's kind of conserving soil and leaving it where it should be for other uses rather than to just cover up trash every day. Mrs. deLeon said when we get paid the host fees, is that going to be on the regular tonnage or is that the higher amount? Mr. Donato said that will include anything that crosses their scale whether it's an ADC or an MSW or a special waste as stated. Mrs. deLeon said you didn't answer her question. We have two tonnage fees. Mr. Schleyer said it will be approved as a residual waste, a beneficial use to them and that's the higher rate. Mrs. deLeon said she just hopes there's no odor issues, that's what she is concerned about. The more money we get because we're not wasting it on daily cover, we are getting paid for that space every day. Before it was 6" of daily cover and do you take that off then? Mr. Schleyer said they try to scrape it back as much as they can. At that point, they lose some of it. Mr. Horiszny said your savings will come and you don't have to take this off each day. Mr. Donato said correct. Mr. Horiszny said we actually get a benefit as we are getting paid for daily cover that we don't get paid for now. Mr. Donato said yes. He said not to put a nail in the coffin, but maybe you need a line item in your budget for this.

Mr. Joe Graziano, Clearfield Avenue, said when someone makes a complaint about an odor or any other complaint, is anything like the weather documented, the wind direction and where that person is making the complaint from so you can identify or possibly try to angulate that that smell may be coming from a sewer main break from two blocks away down the street and not from the facility. Mr. Maxfield said he believes they catalog all that information. Mr. Graziano said has anyone who had complaints about the odor looked into that and tried to provide that's where it's coming from? Mrs. deLeon said it's difficult. She asked him if he lived by the landfill? Mr. Graziano said no. Mrs. deLeon asked if he lives in the Township? Mr. Graziano said he used to live in NJ near a landfill and it did have some odor. That's a totally different landfill and he drove by Freemansburg recently, and you can't get that smell out of your nose. He knows that wind direction, weather, cloud cover, environmental factors will keep a smell traveling in a different direction, so he's just wanted to throw that out there that it's a prudent idea to keep track of that. Mrs. deLeon said she doesn't want to say it's policy, but generally when people complain about the odor problem, they call the Township or they call the landfill directly and they usually respond pretty quick in figuring that out. That's during the day. If it's after hours or on a weekend, but to prove it's the landfill, that always doesn't happen. You can call DEP and complain about an odor complaint. She knows the Township was very active in the MFS plant when it was on Easton Road smelling up everything and they went to DEP to get that shut down and they did shut it down. Mr. Maxfield said the EPA shut it down. Mrs. deLeon said DEP, EPA, whatever, it was odor based problems, so they don't want that to occur again. Residents need to know that. They can call DEP and complain about odors. Most people don't know to do that. Mr. Graziano said is DEP the most efficient place to contact? Is there one source that keeps track of all the information, the weather and those things as it seems it will continue to be a complaint even if it's not evident where it's coming from unless there's one source who is keeping track of this and look at a report at the end of the year and say there are ten complaints and coming from the same five neighbors, same neighborhood and same area and this is how we can address them. It seems like this is going to be an ongoing debate until the landfill is closed. Mr. Donato said he usually addresses the board, but they have a complaint log which is reviewed by the Landfill Committee on a monthly basis. They document every complaint that comes in. They investigate the complaint. They get back to the complainant on what they found. Whether they found an odor from their facility or another facility and they respond to the complainant. They keep an ongoing log of every complaint that they get a call on. They follow up with them. Al looks at wind direction and weather and so forth and so on and that is reported to the Landfill Committee every month. Mr. Maxfield said there are multiple places to

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go, DEP says they'll be out in 40 minutes. He knows our Landfill Consultant and IESI respond very quickly which is nice. Mrs. deLeon said does DEP ever find out about the complaint? Do they ever read their minutes? Mr. Donato said they get a copy of the complaint log every month when they come in and do their inspections.

Mr. Maxfield said nothing is being approved other than the letter being sent to DEP. We're not approving any of the processes mentioned or anything else which was talked about tonight. It's simply an approval of the letter.

MOTION BY: Mr. Horiszny moved for approval to send the letter to DEP.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Kern – Absent)

C. ORDINANCE NO. 2013-05 – PEDDLING & SOLICITING ORDINANCE DISCUSSION AND UPDATE

Mr. Maxfield said staff will provide more information prior to the Council meeting.

Attorney Treadwell said this is the ordinance we had a public hearing on recently and the intent of the revisions to the Peddling and Soliciting ordinance was to change the time frame as to when it's allowed to require a license and to set up permit fees and it also had the registration on the peddlers on it and the no peddling list that citizens' could apply for and put their name on so they aren't subject to these types of solicitations. At that meeting, there were questions from the audience about the time aspect to when it's allowed. There were also some questions as the previous version had no peddling on Saturday's and questions about how the PD would feel about this. There were conversations with the PD and they didn't appear to have a problem with allowing it on Saturday's. They recommended you set a fee of \$100.00 for the permit and that was based on researching the fees at other municipalities and they also recommended an expiration time for permits and that would be no longer than six months. Those are the updates they got for you based on the questions and those updates came from the PD.

Mrs. deLeon said you are saying for \$100.00, it covers a six month period. Mr. Maxfield said no longer than six months. We have the option to make it shorter. Attorney Treadwell said their recommendation as no longer than six months. If you wanted to make it four months, you could make it four months. Mr. Maxfield said what are the provisions if there are specific complaints about a peddler? Attorney Treadwell said he thinks those complaints go to the PD since they manage this program and if the PD finds that specific peddler has violated a provision of the ordinance there are penalties in place or they could pull the permit. Mr. Horiszny said did the \$100.00 fee research include the six month time period also or do we know if that got researched? Mr. Cahalan said they were both researched. Mr. Maxfield said he doesn't know how the rest of Council feels but he went away from the meeting last time not fully convinced that Saturday was a good deal. He kept thinking about a regular work week for normal people would be Monday through Friday, then to have a day off and a solicitor show up at your door is not too cool. He's not in favor of the Saturday allowance. He'd rather have a five day soliciting week. He agrees with the \$100.00 permit and he could go for a six-month period if it could be yanked by the Police at their discretion.

Mr. Horiszny said if we indicate they can do it on Saturday, then it should be a shorter monthly period.

Mrs. deLeon said not everybody works Monday through Friday, they don't have the luxury. Most people work seven different days, different shifts of the week. She can live with what they are presenting with the changes on the memo. She would support allowing it on Saturday's and the

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\$100.00 fee with the six month period and the Police being able to pull the permit if there's a problem.

Mr. Willard said does the current ordinance allow Saturday and Sunday? Attorney Treadwell said the ordinance that's in effect now says no peddling anytime on Sunday or any other day of the week before 9 am or after 9 pm. The proposal was to say 9 am to 6 pm Monday through Friday. The one on the books says Saturday is okay and 9am to 9 pm is okay. The proposal originally came from the PD was to change 9 am to 9pm to 6pm and take out Saturday so it was just Monday through Friday. The PD has since come back and said they don't have a problem with a Saturday. Mrs. deLeon said what about the times? They didn't cover the time. Attorney Treadwell said the time is in the original order. Mrs. deLeon said they aren't changing that? Attorney Treadwell said 9 am to 6 pm is their recommendation. What it says now in your current ordinance that's in effect is 9 am to 9pm. Had you not been considering Ordinance 2013-05, the time would be 9 am to 9 pm and it was every day except Sunday. The PD requested that you consider adopting an ordinance that would change the time from 9 am to 9 pm from 9 am to 6 pm. That was a reduction of three hours. Their belief was that 9 am to 6 pm keeps it more within the daylight hours where as 9 am to 9 pm tends to have more peddling and soliciting taking place at night. Mrs. deLeon said a bullet on this memo should have said 9 am to 6 pm. Attorney Treadwell said no, it's already in the ordinance amendment we had the public hearing on the last time. The questions that came from the audience and that Council had for the PD were about Saturday's. It wasn't about 9 am to 6 pm. Mrs. deLeon said unfortunately it wasn't included in our packet and she doesn't have the prior packet with her. Ms. Huhn said she'd like to clarify on the PD's response to the Saturday. They were not advocating Saturday's, but they said if Council wanted too, they would have no problem with it.

Mr. Willard said the person who made public comments before had a pretty compelling case for Saturday. That was one person and he assumes that to be a legitimate person who has to operate under this ordinance. He thinks it is true that most people are not home during the week, so Saturday gives them a little better opportunity to promote their business if it's a legitimate business and licensed by the Township or permitted. Mr. Horiszny asked Mr. Maxfield if he would agree that we could go Saturday's included and go to four months instead of six months? Mr. Maxfield said yes, that would give them three times a year review. That would be fine. Mrs. deLeon said she doesn't see why you have to do the shorter four months, if there is an issue, the PD is going to find out about it and they are going to take action. If there are no problems reviewing it every three months, they are just paying more money. Mr. Horiszny said exactly, we get more money. Mrs. deLeon said she's not doing this to make more money, she's doing it as these people are self-employed. Some people who have never been self-employed don't get it. Mr. Maxfield said he doesn't have a problem with the four months, that's reasonable.

Ms. Tammy Hutterer, 2368 Wassergass Road said the 9 am to 9 pm during the week would be great. She knows you don't want to be bothered in the evening, but a lot of the companies, especially the large reputable companies do pay a franchise fee to the Township to have their representatives come out to do a direct sales approach. There is a little bit of a kick-back. As far as the independent Joe Schmoe...Attorney Treadwell said he doesn't know the companies she's talking about. Ms. Hutterer said she can't tell you which one she works for, but she knows they do pay a franchise fee to have...Attorney Treadwell said cable TV companies pay franchise fees. Ms. Hutterer said she knows and they have a direct sales market approach that does go door-to-door. Attorney Treadwell said there are numerous other peddlers and solicitors who don't pay a franchise fee. Ms. Hutterer said and those are the people, and that's what she was just thinking when she left the meeting, for the larger companies that there could be a lower fee, just for the license because there is a kick-back that's going back to the community where as an independent sales rep...Attorney Treadwell said it's a franchise fee, not a kick-back. Ms. Hutterer said yes. Attorney Treadwell said there's a difference in terminology. Ms. Hutterer said she loves using kick-back as a term of hers, but yes, they do, but for every home that one gets installed, there's a franchise fee that the Township gets as well. Isn't there? She's then been misinformed. Mrs. deLeon said it's

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the law. They have to pay that. They aren't doing it because they want to, trust her. Attorney Treadwell said if we're talking about cable TV companies, which we aren't talking about, because we don't know that's who this person represents, there are also companies that pay no franchise fees to the Township. Mr. Maxfield said we'd see it in our budget line items and it's not in there. Ms. Hutterer said also the 6:00 pm during the week, she would hope you might be able to do it a little later than 6:00 pm as at that time most people are coming home and relaxing, just kicking off their shoes, eating dinner and it's before the 8:00 pm hour when all the good shows come on TV and a lot of times people don't mind talking. If you don't want to talk, you don't answer the door if somebody comes. That's basically it, and to respect the No Soliciting list as well. Mr. Maxfield said we haven't ever offered that No Soliciting list before. He has a feeling the longer we make the hours and the more days we allow, the more people will sign up on that list, he knows he will sign it. Ms. Hutterer said that's fine. You may miss a good opportunity. Thank you for considering the Saturday, she appreciates that.

Mr. Joe Graziano said when the Police are issuing these permits, are they checking the sexual predator list and things like that to make sure these people are reputable folks. Are they checking criminal records and things like that? Attorney Treadwell said there's a requirement in the ordinance that the person applying for the license supply a copy of a criminal history report obtained from the Pennsylvania State Police. Mr. Graziano said perfect. One other suggestion might be the sign-up list would be available to do it on-line which would be fantastic. He as well would opt out.

Mrs. deLeon said this opt out list, you are going to publicize the residents names and addresses? Mr. Cahalan said no, he means he would submit his name to be put on the list. Mr. Graziano said he would prefer to go on line and put his name and address and then the Township would give it to the solicitor and say don't go to this person's address, he doesn't want to be solicited to.

Mr. Maxfield asked how Council felt about the four month period. Mr. Graziano said does this include religious groups as well? Attorney Treadwell said there are exemptions for that. At the last meeting we discussed the Girl Scouts and some charitable organizations. Mr. Graziano said exemptions as they don't have to pay a permit fee? Attorney Treadwell said the ordinance doesn't apply to them. Mr. Graziano said would it be possible for them to receive a do not solicit list. If he signed up on the do not come to my house, he doesn't want someone to come knocking on his door. He has a one year old baby at home, so he doesn't anyone knocking on his door, Fed Ex, UPS, he taped over his doorbell and put a sign saying please don't knock. When the Jehovah Witnesses come to his house, he's not really happy about it. He can't tell them to go away as they keep coming back. He has nothing against Jehovah Witnesses, he just wants to be clear about that and he uses that as an example of a religious group that knocks on his door and he's not happy about it.

Mrs. deLeon said if we don't regulate like the Girl Scouts selling cookies or sports kids selling something for their sports team, they wouldn't get a list. Attorney Treadwell said he's reading the ordinance again, it does not apply to farmers selling their own produce to the sale of goods where goods and merchandise proceeds whereof are to be applied to any charitable or philanthropic purpose. Mr. Graziano said would a farmer selling goods at his house be considered charitable or philanthropic as well? Attorney Treadwell said a farmer selling his own produce, period, and then any person selling goods for a charitable organization. Clearly, just to use that for an example, a farmer selling his own produce, if you put your name on the list, would not be aware of the list because he doesn't have to come and get a license, so the ordinance would have to be changed completely in order to say that anybody going door-to-door for anything would have to get a permit, in which case you could put your name on a list and say you don't want anybody coming to your house. Mr. Graziano said he could see you not charging Girl Scouts for a permit and Girl Scouts might not be a good example, but say somebody posing as a religious group coming around casing homes and we don't know that they are criminals. We have no way to look, and he could

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see, we're not going to charge religious groups for this permit, but you still are a solicitor, a peddler, you are still a door-to-door person and we want to know who you are. Attorney Treadwell said your suggestion is there's a do not knock list, period, I don't care who you are. Mr. Graziano said absolutely. He also suggests if someone wants to do political campaigning, again, this might not be a good example, and he doesn't want someone knocking on his door, he would expect they go and get the list and be checked out that they aren't a child predator, and have a no criminal record just like everyone else. If someone owns a small business has to do it and pay a fee, but then he can go and preach any religion he wants, he could literally make up the religion and walk door-to-door and he's not a criminal, but could case houses by doing that. By putting a provision in there that anyone that goes door-to-door for any reason and you could put, minimum of ten houses, it would be something to consider. Attorney Treadwell said that's not covered and not in this and he doesn't want to give you the impression it's in there. You are asking Council to consider putting it in there. That's another whole rewrite and legal issue about whether we can actually say to people you can't knock on anyone's door unless you got a license, whether you pay for it or not.

Mr. Cahalan said can we respond to his question about religious people going to door-to-door with the Supreme Court rulings on that, which applies, and is above our ordinance. He doesn't think you can prohibit them. Attorney Treadwell said it's the first amendment. Mr. Graziano said if it's the first amendment, he's not a scholar on the Constitution, but that's private property, so when someone enters his property, he has the right to say he doesn't want him on his property. Attorney Treadwell said you have the right to post "No Trespassing" signs. It's a different question if the Township...Mr. Graziano interrupted and said he would assume he'd have to get a signed permit from the Township to post a sign in front of his house. Mr. Maxfield said the first thing he knows that police ask if have hunters on your property, is your property posted? That seems to be the threshold, so no matter what if you don't want someone on your property, it's private property. It seems like you have to put some kind of warning out.

Mr. Cahalan said that's a different issue than do they need to apply for a permit from the Township. Mr. Graziano said his concern is not to stifle religious freedom at all. His concern is to make sure criminals aren't roaming through neighborhoods posing as solicitors, which happens on a regular basis. He just got an email today from somebody posting from a few town's over with a picture of someone's automobile that they called the PD, the PD ran the plates and there's some problems with one of the neighboring towns where the PD has said this guys driving around with five or six different trucks and switching license plates and you got to keep on the lookout. Just in his neighborhood two weeks ago, he saw some sketchy looking guys he's never seen before, and when he waved, as everyone in his neighborhood waves, they kind of looked forward. When he walked the baby around the block and saw them again, they were going real slow through the neighborhood, and once they saw him eyeball them, they got out of dodge. They only have one road in and one road out of his neighborhood. He's definitely not in a high crime area, but he's sure that if you were a criminal, this would be a great way to do it. He could put on the clothing, he could put on a shirt and pocket protector and carry any type of book in his hand and he'd look like he's under the guides of religious freedom get away with it.

Mr. Maxfield said frankly, no matter what they do, they can't stop that sort of thing. Mr. Graziano said he just put it out there for consideration.

Mr. Maxfield said the best thing may be the thing on your door or a "No Trespassing" sign. It sounds to him if they were going to go in that direction, they would have to develop another ordinance that would be a sister ordinance to this because this is dealing specifically with for profit people going from house-to-house. Attorney Treadwell said that is the intent of this ordinance and that's the intent of the ordinance you currently have on the books. This proposed ordinance 2013-05 came from the PD's experience with the ordinance that you have on the books now and their suggestions to make it a little more restrictive.

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Mr. Maxfield said how does everybody feel about the four month, six month period. Priscilla's right, if there's a complaint the PD will follow up whether it's four months or six months. Mr. Willard said he's fine with six months. We're not going to make that much revenue. The situation the gentleman just described took place in their neighborhood within the last two days and it made it on Nixle, so congratulations to those who signed up for Township Alerts. It was picked up by the Valley Voice today and by vigilant neighbors. Mrs. deLeon said it did not make the website. Mr. Cahalan said it is on the website, it's under Nixle alerts. Mr. Willard said it's on the website. For legitimate business people, six months would be okay.

Mr. Maxfield said if we were to adopt these three recommendations from the Police, and keeping the last one at six months, would those be substantial changes that we'd have to re-advertise? Attorney Treadwell said we're going to have to re-advertise it just for adoption. We are going to have to be clear. Is it just 9 am to 6 pm Monday through Saturday, is that the consensus? Council agreed to 9 am to 6 pm Monday through Saturday, and a six month permit, and \$100.00. The next step would be a motion to advertise it with these changes.

- MOTION BY:** Mr. Willard moved for approval to re-advertise the peddling and soliciting ordinance No. 2013-05 for adoption, 9 am to 6 pm Monday through Saturday, with a six month permit, and \$100.00 fee.
- SECOND BY:** Mr. Horiszny
- Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Kern – Absent)

D. DISCUSSION ON AUDIO VISUAL NEEDS FOR COUNCIL MEETING

Mr. Maxfield said staff will provide additional information on potential upgrades to the audio and video systems for Council meetings.

Mr. Cahalan said we had discussed this previously with Council and we are all aware of the audio issues we have in here with everybody having to speak in the microphone for Diane to be able to hear what's on the tape. We discussed the video types of issues and we're continuing to look into that and come back to you at some future dates with estimates for the type of components we are discussing. He wanted to bring to you an intermediate step that may be of interest to Council. We tape the meetings always and that gets transcribed by Diane into the minutes. We asked New Arrival Studios, who is our web manager, if we had the capability to put that audio file on our system and he came back with a quote which is in your folder. That is to install an audio capability on the website that would provide up to 20 hours of continuous recording and it would allow literally like the next day, they could put the tape and post it on the website so that people could do on there and hear what transpired at the meeting. The cost for that is \$2,500.00. He wanted to bring that to Council's attention. If you are interested in that, it is available and can be done by our web designer and put on our website for everybody to take advantage of.

Mrs. deLeon said those 20 hours, that would mean our normal Council meeting is three to four hours. Ms. Huhn said that's the recording of it, not what we'd be posting on the website. That's to allow the recording and then that's posted on the website. We can record up to 20 hours in one evening.

Mr. Willard said the only retrieval capability is play and fast forward and rewind. If you are looking for something specific, you have to search through it? Ms. Huhn said correct.

Mrs. deLeon said it would be just audio, not video. Mr. Cahalan said they don't have video capability, that's what they are working on. Mrs. deLeon said that would be an additional amount of money. Mr. Cahalan said yes, to install video cameras and systems. Mrs. deLeon said it would be an additional amount to play that also. Mr. Cahalan said this is an intermediate step. It would

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allow you to put the recording on immediately while we are exploring the video. Mrs. deLeon asked if Jack talked to the school district as they started showing their meetings. Mr. Cahalan said they just have a camera and they post the meetings on You Tube.

Mr. Maxfield said he thinks it's important whatever we do, we have a system we can add on to and make sure it's amendable. Mrs. deLeon said would that link them up to an agenda so people know. Mr. Cahalan said the agenda is on the website already. This would just give them the audio recording of the meeting. Mrs. deLeon said the agenda disappears after it's replaced with the next agenda. There's no agendas, there's just meeting minutes. Mr. Cahalan said it would stay until the next meeting. Mrs. deLeon said so you have to be quick. Are you saying the audio part would disappear? Mr. Cahalan said the audio would be there until it's replaced from the recording of the next meeting. Mr. Horiszny said it says it's archived. Ms. Huhn said there is the capability of archiving. He's not sure how many meetings he could archive and what the capacity we would have, but we can archive at least a couple. Mr. Maxfield said if it's audio and we can get it on a CD, we can archive as many as we want to and that might be the way to go. He doesn't know how to address the agenda problem unless it's on the tape what it covers that night. Ms. Huhn said there are a couple of municipalities that are already doing this. Forks Township is one of them if you want to look at that and discuss it in further detail. Mr. Maxfield said the minimum amount of time it would be on is two weeks until it's replaced by the next one. Ms. Huhn said he's talking about the digital recording unit, what we would have in this room. We can archive for a longer period of time. Mr. Maxfield said the recording would be replaced with the next recording. Ms. Huhn said we upload to the website and it remains there. Anybody can access it whenever they want. She doesn't know how long or how many we could archive, we may have a limitation of maybe the last six meetings and we might have to bump a meeting and the next one would be posted. She'll check with New Arrival. She thinks we are able to archive them. Mr. Maxfield said it would be nice if there was some way we could depict what was on the agenda for that particular meeting. If we could line it up with the audio somehow. Ms. Huhn said we can probably look into pdf'ing the agenda and putting them somewhere on the website to correlate with the audio. Mrs. deLeon said she knows you put the agenda in front of the minutes and it's very helpful, but not all the minutes have that and she catches them and lets you know. They are not always there.

Mr. Willard said he thinks this sounds pretty good and it can get the information out there pretty quickly. Maybe we want to hold this for the next meeting and get clarification for some of these questions. He'd also be curious if there's any time coding indexing that can be done so people could go back to that. Mr. Maxfield said he agrees. The idea of this happening is good, but it has to work as a record, an easily assessable record.

Mr. Graciana said he's a photographer and a videographer, and he does his own web design and web hosting and there are a lot of turnkey systems. There are a few considerations to look at and it is something you probably don't want to hash out here. One of the staff here uploads it, what do they do if they have encoding problems. It is very simple once you have the system in place, but if you are going to do the system for audio, you can also do the system for video, and for \$3,000.00 to \$6,000.00 you can have complete simulcasting with cameras up on the wall and have video broadcasting that automatically uploads to the website so you don't have the staff burn of having to learn this new system. If your website is not updated by your staff here, he noticed the web hosting company charges \$3,000.00 a year for updating the website which looks about \$250 to \$300 a month, so if they are not updating stuff on a regular basis, then why wouldn't they be doing the uploading of the audio. Audio is really simple to do, he's doing it right now and he could upload a sample this evening to You Tube. Loading it a video to You Tube is another easy solution, but for the tune of \$2,500.00 you should be able to hire a videographer to come and shoot the whole meeting and upload it to a You Tube channel which is absolutely free. Mrs. deLeon said you taped our meeting tonight? Mr. Graziano said yes, he audio taped it. He was going to do video, but he was running late. He wanted to show you that it is possible. He saw this on the agenda, but also for the last year, has been reading the minutes of the meeting and its mind numbing to do so, and from the town he used to be in, they had video and it was much easier to watch.

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Mr. Maxfield said we can come back with more input next month from our staff. Mr. Cahalan said yes.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 25, OCTOBER 9 & AND OCTOBER 16, 2013 MINUTES

Mr. Maxfield said the draft minutes of the September 25 and October 9 public hearing and October 16, 2013 Council meeting have been prepared and are ready for Council's review and approval.

September 25th minutes – Mr. Willard said we have held up on the September 25th meeting pending the disposition of the transcript record and it is noted in the minutes of September 25th and October 9th that the full information would be available when the transcript would be available. Is that indeed the case now before we approve these? Attorney Treadwell said we don't have the transcript yet. It hasn't been produced, but once they are produced, they will be available. He thinks the issue was that the transcript will be available, but if anyone wants an official transcript, that is certified by the Transcriptionist, they will have to get that from the Transcriptionist at whatever her price is for that. Mrs. deLeon said and this meets the Sunshine Law, and it lists the people that spoke, but doesn't say what they spoke about. Attorney Treadwell said he thinks it lists the subject matter that they spoke about. Mrs. deLeon said it says members of the audience who desired to speak and were sworn in and the following persons provided testimony on the Applebutter Road zoning map and text amendment. Detailed testimony will be available in the transcript when completed. It doesn't say if they were for it or against it, if they had issues with the odor, if they had issues with anything. Attorney Treadwell said but by referring you to the transcript when it's prepared, it tells you where to go to obtain that information. Mr. Maxfield said it does meet the Sunshine Law? Attorney Treadwell said yes.

Mr. Maxfield said do we have minutes for October 9th, it was the public meeting also. Attorney Treadwell said the three dates of minutes you have in front of you, none of them include a transcript because the transcript is not done. Mr. Maxfield said are there any changes to the October 9th minutes? Mrs. deLeon said aren't you going to ask for separate motions? Mr. Maxfield said he doesn't know what we could do for a motion for the September 25th minutes. Mr. Willard said he noted that the October 9th minutes had the date of September 25th on all of page one, so he already notified Diane of that. Mr. Maxfield said a date change.

Mr. Maxfield asked if anyone had any changes on the October 16th meeting? No one raised their hand. Mr. Maxfield said he would make a motion for approval except for the September 25th because we don't have any minutes. Ms. Huhn said these are still going to be considered our minutes to put in the minute book. We must post something in our minute book. The transcript will be more detailed about the public hearing, but this will still go in the minute book. Mrs. deLeon said we need three separate motions. Attorney Treadwell said you can do them all together or all separately. Priscilla said she'd rather do them one at a time.

MOTION BY: Mr. Willard moved for approval of the September 25, 2013 minutes.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 2-2 (Mr. Horiszny and Mrs. deLeon – No. Mr. Kern – Absent)

Motion fails

MOTION BY: Mr. Willard moved for the approval of the October 9, 2013 minutes, with one change.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 2-2 (Mr. Horiszny and Mrs. deLeon – No. Mr. Kern – Absent)

Motion fails

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MOTION BY: Mr. Willard moved for approval of the October 16, 2013 minutes.
SECOND BY: Mr. Maxfield
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 3-1 (Mr. Horiszny – No; Mr. Kern – Absent)

Mr. Maxfield said will the other two minutes come back then for consideration at the next meeting?
Did not hear an answer for this question.

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Gene Boyer, Saucon Avenue, said this is a page that's out of the budget and he knows that Cathy had mentioned and he knows we are doing a review on trying to redo this to make it simpler for Cathy. He printed out 2013 and 2014 and he thinks back to being accurate, the 2013 for Hanover Engineering on the page of professional services, the estimate was \$100,000.00 for the year. The page for the same page professional services for 2014, the proposal is \$10,000.00 a year. He would assume that's an error, and he would be very happy the engineering fees for 2014 is going to be \$10,000.00. Mr. Cahalan said are you referring to the chart? Mr. Boyer said there's a summary thing on the sheet that she presents. Mr. Cahalan said that's a historical record. Mr. Boyer said the 2014 proposed with all the estimates. Mr. Cahalan said that's not what was proposed, that was what was paid. Mr. Boyer said you didn't pay 2014. Ms. Gorman said if there's a mistake, it will be corrected. Mr. Cahalan said the purpose of that is to give a snapshot to Council on what has been paid to the consultants historically. If there's a line in there that's 2014, that has no relevance. The chart is for what has been paid historically. Mr. Boyer said 2014 would you look at Boucher & James as it went from \$50,000.00 down to \$10,000.00 also, so there was a \$40,000.00 difference. Mr. Cahalan said what's the purpose of that being in there, Cathy? Ms. Gorman said the purpose is being in there that Council sees from year to year what we pay for the consultants. Mr. Cahalan said we haven't paid them for 2014. Why would it be in there? Ms. Gorman said it's incorrect, she missed a zero, but the most important thing on those charts are to show what was spent to our consultants for general, special fund and P&A, historically, so they get an idea as to why we are coming up with the figures we are coming up with. She will make that change. Mr. Boyer said he would suggest she goes through all of them. The other page has another \$40,000.00. That's paid-to-date. Mr. Willard said do those have page numbers? Mr. Boyer said they do, but they don't print out. Mrs. deLeon said she's looking at professional services, it's page 140 of 176. That's where it starts.
- Mr. Graziano said he wanted to thank everyone for a great job on the budget despite some obvious hiccups, you all did a great job and not raising taxes is wonderful. He wanted to comment in regard to the \$50,000.00 budgeted for audio and visual for AV stuff? Mr. Cahalan said it's in the Capital Fund. Mr. Graziano said is there oversight happening with that. Is part of that money going to be used for possibly videotaping these meetings and integrating that type of thing? Mr. Cahalan said the intent was to put funding in there and come back with information to Council about the estimated cost of that type of system. Mr. Graziano said good job as that's a good amount of money to produce a quality product. One other consideration was he's a new resident to the town, when was the last time the local franchising fee was negotiated? Mrs. deLeon said that's usually one of her favorite budget questions, but go ahead and answer. Attorney Treadwell said he doesn't know off the top of his head, but he thinks they are generally ten year terms. Mr. Graziano said he tried his best to look on line and the last time he thinks it was negotiated here according to minutes of the meeting was 2006. As a video producer himself, in Hawaii, they had a fantastic public access channel that was provided by using the money from the franchising fee and the whole state of Hawaii benefited from it. They have 16 channels of public access that include government, education and for people to do it. They have a fully operational production studio that produces videos for Town Council meetings, zoning meetings and all these types of things. It might be a consideration. He knows part of the Communication Act of 1984, and that was the last time LST negotiated those rates, in 1984. Mrs. deLeon said she thinks he's right. Attorney Treadwell said what was the 2006 you were talking about? Mr. Graziano said 2006, he found resolution #35-

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2006, which was Council was opposing the proposed legislation to eliminate the local franchising fees, which he commend you for doing. It's good to have those fees. The most recent code was Chapter 75, ordinance No. 84-01 dated 1984, which set the fee schedule at 3%. The revenues right now are \$97,000.00 a year, which is a considerable amount of money to develop and foster an audio video program that would benefit the local students as well as the public at large. It's largely unknown and cable companies don't want you to know this, but they will drop a cable feed into this room for free at no charge and they should provide you a channel to broadcast these meetings on television as well. Attorney Treadwell said he's aware of that. Were you suggesting the \$97,000.00 in fees be used not for General Fund purposes, but for specific programming type purposes? Mr. Graziano said he would not suggest messing with this budget or telling you where to put the money or how to use it. He is suggesting in the future, but since it's going since 1984 it might be a good time to say to Service Electric and RCN, listen, time to renegotiate. Attorney Treadwell said he thinks 1984 may be the last time an ordinance was passed. He doesn't think it's the last time a contract was negotiated. Mrs. deLeon said she's been on Council since 1988, and she's been talking about looking into this now. She's not a fan of raising it to the 5% because everybody is sitting here to RCN or Service Electric has to pay that, so the residents are paying that. She's attended a state organization called PSATs and they have conferences in Hershey every year. When she goes to them, she attends the cable one. There was a Mr. Cohen and he would suggest negotiating with the cable company for just exactly what you said, for a feed inside this room and for a specific cable channel so all our other Township buildings could have access to the cable. They would provide that for free. Mr. Graziano said back in the 80's, they actually had to provide the production facilities and training for the local residents and since then, they've been slowly eroding this away to where the last two places he has lived, have not had access to public access channels. He can assure you that cable companies now are bundling telephone, internet and cable so whether it looks bad to the Council to say we want to raise this 5% tax, they used to charge \$30.00 a month, now they are getting everybody. You can't opt out of that triple play or whatever each flavor they call it. They get you for \$100.00 a month, \$120.00 a month and he really would encourage you to consider playing hardball with the cable companies and they are making a lot of money and there is competition out there. Dish network doesn't have to pay a local franchise fee as they go over the air. It's a whole bargaining strategy with cable companies and he'll offer to help you in any way he can to try and craft a way to work with them so we could at least get as system in here that has a camera, has a feed, and goes on television. For seniors, his neighbor is 95 years old, he doesn't have the internet, but he would watch it on television. Mrs. deLeon said thank you so much, she really appreciates this.

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER – No report

B. COUNCIL

Mr. Willard

- He said he wondered if there was any update on the library consolidation. He knows after the vote, the next step was to develop the contract. Attorney Treadwell said he's had conversations with the solicitor from Hellertown and the HAL and they are in the process of formulating the agreement.
- He said he would encourage us to actively seek a Jr. Council member. HE knows this came up last time and so far we haven't been successful. He'd like us to make a more proactive effort to have a Jr. Member of the Council.
- He said on the Gaming Authority, he communicated by email the outcome to the Council, but basically we were given 50% of our grant requests for the license plate system requested by the PD, it was also put in the list of items in our budget to be paid, so essentially we came out a little bit ahead, not really because all the Township's were given 50% of their request and asked to make up the difference.

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- He said he and Jack went to the Lehigh Valley Economic Development Corporation on the 30th to talk about what resources and support they could give to our Economic Development Task Force in formation. They offered to help us. We'll get back to them when the Task Force is in place. Mr. Maxfield said our Jr. Council Member language the way it was set up was requested by some friends of his down towards Kinterville and they were very excited about it. We were the model for them. Mrs. deLeon said the language came from the Borough of Hellertown when Tony Branco asked the Township to go in with them. The Borough, like we have our PSATs, they have the Borough Association and she asked Leslie to put that on the SVP agenda for next week. Mr. Willard said from their visit to the Lehigh Valley Economic Development Corporation, Don Cunningham, Executive Director did arrange for he and Jack to join one of his staff meetings and meet all the players and identify what the roles were and to assist us on the projects

Mr. Horiszny

- He wanted to congratulate Glenn Kern for being re-elected yesterday and it was good to see him and his family voting at Leithsville last night. He's looking forward to four more years with you guys at the new higher salary that the election allows, but the census will not allow. Mr. Willard said Mr. Horiszny is a very responsible campaigner because he did see him removing the signs at 11:00 am this morning.

Mrs. deLeon

- She said the other day she had the occasion to drive down the Narrows and she was quite impressed and would like to make a motion to have the Manager direct a letter to PennDOT thanking them for their good job on paving the Narrows. She was very impressed. There's actually yellow and white lines painted on the sides and they did a really good job. It wouldn't hurt for this Township to send them a letter thanking them for that. Mr. Maxfield said it seems wider also.

MOTION BY: Mrs. deLeon moved to send PennDOT thanking them for their good job on paving the Narrows.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mr. Kern – Absent)

Mr. Maxfield – No report

Mr. Kern – Absent

B. SOLICITOR – No report

C. ENGINEER – No report

D. PLANNER – No report

DIRECTOR OF FINANCE

Ms. Gorman said at the last meeting, Council directed her to submit another format for a check register. She has one and it covers everything from who is paid, the date the check was issued, the check, the fund, the ledger and it shows the description of the payment. If you are fine with this, she'll use this ongoing. Mrs. deLeon said does this have anything to do with what Dave talked about earlier in the meeting about your monthly reports? Ms. Gorman said that's a budget comparison, this is a check register. Mr. Willard said this is a previous request. Ms. Gorman said Mr. Willard wants month to date, more of a ledger report. Mr. Willard said more of a high level. Mrs. deLeon said is that different than a monthly financial report? Mr. Willard said yes, the monthly financial report they were asking for more detail and that's what Cathy provided. Mr. Cahalan said that's a check register of the payments that have been made. Ms. Gorman said that's

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the September check register she gave you, but this one provides more detail. Mr. Cahalan said you get the monthly check register and the financial report. Now it will have more information. Ms. Gorman said from what she's understanding, Council wants the financial report she's providing now, the budget comparison on a monthly basis, and the check register. Mr. Willard said he'll reference page 5, Boucher & James invoice which shows the breakdown of which projects the billing was generated from. Ms. Gorman said if Council is okay with that format, that's what she'll provide to you from now on. It will be posted in the lobby the day of the meeting and will be posted on the website. Mrs. deLeon said these three monthly reports will be added to the website then? Mr. Cahalan said (could not hear as he and Cathy were speaking the same time).

V. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 9:50 pm.
SECOND BY: Mrs. deLeon
Mr. Maxfield asked if anyone had any questions? No one raised their hand.
ROLL CALL: 4-0 (Mr. Kern – Absent)

Submitted by:

Jack Cahalan
Township Manager

Tom Maxfield
Vice President of Council