

**I. OPENING**

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

**II. PRESENTATIONS/HEARINGS**

**III. DEVELOPER ITEMS**

- A. Aria Energy East LLC – 2335 Applebutter Road – Renewable Natural Gas Facility Land Development

**IV. TOWNSHIP BUSINESS ITEMS**

- A. Review and Adoption of 2020 Proposed Budget
- B. Resolution #70-2019 – Authorization of a Budget Adjustment
- C. Resolution #71-2019 – Update to Emergency Operations Plan
- D. Saucon Valley Compost Center – Pole Building Installation Bid Award

**V. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of October 16, 2019 Council Minutes

**VI. PUBLIC COMMENT ON NON-AGENDA ITEMS**

**VII. COUNCIL & STAFF REPORTS**

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

**VIII. ADJOURNMENT**

**UPCOMING MEETINGS**

Environmental Advisory Council: November 12, 2019  
Saucon Valley Partnership: November 13, 2019 – 6:00 p.m. @ HB  
Zoning Hearing Board: November 18, 2019  
Township Council: November 20, 2019  
Planning Commission: November 21, 2019  
Saucon Rail Trail Oversight Commission: November 25, 2019 – 6:00 p.m. @ UST  
Parks & Recreation: December 2, 2019

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on November 6, 2019 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with President Priscilla deLeon, presiding.

**ROLL CALL: Present:** Priscilla deLeon, President; Ryan Stauffer, Vice President, Sandra Yerger, George Gress & Donna Louder, Council Members; Leslie Huhn, Township Manager; Thomas Barndt, Chief of Police; Cathy Gorman, Director of Finance; Jim Young, Zoning Officer; Roger Rasich, Director of Public Works; Brenda Detweiler, Administrative Assistant; Lou Mahlman, Controller; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Mike Beuke, Township Planner & Jr. Council Member, Tyler Dickens.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

Mrs. deLeon said Council met in Executive Session prior to tonight's meeting. Attorney Treadwell said we discussed the potential acquisition of a conservation easement on tax map parcel R-12-11.

**PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mrs. deLeon said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones and state your name for the record. If you have a non-agenda item, she asks that you give your fellow public the courtesy of the floor. There's a sign-up sheet in the back of the room. You can follow tonight's agenda on the website on each of the agenda items. If you aren't signed up for agendas or newsletters, please go to our website and sign up.

**II. PRESENTATIONS/HEARINGS – None**

**III. DEVELOPER ITEMS**

**A. ARIA ENERGY EAST LLC – 2335 APPLEBUTTER ROAD – RENEWABLE NATURAL GAS FACILITY LAND DEVELOPMENT**

Mrs. deLeon said the applicant proposes to construct a Renewable Natural Gas (RNG) Facility at the existing Bethlehem Landfill Company located at 2335 Applebutter Road. The applicant is requesting conditional preliminary/final land development plan approval. Attorney Treadwell stated that they will also need Site Plan Approval with this.

Ed Murphy, Attorney representing the applicant and Steve Smith, Sr. VP of Aria were present. Mr. Murphy said they are here this evening to seek site plan and preliminary/final development plan approval for the project. Your staff has prepared a draft motion with conditions and waivers, and Mr. Smith has accepted and signed the approval acknowledging the accuracy of it and the conditions attached to that draft.

Mr. Smith said the RNG plant will take the landfill gas from the Bethlehem Landfill and will process and treat it, remove various different contaminants such as carbon dioxide, oxygen and nitrogen from this facility so it meets pipeline standards injected into the UGI utilities for natural gas use. The primary use for this gas is for vehicle fuel like the Philadelphia Airport, UPS/FedEx, Lowes, Home Depot, a number of companies that are using the compressed natural gas in their vehicles for both distribution and transportation. There are a number of different permits for this facility other than land development. They have submitted an air quality permit to PA DEP. They've also submitted the solid waste permit modification, their general permit, a lot of various details they have been asked questions about in their facility, like by-product oil, those all have been submitted. The oil by-product is a recycled material and it's not hazardous. Mrs. deLeon asked how do you get rid of that. Mr. Smith said Safety Kleen uses that by-product and it goes to a couple of different types of places. Safety Kleen pays them for the recyclable product and they make a determination as to where it goes and how it's recycled.

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Mrs. deLeon asked where the pipe is going to go. Mr. Smith said that's included with the newest addition to LVP, not only where the UGI pipe goes, but also where they connect into. They have shown that in the past. It is all contained in the LVP.

Mr. Kocher said that detail is shown in the land development plan on sheet 1 of the plans. One of the comments in their letter is they have to come in and get whatever road encroachment permit they need from the Township to build it and then whatever they need from PennDOT. Mr. Smith said they are not building it; it's being built by UGI.

Mrs. deLeon asked Mr. Kocher to go over his letter. Mr. Kocher said their letter consists mainly of the outstanding outside agency approvals that they need from places like the Conservation District, the Authority, the City of Bethlehem, and the stormwater management waivers are because they are constructing a private basin on the landfill property and because they are using that as a water quality feature to get their DEP permit.

Mr. Beuke said their letter is essentially a recommendation from the Planning Commission as they wanted to see buffering from the residents, so they revised the plans and showed additional buffering and addressed B&J's concerns. It's still subject to Council approval and the other one is a general comment regarding permits that the information just has to be submitted to the Township when it's received.

Mrs. deLeon said currently the BRE plant is closed and how did Aria got involved with the landfill. Mr. Smith said he doesn't know all the background as it's not his business, but he can tell you what he understands of it. The BRE plant was functioning and it had some financial difficulties, it was put up for sale with seven other facilities in a package. They did look at those facilities, and decided not to put in an offer. There was another company that did, and they've had some difficulties going back and forth. It's his understanding that the offer is no longer valid and he's been told that the contract from BRE has been terminated.

Mrs. deLeon said we have a flare there currently that's burning the gas. Explain to the rest of Council why you are doing this. Mr. Smith said the BRE facility took approximately about a third of the total gas and allowed the remaining two-thirds to go up the flare. This facility will take all of all the gas that the landfill produces. When the plant is operational, neither the blowers nor the landfill gas flare will be operational. That eliminates that emission source. In previous statements that they've made in different presentations, this will reduce the carbon dioxide emissions by about 70%, which is significant. He's not sure of the exact numbers; but the amount of production from this facility will fuel around 6,700 or 6,800 vehicles per year. Every vehicle that is fueled, this is a fossil fuel replacement, so you're not burning gasoline or diesel, you are now burning natural gas, which is much cleaner. There are a lot of different positive aspects of this and the flare will operate only 10% of the time. The flare that Waste Connections has on the landfill will be the secondary. Mrs. deLeon said there was talk about putting another flare on the facility. Does anyone have an update on that? Mr. Smith said he doesn't know the answer to that. Mr. Gress said he thinks they were still in the process with permitting.

Mrs. Louder said you said you are going to be pulling 100% methane from the landfill, what happens if your plant fails, will the flare be set to go on automatically or is it still running and does it get any percentage of that gas to keep it lit. Mr. Smith said there are controls that are coordinated within their plant and the Waste Connections flare. When their plant goes down, they have their own flare so in short-term they can use that flare. If it goes on for more than an hour or two, typically they will revert back to the landfill flare and all done by automatic controls. It's outlined in the emergency plan.

Mrs. Louder said the CNG, that's what you are creating from the methane from the landfill and you are going to be piping it through across Applebutter, down Ringhoffer and down into the UGI pipe

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at the bottom. Mr. Smith said we do not create the CNG, the CNG is a lot more compression. The maximum operating allowable pressure in the UGI line is 400 psi. To fill a CNG tank or garbage truck or car, that's about 4800 psi, so that's a significant difference. We are producing the product that is used to do that. Mrs. Louder said she knows that CNG in an automobile is extremely volatile. Mr. Smith said that did occur in past history and they've eliminated a lot of those issues. He drives a CNG car.

Mrs. deLeon said the landfill has a host agreement and there are host fees. BRE was paying us a certain percent of their revenue. Have you talked to anyone about that? Mr. Smith said that's a contract between you and Waste Connections. They will fulfil their proportion of the contract and they will pay you. Attorney Treadwell said he has not had any discussion with Waste Connections about that, but they will. Mrs. deLeon said you are here before us for a conditional preliminary/final land development plan approval. Attorney Treadwell said correct and one amendment to that is it's also site plan, your zoning ordinance requires approval of the site plan. It's the exact same plan. You received a revised one today, but it doesn't have the site plan part in it, so he's added "and site plan approval" after land development.

Mrs. deLeon said then they don't have to come back to us, what's the next step? Attorney Treadwell said they will have to meet all the conditions of the approval and once the conditions of approval have been met, the plans get recorded and after they get their permits from DEP and all the other applicable agencies they can start. Mrs. deLeon asked what their timeline was. Mr. Smith said they anticipate having all the permits by the end of January 2020. Based upon their discussions, they found no significant issues with their air permit. They have actually prepared the draft permit at this point and cannot release it as they are waiting on the general permit application. They have to have the general permit number and the same thing on the solid waste permit. There was a holdup on the general permit trying to make a determination along with DEP exactly how and what they wanted and then got the permit within a week.

Mrs. deLeon said after you get all these permits, hopefully by the end of January 2020, then construction can start. Currently the landfill has an expansion and the life of that area is about four to five years remaining, so what's going to happen to you guys at the end of that four to five years when there's no more room to put garbage. Mr. Smith said fortunately the landfill gas continues to be produced well past 30 years. It does decline over time, but within their financial models, there is a minimum of 20 year returns on capital and they are confident the facility will make it.

Mrs. deLeon said you and whoever is remaining at the landfill will work together and make sure all the gas is captured. Mr. Smith said they still have the obligation even after closure to do that under their existing air permits. Typically landfill gas systems go anywhere from 20 to 30 years after closure. He's been in the landfill gas business all his life. Mrs. deLeon said we have a draft motion with an amendment to it.

**MOTION BY:** Mrs. Yerger moved for approval of the preliminary/final land development and site plan for Aria Energy subject to the draft motion as prepared by Hanover Engineering dated November 6, 2019.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 4-1 (Mrs. Louder – No)

Mrs. deLeon said if we would have said no, you would have gone away and you said you are capturing over 70% that's going up and contaminating our atmosphere. Mr. Smith said in addition, it's also fossil fuel replacement. Mrs. deLeon said she's not real happy about this either, but you've met the requirements of the Township code and by law she took an oath that if you meet the conditions and she hasn't seen anything outstanding. Mr. Gress said he'd rather capture this instead of it going into the atmosphere. Mrs. Yerger said exactly, especially health-wise. Mrs. deLeon said it's more beneficial to our residents. Mr. Stauffer said it's an existing situation that we don't love, but it's making the best of it under the circumstances.

**IV. TOWNSHIP BUSINESS ITEMS**

**A. REVIEW AND ADOPTION OF 2020 PROPOSED BUDGET**

Mrs. deLeon said the 2020 proposed budget, incorporating the changes and updates that Council requested at the October 23, 2019 Budget meeting, has been prepared for Council's review. Mrs. deLeon asked that staff get ahold of the landfill and find out about the royalties.

Mrs. Gorman said the proposed budget is prepared and ready to be advertised for public inspection. The items discussed at the work session in October are itemized in the memo she provided to you and have been implemented in the proposed budget. It is balanced at \$12,148,420 of all funds; \$8,647,122 out of the General Fund, \$2,581,775 out of the Special Tax, and \$919,523 out of our Capital Fund. Our budgeted expenses are approximately \$7.3 million of an \$8.6 million budget so we will be anticipating \$1.3 million additional in revenue that she will discuss with Council in 2021 as to where you would like her to invest those assets.

Mr. Stauffer said on page 2 it has the millage rates for the various municipalities. That includes the one mill fire tax assessment. Mrs. Gorman said yes it does. Mr. Stauffer said it looks like we're the third lowest in the County. Mrs. Gorman said we're in the low to mid-range of all municipalities of Second Class Townships in Northampton County. Mr. Stauffer said the only lower ones are Moore and Chapman and they are less than one mill below us. Mrs. deLeon asked if this will be put on the website. Mrs. Gorman said yes.

**MOTION BY:** Mr. Stauffer moved for approval of the 2020 Proposed Budget and to advertise it for the 20-day public comment period.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**B. RESOLUTION #70-2019 – AUTHORIZATION OF A BUDGET ADJUSTMENT**

Mrs. deLeon said Resolution #70-2019 has been prepared authorizing a budget adjustment for items addressed during the 2020 budget meeting and any additional changes since that time.

Mrs. Gorman said this is for the 2019 budget. Some of these items she discussed with you at the work session. Some were prior expenditures that Council approved such as the fire consulting line item. The road projects we discussed at the work session went over the amount that we anticipated but the PennDOT representative was fine with the additional amount needed. Legal expenses she touched on that at the last work session. She'd like to create a baseline for that line item much like she does a baseline for Engineering and Planning and then if she knows something is going to be an extraordinary amount of money, then they would bring it back to Council.

**MOTION BY:** Mrs. Yerger moved for approval of Resolution #70-2019 authorizing a budget adjustment as proposed per our Finance Director.

**SECOND BY:** Mr. Stauffer

**ROLL CALL:** 5-0

**C. RESOLUTION #71-2019 – UPDATE TO EMERGENCY OPERATIONS PLAN**

Mrs. Huhn said the Pennsylvania Emergency Management Services Code mandates that the Township maintain an Emergency Operations Plan (EOP). Resolution #71-2019 has been prepared to adopt the EOP, as revised. This is to be reviewed annually. We just attended the County COG meeting where County Emergency Management said it should be done every two years but we can set our own standards. The resolution attached would mandate that revision and Council would need to approve it.

Mrs. deLeon said she attended the County COG meeting and Todd Weaver from the Emergency Management Center gave a presentation. After the meeting she told him that Council sent a letter to the County asking them to develop part of their website to have an interactive map showing all the gas lines in the County. She said we have six of them and it would be nice for people moving in to know how close they are to a pipeline. He was not aware of her request and she told him to

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go on Chester County's website, they have a wonderful interactive map. He liked that idea so we'll see what happens. That could also tie into any emergency in the County.

Mrs. Louder said does the command emergency person, Bryan Evans, have something like a protocol or detailed sheet exactly what we can expect from him during an event. He's a fireman and this, she would like to know what his duties would be during an emergency. Mrs. Huhn said she believes we have a job description for our Emergency Management Coordinator, but she understands what Mrs. Louder is asking from him. She will contact him and get an answer. Mrs. Louder said that would be something nice to be attached to all of this. We're not all going to be here forever. Mrs. deLeon said she thinks it's already in the plan. Mrs. Huhn said she believes everybody has a different position, so what Mrs. Louder is asking, is he Fire Chief at that time or moving over to the EMC position. Mrs. Louder said is he going to have one role or two roles? Mrs. Huhn said he needs to set up a command center. Mr. Gress said you can ask him, but he would presume it would be based on the scale of the incident. Mrs. Louder said she's talking catastrophic. She'd like to see that put in there whoever is in that role.

- MOTION BY:** Mrs. Louder moved for approval of Resolution #71-2019 to adopt the revised Emergency Operations Plan for LST.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 5-0

**D. SAUCON VALLEY COMPOST CENTER – POLE BUILDING INSTALLATION BID AWARD**

Mrs. deLeon said a bid opening for the pole building installation at the Saucon Valley Compost Center was held on Wednesday, October 30, 2019. The Director of Finance will discuss the proposed work and recommend to Council the lowest bidder. Since the Compost Center is a joint effort with Hellertown Borough, their Council has also reviewed the bid documents for approval.

Mrs. Gorman said the lowest bidder was Dutchman Contracting with a total cost of \$57,921 and Option 1 for a sliding door on the north short wall is \$2,475 on top of that. In the fund there is \$77,000 in there. This is over what we anticipated and we do have enough in reserve funding to expedite this. We've been looking to do this the past two or three years as the equipment sets outside. Public Works will be doing the storm water site work and the contractor will come in and put up the pole barn within a week or so. Mrs. Huhn said we will have reserve money for a mulching in the spring and to continue operations.

Mrs. Louder said put those things on the roof that catch the snow, they are very important. Mrs. Gorman said Mr. Rasich did make note of that. Mr. Stauffer asked what was the anticipated amount before this? Mrs. Gorman said we were looking at the \$40,000 range, but the pole barn got a little bigger, there were some storm water issues and a door might have been added.

- MOTION BY:** Mrs. Louder moved to approve Dutchman Contracting LLC of Reinholds, PA for the pole building installation at the Saucon Valley Compost Center at a cost of \$57,921.00 with the addition of a door at a cost of \$2,475.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 5-0

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF OCTOBER 16, 2019 COUNCIL MINUTES**

Mrs. deLeon said the October 16, 2019 Council minutes are ready for Council's review and approval.

- MOTION BY:** Mrs. Yerger moved for approval of the October 16, 2019 minutes.  
**SECOND BY:** Mr. Gress  
**ROLL CALL:** 5-0

**VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Gordon Gress, Black River Road, said he's attended a lot of these meetings and all of you have your heart in the right place, you all try your best. He's also attended a lot of the zoning meetings. Mr. Blair went with his variance for what he's doing, and it's a piece of ground that is very questionable and will be a great asset to the community. The only question he has is when his son applied for a permit for his garage, they were 4% over impervious surface. They got run through the mill. Mr. Blair's one lot is 200% over, why were they run through the mill for 4%. Is there a double standard here. Mrs. deLeon said the ZHB is their own entity, she apologizes for that. Mr. Stauffer said it feels there's a different process for businesses vs. residential. Mr. Gress said he has no problem with that, but his son had to spend considerable expense to get an engineering firm and legal, in excess of \$6,000. It's a lot to put a regular taxpayer through that much.

**VII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER – No report**

**Jr. Council Member – Tyler Dickens**

- He said the Jr. class at the high school is doing a chocolate fundraiser.

**B. COUNCIL**

**Mrs. Louder**

- She said back to the campaigning. She came across some residents who live out on Easton Road in LST and with the development in the City of Bethlehem, these people were just about in tears as their property values are zero at this point. They were hoping to change the zoning of their properties along Easton Road. She doesn't know the distance, she doesn't know how many houses are involved, but has this been brought to Council or to the office at all? There's a company out there trying to purchase the homes and they are actually giving them like \$10,000 over the price of the houses but they would rather see the zoning change on their homes so they can at least get what they put in their homes. Attorney Treadwell said Township staff did meet with an individual who discussed the potential of developing. He thinks the properties you are talking about, it was explained to this individual that you can't do what you want to do as it's not zoned for that. That individual took what we said and went back to his company and we haven't heard from him since. Mrs. Louder said the resident said are you for the rezoning on East Road. She said no, she hasn't seen anything and is unfamiliar what the property is. This development in the City of Bethlehem is impinging upon the life of the people in LST. We really need to start standing up a little bit. It's taking away the investment in their homes just like the landfill. It's very sad to see a resident walk out because as a Council, no one protected them with the landfill. Then the same thing is happening on Easton Road, no one is really protecting them. She told them the meeting was tonight but they are not in the audience. Mrs. deLeon asked what could we have done for Sue Severn? Give her some examples. Mrs. Louder said she doesn't want to go into that right now. Mrs. deLeon said everybody is allowed to do what they allow to do on their property, so the people before us had the right to do what they are doing. Mrs. deLeon asked Ms. Severn to come and let us know what her problems were, but she didn't tell us. She doesn't know what else to do.
- She said it was a pleasure working with everybody and she has another month and a half to go, yahoo, great.

**Mrs. Yerger**

- She said just in response to Mrs. Louder's comments, she was approached by individuals on Easton Road who had the flip side of it, because developing that area is going to cause more traffic, more tractor trailers in areas where they don't belong. They are already experiencing it and they are coming down to Ringhoffer, so it's a catch 22. Mrs. Louder said heads up, it's coming. Mrs. Yerger said the opposite, she did get people complaining to her and the impact on Hellertown. Mrs. Louder said we have to be good neighbors too. Mrs. Yerger said it's not an easy situation. Mrs. Louder said it's sad.
- She said it was her pleasure to walk out at Woodland Hills Preserve, where she takes her dog and there was this really neat monument to honor a former Council member who has

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passed, Glenn Kern. The wording on the plaque is lovely. The stone monument itself is very fitting for a nature preserve area and she wants to thank staff and Roger and all those involved as you did an outstanding job and Glenn would be very pleased with it. Thank you very much.

**Mr. Gress**

- He said Friday he will be attending Jessica O'Donnell's dinner honoring her.
- He thanked everyone for coming out yesterday and voting on Election Day.

**Mr. Stauffer**

- He said congratulations to all the winners on the election yesterday. Congratulations to those who will be officially on Council. He looks forward to working with them next year and to those who didn't end up prevailing, it's a tremendous credit as you did put in your time and energy to the people of LST and thank you for running.

**Mrs. deLeon**

- She said she will be at Jessica O'Donnell's dinner on Friday evening.
- She thanked all the voters who came out, she's one of the unofficial winners, but we'll see when the votes are finalized. There were major problems with the voting machines.
- Getting back to the development on Easton Road, we were at the County COG and Lamont said warehouses are going up everywhere in the County. He said they should be in Industrial Parks that are there already, meaning Route 412. He has to understand if they are going to go there, the entrance and exit should be on Route 412, not Easton Road. Mrs. Yerger said they were doing their road side clean-up and one of the volunteers' husband mentioned he had originally come from Southern California and they encountered the whole warehouse issue about ten years ago. Consequently as they moved in, the houses around them became low income housing and it just kept spreading and spreading. He said this once beautiful community was gone and the tax dollars bottomed out.
- Mrs. deLeon said as a resident of Steel City, we are continuing to smell the landfill gas on our property and it's pretty much daily. We've been reporting it to DEP. A gentleman came out to her house last week and said DEP has to smell it. She's trying to urge residents when they smell it to immediately call DEP. On the Township's website there's a phone number to call.

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

**VIII. ADJOURNMENT**

**MOTION BY:** Mr. Gress moved for adjournment. The time was 7:55 p.m.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

Submitted by:

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Leslie Huhn  
Township Manager

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Priscilla deLeon  
Council President