

I. OPENING

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

II. PRESENTATIONS/HEARINGS

- A. Resolution #85-2018 – Lower Saucon Volunteer Fire Rescue – Participating Department Recognition by PA Office of the State Fire Commissioner

III. DEVELOPER ITEMS

- A. Richard Cangialosi – 3496 & 3510 Drifting Drive – Lot Line Adjustment
- B. Hidden Meadow Estates – Lori Lane – Authorization to Enter Into Maintenance Period

IV. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Ed & Dolores Hill – 1684 Edward Drive – Variance Requests for Impervious Surface, Steep Slopes, Woodlands, and Environmentally Sensitive Woodlands to Construct a House
 - 2. Ed & Dolores Hill – 1686 Edward Drive – Variance Requests for Impervious Surface, Steep Slopes, Woodlands, and Environmentally Sensitive Woodlands to Construct a House
- B. IESI Bethlehem Landfill – 2335 Applebutter Road – Title V Permit Renewal Application
- C. Authorize Sale of Township Property
- D. Resolution #86-2018 – Adoption of the Lehigh Valley 2018 Hazard Mitigation Plan
- E. Resolution #87-2018 – Authorization to Submit a Pennsylvania Department of Transportation Multimodal Transportation Fund Grant for Replacement of Lower Saucon Road Bridge
- F. Request for “School Bus Stop Ahead” Sign on Springtown Hill Road
- G. 2019 Budget – Discussion Regarding Increase to the Fire Tax

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of October 17, 2018 & October 24, 2018 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 13, 2018
Saucon Valley Partnership: November 14, 2018 @ HB
Planning Commission: November 15, 2018
Zoning Hearing Board: November 19, 2018
Township Council: November 21, 2018
Saucon Rail Trail Oversight Commission: November 26, 2018 @ LST
Parks & Recreation: December 3, 2018

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, November 7, 2018 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Sandra Yerger, presiding.

ROLL CALL: Present: Sandra Yerger, President; Priscilla deLeon, Vice President; Donna Louder and Ryan Stauffer, Council Members; Leslie Huhn, Township Manager; Jim Young, Zoning Officer; Cathy Gorman, Director of Finance; Tom Barndt, Chief of Police; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; and Brien Kocher, Township Engineer; Jr. Council Member: Matthew Wagner. Absent: Glenn Kern, Council member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. Yerger said Council did meet in Executive Session this evening to discuss personnel and land acquisition.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. Yerger 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. She asks that you give your fellow public the courtesy of the floor.

II. PRESENTATIONS/HEARINGS

A. RESOLUTION #85-2018 – LOWER SAUCON VOLUNTEER FIRE RESCUE – PARTICIPATING DEPARTMENT RECOGNITION BY PA OFFICE OF THE STATE FIRE COMMISSIONER (7:01 p.m.)

Mrs. Yerger read Resolution #85-2018. Council congratulated the Lower Saucon Volunteer Fire Rescue. Ty Johnson, Fire Chief, said they appreciate the recognition and it means a lot to them. They put a lot of time in to obtain the certifications. There are different levels to the certification. There are 1,795 fire departments in PA; 40 of them are 100% certified; 71 are 75% certification 102 are 50%; and 98 are 10%. To get the certification they have to have at least 75% or more of their members certified nationally in some type of training as far as firefighting, vehicle rescue, etc. Bryan Evans said he wanted to acknowledge the prior leadership of both Southeastern and Se-Wy-Co fire companies that form the partnership that is now Lower Saucon Fire Rescue. Present tonight is the President of Se-Wy-Co, George Gress; Dave Edge of Southeastern was not able to be here tonight. He also recognized the former Chiefs of both departments, Ken Luybli, Mike Eshleman, Bill Cszasz, Tom Barndt and Gary Wisniewski. Council thanked them for all they do.

MOTION BY: Mrs. Louder moved for approval of Resolution #85-2018.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

II. DEVELOPER ITEMS

A. RICHARD CANGIALOSI – 3496 & 3510 DRIFTING DRIVE – LOT LINE ADJUSTMENT (7:08 p.m.)

Scott Mease, Mease Engineering; Rick Cangialosi and Marianne Carpency, owners of the property were present. This project went before the ZHB. Parcel 15G is a 4-acre lot and a flag lot with an irregular shape access strip. Parcel 15 is a 10-acre lot. They are proposing a lot line adjustment to make Parcel 15 a little less than four acres and Parcel 15G a little more than 10 acres. They would still have a flag lot but that new lot would have a shorter and more uniform access strip. The ZHB approved the variance request and so they are before Council tonight for final approval. He has review letters from the consultants.

Mrs. deLeon said we have information regarding the alternate septic site. Mr. Mease said they had a soil scientist determine what type of soil is on the site. They have nice, well-drained soil, very suitable for on-site sewage systems, most likely in-ground systems which are better than a sand mound. They gave a report to HEA to evidence that the site is suitable for alternate sewage

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systems if needed in the future. Mrs. deLeon asked that both sites show the alternate systems and will not support this unless they are shown. Mr. Mease said they can do that. Mr. Kocher said there are two parts that address this. The first part is if they do soil testing, they have done that and show that the site will support the alternate systems; and the second part is to protect those areas with an easement. They have to give HEA one more piece of information and Mr. Mease will put the easement on the plan and that will take care of that condition.

Attorney Treadwell asked Mr. Mease to go through the eight waivers. Mr. Mease said the first is existing features within 500' of any part of the property. They are showing all existing features; and along with that one is within 500' of the property there is no development proposed on the property, both are already developed.

Mr. Mease said the next is showing first floor elevations, a description of existing structures and buildings and approximate age of buildings and structures; wooded areas and tree rows. Mrs. deLeon asked if there are any tree rows existing. Mr. Mease said this is mostly in an agriculture use. They are not shown on the plan. Mrs. deLeon asked if that was required. Mrs. Stern Goldstein said it's part of the subdivision process to show they are asking for a waiver. Mr. Mease said they have the tree rows on the plan, they aren't trying to determine the age of those trees. Mrs. deLeon said we just get pieces of the plan and then it leads up to a subdivision. Mr. Mease said the reason for this lot line adjustment is they would like to put some in reserve and you need a minimum of 10-acres. Mrs. Stern Goldstein said there is no need to show them on this plan.

Mr. Mease said the next one is with the soils, which we already discussed. We are fulfilling that requirement and withdrawing it. Mr. Mease said there is a stipulation in the ordinance about side lot lines being at angles, and this one comes in with an angle. The existing line is not at a right angle, therefore allowing the proposed line to be parallel to the existing line for a uniform and aesthetically pleasing lot shape. Mr. Mease said there is a wavier saying the lot should be rectangular in shape and an irregular shaped flag lot which they went to the ZHB about; these are large lots. Mr. Mease said there's one dealing with the road ROW and widening. They asked for a waiver from street trees as corn is planted there and they want to keep that use.

Attorney Treadwell said the only condition in the HEA letter that is of any substance is the one we already discussed about the alternate sewer system.

MOTION BY: Mrs. deLeon moved for approval per draft motion prepared by Hanover Engineering Associates dated November 7, 2018 with nine conditions and seven waiver requests with No. 4 being withdrawn.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

B. HIDDEN MEADOWS ESTATES – LORI LANE – AUTHORIZATION TO ENTER INTO MAINTENANCE PERIOD (7:17 p.m.)

Nicholas Ciccone was present. Mr. Kocher said they are finished with their subdivision improvements. Nick and his crew finished up this year. HEA and Roger Rasich inspected it and they believe the improvements are done. You could accept the improvements based on the conditions in their letter, which is to post the maintenance bond and get the paperwork together to officially accept the road. Mr. Ciccone said he should have everything to them by the end of next week and has no questions on HEA's letter. Mr. Kocher said Mr. Ciccone will keep plowing it until they officially accept it. Mrs. deLeon asked when the Liquid Fuels deadline was. Mrs. Huhn said it has passed. Attorney Treadwell said it's not long enough to make a difference.

MOTION BY: Mrs. Louder moved to accept the Hidden Meadows Estates subdivision into the 18-month maintenance period with a security amount of \$46,279.07, per the conditions stated in Hanover Engineering's letter dated November 1, 2018.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0 (Mr. Kern – Absent)

IV. **TOWNSHIP BUSINESS ITEMS**

A. **ZONING HEARING BOARD VARIANCES**

1. **ED & DOLORES HILL – 1684 EDWARD DRIVE – VARIANCE REQUESTS FOR IMPERVIOUS SURFACE, STEEP SLOPES, WOODLANDS, AND ENVIRONMENTALLY SENSITIVE WOODLANDS TO CONSTRUCT A HOUSE**

(7:19 p.m.)

Scott Mease from Mease Engineering and Steve Heiss from Cornerstone Builders were present. Mr. Mease said Cornerstone Builders is buying a few of these lots in this older subdivision. They were here before Council with regards to the lot directly across the street from this lot. These lots are roughly one-acre in size. When the subdivision was approved by the Township, these lots were all conforming and most were developed at the time of the subdivision, now the last few lots that were not developed have to comply with your current ordinances which have natural resource protections and storm water standards, isolation distances between storm water, house, sewage systems and wells. With these last lots, in order to comply with many of the regulations as possible, there are certain things they just can't comply with. The impervious coverage is because your site capacity per lot is dictated by the amount of natural resources on the site.

Attorney Treadwell asked what is the size of the footprint? Mr. Mease said it's 2,732 square feet. Attorney Treadwell asked if that is a two story house? Mr. Mease said yes, it's very similar to what was built on Lots 14, 15 and 22.

Mrs. deLeon said she attended the ZHB meeting. She witnessed other residents in that area with complaints of run-off. She was unaware of this and she didn't like that Council didn't have any comments. Attorney Treadwell said he thinks what we did with that one was no action. Mrs. deLeon said her impression was Council had no concerns, but our concerns that the ZHB still had to do what they are supposed to do; and it wasn't going to be a walk through. She knows there are lots left in that subdivision and she wants to make sure that there is no more impact to the residents. She understands their predicament and every landowner has a right to develop their lot according to what our rules are and you're cutting down trees, do they all have to come down? Will there be notes on the plans for the subsequent owner because what happens is someone buys a lot, do they know what their deed says? Are we going to let people cut down more trees as we have ordinances that say you shouldn't do that without a permit? We have implemented a policy that from now on we are going to send the ZHB a letter on each application reviewed.

Attorney Treadwell said so there is no mistake as to what the action is that Council took, if we take no action, the administration will send a letter to the ZHB saying we took no action, which doesn't mean we approve it or disapprove of it, it's just that we took no action. Mrs. deLeon said people in that subdivision don't even know there's going to be a ZHB meeting. She wants to make sure concerns are being met.

Mrs. Yerger said for people in the audience, could you describe how storm water is to stay on the lot? Mr. Kocher said if this gets through the ZHB, they know they have to submit a grading plan to the Township for review, which they review in more detail on the disturbance and also look at the storm water aspects of it. We have started that review and it will all be handled with on-lot infiltration which is the normal procedure for something like this.

Mrs. deLeon said we all know, in theory, that's what is supposed to happen, but then we are here for hours talking about storm water runoff. Mrs. Yerger said it's being addressed at least, according to the regs. Mr. Mease said what came up at the ZHB meeting, was there were some problems during construction and the items we implement for storm water

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control are part of construction, but sometimes that needs to be addressed and taken care of, which they responded to and cleaned up things.

Mr. Kocher said a lot of storm water concerns do occur during construction. The storm water controls during construction are different than those in post construction. When the site is stabilized, the house finished and the grass is growing the storm water from the roof will be infiltrated. There is run off that occurs and the erosion control measures have to be in place during construction. That's what the issue was last time and Mr. Heiss is well aware of keeping those erosion control facilities in place. Mrs. deLeon said in 1988 we didn't have all these extra things. Even though you had to meet whatever was in place in 88, you still have to meet these new things.

Mr. Mike O'Toole said he's a property owner in the Pleasant Hills Subdivision and lives right across the street from this lot. He appreciates Council person deLeon's notice this afternoon about tonight's meeting. He'd like to point out that the length of construction is kind of difficult to deal with. It's approximately nine months to a year of construction time. The water runoff continues to be happening at the bottom of Mountain Hill Lane, there's so much debris in the street, there's only enough room for one car to get through at a time without running into debris from the construction. He has two wells on his property and the street is probably 40' above his house roof, so his house is downhill from the lots across from him. These are substantial variances they are requesting. He's concerned, not only about the runoff, but contamination. He sees the current problems going on in the street and that they will be able to contain this runoff and deal with preserving the integrity of his wells with having septic systems so close. He knows the builder owns the lot next to him, but he doesn't believe he owns these lots yet. He mentioned the applicant does not state his authority to submit this application in No. 4, the address on the application does not jive with the address that's posted on the notices, and the nature of the hardship for the variance is not listed. What he's doing is identifying the fact that this subdivision was approved prior to the adoption of the current environmental protection standards. He does not have equity in the property, so he's not sure he has the grounds to request a variance.

Attorney Treadwell said those are all good questions for the ZHB, which is the body that makes the actual decision on the variance. He doesn't know if Mr. Heiss can answer any of those questions. When it comes to the question of the hardship for the property owner, whoever that may be, he would assume the hardship they would present to the ZHB is that as the owner of the property, they cannot put anything other than a very small building on that property.

Mrs. deLeon said she knows in the past, Council is not supposed to get involved with day-to-day activities, that's what the administration does. What happened was something significant occurred at the ZHB which they approved, Council at that time had a fit, and said going forward every application that comes in would come before Council. Council's job is not to determine hardship. She does share his concern.

Attorney Treadwell said we adopted regulations that were put into effect after this lot was approved. Every property owner has the right to make reasonable use of their property. The question in these cases is what is reasonable use of this property. It's pretty clear that the property owner is allowed to use it for something. The question is what's reasonable. You could see the situation if the property owner was held to the current standards that exist, then you could get a modular or mobile home on that property. He thinks the question is, is that a better result for the Township and the neighborhood than allowing a home to be built that looks similar to the surrounding homes. He doesn't have an answer to that question.

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Mr. O'Toole said he totally agrees with him. He doesn't think that would be a better outcome than him having contaminated water on his property. Attorney Treadwell said that is why the ZHB process exists and why neighbors get a letter of notification, why it's advertised in the newspaper and why the property is posted so that neighbors or anyone else who has an interest in how this property gets developed can appear before the ZHB and explain their concerns.

Mr. O'Toole said this is the third property being put before the ZHB. There are seven in total and he suspects the builder will be back for every single one and they all have the same issues. He'd like to get in front of this and come to some reasonable standards which you're either going to enforce the environmental protection standards that were adopted by the Council or you are going to grant the variances. Attorney Treadwell said remember, it's the ZHB that makes these decisions, we don't grant variances at the Council level. The reason they do it seven times is each lot is unique and to have the ZHB to assume on a case-by-case basis what is the reasonable use of this particular property.

Mr. O'Toole said he is concerned about the lot across the street and the one graded towards his house, are all funneling towards his house. They put up barriers to retain the mud from flowing down the street. But we've had so much rain it goes over those barriers. It's not adequate and he doesn't want his yard looking like that for over a year while they are constructing these homes. If it does come to that, he's sure he will be meeting again with you. If there are damages, he is going to try to find some way to reconcile that.

Mrs. deLeon said Council can recommend suggestions to the ZHB and share their concerns. She's hearing run off problems and private wells in the neighborhood and they can relay to the ZHB these are concerns with them. Mrs. Yerger said hopefully you will be able to attend the ZHB as you need to be there and express your concerns directly to them.

Mr. Stauffer asked if there is a duration of how long a property can be in that erosion state. Attorney Treadwell said we can certainly ask Mr. Heiss what his timeframe is. Mr. Heiss said they are done but he can't finish the outside, as there's been too much rain.

Mrs. deLeon said we need to send the ZHB the concerns that were addressed tonight at the meeting. Attorney Treadwell said we can draft a letter to the ZHB stating whatever the action is that Council takes tonight and list in that letter the concerns. Mrs. deLeon said the ZHB should do what they are supposed to do, but make them aware of private wells and storm water concerns in the area.

Attorney Treadwell said his assumption that Mr. O'Toole is going to the ZHB to oppose the application and if you are opposing it, then you should bring it up as part of your opposition, if this applicant has the standing to ask for the relief. Mrs. deLeon said if the addresses are wrong then the administration has to deal with that. Attorney Treadwell said that can be easily fixed. Mr. Mease said that Jim Young said he was changing the address.

Mrs. deLeon asked Mr. O'Toole why he had two wells. Mr. O'Toole said the property was constructed with a geothermal heating unit. It is not working because the water has sediment in it that kept probing the membrane. The well is still intact and he is using both wells as they are close in proximity.

Attorney Treadwell said your motion would be to take no action and to notify the ZHB of what Council determined tonight, as well as the concerns that were raised at this evening's meeting regarding neighboring wells, storm water runoff during construction and protection of trees that are not required to be removed by the construction of this single family residence.

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MOTION BY: Mrs. deLeon moved that Council take no action and have a letter be written to notify the ZHB of concerns as stated above by the Solicitor.
SECOND BY: Mr. Stauffer
ROLL CALL: 4-0 (Mr. Kern – Absent)

A. ZONING HEARING BOARD VARIANCES

2. ED & DOLORES HILL – 1686 EDWARD DRIVE – VARIANCE REQUESTS FOR IMPERVIOUS SURFACE, STEEP SLOPES, WOODLANDS, AND ENVIRONMENTALLY SENSITIVE WOODLANDS TO CONSTRUCT A HOUSE
(7:50 p.m.)

Attorney Treadwell said the application says 2020 Mountain Hill Lane. Mr. Young said it was changed due to the fact that the orientation of the house and the driveway is on Edward and not Mountain Hill. That’s why the address was changed on the first application. Attorney Treadwell said the correct address is 1684 Edward Drive and 1686 Edward Drive.

Scott Mease said this is Lot 26, we were just discussing Lot 21. This has an irregular shape. This lot is an open area down by the road, it’s mostly wooded, all steep slopes. They are proposing a house in the middle of the lot, driveway coming down to the road. The primary sewage system testing was done and they did alternate testing and soils testing. The soils are suitable for an in ground sewage system and for infiltration.

Mrs. Louder asked what the lot size is. Mr. Mease said it’s 1.044 acres. Mrs. Louder asked about Lot 21. Mr. Mease said it was .91 acres and it’s in the R-20 zone. The lots are twice the size of the minimum required. Mrs. Louder said why don’t you just do one lot and put one big house on it.

Mr. Mike O’Toole said they have a big street but it is on the side of a hill. The Township’s big plows plow the street in the winter and the proximity of that proposed sewage area to the street concerns him. It’s not all woods as the engineer just mentioned near the street. There’s probably 15’ to 20’ of open space and it’s soft. If we put the drain fields there, they are vulnerable to the load going across the road in the wintertime. He doesn’t know if it’s possible to propose the alternative site for the septic become the primary site and make the other one the alternate. Mr. Mease said using the alternate system; they would be clearing more trees than they are with using the primary. Mr. Stauffer asked how far off the street is the sewage system. Mr. Mease said it’s about 30’ from the street.

Mr. O’Toole said regarding the plows coming down the street, they are not always able to see the boundaries of the street and sometimes they go into his yard. Mrs. Louder said they put the snow stakes in the yard with the reflectors; and the guys thank them all the time.

MOTION BY: Mrs. deLeon moved that Council take no action and have a letter be written to the ZH”B notifying them of a list of concerns, i.e., the trees, the runoff, the wells.
SECOND BY: Mr. Stauffer
ROLL CALL: 4-0 (Mr. Kern – Absent)

B. IESI BETHLEHEM LANDFILL – 2335 APPLEBUTTER ROAD – TITLE V PERMIT RENEWAL APPLICATION
(7:59 p.m.)

Mr. Josh Roth, Engineer was present. They prepared the application on behalf of the landfill. The Title V operating permit is a facility-wide operating permit administered by PADEP and it’s a permit that is valid for a five-year period and renewed every five years. PADEP has reviewed the application and prepared a draft permit. The permit is out for public comment and the department will be receiving and reviewing comments for a 30-day period.

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Attorney Treadwell asked if there was anything different about this permit request than the previous Title V. Mr. Roth said what happens with a five-year renewal permit application, the permit reflects the EPA regulations that have happened in the last five years and also incorporates any additional permits or new sources that have been constructed at the facility in the last five years.

Mrs. deLeon said weren't you talking about putting in another flare, do you have to do that now or wait until you get into the design phase. Mr. Roth said the permit requires the facility to recalculate its gas flows every year and to install additional flares when that becomes necessary. The plan is for that flare to be installed next year and they've initiated the permit application process for that. It should be submitted to the department within the next six weeks.

Mrs. deLeon said this is a draft version of the permit. Mr. Roth said that's correct. Mrs. deLeon said she thought in the past we had the actual application we reviewed. Mr. Roth said he believes the application was submitted late 2017 and both the application and the permit are available to review. The Township had some comments in late 2017. Mrs. Huhn said we do have that on file. Mrs. deLeon asked Mrs. Huhn to forward her the review letter.

Mrs. Louder said she'd like to have the Landfill Consultants review all the reports from the DEP as far as the exceedances with the gas and the seepages on the North Slope. This is air quality and there were excessive exceedances. Mrs. Huhn said their quarterly meeting is next Tuesday, so we will have this for them on the agenda and anything else in the way of those reports. Mrs. Louder asked what is the life expectancy for the landfill. Mr. Roth said it's five to seven years at this point. Mrs. Louder asked is that because you lowered the tonnage? Mr. Hallock said because the SE realignment application stated 5.5 years.

Mrs. Yerger said we have direction for the staff to have the Landfill Consultants review all DEP air quality reports and the Title V Operating Permit Renewal application and bring it back to the November 21st Council meeting.

C. AUTHORIZE SALE OF TOWNSHIP PROPERTY (8:06 p.m.)

Mrs. Huhn said we have the results for the items put out to bid. They are mostly Public Works and Police vehicles. We had two Toro carts and the highest bid was \$1,291.18 and the second cart was \$3,010.00. The International Trailer came in at \$821.18; 2013 Ford Crown Victoria at \$1,150.00; 2000 Ford Crown Victoria at \$700.00; Electric Golf Cart at \$30.00; Air Compressor at \$210.00; and a Generator at \$218.18. There was a 2013 Ford Taurus, a 2006 Ford expedition, and leaf blower that received no bids. We have since been contacted by people interested in the unsold cars. She spoke to Attorney Treadwell about this and as long as Council is okay, she can release them for an amount not less than what our minimum was for the bid.

MOTION BY: Mr. Stauffer moved to approve the sale of items to the high bidder as outlined by the Township Manager, and include the other two vehicles that the public had interest in.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

D. RESOLUTION #86-2018 – ADOPTION OF THE LEHIGH VALLEY 2018 HAZARD MITIGATION PLAN (8:09 p.m.)

Mrs. Huhn said we have been working over the past year with Bryan Evans and he's been instrumental in submitting our portion of this plan. All municipalities have been submitting theirs as well and now we have to submit our resolution. We will complete this and receive an official letter from FEMA that our mitigation plan has been updated. Mrs. Huhn thanked Bryan for all his work on this.

MOTION BY: Mrs. deLeon moved to approve Resolution #86-2019.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

E. **RESOLUTION #87-2018 – AUTHORIZATION TO SUBMIT A PENNSYLVANIA DEPARTMENT OF TRANSPORTATION MULTIMODAL TRANSPORTATION FUND GRANT FOR REPLACEMENT OF LOWER SAUCON ROAD BRIDGE** (8:11 p.m.)

Mrs. Huhn said this is the bridge we have applied for various grants. We've been working with HEA on the engineering portion of it. Mrs. Gorman has been completing grant applications with the understanding we are applying through different entities that are looking at the same type of grants. We are hoping to get some money from one of these entities. PennDOT is offering money for the road related projects, which is similar to the DCED grant. We'd like to apply for both and this resolution is authorizing our intent to file the applications. Mrs. Yerger thanked Mrs. Gorman for the great job she's done with the grants.

MOTION BY: Mrs. Yerger moved for approval of Resolution #87-2018 to apply for a PennDOT Multimodal Transportation Fund Grant not to exceed \$219,640.00.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

F. **REQUEST FOR “SCHOOL BUS STOP AHEAD” SIGN ON SPRINGTOWN HILL ROAD** (8:12 p.m.)

Mrs. Huhn said there is a request from Mrs. Olsen on Springtown Hill Road. The school bus stop is near a blind corner and she's asked if we could install a "School Bus Ahead Sign". The Director of Public Works, Police Department and School District have reviewed the request and all are in complete agreement for the installation of the sign. Mrs. deLeon said do we normally pay for this. Mrs. Huhn said she and Roger Rasich discussed this and there is a policy for specialty signs that we have in the past asked the residents to pay for it, but we both feel the Township should pay for it as it's a school bus stop sign for safety purposes, we both felt we would not pass this on to the resident. Mrs. Louder asked if there are any other areas in the Township that are overlooked for these kinds of signs. Can someone go out and take a ride and look at all the bus stops and check to see if we need a sign. Chief Barndt said we usually go by complaints from the school district and the residents as they are the only ones that know. If we get them, we bring them to Council. Mrs. Huhn said school bus stops may change yearly because of new students. Mrs. Louder said she thinks the school district should evaluate it and determine if there are any signs needed. Chief Barndt said he can communicate with Wally Zimpfer at the school district.

MOTION BY: Mrs. Louder moved for approval to authorize the Public Works Department purchase and install a "School Bus Stop Ahead" sign for Springtown Hill Road with the Township paying for the cost of the sign.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

G. **2019 BUDGET – DISCUSSION REGARDING INCREASE TO THE FIRE TAX** (8:16 p.m.)

Mrs. Huhn said there's a memo from Cathy Gorman in your packet explaining, based on the work session budget meeting direction from Council to prepare the options of a one-half mill tax increase for fire taxes and Council should have those recommendations.

Mrs. Louder said she feels the fire tax should be increased. If we raise the fire tax 100%, which is one-half a mill, what's going to happen is within a couple of years it would sustain the fire departments equipment. Mrs. Gorman said based on the depreciation and the assumed cost of future vehicles, a mill should sustain for the long-term. Initially we may need to do some financing options or even consider a debt note obligation.

Mrs. Louder said the Township is changing and our fire companies need to start moving forward with the equipment and having what they need. With the volunteers diminishing, we ought to start to look at how we are going to sustain our fire companies and that would be a good start in the right direction. The landfill is closing and that's where the \$200,000 has come from. Looking at that, she'd like to start to decrease as the fire tax monies increase so that the fire companies would then have to regroup themselves and figure out how to make some money themselves.

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Mr. Stauffer said in the original budget there was the recommendation to leave the fire tax at one-half a mill. Mrs. Gorman said during the budget work session, there are several factors that we in administration do not know. It's a Council decision to whether or not you are going to have full ownership or if you are going to donate a percentage to the fire departments out of the fire tax fund to pay for the vehicles. It leaves an open window for her to determine what tax assessment would be needed on an annual basis. If you are going to go for full ownership you are going to be looking into debt payments as well. If you are looking at a 50% contribution, then the one mill will sustain you quite well over the duration of 20 plus years. Once Council makes that decision as to how heavily they want to be in the purchase of the vehicles, we'll have a better grip on it. Mrs. Louder said that hasn't been determined yet. Mrs. Gorman said without that information she certainly can't make a recommendation to raise the tax. Mrs. deLeon said when do we have to make that determination. Mrs. Gorman said if it's Council's intent to raise the tax, the funding from that will go into its reserves or fund balance for future purchases. We are not budgeting to spend any money other than the final debt payment and some consulting work for grant opportunities. You have time to decide that, but she knows the fire departments are under the gun with the NFPA standards for the 20 year life span of a vehicle and the time delay setting the specifications for the vehicle. To get a vehicle, it might be two years before we actually have a vehicle in hand.

Mrs. deLeon said she looks at this as a partnership so there should be a shared percentage somewhere along the line. Mrs. Yerger said she thinks there needs to be a longer discussion on this. Mrs. deLeon said the \$50,000 we normally give to the fire departments, that was bottom line expenses and to lower that amount, she has a problem with that. Mrs. Gorman said the tax itself is paying for the equipment and vehicles. If Council wishes at a later date if there is funding available, to start shifting some of the general operating funding that you are providing for them and switch it over to the tax, we can modify the resolution to reflect that. What Mrs. Louder was hoping was that we would phase in those expenses into the fire tax as some point. If the assessment of the Township starts increasing and we get \$475,000 she can start filtering some expense in the general fund. Hopefully with a smooth transition all fire department expenses would be paid for under the fire tax, but that's down the road. Mrs. Yerger said we are going to have to come up with standard policies and things like that for all of this. Mrs. deLeon asked has the policy that was set regarding the accountability of the money been working out. Mrs. Gorman said the fire companies have been providing her with that information when requested. Mrs. deLeon said this will be continued until the next meeting. Mrs. Gorman said she will be providing Council with the proposed budget on November 21st.

Attorney Treadwell said is Council prepared to make a decision on raising the fire tax tonight or do you want to wait until November 21st? The caveat to that is if you wait until November 21st, when the budget gets advertised, it won't have the tax amounts in the advertisement because the budget needs to be advertised prior to November 21st. Mrs. deLeon said she's looking at the agenda, which listed the increase to the fire tax and said she doesn't see any residents here.

George Gress, Se-Wy-Co Fire Company, in regards to the fire tax to propose to raise it up to one mill, and your comment about taking the \$200,000 currently allotted to the four stations after discussion with others, \$430,000 is going to be close to the bare minimum to sustain the trucks. Mrs. Louder said that's what it is supposed to do. Mr. Gress said to take that \$200,000 out of the \$430,000 every year is going to be a large hit to the account and will not sustain what is needed in the Township. Mrs. Louder said that was not going to be done immediately. Mr. Gress said the \$150,000 received for the three stations after receiving that in April, it was essentially gone in operating expense. To take that out of the fire tax money is going to hinder equipment replacement down the road tremendously.

Mrs. deLeon said she'd rather keep it where it's at and use the \$430,000 every 5 years for equipment replacement. Mrs. Louder asked as the landfill is going away, was the money coming to

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the fire companies coming from landfill revenue. Mrs. Gorman said yes, the \$200,000 comes from the General Fund. Mrs. Gorman said over the years we've appropriated money into our General Fund from the landfill. The one thing that is being missed by Mr. Gress is that your assessed value is going to change. If it changes for the better, you will have more money coming into that fund, more than just \$430,000. When that occurs, we can start filtering some of those funds we are paying out of the General Fund and move them to the fire tax when that happens. It's pretty apparent that the \$430,000 will be enough to save for vehicles only. She's getting \$475,000 in and she can move over the W/C costs that the Township pays for or something along those lines depending on what level Council decides at a later date.

Mr. Bryan Evans said they recognize that they are not going to create a budget today that works ten years from now. Their perspective is they had an outside consultant and study that showed what their immediate needs are and that's what their goal is to address in the near future. That's Phase I and Phase II is to truly look at a five or ten year plan. We have to set some goals to look at the future and see what opportunities there are.

MOTION BY: Mrs. Louder moved to raise the fire tax by 100%, .5 mills.
SECOND BY: Mrs. Yerger
ROLL CALL: 3-1 (Mr. Stauffer – No; Mr. Kern – Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF OCTOBER 17 & 24, 2018 COUNCIL MINUTES (8:31 p.m.)

MOTION BY: Mrs. deLeon moved for approval of the October 17, 2018 Council minutes.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Mr. Kern – Absent)

MOTION BY: Mrs. Louder moved for approval of the October 24, 2018 Council minutes.
SECOND BY: Mrs. Yerger
ROLL CALL: 3-0 (Mrs. deLeon – Abstain as she was absent; Mr. Kern – Absent)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS (8:33 p.m.)

➤ Gordon Gress, resident, spoke about the heavy rain we just had and the continued storms we are getting. This last one had 2" to 3" rain in two hours. The water came within 6" of coming in his lower level. It was a river. He thinks someone needs to look at storm water. Somewhere down the line it's not going to get better. He spoke to Council about using pervious blacktop and pervious concrete. Mrs. deLeon said we talked about this a while ago. Attorney Treadwell said what we discussed was in looking at it, the issue with pervious concrete or pavement is you have to take care of it and vacuum it because when the silt gets in there, then it's the exact same thing as a regular pavement and becomes impervious. Who is going to monitor that and enforce it? Mrs. Stern Goldstein said it doesn't work if it's already flooded, then the water comes up. Mr. Gress said Upper Saucon Township just spent \$1.5 million and installed three settlement ponds. Salisbury is updating all their culverts on the upper end of Black River Road. Mrs. deLeon asked that we look at ordinances that other municipalities have. Mrs. Stern Goldstein said when someone is doing a development porous paving is one of the options. The Township is not doing the developments, it's the applicants and their engineers, who do what will best suit that property to meet their development parameters, the Township and DEP codes. Mrs. deLeon said applicants come before us from the ZHB and they are over on their coverage and say they are going to put pervious pavers in. If we are going to allow them to do that then, why can't we have the ordinances in place to say that's okay.

Attorney Treadwell said the issue we've always talked about with that type of a pervious pavement or pavers is if you put in porous concrete or pervious pavers on your patio, it wouldn't count as impervious, so that would allow someone to build a patio beyond their 20% impervious coverage, which wouldn't count towards the 20%. Your whole lot could be pervious concrete; however, the danger of that is if it's not maintained correctly, it turns into impervious; and now you have the

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downstream property owner saying “my property is being flooded because the water isn’t going through the pervious concrete because the guy next door didn’t maintain it correctly”. There are only two things you can say, pervious counts as impervious surface or it doesn’t.

Mr. Gress said right now the Township doesn’t recognize any pervious pavements. Attorney Treadwell said we recognize them and allow them, we just count them as impervious. Mrs. Louder said that house on Fire Lane, there’s a pipe sticking out of the property directing storm water onto Fire Lane. She is disappointed that Roger Rasich is not sitting in the audience to hear this conversation. She wants to know that \$503,000 is staying exactly where it is until Black River Road is fixed. We thought we found a solution, so back to the drawing board. Mr. Gress said it helped, but it was not a solution. Attorney Treadwell said he doesn’t know if you can design a storm water system that can handle 2” of rain an hour for four hours. Mrs. Louder thinks we need to have Roger go out there and look at it again. Mr. Gress said Roger did have two trucks down there and he did clean everything up. Mrs. Yerger said she lived on her property since she’s been five years old. She has never, ever seen it flood like it does right now. She has had trees come down, they are laying in her yard and someone’s tractor cart floated into her yard. To Linc’s point, she doesn’t know if we can ever prepare for something of that magnitude.

- George Gress said ever since they paved Old Philadelphia Pike years ago the crown on the road right above the entrance to the LSA is no longer there, so as the water runs down Old Philadelphia Pike on the west side, when it gets to the LSA, it crosses over. It runs down the other across his front yard, across the neighbor’s front yard and flows through the field. There is a storm drain to collect the water across from his house and it doesn’t catch any water. Mrs. deLeon said Mrs. Huhn will look into this.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER (8:57 p.m.)

- Mrs. Huhn said the LV Roadrunners will be running their race November 10th down South Mountain. It goes through just a portion of the Township. Council had no concerns.
- Mrs. Huhn received a request from the HAL. They are doing a basket raffle and are looking for donations to raise funds for the library. They asked if we would donate a family pack of movie tickets. Mrs. deLeon said don’t we have a policy on donations. Mrs. Huhn said she can look back at the policy. Mrs. Yerger said bring it back to the next meeting.
- Mrs. Huhn received an email from the stone mason at the Heller Homestead and he asked for confirmation on the handrails. He said the welder said a handrail does need to be on the porch for safety. They are recommending that the metal columns be replaced with wooden columns that would match the house design and the handrail would be built between the columns. She is waiting for a price on that. Mrs. Yerger asked about a cost and what is the long-term durability. Mrs. Huhn will come back with that information.
- Mrs. Huhn said Kal has submitted his two-week resignation to the Township, and this will be his last meeting. She hates to see him go but she wishes him well. He was unable to use all his vacation time, so she’s requesting we pay out his remainder vacation time; the amount is \$1,091.77.

MOTION BY: Mrs. deLeon moved for approval to pay out \$1,091.77 to Kal Sostarecz for his remaining vacation time.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0

B. COUNCIL/JR. COUNCIL REPORTS (9:03 p.m.)

Matthew Wagner – No report

Mrs. Yerger – No report

Mrs. Louder – No report

Mrs. deLeon – No report

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Mr. Stauffer

➤ Wished Kal luck and he thanked everyone who worked at the polls yesterday.

Mr. Kern – Absent

C. **SOLICITOR** – No report (9:04 p.m.)

D. **PLANNER** – No report

E. **ENGINEER** – No report

VIII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 9:04 p.m.

SECOND BY: Mrs. Louder

ROLL CALL: 4-0 (Mr. Kern – Absent)

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council President