

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. Public Hearing and Consideration of Adoption of Ordinance No. 2018-02 – Revising Chapter 180 (Zoning) – Sign Regulations
- B. Resolution #90-2018 – Honoring Glenn C. Kern for his Service to the Community

III. DEVELOPER ITEMS

IV. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variance – Cuzo Properties, LLC – 1836 Timber Lane – Variance to Construct a Single Family Dwelling
- B. Quarterly Technical Consultants Committee Landfill Report
- C. Replacement of Battery Backup for Route 378 & Black River Road

V. MISCELLANEOUS BUSINESS ITEMS

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next EAC Meeting: December 11, 2018
Next Saucon Valley Partnership: December 12, 2018 @ LST
Special Council Meeting: December 13, 2018 @ 6:00 p.m.
Next Zoning Hearing Board Meeting: December 17, 2018
Next Council Meeting: December 19, 2018
Next Planning Commission Meeting: December 27, 2018
Next Saucon Rail Trail Oversight Commission Meeting: January 28, 2019 @ HB
Next Park & Rec Meeting: February 4, 2019

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 5, 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; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; Jr. Council Member: George French. Absent with prior notification: Brien Kocher, Township Engineer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. Yerger said Council did not meet in Executive Session this evening.

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. PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2018-02 – REVISING CHAPTER 180 (ZONING) – SIGN REGULATIONS

MOTION BY: Mrs. Louder moved to open the hearing.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

Attorney Treadwell said this has been advertised for a public hearing and consideration of adoption for this evening. This is an amendment to the current LST zoning ordinance and it is a comprehensive rewrite of all the sign regulations including billboards, marquee signs, and pretty much any kind of sign you can think of.

Ms. Stern Goldstein said the current zoning ordinance has sign regulations in many sections throughout the ordinance. It's a little difficult for applicants to understand intricacies and what is permitted for different uses in different zoning districts. The Township wanted to make it clearer, concise and user friendly. In 2015, there was a Supreme Court decision and that essentially ruled that sign ordinances need to be content neutral, in that they can't tell you what you can and can't write on a sign, can't tell you the purpose of the sign and can't regulate which entity puts up a sign. You still have the right to regulate your non-residential signs on type of sign, size, etc. They combined all the reasons into one comprehensive update, which includes diagrams, regulations, and non-residential uses. Some parts of the sign ordinance didn't change at all; they've just been reorganized to put them all in one section.

Mr. Stauffer said he doesn't see an exemption for temporary signs that people put up. Ms. Stern Goldstein said there's a regulation for temporary signs. You would need a permit and as long as you comply with the regulations, which you would get from the Township. Mr. Stauffer said in the single-family detached section in the chart, a few have one per street frontage. Ms. Stern Goldstein said yes, for temporary and permanent. If you live on a corner, you could put one on each of your street frontages. Mr. Stauffer asked what the cost was for a sign permit. Ms. Stern Goldstein said in January there will be a new resolution. Mr. Young said he believes it's a \$1.00 per street sign. Ms. Stern Goldstein said this might be an opportunity to see if that's the price you want to charge. Mr. Stauffer said he's concerned about the fee and the limit. Mr. Stauffer said temporary signs seem the most normal and no one should have to deal with red tape to do that. Attorney Treadwell said you can change the number of the signs. Mrs. deLeon said could we make it more than one? Ms. Stern Goldstein said this is based on other municipalities, this is modeled on Doylestown Township. Mrs. Louder said each sign should have a maximum of 12 s.f. so if you have a maximum of 24 s.f. you can have two signs, correct? Ms. Stern Goldstein said that's non-

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residential. Mrs. deLeon said can we go with two signs for residential districts and asked about living in a business district but are non-residential. Ms. Stern Goldstein said when you look at the commercial and industrial districts, there are residential uses and they match the other regulations so that there are residential uses in the non-residential districts.

Gordon Gress, Black River Road asked about yard signs that give directions to your house. Attorney Treadwell said we don't regulate political signs, even in private yards. You can put a yard sale sign in your yard, but if you are putting it on someone else's property, that's another issue. Ms. Stern Goldstein said if you put a sign up on private property, you need that person's permission and the signs shouldn't be in the right-of-way unless you have permission of the person who has the right-of-way.

Mr. Stauffer said is it written somewhere about political signs. Attorney Treadwell said six or seven years ago every municipality used to regulate political signs. Then they said you can have them up X amount time before and after the election. The municipality then said we won't regulate political signs.

Mrs. deLeon said the pipeline has been ongoing for three to four years, and as a citizen she wants the right to put up a sign and shouldn't be controlled as to how long it can be kept in her yard. Attorney Treadwell said you would call that a permanent sign under the ordinance and you would need a permit. Mrs. deLeon said she doesn't think people protesting something should have to have a permit. Ms. Stern Goldstein said then you would be regulating content because you would be determining what constitutes a protest as opposed to anything else with a permanent sign and that would be in violation of Reed vs. Gilbert as it was written. Attorney Treadwell said your other option is to say we're not going to regulate them. Ms. Stern Goldstein said you either regulate them or you don't. Mrs. deLeon said she doesn't want to be in violation of an ordinance she approved. Mrs. deLeon said why should she pay for a permit to express her rights. Ms. Stern Goldstein said she doesn't think there's much desire from Council right now to have a fee for residential signs. Mrs. deLeon said do we have to take action on this tonight? Attorney Treadwell said you can postpone the adoption.

Mrs. deLeon asked who is going to enforce this. Mrs. Louder said is there anything that would back this up if we wouldn't regulate temporary signs. Mrs. Yerger said no. Mr. Stauffer said it could be under the nuisance ordinance. Mrs. Yerger said you would have to put that in some kind of definition of a nuisance. Ms. Stern Goldstein said it really is a matter of discretion for Council. Mrs. deLeon said when does a temporary sign become a permanent sign? Ms. Stern Goldstein said a temporary sign is permitted, per the draft, to be displayed for 30 days, not more than four times per calendar year. Attorney Treadwell said you need a permit for a temporary sign. Ms. Stern Goldstein said the reason for a permit is so you could track how long it's been up and that was done for enforcement so that everyone is treated the same. Mrs. Louder and Mrs. deLeon said it's a waste of time. Mr. Stauffer said has anyone been cited for having a temporary sign up. Mr. Young said no. Mr. Stauffer said it sounds like enforcement is not that important. Mrs. Louder said the business district is what we'd have to regulate more than anything else. Attorney Treadwell said what the staff needs is some clear direction as to what you want to regulate and what you don't, so we can change the way the ordinance is written.

Mr. Stauffer said if we increase the number of temporary signs that are allowed or increase the time limit and say you don't need a permit for them, it sounds like it would solve all the problems we are hearing.

Jeremy Frey said he doesn't understand why we are regulating temporary signs. You can have a political sign all year round but for something temporary you can't. Attorney Treadwell said the election code may regulate political signs. Attorney Treadwell said we have to be prepared, as a Township, when someone puts up twenty-five 2' x 2' signs in their yard, there's nothing we can

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do. Mrs. Louder said we should regulate the business district, as far as the temporary; we're beating a dead horse.

Atom Kallen, Roberts Avenue, said if we're talking about regulations and loosening them, what happens if there is a nuisance or a complaint, what can be done? Attorney Treadwell said we either regulate them or we don't. Mrs. Louder said there are properties in the Township now that could be cleaned up. To her, a small sign is nothing to some of the blighted properties. We're overregulating temporary signs. Mr. Kallen said where would it fall if it was a business in a residential neighborhood. Mrs. Louder said everything that would be a business would be regulated.

Mrs. Yerger said it sounds like we are all in agreement that business signs need to be regulated. She's not sure how often we have a residential sign that may be offensive to the rest of the neighborhood, whether it's temporary or permanent and there are those possibilities.

Attorney Treadwell said we need to go back and rewrite the temporary provisions for residential signs and what he's hearing is don't require a permit, no fees, allow two signs on a property, and then limit the area of the sign. If we don't require you to get a permit for a temporary sign, you can't put up one that's the same size as your lot. We will need to re-advertise it and have another public hearing.

MOTION BY: Mr. Stauffer moved to close the hearing.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0

B. RESOLUTION #90-2018 – HONORING GLENN C. KERN FOR HIS SERVICE TO THE COMMUNITY

Mrs. Yerger read the resolution.

MOTION BY: Mrs. deLeon moved for approval of Resolution #90-2018.
SECOND BY: Mrs. Louder
ROLL CALL: 4-0

Mrs. Yerger said Mrs. Huhn will deliver this to Glenn tomorrow.

IV. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE – CUZO PROPERTIES, LLC – 1836 TIMBER LANE – VARIANCE TO CONSTRUCT A SINGLE FAMILY DWELLING

Mr. Derek Herman, Keystone Consulting Engineers was present. His client is proposing to build a single family dwelling on a .96 acre parcel at 1826 Timber Lane. The lot resides in the rural residential district and is currently an undeveloped lot. The subject lot was created by the Herman tract subdivision in 1977. Since the creation of the lot, sections of the zoning ordinance relating to environmental protection standards have been adopted. With these revised ordinances in place, to build a single family dwelling on this lot, we are seeking six variances. He listed the variances: a variance from proposing more than the allowed disturbance of steep slopes in the 15% range, disturbance of steep slopes in the 15% to 20% range, and disturbance of slopes greater than 25%. They are also proposing more disturbance of woodlands than permitted and environmentally woodlands that are permitted and they are proposing more than the allowed impervious cover. This is the only lot in the subdivision that hasn't been developed.

Mr. Stauffer asked how does what you are asking for compare to what's there now. Mr. Herman said 2,400 square footage and is consistent with the other lots. They proposed that dwelling right up against the building restriction line just to minimize disturbance and grading to the property. Mrs. Yerger said all the storm water will be infiltrated onsite. Mrs. deLeon asked where the alternate system was. Mr. Herman said its right to the south of the primary. Mrs. deLeon said this is similar to the other ones we had where it's an old subdivision. Attorney Treadwell said your standard procedure now is to send the ZHB a letter telling them what position, if any, you took

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with regard to the application. Mrs. deLeon asked if we have any stormwater issues in this neighborhood as she wouldn't want to go the ZHB and have eight neighbors show up. Mr. Herman said they are not aware of any. Christopher Zajack said he personally knows three of the neighbors and they haven't made any indication of anything offensive. The grading plan would address any sort of runoff.

Mrs. deLeon said we like to see the least number of trees disturbed. Mr. Zajack said he concurs with that. Mrs. Yerger said we would take no action, but with suggestions. They are going to minimize the loss of trees. Mrs. Louder said this development was approved back in the 70's so there has to be a fine line and she thinks they should be grandfathered to the rules back then. Mrs. deLeon said you have to have a footprint large enough to have a nice house, but we don't want a clear cut lot. Mr. Zajack said the house will be as close to the road as possible. Attorney Treadwell said in this case we don't need a letter and what the ZHB does if they grant a variance is based on the plan presented.

MOTION BY: Mrs. Yerger moved to take no action.
SECOND BY: Mr. Stauffer
ROLL CALL: 4-0

B. QUARTERLY TECHNICAL CONSULTANTS COMMITTEE LANDFILL REPORT

Chris Taylor from Hanover Engineering was present. The Technical Consultant Committee met on November 13, 2018 and discussed the 3Q18 and recent developments. Mr. Taylor said the first item is regarding report submissions. As of the meeting date, three reports were due, of those, two have been provided.

Mr. Taylor said regarding waste acceptance, tonnage was slightly lower than the previous quarter. Six loads were rejected during the 3Q. Fifty-one tons of recycling in the 3Q. In early August there was a complaint that work was taking place on the landfill beyond 6 p.m. The Township Manager advised this was not acceptable and site work must end by 6 p.m. In late September, a complaint was received that the site was not adequately covering garbage by the end of the working day. He conducted an inspection and observed daily cover was adequate. PADEP conducted one inspection during the 3Q and document non-compliance with two permit requirements. The Township received a complaint in early October that garbage was being placed at elevations higher than those allowed under approved construction plans. Only one isolated area was found where garbage was found above the elevation and that was corrected. The Committee found no concerns to report to Council.

Mr. Taylor said regarding landfill gas management, at the time of the six regular inspections conducted, the BRE plant was running at full capacity one time, running at half capacity twice and not running at all three times. The landfill flare ran with no outages. The landfill received two odor complaints. DEP conducted one inspection and found nine exceedances of 500 ppm of methane while noting odors of hydrogen sulfide and landfill gas present at the facility. They observed two leachate seeps with active bubbling indicating escaping gas, no violations were assessed. The Committee found two concerns, which is the gas production rate, which peaked at 3,800 cfm when new collection infrastructure was completed in August. The second concern is the continuing occurrence of surface emissions of methane exceeding permissible limits. Mrs. Louder said recent development on page 4, two IESI employees were trained to be visible emission readers and it states two or three employees are no longer there. Were any of those employees trained and if they were, were they replaced to be the emission readers. Mr. Taylor said Cody White was trained and he's on the site 85% of the time. Mrs. Louder said 100% would be better. There was a notice about BRE shutting down, will the flare be able to handle what's going on at the landfill now. Mr. Pannucci said yes. Mrs. Louder said there was mention of a new renewable gas company coming on site of the landfill. Mr. Pannucci said with the BRE situation that was news to him also. They are working with Aria Energy and they will be able to handle all the gas flows in the future. They saw a news report from BRE that they will be closing June 2019. They have the

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flare and are getting their other flare in place. Aria is looking for a zoning decision so they are in a standstill with them right now until they get an answer. Mrs. deLeon said Aria should be here for a presentation. Mrs. Louder asked why a million dollar company would come into a landfill that's closing in five years. Attorney Treadwell said if he remembers the presentation correctly, Aria is there for a long time after the landfill closes as the gas will continue for 25 years. Mrs. Louder asked if IESI is considering to expand. Mr. Pannucci said he doesn't have an answer. Mrs. Louder said the flare has had issues for many years, do you have somebody on site Monday through Saturday to make sure the flare is running properly especially if the BRE plant is going down. Mr. Pannucci said Cody White is on site 85% of the time and on call if there is an issue and can be there within an hour if there's an issue. The new flare will be there in the summer. Mrs. Louder would like to have Mrs. Huhn send a letter to DEP informing them of all these changes of IESI with concerns of the flare and gas destruction and she'd like to have air quality notified. Mr. Pannucci said they were on site last week. Mrs. Louder said ask them to up their inspections as we lost some inspections during the past months.

Mrs. deLeon said she was here when BRE started in order for them to build a plant, they couldn't be owned by IESI. Mr. Pannucci said correct. Mrs. deLeon said will Aria will be rented space in a different spot. Mr. Pannucci said correct, it's all preliminary right now. Mrs. deLeon said Calpine across the street, is that where they are going to hook in. Mr. Pannucci said he doesn't have firm answers. Mrs. deLeon said on November 24th a resident contacted her about Applebutter Road as they smelled gas. DEP was there on September 24th and they did the inspection, what about the NOV's. Mr. Pannucci said all the NOV's are closed out at this time. Mr. Taylor said there was still one outstanding. Another concern is to establish redundancy for gas destruction.

Mr. Taylor said of particular note is two leachate seeps were documented by DEP in their September inspection but have been repaired. He reviewed the detection flows in LMC-7, 8 and 9. The committee concerns are that there is ongoing concern of continuous flow of leachate and/or storm water within the detection zones of the landfill. Mr. Pannucci said they had a third party on site last week and they cleaned out the pumps and ordered two new pumps and are checking the flow meters. They think that was the issue. Mrs. Louder asked if there is a tear in the liner? Mr. Pannucci said given the flows it's more like a storm water intrusion probably on the perimeter, getting in somewhere. Mrs. Louder said with the SE Realignment, did you not take trash out and put a new liner down. Mr. Pannucci said the area they are in has a single liner system underneath it. They stripped off the final cover down to intermediate cover and put down sub base, a liner on top of it, so there's a dual liner system. Mrs. Louder said did that not seal it? Mr. Pannucci said it's too early in the process to tell. Mrs. Louder said it's 7 and 8, and now 6 is involved. This is a good suggestion of a tear in the liner, has that been investigated? Mr. Pannucci said it's hard to investigate a primary liner system other than looking at the test data and it shows it's most likely storm water infiltration. Mrs. deLeon said we have been discussing this for a while. How do you fix it? Mr. Pannucci said that's why they lined over the top of it. They are all interconnected. Mrs. Louder said they did an inspection last week. Mr. Pannucci said they didn't find anything. Mrs. Louder asked Mr. Taylor to ask Mr. Sichler to share his method with IESI. Mr. Taylor said groundwater management, the committee found no concerns.

Mr. Taylor said traffic management, the committee found the concerns of the lack of compliance with the Traffic Control Plan, which includes overweight trucks and staging of trucks along public roads and the issue on landfill truck traffic traveling on non-approved routes. Mrs. Louder said she passes at least 3 to 6 of IESI's trucks going to the landfill. These trucks are brought in on a schedule and maybe the scheduling needs to be looked at. She understands your tractor trailers are covered so how is rain getting in there, maybe put one less scoop on the truck. Mr. Taylor said in discussion with Mr. Hallock he was talking to the operators in the transfer stations about their loading practices.

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Mr. Taylor said storm water management, the committee founds concerns related to the state of the storm water runoff conditions in the area of the north slope road. The landfill has made substantial improvements in this area, but this can't be tested until the next large storm event. Mrs. Louder thanked them for the extra work they did up there, but that is going to do nothing unless you make sure your pipes aren't clogged. Mr. Pannucci said he hasn't heard of any issues and everything seems to be holding up pretty good. Mr. Taylor said there are no current permit applications pending with DEP.

Mr. Taylor said operational changes, the committee found that the facility will be understaffed with the positions of District General Manager, Environmental Compliance Manager and Operations Manager until they are filled. Mr. McReynolds said between himself, John and Dave, they have coverage. They are actively looking to hire someone.

Mrs. Louder said she'd like to reiterate to send a letter to DEP requesting more inspections, especially with the flare, BRE, Aria and lack of staffing. Mrs. deLeon said we should take the concerns in Chris' letter and put them in a letter. Mrs. Louder said this report is disheartening. It seems like for the past year reports have been coming back and they have been low standards for the operations of this company. She's hoping in January this will make a turn-around.

MOTION BY: Mrs. deLeon moved to have the Manager send a letter to DEP stating our concerns.
SECOND BY: Mrs. Louder
ROLL CALL: 4-0

C. REPLACEMENT OF BATTERY BACKUP FOR ROUTE 378 & BLACK RIVER ROAD

Mrs. Huhn said we received an inspection from Signal Service and the battery backup was inoperable and it is no longer supported by the manufacturer. This is our backup when we lose power. The cost estimate is \$3,374.00.

MOTION BY: Mrs. Louder moved for approval of a new battery backup at a price of \$3,374.00 to be installed by Signal Service Inc.
SECOND BY: Mr. Stauffer
ROLL CALL: 4-0

V. MISCELLANEOUS BUSINESS ITEMS – None

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

- Gordon Gress asked how many applicants there were for the open Council seat. Mrs. Huhn said 16.
- Bryan Evans said it's really interesting of 16 applicants that there's not 16 people in this room tonight.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mrs. Huhn said the contractor working on the Woodland Hills Loop trail is requesting an extension of time to complete the project. The cutoff was December 10th and they are asking to go to the 24th.

MOTION BY: Mrs. Yerger moved for approval of the change order No. 1 for a two-week extension.
SECOND BY: Mrs. Louder
ROLL CALL: 4-0

B. COUNCIL/JR. COUNCIL REPORTS

- Matthew Wagner** – No report
- Mrs. Yerger** – No report
- Mrs. Louder** – No report

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Mrs. deLeon

- She attended the Saucon Valley Conservancy's holiday gathering and got to see the new steps but she had some issues as there were only one handrail and she had insisted on two. Mrs. Huhn said she will look into that with the contractor. Mrs. deLeon said the steps at the porch seemed higher than they were, but it looked very nice.
- She said it's at least five years since we did a five year plan for the historic organizations. Mrs. Huhn will look into that.

Mr. Stauffer – No report

- C. **SOLICITOR** – No report
- D. **PLANNER** – No report
- E. **ENGINEER** – Absent with prior notification

VIII. ADJOURNMENT

MOTION BY: Mr. Stauffer moved for adjournment. The time was 8:24 p.m.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council President