

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, December 18, 2013 at 7:08 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Tom Maxfield presiding.

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

**PLEDGE OF ALLEGIANCE**

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

Mr. Maxfield said Council did meet in Executive Session before this meeting to discuss personnel topics and possible property acquisition.

**MOTION BY:** Mr. Maxfield moved to approve the 2014 salaries for Department heads. The motion will set the following salaries for department heads and Administrative Assistant for 2014 and be included in the 2014 budget. Jack Cahalan, Township Manager - \$87,796.58; Chief of Police - \$87,043.22; Chris Garges Zoning Officer - \$68,319.63; Roger Rasich Director of PW - \$63,762.94; Leslie Huhn Assistant Manager - \$62,621.82; Cathy Gorman Director of Finance - \$56,681.73; Diane Palik Administrative Assistant - \$38,212.81, which translates to a 2% increase for everybody.

**SECOND BY:** Mr. Horiszny  
Mr. Willard said he doesn't know if this should be on the motion, but this is based on the performance and evaluations that were conducted for the staff. Mr. Maxfield asked if there was any comment from the public. No one raised their hand.

**ROLL CALL:** 4-1 (Mr. Kern – Absent)

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

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

**III. PRESENTATIONS/HEARINGS - None**

**IV. DEVELOPER ITEMS**

**A. MILLER STORMWATER WAIVER – 2757.5 WASSERGASS ROAD**

Mr. Maxfield said the applicant is seeking waivers from two sections of the stormwater management ordinance. The applicant is constructing a single family residence on a "landlocked" 25-acre parcel, in which site constraints necessitate relief from the ordinance.

**MANAGEMENT PLAN - WASSERGASS ROAD – TAX MAP PARCEL  
Q8-4-14 FOR THE DECEMBER 18, 2013 COUNCIL MEETING**

The Lower Saucon Township Staff offers the following approval motion for consideration by the Township Council for the requested waivers of:

Section 137-17.I(3) – to allow infiltration facilities in areas that do not meet the minimum infiltration rates.

Section 137-17.I(7) – to allow infiltration facilities to be proposed as shown which have tributary areas in excess of the maximum permitted loading ratio.

For the Miller Residence Grading and Stormwater Plan entitled “25 Acres Property,” as prepared by Base Engineering Inc., dated April 15, 2013, last revised September 24, 2013, consisting of three (3) sheets.

Subject to the following conditions:

1. The Applicant shall address all other Township Ordinances with their Grading and Stormwater Management Plan application, including those items in the review letter dated November 5, 2013 prepared by Hanover Engineering Associates, Inc.
2. Basin 2 shall be sized to meet the required loading ratio.
3. If any infiltration facility fails to drain within 72 hours of the end of a storm, the property owner shall submit a revised Grading and Stormwater Management Plan application to propose facilities that would meet Township design requirements, which may require placing facilities in a different area.
4. All waivers granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

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

Jason Miller and Amit Mukherjee, Base Engineering were present. Mr. Mukherjee said Mr. Miller and his family would like to construct a residence upon 25 acres which is offset from Wassergass Road by some distance; however, he has reached out and obtained an access easement and a right-of-way from an adjacent neighbor who has frontage on Wassergass Road. There will be a driveway within that easement and right-of-way in such a way that there shall be no disturbance or encroachments into the neighbor’s property except in the right-of-way that has been acquired. They have proposed a residence upon the property. They know there’s about 1,200’ of offside driveway. There’s about 900’ of onside driveway. It’s a nice decent house. As far as the project goes, they have applied for a grading permit. They also know and recognize there is x amount of square feet of impervious area, and an x amount of square feet of disturbance. They have to acquire NPDES permitting. They are aware of that and they would be pursuing those, probably within the next couple of weeks. They are here seeking waivers to stormwater ordinance Section 137-17.I (3) which has to do with infiltration rate and Section 137-17.I (7) which has to do with loading ratios. Towards that, they have had a meeting with your Zoning Officer and Township Engineer. They believe they can work out how they can address most of the other comments he has and he thinks his office would support the waiver requests they have in front of Council.

Mr. Maxfield said they do have review letters they’d like to go over with the consultants. Ms. Stern Goldstein said their review letter is in draft form and will not be issued in coordination with Chris Garges after it was sent to review; he realized it shouldn’t have come to Boucher & James.

1 They don't traditionally review that type of permit, so that was not issued. The comments were  
2 only shared, always as they are, internally and picked up by Hanover in their review. That was in  
3 there for your information. They closed that project and the Township will not be billed any time  
4 for that and will not in turn bill the applicant for that either.

5  
6 Mr. Dan Miller said today you received a copy of their review letter from a month ago and there  
7 is a list of things they need to address and in discussions, they are prepared to meet all of them.  
8 They are looking for three reliefs. One is the zoning relief which is a separate discussion and the  
9 other two are for property not accessing on to a street directly, the need to go across another  
10 person's property. They are here to discuss tonight and the motion that has been prepared tonight  
11 is regarding two waivers of the stormwater management ordinance. The first waiver is to allow  
12 infiltration facilities areas that do not meet the minimum infiltration rates. They have done some  
13 testing on the site and along the driveway they only have a 15' swath of land that they can put the  
14 infiltration and the driveway in. Once you have the constraints of your 8' driveway, and they can't  
15 go on to the adjoining property to put infiltration trenches in, they can only have what they have.  
16 Those areas do not meet the minimum rates which are required. The alternative is they go back to  
17 some kind of traditional detention and that's less desirable and less in line with what the Township  
18 wants them to do. For along the driveway, it is pretty much a textbook hardship that the ground  
19 will not give what they have to get and they can't put it anywhere else. For the house, they've  
20 done some testing and one of the areas doesn't meet the infiltration rate and they want to use that  
21 area anyway, so they don't have to disturb more of the woods area to put it somewhere else. To  
22 accommodate the concerns, the reason you want the faster rate is to be assured that it will drain and  
23 continue to drain in the future. That's why the one condition in the motion is put in there, condition  
24 no. 3 above.

25  
26 Mr. Maxfield said when you say it has to drain, what time period are you talking about? Not how  
27 long, but within what? Mr. Dan Miller said when the storm ends, it has to drain within 72 hours.

28  
29 Mr. Maxfield said can you tell us how far off they are with the percentages to meet the  
30 requirements? Mr. Dan Miller said it varies by each one. There's one that is about 60% of what it  
31 needs to be, another one 50% of what it needs to be, and another one that's virtually not draining at  
32 all; however, the alternative is something that wouldn't be infiltration. As far as doing it in the 72  
33 hours, they expect that most of the facilities will drain in that time, but there's a factor of safety  
34 that's put into these calculations.

35  
36 Mr. Horiszny said do we know there's a lot of standing water after storms now? Mr. Dan Miller  
37 said not that he's aware of. Before the water ran off the ground and went downhill. Now they are  
38 capturing it. It would also be more as there's the impervious coverage that would have the water  
39 runoff of it. Mr. Maxfield said he spoke to Chris Garges about the stormwater issues and he had  
40 indicated that a good part of the driveway drained into a different tributary and that it wouldn't all  
41 be collected into one tributary. It would all end up probably in the Saucon Creek, but via two  
42 different tributaries. Mr. Dan Miller said yes, they both drain to the same creek, and he thinks the  
43 driveway drains to the same area. The house drains a different way. What you may have been  
44 hearing about different areas for the driveway is there's a series of nine trenches. Of those nine  
45 trenches, only several of them don't meet the required rates.

46  
47 Mrs. deLeon said do you see any reason why we shouldn't do this? Mr. Dan Miller said not really.  
48 They are doing the best they can to address the intent of the ordinance. Mr. Maxfield said the  
49 woodlands surrounding, and it seems there is sufficient woods that would capture runoff, active  
50 sponge, whatever. Mr. Dan Miller said correct. Mrs. deLeon said what is going to protect those  
51 woodlands? Mr. Maxfield said the woods themselves are perfect for stormwater. Mrs. deLeon  
52 said she knows that, Tom. She's just saying they have a right as a property owner, what's stopping  
53 them from having woodlands on the property now? Mr. Dan Miller said you passed an ordinance

1 back in 2005 which has some pretty strong regulations on disturbance of earth and they are using  
2 up about 80% of what they can use so they don't have much left.

3  
4 Mr. Mukherjee said out of 25 acres, they could only disturb 2 some acres. Mrs. deLeon said she's  
5 just making sure they are aware that they do have the ordinances in place. Mr. Mukherjee said that  
6 was part of the grading permit process.

7  
8 Mr. Horiszny said can the driveway be pervious concrete? Mr. Dan Miller said you could, it won't  
9 be very helpful. It will still be slow draining. It will just be more expensive. Mr. Maxfield said  
10 Chris did tell him the driveway was supposed to be, other than the first 15', gravel or crushed crete.  
11 Mr. Mukherjee he had some nice suggestions about the material to be used which they would be  
12 incorporating into the design.

13  
14 Mr. Maxfield opened it up to the floor. Mr. Tom Ungiran, 2053 Wassergass Road, said this project  
15 is completely on his property due to an easement that Mr. Jason Miller has, he's crossing Mr.  
16 Ungiran's property with his driveway which is approximately within 10' of 1800' from the  
17 Township road to his property. He is concerned because the way the land lays, it goes down and  
18 comes back up again. On the lower part of the swale, there is water retention and with this runoff  
19 there's going to be a lot more retention and it's all going to be retained on his property. His  
20 property right now has been under cultivation forever and intends to stay that way. Right now the  
21 land is under Act 319 with no intention of developing it. He doesn't want to be losing 3 to 4 acres  
22 of land on either side of the driveway due to water retention.

23  
24 Mr. Dan Miller said while there's a possibility in a heavy storm that there will be ponding as a  
25 result of the driveway acting as a small berm, it will be entirely at the low point. He asked how  
26 deep the ponding could get that this doesn't drain everything? Mr. Mukherjee said in the first  
27 place, the minimum depth of these infiltration trenches is 2' so there's going to be 2' of stone. Mr.  
28 Dan Miller said he's concerned with the above ground, the runoff. Mr. Mukherjee said that was  
29 one of the beauties with not going entirely with blacktop or concrete because the increase in  
30 impervious area and the consequence of the driveway would not be 1,200' x 8' wide, whatever the  
31 width is. It would be half of that because anything that is stoned will allow for some percolation of  
32 the water into the ground. That has been taken into account and obviously the second thing is the  
33 infiltration trenches. To come back to the question, because of all these factors that have been  
34 considered into the design, he doesn't believe you are saying there isn't going to be some ponding.  
35 There will be some ponding but they've tried the best to have that not occur, more frequently had it  
36 been a blacktop or concrete driveway.

37  
38 Mr. Maxfield asked if the neighbor was experiencing ponding now? Mr. Ungiran said in heavy  
39 rain and more so now since the easement hadn't been used and the ground is packed; more so than  
40 it's ever been when it's been cultivated. Cultivation is not collecting the runoff, it's coming down  
41 the driveway and ponding more so. Mr. Maxfield said the infiltration trenches have not been  
42 installed as of yet? They have a dirt drive going in? Mr. Mukherjee said yes, right now. Mr.  
43 Maxfield said hopefully those infiltration trenches will address some of that ponding. Mr. Dan  
44 Miller said they definitely should help. Mr. Mukherjee said in addition to one of the suggestions  
45 that your Township Engineer had was to create some kind of a grass strip in that area even though  
46 it is not a whole lot, it would have been more desirable to have a larger area, but that grass strip  
47 should also help within their easement.

48  
49 Mr. Maxfield said he doesn't know what to say, but it sounds like they are looking at that issue. He  
50 doesn't know if he still has concerns about it. Mr. Ungiran said he certainly still does. Mr.  
51 Maxfield said they are here tonight for two waivers and Council is the persons that can grant the  
52 waiver. They are going to have to come up with some sort of decision tonight.

**DRAFT**  
**General Business & Developer Meeting**  
**December 18, 2013**

1 Mr. Horiszny said there's no other place to put the driveway? Mr. Maxfield said there was a  
2 difficulty in getting the easement into the property. Mr. Mukherjee said yes. Mr. Maxfield said he  
3 knows that has happened before in LST.  
4

5 Mrs. deLeon said your property is basically landlocked without that easement? Mr. Jason Miller  
6 said correct. The easement was created back when the land was split apart many years ago.  
7 There's a pre-existing easement, but it was extremely vague where it was basically said from this  
8 rock to that tree. There was no real width determined, no real position and they had agreed to this  
9 in court regarding what the width was going to be and where the easement was going to be. Mrs.  
10 deLeon said you understand our concern that we don't want to cause his surrounding land any  
11 issues either. Mr. Jason Miller said he understands that completely. He does know the times he has  
12 been out there after a heavy rain, he has seen minimal ponding with what's been going on and he  
13 does believe the infiltration that they are putting in is going to be an improvement as to what the  
14 infiltration rates are currently on the premises. Mr. Mukherjee said besides, he's going to be a  
15 neighbor so they can be talking to one another. Mr. Dan Miller said these facilities are designed to  
16 handle what is expected to be the runoff from the driveway. In those storms that are smaller, then  
17 what it's designed to handle, it should be improving the amount of water that's running off.  
18 Looking at the detail, it appears that the width of the driveway is 8' and the slope on the driveway  
19 is 2% so they are talking about a 2" pond at the low spot until it drains, if it ever ponds that deep.  
20 Then at that point, the slope on the property, 2" is going to go 10' on to his property. That's in  
21 those instances.  
22

23 Mr. Horiszny said who was the grantor of the easement? Mrs. deLeon said it was years ago.  
24 Attorney Treadwell said he thinks he's talking about was the court...Mr. Jason Miller said yes.  
25 That was last...Attorney Treadwell said there's a court order that was agreed to from what he's  
26 saying, between yourself and this gentleman here. Mr. Jason Miller said it was in a trust. Mr.  
27 Ungiran said in the meantime he inherited it from the Kressler estate. The court proceedings  
28 started with Mr. Jason Miller and Mr. Ungiran. Now it's his property and he has to look out for it  
29 now because he is sole owner.  
30

31 Mrs. deLeon said the court was specific in the width of the easement? Mr. Jason Miller said yes.  
32 Mr. Ungiran said the width of the easement is 15'; 10' for the driveway and 5' for a buffer zone  
33 which is a Township specification. The 5' cannot be used for anything other than the buffer zone  
34 from the neighbor's property. Mr. Maxfield said is that what you talked about being the buffer  
35 zone, the grassed area or some sort of vegetation? Mr. Jason Miller said yes, some sort of  
36 vegetation.  
37

38 Mr. Maxfield said he's looking at an easement that's already been granted by from the court, so the  
39 road is going to be there regardless, or he will call it a drive, and what the applicant is proposing is  
40 a little bit off of what the Township requires, but they are proposing to address the stormwater and  
41 to make the situation as it currently exists better than it is. He would be likely to recommend that  
42 these waivers be granted because they are at least addressing the problem. Mr. Ungiran said what  
43 if it doesn't solve the problem. Who is going to be holding the bag? He is. Then what do we do?  
44

45 Attorney Treadwell said he doesn't know what the court proceeding was about. He doesn't know  
46 whether the court order specifically says, but he's guessing it says Mr. Miller is allowed to use it as  
47 a driveway and that's the way it was resolved in that proceeding. The waivers that are being  
48 requested from Council tonight appear to be the minimum that they would need to use the property  
49 for any purpose. Mr. Dan Miller said correct. Attorney Treadwell said if you can't build a  
50 driveway there, then you can't use the property at all which creates an even bigger issue. Mr. Dan  
51 Miller said they are using a narrower driveway than is usually proposed and they are proposing not  
52 to macadam it. There is nothing that would prevent them from macadaming it in the future, but as

1 of today, they are proposing to use aggregate. They are using the narrow width and the material  
2 and it's better than what they could normally do.

3 Mr. Maxfield said if they had an agreement that and the plans showed it to be that kind of  
4 driveway, why wouldn't that hold for future conditions? Mr. Dan Miller said because there's  
5 nothing in our ordinance that says you can't pave your driveway and our ordinance says they need  
6 to analyze it as they paved it, so if they did that in the future, if and until they change it, it's  
7 conservative and once they change it, it's as it was designed.

8  
9 Mrs. deLeon said can someone explain to him – he owns a piece of property, he owns a piece of  
10 property, we have rules, would you explain the process? Attorney Treadwell said we are following  
11 the process of the ordinances in order for Mr. Miller to construct the residence, he has to file a  
12 grading plan and as part of that grading plan application, there are stormwater ordinance provisions  
13 that need to be met. What Mr. Jason Miller and his engineer have said here tonight is that they  
14 can't completely meet two of those requirements, so they are asking for a waiver from those two  
15 requirements, and what the Township Engineer has said is they are doing the best they can with  
16 what they have to work with. In order to proceed with the grading plan they have presented to the  
17 Township, they would need these two waivers. The question is this gentleman who is addressing  
18 the question of ponding, it's agricultural land now. Mr. Ungiran said absolutely. Attorney  
19 Treadwell said do both of these waivers affect that issue or just the first one? Mr. Dan Miller said  
20 if they were to put a driveway out there, there would be the same concern whether they do the  
21 infiltration or not. In fact, he thinks it's tangential, not related to this waiver. Attorney Treadwell  
22 said technically the waivers that are being requested don't affect this gentleman's issue about  
23 ponding? Any installation of a driveway could result in some ponding? Mr. Dan Miller said  
24 correct. Attorney Treadwell said from that perspective, these waivers are not making the problems  
25 that this gentleman is concerned with, any greater. Mr. Horiszny said in addition he acquired the  
26 land after the easement was already there. Mr. Ungiran said it goes back to 1909. He doesn't think  
27 any of us were about here at that time. Mr. Horiszny said when you bought the land, you knew the  
28 easement was there? Mr. Ungiran said he didn't buy the land, he inherited the land.

29  
30 Mr. Willard said in the draft motion, we are proposing a condition if any infiltration facility fails to  
31 drain within 72 hours at the end of a storm, you will submit a revised grading and stormwater  
32 management plan application to propose facilities that would meet Township design requirements  
33 which may require placing facilities in a different area. That was stated by this Mr. Miller. That's  
34 a big condition of the requirement right there. Just as a neighbor, not in the context of the  
35 ordinances or the motion in front of us, would you be willing to work with your neighbor if the  
36 hypothetical situation he's presenting were to occur? Mr. Jason Miller said yes, of course.

37  
38 Mr. Maxfield said he found Dan's comment about the fact that you have to do figures as if the road  
39 was paved, yet you are proposing a crushed crete road which is partially absorbent. He would be  
40 really much more comfortable that it would stay a crushed crete road and never be paved beyond  
41 that required 15' or whatever. He doesn't think we can have conditional waivers. Attorney  
42 Treadwell said there are four conditions right now in this waiver. It's up the applicant. It's not  
43 something that we can require. They have to agree to it. Mr. Ungiran said the court agreement was  
44 to allow him to have 15' of an easement, nothing else to pass over – ingress and regress. 15' – it  
45 didn't say what you were going to use it for, it just said 15' of an easement. Mr. Maxfield said he  
46 is proposing the best material he can propose for infiltration. Mr. Ungiran said what if the best  
47 isn't enough? That's the problem. Mrs. deLeon said that's what Dave just read, the conditions.  
48 Attorney Treadwell said the condition that Dave read is not going to affect the possibility that  
49 water would roll off the driveway into a ponding situation. He's guessing from the discussion  
50 tonight, it doesn't matter how many infiltration facilities got installed along the driveway, there's  
51 still that possibility, always that possibility. Even if the applicant wasn't here asking for these two  
52 waivers, the situation that this gentleman is concerned with could happen. There's an 8' driveway  
53 within a 15' easement that crosses somebody else's property. There's no possible way to keep

1 water when it rains within that 15' area. It's just not going to happen. Mrs. deLeon said she  
2 understands. She lives on a hill. Attorney Treadwell said if it affects this gentleman's property, in  
3 a detrimental way, he has his own legal recourse that he could pursue. '  
4

5 Mr. Maxfield said if the waivers weren't granted and it just remained a dirt access like it is now  
6 and you did say the ponding has increased since he has the dirt access and has been using it and  
7 packing it down, if nothing was done, that ponding situation would exist as it is now. With these  
8 improvements that he's proposing, even though they are partially meeting the requirements, that  
9 situation has to get better. Mr. Dan Miller said it would seem to be. It should get better. Mr.  
10 Maxfield said it's designed to get better.  
11

12 Mr. Ungiran said the problem is this has been in our family since 1915 and they've worked that  
13 field every year without one year not doing it. They never had that problem. Maybe they had it  
14 delayed a day after a heavy rain, but it seems now that the water is lying there and it's just staying  
15 there for maybe a week and you can't get through it with farm equipment. Mr. Maxfield said is  
16 that just recently? Mr. Ungiran said he can't say it's the only reason, but he knows before they  
17 could get through the property and he doesn't want it to be a pond that they have to raise goldfish  
18 in instead of corn. His concern is his property. What Mr. Jason Miller does with his property, he  
19 was granted 15', what can he say. He doesn't want to lose his property either or even devalue it.  
20

21 Mr. Maxfield said his feeling is after listening to Mr. Dan Miller and after listening to the  
22 applicant's engineer is that they are doing the best that they can do. They are going to make that  
23 situation the best they can make it right now. Mr. Ungiran said that's not helping him. Mr.  
24 Horiszny said it might. Attorney Treadwell said it might. The reason these ordinances and  
25 regulations are in place is to try and prevent negative things from happening to another property  
26 from the development of one specific property. The one alternative would be for the Township to  
27 have no ordinances at all in which Mr. Jason Miller wouldn't be here, he'd just be building his  
28 house. The regulations the Township put into place are an attempt to prevent negative things from  
29 occurring and that's why he files a grading plan. That's why the Township Engineer reviews it.  
30 That's why if he needs a waiver, he comes to Council. Mr. Dan Miller said without those  
31 regulations, they would be able to pave 13' of that 15'. Mr. Ungiran said if there were no laws  
32 about robbing a bank, everybody would be robbing a bank too. His concern is now. He had no  
33 other intentions of doing anything as the land is in Act 319. It's going to stay agricultural as long  
34 as he's owner of it, and it's been in Act 319 for at least since 1967. It's going to remain there.  
35 Maybe he'll have to sell it and let them build homes on it, then the Township is going to be against  
36 that too. What is he going to do with the land? He can't take it to the supermarket and give a  
37 bushel of topsoil for 3 lbs. of pork chops. With a situation like this, the land will be devaluated.  
38

39 Mr. Maxfield said is there anything else we can tell this gentleman to reassure him? Mr. Dan  
40 Miller said other than there's conditions in their approvals they have to address and if it doesn't  
41 work, and that even if it works in the worst case scenario, it would seem that it would cause a pond  
42 of about 30' x 10' in a very strong storm and that it's designed to infiltrate some and this trench  
43 they are proposing is helping to capture some of that water that will prevent it from ponding. It's  
44 an imperfect world and they are doing the best they can with what they have.  
45

46 Mr. Ungiran said it's going to be a problem. It's not a problem to get rid of unless you go to  
47 underground sewer. He doesn't want to see that across his property because he can't afford to pay  
48 for it. Mr. Maxfield said don't worry, it won't be coming out your way. He would like to address  
49 that idea he brought up about keeping it a crushed crete kind of surface. Cost wise it would be  
50 incredible to pave that much driveway anyway, would you agree to a requirement like that or a  
51 condition we can put into an approval? Mr. Jason Miller said yes, and he's planning on the entire  
52 driveway down to his house to be that. Looking into it, paving would be astronomical. Attorney  
53 Treadwell said if we add that as the 5<sup>th</sup> condition, you would be okay with that? Mr. Jason Miller

1 said yes. Mr. Maxfield said the figures and percentages for infiltration will be based on a road that  
2 is paved but instead we will have a road that has some absorption on it, not the full, but enough that  
3 it will offset and hit those safeguards you are talking about?  
4

5 **MOTION BY:** Mr. Horiszny said he moved to approve the draft motion with the additional 5<sup>th</sup> condition that  
6 the driveway will not be paved. This is for two waiver requests - one is dealing with ratios and  
7 the other deals with infiltration rates.

8 **SECOND BY:** Mr. Willard  
9 Mr. Maxfield asked if anyone had any questions? Mr. Sam Donato said as a developer that he  
10 is, when Mr. Miller built his home and he has surplus soil, that area that has the potential  
11 ponding, if he could bring it over there and level it off and drain it to these new retention  
12 channels they are building, so it doesn't impact his property. Raise it up and let it go across his  
13 driveway. Mr. Ungiran said they do have an agreement that there should be no elevation of the  
14 finished driveway. Someone said the court said they are not allowed to change elevations on  
15 anything. Mr. Dan Miller said not allowed to, but maybe they want them to. Mr. Donato said  
16 that low spot when you are digging your basement over, bring it over as a soil and raise it up  
17 and you can farm in a dry area. Mr. Ungiran said Mr. Jason Miller's house is being put in the  
18 middle of the woods with large rocks. Mr. Maxfield said the more communication you can  
19 have, the better. For right now we have a motion and a second.

20 **ROLL CALL:** 4-0 (Mr. Kern – Absent)

21  
22 Mr. Mukherjee said Mr. Dan Miller and Mr. Chris Garges have been very cooperative  
23 throughout the process and they intend to reciprocate the same way. Mr. Maxfield said he has  
24 spoken to a few of your neighbors and he got a few phone calls and he thinks that speaking to a  
25 lot of people and reassuring them you are doing the best you can will help. Mr. Jason Miller  
26 said he has tried. Sometimes it just doesn't get through. He's been making every attempt to let  
27 everyone know what's progressing, what's going on, what they are trying to do. Some are  
28 receptive, some aren't, but he will continue. He doesn't want to make enemies, he wants to  
29 raise his kids in peace and that's it.

30  
31 **V. TOWNSHIP BUSINESS ITEMS**

32  
33 **A. RESOLUTION #69-2013 – FIXING THE GENERAL PURPOSE TAX LEVY FOR 2014**

34  
35 Mr. Maxfield said Resolution #69-2013 has been prepared fixing the general purpose tax levy for  
36 2014 at 4.14% and sets a tax rate for fire equipment purposes at 0.25%.  
37

38 **A RESOLUTION OF LOWER SAUCON TOWNSHIP,**  
39 **COUNTY OF NORTHAMPTON, COMMONWEALTH OF**  
40 **PA FIXING THE GENERAL PURPOSE TAX LEVY FOR THE YEAR 2014**

41  
42 **BE IT RESOLVED**, and hereby is resolved by the Council of Lower Saucon Township, County of  
43 Northampton and Commonwealth of Pennsylvania as follows:  
44

45 Section 1: That a tax be, and the same hereby levied on all real property with the Township  
46 subject to taxation for the fiscal year 2014 as follows: Tax rate for general purposes  
47 the sum of 4.14 mills on each dollar of assessed valuation; and Tax rate for Fire  
48 Equipment purposes the sum of 0.25 mills on each dollar of assessed valuation.  
49

50 Section 2: The Treasurer's Bond is fixed at Three Hundred Thousand Dollars (\$300,000.00).  
51

52 Section 3: If any provision, sentence, clause, section or part of this Resolution is for any  
53 reason found to be unconstitutional, illegal or invalid, such unconstitutionality,



- 1 **MOTION BY:** Mr. Horiszny moved for approval of Resolution #69-2013 provided either that the word
- 2 percentage or the % sign goes behind the 4.14 and the 0.25 in the first paragraph.
- 3
- 4 Ms. Gorman said it should say mills and 0.25 mills. Mr. Horiszny said it has to say mills or a
- 5 percent sign.
- 6 **SECOND BY:** Mr. Willard
- 7 Mr. Maxfield asked if anyone had any questions? No one raised their hand.
- 8 **ROLL CALL:** 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)
- 9

10 **B. RESOLUTION #70-2013 – FIXING EIT, REAL ESTATE TRANSFER TAX & LOCAL**

11 **SERVICES TAX FOR GENERAL PURPOSE**

12

13 Mr. Maxfield said Resolution #70-2013 has been prepared fixing the EIT, Real Estate Transfer Tax

14 and Local Services Tax for 2014.

15

16 **Resolution #70-2013**

17

18 **WHEREAS**, it is the desire of the Council of Lower Saucon Township to confirm and ratify the

19 following assessments as provided for by ordinance, as amended, without substantial change:

20

21 **BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, County

22 of Northampton and the Commonwealth of Pennsylvania that the following taxes are hereby

23 confirmed and ratified for 2014:

24

25 **Section 1:** Pursuant to Chapter 150, Article I, of the Code of the Township of Lower Saucon, a

26 tax imposing a one and one-quarter percent tax on salaries, wages, commissions,

27 compensation and earned income and providing for levying and collection of same

28 and imposing penalties for violation thereof; and

29

30 **Section 2:** Pursuant to Chapter 150, Article II, of the Code of the Township of Lower Saucon,

31 a tax payable by the transferor or the transferee upon transfer by deed of lands,

32 tenements hereditaments or any interest therein, situate wholly or partly within the

33 Township of Lower Saucon, Northampton County, Pennsylvania, prescribing the

34 rate, method and manner of collecting said tax; and providing certain exemptions

35 and imposing penalties, at the rate of \$1.00 on every \$100.00 of the total value; and

36

37 **Section 3:** Pursuant to Chapter 150, Article III, of the Code of the Township of Lower Saucon,

38 imposing a \$25.00 Local Services Tax upon the privilege of engaging in an

39 occupation within the boundaries of the Township of Lower Saucon, Northampton

40 County, Pennsylvania for, and for providing for the levying and collection of the

41 same and imposing penalties for the violation thereof; and

42

43 Mrs. deLeon said this has nothing to do with the budget. Ms. Gorman said this is setting your

44 revenue rate for open space, earned income tax and local services tax which is a large portion of

45 your revenue. One percent is by state law, 0.25% was approved by referendum, the local services

46 tax is \$30.00; \$25.00 goes to the Township and \$5.00 goes to the school district. That was once

47 named different things for different purposes but generally it's used for emergency services and

48 police. It was opened up to highway use as well. Mr. Willard said he wondered if the resolution

49 Section 1 should state the 1% is the base rate and the 0.25% is the open space tax since that's a

50 restricted tax. Ms. Gorman said it's not necessary for this purpose.

51

- 52 **MOTION BY:** Mr. Horiszny moved for approval of Resolution #70-2013.
- 53 **SECOND BY:** Mr. Willard

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

2 **ROLL CALL:** 5-0

3

4 **C. RESOLUTION #71-2013 – FINAL ADOPTION OF 2014 BUDGET**

5

6 Mr. Maxfield said the 2014 Final Budget has been prepared and advertised for final adoption.  
7 Prior to budget adoption, Council will need to approve Resolution #71-2013 based on prior  
8 discussions.

9

10 **RESOLUTION #71-2013**  
11 **A Resolution Adopting the 2014 Budget**  
12 **RESOLVED THIS 18<sup>th</sup> DAY OF DECEMBER, 2013**

13

14 Ms. Gorman said the final budget is for your adoption. Nothing has changed from the preliminary  
15 other than two items he noted to the Manager and Council has information on. One is the additional  
16 expenses in the PD that has gone over budget and every other department that's reported is under  
17 budget. They are receiving substantial revenue to offset those and most are for personnel costs for  
18 the PD for the billed services for the school district, Lehigh University and Revolutions.  
19 Unfortunately, much like a couple of years ago when the movie theater was in place, they fell  
20 severely under budget in revenue when the movie theater cancelled their services. It's one of those  
21 things where now we underestimated what it would be and hopefully next year they will continue  
22 the service as they budgeted for the revenue and the expenses as if the services were going to  
23 continue. In the modification of the 2014 budget, there were two changes in the building and  
24 maintenance departments. They had to increase fuel and diesel based on the state legislature of SB  
25 1 that was passed on the highway tax that was levied and enforced next year. That increased the  
26 diesel and fuel line by \$12,000.00. It's hopeful that by 2015 with the revenue they are projecting  
27 that we will be getting 60% more in fuel funding. At that point in time, Council may want to use  
28 some of the extra money to offset some of the expenses in the PW Department. The other is we  
29 received notification from the City that they are increasing the water rates. It's was a \$500.00  
30 difference. All the changes meet within the guidelines of 10% of the in item or 25% within the  
31 budget amount. The budget is still set at \$7,128,878.00 which was advertised. Our contingency  
32 amount dropped to \$12,500.00 based on those two costs. The other item was the Polk Valley, she  
33 had to modify that as they received a developer's fee and also a grant money that she was  
34 anticipating to receive in 2014. They received it in 2015 and there were some other expenses in  
35 Steel City that modified the fund balance, so that did not modify the budget within exceeding of the  
36 percentages and they would still fall in line with the amount of money that was projected to be  
37 expended. Overall, so far this year, they received \$1,150,000.00 more than we expended, and  
38 \$552,000.00 of that is in funds that are specialized in recycling, liquid fuels, open space and the fire  
39 tax assessment, and they saved \$600,000.00 in the two funds. She has not transferred the money  
40 from the landfill as was budgeted. She's holding off until the end of the year like she promised and  
41 if we meet our target range, and we don't have to, she will report to Council in January that we  
42 don't need to as she promised in other years.

43

44 Mrs. deLeon said it says on this chart we spent less than the budget, \$253,000.00 but that does not  
45 include contingency money so you would probably add another \$500,000.00 on to that? Ms.  
46 Gorman said there was the contingency amount they had budgeted which was in the high fives  
47 after the transfer was done to the rail trail in the course of the year. You add the two hundred and  
48 some that we did not spend and the about \$200,000.00 in revenue and it will come up to about  
49 where we are now which is at \$1 million and towards the end of the year, she's hoping we get to  
50 that \$1.1 million that she's projecting.

51

52 Mrs. deLeon said that includes items that were in the budget that were approved but didn't get  
53 spent? Ms. Gorman said not necessarily. Some of them were, some of them were items that we  
fell under budget.

1  
2 Mr. Maxfield said the budget does contain the 2% raises we voted on tonight? Ms. Gorman said  
3 no, it does not. She will need to modify that.  
4

5 Mr. Gene Boyer said he heard Cathy go through the list of things she was talking about as a  
6 contingencies and a transfer, but he's not sure he heard what she said about the \$500,000.00  
7 landfill money. Ms. Gorman said we budgeted for 2013 that they were to transfer \$335,000.00 this  
8 year from the landfill money to the General Fund. If she reaches her expectation of the \$1.1  
9 million, that's her target range. If she needs \$200,000.00 to meet that, then she will put  
10 \$200,000.00 in. She won't transfer any more than the \$335,000.00 but she doesn't expect she  
11 would need all of that. It would stay in the landfill fund if she doesn't. Mr. Boyer said this is for  
12 2013. Ms. Gorman said yes, for 2014, we budgeted the \$600,000.00 to be transferred over. Once  
13 again, she will wait until we get to that point and she will apprise Council of what our revenue  
14 situation is mid-stream and if we get to a point where it's not needed, she will keep it in the landfill  
15 fund. Mr. Boyer said it's not going to happen January 1<sup>st</sup>. Ms. Gorman said no, but if it's not  
16 budgeted in that fund, if you don't account for it at some point, you will end up getting to a  
17 position where you are leaving yourself open to that, which she tries to avoid. Mr. Boyer said the  
18 balance for the contingency fund for 2013 is \$500,000.00. Ms. Gorman said that's what was  
19 reported, but because we spent over \$200,000.00 less than what was budgeted and we received  
20 about \$200,000.00 more, she's looking more at a fund balance of \$1 million for the next year.  
21

22 **MOTION BY:** Mr. Horiszny moved for approval of Resolution #71-2013,

23 **SECOND BY:** Mr. Willard

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

25 **ROLL CALL:**

26  
27 **MOTION BY:** Mr. Horiszny amended his motion and moved for approval of Resolution #71-2013, with  
28 changes approved of raises at the beginning of the meeting.

29 **SECOND BY:** Mr. Willard amended his second

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

31 **ROLL CALL:** 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)  
32  
33

**D. HELLERTOWN AREA LIBRARY AGREEMENT**

34 Mr. Maxfield said the Library Services Agreement with the Hellertown Area Library, which will  
35 provide for library services for Township residents effective January 1, 2014 has been finalized and  
36 is before Council for consideration of its approval. A similar agreement between Hellertown  
37 Borough and the Library is up for approval at the Borough Council meeting on December 16,  
38 2013.

39 Mr. Cahalan said it was approved by Hellertown Borough. Attorney Treadwell said this is the  
40 document you saw at your last meeting. The one change is on page 4 of the agreement and there's  
41 a paragraph 5.A is highlighted in yellow. That was the way the paragraph was originally written.  
42 After Hellertown reviewed the agreement, we had some conservations and the paragraph 5.A in  
43 green is how Hellertown approved it at their meeting on Monday night. His understanding is that  
44 the library board did not meet last night because of the weather and they are meeting tonight  
45 instead. They have not yet approved it. The difference between the yellow and green highlighted  
46 portion is that the current proposal would be that the membership on the library board would be  
47 two year terms. For the first two years, there would be three members from the current library  
48 board, three members appointed by Hellertown and there members appointed by LST. At the  
49 expiration of those initial two year terms, then of the 9 members, there would be 5 members  
50 appointed by LST and 4 members appointed by Hellertown. At the expiration of that term, it  
51 would switch to 5 by Hellertown and 4 by LST and it would alternate thereafter. The first board

1 will be in effect for the first year will be 3, 3, 3. The next board will be 5, 4, appointed by LST, the  
2 one after that will be 5,4 appointed by Hellertown and then it continues to alternate. That's the  
3 only revision from what you saw at your last meeting. If you are okay with that, it's ready for your  
4 approval.

5 Mr. Willard said some minor changes, in the green version, line 6 there's a mention to Lower  
6 Saucon Borough, so that should be changed. He thought with some of the public comment, we  
7 would end up with the majority representation even if it's 5-4 due to population and financial  
8 contribution, so he didn't attend the meeting, so he doesn't know the reason for proposing the 5-4  
9 schedule every two years would be. Attorney Treadwell said he thinks the alternate 5-4 every two  
10 years came from Hellertown, and they suggested it would be fairer to have it alternate. He doesn't  
11 know that the library board has a lot of authority other than the adoption of the library budget and  
12 LST's contribution of the library budget is not based on what the library adopts, so it's completely  
13 up to his Council what you want to contribute each year, so he's not sure that the 5-4 makes any  
14 substantive difference. It appears fairer on the face of it. Mr. Maxfield said it was basically a  
15 courtesy to Hellertown. The initial requirement for the library board is that they are Hellertown  
16 residents. The three board members are Hellertown members, so as the time goes on that first  
17 term, things change and LST has the five, eventually it becomes two entities, LST and Hellertown.  
18 We thought we'd alternate 5-4 for courtesy.

19 Mr. Willard said the return of capital clause, should we discontinue after 1, 2, 3, or 4 years.  
20 There's a requirement for them to return capital or assets at our option to waive that. Is this a  
21 practical clause or is this a good faith agreement? He's a little surprised that they agreed to it, and  
22 then he's wondering in a practical situation, could it really mean anything or would we end up  
23 waiving it? Attorney Treadwell said it's in with there with the waiver provision for just that  
24 reason that you mentioned, that it's possible that it won't be practical for them to return it, but it's  
25 also possible that they could get a large endowment over the next three years and if they are able  
26 to, then Council would be able to get it back. It's there for either eventuality. Mr. Maxfield said he  
27 thinks since a lot of the purchases will be tech based, there is a lot of possibility of returning a lot  
28 of things like computers, databases, whatever. Mr. Willard said that's very favorable to us and he  
29 expects us to succeed. It's very favorable to us in the event that it wouldn't.

30 **MOTION BY:** Mr. Maxfield moved to approve the agreement as is written with the notation that the section  
31 highlighted in yellow is not to be included but to be replaced by the section highlighted in  
32 green with the editorial from the Borough to the Township.

33 **SECOND BY:** Mr. Willard  
34 Mr. Maxfield asked if anyone had any questions? No one raised their hand.

35 **ROLL CALL:** 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)  
36

37 **E. ECONOMIC DEVELOPMENT TASK FORCE**

38  
39 Mr. Maxfield said Council Member Dave Willard, the Township Manager and the Township  
40 Planner will provide an update to Council on the Economic Development Task Force.

41  
42 Mr. Willard said he mentioned last time that he and Jack had met with Boucher & James with Judy  
43 for the possibility of them preparing a possible plan and time table for the Task Force based on  
44 experience they had with other municipalities. They had a second meeting and asked Judy to  
45 prepare a detailed outline which is in your packet. The purpose for having the outside consultation  
46 is that this is a very tight timetable and is looking for concrete results for an actionable report.  
47 They feel that having this expertise will be tremendously helpful to them.

48 Ms. Judy Goldstein said there is a brief outline of the task that would need to be taken by the  
49 committee and those elements that they can provide services to the Township to help this be  
50 completed within the tight timeframe established. The first task would be to compile background

1 data and base information. That is essentially available at the Township. The current zoning map  
2 is available as well as the Joint Comprehensive Plan. There was an analysis where they prepared a  
3 memo five weeks ago that addressed the issues of development or re-development of non-  
4 residential lands within LST from the Comp Plan and looking at future land uses from the Comp  
5 Plan. The second element would be a land use analysis and that's a service they could provide.  
6 They would use the current GIS mapping as the base and then do field work. You look at each of  
7 the properties. This would be limited to those properties zoned non-residential in the Township.  
8 They would not be doing a full land analysis of the Township. It would be areas that the Task  
9 Force would be looking at in which they would know which are commercial, industrial,  
10 institutional, and all the magnitude of each use and group of each uses. This would be data that  
11 would be done in GIS and the finished maps would be available to the Township for future use. It  
12 would be right in your database. Next would be regional, non-residential land use. They would  
13 look at and perform and review an analysis of existing uses and uses under construction in the  
14 immediate surrounding area. For instance, we can't look at what is happening in LST in a vacuum  
15 and ignore what's happening at the casino. We have to look at regional context. Next would be a  
16 demographic analysis of the Township and region. They can provide that also. They would look at  
17 the 2010 census data and look at household size, income, education, etc. and get the profile of the  
18 demographics within the Township and within the immediate region. They would look at trends  
19 and see what's going on. Is household size going down, is income going up or down and look at  
20 that as far as consumer opportunities for spending. They would propose there would be a tour of  
21 existing conditions and a review of background analysis and background information. They  
22 suggested when they talked to the Township getting everyone on the Task Force together. They  
23 would have some discussions so everyone is looking at everything at the same time using the same  
24 language and applying knowledge from the background data analysis to what they are looking at to  
25 start coming up with a vision for that area. The big part is to acknowledge what is existing,  
26 develop the common language and start looking at opportunities and concerns. They would  
27 facilitate and document what's happening from that. Next would be the brainstorm to determine  
28 the potential for economic development in the Township. This is not something that they would be  
29 dictating or coming up with the suggestions. They would facilitate. The Task Force is coming up  
30 with the ideas. They can facilitate, they can help refine, they can help hone in on some of them  
31 while they are coming up with things to look at. Desired land uses and business types and names,  
32 complimentary uses to develop an economic core in the Township, and potential tie-ins to existing  
33 uses to keep the workforce and talent and money from that talent within the Township. From that,  
34 you would develop the vision. After you develop the overall vision, you would develop your goals  
35 and objectives. Then from the goals and objectives, develop an action plan, much like you would  
36 in a comprehensive plan. At that point, prepare a draft of the economic development plan, finalize  
37 the action plan, and then finally finalize the plan itself and then the committee would need to make  
38 a recommendation for adoption to Council and prepare to present it to Council. That was what  
39 they came up with as the tasks. She thinks from their meeting, that's what Council seems to think  
40 what they want.

41  
42 Mr. Willard said a nice problem to have is we have 18 volunteers for this 7-member Task Force  
43 and in your red folder, there is a revised list. The last two are organizations, they haven't named  
44 the representative yet, but they indicated they will. The reason he brings this up, before we talk  
45 about appointment to the Task Force, if you look at the calendar, what they thought would be a  
46 good course of action would be for that initial meeting which is the background data and analysis  
47 to invite everyone to come to the Council chamber and have a very organized presentation of that  
48 with a leave behind package. The date they targeted for that is January 29<sup>th</sup> which gives them ample  
49 time to prepare what will be needed for that. The second one in February would be for the tour and  
50 review of existing conditions they would target for a Saturday morning. They have not chosen the  
51 weekend for that yet. The March session again, no date set at the present time. This would be a  
52 brainstorming session. They would welcome any and all of the volunteers to participate in the  
53 brainstorming. As Jack pointed out, all of these meetings are open to the public anyway, so if

1 anyone wants to see what's going on or contribute, they are more than welcome, but they do have  
2 their core group. Beginning from April, they have to get serious and work this through in a period  
3 of six months from the visions setting, goals and objectives, action plan and then get the plan  
4 completed and in front of the Council in October. There is a cost estimate for the services from  
5 Boucher & James should we elect to use them as our consultants and advisors in this project. In  
6 total, it ranges between \$15,000.00 and \$23,000.00 in consulting fees. It's possible that one or  
7 more of these tasks may be able to be done by someone on the Task Force on a voluntary basis,  
8 particularly he would suggest the demographic analysis might be a task that would lend itself to  
9 that, but until they meet with these folks, it's premature to say that could be done. If we look in  
10 total, between \$15,000.00 and \$23,000.00 for an investment that could yield the Township millions  
11 in additional revenue and business in the future, we would recommend that we use the services of  
12 Boucher & James to work with the Task Force. Judy had pointed out that typically from her  
13 experience, Task Forces sometimes appoint the Township Manager or the Council liaison as the  
14 Chair of the Task Force. He or Jack are prepared if that's the decision of the group. If they want to  
15 appoint their own chair, they will act as advisors and some other ex-officio advisors like Cathy and  
16 Linc, among them for the committee. What they had talked about in terms of the budget is there is  
17 a line item for the Township Planner and they would run this against that budget and in the event  
18 that they saw an overrun created by it, they would have to come back for additional funding. That  
19 was the intention for that.

20  
21 Mr. Willard asked if anyone had any questions or comments? No one raised their hand.

22  
23 Mr. Willard said three of them talked about two different ways to select the 7 members who will be  
24 tasked with coming up with the final report. The first one says that at the reorganization meeting  
25 on January 6<sup>th</sup> with this list of various qualified individuals, they select and recommend 7 people to  
26 be appointed right from the beginning and have that be known prior to the January 29<sup>th</sup> meeting.  
27 They still invite all 18 plus the public to the January 29<sup>th</sup> meeting. Invite them on the February tour  
28 and to the March brainstorming, but from April on, the 7 people are tasked with the remaining  
29 activities. That's idea number one. Idea number two is that we do not appoint the Task Force  
30 members so soon but we invite all 18 people and determine level of interest, background expertise,  
31 time commitment and then make our appointment towards the March-April timeframe. They both  
32 have risks and rewards to them. On one hand they don't want to alienate those that are not chosen  
33 in the beginning and not have them participate and on the other hand they don't want some people  
34 to consider themselves the second team or backbench when they do appoint after devoting the time  
35 to it. They couldn't really decide what was better so he is bringing it to Council.

36  
37 Mrs. deLeon thanked Mr. Willard, Jack and Judy for all their help. She said she likes the second  
38 idea. That will really show the level of commitment as they might get there and say they may not  
39 like this. This way they will see the involvement.

40  
41 Mr. Horiszny said he agrees with that.

42  
43 Mr. Maxfield said he kind of feels that the first suggestion was better because it's kind of fair for  
44 the person right up front. Like you said, to go all the way to April and then become second team,  
45 it's like trying out for baseball and not quite making it after working real hard. He thinks that if  
46 there is a commitment to economic development in Lower Saucon that whether a person is on the  
47 team or not, the 7 will show up for the meetings and offer their comments and ideas.

48  
49 Mr. Willard said it's going to be a split vote because quite honestly, that was his thinking going  
50 into it and then there was the discussion with Jack and Judy that he thought that's not the only way  
51 they could do it and they could do this alternative. We have some very qualified people and if they  
52 are all willing to serve if appointed, that's a good thing, but we don't want to lose people at the  
53 beginning just because we didn't appoint them.

1 **MOTION BY:** Mrs. deLeon moved to pick the second option as stated above to invite everyone to come to her  
2 January 29<sup>th</sup> meeting.  
3

4 Mr. Willard said they would all be invited whether they made the appointment or not. The  
5 January meeting will be the background and everyone will get the same information packet to  
6 walk away with and they'd all be asked to be on the tour and come to the brainstorming session  
7 in March. Then it would be at their option if they wanted to continue to attend while the 7  
8 people who have the appointment work through the remaining steps to get to the final report.  
9 Mrs. deLeon said that's her option then. Mr. Maxfield said it's going to be tough as there are  
10 some really great people on this list. His question is one of procedure as all of the committee's  
11 and all the other recommendations are made by Jack, will he be making these  
12 recommendations too? Mrs. deLeon said there are different sections in the Administrative  
13 Code and this is a new committee, it's our option and she doesn't have a problem with Jack  
14 making the recommendation after meeting these people. Mr. Cahalan said he thinks this is the  
15 recommendation, but if you want to narrow it down. Mr. Maxfield said as far as doing it  
16 different for a new committee. Mrs. deLeon said we do it different for every committee. Mr.  
17 Maxfield said not for every committee. We should be consistent. Mrs. deLeon said there are  
18 things that the Manager appoints and there are things Council appoints. Mr. Maxfield said they  
19 are like that for a reason, they are elected by law. This is a committee we are establishing and  
20 generally when we have a committee that we are establishing, the Manager makes  
21 recommendations just like you did for the Task Force. Mrs. deLeon said you didn't hear her  
22 have a problem with it, you just don't let her finish talking. Her motion is on the floor and if  
23 she needs to amend it, that Jack will make that recommendation, that's fine. Mr. Maxfield said  
24 his questions was with procedure, he's going to guess that Dave and Jack will put their heads  
25 together or did Dave have a idea about how you wanted to come up with the 7? Mr. Willard  
26 said no, that's frankly what they had intended. They are asking for resumes or CB's from these  
27 folks. He thinks he would be willing to roll the dice particularly hearing from Ron and from  
28 Priscilla to let everybody be a part of it in January, February and March and at some point  
29 bring a recommendation. We're taking a little risk we will not end up with 7, but he would  
30 think that with a list of 16 qualified folks plus two organizations, we'll end up with 7 people  
31 who can go the distance with us for 9 months. Mr. Maxfield said you have no idea who the  
32 reps are from the Chamber and from Lehigh? Mr. Willard said he can't comment on the  
33 Chamber, but he did speak with Dale Kochard from Lehigh University who handles the  
34 government relations. He had reached out to his facilities, economic development and  
35 Goodman Campus teams to see if they had a nominee. He had not received any nominees  
36 when he spoke to him on Monday, but he said he would be the default and personally serve if  
37 no one stepped forward. Mrs. deLeon said he's a good guy. Mr. Cahalan said the Chamber  
38 would be the President, Stephanie Weitzman, but he's not sure. Mr. Maxfield asked Mr.  
39 Cahalan if he was okay with what he suggested he be a part of the recommending body? Mr.  
40 Cahalan said sure. Mr. Maxfield said it's a good list and hard to pick. Mr. Willard said if we  
41 take the second approach not to appoint right in the beginning, we're not only going to get their  
42 credentials, but we're going to meet them at the meetings or individually beforehand and we'll  
43 get a better sense of what might be the right chemistry and composition for this group. Mr.  
44 Maxfield said ideally it would be nice to have a consensus between you two, the words may  
45 come out of your mouth or Jack's mouth, but he wants to know there is a consensus.  
46 Mr. Horiszny said he will second, but do you really want to make it April. You might want to  
47 do it in March.  
48

49 Mr. Willard said Option B is that we invite all qualified participants and if anyone else steps  
50 forward between now and January 29<sup>th</sup>, to the kickoff meeting which is the backgrounder, to  
51 take the tour in February, and to participate in the brainstorming in March. At some point,  
52 prior to April 1<sup>st</sup>, we need to appoint 7 members. Maybe we could leave it prior to April 1<sup>st</sup> as  
53 we don't even have our dates for the February tour and March meeting. Is that acceptable to

**DRAFT**

**General Business & Developer Meeting  
December 18, 2013**

1 the motion prior to April 1<sup>st</sup>? Mrs. deLeon said that's kind of what she said, but he said it  
2 much shorter.

3 **SECOND BY:** Mr. Horiszny

4 Mr. Maxfield asked if anyone had any questions? Mr. Jay McLaughlin said he works at the  
5 landfill. He's just wondering if any members of their employees would be considered for the  
6 Task Force. They understood differently. Mr. Willard said the requirement is LST residents.  
7 Mr. McLaughlin said as opposed to taxpayer? Mr. Maxfield said yes, business owner, and  
8 taxpayer. Mrs. deLeon said this was put on the announcement page of the website, did you see  
9 it on the website? Mr. McLaughlin said yes, they saw it. It was indicated that at least, to them,  
10 that they wouldn't be welcome as members of the Task Force. Mr. Maxfield said you read that  
11 on the website? Mr. McLaughlin said no, he did not. It was indicated sort of by word of  
12 mouth. Mrs. deLeon said not from me. Mr. Cahalan said the resolution you adopted said the 7  
13 voting members shall be residents of LST or the owner/principal manager of a business located  
14 within LST. Mr. McLaughlin said okay, they are still in the running. Mr. Maxfield said he  
15 would make that application formal. It sounds like there is time.

16 **ROLL CALL:** 4-1 (Mr. Kern – Absent)

17  
18 Ms. Stern Goldstein said was the motion was the composition of the Task Force, are they  
19 authorized to start doing the work, as they would have to get going on the land use analysis  
20 very soon in order to have it ready for the January 29<sup>th</sup> meeting. She just doesn't want to have  
21 a loose end. Mr. Maxfield said we need to make a motion to engage the services of B&J.

22  
23 **MOTION BY:** Mr. Willard moved for approval to have Boucher & James prepare the land use analysis for the  
24 Economic Development Task Force.

25 **SECOND BY:** Mr. Horiszny

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

27 **ROLL CALL:** 4-1 (Mr. Kern – Absent)

28  
29 Mrs. deLeon said she wants to remind Dave, Judy, Jack, and the Task Force that when they were  
30 going over the multi-municipal plan, and the name is escaping her, the Planners that did their  
31 Comp Plan...Mr. Cahalan said EPD. Mrs. deLeon said they had all kinds of charts with analysis  
32 and we have them, some are attached to the back of the Comp Plan. Ms. Judy Stern Goldstein said  
33 a lot of it was demographic data that was based prior to the 2010 census, but there's a wealth of  
34 information from that and they already gleaned a lot of that and they intend to build upon  
35 everything that has been gathered and gather more as they go, but not to lose whatever is there. If  
36 there's anything not in the document that Priscilla would like to point out, just send it to Jack or  
37 Dave and start getting a pile for her. Mrs. deLeon said you would have all that information at the  
38 Township. Ms. Stern Goldstein said she didn't know if there was something specific she was  
39 thinking of. Mr. Maxfield said LVPC may have some demographics information too that they  
40 don't. Ms. Stern Goldstein said they have a lot of demographic information that they used for other  
41 projects and the PA State Data Center. Mr. Willard said he and Jack met with LV Economic  
42 Development Corporation early on, so they are standing by to see how they can be of assistance.  
43 Mr. Cahalan said the motion you have is to authorize Judy to work in the land use analysis, he  
44 thinks if the intention is to continue to work on this project, it would be for the entire scope of work  
45 that's been laid out before you tonight. Otherwise we're going to read the minutes and then come  
46 back and ask for approval for her step by step. Mr. Maxfield said the first was to begin on the land  
47 use, we need some wording for a bigger scope. Mr. Cahalan said it would be for the scope as she's  
48 outlined it in the handout tonight, scope and schedule of work.

49  
50 **MOTION BY:** Mr. Willard move for approval to authorize B&J for the scope of work, per the schedule as was  
51 on the prospectus we reviewed tonight, No. 2 and 3 of the memo.

52 **SECOND BY:** Mr. Maxfield

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

1 **ROLL CALL:** 4-1 (Mr. Kern – Absent)  
2

3 **F. DISCUSSION ON METAL DETECTING**  
4

5 Mr. Maxfield said Council asked the Parks & Recreation Board to recommend guidelines for metal  
6 detecting activity on Township owned properties.  
7

8 Mr. Cahalan said the Parks and Recreation Board met with an expert on metal detecting and went  
9 over and reviewed policies from other jurisdictions. He even spent a lot of time watching You  
10 Tube videos of people digging in the ground with sharp objects. They came up with the guidelines  
11 that are before you and he'll go down the list.  
12

- 13 1. The policy does not permit any metal detecting on historic areas such as the Heller  
14 Homestead, Lutz-Franklin Schoolhouse, or on the Lower Saucon Township portion of the  
15 Saucon Rail Trail.
- 16 2. Metal detecting will be permitted on Township park properties with the following  
17 restrictions:
  - 18 • Metal detecting is only permitted from dawn to dusk
  - 19 • Metal detecting is not permitted on any athletic field or sideline
  - 20 • Metal detecting must be conducted at least 100 feet away from any building, facility,  
21 court, garden, streambank, or activity
  - 22 • Shovels, spades and other similar tools MAY NOT BE USED to dig into or turn over  
23 sod and open soil areas
  - 24 • The only permissible digging tools are screwdrivers, small garden trowels, ice picks,  
25 and other similar narrow pronged devices such as Lesche digging tools, a brand of  
26 implements that they sell specifically to metal detectors
  - 27 • Digging may not exceed a depth of 6 inches
  - 28 • Digging is restricted to sod and open soil areas only
  - 29 • Sod must be restored to its original condition after digging
  - 30 • Articles found that are of apparent historical significance or personal value, such as  
31 uniform buckles, buttons, jewelry, etc., must be turned into the Township office.
- 32 3. Persons who wish to use a metal detector on Lower Saucon Township park properties must  
33 apply for a permit for this activity at the Township office at 3700 Old Philadelphia Pike,  
34 Bethlehem, PA 18015 during regular business hours. Permits are good for one (1) year. A  
35 \$5 fee will be charged for the permit application. For more information, they can visit the  
36 Township website.  
37

38 Mr. Cahalan said this covers everything. He spoke to Mr. Maxfield who is familiar with metal  
39 detecting and they gave a couple recommendations. We are one of the only municipalities around  
40 here that is looking at something like this. From what they heard from the expert, the metal  
41 detecting people welcome these type of guidelines and would welcome the issuance of a permit so  
42 that they can show it to a police officer if they are stopped when they are engaging at this activity  
43 at a park.  
44

45 Mrs. deLeon said the comment that was submitted by email, was that incorporated into this draft?  
46 Mr. Cahalan said yes. Mrs. deLeon said maybe the bridge is considered rail trail, but shouldn't we  
47 mention specifically the Old Mill Bridge here? Mr. Cahalan said for metal detecting, they would  
48 walk over it, but you can't do any digging on the bridge. Mrs. deLeon said it says it's not  
49 permitted in historic areas, it mentions the Heller Homestead and Lutz-Franklin, but then we have a  
50 third property on the National Register, the bridge. Is that considered part of the rail trail? Mr.  
51 Cahalan said no, he didn't put it there because it's not a property per se where they would be  
52 digging in the ground. Mrs. deLeon said we own it. Mr. Maxfield said we own the bridge, but not

1 the property surrounding it. Mrs. deLeon said she thought we owned a small portion of like  
2 walking on. Mr. Cahalan said no, we actually had to get a construction easement from the property  
3 owner. Mrs. deLeon said okay, forget that. On the second page, articles found that are of apparent  
4 historical significant or personal value, you have to start somewhere, such as if you find buckles,  
5 buttons or jewelry, to her, there should be pottery, what other items would be of...Mr. Maxfield  
6 said a metal detector won't find pottery. Mrs. deLeon said they won't find pottery, but they will  
7 find hinges from a window. Mr. Maxfield said any good metal detector will know the age of the  
8 piece he's digging out of the ground and if it's old enough it has historical significance and it  
9 should be turned in. Mrs. deLeon said maybe we should word that a little differently because it  
10 looks like it's limiting it to those couple things. Mr. Maxfield said it says such as uniform buckles,  
11 buttons, jewelry, etc. Mrs. deLeon said how about not including or something more, or etc. or  
12 something. Mr. Maxfield said after jewelry, you could put etc. Mr. Cahalan said okay. Mr.  
13 Maxfield said the one thing he thought about was where we say not on an athletic field, we should  
14 probably say or supporting areas like the sidelines or any of that kind of stuff. Mr. Cahalan said  
15 okay. Mr. Maxfield said there is kind of an unspoken code of behavior among serious metal  
16 detectors that covers a lot of this permitting, and about restoring the ground to how it was  
17 originally and being honest about the artifacts you find and understanding those artifacts actually  
18 belong to the person who owns the piece of ground. This is not totally complete, but what it does  
19 is addresses a serious metal detector. He doesn't think we would be able to stop someone who  
20 went out and broke the law metal detecting. This is another code that a serious metal detector can  
21 follow in our Township. Mr. Cahalan said they found with the geocaching policy that they tend to  
22 police their own and that has worked well. They made sure the other participants follow the rules.  
23 Mr. Maxfield said the metal detectors he knows that if they find a site someone's been at and they  
24 haven't refilled the sod will go and do it themselves. Mr. Horiszny said will it come back with  
25 resolution? Mr. Cahalan said you can adopt it tonight as a policy with the changes as you suggested  
26 and we can put it in effect. We have a draft of an application and permit.  
27

28 **MOTION BY:** Mr. Horiszny moved for approval of the Guidelines for Metal Detecting, with changes.

29 **SECOND BY:** Mrs. deLeon

30 Mr. Maxfield asked if anyone had any questions? Mrs. deLeon asked what a metal detector  
31 cost? Mr. Maxfield said it can run anywhere from \$200.00 to \$300.00 to over a thousand.  
32 There are bits of machinery that will accompany it also, like pointers. Mr. Cahalan said the  
33 gentleman they spoke to said when he retires from his job, he's going to go into business  
34 selling equipment. Mr. Maxfield said with a good metal detector, you can almost tell what's in  
35 the ground.

36 **ROLL CALL:** 5-0

37  
38 **VI. MISCELLANEOUS BUSINESS ITEMS**

39  
40 **A. APPROVAL OF NOVEMBER 6 & DECEMBER 4, 2013 MINUTES**

41  
42 Mr. Maxfield said the draft minutes of the November 6, 2013 and December 4, 2013 Council  
43 meeting have been prepared and are ready for Council's review and approval.

44  
45 Mr. Willard said two word changes, page 5 of 30, line 33, change the word "your" to **year**. Page 6  
46 of 30, line 4, change the word "Mrs. deLeon" to **Ms. Gorman**.

47  
48 Mr. Horiszny said page 27 of 30, line 21, the vote should be 2-2, not 4-2 and on line 27, the same  
49 thing. Page 29, line 48, it should be **higher salary**.

50  
51 **MOTION BY:** Mrs. deLeon moved for approval of the November 6, 2013 minutes, with corrections.

52 **SECOND BY:** Mr. Willard

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

**DRAFT**

**General Business & Developer Meeting  
December 18, 2013**

1 **ROLL CALL:** 3-1 (Mr. Horiszny – No; Mr. Kern – Absent)

2

3 **MOTION BY:** Mrs. deLeon moved for the approval of the December 4, 2013 minutes.

4 **SECOND BY:** Mr. Maxfield

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

6 **ROLL CALL:** 3-1 (Mr. Horiszny – No; Mr. Kern – Absent)

7

8 **B. APPROVAL OF NOVEMBER 2013 FINANCIAL REPORTS**

9

10 Mr. Maxfield said the November 2013 financial reports have been prepared for Council’s review  
11 and approval.

12

13 Mrs. deLeon said she likes this version, but she needed more specific things for Linc’s things.  
14 Cathy was working on that? Ms. Gorman said Ms. Huhn did relate that to her, and she discussed it  
15 with her clerk and she will put notations a little bit more clearly on it. It’s easier for Hanover  
16 Engineering as they have a specific invoice for each item of work whereas Mr. Treadwell’s bills  
17 are more zoning, general and legal.

18

19 **MOTION BY:** Mr. Horiszny moved for approval of the November 2013 financial reports.

20 **SECOND BY:** Mrs. deLeon

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

22 **ROLL CALL:** 3-1 (Mr. Kern – Absent)

23

24 **VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

25 ➤ Ms. Donna Louder said she’s here today to talk about the air quality over in Steel City. She is sure  
26 you have been able to read the DEP report as well as Chris’s reports from Hanover Engineering.  
27 There have been multiple complaints about the methane gas and there is one that will be on the  
28 December report. At the meeting yesterday, she expressed her concerns. She had walked out of  
29 her home at 10:30 PM to let her dog out and she was hit with a pungent smell that she never  
30 smelled before, very strong, very odd, sweet kind of very different than the methane complaints.  
31 Yesterday at the meeting, she had come to learn that on November 21<sup>st</sup>, the DEP had found seepage  
32 in the west wall of the 4C cell or 4S. The DEP gentleman had done a drive through Steel City and  
33 he had done that prior to coming to the landfill on that date and he knew exactly what he smelled  
34 down in Steel City close to the Hill Climb, less than a half a mile away from her home. That smell  
35 that she smelled was leachate. She thinks the quality of life is taking a drastic turn for the worst in  
36 Steel City and we need to consider that when the vote comes for the vote of Applebutter Road. She  
37 knows back in the past when MFS was up and running on Easton Road, there was a problem with  
38 odors and they were shut down and removed from LST, so she is asking you to please consider this  
39 as an issue without the expansion if this is what they are dealing with, can you imagine it with it.  
40 Mr. Willard said you mentioned November 21<sup>st</sup>, what was the date you went out at night, the same  
41 date? Ms. Louder said that was actually Monday evening. The 21<sup>st</sup> was the date the DEP had gone  
42 through and had smelled the seepage. This past Monday is the night she walked out her door and  
43 the odor was horrific. There was a seepage and right now that the cell that’s opened is the closest to  
44 Steel City. That’s the one they are working on. Mr. Willard said that would have been December  
45 16<sup>th</sup>. Mrs. deLeon said she was going to bring to Council’s attention of this picture. They had a  
46 landfill meeting yesterday and Chris took this picture. She showed the area with the leachate seep.  
47 Ms. Louder said it appears dark on the picture. Mr. Maxfield said who identified this smell? Ms.  
48 Louder said Mr. Govern. Mrs. deLeon said Council got a copy of the DEP inspection report and  
49 the pdf says November 21<sup>st</sup>, page 11 and 12 of the report says “On November 21<sup>st</sup>, a routine  
50 monthly inspection was conducted this afternoon at the landfill. Also this inspection and  
51 investigation was conducted because of an odor complaint received by DEP on November 15<sup>th</sup> at  
52 approximately 11:53 hours. Wally was there, Al. Prior to entering the landfill for inspection, an  
53 odor patrol was conducted along Applebutter Road, throughout Steel City and on the north side of

1 the landfill on Riverside Drive and along Skyline Drive. During the time of this inspection, this  
2 inspector observed a slight intermittent leachate odor was detected for a brief time along the Hill  
3 Climb in Steel City. No malodors were observed during this inspection. IESI appears to be  
4 implementing their mitigation and control plan as required. During this tour, this inspector  
5 observed IESI repairing a large seep on the western scope of the landfill, the slight intermittent  
6 odor detected along Riverside Drive matched the odor on the NW corner of the landfill near this  
7 seep repair. It appears that IESI is actively managing the issue as per standard operating  
8 procedures. Under complaints, November 15, 2013 an individual on Hilltop Circle, Palmer  
9 Township, Northampton County, complained about landfill odors on her property that was  
10 allegedly coming from IESI. According to IESI's weather station, wind and it goes on to say, that  
11 was the complaint." She doesn't know where Hilltop Circle is, but apparently that person called  
12 DEP. She showed the picture of the leachate seep. What happened was they had a landfill meeting  
13 on November 21<sup>st</sup> and as they were leaving their monthly meeting, Wally was coming in to do a  
14 random inspection, so he accompanied Chris Taylor and Al and everybody went on the inspection  
15 together. She asked Jack to ask the PD Chief to go back into the records and look for other  
16 complaints as they seem to be getting more of these, and there's more of a gas rather than leachate.  
17 People are actually smelling methane gas, and three times December 6<sup>th</sup>, December 11<sup>th</sup> and  
18 December 12<sup>th</sup> the Police reports were filed. A friend of her visited her house on Wednesday and  
19 she asked how the roads were, and she said the roads weren't so bad, but she traveled Applebutter  
20 Road and you can't imagine the horrendous methane gas smell. She had no idea that Mrs. deLeon  
21 is even involved with the landfill. She ended up following the Chief's directions and called the  
22 non-emergency number and Mrs. deLeon contacted DEP. She has an email from Dean Fisher,  
23 Solid Waste Supervisor at the Bethlehem office at DEP and he was contacted by Mrs. Biechy and  
24 informed of the complaint and he proceeds to say that any odor of gas within a structure should  
25 immediately be called to 9-1-1 for a local EMS response. He also informed the landfill of this  
26 complaint and he was waiting for word of the odor source, is it Calpine, the Bethlehem Treatment  
27 Plant or IESI, is it natural gas odor, landfill gas odor, garbage odor, leachate odor or sewage odor?  
28 According to his December 12<sup>th</sup> email, he says yesterday's odor was traced to the Bethlehem  
29 Sewage Treatment Plant. We talked about this at the landfill meeting with Al, and actually by just  
30 calling the landfill and not calling DEP you are putting them in a position because what if there  
31 was a gas smell. The proper procedure is to let DEP know and if it's an outside odor, the non-  
32 emergency number and if it's inside your house, call 9-1-1. She doesn't know why we are getting  
33 these, but Council should be made aware. Ms. Louder said methane gas is horrific. The methane  
34 smell is horrific. It's crazy. Mr. Maxfield said just to clear the record up here, they should realize  
35 methane is odorless. Ms. Louder said correct, and then it changes when the temperature and air  
36 changes and it picks up the odors around it and coming from the landfill it will smell. She  
37 understands that completely. Her thing is walking out of her home and smelling leachate which  
38 was identified by one of the landfill employees as well as Mr. Taylor who was sitting at the table  
39 confirming what she was smelling. This is not imaginary. This is for real. Mrs. deLeon said is  
40 there a way when the Police do their annual report, do they segregate these odor complaints. If  
41 there's a way we could get notified of these particular instances so we could let DEP know about  
42 them. She feels they need to know. Mr. Maxfield said he just looked up methane on the internet  
43 and it says it is odorless and it doesn't say anything about it changing at different temperatures.  
44 What the landfill has said in the past when the same question has come up is you are smelling  
45 garbage. Maybe you are smelling garbage but you aren't smelling anything that is going to blow  
46 up like methane. Ms. Louder said it is a methane smell. Mr. Maxfield said impossible. Ms.  
47 Louder said and your degree in biology and air quality is. Mr. Maxfield said he can read and it  
48 says it's odorless. Ms. Louder said she can read as well and she also sits on the Landfill  
49 Committee and she questions and questions. Mr. Maxfield said he's not arguing with her. Ms.  
50 Louder said she's not arguing, she's straightening him out. She is telling you now that she speaks  
51 with them. She asks them questions and they are the ones who are educating her on what's going  
52 on. She was told that with the methane gas is odorless. As the temperature changes, it will drop  
53 and pick up the odors around it and that is what they are smelling, but it still has the methane smell.

1 Mr. Maxfield said impossible. Mrs. deLeon said let's just go back and say follow Dean's thing, an  
2 odor of gas, he's not saying it's methane, he's saying a gas. Mr. Maxfield said he's saying a  
3 natural gas. Mrs. deLeon said well, any gas, let DEP decide what it is. If you smell gas, you are  
4 supposed to call the authorities and let them decide. If you wait three hours, then it's too late. Ms.  
5 Louder said the bottom line is the quality of life is changing in Steel City. This vote is coming  
6 close and she is hoping that you take this into consideration. The sulfur smell out on Easton Road  
7 when MFS was there was fought because it was not acceptable to the neighborhood. That might  
8 even be a quote in the newspaper, but the smell of leachate and gas odors in her backyard are not  
9 acceptable in her neighborhood as well. She recommends that the vote not go through for this  
10 expansion because they didn't expand and these are the problems they are having already. She is  
11 also looking out her bathroom window at the retention wall of the landfill. That changed too. Any  
12 comments, any resolution, any kind of support for the public, for the taxpayer? Thank you for your  
13 time.

14  
15 **VIII. COUNCIL & STAFF REPORTS**

16  
17 **A. TOWNSHIP MANAGER**

18 ➤ Mr. Cahalan said they gave Council a list of the boards and committees. Leslie and her  
19 staff are preparing the reorganization agenda and part of that is to go through and look at  
20 these terms of the boards and committees. We wanted to bring to your attention that she  
21 set it up with the EAC, Parks and Recreation, Planning. The top seven groups we have in  
22 hand an ordinance or agreement that sets those terms. The bottom list we cannot find any  
23 ordinance, resolution, motion, so on from Council setting those terms. In fact, they've  
24 tracked some of them, in particular the Landfill Committee and we saw the term fluctuated  
25 between one year and two years from year to year. We're still looking at some of them, the  
26 Emergency Manager Coordinator, the SRTOC, we are doing research on those two. We'd  
27 like to bring to you at the reorganization meeting a resolution that sets down the terms.  
28 You can change them if you like. We'd set the terms and adopt them by resolution. Mrs.  
29 deLeon said some of these are set by the State, like the ZHB and the P/C. Mr. Cahalan  
30 said yes, those are in the ordinance. The EMC, we do put somebody in that position.  
31 Attorney Treadwell said there's actually no term on that. It's the Township recommends  
32 someone and the governor appoints that individual and it remains to that individual until  
33 you make a recommendation that the Governor change it. Mr. Cahalan said on the  
34 SRTOC, the original agreement with the four communities set down a four year term, and  
35 we've been doing that annually. We wanted to see what Council wanted to do. It says four  
36 years in the agreement. In the beginning, they broke it down to staggered terms. Each of  
37 the municipalities has been doing it differently. We did it one year at a time, so we've  
38 been reappointing those folks on the SRTOC on a yearly basis for the last two years. If  
39 Council wants to revert to the four years. Mrs. deLeon said the EAC is only three years  
40 and not five years. Mr. Maxfield said three years. Mrs. deLeon said when she started here,  
41 they had a Fire Marshall and a Historian which was annually appointed. We didn't have a  
42 Historical Committee. Hugh Moore Park was always. Landfill Committee was annual.  
43 The last two are new. Mr. Cahalan said there is some confusion going back from year to  
44 year and we would like to get them set so it's something we can refer back to. Mr.  
45 Maxfield said as long as we've been doing them annual, why don't we just fill in that  
46 SRTOC which makes everything not covered by statute an annual appointment, then  
47 there's no confusion. Mr. Cahalan said from Fire Marshall on down it's all annual. They  
48 will put it in a resolution and bring it back to Council. Mrs. deLeon said what about all  
49 those other committees like the Watershed Group. Mr. Maxfield said the liaison position is  
50 one that should not be a participatory; it should be a reporting position. He's liaison to an  
51 Environmental Advisory Council, he doesn't know if he should be as he's a participator in  
52 the Environmental Advisory Council. He doesn't know how the rest of Council feels, but  
53 if you were a liaison to the school board, you wouldn't be expected to be a participant in

1 the school board, but you'd be reporting back to Council on their actions. Mr. Horiszny  
2 said that affects him on the LSA board. Mrs. deLeon said she'd have to look at the  
3 reorganization meeting as there are other representatives to different boards outside of the  
4 Township, not Township boards. Mr. Willard said the example of the school board, all you  
5 are doing is reporting. He was appointed liaison for the fire companies and his role has  
6 consisted of meeting with the Fire Chief's each year with Jack and Glenn and that's an  
7 active role. He's bringing back an active report. Mr. Maxfield said if they had a vote, you  
8 wouldn't vote? Mr. Willard said right. Mr. Maxfield said maybe we should call it a non-  
9 voting member. Mr. Horiszny said it affects him because he votes. Mrs. deLeon said he is  
10 an actual member of the LSA. The LSA is set by statute also. You have a five year term.  
11 Mr. Maxfield said we should have a policy to solidify these. It's hard to keep track of all  
12 the overlapping EAC terms or when someone comes in and fills in a partial term. It would  
13 be nice to keep it simple and have an annual review. Mr. Cahalan said the tracking is one  
14 thing. This will help us with base lining what the term is. We'll bring that back with the  
15 changes.

16  
17 **B. COUNCIL**

18  
19 **Mr. Willard**

- 20 ➤ He said for the Citizens Academy, the proposed dates will be Thursday, March 6<sup>th</sup> through  
21 Thursday, April 10<sup>th</sup>. It's six weeks. He thinks from a practical standpoint we'll say the  
22 sessions are 90 minutes instead of 60 minutes this time. Most of them ran over and people  
23 willingly stayed, but sometimes the 60 minutes only allowed for the formal presentation  
24 and not the discussion. Jack sent him a draft of the revised brochure and they will  
25 publicize this at the beginning of the year, and we'll have two months to sign up our 25  
26 participants.
- 27 ➤ He said it goes back to a conversation with Jack, for the accounting review that was  
28 authorized by Council, could they have the request for proposal ready for the January 15<sup>th</sup>  
29 meeting? Mr. Cahalan said they will have that ready.
- 30 ➤ He said the topic of meeting minutes, he recalls back in June, Cathy and Jack gave us a  
31 pretty thick package to look at of options and this is also related to what we do in terms of  
32 audio visual to this room. He would reference that for the Council members and hopefully  
33 in 2014 we can make progress on this topic.
- 34 ➤ He said he will work with Cathy on the budget versus actual reporting that he had  
35 requested for this coming year. He is thinking of either monthly or quarterly jus by the  
36 major funds or major line items, the year to date budget versus actual and maybe the prior  
37 year spending and then a period to date to see how we are tracking. Cathy was kind  
38 enough to give him the full financial report from November just so he could see it. You  
39 don't want all this paper even in electronic form.

40  
41 **Mr. Kern** – Absent.

42  
43 **Mr. Horiszny**

- 44 ➤ He said he did attend the LSA meeting last night and they approved the budget for next  
45 year. They have the five year capital plan in place also.
- 46 ➤ He said he saw the letter from Bob Freeman where he went to PennDOT requesting signs  
47 for Steel City and no trucks and they came back and said the road hasn't changed and we  
48 can't change the signs. The question was not has the road changed, it was because too  
49 many more trucks are coming. He wonders if we should ask Bob and Lisa to go back to  
50 PennDOT again and say what the situation really is. Mrs. deLeon said that was on her list  
51 and she went past it today and took a picture. The sign that says "no trucks" is pretty much  
52 right at the bridge. If you are a big truck and in the right hand lane and see the sign, you  
53 are already in Steel City. They should move the sign so when you are in the right lane, it

1 should be halfway between Applebutter Road and the bridge so they see that there's no  
2 trucks. Mr. Cahalan said he sent a memo out and they did look into this and according to  
3 the PD records, there have been 14 incidences of large trucks entering Steel City since  
4 2010. They checked and they could not locate any complaints made by the PD in  
5 December concerning these large trucks. In 5 of the 14 reports, it mentioned the drivers  
6 had been looking for a Barker Steel LLC company plant, and it was programmed into their  
7 GPS system. That directed them into Steel City. The building they are looking for is  
8 located at 1700 Riverside Drive in Bethlehem, PA, but that's down in Salisbury Township  
9 in Lehigh County and its' next to the Lehigh County Men's Correctional Center. They did  
10 a search on BING maps and it shows the business in the correct location in Salisbury  
11 Township at the 1700 Riverside address. If you go on Google maps, it shows there is a  
12 marker on their mark that is approximately 100' from the Freemansburg Bridge as you  
13 enter into Steel City. They are inputting that information into the GPS and it's taking them  
14 into Steel City. They've been in touch with Google and sent an email to them and asked  
15 them to move the marker from that location at the entrance of Steel City to the correct  
16 location down along Riverside Drive in Salisbury Township. They got back to them and  
17 said they will process that request. If that removes that marker, he thinks that address is  
18 the issue with the GPS. There have been other reports of large trucks, so he indicated he  
19 will send another letter to PennDOT with the incident numbers they collected and will also  
20 make the suggestion that was made by Priscilla about placing the sign closer to  
21 Applebutter Road and will suggest the PennDOT meet out there with PD and PW to  
22 discuss potential location for additional signage. He will keep Council posted.

23  
24 **Mr. Maxfield** – No report

25  
26 **Mrs. deLeon**

27 ➤ She said sledding in the Township, is there any place kids can go sledding? Mr. Cahalan  
28 said at Polk Valley Park kids have been sledding. They also sled at Town Hall Park. It's  
29 dawn to dusk as it's not lit. That gets a lot of use. The other ones are too flat for any  
30 sledding. Mrs. deLeon said is there a way we can publicize that for the kids. Mr. Cahalan  
31 said he's pretty sure they all know the good sledding places. Mrs. deLeon said she doesn't  
32 think so as someone asked her the other day. Mr. Cahalan said one day there was  
33 somebody up in the hill here at Town Hall, got ice and spread it out on the hill and they  
34 proceeded to start sledding down the hill. Mr. Willard said maybe an article in the next  
35 newsletter which is scheduled to come out at the end of January. Friday is the deadline  
36 date for information. Mr. Horiszny said the park information on the website could say  
37 sledding available. Mrs. deLeon said that's a good idea. Mr. Cahalan said they could put  
38 that under each park location. Ms. Stern Goldstein said that's common when you are  
39 listing activities and winter sports, you list them. Mr. Maxfield said it doesn't make us  
40 liable if anything happens? Ms. Stern Goldstein said not more than if a kid breaks his/her  
41 leg playing lacrosse or softball or any other sport, they end up in ER's.

42  
43 **B. SOLICITOR** – No report

44 **C. ENGINEER** – No report

45 **D. PLANNER** – No report

46  
47 **V. ADJOURNMENT**

48  
49 **MOTION BY:** Mr. Horiszny moved for adjournment. The time was 9:29 pm.

50 **SECOND BY:** Mr. Willard

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

52 **ROLL CALL:** 5-0

53

**DRAFT**  
**General Business & Developer Meeting**  
**December 18, 2013**

1 Submitted by:

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3

4 \_\_\_\_\_  
Jack Cahalan

5 Township Manager

\_\_\_\_\_

Tom Maxfield  
Vice President of Council

DRAFT