

I. OPENING

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

II. PRESENTATIONS/HEARINGS

- A. Public Hearing - Resolution #55-2017 – Acquisition of Conservation Easement Located at 2540 Martins Lane – Approximately 25 Acres – Agreement of Sale
- B. Acquisition of Conservation Easement Located at 2540 Martins Lane – Authorize Survey Area and Title Report
- C. Tax Collection Presentation by Berkheimer Tax Administrator

III. DEVELOPER ITEMS

- A. Silver Creek Country Club – 700 Linden Avenue – Waiver of Land Development

IV. TOWNSHIP BUSINESS ITEMS

- A. Heller Homestead – Saucon Valley Conservancy Discussion Regarding Repairs
- B. Approval to Install Preemption System for Se-Wy-Co Access onto Route 378
- C. Submission of 5-Year Capital Plan
- D. Resolution #56-2017 – Local Economic Revitalization Tax Assistance (LERTA) Renewal
- E. Resolution #57-2017 – Opposing Truck Size or Weight Increases
- F. Discussion Regarding Tree Removal

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of July 19, 2017 Council Minutes
- B. Approval of July 2017 Financial Reports
- C. Monthly Department Reports for July 2017

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next Planning Commission Meeting: August 24, 2017
Next Saucon Rail Trail Oversight Commission Meeting: August 28, 2017 @ LST
Next Council Meeting: September 6, 2017
Next Park & Rec Meeting: September 11, 2017
Next EAC Meeting: September 12, 2017
Next Saucon Valley Partnership: September 13, 2017 @ HB
Next Zoning Hearing Board Meeting: September 18, 2017

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

RESOLUTION #55-2017

**RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP
AUTHORIZING PARTICIPATION IN THE ACQUISITION OF A
CONSERVATION EASEMENT ON PROPERTY LOCATED PARTIALLY IN
LOWER SAUCON TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA
AND PARTIALLY IN SPRINGFIELD TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA**

BACKGROUND

- A. Municipalities, including Townships of the Second Class, are authorized by 32 P.S. §5005(c) to protect and conserve water resources and watersheds; and to protect and conserve natural or scenic resources, including but not limited to soils, streams, flood plains or marshes.
- B. Second Class Townships are authorized by 32 P.S. §5005(c)(1) to acquire interests in real estate, including conservation easements to protect and conserve these resources.
- C. The Council of Lower Saucon Township has been requested to participate in the acquisition of a Conservation Easement on Property located on Martin's Lane which is located partly in Lower Saucon Township and partly in Springfield Township. The Lower Saucon Township portion of the Property is identified Parcel Identifier No. R8-3-4-0719 and consists of approximately 27.5 acres. The portion of the Property located in Springfield Township is identified as TMP 42-017-005 and consists of approximately 10 acres. (The total area of the property is approximately 37.5 acres, 2.5 acres of which is a building envelope entirely in Lower Saucon Township.)
- D. Lower Saucon and Springfield each intend to purchase a Conservation Easement on that portion of the Property located within their respective Townships.
- E. It is anticipated that 50% of the Purchase Price of the Conservation Easement will be funded by a grant from the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Forestry, Highlands Project. It is also anticipated that the Highlands Grant will reimburse the appraisal, survey, legal, title insurance and other settlement costs ("Project Costs"). However, because 71.5% of the Property is in Lower Saucon Township and 28.5% is in Springfield Township, this Resolution authorizes Lower Saucon Township to advance those costs, subject to such reimbursement.
- F. Lower Saucon and Springfield Township will share the amount of the remaining purchase price and any portion of the Project Costs not reimbursed based on the percentage of the Property in each Township. According to current information, 25 acres of the Property (not counting the building envelope) are in Lower Saucon Township and 10 acres are in Springfield Township, so that Lower Saucon's share is 71.5% and Springfield's is 28.5%.

G. The appraised value of the Conservation Easement (excluding the Building Envelope) is \$227,710.00 which is the Purchase Price of the Conservation Easement. The Purchase Price will be paid as follows:

- \$113,855.00 Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Forestry, Highlands Grant Funding
- \$81,325.00 Lower Saucon Township (representing the percentage of the Property located in Lower Saucon Township - 71.5%)
- \$32,530.00 Springfield Township (representing the percentage of the Property located in Springfield Township - 28.5%)

H. The Council of Lower Saucon Township has determined that it is in the best interest of the Township to acquire the hereinafter-described Conservation Easement for the above-stated reasons.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Council of Lower Saucon Township, as follows:

1. Payment of seventy-one and one half per cent (71.5%) of the appraised value estimated to be Eighty-One Thousand Three Hundred Twenty-Five Dollars (\$81,325.00) is hereby approved.
2. Advancing payment of Project Costs subject to reimbursement from the Highlands Grant and reimbursement of 28.5% of non-reimbursed Project Costs by Springfield Township, defined above, is hereby approved.
3. The Council President or his designee is hereby authorized to execute on behalf of Lower Saucon Township, and upon the advice of the Lower Saucon Township Open Space Solicitor, all documents reasonably required to effect settlement, including but not limited to the following documents:
 - A. Agreement of Sale.
 - B. Settlement sheet.
 - C. Buyer's Affidavit as may be required by a reputable title insurance company.
 - D. Any other documents incidental to or reasonably necessary to effect the foregoing transaction.
4. Additionally, Lower Saucon Township Manager, Leslie Huhn, is authorized to execute on behalf of Lower Saucon Township, on the advice of the Lower Saucon Township Open Space Solicitor, any and all documents required for settlement of the purchase of the above-referenced property by Lower Saucon Township.

This Resolution has been duly adopted by the Council of Lower Saucon Township at a public meeting held this 16th day of August, 2017.

Attest

Lower Saucon Township

Leslie Huhn
Township Manager

Ronald Horiszny
Council President

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PA**

RESOLUTION #56-2017

A RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP PROVIDING LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE WITHIN DETERIORATED AREAS WITHIN THE TOWNSHIP OF LOWER SAUCON PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT. TITLE 72 P.S. SECTION 4722 ET SEQ.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Form of Government, organized and operating under laws of the Commonwealth of Pennsylvania; and

WHEREAS, Lower Saucon Township has affixed the boundaries of deteriorated areas wholly within the Township municipal boundaries pursuant to the Local Economic Revitalization Tax Assistance Act at Title 72 P.S. Section 4725(a); and

WHEREAS, the Council of Lower Saucon Township approved the recommendations concerning the location of boundaries of deteriorated areas after a public hearing held at a public meeting of the Council of Lower Saucon Township on December 5, 2012.

NOW THEREFORE, it is hereby resolved by the Council of Lower Saucon Township, Northampton County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

- (a) As used in this Resolution, the following words and phrases shall have the meaning as set forth below:
- (1) "Becomes assessable" means immediately following issuance of the state and local occupancy permits.
 - (2) "Deteriorated area" means that portion of Lower Saucon Township which the Lower Saucon Township Council has determined to be physically blighted in Resolution #71-2012 pursuant to Act 76 of 1977 of the General Assembly of the Commonwealth of Pennsylvania, as amended (72 P.S. 4722 et seq.)
 - (3) "Deteriorated property" means any industrial, commercial or other business property owned by an individual, association or corporation, and located in deteriorating area, as provided by Resolution of the Lower Saucon Township Council, or any such property which has been the subject of an order by Lower Saucon Township requiring the unit to be vacated, condemned, or demolished by reason of noncompliance with laws, ordinance, or regulations. Buildings wherein at least 30% of the usable gross floor area is utilized for industrial, commercial, or business use shall, if otherwise qualified, be considered a "deteriorated property" for the purposes of this Resolution.
 - (4) "Improvement" means the construction of new building structures, new additions to existing structures or substantial renovations to existing structures which result in an increase in assessed valuation of the deteriorated property. Such improvements shall have the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws,

ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

- (5) "Local taxing authority" means the City of Bethlehem, *Lower Saucon Township*, the Bethlehem Area School District, the Saucon Valley School District, the County of Northampton, or any other governmental entity having the authority to levy real property taxes within the City of Bethlehem or Lower Saucon Township.
- (6) "Municipal governing body" means the City of Bethlehem or Lower Saucon Township.

SECTION 2. EXEMPTION AMOUNT

- (a) The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.
- (b) The exemption shall be limited to that improvement of which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Northampton County Board of Assessment Appeals.
- (c) The exemption provided herein shall only be applicable to the improvements constructed on the land located in the deteriorated area and shall not affect the taxation of the land itself.

SECTION 3. EXEMPTION

Subject to the conditions, requirements, and limitations set forth in this Resolution, taxpayers making assessable improvements to deteriorated property located in the deteriorated area may apply for and may be granted a real estate tax exemption limited to the amounts in Section 2 above subject to the following schedule:

- (a) For the first year immediately following the date upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted.
- (b) For the second year immediately following the date upon which the improvement becomes assessable, 90% of the eligible assessment shall be exempted.
- (c) For the third year immediately following the date upon which the improvement becomes assessable, 80% of the eligible assessment shall be exempted.
- (d) For the fourth year immediately following the date upon which the improvement becomes assessable, 70% of the eligible assessment shall be exempted.
- (e) For the fifth year immediately following the date upon which the improvement becomes assessable, 60% of the eligible assessment shall be exempted.
- (f) For the sixth year immediately following the date upon which the improvement becomes assessable, 50% of the eligible assessment shall be exempted.
- (g) For the seventh year immediately following the date upon which the improvement becomes assessable, 40% of the eligible assessment shall be exempted.
- (h) For the eighth year immediately following the date upon which the improvement becomes assessable, 30% of the eligible assessment shall be exempted.

- (i) For the ninth year immediately following the date upon which the improvement becomes assessable, 20% of the eligible assessment shall be exempted.
- (j) For the tenth year immediately following the date upon which the improvement becomes assessable, 10% of the eligible assessment shall be exempted.
- (k) After the tenth year the exemption shall terminate.
- (l) The exemption from taxes granted under this Resolution shall be upon the real property and shall not terminate upon the sale or exchange of the property.

SECTION 4. PROCEDURE FOR OBTAINING EXEMPTION

A copy of the request for exemption shall be forwarded to the Northampton County Board Assessment Appeals and the Bethlehem Area School District or the Saucon Valley School District by the City of Bethlehem or *Lower Saucon Township*. Upon completion of the improvement, the taxpayer shall notify the City of Bethlehem, *Lower Saucon Township* and the Northampton County Board of Assessment Appeals so that the Board may assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Resolution. The City of Bethlehem and *Lower Saucon Township* will then obtain from the Board the amount of the assessment eligible for exemption and will notify the taxpayer. The Treasurer is authorized to make refunds, if applicable, only after the Northampton County Board of Assessment Appeals has notified the Treasurer of its separate assessment upon the improvement for which an exemption is requested. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer of the City of Bethlehem or *Lower Saucon Township* as provided by law.

SECTION 5. TERMINATION

This Resolution shall be effective as of January 1, 2018 and shall terminate on December 31, 2022 unless otherwise repealed by the Council of Lower Saucon Township. No later than September 30, 2021, the Mayor of the City of Bethlehem shall submit a written report to the Township of Lower Saucon Council which shall inform the Council as to how this Resolution has been administered, the effects of this Resolution on the community and include any suggestions or recommendations for this Resolution's reenactment, modification or repeal. Nothing contained herein shall act to prohibit the Council of Lower Saucon Township from enacting a similar Resolution after December 31, 2022. Any property tax exemptions granted under the provisions of this Resolution shall be permitted to continue according the exemption schedule found in Section 3, unless any such property tax exemption is rescinded in accordance with the default provisions of this Resolution, even if this Resolution expires or is repealed.

SECTION 6. HEARING BOARD

A Tax Abatement Hearing Board shall consist of the Business Administrator of the City of Bethlehem, the Director of the Department of Community and Economic Development of the City Bethlehem, the Director of Fiscal Affairs of the County of Northampton, **Township Manager of Lower Saucon Township**, the Assistant to the Superintendent for Finance and Administration of the Bethlehem Area School District and the Business Manager of the Saucon Valley School District, for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of this Resolution.

The Hearing Board shall have the following powers:

- (1) To hear appeal from any person aggrieved by the application of this Resolution.

- (2) To make rules with regard to conducting its hearings.
- (3) To make such findings of fact as may be required by the application of this Resolution.
- (4) To decide questions presented to the Board.
- (5) To affirm, revoke or modify the decision of the City of Bethlehem or *Lower Saucon Township* as to the eligibility of a particular property for the Property Tax Abatement as provided for in this Resolution.

The Hearing Board shall be governed by the following procedures:

- (1) The Board shall meet upon notice of the Chairman within thirty (30) days of the filing of an appeal and shall render its decision within thirty (30) days after the appeal hearing.
- (2) Every action of the Board shall be by resolution and certified copies furnished to the appellant.
- (3) All hearings shall be public; and the appellant or any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.
- (4) For the purposes of this Resolution, every action of the Board shall require a simple majority of the members in attendance. Attendance at the hearing by three (3) members of the Board shall be required to constitute a quorum for a meeting and for action on an appeal.

SECTION 7. RULES AND REGULATIONS

The Township Manager, if necessary in his or her judgment, is hereby authorized and empowered to prepare, promulgate and enforce rules and regulations made pursuant the provisions of this Resolution.

SECTION 8. SEVERABILITY

The provisions of this Resolution are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentence. It is hereby declared to be the intent of Council that the Resolution would have been adopted if such illegal, invalid or unconstitutional section, clause sentence had not been included herein.

SECTION 9. CONTINGENCY

Notwithstanding any other provisions of this Resolution, this Resolution shall remain in full force and effect conditioned upon the Bethlehem Area School District, the Saucon Valley School District, and the County of Northampton enacting similar ordinances or resolutions with identical deteriorated areas as those designated by the Council of the City of Bethlehem and *Lower Saucon Township*.

SECTION 10. DEFAULT

Tax abatement under this Resolution shall be available only for those properties for which real estate taxes are promptly paid and discharged when due. Any property that is declared delinquent as established by the statutes of the Commonwealth of Pennsylvania shall lose the LERTA benefits and any and all currently due and future taxes shall be due and payable at the unabated assessment and tax rate.

SECTION 11. APPEAL OF DEFAULT

Properties that have been declared delinquent may appeal the rescission of the LERTA benefits by providing a written request to the Hearing Board providing a basis for the appeal and the justification for the waiver of the requirements of Section 10 herein.

SECTION 12. REPEAL

All Resolutions and parts of Resolutions inconsistent herewith be, and the same are hereby repealed.

DULY ADOPTED, this 16th day of August 2017, by the Council of Lower Saucon Township at a regularly scheduled, advertised meeting.

ATTEST:

LOWER SAUCON TOWNSHIP

Leslie Huhn
Secretary

Ronald Horiszny
Council President

DRAFT

LOWER SAUCON TOWNSHIP

RESOLUTION #57-2017

OPPOSING TRUCK SIZE OR WEIGHT INCREASES

WHEREAS, Lower Saucon Township Council is concerned with the welfare of motorists and the cost, quality, and reliability of our nation's infrastructure; and

WHEREAS, longer double-trailer trucks across the National Highway System would further endanger motorists and the U.S. Department of Transportation (USDOT) concluded that multi-trailer trucks have an eleven percent (11%) higher fatal crash rate than single-trailer trucks; and

WHEREAS, allowing heavier or longer trucks on the National Highway System would threaten the safety of the traveling public because heavier and longer trucks would be more difficult to control, increase wear and tear on truck safety systems such as brakes, steering and tires, and increase crash severity; and

WHEREAS, Pennsylvania has 4,783 bridges that are rated as structurally deficient, which is twenty-one percent (21%) of all bridges statewide, according to the Federal Highway Administration; and

WHEREAS, it would cost \$121 billion to repair current structurally deficient bridges nationwide, according to USDOT; and

WHEREAS, the Commonwealth of Pennsylvania ranks 2nd out of the 50 states in both the raw number and percentage of structurally deficient bridges, according to the Federal Highway Administration; and

WHEREAS, government highway cost allocation studies show that increases in truck size and weight would exacerbate the existing underpayment of heavy trucks and increase their subsidization by municipalities and counties, amounting to an unfunded mandate; and

WHEREAS, Interstate 78 passes through a portion of Lower Saucon Township and frequently brings truck traffic through the township and its surrounding areas, where numerous document accidents have occurred.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Ronald Horiszny, President; Sandra Yerger, Vice President; Priscilla deLeon, Council Member; Glenn Kern, Council Member; and Donna Louder, Council Member; opposes any increase in truck size or weight at the Federal level.

ADOPTED and **ENACTED** this 16th day of August, 2017.

Attest:

Lower Saucon Township

Leslie Huhn
Secretary

Ronald Horiszny
Council President