



**Wednesday, February 15, 2023**  
**Lower Saucon Township Council Agenda**

**6:30 PM**  
**Lower Saucon Township**  
**General Business and Developer**  
**3700 Old Philadelphia Pike**  
**Bethlehem, PA 18015**

**1. OPENING**

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

**2. PUBLIC COMMENT - AGENDA ITEMS ONLY - RESIDENTS/TAXPAYERS ONLY - 3-MINUTE TIME LIMIT**

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**3. PRESENTATIONS/HEARINGS/ORDINANCES/RESOLUTIONS**

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- A. Resolution #33-2023 Recognizing John Noble for his service to Lower Saucon Township
- B. Proposed Ordinances 2023-01 and 2023-02 Update

**4. DEVELOPER ITEMS - None**

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**5. TOWNSHIP BUSINESS ITEMS**

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- A. Authorization for Payment #1 to Barker and Barker Paving for Saucon Terrace Paving Project
- B. Review Engineering and Traffic Study for Truck Restrictions on Ringhoffer Road, Sherry Hill Road, and Countryside Lane
- C. Approval to purchase the culvert for Black River Road
- D. Bethlehem Landfill Air Sampling Request Letter to PADEP
- E. Approval to order the upfit of two Police patrol units
- F. Discuss Police Officer Staffing Levels
- G. Discuss Intergovernmental Agreement with Bethlehem for a Property at the corner of Moravia and Benner Streets
- H. Authorize Collection of 2022 Delinquent Real Estate Taxes
- I. Approval of the Saucon Valley Community Center Senior Agreement for 2023
- J. Heller Homestead Sun Porch Window Repair
- K. Authorize Advertisement of bid for the refurbishment of the Heller Homestead Widows House Windows
- L. Heller Homestead Barn Ruins Clean Up
- M. Yard Waste Collection Facility - Lower Saucon
- N. Approval to Purchase Asphalt Roller, Aerial Truck, Compact Loader Grader Attachment
- O. Authorization to Sell Public Works Equipment and Police Inceptor Sedan on Municibid
- P. Authorization for Township Solicitor to fully defend the Procedural and Substantive Validity Challenges relative to the adoption of Ordinance 2022-02

- Q. Discussion, and potential action, regarding Motion for Stay of Conditional Use proceedings
- R. Approve Independent Attorney as hearing officer to preside over the Conditional Use Hearing CU01-23 Bethlehem Landfill
- S. Discussion, and potential action, regarding Joint Defense Agreement for Ordinance 2022-02 validity challenges
- T. Discuss moving the March Council Meeting to Wednesday March 22

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**6. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of January 3, 2023 Council Minutes
- B. Approval of January 18, 2023 Council Minutes
- C. Approval of January 2023 Financial Reports

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**7. COUNCIL & STAFF REPORTS**

- A. Township Manager, Mark Hudson
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer

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**8. PUBLIC COMMENT - NON-AGENDA ITEMS - RESIDENTS/TAXPAYERS ONLY - 3-MINUTE TIME LIMIT**

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**9. ADJOURNMENT**

- A. Move to Adjourn

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**10. UPCOMING MEETINGS**

- A. Planning Commission: February 23, 2023
- B. Zoning Hearing Board: February 27, 2023
- C. Parks and Recreation Board: March 6, 2023
- D. Environmental Advisory Council: March 14, 2023
- E. Township Council: March 15, 2023
- F. Saucon Rail Trail Oversight Commission: March 27, 2023

I. **OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 15, 2023 at 6:30 p.m. with Mr. Jason Banonis, presiding.

**ROLL CALL: Present:** Jason Banonis, President; Mark Inglis, Vice President; Priscilla deLeon, Sandra Yerger and Thomas Carocci, Council Members; Mark Hudson, Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Cathy Gorman, Assistant Manager & Director of Finance; and Stacy Werkheiser, Administrative Assistant.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)** – Mr. Banonis said that Council did meet in Executive Session this evening to discuss potential litigation and potential property acquisition. Attorney Treadwell said there was no action that needs to be taken.

II. **PUBLIC COMMENT – TOWNSHIP RESIDENTS ONLY – 3 MINUTE TIME LIMIT – AGENDA ITEMS ONLY**

Mr. Banonis said the Public Comment procedure is available on the table. We have a three-minute comment period for Lower Saucon Township (LST) residents and taxpayers. If anyone would like to speak on any agenda items, please come forward and identify yourself.

- Donna Louder said she is here to discuss the agenda item for the air quality testing. She is sure everybody is familiar with the results from the prior air quality test done in LST back on June 2, 2015. The DEP appeared at multiple areas around IESI. Reading the booklet and speaking with the epidemiologist and his assistant, this study is inconclusive for public health exposure assessment due to the method they used to collect the data as the air sample limited monitoring information. What she is asking Council is when you get to this agenda item and you are going to send a letter to the DEP, she asks that you include a reference to this study to make sure that they pull everything and look at it. She also reached out as a resident to the DEP to Dr. Ahmad Fahad who is the epidemiologist assistant and told him that the Township is considering doing another air quality test and is there anything they can use to specify that they want a health risk analysis included. Pretty much what they used last time is called an OPFTIR and what that was is an open path for your transform infrared spectrometer. What that did was because of the way it works it didn't collect the data well enough to move it and transfer it into a health risk analysis. Everything is in here. She doesn't know if anyone had the opportunity to read this, she's sure the Township has copies of it. It's all detailed. Reference the study so the air sample will have conclusive results also to include a risk analysis in the request letter as well. Reference this and do a health risk analysis, please.
- Russ Sutton said we are entitled to have our own clean air, water, and unpolluted lands. There is a website from the State Cancer Profiles Government where you can search for cancer, race, sex, and age and by counties of PA that have extremely high rates of cancer. Northampton County (NC) has a rate of 524.3 per hundred thousand which is near the extreme high of the ranking. Since the Lehigh Valley has an influx of traffic coupled with massive increases of warehouses, as well as residential housing, this results in the loss of vegetation, trees, and open land, which refers to the expansion of the landfill. We have a greater increase of cancer in NC than the whole country. People are not aware of it. He has many pages of every type of cancer there is. It's all in this area. Another thing is how can you guarantee our health and well-being with the addition of this dump. This is the highest point in the whole Township. No one knows what is dumped there. There's no inspection of these trucks that come in there. They can be dumping heavy metals, he knows they dump asbestos, he knows they dump radioactive isotopes. We don't have any protection and when they dump it, it's on top of the mountain and it gets airborne. It depends on the prevailing winds where it blows. We don't know where it's going to go. He asked you before if you notified other municipalities about your intent, and you said no. He's taken it upon himself to go and notify all the additional municipalities of what is occurring there and get them to oppose it. This is really a bad thing. It's a bad thing for our health and welfare and our Township consists of citizens which we are citizens. It's not an entity on itself. He went to NC for the hearing on Monday and he saw Mr. Treadwell spend more time with the Waste Management tables than the other side and he really objects to that proposed ordinance that you are going to actually be defending Waste Management. When is Waste Management a part of this Township. They are not residents of this Township. They are an entity. The Township consists of citizens, not entities. Without the citizens, you would not have a

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- Township, correct, so how can you protect our health and well-being. You can't. Mr. Banonis said your time is up, he'll allow you to wrap it up.
- Russell Rice, said he's the Vice President of the SV Conservancy. Their main stewardship is the Heller Homestead (HH). There are three items on your business agenda affecting the HH. They have been doing this now for 30 years, this year. They have developed a good relationship, he thinks, with the community and visitors who come into our area. Two out of the three items have to do with windows, which are surely needed due to the infiltration of water and other things going into the two houses, one of which was built in 1751 and the other in 1850. Most of his comments are about the barn ruins. Most of you who have been there have seen what the ruins look like with a large fence going around it. We do need to clean up the barn ruins for a number of reasons. Safety is one major area. It's easy to get over the fence if you want to. There is a lot of debris in the area that needs to be taken out, the ground needs to be leveled. Once it is cleaned up, and the walls are stabilized, they have the ability to do a number of things. One, that area will be much more attractive than it was before. It will be safe and it will be available for them to provide recreational activities, educational experiences, and fundraising events. If this is done, it will enhance the HH park and surrounding areas, not only for our community, but for the visitors who come into our area.
  - Andrea Wittchen is here to comment on Item M, the Yard Waste Collection Facility. She was interested to see that there is no cost associated with the proposed facility. There's only maps and a letter, but there's no cost proposed. If she recalls correctly from the debate on the budget back in the fall, there was no discussion on the cost of constructing a Yard Waste Collection Facility. She's wondering where this unknown cost is coming from. Most of all, she's concerned about the fact that we have a perfectly functional yard waste collection facility within the Township that also does composting. As the President of the LV Sustainability Network, she knows this is a far more acceptable way to dispose of our yard waste and our other green matter in order to have it available to be composted. Instead, you propose to destroy more land in order to create a new facility, pave it over, bring in containers that will then be filled up, and trucked off the property and we will have to pay to dispose of it somewhere else. She sees no indication that the green matter will be composted and again she's concerned about the fact that we have a functional facility right here in the Township. She would propose that the more fiscally responsible approach to solving this problem is for you to just apologize to the Borough of Hellertown for your egregious behavior and that you enter into a new agreement with them in order to make the current facility functional again.
  - Bob Blasko said he knows there was some discussion down at the Courthouse a couple of days ago about whether the Council gave proper notice to the community as to their intentions. He thought to himself, we get flyers from the Township telling us about all of the things that are happening but it seems as when he went through this flyer for winter, not one mention of the landfill, nothing. Not one iota of information as if it doesn't even exist. Let me see 2023 budget highlights, Saucon Valley Terrace, Public Swimming Pool, on and on, home fire survival, library services, curb and sidewalk maintenance, recycling event. Everybody can get a copy of this, but unless he's gone blind, there's nothing about it whatsoever. At the meeting in August 2013, concerns were brought up about the landfill such as has been brought up at these last couple meetings he's attended. The same lawyer, Maryanne Garber stood there and said that any complaints that were brought up that August had been addressed, her words, not his, after the October 2012 meeting. He finds that interesting because yesterday afternoon he talked to Matthew Vipond of the DEP and they had so many complaints recently they had to stop that queue and start another one. They were flooded with 12 continuous pages of complaints. This is the state of our facility, the state of our facility that was complained about all the way back in 2012 and that in 2013 all these concerns were taken care of. He has two points here. One is if they are still going on and the other one is if this is the state of an art facility they are claiming, there should have been no concerns in the first place, there should have been no complaints in the first place because it should have never gotten that far. Never, it shouldn't have happened. On this publication from WFMZ, on that meeting and it was updated in 2019...Mr. Banonis said you have used up your three minutes, please wrap your thought up. Mr. Blasko said in 2013 after this meeting, and this was updated in 2019...Mr. Banonis said Mr. Blasko you've used up your time and there are others that need to speak. Mr. Blasko said can he remind him of his own rule? Shall not, it doesn't say will not. Mr. Banonis said you are out of order.

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- Mark Ozimek, said agenda items, correct? Mr. Banonis said correct. Letter R, approve independent attorney as Hearing Officer to preside over conditional use hearing. Who makes that decision on who gets hired to oversee that hearing, Council? Mr. Banonis said this is the public comment period, not a question-and-answer session. Mr. Ozimek said his public comment is you guys should not be the only ones capable or approved to hire that attorney. Hiring that attorney should be like hiring a jury in a courtroom. You should be there, and all of us should be there so that we can evaluate the attorney that you want to put on record. Huh? That's his point on that. As far as the dump, he still smells it out at his place yet which is pretty far away, kind of. The road is still dirty. That brand new road is stained to the point that you can't even wash the dirt out of it anymore, that brand new blacktop road is stained probably beyond repair. You need to do something about them cleaning the trucks better. He could say the Lord's Prayer again and pray for everyone and you guys that things get better and you come to your senses because right now he doesn't know what the deal is and as far as one of the local motorcycle clubs in Hellertown, he ended up having to tell him that they should all be here and testify because if they cared about little kids they would care about putting a stop to the dump expansion that some of them agree with because expanding it isn't doing anything except maybe lining somebody's pocket or bringing more money into the Township as far as taxes and property taxes. That's all he got, reconsider your view on hiring an attorney and make it a public hearing before you just hire somebody that's probably going to be on your side.
- Victoria Opthof-Cordaro said she would consider a voluminous number of matters on the Township business item agenda list. Certainly she couldn't speak to all of them in the three minutes you do allot so first and foremost on the agenda items that are listed, she would propose that you consider maybe going back to the two meetings per month that were very informative for the citizens so that you could get through your agenda items and the residents could properly comment on those agenda items without going through the entire alphabet. The other comment she has is the air quality study as she thought it was very curious that this showed up on today's agenda considering we talked about it in October, November, December, January the idea that the Township hasn't done any of these studies and how impactful they would be when you are talking about 275 acres of land turning into a garbage dump. She really appreciated Ms. Louder's comments about making sure that the study was that in which directly provided information to the health, safety and welfare because what's the point in having the study if you can't use the results for any qualitative or informative purpose moving forward. She would encourage you to, and she supports Ms. Louder's comment on that issue, but she also thinks it's kind of too late for that as it's something you should have received before you ever decided to try and rezone an additional 275 acres. Clearly if you are doing an air quality study on the current footprint of a landfill, adding another 275 acres to it doesn't sound like it makes a lot of sense. The other comment she wanted to talk about was the discussion of the independent attorney presiding over the conditional use hearing. She thinks it's very confusing for the citizens to comment on that if you are also going to have an agenda item discussing potential stay of the conditional use hearing because we have no idea exactly of what you are doing. She would again implores Council to move forward and not have all of these items on the agenda or at least allow us to comment on those specific things. Finally, she wants to say that it's despicable that our Township is standing here asking or considering the potential to join a developer in litigation against your own residents. She thinks you all took an oath of office and your oath was to be independent and not to be colluding with your developers.
- Laura Ray said she has a lot of comments that overlap with others that were said. Regarding the air study, she also wondered what took so long to request this. The timing seems very questionable and she wonders why this wouldn't have been done long before you even started going and doing all the changes and approvals that you already have done. Regarding the mutual defense agreement, it seems very wrong as Russ had stated that when she read it, she couldn't been figure it out. It refers to attorney-client privilege and she's wondering who is who. Are you guys the attorney or the client, is the landfill the attorney or the client or are you both of those things and why do we need to help the landfill attorney. It seems very wrong. Regarding the yard waste collection facility, the map shows it labeled as a compost center. That would imply that materials are composted there and residents would be able to get compost. Neither of those is true so your map should be reworded there. Regarding the scheduling to the conditional use hearing at 9:00 a.m. on a Monday, the same

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day as the ZHB meeting and we know that was done to just greatly inconvenience the many people that need to attend this that do work during the day and it seemed to be implied that it's going to be continued the next day at the same time period during the day. That doesn't seem to really follow with the Sunshine Law guidelines that would allow for public participation in meetings. Maybe that can be looked at. She thinks the Judge kind of inferred to that last week. Regarding the agenda itself, yes, it's a mile long and many of the agenda items that you know are of interest to a lot of the people here are placed at the end and this happens month after month. It shows more disrespect for your constituents and then having only three minutes to comment on so many items is inadequate because there are so many items. She would like to see more attention given to how the agendas are put together and if we have so much business, yes, maybe we do need a second meeting.

**III. PRESENTATIONS/HEARINGS**

**A. RESOLUTION #33-2023 – RECOGNIZING JOHN NOBLE FOR HIS SERVICE TO LOWER SAUCON TOWNSHIP**

Mr. Banonis said Resolution #33-2023 has been prepared to honor John Noble for his years of dedicated service to the residents of LST. He read the resolution (*please see attached Resolution #33-2023*). He thanked John for him many years and service to LST.

**MOTION BY:** Mr. Banonis moved for approval of Resolution #33-2023 recognizing John Noble for his service to LST.

**SECOND BY:** Ms. deLeon

Ms. deLeon said she's known John for many years and residents have always respected his questioning at the meetings and asking great questions for the residents. She really appreciates what he did. Mr. Hudson said unfortunately John isn't able to be with us this evening, but we still wanted to move forward with the resolution.

**ROLL CALL:** 5-0

**B. PROPOSED ORDINANCES 2023-01 AND 2023-02 UPDATE**

Mr. Banonis said staff will provide an update on the two proposed ordinances. The ordinances are found on the Township website. Attorney Treadwell said if Council recalls at two prior meetings, Council authorized the advertisement of both of these ordinances and to send them to the Lehigh Valley Planning Commission (LVPC), the Township's Planning Commission and to go through the process to amend the zoning ordinance. We told you back then we would bring them back when they were in their final form and that's what is in front of you tonight. He asked Stacy to pull up the map for the first one. Ms. deLeon said these didn't go anywhere yet. Attorney Treadwell said they went to LVPC. This is the ordinance that changes some of the properties in LST, what you are seeing now is in the 412 area, it changes that white piece to General Business (GB) that we talked about before. He asked Stacy to go to Exhibit 1. This is what you see what's GB-1 and GB-2 now. Go to the next map...this will now be all GB. This is the ordinance that eliminates GB-1 and GB-2 and the Township just makes it GB. Next slide...this is in the Route 378 area. There's again existing GB-1 and GB-2 that you see in light and dark blue. Next slide...now you see the white with the red crosshatching and it all changes to GB. There's more GB down in the bottom right corner on the other side of 378. Next slide...this is the Easton Road area property that we talked about. It's a typo on there, it's actually R-40 to LM so that's the R-40 area as it exists today. Next slide...that's LM.

Ms. deLeon said she thought you were doing them separately. Attorney Treadwell said no the Easton Road changes and the changes to GB are all together. The next ordinance, which is more GB in 412 is separate. That's the updated version of the first ordinance, Ordinance 2023-01. Stacy, please go to 2023-02...here you will see on the first exhibit a bunch of different areas being R-12, MH which is Mobile Home, R-80 on the top left, which is that little white piece in the corner, all of those changing from R-40 down here on the bottom left, all changing from their current zoning designations to GB. Next slide...that shows you what it will look like when and if that ordinance gets adopted. All that area along Route 412 will then be GB.

Ms. deLeon said this is just for an update. Attorney Treadwell said you already authorized advertising, they will send it out to the newspaper and will advertise it and schedule it for a public

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hearing at your March meeting. Mr. Hudson said your MH will also go away and be turned into R-12. Attorney Treadwell said that's correct. The R-12 on the top will match with R-12 to the right. That's the update. We will advertise it and schedule it for a public hearing.

**IV. DEVELOPER ITEMS – None**

**V. TOWNSHIP BUSINESS ITEMS**

**A. AUTHORIZATION FOR PAYMENT #1 TO BARKER AND BARKER PAVING FOR SAUCON TERRACE PAVING PROJECT**

Mr. Banonis said Hanover Engineering Associates is recommending payment #1 to Barker and Barker Paving, Inc. in the amount of \$1,032,149.35 for the Saucon Valley Terrace Paving Project.

**MOTION BY:** Mr. Banonis moved for authorization for payment #1 to Barker and Barker paving for Saucon Terrace Paving project in the amount of \$1,032,149.35.

**SECOND BY:** Mr. Inglis

**ROLL CALL:** 5-0

**B. REVIEW ENGINEERING AND TRAFFIC STUDY FOR TRUCK RESTRICTIONS ON RINGHOFFER ROAD, SHERRY HILL ROAD AND COUNTRYSIDE LANE**

Mr. Banonis said Hanover Engineering Associates has prepared an Engineering and Traffic Study for truck restrictions along Ringhoffer Road, Sherry Hill Road, and Countryside Lane for Council Review. He thought the study was very encompassing and informative.

**MOTION BY:** Mr. Banonis moved for approval for the Township to write an ordinance restricting truck traffic on Ringhoffer Road, Sherry Hill Road and Countryside Lane.

**SECOND BY:** Mrs. Yerger

Ms. deLeon said aren't we going to have someone go over this study for the benefit of the public. Mr. Banonis asked Mr. Kocher if he wanted to speak on it. He thinks it's self-explanatory and is available in written format.

Mr. Kocher said PennDOT puts guidance out on how you can restrict trucks, how you can put weight restrictions on roads, and gives guidance on how to do that. They went out and evaluated each of the three roads, took measurements, took photographs, that's all pretty well documented in the study and they believe that, in their opinion, you can restrict trucks on those roads. Mr. Banonis said great.

Ms. deLeon said just for the minutes, could you go over it. Mr. Kocher said yes, there are weight restrictions but a truck restriction is different. A weight restriction is more restrictive, but this will allow us to sign it "no trucks" which is a lot more visible than a weight restriction. You have to follow both, but the no truck restrictions are generally more visible. If a truck isn't going to follow either one, they are not going to follow it. Ms. deLeon said she'd like to see something in the minutes for posterity because three years from now if we look up the study, this isn't going to be attached, so can you go over it so at least it gets in the minutes.

Mr. Kocher said in summary, the conclusion is Ringhoffer Road, Sherry Hill Road, and Countryside Lane all meet, in their opinion, the criteria based on the alignment and the width and the vertical alignment that are not conducive to the traveling of trucks; and therefore, they believe they can restrict trucks on those three roads and sign it appropriately.

**ROLL CALL:** 5-0

**C. APPROVAL TO PURCHASE THE CULVERT FOR BLACK RIVER ROAD**

Mr. Banonis said Black River Road culvert has been limited to one lane of travel and limited weight vehicles for the past several months. The Township is seeking permission to order the culvert to be installed this summer to reopen the road fully.

Mr. Kocher said we've been evaluating this structure and we believe that an aluminum arch is the best solution to replace that bridge. It's approximately a 6' high arch by 11' wide. We have been in contact with Contech, which is a Co-Star supplier of this type of culvert and they have been in contact

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with Mark, which may have more information on cost and scheduling. Mr. Hudson said the cost of the culvert will be \$184,865.00 which would be for Contech to build the structure. They would bring it in and set it in place. Right now, the plan is our PW Department will be doing the excavating and getting the site ready for the new culvert to come in. Contech will come in with a vendor who will set the culvert and they'll grout it, do the skilled labor to set the culvert in place and then the PW staff will rebuild the road once the culvert is in place.

Mr. Banonis said has Contech indicated if there are any supply issues to secure the materials that are needed for this? He knows we've had problems elsewhere and is hoping they are resolved. Mr. Hudson said if we get this ordered ASAP, they expect they will be able to get it to us in June. We are using pre-cast wing walls. which will make the lead time a little bit longer to June. If we just went with a metal structure, then it would be a little less but everyone agreed that the concrete structure will last longer and look much better. Mr. Banonis said is the plan to have this constructed during the summer so it doesn't prohibit school bus traffic and other traffic that may be using that road. Mr. Hudson said that is the plan.

**MOTION BY:** Mr. Banonis moved for approval to purchase the culvert for Black River Road to be installed by Contech in the amount of \$184,865.00.

**SECOND BY:** Ms. deLeon

**ROLL CALL:** 5-0

**D. BETHLEHEM LANDFILL AIR SAMPLING REQUEST LETTER TO PA DEP**

Mr. Banonis said at their January 19, 2023 Township Landfill Committee meeting, they requested Township Council send a letter to PA DEP to conduct an air quality study at and around the Bethlehem Landfill. We've already heard from one resident in support of that and he's in support of it also.

**MOTION BY:** Mr. Banonis moved for approval to have the Manager send a letter to PA DEP to conduct an air quality study at and around the Bethlehem Landfill, and also to reference the 2015 study that was brought to our attention again, as well as the health risk analysis and inclusion of the OPFTIR, which was mentioned previously as well.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

**E. APPROVAL TO ORDER THE UPFIT OF TWO POLICE PATROL UNITS**

Mr. Banonis said the Township ordered two Police patrol units and once they are delivered need to be upfitted with electronics.

**MOTION BY:** Mr. Banonis moved for approval to order the upfit for two police patrol units for a total of \$31,070.00.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

**F. DISCUSS POLICE OFFICER STAFFING LEVELS**

Mr. Banonis said the Chief of Police and Council will discuss Police Officer staffing levels. Chief Barndt said our current staffing levels of the PD, we have 12 full-time police officers which consist of four patrol teams with three officers each on patrol on the team. That is depending on officer's time off according to the contract, sick time and other time. Currently, they have two officers out on W/C, two out on FMLA, which causes scheduling challenges resolving in minimum staffing issues. We have one possible upcoming retirement in early March of 2023, not confirmed yet. We also have three part-time patrol officers with limited availability and the reason he says that is two of them have full-time jobs and one was just recently detached with the National Guard down in Alabama for 14 months. We have a Sergeant who is assigned to accreditation and body camera management and administrative duties. We are continually pulling him away to cover patrol on day shift to cover minimum staffing, if we possibly can, which causes a backlog in his everyday responsibilities. A Detective Corporal who is assigned to criminal investigations, which at this time in his career, is the most important position we can have right now with everything that has happened in the past couple of months, then obviously himself.

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Chief Barndt said our current full-time eligibility list, and what he means by that is people, men or women who have taken our written exam, successfully passed it, and taken the physical assessment test and physically passed it. We currently have three officers on that certified list. Two of them are our current part-time officers which he just said one has a full-time position and the other is in the National Guard and another one who is full-time with another neighboring department. That's where they are at with staffing right now. They received four applications since August 2022 for part-time and the part-time officers are hard to come by because of the salary. The commitment to get from a part-time officer, nobody wants to come and do this job if they are not getting benefits, higher salary, contract, and not locked in for 40 hours. The other part is when we hire a part-time officer, we have a commitment to train and equip them, which is a minimum of 160 hours, and he just threw some rough numbers together for the background with uniforms and equipment which is about \$9,800.00. There's no guarantee that the part-time officer is going to stay with us. We could release him from field training and they could go next month to a full-time job which makes it very difficult to get a good return out of what you are putting into them. Once their eligibility list is exhausted, we have nobody so he's going to have to advertise. That's where they stand with staffing issues right now. The minimum staffing overtime that they are posting within the department is probably higher and Cathy is here, she can tell you it's the highest he's ever seen it in his career in 32 years.

Mr. Banonis said right now we are running three officers per shift, is that right? Chief Barndt said right as long as nobody is on vacation. Mr. Banonis said ideally if we were to add four full-time police officers, what effect would that have on staffing, scheduling, patrolling and enforcement of crime in the Township? Chief Barndt said he'll go with the patrolling. Right now, we have our zones split up in the Township in the ten zones, one patrol...Mr. Banonis said he's not asking you to give away state secrets here. Chief Barndt said he's not giving away secrets. You know him better than that. They have ten zones in the Township and we split them one to five zone coverage, which is basically this side of 412 and then a six to ten coverage, which is the other side of 412 after Steel City and then they have a floating officer who is usually the supervisor who will back up officers on call. If we add a fourth officer to each patrol team, we can split our responsibilities up in the Township and have more police on the street obviously and in neighborhoods and developments. As far as scheduling, it makes scheduling a whole lot easier and he's been doing scheduling since Chief Lesser was here and that's one of the biggest nightmares. Minimum staffing, we could still end up with two officers on minimum staffing which we don't want to go any lower than that as nobody wants that one officer on in this Township so it would help in that way. It would also eliminate the part-time officers, which becomes difficult as he just stated. It would be a win-win straight across the board.

Mr. Banonis asked Cathy how much we are paying in overtime cost now for police services, a ballpark figure. Cathy said ballpark, we were running last year around \$100,000.00 for just part-time. Mr. Banonis said what is the cost to the Township on average for a full-time police officer with benefits, pension, all in. Cathy said Mr. Hudson has those figures.

Mr. Hudson said one officer is about \$140,000.00 to start for the first year. Mr. Banonis said as he recalls we did have a surplus based upon tax revenue, and what was our surplus? Cathy said she will be going over that a little bit in March, although we had no need to use any of the landfill funding that we received last year, which was \$2.5 million, we do have about \$5 million in reserves from there and \$3 million in our unrestricted reserve. We did not use the landfill funding or did not need that for any operating purposes last year; however, we did over the last five years. We had continually gotten a surplus just in our general operating situation and last year was the first year due to economic issues that we've had to use those. Mr. Banonis said is it fair to say that through sound fiscal management we have the money to pay for this if we need too. Cathy said yes, we do.

**MOTION BY:** Mr. Banonis moved for approval to direct the Township Manager and Chief to proceed with the hiring of four full-time police officers to serve LST.

Mr. Banonis said he understands you have three on the eligibility list so there will some work that needs to be done to identify a fourth. Do you believe that would be sufficient to fully staff us and provide greater public safety in light of all the issues that are happening here? Chief Barndt said he

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believes four would be sufficient and we could make that work. He would have to advertise for the fourth position, but that would also create an eligibility list. One thing that would help is down the road for future planning, just so everybody knows, is there's three officers and that doesn't include him, one officer is at 24 years and 3 months, one is at 21 years and 8 months and the other one is possible going to retire in March. This will assist us with the transition to move through so we're not with a young department five years from now.

Mr. Banonis said he'd like to keep our eyes on that so we can anticipate those retirements that are coming and the need. As he understands it, you are going create a new eligibility list and hopefully there are some names on there that we can look to replenish those officers that may be leaving us in the next couple of years. Chief Barndt said correct. He'll work with Mark and he knows the Police Association and Jeremy, who is here this evening, will work together to come up with a plan moving forward.

Ms. deLeon said over the years she always wanted the four officers; she doesn't remember if you remember that or not. Chief Barndt said he does. Ms. deLeon said she's glad you do. She always hated paying the overtime because to her she'd rather invest that in our officers. She would definitely support the four and that way we have better coverage, God forbid something happens, you have that backup officer. She was always concerned with the safety of the officers out there on the streets.

Mr. Banonis said Priscilla if you wanted the four officers, why didn't that happen? What was the issue? Ms. deLeon said it just didn't happen. Mr. Banonis is just bringing this up as it didn't happen. Ms. deLeon said all these years we talked about it at budget time and it was always the certain number of officers and that's how it went. Tom, do you remember anything specific? Chief Barndt said he remembers it being brought up but he was a young officer. Mr. Banonis said how many years ago was that? Chief Barndt said 32 years and two months and he will assure you that as a Township resident and employee here this long, he's not going to bail on you. He's going to make sure there's a smooth transition. Mr. Banonis said he appreciates that and he speaks for all of on Council that we appreciate your efforts and the entire department. We've been going through some tough times recently with some break-ins and additional criminal activity that's not necessarily locally grown as far as we know. We appreciate your efforts to keep us all safe and respond to this and act as a deterrent so we don't have to deal with these issues. Chief Barndt said he wants to thank you all on behalf of all the officers of the department and himself for the support, not only from Council and the Manager, but from all the residents as well, it's awesome.

**SECOND BY:** Ms. deLeon

**ROLL CALL:** 5-0

Mr. Banonis said he didn't make it part of his motion, but we want this to happen as soon as possible.

**G. DISCUSS INTERGOVERNMENTAL AGREEMENT WITH BETHLEHEM FOR A PROPERTY AT THE CORNER OF MORAVIA AND BENNER STREETS**

Mr. Banonis said the property on the corner of Moravia and Benner Streets is bisected by the Township line with Bethlehem, an intergovernmental agreement to be considered in reference to this property.

Attorney Treadwell asked Stacy to open the site plan. He said as you can see on the plan, there's a property at the corner of Moravia Street and Benner Avenue that is located partially in the Township and partially in the city of Bethlehem. He got a call a couple of weeks ago from the City of Bethlehem's Solicitor's office asking him if we would discuss this at a Council meeting and they sent the draft Intergovernmental Cooperation Agreement that's in your materials. This property is currently vacant, but back in 1988, there was a proposal to put four units on this property by the then property owner. At that time, the Township and the city had agreed that two of the units would be taxed in LST and two would be taxed in the City of Bethlehem. The City of Bethlehem would cover all of the building permits and that type of functions as well as police and fire services which would be provided by the City of Bethlehem. That project for whatever reason never happened. There's a new proposal, which is basically three condominium units as you see on the plan and we have two

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options for Council to consider. One being the City of Bethlehem suggested that one of the residential units would be taxed in LST and two would be taxed in the city of Bethlehem. The same functionality of building permits and plan approvals all through the City of Bethlehem. LST currently receives zero property taxes for this property, it's taxed in the City of Bethlehem only. The other option is and we talked about this at the staff level, is to just say you know what, the City of Bethlehem can tax all three units as they are going to provide the services, they are going to do the building permit, they are going to do all that stuff. The revenue from one of these units is probably under \$500.00 per year in property taxes because our property tax rate is pretty low for Township purposes. We don't control what school district it's in or what those taxes are, but for property tax purposes between Bethlehem and LST, it's probably under \$500.00 per year. The question for Council is, and the administrative involvement in collecting that amount because we would split the parcel, it seems maybe not worth it, but that's for Council to decide. The question tonight is which option would you prefer - taxing one in LST and two in Bethlehem or just saying to Bethlehem you are going to do everything on that property, you can keep the taxes. Whichever one you pick, we will have to bring it back for a resolution to adopt the appropriate Intergovernmental Agreement but we need to know which way we are going to go before that is done.

Mr. Hudson said the owner is going to need to go to Bethlehem when they need something like a permit or anything like that so it's going to be odd that they are paying LST taxes but have to go to Bethlehem with any questions. Ms. deLeon said currently they aren't paying us anything, they are paying the city. Mr. Hudson said correct. Ms. deLeon said she doesn't have a problem with it staying that way. Mr. Banonis said it's less confusing for the property owners. They may go to their neighbors and have a different perspective and that makes it more difficult.

**MOTION BY:** Ms. deLeon moved to allow the City of Bethlehem to collect all of the real estate taxes and provide all the services.  
**SECOND BY:** Mr. Inglis  
**ROLL CALL:** 5-0

**H. AUTHORIZE COLLECTION OF 2022 DELINQUENT REAL ESTATE TAXES**

Mr. Banonis said staff is requesting Council to authorize the Township Finance Department to forward the 2022 Delinquent Real Estate Tax list to Northampton County for collection. Mrs. Gorman said this is pretty normal, there's no true fluctuation in the amount.

**MOTION BY:** Mr. Banonis moved for authorization for the collection of the 2022 delinquent real estate taxes.  
**SECOND BY:** Ms. deLeon  
**ROLL CALL:** 5-0

**I. APPROVAL OF THE SAUCON VALLEY COMMUNITY CENTER SENIOR AGREEMENT FOR 2023**

Mr. Banonis said the agreement between the Saucon Valley Community Center (SVCC) and the Township has been prepared for the Senior Program. The program will run year-round with limited summer hours. Mr. Hudson said they worked with the SVCC on this. It's a well-run program and has been going on for years. The fee did go up a couple hundred dollars but that was it. Everyone seems to enjoy it and he thinks it's good for our residents. Mr. Banonis said he agrees and he wants to thank the SVCC for their efforts to provide these services through the senior program.

**MOTION BY:** Mr. Banonis moved for approval of the 2023 Saucon Valley Community Senior agreement.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 5-0

**J. HELLER HOMESTEAD SUN PORCH WINDOW REPAIR**

Mr. Banonis said the Township staff obtained three quotes to repair the Heller Homestead (HH) sun porch windows on the door side of the porch and will review them with Council for their consideration.

Mr. Hudson said at the HH the sun porch is in the rear of the main building. Water has been infiltrating and the wood is rotting away so we got three quotes to have this repaired. The lowest

quote came in from Artisanal Structures at \$10,560.00. This is a gentleman we had out to look at the windows at the Widow's House. He has done a lot of work and was recommended to Mr. Hudson by the Bethlehem Historic Museum. In Bethlehem he works on the buildings down along the creek and other historic buildings in Bethlehem. He also worked at the Durham Mill along the Delaware River and he has a couple of other historic places that he is working on currently. The lowest quote was \$10,560.00. If Council approves, we will have the windows in that area fixed and painted.

**MOTION BY:** Mr. Banonis moved for approval of the quote from Artisanal Structures in the amount of \$10,560.00 to repair the Heller Homestead sun porch windows on the door side of the porch.

**SECOND BY:** Ms. deLeon

**ROLL CALL:** 5-0

**K. AUTHORIZE ADVERTISEMENT OF BID FOR THE REFURBISHMENT OF THE HELLER HOMESTEAD WINDOWS HOUSE WINDOWS**

Mr. Banonis said Township staff is requesting approval to advertise a bid for the refurbishment of the Heller Homestead Widows House windows. Mr. Hudson said the Township received a grant for this work to be done a couple of years ago. The project went out to bid one time and no bidders bid on the work so we modified the bid a little bit. He has been in contact with Russ from the SV Conservancy. We are going to put the bid out to refurbish the windows. Again, he had a contractor, the gentleman who is working on the Lutz Franklin Schoolhouse currently, and Artisanal Structures come out and review the windows. They helped him put together a bid spec for what they would do at each window and Roger was with him. They pretty much said the same thing. They are going to put it out and they are going to ask for a per window price so each window is going to be looked at individually. If the bids come in above our grant amount, he is working with Linc to put language in the bid that they will be able to pick the worst windows and get them fixed under the bid and then we'll have to come up with a second plan to repair the other windows. At this time we are looking for Council to approve us putting the windows at the Widow's House for HH back out to bid.

**MOTION BY:** Mr. Banonis moved for approval for advertisement of revised bid for the refurbishment of the Heller Homestead Windows House windows and hope we are more successful than last time.

**SECOND BY:** Ms. deLeon

**ROLL CALL:** 5-0

Ms. deLeon said if you are looking at the picture that shows the one side where the Bilco doors are, are we going to look into this, as it needs to be on a list somewhere. Mr. Hudson said yes.

**L. HELLER HOMESTEAD BARN RUINS CLEAN UP**

Mr. Banonis said Public Works will clean up the area inside the barn ruins removing the stone and lumber. This will give us and the Saucon Valley Conservancy a better view of the existing wall and area to evaluate how to proceed.

Mr. Banonis said Mark Inglis went out and looked at this. Mr. Inglis said yes. Mr. Inglis said as you all know, it's pretty messy over there and it's been that way for 30 years maybe. He thinks when Roger first started here, he cleaned it all up after it fell down. It's about time we move ahead on this and our goal is to clean up the inside of the four walls to see what we have. There's a lot of rubble in there that is not from the barn and a lot of wood that is also not from the barn. We are going to remove all that and probably take some machines, like a skid loader or something, and clean it all up so we have all four walls exposed on the inside. Then we are going to make an assessment on what we can do with those walls, whether we need to footer them, restructure them, whether we need to cap them. There's a lot of options that we need to first see before we can decide how we want to proceed, but we can't do anything until we at least clean it up and see what we have. You can't even walk around or anything like that so our hope is that we can stabilize the remaining walls and the arch and clean up the whole inside. Whether there's a cement foundation or a floor, we don't know but if that's the case, we'll clean that up. If not, we'll plant grass and then you can have a nice place in there to actually take pictures, have meetings, all the stuff that was talked about earlier. He thinks it's going to be really good. They talked about the old stone that's surrounding it all, storing it elsewhere in case we have a future use for it down the road and also using some of it to restructure what's already there.

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Mr. Banonis said thanked Mark for taking the lead on this and it's something overdue and will improve the property. Mr. Hudson said we have the photo up where you can see the area in the yellow with an orange tint to it, we are going to go into that area and there's lumber from old buildings that unfortunately has just deteriorated and doesn't have any value left to it. We are going to remove that, remove the piles of stone, clean up the weeds just so we can start to get a good view of what is in there. There is the piece if you look over to that side, we are not going to get into that yet. This is going to be a multi-step process but the first step will be to clean the area that is highlighted so we can see what we have. The SV Conservancy was very excited for this to be happening. Mr. Banonis said do we need a motion? Attorney Treadwell said this was an update. Mr. Inglis said he just got a word from Roger to make sure he has the approval to do it.

**MOTION BY:** Mr. Banonis moved to approve Public Works cleaning up the area inside the barn ruins, removing the stone and lumber to give the Township and the SV Conservancy a better view of the existing wall and area and then we can re-evaluate how to next proceed.

**SECOND BY:** Mr. Inglis

**ROLL CALL:** 5-0

**M. YARD WASTE COLLECTION FACILITY – LOWER SAUCON**

Mr. Banonis said LST is looking to open a yard waste collection facility in April of this year for our residents to drop off their yard waste.

Mr. Hudson said the Township is in need of a yard waste collection facility. Staff is proposing to use the corner of the Townsend property. He asked Stacy to pull up the details. This would be laid in by our staff. We will just use millings that we have on site so there would be no cost for materials. Dumpsters would be brought in from Victory Gardens to collect the yard waste in and then the yard waste would be taken to the Victory Gardens Center and would be composted by Victory Gardens. This would be a collection site. There would be no composting. He has been in contact with DEP and we are permitted to do this. We do not need a permit. He does need to get DEP some information on where the site is and what we will be collecting and where the material will be going. We would keep the schedule the same. We would open Friday, April 21<sup>st</sup> and we'd be open through Saturday, November 17<sup>th</sup>, open on Friday's and Saturday's, items affected would stay the same as it was, leaves, small brush, hedge trimmings, garden plant residue, and items not being accepted would be grass, sod, tree stumps, commercial businesses. The staff is recommending using the corner of the Townsend property right across from the high school stadium to utilize that for our yard waste collection facility.

Mr. Banonis said this will be operated by Township Public Works staff and there won't be any additional cost for labor to do this? Mr. Hudson said there will be additional cost for labor as we used to have one person and now we would have two people working it. Mr. Banonis said how about the cost for Victory Gardens Center to take the materials away? Mr. Hudson said that is \$300.00 per dumpster. The dumpsters would be removed when they are filled or they would have to be removed every three weeks. Mr. Banonis said as he recalls our contributions last year to the joint Compost Center, it was \$12,000.00 a year? Mrs. Gorman said it was \$10,500.00 and we budgeted that amount. Mr. Banonis said we expect the cost to be less than we were paying last year? Mr. Hudson said it will probably be equal to. Mr. Banonis said it's centrally located to both sides of the Township right off of Polk Valley Road, correct? Mr. Hudson said yes.

**MOTION BY:** Mr. Banonis moved for approval the proposed yard waste collection facility through Victory Gardens Center in the manner described above by the Township Manager for April of this year for LST residents.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 4-1 (Ms. deLeon – No)

**N. APPROVAL TO PURCHASE ASPHALT ROLLER, AERIAL TRUCK, COMPACT LADDER GRADER ATTACHMENT**

Mr. Banonis said as approved in the 2023 budget, Council authorized the replacement of an aerial truck, asphalt roller and grader. The Manager will review with Council.

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Mr. Hudson said we have been working on getting quotes for these items. As with everything currently, the equipment is tough to get. We did find a Ford F550 chassis that we hope is still available for \$66,160.00. We would then take that to Verilift and have a lift put on it. That's a bucket that the guys can go up and clean branches, do electrical work. The cost for the aerial truck complete is \$195,643.00. It is above the budget. The original quote we got was \$175,000.00. Unfortunately, with the quotes, everything has gone up significantly. The aerial truck was \$195,643.00 and that would be two PO's. The level best grader attachment was another item we had asked for and this would go on the front of our skid steer to make grading. We have a grader from 1970 that doesn't work very well currently. It's outlived its usefulness so the level best grader attachment is \$49,824.00. The original budgeted amount for that was \$45,000.00. Then a Dynapak asphalt roller would be the finished roller so it's the smaller roller you see when the guys are out paving the road. This does the edges of the road. It does the intersections where the road hits a side road or a driveway. We'd be looking to purchase this for the amount of \$55,849.52. With this we do have a trade-in and they will take our Case roller and will be giving us \$11,500.00, which will be asked to be approved at the next agenda item here. The total cost of that would be \$44,349.52 after the trade-in. The budgeted amount was \$50,000.00.

- MOTION BY:** Mr. Banonis moved for approval of the purchase of the aerial truck in the amount of \$195,643.00, the level best grader attachment in the amount \$49,824.00 and the Dynapak asphalt roller in the amount of \$55,849.52 subject to the \$11,500.00 trade-in which would reduce the cost of the dyna pack asphalt roller to \$44,349.52.
- SECOND BY:** Ms. deLeon
- ROLL CALL:** 5-0

**O. AUTHORIZATION TO SELL PUBLIC WORKS EQUIPMENT AND POLICE INCEPTOR SEDAN ON MUNICIBID**

Mr. Banonis said staff is requesting authorization to place the following equipment on Municibid:

- Public Works Equipment 2008 Case D-201 Asphalt Roller, 2008 Freightliner M2-Class with a Mobile Lift 42' Aerial Truck, 1970 Gallon T-400 Grader and 2009 Dodge Durango
- Police Department: 2013 Police Interceptor Sedan and Ver Mac Model #Sp0710, Serial #14-10293 Speed Trailer

Mr. Hudson said the speed trailer does not work any longer so that's why they are looking to get rid of. The only other item he'd like to note is the aerial truck they currently have, we will not get rid of or put on Municibid until we get the new aerial truck in our possession. The Case roller will be traded in. Everything else will be placed on Municibid.

- MOTION BY:** Mr. Banonis moved for authorization to sell the 2008 Case D-201 Asphalt Roller, 2008 Freightliner M2-Class with a Mobile Lift 42' Aerial Truck, again both subject to the replacement items coming in, the 1970 Gallon T-400 Grader and 2009 Dodge Durango, 2013 Police Interceptor Sedan and Ver Mac Model #Sp0710, Serial #14-10293 Speed Trailer
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** 5-0

**P. AUTHORIZATION FOR TOWNSHIP SOLICITOR TO FULLY DEFEND THE PROCEDURAL AND SUBSTANTIVE VALIDLY CHALLENGES RELATIVE TO THE ADOPTION OF ORDINANCE NO. 2022-02**

Mr. Banonis said Council will discuss and take action in regard to authorizing the Solicitor to fully participate and defend the Procedural Validity Challenge and the Substantive Validity Challenge, filed in the Court of Common Pleas of Northampton County and with the Zoning Hearing Board (ZHB) of Lower Saucon Township, respectively.

Attorney Treadwell said as you are aware, there have been two validity challenges filed pertaining to Ordinance No. 2022-02. One is in NC Court of Common Pleas and the other is in front of the LST ZHB. If you want him to fully participate in both of those proceedings and defend Ordinance No. 2022-02, that would take a motion.

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- MOTION BY:** Mr. Banonis moved for approval for the Township Solicitor to fully defend the procedural and substantive validity challenges relative to the adoption of Ordinance No. 2022-02 filed in the NC Court of Common Pleas and with the ZHB of LST, respectively.
- SECOND BY:** Mr. Carocci
- ROLL CALL:** 4-1 (Ms. deLeon – No)

**Q. DISCUSSION AND POTENTIAL ACTION REGARDING FOR MOTION FOR STAY OF CONDITIONAL USE PROCEEDINGS**

Mr. Banonis said Attorney Asteak has requested a Stay of the Conditional Use proceedings, as described, in the attached correspondence, regarding the Application filed by the Bethlehem Landfill Company on January 6, 2023. The Township Solicitor will discuss the request and make a recommendation to Council for official action. Council will then take action on the request.

Ms. deLeon said is this part of the February 9<sup>th</sup> hearing you were at? Attorney Treadwell said was it a part of the February 9<sup>th</sup> hearing? Not technically. It's the same request but this one is for Council, that was for the Court. That was filed under the procedural validity challenge when we were in court on February 9<sup>th</sup>. This was filed pursuant to the ZHB challenge, so it's technically two different things although the request was the same. Ms. deLeon said between meetings, the hearing... Mr. Banonis said he didn't recognize Ms. deLeon and when Linc is done, anybody can ask questions. Attorney Treadwell said your last meeting was January 18<sup>th</sup> and the Township received this letter from Attorney Asteak on January 19<sup>th</sup>. Attorney Treadwell informed him we would place it on the next available Council agenda, which is tonight to discuss. It is basically a request to stop and stay the Conditional Use Hearing due to the fact that a Substantive Validity Challenge was filed with the LST ZHB. As Priscilla alluded to, a similar request was filed under the procedural validity challenge with the Court of Common Pleas and that request was denied. During that proceeding, as a couple people alluded to here tonight, he was present and argued that the stay should be denied based on the potential for a deemed approval if a stay goes into effect. He thought that was just too risky for the Township and everyone involved to have a deemed approval so his recommendation to you tonight is that you deny this stay as well for the same reason. The potential for a deemed approval here is even greater now if Council grants the stay than if the court had granted the stay. His recommendation is to deny the stay.

Mr. Banonis said Priscilla you have questions. Ms. deLeon said he pretty much answered them. He was at that hearing and we didn't have a meeting to authorize his presence. She was just wondering, that's all. Attorney Treadwell said it came up very fast. We didn't have a meeting and it was filed ahead of time. As the Township Solicitor, he's in charge of the legal affairs of the Township so he's forced to attend.

Mr. Banonis said he understands the risk of this if we were to grant this stay of the conditional use proceedings is that it could remove the conditional part of this; and therefore, there would be no conditions placed upon the property that has now been rezoned LI and the risk of that is anything could be done on that property including all 275 acres of the property, whereas now what was proposed by the landfill was roughly 41% of the entire footprint of the property. The risk to the Township to put this stay in place would be highly problematic to our ability to have any level of oversight or control over the future development of that property. Attorney Treadwell said part of the reason that it became a conditional use for this type of industrial use as opposed to a special exception was so that Council could exert a certain amount of reasonable control over what it looks like. If there's a potential deemed approval, all that goes out the window.

Mr. Banonis said he just wants to be clear here, this Council does not have the final say in any landfill activity that would take place on that property, it would need to go to PA DEP which has the ultimate say in that, is that correct? Attorney Treadwell said there are multiple different approvals that are required. The final one probably being the DEP approval and if DEP approval doesn't happen, the project doesn't happen.

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**MOTION BY:** Mr. Banonis moved for approval to direct the Solicitor to respond to Attorney Gary Asteak's January 19, 2023 letter rejecting his request for a stay of the conditional use proceedings.  
**SECOND BY:** Mr. Inglis  
**ROLL CALL:** 4-1 (Ms. deLeon – No)

**R. AUTHORIZATION FOR TOWNSHIP SOLICITOR TO PARTICIPATE IN CONDITIONAL USE HEARING CU01-23 FOR THE LIMITED PURPOSE OF REPRESENTING ANY TOWNSHIP EMPLOYEES OR APPOINTED CONSULTANT WHO MAY BE SUBPOENAED TO TESTIFY**

Mr. Banonis said the Solicitor and Manager are recommending that Attorney Scott MacNair be appointed as the Hearing Officer to preside over the Conditional Use Hearing CU0-23 Bethlehem Landfill.

Attorney Treadwell said after Council made this motion at your last meeting, he and Mark Hudson started to look for an independent attorney to conduct the conditional use hearing. He started by looking outside of NC and made a bunch of phone calls to lawyers that he knows in Bucks County asking who they would recommend for this type of a proceeding. It was pretty much unanimous that everyone would recommend Attorney Scott MacNair. He does not know Attorney Scott MacNair. He did not know him prior to calling him and asking if he would be interested in doing this. He doesn't believe anyone on Council knows him. Mark Hudson also made some phone calls to some solicitors and attorneys that he knows.

Mr. Hudson said he called his past Solicitor and they confirmed they are also using Scott MacNair and used him for a landfill and for a hearing out in Derry Township currently. Attorney Treadwell said a quarry and a hearing. Mr. Hudson said yes, a quarry. Attorney Treadwell said after we all made those phone calls, he and Mark, called Attorney MacNair and asked him if he would be interested and he said he would be. He sent us a letter of interest and his resume. They met with him last Friday and discussed the issues with him. He was impressed and he thinks Mark was impressed as well. He thinks he would be an excellent selection to conduct this hearing.

Ms. deLeon said this is something unusual, never in her years has anything been done in this way. Could you explain to her and the residents how this is going to happen? Attorney Treadwell said if Council appoints the Hearing Officer, Attorney MacNair as we are recommending, then the Hearing Officer will preside over the conditional use hearing. The Hearing Officer will conduct the hearing. The Hearing Officer will then, at the conclusion of the hearing, make proposed recommendations to this Council and then this Council will take the final vote on the conditional use application. The procedure is outlined in Section 908 of the MPC. There are timeframes involved as to the number of days between the end of the hearing and when the recommendations come to Council and then from when Council gets the recommendations to when Council has to make the final decision on the application, but they are all spelled out in Section 908.

Ms. deLeon said if she had a specific question to ask at the hearing, how does she do that? Attorney Treadwell said as a Council member? Ms. deLeon said she doesn't know; she's never done this before so that's why she's asking what her options are. Mr. Banonis said are you asking as a Council member or a resident? Ms. deLeon said in the past when we had ZHB special exceptions, and we went before the ZHB, she asked questions as a resident, she was able to, then voted on it as a Council member. Mr. Banonis said what was the answer to the question, a Council member or as a citizen? Ms. deLeon said she's asking if she could do both, she's not really sure. Attorney Treadwell said he doesn't think you can go to the hearing and represent that you are representing this Council unless this Council votes to do that. Ms. deLeon said is she that stupid Linc, no she understands that. She can say she's a Councilwoman on this Council, she's not representing Council. She never did that. Attorney Treadwell said this is the conditional use hearing and the procedures are very similar to the ZHB hearing and procedures. If someone wants to become a party, they can ask for party status. If you want to be a party as an individual citizen, you could ask for party status as could any resident. That gets determined by the Hearing Officer as to whether party status is granted or not. Ms. deLeon

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said then technically we aren't sitting up here as a body with the Hearing Officer, he's independently sitting there himself. Attorney Treadwell said correct. Ms. deLeon said she didn't understand that when we approved the Hearing Officer. She wasn't in this situation before.

Mr. Banonis said just so it's perfectly clear, the Hearing Officer to preside over the conditional use hearing has no authority to determine the conditional use. That will come back to Council after he gathers the evidence, after he takes testimony, after he receives documents, he will then issue to us findings of fact and law. Attorney Treadwell said he will issue recommendations to you in a form that he determines to be. Mr. Banonis said his recommendations are not binding upon us; then the Council will accept or reject those recommendations. Attorney Treadwell said that's correct. The Hearing Officer is basically conducting the fact-finding hearing and then making recommendations based on the testimony. Mr. Banonis said the gentleman you've identified, Attorney MacNair, has a specialty in doing this and has done it in other matters and continues to do so. Attorney Treadwell said he has done this on multiple occasions. Mr. Banonis said he's going to make two motions.

**MOTION BY:** Mr. Banonis moved for approval for the independent attorney, Scott MacNair to be appointed as the Hearing Officer to preside over the Conditional Use Hearing CU0-23 Bethlehem Landfill pursuant to the terms set forth in his February 9, 2023 letter to Linc Treadwell.

**SECOND BY:** Mr. Inglis

**ROLL CALL:** 4-1 (Ms. deLeon – No)

**MOTION BY:** Mr. Banonis moved to authorize the Township Solicitor, Linc Treadwell, to participate in the Conditional Use Hearing CU01-23 for the limited purpose of representing any Township employees, or appointed consultants who may be subpoenaed to testify.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 4-1 (Ms. deLeon – No)

**S. DISCUSSION AND POTENTIAL ACTION REGARDING JOINT DEFENSE AGREEMENT FOR ORDINANCE NO. 22-02 VALIDITY CHALLENGES**

Mr. Banonis said the proposed Joint Defense Agreement would protect all communication, information, documents and other information related to the defense of Ordinance No. 2022-02, between the Township/Township Solicitor and any counsel for the Bethlehem Landfill Company from disclosure pursuant to discovery or Right to Know Act requests.

Attorney Treadwell said as you are aware and as we just discussed, there are two validity challenges pending for Ordinance No. 22-02. This Joint Defense Agreement would protect communications to the extent that the Township's interest are aligned with the interest of the property owner. The Township's interest in this matter are not always aligned with the interest of the property owner and as Mr. Sutton alluded to earlier there was a hearing and actually he was sitting in the middle with Attorney Heitzman, and the property owner was on one side and the objectors were on the other side. We are not always on the same page but to the extent that we may be on the same page with some issues, what this agreement would do is protect any communications that he might have with their counsel from disclosure pursuant to a Right-to-Know act request or a discovery request because if we do not sign this agreement, then any communications that he has with a third party are not covered by any privilege This covers a privilege so that somebody on the other side cannot look into what the strategy is that we may be utilizing.

Mr. Banonis said just so he's clear, one of the main goals or intents is to protect the conditional use 60-day time period that we have to make a determination so it doesn't become as of right. Attorney Treadwell said that was for the stay. What this joint defense agreement is for is actually the challenges.

Mr. Inglis said Linc, this is pretty normal? Attorney Treadwell said yes, it's not normal for Townships but in the normal course of litigation, it's normal for two sides on the same issue to do this type of an agreement.

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Ms. deLeon said why does the Township have to collaborate with the landfill to defend this action? Attorney Treadwell said the Township isn't collaborating with the landfill. The Township was named as an appellee into actions and the landfill intervened as it has a right to do as the property owner in support of the adoption of the ordinance. It's not collaboration, we just both happen to be on the same side of the issue sometimes. Ms. deLeon said okay, she just wanted to hear the answer.

**MOTION BY:** Mr. Banonis moved for approval of the proposed joint defense agreement to protect all communications, information, documents, and other information related to the defense of LST Ordinance No. 22-02 between the Township, Township Solicitor and any counsel for the Bethlehem Landfill Company from disclosure pursuant to discovery or Right-to-Know Act requests.

**SECOND BY:** Mr. Inglis

**ROLL CALL:** 4-1 (Mrs. deLeon – No)

**T. DISCUSS MOVING THE MARCH COUNCIL MEETING TO WEDNESDAY, MARCH 22, 2023**

Mr. Banonis said Council will discuss moving the March Council meeting to Wednesday, March 22, 2023. As he understands, there are several members of Council that have a conflict on March 15, 2023.

**MOTION BY:** Mr. Banonis moved for approval to move the March Council meeting from March 15, 2023 to Wednesday, March 22, 2023 at the same time of 6:30 p.m. and direct Township staff to advertise appropriately.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JANUARY 3, 2023 COUNCIL MINUTES**

Mr. Banonis said the January 3, 2023 Council minutes are ready for Council's review and approval.

**MOTION BY:** Mr. Banonis moved for approval of the January 3, 2023 Council minutes.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 4-1 (Mr. Carocci abstained as he said he was on the phone and couldn't hear them).

Ms. deLeon said doesn't that invalidate all his votes then if he can't hear if he's participating by phone. Mr. Carocci said he could hear when he voted. Ms. deLeon said then why are you voting no to the motion? Mr. Carocci said he's not, he's abstaining. Ms. deLeon said that has to be only financial. When you abstain, it's financial. Mr. Carocci said can he do that or not? Attorney Treadwell said we've had multiple people abstain over the years on many different things, sometimes when they weren't present, so if Mr. Carocci didn't have...Ms. deLeon said she thinks you need to do some research on the Sunshine Law. Attorney Treadwell said he doesn't think the Sunshine Law says anything about abstaining. Ms. deLeon said she thinks it has to do with hearing and participating by phone. Mr. Carocci said do whatever you want. Mr. Banonis said just to prove the absurdity of all that, he went through and glanced at the Council minutes from January 3, 2023 and there was not one vote that was by a margin of 3-2 so whether or not Tom's vote mattered is of no consequence to the discussion. Ms. deLeon said thank you.

**B. APPROVAL OF JANUARY 18, 2023 COUNCIL MINUTES**

Mr. Banonis said the January 18, 2023 Council minutes are ready for Council's review and approval. Ms. deLeon has a correction. It would be page 21 of 27, line 4, at the end of that paragraph, what is missing is her last comment which says no, she did not say she didn't want to answer. If that sentence could be included in the minutes. Mr. Banonis said he will approve without any corrections as he can't speak to that. Ms. deLeon said she listened to the tape and she said that. You are more than welcome to listen to the tape. It was in there and the staff should be typing what was said. That's an important part of that paragraph. She understands why you don't want that in there, but she does want it in there. The record tonight will reflect that she wants it included. Mr. Carocci said why don't we table and get verification. Mrs. Yerger said that's a good idea.

**MOTION BY:** Mr. Carocci moved to table the January 18, 2023 Council minutes until the March meeting.

**SECOND BY:** Mr. Banonis

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**ROLL CALL:** 5-0

**C. APPROVAL OF JANUARY 2023 FINANCIAL REPORTS**

Mr. Banonis said the January 2023 Financial Reports are ready for Council's review and approval.

**MOTION BY:** Mr. Banonis moved for approval of the January 2023 Financial Reports.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 4-1 (Ms. deLeon – No)

**VII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER – MARK HUDSON**

- We had a volunteer, Mr. Noble, who resigned from the Planning Commission so we are looking for volunteers. If you know of someone or you would like to volunteer for the P/C you can reach out to him. There are a couple of applications already and they will put an ad on Facebook and Constant Contact.
- He spoke with the Vistacom, the audio-visual company and they are planning to do the installation of the audio-visual upgrade in the Council room on March 28, 2023.
- The Christmas tree collection that we had at the Township building saw 93 residents dropping off trees and other yard waste materials for the Township to recycle.

**B. COUNCIL/JR. COUNCIL**

**Jr. Council**

- Rudra Thakkar was absent, but Mr. Banonis read Rudra's report as part of the record. He's a member of the SV Basketball team and they are playing this evening at Catasauqua for the semi-final colonial game against Sothern Lehigh. He hasn't gotten an update. Someone said they won. Mr. Banonis said great. Congratulations to the basketball team as they are in the finals. Rudra reported that the SVHS is presenting Mary Poppins with shows on March 9<sup>th</sup> through the 11<sup>th</sup> at 7:00 p.m. and March 12<sup>th</sup> at 2:00 p.m. Tickets are on sale now. You can access the ticket link on the SVSD website and you can follow the music and theater link.

**Mr. Inglis**

- Pretty much of what he had was the Heller Homestead which we covered most of that.
- There was a discussion at P&R about some softening of the fencing at the Steel City Park. He's talked to multiple people at Steel City and has gotten positive and negative responses to the fencing. A little bit of a quandary now, so what he's going to suggest we do is Mrs. Louder asked him to do this, so he will probably meet with her, and Priscilla, feel free to jump in as well. He's going to suggest we soften the fencing as he thinks they are there for safety and other purposes from what he gathered initially. He thinks we might try to do some landscaping with minimal maintenance to try to soften the fencing. Ms. deLeon said you do know the story about the fencing. When it was installed, it was like bright silver and it looked like a prison. Mr. Inglis said yes, he heard stuff about that. It's weathered down a little bit. Ms. deLeon said it did. Mr. Inglis said it serves a purpose. Ms. deLeon said the other one was shorter, so this one was higher. Mr. Inglis said he knows, it's a lot. Mark said he would go out with Mr. Inglis and look at it. Ms. deLeon said let her know and if she's available, she'll go too.
- The other discussion at P&R was the original plan for a community center out at the Polk Valley Park. He doesn't know if this will have any legs or not, but Stacy, he thinks you or Carol were going to pull it up and we'll discuss it at the next P&R meeting to see if there's anything there.

**Ms. deLeon**

- She had asked Mark to update the Solicitor's expenses for the library which stopped at the end of November 2022. The new report for Solicitor fees paid for the library for all of 2022 and for the January of 2023, Linc was paid \$44,302.00. Eckert Seamans for October was \$7,640.00. November was \$17,876.61. December \$38,586.27, totaling \$64,109.88 so all together that adds up to \$108,411.88 spent for the library that we still don't have access to.
- She wants to thank Mark. She loves this Board Docs and it's the greatest invention. Mr. Hudson said you can thank Stacy for that. Ms. deLeon said good.

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- The Hellertown-LST Chamber save the date May 24<sup>th</sup> they are going to be doing Honors and Hors d'oeuvres at the Hellertown Dimmick Park as they are going to honor five awardees which will be announced.
- She wants to ask the Manager or Solicitor if they have any knowledge of any of her Facebook posts that were not public that she shouldn't have, are you aware of any, Linc? Attorney Treadwell said he's not on Facebook so he doesn't look at it or any other social media.
- What she'd like to do is the last meeting, Jason you brought up that you found minutes from Hellertown from their 12-12-22 meeting, and you said they identified her as a collaborator. She'd like to play it if she can do this as she's not the Tech Queen here, but this is the actual tape from the Hellertown Borough meeting. Mr. Carocci said was that said in Executive Session? Ms. deLeon said no, it was said out here. There was a lot more stuff said in Executive Session that she can't talk about but you brought it up. Ms. deLeon played the tape from the 12-12-22 Hellertown Borough meeting.

“Yes, hi everybody, this is a sad day. When I was elected to Council way back when, we weren't talking and I was like shocked that a community that was so intertwined with each other, sharing the school district, weren't talking and you know, I just worked real hard to start up the Ad Hoc Committee that was a meeting and so we started meeting on a monthly basis and now I'm going way back and we started talking and sharing what was going on in each other's community and that led to the Council of Governments with our Saucon Valley Partnership which led to asking the school district to join us as the three entities. It was great, we shared services, we worked with the Managers, and the Superintendent worked together and we were building the ground work for joint efforts in our community, which is what I always thought you should do but I don't know, the last 18 months with the library and with the compost center and we're making lists now, I try to get information, I bring it up under my reports about the library and you are absolutely right, I learned more watching Linc at the Southern Lehigh School Board meeting and I don't know how long he talked, whatever, than I know in the whole 18 months, I learned a lot. I shouldn't be in that position as a Council member, I'm supposed to know what's going on as I'm 1/5<sup>th</sup> of that Council. I ask questions and most of the time I don't really get answers so I'm sorry and I understand what you have to do, and hopefully one day we'll get back and it will be hard but I'm willing to try anyway. David Heintzelman said I would like to say something Priscilla, I just wanted to say this Priscilla you know you've been really good as a LST Councilwoman to voice your opinion right or wrong and I will say that your efforts are there, we appreciate that very, very much and that goes a long way and you have always been there for community events and it shows that you care and it also shows, like you said you are 1/5 of a voice and wouldn't it have been nice that you would have been able to get answers as freely as you are here with our open forum. It is very sad, like you say, for Lower Saucon and it's also sad for the people of Hellertown and we need to move forward. (Next person speaking) Priscilla, I want to echo what the mayor said in regards to the HAL, I would like to thank you for your support of the library and your continued quest to get answers for your residents and for us and for the library, thank you Priscilla. Priscilla responded “you're welcome, thank you”. Terry Fadem said she would also like to add Pricilla, I'm glad you are here tonight, and hope that in the future you know we can come back together and continue maximizing our resources because that's what's really in the best interest of our residents. Priscilla said absolutely, we may not always agree but at least we'd be there talking and most of the time we agree anyway.”

That was her collaboration just for the record. She wanted to add that for the record as that was a serious accusation and she didn't write their minutes, she didn't see their minutes until you brought it up at the meeting and she did go on their website and she did see where the word was in there but you all heard it so she just wants to set the record straight. Mr. Carocci said can the Township go back and listen to our meeting. She made an accusation that she said you said publicly that she colluded, that did not happen in Executive Session. She's saying it happened in the public meeting. Ms. deLeon said it did, it's in the minutes. Mr.

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- Carocci said he just wants to confirm that. Ms. deLeon said that's why she added that sentence to the end of the paragraph on page 21. She's talking about this and it was in public and she wanted to defend her reputation that it wasn't true. Anytime somebody says anything about her that's not true, she's going to do it on record. You didn't read the minutes.
- She had asked the Manager to give her the transcripts from the Court and one of the pages for the library that there was a hearing coming up tomorrow on the 16th, are you familiar with that? Attorney Treadwell said that's been postponed. Ms. deLeon said do you know when it's going to be? Attorney Treadwell said he does not. Ms. deLeon said will we be getting word when it's going to be? Attorney Treadwell said he sent to Mark the notice of the hearing the first time and as soon as he knows, he'll send it to Mark. Ms. deLeon said she'd appreciate it as a Council member because you are supposed to be informing your clients, that's part of your duties as an attorney. Attorney Treadwell said he did. He sent it to the Township. Mr. Banonis said Priscilla let him finish answering your question if you are going to ask it. Attorney Treadwell said he sent it to the Township and notified Mark and he sent it out to Council. He doesn't directly email Council.

**Mr. Carocci**

- At the EAC meeting they reviewed the Steel Club plans, and they didn't really have any recommendations. They also reviewed a lot line change for the Sinko and there were no recommendations for Council.
- Planning did hold a meeting in January and he doesn't have the letter but there were some recommendations to Council. He's looking up his emails from Molly but doesn't see it. Mr. Hudson said he can try to look for it. Ms. deLeon said we did get that as an email. Mr. Carocci said the landfill presented their plan to Planning and there were some recommendations to Council. Mr. Banonis said we can bring that up now or we can bring it up when we have the conditional use hearing findings.
- Cathy provided him with some numbers from the library card reimbursement program. There were 45 individual reimbursements for \$900.00 and 87 family reimbursements for \$3,480.00 for a total of 132 total reimbursements so far for a total of \$4,380.00. He thinks for the longest time we asked HAL for usage numbers and they never provided them. They would say there were 3,100 residents that had library cards, they didn't say if they use the library but they had library cards. So far, we have 87 families, more than 132 people, 45 individuals at a cost of \$4,380.00 for library access. Just to break that down, we budgeted \$160,000.00 for library services and we've only used \$4,380.00 of it and there are legal fees as well, there's no doubt about that but last year they wanted \$107,000.00 and we...Mr. Banonis said don't give me the finger Ms. Wittchen. Please conduct yourself appropriately. If you can't do that, please leave. Mr. Carocci said last year they wanted \$107,000.00 and we offered \$50,000.00 which they rejected but for these 132 it basically would have been \$810.00 per library card for these 132 library cards that were issued under last year's rates and for a library we have no say over and with a Borough who was not an equal financial partner with us, who didn't want to be an equal financial partner with us. Just an update on the numbers.
- He said on the Planning, we had a meeting January 26, 2023, the motion was made by Craig Kologie
  - recommended that and approved by the Planning, that the applicant discuss and address to the satisfaction of the Township Engineer all the comments in the HEA letter dated January 24, 2023.
  - recommended that Council of LST consider adding a third party to any conservation easement offered by the applicant, recommended that the Council consider long-term impacts on roadways used by the applicant and consider conditions to address those impacts, recommended that Council consider air quality, water quality, storm water and other environmental issues during the conditional use and land development process.
  - recommended that the applicant provide studies or other evidence as well as comprehensive plans for the future that address air quality, water quality, storm water and ground water issues.

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- the final recommendation was to provide detailed explanations of operational issue including collection and disposal, noise, dust, odor, abatement procedures and it this was voted on 5-0 with Mr. Hijazi absent from that meeting.

**Mr. Banonis**

- He would like to thank Linc and Mike Miller's firm, the monies we paid to them were a sound investment and you bore that out Tom with the numbers, \$4,380.00. This is money well spent because he thinks there will be sustained savings over the years. Thank you for that. Linc, can you give us an update on the Right-to-Know (RTK) requests you had directed to the HAL. Attorney Treadwell said it was back in December that a RTK request was submitted to the HAL asking for some documents. The HAL did not respond to the RTK request so an appeal was filed with the PA Office of Open Records (OOR). The OOR issued a determination that stated that the HAL is subject to the Right-to Know-Act; and therefore, they needed to either appeal the decision or respond to Township's request within a 30-day period. He found out late last week that the HAL had appealed the OOR's determination to the NC Court of Common Pleas. That will be preceding in another court case. Mr. Banonis said that's transparency.
- He wanted to discuss the LVPC. The past couple of meetings we've had residents come in and talk about findings that were made by the LVPC with regard to our rezoning over on Applebutter Road. Interestingly, when he went to the LVPC website, conspicuously missing were the minutes from the November 17, 2022 hearing they held with regard to our zoning ordinance and map amendment. He contacted them and they confirmed yes, they were missing and they provided him with a copy and he thanked them. Just to summarize what were in those minutes as it was never brought out in any of our public meetings we had here, there were some comments by certain members of the LVPC. He thinks just at first glance it's important to note that the LVPC is made up of 37 voting members and there are four alternates. Those representatives are appointed by the County Executives from Lehigh County and NC. What is significant is when that meeting took place, there were only 16 out of 37 LVPC voting members that were in attendance who voted, so it wasn't even half of the LVPC who voted on that. He doesn't know what constitutes a quorum for their purposes, but he finds it hard to believe that 16 out of 37, not even a simple majority, would be a quorum. With regard to the comments that were in there, one was by Mr. Glickman, he proposed an amendment regarding methane recapture which is interesting because what was before them was a zoning amendment and what he was proposing seems more appropriate for any conditional use that may be placed on the property for a landfill. There's other LI uses that could be used there. There was also comment by Ms. Amato where she discussed the Delaware and Lehigh Heritage Corridor and something she defined as a view shed which he found interesting considering all of the industrial sites along the corridor throughout Easton, Bethlehem, Allentown and elsewhere, on the NJ side there's a large power plant. There were comments by Becky Bradley who is the LVPC Executive Director and she was talking about climate policy and he found that peculiar. There's an article on WFMZ from December 22, 2022 where there's a quote from her that says, "a housing shortage that is pricing families out of their own neighborhoods", so he found her comments interesting as she's calling for the construction of thousands of new homes to be built in the Lehigh Valley, all of which will bring more cars, more trucks, more trash. The motion passed and there was no roll call as it was apparently a voice vote and didn't sound like anyone voted against it. It wasn't noted in those minutes. There were comments in there from the LVPC and it says the proposed text amendments do not align with the intent of future LV to protect the health, safety and welfare of the public( Policy 3.2) or to protect high priority natural lands (Policy 3.1) and while expansion of the landfill can support the fiscal health of the Township (Policy 4.6), it is strongly recommended for the Township to prioritize retention of natural features as an essential characteristic, essentially characterizing attribute of the area near the Lehigh River. Noticeability absent from the LVPC, were there any members of LST, and it didn't appear to him any individual on the LVPC from LST deliberated, voted or offered any input on those comments. He has to ask, and this is a rhetorical question he's asking here, in light of the 16 out of the 37 votes of the LVPC members that were in attendance, again not even

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half of the whole commission who are against rezoning this property for any, any LI use including the possible, possible conditional use as a landfill. Does the landfill intend to prohibit waste from the municipalities of those 16 LVPC members who voted against what was being proposed. Those members came from places such as Easton, Bethlehem, Whitehall, Lower Macungie, Weisenberg Township, North Whitehall Township, South Whitehall Township, Breinigsville, Williams Township which has their own landfill, and Catasauqua. He asks that because those municipalities representatives of the LVPC said they don't want a local landfill to expand to take their community's trash. They apparently would prefer to ship it off somewhere else, maybe outer space, or for someone else to deal with their waste. His question is going to be to the landfill is, do they intend to give them what they want - no trash disposal at a LST trash facility. He then did further research and he looked into the County plan. There's a County plan for solid waste disposal and he thinks the plan is being very liberally used here as he's not aware of any efforts to seek to amend the County plan and it doesn't sound like much of a plan to him when there are three landfills in NC. One of those landfills has already announced it's going to be closing leaving two left, one of which is LST which could close if not expanded, so that would leave only one landfill for all of NC. Do those Lehigh Valley municipalities intend to ship their trash to that one landfill in NC, and if so, how long is it going to last or do they intend to ship their trash elsewhere and if they intend to ship their trash elsewhere, are they going to do it by truck, and is it going to create additional truck traffic for us. Is it going to create additional emissions and pollution issues. Those are just some thoughts he had. Some questions are rhetorical, some of them he thinks are that he's proving his point.

**Mrs. Yerger** – No report

**B. SOLICITOR** – No report

**C. ENGINEER** – No report

**VIII. PUBLIC COMMENT - NON-AGENDA ITEMS – RESIDENTS/TAXPAYERS ONLY – 3-MINUTE TIME LIMIT**

- Victoria Opthof-Cordaro said she wanted to say she had a very pleasant experience with our LST Police Department and she wanted to thank them for all they did. There was an incident in the development where she lives in which a resident, we think a resident, who lives in the development passed a school bus while their stop sign was out and was collecting students from the neighborhood. That police officer is doing a very wonderful job right now investigating that incident and she's spoken to him a number of times and he is doing everything he can, so she just wants to say thank you to LST Police Department for all they are doing.
- Bob Blasko said one thing he'd like to bring up and he has to ask these questions, not to grill you or drill you, but because he doesn't really know. Is it the Council that codifies the ordinances and comes up with ordinances for the Township. Do you guys do that? Mr. Banonis said this is public comment, so if you have comments, anything non-agenda, you can do that. Mr. Blasko said his comment then would be to request that you codify an ordinance to keep these landfill trucks from using these routes other than what they are supposed to be using. They are coming in from all directions. He's got videos, he's got a dash cam where he followed them. They are using other routes than what they are supposed to be using. He has to kind of laugh, you sit there yourself and you question the motives wishing to ship trash out of NC, but you have no problem accepting trash from NY and NJ. He finds that ironic. Then you talk about increased truck traffic, but you have no problem bringing trucks in from out of state who do the same thing.
- Mark Ozimek, R said he knows this is an agenda item. Mr. Banonis said sir, we're on non-agenda items, we've already had comments on agenda items so if you have a non-agenda item, that's your time to speak to non-agenda items. Mr. Ozimek said it was not on the agenda. He wants the spelling of Scott MacNair's last name. Can you spell his last name? Mr. Banonis said records are available as part of Council's packet that is on the website and you can readily find that information as it's available. Mr. Ozimek said how soon will that be available? Mr. Banonis said it's on the Council website currently. Mr. Ozimek said okay, he'll look. As for traffic, he got complaints about Redington Road and the Police Chief left. He had an incident out front where some idiot passed him

**General Business & Developer Meeting  
February 15, 2023**

in front of his house when he was going to pull into his driveway. Another one stopped behind him and when he got out to confront him, he wouldn't roll down his window so he could bitch at him and he pulled out a gun on him. These people come from the Easton Fish and Game Gun Club so maybe if you guys decided to write a letter to Easton Fish and Game Gun Club and he doesn't know if any of you go down there, he knows the Vice President put something on the website concerning traffic in the neighborhood but there's a lot of issue coming in and out of there. A lot of them are from NJ. He's had it out with the NJ State Police and the other Police Department on the other side of Phillipsburg because he come down there one morning in his police cruiser about 80 MPH and passed a school bus and the kids at the school bus stop saw him. There's just a complete lack of disrespect for people that come and go out of there. That's part of his complaint. Not that he wants to pick on the scrap yard but as far as roads go and Applebutter Road, maybe they could do something to clean up Riverside Drive because that's a muddy mess as well. Mrs. Yerger said did you report that incident to our local police? Mr. Ozimek said which one? Mrs. Yerger said the gun one. Mr. Ozimek said yes, he did. He filed a report for a RTK request too and they denied it. He didn't take it to the District Attorney, he was going to. The other thing is he'd say the officer that came...Mr. Banonis said your time is up, please wrap up your thought. Mr. Ozimek said he tried to kind of turn it into his fault, which is ridiculous. It's all on video, everything he does is on video, coming and going, all nine yards.

- Dave Boulin said somebody here, a professional, was talking about microphones and he has to agree when Priscilla was playing that video, he could not hear it and he also had a little bit of a problem hearing Brien so really it's just a matter of talking into the microphone and that goes for most of you up on the Council. He wanted to commend you working as a Council to hire the new police potentially doing that. It's a great thing and great to see when you guys and gals are in harmony and he appreciates that. He's heard some really harsh words here and might have had a few himself. That was what he wanted to speak about. Another thing is maybe you ought to limit the Council's discussion at the end to 3 minutes. Maybe that wouldn't be too bad either although there's a lot of interesting things that were said. He personally is a scientist, by training, and he appreciates facts and not ideas, so that is one thing he'd ask you all to try to do. He thinks Mark did a fairly good job and there are others. The graphics, you guys have really done a great job and he can really see what's going on here. The only thing he would ask is you buy a laser pointer and each one gets one. No politics, really, he comes here to hear what goes on in the Township and he really don't need long-winded statements by people who are running for office. He is not running for office. He doesn't hold office and he really does get tired of this day in and day out and he knows that everybody that is here that's running for office, it's clear. So, if you are going to do it, at least keep it short and if you have something you feel was not correctly stated, then good, write it out, put it on the screen so we can all read it then we can all go home and listen to the tapes and say yes or no. That's it.
- Laura Ray said she's going to be short winded. She wanted to make a comment regarding the Police Officers that were assigned to EAC duty last night. She found it very odd that we had to have two Police Officers for our meeting the whole night and then especially given what we just heard Chief Barndt saying tonight about how short staffed we are. We had two Police Officers watching our meeting. We only had about 5 people in the audience, maybe 6, and us sitting up here, there's like 8 of us and Carol, so she's not sure why we had to be guarded like we were some sort of criminals. We didn't even have two here tonight for the Council meeting. We had one.

**IX. ADJOURNMENT**

**MOTION BY:** Mr. Carocci moved for adjournment. The time was 8:52 p.m.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

Submitted by:

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Mark Hudson  
Township Manager

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Jason Banonis  
Council President