



Monday, June 26, 2023
Lower Saucon Township Council Agenda

6:30 PM
Lower Saucon Township
General Business and Developer
******* Location Change *******
Se-Wy-Co Fire Station
3621 Old Philadelphia Pike
Bethlehem, PA 18015
******* Location Change *******

1. OPENING

- 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 (if applicable)
- F. Public Comment Procedure

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

3. PRESENTATIONS/HEARINGS/ORDINANCES/RESOLUTIONS

- A. Resolution #49-2023 Honoring Braveheart Highland Pub
- B. Resolution #50-2023 Honoring Brooklyn's Catering
- C. Resolution #51-2023 Honoring Unrivaled Nutrition and Training
- D. Resolution #52-2023 Honoring Salon Mia
- E. Resolution #53-2023 Honoring Saucon Valley Farmers' Market

4. DEVELOPER ITEMS

- A. Sinko Lot Line Change #LL 01-23 - 1603 & 1611 Hafler Road
- B. Beethoven Waldheim Club - 1991 Waldheim Road - Request for Waiver of Land Development

5. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Application #VAR 02-23 - 4235 Lewis Ave - Installation of a Cell Tower - Council Review
- B. Discussion and Possible Authorization to Prepare Ordinance for Council's Review - Zoning Map and Text Amendments - the potential map amendments would be in the area north of Applebutter Road, east of Steel City, south of the Lehigh river, and west of the Route 33/Route 78 intersection from Rural Agricultural to Light Industrial. The potential text amendments may include allowing landfills and waste disposal facilities as a permitted, conditional, or special exception use; site plan requirements for uses that require land development approval, and a natural resource mitigation alternative. This potential ordinance could contain similar or revised amendments to the Zoning Map and text as contained in former Ordinance 2022-02 which is available on Boarddocs and the Township website
- C. Discussion and Possible Authorization to Prepare Ordinance for Council's Review - potential Zoning Map amendments for the Area east of Route 378 and north of Colesville Road from R40 to General Business
- D. Discussion and Possible Authorization to Prepare an Ordinance for Council's Review - Zoning Text Amendments that would potentially allow Underground Storage Tanks, provided there is compliance with federal and state regulations, in Carbonate Geology areas
- E. Discussion and Possible Authorization to Prepare Ordinance for Council's Review - The ordinance could provide for the submission of a voter referendum at the fall 2023 election that would ask the voters if the Township should amend the Optional Plan of Government/Home Rule Charter/Administrative Code to limit the terms of elected Council members to a certain maximum number

- F. Heller Homestead Widow's House Windows Bid Award
- G. Steel City Park - Lower Height of Fence
- H. Steel City Paving Bid Award
- I. Police Department Improvements - Painting and Flooring
- J. Discussion and Possible Action on Summer Schedule for Council Meetings
- K. Special Event Application - Passport to History/Lutz Franklin
- L. Resolution #54-2023 to Support an Application for a Northampton County 2024 Hotel Tax Grant

6. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of May 17, 2023 Council Minutes
- B. Approval of May 2023 Financial Reports

7. COUNCIL & STAFF REPORTS

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

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

9. ADJOURNMENT

- A. Move to Adjourn

10. UPCOMING MEETINGS

- A. Saucon Rail Trail Oversight Commission: June 26, 2023 at Upper Saucon Township
- B. Zoning Hearing Board: June 29, 2023 (Thursday)
- C. Environmental Advisory Council: July 11, 2023
- D. Council Meeting: July 19, 2023 - Tentative
- E. Landfill Committee Meeting (Date Change): Tuesday, July 25, 2023 (5:00 p.m.)
- F. Planning Commission: July 27, 2023
- G. Parks and Recreation Board: August 7, 2023

1. **OPENING**

- A. **CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Monday, June 26, 2023 at 6:32 p.m. with Mr. Jason Banonis, presiding at the Se-Wy-Co Fire Hall.
- B. **ROLL CALL: Present:** Jason Banonis, President; Mark Inglis, Vice President; Priscilla deLeon, Sandra Yerger and Thomas Carocci (arrived at 7:02 p.m.), Council Members; Mark Hudson, Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Cathy Gorman, Assistant Manager & Director of Finance; Stacy Werkheiser, Administrative Assistant.
- C. **PLEDGE OF ALLEGIANCE**
- D. **ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)** – Mr. Banonis said Council did not meet in Executive Session this evening.
- E. **POTENTIAL ACTION ON EXECUTIVE SESSION ISSUES (IF APPLICABLE)**
- F. **PUBLIC COMMENT PROCEDURE** – Mr. Banonis said he will remind everyone of Resolution #31-2023 which is a resolution of the Council of LST adopting the agenda policy and code of conduct for Township meetings. He will read it into the record.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government, located in Northampton Count, PA and is governed by an elected Council; and

WHEREAS, the PA Home Rule Charter and Optional Plan laws, the Second-Class Township Code, and the LST Administrative Code all authorize the Council of LST to promulgate rules and regulations for its Council meetings;

WHEREAS, the LST Council is authorized to establish a level of civility and promote an atmosphere of reasoned expressed of ideas in promulgating rules and regulations for its Council meetings;

WHEREAS the Council recognizes public comment is intended to afford citizens an opportunity to bring important matters to the attention of LST Council.

WHEREAS, the Council is strong advocate of free speech and wishes to promote an atmosphere of reasoned expression of ideas;

NOW, THEREFORE, BE IT RESOLVED that the Council of LST establish the following rules and regulations regarding the Agenda for public meetings, and public comment and conduct during such public meetings;

- 1. Public participation including public comment relating to agenda items shall occur at the beginning of the meeting and shall be listed on the agenda as a public comment - agenda items - residents and taxpayers only.
- 2. Public participation including public comment will not be allowed after the commencement of Council's business meeting or during any other agenda item.
- 3. Public participation including public comment shall be within the discretion and under the discretion under the direction and control of the Council President or Acting Council President.
- 4. Public comment shall be made only by LST residents and taxpayers.
- 5. Persons wishing to make comments to Council must put their names and addresses on the sign-in sheet to be used by the Council President to allocate the available time among those wishing to speak.
- 6. Residents and/or taxpayers of LST shall announce their name prior to addressing Township Council.
- 7. Public comment may be made only by a resident or taxpayer who has been recognized by the Council President.
- 8. Comments about items on the agenda will be limited to no more than three minutes per person.

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9. The Council President or Acting Council President shall, in his or her sole discretion, be permitted to expand the individual comment period by no more than two minutes upon request from the individual. Thereafter additional time may be allowed only upon motion approved by a majority of Council.
10. Organized groups of people attending the meeting to present a comment position or idea to the Council shall designate no more than two members of the group.
11. No speaker will be allowed to surrender his or her time to any other person or to call upon other persons for comment.
12. No resident or taxpayer shall obstruct in any way the entrances or exits to the Township Council meeting room.
13. The resident or taxpayer shall address Township Council from the lectern situated in the center of the Township Council meeting room unless the resident or taxpayer is physically unable to do so.
14. All public comment will be addressed to the Township Council. Nothing herein shall require any Council member to answer questions or engage in debate.
15. Members of the audience may not address other members of the audience or argue, speak, or yell back and forth at each other.
16. To facilitate the business of the Township and to maintain order there shall be no foul or vulgar language used or gestures made during the meeting.
17. Comments should be substantive and not include any defamatory comment and/or person on the integrity of others whether or not present.
18. Letter shall not be read during the public comment unless such letter can be read within the allotted three minute time limit for individual public comment. No extension shall be granted for residents or taxpayers reading a letter during public comment. Any letter cited or read may be submitted to the Township Manager.
19. Copies of any documents be reviewed or discussed during public comment shall be made available to Council at all times each attendee of the Council meeting shall respect the point of view of others.
20. At all times, each attendee of the Township Council meeting shall respect the point of view of others. No comment disagreeing with another's point of view shall involve a personal attack on the character of others with a different viewpoint.
21. Any conduct disruptive of the Township Council meeting and interfering with the business of the Township, such as talking when not recognized by the Council President or Acting Council President, talking beyond the allotted time and/or the use of a cell phone shall not be tolerated.
22. The Council President or Acting Council President will rule out of order any speaker or comment which is defamatory, contentious, scandalous or impertinent, redundant or disruptive to the proceedings of the meeting.
23. If the conduct and order of the Township Council meeting is no longer maintained, the Council President or Acting Council President may recess the meeting to restore order so the business of the Township may be conducted when the meeting resumes.
24. Public comment shall not contain personal text of any nature directed toward or against any Council person, employees of LST, members of the audience or any other persons.
25. A period of public comment shall be placed at the end of each agenda item for comments regarding non-agenda items. The rules and regulations contained herein shall apply to this public comment period as well.
26. The purpose of the public comment shall be for residents or taxpayers to comment on matters of concern, official action or deliberation which are or may be before Council prior to official action being taken. Council will not respond to comment made by the public portion of the meeting unless it is necessary to ask or clarify a question, correct factual error or provide specific information. The purpose of public comment is not for residents or taxpayers to engage in argument or debate with members of Council, the administration or other residents and the Council President shall maintain order in accordance with such purpose.

This resolution shall repeal and replace Resolution #31-2022. This resolution was adopted on January 3, 2023. Attest Mark Hudson, Township Secretary, Jason Banonis, Township Council.

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

- Sal Gagliano said he is opposed to this rezoning of 275 acres of land in his neighborhood. He's furious over this proposal for many reasons. The most important, and this preservation of the lands, is that they were preserved for a reason, that animals and what are you going to do, it says you can reallocate the land, the area of land. What are you going to do, relocate all the animals too? Guess where they are going to relocate to, his yard, their yard, your yard. That's not safe. They have an environment in which they are used to and they live there in peace with us. The reason he came to this area was because it was nice, it was quiet, it was clean, he can enjoy nature and he can enjoy his place. He can have others come over and enjoy his place. He doesn't think anyone is going to want to come here, including tourism. Do you really think someone's going to want to come and look at this place with the garbage dump smelling? They want to fish in this river? It's contaminated. Another object that it will bring, it will bring scavengers who will contaminate the land. He forages off the land at times, berries, he grows things. Where do you think all these contaminants are coming from are going to go? Our ground, his water, their water, it's not healthy. You don't provide us water. We have to dig for it. It comes from a well. This proposal will make it very bad for humans and animals. We won't be able to consume much of anything. As you all know with a bigger footprint you get more and more stink and it smells enough. He came here to raise a family, retire, maybe have some livestock, which he does, but he doesn't want to let any of them run around now. He really just thinks this is bad, it stinks for him, it stinks for you and it stinks for them. This is not what he came to this town for. This is not...Mr. Banonis said Mr. Gagliano your three minutes are up, if you'd wrap up your ideas. Mr. Gagliano said it was basically no one wants to be around the area anymore. They are afraid they are going to go home glowing in the dark. Mr. Banonis said thank you.
- Diane Gagliano said they live downhill and if this happens with the zoning, when it rains like this, all this water comes across the field and down all through their property and even into their basement. She can't imagine what might be in this water if the zoning is changed and who knows what kind of chemicals might be in there. She hears there's radioactivity in there and she's familiar with radioactivity as she used to work with it in the lab and she knows that there are different types. She doesn't know if it's tritium, C-12, C-14, or some other radioactivity with half-lives. When you look at the half-life of something, that doesn't mean it's gone in that length of time, it's only half gone in that length of time. Then you have to go at that length of time again for another half of it to be gone and it can just keep going on infinitely. So, who knows how long some of these things are going to be in the ground? And then don't forget about the birds will be coming and rodents will be coming and they have chickens and then you will hear about the bird flu coming around and you have to be careful with the birds in the area. They have a lot of concerns if something like this were to happen. Thank you.
- Bob Blasko said two of the largest land parcels recently purchased by the landfill are in and have been in conservation easements. Ms. Garber, the landfill's attorney, has argued that the people could not expect that the conservation easements last in perpetuity. Yes, Ms. Garber, we do. Isn't that the very definition of a conservation easement? At least it is from what he can see on the Commonwealth's site involving conservation easements and he quotes "conservation easements, a voluntary conservation easement is a legal agreement between a landowner, the land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows you to continue to own and use your land as well as sell it or pass it on to heirs." So, he decided to look up the word permanently in the dictionary. With the way things have been changing in the world, new math and all that, he thought perhaps maybe possibly that he was mistaken, but alas, permanent still means just that - permanently. And guess what else, the word permanent and perpetuity have some of the same synonyms. Imagine that. Imagine. He looked up conservation. It means a careful preservation and protection of something and get this - especially planned management of a natural resource to prevent exploitation, destruction, or neglect. So,

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doesn't it become quite plain that we the people can, should and do expect that the land conservation easements go on in perpetuity? Thank you.

- Russ Sutton said he's here for two different reasons. One for the expansion of the dump again. He's completely opposed to it. We only get one earth and once it's gone, it's gone. We need to preserve our environment, preserve our rivers, preserve our valleys, and protect our trees and we are not doing that. Not only that, all the contaminants in that dump, we don't even know what's in that dump and we don't even know what was put in there before when Bethlehem owned it. So, they dumped toluene, benzene, 55-gallon drums, radioactive waste, asbestos, you name it, it's in there, so basically anytime they add to that when the leachate goes there, all that fluid leaks through that part and goes through all the aquifers and into the river. The Lehigh River is the 7th most polluted river in the U.S. He won't eat anything out of there. He wouldn't even swim in there. Think about that, the Lehigh River goes into the Delaware, the Delaware goes to the Delaware Bay, and Philadelphia draws water out of that particular river for drinking water. He doesn't know if you know enough about PFAS, the forever chemicals, build up in your body and cause cancer. All kinds of cancer, kidney cancer, all kinds of problems and is the dump actually monitoring the PFAS that comes out of the leachate? Do they really monitor that? He doesn't know and he doesn't know if anyone else knows either. Also, other than that, he's noticed and he filmed turkey vultures over the dump, anywhere between 100 to 500 at one time. They can take down a helicopter in one second. That's the landing pattern for ABE coming in and they get sucked in an engine and take down the jetliner. He thinks it's a major problem and they haven't done anything to abate the buzzard problem. His next agenda is the cell tower. The cell tower, he doesn't want the cell tower. It's going to ruin the view, it's a deciduous forest, it doesn't have leaves seven months out of the year, and on top of that, it's going to cause drainage problems and interfere. Also, there are 27 cell towers within a 3-mile radius, so he doesn't think there's a need to have that cell tower there. He moved there because of the beauty of the forest. He doesn't want some stupid thing sticking up and ruining his view. He's been there since 83 and he built his own house there and he's very upset about that and he's very upset about the dump. They contaminated their water. They had to get city water. Both of those things, he's totally against.
- Joseph Beil said just an observation he's seen. He's been following the Dump the Dump and everything that's been going on with it. Obviously, there's other people other than them that are against it and agree with the feelings they have that the dump should not be expanded. Just a question in his mind is how a Council can, of elected officials by us, can try to in his eyes, circumvent one ordinance with another ordinance to try to continue moving what they don't want to happen forward. That's his biggest question.
- Lynn Hill said every Township official should be the trusted gatekeeper of decency in appropriate use of Township land and resources. Not the vulgar destruction of neighborhoods and forests for a landfill. For that matter for an inappropriate placement of a cell tower. She's tired of the propaganda, really tired of the propaganda and they are not fooled about the gas lighting, about the landfill revenue and taxes, it's an insult to their intelligence. If you are not capable of balancing the books without the landfill, then it's obvious we need a new Council majority that can responsibly manage this Township's finances. You see the enormous opposition to this project over the last several months within our Township, all these people here, and all the other Township's surrounding us except Bethlehem, which still puzzles her why they are not on board. It's been demonstrated to you that this is a bad idea so why are you still thinking of moving forward with it. Haven't you learned yet that this is a project that nobody wants? Thank you.
- Stacie Misczenski said we have repeatedly told this Council the same thing they've been saying the last 15 years. The landfill needs to stay in its own box and stop in its box. Stop the landfill expansion. This is not what they want. They've been telling you this for over a decade now. It can be easily considered a superfund site as it currently stands right now. When it shuts down, she's sure it will become a superfund site. Right now, we don't want it. We don't want the expansion at all. Also, a cell tower is not something that Steel City needs. There are 3 cell towers within 1.5 miles of the surrounding area of the proposed cell tower for 4235 Lewis Avenue. There's no reason for it. They don't need any variances for this cell tower. They don't even have an engineered road going up to support this cell tower. She doesn't see where these special exceptions would lie with this individual and its landowner. Also, term limits, okay, so the voters of this community know exactly what you are up to with these terms limits and we watched you spend our money carelessly with the legal fees

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for the 2022-02, the proposal or vote, with the conditional use hearings, the voters watched Council alienate one member of our community that sits on the Council who voted for what is right for this community and she opposes the proposal for placing a term limit on the ballot because it's basically a derivative of a special interest group and if you bring in inexperienced Council members, the costly errors are obviously there. The latest flawed was the Lower Saucon Township Ordinance No. 2022-02, which is a clear indication of wasteful spending on legal fees for a Council who was pushing for obviously, a special interest that nobody wants, so she believes the term limits are not in our best interest. She doesn't believe they should be put on the ballot. We know how to vote; we've been voting for years. We don't need you to tell us how to vote and we support all of our senior Council members who care for our community and do the right thing. Thank you.

- Brian Mauro said he's lived there since 2017. He's very fortunate to have a view looking over the entire Lehigh Valley. Unfortunately, you are going to destroy that view if you move forward with this project. Not only will it increase the truck traffic, which is already horrendous. He lives above the turn right at Redington Road and Lower Saucon. If you ever venture down that way, frequently there's accidents there. There was one about three weeks ago. That truck traffic is going to kill somebody. So please do something smart, go against it, listen to your community, please do the right thing. He had two choices today after he got off of work. One was to come here, show his concern, express his opposition, or two, go buy a hunting license as it's the first day. Another holiday you chose, but he chose that it's time to come here and he will get his license tomorrow. Thank you.
- Danielle Yanchuk said she's here today to express opposition on the Applebutter Road rezoning and the cell tower that's proposed for Lewis Avenue. In regard to the rezoning of 275 acres along Applebutter, we all know this paves the road for expansion for the dump is the same issue we've been fighting for the last seven months and beyond and guess what, we still don't want it. The second item she is here to oppose is the application for the Verizon cell tower variances that would permit a 150' tower to practically butt up against her property line, which shockingly she only discovered through word of mouth until a little paper from the Township showed up in her mailbox last week giving residents a weeks' notice to prepare their testimony for the hearing. You had more than a month since the last meeting to send these notices out and she doesn't think that's very fair. She's told public notices need to be posted on the property but given that the property is located on a private road with no trespassing signs she fails to see how the public would see such notices. Now under normal circumstances, she has zero issues with any property owner doing something on their property, but that support stops when their intentions encroach upon her livelihood and the health and well-being of her family. At May's Council meeting, she brought up her concerns of potential health risks, loss of the property values, stormwater runoff and erosion problems, among other things. Let's face it. This isn't a pool or a shed we are talking about here, it's a 150' radiation emitting tower and everyone that lives nearby stands to have to look at it every day, but also deal with whatever consequences erupt after it's in place. She also wants to emphasize one important thing here. They still have not been shown any proof of need for this tower to be there in the first place. The Township's laws require proof for any tower to be constructed. She's looked to see how many towers already exist in the area. There are over two dozen within a two-mile radius and nearly four dozen within a three-mile radius. She finds it hard to believe that not one of those towers can be co-located with an antenna that would serve the same purpose of the tower proposed here. To be completely transparent, she doesn't want it at all. It stands against the very reason we live in Steel City in the first place and if it goes up her family will eventually move. If it has to be there because it's legally permitted, just move it as far away from the neighbors as possible. You've got nearly eleven acres of land to work with and their attorney has already admitted that if they don't get the variance approval, they will just apply to stick it somewhere else where a variance approval isn't needed, so if there is a location on the property that meets the zoning requirements and it's further away from adjoining property lines, why aren't you putting it there. Stick it further up the mountain. Of course, doing so, it would incur further costs on your end for mountainside excavation, but guess what, you knew that type of terrain you were dealing with going into this and that should be your burden, not ours.
- Bilal Khan said he's also here to speak about two things, the cell tower first. As several people have mentioned already, there are many issues with the cell tower. The fire risk has not been addressed, the road is not an official road, the drainage has not been dealt with. Actually, he would say that we

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don't even exactly know where the cell tower is proposed to be. He has here the printouts of the documents you made available kindly on the website. If you look at it, he's really amazed that a billion-dollar company can't produce clear maps that are decent to read. In fact, every map is decent to read except the one that might have had the cell tower on it. You are welcome to look at it. He's sure your printouts are as illegible as his. The other thing he'd like to point out here is that the process of public comment is rigged in a way where they have to state what they have to say, then the developers get to speak, and the public has to stay quiet. The only time the public can speak once the developer has spoken is at the non-agenda items. He's sure Mr. Banonis will stop us, if for example, in the non-agenda section of the meeting if we would refer to something that was mentioned by the developer in the agenda section of the meeting. That's clearly like a rigged system. It's not one that's conducive to getting general public feedback. And you can fix it, you can fix it like that. Now about the landfill, the zoning to make room for the landfill, let him just say this isn't just about rezoning, it's about changing the text of the zoning requirements. Let's just read one short piece of new text. As an example of the intention, here's the new text. If a landfill or waste disposal facility will require land development approval under the LST subdivision and land development ordinance and a permit from the PA DEP it is not, my emphasis, subject to the site plan approval process and requirements. It's not just about rezoning it's about changing the rules that are needed to be fulfilled to carry out the rezoning, so essentially you are changing the rules in order to make the outcome happen and you are doing it in the face of people not wanting the outcome you are trying to get. Further evidence that you are not really serious here is about listening to the...Mr. Banonis said please wrap up your thoughts, we have several other people who want to speak. Mr. Khan said if you go through with the cell tower and rezoning, you can be sure that he will have Lehigh University's Environmental Engineering Department take measurements before the proposed changes happen so that there's a record, since you don't seem to be invested in an oversight process and you can look forward to lawsuits down the road.

- Ginger Petrie said she usually prides herself in being a respectful person for the most part. She had a distaste for sarcasm, now dealing with the lunacy of ruining a beautiful forest, she's filled with anger, sarcasm and a fighter spirit. She needs to thank you for giving them a month off before charging at them again with your landfill agenda. Now you are trying to ruin those of us affected by the landfill, and you are going to try to ruin Easton Road. When did you decide that this side of the Township was junk land, so you are going to send industry our way? Concrete buildings, pollution, all at the same time – nice. If you think this is progress, why don't you put it in your backyard? She guesses it wasn't in your plan book to have so much opposition to your grand scheme with your best friend, the landfill. A big question though is how can it be that you got your oh so powerful Council position through us and yet your souls were bought by the landfill. What a shame. It's our responsibility while we are gifted with time on this earth to take care of it and its creatures. All people, your family, your friends, any of the people you fight with now and again. It's our job to guard the welfare of the environment as well, plants, animals, land, air and water. We as humans only have a short time on this earth and the same is true for our animals. The land is a different story. It has housed generations of people, plants and animals. We need to accept stewardship and take care of it. She doesn't understand their desire to destroy a large part of it. You are planning to allow a company, based thousands of miles away, to destroy 275 acres of beautiful forest for only one damn reason - money. Come on, how much do you need? You are going to kill wildlife, destroy soil, pollute air and water, but claim that a Pickle Ball Court is a high priority. What are you thinking? Not. Where is the rationale brain here? Your decisions are supposed to be about the future and keep our community beautiful, not ruin it. A bigger garbage dump should not be your goal. The destruction it will bring cannot be reversed. If you don't want to fight with hundreds of passionate residents, and every other affected group of people that are going to join against your plan, drop the expansion. Make the landfill come up to speed on new and better technology, work to improve, not pile trash wider.

Mr. Banonis said for the record, Tom Carocci arrived at 7:02 p.m. Someone in the audience said at least he showed up this time.

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- Bruce Petrie said the Township business item, “B. Discussion and possible authorization to prepare ordinance for council review – zoning map and text amendments – the potential map amendments would be in the area north of Applebutter Road, east of steel city, south of the Lehigh River, and west of the Route 33/route 78 intersection from rural agricultural to light industrial. The potential text amendments may include allowing landfills and waste disposal facilities as a permitted, conditional or special exception use; site plan requirements for uses that require land development approval, and a neural resource mitigation alternative. The potential ordinance could contain smaller or revised amendments to the zoning map and text as contained in former Ordinance No. 2022-02, which is available on Board Docs and the township website”. He just has one question; he wonders who wrote this. Wait a minute, oh my God, it stinks. Okay, thank you.
- Michael Roumeliotis said he wanted to speak to the public here, the information flowing back and forth regarding the landfill. He looked up to see how much revenue the Township gets from the landfill - \$2.2 million. Correct? Mr. Banonis said Sir, this is your opportunity to make comments, not for back and forth with Council. Mr. Roumeliotis said he’s just saying, if the landfill can’t work where is the money going to come from? Raising taxes? The other thing is we are looking at some properties along the 378 corridor to develop and it’s a hodgepodge of properties off the road. So, the question is, how is this going to work? He doesn’t live right up to the edge of the road, but he lives in the Saucon Valley Manor subdivision and he feels sorry for his neighbors that are parallel to 378. That’s all he has to say. Thank you.
- Matt McClarin said he has a couple of questions for Council. He wants to think ahead here a little bit and he hopes you do too. His first question would be that he doesn’t believe that the first rezoning for the landfill is settled as far as the appeal with the landfill appealing it, so he would suggest everybody pump the brakes. Why are we even discussing this now wasting more money potentially going through the whole thing again until that case is settled. His number two thing is are we guaranteed, since we spent so much money the first go-around, that the ordinance is going to be written correct the second time around, so we don’t have to go through this again for another two or three years. His next concern is as you are aware through all of this, we have St. Luke’s, Bethlehem Township, some big money that’s now on the opposite side of this, you know. He wants to make sure the outcome of this is that our Council members on the right side and they follow our ordinances and can answer these questions. As far as rezoning goes, conditional uses, both of these decisions here tonight can end up in conditional use hearings and there’s a certain set of guidelines that you must follow as far as these questions. So, he would like for each Council member right now, to basically answer these questions and see if either of these proposals, either the cell tower or the landfill will be consistent with the set of general rules for conditional uses. He is going to read them out now and he’d like to hear from you whether these are going to be consistent. Mr. Banonis said Mr. McClarin, just to be clear, you can ask whatever questions you want to ask, it’s not for Council to respond to your questions necessarily, so go ahead and ask what you want, but...Mr. McClarin said there’s a lot of money on the line as far as lawsuits and everything else for the next ten years, so if you aren’t willing to back up the decisions you make with actual facts and information out of the zoning quote, then don’t make the decision to begin with is what he’s getting at. So, in accordance with LST comprehensive plan and consistent with the spirit purpose and the intent of this chapter, now you read about the spirit of LST and he doesn’t think anywhere in there it has to do with industrial uses. Not quite a bit, it has to do with preservation and conservation. In the best interest of the municipality, the convenience of the community, the public welfare and a substantial improvement to the properties in the immediate vicinities, so are either of these changes, substantial improvement to the properties in the immediate vicinities. He doesn’t know about the cell tower, but that’s definitely not. He doesn’t know about the landfill, but that’s not either. He just has a request to finish this last one. Mr. Banonis said your time is up, but he will give him more time to wrap up his thoughts. Mr. McClarin said suitable for the property in question and design constructed, operated, maintained so as it to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity, so he thinks that the landfill, obviously there’s conservation easements there, if that’s not the intended character of what’s there, he doesn’t know what to tell you, so unless you can put money on it, he doesn’t understand why we are wasting our time because he guarantees you with the money on the opposite side...Mr. Banonis said okay, Mr. McClarin, you’ve used up your time. Thank you.

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- Frank Palumbo said he's here once again and it seems like Groundhog Day. There's been so much opposition against this landfill expansion. He's not going to regurgitate it, as you don't give two craps about it. As you know, we will fight this and we will continue to fight this and we will vote the appropriate people out of the office. He'd ask again, who does this Council work for – us the voters, the taxpayers, or the corporations. It's a simple question and he knows who you are supposed to work for, but you don't act like all in the best interests of the residents here. He's extremely frustrated, annoyed and disturbed as he's sure these people here would rather be at home doing other things, including himself. You guys don't want to hear this grief every day that we have a Council meeting. You limit his time to three minutes to try to impress a vote. You aren't going to impress a vote as we are a very strong organization, we are Grassroots, and we have a lot of other people that are behind us. All he hears is people in opposition. He never seen one single person, at least at the meetings he's been to, for this expansion. Somebody correct him and he knows you guys won't answer squat and these guys come to probably as many meetings as he does, if not more, he has never seen somebody here saying yea, go for that dump, expand that dump, nobody, crickets. He remembers somebody saying about the rezoning on Easton Road, oh we've had people come to us, yet the day the Easton Road people came up here in opposition to that, all he heard again was probably about 30 to 50 people were against it. He didn't hear one single person for it. So again, who does this Council work for? Developers or taxpayers? Thank you.
- Jackie Palumbo said six months ago she stood here and she asked the question why is garbage good for her? She still hasn't heard an answer. She's sure the people here with her are wondering the same thing, so if it would be possible, she'd like some type of presentation on how expanding this landfill is going to benefit her and her neighbors, how it's going to make her life better and enrich us. If that would be possible or if she has to do it in a different manner, please let her know and she will submit that request. The other question she has is she's been living 17 – 18 years and the thought of having term limits never came up. It was never a problem. All of a sudden term limits come up and it comes up at a time when the dump wants to rezone. She doesn't think its term limits we need to really think about, it's about votes of no confidence. People voted you in here for our interest, not the dump, not another corporation. It's to protect us. The zoning is to protect us, and our environment and you are supposed to protect us. You are not protecting us. She was there on the 22nd of December when there were over 100 people saying how they did not want this to happen and we actually won the case and here we are again, you are trying to do it again. People came out and we told you we do not want this. She doesn't know what you understand or don't understand. Why do you keep pushing this through? If this is something that is so good for us and you need to do it against our wishes, then she wills you to tell her that and show her how this, even though she feels it's against her best interest, you feel it will benefit her. She would like to hear that. Another thing, voter no confidence, she thinks we should start looking at that and also put it in a referendum that we want or don't want the landfill, what about the library, maybe about the pool, maybe about the compost center, all those things. Shouldn't it be up to us? You are supposed to represent us. You are not representing us. She's not really sure who you are representing. She wishes you would think about it as we live here together. She guesses you are planning on moving once you push this through, she doesn't know. Please think about what you are doing. Thank you.
- Janie Hecker said she's here to address Township Business Item “D. Discussion and possible authorization to prepare ordinance for council's review – potential zoning map amendments for the area east of route 378 and north of Colesville Road from R-40 to General Business (GB)”. She's having a little trouble understanding how that piece of land would ever work for GB. First of all, from her understanding, the zoning of that land is coming out of a study that was done in 2014 and that's a while ago. So, she doesn't know what's been done to update your knowledge about that piece of land. It's nine acres, there's already a portion, not in the nine acres, but there's already a portion that's already zoned for business. That's where the bank is. The rest of it is just behind her property and going north behind the property where many people who live in the Saucon Lane development. She's going to name a couple of things that need to be considered before anybody considers doing much with the property. Since she lives there, she had an intimate knowledge of this. There's a sinkhole on the property. She doesn't know if anybody knows that, but her family knows that, it's behind her house. The other thing is they have water running on that property, which really does its own kind of thing like water does and creates a major problem on Colesville Road.

She actually took some pictures coming down here of what's happened after the rainstorm we had this afternoon. There's been a lot of work done to redirect that water because of the new development across the road, the Old Saucon development. They tried it twice. They came in and put in a culvert and so forth. It isn't working. Nothing has been done to ease the problem yet. So that's something we'd have to deal with. I-78 passes over a great portion of that property and she doesn't know how that would affect trying to put anything else there. Any additional building on the land would obviously put a burden on Route 378 traffic as well as needed improvements on Colesville Road. Traffic is bad at certain times of the day on 378 and this would make it worse, she believes. The need is already there but it would create more of a need for a traffic light at 378 and Colesville Road, which many of you know is a terrible intersection. If you live on Colesville Road and want to go north, you can turn at the bank and go north, you cannot go south half the time unless you take your life in your hands. The homes in the Saucon Lane Development number at least 50 and if the land is commercially developed it will affect the life of the people who live in those homes. It potentially would decrease their property values as well. They have a lovely, wooded area they overlook. She thinks we need to save some woods. We lost an awful lot of it in the Old Saucon Development and she knows that's Upper Saucon and she's not allowed to care about Upper Saucon but we lost a lot of woods there and she'd hate to lose more. So, we lose a lot of wooded area...Mr. Banonis said your time is up, so if you can wrap up your thoughts, please. Ms. Hecker said she's pretty much wrapped up. Thank you for your time.

- Mark Ozimek said well, well, well, he's back again. You know what, to answer your question Mr. Treadwell, was it enough to shut you up? No, it wasn't because he won't shut up. He heard you at the other last meeting, so here he is again dealing with bull crap. Does this make you happy? Oh, he forgot to do something. Hello Susan Blair. He hopes you are out there watching this so that you can get a glimpse of what goes on for the people that want you on Council with them so they can use you for a rubber stamp. Anyway, several topics. The Upper Saucon library deal, they just...Mr. Banonis said Sir, the library isn't on the agenda, if you want to speak on that on the non-agenda items, you are welcome to. We are on the agenda items right now. Mr. Ozimek said well he guesses that leaves out number two. The rezoning of west of 78 and 33, he guesses that means his house, Redington Road, all the way down to the scrap yard or the Narrows, LI. You can change it if you want. It's not going to do anything to him, it might benefit him for when a business does want to come because he's not selling out cheap. By you doing that, you might give him a chance to make himself rich. Then he'd have money to sue you because he's not moving. Just like he told the people on Easton Road, the ball is in your court. People want to come and they want to put up a building, you know what Tom, you hold out and be the last guy for that driveway they need to put in. You don't give up; you don't move and you make them pay through the nose. There's two ways to fight this battle. You guys should just shut up and go home, forget the landfill because one day maybe the landfill will be at your house. So, on another agenda item, Mark made a comment about the Steel City playground, looking like a jail with a fence around it. It's only a 4' fence, it's not very high. A jail has a bigger fence with razor wire, usually two. You could see it at Graterford, or maybe Western, they might not have one, but maybe they do. It might have changed over the years. He's seen the inside of several of them and that's where you people need to see the inside of a couple of jails. Mr. Banonis said Mr. Ozimek, your time is up. Mr. Ozimek said he'd like to request his next two minutes. Mr. Banonis said your time is up. Mr. Ozimek said you don't want to let the board vote on his next two minutes. Mr. Banonis said alright Mr. Ozimek, you know what, while you are here, let me ask you some questions. Mr. Ozimek said now you want to ask me questions? Mr. Banonis said he is trying to understand what he is saying so he would like to ask him for clarification. Let me ask you something Mr. Ozimek. Somebody shared with him a post and there's a name on it and it says Mark Ozimek. He's going to read the post so the public can hear some of the things. Mr. Ozimek said go ahead, read it. Mr. Banonis read *"Look what I got in the mail today, the crooked team of Jason Banonis and friends, so when looking at this, I find it a big joke. Upon flipping the two-faced card over you see the statements obviously approved by the a%#", he's not going to say the word as this is being streamed and there are children here, "team about a rhino. Well for you, you are f%\$k", he's not going to say that word as well, "information, you got the wrong pictures on the wrong side of the card, Jason Banonis you f%#king piece of s%#t", excuse me, "everything on that card is an outright lie, like I told you to your f%#king face. You are the f%#k rhino republican and name only,*

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Jason Banonis the pc of s%#t acting like pc of s%#t POTUS in which you want to stack the local Councils, all of them, EAC and the Landfill Committee, you couldn't even let your assignee attend and to think of how you lied to all of the people on the eastern side of the Township, then let the landfill pay your election campaign fees. You are f%#king scumbag scum, you piece of s%#t. You don't care about anything or anyone except what you want. F%#k you your rich friend". Mr. Banonis said Sir, he's speaking now and he's not yielding the floor to him, so please stand down. *"F%#k your rich friend and their clubhouses. F%#k your dump because that's exactly what you say about the residents on the eastern side and Steel City of LST."* Mr. Banonis said it goes on and on. Mr. Ozimek said he wrote it and meant every word of it when he wrote it and you know what, he speaks for everybody out here that's afraid to open their mouth like he does. People want to but they won't. Mr. Banonis you answered his question. Mr. Banonis said his other question to him is, do you think when you post comments like that, that in some how it enhances your credibility and you are going to gain greater influence from them today by standing up here...Mr. Ozimek said he's not here to influence Mr. Banonis. He's here for Susan Blair to get a taste of what you guys are doing. Maybe she'll see what she runs up against with all the crap that you are pulling. Mr. Banonis said Sir, you answered his questions. Mr. Ozimek said we got kicked out of the library, you want to expand the dump, and it just never ends. Mr. Banonis said thank you Sir, you answered his question. Mr. Ozimek said he's glad Mr. Banonis read that in public. Mr. Banonis said he appreciates his comments and clarification.

- Laura Ray said that's an act to follow. She has a lot of topics to talk about because there are so many things on this agenda, it's hard to make comments in three minutes. She wants to talk about Township Business items A. through E. The cell tower in Steel City, she wants to go on record again that she opposes the variances that are being requested for this plan. She finds it very disconcerting that the EAC was not given any opportunity to weigh in on this plan since their last two meetings have been cancelled due to lack of business. The Council at the very least, should not send over a letter of support for this for the variances to the ZHB. The guise of saving some trees that was mentioned last time as reasoning for one of the variances is absurd given the fact that a logging application had already been submitted for the same property before the last Council meeting and she's sure you were all quite aware of that, so she would say there's some banana noses for that topic. For 5.B., we all still oppose to this. This is the rezoning for the map and the text changes for the benefit of the landfill, it's a total disgrace. The lack of empathy that is shown to all of the residents and surrounding communities who have expressed their concern about the negative impacts truly shows that you are not sitting up there to represent your residents. The recent \$10.3 billion settlement by 3M for PFAS contamination in water supplies should at the very least give you some reason to pause and wonder if something similar like that could happen here because it could. 5.C., the zoning changes on 378 is here again due to the rushed and sloppy work before as we already had that on the agenda. Errors were made in the submission and now we have to incur the cost again to redo it, so some more wasted taxpayer dollars. For 5.D., it seems like we want to make it easier for underground storage tanks in carbonate geology, why do we need this change? We should retain all of our Township rights to have our protections on these. She thinks this is regarding the Sheetz gas station that is proposed for 378, and again, this is another thing that the EAC has never been provided an opportunity to review or comment on. She did mention that before. For 5.E., this is for the referendum, it seems very unnecessary to have a voter referendum on this topic...Mr. Banonis said your time is up, if you could wrap up this thought, please. Ms. Ray said she's going to finish. Voters have the power in every election to remove those they feel should not be in office. With the scarcity of viable candidates at all local levels, she...Mr. Banonis said okay, your time is up. This isn't time for a campaign speech. Ms. Ray said for a board...Mr. Banonis said Ms. Ray your time is up, please stand down. Officer, please, thank you.
- Chris Guro said first she wants to say Laura Ray is always vilified for being a candidate to try make this Township a better place. She has dedicated the last 30 years of her life for volunteering for this Township, not getting a dime. She means all through Jaycees, Breakfast with the Easter Bunny, Santa...Mr. Banonis said Ma'am, is this an agenda item you are speaking to? Ms. Guro said no. Mr. Banonis said this is for agenda items, so let's speak on an agenda item. Ms. Guro said she wants to be on the record for being against term limits. She wants to be able to vote for who she wants to vote for. She wants to be on the record to say she stands with the citizens of Steel City who are fighting

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the cell tower. Regarding the landfill, it's been called by experts an environmental crime. She hopes whoever can do something about that is listening and can read that information - an environmental crime. She would like to say so often it says that these groups represent the vocal few from the Township. She'd like to say there's a lot of people like her that find it hard to speak in public. There are so many more people like her, so she'd like to say thank you to all these people who get up and speak for people like her, she really appreciates it. Keep doing it, we're going to win.

- Kathy Pichel McGovern said she's requesting an extra two minutes as she wants to talk about...Mr. Banonis said denied. Mr. Carocci said denied. Ms. Pichel McGovern said was that nice, that's crazy. She said what's changed from the last time we were here with the landfill. On April 30, 2023, Lehigh River named one of American's most endangered rivers, same day, Lehigh Valley air quality still among the worst in PA due to the fact that we live in the valley, it's the diesel trucks that are causing the problem. June 16th, toxic chemicals found in Emmaus water can cost at least \$24 million to fix. The PA Health Department if you look at Northampton County (NC) statistics, there are 15 markers that we follow for cancer, five of those markers are higher than the rest of the State. One-third, five of fifteen is one-third, we are, for generic male and generic female, we are one of the highest in the state of PA in NC. She doesn't approve the term limits. We have a primary, we have an election process, we vote. We do have term limits; they are four years. She hopes you have the ability to tell the public what the underground storage tanks are for.
- Tim Murphy said he's been up here before, but he just wants to say he's in opposition to the landfill. As far as the cell phone tower, he thinks there should be a discussion between you guys and the people of Steel City that are directly affected. Since the expansion of the landfill came up, he had the opportunity to visit some of the adjacent properties that are out there and he walked along that property. It's very nice property. He didn't realize it was that nice for years, and maybe they can just see a hint of the landfill and the expansion is going to bring that landfill right up to pristine property. The other thing in looking at the map, he thinks he mentioned it before, the way it's going to encroach in the Bull Run Creek, it's going to damage as far as the leachate leaking into it. He knows it's going to go close to the Lehigh River, and the Lehigh River is a tributary to the Delaware River, and then there's Philadelphia and Bucks County, New Hope and a lot of other towns. Then he just remembers at the one meeting at Township Hall where the one younger family moved out there and built a home and then all of a sudden, they have to look at the landfill and he thinks you guys have to take that into serious consideration before you allow that expansion. Also, there are environmental impacts that are incurred, as it's pretty nice out there. Again, obviously you have to monitor what the quality of the river is now and monitor as the landfill expands because he thinks there were problems out there before controlling some of the groundwater leaching into people's wells, and just the leachate getting out there. All of us put stuff in the landfill, but the ones directly affected adjacent to it are against it and there's a lot of others against it.
- Dave Boulin, said no he didn't prepare any speech and he's not running for office. Mr. Ozimek said thank God. Mr. Banonis said Mr. Ozimek, please don't interject when others are speaking, thank you. Mr. Boulin said what he really wanted to ask has nothing to do with the landfill although he will tell you he lives over on Alice Drive and a lot of the residents there that he talks to, say what landfill? He understands you people that built or have property near it, no doubt about it. He's not sure he would want to live there, but then again, he wouldn't buy a house there if he knew it was zoned for that potential. Mr. Banonis said folks, folks, you all had the opportunity to speak uninterrupted. Folks in the crowd weren't shouting out at you so please allow Mr. Boulin to speak what he has to say. Mr. Boulin said he wouldn't have bought there in the beginning. By the way, he's been on Zoning Boards in NJ and yes, he sees people moving in from NY and hating farmers who get up at 6:00 in the morning to do their farming, we can't have that, so he's been there and done that. What he always wanted to ask and he's not sure if it's this piece of the public or at the end, it was something that he brought up last time at the very end and that was conflict of interest by one of the board members speaking out about a cell tower. He wants to know, and he'd like some sort of opinion that that's appropriate or not. That's all he's asking as if that's the case then somebody shouldn't be doing what they are doing. That's all.

Mr. Carocci said he wants to correct some things that were said. So, the Township has received approximately \$40 million from the landfill since about 1999. So yes, taxes would have to go up

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eventually. It's not up for discussion, he's just giving his comments. To the Lehigh University person, whatever he was, lab. on January 26 of this year, Lehigh University took material to the dump, the Bethlehem Landfill, and the landfill had to contact the PA DEP to be able to accept the material that Lehigh University sent them. PA DEP granted them the ability to accept that material. Mr. Kahn said it is totally irrelevant. Mr. Carocci said, it's not. So, what they did, they disposed, Lehigh University disposed asbestos-containing material. The PA DEP let them do that at the Bethlehem Landfill, so let's not talk about Lehigh University having clean hands. That's ridiculous. The PA DEP just this year granted the Bethlehem Landfill realignment allowing them to continue, so if there were any environmental crimes going on up there that Ms. McGovern alluded to, the DEP, the Department of Environmental Protection, they wouldn't have allowed them to get the realignment. Then the last one someone said Laura Ray's never took anything from the Township, she took about \$200,000.00 for a property from the Township. So, she has \$200,000.00 of Township...Mr. Banonis said folks, we are not doing this. Let him be clear, Tom hold on. Folks, we're not doing this. You had your opportunity to speak uninterrupted.

Audience was out of order.

MOTION BY: Mr. Banonis moved to recess at 7:48 p.m. for five minutes until the crowd calms themselves down and can conduct themselves in accordance with our rules.

SECOND BY: Mr. Carocci

ROLL CALL: 4-1

MOTION BY: Mr. Banonis said moved to reconvene the meeting at 7:55 p.m.

SECOND BY: Mr. Inglis

ROLL CALL: 5-0

3. PRESENTATIONS/HEARINGS/ORDINANCES/RESOLUTIONS

A. RESOLUTION #49-2023 – HONORING BRAVEHEART HIGHLAND PUB

B. RESOLUTION #50-2023 – HONORING BROOKLYN'S CATERING

C. RESOLUTION #51-2023 – HONORING UNRIVALED NUTRITION AND TRAINING

D. RESOLUTION #52-2023 – HONORING SALON MIA

E. RESOLUTION #53-2023 – HONORING SAUCON VALLEY FARMERS' MARKET

Mr. Banonis said these awards were presented to these businesses and hosted by the Hellertown-Lower Saucon Chamber of Commerce. The event is dedicated to celebrating and honoring local business and non-profits who given back to the community over the last year.

Mr. Banonis read each resolution (*see attached Resolution #49-2023, #50-2023, #51-2023, #52-2023 and #53-2023*)

The Council meeting recessed as there was a problem with water coming into the firehouse from all the rain.

MOTION BY: Mr. Banonis moved to reconvene the meeting at 8:16 p.m.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

MOTION BY: Mr. Banonis moved for approval of Resolution #49-2023, #50-2023, #51-2023, #52-2023 and #53-2023 honoring Braveheart Highland Pub, Brooklyn's Catering, Unrivaled Nutrition and Training, Salon Mia, and Saucon Valley Farmers' Market.

SECOND BY: Ms. deLeon

ROLL CALL: 5-0

4. DEVELOPER ITEMS

A. SINKO LOT LINE CHANGE #LL-01-23 – 1603 & 1611 HAFLER ROAD

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Mr. Banonis said the applicant proposed a lot line adjustment between two existing lots located along the north side of Hafler Road, between Spring Valley Road and Apples Church Road. There are no new lots proposed.

Doug Harwick, Keystone Consulting Engineers, was present. He said he's representing a lot line change for properties located at 1603 and 1611 Hafler Road. The lots currently contain single family homes. The intent is to adjust the lot line between the properties transferring 0.72 acres from 1603 to 1611 Hafler Road. The proposed lot line geometry will generally conform with the existing driveway serving 1603 Hafler Road. They are requesting waivers for the identification of existing features within 500' of the property. The identification of the approximate age of all existing buildings and trees, the requirement that lots shall be square or generally rectangular in shape and the requirement that the depth of residential lots shall not normally be less than one times their width. They understand and will comply with all comments contained within the most recent review comment letter dated June 15, 2023 and today they are seeking conditional plan approval. If they are granted conditional approval, all lot pins and monuments will be set as proposed on the plan and descriptions will be prepared and provided for review.

Ms. deLeon said we are doing this, is there any reason, and what the plans are for these lots. Mr. Harwick said they are just going to remain single family. The applicant just wants to shift the property to put a barn on the other property.

Mr. Kocher said the plan Council seen tonight represents one or two changes between Doug and himself over the last few months. The plan was cleaned up and alternate sewage testing was done and it is waiting to be approved.

MOTION BY: Mr. Banonis moved for approval of the application for the line lot adjustment between the existing lots of 1603 and 1611 Hafler Road and providing the four waivers requested, subject to the conditions in the Township Engineer's June 15, 2023 comment letter, and to approve the draft motion contained in the Council packet.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

B. BEETHOVEN WALDHEIM CLUB – 1991 WALDHEIM ROAD – REQUEST FOR WAIVER OF LAND DEVELOPMENT

Mr. Banonis said Council will review the request from the Beethoven Waldheim Club on 1991 Waldheim Road for a waiver of land development for the construction of a 9,960 SF accessory structure.

Mr. Steve Goudsouzian attorney for the applicant and Dominic Albanese, the applicant were present.

Mr. Goudsouzian said this is what they believe to be a straight forward waiver of the land development request. It's the use of an accessory establishment of an accessory pole building for an existing use. It's already gone through Planning Commission who voted 4-0 to allow it to move forward with the waiver. You have the plan in front of you.

Mr. Kocher said they did review it through the grading plan process so it did undergo an engineering review.

MOTION BY: Mr. Banonis moved to approve the Beethoven Waldheim Club at 1991 Waldheim Road request for waiver of land development for a 9,960 SF accessory structure.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

5. TOWNSHIP BUSINESS ITEMS

A. **ZONING HEARING BOARD APPLICATION #VAR- 02-23 – 4235 LEWIS AVENUE –
INSTALLATION OF A CELL TOWER – COUNCIL REVIEW**

Mr. Banonis said the applicant is requesting several variances in order to install a cell tower on the property of 4235 Lewis Avenue.

Kate Durso from Fitzpatrick Lentz and Bubba was present. She said they were asked last time to respond to three different things. The first was with their list of property owners with notice, they were accurate. They worked with the Zoning Officer and he confirmed the list was accurate. The only thing was there was not a property address issued for the water tank property so he had to issue an address for them, but now they are all accurate and the public notices were sent out.

Mr. Banonis said was the water tank address the Lower Saucon Authority (LSA)? Ms. Durso said it is owned by the LSA. The Zoning Officer said technically he didn't have a mailing address so he got them to issue a mailing address for them. Mr. Hudson said it's owned by the Township. The LSA leases it. Ms. Durso said that's the property they were talking about.

Ms. Durso said the second question that was asked was whether they knew of the status of Randolph Avenue. They went back and got a copy of the property owner's plan that was approved in 2004 and recorded in 2005. At that time, the Township appears to have made the determination that since Randolph Avenue was an unopened road, that the property owners on both sides of the road obtained title to the respective one-half. Since Randolph had a 50' wide unopened ROW, the property owners acquired an additional 25' along their frontage. Their cell tower plan did not take credit for that half of the road, so that results in the tower setback to the northern property line being increased 25'. They had originally asked for a setback to allow this tower to be 79', it would then be 104' to that property line.

Ms. Durso said they also were asked to look into the status of the stormwater and E&S controls of the property owner going back to when that plan was approved. They received copies of the stormwater and E&S control plan that the property owner had submitted at that time, which was reviewed and approved by the Township. Back in 2004, we're going almost on 20 years, the improvements as set forth on that plan, as far as they can tell, has been approved by the Township, were installed. When he got his approvals back in 2004, it was to allow for the consolidation of those tracks, there's a number of lots, he had to get ZHB approval. He also had to get approval for his development. Part of that approval was the access off of Lewis Avenue and that is the existing access that exists there today and is the access the cell tower is proposed to use as well since it's a legally authorized access driveway off of Lewis Avenue.

Ms. Durso said as far as the improvements from a stormwater perspective for the wireless communication facility, they would be required to get site plan submission as part of the conditional use and would be required to meet whatever requirements apply as it relates to that. They would envision that stormwater controls that would have to be installed, as a result of the wireless communication facility, would include some type of infiltration swale, trench, rain garden, something like that, obviously subject to the Township engineer's review. Since they have not received the variances nor submitted for the conditional use request yet, they have not submitted the site plan as required by the ordinance.

Ms. Durso said just to note, somebody in the audience mentioned why the plan did not go to EAC review. That would not be something that would happen since it was submitted for ZHB approval.

Ms. Durso said another comment that was made that they submitted maps that were illegible, that is not accurate. They submitted signed and sealed survey plans to the Township.

Ms. Durso said there was also an issue related to a concern with public notice. When they were here last time before Council, they did advise everyone at that point in time the ZHB meeting was going to occur this evening and then that date got changed to Thursday just because the Council meeting got changed, but there was no surprise. The residents were here and they specifically advised they

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were scheduled at that point and time to go to the ZHB which would be today, the 26th. She thinks that were the items that they were asked to address and come back.

Mr. Banonis thanked Ms. Durso for the information and said as he recalls from the last meeting there was testimony that the reason for the need for the cell tower is that there's a dead area along Riverside, and as a result of that, there is incomplete emergency services coverage in that area. Is that correct? Ms. Durso said that is correct. As they would normally do when it comes time for a public hearing to occur, they will have a Radio Frequency Engineer who will provide expert testimony to confirm the need for the site. Verizon would not be spending substantial sums of money to erect a facility to which they didn't think they needed it to provide coverage.

Mr. Banonis said just to be clear, the location that you selected, that was the most ideal location based upon all of the data, the radio frequency evaluations and coverages you evaluated. Is that correct? Ms. Durso said the property itself certainly. The location on the property, they thought was in the best interest because it minimized the amount of land disturbance and tree removal, and they did say when they were here last time, that otherwise they could locate it elsewhere on the site and meet the setback requirements, but it would obviously entail having to remove additional trees and if that is something they want to proceed with, they would proceed in that manner.

Mr. Banonis said so it's very clear, and he thinks he understands this, as a matter of right, the property owner could put a cell phone tower on his property and not get any relief from us but in this situation requesting relief because the location that you intend to put the cell phone tower is the least harmful to the existing forest that is there, it would require cutting down less trees, require less roadway to get access to the tower and less earth disturbance altogether. Is that correct? Ms. Durso said that is correct, they wouldn't need any zoning variances, and they would still need conditional use approval under either circumstance. Mr. Banonis said he understands. Ms. Durso said they have nothing else to present.

Ms. deLeon said so you were here last time, and we talked a lot about trees. She found it very interesting that several days later she was advised that Rocky Viscito and the Gonzalez property applied for a timbering...Ms. Durso said that is correct. Ms. deLeon said application. Ms. Durso said that is correct. They are not clear cutting. They are removing trees...Ms. deLeon said they are removing trees and that wasn't the impression she got from Ms. Durso's presentation for the cell tower trying to save trees. Ms. Durso said for the cell tower they are trying to save trees and the permit that was sought by an Amish gentleman trying to get trees to build various things had come in before that, but again, he is not clear cutting the trees.

Ms. deLeon said that doesn't matter to her; trees are trees. As a result of that activity, the Northampton County Conservation District on June 21, 2023, issued a violation letter because of that activity. It is a very steep sloped area. Failure to implement and/or maintain E&S for BMP disturbance, failure to install or properly maintain a rock construction entrance, failure to install or maintain effective barrier control BMP's, failure to temporarily stabilize areas where there is cessation...Ms. Durso said what does that have to do with the application before us? Ms. deLeon said it has a lot to do with the application before us because you are disturbing the woods behind her house. She happens to live there. Ms. Durso said she understands that but the fact...Ms. deLeon said may she finish Mr. President, she's speaking right now? She has the floor she thought. Mr. Banonis said please proceed. Ms. deLeon said thank you.

Ms. deLeon said the failure to install and maintain effective, she already said that. Failure to temporarily stabilize areas where there would be a cessation of earth disturbance activities for at least four days, failure to develop and/or implement a written E&S plan, failure of activity not requiring a permit to comply with Chapter 102 requirements. So, in her opinion they are in violation and it really raises her hair whether or not, you as Verizon, are going to be doing a good job or not.

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Ms. deLeon said she also wanted to address...Ms. Durso said you...Ms. deLeon said she's not finished yet. Ms. Durso said let me just reply to that because you just accused Verizon of doing something but Verizon has not done something...Ms. deLeon said...Mr. Banonis said is it fair to allow the applicant here to respond point by point to the issues you are raising Ms. deLeon or would you just prefer to put everything out there and have them respond all at once. Ms. deLeon said they can do that if they want. Mr. Banonis said do you want them to respond point by point or do you want to continue on. Ms. deLeon said point by point, let her hear what she has to say. Mr. Banonis said I am asking you what your preference is. That's fine. Go ahead, we are wasting time.

Ms. Durso said she takes issue with the fact that she is saying Verizon would do something and that Verizon has not done anything at the site and if the logging person didn't do their E&S controls then they are in violation and they would have to resolve it but that is not the subject of their application. Mr. Banonis said thank you. Your next point.

Ms. deLeon said for the record, she would like to place or read and a copy of this for the record. She contacted the State Ethics Commission regarding whether she can vote or not vote on this issue as a certain resident had an issue with this. So, and she also has a copy for him if he would like it. Not you, the guy behind you. Ms. Durso said she'd like a copy. Ms. deLeon said maybe you should do a RTK request. Ms. deLeon said there's no copy machine here so it's up to Mark what he wants to do. Mr. Banonis said you can request a copy from the Township Manager and you will provide a copy to us. Ms. deLeon said usually he does a RTK request. Mr. Banonis said not for an item that is attached as an exhibit to the hearing.

Ms. deLeon said the conclusion, can she finish this. As a response, a conclusion to the June 9th letter, as a member of Township Council, you are a public official, subject to the provisions of the Ethics Act, you would not have a conflict of interest and would not violate Section 103.A. of the Ethics Act by reviewing the application and voting as to Township Council's position before the Township's ZHB with respect to the application unless

1. You would be consciously aware of a private pecuniary financial benefit for yourself, a member of your immediate family, or a business with which you are a member of your immediate family is associated.
2. Your actions would constitute one or more specific steps to obtain that benefit.
3. Neither of the statutory exclusions to the definition of conflict or conflict of interest as set forth by the Ethics Act 65 PACS 1102 would be applicable. In each instance of a conflict of interest, you would be required to abstain from participation which would include voting unless one of the statutory exceptions of Section 1103 J of the Ethics Act would be applicable. Additionally, the disclosure requirement of Section 1103 J of the Ethics Act would have to be satisfied in the event of a voting conflict, and it goes on.

She really doesn't have a conflict so she will be voting on this matter. Like she said Sir, you may have a copy. She said also the last time when you were here, she was questioning, you said you didn't change your 47-page document. That it's still the same as it was at the last meeting. She questioned the location of where the cell tower was going to go because her property, when you are standing looking at the picture you took of her property, remember that picture. Ms. Durso said they did not change their plan. They have not submitted anything new. The only thing when they would submit a new plan for, it's going to show that they now have the 25' of ROW. When they were here before, she just didn't understand where they were saying the site was located. Ms. deLeon said don't say she didn't understand but go ahead. Ms. Durso said well it felt like you didn't understand.

Mr. Banonis said Priscilla, you asked her not to interrupt you, please don't interrupt her when she's responding. Ms. Durso said they did their best at the last meeting, but when they left the last meeting, they were not charged to do anything further as related to making confirmation to where the site was as it related to Ms. deLeon's property. Ms. deLeon said okay. This is her property. Can you show her on this picture? Ms. Durso said she's not going to show her where her property is located. Ms.

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deLeon said okay. Then she'll wait for Thursday. What she said last meeting goes along with this meeting. Thank you. Ms. Durso said she has nothing else in response.

Mr. Carocci said what does our Solicitor think about a conflict in voting. Attorney Treadwell said he doesn't know what specific question Ms. deLeon asked the Ethics Commission. He received numerous letters over the years from the Ethics Commission and you ask them a question and they respond. He couldn't opine either way because he doesn't have enough information.

Ms. deLeon said she spoke with them in length about her question. She also followed it up with a written request, but she didn't bring her written request. It said it pretty much said it word for word in that letter.

Mr. Carocci said what do you think. She owns a piece of property adjacent to where this tower is proposed. Attorney Treadwell said under the Ethics Act the definition of Conflict of Interest requires a financial interest. It doesn't matter where you live. Mr. Carocci said that financial interest isn't like property value. Attorney Treadwell said no, it needs to be a concrete financial interest in the outcome of the project. For example, you couldn't vote for a contract that your husband was being awarded because there's a financial interest to you or a family member.

Ms. deLeon said she specifically asked Kate at the last meeting if the neighbors had to sign anything to derive a financial interest and she said no.

Mr. Banonis said is potential diminution of property value as a result of a cell phone tower going up next door on a neighbor's property a pecuniary interest? Attorney Treadwell said he's going to say off the top of his head without doing research, it's probably not concrete enough because how do you know.

Ms. Durso said she doesn't know what she's talking about that she said. She didn't talk about any conflict of interest when she was here. Ms. deLeon said you did not. She was asking her questions about the contract that Rocky had signed and she wanted to know if you required any additional signatures from adjacent properties and she believes Ms. Durso said no. Ms. Durso said that is correct. Ms. deLeon said and to derive a financial benefit out of it.

Mr. Carocci said the reason he was inquiring, listen no matter which way our vote goes here, or vote goes in the Zoning, there will be Rights of Appeal by Verizon or the property owners and he wants our Solicitor to weigh in and say okay, Priscilla, it's not a conflict and you can vote. It's the Township that would have to... Ms. deLeon said she's surprised him being an attorney he's not aware of the fact that there are certain things are legislated by the State and the Township Code and by all those other things, and in this particular instance, is the State Ethics Commission, which she has high regards for. Mr. Carocci said he does too and he is not a municipal attorney; it's not his specialty and that is why he relies on Linc for advice on something like this. Ms. deLeon said if Linc was in charge of making that decision, she would have asked him for a written opinion, but she knew where to go because she goes to all these training sessions.

Mr. Banonis said here's his concern that he has with this application and that is if we do not support or if this does not get approved by the ZHB there is a Right of Appeal. It seems to him what the applicant is proposing is the least harmful alternative. The least harmful alternative in this situation is the least number of trees being cut down, the least linear footage of roadway being constructed on the property to access a tower that may be located somewhere else on the property, so he thinks there is some benefit to the Township and its residents in a number of ways in preserving the trees, in limiting the stormwater management issues that may be made by creating a greater roadway, and he tends to support that because to locate that elsewhere, it causes greater harm. He thinks it's beneficial to the Township also that if there is going to be an appeal here, one way or the other, to have the Solicitor involved in this early and if there is somebody who is opposed to it then they can take the laboring and pursue it without us incurring those litigation fees.

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MOTION BY: Mr. Banonis moved to support the application for VAR #02-23 for 4235 Lewis Avenue for the installation of a cell tower, and again, the three variances that are being requested by the applicant, which are for the setback, for landscaping, and also a waiver for the access paving.

SECOND BY: Mr. Carocci

ROLL CALL: 4-1 (Ms. deLeon – No)

Attorney Treadwell asked if he could clarify something. He said to support the application means you want to send a letter to the ZHB or do you want to send him to the ZHB. Mr. Banonis said send you. Attorney Treadwell said you should clarify that in your motion.

MOTION BY: Mr. Banonis moved to have the Solicitor physically attend the ZHB meeting with regard to this application.

SECOND BY: Mr. Carocci

ROLL CALL: 4-1 (Ms. deLeon – No)

B. DISCUSSION AND POSSIBLE AUTHORIZATION TO PREPARE ORDINANCE FOR COUNCIL REVIEW – ZONING MAP AND TEXT AMENDMENTS – THE POTENTIAL MAP AMENDMENTS WOULD BE IN THE AREA NORTH OF APPLEBUTTER ROAD, EAST OF STEEL CITY, SOUTH OF THE LEHIGH RIVER, AND WEST OF THE ROUTE 33/ROUTE 78 INTERSECTION FROM RURAL AGRICULTURAL TO LIGHT INDUSTRIAL. THE POTENTIAL TEXT AMENDMENTS MAY INCLUDE ALLOWING LANDFILLS AND WASTE DISPOSAL FACILITIES AS A PERMITTED, CONDITIONAL OR SPECIAL EXCEPTION USE; SITE PLAN REQUIREMENTS FOR USES THAT REQUIRE LAND DEVELOPMENT APPROVAL, AND A NATURAL RESOURCE MITIGATION ALTERNATIVE. THE POTENTIAL ORDINANCE COULD CONTAIN SMALLER OR REVISED AMENDMENTS TO THE ZONING MAP AND TEXT AS CONTAINED IN FORMER ORDINANCE NO. 2022-02 WHICH IS AVAILABLE ON BOARD DOCS AND THE TOWNSHIP WEBSITE

Mr. Banonis said it would be good to start with Linc giving us a history of how we got to this point and the status of our prior rezoning efforts and conditional use hearing.

Attorney Treadwell said as we discussed at the last meeting, Ordinance No. 2022-02, which was adopted at the end of last year, beginning of this year, was overturned by the NC Court of Common Pleas. The Township did not appeal that. The landfill, however, since the last meeting we had, did appeal that. The question before Council tonight is based on that decision from the NC Court of Common Pleas, would Council like to consider readopting the provisions of that ordinance in the same form, different form, similar form, proceeding forward and understanding that the appeal being filed will proceed on its own; however, that does not prevent this Council from acting to adopt another ordinance based on the fact that the prior one was overturned. The question is, in terms of the area of the zoning map, what do we want to do there? In terms of the text amendments, what would we like to do there?

Mr. Banonis said just so he understands clearly what the NC Court of Common Pleas Judge Kassis did, his ruling as he understands it is that the title of the ordinance was not sufficiently descriptive despite it being well over 100 words and he also found that the notice did not provide adequate notice to potential interested parties even though there were no interested parties that came forward to indicate that they didn't receive notice of this. Is that correct?

Attorney Treadwell said there were a number of factual issues that Judge Kassis cited in upholding the procedural validity challenge. The sum and substance of that is that, procedurally the ordinance was invalid. We never got to the substantive validity of the ordinance due to the fact that he found that it was procedurally invalid based on some advertising and what those two things you mentioned were two of the items.

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Mr. Banonis asked Mark if they could have a map. As he understands it, last time they rezoned approximately 275.7 acres with a conditional use and among those conditional uses are various LI zoning designations including landfills but not necessarily just landfills. Correct?

Attorney Treadwell said the 2022-02 ordinance, you are correct on the acreage that was rezoned from RA to LI. It also changed the specific landfill use from what is currently a special exception use which goes in front of the ZHB, to a conditional use which comes before this Council. That's what the prior ordinance did.

Mr. Banonis said the hearings that Mr. McNair was presiding over, those were with regard to the conditional use, correct? Attorney Treadwell said that is correct. Mr. Banonis said and those hearings were ongoing until the Court entered its order and then those hearings have been suspended until further direction from the Superior Court or from us, correct? Attorney Treadwell said also correct.

Mr. Banonis said when we rezoned the 275.7 acres, we did so based upon a proposed plan for that property, correct, and that proposed plan included various areas consisting of how many acres was it? Attorney Treadwell said the genesis of that map was a request for a rezoning and zoning amendment that came from the landfill.

Mr. Banonis said out of that 275.7 acres, how much of that space was being proposed for landfill vs. open space. Attorney Treadwell said he's going to say around 100 was for landfill use. He's not 100% sure if that was disposal area or if that included stormwater facilities and similar facilities. Mr. Banonis said he seems to think the actual landfill portion of it was about 40% or 41% of the entire part of the 275.7 acres. We could have allowed landfill on all of 275.7 acres. Attorney Treadwell said no, the way the zoning ordinance works, if you change the map to industrial, it can go anywhere in that industrial. It was the landfill's specific proposal that had limited to that acreage that we just discussed.

Mr. Banonis said as a result of all of this, those protections that were being proposed are now uncertain as a result of the pending appeal to the Superior Court, is that fair to say? Attorney Treadwell said he thinks what's on Council's plate this evening is to decide, what if anything, areas that are appropriate for LI zoning out in the vicinity which is up on the screen.

Mr. Banonis said he doesn't recall this, and maybe he can help refresh his memory, why did we limit ourselves to the 275.7 acres. Why didn't we consider additional parcels that would create a greater LI newly rezoned area? Attorney Treadwell said he thinks it was the genesis of that map, the 2022-02 map, was the request from the landfill to look at those specific parcels. Mr. Banonis said those were all parcels that were owned by or under the control of the landfill, correct? Attorney Treadwell said that's correct.

Mr. Banonis said there was nothing that prevented us then nor now from looking at other parcels in addition to those parcels that were being proposed by the landfill, correct? Attorney Treadwell said no. It's a new ballgame. You can look at whatever parcels you want. Mr. Banonis said then why don't we do that. Attorney Treadwell said you can.

Mr. Banonis said we have in front of us here on the screen, this is the satellite image of the existing landfill and the parcels that were being proposed, including the tank farm area. As he recalls, the areas that were being proposed were to the west of the pipeline that sort of bisects those properties in the middle, correct? Attorney Treadwell said that's correct.

Mr. Banonis said the parcels that were to the east of the pipeline that bisects those parcels, those were going to be rezoned LI but not subject to active landfill operations, right? Attorney Treadwell said the parcel that has the tank farm, which is what most people call it, that entire parcel was proposed

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to be rezoned to LI. He thinks the landfill's actual plan showed it staying to the west of the pipeline. The zoning maps would have been LI for that entire parcel.

Mr. Banonis said looking at the map that you have there...Attorney Treadwell said Stacy can you pull up the map from Ordinance No. 2022-02. Those parcels that you see crosshatched in the darker color were the ones that were proposed to go from RA to LI as that graphic says in the center of the screen. Then there's that small sliver to the west as well. That's the actual map from Ordinance No. 2022-02.

Mr. Banonis said looking at that, and he sees there are a number of smaller properties that are adjacent, he guesses on the north side of Applebutter Road they were not included in the rezoning proposal, and he assumes those were properties that were not owned by or under the control of the landfill. Is that right? Attorney Treadwell said he thinks the landfill's initial request back last September, October sometime, only referenced parcels that they had control over.

Mr. Banonis said just like we did on Easton Road when we rezoned those properties, there was a natural boundary, which was 78 in the back yards of those properties and across the street where the warehouses were. He's wondering why don't we look at this from the standpoint of rezoning everything that's kind of in that mustard color all the way to 78 and all the way down to Route 33. It's a much larger parcel that would be available for LI. Individuals that live there can continue to live there and do whatever they want to do, but it also gives the opportunity for LI development greater than what was proposed here. He thinks what was proposed initially, which is the 275.7, only 40% of that was going to be landfill. It could be used for other purposes, other LI approved purposes. Why not look at a bigger footprint than what was initially being done here. He doesn't see the need for the conditional use. The conditional use hearing seemed to not accomplish a lot over a long period of time. He's not sure why we would have to have a conditional use for this if we are looking to actually increase our taxable rateables that we can get on these properties.

Mr. Carocci said it increases those property values and it also gives us more LI that the Township desperately needs. Mr. Banonis said those are his thoughts on it. He asked Mark if he had any comments. Mr. Inglis said no. Mr. Banonis said Sandy? Mrs. Yerger said no. Mr. Banonis said Tom? Mr. Carocci said he thinks we should rezone it LI, all of it.

Attorney Treadwell said just so he understands, you would be talking about those smaller, what you call it mustard colored lots that are just north of Applebutter Road. Mr. Banonis said correct. Attorney Treadwell said then follow Applebutter Road to where it hits 78, go north up there to where you hit the conjunction of 33 and 78 and then the Lehigh River on the other side as the boundary of LST. Mr. Banonis said yes, and it seems to be a natural boundary. He said unless there's any other questions or comments from Council, he will make a motion.

MOTION BY: Mr. Banonis moved to direct Attorney Treadwell to prepare the ordinance.
SECOND BY: Mr. Carocci

Mr. Banonis said if we look back at Ordinance No. 2022-02, with amending our code, we would need to amend the 275.7 acre reference that's in here. We would also have to remove the conditional use approval as it would be a permitted use. Further down where it says when approved in writing by the Council of LST, that would have to be removed as it would be approved as a matter of right. Under Section 1, an amendment to Chapter 180 Zoning, Section 180-15 Zoning map subsection A, the first paragraph again references 275.7 and that would have to be changed. Section 2, amendment to Chapter 180 Zoning Section 180-79.1 conditional uses that would have to reflect permitted use. The same thing in Section 3, Section 4, Section 5. Under Section 6, amendment to Chapter 180 Zoning Section 180-109 Industrial uses. Under part G. Natural Resource Mitigation, that would need to be addressed. If we go to Section 6, G (6). you have to remove the words with the approval of Township Council. In Section 7, again removing to the satisfaction of Township Council. He thinks those would be the main changes but he would direct...he's going to now make a motion.

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- MOTION BY:** Mr. Banonis moved to direct the Township Solicitor to prepare a proposed ordinance amending the zoning consistent with our discussions here, and to coordinate those efforts with the Township Engineer and Township Manager, and have those available for us at our next Council meeting July 11th (Attorney Treadwell said that's later on in the agenda to set up the July meetings) Mr. Banonis said at our next meeting in July for our consideration and if it gets approved at that point, then it would be published and then it would be decided at some point after that.
- SECOND BY:** Mr. Carocci
Mr. Banonis said is that motion satisfactory Linc? Attorney Treadwell said that's enough for him to prepare what was just suggested.
- ROLL CALL:** 3-2 (Ms. Yerger and Ms. deLeon – No; Ms. deLeon said this is a sacrilege or a mortal sin if you are Catholic)

C. DISCUSSION AND POSSIBLE AUTHORIZATION TO PREPARE ORDINANCE FOR COUNCIL'S REVIEW – POTENTIAL ZONING MAP AMENDMENTS FOR THE AREA EAST OF ROUTE 378 AND NORTH OF COLESVILLE ROAD FROM R-40 TO GENERAL BUSINESS (GB)

Mr. Banonis said zoning map and text amendments for the areas of Route 378 and Colesville Road – authorization to prepare an ordinance for Council's review.

Attorney Treadwell asked Stacy to put the map up, please. He said at a previous meeting with the previous ordinance, Council changed some of the land located around 378 to GB, which you see in that darker blue color on the screen. What they did not do was the area that is crosshatched with the light blue with the red lines through it. That was due to a couple of errors that were made in the advertisement. At that time, it was requested we bring it back and it's here for your consideration.

Mr. Banonis said well we've already addressed this previously. There were some things that weren't included in the prior rezoning. Any questions from Mark? Mr. Inglis said no. Mr. Banonis said Sandy? Mrs. Yerger said no. Mr. Banonis said he doesn't have any. Priscilla? Ms. deLeon said she just wants to go back to when we had a Task Force, this was a while back and she wasn't on it, but she attended some of the meetings. She remembers asking the question when they were rezoning, a lot of the stuff we did on 378 and on Easton Road and 412, was pretty much a result of the conclusion of that Task Force Study. She asked the question back at that time, didn't they think to have a meeting to invite the residents in that area. These meetings were probably, yes, they were advertised, but the average person out there had no clue that their neighboring parcel was going to be rezoned. She can't support this. Then a lot of the property owners are now benefiting from this that were on the Task Force. So read between the lines. Mr. Banonis said Tom? Mr. Carocci said he supports the motion. Mr. Banonis said just to be clear this will be properly posted and advertised and everything else?

Attorney Treadwell said the purpose of the agenda item this evening is to ask if you want the staff and himself to prepare the ordinance. It will come back just like the prior item we discussed and there will also be a public hearing in the future.

- MOTION BY:** Mr. Banonis moved to direct the Township Solicitor and staff to prepare the proposed ordinance for potential rezoning of the area east of 378, north of Colesville Road from R-40 to GB.
- SECOND BY:** Mr. Carocci
- ROLL CALL:** 4-1 (Ms. deLeon – No)

D. DISCUSSION AND POSSIBLE AUTHORIZATION TO PREPARE AN ORDINANCE FOR COUNCIL'S REVIEW – ZONING TEXT AMENDMENTS THAT WOULD POTENTIALLY ALLOW UNDERGROUND STORAGE TANKS PROVIDED THERE IS COMPLIANCE WITH FEDERAL AND STATE REGULATIONS, IN CARBONATE GEOLOGY AREAS

Mr. Banonis said Council will discuss zoning text amendments for underground storage tanks in carbonate geology areas.

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Attorney Treadwell said again, this ordinance would change some of the regulations on underground storage tanks. Right now, it's very hard to put an underground storage tank in a carbonate geology area in LST. Since that ordinance was adopted a number of years ago that would make it very difficult to do that. There are a number of Federal regulations that have been adopted. What this ordinance would do would be to allow those types of underground storage tanks in a carbonate geology area if all the Federal regulations are abided by.

Mr. Banonis said just so he's clear that the technology, when our ordinance was written, has changed drastically, which would allow for the safe utilization of these tanks subject to Federal Law, correct? Attorney Treadwell said he's not an expert in any way on the technology, but yes, it's changed.

Mrs. Yerger said she'd like to hear Brien as an engineer, his input on it. Mr. Kocher said just a few times over the years we've had a request for commercial areas to put an underground storage tank in and it's not only difficult, but he also thinks it's not permitted at all. When you look at your commercial areas where the gas stations would go, they are all in the carbonate areas. We looked at the Federal regulations and we pointed out maybe six or seven areas and those regulations we thought we should tighten up and not allow certain exceptions that the Federal regulations might, so that's what we are suggesting going to the ordinance that we adopt the Federal regulations with the changes that they suggested. Mrs. Yerger said we would still be tighter than the Federal regulations. Mr. Kocher said yes. Attorney Treadwell said yes, as was mentioned earlier, they have worked with the Sheetz people with this as well.

Ms. deLeon said so the area they want to put their Sheetz gas station in, that is carbonate then? Attorney Treadwell said yes. Ms. deLeon said the whole site? Attorney Treadwell said he doesn't know about the whole site. Ms. deLeon said so the recommendation is that because we are going over the Federal standards, we could do this, should do this. Attorney Treadwell said there's no recommendation. The question is do you want the ordinance drafted or not, that's tonight's question. Ms. deLeon said she's asking that if we go higher than the Federal standards, which is what we are doing by doing that, then we're going into the carbonate geology to put a tank. Attorney Treadwell said that's what the effect of the ordinance would be, yes.

Mr. Banonis said just to be clear the distinction between storage tanks and cell phone towers are that cell towers are regulated by the FCC, the Federal Communications Commission and Federal law supersedes anything that LST would put in place. In other words, we cannot provide anything that's more restrictive than the Federal laws, is that correct Linc? Attorney Treadwell said in terms of the operation of the cell tower, right, the Federal law does not necessarily discuss zoning aspects. Mr. Banonis said correct, thank you.

MOTION BY: Mr. Banonis moved to approve the Township Solicitor and staff to prepare an ordinance for Council's review for zoning text amendments that would potentially allow underground storage tanks provided they comply with Federal and State regulations, in a carbonate geology areas.

Mrs. Yerger said could we put the word "mainly allow" as she would like some authorization that in certain areas that we make according to our engineer want something a little tighter. Attorney Treadwell said he and Brien have worked on this together so he thinks he knows what he was talking about in terms of, it's not locations, it's certain regulations that the Federal regulations might have been quite not what we thought was correct. Mrs. Yerger said okay. Attorney Treadwell said that's what the proposal is. Mrs. Yerger said okay. Ms. deLeon said will this go to the Planning Commission for their review then after it's drafted and then to the EAC. Attorney Treadwell said it would be a zoning text amendment just like the previous two we discussed. Ms. deLeon said it would go to the LVPC then? Attorney Treadwell said yes.

SECOND BY: Mr. Carocci
ROLL CALL: 5-0

E. DISCUSSION AND POSSIBLE AUTHORIZATION TO PREPARE ORDINANCE FOR COUNCIL’S REVIEW – THE ORDINANCE COULD PROVIDE FOR THE SUBMISSION OF A VOTER REFERENDUM AT THE FALL 2023 ELECTION THAT WOULD ASK VOTERS IF THE TOWNSHIP SHOULD AMEND THE OPTIONAL PLAN OF GOVERNMENT/HOME RULE CHARTER/ADMINISTRATIVE CODE TO LIMIT THE TERMS OF ELECTED COUNCIL MEMBERS TO A CERTAIN MAXIMUM NUMBER

Mr. Banonis said there’s been efforts at the Federal and State level to limit term limits for elected representatives. The purpose of those term limits is to promote good governance and provide fresh ideas on the governing bodies. It also helps to allow the elected officials to vote in the best interest of the residents and not necessarily voting to support their candidacy for re-election. He thinks that’s necessary for the Township. He thinks it’s good for the Township, going forward, to have term limits so we get fresh people on Township Council; and to be clear, if this was to be adopted and to be enacted, this would not go into effect until the next election term which would be in 2025. So, in other words, an individual elected in 2025 would be limited to two terms if this were to be approved. In other words, if you were elected in 2025, you would be required to vacate in 2033 if you were serving concurrent back-to-back 4-year terms, right? Attorney Treadwell said yes, if the term limit proposed, it would be two terms, correct.

Mr. Carocci said it’s also been proposed at the County level just recently and voted on and was vetoed by the County Executive. He agrees, let the voters decide terms limits.

Ms. deLeon said we have a primary, and during the primary the voters get to pick what candidate to be in the general election, so she is kind of mixed on this. Some days, she gets up and thinks we should have it and then other days she thinks that’s why we have a primary election, so she doesn’t support it at this time.

Mr. Banonis said Mark or Sandy? Mr. Inglis said he thinks it’s a good idea and should be on the Federal level as well. He’s always believed that and he believes it should be here as well.

Mrs. Yerger said she is okay with it.

MOTION BY: Mr. Banonis moved for approval to direct the Township Solicitor and staff to prepare a referendum for term limits.

Attorney Treadwell said you need an ordinance to put the referendum on the ballot.

MOTION BY: Mr. Banonis moved for approval to direct the Township Solicitor and staff to prepare an ordinance to put the referendum on the ballot limiting the terms of elected Council to two, 4-year terms maximum.

SECOND BY: Mr. Carocci

ROLL CALL: 4-1 (Ms. deLeon – No)

F. HELLER HOMESTEAD (HH) WIDOW’S HOUSE WINDOWS BID AWARD

Mr. Hudson said we put the HH Widow’s House windows rehabilitation project out to bid. The first time we put it out to bid, we did not receive any bidders, which he believes was in 2021. Then we put it out a second time and we did get two bidders. The Artisanal Structures submitted a bid of \$105,200.00 and the Heritage Housewrights submitted a bid of \$198,582.89. The Township does have a grant to do work in the amount of \$50,000.00. He is making a recommendation that we award the bid to Artisanal Structures in the amount of \$105,200.00 as we had such a difficult time finding someone to do this work. Mrs. Yerger said she thinks it’s a great idea and thanked Mr. Hudson for working on this. She appreciates it. Ms. deLeon said yes, thank you. Mr. Banonis said this has been a long time coming and he knows it’s a lot of effort on staff’s part and he thanks them and it would be good to address all these windows at once and move on.

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MOTION BY: Mr. Banonis moved for approval for the bid received from Artisanal Structures to rehabilitate all 17 windows in the amount of \$105,200.00 with \$50,000.00 of additional funding to be taken from the Historical Capital Fund.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

G. STEEL CITY PARK – LOWER HEIGHT OF FENCE

Mr. Hudson said Township Staff received a request from the Parks and Recreation Board to lower the outside field fence from 6’ to 4’ located at the Steel City Park. He was asked to get quotes and this fence is internal in the park. All the fencing at Steel City is 6’ high and the internal outfield fence for the baseball field is also 6’ high. He was asked to get quotes to lower that fence from 6’ to 4’ and that will give you more of an option to visually be able to see over it then rather than looking into the 6’ fence. He did get three quotes and the lowest quote was from Anchor Fence for \$4,975.00. If the board wishes, they will get that work completed.

Ms. deLeon said this is a little bit of history. Way back when they started thinking about renovations to do Steel City Park, there was a resident meeting held at the Steel City Fire Company and the higher fences were recommended by the parents there because of the closeness to Riverside Drive and whatever and you are changing the inner, not the outer. She’s just getting her spiel out here. You got to keep fresh ideas on the table. She will support this. All this was discussed at a meeting in Steel City and she remembered.

MOTION BY: Mr. Banonis moved for approval of Anchor Fence in the amount of \$4,975.00 to lower the outfield fence at Steel City Park from 6’ to 4’.

SECOND BY: Mrs. Yerger

Ms. deLeon said they aren’t going to paint it bright silver, right? Mr. Hudson said it will be galvanized as it is now. Ms. deLeon said you really needed sunglasses after it was installed.

ROLL CALL: 5-0

H. STEEL CITY PAVING BID AWARD

Mr. Banonis said the Township received three bids for the Steel City paving project. This is an effort we began in September of last year to look at hiring an outside paving contractor to do the entire Steel City similar to what we have done in Saucon Terrace, which was a very successful project and it was able to free up the Public Works staff to address paving needs in other parts of the Township. Mr. Hudson said we got three bids. Bracalente Construction was the lowest bid at \$826,627.50. All these bids came in very close, so we got good numbers. The highest bid was \$875,000.00 so the other bid came right in the middle. It was nice to see all the bids come in close together. Mr. Banonis said if we approve this today, did they say how quickly they can get started? Mr. Kocher said he did talk to Bracalente and asked them that question and they indicated early September. The contract requires them to finish before the end of the year. Mr. Banonis said the paving isn’t going to include Riverside Drive because that’s a State road. Mr. Kocher said that’s correct. Mr. Banonis said if there are any issues with Riverside Drive, that’s got to go to Bob Freeman.

Mr. Carocci said Saucon Terrace was done by Gaver Industries and they did a good job. He talked to Brien during our break here and he said we worked with Bracalente before and he thought they did a good job. Mr. Kocher said yes, they have the manpower and equipment. Mr. Carocci said the residents at Saucon Terrace are happy with what Gaver did, but it’s \$50,000.00 more, so we should go with the lowest bidder if we feel confident that we can get the same quality of service from Bracalente.

Mr. Banonis asked when was the last time Steel City was paved? Mr. Kocher said in looking at it, it’s been paved over many years, here and there, Public Works have addressed it. Mr. Banonis said basically patches, correct? Mr. Kocher said yes. You can look at it that way.

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MOTION BY: Mr. Carocci moved for approval to award the bid for the Steel City paving project to Bracalente Construction in the amount of \$826,627.50.
SECOND BY: Mr. Banonis
ROLL CALL: 5-0

I. POLICE DEPARTMENT IMPROVEMENTS – PAINTING AND FLOORING

Mr. Banonis said continuing the maintenance of the Township building that began last year in the Administration Department, the Township has received quotes to paint the Police Department and replace the flooring in the Police Department.

Mr. Hudson said we received a quote from Wright Flooring, which is a Co-star vendor and they did the flooring in the administration side of the building and they did a great job. The quote to do the flooring, and this is linoleum and carpet, so it would be a commercial carpet, squares, so if it gets dirty you can just pick up one square and replace it, and the quote was for \$22,415.00. Then the low quote we received for the painting was Amato Painting in the amount of \$6,500.00. This would be a continuation of the project we started last year and we will also continue the project in Council Chambers, Town Hall lobby, the lobby bathrooms and the small conference room.

MOTION BY: Mrs. Yerger moved for approval for the Police Department flooring in the amount of \$22,415.00 from Wright Flooring.
SECOND BY: Mr. Banonis
ROLL CALL: 5-0

MOTION BY: Mrs. Yerger moved for approval to award the bid to Amato Painting for the painting of the Police Department in the amount of \$6,500.00.
SECOND BY: Mr. Banonis
ROLL CALL: 5-0

J. DISCUSSION AND POSSIBLE ACTION ON SUMMER SCHEDULE FOR COUNCIL MEETINGS

Mr. Banonis said we generally reserve the option to have a Council meeting in July as to whether or not there is going to be business. He anticipates that this summer there will be business, so he's going to propose that we set a number of dates and advertise those for Council meetings. He's going to propose we have a Council meeting on July 11, 2023 sometime during the afternoon, and July 26, 2023 at 6:30 p.m.; on August 16, 2023 at 6:30 p.m. and August 30, 2023 at 9:00 a.m.

Ms. deLeon said can you say those dates again, please and the times? Mr. Banonis said if you say it nicely, he will. Ms. deLeon said she thought that was nicely. Do you want to see her mean side? Mr. Banonis said he has already seen it, thank you. Ms. deLeon said no, you haven't.

Mr. Banonis said July 11th in the daytime, sometime in the afternoon; July 26th at 6:30 p.m., August 16th at 6:30 p.m. and August 30th at 9:00 a.m. Ms. deLeon said can she ask why a day meeting? Mr. Banonis said why not? It happened before. Ms. deLeon said she knows it did. A meeting at 9:00 a.m., she knows you guys have a plan, so what's your plan, just tell us right now. Mr. Carocci said we have a plan to have a daytime meeting.

MOTION BY: Mr. Banonis moved for approval for Council meetings on July 11, 2023 sometime during the afternoon, July 26, 2023 at 6:30 p.m.; August 16, 2023 at 6:30 p.m.; and August 30, 2023 at 9:00 a.m.
SECOND BY: Mr. Carocci
Mr. Carocci said the Supreme Court meets in the daytime, so does Congress. He guesses we can too.
ROLL CALL: 4-1 (Ms. deLeon – No)

K. SPECIAL EVENT APPLICATION – PASSPORT TO HISTORY/LUTZ FRANKLIN

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Mr. Hudson said the Historical Society is going to do an event called “Passport to History” event. All of the departments have looked at it and they are okay with it. They’ve done this event several times.

MOTION BY: Mr. Banonis moved for approval for the special event application for the Historical Society’s “Passport to History” event.
SECOND BY: Ms. deLeon

Mr. Hudson said if anyone is interested, they are going to do this event on Saturday, July 29th at the Lutz-Franklin Schoolhouse from 11:00 a.m. to 2:30 p.m. He does not have a definition of what it is. Ms. deLeon said Sandy, doesn’t the rest of the County do something like this on the same day and that’s why they call it the Passport to History. Mrs. Yerger said she doesn’t know if they are doing it this year. They’ve done it in the past.

ROLL CALL: 5-0

L. RESOLUTION #54-2023 TO SUPPORT AN APPLICATION FOR A NORTHAMPTON COUNTY 2024 HOTEL TAX GRANT

Mr. Banonis said the Township would like to submit a grant for AED machines to be placed in the parks. Mr. Hudson said the Township received a request about AED machines in the parks. The Chief, Mr. Hudson and Kyle looked into this and they found special storage boxes that lock and then if someone would need an AED machine and they were out walking with a friend and had a heart problem, they could go to wherever the AED is located in the park and call 9-1-1. 9-1-1- would then give them the code to open the box and then they can go apply the AED to their friend. This has been done in Massachusetts and a couple of areas in the country. The grant allows for requests for something that improves public health and wellness. The Township staff thought it was a good idea and wanted to bring it to the board to see if you would support us to put in a grant request. The total cost would be about \$18,000.00. The grant would be for \$13,500.00, and the Township match would be \$4,500.00. Ms. deLeon said she thinks this is a great idea and life-saving.

MOTION BY: Mr. Banonis moved for approval of Resolution #54-2023 to submit an application for a Northampton County 2024 Hotel Tax Grant for AED machines to be placed in the parks.
SECOND BY: Ms. deLeon
ROLL CALL: 5-0

7. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF May 17, 2023 COUNCIL MINUTES

Mr. Banonis said the May 17, 2023 Council minutes are ready for Council’s review and approval.

MOTION BY: Mr. Banonis moved for approval of the May 17, 2023 Council minutes.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

B. APPROVAL OF MAY 2023 FINANCIAL REPORTS

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

MOTION BY: Mr. Banonis moved for approval of the May 2023 Financial Reports.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

8. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER – MARK HUDSON

➤ The Landfill Committee meeting scheduled for July 20th is going to be rescheduled to Tuesday, July 25th, also to be held at 5:00 p.m.

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- LST is hosting an electronic recycling event on Saturday, October 14, 2023 at 9:00 a.m. at the LST PW building.
- Regarding the Active Transportation Plan that the Township completed, the Township has completed a walking path trail connection from the circle of Glenview Drive to East Raders Lane, which was mentioned in the Transportation Action Plan and then the Township has purchased a bike sharer stencil and plans to have bike sharers and sign-ins along Skibo and Meadows Road as laid out in the Active Transportation Plan.
- The Township will host our first Movie in the Park on Friday, June 30, 2023 at Polk Valley Park and will be showing the movie “The Goonies” and it will begin at 7:00 p.m. in the upper lot by the pavilion. On July 28, 2023, we will be showing “Cars” in Steel City Park and on August 18, 2023 we will be showing “Toy Story” here at Town Hall Park.

B. COUNCIL

Mr. Inglis

- He asked Mr. Hudson if the Compost Center is working, the drop-off? Mr. Hudson said so far it’s been working very well and he talked to the gentlemen working out there and they said the residents have figured out how it’s working. They come in, are very pleasant with the guys, they drop off their stuff and we send the material down to Victory Gardens to be composted. Mr. Inglis said so it’s running pretty smoothly, no real changes needed? Mr. Hudson said not at this time. So far it’s been going very good and the employees have been happy with it and the residents have figured out the new system and everybody seems to be getting rid of their yard waste. Mrs. Yerger thanked Mark for his work on that.
- An update on the Pickle Ball Courts, they’ve been researching putting some in down at Polk Valley Park and he thinks Mark is moving along with that tentatively. Mr. Hudson said he’s working on getting quotes, we will do the paving in-house, then we need to get quotes for the installation of the Pickle Ball nets and on the painting of the course, so they just received a couple of quotes for that. He has to work with Roger on some of the land moving stuff, but should have something at one of the July meetings.

Mrs. Yerger – No report

Mr. Banonis

- He attended the Pension Committee meeting on June 14, 2023. He asked Cathy to feel free to weigh in if he misses anything or is misrepresenting anything. This was a meeting with Morgan Stanley and our actuary. There’s been no major developments or changes in the trust of the plan. Morgan Stanley provided an overview of the economy and where the market is and where it’s headed. There are positive returns in our fixed income investments. The S&P has gone up 9%, which is great for this year – it’s investing in the growth. The problem is that this is not a wide breath of stocks that are doing very well. Very few companies are doing well, Apple, Tesla and technology companies like that. In June it looked like the improvement in the market may be coming a little bit more broad. Interest rates have gone down slightly. The yield curve remains inverted and the significance of that is we’ve never had a recession without an inverted yield curve so we need to keep that in mind as we plan other aspects of the Township finances. Fixed income investments are saying the economy is definitely slowing down. The collapse of three banks has been a very bank specific problem, debt ceiling has been resolved, at least for now. Inflation is slowing, interest rates have gone up seven times in 2022, so far three times in 2023 and may go up again. Wage inflation is remaining very difficult to get control. Stock prices are very highly valued. They are extensive from historical norms. Fixed income investments are saying we are headed toward a recession. Equity investments are saying we may have a soft landing, which is going to be further volatility. Chuck Friedlander, who is our actuary, has analyzed our handling of the pensions and he looks at this every two years. He’s looking at funding level needs. The next MMO will be done in the fall of 2024. We are funding people’s benefits while they are working. We are not passing on those debts to the next generation to pay those bills, which is great news. Amortization for the Police pension is going down, still three to four times the non-uniform pensions. We are still getting contributions from the members as well as State aid. As a result of that, it’s going to result in a decrease in the

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Township obligations, which is good news. We are actually funded in our pension at over 100%. We are at 106.6%. Our assets exceed our actuarial obligations, so we are very well funded even in a volatile market. The five yields have been in the 5.5% to 5.7% range. So for those who may be critical of the Township finances, we seem to be doing pretty well.

Ms. deLeon – No report

Mr. Carocci

- He wants to put on the next agenda to honor the Saucon High School Baseball team that won the District tournament. They are like 4th in the State. A lot of the kids are seniors and going to college and won't be around, so let's try to do that in July. Ms. deLeon said don't you need a second Council person to approve that. Mr. Banonis said he'll be that second person. Ms. deLeon said she'll be that second person. Mr. Carocci said three, that's a record.
- He said to Cathy he wanted to know the pool memberships; how do we stand? Mrs. Gorman said so far, we've reimbursed 71 residents in the amount of \$4,325.00. A total of 9 have been to the Southern Lehigh Pool and 62 to the Hellertown Pool. Mr. Carocci said Kathy McGovern wanted him to point out she did not say that there were environmental crimes at the landfill but she did say the Lehigh Valley air quality is among the worst in PA and the Lehigh River is named one of the most endangered rivers. His point is that the PA DEP allowed a realignment and allowed them to stay in business for a couple more years. They would have known all this as well and still granted it.

B. SOLICITOR – No report.

C. ENGINEER – No report.

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

- Mark Ozimek said he doesn't know if there's a rule on your signs for voting, but they are still scattered around the valley. Some haven't been picked up. And, and, and...the library. The library is going to have a special group put together to find out if it's worthwhile to put Lower Saucon in there. See what the benefits are, see what the downfalls are. We have to wait and see what becomes of that. More people wasting money and time since they already gave their opinion about not wanting it. As far as the dump goes and Attorney Treadwell's cost to LST, he didn't get to talk to a lawyer yet, but he was going to look into having a petition started so that since you sat in court on the landfill's side and fought for the landfill, instead of the taxpayers paying your cost, the landfill should pay your cost. That's what he thinks. Because since you aren't sticking up for the Township residents, why should we foot the tax bill for you? So, that's his opinion. And he knows you don't like that and he really doesn't care. Attorney Treadwell said he's perfectly fine with his opinion. Mr. Ozimek said that's good. He has to figure out how to do it. Not that there's some legal ramification that he did something wrong, the wrong way like all the stuff that Judge Kassis said you did wrong in the first dumb fiasco. Anyway, he's done, he can go home as he has to be at work at 5:00 a.m. Mr. Carocci said he forgot Cathy did give him the updated library numbers. There are 205 families that applied for reimbursement for \$8,200.00; 74 individual reimbursements for \$1,480.00. There are 279 cards, 205 families, 74 individuals for a total reimbursement of \$9,680.00, that's to-date. That's about the people who are using the Hellertown Area Library. Mr. Banonis said historically we were paying about \$107,000.00 or \$109,000.00 a year. Mr. Carocci said yes.
- Bilal Khan said he wanted to ask you again to consider the order in which the meetings are arranged. As it is right now, there's public comment and then after that there's the developers who make a statement, and then really they are not allowed to make any further statements about agenda items which means that if there are any gaps, we are basically counting on you to listen what the public comment was and make note and then represent those questions to the developers, but he hasn't heard any of you actually bring up, for example, a very simple concern that he had was the three maps that are currently associated with the cell tower. None of them have a marking on them to say this is the location of the cell tower. There is no marking like that. Mr. Banonis said Sir, the cell phone tower was an agenda item and you already spoke to it. Mr. Khan said he understands, he will stop speaking about that. He was making that statement as part of his request was the order in which the meetings are conducted, you should consider revising that. That's what he is speaking to. He is saying developers should have to speak first and then the public comment would be on the basis of

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what the developers have said since you are not conveying our concerns. The second, a couple of things that have been attributed to him, he'd like to just clarify. Somebody made a statement about Lehigh University. He would just like to say if he were to live in Lower Saucon and work for Exxon Mobil let's say, and he was protesting some landfill, you wouldn't say well, you work for Exxon Mobil, did you think about the Exxon Valdez? That would not be considered a logical kind of arguments, right. The reason he brought up Lehigh University was because, as a faculty member, he has affiliations with the Environmental Department there and as a Township you might consider making the use of those kinds of local resources to ensure oversight. That is part of your responsibility, not to just pass the buck on to DEP and say our hands are completely clean. Those are a few things he wanted to bring up. There was an issue about the term limits. The reason to be against term limits.... Mr. Banonis said Sir, that issue has already been addressed as an agenda item, this is for non-agenda items. Mr. Khan said let him just say this, institutional memory is an important thing you should be guarding that and part of that requires knowing what happened historically, knowing that 35 years ago, 30 years ago, people that moved here were told that the dump would be here for 3 to 5 years. That kind of knowledge requires an institutional memory and that's lost. Mr. Carocci said they were told that by Priscilla deLeon who voted for every landfill expansion in those...Mr. Khan said he's sorry, is this a dialogue, is this a dialogue. Mr. Banonis said Sir, keep going. Mr. Khan said he was simply saying that institutional memory and there is some advantage to having a notion of history like how did we end up in this position, and that's something that would be lost if you were to just institute term limits. Mr. Banonis said he will give him an extra 30 seconds so he can wrap up his comments. Mr. Khan said that's it.

- Laura Ray said she's going to talk about the lovely disparaging remarks that are made about the open space program, which she participated in maybe 15 years ago or so. It seems pretty appalling that the person who appointed himself the Chair of the EAC and one of the big things we do is have an open space program, and promote residents to participate in that, to continually badmouth her because she did participate in it. It was not a dirty back room, back door deal that was done in the dark of night that nobody knew about. Her property falls on the County line with Bucks County, so she also has Springfield Township, which was involved in this easement along with Northampton County who participated along with our Township, so there was a lot of eyes on it and there was a lot of criteria that had to be met before the property was accepted into the program. An easement was done appropriately with a third party involved so it does run with the land in perpetuity. It can't be broken. Her property has the headwaters for the Cooks Creek, which is an exceptional value stream, which is very few of those around. She's not the total owner of the property. She co-owns it with somebody so she didn't have full control over monies involved so she just thinks it's disgusting that you continue to badmouth people. How does this promote our open space program if you are going to put down people or somehow insinuate that they are a bad person if they participate in the program. It has nothing to do with her volunteer work within the community, which she has done for decades at no pay so it's two totally separate topics, which makes no sense for you to try to lump it together somehow. Mr. Carocci said how much taxpayer money did you put in your pocket? Ms. deLeon said that's unfair, that's low. What about the other 20 people that participated, why aren't you picking on them who we gave open space money to, why is she different? Mr. Carocci said I didn't know she used open space money.
- Dave Boulton said he's not running for office as these other people know and he doesn't have any land deals. What he wanted to do Priscilla, if you'll listen, was to in person, say yes, he was at the recycling center and he was absolutely flabbergasted not to see seven or eight people there with trucks and front-end loaders. Along with several other people, they just put their trash there, and away they went. So, he has to think, there was one person there, \$30.00 an hour, and he's there for how many hours during the day versus just the interest on all of that other equipment, so he don't know what happened or how it happened that we ended up with that, but he's very pleased with it and it meets all of his needs. He doesn't have to wait in line, show cards and do all of that. You can do more things like that, you will continue to have more money for things that are really important. He did hear about the pool and he found an article about the Hellertown Library, and we're never going there. Bethlehem Library over my dead body. That was about a decade ago and it went on to our Council person would not give that up no matter what. This Hellertown Library was not worth it. He thinks there's other ways to look at it and he thinks this Council is doing the right thing. He's

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very pleased about that. It's great to see the positive reaction. It's really nice to be able to speak at these meetings because he can remember a year ago, he wasn't able to stand up and say anything because of all the yelling and screaming and booing and people popping up like little whac-a-moles. You don't remember that Priscilla, he can tell. You want him to get the pictures he took. Ms. deLeon said...Mr. Banonis said Priscilla, please don't interrupt, he has the floor. Mr. Boulin said that's okay. That is a whac-a-mole. You got that title. There are many good things and anybody in this town that says there's nobody that wants that landfill, come up to Alice Drive and he'll take you around to a lot of people who said yep, nobody wants it in their backyard, whether it's a prison or landfill or whatever, but do they show up here, what are they going to do? Complain that it's not going to be expanded? No, they think it's the right thing and we'll see what the election brings us. As far as the monitoring of the site, he thinks it's a good idea. Lehigh ought to get involved through the professor here. That's called grabbing the bull by the horns. Thank you. Ms. deLeon said that's a great idea.

10. ADJOURNMENT

MOTION BY: Mr. Banonis moved for adjournment. The time was 9:55 p.m.

SECOND BY: Mr. Carocci

ROLL CALL: 5-0

11. UPCOMING MEETINGS

- A. Saucon Rail Trail Oversight Commission – June 26, 2023 at Upper Saucon Township
- B. Zoning Hearing Board – June 29, 2023
- C. Environmental Advisory Council – July 11, 2023
- D. Council Meeting – July 11, 2023, Time TBA
- E. Landfill Committee Meeting (Date Change) – Tuesday, July 25, 2023 at 5:00 p.m.
- F. Planning Commission – July 27, 2023
- G. Parks and Recreation Board – August 7, 2023

Submitted by:

Mark Hudson
Township Manager

Jason Banonis
Council President