

I. **OPENING**

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on October 16, 2019 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with President Priscilla deLeon, presiding.

ROLL CALL: **Present:** Priscilla deLeon, President; Ryan Stauffer, Vice President, Sandra Yerger, George Gress & Donna Louder, Council Members; Leslie Huhn, Township Manager; Thomas Barndt, Chief of Police; Cathy Gorman, Director of Finance; Jim Young, Zoning Officer; Brenda Detweiler, Administrative Assistant; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer & Jr. Council Member Avia Weber. **Absent with prior notification:** Judy Stern Goldstein, Township Planner.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. deLeon said Council did meet in Executive Session prior to tonight's meeting to discuss personnel issues and acquisition of open space.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. deLeon said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones and state your name for the record. If you have a non-agenda item, she asks that you give your fellow public the courtesy of the floor. There's a sign-up sheet in the back of the room. You can follow tonight's agenda on the website on each of the agenda items. If you aren't signed up for agendas or newsletters, please go to our website and sign up.

II. **PRESENTATIONS/HEARINGS**

A. **RESOLUTION #69-2019 – RECOGNIZING JESSICA O'DONNELL FOR HER SERVICE TO THE COMMUNITY**

Mrs. deLeon said Resolution #69-2019 has been prepared recognizing Jessica O'Donnell for her service to the community, which will be presented to her at the Saucon Valley Community Center's 2019 Fall Dinner and Silent Auction, on November 8, 2019. She read the resolution.

MOTION BY: Mrs. deLeon moved for approval of Resolution #69-2019.

SECOND BY: Mr. Gress

Mrs. deLeon said she sits on the Chamber Board and Jessica is our leader and she's amazing. She really does a lot for this community, she really puts her heart and soul into what she does.

ROLL CALL: 5-0

III. **DEVELOPER ITEMS** – None

IV. **TOWNSHIP BUSINESS ITEMS**

A. **ZONING HEARING BOARD VARIANCES**

1. **MICHAEL ESHLEMAN – 1477 WEST RADERS LANE – REQUEST VARIANCE FOR STORAGE OF LANDSCAPING EQUIPMENT IN POLE BUILDING**

Mrs. deLeon said the applicant is requesting a variance for storage of landscaping equipment and materials for the business, located at 1477 West Raders Lane. Mr. Michael Eshleman was present. He said the majority of the things they do is snow removal and landscaping. They want to make it right. Mrs. deLeon asked if this was previously done without a permit. Mr. Eshleman said the building has been up since 2015.

Attorney Treadwell said the question is the use that's in the building, how long have you had this business in this building? Mr. Eshleman said 2015. Attorney Treadwell said that's why they are seeking the variance for that use in the building. The building has permits.

Mr. Gress asked if there was a complaint that brought this to life? Mr. Eshleman said he was told there was. Mr. Gress said do we know what the aspect of the complaint was or

1 was it because it was being used for that. Mr. Young said correct. Mr. Gress said so as
2 long as this variance is approved, he would be in compliance. Mr. Young said correct.

3
4 Mr. Stauffer said the only distinction is a business versus residential use. Mrs. deLeon said
5 there is already a residence there.

6
7 Ms. Suzette Califano, 1485 West Raders Lane, was present. She said their property is on
8 the east side of 1477 West Raders Lane. They didn't know anything about this until a
9 couple of days ago. They did not make the complaint. The applicant's application is for
10 storage and the application says the applicant constructed a 3,200 s.f. residential pole
11 building. Since that time he has been storing and operating his landscape business from
12 this location. They did not know this wasn't approved and she and her husband have been
13 handling the problems associated with this business as far as dumping, rainwater coming
14 into their side yard, and things like noise. They tried to put up buffers and they did not
15 know as a business the cost should have been absorbed by them. Now that they know this
16 is a business, they actually have a cease and desist letter and they wanted to give this in
17 advance because there is going to be a ZHB meeting Monday. They have had terrible
18 flooding on their property for 17 years. They have never had the flooding they have like
19 this year. They didn't know this was not allowed and are handling it themselves; and it's
20 over \$10,000 now. They have pictures of them dumping around the septic system which
21 causes the water going into the side yard. The septic system is on their property and they
22 granted Mr. Eshleman an easement. There are so many violations. The second item is the
23 exterior commercial equipment and there are massive amounts of trucks, and they are not
24 inside the building. It should have been only half of what the pole building is.

25
26 Mrs. deLeon asked if someone wanted to put up a pole building, what is the procedure?
27 Attorney Treadwell said they have to get a building permit. He doesn't know what the
28 building permit said if it was constructed in 2015, but it should be on the building permit.
29 Mr. Young said it's an accessory building, there would have been no public notice.

30
31 Ms. Califano said the only thing would be the size as it's very large and there's also a
32 parking lot, which is not used for parking, the surrounding land is used for parking.
33 There's a lot of impervious space and this is a business, and they should have done a site
34 plan. She has a site plan that they did for her own property and it shows there are two
35 streams on his property that were not taken into consideration, which you would have to do
36 some kind of a stormwater study. This is an actual business and the Califano's thought it
37 was okay. They've made no complaints, but he is selling retail out of his warehouse.
38 There have been 18-wheel trucks on West Raders Lane and they started to turn on their
39 driveway. The noise, the dust, they just want this to stop and all to be taken away. She
40 knows they fit it under 181.05 salvage, storage areas, but the whole purpose of that article
41 17, is a site plan review and there was no site plan done. We need it to stop and go back to
42 the building itself, how was a 3,200 s.f. building even put on that property. She has her
43 own business, she's a mobile dog groomer. Before she even started, she called and talked
44 to Chris Garges and asked him, what can I do and what can't I do. He said you can't have
45 your van with a Yorkie on the side of it on your property; you have to put it in a garage.
46 You can't even fill your tanks from outside, so that's what she did for her business.

47
48 Attorney Treadwell said the application to the ZHB that was filled out for Monday,
49 October 21st, asks for permission to do this use in that building; and he doesn't disagree
50 with a lot of what she's saying, he's assuming you are going to attend the ZHB as well and
51 present this and make those statements. Ms. Califano said the actual use of the building is
52 what this is about. Attorney Treadwell said he understands, but the property owner and/or
53 occupant of the building has a right to go to the ZHB and ask for permission to do that, and

1 you, as a neighbor has the right to show up and explain why you don't think it's a good
2 idea.

3
4 Ms. Califano said Michael Eshleman is not the owner of the property. How can a person
5 and a business come in and have rights. Attorney Treadwell said he doesn't have any
6 rights at the moment, he's going to the ZHB to ask and request those rights.

7
8 Mrs. deLeon said when an applicant comes before the ZHB, we want to hear what's going
9 on so we may support, oppose or take no action. Ms. Califano said she has a week to
10 digest it and she's very happy she saw Mrs. deLeon's Facebook post. Mrs. deLeon said
11 Mr. Eshleman is going to go in front of the ZHB and if the ZHB says yes, do they then
12 have to do a site plan like everybody else? Attorney Treadwell said that would be hashed
13 out at the ZHB. You can make that recommendation if you want to take a position and
14 pretend this was going back to square one and do it the right way. There's a lot of
15 stormwater issues in this area.

16
17 Ms. Califano said the actual use is the business and it cannot be housed in 3,200 s.f. Plus
18 the number of employees that come up and park their cars. Ms. deLeon said that all goes
19 in the use and it would go in a site plan review. Ms. Califano said they would like it to
20 stop as soon as possible and go back to the beginning if possible. Mr. Califano said his
21 wife talked about a residential owner owns the house and then there's the additional
22 building. Ms. Califano said if you are calling this an accessory building, if that's what it
23 was permitted as, it's supposed to be incidental to the residence. James Eshelman has no
24 association with M & J Landscape services other than it's his son. Mrs. deLeon said when
25 you go to the ZHB, it's like going to a hearing at the Court House, a very formal thing.
26 You have to prepare what you want and don't want and she'd have it in writing.

27
28 Attorney Treadwell asked Mr. Young if they ask him to review the property file at the
29 ZHB. Mr. Young said no. Mrs. deLeon said you have to give them everything, they can't
30 make decisions unless you give it to them.

31
32 Mr. Gress asked if this variance, if granted, is sufficient to continue the operation of that
33 business at the site? Mr. Young said the variance would be to allow the use, but then the
34 site plan would kick into the buffers and everything else that would go with the site plan
35 review requirement. If the variance would be approved, the site plan would be required.
36 Attorney Treadwell said he thinks what Mr. Young is saying is there may be other
37 variances that come up when the site plan application is submitted; and there may be other
38 questions.

39
40 Attorney Treadwell said if he understood the discussions of Council correctly, the motion
41 would be to request that the ZHB, in the event they decide to grant the variance that was
42 requested in the application, make a condition of that approval that the applicant go
43 through the site plan process per the Zoning Ordinance provisions.

44 **MOTION BY:** Mrs. deLeon moved to make the motion as stated above by the Solicitor.

45 **SECOND BY:** Mrs. Yerger

46 Mary Grace Polak, 1503 Raders Lane, said she's here because their lane cannot handle all
47 the big trucks that are coming through. When they come off of 378, it's very hard for them
48 to make a turn into that lane and when they do make that turn, she's already had to go into
49 the other lane because there was a flatbed and two bobcats blocking the lane. She couldn't
50 get through and had to wait until they moved the vehicles. She said there's also an
51 emergency exit on their lane. If an how would an emergency vehicle get through if they
52 are blocking the lane, every minute counts when there's an accident on I-78. She already
53 came into the lane and was sticking halfway out on 378, it's very dangerous. Mrs. Yerger
54 said it looks like there is a weight limit also, so that's not legal. Ms. Polak said in the

winter there are big mounds of snow and they can't see. Mrs. deLeon said you have to go to the ZHB on Monday night. Ms. Polak said when something is going on with a neighbor, aren't we supposed to get a written notice stating something is being done? Mrs. deLeon said there are only certain things that the code requires and it's everyone within 300' of the property. This procedure tonight is a policy this Council put together years ago as we want to know what's going on with the ZHB. We can't make them do it, we can only ask them. Ms. Polak said they are stuck with the highway, they have the emergency exit, and then they put the mall in. They put trees in, but they all died, so there's no buffer. She's been there 51 years and it's been agriculture. She doesn't know when this changed and people can put in whatever they want. Attorney Treadwell said it didn't change to do whatever they want, that's why we are here this evening and Monday night. Ms. Polak said isn't it R-40, Attorney Treadwell said correct. Mr. Stauffer said can we put in a recommendation to have the Zoning Officer include background information.

MOTION BY: Mrs. deLeon amended her previous motion to include that background information be provided by the Zoning Officer to the ZHB.

SECOND BY: Mrs. Yerger amended her second

ROLL CALL: 5-0

2. **ZONING HEARING BOARD VARIANCE - JOHN J. BLAIR - 3725 OLD PHILADELPHIA PIKE - PROPOSED SUBDIVISION AND OFFICE BUILDINGS - ZONING REVIEW**

Mrs. deLeon said the applicant is requesting numerous variances to allow the development of two parcels and create a 3rd lot at 3725 Old Philadelphia Pike.

Eric Schock from Fitzpatrick, Lentz and Bubba, John Blair, applicant and Ben Kutz with Gilmore Associates were present. Mr. Schock said when they came in last time, it was essentially a preview before they filed the zoning application. They already had input from staff about what relief would be needed if this were to move forward. What they presented to you last time, nothing significant has changed, except a couple of tweaks.

Mr. Blair said the building has even gotten a little smaller because of the riparian buffer. When they got the comments back from Ms. Stern Goldstein they reversed the parking and made the building a little smaller and are going to put the parking in the back and the building towards Old Philadelphia Pike versus the way it was before. Mrs. deLeon said we need a little refresher. Mr. Schock said the Engineer can run through the improvements we are proposing. This is an existing lot with a single family residence and a land locked parcel to the rear of that and those are the two lots that would be combined, but then re-divided so the single family home would be on its own lot and there would be two office buildings, each occupying their own lot and the office building would have access to the same driveway off Old Philadelphia and the home would have a separate driveway. Mr. Blair said currently they have two driveway accesses so they are not asking for any other access.

Mr. Kutz said the northern parcel fronts Old Philadelphia Pike and there's an existing house, decks, walkway and other garage which John intends to replace with a new deck, a new garage to the rear and it's currently served by a driveway with two separate entrances. There would solely be a driveway entrance on the north end of this house and the plan is to subdivide this lot and have a second proposed lot, which would be a professional office building and would be served by a new driveway. They have a parking area proposed, landscaped buffer area fronting the water course. There is a shared driveway to serve the southern lot which is currently undeveloped and largely wooded. This lot doesn't have any frontage on Old Philadelphia Pike. There's a second professional office building with a parking area and a lot of the variances are due to the tributary to Black River which bisects

1 the properties. They have to cross it which is why a lot of variances are being requested.
2 You would be going through the necessary NPDES permits. It would be a joint permit
3 through Army Corp of Engineers and DEP. Mr. Schock said they talked about the uses
4 that are allowed. The only infringement on the water course was the crossing and their
5 position was, no matter what was done back there, you were going to have to do that. The
6 buildings themselves need less relief as you kept them further away from the areas where
7 they need relief for some of the natural resources.

8
9 Mr. Kutz said they tried to locate the buildings away from environmental features. There's
10 also a PPL transmission line so the building had to be kept out of that ROW. Mr. Schock
11 said their position is the impact on the area; they thought this is going to be a great
12 opportunity for someone to redevelop the property and to clean up what Mr. Blair
13 described as a junk yard. You may see there's a lengthy list of items, part of it is to keep
14 the buildings on separate lots, second is the lot that already has the house on it has the same
15 issue with the water course. Mr. Blair said it's dry, there's no fish, it's a man-made
16 waterway which someone decided to put through his current property. Mrs. deLeon said
17 according to our regulations it's considered a stream or body of water. Attorney Treadwell
18 said it's actually DEP who classified it, not the Township.

19
20 Mr. Kutz said there's an 85% protection rate for wetlands and streams are 100%. Just the
21 fact that they are crossing, that's a permitted thing under the joint process. They will have
22 to address storm water issues through other processes.

23
24 Mr. Kocher said they haven't gotten to that level of design that he would be looking at. He
25 is concerned about the significant encroachments in the riparian buffer. Mr. Kutz said
26 what specifically do you see with the NPDES permit here. Mr. Kocher said that you won't
27 have much of an identified riparian buffer. Mr. Kutz said this isn't a high quality water
28 course, so they are not going to get into the individual permit. It's a cover condition thing,
29 and he doesn't see a concern with it, most of the northern lot is already cleared. They will
30 replant, supplement, and augment per Township ordinances the riparian buffer along the
31 edge of the parking area. Mr. Blair said there are a lot of dead trees in the southern portion.
32 Mrs. deLeon said we have regs to repair the riparian buffer.

33
34 Mrs. deLeon said years ago there had to be a spring there to have that building. Mr. Blair
35 said it probably comes down from the mountain. He showed pictures of stream restoration,
36 a shed, tires, a container, and the landlocked piece. Mrs. deLeon said if that was to have
37 access on 378, would that be lined up with the intersection. Mr. Blair said no, if you go a
38 little north you'll see they stopped the guardrail and put an indentation there for a
39 driveway, but it's on the worst part of the curve.

40
41 Mrs. deLeon asked did you ever follow it down through the other properties and know
42 where it goes? Mr. Blair said it goes out to 378 and runs right down. Behind Sherwin
43 Williams, in that field, there's an indentation that goes down to 378 and Black River Road
44 and Sanbrook Apts. Mr. Kocher said there's a fairly good flow there. Mrs. deLeon said
45 we still have to be concerned about that. Mr. Blair said it's still going to go through there,
46 they are just going to enhance it.

47
48 Mrs. deLeon said you are scheduled to go in front of the ZHB on October 21st. Mrs.
49 Louder said as long as the stormwater is taken care of properly and handled the way it
50 should be handled, we'll all be in good shape. Mrs. deLeon said if you get approval, you
51 have to come back to us again. Council took no action. Mr. Gress said that would be a
52 good thing if you could take care of any stormwater issues.

1 **MOTION BY:** Mrs. Louder moved to take no action, but to pay attention to any stormwater issues.
2 **SECOND BY:** Mrs. deLeon
3 **ROLL CALL:** 5-0
4

5 **B. DAVE AND DANA GUERRERO – 2176 GREEN PINE LANE – WELL ISOLATION**
6 **DISTANCE WAIVER**

7 Mrs. deLeon said the applicant is requesting well isolation approval for the replacement of their
8 septic system located at 2176 Green Pine Lane.
9

10 Dana Guerrero was present and said she's requesting a waiver for the well isolation distance. Right
11 now their septic is not working and they need a new septic. They had a designer design it and she's
12 aware there's a 100' minimum distance from her well to the septic, and for the size of her property,
13 and where they can put it, unfortunately it's 65' the distance to the well where they are able to put
14 the new system, so they basically need a waiver for the distance. Mrs. deLeon said DEP has regs
15 that spell all this out and there's an agreement you have to sign. She understands your
16 predicament.
17

18 Mrs. Louder said this is a hardship and she thinks we should include an indemnification agreement
19 and the Solicitor will handle that end of it. It needs to be taken care of it ASAP as the cold weather
20 is upon us. Mr. Kocher said there is nothing unusual about this. They told Ms. Guerrero to contact
21 Mr. Young for some guidance.
22

23 **MOTION BY:** Mrs. Louder moved to approve waiver for well isolation distance for Dave and Dana Guerrero
24 located at 2176 Green Pine Lane.
25 **SECOND BY:** Mrs. deLeon
26 **ROLL CALL:** 5-0
27

28 **D. FIRE SERVICES MEETING UPDATE (This agenda item went ahead of IV.C.)**

29 Mrs. deLeon said Council members Donna Louder and Sandra Yerger are the liaisons to the Fire
30 Services Committee. A meeting was held on October 10, 2019 and they would like to provide
31 Council with an update.
32

33 Mrs. Yerger said they met with the fire companies and there was some discussion regarding the
34 Steel City truck. There is still some uncertainty as far as the advice that was given by our
35 consultant on what should and shouldn't be included in the truck, that has not been resolved at this
36 point. There wasn't much they could do until that comes to some resolution. We did briefly talk
37 about a merger with Steel City, but there was no decision made at that point.
38

39 Mr. Gress asked if the Fire Services Committee liaisons had any recommendations. Mrs. Louder
40 said as a resident of Steel City, she's been there her whole life, and that fire company was very
41 strong in her younger days and was run for the community with the community. Unfortunately,
42 times have changed and she knows that all fire companies across the state are struggling with
43 volunteers and understands that. It's unfortunate and saddens her but she feels what we need to do
44 is a forensic audit to make sure if we are going to back the Steel City Fire Company financially
45 with a new truck, that they are going to be able to sustain the payments on their 25% and a forensic
46 audit is in order for that. She would like to suggest we pull the funding until 2020 until we get
47 some kind of feedback on that situation. She's asking to have the monies that were promised to
48 Steel City Fire Company for this new truck be put in escrow and held there until everything seems
49 to be settled with the fire company. If they can sustain themselves with payments, they can go
50 through the truck purchase thing again. She is very, very supportive of a merger. At that meeting
51 on October 10th, the merger came up from the Steel City Fire Company attendees, Mr. Nocek and
52 Mr. Rockstroh and basically from what she understands from this, in the department the chain of
53 command is very weak, some are doing double work, which means it's starting to fail and crumble.
54 Most of their members aren't in the Township, they are in Williams Township, Bethlehem,

1 Freemansburg and it's concerning to her especially since we don't have a response. They stated
2 there was a member on the fire company who is no longer a member, he left and went to Lower
3 Saucon Fire Rescue 16 because he felt the training wasn't adequate at Steel City. Mrs. deLeon said
4 we can't speak for someone else, was he at the meeting? Mrs. Louder said he wasn't at the
5 meeting, but he's sitting in the audience tonight. She's asking for your support to freeze the
6 money, do an audit, and help clean up the Steel City Fire Company. This is not to break down
7 Steel City Fire Company, it's to rebuild it and turn it back into a community fire company and
8 that's what she's hoping we can do with this, this is very dear to her heart, this whole situation, and
9 she's trying to make it strong, she's trying to rebuild it. If this fire company merges with Lower
10 Saucon Fire & Rescue, they will be making history. It will be the first thing that joins the entire
11 Township together other than our school taxes. She feels very strongly about this. The purchase of
12 the truck needs to be postponed as there are too many conflicts with the truck itself.
13

14 Mrs. deLeon said we haven't heard from the consultant. Mrs. Yerger said it's been back and forth.
15 We did hear back from him and it was a different response that they got from him when they talked
16 to him, so we're getting conflicting information. She agrees it would be premature to move
17 forward on this truck.
18

19 Mrs. Gorman said the consultant has spoken with Steel City and the confusion that lies between the
20 two is not necessarily that the consultant was agreeing with what Steel City was saying they
21 needed, he was listening to what they were saying. He was communicating with them, but that did
22 not change his opinion and that's where the confusion is. He was reiterating that October memo
23 that he still feels the truck is too long, too heavy and it has a lot of items going on it that are above
24 and beyond what a pumper tanker is traditionally supposed to do.
25

26 Mrs. Yerger said there was an issue which she did not report earlier, regarding the current truck and
27 the repairs on that. Mr. Stauffer said Mrs. Louder mentioned there were no members of the Steel
28 City Fire Company that actually live in the Steel City area. Mrs. Louder said correct, the only one
29 that lives within the Township is Chief Chris Snyder, and he lives off of Black River Road.
30

31 Mrs. deLeon said that's not a requirement. She said it's not the same fire company it was when she
32 moved to Steel City in 1985. They did a great job holding it together and she doesn't want to see it
33 fail. Mrs. Louder said they need to get it together and build it stronger. Mr. Gress asked what are
34 our options for an audit of their finances. Attorney Treadwell said the first thing is call some firms
35 and get some numbers. Let's figure out how much it would cost to do that. Mrs. deLeon said why
36 did we take the other fire company at their word and we're not taking this fire company at their
37 word, if they are saying they have the money to do it?
38

39 Mr. Gress said weren't there concerns with the funding options they presented. Mrs. Louder said
40 their funding option was a lease instead of a purchase. Mrs. Yerger said that's what was on the
41 papers that were presented at the Fire Services meeting. Mr. Gress said your concern is they don't
42 necessarily have the funding to support their end of the 25%? Mrs. Louder said correct. Mr. Gress
43 said No. 2 is holding the funding for the truck, Mrs. Louder said correct. Mr. Gress said No. 3 is
44 to hold their funding for 2020, which is the \$50,000 they get. He knows from his experience at Se-
45 Wy-Co, that money is greatly appreciated and needed and utilized. The money that we provide
46 them, they have to provide receipts and documentation for everything they spend it on.
47

48 Mrs. Gorman said we do have a policy and they do provide us copies of the checks they draw down
49 from that funding. Mrs. deLeon said the money comes from the General Fund. Mr. Gress said to
50 date, have there been any discrepancies with Steel City with that funding usage. Mrs. Gorman said
51 no, sometimes they will have a check missing and Dave has been able to clear up those issues.
52

53 Mr. Gress said he knows how greatly needed that money is for the fire company. He may agree
54 with the funding and the audit, but if there are questions on their ability to finance the truck, that's

1 an issue. For us to put that money out to them and then they can't do it, we are out that money.
2 We need a guarantee from them.
3

4 Mrs. Yerger said we need to get this question on the consultant and where we are with that. Mr.
5 Gress said it sounds like we are a little ways away from getting the truck. He does not agree with
6 withholding their \$50,000. Mrs. deLeon said she doesn't agree with that either. Mr. Gress said
7 that would be a detriment to them and as far as the audit goes, we should get some prices. Are we
8 legally able to do that. Attorney Treadwell said we have no ownership interest, we have nothing.
9 It is a non-profit corporation. Whether we call it a forensic audit or whatever you want to call it,
10 it's actually an accountant looking at what they file with the Federal government. Mr. Gress said
11 he thinks we can get the 990's.
12

13 Mrs. Yerger asked if we get audited financials from them. Mrs. Gorman said no, the CPA does tax
14 filings which we get a copy of the \$50,000. It shows everything, more than just the \$50,000 we
15 provide. Mr. Gress asked what would the audit show besides the 990? Attorney Treadwell said
16 there are 300 different kinds of audits so the question might be if anybody makes the decision how
17 to proceed forward, get an answer from an accounting firm on how many different kinds of audits
18 there are, what they would look at and how much would it cost.
19

20 Mrs. Yerger said with a non-profit, they have 990's but they also get audited financials. They get
21 an auditing firm to come in every other year and audit our financials as there are some funders
22 where you need audited financials. Mr. Gress said what are we really looking for then with this
23 audit. Mrs. Louder said she wants to know they are going to be able to pay back the money for the
24 25% for the truck. Mr. Gress asked are you concerned if the landfill closes? Mrs. Louder said
25 exactly, what happens then, we can't promise them that money.
26

27 Mrs. deLeon said the money is coming from the General Fund. Mr. Gress said he doesn't want to
28 see the money going away, but that is your concern if something happens down the road. Mrs.
29 Louder said correct and she doesn't want the Township to lose money and doesn't want them to
30 fail. She wants them to rebuild stronger. She is not picking on them, we need to help them fix it
31 and get them back on their feet.
32

33 Mrs. deLeon said the \$50,000 we give to the fire companies is coming from the General Fund.
34 Mrs. Gorman said it's coming from the General Fund but your landfill funding is in the General
35 Fund. If the landfill closes right now and there's no money available from them, then we are going
36 to have to make some tough decisions and may have to roll back some of the expenses we have
37 been paying that we've been giving out for years. We are certainly not at the point we were at
38 years ago. We have hedged our ways where we are saving some of that money going forward and
39 we always have, but it was appropriated to certain funds, now it's more streamlined when she
40 presents the budget to you, there's a certain amount that's going into the Capital Fund and you are
41 going to have excess money going back into your Reserve Fund. Mrs. deLeon said in the last
42 budget we paid all our debt and that's an accomplishment. Mrs. Gorman said that was step one,
43 there's other steps that need to be taken too. Mrs. deLeon said the fire tax, can that money be used
44 towards the \$200,000. Mrs. Louder said the fire tax money is only for trucks. Mrs. Gorman said
45 by resolution it was for apparatus, but Council can change that. Attorney Treadwell said the
46 statute would allow you to use it for anything, if you want to change your policy. Mrs. Gorman said
47 you'd need to bring it back by resolution and modify what the use is for, Council was specific that
48 we didn't want it used for anything but equipment.
49

50 Mrs. deLeon said she worked very hard for that \$50,000 over the years to help the fire companies
51 and she does not want to take that away from them. Mr. Gress said he doesn't want to either. Mrs.
52 Yerger said the truck is on hold and we don't have to do anything for that. Mrs. Louder said her
53 biggest concern is the landfill is closing in five years and for the truck purchase, their end of it was
54 going out 10 years or maybe more.

1 Mr. Gress said he's concerned about the wording on their financial paper, that it was a lease. Mrs.
2 Yerger said that has to be straightened out. Mrs. deLeon said we can't predict what is going to
3 happen in five years, ten years, we just pray everything stays. Mrs. Louder said as keepers of tax
4 dollars, we have to make sure it focuses on five years out. Mrs. deLeon said you misunderstood
5 but that's okay.

6
7 Mr. Stauffer said on the subject of a potential merger, are there any members of Lower Saucon Fire
8 Rescue closer to the Steel City area. Mrs. Louder said the gentleman who just left Steel City Fire
9 Company lives a block away.

10
11 Bryan Evans said just as we talk about response area, it is not uncommon for people to live in
12 another municipality and what we should remember is, especially with our municipality in the
13 shape of a U surrounding others, the closest people may live outside of the municipality. They
14 have several members that live outside but they are the first ones to arrive at the fire house. He
15 doesn't want to see us get too caught up in those specifics. Mr. Tim Faust, 2104 Schwab Avenue,
16 was present. Mrs. Louder said he was a member of Steel City Fire Company and he left and joined
17 Fire Rescue 16.

18
19 Attorney Treadwell said the truck is on hold for the moment, the \$50,000 will be in the budget like
20 it always is, and he and Mrs. Huhn will look into the accountant and get back to you on what the
21 options are and the prices. Mrs. deLeon said she'd like the 990 sent to Council. Attorney
22 Treadwell said it would be for 2017.

23
24 **C. COMMENTS ON NORTHAMPTON COUNTY PROPOSED 2020 BUDGET AND**
25 **CAPITAL IMPROVEMENT PLAN – BRIDGE 15 – MEADOWS ROAD BRIDGE**

26 Mrs. deLeon said Northampton County's 2020 Budget and Capital Improvements Plan were
27 received by the Township and the Meadows Road Bridge was listed as being replaced. Mrs.
28 deLeon said at the bottom of page 165, it says Capital for the anticipated replacement of the
29 following bridges and they list bridge nos. 162, 15, and 225. Mrs. Yerger said she was surprised
30 when it was in the budget that it was up for replacement.

31
32 Mrs. deLeon said the Township received the Northampton County Proposed 2020 Budget and 2020
33 Capital Improvements Plan was sent to the Township on October 4, 2019. The Meadows Road
34 Bridge is listed on the improvements plan as a replacement. Michael Emili, Director of Public
35 Works in Northampton County, said the project is being managed by PennDOT and follows a
36 different process than if it were a County funded bridge project regarding a 30-day comment
37 period. The decision on whether this bridge is to be replaced or rehabbed ultimately falls upon the
38 Federal Highway Administration, since the project is primarily funded with federal dollars, and
39 they will render that decision by the end of the year. He also said that the County Administration
40 maintains that rehabilitation is not a feasible option as it will not improve the poor hydraulics and
41 flooding problems or the dangerous geometry caused by the narrow width and lack of stopping
42 sight distance.

43
44 Mrs. deLeon said the Township continues to maintain we want to rehabilitate it and we have to
45 wait and see what the Federal Highway Administration says. Unfortunately the man she talked to
46 said they had arials from years ago and the creek was definitely altered and created the erosion
47 underneath the bridge. When she talked to Mike McQuire, he said he was crawling around on the
48 bridge the other week, so they are out there and are looking at it. In conversations and emails, we
49 need to entertain whether or not the Township would like to buy the bridge for \$1 and put that to
50 rest. She would love to have the money and buy the bridge for \$1.

51
52 Mr. Gress said do we know if they decided on replacement, if they would be able to go around that
53 bridge. Mrs. deLeon said they asked them and they said no. Mr. Gress asked by buying the bridge,

1 what options does that leave us? Mrs. deLeon said we'd have to fix it and it's not even safe for
2 pedestrians. Mr. Gress asked if that's fixing the bridge right now for pedestrian safety or vehicle
3 safety, if you are proposing to buy it? Mrs. deLeon said she's proposing not to buy it, as they keep
4 saying why don't you buy it. Mr. Gress said he can't imagine what it would cost. Mr. Stauffer
5 said there's never been an assessment done. Mrs. Yerger said probably a couple of million dollars.
6 Mrs. deLeon said the problem is the hump, if you have a big truck, it's not a problem stopping on
7 both sides as you can see the hump, but when you are in a little car and short, you can't see if
8 someone is coming, even on a bicycle. Mr. Gress asked what the weight limit was. Mrs. deLeon
9 said she thinks it was 5 tons.

10
11 Mrs. Yerger said she talked to a gentleman from PennDOT when it first closed and they don't like
12 the bridge because of the lack of site, it doesn't meet their safety requirements. Mrs. deLeon said
13 unless it's made a one-way. Mrs. Yerger said they don't support it. Mr. Gress said there was a
14 request from P&R to see if pedestrians could cross it. Mr. Gress said why can't we say we don't
15 want to buy the bridge, then they are going to say okay, let's tear it down. Mrs. deLeon said let's
16 not do anything then. Mrs. Yerger said she doesn't have a whole lot of hope, but maybe something
17 will come along. There's a slight factor it might be in the historic district. Mr. Gress said would
18 we get money. Mrs. Yerger said it's PHMC, and they are leaning towards restoration. Fixing it is
19 incredibly expensive, but the stream is going to keep going this way and she's not sure how it's
20 going to be done. Mrs. deLeon said if we get a new bridge, they'll have the same problem. Mrs.
21 deLeon said maybe we could get RFP's on hiring somebody to do the step 2 of the National
22 Register process. Mr. Gress said even if it gets registered, it still doesn't stop them. Mrs. deLeon
23 said correct, but at least we have it documented. Mrs. Yerger said we are just having Leslie look
24 into it, we're not spending any money.

25 **MOTION BY:** Mrs. deLeon moved to have the Manager do an RFP to find a consultant to do the step 2 of the
26 National Register for the bridge.

27 **SECOND BY:** Mrs. Yerger

28 Ms. Stephanie Brown said you are pretty much signing a death warrant for that bridge and that
29 really pisses her off. You set the precedent with the Old Mill Bridge, now you don't want to
30 preserve another one that's equal in her mind in the importance and history of the Township. The
31 County doesn't want to be the bad guy. Years ago that should have been a priority and it wasn't
32 and she thinks what bothers her is now with the Rail Trail there, you could do so much down there.
33 She's upset and disappointed. Mr. Gress said we're not disagreeing that the bridge isn't important,
34 it's very historical. Our concern is you talk about bridges we preserved and about the Old Mill
35 Bridge, which is a steel bridge on abutments that isn't going anywhere. It doesn't have the
36 hydraulic issues or the stone and water erosion that this bridge has. The cost to maintain or
37 rehabilitate that could be in the millions. Mrs. deLeon said her first month on Council she voted to
38 save the Old Mill Bridge and we bought it for a dollar from the County and it took us years before
39 we could save the \$300,000 and take the rust off of it and make it the showpiece it is. Mr. Gress
40 said it wouldn't surprise him if it was ten times that amount to do the Meadows Bridge Road. Mrs.
41 deLeon said we had many years of meetings with PennDOT and it was all spelled out how to fix a
42 bridge. They did not follow those rules and the administration at the County changed, they did not
43 fix the bridge, so it's their fault it's crumbling. We can't make the County do it, don't say we
44 didn't try as we were all there trying. Ms. Brown said you can't help what they didn't do, but you
45 are responsible for it and they made it so there's no 30-day comment period. Mrs. deLeon said this
46 is a Federal decision, it's not a County decision. That's all we can do right now. Mr. Gress said it
47 says anticipated replacement should it come to that, they have the money in place for it. We can't
48 guarantee anything and until somebody can come up with a large sum of money and have it for
49 maintenance. Mrs. deLeon said we are fighting the fight and doing the best we can as a Township.
50 Mr. Gress said did you go to County Council? Ms. Brown said they don't want to hear it. Mrs.
51 deLeon said it's not in their control anymore, they have nothing to do with it now. Ms. Brown said
52 she was told it was not historic. Mr. Gress said he's sure they don't want to rehab a bridge where
53 they are going to fix it year after year. If they replace it, it's maintenance free for 10 – 30 years.
54 Mrs. Yerger said the Federal Government will pick up a large cost to pay for it. Mrs. deLeon said

we are doing what we can. Ms. Brown said you did enough to screw up her life in the last ten years, this is too much.

ROLL CALL: 5-0

E. REVIEW OF DRAFT BENEFIT POLICY FOR ADMINISTRATIVE STAFF

Mrs. deLeon said the Manager would like to present a paid time off and fringe benefit structure for salaried employees. Mrs. Huhn said there's an overview of benefits the salaried employees currently receive. Salaried employees have historically followed the non-uniform contract regarding paid time off. She drafted an outline which would become effective upon approval and brought back to Council with any future amendments. This is so the Department Heads and Administrative Assistants know clearly what their benefits are. There are many things in the contract we do not follow. This outlines basically the holidays which follow the contract and are 13. The vacation, personal days which are now four per year, sick day allotment is 8, bereavement follows the contract and then the life insurance which is slightly different than the non-uniform contract. Short Term Disability would follow the contract language.

Mrs. Yerger asked why Easter is listed as a holiday as Easter is on a Sunday. Mrs. Huhn said its Good Friday and Easter Monday that are recognized. Mrs. Louder said she knows this is based off the non-uniform contract. She said Black Friday is a holiday. Mrs. Huhn said it's the day after Thanksgiving. Mrs. Louder said there's one floating holiday. Mrs. Huhn said that has been historically in the contract and it's called a floating holiday, in the past they gave a day for birthdays. This is also very similar to the Police Contract, they get 13 as well, they just get different days. Mrs. Louder said most of them work on those days and get paid for it. What is the difference between personal days and holidays. Mrs. Huhn said on holidays the Township is closed. Personal days is if someone would say they want to take a personal day on a Monday when we're open. Mrs. Louder said that's a vacation day. She said are you hiring? She read over the vacation day allotment. They get 25 days, that's vacation days, then two personal days, one floating holiday, 13 holidays, does anyone work? Mr. Gress said its four personal days. Mrs. Louder said she wrote two as that's what she thought it should be. Eight sick days and the bereavement for the wife and parents should have been five days instead of four. This is in the contract, so it's not really open for discussion. You are trying to match what the contract says. Mrs. Huhn said we always have matched it. Mr. Gress said is this what the salaried employees have right now? Mrs. Huhn said yes, the difference is the personal days, it just changed to the non-uniform employees to four. Mrs. Louder said didn't they give something up for that? Attorney Treadwell said the entire non-uniformed contract was negotiated so it wasn't one for one. Mrs. deLeon said nobody ever gives anything up on a contract. Mrs. Louder said this is crazy, she needs a job here. Mrs. deLeon said she's glad this is in writing so everyone knows what they have.

MOTION BY: Mrs. deLeon moved to approve the benefit structure for salaried employees.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-1 (Mrs. Louder – No)

F. AUTHORIZATION FOR DISPOSAL OF TOWNSHIP PROPERTY – REQUEST TO SELL 2006 DODGE DURANGO, 2008 FORD CROWN VICTORIA, AND PUBLIC WORKS TRUCK #7 – 2008 FORD SUPER DUTY F550

Mrs. deLeon said Lower Saucon Township has recently decommissioned the 2006 Dodge Durango and the 2008 Ford Crown Victoria. The replacement for the 2008 Ford Super Duty F550 is nearing completion and will soon be in service. We are requesting Council approval for the disposition of these vehicles in accordance to the Pennsylvania State regulations. Mrs. Huhn said these are being decommissioned and we always present them to Council, per the code to advertise. Mr. Gress asked if this would go on Municbid? Mrs. Huhn said yes.

**General Business & Developer Meeting
October 16, 2019**

MOTION BY: Mrs. Louder moved to authorize disposal of the 2006 Dodge Durango, 2008 Ford Crown Victoria, and 2008 Ford Super Duty F550 in accordance to Pennsylvania State and Township Code regulations.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 18, 2019 AND OCTOBER 2, 2019 COUNCIL MINUTES

Mrs. deLeon said the September 18, 2019 and October 2, 2019 Council minutes are ready for Council's review and approval.

MOTION BY: Mr. Stauffer moved for approval of the September 18, 2019 minutes.

SECOND BY: Mrs. Louder

ROLL CALL: 5-0

Mr. Gress said we talked about the heating system in Seidersville Hall, did we get anywhere with that? Mrs. Huhn said we are going to bring this back on the next agenda, but it is forced air with radiators.

MOTION BY: Mr. Gress moved for approval of the October 2, 2019 minutes.

SECOND BY: Mr. Stauffer

ROLL CALL: 5-0

B. APPROVAL OF OCTOBER 2019 FINANCIAL REPORTS

Mrs. deLeon said the October 2019 financial reports are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the October 2019 financial reports.

SECOND BY: Mr. Gress

ROLL CALL: 5-0

C. MONTHLY DEPARTMENT REPORTS FOR SEPTEMBER 2019

Mrs. deLeon said the September 2019 monthly department reports have been submitted by Police, Public Works and Zoning per Council's direction.

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

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mrs. Huhn said the Saucon Valley Halloween Parade is this Sunday, October 20th at 2:00 p.m. We will have a truck and candy available for Council members. If you are planning to attend, we need to meet in the high school parking lot at 1:15 p.m. Let her know before Sunday if you will be riding in the truck.

➤ Mrs. Huhn said we have the plaque finished for Glenn's memorial for the ADA path at Woodland Hills. His wife provided us with two dates which work for the family right now, Monday, November 4th or Monday, November 11th around 4:00 p.m. We can go back to her and see if we could get another date. Mrs. Louder said have her give us works for their needs.

➤ Mrs. Huhn said the EAC has recommended that David Jauregui be appointed to the voting position, with term ending December 31, 2020, this replaces Sarah Stanlick's seat.

MOTION BY: Mrs. Louder moved for approval that David Jauregui be appointed to the voting position in the EAC, with his term ending December 31, 2020.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

➤ Mrs. Huhn said the EAC looked into contracting with the Dept. of Agriculture to get them onboard to help us with the Spotted Lanternfly. Hellertown Borough has signed a contract with them for the treatment of the Tree of Heaven. We have contacted Emily Fricke and their crew will take a look at what we have in the next couple weeks and get back to us. Mrs. deLeon said there are problems at Lower Saucon Road and the Ag people told them

they aren't going to cut down all the Tree of Heaven trees, as they will feed on other trees then. The Dept. of Ag crew has been out to Woodland Hills and did not see much out there. Mrs. Yerger said they attack the Sugar Maple also.

- Mrs. Huhn said the EAC has provided a recommendation to Council to participate in the Northampton County paper shredding event for 2020. They don't have a specific date but would like our support and to know if we plan to participate in it. We can participate in purging any documents we have to be shredded. They will request a few volunteers. Mrs. Yerger said the EAC has a lot of brochures to hand out.

MOTION BY: Mrs. deLeon moved for approval to participate in Northampton County's paper shredding event in 2020.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

- Mrs. Huhn said they will be coming back to complete the paving in the parking lot of the Heller Homestead. They were planning on doing it today, but with the rain they couldn't. The steps should be completed by next week. Mrs. deLeon asked if the trees came down. Mrs. Huhn said Roger will take them down.

Jr. Council Member – Avia Weber

- She said we all had a blast today with the PSATs. They are just getting back into the swing of things and have a debate coming up next month and are gearing up for that. A week from Friday the Environmental Club is hosting a fall fest after school for anyone who wants to come out, they are doing pumpkin decorating, a corn maze and anything to get in the fall spirit. Her cross country team is very hard at work killing lantern flies. Mrs. deLeon said if you send the Township information on the events you are having, they could put it on our Facebook page and we can send it out in Constant Contact.

B. Mrs. Yerger

- She attended Pint for a Purpose last night and it was a very nice evening and she had a good time. She was glad to see all the support for the fire companies.

Mr. Gress

- He attended Pints for a Purpose at Lost Tavern Brewing last night to benefit the fire companies and it was a really good night. Mrs. deLeon said they got almost \$3,000 and City Line will match it, so it will be \$6,000. Mr. Gress said it would be great if they could come to one of our Council meetings and present them the checks. Mrs. Huhn said she believes Jessica does plan to do a public presentation.

Mrs. Louder

- She was able to attend the Leithsville Open House and it was very nice and well put together and the community came out strong to support everybody.

Mr. Stauffer

- He went to the last Parks & Recreation meeting where they were talking about the design for the Little Free Libraries, which is in progress. The Committee discussed they would love to have the Meadows Bridge open for pedestrian traffic, but obviously that's out of our hands.
- He will participate in the parade on Sunday. Mrs. deLeon asked if our road crew was helping in the parade. Mrs. Huhn said did not believe so, but they will provide needed barricades. She will double-check with them.

Mrs. deLeon

- Last week we had our partnership meeting and discussed the Multi-Municipal plan. Our consultants are doing a great job. It's so different this time than ten years ago because a lot of it's going to be on our website. Now people can go on the link and you can look everything up. It's going to be very helpful.
- Next Wednesday is the Northampton County COG meeting and she'll be going to that.
- We have a No Smoking policy on Township properties. Mrs. Huhn said correct. Mrs. deLeon asked does that include vaping and should it. Mrs. Huhn said it probably doesn't

as vaping is new. Mrs. deLeon asked if somebody could look into that and see if vaping could be included.

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

VIII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 9:21 p.m.
SECOND BY: Mrs. Louder
ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Priscilla deLeon
Council President