

I. OPENING

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

II. INITIAL REORGANIZATION

- A. Election of Council President (yearly)
- B. Election of Vice President of Council (yearly)
- C. Designation of Council Meeting Time, Place & Date for 2020
- D. Resolution #01-2020: Depository of Funds (yearly)
- E. Resolution #02-2020: Secondary Signatures for Disbursements (yearly)

III. APPOINTMENTS BY COUNCIL

- A. Township Secretary (yearly): Resolution #03-2020
- B. Township Planning/Zoning Administrator (yearly): Resolution #04-2020
- C. Township Solicitors:
 1. General/Civil (yearly): Resolution #05-2020
 2. Planning Commission (yearly): Resolution #06-2020
 3. Zoning Hearing Board (yearly): Resolution #07-2020
 4. Township Environmental Solicitor (yearly): Resolution #08-2020
 5. Township EAC/Open Space Solicitor (yearly): Resolution #09-2020
 6. Township Labor Solicitor (yearly): Resolution #10-2020
- D. Township Engineer (yearly): Resolution #11-2020
- E. Township Planner (yearly): Resolution #12-2020
- F. Township Auditor (yearly): Resolution #13-2020
- G. Township Actuary (yearly): Resolution #14-2020
- H. Township Landfill Consultants (yearly): Resolution #15-2020
- I. Township EAC/Open Space Consultant (yearly): Resolution #16-2020
- J. Sewage Enforcement Officers (yearly): Resolution #17-2020
- K. Council Liaisons (yearly)

IV. REORGANIZATION RESOLUTIONS AND FEE SCHEDULES

- A. Resolution #18-2020 – Manager Salary
- B. Resolution #19-2020 – Chief of Police Salary
- C. Resolution #20-2020 – Director of Finance Salary
- D. Resolution #21-2020 – Director of Public Works Salary
- E. Resolution #22-2020 – Zoning Officer Salary
- F. Resolution #23-2020 – Administrative Assistant Salary
- G. Resolution #24-2020 – Administrative Assistant Salary
- H. Resolution #25-2020 – Adopting the Pay Scale for Non-Uniformed Employees
- I. Resolution #26-2020 – Adopting Fee Schedule
- J. Resolution #27-2020 – Establishing a Permit Application Fee Schedule for Onlot Sewage Systems
- K. Resolution #28-2020 – Designating Right-to-Know Officer and Assistant Right-to-Know Officer
- L. Resolution #29-2020 – Adopting Pay Scale for Township Uniformed Employees
- M. Resolution #30-2020 – Adopting Non-Uniform Employee Contributions to the Non-Uniform Employee Pension Fund
- N. Resolution #31-2020 – Adopting Police Officer Contributions to the Uniformed Employee Pension Fund

V. MANAGER'S APPOINTMENTS WITH COUNCIL CONSENT

- Zoning Hearing Board: (Five-year term 12-31-24)
- Planning Commission: (Four-year term 12-31-23)
- Environmental Advisory Council: Members: (Three-year term 12-31-22); Assoc. Members: (One-year term 12-31-20)
- Fire Marshal: (One-year term 12-31-20)
- Township Historian: (One-year term 12-31-20)
- Township Historical Committee: (One-year term 12-31-20)

- Emergency Management Coordinator: (One-year term 12-31-20)
- Landfill Committee (One-year term 12-31-20)
- Pension Advisory Committee (Three-year term 12-31-22)
- Parks and Recreation Board: (One-year term 12-31-20)
- SV Compost Center Committee: (One-year term 12-31-20)
- Hellertown Library Board (Three-year term 12-31-22)
- Lower Saucon Authority: (Five-year term 12-31-24) (Four-year term 12-31-23)
- Township Controller (Four-year term 12-31-23)

VI. ADJOURN REORGANIZATIONAL MEETING

GENERAL BUSINESS MEETING

I. PRESENTATIONS/PUBLIC HEARINGS

II. DEVELOPER ITEMS

III. TOWNSHIP BUSINESS ITEMS

- A. Authorize Signing of Engagement Letter with Hutchinson, Gillahan & Freeh
- B. Authorize Attendance at PSATS Conference
- C. Discussion of and/or Appointment of Council Vacancy if Necessary
- D. Heller Homestead – 1890-1892 Friedensville Road – Authorize Final Payment for Masonry Work and Enter into Maintenance Period
- E. Authorize Advertisement of Lawn Mowing Bids

IV. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of December 18, 2019 Council Minutes

V. PUBLIC COMMENT ON NON-AGENDA ITEMS

VI. COUNCIL AND STAFF REPORTS

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

VII. ADJOURNMENT

Next Saucon Valley Partnership Meeting: January 8, 2020 @ 6:00 p.m. @ SVSD
Next EAC Meeting: January 14, 2020
Next Council Meeting: January 15, 2020
Next Planning Commission Meeting: January 23, 2020
Next Zoning Hearing Board Meeting: January 27, 2020
Next Saucon Rail Trail Oversight Commission Meeting: January 27, 2020 @ 6:00 p.m. @ CB
Next Parks & Recreation Meeting: February 3, 2020

I. OPENING

- A. CALL TO ORDER:** The Reorganization meeting of Lower Saucon Township Council was called to order on Monday, January 6, 2020 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Priscilla deLeon, President presiding. Mrs. deLeon welcomed Lou Mahlman who won another four-year seat as Controller. To date, he's been our Controller for ten years. She congratulated herself, Jason Banonis and Sandra Yerger who won four-year seats and Jason Banonis who also won a two-year seat. She was first elected in 1987 and re-elected to her 9th term in 2019 starting her 33rd year on Council as of today. Sandy was elected to a four-year term and served two terms from 2004 to 2011 and a third term from 2016-2019 and now 2020 to 2023. This is Jason's first term, congratulations to all. She received a Certificate of Election from Northampton County Election Office which she gave to the Township. If you haven't presented yours, we should start a new policy to do that so the Township has it on file. So we can be sworn in to the proper offices, she asked Mr. Banonis which seat he was going to take. Mr. Banonis said he will be accepting the two-year term. Mrs. deLeon said she would like to recognize Magisterial District Judge Mege who is present tonight to swear in the Council members and Controller.
- B. SWEARING-IN** – District Magistrate Alan Mege swore in Priscilla deLeon, Sandra Yerger and Jason Banonis as Council members and Lou Mahlman as Controller. Mrs. deLeon said her hope for the New Year is that Council will work together for the betterment to the residents of the Township because you all deserve that.
- C. ROLL CALL: Present:** Council members: Priscilla deLeon, Sandra Yerger, and Jason Banonis; Leslie Huhn, Township Manager; Lou Mahlman, Controller; Brenda Detweiler, Administrative Assistant; Linc Treadwell, Solicitor.
- D. PLEDGE OF ALLEGIANCE**
- E. ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE):** Mrs. deLeon said Council did not meet in Executive Session since our last meeting.
- F. PUBLIC COMMENT PROCEDURE:** Mrs. deLeon said after discussion by Council, the administrative and appropriate individuals, we will open the floor for comments and questions for each agenda item. For non-agenda items, you will have an opportunity for public comment near the end of the end of the agenda under Public Comment/Citizen Non-Agenda Items. There is a sign-in sheet in the back of the room, please print your name and address. It is very helpful in transcribing the minutes. To speak to Council, please come up and use the microphone, please state your name and address. If you can't hear let us know. If you're not signed up to received agendas, newsletter, or different events to keep updated, you can sign up on our website. You can also follow tonight's agenda on the website for additional information. At the conclusion of the Reorganization portion, we will adjourn and immediately go into the General Business meeting.

II. INITIAL REORGANIZATION

- A. ELECTION OF COUNCIL PRESIDENT (YEARLY)**
Ballots were passed out among the three Council members. Mrs. Huhn said we have three votes for Mrs. Yerger as Council President.
- B. ELECTION OF VICE PRESIDENT OF COUNCIL (YEARLY)**
Mrs. Yerger asked if Council wanted to do motion or do ballots for election of the VP. Mr. Banonis said ballots. Mrs. Huhn said Mr. Banonis had two votes and Mrs. deLeon had one vote for Council V.P.
- C. DESIGNATION OF COUNCIL MEETING TIME, PLACE & DATE FOR 2020**
Council meeting time for 2020 is the first & third Wednesdays of the Month at 7:00 p.m. at Town Hall. There would be one meeting in July and August any extra meeting would be advertised.

MOTION BY: Mr. Banonis moved for approval of the first and third Wednesday of the month at 7:00 p.m. at Town Hall each month, except for July and August where there would only be one meeting on the third Wednesday.

SECOND BY: Mrs. deLeon

ROLL CALL: 3-0

D. RESOLUTION #01-2020: DEPOSITORY OF FUNDS

Mrs. Yerger said staff recommends continuing with PLGIT, Fulton Financial Advisors, BB&T and Embassy Bank.

MOTION BY: Mrs. deLeon moved for approval of Resolution #01-2020 – Designating Financial Institutions as Depositories for the Year 2020.

SECOND BY: Mr. Banonis

ROLL CALL: 3-0

E. RESOLUTION #02-2020: SECONDARY SIGNATURES FOR DISBURSEMENTS

Mrs. Yerger said Council should appoint two (2) members of Council for secondary signatures for disbursements. Council may wish to also name an alternate in the case of three signatories being unavailable. Mrs. Huhn said it's normally the Manager and the Controller, and in the past we have always had the President and Vice President as first and secondary signatures, then an alternate Council member, if you so choose.

MOTION BY: Mrs. Yerger moved for approval of Resolution #02-2020 with the Sandra Yerger, President and Jason Banonis, Vice President as secondary signatures and Priscilla deLeon as an alternate.

SECOND BY: Mr. Banonis

ROLL CALL: 3-0

III. TOWNSHIP BUSINESS ITEMS

C. DISCUSSION OF/APPOINTMENT OF COUNCIL VACANCY, IF NECESSARY

Mrs. Yerger said if you look further down on the agenda, Agenda Item III.C. Discussion Of/Appointment of Council Vacancy, If Necessary", she thinks it's important to have as many Council members on board so we can represent the broad diversity of our Township, so she'd like to move that item up to the next item on our agenda.

MOTION BY: Mr. Banonis moved for approval to move item III. C. under Township Business as the next agenda item.

SECOND BY: Mrs. Yerger

Attorney Treadwell said if your concept is to move that item under the Business agenda to now, Mr. Banonis made a motion to do that. Mrs. Yerger said she seconded it.

ROLL CALL: 2-1 (Mrs. deLeon – No)

Attorney Treadwell said if you are going to do that now, there is a vacancy that was created by the resignation of Mr. Stauffer that is currently under the jurisdiction of the Northampton County Court of Common Pleas. There is also a vacancy that was created this evening when Mr. Banonis accepted and took the oath for the two-year seat. There is a vacancy in Council on the four-year seat. The initial hearing that was created by Mr. Stauffer's resignation will take place on January 8th at 9:00 a.m. at the Northampton County Courthouse. This Council, as constituted now, has to decide what you would like to do with the vacancy created this evening.

Mrs. deLeon said we should go through the process like we have and advertise for letters of interest and open it up to the broadest amount of people just like we discussed when we had the last vacancy discussion and put a time limit and deadline on it and then review the list and interview the candidates.

Mr. Banonis said he disagrees with that respectfully. He thinks that she was here for that process in December and he had suggested to Council at that time that they defer that process in December for this meeting and the response he received was that Council members had sworn an oath and they were discharging that oath by pushing that issue along at that time. He thinks we know who is interested in this position and he thinks we are certainly positioned and knowledgeable of the qualifications. Mrs. deLeon said that was for a different seat. She remembers Mr. Banonis' comments, but that was for the seat we were doing that evening and it was for Mr. Stauffer's seat. Mr. Banonis said all seats on Council hold the same weight. Mrs. deLeon said the seat wasn't vacated yet. Mr. Banonis said the seat that was open by Mr. Stauffer's resignation was for a two-year term and the seat that is open now by him not accepting the four-year term would also be for

Reorganization & General Business Meeting

January 6, 2020

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two years until the next election which would be in 2021. He respectfully disagrees that it's a different issue. It's the same issue; it's a vacancy on Council for a two-year term.

MOTION BY: Mr. Banonis moved to move forward with the process and to consider applicants who had previously applied for the Council position and have a vote today.

SECOND BY: Mrs. Yerger

ROLL CALL: 2-1 (Mrs. deLeon – No, she said we should continue to follow our process.)

Mrs. Yerger said in light of this, we have had several applicants, some are here, and she would like to respectfully make a motion.

MOTION BY: Mrs. Yerger moved to appoint Thomas Carocci as a Council member for the vacancy in the four-year seat. He's served for years on the Planning Commission and EAC. He's done his due diligence and understands the Township considerably.

SECOND BY: Mr. Banonis

Mr. Banonis said Tom has certainly been active within the community and the Township and the County as well. He's highly qualified and has a sincere interest as he applied for Glenn Kern's position. He regularly attends meetings and he's abreast of Township issues and expressed interest in the opening that was present when Mr. Stauffer resigned. That's an excellent recommendation. Mrs. deLeon said she knows Tom and worked with him when they were on the search committee for the Police Chief. They went through an extensive process and she was very impressed that they were on the same page and agreed on policies and procedures and we're not doing that tonight. She's very disappointed in that process tonight. She feels that she has a responsibility to the residents she serves to be consistent and she understands we can't always be consistent on everything we do because there's black, red, green and blue and positions like this we owe it to the residents. You go into the voting booth and there's rules they must follow and we have to have standard rules we follow. This is no disrespect to Mr. Carocci or his qualifications, it's the procedure. She's very unhappy that the other two Council members are not seeing that. She has some questions for Mr. Carocci.

Mr. George Gress said he wanted to speak on the last motion that was never allotted public comment where you motioned to appoint someone tonight. Mrs. deLeon said she was sorry. Mr. Gress said with all due respect the last time we did this process in December, he was sitting on Council and was ineligible to apply for that vacancy. Now, he is no longer up there and is now eligible and interested in the position; therefore, he requests we go through a process that is more open and fair. Actually since November, when Sandy insisted we have more time to allow people to apply due to people being on vacation or whatever. We want the broadest range possible, that's what we got to do. So therefore, I, George Gress, of Old Philadelphia Pike am interested in the vacancy on Council, but to go and appoint someone immediately is quite a rash of judgement he believes and there is plenty of time to make a decision and allow the process to continue, get a broad variety of candidates and get the best person for the seat. He's not saying that's not Tom, he's not saying it is Tom, he's not saying it's not him, but there may be other people in this audience that may be interested in that seat, and he believes everyone needs a fair shot, not just him and Tom. Allow the process to play out for all the residents of the Township, give everybody a fair shot.

Mr. Banonis said he doesn't know if our vote here today provides for questions from Council. He doesn't think we agreed upon a process. He thinks we can open it up to the public if they have any questions or concerns they want to express to this board, but to allow certain Council members to question Mr. Carocci, you had that opportunity on December 18th and he answered your questions very candidly and honestly. To the extent he needs to raise an objection, he will. He doesn't know if that's the proper thing to do.... Mrs. deLeon said this isn't a court room Jason; and as a Council person if we are voting on something....Mr. Banonis said allow me the courtesy to finish. Mrs. deLeon said whatever, I'm still going to object. Mr. Banonis said again, it's not a court room, like you said. Mrs. deLeon said that's right. Mr. Banonis said he doesn't believe there's been a process put in place here that allows for questions coming from Council. This applicant who has been nominated and you had your opportunity to question him, not just once, but twice. This is the second time he has gone before this Council and sought this position and you had the opportunity

to question him. You know who he is. You said you know who he is as you served with him, so to ask questions at this point is an attempt to exploit him for political gain and I will object to it and will not agree to it. Mrs. deLeon said you can't stop me from asking a question. Number one rule and number one, let's say classroom lesson for you tonight, is you can't tell another Council person what they can and they can't do. So just write that down and you'll remember. Don't tell me I can't ask a question. Attorney Treadwell said he thinks what we are discussing at the moment is the procedure which we had a vote on earlier as to how we were going to proceed with the appointment of a new Council person. Mrs. deLeon said what was that procedure? Attorney Treadwell said the procedure was to not go ahead with the advertisement and to make a motion tonight. Mrs. deLeon said she's allowed to further question a vote. Attorney Treadwell said you can question that vote. He thinks if this Council is going to question people who are nominated or who when a motion has been made to appoint, Council as a whole needs to agree one way or the other as to what those questions are going to be put to this individual. Mrs. deLeon said really Linc, you're going to tell her she can't ask a question? Attorney Treadwell said what he's saying is there's a procedure in place to discuss how this appointment will or will not be made. Mrs. deLeon said she's not talking about that. She has a question she would like to ask Tom. Mrs. Yerger said why does it have to be now. Mrs. deLeon said well when is it going to be. Are you voting on it tonight? Mrs. Yerger said we're voting on it, not Tom. Mrs. deLeon said she's voting on it and as a Council member, the Sunshine Law says questions have to be asked before a vote is taken and she's up here and she'd like to ask a question. Mrs. Yerger said well ask it. It should be a general question, it shouldn't be directed at a participant in the audience. Mrs. deLeon said if we were here appointing somebody to the ZHB or whatever, and they had that one come to a meeting, they are here to ask any questions we may have, how long have you lived in the Township, do you like open space, do you like this, do you like that. We are allowed to ask questions. Mr. Banonis said he believes those questions have already been asked and answered.

Ms. Kristen Stauffer said she had a comment on the previous agenda item. She's actually curious, Mr. Banonis, since you are a sitting Council member, how are you familiar with all these candidates who applied for this position and did you request their applications in advance of today's meeting. Mr. Banonis said no, he attends the meetings just as she did on December 18th and he heard what they had to say including Ms. Stauffer. Ms. Stauffer said she recalls he also stepped out at certain points at that meeting, so she's not sure if he heard everyone's testimony. Mr. Banonis said he was there for the majority of the meeting. Ms. Stauffer said she's wondering if that's acceptable. She was attending that night as well. Would it be more procedurally correct to interview those candidates yourself as a sitting Council member and evaluate their credentials in that forum? Mr. Banonis said he was satisfied with the questions that were asked and he had the utmost confidence that our Council members, including Mr. Gress who was sitting up here, asked appropriate questions and he was happy with the answers. They answered his questions and any concerns he may have had. Ms. Stauffer said you are taking that opportunity away from anyone now who would like to apply for this position. Mr. Banonis said no, those people had that opportunity previously on December 18th. Ms. Stauffer said but you are taking that opportunity away now from others who might be interested in the vacancy that you, yourself have created. Mr. Banonis said there is still a vacancy that exists because of your husband resigning, so if there is a vacancy, there is a vacancy available to those people because you applied. Ms. Stauffer said yes, she has and so has Mr. Carocci, so why is his nomination tonight possible. Her husband isn't on Council right now, so that's a moot point. This is a fresh year, a fresh Council. It seems to follow that when George was appointed, it would be a good idea to broadcast the position for anyone who is interested to apply for this position. She does realize that he and Mrs. Yerger may be able to out vote this, but she hopes the record for this meeting will show no fair hearing for new applicants who may or may not have been eligible. Mrs. Louder wasn't eligible at the time, perhaps she would be interested, or somebody else. If it had been yourself, wouldn't you want that chance? That's kind of her point here, and she's wondering if Council could reconsider the vacancy and sort of treat it with that level of care that they have in the past. There was such a huge push for such a long interview process last time and now that it's not the holiday season, more and more people would be able to probably pay attention to the fact that there is a vacancy and evaluate the

calendars for the coming years to see if this would be an opportunity that they could pursue and service to others. It does seem a bit rash to make that decision tonight and not give everyone a fair process. It's not court as you mentioned, but it seems a bit rash to make that call tonight and not necessarily examine to see if there's any new potential residents in the Township outside of anyone in this room who would be interested in serving in this manner.

Mrs. deLeon said we have 30 days to appoint somebody once we learn of a vacancy and we learned that tonight by you withdrawing your one seat. To use applicants from last month, a whole month has almost passed. Mr. Banonis said in all fairness, you did select your own peril. You did know this was going to happen today and you insisted on pushing this forward on December 18th with the encouragement and support of Mr. Gress and with the encouragement and support of Mr. Stauffer, so to complain about that at this point is really disingenuous. Mrs. deLeon said she's not complaining and you have to understand that on the 18th we were looking for applicants for Ryan's seat. We're not doing that tonight, we're looking for applicants for your seat that you just vacated. You got to get it straight, you're not getting it straight.

Mr. Banonis said a seat is a seat and they are both for a two-year term. Mrs. deLeon said and the law has specific constraints on that we had 30 days to appoint the seat for Ryan. Mr. Banonis said and we did for this seat as well, and we are choosing to do it today. Mrs. deLeon said show me that in writing where the December 18th meeting applies to tonight. Mr. Banonis said that meeting brought forth candidates, and from those candidates who came forward, we are selecting one of them for the appointment tonight. You knew that meeting on the 18th had a connection to the proceedings tonight. Mrs. deLeon said no. Mr. Banonis said he raised that issue. Mrs. deLeon said don't talk about what's in her head, she knows what's in her head and she knew on the 18th we were dealing with Ryan's seat, period. We had applicants for that seat, period. This is a whole new ball game. Mr. Banonis said he thinks Mr. Gress is waiting to speak. Mrs. deLeon said okay, just continue to be rude.

Mr. Gordon Gress, Black River Road, said he's a little upset the way this is starting off. You people are certainly not setting a good example for the way Council should be operating. For one thing you are two to one, so you are closing the opposition off for any other interested parties other than the ones that were interested, and there may be someone here who became interested and because of the way things have gone, you are not going to allow them to be considered because you already got your minds made up. Plus you are going to have possibly a court-appointed one in the next day or so, and you are not giving him or her any opportunity to voice an opinion. That's not the way things are run. He got big problems with that if that's the way things are going to be run in this Township.

Mr. Banonis said well, Mr. Gress, the way things are supposed to be run is that the existing Council members are supposed to select an appointee to fill a vacancy and that didn't occur at the last meeting because of politics; and now, the court is going to take an extraordinary judicial function and step into the role of Council to try to find an appointee to fill that vacancy. So to suggest this Council somehow acted in violation of its mandate is incorrect because our mandate is to find an appointee, have a vote on it, and to appoint that person to sit on Council, not to allow it to go to the Court. It's actually the first responsibility of Council who is supposed to take care of these issues. To go to Court, you are asking a different branch of government to step into the legislative role of this Council, and that really is extraordinary. Mr. Gress said that's because Council couldn't agree at the last meeting. Mr. Banonis said this Council can agree. Mr. Gress said yes, because you obviously are two to one and that is not the way things are supposed to be run. He's sorry, you had your opinion and he knows Mr. Banonis is a lawyer, but just because you are a lawyer doesn't mean things are right. Just because the law says you can do it this way, this way, this way, does not mean it's right.

Ms. Suzette Califano, 1485 West Raders Lane said she just wants clarification, the seat that you are making the motion on right now, is that a two-year or a four-year? Attorney Treadwell said it was

a four-year seat and that became vacant when Mr. Banonis accepted the two-year seat tonight. Ms. Califano said that's the one you are talking about tonight. Attorney Treadwell said correct. The one on Wednesday is a two-year seat as well. This one will be two years because when there's a vacancy, the appointment to fill the vacancy only lasts until the next municipal election which is 2021. The one that will be in front of the Court on Wednesday is also filling an unexpired term, which would make it a two-year seat as well. Ms. Califano said since they are making a motion, it's obviously two to one, does it really make any difference what we say. Attorney Treadwell said absolutely it makes a difference what you say. Ms. Califano said in what way? Attorney Treadwell said that's what public comment and participation is for. Whether you change anybody's mind, he can't answer that, but you have the ability to say what you want. Ms. Califano said so our job as an audience or resident is to change her mind, his mind or her mind. Attorney Treadwell said he's certainly not going to tell you what your job as an audience is, but you have the ability to make that attempt if you so choose. Ms. Califano said that's what she wants to know, the reason for public comment would be to persuade...Mrs. deLeon said for us to learn more information on what we are talking about. Attorney Treadwell said or to state your own opinion. Ms. Califano said it's just our opinion and it doesn't matter. Mrs. deLeon said it matters to her. Mrs. Yerger said she thinks it would matter if you want to express your opinion. Ms. Califano said only if it means something. She thinks Mr. Banonis said on the 18th it was politics. She doesn't care who is Republican or Democrat or anything like that, she would like to interview people and hear what they have to say. She doesn't care what their party is. She cares about being a resident of Lower Saucon and what they are going to do for her and her property and her rights. She doesn't want politics involved and she would like her opinion to matter but it doesn't seem like that will happen.

Mrs. Yerger said her opinion does matter to her, but here's the bottom line and she's going to be blunt. She doesn't care what party he is; she's perfectly honest, she has worked with him, he's a solid candidate and that's why she made the motion. He has dedicated an awful lot of time as a volunteer on multiple committees from the EAC to the P/C. He's made some very good judgments. He cares about the community a lot and that's why she made the motion she did, period. She doesn't care what party he belongs to, and that's the bottom line and that's the honest to God's truth.

Mr. Banonis said neither does he. For the same reasons that Sandy made the motion, he seconded it. In addition to that, he's fiscally responsible. He wants to keep our taxes low and that's very important. He understands the importance of a revenue stream and he understands the importance of our expenditures. He's going to stay focused on keeping a tight control over that so that our taxes can stay low and we can have the services that we all enjoy.

Ms. Califano said aren't there other candidates that had those same things too? Mr. Banonis said we heard from candidates on the 18th. There were some outstanding candidates who came in. Ms. Califano said she thinks it's very hard to make a decision. Mr. Banonis said he disagrees. He thinks he heard enough and just as we had heard on the 18th that it was important for this Council to discharge it's duties in having an appointment, that's why we are moving forward with it today. Ms. Califano said okay, she just wanted to ask those questions, thank you very much.

Mrs. Donna Louder, Steel City, said as you all know, she was dethroned, but she was dethroned in 4th place, so being she came in 4th in the election, so being that we have all these extra seats, wouldn't it be the right thing to do is throw her right back up there. Come on folks, root for me. Mrs. deLeon said she could apply but they are not allowing you the opportunity to do that. Mrs. Louder said she's applying. She's standing up here applying, so the bottom line is she came in 4th and she sat there for four years. The Township became debt free under her watch, Black River Road has the potential of being fixed in the spring by saving over \$500,000, the landfill was held off from the rezoning, she had three blighted properties knocked down, and she cleaned up some of the PD issues, so you know what, why not pick her and put her up there for two years. She knows what she's doing. She can pick up right where she left off. The other thing is the fire department.

That needs to be cleaned up and she's already on top of it. She can share a lot and Sandra, you know that.

Mrs. deLeon said one thing she learned from sitting up here is it's never "I", it's a "we" thing, you can never do anything by yourself. Mrs. Louder said she never did anything by herself, as she sat up there and was part of the team. Mrs. deLeon said okay. Mrs. Louder said yes, she completely understands what team work is. Mrs. deLeon said yes, me too. She's not seeing too much of it tonight. Mrs. Louder said she's asking you to choose her tonight. Thank you.

Mr. George Gress said he's got to give Mrs. Louder credit, that's true you were in 4th place. Congratulations. Mrs. Louder said we accomplished a lot of things. Mr. Gress said he was only on for one year. He thought we got a lot accomplished working as a team together, he agrees. He was the 5th place vote getter, she beat him out. Attorney Treadwell said Mr. Gress are you addressing Council or are you going to have a conversation with Mrs. Louder? Mr. Gress said Donna got up and made a really genuine point. Mrs. Yerger said she was addressing us, is what he is saying. Mr. Gress said he understands that, give him a little leeway. She was the 4th place vote getter and he was the 5th place vote getter and Kristen was the 6th place vote getter. But we all ran and showed our interest because we wanted to do what we could for this Township and help the residents. Those other candidates we interviewed last month, there was only one that ran, and nobody else ran. If they were that interested in helping the Township and being that involved, they should have ran the election. They should have gone after it then, what changed? He knows what changed now, it's now January and he's not up there anymore and he wants an opportunity just like Donna wants an opportunity. We all want a chance, not go, and I'm up here now and we're just going to appoint who we want. Mr. Carocci is tied up in the courts right now. Maybe he's going to get appointed in two days, you don't know that.

Mr. Banonis said it's his understanding that he's withdrawn his application to the Court. Mrs. deLeon said so this was prearranged before tonight's meeting. Mr. George Gress said if that's the case, then we should wait until the courts make their decision and allow four people up there to make a decision who is to fill that spot. Like he said, there's nothing on this agenda that you can't handle tonight with three people.

Mr. Banonis said so he understands his argument, it's that Mr. Carocci is unqualified to sit on this Council because he never ran an election, yet you were appointed to this Council, correct, without having run? Mr. Gress said that's correct, but he never said he was unqualified. Mrs. deLeon said she never heard Mr. Gress say he's unqualified. Mr. Gress said he just said he didn't run in the election. Mr. Banonis said is your argument that he should not be sitting on this Council because he never ran an election, but yet you, sat on this Council, and was appointed to this Council without ever having run an election. Mr. Gress said no, not at all. Mr. Banonis said okay, he misunderstood him. Mr. Gress said he's sorry you did that. All he's saying is that there's other people in this audience, besides Mr. Carocci who would like an opportunity for that vacancy, that's all he's saying. Should you so choose to appoint someone tonight, that's your decision, so be it. But in the long run, what decisions you make tonight can make a big difference down the road. He understands that he's for keeping taxes down, and that's great. Everybody wants their taxes to stay low, he wants his taxes to stay low, but sometimes there are things you can't help. Maybe he attends other meetings, he hasn't really seen Mr. Carocci at many Council meetings, he hasn't seen Mr. Banonis at many Council meetings, other than recently since you were elected, sometimes you would show up late and leave early, but you made an effort. Mr. Gress said he made all the Council meetings last year after being appointed. He did his duty to the Township and its residents, and tried to serve them to the best of his ability, just like everybody in this audience who is here tonight, wants done, what's best for this Township, not what's best for the three of you up there, or if there was five of you up there.

Ms. Califano said she thinks that everybody on the Council should learn to be harmonious and you are going to have to be as there's a lot of opposition, a lot of people talking, some people whispering behind here, you can't be like this.

Mrs. Yerger said she has to tell you. This is the first time that the politics have ever come up. Ms. Califano said she's so glad that she said that. Mrs. Yerger said we didn't even really know what party anybody is, it never came up before this. Ms. Califano said also because there are some people popping up and saying they want a chance or they know someone who wants a chance, you shouldn't be so hasty as to appoint someone right now. You should consider it a little bit longer and that's just her point of view. Mrs. Yerger said she appreciates her point of view, she really does.

Ms. Stephanie Brown said she grew up in Lower Saucon, graduated from Saucon Valley and grew up on Meadow's Road. The Meadows Road Bridge is a very important part of her life and the last ten years she has been unable to live in the Township. The reason she can't live in the Township is because of what the Police Department did to her and it's been a very tough ten years for her. The PD refused to listen to her about domestic violence and she doesn't think that's a joke. She has not been able to recover her life for ten years. She sees the dirty politics being played here tonight and she's just sick. She can't be in a community that means the world to her because of what the PD did to her. She came to you, how many years ago and she told you about the bad things that were going on, but nobody listened to her. But funny, when you got sued, it became a different story. What makes her upset is to see what's going on here. Mrs. Yerger, you said politics have not been involved with many of the things this Council does, that is just so not true. There were dirty politics when Tom Maxfield was here, all the insults he insulted people with. That's part of the dirty politics, but she can't sit by and watch this. Mr. Banonis you said that it's extraordinary that this has been taken to court. It's written in the law, it can't be that extraordinary, it's part of the process. She wishes the law was written differently. She wishes the law said there had to be a special election. To go and pull this kind of political stunt is not okay. There are very good people sitting in this room who did run for election and they deserve an opportunity to be heard. Just because of what happened in 2019, it's now 2020 and you should not be going back, you should be moving forward. Moving forward by allowing the process to reset itself and start all over again. She's not happy to see this and she knows what she has been through with this Township and how it ruined her life. She doesn't want to see anyone else go through that. Thank you.

Mr. Matthew Munsey said he's not a Lower Saucon resident, he's actually involved with the Democratic party in Northampton County. He didn't want to have to speak tonight but he feels like he must because he doesn't think this is a partisan issue, and it shouldn't be a partisan issue, but it absolutely has become politicized as people have commented tonight. He looks and wonders what's different. Why are things worse tonight, why are people upset tonight; and there is a new element here. He thinks everybody is feeling that, but he heard Mr. Banonis last month, and it was 28 days into a vacancy, that he said why are you rushing this, so why are you rushing this tonight and it was explained that Council had 30 days to fill the seat or risk it going to the courts. That was the reason Council was trying to fill the vacancy after a full four weeks had passed and they had interviewed applicants. He still felt it was rushed after a full 28 days and now he wants to do it now, why was it 20 minutes after the seat became open. It seems a little backwards to him. Mr. Banonis said to be clear it wasn't his motion, he seconded it. Mr. Munsey said you did second the motion, you did think it was a good idea to go ahead and appoint tonight. He thinks it's been brought up that was a different seat at the time, the appointment will be for the same period of time, but there were members of Council at the time that ran in the election who could not be in the running at that time; and now they are both interested, they both have said so tonight. Instead it looks like these Council members have come with their minds made up, not interested in what anyone else has to say and that goes to comments that other people have said, it doesn't seem that it matters what people say. One thing he's particularly curious about is whether any of the applicants were in any way contributed to or helped the campaigns of the Council members right now. Was there any involvement among the applicants or particularly Mr. Carocci?

Mrs. deLeon said she'd like to ask Tom and that was one of her questions, as she knows he helped Jason at the election and he had something to do with Jason's finances and he donated money on one of the campaign things, so he definitely had a big role in helping both Jason and Sandy getting re-elected.

Mr. Banonis said whether or not Mr. Carocci had any role in his campaign is totally irrelevant to his decision tonight. He says that in complete candor and honesty. The reason he says that is there's really no difference between what's going on tonight and what happened on December 18th and that is, on election day, November 5th, it was abundantly clear and in fact admitted to him by Mr. Gress that he and Mrs. deLeon were running a campaign together in some form of alignment with Mr. Stauffer, so to suggest that because a person was involved in their campaign, somehow raises a specter of bias or favoritism is really wrong, when you have other individuals who have stood up here today and have stood up here on December 18th for the exact same circumstances, if not more, who are actively open campaigning together with a member of this Council and to suggest our decision tonight is somehow biased or determined by that is really unscrupulous.

Mr. Munsey said with all due respect, he simply asked a question. Three weeks ago you accused, I believe you brought up whether Council members had voted improperly, you suggested there might be a quid pro quo in the case of one of the Council members and here we have a case that he thinks people have a right to know now that you are on the other side, is there potentially a quid pro quo in terms of you rewarding somebody who helped your campaign.

Mr. Banonis said he's not going to get in to who helped his campaign. He's not going to get into who donated to his campaign. Those are all public records, which were fulfilled in accordance to the election laws. He's sure Mr. Munsey has copies of them and he's sure Mrs. deLeon does as well, so if you have those records and you want to make an issue of them, have at it, but it's not going to make a difference in how he makes his vote tonight.

Mr. Munsey said for the record, he's not going to get an answer to the question in terms of any potential conflicts of interest here. Mr. Banonis said there is no conflict of interest, that's the answer to your question. Mr. Munsey said because you say there's not. Mr. Banonis said exactly, just as Mrs. deLeon brought up at the last meeting, he asked her if there was an ethical question and she told him to go to the Ethics Board. He would encourage you to do the same, if that's what you feel is necessary here, then have at it because there's nothing inappropriate or improper by nominating and seconding and placing Mr. Carocci on this Council. To suggest he's unqualified because he was involved in political campaigns, it's beyond understanding to him. This gentleman has donated tremendous time to this community. He lives in this community, he cares about it and that's why he belongs on this Council, not for any other reason.

Mr. Munsey said sorry, he doesn't believe anybody has stated that Mr. Carocci is unqualified for the position. He thinks the question he's hearing from residents tonight and that he shares, is why it is so important that this happened right away tonight. Is there likely to be a discussion on the reorganization appointments that it's necessary to have someone immediately on Council. Why it's being pushed so fast he thinks it leaves residents to ask why do we have to do this and why are we pushing a particular candidate tonight.

Mr. Banonis said by having a fuller slate of Council members, we can make better decisions on other agenda items we have. Mr. Munsey said you expect there to be contention on some of these agenda items or appointments. Mr. Banonis said he doesn't know. Mr. Munsey said there are unanswered questions, it's Council's prerogative to decide whether they wish to respond, but he believes members of the public are interested to know.

Mrs. Yerger said point blank, she made the nomination because she knows Mr. Carocci, she respects him, and she believes he'll do his best for the Township, and that's really why she did it. She's not going to defend it any other way. When we went through the last candidates and we

went through this process over and over again, he rose to the top, so she doesn't feel any guilt in appointing him tonight for this position. Mr. Banonis said neither does he.

Mrs. deLeon said you can't fool the people all of the time and you might be able to fool them some of the time, but there's very smart people in this Township and very smart people sitting in this room and they all get it.

Ms. Stephanie Brown said no disrespect to you, Mrs. Yerger, or the EAC or any of the good work you've done, but a lot of this is about that he's on the EAC and as important as it is, there's so many other things that are important in a candidate and she unfortunately only knows of him through some of this work with the EAC, but again, that's the bigger point for you, to sit there and say anything else would be wrong. Mrs. Yerger said that's your opinion.

ROLL CALL: 2-1 (Mrs. DeLeon – No)

Mrs. deLeon said no disrespect Tom, but she doesn't like the process, and she thinks there was many things said at the last meeting that we should have had an open process for this and it's no disrespect for you or your qualifications.

Someone asked if District Magisterial Judge Mege could swear-in Mr. Carocci. Attorney Treadwell said he's been appointed, so if you want to swear him in, you can. Mrs. deLeon said and again, we had it already set up. Mrs. Yerger said she did not talk to that man. Mrs. deLeon said Sandy, she can only believe someone so many times. Mrs. Yerger said you don't have to believe her. Mrs. deLeon said you're right. Mrs. Yerger said because it's the truth and she's not lying to anyone. District Magisterial Judge Mege swore Mr. Carocci in as Council member.

III. APPOINTMENTS BY COUNCIL

A. TOWNSHIP SECRETARY – RESOLUTION #03-2020

Mrs. Yerger said Resolution #03-2020 has been prepared appointing the Township Manager as Township Secretary.

MOTION BY: Mr. Banonis moved for approval of Resolution #03-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

B. TOWNSHIP PLANNING/ZONING ADMINISTRATOR – RESOLUTION #04-2020

Mrs. Yerger said Resolution #04-2020 has been prepared appointing the Township Manager as Planning/Zoning Administrator.

MOTION BY: Mr. Banonis moved for approval of Resolution #04-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

C. TOWNSHIP SOLICITORS

1. GENERAL/CIVIL (YEARLY): RESOLUTION #05-2020

Mrs. Yerger said this Resolution has been prepared that reappoints B. Lincoln Treadwell, Esq. as the Township's General/Civil Solicitor at a rate of \$200.00 per hour.

MOTION BY: Mrs. Yerger moved for approval of Resolution #05-2020.

SECOND BY: Mr. Banonis

Mrs. deLeon said earlier tonight, she didn't kind of like his comment as she's not real happy about it. Attorney Treadwell said the comment or the opinion. Mrs. deLeon said the whole evening up until this point. A Solicitor is supposed to be even and right on and you have to make five people happy, there were only three of us here. She was not happy with his answers, so for this year, she's going to vote no. Mr. Banonis said he respectfully disagrees. In the defense of the Solicitor, he thinks his opinions were legally sound, un-opinionated, direct and objective and to suggest because you didn't get the result that you wanted that the Solicitor somehow acted inappropriately is really beyond reproach. Mrs. deLeon said can Attorney Treadwell explain to him again about his opinions and his questions. Attorney Treadwell said yes, Mrs. deLeon is allowed to have her opinions. Mrs. Yerger said Mr. Banonis is just disagreeing with it as Mrs. Yerger is. Mrs. deLeon said she will continue to do so, Mr. Banonis, so if we are going to have this conversation, we might as well just keep having it. Mr. Banonis said if you feel the need to extend your opinions, he

certainly has the opportunity to express his and respond back. Mrs. deLeon said that's exactly right, thank you for getting it now. Mr. Banonis said he understood it all along, that's why he is doing it, but he appreciates her comments. Mrs. deLeon said this is going to be so much fun, she loves it.

ROLL CALL: 3-1 (Mrs. deLeon – No)

2. PLANNING COMMISSION (YEARLY): RESOLUTION #06-2020

Mrs. Yerger said Resolution #06-2020 has been prepared appointing B. Lincoln Treadwell, Esq. as the Planning Commission Solicitor at the rate of \$200.00 per hour.

MOTION BY: Mrs. Yerger moved for approval of Resolution #06-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

3. ZONING HEARING BOARD SOLICITOR (YEARLY): RESOLUTION #07-2020

Mrs. Yerger said Resolution #07-2020 has been prepared appointing George Heitzman, Esq. as the Zoning Hearing Board Solicitor at the rate of \$200.00 per hour.

MOTION BY: Mr. Banonis moved for approval of Resolution #07-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

4. TOWNSHIP ENVIRONMENTAL SOLICITOR (YEARLY): RESOLUTION #08-2020

Mrs. Yerger said Resolution #08-2020 has been prepared appointing Charles Elliott, Esq. as the Township Environmental Solicitor (as needed) at the hourly rate of \$185.00 per hour.

MOTION BY: Mrs. deLeon moved for approval of Resolution #08-2020.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

5. TOWNSHIP EAC/OPEN SPACE SOLICITOR (YEARLY): RESOLUTION #09-2020

Mrs. Yerger said Resolution #09-2020 has been prepared appointing Terry Clemons, Esq. as the Solicitor to the EAC (as needed) at the hourly rate of \$163.00.

MOTION BY: Mrs. Yerger moved for approval of Resolution #09-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

6. TOWNSHIP LABOR SOLICITOR (YEARLY): RESOLUTION #10-2020

Mrs. Yerger said Resolution #10-2020 has been prepared appointing Michael McAuliffe Miller, Esq. as the Township Labor Solicitor (as needed) at the hourly rate of \$285.00.

MOTION BY: Mrs. deLeon moved for approval of Resolution #10-2020.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

D. TOWNSHIP ENGINEER (YEARLY): RESOLUTION #11-2020

Mrs. Yerger said Resolution #11-2020 has been prepared appointing Hanover Engineering as the Township Engineer, per their 2020 fee schedule.

MOTION BY: Mr. Carocci moved for approval of Resolution #11-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

E. TOWNSHIP PLANNER (YEARLY): RESOLUTION #12-2020

Mrs. Yerger said Resolution #12-2020 has been prepared appointing Boucher and James as the Township Planners, per their 2020 fee schedule.

MOTION BY: Mrs. deLeon moved for approval of Resolution #11-2020.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

F. TOWNSHIP AUDITOR (YEARLY): RESOLUTION #13-2020

Mrs. Yerger said staff recommends continuing the services of Hutchinson, Gillahan & Freeh per their October 3, 2019 engagement letter. The base rate for the 2019 audit will not exceed \$14,600.00. Additional services will be payable at a rate of \$125.00 per hour.

MOTION BY: Mr. Banonis moved for approval of Resolution #13-2020.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0

G. TOWNSHIP ACTUARY (YEARLY): RESOLUTION #14-2020

Mrs. Yerger said the staff recommends continuing the services of Chuck Friedlander of Municipal Finance Partners, per their rate schedule.

MOTION BY: Mr. Banonis moved for approval of Resolution #14-2020.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0

H. TOWNSHIP LANDFILL CONSULTANTS (YEARLY): RESOLUTION #15-2020

Mrs. Yerger said Resolution #15-2020 has been prepared appointing Laressa McNemar from Tri-C Corp. at \$120.00/hour and Rich Sichler from Neversink Environmental, Inc., at \$95.00/hour as Township Landfill Consultants (as needed); and Chris Taylor from Hanover Engineering Inc., as the Host Municipal Inspector with Scott Brown and Jake Schray as alternates at the rate of \$94.25/hour.

MOTION BY: Mrs. deLeon moved for approval of Resolution #15-2020.
SECOND BY: Mr. Banonis
ROLL CALL: 4-0

I. TOWNSHIP EAC/OPEN SPACE CONSULTANT (YEARLY): RESOLUTION #16-2020

Mrs. Yerger said Resolution #16-2020 has been prepared appointing Laura Baird as the Open Space Consultant to the EAC (as needed) at the hourly rate of \$80.00 as per the schedule from Heritage Conservancy.

MOTION BY: Mr. Banonis moved for approval of Resolution #16-2020.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0

J. SEWAGE ENFORCEMENT OFFICERS (YEARLY) – RESOLUTION #17-2020

Mrs. Yerger said Hanover Engineering requests the following individuals be appointed as 2020 SEO's: Scott Brown, Jacob Schray, Gregory Gray, Robert Grim and Christopher Taylor. The Sewage Enforcement Officer rate for 2020 is \$74.50 per hour.

MOTION BY: Mr. Banonis moved for approval of Resolution #17-2020.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0

K. COUNCIL LIAISON (YEARLY) AS FOLLOWS:

Parks & Recreation Board	Jason Banonis/_____ (Alternate)
Saucon Valley Conservancy	Priscilla deLeon
Lower Saucon Authority	Thomas Carocci
Saucon Valley Partnership	Priscilla deLeon/Jason Banonis (Primary) Sandra Yerger/Thomas Carocci,_____ (Alternates)
Landfill Committee	Priscilla deLeon
Lutz-Franklin Schoolhouse	Sandra Yerger/_____ (Alternate)
Environmental Advisory Council	Sandra Yerger
Pension Advisory Committee	Priscilla deLeon
Fire Services	Sandra Yerger/Thomas Carocci
Saucon Creek Watershed	_____
Cook's Creek Watershed	Sandra Yerger
LVPC Greenways Outreach	Sandra Yerger
PA Highlands Trail Network	Sandra Yerger
Hellertown-LS Chamber of Commerce	Priscilla deLeon
Yard Waste Recycling Committee	Sandra Yerger, Priscilla deLeon, Jason Banonis, Thomas Carocci, _____
Hellertown Area Library Board	_____

This will be brought back when a fifth Council member is appointed.

IV. REORGANIZATION RESOLUTIONS AND FEE SCHEDULES

A. RESOLUTION #18-2020:

Mrs. Yerger said Resolution #18-2020 sets the Manager's salary at \$97,858.80.

MOTION BY: Mrs. deLeon moved for approval of Resolution #18-2020.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

B. RESOLUTION #19-2020:

Mrs. Yerger said Resolution #19-2020 sets the Chief of Police salary at \$97,729.16.

MOTION BY: Mr. Banonis moved for approval of Resolution #19-2020.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

C. RESOLUTION #20-2020:

Mrs. Yerger said Resolution #20-2020 sets the Director of Finance's salary at \$67,957.50.

MOTION BY: Mrs. deLeon moved for approval of Resolution #20-2020.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

D. RESOLUTION #21-2020:

Mrs. Yerger said Resolution #21-2020 sets the Director of Public Works' salary at \$76,635.15.

MOTION BY: Mrs. deLeon moved for approval of Resolution #21-2020.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

E. RESOLUTION #22-2020:

Mrs. Yerger said Resolution #22-2020 sets the Zoning Officer's salary at \$70,048.50.

MOTION BY: Mr. Carocci moved for approval of Resolution #22-2020.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

F. RESOLUTION #23-2020:

Mrs. Yerger said Resolution #23-2020 sets the Administrative Assistant's salary at \$45,407.50.

MOTION BY: Mrs. Yerger moved for approval of Resolution #23-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

G. RESOLUTION #24-2020:

Mrs. deLeon said Resolution #24-2020 sets the Administrative Assistant's salary at \$46,637.50.

MOTION BY: Mrs. Yerger moved for approval of #24-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

H. RESOLUTION #25-2020:

Mrs. Yerger said Resolution #25-2020 adopts the pay scale for Non-Uniformed Employees, per their current union contract.

MOTION BY: Mrs. deLeon moved for approval of Resolution #25-2020.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

H. RESOLUTION #26-2020:

Mrs. Yerger said Resolution #26-2020 sets the various Township fees.

MOTION BY: Mrs. Banonis moved for approval of Resolution #26-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

J. RESOLUTION #27-2020:

Mrs. Yerger said Resolution #27-2020 establishes a permit application fee schedule for on-lot sewage systems.

MOTION BY: Mrs. Yerger moved for approval of Resolution #27-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

K. RESOLUTION #28-2020

Mrs. Yerger said Resolution #28-2020 designates the Right-to-Know Officer and Assistant Right-to-Know Officer.

MOTION BY: Mrs. deLeon moved for approval of Resolution #28-2020.

SECOND BY: Mr. Banonis

Ms. Califano asked what is exactly a Right-to-Know Officer and an Assistant Right-to-Know Officer. She knows what the form is, but why would you need both officers. Attorney Treadwell said the Officer is charged with the responsibility to respond to Right-to-Know requests and the Assistant takes the place of the Officer if the Officer is unavailable. Ms. Califano asked if there was one now. Attorney Treadwell said it's the Township Manager. Ms. Califano asked if it was a paid position. Attorney Treadwell said no. Mrs. deLeon said there's a Right-to-Know law and we are fulfilling that law, all municipalities are required to have one. The form is on the website.

ROLL CALL: 4-0

L. RESOLUTION #29-2020:

Mrs. Yerger said Resolution #29-2020 adopts a pay scale for the Township uniformed employees.

MOTION BY: Mrs. deLeon moved for approval of Resolution #29-2020.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

M. RESOLUTION #30-2020:

Mrs. Yerger said Resolution #30-2020 adopts the Non-Uniform employee contributions to the Non-Uniform Employee Pension Fund for 2020.

MOTION BY: Mr. Banonis moved for approval of Resolution #30-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

N. RESOLUTION #31-2020:

Mrs. Yerger said Resolution #31-2020 adopts the Police Officers contributions to the Uniformed Employee Pension Fund for 2020.

MOTION BY: Mr. Banonis moved for approval of Resolution #31-2020.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

V. MANAGER'S APPOINTMENTS WITH COUNCIL CONSENT

Mrs. Huhn reviewed the following list:

- **ZONING HEARING BOARD:** Keith Easley (2024) (One Vacancy) – Mrs. Huhn said since the packets were sent out Friday, we did receive a letter of interest from Dr. Carolyn. She would recommend him for the vacancy appointment. He is a Township resident.

MOTION BY: Mrs. deLeon moved to appoint Dr. Carolyn to the ZHB.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

- **PLANNING COMMISSION:** Thomas Carocci, Hazem Hijazi, Kathy Pichel McGovern (2023)
- **ENVIRONMENTAL ADVISORY COUNCIL:** Members: Laura Ray (2022); Associate Members: Glenn Kaye, Michael Boyle, Thomas Carocci, Cindy Oatis, Kaitlyn O'Connor Sommer (2020)
- **FIRE MARSHAL:** William Csaszar (2020)
- **TOWNSHIP HISTORIAN:** Sandra Yerger (2020)
- **TOWNSHIP HISTORICAL COMMITTEE:** Sandra Yerger, Karen Samuels, Jody Hijazi, Lenny Szy, One Vacancy (2020)
- **PENSION ADVISORY COMMITTEE:** One Vacancy (2022)
- **EMERGENCY MANAGEMENT COORDINATOR:** Bryan Evans (2020)
- **LANDFILL COMMITTEE:** Hazem Hijazi, Neil Ortwein (2020)
- **PARKS AND RECREATION BOARD:** David Spirk, Tom Butera, Katrina Schreefer, Niloofar Aflatooni, Atom Kallen, Frank Thompson, Bill Ross (2020)
- **YARD WASTE RECYCLING COMMITTEE:** Charlie Luthar, Preston Werner (2020)
- **HELLERTOWN LIBRARY BOARD:** Dr. Lara Goudsouzian (2022)

Reorganization & General Business Meeting

January 6, 2020

DRAFT

- **LOWER SAUCON AUTHORITY:** Dr. Lara Goudsouzian, Kevin Smith (2024) – Mrs. Huhn said again since your packets came out, Mr. George Gress sent in a letter of interest for the LSA and she would like to recommend him for that appointment. Mrs. deLeon said George Gress is now a Board Member on the LSA and asked if there were there two openings? Mrs. Huhn said we just received notice that Mike Simmonds is moving out of the Township.

MOTION BY: Mrs. Yerger moved for approval of all of the Manager’s appointments.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0

VI. ADJOURNMENT OF REORGANIZATION MEETING

MOTION BY: Mrs. deLeon moved for adjournment of the Reorganization meeting.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

GENERAL BUSINESS MEETING

MOTION BY: Mr. Banonis moved to open the General Business Meeting.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

CALL TO ORDER: The General Business meeting of Lower Saucon Township Council was called to order on Monday, January 6, 2020.

II. TOWNSHIP BUSINESS ITEMS

A. AUTHORIZE SIGNING OF ENGAGEMENT LETTER WITH HUTCHINSON, GILLAHAN AND FREEH

Mrs. Huhn said Council received an engagement letter for the 2019 audit to be conducted by Hutchinson, Gillahan & Freeh. The base rate for the audit is \$14,600.00. Mrs. deLeon said they have been with us forever and we’ve never really had any issues.

MOTION BY: Mrs. deLeon moved to approve the signing of the engagement letter with Hutchinson, Gillahan & Freeh for the 2019 audit.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

B. AUTHORIZE ATTENDANCE AT PSATS CONFERENCE

Mrs. Huhn said Council should authorize the voting delegate and attendees for the PSATS convention to be held May 3 – 6, 2020. Mrs. deLeon said she plans on attending and said she would be the voting delegate.

MOTION BY: Mr. Carocci moved for approval of Mrs. deLeon to the voting delegate for the PSATS conference being held May 3 – 6, 2020.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

MOTION BY: Mrs. deLeon moved for approval of Mrs. deLeon and any other Council member’s attendance or staff at the PSATS conference being held May 3 – 6, 2020.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0

Mrs. deLeon said this is an excellent place to go and also coming up in January and February, there’s a boot camp. Mrs. Huhn said we’ll get the information. Mr. Banonis said he participated in Session 1 and it certainly is worthwhile.

C. DISCUSSION/APPOINTMENT OF COUNCIL VACANCY

Mr. Banonis said this agenda item had been moved up but he’d like to make an additional motion.

MOTION BY: Mr. Banonis moved to authorize the Solicitor to attend and participate at the hearing on January 8, 2020 asking the Northampton County Court of Common Pleas to relinquish jurisdiction to allow the new Council to fulfill its legislative duties to make an appointee and refraining from taking extraordinary judicial measures that are otherwise best in Council.

Mrs. deLeon asked why this was out of order and why it didn't wait until the end? Mr. Banonis said it's not out of order, it's where the agenda item is; and we discussed it earlier. Mrs. deLeon said we took this off the agenda and moved it forward so technically it isn't there anymore. Mrs. Yerger said we'll do it at the end.

D. ACCEPTANCE OF COMPLETION OF MASONRY WORK – HELLERTOWN HOMESTEAD STEPS

Mrs. Huhn said we have brought this to Council previously. There were some issues with the work that was done at the Homestead for the steps. It's since been corrected. Council awarded the contract to Preservation Works and the concrete repairs have been done, they've been inspected by both our Zoning Officer and Director of Public Works. We are recommending release of the final payment withholding the 10% retainage of the contract amount as listed in the bid. The 10% would be \$7,817.00. We will not release any of their final payments or funding until we receive that maintenance bond. That would be for a 12 month maintenance bond which you should also authorize that we're entering into it this evening if you choose and 12 months from now then that would be brought back to Council. Mrs. deLeon asked if there was a representative here from the Saucon Valley Conservancy. She asked Mr. Jurczak if he was happy with the work that was done. Mr. Jurczak said yes. Mrs. deLeon said a long time coming and the parking lot is done.

MOTION BY: Mrs. Yerger moved to approve release of final payment in the amount of \$7,817.00 when the 15% maintenance bond is received from Preservation Works LTD.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0

E. AUTHORIZE ADVERTISEMENT OF LAWN MOWING BIDS

Mrs. Huhn said we are bringing this to you early this year. This is the second year in our lawn mowing bid and we did not extend with the contractor this year. That's why we are requesting to put it out to bid for the 2020-2021 season.

MOTION BY: Mrs. Yerger moved to authorize advertisement of lawn mowing bids.

SECOND BY: Mrs. deLeon

Mrs. Louder said please do not hire the people who worked last year at the parks. They did a crappy job. Mrs. Huhn said that's one of the reasons we are putting it out to bid.

ROLL CALL: 4-0

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF DECEMBER 18, 2019 COUNCIL MINUTES

Mrs. Yerger said the December 18, 2019 Council minutes are ready for Council's review and approval. This item was tabled until the next meeting until all Council members could read them.

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mrs. Louder asked if anyone has an update on the Steel City Fire truck beings the fire truck went out of service back in January 2019 and has not been replaced. There are three members to that fire company and she was wondering what we are doing. The Township has donated over \$750,000 to this fire company in the past 14 years. It doesn't have a fire truck, it has three members and the building needs upgrades. The residents of the Township deserve protection in Steel City and she knows we have Southeastern on one end and Hellertown on the other end, and we have Bethlehem Township and Freemansburg. Her tax dollars are going to LST along with everyone else in her neighborhood. If somebody can take care of that, she'd appreciate it. Go to work guys. Mrs. Huhn said she received no update on the truck and they will check it out.
- Ms. Stephanie Brown said she's has a vested interest in Meadows Road and the bridge and is more than disappointed to see what has happened to Council this year. She hopes you will continue to

support saving the Meadows Road Bridge. She read a campaign flyer from a certain individual who seemed to have an issue with closed bridges in the area and she's very afraid of what his opinion is. While someone is here from SV Conservancy, last year she asked for her painting back of the Meadows Road Bridge. She's no longer active with the Conservancy because of the politics. The Township needs to consider the fact that the Homestead building is closed off to the public. It used to be open almost every weekend for years and now nobody can get into that building. There's nothing being done to continue the living history of the Township. She finds that very sad and a lot of people come in and out of this Township and don't really care much about anything other than their property values and what they pay in taxes. She wants to do everything she can to stay active in this community and to also keep the history alive and she listens very interestingly there are people who are clueless apparently and we saw that when a member of the P/C had no clue that Dewey was in Hellertown, when there are people like her who lived and breathed the history of the Township. Just because she doesn't live in the Township, she wants to reiterate that again, the PD and what they did, but it's very concerning to her that the history is disappearing and drying up. She would like her painting back. All she knows is she put a painting up when Priscilla was President and the painting has disappeared. She's ready to go over to the PD and file a report. Fran Roseman painted it, and she wants it back before it disappears permanently. She's very unhappy with the Conservancy by closing up and not allowing anybody into that building. She did volunteer work but hasn't done much volunteer work as she would like because she is ill. She has a life-long illness of depression and anxiety that has almost killed her several times. That bridge means the world to her and the Conservancy has not done anything since Priscilla has not been active with it and that's why she refuses to stay active. Mrs. deLeon asked Mr. Jurczak if he could take this back to his board and asked if he knew if the painting is still there. Mr. Jurczak said he will have to look into it. Ms. Brown said she was told that a year ago and she has to get her affairs in order as she is getting older and what's happening here right now is the bridge and the fact that she got two different people telling her on this Council, at previous meetings, that they both love the bridge, but she's going to become blunt here, nobody loves that bridge as much as she does. She grew up with it, she walked over it, she drove over it for years. When she saw Priscilla bringing the whole issue to vote on taking ownership of the bridge floored her. It was done in the past with the Old Mill Bridge. She knows we are still waiting on things from PennDOT but that bridge is very important and unfortunately Sandra, she doesn't see that she loves the bridge as much as I do and she would hope as a past historian you can be as partial as you can. One thing she does know is she's very much for the schoolhouse and it's a great thing. But my father never went there because of where he lived, so I have no connection to that. Mrs. Yerger said the problem with the bridge is not the bridge itself but the creek, we can't control the creek. It's undermining and widening and it's infecting the stability of the bridge. If you have an idea of how to get around that, she'd love to hear it as she doesn't see any practical solution as to how to get around it. Ms. Brown said one of the problems is access to 412. She's also heard the argument what if there's a fire. There's a gate between two developments and there was an ordinance that was allowed to be passed when Glenn Kern was alive that not only put that gate up between those two developments but it made it so future developments would have that as well. Everyone wants to live in a cul-de-sac, you can't have that in life. Mr. Kern didn't want to put it bluntly, driving down Old Mill Road and he used that to his advantage, so now there's a gate. If that gate wasn't there, there would be less traffic on Meadows Road. The other issue is why isn't there a traffic light. Her father had a business in Upper Saucon and she drove between the two townships for years. She drove across a bridge that's no longer there, it was called the Centennial Bridge in Upper Saucon and it was torn down. She doesn't understand why on Apples Church Road at that intersection, it isn't signalized, that would definitely improve things on 412. She sat there two years ago trying to make a left hand turn on to 412 and finally gave up and went right, turned around and came back because it's been an ongoing issue. Her whole thing with the Meadows Road area is you talk about how important space is, there is no open space in that area. The property by the Filler property got sold, they wanted to make that a park, the Filler's didn't like that and there was a petition, so the park ended up by the school district. Mrs. deLeon said that was a Council decision, not because of a petition, there were reasons we picked Polk Valley Park. Mrs. Yerger said one of the main reasons which is still true today, the proximity to the school, they

created the walkway and they use the fields and it's much more accessible. Ms. Brown said she knows it also took the burden off of the school paying money to put more fields. There's a lot of private property along the creek and what she'd like to see, there's no open space in areas where there should be, and so much flooding down at the Meadows Road where the bridge is. There's no trailhead. Where the rail trail is on Meadows Road, it's very dangerous. She knows that years ago they talked about making the road one way, unfortunately the Meadows is there. It's very dangerous to walk in that area, to walk across the rail trail. She was in Upper Saucon and over by Lutron it's a lot bigger, wider trail than it used to be, now you can go all the way to Coopersburg. That is very visible, Meadows Road isn't like that. To her, it's always been about closing the bridge from vehicle traffic and there's no open space there, and private lanes which is another issue. Mrs. Yerger said PennDOT won't approve it for pedestrian traffic either. Ms. Brown said she understands that, but that should be the goal to leave it there for pedestrian use. She remembers being over on Old Mill Road and in the Mill before it burned down, and everyone wants to say response time for the fire departments, and no disrespect to the fire departments, but they are volunteer and in the time it takes to respond from what they are doing, that's a whole other issue. So to sit there and use the bridge that the reason the fire department can't get to a fire on Meadows Road is really something she can't agree with. She really is sad to hear the bridge is being blamed for things that it shouldn't be. She heard Mr. McClure say it's a very important issue to open that bridge for both LST and Hellertown. She believes he will do everything in his power to tear that bridge down and knowing that Old Mill Bridge is there, there should be two examples of the oldest bridges in the Township for future generations. The fact that the Old Mill Bridge is still standing there, and was never replaced, so now if there's a fire you have to go all the way around. Now you have to go around so she can't accept that argument. She's at her wits end with the bridge and what's going on with it. She feels Council has shifted against the bridge because of what happened here tonight and because of who was elected. She also wants to take a moment to say you people came, with vested interest in this Township, whether they are residents, former residents, came and told you what they wanted. She said Mr. Banonis has basically hijacked this Council and you're playing dirty politics and it's scaring her as she hasn't seen dirty politics like this since Tom Maxfield was here and he treated her very badly and residents do not deserve to be treated badly and disrespected as she has seen since Mr. Banonis ran his campaign. She wants to come here and feel welcome because she spent almost 40 years in this Township. She also saw three people on Council not listen to the public in terms of what they wanted and of having this process open and not appoint somebody tonight, so if you do that, then how are you going to listen the rest of the year. She thinks you have a political agenda and you're just pushing it and now you are stacking Council in favor of whatever you are looking for. Mr. Banonis said to be clear, he has no control over this bridge. The Township does not own the bridge. PennDOT is investigating the possibility of restoring the bridge. He said this in the debate that he is more than willing and very comfortable with leaving it to the experts at PennDOT who are engineers and designers who deal with these issues to assess the structural integrity of the bridge and whether or not can be restored. If it can, great; if it can't then that's their determination and he has to follow that and hopefully they can preserve some of the historic elements of that bridge in any new bridge that may be constructed. The bridge itself, while it is a nice architectural example, is a safety issue in terms of collapse and the river bed and how it backs up. There are individuals who had to be rescued from the Meadows Banquet facility because of flooding, so to look at it purely from an aesthetic standpoint, he thinks it's improper and it also has a functional purpose and it has a safety purpose to those living around it including the First Responders who have to navigate through that area to respond to emergencies. To suggest he's made a determination of the bridge that is before us, he don't know if it will ever be before them and ultimately it's going to come down to what PennDOT chooses to do as it's a county-owned bridge. He doesn't think it's responsible fiscally for this Township to purchase the bridge or acquire it because by doing that we accept the financial responsibility to maintain it and also for its liability so with that said, he hopes that helps some of your concerns. You may believe he has a bias opinion in some way or another for the bridge, but he certainly does not. Ms. Brown said you just proved that you do because, she understands you did not grow up here, so you don't have an attachment. Mr. Banonis said he's lived here for almost 20 years. Ms. Brown said you didn't grow up here, you don't have a connection to the Township

like she does. Mr. Banonis said he's had four generations here. Ms. Brown said she read he grew up in Shenandoah Valley. Mr. Banonis said that's where he grew up, his wife's family lived here for four generations. Ms. Brown said she didn't hear him say he wanted to see the bridge saved, she's heard it from the rest of Council. Mr. Banonis said he's not taking any position on the bridge because the bridge is not before us today. He said we appreciate your concerns and your comments, and it's important to understand what the constituents ideas are with regard to the bridge and many other issues that are going to come before them. Ms. Brown said what really bothers her is you sit there and recite what happened at the Meadows. The Meadows had several violations over the years of zoning and that the building sits right on top of the creek. It's going to flood no matter what you do so it's on the people who own it now. She asked when will the report regarding the creek be shared with the township. Mrs. Yerger said it's their understanding it will come to the Township. Ms. Brown said will it come to the EAC because it's an environmental concern. Mrs. Yerger said it might be, we have no idea what it's going to look like. Mrs. deLeon said we had opened the gate on Stover Road because of a past emergency, is there any way we can open up that road again while the Meadows Road Bridge is closed? Attorney Treadwell said that gate is there as a result of litigation that happened 15 to 18 years ago. Mrs. deLeon said we opened it before. Attorney Treadwell said because we had some type of an emergency where we couldn't use some other road. We can certainly look at it. Mrs. deLeon said see if we can open it up and the constraints on it when it was approved. She remembers voting to put the gate up. Attorney Treadwell said it was part of that project that got appealed to the County. Ms. Brown said Toll Bros. came years later, when Mr. Kern was alive and no disrespect to him, he also did a lot of selfish things, and he's the one that came up with the redesign to take Stover Road out. A lot of that was selfishness and self-serving and he's no longer with us and he didn't want traffic on his road. Mr. Banonis said he's not sure what that gate would improve in terms of traffic flow because there's no other bridge crossing on the Arden Lane side. The traffic that is on the Arden Lane side has to go out to Bingen Road and then down to the Water Street Bridge so even if we were to open that bridge, he doesn't know if it would improve anything. Ms. Brown said she's talking about a gate. Mr. Banonis said excuse me, the gate would improve the traffic flow in anyway. Mr. Banonis said there's a cost in building and maintaining bridges and the Meadows Bridge is owned and maintained by the County. He doesn't think the Township is in the business of building and maintaining bridges. Mr. Banonis said that's not really what our primary function is and in terms of cost controls and the budgeting issues we have, he doesn't think that's a good use of Township finances and taxpayer dollars. Mr. Banonis said the Old Mill Bridge isn't used for vehicular traffic. Ms. Brown said that should have happened years ago to the Meadows Road Bridge. Mr. Banonis said he can't control what happened years ago, he can only control what's in front of us now. Mrs. deLeon said Wednesday night we are having an SVP meeting and there's a person she is corresponding with and said hopefully we'll have an update we can share. Ms. Brown asked Mr. Carocci how he feels about the Meadows Road Bridge. Mr. Carocci said the Township doesn't own it, and we should wait to see what PennDOT says about its viability. He would like to see the bridge saved for a lot of reasons she mentioned, for safety and for how many people would use it, but he's not an engineer so he's willing to defer to PennDOT engineers and probably take their recommendation since he's not an engineer. Ms. Brown said asked why that portion of the road has to be open as we all know how bad 412 is down there to turn right even to go to the Giant. That's why to her having a light at Apples Church Road and 412 is something she doesn't understand. Mrs. deLeon said we asked PennDOT and they said no, we asked them twice. Mrs. Huhn said the traffic doesn't warrant it. Ms. Brown said she felt like the Sunshine Laws were being violated in the past and she feels it's going in that direction again. You purposely did not offer public comment and going through it very fast so slow down and make sure people have a chance to get up make a comment. You are here to do the work of the people and the direction this Council is going it seems to be spearheaded by Mr. Banonis. Mrs. deLeon said regarding the pedestrian traffic on the Meadows Road Bridge, there are people who take public transportation that work at the Meadows and it's difficult for them to get to work as they can't cross the bridge. Mr. Carocci said maybe Lanta should be notified so they can change the stop.

Mr. Banonis said he understands with this position, there's a salary that comes with it. He's not really interested in collecting the salary, he's here to serve the people of the Township so he would like to donate his salary, he's not sure to who, but to a locally based civic organization whether it's youth sports or whatever it may be. How does he go about that? Mrs. Huhn said she will check with Cathy. Mr. Carocci said he'd be interested in donating his salary as well.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER – No report

B. COUNCIL/JR. COUNCIL

Mrs. Yerger – No report

Mr. Carocci – No report

Mrs. deLeon

- January 13th is the next Hellertown-Lower Saucon Chamber Small Business Roundtable featuring our First Responders. January 12th – 19th is Winter Restaurant Week. On January 23rd is our joint event with Southern Lehigh Chamber at Taps Tavern. They are collecting notebooks, toothbrushes, toothpaste at the door being donated to Betty's Food Pantry and 10% of sales will also be donated back.
- She said to Mr. Banonis, on your flyer, you said you were going to lower taxes and she wanted to look up the Second Class Code/Administrative Code, a newly elected, appointed person can reopen the budget, they have 30 days, so it would be interesting to see how you would lower the taxes by opening the budget. You can get back to us.

Mr. Carocci said his one thought is getting the Fire Department the equipment they need, we'd increase that tax, but then it should revert to its old level. Just like the open space, there seems to be enough money in there, so that's another tax that goes away. He's not talking about cutting that fire tax this year or next year, there's many years and they need equipment, but that tax in the future should be authorized every four or five years like the open space.

Mr. Banonis said that's where he's going, and he appreciates the ambush at the end of the meeting. We have an open space tax that right now we have about \$7 million in the fund and when it's set to expire, we'll have \$9 or \$10 million in it. He's not exactly sure where we are going to spend that money, he's about open space and likes the rural or semi-rural township, that's why we live here. At the same time if we are sitting on a pile of cash, what are we going to do with it, why would we want to add to those coffers when we are not spending the money. Mrs. Yerger said there's no reason to renew it. Mr. Banonis said he'd be much more conscious of the expenditures we make. He recalls at the last meeting, and Mrs. Louder voted against it, you in particular wanted to add a second handrail to the Heller Homestead that was not required for ADA compliance. He thinks by being fiscally responsible and not spending money on things that are unnecessary and that may satisfy a personal agenda, would be an improvement in our financial picture. Mrs. deLeon said her personal agenda is she had both knees replaced three years ago and while she was going through rehab, it was very difficult to walk up the steps at the Homestead and you need double railings and there was a misunderstanding with the contractor. There was supposed to be two railings going up there and as a handicapped person, there's a lot of elderly people who have canes, so she's thinking about those people because she has first-hand knowledge because of what happened to her and seeing her elderly parents walk up steps. Mr. Banonis said he understands her difficulty in getting around, but he recalls the VP of the Historical Society stood at that podium and said he was not in favor of spending the money on this and the money should be applied to putting in a handicapped ramp that would provide much better access to wheelchair-bound individuals. Mrs. deLeon said what he failed to tell you was all these years up until this point other boards have asked us to do this and it was put in the plans.

Mr. Carocci said on the open space tax, it would be up to this board to pass a motion for referendum and put it on the ballot in 2021, and we're not, so we are cutting taxes. He doesn't think we have to reopen the budget in the next 30 days to do that. Mrs. deLeon said she's just curious if you wanted to. She asked Leslie to look up the timeframe.

Mrs. deLeon said just for the new members, she doesn't consider this being an ambush because the agenda is put together and if you want to make an ambush in the beginning of the meeting, we can change the order of the agenda. At the end we have non-agenda items for any resident to talk to Council about whatever they want and then we open it up to reports, and then anybody up here can raise any issue they want, the Solicitor gets a turn, the Manager gets a turn, and she's sorry you consider it an ambush.

Ms. Brown said the Homestead is under control by PHMC, and she watched a wheelchair bound person come in through the back, how does the Homestead meet the ADA? Mrs. deLeon said because it's an older building, but in order to have access you have to go up the sidewalk by the Widow's House and go behind the building by the root cellar and come in the backdoor as there are no steps. Ms. Brown said the people currently running the Homestead wanted the light off in the back for ambiance where the food was and for the handicap accessibility, and she thought it was very dangerous. Mrs. deLeon said she wanted an on-off switch and they wanted sensors. Ms. Brown said it is very difficult to get in and out of the Homestead, so she doesn't have a problem with an extra handrail.

Mr. Banonis

➤ He said he'd like to make a motion to authorize the Township Solicitor to attend and participate in the January 8, 2020 hearing and any other hearings related to the Council vacancy asking the Court to relinquish jurisdiction to allow new Council to fulfill its legislative duties, to name an appointee and refrain from taking the extraordinary judicial measures that are otherwise vested in this Council. Attorney Treadwell said he's here to serve at the will of Council, so if that's what Council wants him to do, he will do it. Mrs. deLeon said that's contrary to what the law says. The laws that it should be in the courts and the court shall determine. Attorney Treadwell said the law says the court has jurisdiction after the petitions have been filed. Mr. Banonis said he would point out there's a new seat to Council and there was a stalemate and a newly seated person to Council who had not had a chance to participate and as a result of that, the Court should take that into consideration. Mrs. deLeon said they've had the right to participate as they weren't on Council yet. There were 30 days to make the determination and that period expired on December 20, 2019. That has no relevance, let's talk relevance. You weren't even here to do that so the Court has a job to do, the law is specific and she thinks it's inappropriate to send the Solicitor.

Mr. George Gress said so wasn't that the responsibility of the prior Council to appoint someone by December 20th. Attorney Treadwell said the prior Council had 30 days to fill the vacancy. That's correct, which they did not. Mr. Gress said there were three petitions filed. Attorney Treadwell said correct. Mr. Gress said one was recently. Attorney Treadwell said we heard that tonight, but he doesn't know that for a fact. He asked Mr. Carocci if he rescinded his, Mr. Carocci said today. Mr. Gress said so you knew what was going to happen tonight. Mr. Carocci said no. Mr. Gress said so since the prior Council wasn't able to do it, the petitions were filed and it goes out of the Township's hands and into the Court. Attorney Treadwell said correct. The court now has jurisdiction. That doesn't mean the Court couldn't decide to remand it back to Council to make a decision, that's very possible. Mr. Gress said which they may very well do but that will be their decision. Attorney Treadwell said it would be the Courts decision whether to do that or not. Mr. Gress said since Council couldn't come to a decision last month, is it right for the Township to intervene? Attorney Treadwell said he's not going to answer the question as to whether it's right or not because he doesn't have that answer. If this Council, who is now made up of the four people sitting up here want to ask the Court to remand it back,

then he will make that request. He has no idea if the Court will listen to that request or not. Mr. Gress said there were two separate motions to appoint and both failed at the time. Attorney Treadwell said for Mr. Stauffer's seat. Mr. Gress said correct. Mr. Banonis said there were other applicants who were here to whom a vote was never reached. Mr. Jauregui who is sitting to your left. Mr. Gress said he understands that but no one on Council made a motion to appoint that person to give them a chance for a vote. Mr. Banonis said he thinks it would be appropriate for the Court to allow newly seated Council to consider anyone who is interested in the position, certainly because prior Council failed to take into consideration several individuals who came here and applied for the position. There was never a vote that was made for them and never been afforded an opportunity by LST Council to have a decision made on their application? Mr. Gress said isn't that exactly the opposite of what you did tonight? Mr. Banonis said no. Mr. Gress said he believes it is because there were several people in this audience, two former Council members, who expressed interest in tonight's position and yet you didn't give them an opportunity or chance so why do you feel the court should give other people an opportunity or chance for that position. Mr. Banonis said it's not exactly like that, it's the exact opposite. Mrs. deLeon said wow. She said to Mr. Carocci, please do not be like him. Mr. Gress said just remember last month it was 2-2 both times. Mr. Gress said so while you say any of us were for gain or not for gain, there was nothing to be gained and there was nothing to be gained by him and Priscilla working together in the election. There was no money exchanged. We certainly didn't have signs together like you and Sandy. Mrs. deLeon said she paid for all her expenses. Mr. Gress said he doesn't feel that the Township's use of Linc to go to the Court to assist them to make a decision, as they have plenty of Judges who can do that on their own. Mrs. deLeon said she just thinks it's going to be a mark on us if we do that and we already have marks on us as a Township. Mr. Gress said he's interested to see how the next two years go because if we look at the last two years of meeting attendance, we have Tom up there now, we have Jason up there now. You look at the last two years, Tom made 62% of the EAC meetings, and Jason only made 56% of the ZHB meetings. Mr. Banonis said that's entirely incorrect. Mr. Gress said he can pull it up right now on the Township's website, it's very plain as day for anybody to see. Mr. Banonis said it's entirely incorrect. Mr. Carocci said he made about 100% of the Planning Commission meetings. Mr. Gress said but the ZHB you can pull up the minutes from all of the meetings and you take out the cancelled ones and you only made 56% of the ones that were remaining. Mr. Banonis said that's not correct, he was there. Attorney Treadwell said can he just point out Mr. Gress, if in fact this Council votes to send him on Wednesday morning, he would not be there to assist the Court, it's not his role. Lower Saucon and this Council has been named as a respondent to the petitions. There's a petitioner and a respondent, so as a party to that action he would be requesting the Court to remand it back, not in any way usurping their role in making a decision. Mrs. deLeon said you would do that anyway without our direction? Attorney Treadwell said no, he said if this Council votes for it. Mrs. deLeon said can the public attend this thing on Wednesday. Attorney Treadwell said it should be in an open court room, and it's up to the Judge if someone wants to speak. Because this is an unusual circumstance, his assumption would be that it will take place in an open court room, he doesn't know that as a fact. We'll find out when we get there. It might not happen on Wednesday, we might get there and the Judge might say we're going to set a different date for everyone to come back, we don't know.

Mr. Gress said he finds it awful interesting how things have progressed tonight, it's very sad. Three of you sit up there elected by the public and not one person got up tonight, no offense Tom, but not necessarily to speak in support of Tom, not that he's qualified or not qualified, but everyone that got up here tonight voiced an opposition of your motion and your second to do what you did tonight. So everyone that got up here tonight, voiced opposition, and yet you just go and do whatever you want, no matter what the public or the residents say, it's very disappointing. He's not saying he would have got back on, he's not

saying he would have been the best candidate or wouldn't have been the best candidate. There were other people who deserved a shot and an opportunity. Your backdoor politics, put that away.

Mrs. deLeon said this is another backdoor politics and she thinks we should let the system do its thing and let it work out itself rather than having any interference from this point forward. She thinks we are going to be an embarrassment to this place. She can say she played no part. Attorney Treadwell said as the attorney for the respondent, he will be there Wednesday no matter what, the only question is whether you want me to take a position or not. Mrs. deLeon said what would the position be. Attorney Treadwell said he thinks Mr. Banonis motion was to ask...Mr. Banonis said he'll make this easy for everyone, he'll withdraw the motion. Attorney Treadwell said he will be there just because the Judge might say where is Mr. Treadwell, and he doesn't want the Township to get in trouble because he didn't show up. Mr. Gordon Gress said he's here 61 years and there may be hope yet, congratulations Jason.

VII. ADJOURNMENT

MOTION BY: Mr. Banonis moved for adjournment. The time was 9:39 p.m.

SECOND BY: Mr. Carocci

ROLL CALL: 4-0

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
President of Council