

**I. OPENING**

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

**II. PUBLIC COMMENT – TOWNSHIP RESIDENT ONLY – 3 MINUTE TIME LIMIT – NON-AGENDA ITEMS**

**III. PRESENTATIONS/HEARINGS**

**IV. DEVELOPER ITEMS**

**V. TOWNSHIP BUSINESS ITEMS**

- A. Discussion relative to the Appointment to Fill Vacancy on the Council pursuant to the Court Order filed on February 19, 2020.

**VI. MISCELLANEOUS BUSINESS ITEMS**

**VII. PUBLIC COMMENT ON NON-AGENDA ITEMS**

**VIII. COUNCIL & STAFF REPORTS**

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

**IX. ADJOURNMENT**

Parks & Recreation: March 2, 2020  
Environmental Advisory Council: March 10, 2020  
Saucon Valley Partnership: March 11, 2020 @ LST @ 6:00 p.m.  
Township Council: March 18, 2020  
Zoning Hearing Board: March 23, 2020  
Saucon Rail Trail Oversight Commission: March 23, 2020 @ HB @ 6:00 p.m.  
Planning Commission: March 26, 2020

**I. OPENING**

**CALL TO ORDER:** A Special Meeting of Lower Saucon Township Council was called to order on Friday, February 28, 2020 at 6:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Sandra Yerger, presiding.

**ROLL CALL: Present:** Sandra Yerger, President; Jason Banonis, Vice President; Priscilla deLeon, Thomas Carocci, and Kristen Stauffer, Council Members; Leslie Huhn, Township Manager; Linc Treadwell, Township Solicitor. **Absent:** Brien Kocher, Township Engineer; Judy Stern Goldstein, Township Planner & Tyler Dickens, Jr. Council Member.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

Mrs. Yerger said Council did not meet in Executive Session this evening to discuss potential property acquisition.

**PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mrs. Yerger said if you are on the agenda, you have Council and Staff's undivided attention. If you choose to speak, we ask that you use one of the microphones and state your name for the record. If you have a non-agenda item, she asks that you give your fellow public the courtesy of the floor. Tonight all comments will be limited to 3 minutes per our Township policy.

**II. PUBLIC COMMENT – TOWNSHIP RESIDENT ONLY – NON-AGENDA ITEMS**

**III. PRESENTATIONS/HEARINGS – None**

**IV. DEVELOPER ITEMS – None**

**V. TOWNSHIP BUSINESS ITEMS**

**A. DISCUSSION RELATIVE TO THE APPOINTMENT TO FILL VACANCY ON THE COUNCIL PURSUANT TO THE COURT ORDER FILED ON FEBRUARY 19, 2020**

Attorney Treadwell said as Council is aware, on February 19, 2020 the Court of Common Pleas entered an order that appointed Mrs. Stauffer to fill the vacant Council position. After that order was entered, he became aware of a PA Rule of Judicial Administration that sets forth certain procedures for the Court of Common Pleas to follow when filling a vacancy such as the one we had. In reviewing that rule, he has some questions concerning whether the Court followed the procedures that are outlined in that rule. Specifically there is a section A of the rule that requires the Court to establish a deadline for interested candidates to file applications and Subsection C of the rule requires that the vote to fill the vacancy be by all of the Commissioned Judges of the Court. In this case, we had a rather interesting wrinkle in that the entire Court of Common Pleas of Northampton County recused itself. So the administrative office of the PA Courts in that instance appointed a Judge from Luzerne County who came down and held a hearing and he is the Judge that issued the order. Attorney Treadwell is uncertain as we sit here tonight whether the decision that the Judge made from Luzerne County made completely complies with the requirements of this rule. He doesn't know whether it was potentially an oversight or potentially the Judge wasn't aware of this rule. This rule was adopted in October 2019 and became effective in November 2019. As far as rules go, it's a fairly new rule, so he wanted to bring this to Council's attention and make you aware of it. There is the potential that if the proper procedures were not followed in this case, it could impact the validity of the appointment of Mrs. Stauffer. At some point today, or early afternoon, he received a copy of a Motion for Reconsideration that was filed by one of the petitioners in this case that raises the same questions he is discussing tonight, so a Motion for Reconsideration has already been filed to these docket numbers. His purpose in bringing this to your attention is to make you aware of it and ask that you give him some direction in how to proceed.

Mr. Banonis said if he understands correctly, there are questions as to whether or not decisions or votes that are placed by Mrs. Stauffer would be valid, and that could subject the Township to

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having those votes potentially being legally challenged and invalidated which would cost us taxpayer money in responding to and potentially on doing votes that were found to be improperly entered and invalidly entered. Attorney Treadwell said that is a possibility. It's also a possibility that if we don't attempt to clarify these issues now, that for the remainder of Mrs. Stauffer's term, we would have the potential to having somebody challenging her right to sit on this Council.

Mr. Banonis said it's actually a two-part question, one is if we don't get that clarified, are you recommending we get that clarified now? Attorney Treadwell said he recommends that we do. Mr. Banonis said if we don't get that clarified now, are we acting against the Township's interest in not getting it clarified now because of the potential repercussions later? Attorney Treadwell said he thinks the issue becomes if we don't address it now, then the potential for increased litigation later on goes up, so yes.

Mr. Banonis said his question is directed to Mrs. Stauffer and that is in light of this recommendation and the potential exposure to the Township, do you intend to participate as a voting member on Council or do you intend to recuse yourself. Mrs. Stauffer said she intends to participate as a voting member of Council because the Judge's order stands. She was appointed and sworn in by Abe Kassis who is a member of the Northampton County Court.

Mr. Banonis said in light of that, he's going to make a motion that we as Council recommend to Mrs. Stauffer that she recuse herself in the interest of the Township, not her own interest, but in the interest of the Township because of this lack of clarity. He thinks this is only appropriate given the circumstances and the confusion or the uncertainty that's ahead at the risk of the Township.

**MOTION BY:** Mr. Banonis moved that Council request Mrs. Stauffer recuse herself from participating in decisions by the Township Council in light of the uncertainty as to whether or not those decisions would be upheld and valid in the potential exposure to the Township going forward.

**SECOND BY:** Mr. Carocci

**ROLL CALL:**

Attorney Treadwell said to Mrs. Stauffer, he doesn't want to presume she didn't understand Mr. Banonis' question, but are you intending on participating in tonight's discussion of this issue, not whether you are going to step down from Council, but on this specific question that we are discussing tonight.

Mrs. Stauffer said that's a great question. She thinks it depends on what is said here tonight by certain members of Council and she supposes the question is for you, Linc, as to whether or not she should recuse herself from just this specific vote or action but not future votes of action because she has been sworn in. Mr. Banonis said that isn't the issue.

Attorney Treadwell said let me clarify this. The issue is whether you are going to participate in this discussion because it could be a conflict of interest under the Ethics Act, not whether you are going to step down and recuse yourself from any further discussions that Council has but on this specific issue only as it could be a violation of the Ethics Act for you to participate in something that affects your seat.

Mrs. Stauffer said, is she allowed to make a statement and not necessarily participate in dialogue, but allowed to make a statement this evening regarding the proceedings here tonight. Attorney Treadwell said if you believe you have a conflict of interest, and the Ethics Act specifically speaks to conflicts of interest that are financial in nature, not with what most of us in the general public think of as ethics in general, but a financial conflict of interest and in this specific instance because the position of a Council member in LST is a paid position, you have a financial interest in that position, so his suggestion would be for the purposes of the Ethics Act only, that you not participate in the discussions regarding your seat because that could potentially be a violation of the

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Ethics Act. When you have a conflict of interest, it's not only just you cannot vote on this issue in question, it's that you can't participate in the discussion of the issue in discussion.

Mrs. deLeon said, is that as a Council member or a resident? She's heard in other cases where the Council person went into the audience and took a seat and commented as a resident on the issue being discussed. Attorney Treadwell said that is a distinction that he would not want to make when we are talking about the Ethics Act violations. He would not take that risk. Mrs. deLeon said she just threw it out there.

Mrs. Stauffer said she came prepared tonight to make a statement because she knows many in the audience are in support and knows the full story of what is potentially going on tonight. It seems as if she's not able to make that statement, but she might give it to a member of the Township to read it for her.

Mr. Carocci said he would like to second Mr. Banonis' motion.

Mrs. deLeon said there are a lot of people here, and we went through the scenario a little bit on how we got here and you were asked to research on the ruling and now all of a sudden we found this Rule 1908. In her opinion, and you said an individual petitioned the Court today, in thinking about this for a while, she doesn't think LST has standing, if an individual wants to petition the Court, he or she has the right to do so on their own and you said today that an individual who was one of the candidates did petition the Court and we received a copy. An impartial Judge has ruled and the Township shouldn't be involved at this point. If you noticed on that petition that was filed, it only went to Theresa Hogan, Kristen's attorney and Donna Louder, the other candidate. David Jauregui is in the audience tonight and so is Donna, and he filed that motion and didn't even copy the Township. We got a copy, she doesn't know how, but we were not listed on the bottom as to even get it. At some point, we lose our standing and we lost our standing when we did what we were supposed to do correctly. We advertised the position and interviewed the candidates and did all that stuff and couldn't come to an agreement and we're at a standstill. It was a deadlocked vote and then 10 people more had to petition the Court and it went to the Court and you appeared in representing the Township and went to both Judges and represented the Township and the Judge made his decision and right or wrong, it's a decision and that's it. From that point on, the people that have a problem, those residents, should be petitioning the Court, not the Council. She really thinks we cannot continue wasting taxpayers' dollars as we really spent a lot of money here and are wasting taxpayer dollars for individual disputes where the Township has no standing. She thinks it's time to end these politics and get back to good government. We need to show up at meetings or call in by phone so business can get done. Residents are not happy. We have a filled room and she is so happy to see all of you, she doesn't know whose side you are on, and she doesn't care. You are here. That's good government. She's sorry to have to put you out here on a Friday night at 6:00 p.m. because she has other things she could be doing also, she apologizes for that. We had to act within ten days so she really thinks that in her opinion, that we have no standing. She'd like to know what this has cost the Township so far.

Mr. Banonis said he'd like to make a statement about any politics and getting back to good government. A lot of the people who are here today in the audience have not been here for the history of this and he has been here for most of it and he wants to go over his understanding and the facts and Attorney Treadwell was here for everything and participated in the hearings. If there's anything he says that Attorney Treadwell believes is incorrect, please tell him and set him straight.

Attorney Treadwell said procedurally, he believes there's a motion on the floor, do we want to handle that motion first. Mr. Banonis said his motion is for Council to request Mrs. Stauffer recuse herself from participating in decisions by the Township Council in light of the uncertainty as to whether or not those decisions would be upheld and valid in the potential exposure to the Township going forward.

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Mr. Banonis said he realizes we can't force her to step down, but we can ask her as a Council to step aside until this is resolved. Mrs. deLeon said Special Meetings are under the Sunshine Law so that means the audience gets a chance to comment on all of this, is she correct? Attorney Treadwell said yes. Mrs. deLeon said you'll open it up to the audience. Mr. Banonis said she was just asking for clarification of his motion. Mrs. Yerger said she asked for clarification and Mr. Carocci seconded it, you are fine with the clarification. Mr. Carocci said sure. Mrs. Yerger said we have a motion and a second, and we want to open it up to the audience. Mrs. deLeon said don't be shy, this is your right.

Mr. George Gress, 3703 Old Philadelphia Pike, said he too has been here for this entire fiasco, he was appointed to the Council and when he was on the sitting Council they failed to appoint someone to that seat. He asked Attorney Treadwell when the rule was in effect, is this fresh? Attorney Treadwell said October 3<sup>rd</sup> it was adopted and November 4<sup>th</sup> it became effective. Mr. Gress said when do they post all this stuff? Attorney Treadwell said it's not in any of the published rule books until 2020. It was published in the PA Bulletin. Mr. Gress said so in theory if you search vacancy elected position, it would come up, as a lawyer? Attorney Treadwell said it may, or it may not. He was not aware of it and he searched vacancy. Mr. Gress said his only question is we had until December 19, 2019 to appoint someone and we failed to do that. That was well after this law took effect. No offense and with all due respect, it was your responsibility to assure that everything was handled correctly for the Township. Attorney Treadwell said this rule has nothing to do with the Township, it only has to do with when it goes in front of the Court of the Common Pleas, not with this Township. Mr. Gress said the Township's obligation was basically to get the seat filled, and that's what we failed to do in December. So the Judge appointed her to the seat and she has now been sworn in and whether it was her or David or Donna, whoever, it would have went the same way. It would have went to an outside Judge, they would have appointed someone and in theory we'd be in the same spot, so the Township's obligation is fulfilled as there is someone sitting in that seat, so wouldn't in theory the request to have her removed come from one of the other petitioners? As far as the Township is concerned, it's done.

Attorney Treadwell said he didn't suggest that this Council request to have her removed. He suggested that we inform the Court and ask the Court to reconsider and let us know, were they aware of this rule when it acted and if it followed this rule when it acted, to make sure the appointment is 100% valid. Mr. Gress said, this didn't come up in any of the discussions whatsoever before it went to the outside Judge? Attorney Treadwell said it did not. Mrs. deLeon said when was it published? Attorney Treadwell said PA Bulletin October 2019. It's the big paper book that comes out every week. Mrs. deLeon said everybody reads that.

Mr. Banonis said to be fair, his understanding is that the rule is actually a rule of administrative justice, which is a set of rules that the Judges are supposed to follow. Attorney Treadwell said it's called the PA Rules of Judicial Administration, which are the rules that the Judges follow which is different than rules of civil procedure which all lawyers are tasked with knowing and following.

Mr. Gress said so only the Judges, in theory, are supposed to know of these rules. Attorney Treadwell said no, he's not saying that. It's a rule for Judges. Mr. Gress said he's confused as to why this hasn't come up before. We had from December 19<sup>th</sup> on and there was plenty of opportunity for this to come up. Attorney Treadwell said absolutely.

Mr. Banonis said this conversation has gone on for five minutes and we have a rule of three minutes. Mr. Gress said that's good, he'll sit back down and then come up again. Mr. Yerger said we want to be fair and get everybody heard.

Ms. Andrea Wittchen, 1885 Dartford Road, said she'd like to speak to what Priscilla had to say. She agrees with her that this is really none of Council's business. If this is an administrative rule that the Judge was supposed to follow, it was the Judge's responsibility to get it right. If he got it wrong, it's the Judge's responsibility to fix it. If someone wants to raise an issue with it, as a

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private citizen, let them raise it with the Judge as to whether he accurately fulfilled his responsibility. It is not the responsibility of the Council, which actually did what you were required to do by the law in the case of a vacancy where you cannot reach agreement. You followed all the steps properly. The Court then properly recused itself because of Mr. Stauffer's position. They appointed someone from Luzerne County, whom she will assume is an appropriate Judge and knows his job, who then followed the rules as he understood them, interviewed the candidates, chose Mrs. Stauffer, and made his ruling. She was then sworn in even though there weren't enough people here to hold a meeting that evening, and she won't even tell you what she thinks about that, and as far as she's concerned, at this point, it's none of LST's business. If it was wrong, it was not LST's fault, it was the Judge's responsibility and it should be between whoever the petitioner is and the Judge. She doesn't see how LST can be held legally liable for having seated someone who was legally chosen by the Judge and appointed to the position. This meeting tonight is a waste of our time and our money and the involvement of the citizenry. This should be over and done and she sincerely resents the attempt to muzzle Mrs. Stauffer. She has been at the heart of this. She has been an active participant in this. She has been an articulate and committed citizen to pursue this process on her own, through the legal system to acquire this seat on the Council. The Judge was not required to pick her. He did. That's the way it is, it's time we lived with it and moved on. Thank you.

Ms. Victoria Opthof-Cordaro, 682 Woodfield Drive, said she is an Attorney and she has some experience with this and she doesn't represent anybody and she's not here to do that today. What she is here to say is number one, you all have a conflict if you decide to get involved in this mess. It's beyond the Township Council's purview at this time, and you're at a judicial level. If you, as a Council decide to vote tonight one way or the other, in favor of intervening, you then have a conflict in the entire outcome. You have a conflict in whose appointed, and you have an ethical responsibility to this Township to be impartial. By behaving the way you behaved, in having meeting after meeting to try to find out a way to get the results that perhaps you were unhappy with is not representing the Township. It's representing your personal beliefs and that's not what you are here for. You're here to represent the Township. You spent x-amount of money, who knows, Priscilla's question, we'll hopefully find out, but either way, you have no standing, so she'd love you to show what standing you have as you aren't an individual stakeholder and if you are an individual stakeholder, then you're going to be partial and not be withstanding your ethical obligation to this Township so as a taxpaying citizen of LST. She urges you to keep yourselves impartial and stay out of it and remember that all of these people who just voted in an election will vote again and they will have their friend and their friend and their friend to vote too and everything you do tonight for your personal opinions or personal party will be reflected on every campaign that comes from this point forward. It's disgusting to see that people who have been newly elected or newly appointed decide to play politics with our Township taxpayer money. She asks you to step aside, let the petitioners do their job in Court and let the process be the process without intervening.

Attorney Treadwell said can he just point out a couple of things. First, LST is named as the respondent in all three petitions, so it's not a question if we are intervening or not. We're the respondent in all three petitions. We are a party already and we're in. He participated in two court proceedings, we are already in the case. We're not asking to get in the case. He doesn't believe it's a question of being impartial or not being impartial. He believes it's a question of making sure that the process happened correctly, not who got chosen, not who got appointed, but whoever got appointed, got appointed using the correct procedure and that's it.

Mr. Banonis said as we sit here on Council, we swore an oath, to uphold the laws of the Commonwealth and the Township. Is it not our duty to protect the Township and to act into the best interest of the Township? Attorney Treadwell said yes, that's your duty. Mr. Banonis said thank you.

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Ms. Opthof-Cordaro said she's not here to be either one of you, but what she is going to say is as a respondent, you can clearly state in your response brief, response petition, that as Council members, you want to work together and you want to work for the Township and therefore you don't take a position. You can respond without taking a position. Thank you.

Mrs. Stauffer said she'd like the Sheriff come up and take something from her. Attorney Treadwell questioned, for the Sheriff to take something from you? Mrs. Stauffer said yes please. Attorney Treadwell said he doesn't think there is a Sheriff here. Mrs. Stauffer said sorry, the officer of the Court that is here. She doesn't know his name. She asked if he minded giving this to the woman in purple.

Ms. Julie Vautrin, 2331 Summit Drive, said she would like to know the name of the petitioners. Attorney Treadwell said the original petitioners are Mr. David Jauregui, Mrs. Kristen Stauffer and Mrs. Donna Louder. Ms. Vautrin said the people who have brought this against LST. Attorney Treadwell said it's technically not against LST. This Council did not appoint someone to fill the vacancy up here, so those three individuals filed petitions asking the Court to appoint each of them. The Township was named as a respondent in each of those petitions. Ms. Vautrin said so each of them has not sued, but LST is bringing them up before this new law. Attorney Treadwell said each of those individuals asked the Court to appoint them to the vacant seat. Ms. Vautrin why are we here tonight. Attorney Treadwell said we are here tonight so that he could advise Council of the existence of this rule and that the appointment..... Ms. Vautrin said who brought the rule to your attention, you're not a Judge. You couldn't find it, who brought it to your attention. Attorney Treadwell said he was informed of the rule. Ms. Vautrin said by whom is her question. Attorney Treadwell said that may violate his duty of confidentiality to tell you who informed him of this rule. Ms. Vautrin said who are you representing? Attorney Treadwell said he represents LST who acts through the Council of LST. Ms. Vautrin said who filed it? Attorney Treadwell said who filed what? Mrs. Yerger said okay, this is not an open debate. Ms. Vautrin said she's trying to figure out the procedure. Mrs. Yerger said right, and you had the floor. What she's trying to do is get you the floor, not everybody else. This isn't a big community debate so she's trying to get it focused back for you. Ms. Vautrin said who filed the petition for the reason we are here tonight? Attorney Treadwell said he's trying to answer your question the best he can, but..... Ms. Vautrin said she wants to know why we are debating, why Kristen Stauffer should be here or not, who brought that law to your attention? Attorney Treadwell said he answered that question and the motion that was filed today for reconsideration that brings up the same issues was filed by Attorney Scomillio who represents Mr. Jauregui. Mrs. Yerger said you have your answer, we've gone way over 3 minutes and we're trying to be cordial here, but we have other people who want to talk.

Ms. Lori Vargo Heffner, 1481 Sanbrook Road, said she's also on County Council. She said she'd like to read this on behalf of Mrs. Stauffer: "She finds the behavior tonight despicable. The Solicitor for the Township represents the interest of the Township, not individual members of the Council or employees of the Township. The Township has an interest in assuring all seats of its Council are filled. The Township ordinance describes the procedure for the filling of that vacancy. In the case of the vacancy created by the resignation of Ryan Stauffer, the remaining members of Council were unable to fill the vacancy and by law the jurisdiction of procedure to fill that vacancy was vested in the Court. This Council no longer has any jurisdiction in this matter. The Court proceedings were initiated upon petitions of four individuals including hers, not the Township. One of those individuals withdrew his petition. The Court held a conference on a record of January 8, 2020 advising that all members of the Court would recuse themselves pursuant to the rules of judicial procedure. The Chief Justice of the Supreme Court would have to assign a Judge to sit on the Court to review the petitions, hold a hearing, and issue an order filling the vacancy. That specific procedure was discussed and whether or not there was a basis for objection to the rules of the Judicial Administration that govern in matters such as this, where there is conflict or recusal, nobody did. All of the parties agreed on the record, the Township through it's Counsel Mr. Treadwell, Ms. Louder personally, Mr. Jauregui through his Attorney Mr. Scomillio, Mrs. Stauffer through her Attorney Theresa Hogan. Pursuant to the rules of Judicial Administration and proper

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exercise of authority, the Chief Justice of the Supreme Court appointed Judge Augello temporarily to be Judge of the Court of Common Pleas of Northampton County to decide the matter. There was no basis for and no objection was filed by any party. Judge Augello scheduled a hearing and took the testimony of all petitioners on February 10, 2020, there was no basis for, and no objection was filed by any party. Judge Augello announced at the conclusion of the hearing, his intention to issue an order appointing one of the petitioners to the vacancy. There was no basis for, and no objection at that time, was filed by any party. On February 19, 2020, Judge Augello entered on the docket his order appointing Mrs. Stauffer to the Council. She is now a sworn member of Council, there is no vacancy. There is no further issue for the Township here. I am concerned that our Solicitor has been summoned to a continued prey as a political tool challenging the ethical constraints upon him as a municipal solicitor with a duty to the Township and not to individual members. Mrs. Stauffer learned today that one of the disappointed petitioners, Mr. Jauregui, filed a motion for reconsideration. She will be filing her response on Monday. It is up to Judge Augello to decide whether there is a basis to reconsider the matter. Mr. Jauregui's efforts to challenge the order upon a procedure mandated by the Supreme Court, and to which he fully agreed, is disingenuous and should not be at the expense of our taxpayers, whether by unnecessary meetings or participation in further litigation".

Mr. Gordon Gress, 2371 Black River Road, said he's going to change the topic and he's not a lawyer and he thinks you guys are very mastered with the English language to switch things around to suit yourself, but the agenda tonight says "Public Comment, Township Residents Only, three minute time limit", where did that come from? Mrs. Yerger said that's a policy that's been in place in the Township for quite a while, but has not been enforced. Mr. Gress said he's never heard of it. Mrs. deLeon said it was enforced under certain circumstances when we have like burning or some topic where we have a lot of people here. Mrs. Yerger said like we do tonight and we try to be fair to get everybody limited time so people aren't waiting an hour to speak their mind. Mrs. deLeon said unfortunately tonight, this was just popped on you people. You didn't know this before. The agenda on line did not say a three-minute time limit. Mr. Gress said besides, right behind that it says Non-Agenda items. Mr. Banonis said just to be clear, it was announced at the beginning of the meeting. Mr. Gress said does that make it legal? Mr. Banonis said it makes it legal as it was voted on before and was announced before the beginning of the meeting. Everyone who is here is aware of that, so there are no surprises. Not as if we are putting it on you now and surprising you now, you were notified about it at the beginning of the meeting. Mrs. deLeon said we don't want to cut into your time so keep talking. Mr. Gress said he's not worried about his three minutes, he's just questioning how it goes on here and the words are switched around. Mrs. Yerger said it was a policy that's been in place for a long time. She doesn't know the exact date. Mr. Gress said he's been coming to these meetings for a long time and he never remembers it. Mrs. Yerger it's been on the books for a long time and said thank you.

Mr. David Jauregui said he's one of the petitioners. He really didn't want to talk today but words of disingenuous and corruption were brought up and some of it pointing to him, and he wants to make sure his voice and position have been made clear. Regardless of whether he's here or not, if he decides to withdraw his petition, as he reads the law, it exposes the Township, so him going away doesn't make the problem go away. Is he correct? Attorney Treadwell said maybe he didn't say it clearly enough, but that is his purpose for bringing that up, is the potential that anybody in the future for the duration of Mrs. Stauffer's term, could raise the issue that she was not properly appointed. He doesn't know why as a Township, we would want to take that risk. Mr. Jauregui said this doesn't have anything to do with him or politics, but since we're talking that, during the session with the Judge I was clear with him that he was apologizing on behalf of the Township because of the fact that it had to go to that level when the Township was trying to make the decision, it was clear that two Republican's wanted a Republican candidate and two Democrats wanted a Democrat candidate and nobody got chosen so we're in this mess because of party politics. So the notion that I'm being disingenuous by trying to force this issue now, when the Judge made the decision to appoint Mrs. Stauffer, he did it seven days prior to the Council meeting. He was not notified about the judgement made until the day of the Council meeting as well as



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everyone else, so the Courthouse sat on it for seven days, and then sends the decision on the day that the Township gets to meet to get the position filled. To him, that's being disingenuous as it's not giving him an opportunity to look it over. At that point, he was okay with that decision. He knows there is a connection with Mrs. Stauffer and the Court because her husband works there, and there's been talks about conflicts of interest and that's why they recused themselves as a Court. He doesn't care about that. He doesn't want to make any connection to that and he's not here to say there's disingenuous behavior going on there. When he heard the decision, he was perfectly fine with it until he heard about this new rule and he thought, if he didn't step up or nobody steps up and does something about this, then the Township is at risk. So whether he's here or not, it has nothing to do with petitioners, by all means, everyone should petition for the position if you think you can make a difference, not just myself, everyone in this room because you do have an opportunity to try to petition the position, but that does not change or negate the fact that the Township is at risk. Thank you.

Ms. Kareen Bleam, 4289 Fritz Avenue, Steel City, said the gentleman just talked a minute ago and said that the Court sat on it for five days, seven days. Linc when did you know about it? How long has it taken you to find out whether they did it the way they were supposed to do it or this meeting has been on the agenda since when? Attorney Treadwell said which question do you want him to answer first? Ms. Bleam said you know how I work, answer the first one. Attorney Treadwell said when did he know about the Judge's decision. February 19<sup>th</sup>. Ms. Bleam said when did you know that his meeting was coming up? Attorney Treadwell said tonight's meeting? Ms. Bleam said yes. Attorney Treadwell said probably Monday or Tuesday, but he didn't know it was going to be Friday until the Township Manager figured out..... Ms. Bleam said it doesn't matter when...Attorney Treadwell said when we could advertise it in the newspaper. Ms. Bleam said it doesn't matter when you knew, you should have been on the phone right there that day asking when did he do the right things to get her in there. Did he or didn't he. Attorney Treadwell said asking whom? Ms. Bleam said the Judge, you said you wanted to find out... Attorney Treadwell said he's not allowed to do that. Ms. Bleam said then who would do it, who would find that out. Attorney Treadwell said there's a process that we use to ask the Judge to reconsider the decision that he or she has made and that's what he referred tonight that Mr. Jauregui just referred to as to the motion for reconsideration. It's not just a question of picking up the phone to the Judge and saying, sir, what did you do. Ms. Bleam said then why did he say the Court was sitting on it for seven days. How does he know what they were doing with it for seven days in the Courthouse? Attorney Treadwell said how do I know why he said what he said? Ms. Bleam said the other question she has isn't it odd that the three people who are Council members didn't show up at for the meeting when they were supposed to. Did anybody know they weren't coming? All three of you who don't want her in there, are the ones that did not show up at a meeting. Sandy, you know when the meeting is every month and you know the time. Mrs. Yerger said do you want to check with her oncologist on why she wasn't here at the meeting? Ms. Bleam said no, make your appointment at a different time, you don't make it on a Township meeting night. Mr. Banonis said he wasn't here because he had car trouble and he has an invoice to prove it, and he's not going to give it to anyone as it may end up on the internet. Ms. Bleam said you only have one car.

Mr. Jauregui said he wants to clarify his statement. The statement he made was about the decision the Judge made when he picked Mrs. Stauffer on February 12<sup>th</sup> and we were all notified from the County Court on February 19<sup>th</sup>. On that night was a meeting that Ms. Stauffer got sworn in, so the point he was trying to make was for some reason the Judge made a decision on the 12<sup>th</sup> and the Court did not release the decision until the 19<sup>th</sup>, which so happened to be that Council was going to meet and swear the new candidate in, that's all.

Ms. Suzette Califano, 1485 West Raders Lane, said she has a question for Mr. Banonis. Mr. Banonis said he's not here to answer questions, this is an opportunity for the public to speak. Ms. Califano said she wanted him to repeat his motion so she could hear what it was. Mr. Banonis said his motion is for Council to ask Mrs. Stauffer to recuse herself from participating in Council decisions, due to the potential for her vote and the decisions of Council to be invalidated and

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expose the Township to financial implications that we do not want to deal with later. Ms. Califano said Mr. Treadwell said he just wants her to recuse herself from this tonight's motion about whether or not you should find out whether the Judge did things correctly. Attorney Treadwell said two separate issues, yes. His conversation with Mrs. Stauffer was about the conflict of interest and the Ethics Act and not an attempt to I think the term "muzzle" was used, not an attempt to muzzle Mrs. Stauffer, an attempt to protect her from not violating the Ethics Act. That's from this one item of discussion. Mr. Banonis' motion deals with the future. Ms. Califano said does anyone have any idea how long this will take the Courts to figure out and give you an answer to your question. Attorney Treadwell said he believes it should happen rather promptly. Ms. Califano said if Mrs. Stauffer recused herself from the meeting tonight, would there be enough time before the next meeting to... Attorney Treadwell said he doubts there will be anything that will happen prior to March 4<sup>th</sup>, which is our next meeting.

Ms. Califano said she and her neighbors have had a problem with commercial squatters next door to them operating an illegal business. She said Mr. Banonis was the head of the ZHB and they decided they should not be there and they continue to be there. They have wanted to bring this in front of Council and have made complaints to the DEP. You've also been given notices from DEP they are in violation. They had wanted to bring this to your attention. They needed some help, some guidance, and it's now March. They are going to have to go to an Attorney and they are residents and you are supposed to be working for us. We really need this cleared up in harmony, some decisions as we are going to have to go to an Attorney, and that's not fair to us. Mr. Banonis said that issue is not before them right now. His understanding is that's being addressed by the Township Zoning Enforcement Officer and he sent out a Notice Of Violation. Where that stands, he doesn't know but she should probably give him a call. Ms. Califano said they forced him to do that. They've been pushing him and pushing him and sending him pictures and videos and everything else. We're not getting anywhere. Mr. Banonis said we can talk about that on Wednesday night. Ms. Califano said we really need your help. We don't want to go back and spend a lot of money on an Attorney as we have you guys to help us. Thank you.

Mr. John Ochs, 1910 Dartford Road, said he'd like to speak to the motion as he thinks there is a problem with the motion in that if it is in fact passed and agreed upon, you have the exact same problem that without that representation that followed due process, to have her seated on this committee, anything you do without her, will be challenged as valid. So it works in both ways in his uneducated opinion. Attorney Treadwell said he thinks and he's not going to speak for Mr. Banonis, but Mr. Banonis' motion was to ask Mrs. Stauffer or was to ask Council to request that Mrs. Stauffer recuse herself. Council cannot force her to do that, it doesn't matter if the motion passes or it doesn't. It was just a request. So Council does not have the authority to remove Mrs. Stauffer from her position. The motion was to ask her to not vote on things, but Council can certainly not force her to do that. As of today, she's a sitting Council person.

Mrs. deLeon said why are we even entertaining a motion that we don't have the authority to even do, that's ridiculous. Mr. Carocci said as Mr. Treadwell has explained, it has potential for the Township to be at risk when she votes. She should just do it as she's really putting her own interest above the Township's. We aren't asking her to resign. We're just asking her to recuse herself until the Judge or Courts figure this out and hopefully this is soon. We aren't asking her to resign. We are saying don't put the Township at financial risk, just recuse yourself until the Court clears it up, then everything is fine. She's putting her own personal, political agenda over potential financial damages to the Township. Mrs. deLeon said she's sorry, but she doesn't see it that way. Mr. Carocci said that's fine he respects her opinion. Mrs. deLeon said she respects his too.

Ms. Laura Ray said she has a statement from someone who couldn't attend tonight, who is Chris Guro at 2188 Silver Creek Road. She has a statement she wanted to share. "She supports the Order the Court appointing Kristen Stauffer to the LST Council and oppose what appears to be partisan obstruction of this Council woman taking her rightfully and legally appointed seat". Ms. Ray, 3357 Lower Saucon Road, said it's sad that nobody other than Priscilla have offered any sort

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of apology to the meeting that didn't happen on the 19<sup>th</sup> with nobody showing up. She doesn't think it's anything other than a boycott for whatever reasons. She feels that if the Judge had appointed somebody else, no one would have even found this little rule and we wouldn't even be here as you wouldn't have cared and it would have went the way you wanted it to go, so the whole thing we are doing is political games which it's sickening that it happens all over the country and now it happens in our Township down at this level, very disappointing. She thinks it reflects poorly on your judgement and your reputation. People feel like they are being deceived, not represented and once you lose the trust and respect, you'll really have a hard time and probably never get it back. It will be reflected in the votes next time around.

Mrs. Yerger asked if anyone else wanted to speak. No one came forward. She said we have a motion on the floor and a second, as follows, in which Mr. Banonis repeated:

- MOTION BY:** Mr. Banonis moved that Council requests Mrs. Stauffer recuse herself from engaging in votes and participation in Council due to the cloud that hangs over this order and of the uncertainty of the validity that could create financial exposure to the Township currently and in the future.
- SECOND BY:** Mr. Carocci
- ROLL CALL:** 3-1 (Mrs. deLeon – No; Mrs. Stauffer – Abstain)

Attorney Treadwell said so the question is do you want him to file something with the Court to raise these issues similar to the way they have been raised by Attorney Scimollio's motion.

Mr. Banonis said before we get into that, he'd like to make a statement. There's a lot of histories provided here that may not be the accurate histories. The accusations of ending politics and getting back to good government, there were statements about taking it to that level, partisan obstructionism, and using good judgments and reputations. For those who haven't been here for the entirety of this, it's important to know the entire history of it. Back in November 20, 2019 we had a Council meeting and at that meeting, after participating in the meeting, Ryan Stauffer, who is Mrs. Stauffer's husband submitted his resignation for "being offered a job involving government work" and "it does not permit him to serve as an elected official". He didn't disclose the nature of the job. He did not say that he would be working as a law clerk for a Judge of the Northampton County Court of Common Pleas; and he did not recuse himself from participating in decisions and votes of Council during the meeting. During that meeting, Mrs. deLeon attempted to set November 27, 2019, one week later, as the deadline for applications to fill vacancy which was Thanksgiving week.

Mrs. Louder who had been on Council at that time, proposed waiting until newly elected Council was seated on January 6, 2020 since there would be another vacancy because of me winning both the 4 year term and 2 year term. Mrs. Yerger expressed concern with such a short deadline of only 7 days for applications over the Thanksgiving holiday to get the word out and gather the broadest set of applicants. Council voted and set December 6, 2019 as the deadline for applications. On December 4, 2019, Mrs. deLeon requested a special session before Council's next regular meeting on December 18, 2019 and Solicitor Treadwell pointed out that the Court does not automatically get jurisdiction if a decision was not made by December 20, 2019; the Court's jurisdiction attaches only if a petition is filed. Mrs. DeLeon disagreed with the solicitor. Mrs. Yerger moved for re-advertising the vacancy for the Council meeting on December 18, 2019. That meeting occurred on December 18<sup>th</sup>. There were six Township residents who submitted applications to be considered, one of which was Kristen Stauffer. Mrs. Stauffer was appointed during the election by the Democratic party in the summer of 2019 to fill a vacancy on the ballot for the November 5, 2019 election. Mrs. Stauffer was the last place vote-getter in the municipal election. As a resident, he questioned process and procedures since none were agreed or voted upon by Council, and he also questioned the urgency as did Mrs. Louder to move forward since the whole process would be duplicated in three weeks upon new Council being seated. He also questioned the potential ethical implications of Mr. Stauffer taking action while on Council because those actions could potentially benefit his wife in becoming a member of Council. Mrs. deLeon refused to answer those questions

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that I raised, suggested perhaps the State Ethics Commission could answer those questions and she herself did not see it as a problem. He also pointed out that Mrs. Louder, who was on Council at the time, previously questioned going forward with the appointment since the process would occur again in less than three weeks. Council conducted the interviews during that meeting of six applicants: Ted Eichenlaub, David Jauregui, Andrew Lauden, Kathy Pitchel McGovern; Tom Carocci; and Kristen Stauffer. He expressed appreciation for all applicants, and questioned Council considering Mrs. Stauffer by usurping the voters who put her in last place in the election. He also offered that the Township is a democracy, not a monarchy where you cannot appoint family members to fill a vacated position when a spouse vacates and moves on. During that meeting, Council deadlocked 2-2 on two of the applications and never reached the other applicants which he believes was a bit of a slight for those who took their time to come to this meeting and present themselves and their sincere interest in taking this position. Subsequently, during the week of December 20, 2019, three Petitioners submitted petitions to the Court for appointment. Mr. Carocci, who later withdrew; David Jauregui, who is now seeking reconsideration of Judge Augello's decision; and Mrs. Stauffer, who is represented by Theresa Hogan, an Attorney in Easton and daughter of a former Judge of Court of Common Pleas of Northampton County. Later, Mrs. Louder filed a Petition and proceeded pro se. Mrs. Louder was the fourth place vote-getter in the municipal election. On January 6, 2020 we held the Council Reorganization Meeting. He chose at that point to accept the 2-year term and was sworn in. Mrs. Yerger made a motion to move the 4-year vacancy up the agenda because she believed it is important to have as many Council members on board to represent the broad diversity of the Township. Council voted 2-1 in favor to move the vacancy up the agenda with Mrs. deLeon voting against; and Mr. Carocci became a Council member at that point. During that meeting, Northampton County Democratic Chair Matt Munsey, admittedly not a Lower Saucon Township Resident, who is here with us again today and came in from out of town to observe presumably, spoke in opposition to Council proceeding with fulfilling its duties under the Township Code to fill the vacancy. Pursuant to Township Code, Council considered the prior applicants and voted 2-1, again with Mrs. deLeon against Mr. Carocci was appointed. Mr. Carocci was then sworn in as a valid and fully seated Council member. Solicitor Treadwell provided an update on the remaining vacancy unfilled by prior Council and the initial Northampton County Court of Common Pleas meeting on January 8, 2020. Mrs. deLeon voted against retaining Solicitor Treadwell as the Township's General/Civil Solicitor, a position he has held with distinction for decades. The January 15, 2020 Council Meeting, Solicitor Treadwell reported that the Northampton County Court of Common Pleas held a hearing on January 8, 2020 on the pending petitions and during that hearing the court recused itself. The stated reason for the recusal is because the husband of one of the applicants is a Clerk for one of the Judges. That Clerk is former Council member Ryan Stauffer whose wife Kristen Stauffer had filed a pending petition. The Court directed that a single Judge from outside the County be appointed. Those petitions were assigned to Luzerne County Senior Judge Augello. No explanation for why a single Judge from Wilkes Barre was selected over a closer Judge from Lehigh, Bucks or Monroe Counties. Judge Augello scheduled and held a hearing on February 10, 2020. There were three Petitioners, David Jauregui, Donna Louder and Kristen Stauffer. We received copies of those petitions and in those petitions each of the petitioners set forth their qualifications. He'll share some of those details. David Jauregui reported that he and his wife and children have lived in Township for more than 10 years. He's the son of first-generation Mexican American immigrants and he worked his way through H.S. and College, BS in Electrical Engineering and Masters of Science in Engineering Management. He formed a startup company in Ben Franklin Tech Ventures, built it up to 60 employees; and it was acquired by Texas Instruments for 7 years; and then he left there and went back to the Ben Franklin Tech Ventures that started another company and is employing 16 and is growing. He has served for a long time on LST Environmental Advisory Council, and elevated to voting member and he's a Registered Independent.

Mr. Banonis said Donna Louder, she and her husband lived in Township for most of her life; she was raised and attended HS here. She has an Associate's degree in radiology from NCCC. She works for local health system as a radiography/mammographer. She attended the first Lower Saucon Citizens Academy in 2013. She's been on the Lower Saucon Landfill and Fire Services

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Committees, she is a member of the Se-Wy-Co Fire Company Ladies Auxiliary and she was previously elected and served on Lower Saucon Township Council for a four-year term. She was the 4th place vote-getter in municipal election. She's a registered Republican but touts her bipartisan qualities.

Mr. Banonis said the third application was Kristen Stauffer who reported that her and her husband have lived in the Township, she but did not set forth the number of years. She is self-described herself as a marketing professional. She cites no college degree. Her petition cites no service to the Township on any Councils, Committees or Boards. Her petition cites no volunteer or civic participation; and she is a Registered Democrat.

Mr. Banonis said at some point, Judge Augello issued three orders without any rational or explanation. Those were dated February 12, 2020. Seven days later, shortly before noon, on February 19, 2020, the same day Council was scheduled to meet for its regularly scheduled meeting less than 7 hours later, the Northampton County Court of Common Pleas docketed those Orders. Judge Augello denied and dismissed the Petitions of Mr. Jauregui and Mrs. Louder and granted the petition of Mrs. Stauffer, all without explanation. Luzerne County Judge Augello's Order says that the law and interests of justice constrain the Court to act "without delay". There was no explanation provided to us why there was a seven day delay without explanation. A few hours later, on February 19, newly-elected Northampton County Court of Common Pleas Judge Abe Kassis who ran as a Democrat was here at the meeting and appeared for a ceremony for Mrs. Stauffer. We know that the law and interests of justice were not followed here. The solicitor told us that. Act 201 Pa.Code §1908 – the highest Court in the Commonwealth, has a procedure that was in place. There was no publication that was done here. More importantly, the selection was done, not by vote of the Commission of Judges, plural, all of the Judges, including the President Judge, but instead it was cited by a single Judge from a different county. There is nothing in that rule that allows that to occur. 1908 was not followed by the Northampton County Court of Common Pleas or Judge Augello. We don't know if the Northampton County Court Pleas was even aware of this rule. We don't know if Judge Augello was aware of this rule. We don't know if any of the petitioners were aware of this rule or any of their attorney's. There have been some suggestions that Mr. Treadwell somehow acted inappropriately. He's not the only person involved in this and he was not directly involved in it. This was up to the petitioners and their attorneys. We do know that the Council was never made aware of 1908 before the Northampton County Court of Common Pleas entered this order that Judge Augello had signed. As a result of this, the last place vote-getter in the Municipal Election and the wife of a former Council member who works for one of the Northampton County Judges, has a piece of paper from a Luzerne County Judge, who doesn't have jurisdiction in Northampton County, that says she is appointed to LST Council. We also know that Mr. Jauregui, has filed for reconsideration and his petition is pending. We do not know if anyone else intends to file a petition and do not know if Mrs. Louder, intends to seek reconsideration as well. He thinks it's very clear that we have an interest in this and it's important that the members of the public understand exactly the detailed history that took place here and not to take pieces of it that served their interest or others interest. When you look at the body of what's happening here, it's important for this Council to act appropriately and in the interest of the Township residents.

Mrs. Stauffer said can she say something. Attorney Treadwell said, I don't tell you whether to speak or not, that's up to you. If you want to say something that has to do with the history of something and nothing to do with what we are discussing tonight regarding the vacancy, then go ahead. Mrs. Stauffer said there's been a lot of focus on her being the last place vote getter and she's really proud of how she did in the election. She ran an honest campaign. She didn't attack anyone. She didn't send anyone any negative mailers. She didn't speak any ill will of them. She joined this fight because her grandparents were public servants and they both died last year. She was motivated to do something in their memory. It only makes sense that she's married to a partner who is committed to public service. She's not going to read her resume for you. She doesn't think that's part of the campaign, but she was only about 3% off the top vote. She ran for

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eight weeks and went door to door and meet as many people as she could. She only spent about \$100. She thinks Mr. Banonis spent a couple thousand. For that, she's proud of how she did and how she conducted herself during her campaign.

Mr. Donna Louder said she's very emotional right now. She's sorry. She came in 4<sup>th</sup> place. Let her give you a little bit of background on her journey. Mrs. deLeon said give her the tissues. Mrs. Louder said 2012 she came to the meetings based on a landfill shadowing 300 homes. She fought and fought and fought. She gave up a day's pay because she went part-time so she could spend that day at the landfill learning how it works and how it was impinging on this Township. That's what she did. She made a mistake and one of the Council members caught it and fought her. So she took her name off the ballot and did a write-in. She did not succeed at that, but it didn't stop her. She attended Zoning meetings, EAC meetings, she attended Council meetings. You could probably go back to 2012 and see her name in all of the minutes. She attended all that was available in this Township so she could learn. Mrs. deLeon led her for the first couple of years and she helped her get through it and she thanks her for that, but in the same token, I also came back again in 2015 running her campaign. She worked a full-time job and on her way home in her uniform with her badge off her shirt, she drove through the Township and looked for people standing outside and she stopped and spoke with them. She went door-to-door. She hired a professional election person and she put out close to \$10,000 out of their household money so that she could do it right and she was not doing it for her ever. It was never about the glory of that chair for her. It was about the glory on how she can help her neighbor's property value remain. It was about how she can help the folks on Black River Road with their stormwater problems. It was about the woman who came to her at the polls looking for help with her sewage issues. This is nothing to do with you, you, you, you, or you. It's not you. There are no you's. You look out this way and you remember that's why you are sitting there. She congratulated Kristen and that day in December when we voted and it came out 2-2, it was not party. It was because she sat beside of Mr. Carocci at the Citizens Task Classes, that's why it was, and she saw him in meetings, and she saw him volunteering in different things in the Township, that's why I voted for him. She personally doesn't care what's behind your name, a D, an R, or an I, she really doesn't care. The thing is every one of you walk in here on a Wednesday night and you make sure you are coming in here and you ask God to show you the right thing to do, by the people, by the taxpayer. That's what you do. You forget about the gain in your pocket, you forget about the gain behind your name. You do nothing without the people sitting back here. Remember that. She doesn't care what the Judge's ruling is ever, the Judge will rule however he rules and she personally doesn't care how he rules because she feels if God wanted her in that spot, she'd be there. That's where she's at, so good luck to all of you, do it right. Forget yourselves and do it right, and if anyone has a good peanut butter icing recipe, she needs one.

Mrs. deLeon said she had a little bit of a timeline prepared, whatever date that was that Ryan Stauffer resigned. Mr. Banonis said it was November 20<sup>th</sup>. Mrs. deLeon said he had sent them an email and he was resigning that evening, but his resignation was at the end of that meeting. We asked Linc if his votes were up until the end of that meeting. Attorney Treadwell said he resigned at the end of the meeting. Mrs. deLeon said that was perfectly legal. She was President of Council at that and she made sure it was all legal. Linc then told them they had 45 days to act on his resignation and if we acted on it that night, we had 30 days to appoint somebody. With the coming up of holidays, she was trying to think ahead to the best date possible and we had 30 days to do this and just the year before we appointed a former Council member, George Gress and we went through a process where we gave x-number of days for applications to be submitted, they had to be in by a deadline, then we had a special meeting to do that and interviewed a lot of candidates. We took time to do that and we had to make our decision within 30 days. She wanted the process duplicated as we don't get resignations that often. She's a person that likes to follow rules and have a procedure in place. When Ryan resigned, he resigned at the end of that meeting and she chose out of her head, December 4<sup>th</sup>. Council disagreed with that and she went along with January 6<sup>th</sup>. She wanted it to go with the Council meeting on the 4<sup>th</sup> and not two days later, that was kind of stupid and we would have known how many candidates we had rather than waiting two days.

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Then we had to have a meeting on the 18<sup>th</sup>, no one wanted to have a special meeting. The meeting of the 18<sup>th</sup> comes, call the meeting to order, she was talking to the Council about procedure and Jason jumps up and goes over to the microphone and says what's your procedure. She said Jason, we're talking about the procedure now. We're trying to establish one. He talked a little bit and sat back down again. Council proceeded to talk about the process. We were going to ask the candidates and told them they would go into the hall and asked individually to come back in and after that they could stay in here and we would ask everybody the same questions. That's what we did. We had six candidates. Then we came to the dead vote that we couldn't come to a conclusion. We did have a process which we were interrupted, but we did have a process. Then we still had four people on Council and we were deadlocked. Come reorganization meeting, there were only three people up here, and I'm a person who has a process and Jason decided to take the two-year seat for whatever his reasons were and he came up here and Sandy made the motion to appoint Tom Carocci. She has no problems with Tom, she likes Tom, he served on the search committee for the Police Chief. Again, she wanted a process to happen and it didn't happen. The same process she asked a month ago before that, where's your process, she established a process, but yet there wasn't one at the reorganization meeting it was like that. The motion was to appoint you, and it passed and she voted no. She said it should be stated in the minutes, it was nothing personal.

Mr. Carocci said you defined the process accurately, but what he wants to point out, when Mr. Stauffer resigned, he did not have to resign. He did not have a conflict on that night. He didn't start for the newly-elected Judge until January. If he would have waited and served out until the end of the year, we wouldn't have been in this process to begin with. The new Council would have come in and appointed people. His resignation was timed for that night so that you could try and appoint somebody prior to a new Council being seated. He did not have a conflict on that night. He did not start until his Judge, Judge Morganelli was sworn-in in January, so there was no conflict, and he only did it solely for political reasons. When you talk about his whole process. Where did the first political act start? That's where the first political act started. When he resigned, he was not required to resign at that point, it was to set that process in motion so they could try and select someone with that current council. That's when this became political. When he decided to resign he was not required to resign. There was no conflict until you start the job. The Judge he works for wasn't even on the bench yet. Mrs. deLeon said her recollection, you can't be in Ryan's head to know why he did what he did. That's your theory. Mr. Carocci said why did he resign after the meeting? If he had a conflict at 9:00 p.m. when the meeting ended, why didn't he have a conflict when it started at 7:00 p.m. when it started? Mrs. deLeon said because he had a responsibility to be there for the meeting. Mr. Carocci said he had a responsibility to serve under the voters who elected him, to serve until he had the actual conflict and he didn't do that, and it's political and that's where the politics of this whole thing started. We shouldn't be in this position, but we are because of Ryan Stauffer being political.

Ms. Jane Stavola, 2048 Pleasant Drive, said she'll admit she's late to the game here, she is coming up to speed. None of you know what was in that gentleman's mind when he stepped down on that evening. Mrs. deLeon said that's what she wanted to say, but she didn't say it so well. Mr. Carocci said he didn't he knew what was in his mind, he specifically said he was not required to resign on that date. Mr. Banonis said the minutes reflect what the statements were and the minutes state in quotes "he is being offered a job involving government work and it does not permit him to serve as an elected official". That was his stated reason and that's all we know was he reason. It's very clear to what his intent was. Ms. Stavola said it doesn't say he's doing it for political reasons, so to say again and again he's doing it for political reasons, you can't know that. That's not what he stated unless he stated that to you personally, you can't know that. To sit there and say that, and say he started the process for political reasons, she can't see how you can do that. Mr. Carocci said he has to respectfully disagree.

Mr. David Jauregui said we've been here for 1.5 hours and we're debating. It doesn't change the fact that the Township is at risk. He's looking at Linc and he's the only one who looks at the black and white data which means based on this ruling we're exposed as a Township, yes or no?

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Attorney Treadwell that is correct. Mr. Jauregui said that is what we need to solve here. Everyone here in this audience will take it as they want to see. He's an Independent, he can see both sides, he is not here to sway you one way or the other. He is here to make you realized that the Township is exposed and so based on that new law, that caught all of us off guard, we need to address it as a Township and if we don't there's going to be a problem. It doesn't matter if he's here or not, he can recuse himself or pull his decision, that doesn't change the fact that we're exposed as a Township.

Ms. Opthof-Cordaro said from what she's heard so far, she just wants to point out the procedural background from Mr. Banonis. She also points out it sounded very much like a brief, which would be submitted from one party and it sounded very bias. She says that as a Township member. She doesn't think it's appropriate for you to take positions because you are not representing the Township. Your position is in favor of one group of people versus another. You sat there and listed all the credentials of the people you felt were highly qualified and then decided to point out everything that was not qualified about the person that was appointed by the Judge. Last time she checked, you don't have the "Honorable" Banonis in front of your name to be the Judge. If you wanted to be Judge you should have ran for the Judgeship, but you didn't and it just sounded like you listed everything you felt was appropriate and not appropriate. It did not sound like a person who was talking on behalf of the Township and she says that as a resident. She thinks it's appropriate to say as someone else pointed out, whether or not Kristen acts and votes as an acting member, either way you're in the same position. If she doesn't act, then you're still in a position where you didn't act and somebody can question every single decision you make. With the fact that you are faced that either she's acting or somebody doesn't like that she's acting, as she wasn't appointed "properly" versus she does act and then everybody says she shouldn't have acted. In that situation, you're in the same position. Financially speaking, you're dammed if you do and you're dammed if you don't, so in that respect you should say respectfully to the Court in your response because you are a name holder in this petition, you should say that you don't have a position, and that way you protect the financial stake holders of the Township. You didn't say yes or no. Everybody is going to question why you said yes or no for how many years the position holds. She respectfully as a Township taxpayer requests that you stay out of it and say you don't have a position and don't argue for one candidate or the other.

Mrs. deLeon said Ms. Opthof-Cordaro, can you come back up, she wants to ask her a question. She likes what you are saying about this no position thing, can you explain that a little bit better. Ms. Opthof-Cordaro said from what she's hearing, the issue is, that if Kristen votes during this interim period, if this position was appointed properly, any member of LST may have legal standing to bring a lawsuit that any decision the board makes would be improper as someone voted who should have not voted. On the flip side, if she doesn't vote because the Township has declared publicly that she shouldn't vote, in her opinion, puts you even more legally at stake as you made a position for yourselves and asked her one way or another and someone can challenge your votes. You put it on the record that you decided you didn't want her to vote, so you are not following the process and by doing that, somebody can challenge everything you do from this day forward so the best position you are in as a Township if you don't want anyone to challenge on either side of the fence is to say we will let the Judge figure it out. It's a judicial procedure rule, it's not a Lower Saucon rule, you shouldn't be debating it. Mrs. deLeon said if she's understanding it right, we should not do anything with the Judge, we shouldn't petition. Ms. Opthof-Cordaro said you have to respond you have to do a petition. Attorney Treadwell said his suggestion is not that we take a position on a candidate, his suggestion is that the Township asks the Court to make sure that the proper procedure was followed and if it wasn't then lets follow the right one. That's it. Not to pick one candidate or another. Ms. Opthof-Cordaro said she respectfully requests you go ahead and do that, that's completely fine. She understands the position; however, there has been a lot of political discussion and you all just voted that they wanted Kristen not to vote and that puts you financially at stake if someone challenges from this day forward. Attorney Treadwell said the motion was a request and Kristen can do with it what she wants to. Ms. Opthof-Cordaro said right, but you all went on record saying you don't want her to do anything. That's the point. You are



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already on record. You should say we don't take a position, one way or the other. Attorney Treadwell said when he's not at one of these meetings, he sometimes watches ESPN and the head of the NFL Players Association the other day said democracy is messy, but it's a lot better than the alternative, so the reason that he started with this evening was, does this Council want him to file a motion to reconsider, with the Court or a similar document asking the Court to insure that the proper procedure was followed and if it was not, then we ask that the proper procedure be followed. Does Council want to do that?

**MOTION BY:** Mr. Banonis moved that Attorney Treadwell file a motion to reconsider with the Court asking them to insure that the proper procedure was followed and if it was not, then we ask the Court that the proper procedure be followed.

**SECOND BY:** Mr. Carocci

Mrs. Louder said can she interject. In front of her she has a copy of this petition that came out today for David. She is going to read the front page. It says "a petition of David Jauregui and at least ten electors of LST, to appoint David Jauregui a registered elector in and resident of LST, to fill the current vacancy on LST Council due to resignation of Councilman Ryan Stauffer on November 20, 2019". Right under his name is her name, the petition of Donna Louder, and right under her name is Kristen's name. So all three of us are actually on this as it kind of became entwined with the first petitions they put out. The first petitions are sitting here, the Judge made the decision, but now they are questioning this decision, so all three of us are now involved in that. Mrs. deLeon said we may not have to do it, it's already being done? Mrs. Louder said she doesn't know that, but what she's saying is this has been filed dated today. All three of our names are on that, so does that cover all three of us, are all three of us still involved in it? Attorney Treadwell said yes. Everybody is involved. Mrs. deLeon said why waste taxpayer dollars then if it's already in progress to do. That's her question. Mr. Carocci said we're the ones with the financial risk.

Attorney Treadwell said the first issue is that when this meeting was scheduled for this evening, we didn't know that this was going to be filed today. The second issue which is the question he just said and what he started with, does this Council want to take a position similar to the one taken in what Mrs. Louder is talking about or does this Council want to take a position different than the one that's in the motion that Mrs. Louder is talking about. That's what we are here to discuss. Mrs. deLeon asked what was the wording in the petition. Attorney Treadwell said the proposed order is what is the moving party files. The proposed order says it is hereby ordered and decreed Petitioner's David Jauregui, Motion to Reconsider is hereby granted. Proceedings will be performed in accordance with Judicial Administration, 201 Pa. Code 1908. What the moving party is asking the Judge to sign is an order saying we are going to do it again in accordance with Rule 1908. Mrs. Louder said that what needs to be done so everybody's behind is covered. That's just the bottom line. This is nothing personal, this is business, this is tax dollars. She'd rather spend the tax dollars now with Linc doing it than doing it with ten lawyers on your butts saying you guys screwed up, the Township got big troubles now. This is what it's about. This is not personal on anyone's level. This is about our LST, not spending extra money in the future. Mr. Carocci said you are correct. Mrs. deLeon said it's complicated because someone already took an oath of office and is sitting here. Mrs. Louder said this is not against Kristen, for all she knows, they are going to say, I'm glad you brought this rule to my attention, but my ruling stands, have a nice day. Bottom line or they'll say we have to redo it because Northampton County screwed up, very similar to the voting machines.

Mr. George Gress said it doesn't matter what he's going to say because whatever you make a motion, it's going to go through as the majority will push it through. When he started this way back when, it was to do what was best for the residents of Lower Saucon and LST. That was it, he doesn't own any other property, his family certainly doesn't own any other property, and he doesn't even own his own, the bank owns about 2/3. Maybe one day he'll get there, but we talk about political stuff and this and that, it goes right back at you January 6<sup>th</sup>, you pulled your petition and you got voted by the 2-1 majority, sorry, you want to talk about political gains, that's just one of them. It goes all the way down the line, maybe he was part of it, maybe he wasn't, he doesn't know, but he's not part of it anymore. What's best is what's best for the Township. He

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understands what Linc is saying. He gets that. He doesn't know what the Judges will decide. Jason, you just said before it was up to the petitioners and their attorneys to figure it out. Victor Scomillion found this rule, he ran for Judge and he lost, he should know the rules, he would have needed to them anyway. It is what it is, he asks please do what to do is best for the Township. Mr. Carocci said what's best for the Township is to get a clarification as Linc said. Mrs. Yerger said that's all we're trying to do. Mr. Gress said he disagrees. The Township's obligation was to fill that seat. Council could not do it. It only would have went to the Court if someone filed a petition. Sorry buddy you're up. Mrs. Louder said that was Tom. Mr. Gress said once the petition was filed, you took it out of the hands of the Court and Council, so what's the difference. The Court decided to fill the seat, that was the requirement of the Township. The Court said this is the person. David's fighting it, that's his right, he doesn't care. He didn't put in it as he didn't want to muddy the water as we're all swimming in right now.

Mr. Banonis said slightly unrelated to what we have here today, there was some misstatements in the Press about him after the last meeting that suggested he was collecting a salary to be on this Council. He's not collecting any money. He previously directed that any pay he receives to do this job would be given back to the General Fund and used as the Township sees fit. He wants to make it clear. Mr. Carocci said he did the same thing, they are not collecting salaries, they are not costing the Township a dime.

Mr. Jauregui said the problem at hand is the Township is at risk. He for one, whatever the Judge choses, he will accept. He's not looking this to further it beyond closing the open matter as of now. If it goes back to the Judge and the judgment is correct, congratulations to Mrs. Stauffer, he won't say another word. He just wants to make sure our Township is not being subjected to further problems in the future because of this technicality. This is what we live in and if we let this technicality move forward, we are only going to hurt ourselves. Once we receive a decision, he will pull back as long as the technicality is taken care of.

Andrea Wittchan said so thank you, Mr. Jauregui, so you have effectively done the appropriate legal thing to raise the issue to whether the appointment was made correctly so there is nothing left for the LST Council to do but to respond in a benign manner to that motion that you have filed with the Court. You have taken the step necessary to raise the question and there is nothing that the Council needs to do except wait for the Court to rule on this. This has been a giant waste of time.

Mr. Carocci said there's a motion on the floor that has been seconded. Mr. Banonis said before we vote on it, as a Solicitor for the Township, will you be attending and participating in these hearings to observe and report back to Council. Attorney Treadwell said yes he will and for that reason, if anyone that was present at the last hearing, Judge Augello from Luzerne County had a bunch of questions to ask him as a participant in this matter. Mr. Banonis said there is no additional cost going to attending, and coming back and reporting to us. Attorney Treadwell said no. Mrs. deLeon said he gets paid by the hour. Mr. Banonis said he's going to be there anyway, so whether he goes there to just sit there and watch or whether he goes there to state that Council is asking the Court to reconsider because of our financial interest and risk going forward, there's no difference. The people have argued they are concerned about wasting taxpayer money, there's no difference there.

Ms. Opthof-Cordaro said if Linc participates, yes, he's not spending any extra money. There's a difference between participating and not having a position on who the appropriate person selected is. Writing a brief, writing a petition, so if he writes another petition... Mr. Banonis said hold on, he's making a motion to terminate the debate on this and anything further. We've been through this over and over again, there's no point in continuing a debate on it. The motion is he's asking to cut off the debate and to have a vote on his motion. Mrs. Yerger said she's holding her to three minutes and she wants it to be quick and short as there's a lot of people that have the same right to speak. Mr. Banonis said he's asking to terminate the debate. Mrs. Yerger said she understands you

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are. Be quick and be fair to everyone in this audience this needs to be resolved. Make it terse, make it accurate and say your peace.

Ms. Opthof-Cordaro said a petition has already been brought. The reasoning for the petition has already been brought. We don't need to spend taxpayer money on Linc drafting a duplicate petition and a duplicate brief that's already been before the court. You have to pay him one way or the other to show up, to pay him to write a petition and a brief when one has already been filed is a waste. Mr. Banonis said he'd like to make his motion and have it seconded on the debate. Ms. Califano said if this is in front of the Council now, potentially any decisions you make while this is going on, could they be invalid because of a terrible outcome of the situation. Mrs. Yerger said she's not sure what you are asking. Ms. Califano said what you are deciding as Kristen being off or on the Council. Mrs. Yerger said we are not deciding that. We are not trying to kick Kristen off the Council. She asked to state the motion again.

**MOTION BY:** Mr. Banonis moved to direct Attorney Treadwell to attend and participate in the future proceedings and to submit to the court a petition for reconsideration so that we have clarity as to what the potential implications are. We are not asking the Court to pick one person over another we are simply asking them to insure that the proper procedure was followed and if it was not, then we ask the Court that the proper procedure be followed.

**SECOND BY:** Mr. Carocci

Mrs. Yerger said please come to the podium. Mrs. deLeon said Sunshine Law. Mrs. Yerger said yes, she has no intention of violating that. Mrs. deLeon said I know Sandy, you do well, I'm just reiterating that's all, don't get mad at me. Just turn that frown into a smile.

Ms. Alison Millevoi, 2558 Kings Mill Road, said Mr. Banonis said there's no additional cost to the taxpayer by having Mr. Treadwell participate in the motion. However in the wording of the motion you specifically said attend and participate and file a petition which she would presume would require preparation time. Attorney Treadwell said correct. She asked if that time would be billed back to the Township. Attorney Treadwell said yes it would. So in practice, we the people in this room would be paying you to do work that David's attorney or David has already performed. Attorney Treadwell said correct. She said thank you. Attorney Treadwell said he didn't realize this was a cross examination and she could tell him when he was done. Mrs. deLeon said it's turning into a Courtroom. Attorney Treadwell said in the interest of justice, if he does not file anything, which is perfectly fine with him if Council directs him not to, and he goes and attends the hearing which may or may not happen in the future, the Judge may not let him participate because he has not stated a position from this Council. Mrs. deLeon said that's the first time we heard that. Attorney Treadwell said it's the first time the question came up. Mrs. Yerger said she has worked with Linc for many, many years, more than anyone in this room, except for Priscilla and she trusts him implicitly and he has the Township's best interest at heart and he will do what is best. She trusts his judgement. If he says to file this motion, then she will agree with him and he is not that freaking expensive.

**ROLL CALL:** 3-1 (Mrs. deLeon – No, Mrs. Stauffer – Abstain)

**MOTION BY:** Mr. Banonis wanted to make another motion and that is the Court apparently considered at some point there was a conflict as Mr. Stauffer was working for the Court, this Council would have retained jurisdiction over these matters, he would like for the Solicitor to represent to the Court, that this Council, if the Court so chooses, the Court has the decision making authority, that we would welcome this matter to be remanded to us in accordance with the Township code and if that was to occur, that we would follow the guidelines of 1908 and we would receive applications from candidates who are interested, post for it, keep it open for 30 days and that the selection would be in accordance with the majority vote of this Council. We would hold interviews in 15 days thereafter and make a determination quickly. This would give the opportunity for the Court to send it back to us, he's not telling the court what to do, he doesn't have that authority. If the Court feels conflicted and there is a problem with them proceeding

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in accordance with 1908 if they so choose to proceed, that they have the opportunity to send it back to us as we welcome that.

**SECOND BY:** Mr. Carocci

Mrs. deLeon said she disagrees. Those judicial rules apply to the court, not to little Lower Saucon Township. We had a process and you of all people didn't want follow the process when we appointed Tom. Mr. Banonis said there was no process, there are no rules on how this is done, this is done by majority vote of Council. That's what we did. Talk about rules, but there are no established rules. Mrs. Yerger said this is a request, it's not legal. Ms. Opthof-Cordaro said we've just come full circle. She talked about partisanship, talked about you not taking a position. By telling the Solicitor what legal jargon you want to add in to take a position is taking a position. If you want to take a position to say hey remand it back to us so we can do what we didn't do in November, that's taking a position. Mr. Banonis said he's not directing him to tell the Court that's what we want. Ms. Opthof-Cordaro said that's what you are requesting which is basically taking a position. Mr. Banonis said no, he's telling the Court we welcome this back if they so choose. We aren't telling them what to do. We will follow it in accordance with 1908 and we will have it open for 30 days, receive applications which the Court didn't do, have a vote among the Council members and we will have interviews within 15 days after receiving them and make prompt a determination.

Ms. Maddie Harbore, 2425 Apple Street, said she is new to this process and doesn't know any of you, thank you for serving. What she has witnessed as an outside observer is a note of arrogance and self-entitlement, that is a real turnoff. She thinks that is why you are getting such a strong response from the audience today. She has seen no respect given to Kristen for her availability to fill one of these seats. In fact, she seems to be the victim, which again is just observation. The lack of respect she feels for you has diminished. She will vote more carefully more next time, she's just disappointed. Mrs. deLeon said she is so sorry.

Mr. George Gress said he heard what Mr. Banonis said and he has a general question. When referring to 1908, and he just tried to research it, could somebody read to him what 1908 says. So it talks about selection, he thought we talked about it before. You had talked about bringing it back to Council and allowing Council to make a decision. Mr. Banonis said if the Court so chooses. Mr. Gress said you are not the Court and you are not the Commissioned Judge, as you said you were going to follow 1908. 1908 says shall be by a vote of the Commissioned Judges of the Court including the President Judge. In the event of a tie, the President Judge will cast the deciding vote. While you say you want to follow 1908, by bringing it back for you to vote, it's not following 1908. 1908 is having the Judges follow it. Mr. Banonis said we would follow 1908 and have the majority of Council make a determination if they so choose. If they choose not to send it back to us, that's their prerogative. They have jurisdiction over this. Mr. Gress said you wanted to follow 1908. Mr. Banonis said this isn't a debate. Mrs. deLeon said it's an embarrassment.

Mrs. Louder said she would just like Mr. Banonis to take that back to ask the Judge to give it back to Council. What we need to do is give it to the Courts and let it die there so that Township business can move forward with all due respect. Mrs. deLeon said thank you Donna.

**ROLL CALL:** 2-2 (Mrs. deLeon & Mrs. Yerger – No; Mrs. Stauffer – Abstain) Motion failed.

**VI. MISCELLANEOUS BUSINESS ITEMS** – None

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Mr. John Vivian, citizen of City of Bethlehem, said there was an agenda item on last week time and it's basically on the development on Creek Road. He wants to make sure it's on the agenda in the future. Mrs. Yerger said March 4<sup>th</sup>. He said he doesn't know if he can make that meeting. He's done litigation all his life and you people are too vicious for him. He said so far the Borough of Hellertown P/C have sent letters to the City of Bethlehem, not in favor of the project. He had an understanding that the LST P/C was going to follow suit. Attorney Treadwell said they haven't seen it. Mr. Vivian said he'd urge the Council to oppose that. The entire section that is supposed

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to be rezoned, and it's in a special flood hazard area as determined by FEMA. Even if the City of Bethlehem allows it, they couldn't get flood insurance as the Saucon Creek floods out. He urges you to go on record opposing the situation. Mrs. deLeon said it's on the agenda for Wednesday, what is the expected outcome you want from us. Mrs. Yerger said we don't have time for it to go to the P/C, and to his point, it's in a hazardous flood plain. They want to put buildings there for seniors. Mr. Vivian said they also talked about putting in a health care facility.

- Ms. Stephanie Brown said she used to be a resident of Lower Saucon ten years ago. She's a proponent of saving the Meadows Road Bridge. As a victim of somebody who, of all the dirty politics in this Township, she is appalled by what she sees. She didn't think this would sink any lower, but it has. Unfortunately, when she was sitting here in 2005, the room was empty and she was one of the few people who sat through meetings for several years. What makes her really sad is to see the appearance of impropriety of some people who have come on the Council lately and she sat here in the beginning when all this started in the fall. Mrs. Yerger said you have three minutes. Ms. Brown said you know I'm disabled, and she doesn't know why that came because... Mrs. Yerger said because we are trying to be fair to everyone. Ms. Brown said she was shocked to see that Mr. Banonis went to Hellertown Council and did what he did. She thinks a lot of people in the Township were shocked by his behavior. You worry about people being unethical. She sat here and he mocked her because of her disability. She sat here and watched you mock Priscilla because of her disability when discussing the Homestead. Mrs. Yerger said do you have a comment. Ms. Brown said this is her comment. Mrs. Yerger said are you done, you are running out of time. Ms. Brown said she's really sad to hear Mrs. Yerger is sick, but she's been sick most of her life, and if you can't show up for meetings, maybe you should resign. She's always had respect for her up until recently. She sat here and watched Mr. Banonis while everybody else sat in the room and went out and talked to the people who were waiting. Mrs. Yerger said she notified Mrs. Huhn way in advance because she was going through medical issues. Ms. Brown said that's fine, so does she. Mrs. Yerger said yes, we know. Ms. Brown said everybody knows everything, but we don't know what Mr. Banonis was talking to the people about who were waiting to be interviewed. It's very sickening to. Mrs. Yerger said you have 15 seconds, dear. Ms. Brown said you have two lawyers here and are using Mr. Treadwell to do their dirty work. Mr. Carocci said he's been attending all these meetings and he's never heard Jason once denigrate anyone, this is defamatory, it's out of line, and it's inappropriate.

**VIII. COUNCIL & STAFF REPORTS**

- A. **MANAGER** – No report
- B. **COUNCIL/JR. COUNCIL**
  - Jr. Council** – Absent
  - Mrs. Yerger** – No report
  - Mrs. deLeon** – No report
  - Mr. Carocci** – No report
  - Mr. Banonis** – No report
- C. **SOLICITOR** – No report
- D. **PLANNER** – Absent
- E. **ENGINEER** – Absent

**IX. ADJOURNMENT**

**MOTION BY:** Mr. Carocci moved for adjournment. The time was 8:04 p.m.

**SECOND BY:** Mr. Banonis

**ROLL CALL:**

Submitted by:

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Leslie Huhn  
Township Manager

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Sandra B. Yerger  
Council President