

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. PRESENTATIONS/HEARINGS

III. DEVELOPER ITEMS

IV. TOWNSHIP BUSINESS ITEMS

- A. Review of 2018 Comprehensive Annual Financial Report
- B. Career Development Policy – Further Clarification and Discussion
- C. Lawn Mowing & Lawn Treatment Services Bid Awards for 2019
- D. Resolution #37-2019 – FEMA Public Disaster Assistance Application for 2018 Severe Storms & Flooding
- E. Resolution #38-2019 – Requesting PennDOT Approval to Erect Annual Community Day Signs
- F. Resolution #39-2019 – National PA 811 Safe Digging Month
- G. Trick or Treat Night in Lower Saucon Township

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of March 6, 2019 Council Minutes
- B. Approval of February 2019 Financial Reports
- C. Monthly Department Reports for February 2019

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

UPCOMING MEETINGS

Saucon Rail Trail Oversight Commission: March 25, 2019 @ LST
Parks & Recreation: April 1, 2019
Township Council: April 3, 2019
Environmental Advisory Council: April 9, 2019
Saucon Valley Partnership: April 10, 2019 @ SVSD
Zoning Hearing Board: April 15, 2019
Planning Commission: April 25, 2019

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 20, 2019 at 7:12 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Priscilla deLeon, presiding.

ROLL CALL: Present: Priscilla deLeon, President; Ryan Stauffer, Vice President; George Gress, Donna Louder, Sandra Yerger, Council Members; Leslie Huhn, Township Manager; Cathy Gorman, Director of Finance; Thomas Barndt, Chief of Police; Linc Treadwell, Township Solicitor; Absent with Prior Notification: Mike Beuke, Township Planner and Brien Kocher, Township Engineer. Absent: George French, Jr. Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. deLeon said Council did not meet in Executive Session since the last meeting.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. deLeon 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.

II. PRESENTATIONS/HEARINGS – None

III. DEVELOPER ITEMS – None

IV. TOWNSHIP BUSINESS ITEMS

A. REVIEW OF 2018 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mrs. deLeon said in August of 2016, Council approved the Budget Advisory Committee Report which requires the Finance Department to provide Council with a prior year Comprehensive Annual Financial Report (CAFR) report that provides an overview of the Township's audited transactions. This is a supplemental report to the Auditors DCED report filing and the Auditors' Financial report typically received in June of each year.

Mrs. Gorman said by the end of 2018, total funds were \$19,387,610.68, inclusive of General Funds and Capital. There were some carryovers from last year, which is discussed each year. We're going to have to do budget adjustments to reflect those. Last year she assumed we would be paying for the contracted bids for Woodland Hills buffer plantings. We didn't receive the bills for Council approval to pay until January. That's one of the items she is going to have to adjust. The water line replacement was moved from the General Fund to Capital because of the grant award we received. Most importantly, we are continuing to work on our capital projects and getting things done. In our Capital Fund we still have the \$500,000 from the loan that is earmarked for stormwater issues, particularly the Fire Lane issue. The bigger aspect and what she is most pleased to tell you, is we were \$1,453,000.00 in receipts over expenditures last year, which now provides us with an opportunity to completely pay down our debt. If Council is inclined to do so and if we expend \$435,495.02 more than what we budgeted for this year, we can pay off our debt.

Mrs. Gorman said her other recommendation is to continue using that funding in the three other areas, which is in reserves for future and our Capital Fund. She's requesting Council also move \$300,000 of that to our Capital Fund and the \$717,000 to our Reserve Fund, which will boost our reserve, which is restricted by capital to almost \$2,700,000 and we'd still be in compliance with our Budget Advisory Report, which provides for the three months required funding at the beginning of the fiscal year and the \$3,000,000 in reserves that's unrestricted. With that, she's happy to say we are in pretty good shape and not as destitute as we thought in previous years and we are finally catching up and knocking out some of these things that we have had on our plate for quite some time.

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Mrs. Louder said has this ever happened in the Township? Mrs. Gorman said not since she's been here. Mrs. Louder said she's very proud to be part of that accomplishment. Great job, great team work. Mrs. Gorman said it was with Council's efforts of acknowledging the use of that funding and committing in other areas like the Fire Departments and our Capital Improvement Plan that we were able to do it.

Mrs. deLeon said Administration finally listened to what she was asking for, for a lot of years. Mrs. Gorman said its many years of looking into the future instead of looking at each individual year isolated. April 1st is the date we are going to pay off the debt.

MOTION BY: Mrs. Louder moved for approval of the 2018 Comprehensive Annual Financial Report.

SECOND BY: Mrs. deLeon

Mrs. deLeon said there was something in the report about the PennEast Pipeline and said she did not like when she read that Council had decided not to move forward with additional PennEast Pipeline court challenges. Mrs. deLeon said our Environmental Solicitor recommended that for just one part of the PennEast Pipeline project, that did not mean the rest of it was gone. Mrs. deLeon said the process is still ongoing and also not only the PennEast Pipeline, but the Adelpia Pipeline. We have submitted documents sticking up for our residents, for their environmental rights on their properties and trying to protect any harm to them. She asked that the motion be changed to approve the correction of that wording. Mrs. Gorman said she will rephrase it and Attorney Treadwell said do you need to even mention it, you can just remove the sentence. Mrs. deLeon said okay.

ROLL CALL:

MOTION BY: Mrs. Louder amended her previous motion and moved for approval of the 2018 Comprehensive Annual Financial Report with the striking of a sentence regarding the PennEast Pipeline as stated by the Solicitor.

SECOND BY: Mrs. deLeon amended her second.

Mr. Gordon Gress said this Township has made tremendous strides. The Police Department – fantastic, Fire Department – fantastic what they do, Public Works Department – wow, snow cleared before the State is out there. He has two concerns, the \$500,000 for Black River stormwater, is it resolved? No. Temporarily, yes, thanks to Leslie and Roger. Like the storm we are going to get tonight and tomorrow, no. If you go up Fire Lane with these big mansions being built, the west side of Fire Lane with the springs coming up is a disaster. The water runs down the road constantly. There are two lines that go under the road from Old Philly Pike to Rt. 378 and carry the stormwater under the road and across to the little creek. Why they aren't sufficient to use under the new stormwater project is beyond him. Brien Kocher said they are not. They are carrying water now, why won't they carry it in the future. He'd like to see this project completed and addressed. His second concern is Zoning. He went through this with his son for a permit, you should see what you have to go through. When the end result is moving 4' but it cost them \$5,000. The new Zoning Officer was very helpful and is going in the right direction. Mrs. deLeon said it should be more consistent. Mrs. Huhn said she and Mr. Young are working on that every day. When they see something that they feel should be addressed it is noted, he is making a long list. As he goes through and sees these things, we are going to see what needs to be changed. It's a learning experience every day. Mr. Gress said Jim is a big asset and very knowledgeable in what he does. Ms. Louder said Mr. Young is very interested in going through all the zoning ordinances and revamping them and making them more user-friendly because he said it seems like you have to catalog from one spot to the next spot. He brought great insight into the Zoning office compared to what it was, so her hat goes off to him and she looks forward to working with that kind of stuff. Mr. Gress said impervious is another sore point of his. Mrs. Louder that Public Works take a ride out to Black River and Fire Lane tomorrow and check to see how it's flowing. Mrs. deLeon said when we have done revisions to our SALDO and Zoning it's an accumulation of what has been going on that the Staff, Planners, Engineer and Solicitors office all saw things which created changes, but it is good having fresh eyes with Mr. Young, so if he can make the process easier, we need to do that.

ROLL CALL: 5-0

B. CAREER DEVELOPMENT POLICY – FURTHER CLARIFICATION AND DISCUSSION

Mrs. deLeon said Council recommended certain changes to the Career Development Policy at its meeting held on January 16, 2019. Since that time, staff is saying they have questions on how it is applied and is requesting clarification.

Mrs. Huhn said in the Career Development Policy you have in your packet, there are highlighted areas in it which shows what was changed at your meeting when it was discussed. We are bringing this back this evening as we'd like some clarification. The way it's written, when we go to apply it, conflicts with our current job descriptions, so based on that, we're just not sure which way we are going to address it, specifically in the policy, C., in both the Police Sergeant description and the Police Corporal description. What you see highlighted was added "successful completion of 15 undergraduate credits at an accredited college or university. These credits should be in addition to any credits earned as a result of graduation from a police academy, other training, and/or experience". That mimics what is in the current job description. When we discussed it at the Council meeting on the 16th, we had some back and forth dialogue and what was inserted was "in accordance with Article 6, Section H. of the Police Contract", which has a different way of reviewing it and a different description, so the job description is not matching the policy. That's why it's being brought back for clarification, on how we should apply it.

Mr. George Gress said the concern we have is that it be an approved course. That was the primary issue. You couldn't go to some college course on line and pay \$500 and get three credits. Mrs. Huhn said correct, that's why you have the accredited college or university.

Mrs. deLeon said she voted on the new policy because it sounded like it was a good plan and changes were made, but unfortunately, implementing it, they came up with issues, so the right thing to do was to bring it back rather than coming up with doing things that we might not have liked. Mrs. Huhn said that's what they didn't want to do, it wasn't clear. Mrs. deLeon said she appreciates Mrs. Huhn bringing it back because if it's not working, you need to fix it. It needs clarification and she also wants to thank Mrs. Huhn for doing that. The policy should match the existing job descriptions because the job descriptions are for hiring people and for day-to-day duties. They have no guidelines or policy for promotion, so that's what was missing and that's how you came up with this policy. It has to be consistent and her feeling is we need to accommodate the people we currently have. She thanked the PD and said she appreciates them being out there and doing what you do on a day-to-day basis. It's a scary place out there. We have good employees and we want to keep good employees, and we want to strive to improve morale. She thinks the changes we made, in hindsight, and she's sorry she voted for it because it was done mid-stream. She thinks it should apply to all current employees and this new language should be put in here if anyone gets hired as that will give everyone a fair chance at all the positions and it's up to you guys if you want to apply for them. She doesn't like the old policy and there needs to be changes.

Mr. Stauffer said what would be the problem with just removing the highlighted portion of Section C. Mrs. deLeon said she thinks that would be the best solution. Mr. Stauffer said then it matches the job description. Mrs. Huhn said that would not be a problem. We would then be able to apply it based on what their expectations are with the job description. Mrs. deLeon said the new policy does say about testing and meet with the three outside Chief's and review qualifications. Those things aren't going to change and that is being fair. We want to promote within.

Mrs. Louder said she has an application from the City of Bethlehem PD, to even fill out this application as a patrolmen, not a supervisor, not a Sergeant, not a Corporal, you need 60 credits, which is an Associate's Degree. We're looking at 15 credits to promote into a leadership role. Education is very important. The education pertaining to the work that they do is vital. If you read the contract, Chief Lesser supported education. She's very disappointed that it's being dismissed. Mrs. deLeon said she doesn't want anyone out there to think that education isn't important, but she thinks you guys, with what you have in your personnel folder, you are doing a good job.

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Jeremy Hantz, President of the Police Association, said it appears to him that you have already had a discussion about this as to why it was coming back, but the Police Association was not privy to that and they didn't know why it was coming back on the agenda. You talk about how you want to be fair and precise, it was fair up until now. What happened was we were negotiating with management. We came up with an agreement. We brought the agreement to Council and Council looked at it and they wanted to make a change. Council made a change and the correct way to do that was to come back to the Police Association, but there was representation from his Vice President here who agreed to the change. Then it gets posted for officers to apply if you meet the requirements. Officers applied, now all of a sudden there's an issue after the officers applied and after management finds out what officers are eligible and now it's coming back and you want to change it. You voted on this new policy, did you vote on the old job description? Mrs. deLeon said we probably did. If Lesser gave it to Council, she remembers doing job descriptions on a regular basis, and then they stopped. Officer Hantz said how is this fair to the officers who applied already and now you reopen it up to other officers that didn't apply as they weren't eligible at the time. It's almost like you are setting yourself up for a lawsuit here because those officers didn't apply, but now the officers that do apply, it sounds like you don't like the pool of officers who are involved, now it's being changed.

Attorney Treadwell asked, is the Association's official position is that it should stay like it is? Officer Hantz said majority, but not everyone is in agreement with it. Attorney Treadwell said well what's your official position as the Association President. Officer Hantz said we can go outside and take a vote. Attorney Treadwell said Council would like to know that. If the Association wants to leave it that you must have 15 credits in Criminal Justice or Police Science in order to be eligible for the Corporal job and that's what the Association wants, then that's something that Council could consider. Officer Hantz said give him one minute to meet with his guys to take a vote.

Mr. Jim Gress said he's a 31-year police officer and he runs the recruiting with Allentown Police. Regarding the hiring process, you are requiring that education is very important and he agrees with that. You mentioned the City of Bethlehem didn't have a lot of applicants, so they had to re-advertise and retest to draw more applicants. In Allentown, they do not have a credit or college requirement, but they do have a preference for military vets. They had over 645 applicants. He was looking through your testing and you didn't give any points for military vets or police or military experience. Mrs. Louder said this is the starting point for them. Mr. Jim Gress said do you have a current eligibility list right now for hiring. Attorney Treadwell said no. Mr. Jim Gress said they had requirements of college credits, but took that away so they could draw in more people. If he's reading your initial hiring process, it takes 8 years to get to the top, and that's pretty tough for someone who just comes in. In Allentown, they peak at three years. Mrs. Louder said he'd be an excellent asset to sit down with the Chief and/or Manager and help them figure out how this should be set up. Attorney Treadwell said do you believe the 15 credits in Criminal Justice as a requirement to be eligible for a promotion to Corporal is a good idea? Mr. Jim Gress said in Allentown, they use strict Civil Service guidelines and those guidelines are set by Civil Service representatives. They are basically on your written test. They don't require any college credits for promotions. They have a written test which is 90% of their score and an interview process which is 10%. If you have any discipline or a lot of sick time in your previous employment history, then there are consequences for that and you lose some points. Mrs. Louder said she thinks Hellertown is Civil Service. Mr. Jim Gress said he knows you are not Civil Service, but Upper Saucon is not either. Mrs. deLeon said from going to conferences, there's a difference between townships and boroughs and cities, and townships don't have to do that. Mr. Jim Gress said it could be in the best interest to limit the liability if you follow Civil Service guidelines. Mrs. deLeon said that's why we haven't done it. Attorney Treadwell said we are a Home Rule municipality and could adopt Civil Service guidelines, it's up to the Township. Mrs. deLeon said we're trying to fix years of things that haven't been in place. You can't do that in one meeting. Mr. Jim Gress asked if we offer any incentives for basic recruiting for experienced police officers? You still want to recruit the best officers you can and you want to have a large pool to pull from fairly and go from there. You say

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you have no current eligibility list, do you have a promotion list right now? Attorney Treadwell said no, this is the first shot at it. Mr. Jim Gress said he commends the Chief for taking this project on because it's painful. Mrs. Louder said it should have been completed before it was hung on the wall, that's where the problem is for her. Mr. Jim Gress said that happens. Mrs. Louder said with Council voting on something she's a little embarrassed. Mr. Jim Gress said we talked about that at a prior meeting and putting your faith in the Chief. Mrs. Louder said now she second guesses it and questions it. You put the cart before the horse, you are doing that too many times. You really lose that credibility.

Chief Barndt said he wants to clarify one thing. The reason it was posted was because it was agreed upon by Council at the Council meeting. It was posted according to that. There was not one personnel file that was opened. We did not know which employees were going to apply for the posted position. They submitted a letter of interest or resume to the Township Manager. The Chief was hands off, totally neutral. The letters of interest and resumes came by the deadline date, the names were forwarded to him and he began to go through the files to check years of experience and education requirements. When he got to the education requirements, that's where he became confused and he had to have clarification, because was it a degree in Criminal Justice, Police Science or was it post high school education meaning Police Academy, or was it an accredited university or college meaning Northampton County for a degree. That's why he went to the Manager. He said it was confusing and we needed clarification. That is why we are here tonight to get clarification on the process. The cart was not put before the horse. We followed the procedure we were doing and that's why we need clarification. The fact that the city of Bethlehem needs degrees to apply Mrs. Louder, is totally correct, but there's also a waiver in there. A part-time officer in LST can work 4,000 hours and go to the City of Bethlehem and get hired without a college degree. We could pick departments with college degrees. He said he has a consortium of Lehigh County right here, eight departments. There are accredited departments on here such as Upper Macungie, no degree; Whitehall and Upper Saucon have degrees. Catasauqua, Coopersburg, Coplay, Emmaus Borough accredited – no. So we can pick and choose police departments all we want. We want to draft a policy that is fair to each and every one of these officers. He would like to get a candidate or candidates in this case, for Corporal. If we open the spectrum to what we are asking for clarification up, we may have more candidates or we may have fewer candidates. The bigger the pool, the better the pool. We're not trying to restrict it to anyone here. We are trying to open it up and that's where the clarification needs to come from Council. He doesn't want it to get confused about the hiring process or anything. Education is important. Street smarts is also important and leadership capabilities are also important. You put it all together and that makes a well-rounded supervisor.

Mr. Stauffer said do we want to keep the wording the same? Chief Barndt said what happens when you add a paragraph, the section from the contract from Section H into the job description or the policy, that's where it becomes confusing as it does not match the original job description. Mrs. Louder said the stipends were paid for credits that the officers had, so if the Township recognizes those credits, then that's what should have mirrored this policy. That's what we voted on. We voted on this policy mirroring the contract. Mr. George Gress said he knows that is what he had agreed upon also. When they applied for reimbursement of their expenses, if that course was an approved course for reimbursed expense, that was an approved course for additional accreditation. That was what he had intended to vote on. Mr. Stauffer said that's why he thought we worded it the way we did. Mr. George Gress said as long as you took a course that was agreed upon by management and the Chief, that your course would be reimbursed and an acceptable course to be reimbursed, that would further your education, that would count towards your continued credits. Chief Barndt said he's not sure that's one hundred percent how it was. We put the clause from the contract into the description and it said 15 undergraduate credits. Mr. George Gress said his intent was not to put the clause from the contract in. What he wanted to see in there was as long as you and Leslie agreed, that whatever course they decided to take, is an agreed reimbursable course for their continuing education that the Township will cover it, that would be sufficient toward their continued credits. Not necessarily what it said in the contract and not necessarily to agree what the

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contract says specifically, but in the fact that if their course was approved for reimbursement, that would count towards their credit. He knows he remembers saying that.

Mrs. Louder said January 16, 2019, the motion by Mrs. deLeon was moved to approve the Career Development Policy as discussed above with the two changes, credits to be in conjunction with the contract, adding the Township Manager to each of the job descriptions, and job postings would be amended. Second by Donna Louder, roll call 4-0 with Mrs. Yerger absent. Mr. George Gress said we were told that any course that was approved and reimbursed would qualify. Mrs. deLeon said that's courses, now we go back to the job description and we find out it's conflicting each other. That's her problem.

Mrs. Huhn said she thinks it's an education in allowance and then education requirements. That's where it's kind of blending. Mrs. deLeon said we want to hire a team leader now, we don't want to wait until they take another course. Mrs. deLeon said this is something that needs to be done now. You want to hire certain people to fill positions. Chief Barndt said he would like to promote. Mrs. deLeon said we've been holding off doing that until we had a plan. Here's your plan. She doesn't want it to conflict with the job descriptions. If she made the motion, she made it based on what she heard that night, but in hindsight, she wouldn't have made the motion or voted for it. Mrs. Huhn said we didn't have the job descriptions. Mrs. deLeon said she didn't have all the information.

Attorney Treadwell said he thinks what Chief Barndt was alluding to was when you read the contract, the contract provides for the completion of post high school courses, which is a different term than undergraduate courses. They don't mean the same thing, so that's where the confusion came in. If you look at every officer whose been hired has been to the academy, as the academy is a post high school course. It's not an undergraduate course so that's where the confusion came in and that's what the Chief and Leslie are asking, how do you want to review this. When you say that in order to be eligible to be promoted to Corporal, you need 15 undergraduate credits. Do those 15 undergraduate credits need to be in Criminal Justice and Police Science or could they be in math or medicine or whatever. That's the question. If you apply the 15 credits in Criminal Justice and/or Police Science, and it shrinks your applicant pool from 50 to 20, is that what you are trying to do?

Mrs. Louder said according to Section H, education allowance in the contract, every single one of the officers agreed upon when they voted for it, No. 1 upon presentation of documentation substantiating the completion of post high school courses with a letter grade of C or above or equivalent applicable point grade leading towards an Associates, Bachelor or advanced degree in the field of Police Science and Administration or as part of the Criminal Justice administration program. To her, it clearly states that you have to have whatever credits you have going forward towards an Associates or Bachelor's degree. Chief Barndt said post high school courses would include the 15 credits from the Police Academy, Act 120, that could be transferred into for example....Mrs. Louder interrupted and said do you get an Associate's degree at the Police Academy. Chief Barndt said no. Mrs. Louder said but you could transfer your credits into an Associate's degree going to another school. Is anybody enrolled in another school right now taking classes to get their Associates degree to pick up the 60 credits for an Associate's degree? In other words, when you got out of the academy and you finished, you have 15 credits in your bank. Now, yesterday, she decided she wanted to go into DeSales for her Master's degree, so she took those 15 credits to DeSales and said here, put these towards my Master's degree, what else do I have to do. Is there anybody in this audience tonight who is doing that. No one responded. They have to be working towards an Associates or Bachelor's degree for these credits to be applied or moving forward into that kind of degree.

Mrs. Huhn said if it's in the contract, mirror their job description and if they're not doing it, then they are not fulfilling their job description. Chief Barndt said when these guys were hired and working under this job description for a number of years and that's where the confusion comes in. Is it going to be post high school, is it going to be Associates, what is it going to be - the decision is

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yours, but we can either pick from a smaller pool of officers or we can pick from a larger pool of officers. We're not saying they don't need any education.

Mrs. Louder said she'd like to hear what Officer Hantz has to say just because a vote was taken. We may be wasting our time. Officer Hantz said they took a vote and the vote was to keep it the same as to what Council voted on at the January 16, 2019 Council meeting. The reason was that this was the document posted in the PD of who can apply. He read the document, you can apply, you are required minimum of five years, no discipline record of two years, and a successful completion of 15 undergraduate credits in accordance with Article 6, Section H of the LST Police Officer Agreement at an accredited college, and if you knew you weren't eligible, you shouldn't have applied. Everyone who has applied, as far as he's been told, they are not eligible, so why are we opening this up.

Attorney Treadwell said do you understand some may be told they are not eligible. He doesn't know the answer to that, but it's possible. Officer Hantz said it is possible, he has a Business Management degree. He doesn't have Criminal Justice. What he did was he went to Northampton Community College and took classes required for his Business Management degree. Here are the classes required for a Criminal Justice degree from the same college. Six of those classes match. He thinks that's acceptable. If you don't think it's acceptable, then tell him it's not acceptable. It doesn't meet the requirements or policy you passed. He knows you are talking about the job descriptions, but you can easily update that. Attorney Treadwell said he thinks the point is to come up with a promotional policy that is clear to everyone that doesn't require interpretation because if you did that with whatever degree/courses you said you have, that requires an interpretation. Who is going to make that interpretation? If the Chief or Manager says no it's not good enough, then we are just inviting more litigation. We want clarity so we don't have interpretations for the next 12 months. Mrs. Louder said that's why it should have been brought to Council nice and clean. Attorney Treadwell said it was brought to Council nice and clean, it got changed when it got here.

Mrs. deLeon said she appreciates you going out in the hall and taking a vote. Council sets policy, and she worked in different places and things got posted, and she remembers from being on contract negotiations, don't we have inherent rights to post jobs? Attorney Treadwell said this is not a negotiation issue. We didn't enter into negotiations, we didn't open up the contract. There was a discussion with the Association, so that the Association could be advised of what was going on and the Chief and Manager listened to their input. This is not a negotiated issue. The reason he asked Officer Hantz what their official position was, because it may weigh on you when making the decision, but you don't have to consider it. Mrs. deLeon said exactly. Attorney Treadwell said substantive criteria are management's prerogative. Mrs. deLeon said yes, that's her point of being here and making decisions and knowing what she knows today after January 16th and she regrets making that motion and regrets voting for that policy and she has that right. She thinks what Chief says, she would like to see this apply to everyone that is working here. When she worked and if her boss would have said we're changing the rules, you work here, but you don't count, that's not right. She would find that wrong and you can't do that to people. Now if someone is coming in tomorrow and you are hiring a new person, then fine, that applies to the new person coming in, but you can't not look at people who have been here for 17 or 18 years, that's a long time. We want to keep the people and keep them happy.

Officer Hantz said no one is telling you how to do your job, if you would have postponed this until the next meeting, he could have had their FOP Lawyer and President come and give you a presentation on why this is bargainable. Mrs. deLeon said she disagrees. Attorney Treadwell said why don't you have your FPO Attorney send him a legal memo with the case law why it's bargainable. Mrs. deLeon said we need to fix this tonight, Chief and Leslie need to do their thing and you guys need to reapply. Officer Hantz said the Police Association does not agree with that.

Mrs. Yerger said she was not at that meeting. What she's hearing over and over again, and she's just coming at this from very basic, she's having a hard time understanding, if the change or the

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clarification of the language increases the pool of good officers for a position, why is that a problem? Officer Hantz said every single officer here is a great officer. Mrs. Yerger said that's where she's coming from, if this clarification opens up the pool of officers to slightly more, someone explain to her why that's a problem. It doesn't eliminate the guys who have already applied, if so that would be a problem, she would come out and say that's not right, it actually increases, not decreases. Mrs. deLeon said she'd like to know that too.

Officer Hantz said out of those guys that applied, its better chances for them. The other guys weren't eligible. Mrs. Yerger said we want the very best and if that education makes them better than the other guy, then so be it. We shouldn't restrict people from applying. Officer Hantz said he's looking at it from your point of view, and all he's getting is you guys know who applied and that's not good. Attorney Treadwell said none of these Council members know who applied. They have no idea. Officer Hantz said if no one knows who applied why are we opening up the pool. Mrs. Yerger said she's been told it will make the pool bigger.

Mrs. deLeon said there's a line between Council and staff. Mrs. Louder said she had a conversation with the Manager yesterday and she basically told me there are two patrolmen who are not eligible, under the education based on the current one. Mrs. Huhn said that is up to interpretation as well because she doesn't know the answer.

Mrs. Louder said this is per our conversation on the phone. Mrs. Huhn said now that something else was presented. Mrs. Louder said here she sits and she had conversation with Mrs. Huhn yesterday and now you are saying you are not sure and you made something and brought it to us and you didn't look at all the angles that opened the whole box because you can't just keep your blinders on and look at it. You have to expect something different sometimes. There's two officers who are not eligible per the education, now you just mentioned you possibly have 6 credits that could be good to allow you to because you were one of the ineligible; and there's another officer in the room who is ineligible as well. So, she doesn't know what his credits are or what they pertain to. She asked Officer Kunigus, what credits do you have? Mrs. deLeon said she doesn't think we should be asking personal questions like that. Mr. George Gress said he doesn't think this is necessarily relevant. Attorney Treadwell said no, it's not. Mrs. Louder said this is what she's saying, we don't have all the facts.

Attorney Treadwell said what are you going to do, by asking each officer what they have is opening yourself up for...Mrs. Louder interrupted and said she was just asking what each officer had. Mrs. deLeon said excuse me. Mrs. Louder said excuse me, I'm asking a question. Mrs. deLeon said she has the motion here to be in order, Mrs. Louder. Mrs. deLeon said please don't answer that question. You don't need to do that. Mrs. Louder said she'd like to speak to Officer Kunigus afterwards when he has the opportunity. Mrs. deLeon said this is out of control. This is a personnel matter. Officer Kunigus said it is a personnel matter and now it's public, thanks to Mrs. Louder. Mrs. Louder said you're welcome. Mrs. deLeon said she's very upset right now.

Attorney Treadwell said you shouldn't answer the question and if we want to have a discussion and have gone from a pool of 11 to a pool of 5, the two that Mrs. Louder is talking about, if it's just 15 credits, there are two that don't meet the criteria. There's the numbers, he doesn't want to know who has what. All that does is open everyone up to some kind of favoritism argument. Mrs. Louder said there is favoritism. Mrs. deLeon said, oh Donna, please. Mrs. Louder said every one of these officers has been in her home. Eric and Chuck are in her wedding album. Mr. George Gress said that's still irrelevant in this conversation. Mrs. deLeon said a personnel file is sealed. The only person allowed to see that file is Leslie and Tom. She doesn't want to know what's in anyone's personnel file. She wants to make this fair and when we look at a policy, there's no way we can think of every and's, if's and but's that can be changed, that's why there are five Council people up here. She doesn't like people attacked who came up with this. They did the best they could.

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Mr. Stauffer said as far as the interpretation, we're happy with the language and we passed it. The Association seems happy with the language, how do we make sure we're both okay with it, is subject to the same interpretation. How do we clarify that so there's not this wiggle room. Chief Barndt said as long as that clause is in there, it's confusing. Mrs. deLeon said she wants the clause out. Mr. Stauffer said how do we clarify it in a way that we agree. Chief Barndt said the original draft proposal that was submitted stated successful completion of 15 undergraduate credits at an accredited college or university, these 15 credits shall be in addition to any credits earned as a result of graduation from a Police Academy or other training and/or experience. The way the original draft that was presented, it was 15 undergraduate credits. Mr. George Gress said the question arose what qualifies for 15 credits. Chief Barndt said correct. Mr. George Gress said he knows his personal thing was if they get an education reimbursement, if that course they wanted to take was an approved, reimbursed course, between whoever approves that, to him, that was an approved course.

Attorney Treadwell said not everyone is speaking the same language. A reimbursed course is different than a course that you get additional compensation for. A reimbursed course you have to take while you are an employee. You get additional compensation for courses you have taken even if it was prior to becoming an employee, that's the whole thing and where these different phrases are coming in. Mrs. deLeon said that was in the contract which wasn't in the job description so it's oranges and apples. Mr. George Gress said the discrepancy is the courses they took prior, would they count. Mrs. Louder said they count, that's what they are getting paid for. Attorney Treadwell said they didn't get reimbursed for that, that's a different word. We didn't pay for their course. So reimburse is different than stipend. Stipend is different than reimbursement. It's a different concept, but he thinks what the question is coming down to is, in order to be eligible to be promoted to Corporal, do you need 15 credits in Criminal Justice. If the answer is yes, then we'll take out the contract language and we'll write in that you need 15 credits in Criminal Justice or you are never going to be a Corporal. That's clear. If that's what you want, that's what we'll do.

Mr. George Gress said there's a lot more than Criminal Justice. Mrs. Yerger said she agrees. Attorney Treadwell said if you think it should just be 15 credits in a course that's accredited by a major university, we can do that too. You just need to tell us what you want. Mr. George Gress said the question that arose was what constitutes a qualified undergraduate credit from an accredited university. That was where the reimbursement came in. Attorney Treadwell said but when you get to the contract, that's where criminal justice comes in too. Mr. George Gress said we didn't have the contract in front of us at the time. Attorney Treadwell said what you need to answer is, is 15 credits from an accredited undergraduate university good enough. Mr. George Gress said in his opinion yes. Mr. Stauffer said yes. Mrs. Yerger said she agrees. Mrs. Louder said absolutely, there's prerequisite courses.

Officer Hantz said the Association wants to keep it the way it was approved on January 16, 2019. He just spoke to another officer and he's never seen anything like this before either and thinks it should be postponed until we have our FOP lawyer talk to you. Mrs. deLeon said she hears you and she appreciates your comment, but it comes to Council for policy. We listen to you and you made your comment and if your lawyer has a question, he can write to us. Attorney Treadwell said if the officers are willing to put it off for a period of time because we can't seem to figure this out. Mrs. deLeon said we put off hiring someone for too long. Attorney Treadwell said okay, then go ahead and do it. He doesn't have a problem if the people being promoted don't care, why do we. Officer Hantz said this is a bargainable thing. Attorney Treadwell said we understand your position and you are going to file a complaint. Then we'll litigate it.

Mrs. Louder said this is what she was trying to avoid. Attorney Treadwell said if it's a negotiated issue, are you saying we have to open up the contract. Officer Hantz said just that one item. This doesn't have anything to do with the contract, it's a bargainable issue because it's a change of working conditions. He will have their FOP lawyer send a memo. Mr. George Gress said if this is such an issue, table it. Officer Hantz said the reason it's an issue is people already applied for it.

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You are manipulating the process and bringing back the Lesser days. Mr. George Gress said that was not his intent.

Chief Barndt said if you want to make comments about bringing back the Lesser days, that is long gone. Mr. Lesser retired in September 2017, he's been Chief from January 22, 2018 and that is long gone. To bring that back, we would have just posted it on the board and I would have hand-picked. He had nothing to do with the procedure other than drafting it, reviewing it with the manager and then we reviewed it with Officers Hantz and Bredbenner. He is trying to remain open and transparent and neutral, he's not even doing the hiring, we're giving a test and outside Chief's come in and score the assessment and make the recommendation. Those days are long gone and he will take offense to that. He is trying to better this department and have a supervisor on each team, and have a promotional process in place to better it for each and every one of his officers, not just specific ones, each and every one. Mrs. deLeon said she appreciates that, well said and she doesn't want to table it, she thinks we should move on. They are going to do what they are going to do anyway. Attorney Treadwell said there's too much controversy here to keep going forward. We can wait until he gets the letter from the FOP attorney and he will review it and we can decide what we are going to do.

MOTION BY: Mrs. Yerger moved to table this agenda item.

SECOND BY: Mrs. Louder

Mr. George Gress apologized to the officers and said he's sorry what transpired tonight, it certainly wasn't his intention nor was it Council's intentions in any way, shape, or form to manipulate this. Mrs. deLeon said she never wants to ever hear anyone up on Council, talk about any personnel issue or bring anything up that has anything to do with anyone that works here. Officer Kunigus said thank you for that, he wasn't aware he wasn't eligible, and he was just told that nobody knew who was eligible and who wasn't eligible. Mrs. deLeon said Council has no right to know that. We are looking at the policy, that is our job. You really need to read the Administrative Code and why it was formed and the division of Council is prohibitive from involving itself in the daily affairs of the departments. That's key, very key. That's why we were organized this way. There's a balance and it's put in place for a reason. Mrs. Huhn said she would like to clarify that she did not say who was not eligible. She said who was not receiving compensation for credits. Mrs. Louder said no Leslie. Mrs. Huhn said she doesn't know who is eligible based on what they have. Mrs. Louder said Leslie, please, the conversation on our phone she has no record of, but she can guarantee that she knows what she heard because Mrs. Huhn told her the names. Mrs. Huhn said you wouldn't let me not answer. Mrs. Louder said you are going to sit here and lie. Mrs. Huhn said no. Mrs. Louder said she's just checking. Mr. Stauffer said he's sorry there was such controversy and misunderstanding. It was not foreseen when we passed the language.

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

C. LAWN MOWING & LAWN TREATMENT SERVICES BID AWARDS FOR 2019

Mrs. deLeon said a bid opening for lawn mowing and lawn treatment services for 2019 was held on March 11, 2019 at 11:00 a.m. for lawn mowing services and at 11:30 a.m. for lawn treatment services. The Manager will recommend to Council the lowest responsible bidder. Mrs. Huhn said for the lawn treatment services, the low bidder is DeAngelo Bros. at \$16,150 so we are recommending them.

MOTION BY: Mrs. deLeon moved for approval of DeAngelo Bros. for lawn treatment services at a price of \$16,150.

SECOND BY: Mr. Stauffer

ROLL CALL: 5-0

Mrs. Huhn said the low bidder for lawn mowing services was Four Seasons Lawn Care and Land Design at a price of \$49,225. Mrs. deLeon said the companies usually mow the fields, once a week. Mrs. Huhn said they did incorporate into the bids this year separating the ballfields from the parks so we are able to have an extra cutting if needed and they priced separately and base the fee on that.

MOTION BY: Mrs. deLeon for approval of Four Seasons Lawn and Land Care for lawn mowing services at a price of \$49,225.

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

D. RESOLUTION #37-2019 – FEMA PUBLIC DISASTER ASSISTANCE APPLICATION FOR 2018 SEVERE STORMS & FLOODING

Mrs. deLeon said this resolution is required for the Township to apply for any Federal or State Emergency Management funding for expenses related to flooding events that occurred between August 10 through August 15 of 2018. Mrs. Huhn said that was when we had the storms right after one another, with the flooding.

MOTION BY: Mr. Stauffer moved for approval of Resolution #37-2019.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

E. RESOLUTION #38-2019 – REQUESTING PENNDOT APPROVAL TO ERECT ANNUAL COMMUNITY DAY SIGNS

Mrs. deLeon said Resolution #38-2019 has been prepared for approval by PennDOT to erect the annual Community Day road signs announcing the event, which will take place on August 17, 2019. Mrs. Huhn said this is in PennDOT's right-of-way.

MOTION BY: Mrs. deLeon moved for approval of Resolution #38-2019.
SECOND BY: Mr. Gress
ROLL CALL: 5-0

F. RESOLUTION #39-2019 – NATIONAL PA 811 SAFE DIGGING MONTH

Mrs. deLeon said the PA One Call system has requested municipal support in order to provide awareness to residents when digging. Resolution #39-2019 has been prepared designating the month of April 2019 as Pennsylvania 811 Safe Digging Month. The municipal maps aren't always correct. When they come out to mark the lines, they don't mark them in the right spots, and she's concerned about the pipelines.

MOTION BY: Mrs. deLeon moved for approval of Resolution #39-2019.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

G. TRICK-OR-TREAT NIGHT IN LOWER SAUCON TOWNSHIP

Mrs. deLeon said after discussion with the Saucon Valley Partnership, a survey was developed to poll residents of Hellertown and Lower Saucon Township regarding Trick-or-Treat night, in which October 31st from 6:00 p.m. to 8:00 p.m. was overwhelmingly chosen. Mrs. Louder said the Township demographics are very different from Hellertown and she doesn't like the time because of safety reasons, but we'll put the 4-year olds out there in the dark with their costumes. Mr. George Gress said don't worry, he doesn't think they'll be walking alone. Mrs. deLeon said she agrees.

MOTION BY: Mr. Gress moved for approval of Trick-or-Treat night in Lower Saucon Township, in conjunction with Hellertown Borough, on October 31st from 6:00 p.m. to 8:00 p.m.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-1 (Mrs. Louder – No)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MARCH 6, 2019 COUNCIL MINUTES

MOTION BY: Mrs. Yerger moved for approval of the March 6, 2019 Council minutes.
SECOND BY: Mr. Gress
ROLL CALL: 5-0

B. APPROVAL FEBRUARY 2019 FINANCIAL REPORTS

MOTION BY: Mrs. deLeon moved for approval of the February 2019 financial reports.
SECOND BY: Mr. Stauffer
ROLL CALL: 5-0

C. MONTHLY DEPARTMENT REPORTS FOR FEBRUARY 2019

Mrs. deLeon said we have our monthly reports for February 2019. These are on file. Mrs. Louder said great job to all the departments.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Bryan Evans said the financial report looked very good and the debt restructure was very impressive. It looked like a really solid job. Mrs. Louder said as of April 1, 2019 we are debt free.
- Mr. Jim Gress said with the financial report being presented tonight, obviously the Township is in a great position and going in the right direction and we really seem to have great leadership. The streets are in great shape, the PD is in good hands and everything is moving forward. He heard in the past about some issues with commercial establishments in the Township, but yet there's not a fire code inspection required for these establishments. His concern is with safety and fire, but in addition they have a burned out structure a short distance up the street, a restaurant, and it's still standing for how many years. Mr. Stauffer said he believes there is ongoing insurance litigation regarding this building. Mr. Jim Gress said we have a shopping center with a lot of buildings in it and you drive through the Township and there's a building with mold, and this is supposed to be Lower Saucon Township. Mrs. Louder said she had two blighted properties taken down in the past two years. One on Route 378, which is dilapidated. Maybe you could send a nice letter to the owner. Mrs. Yerger said we wanted to buy that corner and the owner said no. Regarding the restaurant, they said they are coming back. Mr. Jim Gress said the shopping center is very nice, but there are more stores moving out and it's a shame to see so many vacant store fronts. Mrs. Louder said the Radio Shack is going to be filled soon. Mrs. deLeon said if you are serious on starting a beautification program, maybe you can get a group of citizens who want to join you. Mrs. deLeon said we can do a Facebook post, a constant contact email.

VII. COUNCIL & STAFF REPORTS

A. MANAGER

- Mrs. Huhn said we currently have a vacancy on our Pension Committee and we did receive a letter of interest from a resident, Brien Courtney. He's a graduate of Lehigh University in Electrical Engineering. He worked at Lutron for the past 19 years and he has since ventured out on his own. He would be a great asset, and she'd like to recommend he be appointed.

MOTION BY: Mrs. deLeon moved for the appointment of Brien Courtney on the Pension Committee.

SECOND BY: Mrs. Louder

ROLL CALL: 5-0

B. COUNCIL/JR. COUNCIL

George French, Jr. Council – Absent

Mrs. Yerger – No report

Mrs. deLeon

- She said a while ago we talked to Knox Box for historic sites. We put one at the Heller Homestead and she thought we approved one at Lutz-Franklin. There was an incident out there the other day, but they have no way of getting in the building if there was something going on. She strongly urges to install a Knox Box at the Lutz-Franklin schoolhouse. Mrs. Yerger asked to notify Karen Samuels as she's President.

MOTION BY: Mrs. deLeon moved for approval to put a Knox Box out at the Lutz-Franklin Schoolhouse and notify the President, Karen Samuels.

SECOND BY: Mrs. Louder

ROLL CALL: 5-0

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Mr. Gress

- He said congratulations to Josh Jones and the rest of the wrestlers. They had a great showing in Hershey. He also said congratulations to LS Fire Rescue as they were awarded some grants this week from Justin Simmons. He saw the Ken Luybli Memorial Pond is coming along. Thank you to the road crew.

Mrs. Louder – No report

Mr. Stauffer – No report

C. SOLICITOR – No report

D. PLANNER – Absent with prior notification.

E. ENGINEER – Absent with prior notification.

VIII. ADJOURNMENT

MOTION BY: Mr. Gress moved for adjournment. The time was 8:32 p.m.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Priscilla deLeon
Council President