

The Township Building remains closed to the public. This meeting will be held through a Zoom teleconferencing link. Information to join the meeting will be provided on our website.

I. OPENING

REVISED

- 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

- A. Resolution #39-2020 – International Firefighter Day – May 4, 2020
- B. Resolution #40-2020 – Recognizing National Police Week – May 10 – 16, 2020
- C. Resolution #42-2020 – Approval of Lower Saucon Township Council Ratifying the Declaration of a Disaster Emergency within LST Due to the COVID-19 Coronavirus Pandemic - **ADDED**

IV. DEVELOPER ITEMS

- A. Greystone Industrial Park – Easton Road – Request to Rezone Properties
- B. Comment Period for Calpine Bethlehem, LLC Bethlehem Energy Center – 2254 Applebutter Road – Title V Operating Permit Renewal Application

V. TOWNSHIP BUSINESS ITEMS

- A. Review of 2019 Comprehensive Annual Financial Report & Review of Financial Implications Relative to COVID-19
- B. Resolution #41-2020 (Draft) – Agenda & Public Comment Policy Review
- C. Lower Saucon Road Bridge – Approve Request for Geotechnical Study Quote
- D. Proposal to Evaluate Use Provisions in the Current Zoning Ordinance
- E. ~~ArcheWild Nursery – Request to Utilize Weed Dragon to Remove Vegetation for Plantings Associated with the Management Plan at Woodland Hills Preserve - **REMOVED**~~
- F. Saucon Valley Community Center – Approval of Adult/Senior Programs for 2020
- G. Discussion of Filling Open Council Liaison Positions
- H. Skid Steer Purchase – Discussion on Approval and Leasing Options

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of April 1, 2020 Council Minutes
- B. Approval of March 2020 Financial Reports

VII. PUBLIC COMMENT ON NON-AGENDA ITEMS

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

UPCOMING MEETINGS

Parks & Recreation: May 4, 2020 @ 6:00 p.m. at Woodland Hills Park
Township Council: May 6, 2020
Environmental Advisory Council: May 12, 2020
Saucon Valley Partnership: May 13, 2020 @ 6:00 p.m. at HB
Zoning Hearing Board: May 18, 2020
Planning Commission: May 28, 2020
Saucon Rail Trail Oversight Commission: June 22, 2020

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order with the Zoom teleconferencing link on Wednesday, April 15, 2020 at 7:04 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, Kristen Stauffer, Thomas Carocci, Council Members; Leslie Huhn, Township Manager; Cathy Gorman, Director of Finance; Roger Rasich, Director of Public Works; Judy Stern Goldstein, Township Planner; Brien Kocher, Township Engineer; and Linc Treadwell, Solicitor.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. Yerger said Council did not meet in Executive Session.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. Yerger said tonight it's a little different. She's going to start with the Sunshine Law as there were some comments and questions. The Sunshine Act requires a reasonable opportunity for public comment so Senate Bill 841 explains the requirements for public emergency as follows: Meeting may be conducted using an audio device, video is not required. Notice of meeting must be posted on website or advertised in the newspaper or both. Notice must provide date and time of meeting and the technology to be used with the information for public participation described. Public participation must be allowed through an audio communication device or written comment by regular mail or email. That said, what we are going to ask the people who are in on the session, they must raise their hand to speak through the Zoom function or press star 9 on their cell phone. As per our current public comment procedure adopted in 2014, each person will have three minutes to speak. Our Manager will be timing each speaker.

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

Mrs. Yerger asked if we had any Township resident who wants to speak on a non-agenda item. Mrs. Huhn said she sees no hands at this time.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #39-2020 – INTERNATIONAL FIREFIGHTER DAY – MAY 4, 2020

Mrs. Yerger said Resolution #39-2020 has been prepared to recognize the volunteers who serve on our fire companies in conjunction with International Firefighters' Day which occurs on Monday, May 4, 2020. She read the resolution.

MOTION BY: Mrs. deLeon moved for approval of Resolution #39-2020 – International Firefighter day on May 4, 2020.

SECOND BY: Mrs. Stauffer

ROLL CALL: 5-0

Mrs. deLeon thanked the First Responders for making our community a safer place to live, especially during these horrific times.

B. RESOLUTION #40-2020 – RECOGNIZING NATIONAL POLICE WEEK – MAY 10 – 16, 2020

Mrs. Yerger said Resolution #40-2020 has been prepared honoring peace officers for their bravery, dedication and heroism and designates May 15, 2020 as "Peace Officers Memorial Day" with May 10 – 16, 2020 designated as "Police Week" in Lower Saucon Township. She read the resolution.

MOTION BY: Mr. Banonis moved for approval of Resolution #40-2020 – Recognizing National Police Week from May 10 to May 16, 2020.

SECOND BY: Mr. Carocci

ROLL CALL: 5-0

Mrs. deLeon thanked the Police Officers for what they do on a daily basis.

C. RESOLUTION #42-2020 – APPROVAL OF LOWER SAUCON TOWNSHIP COUNCIL RATIFYING THE DECLARATION OF A DISASTER EMERGENCY WITHIN LST DUE TO THE COVID-19 CORONAVIRUS PANDEMIC

Mrs. Yerger said Draft Resolution #42-2020 has been prepared for approval of Lower Saucon Township Council ratifying the Declaration of a Disaster Emergency within Lower Saucon Township due to the COVID-19 Coronavirus pandemic.

MOTION BY: Mr. Banonis moved for approval of Resolution #42-2020 – approval of Lower Saucon Township Council ratifying the declaration of a disaster emergency within LST due to the COVID-19 Coronavirus pandemic.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

Mrs. Yerger said she'd like to give a small message for the Township. The Chief of Police along with the Manager and the Emergency Management Coordinator have been receiving daily updates from NC and other resources. On March 16, 2020, LST declared a disaster emergency which is being extended this evening. This allows the Township to request additional resources from the County and State and Federal Government to assist and respond to public efforts. Also, if you visit the Township's website at www.lowersaucontownship.org in the middle of the front page you will see a tab that leads you to a Coronavirus Update of information page. This page will help you access several links and other informational sites. These links and sites are public information on COVID-19. It also has the COVID-19 information from the Dept. of Health for businesses and their employees and also for small businesses. There's a link that will take you to U.S. Small Business Administration and Loan Assistance. Regarding questions on persons who have tested positive on the virus, and want information that has been given to us, let it be clear that the County does not release the names or addresses of these individuals. The NC Communications Center is following a COVID-19 dispatch that is communicated to our First Responders when necessary. The Township building, Public Works building and Police Department are closed to the public. We are not allowing visitors. The Township building is covered by seven employees and the Manager. All employees are working on rotating shifts in the office and adhere to social distancing practices. All employees are working daily through remote computer access. The Public Works Department is also being covered by ten employees, and also working on a rotating schedule. Let it be known that all the departments of LST are still operating. In regards to the PD, they are working on normal shifts. The officers are using a Best Practice by following the directives put forth by the Chief. The Officers have also been provided with PPE gear. The Township uses Constant Contact and Nixle for emergency and all information. Constant Contact sends information to your email address and Nixle sends information to your cell phone. Residents can sign up for both and the information is on our website. If you know of a neighbor, family member or friend who does not have access to the internet please relay information to them or they can contact the Township at (610) 865-3291 to request information. There are so many individuals to be thanked during this crisis, our PD and Emergency Responders, the businesses and individuals who have dropped off food and supplies for our First Responders, but most importantly we would be remised not to thank the many front line workers out there who risk their health and the health of their loved ones. Although we know that today has brought us, what we don't know is what tomorrow will bring, but with the community working together we will get through this. Have a great day and God Bless.

Mr. Banonis said his understanding is there are two local food banks in LST that are in dire need of contributions and he thinks it would be appropriate to include them in your summary. The one is the New Jerusalem Church at 2065 Apples Church Road and their phone number is (610) 838-0751. It's his understanding that the Pastor has left, but the Secretary will answer and their food bank hours occur on Saturday's and the second one is the Ebenezer New Reformed Church at 3221 Bingen Road at (610) 838-0924 and the Pastor is Keith Easley who is also a resident and on the Township ZHB. He would offer that public service announcement for support of both those organizations who provide to the community.

III. DEVELOPER ITEMS

A. GREYSTONE INDUSTRIAL PARK – EASTON ROAD – REQUEST TO REZONE PROPERTIES

Mrs. Yerger said Greystone Industrial Park is requesting to rezone properties along Easton Road to allow Business/Industrial use. Mrs. Huhn said she has two participants on line and if Mr. Ryan McGeehan could let her know if there's anyone else participating whose name she might not recognize, she can certainly unmute them. Mr. McGeehan said Lou Pektor, Irv McLain, and Dave Harte are participating.

Mr. McLain said he represents Greystone and will have Mr. Pektor and Mr. Harte speak, Mr. Harte is the engineer with our organization and he will be able to explain in more detail the aspects of the project, he is simply their lawyer. Greystone has gone out and discussed the possibility of rezoning this parcel with 17 of the residents. Their office received a petition signed by 8 of the residents who are supporting the rezoning and two who have not signed that. We recognize that everyone has seen enough of big box warehouse development, and they'd like to stress that is not the intent of Greystone. Greystone will be proposing, if in fact this rezoning is successful, an industrial commercial space. What has occurred with the Lehigh Valley being a wonderful hub, everyone wanted warehousing here and the slower flex space developments have been neglected. As such, there are a substantial number of users who will be using probably between 20,000 and 80,000 s.f. as opposed to 300,000 to one million s.f. for the purpose of offices, for the purpose of manufacturing, for various enterprises that are not simply warehousing and it is with that intention that we address this issue with the owners of the properties that are encompassed in this request. The vast majority of the owners are sandwiched in their properties between I-78 and Easton Road and with the development that has occurred, it is not their intent to duplicate. They have no intention to build what is evident across the road from these properties. The issue has become that these people are dissatisfied with where they are and they would be able to appropriately resolve their issues, and in our discussions with them, we believe that this is the best case scenario for all. With that he would like to turn it over to Dave Harte to explain the parameters and nature of what they are doing.

Mr. Dave Harte said basically they are looking to see if the Township would be interested in rezoning this particular stretch that's sandwiched between Easton Road and I-78 into a light industrial type zoning district. We believe that the narrowness of the property will allow them to build smaller industrial buildings of probably about 80,000 s.f. plus or minus each building. They may be able to fit four of those buildings in with parking and loading facilities. They see them possibly being one user in a building, or possibly as much as four businesses located in the building with an average of 20,000 s.f. each. The property sits across the street from industrial land, has I-78 behind it and it's not conducive to residential neighborhoods. We've heard that from a bunch of people who live there currently. We just recently submitted some background to the Township. We had a preliminary traffic study performed by Jamison Associates and we envision somewhere around 7 trucks in the morning peak and in the afternoon peak time periods. There's quite a bit of background traffic already on Easton Road so they don't see this as a big traffic generator, certainly not in the peak morning or peak hours. They did also take a look at the economic impact and they believe there would be a benefit to the Township from a tax standpoint both the EIT and the Real Estate tax replacing the residential properties that are there currently, with industrial commercial type businesses. That's basically what they are looking for.

Mr. Lou Pektor said this is not a duplication of what's across the street. The clear height of the buildings that are in the Bethlehem Industrial Park are anywhere from 45' to 54' and the product they are talking about would have a clear height of 32' as a maximum. They will have people and users who are looking for expansion spaces with a 32' clear building that has some office space, assembly and staging areas. It's not meant to be warehouse driven, it's meant to be process driven. It will create employee traffic as they will have employees and maybe 20 to 25 people in a 30,000 to 40,000 s.f. slice of space. They envision it would be about 80,000 s.f. footprint so the smaller

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buildings would be tenant space that may be as small as 10,000 s.f. to 80,000 s.f. An 80,000 s.f. building is not what you are seeing across the street now. The ones you see going up on Easton Road now are about 267,000 s.f. Our largest building footprint would be about one-third of that maximum and not nearly the same height. The type of user is not truck-driven because their truck isn't the same nature as the warehouse. They are trying to create a commercial industrial park. That's the best he can do to describe this and it different than what's across the street.

Mr. Banonis said he reviewed the materials that were submitted to him that were part of the agenda and he has some questions about it in conjunction with the original application, and some supplemental materials that were given to us last night and again this morning. As he understands it, there are four 80,000 s.f. buildings which would be one-third of a million s.f. spread among four buildings and it's unclear to him as to how this is going to be done, simply because the application they have that was signed by Mr. Pektor was the one that was done on March 9th and it identifies five lots for a total of 7.53 acres. That seems like a lot of square footage on 7.53 acres and the questions he has are with regard to the original application because there's a map that was attached and it's not of the best copy quality, but it appears to have an area of it circled and within that, if he counted correctly, there's something like 17 or 18 properties that are circled which is three or four times the lots that are listed in the application. There's also a signature page which is part of the application that he assumes are the residents that are there that are interested and that's 18 different names, so could you clarify is it 5 lots or 17 or 18 lots.

Mr. McGeehan said we have about 7.2 acres, and they wanted to come in front of the board to first see if you would entertain this use. Our intention will not be to do a single building, they would like to proceed to do four buildings which would encompass 22 or 23 acres as they would be doing improvements on Easton Road and other offsite costs that would be spread out. They can do an 80,000 s.f. building on what they have under agreement right now but that really is not very attractive to them from a cost benefit standpoint and use of time. It's our hope they would be receptive to this sort of use and secure property owners that are not under agreement and see if they would like to move ahead but they really are in a chicken and egg situation, and they spent money this year in a traffic study, there's money on an economic impact analysis to show net result if they get the higher expands, it will generate about \$135,000 in tax revenue over what the assessment is today. They would like, in an ideal world to have a 340,000 s.f. configuration, if they can't get those they have to make a decision to do three 80's or four 80's. They are not inclined to just do one building, one off deal in the middle of those properties. It's not attractive if it's not a cohesive park. The types of users they are talking to are in a park setting.

Mr. Banonis said you mentioned questions about having the ability to get some of the other property owners under contract, when you want to go with one, two, three or four buildings depending on how many you can get and that raised the question to him, whether this would constitute spot zoning. He's looking at the circled map, that's a much larger area and he thinks in his lay opinion would survive a challenge of spot zoning, but if you are talking about just taking two parcels in the middle of this and trying to get that rezoned, he thinks there's some risks and issues we'd have to look into from the Township's perspective. Just as Mr. Harte had said earlier, the area is not conducive to a residential neighborhood, but if you are talking about putting in a building then it has an impact to those neighbors. Maybe Linc or Irv can respond to the spot zoning question.

Mrs. Stauffer said she has a question about defining the areas on the map, which should be clearer. Mrs. Yerger said this application is very unclear, so at this point, until on some of that we get clarity of what really is going on, she's reluctant to take this any further. Mrs. Stauffer said are we looking at Mockingbird Hill Road up to Beechwood Court? Mr. McLain said yes. Mrs. Stauffer said so it's just properties within that stretch? Nobody on the other side of Beechwood Court would be included in this proposal? Mr. McLain said that is correct. Mrs. Stauffer asked if anyone has reached out to those residents who live in the triangle beyond the property you are looking at?

Mr. Banonis said he has to interrupt her as he'd like to have his question answered and that was about spot zoning. If you have a question, you can ask it, but let him get his question answered.

Mr. McLain said the map, what it shows is in fact the parcels, the circle simply encompasses each of the individual tax map parcels. All the tax map parcels within that circle are what we are proposing. At this moment to do a substantial survey does not make a whole lot of sense. Their intent this evening was to determine if in fact the concept of rezoning this parcel, that has basically been orphaned or islanded away from other residential properties, literally they are sandwiched between...Mr. Banonis said let me interrupt for a second, looking at this map that is attached to the application you're talking about orphaning or islanding a property, Beechwood is a fairly narrow roadway. He doesn't even know if you can put two vehicles on it side by side. When you go east of that towards Ringhoffer and by the Sportsman's Club, there are seven or so properties that are not part of this, how can that be justified? If you go toward the Hellertown side you have a natural boundary of the I-78 bridge going over the top and then you have I-78 again which goes over the top of Easton Road, he gets that maybe those properties aren't that appealing as there is not a lot of width there between Easton Road and I-78 but if we were to consider this, aren't we orphaning those people and leaving them on an island?

Mr. McLain said it was not their intention to orphan those people. He was not one who literally was canvassing the area and the owners and they were not particularly interested is the way to characterize their responses. We believe the parcel is large enough and the way it's configured and where it's located can challenge this spot zoning. The issue is given the circumstances, in his legal opinion, would a challenge for spot zoning be sustained, he doesn't think so. That's something your Solicitor can...Mrs. deLeon said we're waiting to hear. Mr. Banonis said the question was to both Irv and Linc. Mrs. deLeon said she's sorry. Mrs. Stauffer said her question compliments Jason's about the map and to define whether or not this could be spot zoning. Mr. McLain said that's why he was attempting to address the nature of the properties and the number of properties that were included in this request. If, in fact other people wanted to continue to remain there in the face of a rezoning of the entirety of that property, then that's certainly up to them but from their perspective the individuals with whom they have been interacting, as is evident from the petition, there are eight additional properties that are included in this request for rezoning, that have contracts on at the moment and they support this. They want their properties rezoned. Of the 17, at least 10 want this activity and we spearheaded that on our behalf and on their behalf. He defers to Linc.

Attorney Treadwell said to try and answer the question, he has not analyzed the spot zoning issue. When this proposal was presented to us in a staff meeting sometime last year, that was one of the first questions he had, how would you go about this without running into a spot zoning potential problem. The spot zoning issue would depend on where the boundary lines are drawn from what he believes the request is Light Industrial. The properties, behind on the other side of I-78, are either R40 or RA so those questions are something that he would have analyze along with Judy, our Township Planner because in the case of any potential litigation she would be our witness. Those issues if Council wants to look at them are both issues that he and Judy would have to address.

Mr. Banonis said let me go back to your point, you mentioned that you have ten people who have expressed support for this, ten homeowners, if he's counting correctly, this map isn't the clearest, he doesn't know who they are based on the map but the circled area encompasses at least 30 different parcels, so have those other 20 or so people been approached to express any interest in it or are they just along for the ride?

Mr. McLain said they've been approached and they have taken a "wait and see" attitude at this moment. The petition that was submitted that eight individuals signed, that was in fact people that

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were immediately supportive of this. The two they have an agreement with didn't sign the petition because we had the agreements and we were unable to logistically get together with them and get it signed.

Mrs. Stauffer asked what were those residents names? Mr. McLain said they were Mr. Pethrew and Tom Pack and they are effectively in the center. Mrs. Stauffer said they own a couple different lots. Mr. McLain said that's correct, there are five lots between those two and they have eight additional, so they have thirteen of the lots.

Mr. Banonis said as he understands, what's in front of us now is your question to Council as to whether or not in theory we are supportive of this. We got how many property owners who have taken the "wait and see" approach, and he thinks it would be prudent of Council to take a similar "wait and see" approach as to what is submitted. There are a number of questions here, and he is personally interested in this, and those questions haven't been answered and among them, thank you for the traffic study and he hasn't analyzed it in great detail, but it looks like the traffic estimates are three times what the existing traffic is, and he doesn't see there's been any consultation with PennDOT as it's a PennDOT road, so there are questions as to the need for traffic lights, particularly at Cherry Lane and traffic lights at the two driveways that are access points for the two proposed developments. That's just the traffic side and he doesn't know if there's been any discussion with LVIP which is across the street that would alleviate those traffic concerns by routing that traffic through LVIP as opposed to the public route and routing it out to 412 which is designed for truck traffic at the intermodal and the interchange with I-78. That makes it a more appealing proposition. From a tax standpoint, he gets there is a net six figure tax benefit here, but to the Township itself there's a very minimal tax benefit and according to these projections, the Real Estate tax benefit is only \$13,000, which is about 10% of the overall tax benefit. In addition, there's an estimate in there for an EIT range of between \$5,200 and \$7,200 but there are no guarantees there as to what those numbers are going to come out. More importantly, this made it on the agenda and then we've gotten several submissions in the past twelve or so hours and it's important for the citizens to hear about these and offer their comments on it. He'd like to see personally, a detailed map, a clear one that shows him all the properties, who the owners are, who is under contract and in favor of it, who is in favor of it in theory, who is taking the "wait and see" approach and who is adamantly opposed to it. He thinks you have some natural boundaries that make sense for this project and those are across the street in the City of Bethlehem and the warehouses and the backyards is I-78 so the area has some boundaries to it. There are a lot of questions that need to be addressed to offer support for or against it. That's his personal view of this.

Mr. McLain said the issue is, to do a development plan and present it for an industrial development on a residential parcel is very time consuming, a very resource consuming activity. Attorney Treadwell said he didn't hear Jason say he is asking for a development plan. He asked for more information on the people who live there now. Mr. McLain said they are happy to do that. They can address doing a plan outlining the actual individual properties with a perimeter line so you can see exactly what parcels we are talking about, who the owners of those parcels are, and our people will absolutely go out and attempt to go out and get additional feedback. Our purpose on being on your agenda this evening was to find out whether or not this was an exercise in futility as none of us want to be involved in an exercise in futility.

Mr. Banonis said nor do we. There may be other questions from Council, the questions he has are the parcels in particular, the property owners who are supportive of this and taking a position for or against or no position, why not include the people east of Beechwood in this, considering they would be left out on an island. More information on a traffic study and including some feedback from LVIP as to their views on this and then also just a cursory opinion on the spot zoning issue as he thinks all of those are going to be important for this to advance, if it can be advanced. He'd like

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to know the date of the traffic study. It's estimating there's going to be 7 trucks in the morning, he doesn't know how that conclusion was reached.

Mrs. Yerger said the traffic has to be addressed because they are predominantly going to, from what you've drawn, through Hellertown, they are going to go through Cherry Lane. We've had issues in past in the Township where they get hung up at that intersection of Cherry Lane and they back up. Even people who aren't signing on to this, it's going to impact them potentially, so we need a lot more information in regard to that specifically.

Mrs. deLeon asked if any of the residents involved in this project were invited to the meeting tonight. Mr. McLain said Mr. McGeehan can speak to that, what he knows is in fact, he notified the individuals he spoke with and he can tell you who they are and the intent of his discussion with them. With regard to the PennDOT issues, Lou can speak to that this evening and Dave will be able to address the additional issues that Jason had. For the moment, the spot zoning issue, your Solicitor and Mr. McLain can discuss and we can come to a subsequent meeting and discuss what they fleshed out. In the interim, what he'd like to do is provide you with as much comfort as they can under the current circumstances with this proposal.

Mrs. Yerger said she's not worried about her comfort, she's worried about the other people who are going to be on either side of this potential development, they are the ones she's worried about. Their lives are going to be changed regardless, if this goes through. It's going to change their quality of life, so this is a broader issue than just those parcels. Mrs. Stauffer said the property values on the other side, that's why that question was important to them.

Mr. McGeehan said the thing is they had everyone who was going to come to the meeting in the beginning of April, he had all the residents lined up and every resident living from Mockingbird Hill Road to Beechwood Court, there's only one person who doesn't agree with what we are trying to do. Everyone else, even though we just had a few names on that petition, they were going to come to that meeting, so he's been working on this for 1 ½ years getting everything lined up and going through engineering. Mrs. Yerger said we can table this until we get more answers.

Mrs. Huhn said you have a question from the audience regarding Priscilla's question. Mrs. deLeon said she still has other questions before we table this as she wants them to be prepared.

Mr. Wayne Miller said to answer Priscilla's comment to the homeowners being at the meeting, they were actually told to not be part of the meeting today by Mr. McGeehan, via text message. Mrs. deLeon said that doesn't make her happy. Mr. Miller read what Mr. McGeehan said in his text, "their issue will be on the agenda, they have asked we keep it to a minimum, even though I asked you to be at the meeting, this will one will be a no". Mr. Miller said a lot of people's lives are on hold for this and it's not going the way they are explaining it's going. He's part of this. Mr. Banonis asked if he was supportive of the proposal in general. Mr. Miller said he originally was but after being dragged along, he was trying to move, he took his house off the market, he was told that this is going to happen, and was given an agreement of sale to purchase his house, but there were so many contingencies in it. He actually has an agreement of sale on his house now and it sold in less than a week and now he loses this agreement of sale on his house because this is now coming back up. People are on hold and now they are being told not to be part of the Zoom meeting.

Mr. Banonis asked what prevents you from selling your home and just moving along? Mr. Miller said who is going to want to buy a house along this area that's going to be torn down. Mr. Banonis said you said someone has an offer who wants to buy it. Mr. Miller said that was after we didn't think this was going to go through, and if this gets out and they see this, the buyers are going to back out. Now his life is on hold because of all of this. They've been jerked around for the past year on this and it's getting out of control and he's trying to move on with his life but he can't

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anymore. Mr. Banonis asked are you opposed or are you in favor? Mr. Miller said originally he was for it, today he's not in favor of it.

Ms. Diane Wegener said the feasibility period was in the agreement of sale that was sent to us. This is not something we want to sign up for. Mr. Miller said he will not sign anything for them, he's completely opposed to this.

Mrs. deLeon said she received the traffic study this afternoon. Her point being we have the agenda and it says their information is supposed to be presented to Council and the residents three days before the meeting. That gives an opportunity for everyone to read things. The 31-page traffic study was not part of the agenda and she didn't have time to read 31 pages, but she glanced over it and one of the things that jumped out was that the traffic was going to go to different areas on Easton Road to kind of diffuse it. Mrs. Yerger said and then they are going to be coming on Township roads, over little country bridges trying to get all over the place. Mrs. deLeon said the landfill can't go up Ringhoffer Road so she wouldn't expect a truck to go that way. She hasn't read the document in detail. Is there interest from anyone who would like to occupy these proposed warehouses? Mr. McLain said they are not warehouses. Mrs. deLeon said units, do you have anyone interested?

Mr. McLain said there are a number of company's individuals who would have interest. The Council may or may not now, Mr. Pektor is involved with this property. They have about 135 buildings in flex spaces and business parks around the Lehigh Valley. People are always looking to move and inquiring of Mr. Pektor and staff what else is there, what else is there a possibility of, so yes, there is substantial interest in this location. Obviously the interchange is there and very near that. Quite a number are looking for not warehousing, but some light manufacturing and light assembly so we're talking about some traffic and the traffic study outlines it, car traffic, not truck traffic. We're not talking about tractor trailers up Ringhoffer Road, that's not the concept.

Mrs. deLeon said she's going to jump ship for a second. We had a conceptual plan before us when this.....she has to look for it. Mrs. Huhn said while you are looking for that information, we have another question from the audience.

Mrs. Huhn said we have Steve Smith. Ms. Katie Kinsey said he stepped out, she is his girlfriend, and we live on Easton Road directly across the street from these monster buildings that were put up. You want to talk about quality of life, it's not there. No one consulted any residents on this side, when buildings were going up. We have a spotlight in our bedroom and living room every single night and those warehouses don't care. Twenty-four hours a day you have trucks going by honking their horns, you want to talk about quality of life with our people, think about the residents in that area already here. When those buildings were going up and they were in construction stage, we had to call the Township numerous times and Bethlehem said they didn't know what we were talking about and all the hoopla going on. You want to talk about trucks, she would ask you to come out in the middle of the night and they are there seven days a week, 24 hours a day. This is no quality of life. They had their house up for sale a number of times, almost had it sold until they saw how much truck traffic and noise was going on and they backed out. If you want to be here for all residents, be here for all residents.

Mr. Banonis said if he understands her, she's not in support of this proposal? Ms. Kinsey said absolutely not, they lost two sales of this house because of that monster craziness across the street. Mr. Banonis said to be fair to the Township, what's across the street is in the City of Bethlehem and whatever was done was done by the City and not by Council. Ms. Kinsey said she does understand that but there were residents right across the street, they should have been notified stuff was going up and should have been invited to their town meetings so they can voice their concerns. Mr. Banonis said he doesn't disagree with her, but he wasn't on Council back then and he doesn't know what information Council received. Ms. Kinsey said we voted you in and you need to step

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up and think about our quality of life. We have none. Ms. Kinsey said you can roll your eyes Sandy all you want. Mrs. Yerger said she's not rolling her eyes.

Mr. Smith said you Sandra were the one that approached us when we went to vote and you said vote for me, send me an email, I will get to the bottom of it. I will go and pound on desks if I have to. Mrs. Yerger said she did not say that. Ms. Kinsey said you absolutely did. Mrs. Yerger said pound on desks? Mr. Smith said you said you would pound on desks in Bethlehem and get answers. Mrs. Yerger said she feels we do need to do something to help you guys. She doesn't know that this is it because her biggest concern is we need to find a solution, hopefully that will fix it, but not by adding 100 more cars going through the rest Township during the day. These roads are not made for this. Mr. Smith said can they go through the LVIP. Mrs. Yerger said that's not what we are hearing or what we've been told.

Mrs. deLeon said we need to call the City and tell them about their lighting. They did that with those apartments on Cherry Lane, they put shields on their lights. Mr. Smith said he emailed Bethlehem City and they did not get back to him. He emailed the company directly across from them three times. They told him politely, screw you, we can do what we want. Mrs. deLeon said the Township succeeded one time before with the apartments. Mrs. Huhn said they were street lights.

Mr. Carocci asked Mr. Smith, are you satisfied or are you going to be happy with the preliminary offer for your house? Mr. Smith said it was from Mr. McGeehan, he would be happy with it. He would take it right now.

Mrs. deLeon said getting back to her experience with developers, this is going back when the Steel Club came and they were asking us to change the zoning for their golf course and she was supportive, but she's looking back and their proposal was originally for 120 units approximately and now there's a plan in the Township that is now 159 units, so that's 39 units more than conceptually was approved. She might have thought differently back then. She thought the concept needs to be very clear before she makes another decision on rezoning. PennDOT definitely needs to be contacted and the LVIP, when that was first approved in the City and she's going way back, the Township told the city we do not want any access from any of your developments out to Easton Road, we wanted everything to exit on Route 412. Then everything kind of sat for a while and then in the last five years we started getting more and more of these applications, the topography, we can't build a road, blah blah blah, and now there are five or six of these businesses that are going onto Easton Road. The Township tried but it's not our municipality. These five or six businesses made an agreement and said they would be addressing the impact of the traffic and see whether or not a light is needed, so that road was not meant for all that traffic.

Mr. Pektor said one of the concerns you have and we have are traffic everyday up and down Easton Road. Buildings have gone up on Bethlehem's side of the street, it was very poor planning in the eyes of LVIP to let those people access out to Easton Road. He doesn't know how it happened, but that's a reality today. There is a logical access point at the intermodal that could connect to Commerce Way Boulevard. He has had discussions with PennDOT who had come back to him and said if you have some direction from the Township come back to us, to be able to come back to the Township about the internal access on Easton Road and Commerce Boulevard. We should be using that as commercial access. The fact that LVIP got away with what they did is atrocious. They sold off lots on Easton Road and then considered the impacts negatively. They can remedy this and that could be a part of their entire program. The reality of that was it wasn't well planned with LST. PennDOT sympathizes with what is going on. Truthfully he thinks Bethlehem doesn't care. We can't change that history, but he thinks we have a chance in good planning in the approval process to do that. The impact continues to get worse with the residents that are there right now. You have a new building going up across from the cemetery; that building ironically is

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a competitive product of a building they are doing in Upper Mt. Bethel right now and likely at the end of business tomorrow that building will be under lease for a warehouse operation that is competing with them for space in Upper Mt. Bethel. Those two buildings are full and they are a warehouse, that's not what they are trying to do at all. He doesn't think the people on the south side of Easton Road like looking at those buildings not much less the graffiti on it. We can't do a piece meal operation here, that's why this first meeting is introduce us and get your thoughts and go back to the people that are there and get their agreement. We aren't here to fight the neighbors. If they would like to sell, they are willing to buy over fair market price. Value we can establish, and we want to do a project that makes economic sense, we're not here to do one building. That's really where we are, to do this we have to spend money on impact studies, we've done the traffic study, and we have to have open minds. If there's some thought that there's a better use for that property, then what we are suggesting, so be it, then we can make a decision and you guys make a decision, but our intent is to do something different than what is there right now which makes sense and doesn't overburden the Township.

Mr. Banonis said he thinks their proposal, in theory, is a sensible proposal and one of the issues he brought up earlier was the traffic concern. He thinks that if support from LVIP can be garnered to route that traffic through LVIP, he thinks it makes their proposal much more palatable and that's why he brought up communications with PennDOT and LVIP to see where that would go. He is speaking for himself and he's sure others on Council have those same concerns; and especially since the people who live there have been unfairly harmed in a way by the development across the street without having a voice in that process. One day you wake up and there are warehouses across the street from your house and in your backyard you have an interstate highway. He understands the marketability those residents have so for them to get out from under, he thinks your proposal is sensible but there are a lot of questions that still need to be answered to advance it so he's personally interested in it and he supports the idea of it, but again there are more facts that we need to make it more digestible to everyone. If we were to get some more information along those lines, it would help us to have some reassurances and be able to offer more vocal support for this. He does appreciate what you are doing and the improvements you are making and the resident's that are there, by large, seem to appreciate it by the circumstances that they, with no fault of their own, are currently living in.

Mr. Pektor said we need to go back on our side and see how many people are really interested in going under contract and if they aren't, they are not, we can make a decision to move on or not. If they are, then we come back and say the neighborhood supports this and what is the attitude of the board. They can't even come back to PennDOT until it looks something like a deal. He doesn't have anything that looks like a deal until we are all in concert and it truly is a chicken and an egg. PennDOT put a lot of money into LVIP and LVIP did what they wanted to do and sold lots and they dumped the southern lots out to Easton Road so that's the cheapest way to do it and they did it. That's his personal opinion and reality what these people look at every day, trucks coming out on Easton Road.

Ms. Wegener said she was a little upset before and wanted to speak a little more calmly. She said she has been in contact with Mr. McGeehan over the last year and have spoken about this numerous times. From day one, they have always been supportive of what they have been trying to do here, she told Mr. McGeehan that on day one. We will support what you are doing, but at this point, their lives have been held up. So now, we are currently under an agreement of sale for their home, what is she supposed to do now? Is she supposed to go and tell her buyers that we'll settle on May 1st, and going to have an investor coming and knocking on our door, so then kick you out of your house. She can't live with that. She needs guidance here too, what do you suggest she does at this point now that her house is under an agreement of sale and they are looking to rezone it?

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Mrs. Yerger said in her opinion, it's premature, we need a lot more information before we are going to go anywhere with this. We need, for everybody's sake, to have this put back on the agenda and we hear from everyone, are they for it, are they not for it. She wants to see firsthand information. Ms. Wegener said that's her question to you, to Lou, to everyone, we are under an agreement of sale right now, ethically what do we do?

Mr. Banonis said we are not here to give you legal advice or ethical advice or anything like that. If you have those questions, you are going to have to ask a lawyer, search your conscience or talk to your realtor about what your options are or what you should do. He agrees with Sandy, there's a lot more information that we need to know to advance this. It's not saying this will not get advanced, but it's that we need to have more information and if you have a buyer who wants to buy your property, that's your decision to make. We can't guide you on it as it's not our position. We don't own your real estate and we're not in your shoes or position. You've been tied up in this process for a while, and this is the first time this is before Council here on April 15th, and the questions we are asking and the information we are requesting is important for us to make an informed decision for the entire Township residents. We appreciate your patience and understanding and we also appreciate your circumstances and your predicament. Ms. Wegener said she does appreciate that. They have been through so much chaos for a year now so she wanted to let all Council members know we are going through emotion and everything like that. She's in a predicament, think about it, she doesn't want an answer, but just let it be a question in your mind.

Mrs. Stauffer said thank you for sharing that, she wishes she could give you an answer. Mrs. Yerger said she was not aware of this, so she didn't know. Mr. Banonis said he doesn't know if there are more questions from the audience, but he explained our position pretty well to everyone as to what our questions and concerns are. It's up to you how you want to proceed with it. There's nothing for us to vote on or have a motion at this point, if he's correct. Mrs. Yerger said correct, as far as she can tell, unless someone tells her differently. Mr. Banonis said a motion to table this, he thinks can be put on another agenda.

Mr. McGeehan said that's why he told the residents not to come to the meeting tonight as we were on a Zoom call. He could have had every one of those residents on that Zoom, but he felt it would have been overwhelming as this is the first time he's done this. He didn't want 50 people on this Zoom call. That was the reason he told these individuals this week they were not invited to this call. Had this been a public meeting, they would have been invited. Mrs. Huhn said this is a public meeting. Mr. McGeehan said he understands that, but as Mr. Miller is not in agreement as he understands it's been a long time, but everyone else is in agreement.

Mr. Banonis said he thinks Mr. Miller indicated that he's in agreement, but he's not in agreement because of the timing of this. It's been delayed for too long, but he'd like to have that resolved. Mr. Miller's issues are Mr. Miller's issues, but that's not what's before us right now. Before us is you are looking from some direction from Council whether we are or not, in theory, supportive of this and he thinks he outlined the questions we have and he outlined them fairly clearly, so he thinks what our proposal is to simply table this until those questions are answered. He wants to know who's in support of this, who's not, how many properties are involved, and he wants to see it in a graphic way as what was given to them and he wants to hear more about the traffic issues, PennDOT and discussion with LVIP with regard to whether or not traffic can be routed, some more about EIT calculations and the tax benefits to us, and wants to hear from Linc and Judy. These are important as our duty of a Council person and he doesn't think they are burdensome to your organization to have those questions answered to continue the dialogue.

Mrs. Yerger said she also wants to hear from the people. This is going to affect a lot of people. Until we get clarity on everything and hear from the people who live along that whole stretch and what they feel are in terms of quality of life then she doesn't feel she's in a position to make any decisions.

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Mrs. deLeon asked Attorney Treadwell, for the people who are involved, the residents that are here, to just go through the process and say they presented their plan and how long it would take as zoning would have to be first before they could submit their plan, walk them through a scenario so they can see what's ahead.

Attorney Treadwell said anytime that Council reconsiders a rezoning, there's a whole bunch of procedural steps that need to be followed including sending it to the Planning Commission for their review, the LVPC for their review, holding public hearings. The whole process is probably 90 days at the earliest before you even get a vote on the rezoning and that's just the rezoning portion. Mrs. deLeon said if the rezoning is approved, then they would present their real plan. Attorney Treadwell said then there's a land development plan and identification of the uses that are proposed and then engineering and zoning reviews and all that stuff. Mrs. deLeon said just to give Ms. Wegener what an idea of what's ahead and we're not even there yet as we have a lot of questions.

Mr. Banonis asked do we need a motion to table this. Attorney Treadwell said no because you don't have any action in front of you. This was the applicant's initial presentation of what they'd like to do and at least what he's heard from all the Council members is that Council doesn't have enough information at this point to even say one way or the other what makes sense.

Mr. McLain said he has a question and if there isn't a table, isn't it his understanding that they have to file a new application or can we follow-up and provide the information requested by the members of Council.

Attorney Treadwell said he thinks the only application that was filled out was a request to come before Council, that's it. Mrs. Huhn said correct. Attorney Treadwell said there wasn't a petition for a rezoning or anything like that filed, so if you go back and address the questions that have been raised this evening and call him or the Township and let us know that you have answers, then you can go back on an agenda in the future, at a time when we can actually have a public meeting in one room which should be a lot easier than doing it this way.

Mr. Banonis said just to be clear, he's looking at the application on March 9th, and it says type of request, request to rezone properties to allow business/industrial uses. Attorney Treadwell said it's a request to Council. It's not actually a petition. If someone wanted to file something formally to petition the Township to rezone certain properties, you would need to get agreements from all the property owners so you'd have standing to come before us. He thinks they only had five signed up now, but everybody has said that five isn't enough from the applicant's standpoint and the Township's.

B. COMMENT PERIOD FOR CALPINE BETHLEHEM, LLC BETHLEHEM ENERGY CENTER – 2254 APPLEBUTTER ROAD – TITLE V OPERATING PERMIT RENEWAL APPLICATION

Mrs. Yerger said Calpine Corporation intends to submit a Title V Operating Permit Renewal Application on March 1, 2020 to PA DEP for the Bethlehem Energy Center located in the City of Bethlehem. Mrs. Huhn said this is being brought before you, we have not had any complaints and this is in the City of Bethlehem. We have not paid our consultants to review their Title V permit, so they are actually just renewing their permit for the Title V Air Quality.

Attorney Treadwell said there's no action needed unless someone wants to tell DEP about something. Council said no action.

IV. TOWNSHIP BUSINESS ITEMS

A. REVIEW OF 2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT & REVIEW OF FINANCIAL IMPLICATIONS RELATIVE TO COVID-19

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Mrs. Yerger said in August of 2019, Council approved the Budget Advisory Report (BAR) which requires the Finance Department to present 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 each year. The Director of Finance will review this and her memo regarding financial impacts due to the COVID-19 Pandemic.

Mrs. Huhn said this was on a previous agenda and that meeting was cancelled. It has been on the website and sent out to Council. In the interim with the COVID-19 pandemic, Council had some concerns financially, so Cathy also drafted a memo about how this affects us as well.

Mrs. Gorman said she's sure you had an opportunity to review and she'd like to start with the CAFR first. We did end the year in a good situation, which our recommendations would be to transfer that money that we had overage in revenue to your Capital Fund and Operational Reserve Fund. That basically means that the funding of \$500,000 for the Capital Fund and the \$1,382,055 will come out from the general savings account and be appropriated into funds that the Township has that are restricted by resolution, so those funds if we need them at some point for an emergency situation, we can come back to Council and ask to utilize those funds. If you have any questions regarding the CAFR she'll be happy to answer. If you approve this, she will make those transfers to those particular accounts and she'll bring a resolution to address some of the coding issues that our auditors had recommended to a future Council meeting.

MOTION BY: Mr. Banonis moved to approve the 2019 Comprehensive Annual Financial Report
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

Mrs. Gorman said for this year, the memo she drafted, we are going to be facing some difficulties; however, if you remember in last year's budget we were projecting an overage or a surplus in revenue based on landfill funding. What will transpire is that in the first quarter filings for EIT, that will be delayed. We typically would get that money in May, she's foreseeing because of the extension we probably won't receive it until August. That may be a cash flow issue, but we can address that internally here. The other issue is if this stay-at-home order continues and if businesses are continuing to shut down and people are not working and filing for unemployment, our second quarter EIT revenue will probably dramatically decrease too. We typically get \$500,000 a quarter. If you are looking at our demographics of the Township, there's half of the people in the Township may be considered more professional, may be able to work from home, some are emergency personnel that are working, so we're not going to have a clear idea of people who have filed unemployment until we get towards that second quarter filing. She thinks we have enough money in reserves and we have the \$3 million in unrestricted reserves just in the event these particular situations that may occur.

Mrs. deLeon asked about the magic date we can transfer money, is it April 1st? Mrs. Gorman said April 1st is where we can structure our budget, but we do have that \$3 million that we sit on in the one account on the balance sheet and that's always supposed to be at \$3 million just for the event that something like this, it addresses any revenue risk we might have in any given budget year and if we end up going into that and she's not sure we will, we'll need to address that in the next budgetary cycle by decreasing expenses or finding revenue in other areas that come to fruition, she's not sure, but we would need to plug in that hole somehow.

Mr. Banonis said he thinks Mrs. Gorman's memo is excellent and he really appreciates her putting all the time into it and it gives us a good roadmap of the various issues we're going to face. He would add that the next budgetary cycle, it just reinforces the importance for this Council to remain fiscally responsible in this budgetary cycle knowing that the second quarter EIT may go down substantially and likely will go down, and whatever we can do this year will smooth out the burden for next year. He has some questions, the landfill fund you mentioned, we're paid a flat fee, we're not receiving money based on tonnage? Mrs. Gorman said we get a price per ton, and it depends

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what type of garbage it is. Mr. Banonis said have we had any conversations with the landfill folks to find out if they are experiencing any decrease or increase in what they are receiving, as he knows personally being at home he's getting rid of a lot of junk. He knows the landfill is open and they are working and staggering their shifts, but do we have any preliminary indication how they are performing.

Mrs. Huhn said we actually have a Landfill Committee meeting tomorrow so she will ask them and bring it up and get some updates from them.

Mr. Banonis said all the things we are doing in the Township, we are still fully staffed, and all our employees are still receiving a paycheck and they are still working. Is everyone still doing their work functions to receive those payments from us? Mrs. Huhn said yes. Mr. Banonis said it comes to mind, do we have a need to scale back Township personnel or stagger them in a way because they are not in the same capacity. He recognizes we have a lot of hardworking people working for the Township and he doesn't make that comment lightly. Mrs. Huhn said we do have work for everyone. We are in the Spring gearing-up season for Public Works so road mowing and road maintenance, pothole filling and things like that is all being accomplished. We are working with precautions, but if it's something you want us to review, we can. Mr. Banonis said he's happy to hear everyone's still doing their functions. He'll ask if you could look at that a little bit more closely. He's not suggesting we want to furlough people or lay people off. He's just saying from a cost control standpoint and the need to be mindful of where our expenditures are going. He understands the State is projecting a \$3 to \$4 billion shortfall in revenue for the year, have you gotten any preliminary word right now that there's likely going to be a significant downfall in grant money next year as he knows we get a lot of grant money from the State and it's something we probably aren't going to be receiving.

Mrs. Gorman said she did participate in a PSATS conference where they did review some of the items that we do get State funding for, which includes Liquid Fuel Funding, Act 13 funding, casino gaming funding. Act 13 and casino gaming funding, they are probably not going to have much funding available in the next cycle for grant applications. Liquid Fuel funding is based on gas purchases, it's a tax on how much gas is purchased and is divvied up that way. They are already anticipating because people are not driving as much we are going to get less money in Liquid Fuel funding next year. She would also imagine that would happen with the insurance for the Pension fund as well, including our pension expenses going up with our MMO process. There's going to be tough challenges in the next year to address that. Mrs. deLeon said she had that same conversation with Leslie a couple of days ago.

Mr. Banonis said he knows that we have various projects we do and we get grants for those, are those grants pre- or post-project funded? Do we get it upfront or get it on the backend and if we get it on the backend is there a risk of it not coming through. Mrs. Gorman said we get the money on the backend and there is a risk we won't, but the way the funding is structured is usually made especially with the gaming funding, then they anticipate what's coming in the next year and hand it out and if they are anticipating there's not going to be enough money next year, it's probably not going to be worth filing for any grants next year, they may even shut them down. Mr. Banonis said is that something we should create a list of where we are getting funding or are you comfortable we are going to get that money. Mrs. Gorman said she feels pretty comfortable. We have the grants set up, we have a listing, and she can contact all our administrators at the State to see if we really are in jeopardy, then prioritize. If it's something that needs to get fixed and the grant funding may be iffy, we'll bring that back to your attention.

Mrs. Yerger said we have a contract when we are awarded grants. Mrs. Gorman said correct. Mrs. Yerger said she can speak a little bit to this; usually the money is allocated up front so that money will be allocated in general for that grant program. Even though it's reimbursed to us, it should be sitting there. Mr. Banonis asked the PSATS conference call you were on, did they give any

estimates from the State or County level on anticipated changes to the revenue stream based on the unemployment or is it too early for that. Mrs. Gorman said they were estimating that revenue hits might be 20% so that's a serious concern especially on the State level. We have other funding or other revenue streams that are coming in that aren't tied to that with landfill funding, but other municipalities are not in that same boat, but the State did say anticipate for EIT or sales tax, things like that, a 20% hit.

Mr. Banonis said we don't know when we are going to open for business again, but he's talking about the normal way where employees are in the building and the public can come into the building, something we probably want to look at are estimates for future cost for sanitizing the facility and equipment and if there's any requirement and monitoring the status for employees. He saw that somewhere when business is open they are going to be required to take temperatures of employees and those entering their space, he's assuming the State has had guidelines and it's something we have to keep our eye on as it's going to be an additional burden that we didn't anticipate for this budget period. Mrs. Huhn said we do have some costs and estimates in the midst of cleaning as we have been doing that for the PD and we did have the Admin side sanitized once, but she can put that together. We have masks available for employees. She has to look into cost of temperature thermometers which she believes are still hard to get and she will bring those costs back to Council. Mrs. Gorman said we'll be itemizing all this and keeping a list for FEMA grants since we are in an emergency. Mr. Banonis said that's great.

B. RESOLUTION #41-2020 (DRAFT) – AGENDA & PUBLIC COMMENT POLICY REVIEW

Mrs. Yerger said Draft Resolution #41-2020 has been prepared with suggested revisions to the Agenda and Public Comment policy for Council's review and discussion.

Mrs. deLeon said she is not supportive of this at all. She likes the way the agenda was before. It's gagging Council members and we were elected to say what we wanted to. We have residents on the Pektor agenda item that were asking us questions and it just took a long time to get through that agenda item, she thinks it was 90 minutes. People kept talking as they feared something that they needed to respond again to, so limiting people it's just not good government.

Mrs. Yerger said she doesn't think this is the number of times you speak. Mr. Carocci said it limits on per topic, but if you can get the extension from the Council President, then it doesn't limit your time. It brings some structure to the meetings and it doesn't limit Council speaking at all. There are no limits on Council at all. There is an initial time limit that can be waived by the Council President or by vote of Council altogether. It complies with the Sunshine Act. It's not really significantly different than what we have.

Mrs. deLeon said she wasn't finished. Sandy is doing a great job at what she's doing as President. When she was President she was open and let people speak as people sometimes it might have been their first meeting coming to Council and she wants people to relax and being able to speak. She just thinks we should keep it the way it was. She doesn't mind moving the public comment to the beginning of the meeting and residents only, but the red stuff underneath that, she just thinks that we had a structure, it worked and we didn't have issues with any meeting. As she said the President has the power to change it and that was the only other resolution. She can't support it.

Mrs. Yerger said unfortunately we had some residents or non-residents that just go on and on and say the same things. The goal is to make it better for everyone in the audience and maybe it's up to her to cut people off and say you can only talk this long and you can't talk this long and you can go on and on and on. It's always a judgmental type of thing so this would lay it out. She thinks it's worth a try and if it doesn't work, we can certainly come back and change it again. Mr. Carocci said he agrees.

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Mr. Banonis said he thinks it's an excellent proposal for a few reasons. One is it's respectful for the residents of the Township because it allows them to come in and they don't have to sit around for hours that has nothing to do with whatever topic they are coming in for. He also thinks it's appropriate in terms of the time limits it puts on people. It's no different than the current resolution we have that limits people in terms of speaking. In fact, it's more expansive than that because it allows the President an additional two minutes to speak and if they can't get to their point in three or five minutes, he doesn't really know if they have a point to be made. He also thinks it's Council's time and the Township staff's time that they put into these meetings. Some of these meetings he attended before have been an absolute circus. It's regrettable as people are not respectful of one another and he thinks this proposal brings that level of respectability back to this Council which so sorely had been missing. He's fully supportive of it. Mrs. Yerger said we had this in 2014, but it just wasn't enforced. Mr. Banonis said Sandy has done an excellent job controlling the meetings to the best of her ability, but at the same time if we can put structure in place that supports her, in that regard, we are doing a service to the community and to Council and he's supportive of this. He thanked Tom for doing it.

Mrs. Yerger said her biggest concern is we had people sit in the audience much longer than they had to as some people just go on and on and on. Mr. Banonis said personally he had someone accuse him of being biased against handicapped people. He never heard something so absurd in his life and this proposal allows the President to gavel and step down and to not defame him. Anything we can do to bring order to our meetings is for the benefit of everyone.

Mr. Carocci said he thinks the policy needs to be passed but it needs to be put on the website with every agenda so the public understands. Come speak, three minutes, if you need more time, Sandy can grant you more time. It tells people come with a game plan to speak and no what you want to say within 3 to 5 minutes and that helps everyone.

Mrs. Stauffer said in attending Council meetings for the last two years she's gotten to see Mrs. Yerger and Priscilla and she's always thinks it's done well. She thinks we won't always be able to control what our residents say to us. She's worried that this puts time on them just because maybe we don't agree with what they have to say but it's our job to give them that. There is that three minute rule you spoke of and it's her thought, as President, the role of President already has that power to sort of try and keep that, it's kind of hard to keep that and being respectful to listen to all. She's always seen residents, if we disagree with them or not, or not want to hear something against us, it's still our job to listen to our residents and what concerns her is it's also our job to respond. If someone comes and they bring pictures of a culvert, there was some discussion, so for No. 4 it says, Council will not respond to comment made during the public portion of the meeting unless it is necessary to ask a clarifying question, correct a factual error, or provide specific information. At face value, that seems very straight forward, but her concern is that could vary depending whoever is in the role of leadership for the meeting. She sees opportunity that makes her a little anxious to even engage with residents and it's their job to be here for all of you on a call or when we are in person. The second thing is No. 5, an additional two (2) minutes may be granted to an individual at the sole discretion of the President of the Council. Additional time (beyond 5 minutes) may be granted only by a majority vote of Council. No participant may speak more than once on the same topic. No attendee may yield their comment time to other speakers who wish to comment. She thinks we might be excluding residents and she doesn't think that's the role of Council. She does think there is need for respect at the meetings for one another as well as to the residents and from the residents to us, whether we deserve it or not. Sometimes we deserve this respect, she supposes, but she thinks the current language allows the mechanisms for control. She's concerned about some of the language that's been added. Mr. Carocci said he'd like to address that when she's done. Mrs. Stauffer said she thinks there are already mechanisms in there that the President could use and she thinks any of the Council members according to Roberts Rules could call order to a meeting if we think things are getting out of hand.

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Mrs. Yerger said she doesn't know all of them off the top of her head, but she does know there is a significant number of municipalities that work under this type of rule. This is not something we've invented by ourselves. Mrs. Stauffer said she's not saying that at all. She's saying in the last few years there's been times when the meetings have been heated from the audience or even amongst Council members, but she thinks that those instances have been fewer and farther in-between and so she's wondering why we are doing this now plus there's a lot of technical difficulties now with Zoom.

Mr. Carocci said about this not being a public meeting or Zoom, this is a public meeting. He asked how many participants are in this meeting right now? Mrs. Huhn said we started out with 51 and now there are 39 currently. Mr. Carocci said much more than we get at a regular in-person Council meeting, wouldn't you say. So we're actually getting more participation in a Zoom meeting than we were in person and you don't want to discuss it now in a Zoom meeting. You want to discuss it in a person meeting when there's a smaller amount. Mrs. Stauffer said we can talk about it now. Mr. Carocci said you just said you didn't want to talk about it now, you wanted to table it. Mrs. Yerger said one at a time. Mrs. Stauffer said it's great we have this many people on a call. It just seems, especially since we received a letter from a resident, who was concerned about that, she's voicing their concern. Mr. Carocci said she's your neighbor, Ms. Wittchen. Mrs. Huhn said she's online if you'd like her to unmute Ms. Wittchen. Mrs. Stauffer said why would that even matter if she's my neighbor. If you want to talk about neighbors, this is a small Township, why would that even be relevant. Mr. Carocci said just for disclosure. Mrs. Stauffer said for disclosure? Mrs. Yerger said there are times she has more problems between you guys than people in the audience, so let's take a time out here. Mr. Carocci said why don't we go to public comment. Mrs. Yerger said that's why she's asking Leslie do we have any public comment on this? Mrs. Huhn said yes, Andrea Wittchen is raising her hand.

Ms. Wittchen said she appreciates that. First of all it doesn't matter a damn whether I'm her neighbor or live on the other side of the Township. That makes no difference, she pays her taxes like everyone else and she's entitled to express her opinion. If you had read her comment carefully, you would have known she raised no issues if this was a public meeting. She did raise issues about how difficult it is to hold a vibrant discussion, via Zoom. She teaches a Zoom class now unfortunately, with 12 graduate students every week and it's difficult for us to have a lively and interactive discussion because of the nature of Zoom. She'd also like to go back to something that Kristen said about the President and this is highly dependent on how the President behaves. She heard Mr. Banonis say something that really gets her hackles up which is, he was insulted that someone implied that he was prejudice against people who had physical disabilities and with this policy the President could gavel that person down. That is completely out of line. It is a Township resident's right to state...Mr. Banonis said it's not their right to defame him, whether this policy is in place or not, for a person to come in, not even a resident of the Township, but a person come into a meeting and publicly defame him is not their right. You need to check the law and understand it much more clearly. Whether this policy is in place or not does not take away that ability or grant that ability in no way whatsoever. Ms. Wittchen said she's sorry but if that person says to you that their opinion was that you were prejudice against disabled people, that is not defamation and, then you don't know shit about the law. One more thing you need to remember, that while you're very interested in efficiency and effectiveness of these meetings, those of you who are pushing for this need to remember who exactly you work for, we elect you. We have the right to have our positions and policy recommendations heard. If that means you have to stick around a little bit longer at meetings, then unfortunately that's what you signed up for when you ran for the office, but this business is we want to keep it short, we want to keep it simple and if you can't say it in three minutes, it's not worth listening too, she's sorry, that's not the way democracy works. She has been appalled at some of the behavior of the people on this Council at the meetings she's been too. She finds it absolutely appalling because there is no recognition that you work for the people of this Township. We are not here at your convenience. That's all she has to say.

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Mrs. Stauffer said you were saying someone is my neighbor, that is just, like why would you say that, it doesn't make any sense. Mr. Carocci said transparency. Mrs. Stauffer said what about your neighbors. That doesn't make any sense. Why are you saying that? Mrs. Yerger said I have to cut you off Kristen, sorry. Mrs. Stauffer said she's tired of getting attacked at meetings.

Mrs. Huhn said she has Hunter Gress on the line. Mr. Gress said he'd like to say he's seen certain policies with time limits being enforced selectively at meetings in the past and it wasn't enforced much at that time, but he fears this new policy could lead to Council censoring people they don't want to hear and censoring voices and opinions they feel goes against them. Mrs. deLeon said she agrees with Hunter and she reverts back to her earlier points that she made about how we're supposed to be representing the people. Some people, maybe if they can't express themselves in three minutes because that's your time limit and maybe they need five or six, just like tonight, people spoke longer than three minutes. They were concerned about their quality of life, nobody stopped them and said there's a three minute rule already in place. But no, she feels we're representing the people going back to what Andrea said, and she puts the time in, she wants to listen. She's been criticized, she's been mocked, she wasn't even at meetings and she's been mocked. It is what it is and we have to listen to people.

Mr. Carocci said there's no restriction on anything that's not defamatory and there is a mechanism for people to not only receive three minutes and an additional two minutes, but by a vote of Council, they can speak longer. As long as your comment isn't defamatory, nobody is preventing anybody from saying anything.

Mrs. deLeon said a few years back she attended her first Council meeting, and she was a nervous wreck and she had to make a statement and she literally shook. She is not experienced in speaking in front of people. You're an attorney; you are used to that, Jason's an attorney, she's not. To take her out of her medial background and put her in an arena, and she has to now tell five people staring at me what is concerning about my quality of life, what is bothering me, and wrap it up in three minutes, I might not be able to do that, it's intimidating.

Mr. Banonis said to clarify your statement, you said there were people today that went over the three minute time limit. He'll remind you that the public comment portion of the meeting, not a single person spoke up on any topic. The only people that spoke up on any subject were those who were involved with the Greystone Industrial Park request to rezone properties. This is not directed to that. This is directed to the public comment and to the non-residents and we already have a resolution in place that's been in place since 2014 that provides a time limit. There is no muzzle on the public free speech. There's no effort to stifle people from coming into speak during a meeting. It is simply to put a constraint in place for people to understand what is expected of them to hold themselves in the proper conduct to do our business as Council members. If they aren't capable of doing that, in three minutes, the President can give them an additional two minutes and on top of that the Council has the opportunity, by motion, to give them an unlimited amount of time if we are so inclined to do and it's the majority of Council, it doesn't have to be unanimous. To suggest that somehow this Council is stifling free speech and advancing this at an inappropriate time is completely absurd. It is completely absurd to take that position and he regrets that some on Council and some of the public think that because that is not what we are here for. We are here to serve the public and we do serve the public and he thinks we do it in a very effective way and he's happy to be on this Council providing a level of professionalism that Council lacked in the past. He's very pleased what we have here, as it's sensible and any opposition to it is just to pander to a certain type of person to come in to a Council meeting to be disruptive and to be interfering with Council's conduciveness.

Mr. Carocci said to Priscilla's point he wants to respond about your first Council meeting where you were nervous and he understands that. He understands someone like that. He trusts Sandy enough to give that person some additional time that they need and he trusts us as a Council to give

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that person some additional time that they need. He understands that. He thinks we are smart enough and good enough to do that. Mr. Banonis said that's why we selected Sandy to be our President as we know she has the intelligence and demeanor to discharge that responsibility in an effective and responsible way.

Mrs. Yerger said she hears the concerns on both sides. Her suggestion is let's try it. If it's not working, she'll be the first one to tell you, she promises you that. If we see people having problems and they can't convey what they want or they can't say what they want in time, we can come back and revisit it. We can try, but there's nothing about this that we can't change and alter if it's not working. Am I right? Mr. Carocci said agreed. Mrs. Yerger said how about we give it a try. She hears your concerns so let's try it, if it doesn't work we can change it.

MOTION BY: Mr. Banonis moved for approval of Resolution #41-2020 – Agenda & Public Comment Policy Review.

SECOND BY: Mr. Carocci

Ms. Stephanie Brown said this meeting has been very difficult to listen to and to see, and the audio is constantly distorted. She has her issues regarding these meetings through Zoom, it's actually malware. The last time she came to a meeting through this platform...she'd like to address Mr. Banonis for a minute. With all due respect, you don't respect me, but I respect you being on Council. She doesn't take responsibilities for the comments she said regarding you and people who are disabled, but that was also something that was directed to the conversation regarding the railings at the Homestead, so you are taking this out of context. She'll take responsibility for what she said and she truly believes your comments were exactly that. She sits here and listens to these meetings and there are two lawyers who are constantly arguing with everybody and that intimidates someone like her with her silent panic attacks. She never knows how she's going to be able to speak as she stutters. She stutters very badly anymore and as she's getting older it's getting worse. She thinks this is something that is nothing more than tic for tac by three members of Council and she's really upset by it. You are not thinking about people like her who are disabled, who have trouble thinking on their feet, have trouble stuttering, have trouble with just basic functions like that and she thinks this censorship is disappointing. She sat in meetings three years ago with Tom Maxfield who said something to her, very nasty stuff to try to discourage her from coming to meetings and that is not what public meetings are about. She can't even see what is being discussed right now as she didn't get any kind of email and she doesn't have anything to see what these points are. That's another question about the legality of these meetings. She understands we are in a precedent time and this is something new with technology, but there are a lot of things here, she's questioning the Sunshine Act and because she keeps losing the audio and this is just very concerning. Anybody can go to a public meeting whether they are a resident or not and to hear what Mr. Banonis is saying is basically he is trying to go against people who he thinks don't belong there and shouldn't have a say. She doesn't trust three people on Council right now as she's already been told, we already heard what you had to say. If she thought you heard what she said, she wouldn't have to repeat herself. Sometimes she does repeat herself because of the panic and anxiety, but she thinks this is awful. Mrs. Yerger said is there access to our agenda? Mrs. Huhn said yes, on the website. Mr. Carocci said the public meetings are open to residents and non-residents.

Mr. George Gress said Jason, you said it was only for the public comment period at the beginning and end of meetings, is that correct? Mr. Carocci said it's for agenda items as well. Mr. Banonis said thanks for pointing that out. Mr. Gress said on that note, like one of the things that was on there was your limited to three minutes per individual for agenda items, like earlier tonight, he believes Diane Wegener spoke three times and Wayne Miller spoke twice on Lou's proposal and Mr. Smith spoke twice, for them speaking twice or requesting to speak twice, does that negate them from speaking again on the same topic even though things change. Mr. Carocci said the fact of the matter was they raised their hand and they were allowed to speak and the three minute clock should start running then. If Council has follow-up questions which is what happened there, they did then continue to speak. That's not part of the three minutes as they were answering questions. He

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thought it worked very well. He doesn't think any of their initial comments were longer than three minutes and he thinks they got to say everything they wanted to say in this meeting. They were answering questions on an agenda item. He said Mr. Gress does attend all the meetings and he appreciates that and as Sandy said, perhaps we give this a try and he'd be very interested in Mr. Gress's opinion in a couple of months and let us know your thoughts at that point after we give it a try. Mr. Gress said that was one of his biggest concerns, if someone gets up to talk about a topic, and then there is the discussion and they'd like to speak again, we shouldn't censor them and force them to sit back down or whatever and say you can't speak, you already spoke on this subject. Mr. Carocci said he thinks the way this usually happens is Council initiates a discussion with that individual and to him, that becomes Council's time, not part of that person's three minutes, five minutes or unlimited amount of time. Mr. Banonis said it also prevents from the person saying their peace and then getting back of the line and saying things over and over again which the redundancy is not effective for having an efficient, productive meeting. Mr. Gress said he understands that, he knows we've had instances where individuals have come up, said their peace, somebody else says something slightly different, and then the other person wants to get up again and talk. Like Priscilla said, people do get nervous, they get flustered. They get up to that podium, their mouth gets dry, their brain goes blank, and they are not sure what to say. It goes both ways, Council has to have a little bit of discretion there, but also have to have a little lead way for the resident or non-residents to speak their peace. That's the only outlet they have. Mr. Carocci said nobody is being prevented from speaking. He would like to hear your thoughts in a couple of months. Mr. Banonis said you were on the Council, what are your thoughts in terms of people given three minutes and then getting another two and if they need more time after that, Council can allow them that. Mr. Gress said as long as the discussion is relevant and they are not repeating themselves and relevant to the topic and makes sense to the issue at hand and making valid points, they may have different points to make to different Council members. They may feel that Priscilla may have a different view on it and they also may want to speak to her in regards to that. His concern is a three minute limit, and somebody goes three minutes, three minutes, you're done. His concern is the Council is not being very receptive and maybe they were redundant but their voice deserves to be heard. They want to come out and speak to the Council, this is their chance and they should have that right.

Mrs. Huhn said Mr. Bryan Evans asked her to let the record show that he has had no audio or visual issues tonight. This is Andrea Wittchen coming on public comments.

Ms. Wittchen said she has a process question. Could she ask why the comment she submitted for this evening was not read into the record publicly. The directions for the meeting say if you have a comment to make, for tonight, please forward it to the Manager, by around 4:30 p.m. Is there a reason that hasn't been read? Mrs. Yerger said her assumption is that Leslie was going to bring it up under her Manager's reports, we just haven't gotten there yet. Mrs. Huhn said it was regarding this topic and it was forwarded to all of Council. Ms. Wittchen said why was it not read into the minutes. Mrs. Huhn said she'd have to see how it's worded, she doesn't believe that questions will be read into the minutes but it will be addressed. Ms. Wittchen said it clearly says if you are going to submit questions, for the Council, to submit. Mrs. Huhn said yes, to provide to Council. She doesn't know where it said it was going to be read into the minutes, but she can check it. Ms. Wittchen said it did not say that in the email, with those words, but if you have something you need to bring before Council, if we were holding a public meeting, there would be a public comment section, where she would have been able to stand up and read her comment, and it would have been included in the minutes of the meeting tonight. Mrs. Huhn said her comment was given to Council. Mr. Carocci said if you want to read it into the minutes, then do it now. Ms. Wittchen said she'll be happy to do that. Her question was, why does Council find it necessary to revise the public comment procedure now when access to Council meetings is already severely restricted due to the requirements of stay-at-home and the resulting use of the technology of Zoom to conduct meetings. Regarding the Council meeting, she assumed, this immediately excludes input from those without internet capability, access or skills. Since this will be the model for the foreseeable future, why is

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there any imperative to revise this what appears to have been a workable policy compatible with the Sunshine Laws at this point in time. What's the rush? Doesn't Council have anything more pressing to do tonight? Thank you. She's curious to hear your answer. Mr. Carocci said it's in the record. Is there any more public comment? Mrs. Huhn said no.

ROLL CALL: 3-2 (Mrs. deLeon and Mrs. Stauffer – No) Motion passed.

C. LOWER SAUCON ROAD BRIDGE – APPROVE REQUEST FOR GEOTECHNICAL STUDY QUOTE

Mrs. Yerger said because the Township is using Liquid Fuel Funding for this project, PennDOT is requiring submission of a geotechnical report for approval. Staff will discuss the requirement.

Mrs. Huhn said she has in her packet a quote from Hillis-Carnes Engineering Associates, Inc. (HCEA) who has provided a quote for the study associated with the LS Road Bridge. This is for borings, which are required because of PennDOT funding associated with this. Brien is on Zoom with us if you have any questions. We did get three quotes, and this is the lowest quote coming in at \$19,670. Hillis-Carnes is from Emmaus, PA so they are a local firm. This is one of the next steps in order to complete this work on the bridge.

MOTION BY: Mrs. Yerger moved for approval of the Geotechnical Study Quote for the Lower Saucon Road Bridge by Hillis-Carnes Engineering Associates, Inc. in the amount of \$19,670.

SECOND BY: Mr. Banonis

ROLL CALL: 5-0

D. PROPOSAL TO EVALUATE USE PROVISIONS IN THE CURRENT ZONING ORDINANCE

Mrs. Yerger said Boucher & James has prepared a cost estimate to provide an update to our zoning ordinance. This is based on concerns from both Council & staff regarding current use regulations, definitions of uses and the uses permitted in each district.

Mrs. Huhn said there is a memo in your packet from Judy, as a review for our current regulations. Ms. Stern Goldstein said in staff meetings, Linc, herself, and Jim Young had been discussing ways to address some of the concerns we're hearing from Council about the uses permitted in each district with the goals and objectives that Council stated based on some of the economic development issues that we've been facing as a Township and as a region. A lot of the use definitions and use regulations in the ordinance are quite antiquated. Some uses aren't really defined at all to what they are, they are just terms that are thrown out there, so this would be to go through the uses, make sure all the uses required in your ordinance are defined in the proper way, look at the antiquated uses and get rid of them, and regulations and definitions of the uses that should be in there and then see what should be in there to make it viable for people to have businesses and uses in the Township. This will make it more user-friendly, business-friendly and meet with your goals and objectives. The second would be looking at a parking guide based on current trends and regulations. These districts definitely need to come first.

Attorney Treadwell said the use definitions in your ordinances are at least 20 years old and there are a lot of uses that people do today that they didn't do 20 years ago. It needs to be updated. Two examples are the micro-brewery that's over in the building that Mr. Blair owns. There's no use definition in our ordinance for that. We had that in under a craft shop and it's not really a craft shop. The other example is the paint wrapping business that's off of Rt. 378 next to the pool place there's no real use definition that fits into that. We called it a personal service so over the years the different Zoning Officers along with other staff members have been trying to fit these newer type uses into old definitions where they don't really fit, so we think it's a good idea to have Judy look at that, we'll discuss it at a staff meeting, nothing happens until we bring it back. We will bring back some updated stuff.

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Mr. Carocci said the April 9th memo you wrote, it says proposed scope of service, it determines which would remain and which should be removed and added. You're not going to determine it, you are going to recommend to Council and we will make the determination. Ms. Stern Goldstein said we as a staff will be making the recommendations and we understand and fully appreciate that staff does not make the determination. We'll give Council the information to make informed decisions. Mr. Carocci said he was just concerned when he read recommend and he wishes it would say recommend instead of determine. Attorney Treadwell said because it's a proposal to make a zoning ordinance changes, it will go to the P/C and will be part of the big process. Ms. Stern Goldstein said once Council decides to send it to the P/C.

Mr. Banonis said if we were to implement this, this would result potentially in long term cost savings to us as it would be less wrangling over the terms we have in our ordinance, correct. Ms. Stern Goldstein said yes.

- MOTION BY:** Mr. Banonis moved to approve the proposal with the provision that the word "determine" in the proposal be changed to "recommend".
- SECOND BY:** Mr. Carocci
- ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

E. ~~ARCHEWILD NURSERY – REQUEST TO UTILIZE WEED DRAGON TO REMOVE VEGETATION FOR PLANTINGS ASSOCIATED WITH THE MANAGEMENT PLAN AT WOODLAND HILLS PRESERVE~~

~~Mrs. Yerger said the nursery conducting the plantings at Woodland Hills has requested approval to utilize a Weed Dragon for vegetation cleaning. Staff will review this with Council.~~

F. SAUCON VALLEY COMMUNITY CENTER – APPROVAL OF ADULT/SENIOR PROGRAMS FOR 2020

The agreement for the Saucon Valley Community Center's 2020 Adult/Senior Programs have been prepared for Council's review and approval. The programs are structured similarly to the previous year and maintains the \$5.00 fee for non-resident participation in the Senior Program.

Mrs. Huhn said we do this agreement with them annually and this is what was budgeted. This is to continue with the Senior Program for 2020. Mr. Banonis said how does this number compare to last years or other years. Mrs. Huhn said it's the same and we will be bringing back to you the Summer Recreation Program as it looks like it may have some changes. They are not ready and the climate we're in, we're not looking at that right now. We may want to discuss the Senior Program and what the seniors will be doing during this as it's been closed. Mr. Banonis said we know the virus has been affecting the older people, so he's wondering what they are going to do with any money left over. Mrs. Huhn said that's not in the contract, so they will look into that and we can enter into the contract later.

Mr. Carocci said Linda Marcincin was a member of Council years ago, he wondered what were Council's thoughts. Mrs. deLeon said Linda was a former principal of a school district and has a doctor degree and Mrs. deLeon has known her for many years, and she has the utmost respect for her and she's now the Board President. Mr. Carocci said he appreciates Mrs. deLeon's opinion. Mrs. deLeon said we should proceed with the Senior Program and has the same concerns with Jason about the seniors, but if we're all allowed to go out and mingle amongst people then we have to go on. Mrs. Huhn said she thought what Jason was asking was would it cost the Township the same amount of money if they aren't running the program for a period of time, even if it's a month. Mr. Banonis said correct and what would be done with the extra money. If there is money to be saved there, we need to look into that. It probably won't open until May 1st which is highly unlikely.

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MOTION BY: Mr. Banonis moved to table this agenda item until the next meeting.
SECOND BY: Mr. Carocci
ROLL CALL: 4-0 (Mrs. Yerger – Absent)

G. DISCUSSION OF FILLING OPEN COUNCIL LIAISON POSITIONS

Mr. Banonis said at the January 6, 2020 Reorganization meeting, Council tabled filling all the remaining liaison positions until there was a full complement of Council members. These are being discussed this evening. The Hellertown Area Library does not have any Council members acting as liaisons and also the Lutz-Franklin Schoolhouse which has only Sandy as the alternate. All the other committees or partnerships are staffed by Council members.

MOTION BY: Mr. Banonis moved to forego appointments to any of the committee's, authorities or partnerships for which we already have Council members serving in the liaison capacity and the only two that would be remaining are the Hellertown Area Library Board, which he would include Mr. Carocci as the Council liaison. Mrs. Stauffer said no. Mr. Banonis said if you'll allow me to finish, and also for the Lutz-Franklin Schoolhouse if anyone wants to act as the Primary for that, he would welcome that.

Mrs. Huhn said Sandy is the Primary, we are lacking an alternate. Mr. Carocci said he would like to represent the Township on the Hellertown Library Committee as he has school-age children who use the library. He asked Mrs. Stauffer how many years she lived in the Township and has she ever served on a committee. Mrs. Stauffer said she's on Council now why does that matter? Mr. Carocci said you apparently didn't have time to volunteer before. Mrs. Stauffer said why does that matter now? She has time now. Why does that matter, why does that matter? Mr. Carocci said the Lutz-Franklin Schoolhouse is available. Mrs. Stauffer said why does that matter now? Mr. Banonis said may he point out that Tom has noted that he has two school age children who are avid readers and he is certainly qualified for that. Mrs. Stauffer said and she's not for what reason? Mr. Banonis said you can read into that how you want. Mrs. Stauffer said she's not reading into anything. She would like to make it clear that there's an opening. Many of you are on committees already, she's not sure why being a primary representative on the Hellertown Area Library Board would be an issue for you. Why are you nominating Tom? Mr. Banonis said he already said why. Mrs. Stauffer said why are you nominating Tom? Mr. Banonis said he already answered the question, he's not here to be interrogated by her. Mrs. Stauffer said she's not interrogating him she wants to know why. Mr. Banonis said he just told her. Mrs. Stauffer said that's not a good answer. That is not the answer. Mr. Banonis said his motion is pending and if you want to move on or make a comment you can.

SECOND BY: Mr. Carocci

Mr. George Gress said he understand Jason nominating Tom, he gets that. He's looking at the list and Tom is on the Authority as liaison, and Mr. Gress is also on the Authority Board and he hasn't seen Tom at a meeting yet. Tom's on the SVP, Fire Services Committee and the Compost Center Committee. It seems he has a lot going and since Kristen has been recently appointed and doesn't have anything that is on her plate right now, you'd think that would be a good committee for her. He said we hope to see you at meetings once the meetings get going again. Mr. Carocci said he'll be there George. Mr. Gress said if you have that much on your plate that would be a good fit for Kristen since she's looking for things to do and eager to get involved. Mr. Banonis said Tom is an alternate on the SVP, in fact, he did attend the SVP meeting for him when he was out of town.

Mrs. Huhn said Mrs. Yerger is back with us. Mr. Banonis said to update you, we're at the open liaison positions and he has a motion that's pending to forego appointment of any Council liaisons, and the ones that are exceptions are the HAL for which he nominated Tom to be liaison and there's also the Lutz-Franklin Schoolhouse. Mrs. Yerger said she can't make the meetings as they have them during the day. She should not be the liaison anymore. Mrs. Yerger said they were having them during the day, when she stepped off as President. Mrs. Huhn said they will check on that. Mr. Banonis said if she will forego that if the meetings are during the day, there will be an opening there if Mrs. Stauffer wants it. Mrs. Stauffer said she has interest in the HAL, but Jason has nominated Tom. If the Lutz-Franklin Schoolhouse meetings are during the day, she also works and

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cannot make it. Mrs. Yerger said they have to check that. Mrs. Stauffer said she would be happy to be on the library board and she's happy to be on Council and since she's not on any other committees, and we don't know about the Lutz-Franklin Schoolhouse this would be an acceptable avenue for service. Mr. Banonis said he had nominated Tom and then Kristen indicated she wanted to be on it. Mrs. Stauffer said you didn't let anyone speak. Mr. Banonis said he is going to gavel her. Mr. Banonis said he's telling Sandy what the history is when she was off the call. He made the motion and then she spoke up. Mrs. Stauffer said you introduced the item and then you went right into make a motion and you didn't let anyone speak. You are trying to tie her hands and it's just because you don't want me on this Council. She's done nothing to you or Tom. She has no power in this situation but she's asking for the HAL. Mr. Carocci said he's asking for it as well and there's a motion on the floor.

Ms. Laura Ray said there was no discussion; it went right to the motion. For a liaison position you normally would have discussion whose interested in this and why, instead of just jumping into making the appointment. Mrs. Yerger asked what Mr. Gress said. Mr. Banonis said he said Kristen has no appointments, and Tom has other appointments, and Kristen should get an opportunity to be on one of them. Tom said the Lutz-Franklin Schoolhouse is available. Mrs. Stauffer said George also said she should be on the HAL specifically. Mrs. Yerger said did he give a reason why. Mrs. Stauffer said he said Tom hasn't attended any of the LSA meetings and then COVID hit and that Tom has several other liaison positions and she has none. Mr. Carocci said Mr. Gress didn't give any reasons as to why she should be appointed, he gave reasons why Mr. Carocci shouldn't. Mr. Banonis said Mr. Carocci also said he has young children who are avid readers and they are interested in the library. Mr. Gress said looking through the list and Tom is on the LSA, and on the SVP, Fire Services, and the Compost Center. Mrs. Stauffer is now showing interested and has an opportunity to serve the Council; this would be a good opportunity for her to be on the HAL. Mr. Banonis said there are four members on the Compost Center and what is required of the members. Mrs. deLeon said just like the SVP, sometimes you can't be at the meetings, that's why we have alternates. Mrs. Yerger said what is the protocol here, does he take over the meeting. Attorney Treadwell said let Jason finish this one up and Sandy can take over. Mrs. Stauffer said she is serving now and she has done other things in her life, she doesn't have to justify her resume of service to any of you. If you are saying that people can only serve if they've served before, she is asking for the HAL. Mr. Banonis said Tom is qualified for this position.

Ms. Stephanie Brown said Mr. Banonis and Mr. Carocci, you are being very disrespectful to Kristen and Mr. Banonis you intentionally misspoke her name. She needs to be involved, she's on Council whether you like it or not. Just because Mr. Carocci has children who like to read, doesn't make him more qualified for the position, libraries are for everyone. This is just more disgusting behavior of Council and it's really sickening.

ROLL CALL: 3-2 (Mrs. Yerger, Mrs. Stauffer, Mrs. deLeon – No) Motion failed.

MOTION BY: Mrs. deLeon moved to have Kristen Stauffer be appointed as liaison to the HAL.

SECOND BY: Mrs. Stauffer

ROLL CALL: 3-2 (Mr. Carocci and Mr. Banonis – No) Motion passed.

MOTION BY: Mrs. deLeon moved to have Kristen Stauffer's name onto the SVP so all five of us are representatives on that board.

SECOND BY: Mrs. Stauffer

Mrs. Huhn said that's administrative and we can do that. Mrs. deLeon withdrew her motion.

H. SKID STEER PURCHASE – DISCUSSION ON APPROVAL AND LEASING OPTIONS

Mrs. Yerger said in the 2020 Budget, Council approved funds to replace the 2000 John Deer Skid-Steer Loader. This was tabled at the April 1, 2020 meeting as Council requested additional information on a lease option.

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Mrs. Huhn said we put this back on the agenda, and Mr. Banonis had asked for some leasing information and also if we could reach out to the manufacturer to see if they had dropped the price. Roger Rasich was able to contact the sales representative and he said the price did not go down, it actually went up, but the purchase price is being held for us at what we were quoted. He checked into the lease options and it is actually more to lease it.

Mrs. Yerger said she's looking at two price quotes. Mr. Rasich said the one is for the machine and the other one is for the three attachments. The leases are for two-year lease with a one-year buyout with the 24 months being two payments. Mrs. Yerger said we're looking at \$91,000 to purchase this. Mrs. Huhn said correct. Mr. Rasich said he would like to point out that he is fully aware of the state of the finances in the country, not much less the entire world, he'd like to point out that we still have to maintain our properties and roadways and in order to do so we need the proper equipment. Whether we purchase it or lease it, our properties still need to be maintained. Mrs. Yerger said she agrees. She lives on the eastern side of the Township, she's using the Woodland Hills Preserve, 140 acres, and you can walk and hike and don't have to worry about social distancing. It's being used a lot. Obviously you are aware of the property and the multi flora rose are encroaching on some of the trails, is this something you can use there. Mr. Rasich said absolutely. Mrs. Yerger said they are getting very big.

Mr. Banonis said please don't take this as directed to you or your department, as you guys do a tremendous job, but you and everyone who works for the Township should have the best possible equipment to do your job in an effective way, but the memo we got from Cathy, the report from her and us knowing the financial situation of the world and particularly our Township and the preliminary estimate is that we're going to have a 20% shortfall on funding for 2021, it causes him to really be critical and scrutinize every penny we are spending in knowing that's going to be painful for us next year. He can't in good conscious justify that expenditure at this time. He's not saying that in any way from preventing your department in doing what they have to do, he's saying that because of the position we're in. If it would have come up in January or February, we wouldn't be having this conversation, especially since there are so many people that can't pay their mortgage or their taxes.

Mr. Rasich said he fully understands and he agrees. We have the 2020 budget for replacement of one of our two backhoes and the purchase of a pickup truck. We have other trucks, we have two backhoes; if anything, he would suggest getting the skid steer since we do not have that machine and aren't able to continue that business of mowing the property without it. We can continue to perform our other functions as we do have two backhoes and we can perform our functions, the same thing with the pickup truck, we can go another year on these two pieces of equipment. Mr. Banonis said those are things we will look at going forward.

- MOTION BY:** Mrs. Yerger moved to approve quote for the Skid Steer with Bobcat of Lehigh Valley in the amount of \$91,052 with the trade-in.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-1 (Mr. Banonis – No)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF APRIL 1, 2020 COUNCIL MINUTES

Mrs. Yerger said the April 1, 2020 Council minutes are ready for Council's review and approval.

- MOTION BY:** Mr. Banonis moved for approval of the April 1, 2020 minutes.
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

B. APPROVAL OF MARCH 2020 FINANCIAL STATEMENTS

Mrs. Yerger said the March 2020 Financial Statements are ready for Council's review and approval. She said they weren't in her packet. Mrs. Huhn said we can table this until the next meeting.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Stephanie Brown said she just wants clarification on the new procedure for public comment that was passed tonight. She wants to understand in terms of time, is there a timer. Mrs. Yerger said yes we will have a timer up at the dais and Leslie will be in charge of it. Ms. Brown said can the speaker see this clearly. Mrs. Yerger said no, she doesn't think so; you can bring a watch or watch the clock. Ms. Brown said wouldn't that be something to consider seeing some of the shenanigans that went on tonight. Mrs. Yerger said do you have a cell phone, if so, watch your cell phone and it will help you. Ms. Brown said it's disheartening because of the pandemic, people are losing loved ones, this is worse than what she's been through with 9-11, but to see Mr. Banonis and Mr. Carocci tonight, its very disheartening where there's so much stress in the world and you just want to be part of something. She's so disgusted. She said Mr. Banonis if you want to continue to intimidate her, that's fine, but she has not backed off her entitlement to complain. She's not going to back off on the bridge either, if that's his intent. She's here listening, and she's being attacked and Kristen is being attacked, she wants to know why the behavior of Council is not allowed to be questioned, but people who want to be included, the residents or non-residents, and they are constantly being attacked. You can't expect better behavior by the citizens or people who want to be involved in a public meeting. Mr. Banonis said he thinks that was three minutes. Mrs. Huhn said it is three minutes. Mrs. Yerger said she thinks Ms. Brown made her point. Thank you very much.

VII. COUNCIL & STAFF REPORTS

- A. MANAGER – No report
- B. COUNCIL/JR. COUNCIL
 - Jr. Council – Absent
 - Mrs. Yerger – No report
 - Mrs. deLeon – No report
 - Mrs. Stauffer
 - She said if anyone is not aware of deadlines, she wants to mention if you want to vote by mail, you can sign up to get a ballot in the mail by May 26th.
 - Mr. Carocci – No report
 - Mr. Banonis – No report
- C. SOLICITOR – No report
- D. PLANNER – No report
- E. ENGINEER – No report

IV. ADJOURNMENT

MOTION BY: Mr. Banonis moved for adjournment. The time was 10:30 p.m.
SECOND BY: Mrs. Stauffer
ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council President