

**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**

- 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 #43-2020 – Recognizing National Public Works Week – May 17 – 23, 2020

**IV. DEVELOPER ITEMS**

**V. TOWNSHIP BUSINESS ITEMS**

- A. Resolution #44-2020 – Authorizing the Execution of the Electronic Access Agreement for Pennsylvania Crash Information Tool
- B. Resolution #45-2020 – Lower Saucon Township Council Members Compensation 2020 & 2021
- C. Resolution #46-2020 - Temporary Freeze on Hiring for Open Positions or Additional Seasonal Employees
- D. Resolution #47-2020 – Authorizing a Budget Adjustment Transfer of Funds
- E. Sustainable PA Community Certification – Review of Community Certification Checklist
- F. Discussion of Real Estate Tax Waiver of Penalty Period – Resolution #48-2020
- G. Discussion of Fire Department Annual Contributions
- H. Saucon Valley Community Center – Summer Recreation Program & Adult/Senior Program
- I. Discussion of 2020 Events: Volunteer Picnic, Community Day, Pavilion Rentals, and Ballfield Agreements
- J. Discussion of Re-Opening the Joint Saucon Valley Compost Center

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of April 15, 2020 Council Minutes
- B. Approval of March 2020 Financial Reports

**VII. COUNCIL & STAFF REPORTS**

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

**VIII. PUBLIC COMMENT ON NON-AGENDA ITEMS – NON-RESIDENTS ONLY**

**IX. ADJOURNMENT**

**UPCOMING MEETINGS**

Saucon Rail Trail Oversight Commission: No Meeting  
Parks & Recreation: May 4, 2020 - Canceled  
Planning Commission: May 28, 2020  
Township Council: May 20, 2020  
Environmental Advisory Council: May 12, 2020  
Saucon Valley Partnership: May 13, 2020 at 6:00 p.m. @ HB  
Zoning Hearing Board: May 18, 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, May 6, 2020 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Sandra Yerger, presiding.

**ROLL CALL:** **Present:** Sandra Yerger, President; Jason Banonis, Vice President; Priscilla deLeon, Kristen Stauffer, Thomas Carocci, Council Members; Leslie Huhn, Township Manager; Cathy Gorman, Director of Finance; Roger Rasich, Director of Public Works; Linc Treadwell, Solicitor; Avia Weber, Jr. Council Member. **Absent:** Judy Stern Goldstein, Township Planner; Brien Kocher, Township Engineer.

**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 we ask that you keep your comments to three minutes per item.

**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 #43-2020 – RECOGNIZING NATIONAL PUBLIC WORKS WEEK – MAY 17 - 23, 2020**

Mrs. Yerger read Resolution #43-2020 which has been prepared recognizing Public Works employees for their hard work and dedication and to set May 17 – 23, 2020 as Public Works Week.

**MOTION BY:** Mrs. Stauffer moved for approve Resolution #43-2020 recognizing Public Works Week from May 17 – 23, 2020 in Lower Saucon Township.

**SECOND BY:** Mr. Banonis

**ROLL CALL:** 5-0

**III. DEVELOPER ITEMS – None**

**IV. TOWNSHIP BUSINESS ITEMS**

**A. RESOLUTION #44-2020 – AUTHORIZING THE EXECUTION OF THE ELECTRONIC ACCESS AGREEMENT FOR PENNSYLVANIA CRASH INFORMATION TOOL**

Mrs. Yerger said Resolution #44-2020 has been prepared for authorization to sign for the Electronic Access Agreement for Pennsylvania Crash Information Tool. Mrs. Huhn said this is the authorization to sign the agreement. This is a tool for data collection for the PD, it collects PennDOT data and this is necessary in order for them to access information for our DUI grant program and any prosecutions that would be resulting in any arrests. Mrs. Yerger asked if anyone had any questions. Mrs. Huhn said no one raised their hand. Mrs. Yerger read the resolution.

**MOTION BY:** Mr. Banonis moved for approval of Resolution #44-2020 authorizing the execution of the Electronic Access Agreement for the Pennsylvania Crash Information Tool.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**B. RESOLUTION #45-2020 – LOWER SAUCON TOWNSHIP COUNCIL MEMBERS COMPENSATION 2020 & 2021**

Mrs. Yerger said two Council members have indicated they desire to forego receiving compensation during this term and requested Resolution #45-2020 be prepared to request all Council members voluntarily forego any further compensation or payment of any kind for serving on Lower Saucon Council for the remainder of 2020 and all of 2021.

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Mrs. deLeon said she'd like to make a motion to not adopt this resolution and she'll tell you what her reasons are.

**MOTION BY:** Mrs. deLeon moved to not adopt Resolution #45-2020.

**SECOND BY:** Mrs. Stauffer

Mrs. deLeon had questions for Linc. She asked if he had any involvement with this agenda item, and if he was consulted. Attorney Treadwell said yes, he saw the resolution. Mrs. deLeon said did you prepare it? Attorney Treadwell said he did not prepare it. Mr. Carocci said he prepared it. Mrs. deLeon asked are we all familiar with the law that governs LST, can you tell me what law that is? Attorney Treadwell said the Township Code and Home Rule Charter law. Mrs. deLeon said according to our Home Rule Optional Plan form of Government, salary of Council members states that each member of Council elected or appointed to office on or after the effective date of this chapter, receive the minimum annual compensation provided and allowable and it goes on to say about the different things. It's not the Second Class Code which may receive compensation, so that doesn't even apply here. Any class she has ever gone to at PSATS, they've always stated that your Home Rule and Optional Plan form of Government trumps the Second Class Code. If it's not in there, if it's silent, then we go to the Second Class Code, but in this case it's definitely in there and it's a law and the Township has to follow the law.

Mr. Banonis said he agrees the Township has to follow the law, but if you read the resolution, the resolution says "voluntarily", so it's asking Council members to voluntarily forego their compensation and payment, as he and Tom did. We made that decision to do that prior to this crisis and it's our position, at least it's his position, that it would be the right thing to do for Council to forego that compensation. There are many people who live in this Township who have dire financial needs because of this virus and because of the shutdown of the economy. We expect these people to continue paying their taxes and they expect us to continue to provide service. If we're not willing to share the pain with those people, he thinks it's very disingenuous to continue to have the same expectations of them when we're not willing to make sacrifices.

Mrs. deLeon said the other point she wants to make is this is definitely taxable income, so whether you forego the money or not, you still need to have a W2 as it is taxable income. She still doesn't support it.

Mr. Carocci said thank you for being so worried about my taxes, Mrs. deLeon, thanks. He asked if Attorney Treadwell wanted to weigh in on this.

Attorney Treadwell said he thinks the resolution as Jason said, requests that Council members voluntarily forego their compensation. It's not a mandate. Council doesn't have the authority to, as a group, tell Council members whether to accept compensation or not. That's up to each individual Council member, so whether this resolution passes or not, each individual Council member still controls whether they accept compensation or not.

Mrs. Stauffer said she thinks the question is more, is this legal to not accept any income because one alternative is to accept the income, pay the taxes for State, Local and Federal, and then turn around and give it right back to the Township. That seems to be the most common way of doing this to abide by the law and she thinks if any Council member refuses to accept payment at all, and Tom and Jason can speak to that right now, if that opens up any one in the Township to liability, that's a major concern.

Mr. Carocci said he gave a letter to Cathy Gorman regarding that and we'll let Linc talk about the law, he's an attorney. Attorney Treadwell said he thinks there is some case law in PA that states that Council members are allowed to forego their compensation, there's no public policy. Whatever the tax implications are, everybody is going to have to deal with that on their own. He's not making any representations as to whether there are tax implications on this, but if Council members want to forego their salary, that's their option.

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Mrs. Stauffer said what does it mean to forego. Attorney Treadwell said he thinks, like you said, you could either accept your salary and donate it back or you can just send a letter and say I don't want my salary.

Mr. Banonis said to be clear, when he was sworn in, he agreed that he would forego his salary and he said multiple times during meetings that he would forego his salary and he provided a letter that he would forego his salary and the reason for that, he understands Priscilla's comments about paying taxes, but it's beneficial to the Township for him to forego seeing any money so that taxes aren't taken out of it and the full amount of money goes back to the Township and stays with the Township. For him to take the money, pay the taxes on it, and give it back, really is a detriment to the Township because a certain percentage of that money is now in the tax coffers somewhere and not in the Township's General Fund. He can't believe we are having a disagreement about this, and a suggestion that we are acting illegally in some way by not taking a salary, it's preposterous to him.

Mr. Carocci said it's a level of entitlement by other members of this Council. Mrs. Stauffer said being concerned about the laws is not a measure of entitlement and doing good work or donating your salary is something that can't be used as a campaign tool.

Mr. Banonis said we're not campaigning and we heard from the Township Solicitor and he said you can forego your earnings. He doesn't know what's illegal about it and it's certainly not a campaign tool because it's not election year and we ran an election and we are successful at elections so he doesn't think it's proper to bring that up at this point.

Mr. Carocci said she wasn't successful. Mrs. Stauffer said that was uncalled for, out of order. Mrs. deLeon said out of order, she agrees. Mrs. Stauffer said that's disrespectful to another Council member and out of order.

Mrs. Yerger said Priscilla has made a motion. Mrs. deLeon said to deny it. Mr. Banonis said he thinks we should hear from the public. Attorney Treadwell said you can vote on Priscilla's motion to deny the resolution. Mrs. Yerger said she just wants to get everything in order.

Mrs. Huhn said we have one question from Andrea Wittchen. Ms. Wittchen said she's been doing some research this afternoon, she believes the 2020 revenue figure for LST is budgeted at \$8.6 million and Council compensation for the year including the payroll tax that's paid by the Township is \$17,494, which represents .2% of revenue. Secondly, she knows that the budget that was adopted has estimated revenue excess in the amount of \$912,000 for the coming year. At the last Council meeting, she understood that they ended the year with almost \$2 million in excess funds, which were going to move to the Capital Fund and Operating Reserve Fund. It doesn't seem to her that if the Township is in any serious risk including the fact that if you use the figures, half of the EIT for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter of the year, being rather liberal in the understanding of what the losses might be, that would only be an 8.7% decrease in the income, which would still not surpass the \$912,000 in excess funds that have been budgeted for the year. In addition to our \$3 million, what she would call, rainy day fund that is also available to cover the things like pre-cash flow throughout the Township for the fiscal year. It's not clear to her what the purpose of reducing revenue by .2%, that's .0002% would accomplish except what seems to be political here. It certainly is not in any way an effective reduction in expenses and secondly, she doesn't think it's a good idea for Townships in general to not pay those people who are elected to serve on the Township Council. It is not a good idea to end up on relying on Township Council people to give back their salaries and if the wording is "shall receive their salaries" then that means you need to take it and pay the taxes on it. If you are renouncing it, that's fine, but it seems to her, as a finance person, you really need to go through the process of being given the paycheck and then turning it back, "shall" is not a word that has multiple definitions. It means you shall receive it, so she's not

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real sure how we come out with the position that this is actually complete and legal and voluntarily and works just fine if you've never seen one. Thank you very much.

Mr. Banonis said he thinks they already spoke to one of Ms. Wittchen's points and that is legally we are able to decline receiving compensation and he would respectfully respond to her that every little bit counts with the money we can preserve, taxpayer money, it's not his money, it's taxpayer money and he serves at their privilege. Mr. Banonis said he's not here to spend other people's money. Some people may want to do that, but he's a fiscally responsible person and he ran and was elected on that agenda and he thinks this is a step towards that. If people disagree and they think we should tax and spend, well that's their position, but he'd think the majority of the voters in this Township would be supportive of us trying to save every penny as it's their money, it's not his money.

Mr. Carocci said it's not a lot of money when it's taxpayer's money, but it's a lot of money when it's going in Mrs. deLeon's pocket. Mrs. Stauffer said that's out of order, Tom. Mrs. Yerger said no personal attacks please. Mrs. deLeon said she doesn't even understand that statement, that was kind of stupid, Tom. Mrs. Huhn said we have another caller.

Ms. Laura Ray, 3357 Lower Saucon Road, said from what she heard of the resolution, it's a total voluntarily request anyway, and it's always been, over the years, Council members have donated back their salaries. Glenn used to donate his to the Open Space Fund, etc., it's totally voluntary. What's the whole point of this resolution other than to bring up another thing to bicker about. That's all she's seeing and it's every single meeting, you guys are bickering amongst each other so this looks to her that we want certain people to look better than other people. She just doesn't get it, what's the point of the resolution. You can donate your salary anyway, so why do you need a resolution. It seems like a waste of time, a waste of paper.

Mrs. deLeon said is someone going to answer Laura's question. Mr. Banonis said taxpayer money, it's not his money, its taxpayer money and we're looking to preserve the capital that we have so that the taxpayer money can maximized and we can address budgetary needs, that's what it about. Mrs. deLeon said sorry she asked.

Mrs. Stauffer asked was there any amount spent Linc, with your time on this? Attorney Treadwell asked, did the Township pay him any money for this? Mrs. Stauffer said did you spend any time on this. Attorney Treadwell said he thinks he spent 1.6 hours on this. Mrs. deLeon asked so what does that calculate to? Attorney Treadwell said it's \$320.00. Mrs. deLeon said so we spent \$320.00 of taxpayer's money on this, which something that is voluntary and which is something we could have done privately and not in front of everybody. Mr. Banonis said the money that he and Tom donated back, certainly can represent any fees that Linc has on this issue and he doesn't need to hide behind closed door meetings to advance what he thinks is an important issue. Mrs. deLeon asked whose hiding behind closed door meetings? Mr. Banonis said you just said we should have had a private conversation about this. Mrs. deLeon asked private conversation with whom? Mr. Banonis said that's what you just said, you said we can speak privately about this. Mrs. deLeon said she said if you could privately donate the money, by yourself and Tom by himself, you don't have to make a spectacle out of this. She donates to many people, she doesn't say here's my list, good for me. I do it privately because it's in my heart to whom she donates to.

Mr. George Gress, 3703 Old Philadelphia Pike, said he understands Tom and Jason's point here putting this out there to donate their salary. He knows they did say they'd forego their salaries, but they also said they'd donate their salaries to a worthy cause. He doesn't believe the Township was listed there. He knows for one, when he was on Council last year, he tried to stay involved not only as liaison to groups, but also to community events. A lot of time, two or more times a week he was away from his family, and that \$230 check that he got every month does not mean a whole hell of a lot when you're spending time away from your family trying to serve the Township and

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the taxpayers. That meager little stipend you get is a nice little thank you that says we appreciate you serving, we appreciate your time, thank you for doing what you do when helping the Township and we're sorry you're away from your family. That's what that says to him, not, hey look at me, I'm going to forego my salary, I'm special, give me credit, look at me. He's sorry, he disagrees with that, he thinks the salaries should be paid. If you and Tom decide you want to donate your salary back and donate it to the Little League or the Community Center or the pool or whoever you want, that's your decision. If the other Council members think they deserve that money, because of the time they spend away from their families, their kids, their grandkids, that's their decision to make, not yours.

Mr. Banonis said he'll just respond to George very briefly. He did bring up in January the possibility of donating it to certain organizations such as the Youth Sport Leagues and there's also a K-9 program, but it was brought to his attention that money, if he was to direct where it goes, would be taxable and it was his desire to maximize that money that would potentially come to him and have that money remain in the General Fund so that the money can be used to its maximum potential. He does appreciate George confirming that it's not a lot of money and it is a meager amount, and with that said, he's surprised there's such obvious opposition to a suggestion that we pass a resolution asking that the Council members voluntarily give that, not a lot of money and that meager compensation, back to the Township so that the Township can meet its needs. Mrs. Yerger asked Mrs. deLeon to re-state her motion.

**MOTION BY:** Mrs. deLeon moved to not adopt Resolution #45-2020.  
**SECOND BY:** Mrs. Stauffer  
**ROLL CALL:** 3-2 (Mr. Banonis & Mr. Carocci – No)

**MOTION BY:** Mrs. deLeon moved to ask PSATS if a W-2 is required per our regulations.  
**SECOND BY:** Mrs. Stauffer

Mr. Banonis said as we already have legal guidance from our Solicitor, that it's not an amount that we would be required to receive, so he's not sure why you'd want to necessarily burden having the Solicitor, Township Manager or Township staff to pursue an answer to a question we already have the answer to. Mrs. deLeon said she hasn't seen a legal opinion from Linc regarding that issue. She'd like to see it in writing somewhere. Mr. Banonis said he has a lot of confidence in our Solicitor. He's got a lot of years' experience in this Township, as you know Priscilla, you worked with him for many years, and he's worked for other Townships as well, he has a law license in PA, he's authorized to practice law and his specialty is providing service to governmental entities, so he's fairly confident with the information he provides us with and he really disapproves of any suggestion that we have to second guess the decision or an opinion given to us by the Solicitor. That seems like a very slippery slope, in that every time someone doesn't like the answer that they got, we're going to needlessly incur expenses and waste people's time. Mrs. deLeon said she doesn't see it as a waste of time. She's looking at it as another opinion and PSATS is there to help municipalities and they wouldn't be there if it wasn't to help us. Mrs. Yerger said they don't charge us, do they? Mrs. deLeon said no. Mrs. Yerger said it's a free service. Mr. Banonis said he was referring to the Solicitor and having Township staff undertake it as it detracts the time they could spend on more worthy issues. Mrs. deLeon said more time was spent on this issue that was needless, so she doesn't think a quick email to PSATS tomorrow by Leslie asking a simple question on the W-2 thing she just spoke about is really going to take up a lot of her time. Mr. Banonis said, well you could do it yourself. Mrs. deLeon said she wants it coming from this Township. She made a motion, and it was seconded Mrs. Yerger asked if anyone had any questions.

**ROLL CALL:** 4-1 (Mr. Banonis – No)

C. **RESOLUTION #46-2020 – TEMPORARY FREEZE ON HIRING FOR OPEN POSITIONS OR ADDITIONAL SEASONAL EMPLOYEES**

Mrs. Yerger said Resolution #46-2020 has been prepared at the request of Council member Tom Carocci to temporarily freeze the hiring for open positions or additional seasonal employees at Lower Saucon Township until August 1, 2020.

Mrs. Stauffer asked if Mrs. Huhn had any concerns. Mrs. Huhn said no, not if you are just looking at this until August 1<sup>st</sup>. We have one open position in PW at the moment, another person is scheduled to retire in August and this would just affect our seasonal employees. Usually we hire two seasonal employees, and she's sure Roger would say he can always use all the help he can get, but in the spirit of trying to save some money, she thinks we can do this until August 1<sup>st</sup>.

Mrs. deLeon said if something changes, please come back to us. Mrs. Huhn said absolutely. Mrs. deLeon said we can always rescind a resolution. Mrs. Huhn said if something comes up and it looks like it's dire and we need help, she'll certainly come back.

Mr. Banonis said you are overseeing Township staff right now and just so that Council is aware and that the public is aware, Council offices remain open, and we remain functional. Mrs. Huhn said correct. Mr. Banonis said could you give us a brief overview of the nature of the activities that are being undertaken in relation to those activities that were undertaken before his virus hit and before the shutdown. In other words, are we operating as normal, do we have people that are idle, do we have people who have some extra time to do things, where are we in terms of how we would ordinarily operate, what people are doing under these circumstances?

Mrs. Huhn said we are operating as normal. We are as busy, if not busier, obviously we're dealing with COVID-19 but staff is working, permits are being processed, Council agendas, packets, and meetings are being scheduled. Public Works is doing their spring preparation for summer projects. They actually just graded the ground next door at the Blair House, where it was torn down this winter. They did that today as it's a good time with the rain to grow grass and try to get that going. They are working full steam ahead. Roger is actually short a person right now so there's plenty to keep everyone busy.

- MOTION BY:** Mrs. Yerger moved for approval of Resolution #46-2020 – temporary freeze on hiring for open positions or additional seasonal employees.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 5-0

D. **RESOLUTION #47-2020 – AUTHORIZING A BUDGET ADJUSTMENT TRANSFER OF FUNDS**

Mrs. Yerger said at the last Council meeting, the Director of Finance presented the 2019 CAFR (Comprehensive Annual Finance Report), which highlighted areas that required Council's attention. First was to address the budget for the payment of the pole barn at the Compost Center which we assumed completion and payment was to be done in 2019 but was not completed until 2020. Also, changes to address the recoding recommendations made by the auditors. Council also approved allocating \$500,000.00 of the receipts over expenditures in 2019 to the Capital Plan and \$1,033,362.48 to our Operational Reserve Fund. This resolution will modify the budget to accommodate the coding changes and transactions.

Mrs. Gorman said these are the items that were presented in CAFR. The pension fees and the open space items were coding change recommendations for our Auditors. The compost fund was again a payment that was issued in 2020 for work approved last year. The Capital Fund \$500,000.00 transfer approved last meeting is here because there are ledger entries for transfers between two funds, your million dollar allocation from uncommitted to committed doesn't require a general ledger entry as it's within the same fund, so you'll just see movement of the million dollars from one cash line item to another cash line item. Also on here was Roger's road projects for this year.

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We're not expending any more money but we're allocating some of the money to go towards the project for the road work from the maintenance end of it and if he's able to complete everything that is scheduled to do, we'll be in line with the accounting procedures in the State Auditors review.

Mr. Banonis said he wants to thank Cathy for all of her hard work on this and all the other accounting issues, budgetary issues. This is new ground for her and she's done a great job with this and he appreciates it very much. He's wondering if Cathy or Leslie, and it's not necessarily related to what's going on in this document you gave us, but do you have a calculation overall of the total expenditures we have related to COVID. Mrs. Gorman said we are keeping a record of that, especially for FEMA reimbursement. There's a meeting that's coming up and if we spend anything over \$3,250 we will be eligible to get those costs for reimbursement through FEMA and PEMA, which we are itemizing everything we are expending. Mrs. Huhn said everything is being broken out separately. Chief Barndt is actually attending a webinar tomorrow for FEMA to see how we are to submit and keep these records.

Mr. Banonis said where are we in relation to the \$3,250 number. Mrs. Huhn said we are close. Mrs. Gorman said she thinks we're pretty close. Mr. Banonis said is it every dollar above that figure that gets reimbursed or is it dollar for dollar from dollar one. Mrs. Gorman said it's dollar for dollar, but you have to reach that first. Mr. Banonis said they match it 100%. Mrs. Gorman said what will happen is we'll get the PEMA reimbursement first which is 25% of the amount that is spent, and then what PEMA will do is bring all those expenses over to FEMA and FEMA will reimburse PEMA and it trickles down. It takes long and is a lengthy process but that's how it works.

Mr. Banonis said when FEMA funds PEMA, they fund the other 75% that was not paid by PEMA. Mrs. Gorman said correct. Mr. Banonis said great job again.

**MOTION BY:** Mrs. deLeon moved for approval of Resolution #47-2020 – authorizing a budget adjustment transfer of funds.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 5-0

**E. SUSTAINABLE PA COMMUNITY CERTIFICATION – REVIEW OF COMMUNITY CERTIFICATION CHECKLIST**

Mrs. Huhn said as a component of the Multi-Municipal Comprehensive Plan, our consultant Environmental Planning and Design has recommended we apply for the Sustainable Pennsylvania Community Certification, which recognizes local governments for practicing sustainability for their communities' prosperity. The planner, EPD, prepared this for both us and for Hellertown. We are bringing it to Council for support of that now. They prepared what they knew or what they could find documentation for on our website. When it was submitted to us, we had a total of 55 points. After reviewing it and looking through some of the other items we would qualify for, our total now is 101 points. What you see and what you have is where we met the criteria, so this will be submitted to EDP and they'll include it with our Multi-municipal Comp Plan along with Hellertown who has already approve theirs. It will be compiled together and it looks favorably upon what we're doing to sustain our community and if we apply for any joint grant funding, this would not guarantee us anymore, but they would look at it favorably.

Mrs. deLeon said this is another plus for us. The Partnership helped us get higher on the list. Mrs. Huhn said there's a lot of criteria on the checklist that we can work to strive to attain, so it will always be evolving. Mrs. Stauffer said do we have to do this every year. Mrs. Huhn said she doesn't believe it's annually. Mrs. Yerger asked if anyone had any questions.

**MOTION BY:** Mrs. Yerger moved to approve submittal of the Sustainable PA Certification Checklist.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**F. DISCUSSION OF REAL ESTATE TAX WAIVER OF PENALTY PERIOD – RESOLUTION # 48-2020**

Mrs. Yerger said Act 15 of 2020 was passed by the Governor on April 20, 2020 which contains provisions that would allow taxing districts to waive the fee or penalty for late payments as long as the tax is paid by December 31, 2020.

Mrs. Huhn said this is one of the items that is evolving as we wade through this pandemic. We have prepared a resolution. If Council would like to waive the penalty period, it allows us to waive it between now and December 31, 2020. You can choose a date in between if you desire. Our recommendation would probably be to waive till December 31<sup>st</sup> if we have the ability to do that.

**MOTION BY:** Mrs. Yerger moved for approval of Resolution #48-2020 to waive the penalty period until December 31, 2020 as long as the tax is paid by that time.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**G. DISCUSSION OF FIRE DEPARTMENT ANNUAL CONTRIBUTIONS**

Mrs. Yerger said Lower Saucon Fire Rescue (LSFR) has provided the documentation required per Township resolution #34-2010 and updated with the approval of the 501C3 policy and is requesting release of the 2020 budgeted funds of \$150,000.00. Due to the pandemic and the potential for significant revenue loss in 2019, Council may want to consider reviewing how the funds are distributed.

Mrs. Gorman said we had discussed this at the Fire Services meeting yesterday so they are aware of us bringing this up to you this evening. Her concern and everyone else's concern with revenue is that we're not going to get the projected amount to sustain us at the end of the year so we thought we may phase in the payments this year. We might be best served to phase it in throughout the year until we figure out what's going to happen this 2Q and 3Q.

Mr. Carocci said he has some thoughts. Our fire department does a great job and he attended the Fire Services meeting last night. It's become very clear that we need one fire department. There's a lot of work for Cathy and the Township administration dealing with two separate fire departments and it's long overdue that we still do not have one merged fire department for all of LST with one structure, with one Chief, with one Treasurer for all the Township administrators and Council for that matter, to work with. It's just seems really unnecessary to have those and he doesn't mind that we spend taxpayer money on this. It's important and we spend a lot of taxpayer money on this. It's not just the annual \$200,000, it's more than that. There's also the tax to pay for equipment, trucks and all that. We deserve one fire company to deal with. He would propose we don't make any allotment at this time and he would like for these guys to get together over the next 30 days and come back to us with some type of Memorandum of Understanding or some type of plan in writing that would set a time line for them to become one fire company. If they could do that by our June 3<sup>rd</sup> meeting that would be very helpful and he thinks it's necessary. There's a competition and fighting over resources, he understands that. The reason is because there are two fire companies. If there's one and they can work together, he thinks it would be more efficient and there would be more accountability for taxpayer dollars of dealing with one Chief, one Treasurer, one Deputy and the administrative officers. He thinks the budget will even be tighter next year and if we could deal with one entity, it would be better. He'd like to make the proposal to not allot any money for 30 days and see if they can come back to us with some type of plan in writing and a timeline to become one department.

**MOTION BY:** Mr. Carocci moved for the two fire companies to come back to the Township at their June 3<sup>rd</sup> meeting with some type of a plan in writing and a timeline to become one department.

**SECOND BY:** Mr. Banonis

Mr. Banonis said as we look at the financial information, it looks like the fire department has a significant amount of solvency. They have \$836,000.00 in assets available, so by delaying this money, there's no immediate harm to them. They have capital to operate and they are getting

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funding from other sources including contributions from citizens that are sending in donations as well as governmental grants. There isn't any loss of services and no harm to the fire company by withholding this money in the interim. Mr. Carocci said it's just 30 days. He thinks Council, the tax administrators and the taxpayers want these guys to get together. He expects to hear from them and that's why he thinks we need something and a new structure in place for accountability and stop some of the fighting over resources and that takes a lot of resources of time from the administration.

Ty Johnson, Fire Chief, LSFR, said he understands your concern with talking to Steel City to merge. They've been down this road for eight years. Some of us finally got together four years ago to start the merge process. He thinks that we're being penalized for another fire department dragging their feet. They put an operational agreement together four years ago and it went back and forth between the lawyers, we couldn't agree on it, and we moved forward. We are gaining steam with members so he thinks they are doing something right and the community sees they are being proactive and aggressive. What if we're not able to get together in 30 days and come to an agreement. He doesn't think we can enter into a merge right now as they have to wait a year until after everything is finalized which is 99% done. He asked if they will be penalized longer without their funding as we get money for apparatus replacement, but they do have loans out to pay for a piece of apparatus and as far as funding, right now they are not getting any funding as their social halls are closed, their club is closed, so whatever money they are getting is trickling in from their fund drive which is at the tail end.

Mr. Carocci said to answer your first question, to try over the next 30 days, you'll either come back to Council at the June 3<sup>rd</sup> meeting or prior to that with some type of agreement or you'll say you couldn't reach an agreement then Council will have to decide then about funding. He chooses to be optimistic and hopes you guys can get together and figure something out. It doesn't have to be a legal agreement and he understands that might take some more time, but there could be an agreement, in principal, that could be in writing that has an organizational chart and timeline for a merger. He thinks that would be so beneficial to the Township and the Township administrators. That's the first point. The second point he would like to look into, that you can't merge with another fire company for another year and see how that applies and how will it affect the situation. That still doesn't mean you couldn't, in 30 days come back with an agreement and principal to merge with some type of plan to present to the Township to be one unified fire department. The way you spoke, it was right, but again, you're not being penalized any more than they are. Steel City isn't getting their money either so they have an incentive to come to the table as well. Why don't you guys sit at a virtual table for the next 30 days and try to figure something out and we'll see how it goes from there.

Bryan Evans, Deputy Chief of LSFR, said he appreciates the comments and discussion. He does think it's a little disappointing that this is based on the fact that we had several other discussions last night at the Fire Services meeting and it would have been ideal to have some of these discussions last night as opposed to starting them now. He knows everybody gets ideas afterwards and we understand that. There's a lot of discussion to have now and Chief Johnson brings up a lot of good points. He thinks his hesitation is everyone can come back with a plan on paper, a theoretical plan. We actually had one of those before and at the 11<sup>th</sup> hour things developed and it fell apart. Anything like that has to go through a due diligence process so we can have all the agreements we want on paper preliminarily, but we come back from the table and still have no idea if it would be possible for one organization to merge with the other because of things that are unknown or current litigation, current claims, who knows what is open out there. He thinks the question becomes how long can this go on if there are all these other bumps in the road.

Mr. Carocci said he's not saying it's going to be easy for you guys to finally merge. He is saying he'd like to see the process started. He didn't mention this last night. He really hadn't had it flushed out then. It also became more evident at that meeting last night, you are talking about gas

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money, it shouldn't go back to the Township, and all that, it's a lot of work for the Township employees and Council. If there's just one account, it wouldn't have to be dealt with by Council and the Township. He knows you tried it before and he appreciates those efforts. He's asking you to try again over the next 30 days. He understands an agreement might be a very loose agreement to start with and now it's going to take time again. He's not saying in 30 days you have to have this thing wrapped up. He'd like to see a reasonable timeline on when you think it could wrap up and if there are bumps in the road, that's when we do have conversations and can those things be overcome.

Mr. Banonis said his position on this is not in any way negative towards the good work you and the other folks in the fire department are doing. We really appreciate all you do and it's an asset to the Township and we recognize that. What he's hearing is you want your money now, well that's all well and good, but he's not sure you need it right now. It seems you have the operating capital to sustain you over the next 30 days or so and he thinks it's beneficial to the entirety of the services for the community like Tom said to have a single department. If we can help with that process, we're here to do that as much as we can and we encourage you to engage in that so we can advance that. If we can advance that, it benefits everyone -- the fire department, the personnel within it, the Township administration, the finances of the Township and the services that are provided. He's optimistic and knows that you folks are good hearted people and you have a benevolence of pride and want to do good for the community. He thinks there are some common interests there that everyone can get behind and advance this. He looks at it as an opportunity, this is not to punish you. This is to see what can do to move this along so we get a product at the end that's consistent with what the taxpayers are providing for.

Mr. Evans said the LSFR roots were formed from Se-Wy-Co, Leithsville and Southeastern Fire Departments. Se-Wy-Co and Leithsville merged back in 2012 and entered into an operational merger in 2016 with Southeastern and then all three fire companies came together officially last year. He thinks they are still the only merged department in Northampton County. They have been at the forefront of this, they have been driving the bus, they've been creating policy. They get calls from other departments all across the region and state asking how we did it. We are supportive of merger and consolidation. He thinks what's a little hard for them is and he doesn't want to use the word unfair, as life isn't always fair, but for us to be felt that we're being held with our feet to the fire when it's never been us that have been the holdup. We've had rosters of 60-plus people who all vote in the same direction and then the small minority has held this up. It seems it may be reasonable for those who have been proactive in merging before to be able to continue forward, but their hand is being forced and they can only come to the half-way point. They need someone else to come the other half-way and that's never happened. That's what their hesitation is, they tried this over and over without success. They are not sure what happens next when they do their part.

Mr. Carocci said we're scheduled to allocate \$150,000 to you and he doesn't think it's too much, as a Council, to ask you to try for 30 days and Steel City is supposed to get \$50,000, so that's \$200,000, and he doesn't think it's too much to ask to try and put a good effort in it and go in with an optimistic attitude if you can and get back to us. It's not too much to ask for a taxpayer allocation of \$200,000, it's pretty little to ask.

Mr. Banonis said he shares Tom's optimism as they say they been through a merger before. They know the process. They've done it successfully and they learned by doing it and he's sure they learned what to do and what not to do in the process so although it took several years previously, he's hoping if there can be an agreement here, it's done in a more expeditious way considering they have the experience in doing it. The Township has provided a lot of resources to the fire department. Millions of dollars of equipment, and has supported them in a number of ways. We have an Emergency Service's tax in place so he shares your view we're not asking that much here and we're not laying blame with anyone, and not forcing one side over the other. We're looking

for a combination and a coming together and he thinks it will get done. He's optimistic and if we go in this with the right attitude, he thinks something good can happen.

Mrs. Stauffer said they talked about voting, she'd like to know how those votes would typically have to break down, if that's the first step to achieving the timeline that Tom is asking for, then 60 members, then the minority is voting no, do you need a certain percentage to make this happen?

Scott Krycia said he can answer her question. He said he was one of the members that voted to merge with Leithsville and with Se-Wy-Co. When he was at Leithsville, he was Deputy Chief and the VP, so he was through that whole process. He was also the VP of Se-Wy-Co and now the President of LS when they merged Southeastern and Se-Wy-Co into LSFR. He's been through this process twice. The voting for them and how they run their meetings is just a simple majority vote. They do Roberts Rules of Order, so to answer Mrs. Stauffer's question, that's how it would work. The board members of Leithsville Fire Company approached the board members of Se-Wy-Co and said they wanted to merge. Then they basically did a Joint Operational Agreement, which he believes was for a year or two years where the command structures, the operations side actually operated jointly for those two years. After those two years, they worked out the kinks on the operations side and that's when their board finally got together and did all the paperwork necessary to merge Leithsville and Se-Wy-Co together. Se-Wy-Co and Southeastern merger was a little different. Leithsville was rolled into Se-Wy-Co so it was basically a "takeover", it was actually taken over by Se-Wy-Co who was the parent organization and Leithsville assets, EIN, all that stuff was rolled right into Se-Wy-Co. He actually did that merger himself and the paperwork along with Se-Wy-Co's President and it was a pretty quick and easy process. The Se-Wy-Co – Southeastern merger into LSFR is a little different where we created a new organization so we had to create a new charter, a new set of by-laws, a new organizational structure, deed transfers, everything like that. That's why the merger has seemed like it's taken so long because there's a lot of little intricacies that had to be worked out on each side of the organization. That's the history between the two mergers. To Jason's question, about us merging with Steel City, myself and Chief Johnson actually met with Chief Snyder and Scott Nocek twice this year about the possibility of working out some kind of merger out. We actually sent them some of our paperwork, like our Joint Operational Agreement and our by-laws just for them to review, to get a feel for testing the water to see how it all worked out. Our Counsel states that we can't approach another merger or another organization merging into us until our existing merger is complete. Right now we're in the process where we're transferring deeds into LSFR. Once that's done, there's going to be a couple little things that need to happen. We're going to have to dissolve the two original organizations, all that kind of paperwork. Our Counsel stated to Mr. Krycia, as he's actually talked to him a couple of times, that once we're merged, there should be a "cooling off" period before we actually go back into the process of doing it again. That's not saying you can't sign a Joint Operational Agreement or some kind of agreement or start working as that organization, but we can't do anything officially until that "cooling off" period is done.

Mr. Carocci said thank you for the history, it was helpful. He would like Linc to look into some of these things, but like you said a Joint Operational Agreement to start or some kind of timeline to become one fire department is what we're looking for. It's not too much to ask and you might have to forget a lot of the bad history of previous attempts to merge and go forward, look towards the future and be optimistic and try and work something out. He's glad to hear you guys met already and it was somewhat on your radar screen earlier in the year. He think that's beneficial.

Mr. Krycia said they've actually talked about merging fire services in Saucon Valley probably since early 2000's. We talked about doing a big company merger, then it went down to four companies, then it was just Leithsville and Se-Wy-Co who pulled the trigger and decided to do it as a two company. He's a little let down that the Township is willing to withhold our funds because we actually did everything the Township required to get those funds and there was nothing mentioned in there about the possibility of doing a merger. Like many organizations and non-

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profits right now, we definitely have an income reduction. Our social halls are not running, our social club is not running, our donations are down. We are on the tail end of our donations and we have some serious expenses coming up in the next month that could significantly impact what we're doing. We're already operating this year on a very small budget. We've done a lot of cutting out of stuff already and he feels it's an insult to the organization as they actually fulfilled all the requirements to get our funding and now we have to fulfil this other requirement at the very end of it. We're an essential service.

Mr. Carocci said you are and it's not to be insulting, it's more meant to be, and quite frankly the Township would have a better understanding of what type of resources, you as one department, would need going forward and we could plan for that. Once we get through all of this, there could even be more money for resources. He's not so sure that the Township or we as a Council will have a grasp, but really what both departments would need, it would just be much easier to deal with one treasurer, and one Chief and one President to kind of lay all this out. It's just a whole component of having to do things twice, having to divide resources instead of pulling resources, and it's not meant to be insulting and you are appreciated and a necessary service – a vital service.

Mr. Krycia said he agrees with Mr. Carocci, that was one of the reasons they did the Leithsville – Se-Wy-Co merger as there's lots of duplication. Mr. Carocci said that's beneficial to both parties of the merger and you think you are stronger now than when you were separate? Mr. Krycia said yes, of course. That's why they did it, they knew they were going to be a stronger department. Mr. Carocci said it can be possible to be a stronger department with Steel City. Mr. Krycia said absolutely, and he's not debating that fact at all. His biggest concern is he feels we are being held hostage and not getting their funding because you guys are asking us for a possibility to merge with them; and it's on the table. This is going to be a three-year process. Mr. Carocci said he'd just like to see what progress you can make during the next 30 days and then we'll see. He's not saying we are going to hold the money back forever. We're asking for 30 days so we can at least see a path before we just allocate the \$200,000 without asking for a path. That's what we want to see. Mr. Krycia said they are agreeable to that. He just thinks it would be great if Council could actually follow up with what the project and guidelines were and we would get the funding. They have some significant bills in the next couple of months that are coming up like huge insurance payments, and we have a tower that's on its way that we're forced to get a bank loan on and pay interest on as a volunteer organization. Mr. Carocci said that money is coming out of the Fire Tax, that is not this allocation we're talking about. Mr. Krycia said correct, but we still have to carry our part of that loan and we're getting a loan and paying interest on it. If you guys actually look around to the neighboring fire companies, look at Fountain Hill, municipally funded 100%; Upper Saucon, municipally funded 100% with a paid Fire Chief; Bethlehem Township – Nancy Run, municipally funded 100%; Palmer municipally funded 100%, LSFR is the number three responding Fire Company in Nth. Cty. in terms of fire calls, and the top five are all municipally funded 100% except for us, that's the thing.

Mrs. deLeon said when the Township starting contributing to each fire company \$5,000, that was a while ago. We then increased it until we got to the \$50,000 point. So all four got \$50,000 each and that \$50,000 was to cover day-to-day expenses as everyone has buildings to maintain, insurance to pay, electric and other utilities and that's how we got to that number. She feels that then, she was instrumental in getting the policy started because of all the different kinds of problems with all kinds of people, organizations and she thinks that she thought it was best that we had a criteria and the policy got written and she thinks the fire companies have answered that and they deserve to get at least a portion of the money they were counting on to get them through these next couple of weeks. She doesn't want to hold all of the money from them in 30 days. She thinks both fire companies did do what the resolution did. Mrs. deLeon said they fulfilled those, so to her, she thinks in this time, 100% is a little bit iffy at this time because of what we're going through with the pandemic, but not to give them anything is just not right, as she thinks they are very valuable and she respects all of them very much.

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Mr. Banonis said his understanding based upon the 2019 reports that we have, reflects that Se-Wy-Co or LSFR has \$837,000 cash on hand. Mrs. Gorman said yes, at the beginning of this year. She took their cash on their 990's and took their expenses and revenues from last year from their annual report and based on the 990's provided in 2018 for Southeastern, that cash balance of the \$835,000 was at the beginning of this year. Mr. Banonis said and Steel City has roughly \$250,000, right? Mrs. Gorman said correct. Mr. Banonis said so at the beginning of the year, the two fire companies have roughly \$1.1 million in cash on hand. Mrs. Gorman said according to their 990's and their reports that were filed with her, yes. Mr. Banonis said he knows maybe Scott or Ty or Bryan can share with us, at least with regard to their company, is that \$835,000, where is that figure currently with the understanding that you've also had some income in terms of your campaign that is now coming to a conclusion and also recognizing that you have some expenses that have been paid since the beginning of the year. Mrs. Huhn said Jim Rayner said he should be able to answer that question for you.

Mr. Rayner, Treasurer for LSFR, said the numbers Cathy mentioned were correct at the beginning of the year. By the beginning of the year, we had already used that \$150,000 the Township gave us in 2019. For our annual operating budget, the \$150,000 from the Township, we count on that to meet about 35% of our operating budget. We really do count on that. He's been in since last year when he started as Treasurer, we go through several meetings and challenge that budget. The fundraising we do is not easy, so we do count on community support and the mercy of the community to help us with that, as well as some other grants we can get, which we are thankful for. At this point, the value of our cash on hand is less than what it was at the beginning of the year. We have been getting some money into our fund drive, but given the situation, that is just trickling in at this point. He suspects they are going down on their fund drive raising this year and for every resident that does contribute and support us, no matter how much, he thanks them. They have been dipping into their savings account to pay bills. The amount they have there, that takes a long time to build up and they have to build it as for when they have to buy apparatus, they have to do a project on one of our stations, that takes a lot of money to do, so with the apparatus purchase, like the truck, the tower, we have to pay 25% of, so we really count on that savings so we're able to build it over the years to support those types of purchases we make, that the portion the Township expects us to pay for them. We are thankful for the 75% that the Township has agreed to fund for those types of things, but we still do need to obtain cash in reserves for those various projects. We do have that, right, the 30 days won't kill us, we'll continue to pay our bills. He's done the best job he can to be transparent with everything that the Township's given us. He appreciates Cathy's discussions she's had with him looking at what they've done with that money last year. They've done that in good faith, but they are counting on the Township to partner with them to allow them to serve the community safely and to respond quickly when things come up. We really need the Township's support going forward.

Mr. Banonis said he doesn't think any of this discussion today should be taken as the Township not partnering with the fire companies; to the contrary, we are totally partnered and are looking for a greater partnership, particularly if we could have a unified department. You said your cash reserves are less than they were in the beginning of the year, but you didn't say what the number was, do you know what that is? Mr. Rayner said offhand, a ballpark; they are probably at \$765,000. He said he hears the discussion on waiting for 30 days on discussion on a merger, but he wasn't quite clear on what would you guys look to see in expectations in 30 days so you'd be satisfied that something was fulfilled and would reconsider releasing that money if it doesn't happen tonight.

Mr. Carocci said he would be looking for some type of agreement or understanding and preferably in writing between Steel City and LSFR of how they want to proceed and how they are going to proceed with the goal of being one department. We are looking for a lot of substance in that. It doesn't mean that things can't be renegotiated a little bit later, but a little substance to give Council some sense that you guys are serious about doing this and you realize the benefits with you guys

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and the Township and that both parties are basically willing to say this is going to happen. We might not have the details worked out yet, but this is going to happen. That would give him comfort. Quite frankly, it would give him comfort, if there's a strong enough agreement, for all of it. He just feels we have to get to that point. It's taken too long and the attitude of the departments is not beneficial to the Township and not beneficial to the Township administrators who have to deal with it. He does not think it's asking that much, for 30 days, to have an agreement like that in writing and to proceed.

Mr. Rayner said thanks for the clarifications, he's not sure how they can get a strong agreement, and he worries what strong means. He's just trying to be very specific. Mr. Carocci said you don't know until you try, he's only asking for 30 days. We have the same discussion in 30 days hopefully with some documentation to look at, it will be up to the individual Council members at that time to say, alright I think this is a good idea, they are making progress, let's work with them more and encourage them to move, or if there is no progress, then they'll have to vote. He's not going to speak for other members of Council of how to vote with what you guys bring back or don't bring back. That would be up to them. This is just his recommendation, his proposal.

Mr. Banonis said he'd offer this point, you guys are already experts in the merger fields and have merged previously, and looked to by other departments as to how you did it, so you know what's needed to make it happen. You know the checklist and bullet points and itemization you need in terms of integrating, so that can be physical, property, vehicles, personnel, management, insurance, all kinds of things. To ask us what we expect to see, we want to see what you guys can propose that shows, because you guys have already been through it and already know what is going to be needed to make it happen. You already have the road map on what to try to get in place or to address and if you can answer some of those questions affirmatively, great, if there are other ones that are still open-ended, well they are open-ended and subject to discussion. At least, we'd like to see some progress in an outline on all those key points that you think are important for a merger to occur and what you can accomplish in 30 days and what you can accomplish after that. This is a 90-day window item, this is a 180-day window item, we would welcome that, but would like you to show us a path to bringing this to resolution.

Mr. Carocci said we're not to tell you guys how to merge. We're telling you he would like a merger and some other members on Council would like a merger. The details are for you to work out. These are your fire departments and the Township's fire services, but he wouldn't tell who should be in this role, who should be in that role, how your organization structure should look, he would never presume to tell you that or to even make recommendations to that. That's something we're looking to hear from you. Mrs. Huhn said Chris Snyder from Steel City is online.

Mr. Snyder, Fire Chief from Steel City, said they are definitely open to talking with LSFR referencing mergers. He and President Scott Nocek have met with them in December. They did receive documentation that they were sending to them in February 3, 2020 to review it. With everything going on, they have not met since then. He thinks they can try and reach out to them and get together and set up a meeting with the Chief and the President and see where it can go.

Mr. Carocci said so you are willing to work in good faith over the next 30 days to see how far you can get and have something in writing for Council to view going forward. Mr. Snyder said yes they are.

Mrs. Donna Louder said when the 30 days is up, what is Council's next step to start or get initiated. Mr. Banonis said it depends what is submitted to them. Mr. Carocci said he doesn't want to presume what the next step would be without looking at what he's hoping they are going to put before Council, and then it would be up to each individual Council member to look at what's before them and make their decision. Mrs. Louder said did Steel City get their money? Mrs. Gorman said no. Mrs. Louder said all the monies are being held at this time or did Steel City not

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submit their paperwork. Mrs. Gorman said all the monies are being held and Steel City still has not submitted their paperwork. Mr. Carocci said before voting for Steel City to get any money, obviously, they have to file the paperwork, that's a non-starter. Mrs. Louder said what's going to happen in 30 days? You don't get any paperwork in 30 days and where are you going to go with this because Resolution 5-85 still sits there that Township does a recognition of what fire company is going to be there. At that time, Steel City could pretty much end up being a mutual aid to LSFR, but at least there would be coverage and be one fire company. She thinks the money being held back is actually punishing LSFR. If you are going to hold anything back, she'd say half of it, but that's just her opinion. She knows these guys know what they are doing and they can easily put this together. They all need to just cooperate and it has to be both parties. It has to be a fair decision. Mr. Carocci said he agrees, it has to be a fair merger and agreement. Like we just heard Mr. Snyder say, he's willing to talk and meet with them. We heard that from LSFR as well, and so we can't know what's going to happen in 30 days. He'll be disappointed if we don't get anything at all and tell us to pound sand and give us our money, but each Council member has to vote. Mrs. Louder said again, the resolution should be part of this as well. Mr. Carocci said he'd like to visit the resolution as well if a merger can't be worked out. Mrs. Louder said thank you for your time.

Mrs. Huhn said Mr. Snyder was saying that he could respond about the paperwork that Mrs. Gorman is waiting for, and said if you can't hear him, he can always email Mrs. Gorman. Mrs. Huhn said he's saying they are having email problems with the paperwork, but we can get that cleared up tomorrow.

Mrs. Stauffer said LSFR has some concerns about the funding, would it be possible to amend the motion to do a portion so that it's not completely, like as a compromise. Mrs. deLeon said that's what she asked before. If they met, and they do what we asked them to do, then we should at least give them some funding. Mrs. Stauffer said she'd like the motion amended, would it be a skeleton joint agreement, but she's trying to find out a way to compromise here for LSFR. Mr. Carocci said he understands her concern, and he'd like the motion voted on, there could be other motions then. We need to do this for 30 days and see where we get, if it doesn't, then we have other options like you just suggested at the end of 30 days to continue the money. He's not too concerned about 30 days as they have admitted they have \$780,000 in the bank and some of these options like giving them \$12,000 or \$15,000, there's nothing wrong with holding all of it back for 30 days. They have \$780,000 in the bank and \$12,000 over the next 30 days isn't going to make that much of a difference.

Mr. Banonis said the other part of that too is they've already had some preliminary discussions, this isn't as if we're bringing it to their attention for the first time. At least some progress and discussion has taken place. It's only 30 days, they've got plenty of money in the bank to get them through the next 30 days and everybody is locked down right now, so they have the time right now, among them, to come together and have some meaningful dialogue to advance this. This is a good time to make progress on these issues.

Mr. Carocci said there was a discussion last night at the Fire Services meeting about calls. Calls are down right now, which is surprising as more people are at home. Mrs. Yerger said they aren't seeing the highways, accidents are down, so the calls are down, so that is decreasing the costs. Mr. Carocci said with what's going on, they probably can be down over the next 30 days as well. Mrs. Yerger said she agrees. Mr. Carocci said he'd like his motion voted on.

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

Mrs. deLeon said her reasoning for voting no was that all the Council's that she sat on have always been a proponent of having one fire company, so that's a given, but she feels they should have gotten some money. Mr. Banonis said they will still get their money. Mrs. Yerger said this isn't a question in her opinion, it's not a question of getting the money, not getting the money, it's more of how much, when and fulfilling their needs. We aren't going to let their needs go unmet, but we're asking for them to take some steps right now. They have the money to cover 30 days, to give them

time to sit at the table and discuss it. Mr. Carocci said we're asking them to try for 30 days for an allocation of \$200,000, which is not out of reason at all. Mrs. deLeon said the email you sent us today with all those attachments, with the old minutes, 1999 and 2005, it was very nice to read and reminisce back in the days where we had nice conversations. It was nice to read how everyone commented.

**H. SAUCON VALLEY COMMUNITY CENTER – SUMMER RECREATION PROGRAM & ADULT/SENIOR PROGRAM**

Mrs. Yerger said she forgot to ask Mrs. Huhn if anything was taken off the agenda. Mrs. Huhn said we just received an email today from the Acting Director of the SVCC stating they cannot promise a park program for this year. They don't even know when they can open the Sr. Center again. It kind of ties in with the next agenda item as well, so we discussed that we table the contracts for the Summer Rec Program and the Sr. Program and if anything changes, we'll certainly bring them back to Council for discussion and approval. At this time, they aren't looking to run a program and they can't get the staff to do so. Mrs. Yerger said we've got two age groups and social distancing is hard to control and with the seniors they are supposed to not be congregating, so this is something that probably isn't going to happen this year.

**MOTION BY:** Mrs. deLeon moved to table this agenda item.  
**SECOND BY:** Mr. Banonis  
**ROLL CALL:** 5-0

**I. DISCUSSION OF 2020 EVENTS: VOLUNTEER PICNIC, COMMUNITY DAY, PAVILION RENTALS, AND BALLFIELD AGREEMENTS**

Mrs. Huhn said Hellertown Borough met on Monday night and went with the recommendation from the Community Day Committee to cancel this year's event. She thinks we should follow suit, they are not having it, there's just no committee to put it together at this time. That being said, she'd like to discuss with Council the use of our ballfields through the summer and our pavilion rentals. Many people have cancelled their pavilion rentals before May and into May and we refunded all of their deposits. We do have some scheduled through June, July and August. We're recommending revoking those agreements and also the ballfield contracts for the summer.

Mrs. deLeon said she agrees. This is a difficult time and we're just guessing, so people need to at least plan for that. We can always change it if something happens. We don't have to make a decision tonight and if a month or two from now things change, then we just revoke what we decided tonight and proceed.

Mr. Banonis said he leans the other way. He's not sure why we would revoke now and then reinstate later. Why don't we just play it by ear. With regard to the Volunteer picnic, that's the beginning of June, it seems highly unlikely we are going to have the pavilion open for that to occur. The Community Day is a partnership with the Borough and they have already decided to not hold that event. With regard to the pavilion rentals and ballfield rental contracts, he doesn't know if we should necessarily revoke those at this point, especially when that goes the entirety of the summer. We can leave that in place and address it on a month-to-month basis and if we have to extend what we have in place now, we can do that in the beginning of June or July, but maybe circumstances change as well as the guidelines change for activities to take place in our pavilions and ballfields. People really want to get outside and we got the pavilions and fields that allow that to occur, so he doesn't want to cast a dark cloud over people's hopes that they'll not be able to use a rental or ballfield at some point because circumstances can change. He thinks we should just maintain a status quo on that. We're out of luck on the other items because of the circumstances.

Mr. Carocci said he agrees with Mr. Banonis. If Township residents have rented ballfields or pavilions for July and August, and if the Governor decides in July and August people can go to ballfields and rent pavilions in Northampton County, why are we preventing them from doing that. If they want to cancel, that's up to them for their planning purposes, then let them cancel. Don't

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prevent them from booking it. If the Governor says you can't do that in July and August, then obviously you can't do it.

Mr. Banonis asked if there was a cancellation fee if they decide to cancel and can they get their money back. Mrs. Huhn said they get their money back. There's no fee and they looked at July and August, but we might want to discuss May and June. Some of the Little Leagues start in March actually, but because of the stay-at-home order they haven't been practicing.

Mrs. Yerger said she thinks we need to cancel everything through June. That gives everyone notice. July and August, that's fine, let's see what happens. Mr. Carocci said what if the Governor says at the end of this month that on June 10<sup>th</sup> or 15<sup>th</sup>, Little Leagues can start in Northampton County and playgrounds can open in Northampton County. Who are we to say, we're not doing that.

Mr. Banonis said it's his understanding that Little League International has cancelled their tournament in Williamsport because of the international travel that's involved. In Pennsylvania there is a hope to play baseball in June and July. Whether that becomes a reality or not, he doesn't know. He doesn't think we should take away the ballfields if they have that hope when the opportunity arises. He thinks we can revisit this. If anything, we say that ballfields contracts and pavilion contracts are suspended until our next meeting in June and then if we need to extend it beyond the first meeting in June, then we do it during that first meeting in June. He doesn't want to take away, June, July or August. Mrs. Yerger said she doesn't want to take away July and August, but thought June would be a buffer to get everything back in order. Mr. Banonis said let's revisit it in June. Mrs. Huhn said that's an option. Did you want to do the May 20<sup>th</sup> meeting or the June 3<sup>rd</sup> meeting? Mr. Banonis said he'll make a motion.

**MOTION BY:** Mr. Banonis moved that we agree to cancel the 2020 Volunteer picnic, agree to also cancel Community Day event, forego and cancel any pavilion rentals and ballfield contracts through June 3, 2020, and to the extent necessary, we'll revisit it at the June 3<sup>rd</sup> Council meeting.

Mrs. Stauffer said if we can't bring it up until June 3<sup>rd</sup>, she doesn't know how in advance people are planning for the pavilions, do we have any reservations for that first weekend in June? Mrs. Huhn said we have five rentals in June and the first one would be after the Council meeting. We can look at the book and contact them. Mrs. Stauffer said what if it was you having a three-year old birthday party at this pavilion, that first weekend, we are going to make people wait from Wednesday night to know when or not they can get it for a party at the pavilion. Mrs. Huhn said if there's anything for the weekend in June, she can put that on the next Council agenda. Mrs. Stauffer said planning a party is a lot of work, so she didn't want to leave them with a yes or no answer. Mrs. Yeager said makes sense. Mr. Banonis said anyone who has a reservation for that first weekend in June, give them a heads up that right now we're closed until June 3<sup>rd</sup> and we will discuss it at the June 3<sup>rd</sup> meeting so at least they are kept abreast and know there's a possibility that the pavilion may or may not be available. Mrs. Huhn said we can contact everybody in June, that's not a problem.

**SECOND BY:** Mr. Carocci

**ROLL CALL:** 5-0

**J. DISCUSSION OF RE-OPENING THE JOINT SAUCON VALLEY COMPOST CENTER**

Mrs. Yerger said the Manager will discuss with Council a proposed re-opening schedule of the Joint Saucon Valley Compost Center that has been discussed with Hellertown Borough and was reviewed by Borough Council at their meeting on May 4, 2020.

Mrs. Huhn said there is a proposed schedule for reopening. This was discussed again at Hellertown's meeting on Monday night which they approved. Right now we are looking at Monday thru Friday from 8 a.m. to noon, alternating the weeks of coverage between Hellertown

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Borough and LST, so since it's a 5-day work week, two days Hellertown, three days LST, and then we switch it to three and two. We can rotate if additional weeks come up. They are proposing for the mulch loading to load it for free with no contact so we have limited contact with cash or checks, but limit the amount per person for one bucket per trip. We would allow them to load it on their own and that's not with the loader, and loading it in their car or truck. Keeping the combination of vehicles at the center to one-time would be limited in line and one allowed to drop off and the others would have to wait to keep that distancing.

Mr. Banonis said will there be signage posted there to tell people how to operate under the circumstances. Mrs. Huhn said yes. Mr. Banonis said he's all about opening the Compost Center, people are doing a lot of gardening now as they don't have the opportunity to do a lot of other activities around their house. There's a sign-in that's required, does the operation of a Compost Center fall under the immunities of the political subdivision Tort Claims Act. There are some discussion about the effect with contact tracing, so if we have a sign-in sheet and somebody tests positive for COVID who signed in, are we then obligated to notify others who had signed in or around the person who had signed in. Are we potentially exposed to liability because we don't have immunity under the Tort Claims Act for having an operation open that could expose somebody. He's all about opening this up and people need this. Attorney Treadwell said do we own the Compost Center property or does Hellertown. Mrs. Huhn said Hellertown does. Attorney Treadwell said if we are joint operating it, but one of the exclusions from the Tort Claim immunity is real property that we own, which this doesn't appear to be one of them. As long as we have the appropriate signage up and he would even suggest if you have to show an ID card you just be able to flash it. Mrs. Huhn said that would be easy to do as they are colored and they can hold it up. Attorney Treadwell said we do everything we can with the appropriate signage and we've done everything we can to allow that service to be provided in a safe manner.

Mrs. Stauffer said a sign-in sheet would make sense for whoever is looking at the address. Mrs. Huhn said they don't sign in now. Mrs. Gorman said they sign the form if they are buying mulch. Mrs. Gorman said if we are giving it away, they won't have to sign, they just have to show their card.

Mr. Banonis said it's been awhile since he's been there, but he recalls handing his card to someone and they wrote down who he was and what his card number was. He understands that they take away the process that they physically touch the card, but are they creating a list of those visitors who have come to the Compost Center. Mr. Carocci said he volunteered there years past and he goes there yearly many times and you just hold up your card out the window, they know by what color it is if you are Hellertown or LST. They stand in their building and wave you through. They don't get within 20' of you. Mrs. Gorman said whatever the situation, they'll just make sure the process that's needed will be improvised by not having physical contact.

Mrs. Stauffer said what if someone doesn't have a card. They want to apply for a new card, what would the process be for those new residents. Mrs. Huhn said they can contact the Township and we can get it to them. We could mail it or put it outside in an envelope and they could pick it up.

**MOTION BY:** Mr. Banonis moved for approval to open the Compost Center with the revised schedule as discussed

**SECOND BY:** Mr. Carocci

**ROLL CALL:** 5-0

Mr. Banonis said his motion was based upon the memo that outlined the operating procedures.

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF APRIL 15, 2020 COUNCIL MINUTES**

Mrs. Yerger said the April 15, 2020 Council minutes are ready for Council's review and approval. Mrs. Huhn said we did receive an email that there was a correction for a spelling of the name

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which has been changed and corrected. Mr. Banonis said whose name was that? Mrs. Huhn said Mrs. Wittchen. Mrs. Stauffer said thank you for taking care of that.

**MOTION BY:** Mrs. deLeon moved for approval of the April 15, 2020 Council minutes, with corrections.  
**SECOND BY:** Mrs. Stauffer  
**ROLL CALL:** 5-0

**B. APPROVAL OF MARCH 2020 FINANCIAL REPORTS**

Mrs. Yerger said the March 2020 Financial reports are ready for Council's review and approval.

**MOTION BY:** Mr. Banonis moved for approval of the March 2020 Financial reports.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 5-0

**VII. COUNCIL & STAFF REPORTS**

**A. MANAGER**

➤ Mrs. Huhn said it has been brought to her attention that they have a report of a fallen tree. It is located near wires and it also crosses Polk Valley Road. Roger has looked at it and our PW Department cannot safely remove the tree. He did get an estimate from All Seasons Tree Care of \$1,612.00 that she would need Council's approval to spend.

**MOTION BY:** Mrs. Stauffer moved for approval for our PW Department to have All Seasons Tree Care remove the tree for an amount of \$1,612.00.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 5-0

**B. COUNCIL/JR. COUNCIL**

**Jr. Council**

➤ Avia Weber said they are just chilling out. Their teachers are doing the best they can. All her teachers are doing a phenomenal job, and they are getting their homework done.

**Mrs. Yerger** – No report

**Mrs. deLeon**

➤ Hellertown-Lower Saucon's Chamber, there's a Small Business on May 30<sup>th</sup> from 7 a.m. to 11 p.m. You can go on the Chamber's website and find out more information. The Lehigh Valley Chamber wants to help stimulate cash flow for our local businesses. Sunday, May 3<sup>rd</sup> kicked off their gift card grab and it goes to May 9<sup>th</sup>. Businesses from the LV have offerings, you can go on their website and see the businesses. The Chamber has compiled a list of restaurant and businesses of what's open and what's closed.

➤ She got an odor complaint today that was pretty bad. She asked if Mrs. Huhn could follow up on that. Mrs. Huhn said with DEP or the landfill? Mrs. deLeon said whoever you want, she's just making a comment that there was an odor complaint.

➤ She thanked all employees of the Township and she prays for all of them and to stay safe.

**Mrs. Stauffer**

➤ She said attended the HAL meeting at the end of April and she wanted to thank Noelle for the warm welcome and the library is doing some campaigns so you can go on their website to check them out.

➤ She said the June 2<sup>nd</sup> primary was changed, the last day to apply for a mail-in ballot is May 26<sup>th</sup>.

**Mr. Carocci**

➤ He said LS Authority will waive late fees for their May billings for people who can't pay on time.

**Mr. Banonis**

➤ He said we on Council get a lot of emails with regard to materials that are taken in at the landfill and a lot seem to be redundant. Is there anything or any laws from the DEP that require us to receive those. We have an engineer who oversees the landfill and monitors it regularly and we also have the Landfill Committee that provides a level of dialogue with the landfill and receives them as well, he wonders why we as Council largely seem to be

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pro-forma and he's just thinking of having Township Staff that have already being reviewed and addressed by DEP and the Township Engineer, and by the Landfill Committee, if it's really necessary for us to get those. Mrs. Huhn said she doesn't think it's a DEP requirement, it's probably more of our own procedures that all incoming mail is distributed to Council. We can adjust that if you feel there's too much information coming, we can let you know it's here. Mr. Banonis said he just wanted to get clarification as to why they are getting it, he appreciates that. Mrs. Huhn said it's more of our own internal mail procedure. Mrs. deLeon said she prefers getting everything that comes in as it keeps you aware of what's going on. Mr. Banonis said we don't get reports of every police call that's made to the PD. We don't get copies of every letter that goes into Jim for a zoning variance or any letter he may get from an engineer. He just wanted to have an understanding. Mrs. Huhn said we can review that; not every grading letter that is reviewed is sent to Council. She knows we have been having a problem with the Form U's as they are emailed and some have been 372 pages or more, and that is maybe something we could look at because they are sent to Laressa who has the turnaround time to look at them within 15 days, and maybe for the technical review, she can respond if she has a comment on it. That's something we can adjust. Mrs. Yerger said that sounds like a good idea. Mrs. Huhn said we'll try it and see how it works.

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

**IV. ADJOURNMENT**

**MOTION BY:** Mr. Banonis moved for adjournment. The time was 9:20 p.m.

**SECOND BY:** Mrs. Stauffer

**ROLL CALL:** 5-0

Submitted by:

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Leslie Huhn  
Township Manager

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Sandra B. Yerger  
Council President