



Wednesday, January 17, 2024
Lower Saucon Township Council Agenda

6:30 PM
Lower Saucon Township
General Business and Developer
3700 Old Philadelphia Pike
Bethlehem, PA 18015

1. OPENING

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

2. PRESENTATIONS/HEARINGS/ORDINANCES/RESOLUTIONS

- A. Swearing In of Two New Lower Saucon Township Officers
- B. Recognition of a Police Officer's Retirement
- C. Public Hearing - Conditional Use Application of Allentown SMSA Limited Partnership d/b/a Verizon Wireless - 4235 Lewis Ave

3. DEVELOPER ITEMS - None

4. TOWNSHIP BUSINESS ITEMS

- A. Authorization to Advertise the 2024 Amended and Proposed Budget
- B. Resolution #32-2024 - Fixing the General Purpose Tax Levy for 2024
- C. Easton Road Ball Field Payment # 2
- D. Resolution #33-2024 Terminating Committees
- E. Approval of Environmental Advisory Council Chair
- F. Authorize 2024 EAC Virtual Network Conference Registration
- G. Hellertown Borough Council/Staff Liaison

5. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of December 20, 2023 Council Minutes

6. COUNCIL & STAFF REPORTS

- A. Township Manager, Mark Hudson
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer

7. PUBLIC COMMENT - NON-AGENDA ITEMS - 5-MINUTE TIME LIMIT

8. ADJOURNMENT

- A. Move to Adjourn

9. UPCOMING MEETINGS

- A. Landfill Committee Meeting: January 18, 2024
- B. Saucon Rail Trail Oversight Commission: January 22, 2024 (Upper Saucon Township)
- C. Zoning Hearing Board: January 22, 2024
- D. Planning Commission: January 25, 2024
- E. Parks and Recreation Board: February 5, 2024
- F. Council Meeting: February 7, 2024
- G. Environmental Advisory Council: February 13, 2024

1. **OPENING**

A. **CALL TO ORDER**

The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 17, 2024 at 6:30 p.m. with Ms. Priscilla deLeon presiding.

B. **ROLL CALL:** Priscilla deLeon, President; Laura Ray, Vice-President; Victoria-Ophof-Cordaro, Jason Banonis (present at 6:32 p.m.), Thomas Carocci, Council Members; Mark Freed, Solicitor; Brien Kocher, Engineer; Cathy Gorman, Assistant Manager & Director of Finance; Stacy Werkheiser, Administrative Assistant.

C. **PLEDGE OF ALLEGIANCE**

D. **ANNOUNCEMENT OF EXECUTIVE SESSION (IF APPLICABLE)**

Ms. deLeon said Council did not meet in Executive Session prior to this evening to discuss several items.

E. **POTENTIAL ACTION ON EXECUTIVE SESSION ISSUES (IF APPLICABLE) - None**

F. **PUBLIC COMMENT PROCEDURE**

Ms. deLeon said next we have the public comment procedure. As you know, they initiated a new public comment procedure on January 2, 2024, and that would be online for you to review. She just wants to call to your attention that you are allowed now to speak under each agenda item after Council gets a chance to discuss the item. They also have an opportunity at the end on non-agenda items and they are allowed to speak for five minutes. She'd ask that you state your name for the record and address the Chair. Do not speak to the audience, only address the Chair and try to keep your comments succinct and without repeating and try to keep your comments so you are not offending anybody, so that's all she asks. So with that we are going to move to the nice part of the meeting which is swearing in of two LST officers.

2. **PRESENTATIONS/HEARINGS/ORDINANCES/RESOLUTIONS**

A. **SWEARING IN OF TWO NEW LOWER SAUCON TOWNSHIP OFFICERS**

Ms. deLeon said Council would like to welcome two new LST Police Officers who will be sworn in. Chief Barndt said he'd like to swear in two full-time officers, the first one being Stephen Voros, Jr. if he can please come up here. Stephen is a 2014 graduate of Shawnee High School in Medford, NJ; and served from 2014 to 2018 in the United States Marine Corp. A 2021 graduate of Coastal Carolina University with a Bachelor of Arts in History and is a 2022 graduate from the Delaware County Police Academy. Stephen previously worked part-time with the Darby Township Police Department which is just outside of Philadelphia in Delaware County from January 2023 until last week. Stephen currently resides in Philadelphia. Stephen Voros, Jr. was sworn in.

Chief Barndt said the next officer he would like to be sworn in is Richard Chekay. Richard is a 2017 graduate from Conwell-Egan Catholic High School in Fairless Hills. He is a 2022 graduate of Temple University with a Bachelor of Arts in Criminal Justice and a minor in Public Policy and is a 2022 graduate from the Temple University Police Academy. That's not a typo, he only had three days off between college and the police academy. Richard previously worked part-time with the Yardley Township Police Department in Bucks County from April 2023 until last week. His previous Chief is also in attendance tonight as well. Richard Chekay was sworn in.

Ms. deLeon said welcome Officers Chekay and Voros. Welcome to our department. Chief Barndt said in lieu of Priscilla's comments, he would also like everyone to join him in welcoming Stephen Voros and Richard Chekay as they start their new venture as full-time officers of the LST Police Department team. As you can see, there are fellow officers here in attendance. They are all excited to have them on board and he'd also like to wish them the best of luck and a long safe career in serving the residents of LST. He would also like to thank Council for their continued overwhelming support in the Police Department. He can assure Council that the officers present and those who are unable to attend tonight's meeting greatly appreciate it as well. Thank you.

Ms. deLeon said okay, thank you Chief. Ms. Ophof-Cordaro asked to be recognized. Ms. deLeon said sure. Ms. Ophof-Cordaro said she just wanted to say thank you to the Chief for bringing the two new policemen here tonight. She hopes they find LST welcoming and a wonderful place to work. She can say that her interaction with the staff here has been wonderful and she hopes they find support and she

thanks all the Police Officers for coming to support them. She hopes that they will find a new family here and stay here for a long time. Thank you. Ms. deLeon said ditto.

B. RECOGNITION OF A POLICE OFFICER'S RETIREMENT

Ms. deLeon said next we have recognition of a police officer's retirement. They want to recognize Willie Shelly on his retirement from the Police Department and she'd like to thank him for all his service to Lower Saucon (LS). He's been a long-time resident.

Officer Shelly along with his wife and daughter came up front. Chief Barndt said this is not going to be easy. He'd like to present this plaque to Officer Shelly. It says "Police Officer Willie Shelly, Badge 1650. Thank you for your hard work, loyalty, and dedication to the residents of LST and the LS Police Department. Part-time Police Officer December 4, 2003 to March 27, 2007. Full-time officer March 28, 2007 to December 31, 2023. Thank you."

Chief Barndt said Willie's been here a long time, prior the Police Department, he was also with Public Works (PW) for a long time. Real quick. He can always remember when he was a mechanic in the PW Department and they took cars to a mechanic shop in Hellertown and he was riding with me and there was a burglary alarm and he was in the car with the Chief. They pulled into the driveway and the Chief walked around the back of the house and the contractors next door said there were two guys in black just ran from the back of the house. Chief initially thought they were joking. Then he saw the patio door was actually open and he's going back many years ago. He got in the car and he doesn't think Willie knew what was going on and it sure wasn't mechanic work because they took off. They ended up capturing the guys after a foot chase and assistance from many other departments and Willie actually drove the police car to pick the Chief up. So, that's one thing he'll always remember and he will never forget. So, thank you Willie for everything.

Ms. deLeon said thank you Chief. Thank you everybody. This is always the fun part of the agenda when they have things like this. So, okay, the public hearing is next for a conditional use application.

C. PUBLIC HEARING – CONDITIONAL USE APPLICATION OF ALLENTOWN SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS – 4235 LEWIS AVENUE

Ms. deLeon said Council will hold a hearing on the Conditional Use Application of Allentown SMSA Limited Partnership d/b/a Verizon Wireless for the proposed construction of a Cell Tower to be located on the property located at 4235 Lewis Avenue.

(see attached Transcript)

3. DEVELOPER ITEMS – None

4. TOWNSHIP BUSINESS ITEMS

A. AUTHORIZATION TO ADVERTISE THE 2024 AMENDED AND PROPOSED BUDGET

Ms. deLeon said the 2024 amended budget is being presented incorporating the changes and updates requested by Council at the January 11, 2024 meeting. Attached is the amended budget, the Special Fund and the Capital Budget, so...Mr. Banonis said he can't hear, there are people talking in the audience. Ms. deLeon said okay, audience, she's been requested to ask them to please refrain from talking so that they can hear. So, anyway, so where was she? She asked the Manager if he had anything to say regarding this before they open it up. Mr. Hudson said the Township Staff worked with the direction that was given to them by Council so they will see the Real Estate taxes revenue increased. It was highlighted in yellow. Then the transfers, 392-012 decreased, that was all the changes in the General Fund. In the Special Funds, the fire tax, that increased. You'll see that highlighted in yellow to 410, and then again in the transfers in the fund balance state fund, he means in 392-100, the fire fund balance, that line item, which is a transfer, came down. Those were the only changes made to the budget.

Ms. deLeon said okay, Cathy did she have anything to add? Mrs. Gorman said no. Ms. deLeon said Laura, did she want to explain her Power Point?

Ms. Ray said yes, they want to roll through the Power Point, she has to see it as she doesn't have it printed. Ms. deLeon said she is going to have to talk a lot louder. Mr. Hudson said go to 4.B. Ms. Ray said so, she put together a little chart because there was a lot of talk and confusion at the last meeting as to what the millages are, what the millages were, a lot of numbers were thrown around in the past couple meetings, so she wanted to look back and see where their millage has been for the past several years. She went back to 2017; and specifically, she wanted to look at the fire tax, so that was of interest. So, back then the fire tax was only .25 mills, and their regular millage was 5.14. In 2017, there was a report that was requested to be done by DCED. The report actually got delivered in 2018, so that's the footnote there. That report was regarding fire equipment assessment and recommendations that the Township would plan funding for future needs for the fire department. So, in 2018, there was a, before they even had the report, she guesses 2017, they were looking ahead, increased the fire tax millage to .5. Once they got that report and looked at it, in 2019 you can see that the millage for the fire tax went up to a full one mill with the total millage then of 6.39. That remained the same for 2020. Then in 2021, which she noted happened to be an election year, taxes were reduced, including the fire tax, so the fire tax went down to .75. Then along with the general-purpose millage was reduced by a mill so that was the rate that they've had for 2021, 2022, and 2023, which is what she said at the last meeting.

Ms. Ray said go to the next slide. Then this slide because there wasn't enough room to fit all the numbers, she didn't go back to 2017, but 2019 through 2023, she shows the dollar amounts that those millage rates equate to in their budget. It just kind of gives you a visual of what a mill is worth and when you up and down it by little amounts you can see how it affects in the fire revenue.

Ms. Ray said next slide. Okay, and then this slide just shows you, because numbers changed and were proposed several times during the budget season, so originally, they started out with the 4.39 general purpose millage with a .75 fire tax for a total millage of 5.14. That was the same amount that they had for the last three years. So that was before the election. After the election, there was a proposal made to reduce the millage to a flat 2 mills and leave the fire tax at .75. That did not get approved or passed and then at the December 6th meeting another rate was proposed and that was a 3.65 mill for general purpose and that amount was arrived because it was, you can only adjust the budget by a certain percentage after it's been advertised, so that was the amount they could adjust it down to without having to re-advertise the budget. So, that's where that number came from and that is what passed at the last meeting of December. In January, they opened up the budget again because they wanted to look at these millage rates knowing what they know about the fire services needs and upcoming needs. They think that tax should be a little bit higher. More should be getting put into that fund for them. Again, they have the limitations though of you can only increase it by a certain percentage and stay within the budget, so the highest they could move it up to was .9 at this point, so that's what they did. They moved that up to .9; however, they thought the overall total millage that they were at before, the 5.14 was a good place to be. So, that in turn gave them the 4.24 left for the general purpose. So that is what they proposed. That is where they are now.

Ms. Ray said is there one more slide? So this slide is kind of like the other slide where they show the dollar amounts that would be reflected by those different millage changes. So, by bumping up the fire tax to .9, it increased the revenue that they can put into that fund up to \$410,000.00 per year and based on what they've seen, you know, it will be easily spent on all of the things that are needed, so that's that review.

Ms. deLeon said thank you Laura. Ms. Ray said sure. Ms. deLeon said question for what was presented, Jason, does he want to go first?

Mr. Banonis said yes he does. He finds it interesting that there's a proposal to raise the fire services tax. He thinks as this Council knows and as the public knows, there was a fire services committee that was formed to address fire stations and equipment, Tom, he was the liaison to that. He had attended a few of those meetings, not all of them. There was a report that was given to Council. This is the LST Lower Saucon Fire Rescue (LSFR) 2023 Future Planning Fire Stations and Equipment report dated October 4,

2023 that's available. Is that available on the website, Mark? Mr. Hudson said it is on Board Docs. Mr. Banonis said alright. So, that is available from October and if you go to page 8 in the second full paragraph, well, the third paragraph talks about the purchase of the pumper tanker truck that they had agreed to purchase, but here's the most important part. It says, currently LS, and this is by the members of this committee, who are participants in this were, Scott Krycia, Captain and President of LSFR; Ty Johnson, Fire Chief of LSFR; Anthony Medei, Battalion Chief of LSFR; Bryan Evans, Battalion Chief of LSFR; David Spirk, Township, resident, commercial & residential builder; Donna Louder, Township resident; Tom Carocci, Council liaison; Thomas Barndt, Chief of Police; Mark Hudson, Township Manager; and Cathy Gorman, Assistant Township Manager. So, certainly some decision-makers and people who have perspective on this, better than some participated in this. They generated this report, it's a very nice report and where it says here on page 8, second paragraph currently, LST assesses a .75 mill fire tax services tax to support the purchase of fire vehicles and equipment. On average, the fire services fund receives approximately \$332,000.00 per year. This number is expected to slowly increase as additional properties are built in the Township. Currently, the fund has \$1.298 million in savings after the Township's 2023 payment of \$134,313.00, payment 3 of 5 for the 2020 ladder truck purchased by the LSFR. The Township has two more payments for the ladder truck that remain in 2024 and 2025. The Township's policy states that Council has the ability to contribute up to 75% of the vehicles cost. So the remaining balance for that ladder truck totals \$268,000.00. At the time there was \$1.3, approximately \$1.3 million. So after making those two payments, even assuming that there was no additional revenue put into that fire services tax fund, there would still be more than a \$1 million left, but in fact that fund will be much greater than \$1 million and significantly nobody in that committee who prepared this comprehensive report about fire stations and equipment, future planning said anything about the need to increase taxes to generate any additional revenue to provide for fire services. So, that's the first issue he has.

Mr. Banonis said the second issue he has is the Township has \$6.3 million in operational reserves, is that correct Cathy? Mrs. Gorman said yes. Mr. Banonis said that \$6.3 million of taxpayer money that the Township is holding on to. The Township's expenses or operational cost for 2024 are projected to be \$8.7 million, correct? Mrs. Gorman said correct. Mr. Banonis said so, his thoughts are that it's improper for the Township to hold so much taxpayer money. The appropriate amount he thinks the Township should hold is 25% of whatever the operational cost or expenses would be for the calendar year and that number comes out to \$2.175 million that they should be having in reserves instead of \$6.3 million. So, if he's correct, \$400,000.00 equals approximately one mill, is that correct? Mrs. Gorman said correct, approximately. Mr. Banonis said right, so, the Township budget that they had approved, which is currently in place, provided for a millage of 3.64 mills and what's being proposed here is 4.24 mills. So, if you take the \$6.3 million in reserves and they reduce from that what should be in reserves which is 25%, that means that the Township currently holds \$4.125 million that is too much from what it should be holding; and that \$4.125 million, that's too much, translates into 10.3125 mills of too much money. So, if one mill equals \$100.00 for every \$100,000.00 of assessed value, is that correct, one mill is \$100.00 of every \$100,000.00 assessed, that means that for every \$100,000.00 of assessed value of somebody's home, this Township is holding \$1,031.25 that they should not be holding, so his thoughts here are two. He's going to make a motion. His motion is this:

MOTION BY: Mr. Banonis moved to 1. They do not increase the fire services tax and 2. That they reduce the reserves and reduce taxes to zero mills because right now the Township is currently holding \$4.125 million too much in excess of the 25% that it's permitted to be holding.

SECOND BY: Mr. Carocci

Ms. deLeon said there's a motion on the floor, any other discussion. She has to open it up. Ms. Opthof-Cordaro said she just wants to clarify the last part that he proposes to lower the general-purpose millage to zero, is that what she heard? Mr. Banonis said zero. Ms. Opthof-Cordaro said okay, what was the fire tax millage proposal? Mr. Banonis said remaining where it is at .75 where it has been. Ms. Opthof-Cordaro said so they would have a fire tax of .75 and a general purpose of zero, so is he proposing that the entire reserve fund that they currently have be used to balance their 2024 budget. Mr. Banonis said he's saying that the reserve fund of \$6.3 million is excessive, it's illegal, and the amount should be

reduced down to \$2.175 million which represents 25% of the expenses or operational cost of the Township. By doing that, they sit on \$4.125 million of too much money. \$4.125 million is 10.3125 mills that translates into \$1,031.25 for each \$100,000.00 of assessed value of property homes. So his suggestion is that they not just reduce the millage to zero, but that they also consider the need to refund this money to the Township homeowners.

Ms. Opthof-Cordaro said she's sorry, she has a couple of questions. Mrs. Gorman, what is the budget currently proposing in expenditures, total? Mrs. Gorman said total in general or total in everything? Ms. Opthof-Cordaro said well, not, so let's take our General Fund has how much in reserves? She thinks it was \$8 million or \$9 million, something like that. Mrs. Gorman said their General Fund reserves in operational reserves is \$6.5 million. They are going to be utilizing some of that funding for the capital infrastructure improvements that Council has already approved, so...Ms. deLeon said she can't hear Cathy. Mrs. Gorman said they are going to be using some of that for the capital infrastructure improvements that Council has already approved. Ms. deLeon said in the Capital Budget. Mrs. Gorman said it will be reallocated to that this coming year.

Ms. Opthof-Cordaro said okay, so but in total of all of those funds, they have \$9 million or something, \$8 million, \$9 million? Mrs. Gorman said right now as they speak, there's \$6.5 in operational reserve and there's \$5 million in unrestricted. Of that \$5 million, part of, probably around \$2 million of that will be ended up transferring over to the Capital Funds for finishing out the projects that Council approved. Ms. Opthof-Cordaro said so the Capital Fund would go from \$6 million to \$8 million. Mrs. Gorman said right now they are at \$5 million. Ms. Opthof-Cordaro said \$5 million to \$7 million. Mrs. Gorman said right, by the end of next year they are right back to less than \$5 million because these are contractual obligations.

Ms. Opthof-Cordaro said okay, and the total, she's just trying to understand, she thought that our current budget was \$11 million or something. Mrs. Gorman said it's \$10.8 million. They are sitting at \$10.8 million. With that \$10.8 million, there's transfers that are to be made from their reserves and from ARPA which is a General Fund classification and pursuant to Second-Class Township Code, if it's identified as a General Fund and she's using it for Capital Fund purchases, she needs to make that inter-operational transfer between funds.

Ms. Opthof-Cordaro said so if they reduce the General-Purpose millage to zero, would they have enough money in their funds to meet all of these contractual obligations that she identified in the 2024 budget? Mrs. Gorman said she will have to go back and look at those numbers but they would probably be liquidating most of what they have by the end of next year, in General Fund. Ms. Opthof-Cordaro said in General Fund, okay. Just so she understands the motion, the motion was to reduce that to zero and how much money in addition was he proposing to cut checks for our taxpayer? Mr. Banonis said that's not part of his motion. His motion is just to reduce the taxes. Ms. Opthof-Cordaro said oh okay, she's sorry, she misunderstood. And so, Mrs. Gorman is saying they would liquidate our General Fund. Mrs. Gorman said we would...Mr. Banonis said we would liquidate our operational reserves. Mrs. Gorman said our operational reserves. Ms. Opthof-Cordaro said okay, thank you.

Ms. deLeon said okay, so what they have to do so the public...Mr. Carocci said can he be recognized, he didn't get to comment. Ms. deLeon said sure, Tom, he can be recognized. Mr. Carocci said he didn't get to comment. So really there's \$6.5 million in operational and then \$5 million in the Capital, so that's \$11.5 million. Mrs. Gorman said and there's several million, \$14 million in their special fund tax as well. Mr. Carocci said this is a lot of taxpayer money, whether its 0% or the 5.14, this is a lot of taxpayer money just sitting here in the Township bank account. Does she know of any other municipality who has that much of taxpayer money sitting in bank accounts? Mrs. Gorman said they are one of the best funded municipalities, yes. Mr. Carocci said he's fine with keeping us as one of the best funded municipalities, but at some point, it is confiscating dollars, hard-earned dollars by our residents and taxpayers. He means how much is enough. He means it is way more than our budget of, you said the spending should be \$8.7 million. You know, how much is enough? He means and to raise taxes, which is what they are doing with this proposed budget...Ms. Ray said this is not a raise. Mr. Carocci said is

ridiculous with millions and millions of dollars in the bank. This money belongs to the taxpayers. They are the ones that pay it; and to collect more of it, is to him, you're right, possibly illegal, but certainly just ridiculous. The taxpayers deserve to keep their money. The Township has plenty of money in the bank. As for the fire services tax, you know, like he did sit on that committee, not one of those guys mentioned a need for that, and he doesn't see anybody here from fire services or from their volunteer fire companies asking for that increase. He doesn't see anybody here. Scott Krycia's not here. Ty Johnson's not here. If this was so needed by them, so needed by them, why aren't there here? Why aren't they here? They are not here; they are not here. It's been on the agenda; he's not done yet. Why is she trying to interrupt him. He doesn't recognize her. So, you know...Ms. deLeon said we'll recess the meeting...we are going to recess the meeting. Either he shows respect Tom or they are going to recess the meeting. Mr. Carocci said he is speaking. He is showing respect. Ms. deLeon said no. Mr. Carocci said without that, and no plans of what that excess tax dollars, of what these excess tax dollars would be used for, it's just collecting and putting more in the bank account. It's not collecting it and distributing it out in the community and building a new park or paving more roads. Mr. Banonis said community center. Mr. Carocci said it's none of that, so the same with the fire services, there's no specific fire services project that they need this increase for. Again, it's putting more taxpayer dollars, taking more taxpayer dollars, confiscating more taxpayer dollars and putting it in Township bank accounts to sit there and basically do nothing but collect a pathetic rate of return.

Ms. deLeon said okay so with that, and the audience members, the Sunshine Law says that whenever there is a motion, before they can call the roll call, they have to open it up to the public, but that doesn't mean there can't be other motions because they don't know if the motion is going to pass or fail, so anybody in the audience would like to speak to this agenda item, come to the podium please.

John Hulsizer said he's supposed to be polite, but what he doesn't understand is that they are having a fit about this budget. The majority of the Council that's up there right now didn't drum up this money this year. Why didn't this all get changed two or three years ago? Now all of a sudden because the tides have turned on the Council, that now it's a problem and an issue and a big deal. Mr. Banonis said he'll answer that question if he wants an answer. Mr. Hulsizer said sure, go ahead he's listening, his four minutes are fine. Ms. deLeon said can he address the Chair please. Mr. Banonis said he asked a question; can he answer him. Priscilla, he's going to answer this gentleman's question. Ms. deLeon said absolutely. Mr. Banonis said thank you for the permission to answer this gentleman's question. So the answer to the question is last year this Council approved the rezoning and the expansion of the landfill, which is projected to bring in \$72 million over 18 years, okay. So, the funds that were there in reserves before, presumably by those who initially captured those funds before he was on Council, started capturing those funds did so with anticipation that the landfill funds would no longer be coming in. Well, that has been approved by this Council, so there's financial certainty for the Township moving forward, so that's the reason why in his mind. He can't speak for other members of Council as to why they may vote, but in his mind, its financial security for the Township and because of that, the residents should benefit from the financial security. Mr. Hulsizer said not all the residents live by the dump. Oh, that's right, they shouldn't have bought their house there. See, 26 years ago when he bought his house, the dump was closing in 5 years. Now...Mr. Carocci said that's what Priscilla told you. That's what Priscilla told you, you're right, he wasn't on Council, he wasn't on Council. Ms. deLeon said one at a time. Mr. Hulsizer said it wasn't Priscilla that told him. Mr. Carocci said he didn't tell him. Mr. Hulsizer said it was a whole other...Ms. deLeon said Tom, he's not recognized. Mr. Hulsizer said and he just doesn't understand, now all of a sudden, it's a big deal. Now he understands that now the Township is financially fit, and can spend money every way they want, okay, but this should have been, if the dump was passed back then, then it should have been changed right then and there. Mr. Banonis said he wasn't on Council back then, Sir. Ms. deLeon said John, could you say who told him about the landfill closing in 5 years when he bought his house? Mr. Hulsizer said that was 26 years ago Priscilla. He doesn't remember when, but the Council that was up there, the sad part is that Council stood up there and the Chairperson said we're not taking any more comments on this issue, they are going to vote. Mr. Carocci said that was Priscilla. Mr. Hulsizer said it was not Priscilla. Mr. Carocci said she was on Council 26 years ago. Mr. Hulsizer said she was on Council, but she was not the Chairperson that was running the show, okay. There was some young man that was on Council and when the head Council

guy said we're not taking any more of this, on this issue, they are going to take a vote. The lawyer from the dump stood up and said we promised we'll never touch that 23 acres of insensitive, of sensitive area. What happened was the young man that was on Council, that was enough to sway his vote, and guess what, the dump didn't take those 23 acres of sensitive area, they sold the dump and the next guys ran it right in the ground. Mr. Carocci said was it Mr. Willard? Ms. deLeon said no, it wasn't Dave. Mr. Hulsizer said he doesn't remember who was on Council. Like he said he just bought his house in Steel City. They were all excited, it's a great neighborhood, four days this week, all he smells is trash coming over the mountain, but they don't smell nothing, so. Thank you for your time, he has extra time if anybody else would want his time, he did it in three minutes.

Ms. deLeon said okay, is anybody, okay.

Russ Sutton said so basically you are telling him that you're relying on the dump for your income. Look at his hand, the five fingers of his hand. There's five lawsuits against the dump. Would you put your money on the dump with five lawsuits present? He means, that's what they are basing all their facts on this budget, is the damn dump and that's the problem. If the dump goes away, the goose that laid the golden egg, you're screwed because you don't have income. And the point is, you have the income, he means, he doesn't know how they balance their budgets at home but if they don't have any excess money to cover emergencies, you're are screwed. All you have to need is a catastrophe and you have a problem, and we have major weather events. They could have anything happen at any point. So having that money as a cushion is a good thing, not a bad thing. So he doesn't see anybody else complaining about paying their fair share of taxes, he doesn't. And for fire equipment, he's all for it. So, that's what he has to say; and also, what he has to say. When they were talking about the cell tower...Ms. deLeon said they can't talk about the cell tower. Mr. Sutton said okay, but basically putting all the money in a goose that laid the golden egg, did lay a golden egg, it's laying a toxic egg, which is going to destroy our whole environment in the whole area and people are stupid if they can't see that. Thank you.

Ms. deLeon said anyone else. Mr. Banonis said may he be identified please. He has a question for Cathy about this. Ms. deLeon said sure. Mr. Banonis said Cathy, this proposed budget that's attached to the Council packet, does that reflect any source of revenue from the landfill? Mrs. Gorman said yes, under 3, under Sanitation, 01-364-600, Host Municipal Fees, \$2.3 million. Mr. Banonis said so she is telling him that the proposed budget that has been put together here, not by him, he had nothing to do with this, he doesn't know who put this together but...Mrs. Gorman said that's always been in there, that \$2.3 million. Mr. Banonis said he knows, right, but who put in this version here, what's before them now, this updated version. He didn't put together this version that's being advocated for passing by this Council. It includes how much of landfill money? Mrs. Gorman said they are projecting next year to be \$2.3 million. Mr. Banonis said so the folks that are proposing this are anti-landfill, but they are more than happy to take that revenue from the landfill and include it in this budget. Is that what she's telling him? Mrs. Gorman said she can't say who...Mr. Banonis said is that fair, is that a fair statement? Mrs. Gorman said she can say the \$2.3 million is in the budget and has been in the budget. Mr. Banonis said but the proposed budget...Mrs. Gorman said she doesn't know if someone is advocating for it or not. Mr. Banonis said the proposed budget that they are submitting here does not sequester that money, doesn't put it in a separate account, doesn't do anything with it. They are more than happy to take that dirty landfill money for this budget, is that correct? Mrs. Gorman said they consider revenue, revenue. Mr. Banonis said right, but they consider it to be something that's, you know, taboo and it's going to be included in this proposed budget. Okay, thank you. Mrs. Gorman said yes.

Ms. deLeon said she'd just like to make a comment that the landfill's life is another four to five years so, of course, the money is going to go in there. So, Monica...Mr. Banonis said put it somewhere else, hide it. Mr. Carocci said excuse me, he has a question. Ms. Willard said she was just recognized. Ms. deLeon said we have a resident speaking at the moment. Mr. Carocci said can he be recognized after her? Ms. deLeon said go ahead Monica.

She said her name is Monica Willard and she wants to say once again that the budget is starting with what was proposed by the Council before at the 5. whatever it was mills and that was fine for everyone in October. There is no tax cut. There is no tax raising if that's what they were starting with proposed budgets and to be arguing and to be so disrespectful, it's just really hard when you really want a good government and they have had it and they do know what it's like and they are so blessed to have the kind of back-up money. They are able to do what they need to do but at last month's meeting they talked about the fact that they ordered a fire truck that doesn't fit into the place that it was ordered for. And there is an issue that they need to plan for future things that are adequate and she thinks that when they can take over \$3 million for a ballfield and argue about what's going on and how much money things are happening in this district, it's time we look and really spend our money and plan for the future in a way that people both understand, want, and it is productive. They have a fabulous community and they have the opportunity to make it better, so let's stop the, and just the horrid atmosphere and let them look at the numbers, go back to October. That was the one that people agreed on and new people are working from an old budget. Don't start slashing things and make it look like it is some savior because it isn't, it's irresponsible. Ms. deLeon said thank you.

Ms. deLeon said okay, Tom, he's recognized. Mr. Carocci said thank you. So, \$2.3 million is budgeted for the landfill this year. How much came in last year? Mrs. Gorman said \$2,467,000.00 was projected. Mr. Carocci said that came in last year. Mrs. Gorman said yes. Mr. Carocci said and then under the new Host Municipal Inspection Agreement, what would that be, \$4 million or \$5 million a year? Mrs. Gorman said once that comes into play, which she is speculating at the end of this...Mr. Carocci said alright. So alright, plenty of money there, thank you.

Ms. deLeon said Sir, your name for the record.

Robert Blasko said at the last meeting, the Southeast Fire Chief and he believes it was the President were here. They mentioned that they were going to need a new building that it was impossible to get a tanker which is what they need to get, to fit into the old building so they need a new building. At that point, Jason Banonis called it a toy. They said they needed that money, Mr. Banonis, and yes, he was here. That was before he walked out. The landfill money is there by your vote, that's it, leave again. Mr. Banonis said he's going to the men's room. Mr. Blasko said he'll wait until he gets back, he got time. Sure, stop the clock. Ms. deLeon said she doesn't think they should do that, she's sorry, Bob, there's going to be another opportunity...Mr. Blasko said there's enough clowning around with the shenanigans earlier. If they wouldn't have done that, they wouldn't have had to ask for the extra 25 minutes which they put on top of hers. That was pure chicanery, pure chicanery. Ms. deLeon said they can see through it. They can see through it. Mr. Blasko said and the landfill money is there by Carocci and Banonis and Inglis by their vote and that money will be going away most likely and they do need a reserve, so this tax rate is the same rate that it's been for three years previous. He also found it interesting and he don't even know who was on Council at the time, but he did notice a footnote in the budget minutes that the last time the tax rate was lowered was in a tax year. Mr. Carocci said every year is a tax year. That's how they get \$10 million. Mr. Blasko said excuse him, election year. Ms. deLeon said okay, sorry, next.

Mr. Mark Ozimek said he's here. Still this side of the dirt, yippee. Okay, Mr. Banonis so you want to give everybody's money back and you want to reduce to whatever the millage rate was down to zero. Next week they have an explosion and it takes out this building. It takes out the entire block and a couple of houses. Mr. Banonis said is that a threat, Sir. Is he threatening them? Ms. deLeon said oh my word. Mr. Ozimek said your ass mother fucker. Ms. deLeon said oh my word. Mr. Ozimek said you want to start with him. Ms. deLeon said that is out of order Jason. That's really low. Mr. Ozimek said any fucking time you are ready. Ms. deLeon said Mark, he is out of order now. Mark, Mark. Mr. Ozimek said he just gave him a situation for every person that works in the Township. Ms. deLeon said Mark, Mark. Mark, please, settle down, okay. You have to understand who he is. Mr. Ozimek said he knows who he is. Ms. deLeon said well, they know that so please, he has an opportunity here for public...Mr. Ozimek said he wants an explanation to his question. He wants an answer to his question. When there's a catastrophe, and this building is taken out and the houses across the street, and there's

half a dozen dead cops in the police force, what are you going to do and where are you going to come up with the money once you gave it all away. Mr. Carocci said insurance. Ms. deLeon said that's a scenario. Mr. Carocci said insurance. Ms. deLeon said Mark, okay. He's not going to answer the question. They aren't going to answer that question. Mr. Carocci said insurance. Mr. Ozimek said insurance, it's just a point. He says they keep the money. He says they keep the tax base where it is. His taxes ain't going up. Nobody else's taxes are going up and they invest wisely with the money they have and then when Southeastern gets their fire truck or Southwestern, or whatever it is over there, when they get their fire truck and it doesn't fit, then you can have the funds available for them to fix the building that needs to be fixed. Ms. deLeon said okay, thank you. Anybody else, because it's getting late and they have to move on, it's almost 10:00 p.m. and they still have a lot of agenda items to go because they had an extension on the cell tower agenda.

Sonja Miller said if she recalls, it might have been the last two meetings that they did not have enough money to pay for the fire truck. Ms. deLeon said not completely, 100%. Ms. Miller said if you have the money, why can you not pay for it. Once it was ordered, now they need a new building. Another thing is, she doesn't know if she can say it, but the baseball field. The baseball fields you cannot use for girls. There is a different type of baseball field for girls and for...Ms. deLeon said we're not talking about the baseball field. The money for the baseball field. Ms. Miller said right, the money. Just like Mark said, if something happens, if we have a flood, who is going to fix the roads; and you have insurance, who pays for the insurance? We do. Mr. Carocci said they pay premiums, correct Cathy. Ms. Miller said it doesn't matter; it still comes from the taxes. Ms. deLeon said it still comes from the taxpayer. Ms. Miller said so don't think about insurance all the time. Oh insurance, she can see where his money goes.

Ms. deLeon said anyone else, because we need to move on, so she's going to cut off comments right now. Oh, we forgot, please, one more person. She said Sir, please address the Chair.

Mr. David Boulin said he didn't say anything yet. Ms. deLeon said she knows, but he's not facing the right direction. Mr. Boulin said that's not unusual for him. He gets a little confused at these Council meetings. Ms. deLeon said she knows, her too. Mr. Boulin said five minutes. Okay. Alright, five minutes. Well, let's see here. He started off by going through past tax rates for LS, nice slide, incorrect though. If you read the report called, Resolution 76-2020, seeing it was signed by Sandy Yerger, okay, Leslie Huhn, and it says here that the rate of general purpose is 439 and he looks at his chart and what does he see - 539. Do you see that for 2020, Laura Ray? Ms. Ray said is there a one for fire tax on that year, whichever year he's at. Mr. Boulin said there is and it's .75. You got that right, so his question is how does he believe any of these numbers. Ms. Ray said can they pull up the...Mr. Boulin said it's his time. Mr. Banonis said is she being recognized. Mr. Boulin said does he get the time or doesn't he. Ms. deLeon said Laura, it's his time to talk. Mr. Boulin said and he's not going to swear and he's not going to threaten a life, and he's not going to come up here and say like the last meeting, he's going to punch Banonis in the or Carocci in the face. Really. Ms. deLeon said alright, come on. Let's get to the fact. Mr. Boulin said it's not really come on, it's civility. Ms. deLeon said just stick to the facts, okay. Mr. Boulin said he thinks this is a fact. Ms. deLeon said okay, then...Mr. Boulin said if you want to deny it, go ahead. Ms. deLeon said she's not denying it. Mr. Boulin said if you can't believe numbers, you can't believe that in big letters, then you can't believe the rest of it. Ms. deLeon said if there's an error in that report, it will be fixed. Mr. Boulin said that's wonderful but you are going to make a decision on it and you are doing it in front of all these people and he also sees that where the numbers jumped up, where after somebody back in 2019 who was, he thinks, maybe the head of the Council, alright, it went from 639 and then actually when you do the correct numbers for 2020 with the 439 that Yerger reports, in the packet, yes, he reads his packets, not like some of them. The bottom line is it goes from 639 in 2019 to 514, wow, gee, isn't that amazing, change of Council people and the money rate goes down, not up, down, okay. And yes, he's a taxpayer and darn it, he doesn't like to write out these huge checks for what. Now, let's talk about the fire company thing. Yes, he has two minutes left, thank you. Two minutes left and they just show up out of nowhere. He doesn't see them on the agenda. He's not prepared to understand what they are saying because every meeting he's been to for the last four, five years, there...Ms. deLeon said is this about the budget motion that we have or is this about a non-agenda

item? Mr. Boulin said it's about the fire tax. Ms. deLeon said he's talking about the fire tax. Mr. Boulin said excuse him, he's got to take his time out to say what's on the agenda. That's really terrible. Yea, here it is here, yep, it's on the taxes, yep, thank you. She just took up his time and took the wind out of his sails, but that's okay, so he's not going to punch anybody in the face or do any of that. Just try to give them the facts, okay, ask them to be correct when they are putting numbers out, that you guys vote on, the new ones, and yes, one last thing. Oh, we can't talk on the...Ms. deLeon said this is about the motion that's on the floor right now. Mr. Boulin said another thing is the EAC. Ms. deLeon said it's not on...Mr. Boulin said is that not on there. Ms. deLeon said it's not in this motion. Ms. Ray said they aren't there yet. Mr. Boulin said are we not appointing a new EAC Chairman. Ms. deLeon said that's later on in the agenda. Mr. Boulin said when can he talk about it. Ms. deLeon said when it's the agenda item for the EAC. This is on the budget, so they are only talking budget. Mr. Boulin said oh, well, she's not doing a very good job, he's sorry. Ms. deLeon said that's his opinion. Mr. Boulin said yes, it is his opinion, and he's a taxpayer and he pays taxes. Ms. deLeon said absolutely, so is she. Mr. Boulin said and you know what, he prepares for this Council meeting and he reads his packets and these people that were up here presenting stuff and everybody's going where did you get this, and where did you get that. He already knows where it was because he looked at it at the last meeting. He'd ask the Council to do that and that goes for the new attorney. He knows he's new to them, but really, these other people are sharp. Ms. deLeon said she does have to say that tonight they were presented with a revision...Mr. Boulin said he's sorry and you get \$5,000.00 or \$10,000.00, guess what. Excuse him, he has the floor, he actually thought so and you know what, he'd love to see that and he thanks this guy over here, Mark Hudson, for posting all of this stuff on the web. Although he's been told by certain people, they don't have to do that so if it disappears, it wouldn't surprise him. That way you don't get the residents to ask real questions that are equitable. Okay. Ms. deLeon said just for his education, she's the one that started the website and she's the one that voted to do that and yes, and that was years ago and they developed it into a way to inform the residents for meetings, so okay. Mr. Boulin said is she telling him now that they've opened that up. They can have that packet on the web. Thank you, he appreciates that because when the next time comes around to discussing that, he will have already seen it, yea, he takes a day or two off...Ms. deLeon said okay. Mr. Boulin said he's sorry, she stole his time. Ms. deLeon said okay. Mr. Boulin said you, you guys, some of you guys don't look at it all. He says guys, people don't look at it at all. It's clear who does and who doesn't. And he would say to you, you get paid for it, he pays your taxes to look at it, and he'd really appreciate it if, what page is it on, what is that, please let's not have any more of that, okay. Ms. deLeon said thank you for your comments. Mr. Boulin said she's welcome. Ms. deLeon said absolutely. Okay, now they are closing public comment, and there's a motion on the floor, would somebody repeat it please.

Mr. Hudson said there is a motion on the floor to keep the fire tax at .75 mills and lower the General Fund Tax to zero mills, is that stated correctly? Ms. deLeon said Jason was that his motion? Mr. Banonis said that was his motion.

ROLL CALL: 2-3 (Ms. deLeon, Ms. Ray, Ms. Opthof-Cordaro – No). Ms. Opthof-Cordaro said she just wants to indicate she thinks that according to their Second-Class Township Code, and option rule they are legally unable to do that. That would reduce things above the 25% or increase, moving things above the 25% and she remembers that was a really big issue before so she just wants to point that out as another legal issue. Motion fails.

Ms. deLeon said so motion fails, so she'd like to make a motion.

MOTION BY: Ms. deLeon moved to approve the advertisement of the 2024 amended proposed budget for the ten-day public review period at the rates that they discussed, at the total millage at 5.14. Mr. Hudson said General Fund millage of 4.24 and the fire millage at .9. Ms. deLeon said okay, so that's her motion.

SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said again, she's going to have limited opportunity for comment, so if anybody wants to comment, please, it's 10:00 p.m., it's getting late, they still have a whole bunch of other items to talk

about. Is there anyone out in the audience who wants to speak? You want to speak again, go right ahead.

Mr. Boulin said he sure does. So what he's going to say is he's wondering where all of this money now that they are going to save and keep, is going? Alright, and he is absolutely flabbergasted that they are having a budget meeting and the fire company shows up and says, gee we want this wonderful fire truck and you know what, the other day after they got the fire truck through the Council, they found out gee, it's not going to fit in the building, wow. Can they have some more money? Is that the way you guys are going to operate here? You've all been involved with the fire company here. They've been really above board. He doesn't care whether it's Scott packs or what; and out of the blue they show up at the meeting and say, hey, they don't have a building to put it in, gee, that's really...did they come on their own or were they asked to come. He really finds...he's really flabbergasted, alright, so that's his opinion. And yes, he doesn't like the way the numbers are going down if this is the best they can do, how does he know a lot of other things aren't wrong, and yes, he's Dave Boulin, he doesn't have the time that Cathy has to put in and all the Council members together and you guys can't even get that straight. He finds that's hard. Maybe the rest of these people back here who don't want certain things, you know, agree that it's really easy to do, but our guys can't do it and they get 10:00 p.m. at night. Ms. deLeon said okay, thank you. Anybody else. Can we have a roll call please?

Ms. Ophhof-Cordaro said can she please be recognized. Ms. deLeon said oh, absolutely. Ms. Ophhof-Cordaro said she wants to indicate to the public her position on this. She thinks it's important for everybody to understand just because they had a lot of questions, gone around in circles. She thought it was very imperative that they follow through with the budget that was proposed in October, specifically because they had a lot of expenditures that may be extraordinary for this coming year, but they are very important expenditures that include the ballfield at over \$3 million. They also had a situation that she does recall years ago and she'll say it again, that the budget season was specifically moved to prior to election day so that the public would have a clear understanding of their millage and clear understanding of the direction of their budget, the millage and what we were paying in taxes before they went and voted for whoever they wanted to vote for. She appreciates the desire of some of our Council people to lower the millage and to, as somebody said, rely all of our, rely everything that they do on landfill future income, which she would argue is very speculative but at the end of the day, the two that have indicated that that's their desire, are also the two that didn't make that zero-millage proposal in 2019, in 2020, in 2021, in 2022, or in 2023. She thinks the bottom line for everybody here tonight is that in 2021, you paid a total millage of 5.14. In 2022, you paid a total millage of 5.14. In 2023, you paid a total millage of 5.14 and guess what, in 2024, if this motion passes, you will pay a total millage of 5.14. So, when she looks at those last three years of history, and then add this year of history, she doesn't see any reduction, she doesn't see any increase, she sees something that's responsible, given the expenditures that we have, and the need to make sure that they account for disasters or any other events that may impact the revenue stream coming forward to them, and yes, she will say that she has no problem with the fact that they do keep a reserve because that's responsible. That's all she has to say.

Mr. Carocci said he'd like to be recognized on this motion, he hasn't been recognized on this motion yet, this new motion. Ms. deLeon said go ahead Tom. Mr. Carocci said Victoria he understands what she's saying and to a certain extent, that's right, but this is not the proposed budget that voters went to. They are raising the fire tax from .75 to .9, so it is not the budget. They are raising the tax after an election year, so it's not the same budget. She is wrong about that. That was a complete misstatement. He understands her point on the other tax, and that's fine, he can live with that, but they are raising a tax here. They are raising the fire tax from .75 to .9 so it's not the same tax rate. Now if you want to take that away and do the, and keep the millage the same, he's fine with that because she's right, that is what people saw in October and he's fine with that October but not with this increase, he's not.

Mr. Banonis said may he be addressed. Ms. deLeon said okay, one more time, then they are calling for a vote. Mr. Banonis said he hasn't spoken on this motion and he's going to speak to it, okay. So, to correct another misstatement there's some suggestion or insinuation that this is the budget that's always been out there and that nothing has changed since then until now and the significant change that had

occurred since the proposed budget that was not approved by Council, it was a proposed budget at the time, is that the landfill received approvals for its land development plan and the landfill also received approvals for its rezoning and the landfill also, the Township also agreed to execute the new Host Municipal Agreement. So, that's the circumstance that changed so to suggest like we're somehow on the same playing field that we were when that proposed budget came out is a complete fabrication. It's just not true. The circumstances have changed considerably and that change is \$72 million of revenue projected to come into the Township over 18 years. That was not there before, so there's criticisms of prior Council that why did prior Council do this, why did they do that. Well, he wasn't on every prior Council going back for 36 years. He's only been on Council now for four years and there are funding needs that they had and they addressed them, but the circumstances are different. That's the reason he feels the way he does. He thinks the prior people would feel the same way. Why would you continue to take people's money? You know, you are going to continue to take people's money but yet they are going to have \$2 million more coming in, in projected revenue, annually. It just makes no sense.

Ms. deLeon said okay, Laura did you have anything? Ms. Ray said well she would just state what others have said though, the land development plan that was approved for the landfill is not a done deal. There's all the lawsuits out there so you don't know what's going to happen with them. So, that landfill income that you are counting on might not happen, so they don't want to be caught with nothing in reserve and then that doesn't happen. Ms. deLeon said right. Ms. Ray said and as far as in the meantime, that's not going to happen anytime quickly anyway with the whole process between the legal cases and DEP, it doesn't happen quickly. She doesn't think anybody would recommend taking your reserves down to three months' worth of your expenses, even for a normal household budget your financial planner would never recommend that. You should have at least a year's worth because you don't know what could happen as was mentioned. Any kind of disaster, she means a tornado comes through and takes out who knows what. All of our firehouses and their equipment, the Town Hall, who knows, anything; and you can't count on insurance - doesn't cover everything you know that. Everybody knows that. So, it's just not wise planning and it certainly isn't illegal to have reserve funds, so.

Ms. deLeon said with that, may they have a roll call please. Mr. Hudson said it's a motion to approve the budget as presented, and to advertise it for the 10 days. Ms. deLeon said correct.

ROLL CALL: 3-2 (Mr. Banonis & Mr. Carocci – No)

Ms. deLeon said everybody, it's almost 10:15 p.m., it's very late, so they are going to try to roll through this agenda.

B. RESOLUTION #32-2024 – FIXING THE GENERAL PURPOSE TAX LEVY FOR 2024

Ms. deLeon said Resolution #32-2024 has been prepared fixing the General-Purpose Tax Levy for 2024 at 4.24 mills and the Fire Tax at 0.90 mills. It's been in our packet. She needs a motion for Resolution #32-2024.

MOTION BY: Ms. Opthof-Cordaro moved for approval of Resolution #32-2024 fixing the general-purpose tax levy for 2024.

SECOND BY: Ms. deLeon

Mr. Banonis said is this to enact the...Ms. deLeon said they always do this. This follows through the...Mr. Banonis said he knows they do, but he's asking is the resolution to fix the tax, and it's tied in with the budget, which has not been approved. The budget has simply been approved for advertising for ten days.

Mr. Carocci said yes, isn't this premature? Mr. Solicitor, can you weigh in on that? Mr. Freed said the way the Second-Class Township Code and the ordinances are written is only the budget needs to be shown for ten days. The tax can be passed, as he understands it, there are certain logistical issues that staff has with not doing it now because of the tax bills. Mr. Carocci said well how can you fix a tax and have the tax in the budget when the budget's not approved. Mr. Freed said you can fix the tax. Mr.

Carocci said well how? What if the budget, the amended budget with those tax rates is not approved? Ms. deLeon said then they...Mr. Freed said his understanding and maybe staff can speak to this is it's problematic not to have, to wait longer because of the bills that need to go out or be prepared to go out, if the budget passes.

Ms. Opthof-Cordaro said if it's legal, she's good with it. Mr. Carocci said we don't know, that's what he's asking our Solicitor and he wasn't able to tell us, he deferred to staff. Ms. Opthof-Cordaro said no, she heard him say it was legal. Mr. Carocci said he deferred to staff. Mr. Freed said no, he did not. Mr. Carocci said the attorney referred to staff. Mr. Freed said no he did not. Thank goodness this is taped. Thank goodness.

Ms. deLeon said okay Sunshine Law says she has to open it up to the public. Does anybody...go ahead.

Mr. David Boulin said he's sorry, he'll address Priscilla. Okay, and by the way, he noticed the back and forth between certain people on the Council and certain people in the audience. Okay, but he's been derated for that. Ms. deLeon said she knows most of these people in here. Mr. Boulin said so does he, so does he. And he knows a few on the Council too. The bottom rate is he just can't help but say thank you for people that ask solid questions, okay, whether it's Council members asking other Council members or whether it's an attorney sitting here representing a client and asking a good solid question. The thing he finds unbelievable again is that some of these people that are sitting on this Council now don't read what's in their packets. Ms. deLeon asked if he was referring to the resolution, that's what's on your comment. Mr. Boulin said yes. Ms. deLeon said she doesn't hear him talking about the...Mr. Boulin said we're not sure if it's legal, if it's not legal, and the people, whatever. Mr. Freed said he can read from the Second-Class Township Code, he can read from your ordinances. Mr. Boulin said good, how about pulling it from his knowledge in his head so they know when she asks...Mr. Freed said he answered the question, and he'll now read from the ordinance if you want him to. Mr. Boulin said yea, sure. Mr. Freed said okay, so during the month of January, now, next following any municipal election, right, okay, Council may amend the budget and the levy and the tax rate to conform with its amended budget. Okay. Mr. Boulin said yea. Mr. Freed said this month. Mr. Boulin said right, so you're going to amend it, but if you don't have the budget, how do you set the levy. That was the question. Mr. Freed said it was based on the proposed budget. Mr. Carocci said the budget is not amended. They have voted to advertise it. They didn't vote on the budget. They voted to advertise the budget. Mr. Boulin said he's not a lawyer, but you know, there's some things that just don't make sense like that view graph when you look at it. Mr. Boulin said Priscilla he'll address her. Mr. Carocci said they didn't authorize an amended budget. They authorized for the advertisement...Ms. deLeon said Tom, will you please be quiet. Mr. Carocci said you authorized to advertise it. Mr. Freed said okay, Mr. Manager is it going to create problems for him to wait until the ten days to pass the tax levy if the budget if the budget passes. Mr. Hudson said the tax group that they use needs the tax levy so that they can start preparing the tax bills to send out. Mr. Banonis said its \$9.5 million, it's not like they can't pay their bills. Mr. Carocci said who told you that Mark. Where's that documentation. Ms. deLeon said Keystone. Mr. Hudson said Keystone. It's a phone call. Mr. Carocci said a phone call. Mr. Hudson said yes. Mr. Carocci said when did that phone call happen? What day? Mr. Boulin said you mean to say he's getting taxed on something that's not even been approved. Mr. Carocci said when did that phone call occur, Mark. Mrs. Gorman said she spoke with the Vice President of Governmental Services at Keystone Collections Group and she advised her of what had transpired at the meeting where reorganization at, she wasn't sure and she told her there was a probability that her budget was going to be reopened and she could not provide her with an answer until Council made a decision as to whether or not what they were going to do and she said please get that information to her as soon as possible, all the billings go out in the beginning of February. That's traditionally how it happens, so she had said typically they needed 30 days. She basically said get it to her as soon as you can. Mr. Carocci said so there's a Council meeting on what, January 2nd. There was a Council meeting on January 7th. So there's two. Mrs. Gorman said correct. Mr. Carocci said they could have authorized to advertise the budget at those meetings, right? Mr. Hudson said they didn't have the budget though. They were...Mr. Carocci said why not. Mr. Hudson said they were given their direction at the January 11th meeting. Mr. Carocci said no this is the January 7th meeting. Ms. deLeon said no it was January 11th. He wasn't here. Mr. Carocci said okay,

January 11th. Mr. Hudson said January 11th they were given their direction on how to prepare the budget which they are talking about tonight. Mr. Carocci said that could have happened on January 2nd though and it didn't, right? Mr. Hudson said they voted to reopen the budget on that date. Mr. Carocci said why couldn't it have happened on that date? Ms. deLeon said he wasn't there. Mr. Carocci said why couldn't it have happened? They had a quorum Council. Ms. Opthof-Cordaro said Tom, they can't open the budget and then...Mr. Carocci said you can advertise it. Ms. Opthof-Cordaro said you can't because then how are you going to present what you want to do in the public, in a Sunshine situation. Mr. Carocci said he doesn't understand...Ms. Opthof-Cordaro said they voted to reopen the budget on January 2nd, how can they possibly go through the entire budget and make the decisions that night, that's impossible. Mr. Carocci said again, nobody is explaining to him how they can fix a tax rate when all they did was authorize the advertisement of the budget. They didn't amend the budget. They don't have a budget. They are authorizing the advertisement of a budget yet they are setting the tax rates under those budgets. He doesn't understand how that's possible. Ms. deLeon said okay. Mr. Carocci said and the explanation written by, read by the Solicitor talks about that Council has the right to reopen the budget which is true. Ms. deLeon said okay, she is going to ask to stop talking about this for right now and they are going to take this off the agenda and put this on the agenda that they have, what date did they say they are doing the hearing? Mr. Hudson said it will be February 7th. Ms. deLeon said February 7th agenda, so they are just going to...Mr. Banonis said is she taking it off by motion or are you just taking it off because she's the President of Council and she sets the agenda. Ms. deLeon said she'll make a motion.

MOTION BY: Ms. deLeon moved to take this agenda off by tabling it until February 7th.
SECOND BY: Ms. Opthof-Cordaro

Mr. Boulin said that's fine. He'd rather they get it right then absolutely have the fiasco they had earlier in the evening. Ms. deLeon said okay, so now again, she has to because of the Sunshine Law open it back up to the audience. Did he want to say anything else?

Mr. Boulin said he's absolutely so dumbfounded. He doesn't know how anybody can say anything after this evening. You're working on it, he knows you'll get it, but get it right. You have a new lawyer with you, other people. He didn't even get a chance to talk about the disaster in the EAC. Ms. deLeon said they are going to get there. Okay, so can we have a roll call please?

ROLL CALL: 5-0

Ms. deLeon said 5-0, that's a record.

C. EASTON ROAD BALL FIELD PAYMENT #2

Ms. deLeon said the Township has received the second payment request from CH&N Site Construction for the Easton Road Ball Field project. The payment request has been reviewed by Hanover Engineering Associated (HEA) and they are recommending payment in the amount of \$60,308.76. She asked Mark if he wanted to say anything. Mr. Hudson said no.

MOTION BY: Ms. deLeon moved for approval of the Easton Road Ball Field Payment #2 to CH&N Site Construction in the amount of \$60,308.76.

Ms. deLeon said she doesn't really want to do this, but they are by contract to do this.

SECOND BY: Mr. Banonis

Mr. Carocci said Brien has all the work...can he be recognized so he can ask Brien to weigh in about the work being done there and how it's progressing. Mr. Kocher said yes, it's progressing according to their schedule. This payment application reflects the work they've done. Mr. Carocci said thank you. Mr. Banonis said thank you. Ms. deLeon said okay, so any public comment?

ROLL CALL: 5-0

D. RESOLUTION #33-2024 – TERMINATING COMMITTEES

Ms. deLeon said Resolution #33-2024 was prepared dissolving the temporary Fire Services Capital Plan Subcommittee, Open Space Committee, Committee to Review Library Services for the Township and the resolution is in the Board Docs.

MOTION BY: Ms. deLeon moved for approval of Resolution #33-2024 terminating the temporary Fire Services Capital Plan Subcommittee, Open Space Committee, and the Committee to Review Library Services for the Township.

SECOND BY: Ms. Opthof-Cordaro

Mr. Banonis said may he be recognized. Ms. deLeon said in a second. So that was Priscilla and Victoria. She said yes, you may Jason. Mr. Banonis said he's not understanding as there's no explanation provided whatsoever for eliminating these committees, particularly the temporary Fire Services Capital Plan Subcommittee. He mentioned earlier the report that was generated and he didn't think that report was concluded saying their work was done. Tom, he was a participant in that subcommittee and his understanding is that subcommittee planned to remain intact and meet periodically to discuss the Capital Plan expenditures to bring to fruition the ideas and recommendations that were coming from that report. Is that correct, Tom?

Mr. Carocci said that's correct. Ms. deLeon said well she asked to have this put on the agenda. Mark put it on and did the resolutions and these committees no longer exist. She was just going to see if...Mr. Banonis said they do exist. Ms. deLeon said no, no. The majority of Council changed in January and she wanted to see if there was support to continue these committees. Mr. Banonis said he just wants to be clear. She put it on the agenda that she wants to eliminate and disband the subcommittee that was, give him one second. Ms. deLeon said there's three of them. Mr. Banonis said he's talking about the Fire Services Committee that had talked about selling the Se-Wy-Co station, selling the Leithsville station, selling the land around the Southeastern station, donating Steel City facilities to the Township, using the proceeds from the sales to fund the construction of the new substation substations, building a new main station near Polk Valley Park, building a new substation at Town Hall Complex, planning for a new substation at Southeastern, continuing to utilize the Steel City two-bay substation, constructing a new main station and on and on and on. So you who want to raise fire services taxes, don't want to hear from this committee that came up with all these great ideas to provide for public safety in the community, is that correct?

Ms. deLeon said she will say to that is that they have new liaisons to the Fire Services Committee and they are working with the fire company and they will come up with a plan and present it to Council, so.

Mr. Carocci said can he be recognized? So will those meetings be public? Ms. deLeon said she's sorry. Mr. Carocci said will the Fire Services meetings be public? Public meetings? Ms. deLeon said she's not sure. Are they public meetings? Mr. Freed said it depends who is on. If it's a non-quorum, it's...Mr. Carocci said hold on, it depends who is on them. They appointed the members...Mr. Freed said Sir, can he...do you want him to answer the question. Mr. Carocci said on January 2nd. Mr. Freed said do you want him to answer the question. Mr. Carocci said but you know who is on them. Ms. deLeon said Tom, you are out of order. Mr. Freed said does he know the Sunshine Law? Ms. deLeon said Tom you are out of order. Mr. Carocci said he doesn't either. Mr. Freed said okay, he's done. Ms. deLeon said Tom, you are out of order, okay. Really, this is getting late. Mr. Carocci said it is, but listen he, his answer was it depends on the...Mr. Freed said he didn't say an answer, he didn't say an answer, he didn't even finish, he didn't even finish the sentence. Mr. Carocci said Fire Services...Mr. Freed said Sir, he didn't even finish the sentence. Mr. Carocci said he knows the makeup of the Fire Services...Ms. deLeon said Tom, you are out of order. Mr. Freed said you are not allowing him to finish his sentence. It's inappropriate. Ms. deLeon said you are out of order, Tom. You ask a question. Mr. Carocci said he was the only one recognized. Ms. deLeon said you are out of order. Mr. Carocci said she recognized him. Ms. deLeon said and he asked a question and he didn't give the person a chance to answer it. You

know...Mr. Carocci said let him answer it, let him answer it. Ms. deLeon said this is not a courtroom, okay. Mr. Carocci said he didn't say it was. Ms. deLeon said he's misbehaving very badly. Mr. Carocci said he didn't say it was. Ms. deLeon said she's sorry. Mr. Carocci said did he answer it. Ms. deLeon said is he not listening to her? Mr. Carocci said he asked a question and...Ms. deLeon said and they are going to answer that question if he'd just be quiet. Mr. Carocci said okay. Ms. deLeon said gosh, she was brought up much better than that. Mr. Freed said who is on the committee? Mr. Carocci said right, who is on the committee. Mr. Hudson said Victoria and...Mr. Freed said how is he supposed to know if it meets Sunshine if he doesn't know who is on the committee. Mr. Banonis said he was here when it was said. Mr. Carocci said he was here on January 2nd when they said it. Mr. Freed said who is on the committee. Ms. Ray said they didn't actually form a new committee at this point. Mr. Banonis said the Fire Services Committee has Laura and it has Victoria on it. He was here for that and that's what Priscilla represented that that is a committee that is going to be dealing with...Mr. Freed said then it's a non-quorum and who else. Ms. deLeon said okay, let her back up. January 2nd, they approved, appointed liaisons to a Fire Services Committee. Mr. Freed said a liaison is not a member of the committee. Ms. deLeon said and the fire company...Mr. Freed said so when you Sir, Tom, when you figure out who is on the committee, he'll answer his question. Ms. deLeon said right. Mr. Carocci said you said on January 2nd and he was here. Mr. Freed said she told him who the liaison was. Ms. Ray said they didn't form a new committee yet. Mr. Freed said shall we start with Municipal Law 101, the difference between a liaison and a committee, should he go through that? Mr. Carocci said sure. Ms. deLeon said she thinks they need to. Mr. Freed said a liaison is not a member of the committee. Mr. Banonis said okay. Mr. Freed said the committee is the one who votes. The liaison carries messages from the committee to whoever they are liaison to. If it's Council liaison they carry messages to Council. Mr. Banonis said so it's not subject to the Right-to-Know (RTK) and it's not subject to the Sunshine Act, is that what he's saying. Ms. deLeon said they are tricking, they are...Mr. Banonis said is it subject to the Sunshine Act. Mr. Freed said his question is, who is on the committee. Mr. Banonis said right and that question has been answered for him. Mr. Freed said he was only told there were two liaisons. Mr. Banonis said right, so is it subject to the RTK? Mr. Freed said is he speaking English? Ms. deLeon said...Mr. Banonis said no, he's not. Ms. deLeon said you know what, she's about had it now. Mr. Banonis said she can bang all she wants. Ms. deLeon said she knows. Mr. Banonis said the question is, is it subject to Sunshine Law. It's a very straight-forward question. Mr. Carocci said he should be able to answer it. Mr. Freed said he wants an answer to his question. Who is on the committee? Mr. Banonis said ask the President, she's the one who said...Mr. Freed said you are asking him a question, he's asking you want to know an answer...Ms. Ray said they did not form a committee yet. Mr. Freed said then he can't answer the question if they don't have a committee. Ms. deLeon said okay, okay. Ms. Ray said they only have liaisons. That's all they did at the meeting. Ms. deLeon said because they wanted, they need to do another committee. You know what, you know motions she doesn't understand, okay. She doesn't know. She doesn't recognize motions. She knows what it means and he's rude right now.

Ms. Opthof-Cordaro said can she be recognized? Ms. deLeon said she really feels this is very inappropriate. They are trying to have a good start in the year for decorum and everything and people are not abiding. Look at Tom, he sets us up. Mr. Carocci said a good start for decorum. Ms. deLeon said you do. Mr. Carocci said a good start for decorum, she removed them from all the committees, and how is that a good start for decorum. She did that on January 2nd. How is that a good...Mr. Banonis said and got a solicitor without even telling them...Mr. Carocci said hold on. Mr. Banonis said one they had for 20 some years. Ms. deLeon said that's not true. Mr. Carocci said there used to be a rule that two members of Council could put an item on the agenda. Now just Priscilla can put an item on the agenda. How is that good decorum starting the year? Again...Ms. deLeon said okay, this is it. Discussion is over. We are moving on. She doesn't even know where we are on the agenda. Oh, we just approved the...Mr. Hudson said you need to do a roll call. Ms. deLeon said for the ballfield. Mr. Hudson said 33-2024. Ms. deLeon said okay, so they have a motion on the floor, and...Mr. Carocci said he didn't comment on that motion. Ms. deLeon said she's sorry, they are not doing comments. It's 10:30 p.m. and they are moving on, may she have a roll call please. Mr. Banonis said he has the right to speak. Ms. deLeon said oh my God. Mr. Banonis said under the Administrative Code, he has the right to speak. Mr. Carocci said what about the Sunshine Act? Ms. deLeon said they've been speaking

for how long. Mr. Carocci said let's talk about Fire Services and he has a comment about library services and the Open Space Committee. Ms. deLeon said go ahead Tom.

Mr. Carocci said okay, library services. He doesn't know why they would get rid of a committee on that when you know, they are still looking for a library partner. He means so why wouldn't they have a committee on that? Now if they want to change the makeup of the committee, that's fine. They can make the makeup of the committee whatever they want, but to just do away with the committee, he doesn't see why. Mr. Banonis said Tom, that decision has already been made so maybe that's why. Mr. Carocci said he doesn't understand how that can be done, how decisions can be made under the Sunshine Law and then just getting rid of that committee. Ms. deLeon said okay, so anybody else in the audience would like to speak on this?

Ms. Virginia Stanglein said just her comment about this. She was interested in about the committees. She didn't know anything about it. It seems like all of you are not clear about what this is about. She suggests you table this one and get more information out to their group about what the committee situation is. Mr. Banonis said thank you. Mr. Carocci said he agrees.

Ms. Opthof-Cordaro said can she be recognized? Ms. deLeon said yes. Ms. Opthof-Cordaro said so everybody understands, they have a Fire Services group that meets that consists of fire services people from the fire company and has some liaisons from Council. So there is a group meeting to review fire services as there has always been for years and years and years and years. In 2023, the former Council created a subcommittee, consisting of some, two residents, fire services people from the fire company, and some Council members and staff members. So they created a committee that had not previously existed. The subcommittee of Fire Services, that committee proceeded to meet without any notice to the public and create the October Fire Services proposal that was presented totaling \$14 million for a new fire plan. It was a subcommittee, so what's happening here is they are terminating that subcommittee because the report was presented and they already have a Fire Services group that meets. The subcommittee group was not meeting with open access to the public because it was a committee and that's a problem, so that's the Fire Services committee from her perspective, the subcommittee that was created in 2023. Moving on to the library committee, that was also a committee that consisted of, she thinks, just Council members and staff members and that was to try and explore a digital library to somehow offer some library services to their residents despite the fact that they had the HAL that they had always supported in the past and had the strife over the library over the last couple years. That committee, because the Solicitor at that time recognized that it was a Sunshine violation to come, to have any meetings without public notice, never met, so that subcommittee is, or that committee is useless because No. 1 they don't have any virtual library. No. 2 the HAL has a digital service that was, that the residents were using prior to the library no longer being funded, and No. 3, they are now in 2024, and hopefully looking forward to reuniting their community. So that's the library services committee which didn't have any residents and was not operating in the historical sense they had when they did have library services with HAL. The third committee that's referenced on here, which she thinks is the Open Space Committee was again something that was proposed by their former Council because they did not like that open space was graded by their EAC, which again was something historically always done. So it was a committee that never actually finished being created. She didn't think the former Council finished appointing people. They were trying to get a member from Parks & Rec., a member from EAC, a member from she doesn't know where, and so that committee was also not functioning. So the purpose of this resolution, from her perspective, is to clean up what happened in 2023 with regard to these subcommittees and other committees that weren't operating and weren't even completed and return us to some sense of normalcy where our EAC graded open space, where they dealt with library services as they could, and where they dealt with fire services as they historically could, so she hopes that's instructive for all of you and she's ready to vote. Ms. deLeon said do we have a motion on the floor? Ms. Opthof-Cordaro said there was a motion and a second, she thinks. Ms. deLeon said she's not done yet. You are interrupting. Ms. deLeon said so they have a motion on the floor, any other Council discussion.

Mr. Banonis said he has a question. Ms. deLeon said sure. Mr. Banonis said Tom, in those meetings he went to, for that Fire Services planning committee, subcommittee, was there ever a recommendation

that came up that the group disband, that their work was done, that they come to Council and suggest to Council they are no longer needed?

Mr. Carocci said no, in fact, there is plenty to be done. Most of the work is needing to be done. Like he said, he doesn't care if they have different Fire Services Committee with different people on it but to get rid of it, he doesn't understand. Then again, the question was not answered are these meetings going to be public. Now, he knows there's the legal...no, no, hold on, hold on, he's asking the liaisons, he's asking the liaisons, he's not asking you, Mr. Solicitor. He's asking the liaisons do they intend to have those meetings be public or not? He's not asking a legal question. He's asking the liaisons who were appointed on January 2nd do they intend for Fire Services meetings to be public or any library services to be public, or committee meetings to be public.

Mr. Banonis said he would just note in the agenda Tom, under...Ms. Opthof-Cordaro said there is no library committee to meet in public. There is no Fire Services committee to meet in public, that's your answer. Mr. Carocci said no, no, they appointed liaisons to Fire Services. Ms. Opthof-Cordaro said there is no committee and that's the answer. Mr. Carocci said so if they hold meetings, are they going to be public. He's not asking legally if they are going to be public or not because they couldn't get an answer on that. He's asking do the liaisons, is it their intention for those meetings to be public.

Ms. deLeon said she doesn't think they were. He never made an announcement that they were public. Mr. Banonis said were they advertised. Mr. Freed said you don't know if they were advertised. Mr. Banonis said ask the Manager, he's sitting right there. Ask him. Mr. Hudson said he does not think the Fire Services was public. Ms. deLeon said they were or they weren't? Mr. Hudson said he does not think they were. Ms. deLeon said no, they weren't. She never got...Mr. Freed said now he's really confused by their questions. Ms. deLeon said she was asked to and she wanted to do this because these weren't meeting so they needed to be taken off and we move forward with, you know. The Open Space Committee, she never approved that. That was the EAC's job. So she's comfortable with taking that off. The Fire Services Capital Plan Subcommittee, they are just starting now to meet with the fire company and they might come up with another plan, so that's not needed, and the committee to review the library services, they are going to be talking about that hopefully soon, and the current committee is, was never, they never ever had a report on a Council meeting. She'd ask every meeting and they never had a report, so with that, she'll make a motion.

Mr. Hudson said the motion has already been made. Ms. deLeon said what was the motion, who moved? Mr. Hudson said Ms. deLeon moved to approve Resolution #33-2024 and Victoria seconded it. Ms. deLeon said at least she's consistent. If there are not any other comments by Council, is there anybody in the audience? Of course, go ahead.

Mr. Boulin said that's disrespectful. Ms. deLeon said that is not, she's saying of course go up there and speak. Mr. Boulin said he'll say this, talking about library services. He knows in the past it cost them \$150,000.00 to be part of that organization. Now, they did find out in the previous year when the town bought all the memberships that the members of the town wanted, it cost them \$10,000.00, so there's \$140,000.00 and we are going to have some kind of little subcommittee to evaluate that. \$140,000.00, maybe a lot more now that we're out and trying to get back in maybe. Ms. deLeon said they are cancelling these things. Mr. Boulin said he knows; they are cancelling everything. He got it and we have now a disaster because the fire company ordered a truck and we all understand how much it's needed. He absolutely agrees. Lot of respect for these people, but the bottom line is now somebody went out there with their tape measure and said, oh, it's not going to fit and somebody at this little podium last time around and said well, that's fine, why don't we put it down in some other place and the answer was well because all the logistics. Yes, you need a committee. Yes, you need to have Sunshine laws when it meets, so it can be heard. He doesn't care whether it's the Landfill Committee meeting or whatever, make it legal, let the public know. If they don't want to watch, great, but you guys, meaning the Council, he's sorry, you folks, how's that - really need to keep it open and he knows you have your disagreements but that room back there is where you should take all this to before you get out to the public. You are shaking your head. Ms. deLeon said they only are allowed to meet back

there for four reasons, and this isn't one of them. Mr. Boulin said so let's see here, you do nothing else but just for private matters here and whatever. Ms. deLeon said Executive Sessions for lawsuits, personnel matters, property acquisition and there's another one. Mr. Boulin said well good, listen, he was on a Planning Board for ten years in the town he came from. They met three times a week because it was growing and he got out of work, went directly to the meeting at 6:00 p.m. and usually got home at 11:00 p.m. He doesn't want to hear what time it is. There's too much money involved. There's too many things that can go wrong and yes, somebody got up and said what a beautiful, wonderful town it is. It absolutely is. Great Manager, you have great help all the way around, but this kind of, this functionality here that's going on is not a good thing.

Ms. deLeon said okay, she'd like to make two comments. As you know, she's been on this Council for a long time...Mr. Boulin said years. Ms. deLeon said no, no, no, 36...Mr. Boulin said sorry, 36, going on 37. Ms. deLeon said and she's telling you, in the beginning they had storm water problems up the kazoo and there were many nights she was here until 1:00 a.m. so she knows and she was here doing it and she doesn't mind doing it. It's just that the meetings need to be productive, okay. Mr. Boulin said yes. Ms. deLeon said and that's what she is striving for. The other thing is in the fall when the fire company came to ask and he can have his time back, she's sorry. Mr. Boulin said thank you. Ms. deLeon said she wanted to clear something up and in the fall when the fire guys came to ask for the truck, and when they ordered this truck that was going to take four years to come, they told us it did not fit in their garages. That was at a meeting, she heard it herself. Mr. Boulin said at a Council meeting? Ms. deLeon said she doesn't know what meeting, but when they came and asked for the payment to order, for us to pay and for the fire truck, they told us that none of their buildings could accommodate the height. They did say that at a meeting last fall, last year, 2023. Mr. Boulin said Madam President. Ms. deLeon said yes. Mr. Boulin said he would request that when she makes statements that really are important like that, that they said at that meeting, that it didn't fit and he doesn't mean the one that just happened last week when they were here, and said it didn't fit, but he means previously. Ms. deLeon said but it would be very rude if she took her phone and looked for the minutes of the Council meeting and sat here for ten minutes trying to find it. Mr. Boulin said maybe she needs to add another thing to your agenda item that says, gee Mr. Boulin, I did look that up and here it is. Ms. deLeon said okay, please address the Chair. Mr. Boulin said disallow people like this person, thank you, that's all, he doesn't expect her to do it now. Ms. deLeon said she didn't want to cut into his time, so he can go on. Mr. Boulin said that's, you know what, if you want to be here until 2:00 a.m., he's good. He doesn't mind. Ms. deLeon said no she doesn't. Mr. Boulin said he's not getting paid any money here and he doesn't think he is, and he knows the rest of you are. But you know what, he cares about this town. He doesn't show up here just because he had nothing better to do, believe him, but he's seen towns that go crazy and he doesn't want that here. Ms. deLeon said okay, she agrees. Mr. Boulin said so it would be nice to have really good facts, really read documentation when you go out in the public and that means across the lines, and no he doesn't like to see the back and forth, you know, disrespect, so thank you very much.

Ms. deLeon said okay thank you. If there's no other comment, okay Mark. Mr. Hudson said Ms. Ray how do you vote. Ms. deLeon said no, no, Mark wants to speak. Mr. Hudson said oh. Ms. deLeon said sorry, too many Marks.

Mr. Ozimek said he apologizes for the last outburst. As far as the committees go, he thinks the committees were organized to suit the needs of the prior Council so that they would be aligned with their intents on what they wanted. Apparently, for all the Council meetings that he had gone to, other than the fire one, he really didn't hear anything about what went on in the committees, so if you do anything and you really need a committee in the future, abolish them today, get with some people, discuss it, and create a new one that actually functions for the Township instead of just, you know, somebody that wants a \$44 million fire company placed in the middle of town and wants to sell off all the assets that you already own. Thank you.

Ms. deLeon said okay, can we have a roll call please.

ROLL CALL: 3-2 (Mr. Carocci & Banonis – No) (Ms. Ray said yes, she would like to terminate the committees. Mr. Banonis said he's in favor of fire services, he's in favor of open space and he's in favor of library services, so no)

E. APPROVAL OF ENVIRONMENTAL ADVISORY COUNCIL CHAIR

Ms. deLeon said appointment and approval of the EAC Council Chair. The EAC met and they came up with a recommendation to approve Dru Germanoski for the Chair for the 2024 year and with that, she'll make a motion.

MOTION BY: Ms. deLeon moved for approval of Dru Germanoski as the 2024 EAC Council Chair.

SECOND BY: Ms. Ray

Mr. Banonis said may he be recognized. Ms. deLeon said yes, go on. Mr. Banonis said Tom, he was on EAC so he can probably speak more specifically to this. He remembers attending an EAC meeting where Sandy Yerger was the Chair of the EAC and Sandy, by history, was the founder of the Open Space Committee. Ms. deLeon said that's not true. Mr. Banonis said and Sandy also was the first to donate lands into the Open Space Program. She was a proponent to this and the way that she was treated in that meeting by Dru Germanoski and others who were there was absolutely appalling to him. To disrespect somebody who had given so much to the community for so long is beyond the pale and he finds it, he'll say perplexing or appalling that this is being proposed, that's all he has to say. Ms. deLeon said anybody else?

Mr. Carocci said may he be recognized? Ms. deLeon said sure. Mr. Carocci said first of all, Laura, who was the quorum at this meeting? You, Dru, Allan Jackson couldn't make it, did he make it? Ms. Ray said Allan. Mr. Carocci said he sent an email saying he couldn't make it. Who was the quorum? Who were the attendees? Ms. Ray said it was herself, Dru, Allan, Cheyenne, and Jennifer. Mr. Carocci said Jennifer, Jennifer? Was she appointed to the EAC? Ms. deLeon said yes she was. Mr. Carocci said now, and Allan was there. He sent an email saying he couldn't make it. Ms. Ray said they had him on speaker. Mr. Carocci said he was on speaker, was Dru on speaker? Ms. Ray said yes. Mr. Carocci said alright, he does agree with Jason though. Dru just doesn't have the right temperament for the EAC. He's, the way he treated Sandy, it was disrespectful. Ms. Ray said Dru was always very respectful. Mr. Carocci said he disagrees. He attended the meetings too and he doesn't think he was respectful toward Sandy at all and so. That's just his opinion.

Ms. deLeon said Sandy did not found the EAC. That was founded by a group of people, Glenn Kern, Ron Horiszny, herself, Sandy, a lot of people worked together to start the EAC. Mr. Banonis said he thought he said open space, did he say EAC? Ms. deLeon said he said she donated, was one of the first to donate to the open space program, which she was. Mr. Banonis said founded the open space program was what he thought he said. Ms. deLeon said no, he did not say that. Mr. Banonis said then he stands corrected, he meant Open Space. Ms. deLeon said okay. Anybody else on Council, anybody in the audience?

Mr. Russ Sutton said Dru's qualifications, he's probably the best person suited to run that committee. He has the qualifications and he's very well known in the area and he really thinks he deserves to be President because he was present during that. He was not a voting member, but he thinks he's the best one suited. Ms. deLeon said right, thank you, she agrees. Anyone else?

Ms. Jennifer Helton said she's on the EAC and she was at that meeting that Jason was at, as well as Tom, and they voted to re-elect a different President. Sandy Yerger had done a great job but it was time to make a change. They were not disrespectful to her. She was shocked needless to say because she loved the EAC and the open space. Tom came on the committee and became the President at that time denouncing who their by-laws had asked. It was very upsetting to everybody. Tom had made that environment very hostile and she's grateful for the change and look forward to having Dru as the President.

Mr. Carocci said Exhibit A. Ms. deLeon said anyone else in the audience? Okay, may we have a roll call please.

ROLL CALL: 3-2 (Mr. Carocci & Mr. Banonis – No)

F. AUTHORIZE 2024 EAC VIRTUAL NETWORK CONFERENCE REGISTRATION

Ms. deLeon said there's a conference coming up so she'd like to move to approve attendance.

MOTION BY: Ms. deLeon moved for approval for attendance at the 2024 EAC Virtual Network on Saturday, February 24th by members of the EAC, \$35.00 per person, \$75.00 as a group rate for five members.

Ms. deLeon asked if there was a timeline to get back to the Township. Mr. Hudson said he thinks they've already left them know. The registration deadline is the 23rd of February.

SECOND BY: Ms. Ray

Ms. deLeon asked if council had any questions? Anyone in the audience? May we have a roll call, please?

ROLL CALL: 5-0

G. HELLERTOWN BOROUGH COUNCIL/STAFF LIAISON

Mr. Banonis said may he speak to this please. Ms. deLeon said she didn't even open up the agenda item yet. They have a letter from Cathy Hartranft that says "Good morning Mark" and this was on January 3rd. "As we move into 2024, Hellertown Borough (HB) Council at its reorganization meeting last evening formed a committee featuring Vice President Matt Marcincin, Mayor Dave Heintzelman, Council President Tom Rieger, and myself to initiate the rebuilding of our once strong relationship with the Township. The committee aims to foster collaboration and we eagerly anticipate engaging in constructive discussion with representatives of LST in the coming days, weeks, months, and years. Please share this suggestion with your Council members in the hope we can start discussion. Happy New Year."

Ms. deLeon said this was put on the agenda and you had a question. Mr. Banonis said yes, he does. This is an interesting request to receive at this time. He would point out a few things. The (Hellertown Borough) HB police chief is under investigation for missing \$120,000.00, over \$120,000.00 of Borough money. Mayor Heintzelman oversees the police department. Tom Rieger, the Borough Council President played politics with the library and he showed those emails at our last meeting where Mr. Rieger directed the library board chair to not speak with LST. He also acknowledged that HAL is essentially the same as HB. The HAL refused multiple RTK requests, refused the legal opinions from the Office of Open Records finding that they should turn over information, and that the Court of Common Pleas most recently has issued sanctions or is having a hearing for sanctions against the library for failing to comply with discovery. He would also point out some media articles, this is from September 5, 2023, HB released the findings from the Boroughs 2022 financial audit and the key findings financially show that the Boroughs financial position decreased \$2,064,533.00 during 2022 primarily due to an overall increase in expenditures in 2022. The Borough also issued a general note obligation to finance a new PW building. The Borough had a total of \$1,949,357.00 in outstanding debt. There was a resignation of a PW employee, Council member Andrew Hughes proposed that they not fill that position because they had some financial challenges. They also had problems with their pension. The Pension Trust Fund showed a decrease in funds, net to \$1.3 million due to a sizeable investment loss in 2022 when the market was sizzling. So, they had an overall net position, decreased by over \$2 million. Their notes payable increased by a lot, and they have a general note obligation and the way they've treated this Township and this Council, and its residents is appalling and to suggest that now they want our money is even more appalling for LST taxpayers. To think that somehow LST is going to bail them out for the malfeasants and their financial problems is insane and the only reason he can see why they are proposing having this committee to "move forward together" is to cozy up to LST.

When he attended an event that was hosted by Pastor Phil Spohn, at Mayor Heintzelman's carriage house, to bring forward a proposal that this Council had made to try to mend fences on all of those issues, they refused to talk about it. Tom, he was there. Pastor Phil would not allow him to share the terms of that offer with the public, but now all of a sudden, they want to have a conversation with us. He finds it very interesting and peculiar and it just smells of problems for the Township and its residents and most importantly, its tax dollars. Ms. deLeon said okay, anybody else? Oh, she thought he was finished. Mr. Banonis said if this proceeds forward, he would make a motion that Tom Carocci be appointed as the Borough Council staff liaison to any committee to keep an eye on this stuff because it needs an eye on it. Certainly, the Attorney General's office is investigating this and he can't wait for those results to come out. He's sure the public is anxious about that. Oh, and another thing, Council received a report that they left the Borough without municipal police coverage in December requiring the State Police to provide police services for the Borough. There's only one report he received and he doesn't know how many times that has taken place, but he finds it problematic, particularly when we just added two police officers to this department and we paid for four additional police officers to provide greater public safety for our community that somehow those resources that we have sought, found, paid for, and have here to protect our community could be squandered in another community that does not run itself as effectively and efficiently as this Township has. So he made a motion. Ms. deLeon said there's a motion on the floor.

MOTION BY: Mr. Banonis moved for approval that Tom Carocci be appointed as the Borough Council staff liaison to any committee so he can keep an eye on this stuff because it needs an eye on it.

SECOND BY: Mr. Carocci

Mr. Carocci said he'd like to be recognized to speak. She's not understanding him. Mr. Carocci said he'd like to be recognized to speak. Ms. deLeon said sure. He said okay, this email from Cathy Hartranft, he means the subject is moving forward together, it should be moving forward with LS taxpayer dollars was really what it should be because that's what it is. It's basically a solicitation for our tax dollars. They have no interest in moving forward together, they want to make all the decisions and they just want our tax dollars. You know, we are going to give tax dollars to this Borough Manager. The indictment of the Police Chief says he has been stealing money from 2015 right under her nose, it says 2015. It's in the indictment. Nothing, the Mayor, nothing is going on. The Borough Manager whatever and this is the second Police Chief, in a row, who has been fired for alleged embezzlement; and we've had how many embezzlements have we have in Dewey, Priscilla over her years, at least two, right. Ms. deLeon said she has no comment. Mr. Carocci said you are not going to say that it is two. Ms. deLeon said she doesn't know; she's not going to pull it out of her head. Mr. Carocci said more than one. Ms. deLeon said she's not going to tell him something that she doesn't know. Mr. Carocci said he thinks there's been at least two. He thinks there's been at least two. So again, this is about moving forward with LST taxpayer dollars. This is not about moving forward together and you know, it is, as Jason touched on, it's a little bit of political payback by the newly elected Council members. They want to take care of their Democratic friends in Hellertown, he guesses. This is definitely just moving forward with LST taxpayer dollars. They have no interest in being together, certainly not without the money. So, he looks forward to being appointed to liaison.

Ms. deLeon said she has one comment Jason, and she's going to ask the Solicitor would he report on...she was going to ask him under reports, the recent lawsuit update on the, Jason mentioned it. Mr. Freed said with regard to the RTK. Mr. Banonis said so they're talking about litigation outcomes in open session, not in Executive Session. Mr. Freed said no, he wasn't talking about litigation. Mr. Banonis said he's just asking, he's making sure. Ms. deLeon said this isn't..... Mr. Freed said that wasn't your question, was it? Ms. deLeon said they just got an update from the court decision. Mr. Freed said well there were just two orders that were issued. Ms. deLeon said right, so that's...Mr. Freed said do you not want him to talk about the two orders that are public record. Ms. deLeon said yes, she wants him too. Mr. Banonis said if they are public record, that's fine, he's just asking him. They met, last meeting when they had an Executive Session for 45 minutes and they talked about all sorts of litigation...Mr. Freed said and he was given direction. Ms. deLeon said right and now they have an outcome that they can announce to the public. She was going to wait for the Solicitor's report but since

Jason brought it up under your, whatever his comments were, she thought she'd ask the Solicitor to report now. Mr. Freed said so there was a...Mr. Banonis said when did he get these Mark? Mr. Freed said what's that? Mr. Banonis said when did he get the orders. Mr. Freed said well...Ms. deLeon said they got an email, didn't you send us an email? Mr. Freed said didn't you circulate it? Ms. deLeon said yeah, he circulated an email to all of Council. Mr. Banonis said the one is about the trial continuance, right? Mr. Freed said one is about the trial continuance and one is about the contempt continuance. Mr. Banonis said okay, yeah, I mean the continuance. Mr. Freed said you saw this? Mr. Banonis said yes. Mr. Freed said do you want the public to know. Mr. Banonis said he doesn't know. Ms. deLeon said wait until his report, under his report. Mr. Freed said okay, I'll wait to do report, that's fine. Mr. Freed said maybe the public doesn't need to know. Ms. deLeon said no, the public should know because they haven't been updated. Mr. Banonis said let's just put it out there now. We got two orders from the court that continued two matters, right? That's all that we got. Mr. Freed said okay. Mr. Banonis said right, is that a fair statement. Ms. deLeon said she'd rather have the Solicitor put it in his words than a Council member's words. Mr. Freed said do you want him to do it now? Ms. deLeon said she does. Mr. Freed said so there were two in the RTK litigation that's pending in the Court of Common Pleas, there were two pending proceedings, one was a contempt proceeding with regard to discovery against the HAL. The counsel for HAL asked if that could be continued. Counsel for the Township agreed to continue it indefinitely. There was also a trial on the RTK case that was scheduled for later this month, so there's a continuance request made to the Court and that's now continued in the Court. Ms. deLeon said thank you for that update. So we have a motion on the floor, any other discussion by Council as she will open it up the audience.

Mr. Carocci said he would like to ask the Solicitor a question regarding that, regarding his statement. Ms. deLeon said she's sorry, he's mumbling again. She can't understand him. Mr. Carocci said can he be recognized. Ms. deLeon said go ahead. Mr. Carocci said alright, Mr. Solicitor, for agreeing to the continuance, did he agree to the continuance? Mr. Freed said he's not counsel of record. Mr. Carocci said who is counsel of record. Mr. Freed said Eckert Seamans. Mr. Carocci said okay. Were they directed by Mr. Freed? Mr. Freed said they met in Executive Session and he relayed the Council's wishes to them. Mr. Carocci said about the continuance? Mr. Freed said about the cases, yes. Mr. Carocci said no, no, but they requested...Mr. Freed said Mr. Carocci wasn't there. He knows he was supposed to call in but he couldn't make it or something. Mr. Carocci said he's just asking about they requested a continuance, correct? Mr. Freed said on which matter? Mr. Carocci said both matters. Mr. Freed said no, no. Mr. Carocci said which one did they request a continuance? Mr. Freed said who is they? Mr. Carocci said well, what's that? Mr. Freed said who is they? Mr. Carocci said he told him. Mr. Freed said who is they? You are saying they requested. Mr. Carocci said Eckert Seamans requested a continuance? Mr. Freed said for which one? Mr. Carocci said for both, both of them. Mr. Freed said so...Mr. Carocci said so explain both of them to him again. He didn't understand what he said. Mr. Freed said the Eckert Seamans requested the continuance on the trial and HAL requested the continuance on the contempt. Mr. Carocci said okay, and you or Eckert Seamans agreed on the contempt? Mr. Freed said Eckert Seamans agreed on the contempt. Mr. Carocci said no. Mr. Banonis said Eckert Seamans, he was there, he means Eckert Seamans, they had talked about this and he doesn't think he's disclosing anything in confidence here, but they had agreed in Executive Session to continue the trial because the trial was scheduled for later in January and discovery had not been completed because Hellertown was in violation of the Courts order and there was a pending contempt and that was agreed upon. There was no agreement to continue the contempt, and in fact, as what he specifically recalls, was the majority of Council, not him, but the majority of Council, had directed to proceed with the contempt hearing...Mr. Freed said on a recommendation. Mr. Banonis said to proceed with the contempt hearing because at Eckert Seamans recommendation, it was not for the Township to take a position on continuing that or doing anything with that because it was the Court enforcing its own order and who are they to tell the Court what it should be doing. Mr. Freed said correct. Mr. Carocci said so who made the decision to...Mr. Banonis said who continued the contempt? Mr. Freed said so, let him say it again. He's obviously not being clear, he apologizes. Eckert Seamans is counsel of record. Eckert Seamans agreed to the continuance. Mr. Banonis said of? Mr. Freed said the contempt. Mr. Carocci said and not at our direction? Didn't they ask us to...Mr. Freed said they had a discussion. They were going to appear. Council then asked them. They agreed and let him know afterwards that they had agreed. Mr. Carocci

said who is they, Eckert Seamans? Mr. Freed said Eckert Seamans. Mr. Carocci said okay and he's saying that they agreed to it prior to asking their client, us, you and us, whether we would...Mr. Freed said they did but based on the conversation, they thought it was consistent with the tenor of the conversation they were at. When he, when the conversation...Mr. Carocci said who had the conversation, him and Eckert Seamans? Mr. Freed said yes, based on direction in Executive Session that he missed. Ms. deLeon said he wasn't at. Mr. Carocci said he's right. Mr. Banonis said he was there and he can clarify this. The direction that he had in the Executive Session was to continue the trial so that discovery could be completed because if the trial was to take place in January, hold on, he's not done. If the trial was to take place in January, the discovery that was outstanding and subject to the contempt, was not completed. So they would need more time to continue the trial so they could get that discovery completed. He doesn't think there was any agreement to punt on the contempt, far from it. Mr. Freed said Eckert Seamans. He is going to try this one more time. He had...Mr. Banonis said Mr. Freed had that conversation with them and apparently agreed...Ms. deLeon said stop interrupting, one at a time. Mr. Freed said no, he's wrong. Ms. deLeon said one at a time. Mr. Freed said he said it. He can't, he can't. Ms. deLeon said she's sorry. Mr. Freed said he says things and then he's told he says things that he didn't say. It's unbelievable tonight, it's unbelievable. Mr. Carocci said it's unbelievable to him that he can't answer these simple questions. Ms. deLeon said okay. Mr. Freed said he answered the questions and went over and over again and they don't like the answers, so they change the answer. He's sorry they don't like the answer. Mr. Carocci said hold on, hold on. Mr. Freed said he followed direction in Executive Session that he missed, he doesn't know why, he missed, Mr. Freed followed the direction. He had a conversation. Mr. Banonis said he didn't. Mr. Carocci said Jason is saying...Ms. deLeon said okay, enough. Mr. Carocci said Jason is saying he didn't follow directions. Ms. deLeon said no, we are done, we are done. Mr. Carocci said Jason said he didn't follow directions. Mr. Freed said is he tapping his phones? Mr. Carocci said no, Jason is saying...Mr. Freed said you don't know the conversation. Mr. Carocci said Jason just said that was not the direction. Jason just said that wasn't the direction. Mr. Freed said he...Ms. deLeon said okay, okay. Mr. Carocci said can he restate what he said. Mr. Freed said he feels so sorry for you, he feels so sorry for you. Mr. Carocci said Jason can he say what his understanding was of Executive Session. Mr. Banonis said he was there. Ms. Ophhof-Cordaro said they didn't talk about Executive Session. Why are they talking about Executive Session if it's supposed to be called Executive Session. Ms. deLeon said wait a minute. Mr. Banonis said the Solicitor said they could...Ms. deLeon said okay, enough, we are done with this conversation. Mr. Freed said they didn't want him to discuss the inner workings but since they decided it was okay because he thought...Ms. deLeon said okay. Mr. Freed said do you think people don't see that they are just trying to attack...he's not accusing him, it's obvious, it's on the tape. He doesn't have to accuse him of anything. Ms. deLeon said okay, alright. Mr. Banonis said he's just saying what happened in Executive Session because he said...Ms. deLeon said enough conversation, let's...Mr. Freed said he didn't say that. He said the exact opposite. He said the exact opposite. He said they can talk about the orders that was discussed...Mr. Banonis said related to what we talked about...Ms. deLeon said okay, unbelievable. You have to witness this yourself to believe it. Mr. Carocci said it's unbelievable. He understands if he wanted to replace Linc, but it's unbelievable they couldn't find a better Solicitor. Mr. Freed said Sir, you know what, Sir. You are going to get your wish, don't worry about it, okay, and God Bless you. Ms. deLeon said okay, so we have a motion on the floor. Enough now, no more discussion by Council, she's done, we're done. We have all had many chances and we are done. From now on, one turn only, and that's it, so you better prepare what you are going to say. So, she guesses with that, anybody in the audience.

Ms. deLeon said oh you just keep coming, that's fine. Mr. Boulin said finely, alright. Listen, he prepared tonight a separate card just for this HAL discussion and he got a lot of his thunder stolen. Okay, so he wants to report that to the Police, stolen thunder. The bottom line is four years ago, Priscilla. Ms. deLeon said she's listening. She's just trying to figure out what he's talking about. Mr. Boulin said four years ago, he remembers, a subcommittee and he was so new, he didn't have a foggiest idea who and what. They came in as the last item, it was late in December, and they came in, sat at this table and they represented the HAL committee, and if he doesn't get these words right, please bear with him. He will try to clarify them for you. They came in, there were about four of them and he thinks you might have been there, okay. And the board was asked at that point, we have this document, and we want it

signed tonight and it is to join for the coming year HAL. He's going to have to paraphrase, he really needs to go back and get the minutes and review it, and he will. The bottom line is somebody asked, on the Council, has the attorney seen this? And so, somebody turned to Linc Treadwell and said have you seen this and he said no. Nobody has shown it to him. Then somebody else or maybe he asked, has anybody else on the Council seen it and the answer was one person had seen it, and that was the person that spearheaded the committee. So at that point, there was a motion made, there might have been some discussion in between, would you please review this document. It's calling for \$150,000.00 and it spells out whatever rights we may have and the payments they need to make and he's thinking, that's outrageous, \$150,000.00 and nobody seen this agreement and the demand of this committee or subcommittee or whatever it was, that it be signed that night. He doesn't even think it was on the agenda. So, yes, if people are a little hot about this, he got a whole bunch of them and he read them off. You look at Hellertown, HAL's right at the front. Has he read Judge Daly's, he is the head of the Court in NC. He is the President Judge. He's already ruled on it and HAL still, after 4 years, won't turn over their records. What, you look perplexed. Is that... Ms. deLeon said they have turned over their records to us. Mr. Boulin said yes, over their financial records. Okay, he expects she should know that. Ms. deLeon said okay. Mr. Boulin said and certainly all of the attorneys here, one, two, three, four know what he's talking about. He's not an attorney, he's a Physicist but by God he can see when things are really bad. When you have a 501(c)(3) who will not turn over the records, then we find out in the newspaper, WFMZ, whatever that the government of Hellertown is really controlling it; therefore, all of their rights go away and we still don't have those record and we still can't point to that and say, hey, there's something really wrong with that. And now we got a Police Chief, yep, \$200,000.00 and he's now, it was supposed to go to the State for him, but no, it ended up back in Northampton, gee, isn't that interesting. Wow. Yes, he knows about the fire department and that was a couple hundred thousand. You know, what's a hundred thousand here, two hundred thousand there, and they want to have a liaison. Maybe it should definitely be that guy, he's the only guy and him that ask the hard questions and everybody hates them because they see things that are just so, oh, they are so mean. He says, if you want to be honest and transparent, you will have naysayers in your Council and if you don't want to be transparent and honest, then ignore them. Ms. deLeon thanked him for his comment. Anybody else? We have a motion on the floor to appoint Tom as the liaison.

ROLL CALL: 2-3 (Ms. Ophhof-Cordaro, Ms. Ray, Ms. deLeon – No) – Motion fails

Mr. Carocci said he will make a motion.

MOTION BY: Mr. Carocci moved for approval to nominate Jason as the liaison.

SECOND BY: Mr. Banonis

Ms. deLeon said anybody in the audience, anybody on Council? Mr. Carocci said thank you. Ms. Ray said she doesn't think she has to keep opening it to the audience.

Mr. Boulin said there's a man who knows his facts, who knows his numbers, spins them right off the top of his head, and he's spot on. There's a guy that pursues HAL with Linc Treadwell, who by the way an excellent Solicitor, he never remembers once anybody on this panel saying to him, Mr. Treadwell, can you tell us this and he'd have that answer spot on, right away. He'd call it upside down. There were no arguments. There were no...yep, and if you didn't like his answer, he'd fill it in with more case examples, and etc., etc. What he's saying it's part of professional lawyering at the highest level that gives us a clear in view into those cases like HAL, which there's something really, really bad when you have to hide that and you have to thumb your nose at the President Judge of the NC Court system and for 4 years this has been going on, and 4 years, it's been a political football with signs and posters and pop-up people in the audience, yelling and screaming about little Johnny can't read because we don't have HAL. Yea, you have HAL, and by the way, 12, 13 years ago now, we weren't going to leave the Bethlehem Library either because that was the best one in the world. Over my dead body, are they going to leave it? Anybody wants the page on that, yes, he got it out of WFMZ, and it will tell you who said that, but we did leave it. Ms. deLeon thanked him for his comment. Anyone else, may we have a roll call please.

ROLL CALL: 2-3 (Ms. Opthof-Cordaro, Ms. Ray, Ms. deLeon – No) - Motion fails.

MOTION BY: Ms. deLeon moved for approval to appoint herself and Ms. Opthof-Cordaro to this committee.

SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said anybody in the audience, anybody on Council? Ms. Ray said the same agenda item, do you have to open it up. Ms. deLeon said every time they have a motion.

Mr. Boulin said what's the comment, he'd like to hear it. Ms. Opthof-Cordaro said he's asking her if she would vote for him over Jason, I'm sorry. Mr. Boulin said you know Victoria, between you and him, he remembers the landfill committee hearing where she spoke for 15 minutes, while she sat in that chair and next to him was Donna Louder and after 15-20 minutes of grilling, grilling the landfill engineer, then she thanked everybody and sat down. Somebody made a comment about there's one fact she has wrong. She came up out of her chair over here and started yelling and screaming...Ms. deLeon said this isn't appropriate. Mr. Boulin said so when she starts laughing at me...Ms. Opthof-Cordaro said she's not, she was laughing at Mr. Carocci's question. He asked her what Mr. Carocci was talking to her about, she's sorry, she was not laughing at Mr. Boulin. Mr. Boulin said he expects better out of her. Mr. Carocci said Ms. Opthof-Cordaro has been, there's not a motion to nominate her as a liaison, he can certainly speak to her as his experience with her at other meetings, it's certainly on the agenda. She's just been nominated. Mr. Boulin said where were we? Ms. deLeon said she doesn't know, where were you. Mr. Boulin said you were going to appoint yourself and her to this committee, okay. Let him ask her about the two people on the EAC committee. They had no reports from them and yet they have one of the worst environmental disasters in this Township with the scathing of that whole hillside with trees gone and water running down the hills in storms. No, you look at her like she doesn't know what it is. Did she not see this man sitting here with all these pictures and the trees are gone and the trucks have eroded all of the soil and she doesn't know about it and you were good because you backed her up and said yes, she did attend the meeting when asked about the reports. They both went to the meeting and nobody said boo about this. We'll hear more about that because he will refresh it. He will get the aerial shots of that whole area, 100 acres on the side of a hill. Ms. deLeon said is he talking about Steel City? Is he talking about the timbering? Mr. Boulin said Lower Saucon... Ms. deLeon said Steel City, the trees that the poster that Russ Sutton had here? Mr. Boulin said yea. Ms. deLeon said he doesn't know where she lives, does he? Mr. Boulin said she lives right outside of Steel City on the top of the hill. She lives right next to where the tower is going. Ms. deLeon said exactly. Mr. Boulin said yea, she lives right near where the pipeline was going to go through but she struck that down. Ms. deLeon said she didn't live near the pipeline. Mr. Boulin said well, it's the other end of town down by somebody else that's here, okay. Anyhow, that's neither here nor there. Those are important so when you appoint people to committees, he really expects when they go, and we're going to now have this little environmental council thingy, right, whatever it is, great. Go, learn, be smart. He went to Princeton University for six months in order to sit on that Planning Board Council, okay. That was a requirement and that ought to be true here. So when they say they want to go to that, those meetings, absolutely go, definitely go. But when you have an EAC meeting, you better have your ears and he doesn't know this guy that you are appointing as the Chair of that, he means, he hasn't heard anything about that. Haven't seen anything in the paper. He finds that just absolutely appalling that the whole hillside has been absolutely logged to death and there's no ground cover and there goes the soil, 2" worth of rain, we got a winter coming, and nobody knows anything about it. He noticed the reporter's not here tonight. Ms. deLeon said thank you. He can watch the tape if he's interested.

Mr. Carocci said can we separate, why do they have to vote for both at once, why can't they separate it. He wants to vote for Victoria...Ms. deLeon said her motion is her motion. Ms. Opthof-Cordaro said can she be recognized? Ms. deLeon said yes. Ms. Opthof-Cordaro said thank you. She wants to say that she thinks it was a very nice email they received. She thinks as we sit here, it's 11:25 p.m. and she's only laughing because....she is stunned, she said they had a lot of discussion about decorum and professionalism and a lot of things talked about regarding Hellertown in a negative light, and she thinks our community has spoken in wanting to see that our community acts as a community. We have Saucon

Valley School District, we have a shared library that our residents used to go to with the residents of Hellertown, and we had a compost center. She thinks everybody in the Township drives through Hellertown to get some place, at least once a week, if not every day. And she thinks the same can be said for people in Hellertown. She doesn't think trying to work together as a community has anything to do with anybody's opinion about a fire, about the fire services in Hellertown, or the police chief in Hellertown. She perceives that to be comments that only frustrate the community and frustrate the ability to work together, so she would be happy to serve on this and she thinks it's a working committee to just find out where we have common grounds and where we can work together and be together as a community and she thinks that's what the residents have wanted to see. That's what she heard all of 2022, 2023, and she looks forward to following through on the request of what she's heard from the community. So, she appreciates that she was nominated to be appointed with Priscilla and she thinks that Priscilla, because she was the founder of our Saucon Valley Partnership which was a collaboration of the school board, the Borough and the Township, to find out how we can work together. She thinks Priscilla would be the most important person to have with all of the history and our residents want to return to that and she would be proud to work with her and she would be proud to work with the community on getting that done.

Mr. Carocci said Victoria, he'd like to support her on that...Ms. deLeon said she said one time. Mr. Carocci said that's not in the procedures. Victoria, he'd like to support her on that, he wants to, will she promise that when it comes to funding and joint ventures, that she will be cognizant of how much control we have over HAL, how LST taxpayer dollars are spent, in any type of joint venture with the Borough. Ms. deLeon said this is a warning again, we're Council, we are going to talk about one time and he talked already on this motion. Mr. Carocci said that's not in the procedures. Ms. deLeon said she's the President. She can...Mr. Carocci said so you can just make the procedures as you go along. Ms. deLeon said this is a meeting. She's in control of the meeting. Like it or not, like it or not. Mr. Carocci said that's a shame. Ms. deLeon said can we have a roll call please.

Mr. Banonis said can he be recognized please. Ms. deLeon said sure. Mr. Banonis said thank you. So, his comments that he made earlier are not directed towards the residents of Hellertown. There are plenty of fine people that live in Hellertown and throughout all of this, his comments have never been directed towards the folks in Hellertown. He's got family and friends in Hellertown but unfortunately, they have some bad people who are making decisions for them. There's a level of incompetence. There's criminality, allegedly, and there's certainly duplicity. That's what causes him concern with all of this. Had they elected better people to decide the fate of their community, make better decisions to provide for all the services that they need, you know, maybe his position on this would be different, but they haven't. Unfortunately, those are the folks that are asking to cooperate with this Township and he can only assume that their motives are not above board and are not in the best interests of the residents of this community. He's sworn an oath to the residents of this community. He would echo what Tom was mentioning earlier, and that is, he would like a commitment from anybody assuming that this committee proceeds forward, anybody from this Township who is going to be participating in this provide notice to the other members of Council so that they can attend meetings if they wish and also to always put the interest of the LST residents first, particularly from a financial standpoint because it's very clear to him that the Borough of Hellertown is significantly indebted, in dire financial straits, and they want our money and without having that guarantee from those who would be serving on this committee to always advocate for those points and be transparent about them causes him great concern.

Ms. deLeon said okay Laura did she have anything to say? Ms. Ray said no, she doesn't think she wants to go there. Mr. Carocci said they didn't have the money. Bethlehem Township...that's who they would be talking to, not us...Ms. deLeon said Tom, you are not recognized. Ms. Ray said we need somebody that can act professionally and work with Hellertown Borough and we know where we landed now is because of past things that have happened and we want to discontinue that. We need better relationships and that's what this...you know, the behavior that's shown here shows why we are where we are. We need to have better people. They want to talk with us and we want to rebuild.

Ms. deLeon said roll call, please. She said Tom, he is not recognized.

ROLL CALL: 3-2 (Mr. Banonis & Mr. Carocci – No) - Mr. Banonis said no because he hasn't received any assurances. Mr. Carocci said he wants no on Priscilla and yes on Victoria. Ms. deLeon said one motion.

Ms. deLeon said they will be reporting back to Council on any meetings they have with updates. Mr. Banonis said will they be telling them when meetings will be taking place so they can participate and if residents of the public are interested. Ms. deLeon said okay, they are moving onto the next agenda item. Mr. Banonis said he'll take that as a no.

5. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF DECEMBER 20, 2024 COUNCIL MINUTES

Ms. deLeon said the December 20, 2024 Council minutes have been prepared and are ready for Council's review and approval. She asked if anybody had any corrections, deletions, additions. If not, is there a motion for approval.

MOTION BY: Mr. Banonis moved for approval of the December 20, 2024 Council minutes.

SECOND BY: Ms. deLeon

ROLL CALL: 4-1 (Mr. Carocci – No) - Mr. Carocci said they said they weren't even at that December meeting. Ms. deLeon said they just came back from a PSATS conference and they are allowed to vote even because they were new Council members. Mr. Carocci said they weren't on Council. Ms. deLeon said they just came back from a boot camp, PSATS conference, she'll repeat it again, if he didn't understand her the first time, okay, that question was specifically addressed, and they said that new Council members, correct her if she's wrong, Laura and Victoria they were both there, that they can vote on minutes. Mr. Banonis said is that a lawyer that told them that. Ms. deLeon said it was PSATS. Mr. Banonis said he understands its PSATS but they are not a lawyer. We have a Solicitor here that we are paying a lot of money to tonight, so can he answer that question. Mr. Freed said a lot of money. Mr. Banonis said can he answer that question as to whether? Mr. Freed said they can vote. Ms. deLeon said thank you Mark. So that was 5-0. Mr. Hudson said no, 4-1. Ms. deLeon said who voted no. Mr. Carocci said he voted no because they haven't heard from an attorney on this. Ms. deLeon said again, he's mumbling, she can't understand a word he's saying.

6. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER – Mark Hudson

➤ He said this Saturday, January 20th is the last day for Christmas tree collection from 9:00 a.m. to 1:00 p.m., that's it.

B. COUNCIL AND STAFF REPORTS

Mr. Banonis – No report.

Mr. Carocci

➤ He said not a report as much as a request. Ms. deLeon said she's not understanding what he's saying. Mr. Carocci said he'd like to understand if a member of Council has a conflict of interest, or doesn't, but if the opposing party, for example, if the Township gets sued because a member of Council, they are claiming a member of Council had a conflict of interest, who pays to defend that suit. Would it be the Township taxpayers if the individual is, would the suit be against Council or would it be against the individual and who would pay for that lawsuit, so if Mr. Freed doesn't want to answer it tonight, that's fine, he'd just like an answer, perhaps next meeting of what type of liability they are looking at if a Council member has a conflict of interest and a party sues and they are successful in that lawsuit, what can be the possible ramifications of that. Ms. deLeon said Mark did he want to get back to them on that. Mr. Freed said he can. Mr. Carocci said thank you, that's it.

Ms. Ray – No report.

Ms. Opthof-Cordaro

- She said just really quick. She did have an opportunity to attend the Water Authority meeting that happened yesterday. It was wonderful to see that they had Township residents that volunteer their time and have been working really hard to make sure that we have a great water and sewer services. So she wants to thank the members of the Water Authority for welcoming her to their meeting. She can say that they were able to move forward on the Meadows Bridge project. If anybody didn't know, the Meadows Bridge project is very complicated because it, not only involves replacement of a bridge over the stream and we all know that's been taking forever, the bridge is owned by the County, but because of that, it involves relocation of a number of sewage lines and water lines in and around the Meadows Bridge. So our Water Authority has been working very diligently and they have a whole bidding process and a timeline in place to be able to replace those lines in concert with what the County is doing to replace the bridge and so it was wonderful to hear all the work that was done on that.
- She also heard about the updates on the pumping station. If you all know we have a pumping station that's in the process of being constructed over by Giant and that pumping station would allow for not only treatment, or she should say, receipt of sewage that comes from the Giant Shopping Center but also allow additional capacity for future needs of the Township. As they end here tonight what she thought was wonderful to hear is that our Township Authority had been working with the Hellertown Borough Authority for years in a very collaborative and respectful way to save LST taxpayers money on the waste water that comes from the Giant Shopping Center because we didn't have the capacity to handle that and the pumping station is part of that, so in the interim, instead of our Township having to collect from one station and truck it to another station on a daily basis, we were able to send the excess sewage line through the Hellertown Water Authority; and therefore, alleviate the concerns of our Township and she thinks it was a wonderful example of how the communities can work together to help each other and she hopes we can use that moving forward and what we do with the other aspects of our Township, so that's what her report is. Mr. Banonis said may he ask a question. Ms. deLeon said okay, thank you, sure. Mr. Banonis said what is the fee that the LSA is paying to the Hellertown Authority for this benevolence in allowing our sewage to pass through their system. Ms. Opthof-Cordaro said well, she wouldn't characterize it as benevolence...Mr. Banonis said we're paying for it, it's not free. Ms. Opthof-Cordaro said she had asked the Water Authority yesterday about how that agreement works and her understanding is that we did, the Township did not have the capacity to handle the sewage coming from the Giant Shopping Center. They looked into the cost to maintain that situation and it involved hiring basically a trucking company to come in and pump it out of one location and dump it in another location on a daily basis, so it involved a lot of expense in that regard. To avoid that, they approached the Hellertown Water Authority to see if there was something that would be more reasonable that they could do and to the specific numbers, she doesn't have the actual numbers in front of her, the Water Authority is a public meeting and certainly this was on, this is not the first time they discussed the pumping station, so she thinks if they do have questions, she'd invite them to the next Water Authority meeting. Mr. Banonis said they didn't tell her how much? Ms. Opthof-Cordaro said no, they did, she just can't recite the figure to him tonight, she didn't write all of that down. Mr. Banonis said Tom, does he remember what it was going to be? Ms. Opthof-Cordaro said that we saved money and so that's what she's reporting. She thinks if you have questions about the specifics of the pumping station, she directs them to the Water Authority and she thinks they'd be happy to hear about all the volunteers and what they do there. Mr. Banonis said she's the liaison, but Tom was the liaison to the Water Authority before, and what was the fee going to be if LSA didn't complete its pumping station in time. Mr. Carocci said it wasn't so much the fee, but Hellertown wanted to charge LS for all of the upgrades to their system if we kept using it past, he believes, this year. Mr. Banonis said December 31st. Mr. Carocci said December 31st, and the Authority worked out an agreement where it would be trucked away, not every day, but it had to be trucked away at least a couple times a month, and PennDOT agreed to pay for those costs because of the delay of the bridge was their fault. In fact, they showed PennDOT they couldn't go forward with the pumping station until PennDOT decided exactly where they were going to put the bridge, so PennDOT agreed to reimburse the Township, the Water Authority, not the Township, for taking that stuff away. Mr. Banonis said

for the trucking cost. Mr. Carocci said no, Hellertown was holding basically a gun to the Authority's head saying they have to pay for all these system upgrades if they use it after December 31, 2023. Mr. Banonis said now it sounds like we are using that system so he guesses we can anticipate that the Water Authority is going to get a bill. Mr. Carocci said he doesn't know if they caved or if they went with PennDOT. He doesn't know what they are doing. Mr. Banonis said if they get a bill, what effect will that be on our water and sewage rates. Mr. Ophhof-Cordaro said again, she's just reporting to what was said yesterday. Again, both of them would be invited to come to the Authority meetings. They are public and what happened yesterday, which they weren't there and which she explained, was that there is a cooperation and she hopes to move forward in cooperation and in the spirit of cooperation. Thank you.

Ms. deLeon

- She said she'd like to say with condolences the passing of Gar Davidson who was the Authority's, she doesn't know what his title was, Executive Director, and she worked with Gar for many years. He was a great person. He was always there helping and it's with regret. His heart was always in the right place, so she'd just like to take that moment to remember him with the Authority.
- This week is Restaurant Week, it runs until Saturday. You can go on the Township's website and thank you for posting all those places to go to eat and their menus and hope people take advantage of that.
- They also received an odor complaint log today in the emails and there's a landfill meeting tomorrow which that will be discussed. The meeting is at 2:00 p.m., and she's not going to go over the thing, but you can see this is a lot of odor complaints.
- She also would like to reach out and thank the LSRF because on Sunday, 287 residents were without power in Steel City. Power was out, she's guessing, maybe 5 hours, 6 hours, but when you went on the PPL website, it said that power would be restored at 11:00 p.m. on Tuesday. Everybody was panicking that they were going to be without electric for two hours, so she talked to Ty Johnson because, of course, the fire station needed to be heated because they, you know. The guys were working down there trying to get a generator going and with Plan B would be that if the electric was out for a period of time, they were going to open Steel City Fire Company up for our residents for warmth and for charging phones or whatever they needed. So, she really appreciates the thought to do that and she wants to thank them publicly.

Jr. Council – Absent.

C. SOLICITOR – No report.

D. ENGINEER – No report.

7. PUBLIC COMMENT – NON-AGENDA ITEMS – 5 MINUTE TIME LIMIT – OPEN TO EVERYONE

- Bob Blasko said he had to go back out to the car this evening. As he was getting into the car, you jokingly said to him leaving already, do you remember that? Mr. Carocci said yea. Mr. Blasko said okay and said something like not a chance, or something like that. Mr. Carocci said he doesn't know; he didn't hear what he said. Mr. Blasko said yea, and then what did he reply? Mr. Carocci said he said you are going to miss all the fun, and he would have. Mr. Blasko said case closed.
- David Boulin said he's given talks all around the world but none has been as entertaining as this one. He guesses his question is about, he applauds your feel for wanting to cooperate with Hellertown. Unfortunately, he sees the dark side of them and it's not good. He would ask from the get go, how did Giant ever get approved in that whole shopping center without capacity to handle the sewage that comes out of it and why are we, why is PennDOT not laying in the money in order to get this done. He means, this is lunacy. Okay, so the next time you are at this meeting, assuming you are going to be the liaison, and yes, to him, he would ask the hard numbers, what are we paying, who is repaying it to us; otherwise, it's just a social event. He can tell you, money makes a difference. If your taxes go up 20%, well, maybe you don't care, but him, on a fixed income, your darn tooting it matters to him. So he pays attention. He also pays attention to character. So as he was saying the last time, when he wanted to get up, he got up to speak, and you came out of the dark and they ended up closing the meetings on because you wouldn't yield because you had to save your, whatever it was, and that's wrong, and he doesn't ever want to see that again. Thank you.

- Lou Pektor said he knows it is late, but he will make this quick. As an open agenda question, he has, it's no secret they have been talking to people on Lower Saucon, Easton Road between Beechwood and Mockingbird. They have an interest in developing that site or some of that site in conjunction with the LM ordinance that was indoctrinated last year. At the first meeting, there was some discussion of changing that ordinance back to R-40. They've had numerous homeowners that they have either under agreement or discussions with, asking them if they'll get an opportunity to come and give their opinion as to a change back to R-40. The homeowners down there in many cases, have come to terms with them based on pricing that is above normal market pricing for their homes, so they are anxious to be able to come to an agreement where they can monetize homes that they aren't particularly happy with based on what's happened across the street. In all fairness to them, they would like to have an audience to come here and speak. They've asked them if they knew anything about a forum where they can come in and at least have an open discussion with you all about your intention as to that ordinance because for them to move forward and spend money, it really wouldn't make sense if the ordinance will change and they think they want a fair read as they do as to what is next. Right now, they are flying in the dark so in due respect to both those people and them, as developers, they'd like to understand timing and opportunity to voice opinions either for or against the R-40 change from the LM district between Mockingbird and Beechwood. Ms. deLeon said did they put that on the agenda, did they advertise it? Mr. Hudson said no, it's not on the agenda yet. Ms. Opthof-Cordaro said maybe for Mr. Pektor's benefit, they did authorize the staff to prepare an ordinance to put the area that was previously in R-40 and then that was rezoned in 2023 to LM, Light Manufacturing. They authorized the staff to prepare an ordinance that would put it back in the R-40, but the staff is still working on that. She's sure he knows that once they prepare that ordinance, there's a procedure in place to have public hearings and as she indicated on January 2nd, she would really love to hear from all of the members of the audience and from anybody who would be impacted by that, so there when that ordinance comes forth, there will be an opportunity. She thinks there was also a discussion on January 2nd about the idea of looking at what uses were permitted in the LM district and what things they could do to provide for more opportunity for commercial uses in that area. She can tell you her concern was about warehousing in that area and she's sure they are aware that they just invested over \$3 million in a ballfield that was part of that district, so she would say to him, please stay tuned and as soon as they hear from their staff about when they have some proposals, they would then bring it forward in another public meeting and as you know, if they ever did rezoning, they would have to have a hearing with all the public notice and all of that for everybody to come out. Mr. Pektor said he understands that. It's probably a chicken and an egg as to whether the ordinance pending would stop any ability to develop or not. He doesn't really know procedurally what dictates that, but at this point, those people, he thinks should be heard at some point. They should be given an opportunity before it's not possible for them to monetize their property. If the Council so votes to change it, that's so be it, that's understood. But he does know a lot of them have not been in the audience at these meetings. They are asking them if they should come and he's trying to give them an answer and give them direction. On their side, they can look at municipal procedure and decide what, at what point the game is over anyway, but he thinks they do deserve a voice and an opinion to be heard. Ms. Opthof-Cordaro said she agrees with him and in everything he said, she thinks they would be willing and happy to provide, and they have to legally, so there wouldn't be any situation where they could somehow pass something without them knowing. Mr. Carocci said he agrees too, there needs to be a forum, but hesitate to ask, but he'd like some advice from our Solicitor, as to when an ordinance is passed and then it's revoked, and people, whether it's Mr. Pektor or others have made financial decisions and commitments on the ordinance, as passed, what liability does the Township have for taking or changing that. He thinks we would need to know that so, not tonight, he means he understands it's something that he may need to look into but he'd be worried about the liability for people who said they had an agreement to sell their house above market value and now the Township is pulling the rug underneath them. Can they go to Court and sue us? He doesn't know. Would we be liable for that, would the Township be liable for anything like that. We need to understand those questions before we change any ordinances he feels. Thank you.
- Mr. Hudson said he has a letter he received from Larry Petfield. "My name is Larry Petfield. I am a current resident, Township resident. In addition to this, me, my wife and I own 5.67 acres of additional raw land along Easton Road. I/we have owned this land for over 40 plus years. It has been in my family for 3 generations. We had been waiting a long time for the most recent change, R-40 to LM. In

November of 2022, my wife and I are happy to see this come, we're happy to see this come. This property would not be our choice to live because of the surrounding environment. We have I-78 immediately to our south, and LVIP to the north. We feel the zoning change was a good thing for us and the Township especially related to the revenue for the Township and property value for us. It is a property in a commercial area that is finely zoned commercial. We ask that you please keep this zoned commercial or LM for all the property owners on this stretch of Easton Road. Keeping this as LM zoning is going to help everyone, not hurt their property values. Reverting this back to R-40 is a true step backwards with considering the values of people's properties". Ms. Opthof-Cordaro said is that the same gentleman, do you know, that was here on January 2nd, she thinks there as a gentleman that talked about that type of property. Mr. Hudson said he thinks it was. Ms. Opthof-Cordaro said okay, she just wanted to know if it was the same gentleman. Thank you. Ms. deLeon said if there's no one else in the audience that cares to speak, then is there a motion for adjournment.

8. ADJOURNMENT

MOTION BY: Ms. Opthof-Cordaro moved for adjournment. The time was 11:55 p.m.

SECOND BY: Ms. deLeon

ROLL CALL: 5-0

9. UPCOMING MEETINGS

- A. Landfill Committee Meeting – January 18, 2024
- B. Saucon Rail Trail Oversight Commission – January 22, 2024 @ Upper Saucon Township
- C. Zoning Hearing Board – January 22, 2024
- D. Planning Commission – January 25, 2024
- E. Parks and Recreation Board – February 5, 2024
- F. Council Meeting – February 7, 2024
- G. Environmental Advisory Council – February 13, 2024

Submitted by:

Mark L. Hudson
Township Manager

Priscilla deLeon
Council President

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BEFORE THE TOWNSHIP COUNCIL
OF LOWER SAUCON TOWNSHIP

IN RE: :
:
CONDITIONAL USE APPLICATION :
OF ALLENTOWN SMSA LIMITED :
PARTNERSHIP D/B/A VERIZON :
WIRELESS - 4235 LEWIS AVE :

TRANSCRIPT OF PROCEEDINGS

CONDITIONAL USE HEARING

January 17, 2024

6:46 p.m.

Lower Saucon Township Building
3700 Old Philadelphia Pike
Bethlehem, Pennsylvania

BEFORE: THE TOWNSHIP COUNCIL

PRISCILLA DeLEON, President
LAURA RAY, Vice President
JASON BANONIS, Member
TOM CAROCCI, Member
VICTORIA OPTHOF-CORDARO, Member

MARK L. FREED, ESQ., Solicitor
MARK HUDSON, Township Manager
CATHY GORMAN, Assistant Manager/Finance
Director
BRIEN KOCHER, Township Engineer
STACY WERKHEISER, Administrative
Assistant

* * *

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APPEARANCES OF COUNSEL

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1 MS. DeLEON: Public hearing is next for
2 a conditional use application of the Allentown SMSA
3 Limited Partnership doing business as Verizon Wireless,
4 4235 Lewis Avenue. The council will hold a hearing on
5 the conditional use. And I'm going to turn the meeting
6 over to our solicitor, Mr. Freed.

7 MR. FREED: Thank you, Madam President.
8 So this is a --

9 MS. DeLEON: Yeah, we'll just wait a
10 couple seconds till the room clears.

11 MR. FREED: This is a conditional use
12 hearing application by Allentown SMSA Limited
13 Partnership d/b/a Verizon Wireless. The applicant is
14 proposing to construct a wireless communications
15 facility on the property owned by Rocco Viscito at 4235
16 Lewis Avenue, which is in the Rural Agricultural Zoning
17 District. The applicant is requesting a conditional use
18 approval as per ordinance sections 180-20(D)(3) and
19 180-127.1(A)(2)(a)[1](c).

20 The proceedings for this evening, I
21 would -- I expect that we're not going to finish the
22 entire proceeding tonight. The Council is allotting
23 about an hour and a half for tonight's proceedings. And
24 then we will discuss -- we can discuss at the end of the
25 hearing proceedings what additional date -- what the

1 next date would be for the continued hearing.

2 MR. CAROCCI: When did Council decide on
3 an hour and a half?

4 MR. BANONIS: I don't recall voting --

5 MR. CAROCCI: I'm asking you.

6 MR. FREED: You're asking me?

7 MR. CAROCCI: Yeah. When did they
8 decide on an hour and a half?

9 MR. FREED: I don't know when they
10 decided. That's what was communicated.

11 MR. CAROCCI: You're the solicitor.
12 When was that decided?

13 MS. DeLEON: I made that -- Mark and I
14 talked about that. So at this time I'd like to make a
15 motion to --

16 MR. CAROCCI: Solicitor wasn't aware of
17 it?

18 MR. FREED: Solicitor is aware of it.
19 Solicitor said it.

20 MR. CAROCCI: You weren't aware of it
21 before the meeting?

22 MR. FREED: I was --

23 MR. CAROCCI: When did you become aware?

24 MR. BANONIS: Well, why wasn't the rest
25 of Council advised of this time limit for this hearing

1 tonight?

2 MR. FREED: You're asking me?

3 MR. BANONIS: Yes, I'm asking you, I'm

4 asking the president, I'm asking the manager --

5 (multiple voices speaking) -- decision to limit the time

6 to an hour and a half, and that not being communicated

7 to the majority of Council. Why is that?

8 MS. DeLEON: I don't ever recall you

9 referring to me and asking me any questions when you

10 were president.

11 MR. BANONIS: I didn't put a time limit

12 on it. Where there are representatives here from a

13 company, taking time to travel to this community --

14 (Multiple voices speaking.)

15 MR. BANONIS: Sir, don't speak out to me

16 again.

17 MR. CAROCCI: We never had a limit on

18 time for a hearing like this. Ever. So again, who made

19 that decision, and when was it notified to the

20 solicitor, and why wasn't it in the agenda? Those are

21 legitimate questions.

22 MS. DeLEON: Okay. They are questions,

23 so --

24 MR. CAROCCI: They're legitimate

25 questions.

1 MR. BANONIS: (Inaudible.)

2 MR. CAROCCI: Well, I don't know why
3 they can't be answered now.

4 MR. BANONIS: Because they don't want
5 to, Tom.

6 MR. CAROCCI: There's no transparency.

7 MR. BANONIS: Right, there's no
8 transparency, even though they pretend to have
9 transparency.

10 MR. FREED: Have I not answered a
11 question that I was asked?

12 MR. BANONIS: You haven't answered when
13 it was decided and who decided it and why wasn't it
14 communicated to a majority of Council.

15 MR. FREED: I will answer your
16 questions. I don't know when it was decided. I don't
17 know who decided it.

18 MR. BANONIS: So my third question is,
19 why wasn't all of Council notified of this
20 hour-and-a-half time limit? Was the applicant notified
21 of this hour-and-a-half time limit?

22 MS. DURSO: I found out about it just
23 maybe a half hour before.

24 MR. BANONIS: That's nice. Plenty of
25 time to tell your clients who traveled here, and your

1 experts who traveled here, that their time will be
2 limited. Now it's going to cost you more time because
3 you're going to have to travel to another meeting,
4 correct?

5 MS. DURSO: That is correct.

6 MR. BANONIS: Ridiculous.

7 MR. CAROCCI: Where'd you find this guy,
8 Priscilla?

9 MR. FREED: I'm sorry?

10 MR. CAROCCI: Where'd you find him,
11 Priscilla?

12 MS. DeLEON: I can't hear you.

13 MR. CAROCCI: Why did you find this --

14 MR. FREED: What is it --

15 MR. CAROCCI: I'm asking Priscilla.

16 MS. DeLEON: I didn't hear what you said
17 still.

18 MR. CAROCCI: Where did you find him?

19 MS. DeLEON: Find who?

20 MR. CAROCCI: The solicitor.

21 MS. DeLEON: That's not relevant to
22 tonight's --

23 MR. BANONIS: Ask the township manager
24 the question. The question to the township manager is,
25 why didn't you communicate that on the agenda --

1 MS. OPTHOF-CORDARO: May I make a motion
2 to end this debate? I'm making a motion to end this
3 debate.

4 MR. CAROCCI: It's a legitimate
5 question.

6 MS. RAY: I'll second that.

7 MR. BANONIS: Folks, here's transparency
8 at work.

9 MS. DeLEON: You know what, you keep
10 interrupting me, Jason.

11 MR. BANONIS: What are you gonna do
12 about it?

13 MS. DeLEON: I was going to ask you --

14 MR. BANONIS: Go ahead.

15 MS. DeLEON: I'm not going to gavel you.

16 MR. BANONIS: You're waving your hand
17 around -- (multiple voices speaking).

18 MS. DeLEON: You know what, you're
19 really being rude and it's really uncalled for. And we
20 need to follow our resolution that we passed, not only
21 for the residents to follow but also for the people up
22 here.

23 MR. BANONIS: How about you communicate
24 to the Council that you put a self-imposed time limit on
25 this hearing where these folks are here? How about we

1 just start with that? You want to talk about fairness?

2 MS. DeLEON: (Banged gavel.) All right,
3 Jason.

4 MR. BANONIS: What are you gonna do
5 about it?

6 MS. DeLEON: Okay. Let's go into
7 recess. I make a motion -- (multiple voices speaking)
8 -- there's a motion on the floor.

9 MS. OPTHOF-CORDARO: I renew my motion
10 to end this debate.

11 MS. DeLEON: Okay. We have two motions.
12 All right. Go ahead. Roll call, please.

13 MR. HUDSON: Ms. DeLeon, how do you
14 vote?

15 MS. DeLEON: I vote yes.

16 MR. HUDSON: Mr. Banonis?

17 MR. BANONIS: What's the vote?

18 MR. HUDSON: To end argument.

19 MR. BANONIS: I'm not arguing about
20 anything. I'll abstain from the vote.

21 MS. DeLEON: Stop interrupting the
22 manager until --

23 MR. BANONIS: In the middle of the roll
24 call, he called me, and I said I'm going to abstain from
25 the vote. You want me to answer his question? Let me

1 for a recess. Is there a second?

2 MS. OPTHOF-CORDARO: I'll second it.

3 MS. DeLEON: Roll call, please?

4 MR. HUDSON: Mr. Banonis, how do you
5 vote?

6 MR. BANONIS: No.

7 MR. HUDSON: Ms. Opthof-Cordaro?

8 MS. OPTHOF-CORDARO: With regret to the
9 public who's here and the applicant who's here, because
10 I would like to move forward, but I will recess so we
11 can hopefully...

12 MR. HUDSON: Mr. Carocci?

13 MR. CAROCCI: No.

14 MR. HUDSON: Ms. Ray?

15 MS. RAY: Yes, let's pause.

16 MR. HUDSON: Ms. DeLeon?

17 MS. DeLEON: Yes.

18 MR. HUDSON: Motion passes.

19 MS. DeLEON: Okay. Well, we'll just sit
20 here until we behave like adults.

21 MR. CAROCCI: An adult would have given
22 notice to the applicant more than a half hour before the
23 hearing.

24 MS. DeLEON: We're in recess so you're
25 not being recognized.

1 (Multiple voices speaking.)

2 (A short break was taken.)

3 MS. DeLEON: Okay. I'd like to
4 reconvene the meeting, and the time is 6:54.

5 MR. BANONIS: Let the record reflect
6 that Mr. Carocci stepped away during the recess and
7 hasn't been notified that the meeting is being
8 reconvened. I believe he went to the men's room.

9 MS. DeLEON: Would you continue, please,
10 Mr. Solicitor?

11 MS. DURSO: He's in the hallway.

12 MS. DeLEON: Could somebody step outside
13 and tell him -- thank you.

14 (Mr. Carocci entered the meeting room.)

15 MR. CAROCCI: So are you going to
16 apologize for not giving us notice about this
17 hour-and-a-half limit?

18 MS. DeLEON: You're out of order.
19 You're not being recognized. The meeting has been
20 reconvened, and the time is now -- I'm going to go by
21 that clock over there -- 6:59.

22 MR. CAROCCI: Did we vote on the --

23 MS. DeLEON: You're not recognized to
24 speak. Pay attention. You know how the meetings run.

25 MR. CAROCCI: I have attention deficit

1 disorder, I'm sorry.

2 MS. DeLEON: I apologize. Okay. So,
3 again, I'm going to let you have the floor.

4 MR. FREED: With regard to the timing
5 and the hearing, given that there's been questions
6 raised about the timing and the amount of time, I was
7 asked to explain how the Municipalities Planning Code
8 works with regard to conditional uses, so that there's
9 at least an understanding by Council as to how much time
10 they had to actually complete the hearings.

11 So under the Municipalities Planning
12 Code, a conditional use is to be convened within 60 days
13 of the application. That's the first hearing. Hearing
14 can be called; hearing can be adjourned. As long as
15 heard within 60 days, it's compliant. It can also be
16 extended by the applicant.

17 Once the hearing has been convened,
18 Council has a hundred days to complete the applicant's
19 case-in-chief. There should not be more than 45 days
20 between hearings; and upon the applicant's request, the
21 applicant should have at least seven hours to give
22 testimony. Again, the applicant can extend the hundred
23 days; the applicant can extend the 45 days. I don't
24 expect that the seven-hour issue is going to be an
25 issue.

1 Once the applicant completes their case,
2 the objectors, whoever has party status, if there is
3 anyone with party status, and anyone opposing it also
4 has a hundred days to complete their case, again, unless
5 extended. I am familiar with the case a little bit
6 south of here in the Springfield Township that I believe
7 took about three years to complete, a conditional use
8 matter.

9 So, and then that's what the
10 Municipalities Planning Code says as far as timing goes
11 for conducting a conditional use hearing.

12 MR. CAROCCI: What does any of that have
13 to do with an hour-and-a-half time limit?

14 MS. DeLEON: You need to be recognized.

15 MR. CAROCCI: Can I be recognized? What
16 does any of that have to do with the hour-and-a-half
17 time limit tonight? What does any of that have to do
18 with the hour-and-a-half time limit tonight? Nothing.

19 MS. DeLEON: We're moving on --

20 MR. CAROCCI: Can you answer my
21 question? Is he incapable of that? Is he incompetent?

22 MR. FREED: Yeah, I can answer your
23 question. The very first thing I said -- I'm sorry,
24 maybe I said it too quickly. But the very first thing I
25 said was that a meeting can be called and, frankly,

1 immediately adjourned, and it's still compliant with the
2 Municipalities Planning Code. So I don't know if
3 there's a claim that we're not doing this in accordance
4 with the Municipalities Planning Code?

5 MR. CAROCCI: Well, I mean --

6 MR. BANONIS: I think you're stringing
7 along the applicant to make them come to multiple
8 meetings, to waste their time and money so they can't
9 have a decision on this. That's my opinion.

10 MS. DeLEON: Let the record reflect the
11 opinion of Mr. Banonis.

12 MR. CAROCCI: I would argue from a
13 transparency point of view. Why weren't they told prior
14 to a half hour before the meeting, and why wasn't the
15 rest of Council told? Why was it just simply put on the
16 agenda on Friday that this would be an hour-and-a-half
17 hearing? Problem solved. Why wasn't it done?

18 MS. DeLEON: And in future, it will be.

19 MR. CAROCCI: So just say you made a
20 mistake and apologize so we can move on.

21 MS. DeLEON: I'm not apologizing for
22 anything.

23 MS. DURSO: Can I be recognized and
24 suggest that we at least start the process? I think
25 there's some procedural things that --

1 MS. DeLEON: We can't hear you.

2 MS. DURSO: Oh. I said if I could be
3 recognized, I would like us just to start the process.
4 I think there's some procedural things we're going to
5 need to hit that are going to take some time. I'm
6 inclined to just move forward, if we may, as the
7 applicant's counsel.

8 MR. FREED: Yeah, since you're raising
9 the issue, just to complete the record, you had reached
10 out to me, I think, this afternoon, maybe?

11 MS. DURSO: Yes.

12 MR. FREED: Earlier this afternoon, just
13 to talk about the process and procedure.

14 MS. DURSO: That is correct, yes.

15 MR. FREED: So initially what I'd like
16 to do, having discussed the timing, the Council has a
17 number of exhibits that I'd like to mark for the record.
18 I have provided counsel for the applicant with a copy of
19 the exhibits.

20 Council Exhibit 1 is the conditional use
21 submissions from the applicant.

22 Council Exhibit 2 is the public notice
23 and proof of advertising.

24 Council Exhibit 3 is the Lower Saucon
25 Township conditional use public hearing posting.

1 Council Exhibit 4 is the affidavit of
2 posting.

3 Council Exhibit 5 is the affidavit of
4 mailing.

5 Council Exhibit 6 is the Hanover
6 Engineering review letter.

7 Council Exhibit 7 is the Lower Saucon
8 Township Planning Commission motion with regard to this
9 conditional use application.

10 And Council Exhibit 8 is a Zoning
11 Hearing Board decision from November 17, 2024, related
12 to Rocco and Heather Viscito.

13 Does the applicant have objection to any
14 of the exhibits?

15 MS. DURSO: The applicant takes issue
16 with Exhibit C-8, the Zoning Hearing Board decision,
17 just being submitted without the context of the exhibits
18 and other documentation related to that zoning appeal.

19 MR. FREED: Okay. So what we'll do is,
20 for this evening, we'll admit Exhibits C-1 through C-7,
21 and we will withhold, make no ruling with regard to C-8.

22 MS. DURSO: Thank you.

23 MR. FREED: So the next step in this
24 process is to see if there's any folks out there that
25 would like to have party status in this proceeding.

1 Just a brief explanation, party status
2 is available to people who might be impacted by the use
3 at issue in the application. What party status does, is
4 it allows you to fully participate in the hearing. You
5 have the ability to present your own case. You have the
6 ability to present your own evidence. You have the
7 ability to cross-examine other parties' witnesses. It
8 also provides you with at least the ability to appeal to
9 the Court of Common Pleas if you're unhappy with the
10 results of the Council's decision on the conditional use
11 hearing.

12 I will note that just because you're
13 given party status before this Council doesn't
14 necessarily mean that the Court of Common Pleas is going
15 to give you party status. The standards are a little
16 bit more rigorous in front of the Court of Common Pleas.
17 However, if you don't have party status here, you're
18 essentially waiving your ability to have party status in
19 front of the Court of Common Pleas.

20 That all said, you do not need to be a
21 party to comment. There will be an opportunity at the
22 end of the hearing, which may not be tonight because the
23 hearing may continue beyond tonight. There will be an
24 opportunity at the end of the hearing for people to
25 comment who don't have party status. So if that's the

1 issue and you want to make sure that your voice is heard
2 and you have an opinion about this, you do not need
3 party status. There will be an opportunity at the end
4 of the hearing proceedings to make a comment.

5 So all that said, does anyone here
6 tonight seek party status?

7 MR. DESCHLER: Mr. Freed, my name is --
8 and Ms. DeLeon -- you can't hear me?

9 My name is Michael Deschler. I'm an
10 attorney in Bethlehem, Pennsylvania. My address is 44
11 East Broad Street, Suite 210, Bethlehem, PA 18018. I am
12 here representing Danielle Yanchuk, Bilal Khan, and
13 Russell Sutton, all of whom are property owners in the
14 immediate vicinity of the proposed cell tower.

15 MR. FREED: Can I ask you to spell your
16 clients' names and give me their addresses?

17 MR. DESCHLER: I can spell their names.

18 MR. FREED: Okay. Will you be
19 presenting them for testimony with regard to standing?

20 MR. DESCHLER: Yes.

21 MR. FREED: So the names are?

22 MR. DESCHLER: Danielle Yanchuk,
23 Y-a-n-c-h-u-k.

24 Your address is?

25 MS. YANCHUK: 2148 Saucon Avenue.

1 MR. DESCHLER: 2148 Saucon Avenue,
2 Bethlehem, PA 18015.

3 Russell Sutton, S-u-t-t-o-n.

4 MR. SUTTON: 2133 Saucon Avenue,
5 Bethlehem, PA.

6 MR. DESCHLER: 2133 Saucon Avenue,
7 Bethlehem, PA 18018 {sic}.

8 I will obtain Mr. Khan's address.

9 MS. YANCHUK: 2153 Saucon Avenue.

10 MR. DESCHLER: 2153 Saucon Avenue,
11 Bethlehem, PA 18015 for Mr. Khan.

12 MR. FREED: Would you like to present
13 testimony with regard to their standing?

14 MR. DESCHLER: Sure.

15 MS. DURSO: I will agree that
16 Mrs. Yanchuk has standing as one of the property owners
17 that received notice within a requisite radius. I would
18 object to the other two having not been in that required
19 radius for receipt of notice.

20 MR. FREED: So we do not need
21 Ms. Yanchuk's testimony, but we will need the other two
22 clients for their standing.

23 MR. CAROCCI: Is Ms. DeLeon's property
24 in the area?

25 MS. DURSO: Yes. I have some questions

1 for her.

2 MR. CAROCCI: Should she recuse herself?

3 MS. DURSO: We can get to that now or we
4 -- let's process that, and then I will be asking some
5 questions of Council.

6 Go ahead, Attorney.

7 RUSSELL SUTTON testified as follows:

8 * * *

9 DIRECT EXAMINATION

10 BY MR. DESCHLER:

11 Q. Would you state your name, please?

12 A. **Russell Sutton.**

13 Q. And where do you reside, Mr. Sutton?

14 A. **2133 Saucon Avenue.**

15 Q. And do you own that property?

16 A. **Yes, I do.**

17 Q. And what is the relative location of that
18 property to the proposed cell tower?

19 A. **Right across the street.**

20 MS. DURSO: Objection. It's not right
21 across the street. The properties right across the
22 street are identified on the map.

23 MARK OZIMEK: Depends where you're
24 putting it. You have three different locations.

25 THE WITNESS: It's perpendicular, but I

1 live real close to Priscilla. I'm her neighbor. So,
2 I'm behind Priscilla, so it affects me.

3 BY MR. DESCHLER:

4 Q. How far do you live from the Viscito
5 property? From the property itself?

6 A. **About maybe three, four hundred feet.**

7 Q. And would the erection of the cell tower in
8 its proposed location have an impact on your property
9 and on you?

10 A. **Yes, it would.**

11 Q. And what do you believe the impact would be?

12 A. **The impact is scenic, one thing. Two, I
13 don't know what the ramifications are of the cell tower.
14 I moved to that area specifically because I didn't want
15 high tension lines or cell towers in my vicinity. And
16 I'm just concerned about it. And also the safety of it.**

17 Q. Would the cell tower be visible from your
18 property?

19 A. **Oh, yeah.**

20 MR. DESCHLER: That's all I have.

21 * * *

22 CROSS-EXAMINATION

23 BY MS. DURSO:

24 Q. What are you basing it on that it's going to
25 be visible from your property?

1 you have to address the Council. Okay, you're not doing
2 that, Tom, so you're not recognized.

3 MR. CAROCCI: Would you recognize me?

4 MS. DeLEON: Well, yes.

5 THE WITNESS: Thirty-five years ago.

6 BY MR. CAROCCI:

7 Q. How many?

8 A. **Thirty-five years ago.**

9 Q. And 35 years ago you were worried about cell
10 phone towers? Thirty-five years ago you were worried
11 about cell phone towers. That's what you said. You
12 said you moved there, I mean, you -- 35 years ago you --

13 MS. DeLEON: You do not badger people --

14 MR. CAROCCI: I'm not. I'm asking him a
15 question.

16 BY MR. CAROCCI:

17 Q. Thirty-five years ago, were you worried about
18 cell phone towers?

19 MS. DeLEON: You're badgering him.

20 BY MR. CAROCCI:

21 Q. Thirty-five years ago, were you worried about
22 cell phone towers?

23 A. **I did not want them in my vicinity. That's**
24 **why I moved there.**

25 Q. Thirty-five years ago?

1 A. **Thirty-five -- because of the scenic value**
2 **where I am. Because of the nature of the forest and the**
3 **stuff that you're destroying on a regular basis.**

4 Q. But I thought it wasn't a cell phone tower;
5 that wasn't your concern?

6 A. **Excuse me?**

7 Q. Thirty-five years ago, a cell phone tower was
8 not your concern?

9 MS. YANCHUK: Power lines too.

10 BY MR. CAROCCI:

11 Q. Right, the power lines, but not the cell
12 phone tower?

13 A. **Anything that would obstruct my view of the**
14 **forest is my concern. Do you understand that? No, I**
15 **guess you don't.**

16 MR. BANONIS: May I be recognized?

17 MS. DeLEON: Can he be recognized?

18 MR. FREED: Yeah.

19 MS. DeLEON: Sure. Go ahead.

20 * * *

21 EXAMINATION

22 BY MR. BANONIS:

23 Q. Isn't there a big water tower that's there as
24 well?

25 A. **The water tower is covered by -- you can't**

1 **see it for the trees, but due to the recent forestry,**
2 **now you can see it.**

3 Q. So there's a water tower that you can see?

4 A. **I know there's a water tower, but the water**
5 **tower's not as high as the cell tower.**

6 Q. What's the elevation above sea level on top
7 of the water tower?

8 A. **The elevation of the cell tower?**

9 Q. No. The water tower. We're talking about
10 the water tower.

11 A. **Say again?**

12 Q. What's the elevation of the top of the water
13 tower?

14 A. **Probably 60 feet.**

15 Q. Maybe the applicant can answer this question.
16 Maybe you can. I'll ask it to you first. Is the top of
17 the water tower higher than the top of the proposed cell
18 phone tower, if you know?

19 A. **Is the top of the water tower...**

20 Q. Yeah, did you hear me? I said, is the top of
21 the water tower higher than the top of the cell phone
22 tower, if you know?

23 A. **The cell tower's going to be higher than the**
24 **water tower.**

25 Q. Okay. But the water tower doesn't bother

1 you, but the cell phone tower is going to bother you
2 because of the height?

3 A. **The water tower's a necessity because it**
4 **supplies us with water. The cell tower's not a**
5 **necessity.**

6 Q. I didn't ask you about necessities, sir. I
7 asked you -- I didn't ask you about necessities. That's
8 your assessment as to what's necessary and what's not.
9 I'm asking about the elevation, the height.

10 A. **Elevation's about 60 feet. Is that good**
11 **enough?**

12 Q. I don't think you really answered my
13 question, but we'll move on.

14 A. **I did answer it. It's 60 feet tall.**

15 MS. DeLEON: Okay. We're not in court.

16 BY MR. BANONIS:

17 Q. I said in comparison, sir.

18 A. **You're harassing me.**

19 Q. I'm not harassing you. I asked you a
20 question. You chose to come to this meeting, you chose
21 to speak during this meeting, and I have the opportunity
22 to ask you questions. That's the way this works. If
23 you don't want me to ask you questions, don't come here.

24 A. **And I answered your questions.**

25 MS. DeLEON: You're argumentative,

1 Jason.

2 MR. BANONIS: I'm not argumentative.

3 MS. DeLEON: Yes, you are.

4 MR. BANONIS: The gentleman's arguing
5 with me.

6 MS. DeLEON: My opinion is you're
7 argumentative.

8 MR. BANONIS: I'm not asking your
9 opinion.

10 MS. DeLEON: I'm running this meeting,
11 so, all right, you won't be recognized then.

12 MR. BANONIS: Okay. We'll see how that
13 goes.

14 MR. CAROCCI: Well, then we'll just
15 speak.

16 BY MS. DURSO:

17 Q. And on what basis are you saying that your
18 property is 300 to 400 feet away? Because Mrs. DeLeon's
19 house is over 500 feet away from where the monopole is
20 proposed to be located. And if you live on the other
21 side of her, you would be further than that away.

22 A. **I'll still be able to see it.**

23 MS. DURSO: And again, I renew my
24 objection because there's no basis for him of visibility
25 as well as proximity.

1 UNIDENTIFIED SPEAKER: You can see
2 everything with all the logging that happened.

3 MR. CAROCCI: You need to be recognized.

4 UNIDENTIFIED SPEAKER: I'm sorry. I
5 have ADHD.

6 MR. CAROCCI: I understand.

7 MR. FREED: I would recommend that
8 Mr. Sutton be granted party status. We can proceed in
9 allowing him to act as though he has party status and
10 ultimately when the Council issues its decision, we can
11 make the final determination.

12 MS. DURSO: I'm sorry, I didn't hear
13 you.

14 MR. FREED: We can proceed as though he
15 has party status, and then the Council can make that
16 determination when they issue their final decision.

17 MS. DURSO: Okay.

18 MR. FREED: Do you have another witness?

19 MS. DURSO: He is not here tonight.

20 MR. FREED: Okay. So then we're not
21 going to rule on that.

22 MS. DeLEON: Can we wait to do that?

23 MR. FREED: If he appears at the next
24 meeting, he can --

25 MR. DESCHLER: I anticipate that he will

1 be present at the next meeting.

2 MR. FREED: But unless and until that
3 point --

4 MS. DURSO: Well, I'm going to have to
5 object because everybody was given notice to come to
6 tonight's hearing; and for all intents and purposes, I
7 could conclude all my testimony and evidence this
8 evening, in which case Mr. Khan would not be here
9 present to be able to be a party to the matter. So I
10 renew my objection if he's not present this evening to
11 be able to provide documentation or confirmation on the
12 record that he should be given party status, he should
13 not be given party status or an opportunity to come
14 later. He certainly has the ability, as you referenced
15 earlier, to be able to make statements at the end. But
16 I would object to him having party status if he's not
17 present.

18 MR. FREED: We're not going to make a
19 ruling on it tonight, so we can address that at the next
20 hearing.

21 MR. CAROCCI: May I be recognized?

22 MS. DeLEON: Sure, Tom. Go ahead.

23 MR. CAROCCI: I have a question. Did
24 you know that this witness was not going to be here
25 tonight?

1 MR. FREED: Did I know?

2 MR. CAROCCI: Yeah.

3 MR. FREED: How would I know?

4 MR. CAROCCI: Well, did you communicate
5 with Mr. Deschler about this? Is this the reason for
6 the hour-and-a-half time limit? Did you communicate
7 with Mr. Deschler about his witnesses not being
8 available?

9 MR. FREED: I did not.

10 MR. CAROCCI: And needing another
11 meeting?

12 MR. FREED: I did communicate -- with
13 your son?

14 MR. DESCHLER: Yes.

15 MR. CAROCCI: What was the nature of
16 that communication?

17 MR. FREED: The nature of the
18 communication was a letter that he sent to the township
19 requesting that the matter be continued beyond tonight.

20 MR. CAROCCI: And that's when you set
21 the hour-and-a-half limit?

22 MR. FREED: Okay. I understand the ADHD
23 thing, but I think I've said about a dozen times that I
24 did not set the hour-and-a-half limit.

25 MR. BANONIS: Why haven't we seen this

1 letter? This letter requesting that this matter be
2 continued was not provided to the majority of Council.
3 Well, the solicitor apparently received it.

4 MR. HUDSON: I provided it to the
5 solicitor because it was from a lawyer, for the lawyers.

6 MR. CAROCCI: I think I'm still
7 recognized. So instead of the continuance, you just put
8 an hour-and-a-half continuance so he could show up
9 another night. Is that true, Mr. Deschler?

10 MS. DeLEON: We've already addressed
11 that issue.

12 MR. DESCHLER: I'm sorry. So that who
13 could show up another night?

14 MR. CAROCCI: Your witness, Mr. Bilal,
15 is it?

16 MR. DESCHLER: No. My son, who is on a
17 vacation that he takes once a year, requested it so he
18 could be present. It had nothing to do with Mr. Khan.

19 MR. CAROCCI: Okay.

20 MS. DURSO: And that is what the letter
21 said?

22 MR. DESCHLER: Yes.

23 MR. FREED: That's what the letter said,
24 and I responded to the letter, and you were copied on
25 that.

1 MS. DURSO: I did receive a copy.

2 MR. FREED: And my response to the
3 letter was I was not going to make any determination
4 about a continuance or -- well, I said it's noticed and
5 we're moving forward. But as far as whether or not
6 we're going to complete the hearing tonight or another
7 night, that would be something that would be discussed
8 at the hearing.

9 MS. DURSO: That is exactly what your
10 response was.

11 MR. FREED: Thank you.

12 MS. DeLEON: The record's straight on
13 that. Okay. Can we continue?

14 MR. FREED: I believe we're done with
15 the party status, so I will turn it over to the
16 applicant.

17 MS. DURSO: Okay. So nobody else raised
18 their hand?

19 MR. FREED: Oh, I'm sorry. Is there
20 anyone else who is seeking party status? No? Okay.

21 MS. DURSO: So let the record reflect
22 that there's only three individuals seeking party
23 status.

24 MR. FREED: There's only three
25 individuals seeking party status. One you've consented

1 to -- oh.

2 (Sonja Miller approached.)

3 MS. MILLER: My name is Sonja Miller. I
4 live at 2116 Saucon Avenue. My property does not meet
5 with the Viscitos. But I did receive a letter from
6 their lawyer to come to the meeting. So if Russell
7 lives closer than I do, why did I receive a letter from
8 their lawyer?

9 MS. DURSO: The notifications were based
10 on GIS from the county, and the county spits out who's
11 in that geographic area, and we have to use the mailing
12 addresses that are based on that according to the
13 ordinance. So I can't answer the question except to say
14 that the GIS has identified that property owner's
15 property to be within the requisite radius.

16 MS. MILLER: Russell's property is
17 closer than mine.

18 MR. FREED: Are you seeking party
19 status?

20 MS. MILLER: Yes.

21 MR. FREED: And can you spell your last
22 name for me?

23 MS. MILLER: It's Miller. And the first
24 name is Sonja, S-o-n-j-a.

25 MR. FREED: Given that Ms. Miller

1 received written notice, do you have any objection?

2 MS. DURSO: I do not have any objection.

3 MR. FREED: You have party status.

4 MS. MILLER: Thank you.

5 MS. OPTHOF-CORDARO: May I be

6 recognized?

7 MS. DeLEON: Sure.

8 MS. OPTHOF-CORDARO: This question is
9 for our engineer. Are you able to pull up -- is there a
10 way to pull up a map of Saucon Avenue to just identify
11 the location of the proposed objectors?

12 MR. KOCHER: I don't have any way of
13 doing it, right now.

14 MS. OPTHOF-CORDARO: Okay. Maybe
15 pending the length of this hearing, if we do extend
16 beyond to another hearing, as Council, I would like to
17 see what the location is of the applicant vis-à-vis the
18 four proposed objectors --

19 MS. DURSO: If I may, it is -- the map
20 is in the township's packet. It was attached to the
21 affidavit of mailing. I didn't mean to interrupt, but I
22 was trying to draw your attention --

23 MS. OPTHOF-CORDARO: Thank you. Do you
24 know what exhibit that is?

25 MS. DURSO: So that is part of the C-5,

1 affidavit of mailing. That is the map that the GIS gave
2 us from --

3 MS. OPTHOF-CORDARO: Just give me a
4 moment. I'm just trying to figure out --

5 MS. DURSO: Sure. It's the page right
6 before the cover page saying Exhibit C-6.

7 MS. OPTHOF-CORDARO: Okay. You said the
8 notice of public hearing is just after that?

9 MS. DURSO: So it's the affidavit of
10 mailing, which is C-5, and the last --

11 MS. OPTHOF-CORDARO: C-5. I'm sorry.
12 I'm just trying to -- my packet is sticking together.

13 MS. DURSO: No, that's fine. This is
14 the cover -- the cover page that says Exhibit C-6, it's
15 the page immediately before that.

16 MS. OPTHOF-CORDARO: Okay. I'm getting
17 close. I promise.

18 MS. DURSO: No, no, no. And it looks
19 like this. And just while you're finding it, what
20 happens is you're required to go on the Northampton
21 County GIS map, and you identify the property that's the
22 subject of the hearing, and then it provides you with a
23 radius, and then provides the addresses and the tax
24 parcel numbers of those properties.

25 MS. OPTHOF-CORDARO: Okay. Is it

1 possible to show that exhibit to Mr. Sutton?

2 MS. DURSO: Well, I can tell you that
3 Mr. Sutton lives on the other side of the cul-de-sac, so
4 he would not be within that radius.

5 MS. DeLEON: Number 2.

6 MS. OPTHOF-CORDARO: Okay. So
7 Ms. DeLeon's identified number 2. Can you look at
8 number 2 and see if -- will you agree that number 2 is
9 in fact Mr. Sutton's property?

10 MS. DURSO: I can't tell you on this
11 which one he is, but I know he is on the other side of
12 the cul-de-sac, as is Mr. Khan.

13 MS. OPTHOF-CORDARO: Can we show this to
14 Mr. Sutton?

15 (Mr. Sutton reviewed the exhibit.)

16 MS. DURSO: Can we go off the record?

17 MR. FREED: Off the record.

18 (Discussion off the record.)

19 MS. DURSO: Number 2 on that tax map is
20 Mr. Sutton's property as he just identified.

21 MS. OPTHOF-CORDARO: Okay. Does your
22 township staff have the ability to pull this up to show
23 on the big screen?

24 MR. HUDSON: I don't think I have that.

25 MS. OPTHOF-CORDARO: I don't want to go

1 through all that. Maybe if it's okay, we can just have
2 it marked, like with an X or something, or let the
3 record reflect that number 2 on this map that's part of
4 Exhibit -- C-5? C-5 or C-6?

5 MS. DURSO: C-5.

6 MS. OPTHOF-CORDARO: C-5. So the
7 colored map on C-5 that depicts all of the residents
8 within this radius, there are numbers on each property
9 parcel and that everybody's agreeing that parcel number
10 2 is in fact Mr. Sutton's property. I think that would
11 be sufficient. If we could just make that part of
12 record, if that's okay?

13 MS. DURSO: I don't have an objection.
14 I know that he lives on that cul-de-sac. I just didn't
15 know which parcel.

16 MS. OPTHOF-CORDARO: Okay. And then
17 Ms. -- I'm sorry. The last name of the last objector?

18 MS. MILLER: Miller.

19 MS. OPTHOF-CORDARO: Ms. Miller. And
20 Ms. Miller was within?

21 MS. DURSO: Yes.

22 MS. OPTHOF-CORDARO: Was within, so
23 you're not objecting to her status?

24 MS. DURSO: I did not.

25 MS. OPTHOF-CORDARO: Okay. And we don't

1 know Mr. Khan's parcel number?

2 MS. DURSO: I know that Mr. Khan is
3 either 3, 4, 5 or 6. Sorry.

4 MS. OPTHOF-CORDARO: Okay. So that
5 narrows it down for for me. Thank you.

6 MS. DURSO: I know he's on the other
7 side of the cul-de-sac, but I don't know which one.

8 MS. OPTHOF-CORDARO: Okay. Thank you.

9 MR. SUTTON: I can identify Sonja's --

10 MS. OPTHOF-CORDARO: I don't have any
11 other questions. I just -- I thought that would be
12 helpful for my understanding.

13 MR. SUTTON: Oh, Mr. Khan's right here.

14 MS. DURSO: Mr. Khan is number 5.

15 MS. OPTHOF-CORDARO: Is number 5? So
16 everybody's agreeing that Mr. Sutton is number 2 and
17 Mr. Khan is number 5? Okay.

18 MS. DURSO: Thank you, Mr. Sutton.

19 MS. OPTHOF-CORDARO: That's all the
20 questions I have. Thank you, Ms. DeLeon.

21 MS. DeLEON: Okay. Can we continue with
22 the hearing, please?

23 MS. DURSO: Okay. I have to preserve
24 for the record the fact that Ms. DeLeon lives across the
25 street. She is an immediate property owner. And I

1 would ask whether you are in a position to need to
2 recuse yourself if you are going to be biased in
3 rendering a decision on the conditional use request that
4 is going to be ultimately decided by this Council. And
5 the reason I have to ask is I need to preserve it for
6 the record.

7 MS. DeLEON: I understand. I've been
8 here a long time. I understand. Okay. So my process
9 is to call the State Ethics Commission, explain to them
10 the situation, and they issued an advice for me. And
11 I'm allowed to participate in these hearings.

12 MR. BANONIS: May I see that?

13 MS. DeLEON: Absolutely. Public record.

14 MS. DURSO: And just if I can say,
15 though, the state ethics would be looking at whether or
16 not you have a pecuniary interest in the matter, which
17 you likely would not have a pecuniary interest, because
18 you would not be paid for a legal interest. My question
19 to you is whether you would be biased in rendering a
20 decision when a communications tower is proposed
21 immediately across the street from you. It's different
22 than a state ethics making a determination as to whether
23 or not you have an interest that would be involved in
24 the granting or denial of a conditional use request.
25 This is more of whether there would be a bias in you

1 rendering a decision in the matter.

2 MR. FREED: So can I -- just for
3 clarity. So you're not saying it's -- the claim is not
4 based on the ethics code? It's based on a generalized
5 bias?

6 MS. DURSO: Yes. I mean, I guess it
7 could potentially become a pecuniary interest if there's
8 going to be an argument made as to whether or not the
9 wireless communication facility is going to have an
10 adverse impact on property values, in which case there
11 is a value associated with Ms. DeLeon's property. So
12 that is going to be part of the argument presented.
13 Then I would argue that she also then has a pecuniary
14 interest because she could be adversely affected.
15 Obviously that's not the argument I'm going to make, but
16 if that's an argument that's going to be made or
17 presented by Ms. DeLeon, that her property is going to
18 be negatively impacted by the tower, it would be a
19 pecuniary interest.

20 MS. DeLEON: Okay. On January 2nd, I
21 took an oath of office, and I swore to uphold the truth
22 and whatever else I -- I don't know, we just heard the
23 oath tonight. And I look at each case and I don't have
24 a bias, and it is what it is. So I don't.

25 MS. DURSO: But would there have been a

1 reason why then, when Mr. Viscito's property was before
2 Council back in, whatever it was, 2004, and in that case
3 you made a determination that you needed to recuse
4 yourself in the deter --

5 MS. DeLEON: I don't think I recused
6 myself. I voted on that.

7 MS. DURSO: You voted on -- I believe
8 that the minutes show that you said you should not be
9 involved in the determination of whether or not there
10 should be an objection made at the hearing.

11 MS. DeLEON: I don't recall. I would
12 have to see the minutes. I don't recall that. So, I
13 don't recall that. And that's a different situation.

14 MS. DURSO: Well, it's a zoning matter
15 involving the same property, and you did appear as an
16 interested party in Mr. Viscito's zoning board hearing.

17 MS. DeLEON: I'd have to see the
18 minutes. I don't recall. That was a long time ago.

19 MS. DURSO: It was a long time ago.

20 MR. BANONIS: Can I ask a question?

21 MS. DeLEON: I'm speaking with Ms. Durso
22 right now.

23 MR. BANONIS: Let me know when you're
24 done.

25 MS. DURSO: Again, I just have to

1 preserve for the record --

2 MS. DeLEON: No, I understand, totally.
3 And I want the record to reflect that I'm not biased.

4 MS. DURSO: I have no questions of
5 Ms. DeLeon, but if Mr. Banonis does. Or do you have a
6 question for me, Mr. Banonis, or Ms. DeLeon?

7 MR. BANONIS: I just have a general
8 question. Maybe somebody can answer this. May I be
9 recognized?

10 MS. DeLEON: Absolutely.

11 MR. BANONIS: Thank you. What changed
12 from 2004 when you had a conflict that you identified
13 that prevented -- hold on, I'm not done asking the
14 question -- that indicated you had a conflict then and
15 you recused yourself, and now in 2024 where you perceive
16 that you don't have that same conflict? What's the
17 difference?

18 MS. DeLEON: I don't recall, Jason. I
19 just said that. Didn't you listen?

20 MR. BANONIS: I understand you don't
21 recall having recused yourself, but I'm saying let's
22 assume that you did. Let's assume that what --

23 MS. DeLEON: No, we can't assume. I'm
24 not answering any more questions.

25 MR. BANONIS: Let me finish the

1 question. Ms. Durso, I'm sure you have some record that
2 reflects this, right? We're not making these things up.
3 You're a member of the bar. You're here --

4 MS. DURSO: Yes. I have not been able
5 to locate all of the minutes, but I do have the minutes
6 from the zoning board hearing, in which case Ms. DeLeon
7 --

8 MR. BANONIS: I was chair of the matter
9 at the time.

10 MS. DURSO: I think you were, and that
11 she participated as an interested party in the matter
12 and provided testimony, at least according to the
13 minutes.

14 MR. BANONIS: All right.

15 MR. CAROCCI: May I be recognized?

16 MS. DeLEON: Sure, Tom.

17 MR. CAROCCI: All right. We had a
18 Planning Commission meeting on this in December. You
19 were there, Ms. Durso?

20 MS. DURSO: Yes.

21 MR. CAROCCI: And Ms. DeLeon spoke as a
22 resident and said that this would adversely affect her
23 property value. Remember she spoke as a resident, not
24 as a Council member. And she said at that meeting that
25 it would adversely affect her property value. And she

1 was against it. So she's already showed her bias prior
2 to this hearing because she spoke at a public meeting, a
3 Planning Commission meeting, where she showed her bias.
4 She said she's against it because it would adversely
5 affect her property.

6 MS. DURSO: I don't recall exactly what
7 she said, but she was present there and she did advise
8 Planning Commission that she was there as, I believe as
9 a citizen, yes? I don't want to put words in her mouth.
10 I don't know exactly what she said.

11 MR. CAROCCI: Well, she spoke negatively
12 about the project; would you classify it as that?

13 MS. DURSO: I would classify it she
14 didn't speak positively about it, so I guess you could
15 infer the opposite.

16 MR. CAROCCI: So there's a negative bias
17 there?

18 MS. DURSO: It's up to Mrs. --

19 MR. CAROCCI: Well, how could someone in
20 December speak negatively about a cell phone tower or a
21 process and then when the hearing starts, saying they
22 are unbiased and willing to listen to all the hearing
23 testimony and come to an unbiased decision? How can you
24 be biased two weeks ago, three weeks ago, four weeks
25 ago, expressing a negative opinion against this project,

1 and then sit at a hearing and say you're unbiased,
2 you're willing to listen to all the testimony from
3 Mr. Deschler's clients and from the applicant as
4 unbiased? How does that work?

5 MS. DURSO: That really is not for me to
6 make --

7 MR. CAROCCI: Mr. Solicitor, how does
8 that work? Are you allowed to be biased at one meeting
9 but unbiased at other meetings?

10 MR. FREED: I will tell you, I find it
11 somewhat ironic that we're talking about bias when we
12 seem to have clearly drawn lines based on the questions
13 and the arguments that are being made from this case.

14 MR. DESCHLER: Madam President, may I
15 briefly address this?

16 MR. CAROCCI: Do you understand my
17 point, sir?

18 MR. FREED: No.

19 MR. CAROCCI: So public statements at a
20 Planning Commission meeting, what do they mean in the
21 context of this hearing? Anything?

22 MR. FREED: Well, here's the good news.
23 There's not going to be a vote tonight, so we don't have
24 to make a determination on whether or not she needs to
25 vote or not vote.

1 MR. CAROCCI: Right.

2 MS. DeLEON: And I'm voting.

3 MR. CAROCCI: What about even conducting
4 the hearing? Should someone with bias even be allowed
5 to conduct the hearing?

6 MR. FREED: She can conduct the hearing.

7 MR. CAROCCI: In your opinion?

8 MR. FREED: Correct.

9 MS. DeLEON: Okay. Sir? Mr. Deschler?

10 MR. DESCHLER: Section 603 of the Second
11 Class Township Code provides in part, "A member of the
12 board shall not be disqualified from voting on any issue
13 before the board solely because the member has
14 previously expressed an opinion on the issue in either
15 an official or unofficial capacity." That's your Second
16 Class Township Code.

17 MR. CAROCCI: Thank you.

18 (Applause.)

19 MR. CAROCCI: Thank you. I appreciate
20 that. And I've worked with Mr. Deschler over the years,
21 and I appreciate that. He's always prepared. I would
22 love to have heard that from our solicitor, that the
23 township taxpayers are paying, but apparently that's
24 beyond him. But thank you, Mr. Deschler, for that
25 excellent explanation.

1 MR. FREED: Now that Mr. Deschler has
2 said that, I guess I'm not going to change my mind and
3 go with the same answer I already gave. Thank you, sir.

4 MS. DURSO: And again, my question was
5 to ask whether you could make a decision and not be
6 biased. And that was the intent of my question, which
7 you have answered.

8 MR. CAROCCI: Thank you for being
9 prepared, Mr. Deschler. I appreciate it. Maybe we
10 should have hired you --

11 MR. DESCHLER: The credit goes to my
12 son.

13 MR. CAROCCI: Thank him for me. Perhaps
14 we should have hired you as solicitor.

15 MR. BANONIS: May I be recognized?

16 MS. DeLEON: Sure, Jason.

17 MR. BANONIS: Ms. Durso, have you seen a
18 copy of this December 27, 2023, letter that Mrs. DeLeon
19 has referenced as providing advice to her by the State
20 Ethics Commission?

21 MS. DURSO: I have not. I have not. I
22 believe I asked for it at one of the Council meetings,
23 but I was not provided it.

24 MS. DeLEON: I have two opinions from
25 the State Ethics.

1 MR. BANONIS: I'm not done. This one is
2 dated December 27, 2023. This seems to be a newer one.
3 There was an earlier one that came up when you were
4 before us, I believe in October?

5 MS. DURSO: I believe so, yes.

6 MR. BANONIS: Do you have that one?

7 MS. DURSO: I don't have either one.

8 MR. BANONIS: You don't have either one?

9 MS. DURSO: I don't have either one. I
10 was aware that a statement was made at the October
11 Council --

12 MR. BANONIS: So Ms. DeLeon is asking
13 you to take her word, based upon her reading and
14 interpretation of this, that that's what it says? You
15 haven't seen the actual documents themselves?

16 MS. DURSO: I have not. If we could, I
17 wouldn't mind getting copies of both of those, and then
18 -- because obviously we're not going to conclude this
19 evening -- and I will review them.

20 MR. BANONIS: You may want to send a
21 right-to-know request because it seems to be very
22 difficult getting information out of this Council.

23 MS. DeLEON: Okay. I was going to
24 volunteer this as exhibits, but I'm not familiar with
25 the process; I didn't know how to do that. So I have

1 both of them right here, the conditional use for the
2 variances, which I don't think is appropriate for
3 tonight's meeting. But I do have the new one with the
4 conditional use that I called and got it. So I, you
5 know, thought ahead and I'm prepared.

6 MS. DURSO: That's fine. If
7 Mr. Freed -- if Attorney Freed could email that to me at
8 his convenience.

9 MR. FREED: Why don't we mark those as
10 Council Exhibit 9 and Council Exhibit 10 and we will
11 provide copies.

12 MS. DURSO: Yeah, I guess I have to
13 object to the point I haven't seen them.

14 MS. DeLEON: Why are you objecting?

15 MS. DURSO: I haven't seen them yet. I
16 can't allow something to come in without seeing them.

17 MR. FREED: We'll mark them as C-9 and
18 C-10 and without admitting them, and then we can address
19 that in the future.

20 MS. DURSO: That would be wonderful.
21 Thank you.

22 MS. DeLEON: You want both of them,
23 right?

24 MS. DURSO: It's up to you what you want
25 to put into the record.

1 MS. DeLEON: It's a public record.

2 Anybody can get them from the Ethics Commission.

3 Okay. Can we continue? Because the
4 time is ticking and I have marked down 7:05 as when we
5 started this.

6 MS. DURSO: Okay. 7:05, so I have till
7 8:30?

8 MS. DeLEON: Yes.

9 MR. CAROCCI: I'll make a motion to
10 extend it by a half an hour. Give two hours for the
11 hearing.

12 MR. BANONIS: I'll second.

13 MR. CAROCCI: Motion on the floor.

14 MS. DeLEON: Roll call, please.

15 MR. HUDSON: Ms. Opthof-Cordaro, how do
16 you vote?

17 MS. OPTHOF-CORDARO: No.

18 MR. CAROCCI: It's a peace offering, all
19 right?

20 MR. HUDSON: Mr. Carocci, how do you
21 vote?

22 MR. CAROCCI: Yes.

23 MS. DeLEON: Ms. Ray, how do you vote?

24 MR. CAROCCI: Half an hour.

25 MS. RAY: No.

1 MR. HUDSON: Ms. DeLeon, how do you
2 vote?

3 MS. DeLEON: No.

4 MR. HUDSON: Mr. Banonis?

5 MR. BANONIS: Yes.

6 MR. HUDSON: Motion fails.

7 MS. DeLEON: Okay. So we just wasted a
8 couple minutes. I'm sorry, Kate.

9 Okay. So where were we?

10 MS. DURSO: May I proceed with my
11 case-in-chief?

12 MR. FREED: Yes, please do.

13 MS. DURSO: I'm going to present the
14 Board with an exhibit package containing 18 exhibits.
15 I'm going to take them through the various witnesses.

16 (Document distribution.)

17 MS. DURSO: Just for the Board's
18 indulgence -- or Council's indulgence, I have three
19 witnesses with me. The first witness is a site
20 acquisition representative that's going to talk about --

21 MS. DeLEON: Can I have quiet in the
22 room, please, so she can speak, out of respect?

23 MS. DURSO: The site acquisition
24 representative who is going to provide testimony with
25 regard to how this property was determined. We have a

1 civil engineer with us who is going to talk about the
2 specifics of the site. And we have a radio frequency
3 engineer who's going to talk about the radio frequency
4 and how these facilities operate. So I only say that in
5 case you have specific questions, they might be geared
6 to another witness, but we'll take it in kind.

7 Do you want to swear all three witnesses
8 in, if I may?

9 (The witnesses were sworn en masse.)

10 MS. DURSO: Sue, can you come up?

11 SUSAN MANCHEL,

12 having been first duly sworn, testified as follows:

13 * * *

14 DIRECT EXAMINATION

15 BY MS. DURSO:

16 Q. Please state your name for the record.

17 A. **Sue Manchel.**

18 Q. And spell your last name.

19 A. **M-a-n-c-h-e-l.**

20 Q. And, Ms. Manchel, where do you work?

21 A. **Wireless Access Technologies.**

22 Q. And is your company a consultant for Verizon
23 Wireless?

24 A. **Yes.**

25 Q. And are you known in the industry as being a

1 site acquisition consultant?

2 A. **Yes.**

3 Q. Is Verizon Wireless licensed by the FCC to
4 provide wireless services in Lower Saucon Township and
5 the surrounding area?

6 A. **Yes.**

7 Q. I'm going to show you what's marked in the
8 exhibit package as Exhibit applicant's 1. Is applicant
9 1 -- excuse me -- Exhibit 1 copies of the various FCC
10 licenses maintained by Verizon Wireless as either Cellco
11 Partnership or as Verizon Wireless in this geographic
12 area?

13 A. **Yes.**

14 Q. Do these licenses authorize the wireless
15 communications facility that's proposed at the subject
16 property?

17 A. **Yes.**

18 Q. Is the subject property located at 4235 Lewis
19 Avenue?

20 A. **Yes.**

21 Q. And as noted earlier, the owner of the
22 subject property is Rocco and Heather Viscito?

23 A. **Yes.**

24 Q. Have the owners signed a lease agreement with
25 Verizon Wireless authorizing submission for the

1 approvals?

2 A. **Yes.**

3 Q. Was a copy of the redacted lease provided
4 with the conditional use application?

5 A. **Yes.**

6 Q. Is a copy of the lease also included in
7 Council's Exhibit 1, conditional use submission?

8 A. **Can you repeat that?**

9 MS. DeLEON: Can't really hear her.

10 MS. WERKHEISER: Slide the other
11 microphone, the one in front.

12 BY MS. DURSO:

13 Q. I said, was a copy of the redacted lease
14 provided with the conditional use application?

15 A. **Yes.**

16 Q. And is a copy of that redacted lease also
17 included in Council's Exhibit C-1 as part of the
18 conditional use submission?

19 A. **Yes.**

20 Q. With regard to the subject property, it is
21 located within the Rural Agricultural Zone, correct?

22 A. **Correct.**

23 Q. And are tower-based communication facilities
24 permitted by conditional use in this zone?

25 A. **Yes.**

1 Q. Is the subject property over 10 acres in
2 size?

3 A. **Yes.**

4 Q. And what is currently located on the
5 property?

6 A. **A residential home, some additional
7 structures. There's some wooded areas on the property
8 as well.**

9 Q. And why was this property chosen by you on
10 behalf of Verizon Wireless?

11 A. **It was in an area where our RF, our radio
12 frequency engineer wanted us to be. It's located in the
13 RA zone. It's over 10 acres, large enough to make the
14 setbacks, and there's existing dense vegetation on the
15 property.**

16 (Several audience members said, "Was.")

17 MS. DeLEON: Was.

18 MS. DURSO: Okay.

19 MS. DeLEON: Sorry.

20 MS. DURSO: Ms. DeLeon, you just said
21 you were going to be able to not be biased.

22 MS. DeLEON: I'm listening, but I'm not
23 going to sit here and listen to lies.

24 THE WITNESS: I'm not lying.

25 MS. DURSO: Again, I'm going to renew my

1 objection, Ms. DeLeon, if you're going to provide
2 commentary, then you can't be.

3 MS. DeLEON: I'm sorry. I shouldn't
4 have said that.

5 MR. BANONIS: I think it shows the bias.

6 MR. CAROCCI: Yes, shows a bias. She
7 should recuse herself immediately.

8 MS. DeLEON: Address the chair, please.
9 Let Ms. Durso continue.

10 MR. CAROCCI: You're the one that
11 interrupted her.

12 BY MS. DURSO:

13 Q. Why was this specific location on the
14 property selected?

15 A. **It meets the setbacks to the property lines**
16 **and the home.**

17 Q. Will Verizon Wireless maintain the insurance
18 required by the ordinance?

19 A. **Yes.**

20 Q. I'm going to show you what's been marked in
21 the exhibit package as Exhibit A-2. Is Exhibit A-2 a
22 copy of a certificate of liability insurance as required
23 by the zoning ordinance?

24 A. **Yes.**

25 Q. Has the required notice of an emergency

1 contact been provided?

2 A. **Yes.**

3 Q. I'm going to show you what's been marked in
4 the exhibit package as Exhibit 3. Is Exhibit 3 the
5 required contact name and phone number that's required
6 to be at the site?

7 A. **Yes.**

8 Q. And this would be posted at the site in
9 addition to being provided to the township?

10 A. **Yes, it would be posted.**

11 Q. Were you present at the Planning Commission
12 meeting on December 21, 2023?

13 A. **Yes, I was.**

14 Q. And at that time, did the Planning Commission
15 recommend conditional use approval contingent on
16 satisfying the comments in Hanover Engineer's review
17 letter?

18 A. **Yes.**

19 Q. And although I know it's in Council's exhibit
20 package, but for the record is Exhibit 4 in the packet a
21 copy of the recommendation from the Planning Commission?

22 A. **Yes.**

23 Q. And it's dated January 10, 2024, the letter?

24 A. **Yes.**

25 Q. Has compliance with the National

1 Environmental Policy Act commenced as required for a
2 wireless communication facility?

3 A. **Yes.**

4 Q. Does part of that analysis include having a
5 phase 1 environmental assessment completed at the
6 property?

7 A. **Yes.**

8 Q. Does it also include providing various
9 notifications to any Indian tribes that might be
10 affected, the Pennsylvania Historic Museum Commission,
11 and other related entities?

12 A. **Yes.**

13 Q. As required by the ordinance, I'm going to
14 show you what's marked as Exhibit 5. Is Exhibit 5 the
15 relevant portion of the phase 1 confirming the summary
16 and no issues from a phase 1 perspective?

17 A. **Yes.**

18 MS. DURSO: That is all the questions I
19 have of Ms. Manchel.

20 MR. FREED: Cross-examine?

21 * * *

22 CROSS-EXAMINATION

23 BY MR. DESCHLER:

24 Q. Ms. Manchel, just a couple questions.

25 A. **Sure.**

1 Q. You referenced existing intense vegetation at
2 the site?

3 A. **Yes.**

4 Q. When was the last time you were at the site?

5 A. **Um, a few months ago. But we do have -- we**
6 **do have photo sims.**

7 MR. DESCHLER: Can you hear her?

8 MS. DeLEON: She can talk louder.

9 THE WITNESS: We do have photo
10 simulations that we will show you.

11 MS. DURSO: When were they taken?

12 MR. DESCHLER: Wait. It's my turn.

13 MS. DURSO: Oh, sorry. Sorry.

14 BY MR. DESCHLER:

15 Q. Okay. And why is existing intense vegetation
16 a factor in your site selection?

17 A. **It does minimize the visual impact of the**
18 **tower.**

19 Q. Are you aware that significant logging has
20 taken place in this site --

21 A. **Yes.**

22 Q. -- in the last four months?

23 A. **Yes.**

24 Q. Have you witnessed the site post-logging?

25 A. **Like I said, I wasn't there. I was there a**

1 **couple months ago, but we do have photo simulations that**
2 **were done a week ago.**

3 Q. Okay. I understand. But just, you haven't
4 seen the site as it currently exists post-logging,
5 correct?

6 A. **No.**

7 Q. That's all. Thank you.

8 MS. DURSO: Redirect?

9 MR. FREED: I'm going to --

10 MS. DURSO: Or do you want to ask your
11 questions first?

12 MR. FREED: Let's see if Council has any
13 questions, then you can redirect.

14 MS. DURSO: Sure.

15 MR. FREED: Does Council have any
16 questions?

17 MS. OPTHOF-CORDARO: I do have a
18 question. Can I be recognized?

19 MS. DeLEON: Yes.

20 MS. OPTHOF-CORDARO: Okay. Thank you.

21

22 * * *

23 EXAMINATION

24 BY MS. OPTHOF-CORDARO:

25 Q. In going through Exhibit A-1, you talked

1 about -- and forgive me if I get the terminology of this
2 particular expert -- that you were advised that the
3 Viscito property was in the area for a frequency tower
4 that Verizon was looking for. I think you used that
5 terminology. You said that this property was identified
6 as a property within an area?

7 A. **It's in the RA --**

8 MS. DURSO: She's talking about, you
9 testified that the radio frequency engineer identified
10 the area.

11 THE WITNESS: Yes. Radio frequency,
12 yes.

13 MS. DURSO: Sorry. I didn't mean to put
14 words in your mouth.

15 THE WITNESS: Sorry about that. I
16 didn't understand.

17 BY MS. OPTHOF-CORDARO:

18 Q. Sorry.

19 A. **No problem.**

20 Q. So the radio frequency, that's the expert --
21 the radio frequency engineer advised you that the
22 Viscito property was within the area for a cell phone
23 tower; is that right? Am I saying this right?

24 A. **So typically what happens is -- and Andy**
25 **Petersohn will testify to this more specifically, so**

1 -- I think it's about a quarter of a mile. I think.
2 I'm not positive.

3 BY MS. OPTHOF-CORDARO:

4 Q. Okay. So, and maybe the radio frequency
5 engineer can answer that question.

6 A. **Yeah. He can answer it more specifically.**

7 Q. And do you know whether the area included
8 just Lower Saucon or if it included any other
9 municipalities?

10 A. **No. Just Lower Saucon.**

11 Q. It included just Lower Saucon?

12 A. **Yes.**

13 Q. Do you know how the radio frequency engineer
14 comes to determine this area?

15 A. **He's going to have to testify to that.**

16 MS. DURSO: Because it might make it
17 easier, so the radio frequency engineer is going to
18 explain how the technology works, how an area is
19 determined to be needed, how a site then is determined
20 based on what the height needs to be, existing
21 structures and whatnot.

22 MS. OPTHOF-CORDARO: He'll go into all
23 that?

24 MS. DURSO: Yes. She's not trying to
25 not answer your question, but that would be his role.

1 BY MS. OPTHOF-CORDARO:

2 Q. Okay. And you use the information that he
3 provides you to then move to the next --

4 A. **Select a site location.**

5 Q. Okay. How many property owners did you
6 approach for a location?

7 A. **I would say about five, approximately. I**
8 **mean, I can tell you who -- do you want me to tell --**

9 MS. DURSO: Yeah.

10 THE WITNESS: Yeah. So we went to the
11 Bushkill Motorcycle Club.

12 BY MS. OPTHOF-CORDARO:

13 Q. Okay.

14 A. **They were not -- eventually they were not --**
15 **they didn't want a tower on their property. Went to the**
16 **landfill because, as you know, they're expanding or they**
17 **want to expand. They said no. Went to the PP&L**
18 **towers -- PP&L towers, and they're going to replace that**
19 **whole line. So they did not allow us to go on their**
20 **property -- to use the tower. Because sometimes we'll**
21 **use PP&L towers. We don't like to use them. But**
22 **they're replacing those towers, so they said no.**

23 Q. Okay. Would you agree with me that the
24 landfill property, the PP&L property, and the motorcycle
25 club property are all located higher than the Viscito

1 property, like, from, I guess we would call ground level
2 up if you were looking up the mountain?

3 A. **When we went -- when we looked at the**
4 **motorcycle club property, they wanted us near the train**
5 **tracks.**

6 Q. Who wanted you near the train tracks?

7 A. **The motorcycle club. They didn't want us up**
8 **the mountain, because they use that for going up and,**
9 **you know, their motorcycle club.**

10 MR. CAROCCI: To climb.

11 THE WITNESS: Right. To climb.

12 BY MS. OPTHOF-CORDARO:

13 Q. Did your radio frequency engineer specify
14 whether they wanted the tower to be at the railroad
15 track height level or further up the mountain?

16 A. **They approved the location further down.**
17 **They approved the location -- I don't -- yeah, nearest**
18 **to the railroad track.**

19 Q. So you could have a tower that's next to the
20 railroad tracks as opposed to on the Viscito property?

21 A. **It would have been a use variance as well at**
22 **that location. I forget how tall that tower was going**
23 **to be. Had to be much taller than this tower.**

24 Q. Had you approached the fire company?

25 A. **No.**

1 Q. Had you approached any --

2 A. **It's a much smaller property.**

3 Q. Had you --

4 A. **Can I just say one thing?**

5 Q. Sure. Go ahead.

6 A. **Okay. When I look at the ordinance, and the**
7 **ordinance directs me to select a property. So this**
8 **property -- so the ordinance says it has to be over 10**
9 **acres. The fire company is not over 10 acres.**

10 Q. Okay.

11 A. **So I really --**

12 Q. So you were really specifically trying to
13 find 10 acres as a minimum?

14 A. **Yes.**

15 Q. Do you know whether or not there are any
16 ten-acre parcels below the Viscito property?

17 MS. DURSO: I think I'm just going to
18 object because she's not required to exhaust every
19 single property in order to provide for a conditional
20 use. The conditional use criteria is that we meet the
21 ordinance requirements and not that they have to
22 eliminate every single property within the township for
23 availability for a tower.

24 MS. OPTHOF-CORDARO: I'm not making any
25 conclusion as to what the legal standard is. I just

1 would like to know what other properties she sought and
2 whether she is familiar with the other properties within
3 that area.

4 THE WITNESS: I am. I'm very familiar.

5 MS. OPTHOF-CORDARO: So can you repeat
6 the question back to me? I'm sorry. Can you repeat the
7 question back?

8 (The last question was read by the
9 reporter.)

10 THE WITNESS: So when you say below, you
11 mean north?

12 BY MS. OPTHOF-CORDARO:

13 Q. If you are standing at the railroad tracks
14 and everything -- everything at the railroad tracks
15 would be above the railroad tracks. And so if you
16 identify Mr. Viscito's property in relation to the
17 railroad tracks, can you identify anything between the
18 railroad tracks and Mr. Viscito's property that would be
19 at least 10 acres?

20 MS. DURSO: I don't know what she's
21 asking.

22 THE WITNESS: Yeah, I don't really
23 understand what you're asking either. Are you trying to
24 get at, did I look at any other properties over 10
25 acres? Because I don't -- the answer is I don't know.

1 I mean, there's very small -- there's a lot of houses
2 that are next to the railroad tracks. So very small
3 properties. The motorcycle club is the largest
4 property. So I try to look for the largest properties
5 to put these towers.

6 BY MS. OPTHOF-CORDARO:

7 Q. Okay. So just so I'm clear, you're not sure
8 if any of the properties that are in between the
9 railroad tracks and Mr. Viscito's property, you're not
10 sure whether any of those properties are 10 acres?

11 A. **It's not -- I don't think so, no.**

12 Q. Okay. I just want to make sure I understand.
13 You don't think so or you don't know? Which one?

14 A. **No.**

15 Q. No? The answer's just no?

16 A. **Yeah. Just no.**

17 Q. Okay. And you said you had -- going back to
18 my other question, you said you had contacted the
19 motorcycle club and they had to ask that you place the
20 tower at the bottom? Or they said they weren't
21 interested?

22 A. **So here's exactly what happened. I talked to**
23 **-- I wrote down who I talked to. But here's exactly**
24 **what happened. Mr. Heil.**

25 **We went to the property. We actually, what**

1 we do is a design visit. At this design visit, the RF
2 engineer comes, construction people come, the A&E
3 engineer comes -- civil engineer comes to design this
4 site. We design this site. We were moving forward.
5 Then the motorcycle club came back to me and said they
6 were not interested.

7 Q. Okay. And you said that you also went to the
8 landfill?

9 A. **Yes, I did.**

10 Q. Okay. And the landfill, would you agree that
11 that location is above -- their property that they own
12 is above the Viscito property?

13 A. **Yes.**

14 Q. Had you spoken with anybody else that borders
15 the landfill properties?

16 A. **The landfill bought a lot of properties that**
17 **border their landfill. So when you go down Skyline**
18 **Drive, they purchased the majority of those properties.**

19 Q. Okay.

20 A. **So you asked me if I talked to -- I talked to**
21 **one guy who was at his house. He's the one that said he**
22 **just sold his property to the landfill. And I talked to**
23 **the landfill. They indeed confirmed that.**

24 Q. Did you do an investigation to determine what
25 properties were not owned by the landfill --

1 A. **Yes.**

2 Q. -- that were next to the landfill?

3 A. **Yes.**

4 Q. Did you speak with those owners?

5 A. **I sent Mr. Lipinski -- he owns 17.5 acres on**
6 **Skyline Drive. He did not respond.**

7 Q. Okay. So we have Mr. Lipinski, the landfill,
8 the motorcycle club. Who were the other two? I think
9 you said there were five total?

10 A. **The motorcycle club, the landfill, PP&L,**
11 **Lipinskis.**

12 Q. PP&L.

13 A. **There are -- I did look at some other**
14 **properties at, um, north of Skyline Drive. They're**
15 **landlocked, so we couldn't use them. But that -- those**
16 **properties wouldn't have worked for RF anyway, our radio**
17 **frequency engineer anyway. But I did look at them.**

18 Q. And how did you come to that conclusion?

19 A. **Talking to my RF engineer. I keep in touch**
20 **with them all the time.**

21 Q. Can you identify, or maybe it's better for
22 the RF engineer to identify the criteria that they would
23 --

24 A. **Yes.**

25 MS. DURSO: He will testify exactly to

1 the criteria involved in the site selection.

2 MS. OPTHOF-CORDARO: Okay. I don't have
3 any other questions.

4 MS. DeLEON: Okay.

5 MR. CAROCCI: May I be recognized?

6 MS. DeLEON: Tom?

7 * * *

8 EXAMINATION

9 BY MR. CAROCCI:

10 Q. Yeah. So there was some trees cut down on
11 the property in preparation?

12 A. **Yes.**

13 Q. Nothing wrong with that, right?

14 A. **(Nodded head affirmatively.)**

15 Q. I mean, it's not against the law? Cut trees
16 down on your own property?

17 MS. DURSO: You have to answer.

18 THE WITNESS: Yeah, no. No, not at all.

19 BY MR. CAROCCI:

20 Q. Thanks for choosing this site. I wouldn't
21 want to put it on the landfill site. I wouldn't want
22 Miss Petrie to have to look at a cell phone tower.
23 That's all.

24 MS. DeLEON: Okay. Jason?

25 MR. BANONIS: I don't have any

1 questions. I thank you for your testimony.

2 THE WITNESS: Thank you.

3 MS. DeLEON: Laura?

4 MS. RAY: I don't have questions that
5 would be for this type of person that's speaking right
6 now.

7 * * *

8 EXAMINATION

9 BY MS. DeLEON:

10 Q. I just have a couple questions. You had said
11 -- if I could read my writing. I recall reading in the
12 previous application, 'cause I read both of them, that
13 actually it was Mr. Viscito that approached Verizon.
14 That was in the language in the previous application.

15 A. **That is not true.**

16 Q. Well, it was in your application.

17 MS. DURSO: No, it absolutely was not.

18 THE WITNESS: No, he absolutely did
19 not --

20 MS. DeLEON: Okay. I'm just saying what
21 I read. I could swear I read it. Maybe I was wrong.

22 MR. BANONIS: Do you have the document
23 that says that?

24 MS. DeLEON: Not in front of me, Jason,
25 no.

1 BY MS. DeLEON:

2 Q. Pictures. You said a week ago you took
3 pictures. Could you explain when you took the pictures?

4 A. **Photo simulations.**

5 MS. DURSO: The next witness will be
6 providing the photo simulations, which were taken a week
7 ago.

8 MS. DeLEON: Okay. And that's in the
9 packet that you just gave us tonight?

10 MS. DURSO: Yes, it is.

11 MS. DeLEON: Okay. So we're just seeing
12 them -- we didn't even see them yet.

13 MS. DURSO: They are in the packet, just
14 like I didn't see the Council's exhibit till tonight as
15 well. So yes, they are in the package. And the reason
16 we went out and did new photo sims was because when we
17 were at the Planning Commission, there was concern
18 expressed as to the tree removal. So we went out and
19 went above and beyond and got more recent photographs so
20 that we could show what the tower would look like. And
21 we also made sure that we did it in the dead of winter,
22 where you would not have a lot of leaves on these trees
23 that are surrounding it.

24 MS. DeLEON: But you would agree with me
25 then, our regulations say that you're supposed to show

1 current site conditions in your application?

2 MS. DURSO: I does not say have to show
3 current site in the application. It says you're
4 supposed to provide a photo simulation.

5 MS. DeLEON: No, I'm talking in general,
6 the current site conditions. I believe I read that
7 somewhere.

8 MS. DURSO: You provide what -- there's
9 nothing saying you have to have current photo sims.

10 MS. DeLEON: I didn't -- okay.

11 MS. DURSO: I'm not sure what you're
12 referencing, but there's no requirement that I have to
13 today update something because something happened on the
14 property.

15 MS. DeLEON: Okay. That's fine.

16 MS. DURSO: We did go ahead, though, and
17 have new photo sims prepared in light of the concerns
18 and the questions that were asked at the Planning
19 Commission meeting.

20 MS. DeLEON: Okay. Based on what I
21 heard tonight, that's my questions. I don't have any
22 other questions, so I'll turn it back to you.

23 MR. FREED: Counsel, do you have any
24 follow-up questions?

25 MS. DURSO: Yes, I just have two.

* * *

REDIRECT EXAMINATION

BY MS. DURSO:

Q. Ms. Manchel, is there any requirement in the zoning ordinance that you locate a tower on wooded area?

A. **No.**

Q. So you choosing the wooded area was done based on you trying to figure out a way to locate a site where there was some existing vegetation?

A. **Yes.**

Q. Have you located towers in wooded areas, in meadow areas, in farm fields?

A. **Yes.**

Q. And specifically with regard to the Lower Saucon Township Ordinance, is there any criteria in there requiring a site to be located on a property that has existing woodlands in order for the site to blend?

A. **No.**

MS. DURSO: I have no other questions of Ms. Manchel.

MR. FREED: Any recross?

MR. DESCHLER: No.

MR. FREED: Thank you.

MS. DURSO: I'll go with my next witness.

1 MS. DeLEON: Thank you.

2 MS. DURSO: He has the plan. We could
3 either pull it up on the computer screen, or he has an
4 easel that we can put it on the easel. You tell me
5 which you prefer.

6 MS. DeLEON: Would you guys rather have
7 it up on the screen?

8 MS. DURSO: I emailed it earlier today
9 so you would have the most up-to-date one. I thought
10 maybe that would be easier for you to pull it? I could
11 probably send it to you again from my phone. Or I can
12 send it to...

13 MS. OPTHOF-CORDARO: Madam President,
14 can we just have a recess to use the bathroom while
15 they're trying to get that email?

16 MS. DeLEON: Sure. I can do that too.

17 MR. BANONIS: Can we extend their time
18 to continue the hearing because we're taking a recess?

19 MS. DeLEON: Right. We'll have to
20 extend it for a couple minutes then.

21 MS. OPTHOF-CORDARO: I'm okay for a
22 minute or two. That's fine with me.

23 MS. DeLEON: Okay. We'll be back, we'll
24 recess the meeting for about four minutes.

25 MS. OPTHOF-CORDARO: Thank you.

1 (A short break was taken.)

2 MS. DeLEON: Okay. We're going to
3 reconvene the meeting. And the time is now 8:07.

4 PETER ALBANO,
5 having been first duly sworn, testified as follows:

6 * * *

7 DIRECT EXAMINATION

8 BY MS. DURSO:

9 Q. Can you state your name for the record?

10 A. **Peter Albano.**

11 Q. Can you spell your last name for the record?

12 A. **A-l-b-a-n-o.**

13 Q. And, Mr. Albano, where do you work?

14 A. **Collier's Engineering & Design.**

15 Q. And are you a licensed professional engineer
16 in the Commonwealth of Pennsylvania?

17 A. **Yes.**

18 Q. And did your firm prepare plans submitted to
19 the township?

20 A. **Yes.**

21 Q. And did you also receive a copy of Hanover
22 Engineers review letter, which has been marked as
23 Exhibit C-6 in Council's packet?

24 A. **Yes.**

25 Q. Does the plan that's included in the exhibit

1 package include some updates in response to that review
2 letter?

3 A. **Yes.**

4 Q. Specifically going to -- scratch that. Will
5 the revised site plans be required to be submitted to
6 the township engineer in response to the site plan
7 comments to the review letter?

8 A. **Yes.**

9 Q. What improvements are proposed at the time
10 subject property?

11 A. **A 125-foot monopole with a top of a lightning
12 rod of a top of 130 feet, and antennas, equipment
13 cabinets, a generator, a fence compound.**

14 Q. And just for the record, Exhibit A-6, is that
15 a copy of the plan that's up on the screen this evening?

16 A. **Yes.**

17 Q. With regard to the fence compound, what are
18 the dimensions of the fence compound?

19 A. **It is 25 feet by 30 feet with a
20 seven-foot-high chain-link fence.**

21 Q. And noted in Hanover Engineers' review
22 letter, there was a concern with regard to putting
23 barbed wire on top of the fence. Has that since been
24 removed?

25 A. **Yes.**

1 Q. Does the fence height meet the ordinance
2 requirements?

3 A. **Yes.**

4 Q. Will the ground equipment be visible from
5 surrounding properties?

6 A. **No.**

7 Q. I'm going to show you what's been marked in
8 the exhibit package as Exhibit 7. Can you describe to
9 Council what Exhibit 7 shows? Well, first, it's a
10 series of photographs. When were these photographs
11 taken?

12 A. **January 8, 2024.**

13 Q. 2024. And can you then take the first page
14 of Exhibit A-7 and describe to Council and for the
15 record what these photographs show.

16 A. **So the photographs show the current site**
17 **conditions. The first photo on the left of the page is**
18 **a southwest -- is southwest on the site on the logging**
19 **road that was cut. And it's looking towards the site.**
20 **The picture on the right is the southwest of the site as**
21 **well on the logging road, looking towards the site, just**
22 **further up.**

23 Q. The next page --

24 MS. DeLEON: We're not seeing what
25 you're looking at.

1 MS. DURSO: It's in the exhibit package.
2 I said it was in the exhibit package as Exhibit 7.

3 MS. DeLEON: Thanks.

4 MS. DURSO: Do you need an exhibit
5 package?

6 MS. DeLEON: Go ahead.

7 BY MS. DURSO:

8 Q. The next page in the exhibit package --

9 MS. DeLEON: Page number?

10 MS. DURSO: It is Exhibit 7. We did the
11 first page. Now we are on the second page.

12 THE WITNESS: It is north of the site
13 looking towards the site. On the left and on the right
14 is north of the site as well, looking towards the site.
15 Just further up.

16 BY MS. DURSO:

17 Q. And page 3?

18 A. **Is the trail on the -- photo on the left is a**
19 **trail northeast of the site looking southwest towards**
20 **the site.**

21 Q. Southeast?

22 A. **Southeast, sorry. The photo on the right is**
23 **75 feet north of the site looking north towards the**
24 **water tank.**

25 Q. And the next page in the packet?

1 A. **Picture on the left is the logging road**
2 **northeast of the site looking southeast towards the**
3 **site. On the picture on the right is the logging road**
4 **northeast of the site looking southeast towards the**
5 **site.**

6 Q. And the last page?

7 A. **It is on the logging road facing the staging**
8 **area that is off the property.**

9 Q. That's off the property, okay.

10 A. **Correct.**

11 Q. And are these -- since these photographs were
12 taken last week, are they depicting the current
13 conditions at the site?

14 A. **Yes.**

15 Q. And do the photograph -- again, this is
16 looking towards where the tower will be located?

17 A. **Correct.**

18 Q. And do these photographs show existing trees
19 in the area?

20 A. **Yes.**

21 Q. And again, these photographs are to depict
22 that the base of the facility will not be visible from
23 surrounding properties?

24 A. **Correct.**

25 Q. And when we say base of the facility, we mean

1 the seven-foot-high fence, the equipment cabinets,
2 generator, and those items?

3 A. **Correct.**

4 Q. In addition to there being existing woods on
5 the property, is an evergreen screen now proposed around
6 the fence compound to screen as required by the
7 ordinance?

8 A. **Yes.**

9 Q. Was that also something that was discussed at
10 the Planning Commission and advised that we should
11 consider an evergreen screen in addition to using
12 existing vegetation?

13 A. **Yes.**

14 Q. Will the proposed screening as required by
15 the ordinance be deer-resistant vegetation?

16 A. **Yes.**

17 Q. So that if the township has a specific
18 species or some type of tree that they would recommend
19 that's deer-resistant, we would incorporate that into
20 the landscaping scheme?

21 A. **Yes. We also work with a landscape architect**
22 **to determine a, uh, deer-resistant --**

23 Q. So confirm that they would be deer-resistant?

24 A. **Yes.**

25 Q. Okay. Will the monopole have a galvanized

1 finish?

2 A. **Yes.**

3 Q. Is the use of existing vegetation being
4 incorporated as a mitigation measure?

5 A. **Yes.**

6 Q. As it relates to the size of the property --
7 if we could go to -- what sheet is that in the plan?

8 A. **Z-2.**

9 Q. Z-2?

10 A. **Other direction. Down one.**

11 MS. WERKHEISER: Right there?

12 THE WITNESS: Yes.

13 MS. OPTHOF-CORDARO: I'm sorry. What
14 page was this, on Exhibit 6?

15 MS. DURSO: I'm sorry. It would be the
16 third page, and at the bottom it says Z-2.

17 MS. OPTHOF-CORDARO: Thank you.

18 BY MS. DURSO:

19 Q. Does Exhibit Z-2 show the boundary of the
20 subject property?

21 A. **Yes.**

22 Q. Does Exhibit Z-2 show where the communication
23 facility compound is going to be located as it relates
24 to the surrounding property lines?

25 A. **Yes.**

1 Q. Will the equipment cabinets be set back the
2 required distances from all property lines?

3 A. **Yes.**

4 Q. Does the township Ordinance have a tower
5 setback requirement of one-and-a-half times the height
6 of the structure?

7 A. **Yes.**

8 Q. Does this require the monopole to be set back
9 195 feet from all property lines?

10 A. **Yes.**

11 Q. Is the setback met by the proposed location?

12 A. **Yes.**

13 Q. Specifically, can you, for the record,
14 describe what the distances are to the northern,
15 southern, western, and eastern property lines?

16 A. **To the north, the tower's set back 202 feet;
17 to the east it is set back 225 feet; to the south it is
18 264 feet; and to the property line that is to the west,
19 it is over 650 feet.**

20 Q. Over 650 feet?

21 A. **Correct.**

22 Q. To the western property line?

23 A. **Correct.**

24 Q. So the location meets the setback
25 requirements?

1 A. **Yes.**

2 Q. Does the ordinance also require a monopole to
3 be set back the required distance from -- that same
4 setback distance from a residential zone where towers
5 are not permitted?

6 A. **Yes.**

7 Q. Is that setback requirement met?

8 A. **Yes.**

9 Q. Will the monopole also be set back the
10 required distance from existing residential dwellings?

11 A. **Yes.**

12 MS. DURSO: I'll ask the Council to go
13 to Z-5 in that same site plan packet.

14 Does everybody have it? Victoria, do
15 you -- does everybody have it?

16 MS. OPTHOF-CORDARO: Yeah.

17 BY MS. DURSO:

18 Q. Okay. Can you explain for the record what
19 page Z-5 shows?

20 A. **Z-5 shows all the properties within 200 feet.**

21 Q. And is the required distance met to all
22 existing residential dwellings?

23 A. **Yes.**

24 Q. And is this an aerial map where you identify
25 the tower compound location as well as the existing home

1 on Mr. Viscito's property?

2 A. **Yes.**

3 Q. How are monopoles designed?

4 A. **Monopoles are designed to a strict code that**
5 **is specific to monopoles, to telecommunications**
6 **structures. They are designed in a fashion where the**
7 **base is designed to withstand more of the loading.**
8 **There is a theoretical weaker point that is closer to**
9 **the top in case there is -- in the event of a failure,**
10 **but they are designed to stringent codes that they are**
11 **required to meet.**

12 Q. And do those codes take into account the wind
13 loading and ice loading of a specific geographic area?

14 A. **Yes.**

15 Q. So in this case, the design and construction
16 of the monopole structure has to be in accordance with
17 whatever requirements are for Northampton County for
18 wind loading and ice loading?

19 A. **Correct.**

20 Q. And are the other standards that the design
21 required to meet, do those include what are the ANSI
22 standards?

23 A. **Yes.**

24 Q. The EIA/TIA standards?

25 A. **Yes.**

1 Q. And the electrical code requirements?

2 A. **Yes.**

3 Q. Are those requirements also required to be
4 met by the township zoning ordinance?

5 A. **Yes.**

6 Q. Will the monopole be constructed in
7 accordance with those requirements?

8 A. **Yes.**

9 Q. I'm going to show you what's in the packet,
10 Exhibit 9. Is Exhibit 9 a letter signed and sealed by
11 you confirming the design of the monopole structure in
12 accordance with the industry standards?

13 A. **Yes.**

14 Q. And are those standards that I just
15 referenced included and documented in this exhibit?

16 A. **Yes.**

17 Q. If the monopole is designed and constructed
18 in accordance with the required standards, will the
19 monopole have any adverse impact on an adjacent property
20 from a structural standpoint?

21 A. **No.**

22 Q. Does Exhibit 9 also confirm that the monopole
23 will be designed to accommodate co-location as required
24 by the ordinance?

25 A. **Yes.**

1 Q. And specifically, how does the design work as
2 it relates to co-location? How many other carriers is
3 it potentially able to accommodate? And perhaps, not a
4 specific number, as much as equipment.

5 A. **It is designed to support three different**
6 **carriers at 12 panel antennas each.**

7 Q. At 12 panel antennas each?

8 A. **Yes.**

9 Q. But with regard to what's before Council this
10 evening as part of the conditional use, we are only
11 seeking approval for Verizon Wireless antennas at the
12 proposed elevation?

13 A. **Correct.**

14 Q. But it will be designed such that if somebody
15 like AT&T or T-Mobile were to come and ask to be able to
16 locate their equipment on the structure, it would be
17 physically capable of having that co-location occur?

18 A. **Yes.**

19 Q. As required by the ordinance, if all
20 necessary approvals are received, are foundation and
21 monopole design drawings required to be submitted to the
22 township and signed and sealed by a Pennsylvania
23 professional engineer?

24 A. **Yes.**

25 Q. As it relates to the foundation, is the

1 foundation a site-specific foundation?

2 A. **Yes.**

3 Q. And is that designed following a geotechnical
4 analysis of the soils?

5 A. **Yes.**

6 Q. And is the geotechnical analysis of the soils
7 done once the use is approved at that specific location?

8 A. **Yes.**

9 Q. Will the geotechnical report be required to
10 be submitted and reviewed by the township engineer?

11 A. **Yes.**

12 Q. Will the geotechnical report document what
13 type of foundation and depth would be required for the
14 proposed monopole at the exact location that it's
15 proposed?

16 A. **Yes.**

17 Q. Are you aware of the types of soils on the
18 site?

19 A. **Yes.**

20 Q. Do the types of soils that are located on the
21 site raise any issues or concerns for you as a
22 professional engineer to enable a safe foundation
23 design?

24 A. **No.**

25 Q. Will any improvements be located within a

1 clear sight triangle or street right-of-way?

2 A. **No.**

3 Q. Going back to the equipment cabinets, will
4 they be placed on a concrete pad?

5 A. **They'll be on an elevated steel platform.**

6 Q. An elevated steel platform?

7 A. **Yes.**

8 Q. And why would it be on an elevated steel
9 platform?

10 A. **Due to the slopes of the property and the**
11 **areas we're going.**

12 Q. So the elevated steel platform is going to
13 provide a safety feature because of the slopes of the
14 property?

15 A. **Correct.**

16 Q. And is it necessary to locate the equipment
17 on that steel platform and aboveground?

18 A. **Yes.**

19 Q. Will the proposed evergreen screening still
20 screen the equipment even though it's on an elevated
21 platform?

22 A. **Yes.**

23 Q. Is the proposed monopole design the least
24 intrusive design for this property?

25 A. **Yes.**

1 Q. Are any improvements proposed within a
2 wetlands area?

3 A. **No.**

4 Q. Are any improvements proposed within an
5 historic area?

6 A. **No.**

7 Q. Will the proposed facility have any impact on
8 public water or sewer?

9 A. **No.**

10 Q. Are two parking spaces provided on the site
11 as required?

12 A. **Yes.**

13 Q. Is the required turnaround area provided?

14 A. **Yes.**

15 Q. Will erosion and sediment measures be
16 installed as part of the site plan?

17 A. **Yes.**

18 Q. Are the E&S measures required to be reviewed
19 and approved by the township engineer?

20 A. **Yes.**

21 Q. Is the requirement of E&S and stormwater
22 features documented in Hanover Engineers' review letter?

23 A. **Yes.**

24 Q. So that means that stormwater will need to be
25 addressed as part of the site plan planning

1 requirements?

2 A. **Correct.**

3 Q. Will any of the improvements that are
4 proposed generate any noise, fumes, smokes or odor so as
5 to constitute a nuisance?

6 A. **No.**

7 Q. Will be there any lighting of the fence
8 compound?

9 A. **No. There will be a light inside the
10 equipment platform, but it'll be aimed down and on a
11 manual timer switch such that a tech can work on it at
12 night if needed. But it will be on a manual timer
13 switch, so it will not have the ability to be left on.
14 It'll shut off at a predesignated time. And it will be
15 aimed down and into the cabinets.**

16 Q. So will there be any light emanating offsite?

17 A. **No.**

18 Q. With regards to the generator that you
19 mentioned was going to be located at the site, what is
20 the size and type of generator that's proposed?

21 A. **It is a 30-kilowatt diesel generator.**

22 Q. And will the only noise at the site be from
23 the generator?

24 A. **Yes.**

25 Q. And what type of noise will be coming from --

1 or how often will there be noise from the generator?

2 A. **The generator will run periodically for**
3 **maintenance, typically every two to four weeks. It is**
4 **run during the day under a no-load condition, so**
5 **there'll be less noise generated. It'll also run during**
6 **emergency when there's no power. That will be at a**
7 **full-load condition as needed by the site.**

8 Q. Will any of the noise related to the
9 generator emanate offsite?

10 A. **It'll be less than the 65 decibels at the**
11 **property line.**

12 Q. It will be less than 65 decibels at the
13 property line?

14 A. **Correct.**

15 Q. As required by the ordinance, if the site
16 were approved and constructed, will the required
17 inspections be performed?

18 A. **Yes.**

19 Q. Will the required notice be provided in the
20 event the use is discontinued or abandoned?

21 A. **Yes.**

22 Q. Have you prepared a cost estimate as required
23 by the ordinance that documents the cost to cover the
24 removal and site cleanup?

25 A. **Yes.**

1 Q. And I'm showing you what's been marked in the
2 exhibit package as Exhibit A-10. Is Exhibit A-10 a copy
3 of that cost estimate?

4 A. **Yes.**

5 Q. Is the cost estimate ultimately required to
6 be reviewed and approved by the township engineer?

7 A. **Yes.**

8 Q. Is the cost estimate meant to provide a basis
9 for whatever security would need to be posted at the
10 township to secure the removal of a site -- or excuse
11 me, of the site improvements once the site would be
12 abandoned?

13 A. **Yes.**

14 Q. Does the lease agreement with the property
15 owner require the removal of the equipment if the site
16 were to be abandoned?

17 A. **Yes.**

18 Q. So pending approval of the cost estimate by
19 the township engineer, will the required security be
20 provided, then?

21 A. **Yes.**

22 Q. What is the amount of traffic that would be
23 generated by the proposed site -- excuse me, site
24 improvements?

25 A. **The traffic will be typically a sport utility**

1 **or a work truck, every four to six weeks for**
2 **maintenance.**

3 Q. So it will be a fully automated facility as
4 required by the ordinance?

5 A. **Correct.**

6 Q. Is the amount of traffic that would be
7 generated less than what would be generated by a
8 residential use?

9 A. **Yes.**

10 MS. DURSO: How much time do I have?

11 MS. DeLEON: I would say a good ten
12 minutes yet, maybe.

13 MS. DURSO: The next part of the
14 testimony's going to take a little longer. That's why
15 I'm debating, I don't want to start it and then stop it.

16 MS. DeLEON: How much longer?

17 MS. DURSO: I need to go into the photo
18 simulations and I need to go into the access drive,
19 which is going to take longer than ten minutes.

20 MR. CAROCCI: I'll make a motion to
21 extend it by 25 minutes.

22 MR. BANONIS: Second it.

23 MR. CAROCCI: 25 minutes.

24 MR. BANONIS: I seconded it.

25 MS. DeLEON: And I say that -- I said

1 10, 15 minutes. So there's a motion on the floor.

2 MR. CAROCCI: No, no, but the 10 minutes
3 was the original time. I want a motion for another
4 additional 25 minutes on top of that. You said you have
5 10 minutes left on the original hour and a half.

6 MS. DeLEON: And we're wasting time
7 again. So can we have a roll call, please, since
8 there's a motion?

9 MS. DeLEON: Mr. Carocci, how do you
10 vote?

11 MR. CAROCCI: Yes.

12 MS. DeLEON: Ms. Ray?

13 MS. RAY: So we're voting to increase 25
14 minutes on to whatever we're at now?

15 MR. CAROCCI: Yeah.

16 MS. RAY: Okay. Let's do it.

17 MS. DeLEON: I didn't hear what she
18 said.

19 MR. CAROCCI: She said yes.

20 MR. HUDSON: Ms. DeLeon?

21 MS. DeLEON: No.

22 MR. HUDSON: Mr. Banonis?

23 MR. BANONIS: Yes.

24 MR. HUDSON: Ms. Opthof-Cordaro?

25 MS. OPTHOF-CORDARO: I vote yes, but I

1 want to also indicate I think I might have a number of
2 questions with this, so the next time we have this
3 hearing, I just want to make sure I can go back through
4 things and ask questions because we may --

5 MR. CAROCCI: The witness will return,
6 right? The witness will return?

7 MS. DURSO: Yes, the witness will
8 return.

9 MR. CAROCCI: So you can ask questions.

10 MR. HUDSON: Motion passes.

11 MS. DeLEON: Okay. Go ahead, Kate.

12 BY MS. DURSO:

13 Q. Okay. Did your office prepare a photo
14 simulation of what the tower would look like if approved
15 and constructed?

16 A. **Yes.**

17 Q. I'm going to show you what's marked in the
18 exhibit packet as Exhibit 8. Is Exhibit 8 a copy of the
19 photo simulation that was prepared?

20 A. **Yes.**

21 Q. Were these photos taken on January 8, 2024?

22 A. **Yes.**

23 Q. Can you explain to Council how this photo
24 simulation was prepared?

25 A. **So what we do in a photo simulation is we**

1 send two people to the site. One is holding a 6-foot
2 diameter balloon. It is inflated with helium and then
3 released to the height of the tower. We then take
4 photos from different locations around the site to be
5 able to show what it would look like. We then take
6 those photos and impose a monopole for a cell site on
7 that, based on the balloon.

8 Q. So based on -- so the photo simulation is
9 done at the exact location and height of the proposed
10 structure?

11 A. **Correct.**

12 Q. And then somebody drives around to see if
13 that balloon is visible, and then takes photographs?

14 A. **Correct.**

15 Q. And then the monopole structure is then shown
16 on the exhibit?

17 A. **Yes.**

18 Q. Is how the photo simulation was prepared by
19 your office the standard in the industry of how photo
20 simulations are prepared?

21 A. **Yes.**

22 Q. Going to that exhibit, we'll take -- the
23 first sheet is a cover page. Going to the next page.
24 The next page has a location map and identifies four
25 locations. Is that correct?

1 A. **It identifies six.**

2 Q. Oh, excuse me. Six. Sorry.

3 MS. OPTHOF-CORDARO: I'm sorry, what
4 page and the pictures of, is it Exhibit 8?

5 MS. DURSO: We are on Exhibit 8, and
6 right now we are just on the second page.

7 MS. OPTHOF-CORDARO: Oh, I found it.
8 Thank you.

9 BY MS. DURSO:

10 Q. So page 2 of Exhibit 8 identifies six
11 locations from where the photos were taken; is that
12 correct?

13 A. **Correct.**

14 Q. And does this exhibit also identify the
15 proximity of that distance from the proposed site
16 location?

17 A. **Yes.**

18 Q. And are these locations that, again, as you
19 just testified to, when somebody drove around, they were
20 trying to see if the balloon was visible?

21 A. **Correct.**

22 Q. And again, what color did you say the balloon
23 was?

24 A. **Red.**

25 Q. And so, obviously it was done at a color that

1 would stand out so that you could determine visibility?

2 A. **Correct.**

3 Q. Going to the next page in that exhibit, so
4 the third page in that exhibit.

5 MS. OPTHOF-CORDARO: Is there a way to
6 show these at all on the screen, just for the audience?

7 MS. DURSO: I just have extra packets.
8 I don't have it emailed yet.

9 MS. OPTHOF-CORDARO: Okay. Thank you.

10 MS. DeLEON: And they're very dark,
11 anyway. Pictures are very dark for us to see. I can't
12 see them.

13 MS. OPTHOF-CORDARO: I appreciate it. I
14 just want -- because it looks like the audience was
15 trying to follow along with you, so I was trying to see
16 if there was a possibility if we could help you with
17 that.

18 MS. DURSO: No, I understand. I
19 understand. I can make one of these packets available.

20 MS. OPTHOF-CORDARO: Maybe like, since
21 we're going to be here next time, maybe you could take
22 the exhibits and put them on a flash drive and give them
23 to the township. That way the audience could follow
24 along.

25 MS. DURSO: Not a problem.

1 MS. DeLEON: Thank you, Kathy, but
2 turning on the lights aren't going to make the pictures
3 lighter. So thank you.

4 MS. DURSO: I actually think it does
5 make it better to see the pictures in the packet.

6 MS. DeLEON: Maybe, but I didn't even
7 recognize my house in these pictures.

8 MS. DURSO: Again, it's not supposed to
9 be specific to your concerns, for the record.

10 MS. DeLEON: I'm looking at the photos
11 you're showing and I know my house is in there, so...

12 MR. CAROCCI: Can you please identify
13 Ms. DeLeon's property, for the record?

14 MS. DURSO: Let me go through the
15 photos -- it would be easier that way, if I can -- just
16 in the package.

17 MR. CAROCCI: Sure.

18 BY MS. DURSO:

19 Q. Okay. So page 3 of the packet is Photo
20 Location #1?

21 A. **Correct.**

22 Q. And Photo Location #1 is shown to be 765 feet
23 from the proposed site; is that correct?

24 A. **Approximately, yes.**

25 Q. And roughly, where is that?

1 A. **Roughly, at the edge of the driveway.**

2 MS. DeLEON: At the what driveway?

3 THE WITNESS: It's at the edge of the
4 Viscitos' driveway on Lewis Avenue.

5 BY MS. DURSO:

6 Q. And the page shows a -- in the lower right
7 corner, existing conditions?

8 A. **Yes.**

9 Q. And then photo location, proposed monopole?

10 A. **Correct.**

11 Q. So existing locations, you can see in that
12 photograph barely a balloon.

13 A. **Correct.**

14 Q. Is that correct?

15 A. **That is correct.**

16 Q. And then the monopole structure, then, is
17 imposed -- shown where that balloon is visible?

18 A. **Correct.**

19 Q. Going to Photo Location #2, which is the next
20 page, which is approximately 680 feet away, where
21 roughly is location 2 taken from?

22 A. **It is out on Saucon Avenue, just past Lewis
23 Avenue.**

24 Q. Just past Lewis Avenue?

25 A. **Yes.**

1 Q. And again, it shows two photos in the lower
2 right corner, existing conditions, and then Photo
3 Location #2, the proposed monopole behind a number of
4 trees?

5 A. **Correct.**

6 Q. Going to the next photo location, number 3,
7 which is approximately 515 feet from the site. Can you
8 describe approximately where Photo Location #3 is taken
9 from?

10 A. **It is further down Saucon Ave towards the**
11 **cul-de-sac.**

12 Q. Toward the cul-de-sac?

13 A. **Correct.**

14 Q. And then going to that page where it says
15 Photo Location #3, again, lower right corner, existing
16 conditions, you can see the red balloon in the
17 photograph, and then you have superimposed what the
18 monopole would look like at that exact location?

19 A. **Correct.**

20 Q. Photo Location #4 is approximately 1,265 feet
21 away. Can you describe for the record, approximately
22 where Photo Location #4 is taken from?

23 A. **Approximately at the intersection of Saucon**
24 **Ave and Roberts Ave.**

25 Q. And Roberts Ave. Again, going to that page

1 in the photo simulation, in the lower corner it
2 identifies a house. And you can -- and then it shows
3 that you would not really see the monopole be within the
4 trees adjacent to that house?

5 A. **It will be slightly visible, but yes, it is**
6 **difficult to see.**

7 Q. Photo Location #5 is approximately 1,315 feet
8 away. And roughly, where is Photo Location #5 taken
9 from?

10 A. **On Mixsell Ave.**

11 Q. On Mixsell Ave. So if we go to Photo
12 Location #5, existing conditions in the lower right,
13 proposed monopole in the photo location. And showing
14 not much visibility at that location, just probably the
15 top of it.

16 A. **Correct.**

17 Q. Photo Location #6, finally, is approximately
18 2,625 feet away. Can you explain, for the record, where
19 Photo Location #6 is taken from?

20 A. **It is on the opposite side on Applebutter**
21 **Road.**

22 Q. And on Photo Location #6, you can't see -- so
23 you went down there -- somebody went down there and
24 drove and could not see the balloon?

25 A. **Correct.**

1 Q. And is that because of vegetation and
2 elevation, or what made the balloon not visible?

3 A. **Due to elevation and vegetation.**

4 Q. Vegetation. Again, these photographs were
5 taken to show existing conditions given the concern
6 raised about some of the logging that was happening on
7 the property; is that correct?

8 A. **That is correct.**

9 Q. Do the photo sims confirm limited visibility
10 in the vicinity of the site?

11 A. **Yes.**

12 Q. As it relates to access to the site, if we
13 could pull up the plan and sheet Z-2, which is the third
14 sheet. How will the facility be accessed?

15 A. **It will be accessed through a -- off of Lewis
16 Avenue utilizing an access drive. Existing and new
17 access drive.**

18 Q. And will the access be within a 25-foot-wide
19 easement, as required, that would be extended to the
20 proposed fence compound?

21 A. **Yes.**

22 Q. What material is the existing access
23 comprised of?

24 A. **It is a gravel access road.**

25 Q. Will the required width of the access be

1 paved, as required?

2 A. **Yes.**

3 Q. And will that width be approximately 10 to 12
4 feet, depending on where it is on the access?

5 A. **Yes.**

6 Q. And does the ordinance require a minimum of
7 10-foot width be paved?

8 A. **Yes.**

9 Q. And have you received, when we were at the
10 Planning Commission, information from the township
11 engineer as it relates to the types of materials that
12 may be necessary to meet the paving requirements?

13 A. **Yes.**

14 Q. Is Lewis Avenue the only means of access to
15 the property?

16 A. **Yes.**

17 Q. Does that access currently provide access to
18 the residents?

19 A. **Yes.**

20 Q. Has that access been in use for over 18
21 years?

22 A. **Yes.**

23 Q. Again, with regard to the amount of traffic
24 that these improvements would generate, will be there
25 any adverse impact on traffic in the area with a sports

1 utility vehicle that would be four to six weeks?

2 A. **No.**

3 Q. In your opinion, will granting conditional
4 use approval for the proposed installation have any
5 adverse impact on public health, safety, welfare?

6 A. **No.**

7 Q. Will it have any impact on the surrounding
8 properties?

9 A. **No.**

10 Q. Is that also demonstrated by the photo
11 simulation that was submitted?

12 A. **Yes.**

13 Q. Will the proposed access be adequate both for
14 service and emergency access to the facility?

15 A. **Yes.**

16 Q. Are there any concerns with emergency
17 vehicles getting to the site should there be a --
18 something that requires, you know, a police or fire to
19 come?

20 A. **No.**

21 Q. As relates to the improvements, will
22 everything related to the monopole be grounded --

23 A. **Yes.**

24 Q. -- from an electrical standpoint?

25 A. **Yes.**

1 Q. So thereby making it safer than other
2 structures that are out there?

3 A. **Yes.**

4 Q. And when I say by grounded, can you just
5 explain a little bit to Council what that means?

6 A. **So the site is designed to be able to, if
7 there was a lightning strike, it takes the lightning,
8 takes it down -- electricity always takes the path of
9 least resistance, so we are providing that to the site.
10 So if there was a lightning strike at the tower, it
11 takes it and dissipates it into the ground as to not
12 cause any concerns or any issues.**

13 Q. And is that grounding system a standard for
14 wireless communication facilities?

15 A. **Yes.**

16 Q. And again, will the drawings that are
17 submitted to the township confirm the grounding and they
18 can be reviewed by either the permitting office or
19 Hanover Engineers?

20 A. **Yes. They will be submitted as part of the
21 construction package.**

22 MS. DURSO: That actually is all the
23 questions I have of Mr. Albano.

24 MS. DeLEON: I'm sorry. I didn't hear
25 that.

1 MS. DURSO: That is actually all the
2 questions I have of Mr. Albano.

3 MS. DeLEON: Okay. Great.

4 MR. CAROCCI: We extended 25 minutes.
5 That takes us to, like, 9:10.

6 MR. FREED: We're going to 9:05?

7 MS. DeLEON: Well, no, no. If she's
8 done...

9 MR. BANONIS: There's still 22 more
10 minutes left.

11 MR. CAROCCI: Yeah. Mr. Deschler.

12 MS. DeLEON: So we'll take questions for
13 --

14 MS. OPTHOF-CORDARO: Can we just clarify
15 what the time -- I thought we extended 25 minutes at
16 8:35, if I'm looking at this wall clock. Is that
17 correct?

18 MR. OZIMEK: Time is up at 8:55.

19 MR. BANONIS: The motion was for an
20 additional 25 minutes. And Priscilla had said there
21 were 10 minutes left. So 10 plus 25 is 35. I put my
22 timer on. There's 22 minutes and 4 seconds still left.

23 MR. CAROCCI: Plenty of time.

24 MS. OPTHOF-CORDARO: I'm sorry. I
25 understood that we were giving 25 minutes total.

1 MR. CAROCCI: Well, it was 4 to 1. It
2 was 4 to 1.

3 MS. OPTHOF-CORDARO: So that's why I
4 voted yes, and I would like to be able to ask my
5 questions at a time where we're not rushing through
6 this.

7 MR. BANONIS: There's 22 minutes.
8 There's plenty of time for you to ask your question.

9 MS. OPTHOF-CORDARO: I respectfully
10 disagree about 22 minutes, because I'm looking at the
11 clock and if I added 25 minutes to 8:35, we would be at
12 15.

13 MS. DURSO: The witness will be
14 available at the next hearing. Can we at least start
15 with the questioning since he is here and we have time?

16 MS. DeLEON: We still have another
17 meeting left.

18 MS. DURSO: I understand, but I'd like
19 to at least proceed with some of the questioning since
20 we are here.

21 MS. OPTHOF-CORDARO: I mean, I'm happy
22 to go to 8:55 or 9:00 but that's all I wanted to
23 clarify. So, that's all.

24 MS. DeLEON: I think if you're in
25 agreement to ending it now with his -- and we can start

1 with the next -- with questions?

2 MR. CAROCCI: No.

3 MS. DURSO: No. I would like to use my
4 time and start with the cross-examination questions, and
5 with the understanding that if we don't complete it by
6 that time, he is coming back.

7 MS. DeLEON: Okay. So, okay, in my
8 head, he gets, he goes to -- I'm sorry, he -- Attorney
9 --

10 MS. DURSO: Attorney Deschler was going
11 to go first.

12 MS. DeLEON: -- Deschler goes next.

13 MS. DURSO: Correct.

14 MS. DeLEON: Okay. I'm sorry. I
15 thought we were going to go next. So, no. Okay. I
16 understand.

17 MS. DURSO: Right.

18 MR. BANONIS: I would just like the
19 record to reflect that this Council has wasted another
20 minute and a half, almost two minutes now, debating
21 whether or not they're going continue.

22 MS. DeLEON: Oh, come on, Jason. Grow
23 up. Grow up.

24 Mr. Deschler, could you please present
25 your case?

1 MR. FREED: Cross-examination, Counsel?

2 MR. DESCHLER: Sure.

3 * * *

4 CROSS-EXAMINATION

5 BY MR. DESCHLER:

6 Q. Mr. Albano, you testified that you -- I'm
7 paraphrasing -- that you didn't feel that the soils in
8 the site posed any particular issues with the
9 construction of the monopole?

10 A. **Correct.**

11 Q. Did you prepare a soil report complying with
12 the standards of Appendix 1, Geotechnical Investigations
13 ANSI/EIA/TIA-222-G as amended?

14 A. **No, we did not. That is pending the**
15 **approval, as that was stated during the Planning**
16 **Commission meeting.**

17 UNIDENTIFIED SPEAKER: Speak into the
18 microphone.

19 MS. DURSO: I'm sorry?

20 MR. DESCHLER: He asked for him to speak
21 into the microphone.

22 MS. DURSO: Oh, sorry. He said as was
23 discussed at the Planning Commission meeting.

24 BY MR. DESCHLER:

25 Q. I'm assuming that you've reviewed the zoning

1 ordinance, in particular the additional regulations for
2 conditional and special exception uses?

3 A. **Yes.**

4 Q. And would it be fair to say that they require
5 that the design of the monopole be the least intrusive
6 one possible?

7 A. **Yes.**

8 Q. Did you consider other designs?

9 A. **Yes.**

10 Q. What designs did you consider?

11 A. **It was considered as a self-support tower but**
12 **ultimately decided to be a monopole.**

13 Q. Why?

14 A. **The monopole was the least obtrusive.**

15 MS. DeLEON: Could you speak a little
16 louder, please? I don't think anybody can hear you.

17 THE WITNESS: A self-support tower was
18 investigated, but it was determined that a monopole
19 would be the least obtrusive.

20 MS. DeLEON: Yeah, we can't hear. I'm
21 sorry. People in the back of the room can't hear.

22 BY MR. DESCHLER:

23 Q. With regard to the photo simulation, does
24 that photo simulation show that from the first five
25 locations that the monopole will in fact be visible?

1 A. **It will be -- yes, it will be visible.**

2 Q. Only one of the six locations, it's not
3 visible; is that correct?

4 A. **That is correct.**

5 Q. The additional regulations for conditional
6 and special exception uses requires that the pole -- the
7 site have access to a public street; is that correct?

8 MS. DURSO: Well, that actually is not
9 correct. It has specific permission for the Council to
10 approve it to be to a private street.

11 BY MR. DESCHLER:

12 Q. Does this site have access to a public
13 street?

14 A. **No.**

15 MS. OPTHOF-CORDARO: Can you just repeat
16 that into the microphone, please?

17 THE WITNESS: No.

18 BY MR. DESCHLER:

19 Q. Am I correct that the Viscitos have or will
20 be granting an easement through their property?

21 A. **That is correct.**

22 Q. And the easement terminates at Lewis Avenue?

23 A. **That is correct.**

24 Q. And is the idea that Lewis Avenue serves as
25 the access to a public street?

1 to a public street.

2 MS. DeLEON: Leads out.

3 THE WITNESS: Yes.

4 BY MR. DESCHLER:

5 Q. Are you aware of any rights that the Viscitos
6 have to use Lewis Avenue?

7 A. **No.**

8 MS. DeLEON: I didn't hear that.

9 THE WITNESS: No.

10 BY MR. DESCHLER:

11 Q. Gee, I had a bunch of questions if you'd said
12 yes to that.

13 A. **Trying to make your job easier.**

14 Q. I appreciate it.

15 Are you aware that there's been significant
16 logging done on the property?

17 A. **We are aware that there has been logging on
18 the property, yes.**

19 Q. When were you last at the property?

20 A. **I was last at the property on December -- in
21 December --**

22 MS. DURSO: He was at the Planning
23 Commission meeting.

24 BY MR. DESCHLER:

25 Q. Okay.

1 A. **But there is --**

2 Q. Okay. So within the last month or so you've
3 been there, okay.

4 A. **Yes.**

5 Q. Are you able to describe for the Council the
6 extent of the logging that's been done on the site?

7 A. **I am not sure if you're -- how to describe --**
8 **what is your -- I mean, it was -- trees have been taken**
9 **down, yes. I can't tell you acreage. We don't have**
10 **that number. We didn't go back out and survey this.**
11 **But trees have been taken down. It has been thinned.**
12 **Not at our doing.**

13 MS. DeLEON: Not at what?

14 THE WITNESS: Not at Verizon's doing.

15 BY MR. DESCHLER:

16 Q. No, I understand that, but at the Viscitos'
17 doing, correct?

18 A. **That I would -- I can't say yes or no.**

19 Q. Fair enough. If any of the questions I ask
20 you, you don't know the answer to, that's the correct
21 answer. Okay? So that's fine.

22 But would the removal of the trees as you've
23 observed it make the monopole more visible from all of
24 the five sites from which it was visible on your survey?

25 A. **I will say that it has changed the**

1 **visibility. I can't say whether it is more or -- it's**
2 **not less visible, but it has made an impact, which is**
3 **the purpose of preparing the new photo sims.**

4 Q. Understood. They're more visible, right?

5 A. **Sure.**

6 MS. OPTHOF-CORDARO: Can you repeat
7 that?

8 THE WITNESS: Yes, they are more
9 visible.

10 MS. OPTHOF-CORDARO: Thank you.

11 BY MR. DESCHLER:

12 Q. Does the removal of trees, the logging that's
13 taking place, have any effect on the soil and erosion
14 issues with the property?

15 A. **Without preparing a soil erosion report, I**
16 **could not tell you.**

17 Q. So they may?

18 A. **They could.**

19 Q. We just, we don't know?

20 A. **Correct.**

21 Q. One of the requirements of the additional
22 regulations is that "the applicant shall demonstrate
23 that all, any NEPA requirements, where applicable, for
24 any proposed commercial communications facilities, have
25 been met. A copy of the NEPA-required environmental

1 assessment report shall be submitted." Has that report
2 been submitted?

3 MS. DURSO: Yeah, the environmental
4 report is in the packet.

5 MR. DESCHLER: Okay. I didn't get a
6 chance to look at each page of that. I apologize.

7 BY MR. DESCHLER:

8 Q. Are there any ways in which monopoles can be
9 designed to make their appearance less intrusive? I
10 mean, just for example, I've seen poles that are made to
11 look like trees.

12 A. **Yes.**

13 Q. So are there ways to make it less intrusive?

14 A. **There are ways to change the aesthetics.**

15 Q. And what are some of those ways?

16 A. **It can be designed as a tree. It could be
17 designed as a flagpole, a silo, a windmill.**

18 Q. Were any of those things considered?

19 A. **They were determined to be more obtrusive,
20 because they wouldn't blend with the character of the
21 area.**

22 Q. But a naked monopole does blend with the
23 character of the area?

24 A. **That's up for interpretation.**

25 Q. Okay.

1 MS. DeLEON: Subjective.

2 MR. DESCHLER: That's all I have. Thank
3 you.

4 MR. FREED: How much time do we have?

5 MR. BANONIS: I have 10 minutes left on
6 my timer. 10 minutes and 11 seconds, actually.

7 MR. FREED: Does Council want to proceed
8 or --

9 MR. CAROCCI: Yes.

10 MR. BANONIS: Yes.

11 MR. FREED: Madam President, does
12 Council want to proceed? Do you want to make a motion?

13 MS. DeLEON: I don't know. I think that
14 our questions can wait till the next meeting.

15 MR. FREED: Do you want to make a
16 motion?

17 MS. DeLEON: So I'll make a motion that
18 we recess this hearing until, what's the next meeting
19 date? February 6th or 7th?

20 MS. WERKHEISER: 7th.

21 MS. DURSO: Are we doing it at your next
22 meeting? Are we doing it at your second meeting? What
23 are we doing?

24 MS. DeLEON: What works for you?

25 February, we have two meetings in February. We have the

1 meeting -- I can't see that far.

2 MS. WERKHEISER: It's the 7th and the
3 21st.

4 MS. DeLEON: The 7th and the 21st.

5 MR. DESCHLER: Do you have a meeting on
6 March 1st?

7 MS. DURSO: No. That's a Friday,
8 March 1st.

9 MR. DESCHLER: Okay. Then the text I
10 got from my vacationing son is wrong. Oh, he just said
11 March.

12 MS. DURSO: I would say February 21st.

13 MR. DESCHLER: That's better than the
14 6th, so I'll take that.

15 MS. DURSO: Or the 7th. The 7th was the
16 other. Originally Matt said he could do -- could it be
17 moved to the 7th? But I'm okay if we do it the 21st.

18 MR. DESCHLER: Okay.

19 MS. DURSO: If everybody else is okay
20 that we do it the 21st.

21 MR. BANONIS: I would prefer,
22 personally, February 7th.

23 MR. CAROCCI: Same here.

24 MS. DeLEON: I'm going to make a motion
25 to move to --

1 MS. DURSO: Before you make a motion, if
2 we're going to have it on the 21st, may we have the
3 entire meeting in order to present and potentially
4 conclude the testimony and not have a time limit on the
5 request?

6 MS. DeLEON: That would depend on the
7 business items we have for that meeting. We won't know
8 that till we get closer into February.

9 MR. CAROCCI: Well, then let's schedule
10 the 7th and the 21st.

11 MS. OPTHOF-CORDARO: Can I just make a
12 proposal, if we want, to conclude it all at one more
13 hearing that we set a special day for it? Because it's
14 very difficult to do our business items which we have to
15 get through on regular Council time. I'm just speaking
16 for myself. I would -- if we were going to have this
17 all conclude in one time, like, let's just set a time
18 and a day to do that that's not a meeting time.
19 Otherwise I would be okay with adding time to meetings,
20 regular meetings, but not exclusively hearing this at
21 one meeting. Does that make sense? Do you follow?

22 MS. DURSO: Yes, I follow what you're
23 saying. I would prefer whatever it takes to be able to
24 conclude it in one so that we don't have to keep having
25 the same witnesses come back and forth. So if somebody

1 wants to have it be a special meeting time, my only
2 suggestion is that we say it this evening, because then
3 we don't have to advertise or notice again if we
4 announce it on the record.

5 MR. CAROCCI: We always concluded
6 hearings in one meeting before. I don't understand.

7 MS. OPTHOF-CORDARO: Can we have Council
8 confer with --

9 MR. CAROCCI: I remember this landfill,
10 we were here till like midnight and we concluded it.

11 MS. DURSO: Do you want to go off the
12 record while we look at calendars?

13 MS. OPTHOF-CORDARO: If you're -- how
14 many more hours do you think you have of witnesses?

15 MS. DURSO: I only have one more
16 witness.

17 MS. OPTHOF-CORDARO: You have one more
18 witness, okay.

19 MS. DeLEON: Mr. Deschler, how many?

20 MR. DESCHLER: I don't know till we have
21 a chance to digest everything that we've gotten tonight,
22 so I can't say.

23 MS. DeLEON: My preference is recessing
24 it -- or reconvening -- what's the word that I want?
25 Moving the meeting to the 21st of February and seeing

1 what we have on the agenda and try to get as much done
2 as we can that night.

3 MR. BANONIS: Why wouldn't we proceed on
4 February 7th when our next scheduled meeting is? I
5 haven't heard any valid explanation as to why we would
6 not proceed on that date. Counsel already said,
7 Mr. Deschler has already indicated he's available on
8 February 7th, so why would we look to the 21st?

9 MS. DURSO: One of my witnesses is not
10 going to be available on the 7th, unfortunately.

11 MS. DeLEON: You weren't listening.

12 MR. BANONIS: I didn't hear you. Thank
13 you.

14 MS. DURSO: I didn't say it loud, so I
15 apologize. But, yes. Ms. Manchel was not -- and I
16 don't know if you're going to need her again, but she
17 has another hearing on that date.

18 MR. CAROCCI: Do you think, though, you
19 know, when the agenda comes out prior to that meeting,
20 you could find it in your heart, Mr. Solicitor, to put a
21 time limit in the agenda so the public knows and not
22 spring it on us at the meeting, or spring it on them --

23 MS. DeLEON: That wasn't his fault.

24 MR. CAROCCI: You think that could
25 happen? With all due respect --

1 MS. DeLEON: We're going to try --

2 MR. FREED: If Council gives me the
3 authority to create the agenda, which I didn't know was
4 the solicitor's authority, I'd be happy to put that in
5 there.

6 MR. BANONIS: But it is your authority
7 to communicate about time limitations.

8 (Multiple voices speaking.)

9 MS. DeLEON: Okay. I'm not taking any
10 more comments from Council. We're going to make a
11 motion to -- are we okay with the 21st?

12 MR. DESCHLER: Unfortunately, no, we're
13 not.

14 (Multiple voices speaking.)

15 MS. DURSO: Attorney Deschler was
16 suggesting, could we go the route of what Victoria -- I
17 don't want to say your last name wrong, so I apologize
18 calling you by your first name, because I'm afraid I
19 would mess it up, if we could potentially have a special
20 hearing date, if that's possible.

21 (Multiple voices speaking.)

22 MS. DeLEON: Okay. People can't hear
23 because there's too many people talking. One person
24 only.

25 MR. FREED: I'm sorry you misheard.

1 MR. BANONIS: Okay.

2 MS. OPTHOF-CORDARO: I think, let's --
3 the 7th is out. The 21st is out. I defer to Council
4 president. She is the Council president. So she's
5 asking to have it at a regular Council meeting. I
6 appreciate that, so if the 7th and 21st are out, what's
7 the next one?

8 MS. DURSO: I think it should be the
9 21st, then.

10 MS. OPTHOF-CORDARO: Mr. Deschler just
11 indicated he's not -- somebody said the 21st was not
12 good.

13 MR. DESCHLER: Correct. It is not good.

14 MS. DURSO: Or we'll go on the 7th and
15 we just won't have Ms. Manchel here. Because I'm not
16 going all the way into March.

17 MS. OPTHOF-CORDARO: Solicitor, what is
18 the timeline between meetings? Like, what is the rule
19 about --

20 MR. FREED: Forty-five days.

21 MS. DeLEON: We have time.

22 MS. OPTHOF-CORDARO: So we have to
23 schedule the next meeting at least within 45 days of
24 today.

25 MR. FREED: No more than 45 days.

1 MS. OPTHOF-CORDARO: No more than 45
2 days. So when is the "45" day on the calendar?

3 (Multiple voices speaking.)

4 MS. DeLEON: You're not recognized,
5 Jason, okay? We're in the middle of discussing this,
6 okay?

7 MR. BANONIS: We're having a
8 free-for-all over here and I didn't hear a single person
9 recognized, okay?

10 (Multiple voices speaking.)

11 MS. DURSO: We'll have it February 7th.
12 I don't believe -- and Mr. -- Matt had said that was the
13 date he was available.

14 MR. CAROCCI: And he said that was okay?

15 MS. DURSO: Yes, that's what his letter
16 said.

17 MR. CAROCCI: You have that in writing,
18 right? February 7th.

19 MS. DURSO: Yes, that was the letter he
20 sent to Council specifically starting his case on
21 February 7th.

22 MR. CAROCCI: I'll make a motion for
23 February 7th.

24 MR. BANONIS: Second.

25 MS. DeLEON: I'm sorry. We're under

1 discussion. There's a motion on the floor and --

2 MR. CAROCCI: I just made the motion.

3 My motion's on the floor.

4 MR. BANONIS: I seconded.

5 MS. DURSO: I'm good with February 7th.

6 MS. DeLEON: I'm sorry. I don't care
7 there's a motion on the floor. This is discussion of
8 the motion. And I want to hear what you two say.

9 MS. DURSO: I am fine with February 7th.

10 MS. DeLEON: With February --

11 MS. DURSO: 7th.

12 MS. DeLEON: -- 7th. Mr. Deschler?

13 MR. DESCHLER: He has something on his
14 calendar February 7th too. I'm sorry. They're
15 previously scheduled hearings.

16 MS. DURSO: No, but the letter that he
17 sent specifically asked for the matter to be continued
18 to that date.

19 MS. DeLEON: Okay. I just want to let
20 people leave here happy so we have the right date. So
21 --

22 MR. FREED: My suggestion is so you
23 don't have to re-advertise, that you schedule it for the
24 7th. If you have to convene and adjourn, everyone can
25 be communicated with beforehand to determine if it's

1 going to be a real hearing or just a convening of the
2 hearing to pick a new date.

3 MS. DeLEON: Right. As long as we don't
4 adjourn it, we're fine.

5 MR. FREED: Correct. As long as we're
6 continuing the hearing, we can reconvene on the 7th. We
7 can pick another date, if need be, or the hearing can
8 actually proceed that day.

9 MS. DURSO: Do you happen to have Matt's
10 letter handy? I'm trying to save paper so I don't know
11 if I printed it. Do you, Mark?

12 MR. FREED: I can look and see if I have
13 it.

14 MS. DURSO: I'll look real quick.

15 Yes, here's the email. Well, actually
16 it's your email, Attorney Freed. "We are solicitors to
17 Lower Saucon Township. We are in receipt of your
18 January 5, 2024, letter to Mr. Young regarding the
19 above-referenced matter. Given that the deadline to
20 commence hearings in this matter is January 31 and that
21 the January 17 hearing has already been advertised and
22 noticed, the township intends to commence the hearing on
23 January the 7th {sic}, 2024. We will consider the
24 request to keep the record open and to place the matter
25 on the February 7 Council agenda so that all parties can

1 be heard."

2 MR. FREED: Yeah, I don't know if that
3 was his request or me just saying that was the next
4 meeting.

5 MS. DURSO: No, I think that's what it
6 was, but I'm trying to find it.

7 MR. PETERSOHN: It's right here.

8 MR. CAROCCI: That email came from you,
9 so it was either your request or his request.

10 MS. DURSO: Yes. It's Matt's. Yes.
11 Sorry, Mike, but it says, "I would request that the
12 matter be placed on the township Council agenda for
13 February 7, 2024, so that my clients can commence their
14 own case-in-chief on that date."

15 MR. FREED: You keep saying that the
16 letter came to me.

17 MR. CAROCCI: Right.

18 MR. FREED: Well, how many times do we
19 have to go over the same thing?

20 MS. DeLEON: A million times with him.

21 MS. DURSO: No, no. The letter went to
22 Mr. Young, and then it was forwarded to Attorney Freed,
23 and then Attorney Freed responded saying --

24 MR. FREED: Thank you.

25 MS. DURSO: -- this hearing date was

1 already scheduled, we were going to proceed with today's
2 hearing date, and that at this meeting we would discuss
3 what the next hearing date would be.

4 MR. FREED: Thank you.

5 MR. CAROCCI: But you said you weren't
6 sure if it was --

7 MS. DeLEON: You are not recognized,
8 Tom. Do you understand what that means?

9 MR. CAROCCI: Okay. Will you recognize
10 me?

11 MS. DeLEON: No, I'm not recognizing
12 you.

13 (Multiple voices speaking at one time.)

14 MS. DeLEON: We're going to go into
15 recess if you don't be quiet.

16 MR. CAROCCI: -- if it was Mr.
17 Deschler's request or if it was Mr. Freed's request. So
18 that's what --

19 (Multiple voices speaking at one time.)

20 MS. DeLEON: There's a motion on the
21 floor, but we're doing recess. Okay.

22 MS. DURSO: Can we just have the
23 February 7th hearing date approved, please?

24 MR. CAROCCI: There's a motion on it.

25 MS. DeLEON: Mark, there was a motion on

1 -- I don't remember --

2 MS. OPTHOF-CORDARO: Can I just, like --
3 everybody went around in a circle. I make a motion
4 that, as the solicitor stated --

5 MS. DeLEON: No, there's a motion on the
6 floor.

7 MR. HUDSON: There's a motion on the
8 floor to move this hearing to reopen -- to close the
9 hearing and reopen it on February 7th.

10 MS. DeLEON: Okay. And that is what
11 we're going to do. If it doesn't work out, we'll open
12 it, you know, recess it, and then we'll have another
13 date by that time, if that's what we have to do. If
14 not, we'll be here on the 7th. We'll hear the rest of
15 this case. Okay?

16 MS. DURSO: Yes.

17 MR. HUDSON: Ms. Ray, how do you vote?

18 MS. RAY: Yes.

19 MR. HUDSON: Ms. DeLeon?

20 MS. DeLEON: Yes.

21 MR. HUDSON: Mr. Banonis?

22 MR. BANONIS: Yes.

23 MR. HUDSON: Ms. Opthof-Cordaro?

24 MS. OPTHOF-CORDARO: Yes.

25 MR. HUDSON: Mr. Carocci?

1 MR. CAROCCI: Yes. It's unanimous.

2 MS. DeLEON: We will see you on the 7th.

3 MS. DeLEON: Okay. So --

4 MS. DURSO: Thank you. I will bring

5 some of the documents on the -- just so we know, clean

6 up items on the zip drive that we were asked to, just so

7 we can display them. And somebody is going to get me

8 your letters. Unless you want me to take them with me

9 now?

10 MS. DeLEON: You can. I don't think I

11 have any notes on them.

12 MR. CAROCCI: Can I be recognized?

13 MS. DeLEON: No, you can't.

14 (The matter concluded at 9:10 p.m.)

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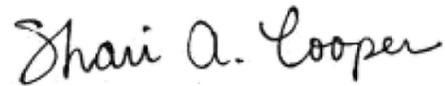
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January 29, 2024

I hereby certify that the evidence and proceedings are contained fully and accurately in the notes taken by me of the within hearing, and that this is a correct transcript of the same.



Shari A. Cooper
Registered Diplomate Reporter
Certified Realtime Reporter
Notary Public

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LOWER SAUCON TOWNSHIP
Northampton County, Pennsylvania

RESOLUTION #32-2024

**A RESOLUTION OF LOWER SAUCON TOWNSHIP,
COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA
FIXING THE GENERAL-PURPOSE TAX LEVY FOR THE YEAR 2024**

BE IT RESOLVED, and hereby is resolved by the Council of Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania as follows:

Section 1: That a tax be imposed, and the same is hereby levied on all real property within the Township subject to taxation for the fiscal year 2024 as follows: Tax rate for general purposes of 4.24 mills on each dollar of assessed valuation; and tax rate for Fire Equipment purposes and Fire Services purposes of 0.90 mills on each dollar of assessed valuation; for a total of 5.14 mills on each dollar of assessed valuation for 2024.

4.24 mills General Purpose Tax which is equal to	\$0.424 per \$100 of assessed value
0.90 mills Fire Tax which is equal to	\$0.090 per \$100 of assessed value

Section 2: The Manager's Bond is fixed at Five Hundred Thousand Dollars (\$500,000.00); and,

Section 3: If any provision, sentence, clause, section or part of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Resolution. It is hereby declared as the intent of Lower Saucon Township that this Resolution would have been adopted had such stricken provisions not been included herein.

RESOLVED by the Council of Lower Saucon Township this 17th day of January, 2024.

Attest

Lower Saucon Township

Mark L. Hudson
Township Manager

Priscilla deLeon
Council President

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

RESOLUTION #33-2024

**A RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP
TERMINATING TEMPORARY FIRE SERVICES CAPITAL PLAN SUBCOMMITTEE,
OPEN SPACE COMMITTEE, AND COMMITTEE TO REVIEW LIBRARY SERVICES
FOR THE TOWNSHIP**

WHEREAS, by Resolution #34-2023, the Council of Lower Saucon Township formed a Temporary Fire Services Subcommittee; and

WHEREAS, by Resolution #36-2023, the Council of Lower Saucon Township established and appointed an Open Space Committee; and

WHEREAS, by Motion made, seconded and approved on August 30, 2023, the Council of Lower Saucon Township established a committee to explore library services for the Township; and

WHEREAS, the Council of Lower Saucon Township does not believe that said committees are needed at this time.

NOW, THEREFORE, BE IT RESOLVED, that the following Committees are hereby terminated:

1. Temporary Fire Services Subcommittee formed by Resolution #34-2023; and
2. Open Space Committee established by Resolution #36-2023; and
3. Committee to explore library services for the Township established by Motion on August 30, 2023.

RESOLVED AND ENACTED this 17th day of January, 2024.

Attest

Lower Saucon Township

Mark L. Hudson
Township Secretary

Priscilla deLeon
Council President