



**Wednesday, March 6, 2024**  
**Lower Saucon Township Council Agenda \*Updated 3/5/24**

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

**1. OPENING**

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- 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**

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- A. Special Thank You to all Responding Agencies who Responded to the Train Derailment on Saturday, March 2

**3. DEVELOPER ITEMS - None**

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**4. TOWNSHIP BUSINESS ITEMS**

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- A. Discussion and Possible Action on Grading Plan Reviews for Individual Lots
- B. Discussion and Possible Action on Updating the Township Solicitation Ordinance
- C. Discussion and Possible Action on the Payment to Hellertown Area Library
- D. Discussion and Possible Action on Curtin & Heefner LLP Invoice
- E. Discussion and Possible Action on the Letter Sent by the Township to the IRS Regarding St. Luke's University Health Network
- F. Lutz-Franklin Schoolhouse Park Sign
- G. Accept Resignation of Township Manager
- H. Discussion and Possible Action on Township Manager Search

**5. MISCELLANEOUS BUSINESS ITEMS**

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- A. Approval of February 7, 2024 Council Minutes

**6. COUNCIL & STAFF REPORTS**

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- A. Township Manager, Mark Hudson

B. Council/Jr. Council Members

C. Solicitor

D. Engineer

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

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**8. ADJOURNMENT**

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A. Move to Adjourn

**9. UPCOMING MEETINGS**

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A. Environmental Advisory Council: March 12, 2024

B. Council Meeting: March 20, 2024

C. Planning Commission: March 21, 2024

D. Saucon Rail Trail Oversight Commission: March 25, 2024

E. Zoning Hearing Board: March 25, 2024

F. Parks and Recreation Board: April 8, 2024

G. Landfill Committee Meeting: April 11, 2024

1. **OPENING**

A. **CALL TO ORDER**

The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 6, 2024 at 6:33 p.m. with Ms. Priscilla deLeon presiding. She apologizes for the delay.

B. **ROLL CALL:** Priscilla deLeon, President; Laura Ray, Vice-President; Victoria-Ophthof-Cordaro, Jason Banonis, Thomas Carocci (Absent), Council Member, Mark Hudson, Township Manager; Steve Goudsouzian, Solicitor; Brien Kocher, Engineer; Cathy Gorman, Assistant Manager & Director of Finance; Carol Scheider, Administrative Assistant.

C. **PLEDGE OF ALLEGIANCE**

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

Ms. deLeon said Council did not meet in Executive Session this evening.

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

F. **PUBLIC COMMENT PROCEDURE**

Ms. deLeon said next we have the public comment procedure. Council has an administrative code that says the Council shall determine its own rules of procedure not inconsistent with ordinance or statute. At all meetings of Council, regular or special, interested citizens with legitimate matters to lay before the Council shall be granted the right and privilege to address the Council. The Council may prescribe procedures for citizen presentation to ensure decorum at all times and to prohibit personal or insulting language, total irrelevances and harassment, either on the part of members of the Council or members of the assembly at the meeting. Council passed Resolution #31-2024 on January 2, 2024. There are copies out in the hallway. It's a resolution of the Council of Lower Saucon Township (LST) adopting an agenda policy and code of conduct for Township Council meetings. There will be a 5-minute comment period relating to each agenda item after, during Council's consideration of the agenda item and then at the end of the agenda, there is a 5-minute public comment period to during which comments may be received on non-agenda items. So, tonight they have a presentation as follows.

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

A. **SPECIAL THANK YOU TO ALL RESPONDING AGENCIES WHO RESPONDED TO THE TRAIN DERAILMENT ON SATURDAY, MARCH 2, 2024**

Ms. deLeon said thank you all for coming and this time before she says remarks, she'd like to turn the meeting over to Mark Hudson, our manager.

Mr. Hudson said as everyone knows, they had train derailment the morning of Saturday, March 2<sup>nd</sup> about 7:15 a.m. He wanted to read a list of all the agencies that responded to the initial call: They have the Lower Saucon Fire Rescue (LSFR), LS Police, Dewey Fire, Dewey EMS, Bethlehem Township Fire, Bethlehem Township EMS, Freemansburg Fire, Nancy Run Fire Company, Northampton County Emergency Management, Lehigh County Special Operations, PA Water Rescue, Williams Township Fire Police, Bethlehem City Fire Department, PennDOT, the PA Fish & Boat Commission, DEP and EPA. Those were the initial responding agencies, State agencies to the call. If everyone would join him in a big round of applause, there are many of them with us this evening. He also has, Norfolk-Southern, he requested a statement from them and he has a statement from Norfolk-Southern (N-S), so he'll read that now: "First, we appreciate the cooperation and support of LST and the first responders with respect to the March 2, 2024 N-S derailment in LST, PA. N-S's crews and contractors have made substantial progress in cleaning up the site and have moved the derailed equipment to N-S's property. Those in the river will remain in place for now to make sure the small amount of diesel fuel that was released is contained and removed from the river. Our crews and contractors will remain on scene on the coming days to continue any needed activities. Any inquiries to

N-S shall be referred to [media.relations@NSCORP.com](mailto:media.relations@NSCORP.com) and that is from Jeremy Shoemaker, Regional Executive Director and State Relations from N-S.”

Mr. Hudson said we also have with us tonight to make a statement, the National Transportation Safety Board and if Ruben Payan could come up to the podium.

Mr. Payan said good evening. He is an investigator in charge for the team that was assigned to the train derailment that happened the other day. He would like to thank the Township and the local community for all the help they provided them and who kind of piggy-backed on the railroad taking over your fire station and the blocked roads, which helped expedite their investigation and moved it along quicker than they could have otherwise, so he thanked them very much for all their help in that. Tonight, he'd like to talk a little bit about who they are, what they do, and how they do it and he'll try to give everyone an update on where they are with the investigation, if that's okay with Council.

Ms. deLeon said that's great, please. Mr. Payan said so like Mr. Hudson said, he's with the National Transportation Safety Board, the NTSB is an independent Federal agency. They report directly to Congress. They are charged by Congress to investigate civil aviation, commercial space accidents, and surface transportation accidents in railroad transit, highway, marine, pipeline. They are charged to report the facts, conditions and circumstances relating to these accidents. They determine the probable cause and they issue safety recommendations that improve transportation safety. Their accident investigations focus solely on safety. The NTSB investigations do not determine blame or guilt. They also do not investigate intentional criminal acts. They have a mechanism too, if they find that, they get the FBI involved with that. Their investigation process involves several steps. The one you saw this week was the unseen face where they collect perishable evidence and work with the railroads to kind of preserve it until they get here and they can collect it. After this they continue their fact-gathering through records review and follow up interviews, if there are any. Then after all the reports are done, they present their draft report to their board members, our presidential appointed board members, and then they deliberate and adopt the final report. Their investigations typically take between 12 and 18 months, but during that time, while they are working on their investigation, if at any time, they identify any issues that need to be addressed, they can issue recommendations before the final report. So, they don't have to wait until the final report if they find something significant that needs to be addressed right away. So, they do have that mechanism also. So, that's who they are, so a little bit about the accident. So, on Saturday morning, March 2<sup>nd</sup>, NTSB was notified of a train accident near Easton, PA. NTSB investigators from their headquarters office in Washington, DC, Regional office of Sacramento, CA and Seattle, WA were dispatched to respond to the accident scene and began arriving the same evening of the accident. Railroad investigators began reaching out to N-S to coordinate with them to preserve their perishable evidence. The investigation team was comprised of four investigators, with specialties in motor, power and equipment, signal and train control, railroad operations, and human factors or human performance, and himself as investigator in charge. This investigation is still open, so there's some areas that he can't discuss yet because they haven't developed them yet, but some preliminary information that they have collected indicates on that Saturday morning, an eastbound intermodal train was stopped at a signal, just a red signal like a traffic light, when it was rear-ended by a following intermodal freight train. That rear-end collision resulted in three intermodal rail cars to derail and when they derailed, they fouled the adjacent track. Less than a minute later, an approaching west-bound manifest train collided with the derailed equipment that was following the second track, the second main track. The second collision resulted in six rail cars derailing and the two lead locomotives to

derail and end up partially in the Lehigh River. The west-bound train, the one that collided with the derailed equipment, had three placard hazardous material tank cars that were part of the six cars that derailed. The tank cars were residue tank cars, which means empty with some material left over, and they were carrying ethanol and butane. The tank cars were not breached and they did not find any evidence of any hazardous material commodity released. The locomotives that ended up in the river did just discharge diesel fuel as a result of the collision. The black boxes, that everyone knows, those are the locomotive event recorders. They have collected those. They have acquired them and those have been sent to their NTSB vehicle recorder lab in DC for further analysis. They were able to collect from all locomotives, from all trains. They have conducted train interviews from all three trains. The mechanical equipment has been inspected and examined and released. The signal system has been tested and all the locations have been downloaded. The N-S, once they were able to collect their perishable evidence, they started letting the N-S start clearing some track, some equipment and laying down new track. So, they were able to restore main track one and start running trains on Sunday at 8:30 p.m. and shortly later that day at 10:30 p.m., the second main track was opened and trains began running again. The next phase for them will be the release. They are going to issue a preliminary report and this should be in the next 15 – 20 days. It will be posted on their website. He can provide a copy to the Township. That's his presentation and he can try and answer some questions if anyone has any.

Ms. deLeon said she wants to thank him for coming tonight and explaining things to them because it makes it nice hearing it and knowing the facts from the fact person. You know that would be nice to get the reports coming up as they have them. If the Township can be of any assistance, please let them know.

Mr. Payan said he appreciates their time to let him come talk to you. Ms. deLeon said okay, thank you.

Mr. Banonis said Ruben, he has a question for him. There have been some posts on social media, including by members of this Council, as well as members of the public, to indicate that this crash was in some way caused by softening of the rail bed from water runoff from adjacent activities that were taking place. From what Mr. Payan described to him, it sounds to him like the accident occurred as a result of the train being stopped on the track, being rear-ended by another train causing cars to derail and as a result of that train going in the opposite direction, struck those cars causing that train to further derail and put the engines and locomotives into the river, is that accurate?

Mr. Payan said their preliminary information indicates it was more, the track was not involved. They are still looking at all the other factors, but the track they have not found any issues to further investigate in that area.

Mr. Banonis said thank you. He appreciates that because he thinks it's irresponsible for those people to suggest information that's not part of what his findings are. Thank you.

Ms. deLeon said okay, does anybody in the audience have any questions. (*someone in the audience asked Mr. Payan an inaudible question*) Mr. Payan said there is, not on the trains, but on the tracks themselves. The railroads can run any speed they want in accordance with Federal regulations and they are part of the DOT Federal Railroad Administration. They set the regulations for that and depending on the speed the railroad wants to run, they have to maintain the track to certain standards. On that section of track, he believes it was a 30 MPH speed limit

on trains. So that section was between 30 and 40 MPH. At the control point ahead of the accident, there was a change in speed there. *(someone in the audience, not at microphone, said it seems like they are running much slower now)* Mr. Payan said sometimes they do. He means, slower might be because of traffic, he couldn't explain that but they do have a maximum speed limit. Ms. deLeon said okay. *(Mr. Petrie from audience, not at microphone, said they read, and they are not sure if it is on the train or the tracks, but supposedly there are sensors in place or are supposed to be in place so that a train realizes that there is another train up ahead stopped. Does he know if there were sensors in this situation?)*

Mr. Payan said it's not a sensor, it's a system. For the better part of his career with NTSB, they were advocating positive train control, which is a system that knows where every train is and is supposed to make sure there's a safety buffer between them. The system works with the signals but once you are at restricted speed or some other speed below a threshold, the PT system no longer enforces the train separation. It's one of the limitations of the system.

Ms. deLeon said okay, she'll ask one more question and then they will move on. *(someone in the audience, not at microphone, asked if there were people in the locomotives, or if there weren't, were they supposed to be?)* Mr. Payan said on the lead locomotives, there was a train crew on each lead locomotive.

Ms. deLeon said okay, thank you. Mr. Banonis said he has another question before he parts. He had heard from a resident of Steel City that the railroad crossings in that area were recently updated, probably in the past year, year and a half, can he confirm that to them and if so, does that suggest that the sensors that were in place for the most current and most state-of-the-art to try to prevent these things from happening? Mr. Payan said they do not have any grate crossings within the vicinity of the footprint of the derailment and collision so they did not collect any information regarding grate crossings and highway rail crossings. Mr. Banonis said okay, thank you.

Ms. deLeon said okay, thank you. Anybody else want to come up? Then she'll read the thing. Mr. Hudson asked if the Chief of Police and the Chief of the Fire Department could come up. As he stated before, they had a great showing of emergency response but it was mostly their crews were there first. Ty was one of the first ones on scene, and everyone worked fabulous together to get everything under control. The scene was gotten under control and the fire departments and police departments did a great job, so they have with them, Ty Johnson, Chief of LSFR and Chief Barndt of LST police. Ms. deLeon said so would they like to say something?

Chief Johnson said he'd just like to say that it was a joint effort on all parts with the fire department and the police department and all the other entities that were involved. It went pretty well. They came out relatively unscathed for the situation, so if anything, it was a good eye opener, exercise to see what the potential hazards are in LST. So, he'd like to thank everybody that helped out and he appreciates their support. Ms. deLeon said thank you.

Chief Barndt said he'll just add very briefly, everybody knows he's been in emergency services for a long time, 45 years, since he was fourteen. All he can say is these men and women from the fire department, police department, EMA that continually train day in and day out, their family sacrifice, they sacrifice, they complain because they got to go to train. This is a proven fact why training is the most important. They did it to a T from his experience, although he was there, and you couldn't ask for more from the first responders that responded to this incident and everybody should be very proud. Ms. deLeon said thank you, they are very proud.

Ms. deLeon said may she have a few words first, go ahead. Mr. Banonis said so, he mentioned that they came out of this relatively unscathed, was anybody injured? Chief Johnson said no, nobody was injured. What he means as far as like the hazard thing that could have happened, you know, they had two tank cars that derailed. Thankfully they weren't full, but they still had the potential for some type of problem because of residue in them. So, you know, that's what he means by they were unscathed because it could have been a lot worse. Mr. Banonis said absolutely. Chief Johnson said they could have been... Mr. Banonis said East Palestine. Chief Johnson said yes. You know, his first thought was when they got dispatched, it came in as multiple calls for two locomotives in the river, so his initial thought was they have some type of rescue in the engines that they have to get to so they had a water rescue team on stand-by right away. Then you get to the scene and then you have rail cars, particularly tank cars, which is the worst car you want to see rolled over, not on the tracks. So, given the situation, they came out in pretty good shape.

Mr. Banonis said he saw some media reports including the Morning Call. They have Tony Salamone, who is here from the Morning Call. It indicated that Nancy Run Fire Company was the first one on the scene and he's just a little bit confused about that. Were they in charge of the scene or were we in charge and if they were in charge, why were they in charge instead of us? Chief Johnson said he was the incident commander. He was the first one on scene. He followed their engine out of Steel City into the scene. They went on radio just as he was coming up to the firehouse. Nancy Run followed them in. Nancy Run were the first ones to post pictures on social media. So that's how the news got out so fast. LSFRR has a social media policy. They don't post pictures of incidents like that, especially while they are going on. So, that's where the confusion is, but it was definitely run by LSFRR. Mr. Banonis said good. He's just asking that only because he wanted to make sure we were in charge and if they were in charge, why were they and what do we need to do to get to that level, but Chief Johnson answered his question. Thank you.

Chief Barndt said he would just add to that, Ty was in charge from the start, then they began a unified command posts with the fire department and police department, EMA, EMS, all the other entities. The Township Manager responded in and they set up a post and they were there from probably 8:00 a.m. until it broke down at 1:45 that afternoon. Mr. Banonis said sorry they spent their Saturday there, but he thanked them for what they had done. Chief Barndt said sure.

Ms. deLeon said she'd like to say a few words. She wanted to thank everybody for attending tonight. "As you know, three N-S trains crashed and derailed in LST, Northampton County on Saturday morning, March 2<sup>nd</sup>. She would like to thank all of you who responded to what could have been a real disaster. Kudos to all the first responders, police, EMS, everyone and other organizations who responded to the call of duty. She saw a community come together to help in what could have been a catastrophe. No one was hurt and no evacuations were needed. All of you did a tremendous job on the quick response to this derailment. For that, we are very thankful. We are so lucky that this was not worse. We are so proud of all of you. There are over 250 homes in Steel City, others in the Redington area and the Bethlehem Township across the Lehigh River. I have lived in the village of Steel City since 1985, and I grew up across the street from train tracks so I'm well familiar with railroads. It is inevitable that a derailment would happen living near railroad tracks. One of these days it's going to happen and it did on Saturday and you guys were remarkable. Some of us live just a short distance from the rails. I woke up on Saturday morning to a noise around 7:10 a.m. and thought what the heck was that. It sounded like thunder, but it was like weird thunder, then I found out what really happened.

Our greatest fear, like I said, was the horrible Ohio incident and the release of hazardous chemicals spurring out into the neighborhood. After the East Palestine train derailment leading to the release of vinyl chloride, Executive Lamont McClure, had the foresight and directed emergency management to conduct three training sessions to deal with the release of hazardous materials. The first responders that had this incident contained pretty quickly, which I think is a credit to the EMS and McClure's leadership for having the training sessions to prepare you. So thank you to Lamont. We might be a small town, but you knew what to do when you needed to do it. You guys did it and did it well, and I think LST residents should feel safe and comfortable knowing we have a great team working for us." So with that, Lamont couldn't be here tonight, he had a previous engagement and Bob Freeman wanted to be here tonight but he couldn't attend also. So, with that, she'd like to direct the Manager to send letters out and to the appropriate, there's a list, so send letters of thank you for responding and whatever you think...Ms. Opthof-Cordaro said she seconds the motion. Ms. deLeon said well it wasn't really on the agenda, for action, she they will just direct the Manager...Mr. Goudsouzian said they can make a motion.

**MOTION BY:** Ms. deLeon moved to direct the Manager to send thank you letters out to the list of responders.

**SECOND BY:** Ms. Opthof-Cordaro

Ms. deLeon said would anyone out in the audience like to speak to this, please come to the podium. Atom Kallen said he lives in Steel City. He has a question about this topic, is this the appropriate time for it? Ms. deLeon said question about? Mr. Kallen said this topic about the train derailment, is this appropriate time? Thankfully this time no evacuations were needed, he's very happy about that but can they tell him where he can find information on the evacuation plan for Steel City, especially in the event that Riverside Drive become damaged or inaccessible. Ms. deLeon said she personally can't. They can get back to him on that. Mr. Kallen said okay. Ms. deLeon said okay great.

Ms. deLeon said does Council have any other questions, she didn't ask Council. Laura? Ms. Ray said she doesn't have questions; she was just going to make a quick comment as well. So, she does also appreciate all the work that goes into coordinating this amount of people, this amount of organizations that very quickly responded to their emergency. It's really reassuring to know that regardless of what the situation is, they have people there to support us and this emphasis on the need to continue to build and maintain their inter-community cooperation among all their neighbors, so thank you again to all our first responders, she really appreciates it.

Ms. deLeon said Jason. Mr. Banonis said he has nothing else, thank you.

Ms. deLeon said Victoria. Ms. Opthof-Cordaro said she did want to express her gratitude to every single person that responded in any given way and she wants to reiterate to the public that not only do we have our wonderful paid police force that was there, they did an exceptional job in assisting, but they have a tremendous amount of volunteers in LST that stepped up and were there and the first on scene and acted professional and acted like a paid fire force and she can't thank them enough. She wants to reiterate the LSFR, not only was there in force to make sure everybody was safe, they put their lives at risk, but also the LSFR Auxiliary Team showed up and they made sure that every single person had a hot lunch and had food and had drink and everybody responding from Northampton County to the Federal agencies to the different responding organizations from Bethlehem Township and all over the place, had some food.

Those are volunteers in our community and she cannot be prouder that they have a first-rate fire company. They have a first-rate police force and they have a first-rate group of citizens that support them, so she wants to make sure everybody is aware of that, that we have volunteers that are doing this, protecting our lives and putting their lives at risk. So, thank you all very, very much and she's so happy that they are able to send a thank you to you although it's not nearly enough. Ms. deLeon said okay, she thinks they all went, so roll call.

**ROLL CALL:** 4-0 (Mr. Carocci – Absent)

Mr. Hudson said he did have one comment and he should have read it in between; it doesn't have anything to do with the motion. He did receive an email from Donna Louder, "Let me begin by saying thank you to all of our emergency responders who gave their time and expertise to the residents of Steel City area on March 2, 2024. Growing up in Steel City, the trains have always been a part of the community, but this event has then created an uneasy feeling every time a train is passing our area. It helps to know we have an outstanding emergency response team that are ready, but watching the news release by Mr. McClure, it occurred that those who were standing with him, are paid officials with the exception of the LSFR, Ty Johnson, the exact person who shouldered the initial responsibility for the fire department's role as well as orchestration of the emergency resources. As a former member of the Fire Services Committee, I recall talks to create a paid Fire Chief position in the Township. I feel that the March 2, 2024 N-S event solidifies the need. Steel City area has the highest risk for catastrophic occurrence. Please move forward and secure the future for our Township fire services, Respectfully, Donna Louder." Ms. deLeon said okay thank you, did he have any other ones? Mr. Hudson said no, that was the only one he received.

3. **DEVELOPER ITEMS** – None

4. **TOWNSHIP BUSINESS ITEMS**

A. **DISCUSSION AND POSSIBLE ACTION ON GRADING PLAN REVIEWS FOR INDIVIDUAL LOTS**

Ms. deLeon said Council requested historical information on the grading ordinance, and documents have been attached beginning in 2000 through the last update to grading in 2007.

Mr. Hudson said we do have Matt and Cary present. They did reach out after the agenda was placed and did want to say a couple of words again.

Mr. Matt Minielly was present. He said they just did want to follow up based on their last meeting. They had a few things they were hoping they could get clarity on. Just to give Council a quick update on what's happening in their community in the last two weeks, good and bad. They'd like an update on the three motions that were passed at the last meeting. He thinks one of which is the grading plan but there were also actions given to the solicitor to talk to their attorney and also Mr. Hudson regarding collaboration, coordination with the DEP. They understand there was not just discussion with the builder but there was actually a meeting with the builder held here at this office. He doesn't know actually where it was on February 20<sup>th</sup>. They were not aware of that meeting, but they would like to know kind of what happened, and then that's another question on building. He was actually issued a building permit to do lot improvements, but it ties into a question with regarding the as-built and the lot grading issues that Mr. Brien is going to go over.

Mr. Hudson said during the last meeting they were here and did tell them they had a meeting with Rotelle to talk to them and they were waiting to get information back from them. So, he actually just did get information from them tonight, right prior to the meeting, back from them, that they did talk about at the last meeting. It was brief.

Mr. Minielly said they knew there was a discussion, they didn't know that 20 people attended or 15 people. Mr. Hudson said they got a group of people together to talk about it and try to figure things out. Mr. Minielly said they were hoping to get a read out as residents and the people affected by this, what was...Mr. Hudson said they were waiting for this...Mr. Minielly said fair enough, fair enough, so maybe their discussion will be quick. Mr. Hudson said he had a phone call and sent a letter to Brien Yeagley and he said that incorrectly from the drinking water from DEP, and he has not heard back from him. Mr. Minielly said okay. Mr. Hudson said Steve reached out to...Mr. Goudsouzian said he reached out to the homeowner's attorney. They scheduled a phone call. They had a phone call. They discussed what was happening. It made sense, at this point, to do nothing formally, but they left it as they would keep each other in touch and he thinks they both agreed that it seemed the best way to go. He is reporting back to Council that they asked him to do that and that's what he did.

Mr. Minielly said they received different feedback from their counsel. He would just like to note that he was hoping to understand what items that they brought forward to this Council, the Township and the solicitor could collaborate on with them on a Joint Defense Agreement or whatever the correct legal term is, he apologizes, he's not an attorney, and what the structure of that arrangement would look like and outside of it, it might not be the time yet. It's still open-ended on his end as to what the Council is allowed to do and what items they can tackle in a collaborative manner and what that structure would look like outside of going to the front lines today. So, he was quite honestly disappointed and then he went back and watched the hour-long session two weeks ago to make sure he didn't miss anything as to the intent of, thinks it was Mr. Banonis who made the motion, and he felt those discussions were a waste of time. He asked Cary if he had anything to add to that.

Mr. Cary Magaram said yes, Mark you just said Rotelle responded to him. Mr. Hudson said yes, literally tonight. Mr. Magaram said perfect. Does he mind sharing the nature of the response with them? He asks because based on a conversation with their attorney, they still are yet to receive any sort of specificity as to the scope of the work that Rotelle is committing to do or a timeline. Just today, ironically, he's working with his warranty point of contact. He let him know at 2:17 p.m. today that the warranty request he put in, weeks ago, months ago, the gentleman will be showing up at his home tomorrow to which he responded, great, what time. No response for two hours, until the response that he gets, was "I will try to get a time", until Mr. Magaram sent two more emails to him pressing him that he has a full-time job, a wife and a baby, so tomorrow doesn't really cut it for him, and then he finally responded four hours later. These are the people you are dealing with. These are the people that they've been dealing with. He's coming up on his one year on the 29<sup>th</sup> so he will lose, more or less, all recourse with them. It is extremely time sensitive. They gave yet to hit a timeline they've ever given him. They have consistently found excuse after excuse to not be held accountable for the contract that they signed. Last he checked, you sign a contract, you don't get to pick and choose what parts of it that you abide by. You abide by all of it or you abide by none of it. So, he begs of you, plead with all of you, please share as much information with us as you can as to what they are saying to you. Please press them for time lines. Please press them for specificity. He has given up hope because he only has three weeks left but there are four houses that are being erected right now in their community. They have a home of a gentleman who just moved in; a family, three

kids he thinks he has. Their septic just failed over the weekend, brand new home. Septics are failing in brand new homes. People cannot live without a septic tank in their community. There's hazards that are at stake here, potential lives, safety, families, small children across the board and they don't care. They are just putting up houses as fast as they can because they are going to do to these people what they did to them. Please, Mark, can you please share the nature of communication Rotelle sent back to him as to the work that's being done for his lot, Matt's lot. He doesn't know how Matt's dealing with this. The problem as he looks at it in the grand scheme of things that he's dealing with, by the way, punted on his, they are not dealing with his HVAC problems any more. They have given up. They said they are going to paint, that's all they are going to do. They are not going to make the noise go away, so he has to live with that. \$10,000 - \$15,000 out of his pocket, whatever, you know, and he's in \$30,000 with them already, what's another \$10 or \$15, but they do have four homes and other homes that were built that people are occupying right now that they have a chance. They have maybe a year. His request to you is very simple, share the information they have, shut them down, only thing that will stop them.

Mr. Minielly said to Cary's point, so if they could just go through a few things. He just wants to tell them what has happened, good and bad. So, Cary did mention another septic tank failed. He was actually on site with Scott Brown the other day. He's the SEO that is taking over or covering for Chris Taylor while he's out on vacation. A fix has been deployed on that septic tank. It did alarm Saturday night during the rain. The homeowner did have to essentially evacuate his family to the in-law's house in NJ because the tanks were overflowing. Again, called the 24-hour hotline, no one showed up until it was Monday morning at 8:00 where fixes were deployed. So, what's happened since? Electrical. So, he does have probably the brunt of it. The power outage took out his upstairs furnace, okay, and took out his kitchen appliances. So, he has not heard from David at Key Codes in over two weeks, so that was his first message where they were looking into the power situation. It's really difficult to raise a child with no heat in their bedroom and when you don't have kitchen appliances to cook for them and you are living out of a cooler and you don't have a dishwasher and stuff. Thankfully, he does have another home in the area that is unoccupied where he and his wife take their dishes down every day to wash them and bring them back home. As Cary mentioned, his HVAC issues continue. He can't hear it from his house but you know, quite honestly, it's 65 or 70 decibels. He doesn't want to and he does feel for his family. So, they did have some good news. Lot 7 was inspected by Chris. They also have, this is Ms. Cordaro's sister, just for those playing at home, that passed on February 26<sup>th</sup>. He says that, you know, Chris has sent an email. He has an email from Chris Taylor to Rotelle on February 27<sup>th</sup>. They talk a lot about his usage for two people being 140 gallons a day and that being on the low end of the spectrum in terms of gallon usage per day. You know, so they were out at his house last Monday. They actually evacuated the tank. It is 1250 gallons. They put cement patch in there. He didn't know this until he met with Scott Brown, but he didn't realize you can't patch cement with cement. He didn't know that. So, these guys have yet, it seems weird, but actually if you Google, where is it, guide to concrete adhesion. Actually, concrete doesn't have adhesive properties and it won't stick to itself. So, that's not how you are supposed to fix a tank. He didn't know that either. He's learning a hell of a lot about homebuilding. He could build a better home than these guys could. You are actually supposed to fix septic tank issues and cracks and concrete with epoxy. He actually talked to the DEP up in Wilkes Barre, who is the gentleman's name, he was the assistant to the director. He doesn't have it here but they told him that replacements and the patching situation that they are trying to deploy, isn't adequate in an active situation. Right, so you actually have to de-service the tank or take the tank out of service to make sure it's dry and so forth. When you try to patch on wet surfaces and so forth, it doesn't work. So, 1250-gallon tank, they

contributed 544 gallons to it and it was filled in four days. So, there's a leak of over 4 gallons in their septic tank and there's a leak of one gallon in the pump. He knows that Chris, he was hoping that Chris would send updated findings. Mark, he had sent him a letter a couple weeks ago on Mr. Minielly's situation and he was hoping he would issue an update before his vacation. He understands that may be stuck. He also understands that HEA and you and the solicitor may have met on his septic issue yesterday, so he'd like to know what discussions happened there.

Mr. Minielly said but anyway, why he brings up Lot 7, so Lot 7, this email lays it out to the builder very clearly. In the three months that he's lived there, his pump tank has discharged 42,000 gallons. Meanwhile, Lot 7, Caroline Opthof, her tank has discharged 14,000 gallons and she's lived there eight months and he's lived three. So, it's three times the volume out of his tank in a third of the time. So, nine times the volume roughly. So, they all thought that was good, but when you actually take the eight months that Ms. Opthof has lived in their house with two to three residents at a time, it amounts to 61 gallons a day. So now the concern is, while it did pass the sniff test for the engineers, the concerns is it's actually leaking before it actually gets to the pump tank because there's no way a house with three residents, two to three residents, can only discharge 60 gallons a day out of the pump tank. There's a leak somewhere before it gets to the pump tank. So, the numbers, he's a numbers guy, and the numbers just don't add up. So, you know, he knows they are supposed to talk about grading, but what's going on with the septic tank. They now had a fifth failure of the septic tank at his house. The fifth patch has failed. Brien, he doesn't know, Chris has provided him empirical data to support that. What are they doing about that? They were supposed to be on his site on Tuesday or Monday and then they cancelled because of the rain and so forth. They were supposed to be back Friday. What are they doing about his tank?

Mr. Kocher said Chris did put a report together before he left on vacation, but he wanted to connect with Mr. Kocher to review it with him and they couldn't do that before he left, so that's why it didn't go out before he left.

Mr. Minielly asked if he has reviewed the report. Are we just going to let these guys puncture, at what point do we say, hey we are the governing authority in this Township, play by our rules. The Township entered into a sewage management agreement with the builder, okay. After that was executed, the permit was issued. The builder has not complied with that agreement. He hired contractors that are not qualified to put in these drip systems. We issued a pass, right. They were issued a pass, a passing inspection. He goes to flush the toilet the day he moves in and all hell breaks loose and they are 90 days into this and you know, it's, what are they doing about it. Are they doing anything? We've had a lot of smiles and talks and handshakes, and so forth and that's all good. He doesn't disrespect anybody on this panel, but what are they going to do about it. Is he going to be up here in 9 months still pleading for a new septic tank? What can we do? Can they enforce the builder to give him a new tank because Chris actually sent a letter to them commanding that and they gave him the international sign of unity and here we are, 21 days later, dealing with the same thing.

Ms. deLeon said okay, what's the answers here. Mr. Goudsouzian said the answer is it has to be equal. They have an inspector who looks at those things. Ultimately, from the Township's standpoint, what they would have to do is if they were going to go forward and require a new tank, they'd require the homeowner to obtain the new tank, the expense, pardon him Sir. You as the homeowner would then have to go ahead and address that and put in the new tank and so on. You would then have the right to pursue whatever claim they have. The Township has chosen, at least at this point, to work as collaboratively as possible with the idea that

traditionally they can just go straight to the homeowner and say this is your problem, but we chose not to do that.

Mr. Minielly said he knows but what, again, so it's a little bit of, the Township issued the permit. They inspected it. He doesn't care that there was a third party involved. The Township issued a permit, said it was good. It clearly wasn't and now he's on the hook for \$35 to \$50,000 to fix it. That's how it works.

Mr. Goudsouzian said that's what the Township is trying to help...Mr. Minielly said is that how it works. Mr. Goudsouzian said ultimately the responsible party is the homeowner. If you are in a different Township, or a different place perhaps, you wouldn't be having this...he doesn't mean to be rude about it, you just wouldn't be having this conversation. They are trying to work with them. They are trying to work and push the builder what they believe is the right thing to do. Unfortunately, it doesn't work as well as they would like and as fast as they would like, which he appreciates from the homeowner's perception. From the Township's perspective, it's easy to say we don't care, this is just your problem, but they haven't done that. To the contrary, they tried to do this as best as they could. Unfortunately, you know, things move slowly. Things don't move as fast as they want. That's where they are. It's not a great answer, but it's a lot better answer you'd get than from other places.

Mr. Magaram said he's heard that very same line from Rotelle. They told them you can go with another builder. They are a lot worse than them. He would hope the Township would have higher standards than Rotelle to serving us, the people, everyone protecting them. He doesn't take that...he appreciates the spirit of what he's saying, but he would hope they would hold themselves to higher standards than these dirt bags.

Mr. Minielly said there's a contract out there and again, Jason, he signed it, Mr. Banonis you signed it. These guys have not adhered to their contract. Is there any legal avenue the Township can pursue? Again, this is what he was hoping you and their counsel would discuss but none of that happened. It was just a waste of two hours for their guy because they had to pay them to meet with the Township and then go back and watch the video to make sure he didn't do anything. Again, he does appreciate the spirit of what they are saying but how long, how many days does he need to get up to read a meter reading and send a note to Brien and Chris, oh, yep, another day we are discharging more than 130 gallons of crap, for lack of a better term, into the environment.

Ms. Ray said may she ask what contractor is he referring to, that he referred to. Mr. Minielly said the builder has engaged a contractor, Rutherford, to do all the septs, right. According to the agreement, Ms. Ray that Jason signed, there's an on-lot sewage management agreement that was established between the builder and there are certain obligations that the person that was contracted to do this work had to be an approved contractor by the manufacturer. Rutherford is not an approved contractor by the manufacturer, right. So, they subbed it out 100 times, 100 people have looked at his septic tank and no one has fixed it and it's just...now that the builder's being watched, he knows he's being watched. You guys had these meetings. He's putting these things up quicker than he can as he just wants to fleece them and get the hell out before they have no recourse. He means it's just, it's unbelievable. He does appreciate that they are helping but if that's the answer, give him the letter that says that you are going to hold him accountable and he will engage his attorney. Just give it to him if that's your answer.

Mr. Banonis said Mr. Minielly, he'll be more than happy to give him his version of the letter. He just received this when he sat down this evening. These letters are dated March 6<sup>th</sup>. It's about a 9- or 10-page letter and he'll put it on record what it is. It's a letter from Peter. He doesn't know who Peter is. It's on Rotelle letterhead, March 6, 2024. He's enclosing seven copies of this letter that's inside. The March 6<sup>th</sup> letter from the Rotelle Management Team. It's a two-page letter that addresses generally the issues that he raised before this Council and then attached to that are responses to letter from Matthew Minielly dated February 7, 2024 and there's multiple sections. Section 1 - driveway, septic drain, major foundation, HVAC, electrical. Section 2 - updated development since this major issue, and it goes on and on with a number of sections through Section 12 and it has other issues with subflooring and other things here. You can have his copy. He reviewed this as he sat here. It's the first time he's seen it but the gist of what he gets out of here is they are saying the allegations you are making here, that you've made before this Council are false. He has no way of knowing that or not. Hold on, you seem to be a straight forward guy and he appreciates that and he appreciates your candor towards us and he feels for you and your neighbors that they are going through this, but this seems to be a dispute between you and a builder which is a private transaction. He's not trying to shirk the Township's responsibility or suggesting that in any way and he already previously offered what he thought was a workable solution to have the Township Manager, engineer and solicitor try to support our residents in a way that is, support of the community as a large, at large. It seems Mr. Minielly is not happy with what he's heard so far from the Township...it seems like he's not happy with what has transpired so far. He said that he's left without recourse. Well, he's not. Your recourse is to, if you want to, file an action against the builder because ultimately it sounds like that's where you are going to end up. You may have an action against the Township, maybe not. Maybe the Township can enter into this agreement he had proposed previously to help support him in it, in your efforts. He finds it troubling if the Township is not doing what it is supposed to be doing in terms of making sure that builders who come into this community are not following the Township's rules. Rotelle seems to say that they are following the rules from what he gathers in here. So, he's not the arbiter of this dispute, nor is the Council, nor is the Township, but if they find information that suggests they are not following the rules appropriately, or that they could do more like they talked about money that was retained by us for completion of the work, that they could perhaps leverage that. He thinks those things need to be done, but he's not sure what could be done certainly on Cary's behalf. He's got a window that's closing very shortly. We talked about this before and he had suggested that they make this an urgent matter. In light of the weather, it's been raining for a couple of days, ground soaked, he's sure that doesn't help things for you and your neighbors. He's at a loss. He's at a loss because of the lack of meeting and cooperation and coordination between the Township and Rotelle to try to get these...to get this sitting here, that's unacceptable. You know, this is something they talked about two weeks ago, three weeks ago, whatever it was, but he gets the letter dropped on us as he sits down here, so he doesn't know. He doesn't know what the answer is to that but he thinks they know what the answer is. He thinks they know what they need to do and they seem to be frustrated because their lawyer spent time talking with us. If they need to light the rocket, then light the rocket and go after them and do what they need to do and whether the Township gets on board and helps them is really on the Township's administration to do that. He doesn't mean to be flippant about this, and he doesn't mean to be off putting, but he's trying to be pragmatic and realistic here.

Mr. Minielly said they appreciate that. It's interesting with all the photographic and video evidence and even with Brien, Chris, Scott, out at his site. They are measuring the stuff. He was out of town last week at work and Chris was still coming to his house at 7 in the morning, 11 in the afternoon measuring. He does appreciate the collaboration and the willingness to help,

but they are just going to...as he thinks he said to you guys, the Rotelle vans drive by the school bus with its lights flashing and the cops are there watching and they won't ticket them. What they do is they hold the students back from getting off the bus because they don't want to ticket the violation and that's really what's kind of going on here. There are code issues. There's no, he's never lived in a house that when the power comes, goes out and comes back on, where you have to reset your entire breaker.

Mr. Banonis said he hasn't either. Mr. Minielly said he appreciates your candor. He guesses with that, yes, he would like a copy of, he guesses with the last comment, before they get into the as-builts and lot gradings and so forth, he was issued a permit for lot improvements for the back of his yard and he's wondering what, when the zoning or planning committee reviews that, what drawings do they use. Do they use the approved lot drawings? Do they use the as-builts? What do they use?

Mr. Kocher said it doesn't go to any board or committee to approve that. That all runs through the zoning office. Mr. Minielly said does the zoning office look at a map or do they just rubber stamp it. Mr. Hudson said he doesn't know what he's building. Mr. Minielly said he's building a 12' x 20' deck and he was granted approval permit 9-24. So, the lot grading is so incorrect, so deficient, and the seepage bed is, this is where the seepage bed is supposed to be, this is where it actually is. He can't even put a 12' deck on the back of his property without it going into the seepage bed. So, they got a building permit and because of these issues and had he not had the intelligence or whatever, the builder, or his contractor came over yesterday and mapped it out. They would have gone through the seepage bed. Now the seepage bed wasn't supposed to be there, so he's wondering if they just issue permits blindly or do they actually look at...Mr. Hudson said these are two different things. So, when you are doing something like a deck, they are using the information that they give them and that's what is reviewed. Usually, people don't have as much information about their house being built like Mr. Minielly has. So, usually when a permit comes in, it's being based off of the information that's given to the Township and the Township third-party from the homeowner or the homeowner's representative. Mr. Minielly said but the Township doesn't look at his lot. Mr. Hudson said no. Mr. Minielly said there could be a natural gas line underneath there and they could just...Mr. Hudson said that's for you and your builder to figure out. Mr. Minielly said he wasn't aware of that, so that's really unbelievable, so they do, do the rubberstamp, got it.

Ms. Ray said legitimate builders would know to call. They call before they dig the pipelines if they are legitimate. Mr. Minielly said he got this approved permit and then the seepage bed wouldn't come up. The seepage bed is 30' out of where it should be. Ms. Ray said not where it's supposed to be. Mr. Minielly said so, those are his questions, Jason. If he could get a copy of that, he does appreciate it.

Mr. Banonis said he can have his copy right now, feel free. Mr. Minielly said he'll come up and get it. So, to your point and thanks for letting them speak and they do appreciate the time, where are they with the lot grading? Ms. deLeon said they are going to do that next when he is finished. Okay, so they will move into the agenda item on the discussion on the grading plan reviews for individual lots. Who wants to do that?

Mr. Kocher said he'll just introduce it. You asked to look into the history as to how the grading ordinance may have been revised over the years so he thinks Mark has given them copies of the different ordinances that Councils have passed. When the grading ordinance was originally developed in 2000, there was a requirement, mandatory requirement for an as-built and

involvement with the Township Engineer in looking at the as-builts and the lot grading. Then if he can paraphrase, due to a large number of residents concerned about the cost of grading plans, Council took under consideration changing some of the things in the ordinance and the mandatory as-built was taken out. The involvement of the Township Engineer in anything past the review of the grading plan was taken out and it went to the Township staff. So, that's what they have today.

Mr. Goudsouzian said to follow up, the last ordinance, which is ordinance No. 2007-01, with regard to inspections, which is Section 10, allows, not mandatory language, but permissive language saying inspections of the Township may be carried out on a random basis. A final inspection may at the option of the Township be conducted and so on. So, there's some latitude in the current ordinance, if you want to consider that. So that's where you are.

Ms. deLeon said so we could either revise the ordinance and include new language. Mr. Goudsouzian said you have several options. One is if you chose to, you can have a new ordinance issued and addressed and they'd have to go through that process. An alternative would be to take a harder look at the existing ordinance and do it administratively where you say this is the goal we are trying to reach. What he thinks our Township Engineer has pointed out, is perhaps you don't want a knee jerk reaction now and then regret it a couple months or a couple years later. So perhaps, what you might want to consider is say this is what we are looking to do and allow staff, Manager or engineer to report back and say this is, if your goal is x and y, your best option is to do it this way. So, he thinks what we are looking for is if Township Council is moving in a direction, let them know what that direction is and if you want, they can come back and report back and perhaps this is the best way to do it. Ms. deLeon said she thinks they need to be reviewed. That's her opinion, so to correct that, then they'd have to again, what are their options?

Mr. Goudsouzian said our option is if your inclination is to have them report back and if the goal, if the consensus of Council or the consensus of the majority of Council is to say what can we do to make this somewhat stricter or increase the amount of inspections, they can do that, but then the question is going to be, there will be more cost on homeowners.

Ms. deLeon said so what are we talking typical costs, what would be a cost range? Mr. Goudsouzian said he'd imagine if the requirements were for the homeowner's engineer to do an as-built, they'd have to pay for that. Then our engineer would have to review, the homeowner would pay for that. That's what he thinks happened, he doesn't have the historical background...Ms. deLeon said she kind of remembers that. Mr. Goudsouzian said that's the problem. Ms. deLeon said everybody was upset with them. Mr. Goudsouzian said so there's no easy answer to this question. From his standpoint and he will speak with engineer and staff, obviously they will do what Township Council wants them to do if you point them in the right direction or the direction they want to go.

Ms. deLeon said Victoria? Ms. Opthof-Cordaro said yes, first as comments to the residents who have come before...first she wants to say thank you for coming back and forth. As a new Council member, she has seen that with them coming forward, our Township staff has invested a lot of time and effort to try to assist them. So, she wants them to be cognizant to the fact that the time and effort that their Township Zoning Officer and engineer and staff and solicitor have spent working on this, that's what the taxpayer dollars are going for. So that, we are paying to help them to try to achieve that result. She thinks as a Council person, she said before, she has to recuse herself with the situation in their neighborhood, but she does think it's important that

they haven't heard from our experts about and she says our engineering team about what is their remedy, so it sounds like there was efforts done. They came out and investigated multiple times and they are still waiting to prepare the final report to provide to Council so that they can then help them. She wants them to understand that she doesn't have the information from her staff yet to, like help them, the way that they want Council to help them. So, she appreciates that they are trying to work as fast as they can but she can't control those factors and she has to wait for that information. She thinks with regard to this particular issue, she thinks what the staff is suggesting is that they go back and look at how they can strengthen what's there, administratively would be a good place to go. So, that was like Option No. 1 she believes. Is she accurate in that?

Mr. Goudsouzian said it's one of the options. What the more stringent option would be is to enact a brand-new ordinance, but that is their choice. He cautions on doing that now because once you enact an ordinance, which has mandatory provisions and so on, and so forth, you may go too far or not far enough. So, he thinks, although this is an immediate problem in this development, and clearly, now it's brought to your attention. If Council is inclined, he thinks what might make the most sense is have them report back, have them give Council their options, but again, if the consensus is from the group, from Council, you want more stringent enforcement or you want more people looking at this, even though it might cost more, then they can provide you with options.

Ms. deLeon said would a possibility be to take that language that he just read and kind of turn it into a resolution or a policy, how to apply a policy towards that. Mr. Goudsouzian said that's exactly what it would be, it would not require a new ordinance, but would require just a simple, the Township may do A., B., and C., and now they are going to identify what A., B., and C., are. They would want the Township to do that. That's why he is suggesting that might be the better option. Ms. deLeon said right. She likes that option.

Ms. deLeon said Jason? Mr. Banonis said he's sorry for what you guys are going through, but from the builder's standpoint and the Township's standpoint, he will say this, the situation that you and your neighbors are going through seems to be an unusual situation. He can't recall another new homeowner, an owner of a newly built home going through all of the issues they are going through. That causes him to think the ordinances they have in place are functioning properly and there is something that happened here, that is allowing the situation to happen, and he doesn't know what that is. He's not sure what the need is that hasn't been articulated to him by Township administration and staff. He's not sure what the goal is here. He's very hesitant to agree to enact anything or any changes to our ordinances, particularly when our Township engineer indicated that it will result in greater fees and costs to homeowners. He will not agree necessarily to anything like that because it appears to him that those are really just a tax that's going to be disguised as a fee, and he doesn't think that's fair to homeowners, particularly ones that are building a new home and got a lot of expense they are putting into this. It's your dream home, you're designing it, you're building it, and you are finishing it to your specifications, and you should be able to maximize your money to be able to do that without the Township getting in the way of that and adding additional cost to it. So, that's where he is in his mindset. He hopes you can appreciate that. Mr. Minielly said absolutely. Mr. Banonis said and he doesn't know, he's not sure what they are talking about here and why they are talking about possible action on grading plan reviews for individual lots when you got a letter from Rotelle that indicates they did everything fine and he knows their position on this that they didn't. He doesn't understand why they would have such a knee jerk reaction to try to do something like this when the knee jerk reaction, and actually that's the wrong term, the

most pressing action, certainly not knee jerk, but the most pressing action, is to get together with you and Rotelle to get squared away and where the issues are and to find out where the Township can help resolve the issues that they have. That's what we should be focused on. Not this garbage, this is nonsense, this is something that will affect other developments and issues down the road, but doesn't fix their problem. This fixes, he doesn't even know what it fixes, it may not fix anything. It may make things worse. This is just foolishness.

Mr. Minielly said he thinks from their understanding of the intent was one, there is no as-built requirement in this Township, which again, Jason, he one hundred percent agrees that it doesn't affect their situation, but there was a storm water treatment plan put into place and they, Cary spent \$600.00 and he spent \$1,000.00 on an as-built plant. There are three to four variances in those plans. From their perspective, he thought that the spirit of the motion that was made last week, two weeks ago on the 21<sup>st</sup>, was to enforce the builder to grade to the storm water plan.

Mr. Banonis said that's exactly right, so he doesn't know why they are talking about suddenly taking action on grading plan reviews. They should be taking action on enforcing what should have been done in the first place. They don't need more rules. Ms. deLeon said they talked about this... Mr. Banonis said hold on, he's speaking. They don't need more rules, they need to enforce the rules that currently exist in the way that they are intended to be enforced and that may not be happening.

Ms. deLeon said they talked about putting this on the agenda last meeting, that's why it's on the agenda and she thought they had a consensus to at least look into it, but obviously, they don't have a full consensus.

Mr. Minielly said he thinks again, to Jason's point, and he does appreciate that it could protect future developments, the ones that, so forth, but for their development, their immediate concern is they've all got excessive ponding and so forth in their yards. The lot grading plan as approved was, he means, Brien he doesn't want to put words in his mouth, but there's substantial variances.

Mr. Kocher said at the last meeting they indicated that many of his neighbors had, at their own expense, done as-built plans and that he'd get them to Mr. Kocher. Mr. Minielly said he got two of them. Mr. Kocher said after that, he would go out and look at some of these issues and he only has Mr. Minielly's and he has a partial as-built of Lot 4. Mr. Minielly said that's theirs and Rooney's and Lot 16 is in process with their engineer. Mr. Kocher said so they'll get those when they are available. Mr. Minielly said again, like they don't want to, again appreciate it when they are available. Is it something that the Township can enforce? Can they enforce the grading plan that was approved for storm water purposes on the builder or are they just going to come back here, and again, appreciate the time, and are they going to say, well, you know, we're here to help you but we can't do anything. Again, he does think you guys sympathize with their situation. He'd be interested to know the tone of the meeting with Rotelle. He suspects it wasn't that tone, especially based on a couple of people he talked to. That's what he wants to know, can you guys enforce the lot grading plan as approved or is he just left to spend \$150,000.00 to get it to where it rains ½" he doesn't get water in his basement. That's not a lie. He sent videos. So, that's what the answer is and he thinks to Ms. deLeon's point, the next step is you guys can debate that but for him, he's already affected and he's trying to get some resolution.

Ms. Ray said have we had the Zoning Officer on what they can enforce. That would be what he would do, right. Mr. Hudson said they looked into it and they have talked about this at one point. He means he's pretty sure, if he remembers correctly, they talked about it and Rotelle will fix the grading, right. He thought that was...Mr. Kocher said specifically with respect to Lot 1, which is Matt's lot. Rotelle, he's pretty sure indicated to them that, this is what they said "you identified that grading deficiency before you closed on the home and in the agreement of sale they agreed to fix it". Mr. Minielly said yes, before Lot 2 was being constructed. Lot 2 has been under construction for 4 to 6 weeks now. Mr. Kocher said that's what they told us specifically with respect to that lot. He did ask them if they plan to show them what the "fix" is, but he never really got an answer.

Mr. Minielly said that's where they are concerned is they've expressed these concerns to you, and again, appreciates the Council's time, the investment you guys are making. They say this and they are non-committal to a deadline and they just kick the can down the road and sure enough, Cary is in a situation where's he's got 21 days to decide if he files a writ or whatever the heck to shut these guys down. You are going to have ten more unhappy homeowners here in a year. That's the fact of it, and again, he means, he knows what the common denominator is here, it's the builder. If you go on Google reviews and Yelp reviews, it's good read. Anyone that builds a home with these, and apparently, they didn't do their diligence enough, anybody that builds a home with these people...Mr. Magaram said it's been a seemingly deep decline over the last 12 months if you kind of follow the bread crumbs, and again, speaking what they were talking about, Mr. Banonis, he doesn't believe in...Mr. Banonis said call him Jason. Mr. Magaram said Jason, he doesn't believe the coincidences, two septic tanks failing in brand new homes, floors failing in brand new homes. You are left to think, am I crazy, is it me, am I overreacting to this. President deLeon, you mentioned comfort and safety. She talked about derailment. He has yet to talk to a resident in this community who feels comfortable and safe in their home at all times built by Rotelle so he knows they are left to their own devices and this is a private matter. Again, he just hopes they can just put a microscope under their future work for the residents, the taxpayers, the homeowners that do work with them so that they are held to a much higher standard than they were when their homes were constructed.

Ms. Opthof-Cordaro said she thinks maybe it would be appropriate to make a motion to direct the staff to create the policy that would then define what may, is in our ordinance, which is what is causing the issue that she thinks they are having that was what our solicitor just discussed what they would recommend before Council takes a knee jerk action and draft a whole new ordinance. They can probably just do a policy that would be more and be more stringent and be more defined in identifying when and how they would do an as-built review and so she would make that motion.

**MOTION BY:** Ms. Opthof-Cordaro moved to direct the staff as stated above.

**SECOND BY:** Ms. deLeon

Mr. Banonis said what is the motion? Ms. deLeon said do you want to repeat your motion? Ms. Opthof-Cordaro said the motion is to direct the staff to develop a policy that would then define the specifics of our ordinance in when the Township would go out and require the builder to do an as-built. She asked Mr. Goudsouzian if she is stating that correctly? Mr. Goudsouzian said he thinks so. He thinks what she is asking them to do is you are asking them to come back with options as to how they can enforce the current ordinance and how it could be implemented and if he is hearing her right, they will bring back to Council and Council may say they like part of it, they like all of it, they like none of it, but they will go from there.

Mr. Banonis said didn't you do this at the last meeting? Mr. Goudsouzian said no, he thinks what was asked for at the last meeting was to bring Council up to speed as to where they were with the ordinance because at that point...Ms. deLeon said that's why it's on tonight's agenda. Mr. Goudsouzian said it's just unfortunately it's a slow road sometimes. Ms. Opthof-Cordaro said she made the motion. Ms. deLeon said she seconded it. Laura?

Ms. Ray said so there is another place in here where she saw a "may" listed under inspections in Section 10, it says "a final inspection may at the option of the Township be conducted by the Township to verify compliance with this ordinance". That's one of the "mays". So, she thinks in this particular case for all of these houses in that development, it's, let's we got to do this. This shouldn't be optional here.

Mr. Minielly said that's what they are looking for. Ms. Ray said there's a lot of things in this ordinance that should have applied so "as-built plans shall be required prior to the issuance of a certificate of occupancy if the owner or permittee is seeking any change to the improved site improvement and grading plan". So, they didn't seek a change in the plan, so have they knowingly been building not to plan. To her it seems like they are not building to plan and they should know they are not building to plan so they should have presented as-built plans. It's required in the ordinance that they have.

Mr. Minielly said they did specifically articulate to Mr. Vino, Lot 16 that his grading issues are due to excessive bouldering and it's costly to remove. Ms. Ray said so for one particular thing, okay. Mr. Minielly said he's got a rock lining wall in his backyard essentially and it's awful. His is going to be worse than Mr. Minielly's and that's presumably...Ms. Ray said but if they need to change the plan then because of whatever reason, they should be presenting a new plan that gets approved before building. Mr. Minielly said they are building and leaving. That's the issue. Ms. Ray said it's not right. There's also in here about permits issued under the ordinance may be revoked or suspended by the Township after notice by the Township for....and there's a whole list of different things. She thinks all the homes that are going up one after the other, and she did go out there and see, and it's really changed. She means she's been through there a few times, yeah, and she can see they are slapping up the homes and you know, probably all sorts of wrong things going on and she would want the Zoning Officer to look into revoking and suspending permits.

Ms. deLeon asked Mark if he could look into that. Mr. Hudson said yes. Ms. Ray said it doesn't help you so much, but all the rest of the mess out there is only going to make it worse. Mr. Minielly said he thinks he'll take a flyer on that. There are 10 homes that are in construction and if you guys revoke those permits or did whatever, again, follow the money. They, Mr. Hudson said it at the last meeting, they exited a coding agency because they couldn't do the approvals quick enough. He doesn't care about quick. He cares about quality and these guys care about quick and you are buying, it's essentially a modular home for a million bucks and it's just the quality is terrible. So, he would ask Ms. Ray that she make a motion to...Ms. deLeon said they have one motion on the floor. Ms. Ray said she has to wait until they do the other motion. She's just saying there's things in here for penalties too. Penalize them monetarily for each offense and it can be every day. She thinks it's the Zoning Officer's, she thinks this falls into his job, it's not really a Council thing to do this, but she thinks we have an ordinance that has a lot of things that we could be using.

Mr. Magaram said at the end of the day they just want to accountability. That's all he really wants. Whatever happens with him, happens with him, he gets that. What's done is done but for the future residents of this Township, he wants them to be protected from people like these people who only care about money and don't care about their reputation, don't care about doing what's right or even abiding by their own contract that they signed.

Ms. deLeon said she'd like to open it up to the floor before they...Mr. Banonis said he'd like to speak. Ms. deLeon said yes he did. Mr. Banonis said not since the motion was made. He asked a question what the motion was. He didn't speak about it. Ms. deLeon said sorry, she thought he did. Mr. Banonis said no.

Mr. Banonis said so as he understands it, the gentlemen that are here, they are not here looking for new ordinances. They are not looking for new policies. They are looking for the existing ordinances and policies to be enforced and he's not sure why our solicitor hasn't told us what sort of tools we have available to us to enforce those. He appreciates that Laura Ray did provide some of those details. So, he thinks we are missing the point here with this motion. You can pass and do whatever you want because that's probably what they will do, but your point is, enforce the dam laws. It's not that hard to enforce the laws in a way that they are intended to be enforced. Not to go create some policy to look at how we are going to look at different things. That's just bureaucracy and wasting time. So, let's enforce what we have. Let's get the Township Manager, let's get the solicitor, let's get the Zoning Officer, let's get the Township Engineer, which is what the spirit of what their motion was last meeting, was to get them talking with each other and talking with Rotelle and talking with you so that they can figure out what it is can be done to enforce our existing ordinances. That's what needs to be done here. Not this other nonsense about creating policies for investigating and everything else. It's, he appreciates their time, Sir, and he appreciates even more their frustration, and he shares their frustration because they are wasting their time because nothing is getting done here to their satisfaction, to their neighbor's satisfaction and it's reflective upon the whole Township. So, he appreciates what they got going on. He really does and he feels badly for them, he sincerely does. Mr. Minielly said thank you and thank you for clarifying.

Ms. deLeon said so now we have a motion on the floor, which they are going to get public comment. Could they step away from the podium in case anybody comes up, please, thank you.

Margaret Segaline said she just wants to say that considering the fact that these people in a community that's growing are unable to use their homes the way they thought they'd be able to use them. They are going without normal, everyday, they are not even luxuries, and they're needs. They are needs to be able to take those homes, so what she wanted to know is do we as a Township have an emergency fund like miscellaneous emergency fund that would help the families even get put into nearby hotels or something so that, somewhere decent to live until this is resolved or should we call the Red Cross. You know the Red Cross is known to help people tragic situations like this. She doesn't know. She knows that when homes are being built, everyone wants to go to closing, you know, the builders, the buyers, and it makes it very difficult. It's very emotional. So, she would sign on the line if the builder said they were going to do what they were going to do and she wouldn't have known any better either. She feels bad because they can't live a normal life. Their basic needs can't be met in their new home. Thank you.

Ms. deLeon said anyone else. Can someone remind her when they have one minute to go? Mr. Hudson said yes.

Good Job Laura, thank you said Mark Ozimek. What is that ordinance that she is talking about. Ms. Ray said it's the, we have them all. It's the ordinance 2007-01 for the grading ordinance. Mr. Ozimek said okay, so your building a house, the grading and the land would have to be the first thing that was taken care of before you went dumping a bunch of concrete into the ground and proceeded to build a house. So, if there's penalties, like you say, in that ordinance...Ms. Ray said there are. Mr. Ozimek said then that's what you are responsible for enforcing. If the land isn't graded the way it's supposed to be graded, the Township and the constructor, be responsible because the Township hired the inspectors to inspect it and apparently either somebody paid off an inspector or the inspector was dumb enough to fail it or not fail it which opens up a big ball of wax. Ms. deLeon said you can't make accusations. Mr. Ozimek said so and as far as pulling permits, he can't believe that you still have not put a cease and desist in their work out there. It baffles him that you, it's like you are opening yourself up for more trouble in the future if you don't stomp on them now.

Ms. deLeon said thank you, anyone else.

Mr. Bob Blasko, Lower Saucon Township resident said he thinks that this enforcement and conformance to code is very important and just like they had people dumping on their property, once they had them arrested and prosecuted them, and word got out, guess what. They don't have very much of a problem anymore. Once word gets out in the community of these builders and if you are coming into LST, you'd better have your ducks in a row. You better be doing what their code says because if you don't there's going to be trouble. When that happens and that word gets out there, there will be adherence to these codes, so yes, he does think that's important. He has a question in that if this is a Zoning Officer responsibility, why are these guys here complaining and not going to the Zoning Officer. He would think they should be going to the Zoning Officer with these complaints and it should be handled from that end, not from this podium on the Council meeting time.

Ms. deLeon said thank you, anyone else? Can we have a roll call please?

**ROLL CALL:** 3-1 (Mr. Banonis - no, enforce the existing laws. We don't need more. Ms. Ray said we aren't changing the ordinance, we are making a new policy to add teeth or higher enforcement of the ordinance, so she would say yes. Mr. Carocci- Absent)

Ms. deLeon said Laura, you were going to make another motion. Ms. Ray said you have to remind her what they wanted her to make a motion on.

Mr. Minielly said he thinks Mr. Banonis also articulated better than him, but they just want the current ordinances, they don't want bigger government, right. They just want the current government to enforce the rules that are in place right now and they currently are not. They've addressed this. This is their third time at Council, and it's, so they want the rules to be enforced that are currently in place, and they are not being and we have now said it three times, no one's come out and again, he thinks the gentleman in the orange may, but if we don't act now, it's just a liability for all of us in the long term if we don't act now. He doesn't want to sue his grandmother. He doesn't want to sue the Township like that's not what they are here for. They just want it right and to protect people in the future. He appreciates use the Red Cross money, he appreciates your comments and so forth for the people that need it, but they are getting by

and finding alternative ways. When his water goes out, Cary says come on over and shower at his house. This is the world we live in. He didn't know this guy until 60 days ago but the one thing, the silver lining in all of this is that 7 or 8 families have become damn good friends out of this. You know, so they just want it fixed and they want those rules enforced, so that's what...Ms. Ray said she doesn't think, she really doesn't have to make a motion. She would think the Zoning Officer should look at any enforcements they can do on permits.

Mr. Goudsouzian said just so we are clear too, there's two sets of enforcement issues. There's the one set of enforcement issues that he believes may not be understood by everyone is there's a set for the existing homeowners. If a homeowner is now the easy answer for the Township is to simply cite and enforce against the existing homeowner. They don't want to do that because they feel that would be unfair to the existing homeowner. The second set of issues are what can they enforce with regard to the builder. Somehow those are being meshed together in this conversation. So, he thinks what they are hearing is we want to, the Township wants to see what we can do to enforce our ordinances with regard to the builder; however, we also have taken the position that we don't want to pursue it, at least at this point, against the homeowners because that puts them in a worse spot.

Ms. Ray said that isn't what she intended either. She's just saying the permit, the ongoing construction that's happening out there now for all these new permits that are being issued and she thinks those could be put on hold.

Mr. Goudsouzian said he believes the staff hears you loud and clear, or hears Council loud and clear as to what they are looking at. Ms. Ray said she doesn't think they need a motion to have the Zoning Officer see, you know, what all he can do based on all the things that are in the existing ordinance that we have.

Mr. Banonis said he doesn't think it should just be the Zoning Officer, there's a lot of people that work in this Township. How many are sitting here today? They've got a Township Manager. They've got an interim solicitor. They've got a Township Engineer and they have a Zoning Officer. He doesn't know why the focus is just on the Zoning Officer to take care of this. Sure, it may fall within the purview of his duties in general, but he thinks there needs to be greater collaboration, particularly if action is needed, legal action, that's why you have a solicitor. If technical information is needed, that's why you have an engineer. If an administrative process is needed, that's why you have a Township Manager. So, to focus on the Zoning Officer, is to miss the point. The group that we have, that we pay a lot of money to, a lot of taxpayer money, needs to get their act together and they need to go after this issue.

Mr. Magaram said thank you Jason for providing this. On page 2, the response letter to Matthew Minielly dated February 7, 2024, the second page says HVAC at Lot 4 Magaram equals discharges every 10 seconds at 75 decibels. False statement, accusing him of lying. His company has been out to Mr. Magaram's home to search/witness the sound on 22 separate occasions. He's lost count at this point. This includes visits by our staff, our HVAC company, and representatives from the Township, one of which were able to witness the sound he describes at the volume noted. That is a bald-faced lie. Talk to Ken Orlando, owner of Kenrich Mechanical, he heard it. So, they are saying they came to his house 22 times, out of the goodness of their heart, and never heard the sound once, yet came back even though they weren't contractually obligated to. So, he...Mr. Banonis said he appreciates that...Mr. Magaram said he just has to defend his own character, his own statements and this is the garbage he's been dealing with. Mr. Banonis said it's pretty clear to him having read that letter that

there are going to be issues of contention because their position is completely opposite of his. Mr. Magaram said he never met a guilty person that stood up and said I'm guilty, you guys got me. Mr. Banonis said the reason he gave him that letter was so that he has that information now so he doesn't have to go through the whole RTK process, which is delayed, and you have information readily available as he's gone through it. He knows it's a hassle. You at least have that information up front and can deal with it in a timely manner. That's why he shared that with him because he would be able to get it anyway. Mr. Magaram said he just wanted to put it on record.

Ms. deLeon said okay, so what's going to happen now is the Manager will get back in touch with you and you will do your job. Everybody will do their jobs and we'll try to enforce our ordinances where it needs to be and they'll get back to you.

Mr. Magaram said he would love, Peter Rotelle, you wrote this letter, come and talk to these people, come and talk to this Township. Ms. deLeon said you can't make him do that, but...Mr. Magaram said he'll go on record, Peter, hey come and talk to us, we're here, we are human beings. He's asked for phone calls for 12 months, none of their leadership will give them a call back so maybe he'll come and talk to him in person.

Ms. deLeon said she thinks we have nothing else to say on this subject. Mr. Minielly said he wants to thank you guys. This is their last Council meeting, so they want to thank you guys. He's obviously a little sad. He wants to thank the support of those in the community and he wants to wish Mark best of luck on his next endeavor. Thanks all.

**B. DISCUSSION AND POSSIBLE ACTION ON UPDATING THE TOWNSHIP SOLICITATION ORDINANCE**

Ms. deLeon said the current Township Ordinance is more restrictive than Pennsylvania's statute on this issue, 52 Pa. Code 111.9. They have two options, either leave it as is, or they change it to meet with what the State says.

Mr. Goudsouzian said one of the reasons why this is brought to Council's attention is there's the potential for legal action against the Township because we have a more stringent than what the PA Code says. There's the potential for somebody raising a claim and we may want to consider appropriately just mirroring the PA Code language, which would then insulate the Township from any potential liability.

Ms. deLeon said so this was originally passed in, she believes, in 2013, is that what that means? Mr. Hudson said yes. Ms. deLeon said and she doesn't ever recall anybody questioning or having any issues, but apparently there has been something.

Mr. Hudson said yes, they received a letter that, you know, telling us that the ordinance is not in...Mr. Goudsouzian said there was a claim, a claim made by an attorney, by a firm, indicating that they had some issues and potential challenges against our ordinance. So, the way to resolve that potential claim, right or wrong, would be to make it exactly match up with or make it match up with the PA Code and then avoid any potential issue or potential litigation. The reason it might make sense is he doesn't believe, he doesn't want to speak for everybody, but the Peddler's Ordinance is something that is not really high on the list of most people because it may or may not happen very often so it's a way to fix a problem before it starts.

Ms. deLeon said okay, but she would like to maintain the registry they have for individual property owners. Mr. Hudson said the only thing that would change would be the times that people could solicit and adding Sunday if you vote to, that's the only thing that was suggested in the change.

**MOTION BY:** Ms. deLeon moved for approval to update the Township Solicitation Ordinance as stated above.

**SECOND BY:** Mr. Banonis

Mr. Banonis said this is something they talked about in Executive Session at the last meeting. This was something actually that was appropriately discussed during Executive Session because it addressed potential litigation because of the demand that was placed on the Township. He felt it was best to simply mirror the State's statute so that the Township is not exposed to frivolous litigation or shakedown like they saw at the school district and other places. So, he's happy to see this has been moved forward. He would also share this with the public. For anybody that thinks they are opening the floodgates to peddlers, they are not. They are just simply complying with what the State law is and being consistent with the State law and not being more restrictive to not expose the Township. The Township does have a no peddling list and that no peddling list allows you to sign up and if you don't want peddlers coming to your house, you can sign up on that list and it's maintained and it's given to anybody that comes in for a peddling license and they are prohibited from coming to your house and peddling whatever it is what they are peddling. So, certainly if you are interested in that, sign up, share it with your neighbors, share it with your friends, share it with everybody that you know who may not want peddlers coming to their home at the hours of 9:00 a.m. to 7:00 p.m., are those the hours, Steve? Mr. Goudsouzian said during the six months of October to March and then 9:00 a.m. to 8:00 p.m. essentially in the summer time, April to September. Mr. Banonis said so that's his only suggestion.

Ms. deLeon said she would also like to ask Mark, is that on our website if people wanted to easily sign up for that, they'd be able to go on the website or do they have to come into the department, into the office.

Mr. Hudson said he thinks they have to come in, but they can add that to the website. Ms. deLeon said she thinks that would be convenient.

Ms. deLeon said okay, Victoria. Ms. Opthof-Cordaro said she's in support of it.

Ms. deLeon said Laura? Ms. Ray said she doesn't have any comments.

Mr. Banonis said Mark is there anything that presents people from just sending an email in? If you want to get on the list, why do they have to physically come in? Why can't they just send an email from their home? Mr. Hudson said that's what he said, they'll put it on the internet so they can...Mr. Banonis said it's on the web, right? Mr. Hudson said right. Mr. Banonis said so they can just send him an email so they don't have to...Mr. Hudson said the Police Department. They'll get it set up so that they can. If it's not now, he'll have it that way.

Ms. deLeon said public comment? Moving on, roll call please.

**ROLL CALL:** 4-0 (Mr. Carocci – Absent)

C. DISCUSSION AND POSSIBLE ACTION ON THE PAYMENT TO THE HELLERTOWN AREA LIBRARY (HAL)

Ms. deLeon said Council will revisit and discuss the \$98,237.26 payment to Hellertown Area Library that was approved at the January 2, 2024 meeting.

**MOTION BY:** Ms. deLeon moved for approval to authorize payment of \$98,237.26 to the HAL as a donation.

**SECOND BY:** Ms. Opthof-Cordaro

Ms. deLeon said Jason, discussion. Mr. Banonis said so, for those who may not have been paying attention, or you haven't been around or where you were, this all started with Hellertown refusing to provide data and information about library usage, HAL. It led to HAL ultimately denying service to LST, going to the Office of Commonwealth Libraries (OCL), and requesting, in secret, to remove LST from its service area, having that granted, having litigation come from it. There are emails from Tom Rieger, the President of Hellertown Borough (HB) Council directing Ken Solt to not communicate with LST. There are emails from Tom Rieger saying the library is essentially one of the same with HB. There were open records requests submitted by multiple individuals seeking information from HAL. HAL refused to turn that information over. The Office of Open Records determined that HAL was a governmental entity because of the significant control that HB exerted over it and that they needed to comply with the RTK requests. They still refused. It was appealed to the Court of Common Pleas of Northampton County (NC). They sought discovery. President Judge Daly issued an order because still HAL would not comply and turn over that information that was requested by those citizens. Despite that order, HAL was found to be in contempt, he believes because they did not comply with the Judge's order and now this Council wants to reward that behavior. He's said this many times, it is appalling to reward that sort of behavior. What's significant here is that previously this Council awarded a payment to HAL under the guise of services and they cited two invoices that were provided to the Township, yet there was no contract that was in place. There was no obligation to pay those services and there was nothing that was provided in exchange for those services. That was highlighted in January by him and then most recently they had an Executive Session where this very subject came up and had nothing to do with litigation. What was sought was by Pricilla deLeon, Victoria Opthof-Cordaro, and Laura Ray, was to recast that payment as instead of a payment for services pursuant to a non-existent contract, we are going to call it a donation as they are going to cover their tracks.

Mr. Banonis said you look at what's going on in Hellertown. You got a police chief who is under investigation for allegedly embezzling \$120,000, more than \$120,000 of taxpayer money and a whole lot of other things that are happening. This behavior is now going to be rewarded. It's amazing to him that this Council would choose to use taxpayer money in such a way to reward that bad behavior. Particularly when this Township had previously given to HAL and HB, close to \$1 million over a nine-year period and that's how we are treated. We are treated with denial of information. We are treated with secret back-door efforts to remove us from the service area in violation of OCL rules. We are treated with deliberate, obstructed behavior advanced by the President of HB Council to tell the library not to communicate with us, to not participate with us. And then we are going to reward them. We are going to reward them with almost \$100,000.00. He knows they are going to vote on it and he knows how they are going to vote, but he'll keep saying it over and over again when he sees an injustice, he's going to bring it forward and he's going to keep talking about it, whether they like it or not. If the public thinks this sort of dealing is okay, that's what they say. He doesn't and he never will. So do what you are going to do.

Ms. deLeon said Victoria? Ms. Opthof-Cordaro said she has a different memory of things but she is in support of the motion. Thank you.

Ms. deLeon said she does too. Laura? Ms. Ray said she'll just comment that during 2022, even though they only paid for one month, they did receive full library services for the whole year, which included the PA Access so that is worthy of something. It really has nothing to do with the Chief of Police or you know, anything else going on, so she is in favor of this as well.

Ms. deLeon said okay thank you. Public comment, anybody out there?

Kathy Pichel-McGovern, LST said this is the calmest Council meeting she's seen in a long, long time and she kind of enjoys it. Tom Carocci's constant name calling at least has ceased. Ms. deLeon, I haven't heard her being called Vladimir yet tonight by our Council member. To Mr. Banonis, they've had no problem with the HAL for many years. Again, she was the Treasurer for many years, none of this occurred until your tenure on the Council. He failed to neglect that we gave \$50,000.00 to Southern Lehigh, which their library has now fallen apart and LST has no relationship now with Southern Lehigh. He also failed to mention that HAL bailed us out time and time again and he failed to mention there is a lawsuit. There's a lawsuit with the compost center. There's a lawsuit with HB, all under on his watch. The amount of money that he has cost this Township, it's embarrassing to hear him say that this Council is being irresponsible. Ms. deLeon said thank you.

Bob Osmun, LST resident, said in this day and age most of us are trying to cut back on unnecessary expenses. We are getting rid of cable. We are getting rid of landlines. We are doing what we can because inflation is horrible and the dollar just doesn't go as far as it does like 10 years ago, 20 years ago. He doesn't know why they are investing in the library at all. He thinks the services that are offered there are minimal. You can online to the Philadelphia Free Library and pretty much access anything you want online and he bets if there were people here, a small number, who for some reason could not access those services, it would be cheaper for the Township to provide them assistance to be able to do that as opposed to paying the fee to the HAL. Again, he doesn't know why you would want to do that. It's old technology. It's very limited technology. One other thing, this is a contract, so if he understands PA Law, since it's over \$10,000.00 shouldn't it be put out and advertised for bid. If it's not, are you Council members, individually, protected under the law of tort immunity? He has been a public official and he has been sued under tort immunity and he'll tell you it's a scary thing when your Council comes up and tells you that you are not covered and they can come after and attach your personal assets. That has happened to him. He prevailed. They did not do anything wrong in the cases that were brought against them but it didn't change the fact that they had many sleepless nights. He would check with Council before you guys send a check out for \$90,000.00 that you may not have voted or put out for bid because he doesn't think you can do that. He could be wrong, but he doesn't know why you're spending on this unnecessary service in this day and age. Every party of our government is going broke and no one has a plan on how to fix it. He hopes you guys aren't in that position. He doesn't think you are as dire as some of other high-level governments are but let's try and keep it that way. Thank you.

Mr. Banonis said may he ask him a question for clarification, Sir. He had mentioned this payment. Is he aware that LST, for those individuals who do want library services that LST does provide reimbursement on a family or individual basis, and that last year the total that was paid by LST was less than \$10,000.00 for those library services but yet here we are giving a

\$98,000.00 check to a library that treated us the way it did. Is he aware of that? Mr. Osmun said he is. He had heard that and it's a very valid point. He doesn't know why they wouldn't continue that practice. Mr. Banonis said me neither.

Ms. deLeon said next. Robert Blasko, LST said he has a granddaughter that's in kindergarten, 5 years old and she doesn't live within the Township, she lives up in Bangor. A couple of blocks from her house, he and his wife go up there and occasionally his daughter is able to get time off of work, they walk over to that local library. That entire library he thinks isn't as big as this room is and she enjoys it as a 5-year-old. Now that's a girl that just received Student of the Month and excels in Computer Sciences for her age. Ms. deLeon said thank you and congratulations to her. Okay, next.

Bruce Petrie, Redington Road said a couple of things. As COVID brought to the forefront not everyone learns well on a computer. As a matter of fact, he personally thinks that's the impact of that has led to all the mental health issues in this country, not only for adults but for children as well not being schooled face to face, not learning to socialize as Bob just put it. Children do look forward to going places and some place that is considered safe. As far as spending the \$98,000.00, and Mr. Banonis brought up the fact that, you know, all these people being sued or brought up on charges. Mr. Carocci, too bad he's not here, he thinks it was the previous Council meeting or the meeting before that he offered, he said we offered \$50,000.00 to them, no strings attached. So, his question is, why did he offer \$50,000.00 if they are so corrupt. Thank you.

Ms. deLeon said if there's no other comments, oh.

Mr. Dave Boulin said thank you for the opportunity to speak. Just a few notes here because he started even before Mr. Banonis had in terms of when he first came to this Council. The first night he walked in at the very end of the night, in comes a bunch of people saying they represent HAL. The bottom line is they sat down, and said we have a contract here, and we want this Council, not the current seated Council, but the previous one who was just recently voted out, said we want \$150,000.00. We want it, okay. So, somebody asked has anybody seen this contract? The answer was from each and every one on the Council, everyone, nobody had seen it and nobody is corrected so he stands with that. What was asked was, has the attorney seen it? The attorney for 23 years, who we got rid of, and the answer was no, I haven't. The Council directed that the attorney look into this contract and understand what we would get for \$150,000.00. He started to look into it and what he found out was he got stonewalled by a 501(c)(3) and we know pretty much the rest of the story. No, don't shake your head. This is terrible. Ms. deLeon said she's agreeing. Mr. Boulin said terrible, how can you have a contract, we didn't even have a contract at that point. At the last minute, here it is, sign it or else. Well, they said they certainly put the line in the sand because the bottom line is after asking for years, and we found out, did we not, from Judge Daly all the way up there, for years of litigation and Freedom Information Act and all the rest of that stuff and now we are getting ready to really put some teeth into it to find out what's going on at HAL. What we find out is oh, gee, there's things like the landfill, and this and that and all the people come out and they are all angry about everything, and that's another day. The bottom line is that other people get swept into office and they are sitting here now just ready to throw out this kind of money. He's not talking about \$150,000.00, that was four years ago. God only knows what it is now. In addition to that \$98,000.00 gift or whatever we are talking about here, there was also another gift from another ally up in Allentown, a State Representative and he guesses he can't use names, so we won't say her last name, but Lisa, right, \$50,000.00 to HAL, wow. That must be a hell of a library. They already had \$200,000.00 and we don't even know what the contributions from other

people are and we never will know unless the Freedom Information Act is upheld by Daly and that other person and he can only hope it is, then we will find the truth and maybe, maybe, just maybe \$10,000.00 in the local paper will put it all in there and we'll know what really happened. He would suggest and boy, you talk about people that are hiding in the back woods, they are not. They are listening, see the cameras there, the cameras there, yeah, they are listening to that. Oh, \$200,000.00 for what, so Mary can go there and learn something. She can do that in the school system. We have the best one going and the best library and yet here we are. We have been shut down by political people, who in his opinion, have brought on board a solicitor who is not been vetted, etc., by the entire Council, and all of a sudden, three people say yep, we're going to vote him in, he's in and immediately, immediately without pause, there is another Council member new who immediately makes this proposal which, we find out...he got 26 seconds. Yep 26 seconds, and we find out that the solicitor has written up these suggestions without Council approval. He's just done it on his own but it all passes, the problems gone away. No, it hasn't. That's terrible. He won't say corruption as he can't say words like that in a meeting like this, it's too refined, but you get the picture.

Mr. Banonis said Mr. Boulin, just a question for clarification. Is he aware that Mr. Goudsouzian's wife was on the board of the HAL? Mr. Boulin said he is and actually conflict of interest revealed at the last meeting, wife on board of HAL, is he the solicitor for the ZHB, it goes on and on. How deep can you bury it? Alright, is it any different than handing the gavel over to him so he can run the meeting even though somebody else is in conflict, gets two letters and we never get to see them. He was told the Freedom Information Act will get you both the request and the, no, we don't see anything. This team transparency just isn't happening and people need to understand it. When they finally wake up and see the money going down, down, down, down, they will understand it, yeah. So, there were other things he had to talk about but it's just depressing. If we can only have one person standing up asking for what is rightfully available and that is HAL, how much do you spend, where does it come from and can we get a seat on for...Ms. deLeon said you've been over your 5 minutes, thank you.

Will Morrison, LST resident, said he thinks and he's been on Council, a number of years ago; however, the cooperation we have between Hellertown has always been unique and it's been unique because we also get something for what we pay, what we give them. The library has been a useful asset for this community and he would hate to see that relationship destroyed. He doesn't think that's a great deal that we are asking, as residents in this community, to continue the relationship with the library and he doesn't think what we are paying for the service is too much, so you know, if we have anything that we really want to talk about in terms of cost. We have a lot of areas we can, if that's the major concern, if that's the major cost is to decrease cost, but he doesn't think that's the concern. He thinks the concern is that we have a problem, individually, someone has a problem with Hellertown bringing up issues about the situation that's going on with Hellertown. He doesn't think that has any place in this meeting here, so he encourages you to move your option and vote to continue the relationship with HAL.

Ms. deLeon said thank you. Anyone else, Russ? Mr. Russ Sutton said we always had a great relationship in the past with Hellertown and the last Council had a big problem with that and that's their problem. We got along. We were going to combine police forces, fire, emergency responses, it was a good thing. We all got along and this is a community, not just Townships by themselves. So, he'd like to know how much it has cost legally for all this stuff with the library. What's the amount of all the lawsuits and the stuff back and forth, is it worth it. Really, he doesn't comprehend that, and also the Compost Center, is that located in Hellertown? Ms. deLeon said it's in LST but the HB owns it. Mr. Sutton said oh, they own it. So, they actually

own the land? Ms. deLeon said the land, they are the property owners. Mr. Sutton said because he thinks Mr. Banonis wanted to do eminent domain away from them when it doesn't even belong to them, so we should cooperate and be together and have a better community no matter what we need to do to strengthen it because the library is really a plus. He can't see any problem with that. He prefers to have a book rather than go on the internet and you don't know what you are getting. The bottom line is he'd appreciate that we wouldn't bring up problems with Hellertown within these meetings that have nothing to do with the library.

Ms. deLeon said thank you, anybody else? Atom. Atom Kallen said he's from Steel City. He just wanted to thank the Council, in general, for attempting to normalize relations with the HAL again and to remind everyone that a library isn't simply a book hoard. He has a book hoard. It's great. He recommends that everybody does. A library is also a place where people can gather. A place that offers various services. Just a quick search in the last five minutes has shown him that the HAL has things like various college test prep, grad school test prep services, therapy dog days, telescope rentals, interlibrary loans to provide books that may be difficult for the average person to find, or may be restricted to find on the internet or you have to pay a fee for it, etc., etc., notary services. These are things that we can get by investing in a library. They are good investments. They are things that the average person doesn't necessarily have on their own and there are things that are worth preserving in our community, so thank you for attempting to do that.

Ms. deLeon said thank you. Okay, can we have a roll call please.

**ROLL CALL:** 3-1 (Mr. Banonis – No; Mr. Carocci – Absent)

**D. DISCUSSION AND POSSIBLE ACTION ON CURTIN & HEEFNER LLP INVOICE**

Ms. deLeon said the Township received an invoice from the former Township Solicitor Curtin & Heefner LLP in the amount of \$2,052.00.

**MOTION BY:** Ms. deLeon moved for approval of the payment in the amount of \$2,052.00 to the former solicitor, Curtin & Heefner, LLP.

**SECOND BY:** Ms. Opthof-Cordaro

Ms. deLeon said for Council discussion, Jason. Mr. Banonis said yeah it's quite revealing how Priscilla was in such a bunch at the last meeting over the RTK requests and it's amazing what you find in RTK requests, so let him share with you what he found. So, this is in response to his RTK 1821, and he did receive some records from the Township. Those requests were directed to communications, with Priscilla deLeon, Laura Ray, Victoria Opthof-Cordaro, the Township Manager, Curtin & Heefner, so what he found was there were secret meetings and deliberations that took place among Priscilla, Victoria and Laura as well as Mark Freed. They were talking about things such as changing public comment on policy, reorganization, discussing contents of motions, who would make the motion, who would second the motion, and plans to hire Mr. Freed.

Mr. Banonis said there was communication from Victoria who solicited Mr. Freed who said "we are looking for a very strong environmental firm to address the above issues and be able to push back against the challenges lodged by the other Councilmen" in other words himself and Tom. Then they met two days later, in secret, away from the Township offices, again, a quorum with the three of them, and that meeting was set up and was confirmed by Mark L. Freed, Esq., Public Sector Law, Environmental Law and Litigation. The email was sent by Victoria the

following Tuesday, November 21, 2023, the three of them had met and they decided that they wanted to hire Mark Freed and that they also wanted to set the agenda for the January 2, 2024 meeting. They then scheduled another meeting on November 21, 2023, and among the things they wanted to talk about was scheduling a special meeting on January 11, 2024, so they knew and agreed almost two months earlier that they would be scheduling a special meeting in January so this was yet another secret pre-arranged quorum meeting to schedule another pre-arranged meeting. It couldn't wait until the January 18, 2024 because it was concerning litigation about HAL, public comment policy, hearing policy, quorum policy, and pending litigation over the landfill. So then, it also talks about the rate they would pay to Mark Freed, and that rate was \$200.00 per hour that was discussed and agreed upon. Then they talked with him about writing up Township policies on the agenda and code of conduct before he was ever identified to the public or ever approved by majority of Council. They had already started interviewing landfill consultants. They wanted to interview others. They have messages to Mark Freed, he believes from Mark Hudson, December 5, 2023, apparently Mark Hudson knew at that time about the efforts to oust Linc Treadwell, a month before the axe fell on that. Then Laura Ray authored a missive on November 22, 2023 and the topic was "Things to Review with Solicitor", so they already considered Mark Freed to be the solicitor before he was ever approved or disclosed to the public. There's some doosies in there, in this communication, such as do you know Maryanne Garber, the lawyer for the landfall. Mr. Banonis wonders why that matters, is there a vendetta against Maryanne Garber. Then there's also doosies in there about enforcing nuisance ordinances against the landfall so apparently, they plan to cite the landfill to death by a million cuts. They had these multiple secret meetings with Freed. They had this meeting with Freed apparently at the Copperhead Grille as they didn't want to meet here on campus, on the LST Council offices presumably so they wouldn't be seen. Is that a Sunshine Act violation, he doesn't know. They had, he's not asking you, it's a rhetorical question, so please be quiet.

Mr. Goudsouzian said he's going to ask...Mr. Banonis said can you please stop your propagandas from speaking out while he's speaking, please, will you do that? Ms. deLeon said just a second of laughter, quiet everybody, silent laughter.

Mr. Banonis said and then there were discussions between Priscilla and Mark Freed, he believes it was around January 12<sup>th</sup>, and it was about conditional use and the landfill, but that message doesn't say what year it was and the question he has was it in 2024 or 2023? If it was in 2023, that's when the conditional use issue was live before, after they approved in December 2022. The question he has was the lawyer working with Priscilla at that point to undermine the conditional use process that was voted upon by majority of this Council in December 2022. We don't know the answer to that yet. In addition to that, Curtin & Heefner, having been approved by these people that were coming into Council in mid-November, waited until December 29, 2023 to send a letter to the Township for the first time, magically, expressing interest in the solicitor position for LST even though this thing had been in the works for quite a while and they offered a team of lawyers at that time. The team of lawyers included Sarah Steers, Kyong Ha Growney, the Chair of Labor and Employment, Ernest Closser, Business and Municipal Finance, Maureen Carlton, Co-Chair of Real Estate, but yet they never disclosed any of those names when they came in for approval on January 2<sup>nd</sup>. So, apparently this team was being considered and perhaps approved by the three cover-up girls before, before, this ever came in, in this letter and yet it was never disclosed to us in a Council meeting or to the public. Never shared with him or the public, so the taxpayers deserve to know who they are hiring, who they are paying and it's being kept secret, but the bigger question, where does the money go? So, now there's a motion that's on the table to approve a payment to a lawyer who was selected to

be the solicitor, in secret, months before, had engaged in Township related business, months before ever being approved and now we are going to be paying for his legal services. If that's not a violation of the Sunshine Act, he's not sure what is. It seems like it to him. Maybe somebody comes after the Township for that, we'll see.

Ms. deLeon said first of all they were not in violation of any Sunshine Law because in order to be in violation of the Sunshine Law, you'd have to be an elected official. She was the only elected official and Victoria and Laura were not sworn into office until January 2<sup>nd</sup>, so what they did up until that point was whatever they wanted to do and that was confirmed by a lot of people. Tonight, on the agenda, and she can go to a lot of places he was at, but maybe he should write a book if that will make him feel better, but you know, they were allowed to meet and they went to the Copperhead, which is a public place and anybody could have seen them there. They weren't hiding. She's not embarrassed or ashamed or did anything wrong. They were lining up the agenda they wanted to see accomplished and the bill they received, the invoices, were for the attendance at the January 2<sup>nd</sup> meeting, the January 11<sup>th</sup> meeting and the January 18<sup>th</sup> meeting, all legit, all legit expenses. He did lower his fee to \$180.00 and the totals come to \$2,052.00. So, she doesn't have a problem paying that bill, it was earned.

Ms. deLeon said Victoria? Ms. Opthof-Cordaro said thank you. She agrees with what she's saying. For the public's clarification, the bill includes attendance at our three meetings in January that he attended and that's the only thing on the bill. There's nothing about meetings, nothing about communications, correspondence, meeting with staff, nothing like that and she approves the motion.

Ms. deLeon said Laura? Ms. Ray said sure, she'll just reiterate the same thing regarding Sunshine Law violations, which there were none since they were not sworn into office before then. Most elected officials, newly elected officials, you see them months in advance. They usually have two months or so, between the time they are elected and the time they take their whatever position they are elected to work on staffing, pulling together their boards, so that's all they were doing, it was not really secret. They were just following through on things they campaigned on and wanted to work towards and wanted to be ready to rock and roll as soon as they hit the floor in January.

Ms. deLeon said she's going to open up the floor for public comment, Russ. Mr. Russ Sutton said it seems Jason has a problem with freedom of speech. This year's RTK submission by one person, a Council member, at best, is abuse of Township office and an undue burden on Township staff and resources. Our resources are not infinite. No one has time to coddle the curiosity of Jason Banonis for any period of time to the swearing in of newly elected Council members including November 2023 to January 1, 2024. The submission of 940 pages of documents attached to a handful of RTK requests is a work product of multiple people or an organization such as a company or a law firm. He asks this Council to place a limit on the amount of pages that a RTK submission is allowed to be such as no more than 5 pages. He further requests the Township limit the number RTK requests each citizen of the Township is allowed to submit on a quarterly basis. This will not hinder any citizen's genuine concern but will allow our Township staff to perform their daily task with undue burden. Jason Banonis has demonstrated the lack of respect for Township employees, including our Township Manager by handing them 940 pages of material that he expected them to expeditiously respond. Jason Banonis questioned our Township Manager's expedience and his prioritization of Mr. Banonis' RTK requests at the February 7<sup>th</sup> meeting. Jason Banonis suggested to our Township Manager how to prioritize the RTK requests in a manner that suited only him and

not any pre-established way the Township answered such items, a simple example of disrespect and now our Township Manager is resigning. As a Council member, who was also President of the Council for some time, Jason Banonis should have had all the facts he needed in front of him, fully vetted, during the period of time he made and continues to make decisions for the Township prior to the resolution. The volume of inquiries he has subjected the Township staff to make us, the citizens of LST, question to his due diligence at the time he made those decisions, is he fishing for answers now, questions on the table now, how thorough was his investigation at time when decisions were made. Was his due diligence comprehensive at the time or is it now after the fact. What's he trying to hide? Ms. deLeon said thank you Russ.

Ms. deLeon said next Kathy. She said Russ stole her thunder, and Russ said it so much better than her but she has to concur with what he said, Kathy McGovern, Lower Saucon Township. She has to step back a second. Jason made a comment to Steven regarding his wife being on the HAL Board. Again, she will remind you that we had his family members on this board. Mr. Banonis said asked what board? What board are you talking about Ma'am? Ms. Pichel-McGovern said this one right here, the LST Council, Jennifer Zavacky and Mark Inglis. Mr. Banonis said they are his family members, what is she talking about? Ms. Pichel-McGovern said yes, okay. Mr. Banonis said seriously, he'll do a DNA test right now. She doesn't know what she's talking about. Ms. Pichel-McGovern said he made it very clear to her. Mr. Banonis asked they are his family members? She is out of her mind. Ms. deLeon said go ahead Kathy. Ms. Pichel-McGovern said she doesn't think so. Mr. Banonis said he's telling her, she's out of her mind. Ms. Pichel-McGovern said Mark, are you able to articulate the amount of work all these RTKs took to the Township. Mr. Hudson said the Township is required to respond to the RTKs they received and that's what they did. Ms. Pichel-McGovern said she understands, but the time of this particular number of these RTKs. Mr. Hudson said over his time here at the Township they have gotten many lengthy RTKs and they responded to all of them and it takes the time it takes. He can't quantify it. Ms. Pichel-McGovern said has he ever gotten over 900 before. Mr. Hudson said no, but he has gotten large RTKs, it's not the first. Ms. Pichel-McGovern said she's sorry to hear that he's resigning but she certainly understands the work environment he has to be in.

Ms. deLeon said anyone else. Mr. Dave Boulin said...Ms. deLeon said we are supposed to be quiet please because she gets in trouble then. Mr. Banonis said there's two systems. One for them and one for us. Ms. deLeon said let's do quiet laughter.

Mr. Boulin said alright, he has a problem too. He asked for simple little things and he noticed Russ here has a problem with the clear cutting and so he was very interested in that and was very interested to know and look at and see and have in is possession, the request from the logging company that did it and what the parameters were. Ms. deLeon said we are here tonight to talk about the payment to...Mr. Boulin said let him finish and then she'll understand, it's only one more second. The bottom line is he has to get a RTK to get that information, although there were members on this Council who were on the EAC too, who apparently said those were readily available, just stop in and you can get them. He can't get them. He has to have a request, so yeah, even a simple request like that from him has to go through channels, okay, so that's the point he's trying to make, because and he's not going to call him Jason, he's going to call him Mr. Banonis. Mr. Banonis said you can call him Jason. Mr. Boulin said the bottom line is when you can't get a square answer from people like HAL, here we go again, you have to submit these things. It's very clear and if you don't understand that, and you don't understand why it is this darn library, who is getting hundreds of thousands of dollars from this Township

or will, and by the way, take that over 10 years, multiply \$200,000.00 times 10 and see what that costs. Ms. deLeon said about the invoice to pay Curtin & Heefner. Mr. Boulin said now he's talking about...Ms. deLeon said this has nothing to do with the library. Mr. Boulin said here we are, same kind of thing, you want to know about it. People won't tell you; you have to get the RTK Act to get the real information. And by the way, he understands what an attorney on the board here, over here said that we were not elected. Wrong, he believes there was one person who was elected and by the way, orchestrated lots of issues and all of the things here that other people talk about, alright, so yeah it goes on. Yes, those two weren't maybe, but they are now, so let's keep an eye on that RTK and if you can't get a square answer from HAL, you got to wonder why and it goes on and on. Ms. deLeon said thank you.

Bruce Petrie said yeah, to Ms. Ray's and Ms. Opthof-Cordaro's comments, Sunshine Laws only apply to people that are elected and can you imagine our country when the election is going to be held in November and it doesn't matter this year or any year, if the incoming President, new President wouldn't be allowed to do anything until he was sworn in on the 20<sup>th</sup>, how ridiculous. So, hats off to you to meet and getting your ducks in a row so you could hit the ground running. So, he applauds their work efforts on that and as far as doing things in secret, some elected officials, Mr. Banonis and Mr. Carocci last year and the rest of the Council decided to hold meetings during the day - talk about a chilling effect, and talk about lack of transparency. Mr. Banonis read from one of the flyers last week that Democrats sent out about transparency, well guess what, the Republican flyer said the same thing, be transparent, well how can that be transparent you are holding these during the day, and all Mr. Carocci could say was well the Supreme Court holds hearings during the day, so he guesses we can too. Well, you ain't no Supreme Court Mr. Carocci, okay. Ms. deLeon said okay, everybody, you'll get her in trouble again.

Mr. Banonis said he has a question for clarification. Were our meetings, every meeting that they held last year, were they all properly advertised the way they are supposed to so the public had notification that they were conducting a meeting with regard to Township business. Mr. Hudson said yes, all meetings...Mr. Banonis said thank you. Ms. deLeon said may we have a roll call please.

**ROLL CALL:** 3-1 (Mr. Banonis – No; Mr. Carocci – Absent)

**E. DISCUSSION AND POSSIBLE ACTION ON THE LETTER SENT BY THE TOWNSHIP TO THE IRS REGARDING ST. LUKE'S UNIVERSITY HEALTH NETWORK**

Ms. deLeon said Laura asked to put this on the agenda. Ms. Ray said yes, so she just has a little bit to say here. Back in the December 20, 2023 meeting it was approved to send out a letter to the IRS. The supposed concern was whether the St. Luke's email that was sent out was allowable advocacy or prohibited campaign intervention. So, she read through it, she did get the email when they sent it out but she had to refresh her memory and read through it again here. When she read through it, she sees there is no mention of any names, no mention of any campaigns, no mention of any elections, none of that in this letter that went out by St. Luke's. So, the only suggestion was in their last paragraph, saying if this matter concerns you, we encourage you to contact your political leaders on both the State and Local levels and to respectfully express your opinion. So, there's nothing in there to indicate that there is campaign intervention. There was no reason, no point in pursuing this matter. Of course, a letter did go to the IRS. She's picturing it is sitting on the bottom of a pile of a million pieces of paper at the IRS because they are very understaffed. She'd say we should probably follow up and send

a brief note saying we no longer have a concern on this matter. There was no campaign intervention and I look at it as just a way of antagonizing St. Luke's by trying to have the IRS take some kind of action, and it's not in the interest of the health, safety or welfare of our residents, which is what our main job is supposed to be.

Ms. deLeon said is that a motion to send...Ms. Ray said yes, she makes a motion as follows:

**MOTION BY:** Ms. Ray moved for approval to send a follow-up short, brief letter to the IRS to say we no longer are concerned about this matter. There is no campaign intervention.

**SECOND BY:** Ms. deLeon

Ms. deLeon said for discussion, Jason. Mr. Banonis said yeah, this is just another action with the cover-up girls. Let him start out first. He has nothing against St. Luke's Health Network. It's an asset to our community and he said this previously when they brought this motion forward. It employs a lot of people in our community. Many of our neighbors. It provides health care to our residents. Everybody on this Council probably has health care or one of their family members have had health care at St. Luke's, but just because it provides good health care doesn't matter that it doesn't have to follow the rules and there are restrictions on how it must conduct itself as a 501(c)(3). He received many complaints from many residents about St. Luke's leadership straying from its mission especially as it concerns LST. Its mission statement is to care for the sick, and injured regardless of their ability to pay, improve the communities' overall health and educate our health care professionals. So, its care, overall health, educating health care professionals. That's it. He doesn't mean to diminish anything that they do, but they are in the business of health care. They are not in the business of political advocacy and instead, their leadership on St. Luke's letterhead, with reference to their positions in the organization, seemingly engaged in political messaging from and on behalf of St. Luke's Health Network and on behalf of St. Luke's University Health Network and its affiliates. He received reports this message was sent to personal email addresses, and/or cell phones of LST residents. Contact information they provided in furtherance of medical care, not for political solicitation. So, the letter was signed by Richard Anderson, the CEO of St. Luke's and Ed Nawrocki, the President of St. Luke's and presumably that was prepared in conjunction with their lawyers. He had the pleasure of meeting them previously. The complaints that were directed to him by the residents were concern and dismay that a non-profit like St. Luke's was engaging in political advocacy and virtue signaling. Some people described it as arrogant, out of touch, elitist, and more importantly, they were concerned that their privacy, through use of their personal and confidential health information, or personal information, that was provided for health care was being used to target political messaging. People didn't provide their information to St. Luke's to get a political message. They provided it to get medical care, updates, appointments, and things like that.

Mr. Banonis said so, he previously looked into St. Luke's finances and even though they are categorized as a non-profit, in 2022, their assets were \$1.12 billion. Their revenue was \$2.97 billion. The net income was \$195 million. Richard Anderson's compensation was \$3.7 million. Ed Nawrocki's was \$1.015 million. In 2021, its net income was \$197 million. Richard Anderson made \$2.836 million and Ed Nawrocki \$847,000.00. So, you have the two people that signed that letter are making millions of dollars every year, which is a considerable sum, and they have 12 hospital sites all over the LV. They don't pay any taxes in LST. They rely upon LSFR to come over to Fountain Hill to provide, to help provide services over there. They don't make any contributions as far as he knows to LSFR. Now they want to move it across the street from the Giant where the Buffalo Farm is and build some facility. They were the paid

trainer to SV School District, but that arrangement fell apart and the school district switched to LV Health Network, he's not exactly sure why. All of this concerned him that a so-called non-profit worth in excess of a billion dollars was involving itself in politics, especially here in LST, while it's employing our neighbors, and we are relying upon them for health care and it's not paying any taxes to us. The reason why we voted for that letter was to address those concerns and we wrote first to the St. Luke's Board. We gave them the opportunity to answer those questions, each and every one of them he believes was, he's sorry, he believes the letter was actually addressed to Joe Bubba, who is sitting out here in the audience because he was representing St. Luke's. The request was made to him to disseminate that letter to the board because he was representing them for a response and they didn't respond to it. He doesn't remember getting a response. As a result of that and as a result of a letter we got back from Mr. Bubba, not from the individual members of the board, where that is nothing to see here. There's nothing to be addressed, so that's why the letter was sent to the IRS.

Mr. Banonis said he'd also point out to the public conveniently this motion is coming from Laura Ray and if you go back and look at the three cover-up girls campaign finance report, who donated to their campaign, who donated to their campaign, Ed Nawrocki. How much did he donate, around \$500.00. Isn't that interesting, so the guy that wrote the letter, which is now under the scrutiny of the IRS, donated to their campaign \$500.00. Now, he doesn't know who else from St. Luke's may have donated to their campaign, but what he does know is that when he went to the courthouse and he went to the Elections Office and he pulled their campaign finance reports, their 4<sup>th</sup> report that was required under the law was missing. They couldn't give him a copy of it so we don't know, at least he doesn't know because that report was not available to him, who may have donated to them during that time. Maybe other people from St. Luke's, maybe not.

Mr. Banonis said so, he knows what they are going to do with this motion. He knows they are going to approve it because he knows what their feelings are on St. Luke's. You know, it raises another question to him, St. Luke's has taken a position that has been adverse to this Township in terms of its tax base. We have a landfill expansion that was approved, a new Host Agreement that will bring in over \$70 million to the Township over a period of 18 years to help keep taxes down, and the question he raises is this a quid pro quo? Was St. Luke's, is there a quid pro quo to get St. Luke's to cooperate on this landfill derangement syndrome that seems to be affecting people on this Council to get some support from a larger entity and try to push back on that landfill. He doesn't know but he bets we will find out at some point when there's some pretty heavy-duty litigation involving the landfill and St. Luke's.

Mr. Banonis said the other thing he'll point out is just because you are going to, and he knows you are going to rescind this letter, but that doesn't mean he can't send a letter as a member of LS Council. It doesn't mean that Tom Carocci can't either, and it also doesn't mean that we can't send that letter to the local Philadelphia IRS office, which perhaps would pay greater attention to something taken place like this right in their backyard, so do what you are going to do. He knows what you are going to do. He thinks it's wrong what you are doing especially when the Township residents have spoken up with concerns about this. Cover it up, do what you're going to do.

Ms. deLeon said she's going next. She has no problem sending the letter. Victoria? Ms. Opthof-Cordaro said she agrees to sending the letter.

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Ms. deLeon said Laura? Ms. Ray said she doesn't have anything else to say. Ms. deLeon said they should also copy it to the Philadelphia office. Okay, so there's a motion on the floor, she's going to open it up to the public

Mr. Joe Bubba said he'll be very brief. He is representing St. Luke's University Health Network. He's not going to take a lot of time. He was hoping, he's been to thousands of these meetings over his life and it seemed like the temperature was going down a little bit, which is good. This gentleman, he doesn't know his name, but he said something when you were talking about the HAL, saying let's continue our relationship with Hellertown. It's been a great partner. He thinks if there's a theme with the new board, it should be continuing and perhaps enhancing relationships and he will add St. Luke's to that. St. Luke's has been a tremendous partner in every municipality in which it has located hospitals or health systems. Don't take his word for it. He's said this many times when a new hospital goes up and he said please check with the Township Manager of Bethlehem Township or Orwigsburg, Lehigh, Carbon, Monroe. He's asked them to do that because he knows St. Luke's does, in fact, honor its commitments to townships. The suggestions Mr. Banonis talked about St. Luke's building a new building in the Township. He talked about receiving comments about the communication being arrogant, out of touch, not in line with the mission of St. Luke's. He talked about salaries of CEOs. By the way, those salaries are subject to IRS review. He talked about opposition to the landfill. Notice none of those items had anything to do with the core issue, which is whether or not St. Luke's engaged in prohibited political activity. In his response he's the only person, Mr. Carocci, not Mr. Banonis, or Mr. Treadwell that provided Council with any legal guidance on that core issue and he noted IRS revenue ruling blank, blank, blank. It distinguishes allowable advocacy by non-profits from prohibited political campaign intervention. The revenue ruling states that 501(c)(3) organizations may take positions on public policy issues including issues that divide candidates. He cited law. That's why the letter never should have been sent because you had that letter in your hands and it was ignored by three Council members in order to send the letter to the IRS. He's not asking for any favors. He thinks it's the right thing to do. He thinks it's a terrible waste of township resources. What do the residents get out of that challenge? Mr. Carocci and Mr. Banonis can write the IRS, anybody can. The question is, what good does that letter do to the, for the residents of LST. So, he would suggest as a good start in a reinitiation of a partnership and a relationship that we get back to neutral ground – neutral. He's not asking for a favor. He's just saying a neutral ground where no one takes an action just because of a certain level of animosity. Let's remember, the landfill is trying to expand next to the hospital. It seems like at least a legitimate argument by a hospital that they don't want a landfill there. He's not asking for people to agree, but doesn't that sound like at least a legitimate position for someone to take. It's like a daycare saying we don't want to have a jail next to us. It's a legitimate position. People may disagree but why are we in this position. Thank you. Ms. deLeon said no, he still has time. Mr. Bubba said thank you.

Mr. Banonis said Mr. Bubba he needs some clarification on his letters. He recalls his letter it started out with a personal attack in a very unprofessional manner toward our solicitor and he also recalls comments in his letter, and again, this is going back sometime, the comments in his letter to the extent that the IRS has not ruled upon the subject that we were bringing forward and in essence, he was encouraging us to ask the IRS to investigate that and act upon it. He cited to the IRS regulation. So, you first attack our solicitor. Then you ask us to, you point out to us, what the law is and that the IRS controls this and then you point out that the IRS hasn't issued any ruling on this so we're just supposed to take his word and just not ask the IRS, is that what he's suggesting?

Mr. Bubba said where in his letter does it say that. Mr. Banonis said he doesn't have it in front of it, this is going off his memory and he would love to see it if he has a copy of it there. Mr. Bubba said he'll read it to him. Mr. Banonis said he doesn't need the whole letter read to him, Sir. Mr. Bubba said you just stated that he said in his letter ask the IRS. There's no way...Mr. Banonis said you are the one that is highlighting the IRS...Mr. Bubba said...Mr. Banonis said no, no, hold on. Mr. Goudsouzian said let him answer it. Why don't you let him answer the question you asked? Mr. Banonis said because he's not saying what, he's putting words in his mouth. Mr. Goudsouzian said he's reading from the letter you asked him about. Ms. deLeon said please, please. Mr. Banonis said Sir, you are the one that brought up the IRS regulations, right. Mr. Bubba said he cited the law. Mr. Banonis said right, but the IRS never issued any ruling upon the matter that was at hand here, did it? So, in essence, how do we know how the IRS is going to act if we don't submit what we have in front of us to the IRS. This is all probably a waste of time because we all know how this is going to go. Sir, you know how this is going to go. He just had to bring up that question for him. Mr. Bubba said just bring it up, he's never going to convince you Jason, what this letter says. It's in black and white. Why would he put in a letter as a response why don't you check with the IRS. Rather, he told him what the law was. He didn't say, so disregard what he said. He told you what the law presuming that three lawyers would say geez, we don't have anything on the other side, we better not get, we better not go down this rabbit's hole. That's not what you did. Mr. Banonis said okay, we'll talk about this more, he's sure.

Ms. deLeon said okay thank you Sir next. Bruce Petrie said their farm is located right next to the landfill expansion so and where they want to expand is on a steep slope like 30 degrees, which runs right into Bull Run, which runs right into the Lehigh. So, you think you had problems with that train derailment with the diesel fuel leakage, you haven't seen nothing yet. As far as income, a million dollars for a CEOs of large corporations, that's nothing. Check out Jamie Diamond's benefit packet. They get stock options up the yazoo. Mr. Banonis' law firm, you probably have some seven figure guys there if he had to guess, so a couple million dollars, hey, in this America, it's great. So, if somebody wants to make that money, more power to them. He has nothing against someone making good money. So, as far as you know, Jason also read about hospitals should be concerned with health, well, yeah, right across from a landfill not forgetting about the part about helicopters, the bird strikes going into the engines. We've been reading about those more around the country. So, yeah, the health is affected and so he just wanted to point that out.

Mr. Banonis said Mr. Bubba, he just needs to respond to him. Your letter says "the IRS determines whether the communication qualifies as allowable advocacy or prohibited campaign intervention by evaluating whether the statement contains any message directly or indirectly favoring or opposing a candidate". You said the IRS determines, right? Okay, and that's why they submitted the letter to the IRS to make a determination. You agreed that the IRS is the determining agency. We submitted a letter to the IRS to determine it. End of story.

Andrea Wittchen said first of all his question is have we heard any response from the IRS about this December 28<sup>th</sup> letter. Mr. Hudson said no. Ms. Wittchen said have we heard any indication that they are pursuing it or reviewing it or has there been any indication at all? Mr. Hudson said they've received no response whatsoever. Ms. Wittchen said so the statement that this is under review by the IRS was a lie, correct? We have no indication that that's true or not. Secondly, she'll point out that she has started two 501(c)(3)s from scratch. She's well aware of the rules regarding political involvement on the part of a non-profit organization and nothing in that St. Luke's letter comes within waving distance of it. Then finally, perhaps Mr. Banonis

will get a chance someday to talk about the PAC that's been supporting his running for office, that might be interesting. Mr. Banonis said what PAC are you referring to Ma'am, what PAC are you referring to as he's not familiar with any PAC that has supported him. Ms. Wittchen said then you are pretty stupid. Mr. Goudsouzian said that's not appropriate. Ms. deLeon said that's not appropriate. Mr. Banonis said sure it is. There are two sets of rules, she can say whatever she wants but Mr. Boulin, you can't. Ms. deLeon said she just addressed it. She just addressed it, Jason. Mr. Banonis said you never do. Ms. deLeon said she isn't going to argue with him, he's not worth it. Who wants to go next? Mr. Banonis said that's the decorum you get here. That's the decorum you get here.

Ms. deLeon said please address the Chair. Mr. Banonis said why don't you have the gentleman in the audience stop interrupting him while he's standing at the podium. Ms. deLeon said Mr. Boulin could you please...Mr. Boulin said he didn't say a word to this man. Ms. deLeon said then you need to address the...Mr. Goudsouzian said everybody stop. Everybody stop, hold on one moment Sir. Mr. Boulin said he's got the floor. Mr. Goudsouzian said no you don't. Wait a second. Mr. Boulin said he does have the floor. Mr. Goudsouzian said stop. Mr. Boulin said she is the Chair, you are not the Chair. Mr. Goudsouzian said here's what we are going to do. Mr. Boulin said no, you're not elected. She is elected. Mr. Goudsouzian said start the clock at five minutes. Go ahead. Mr. Boulin said President, does he have the floor? Mr. Goudsouzian said now you do, go ahead. Mr. Boulin said no, not because of you, he's asking her. He needs to address the Chair, that is the rules that she has put forth, is it not? Ms. deLeon said start the clock please. Mr. Boulin said he's sorry, he'd like an answer to that because he does go over the rules, all 30 of them. Ms. deLeon said you do have the floor so...Mr. Banonis said Mr. Boulin they started the clock before he started his comments, he doesn't know if they want to reset that. Ms. deLeon said just back it up, just back it up to five. Mr. Boulin said and yes, he did look over here. He did not address him until he addressed me.

Mr. Boulin said alright and as a matter of fact, let's talk about this St. Luke's letter because his wife got one and she didn't like it one bit. Alright, she's not going to be here tonight, but she didn't like it and she doesn't like her records and email used for political purposes and that's exactly what she said to him. So, regardless of what the attorney who gets paid, he doesn't know, \$500.00 an hour, now he's been here for, actually let's talk about some money. He's been here for three meetings, right, and he's sure here we are at 9:00 so we are going to round out by 10:00, so it's easy for computations, so we're talking for four hours times three meetings and times \$500.00 an hour. You know what, they could have populated that whole landside in the landfill with trees forever and it's up to the landfill people are doing it and St. Luke's is screaming and yelling about...can you imagine having to look out the window and seeing the size of that. He knows some people can't take the heat when they are in the kitchen, so they just up and leave but he doesn't and that's not the end of it. We can talk about many other things like there is absolutely no proof that he heard about this landfill contaminating these rivers and he challenges anybody here to give it to him. He will say this though, there's clear proof that nothing other than the sewage facility of Bethlehem dumps raw sewage when they get overloaded. How's that go down Mr. Anderson's drain when it rolls by his healthcare facility, bet he loves that. Okay, so let's get some facts. If you've got the facts, you can prove it, all he hears is the landfill does this, the landfill does that, and there's no proof. By the way, they just bought another \$900,000.00 worth of land, that's about \$6,000.00 per acre. He doesn't hear anybody saying anything about that. Oh, that's okay and by the way, he understands you said tonight you bought your house in 85 or you've lived there since 85, well gee, didn't you know a landfill was going in there. That's like having an airport built in your back yard and then saying you don't like the noise. Anyhow, he'd like to see proof and the only way you can

get it is not somebody else's opinion, because everybody has an opinion. It's like the nose on their face and they'll be more than happy to tell you what they think because they heard it from whatever. This newspaper, that newspaper, and we heard tonight the real proof from the experts that said why this happened. No, it wasn't water running down the hill. No, it wasn't drunk engineers, no it was none of that, alright. So, let's keep to the facts, geez. If anybody thinks for a second that that corporation, that \$1...and he looked up their taxes too by the way, it's online and they don't pay any taxes to LST and yet we have a person who again and again and again pushes his way, demands to be heard, and what happens, well, of course, out he...Ms. deLeon said please, quiet. Mr. Boulin said there she is, she's right there. Ms. deLeon said she's correcting...Mr. Boulin said why don't you kick her out? Thank you. Ms. deLeon said please, please, please. You are making it worse. Mr. Boulin said he's glad he didn't get the finger. Alright, so the bottom line is the landfill, right, he never got, he knows, isn't it funny, it's really funny. Ms. deLeon said she's not laughing...Mr. Boulin said oh you know, she's just smiling. He got it. Ms. deLeon said she can smile if she wants to. Mr. Boulin said look Priscilla. Ms. deLeon said oh my God. Mr. Boulin said Priscilla, he's sorry, Ms. deLeon, President. Ms. deLeon said she's Ms. deLeon to him. Mr. Boulin said Mrs.? Ms. deLeon said Ms., Mrs., whatever. Mr. Boulin said he did look up in the minutes to make sure he had it right and it was Ms. Ms. deLeon said and they use, it's interchangeable and she's not taking up his time, he can have additional. Mr. Boulin said it doesn't matter because she's going to do whatever she wants and yes, when this fellow asked for facts and data, you don't go to him, you don't go to Bubba, you go to the IRS because that's what you are dealing with. They make the ruling, and by the way, he'd still like those letters you wrote too, okay. Ms. deLeon said okay thank you, anyone else.

Russ Sutton said he and his wife have been registered nurses for almost 70 years combined and St. Luke's is a very big asset to our area. They own property all the way down to the river and that's why they are concerned about leachate runoff or, and it does run off to the side of the mountain as he has pictures of it. He can prove the fact that the leachate runs into the river and also it happens also every time there's a heavy rain. Then it doesn't help that the sewer plant, when there's one or two inches, they open all the sludge and let all of the contaminants go into the river. There's proof that DEP has cited the dump many times, for violations. There is no fact that it hasn't. They have a lot of violations, and St. Luke's is looking after our health and well-being. They are concerned about our health and they are concerned about our environment and if we're not concerned about environment, who is going to take care of it and the dump certainly isn't going to take care of our environment. The whole point being is there's no way that is a safe operation and that it doesn't affect the people in the area because it definitely does. He had two letters from his physicians saying when that stuff becomes airborne, it can damage your lungs and he has a lot of other people and there's a lot of witnesses that have proof that there's been a lot of problems with it and health issues and also, he doesn't know if people know, methane can travel underground as well as above ground, so it can go and enter into your houses. We are in Steel City. Steel City's water got contaminated by the dump and they had to get water, so, and they didn't get anything from the dump to pay for their city water being put in, so it got contaminated from the old dump plus the present dump. They also had radioactive waste up there, and everything else, so don't tell him how safe that is. So, again St. Luke's is a benefactor, not a distractor. Ms. deLeon said thank you, next. If you want to go Maryanne, you know how to get there.

Maryanne Garber said pardon her. Mr. Banonis said usually people use words when they recognize you. She said she represents the Bethlehem Landfill and she just needs the record to be absolutely clear that there is absolutely no evidence that there is leachate coming from the

landfill down the North Slope, that there is leachate going anywhere but through the permitted leachate management system. There is no evidence that there was any water contamination in the Steel City wells as a result of the landfill. This is all been confirmed time and time again by DEP and she can appreciate that people have the opportunity to come up here and offer public comment, but she has to set the record straight when there are allegations that are made with absolutely no basis and she thinks it's incumbent on this Council to make it clear that these kinds of allegations, without any basis are inappropriate, particularly because these are public meetings. These are televised and people in the Township are hearing allegations and it's very important to understand that there's no basis for those allegations. Ms. deLeon said thank you Maryanne.

Ms. deLeon said who wants to go next. Okay, she said she guesses there's a motion on the floor. Mr. Hudson said to send a letter to the IRS. Ms. deLeon said she'd like to amend her motion to also include or Laura can she ask her to amend her motion to include sending it to Philadelphia also. Ms. Ray said sure.

**MOTION BY:** Ms. Ray amended her previous motion and moved for approval to send a follow-up short, brief letter to the IRS to say we no longer are concerned about this matter. There is no campaign intervention and to also send it to the Philadelphia IRS office.

**SECOND BY:** Ms. deLeon amended her second.

**ROLL CALL:** 3-1 (Mr. Banonis – No; Mr. Carocci – Absent)

Mr. Bubba said the clarification was so long ago was the motion to direct the solicitor to send that letter. Mr. Goudsouzian said the motion didn't indicate who was going to send it. Ms. deLeon said somebody was going to send it. Mr. Goudsouzian said but the initial letter came from the Township Manager and solicitor and one would anticipate it would be the same individuals. Ms. deLeon said thank you.

**F. LUTZ-FRANKLIN SCHOOLHOUSE PARK SIGN**

Ms. Ray said can she make a clarification on one of the comments that was made in past, she didn't want to interrupt the speaker, but Mr. Boulin was referring to the solicitor's rate per hour as \$500.00 per hour and that's not correct, so it's on the record, his rate is \$180.000 per hour was the amount. So, just letting him know. Mr. Boulin said in response he was referring to Mr. Bubba's...Ms. deLeon said okay, it wasn't clear. Mr. Boulin said he was referring to Mr. Bubba, Bubba? Is that correct, sir, I am very sorry. I butcher it all the time and it gets to be old hat, Mr. Bubba, alright of Bubba, Lenz, etc., what he was referring to was instead of spending all the time here that he spends, for four sessions are probably four hours, and he's sure it could be applied to the side of that hill and turn it into flowers and trees and everything. Ms. deLeon said thank you.

Ms. deLeon said moving on we have Lutz-Franklin Schoolhouse Park sign. Ms. deLeon said Township staff received a quote to replace the sign at the Lutz-Franklin Schoolhouse. The new sign will be designed using weather-resistant material at a cost of \$1,995.00.

**MOTION BY:** Ms. deLeon moved for approval of the park sign at the Lutz-Franklin Schoolhouse in the amount of \$1,995.00.

**SECOND BY:** Ms. Ray

Ms. deLeon said Jason, comments? Mr. Banonis said he has a question for Mark. Last year they renamed Woodlands Hill Preserve after Sandy Yerger, have we ordered signs for that?

Mr. Hudson said yes, they have the sign in stock. It hasn't been installed because of the snow and they just haven't been able to get back to it. Mr. Banonis said that's the only question he had with regard to signs.

Ms. deLeon said she has no comments. Victoria? Ms. Opthof-Cordaro said she thinks it's a great idea.

Ms. Ray said she was at the meeting when they discussed this at the Historical Society. She thinks this is how they wanted it worded, so as long as Karen...Mr. Hudson said they checked with Karen and Karen has approved the sign. Ms. Ray said okay, great. She knows they wanted to have the mention of the National Registry on it. Great, she thinks it's beautiful.

Ms. deLeon said it's beautiful and she's glad they included that. She doesn't think that's on the Heller Homestead is it? Mr. Hudson said they worked with the HH to have their sign made the way they wanted, so. Ms. deLeon said that's too bad, okay, so, anybody in the audience would like to speak on this. If not, let's move onto the roll call.

**ROLL CALL:** 4-0 (Mr. Carocci – Absent)

**G. ACCEPT RESIGNATION OF TOWNSHIP MANAGER**

Ms. deLeon said the Township received a letter of resignation from our Manager, Mark Hudson on Friday. Mark has been with us for about 18 months. Mr. Hudson said yes. Ms. deLeon said and he will be a loss to the Township. She wishes him only the best and she will say more words in two weeks, just to prepare him. This time she would like to make a motion as follows:

**MOTION BY:** Ms. deLeon moved for approval to accept the resignation of the Township Manager, Mark Hudson, with regret.

**SECOND BY:** Ms. Opthof-Cordaro said she wished she didn't have to accept it.

Ms. deLeon said Jason? Mr. Banonis said so he's sure the public has probably been wondering what we can expect going forward and he echoes, he thought Mark was a great fit for the Township. He thought he had a great personality, and he still does have a great personality. He is highly competent. It's unfortunate he has decided to move on, he had a good team of people under him and he's sure they are going to be affected by this. He's sure the residents are wondering how they are going to be affected by this as well and if history is any indication, he doesn't think this will be good for the Township. He thinks we are going to have literally and figuratively more train wrecks. He thinks what we can expect there's going to be more secrecy and he points back to his RTK requests. Many of those requests were denied potentially covering up the existence of response of records.

Mr. Banonis said he thinks you are going to see the use of non-township email addresses for official Township business. He found that in his RTK requests. Hillary deLeon, herself uses three email addresses that are not Township email addresses. There's priscilladeleon0925@yahoo.com, Prisdeleon@aol.com. Ms. Ray said it's appropriate to name email addresses...Mr. Banonis said and deleonpriscilla@ptd.net, they are used for official Township business. So please don't interrupt him. Can you please have her not interrupt him? And deleonpriscilla@ptd.net and then you also have Laura Ray uses a personal address for township business and that is maxandcabo@yahoo.com and Victoria uses one called victoriaopthof@yahoo.com so he thinks you are going to see more secret communications to and from those email addresses on official Township business. It's straight from the Hillary

Clinton School of good governance and covering up and maybe we'll get some BleachBit as well.

Mr. Banonis said so he thinks you are also going to see more preparation of secret work documents detailing their strategies and the execution from keeping those the public eye. You have Laura Ray's December 28<sup>th</sup> email, it's like a working document where she talks about all these things he went over earlier with Mark Freed. You are also going to have more unwillingness to listen to what is in the best interest of the Township and instead defer solely to Hillary, excuse him, Priscilla deLeon, and he'll point to this one quotation "need your guidance on these issues and how to strategically deal with the two other members of Council when they will not follow directions from Priscilla, who will be Council President" so it's not about representative government, it's about instead following Priscilla's directions, obey or else.

Mr. Banonis said you are going to see more violations of the Township Codes. You are going to see appointments. For example, here's a quote from one of their emails "need to see who all we have at the end of Thursday" and another one is "we don't have to list the names, just to say them on Tuesday". So, all these appointments to these various committees that took place on January 2<sup>nd</sup> were not at the recommendation of the Township Manager. You may recall he asked who is involved in that and the Township Managers the ones that's supposed to be making those recommendations to the Council and then it gets approval from Council, but instead these appointments were done at the recommendation of the Council and approved by the Council. So, what that makes this is that their appointments to these councils and committees are invalid. His position is that it subjects their decisions that they make that may be adverse to certain people in their interest invalid and he thinks it potentially subjects the Township to challenges invalidating and wasting the taxpayer dollars.

Mr. Banonis said another example of this is November 20, 2023, Laura Ray asked "why do we want to have liaisons to the various committees", he's sorry, "who do we want to have as liaisons to the various committees", yet again usurping the Manager's authority and again exposing the decisions of these committees to challenge on the lack of proper appointments.

Mr. Banonis said you also going to see more waste of taxpayer dollars, for example, in PSATs there's a quote, "make the motion specific to include mileage and expenses" so if somebody really wants to make sure they get every dollar for their annual taxpayer subsidized boondoggle to Hershey. Don't eat too much of the chocolate. You are going to have lining the pockets of their friends with taxpayer dollars. You already heard about the library today. A motion to pay a bill for services in 2022 and there's no bill that was owed. Services were not provided for any bill and to directing...stop interrupting him.

Mr. Banonis said you are also going to have more landfill derangement syndrome, they are talking about retaining pricey consultants without any oversight. Here's one "find out resolution that restricted consultants from taking action before bringing it back to Council". So, what they want to do is they want to give unfettered discretion to a third party hired by them to harass the landfill without any oversight by Township Council or public comment and we're going to pay that consultant to do that with taxpayer dollars.

Mr. Banonis said you are also going to see more misunderstanding of the role of the Controller as an auditor, not as a financial planner. They are proposing having a Controller report for future meetings and what's significant here is there's an email from Lynn Hill on December 13,

2023, who apparently acknowledges that she doesn't know what she's doing in this role, it says "thank you for bearing with me as I become acclimated to fund accounting", and then there's a series of emails in December from her on the subject "Lynn's questions on 2024 budget despite the role of the Controller as an auditor, i.e., looking back to 2023, and money that was spent, not a financial planner looking forward", we already have a financial planner, right here. We have Cathy. They want to convolute those roles to the detriment of the Township.

Mr. Banonis said you are going to get more lies about setting the agenda especially when we get another handpicked stooge to become the Township Manager. You've got an email from Mark Hudson to Priscilla, December 27, 2023 giving her a draft agenda for her review but yet he told the public that he is the one who sets the agenda not her, so we know it's going to be Priscilla who is going to be setting the agenda. Consider that how you want. You are not going to get a lot of value from whomever they hire. We pay Mark over \$135,000.00; he expects we are getting to pay whoever else it is a lot more than that to come in, the market place is tight. He's sure Mark got a great position and he's happy for him. He hopes it works out well for him and his family.

Mr. Banonis said you are going to get more of those secret meetings and deliberations and decisions among the cover-up girls and their new Manager and maybe they take place away from the Township offices. We already talked about that process with Mark Freed and his hiring. You know, you are going to have more violations of the Sunshine Act.

Mr. Banonis said here's one, you are going to have this Council getting involved in personnel matters. That's improper. The Township Manager is the person who is supposed to be overseeing his staff and if he has an issue, he's supposed to bring it to the Council's attention. So, it seems like whomever they are going to hire, is going to be creating a hostile workplace. He will give you an example. Jim Young, who is not here. He hopes he's listening or somebody tells him, you may want to go out and get yourself a good employment lawyer for the cover-up girl's plans to get rid of you by whatever means. The taxpayers, if you are listening, you should get ready for a wrongful termination lawsuit by Jim Young and perhaps a settlement that you are going to pay for because they've made it clear, they said the following "we've heard many complaints about, against the Zoning Officer, how best to handle removing the Zoning Officer can we use a consulting agency instead, any recommendations". So, they already have a preconceived notion that they want to remove the Zoning Hearing Officer who has been with the Township for a long time and has done a pretty good job.

Mr. Banonis said you are going to hear from them that they want to get a resolution to direct the Finance Director to work with the elected Controller. That's fine working on auditing retrospective, but not in financial planning. That's not her job. That's what Cathy's job is, that's why she's in that role.

Mr. Banonis said you are going to hear about other landfill consultants that they want to hire. You are going to hear about fire services, labor solicitor. You are going to hear about this miserable blogger propaganda to indoctrinate the new Manager. They are going to be sharing those articles and stories that are half-truths and lies with the new Manager to make sure he's in line. You are going to get ignoring information provided by the Manager because it doesn't align with their preordained agendas and that's very clear in some of these RTK requests. You are going to get non-elected individuals, perhaps with agendas that don't align with the taxpayer's interests, to direct Township affairs.

Mr. Banonis said he'll direct you to back to Victoria's email that he mentioned earlier, November 15, 2023, where she wrote to Mark Freed soliciting his services as the new solicitor and that referral was made by a friend, "Charles Elliott". So, who is Charles Elliott? Charles Elliott is an environmental lawyer in Easton. He served on Easton's Planning Commission, the EAC. He's also a member of Catalytic Strategies. What is Catalytic Strategies? Catalytic Strategies concentrates in land use, zoning and environmental issues. It offers specialized advice and environmental and human right issues and conflicts and issues. It halts improper waste disposal and it is engaged in legal actions. It was involved in the natural gas pipeline opposition. "Where citizens challenge projects requiring land use appeals his decades of experience in zoning and planning issues can be decisive". He also serves on the LVPC. Does that explain why these three voted to have Township taxpayers pay for LVPC to try to educate the unqualified and under qualified people they put on the committees and the commissions, maybe so. The other members of the Catalytic Strategies, you've got Armen Elliott, the visual storyteller guy for them. Mario Elliott does the non-profit administration. James Elliott does photojournalism. Joe Welsh is a lawyer who does political organizing and campaigns and has experience working for Harold Washington's campaign in Chicago, IL to the PA General Assembly, judicial races in Indiana, NJ, Arkansas. He also works in computer technology and database management. Scott Setterstrom, community organizing, coalition building media work, public speaking advocacy and corporate research. He worked for Green Peace. You've got Thomas Elliott, who is a former Democratic Party Chair for NC and a delegate to the National Democratic Party Convention, who is involved in civil litigation, zoning, planning and development matters, deep knowledge of local government and decision making as a solicitor. You've got Glenn Nelson, a professional conservationist who is involved in ecological monitoring and hazardous waste operations. You've got Roger Nelson who works with open-source technology systems who helps activist organizations set up, secure communications, "where privacy is mission critical" using anonymity software for activists to maintain privacy to operate day-to-day. So, those are the folks they may be consulting with as they go forward on their merry campaign to ruin LST. Got another example here that confirms that. There was another email, Victoria sent an email to CHOT, who is Charles Elliott, December 18, 2023, asking for suggestions for a landfill consultant and also contacting Jill from LVPC for recommendations. Jill suggested Dave Allen, but he already does work for the landfill gas, storm water management. Dave Allen suggested Colliers, who does work for Williams Township and Chrin Landfill and he can assure you we don't want to be Williams Township and the Chrin Landfill.

Mr. Banonis said Priscilla offered to call Bob Zelle. They were considering bringing back Laressa but Priscilla determined her name was off the list because she was retired. They planned to talk with Rich Sichler to see if he was available and to testify on hydrogeology. They planned to talk to presumably Dru Germanoski, if he'd be willing to review the Form U's when they came in and consider them for the Landfall Committee and in Victoria's email, she asked Charles Elliott who they should hire and what types of consultants they should look for. So, they are going to this group or this individual and they are looking for guidance as to how they can create more bureaucracy in the Township and more expense to the Township. In addition to that, it looks Charles Elliott undertook some activities on their behalf because he reviewed the new host agreement and he said the firm, he had recommended AMO Environmental. He talked about Section C under the new host agreement and it looks like there was some consideration of appointing an independent professional engineering firm to give an opinion justifying opposition to landfill expansion and he offered further discussion and feedback. So, he's sure we'll get some more information on that from the transparent group we have here. It's not clear who retained Mr. Elliott or if he was retained to provide these opinions,

what else was asked of him. Was he paid? Was he paid by whom? Was the Township billed? He doesn't know the answers to that. You are going to get more landfill derangements syndrome. You are going to get comments like the very controversial landfill expansion with Bethlehem Landfill, going over the frivolous lawsuits.

Mr. Banonis said you are going to get more efforts against the Township's interest in violation of their sworn duties. They are going to raise your taxes once again. He'll give you another quote here, "Once we take office, we intend to reverse the Council position on these lawsuits and join with the litigants and their challenges". So essentially, they want to sue the Township and eliminate almost \$80 million of taxable revenue. Then they talk about wanting to end the lawsuits and rejoining the various collaborations of LST and HB.

Mr. Banonis said you are going to get more, oh, joint defense agreement with the landfill attorney. They want to stop this, "but first should we get," sir, can he please finish? Someone from the audience said your five minutes are up. Mr. Banonis said he doesn't get five minutes, Sir. Ms. deLeon said please, please. Mr. Banonis said can you please allow him to finish. Can you get control of this room please so he can finish his comments? He is an elected member of Council. Ms. deLeon said please he is talking. Mr. Banonis said he's still an elected member of Council. Thank you.

Mr. Banonis said joint defense agreement with the landfill. They want to stop this but first they want to get some of the privileged information first before doing this. So, they may already be in breach of that agreement, that joint defense agreement. Maybe the landfill ends up suing the Township for those individually responsible for that. You got more waste of taxpayer money.

Mr. Banonis said they want to hire environmental engineers to review and critique Hanover, it's too bad that Brien left, but may somebody will tell him that they want to review and critique HEA's work or anything they do with the landfill. Essentially what they want to do is pay somebody else to oversee the work that HEA is doing. So, where does it end? Should we hire someone to oversee that person as well.

Mr. Banonis said it goes on and on and on. He guesses when all their pals get paid, that's when it ends. He sees you are going to have another termination on the horizon. Scott Brown, if you are listening, you too, appear to be a marked man unless you get in line and ramp up your criticism of the landfill regardless of the lack of professional basis that he offers to support his opinions. You are going to get some more ignorant, uninformed knee jerk, Banonis and Carocci are bad decision-making.

Mr. Banonis said you are going to get the nonsense that's taking place out on Easton Road where they have not looked into any aspect of that. Have not contacted any of the individuals out there by email, by text, anything in writing to investigate that rezoning and what the rezoning does to alleviate the burdens to those homeowners. If you want to talk about, he'll just move on from that.

Mr. Banonis said you are going to get higher taxes. It's very clear you are going to keep getting higher taxes. You are going to get more gatherings of the community's scholarly minds to fleece the Township. You got Priscilla, Victoria, Laura. You got Andrea Wittchen who has been involved in communications with them. Lynn Hill, Chris Guro, Tina Krasnansky, Stacie Misczenski, talking about budget issues. That's whose making budgeting decisions or budgeting input. In effect, Andrea Wittchen offered her sage counsel with concerns about

raising taxes back up to the original amount “but there may be other ways to creatively revise expense items to offset the hit”.

Mr. Banonis said you are going to get more secret meetings in violation of their sworn oaths. They had secret meetings or communications with Priscilla and Tom Rieger about the Hellertown-Lower Saucon future. They had a Zoom meeting that was scheduled sometime at or around November 30<sup>th</sup>. They looped in Ken Solt to share with them the library team. He wonders what confidential information related to litigation was shared during that discussion. Again, you are going to have violations of their sworn duties to the taxpayers and residents of this Township. It’s just inexplicable.

Mr. Banonis said that explains to him why Priscilla was so bent out of shape about his RTK requests and it also explains to him why her stooges that stand up here and complain about the RTK requests. They’d rather...Ms. deLeon said name calling, that’s out of order. Mr. Banonis said he didn’t name anybody individually. Ms. deLeon said she doesn’t care; you are inferring to...Mr. Banonis said he didn’t name anybody individually, so he didn’t name anybody individual, so there’s nothing wrong with that. Why don’t you jump down other people’s throats when they start shooting their mouths off, but anyway stop interrupting him.

Mr. Banonis said so, what you can expect, you know, he gave you probably over 30 examples there of the incompetency, the duplicity, and the corruption that you are going to see and it’s going to be an absolute train wreck. He can only imagine the quality of person they are going to get as a manager. He doesn’t blame Mark Hudson for moving on from this. He wouldn’t want to be within, within a 50’ pole. Congratulations to him. He wishes him the best in his new role. God help whoever gets hired and God help this Township as well.

Ms. deLeon said she’s going next. Did you call her Hillary deLeon twice? Mr. Banonis said he corrected himself twice. He said excuse me, Priscilla. Maybe that’s a compliment to her, he doesn’t know. Ms. deLeon said again, as she said previously, that all the stuff he mentioned was done prior to being sworn in. She was the elected official. She was allowed to meet with whoever she wanted to. Victoria and Laura were not sworn in until January 2<sup>nd</sup>, right here in front of everybody at 6:30 p.m., 6:40 p.m., whatever time the Judge came to swear them in. So, listen to whatever he says, believe it, but they were totally in their right to do what they did prior to January 2<sup>nd</sup>. Mr. Banonis said that’s one of 30 things he talked about. Mr. Goudsouzian said hold on. Ms. deLeon said now he is interrupting her. Mr. Banonis said yes, he is. Ms. deLeon said then apologize. Mr. Banonis said no, he will not. Ms. deLeon said then be quiet. So, again, she will reiterate that they, in her opinion, did not do anything illegal, and with that, Victoria?

Ms. Opthof-Cordaro said she just wants to make sure what we are on. Ms. deLeon said we are on his resignation, how we got sidetracked. Sorry Mark, this wasn’t the way they should have done this. Ms. Opthof-Cordaro said she wants to thank Mark for all of his time with us. It’s been a pleasure to meet him. He has served them with the most dignity, professionalism, and she wishes him the best of luck and his family in his future endeavors. Thank you for all you have done for them.

Mr. Banonis said how many Managers have quit under her watch? Ms. deLeon said you’re out of order, Laura. Ms. Ray said yes, so, she was sad to hear this news as well. Mark was great to work with. She will say on both sides of the fence as a Council person, he’s very efficient as

a manager. As a resident from the other side, he was always responsive to anything you asked, so she will be sorry to see him leave and she understands why he would leave.

Ms. deLeon said with that then, she will open it up to the floor for public comment. Mr. Goudsouzian said may he remind the public this is on the topic of the resignation of the Township Manager for everybody. Ms. deLeon said that's what your comment should address.

Mr. Ozimek said didn't Mr. Banonis open up the floor... Mr. Goudsouzian said Sir, just stay on topic. Ms. deLeon said please. Mr. Goudsouzian said stay on topic, go ahead, you got your five minutes. Ms. deLeon said it has to be on the resignation of the Township Manager, that's the agenda topic. Mr. Ozimek said okay, if somebody on Council would have had the courtesy and outlook towards the Township as well as Mark Hudson did, we wouldn't be in any of this fiasco. Mark, he does need to see him after the meeting concerning his RTK request, okay. Mr. Hudson said okay. Mr. Ozimek said so with that, good luck. Mr. Hudson said thank you. Mr. Ozimek said sorry to see you leave. They never had much interaction. The ones that they did were good. If he annoyed him, Mr. Hudson should have told him so. He expects the truth out of everybody. It's far and few that we got that from the last Council. Best wishes. Ms. deLeon said thank you, next.

Will Morrison said Mark, sorry they had to meet this way and he's leaving already, that's unfortunate, but he has seen the job that he has been doing. He's served this Township with respect and certainly, they are not fighting every war, right. They are not fighting Hellertown. They are not fighting the hospital. They are not fighting codes. They are not fighting the Council, but he stays very straight and steady and he keeps them on target. One thing they could do. They could all get up and walk out, right but that's not, he doesn't think that would serve any purpose, so congratulations and thank you for his services. Mr. Hudson said thank you.

Robert Blasko, LST, said last summer at the very first meeting that they had at Se-Wy-Co Fire Company as he walked out with his wife and granddaughter to go to lunch that day, a man came up to him and started walking beside him, please bear with him, and bumping up against his shoulder. He started saying things like you better watch what you say in there. You better be cautious. Remember that guy that was objecting to the Chrin Landfill, somebody ended up beating him up with a hammer, you got to watch what you are saying. This is true, it's verified. Mark Hudson will verify that he made a police report. He didn't think much of it at first, didn't even tell his wife about it for two weeks, and when he did, she said you better call the police and let them know what happened. Give them a description of the guy in case anything does happen, and he did it for his wife's benefit more than anything else. But Mark sat in a meeting with the Chief and himself and listened to this. He was very polite, very professional. He has the utmost respect for Mark Hudson. He shook his hand earlier and hugged him and told him, with his heart, Mark, he's sorry to see him go. Thank you so much for your service to this community. Ms. deLeon said thank you Bob.

Andrea Wittchen said she moved here from Hanover Township. It was back then a very disputatious place. She figured she was moving someplace that was perhaps even better control. Clearly, she was wrong; however, she has been amazed at his ability to behave in a professional manner over the last year and 6 months, 18 months, whatever. She appreciates having been in executive positions, how important it is to be able to maintain your equanimity, in all kinds of difficult situations; and although once or twice, they have perhaps disagreed on the speed with what something got done, other than that, she has had no reason to doubt his professionalism

or the fact that he is making legal, honest decisions and she now envies her former neighbors back in Hanover Township. She hopes he does as well for them as he has tried to do for them. Thank you.

Atom Kallen, Steel City, said he's been coming to these meetings awhile and he just wants to say Mr. Hudson always struck him as a level-headed man. Thank you for your service to the Township and good luck. Ms. deLeon said thank you. Okay, quiet in the audience please. You get her in trouble all the time.

David Boulin said how can you not comment on Mark Hudson, and if you recall, two weeks ago, he said one of the most important, if not the most important person on the Council dais up here, was Mark Hudson and he meant it with all sincerity. He's a professional through and through. No doubt about it. You will have to toe the line with Mark because he tells it like it is. Alright, he doesn't work with him behind doors. He doesn't know any of that but he has sat down with him a few times on various items. He is really solid. What really worries him is he's the pillar in the room, for all the professionals we have. What worries him is, who is going to go after him because he's not here to hold back the tide. He's been here 18 months, but what's been going on in the last 18 months. Who's been running the show here. Well, that's changed hands and now Mark is going to go. You can speculate all you want but we will find out in the next 5, 6, whatever months, who else, if anybody else, and he hopes nobody else follows, but he unfortunately has his other feelings. Mark, you're great. He doesn't care where he goes. He's worth a million, not \$138,000.00. You really are, God bless you. Ms. deLeon said thank you for those comments. Anyone else, okay, then can we have a roll call.

**ROLL CALL:** 3-1 (Mr. Banonis – No – he said as Council has been on its third albeit interim solicitor, and now without a manager in 60 days, no; Ms. Opthof-Cordaro said as she said earlier, regrettably, yes, good luck; Mr. Carocci - Absent)

**H. DISCUSSION AND POSSIBLE ACTION ON TOWNSHIP MANAGER SEARCH**

Ms. deLeon said Council has in their packet a proposal from Keystone Municipal Solutions. She would like to make a motion as follows:

**MOTION BY:** Ms. deLeon moved for approval of the engagement letter from Keystone Municipal Solutions of Harrisburg, effective today, for recruitment services with Chad Saylor as the Project Manager, and she will appoint herself and Victoria on the Search Committee.

**SECOND BY:** Ms. Opthof-Cordaro

Ms. deLeon said she would like to follow-up and say that on Friday after receiving Mark's resignation letter, she called PSATs, that's our State Association for Township Supervisors, and spoke with Scott Coburn, and he recommended this firm. She told him the position they were in and that they were looking for another Manager, unfortunately. He suggested Keystone Municipal Solutions and she called and talked to Chad Saylor and asked him to send them a proposal. Council received the proposal. So, she doesn't have the contract in front of her, but the, thank you, the cost would be, our fee for the engagement is \$10,500.00. The fee includes the cost of advertising the position through International City/County Management Association (ICMA), PA Municipal League, PA State Association of Townships. Our engagement letter requires a payment of 50%, \$5,250.00 of the total fee at the start of the engagement and the remaining 50%, \$5,250.00 of the fee will be due and payable following the selection of a candidate or 90 days following commencement, and it goes on to say what the compensation is. So, that's what she did to try to get a manager, to have a manager search.

Ms. deLeon said so, Jason, questions, discussion. Mr. Banonis said this is another knee jerk reaction. We have an Assistant Manager who is sitting right here, certainly, competent and qualified to take this role. He doesn't know if that was considered. He would assume it was not or if it was, maybe the writings on the wall for Cathy. He doesn't understand why they are paying a firm to do this. They previously found an interim manager in Peter and this was before Cathy was the Assistant Township Manager. They didn't have to use a firm and waste taxpayer money to try to recruit or locate somebody and we found a highly competent and qualified Manager in Mark Hudson. This is laziness. This is using taxpayer money to do the job that you cannot do or don't want to do. You cannot do it because you don't know who to ask within the network of township managers or you don't want to be burdened by it and you want to use taxpayer money for it. This is not acceptable. Township residents should be upset, not only with the resignation of Mark, the fact that he's leaving under the circumstances that he's leaving. The fact that we're now on the third solicitor in 60 days, or interim solicitor in 60 days. Then you are just going to spend more money. You can't keep putting, throwing money at problems, okay. You need to actually address the problems. It's just like let's add some more regulations on it instead of enforcing the regulations that they have. They will never get their act together. It's a shame.

Ms. deLeon said her recollection is after they lost Leslie, Leslie Huhn left, she believes Council hired a firm, she doesn't recall the name of it, and that's how they got Peter Marshall who was acting Interim Manager and part of his role was to also do the search for the Manager while he was being paid to be here. So, they actually paid somebody to be here in the role and then did the search and came up with Mark, so they did do a similar thing. She won't say it was exact, but they did a similar thing.

Mr. Banonis said it's entirely different. They...Ms. deLeon said it's her turn to talk, he's not responding. Mr. Banonis said she's miscommunicating to the public...Ms. deLeon said no, she's not. Mr. Banonis said there was no firm that was hired. Peter was found. Peter was hired as the Interim...Ms. deLeon said he worked for a firm. Mr. Banonis said Peter's money was less than what they paid for a Township Manager. Then they embarked on gathering resumes, advertising, interviewing, and hiring, totally different. Ms. deLeon said okay, so, she sticks by her comments. Mr. Banonis said he's sure she does. Ms. deLeon said and, it is what it is, Victoria. Mr. Banonis said it's a lie. Ms. deLeon said it is not a lie Jason. She is not a liar. Mr. Banonis said he was there, Priscilla. Ms. deLeon said she was too. Mr. Banonis said he was there. Ms. deLeon said she is not a liar, and she objects to that. Mr. Banonis said he's telling her it was a lie. She can object all she wants.

Ms. deLeon said Victoria. Ms. Opthof-Cordaro said thank you. So, for the public's benefit, it seems to be very customary that when a municipality loses anyone of their staff members, that they would seek outside professional assistance in obtaining a qualified candidate so they are certainly not the first municipality that's ever hired a firm to help them with the very important role of finding a manager and they won't be the last. So, and she thinks for the public's benefit, they want their staff to be concentrating on their Township business at hand and certainly undertaking a search that would require multiple interviews and things like that would be something she'd want a professional firm that's able to communicate with the various professional associations and what not. She also thinks importantly for the residents to see is that this is not something strictly undertaken by certain members of Council, a lot of allegations are made about partisanship and things like that, and she thinks this particular move to retain an agency to assist them in the process shows there is professionalism and integrity and what

they are trying to do to make sure their Township is placed in the best position moving forward in light of Mr. Hudson's resignation. So, she thinks they should move forward with this. This would expeditiously help them in obtaining a new manager, a full-time manager in the future. She also wants to thank Ms. Gorman in helping them moving forward as she is the assigned Assistant Manager and will take over those duties as they move forward during this process.

Ms. deLeon said Laura? Ms. Ray said okay, well given the circumstances here with the environment, the hostile environment, the rudeness, everything that goes on here, she thinks it's going to be a difficult position to fill so she does think it's best to go with a professional agency that has more resources and contacts to recruit for this type of position, so she thinks it will be worthwhile. They don't want to be going for a long time looking for a manager.

Ms. deLeon said okay, public comment. Dave Boulin said it will be hard to fill his shoes, period. Ms. deLeon said absolutely. Mr. Boulin said he's not sure he agrees with Ms. Ray about that. He thinks if you don't know what you are doing in the position of Council person, you can't even evaluate what's brought to you. You just don't know, so what you are saying is that nobody here, well, he shouldn't say anybody on this Council, there's certain people here that clearly know what to look for. They are in business every single day at the highest level and the bottom line is if you're not there, you don't know how business works. You don't know who's good from bad and you are relying on somebody else. So, what he's hearing here is we are going to replace Mark because we are going to bring in this other group to evaluate it. Well, then what. Who is going to make the decision, you, you, who? Right, you are all going to sit together and truly go over this person's resume to see what they've done, etc., etc. He doesn't know. They haven't seen that yet. Clearly not in the solicitor's solicitation. How's that, pretty good. The bottom line is he'd like to see more of that and maybe an open Council meeting. He knows, you got to hide behind the door and talk about these things and they don't come out. Truly, he'd like to see some transparency and when you select these people, when you get down to the final whatever, final four, let's bring them up and let the town listen to who they are. Not just vote on it because you have the strength. You were voted in, and therefore, you are supremely eligible to make those kinds of decisions. This guy runs the town every day and he has to put up with all the shenanigans that go on from all the people that harp about this, that and the other thing. So, he would suggest that maybe the town gets a chance to look at your selection before you just, that's it, that's who we want. Ms. deLeon said okay, anyone else wants to speak.

Ms. Carol Reilly-Makos, LST, said she thinks it is a great idea for you guys to use a service and she also recommend that they come and they sit here and they listen to the bantering and the bullying and the crap that goes on for hour after hour so they know what they are actually getting into. Mark is very good. He sits there. He says nothing. She knows he had really bad encounters with people on the board, which is awful that he has to sit there with them, but she does think that whoever does decide to come here should definitely come here and see what they are getting into before they are hired. Thank you.

Ms. deLeon said anybody else. Mr. Ozimek said he's going to agree that it's probably a good idea to use a professional service to help in seeking somebody out. As he said to people before, everybody has good in them, even Mr. Boulin. Ms. deLeon said you can't attack a resident. You can't say that. Mr. Ozimek said he didn't attack nobody. Ms. deLeon said you can't say that, verbally he did. Yes, you can't do that, sorry. Mr. Ozimek said but everybody has good in them. Ms. deLeon said okay Mark, please. Mr. Ozimek said yeah, that's a good idea, but whoever you hire, the company, as well as the people that want the job, should come in and get

experience at the town meetings in the audience, without anybody knowing who they are. Ms. deLeon said okay, thank you. Anyone else, may we have a roll call please.

**ROLL CALL:** 3-1 (Mr. Banonis – No, he said he doesn't understand why you don't just consider just hiring Cathy Gorman or put an interim tag on her and give her a shot. You like the interim tag. You got an interim guy right here right next to him, so why not make her an interim and see if it works out and if does, great, and if it doesn't, then see what you got to do to find somebody. Maybe that's...Ms. deLeon said there's a motion on the floor. It's either yes or no. Mr. Banonis said he's going to speak about that. So, he thinks that's the pragmatic way to approach this and not waste over \$10,000.00 of taxpayer money on a lark to try to find some stooge that's going to be your yes man, so he's going to vote no; Mr. Carocci – Absent)

**5. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF FEBRUARY 7, 2024 COUNCIL MINUTES**

Ms. deLeon said the February 7, 2024 Council minutes have been prepared and are ready for Council's review and approval. She asked if anybody had any corrections, deletions, additions.

**MOTION BY:** Ms. Opthof-Cordaro moved for approval of the February 7, 2024 Council minutes.

**SECOND BY:** Ms. Ray

Ms. deLeon said any public comment on our minutes of February 7<sup>th</sup>? Mr. Dave Boulin said he might as well get a chair and sit here. He was going to say he really does read the minutes; he means the printed minutes. Okay. Ms. deLeon said the draft ones. Mr. Boulin said yes, because they aren't approved yet, but the bottom line is, is that there are lots of errors and flaws, words misspelled. He shouldn't say lots, that's not quite correct. Do you seek those because as he goes through them, he can certainly send them to you. Ms. deLeon said that would be a help. Mr. Boulin said whether you want them or not. The video shows it all but it is nice to scan through them. Ms. deLeon said right and have them spelled right. Mr. Boulin said whatever, so that's...

**ROLL CALL:** 4-0 (Mr. Carocci – Absent)

Mr. Banonis asked where are the February 21<sup>st</sup> minutes? Mr. Hudson said they are not ready yet.

**6. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER – Mark Hudson**

➤ He said he does have some very exciting news. Bids were opened on February 29<sup>th</sup>, the day that doesn't exist, for the Meadows Road Bridge project. They have been verified and are listed in ECMS, which is a PennDOT site under No. 12286. The low bidder was Kinsley Construction and Company for a bid of \$3,082,000.00. Construction should begin, sorry, should break ground in late May or early June, so he knows everyone has been waiting many years for the Meadows Road Bridge project to begin so that's an update. Ms. deLeon asked if he could send out a little notice to everybody letting them know that or put it on Facebook. Ms. Opthof-Cordaro said that's what the County, that's the County group. Mr. Hudson said it's a PennDOT project. Mr. Banonis said it's a county bridge that PennDOT is administering its Federal money and State and County money.

- The Township plans to begin working on Reading Drive culvert next week. For the first part of the project, it will just be partial shutdowns for when they need to. Also, the utilities are planning on doing their week of March 18<sup>th</sup>. After the utilities are complete with their work, again, that will just be partial shutdowns, probably expect Reading Drive to be closed beginning in April for the culvert to be replaced and they are hoping that to be about a four-week project. That's all he has.

**B. JR. COUNCIL AND STAFF REPORTS**

**Rudra & Nitya Thakkar** – Absent.

**Mr. Banonis**

- He thinks that's great news about the Meadows Road Bridge. That's consistent to what they were reporting in the fall of last year as the timeframe so it sounds like we'll have a new bridge in 2024 hopefully. Mr. Hudson said on another, sorry, on another construction project, estimated completion is September 16, 2025 for the Meadows Road Bridge. Ms. deLeon said can you say that again. Mr. Banonis said September 2025. Mr. Hudson said September 2025. Ms. deLeon said September 2025, thank you. Mr. Banonis said long overdue, it's good news.
- So, he was contacted by some residents out on Easton Road who are very upset with the efforts by Priscilla, Laura and Victoria to rezone Easton Road and he got one comment here from Denise VanBuskirk. "Easton Road again!! I just re-watched the Parks and Recreation meeting, and I am thoroughly disgusted with the lack of information these people have that what transpires on a daily basis here on Easton Road!! The truck traffic has increased over 5 years here and the ballfield was there all that time. Now that we want to go get out with our values intact, this Keith man wants to recommend to switch it back. Who is he? A resident of Easton Road? No. The interested developers are after Mockingbird Hill Road, warehouses will not work on the LS track that has been vested or looked into. There isn't enough room for the current codes to build warehouses. If anyone who lives in this section actually knows what is out there, there are no warehouses for Mockingbird Hill to Ringhoffer. There are all manufacturing plants. Suncup, Eastern Industries, Pando, UGI. Also, I had people who do not live here coming back to ask for signatures to revert it back!!!! Those people lied to almost anyone that said they wanted to stay telling them everyone already signed it. I was asked and emphatically said no, leave my property and go back to your mountain where none of this is your issue. They actually asked if we thought planting trees would be a solution. I thought to myself are you blind? This whole area has trees in front of the buildings and it does nothing for the beads going into steel towers or the trains all hours of the day and night. I'm so done with this crap! Get over yourselves and your vendetta to reverse everything that was done with the former Council and work together. I have also been inquiring into our state representatives to look into the function of Council since these women took over. Their bipartisan bull crap is just that. It's what can we do to piss off the two left here with. They seem to be the only ones with any common sense in listening to what we want. Truly disgusted. Denise VanBuskirk", and he won't share her address.

Mr. Banonis said then, could you shut down the crowd. Ms. deLeon said he stopped, okay, please. Mr. Banonis said why don't you be a little more reactive to when it happens. Ms. deLeon said you do what you do, she does what she does. Mr. Banonis said well, you don't do it very well obviously. Ms. deLeon said sorry she doesn't meet your standards. Mr. Banonis said...Mr. Goudsouzian said everybody from the audience please stop. Mr. Banonis said Ms. deLeon, you don't meet many standards.

- Easton Road, “Hi Jason, I just watched the Parks and Recreation meeting last night and I am highly disappointed in what they decide. Keith suggested to lower the speed limit and recommend to Council that they reverse the zoning. He says it is from a safety perspective only; however, it was told to him that most would get there by car so the traffic will not affect the majority. Multiple other members also told him it should be two separate items because of the amount of residents that want it to stay LM. Even residents that didn’t want it before want to stay now. The traffic will not get better by cancelling the development, it will actually get worse as empty warehouses fill up since they are not all occupied yet. The speed on Easton Road, on this section of Easton Road is 45, not 40. Just to correct their information in the meeting, also it has been determined that, and even stated in Council meetings, this section of Easton Road will not accommodate WAREHOUSES!!!!!! So please to all of the Council STOP!!! This debate is ridiculous, it’s done! There is no reason to change it. You are all just wasting our time. Stop with all the childish drama and circus act at meetings! The name calling, the rolling of eyes, and the attitude, please act your age and do what you were elected to do. Listen to us and what we need. So many of us that want out already have money invested elsewhere because this was put in action already. Enough is enough. I’m going to do this in spite of the other members to get rid of their policies, attitude needs to go. Thank you for your time. A very frustrated resident. Krista Buss.”
- He also heard from a resident about Hellertown Library and actually the other members of Council were communicated and were copied on this, actually not all. Tom was not. Laura and Victoria only, and himself. “HAL – it saddens me that the Council except the men, do not seem to care about HAL’s RTK, right-to-know malfeasance. This is serious. HAL is basically breaking the law. The OOR – Office of Open Records, directed them to disclose records and they refuse. Yes, it is their right to appeal, which they did. They are guilty of fraud in terms of providing book purchases to citizens, tax-free and with the library discount rate. That is for certain. We don’t know”, and this was from Oscar Gray. “We don’t know what else because you are dropping your RTK lawsuit. LS accepts fraud apparently and ignores it, but I guess that is PA in general, the 5<sup>th</sup> most corrupt State in the country. Ken Solt is a criminal. He sold cigarettes to minors when he was in FL. That is public record so not defamatory, but the good news is that other private citizens have RTK cases in Common Pleas against HAL. What will you do when they win?” That was Oscar Gray.
- So, he wanted to share those comments. For those who were not familiar with the Parks and Rec meeting, here are some of the things they now talk about at Parks and Rec. When he thinks about Parks and Rec, he thinks about playgrounds, ballfields, open space, dog parks, walking trails, things like you. So, one of the things they are talking about is invasive species, which seems like it’s more appropriate for EAC but apparently EAC doesn’t want to get involved in the invasive species issues because they are too busy with the landfill issues. He’s not sure what they are doing with regard to the landfill as it takes them away from the core purpose in plant life, but whatever it is. So, the focus of that invasive species conversation was that there are certain species of plants that are here in PA and presumably in LST that are not native to the community and that they take up resources. He doesn’t know this, but perhaps those that are taking that position with regard to plants should take that same position with regard to an open border. Then in addition to that, there were some comments and interaction, which he thinks this Council should look into, and take steps to address. Jerry Holum, who was appointed by this Council, beginning of January to this Parks and Recs Committee took it upon himself to challenge the Jr. Council person who was there who is a high school student, a minor, and questioned him about what he thought about the Easton Road

ballfield. He said he thinks it's great. He and his baseball player friends are excited for it. Mr. Holum apparently was not happy with that answer so he proceeded to pivot the conversation and then question this minor, a high school student, about use of taxes to have to pay for this ballfield. He thinks that's wholly inappropriate to have members of our committees interacting in that way that are confrontational and challenging to minors whose families they have entrusted to this Township and this Council, to assure their well-being, both at Township Council meetings and whatever other committees that they choose to serve on. He would hope that Mr. Holum would conduct himself in a better way. Mr. Holum had previously received support from this Township with regard to the historical designation on the Wagner Farm. Perhaps he's upset because the new bridge is going in, and his cul-de-sac is going away. He doesn't know. Whatever his reasons, it's wrong in his mind and he thinks this Council should enact a policy or consider enacting a policy as to how these individuals who appointed by this Council, and perhaps those that are still on these committees by appointments from prior Councils, interact with these minors whose parents, he's sure, expect their children to be treated better, and again, that's on video. He thinks that's all he has this evening.

**Mr. Carocci** - Absent

**Ms. deLeon**

- She said somewhere she saw, she doesn't know how she got this, NC Election Office, and they have three new drop-off ballot boxes, if we can post that on our Elections page. Do you want a copy of this page? She'll just announce where they are. They will be at Washington Township Municipal Building, East Allen Township Municipal Building, the NCC Fowler Family South Side Center, then already there is the NC Courthouse rotunda, NC Human Services Building on Emrick Boulevard, NC 9-1-1 Center in Nazareth and Bethlehem City Hall in Bethlehem.
- She did, the Township did receive February 21<sup>st</sup> DEP inspection report and she'd just like to read some comments because this is like a follow-up to their NOV they received. So, this is also regarding the North Slope. Strong odors of landfill gas were again detected in the area. This is on the west side, she guesses. Due to sporadic run-off on Riverside Drive, after high storm events, these inspectors drove to the North Slope to inspect said Trap A, previously sediment basin No. 7 prior to the NE realignment, directly west of the maintenance shop. A 3' to 4' breach at the north end of the basin was observed. Fencing directly north of the basin was impacted by sedimentation and only the top of 12 – 18" of the fence were visible. The department requests that BLC submit a plan to address the repair and maintenance of said Trap A, the plan should also include an inspection and monitoring plan to address the stability, integrity, and maintenance of all storm water BMPs considered sedimentation traps and/or level spreaders at a minimum monitoring inspection frequency as the sedimentation basin inspection frequency detailed in Table 1 – 2 of BLC's Northern alignment, soil erosion and sedimentation control plan narrative. Since the routine partial inspection report issued on January 30, 2024, BLC has received 66 complaints of odors. Odor patrols were conducted by the department on January 30, 2024, January 31, 2024, 2-7-24, 2-8-24, 2-12-24, 2-21-24, 2-23-24, 2-26-24. She's only reading some of this stuff, she's not reading all of the report. An NOV was issued to BLC on February 8, 2024 which included and it lists the PA Code that it was in violation of. It goes on to list other ones that was also considered NOV's included in the February 8<sup>th</sup> letter. Again, they talk about the breach on Riverside Drive, so she's just putting this on the record. That's all she has.

**Ms. Opthof-Cordaro**

- She said she doesn't have any Council report tonight other than to reiterate her thank you to first responders for their excellent response on Saturday and to our manager for coming out that day and representing the Township on national news. She noted that she guesses because it's Norfolk-Southern and the issues in Ohio, they made news on all major news, National news station at 6:30 news you've known for a long time. Also, news articles in the country of India so it was interesting, so we are now famous. That's all she has to thank everybody.

**Ms. Ray**

- She said yes, so she did attend the Parks and Recs meeting as liaison. She really wasn't going to go into details because she knows they made a few motions that they will be sending letters of recommendation to Council so that will be our next agenda. She will comment on a couple things that were said then. So, she would not describe Jerry talking with the Jr. Council members as a confrontation. It makes it sound like there was an argument or he cornered him or something. It was talking to him what he thought about the baseball fields. So, it didn't seem so questionable, anyway, then as far as the idea that was put out regarding the non-native plants, so, trees specifically, she thinks it's a great idea. They do want to be looking at each of the parks with this in mind. So, it's just non-native, it's also non-native invasive, so those take up resources and displace native plants which support wildlife and all the critters and all the bugs and everything else. She thinks it's a great project. It's very related to the parks because that's where we can set an example where the public can access and see and we would like to see them get involved in that, so she thinks it's going to be a great thing and like she said that will be coming up on the next agenda.
- So, on a different topic, she wanted to mention there's a plan called "The Lehigh Valley Hazard Mitigation Plan" and they currently have that open for public comment through March 25<sup>th</sup>. It's a huge plan. It's like 400 pages long. It covers anything and everything that are natural and man-made hazards. So, it's for all 62 municipalities in Lehigh and Northampton County. It's a mitigation plan, so it's ideas, it's not how to prevent something from happening. It's not how to react when something happened like the emergency we had. It's how to plan to make things less bad. So, she would recommend if you have any interest in any of the topics, it covers like she said everything. Have a look at the plan. The website is [www.NCEM-pa.org](http://www.NCEM-pa.org). So, the plan was originally drafted way back in 2006, they updated it in 2013, and again in 2018, and now it's due to update again. So, they add things, look for input. She thinks it's a, she never knew that it existed, so it's...Ms. deLeon said she remembers going over that over the years in putting the pipeline in because that's when the PennEast Pipeline was coming through. Ms. Ray said it said its natural and man-made hazards so it makes you aware of what's going all over in the LV and where you live. That's it. Ms. deLeon said can she ask the Manager if we received a copy of that plan for comment? Mr. Hudson said he doesn't know if they received a copy of the plan for comment. He thinks there was an email at one time about the plan. Ms. Ray said the plan is online. It's 400 pages and there's tons of maps and pictures and things in it. It's a ream of paper. Mr. Hudson said in their portion when they asked them to fill out their paperwork, it was just general paperwork. Ms. deLeon said since the recent train thing, maybe there could be...okay. Ms. deLeon said Laura are you finished? Ms. Ray said yes.

- C. **SOLICITOR** – No report.
- D. **ENGINEER** – Not present.

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

- Margie Segaline said she wants to start off by asking Laura if she could post that in the newsletter, that information, not all the pages, but just the contact information for the community. Ms. Ray said sure. Well, in the newsletter, she's not sure...Ms. Segaline said online or something. Ms. Ray said she guesses they can ask Carol to put it out on the Facebook post, she will give her the information. Ms. Segaline said that would be great. She heard of those plans Ms. Ray was talking about and it's important, you know, because that's our future. So, she just wanted to say that she and her husband realized that there have been numerous accidents on 412 and Apple Church Road. It's the corner where there's a house with huge boulders on the corner and it's becoming more and more prevalent that accidents are happening there. Anyway, they looked at the speed limit along 412 and it's like in, because of the curve, on 412 and how cars come up along that roadway, the only way to prevent some of those accidents, is to lower the speed limit. So, she wanted to know if this is something that she would need to contact PennDOT about or is it something that is regulated by the Township. Mr. Hudson said the Township Council would have to make that request to the Township Council and the Township Council would have to make that request to PennDOT. The problem with doing that is PennDOT will do a study of the traffic that is on that road and they may raise. They go with the 80 percentile. They may actually raise the speed limit. Ms. Segaline said really. Mr. Hudson said yes. Ms. Segaline said that would be devastating. Mr. Hudson said correct. Ms. deLeon said we as a Township have asked PennDOT to do various studies along Leithsville Road there. She doesn't remember how long ago, it was a while ago. Mr. Hudson said they have looked into this a little bit. If they go that route, there is the chance...Ms. Segaline said there is that chance. Mr. Hudson said the speed limit will be raised. Ms. Segaline said maybe put more turns ahead signs or something. She doesn't know. Ms. deLeon said it's a bad intersection. Ms. Segaline said thank you.

Ms. deLeon said she'd just like the record to reflect that Jason Banonis left the meeting at 10:40 p.m., if the minutes could reflect that.

- Bruce Petrie said he's sorry Mr. Banonis left. He made a comment earlier about the meetings being posted when Mr. Petrie said lack of transparency. The problem is not everyone can get off work during the day so it was another attempt by the then Council to hide what was going on by holding the meetings during the day rather than during the evening for full transparency. Furthermore, he wanted to point out to him that most government gets done behind closed doors. That's why they have doors on rooms. Just like last year when Dru Germanoski was nominated as the head of the EAC, and Mr. Banonis said he knows what's going on here. So, he's going to knock Dru off and appoint Mr. Carocci. Well unless Mr. Carocci is an environmental attorney, and he's not, he's FINRA. That was political, pure and simple and you know what, he doesn't think that went for a vote. No one knew about that. You know what, Mr. Carocci's response, he didn't act surprised. So, you tell him they didn't have that conversation behind closed doors. So, you know disingenuous is disingenuous, okay. Ms. deLeon he'd also ask her to enforce Rule 15 on Mr. Banonis, which states comments should be substantive and not include any defamatory content and/or personal attacks on the integrity of others whether or not present. Ms. deLeon said she tried that tonight and he didn't listen to her. Mr. Petrie said he thinks she needs to use that gavel but he's not going to say...Ms. deLeon said gaveling is not going to do anything. Mr. Petrie said anyway he referred to her as the cover-up girls, the audience hand-picked stooges, and derangement syndrome. The attorney for the landfill stated that there was no factual basis for pollution. Well, you know what, there is factual basis of they want to take out about 240 acres of mature forest and tell him that's not going to

- have a factual effect on wildlife and fauna and native plants that are endangered in the area and the seeps and vernal ponds. That's a fact. That's not conjecture. Thank you.
- Andrea Wittchen said she just wanted to say that there was some comment made earlier about whether the three newly elected members of Council were going to assume that they were so brilliant that they could make the choice of the new manager. The correct response to that is elections have consequences even if you don't like what the consequences are. So, yes, she does expect that you ladies that were elected will make the ultimate choice on who the new manager is. Also, it's best practice in the business world to often use a third-party, especially in tight payroll times when it's difficult to find people for certain jobs to look for people to fill empty positions. She has done it many times in her business life. Sometimes it works, sometimes it doesn't but especially when you are looking for someone as a Township Manager, which is a very specific list of responsibilities and qualifications and years of experience. It would be more than appropriate to hire a firm who understands where that market is and where to find the people who might be available for that. So, it's a perfectly reasonable business decision. Secondly, well her next question is actually directed to the solicitor. She's concerned about all of the information that Banonis blurted out about what he had gotten from his RTK requests. She is the Treasurer of Citizens for Responsible Development, LST. The content of some of what he said sounded like it was content from emails that were passed between other leaders of CRD LST and they were not in between people who, at the time, were Township Council people and she believes that violates their expectation of privacy. As a 501(c)(3), they are not any kind of a public agency. They are not subject to RTK requests, so she would like to know who she speaks to, to put in place a complaint about the fact that he apparently just divulged conversations that were private to the 501(c)(3) CRD LST. Is that an acceptable practice? Mr. Goudsouzian said if the record was obtained through the RTK Act, and it was obtained in that way, he has a right to utilize it at that point. Ms. Wittchen said how did it get into...Mr. Goudsouzian said they are not going to have this conversation here. He's not going to have this conversation. Ms. Wittchen said who does she speak to about this because she's extremely concerned about the violation of their privacy as a group. Mr. Goudsouzian said she'd either have to go through, normally what she'd have to do is you have to make some sort of private claim against the person who does that type of thing if there is some sort of privacy violation. The problem is and he isn't her lawyer, but your personal subjective expectation of privacy is not necessarily the legal expectation of privacy. Ms. Wittchen said it's not her personal one. It's...Mr. Goudsouzian said he's not going to argue with her. Ms. Wittchen said it's the organization's concern of privacy. Is that acceptable as she's waiting on a RTK that's held up because parts of it are going to be redacted. Now, why weren't those others redacted with information that personally was related to the organization. Alright, thirdly, before she runs out of time. They have done some calculations. It costs them \$9.00 per minute to run these meetings, these Council meetings. That includes the cost of all of the paid people in this room. They do not include the cost of the building and the infrastructure. So, tonight she got the stopwatch started and Mr. Banonis with his lies, prevarications and...Ms. deLeon said don't be disparaging. Ms. Wittchen said it is not. It is factual. Spoke for 39 minutes, which cost this Township \$351.00. She intends to keep track of this at every meeting going forward. Thank you.
- Good Job Andrea, Mark Ozimek. Ms. deLeon said address the Chair please Mark. You can't talk to the audience, sorry, the rules. Mr. Ozimek said rules are made to be broken. He is addressing the Chair. He addressed the Chair as in thanking Andrea. There should be a way to make Mr. Banonis stay here and not leave early because frankly he'd like to get him to answer some questions which he won't answer, but he'll have to in front of a Judge. So...Ms. deLeon said to someone in audience you're not supposed to be talking to each other. You are out of order, sorry. Mr. Ozimek said he asked him if it was a threat. Mr. Goudsouzian said why don't

you continue. What else would you like to tell us? Mr. Ozimek said he was going to ask Cathy Gorman if she'd be interested in answering if she is actually interested in Mark's position. It's up to her, if she...Mr. Goudsouzian said she doesn't have to answer that. Mr. Ozimek said he knows she doesn't have to answer it, he's curious as a person...Mr. Goudsouzian said if you are asking her rhetorically, that's fine. Mr. Ozimek said but, he means, with all the time she put in if she's interested and capable of doing the job then so be it. And apparently Mark does exemplary work but then complains about his RTK requests that got refused, probably for legal reasons, the same reasons his got refused for legal reasons. It's good to know that the DEP is after the dump and doing their job. He would tend to disagree with the landfill lawyer, names forget him at the moment, but when Bull Run goes run over and goes down the chute down there and outside the gun club that's all busted up and not taken care of or covered and you know, someday some kid might fall in there and then the landfill is going to have another issue, but yeah, it goes into the river. He calls it pollution. Everybody wants to restrict his speech here so he's not allowed to talk about stuff. Have a nice night, thanks for all coming. Ms. deLeon said thank you. You want to go last, right. You can go Carol; he likes going last.

- Carol Reilly-Makos said she just wanted to address you guys with some current issues she has. She live on a road which is parallel to I-78, which is also parallel to Easton Road. She went and spoke to all of the neighbors in her neighborhood because that is where she has lived for 36 years and before the land that she currently lives on has been in her family for over 200 years so she is very aware of her surroundings. When she was talking to her neighbors, some of the concerns they had were all of the lights over in Bethlehem where all the warehouses and things are. She wanted to know is there a way that our Township can talk to Bethlehem about the lights. She did speak to somebody that lives on Easton Road that has a child. He told her that the lights were shining into their bedroom. He did go over there and talk to them and they did turn it so it does not shine into the bedroom anymore. She also wants to know if the train needs to blow the whistle every hour or two hours, or whatever it is in the middle of the night, in the early morning time. She also wanted to talk about the trees that line Easton Road. They are dying. They are dead and a lot of the residents there want to know who is responsible for them. When Bethlehem Steel owned the property, Bethlehem Steel took care of all the trees. They spoke with the neighbors. They had a very good reputation back and forth. So, the trees are dying since Mr. Banonis left yet again the meeting, when it's always her turn to speak, and he said we have such an excess of money. She's a taxpayer. She would like for that money to be spent to go along Easton Road, get rid of all the dead trees, and put up nice, big trees that will cover some of the parts of the warehouses for the residents that do live across the streets from them. She also has a bunch of people who have signed saying they would like Easton Road reversed back to residential/agricultural, whatever it is. Now she knows there are some people that want to move because their windows are vibrating, because the trucks are getting stuck and turning around in their driveway, because their view is no longer the view of the country, which what it was before. So, with that being said, she also wants to know since we are LM right now, if there is a way we can determine what goes in there. So, as Mr. Banonis said, Denise sent in the, or Chris, sent in the email saying oh it's not big enough for warehouses, blah, blah, blah, blah. Well, she would like to know then what would go there and can we put a stipulation into our LM that there are no warehouses, no storage facilities, no cell towers. Small business, personal things that people can do out of their home or aside of the road. So, that's all, and she would like to submit these at a later time because she's still working on her book. Ms. deLeon said she would like to ask our manager if he can look into the lights, the train whistles, and the trees because if the trees are dying on Easton Road...Ms. Reilly-Makos said some of the people she talked to in the neighborhood, one person actually had the tree fall across the road and actually crash their car. Another person that lives there does tree trimming and they walked through and he told her what trees were dead and he said that they need to be all taken out and

nice trees planted. Ms. deLeon said usually when they develop that lot, those lots, they had to put screening in and stuff, so maybe the developer is still responsible for them, she doesn't know. Ms. Reilly-Makos said she talked to another resident on Easton Road that used to work at Waylight and when he worked there, he said there's a fence there and all that, and when he worked there, they weren't allowed near the fence or anything like that, and now he said, look, now there's a building in the wetlands. She knows it's federally owned but something is not right there. She knows the buildings are there and they really can't take them down but we really need to give the residents some peace. Not everybody wants to move, clearly, she has all these signatures but for those people that are staying, she really thinks that the Township needs to work with Bethlehem and see what we can do to minimize. Everything is contingent on something with the sale of those lots and stuff and if people don't understand what that means, that would be on them, but she will say that in the March meeting last year, there was a man that stood up and said anybody that wants to sell their property really should have a professional look over it because it is contingent on other things. Thank you. Ms. deLeon said Mark, she'll talk to him about this tomorrow. Ms. Ray said she might recommend that you can definitely go to the Bethlehem City Council meetings and bring up your concerns there. They are very welcoming to public comment and you don't have to be a Bethlehem resident. Ms. deLeon said that's a good point. Did you want to speak too?

- Kevin Reilly-Reis said so he also went around and spoke to a lot of the residents that don't live on Easton Road but use it as their primary mode of transport. They have encountered numerous traffic problems with tractor trailers getting caught on the bridges and damages to the bridges. So, a lot of them want better signage or posting that trucks aren't allowed on that road. They should be cited and fined for being on that road, so he hasn't seen any enforcement on that, the tractor trailers drive up and down freely and seem to not be hindered at all. So, you know, residents that want to stay need to have some sort of protection. He's not trying to ruin anyone's deal. They have the right to leave but they don't have the right to ruin the area for the people that remain there and cause problems for that. When he looks out his bedroom window every night, he sees nothing but a vast field of warehouse wasteland. He doesn't want to see any more of that. You know, the lights already shine through his window and he doesn't even need to turn lights on in his house to walk up his driveway or go anywhere else. It's in a perpetual state of twilight at his house and it's ridiculous. He understands that's Bethlehem Township and we can go and discuss that with them, but he doesn't want to see the same type of stuff put up over here. So, you know, he would like to see restrictions on building size, hours of operation restrictions, and lighting restrictions, you know. Maybe a noise ordinance on any large-scale company that wants to move in there. He has no problem with people opening their own businesses and you know, making a life for themselves, but he has a problem with them disregarding the safety and well-being of the people that want to stay. That's not fair to them, thank you. Ms. deLeon said is there anyone else, because Mr. Boulin likes to go last.
- Dave Boulin, for the record. He said the gentleman just asked about more warehouses in Bethlehem. He did see an article several weeks ago, the Council had rejected some new applications. They said enough is enough. That's condensed, so if he's interested, he might go look that article up and see where it is. The other thing if Laura Ray would post the URL for this voluminous report, that would be very helpful and if you could maybe, Mark...Mr. Hudson said they will put it up. Mr. Boulin said yes, somewhere, somewhere related to this meeting so they can go and look when they get done. He does that himself after he records all of the things that are said at the meeting, but it's nice when some long URL appears there, so that's just helpful because he'd like to read it. He does all the time. One thing this Council didn't measure, Steven, is that nothing from the landfill, has anybody read about that? Laura Ray, about the methane coming off the landfill and what they are going to do with it. Ms. Ray said yeah, she knows they want to convert it to energy. Mr. Boulin said not only do they want to, his

understanding is they have a contract with non-other than LANTA, and some others. Do you think that's significant? Does anybody think that's significant? He thinks there were like 20,000 homes. Don't answer, that's okay. That's why he brings it up because we really don't get the other side, okay, it's the bad side of whatever you want to choose, not so good. So, in terms of what Ms. deLeon said about the PA DEP report, that would also be helpful, you are talking about it and you are showing it. Mark puts all these other things up, if he could put that...Ms. deLeon said it will be up online but the girl that does it was off this week, so she, it will be on there, so. Mr. Boulin said and that's probably a woman that does it but he won't argue with you about that, but he can't respond to something that you're saying if he hasn't seen it yet so at the end you ask him for yeah, hey can you respond to him about this, alright. He sees the DEP reports and there's 120 items and they all pass but there's this item here that where's that, well, I just got it. Well, that doesn't work so well, okay. That's not, that's not a good thing, at least he doesn't think so. Then finally, let's see here. Mr. Sutton reported about a month or two ago about this clear logging thing, he might have alluded to it before. Okay, and he's talking about clear cutting 100 acres. Where is our EAC on this? Is that an EAC thing or they just clear cut it and the dirt and the silt roar down the hill because it's...and that's okay because that's not a landfill issue. That's not appropriate guys, come on. If you are going to be after one group for having erosion and the other one gets to walk away and the thing he'd really like to know is whoever clear cut this, that's his words, he believes that's correct, he'd like to know what is the requirement and EAC should be able to tell him that in a heartbeat and both of these ladies here have been at these meetings, what's the requirement, if any, or none, to plant new hardwoods. He's not talking about junk trees. Is that what we're going to do? Just rape the land, let erosion right into the good old Lehigh, along with the sewage, that's okay. No, he doesn't think so, but nobody seems to say boo about that, yet all these pictures and everything else, it was told, now that's the DEP, they control everything. That's a defeatist attitude and he'd like to see something done about that. Just not right. Also, nobody seems to mention in these reports, about this, they talk about leachate and they say oh, we have evidence. Ms. deLeon said he needs to wrap it up, the times almost up. Mr. Boulin said but nobody talks about the agreement between Bethlehem and all these buildings that cover over the sites that were toxic sites to say the least. He thinks somebody needs to start looking at that because that comes right into the river too and nobody says anything about that. Ms. deLeon said okay thank you. Okay, if there's no other comments.

- Bob Blasko said he didn't know you had to get a reservation to be the last speaker. He has all the references for where he obtained this information; however, if you want it, you'll have to do the research just as he has. Then again, you could take the lazy way out and submit about 1,000 freedom of information requests. At the LST quarterly landfill meeting, Jason Banonis stood at this podium extoling the virtues of the landfill. He stated the landfill had no violations in the previous quarter but he'll get to that in a minute. On January 11<sup>th</sup>, 27<sup>th</sup>, 30<sup>th</sup>, of 2024 the DEP performed routine inspections and investigated complaints. During the inspections, it was revealed the landfill was in violation of the Solid Waste Management Act, blah, blah, blah. It was noted that the landfill had elevated methane gas readings, fishers, and multiple leachate seepage areas. It was also determined that the landfill had failed to take prompt action. Some of those concerns dating back to January of 2022. This has all been thoroughly documented by the DEP. As a result of the January 27, 2024 investigation, the landfill was found to be in violation of maintaining proper intermediate cover which resulted in the odor complaints that launched the investigation. On January 30, 2024, in response to persistent complaints of odors, the DEP realized odors consistent with those detected on Applebutter Road, Johnston Avenue, Madison Avenue, Main Street, Mixsell Avenue, imagine this, Riverside Drive and Saucon Avenue. Odors were present at the residence of four complainants, three violations were cited in the report and a notice given to remedy these problems. The landfill lawyer stood at this

podium shortly after the landfill meeting and proclaimed that the 504 ppm and 540 ppm were only minor violations. She also stated that there were two exceedances. She is making a very misleading statement. As DEP is not able to test each and every day, they don't have the resources and the lawyer is very well aware of this fact. There could well have been multiple days of violations. She also questioned why people are so upset. The landfill was at least improving, the ppm's were lower than they were in November. November, wait, what, how could the excessive limits caught in January be lower than those in November unless November's numbers were actually higher and how could a Council member stand at this podium and state there'd been no violations last quarter when the landfill lawyer unwittingly admitted that November limits were higher than in January and the last time he checked, November was still in the last quarter of 2023. The average nose detects these gases at 10 ppm so at 504 and 540 ppm, the so-called minor exceedances, you can only imagine how putrid that smell is. That's unless you live in or pass through the area, then you don't have to imagine because you live it. Mr. Carocci accused him lying about detecting odors at one of these meetings yet when the DEP responded...Ms. deLeon said 45 seconds. Mr. Blasko to the complaints registered by others, the same odors that he was accused of lying about, were what led to the landfill being notified of violations. It all begs the question, who is really hiding things and lying to the people of LST. Thank you.

**8. ADJOURNMENT**

**MOTION BY:** Ms. Ray moved for adjournment. The time was 11:12 p.m.

**SECOND BY:** Ms. Opthof-Cordaro

**ROLL CALL:** 3-0 (Mr. Banonis and Mr. Carocci – Absent)

**9. UPCOMING MEETINGS**

- A. Environmental Advisory Council: March 12, 2024
- B. Council Meeting: March 20, 2024
- C. Planning Commission: March 21, 2024
- D. Saucon Rail Trail Oversight Commission: March 25, 2024
- E. Zoning Hearing Board: March 25, 2024
- F. Parks and Recreation Board: April 8, 2024
- G. Landfill Committee Meeting: April 11, 2024

Submitted by:

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Mark Hudson  
Township Manager

Priscilla deLeon  
Council President