



Wednesday, March 20, 2024
Lower Saucon Township Council Agenda

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

1. OPENING

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

2. PRESENTATIONS/HEARINGS

- A. Sebastian Jaramillo Zamora's Eagle Scout Project
- B. Presentation to Township Police Department of FBI-LEEDA Agency Trilogy Award
- C. Conditional Use Application of Allentown SMSA Limited Partnership d/b/a Verizon Wireless - 4235 Lewis Ave

3. DEVELOPER ITEMS

~~A. Review and Possible Action on Bethlehem Landfill - Steely Lot Line Change #LL-02-23~~

4. TOWNSHIP BUSINESS ITEMS

- A. Change Order #1 - Reading Drive Culvert Project (Assistance With Site & Stream Bed Reconstruction)
- B. Resolution #38-2024 Recognizing Saucon Valley Lions Club 75 Years of Service to the Community
- C. Award Bid for 2024 Lawn Mowing Services
- D. Authorize Collection of 2023 Delinquent Real Estate Taxes
- E. Resolution #39-2024 Right-to-Know Officer Update
- F. Review of 2023 Comprehensive Annual Financial Report

5. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of February 21, 2024 Council Minutes
- B. Approval of February 2024 Financial Reports

6. COUNCIL & STAFF REPORTS

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

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

8. ADJOURNMENT

A. Move to Adjourn

9. UPCOMING MEETINGS

A. Planning Commission: March 21, 2024

B. Saucon Rail Trail Oversight Commission: March 25, 2024 (Hellertown Borough)

C. Zoning Hearing Board: March 25, 2024

D. Council Meeting: April 3, 2024

E. Parks and Recreation Board: April 8, 2024

F. Environmental Advisory Council: April 9, 2024

G. Landfill Committee Meeting: April 30, 2024 (Tuesday, 5PM)

1. **OPENING**

A. **CALL TO ORDER**

The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 20, 2024 at 6:34 p.m. with Ms. Priscilla deLeon presiding.

B. **ROLL CALL:** Priscilla deLeon, President; Laura Ray, Vice-President; Victoria-Ophhof-Cordaro, Jason Banonis, Thomas Carocci, Council Members; Mark Hudson, Township Manager; Steve Goudsouzian, Solicitor; Brien Kocher, Engineer; Cathy Gorman, Assistant Manager & Director of Finance; Stacy Werkheiser, Administrative Assistant.

C. **PLEDGE OF ALLEGIANCE**

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

Ms. deLeon said Council did not meet in Executive Session prior to this meeting.

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 passed a Resolution #31-2024 and it's out in the hall if anybody needs copies. She'd like to say that 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 Council. The Council may prescribe procedures for citizen presentations 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 the public, so with that, you also have a 5-minute comment period on each agenda item and you have a 5-minute comment period at the end of the meeting on non-agenda items.

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

A. **SEBASTIAN JARAMILLO ZAMORA'S EAGLE SCOUT PROJECT**

Ms. deLeon said Boy Scout, Sebastian Zamora, is working on earning his Eagle Scout and would like to construct a Gaga Pit at Polk Valley Park. She asked him if he'd like to come up to the table and explain his project, please.

Sebastian said his goal, this is his Eagle Scout project, he's part of Troop 319 and the goal is to make this Gaga Pit. So, like he said again, the goal is for him to get his Eagle Scout project to get this Gaga Pit made. The project will consist of a Gaga Pit, two benches. The Gaga Pit will be made out of wood and will be filled with rubber mulch. The dimensions are 16' x16' and the benches are 2' wide, 8' long. For those who don't know what a Gaga Pit is or a Gaga Ball is, a Gaga Ball is essentially a variation of Dodge Ball where the ball stays on the ground. You hit the ball and if it's the actually last person standing, so you attempt to hit the person, or your opponent in the leg with the ball, and if it does, they are out. The Gaga Pit is the designated area for Gaga Ball and he has reference pictures up there if you'd like to see what one might look like. The idea is that it will be located at Polk Valley Park. Like he understood, there are Pickle Ball Courts being added to Polk Valley and after discussion with Mr. Hudson, they talked about putting the Gaga Pit next to the Pickle Ball Courts. The benefits of the project, obviously, it's a great source of exercise for the community. It brings a lot of people together and he thinks it would be a really strong thing to put for the community to enjoy.

Ms. deLeon said she looked on the internet today. Sebastian said the timeframe for the project, with approval today, he can take this to Council for Boy Scouts, get his proposal approved, start planning, and hopefully start building by late April and all of May. By that time, if the project is finished, he should have everything turned in by June 1st. That's the goal. Like he said again, the dimensions are 16'x16', that's from wall to wall. The benches are 2' wide, 8' long. There's little maintenance for the project. He will do a lot of the maintenance himself but there's very little that needs to be done for this to maintain. So, what he needs from Council today is approval. This way that he can continue to move forward with the project and any support financially for the project would help majorly because this is quite an expensive project. The lumber, the brackets, and a lot of the building supplies is quite expensive, so if you guys could support at all financially, it would mean the world to him and his troop.

Ms. deLeon asked him if he had a ballpark figure on what it would cost. Sebastian said it's around \$1,500.00. Ms. deLeon said for the total cost of building it. Sebastian said yes. He asked if there were any other questions.

Ms. deLeon said okay, we'll go with Jason first. Mr. Banonis said hi Sebastian and asked him how he was and nice to see him again. Sebastian said hi. Mr. Banonis said it's been a little while. He thinks this is great that he's getting his Eagle Scout. It's a tremendous honor and it will carry forward with him for his lifetime, so congratulations to him and his family for supporting him throughout this. The world needs more fine, young men like him and he's proud that he's gotten this far and he's going to do so well. He just has two questions for him. Has he spoken at all with anybody on the Parks and Rec Committee, and he asks that only because they have had other Eagle Scouts or perspective Eagle Scouts who have come before Council and have wanted to do projects in the Parks. For example, there was one, most recently, at the Heller Homestead and a member of the Parks and Rec Committee, Frank Thompson, was kind enough to take his fellow Eagle Scout under his wing and help him marshal him through that process and have the Parks and Rec Committee have some input on that project. He didn't know if he's had any communications with Parks and Rec about this. Parks and Rec is a committee that the Township has that oversees and provides input and citizen advice back to the Council with regard to improvements that are being proposed in the parks and things they want to bring to Council's attention, funding, and things like that. He asked him if he had any conversations with Parks and Rec? Is anybody there helping him with it?

Sebastian said as of now, last week he actually did go to a Parks and Rec Council meeting where it was also approved. That's why he is here today. That was the first phase of the approval process, so he did go to Parks and Rec. They approved the project.

Mr. Banonis said let him interrupt him for a second. There's a gentleman that approached the podium. He's not sure why because this is not open to the public yet, for public comment.

Mr. Bob Blasko said he's Sebastian's shadow, if you want to call it that, on the Parks and Rec's Board. Mr. Banonis said fair enough, thank you. Ms. deLeon said okay. Mr. Blasko said he will respond now fine, if you want him to wait, fine. That's why he stood up. Mr. Banonis said he didn't realize Mr. Blasko was helping the Parks and Rec, thanks Bob. Ms. deLeon said did he want to sit next to him on the chair.

Mr. Banonis said so, anyway, he interrupted him, sorry. Sebastian said no problem. Yea, like he said, he did speak with Parks and Rec earlier in their Council meeting and he was very grateful to have some help, especially with the starting of the new project. Although, he's still in the proposal process, hopefully when he gets his approvals ready, he can start to get more help from the Parks and Rec team and move on from there. Mr. Banonis said great.

Mr. Banonis said the other question he has is has he spoke with anybody in Public Works, particularly Roger Rasich. He's our Director of Public Works. Public Works, obviously, will need to provide some maintenance for this in the area around it, and he just wants to make sure that where this is located, and what's being proposed, meets their needs and expectations.

Sebastian said so, at the very start of the project, before both Council meetings, he spoke with the Director of Public Works. Mr. Banonis said Roger. Sebastian said and the Township Manager and they both discussed the project very briefly before they moved on to both Council meetings. Mr. Banonis said that's great. He's well on his way, congratulations. Sebastian said thank you so much.

Mr. Hudson said just from that meeting, they did suggest that Sebastian go to Parks and Rec and then come here to Council. They determined there, just for the surfacing and for maintenance, its long-term maintenance, they would do the rubber mulch as they have it for the playgrounds and such. His kids do play Gaga Ball and the surface is what makes the pit good, so they are hoping and will work with Sebastian that the rubber mulch will be a good surface for them to play on.

Ms. deLeon said Tom. Mr. Banonis said let's assume this takes off and everybody wants to play Gaga Ball, do we have location that will allow them to build other Gaga Pits? Ms. deLeon said is there an age limit on it? Mr. Hudson said no, it's a, kind of like Pickle Ball. It's for all ages. You smack the ball with your hand so you have to be able to bend down far enough to smack the ball which...Mr. Blasko said you have to bend over without falling.

Ms. deLeon said okay, Tom. Mr. Blasko said one of the things they had discussed and this is up to Council. They had discussed when he came up with the figure of roughly \$1,500.00 that as part of his part of the deal, to have skin in the game, was to raise \$750.00 of that through fundraisers or whatever, to have an investment in it. Now, that's up to Council. That was the recommendation if you feel that's too much, too little, or if you want to say if you raise so much, Council will provide the rest of the cost because if you look at building materials, that could go up tomorrow. They don't know that.

Ms. deLeon said have you tried Lowes and see if they'd give them any donations or Home Depot? Mr. Blasko said no, he doesn't think he has. He had come up with the parts list, the materials list himself.

Ms. deLeon said okay, Tom's next, so Tom. Mr. Carocci said you know Lowes gives 10% to Veterans, Bob and he can get 10% on the materials at Lowes for Veterans. He thinks he has skin in it. Congratulations on going for his Eagle Scout. He thinks that's enough skin in the game quite frankly. He thinks \$1,500.00 is not too much and he thinks Council should approve that amount and then you turn in the receipts for his materials and then get a reimbursement from the Township. He thinks the skin in the game is the Eagle Scout and he doesn't think he should have to raise anything. That would be his opinion. Congratulations and he wishes him luck on the Gaga Pit and yes, just work with Parks and Recreation and our Public Works. Bob will, Bob knows these guys, and good luck. He'd make a motion as follows:

MOTION BY: Mr. Carocci moved for approval that the Township pays the whole bill for the Gaga Pit, up to \$1,500.00 and then see where it goes.

SECOND BY: Mr. Banonis

Ms. deLeon said okay, her turn. She wants to congratulate him also and his Scout Leader, Roy. They go way back and he's produced a lot of Eagle Scout people, so she's congratulating Sebastian and his mom. His mom is sitting there, she's assuming and his Scout Leader because got to keep you kids busy and he's keeping busy, so she applauds and thank you for taking the time to do something. This is very different, so she guesses she will turn it over to Victoria.

Ms. Ophof-Cordaro said she does also want to congratulate, and echo the sentiments of her Council, fellow Council members. It's a tremendous achievement to be working towards his Eagle Scout and she has friends that have been Eagle Scouts and it's something they cherish and they pass down to generation to generation and she thinks it's wonderful. His public speaking and his presentation is very nice. She wants to congratulate him on that also. He did have one question. Did he intend to paint any part of the Gaga Pit? She sees that the pictures show wood and she knows he indicated it would be wood, so she wasn't sure if it would be pressure-treated or whether he was going to be staining or painting it with any weather-resistant coating.

Sebastian said so, it will be pressurized wood. Any painting or staining of the wood has to be done six months after, so he doesn't have it here because it wouldn't be in the time frame, but after six months have passed, he does intend adding linseed oil to the wood to make sure it's long-lasting. Ms. Ophof-Cordaro said wonderful. She definitely supports the project and thank you for bringing it to Council this evening. Sebastian said thank you so much.

Ms. deLeon said okay, Laura. Ms. Ray said yes, so, she was at the Parks and Rec meeting when this was presented. Unfortunately, they didn't have the benefit of the pictures, so they had technical difficulties. So, she knows when it was discussed, he had said about digging it and putting it like the pit

would be in the ground and the boards would be level with the ground. She knows there was question about that and now seeing the pictures, she sees you can make it above-ground like this, so which did he...she thinks there was concern if it was in the ground that people might, if you're not paying attention, you might walk by and fall in the pit if you're not watching what you are doing, but if it's above-ground like this, it would be a little harder. So, she doesn't know if he gave thought to that.

Sebastian said it is 3' high, the pit, but they do have to dig in ground for the walls to make sure that they are sturdy enough. So, they...Ms. Ray said so the pits above though. Sebastian said right, it will be 3' deep, and 3' high so a total of 6' walls, just to make sure that the walls stay in place, he will be digging in 3' deep of the Gaga Pit as it appears will be over the ground. Ms. Ray said okay, it's, now that they have the pictures, that wasn't really clear in her mind. She never saw a Gaga Pit either, so she thinks it's a great project as well and her only question would be...so Parks and Recs did make some recommendations, so she would have expected them to be part of their packet, so she's not sure why they didn't get that. She's fully in support of the project and congratulations on working on his Eagle Scout, it's a great honor. Sebastian said thank you so much.

Ms. deLeon said okay, she's going to open it up to the floor. They have a motion and a second, so anybody would like to speak under public comment. So, no one, can they have a roll call please.

ROLL CALL: 5-0

Ms. deLeon said good luck to him and if he has any questions, let them know and they will try to help him out. Sebastian said thank you so much.

B. PRESENTATION TO TOWNSHIP POLICE DEPARTMENT OF FBI-LEEDA AGENCY TRILOGY AWARD

Ms. deLeon said the FBI-LEEDA Agency Trilogy Award will be presented to the Lower Saucon Township Police Department by FBI-LEEDA COO, Michael Robinson.

Mr. Robinson said first of all, good evening, everyone. It's been a long day so he's been talking all over the place and the office has been pretty busy today, but thank you so much first of all for having them here this evening. Of course, this evening they will be presenting to the LST Police Department, the FBI-LEEDA Trilogy Award which they are very grateful to do so. Greetings Township Manager Hudson, City Council Members deLeon, Ray, he wants to make sure he gets these names pronounced correctly, Opthof-Cordaro, did he do okay? Good, good, Banonis, Carroci. Alright, members of the LST Police Department and other distinguished attendees, which includes, of course, the citizens of this Township. On behalf of the FBI-LEEDA President, Chief Donna McNamara, their Executive Board, he brings you greetings from the men and women, including their mini-partners and members across the US and beyond, and literally, they have partners all around the world. They are just returning back from the World Police Summit in Dubai a few weeks ago. Of course, he's the Chief Operating Officer for FBI-LEEDA and very excited to be here this evening. Today, it is truly his honor to be here representing FBI-LEEDA and to present the FBI-LEEDA Agency Trilogy Award to the LST Police Department here in Bethlehem, PA., this is a distinguished honor. FBI-LEEDA presents Law Enforcement Agency Trilogy Awards across the country whose entire command staff have completed the FBI-LEEDA Trilogy Leadership Series from the FBI-LEEDA Agency Trilogy Award. The FBI-LEEDA Agency Trilogy Award and the Leadership Series consist of three of their flagship courses. The first course is the Supervisory Leadership Institute Course. The second course is the Command Leadership Institute Course. The third course, which completes the FBI-LEEDA Trilogy, is the Executive Leadership Institute Course, which in this case, means all members of the LST Police Department Command Staff, completed these courses and they, of course, this evening will be awarded the FBI-LEEDA Agency Trilogy Award. Today, we are pleased to present to Chief Thomas Barndt, Sgt. Christopher Leidy, he's not here, okay, no problem, but congratulations to him; Detective Corporal Eric Marth, Corporal Timothy Connell, Corporal Thomas Louder, Corporal Chuck Werkheiser, Corporal Kyle Haggerty, and the LST Police Department staff, the FBI-LEEDA Agency Trilogy Award is now presented to them, congratulations, Chief.

Mr. Robinson said he actually attended one of the courses with this gentleman here, so they have a little bond going on here, but thank you guys, so very, very much.

Ms. deLeon said they want to thank them and congratulate the Police Department and this is a true honor to receive this and you guys are the best, okay, and this is another notch.

Chief Barndt said it's been a goal of his since he took over in January 2018 to get career development and rank structure within the Police Department, not only rank structure, and Supervisors, but to get them trained properly, to move them forward and that's what he continues to do. He wants to thank Council because it wouldn't be possible with all of them and the training budget they have, thank you.

Ms. deLeon said they are very proud of you guys, thank you.

C. CONDITIONAL USE APPLICATION OF ALLENTOWN SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 4235 LEWIS AVENUE

Ms. deLeon said Council will continue the hearing on the Conditional Use Application of Allentown SMSA Limited Partnership d/b/a Verizon Wireless for the proposed construction of a Cell Tower to be located on the property located at 4235 Lewis Ave. She will turn the hearing over to Attorney Goudsouzian.

(See attached Transcript – 25:02:2 to 2:09:30)

The hearing was closed.

Mr. Banonis said he's going to make a motion.

MOTION BY: Mr. Banonis moved to ask the Township Manager to seek competent Counsel to represent the Township's interest in any litigation related to the failure of this Council to this Conditional Use Application. It's very clear that we need someone who has a specialty in this area, although he thinks the Township's position is indefensible at this point.

SECOND BY: Mr. Carocci

Mr. Carocci said he agrees, it just seems we have two members on Council that are going to waste a lot of taxpayer money but they seem hell bent on doing it and yes, competent Counsel, not current Counsel, would be preferred.

Mr. Goudsouzian said just so that we are clear now that we are done with the Conditional Use Hearing, he's handing over, or Ms. deLeon is back into control of the meeting. He said on behalf of the stenographer, he doesn't have to transcribe any further. Thank you, he appreciates that.

Ms. deLeon said so thank you. Alright, so we have a motion on the floor, and Council discussion, she'll start with Jason.

Mr. Banonis said he said his peace on it and again, taxpayers, keep paying your taxes.

Ms. deLeon said okay, Tom. Mr. Carocci said he thinks probably going to get sued in Federal Court and because of how Ms. Ray and Ms. Opthof-Cordaro voted. It's unnecessary for us to defend. All they had to do was vote appropriately according to our zoning ordinances and requirements. So, he finds it unfortunate. He thinks we do need outside Counsel. He thinks this is way over our solicitor's head. He doesn't think he's competent enough to handle anything like this. So, you know, he hopes, if we get sued, he guesses we need to hire attorneys.

Ms. deLeon said Victoria? Ms. Opthof-Cordaro said she's inclined to vote no on this.

Ms. deLeon said Laura? Ms. Ray said she doesn't have comment to make on this. Ms. deLeon said she is going to open it up to the public. Anybody in the public would like to make a comment.

Mr. David Boulin said hard to believe, hard to believe. If you'd have just been upfront with these people it would be okay, it's just incredible. Trying to stick a round peg in a square hole, never has, never will work. Ordinances are there...Ms. deLeon said can we have quiet in the back there? No, no...Mr. Boulin said Priscilla...Ms. deLeon said she is worrying about it. Mr. Boulin said you worry about it, he won't worry about it because they interrupt endlessly and they always will. They are part of her group and that's another thing that frosts him. Ms. deLeon said actually no, okay keep going, keep talking. Mr. Carocci said Diane Hollowell, hold on, Diane Hollowell, give him some seconds on that clock. Mr. Boulin said see how that works. Mr. Carocci said they are taking all his time; he wants some seconds...Mr. Boulin said it's the same thing. I'm not in conflict, I am in conflict. Ms. deLeon said she didn't say he was; they were. Mr. Boulin said he's saying you, they are just followers of Dump the Dump, Dump the HAL, do this, do that. It's the same old thing. That woman that commented about the library, same old. He's sorry, he gets a little unhappy and he thinks you need to allow a little bit of go, alright. No, he's not going to be like some people, oh, I'm going to shoot you or something, whatever, no, that's not going to happen. Ms. deLeon said that's the second time now you brought up a gun...Mr. Boulin said he was trying to say here before he got sidetracked is yea, he could see this coming from months ago. He could tell. You guys are not basing, and he says you guys, you, some of you on this Council are not basing your judgements and it's crystal clear on the facts. Does he have some more time? Ms. deLeon said absolutely. Mr. Boulin said okay, he notices she's worried about it. So, that is really obvious, he means, it's as plain as that table in front of us. If any, if any of the attorneys, one of them doesn't seem to see anything. It's like hello, I'm not a lawyer, but you can see it and good luck if we don't hire a good attorney, this Township is going to pay a bunch and it's unfortunately not some of the people up on this Council that's sitting on this new Council, that are going to pay the price. It's going to be the taxpayer again. Yea, and there's going to be a lot more. HAL is not done yet; it goes on and on.

Ms. deLeon said anybody else like to speak? Your name for the record please. Ms. Slavick said sorry, they were not being disparaging, they were trying to figure some things out and understanding what's going on, that's all. Ms. deLeon said the hallway to do that, you can't be talking. Thank you. Ms. Slavick said just a quick one. Nobody wants the cell phone towers. Nobody wants the factories. Nobody wants the warehouses. She gets it. Nobody wants anything. We just want a nice pristine area to live but you know, everybody uses these and this is the world and unfortunately, it's the tech world that's pushing these and that's what we get. So, the cell phone tower has to go somewhere but pretending that you know, it's not our problem or whatever is not true. She goes on one side of her home and she can she can use her phone and then she sits on the couch and the cell phone service goes out; and she's in Lower Saucon. So, it is a true situation. It is something we all have to face and we have to deal with and everybody in here who is hemming and hawing, we use these, right? And they do cause health problems.

Ms. deLeon said thank you, can we have a roll call please. Mr. Carocci said he wants to know is Ms. deLeon voting or is she still recused because this has to involve litigation with...Ms. deLeon said they are doing a roll call. Mr. Carocci said and he's asking a question as an elected member of Council. Ms. deLeon said and her vote, when he calls...Mr. Carocci said is there going to be, is she going to recuse herself or not. Ms. deLeon said she guesses he'll have to wait and find out. Mr. Carocci said because this directly involves the litigation resulting from that Conditional Use Hearing and we have times when she has recused herself in the past. He hopes he doesn't have to go through all that again, but even, one thing he forgot to bring up, now you want to vote to hire an attorney that's going to defend us against a lawsuit from a guy who is your neighbor, and you recused yourself prior. You recused yourself prior to this, and this guy, up until about a year ago, was helping her with all her computer needs. She took...Mr. Banonis said at no charge, at no charge. Mr. Carocci said you took goods and services from him. Mr. Viscito, would come over and help her with her technology problems for over 20 years, he's heard and she accepted those services for free. Of course, he was cutting down trees on his property over the years

and there was no problem, and then all of a sudden, he wants to put up a cell phone tower. She writes a letter to NC Conservation District about cutting down trees. Apparently, she found somebody else to take care of her computer and technology needs. He didn't charge her for those, he said he provided those services for free; Mr. Carocci was told. Ms. deLeon said not all of them. Mr. Carocci said and he said he never invoiced those services and he provided them for free. Ms. deLeon said that's a lie. Mr. Carocci said so this is now, she needs to recuse herself, you know, she should be recusing herself, because this involves the litigation that is a direct result of the Conditional Use Hearing. So, she should be recusing herself from this vote. Ms. deLeon said okay, we are going to...Mr. Carocci said and he plans on making a complaint to the State Ethics Commission about all of her campaigning and promoting of this while the hearing was going on. The hearing had been open and there are emails between her, Ms. Yanchuk and others trying to derail this hearing, trying to stop this from going on and that's completely inappropriate, completely inappropriate. Ms. deLeon said okay, roll call Mark.

Mr. Hudson said Ms. Opthof-Cordaro. She said just to be clear, this is a motion to appoint a special counsel to defend the Township in the event that there is a litigation that's not yet been filed on the decision this evening. Mr. Banonis said he'll say it again because he understands sometimes it's hard for her and Laura to understand what he's says. His motion was to direct the Township Manager to identify outside Counsel, competent outside Counsel, to anticipatorily get them on board knowing we are going to get sued.

Ms. Opthof-Cordaro said okay, so from her perspective again, this is an attempt to present or produce litigation that's not yet been filed. Mr. Banonis said no, he's not presenting anything. Ms. Opthof-Cordaro said or a threat to some kind of litigation...Mr. Banonis said she's asking him a question, he's answering her. Mr. Goudsouzian said he doesn't think she's asking you a question. Mr. Carocci said you are not running the meeting, Ms. deLeon is...Ms. deLeon said he's allowed to speak; he's allowed to speak. Mr. Carocci said why would Mr. Goudsouzian speak? Mr. Banonis said because he thinks he is still running the meeting... Ms. deLeon said you had your turn, Tom. Mr. Goudsouzian said because he is the solicitor, whether you like it or not. Mr. Carocci said nobody asked you that question, nobody asked you that question. He's not his solicitor. Ms. deLeon said Tom, you had your turn, now let Victoria have hers. Mr. Carocci said he is letting Victoria, he doesn't know why Steve's talking.

Ms. Opthof-Cordaro said so we're on the roll call, right, so we are done with comment, we are on the roll call. She is voting no and she's explaining her vote because she thinks it's inappropriate, premature to be discussing any additional legal fees, retaining additional attorneys to deal with litigation that's not yet been filed and she does direct Councilmen on this board to listen to the song by Michael Jackson, "Start with the Man in the Mirror". Thank you.

Mr. Banonis said thank you. Mr. Hudson said Mr. Carocci how do you vote? Mr. Carocci said he votes yes. Mr. Hudson said Ms. Ray. Ms. Ray said yes, she will vote no for the same reason that we don't even have a lawsuit here and they are hiring a lawyer for the lawsuit, so no. Mr. Hudson said Ms. deLeon. Ms. deLeon said she is abstaining. Mr. Hudson said Mr. Banonis. Mr. Banonis said we know we are going to get sued and you'd rather wait and pretend to be surprised like, oh my gosh, we got sued. Where did that come from? Why be prepared for it? Why not start to get ahead of the issues you created yourselves? No, let's not do that, let's just continue to be incompetent. He votes yes. Ms. Opthof-Cordaro said "Man in the Mirror". Mr. Banonis said yeah, just beat it.

ROLL CALL: 2-2 (Ms. Opthof-Cordaro and Ms. Ray – No; Ms. deLeon – Abstained) – Motion fails.

3. DEVELOPER ITEMS – None

- A. REVIEW AND POSSIBLE ACTION ON BETHLEHEM LANDFILL – STEELY LOT LINE CHANGE #LL-02-23**
Removed from agenda.

4. TOWNSHIP BUSINESS ITEMS

A. CHANGE ORDER #1 – READING DRIVE CULVERT PROJECT (ASSISTANCE WITH SITE & STREAM BED RECONSTRUCTION)

Ms. deLeon said Township Staff is requesting to utilize the contractor (CMR Construction, Inc.), who will be setting the culvert structure, to assist with base preparation and stream bed reconstruction. CMR Construction has recently completed three of these projects with the County Conservation District who is assisting with the funding of this project. The contractor's knowledge of these projects will assist our Public Works staff to complete this culvert replacement.

MOTION BY: Ms. deLeon moved for approval to utilize the contractor, CMR Construction, Inc., who will be setting the culvert structure to assist with base preparation and stream bed reconstruction.

SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said so we have Council discussion, Jason. Mr. Banonis said let's get it done, yes. Ms. deLeon said Tom? Mr. Carocci said he agrees, yes. Ms. deLeon said she agrees. Ms. deLeon said Victoria? Ms. Opthof-Cordaro said yes.

Ms. deLeon said Laura? Ms. Ray said can she speak. So, she just had a question. It makes sense if they need help and this crew knows how to help them. So, it gave a cost per day. Is there like an expectation of like, how big of a project is this. Is this like a day, a week, a month? Mr. Hudson said it will probably be a week. Ms. Ray said okay, so alright, that's what she wanted to know, thanks.

Ms. deLeon said she'd like to open it up to the audience, would anybody like to comment? Seeing none, can we have a roll call?

ROLL CALL: 5-0

B. RESOLUTION #38-2024 – RECOGNIZING SAUCON VALLEY LIONS CLUB 75 YEARS OF SERVICE TO THE COMMUNITY

Ms. deLeon said Resolution #38-2024 has been prepared recognizing Saucon Valley Lions Club for their 5 years of dedicated service to the community. She read Resolution #38-2024 (*please see attached Resolution #38-2024*)

MOTION BY: Ms. deLeon moved for the approval of Resolution #38-2024 recognizing the Saucon Valley Lions Club for their 75 years of service to the community.

SECOND BY: Ms. Ray

Ms. deLeon said okay, so there's a motion on the floor, so for Council comments, Jason? Mr. Banonis said he thinks the Lions Club is a great organization. It's very civic minded. They do a tremendous amount for the community. It's a testament to any organization that can last for 75 years and continue with their mission, so congratulations to them. It's his honor to be able to honor them in this way and he hopes they last another 75 years and beyond that. Ms. deLeon said thank you.

Ms. deLeon said Tom? Mr. Carocci said congratulations to their members for 75 years of service to the community and thank you.

Ms. deLeon said again, she offers her congratulations to them for the hard work that they do in supporting our community.

Ms. deLeon said Victoria? Ms. Opthof-Cordaro said she thinks it's wonderful everything they have done and she continue that we have the Lions Club in the future, so she's really excited for this.

Ms. deLeon said Laura? Ms. Ray said yes, she would just like to say the same type of comments. She thinks we are a lucky area to have such a dedicated group of volunteers and there are a lot of long-time members so, she congratulates them.

Ms. deLeon said she'll open it up to the public. Anybody want to speak? Seeing none, can we have a roll call please?

ROLL CALL: 5-0

C. AWARD BID FOR 2024 LAWN MOWING SERVICES

Ms. deLeon said the Township recently opened bids for the Lawn Mowing Bid. Council will review the bids and award the project to the lowest responsible bidder.

Mr. Hudson said they got two bids in, Stem Lawn Care came in at \$99,920.00 and PA Lawn and Landscape came in at \$74,367.00, which is just slightly more than they paid last year, so the Township staff recommends awarding the bid to PA Lawn and Landscape LLC in the amount of \$74,367.00.

MOTION BY: Ms. deLeon moved for approval as stated by the Manager.

SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said Council comment, Jason? Mr. Banonis said this is the same contractor we had last year, right? Mr. Hudson said no, it is not. It's a new contractor. Actually, Stem was the contractor that they had last year. Mr. Banonis said and the reason he asked that is he got some complaints from residents about the Polk Valley Fields, in particular for youth soccer. The grass was too high for them to hold some tournaments and things like that. So, if we could just communicate to PA Lawn and Landscape that athletics use these fields and the grass needs to be cut so that the fields can perform as they are expected to by the respective sports. Thank you.

Ms. deLeon said Tom? Mr. Carocci said no, that's fine.

Ms. deLeon said nothing for her, Victoria? Ms. Opthof-Cordaro said no, nothing.

Ms. deLeon said Laura? Ms. Ray said she has no comment.

Ms. deLeon said she'll open it up for public comments? Seeing none, roll call please.

ROLL CALL: 5-0

D. AUTHORIZE COLLECTION OF 2023 DELINQUENT REAL ESTATE TAXES

Ms. deLeon said Staff is requesting Council to authorize the Township Finance Department to forward the 2023 Delinquent Real Estate Tax list to Northampton County for collection.

MOTION BY: Ms. deLeon moved for approval to forward to Northampton County collection of the 2023 delinquent real estate taxes in the amount of \$38,618.10.

SECOND BY: Ms. Ray

Ms. deLeon said Jason, any comments? Mr. Banonis said yes, this relates to taxes. He'd like to bring up...Ms. deLeon said this is delinquent real estate taxes. Mr. Banonis said yea, its taxes. He'd like to bring up some of the records he got in the RTK requests. You know, he brought this up previously that this Council passed a knowingly inaccurate budget and also approved the tax increase for 2024 that, again, was illegal because it exceeded the 25% that the Township is permitted to hold in reserves for projected expenses. You know, confirming that, and this goes back to the taxes for last year, December 19, 2023 there's an email from Mark Hudson, our Township Manager to everybody including Priscilla deLeon about Barker and Barker as the low bidder for the Cherrywood Paving, so she knew a month, more than a month before passing an knowingly inaccurate budget that it was an approved contract and the budget was off by \$620,000.00. He brought this up repeatedly during multiple Council meetings that there was problems with the budget but yet it still passed. Then here's some more evidence of this secret Township related communications off of, he means Priscilla's closet server. There's a February 17, 2024 email from Dave Willard. He sent these emails to the three personal email accounts of Priscilla,

Victoria and Laura and he said “rather than your LST emails because I want to keep this message private” but it related to Township-related issues, in particular, taxes.

Mr. Carocci said point of clarification, Mr. Willard was a former Council member of LST, so he knows the RTK requirements and he’s stating what again? Can you read that again? Mr. Banonis said that’s a good point, Tom. He was a former Council member. Mr. Carocci said he knows the RTK...Mr. Banonis said he was elected and he was voted out of office...Mr. Carocci said Priscilla. Mr. Banonis said yea, he was on with Priscilla and he said “Rather than your LST emails because I want to keep this message private”. So, he’s trying to have some sort of back-door channels, he guesses, to circumvent RTK requests and Open Records application. To the credit here, he’ll give credit to Victoria and Laura because they produced that email despite it being written to all three, but Priscilla, he doesn’t recall seeing a version of that produced by Priscilla that was sent to her secret email account. Mr. Carocci said he didn’t either. Ms. deLeon said she remembers doing it. Mr. Banonis said so maybe she did, but he doesn’t remember seeing it there. Mr. Carocci said he didn’t see it. Mr. Banonis said but it seems to be that they are playing along with Dave Willard’s and he described it as “free advice from your informal, unpaid advisor” and he acknowledged that I, I Jason Banonis, was correct to state that the budget was off by \$620,000.00. So, he said “free advice from your informal, unpaid advisor”, so we are getting, on taxes and budget issues, we are getting free advice from a proclaimed advisor, who is not only unelected, but expressly rejected by the Township voters having lost the election and that’s who is pulling the strings with these three, apparently in some way. He’s doing it admittedly, and deliberately in secret to circumvent the Open Records and he thinks Priscilla may have been playing along with that. So, he thinks that applies to the taxes from last year because it’s an expenditure that we’re talking about. You know, also, he’ll bring up on that same topic, the raising of the taxes compared to last year.

Mr. Banonis said in the RTK records, there’s the Form 990 from LSFR, that’s our fire department. He’d like to thank them for cleaning up yesterday’s manure spill on I-78. There’s a lot more manure that needs cleaning up in LST but that’s not their task. In their 2022 reported Form 990, they had \$3.8 million in net assets in fund balances and here’s the kicker, up 18% year over year including more than \$750,000.00 more in contributions and grants and their call volume was up only 8%, so their increases in assets increased 10% more than their increase in calls but what is significant here and he’s not disparaging the fire department by any way, you had this Council, Priscilla, Victoria, and Laura trying to portray this picture of poverty that our fire department has in the need for this Council to justify illegally raising taxes. It’s just non-existent. He’s sorry they would seemingly extort the cooperation from LSFR and smear the reputations of our first responders with this nonsense to raise taxes.

Mr. Banonis said more on the budget fiasco, we’ve got our local blogger, Andrea Wittchen, she authored, there were discussions December 5, 2023, organized by her. She says “it’s clear you can amend the tax rate in January, my concern is if they slash it by more than 50%, you won’t be able to raise it back up to the original amount but there may be other ways to creatively revise expense items to offset the hit”. So, she’s trying to find some creative ideas for this Council. Here’s more about the budget and taxes. Priscilla was the liaison to the 2015 Budget Advisory Committee. They met four times in 2015 when she was on Council. Their mission, here it is “LST’s Mission Statement is to provide the residents of LST courteous, professional, quality services, always taking into consideration the best use of the taxpayer dollars”. Always taking into consideration the best use of the taxpayer dollars, and here’s the kicker, “to enthusiastically obey and enforce the laws of United States, the Commonwealth and the Township and ensure that the residents, business owners, and developers are treated equitably under the laws and ordinances”. So, they say, they agreed back in 2015, but yet again Tom, this is like the flip flop they talked about from 2004. Back in 2004, it was okay to recuse yourself, 2024 it’s not until you get called out on it. Back then it was okay to say that you are going to obey and enforce the laws of the Commonwealth, but in 2024, you are not going to obey the laws of the Second-Class Code that says you can’t put out a knowingly inaccurate budget and that you can’t have money in hold, you can’t be holding money that’s greater than 25% of your projected expenditures. So, he guesses the best use of taxpayer dollars is to illegally hoard \$9.5 million and to pass a knowingly inaccurate budget. So, that’s all he’ll say right now he guesses on the tax. He has more that he will talk about later.

Ms. deLeon said okay Tom. Mr. Banonis said hold on, hold on, hold on, maybe he's not. He's sorry, one other thing he wants to point out. The taxes were clearly raised by them despite their lies to you, and the public, and they knew this. On December 7, 2023, Mark Hudson sent an email to Priscilla deLeon, and he said "at the meeting last evening, Council approved a .75 mill reduction to the Township real estate tax bringing the tax down to 3.64 mills, okay. So, it's very clear the taxes were lowered .75 mill and Priscilla knew then, and presumably Victoria and Laura knew as well, when they said they did not raise taxes. They knew that they were raising taxes, and not only were they raising taxes, but their tax increase was hundreds of thousands of dollars and yet again, they are covering up. So, that's all for taxes right now, but we'll talk about some other really interesting topics that he found as well and he's sure the public is going to be interested in this.

Ms. deLeon said Tom? Mr. Carocci said yea, Jason has a point there. She participated in two hearings before she had a change of heart to recuse herself on that, but listen, he understands, you know, everybody should pay...Mr. Banonis said can you control the people in the audience, Priscilla. She is running the meeting here, and...Mr. Carocci said the meetings Goudsouzian, is Priscilla running them or you. Mr. Goudsouzian said he's providing him the courtesy of not having people talk. Mr. Carocci said you interrupted him. Mr. Goudsouzian said he's trying not to interrupt him. Ms. deLeon said audience, you have to contain yourselves as she gets in trouble all the time, okay. Mr. Banonis said just do your job and you won't get in trouble. Ms. deLeon said we all should do our jobs. Tom?

Mr. Carocci said he's not done. So, you know, listen people should pay their taxes. He understands when you have a Council President who won't turn over RTK documents, won't recuse herself, is very unethical. It's tough to pay taxes but people still should pay their taxes. He understands why these people don't want to pay their taxes. You know, they've been raised for no apparent reason. You know, its \$38,000.00 that people should pay the taxes they owe, but he understands what, he understands when you have a delinquent President of Council, you can, he understands why people are delinquent in their taxes.

Ms. deLeon said are you saying she was delinquent in paying her taxes? Mr. Carocci said she's delinquent in participating in two hearings before she recused herself on a Conditional Use Hearing. It's more than delinquent. It's unethical and a lack of integrity. Ms. deLeon said just so everybody knows, she's not delinquent in paying her taxes, okay.

Ms. deLeon said that's her comment, Victoria? Ms. Opthof-Cordaro said this is commenting on approving collection of delinquent taxes, right? Delinquent taxes? Ms. deLeon said right, delinquent taxes. Ms. Opthof-Cordaro said okay, we need to move forward.

Ms. deLeon said Laura? Ms. Ray said yes, we are so far off topic. This is collection of 2023 delinquent real estate taxes, last year taxes, last year tax rate, last year everything. Let's go on. Let's vote on this.

Ms. deLeon said she'll open it up to the public, anybody would like to speak on this?

Mr. Russ Sutton said this is about delinquent taxes, correct? It wasn't about anything else, correct? Ms. deLeon said no. Mr. Sutton said you have Resolution #31-2024, and it's enforced against the public all the time. Why do we have two members of Council constantly interrupting and disrupting the entire procedure all the time? Why shouldn't they be put with a time limit instead of going on endlessly and we don't even know what the hell they are talking about half the time. They communicate with each other all the time, which they can't communicate with each other back here, so why should they be allowed. You should follow your own rules. Ms. deLeon said okay, thank you, anyone else.

Mr. Dave Boulin said he got news for you, same reason the people in the back of him all the time sitting there chiding him. Okay, even though it's not on topic and they won't face him directly. Alright? He doesn't agree with either one, but nonetheless, that's why. Ms. deLeon said okay thank you, anyone else.

Ms. Kathy Pichel-McGovern said she finds it appalling week after week, after week, after week, after week listening to this and you are talking about money. You kept the stenographer here another two hours that he didn't have to be here. You keep our Township Solicitor here longer than he has to be here. You are talking about potential lawsuits when we have four of them. It's ludicrous. They zoned our homes, LI, because you didn't want to limit the landfill. You abused your power. Yea, she knows, and then you sit here and say the cover-up girls when it was Inglis, Carocci and Banonis for two years. The hypocrisy is really bad and it's such disrespectful display of her Township in front of these people. We don't act like this here and it's embarrassing. Ms. deLeon said thank you, anybody else. Bob?

Someone came to the podium and said yea, he imagines since Jason brought this up, that...Ms. deLeon said say your name for the record, Bob. Bob Blasko said since Jason brought it up, he guesses it's got as much to do with delinquent taxes as when he brought it up. This is from an interview. This thing is done by LV News published October 30, 2021. It's titled "Landfill Owner Dumps \$75,000.00 into LST Council Race". However, what he wants to say is not about that. Banonis says that the constant income stream, let him just go back. The landfill is roughly a third of the Township's budget, Banonis said. So that's still about that, he guesses. He says this constant income stream keeps the Township debt free, helping also to maintain and he's sure he got this right, he knows he's reading it right. Also, helping to maintain an 18-month surplus of cash on hand.

Mark Ozimek said he has one question. What's the delinquent tax amount? Ms. deLeon said she doesn't have the resolution in front of her. Mr. Hudson said \$38,618.10. Mr. Ozimek said how long do those people have to pay their taxes? Ms. deLeon said she's not familiar with the process, Cathy? Mr. Hudson said at this point they are delinquent so it goes, they have the year to pay, so they had to pay within 2023. It's now delinquent because they did not pay, so it goes to the County for collections. Mr. Ozimek said okay, in case any of them are watching now, they got it.

Ms. deLeon said anyone else? Is that a hand raise, Diane. Okay, roll call please. Mr. Hudson said this is authorizing the County to collect the delinquent taxes.

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

E. RESOLUTION #39-2024 – RIGHT-TO-KNOW OFFICER UPDATE

Ms. deLeon said Resolution #39-2024 has been prepared and updated designating Cathy Gorman as the Right-to-Know Officer and James Young as the Assistant Right-to-Know Officer.

MOTION BY: Ms. deLeon moved for approval of Resolution #39-2024.

SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said Council discussion, Jason? Mr. Banonis said he assumes this is because Township Manager, Mark Hudson, who is also the primary RTK Officer is leaving. He finds it striking that there's nothing on this agenda to dedicate anybody as the Township Manager. Mr. Hudson gave them letter of resignation almost three weeks ago and he has not seen anything of any effort. There's been no advertising, no publication. He doesn't know if anybody has applied for it. He knows it's been public because they talked about it in the last meeting, but RTKs are important because of all the important information that we are gathering from them exposing what's going on here in this Township with this Council and with this administration, not so much the administration, but the Council, but why aren't we also having a resolution to appoint somebody as the Interim Township Manager. We have an Assistant Township Manager sitting right here who fills in for the Township Manager when he's not available. He doesn't see why Cathy Gorman is not being given the courtesy of being titled the Township Manager. She certainly is going to be burdened when this takes place because now there's no longer a Township Manager in addition to her Assistant Township Manager duties that she was filling in on from time to time. She also has responsibility for the Township's financial affairs and this makes no sense to him. It makes no sense where the priorities are on this Council.

Ms. deLeon said Tom? Mr. Carocci said yea, he kind of agrees. Let's get the show on the road here. Not that, he thinks that Cathy does a great job, and Jim as well. Although he understands Priscilla is not a big fan of Jim's but he does a good job. That's it.

Ms. deLeon said her comment is she supports having Cathy and Jim in the appropriate places for the RTK. Victoria?

Ms. Opthof-Cordaro said she thinks it's appropriate, thank you.

Ms. deLeon said Laura? Ms. Ray said yes, she agrees as well. She would just ask, she doesn't know, would Jim need any training on it on how to handle the role? She doesn't know how Cathy, she assumes Cathy has been helping Mark with all these that have gone through, so. Mrs. Gorman said she and Jim can handle it. Ms. Ray said okay. Mrs. Gorman said they'll be okay. Ms. Ray said she just wants to make sure.

Ms. deLeon said anybody in the audience like to comment?

Mr. Dave Boulin said he'll just say as he said a month or two ago, losing this fellow is going to be really tough. Alright, and everybody on the Council said so also and everybody else. The bottom line is he has filled that key position and now there's a huge void. So, when things happen, where do they go? Apparently, they just float out into the ether until, yea he still has time left. They float out into the ether and nobody is responsible. Why is it you don't approve Cathy as the Interim Manager. She's capable. She's done it before. It seems as though the holes you plug are the holes that are going to sink the ship yesterday. So, he would ask you again, he knows there was a motion made, to appoint her as Interim or tag or whatever fancy words you want to use. You need somebody to handle day-to-day affairs and make decisions. So, she obviously can do it. Yep, you are going to pay her some more he hopes, but she should be it; and if not, maybe you can explain why to everybody who is watching, why you just don't do it. He's hearing nothing about it either, Interim or anybody else filling Mark's position.

Mr. Carocci said can he get a point of clarification. He said there was a motion made. Was there a motion made at this meeting? Mr. Banonis said no, Tom, he brought up at a prior meeting that was an option to put an Interim tag on Cathy and consider her for the position and basically use it as a trial run to see how she does. He didn't make a motion about it. He just suggested as an option and it was met with crickets. Mr. Carocci said okay, he just wanted to make sure he didn't miss a motion. It's just a point of clarification.

Mr. Boulin said if that's the case, then he apologizes. He thought it actually had gone to a motion, but crickets is a motion in effect. Ms. deLeon said okay, anybody else for public comment?

Mr. Mark Ozimek said since Mr. Banonis and Carocci keep pushing the issues about Cathy, his question to Cathy is to Cathy. He wants to hear it directly from her if she's interested in the job or not. Mr. Hudson said he's going to stop him. It's not your spot. It's not your spot. Ms. deLeon said we are talking about RTK and everybody just talks about whatever they want, so the agenda item is on the RTK officer. Okay, so anybody else, if not, roll call please.

ROLL CALL: 5-0 (Mr. Banonis said he just wonders without somebody with a manager title, when the next train goes off the tracks and into the river, who is going to jump on board like Mark did to be able to address issues like that or when there's a manure spill on I-78, who is going to manage the Township? So, he's going to vote yes because he thinks Cathy is already doing the job, and he appreciates that there's at least a little vote of confidence from this Council for Jim Young because it was very clear in the RTK request that they had some sort of vendetta against him and were seeking to oust him from his position as Zoning Officer so maybe this will rehabilitate that or maybe it's just a cover-up, another cover-up.

F. REVIEW OF 2023 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Ms. deLeon said in accordance with the Budget Advisory Report (BAR), the Director of Finance will present Council with the prior year Comprehensive Annual Financial Report (CAFR). This report provides an overview of the Township's audited transactions and supplements the Auditor's DCED report filing and Financial Report typically received in June each year, Cathy.

Mrs. Gorman said every year they present this report to Council regarding our finances in an effort of transparency. These are similar reports that are provided to Council on a monthly basis. We are recommending and what we had historically told Council was that monies from the landfill would go into our general savings account and if needed, and utilized, to maintain our fund balance going into the next year. We had some excessive revenues from last year. Notably our earned income tax (EIT) levels and our interest rate levels. Interest rate clearly is not going to be a long-term solution. We've had some expenses that we did not utilize such as hiring all of the officers that Council approved last year. We didn't hire all of them last year, clearly. So, we had some expenses that did not meet projected. So, we did use some of that landfill, those savings and the money that's identified in the savings account to increase our fund balance going into 2024. Of that money, we specifically said that we only needed \$3 million to ensure the fact that the landfill, if it does close at any time during the course of the year, that we would be safeguarded since that is a third of our projected income. We are recommending to, the overage that we have left of that in that fund, go to the Park Capital budget to pay for the expenses of the second phase of Easton Road ballfield that's projected for this year. This will bring down our fund balance from the \$14 million that's reported here and of that \$14 million, some of that is reserved for specific purposes, and/or by law or by agreement. But it will basically bring us back down to the \$9.5 million in Reserve that Mr. Banonis had referred to before. So, we'll be expending all of the money we had last year; and pursuant to the recommendations we have in policy that will be coming back with a resolution to move that money from one, or making a recommendation to move that money from General to Capital to pay for those expenses and ongoing, she's going to make a recommendation based on conversations we've heard and now that the landfill is potentially going to continue, that we should consider formulating a policy of a maximum fund balance. That way, we all know administratively how much we need to safeguard in the event of a hazardous situation or a HAZMAT situation or an environmental, any of the capital infrastructure improvements or issues that may transpire in a given course of a year where we're not obligated to have to go out for debt for emergency purposes, what would that number be. Based on the conversations she's hearing from Council; she would like for them to consider that and maybe reopen the financial policies that we have and we can have that conversation this year and put in new thresholds. So, administratively, we know what Council would like.

Ms. deLeon said okay. She has a question, a couple of question. On page 4, you have the paragraph that says "legal increased in 2023 due to cases pending. We were 95.01% under the revised budget, which was increased in the amount of \$240,880.00 in April 2023 by resolution to address the services needed. The original budget was \$211,180.00 and an increase over 100%". She'd like to see the number \$452,060.00 was the total if she's understanding this correctly, that is what that line item now says, is she correct, if you add those two numbers together for 2023?

Mrs. Gorman said what we spent in total in legal fees...Ms. deLeon said no, not what was spent, go ahead. Mrs. Gorman said what we budgeted with the amended budget that was passed due to the litigation was \$452,060.00 and what we had spent last year was \$429,000.00. Ms. deLeon said she'd like to see the total numbers in here because they are separated. Can she fix that? Mrs. Gorman said yes.

Ms. deLeon said she'd also like to just curiosity when she was reading the stipend for Emergency Management and Dog Control, those numbers should be in there. So what do we pay our emergency management person? Mrs. Gorman said Emergency Management is under 01.415.00 in the Emergency Management Budget, Administrative Compensation, which is \$2,000.00 a year. Ms. deLeon said \$2,000.00. Mrs. Gorman said and our Dog Control Officer gets \$3,000.00 and that is listed as Dog Control.

Ms. deLeon said she also read that the Recycling Program costs came in higher than anticipated due to contracting with an outside firm to pick up yard waste as it's been expeditiously as possible. Mr. Hudson said that was the dumpsters that they were using, the residents came out in mass to give us their lawn debris, much more than they had expected from the numbers they had in the past. So, they collected a lot of lawn debris from our residents. Mrs. Gorman said we wanted it removed, not sitting.

Ms. deLeon said how much do we pay the grant writer? Mrs. Gorman said for the fire department? Ms. deLeon said it says we pay a grant writer is being utilized for a grant coming this year as well as payment. Mrs. Gorman said that was for the, we always budget a certain amount for the fire department for a grant writer. Ms. deLeon said do you remember how much was paid? Mrs. Gorman said we paid them; she believes \$4,000.00 or \$3,500.00 last year. They are utilizing that for, they are working on a grant application right now for the Safer Grant. Mr. Carocci said didn't they get a \$500,000.00 grant last year. He thought the fire company got a \$500,000.00 grant last year. Mrs. Gorman said she believes they might have. Mr. Carocci said and we paid \$4,500.00...he thought he said at a Council meeting, we only paid \$4,500.00 for a grant writer and they helped get us a \$500,000.00 grant. It was well worth the money. Mrs. Gorman said there is another round they are working on for that Safer Grant, so hopefully they will be awarded that as well. Ms. deLeon said she just needed to update her brain. Okay, so where are we here. Victoria? Mr. Carocci said Jason didn't talk yet. Mr. Banonis said she went first. Ms. deLeon said she's sorry. She went first. Forgive her, it's not a motion, we're just talking, so Jason.

Mr. Banonis said you know, he has these RTKs. This is RTK 1829, and it was over 3,000 pages that he went through and in there, there's multiple references about the library and apparently Judge Murray was not happy with the HAL's conduct in disregarding the discovery rules, the court orders. There was an order that was issued to Ken Solt, who is the, he believes the President of the Library Board, to show cause why he had not complied on behalf of the library regarding answers to discovery and depositions. Judge Murray was mandating that Ken Solt attend court or he would be sanctioned and that if he didn't attend, he was going to send the Sheriff out for him and put him in jail. He was also considering awarding attorney's fees for misconduct. So, since we are talking about budget for 2023, and legal expenses, and then this Council in its infinite wisdom, first thing out of the gate it does in January is it gives a payment, supposedly under the guise of services to HAL in the amount of \$98,000.00 and some change. Then they meet and they are called out for that because there's no payment that's due, there's no invoice and no contract. We have a secret meeting, Executive Session, where they try to gloss over that and recast that payment as instead of a debt and now it's going to be a gift. They are called out for that, for violating the Sunshine Law, not identifying that publicly. Then we have a meeting and it comes up publicly and they decide to give a \$98,000.00 gift to their buddies in Hellertown. So, that is an issue that needs to be looked at very closely. He doesn't understand why we are giving \$100,000.00 away under the guise of a debt to such bad actors who, you know, the NC Court of Common Pleas itself, was thinking of putting their President of the board, and the Sheriff out to get him and put him in jail, and awarding sanctions against him. It makes no sense to him.

Mr. Banonis said then we've got, we've got, you are talking about the landfill Cathy going forward. We have a secret quorum that was outside the public eye. There was a meeting December 21, 2023 with Bob Zelle from Colliers, Priscilla deLeon, Mark Freed, Laura Ray, Victoria Ophhof-Cordaro, and Mark Hudson landfill-related talking about restarting the Technical Consultant Committee and they are talking about a letter from Maryanne Garber. He doesn't know if she's here. They are talking about the Host Agreement and they are looking for someone with active consulting on PA landfills, municipal community versus industry, the DEP process, and critiquing somebody to critique the expert review of the landfill and experienced in testifying before DEP, court testimony and experience. So it seems that, you know, your reliance on the landfill going forward, they are trying to take away that \$72 million plus of landfill money that's coming to the Township that the taxpayers don't have to fork over in these uncertain economic times. You've got...Mr. Carocci said can he ask for clarification of that meeting? Was that meeting held at the Township office or was it held at Copperhead Grille? He knows the three Democrats would hold meetings at Copperhead Grille with Mark Hudson and others so as to hide it from the public. Mr. Banonis said it's unclear Tom. Mr. Carocci said at the Township meeting or at the Copperhead Grille. Mr. Banonis said that's a good question. He wouldn't be surprised if it was

offsite but it could have been onsite or it could have been at Collier's office, he doesn't know. It's just another example of trying to cover up whatever they were doing. Mr. Carocci said cover up.

Mr. Banonis said then you got, so Cathy you are talking about having some budgeting policies, he'll direct you back to 2015, there's the Budget Advisory Committee he talked about. That was the group that met four times. Priscilla was on that and he talked about its mission statement and he guesses the best use of taxpayer dollars is now to illegally hoard \$9.5 million and to pass on an unknowingly inaccurate budget. Back then, there was a document that talked about funding levels and he's not sure where we got off track from this. It talks about the role of the Township Manager, Controller, Director of Finance in determining the minimum Fund Balance and back then, the maximum unrestricted Fund Balance was to be set at \$3 million. Here we are at \$9.5 million.

Mrs. Gorman said that specific amount was an amount that was not to be restricted so that in the event that if something happened with the landfill, in any given current year, because we were getting between \$2 million and \$2.5 million per year, if for whatever reason, that landfill should shut down, we didn't want to have to curtail services to that great of an extent within a one-year period. So that \$3 million was unrestricted in the sense that she couldn't invest it. She couldn't hold it; she means she couldn't hold it in an investment somewhere where it couldn't be utilized in an emergency situation if that were to occur. Anything above and beyond that, would be, which is what she discussed earlier, we need to put a maximum amount to that; and whatever that is, whether it's a percentage amount of your budget, whether it's a percentage, the 25%, her interpretation of that is a little different than yours, maybe. But she does, she has researched many documents within the Government Finance Association in PA and they are very clear that if you have a source of income that is volatile, you need to prepare for that volatility. So, if for whatever reason, and the point of that document was because at the time, the landfill was imminently closing. We wanted to make sure taxes were not going to be, have to be increased greatly within a short period of time.

Mr. Banonis said we know...Mrs. Gorman said now that we know this has occurred, we can modify that. Mr. Banonis said we know, there's never been a year we haven't received a host fee from the landfill since the Host Fee Agreement went into place 20 years ago. Mrs. Gorman said true. Mr. Banonis said and that fee is generally the same and we know that the landfill, under its current footprint, is permitted to operate for about another five years. Then we have the rezoning and the expansion, which gives us another 18 years of life, so we are good for 23 years. Mrs. Gorman said absolutely. Mr. Banonis said so there's clarity there so that uncertainty doesn't exist anymore, right? Mrs. Gorman said absolutely, that's why those policies should be revisited at some point during this year.

Ms. deLeon said were you here when the landfill was closed? Mr. Banonis said he's not done, he's not done. Mr. Carocci said he goes next. Mr. Banonis said he thinks Priscilla already went. Mr. Carocci said he knows.

Mr. Banonis said the other thing he found in these RTKs, we've got our whiz bang Controller here. We got an email. She's clamoring for authority that she doesn't have and he thinks Cathy should be aware of this as the budgeting director. She sent an email, this is December 27, 2023, to Jerry Holum about what she views as her role as the Controller regardless of what the law may say. She says that "the Controller is on the same level as Council except of course with no voting power". But it's on the same level as Council and...Mr. Carocci said this is Ms. Hill? Mr. Banonis said Ms. Hill. We, he guesses her and her colleagues on Council because she's on the same level, are accountable to the taxpayers, residents, "I will serve as an advisor to Council and will have authority over the township management and accounting, finance and spending matters. Attached is an excerpt from the Municipal Code that explains my responsibility". The Municipal Code doesn't say anything about having accounting, finance, or spending authority. You're an auditor. That's what the Controller is. You're an auditor to look backwards at the expenditures that are being handled here and he just finds that striking. It's actually funny.

Mr. Carocci said as a point of clarification, is Ms. Hill doing any of this? Mrs. Gorman said Ms. Hill is coming in and she is reviewing the bills and she is questioning and having questions on them, yes. Mr. Carocci said she's auditing? She's performing the auditing function. Mrs. Gorman said right now yes, if there were financial things, she would queue her in to those. For instance, she was just talking with our manager the other day and she had mentioned it to Ms. Hill that we'd be looking into PLGIT to invest some of the money so we get a little bit more diversified. She would make mention of that to her if she had any input or any, you know, she would certainly take that under advisement and the Manager as well, and they would work as a team and present something to Council if need be or if Council has already approved using PLGIT, which you have, then they would be able to move forward with it.

Mr. Banonis said he just wants to be clear. As a Finance Director, she still has the authority and the management over the accounting, the finance and the spending matters, right? Mrs. Gorman said she oversees it and she makes sure that it's done. The Manager is ultimately the... Mr. Banonis said he feels much more confident in her abilities than some others. So thank you for that.

Mr. Banonis said here's another tidbit. Lynn Hill also wanted to cut down on the detail of the budget. He doesn't know if she's aware of this. She described it as "having too much fluff" and also "too wordy, boring, and confusing". So, wordy, boring, confusing, and fluff. Those are her words, not his, and that's who our Controller is. She doesn't want to be bogged down with fluff and words and boring and details. That's not what we need. We need something different than that. She was also looking to monetize the Easton Road Ballfield by soliciting a former Major League Baseball player, Cooperstown Inductee, who he is not going to name, who she thinks lives in the Township. So now we're going to apparently bother a guy who just wants to be left alone and retire and have him out there trying to monetize this public park. Then you have more conversation with Jerry Holum, where she's discussing views on internal controls and management of the Township. Jerry Holum, to his credit, acknowledged on December 23, 2023, "the Hellertown fraud situation", so at least Jerry Holum understands that there's fraud going on in Hellertown in some way. He wishes if maybe Jerry knew maybe more than what we know, he could come forward. Mr. Banonis would like to know more about it. He thinks the public would like to know more about it as well except perhaps those that are on the take and benefitting from it or helping their friends benefit from it. He's been talking about that for years and he thinks Tom has too, and they get yelled at by the ignorant fools who just want to cover up LST tax money flowing out of our community going elsewhere.

Mr. Banonis said so, the other thing you might want to be aware of Cathy, there's a reference here, Jerry recommended to Lynn Hill "a dumb question will you be requesting any type of budget, if for example, you might want someone to write a program for you to use", so he guesses there's some sort of budgeting program that may be in the works. He doesn't know if she knows about it, but maybe Lynn Hill and Jerry Holum are working on this to replace you. AI is going to replace you, Cathy. Mr. Carocci said if the mastermind is Lynn Hill and Jerry Holum... Mr. Banonis said that's all, that's all. Mr. Carocci said AI is going to replace them with the masterminds of being Lynn Hill and Jerry Holum. That would be fun to watch.

Ms. deLeon said she believes Tom is next since he's... Mr. Carocci said yes, did she recognize him? Ms. deLeon said she did now. Mr. Carocci said okay, when you said you want to re-look at this policy, and you said that the state has a lot of guidance about volatility of an income source and all that, what are her thoughts? Revising it for 5 years, 10 years, 15 years, 20 years and what does the state guidance say about volatility with something that may end in 5 years or may go on for another 20 years.

Mrs. Gorman said that's one of the, she's sure you may not be aware of this. When she has to fill out our DCED filings every year, one of the questions, they ask if we, have you had a deficit, have you paid your MMOs, have you... traditional questions that you would normally ask. They also ask is, do you have a company within, or a source of funding within your jurisdiction that is significant enough that would modify and is it going to impede your operations if it closes and if it's going to close within a certain period of time. If you click yes, you have to explain that to them like what are you doing to mitigate whatever might happen. So that was part of the reason they were saving that money in the

event that if the landfill or at the time in 2015, they were looking at it closing at a certain time. Mr. Carocci said that's what Priscilla was telling people, it's going to close in 2015. Mrs. Gorman said so they were preparing for that. So, now that that's not transpiring and also if you do research through any of Government Finance Officers Association magazines, any literature, any of that, it never says what a maximum or minimum amount of your reserves should be because it's always based on individual communities, individual needs, individual sources of income states their volatility as sales tax, so they leave that up to your local governments to decide what that volatility would be and how much you would need.

Mr. Banonis said could he get a clarification on that? So, when you opened up your comments earlier, you said that last...Ms. deLeon said you already had your turn...Mr. Banonis said he's asking for clarification. Ms. deLeon said and she tried to talk twice and he said no, so he's out of order. Mr. Carocci said point of clarification. Mr. Banonis said he's going to ask. Mr. Carocci said you're an elected official, ask. Mr. Banonis said you talked about in 2023 that the Township had "excessive revenue due to the EIT and also higher interest rates". So, we had a lot of revenue last year but yet we, this new Council raised taxes, right? Mrs. Gorman said understood, understood. Mr. Banonis said is that correct? Mrs. Gorman said understood. Interest rates clearly are not going to sustain much longer, so we also have to plan for that. EIT, is always kind of a guess too depending on who moves in and who moves out. We had one year where somebody moved out and we lost \$100,000.00. Mr. Banonis said just for clarification, we had excessive revenue last year but they still raised taxes. Mrs. Gorman said yea. Mr. Banonis said we have \$9.5 million in the bank.

Mr. Carocci said okay, he's not done yet. We talked about this \$400,000.00 number for legal fees last year. Some of that was related to the HAL litigation. Mrs. Gorman said yes. Mr. Carocci said okay. And now this Council has asked Mr. Goudsouzian to handle that or work out a settlement, something like that. Mrs. Gorman said she's not aware. Mr. Carocci said he thinks we did. Mr. Goudsouzian are you handling that internally with HAL or are one of your associates handling it? Mr. Goudsouzian said yes. Mr. Carocci said who was their formal Counsel. Mark Aurand? What's your relationship to him, Mr. Goudsouzian? Mr. Goudsouzian said he's of Counsel of their firm. Mr. Carocci said so the attorney that represented HAL during all this now works for you? Mr. Goudsouzian said he doesn't work for him, he's of Counsel of their firm. Mr. Carocci said okay, and you are going to negotiate a settlement with HAL. Mr. Goudsouzian said he's in the process of speaking with their current attorney. He never had any interaction with Mr. Aurand when he was the attorney for the association. Mr. Carocci said was that when your wife was on the board, the HAL board? Mr. Goudsouzian said he doesn't know. Mr. Carocci said Aurand, she hired Mr. Aurand as a board member. Mr. Goudsouzian said not that he knows of, but he doesn't know. Mr. Carocci said now who is their current Counsel. Mr. Goudsouzian said a man named Jason Bates, he believes. Mr. Carocci said does he work for his firm? Mr. Goudsouzian said he does not. Mr. Carocci said so you don't see any conflict or any ethical problems with having an employee of your firm who was in the original litigation being that you are handling it. Mr. Goudsouzian said he's not aware that Mr. Aurand was involved in any of the litigation. He never discussed that. Mr. Carocci said he certainly was, how could you not discuss it with him? How do you know if there is not a conflict if you didn't discuss it with him? Ms. deLeon said one at a time. Mr. Carocci said how could you not know it's a conflict. You are sitting there saying it's not a conflict, you don't know but then you just said you didn't discuss it with him. How could, if you didn't discuss it with him, how could you know whether it's a conflict or not. He wants to make sure our taxpayers are represented by an attorney that doesn't have a conflict of interest. He's fine with having settlement discussions with him, but you should have disclosed that to Council. You should have disclosed it to our residents and to the public. This guy works for you now. He was on the other side of this litigation that you are trying to settle and you were saying you didn't even have a conversation with him about any conflicts or anything. This is disgraceful.

Mr. Banonis said Tom, just for a point of clarification. Mr. Carocci said hold on, he wants to hear what Jason has to say. Mr. Goudsouzian said do you want him to answer the question. Mr. Carocci said yes, answer the question. Mr. Goudsouzian said alright, then in response to your question, he never had any discussions with Mr. Aurand about the library, number one. Number two, the majority of this Council

has waived any conflict, so even if there was a conflict, which there wasn't, it's been waived. Mr. Carocci said how do you know; you didn't talk to him. Mr. Goudsouzian said that's the whole point of a waiver, Sir, and although you voted against it, you have that right to vote against it. Nor to the point, is it appears to him, that what you are trying to do is trying to create an issue when one doesn't exist. What the majority of this Council has indicated is, they want to settle. They want to settle the issues with the library. You may not like it and you are entitled to your opinion. Mr. Carocci said he just wants to make sure that we have an attorney without a conflict doing it. Mr. Banonis said he needs a point of clarification. Mr. Carocci said he's recognizing him as a point of clarification. Mr. Goudsouzian said...Mr. Carocci said you're an elected official, go ahead.

Mr. Banonis said as he recalls, the waiver that was provided by this Council, was with regard to the conflict you had because you were a solicitor to the Hellertown Borough ZHB, not with any conflict with the library or Mr. Aurand in any way. It was with the Hellertown Borough and then somebody in the audience stood up and said, oh, by the way, Mr. Goudsouzian resigned from the ZHB yesterday. He didn't have the decency to tell us that but we learned about it. The question he has is who is the new solicitor for the ZHB, Gary Brianza? Do you have a relation with Gary Brianza? Mr. Goudsouzian said Gary Brianza is not the solicitor for the ZHB. Mr. Banonis said who is it? Mr. Goudsouzian said his name is Robert Nitchkee. Mr. Banonis said do you have any relation with him? Mr. Goudsouzian said he does not.

Mr. Carocci said but, his concern is when you asked for that waiver, you didn't disclose a relationship with Mr. Aurand. Mr. Goudsouzian said if you read the waiver...Mr. Carocci said you didn't disclose that specifically and then he's saying, to him, that's a lack of integrity. You may, your integrity bar is so low, he guesses it's not, and your ethics bar is so low, he guesses it's not, but to Mr. Carocci, you should have informed Council that you've hired this person who was formally on the other side of this lawsuit as part of that waiver process and you didn't do it. You hid it. You hid it from the public, that happened in a public meeting we gave him that waiver. You hid it from members of Council before they voted. You hid it because you have no integrity.

Mr. Goudsouzian said and you're wrong. He'll just leave it at that. If you look back at your records, and you look back at the motion that was passed...Mr. Carocci said and leave it at that...Mr. Goudsouzian said if you...Mr. Carocci said he thought he was going to leave it at that. Ms. deLeon said now she's gaveling. Mr. Carocci said whoa. Mr. Banonis said whoa, easy now. Mr. Carocci said don't hurt yourself. Ms. deLeon said this is off...don't worry Tom, she said she tough. He has no idea.

Ms. Ray said point of order. Our topic is the Comprehensive Annual Financial Report for 2023. Mr. Banonis said he's talking about legal expense. Mr. Carocci said that's what he's talking about, \$400,000.00 in legal expense. Ms. Ray said that has nothing to do with 2023. Mr. Carocci said it does. We have \$400,000.00 in legal expenses. Ms. deLeon said okay, Victoria. Mr. Carocci said did he say he was done?

Ms. Opthof-Cordaro said thank you. Mrs. Gorman can you just explain again the moving of funds to account for the expected expenses on the ballfield. Can you explain that? Mrs. Gorman said the funding that's in what's disclosed on the balance sheet ending 2023, in the item marked 01.06.1000 that's the fund where's there's supposed to be a minimum of \$3 million in there in the course of any given year for restricted purposes. At the end of last year there was \$5 million. So, what she will be doing in the next meeting, in April, is asking Council to approve a resolution to move that \$2 million difference to the Park Capital Fund to pay for the second phase of the Easton Road Ballfield. That will give us enough money to pay the contractor and then we can apply for the grants for the reimbursement. Ms. Opthof-Cordaro said so this is the second phase of the ballfield that was put out for bid, and then approved in 2023, is that right? Mrs. Gorman said correct. Ms. Opthof-Cordaro said so from their perspective, they are obligated to pay those bills when they come in, in 2024, is that right? So, they don't have the option to put the Township in a position where it wouldn't be able to take the money from the Park Capital Fund to pay for the ballfield expenses when they come in. Mrs. Gorman said currently the Park Capital Fund has \$400,000.00. Ms. Opthof-Cordaro said so it has \$400,000.00 but she thinks the expenditures

on the ballfield total \$3. something million and some of that's already been paid. Mrs. Gorman said yes, a portion of that, so yes. Ms. Opthof-Cordaro said so there's still over maybe \$1.5 million that's left to be paid yet. Mrs. Gorman said probably more than that. Ms. Opthof-Cordaro said okay. So, she just wants to be clear as she had some residents question that specific issue and she wants to be clear that she doesn't have the option to decide whether or not we pay those bills; otherwise, she would be putting the Township in jeopardy for breach of contract. So, she doesn't have a choice but to other than pay for it and she thinks she would rely on Mrs. Gorman's judgement as to where that money would come from. She just, she also wants to highlight in 2023, we budgeted, she shouldn't say we budgeted, we ended up spending more than our income, is that right, in total? Mrs. Gorman said in total there was \$800,000.00. We began the year in the General Fund Money Market with \$2 million in it and we ended up with like \$1.2 million. That's why we needed the \$457,000.00 to move to that operating money market account so that she had a cash, to address cash flow issues at the beginning of the year because taxes don't come in until March. The policy states that we have to have a percentage of your budget, or she doesn't have it right in front of her, but there's two thresholds. We have to take the one that's the most. Ms. Opthof-Cordaro said okay. She just wanted to clarify that we were in fact drawing down our overall funds to account for the expenditures in our budget including the ballfield expenses and other things. Mrs. Gorman said yes. Ms. Opthof-Cordaro said okay. She also wants to clarify what was our total millage rate in 2023? Mrs. Gorman said 5.14. Ms. Opthof-Cordaro said in 2024? Mrs. Gorman said 5.14. Ms. Opthof-Cordaro said okay, thank you. The other thing she want to highlight is, we have this discussion about the volatility of landfill income, is that right? Mrs. Gorman said correct. Ms. Opthof-Cordaro said you discussed that in 2015, she thinks, you said that was an imminent threat of the landfill closing and so you had to talk about, you know, putting the \$3 million or so aside in the event it shut down and you had to make sure that you weren't burdening the taxpayers. We had to have this money and you have to account for it to the State. She thinks when you report it, there was a checked box she was talking about, all of that. Mrs. Gorman said there should be a plan in place if, at the time, the landfill had a specific life span left. Ms. Opthof-Cordaro said and under, maybe this question is best for Mark, but it's in the context of this, under the Phase IV Realignment, she thinks the projected life span was four years or something once it's constructed, it was like four to five years. Mr. Hudson said he thinks its five years. Ms. Opthof-Cordaro said five years, and so it's currently being constructed so we have at least five years, but she wanted to highlight something that was brought out as that we are discussing Phase V as if it's done and over with and we now have a guaranteed 18 more years of landfill life. She thinks from the budgeting perspective, that's how you were perceiving it, but she thinks it's also very important for Council to consider the fact that they have four or five pieces of litigation, any one of which would throw a monkey wrench into that whole planning process of 18 years of landfill funding. So, she just wants to highlight that. None of that, she hasn't seen any new information from those litigations that they've been resolved or that any particular party won, so and the Township is being sued, so she just wants to, from her perspective, she considers that life span of the landfill not to be set in stone another 18 years plus five. She thinks it's important to know we have the Phase IV Realignment which is five more years once it's constructed. When it's under constructed and we don't have any immediate danger of losing that revenue that we currently receive under the Host Agreement; however, the Phase V, 18-year expansion, is something that we don't have confirmation on at this point in time. Thank you.

Mr. Banonis said can he have clarification on that, Cathy. So, if he's understanding what Victoria is advocating here is hoarding tax money for an uncertainty that could happen in five years so that people who live here today, that may not live here in five years, are paying for stuff in the future. Is that what she's saying? Is that your understanding of what she's saying, if you know? It could be. Mrs. Gorman said it could be, it could be perceived that way, it couldn't be perceived that way. Mr. Banonis said then you were talking about the \$800,000.00 draw down. We did hire four additional Police Officers last year, right? Mrs. Gorman said you authorized it. We hired the two officers at the beginning of this year so this we will encompass that full expense or recognize it. Mr. Banonis said there's other things being paid for here and just to also clarify, what was the millage rate that was approved by Council in December 2023 for the 2024 budget? Mrs. Gorman said it was .75 less than, so it was 3.69, she believes. Mr. Banonis said so the budget for 2024 was not...he said 4.34. Mrs. Gorman said 4.34. Mr. Banonis said what is it, so in last year, when we ended the year, taxes for this year were supposed to be 4.34%

and now they are what? Mrs. Gorman said it was 4.39 and now it's 5.14. Mr. Banonis said okay, we can agree that 5.14 is higher than 4.39, okay. Thanks for clarifying that, thank you.

Ms. deLeon said Laura? Mr. Banonis said oh, and on other point, he needs to correct something he said earlier and his apologies to Mr. Goudsouzian. In fact, the waiver, the conflict waiver that was granted by Priscilla, Victoria and Laura, was in fact, with regard to both the Borough of Hellertown and the HAL, so he misspoke. At the time, Mr. Goudsouzian never disclosed any relationship with the former attorney of the HAL, and he doesn't know if that would have affected the vote at all. Probably not, with considering the way these people vote, but none the less, he wanted to clarify that because he didn't want to disparage Mr. Goudsouzian.

Mr. Carocci said an attorney with integrity would have disclosed that. Mr. Banonis said he already did say he was sorry. Well, maybe you should open your ears and not be so angry. Don't be so angry. It doesn't hurt to smile.

Ms. Ray said so, she has one quick question...Mr. Banonis said tell her to stop talking to him. Ms. Ray said please...Mr. Banonis said tell her to stop talking to him. Ms. deLeon said you're continuing it. Mr. Banonis said he's an elected official. Tell her to stop interrupting him. Ms. Ray said she is trying to speak. On page 6, there's a comment about the Park Department budget, that it came over budget at 88.09%. Is that...Mrs. Gorman said sorry. Ms. Ray said okay, she just wondered if like, they make adjustments like in April and maybe it went up...Mrs. Gorman said no, no, no. Ms. Ray said okay so under budget. Okay. She was just wondering what went on with Parks that made it unusual and she thinks she also, she doesn't recall what page it was on, there was something about the expenses, the general expenses that come out of the Open Space money to cover the maintenance of the park. Oh, here, on page 7, is that like the normal amount there, the \$43,000.00, is that generally where it falls? Mrs. Gorman said that's generally where it falls for the lawn mowing...Ms. Ray said for mowing mostly, and that's separate from the mowing bid we had tonight? Mrs. Gorman said it's inclusive, so what they do in the bid document is they identify the fields. Any of the fields that are purchased under open space, they use the Open Space funding for mowing of meadows and certain parks. Anything that, any properties that were owned by the Township prior to that is paid out of the General Fund. They wanted to make sure there was no...Ms. Ray said and the other question because it gets brought up a lot here, the extra money that was originally designated for all the different road projects and then they didn't put out all the bids for the, they didn't put out all the bids for those few roads, especially the hard ones that are off of 378 there. Mrs. Gorman said Yost and Peachtree and, she...Ms. Ray said it really doesn't matter, the road names. So wherever that is in here then, she means, we really couldn't move that because it was over the 10% or whatever you are allowed to move off of a line item. Mrs. Gorman said she hasn't gotten, as far as she's aware, she hasn't gotten confirmation from Council whether or not they are not interested in doing those road projects. Ms. Ray said so it never went out to bid then at all, or did it? Mrs. Gorman said she believes at the time the engineer required a little bit more time to review because there was a little bit more involved with the bid documents for those particular...Ms. Ray said he's been tied up on other stuff, okay. Mrs. Gorman said they were a little bit more entailed than the Cherrywood or...Ms. Ray said yes, she understands the one roads are, the other ones not so much, but okay. If we do the road projects, we have the money. If we don't, it can be moved back to wherever it came from. Right? Mrs. Gorman said she would advise not moving it unless we actually do it, moving the money to Capital. That was the intent that the money was supposed to be used for. If Council is of the mind of not doing those projects, then she wouldn't move the money. Ms. Ray said okay. We don't know yet. Ms. deLeon said is that all Laura? Ms. Ray said she thinks so. Ms. deLeon said anybody in the audience like to comment?

Mr. David Boulin said so you are going to submit this report, you've just done that. Does this get published, is that his understanding? How does it work? Mrs. Gorman said it will go on our website. Mr. Boulin said it goes on the website. Mrs. Gorman said part of the annual report that we're supposed to keep on file. Mr. Boulin said okay, is that true of all legal entities within Northampton, for instance? Mrs. Gorman said no, that's our code. Mr. Boulin said so that's our code. Each entity has its own code for the most part? Mrs. Gorman said for something like this, yes, for a Capital Report. Now, the DCED

filings, everybody has to do. So you can go on DCED's website and you can pull up any of their financial returns and it will prompt you to go in and you can pull up whatever county, whatever jurisdiction, and you can get their DCED filings, she believes, from the past 7 years they are on there. Mr. Boulin said that's great. That's what he wanted to know. Thanks for the hard work. Mrs. Gorman said if you, she'll be more than happy to show him where it's at. Mr. Boulin said that's more than enough, thank you. Ms. deLeon said would anyone else like to speak? Okay, there's no motion.

Ann Marie Slavick said she just wants to say one thing about this whole situation. Again, it's not really anything to do with the budget, but Jason brought it up and you all were talking about the new solicitor, interim solicitor. Why, if you want to make government transparent, which again, she thinks that we need to do that. Why do you give a waiver for something like, why can't he just give the information? Why did you all vote for a waiver? The taxpayers really should know about what's going on here. You should want to be transparent. Again, ethics. If you are not being held accountable, why are we all being held accountable in our lives? Mr. Banonis said just to be clear, he didn't vote for the waiver.

Someone came to the podium and said she guesses she's going to come up since she didn't talk about...anyway, Diane Hollowell. Sorry, she missed the last meeting. First, she wants to thank the three ladies who won the election by a landslide. It was nice to see the three Council members represent the Township after the train derailment. You three truly care for this community and just as your campaign promise was, Jason, can you hold it up so we can see it. Voters deserve respect and that is what you showed all those volunteers who responded to the wreckage. Thank you for your service. Mr. Carocci, we all know that you are an elected official. She'll make a deal with him. If he stops saying he's an elected official, she'll stop saying that the ladies won by a landslide; and why don't you look at her. When these people talked, when he talks, you give them the respect and she has to say you haven't used it tonight, thank you, got the gavel Nazi. She had a holocaust display in her library the past three weeks. She told the women setting up the display the use of gavel Nazi towards the Council President. She was appalled and she asked what Township. Please stop. Just think of the example you are setting for the Jr. Council members. She has to say she is grateful for the security at these meetings. She was really uncomfortable and her husband was too when she heard a resident direct a comment at her. She quotes "come on over, my shotgun". She can only deduce that he is either threatening her or he's having a senior moment, like again, she's not going to say hey my husband and I went kayaking last week. Mr. Banonis said...Ms. deLeon said she has the floor right now. You don't. Mr. Banonis said she's talking about a senior moment...Ms. Hollowell said she did not. Ms. deLeon said she's the only one in this room who has done that tonight. Mr. Banonis said she's disparaging a senior citizen. You encourage disparaging a senior citizen. Ms. deLeon said she is not encouraging...Ms. Hollowell said and grateful for the...Mr. Carocci said if she's going to do it, he's going to do it later. Ms. Hollowell said she cannot believe Mr. Banonis at the last meeting that because of the three women, we are going to "have a more gathering of the scholarly minds of the community to please the Township" and not to get political but that sounds something like out of a Trump playbook pandering to the uneducated, ill-informed community members. Trump said the stock market would go down. You'd lose your freedom. Take away the guns. That sure did not happen, so she doesn't think we have to ask for God's help as he had said, God help this Township. There has to be some way to stop these meetings turning into clown shows. Such respect over there, thank you. You were elected to better this community. If one of her students felt uncomfortable with the teacher, they would put in a call to Child Line and the teacher would be pulled from the classroom and an investigation would be conducted. There has to be someone to call about the unprofessional behavior going on here. So, she is asking you, is there an overseer of Township meetings that we can all for unprofessional behavior. Is there anyone out there other than let's get it in the Morning Call again. Ms. deLeon said nope. Ms. Hollowell said no. Ms. deLeon said thank you Diane.

Someone came to the podium and said could she speak again, really quick. Ms. Slavick said she just wants to say she has been three or four meetings and she's never seen such disrespect from the audience in her life. She's never seen a spectacle like this. Honestly, you are yelling out, the disparaging comments to all the people sitting up here, and just the rudeness. She wants to say this. It doesn't matter personalities, if people can just get over their personalities, personality hatred, hatred of personalities.

The point is if you are bringing up a legitimate point, again, this is the government. This is money from the taxpayers that fund this government. It's not, "I hate his personality", "I don't like the way he says this", "I don't like this", "I don't like that". Just like on the National stage. The point is, again, some of you voted for a waiver to not to get information about the new solicitor. Why? Why? You should be asked publicly why and have to answer that question. Why did you do it? Why did you just let him disclose his information? Just like we all do again, we have to disclose information. It's full disclosure, isn't it? Isn't that what you guys want? You want like transparent government, full disclosure. Also, it's just, there's an agenda. She can see it. There's an agenda behind the scenes. You guys got everybody in your corner and it's kind of gross to be honest. Ms. deLeon said anybody else want to go?

Mr. Mark Ozimek said as far as the agendas are going, we know how the last Council people had their own agenda with the landfill and intent on passing it no matter what happened. He remembers somebody said if there's a problem with one person over the landfill that it needs to be addressed. Well, that guy is sitting there, on his phone not paying attention. So, if anybody from the audience wants to criticize the new Council, they should go back and criticize the old Council because they are here to do a job for all of us, including him. He's doesn't give a shit whose side you are on...Mr. Banonis said vulgarity, please. Ms. deLeon said you said it before she could, okay. Mr. Banonis said come on. You are real quick with the gavel on Tom but not someone who uses vulgarities at the podium, come on. Take control of this. Mr. Ozimek said Federal court...he thinks the Federal court allows him to curse at you. It falls under freedom of speech. Ms. deLeon said okay, Mark. Mr. Ozimek said you know what, screw this whole town. Ms. deLeon said anyone else? No one came forward.

5. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF FEBRUARY 21, 2024 COUNCIL MINUTES

Ms. deLeon said the February 21, 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. Ray moved for approval of the February 21, 2024 Council minutes.

SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said discussion? Council? Mr. Carocci said he hasn't looked at them yet because he was too busy looking at RTKs. He'd like to table them and look at them later. Ms. deLeon said anybody in the audience like to speak on the minutes from February 21st?

Mr. Boulin said he really appreciates the printed minutes, they are great. Somehow though, and maybe it should be directed to Mark, although he talked to the Council. The minutes when they came out and he printed them, some of the text was wonderfully printed and others was larger and sort of fuzzy like. Now, he'll be more than happy to bring it in so you can see it. Maybe it's his printer, but if that's the case, that's too bad because somebody takes a lot of time to transcribe that. That's all. Otherwise, it's great. Thank you.

Ms. deLeon said okay Mark, you can come up. Go to the podium.

Mr. Mark Ozimek said he doesn't remember what it was, but Vicky fixed it. He tried to print stuff out and look at stuff at home too and it did not come out right and it would not print out right. It came out all funky wunky, whatever you want to call it. Vicky has found a way around it, so there is something going on somewhere. Ms. deLeon said okay, thanks for letting them know. Okay, if there's no other public comment, roll call please.

ROLL CALL: 4-1 (Mr. Carocci – No – he hasn't read them yet)

B. APPROVAL OF THE FEBRUARY 2024 FINANCIAL REPORTS

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

MOTION BY: Ms. deLeon moved for approval of the February 2024 Financial Reports
SECOND BY: Ms. Opthof-Cordaro

Ms. deLeon said discussion, Council have any discussion on them. Hearing none, is there anyone in the audience would like to speak on the financial reports. Seeing no one coming forward, she'd like a roll call please.

ROLL CALL: 3-2 (Mr. Banonis & Mr. Carocci – No) - Mr. Banonis said they are based on an illegal budget that was passed illegally and included knowingly inaccurate items and it increases taxes illegally against LST taxpayers, so no.

Mr. Carocci said may he make a suggestion under Miscellaneous business? You know our Jr. Council members come, why can't we just move them right after public comment procedure in the beginning, their comments, so that when they have to leave at 9:00 p.m., they are done. You have this 5-minute rule. Let's everybody talk 5 minutes on every subject. People can't run a meeting. People don't know how to run an efficient meeting. These kids leave at 9:00 p.m. Why can't you just put the Jr. Council member comment section right in the front after...Ms. deLeon said that's a good idea actually. They can do that. Mr. Carocci said actually, what do you mean actually. It's a great idea. He'd make a motion but he doesn't know. Ms. deLeon said she doesn't think you need a motion. You can't make a motion. Mr. Carocci said he doesn't think we do either, but you're a stick with it. Ms. deLeon said direct the administration to do that. Okay, moving on.

6. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER – Mark Hudson

➤ He said we hope to pave the Black River culvert next week and the first week of April, Reading Drive will be closing to begin, well to continue, the replacement of the culvert on Reading Drive. That's it, that's all he has.

B. JR. COUNCIL AND STAFF REPORTS

Rudra Thakkar – absent

Ms. deLeon

➤ She said she wanted to let everyone know she and Victoria have been meeting with Chad, what's his last name, oh my gosh. Ms. Opthof-Cordaro said he's the consultant for...Ms. deLeon said Keystone Consulting Company and they came up with an ad and you should be getting, Council should be getting it to look at. Hopefully the ad will go out in the next day or two. Mr. Banonis said an ad for what? Ms. deLeon said for a Township Manager. Remember we hired a firm to do it. Well, they are working with the firm to do that. Mr. Banonis said she wasn't clear, that's why the public should know about the ad she's talking about. Ms. deLeon said we approved this at the last meeting. Mr. Banonis said he understands, but today she is talking about an ad and she didn't relate it...Ms. deLeon said she didn't say Manager ad, she's so sorry. So, Victoria, did she have anything else to add to that? Ms. Opthof-Cordaro said no she thinks the process is moving along smoothly. Ms. deLeon said that's all she has to report.

Mr. Banonis

➤ He said one is just a public service announcement. He just got notified that, he believes, the SVSD is closed again because of a threat. It was closed today because of a threat. So, it's unfortunate if there's anybody that's tuned in to this meeting, an email just came out a little while ago and it says that it's closed March 21, 2024 "due to the ongoing investigation into a second potential threat, all schools in the SVSD and the SVSD campus will be closed tomorrow, March 21, 2024. The SVSD will not be transporting students. All offices will be closed. Updated information on after school activities, meetings and athletics will be provided

tomorrow. Updates will be provided to our community regarding the threat and investigation throughout the day tomorrow as more information becomes available. Thank you for your cooperation". He recognizes it's highly disruptive to working families and certainly to educating our youth and it's very unfortunate. He hopes that our police get to the bottom of it and hold those responsible.

- He wants to offer his thanks to Mark Hudson. He believes this will be his last Council meeting with us. Mark came on board a little over a year ago, almost two years ago. He was a stabilizing influence to the Township. He brought a wealth of experience to the Township that was very valuable. He thinks his personality and demeanor were great. He knows the Township staff that worked under him, admired him and enjoyed working with him and will miss his leadership and just his collegiality and friendliness. It's a loss to the Township. He understands his reasons for leaving and he doesn't blame him. He certainly wishes him the best in his future endeavors. He always has a friend here in LST and he will be very successful in leading his next Township and wherever his career takes him, so thanks for all of his hard work over the years, and Mark, they will miss him. Mr. Hudson said thank you.
- A couple of other things he wants to go over here since he has some other RTK record information. You may remember that at the end of the last year after the nonsense of the irregularities of the voting machines in LS, where there was concern about the loss of confidence in the process. Our solicitor had written to the Election Commission on December 28, 2023. He's not aware of any response having come back from the Commission's. It's now been almost three months. Has he received any response? Mr. Hudson said they haven't received any response. Mr. Banonis said of course not. of course not, but nonetheless, he didn't want anybody to forget about the election vote changing fiasco that still hasn't been rectified. We have primary day coming up in about a month. That's on April 23, 2024. So, he guesses we can expect more of the same from the incompetence of the Executive Office and the County Council. You know, he appreciates they found the time to show up for a photo op at our train wreck, the figurative train wreck but they didn't have time to work on the voting machines apparently and get those fixed. He didn't see that all the meeting coverage from yesterday's manure spill that shut down the highway, on the Interstate for hours, but maybe they showed up for a photo op there too or maybe that stink was just too much for their grandstanding.
- He'd like to talk a little bit about, we had Mr. Bubba was here at the last meeting and this Council voted to tell the IRS to not look into what we had provided to the IRS and our solicitor on December 28th had asked for an inquiry by the IRS into the non-profit St. Luke's Health Network engaging in political activity in violation of its 501(c)(3) non-profit status for writing the patients and causing them, calling into action to help St. Luke's achieve their goal in stopping the landfill expansion. He didn't see any response from the IRS. Mark, it's correct that we didn't get a response back? Mr. Hudson said no, they did not get a response. Mr. Banonis said and then he thinks it's important that the public hears because Mr. Bubba provided what he considered to be a one-sided position and he said, he made some accusations that were really, Mr. Banonis believes, to be unfounded. He wants to share that on November 24, 2023, our solicitor, Linc Treadwell, wrote to Mr. Bubba in his capacity as the attorney for St. Luke's. He'll share it. It says "Dear Attorney Bubba, at its meeting held on November 15, 2023, my client, the Council of LST, directed me to correspond with the St. Luke's Hospital Board of Trustees regarding the issues contained herein. Due to the fact that St. Luke's Corporation is currently a participant in certain litigation pending in NC that involves LST, and pursuant to PA Rules of Professional Conduct, I'm directing this correspondence to you as legal Counsel for the Corporation requesting that you provide to all members of the Board of Trustees for the Bethlehem and Anderson facilities". And he goes on to talk about the communication that was sent out on October 27th by the President and CEO of St. Luke's Health Network and also the Anderson Campus and it goes on about what he calls it to be a lobbying letter and he expressed in his letter that the Township was extremely concerned that the corporation of St. Luke's utilized information obtained through the medical care process to disseminate a lobbying letter in an attempt to rally its patients to exert political pressure in the governing body of LST to achieve a desire, a goal desired by the corporation and he goes on and he says "I do not want to presume that the corporation intended to pressure the Council to take any actions that would

violate the law; therefore, on behalf of my client, I'm requesting that the Board of Trustees provide a written answer to the following questions by December 5, 2023. What was the intent of the lobbying letter in terms of the request to "contact your political leaders" who are the quo political leaders referred to in the lobbying letter. Did the Board of Trustees specifically approve the preparation and dissemination of the lobbying letter? Did the Board of Trustees specifically approve the utilization of the patient email addresses obtained for medical treatment purposes disseminating the lobbying letter? In the event the Trustees did not and does not approve the actions referenced to questions 3 and 4, what if any actions does the Board intend to take regarding the same? It's a very polite letter as far as he can tell, but instead Mr. Bubba responded on December 20th and he becomes somewhat antagonistic, in Mr. Banonis' view about this. Yet, he says specifically here "IRS Revenue Ruling 2007-41-2007-1(c)(b) 14-21-2007 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 in an election for public office. 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 the candidate". So, right there he says that the IRS is the one that makes the determination. He wouldn't answer the questions that Linc Treadwell presented that were very much above board. Then he comes before this Council last week and he suggests a history that's different from what Mr. Banonis is seeing in these letters. He thinks it's important for the public to understand the history on this because although it's not that long ago, there's a lot that has happened between the time that happened and when this Council voted to give, to give St. Luke's a pass with the IRS. He guesses what it comes down to, you can't win the argument. You got to shout them down and attack and he doesn't think that's the key to good health. He doesn't think he ever saw that in the AMA Medical Association guidelines but that seems to be the approach that was taken here and it's regrettable that it happened here. It doesn't preclude individual citizens from contacting the IRS and perhaps members of this Council may want to contact the IRS to make sure that what has been brought to Council's attention by residents as concerns, is actually going to be looked at by the IRS to assure that everything is above board.

- The other thing he got here in this RTK is a very interesting owners list. For those who may not have followed along, when they passed, approved the new 2023 Host Agreement, he thinks this was in September of 2023, you have a lot of people clamoring about the conditions around their properties and how this is going to affect the property values and on and on. He's sorry if they think that it will but he would point out that one of the things that was specifically negotiated into that contract, into that agreement, was a Property Protection Plan that allows for residents who are within a certain proximity of the landfill to enroll their properties in this property protection plan, which will guarantee the value of their properties at a certain percentage above its market value in the future so that they don't have the loss of property value. He thinks it's important to reinforce that. There are 28 separate properties that are identified on this list and among those names are folks like Bob and Elizabeth Blasko, he doesn't know if they are still here. Mr. Blasko, is he still back there. We've got Gagliano, Sal Gagliano, he doesn't know if he was here. He's been at other meetings. You have Jay Pichel. He doesn't know if that's relation to Kathy Pichel-McGovern or not or if it's her property. You got Mark Ozimek. He's on this list. You got Bruce and Ginger Petrie that are on here. There's a bunch of other names but what jumps out at him is these are the same people who are here speaking vocally at these meetings against the landfill. It makes him wonder is all of this vocal nonsense, is it calculated, is it designed to enrich themselves to the detriment of the Township and the landfill because of this Property Protection Plan. Are they trying to drive up the prices or the value of that? He would suggest you look at the Walter's property that just sold. That was a pretty nice sum of money and he's not disparaging the Walters in any way, but they negotiated a good deal with the landfill that they found to be fair presumably. It makes him also wonder why is St. Luke's sticking its nose in our affairs? You know, are they trying to get some sort of similar protection to help them or their neighbors in Bethlehem Township. He doesn't know the answer, he's just spit balling right now. It just seems odd to him that all these people that

- are named here, a lot of these people that are named here, are the same ones that speak up about these issues so frequently and so passionately and vocally, and what's really motivating them?
- The other thing he found in here was some more of the committee appointment violations. He mentioned this at a prior meeting. You know, again, individuals that are appointed to the Township's committees and commissions are appointed by, either they are nominated by the Township Manager and they are approved by the Council. In this case, there's a number of examples where that was not taken place and there's also a number of examples where individuals had specifically requested to be reappointed, requesting to the Township Manager to be reappointed and instead were rejected by this Council and he's not going to name names because he doesn't want to necessarily embarrass anybody. You know who you are and those on Council who did not provide those reappointments know who they are as well. In fact, there's an email here from Laura Ray, December 10, 2023, "relay your corrections to Mark but he doesn't have to have our names yet at this point". So, they had clearly been nominating their handpicked cronies, overstepping the authority of the Township Manager to nominate and in fact, to Mark Hudson's credit, he had sent letters out to everyone whose terms were set to expire and asked them if they were interested in reappointment and he knows he got a lot of responses back saying that those folks were and yet they weren't reappointed.
 - You know, just to wrap up some thoughts here. It's been 77 days since our long-time non-partisan solicitor was un-ceremonially been canned. It's been 41 days since they advertised and approved the knowingly inaccurate budget in violation of the law. It's been 41 days since they raised taxes and approved the budget in violation of the law. It's been 61 days since their hand-picked short-lived environmentally focused solicitor quit after 16 days on the job. 55 days since they selected this Interim Solicitor despite the myriad of actual and apparent conflicts with the Township and its residents and taxpayers. 55 days since they failed to advertise for a new full-time solicitor. 20 days since the Township Manager has announced his resignation. 20 days since they refused to appoint anyone including the current Assistant Manager as the Interim Township Manager. 20 days since they failed to advertise for a new full-time Township Manager and it's been a long time since they approved an un-owed payment to HAL then secretly tried to convert it into a donation in an Executive Session outside the public eye. Then they retitled it as a donation to a group that flaunts legitimate interest in of the Township and also ignores and contradicts what the Judges of this County are telling them to do, so much that the Judge threatened to send the Sheriff out to lock up the Board President. So, you know, just keep paying your taxes folks, shut up, there's nothing to see here. Just keep paying for this malfeasance. He is glad that the Morning Call wrote such a cutting journalistic expose on what's going on. It didn't cover any of what's going on. You learn more by reading the Council meeting minutes and you know, in his view, the Morning Call's not worth the paper that it's printed on. It's not worth, he read somewhere on line that somebody was saying they wouldn't even put it in their bird cage to line the bird cage. So, that's where we are. That's the state of the Township. He yields.

Mr. Carocci

- He said he wasn't here last meeting and he doesn't know what really happened with that Bubba letter, but he had contact today, of, someone contacted him today, an IRS agent, and he's going to basically send what Linc sent, his own letter from him, solely as one member of Council to the IRS, to this person and ask him for a determination letter what St. Luke's did and what Joe Bubba did. Now unlike, the reason he says this, is because he wants people to publicly know and when he writes the letter and send it, he'll come here and bring it. He doesn't hide things like Mr. Goudsouzian. He doesn't hide things like Priscilla. He'll be writing this letter and it will be very similar to what Linc wrote with the same exhibits. Mr. Banonis said Tom, he may want to join him on that so if he'd be kind enough to share with him. Mr. Carocci said he knows Ms. deLeon probably thinks she can prevent them from writing letters, but she can't. Maybe Mr. Goudsouzian will counsel her on that. He doesn't know if he's up for it but that's.....He did though, before he forgets, so that letter maybe next meeting, maybe the meeting after he'll bring it and read it just to let residents know that what it is. He won't hide it like Priscilla hides emails and letters to the Ethics offices.

- Mark, he did want to say thank you. He will be missed. Job well done, he went above and beyond the call. Thank you for your service. Mr. Hudson said thank you.
- He did want to address the Morning Call article, the article that the headline was “Antagonism Divides LST Council”. It’s by this Anthony Salamone. You know he comes every now and then. Rarely though he doesn’t really like to answer questions when Mr. Carocci talks to him or ask him for an explanation on something like that. He thought the article did explain how incompetent the majority of Council is and our two solicitors had been. He did take issue with the political bias of the article. Mr. Salamone basically is a political hack parading as a journalist. He is going to give you some examples. He’s going to give you some examples. In the 3rd paragraph on the front page, or the first page, it says “they are dysfunctional, the Rev. Phil Spohn, Township Resident and Pastor at Christ Lutheran Church said of the recent meetings”. Now, that in of itself is fine but nowhere in the article does Salamone mention Spohn’s political bias or angle. Salamone wants the readers to think Spohn is neutral, a neutral source. In fact, even a higher source, because he’s a Reverend, so-called Reverend. Spohn, in fact, was a major donor to the Democratic ticket of Ms. deLeon, Ms. Opthof-Cordaro, and Ms. Ray. It’s on the campaign file finance reports. He campaigned on their behalf. Mr. Banonis said it’s in public reports, Tom. Mr. Carocci said yes, there’s a public campaign finance reports. His name appears. Mr. Salamone didn’t say that in his article and the good Reverend, apparently doesn’t mention to him either because he’s against going along with this fraudulent misrepresentation that he’s only coming at it from a pastor in the community and you know, has no ill will towards anybody but he donated to their campaign. The donation was made on October 3, 2023. That date will come in handy in a little bit. He’ll get back to that date in a little bit. Spohn is the primary source for the Morning Call article. He’s quoted, at length...Mr. Banonis said Priscilla could you get the crowd to stop talking because he can’t hear Tom. Ms. deLeon said she’s intently listening to him. Okay, okay. Mr. Banonis said can you get control of the meeting please? Ms. deLeon said I have control. Don’t wave it at him, don’t threaten him. Ms. deLeon said she’s not threatening him. Mr. Banonis said you are waving it at him. Ms. deLeon said she’s in with her left hand, she’s right-handed. Mr. Carocci said every time, he’s going to go back a paragraph or two, every time they interrupt. Spohn was a major donor to the Democratic ticket, Ms. deLeon, Opthof-Cordaro and Ray and he campaigned on their behalf. The good Reverend apparently doesn’t mention that to the journalist. The journalist doesn’t do his homework either, but he fraudulently misrepresents that he’s coming this only as a pastor and Township resident. The campaign finance report shows he made a donation of October 3, 2023. Spohn is the primary source in the article. He’s quoted five separate times at length, five times at length. No other source is quoted more than twice. Later in the article, Pastor Phil, you know, it’s kind of, from how he’s trying to shape this article, he’s kind of a fraud to say he’s a pastor, is quoted by Mr. Salamone as saying “the Township meetings are still being high jacked”. Again, no disclosure of the political donations to these three or campaigning on their behalf. Now, Mr. Salamone he first contacted Mr. Carocci for comment on February 27, 2024 by email. The article didn’t run until 3-17-24, so he had 20 days to gather some background information on his sources, research the campaign reports, which are public and on-line, on the County website, and find out exactly the role of the Rev. Phil and the role he played in the Democrat’s campaign last fall. A simple Google search by Salamone, just a search of Rev. Phil Spohn, Lower Saucon. The first article that comes up is a letter to the editor dated October 30, 2023. Mr. Banonis said what editor, Tom? Mr. Carocci said a letter to the editor of the Saucon Source website. The letter to the editor is dated October 30th by Phil, the fraud, Spohn. The headline is “Lower Saucon Voters Deserve to be Heard from Candidates at Forum”. Now, okay, he says “I’ve been a pastor at Christ Lutheran in Hellertown for 28 years. In that period, I’ve hosted numerous candidates running for political office. I felt very good about presenting perspective candidates to our community, an informed electorate is essential to democracy”. Now, nowhere in this op-ed and nowhere in the Morning Call article does he mention that he already made a political donation to Ms. deLeon, Ms. Opthof, and Ms. Ray, 27 days earlier. This is October 30th. The donation on the campaign file financial report says October 3rd. So you know, an informed electorate is essential for democracy. So he says “Saucon Source and Christ Lutheran Church were going to sponsor a LST candidate forum”.

Over the course of the last...so he's making a donation, he made a donation and now he wants to moderate a candidate forum. "Over the course of the last four weeks, I tried unsuccessfully to host a forum scheduled for Thursday, November 2nd. It would be an opportunity for candidates to introduce themselves, and answer prepared questions by Christ Lutheran and then take questions from the audience". So he wants to moderate a debate, not disclosing he's supporting the Democratic ticket, but it gets better, he already donated 27 days earlier. "I invited all six candidates, through a variety of means, I've yet to hear from any of the Republican candidates". That's because they knew he gave a donation and wasn't going to be fair as a moderator of this debate. "I commend the three Democratic candidates who were willing to move their schedules around to accommodate not only October 2nd, but any other date. We need civil face-to-face open discussions with candidates who want to represent us, not showing up or corresponding with me is behavior I feel lacks integrity", so his ego is bruised because no one wants to play his little game. "Please save my time", his precious time, "and just let me know you don't want to participate". Now, again, he's coming at this Morning Call article as a Rev. and a LST resident, no mention of this. He's claiming that the Republican candidates lack integrity because they won't respond to him but he's holding himself out as a neutral debate moderator and so-called Reverend that just wants to benefit the community after donating, after donating to the Democratic candidates, almost four weeks earlier and campaigning for them because in the last section he says "I hope that LST residents, as I have been for 23 years, are aware of their choices November 7th". Now, writing letters to the editor campaigning for them, campaigned donation, Mr. Salamone doesn't mention it, the Reverend doesn't mention it. Mr. Banonis said Tom, can he get a point of clarification on that? He doesn't want to interrupt him but was there any mention, and he doesn't think he saw this, you may recall that Mr. Carocci and he went to an event that Pastor Phil had hosted at Mayor Heintzelman's Carriage House, and it was about squabbles. That was the topic, September 21, 2023, and you may remember Mr. Banonis brought with them, the offer that, the generous offer that LST made to HB to resolve the library, to resolve the compost, and other things and it was at that meeting where Pastor Phil prevented, repeatedly prevented Mr. Banonis from sharing a two-page letter even though the topic was supposed to be the squabbles. It was at that same meeting where Victoria Opthof's husband started screaming and yelling and giving Mr. Banonis double middle fingers yelling F-U-C-K you over and over again toward him and stormed out of the room. You were there, right. Mr. Carocci said yes, he remembers that. Mr. Banonis said and that wasn't any part of this article was it in terms of bias that's attributable to anyone that was interviewed, right. Mr. Carocci said that's correct. You know, again it's Mr. Salamone, he's a political hack parading as journalist. The Morning Call also uses the word antagonism in the headline. It's not antagonism, but it's elected political opposition. Mr. Salamone can't be honest about that because the opposition is coming from Republicans. It doesn't fit his political bias or his narrative. Mr. Salamone writes "Banonis and Carocci have claimed conflicts of interest and illegal budgeting from the Democratic majority". Mr. Banonis said can you tell them to stop talking? Ms. deLeon said she's listening to Tom, she's sorry. Mr. Banonis said he's having trouble because of the clamor. Mr. Carocci said it's a par for the course. Whenever they hear something that's right and challenging, they can't help themselves. He'll start over again. Like he said every time he goes a paragraph back. The Morning Call uses the word antagonism in the headline. It's not antagonism, but it's elected political opposition. Now, Mr. Salamone can't be honest about that because the opposition is coming from the Republicans. It doesn't fit his political bias or his narrative. Now, he also writes, he writes critically and negatively, "Banonis and Carocci have claimed conflicts of interest and illegal budgeting from the Democratic majority. Banonis has filed more than 900 open record requests for Township information". Again, he writes this as a negative, a negative thing and his criticism of himself and Jason. Does anyone know who's also supposed to point out Council conflicts of interest and illegal activity? Good competent journalists do that. Good competent journalists point that stuff out. They don't criticize opposition for pointing it out. This somehow escapes the Morning Call and it escapes Mr. Salamone. Again, because of political bias. He doesn't subscribe to the Morning Call. He would never pay to read that rag. The article was provided to him. As he said, there's a basic economic theory that a good or service is worth what a willing buyer will pay for and what a

willing seller will sell it for and that's how a market or for a product or a good or service such as a newspaper or website is basically determined. What is a true value of the goods and service? A while back he received an email from the Morning Call attempting to sell him access to the articles they write on-line for 10 cents a week for 12 weeks, \$1.20 for 12 weeks. He declined. He doesn't subscribe to the Morning Call on-line either. He's done writing and writing is very personal. It's taking observations and thoughts from your mind, turning them into words, choosing the right words, transmitting those words, your hands and finally a keyboard. It's a window into a person's intelligence or their intellect. Logical reasoning skills, critical thinking skills, it's a window into all of that. That's why job applicants are often asked for writing samples. College applicants are often asked for writing samples. Mr. Salamone has been a journalist for over 40 years, but his own employer is saying his insights, his intellect, reporting and writing on LST matters and other matters is only worth 10 cents a week, after 40 years of writing, 10 cents a week. Managers at fast food restaurants now are making \$20 to \$25 an hour and those restaurants can charge \$10 or more for a meal, not 10 cents. You can't buy anything for 10 cents anymore. Well, except for the Morning Call. After 40 years, Mr. Salamone's employer charges readers 10 cents a week to read what he writes. Let's be honest, most people aren't even paying 10 cents a week for the words Mr. Salamone puts on paper that come from his mind, his political bias and his low intellect. You are paying 10 cents to read the sports page. At least Josh Popichak at the Saucon Source is self-aware enough to charge his readers exactly what his insights and reporting are worth – nothing. He charges nothing. Exactly what it's worth. It is free to read the Saucon Source. Josh has it right. A resident sent him a blog posting from Bernie O'Hara, and he's not really familiar with him, but he writes on March 18th, this is one day after the article about LST. O'Hara writes "Bill Malkames, a highly regarded lawyer in Allentown recently sent a letter to the editor of the Morning Call. He criticized the newspaper for its far-left leaning proclivity in headlines and columns and he even cartoon selections. O'Hara writes "Bill Malkames is an unabashed conservative". O'Hara then writes "whether Bill's criticism is correct is irrelevant to me. What disturbs me is that the newspaper has even failed to acknowledge receipt that reflects a disdain for nearly all of its customers it's supposed to serve. The result is fewer subscriptions, ads, reporters to keep you informed, in short, bad business". Mr. O'Hara is right. This disdain for the conservative point of view had been bad business for the Morning Call. He's not sure, this has been going on for years, he's had plenty of people come up to him and tell him they've written letters to the editor to the Morning Call and they haven't been printed and they are conservatives. So, Mr. O'Hara may have had his head in the sand a little bit here, maybe Mr. Malkames is his only conservative friend, he doesn't know. In 2020, the landlord of the Morning Call offices in Allentown, sued the Morning Call alleging it failed to pay rent for the offices for four consecutive months, April, May, June and July. We have delinquent taxpayers; we have a delinquent landlord here in the Morning Call. In August, their 100 employees were notified that the Morning Call was permanently closing its headquarters as it searched for ways to save money as advertising revenues dwindle. Also in 2020, the Morning Call Bureau Chief and columnist for 25 years was sued by his daughter who charged him with repeatedly raping and sexually assaulting her for a decade. He guesses criminal background checks are a little bit to come by at 10 cents a week for the newspaper. He guesses they forgot to pay for that. Conservatives or Republicans, they don't have to boycott the Morning Call. It's becoming the Morning Small and smaller all the time. Ms. deLeon said Tom, what does this have to do...Mr. Carocci said the Morning Small is mostly irrelevant. The Morning Small is most irrelevant. Allentown is the 3rd largest city in PA, yet the Morning Small is not in the top 10 newspapers in circulation in PA. According to Agility PR, the Pittsburgh Post Gazette, the Tribune Review, The Intelligence Journal of Lancaster, Patriot News of Harrisburg, even the York Dispatch and Reading Eagle are in the top 10, even though Allentown is the 3rd largest market. Ms. deLeon said Tom, she's going to interrupt him. Mr. Carocci said the combined population of Lehigh and Northampton County is approximately 440,000 residents. The Morning Call website on January 2024, is 159,300 divided by the 31 days is about 5,000 visitors a day. There's not unique visitors, that's total visitors. You have people going on multiple times. As he said in the beginning, he does take issue with the Morning Call's political bias and Mr. Salamone us again, a political hack parading

as a journalist. Let them continue to write. As the subscription numbers show, they are surely writing themselves to a slow death and the website numbers show that as well. So, that's on that article.

- Then he also had, not being at the last meeting, and not attending a Parks and Recreation meeting, that he heard Jerry Holum berated a Jr. Parks and Rec member because the high school kid stated that he was in favor of the baseball field and he was a baseball player. Mr. Holum berated him with questions on its cost, and said it was a burden for taxpayers from what he heard. You know, he doesn't know what type of people you've put on these boards, but he really doesn't like them going after Jr. Council members. He thinks it's fairly inappropriate, certainly inappropriate and no matter what their opinion is, they are entitled to their opinion and where is Mr. Holum? He hasn't seen him at a meeting all year. Why can't he come and talk to the adults about it. If he wanted to stand at that podium and tell Mr. Carocci that the baseball field is wrong, it's too much money, that's fine but why are you going after a kid? That's something cowards do. He means that is something that cowards do. Ms. deLeon said none of these people are here to defend themselves. Mr. Carocci said he watches, he watches, he watches and Mr. Salamone watches, he watches. Mr. Banonis said and the public deserves to know. Mr. Carocci said and the public deserves to know, that's right, that's right.
- So again, thank you Mark for all that he's done and he knows the Township will be in good hands with Cathy for the time-being, thank you.

Ms. Opthof-Cordaro

- She said she just wanted to highlight that the Saucon Rail Trail is in the process of working on three rail trail signs that would be harmonious with one another and highlight the Center Valley, Hellertown and Bingen areas and what the rail industry had done and on the rail trail at those intersections. There is also the garden if you haven't seen on social media, the rail trail has their garden and they are now looking for volunteers to help with that garden, so she thinks it's a wonderful idea and she does encourage our Parks and Rec to reach out to them. She knows some of them are interested in native plants and that's what this garden is exactly about on the rail trail so it would be a good collaboration she thinks between the Saucon Rail Trail and our Parks and Rec board. The next meeting for the Saucon Rail Trail is next week, so that's it.

Ms. Ray

- She had mentioned earlier when they had the presentation about the Gaga Pit, so, there was a recommendation from Parks and Recs. So, she's not sure why that didn't get here to this meeting. There were other recommendations as well and she doesn't recall what they are but hopefully they get to us.
- Regarding the Parks and Rec meeting, there was no disparaging argument or cornering the Jr. Council member happening at that meeting and it's on video, so you can watch that.
- The March 12th EAC meeting was cancelled at the very last minute basically which wasn't very good because the notification was via email so members showed up here to go to a meeting which they were met at the door that they weren't having a meeting, so she doesn't want that to happen again. They ought to be able to meet and have discussion regardless whether they can vote on something or not. They just won't make motions if they don't have a majority of voters.
- She wanted to find out, there's something in the Host Agreement about a benefit for free trash drop-off dates in spring and fall. She'd like to find out when those are and maybe they can share them with the public. She has never seen them advertised. That's it.

C. **SOLICITOR** – No report.

D. **ENGINEER** – Not present.

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

- Someone came up front and said please be patient with me. He needs to approach Council. Can you see that mark on my car? Ms. Ray yeah, it looks like a hole. Can you see that Jason? *Mr. Banonis' reply inaudible.* Ms. deLeon said it looks like somebody slit....Ms. Opthof-Cordaro said by the tail light. Mr. Blasko said that's a hole that looks like it was...Bob Blasko, LST resident said that is a hole that is over top of the right rear tail light on his car. Exhibit 1 if you would. He asked Mr. Banonis if he plays tennis, golf. Mr. Banonis said yes. Mr. Blasko said do you shoot firearms at all? Mr. Banonis said sure. Mr. Blasko said do you recognize; can you tell him what that might be. What does it look like to

you? Mr. Banonis said it looks like a rake. Mr. Blasko said no, the hole he's speaking of Jason. Be careful there are sharp edges. Mr. Banonis said it looks like something punctured the rake. Mr. Blasko said yea, maybe like a bullet. Mr. Banonis said maybe, he's not a firearms expert, he can't say. Ms. Ray said that's what she would guess. Mr. Blasko said Tom? Mr. Carocci said he doesn't own a firearm and he doesn't shoot. Mr. Blasko said this is the rake of his granddaughter that he bought her so she could help him in the garden. Whatever, perhaps a bullet, punctured this rake handle. This rake was setting on his back porch in this position. Now, there was no hole at that at a certain point in time of which he was aware of. He knows that because it got knocked over and he had to move it one time and it wasn't there. Two weeks later, that hole was there. This mark in his car happened sometime in late September, early October. Now, if he's not mistaken, this happened this winter in January, both of these incidences are after you made a point of publishing his address and that he was up in opposition to the landfill. Yet there is another individual in this room right now that had the gall to stand at this podium and classify him as a hooligan, as one that threatens people, and he's the one that's been threatened. He told you about, at the last meeting, about the threat that was made to him at the very first ZHB meeting. He's getting tired of it and he's going to tell you something right now, if he catches somebody doing this stuff on his property, there will be hell to pay one way or another. Ms. deLeon said did he report this to the police? Mr. Blasko said yes, all three incidences have been reported to the police. There are police reports on all three things. Mr. Carocci said what did they say? Did they say it was a bullet hole? Mr. Blasko said a couple of them agreed with him, yes. Mr. Carocci said a couple didn't agree or what? Mr. Blasko said a couple did agree. Mr. Carocci said was it inconclusive or conclusive? Mr. Blasko said was it inconclusive or...he'll tell you...Mr. Carocci said was it inconclusive or conclusive? Mr. Blasko said Tom. Ms. deLeon said Tom. Mr. Carocci said he's asking him a question. Mr. Blasko said he's going to answer his question if he'll shut up long enough to listen to him. Anytime he wants to come to his house, he'll even get another one of these rakes...Mr. Carocci said he doesn't want to come to his house...Mr. Blasko said and he will shoot it with a firearm so that he can verify it. When this was done to his car, it was on his property or his neighbor's property, it was not out on the road, not in a public parking lot anywhere. Mr. Banonis said Sir, why are you bringing that to us now if all this stuff happened in September? Mr. Carocci said yea. Ms. deLeon said anybody else...oh, you're not finished. Mr. Blasko said do you want the question answered? Mr. Banonis said yes. Mr. Blasko said because the same person that sat here and made those comments a couple different times about hooligans, etc., etc., made a comment again tonight and that's what really ticked him off because he had enough of it. Mr. Banonis said you came here with a rake in hand, you are planning to do something with the rake before you heard any comments tonight, so...Mr. Blasko said no he didn't. Mr. Goudsouzian said alright. Mr. Blasko said no he didn't, no he didn't, you can ask that gentleman sitting right there because when that comment was made, he said he'll be right back and he got up and put his sweatshirt on and went out to his car then and got the rake. Mr. Banonis said yea, you brought it with you to the meeting. Mr. Blasko said don't argue with him because it's the truth. His name is not Banonis, he doesn't lie and you can't deny that you lie and he's got it in minutes...Mr. Banonis said come on, come on, gavel him, gavel him, get control, it's hard to do. Mr. Blasko said it's okay for Tom while Laura's trying to make a point to get up and walk around with his phone and show Stacy and show Mark Hudson and show different ones that he can't hear him though, but that's okay, right? Mr. Banonis said he doesn't know what he's talking about. Mr. Blasko said you don't because you ignore it. You ignore it. When it's you guys, you ignore it. Mr. Banonis said you lost him about 5 minutes ago, Sir. Ms. deLeon said okay, who is going to go next?

- Mr. David Boulin said the bottom line is he probably knows most of the people in this room where they live and everything else, so the fact that somebody said something about somebody that lives somewhere is really immaterial in today's world, my gosh. You can know so much about somebody. It's not to make light...Mr. Banonis said right, Laura Ray was putting his address out right before encouraging people to come and protest at his house on Christmas Day, all of their names...Mr. Boulin said she should know better. Mr. Carocci said all of their addresses. Ms. deLeon said he has the floor. Mr. Carocci said emails next time and...Mr. Banonis said let's talk about those emails out there. Mr. Boulin said we need to be, all of us need to be a little more civil. Ms. deLeon said he has the floor now, okay, he has the floor. Mr. Boulin said look, what happened, if that truly happened, and he truly filed those reports, he means that's, his boss knows, so maybe somebody should ask, that's not funny getting bullets in whatever not, okay. My gosh, he wouldn't have waited until now to bring that up. He would have

been saying something way sooner if there was indeed a problem. But yes, people walk out of here and make noises about who he is, and where he lives and everything else and a lot of other things, honest to Pete, if you guys on the Council think you are immune from things, or some of the people in the audience think, oh, well, we'll give Dave a run for his money, yea, they do, okay. So yea, is it nasty? You're darn tootin' it is, but he'll tell you one thing. The best money they ever invested in this town was getting those RTK pamphlets. Even though this gentleman spent all that amount of time, and he knows, because just reading the minutes of these things takes forever. Going through all those, yea, we should have a RTK, and it should be according to Ms. Ray, Ms. deLeon and Ms. Opthof-Cordaro. It should be transparent but guess what, we are human and it ain't. Alright, and the fact that Mr. Goudsouzian, if he pronounced that wrong, please forgive him, doesn't allow everything to be known is not a good thing and he's an attorney and he should know better. First thing you go when you hire an attorney is what kind of conflicts do you have. I want you to list them in writing, so he agrees with some of the things that are brought up. He doesn't agree with other things that he hears, but that's hopefully why he speaks up and he doesn't agree with people shooting bullets and whizzing around. That needs to stop if that's true.

- Andrea Wittchen said for those of you playing along at home, Mr. Banonis is leaving apparently because he can't be bothered to hear what's being said. Yea, you cost us \$864.00 tonight just so you know. Mr. Carocci had also left.

Ms. deLeon said she'd like the record to reflect that 11:10 p.m. they both left.

Ms. Wittchen said right. So for those of you playing along at night, let her just recap what you've seen tonight. Both Banonis and Carocci voted no to collecting delinquent taxes for 2023. She doesn't know what sense that makes, but for all of us who did pay our taxes in 2023, that is an appalling dereliction of duty. Secondly, at least two and possibly three times tonight, Mr. Banonis literally invited Verizon to sue the Township. He also accused or found fault with the fact that prior to taking office, the newly elected Council people and Mr. Hudson and other people who understand how good government works, had attempted to discover who might be an effective Council person to handle any responses either from the DEP or from the landfill, which is an active issue, so that we would have someone lined up to represent us with that expertise at that time. However, Mr. Banonis objects or insists, he objected to the fact that they discussed what kind of specialized counsel that might be and who might fill that role. However, tonight he insisted and made a motion that the Council should hire specialized counsel for this imminent lawsuit that doesn't exist and has not been filed and have us pay money to that person for no work that currently exists. Mr. Carocci isn't here to know that it's Pastor Spohn, it's Tony Salamone, and it's Attorney Malkames. He also should be careful about defamation suits because he said that Phil Spohn was a so-called Reverend. He is a graduate of Union Theological Seminary in Philadelphia and he is ordained by the Lutheran Church. He is not a so-called Reverend at all and that is insulting and false. Finally, there are people who, two people on the Council, who are very upset that things are different now than they were before to which she says you still have not learned the lesson that elections have consequences. Finally, as she promised, at \$9.00/minute, which is the cost of having a Council meeting, the personnel costs involved in having a Council meeting, tonight by her calculation, one hour and 36 minutes were wasted on items that were not on the agenda or that were defamatory or that were insulting or that were designed specifically to attack other Council people or people in the public and at \$9.00/minute, an hour and 36 minutes, comes to \$864.00. She'll be adding that to the waste-o-meter that you can find on Saucon Shenanigans after every Council meeting. Thank you and Mark, they are going to miss him, but she is sure Hanover is going to be better.

- Ms. deLeon said she wants to say thank you Mark. She said she wasn't going to say anything, but she has to. Mark said thank you,

8. ADJOURNMENT

MOTION BY: Ms. Opthof-Cordaro moved for adjournment. The time was 11:16 p.m.
SECOND BY: Ms. Ray
ROLL CALL: 3-0 (Mr. Banonis & Mr. Carocci – Absent)

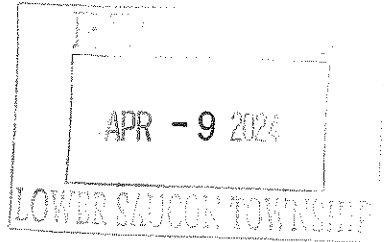
9. UPCOMING MEETINGS

- A. Planning Commission: March 21, 2024
- B. Saucon Rail Trail Oversight Commission: March 25, 2024 (Hellertown Borough)
- C. Zoning Hearing Board: March 25, 2024
- D. Council Meeting: April 3, 2024
- E. Parks and Recreation Board: April 8, 2024
- F. Environmental Advisory Council: April 9, 2024
- G. Landfill Committee Meeting: April 30, 2024 (Tuesday, 5PM)

Submitted by:

Cathy Gorman
Acting Township Manager

Priscilla deLeon
Council President



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BEFORE THE TOWNSHIP COUNCIL
OF LOWER SAUCON TOWNSHIP

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

TRANSCRIPT OF PROCEEDINGS

CONDITIONAL USE HEARING - VOLUME III

March 20, 2024

6:56 p.m.

Lower Saucon Township Building
3700 Old Philadelphia Pike
Bethlehem, Pennsylvania

BEFORE: THE TOWNSHIP COUNCIL

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

STEVEN N. GOUDSOUZIAN, ESQ., Interim
Solicitor

MARK HUDSON, Township Manager
CATHY GORMAN, Assistant Manager/Finance
Director

BRIEN KOCHER, Township Engineer
STACY WERKHEISER, Administrative
Assistant

* * *

COOPER REPORTING

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REPORTED BY: Steven R. Mack, RMR, CRR

1 APPEARANCES OF COUNSEL

2 For Applicant, Allentown SMSA Limited Partnership
3 d/b/a Verizon Wireless:

4 CATHERINE E. N. DURSO, ESQ.
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8 Allentown, PA 18101
9 610-797-9000
10 kdurso@flblaw.com

11 For Interested Parties, Danielle Yanchuk, Bilal Khan,
12 and Russell Sutton:

13 MATTHEW J. DESCHLER, ESQ.
14 SHAY, SANTEE, KELHART & DESCHLER, LLC
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16 Bethlehem, PA 18018
17 610-691-7000
18 mjdeschler@sskdlaw.com

19 Also Appearing:

20 Stacie Misczenski, Interested Party
21
22
23
24
25

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Planning Commission meeting

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25

1 MS. DeLEON: Okay. Next on the agenda
2 is the conditional use application of Allentown SMSA
3 Limited Partnership doing business as Verizon
4 Wireless, 4235 Lewis Avenue. Council will continue
5 the hearing on the conditional use application of
6 Allentown SMSA Limited Partnership doing business as
7 Verizon Wireless for the proposed construction of a
8 cell tower to be located on the property located at
9 4235 Lewis Avenue.

10 And at this time I'd like to turn the
11 hearing over to our Attorney Goudsouzian.

12 MR. GOUDSOUZIAN: Thank you. Where we
13 are for the purposes of this hearing is the parties
14 through their counsel had presented testimony, and
15 there are a series of items we have to address today.

16 We already had a -- I represented to
17 the borough coun -- I'm sorry, to the Township
18 Council that I spoke with the attorneys with the plan
19 as to what we're doing today.

20 First things first is, although
21 there's no further testimony and we anticipate there
22 will be closing arguments, we have to open it up to
23 the public if there is any public comment. I
24 anticipate there may not be, but we have to do that.

25 Is there anyone from the public?

1 MR. BANONIS: Before we do that may I
2 be recognized?

3 MR. GOUDSOUZIAN: At this point what I
4 would recommend is let's go through some of these
5 procedural matters.

6 MR. CAROCCI: I want him recognized.
7 He's an elected official.

8 MR. BANONIS: The reason why I'm
9 asking to be recognized is for two reasons. One
10 is --

11 MR. CAROCCI: Talk to anyone.

12 MR. BANONIS: -- I don't know what
13 authority there is to have the solicitor conduct this
14 hearing.

15 MR. CAROCCI: None.

16 MR. BANONIS: We brought this up
17 earlier, and it makes no sense to me to have this.
18 This is something that should be handled by the
19 council president. If the council president
20 intend -- instead handed it off in part to the
21 solicitor or the interim solicitor to preside over
22 this matter, presumably because she recognized some
23 conflict of interest with regard to her
24 administration of these proceedings. So I'd like to
25 know what authority there is for the solicitor to

1 continue on in this role if there is any.

2 MR. CAROCCI: That's why we have a
3 vice president.

4 MS. DeLEON: I believe that --

5 MR. GOUDSOUZIAN: Well, no. If the
6 question is then, the president of council has the
7 opportunity and the authority to run the meetings,
8 and it is an appropriate response to allow the
9 solicitor to handle a conditional use hearing. And
10 in fact, when I was inquired about being the
11 solicitor, it was asked could I handle these types of
12 hearings. It's been the tradition from what I
13 understand that the solicitor will handle these types
14 of matters in Lower Saucon and --

15 MR. CAROCCI: It hasn't been. That
16 was from a solicitor's point of view, not from
17 running the hearing. The president of council runs
18 the hearing or the vice president --

19 MS. DeLEON: Wait a minute.

20 MR. CAROCCI: -- of council runs the
21 hearing. You're a solicitor. You're supposed to be
22 a non-par -- non-biased political advice to members
23 of council regarding the hearing, not running the
24 hearing.

25 MR. BANONIS: We have a vice

1 president.

2 MR. CAROCCI: That's right.

3 MR. GOUDSOUZIAN: I appreciate your
4 opinion, and I disagree with it. So there, that's
5 your answer. Any other questions?

6 MR. BANONIS: I do, I do. My second
7 question is, why isn't Victoria, who's the vice
8 president of council, handling this matter if the --
9 if the president --

10 MR. CAROCCI: [Inaudible]

11 MR. GOUDSOUZIAN: Pardon me. Why
12 don't we have one at a time, one at a time.

13 MR. CAROCCI: I'll speak when I want.

14 MR. GOUDSOUZIAN: No. We will have
15 one at a time.

16 MR. CAROCCI: I'll speak when I want.

17 MR. GOUDSOUZIAN: I am running this
18 meeting, I'm running this hearing now, and --

19 MR. CAROCCI: Laura Ray should be
20 running the meeting.

21 MR. BANONIS: Why isn't Laura the one
22 running this hearing if the president seems to have
23 some conflict of interest?

24 MR. GOUDSOUZIAN: The same issue. The
25 president can run the meeting and has the authority

1 to delegate and is doing that.

2 MR. BANONIS: All right. Well, since
3 you've taken it upon yourself to del -- to administer
4 this proceeding, I'm going to make a motion once
5 again to have Priscilla deLeon, to have this council
6 recommend that Priscilla deLeon, that she recuse
7 herself from these proceedings and deliberating on
8 these proceedings and not cast a vote on these
9 proceedings because she's obviously identified a
10 conflict of interest. She's already shown animus,
11 she's shown bias, and she's shown that she has a
12 conflict of interest in this case.

13 So I'll renew that motion that was
14 made earlier and bring it up for a vote again if I
15 could have a second.

16 MR. CAROCCI: I'll second it. And I
17 have some evidence on that.

18 A November 3rd, 2004, general business
19 meeting the Viscito property on Lewis Avenue came in
20 for a -- well, it looks like this one they were
21 looking for relief from Ordinance 189-1 which
22 requires every principal building or structure to be
23 built on a lot abutting a street improved to meet
24 municipal standards. The applicant states that the
25 only means of access of this property is along

1 unimproved Lewis Avenue.

2 So the council at that time heard the
3 arguments for the -- for the relief from the
4 Ordinance 189-1, and it came to a vote.

5 Mrs. DeLeon, according to the meeting
6 minutes, said she is an adjoining property owner, so
7 she will be abstaining from this vote. She said, in
8 living there, the three other houses, the two
9 properties preexisted the zoning change we had which
10 would require the fronting on a public street. She
11 asked someone to explain if this would apply to this
12 property or would it apply beyond that.

13 And then they took the vote, and
14 the -- the condition was approved, the -- the relief
15 from the ordinance was approved, and it was a 4-to-0
16 vote with Ms. DeLeon abstaining.

17 A month later Mr. Viscito of the Lewis
18 Avenue property comes back, December 15th, 2004.
19 This time the applicant is requesting that the three
20 parcels of land he has purchased be consolidated into
21 one building lot.

22 Ms. DeLeon again is president of
23 council. She again says that she owns the adjoining
24 property, which she still owns to this day and
25 Mr. Viscito still owns these properties to this day,

1 and again there was a 4-0-1 vote. Mrs. DeLeon
2 abstained. She -- and the reason for the abstention
3 was given. She is an adpace -- an adjacent property
4 owner.

5 Now, so twice before for this property
6 she -- she abstained. What's changed in the past 15,
7 20 years? I don't know. Maybe she's lost some
8 integrity, some ethical ability.

9 MS. DeLEON: That is out of order.

10 MR. CAROCCI: But now she claims she
11 can conduct this hearing and -- and vote on this
12 hearing.

13 So then there was a flier sent out by
14 one of the named parties here, I think it was
15 Danielle Yanchuk, you know, trying to get people in
16 the neighborhood to oppose the cell tower.

17 MR. GOUDSOUZIAN: Are you seconding
18 the motion or not?

19 MR. CAROCCI: And --

20 MR. GOUDSOUZIAN: Mr. Carocci, are you
21 seconding the motion?

22 MR. CAROCCI: I'm giving the reasons
23 why I'm seconding it. I'm giving the reasons why I'm
24 seconding it, and then I'm gonna explain that because
25 I'm an elected official, so please don't interrupt

1 me.

2 "Hi, Danielle." This comes from
3 Priscilla. "Hi, Danielle. You may also want to
4 update the flier so that the neighborhood is aware of
5 the issue since it's so close to Christmas."

6 Again, so she's part of the public
7 campaign against the cell phone tower, yet she says
8 she can be unbiased in a -- in a hearing.

9 And then she wrote a letter, an email
10 to the Northampton County Conservation District, and
11 they responded regarding her email. And again she
12 tried to get the project shut down through the
13 conserva -- county Conservation District.

14 And the county conservation wrote back
15 on January 18, 2024. "Homeowners are allowed to
16 remove trees from their property without NPDES or
17 erosion control permit. Cutting trees is not earth
18 disturbance," which is what Mrs. DeLeon was claiming,
19 "unless they pull the stumps, are clear-cutting, or
20 clearing and grading and to install access on haul
21 roads. But these photos," as she apparently sent
22 photos, "do not show either stumps being pulled, any
23 evidence of clear-cutting or grading for access haul
24 roads, even though accumulated area of disturbance
25 must exceed .99 acres before there is a potential

1 violation of Chapter 102. I don't see anything in
2 these photos or video clip" -- she apparently sent a
3 video clip trying to get this project shut down, yet
4 she says she's unbiased and can weigh in on this,
5 even though she recused herself years ago. -- "any
6 level of disturbance activity that would come under
7 the enforcement authority delegated to the
8 Conservation District by the Pennsylvania Department
9 of Environmental Protection."

10 It's from Brittney Waylen, the deputy
11 director of administration of County of Northampton,
12 and again that was on January 18th of 2024.

13 It's amazing. There was a
14 right-to-know request that Mr. Banonis filed, and we
15 got this email from Brittney Waylen to Ms. DeLeon,
16 but we never got from Ms. DeLeon the pictures, the
17 video clip, or her email or letter presenting all
18 this to -- to Ms. Waylen. Why Ms. DeLeon didn't turn
19 that over I don't know. It's certainly a violation
20 of the Open Records Act. I mean --

21 MR. BANONIS: It will be appealed.

22 MR. CAROCCI: You're right. Which,
23 you know, I recommend we file a complaint against
24 Ms. DeLeon, not the township, for not responding to
25 the right-to-know request. She clearly sent

1 something to this woman that was not -- that was not
2 in the right-to-know request; and so we don't know
3 what these pictures are, what this video is for this
4 hearing and to make the -- you know, the motion, the
5 motion request.

6 That's not the first time it happened
7 either. She has two letters to the -- she received
8 two letters from the State Ethics Commission, and
9 they were in the right-to-know.

10 And the first one said, "This responds
11 to your letter dated May 25th, 2023." What's not in
12 the right-to-know is her letter dated May 25th, 2023.
13 She failed to turn that over.

14 Then the second letter --

15 MR. BANONIS: So you think -- you
16 think that's a minor issue? You're shrugging your
17 shoulders that it doesn't matter that you're not
18 turning over records?

19 MR. CAROCCI: Now we're going -- we're
20 going to follow some more. I'm not done yet.

21 MR. GOUDSOUZIAN: I realize that, sir.
22 I'm asking --

23 MR. CAROCCI: Then don't interrupt me.

24 MR. GOUDSOUZIAN: I was not
25 interrupting you. You should tell --

1 MR. CAROCCI: All right.

2 MR. GOUDSOUZIAN: -- the person to my
3 left not to interrupt you.

4 MR. CAROCCI: Correct. So the second
5 letter -- that first letter was dated June 9th of
6 2023, so last year. Again, there was a letter dated
7 May 25th, 2023, which I didn't see in the
8 right-to-know request. It wasn't -- it wasn't in
9 there. Ms. DeLeon apparently didn't think that she
10 had to turn it over.

11 Then on December 27, 2023, just a
12 couple weeks ago at the end of the year, they write
13 to Ms. DeLeon again, and they say, "This letter
14 responds to your email received December 15th, 2023."
15 Again there's no email from December 15th of 2023 in
16 the right-to-know that I saw.

17 So, one, why are these documents
18 missing. Two, why in two separate meetings in 2004
19 did Ms. DeLeon recuse herself from voting twice. She
20 recused herself twice for two separate issues. One
21 was a lot consolidation, and the other one was a
22 structure. Twice she did it, and now she feels like
23 she doesn't have to.

24 And the last thing would be the --
25 correct, the neighborhood flier that she's directing.

1 How she can sit there, still owning that neighboring
2 property, and -- and the property being discussed one
3 that -- the one that she's already said she had to
4 recuse herself from for this -- for -- for things a
5 lot less than this. One was a lot consolidation, and
6 the other one was simply to put a structure that
7 didn't abut a public road, but it was on his
8 property, not her property.

9 You talk about minor things that she
10 felt she had to recuse herself from, but this time
11 she doesn't. What's happened in those 20 years?
12 Ego, lack of integrity, lack of ethics? It's a
13 slippery slope for Ms. DeLeon.

14 (Inaudible comments from audience.)

15 MR. GOUDSOUZIAN: Okay. Hold on, hold
16 on.

17 All right. Right now there's a
18 motion. Is there a second or not?

19 MR. HUDSON: Yes, I heard a second.

20 MR. CAROCCI: I seconded it.

21 MR. GOUDSOUZIAN: Okay.

22 MS. DeLEON: So council discussion.

23 So, Jason, do you want to go, do -- you already went?

24 MR. BANONIS: Yeah, I already went.

25 The only thing I'll ad to that is, you

1 know, this -- this pattern of conduct is highly
2 troubling, I think it's outrageous; and I think it
3 exposes the township to litigation, I know the
4 township is gonna get sued on this, and, you know,
5 rightfully so.

6 If you -- if you refuse to recuse
7 yourself and willfully participate in a process that
8 you have such conflicts on and have such bias on, the
9 township deserves to get sued, and you're the one
10 who's going to own that and the others who vote along
11 with you are the ones who are going to own that. I'm
12 not gonna own that, you are; and I hope that the
13 taxpayers are outraged by it.

14 MR. CAROCCI: And I'll --

15 MS. DeLEON: Okay. Tom, do you have
16 anything else to say?

17 MR. CAROCCI: Yeah, I do, I do. One,
18 I thank -- and there will be an aggrieved party here
19 one way or the other, and there obviously -- well,
20 they'll probably have appealable issues, but the one
21 would obviously be your participation. I mean these
22 are clear examples of when you recused yourself in
23 the past, but now? No, you won't do it.

24 MS. DeLEON: Okay. So --

25 MR. CAROCCI: Disgraceful.

1 MS. DeLEON: -- we go alphabetical
2 order. I'm next.

3 MR. CAROCCI: You should be liable for
4 the -- you should be liable for the litiga --
5 personally for the litigation costs that township
6 taxpayers are going to have to pay because you won't
7 recuse yourself.

8 MS. DeLEON: So my turn is next. And
9 this afternoon I wrote up a recusal letter, and I --
10 you can see it right here.

11 MR. CAROCCI: You had to be guilty
12 into it.

13 MS. DeLEON: Excuse me?

14 MR. CAROCCI: You had to be guilty
15 into it.

16 MR. GOUDSOUZIAN: No, no, no, no, no.

17 (Multiple voices speaking at one
18 time.)

19 MR. GOUDSOUZIAN: Hold on. Everybody
20 stop.

21 MR. CAROCCI: You had to be guilty
22 into it.

23 MS. DeLEON: [Inaudible] -- it right
24 now.

25 MR. BANONIS: It wasn't in my packet,

1 I didn't see it in my packet.

2 MR. CAROCCI: I didn't see one thing.

3 MR. GOUDSOUZIAN: Everybody stop
4 talking.

5 MR. CAROCCI: I don't lis -- I don't
6 listen to anybody who was wasn't elected.

7 MR. GOUDSOUZIAN: Ms. DeLeon, please
8 proceed.

9 MR. CAROCCI: I don't listen to
10 anybody who wasn't elected.

11 MS. DeLEON: So my comment is that on
12 March 20th, 2024, I wrote a letter -- a letter, and
13 I'm presenting it to the hearing tonight.

14 "After careful consideration, I made
15 the decision to recuse myself from the conditional
16 use hearing for the conditional use application of
17 Allentown SMSA Limited Partnership doing business as
18 Verizon Wireless, 4235 Lewis Avenue. While I
19 personally do not believe a recusal is required or
20 necessary, to avoid any potential issue and to avoid
21 any appearance of any potential issue, I have made
22 the decision to recuse myself and to not vote on the
23 conditional use hearing."

24 And I also have my letter from the
25 Ethics Commission. So can I present that to you?

1 MR. GOUDSOUZIAN: Okay. Before we go
2 any further, since that has been provided, I direct
3 this to the council for the purposes of making a
4 record. I have the letter presented. I'm going to
5 make that part of Council -- I'm sorry, Lower Saucon
6 Exhibit or C-13, which is the recusal letter. And
7 I'll make copies for counsel when the appropriate
8 time comes.

9 MR. DESCHLER: Thank you.

10 MR. CAROCCI: I want the minutes of
11 the December 15, 2004, Lower Saucon Township Council
12 meeting to be made part of the record; and I want the
13 minutes from the, what was that, November -- November
14 3rd, 2004, Lower Saucon Township Council meeting to
15 be made part of the record; and the -- the flier
16 that's in the right-to-know request and an email
17 which I'll provide you from Ms. DeLeon to -- to
18 Ms. Yanchuk.

19 MR. BANONIS: And I also want the
20 right-to-know records.

21 MR. CAROCCI: What's that?

22 MR. BANONIS: The right-to-know
23 records.

24 MR. CAROCCI: All the right-to-know
25 records?

1 MR. BANONIS: Yes.

2 MR. CAROCCI: Yeah. And I would
3 like -- I mean I guess we're going -- to get these
4 missing right-to-know records I guess we're going to
5 have to file a complaint with the Office of Open
6 Records. Ms. DeLeon doesn't seem willing to provide
7 them when she had a chance.

8 So I'd like council to recommend that
9 we file that complaint against the Office of Open
10 Rec . . . As council, I'd like to do it as council
11 because she's clearly putting the township in
12 jeopardy and taxpayers in jeopardy by not responding
13 properly to these right-to-know requests.

14 MR. BANONIS: If that's a motion, I'll
15 second it.

16 MR. CAROCCI: So that was the motion.

17 MS. DeLEON: We're not finished with
18 discussion yet. Just be patient, Jason.

19 MR. GOUDSOUZIAN: And remember, if I
20 may, we're on a conditional use hearing is where we
21 are, that's the agenda item.

22 MR. HUDSON: We have an open motion.

23 MS. DeLEON: Okay, we have an open
24 motion. So, Victoria, you're next.

25 MS. OPTHOF-CORDARO: I don't have any

1 comment.

2 MS. DeLEON: Laura?

3 MS. RAY: I don't know. After all
4 that talk about other things, I don't even know what
5 the motion is. What you were talking about sounds
6 like the logging, which isn't the cell tower, so I
7 don't -- it doesn't even make sense, so no comment.

8 MR. CAROCCI: Well, everybody in --
9 everybody in the audience understood. You should pay
10 attention.

11 MS. RAY: It really didn't.

12 MR. CAROCCI: I'd like to read the
13 letter, too, before we vote, quite frankly, if we're
14 going --

15 MS. RAY: -- already took the note
16 from me anyway. I have the floor.

17 MS. DeLEON: This is for Laura.

18 FEMALE SPEAKER: I thought it was
19 public comment.

20 MR. BANONIS: So if I may raise a
21 question. If she has recused herself from this
22 proceeding, under what authority does she have to
23 provide authority -- authority for the solicitor to
24 administer this hearing?

25 MR. GOUDSOUZIAN: She has recused

1 herself from voting on the conditional use
2 application. She's still the president of council.

3 MR. BANONIS: I'm sorry. It says the
4 decision is "to recuse herself from the conditional
5 use hearing"; not any vote, it says the hearing.

6 MR. GOUDSOUZIAN: If you read on --

7 MR. BANONIS: I'm reading, I'm reading
8 what it says. It says, "After careful consideration,
9 I made the decision to recuse myself from the
10 conditional use hearing for the conditional use
11 application of Allentown SMSA Limited Partnership
12 d/b/a Verizon Wireless, 4235 Lewis Avenue."

13 So then my question remains, what
14 authority does she have to appoint you, interim
15 solicitor, to preside over this hearing?

16 MR. GOUDSOUZIAN: She remains
17 president of council.

18 MR. BANONIS: She's recused herself
19 from this hearing.

20 MR. GOUDSOUZIAN: And from voting.

21 MR. CAROCCI: No, that's not what it
22 says. It says recused from the hearing.

23 MR. BANONIS: Hearing.

24 MS. RAY: Okay.

25 (Multiple voices speaking at one

1 time.)

2 MS. RAY: Well, as council vice
3 president I would authorize the solicitor to run the
4 hearing.

5 (Multiple voices speaking at one
6 time.)

7 MR. BANONIS: She opened the hearing,
8 and when she opened the hearing she appointed you or
9 asked you to administer the hearing. At that point
10 her -- this recusal goes back to the moment that she
11 opened this hearing, does it not?

12 MR. GOUDSOUZIAN: No.

13 MR. BANONIS: So -- so midstream she's
14 going to recuse herself, even though her letter says
15 she's recusing herself from the hearing. It doesn't
16 say from the hearing from March 20th forward, it says
17 from the hearing, and the hearing began weeks and
18 months ago.

19 MR. CAROCCI: And not only that. She
20 knew of her earlier recusals because they were in an
21 email from Mark Hudson where he pointed out the -- he
22 took the body of that vote, he took it out of the
23 meeting minutes and emailed it to -- to -- to
24 Priscilla.

25 So -- and they delayed. Remember

1 they -- we made this right -- we made this
2 right-to-know what, in January?

3 MR. BANONIS: They requested an extra
4 30 days. [Inaudible]

5 MR. CAROCCI: Right, they requested an
6 extra 30 days --

7 MR. BANONIS: -- days to acknowledge
8 it.

9 MR. CAROCCI: -- so Ms. DeLeon could
10 participate in the hearing until -- until they had to
11 turn that over. So they knew once they had to turn
12 that over we were gonna make it public, and this
13 allowed her to participate in the hearings and ask
14 questions and make comments because they -- they
15 stalled it, they sat on it for 30 days.

16 Mr. Hudson, Suzie down there, and --
17 and Priscilla sat on it for 30 days so she can
18 participate in the hearings, the questions. Now
19 we're down to closing arguments. All of a sudden
20 she's gonna recuse herself. Why? Because they had
21 to turn this stuff over two weeks ago, two weeks ago,
22 that's why. She has no integrity and no ethics,
23 absolutely none.

24 MR. GOUDSOUZIAN: So we're back on the
25 motion.

1 FEMALE SPEAKER: How would you know?

2 MR. GOUDSOUZIAN: Everybody stop.

3 We're not doing this. I say this to the members of
4 the audience; we're not -- it's not the appropriate
5 time.

6 So, Mr. Hudson, I'm sorry. If you can
7 just remind us where we are at this point.

8 MR. HUDSON: We have a motion on the
9 table asking Priscilla to recuse herself.

10 MR. GOUDSOUZIAN: And just so the
11 record is clear, she's already recused herself, so I
12 see it as the motion being moot.

13 MR. CAROCCI: We need to accept the
14 motion. It's not moot.

15 MR. BANONIS: She recused herself when
16 there was a motion and a second. She didn't come
17 forward. She could have started this meeting before
18 you started the proceedings and said I'm recusing
19 myself, but she didn't.

20 MR. CAROCCI: She wanted to make sure
21 we had the goods, she wanted to make sure we had the
22 goods before. She knew it was turned over two weeks
23 ago. She wanted to make sure we found it.

24 It was in a -- and to give you the
25 point. There were -- this particular file this one

1 was in, there were 1842 pages that were PDFs, so I
2 had to go through every one of them to find it, every
3 one of them to find that. And this is just one file
4 of about eight on there. There was easily close to
5 four or five thousand pages on -- on this; and she
6 was waiting to see -- she held that, she was waiting
7 to see if we found it; and we did find it, and now
8 she got the letter out, she whipped the letter out.

9 MS. DeLEON: The letter was sitting --
10 for the people out in the audience, the letter was
11 sitting here to my left.

12 MR. CAROCCI: Yeah, right.

13 MS. DeLEON: Right? So I can give it
14 to him at the appropriate time.

15 MR. GOUDSOUZIAN: All right. So --

16 MR. CAROCCI: No. There needs to be,
17 you know, an acceptance of it, and it needs to be
18 clarified if it's from voting, not just the hearing.
19 It's not a --

20 MR. GOUDSOUZIAN: Well --

21 MR. CAROCCI: If you're going to run
22 the hearing, run the hearing.

23 MR. GOUDSOUZIAN: And I am. The
24 motion is moot.

25 MR. BANONIS: No, it isn't.

1 MR. GOUDSOUZIAN: Of course it is --

2 MR. CAROCCI: It's not.

3 MR. GOUDSOUZIAN: -- because she has
4 recused.

5 MR. CAROCCI: But it needs to be
6 accepted and --

7 MR. GOUDSOUZIAN: Even if you didn't
8 accept it, she's still recused.

9 MR. CAROCCI: But what is she recusing
10 herself from: The hearing or voting?

11 MR. GOUDSOUZIAN: We've gone over
12 this.

13 MR. BANONIS: There's a motion,
14 there's a second. I call for a vote.

15 MR. GOUDSOUZIAN: So call for a vote.
16 Okay.

17 MR. CAROCCI: Yeah, we'll see if the
18 others stand -- stand with her on lack of integrity.
19 Let's vote.

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

22 MR. BANONIS: This is to call for
23 Priscilla's recusal, correct?

24 MR. HUDSON: Yes.

25 MR. CAROCCI: Yeah, a request.

1 MR. BANONIS: I will vote yes.

2 MR. HUDSON: Ms. Opthof-Cordaro?

3 MS. OPTHOF-CORDARO: No.

4 MR. HUDSON: Mr. Carocci?

5 MR. CAROCCI: Yes.

6 MR. HUDSON: Ms. Ray?

7 MS. RAY: I'll say no because, as I
8 said, we have the letter.

9 MR. GOUDSOUZIAN: The motion fails.
10 And then the -- and then we already have the recusal
11 on the record.

12 MS. DeLEON: Put mine down as
13 abstention.

14 MR. CAROCCI: Oh, now you abstain.

15 MR. GOUDSOUZIAN: Okay.

16 MR. CAROCCI: Not for the -- not for
17 the three previous hearing sessions.

18 MR. GOUDSOUZIAN: Back to the
19 conditional use hearing. I was on the process of
20 opening it up, if there was any public comment from
21 people who --

22 MR. BANONIS: But what's your
23 authority for this?

24 MR. CAROCCI: Yeah.

25 MR. GOUDSOUZIAN: We've gone over

1 this.

2 MR. BANONIS: No, we haven't. No, we
3 haven't. Because -- [inaudible]

4 MR. CAROCCI: Can you explain it
5 again? Because I didn't understand.

6 MR. BANONIS: -- and now she recused
7 herself from the hearing. She appointed you to
8 administer this hearing, but she has recused herself
9 from the hearing, so under what authority did she
10 appoint you to administer this hearing? She has no
11 authority if she recused herself.

12 MR. GOUDSOUZIAN: I've already
13 answered. I'm not going to answer it again.

14 MR. BANONIS: You haven't answered it.

15 MR. CAROCCI: How can somebody recuse
16 themselves, appoint someone to conduct the hearing?

17 MS. DURSO: May I ask one question?
18 Just because I don't know that you disposed of this
19 question.

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

21 MS. DURSO: I don't know whether you
22 disposed of the question about the information that
23 Mr. Carocci testified -- or talked about being part
24 of the record or not part of the record.

25 MR. GOUDSOUZIAN: I'm not sure if it

1 has to be part of this record. Again --

2 MR. CAROCCI: Then I'm making the
3 motion to make it part of the record.

4 MR. BANONIS: I'll second that.
5 Including also the right-to-know records that I
6 mentioned.

7 MR. CAROCCI: Yeah. Do I have to
8 repeat the motion again? I mean I was clear as day.
9 I want the meeting minutes from the December 15th
10 Lower Saucon Township Council meeting, the meeting
11 minutes from --

12 MR. GOUDSOUZIAN: December 15, 2004 --

13 MR. CAROCCI: December 15, 2004.

14 MR. GOUDSOUZIAN: -- meeting?

15 MR. CAROCCI: Then there's an email.

16 MR. HUDSON: Tom -- Tom, 2004?

17 MR. CAROCCI: 2004. That's December
18 15, 2004.

19 MR. HUDSON: Okay.

20 MR. CAROCCI: There's another council
21 meeting where she recused herself on November 3rd of
22 2004. And then there is the --

23 MR. HUDSON: Flier.

24 MR. CAROCCI: -- an email -- yeah, the
25 flier --

1 MR. HUDSON: And an email.

2 MR. CAROCCI: -- and an email from
3 Priscilla I believe it's to Danielle Yanchuk. I'll
4 provide you that. And then there was an email, I
5 believe it's from you, and it talk -- it just takes
6 off of the -- the meeting minutes where she recuses
7 herself, and it's sent to Priscilla from somebody at
8 the township. And, you know --

9 MR. BANONIS: The Conservation
10 District records --

11 MR. CAROCCI: Yeah.

12 MR. BANONIS: -- and attachments, the
13 right-to-know records.

14 MR. CAROCCI: Yeah. Yeah, and the
15 flier. And then the letter -- the email to the
16 Northampton County. That email is February 14th,
17 2024, to the Northampton -- so this is even during
18 the hearing. So February 14th, 2024, we had started
19 the hearing already. This email to Brittney Waylen,
20 W-a-y-l-e-n, from Priscilla.

21 And again we are missing the photos
22 and video clip she sent. We are missing her letter
23 to the State Ethics Commission in May of 2023, and we
24 are missing her email that she sent to them on
25 December 15, 2023. If they can be found, I would

1 like them to be part of the record as well. They
2 were not turned over in the right-to-know request.
3 They clearly should have been, and we'll have to deal
4 with the Office of Open Records and Priscilla on
5 that, but --

6 Now is that clear enough there,
7 Mr. Goudsouzian?

8 MR. GOUDSOUZIAN: Is that your motion,
9 sir?

10 MR. CAROCCI: Yes.

11 MR. BANONIS: I second it.

12 MR. GOUDSOUZIAN: Okay. Before we go
13 to Township Council, lawyers counsel, do you have any
14 position on this so we can . . .

15 MR. DESCHLER: It's -- do you want to
16 go first or --

17 MS. DURSO: No. Go ahead.

18 MR. DESCHLER: It's tough for me to
19 take a position not seeing the exhibits. And it
20 sounds like, although I'm not sure, some of these
21 exhibits aren't even in the possession yet of the
22 township, which I think poses a problem in terms of
23 completing the record in this matter. So I'd like
24 to --

25 FEMALE SPEAKER: We can't hear him.

1 MR. DESCHLER: Oh, is this not on? Is
2 it red?

3 MR. GOUDSOUZIAN: Green.

4 MS. DURSO: You have to go closer.

5 MR. DESCHLER: Okay. Got it.

6 Okay. At the very least I'd like to
7 see what these exhibits are before I take a position
8 on them, and in terms of records we don't have, I
9 don't see how they can be made part of the record in
10 this proceeding.

11 And I also think if Ms. DeLeon has
12 recused herself, I'm not sure what the relevance is
13 of records that demonstrate or purportedly
14 demonstrate some kind of conflict at this point.

15 MR. CAROCCI: She participated in
16 three hearings. You were here -- or you were here
17 for one of them.

18 MR. DESCHLER: Yeah.

19 MR. CAROCCI: Your father attended the
20 other ones.

21 MR. GOUDSOUZIAN: Mr. Carocci.

22 MR. CAROCCI: What do you mean?

23 MR. GOUDSOUZIAN: Mr. Carocci.

24 MR. CAROCCI: What are you talking
25 about?

1 MR. GOUDSOUZIAN: Hey, stop. No,
2 we're not doing that.

3 Attorney Durso, do you have a --

4 MR. CAROCCI: I can talk whenever I
5 want as I explained.

6 MR. GOUDSOUZIAN: Do you have a
7 position?

8 MS. DURSO: I have a -- I would like
9 them to be part of the record, primarily because
10 there was the participation for the two prior
11 hearings, and including whatever email that was sent
12 during the hearings on February 14th is of most
13 concern to me.

14 MR. GOUDSOUZIAN: Okay. We understand
15 where each of you are coming from at this point.

16 MS. DURSO: Yeah. But I will say I
17 don't -- I don't know if you were talking about just
18 in abstract all the right-to-know results? Because
19 at some point the record has to be -- I don't
20 disagree with Attorney Deschler. That to me, if
21 we're going to supplement the record, it should be
22 what is -- you currently have in your possession,
23 which would be the minutes and the flier and the
24 emails.

25 MR. BANONIS: Yeah. And we do -- to

1 respond to you, we do have a bundle of right-to-know
2 records that address these issues; and what they're
3 significant for is what is omitted from them, and
4 what is omitted from them are the communications that
5 Priscilla had with the -- with the Ethics Board on
6 whether or not she has an ethical conflict here and
7 whether or not she should participate in this matter.
8 So I would include the bundle of records because of
9 not only what they showed but what they also failed
10 to produce.

11 And I don't recall what the number was
12 for that right-to-know. Tom, do you remember what
13 the number was for that?

14 MR. CAROCCI: No. No, I can get it.
15 But I'm fine if -- if we just turn over the
16 right-to-know and make the right-to-know as part of
17 the request.

18 The other documents that are missing I
19 would like to get just to see what they are, but
20 if -- to move this thing forward we're just gonna now
21 amend my motion to just the documents in the
22 right-to-know, so that includes everything that I
23 just -- I just mentioned. So I'll amend my motion to
24 just include the documents under the right-to-know.

25 The so-called missing documents, the

1 ones Priscilla failed to turn over, I will pursue on
2 my own, but I don't think they need to be made part
3 of this record since she has recused herself. But
4 also I'll amend my motion just to go -- and all
5 material turned over in the right-to-know, that your
6 right-to-know, Jason.

7 MR. BANONIS: I'll amend my second.

8 MR. GOUDSOUZIAN: Okay. Council
9 comments. President deLeon.

10 MS. DeLEON: Yeah. Well, we
11 already -- we already -- alphabetical, Jason.

12 MR. GOUDSOUZIAN: Mr. Banonis,
13 anything else?

14 MR. BANONIS: I still question what
15 authority you have to preside over this hearing.

16 MR. GOUDSOUZIAN: Okay. Next.
17 Mr. Carocci?

18 MR. CAROCCI: Nothing else. I hope --
19 I hope -- you know, in one of your emails you have,
20 Priscilla -- let me -- let me find this, because
21 we're gonna see how you're gonna vote here in a
22 little bit. And in all your emails you put -- what
23 is it? It is -- ahh, here it is. "It takes less
24 time to do the thing right than to explain why you
25 did it wrong."

1 Do the right thing, let these go into
2 the right-to-know. You should have recused yourself
3 at the beginning of this hearing in January. Do the
4 right thing. It's disgraceful.

5 MR. GOUDSOUZIAN: Next.

6 MS. DeLEON: Okay. I'm next. I
7 already did the thing. I gave him the letter, it's
8 on record, it's an exhibit.

9 MR. CAROCCI: This is about the
10 right-to-know and getting the right-to-know in the
11 record. Don't you listen to the motion?

12 MR. GOUDSOUZIAN: Okay. Why don't --

13 MR. CAROCCI: Isn't that what the
14 motion is, Mr. Goudsouzian?

15 MR. GOUDSOUZIAN: Mr. Carocci, it's
16 not your turn to talk.

17 MR. CAROCCI: She's not talking
18 about --

19 MR. GOUDSOUZIAN: It's not your turn
20 to talk.

21 MS. DeLEON: Victoria, you're next.

22 MS. OPTHOF-CORDARO: I don't have any
23 other comment.

24 MS. DeLEON: Laura?

25 MS. RAY: Yeah, I don't have any

1 comment.

2 MR. BANONIS: Of course not.

3 MS. DeLEON: Okay.

4 MR. BANONIS: Speechless.

5 MR. CAROCCI: Well, insult.

6 MR. GOUDSOUZIAN: I don't understand
7 why you guys interrupt. Please don't. It's rude and
8 inappropriate.

9 MR. BANONIS: She said she has no
10 comment. Actually I'm not interrupting.

11 MS. RAY: Hey, you're being rude.

12 MR. BANONIS: She stopped, she said
13 she has no comment.

14 MR. CAROCCI: She stopped.

15 MR. BANONIS: [Inaudible] -- so I'm
16 not interrupting her.

17 MR. GOUDSOUZIAN: So the -- so what's
18 ready for the vote is to supplement the record with
19 the right-to-know requests -- or right-to-know
20 documents proposed by Mr. Carocci. I think we're
21 ready for a vote.

22 MR. CAROCCI: No. The entire
23 right-to-know request. Right?

24 MS. DURSO: It was the documents that
25 you received in response to the right-to-know

1 request.

2 MR. CAROCCI: Yes, yes.

3 MR. GOUDSOUZIAN: Thank you for that
4 clarification.

5 MR. BANONIS: And the request itself,
6 requests plural.

7 MR. CAROCCI: Correct. Um-hum.

8 MR. DESCHLER: I'm sorry. What did --
9 the requests that were submitted for the records? I
10 just want to know what we're talking about right now.

11 MR. BANONIS: Yeah. It would be --
12 it's akin to Priscilla giving you an answer without
13 knowing what the question is.

14 So I had submitted right-to-know
15 requests, plural, multiple requests, and there were
16 documents that were produced to me bundled,
17 (indicating) not separated by the request, so each of
18 those requests needs to be part of the record as well
19 as the stack of thousands of documents in response to
20 that bundle of right-to-knows.

21 MR. DESCHLER: Okay. I understand
22 what's being said. Again, I -- I would object to the
23 extent that I don't really know what these records
24 are. I may not object to them if I could see them,
25 but I think I want to preserve that right.

1 MR. BANONIS: Send a right-to-know to
2 the township and ask -- all you have to do is ask for
3 my right-to-know, and they'll give you the same
4 bundle of documents that they gave me.

5 MR. DESCHLER: Sir, all I'm saying is
6 that if -- if you're moving these records in tonight,
7 I'd like to be able to see them since I think we're
8 concluding the hearing tonight. That I just --
9 that's my position; I want to preserve the objection.

10 MR. BANONIS: I'm just telling you how
11 you can get them very easily if you want to get them.
12 And I understand you're not gonna get them tonight
13 necessarily, but you can try and get here tomorrow.

14 MR. DESCHLER: Okay.

15 MR. GOUDSOUZIAN: So, Mr. Deschler, is
16 it your -- is it your position that you would like to
17 have the record remain open until these are reviewed?
18 If they are in fact made part of the record. If
19 they're not made part of the record, then -- then --
20 if the motion is denied, then there's no need to
21 review them because they're not part of the -- I
22 suppose if they're not part of the record. What is
23 your -- what request, if any, do you have?

24 MR. DESCHLER: Well, it's not so much
25 a request, it's just -- it's an objection because I

1 can't review the records. If they're being moved to
2 be admitted right now, I object to their admission
3 because I don't -- I don't know what they are.

4 MR. GOUDSOUZIAN: Understood. Okay.
5 Mr. Hudson, do you call -- I believe we're ready for
6 a call for a vote.

7 MR. HUDSON: Ms. Opthof-Cordaro, how
8 do you vote?

9 MS. OPTHOF-CORDARO: No.

10 MR. HUDSON: Mr. Carocci?

11 MR. CAROCCI: Yes.

12 MR. HUDSON: Ms. Ray?

13 MS. RAY: Yeah, this is very
14 confusing. So -- stop laughing, both of you. Very
15 rude. It is. This is very un-normal, you two. I'm
16 going to vote no as well. It sounds . . .

17 FEMALE SPEAKER: It's stupid.

18 MS. RAY: Are you abstaining?

19 MS. DeLEON: Are you calling on me?

20 MR. HUDSON: Yeah. Ms. DeLeon?

21 MS. DeLEON: Abstain.

22 MR. CAROCCI: Well, she recused
23 herself.

24 MR. HUDSON: She's abstaining.

25 Mr. Banonis?

1 MR. BANONIS: Yet again the coverup
2 girls all unite to cover up their tracks.

3 MR. CAROCCI: It's public information,
4 public information everyone.

5 MR. BANONIS: Public information
6 that's all part of the record. I'll vote yes.

7 MR. CAROCCI: Public information.

8 MR. GOUDSOUZIAN: Okay. Now we go
9 back to the conditional use. Is there anyone here
10 from the public who would like to -- for public
11 comment who is not party status?

12 MR. DESCHLER: I'm sorry. Is the
13 effect of that vote that the records are not --

14 MR. GOUDSOUZIAN: Correct.

15 MR. DESCHLER: -- admitted then?

16 MR. GOUDSOUZIAN: Just to be clear,
17 the effect of that vote is the record will not be
18 supplemented with the right-to-know documentation
19 requested and answers.

20 Okay. Seeing none --

21 MR. BOULIN: Wait a minute. You
22 asked.

23 MR. CAROCCI: Public -- yeah, public
24 comment.

25 MR. GOUDSOUZIAN: Yes. Nobody came to

1 the mike.

2 MR. CAROCCI: Give him a chance. You
3 were ready to interrupt.

4 MR. BOULIN: You were talking about
5 other things. I'm sorry.

6 MR. CAROCCI: Yeah. Slow down.

7 MR. BOULIN: And I'm not a party to
8 either of these or anything to do with the tower or
9 anything else. Sorry.

10 MR. GOUDSOUZIAN: But just so we're
11 clear, we're on the conditional use hearing topic,
12 just so you -- you understand.

13 MR. BOULIN: Well, it is. It is.

14 MR. GOUDSOUZIAN: I understand.

15 MR. BOULIN: It is on that.

16 MR. CAROCCI: He's clear. Ms. Ray
17 might not be, but he's clear.

18 MR. BOULIN: What I was going to say
19 is --

20 MR. HUDSON: Hold on. You have to say
21 your name for the stenographer.

22 MR. BOULIN: Oh. Sorry. David
23 Boulin, B-o-u-l-i-n.

24 MR. HUDSON: Thank you.

25 MR. BOULIN: So what I want to say is

1 the following. I listened to these arguments several
2 months ago, and as a matter of fact at that time said
3 exactly what's being said here. And you can go back
4 in the record and look at it, and it was the
5 following:

6 Number one. Why is it that
7 Mrs. DeLeon, who has got the power of the pulpit up
8 there, got up and made all of these charges about
9 values of houses and on and on and on. I'm sorry,
10 sir. Are you listening to me or are you doing
11 something else? Mr. Solicitor.

12 MR. GOUDSOUZIAN: You can continue.
13 Continue.

14 MS. DURSO: He could be taking notes.

15 MR. BOULIN: I'm sorry. I thought I
16 had -- I thought I had people that would listen to me
17 fairly.

18 MR. GOUDSOUZIAN: It doesn't matter.
19 Just continue, sir.

20 MR. BOULIN: Well, you do have a
21 record of what I'm saying you know; you can make
22 those notes later. The bottom line is I asked at
23 that time if she were not -- or if she were able to
24 vote on this because of her stand on it, and nothing
25 was said.

1 The bottom line is the following
2 council meeting she came back and waved at me this
3 letter from the Ethics Committee which said she was
4 not in conflict; and when I asked for her letter to
5 the Ethics Committee, the answer was null. That
6 means nothing, no answer.

7 Not only that, but then I brought it
8 up again another two -- a meeting or two after that,
9 and she brought up yet a second letter, which I
10 chastised her for, considering I had not seen the
11 question that she asked the Ethics Committee on.
12 Yes, I know it's taking some time. Gee, isn't it
13 nasty that law takes time? And people who know
14 there's something wrong usually get cut off, so
15 please don't look at the clock and listen.

16 Because I have nothing to do with this
17 aside from I want an honest government, and all of a
18 sudden I'm finding out things are going very far
19 south, and I don't appreciate it. And I can't do
20 anything about federal level, but my goodness, I can
21 stand up here and say it.

22 Now, with all of that said and done,
23 then we go to another meeting at which she does
24 recuse herself and hands the meeting over to a
25 non-elected official, not her vice president, Laura

1 Ray, who's on the council, duly elected, and she
2 hands it off to them. Why is that? Are we saying
3 that the vice president doesn't have the whereforall
4 to run these meetings?

5 Now -- okay, so she recuses herself on
6 that. And there were some other things that went on.
7 These people that yes, they live within the specified
8 distance, and they had their -- their lawyer here
9 who's sitting here. Yeah, absolutely they had every
10 right to do what they did, and they did a great job
11 and so did he.

12 Now we have these other people that
13 just pop up who want to be a party to it, and between
14 the president and the counsel here, meaning you, you
15 agree that they ought to be heard for whatever
16 reason. And I'm sitting there saying to myself:
17 gee, isn't that interesting. So they can sit there
18 and pour on their negative comments, and there were
19 three or four of them, really all -- all tuned up to
20 go, saying how bad this was, yada-yada-yada; and I'm
21 thinking, well, boy, isn't this just fun.

22 So now it's a matter -- not only a
23 matter of the record, but everybody in this room
24 heard it and how negative it was, and it got picked
25 up in the press, how negative it was.

1 Well, this -- this just doesn't --
2 doesn't fly right. And yet you, sir, as the
3 solicitor said, well, we -- if we make a mistake, you
4 know, we don't have to worry about it. No. You've
5 already contaminated this person over here that's not
6 for it. Obviously she is. And this one over here
7 who's not for it, so you loaded them up with some
8 more negative things. I don't think that's right
9 either, but it happens. Did I get a chance to say
10 anything about it then? No.

11 And then I hear we're tied up to
12 council because there's 900 right-to-know things.
13 Well, we just found out why. And this gentleman over
14 here, the council member, sits there and just tells
15 us -- I can't even imagine how many hours it's taken
16 him to go through all of that to uncover all of this.

17 Then we hear all this malarkey about,
18 well, how much of this should go in the record and
19 how much -- how much shouldn't. I say to you, and
20 you're supposedly running the meeting -- which by the
21 way I do not, repeat, do not agree with you, sir.
22 She absolutely abstained previously, and now she's
23 recused herself fully. And I agree with this
24 gentleman here, Mr. Banonis, that that should have
25 happened at the very get-go of the meeting.

1 And if this attorney who's sitting
2 over here in front of me on my left should take it
3 upon herself to agree with me and this thing goes to
4 court, it's going to be a sad day for the township.
5 Unfortunately, the people that are gonna pay, people
6 like me that are retired or on fixed incomes. Well,
7 that's okay. Some people don't care.

8 I would agree though with Mr. Banonis
9 that if she has abdicated, it should have been right
10 from the get-go, and you would not be in the position
11 of running this meeting, which I don't believe as an
12 unelected official, and the fact that the president
13 has completely divorced herself from these
14 proceedings, you shouldn't be the one running the
15 meeting. It should be minimally Laura Ray as the
16 vice president.

17 FEMALE SPEAKER: Time is up.

18 MS. DeLEON: Yeah, your time is almost
19 up.

20 MR. BANONIS: Who's running this?

21 MR. CAROCCI: Who's running the --

22 MR. BOULIN: I didn't know we were on
23 time.

24 MS. DeLEON: No one else is chiming
25 in.

1 MR. BANONIS: Are you running it or
2 not?

3 (Multiple voices speaking at one
4 time.)

5 MR. GOUDSOUZIAN: All right. All
6 right, that's enough.

7 (Multiple voices speaking at one
8 time.)

9 MALE SPEAKER: Enough.

10 MR. CAROCCI: She participated, she
11 participated in this hearing for --

12 MR. BANONIS: Excuse me, sir. Excuse
13 me.

14 MR. CAROCCI: Did you threat -- oh,
15 here we go, here we go.

16 (Multiple voices speaking at one
17 time.)

18 MALE SPEAKER: I said -- I said
19 enough.

20 MR. CAROCCI: Did you threaten Jason
21 again?

22 MR. GOUDSOUZIAN: Sit down. Everybody
23 calm down, everybody calm down.

24 MR. CAROCCI: [Inaudible]

25 MR. BANONIS: Are you threatening me

1 again?

2 MR. CAROCCI: You threatening him

3 again?

4 (Multiple voices speaking at one
5 time.)

6 MR. GOUDSOUZIAN: All right. Hold on.

7 MS. DURSO: I would like -- I would
8 like to request a recess.

9 MR. GOUDSOUZIAN: All right.

10 MR. BOULIN: Who's running the
11 meeting?

12 MR. GOUDSOUZIAN: I am. There's a
13 request for a recess. We're going to take a break
14 for a couple minutes.

15 MR. BOULIN: Good idea.

16 (Discussion held off the record.)

17 MR. GOUDSOUZIAN: At 7:38 we're taking
18 a recess.

19 (A brief recess was taken.)

20 MR. GOUDSOUZIAN: Okay. It is 7:45,
21 and we're back from our recess. We're ready to move
22 forward with the conditional use hearing.

23 Mr. Hudson?

24 MR. CAROCCI: There's someone coming
25 up to the microphone that wants to speak. We're

1 still in public comment.

2 MR. GOUDSOUZIAN: Understood, sir.

3 Thank you. Ma'am, one moment if we may.

4 Mr. Hudson, you had something for
5 public comment also?

6 MR. HUDSON: Yes. I received an email
7 for public comment from a Maia Simon.

8 "I do not live in Steel City and the
9 cell phone tower will not impact me one bit, but I
10 fully support all those who do live in Steel City and
11 their opposition to the cell phone tower for all the
12 reasons they have identified: Stormwater runoff" --

13 MR. CAROCCI: When did you receive
14 this email? We have a rule that it has to be
15 received by noon to be read into the public record.

16 MR. GOUDSOUZIAN: No, no.

17 MR. CAROCCI: Yes, we do. Yes, we do.
18 What is that, when was it received.

19 MR. HUDSON: I actually received it
20 prior to the first part of the hearing before public
21 comment, so January 15th.

22 MR. CAROCCI: Okay. But it hasn't
23 been read in the record previously?

24 MR. HUDSON: Correct.

25 MR. CAROCCI: All right.

1 MR. HUDSON: This is the pub -- the
2 first time we've had public comment. Sorry.

3 ". . . For all the reasons they have
4 identified: Stormwater runoff, it would alter the
5 character of the neighborhood, negative impact on
6 property values, no evidence of need, negative impact
7 on health and safety in the community."

8 And again, that was received by the
9 township on January 15th, 2024, from Maia Simon.

10 THE REPORTER: Can you spell her name
11 for me, please?

12 MR. HUDSON: I'm sorry. M-a-i-a,
13 S-i-m-o-n.

14 MR. GOUDSOUZIAN: Thank you. Ma'am?
15 Would you state your name, please.

16 MS. SLAVICK: Ann Marie Slavick.

17 THE REPORTER: Spell your last name,
18 please.

19 MS. SLAVICK: S-l-a-v-i-c-k.

20 So I just want to say I really don't
21 come to these meetings often, but the two or three
22 times I have, I have heard testimony about this --
23 this tower, and I do understand that -- that
24 President deLeon was -- you were speaking at one of
25 the -- one of the hearings on the tower and giving

1 your opinion about the tower, so I understand that
2 that's what kind of everybody is talking about.

3 But I just want to say this. I work
4 in an industry that if I don't report \$25 of
5 political contributions I make to go to like a
6 political party or a rally or something, I actually
7 will get fined, my company gets fined, and I get in
8 trouble; \$25.

9 So my point is, for all of you out
10 here that are like yelling out in the crowd and all
11 this stuff that's going on the past three years here,
12 um, everybody has rules and regulations at their job,
13 correct? I don't know who -- how many people work
14 here, but I have a job, and again, my company gets
15 fined by the federal government and by agencies of
16 the government if I don't follow the rules.

17 If I'm unethical and I take a phone
18 call and I tell a client something that's not true, I
19 can get fired, I can get fined, and I can get put in
20 jail. If I use my cell phone for business purposes,
21 my company gets fined. I don't know if you remember
22 the article in the paper recently where brokerage
23 firms got fined billions of dollars because their
24 brokers used their cell phones. Their personal cell
25 phones that they paid for, they used their personal

1 cell phones to talk to clients, and the FC -- and the
2 SEC fined them billions of dollars. Okay?

3 So the point is, everybody here is
4 complaining because someone is bringing up --
5 questioning government. I can't believe that the
6 citizens of this township and the citizens of America
7 are complaining because people are questioning
8 government ethics. Every -- every business school in
9 America -- I got my M.B.A. from DeSales. Every
10 business school in America teaches an ethics class,
11 every one. If you have a business degree, you have
12 to take an ethics class. Why?

13 Why are our elected officials not held
14 to the same standard as private industry employees?
15 That's what I want to know, and why are we
16 complaining about it?

17 MR. GOUDSOUZIAN: Pardon me. I don't
18 mean to interrupt you, ma'am. I'm just asking the
19 people in the audience to please respect whoever is
20 speaking and not talk when they're talking. I
21 apologize for interrupting.

22 MS. SLAVICK: Thank you.

23 And I would like to see more respect
24 between citizens as well, because we're having a
25 discussion here about the ethics in government, our

1 government that the taxpayers pay money for. And
2 there are two people on this Township Council that
3 ran for office, I didn't hear one of you two speak.
4 Why? Why are you not speaking? Do you not have an
5 opinion about anything? You are using the taxpayer
6 dollars in this township.

7 Now, I want to say -- no disrespect to
8 the police because I love the police, I'm a
9 pro-police person. Catasauqua Police Department and
10 the government right now, they're going through
11 ethics issues. It's all in the paper, it's all
12 public knowledge. They're getting in a lot of
13 trouble because they're faking their salaries,
14 they're faking money. So that's just one example in
15 the Lehigh Valley of unethical behavior in
16 government.

17 Another one is Hellertown Police
18 Department. Hellertown Police Department where we're
19 getting some of our people here, Hellertown, right,
20 we have ethics issues in the police department in
21 Hellertown? So why can't we question the Hellertown
22 Library? Why can't we see their financial
23 statements?

24 I work in the investment industry, and
25 if you invest in a stock -- if any of you own stock,

1 the SEC wants to see all of the financial statements
2 of public companies. And you know what? The
3 government upholds that and they scream about it.
4 You can't be unethical if you -- if you work for a
5 public company, if you're a public accountant.

6 But somehow the people on this
7 commissioner board, or township board, think that
8 they can skirt around ethics issues. Why? And then
9 I want to know why this: Why are the citizens
10 allowing it? That's where I have a problem with it.
11 Because I expect government to do bad stuff, I expect
12 unethics in the government. I don't expect the
13 citizens of our country to allow it. That's why I
14 have a problem. And we shouldn't allow it, and stop
15 complaining because people are questioning ethics.
16 That's a very serious situation. Thank you.

17 MR. CAROCCI: I guess Priscilla didn't
18 go to business school.

19 MR. GOUDSOUZIAN: Okay. Is there
20 anyone else from the public?

21 MR. CAROCCI: Priscilla didn't go to
22 business school. She missed that class of ethics.

23 MR. KALLEN: Good evening. My name is
24 Atom Kallen. I live in Steel City. I have --

25 THE REPORTER: Just spell your name,

1 please.

2 MR. KALLEN: Oh, of course, yes.

3 A-t-o-m, K-a-l-l-e-n.

4 I haven't had the opportunity to speak
5 before council before on this topic. For the record
6 I am opposed to the cell phone tower. And also for
7 the record, speaking as someone with a degree in
8 philosophy and a background in ethics, Councilors
9 Carocci and Banonis are absurd. Thank you.

10 MR. GOUDSOUZIAN: Anyone else from the
11 public? Seeing nothing. Now we would open it up to
12 people who are -- have party status who are not
13 represented. And if you want to make a statement,
14 you can. You don't have to, no one is requiring you
15 to do that. You may have already spoken or asked
16 questions before, but if you want to make a
17 statement, you can.

18 And if you wouldn't mind identifying
19 yourself again.

20 * * *

21 MS. MISZCZENSKI: No, that's fine. So
22 my name is Stacie Misczenski. I live at 40 -- oh, I
23 live in Steel City. I am -- I have party status.

24 I oppose the cell tower. I do not
25 believe that this company conducted an absolutely

1 exhaustive evaluation and assessment of all possible
2 locations that would be well-suited for a cell tower.
3 I don't believe there's a need in our area.

4 The property on Lewis Avenue is
5 accessed by a paved driveway. It's not a public
6 road, it's not -- it's not maintained, it's -- it's
7 not plowed, and it's not cleared. It's nothing; it's
8 just a driveway.

9 There is stormwater runoff issues.
10 There's -- it will impact not only my view but also
11 the characteristics of my entire neighborhood.

12 And also I just want to say that
13 ethics of government have no place on a conditional
14 use hearing. Thank you.

15 MR. GOUDSOUZIAN: Thank you.

16 MR. CAROCCI: Can I get a
17 clarification? She say ethics in government have no
18 place in a -- in a township conditional use hearing,
19 is that what was said? Ethics have no place in a
20 government conditional use hearing is what was said?
21 I just want to make sure I'm clear on that. Is that
22 what was said? Thank you.

23 MR. BANONIS: That's what I heard.

24 MR. CAROCCI: Thank you.

25 MR. GOUDSOUZIAN: Okay. Is there

1 anyone else who is a -- has party status who's not
2 represented? Okay. Hearing nothing, we can now move
3 on to closing arguments from counsel.

4 MR. BANONIS: Before we do that I want
5 to introduce another document into the record. And
6 this is the campaign flier that came from Priscilla
7 deLeon, Victoria Opthof-Cordaro, and Laura Ray, and
8 it lists mainly -- that came to my home and
9 presumably the homes of other residents of this
10 township. They repeatedly tout respect, cooperation,
11 and transparency. Respect, trans -- I'm sorry.
12 Respect, cooperation, and transparency. I think this
13 is meaningful to show the lack of respect, the lack
14 of cooperation, and the obstruction that is taking
15 place throughout this hearing. So I want to provide
16 that to you.

17 And I don't know if, Counsel, you want
18 to see a copy of this because you like to see
19 documents before they become part of the record.

20 MR. DESCHLER: I do.

21 MR. BANONIS: There you go.

22 MR. DESCHLER: Thank you.

23 MR. CAROCCI: Yeah, I'd like to point
24 out Ms. Ray and Ms. Opthof just voted to keep public
25 information that is a right-to-know request, was

1 turned over in a right-to-know request, from becoming
2 part of the public record in this case; that's how
3 transparent they are. What frauds.

4 MR. BANONIS: Respectfully.

5 MR. CAROCCI: What frauds.

6 MS. RAY: It doesn't pertain to this
7 case, right?

8 MR. BANONIS: I'm sorry. What are you
9 mumbling?

10 MR. GOUDSOUZIAN: So is there a --

11 MR. BANONIS: You're mumbling
12 something in my ear.

13 MR. GOUDSOUZIAN: Is there a --
14 Mr. Banonis, is there a --

15 MR. CAROCCI: I believe there's a
16 motion.

17 MR. BANONIS: I have a concern about
18 Ms. Ray. Either she's talking to me or she's talking
19 to herself. I'm trying to understand what's
20 happening here. Either she's talking to me or she's
21 talking to herself.

22 MR. CAROCCI: Nobody knows what's
23 happening.

24 MR. BANONIS: Yes, I make a motion to
25 add that to the exhibits.

1 MR. CAROCCI: I'll second.

2 MR. BANONIS: Thank you, Tom.

3 MR. GOUDSOUZIAN: Before we go to
4 Township Council, counsel -- attorney counsel.

5 MS. DURSO: I have no objection.

6 MR. DESCHLER: I would object. I
7 don't think it's relevant. For the record, this --
8 so this is a two-page exhibit. The first page says,
9 "It's time to restore our community." I don't know
10 if this is a --

11 MR. BANONIS: There's a lot more than
12 that, sir.

13 MR. DESCHLER: Oh, sir, I'm just
14 identifying it. I mean -- and it's not identified,
15 it's not marked yet. I assume it would be if we're
16 introducing it. I'm just saying I -- all I'll say is
17 I object. I don't think it's relevant.

18 MR. GOUDSOUZIAN: Thank you.

19 MR. CAROCCI: Let's see if they stand
20 by their campaign flier. Let's take a vote and
21 see --

22 MR. GOUDSOUZIAN: So then --

23 MR. CAROCCI: -- if they stand by
24 their campaign flier.

25 MR. GOUDSOUZIAN: We're not there yet,

1 sir. Mr. Banonis, comment?

2 MR. BANONIS: I've already spoken.

3 Let's see -- let's see if they stand behind their
4 respect, cooperation, and transparency that they ran
5 on, or are they just defrauding the voters. Let's
6 find out.

7 MR. CAROCCI: This is --

8 MR. GOUDSOUZIAN: Mr. Carocci,
9 comment?

10 MR. CAROCCI: This is a piece of mail
11 they mailed to every township resident, or at least
12 registered voters probably, and they should have no
13 problem with it becoming a part of public record if
14 it's true and accurate that they still believe in it,
15 so let's see what happens.

16 MR. GOUDSOUZIAN: Okay. Ms. DeLeon?

17 MS. DeLEON: I abstain again.

18 MR. GOUDSOUZIAN: Understood.

19 Ms. Opthof-Cordaro, any comment?

20 MS. OPTHOF-CORDARO: On whether this
21 cam -- on the campaign mailer should be included in
22 this particular conditional use hearing related to
23 the cell phone tower, I don't have any comment.

24 MR. GOUDSOUZIAN: Ms. Ray, any
25 comment?

1 MS. RAY: Yeah. I don't think our
2 campaign flier has anything to do with this
3 conditional use hearing, so I'm not sure why we're
4 making --

5 MR. CAROCCI: Well, then they don't
6 stand by it.

7 MS. RAY: -- a motion.

8 MR. GOUDSOUZIAN: Okay. Mr. Hudson,
9 will you call for a vote.

10 MR. HUDSON: Mr. Carocci, how do you
11 vote?

12 MR. CAROCCI: Yes.

13 MR. HUDSON: Mr. Banonis?

14 MR. BANONIS: Yes.

15 MR. HUDSON: Ms. Opthof-Cordaro?

16 MS. OPTHOF-CORDARO: No.

17 MR. HUDSON: Ms. Ray?

18 MS. RAY: No.

19 MR. BANONIS: There you have it,
20 folks; there you have it out there. Pay your taxes
21 and don't ask questions, just keep paying.

22 MR. GOUDSOUZIAN: And then --

23 MALE SPEAKER: The same thing you
24 would do.

25 MR. GOUDSOUZIAN: Hold on. Everybody,

1 hold on. Let's not do this. We're not going to
2 have -- go back and forth. And then just so we're
3 clear, Ms. DeLeon, you've already abstained?

4 MS. DeLEON: I've abstained.

5 MR. GOUDSOUZIAN: Okay. Fair enough.

6 All right. Now we're at closing arguments.

7 Attorney Durso, are you prepared to
8 move forward?

9 MS. DURSO: I am.

10 MR. GOUDSOUZIAN: Okay.

11 MS. DURSO: Just to -- I would like to
12 add as Exhibit A-22 the minutes from the Planning
13 Commission meeting of December 21, 2023. We already
14 have the recommendation of the Planning Commission in
15 the record. This -- the minutes were not available,
16 and so I'd like to make them part of the record to
17 make sure that the record is complete.

18 MR. GOUDSOUZIAN: And for the purposes
19 of clarifying the record, they are the minutes from
20 what date? I just didn't write it down.

21 MS. DURSO: I'm sorry. December 21,
22 2023.

23 MR. GOUDSOUZIAN: Very well. Counsel,
24 any objection?

25 MR. DESCHLER: I conferred with

1 Ms. Durso on this. I have no objection with the
2 proviso that the minutes not be offered to the
3 extent -- or they're not relevant to the extent that
4 they may, for example, conflict with any testimony or
5 try to override any testimony offered in this
6 conditional use hearing. I think the testimony under
7 oath offered here has to prevail. But as long as
8 that's the case, I have no objection to the admission
9 of the exhibit.

10 MR. GOUDSOUZIAN: All right. And for
11 the purposes of Township Council's clarification,
12 what this is is these are the minutes from the
13 Planning Commission meeting that were unavailable at
14 prior hearings because they were not yet available
15 but they are now, and it's my recommendation that
16 they be part of the record and be part of A-20 -- be
17 marked as A-22. And they'll be accepted.

18 MS. LOUDER: Excuse me. I would like
19 to ask a question. And I'm sorry to interrupt, and I
20 don't know if it's the appropriate time, but I still
21 do have a question that might be important.

22 MR. GOUDSOUZIAN: Is it related to --

23 MS. LOUDER: Yes.

24 MR. GOUDSOUZIAN: Well, no, no; hang
25 on. Is it related to this partic --

1 MS. LOUDER: Yes.

2 MR. GOUDSOUZIAN: Okay. But the
3 problem is we've had the public comment portion. So
4 what I'd ask is, let us get through the closing, and
5 then we can see if we can address your question
6 perhaps. But --

7 MS. LOUDER: I mean it's a real simple
8 question. Basically what happened was the plans were
9 put in place, and then the -- [inaudible]

10 MR. GOUDSOUZIAN: Ma'am, I'm going --
11 hold on. Ma'am -- ma'am, please stop, please --

12 MS. LOUDER: No, wait a minute.

13 MR. GOUDSOUZIAN: Ma'am, you can't --

14 MS. LOUDER: I'm explaining what I'm
15 talking about.

16 MR. GOUDSOUZIAN: I'm not trying to be
17 rude.

18 MR. CAROCCI: Let her speak, let her
19 speak. Why do we have someone who's not elected
20 determining who can speak at a public meeting?

21 MS. DURSO: Wait.

22 MR. CAROCCI: He's not elected.

23 MS. DURSO: I'm going to make an
24 objection. Because we are on closing argument, and
25 we already called for the audience to make comments.

1 MR. GOUDSOUZIAN: Ma'am -- I agree.

2 Ma'am, I'm going to ask you politely, this is not the
3 time for you to speak.

4 MR. CAROCCI: Let her speak.

5 MR. GOUDSOUZIAN: The time for the
6 public has come and gone. I'm gonna ask you to sit
7 down so we can continue with the hearing.

8 MS. LOUDER: I will do that.

9 MR. CAROCCI: I'll make a motion --

10 MS. LOUDER: But this is about the
11 plans.

12 MR. GOUDSOUZIAN: Ma'am --

13 MS. LOUDER: It's about the plans of
14 where the cell tower is going. It was moved --

15 MR. GOUDSOUZIAN: Ma'am, you're --

16 MR. CAROCCI: I'm going to make a
17 motion to let her speak.

18 MR. BANONIS: I'll second.

19 MR. CAROCCI: I don't know why a guy
20 who's not elected by anybody is making --

21 MR. BANONIS: He's preventing a
22 taxpayer resident --

23 MR. GOUDSOUZIAN: We're not doing
24 that.

25 (Multiple voices speaking at one

1 time.)

2 MS. DURSO: I have no problem if she
3 wants to talk just so we can get past this, but --

4 MR. BANONIS: There's a motion and a
5 second --

6 MR. CAROCCI: Motion and a second.

7 MR. BANONIS: -- and now we've got to
8 vote on it, whether or not we're gonna allow a
9 taxpayer resident to speak on a matter that is of
10 interest to her --

11 MR. GOUDSOUZIAN: Mr. Deschler --

12 MR. BANONIS: -- or we're gonna
13 allow --

14 (Multiple voices speaking at one
15 time.)

16 MR. GOUDSOUZIAN: Hold on. Everybody
17 stop. Mr. Deschler, do you have any objection to
18 have this woman speak?

19 MS. LOUDER: Yeah.

20 MR. DESCHLER: I have no objection.

21 MR. GOUDSOUZIAN: Okay. Ma'am, go
22 ahead.

23 MS. LOUDER: Thank you. Donna Louder.
24 I live in Steel City.

25 THE REPORTER: I'm sorry. Your name?

1 I didn't hear it.

2 MS. LOUDER: Louder, L-o-u-d-e-r,
3 Donna.

4 MR. BANONIS: Can you say it louder?

5 MS. LOUDER: The plans were laid out
6 for the cell tower, and they were placed in a pot --
7 in a spot where there was not gonna be a lot of
8 destruction to the tree lines and the trees. And
9 then there was concern, I believe Ms. DeLeon had a
10 concern, and they accommodated her and moved it to
11 another spot.

12 Now that she recused herself can we
13 put it back, because now I see it more. And that --
14 and there's trees being destroyed for no apparent
15 reason. If she recused herself, there's trees being
16 destroyed for no apparent reason. Have a good day.

17 MR. GOUDSOUZIAN: Thank you. Okay.
18 Now we're ready for closing arguments.

19 MR. CAROCCI: She only cared about the
20 trees when she thought she could stop it with the
21 Northampton County Conservation.

22 MR. GOUDSOUZIAN: Attorney Durso, are
23 you ready to proceed?

24 MS. DURSO: If I may, yes. Yes.

25 MS. LOUDER: You know, it wasn't

1 the --

2 MR. GOUDSOUZIAN: Hold on. Everybody
3 stop now. It's Attorney Durso's opportunity to
4 speak.

5 MS. DURSO: So I'm not going to repeat
6 the brief that I submitted. I'm just going to
7 summarize some of the key points in it and address
8 some of the responses -- or some of the parts of
9 Attorney Deschler's brief.

10 So just -- and this is more for the
11 edification, too, of the audience. The existing --
12 the existence of a conditional use provision in an
13 ordinance indicates that the township has designated
14 that zoning district, including the properties within
15 that zoning district, as an area appropriate for that
16 conditional use.

17 What that means is that whenever the
18 ordinance was enacted, Lower Saucon Township Council
19 said a cell tower was appropriate in the RA Zone
20 where this property is located. It's appropriate in
21 the RA Zone regardless of whether there are residents
22 surrounding the property. The existence of the
23 conditional use provision means that the use is
24 permitted provided the specific ordinance
25 requirements are met.

1 Verizon does not have the burden to
2 prove that they exhausted every single property
3 within the RA District for the appropriate location
4 for a cell tower. They're also not required to prove
5 general nonspecific or nonobjective standards, such
6 as compatibility with the neighborhood. The
7 compatibility with the neighborhood is determined by
8 the fact that the conditional use is allowed in the
9 RA District on the Viscito tract.

10 The zoning ordinance was adopted based
11 on a comprehensive plan, so there is a presumption
12 that the comprehensive plan is met, as the ordinance
13 permits conditional uses on the tract, again at the
14 specific location.

15 And let's talk about the geotech soils
16 report. So the applicant was present at the Planning
17 Commission meeting on December 21st, 2023, where
18 there was a detailed discussion as shown in the
19 minutes marked as Exhibit A-22 regarding when certain
20 information in the ordinance and satisfaction of the
21 site plan review requirements would be met.

22 It was specifically advised at that
23 meeting that the geotech soils report would be
24 presented to the township engineer. The township
25 engineer has since been provided with a copy of that.

1 The soil report will not affect the
2 location of the tower. Rather, all the soil report
3 does is confirm the depth and the type of foundation
4 for the specific tower at the location. It's not a
5 matter of it being moved, relocated. All the soils
6 geotech report does is say to the township engineer
7 these are the soils that underlie that property and
8 this is the foundation that's going to be constructed
9 based on the types of soils that were found. It
10 would verify how deep the foundation has to be,
11 whether it's a caisson type of a foundation or
12 whatever is going to be appropriate for those soils.

13 Additionally, the ordinance at Section
14 180-127.1(A) (i) (q) states that within 30 calendar
15 days of the date that an application for a tower for
16 a wireless communication facility is filed with the
17 township, it's the duty of the township to notify the
18 applicant in writing of any information that would be
19 required to complete such application.

20 The application that was submitted to
21 Verizon Wireless was accepted as being complete, and
22 it was discussed specifically at the Planning
23 Commission meeting as to how some of the more
24 technical information was going to be handled and
25 distributed for review by Hanover Engineering. That

1 would also include the stormwater analysis which is
2 required to be done as part of the site plan review,
3 which would also require the applicant to show that
4 it meets the E&S controls as well as the stormwater
5 requirements set forth in Lower Saucon Township's
6 ordinances.

7 There was no notification to Verizon
8 that the failure to have a geotech soils report was
9 going to require the ord -- the application to be
10 denied. To deny the application on the lack of a
11 report goes against the direction specifically
12 afforded to the applicant by the township.

13 This is not any different than
14 providing structural certification, foundation
15 analysis, design plans, and whatnot that are also set
16 forth in your ordinances that would be specific to
17 Attorney Kocher. Excuse me, Attorney Kocher. I just
18 elevated you. To Mr. Kocher. Again, because he is
19 the one who would be well-suited to review that
20 information. A layperson would not necessarily be
21 able to understand or be able to dissect a soils
22 analysis, a stormwater report, or any of the other
23 types of technical reports that would be submitted
24 for -- in order to confirm compliance with the
25 ordinance requirement. The township engineer is

1 qualified to review these reports.

2 It's also not a case of saying it's a
3 will comply; it is an obligation under the ordinance
4 to comply and as was specifically discussed at the
5 Planning Commission meetings.

6 The evidence and testimony over the
7 last two hearings certainly show compliance with all
8 of the specific requirements of the wireless
9 communication ordinance provisions in the Lower
10 Saucon Township Zoning Ordinance. Nothing was
11 introduced into the record to indicate that the
12 project would not comply with any provision of the
13 zoning ordinance.

14 Now let's talk about the access. The
15 zoning ordinance specifically provides that the
16 access shall be by means of a public street or an
17 easement to or from a public street unless waived in
18 writing by Township Council. Excuse me. I just
19 misspoke. To be from a private street unless waived.

20 So basically the township --

21 MR. DESCHLER: Kate, you got it right
22 the first time.

23 MS. DURSO: I said it right the first
24 time. Sorry. Thank you. To and from a public
25 street unless waived in writing by Township Council.

1 As part of the application Verizon
2 Wireless requested use of Lewis Avenue for the
3 access, which we all acknowledge is a private street
4 and is the only access to the Viscito tract. A grant
5 of a waiver to allow for that is a lesser standard
6 than a variance would be.

7 Verizon presented substantial evidence
8 to support the grant of the waiver. Neither the
9 township engineer nor the township Planning
10 Commission found any issues or concerns with using
11 Lewis Avenue as the access, especially considering it
12 is currently paved, it provides the only access to
13 this, because otherwise the Viscito tract would be
14 landlocked.

15 The photos of Lewis Avenue that were
16 submitted confirm the width of paving is adequate,
17 and no evidence was submitted by anyone to refute
18 that there isn't adequate paving of Lewis Avenue.

19 As it relates to the lease not
20 specifically authorizing the use of Lewis Avenue or
21 the width of the easement, the lease specifically
22 states at Section 1 that the approved survey plan
23 will become Exhibit B to the lease agreement, having
24 been approved by the owner and vetted by -- at the
25 municipal level.

1 The lease reference to a 12-foot width
2 is purely to verify the width of the paving material
3 and as -- and is intended to be supplemented by the
4 plan once approved as is set forth in the lease.

5 The owners clearly have a right also
6 to assign their access rights to Lewis Avenue to
7 Verizon Wireless to be able to use it. No testimony
8 or evidence was presented to show that the Viscitos
9 don't have a right to allow somebody going to their
10 property to use the private road to which they have
11 access rights.

12 Let's talk about the
13 Telecommunications Act. The applicant submits that a
14 denial of Verizon's requested conditional use
15 approval will have the effect of unlawfully
16 prohibiting the provision of wireless communication
17 services in violation of the Telecommunications Act
18 of 1996.

19 The -- the FCC has interpreted the act
20 to prohibit a government action that material --
21 materially limits or inhibits the ability of any
22 competitor or potential competitor to compete in a
23 fair and balanced legal and regulatory environment.

24 Verizon presented uncontradicted,
25 credible evidence by an expert that there's a gap in

1 wireless communication service that exists and used
2 established methodology of determining the gap in
3 coverage and the need for capacity. The RF engineer
4 presented unrebutted expert testimony of the extent
5 of the gap as well as testimony as to how the
6 facility would reasonably eliminate the gap and
7 otherwise enable Verizon to meet its FCC mandate to
8 provide wireless communication services.

9 Verizon also demonstrated that the
10 proposed facility was the least-intrusive method
11 available to fill the coverage gap and that
12 alternative methods of filling the gap in service
13 were not feasible. No testimony or evidence was
14 presented to show an alternative location, an
15 alternative method of satisfying that gap.

16 A provider under the FCC rules and
17 regulations need not disprove every possible
18 alternative location so long as Verizon provided
19 evidence to show that it made a good-faith effort to
20 fill the coverage gap.

21 The testimony of Mr. Khan's anecdotal
22 information that he could in fact potentially receive
23 a call and had that experience is insufficient to
24 rebut the qualified expert testimony.

25 The ordinance requirement of a

1 demonstration of a significant gap in wireless
2 coverage with respect to all wireless operations in
3 the applicable area cannot be applied, as that
4 requirement has been specifically rejected by the FCC
5 and the federal courts.

6 Mr. Petersohn's expert testimony
7 speaks precisely to the connectivity issues necessary
8 for showing the existence of a gap. He confirmed
9 that although they considered other properties, this
10 was the most viable property, it was zoned to allow
11 the use, and would satisfy the coverage gap at the
12 proposed height.

13 The unsightliness or visual impact of
14 a tower is not a legal basis to deny a conditional
15 use. The fact that it's going to be seen is by
16 nature what happens when you have a tower of some --
17 of height, which a tower needs to be tall to operate.
18 Again, the fact that it's permitted as a conditional
19 use is evidence that a tall structure is appropriate
20 at that location.

21 The ordinance -- let me go back.
22 Under the White Deer case, which involved a wireless
23 carrier needing significant variances to erect a
24 wireless communication facility within that township,
25 and the zoning -- or the board at that time denied

1 all the variance requests. There was 12 variances
2 that were requested. And the federal court basically
3 dismissed the denial and said they should have been
4 granted the approval. And here we have a conditional
5 use and an access waiver that have even less of a
6 standard and burden of proof than you would with
7 variance denials.

8 The fact that in the White Deer case
9 the gap in coverage was a 4-mile radius does not have
10 any bearing on the specifics of Lower Saucon Township
11 as far as a significant gap. A significant gap is
12 defined as being what the wireless provider's own
13 personal wireless services coverage has shown a need
14 based on scientifically valid and reliable data and
15 other substantial evidence, which was clearly met by
16 the expert and the expert reports.

17 In conclusion, we would submit that a
18 denial of the facility would go against Pennsylvania
19 law for a refusal to grant a conditional use when the
20 requirements of the ordinance have been met. It
21 would also be a denial that would violate the
22 Telecommunications Act of 1996 by effectively
23 prohibiting wireless communication facilities and
24 satisfying the need of the wireless provider.

25 Thank you.

1 MR. GOUDSOUZIAN: Before we move to
2 Mr. Deschler, Attorney Durso, do you want to -- you
3 would acknowledge for the purposes of a site plan
4 review, you'd acknowledge that you're not asking
5 for -- could you confirm what you're asking for today
6 and what you're not?

7 MS. DURSO: Yeah. We are right now at
8 this -- I view it as a two-part process. We have a
9 conditional use submission, and we had a site plan
10 submission. What we are be -- are here before
11 council this evening is requesting approval of the
12 conditional use with the acknowledgment that we would
13 need to work through the site plan review approval
14 process specifically with the township engineer and
15 then ultimately requiring council to grant approval
16 of the site plan.

17 MR. GOUDSOUZIAN: Thank you.

18 Mr. Deschler, are you ready to
19 proceed?

20 MR. DESCHLER: Yes. Thank you.

21 Good evening. Like Ms. Durso, I will
22 try not to regurgitate everything in my brief and try
23 to limit most of my comments to addressing some of
24 the things that counsel had raised in her brief.

25 Regarding the geotechnical soils site

1 plan, you know, I'm just a lawyer. Some of these
2 things are like Greek to me. The fact of the matter
3 is it is in your -- your zoning ordinance, and I
4 think before we deal with anything else we look at
5 what are the requirements of the zoning ordinance.

6 Obviously it's geared towards
7 engineering, but before the applicant gets to shift
8 the burden to any objectors to show that there's a
9 detriment to the health, welfare, or safety the
10 applicant has to meet, even for a special exception
11 or even here for a conditional use, the applicant
12 must meet the specific objective criteria of the
13 zoning ordinance.

14 I would suggest that where the
15 ordinance lays out all the requirements of a -- of a
16 CCF tower, the soils report is in there. And
17 obviously that hasn't been provided at the time, not
18 in the application nor as an exhibit to this hearing,
19 so it's hard to assess kind of, you know, what it
20 says or the relevance of it or whether it might
21 require the cell tower to be moved if we don't have
22 it. So I think the omission there when it is one of
23 the elements in the -- in the zoning ordinance is
24 important.

25 I reviewed the minutes from the

1 Planning Commission meeting back in December. I know
2 Ms. Durso had talked about the soils report and it
3 being deferred until later. I didn't see --

4 Brien, it's Kocher or --

5 MR. KOCHER: Kocher.

6 MR. DESCHLER: Kocher. Sorry. I
7 didn't see Mr. Kocher respond to that indicating that
8 it would be deferred for site plan review. I think
9 you look at the ordinance as is, and I think it's an
10 element of a conditional use application for a CCF
11 tower.

12 Moving on to the access issue. And
13 certainly the Viscitos as owners of that property
14 have access, and I probably had us talk about paper
15 streets more than you would all like. But there's an
16 access over Lewis Lane as a paper street up to the
17 property, certainly they have that. And their
18 predecessors in title probably had that because the
19 road is laid out, it never opened as, you know, long
20 ago as like 1979 I believe. So certainly there's
21 access to the property.

22 The question here is whether the road,
23 the street is such that you can put the CCF tower
24 there, and the zoning ordinance again as a specific
25 objective criteria that it's the applicant's burden

1 to meet is really, really clear about that. And I
2 think -- I mean counsel had read that, and it's
3 Access shall be provided to the facility by means of
4 a public street or easement to/from a public street
5 unless waived in writing by the Township Council.
6 The easement shall be a minimum of 20 feet in width
7 and shall be improved to a width of at least 10 feet
8 with a paved surface for its entire length.

9 I think it's telling both tonight and
10 in the applicant's brief, and this is on page 9 of
11 the brief, it's basically a concession that they do
12 need a waiver, which suggests that the applicant has
13 not met its burden of showing that they actually have
14 access to a public street or access to and from an
15 easement to a public street, because they wouldn't
16 need a waiver if they had such -- such access.

17 And in the brief the applicant
18 indicates that grant of a waiver is a lesser standard
19 than a variance. VZW presented substantial evidence
20 to support the waiver.

21 Now, there's no legal authority cited
22 in there for the proposition that grant of a waiver
23 is a lesser standard than a variance. I don't know
24 what the standard is. It's not really in the MPC.
25 Your ordinance just provides that Township Council

1 must provide a waiver if -- or you have to provide a
2 waiver if there's no appropriate access. So if you
3 don't have the access per the zoning ordinance, you
4 don't get to put the CCF tower there unless
5 township -- the Township Council grants the waiver.

6 So I think that suggests there's a
7 good deal of discretion in this body as to whether
8 you do decide to grant the waiver for the tower to be
9 there when everyone acknowledges and concedes that
10 the only access is over this paper street.

11 In talking about the access, you know,
12 in addition to what I said already, I think if you
13 look at the lease -- and I don't think we can rely on
14 things that haven't been submitted yet that could
15 somehow amplify what the width of the easement is
16 through the Viscito property.

17 The lease says 12-foot easement,
18 12-foot right-of-way. I think that's -- that's the
19 easement. We know that you have to have at least a
20 20-foot-wide right-of-way, and it has to be a
21 10-foot-wide paved cartway. So I think if we're
22 talking about a 12-foot-wide easement right-of-way
23 through the Viscito property, I mean that's simply
24 not wide enough. And that's the only indication of
25 what the easement would be through the property; that

1 is to say, from the cell tower location until the --
2 the access road would exit onto Lewis Lane -- or
3 sorry, Lewis Avenue.

4 So I think that is an omission, and it
5 is an omission that the applicant has failed to show,
6 and it's something that's amidst their burden of
7 proof. It's a specific criteria in the ordinance to
8 show that the right-of-way is wide enough and that
9 the cartway is wide enough. So they haven't shown
10 that even through the Viscito property.

11 And once you get out to Lewis Avenue,
12 again you have -- you have the same burden. You
13 know, even if you can string two easements together,
14 and I submit that you can't, you at least have to
15 show that the right-of-way easement is at least 20
16 feet wide. It looks like it is. I think there's a
17 50-foot right-of-way back in the plan that we
18 presented you from 1979, but there's not evidence in
19 the record that the cartway is at least 10 feet. I
20 mean I don't know; maybe it is, maybe it isn't; but
21 there's not evidence in the record.

22 And I think it's error for the
23 applicant to say we haven't shown that the paved
24 cartway on Lewis Avenue is wide enough. It's their
25 burden as a specific objective criteria to show that

1 that cartway is wide enough per your zoning
2 ordinance, and they haven't met that particular
3 burden.

4 Moving on to the issue of the Cellco
5 tower case. I laid this out in my brief. I think
6 the facts at issue in Cellco Partnership, they're
7 different from this case and I think they're
8 distinguishable.

9 In there you had basically a fairly
10 limited tract of land where you could put a cell
11 tower. There was some kind of state moratorium over
12 this vast state park, and, you know, the property was
13 such that it was I think too small in lot size and
14 with the setbacks to put a cell tower there, and
15 that's really the only place you could put that, so
16 the applicant needed a variance.

17 I think that's a different situation
18 and, frankly, a more -- the situation here before
19 this council is one where I think -- as Ms. Durso
20 says, it's a conditional use, meaning if you can meet
21 the criteria, you get it if the objectors don't meet
22 their burden to show that it's detrimental to the
23 health, welfare, safety.

24 So I think -- and I kind of agree,
25 right, this council has determined that at least in

1 the RA District, and in some other districts, we're
2 not going to push back too hard in putting a cell
3 tower there, but they were in Cellco Partnerships,
4 right? You needed a variance because you couldn't
5 put the cell tower there.

6 So I think by making this a
7 conditional use the Township Council said yeah, you
8 can put a cell tower there, but you have to meet the
9 specific criteria and you have to come before this
10 body to get it. So I don't think your provision here
11 is as prohibitory as it was in Cellco Partnership.

12 So I think that's significant, because
13 we're not being -- it's not a ban here, it's not a
14 prohibition; it's just you have to go through this
15 process to get approval. And I think, you know,
16 given how it's -- it's easier in this case to get a
17 cell tower approved than it was in Cellco
18 Partnerships, I think that is evidence and support
19 that your ordinance as written is -- is lawful.

20 And I certainly think that as it's
21 written, you know, you have to show the significant
22 gap in coverage for all cell providers. So I think
23 if you're following the letter of your ordinance --
24 and I think that's what you have to do. I mean it's
25 presumed constitutional, it's presumed lawful. I

1 don't think you can find that the Cellco Partnership
2 case preempts the application of your ordinance to
3 this particular case.

4 Those are really all the comments I
5 had. I think there's some more in my brief, but I
6 wanted to hit those points for you. And I would ask
7 that based on the evidence presented, I don't think
8 that the applicant has met its burden to show the
9 specific objective criteria that would entitle it to
10 this conditional use for the CCF tower. Thank you.

11 MR. GOUDSOUZIAN: Thank you.

12 MS. DURSO: And just -- I'll just be
13 real brief, two -- two comments. I do believe that
14 based on the determination in the White Deer case,
15 that it clearly does support that the ordinance
16 provision that requires a gap in coverage of all the
17 other providers is a -- is preempted by the FCC
18 guidelines and by the federal Telecommunication Act
19 and the federal cases that have interpreted that.

20 I also would say that as it relates to
21 the access and the easements provided by the
22 Viscitos, the lease is clear. The lease is always
23 entered into in advance of going through the approval
24 process, which is why the lease always reserves the
25 right to have the survey plan, once approved, become

1 the exhibit to the lease. The survey plan has to be
2 approved by the property owner. The survey plan is
3 the site plan that is submitted in the package which
4 clearly shows the required access width, access
5 easement, and the access to Lewis Avenue. Thank you.

6 MR. BANONIS: May I ask a question of
7 Mr. Deschler? I need some clarification on one of
8 your comments. If I understood you correctly, you're
9 arguing that it's inappropriate for this council to
10 provide conditional use approval without at the same
11 time providing site plan approval. Is that what you
12 were saying?

13 MR. DESCHLER: Well, I don't know if I
14 said that, but I think -- I mean I guess that was an
15 issue we talked about before. It's my understanding,
16 and I think we all agree, that site plan approval is
17 not before the council at this point, but I certainly
18 think, yes, you do have to approve the site plan and
19 the conditional use, yes.

20 MR. BANONIS: I'm not saying that we
21 don't have to approve both. My understanding of what
22 you were arguing is that they both need to be
23 submitted to us at the same time for consideration.
24 Was that what you were arguing?

25 MR. DESCHLER: Oh, I don't think they

1 necessarily do. I'm just saying that --

2 MR. BANONIS: Then I must have
3 misunderstood you.

4 MR. DESCHLER: Okay. My point is that
5 I believe that the soils report condition in your
6 zoning ordinance isn't just for the site plan; it's
7 in the same series of regulations or requirements for
8 the conditional use. That was -- that was my point.

9 MR. BANONIS: Okay. So you're not
10 arguing -- okay, I think --

11 MR. DESCHLER: I think it probably
12 has --

13 MR. BANONIS: I understand what you're
14 saying. Okay.

15 MR. DESCHLER: Yeah, I think it
16 probably has to be submitted for the site plan as
17 well, but I think it has to be submitted for this,
18 too.

19 MR. BANONIS: I understand.

20 And, Ms. Durso, just so I'm clear what
21 you're seeking here. You're asking for conditional
22 use approval under Section 180-20 and 180-127.1?

23 MS. DURSO: Yes, as well as the waiver
24 to allow for the access.

25 MR. DESCHLER: And on the site plan, I

1 know we discussed it, but just to be perfectly clear.
2 Is the applicant okay with waiving any MPC or zoning
3 ordinance deadlines for Township Council to render a
4 decision on the site plan, you know, with any
5 particular period?

6 MS. DURSO: I'm not gonna waive it ad
7 nauseam, but yeah, we're not arguing --

8 MR. DESCHLER: Just whatever --

9 MS. DURSO: -- we are not at this
10 point arguing any kind of deemed approval because of
11 the understanding that we were proceeding with the
12 conditional use request approval and then proceeding
13 with the site plan and whatever that timeline
14 involves.

15 MR. DESCHLER: Okay. At some --

16 MS. DURSO: Is that what you're
17 asking?

18 MR. DESCHLER: It is. I mean again I
19 don't expect you to give an indefinite extension, but
20 I mean at some point can we -- can we get an
21 extension to a particular date?

22 MS. DURSO: Sure. I mean I --

23 MR. GOUDSOUZIAN: Attorney Durso,
24 would you agree to provide the township with a waiver
25 of time up until today's date, and then if there is a

1 time where you no longer provide the waiver, then
2 you'd advise us in writing and the clock would start
3 to run?

4 MS. DURSO: Absolutely. Thank you.

5 MR. GOUDSOUZIAN: Very good. Thank
6 you, thank you for that.

7 MS. DURSO: Yeah, I didn't want to say
8 a specific date.

9 MR. BANONIS: And that's just for the
10 site plan.

11 MS. DURSO: That is just for the site
12 plan, yes. Yeah, I didn't want -- I didn't want to
13 confirm a date without knowing what --

14 MR. GOUDSOUZIAN: Understood.

15 MR. DESCHLER: That satisfies my
16 concern, yes. Thank you.

17 MR. GOUDSOUZIAN: Very good. Thank
18 you.

19 MS. DURSO: Thank you.

20 MR. GOUDSOUZIAN: So before we close
21 the record, I just want to make sure that Township
22 Council understands where we are at this point. Once
23 the record is closed, we have 45 days in which to
24 issue a decision.

25 It's my recommendation that before we

1 close the record for today -- you certainly have the
2 right if you want to try to discuss or vote on this
3 today, but it would be my recommendation that you do
4 not because you've just heard closing arguments,
5 you've just heard a couple exhibits that have been
6 introduced into the record. We can then reconvene
7 either at a later -- well, we can reconvene at a
8 later date for discussion and whatever else we need
9 to do, and the decision has to be made within 45
10 days. That's procedurally where we are.

11 MS. DURSO: I'm not sure if I
12 officially moved A-22.

13 MR. GOUDSOUZIAN: That was my next
14 question, is before we actually formally close the
15 record I was going to ask if there's anything
16 remaining; and I presume that you move A-22 into the
17 record?

18 MS. DURSO: Yes, I would like to.
19 Thank you.

20 MR. GOUDSOUZIAN: And there's no
21 objection based on what you've already indicated,
22 that A-22 can be introduced but it does not serve as
23 a substitute for the testimony for the conditional
24 use hearing?

25 MR. DESCHLER: Correct.

1 MR. GOUDSOUZIAN: Very good. With
2 that, it would be admitted and part of the record.

3 And for clarification purposes, C-13
4 was already introduced, the recusal letter was
5 introduced into the record, and all of the record --
6 all of the documents from council which were
7 identified as C-1 through C-13 I believe have been
8 already introduced into the record, but in case they
9 have not been they're admitted. And all of the prior
10 exhibits that have been discussed, in the
11 overabundance of caution, if they were not formally
12 admitted in the context of when they were numbered
13 and identified, there was no objection to them and so
14 on, will be deemed part of the record.

15 MS. DURSO: Thank you.

16 MR. GOUDSOUZIAN: So we don't have to
17 go over it in greater detail.

18 MR. DESCHLER: Will the briefs
19 themselves be offered as council exhibits or what --
20 I don't know how we need to address it.

21 MR. GOUDSOUZIAN: The briefs will be
22 made part of the file and will be made part of the
23 record itself. I don't believe they have to be made
24 an official exhibit.

25 MR. DESCHLER: Understood.

1 MS. DURSO: No, I wouldn't. I would
2 agree.

3 MR. DESCHLER: Okay. But they would
4 be part of the record?

5 MR. GOUDSOUZIAN: They are a part of
6 the record. Lawyer counsel, anything further?

7 MS. DURSO: I have nothing further.

8 MR. DESCHLER: Nothing further.

9 MR. GOUDSOUZIAN: Okay. And Township
10 Council, anything further for today?

11 MR. CAROCCI: Well, you're township
12 counsel, and I do.

13 MR. GOUDSOUZIAN: This would be
14 council with an "i," not an "e."

15 MR. CAROCCI: Yeah. Okay. Yeah, that
16 I want to ask you. Will you be discussing with
17 council any type of liability that the township might
18 have as far as future legal expenses for appeals and
19 that type of stuff? Would the appeal, possible
20 appeal be in the federal court or county court or --
21 I mean I know you can't -- you don't know the answers
22 to a lot of that yet because we don't know if there's
23 an appeal or anything like that, but I mean is that
24 something you can do or -- or would we have to go to
25 outside counsel?

1 MR. GOUDSOUZIAN: I'd anticipate that
2 after today I will be providing Township Council,
3 meaning the board --

4 MR. CAROCCI: Right.

5 MR. GOUDSOUZIAN: -- with an analysis
6 of where we are.

7 MR. CAROCCI: Right.

8 MR. GOUDSOUZIAN: And then you,
9 meaning the members, the elected officials --

10 MR. CAROCCI: Right.

11 MR. GOUDSOUZIAN: -- will be then
12 making a decision as to how to proceed at that point.

13 MR. CAROCCI: So you'll address some
14 of those issues?

15 MR. GOUDSOUZIAN: We'll address
16 whatever needs to be addressed.

17 MR. CAROCCI: All right. Thank you.

18 MR. GOUDSOUZIAN: Thank you. All
19 right. I don't want to preclude anyone. Anyone else
20 for anything? With that we will close this hearing.
21 It is 8:30. And --

22 MR. BANONIS: Don't you need a motion
23 from counsel to close the hearing?

24 MR. CAROCCI: Yes, you do.

25 MR. GOUDSOUZIAN: We can have a

1 motion. Is there -- I would entertain a motion from
2 council to close the hearing.

3 MR. BANONIS: I'll make a motion to
4 close the hearing.

5 MR. CAROCCI: I'll second.

6 MR. GOUDSOUZIAN: To the extent does
7 anyone from council need to comment? You can call
8 for a vote.

9 MR. HUDSON: Mr. Banonis?

10 MR. BANONIS: Yes.

11 MR. HUDSON: Ms. Opthof-Cordaro?

12 MS. OPTHOF-CORDARO: Yes.

13 MR. HUDSON: Mr. Carocci?

14 MR. CAROCCI: Yes.

15 MR. HUDSON: Ms. Ray?

16 MS. RAY: Yes.

17 MR. HUDSON: You're abstaining?

18 MS. DeLEON: Yes.

19 MR. BANONIS: I make a motion to
20 provide the applicant with conditional use approval
21 per Section 180-20, 180-127.1, as well as a waiver to
22 allow for access and pending the site plan approval
23 and working with the township engineer and the
24 approval of council at a subsequent date.

25 It's very clear to me as to what the

1 other members of this council are going to do in
2 terms of their vote. It's also very clear to me that
3 this is going to result in costly litigation in which
4 the township is going to be sued, so let's get at it.
5 You know, there's no reason to delay this, there's no
6 reason to hear from the solicitor; we know what's
7 gonna happen.

8 I know that federal law trumps state
9 law and state law trumps municipal law. I've read
10 the briefs. I understand that there is substantial
11 case law here that provides the applicant with solid
12 legal grounds on which to pursue and obtain the
13 relief that they're seeking, and I also understand
14 that this is not a matter that's going to simply go
15 away and that there's going to be litigation, so
16 let's just get it over with, because there's no point
17 in otherwise delaying the applicant. They've been
18 delayed enough by this council and by this township,
19 and I think it's a -- it's fair to vote on it.

20 Priscilla has indicated that she's
21 going to recuse herself. Maybe she changed her mind
22 and decides to throw her hat back in the ring again
23 at a certain -- at a future date. I just think it's
24 appropriate to get this over with.

25 MR. CAROCCI: Well, I'll second that

1 motion.

2 MR. GOUDSOUZIAN: Okay. Then before
3 we move for comment, just so we're clear. If
4 Ms. DeLeon has recused herself, a 2-2 vote is a
5 non-passing vote, meaning it does not pass at this
6 point.

7 MR. BANONIS: That's fine. Then the
8 applicant can go file their lawsuit and move forward
9 and do whatever they need to do in terms of suing the
10 township. They can pick whether they want to sue the
11 township in federal court under the federal
12 communica -- under the FCC and federal
13 Telecommunications Act or they can, you know, take
14 their chances in Northampton County Court of Common
15 Pleas.

16 MR. GOUDSOUZIAN: All right. Then we
17 will -- for any comment. Mr. Banonis, anything
18 further?

19 MR. BANONIS: No.

20 MR. GOUDSOUZIAN: Mr. Carocci?

21 MR. CAROCCI: No.

22 MR. GOUDSOUZIAN: Ms. DeLeon, you've
23 already recused and abstained.

24 MS. DeLEON: (Nodding head up and
25 down.)

1 MR. GOUDSOUZIAN: Ms. Opthof-Cordaro?

2 MS. OPTHOF-CORDARO: I'm uncomfortable
3 with voting on this this evening, primarily because
4 we did have exhibits entered, there was additional
5 oral argument entered. I would like the opportunity
6 to review that.

7 I also think that it's my
8 responsibility as a councilperson to take the advice
9 of my solicitor, who is the attorney that is vested
10 with the ability to give us guidance on the various
11 legal cases that were cited in both briefs and to
12 provide us with the various positions and what our
13 responsibility is as councilpeople.

14 I think it's -- it's irresponsible to
15 make a shotgun decision this evening without having
16 that benefit of hearing from our counsel, so I would
17 prefer that we not vote this evening so that we can
18 deliberate appropriately under the guidance of our
19 solicitor. Thank you.

20 MR. GOUDSOUZIAN: Ms. Ray, do you have
21 any comment?

22 MS. RAY: Well, yeah. I guess it
23 would be similar. Because I thought I just heard
24 that we have 45 days to make a decision, and I know
25 on conditional uses it's, you know, not always

1 immediate. But now -- so the way this motion is
2 worded though, so if we say no, that doesn't mean
3 we're meaning no to the request; it's no, that we
4 would like --

5 MR. GOUDSOUZIAN: It actually does.
6 It would be then --

7 MS. RAY: Well, then how would we
8 vote?

9 MR. GOUDSOUZIAN: If you vote no, then
10 if there's a -- well, let me rephrase. If there is a
11 2-2 vote, two for yes, two for no, the motion will
12 not pass, the conditional use will be denied.

13 It's my recommendation that we wait,
14 but Mr. Banonis has made a motion, which is his right
15 to do so. So when the appropriate time comes, if two
16 people vote yes, two people vote no, the conditional
17 use application fails. I would still write an
18 opinion within a certain amount of time and, you
19 know, the process would move forward. It may or may
20 not move forward based on what the parties decide.
21 So that's where we are.

22 MS. RAY: So it doesn't seem right
23 that we're not being given the chance to take time to
24 deliberate over this and review all the stuff that
25 we --

1 MR. BANONIS: You've known about this
2 since January. It's two months later.

3 MS. RAY: Yeah.

4 MR. BANONIS: You have all these
5 materials; look at all the paper we have.

6 MS. RAY: I have --

7 MR. BANONIS: I know it's hard to read
8 and understand, but take some time, put the work in.

9 MR. GOUDSOUZIAN: But if there's a --
10 if there's a motion and a second, it's --

11 MR. CAROCCI: I did so.

12 MR. GOUDSOUZIAN: I know. I'm saying
13 if there is a motion and a second, it is to be voted
14 on, whether -- you know, whether my recommendation is
15 followed or not.

16 MS. DeLEON: Do we have public comment
17 on the vote then?

18 MR. GOUDSOUZIAN: No. It would be --
19 well . . .

20 MS. RAY: I think we're being pinned
21 into a corner.

22 MR. GOUDSOUZIAN: Well, this is a --
23 we've had public comment.

24 MS. DeLEON: Yeah. But did we close
25 the hearing --

1 MS. DURSO: Um-hum.

2 MS. DeLEON: -- and now there's a new
3 motion on the floor? So we have to open it up to the
4 public before our vote.

5 (Multiple voices speaking at one
6 time.)

7 MS. DURSO: There would not be --

8 MR. BANONIS: You recused -- you
9 recused yourself from the hearing. We're out of the
10 hearing because the hearing is closed, so I'm trying
11 to understand who's running the meeting at this
12 point. Is it you --

13 MS. DeLEON: I can ask a question.

14 MR. BANONIS: -- or is it the
15 solicitor. Because there --

16 MS. DeLEON: The solicitor is running
17 the meeting.

18 MR. GOUDSOUZIAN: Okay. Hold on, hold
19 on.

20 MR. BANONIS: The hearing is over.

21 MS. DURSO: Counsel, both counsel
22 would disagree that when you have -- are making any
23 kind of motion or decision on a conditional use
24 request, there is not an obligation to open it to --

25 MR. GOUDSOUZIAN: The public.

1 MS. DURSO: -- the public.

2 MR. GOUDSOUZIAN: Correct.

3 MS. DURSO: So we would agree, we're
4 saying we -- we both are saying we agree with you.

5 MR. GOUDSOUZIAN: Yes. So just the
6 two lawyers and the solicitor all agree that there's
7 no opportunity for public comment at this point,
8 there's no requirement for public comment at this
9 point.

10 MS. DURSO: Correct. And I'll go even
11 further to say it would be improper to have public
12 comments --

13 MR. GOUDSOUZIAN: That was my next
14 statement.

15 MR. DESCHLER: I would second that.

16 MR. GOUDSOUZIAN: Okay. Very good.
17 So again --

18 MR. BANONIS: Who's running the
19 meeting? Because she yielded it for the hearing, and
20 we voted to close the hearing. So are you giving the
21 gavel back to Priscilla to run this council meeting,
22 this council meeting?

23 MR. GOUDSOUZIAN: She asked a
24 question.

25 MR. BANONIS: I'm asking you, are you

1 running the meeting? Because you're going on.

2 MR. GOUDSOUZIAN: I am.

3 MR. BANONIS: So you're unelected and
4 you're running this council meeting at this point,
5 because she recused for purposes of the hearing.

6 MR. CAROCCI: Why can't Laura run it?

7 MR. BANONIS: The hearing. The
8 hearing is over, right? We concluded the hearing by
9 motion, and now there's a separate motion because
10 we're now back into the business of the township.

11 MR. GOUDSOUZIAN: But the motion is to
12 vote on the conditional use.

13 MR. BANONIS: The hearing is over.
14 Why are you running the meeting from this point
15 forward?

16 MR. GOUDSOUZIAN: The hearing is not
17 over. This hearing is -- the testimony is over.
18 The -- there's still a vote. You have made the
19 motion.

20 MR. BANONIS: I made a motion to close
21 the hearing.

22 MR. GOUDSOUZIAN: No, no, no. No, no.
23 We voted --

24 MR. BANONIS: We actually voted on --

25 MR. GOUDSOUZIAN: -- on a motion to

1 close the hearing. Then --

2 MR. BANONIS: Now a separate --

3 MR. GOUDSOUZIAN: Hold on, hold on.

4 Then you made a motion to close the hearing. It was
5 seconded and the motion was -- and the motion was
6 granted.

7 MR. BANONIS: Correct.

8 MR. GOUDSOUZIAN: Then you made a
9 motion to make a determination based on the hearing.

10 MR. BANONIS: I made a determination
11 to --

12 MR. GOUDSOUZIAN: Of course you did.

13 MR. BANONIS: You don't have to
14 interrupt.

15 MR. GOUDSOUZIAN: I was not done. I'm
16 not done.

17 MR. BANONIS: Keep going, because you
18 don't know what you're talking about.

19 MR. CAROCCI: You don't point at his
20 face like that.

21 MR. BANONIS: Go ahead.

22 MR. GOUDSOUZIAN: You made a motion
23 then to make a determination on the conditional use
24 to grant the request, which is part of --

25 MR. BANONIS: No, it is not.

1 MR. GOUDSOUZIAN: Very well. We agree
2 to disagree. Right now you've got your motion on the
3 floor; I think it's ready to be called for a vote.
4 Counsel lawyers also agree it's ready to be called
5 for a vote, correct?

6 MR. DESCHLER: It sounds like there's
7 a motion and a second to grant this -- a conditional
8 use.

9 MR. GOUDSOUZIAN: Correct. So I think
10 we're ready to call for the vote. And remember, if
11 it's -- if it's 3 to 1 or 4 to 0, it's granted. If
12 it's 2 to 2, it's not granted. If it's obviously 1
13 to 3 or 0 to 4, it's not granted.

14 MR. BANONIS: We closed the hearing.
15 Okay? We closed the hearing. The hearing is closed,
16 and now we're back to conditional use application.
17 So my motion is to grant the conditional use
18 application. It has nothing to do with the hearing.
19 The hearing is where we gather up all of the evidence
20 for us to make a decision on it, and at that point
21 that hearing is closed and your responsibilities in
22 conducting and administering this meeting are ceased,
23 and it goes back to Priscilla --

24 MR. CAROCCI: You're not elected.

25 MR. BANONIS: -- to run the meeting if

1 she can --

2 MR. GOUDSOUZIAN: I disagree.

3 MR. BANONIS: -- which she -- I don't
4 know, maybe she recuses herself from that as well, or
5 maybe she doesn't. And if she doesn't, well, those
6 implications will be what they're going to be. Or
7 maybe she decides to hand it over and give it to
8 Laura Ray to figure out what's going on and try to
9 run the meeting at that point.

10 MR. CAROCCI: I agree.

11 Mr. Goudsouzian again was not elected by anybody.
12 Why he's running any type of meeting is beyond me --

13 MR. BANONIS: And he's an interim
14 solicitor.

15 MR. CAROCCI: -- beyond me. And he's
16 just there if we have legal questions, and -- and we
17 don't right now. Why is he running the meeting?
18 Nobody elected him, nobody.

19 MR. GOUDSOUZIAN: All right. I think
20 we're ready for to call the vote.

21 MR. CAROCCI: Why doesn't Priscilla
22 call the vote?

23 FEMALE SPEAKER: Excuse me. Could you
24 explain exactly what the hell you're voting on?

25 MR. GOUDSOUZIAN: Shh.

1 MR. BANONIS: You interrupt -- you
2 interrupt me for speaking, you interrupted to stop
3 her.

4 FEMALE SPEAKER: Could you please
5 explain?

6 MR. GOUDSOUZIAN: That's fine. For
7 the members of the public, what has happened is
8 Mr. Banonis has made a motion to grant the
9 conditional use app -- to grant the conditional use
10 application based on the -- the various ordinance
11 numbers that he cited, so that's what's before
12 Township Council to vote on. So a yes means the
13 relief is granted, no means it is not granted.

14 You can move forward, Mr. Hudson.

15 MR. HUDSON: Mr. Banonis, how do you
16 vote?

17 MR. BANONIS: Yes.

18 MR. HUDSON: Ms. Opthof-Cordaro?

19 MS. OPTHOF-CORDARO: As I stated
20 before, it's not appropriate at this time to be
21 voting on this without due deliberation and with the
22 insight of our solicitor. I think it's a breach of
23 our duty as councilpeople to do this at this time, so
24 I'm voting no.

25 MR. HUDSON: Mr. Carocci?

1 MR. CAROCCI: Yes.

2 MR. HUDSON: Ms. Ray?

3 MS. RAY: Well, I would also choose to
4 wait till later also, but if I have to vote now, I
5 will say no.

6 MR. HUDSON: And, Ms. DeLeon, you
7 have --

8 MS. DeLEON: Abstain.

9 MR. HUDSON: A 2-2 vote.

10 (Proceedings concluded at 8:41 p.m.)

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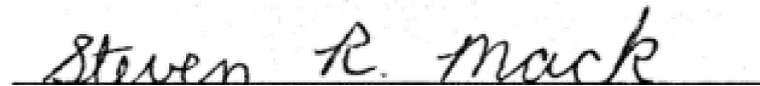
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C E R T I F I C A T E

April 9, 2024

I hereby certify that the evidence and proceedings are contained fully and accurately in the notes taken by me of the within hearing and that this is a correct transcript of the same.

A handwritten signature in black ink that reads "Steven R. Mack". The signature is written in a cursive style and is positioned above a solid horizontal line.

Steven R. Mack
Registered Merit Reporter
Certified Realtime Reporter
Notary Public

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LOWER SAUCON TOWNSHIP
Northampton County, Pennsylvania

RESOLUTION #38-2024

**A RESOLUTION HONORING THE
SAUCON VALLEY LIONS CLUB
FOR 75 YEARS OF DEDICATED SERVICE TO THE
RESIDENTS OF SAUCON VALLEY**

WHEREAS, the Saucon Valley Lions Club was organized in November of 1948 and received its Charter from Lions International on February 8, 1949 with 27 original members, and held their first official meeting in April of 1949; and

WHEREAS, Lions Club International's main objectives are to support Vision and Hearing, Hunger, Diabetes (the leading cause of blindness), Pediatric Cancer and Environmental; and

WHEREAS, the Saucon Valley Lions Club supports many of these objectives locally by hosting several fundraisers on a regular basis; including 50 years of monthly Sunday Breakfasts, the annual Gem and Mineral Show (49 years), Blood Drives, and the Annual Golf Tournament; and

WHEREAS, the Club has supported, and continues to support, many local organizations and local civic projects, such as funding the scoreboard at the Saucon Valley High School Stadium and donating to the Stadium Lights Project, building bus shelters, donating drinking fountains to local parks, building pavilions in two Lower Saucon Township Parks, the Hellertown Plaza Clock, planting trees for deceased fellow lions, installing prescription glasses collection boxes to name a few; and

WHEREAS, the Club helps with remedial eye care, eye exams and has purchased eye glasses for local residents along with donations to camperships for Beacon Lodge, the Lions camp for the sight and hearing disabled and the physically disabled, for children, adults and Veterans; and

WHEREAS; the Club has donated to many organizations over the years: the Hellertown Halloween Parade, Saucon Valley Community Center, Cerebral Palsy Association, Saucon Valley Fine Arts, Special Olympics, local sports teams, Lehigh Valley Blind Bowlers, New Jerusalem Food Bank, local Blessing Boxes, Second Harvest Food Bank, Salvation Army, DARE, Saucon Valley Schools, local emergency services, St. Jude's, SPCA, Habitat for Humanity, Relay for Life, local Boy and Girl Scouts, Allentown Rescue Mission, and many other local events and charities; and

WHEREAS, the Club continues to fundraise to support all of these worthy causes by relying on the Annual Purse Bingo, Annual Spaghetti Dinner with Santa, Easter Egg Hunt, as well as local restaurant fundraisers; and

WHEREAS, the Club is commended for celebrating 75 years of unselfish contributions by all the Lions Club members to support the Saucon Valley area and worldwide with Lions Club International.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Priscilla deLeon, President; Laura Ray, Vice President; Jason Banonis, Thomas Carocci, and Victoria Ophof-Cordaro, Council Members; hereby honor and commend the Saucon Valley Lions Club and its members for their dedicated service to the residents of Saucon Valley.

ADOPTED and **ENACTED** this 20th day of March, 2024.

Lower Saucon Township

Priscilla deLeon
Council President

Attest

Mark Hudson
Secretary