



Tuesday, January 2, 2024
Lower Saucon Township Council Agenda

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

1. OPENING

- A. Call to Order
- B. ** Swearing In Ceremony **
- C. Roll Call
- D. Pledge of Allegiance
- E. Public Comment Procedure

2. PUBLIC COMMENT - AGENDA ITEMS ONLY - RESIDENTS/TAXPAYERS ONLY - 3-MINUTE TIME LIMIT

- A. Public Comment - Agenda Items Only - Residents/Taxpayers Only - 3-Minute Time Limit

3. INITIAL REORGANIZATION

- A. Election of Council President
- B. Election of Council Vice President
- C. Designation of Council Meeting Time, Place & Date for 2024
- D. Resolution #01-2024: Depository of Funds
- E. Resolution #02-2024: Secondary Signatures for Disbursements

4. APPOINTMENTS BY COUNCIL

- A. Resolution #03-2024- Township Secretary
- B. Resolution #04-2024 - Township Planning/Zoning Administrator
- C. Resolution #05-2024 - Right-To-Know Officer
- D. Township Solicitors
- E. Resolution #11-2024 - Township Engineer
- F. Resolution #12-2024 - Sewage Enforcement Officers
- G. Resolution #13-2024 - Township Landfill Consultants
- H. Resolution #14-2024 - Township EAC/Open Space Consultant

- I. Resolution #15-2024 - Township Auditor
- J. Resolution #16-2024 - Township Actuary
- K. Council Liaison Appointments to Volunteer Boards

5. REORGANIZATION RESOLUTIONS AND FEE SCHEDULES

- A. Resolution #17-2024 Manager's Salary
- B. Resolution #18-2024 Chief of Police Salary
- C. Resolution #19-2024 Director of Finance/Assistant Manager Salary
- D. Resolution #20-2024 Director of Public Works' Salary
- E. Resolution #21-2024 Zoning Officer's Salary
- F. Resolution #22-2024 Administrative Assistant's Salary
- G. Resolution #23-2024 Administrative Assistant's Salary
- H. Resolution #24-2024 Non-Uniformed Employee Pay Scale
- I. Resolution #25-2024 Township Police Officers Pay Scale
- J. Resolution #26-2024 Non-Uniform Employee Pension Fund Contributions
- K. Resolution #27-2024 Uniformed Employee Pension Fund Contributions
- L. Resolution #28-2024 Township Fees
- M. Resolution #29-2024 On-lot Sewage Permit Application Fee
- N. Resolution #30-2024 - Township Tax Administrator
- O. Resolution #31-2024 Agenda and Code of Conduct Policy

6. MANAGER'S APPOINTMENTS WITH COUNCIL CONSENT

- A. Appointments to Various Boards/Council/Committees

7. ADJOURN REORGANIZATION MEETING

- A. Move to Adjourn

8. OPEN GENERAL BUSINESS MEETING

- A. Executive Session (if applicable)
- B. Announcement of Executive Session (if applicable)
- C. Potential Action on Executive Session Issues (if applicable)

9. TOWNSHIP BUSINESS ITEMS

- A. Authorize Attendance at the Annual PSATS Conference and Voting Delegate
- B. Authorize Staff to Prepare an Ordinance for Council's Review Amending the Zoning Map for an Area of Easton Road - to change the Zoning from LM to R40
- C. Virtual Meetings
- D. Reopen the 2024 Budget - Budget Meeting to be held on Jan. 11, 2024
- E. Discussion on the Hellertown Area Library and Unpaid Invoices

F. Authorize the Township Solicitor to Review Current Township Litigation and Provide Summary to Council

G. Landfill Consultants

H. Authorize Advertisement of Lawn Mowing & Lawn Treatment Bids

10. COUNCIL AND STAFF REPORTS

A. Township Manager, Mark Hudson

B. Council/Jr. Council

C. Solicitor

D. Engineer

11. PUBLIC COMMENT - NON-AGENDA ITEMS - RESIDENTS/TAXPAYERS ONLY - 3-MINUTE TIME LIMIT

12. ADJOURNMENT

A. Move to Adjourn

13. UPCOMING MEETINGS

A. Environmental Advisory Council: January 9, 2024

B. Council - January 17, 2024

C. Landfill Committee Meeting: January 18, 2024 (5:00 p.m.)

D. Saucon Rail Trail Oversight Commission: January 22, 2024

E. Zoning Hearing Board: January 22, 2024

F. Planning Commission: January 25, 2024

G. Parks and Recreation Board: February 5, 2024

1. **OPENING**

A. **CALL TO ORDER**

Mr. Jason Banonis called to order the January 2, 2024 Reorganization and General Business meeting at 6:49 p.m.

B. **ROLL CALL:** Jason Banonis, Priscilla deLeon, Victoria-Opthof-Cordaro, Laura Ray, Council Members; Cathy Gorman, Assistant Manager & Director of Finance; Stacy Werkheiser, Administrative Assistant; Rudra and Nitya Thakkar, Jr. Council Members; Thomas Carocci, Council Member – Absent.

C. **SWEARING-IN CEREMONY OF NEW COUNCIL MEMBERS** – Mr. Banonis said we will proceed with the new Council Members and the new Controller who will be administered the Oath of Office. Ms. deLeon said this is Judge Brian Panella who was just elected and sworn in. Congratulations and welcome. Judge Panella said before we begin, he wants to apologize. On his way here, he thinks they hit every accident along the way on I-78. As he understands, he will swear you in, one at a time. Ms. deLeon said yes. Judge Panella said raise your right hand. He swore in each one separately, Laura Ray, Priscilla deLeon, and Victoria Opthof-Cordaro, Council members and Lynn Hill, the new Controller. Judge Panella said congratulations. Before he was elected, he had a heavy practice in municipal law and he must say honestly and truly from the bottom of his heart, it is amazing to see a Township that cares about their community. He thanked everyone for coming out, Lower Saucon’s pride, congratulations to you as well.

D. **PLEDGE OF ALLEGIANCE**

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

Mr. Banonis said Council did not meet in Executive Session this evening.

F. **PUBLIC COMMENT PROCEDURE**

Mr. Banonis said we have the Public Comment Period, which is a 3-minute public comment for residents and taxpayers only for agenda items only.

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

- Geeta Sajnani said she’s a resident of Lower Saucon Township (LST) as well as a recent new staff member of the Hellertown Area Library (HAL). It is her privilege as a LST resident and the only staff member that is a LST resident that she has the privilege to be up here. She wants to welcome each and every one of Council. Thank you for joining the new Council and they are truly looking forward to positive outcomes coming out of this new Council for the LST residents who have gone through quite a bit of a challenge these past few years of not having a home with the library. As a HAL staff, she has seen first-hand the struggles the library has been going through as well, so she’s really looking forward to the new Council members meeting with the Board of the library and coming to a consensus where both the residents and the library can thrive. She has heard over the year that it’s a small library, what can it offer. Let her tell you first, she’s been in this area for ten years plus. She has seen her children excel because of this library, so yes, it is a small library but it is the heart of our community. She’s really looking forward to some positive outcomes so they can continue to experience what this library has to offer for us. Thank you.
- Larry Petfield said good evening, Council. He said his name is Larry Petfield or Lawrence Petfield if you want to be formal. He is a LST resident and he is also a property owner in LST. He’s here for the agenda item regarding the rezoning of Easton Road from Light Manufacturing (LM) back to residential. He’s owned this property for over 40 years. It’s vacant land. He doesn’t live there. He and his wife have been waiting for the most recent change for a long time. They were happy to see it change in the November, December 2022 timeframe, where it went from residential to LM. It would not be his chosen place to live in that area because of what surrounds it. They have I-78 just to the south of it, and they have to the north of it the LVIP property, which used to be the ex-Bethlehem Steel property. So, he feels that this zoning change was good for the Township. It should be able to generate additional tax revenue compared with what they are getting from their properties today. In addition to that, with the dividing line for the Bethlehem Steel and LS being the center of the road, it’s just been very, very commercial out in that area. As he said before, he would never want to live there. So, for all of the property owners along Easton Road, he thinks in keeping the LM zoning it’s going to help, not hurt, the property value and he’s talking about raw landowners and he’s talking about homeowners in that area. It’s going to improve their value. Reverting this back to R-40 is a step backward in considering those property values. So, he asks you, to please all of you Council members, to please seriously consider keeping this a zoned LM. Thank you.

- Bob Blasko said good evening fellow residents and he imagines there are a few here this evening that are not residents of LST. When Mr. Banonis at a Council meeting brought up Lower Merion being sued for having a surplus of revenue, when he started out with the article that he read that he referred to, he mentioned one time they were sued, not because of a surplus actually but because they wanted to raise taxes on top of a surplus. Throughout the rest of his speech, he omitted that. He made a point of them being sued but he forgot to mention each time that it was because they wanted to raise taxes on top of having a surplus - convenient. When it came to the Steel City expansion, he said that it would produce a \$3 million plus in tax revenue. Well, if that were true, then we certainly don't need the landfill, but actually his figures are wrong. It's nowhere near the kind of money that we would get from this. It's about a tenth of that, he thinks it comes out to. Question, why was there no mention of this surplus before the election. It would have been great to campaign on that, perhaps it was because they were so sure that they were going to win the election and you already had another \$3.2 million ballfield planned. Rezoning to Light Industrial (LI) out where they are, hundreds of acres, where people already are complaining about the truck traffic to the landfill because the roads can't even support it. Said if we don't have enough LI the Township could be sued, whoever sued the Township when they want, could place their businesses anyway they selected. His question is why would a business ever want to place it where they are out there in the boondocks. There is no infrastructure, perhaps he was more worried about it being placed next to his home. Easton Road...Mr. Banonis said Mr. Blasko, your three minutes are up, if he can wrap up his thought, please. Mr. Blasko said certainly, Easton Road the ballfield, warehouses right across the road. It's in what has been rezoned in what is LI. What was the plan for that? There's still no water there, no sewage there and this is \$3.2 million into the project. He has a lot more, but his three minutes are up.
- Larry Opthof said he's a resident of LST. His daughter was elected to the Council and he's very proud to say that. Congratulations to Katie, but congratulations to everyone. By the way, they go by Katie in their family, not Victoria. Anyway, he wants to congratulate all on their election to the board and he also wanted to mention a few things that he's concerned about. One is he notices this ballfield keeps getting more and more expensive. He's curious, are we going to have professional teams playing there because he wonders, maybe they can get the Phillies there or something. Anyway, that's the first thing. The second issue is he's still having a problem with this garbage dump and since he drives on there close to the garbage dump almost every day, he notices that it's getting...Mr. Banonis said Mr. Opthof, the landfill isn't on the agenda, so if he wants to save that for non-agenda items, he's welcome to do that but this is for agenda items. Mr. Opthof said is the ballfield on the agenda? Mr. Banonis said the budget was on the agenda. Mr. Opthof said anyway, you people have a nice day and hopefully that this dictatorship will end soon.
- Peg Opthof said good evening, everyone, she's Victoria Opthof-Cordaro's mom and she's here to again congratulate her on her election and also with Priscilla deLeon and Laura Ray, she knows that LST will move to become a more open, diplomatic and open and diplomatic Council and she can't wait for that to happen. Okay, thank you and have a nice evening everyone.
- Russ Sutton said first of all he wants to congratulate returning and brand-new Council members. It was a long-fought battle and they won and he's so proud of them. It's the first time in four years he's had hope so he just wants them to know how much this means to him, and to everybody in this room that they have representatives that actually represent them and hopefully they can be civil and have perfect discussions and not have runoffs and be able to respect other municipalities and allow other people to speak even if they are not residents but have impact on our Township, so that's his wishes, but again, Congratulations.
- Melissa Miranda said good evening. She lives on Easton Road and she congratulates them all and thanked them for their service. She knows that some concerns were a fiscal responsibility, safety, choice, community and of course their changing environment. She's been a resident of Easton Road since she's 3-1/2 years old and she was in support of the zoning change because then it would at least give them some opportunity and choice as to what they could do with the property. Returning it to residential only, just locks them in there with a decreasing value on the property and with all due respect, again, her parents couldn't get the value in the house, she moved in, she can't get the value in the house. Her neighbors have rats and she's just waiting for them to come, right, and so, she would rather see the Council perhaps focus on helping whatever projects come in to be environmentally friendly or that are more green in technology because she does believe they bring those kinds of projects forth for voting as opposed to leaving them landlocked with little choice. Right, at least if it's LM, she could perhaps stay in the house and decide to use the house a little bit differently or the property a little bit differently, but if you change it back to residential only, then she doesn't really even have a choice. She knows that most of the residents have already gone under agreement. She hasn't, so

she really is speaking as a homeowner that has not already made a decision, but doesn't want that choice taken away from them, the homeowners, who have been trapped between 78 and now the warehouses, literally right across the street. So, thank you, she respects their time.

➤ Joe Bubba – passed.

3. INITIAL REORGANIZATION

A. ELECTION OF COUNCIL PRESIDENT

MOTION TO NOMINATE: Ms. Ophhof-Cordaro moved to appoint Priscilla deLeon as Council President of LST.

SECOND TO NOMINATION: Ms. Ray

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

B. ELECTION OF VICE PRESIDENT OF COUNCIL – Ms. deLeon said can she have the gavel now. Mr. Banonis said sure. Ms. deLeon said okay guys, alright, so moving on. The election of Council Vice President.

MOTION TO NOMINATE: Ms. deLeon moved to nominate Laura Ray as Vice-President.

SECOND TO NOMINATION: Ms. Ophhof-Cordaro

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

Ms. deLeon said thank you everybody. She'd like to take this opportunity to read something to everyone. "Good evening. I would like to congratulate Judge Brian Panella on his election and thank him for swearing in the Controller and the three newly elected Councilwomen. In LST, as a result of the 2023 General Municipal Election for Council, first place winner at 2,423 votes was the Honorable Priscilla deLeon; second place winner at 2,346 votes was the Honorable Laura Ray; third place winner at 2,326 votes was the Honorable Victoria Ophhof-Cordaro. The Controller race, they have 340 votes for Lynn and they were all write-ins, so she did a good job banging out those write-ins. So, congratulations to all. I am so excited to welcome these remarkable women to LST. It was an exciting campaign; grass roots and we won it for four years. I won my 10th term in office on Council and it has been an honor and privilege serving the residents for the past 36 year. I am glad to be back. Thank you to the bi-partisan voters who came out overwhelmingly in support of our team, "Saucon Valley Together". Laura, Victoria and I will be working really hard to turn this Township around and make it better than ever respecting our residents. Let's stay positive. This is your Township. This is your government. These meetings are for you. We will make this better by starting with improved communications. Our resolution to our residents is to be better. I would like to thank Mark and his staff for their help in the transition by working together to make this as smooth as possible". She'd like to open it up to Laura. Would she like to say something?

Ms. Ray said she really didn't prepare anything, of course, and she's losing her voice but she does want to thank everyone for their support and their vote and know that she is here to serve them, she's honored to serve them, and she has an open ear, so call, email, write, whatever and she will speak with you and she looks forward to turning things around in our Township. Ms. deLeon said okay, thank you. Victoria, would you like to say anything.

Ms. Ophhof-Cordaro said thank you so much Priscilla. First, she does want to thank everybody here in the audience, thank you to her family, thank you to all of the voters in LST for all of their hard work. She feels she sits here today, not because of anything that she did, but because they all had the courage to use their voices and to speak for what they believe is right for LST. She is honored and humbled to be standing here and being next to them and she feels that she is with them at all times. She encourages every single one of them to write in to them, to call. She encourages them to come to Council meetings, every single Council meeting and speak whether you agree with something on the agenda or you don't agree with something on the agenda. She feels democracy is very important to honor and to save and coming to Council and being a part of their local government is the first step in making sure that everyone has a brighter future. So, she wants to thank Priscilla and Laura and everybody, the Township

staff for welcoming her here today and she looks forward to serving them and she appreciates all of them. Thank you.

C. DESIGNATION OF COUNCIL MEETING TIME, PLACE & DATE FOR 2024

Ms. deLeon said Mark provided the dates. They would be the first and third Wednesday usually unless noted, at 6:30 p.m. at Town Hall. It would be January 2, which is tonight, January 11th which will be the budget meeting, January 17th, February 7th, February 21st, March 6th, March 20th, April 3rd, April 17th, May 1st, May 15th, June 5th, June 19th, July 24th which will be changed to the 4th Wednesday so that will be different, August 21st, September 4th, September 18th, October 2nd which would be budget discussion, October 16th, November 6th, November 20th, December 4th, December 18th and that's for 2024. That doesn't mean that they can't have an extra meeting here and there or cancel a meeting if there's no business. So, please if you aren't signed up on the Township's website, you can go on and click off the boards that you want to be notified when the meeting agendas come out and that will help you know what they are doing. So, with that, does anybody on Council have any questions regarding the meeting schedule?

MOTION BY: Ms. deLeon moved for approval of the meeting dates as written by the Manager.

SECOND BY: Ms. Opthof-Cordaro

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

D. RESOLUTION #01-2024: DEPOSITORY OF FUNDS

Ms. deLeon said the staff recommends continuing with PLGIT, Fulton Financial Advisors, Truist, Embassy Bank, and Great Eastern Management.

MOTION BY: Ms. deLeon moved for approval of the staff recommendation for Resolution #01-2024 – Depository of funds - Fulton Financial Advisors, PLGIT, Truist, Embassy Bank and Great Eastern Management as depositories of Township funds.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0 (Mr. Carocci – Absent)

E. RESOLUTION #02-2024: SECONDARY SIGNATURES FOR DISBURSEMENTS

Ms. deLeon said Council should appoint two (2) members of Council for secondary signatures for disbursements. The Township Manager, the Township Controller along with the Council President and Vice President will serve as signatories for the year. Council should also name an alternate signer from Council, so that would be Priscilla and Laura. She asked Victoria if she wanted to be the alternate. Ms. Opthof-Cordaro said sure.

MOTION BY: Ms. deLeon moved for approval of Resolution #02-2024 to appoint Priscilla, Laura and Victoria for the secondary signatures for disbursements.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0 (Mr. Carocci – Absent)

4. APPOINTMENTS BY COUNCIL

A. TOWNSHIP SECRETARY – RESOLUTION #03-2024

Ms. deLeon said the similar items, she is going to combine them. She will read them first and then call for the motion. The first one they have is Resolution #03-2024 which is the Township Secretary, and that would be appointing the Township Manager as Township Secretary.

B. TOWNSHIP PLANNING/ZONING ADMINISTRATOR – RESOLUTION #04-2024

Ms. deLeon said Resolution #04-2024 has been prepared appointing the Township Manager as Planning/Zoning Administrator.

C. RIGHT-TO-KNOW OFFICER – RESOLUTION #05-2024

Ms. deLeon said this resolution designates the Township Manager as Right-to-Know Officer and the Director of Finance/Assistant Manager as the Assistant Right-to-Know Officer.

MOTION BY: Ms. deLeon moved for approval of Resolution #03-2024, Township Secretary; Resolution #04-2024, Township Planning/Zoning Administrator; and Resolution #05-2024, Right-to-Know Officer.
SECOND BY: Mr. Banonis
ROLL CALL: 4-0 (Mr. Carocci – Absent)

D. TOWNSHIP SOLICITORS

Mrs. deLeon said we have the Township Solicitors; she's going to read them as follows.

1. **TOWNSHIP GENERAL – CIVIL SOLICITOR FEE SCHEDULE: RESOLUTION #06-2024**
2. **TOWNSHIP GENERAL – PLANNING COMMISSION AND EAC: RESOLUTION #07-2024**
3. **TOWNSHIP GENERAL: RESOLUTION #08-2024 APPOINTING GEORGE HEITCZMAN AS ZHB SOLICITOR**
4. **TOWNSHIP GENERAL: RESOLUTION #09-2024 APPOINTING TERRY CLEMONS AS THE OPEN SPACE SOLICITOR**
5. **TOWNSHIP GENERAL: RESOLUTION #10-2024 APPOINTING CURTIN & HEEFNER, LLP – TOWNSHIP LABOR ATTORNEY**

Ms. deLeon said Resolution #06-2024 has been prepared appointing Curtin & Heefner LLP with Mark Freed being the principal as the Township's General/Civil Solicitor at the hourly rate of \$180.00 for the attorneys. The services for Subdivision and Land Development matters which would be paid by the applicant with an hourly rate of \$235.00 for attorneys.

Mr. Banonis said he has a question about that. So, this is the first time that he heard of Curtin and Heefner and Mr. Freed being proposed to do the Solicitor work for the Township and he knows that the proposal is \$180.00 per hour for Solicitor services and \$235.00 per hour for Subdivision and Land Development matters. It's his understanding, and he may be wrong about this, but it's his understanding that the proposed different rates violate the Municipal Planning Code (MPC) and it's illegal. The MPC requires that the Solicitor charge the same comparable rates, yet here what we have are two different rates and with regard to the increased rate of \$235.00 per hour for Subdivision and Land Development matters, which is actually 30% higher than the Solicitor services rate. It would serve as a back door tax and the MPC 53 PS 10101 seems to prohibit this and in addition to that, the case laws Skepton vs. the Borough of Wilson, the PA Supreme Court case which prohibits back door taxes like this and he believes also that the local tax collection law prohibits this. With that said, the packet does not include any bio, resume or any qualifications for Mr. Freed. No interview has been done by this Council as far as he understands. If there was an interview, then it was done in violation of the Sunshine Act. He did review his practice areas on his website, and he questions his qualifications to do this work. If you look at his website bio, it lists appellate law, banking, commercial litigation, environmental law, insurance law, litigation, and finally public sector. He formerly worked for the DEP and as Counsel to the Southeast Regional Waste Management and Water Supply Management programs and he was also Criminal prosecutor in the PA Attorney General's Environmental Crime section. Clearly, this has been in the works since at least December 20th when we had our Council meeting and Mr. Sutton tripped over himself at the last meeting and announced that there was going to be change to the Solicitor and then recanted it and then there were some posts, or at least a post by Saucon Shenanigans alluding to this Solicitor change in a social media post. This raises questions in his mind as to violation of the Sunshine Act as to how this came to be. There was no information supporting this in any application materials, he's sorry, in any of the agenda materials and he's wondering what the basis is for this change. They had a Solicitor who was with this Township for 23 years, and who is now being replaced summarily without any opportunity to remain in the position.

Ms. deLeon said she appreciates his comment, and with that, she'd like to amend the resolution #06-2024 and remove the "for services involving Subdivisions and Land Development matters which would be paid by the applicant with an hourly rate of \$235.00/hour for attorney's" and if this motion passes to appoint the Law Firm of Curtin and Heefner, they can look into that and get back to Council with that rate. With that...Mr. Banonis said he doesn't understand her motion.

Ms. deLeon said she's making a motion to approve an amendment to Resolution #06-2024.

MOTION BY: Ms. deLeon moved to amend Resolution #06-2024 to remove or delete, for the time being, the second WHEREAS where it says for services involving Subdivisions and the rest, where he was questioning the rate of the \$235.00, so she's asking to remove that and vote on the resolution with that taken out, and then subsequent to tonight, the Solicitor can look into it and get back to them.

Mr. Banonis said what if we have an applicant...Ms. Opthof-Cordaro said if she may...Mr. Banonis said what if we have an applicant seeking Subdivision and Land Development matter approvals and we don't have a Solicitor to take care of those, so now the individual who comes in, rightfully expects the Township to promptly and fairly and accurately handle that application and now we don't have a Solicitor that's approved to handle those matters, how do we deal with that? Ms. deLeon said well, for, if her motion passes, she will ask Mr. Freed to come up here and take his seat and maybe he can respond to that, but right now, we have a motion on the floor and Victoria, did she want to say something.

Ms. Opthof-Cordaro said yes, she did have an opportunity to check out Mr. Freed as she saw it was on the agenda and she wants to thank Mr. Banonis for reciting all of the information that was on the website as she thinks it is important for the public to see that Mr. Freed not only has experience in DEP matters, which we have a landfill, so that's a very important issue for our Township, but also deals with municipal law and litigation. As you all know, we are currently involved in multiple levels of litigation and she appreciates the time of our former Solicitor; however, she thinks that at least she heard on the campaign trail that there was a desire for them to move in a different direction and some of the things that occurred last year were concerning as to the level of direction that our Solicitor had under the direction of Mr. Banonis and she does feel that a lot of his questions, if he has those questions, he should bring them up to an attorney. She doesn't believe that Mr. Banonis and his curriculum vitae lists municipal law so she appreciates that he's trying to look into it now, but that she thinks he should seek another attorney for his questions or ask Mr. Freed. That's all she has to say. She would second the motion.

SECOND BY: Ms. Opthof-Cordaro

Mr. Banonis said let's be clear that the former Solicitor, or the soon to be former Solicitor, did not act in Mr. Banonis direction, he acted at the direction of the majority of Council who approved his actions, so to suggest he was acting at his behalf, as an individual, or as an individual member of this Council, is totally untrue.

Ms. deLeon said we have a motion on the floor. She asked Laura if she wanted to say anything. Ms. Ray said no.

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

Ms. deLeon said with that, Mr. Freed would you like to come forward. She said this is Attorney Freed. She asked if he would like wait or would he like to answer that question now. Mr. Freed said on the rates. Ms. deLeon said yes. Mr. Freed said he can only tell you that it's his experience that...Ms. deLeon said do you want to turn your microphone on please. Mr. Freed said his first mistake. Ms. deLeon said she's not keeping a list. Mr. Freed said you probably

should. It's his experience that virtually every municipal firm that he's seen does have different rates that they charge a municipality and different rates that they charge the applicant in a land development matter, but he is more than happy to look into this. Mr. Banonis said thank you. Ms. deLeon said then we're safe between now and our meeting on January 11th. Mr. Freed said in any event if any applications come in, in the interim, he's happy to do whatever work for \$180.00/hour.

Mr. Banonis said can he share with them what other municipalities he does Solicitor work for. Mr. Freed said he is the Solicitor in Solebury Township, Bucks County. He is the Solicitor in Ivyland Borough. He is the Solicitor in Uwchlan Township, Chester County. Their firm is also the Solicitor in Middletown Township, Bucks County. Mr. Banonis said just him as an individual. Mr. Freed said he does; does he want to know the other municipalities that he does work for? Mr. Banonis said sure. Mr. Freed said Middletown Township, he does some of their litigation and code enforcement work. He thinks that's probably enough. Mr. Banonis said thank you. Ms. deLeon said moving along on the agenda.

2. **TOWNSHIP GENERAL – PLANNING COMMISSION AND EAC: RESOLUTION #07-2024**

Ms. deLeon said Resolution #07-2024 has been prepared appointing Curtin & Heefner LLP with Mark Freed being the principal as the Planning Commission and EAC Solicitor at an hourly rate of \$180.00.

MOTION BY: Ms. deLeon moved for approval of Resolution #07-2024 appointing Curtin & Heefner LLP with Mark Freed being the principal at an hourly rate of \$180.00.

SECOND BY: Ms. Opthof-Cordaro

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

3. **TOWNSHIP GENERAL: RESOLUTION #08-2024 APPOINTING GEORGE HEITCZMAN AS ZHB SOLICITOR**

Ms. deLeon said Resolution #08-2024 has been prepared appointing George Heitzman as ZHB Solicitor at an hourly rate of \$200.00. There was no change from 2023.

MOTION BY: Ms. deLeon moved for approval of Resolution #08-2024 appointing George Heitzman as the ZHB Solicitor for 2024 at the hourly rate of \$200.00.

SECOND BY: Ms. Opthof-Cordaro

ROLL CALL: 4-0 (Mr. Carocci – Absent)

4. **TOWNSHIP GENERAL: RESOLUTION #09-2024 APPOINTING TERRY CLEMONS AS THE OPEN SPACE SOLICITOR**

Ms. deLeon said Resolution #09-2024 has been prepared appointing Terry Clemons as the Open Space Solicitor, as needed, at the hourly rate of \$185.00/hour and this is an increase from the 2023 rate.

MOTION BY: Ms. deLeon moved for approval of Resolution #09-2024 appointing Terry Clemons as the Open Space Solicitor at an hourly rate of \$185.00/hour.

SECOND BY: Ms. Ray

ROLL CALL: 4-0 (Mr. Carocci – Absent)

5. **TOWNSHIP GENERAL: RESOLUTION #10-2024 APPOINTING CURTIN & HEEFNER, LLP – TOWNSHIP LABOR ATTORNEY**

Ms. deLeon said Resolution #10-2024 has been prepared appointing Curtin & Heefner LLP as the Township Labor Attorney at the rate of \$225.00/hour.

MOTION BY: Ms. deLeon moved for approval of Resolution #10-2024 appointing Curtin & Heefner LLP as the Township Labor Attorney at the hour rate of \$225.00/hour.

Mr. Banonis said he doesn't see a resume or any qualifications that would provide any attorneys from this firm that would be doing labor work for the Township. The question he has is how can we simply pick a firm without knowing its qualifications. It seems again to be a violation of the Sunshine Act.

Ms. Opthof-Cordaro said if she may, she thinks that the website speaks for itself. She thinks if he has any questions about the labor employment law, he can direct them to the Solicitor if we in fact move on the motion. Mr. Banonis said we aren't hiring the website, we are hiring an attorney, or hopefully a group of attorneys, and we don't have that information here before us to hire those attorneys to make our decision. At least our prior Labor Attorney, Mike Miller, and his firm, we knew who Mike was and he had done work for the Township for a number of years, very well, he'll add, so he has concerns we are hiring a firm not knowing who we are getting as an attorney. We are just simply hiring a firm without any understanding of the basis of their expertise in this and there's a proposal to pay them \$225.00/hour of taxpayer money.

SECOND BY: Ms. Opthof-Cordaro
ROLL CALL: 3-1 (Mr. Banonis – No; Mr. Carocci – Absent)

E. TOWNSHIP ENGINEER: RESOLUTION #11-2024

Ms. deLeon said Resolution #11-2024 has been prepared appointing Hanover Engineering as the Township Engineer, per their 2024 fee schedule.

MOTION BY: Ms. deLeon moved for approval of Resolution #11-2024 appointing HEA as the Township Engineer, per their 2024 fee schedule.
SECOND BY: Ms. Ray
ROLL CALL: 4-0 (Mr. Carocci – Absent)

F. SEWAGE ENFORCEMENT OFFICERS: RESOLUTION #12-2024

Ms. deLeon said Hanover Engineering requests the following individuals be appointed as the 2024 SEO's: Scott Brown, Jacob Schray, Robert Grim, Luke Eggert and Christopher Taylor. The Sewage Enforcement Officer rate for 2024 is \$95.00 per hour.

MOTION BY: Ms. deLeon moved for approval of Resolution #12-2024 appointing Scott Brown, Jacob Schray, Robert Grim, Luke Eggert and Christopher Taylor as the SEO's for 2024 at the rate of \$95.00/hour.
SECOND BY: Ms. Opthof-Cordaro
ROLL CALL: 4-0 (Mr. Carocci – Absent)

G. TOWNSHIP LANDFILL CONSULTANTS: RESOLUTION #13-2024

Ms. deLeon said Resolution #13-2024 has been prepared appointing Rich Sichler from Neversink Environmental, Inc., at the hourly rate of \$110.00 as Township Landfill Consultant, as needed; Scott Brown as the Host Municipal inspector with Jake Schray as alternate at the hourly rate of \$99.50.

MOTION BY: Ms. deLeon moved for approval of Resolution #13-2024 appointing Rich Sichler as the Township Landfill Consultant at an hourly rate of \$110.00 and Scott Brown as the Host Municipal Inspector with Jake Schray from HEA as the alternate at the hourly rate of \$99.50.
SECOND BY: Ms. Opthof-Cordaro
ROLL CALL: 4-0 (Mr. Carocci – Absent)

H. TOWNSHIP EAC/OPEN SPACE CONSULTANT: RESOLUTION #14-2024

Ms. deLeon said Resolution #14-2024 has been prepared appointing Matt Babbitt as the Open Space Consultant to the EAC, as needed, at the hourly rate of \$85.00 as per the schedule from Heritage Conservancy.

MOTION BY: Ms. deLeon moved for approval of Resolution #14-2024 appointing Matt Babbitt as the Open Space Consultant to the EAC at the hourly rate of \$85.00 per the schedule from Heritage Conservancy.

Mr. Banonis said we don't have any resume or qualifications for this. This seems to be some sort of payback or kickback to somebody whose credentials are not known to us. It's \$85.00 per hour of taxpayer money that's been proposed. Ms. deLeon said Heritage Conservancy was, maybe Matt Babbitt wasn't, but Heritage Conservancy was the named firm. This has been a pass over of all the past years. Mr. Banonis said he understands that, but they don't have Mr. Babbitt's qualifications and we're proposing to pay Mr. Babbitt \$85.00/hour.

SECOND BY: Ms. Opthof-Cordaro

Ms. Ray said it's only as needed anyway. Ms. deLeon said she didn't hear what Ms. Ray said. Ms. Ray said it's only on an as needed basis anyway which has been very rare.

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

I. TOWNSHIP AUDITOR: RESOLUTION #15-2024

Ms. deLeon said Council received an engagement letter for the 2023 annual audit to be conducted by Hutchinson, Gillahan & Freed. The staff recommends continuing the service of Hutchinson, Gillahan & Freed per their October 2, 2023 letter. The base rate for the 2023 audit will not exceed \$18,250.00. Additional services will be payable at the hourly rate of \$175.00.

MOTION BY: Ms. deLeon moved for approval of Resolution #15-2024 for Township Auditor of Hutchinson, Gillahan and Freed per their October 2, 2023 letter at the base rate which will not exceed \$18,250.00 and additional services at the hourly rate of \$75.00.

SECOND BY: Ms. Ray

ROLL CALL: 4-0 (Mr. Carocci – Absent)

J. TOWNSHIP ACTUARY: RESOLUTION #16-2024

Ms. deLeon said the staff recommends continuing the services of Municipal Finance Partners (Chuck Friedlander) per their rate schedule. Mr. Hudson asked Stacy to pull up the resolution. He said \$275.00 to \$325.00 an hour. Ms. deLeon said how much? Mr. Hudson said \$275.00 to \$325.00 per hour, which is the same as it was last year.

MOTION BY: Ms. deLeon moved for approval of Resolution #16-2024 continuing the services of Municipal Finance Partners per their rate schedule at the rate of \$275.00 to \$325.00 per hour.

SECOND BY: Ms. Opthof-Cordaro

ROLL CALL: 4-0 (Mr. Carocci – Absent)

L. COUNCIL LIAISONS APPOINTMENTS TO VOLUNTEER BOARDS

Board	Meeting Date	Time	Liaison
Parks & Recreation	1 st Monday	6:30 pm	Laura as the main appointee, the alternates would be Priscilla & Victoria
Saucon Valley Conservancy	3 rd Wednesday	7:00 pm	Priscilla as the main appointee, alternate Laura & Victoria
Lower Saucon Authority	3 rd Tuesday	6:30 pm	Victoria as the main person, Priscilla & Laura as the alternates
Landfill Committee	Quarterly	1:00 pm/ 5:00 pm	Priscilla & Victoria with Laura as the alternate

Lutz-Franklin Schoolhouse	2 nd Wednesday	7:00 pm	Laura with Priscilla & Victoria as the alternates
Environmental Advisory Council	2 nd Tuesday	6:30 pm	Laura with Priscilla & Victoria as the alternates
Pension Advisory Committee	Quarterly	11:00 am	Priscilla with Laura and Victoria as the alternates
Fire Services	1 st Tuesday	6:30 pm	Victoria & Laura with Priscilla as the alternate
Hellertown-LS Chamber	3 rd Tuesday	6:00 pm	Priscilla and Victoria & Laura as the alternates
Saucon Rail Trail Oversight Commission	4 th Monday	6:00 pm	Victoria with Priscilla & Laura as the alternates
Planning Commission	4 th Thursday	7:00 pm	Victoria with Laura & Priscilla as the alternates
Historic Committee			Priscilla with Victoria & Laura as the alternates

MOTION BY: Ms. deLeon moved to appoint the above Council members to the various boards and also the alternate if appointee is absent.

SECOND BY: Ms. Opthof-Cordaro

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

5. REORGANIZATION RESOLUTIONS AND FEE SCHEDULES

Ms. deLeon said she’s going to read A., B., C., D., E., F., and G., then we’ll make one motion to combine them since they are all salaries.

A. RESOLUTION #17-2024 – 2024 MANAGER’S SALARY

Ms. deLeon said Resolution #17-2024 sets the Manager’s salary at \$135,795.20.

B. RESOLUTION #18-2024 – CHIEF OF POLICE SALARY

Ms. deLeon said Resolution #18-2024 sets the Chief of Police salary at \$113,516.30.

C. RESOLUTION #19-2024 – DIRECTION OF FINANCE/ASSISTANT MANAGER SALARY

Ms. deLeon said Resolution #19-2024 sets the Director of Finance/Assistant Manager salary at \$88,026.06.

D. RESOLUTION #20-2024– DIRECTOR OF PUBLIC WORKS’ SALARY

Ms. deLeon said Resolution #20-2024 sets the Director of Public Work’s salary at \$90,458.70.

E. RESOLUTION #21-2024 – ZONING OFFICER SALARY

Ms. deLeon said Resolution #21-2024 sets the Zoning Officer’s salary at \$78,840.21.

F. RESOLUTION #22-2024 – ADMINISTRATIVE ASSISTANT SALARY

Ms. deLeon said Resolution #22-2024 sets the Administrative Assistant’s salary at \$52,419.07.

G. RESOLUTION #23-2024 – ADMINISTRATIVE ASSISTANT SALARY

Ms. deLeon said Resolution #23-2024 sets the Administrative Assistant’s salary at \$50,923.20.

MOTION BY: Mr. Banonis moved for approval of Resolution #17-2024, Resolution #18-2024, Resolution #19-2024, Resolution #20-2024, Resolution #21-2024, Resolution #22-2024, and Resolution #23-2024.

SECOND BY: Ms. deLeon

ROLL CALL: 4-0 (Mr. Carocci – Absent)

H. RESOLUTION #24-2023 – NON-UNIFORM EMPLOYEE PAY SCALE

I. RESOLUTION #25-2024 – TOWNSHIP POLICE OFFICERS PAY SCALE

Ms. deLeon said Resolution #24-2024 adopts the pay scale for non-uniform employees per their current union contract, so she’d like to combine that one with Resolution #25-2024, which is the Township Police Officer’s Pay Scale, again, that’s set by contract.

MOTION BY: Ms. deLeon moved for approval of Resolution #24-2024 and Resolution #25-2024.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0 (Mr. Carocci – Absent)

J. RESOLUTION #26-2024 – NON-UNIFORM EMPLOYEE PENSION FUND CONTRIBUTION

K. RESOLUTION #27-2024 – UNIFORM EMPLOYEE PENSION FUND CONTRIBUTION

Ms. deLeon said this resolution adopts the employee contributions to the Non-Uniform Employee Pension Fund for 2024. She will combine this with Resolution #27-2024, which is the Uniform Employee Pension Fund contributions. Again, it adopts the contributions to the uniform employee pension fund for 2024.

MOTION BY: Ms. deLeon moved for approval of Resolution #26-2024 and Resolution #27-2024, which adopts the employee contributions to the Non-Uniform and Uniform Pension Fund for 2024.

SECOND BY: Ms. Opthof-Cordaro

ROLL CALL: 4-0 (Mr. Carocci – Absent)

L. RESOLUTION #28-2024 – TOWNSHIP FEES

Ms. deLeon said this resolution sets the various Township fees. She said she guesses there are some, do you want to go over that, there's some changes? We have Resolution #28-2024. Mr. Hudson said the major changes were just to the escrow fees so that when someone submits a grading plan or storm water management plan, they will collect more money from them upfront so that they hopefully will cover the entire cost of the job rather than having to go back after people to get more money like when a HEA review goes over or legal review goes over, so just looking to increase those.

Mr. Banonis said Mark, what were the numbers before with what you are proposing here? Mr. Hudson said each of the escrow fees in Section 6 are increased by \$1,000.00. Mr. Banonis said so you are doubling it? Mr. Hudson said yes, just to cover their costs and that money goes back to the resident if they don't use it. Mr. Banonis said are there instances where they have not used up the entire escrow under the old fee? Mr. Hudson said there are some, unfortunately, it depends on the engineer that the residents use. If the engineer, if it goes back and forth multiple times, then they run into a problem where the fee is not enough. Mr. Banonis said when the fee is not enough, you then go back to the developer or whoever is making the proposal and you get more money from them. Mr. Hudson said they have to try to yes, and sometimes it's not as easy as...Mr. Banonis said then if they don't give you the money, then that project...Mr. Hudson said the project then just stops, yes. Mr. Banonis said they are then incentivized to cooperate with the Township and give them the money, aren't they? Mr. Hudson said they are incentivized.

Ms. deLeon said that's really sad because you know, we have a regulation book that's like this thick, and then you hire an engineer to do your work and you say here's the code, follow it, and then there's pages and pages and pages of outstanding issues, correct, and that's why they...Mr. Hudson said sometimes. Mr. Banonis said it just seems like an excessive burden to those that are coming in. You are forcing them to put up thousands of dollars more money to complete a project that they are obligated to cooperate with, that they are obligated to provide with more money and that in most respects, they provide you with the additional money when needed, correct? Mr. Hudson said eventually.

Ms. deLeon said we didn't think that way with the landfill, so you just kind of laid out the red carpet. Mr. Hudson said they also added a fee for the well isolation request. They did not have a fee for that. That's about what it costs them to have HEA review that. Mr. Banonis said an isolation request Mark? Mr. Hudson said well isolation, we get more of those, so it's a \$200.00 fee.

Ms. Opthof-Cordaro said can she be recognized? Ms. deLeon said sure. Ms. Opthof-Cordaro said Mark, did he happen to check the fees against other municipalities and what was the custom for these types of requests. Mr. Hudson said he did not. Jim Young prepared these. They are not out of line from what other Townships he's been too, but if you want to leave them at the \$1,000.00, that's fine. They will continue to go after people. Ms. Opthof-Cordaro said have we had to spend Township resources in

having to go after people for unpaid fees? Mr. Hudson said no, it's just Township staff has to go after people and sometimes people are upset that they are charged more. When someone pays the escrow, most times they don't understand that the fee may go over that and they'll have to pay more. Ms. Opthof-Cordaro said okay, so this is just to prepare the residents in the event that they do involve more back and forth and it gives them the opportunity to get money back at the end of the day. Mr. Hudson said they are trying to cover costs up front. Any money that is not used is returned to the resident.

MOTION BY: Ms. deLeon moved for approval of Resolution #28-2024 which sets the various Township fees.

SECOND BY: Ms. Opthof-Cordaro

Mr. Banonis said Mark, when you first take money from an applicant where they are giving an escrow fee, do you tell them this is a limited finite number and they may need to provide more money in the future if it goes over the escrow that they provided. Mr. Hudson said they do. Mr. Banonis said they understand that obviously.

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

M. RESOLUTION #29-2024 – ON-LOT SEWAGE PERMIT APPLICATION FEE

Ms. deLeon said this resolution establishes a permit application fee schedule for on-lot sewage systems for 2024.

MOTION BY: Ms. deLeon moved for approval of Resolution #29-2024 which establishes a permit application fee schedule for on-lot sewage systems.

Mr. Banonis said Mark, are these the same fees as last year? Mr. Hudson said sorry, give him a second. He said yes, sorry. He didn't remember which one we were on.

SECOND BY: Mr. Banonis

ROLL CALL: 4-0 (Mr. Carocci – Absent)

N. RESOLUTION #30-2024 - TOWNSHIP TAX ADMINISTRATOR

Ms. deLeon said this resolution appoints Keystone Collections as the Township Tax Administrator/Deputy Tax Collector for the year 2024.

MOTION BY: Ms. deLeon moved for approval of Resolution #30-2024 which appoints Keystone Collections as the Township Tax Administrator/Deputy Tax Collector for the year 2024.

Mr. Banonis said Mark, we continue to use Keystone for this? Mr. Hudson said yes, and they also collect for the County. Mr. Banonis said and they are still using the space over next door? Mr. Hudson said correct.

SECOND BY: Ms. Opthof-Cordaro

ROLL CALL: 4-0 (Mr. Carocci – Absent)

O. RESOLUTION #31-2024 – 2024 AGENDA POLICY AND CODE OF CONDUCT POLICY

Ms. deLeon said Resolution #31-2024 has been revised and sets the 2024 agenda policy and code of conduct policy in which residents and taxpayers shall announce their name prior to addressing Township Council. She is going to read it as it's been revised. (*see attached Resolution #31-2024*).

Ms. deLeon said she'd like to make a motion, but she does have some clarifications that she'd like to discuss.

MOTION BY: Ms. deLeon moved for approval of Resolution #31-2024, the 2024 agenda policy and code of conduct policy.

Ms. deLeon said first of all she thinks the letter “a” is missing from this WHEREAS, one, two, three, four, five, so that would be amended to include the “a”. She said just so everybody knows...Mr. Hudson said where’s that? Ms. deLeon said one, two, three, four, five, fifth WHEREAS. Right here. It’s a strong advocate. She said Mark, you wanted to change the way the agenda was. Mr. Hudson said he does want to, not right now, but add in 16, if he’s going to receive letters, he’d like to give people a deadline. Ms. deLeon said okay. Mr. Hudson said noon the day of the meeting. Ms. deLeon said okay, so where would we put that? Mr. Hudson said in 16, all letters must be received by the Manager by noon the day of the meeting. Ms. deLeon said okay. She’d just like to say to the public she knows they might think this is being strong, but this is here in case they need to use it. This doesn’t mean that it’s going to be enforced to the letter of this law. So, just don’t panic here.

Mr. Banonis said you spoke on No. 24, so what she said was the purpose of public comment shall be made for people to comment on matters of concern, official action, or deliberations which are not or may be before the Council. He thinks she meant to not use the word “not”. Ms. deLeon said so where in No. 24 is that. Mr. Banonis said second line, after deliberations which are “not” or may be before the Council. He thinks she meant to say which are. Ms. deLeon said she apologizes, she misspoke, so she’ll read it again. The purpose of public comment shall be made for people to comment on matters of concern, official action, or deliberations which are or may be before the Council prior to...Mr. Hudson said add the “not”. Mr. Banonis said no, she said not. Mr. Hudson said she said it again. Mr. Banonis said he thinks she misread it. She intended it to be as it was written, not as you said it, correct? Ms. deLeon said right, she’s going by this paper. Does she need to keep reading it? Mr. Banonis said no, as long as the word “not” is part of this document is what controls here. May he ask a question, who prepared this? Ms. deLeon said she thinks she and Mark sat and talked about it. Mr. Hudson said they worked on it.

Mr. Banonis has a question about under No. 2, below agenda, the Township Manager in consultation with the Council President, and in accordance with the code of Lower Saucon shall prepare a printed agenda for each meeting. What is meant by the words “in consultation with” because it seems to him that the Council President shall have a veto over what the Township Manager proposes here and if that’s the case, then the words should be changed to “publishes what the Township President tells him what he’s supposed to put in the agenda”. That’s far more restrictive than what they had previously, which required two Council people to put something on the agenda. If there’s going to be a super veto by the Council President, that seemingly precludes other members of Council from fulfilling their duties as Council people and getting items on the agenda that are important to the Township residents. Ms. deLeon said okay, so that’s an opinion, so...Mr. Banonis said he’d like an answer to that, is that the way this is intended to operate. Is it intended to be that the Township Manager is going to receive his instructions as to what can be put on the agenda, by the Council President because as it’s written now, it says in consultation with the Council President. So what is meant by the words in consultation with? Mr. Hudson said he took it as he will work with the Council President to prepare the agenda. Mr. Banonis said so you are not taking your directions from the Council President when you are creating the agenda, and you are simply getting requests from Council members, you will let the Council President know what you are intending to put or what you are interested in putting on the agenda and then you’ll proceed with using his own discretion? Mr. Hudson said yes. Ms. deLeon said the administrative code says the Manager is supposed to prepare the agenda, is she wrong? Mr. Hudson said correct. Ms. deLeon said any board she’s ever served on, the President always gets to read over it before it goes out to the public. Mr. Banonis said he thinks the whole Council gets to review it before it goes out to the public. Ms. deLeon said no, she doesn’t think so.

Ms. Opthof-Cordaro said if she can Priscilla be recognized. She thinks this public comment policy is a good thing for our Township. No. 1 it provides the ability for anybody to come speak before them. They are a Township that is next to other Townships and a lot of their business impacts everybody else around them, and sometimes what other Townships have or other municipalities have, they might have business they want to let them know about and she thinks that bringing more people into Council chambers to discuss issues is important, so this makes it pretty clear for anybody to

come and speak before Council. They also, everybody knows, they've had these 3 minutes for quite a long time and it was very restrictive especially because you had to lump all of your comments for every single agenda item at the beginning of a Council meeting. Now what they are doing is after every agenda item there will be a period that you can comment on that agenda item specifically and they will have 5 minutes and they will also be given the opportunity to extend that time if they so wish. Of course, if they have a lot of people, they might have to keep them at 5 minutes for that specific agenda item, but this will allow them to use all of their 5 minutes on one item instead of maybe there are ten items on the agenda and they have to figure out which ones you want to comment. So, she thinks it's a wonderful thing for our municipality to be open and free for everybody to speak so she appreciates that this was prepared and she will second the motion.

SECOND BY: Ms. Opthof-Cordaro

Mr. Banonis said he's trying to understand exactly what she said and is that every agenda item will have a public comment period before each agenda item and at each agenda item every person wishing to speak will get 5 minutes. Ms. Opthof-Cordaro said well she read, she heard Priscilla read it and she thinks he heard her read it. She believes that's her understanding what it says. Mr. Banonis said let him ask the Solicitor, is that how this will operate? Mr. Freed said that's what he understood it to say and frankly, that's the way he's seen it operate in almost every other Township or Borough that...Mr. Banonis said the other two or three that you serve. Ms. deLeon said prior to...Mr. Banonis said that's all. Ms. deLeon said prior to the other resolution that was passed, that's the way they did it. They had each agenda item opened up to public comment, so they are not, so they are going back to more responsive government.

Ms. Ray said that is the way they operated several years ago and for a long time and it really didn't seem to be a problem. She doesn't think meetings went terribly long but like Victoria mentioned, you didn't have to try to combine, if you had three items that were important, trying to put them all into one little statement in 3 minutes is very difficult and they've heard that repeated over the years here, the last couple of years, and getting rid of that will be great. Also, she's hoping they never have to read that whole long list again, personally, because it's boring. Ms. deLeon said okay we have a motion on the floor. May we have a roll call please?

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

6. MANAGER'S APPOINTMENTS TO VARIOUS BOARDS/COUNCIL/COMMITTEES WITH COUNCIL CONSENT

Ms. deLeon said would like to read the appointments to the various boards and at the end she will be making a motion.

- **ZONING HEARING BOARD – 5 YEARS – 1 APPOINTMENT:** Jeffrey Gorczynski
- **PLANNING COMMISSION – 4 YEARS – 3 APPOINTMENTS:** Tom Bartek, Veronica Gress, Shorav Kaushik
- **ENVIRONMENTAL ADVISORY COUNCIL – 3 YEARS VOTING, 1 YEAR ASSOCIATE: 2 APPOINTMENTS FOR VOTING, 5 APPOINTMENTS FOR ASSOCIATE:** Laura Ray & Jennifer Helton as Voting Members for a 3-year term. The Associate members are a one-year term so that would be Janine Bonham, Kathy McGovern, Chad Heimbecker, Russ Sutton, and Winfield Clark.
- **PARKS & RECREATION BOARD – 1 YEAR – 7 APPOINTMENTS:** Niloofar Aflatooni, Jerry Holum, Maia Simon, Robert Blasko, Shaun Yanchuk, Phil Spohn, and Kevin McGovern
- **LOWER SAUCON AUTHORITY – 5 YEARS – 2 APPOINTMENTS:** George Gress & Shaun Yanchuk
- **TOWNSHIP HISTORIAN – 1 YEAR – 1 APPOINTMENT:** Karen Samuels
- **TOWNSHIP HISTORICAL COMMITTEE – 1 YEAR – 5 APPOINTMENTS:** Karen Samuels, Jody Hijazi, Brian Mauro, Mark Conor, Patricia Weaver
- **EMERGENCY MANAGEMENT COORDINATOR – 1 YEAR – 1 APPOINTMENT:** Bryan Evans
- **LANDFILL COMMITTEE – 1 YEAR – 2 APPOINTMENTS:** Matt McClarin & Brian Mauro

- **PENSION COMMITTEE – 3 YEARS – 2 APPOINTMENTS:** Lawrence Opthof-Cordaro, his term would expire 2026 and Shorav Kaushik is filling an unexpired term, and his term would expire in 2024.
- **FIRE MARSHALL – 1 YEAR – 1 APPOINTMENT:** Bill Cszaszar

Ms. deLeon said this is the end of the appointments and she would like to thank everybody for appointing. They got an overwhelming amount of letters of interest. Thank you, they are saving them for future to fill in for when people resign and thank you.

MOTION BY: Ms. deLeon moved for approval of the appointments to the various Township Boards/Council/Committees for 2024, as stated above.

SECOND BY: Ms. Opthof-Cordaro

Ms. Opthof-Cordaro said she just wanted to make a comment if she could. She got to see all of the people that presented their applications and it was really wonderful to read every single persons curriculum vitae but also their emails and their forms that they submitted to indicate what their backgrounds were. There are a lot of people in this Township that have wonderful, wonderful assets and wonderful things to offer and please know that a lot of our boards, they have positions open every year so they did have many boards where there were more people that applied than there were spots available to fill this time, so she does encourage you that if you applied this time and didn't get the board they were interested in, or that they didn't get appointed, please, please continue to express their interest because they would love to continue to have more people on and new bright faces.

Mr. Banonis said Mark, were these recommendations that he provided? Mr. Hudson said he provided everyone with all the forms he got and the people that wanted to go back on and he's letting the board choose who they want on. Mr. Banonis said so he didn't make any recommendations as to who these individuals were going to be on these committees. Mr. Hudson said no. He doesn't know anyone that well yet. Mr. Banonis said okay.

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

7. MOTION TO ADJOURN REORGANIZATION MEETING

MOTION BY: Ms. deLeon moved to adjourn the reorganization meeting.

SECOND BY: Ms. Opthof-Cordaro

Ms. Opthof-Cordaro said everybody please note there's more to come, so don't leave. They have to roll into the next meeting.

ROLL CALL: 4-0 (Mr. Carocci – Absent)

8. OPEN GENERAL BUSINESS MEETING

A. EXECUTIVE SESSION (IF APPLICABLE)

B. ANNOUNCEMENT OF EXECUTIVE SESSION (IF APPLICABLE)

C. POTENTIAL ACTION ON EXECUTIVE SESSION (IF APPLICABLE)

9. TOWNSHIP BUSINESS ITEMS

A. AUTHORIZE ATTENDANCE AT THE ANNUAL PSATS CONFERENCE AND VOTING DELEGATE

Mr. Hudson said he reached out to every member of Council and everyone would like to attend the conference this year. The annual PSATS conference is put on by the State Association of Townships. It's an opportunity for Council members and staff to go out and learn about government and such. The conference is from April 14-17, 2024. He would also like to attend the conference. Council members and staff that go, the Township will cover registration fee(s), lodging, mileage, meals (excluding alcohol) to a specified daily limit. After they vote to allow all of Council and himself to go to the conference, then you will need to choose a voting delegate.

MOTION BY: Ms. Opthof-Cordaro moved for approval for everybody going to the PSATS conference and she also moves for Priscilla deLeon to be the voting delegate.

Mr. Banonis said is that two separate motions or one? Ms. Opthof-Cordaro said it's all in one. Ms. deLeon said do we need two separate, she doesn't think we do. If it has to be separate, we have to approve the voting delegate. Ms. Opthof-Cordaro said she combined the approval of everybody to go and appointing Priscilla as the voting delegate. Ms. deLeon said okay.

SECOND BY: Ms. Ray

ROLL CALL: 4-0 (Mr. Carocci – Absent)

B. AUTHORIZE STAFF TO PREPARE AN ORDINANCE FOR COUNCIL'S REVIEW AMENDING THE ZONING MAP FOR AN AREA OF EASTON ROAD – TO CHANGE THE ZONING FROM LM BACK TO R-40

Mr. Banonis said may he ask who requested this. He has not heard from a single resident since they rezoned this area almost a year ago, and tonight they heard from at least two residents who are opposed to what's being proposed here and he did not hear from any residents who were in support of what is being proposed here, so it's unclear to him as to what the origin of this is considering essentially the silence in support of what's being proposed and in fact comments by residents that they are against what's being proposed.

Ms. deLeon said well, she heard a lot of comments about this along the campaign trail about residents being very, very upset about this, so...Mr. Banonis said does she have their names? Ms. deLeon said no, she doesn't have their names. Mr. Banonis said so it's just conjecture at this point. Ms. deLeon said no, it's not conjecture. These are face conversations, Jason.

Ms. Ray said at the meeting where the hearing was held to change the zoning, there was plenty of people so it would be on record in the minutes, names of people. Mr. Banonis said well, he's just going to go on the record at this point that the Township is likely going to get sued if this moves forward but that's up to the majority of Council who votes for this.

Ms. Opthof-Cordaro said if she may be recognized. Ms. deLeon said yes. Ms. Opthof-Cordaro said so she does appreciate this being on the agenda this evening. She happened to attend that Council meeting which she thinks was earlier in 2023, it was like January or February where they actually had the hearing and she remembers the room was just about as full as it is this evening. She remembers a lot of people that came to the lectern and they spoke about their concerns of the increased truck traffic. She also has concerns about the fact that they don't have public sewer and they don't have public water. Her third largest concern, she shouldn't say largest, but it's up there, is that during this period of time in which they rezoned the area LM, they decided to invest now over \$3 million on a state-of-the-art ballfield and she double-checked, and Mark, that ballfield is currently sitting in the LM district, is that accurate? Mr. Hudson said correct. Ms. Opthof-Cordaro said so from her perspective, the investment for our park system, it would make more sense to keep an area residential especially when they are putting \$3 million on that road as opposed to allowing for additional things. She thinks, she appreciates the people that came out today. She didn't see them at the other meeting, but she really appreciates what they said. Maybe one of them might have been at the first meeting and she wants them all to know this is just the first step and if the Township does prepare this, they have the opportunity to then have a hearing where everybody can come and speak and provide information. She would want to take everybody's position on this whether or not you have a vacant piece of land or whether you live there. She can just say that right now, based upon the information she heard, she sees that they do have some concerns with the investment on the ballfield and the lack of water and sewer in that area and the trucks that come on Easton Road already being a burden to the community. So she will second the motion for us to, she asked Priscilla if she made the motion. Mr. Hudson said he doesn't think so. Ms. Opthof-Cordaro said never mind, then she will make the motion.

MOTION BY: Ms. Opthof-Cordaro moved for authorize staff to prepare an ordinance for Council's review amending the zoning map for an area of Easton Road changing the zoning from LM to R-40.
SECOND BY: Ms. deLeon

Ms. deLeon said she remembers from the last time this was on, they also talked about the R-40 zone being silent in a lot of other areas that other zoning areas might have, like a Mom-Pop industry or like something giving them more of an opportunity for their homes. She doesn't know if that's something we want to look into in preparation of this ordinance.

Ms. Opthof-Cordaro said so perhaps they can look at the zoning designation of R-40 to see whether they can permit other uses and she thinks that area could be useful and she does want to, so she would be agreeable if she would want to amend the motion to ask our Manager to see what other uses we could create an area that kind of maybe has a harmony between residential uses and uses other than warehousing, that's her biggest concern, LM includes warehouses, so. Ms. deLeon said she'll amend her motion.

Mr. Banonis said so what is it you are trying to do here? What it was before was GB-1 and GB-2 which were two different zoning designations which are General Business 1 and General Business 2 and those two-business related zoned areas were changed to LM, Light Manufacturing and now what they are proposing is something that is more restrictive, R-40 which is more restrictive than what was there which was GB-1 and GB-2. Is that correct what you are trying to do is changing the zoning to make it more restrictive to any sort of development other than what's permitted in R-40.

Ms. deLeon said she thinks it was originally R-40. It wasn't GB-1, GB-2. Mr. Banonis said he's looking right now at the ordinance, 2023-01, it talks about changing a property approximately 19.6 acres of land from GB-1 and GB-2 and then it also talks about...Ms. Ray said that's on 412. Mr. Banonis said he's sorry, she's right, thank you. Mr. Hudson said Easton Road section was R-40. Mr. Banonis said thank you. Ms. deLeon said so we have an amended motion on the floor. There's no other discussion on the floor.

MOTION BY: Ms. Opthof-Cordaro amended her previous motion moved for authorize staff to prepare an ordinance for Council's review amending the zoning map for an area of Easton Road changing the zoning from LM to R-40 and ask our manager to see what other uses we could create an area that kind of maybe has a harmony between residential uses and uses other than warehousing.
SECOND BY: Ms. deLeon amended her second
ROLL CALL: 3-1 (Mr. Banonis – No; Mr. Carocci – Absent)

C. VIRTUAL MEETINGS

Ms. deLeon said Council will discuss virtual meeting options for Council meetings and other Township meetings.

Mr. Hudson said they instituted You Tube where they have some people watching them out there. The other option they talked about was doing a Zoom meeting where you could allow public participation over Zoom. He would like to meet with the Solicitor if that is their way of thinking. They would also have to work on talk with the AV system to get that programming completed if that's what they would like, but he definitely would like to see rules put in place if they do decide to go that way. So if you'd give him permission to work with the Solicitor if that's their direction that they are looking to go, they will come up with rules and will figure out what the process to do it would be.

MOTION BY: Ms. deLeon moved to have the Manager work with the Solicitor to come up with options for virtual meetings.

Mr. Banonis said Mark, he has some concerns about this and the concerns were brought up at prior Council meetings in that neighboring Hellertown Borough had a meeting that was hosted in their new Public Works building, where some nefarious person hacked in and broadcast during a live meeting

homosexual pornography. He believes a subsequent meeting was hacked into as well, so if they are going to be proceeding...this system was designed and set up so that it would be one-way out streaming so that individuals with such bad intentions could not hack into their system and corrupt a public meeting and engage in lewd conduct. So, he's hoping that any conversations Mr. Hudson has with the Solicitor and anyone else, addresses that and can guarantee 100% that that cannot happen and will not happen because he thinks it's unfortunate and it's embarrassing and our residents deserve better than that.

Mr. Hudson said thank you, he'll make sure he looks into that as they look into this. Ms. deLeon said as he looks into this also she's been attending some public Planning Commission meetings and it's very hard to hear in the back of the room with this system. She doesn't know if something can be done to increase the thing but if anybody can ever not hear them, just raise their hand.

Ms. Opthof-Cordaro said if she can just make a couple comments. So, she as a mom of two children think that having public comment ability is critical, not just, it's imperative because a lot of people have obligations at night time that prevent them from being two places at once, and she thinks they do live in a society where they can put in the right checks and balances to prevent any nefarious conduct. She will note that she doesn't think you can ever 100% guarantee and prevent something from happening. She knows the Township's email system has been hacked multiple times. She thinks now we have very strong checks and balances in place but she thinks that they should be moving into the 21st century and allow people to participate in person but also participate virtually and she doesn't know if it's part of this motion, but she would like to or direct it, she would like to have the Manager look into broadcasting the other committees. So, we have Planning, we have EAC and other committees that meet in this Council chamber and so she would also like the Manager to look into looking at our other committees that meet here in the chamber to see how they can be broadcast. She thinks the more participation and the more public viewing, the better.

Ms. deLeon said she agrees with that, that it should be for all the committees and commissions of the Township.

Ms. Ray said can she add a comment? Ms. deLeon said sure. Ms. Ray said she's not sure. It sounds like it might be a little complicated getting it set up with the back and forth interactive, but could we possibly proceed with Phase 1 of just getting the other meetings on line like this is streamed, the Council meetings, at least so people could view them while they are happening. The ones that are held here in these chambers. Mr. Hudson said you want YouTube? Ms. deLeon said yes, YouTube. Ms. Ray said yes however you do them now. Ms. deLeon said right. Mr. Hudson said they will work on that. They may have some growing pains, so bear with them, but...Ms. deLeon said did they make a motion? Mr. Hudson said he doesn't think they did. Ms. deLeon said okay, go ahead.

MOTION BY: Ms. Opthof-Cordaro moved to direct the Manager to work with the Solicitor in creating a two-way communication for our Township meetings to allow for public comment and also have the Township Manager and Solicitor look into making all of our committees that meet in the Council chambers be able to be streamed and work, do whatever you can do as quick as possible, so if it's easiest to start the streaming first, then do that.

SECOND BY: Ms. deLeon

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

D. REOPEN THE 2024 BUDGET – BUDGET MEETING TO BE HELD ON JANUARY 11, 2024

Ms. deLeon said according to their meeting schedules, it's scheduled to happen on January 11th at 6:30 p.m. and do we need a motion for that? Mr. Hudson said yes, a motion to reopen the budget.

MOTION BY: Ms. deLeon moved for approval to re-open the 2024 budget and to approve the budget meeting to be held on January 11, 2024 at 6:30 p.m.

Mr. Banonis said he's not understanding the purpose of reopening the budget. It's his understanding they are sitting on \$9.5 million of reserves, is that right Cathy? Mrs. Gorman said sorry, approximately. Mr.

Banonis said and to run the Township for an entire year cost us about \$9 million, right? Mrs. Gorman said yes. Mr. Banonis said so we have more money in savings than it would require us to operate the Township even if we didn't take in a single tax dollar, a single host fee, or any other fee, correct? Mrs. Gorman said she believes so, yes. Mr. Banonis said so, he's already spoken about this at prior meetings. He spoke about the Wolk vs. Lower Merion Township case. Again, he thinks that continuing to hoard taxpayer money when we are in such financial solidity, it is improper and the Township is flush with cash in the savings. Inflation is high, coming off of an all-time high. Consumer debt is at an all-time high and people want to suck more money out of taxpayers and he thinks that's just outrageous. In doing this, they are inviting litigation on the Township and he thinks it's a waste of taxpayer money to have a lawyer trying to defend an untenable position.

Ms. deLeon said okay, per the Township code, Second Class Code and per our Administrative Code, newly elected officials have the right to open up the budget and they are exercising that right, the three of them.

Ms. Opthof-Cordaro said so she thinks this is an appropriate thing to do for a number of reasons. Number one, after the November election there were a number of attempts, she thinks it was the first meeting, December 6th, and there was an attempt to slash their tax millage rate in half. At the same time that there were requests to bid out additional expenditures for the Easton Road Ballfield, which is now over \$3 million in expenses. She also recalls that there was a request to our Finance Director, multiple times to see whether they had enough money in reserves to pay for these additional expenditures on the ballfield and still balance our budget. So, while they apparently balanced their budget, December 20th when there was this, she thinks it was three-quarters of a mill reduction made, they took money out of reserves to balance their budget, which she thinks is inappropriate for them to be doing when they are also, under the last administration there was a proposal for \$14 million expansion to our fire services. So, and, they also had a discussion about our fire trucks and that we couldn't pay for the 100% of one fire truck because they didn't have enough in the fire tax, so she does appreciate Mr. Banonis' concern about our taxpayer dollars and she is in no way shape or form and interested in collecting their money and putting it in a bank account. That's not her intent; however, she doesn't think we should be taking money out of reserves to try and expand a ballfield and at the expense of things like our fire services and other things that we have needed in our Township and we will need to have in the future. We just increased our police officers, which is wonderful and we are going to need to support our Township in a fiscally responsible way. The last thing she will say is if the last administration felt that reducing the tax millage was so important, she thinks they would have made that part of their initial budget proposal prior to the election. Thank you.

Ms. deLeon said she'd like to say she was never in favor of slashing the fire tax when they did that several years ago and she's hoping to find a way to bring that back where that was so they can have money in the fire budget.

Ms. Opthof-Cordaro said that's really interesting because they used to have a millage rate of one mill that would go directly into a fire fund so that we would be able to pay for our fire trucks, our fire equipment and whatever necessary expansions that we have, maintenance and upkeep of the various buildings. That was reduced to .75 mills and now that we've reduced the amount of money we are giving into the fire company, at the same time we are looking at some major and necessary improvements for the fire company in the future, so she does agree with that Priscilla. That was very good.

Ms. deLeon said with that, she'd like to make a motion to open up the budget.

MOTION BY: Ms. deLeon moved for approval to re-open the 2024 budget and to approve the budget meeting to be held on January 11, 2024 at 6:30 p.m.

SECOND BY: Ms. Ray

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

E. DISCUSSION ON THE HELLERTOWN AREA LIBRARY AND UNPAID INVOICES

Ms. deLeon said for those of you that remember way back in 2022, they paid the HAL just for January. Her feelings are that they need to pay them for the rest of that year and to pay them for the rest of that year, according to the information that Mark provided, they have, it would be a total of \$98,237.26, is that without the cost of living or does that include that. Mr. Hudson said the total of the invoices that they had was \$90...Ms. deLeon said which includes the cost of living? Mr. Hudson said yes, which includes the COLA rate, it's \$98,237.26.

Ms. deLeon said okay, she thought about this for a long time and she just feels that it's appropriate to pay them for our invoices that we were billed and that amount of money will cover 2022, that's it as there were other things happening after that, so she would like to make a motion.

MOTION BY: Ms. deLeon moved for approval to pay the Hellertown Area Library in the amount of \$98,237.26.

SECOND BY: Ms. Ray

Mr. Banonis said may he speak on this? Ms. deLeon said sure. Mr. Banonis said so there was no contract that was in place at the time that these bills were unilaterally submitted to the Township by HAL. He's not aware of any bids having been made and approved by Township Council for incurring these expenditures, which total \$98,230.00. He thinks that if this proceeds forward, they are inviting litigation because again, there is no contract that bound the Township to make these payments nor was there any bid, public bid, that would require the low bidder, require Township Council consider awarding those services to the low bidder. There were no services that were provided as he recalls. HAL when they demanded, advised that unless and until payment was made that LST residents would not be receiving full services at the library but yet what they are proposing here is to pay them for those full services which were not rendered. This process began with this Council seeking usage data and financial information that was not shared with them. This process began with a request from this Council requesting proportionate board representation to the monies that were paid by LST Council. Secretly, the HAL filed an application with the OCL to remove LST, but yet what's being proposed here is to reward that behavior. HAL failed to give LST notice of its application to OCL and in fact, we did not become aware of it until OCL had already made a decision to remove LST. LST approved and physically delivered to them, by the former interim Township Manager, Peter Marshall and Tom Carocci a \$50,000.00 donation with no strings attached plus LST shared OCL money, and then in addition to that, just a few months ago, he thinks it was in August or September, Hellertown rejected a \$250,000.00 offer from LST for two years of library services.

Ms. deLeon said they are not talking about Hellertown Borough; they are talking HAL. Mr. Banonis said he'll get to his point. Ms. deLeon said okay, hopefully. Mr. Banonis said so he has an email that was provided by Tom Rieger, Hellertown Borough (HB) Council to Cathy Hartranft, HB Manager. This email is dated January 4, 2022, at 5:40 p.m. and the subject of that email is Hellertown Area Library Association. It's an email here from Tom Rieger and he said he had a phone call last night from Ken, Mr. Banonis believes it's Ken Solt who was on the board of the HAL. It says the following. "Council's direction is not to meet with LST". This is with regard to meeting to discuss trying to reconcile the library issues, so here HB President is directing a Board Member from the HAL not to meet with LST, so he disagrees with them that they are not talking about Hellertown Borough. He'll add another email to that. On Friday, October 7, 2022, Tom Rieger sent an email to Michael Corriere, HB Solicitor, copying Tom Rieger, Cathy Hartranft on it, and he says here "for what it's worth, this is a bit wrong, LST granted Linc Treadwell, the ability to sue the library, not the Borough directly, but as its primary municipality is essentially against us and our resident's interest", so Mr. Rieger seems to acknowledge that HB is one of the same with HAL. So, they refused to respond to RTK requests. The Office of Open Records determined that HAL is a governmental entity and must respond and they still refused and they appealed it to the NC Court of Common Pleas. In that litigation, HAL sought discovery, was approved by the Court, yet HAL refused to participate in that discovery. President Judge Daly ordered HAL to produce discovery and at this point as of last week, HAL is in contempt. The Judge last week entered an order fining them in contempt and apparently said during the hearing that if they don't show up for the deposition, that he's going to put them in jail. Ms. deLeon said okay, are you going to wrap this up? Mr. Banonis said no, he's not, he's going to finish what he has to say. So Hellertown former Director

moved away and refused to appear for a deposition before agreeing to, to date, to appear for a deposition. The Township's lawyer traveled from Harrisburg for a no show, waited around and they didn't have the courtesy to tell him that they weren't going to show up for a deposition that they were to appear for. And now they are subject to a motion for sanctions for violating the course of order and continuing to hide information, so let's talk about what's going on in Hellertown.

Ms. deLeon said the agenda item is for the unpaid invoices with HAL. He is off the subject. Mr. Banonis said no, he's not. HB...Ms. deLeon said in her opinion, he's off the record. Mr. Banonis said he is going to continue speaking. Ms. deLeon said then we are going to recess the meeting if he doesn't be quiet. Mr. Banonis said they can recess the meeting, but he's going to...Ms. deLeon said she's going to make a motion to recess the meeting.

MOTION BY: Ms. deLeon moved to recess the meeting.

SECOND BY: Ms. Opthof-Cordaro

(The meeting was recessed, but Mr. Banonis continued to speak)

ROLL CALL: 3-0 (Mr. Banonis – did not vote; Mr. Carocci – Absent)

Ms. deLeon said he's out of order according to our recently passed resolution, he is out of order.

MOTION BY: Ms. Opthof-Cordaro moved to re-open the meeting if Mr. Banonis is finished.

SECOND BY: Ms. deLeon

ROLL CALL: 3-0 (Mr. Banonis said he never voted to close it; Mr. Carocci – Absent)

Ms. deLeon said okay, the agenda item is discussion of the HAL regarding its unpaid invoices. Mr. Banonis said he'll finish his comments about the library. He thinks it's utterly and in conscionable that people on this Council would advocate rewarding mismanagement, malfeasants, and corruption.

Ms. Opthof-Cordaro said if she could be recognized. Mr. Banonis said he's not done. Ms. Opthof-Cordaro said thank you very much. Mr. Banonis said stupidity is not an intellectual defect. It's a moral one and that's where this problem lies.

Ms. deLeon said okay guys, okay, it is what it is, it is what it is. Victoria. Ms. Opthof-Cordaro said thank you so much. So, she happened to be attending the Township Council meetings back in 2021 through 2022 when she witnessed the unfortunate agreement that occurred between LST and HAL. What she does remember and she thinks the record will reflect in all of the various emails that went back and forth between the Township and the Borough and the Township and the HAL is that for that year of 2022, our Township residents received access to HAL without buying a HAL card and during that time, LST did not pay anything to the HAL other than what would have been the monthly cost from library services in the month of January. She knows that they do have lawyers on this board, and she's sure they all heard of the word "conversion". So, conversion is the term of taking something without paying for it. So, what occurred in 2022, is that HAL received State funding in the amount of, she thinks it was \$20,000.00 or \$12,000.00 for LST's share of residents that go to HAL. It was to include LST's population in their service area. So that is the only amount of money that they received in addition to the \$8,000.00 or \$9,000.00 they paid for January services. It's also her understanding that during the time HAL requested the State funding, the Township, LST's Manager was going and meeting with Hellertown area's Manager and the library to negotiate a long-term contract and in good faith, the HAL came to the Township in November seeking approval of this long-term agreement that had been negotiated between HAL, Hellertown's officials and LST, by virtue of our Manager, that was attending those meetings. So, from her perspective, she feels that LST took something and did not pay for it. During that time, the library was in a position to try and service our residents without getting any repayment and she feels that it is in a good faith offer to HAL to see that LST does not steal. We do not take services and not pay for them, and we don't try to look for legal loopholes to avoid payment and laugh in their face. So, she does agree to pay HAL the remaining balance of the services that we took in 2022. With respect to the concern about litigation, she will note that in May of 2022, LST had a Council meeting and she was sitting in the audience and not up here, but during that Council meeting,

our Council majority voted to remove LST from the service area from the State, so then we knew at that time that we were no longer going to be included in the service area for HAL's State funding, so what does our Township go do. They filed a lawsuit, so instead of people suing us, we were the ones that sued the State claiming we didn't have notice after we made a motion, in public, asking to be removed from the service area. So, she personally doesn't think that we are on any shaky legal ground. She would direct our Solicitor to look into that, but she certainly feels we should pay for the services that our residents received in the year 2022. Thank you.

Ms. deLeon said okay so...Mr. Banonis said may he be recognized. The motion to which she speaks that was done in 2022, was actually withdrawn prior to Hellertown, HAL taking action to remove LST. The question he wants to pose to the Solicitor is this. Is it accurate that contractor purchases greater than \$23,200.00 require a formal bid in the public notice.

Mr. Freed said there are exceptions to the bidding rules. Mr. Banonis said okay, is an exception, what would be an exception that would apply to this matter? Mr. Freed said a sole propriety. Mr. Banonis said okay, this is not a sole propriety. This is a 501(c)(3) non-profit. Mr. Freed said he doesn't mean a sole proprietor like a single person or a business. This is the only entity that provides the service. Mr. Banonis said there are other libraries that provide services, Southern Lehigh Library does, the City of Bethlehem does. There are plenty of other libraries that do. Ms. deLeon said it's a long story, Mark. Mr. Freed said he can certainly look into it. Mr. Banonis said he's not aware of any contract that would require them to make this payment. Is there a contract he's aware of, Mark? Mr. Freed said...Ms. deLeon said he was just appointed. Mr. Freed said he's not aware of any contracts. Mr. Banonis said okay if there's a contract that they were bound to fulfil, then that would be an obligation to pay, correct. Mr. Freed said he's not aware of any contract. Mr. Banonis said but if there was a contract? Mr. Freed said then he would have to read the contract. Mr. Banonis said right. Ms. deLeon said okay, there's a motion on the floor. She made the motion as she's in support of doing this. Laura she seconded it. She agrees with what Victoria said. Let's have a roll call, please.

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

Ms. deLeon said this will come out of the line item for Hellertown area in the budget? Mr. Hudson said the library. Ms. deLeon said what did she say? Mr. Hudson said Hellertown area. Ms. deLeon said thank you.

F. AUTHORIZE THE TOWNSHIP SOLICITOR TO REVIEW THE CURRENT TOWNSHIP LITIGATION AND PROVIDE SUMMARY TO COUNCIL

MOTION BY: Ms. deLeon moved to direct Mark Freed and his firm to look into and meet with our former Solicitor and provide a summary to Council, as soon as they can.

Ms. Opthof-Cordaro said if she can just amend that to also include consultation with any other attorneys that were representing the Township. She thinks HAL had a special Counsel on the RTK and also the HAL litigation, so she would want to direct him to also look into that and consult with defense Counsel just to get up to speed to figure out where we are. She's sorry, Mr. Freed, but there are a number of pieces of litigation that they need to know what the status is.

MOTION BY: Ms. deLeon amended her previous motion and moved to direct the Mark Freed and his firm to look into and meet with our former Solicitor and provide a summary to Council, as soon as they can and include the addition of Victoria's language as stated above.

Mr. Banonis said does that include payment to those other attorneys that are being consulted for their time in getting Mr. Freed up to speed? Ms. deLeon said can you say that again? Mr. Banonis said sure. As Victoria said, she's talking about having consultations with other attorneys who have been involved in this litigation on behalf of the Township, those attorney's time is valuable. If you are going to be taking up their time and requiring them to participate in conversation with Mr. Freed, he thinks it's only

fair to compensate them for their time in sharing that information. They've already provided information to Council in numerous Council meetings. The pleadings are available for review. Those are certainly available for Mr. Freed to review and be provided by the Township staff, but for outside Counsel who is no longer involved in these things to incur the time and expense is really unfair to them. Ms. deLeon said okay, she'll amend her motion.

MOTION BY: Ms. deLeon amended her previous motion and moved to direct the Mark Freed and his firm to look into and meet with our former Solicitor, if needed, and provide a summary to Council, as soon as they can and include the addition of Victoria's language as stated above.

Ms. Opthof-Cordaro said she personally thinks if they wanted to bill us for whatever phone call conversation that they have with Mr. Freed then she would welcome their bill and if it's reasonable, she doesn't see a problem with it. Ms. deLeon said let's just say if needed as he's looking at something, he doesn't need to contact them, if it's black and white then it's there and he doesn't need to. Mr. Banonis said of course if there's no phone call or communication there would be no charges incurred. Ms. Opthof-Cordaro said she would leave it up to Mr. Freed to determine to what extent he needs to speak with the other attorneys to get himself up to speed. Mr. Banonis said the motion does include payment to the other attorneys for their time and expense in speaking with Mr. Freed if it's needed, is that correct? Ms. Opthof-Cordaro said her motion was a motion to direct Mr. Freed if we receive bills for those, like she said, she would entertain them and she thinks if they are reasonable, she wouldn't have a problem with it. Ms. deLeon said that's not on the agenda. Mr. Freed said these are ongoing litigations? These are our Council in record in the litigations. Ms. Opthof-Cordaro said yes. Mr. Freed said thank you. Ms. deLeon said the only thing on the agenda is what they just talked about. There's a motion on the floor, roll call. Mr. Hudson said you need a second.

SECOND BY: Ms. Opthof-Cordaro

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

G. LANDFILL CONSULTANTS

Ms. deLeon said Council will discuss hiring a landfill consultant. As you know, Laressa McNemar retired a couple of years ago and she has not been replaced, so they are actively looking to replace her skills.

MOTION BY: Ms. deLeon moved to direct the Manager to see if he can find a replacement.

SECOND BY: Ms. Opthof-Cordaro

Ms. Opthof-Cordaro said if she could add something to the motion, so prior to she thinks it was 2021, our Township used to have a number of consultants that were specialized in various fields including engineering of a landfill and how a landfill is engineered, separate and apart from hydrology and other things. It would provide additional information to the Township as to how our landfill was operating. Since 2021, the Township has not engaged the services of any extra consultants to help us maintain and manage the landfill. She's attended numerous landfill committee meetings from 2021 and on, and she hasn't seen any other reports come forward that used to be part of our landfill ongoing maintenance and management, so she thinks it would be appropriate to direct our Manager to look into additional consultants that would include a landfill engineer, and consult with the Solicitor to determine what other engineers he feels may be necessary to make sure that we are not only addressing the current operations of the landfill but any anticipated issues that may come forward including a DEP permit for Phase 5. Ms. deLeon said right, because there's an existing landfill there and we need to keep on top of it. Ms. Opthof-Cordaro said yes, thank you Priscilla.

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

Ms. deLeon said can you guys hear her better? She moved the thing on top of the dais. Someone in the audience said speak louder. Ms. deLeon said she's trying. Ms. Opthof-Cordaro said Priscilla, she moves hers like literally right underneath...Ms. deLeon said but she's turning pages, she can't do that.

H. AUTHORIZE ADVERTISEMENT OF LAWN MOWING & LAWN TREATMENT BIDS

Mr. Hudson said this is a bid they do every other year for our lawn mowing and our lawn treatments. He and the Public Works Director are preparing it. As soon as they get it ready, they'd like to be able to put it out to bid. They are looking for permission from the Council to advertise, authorize the advertisement of the lawn mowing and lawn treatment bids. Obviously, those bids once are opened they will be brought back to Council for approval of the contractor and the amount.

Ms. Opthof-Cordaro said Mark, she just had a question about the treatments. What treatments do they usually do for lawn? Mr. Hudson said they do some herbicide and some pesticide and fertilization and they also do seeding and aeration. Ms. Opthof-Cordaro said has he ever consulted with EAC to determine what type of pesticides, herbicides, all of those things that they would be putting on the ground, has he ever consulted with them to see what would be the most environmentally sensitive options and talk to the various bidders about that.

Mr. Hudson said he does not think that has been done in the past. They have an ergonomist from Delaware Valley University who comes out and looks at the fields and makes recommendation per what is growing on the field each time so that the fields can be maintained at a level for the multiple use sports that use them.

Ms. deLeon said she thought they did that for the lawn care people too as they are cutting by the creeks and waterways. It's some memory from the past. Mr. Hudson said not that he knows of for mowing. Ms. deLeon said okay.

Ms. Opthof-Cordaro said she would support it. If there's the ability to consult with EAC or see if there's anything that we should be doing to make sure that we're not getting rid of any native plants or things that...Mr. Hudson said this is just on the athletic fields. Ms. Opthof-Cordaro said on the athletic fields, okay, sorry. Mr. Hudson said it's just the athletic fields and the pond where they have some problems with. Ms. Opthof-Cordaro said okay. Ms. deLeon said Mark, you're good on that agenda item? Mr. Hudson said he needs a motion and a second and a roll call. Ms. deLeon said sorry, she's slipping up here.

MOTION BY: Ms. deLeon moved to authorize advertisement of lawn mowing and lawn treatment bids for 2024-2025. Specifications are being prepared by the Director of Public Works and the Township Manager.

SECOND BY: Ms. Opthof-Cordaro

ROLL CALL: 4-0 (Mr. Carocci – Absent)

10. COUNCIL AND STAFF REPORTS

A. Township Manager – Mark Hudson

- He said the only thing he has for you this evening is a Happy New Year. Welcome back to 2024. He means Welcome to 2024, we just got here.
- This Saturday, January 6th from 9:00 a.m. to 1:00 p.m., they will be collecting Christmas trees at the yard waste collection facility on Polk Valley Road. They will also be collecting trees on Saturday, January 13th and Saturday, January 20th, so if you'd like to get rid of your old Christmas tree, please bring it out to the yard waste collection facility. That's all he has.

B. COUNCIL AND STAFF REPORTS

Mr. Banonis

- He said he has a handful of things here, Priscilla, thank you. There's an article that was in lehighvalleynews.com, December 27, 2023 and it talks about comments that are made by the PA Secretary of State with regard to the voting errors that were taken place in Northampton County (NC) during the November 7, 2023 election and noted that the errors were very serious and they were human errors and that there were mistakes that should have been addressed and identified. Steps are currently being taken and the Secretary of State said that NC did not follow State recommendations and did not follow practice. They did not supply enough emergency

ballots and the State is looking into steps to step up efforts to prevent these things from happening.

- He also received a report from a LST resident whose vote did not tally. She encountered difficulties with the machine, was given a provisional ballot, actually insisted on getting a provisional ballot and was reluctantly given one. That ballot was not tallied by NC Elections. That has been reported to the police and also the NC District Attorney for investigation. So, that's all he has at this point.

Ms. Ray

- She said she does not specifically have a Council report for today. As she's losing her voice, she'll just pass. Ms. deLeon said she can hardly hear her. Ms. Ray said she's sorry, she's losing her voice.

Ms. Opthof-Cordaro

- She said she does not have any specific Council report so she does again appreciate everybody's time being here this evening. One thing she did want to ask if the Solicitor could look into at our December 20th meeting, there was a direction for our then Solicitor, she thinks, with the Manager, she's not sure who, was to write letters to the IRS about some information that occurred with St. Luke's University Health Network. She personally doesn't think that anything that St. Luke's University Health Network has anything to do with the Township and she doesn't think that spending any additional money or time on our resources and pursuing anything with the IRS or corresponding with them is appropriate. So she would like to know from the Manager if we did in fact send something to the IRS yet? Mr. Hudson said yes, that was completed as requested.

MOTION BY: Ms. Opthof-Cordaro would like to direct the Township Solicitor to correspond with the IRS that we are not interested in pursuing anything further as she doesn't think it's appropriate for use of taxpayer dollars to be investigating St. Luke's University Health Network.

Ms. deLeon said that's a motion. Ms. Opthof-Cordaro said yes.

SECOND BY: Ms. deLeon

Mr. Banonis said this isn't an agenda item. Mr. Hudson said you can't do that. Ms. deLeon said we can't do that, can we put this on the next agenda? Ms. Opthof-Cordaro said yes. If she can't make a directive, she would like to have it on the next agenda. Ms. Ray said writing a letter. Ms. deLeon said anything else, Victoria? Ms. Opthof-Cordaro said no, that's it. That's all she has.

Ms. deLeon

- She said over the weekend they had horrendous landfill gas complaints in the area. People actually smelled it on Route 78 and called it into DEP and Applebutter Road. So anyway, could we write a letter to DEP and tell them that we are really having a lot of complaints from residents and we are asking them to look into it and respond back to why this is happening. Mr. Hudson said yes. Ms. deLeon said thank you. She's not making a motion; she's asking him to do it.

Jr. Council

- Rudra Thakkar said he had no report. Ms. deLeon said Happy New Year and asked him if he was having a good time tonight. Different meeting, huh? She said welcome and we'll see you next time and let them know what's going on at the school.

C. SOLICITOR – No report

D. ENGINEER – Absent

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

- Bob Blasko said hello again. Okay. He cut this one down to 3, he was used to it you know. His recommendation to everybody here when there's a complaint about the landfill, call DEP. He called last week; it went through to Wilkes Barre. He had dealt with the local guy several times and he gave him a new number. He is willing to hand it out if anyone wants it. Ms. deLeon said yes, please say it out loud.

Mr. Blasko said even if just passing by on the road and you smell something from the landfill, call the landfill. If you are going down the road on Applebutter, as his wife and he did a week or so ago after a heavy storm, there was water running down from the area where they are working now on to the road, not up about by the sewage system, down off the hill from where they are working. Call, call, call. They most likely will respond to the complaints made from a residence. They will register all complaints even if you are on the road and you call, they will register those, so they will count. If they get one call from one area and 20 from another, they are going to respond to the area where they are getting the 20 calls, not the one. Remember people there are people like us fighting another landfill north of us - the Wilkes-Barre is a whole lot closer to them than it is to us. If you want to get some action, call, call, call. That's all he has. Ms. deLeon said that's to DEP, not to the landfill. Mr. Blasko said he'll have to give it to her. Ms. deLeon said thank you.

- Frank Palumbo said you don't know what a pleasure it is to be here tonight. This has got to be the best Council meeting he's been to in the 18 years he's been living in this municipality. He is very proud of our newly elected Council. He hopes they do great things. They've got a lot of wrongs to write. He's fully supportive of every single one of them. We as a Township have spoken. We've given the direction to these newly elected Council as to what they are looking for. They've heard us loud and clear. People have crossed party lines because that's how important this Township is to them and they were not fans of the exiting Council. He hopes that the Council members that are still on, Jason and Tom, can work with our new Council. He knows these ladies are not going to hold grudges. They are very fair. They are very open minded and he believes they have the best interests of this Township in mind. Happy New Year and this is his best day ever in this Township for the reasons he just mentioned. So, congrats, he wishes them all the best, take this Township to the right direction. He doesn't need 5 minutes or he doesn't even need 3 minutes, but he's glad to see you guys have already been changing some wrongs and it's not going to be, not everyone here will be happy with some of the decisions that are being made; however, we are a democracy. They voted you folks in for a reason and he hopes you guys and he trusts you will follow the will and the direction of the people. If the community does not agree, there will be another election and he doesn't believe you guys will not follow through on what they promised. So, again, he wishes them all the best. He wishes the best for this Township. He wishes the best for all Council members including those who did not recently get voted in, but again, he does hope they can find a way to work collaboratively and we all have the right direction to move this Township forward, so Happy New Year.
- Russ Sutton said he's very happy with the direction that everything is starting to take. Like he said, he has hope now where he didn't have hope before and that was for many years. He's been coming to Council meetings for many years and this was one of the best and if you don't think people participate, everybody should look around and see how many people were here. They keep getting nobody shows up. Well, guess what, people do show up and people do care. He does really appreciate all the hard work they've done to get to this point and all of your other 40 years' worth of work that you've done for this, and all the work that everybody's done to get here. He has something that's a little different he wants to ask about and maybe they can't give him an answer, but maybe they could find out. He knows Priscilla, that she's aware of it, that they have logging going on behind their properties and he knows it's a state thing, but the problem is they are only supposed to be there for three weeks. They've been there for three months and every day he hears crashing and they are tearing trees down and they are not doing selective harvesting the way it's ruled by the State. They are supposed to be using chain saws and bulldozers, but not a machine that grabs a tree and pulls it out of the ground literally and swings it and destroys everything within a 100' radius. He has pictures of this that he brought before how they cleared the land. It is stripped and it's a combination of 50 acres. One person owns 30 acres and the other person owns 20 acres and every day for the last three months he hears crashing and they are ripping everything down and all the animals are starting to come down out of the forest because they are destroying their nature, their habitat and they are destroying everything that is there. These are Caterpillar machines that compact the soil, so there's going to be a major problem with runoff up there. Now he spoke to the engineer, and he was supposed to get back to him. He's going to continue to call him but he doesn't know if there's been any...it looks like there's for sale signs up there, but he's not aware of anybody done anything or plans for drainage or for water runoff, so that's his major concern. They'd like to know what's going on up there. Ms. deLeon said right. Can he get back to them if there's storm water requirement...Mr. Sutton said he'd appreciate it very much if Mark could get back to them. He did speak to the engineer and they were going to meet and were going to go up there and actually look at the properties, and show him what's going on. Mr.

Hudson said okay. Mr. Sutton said he knows it's a state issue but the problem is it's affecting a lot of people. That's 50 acres. That's a lot of, that's a big area. Ms. deLeon said she thinks that now that he's a new member of the EAC, he and Laura can work together on trying to look into logging and see what's going on. Mr. Sutton said that's why he wanted to be on that because the environment is very important to him and it should be important to everybody here because we only get one earth, and once we destroy it, it's too late.

Ms. deLeon said is there anybody in the audience that did not sign this and wants to speak? Go ahead.

- Janie Hecker said so she has a question. We gave, LST gave \$50,000.00 to the Southern Lehigh Library for no reason. There was nothing provided for that money. How do we get it back? Ms. deLeon said thank you for your comment.
- Bob Blasko said he wants to give the phone number. So this number is for DEP Odor Reports. It's considered the emergency number. You can leave a message on the emergency line or you can leave a message for the non-emergency during regular business hours which are 8:00 a.m. to 4:00 p.m. Monday through Friday. If you call them, they were courteous enough to get back to him. The number is (570) 826-2511. Someone in the audience asked him to repeat that. He said (570) 826-2511. Ms. deLeon said okay, that is one of the three numbers that she has and it's the one that says if this is an emergency, please leave a message. Most people will get scared and hang up and don't want to leave a message but you got to hang in there. You got to stay on the line and you have to leave a message. Sometimes you get lucky and you get a live person answering that call. If you do, you lucked out. If you didn't get a live person, leave a message with your name, phone number, all the information that you are smelling an odor complaint and you'd like a call back. If you do that, they will call you back and it will be documented according to their policies. Thank you for that. But please you have to...people get panicky and say this isn't an emergency, but really, you are not supposed to be smelling landfill odors. It's not in their permit.
- Marybeth Zingone said why if we are in such dire need of fire equipment which is priority, over everything almost, why can't we stop funding the field of dreams that someone has developed. Ms. deLeon said that went out to bid, okay, and it went out twice to bid, and there's a contract and...Ms. Zingone said she thought it went a third time. She thought it had a third increase too, didn't it. Is that contract still apply? Ms. deLeon said it went out twice to bid. Mr. Hudson said it went out three times. Ms. deLeon said it might have gone out three times. Ms. Zingone said if it's not picked, why can't we stop if they haven't picked a contractor for that third thing, let it rot. Mr. Hudson said the contract was executed. Ms. deLeon said the contracts have been executed and he met the lawyer, but she doesn't think...Ms. Zingone said we are sacrificing fire for that. That's what this comes down to. She's got to ask, the table that the landfill consultants back here are sitting at, do we provide that or do they bring that themselves. Do you bring that table yourself? Ms. deLeon said he's the press. He's the press. Ms. Zingone said so you brought the table, that's her taxpayer money paying for the landfill. She's paying for a landfill table; she doesn't like that. Ms. deLeon said no, no, no. The press...Mr. Hudson said they provided a table for the press. Ms. Zingone said alright. Ms. deLeon said the press is allowed to have a table. Ms. Zingone said they are in the ground floor with us here, the landfill. They know everything that's going on. Why don't they pitch money to the library? Why don't they build us a library? Ms. deLeon said thank you Marybeth.

Ms. Opthof-Cordaro said she'd like to give an answer to Marybeth if she could. Ms. deLeon said okay. Ms. Opthof-Cordaro said so for the ballfield, she definitely agrees with her. That's an issue, but she thinks she would just ask our Solicitor to look into this and see if there's anything we can do with the expenditures that were approved. She thinks they are bound by with what the last Council majority bid for, but she would like the Solicitor to look into it. That's all. Ms. deLeon said she agrees, you never know.

- Mark Ozimek said he came here to say, first off, congratulations. The reason he came up to the podium here is to express his concern about the increase in the smell of the landfill at his house and up to the bridge on Redington Road. So, he was going to put his name in for some things, and he was told he's better off at where he's at because God knows he could end up in trouble again, you know him. But does the Township have anyone that actually goes in and inspects that landfill weekly? Ms. deLeon said yes. Mr. Ozimek said weekly, monthly, whatever, a physical drive through, walk through, anything. Ms. deLeon said they have their host inspector, Host Landfill Inspector. Do you want to talk about that? Twice

a month, he goes and he inspects the landfill and sends us a report and that's going to be...Mr. Hudson said the Host Inspector for the Township from our engineering firm is there twice a month, and there's a DEP inspector there twice a month. Mr. Ozimek said okay. Ms. deLeon said they submit the reports to us. They were being put on the website; she doesn't know if that's continuing. Mr. Hudson said yes. Ms. deLeon said so they are on the website. Mr. Ozimek said good enough.

Ms. deLeon said anyone else before they adjourn?

- Nicholas Cordaro said Madam President deLeon, Councilwoman Ray, Councilwoman his beloved Opthof-Cordaro, this is his first time speaking on this podium. He just wants to tell you that he's very proud of the three of them. How they've handled themselves and tonight was absolutely joy to sit back there and listen to common sense and he can tell you that 61% of them that voted for them that night, they put their trust in them. They know they are full of integrity. They know they have that. They've made friends with them. The only thing he just wanted to tell them is whatever they do, don't take that friendship for granted which he knows they will not. He knows they won't do that and he believes that they said that now with the Council meetings that for those that can go through Zoom, they can actually question in on Zoom as well. Will that be...Ms. deLeon said they are anticipating that. Mr. Cordaro said they are anticipating that. As an airline pilot for United Airlines, please do that because there was a meeting going on one night and he was in London and he wanted to ask a lot of questions and he couldn't do it. So, thank you for doing that because he might be on the other side of the world one night and he would like to ask questions as well. But speaking of that carrier that he flies for; they have a saying there. They have a saying of good leads the way. It does. It works. That airline he works for is doing wonders right now because they believe good leads the way. He knows you three will see the good. He sees it already. He see it already. He sees changes are coming. All he can say is aim high. The stratosphere is the limit. God Bless you three. Thank you.
- Nicolette Stavrosky said, she'll give her whole address. Ms. deLeon said no, they don't need addresses, that's illegal. Ms. Stavrosky said if she has a question about the landfill, just in the past week, when you are coming off of 33, there's a big hump. It wasn't there before and it is now and she's had other people on Facebook wondering well, where it's usually like this, there's a huge, anybody else see it? She means can she find out what that is. Mr. Hudson said she can contact him with any questions and he can try to help her. Ms. Stavrosky said she'd like to know what that is because it's very obvious. Mr. Hudson said email the Manager or give him a call. Ms. deLeon said or give him a call. Ms. Stavrosky said thank you.

12. ADJOURNMENT

MOTION BY: Ms. Opthof-Cordaro moved for adjournment. The time was 9:06 p.m.
SECOND BY: Ms. Ray
ROLL CALL: 4-0 (Mr. Carocci – Absent)

13. UPCOMING MEETINGS

- A. Environmental Advisory Council – January 9, 2024
- B. Council – January 11, 2024
- C. Landfill Committee Meeting – January 18, 2024 (5:00 p.m.)
- D. Saucon Rail Trail Oversight Commission – January 22, 2024
- E. Zoning Hearing Board – January 22, 2024
- F. Planning Commission – January 25, 2024
- G. Parks & Recreation Board – February 5, 2024

Submitted by:

Mark Hudson
Township Manager

Priscilla deLeon
Council President

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

RESOLUTION #31-2024

**A RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP
ADOPTING AN AGENDA POLICY AND CODE OF CONDUCT
FOR TOWNSHIP COUNCIL MEETINGS**

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government, located in Northampton County, Pennsylvania, and is governed by an elected Council; and

WHEREAS, the Pennsylvania Home Rule Charter and Optional Plans Law, the Second-Class Township Code, and the Lower Saucon Township Administrative Code all authorize the Council of Lower Saucon Township to promulgate rules and regulations for its Council meetings.

WHEREAS, the Lower Saucon Township Council is authorized to establish a level of civility and promote an atmosphere of reasoned expression of ideas in promulgating rules and regulations for its Council meetings.

WHEREAS, the Council recognizes public comment is intended to afford citizens an opportunity to bring important matters to the attention of Lower Saucon Township Council.

WHEREAS, the Council is strong advocate of free speech and wishes to promote an atmosphere of reasoned expression of ideas.

NOW, THEREFORE, BE IT RESOLVED that the Council of Lower Saucon Township establish the following rules and regulations regarding the Agenda for public meetings, and public comment and conduct during such public meetings:

AGENDA

1. All regular and special meetings of the Lower Saucon Township Council shall be conducted according to the following order of business:
 - I. Opening
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance to the Flag
 - D. Announcement of any Executive Session (if applicable)
 - E. Public Comment Procedure
 - II. Presentations/Hearings
 - III. Developer Items
 - IV. Township Business Items

- V. Miscellaneous Business Items
- VI. Council & Staff Reports
- VII. Public Comment – Non-Agenda Items
- IX. Adjournment

2. The Township Manager, in consultation with the Council President (or acting Council President) and in accordance with the Code of Lower Saucon Township, shall prepare a printed agenda for each meeting of the Council and provide the same for public review at least 3 days prior to the commencement of each such meeting. The Agenda, and any non-confidential accompanying materials, shall be posted on the Township Website. The Agenda, without materials, shall be posted at the Township Building, and copies shall be available at the meeting.

PUBLIC COMMENT AND PARTICIPATION

1. Public comment relating to each Agenda item, shall occur during Council's consideration of the Agenda item. In addition, a public comment period, during which comments may be received on non-Agenda items shall occur at the end of the meeting and be listed on the Agenda as Public Comment.
2. Public participation, including public comment, shall be within the discretion and under the direction and control of the Council President (or acting Council President);
3. A person wishing to make comments to the Council must state their name, affiliation and municipality of residence.
4. Commentors shall announce their name prior to addressing Township Council.
5. Public comment may be made only by a person who has been recognized by the Council President.
6. Comments about items on the agenda will be limited to no more than five minutes per person.
7. The Council President (or acting Council President) shall, in his or her sole discretion, be permitted to expand the individual comment period.
8. Organized groups of people attending the meeting to present a common position or idea to the Council shall designate no more than two of the members to speak for the group.
9. No commentator will be allowed to surrender his/her time to any other person, or to call upon other persons for comment.
10. No person shall obstruct in any way the entrances or exits to the Township Council meeting room.
11. The commentator shall address Township Council from the lectern situated in the center of the Township Council meeting room, unless the commentator is physically unable to do so.

12. All public comment will be addressed to the Township Council. Nothing herein shall require any Council member to answer questions or engage in debate.
13. Members of the audience may not address other members of the audience, or argue, speak or yell back and forth at or to each other.
14. To facilitate the business of the Township and to maintain order, there shall be no foul or vulgar language used or gestures made during the meeting.
15. Comments should be substantive and not include any defamatory content and/or personal attacks on the integrity of others whether or not present.
16. Letters shall not be read during public comment unless such letter can be read within the allotted five-minute time limit for individual public comment. No extension shall be granted for commentor reading a letter during public comment unless permitted in the sole discretion of the council president. Any letters cited or read may be submitted to the Township Manager.
17. Copies of any documents being reviewed or discussed during public comment shall be made available to Council.
18. At all times, each attendee at a Council Meeting shall respect the point of view of others. No comment disagreeing with another's point of view shall involve a personal attack on the character of others with a different view point.
19. Any conduct disruptive of the Township Council meeting and interfering with the business of the Township, such as talking when not recognized by the Council President (or acting Council President), talking beyond the allotted time and/or the use of a cell phone shall not be tolerated.
20. The Council President (or acting Council President) will rule out of order any speaker or comment which is defamatory, contentious, scandalous, impertinent, redundant or disruptive to the proceedings of the meeting.
21. If the conduct and order of the Township Council meeting is no longer maintained, the Council President (or acting Council President) may recess the meeting to restore order so the business of the Township may be conducted when the meeting resumes.
22. Public comment shall not contain personal attacks of any nature directed toward or against any Council person, employees of Lower Saucon Township, members of the audience or any other persons.
23. A period of Public Comment shall be placed at the end of each Agenda for comments relating to Non-Agenda items; the rules and regulations contained herein shall apply to this Public Comment Period as well.

24. The purpose of Public Comment shall be for people to comment on matters of concern, official action, or deliberation which are or may be before the Council prior to official action being taken. Council will not respond to comment made during the public portion of the meeting unless it is necessary to ask a clarifying question, correct a factual error, or provide specific information. The purpose of Public Comment is not for people to engage in argument or debate with members of Council, the Administration, or other residents, and the Council President shall maintain order in accordance with such purpose.

This Resolution shall repeal and replace Resolution #31-2023.

RESOLVED and ADOPTED this 2nd day of January, 2024.

Attest

Lower Saucon Township

Mark Hudson
Township Secretary

Council President

DRAFT