

Lower Milford Township

Lehigh County, Pennsylvania

Board of Supervisors

January 21, 2021 Regular Meeting

MINUTES

Present: Donna Wright, Chair; Ellen Koplin, Vice-Chair; Mark Eastburn, Esq. Solicitor; Emily Fucci, Township Administrator; Stacy Smith, Township Secretary, and 11 members of the public

1 attachment

The meeting was convened at 6:35 PM by Chair Wright and the Pledge of Allegiance recited.

Motion by Koplin to Close Regular Meeting & Open CU-1-20 Use Hearing. Seconded by Quigley, 3 Ayes.

Conditional Use Hearing was heard. Board voted to Approve.

Motion by Koplin to Adjourn & Close Hearing. Seconded by Quigley. 3 Ayes.

Motion by Koplin to Reopen Regular January 21, 2021 Meeting. Seconded by Quigley. 3 Ayes.

Public Comments – Quigley added his statement. (See Attached)

Motion by Koplin to Approve the Minutes for December 17, 2020. Seconded by Wright. 2 Ayes 1 Abstention.

Motion by Koplin to Approve the Minutes of January 4, 2021 meeting. Seconded by Quigley. 3 Ayes.

The Treasurers Report as of December 31, 2020 was read by Wright:

• General Fund	\$	1,125,675.00
• Historical Registry Fund		5,735.00
• Rec & Open Space Fund		7,109.00
• Sewer Fund		28,295.00
• Capital Reserve Fund		804.00
• Fire Fund		299,683.00
• Highway Capital Improvement		322,790.00
• State Liquid Fuels Tax Account		155,746.00
• Developers Escrow (Non-Township) Funds		56,813.00

Motion to approve Treasurers report made by Koplin. Seconded by Wright. 2 ayes 1 Nay

Motion by Koplin to pay January 2021 Bills. Seconded by Wright. 2 Ayes 1 Nay. Quigley stated his objections to the fees by Clark Hill.

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Wright announced the Administrators Report.

Wright announced the Zoning Report.

Wright announced the Public Works Report.

Wright announced the Secretary's Report.

Wright announced the Macungie Ambulance Report.

Southern Lehigh Library Report- NONE

Subdivision/Land Development. – Announcement of Gehman Subdivision
Action on Subdivisions and Land Development - NONE

Under Old Business:

NONE

Under New Business:

Motion by Koplin to approve Seconded by Wright. 2 Ayes.

Discussion for Limeport WWTP 2021 Late Fees. Motion by Koplin to Waive Late fees for the
First Quarter. Seconded by Quigley. 3 Ayes.

Motion by Koplin to approve Handbook Revisions. Seconded by Wright. 2 Ayes. 1 Nay.

Motion by Koplin to Appoint Kara Stever to the Planning Commission Committee. Seconded by
Quigley. 3 Ayes.

Motion by Koplin to Appoint Stacy Smith to the Rec & Open Space Committee. Seconded by
Wright. 2 Ayes. 1 Nay.

Motion by Koplin to Adopt CDL Personnel Policy. Seconded by Quigley. 3 Ayes.

Motion by Koplin to approve Resolution 2021 – 4 Addition to Agricultural Security Area.
Seconded by Wright. 2 Ayes.

CORRESPONDENCE:

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PSATS Youth Awards Contest Announced

Notice of Address Change for the Crime Victims Council.

Motion was made by Koplin to adjourn the meeting. Seconded by Quigley. 3Ayes.

Meeting Adjourned

Meeting Concluded at 8:16 PM.

Respectfully Submitted,

Stacy R. Smith

Township Secretary

Approved

Ellen L. Koplin's response to John Quigley during the January 21, 2021 Board of Supervisors Meeting:

John Quigley did in fact run up the legal bills. At the last meeting I provided a breakdown. In 2020 we did spend more than in 2019, but there were township issues to deal with that are township responsibilities. We had three Ordinances that were amended, the Zoning Ordinance was revised for amendment, and other zoning issues which required legal counsel.

Stacy Smith was hired upon interview by Zachary Cooperman, John Quigley's nephew, for part-time but the bookkeeper was always full-time. The previous Board which included John Quigley, hired her. At the January 2020 organization meeting, John Quigley appointed her Treasurer. After Donna Wright and Ellen Koplin restored the position to full-time, as far as harassment of Stacy Smith, he insisted she fill out a form for permission to have a background check. We only ever required background checks for police. Stacy Smith contacted the Solicitor and he told her he would check and to sit tight.

The Pennsylvania State Police (PSP) were called. The barracks commander said that the Troopers take calls very seriously and did not "laugh it off." Stacy Smith's harassment complaint went to the solicitor and then to Atty. Deon who brought a third-party Attorney, Patricia Collins, to investigate the harassment. No one had advised Ms. Smith that Pennsylvania labor law only addressed gender based/sexual harassment or other protected classes of employees. An employer can scream, holler and jump up and down in your face and nothing can be done. So, no finding of "gender based/sexual harassment." However, the following is quoted from Atty. Collins report:

"While I find no evidence of gender-based harassment or discrimination, Mr. Quigley's actions and animosity towards his fellow supervisors and Ms. Smith creates risk for the Township and created the conditions for which Ms. Smith claims harassment."

Everyone, lawyers, Board, staff refer to the recording device placed in the office as a camera. A camera takes pictures. This device was an audio and video recorder that captured the conversations of the staff in their offices and on the phone. An audio recording device in PA can be a violation of the wiretap act, a third-degree felony. Did we have to have this investigated? Absolutely! We have never had anything like this in the township before.

The reason the Supervisors may have or you feel you weren't included or consulted is the fact that the two who purchased it, the Public Works Director and your nephew, met with you in private in the township building the day before it was purchased, for 45 minutes but everyone's

Ellen L. Koplin's response to John Quigley during the January 21, 2021 Board of Supervisors Meeting:
Continued

memory was selective in not recalling what that conversation was about and that is the reason you were not included in a potential investigation.

As far as Emily Fucci, she is an excellent administrator. At the time she was told to place his defiant posts on the township facebook page that he says is fact, it is not fact but only his opinion based upon facts that are only in his mind. His postings trashed the other board members, trashed the employees and that is not what other townships do. Neither Donna or I would be trashing you on the Township facebook page and we expect the same courtesy.

As far as Manager, you John Quigley hired your nephew. His only experience was in child care and some kind of sports center. He had no background in offices, spreadsheets, computers, when asked what kind of computer he wanted, he had no clue. He had no knowledge in any municipal area, not finance, public works, zoning or aspect of management. A manager should be able to step in to any of the departments and function. All townships around have managers who previously worked in local government. His resume said he was proficient in Quickbooks but when he was asked a question by Stacy Smith as bookkeeper, he said he didn't know. I was expected to teach him in one year. All the professionals I know thought it was ridiculous.

When we terminated your nephew and consolidated jobs within the township, you used every means to trash everybody. I've prepared a list of duties that at the end of my tenure I knew in my heart of hearts your nephew would not have been able to handle. So Ms. Fucci has been doing them from the beginning. (read attached list.) These are the big jobs that went to the Zoning Officer as well as the newsletter and the festival organization upon my retirement. I am very offended that she is trashed in any way.

Zachery Cooperman was in fact given a bad review after 90 days. Donna Wright and I were with him in the conference room and went over it. He admitted that he really didn't have enthusiasm for the job.

Now I know my works will be thrown back at me and arguing for the sake of arguing seems to be what we do best but these are facts and can be supported.

Thank you,
Ellen L. Koplin

Upon retirement of Koplin as Township Manager in December 2018, the following list of her duties were assigned to Zoning Officer and Planning Administrator, Emily Fucci.

1. NPDES-MS4 Stormwater Permit for Lower Milford Township
 - a. Meet annual requirements for Township permit-Public Education, Public Participation, Public Works Activities
 - b. Coordinate and oversee Township Engineer inspection of mapped outfalls
 - c. Coordinate with Township Engineer the submission of MS4 report to DEP
 - d. Coordinate with Township Engineer stream sediment load reduction project.

2. Post approval of Subdivision and Land Developments
 - a. Track escrow and improvements agreements
 - b. Track letters of credit
 - c. Coordinate with Township Engineer the release of funds upon inspection of public improvements from letters of credit or escrow agreements
 - d. Track time-frames under the Municipalities Planning Code
 - e. Upon inspection and completion of public improvements including streets, curbs, stormwater facilities and detention basins, prepare all Resolutions for Board of Supervisor acceptance of easements and dedication of streets
 - f. Coordinate and meet with PennDOT Municipal Representative for the acceptance of streets into the street system and the Liquid Fuels program.
 - g. Track Maintenance escrow and time-frame before final release
 - h. Coordinate the recording of all deeds of easement and deeds of dedication with the Lehigh County Recorder of Deeds

3. Annual Newsletters

Spring/Summer
Fall/Winter

4. Annual Fall Festival Coordination and Committee meetings