

Lower Milford Township

Lehigh County, Pennsylvania

Board of Supervisors

December 17, 2020 Regular Meeting

MINUTES

Present: Donna Wright, Chair; Ellen Koplin, Vice-Chair; Mark Cappuccio, Esq., Solicitor; Emily Fucci, Township Administrator; Stacy Smith, Township Secretary, and 8 members of the public

The meeting was convened at 6:30 PM by Chair Wright and the Pledge of Allegiance recited.

Motion by Koplin to approve the minutes for November 19, 2020 meeting. Seconded by Wright.

2 Ayes.

The Treasurers Report was read by Wright:

• General Fund	\$ 1,080,303.00
• Historical Registry Fund	5,735.00
• Rec & Open Space Fund	7,108.00
• Sewer Fund	30,268.00
• Capital Reserve Fund	33,054.00
• Fire Fund	327,732.00
• Highway Capital Improvement	322,749.00
• State Liquid Fuels Tax Account	158,362.00
• Developers Escrow (Non-Township) Funds	43,179.00

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

Motion by Koplin to pay December 2020 bills. Seconded by Wright. 2 Ayes

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 Representative gave Library Report

Subdivision/Land Development. - NONE

Under Old Business:

NONE

Under New Business:

Motion by Koplin to approve 2021 6-month contract for Assistance with Strays. Seconded by Wright. 2 Ayes

Discussion for Limeport WWTP tabled until after Conditional Use Hearing

Motion by Koplin to approve Resolution 2020-10 Setting of General Millage. Seconded by Wright. 2 Ayes.

Motion by Koplin to approve Resolution 2020-11 For Fishing Millage for the Special Tax for Fire Services. Seconded by Wright. 2 Ayes.

Motion by Koplin to approve Resolution 2020-12 Adopting Annual Municipal Budget for Fiscal Year 2021. Seconded by Wright. 2 Ayes.

Motion by Koplin to approve Resolution 2020-13 Appointing Anderson and France as CPA for Fiscal Year 2021. Seconded by Wright. 2 Ayes.

Cappuccio gave Notice of Legal Action against Theodor & Lois Zapach.

PSATS Pension Plan Discussion tabled until after Conditional Use Hearing.

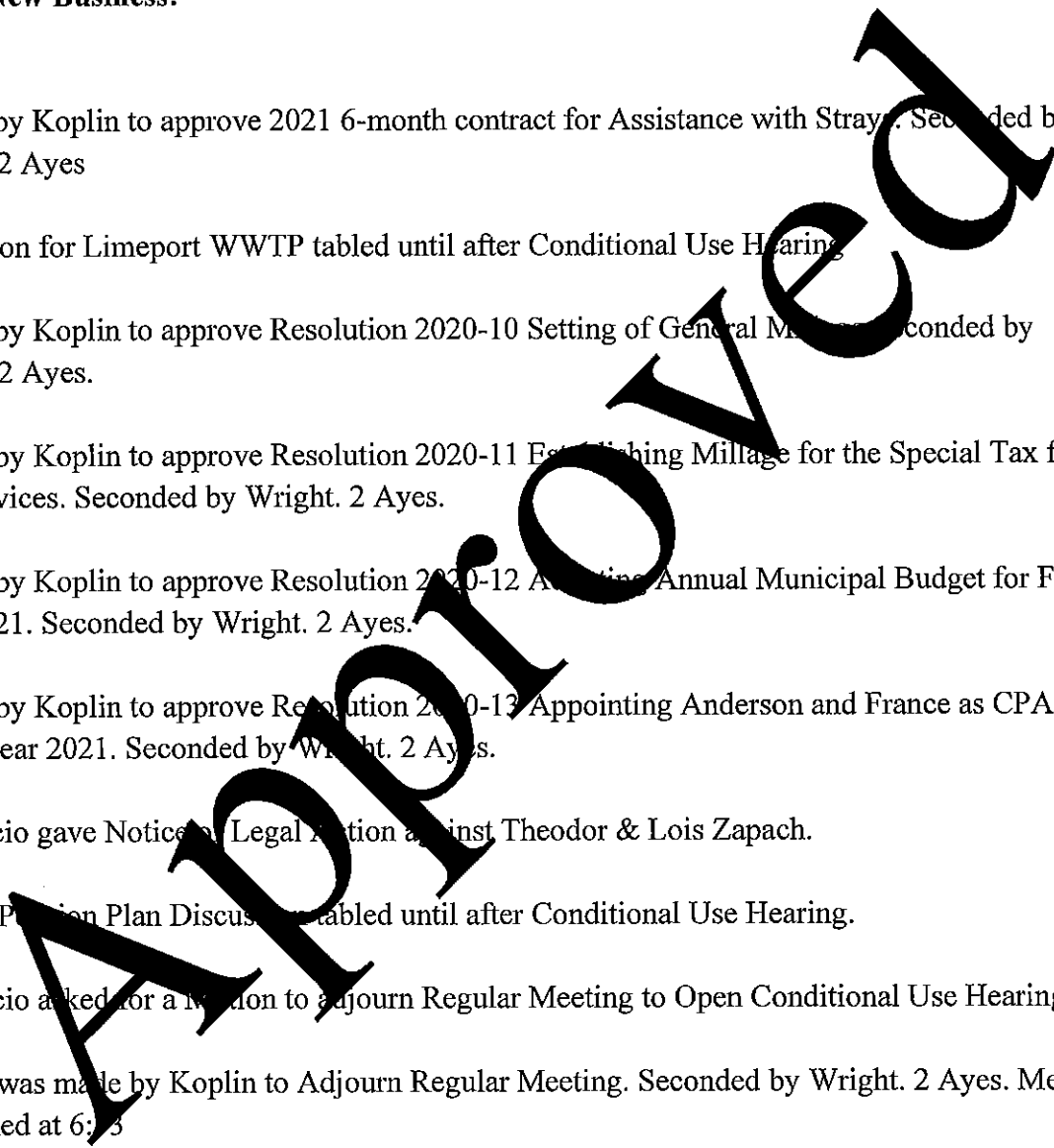
Cappuccio asked for a Motion to adjourn Regular Meeting to Open Conditional Use Hearing.

Motion was made by Koplin to Adjourn Regular Meeting. Seconded by Wright. 2 Ayes. Meeting Adjourned at 6:35

Conditional Use Hearing Opened.

Conditional Use Hearing Closed.

Meeting reopened at 7:10 PM



Lower Milford Township Board of Supervisors December 17, 2020 Meeting Minutes

Koplin presented a rebuttal to Quigley's statement made at the last meeting concerning legal fees for the year of 2020. Calling his statements, a "Blatant Fabrication"

Koplin produced a complete break down of the legal fees in question.

Koplin requested that her rebuttal be added to these minutes. (Please see attachment)

The conversation for the Limeport WWTP that had been previously tabled continued.

Considering the COVID-19 pandemic many residents have expressed their inability to pay their sewage fees. As a good will notion, the Board was asked for permission to suspend and late for the year 2020.

Koplin made the motion to waive late fees in the year 2020 for non-habitual residents. Seconded by Wright. 2 Ayes.

Koplin also made a motion to pursue through our Solicitor recouping the fees from the resident who has not made a payment in 3 years. Wright Seconded. 2 Ayes.

The topic of the employee Pension Plan that had been tabled resumed. Fucci explained the need to move our Pension plan from our current holder to PSATS. The Board and Fucci saw no downside to the change considering, the current holder has not been successful in meeting our needs. Fucci had explained that she would need a motion to move forward with the change.

Koplin made the motion to Authorize advertising the PSATS. Wright Seconded. 2 Ayes.

Koplin also made the motion to Authorize Wright to share information with PSATS for the transition. Wright Seconded. 2 Ayes.

A Correspondence was received concerning the amount of truck traffic on Kings Hwy.

Wright responded by saying that according to State Law, State roads are open to all commercial traffic of any shape or size. Townships have no derestriction regarding the use of State roads.

During the final Public Comments, the question arose asking if the previously mentioned investigation was close.

Wright and Koplin both responded by saying that without any further interruption from Quigley it should be close to an end.

Motion was made by Koplin to adjourn the meeting. Seconded by Wright. 2 Ayes.

Meeting Adjourned

Meeting Concluded at 7:43 PM.

Respectfully Submitted,

Stacy R. Smith

Township Secretary

Approved

Lower Milford Township
Analysis of 2020 Legal Expenses to Correct a False Accusation

The totals include invoices from January 1, 2020 through October 31, 2020

Claims have been made by Supervisor Quigley that the Township's legal expenses for 2020 are, "more than \$146,000 over the 2019 Township legal expenses and it is "all" due to Supervisors Wright and Koplín. **This claim is a blatant fabrication.** Attached to this report, are the legal expense numbers for the last three years including 2020. The 2020 totals are listed below and broken down according to subject.

There are two main categories; the first being normal, legal expenses which are incurred by all municipalities and the second category is primarily expenses incurred due to Supervisor Quigley's refusal to accept the decisions of the Board of Supervisors majority. Those actions include dismissal of Supervisor Quigley's nephew from the position of "Township Manager" due to extremely poor performance and the following months of Supervisor Quigley's harassment of Township Attorneys on behalf of his nephew. This category also includes other personnel dismissals, an audio recording device placed in the office area to record conversations contrary to state law and issues involving hostility and harassment of Township staff by Supervisor Quigley. The PA State Police were called to the Township building on three occasions because of Supervisor Quigley's outrageous and aggressive behavior, which we witness every month during the meetings.

The first group is, "**General Solicitor.**" This includes preparations and attendance of all Board of Supervisor meetings, executive session meetings, communications with Board of Supervisor members and communications with Township Administrator or Department Heads. The total is currently **\$33,824.75**, which includes approximately \$6,000 (\$5,984) from services provided in 2019.

The next group is, "**Ordinance Research and Preparation.**" Updates of the Nuisance Ordinance, Fire Prevention Ordinance, Solicitation Ordinance and Zoning Amendments were performed in 2020 which involved input, research and consultation with the Township Solicitor. The current total for this group is **\$3,504.00**.

"**Code Enforcement**" in 2020 has been very active. Several properties within the Township have been the subject of complaints which required hearings and consultation with the Township Solicitor to resolve the problems. Other properties required legal action by the Township and remain ongoing. This group currently totals **\$22,052.10**.

"**Emergency Management**" involved seeking reimbursement for Township and Fire Company resources used during a tragic event that occurred within the Township totaling **\$1,056.00**.

Solicitor to the Planning Commission is a separate group which includes meeting preparation and attendance as well as preparation of legal documents for public improvements associated with subdivision and land development projects. This is currently **\$7,710.46**.

These five listed groups above, are common, expected legal expenses which can fluctuate from year to year depending upon how much activity has occurred within each group.

As described in paragraph two of this report, the next three groups are for the most part, due to Supervisor Quigley's objection to action taken by the Board of Supervisors that he was unwilling to honor. His anger over his nephew's dismissal continues. He waged a campaign against the Township Secretary, Stacy Smith and is now disparaging the integrity and ability of the Township Administrator, Emily Fucci. Ms. Fucci is intelligent, educated, qualified and experienced to administrate the day-to-day operations of Lower Milford Township. Supervisor Quigley attempted to denigrate Ms. Fucci with false accusations originating from former employees that thought they could secretly record her and other employees in their offices. The disgraceful behavior and actions which led to the majority of the following costs, can be laid at the feet of Supervisor Quigley.

"Personnel" involves consultation and direction to deal with employee conduct and terminations in several departments. It also includes a bullying and harassment complaint by a staff member against Supervisor Quigley. This category currently totals **\$32,868.69**. Unfortunately, under Pennsylvania Labor Law, the only type of harassment that an employer can be guilty of is "sexual or gender-based harassment." We will repeatedly be told by Supervisor Quigley that it was investigated, and he was totally "exonerated." The interpretation of that statement is, he could not be found guilty of "sexual or gender based" harassment and just plain old screaming and bullying of an employee can go on without repercussion in the state of Pennsylvania.

An illicit action involving an **audio recording device**, was taken by former employees. Secretly audio recording someone without their permission is against the law in Pennsylvania. Therefore, when two former employees embarked upon recording other staff members conversations, an **investigation** of their actions occurred, which currently cost the Township **\$24,965.50**.

The final invoice group under the heading of "Township Solicitor" concerns expenses incurred by Supervisor Quigley's refusal and response to cooperate with a Right-to-Know request and is currently costing **\$6,186.00**.

As this breakdown indicates, Supervisors Wright and Koplin are conducting business in the best interest of the taxpayers of Lower Milford Township. The false claims and pretenses leveled at Wright and Koplin are indicative of anger and the self-centered interests of Quigley.

Legal Cost Analysis

2018 Legal Actual

Township Solicitor	\$ 45,160.40
Geryville Zoning Appeal	150,617.51
Planning Commission Solicitor	11,052.25

2019 Legal Actual

Township Solicitor	\$ 29,644.52
Geryville Zoning Appeal	37,485.42
Planning Commission Solicitor	4,557.50

2020 Legal Actual (through Oct. 31)

Township Solicitor	\$ 142,533.00
Geryville Zoning Appeal	40,223.00
Planning Commission Solicitor	(included in Township Solicitor)

**Analysis of the 2020 Township Solicitor
Actual Through October 31 Totaling \$142,533.00**

General Board of Supervisors (Meetings, etc.)	\$ 33,824.75
Ordinance Research and Preparation	3,504.00
Codes Enforcement Actions	22,052.10
Emergency Management	1,056.00
Personnel	32,868.69
Audio Recording Device Investigation	24,965.50
Supervisor Quigley (Right-to-Know Requests)	6,186.00
Planning Commission Solicitor (to be Moved to Acct. #414.311)	7,710.46

Approximately \$6,000 (\$5,984.00) General BOS Costs Generated in 2019