

## ORDER OF BUSINESS

### 1. Call to Order; Pledge of Allegiance

President Charles H. Ballard called the meeting of the East Penn Board of School Directors to order at 7:30 p.m. in the Board Room located at 800 Pine Street, Emmaus, PA, followed by the Pledge of Allegiance.

Board Members Present: K. Bacher, C. Ballard, L. Donches, A. Earnshaw, F. Fuller, R. Heid, M. Policano,  
S. Rhodes, III, J. Stolz

Solicitor: Marc S. Fisher, Esq., Worth, Magee & Fisher

Treasurer: Lynn Glancy

Board Secretary: Cecilia R. Birdsell

Superintendent of Schools: Dr. Thomas L. Seidenberger

Press Present: Peter McConnell, East Pen Press Reporter  
Katrina Wehr, Morning Call Reporter  
Precious Petty, Express Times Reporter  
Randy Kraft, WFMZ On Line Reporter  
Mariella Savidge, Lower Macungie.Patch.com

### 2. Requests to Address the Board

Anthony Garcia, 1989 Pembroke Drive, Macungie said he had attended four meetings to get a resolution on the Willow Lane busing. He said there had been accidents at the intersection and that the Board consider the students' safety.

Jonathan Berger, 6912 Sunflower Lane, Macungie claimed that since he had been to the December meeting there had been three accidents at Sauerkraut Lane and Willow. He too spoke about taking the students' safety into consideration. He suggested a committee involving the PTO and parents and the Township and everyone involved in the school.

Matthew Mull, 6676 Rutherford Drive, Macungie said this is the third meeting he has attended. He talked about his personal experience with running along the walkway noting that he has had two cars short stop at the intersections. He noted one driver had a cell phone while the other did not.

Minal Nemani, 6920 Sunflower Lane, Macungie said she felt that 1.5 miles was too much for kids to walk. She had observed that parents currently walk their children to the bus stop. She urged that the Board keep the safety of children in mind and the fact that parents will be rushing to get students to school as another consideration impacting safety.

Dr. Lee LaRussa, 1982 Winthrop Way, Macungie indicated that he had attended the Lower Macungie Public Safety Committee meeting. They have as many concerns about the plan and some said they did not understand how the Walkability Study reached its conclusions and some felt that Sauerkraut Lane was unsafe. He said the 1.5 mile radius for walking with increase the amount of car traffic. He felt that .75 miles for walking is more realistic. He said it would be useful to have parents included in the process. He felt the Board protocol was frustrating for parents and the community.

Susan Coenen, 6220 Wheatland Drive, Macungie thanked Dr. Seidenberger for his communication and responsiveness concerning the bomb threat at the high school and assuring parents that students would be safe and cared for following the Newtown, CT tragedy. She was very encouraged by the signs and progress that have been made over the past few weeks. She talked about the bus student counting. She commented on a series of questions that she felt should be asked. She talked about the survey and the communication to parents. She said she would have liked to have had the opportunity to give a parents' perspective before the survey went public. She questioned the validity of the survey if parents fill out more than one.

Tammi Ritter, 2608 Fieldview Drive, Macungie talked about the Walkability Study and the follow through. She said the study did not address traffic concerns and in the superintendent's report it was mentioned that Sauerkraut Lane was not considered a hazardous route. She did not know of any road in the district where students are being asked to walk where cars pass at high speeds. She talked about drivers using Brookside Farms as a shortcut. She asked the Board to consider the funding and the traffic concerns before their children are asked to walk.

Patrick Armstrong, 6527 Rutherford Drive, Macungie expressed his concern about the safety of students with the termination of bussing. He commented on the TIF Committee and his interpretation of giving tax dollars to a developer when bussing is being cut for students. He also expressed his dismay with the 1:30 p.m. Dismissal on Wednesdays for elementary students and the impact on the instructional day. He said none of the neighboring districts have this concept. He said removing that half day is within the control of the Board.

Melissa Huffer, 1885 Greshire Drive, Macungie expressed her concerns about the bussing issue with Willow Lane. She complained about the amount of time (39 miles a week) it will take to go back and forth to the school. She said she lives 1.3 miles from the school. She cannot afford that amount of time in her busy schedule as a working Mom with three children. She is not interested in carpooling or in the Walking School Bus. She felt the buses provide safety and peace of mind. She talked about

stranger danger. She said the Board decision may force her to quit a job that she loves. She invited board members to walk with her and her three children from her home to Willow Lane School.

Todd Salomon, 6654 Trafalgar Drive, Macungie asked if the Willow Lane School was planned for walking and why was the Board not up in arms over the lack of signage (school zone, etc.). He talked about the hazards of people backing out of their driveways and not seeing small children. He felt that saving funds compromised children's safety.

3. Approval of Minutes

Motion by Bacher, Seconded by Donches

RESOLVED, That the East Penn Board of School Directors approve the minutes of the December 10, 2012 meeting.

Ms. Donches said that Bud in Bud Coates is spelled with two ds.

This resolution was unanimously adopted by voice vote.

4. Five Year Budget Outlook – Debra Surdoval, Business Manager

Mrs. Debra Surdoval, Business Manager, reviewed the attached Budget Outlook that included the timeline, the history of increases vs. Act 1 Index, state sources, charter school tuition costs, as well as a capsule look at the 2013-14 budget. (This information is available on the East Penn web site and is attached to the minutes of this meeting.) Looking at the 2013-14 budget, Mrs. Surdoval indicated that the state/federal funding is unknown and the Governor will be presenting his budget in February. There are county-wide reassessments and court appeals and starting in 2012 Berkheimer was appointed the new EIT collector. The employee contracts have saved money by employees taking a pay freeze two years ago. The retirement rate is going up because it is actuarial set and they artificially lowered the rate when investments were doing well. She noted that employees also contribute to the retirement fund as well as employers. The factors that determine the positive position include refinancing and low interest on variable debt, \$1,037,890 more was received in Earned Income Tax, the rental sinking fund revenue from the state exceeded the budget in 11/12 by \$994,270 due to \$1,250,294 in unbudgeted funds received for Plancon J one-time final project reimbursements. The charter school tuition costs have also been reduced. She noted that enrollment is starting to increase, especially special education students, few retirements are expected this year, and the transportation will probably go down. Mrs. Surdoval emphasized that this is a constantly moving worksheet. It is only a snapshot at where the district is at this point in time. Since the ending fund balance was significantly higher than budgeted last year, the district is able to stay within the 1.7% index for 2013-14. The administration will continue to examine line items and revenues and make adjustments that will be reflected in the March 25 budget draft presentation.

Mr. Bacher asked about the equalized millage and the status of transportation for Willow Lane students. Mrs. Surdoval said that \$60,000 was removed from the budget. Dr. Seidenberger said at this point the administration has met with every department head and made some assumptions. He said they are concerned about the increasing enrollment and the budget that will be presented in March will have changes. He said they are looking at transportation overall, including students at Seven Generations and St. Ann's. They will be looking at all aspects of transportation and will also be looking at different approaches to the high school busing. Dr. Seidenberger has received information from neighboring districts and will make some recommendations.

5. Not to Exceed Index Resolution

Motion by Earnshaw, Seconded by Stolz

WHEREAS, the Board of School Directors of the East Penn School District has determined that there will be no increase in the rate of any tax for the support of its public schools for the 2013-2014 fiscal year by more than the Index established by the Department of Education (Department) for the district;

WHEREAS, the Index for the District is 1.7%;

WHEREAS, the Board of Directors of the East Penn School District does hereby certify that the District will comply with the procedures as forth in Section 687 of the Public School Code as it relates to the annual budget for the adoption of its proposed and final budgets;

WHEREAS, the Board of School Directors certifies that increasing any tax at a rate less than or equal to the established index will be sufficient to balance its final budget;

WHEREAS, the Board of School Directors certify that the District will submit information on a proposed increase in the rate of a tax levied for the support of the public schools to the Department on a uniform form prepared by the Department no later than five (5) days after the adoption of this resolution;

WHEREAS, the Board of School Directors certify that a copy of this resolution adopted pursuant to Section 311 of the Taxpayer Relief Act of Special Session No. 1 of 2005 will be sent to the Department no later than five (5) days after the adoption of this resolution;

WHEREAS, the Board of School Directors recognize that the District shall not be eligible to seek referendum exceptions under Section 333 (f) of the Taxpayer Relief Act; and,

WHEREAS, the Board of School Directors recognize that the Department shall compare the proposed percentage increase in the rate of the tax with the index; within ten (10) days of the receipt of the information as required, the Department shall inform the District whether the proposed tax rate increase is less than or equal to the index.

NOW, THEREFORE, BE IT RESOLVED, by the Board of School Directors of the East Penn School District, as follows:

The Board of School Directors adopts this RESOLUTION on the 14th day of January, 2013 indicating that it will not raise the rate of any tax for the support of its public schools for the 2013-2014 fiscal year by more than the index established by the Department of Education for the East Penn School District.

DULY ADOPTED, by the East Penn Board of School Directors this 14th day of January, 2013.

Dr. Seidenberger said the administration has been prudent in the district's spending and it was thought that the exceptions would not be needed. Mr. Bacher asked if approving this would limit flexibility. Dr. Seidenberger indicated that while the district does not know what the Governor is going to do the administration is going to be fiscally prudent. The goal is to maintain all programs. He felt that the district will be able to do everything that is currently in place. However, he did indicate that he is concerned about enrollment increases. Mr. Policano suggested changing all the "shall" averments to "will." Mr. Ballard indicated that this resolution is usually a format acceptable to PDE. Mrs. Surdoval indicated that it is the resolution that was also approved by the Solicitor. Following further discussion, the resolution remained as stated. By adopting this resolution, it is locked into law by Act 1. Mr. Rhodes asked what exceptions the district would have been qualified to request. Mrs. Surdoval responded that she had estimated about \$750,000 in retirement contributions. Mr. Ballard concluded that the budget would be discussed in March.

This resolution was duly adopted by the following roll call vote:

Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

6. Report of the Superintendent of Schools-Dr. Thomas L. Seidenberger

1. District Update

Dr. Thomas Mirabella, Director of Student Services, reported that as of today the school district is well below the national average for flu cases. Information has been posted on the web site and they are monitoring absences on a daily basis. As an aside, Lehigh County has the largest number of flu cases in Pennsylvania. Ms. Fuller asked if there were many staff members absent. Dr. Mirabella responded that there were probably 4 cases across the district. She congratulated the district for the flu inoculation program that was made available to staff and board members. In conclusion, Dr. Seidenberger said if a parent suspects their child has the flu then they should keep them home.

Dr. Seidenberger distributed a press release from the Carbon Lehigh County Superintendents lobbying for equitable funding for special education. Also included was a scatter gram on the difference in special education identification from 2008 to present by level of intensity. He complimented Morning Call reporter Steve Esack on a recent article in the Morning Call regarding this issue.

A revised list of severe weather bus stops is posted on the web site. The list has been reduced because more neighborhood roads have been dedicated. An Edulink call will go out to parents as well as a hard copy.

Dr. Seidenberger thanked the Rodale Family Foundation for the final check for the all-weather track.

He notified the Board that a response was made to Ms. Wittman regarding the book challenge.

Dr. Seidenberger reported that every municipality had received a letter indicating that we would be interested in being involved in a joint bidding process for such things as asphalt and concrete. Lower Macungie Township may be interested in pursuing this process.

Referring to the closing of the high school because of a bomb threat, Dr. Seidenberger thanked the following individuals for their services during the search period: Emmaus Police Chief Dave Faust, Sgt. Carl Geschwindt, Officer Vicki Schaeffer; East Penn custodial staff Tom Gable, Dan Marsteller, Harry Brown, and Jeff Ketner; East Penn administrators Dr. Tom Mirabella, Mark Warden, Bob Ritter, Dave Piperato, Sally Hanzlik, Mark Warden, Laura Witman, Todd Breiner, and Matt Gale. There were over 30 volunteers from local fire departments and police departments. The administration is still working with the police department to apprehend the student.

Dr. Seidenberger announced that Lehigh University was sponsoring a presentation on "Transforming STEM: From Global Agenda to Classroom Success." It will be held in the Zoellner Arts Center, on Tuesday, February 5, from 6-8 p.m. He said it would be an interesting evening. Board members should contact the Superintendent's Office if they are interested in attending.

Dr. Seidenberger addressed the Willow Lane busing issue. He said the administration took notes on what was discussed on December 10. Referring to Edulink phone calls to parents, Dr. Seidenberger wanted parents to understand that the district can check on the time and date the call was answered. They can also tell if duplicates to the survey are being submitted. They also shared all the issues with Mr. Fosselman at Lower Macungie Township. Dr. Seidenberger explained that a lot of the issues brought up, especially signage, are not under the auspices of the district. He said a Parent Advisory Committee will be formed that includes parents from the affected subdivisions and they will address the issues that were raised. Dr. Mirabella, Mr. Glancy, and Dr. Moyer will be ex officio members. There will be a public drawing if there are multiple parents from a particular subdivision. The administration met with Lower Macungie Township officials and their engineers plus members of the Fire Department and a state trooper. Traffic alterations, designs of bus turnarounds, and shifting the driveway on the Mill Creek side were well received by Township engineers. They will be meeting again in three or four weeks. A joint statement will be made by the district and Lower Macungie Township at some point and when they speak, it will be one voice. Parents will hear the same information from the Board that they hear from the Township. There may be another cross walk being added in an area that will have a crossing guard as well. He said people have to understand about cost. He said some of the support team will be on staff and trained. Technically, crossing guards are the responsibility of the Township but we will be working cooperatively. We will be absorbing costs like the gate to keep parents from taking short cuts. We will pay for relining the parking spaces. As part of the Transportation Study, the district will present all the costs associated with the busing. Dr. Seidenberger said that the administration will continue to listen. Representatives of the school district have worked on this with the Township for many more months than parents and board members may be aware of and will refine the plans. Eventually, the Board of School Directors and Township Commissioners will have to make decisions. He said he understood it was a difficult process for parents. One of the things that comes up is that the school was not designed as a walking school. When he came to the district he asked why there was not a traffic light and was told that there was not enough traffic to warrant one. He highlighted the Act 34 Hearing booklet pages 5 and 9 indicate that this building was designed to be a walking school for students. He also had a map of the school published in the Fall of 2008 showing walking paths and that was a requirement in the design. Dr. Seidenberger wrote to parents in July 2010 with the building not being completed and parents were notified that there would be a one year waiver. He admitted that he did not pursue the issue with the Township. This is not about budget but about fairness and the treatment of students who walk in Emmaus to Jefferson and Lincoln and Alburdis. The administration will be looking at every bus route and will come back with recommendations. This will involve private and charter schools. He cited a resolution from the October 25, 2010 where the board members had unanimously adopted a resolution to partner with Lower Macungie Township for a Safe Route School Project. It is no secret to the Township that this has been three years in the making. He said there was a plan but the Walkability Study helped to reinforce what the district was considering three or four years ago. The survey is due January 22 and a full copy of the results will be provided. Dr. Moyer will form a committee and work through the process. He said the meeting on Friday with the Township was positive and they are tweaking some of the items that were discussed last summer. Dr. Seidenberger reminded the Board that he had talked about a Transportation Study last March and there were subsequent articles. He said they would be not only looking at students in the 1.5 mile radius but also the students who live within .75 miles as suggested by one parent. They will also be providing a cost figure for busing all students that fit the criteria. In conclusion, they will continue to work through the process. Ms. Donches said she is looking forward to the study and to the Lower Macungie response. Ms. Donches asked if there is any reason why the school has to be a walking school. He cautioned that there are students walking in other areas such as Emmaus and Alburdis. She asked if there was an environmental reason for walking. Dr. Seidenberger indicated that Willow Lane has been given Silver Status as part of the LEED program. He is not aware of the design being part of that process. The walking paths were part of the design. At the same time Willow Lane was being built, there was a major renovation at Eyer and there was no requirement for paths at Eyer. Students who live in Shephard Hills and go to Willow Lane are being bused. As part of the report, there will be a definition of what is considered a hazardous route. Mr. Stolz interjected that he is every bit as concerned about students who walk in other areas of the district. Mr. Ballard said the state has determined the miles a student can walk and the district is reimbursed for special education students. There is no reimbursement for students who live less than 1.5 miles from a school no matter what the condition of the road. Mr. Ballard also cited the grant that was worked on with Lower Macungie Township and a subsequent article in the Morning Call. The PLANCON documents and the documents submitted to Lower Macungie Township show the walking paths.

2. Personnel

Motion by Earnshaw, Seconded by Rhodes

RESOLVED, That the East Penn Board of School Directors approve the following personnel items:

Temporary Professional Employee Appointments

Name/Address:	Alexis Erdosy 3767 Murphy Road, Walnutport 18088
Education Level:	B. S. Degree (2012)
Undergraduate School:	Kutztown University
Certification:	Instructional I-Art
Assignment:	Art Teacher, Lincoln/Jefferson School Vacancy created by C. Beightol retirement
Effective:	January 23, 2013
Experience:	8/2012-Present: East Penn SD
Salary:	\$45,185 (Year 1, Col. B)

Name/Address: Justin Phillips  
 203 Hunter Street, Easton 18045  
 Education Level: B. A. Degree (2006)  
 M. Ed. Degree (2011)  
 Undergraduate School: University of Pittsburgh  
 Graduate School: Cedar Crest College  
 Certification: Instructional I, Elementary  
 Assignment: Gifted Education, Wescosville/Shoemaker Schools  
 Vacancy created by B. Litts retirement  
 Effective: January 29, 2013  
 Experience: 8/2012-Present: East Penn SD  
 Salary: \$53,575 (Year 1, Col. M)

Requests for General Leave – Reference Board Policy 539

Employee: Denise Miller  
 Instructional Assistant, Emmaus HS  
 Effective: 1/11/13-1/10/14  
 Employee: Mary Beth Riter  
 PT Food Service Assistant, Lincoln School  
 Effective: 1/7/13-1/6/14  
 Employee: Tina Collura  
 Instructional Assistant, Eyer MS  
 Effective: 1/22/13-1/21/14

Leaves as per Collective Bargaining Agreement

<u>Employee</u>	<u>Effective</u>
Kristen Bruckner Grade 1 Teacher, Macungie School	Extension to 6/30/13
Marybeth Long Special Education Teacher, Macungie School	Extension to 4/5/13
Laura Oswald Special Education Teacher, Wescosville School	Extension to 6/30/13
Denise Teles-Carl Mathematics Teacher, Emmaus HS	1/31/13-4/5/13
Kristina Svencer Science Teacher, Emmaus HS	Extension to 4/5/13
Jennifer Dzedzy Special Education Teacher, LMMS	2/14/13 to 4/5/13
Alexis Schultz Family/Consumer Science, Emmaus HS	2/13/13 to 4/5/13

Appointment of Health Room Assistant; Staff Assistants; Instructional Assistants

<u>Name/Address</u>	<u>Assignment</u>	<u>Salary</u>
Debra Petke 7183 Tuscan Drive, Macungie	Health Room Assistant Floater (new position)	\$18.77/hr., 29 hrs./wk.
Shelley Christman-Scharer 40 N. Third Street, Emmaus	Instructional Assistant New student Wescosville	\$13.38/hr., 17 hrs./wk.
Lisa Donmoyer 4553 Brighton Road, Macungie	Staff Assistant Wescosville Vacancy created by L. Schoenly resign.	\$13.38/hr., 12.5 hrs./wk.
Nicole Polanki	Instructional Assistant	\$13.38/hr., 29 hrs./wk.

2689 Balliet Street  
Coplay 18037

Macungie School  
Vacancy created by B. Kendall resign.

Part-Time Food Service Assistant Appointment

Name/Address: Tiffany Reed  
522 North Street, Emmaus  
Assignment: Lincoln School (Vacancy created by C. Shute resign.)

Co-Curricular Appointments – See Exhibit 1

Change in Employment Status

<u>Employee</u>	<u>From</u>	<u>To</u>
Anne Wexler Instructional Assist., Macungie	25 hrs./wk.	29 hrs./wk.
Joanne Freeman Staff Assistant, Emmaus HS	12.5 hrs./wk.	29 hrs./wk.
Diane Stubits	6.75 hrs./day FTFSA, EHS	7.5 hrs./day FTFSA Leader, EHS

Additions to the 2012-13 List of Per Diem Substitutes

Tonya Capizzi, Instructional/Staff Assistant  
Amber Neitz, Instructional/Staff Assistant  
Kelly Riccio, Music  
Julie Zappili, Elementary  
Leonard Burkhart, Health/Physical Education, Social Studies  
Peter McCabe, English, Social Studies, ML Math, ML Science  
Haya Howells, Health Room Assistant  
Barbara Kendall, Elementary

Spring 2013 Community Education Instructors

See Exhibit 2

Educational Conferences – Exhibit 3

That the East Penn Board of School Directors approve the estimated expenses for the individuals attending the educational conferences listed on Exhibit 3.

Resignation

-Michele Comp, Art Teacher at Willow Lane School, effective January 10, 2013 (Exhibit 8A)

Appointment of Full Time Substitute Teacher

Name/Address: Andrea Greenlee  
95 Old Bower Road  
Mertztown 19539  
Education Level: B. F. A Degree (2006)  
Undergraduate School: Cornish College of the Arts (Seattle, WA)  
Graduate School: Kutztown University (Certification Credits)  
Certification: Instructional I, Art  
Assignment: Art Teacher, Emmaus HS  
Opening created by V. Coleman leave  
Effective: January 15, 2013  
Experience: None  
Salary: \$45,185 (Year 1, Col. B)

Income Protection Leave

Employee: Dolores Evans  
German Teacher, Eyer/LMMS

Effective: January 24, 2013

This resolution was adopted by the following roll call vote:

Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

2. Acceptance of Rodale Family Foundation Contribution

Motion by Stolz, Seconded by Fuller

RESOLVED, That the East Penn Board of School Directors accept the \$100,000 contribution from the Robert & Ardath Rodale Family Foundation for the Emmaus High School Track in accordance with Board Policy 702, Gifts, Grants, and Funds and authorize the transfer of the \$100,000 from the General Fund to the Capital Reserve Fund.

Ms. Donches abstained from the vote because she is an employee of Rodale. A copy of her Conflict of Interest Memorandum is attached to the permanent minutes of this meeting.

This resolution was adopted by the following roll call vote:

Aye: Bacher, Ballard, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----8

Abstention: Donches-----1

3. Acceptance of Gifts, Grants, Funds (Board Policy 702)

Motion by Earnshaw, Seconded by Stolz

RESOLVED, That the East Penn Board of School Directors accept the contributions, as listed, and in accordance with Board Policy 702:

\$1,000 to the American Computer Science League Club at Emmaus High School from Ms. Lisa Overholts.

\$1,400 Donation of 2 Base Station Radios by the Exelon Corporation.

This resolution was adopted by the following roll call vote:

Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

4. Service Agreement for Occupational Therapy Services (Exhibit 4)

Motion by Donches, Seconded by Rhodes

RESOLVED, That the East Penn Board of School Directors approve the Service Agreement with Therapy Bridges, 5940 Hamilton Boulevard, Allentown as outlined in Exhibit 4.

This resolution was adopted by the following roll call vote:

Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

7. Tax Increment Financing Committee (TIF) Resolution submitted by Ms. Lynn Donches

Motion by Donches, Seconded by Rhodes

Whereas, a Tax Increment Financing (TIF) Committee has been formed in Lehigh County comprised of representatives from the East Penn School District, Lower Macungie Township and Lehigh County Commissioners, and

Whereas, the Tax Increment Financing (TIF) Committee will consider using taxes from the East Penn School District to support the Hamilton Crossings retail mall infrastructure developments, and

Whereas, the taxes from the East Penn School District are public money, and

Whereas, taxpayers have every right to hear any discussions about the use of their monies paid to the school district, and,

Whereas, taxpayers are concerned about the distribution of their taxes,

Be it resolved, that the East Penn School Board directs the representatives of the East Penn School Board who are serving as the representatives to the Tax Incentive Financing (TIF) Committee to favor that any and all meetings of the Tax Increment Financing (TIF) Committee be held as public meetings, and to meet all criteria of the Pennsylvania Sunshine Act.

Ms. Donches explained that she felt since the TIF Committee of the Whole is made up of public officials from East Penn, Lower Macungie Township, and Lehigh County and will be using taxes from those entities the meeting should be open to the public. At the September 24 East Penn meeting, Mr. Fogle said the meetings would not be open to the public. She had a conversation with

John Kingsley from the Lehigh Valley Economic Development Corp. and he said that it is up to the TIF Committee to make the decision on the meeting structure. Dr. Seidenberger and Dr. Ken Bacher are East Penn's representatives to the TIF Committee. Solicitor Marc Fisher explained that this is a new concept for the area. He noted that Lehigh Valley Development Authority meets with representatives of these three entities. It is not a committee of those three municipal bodies. The actual work is done outside of the physical committee. There are subgroups that do the work (financial information) and it is done by an independent agency. The actual work will not occur at the meetings. He reminded the Board that in Paragraph 2 they are using tax increment financing which is somewhat different than using taxes. It is the taxes this project will generate as a result of its development. It is a technicality but one that should be remembered. As to whether or not the meetings should be public, the request from Lehigh County was conditioned on the fact that these be public meetings and Attorney Lushis indicated that could not be done. There was a court challenge five or six years ago to have a TIF Committee have public meetings. The Commonwealth Court ruled that there is absolutely no requirement that these meetings be held in the public. The court noted that there will be public meetings associated with this project. In addition, there will be a requirement once the work has been done completed that there be public hearings in Lower Macungie Township, East Penn, and Lehigh County. It was recognized by the court that there will be multiple public meetings as required by law. There was a commitment by Lehigh Valley Development Authority to have minutes that would be shared. Mr. Fisher said there is some question as to whether the Lehigh Valley Development Authority will bring to those parties meeting whether or not it will be public. Mr. Lushis has already indicated that it is not going to be public nor has it been public for the years. Mr. Fisher did not feel it was an issue to come before this Board tonight. There may also be reasons whether the meeting should or should not be public that we do not know about. Ms. Donches said the meetings do not have to be public but they could be public. She debated that if the representatives were approached by their public bodies suggesting that the meetings be public that would have some impact on their thinking. Mr. Fisher countered that if there is a public meeting then the public has the right to speak. Any suggestion that this be a public meeting to listen cannot happen. Ms. Donches continued to press the point that the person running the meeting could limit the amount of public input. Again, Mr. Fisher pointed out that even if the three municipal groups wanted a public meeting, it is the Lehigh Valley Development Authority's meeting. Mr. Stolz introduced the following motion:

Motion by Stolz, Seconded by Donches

RESOLVED, That the East Penn Board of School Directors direct its representatives to the TIF Committee of the Whole to support making all committee meetings of the whole open to the public.

Mr. Ballard asked how the representatives (Drs. Seidenberger and Bacher) felt about this motion. Dr. Seidenberger indicated that he had never been involved in this process. He pointed out that Mr. Fisher noted there was a court case on this matter. Dr. Bacher said he has given this process a lot of thought and it is a tremendously important agreement. He felt it was important even if the meetings are not public that they share as much information as they can as the process is going on and solicit input from citizens concerned about this issue. He would appreciate receiving input from citizens regarding the impact on the district and the future. He would like the flexibility to listen to the arguments and to make a decision based on the arguments. He did not feel the resolution would be the right way to achieve public input. He would like to find out what legal constraints would be put on the committee and come up with a proposal. He concluded that he did not know how to change the resolution and he believes that part of this process is to have buy in from the public and have them in the loop. Mr. Ballard pointed out that this resolution would be an attempt to tie the hands of the district representatives into certain positions. There are going to be plenty of opportunities for public meetings. The TIF Committee meets with developers and Lehigh Valley Development Authority to formulate a plan and that tentative plan is submitted to the three different bodies and they have public hearings and they have to agree before the plan can be approved. Mr. Ballard further explained the definition of a public meeting and that there must be public input. He pointed out that currently the district collects approximately \$7500/year in taxes. With the TIF, there are estimate that the district may collect approximately a half million to a million dollars. The question is what percentage of the incremental taxes will be used to finance the infrastructure improvements for a certain period of time. It is not a question of lost taxes but foregoing a certain amount of the taxes for a specific period. Mr. Ballard stated that resolutions of this type may compromise our representatives in their ability to maintain confidentiality. He also cited the Solicitor's court case on this issue so Mr. Ballard concluded he could not support this resolution. Mr. Earnshaw said public meetings go beyond public comment, citing advertising, minutes, etc. He said it was also important to remember that the district does not have the final say. The proposal is brought to the district by the TIF Committee. It is up to the district if it wants to agree and to what percentage of taxes we would forego to pay for the infrastructure improvements. It is not that we are collaborating over this issue. The Board will get the opportunity to review the proposal and there will be a public meeting and discussion. He was willing to give maximum flexibility to the representatives. Ms. Donches said the resolution is a formal way of having Dr. Seidenberger and Dr. Bacher request that the TIF Committee meetings be made public. She continued that people do want to be involved and hear information first hand and they care about what happens. She said this will be a big issue for the area. Ms. Donches read from the TIF legislation regarding public hearings and continued to debate having the TIF Committee meetings public. Ms. Heid said these decisions were not easy and commented on her pros and cons list. She listened to Mr. Bacher and was thinking that this may not be something to discuss now but maybe later. She found it offensive that they don't trust Dr. Seidenberger and Mr. Bacher to come back with the information. Mr. Stolz said he understood the point of view but they are asking for a tax break for a temporary period of time and he questioned why they get special rights not afforded citizens. He suggested changing "direct" to "encourage." Mr. Earnshaw clarified that this is not a tax break for developers. He said part of the taxes would go for bonds for the infrastructure improvements. Mr. Rhodes thanked Ms. Donches for submitting this motion so he had time to think about it. Solicitor Marc Fisher corrected some points that were mentioned in the discussion. He noted that it will be the Lehigh Valley Industrial Development Authority that will make the recommendation. In addition, the Lehigh Valley Industrial Development Authority will prepare a project plan which has to contain nine specific things. There is technically one public hearing. The public hearing is required and is held by Lower Macungie Township and it has to be advertised as under the Sunshine Act. There has to be notice 30 days in advance of the hearing. Each

entity has to vote on the plan at a public meeting. He also pointed out that one of the consultants who attended the Lehigh County Commissioners noted that in his 20 years of experience none of them had ever been public.

This resolution was defeated by the following roll call vote:  
Nay: Bacher, Ballard, Earnshaw, Fuller, Heid, Rhodes-----6  
Aye: Donches, Policano, Stolz-----3

8. Policy – Board Policy 609 (Exhibit 5) Request for Change submitted by Ms. Lynn Donches

Motion by Donches, Seconded by Stolz  
RESOLVED, That the administration prepare a draft revision of Policy 609 for Board review and approval.

Ms. Donches felt that her change would follow the actual investment. She talked about investments made in August not being approved until October. Her proposed change is under the guidelines, as follows: The Board requires that the Treasurer report all transactions to the Board **at the Board Meeting immediately following the date of the transaction.** Mr. Bacher asked what the delay was. Mrs. Surdoval explained that she thought there would be other investments. She pointed out that if an investment is made the day of a Board meeting they may not be able to get the information on the agenda. Mr. Bacher asked what the intended benefit is if the policy is changed before the administration invests resources. Ms. Donches said she was making the suggestion because of the lag time before it was brought before the Board. Mr. Earnshaw said the policy is 20 years old and he supported the administration looking at it. Mr. Ballard said the Board does approve the Designation of Depositories. This is not going to some unknown group of institutions, and, in response to a question from Mr. Bacher, Mr. Ballard explained the process of having two readings of the policy. Mr. Stolz brought up that this had not been the way a policy suggestion from him had been handled.

This resolution was adopted by the following roll call vote:  
Aye: Bacher, Ballard, Donches, Earnshaw, Heid, Policano, Stolz-----7  
Nay: Fuller, Rhodes-----2

9. Legislative C. Ballard

Mr. Ballard reported that the Legislature is forming committees and getting ready for budget deliberations. Governor Corbett is supposed to present his budget in February.

10. Business Operations

1. Approval of Bill List

Motion by Earnshaw, Seconded by Rhodes  
RESOLVED, that the East Penn Board of School Directors approve the attached bill list including the addenda, if any, and that the Treasurer be authorized to issue checks and vouchers in the amounts indicated.

Designation of Depository

RESOLVED, That, in accordance with Section 621, PA Public School Code of 1949, the East Penn Board of School Directors designate Susquehanna Bank as an additional depository for the funds of the East Penn School District for the 2012-2013 fiscal year; and that said depository furnish a bond in an amount equal to 120% of the highest balance or comply with Act 72 of 1971 of the Pennsylvania Legislature, such bond amount to include the amount provided by federal insurance.

Facility Rental Agreement

RESOLVED, That the East Penn Board of School Directors grant permission for Kaplan Test Prep, 179 Dale Road, Wethersfield, CT to use the Emmaus High School classroom for a SAT prep class. This is a Group V organization and will be charged the following rental fees:

\$18.00 per hour rental fee

Parent Transportation Contract

RESOLVED, That the East Penn Board of School Directors approve the following Parent/Guardian Transportation Contract:

Parent/Guardian: Mary Jones  
42 South 10<sup>th</sup> Street, Allentown  
Effective: November 27, 2012-June 10, 2013

Reimbursement: \$.555/mile-18.32 miles/day  
Parent/Guardian: Tina Landis  
5828 Memorial Road, Allentown  
Effective: December 1, 2012-June 10, 2013  
Reimbursement: \$.555/mile-8 miles/day

Sweet, Stevens, Katz & Williams Standard Agreement for Fees, Costs, and Expenses for Representation of Public Educational Entities (Exhibit 6)

RESOLVED, That the East Penn Board of School Directors authorize the Standard Agreement for Fees, Costs, and Expenses for Representation of Public Educational Entities with Sweet, Stevens, Katz & Williams, LLP, as specified in Exhibit 6.

Disbursement of Funds (Exhibit 7)

RESOLVED, That the East Penn Board of School Directors authorize expenditure of funds from the 33-2010 Series A Bond Issue as described on Exhibit 7.

These resolutions were duly adopted by the following roll call vote:  
Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

Mr. Stolz introduced the following motion:

RESOLVED, That the East Penn Board of School Directors instruct the administration to continue funding and providing busing to all Willow Lane School students who are currently receiving transportation as part of the budget preparation for the 2013-14 school year.

Mr. Ballard ruled the motion improper and said it could be on the agenda in two weeks.

Ms. Heid suggested going to paperless board meetings. Dr. Seidenberger indicated there is a cost associated with this suggestion. Mr. Ballard pointed out it also involves purchasing lap tops for every board member.

Mr. Stolz asked about web casting and preparing a zero based budget. Dr. Seidenberger responded that he had information on web casting. As far as zero based budgeting, the administration had prepared that information last year and it was not addressed by the Board.

11. Announcements

Monday, January 14 6:45 p.m.-Executive Session (Legal, Negotiations, Real Estate, Confidentiality)  
7:30 p.m.-Board Meeting  
Monday, January 21 Martin Luther King Jr. Day-All schools & offices closed

12. Adjourn

There being no further business to come before the Board, the meeting was adjourned, upon motion, at 10:25 p.m.

Cecilia R. Birdsell, Board Secretary