

## LEHIGH TOWNSHIP BOARD OF SUPERVISORS

### Minutes of the February 9, 2016, Meeting

- I. CALL TO ORDER. The regular monthly meeting of the Lehigh Township Board of Supervisors was held on Tuesday, February 9, 2016, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. Present were Darryl Snover, Rick Hildebrand, Keith Hantz, and Dell Grove, along with Attorney David Backenstoe, Phil Malitsch, and Alice Rehrig. Chairman Darryl Snover called the meeting to order with the Pledge of Allegiance.
- II. APPROVAL OF THE MINUTES
  - A. Minutes of January 26, 2016. Keith Hantz made a motion to approve these minutes. Dell Grove seconded the motion. All voted aye. Motion carried.
- III. APPROVAL OF THE BILLS
  - A. General Fund Checks 19480 to 19532. Keith Hantz made a motion to approve these checks. Dell Grove seconded the motion. All voted aye. Motion carried.
- IV. PLANNING RELATED ITEMS
  - A. Extension of Time
    1. Elsie Miller Subdivision. The Developer provided the Board with an extension of time for 90 days. Rick Hildebrand made a motion to accept the extension of time. Dell Grove seconded the motion. All voted aye. Motion carried.
    2. Northwoods Major Subdivision. The Developer provided the Board with an extension of time until June 30, 2016. Keith Hantz made a motion to accept the extension of time. Dell Grove seconded the motion. All voted aye. Motion carried.
  - B. Engineer's Report. Phil Malitsch did not have anything additional to report.
- V. OLD BUSINESS
  - A. Maintenance Building. Keith Hantz questioned what steps could be taken to keep the process moving. Phil Malitsch commented that there are two parts that need to be done. One would be to refine what the Board wants out of the new building and the other would be to start the permitting process which would include the site design. There needs to be a 12 to 18

month lead time between the time you start working on the permits and the time you want to actually start building the facility. Both of these tasks can be done simultaneously. While the work is being done on site design, they can also work with Frank Zamadics and the Board to do the value engineering for the building itself. Since this project is going to be a design build project and the builder is expected to design the plans, they would just provide the specifications of what the Board wants in the building. Phil Malitsch noted that he had previously developed a site work budget and he believes that there is a good portion of work which can be done by the Maintenance Department which will help keep the costs down.

Darryl Snover suggested that a workshop be setup to discuss the actual design of the building. Phil Malitsch commented that the site work design and permitting process could be started at any time. The work that needs to be done for this process will not be effected by the actual design of the building. The same site needs to be permitted, and if the building changes by a few feet in size, it won't change the site improvements. A meeting to discuss that actual building could be set up at a later date. Ideally, the permits will be in hand at the same time that the bids are complete.

Keith Hantz commented that he knows there is not enough money in the building fund to build the actual building, but there is enough money there to cover engineering costs.

Keith Hantz made a motion to authorize Hanover Engineering to move forward with what they can for the site design. Dell Grove seconded the motion. All voted aye. Motion carried.

- B. Cherryville Intersection. Attorney Backenstoe commented that at this point, the Township is waiting for a few things from the developer in order for this project to move forward. A final plan which meets the conditions of the conditional approval needs to be submitted and a HOP needs to be acquired. In order to acquire the HOP, the developers need to acquire several strips of land from various property owners. All but two of the property owners have signed agreements to give the strips of land that is needed for the right of way. He and Cindy Miller met with one of the two remaining property owners to explain the documents which need to be signed. It is his understanding that they will be signing the paperwork and

getting it to the developers in the next day or two. It was his understanding that the Cordero's were also invited to attend this meeting; however, they did not attend the meeting, so he doesn't know what their position is. At one point, they did have an attorney; however they are no longer using him. He has not heard anything additional from them, which is disconcerting to the extent that the project must move along. The Township has obtained several hundred thousand dollars in grant funding for the intersection. As much as the Board is reluctant to use eminent domain, it may be necessary in order to make the improvements to the intersection.

Darryl Snover commented that after the last meeting, he listened to Cindy Miller call and do her best to work this out with the property owners and he heard what sounded to be very promising solutions. He finds it discouraging at this point that an agreement was not reached after great lengths were taken to make this work in the best interest of all parties involved.

Attorney Backenstoe commented that the improvements to the intersection and the project cannot move forward without an HOP. The only thing that is left is the one small strip of land which needs to be acquired. If the property owner is not willing to come to an agreement, there won't be any other choice. With that in mind, and because of time limits that are involved, if the Board doesn't hear from the developer that an agreement was reached with the property owners before the next meeting on the 23rd, the Board will have no other choice but to exercise their right of taking the strip by eminent domain. He understands the Board's reluctance, but he just doesn't see another option.

Darryl Snover commented that he thought a good deal was reached with all property owners involved. This was an extraordinary effort. If what he is hearing is correct and the property owners are not getting back to anybody, he reluctantly would have to agree. This particular intersection has been needing improvement for decades and he doesn't want to see this go away.

Keith Hantz commented that he believes as a Board, they wanted to exhaust every possibility there was and believes that was done. After last meeting, he thought that things would work out for everyone. Darryl Snover commented that he thought so as well. The offers seemed to be

very generous. Keith Hantz requested that one more attempt be made to reach out to the Corderos. Attorney Backenstoe commented that the developer could be asked. Darryl Snover requested that Attorney Backenstoe reach out to them prior to the next meeting rather than the developer.

Frank Vitovitch commented that he hopes that another effort will be made to reach out to the individuals rather than utilizing eminent domain. He believes the people need to be talked to and a deal struck. Darryl Snover commented that they have been discussing this with them over the past several months. There have been several meetings which have included the Engineer, Attorney Backenstoe and Cindy Miller. He was of the impression that everything was worked out but something seems to have broken down between the developer and the individuals. Mr. Vitovitch commented that he realizes this is an important project but doesn't want to see eminent domain used as a tool for upcoming projects. Darryl Snover commented that he doesn't believe that is the case. The Board has gone through extraordinary measures to work this out. Attorney Backenstoe commented that he believes that the Board has done everything they can to prevent utilizing eminent domain and are making one more attempt as well. This is not something that the Board has made a snap decision on.

Rick Hildebrand questioned if the 4<sup>th</sup> leg of the intersection will be incorporated into the contractor's plans for the HOP. Phil Malitsch commented that it is a matter of timing. The Township has to permit the 4<sup>th</sup> leg of the intersection and that process has not yet been started. The hope would be that when the contractor is on site for the other three legs, the Township is ready for the improvements for the 4<sup>th</sup> leg.

Darryl Snover questioned if there is anything that Hanover Engineering can do now to start the process. Phil Malitsch commented that he believes the thought before the holidays was that they needed to wait because the second grant was held up. Keith Hantz questioned if we know when we will hear something on the second grant and what was the amount. Alice Rehrig commented that the amount was around \$450,000 and the grant award was now pushed back to March. Alice Rehrig noted that the Monroe County Grant was awarded and the funds are ours to use. We need to be

careful though because we need to have a 30 percent match for the second grant and the funds from the Monroe County grant are intended to be the match.

Bill Jones questioned why the developer was not responsible for doing the 4<sup>th</sup> leg of the intersection. Phil Malitsch commented that the warrants of the project only required improvements to three of the four legs of the intersection. PennDOT typically will not go beyond what the project would warrant. Darryl Snover commented that PennDOT hasn't been very responsive to the Township in providing help with this intersection.

Darryl Snover commented that the question for the Board is what will we do if we do not get the second grant. What will happen with the first grant; he assumes it is a use it or lose it situation?

Jim McKeown questioned what the specifics of the first grant were as far as what it can be used for. Alice Rehrig commented that most of the grant is for right of way acquisition and building demolition. There is some engineering and construction costs involved. Jim McKeown questioned why the Board couldn't utilize the current grant and move forward with what they can and obtain the right of way, demolish and buildings, and do the engineering. Hopefully in March, the second grant is awarded and you can continue to complete the intersection. Darryl Snover commented that the Board needs to hold on to enough money so that there is enough match for the second grant.

Darryl Snover questioned what could be done with the first grant so that things could be started without exceeding the threshold of what is needed for the second grant. Alice Rehrig commented that she would not be able to give a specific amount without having the grant budget in front of her because there are certain amounts set for the individual categories as well. Phil Malitsch commented that he could get started with the engineering up to whatever the amount is determined to be. They could monitor the expenses to make sure that they do not exceed any of the limitations of the grant.

Keith Hantz made a motion to have Hanover Engineering start working on the engineering for the Cherryville Intersection within the limitations that are allowed under the grant. Rick Hildebrand seconded the motion. All voted aye. Motion carried.

Bill Jones questioned what the improvements were going to be for the 4<sup>th</sup> leg. Phil Malitsch commented that all directions will have a turning lane, signal plans will need to be modified, there are changes to the signalization, a slight alignment shift to the north. The Township's portion of the improvements are to realign their side to match what is taking place with the other three.

- C. Township Finances/Road Improvements. As a follow up to the discussions at the last meeting regarding the Alamo Boom Mower, Alice Rehrig spoke with Frank Zamadics regarding the uses for the tractor from the 1998 Boom Mower. He had indicated that the only use for the tractor is for it to be used with either the boom mower, which does not work, or the snow blower. He would not have any objections to the machine being placed for bid. The Board would always have the right to accept or reject bids.

Keith Hantz made a motion to have the 1998 Boom Mower placed out to bid. Dell Grove seconded the motion. Alice Rehrig noted that the machine will not be placed to bid until around April, to make sure that we won't need to use the blower. All voted aye. Motion carried.

The Board also needs to decide how to distribute the excess revenues from 2015 that are not included in the budget. Possible distributions would be allocation to the Reserve Funds or additional road projects. Keith Hantz questioned if Frank Zamadics had prioritized the roads. Alice Rehrig commented that a complete listing of all the projects were listed the memo she had provided them. With the savings on the new mower and sale of the old boom mower, there would be a shortfall of approximately \$47,250 for completing all the projects. With that shortfall, Frank Zamadics would eliminate the proposed work on Mango Drive, Apricot Drive, North Dogwood and oil and chip only the shoulders on Church Road so that he could remain within the budget.

Keith Hantz made a motion to allocate \$47,250 from the excess revenues to the road work that is listed in the memo. Dell Grove seconded the motion. All voted aye. Motion carried.

Darryl Snover felt it may be best to sit on the remaining excess money until the Board hears something on the grant for the intersection.

Keith Hantz commented that he knows the Board is aware of the situation with the Police Department, but he believes we need to really start looking to provide help for our department whether it be through another full time officer or part time officer. We are fortunate to have officers who are dedicated and are filling the necessary shifts. He thinks some serious thought should be put into this. Darryl Snover commented that knowing what is going on, he is in agreement. Keith Hantz commented that he knows additional salary was not budgeted, but this is a concern that he has. An officer who retired several years ago was never replaced. Darryl Snover commented that he would like to discuss the underlying details of this further in executive session at the March 9, 2016, meeting.

VI. NEW BUSINESS

- A. Police Report. Chief Fogel commented that the Department is still down two officers because of injuries. One is very close to being able to return to full duty. There are extra hours that officers are putting in to cover shifts.

One officer was involved in a minor accident while backing out of the garage. No one was hurt and only minor damage occurred to the vehicle. He will be submitting a report to the safety committee as to what measures are being taken to prevent something like this happening in the future.

PennCore Services (Blue Ridge Cable) dedicated their dress down days in January to the Departments' Kennel Fund. They donated \$179 to the kennel fund.

- B. Manager's Report. Alice Rehrig reported that over the past few weeks, the Maintenance Department has removed the molded wood and drywall, repainted the basement, and installed the new shelving units. As part of the ongoing process of cleaning up the basement, she has reviewed the Municipal Records Manual regarding the length of time certain records

have to be kept and the process for destroying the records. According to the manual, the Board needs to adopt a resolution indicating the Board's intent to follow the schedule and procedures of the manual, and then adopt a second resolution which details the records that are intended to be destroyed. She has prepared both of these resolutions, however, she had just gotten them to Attorney Backenstoe earlier in the day and he has not had the opportunity to review them yet. Right now, she is looking to get rid of financial records, bank statements, and payroll records prior to 1985. These records are only required to be retained for 7 years, so there will be additional resolutions being brought to the Board as records are gone through. Attorney Backenstoe commented that he believes that Alice Rehrig did a good job with the research and preparation of the resolutions. He did look over the resolutions; however, he really would need to look at the Records Act to verify that everything is in order with what is prepared since records are being destroyed and it must be done in accordance with the State Law. Darryl Snover commented that this could possibly be a short item on the next meeting agenda.

- C. Solicitor's Report. Attorney Backenstoe commented that the hearing for the proposed PRRC Zoning District will be reconvened on February 23. It has been advertised and a Stenographer will be present. He would expect that the Board would be hearing from the Township Engineer who will provide comments in response to the letter that was received from the Lehigh Valley Planning Commission and also to augment the record with any comments from the Planning Commission. Additional comments can also be taken from residents if they wish to speak at the meeting. The Board will then close the record and would be able to vote on the ordinances at that time if they choose or take their vote within 90 days.
- VII. PUBLIC COMMENT. Bill Jones questioned how much property will be needed from the Bodish Property for the Cherryville Intersection. Phil Malitsch commented that it only is a couple of feet that varies in width with the narrowest part being at the Amey property and widening as it goes towards intersection.
- VIII. ADJOURN. Dell Grove made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.