

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the May 10, 2016, Meeting

- I. CALL TO ORDER. The regular monthly meeting of the Lehigh Township Board of Supervisors was held on Tuesday, May 10, 2016, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. Present were Rick Hildebrand, Keith Hantz, Cindy Miller, and Darryl Snover, 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 April 26, 2016. Cindy Miller made a motion to approve these minutes. Keith Hantz seconded the motion. All voted aye. Motion carried.
- III. APPROVAL OF THE BILLS
 - A. General Fund Checks 19755 to 19780. Keith Hantz made a motion to approve these minutes. Rick Hildebrand seconded the motion. All voted aye. Motion carried.
- IV. PLANNING RELATED ITEMS
 - A. Cherryville Intersection
 1. Labadie Property. Attorney Backenstoe commented that this is an addendum to what was discussed at the last meeting. There were two properties that were not resolved and holding up the HOP process. One of the properties that was discussed at the last meeting and the Board started the process of eminent domain. The second property that is not resolved is the Labadie property and unfortunately the eminent domain process will need to be started for this property. The Labadies have been completely cooperative and have done everything that they possibly could do for this project, but their bank cannot convey clear title. The bank somehow got caught up in the purchase of one bank to another bank and another bank purchased the loan, and they just cannot provide a clear title. The developer has been in constant contact with Mr. and Mrs. Labadie and Attorney Backenstoe has also been in contact with them to make sure they understand the situation. The need to undergo the eminent domain process is through no fault of theirs and the developer will be honoring all portions of the agreement that was previously reached with Mr. and Mrs. Labadie. Attorney Pereira, council for the developer, commented that she was in contact with their bank

and they could not guarantee that any of the paperwork could be completed in a timely fashion. She also confirmed that her client intends on meeting all the obligations of the agreement which was reached with Mr. and Mrs. Labadie.

Attorney Backenstoe commented that the Board will again need to approve another reimbursement agreement in which the Cherryville Development Company agrees to reimburse the Township for all expenses associated with the eminent domain process and hold the Township harmless. The will also need to adopt Resolution 2016-6 which authorizes the condemnation process to begin by authorizing the filing of a Declaration of Taking.

Keith Hantz made a motion to adopt and enter into the May 10 reimbursement agreement with Cherryville Development Partnership. Rick Hildebrand seconded the motion. All voted aye. Motion carried.

Keith Hantz made a motion to adopt Resolution 2016-6. Rick Hildebrand seconded the motion. All voted aye. Motion carried.

- B. Elsie Miller Minor Subdivision. Kevin Horvath of Keystone Consulting Engineers was present to represent this plan. This plan was before the Board for conditional final approval. The project is located southeast of the intersection of South Cottonwood Road and Cedar Drive. This subdivision will subdivide an existing 4.8 acre tract of land with a single family dwelling into two lots creating an additional building lot. The Planning Commission has recommended conditional final plan approval as indicated in their May 2, 2016, letter which references the Township Engineer's letter of April 8, 2016. There is a concern with Section 180-44 in the Zoning Ordinance as it applies to the high tension lines located on this property. There is a 100 foot wide easement on the property and an actual power line which is 50 feet wide centered within the easement. Section 180-44 indicates that there shall be a minimum distance of 50 feet between the physical location of any existing electrical, petroleum, petroleum products, or natural gas transmission line and any proposed dwelling unit. Based upon this section, they have prepared a plan that shows that the proposed dwelling will be located 50 feet from the physical location of the power

lines. In his opinion, the ordinance is clear that the setback pertains to the physical location of the lines. Easement locations are not mentioned in the ordinance. The Planning Commission has disagreed with this and feels that the setback should be measured from the right of way line, rather than the physical location. If the Planning Commission's interpretation were followed, the location of the dwelling would need to be moved further back on the lot. The applicant feels that he is proposing to locate the home in the most appropriate location on the lot while respecting the requirement of being 50 feet from the location of the utility lines. He understands the Planning Commission's position of providing for additional safety by utilizing the easement, however the topography of the lot and other soil conditions do not permit him to move the home. The lot slopes downward, away from the road, so the further away from the road it goes, the further down grade it becomes. The developer would like to place the home as near to the easement or the set back line as permitted to provide for a finished grade elevation in the back of the house that is similar to the front of the house for the purpose of constructing an inground pool in the backyard.

Attorney Backenstoe commented that the way that the Planning Commission has always interpreted this section of the ordinance was that it was to be measured from the easement line and the dwelling needs to be moved 50' back. The Planning Commission felt very strongly about this. Cindy Miller commented that the Planning Commission felt so strong about this because of health safety and welfare concerns for the resident who will be living there. The Planning Commission has never allowed this in the Township, ever, and doesn't want to set a precedence by starting this now. Attorney Backenstoe commented that the Planning Commission's interpretation is different from Mr. Horvath's.

Phil Malitsch commented that there have been previous subdivisions of this property and all of them have measured the setbacks the way that the Planning Commission is indicating. Darryl Snover commented that the ordinance does state that it is from the physical location, not the easement line. Phil Malitsch noted that the easement documents indicate that the utility company can utilize the entire easement area. They do not need to be centered within the easement area.

Cindy Miller commented that during the Planning Commission meeting it was asked if the house could be located somewhere else on the property and they were told yes. This is the preference where they want to put the house, not that the house cannot be located anywhere else.

Darryl Snover commented that when you look at the purpose of the easement, it is to provide an area where the homeowner contractually should not be doing anything, but if the lines of the easement are not going to be as clear, then maybe something needs to be changed within the ordinance. Phil Malitsch commented that the Planning Commission has always applied this section of the ordinance in the same manner since he has been the engineer. He does not ever recall them wavering on this. Darryl Snover commented that he doesn't recall anyone coming in questioning the interpretation of the ordinance. This is the first time that the Township is being asked to hold to the letter of the way the ordinance is written, although he wouldn't want his house located that close to the line, but it is not his house or his property and he tends to err on the side of the property owner taking the risk.

Kevin Horvath commented that he understands that the Planning Commission is trying to look out for the health and safety of the residents and also that the Board is of the same opinion. There are not arbitrary measures that go into defining these easements. PPL is not going to come in and put a utility line right up against the easement. They are governed by the Federal Energy Regulatory Commission which establishes different widths of easements based upon the type of utility you are putting in. At the time that this easement was established, they felt it was appropriate. He also downloaded a document entitled "PPL Electric Utilities Corporation requirements for developers regarding the sighting of high voltage electric utilities". It indicates that an easement of 100 feet is needed for a 138 kv line, which is what is located on this property. For them to run an additional line, additional right of way would be needed. Mr. Horvath commented that they have looked into the easement, his client is aware of the Township's concern and the opinion of the Planning Commission. If it would be of a benefit, he'd be willing to put a note on the plan indicating that it is the opinion of the Planning Commission that the home should be located 50 feet from the easement and that the owner should provide as much of an offset as reasonably as possible. However, it is not in his

client's opinion that the additional setback that takes away from additional use of his land and placement of his home where he feels is appropriate is necessary. He would like to place his home where he would like to within the requirements of the Zoning Ordinance.

Attorney Backenstoe commented that they could apply for a variance for relief of this section. Darryl Snover questioned why a variance would be needed when the wording of the ordinance appears to be clear. Attorney Backenstoe commented that it would be because the Zoning Officer and Planning Commission have always read it to be from the easement line. The argument is that it states physical location, but you don't always know where it will be. They can place lines anywhere within the easement. If you stay 50 feet from the easement area then there wouldn't ever be a problem. Since the interpretation has always been from the easement line, the appropriate place to get a different interpretation would be the Zoning Hearing Board, not the Board of Supervisors. The developer would have to convince the Zoning Hearing Board that they are in need of a variance or favorable interpretation. Attorney Backenstoe commented that he would guess if the Board felt so strongly that the wording is a different way, the Board would overturn the decision of the Zoning Officer and Planning Commission, but he believes it really is the job of the Zoning Hearing Board.

Mr. Horvath commented that in his experience, the Planning Commission has not been charged with interpreting the Zoning Ordinance. The Planning Commission has all but said, they see what the words are, but this is the way we are going to do it anyway. He does not believe this is within the spirit or intent of the Zoning Ordinance. As far as setting a precedence, just the simple changing of one word within the ordinance would clarify the intentions of the Planning Commission.

Rick Hildebrand questioned what the distance is between the proposed house and the easement. Kevin Horvath commented that the house is 50 feet from the physical location of the power lines and 15 feet off the easement area. To move the home so that it would be 50 feet from the easement area would place the home 2 to 3 feet lower in elevation. The proposed location of the home is already slightly below the crest of the ridge.

Darryl Snover commented that his opinion is that our ordinance is poorly worded. It says what it says: physical structure, not easement. He doesn't like property owners being deprived of the use of their land over an interpretation. He believes that it should be clear. He does understand Attorney Backenstoe's position that this is something that should be going to the Zoning Hearing Board for interpretation.

Keith Hantz commented that the questioning of this section has never come before the Board of Supervisors before, but he does understand that the Planning Commission usually would send someone to the Zoning Hearing Board for an interpretation. He would be concerned with having an influx of people coming to the Board of Supervisors for interpretations and trying to bypass the Zoning Hearing Board.

Kevin Horvath commented that he understands the Board's position, but it was prompted by the Planning Commission as a recommendation to take what the ordinance is stating and go an additional 40 feet beyond the requirements. You could come back and disagree with the Planning Commission's recommendation and go by what the ordinance reads. He doesn't think the ordinance is being interpreted, but rather a reconsideration of a recommendation by the Planning Commission to exceed the ordinance. Phil Malitsch commented that the Zoning Officer rendered an opinion based on how the ordinance was always interpreted. Darryl Snover commented that the ordinance seems very clear, it says physical. Attorney Backenstoe commented that the Board is struggling with procedure versus substantive analysis. Ninety-nine percent of the time, if someone disagreed with what the Zoning Officer said, they would go to the Zoning Hearing Board. The reason that you are conflicted, is that in your mind, it is so clear that there is no reason to send someone to the Zoning Hearing Board. Darryl Snover commented that if the intent of the ordinance is that the homes are to be located from the easement line, then the ordinance should be rewritten to state that.

Keith Hantz commented that he understands the Planning Commission's concern regarding the health and safety, but in this case, the applicant is aware of the situation and is asking to place his home closer to the easement area. Darryl Snover commented that if the resale value of the home is compromised, that is the applicant's choice. Cindy Miller

commented that she is going by what the Planning Commission has always done as far as setbacks from the easement. They have always looked at the health, safety and welfare of the residents. She understands that this is where they want to put their house, but she also understands what resale is like, and if the value is decreased, the taxation is also decreased. If it can't be resold, and it winds up sitting vacant, it creates another problem. It is our responsibility to look out for the health, safety, and welfare, and doesn't know what the ramifications of this could be. She believes that the applicant should go through the process. That is what we make everyone else do. She doesn't like that the Board of Supervisors would be making these determinations and bypassing the process. The Planning Commission has always interpreted it this way. They have never made an exception for easements. Darryl Snover commented that it sounds like the Planning Commission has made a judgment call based on wording that isn't there. Cindy Miller commented that if that is the case, then the ordinance can be changed as Attorney Backenstoe recommended. The Planning Commission is saying that the ordinance does not provide for enough setback from the utility. Keith Hantz commented that he understands what Cindy Miller is saying, but this issue has never been brought to the Board's attention before. Darryl Snover commented that he understands the Planning Commission's position, but if there is a question on a section of an ordinance that affects a property owner, it is his responsibility to go towards that of the greatest liberty. This section of the ordinance seems clear that it is from the physical location of the lines. Phil Malitsch commented that the Township has very little authority over that of a utility company and the easement allows them to put a line anywhere within the easement. The typical PUC easements pretty much give the utility carte blanche to put in lines anywhere within the easement. Because of this, he believes that is why the Planning Commission has always taken this position. The setback from the easement area is the only area the Township can control. Darryl Snover commented that when you add that additional setback area, you are restricting the use of a significant portion of the usable land.

Keith Hantz made a motion to grant this plan conditional approval subject to the items outlined in the Engineer's letter of April 8, 2016, and the Planning Commission's letter of May 2, 2016, with the exception of General Comment 1 in that the Board does not believe that the applicant

needs to change the location of the proposed dwelling that is shown on the plan. Darryl Snover seconded the motion. Keith Hantz, Darryl Snover, and Rick Hildebrand voted aye. Cindy Miller was opposed. ~~All voted aye.~~ Motion carried.

Delete 5/24/16
meeting
correction

- C. Winfield Manor. The developer requested an extension of time to record their plan. Attorney Backenstoe commented that prior to 2008, a developer had one year to get a plan recorded. In 2008, the Legislature passed the Permanent Extension Act which made any conditional approval by local governments extended until July 2, 2016, regardless of whether they requested it or not. Procedurally, an applicant will be in default of conditions on July 2, 2016, unless they come before the Board and request an extension of time. The length of the extension would be up to the Board as to what they feel is appropriate. If the Board doesn't want to grant the extension, they are not required to. If the developer does not take any action at all, he would argue that the conditional approval automatically expires on that date without any further action of the Board. He would recommend that the Board still send a letter revoking the approval just like you would have done before the act took effect.

Darryl Snover questioned how long this plan has been approved. Keith Hantz commented that it is several years and there are others in the Township. Alice Rehrig commented that in addition to this one, there is Overlook Estates, and Top of the Mountain. Darryl Snover commented that he would like to see progress on the developments. Keith Hantz commented that he would grant one extension and see how things are progressing. He was thinking of six months, but there was no date listed in the letter.

Keith Hantz noted that this particular subdivision could affect his property and in the past he abstained from voting on it. He would assume that would still be the situation. Attorney Backenstoe commented that it would be best for him to abstain.

Rick Hildebrand made a motion to grant a six month extension for the Winfield Manor Subdivision. Cindy Miller seconded the motion. Attorney Backenstoe questioned what the procedural status is on this plan. Alice Rehrig commented that they had received conditional final approval from

the Planning Commission and Board of Supervisors. Cindy Miller questioned that with this plan being approved, are they grandfathered with respect to recent ordinances or impact it may have to the Township. Nothing new would apply to them. Attorney Backenstoe commented that is true. Keith Hantz commented that he spoke with Alice Rehrig regarding this and that the Board would need to be careful with the extensions because of the way requirements change. Attorney Backenstoe commented that if the developers do not come in before July 2, their plans automatically expire. If they come in after that time, then it would be considered a new submission subject to the current ordinances and regulations. Cindy Miller commented that the concern that she has is that this development is located by an intersection in which a light may be going in. They would not be subject to the traffic impact fees. Phil Malitsch noted that another area of concern would be if they left their NPDES permit expire and they would need to bring their plan into compliance with the new NPDES requirements. Would this require a submission of a revised final plan? Attorney Backenstoe commented that he would say yes. Phil Malitsch noted that depending upon what needs to be done to comply with the NPDES requirements, the plan could change so drastically that it may require a new preliminary approval. Attorney Backenstoe commented that he would suggest tabling the motion and ask the developer and his engineer attend the next meeting and provide the Board with confirmation that they do or don't have a current permit. If they do, then the six month extension can be granted. If they don't, then an extension could be granted conditioned upon them getting an up to date NPDES permit and modifying the plan in accordance with the permit. Rick Hildebrand withdrew his motion.

Alice Rehrig was asked to contact the developer and ask him and his engineer to attend the next meeting to provide confirmation and verification that they have a current NPDES permit. Alice Rehrig will also contact the other developers and ask them their intentions of completing their plan, and if they intend on moving forward, they need to provide verification of a valid NPDES permit prior to July 2, 2016.

Phil Malitsch questioned if the traffic impact fees are predicated on the initial submission date or when they apply for a building permit. Attorney Backenstoe commented that it would be whatever was in effect the date

they first submitted their plan. This is the date that you would go by. Intervening amendments or adoptions do not affect the plan. If the plan expires, then they would have to start over.

Rick Hildebrand made a motion to table the extension until the next meeting and have Alice Rehrig contact everyone and find out what their intentions are and have them attend a meeting with verification regarding their NPDES Permits. Cindy Miller seconded the motion. All voted aye. Motion carried.

- D. Engineer's Report. Phil Malitsch commented that the Administrative Complete letter was received from Northampton County Conservation District regarding the Hills of Greenock permit modification. Since the only remaining review is the technical portion, he has contacted Attorney Backenstoe to develop a plan to start working with the developers at the site so that the detention basin can be filled in. We need to make sure that the sequencing is exactly the way we want it before the permit is issued.

They have also submitted cross sections of the Cherryville Intersection to PennDOT for review.

V. OLD BUSINESS

- A. Maintenance Building. Phil Malitsch commented that they were able to take a substantial credit for the gravel cover that is existing on the site. This allows them to decrease the size of the basin substantially which will result in less earthwork and some savings. They were also able to value engineer some items out of the plan such as curbing and sidewalks that really are not needed, but are nice to have. This also helps reduce the construction costs. The NPDES submission should be submitted to the conservation district by the end of the week.

VI. NEW BUSINESS

- A. Range Permits for Approval
1. Robert Gogel, 3910 Mountain View Drive. The Chief provided a letter indicating that there were no concerns with the placement and conditions of the range. Verification was also made that the closest

home to the proposed range is over 500 feet away. Keith Hantz made a motion to approve this range permit. Cindy Miller seconded the motion. All voted aye. Motion carried.

2. Todd Fink, 3550 Teel Road. Keith Hantz made a motion to approve this range permit. Cindy Miller seconded the motion. All voted aye. Motion carried.

- B. Recreation Resolution. Cindy Miller commented that she feels that the proposed changes help clear up some of the gray areas of the resolution. Keith Hantz commented that the only one he had a concern with was field use regarding the soccer fields and the situation that arose last year where the large soccer field was divided into three fields and they wanted to charge for each of the smaller fields rather than the one large field. He does not feel that is appropriate since the ones who would be utilizing the smaller fields are 6 and 8 year old kids. It really is only one field that is being used. Darryl Snover agreed, it should be for the field use.

Sandy Hopkins commented she understands the concern, but they left it as per game but added “unless other prior arrangements have been made with the Recreation Board concerning a particular venue” because there are sometimes requests for tournaments and clinics. They can clear LTAA from the fees, but if there is a profitable type of tournament or clinic coming in, they want have the leverage to be able to charge more than the \$50 for the field. They got caught in that before where a profitable clinic was coming in and only wanted to be charged the \$50.

Keith Hantz commented that last year there was a tournament where they were charged \$50 per game when there were 3 games set up on the large field and then they came before the Board and the Board reduced it to the one field charge. Sandy Hopkins commented in that case, they had come before the Recreation Board and had discussions on what the cost would be and left the meeting with an understanding of the cost. Then, after the tournament was held, they came back and said, no we don’t want to pay that much which is why they came to the Board of Supervisors. She wasn’t at the meeting when they came, but if she had been, she would have said, now wait a minute, this is what you agreed to.

Keith Hantz commented that he still has a concern with charging per game when the large field is broken down into smaller fields. Sandy Hopkins commented that they always have the option of coming to the Supervisors. Keith Hantz commented that he likes the way they cleaned up the resolution and would prefer if things could be resolved by the Recreation Board.

Keith Hantz made a motion to approve the resolution as presented by the Recreation Board. Cindy Miller seconded the motion. Mike Tripaldi questioned if the charge could be for the use of a certain size field then it wouldn't matter how it got broken up. Keith Hantz commented that the fields are all different sizes. All voted aye. Motion carried.

- C. Distribution Antenna Systems Discussion. Alice Rehrig commented that this is a follow up to what was provided to the Board at the last meeting. She had received an email from the Cohen Law Group requesting that Municipalities submit the sample letter they provided to the Public Utility Commission regarding the Distribution Antenna Systems. The PUC had previously been treating these as a public utility and this letter would be to encourage them to discontinue this practice because they really are not a public utility. As long as they continue to treat these as a public utility, the Township will have less control over their right of ways.

Attorney Backenstoe commented that he has reviewed the letter and feels that it is appropriate. The power and usage of the cell towers is so necessary and complicated that they cannot always get the coverage that they need so they came up with these new Distribution Antenna Systems. These really do not qualify as a public utility, but the wireless companies want to call them that because it gives them carte blanche to put them wherever they want to and it really is not appropriate because it is not a public utility, but an addendum to the telephone service.

Cindy Miller made a motion to send a letter to the Public Utility Commission asking them to determine that the Distribution Antenna Systems are not a public utility and therefore are not under PUC regulations. Keith Hantz seconded the motion. All voted aye. Motion carried.

- D. Proposed Amendment to Chapter 103, Nuisances. The proposed changes were drafted as a result of some of recent discussions regarding problems with enforcement of junk because of the way our ordinances are worded. . The current ordinance requires that the junk must be seen from a Township roadway. In certain cases, such as flag lots, the junk can be seen from the neighboring property, but not from the roadway and then the complaint cannot be acted upon. These changes would allow for the enforcement of the ordinance if a neighboring property owner invited the Zoning Officer onto their property. The changes will also add the nuisance and public hazards that are outlined in the Zoning Ordinance into the nuisance ordinance. This change will allow for a quicker enforcement process in that it would allow the Zoning Officer to go to the Magistrate rather than the appeal process through the Zoning Hearing Board.

Darryl Snover commented that he agrees with the changes in part. He agrees with the addressing of standing water because it can be a public safety hazard. He generally is not in favor of letting neighbors wage war on each other through the Zoning Officer. Inviting the Zoning Officer onto your neighbor's property will invite it. Attorney Backenstoe commented that if there is a nuisance which is troublesome, he doesn't think it's right that a property owner can hide behind the fact that the Zoning Officer can't see it unless she gets an administrative search warrant; whereas if a neighbor allows her to come onto their property to view the problem, she can then enforce the ordinance if she feels it is warranted. Darryl Snover commented that there have been disputes between property owners where one guy just has it out for another. He doesn't live in a homeowners association because he wouldn't like to have people telling him what he can do on his property. Cindy Miller commented that she understands, but she knows of one case where we have been trying to clean the property but are having a difficult time because there is a high fence along the property and the Zoning Officer can't view it from the roadway, but yet the neighbor can see it and has invited the Zoning Officer to her property, but as the ordinance reads, she cannot do anything about it. Darryl Snover commented that he agrees with the part about the standing water because it draws mosquitoes. Cindy Miller commented that junk draws rodents and there are some really bad properties.

Cindy Miller made a motion to authorize the Manager to prepare a draft ordinance for the Board to review. Rick Hildebrand seconded the motion. Keith Hantz questioned what effect the new language would have on the enforcement process. Would the Zoning Officer still be acting upon what she finds or just complaints? Alice Rehrig commented that if the violation is something she can see from the road, the proposed ordinance changes wouldn't affect that process. If there is a nuisance on someone's property that cannot be seen from the road, the neighbor would have to invite her onto the property, otherwise it would be trespassing. Bill Hart commented that there are tires located on properties all over the Township. There is a concern regarding mosquito borne viruses. Just tonight, driving from Cherryville down to Municipal Road, there are two properties with tires piled in front of them. He also went down Route 145, near Washington Drive, and there is another pile of tires there. With this virus going around, these things need to be thought about. All voted aye. Motion carried.

- E. Police Report. Chief Fogel reported that the first "Officer Phil" assembly took place at Lehigh Elementary. It was a very entertaining assembly put on for the entire school; teaching safety, stranger danger, respecting other children, adults, and respect in general. The program and participation by the children was very impressive.

As of today, 16 applications were distributed for the police officer testing. He was hoping to have 40 to 60 applications distributed before the deadline in June. He was questioning if the Board would consider another means of advertising. Costs for advertising are: Lehigh Valley Live is \$55; Linked In is \$199; Morning Call is \$418; and Monster.Com is \$290 which will put the advertisement out to about 8 different search engines. With the Board's approval, he would like to utilize Lehigh Valley Live and Monster.Com. The Department is charging an application fee of \$45 which will help offset the costs. The Board had no objection to the additional advertising.

Over the past two months, there was a large amount of heavy truck traffic enforcement. Over the past month, they have seen the weights come down dramatically. They have also been sitting on some of the side roads where the trucks tend to go to avoid the weight details. These trucks were typically not overweight or marginally overweight. It seems like there is a greater attempt for the trucks to be in compliance with the laws.

Next week is National Police Week; and, Police Memorial Day is on Sunday, May 15. One of the statistics involving law enforcement that is a particular focus of this week is the number of officer deaths. This year there have been 32 deaths to date, 16 of which were gunshot related which is a 167 percent increase over last year. The average tour of duty for these officers was 10 years with an average age of 37. Over the past year, he has had a really good run with the members of this Department. They have been stepping up and doing an excellent job. They have also had some unusual cases this year, two which involved infant deaths. Besides their normal duties, they are also participating in other programs such as Shop with a Cop; Officer Phil Program; and Car Fit/Car Seat Events.

- F Manager's Report. Alice Rehrig reported that she contacted the PennEast Pipeline to see if they are considering moving the line again. They are evaluating a new route but have not made any final determinations or decisions. If the location is moved, it would be because of constructability and safety concerns along the current route. She was not able to get them to give any type of distance as to how much further south they were considering moving the line. Keith Hantz questioned how moving it further south would be better for the safety of the residents. Alice Rehrig commented that she believes it is for the safety of the individuals who will be working on constructing the line. She also received notice that the review of the application by DEP is incomplete.

Tom Meyers commented that he is concerned about the pipeline because the line will be running right behind the houses. He feels that the Township should take a strong position against the project. It's health and safety because their wells are right there, there's water runoff and the pipeline will be behind their homes. Cindy Miller noted that FERC has not given any approvals yet.

Attorney Backenstoe commented that the Township has taken as strong of a position as they can take against the pipeline. They sent a letter to FERC stating they don't want the pipeline here because it will affect the health and safety of its citizens. The problem is that there is Federal pre-emption. The Federal Government gives them the right to come in. The Township cannot stop it. Some State agencies may be able to stop it, but not the local municipalities.

- G. Solicitor's Report. Attorney Backenstoe commented that he was contacted by the solicitor for the Municipal Authority. They are very concerned that some people have been connecting to or discharging stormwater into the sewer system and it is becoming a problem. They are requesting that the Township amend the ordinance by adding a provision stating that this type of activity is prohibited. The Board had no objection to Attorney Backenstoe drafting an ordinance for the Board to review.

Keith Hantz questioned what the status is of the property on Park Place with the swimming pool. Attorney Backenstoe commented that he had asked the Zoning Officer to get pictures because he needs current pictures in order to go to court. He just received them and needs to review them to see if they are enough. The Zoning Officer was also going to be looking into getting an administrative search warrant to access the property but he doesn't know if she was able to get that yet.

- VII. PUBLIC COMMENT. Cindy Miller commented that she has met with Mr. Deibert regarding the memorial that the Legion was working on. During the meeting he had provided her with some notes that he had and they listed Keith Hantz as a point of contact for the Township. She would like to turn this project over to Keith Hantz because she hasn't had the time to really work on this.

Cindy Miller commented that she has had numerous phone calls regarding a mailer that went out when she ran for State Representative that indicated that she increased the taxes for the Township. She would like to clear up what was stated in this mailer. She never voted to increase taxes for Lehigh Township by 11 percent. The only increase she voted on was a 4 percent increase or .2 mills in her first year of office. This increase was for capital, capital equipment and unfunded mandates. The other 7 percent that was raised in the mailer was prior to her being on the Board and she absolutely had nothing to do with it.

Cindy Miller also wanted to clear up a statement that was made that it is illegal for her to serve on the Planning Commission and on the Board of Supervisors. If this was illegal, she is certain that our Solicitor would have advised her of such and would have asked her to step down when she took office. Attorney Backenstoe commented that the Second Class Township Code specifically authorizes it. Cindy Miller commented that there is rumor that this is illegal and she feels that this needs to be cleared up for the residents. Keith Hantz commented that she

could also serve on any other appointed Board that she would like. She just couldn't hold two elected offices. It is no different than when Sandy Hopkins served on the Recreation Board while she was on the Board of Supervisors. Cindy Miller commented that she has received a lot of phone calls because people in the community are upset because of the lies that were stated in the mailers that have gone out because of the election. They are upset because of what has been done to her personally and also for involving the Board of Supervisors and Planning Commission.

Deb Miltenberger commented that the Police Department works hard on keeping an up to date business listing for the Township, along with keeping it current so that they have a list of emergency contacts. She was wondering if the Board would consider adopting an ordinance which would require businesses to register with the Township on an annual basis for a nominal fee so that they can have this information available. Business owners are not always very responsive when letters are sent out and it sometimes takes several phone calls to try to get the information. She thought if there was an ordinance requiring them to register and there was a fine associated with it, it may help encourage them to provide the information. Chief Fogel commented that one of the biggest problems that he has had with not having the current information available was when they, or the dispatcher, make a phone call to a listed contact who is deceased. Not only is it embarrassing to the Department but it is also difficult for the potential family member who is answering the phone call. Even with the amount of effort that was put into this by the Department, they only had a 30 to 40 percent response rate. Attorney Backenstoe commented that the Board would need to create and adopt an ordinance which would require local businesses to register. You would set it up so that they would have to answer a questionnaire which would provide the information that is needed. This type of ordinance is quite common in Boroughs. Darryl Snover commented that he's not crazy about the fee to register. Chief Fogel commented that the reason that there would be a nominal fee associated with it would be because of the time it will take to send out the notices. Bill Hart questioned if this would affect a home based business. Attorney Backenstoe commented that it would be for all businesses, but generally they are not as concerned with the home based businesses because it is someone's home.

Deb Miltenberger commented that she was concerned with the safety of the private ranges that are being requested as development takes place. Darryl Snover commented that there are limits as to what the Township can regulate, and he

believes it is better to know where they are than not know at all. One of the reasons that they ask the Police Department to check the ranges is to help insure the safety of them as well. Chief Fogel commented that he would encourage the use of public ranges rather than the private ranges because of safety concerns.

Deb Miltenberger questioned if the Board ever considered adopting a mercantile tax since more businesses are coming into the Township. Cindy Miller commented that if the tax wasn't adopted by a certain date, you can no longer enact that tax.

- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss personnel matters and a Collective Bargaining Agreement. No action was taken.
- IX. ADJOURN. Rick Hildebrand made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.