

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the January 23, 2018, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, January 23, 2018, at 7:00 p.m. at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport. Present were Phil Gogel, Cindy Miller, Keith Hantz, Mike Jones, and Darryl Snover. Also present were Attorney David Backenstoe, Phil Malitsch, and Alice Rehrig. Chairman Darryl Snover called the meeting to order with the Pledge of Allegiance.

- II. EXECUTIVE SESSION (January 16, 2018). The Chairman announced the Board met in Executive Session on January 16, 2018, to interview a candidate for Police Officer. At the conclusion of the Executive Session, the Board agreed to extend an offer of employment to Jessica Edwards pending successful completion of a physical and psychological examination. Chief Fogel confirmed at this meeting that Ms. Edwards has passed both of these examinations.

Cindy Miller made a motion to hire Jessica Edwards as a full time police officer on a probationary period for one year. Keith Hantz seconded the motion. All voted aye. Motion carried.

- III. APPROVAL OF THE MINUTES
 - A. Minutes of January 9, 2018. Keith Hantz made a motion to approve these minutes. Mike Jones seconded the motion. All voted aye. Motion carried.

- IV. APPROVAL OF THE BILLS
 - A. General Fund Checks 21534 to 21595. Keith Hantz made a motion to approve these bills. Mike Jones seconded the motion. Cindy Miller had questions on the following checks: Check 21556, for scrubbing and applying finish. This check was for stripping and cleaning the tile floors in the Police Station after the new sections were installed. Check 21558, Brown and Brown for service fees. This check is the broker fee for the Workers Compensation insurance for the employees and the Fire Company. It is a flat fee for the administration of the policies. Check 21566, Erschens Garage for towing to impound and repair of right wheel rear. The towing portion of the bill was for the towing of a vehicle to the impound area for the Police Department. This amount is charged to the vehicle owners insurance. When we receive payment for the bill, we pay the towing company. The wheel repair was for one of our trucks. Check 21575 for unlimited cloud storage. This is the offsite Baracuda backup for the Police Department. The \$700 is the annual fee. Check 21580, Technology Enterprise. This is the new Mach Software that replaces the Mobile Cop. Check 21587, Digital Ally. This was for all of the in car cameras including the one that will be installed in the new vehicle. Check 21594, Stephen Equipment for hydraulics. This was to repair a hydraulic leak, replacement of torsion bars. This piece of

equipment has been used hard within the past two years. Cindy Miller questioned if there is a maintenance schedule for the equipment. It seems as though there is a lot of breakage with the equipment. Alice Rehrig would have to get details from Frank as far as the maintenance schedule. Cindy Miller commented that she noticed there is toll reimbursement on the credit card. The Township may want to check into EZ pass for the turnpike. The Chief and Manager will work on setting something up. Darryl Snover noted someone will need to monitor the charges to make sure there are no billing errors. All voted aye. Motion carried.

- B. State Fund Check 1440. Keith Hantz made a motion to approve this check. Cindy Miller seconded the motion. All voted aye. Motion carried.

V. OLD BUSINESS

- A. Maintenance Building. Jim Hazard commented he and Attorney Backenstoe met with representatives from Petrucci to get an understanding of their contract structure. They have provided him with a proposal for a budget. They also did the same things with the architectural firm. This is just a preliminary budget and schematic. It is not a detailed design and cost. It would be their ballpark estimate of what the building would cost. The proposals that were received would include a concept building floor plan and conceptual estimate including general site specifications. The architect provided a more comprehensive proposal which included these basic items plus a schematic floor plan, schematic building rendering, schematic site plans, a budget and schedule including a review meeting and Township meeting. Mr. Hazard asked the architect to redo his proposal with just the basic components that were being offered by Petrucci. Even though he now has proposals to develop the basic cost of the building, he feels it is important to look beyond this step. He wants to know what happens next. The fees are based upon a percentage of the project cost. He has asked for the charges for both companies services for the next steps. Because the Township is required to bid the four prime components of the building, a design build firm will essentially take on the roll of the architect. They cannot do the job themselves because it will need to be bid out. He would like to meet with the Committee to go over the two proposals to get a better understanding of them. He will also provide copies of the proposals to the Board. The proposals should be looked at in their entirety, not just for the initial developing of an estimate. It may not make sense to take the lower price initially if the overall service will either be more expensive or a lesser service later, it will not be a benefit. Mr. Hazard also reported that he met with Phil Malitsch regarding the site work and the shifting of the building. They will need to look at this more closely to make sure the building stays within the limits of disturbance because of the NPDES permit.

Paul Nikisher questioned how the building will be paid for when it is built? Will taxes need to be raised? Darryl Snover commented the Board doesn't know at this time. They have been putting money aside and are hoping that there will be enough built up and a good percentage of it will not need to be financed. Once a ballpark number is received, it will be easier to determine. Cindy Miller noted she has been speaking with Senator Scavello about a grant which is one of the largest available in Pennsylvania, around \$1,000,000, but it takes time to get because of how competitive it is and it also needs to be written into a bill. Once you are looked at, you are placed on a waiting list. If you are awarded the grant, you are actually able to use it to pay down a loan.

Paul Nikisher also questioned if there could be a building fund drive to help raise funds for the building. Darryl Snover commented it would be great if the community would be involved in this project and would hope Mr. Nikisher would be willing to chair the committee.

- B. Cherryville Intersection. Cindy Miller commented she received a copy of the last correspondence between Hanover Engineering and Turkey Hill, and then tried to reach out to them, and they have not yet returned her call. The last correspondence Jim Milot had received from Turkey Hill indicated they were currently working with the developer on their plan of action. They have things in shape with them and will be prepared to move forward with discussing the existing site. Their team will update Hanover Engineering as they move forward. Cindy Miller noted Jim Milot reached out to them in October and this is the only information they received. The Township cannot get their HOP unless this is resolved. This is one thing that PennDOT will hold up the HOP on. The existing Turkey Hill needs to give us an approval for making their driveway along Route 248 a right in, right out entrance/exit.

Paul Nikisher questioned if there was any legal action that could be taken. Cindy Miller commented this is PennDOT. PennDOT tells you how to design it, they approve it, you must abide by their design, and yet we can be held up like this. What would PennDOT do if they were the ones doing the intersection? They probably would just go in and do what needs to be done and get the road done. Attorney Backenstoe commented the legal recourse would be to take the right of way by eminent domain. Cindy Miller questioned if this would require the Township to indemnify PennDOT from future lawsuits. Phil Malitsch commented PennDOT would typically require this if they do not get what they want from the Township. They would want to be held harmless if something were to happen at the driveway. Cindy Miller questioned why the Township

would want to do this when it is their design and their request? Phil Malitsch noted the reason the driveway needs to be a right in, right out, is because we are adding a turning lane. PennDOT does not want a car to try to make a turn by crossing the three lanes of traffic. The Turkey Hill driveway would be in the area of the stacking lane for eastbound Route 248. Attorney Backenstoe commented that he doesn't believe PennDOT will require them to be indemnified just because they are requiring a right in, right out. If the Township were to request a waiver of something they did not agree with, then they would most likely require it. To take any type of legal action against PennDOT because they keep changing the plans would tie things up in court for months. You would have to sue them in Commonwealth Court and everyone would end up in Harrisburg for two weeks for testimony. He doesn't necessarily agree with what PennDOT is doing, but PennDOT does this to every developer. They can bring a good developer to their knees by their indiscretions.

- C. Booking Center. Cindy Miller commented the previous County Executive did not include the Booking Center in the budget. She was told we need the inter-municipal agreement. Only one municipality agreed to enter into an agreement. She has a call into the new County Executive to speak with him about the current situation and see if he can help us with this. She is still pursuing avenues to make this financially feasible. Chief Fogel noted that what is taking place it not appropriate with Act 81 and the fees that are assessed for the booking centers. Right now, we are paying for their booking center, although he would not suggest paying the entire bill ourselves. The one thing that needs to be paid for is the clean terminal which is about \$3,500. The bulk of the expense is for the maintenance fees. If these are not paid this year, we would just get back on track the following year. Cindy Miller noted that Lehigh Township and Walnutport Borough allocated \$3,000 in their budgets. The other municipalities decided they would just use the County's booking center rather than enter into a municipal agreement and budget funds for the center. She is curious as to whether they will still continue to come to the Township. Chief Fogel commented if someone is arrested and needs immediate booking, they should go to the County. District Court will probably be sending everyone that goes through them to our center by appointment. This will show solvency for our booking center. Even though the money is not going where it is supposed to go, it will continue to show the need for the center in this area. Cindy Miller noted that she has heard that the support for the center is there; the County feels it makes sense to have a center here and that we shouldn't have to travel to the eastern side of the County for this. Chief Fogel commented that he heard that the new prison is not going to be built which means that there will not be a central location in the County for a booking center.

Blaine Holden questioned if there is any more action on trying to get the judges to actually impose the fees. Cindy Miller commented she was told to meet with someone because the County is not working on it. She was told who to meet with and bring this to their attention to bring awareness to this. When they questioned the County Executive regarding it being his responsibility to open discussion with the judges, they were told it was not his, which left things in limbo. She put some pressure on Councilman Dietz and said someone needs to open discussion with the judges, but she doesn't see it happening.

- D. Assistant Public Works Director. Keith Hantz commented he would like to continue discussing this position and the draft job description that was provided.

Cindy Miller commented she had some questions on the job description:

- It is noted that the individual is not part of the call out rotation list. Why is this, is it because of the union contract? Alice Rehrig commented the way the union contract is written, the Director is not part of the call out list. If this is not a union position, the person would not be part of the call out list. The crew members would be the ones called for the small jobs that only require two or three people. If the whole crew is needed for something like a snow storm, then this person would be required to come out as well.
- Cindy Miller commented she was a little confused and concerned as she read this. One part is saying that the person would be mainly responsible for parks and facilities. Is there enough full time work for just parks and facilities? Darryl Snover commented it is a primary focus. It doesn't mean they can't do anything else. Cindy Miller questioned if it would really need to be spelled out. Why not just make them an assistant and have them help with everything. Keith Hantz commented he feels the description does cover everything and they would be included in every aspect of the Public Works Department.
- It states they would establish the daily work schedule under the direction of the Public Works Coordinator. She feels it should be in the absence of the Director. She is trying to figure out the difference between the two positions and their responsibilities. She doesn't want everything delegated to this position. The Director should be doing work also, not sitting in an office and just delegating. Darryl Snover commented that nothing is being changed with the Director's job. Keith Hantz commented that he thought the Board wanted to free up some of the time so he could spend more time

in the office or organize some of the larger projects. He knows that Frank Zamadics does not want to just be in the office, but would like more time to organize the larger projects for the crew.

- She has a concern with the amount of experience being required. She does not feel that two years is enough experience. She is thinking five to ten years. Keith Hantz commented that he thinks two years for a new position is adequate. Cindy Miller commented that the person should be experienced enough to hit the ground running, not someone that we will have to train. Darryl Snover commented that he thinks this is an area that can be improved upon.
- Does knowledge of laws, regulations and requirements applicable to Municipal Public Works operations, constitute knowledge of public park maintenance?
- Will this person be responsible for evaluations and reports? Darryl Snover commented he would believe that this would still be Management. Keith Hantz commented that it states that they will do them in conjunction with the Public Works Director.

Darryl Snover commented that he doesn't have an issue with most of this, but if there was an area that could be improved it would be years of experience, although the knowledge of laws and regulations may preclude someone with only two years experience. Keith Hantz commented that he wouldn't have a problem with increasing the amount of experience that is required. This person will be an assistant to the Director.

Phil Gogel commented that he doesn't think we need the position because there is not enough staff to warrant it. When you look at the Police, there are twelve officers, including the Chief. Phil Gogel questioned if the Chief does the scheduling for the Department. Chief Fogel commented he has a Sergeant who helps him with that. The Sergeant is a union position and they do have to navigate a fine line because of that. The Sergeants also do evaluations, but he approves them. The duties of the Sergeants and the proposed position are very similar. Phil Gogel noted the Police Department is a 24/7 operation, not Monday through Friday. Keith Hantz commented Frank Zamadics had requested this position because he doesn't get a lot of down time when he leaves work. He gets calls at anytime of the day or night and when he is on vacation. Phil Gogel commented that with his position, there is some expectation that you would need to handle things after hours.

Darryl Snover commented our Road Crew Director does not have someone who can adequately stand in his place when he has personal matters to attend to or goes on vacation. If you can't take your vacation time without being bothered, what good is that. He believes this position is needed because there needs to be continuity in supervision in the absence of the primary supervisor. There is a temporary position in the contract, but it is not working out as well as it should and is not as effective as it should be.

Cindy Miller commented that this position would be a new hire, making it 9 people in the Public Works Department. Darryl Snover noted that the department is still down one person from a retirement a few years ago. On the other hand, if the contract was opened in this specific area and made to be effective, it is another possibility so that additional staff is not needed.

Cindy Miller commented the Board was never told there was a problem in the Public Works Department as far as leadership. This just came out now as a result of wanting to create this position for hire. If we had known about this a year and a half ago when the contract negotiations started, we could have done something about it then. Now it's a little late. Now we're going to create a position and charge the tax payers another \$80,000 or \$90,000 a year in the budget. To her, it seems like a round about way of rectifying a problem, instead of doing something that should have been done. She understands what Frank Zamadics is saying. He does deserve to have time off, but at the same time you need to delegate and manage to run a department. Darryl Snover commented he can see both sides of this, but he just doesn't see one union person stepping on the toes of another union person. Phil Gogel commented that he has worked at places where the leaders had no problem stepping up to do the job because that was the position they held. Keith Hantz commented that was their full time position, not just a position for when the Director was away. There would have to be another position created within our union contract for the working leader position and the current members would have to bid on the position.

Jerry Pritchard commented the crew has been here for a while. They should all know their jobs. Why all of a sudden do you need another management position? Managing seven people is not a large amount in management terms.

Blaine Holden commented that he feels there should be more vision by the departments as to where we will be in the next two and a half years. Not only should there be staff meetings amongst the department heads, but the Board should also be meeting with them at least one a quarter. Communication between the Department Heads and the Board is important, especially for the future. The

Board should be looking ahead to what happens if Frank Zamadics is not here. Keith Hantz commented that he believes that is part of the reason that Frank Zamadics is looking to create an assistant position. He may not be here in the next five or ten years because he would be looking to retire. It would be a way of training his replacement. Jim Hazard commented it would be a good idea to look at it in both these ways. When you are in that position in the Township, it is a lifelong learning experience. There are miles and miles of roads. You don't always know where the problems are. Every road is different. The Board needs to look towards someone learning the position. You don't want to hire a complete stranger to be in charge of the Department. They will be learning on the job. It would be good to bring someone in at a lower salary, learn the people they are working with, the equipment, the roads, and the job. That way someone can step up when the time comes. You can't expect people who were hired to do a job to come out and assume responsibility just because you think it is the right thing. It's more than the ratio of managing seven guys. There can be two guys here, two guys there, and the other three working somewhere else. Someone needs to keep an eye on things. Even if they know what to do, they may still need some assistance. It's a logical progression. Cindy Miller commented she believes the guys should be cross trained on all the jobs and equipment. Jim Hazard commented that you still wouldn't expect someone who was hired as a laborer or truck driver to go out and run the job. Jim Hazard commented that you can't expect Frank Zamadics to be getting called and tied up for several hours at night and then come to work the next day. Cindy Miller commented that she believes that others in the department should be trained so that they can go out and take care of things when they are called. Phil Gogel commented sometimes it is cheaper to pay overtime than it is to hire someone with the cost of benefits. Keith Hantz commented that we were fortunate when Frank Zamadics put his name in to be Director because he came from within the Public Works Department. There is a possibility that someone from within the Department may want to step up to the job.

Paul Nikisher commented the Board should talk to Frank Zamadics and see who he thinks would be a good leader and if they would be willing to step up and start grooming someone. Once you put another person on, you are creating an additional tax burden. Why not take someone who knows the roads and has some experience and start there? Keith Hantz commented that another position would need to be created within the contract if this were to remain a union position.

Darryl Snover noted with the different mandates that are coming down from the State, things are going to be getting more complex for the Maintenance Department. We already know there is a bunch of stuff coming regarding the

MS4 and the Road Department will be assuming a lot of additional work to meet the regulatory requirements of this. The MS4 will also create additional administrative work. With the additional development that is expected to come into the Township, he doesn't see hiring someone as a bad move. Cindy Miller questioned who would be responsible for the paperwork, the Department Manager or Administration. If it is administration, it will be cheaper. You will be hiring an office staff person rather than an assistant manager of the department. Darryl Snover noted coverage is still needed for Frank Zamadics when he goes on vacation. There may be more clerical items that will need to be done, but he doesn't want to preclude a person from being a useful laborer either.

Ed Ziegler commented if you promote from within, you will get someone who already knows what needs to be done. Outsiders may not care as much about the Township.

Deb Miltenberger commented she does not know that there has been major problems with the crew leader position. Part of the problem is communication. When Frank Zamadics was on vacation for two weeks, she contacted Northampton County and gave them the information of who to contact. She does not believe he was bothered while he was on vacation. Sometimes it's a lack of communication rather than the position itself. Communication is essential.

Jerry Pritchard questioned if the entire department feels there is a need for another position or is it just the opinion of one person. Keith Hantz commented that the information came from the head of the Department. Jerry Pritchard commented that the Board may want to check with the rest of the members of the Department.

Mary Trexler commented when Alice Rehrig goes on vacation, the office still goes on because the others have been trained and can pick up while she's gone. Could the current members of the Road Crew be asked if any of them are interested in applying for the assistant's position since they already know most of what Frank is doing. Darryl Snover commented that they would be able to apply for the position.

The Board will consider the comments from the meeting and would like to see this item kept on the agenda.

- E. Tax Collector. Keith Hantz noted that the Board had made a motion at the previous meeting to compensate the Tax Collector an additional \$3,700 pending a review by the Solicitor. He felt the minutes should reflect that after Attorney

Backenstoe reviewed everything, it was determined that the additional compensation couldn't be paid.

Attorney Backenstoe commented that a tax collector primarily collects real estate taxes, but in Lehigh Township, there is an ordinance that indicates that the elected Tax Collector is responsible for and must collect the per capita taxes as well. The Board cannot modify the salary that is set prior to the election; however, when you have the tax collector collect the per capita taxes, that statute does allow you to modify that aspect of the salary whenever the Board feels it is warranted. When Keith Hantz made the motion to establish the tax collectors compensation, it was stated that the salary was based on \$6 for each real estate tax bill collected and \$1 for each per capita tax bill collected. If the Board wanted to adjust the per capita amount, they could do so.

Mary Trexler commented at the meeting when it was discussed, there was a motion on the table for the \$6 per real estate bill and \$1 per capita bill, but then it was rescinded and made a flat salary. She wanted to make sure everyone understood she is not being paid both a salary and on a per bill basis. It is just the salary. She also wanted to clarify that it was not her intention to try to deceive anyone by her comments regarding the collection of per capita taxes. It was based on the information that she was given from another attorney who is no longer associated with the Tax Collector Association. After further discussions with Sherry Labs, she did clarify that where she collects taxes, there is not an ordinance regarding per capita taxes and that they can be in addition to the real estate taxes.

VI. NEW BUSINESS

- A. Awarding of Bids, Hills at Greenock. Phil Malitsch reported that a total of eight bids were received for the next round of improvement at the Hills of Greenock. There was a large spread on the bids that were received. The low bid was from Bruce George Paving and Excavating at a price of \$301,766.65. It would be his recommendation that the bid be awarded to this contractor pending the review of the contract documents by the Solicitor. This project has been going on for a long time. The challenge with this project is the money that the Township has in basically in the value of 2006 dollars. Before pulling the letter of credit, the Township tried to get more money from the developer, even went to court over it, but was unsuccessful. This is a significant portion of improvements that need to get done. The bulk of this work is to fill in the two sedimentation basins that are on the property. The filling of the basins was not included in the original cost estimate for the project. In 2006, this project was not intended to be completed by the Township. After this project, there are still a number of items that need to be

done, one of which is the final wearing course Coatbridge Lane. There is \$357,000 remaining in the escrow account. They usually like to see a contingency of 20 percent on a project like this. The bids came in at \$301,000, which means that this project is it, in terms of the escrow money that the Township has left. He was expecting the bids to come in around \$350,000. This is a very tough project to quantify because there are a lot of unknowns as far as the material they are dealing with; will they need to import material? A contingency is something that the Board should have on their mind because it could happen. If the Board is going to award this project, the way they are approaching the project is that they are viewing that number as a cap. That is the value of the work that gets done and once that number is hit, the project will have to stop. The project will not be allowed to run over by \$100,000 because of change orders.

Cindy Miller commented she looked at the site. Where will they be getting the soil from to do this? There are going to be trucks going up and down the roads repeatedly. Who is going to be responsible for the wear and tear on the roadway? Phil Malitsch commented that was one of his concerns when we went to pave the lower portion of the loop. If the contractor damages the road, they must fix the road. They have been told they shouldn't be overloading trucks. It's about 500 truckloads of material. Phil Malitsch commented the rock at the top of the project is ripable shale. The contractors have all looked at the site. They feel they can rip the top couple of feet and use it to fill in the basins. There are stockpiles around Sedimentation Basin 2. If all the material were to be imported, you wouldn't be able to afford the project. For the sake of the project, the priority is Basin 1 and getting that decommissioned and filled in. It would be nice to get rid of the basin at the top, but with some grading around the immediate area, it would be manageable.

Cindy Miller questioned where the developer is in this? Why is the Township footing the bill of hitting the rock and putting the money out for this? DLP is the developer of lots. Where are they in this? It seems as though a lot is being thrown on the Township as far as the harder work and they are picking and choosing and doing the easy items. Attorney Backenstoe commented there are public improvements that the original developer defaulted on. These are some of the improvements. DLP is helping us in a way because we would be taking soil from their property to fill the detention basins. Cindy Miller questioned which lots the material would be coming from. All she saw was rock and shale. Attorney Backenstoe commented if the soil had to be purchased, it would cost twice as much as this. Phil Gogel commented they are going to have to crush the rock. Cindy Miller commented her concern is what happens if they go over the

bid amount and don't finish the project. Darryl Snover questioned what choice the Township has when it comes to completing the public improvements that we are responsible for. There are new developers up there, but they didn't take the whole project. They only bought select properties. Cindy Miller commented they are picking and choosing what they are working on compared to what we are doing. Are they doing what they are supposed to be doing? Attorney Backenstoe commented they bought lots with the intention of building houses on them. They are not the developer. Cindy Miller understands they are not the developer and that the Township is responsible for completing improvements. Her concern is that she is looking at rock and wondering how they will get enough soil to fill in the detention basin and then packing trucks with rock, coming down the roads in the development and what it is going to do. The contractor thinks they are going to do all these improvements for \$300,000 and if they damage the roads, they are going to fix the road and the roads alone can be \$150,000. What happens if this contractor were to walk away? Phil Malitsch noted the contractor would be required to post a bond.

Leo Livengood commented this project is wrong. There are lots of ways of doing this job cheaper than what is listed in the bid. The contractor that bid \$300,000 is going to do half the job and then come back in with large change orders and the Township is going to get stuck with it. With a bid price of \$300,000, he cannot be including the damage that may get done to the roadway. It will cost \$300,000 to rip the rock out, plus the hauling and fixing of the road. There is nothing right about this bid. Why is it mandatory to take the fill from the lots in the Hills of Greenock? The Township should only be concerned with getting the pond filled, not lowering the lots for a developer. Phil Malitsch commented it was not mandatory. Leo Livengood noted that there is nothing in the bid that stipulates you can bring fill in from another area. Phil Malitsch noted the bids do not preclude you from doing that. It is for bulk fill and compact. Leo Livengood noted that the plan called for the fill to be taken off of the lots. He tried contacting Hanover Engineering's office and never received a call back. Phil Malitsch commented they have unit pricing for bulk fill and compacting on Basin 1 and 2 for \$9 per year. He has not seen import prices coming in at that price. The pricing has ranged from \$12 to \$15 per yard. Regardless of whether the fill is hauled into the job or obtained from the site, trucks are still going to be hauling on Township roads. It is a tough project. Leo Livengood commented not only do you have this job to do, but where is the money going to come from to pave the roads. The last paving job that was done is breaking up already.

Jerry Pritchard commented that when the developer offered the Township a buyout on the recreation, they should have taken it while the developer had money. That would have been enough to pay for this project.

Jim Hazard questioned why the basins have to be filled in? Phil Malitsch commented the basin areas were supposed to be converted to open space areas for recreation.

There was supposed to be a homeowners association that was supposed to take over the maintenance of these areas. Everything was secured for the project, except the filling of them. Jim Hazard questioned why the basins can't remain the way they are. Phil Malitsch commented they are a requirement of the plan. Leo Livengood commented they were supposed to be temporary ponds until all the lots were stabilized, then it was supposed to be converted to a playground area. When he dug the pond for the developer, he placed all the soil next to the pond so that it could just be pushed back into the pond, but the developer removed the fill because it was located on a prime lot. In order to leave the pond there, you would need to reapply to DEP to allow the NPDES permit to be modified. Phil Malitsch noted that the permit was modified to allow the ponds to be filled in now rather than waiting until all the lots were stabilized.

Cindy Miller questioned since DLP bought quite a few lots in the development, is there a possibility of DLP forming a homeowners association. Attorney Backenstoe commented it is a possibility. Cindy Miller questioned why they couldn't form the association and do the playground and move forward with whatever the developer's plans were. Attorney Backenstoe commented the argument would be the Township approved the subdivision and technically the improvements were secured. Unfortunately it is so many years later and the remaining security is not enough to complete everything. He does believe there is some latitude that Township has in terms of completing the improvements. There would be room for discussion.

Leo Livengood commented that if the low bidder can guarantee he can complete everything that needs to be done for the price he bid, without change orders, award the bid to him. You would be doing the Township a favor. When he heard that the contractor can come in and ask for change orders, that is when he really got upset; that is wrong. It is supposed to be a locked in bid. Phil Malitsch commented the project is not open ended. Change orders are an inherent part of

any project and must be approved before they are executed. Leo Livengood commented change orders are for when you change the plan. In this case, you are not changing the plan.

Phil Gogel commented it may be a more reasonable to seek approval to the change to the NPDES permit to allow the ponds to remain.

Cindy Miller made a motion to table the awarding of the bids. Phil Gogel seconded the motion. All voted aye. Motion carried.

- B. Ordinance 2018-1, Amending Zoning Ordinance regarding Driveway Access. When the original ordinance (2017-1) regarding driveway access was adopted last year, the section regarding residential driveways was worded that there would only be one access per residential building permitted. This language would allow more than one driveway per lot. When this was brought to the attention of the Planning Commission, they had indicated that their intention was to limit driveway access to one per residential lot. The proposed Ordinance 2018-1 will change the language so that only one access per lot is permitted. Attorney Backenstoe commented if someone would have a reason for needing the second driveway, they could always go to the Zoning Hearing Board for relief.

Darryl Snover questioned what zoning districts would be affected by this change. Alice Rehrig commented it would be Township wide.

Keith Hantz questioned if this ordinance would prevent someone from having a horseshoe driveway. Phil Malitsch commented that was the situation that caused the Planning Commission to look at changing the ordinance. Keith Hantz commented that he does not agree with eliminating horseshoe driveways. Some homes are designed to have a horseshoe driveway in front of their home. Cindy Miller commented they can still do that; they just need to go to the Zoning Hearing Board for a variance. Darryl Snover commented that he doesn't agree with making people spend extra money to have this type of driveway. Is there a way to accommodate this in the ordinance.

Paul Nikisher commented a horseshoe driveway can be beneficial in preventing vehicles from backing out into traffic. It could be a safety issue. It would be safer to drive in and drive out of a driveway out.

Darryl Snover questioned what the harm is in having two accesses on a lot? Keith Hantz questioned why someone who obtains a building permit to build a garage would need to get a variance in order to put in a driveway to access the garage?

Phil Malitsch commented this is a common requirement. One of the goals of most ordinances is to limit the amount of access points to a road because of the potential hazards of having more vehicles accessing the roadway at different points. Darryl Snover commented that he doesn't see the harm to the Township or a neighboring property owner if someone wants to have two driveways.

There was no authorization to advertise the ordinance for adoption.

- C. Ordinance 2018-3, Warehouses. Attorney Backenstoe commented this ordinance was generated by the Planning Commission because of what they have been seeing take place over the past several years. This ordinance will eliminate warehouses from the Neighborhood Commercial zone and the General Commercial zone and places them in the Industrial zone. It provides for extensive criteria that doesn't exist in the current ordinance. The criteria regulates the size and construction of the warehouses. Cindy Miller commented the ordinance also specifically calls out that a traffic impact study must be completed by the developer. One of the main issues with warehouses is traffic.

Cindy Miller made a motion to authorize the advertising of Ordinance 2018-3, Warehouses. Keith Hantz seconded the motion. Ken Everett questioned if there is an issue with the Township only having limited Industrial zones available. Is it sufficient to meet the MPC requirements. Attorney Backenstoe commented that there is not a specific requirement for the amount of land within a zone, but a Township must provide for all uses within the Township. Cindy Miller commented the Planning Commission has also verified that the Industrial Zoning Districts encompass enough area within the Township to meet State requirements. All voted aye. Motion carried.

- D. Resolution 2018-2, Adopting 2018 Emergency Management Plan. Every two years the Board is required to adopt a new resolution acknowledging the Emergency Management Plan. The plan has been updated to include the new Board members. Keith Hantz made a motion to adopt Resolution 2018-2. Mike Jones seconded the motion. Cindy Miller suggested that the Nixle emergency alerting system be added to the plan in addition to the website as a means of notification. All voted aye. Motion carried.
- E. Police Report. Chief Fogel reported 2017 statistics showed continued increases in the Department's calls for service. Traffic enforcement was up by 15 percent from the previous year. Criminal arrests were up by 29 percent which is unusual. Crashes were up by 5 percent.

Chief Fogel has been working on researching the Sergeant promotion since there is still a vacancy. He's hoping to get that started within the next month or so.

The in car cameras have been installed. There is still one component which allows the data to be uploaded to the server that needs to be installed. This will take place on Friday.

The Department is working on 2018 community events, including National Night Out. He also found another vendor who does the Child ID kits and is hoping to include that in 2018. Two Officers were at the school doing some speaking in the classrooms regarding bullying. Having the Officers participate in various programs is well received by the Principal; the children enjoy getting to know the Officers. Phil Gogel questioned if the Department still goes in and reads to the kids. He knows they really like that. Chief Fogel commented he has already done that; a lot of it depends upon availability and when they are notified. Someone from the Department is in the school almost every day. They take a walk through the school to let everyone know they are around.

- F. Manager's Report. Alice Rehrig reported there will be a Lehigh Valley General Assembly meeting taking place on January 30. There will be additional meetings in July and October.

The Police Association is interested in getting a Police Pension Committee set up. They have named two Officers to serve on the committee and are recommending the Chief be considered as the neutral party. The Board would need to name two individuals to be their representatives to the committee. Darryl Snover and Phil Gogel volunteered to serve on the committee. Keith Hantz will be their backup.

The repairs/replacement of the Ash Road bridge was included in the 2018 budget. Since this project will involve a DEP permit, it is suggested that the permitting process be started as soon as possible. Phil Malitsch was asked to provide the Board with a detailed estimate for the project.

Alice Rehrig provided the Board with a sample RFP for a Comprehensive Plan as a guide to develop our own proposal if the Board wants to move forward with updating our Comprehensive Plan since we did receive the grant from Northampton County to do an accessibility study and plan on our facilities. Input may also want to be obtained from the Planning Commission.

The property and liability insurances renew in May. The current broker obtains quotes from different carriers. Alice Rehrig questioned if the Board wants to

obtain quotes from different brokers or stay with the same broker knowing he obtains multiple quotes. The Board felt proposals should be obtained from other brokers to see if there are additional companies available. Cindy Miller questioned if there are separate broker fees charged on a percentage of the premium. Alice Rehrig commented the separate broker fees come into play when you are part of an insurance pool.

A complaint was received from a resident on Butternut Drive regarding the amount of water that is coming down the Buckeye pipeline and flowing across the roadway. Frank Zamadics checked the area and all of our drainage facilities are open, but did confirm that there is an excess amount of water coming down the pipeline. He is not able to locate the source of the problem without going onto private property. Frank Zamadics did indicate that he can grade the four foot shoulders along the side of Butternut Drive which will help with some of the water problem, but it will not solve the entire problem. Mike Jones commented the source of the water is a swale on the Heritage Village property. The Heffelfingers have been fighting with them for several years to try to get them to fix it. Phil Malitsch commented they are supposed to be installing a pipe to help remedy this as part of the Northwoods plan. Cindy Miller questioned how the Township can get the issues with Heritage Village rectified before they come to the Supervisors for approval. Mike Jones commented that is what Jack and Ruth Ann Heffelfinger have been asking for years. They have been promised, but nothing has been done. Cindy Miller also noted the Planning Commission was told that they were working on the agreements with the neighbors. Mike Jones commented they have not spoken with the neighbors for years. Attorney Backenstoe commented they are a long way from being able to obtain their conditional approval from the Supervisors. Phil Malitsch noted that a condition of the conditional use hearing was that they need to show that they have reached agreements with the neighbors. Mike Jones commented he can check with the Heffelfingers to see if they would give permission for Frank Zamadics and Phil Malitsch to come on their property to view the water issue. Darryl Snover questioned if Heritage Village and Northwoods are legally linked together. Cindy Miller commented there will be a change in ownership eventually. Right now, they are two separate entities. Once the plan goes through, she believes the management firm of Heritage Village will be the management firm of Northwoods. Attorney Backenstoe commented that he reviewed the letter from Michael Corriere regarding the conditions of approval from the Planning Commission. This is a large project and many things need to be done before they come before the Township for conditional approval. Phil Malitsch commented the plan that will be coming next before the Board of Supervisors will be a preliminary plan. The final plan will be submitted in phases. One of the

conditions is that construction will not be started until the final plan is approved. Darryl Snover commented the two projects will not be linked until after the plans are approved, but yet there is an existing problem with Heritage Village. Why would the Board grant an approval. Attorney Backenstoe commented the Board would need to determine if the Northwoods Plan meets the SALDO requirements. If they meet the requirements and the only issues are outside agency approvals, the Board may need to grant them the conditional approval. Right now, it seems as though there are still come issues with the SALDO and they may give the Board cause not to grant the conditional approval. Phil Malitsch commented some of the conditions of the conditional use hearing referenced issues with Heritage Village. Not that Heritage Village was expected to do something, but as part of the Northwoods approval, Northwoods was supposed to correct the issues. Typically, a development is only supposed to meet the stormwater requirements of their site. It is not their job to go off site to correct existing problems.

Cindy Miller questioned why there was a \$1,000 difference between the expense of repairing the police car from an accident and the actual estimate. Alice Rehrig commented the \$1,000 is our deductible. This expense will come from the Police Department repair/maintenance account. Chief Fogel commented the accident took place in the fall when all the leaves were coming down. The officer was responding to a domestic dispute and was looking for an address. He accidentally got off the side of the road and hit the rock.

Cindy Miller also questioned the reimbursement for the enrad unit. Is it certain that the responsible individual's insurance will be paying for it. Alice Rehrig commented that payment in full has been received.

Cindy Miller also noted the home on Park Lane is up for Sheriff sale.

G. Solicitor's Report. Attorney Backenstoe did not have anything additional to report; however, he did have a matter to discuss with the Board in Executive Session.

VII. PUBLIC COMMENT. Mary Trexler questioned if there is an estimate as to when the signs will be installed on Cherryville Road prohibiting trucks. Alice Rehrig commented Attorney Backenstoe is preparing the ordinance that is required to enforce the restriction.

Mary Trexler commented that Leo Livengood has done a lot of gratis work for the Township or when he had to charge, it was at a very good rate. She would implore the Board to discuss the Hills of Greenock with Leo Livengood. He is a wealth of information in his field.

Leo Livengood commented the reason there is an increase in truck traffic on Cherryville Road is because that is one of the only ways to get where you are going with the weight restrictions being placed on the bridges, particularly the Cementon bridge.

Jim Hazard questioned if the Board of Education will be coming before the Planning Commission soon. Cindy Miller commented they are coming into the Planning Commission with a lot line adjustment next month. Jim Hazard commented he lives on Ettornia Drive. Ever since they put the addition on the elementary school, there have been a lot of water issues. The water is coming from the school property. Cindy Miller commented this is something that should be brought to the attention of the Planning Commission.

- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss potential litigation and the collective bargaining agreement. Upon returning from the Executive Session, Keith Hantz made a motion to retain John Harrison as special counsel at \$175 per hour to perform a personnel evaluation. Mike Jones seconded the motion. All voted aye. Motion carried.
- VIII. ADJOURN. Cindy Miller made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.