

## LEHIGH TOWNSHIP BOARD OF SUPERVISORS

### Annual Organizational Meeting of the Board of Supervisors

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their annual organizational meeting on Monday, January 3, 2022, at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport. The meeting was called to order by Mike Jones with the Pledge of Allegiance.

Present were: Mike Jones  
Cindy Miller  
Phil Gogel  
David Hess  
Jerry Pritchard  
Alice Rehrig  
David Backenstoe

II. RE-ORGANIZATION

- A. Appoint Temporary Chairman. Phil Gogel made a motion to appoint Mike Jones as Temporary Chairman. David Hess seconded the motion. All voted aye. Motion carried.

- B. Appoint Temporary Secretary. Jerry Pritchard made a motion to appoint Cindy Miller as Temporary Secretary. David Hess seconded the motion. Cindy Miller declined the nomination.

Cindy Miller made a motion to appoint Alice Rehrig temporary secretary. Phil Gogel seconded the motion. All voted aye. Motion carried.

- C. Permanent Chairman. Jerry Pritchard made a motion to appoint Cindy Miller as Permanent Chairman. There was no second. Motion failed.

Phil Gogel made a motion to appoint Mike Jones as Permanent Chairman. David Hess seconded the motion. Jerry Pritchard, Mike Jones, Phil Gogel, and David Hess voted aye. Cindy Miller was opposed. Motion carried.

- D. Vice-Chairman. Mike Jones made a motion to appoint Cindy Miller as Vice Chairman. David Hess seconded the motion. Cindy Miller declined the nomination.

Mike Jones made a motion to appoint Jerry Pritchard as Vice Chairman. Cindy Miller seconded the motion. All voted aye. Motion carried.

- E. Secretary. Jerry Pritchard made a motion to appoint Alice Rehrig as Secretary. David Hess seconded the motion. All voted aye. Motion carried.

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- F. Treasurer. Cindy Miller made a motion to appoint Alice Rehrig as Treasurer and to authorize the treasurer to open any accounts established by prior or future ordinances or discussions of the Board of Supervisors at any of the approved depositories and any investment tools at said depositories. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
- G. Manager. Cindy Miller made a motion to appoint Alice Rehrig as Manager. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
- H. Zoning Officer. Phil Gogel made a motion to appoint Elizabeth Amato as the Zoning Officer. Cindy Miller seconded the motion. All voted aye. Motion carried.
- I. Establish amount of Treasurer's Bond. Cindy Miller made a motion to keep the Treasurer's Bond to \$1,000,000. Phil Gogel seconded the motion. All voted aye. Motion carried.
- J. Select Depositories for Township Funds. Phil Gogel made a motion to keep the current depositories of BB&T, PLGIT, and Neffs Bank, with Neffs Bank and PLGIT as the main depositories. Cindy Miller seconded the motion. All voted aye. Motion carried.
- K. Appoint Legal Counsel to Board of Supervisors. Cindy Miller made a motion to appoint David Backenstoe as Legal Counsel to the Board of Supervisors. David Hess seconded the motion. Jerry Pritchard commented there are occasions where issues being discussed are not necessarily legal in nature, but would like to have more guidance from the Solicitor. Attorney Backenstoe commented if he is requested to give additional input, he will be glad to give it. All voted aye. Motion carried. Attorney Backenstoe commented when there are policy discussions and decisions being made, he is careful about offering too much input because he does not want to be accused of being a 6<sup>th</sup> Supervisor. If there is a policy issue in which the Board wants his input, he is willing to offer input if he is asked.
- L. Appoint Legal Counsel to Planning Commission. Cindy Miller made a motion to appoint Michael Corriere of the Law Firm of Corriere and Andres as Legal Counsel to the Planning Commission. Phil Gogel seconded the motion. Cindy Miller, Mike Jones, David Hess, and Phil Gogel voted aye. Jerry Pritchard was opposed. Motion carried.

- M. Appoint Engineer. Phil Gogel made a motion to appoint Hanover Engineering as the Township Engineers. David Hess seconded the motion. All voted aye. Motion carried
- N. Appoint Sewage Enforcement Officer. Phil Gogel made a motion to appoint Keystone Consulting Engineers as Sewage Enforcement Officer. Cindy Miller seconded motion. All voted aye. Motion carried.
- O. Appoint Vacancy Board Chairman. Phil Gogel made a motion to appoint Keith Hantz as Vacancy Board Chairman. David Hess seconded the motion. Phil Gogel, David Hess, and Mike Jones voted aye. Cindy Miller and Jerry Pritchard were opposed. Motion carried.
- P. Appointment of Members to Boards & Commission
1. Municipal Authority. Phil Gogel made a motion to reappoint Carl Sharpe to the Municipal Authority. David Hess seconded the motion. All voted aye. Motion carried.
  2. Recreation Board. There are two terms that need to be filled on the Recreation Board. One is for a full five year term and the other is for an unexpired term ending in 2025. Three letters of interest were received for these positions: Jerry Pritchard, Charlie Perich, and Patrick VanderPloeg
    - a. Five Year Term. David Hess made a motion to appoint Jerry Pritchard to the five year Term. Cindy Miller seconded the motion. Keith Hantz questioned if Jerry Pritchard didn't just resign from the Rec Board to put his energy into being a Supervisor. Jerry Pritchard commented he did, but after he got the appointment, Sandy Hopkins spoke with him and asked him to come back because she thought he did a good job, so he agreed to come back and help her out. Mike Jones commented he has also heard good things. Phil Gogel commented his only concern is he resigned right before the Tree Lighting when they needed him the most. Cindy Miller commented Phil Gogel did the same thing and caused all kinds of havoc on the Board. Phil Gogel commented that is a whole different ballgame. We are now talking about an appointment to the Rec Board, not something in the past. They are two different animals. Mike Jones, David Hess, Cindy Miller, and Jerry Pritchard voted aye. Phil Gogel was opposed. Motion carried.

- b. Term Ending 2025. Phil Gogel made a motion to appoint Charlie Perich to the Rec Board for this term. David Hess seconded the motion. Cindy Miller commented in the past, we have always required someone to live in the Township for a year, regardless of whether it was an elected or appointed position. Does the Board still feel that way? Charlie Perich commented he did go to the Township and ask if he could apply and was told yes, and no. When the ad came out, it did not specify that it was a requirement so he assumed he could apply. Cindy Miller commented she doesn't have a problem with Mr. Perich personally, but in the past, this was always a requirement. Kristen Soldridge commented she believes it was a requirement when the Board just hired someone for the road crew they needed to live within a certain radius of the Township. The point is there may have been other people who were interested in applying, but they didn't put their name in because they haven't lived here for a year. Alice Rehrig commented that has been the understood policy in the past, but it is not written into the ordinances as a requirement. Cindy Miller commented she doesn't have a problem with Mr. Perich serving, but it is a Board decision as to whether they want to continue the practice or not. Phil Gogel commented he will stand by his motion. Katherine Mack asked for Attorney Backenstoe's input on this matter; if it is not a written policy, is the Board bound by that policy. Attorney Backenstoe commented the Second Class Township code calls out certain things if someone wants to be on the Board of Supervisors or serve as the Chairman of the Vacancy Board. It specifically requires that someone must be a resident for a year. For other Boards and Committees of the Township, there is no legal requirement that you be a resident for a specific amount of time; however, the Board does have the right to establish a policy where they want someone to be a resident for a year. Katherine Mack commented shouldn't that be something that is documented in the minutes. Phil Gogel commented it should be a resolution. Attorney Backenstoe commented to be certain, it should be something that is adopted and written then there is a historical record of it. Katherine Mack commented if the policy is not written it can be changed by someone on the Board. Cindy Miller noted a resolution can be changed by the Board at any time as well. Katherine Mack noted that if it is a resolution, it is a document that is adopted in the minutes. Cindy Miller commented she has been on the Board for 10 years and that is what has been followed, but doesn't know when the policy was adopted. Linda Roman

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commented it may be a policy, but there are always exceptions. If no one has stepped up and volunteered, you could make the exception. Phil Gogel noted there is another candidate, but he is not here. Kristen Soldridge questioned if he was told to be here. Phil Gogel commented he doesn't know, but typically, when someone is interested in serving on a Board, they attend the meeting. Katherine Mack commented the advertisement does state that interested individuals should attend the January 3<sup>rd</sup> meeting. (Patrick VanderPloeg arrived for the meeting during this discussion.) Jerry Pritchard commented Patrick VanderPloeg has been a resident for the Township for six years. Mr. Perich has been a resident for eight months. He feels someone living here for six years would be more versed in the Township. Phil Gogel commented he believes that Mr. Perich would have good guidance. David Hess rescinded the second to the motion. Motion failed.

Jerry Pritchard made a motion to appoint Patrick VanderPloeg to fill the term expiring 2025 on the Recreation Board. David Hess seconded the motion. All voted aye. Motion carried.

3. Planning Commission. Cindy Miller made a motion to reappoint Todd Rousenberger to the Planning Commission. Phil Gogel seconded the motion. All voted aye. Motion carried.
4. Zoning Hearing Board. Phil Gogel made a motion to appoint Barry Haydt to the Zoning Hearing Board. Cindy Miller seconded the motion. Jerry Pritchard questioned why Mr. Haydt is interested in being on the Zoning Hearing Board. Mr. Haydt commented he used to be involved in politics at a higher level. He recently started coming to the Township meetings and got interested so he thought he should do something. All voted aye. Motion carried.

Q. Appoint Representative and Alternate to Tax Collection Committee. Phil Gogel made a motion to reappoint Lori Lambert as the Delegate and Mary Louise Trexler as the alternate representative to the Tax Collection Committee. Cindy Miller seconded the motion. All voted aye. Motion carried.

R. Establish Regular Monthly Meeting.

1. Board of Supervisors. Phil Gogel made a motion to keep the Supervisors meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:00 p.m. Cindy Miller seconded the motion. Jerry Pritchard questioned if the procedure for Executive Sessions should be established at this meeting.

Attorney Backenstoe commented there are three times when you can go into Executive Session. You can go into Executive Session at any time when called for by the Chairman or requested by another member of the Board of Supervisors. If you have an Executive Session outside of a regular meeting, then you must announce at the very beginning of the next meeting that you had the Executive Session, the date and time it was held, and what the nature of the meeting was. The Board can also decide in the middle of a meeting that an Executive Session is warranted on a particular issue as long as it falls under the permitted categories for an Executive Session. The Board would then adjourn the meeting, go into Executive Session, and then return to the meeting and announce the purpose of the Executive Session and take any action that may be needed. The third way an Executive Session can be handled is to place it on the agenda and hold it at that point on the agenda. Again, the purpose of the Executive Session must be announced. Jerry Pritchard commented he is asking because in speaking with other communities, they usually hold Executive Sessions prior to the meeting so that the public is not sitting here for the whole evening waiting for the Board to adjourn the meeting. Attorney Backenstoe commented that is a policy decision of the Board. Some Boards schedule an Executive Session as a matter of course before their meeting. Some may hold the Executive Session at 6:00 p.m. if their regular meeting is scheduled to start at 7:00 p.m. It is not required; it is a policy decision that the Board can adopt. All voted aye. Motion carried.

2. Zoning Hearing Board. Cindy Miller made a motion to keep the Zoning Hearing Board meetings on the 2<sup>nd</sup> Thursday of the month at 6:00 p.m., only when advertised. Phil Gogel seconded the motion. All voted aye. Motion carried.
  3. Planning Commission. Phil Gogel made a motion to keep the Planning Commission meetings on the 2<sup>nd</sup> Monday of each month at 6:00 p.m. Cindy Miller seconded the motion. All voted aye. Motion carried.
  4. Recreation Board. Cindy Miller made a motion to keep the Recreation Board meetings on the 3<sup>rd</sup> Monday of each month at 7:00 p.m. Phil Gogel seconded the motion. All voted aye. Motion carried.
- S. Appoint Chief Administrative Officer for Pension Plans. Cindy Miller made a motion to appoint Alice Rehrig as Chief Administrative Officer for the pension plans. Mike Jones seconded the motion. All voted aye. Motion carried.

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- T. Certify delegate to State Convention and Appoint Voting Delegate. Jerry Pritchard made a motion to name all Board members as delegates to the State Convention and appoint Cindy Miller as the voting delegate. David Hess seconded the motion. All voted aye. Motion carried.
- U. Alternate Building Code Official. Cindy Miller made a motion to appoint Key Codes as an alternate Building Code Official. David Hess seconded the motion. All voted aye. Motion carried.
- X. Establish Holidays for Non-Union Employees. Phil Gogel made a motion to continue with the following holidays for non-union employees: New Year's Day, Presidents' Day, Good Friday, Memorial Day, July 4<sup>th</sup>, Labor Day, Veteran's Day, Thanksgiving and the Day After, Christmas Eve, and Christmas Day. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. OLD BUSINESS.

- A. Zoning Hearing Board Solicitor Rate. Cindy Miller questioned if the salary was discussed when the Zoning Hearing Board met with the candidates for Solicitor. She cannot approve the rate Attorney Ettinger is requesting. Attorney Backenstoe commented typically, the rate is the same as what he is getting. Cindy Miller noted the previous rate was \$105, and now he is requesting \$140. Jerry Pritchard commented if the Board starts him at a higher rate, they can't bring the rate down. You start him at a lower rate, and let him work up. Why not continue the current rate and see how things go over the next year? You don't want to start him at a rate that is higher than our current legal counsel; he hasn't even represented the Zoning Hearing Board for a year. That is not right. Cindy Miller questioned if he has a backup if he cannot make a hearing and will that person perform the service for the same rate? Jerry Pritchard questioned who the backup would be? Katherine Mack commented Mr. Ettinger told the Zoning Hearing Board that he never misses a meeting and that if he did have to miss a meeting, he does have people that he can rely on, just as Attorney Caffrey did. Phil Gogel commented his only issue is that when he was filling in, he did it for the same rate as the previous solicitor. Jerry Pritchard commented he would keep the rate the same as what it was and let him work to a higher rate; you don't have the new Zoning Hearing Board solicitor leap over the Township Solicitor who has been here for years and has invested countless hours to the Township. Katherine Mack commented when they met with the candidates, they all indicated that their rate would be around what Attorney Backenstoe's rate is. They didn't discuss specifics of the rate because they really didn't have the authority to do that. Jerry Pritchard questioned how it would be handled if the Board wanted to keep the rate the same. Attorney Backenstoe commented it is a policy decision of the Board.

The Board would make a motion to set the rate and if it wasn't acceptable to him, he would have to let you know as soon as possible and the Board would need to work on an alternate situation.

Phil Gogel made a motion to set the Zoning Hearing Board Solicitor rate at \$105 per hour and a litigation rate of \$115. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

- IV. PUBLIC COMMENT. Katherine Mack questioned if there was a second opening on the Zoning Hearing Board; wouldn't someone need to be reappointed. Alice Rehrig commented Lloyd Hopkins term was the only term that was up and he did not want to be reappointed.
- V. EXECUTIVE SESSION. The Board went into Executive Session to discuss setting the wages for non-union employees. Upon returning from the Executive Session, David Hess made a motion to increase the wages of non-union employees as follows: Alice Rehrig, \$1,526; Chrissy Czonstka, \$1,370; Lori Lambert, \$1,270; Liz Amato, \$1,510; Frank Zamadics, \$1,205; Scott Fogel \$1,123. Jerry Pritchard seconded the motion. Keith Hantz questioned what the percentage is for the raises. Mike Jones commented the Board did not use percentages. Jerry Pritchard commented the increases were set in a manner to make all the salaries an even number. Keith Hantz commented there would still be a percentage associated with the increase; he knows Alice Rehrig provides that to the Board. Mike Jones commented the increases do not fall within the percentage charts they were given. All voted aye. Motion carried.
- VI. ADJOURN. Cindy Miller made a motion to adjourn. Phil Gogel seconded the motion. All voted aye. Motion carried.