

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 Tuesday, January 6, 2025, at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport. The meeting was called to order by Jerry Pritchard with the Pledge of Allegiance.

Present: David Hess  
Janet Sheats  
Cindy Miller  
Jerry Pritchard  
Alice Rehrig  
David Backenstoe

Absent: Mike Jones

II. RE-ORGANIZATION

- A. Appoint Temporary Chairman. Janet Sheats made a motion to appoint Jerry Pritchard as Temporary Chairman. David Hess seconded the motion. All voted aye. Motion carried.
- B. Appoint Temporary Secretary. Cindy Miller made a motion to appoint Alice Rehrig as Temporary Secretary. David Hess seconded the motion. All voted aye. Motion carried.
- C. Permanent Chairman. David Hess made a motion to appoint Mike Jones as Permanent Chairman. Janet Sheats seconded the motion. All voted aye. Motion carried.
- D. Vice-Chairman. David Hess made a motion to appoint Jerry Pritchard as Vice Chairman. Janet Sheats seconded the motion. All voted aye. Motion carried.
- E. Secretary. David Hess made a motion to appoint Alice Rehrig as Secretary. Cindy Miller seconded the motion. All voted aye. Motion carried.
- 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. David Hess seconded the motion. All voted aye. Motion carried.

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- G. Manager. Janet Sheats made a motion to appoint Alice Rehrig as Manager. David Hess seconded the motion. All voted aye. Motion carried.
- H. Zoning Officer. Cindy Miller made a motion to appoint Elizabeth Amato as the Zoning Officer. David Hess 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 at \$1,000,000. David Hess seconded the motion. All voted aye. Motion carried.
- J. Select Depositories for Township Funds. Janet Sheats made a motion to keep the current depositories of Neffs National Bank, PLGIT, and Truist Bank with Neffs Bank and PLGIT as the main depositories. David Hess 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. Janet Sheats seconded the motion. All voted aye. Motion carried.
- L. Appoint Legal Counsel to Planning Commission. Cindy Miller made a motion to appoint Michael Corriere as Legal Counsel to the Planning Commission. Janet Sheats seconded the motion. All voted aye. Motion carried.
- M. Appoint Engineer. Cindy Miller 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. David Hess made a motion to appoint Keystone Consulting Engineers as Sewage Enforcement Officer. Janet Sheats seconded the motion. All voted aye. Motion carried.
- O. Appoint Vacancy Board Chairman. Cindy Miller made a motion to appoint Sandy Hopkins as Vacancy Board Chairman. David Hess seconded the motion. All voted aye. Motion carried.
- P. Appointment of Members to Boards & Commission
  - 1. Municipal Authority—5 year term. Steve Arnold has been serving on the Municipal Authority for the past five years. He has been learning the business side of the authority over these past five years. As a mechanical engineer, he was pretty well versed on the technical side of waste water and sewer systems. His full time job is vice president of Environmental

Technology and Risk Management for Crum and Forster Insurance Company. Since he has been on the Authority, he had been following Carl Sharpe over the years and it was a mutual understanding between them when he accepted Vice Chairman a number of years ago, that he would eventually follow in Carl Sharpe's footsteps as Chairman. At their reorganization meeting last Thursday, he was now appointed as Chairman for the Municipal Authority, so he is coming before the Supervisors with their recommendation.

Jerry Pritchard questioned if Mr. Arnold was familiar with the balloon payment that the authority missed. Mr. Arnold commented he was familiar with it. He does agree they need to tighten up on the process pertaining to items like this to prevent something like that from happening again.

David Hess questioned if the Authority has decided who will periodically attending the Supervisors meetings for this year. Mr. Arnold commented the Authority hasn't determined that yet.

Cindy Miller commented one of the reasons she wanted to have some representation at the Board meetings was because of the upcoming projects like the Seminary and Turkey Hill. Hearing what is going on with the Municipal Authority helps the Board understand things. Having the open communication between the two Boards helps the Municipal Authority understand where the Township is in the planning process and it helps the Board understand where the Authority is as things are moving through the process.

Jerry Pritchard commented it seemed like the Authority was allowing collections to go on too long before they reigned them in. Steve Arnold commented they were. They got a list a few years ago and started applying pressure to get the payments. They also have a plan with their Solicitor to make sure if any of the properties with liens are on the market that the Authority has the ability to bid on the property for an amount up to what they are owed. The primary function of the Authority, and what he pledges to do, is to take recommendations from the Board of Supervisors, and to develop a quality water and waste water treatment program.

Cindy Miller made a motion to appoint Steve Arnold to the Municipal Authority. David Hess seconded the motion. All voted aye. Motion carried.

2. Recreation Board—5 year term. There were two applicants for this position.

Amanda Beil. Ms. Beil has lived here her whole life. She has never served on a board before so this would be new to her. She is not sure of all that the Recreation Board does, but has done planning in other aspects. She would like to become more involved and does have ideas of what could be done, such as a community treasure hunt, a zombie crawl, Christmas caroling, a Heritage Day or game night, tours of historical places or places of interest in the Township, a community cook-off, Easter egg hunt, something organized for the Seniors, movie nights, or a community days like Moore Township has. She is not sure what has been done in the past, but she is here to see what she can help with and give ideas and see what she can do. In the past she has helped at church with banquets and treasure hunts and lunch and learns at work.

Jerry Pritchard commented the best way to learn to is to come to the Rec Board meetings. The more people who are willing to come out and help, the more we can do.

Janet Sheats questioned what made Ms. Beil decide to get involved at this time. Amanda Beil commented she decided this year she would take a break and do what she wants to do and thought this would be something different for her. She wants to concentrate on herself for a change. She saw the ad in the Town and County and thought this was something she could do. Depending upon the activity, it would also be a way to get her son involved in the community and local area.

Janet Sheats questioned if Ms. Beil would still be willing to volunteer with the Rec Board if she were not appointed to the Board. Ms. Beil commented she would be; she doesn't know what is involved and it would be a good way to start. Jerry Pritchard commented she or anyone else is welcome to attend the Rec Board meetings. They will not turn anyone away.

Patrick VanderPloeg. Mr. VanderPloeg is currently on the Recreation Board. He hasn't been on for a full five years because he is finishing someone's term. He has enjoyed his time on the Rec Board, helping with the Tree Lighting and trying to get a Softball Game together, even though the weather did not cooperate. He would like to get other ideas started. He is currently working on Ag Days. He has been out to the parks and tries to get Delps a couple of times a year and talk to people walking the

track to get an idea of what they would like to see. He'd like to hear what the people who are actually using the park would like in addition to the thoughts of the Rec Board. He loves the Township parks, but doesn't use them as much as he should, other than fishing at Indian Trail Park. He also believes we have a great current Rec Board and hopes the Board would retain him on the Board.

Jerry Pritchard comment as a member of the Rec Board, Mr. VanderPloeg has come up with some good ideas. Sandy Hopkins commented that he has been one of the more active members of the committee and comes up with some good ideas, especially when it came to getting entertainment. She knows if he is given an assignment to do something, it will get done and be done right.

Sandy Hopkins commented she would also encourage Amanda Beil to attend the meetings whether or not she is on the Board.

Cindy Miller made a motion to appoint Patrick VanderPloeg to the Recreation Board. Janet Sheats seconded the motion. All voted aye. Motion carried.

3. Planning Commission—2 four year terms. Cindy Miller has been on the Planning Commission for over 20 years. She brings an amount of knowledge to the Township because of being on Planning. She has been involved with the Comprehensive Plan, the writing of and helping with the ordinances, such as the warehouse ordinance, the short term rental ordinance, the marijuana ordinances and having the foresight to look ahead at what it coming as to what could potentially be coming to the Township and having an understanding of what the Township residents want. She feels she brings a lot of this background to the table. She also serves as liaison between the Board of Supervisors and the Planning Commission. She is able to sit at the Planning table, discuss the plans, and answer questioned brought to her by the Board of Supervisors and proceed from there.

Jerry Pritchard commented, as a general statement, the more ordinances you write, the more regulations you have, and you will strangle the residents with regulations. He hopes going forward we can get a handle on the amount of regulations we are putting on our citizens. Cindy Miller commented one of the biggest concerns with ordinances and regulations is what the State is trying to force upon municipalities with commercial and

residential development. The concern is, if this would pass, the major impact that it will have Lehigh Township for not only the loss of farmland, but the financial status as well.

Janet Sheats made a motion to appoint Cindy Miller to the Planning Commission. David Hess seconded the motion. All voted aye. Motion carried.

4. Zoning Hearing Board—5 year term. Katherine Mack commented she has been on the Zoning Hearing Board for a long time, close to 50 years. A few years after she moved into the Township in 1973, she was asked to serve on the Zoning Hearing Board and has served ever since. She has enjoyed it and enjoys being involved with Lehigh Township. She has lived here a long time and loves living here; it is a great community. She also serves on the Ad Hoc committee for the revising of the zoning ordinance and will also be working on the SALDO. She was a former teacher and administrator for the Northampton Area School District and is retired from there.

Janet Sheats commented she would like to see more sharing of the duties or interaction with the other members of the Zoning Hearing Board. Katherine Mack commented the Board is fairly quiet while the applicant's case is being presented; they are listening or taking notes. Then comes time for questioning and they have a dialog with the applicant and their attorney. Anyone can ask questions at any time; there is no specific order. The audience can also ask questions or make comments about the applications that are already there. After all that is done and people are summing things up, as Chairperson, she looks around and says are we ready to make a motion. Jerry Pritchard commented generally the Chairperson wouldn't make the motion. He believes it is too much to have one person who is serving as Chairperson making the motions. The motions should be delegated to the other members. The Chairperson should be more of an administrator of the motion. The more other members of the board start making the motions, the easier it becomes. When someone is on the other side of the table as the applicant, it looks a lot better when the Chairperson is not making the motion, ask for the motion, and make the decision. Katherine Mack commented everyone generally follows Roberts Rules of Order, although it is not strict. There is a Roberts Rules of Order for small boards which are boards with less than 12 members. Under this Roberts Rules, the Chairperson normally make the motion. For large boards, the Chairperson does not make the motion. Jerry Pritchard commented he just feels it comes across a lot

better when the Chairperson is not making the motion. Katherine Mack noted she doesn't always make the motion. At the last meeting, Lynn Tammaro made the motion. There have been others, but it has been a tradition or a matter of custom over the years, for the members to look to the Chairperson to make the motion.

Barry Haydt commented the board does look to the Chairperson or the Vice Chairperson in their absence to make the motion. The decision is not made by one person; it is the entire board. They all decide on the matter; Katherine Mack just creates the wording.

Janet Sheats questioned if it wouldn't be Attorney Ettinger's job to keep the Board doing what they're supposed to be doing. Attorney Backenstoe commented it is the solicitor's job to make sure the Zoning Hearing Board acts properly. There is no legal reason that the Chairperson of the Zoning Hearing Board cannot make a motion. It is just something that was noticed from the Supervisors perspective and you would like some changes. It is a matter of preference or perception, not something that is inappropriate.

Jerry Pritchard commented it seems like this past year or last two years have been a doozy. Is this really how we want to operate amongst our citizens? Not just the Zoning Hearing Board, but amongst each other. He thinks there were a lot of lessons learned by people as citizens. He has seen a lot of people spend a lot of money on what was really nothing. Hopefully, going forward, we can change that. Katherine Mack commented there is an opportunity now with the Ad Hoc Committee and looking at the regulations. Zoning is important because it provides structure to the Township and gives the Township the ability to provide what is required by law. Now that our rules and regulations are in the process of being revamped, it gives everyone the opportunity to take a look at the rules and what is required by law.

Cindy Miller noted the Zoning Hearing Board is a quasi-judicial board; that is their function. If you are talking about zoning and ordinances, the Board of Supervisors is ultimately responsible for passing of ordinances. It is not the Zoning Hearing Board responsibility. If someone on the Board has a problem with the ordinances, then the Board needs to speak up and make recommendations as to what needs to be changed.

Katherine Mack commented the Ad Hoc Committee will be presenting the zoning ordinance to the Board of Supervisors to be revised and voted

upon. The Zoning Hearing Board only hears exceptions to the rules and they have to make the decision as to whether they can allow that depending upon the use of the land. Use variances are difficult to get, special exceptions are easier if you follow all the criteria for a special exception, and dimensional variances are usually not as hard to get. They are there and people need to come to the Zoning Hearing Board and pay the fee. It's not cheap at \$750. Jerry Pritchard commented he was referring mostly to the cost of the attorney. Katherine Mack commented some people choose to come without a lawyer and they take that into consideration. Attorney Ettinger or Attorney Caffrey have helped residents through the process so they can present what is needed for a case of they don't have an attorney.

Jerry Pritchard commented an example of the costs is the house below him. He turned them into the Zoning Officer because he starting seeing all kinds of out of state plates and was concerned that it would turn into another situation like on Longacre Drive. After it was learned they were a different type of use at the hearing, they were denied. They appealed to the County. To settle the appeal, the Supervisors developed conditions for approval, but the Zoning Hearing Board didn't agree so the appeal continued through the Court. The Court didn't agree with the Zoning Hearing Board and overturned the decision. So, now they are still there, the Township is out of money, the tax payer is out of money, and there are no conditions. Now, they are there with no conditions when Board had conditions worked out. He would like to see things move forward with common sense rather than throwing good money after bad. Katherine Mack commented she unfortunately was not there for that decision. Barry Haydt commented the attorney came up to him after the case and said he does a lot of zoning and the Zoning Hearing Board handled the case about as professionally as could be. Jerry Pritchard commented his point is, if we are all working together as a Township, we need to have give and take between the Boards. Janet Sheats commented it's a new year. She wants to see everyone working together for the good of the Township.

Katherine Mack commented it is good to see all of the Supervisors coming to their meetings. The more people attend meetings, more they see how the various committee interact. It is the same with Planning. It is interesting to sit through those meetings as well. Everything meshes together so you need to understand each other. There is a common goal.

Jim Hoppes commented he was on the Zoning Hearing Board years ago, then got off for a while and is now back on. Years ago, they always



looked to the Chairman to make the motion. There were many times he voted no because he didn't like what they did. They usually talk about it in front of the people who are coming for the variance. Katherine Mack commented people have input into those motions if there is something they want to add or amend. It is fluid. Jim Hoppes commented Katherine Mack has been an asset to the Township and the residents. She does what is right for the Township and the people. If someone comes for a variance and it just doesn't make sense or they are doing it for a profit, it is not a proper variance. He has no objection to start making the motions.

Cindy Miller made a motion to not retain Katherine Mack on the Zoning Hearing Board. There was no second to the motion.

Cindy Miller explained her reasoning for the motion. She is not going to put up with another year like we had last year with what was going on. The interactions of higher legal fees are unnecessary, the meetings that are occurring that are unnecessary, and the accusations that have gone on that are unnecessary have to stop. We are paying a lot of legal fees for meetings that the Zoning Hearing Board is having when there is no reason for having the meeting. There have been emails and calls to the Township solicitor and the Board has asked that they be stopped, but it didn't stop. There are things going on with the Zoning Hearing Board Solicitor, Ms. Mack, the Zoning Hearing Board and the Board of Supervisors that has been nothing but conflict. It has put the Board of Supervisors in a position where they have had to take a stand where they shouldn't have to take a stand. It has put our Zoning Officer and solicitor in awkward positions and we can't keep going on with what is going on. Jerry Pritchard commented it is so simple for someone to pick up the phone and call an attorney when it is public money. If they were paying it on your own, you were paying it on a private matter, they wouldn't be calling as often. We need to reign this in with residents.

Katherine Mack questioned Attorney Backenstoe if she calls him frequently. Attorney Backenstoe commented that he wouldn't call it frequently. As he has stated in the past, he does bill on occasion. If someone calls him up and it is a two minute quick conversation, he doesn't bill for that. If he has to do some research, he may bill. He doesn't believe Katherine Mack calls him often. There may have been some emails that he may have had to research.

Cindy Miller commented there have been conversations with the Zoning Hearing Board Solicitor that have jacked up prices, constant conflict with

the Zoning Officer, and then the Zoning Hearing Board wants to make it kind of like the Zoning Officer will report to them. Her concern is you have served almost 50 years on the Zoning Hearing Board and not understanding the true responsibilities of the Zoning Hearing Board. Katherine Mack commented this is untrue. Cindy Miller commented it is because she has tried to get the Zoning Officer to report to the Zoning Hearing Board. It has been made very clear by the Board of Supervisors, the Zoning Officer, and the Solicitor, but the Zoning Hearing Board Solicitor has done things to try to get the Zoning Officer. Katherine Mack commented she is not Neil Ettinger and no control of what he does. Cindy Miller questioned if Katherine Mack has called meetings with Neil Ettinger. Katherine Mack commented she has spoken with him. Cindy Miller questioned if she has ever called for a meeting off site with the Zoning Hearing Board and Attorney Ettinger. Katherine Mack commented yes, they had an executive meeting. Cindy Miller questioned why the Zoning Hearing Board would need an Executive Session. Katherine Mack commented they wanted clarity on some legal issues. Cindy Miller commented based on what was found, the clarity was “could the zoning officer report to the Zoning Hearing Board or have to take instruction from the Zoning Hearing Board. Katherine Mack commented that wasn’t true. Cindy Miller questioned why executive sessions are needed after a zoning hearing has occurred and the zoning officer is told she can leave. Barry Haydt commented the zoning officer doesn’t want to be here; she has other things to do. She asks if she has to stay. Katherine Mack commented the zoning officer doesn’t attend any of their executive sessions. Cindy Miller questioned if meetings were held after the zoning hearings were over and the legal responsibility of the zoning hearing board has concluded. Did the meeting continue? Katherine Mack commented the last time they met they held a meeting afterwards, the meeting was not adjourned, it was still a public meeting. That meeting was requested by Attorney Ettinger and it was about personnel. Attorney Ettinger is the zoning hearing board’s personnel. It had nothing to do with the Zoning Officer; her name didn’t come up at the meeting at all. The Zoning Hearing Board agreed to stay and listen to what Attorney Ettinger had to say. David Hess questioned if Attorney Ettinger had the right to do this. Attorney Backenstoe commented a solicitor can say to their board that they would like to have a conversation as long as it is an appropriate executive session topic. David Hess commented if the Board doesn’t like that it happened, then they should be speaking with Attorney Ettinger. Jerry Pritchard commented there is a concern that if Attorney Ettinger is calling meetings about personnel, it should only be pertaining to the Zoning Hearing Board, not anyone employed by the Township because

they fall under the Board of Supervisors. Katherine Mack commented the Executive Session had to do with Attorney Ettinger himself. The Zoning Hearing Board hires him; he is their employee/personnel, and he needed to have a discussion and that is what he did.

Lynn Tamarro commented he has been on the Zoning Hearing Board for six or seven years. There has only been one time when there was a meeting held outside of the Township Building and that was a time when there were no zoning hearings scheduled and there was something they needed to discuss. They do not hold meetings helter skelter whenever they want. They adhere to the rules and do the best they can with the rules that were made. They can't pick and choose which ones they enforce. He would suggest the Board review the rules if they do not like them. As far as the Zoning Officer, there is no question that she doesn't work for them. Jerry Pritchard commented the Board is paying the legal bills. As the payor, you have to question what they are getting out of this. Lynn Tamarro commented the Zoning Hearing Board cannot control who takes them to court when their application is denied. That is where the money is; not meetings and phone calls.

Cindy Miller questioned if the Zoning Hearing Board goes to the Zoning Officer first or do they go to their Solicitor when they have questions. Jim Hoppes commented he goes to the Zoning Officer first. Barry Haydt commented other than possibly one time, he has never called the Solicitor. Lynn Tamarro commented he has called Attorney Ettinger once or twice regarding a case, but he has also spoken with the Zoning Officer as well. Katherine Mack commented she also sees the Zoning Officer on a regular basis. Attorney Backenstoe commented he does recall the question of enforcement of zoning hearing decisions came up at a Supervisors meeting. The Zoning Officer would enforce a zoning hearing decision in the same manner in which she would enforce an ordinance. Once there is a zoning hearing on a property, that is the rule of that property.

Cindy Miller questioned if David Hess is able to vote on Katherine Mack's position on the Zoning Hearing Board because she is a client of his and he did work for her. David Hess commented he called the Ethics Board, Martin Harder, Deputy Chief Council, and he said there was no problem with this. Attorney Backenstoe commented it is not the fact that he did work for Katherine Mack. The question is, is somebody using this position as a Supervisor to get some type of pecuniary gain, which he doesn't believe to be the case. David Hess commented every time a

motion is made or he says something, Cindy Miller brings this up. He has worked for Jerry Pritchard's sister and Mike Jones's father. Cindy Miller commented she is looking at what is going on in government at every level and it is called quid pro quo. David Hess questioned how many businesses in the Township did Cindy Miller's company buy and sell. Cindy Miller commented the company she works for had not bought and sold any properties. It is not her company. She doesn't work for a developer; she works for realty. They are two different entities. Attorney Backenstoe commented the ethics board didn't see the voting as an issue and he also doesn't believe that there is a conflict with voting on her position on the Zoning Hearing Board. David Hess commented this always comes up when Cindy Miller doesn't agree with the way he is voting.

Barry Haydt commented with David Hess being a businessman in the Township, he's going to be working for people in the Township in which there are decisions to be made. It is a small community; that is the way it has to be.

Janet Sheats made a motion to retain Katherine Mack on the Zoning Hearing Board based upon her experience, not her name. David Hess seconded the motion. David Hess, Janet Sheats, and Jerry Pritchard voted aye. Cindy Miller was opposed.

- Q. Appoint Representative and Alternate to Tax Collection Committee. Cindy Miller made a motion to appoint Suzanne Hawke as the Delegate to the Tax Collection Committee. Janet Sheats seconded the motion. All voted aye. Motion carried.

Cindy Miller made a motion to appoint Denise Schmall as the alternate representative to the Tax Collection Committee. Janet Sheats seconded the motion. All voted aye. Motion carried.

- R. Establish Regular Monthly Meeting.
1. Board of Supervisors. Janet Sheats 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. David Hess seconded the motion. All voted aye. Motion carried.
  2. Zoning Hearing Board. Janet Sheats 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. Cindy Miller seconded the motion. All voted aye. Motion carried.

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3. Planning Commission. Janet Sheats 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. Janet Sheats made a motion to keep the Recreation Board meetings on the 3<sup>rd</sup> Monday of each month at 7:00 p.m. Cindy Miller 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. Janet Sheats seconded the motion. All voted aye. Motion carried.
- T. Certify delegate to State Convention and Appoint Voting Delegate. Janet Sheats 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.
- V. Establish Zoning Hearing Board Solicitor Rate. Attorney Backenstoe commented the governing body is supposed to provide a budget or appropriate funds for so the Zoning Hearing Board can operate. It is not crystal clear in the way it is written, but the Zoning Hearing Board may employ and fix the compensation for legal counsel so technically they would be setting the rate; however, when you look at how the section of the law pertaining to this reads, it states the compensation of the legal counsel shall not exceed the amount appropriated by the governing body. The Board would either need to set a rate by hour or a total budget amount, but the problem with this is that when you get to the end of the year and the budget is used up, what do you do because the Zoning Hearing Board must have their meetings to avoid a deemed approval. Because of this, he believes most of the township solicitors interpret it as the Board of Supervisors sets a rate because a hearing must be held if an applicant files for something.

Jerry Pritchard commented he has spoken to several attorneys regarding their rates and the current rate for Attorney Ettinger is low. His concern is that when you have a solicitor calling an executive session for personnel for himself, he is getting paid to hear himself. This is a concern because he could be calling executive sessions all the time. Janet Sheats commented she would agree. She also did call some attorneys. He currently is at \$105 per hour and is requesting \$130. She only found one in Northampton County at \$130. The rest were at \$150

or more. She doesn't agree with all of his actions, but she also feels that he deserves a fair rate. It's a new year, we can start fresh. He would also hope that if he doesn't do his job as he is supposed to, the Zoning Hearing Board would let the Board know. Lynn Tamarro commented there seems to be a misconception regarding Attorney Ettinger calling a meeting. He didn't call a meeting. Katherine Mack commented the discussion was about himself in part regarding the rate. Cindy Miller commented it was also about prepping the Zoning Hearing Board to come to a Supervisor's meeting to read a memo that probably the solicitor wrote. You can see it in the bills.

Janet Sheats made a motion that the Zoning Hearing Board Solicitor Rate be increased to \$130 per hour. Cindy Miller seconded the motion. Cindy Miller commented even though the current rate is low, the monthly bills are much higher than what we have ever paid. Janet Sheats commented she has also seen the bills and believes we need to have open communication. There is a lot of he said and she said going on. She would rather sit down and talk to him about the billing and hear why it is the way it is. She believes the Board should have the right to do that since they ultimately have to pay the bill and answer to the taxpayers. David Hess commented the Board did meet with him and he made it clear he works for the Zoning Hearing Board, not the Board of Supervisors. Janet Sheats commented she wasn't on the Board for that meeting and is basing this upon the September/October billing. Jerry Pritchard commented the Board is the steward of the taxpayers' money. He would also hope that the Zoning Hearing Board would look at it the same way and ask themselves if they really need to have that meeting. Phil Gogel questioned what Attorney Backenstoe's rate was because he would hope that the zoning solicitor would be lower than what Attorney Backenstoe's rate is. Attorney Backenstoe commented his rate is \$150 per hour. Phil Gogel commented he does agree that even the \$130 is cheap for an attorney. Even though you may have one attorney who is willing to work cheaper than another, the quality of the work really dictates on the attorney and how he deals with zoning issues. He has attended a zoning hearing, and the guy is outstanding. He has listened to him when he was on the Board and when he gave his presentation, you could tell how on the ball and quick he was. He was very knowledgeable. You pay for what you get and sometimes he may need to prep a little longer for certain things and from what he saw, he was underpaid. All voted aye. Motion carried.

- W. Establish Holidays for Non-Union Employees. Janet Sheats 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 Ordinance Update. Alice Rehrig wanted to make the Board aware that Charlie Schmehl, the consultant who was hired to do the Zoning Ordinance update, will not be able to complete the project because of becoming ill. The Board will need to look at having someone else complete the project. Mr. Schmehl's office has been in contact with Pennoni Associates and it appears that they would be able to finish the zoning ordinance for the contracted amount, but has not yet committed to the SALDO. Another party was contacted and he has not committed to being willing to complete either project and he also does not carry professional liability insurance. Another option would be to talk with Mike Muffley and see if he or his firm would be able to complete the project. Cindy Miller commented the Planning Commission was told Mike Muffley couldn't do it, but there may be someone in his firm that would be able to do it.

Attorney Backenstoe commented there is a different skillset needed to rewrite an entire zoning ordinance. It is one thing to write a single ordinance or an amendment to an ordinance, but a major revision is a different skillset. He can understand why Mike Muffley as the Township Engineer would say no to rewriting an entire ordinance.

Cindy Miller commented the main issue is that we have a consultant who worked on our Comprehensive Plan, understood our zoning and took on redoing the zoning ordinance because he was already familiar with it and didn't have to start from scratch with learning the ordinance which is why his pricing was what it was. As new firm coming in would have to start from scratch and learn our zoning, review everything, and then take over there in order to do the SALDO. The Ad Hoc Committee believes that completing the zoning may not be an issue with the balance that is remaining; however, it would most likely be an issue with the SALDO because that was not yet started. In order to do the SALDO, you need to understand the zoning.

Janet Sheats made a motion to table this. David Hess seconded the motion. Jerry Pritchard questioned if Pennoni was going to finish everything for what we owe on the contract. Cindy Miller commented she believes there was about \$3,000 remaining on the zoning and about \$9,800 for the SALDO. If someone new comes in, they may not be able to complete the SALDO for that amount of money. David Hess questioned if Charlie Schmehl's business had insurance that would cover him not being able to complete the contract. Cindy Miller commented that is why they are speaking with Pennoni, but the initial response that came back from them regarding the SALDO was concerning. Another engineering firm is not compelled to complete the work for the same price that Charlie Schmehl was contracted for. David Hess commented that would be what

the insurance would cover. Cindy Miller commented at this point we are still seeking answers to the questions. Alice Rehrig commented she wasn't expecting this to be resolved this evening. She just wanted to make the Board aware of the situation and where things were at this point. Phil Gogel commented he feels bad for the guy but why should the taxpayers pay the freight. If the job was contracted, the firm is responsible for the fulfilling the contract. If we didn't get a complete job, we shouldn't have paid him. Cindy Miller commented we only paid for the work that was completed. Alice Rehrig commented contracts for these services are typically written as a pay as you go. They get paid for the percentage of the work that was completed. There is not a problem with getting the information pertaining to the work that was done. It is a matter of finding someone to complete the work. All voted aye. Motion carried.

IV. NEW BUSINESS.

A. Resolution 2025-1, Appointing CPA for Audit. Cindy Miller made a motion to adopt Resolution 2025-1. Janet Sheats seconded the motion. All voted aye. Motion carried.

V. PUBLIC COMMENT. Katherine Mack questioned what the contract amount for the audit will be. Alice Rehrig commented the cost is \$6,250. Katherine Mack also questioned if the audit is set for the end of the term of Mary Trexler. Alice Rehrig commented that audit is in process. Katherine Mack questioned if there is an amount for that audit. Alice Rehrig commented the amount will be coming. Before a price could be provided, she needed to see what type of information would be available to her to do the audit.

VI. EXECUTIVE SESSION. The Board went into Executive Session to discuss setting the wages for non-union employees. Upon returning from the Executive Session, Janet Sheats made a motion to set the non-union wages for 2025 at the rates discussed in Executive Session and the Manager is to notify the employees. Cindy Miller seconded the motion. Phil Gogel questioned if there is a percentage associated with the wages. Janet Sheats commented at this time, the Board is not stating the amounts because they believe that the employees should be able to know their increase prior to the public. All voted aye. Motion carried.

VII. ADJOURN. Janet Sheats made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.