

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the June 8, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, June 8, 2021, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. Chairman Cindy Miller called the meeting to order with the Pledge of Allegiance and roll call:

Present: Phil Gogel
Cindy Miller
Keith Hantz
David Backenstoe
Phil Malitsch
Alice Rehrig
Scott Fogel
Liz Gehman
Frank Zamadics

Absent: Mike McGonigle
Mike Jones

II. APPROVAL OF THE MINUTES

- A. Minutes of May 25, 2021. Keith Hantz made a motion to approve these minutes. Phil Gogel seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS

- A. General Fund Checks 24900 to 24934. Phil Gogel made a motion to approve these bills. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. State Fund Check 1528. Keith Hantz made a motion to approve this bill. Phil Gogel seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

- A. Subdivision for Approval
1. David Buechele Minor Subdivision. Mark Leuthe was present to represent this plan. Mark Leuthe noted the plan was given conditional approval by the Planning Commission in May as outlined in their letter dated May 14, 2021. The only outstanding items are the signatures and the installation of the monuments. They will be preparing an access easement which will need to be revised and approved by the solicitor.

Phil Malitsch provided the Board with an updated review letter dated June 8, 2021. There is a waiver of Section 147-37.A regarding monumentation. There are some areas of the site which are not accessible to place monuments.

Phil Gogel made a motion to grant the waiver being requested of Section 147-37.A. Keith Hantz seconded the motion. All voted aye. Motion carried.

Keith Hantz made a motion to grant this plan conditional approval subject to the conditions outlined in the Planning Commission letter dated May 14, 2021, and the Township Engineer's review letter dated June 8, 2021, and the Solicitor reviewing and approving the access easement. Phil Gogel seconded the motion. All voted aye. Motion carried.

- B. Comprehensive Plan Update/Special Meeting. The Comprehensive Plan Committee has finalized a draft of the Comprehensive Plan. With the completion of a draft of the plan, the Planning Commission is requesting to hold a public meeting on Thursday, June 24th at 7:00 p.m. to review the comprehensive plan with the committee. There would also be an open house held at 6:30 p.m. for people to come up and view the map before the start of the meeting. The Board of Supervisors is invited and encouraged to attend to make comment, but they cannot vote on anything. It is mainly for the Board to view it and give input. This meeting will be advertised in the Home News as well as be placed on the website. They are looking to get this information out to as many residents as they can so that people become aware of this. The Comprehensive Plan updates may lead to changes in the Zoning Ordinance which would follow the acceptance of the Comprehensive Plan.

Keith Hantz questioned if all the property owners whose property will be affected have been notified like we did for the residents along Cherryville Road and Locust Drive. Attorney Backenstoe commented if there is a zoning change, you would notify the property owners. He doesn't believe there is a requirement to notify residents of a change in the Comprehensive Plan which would affect the whole Township. Keith Hantz commented when the zoning was changed for Cherryville Road and Locust Drive, a lot of people came out to the meeting. Attorney Backenstoe commented the Comprehensive Plan is like an umbrella. It is a vision that the Township has for how they would like to see the Township developed over the next ten or twenty years. There are no specific regulations regarding Zoning or SALDO within the plan. It basically says you would like to

see more or less development of the Township or specific areas, protection of waterways and environmentally sensitive area. There is no specific enforcement regulation. The regulations come from the Zoning Ordinance and the SALDO. These both have the specific regulations that effect the property owners in a direct way. If the Board felt strongly about notifying residents about the Comprehensive Plan, there is nothing wrong with sending out a Township wide newsletter. Keith Hantz commented he doesn't believe most people understand what the Comprehensive Plan is and how it could affect the zoning of their property. He believes that is why a lot of people came out for the Cherryville Road and Locust Drive change. Attorney Backenstoe commented even though the change was part of the overall Comprehensive Plan, the actual change that the Board made was a zoning change to certain properties. Adopting a Comprehensive Plan will not change zoning in any way. In order to change the zoning, you would need to make an amendment to the Zoning Ordinance and follow all the regulations and processes like what was done for Cherryville Road. If a new Comprehensive Plan is adopted, no one's property changes. The Zoning Ordinance still controls the individual properties. If, through the process, the Board wants to change in zoning, then you would have to post the properties and notify the effected property owners.

Cindy Miller commented the confusion may be because in the Comp Plan there are districts. There are some changes to districts. Someone may be in A/RR and be changed to VC or vice versa, but they are not working on the ordinances to make these changes. They are working on the maps and will be reviewing them that night.

Attorney Backenstoe noted adopting a new Comprehensive Plan does not constitute a new rezone. You must amend your zoning through an ordinance adoption. Keith Hantz noted the ad indicates that the recommendation may lead to an update of the Township Zoning Ordinance. Attorney Backenstoe commented if the Township does amend the Zoning Ordinance, then the property owners must be notified. He understands the concern for notifying the residents. If you feel that there is a particular area which anticipates change in the Comprehensive Plan, you can send the property owners notice. There is nothing wrong with that. However, if the actual area does get changed by Zoning Ordinance in another year or two, you would be required to notify them again at that time.

- C. Engineer's Report. Phil Malitsch did not have anything specific to report.

V. DEPARTMENTAL REPORTS

- A. Recreation Report. Sandy Hopkins reported the fencing for the dog park has been installed. She met with David Hess and he will be getting the concrete installed. They currently have the park locked because they feel there should be certain things in place before opening the park, such as completing the concrete and having dog waste stations installed. The Recreation Board came up with a set of rules for the park and would like the Board to approve them so the signs could be ordered. If everything works out, she would like to open the park by the end of June and have some type of dedication program. In the meantime, they are looking for donations. They would like to install some benches, some trees for shade, and the dog waste stations.

Cindy Miller questioned if we need to report the dog park to the insurance company for liability purposes. Alice Rehrig commented she notified the insurance company that the fencing for the dog park was installed so that it would be added to our policy.

1. Dog Park Update/Rules. Keith Hantz made a motion to approve the dog park rules presented by the Recreation Board. Phil Gogel seconded the motion. Kristen Soldridge questioned if there would be any type of fundraisers that businesses could participate in, such as a raffle. Sandy Hopkins commented there has been discussion about doing a basket social. After reading the different rules, Randy Braun questioned if the rule that reads dogs displaying aggressive behavior or excessive barking may be removed the park should be must be removed from the park. Cindy Miller commented the enforcement becomes difficult. Katherine Mack commented the people who regularly use a dog park tend to be self-policing. They want to keep the park nice and protect the animals that are there. Kristen Soldridge commented her cousin takes his dog to a dog park. He said the people at the dog park are usually on top of things. If they see an aggressive dog, they try to help the owner with some training to keep the dog calm, and if not, they cordially ask them to not come back again because they are not only putting their dog at risk, but the other dogs and people that are there. If someone tries to break up a dog fight, it is usually more than just the dog that gets bit. Jerry Pritchard questioned if we were ready to go with the concrete and the bricks that people ordered. David Hess commented this is going to be discussed at the next Recreation Board meeting. All voted aye. Motion carried.

- B. Public Works Report. Frank Zamadics wanted to let the Board know there was some snow plow damage back in February from the plowing on the unfinished roads in the Hills of Greenock. It bent the plow and twisted the A frame and reflected to the hitch of the truck. A claim has been filed with the insurance, but we have not heard back from them yet. Since we are in June and a plow would need to get ordered shortly, he wanted to bring it to the Board's attention.

Phil Gogel questioned if it was from the manhole covers sticking up. Frank Zamadics commented it was. When the truck went through in one direction, it was fine, but when he came back in the other direction, it caught. The plow is usable, but it is wearing funny and running the way it is supposed to. The estimates to replace the plow is around \$25,000, but we do not know what, if any, of the cost will be covered by insurance. Phil Gogel commented the plow will need to be repaired regardless and we should move forward on it. Frank Zamadics commented his concern is the cost and supply of steel. The plow for the truck that was ordered in January of 2020 was not received until February 2021.

Cindy Miller questioned how old the piece of equipment was. Frank Zamadics commented it is a 2008. The replacement of the vehicle is not placed until 2028 or 2029. Cindy Miller questioned if there was only one estimate or would there be more. Frank Zamadics commented he only received the one. He is trying to keep the uniformity in the fleet where everything fits from one truck to another. This particular plow and hitch are the old balls in the fleet. It was ordered through J & J Body and that was when it was realized that if there is a problem, you end up having to run to the western part of the State for warranty work. We have been trying to stay more local since then.

Alice Rehrig commented that before the plow is actually ordered, she will make sure that the ordering of the plow will not jeopardize anything with the claim.

Phil Gogel made a motion to approve the repair of the plow pending Alice Rehrig obtaining feedback from the insurance company. Keith Hantz seconded the motion. Jerry Pritchard questioned what happens if the insurance company comes back and says they are not giving the money, is the motion dead? Why not wait until you hear from the insurance company and you know what you're up against. Phil Gogel commented it doesn't matter, we still need to fix the truck. This way everything will go once Alice Rehrig hears back from the insurance company.

Cindy Miller commented if the insurance company will not pay for the repairs, we still need to get it fixed, but we will know where we stand. All voted aye.
Motion carried.

Frank Zamadics also noted there are several unused soccer frames that are sitting at Delps Park and Danielsville Park. We may want to reach out to LTAA and let them know they are all there yet. A lot of the nets are unusable and it is becoming unsightly at the parks. In particular, the ones at Delps Park are in the way in the parking lot, especially with the dog park coming. Alice Rehrig commented she had been in touch with LTAA regarding the goals in Delps, but not Danielsville. They were looking to get them moved as soon as possible. Jerry Pritchard commented he believes there may be some in the woods in Pennsville as well. Keith Hantz commented he will contact LTAA and help get all of them moved.

- C. Zoning Report. Liz Gehman provided the Board with a memo updating the Board on various zoning issues that have been taking place in the Township. Keith Hantz questioned what was the problem with the outdoor dining at A Ca Mia's. Liz Gehman commented the Zoning Ordinance separates outdoor dining as a separate use. Restaurants are permitted in GC. However, outdoor dining with a restaurant is considered to be a café, which is a separate use and not permitted within the GC district. In order to have any type of outdoor dining, they would need a use variance. Last year, we were lenient with the outdoor dining because of COVID, but now the outdoor dining has extended even more into the parking lot. She was questioning if the Board wanted to put a time limit on how long the outdoor dining can exist before they would be required to go to the Zoning Hearing Board for relief.

Kristen Lorah commented the tents were put up as part of COVID. With everything being opened back up, they should be taken down. Other places are taking their tents down.

Liz Gehman commented she was looking at giving a 30 day notice for the tent to be removed. Cindy Miller commented there is quite a bit of parking being lost with the tent in the lot. Liz Gehman commented all the uses have parking requirements and with the tent taking up some of the spaces, there may not be enough at certain times because she knows they are quite busy. The Board felt 45 days would be a reasonable amount of time.

Keith Hantz commented with regard to the activities at the Lorah Farm, he does recall the meeting in 2012 when the Board gave them the authorization for the tractor pulls, but he does believe there are more activities taking place there

now compared to 2021. Liz Gehman commented she has been getting quite a few calls about it. It is not a matter of how late they are going, but the consistency of having an event every weekend. The previous action of the Board doesn't say he can't change anything, but that he should come back to the Board for the authorization for the addition of events or different events. Jerry Pritchard questioned how many events were permitted. Liz Gehman commented at the time, it was only three. Cindy Miller commented when the permission was given in 2012, it was only tractor pulls that were taking place.

Kristen Soldridge commented she is at every event. On behalf of the farm, there were more events last year because everything was shut down. They opened it up so families could get out of the house and spend time outside with other people doing something they enjoyed when everything else was closed. She questioned if there was ever a notification sent out telling them they needed to come back and advise the Township if the number of events changed. Liz Gehman commented they were notified after the meeting that if they wanted to change anything, they would need to come back to the Board and depending upon the change, zoning could be involved. She also noted there were some complaints last year, but the same leniency was applied because of COVID. Kristen Soldridge commented they do make sure they are following the noise ordinance. They actually cut people off if it gets too late. They do follow what they are advised to do. If there was not a reminder sent out, she believes it was forgotten because there is a lot that takes place on a daily basis, just from the farming aspect. Her Uncle works a full time job at night and is farming during the day, plus they have the pig roasting business. She would ask that they be contacted regarding the amount of activities they have and what approvals are needed. They wouldn't have a problem with coming in. With everything going on, they probably forgot. They do support the local businesses. Simcoe's and the gas station get a lot of business as a result of these activities; a lot of places get business from them having these events. It helps everyone. They have people coming from all over; it only benefits the Township. Liz Gehman commented she is not looking for it to be a problem. She is looking to be able to give people an explanation when they do call and complain. Right now, all she has to go on is that they were permitted to have three events a year. Kristen Soldridge commented she can ask her Aunt to put it on her calendar as an annual reminder to come in with the amount of events. It is hard because they need to coordinate their events with other events in the area so there are no conflicts with similar events.

Katherine Mack questioned if there is anything that involves Zoning when there is a large event like this. Liz Gehman commented Laura Harrier had looked into it back in 2012. In the minutes, it indicated that it wasn't considered as an

additional use. It was a use of the farm. Cindy Miller commented she believes it was because it was tractor pulls. Keith Hantz commented the memo that was sent out in 2012 does indicate that if there is a change, zoning may be required. If Liz Gehman sends out the memo there may be a possibility they may need to come in for zoning. Liz Gehman commented if it is determined that there needs to be additional relief because it is determined to be Agri-entertainment, it would be a use not provided for in the zoning ordinance which would make it a conditional use and come before the Board. Either way, it will be a Board decision. Cindy Miller commented the Board needs to understand the events because there may be zoning implications.

Katherine Mack commented that she disagrees with Kristen Soldridge regarding a reminder being sent. If someone received approval from the Board with parameters being set, it should be their responsibility to come back to the Board. It shouldn't be the onus of the Board to send them a reminder. They knew what they were allowed to have. If they over did what they were allowed to do, it is not appropriate to overstep what the Board allowed.

- D. Police Report. Chief Fogel commented the bridge at Route 248 and Municipal Road has been posted with a 25 ton weight limit. Initially, PennDOT didn't put up advanced warning sign, but they have since been erected. They gave everyone about two weeks to get acclimated to the weight restriction before they began enforcing it. Most of the trucks have altered their courses between Route 145 and Route 946.

There have also been speed related issues in the area of South Locust Drive, Timberline Road, and Walnut Drive. They are looking to find a decent location for them to do speed timing, but it is difficult to find a spot with appropriate site distance to watch the traffic and safely pull out.

The crashes are down more than 40 percent and there still are zero fatalities. Even the traffic citations have gone down but the level of enforcement remains the same. As a whole, things have slowed down for them.

Cindy Miller questioned if there was a detour for the 25 ton bridge. Chief Fogel commented there is not a specific detour for the bridge. It is just an advanced warning sign indicating the weight restriction ahead. It gives the trucks an opportunity to turn either left or right at Blue Mountain Drive and go to either Route 145 or Route 946. A similar sign is posted in Berlinsville giving them the opportunity to go down to Route 145 or onto Route 946. As long as the drivers are watching the signs, there are plenty of alternates. There are a few trucks that

have taken Maple Road to Municipal Road. He doesn't believe they could take Maple Drive all the way out because of a lane restriction on a bridge on Maple Drive. The trucks have been finding their way around; most of them are taking Blue Mountain Drive to Route 145. Others are picking up Route 946 in Bath and not even going on Route 248.

Cindy Miller commented she saw something on Facebook about the Lehigh Township Traffic Program and was wondering what that was. Chief Fogel commented Traffic Safety and Vision Zero are basically the same thing. That website was put together by the Bethlehem Health Bureau and the Traffic Safety Network. Every so often they update the site and add some information, such as a few months ago when we hit the two year mark with no fatal crashes. They also put information up regarding specific details that are geared towards Buckle Up or Aggressive Drivers. Cindy Miller commented she saw something where Walnutport did something and were sitting by the bridge. She doesn't know if Lehigh Township participated in that. Chief Fogel commented there was a joint enforcement detail with them about a month ago. Both Departments and the State Police were involved with that. There were probably a dozen police cars in the area between Route 248, Mountain View Drive, and Main Street in Walnutport. Slatington may also have been doing something on their side as well. It is a very effective means of traffic enforcement and helps all the communities. Cindy Miller also saw something at the bridge that had to do with pedestrians crossing. Chief Fogel commented that had to do with Pedestrian safety and cars violating people in the cross walk. Cindy Miller questioned if our cars were sitting over in Walnutport to participate in that. Chief Fogel commented our officers could participate; it is a grant funded program. It is a regional grant for the area that one of our officers coordinates and is paid through the grant for the coordination of the project. The pedestrian safety details usually take place in an area where there are a lot of issues. In the past year, there were two pedestrians fatally struck in the crosswalks in Walnutport.

Cindy Miller questioned the officer responses to the issues with the Air Bnb. When our officers have to respond, are they issuing citations to the owner or the people who are there in response to the violation. Chief Fogel commented it depends. He has been discussing this with Alice Rehrig and thinks they came up with a solution. Most of the people who are renting at the Air Bnb have not been there before and are not familiar with what is going on or why there is particular attention being paid to that residence. If they get called to the residence and shut everything down, they treat it as an initial offense. It's not the same person who creates the problem each time making it a dilemma for them to figure out how to

handle it. They were at the residence five or six times over the past couple months and only one time was it where they went a second time. He was discussing the possibility of citing the owner with Alice Rehrig and he believes the owners could be cited under the peace and good order section and can start doing that when they get called there. Cindy Miller commented she is concerned with what goes on there because she knows the residents are at wits end. She is very concerned that a resident will take it in their own hands. If they do, it will not be a good outcome. She doesn't want to see anyone, whether it's a resident, someone coming into the Township or one of our officers, placed into a potential situation where they could get injured. Unfortunately for the person who is coming there for the first time, they don't know any better as to what has been taking place. If they get loud, the residents get nasty because the residents have been putting up with this for two years now. She is very concerned with what could potentially happen there. Chief Fogel commented unfortunately the Township ended up behind the eight ball with this. Initially it was it is their property and they have the right to do what they want with it. Fortunately, we have gotten past that. He understands the neighbor's frustration. The dilemma for the Department trying to go in there and cite someone when they get loud for a period of time and the neighbors call is if they go out and shut it down and do what is asked of them, it is a dangerous place to start citing someone for disorderly conduct or a nuisance violation. The problem with doing that is if they do that for the people who are renting there who are having their first issue, then they will have to do that for all the other residents and keep them to that same standard. The people who are there for the first time have no knowledge of what has happened there in the past. The owners of the home are different. That would be the more appropriate way to handle it. He would advise the residents of the area to continue to call when there is a problem. They will come out and address it to make sure it is taken care of. Cindy Miller questioned if the officers are driving by or knocking on the door. Chief Fogel commented they are doing both. They drive up and will walk around the house until they hear the noise, and then they make contact with the person in the house.

Adam Raker commented he understands what is being said, but people are tired of it because it went on for well over a year and now we are just saying let's cite the owners. He understands why you wouldn't cite the person who is there for the first time, but on the flip side, if you have someone different there every night and every night it gets loud and they get to walk away, it's a nuisance for the neighbors and no surprise they would get angry. Something needs to happen and he believes it should have been happening already. The owners should be cited every single time there is a problem at that property regardless of who causes it;

otherwise, they just don't care. They were before the Zoning Hearing Board and denied. They built a deck on the house without a permit. They just don't care.

Jerry Pritchard commented you need to cite the person who is there now. Just like when someone is speeding, you don't cite the next person you pull over, you cite the person who you have pulled over now. That is who you ticket. The owner sat at the zoning hearing meeting and said, if we are such a nuisance, then why were we never cited. This has been going on and on and these people have had it. You can't keep waiting to cite the next guy. The next guy will be the neighbor who has had it. It would have really helped the Township with their case if they were cited, especially now that it is going on appeal. We need to be looking out for Lehigh Township first, not the tenants or owner. Chief Fogel commented he understands what everyone is saying. The Peace and Good Order section is not a section that has been used very often in the past. They just recently started using it. Attorney Backenstoe has looked over the section and it is the section they are going to start using.

Mary Trexler questioned how much the citations will cost? Chief Fogel commented they are sliding fines that could go up to \$300 to \$500 dollars. Mary Trexler questioned how much they are getting a night for the rental. Liz Gehman commented it is \$800 to \$1,000 per night. Mary Trexler commented they really don't have anything to lose. Cindy Miller questioned if the Township can increase the maximum fine on the citation. Attorney Backenstoe commented he would need to look into that.

Attorney Backenstoe commented the history of this is years ago, the Board had a discussion regarding adopting regulation for this type of use. The Board at that time didn't feel there was a need. Once it was brought up to the Township by the residents by a petition, the Board acted very quickly. The research was done and it was determined that the Township didn't regulate this particular use. Because there was nothing in place and if the Zoning Officer would have cited them, they would have had the perfect opportunity for an exclusionary zoning challenge. If an exclusionary challenge is filed, it means that the property owner can have that use wherever they want. Because of the possibility of this type of situation, the Township declared their ordinance invalid which put a 180 day stay on anyone filing an exclusionary zoning challenge. The Township then passed the resolution that was required in this process and then amended their ordinance for short term rentals and now allows them in other districts of the Township, just not in the residential district. As soon as the new ordinance was adopted, the Zoning Officer was able to cite them. As soon as she cited them, they filed an appeal with the Zoning Hearing Board. All the issues with the property were brought to

the Zoning Hearing Board and the Zoning Hearing Board determined it was an illegal use. The problem is under Pennsylvania law, you have the right to appeal a Zoning Hearing Board decision to the Court of Common Pleas and the Commonwealth Court. They are automatic rights if you want to exercise them. Ultimately, you have to file a petition for allocatur to the Supreme Court of Pennsylvania which may or may not be granted. Once an appeal is filed, that stays the Township from enforcing zoning actions. This law results from many cases where people are shut down for zoning violations and it turns out they were right. The court decision that creates these regulations is West Conshohocken vs. Soppick. In this case, a person came in and illegally built a structure which violated the zoning ordinance and the zoning officer cited them and they filed an appeal to the Zoning Hearing Board. The Zoning Hearing Board said the building was wrong and violated the zoning. They in turn filed an appeal with the Trial Court. The Trial Court said the Zoning Hearing Board was right so West Conshohocken started to cite the person \$500 per day every date while he appealed to the Commonwealth Court. The Commonwealth Court then said the Zoning Hearing Board and Trial Court was right and the building needed to be removed. He then took the building down and was now in compliance. In the meantime, the Township was citing him every day for over a year and had almost \$180,000 in fines and they went to collect it. The property owner said he does not have to pay the fines because he was under appeal and the Township was stayed. There are two sections of the Municipalities Planning Code which read you can cite someone under certain circumstances and these are the sections that West Conshohocken used. This is exactly what the Commonwealth Court said was wrong. They said once someone files an appeal from the Zoning Hearing Board, they are protected and the Township cannot initiate any zoning enforcement action until there is a final unappealable determination. Police enforcement would be different. The police can cite for violations that are not part of the zoning enforcement. Essentially, the Commonwealth Court has determined that this Airbnb is not a violation until there is an unappealable decision rendered. Even though we believe the Township has a very good case and that the property owner will not win the appeal and the decision will not be over turned, there is no way of knowing that for certain.

Adam Raker questioned if there was anything that would prevent a neighbor from filing a civil suit against the property owner. Attorney Backenstoe commented the neighbors could file an injunction. The Township could also pursue an injunction, which would need to be further discussed with the Board in Executive Session, but you would need to convince the courts that there is irreparable harm. He is not sure how the courts would react to this situation. If the Township were successful in obtaining the injunction, the courts then stopped them, and they

were collecting \$1,500 per day and the appeal took over a year, and in the end, we lose because the decision is overturned, the Township could be responsible for paying back all the money they lost. Attorney Backenstoe commented these situations are difficult. If he were the one arguing for West Conshohocken, he would have argued the same thing. He would have argued that Section 617.2 of the MPC allows you to go after them and 1003-A(d) says that an appeal does not stay the action. The owners did not file their appeal until the very last day which is why he had the Zoning Officer cite them. If they wouldn't have filed the appeal, all the citations would have been legitimate. Now that they have filed the appeal, it stays our action. Attorney Backenstoe commented he does believe that they will eventually need to be out of there, but it will take time. He feels that a record has been created that will not be overturned. The Trial Court does not take new evidence which is why it is so important to make a good record before the Zoning Hearing Board. The Trial Court only looks at the transcript and the record which was made before the Zoning Hearing Board.

John Bomback questioned if the Township has thought of going directly to Airbnb Corporation and letting them know this place is a nuisance to the Township. Cindy Miller commented she and Liz Gehman were discussing letting them know they were in violation of zoning and were issued a cease and desist to stop, but they did not stop, and have since appealed the decision.

Randy Braun questioned if the Airbnb could be cited for the deck they built. Attorney Backenstoe commented they can be and Liz Gehman has already done that. New violations can still be pursued.

Liz Gehman commented the Airbnb on Cedar Drive has opened again. They were closed for a period of time, but she did notice it was back on the Airbnb website. Adam Raker commented they should be treated the same as the other Airbnb. If any complaints come in, the owners should be cited. Kristen Lorah commented she would agree that it needs to be enforced equally across the board to not show favoritism to one or another.

VI. OLD BUSINESS

- A. Cherryville Intersection. Phil Malitsch reported the intersection should be completed by the end of the week if weather permits. Their date for substantial completion was June 1, but with all the delays that occurred with PennDOT at the beginning of the project, they are pretty much on schedule. Phil Malitsch also noted that while the Township was successful in arguing out of doing an as built

survey for the overlay that was done by PennDOT on Route 248, PennDOT is requiring Turkey Hill do the survey and as built plans for the entire overlay as part of their resubmission to PennDOT.

Adam Raker questioned if there were any concerns with losing grant money because of deadlines not being met. Cindy Miller commented we are okay with grant deadlines.

Cindy Miller questioned if there was ever a decision made regarding the restriping and whether or not we would need to regrind the new road. Phil Malitsch commented he was not certain where it was left with Jim Milot. Alice Rehrig commented if it would get to the point were something like that would need to be done, it would most likely be put back on Turkey Hill. She had checked with Jim Milot and he indicated based on all his discussions with PennDOT, future work would be the responsibility of the developer since they are coming in and doing work after us.

1. Payment Request #2. Keith Hantz made a motion to approve Payment Request #2 in the amount of \$167,030.06. Phil Gogel seconded the motion. Jerry Pritchard questioned if the 10 percent hold back was already deducted from the total. Cindy Miller confirmed this amount is after the 10 percent hold back. Jerry Pritchard questioned how much they were paid to date. Alice Rehrig commented the only other payment was for \$35,000. Jerry Pritchard questioned what the total job was for the intersection. Alice Rehrig commented it was \$467,423. Phil Malitsch noted there will be another change order for the soft spot repair. It shouldn't be a whole lot of money. It was a void which they think came from an old cistern. The change orders that we had to date are coming out of the contingency money that was included in the contract. All voted aye. Motion carried.

- B. Maintenance Building. Adam Raker reported the architect met with Cindy Miller, Frank Zamadics, Alice Rehrig, Phil Malitsch and himself to go over the complete set of plans. Most of the remaining items have been either been addressed or are in the process of being addressed. Phil Malitsch commented he received the updated AutoCAD files from the architect yesterday and they should have their plans updated by the end of the week. Adam Raker commented he would expect that a final set of plans and a draft of the specifications should be ready for the next meeting and be ready to put to bid. He also noted that he would expect the bids to come back higher than what was originally anticipated because

of the way the current construction climate is and the lead times for material. They may not be able to get the steel for the building until sometime next spring.

Adam Raker commented he also saw some emails going back and forth about the generator. He knows what the code says and he also knows what they have done in the past. He has built many large warehouses with electric fire pumps and there is not a generator on the property. It is not a hard and fast rule to have a generator because you have a sprinkler system and pump. He believes that unless there is another compelling reason that the generator needs to be on the property, it should be listed as an alternate and not installed. When the project is built, the plans will go to the 3rd party reviewer and he would make that call. He has had it come up before when someone reviewed a plan. He or his electrician would go to the utility company and get a letter with outages for the property and argue that the outages were not long or frequent and they felt the electric services was reliable and that would be it. The generator will add additional costs to a project that will most likely come in over budget because of the current economy.

1. RACP Grant. Alice Rehrig reported the grant agreement for the RACP grant for the maintenance building has been received and will need to be returned to the State within the next week or so. The grant agreement sets forth all the conditions pertaining to this grant. Some of the conditions are as follows: A deadline when the grant funding expires is May 31, 2026; a sign reading “Financial Assistance provided by the Commonwealth of Pennsylvania, Honorable Tom Wolf, Governor” must be erected in the project area; there are certain requirements that must be followed as part of the bidding and construction such as the Steel Products Procurement Act; standard 100 percent performance and payment bonds; and prevailing wages. All of this information has been provided to the architect. At the end of the agreement, there is a special conditions section. All of these items will need to be in place in order to receive the funding. One of the items was the Phase I, Environmental Study. The other items are additional documentation that will be needed, such as documentation on the matching funds. Most of these items were done as part of getting the application approved and will need to be updated now that the contract has been signed. Within the next week or two, she will be having a phone conference with Brian Beechem from Stantec which is the company who was assigned as our consultant for the project. He will review all these conditions and give the instructions on what needs to be done and when. Normally, under this type of funding, the draw down period is over three years. We have asked for an exception to have a five month draw down period so we can get our funding sooner. Cindy Miller questioned who is

responsible for obtaining the sign. Alice Rehrig commented the Township would need to obtain the sign. There are no specific requirements listed for the size or type of sign. Attorney Backenstoe noted that the requirements of this grant are very strict and absolutely must be complied with. There are various different catches in the agreement. If at some point they don't believe you can finish the project, they can withdraw the funding. Records must be maintained because they can do audits at any time and if they believe there is a problem, they will withhold funds. They also require indemnification, the maintaining of tax exempt status, fidelity bonds must be in place for individuals who are monitoring funds. They can terminate funding for various reasons such as failure to comply in a timely fashion, violating laws, failure to remain in compliance, and misuse of funds. There is a right to cure clause in which the Township would have 30 days to become in compliance if they were notified of an issue. If they have to do a compliance review, the Township would have to pay for it.

Cindy Miller commented this grant is written into a law. It is not a normal type of grant. Because it is written into a law, there are more requirements.

Phil Gogel made a motion to authorize the execution of the grant contract. Keith Hantz seconded the motion. All voted aye. Motion carried.

- C. Appointment to Planning Commission. As the last meeting, two individuals provided background information regarding their request to be appointed to the Planning Commission to fill the unexpired term of Jack Wall which will be through the end of 2021. The individuals who expressed interest in filling this position were Todd Rousenberger and Phil Gogel.

Keith Hantz made a motion to appoint Phil Gogel to the Planning Commission. Phil Gogel seconded the motion. Cindy Miller commented she spoke with the Planners and they would like to have another engineer on the Planning Commission. Nothing against Phil Gogel, but they like having engineers on Planning Commission. Rod Miller may be an engineer. Jack Wall was almost like an engineer. The Planners know Phil Gogel's background and she read them Todd Rousenberger's background. They liked his background because of his transportation background and dealings with PennDOT. He also has a planning background because he was an engineer for a municipality. Phil Gogel commented he feels he is more than capable to handle Planning. He has worked with engineers before and has had them come to him with all kinds of issues at the

different facilities he worked at. Just because someone has that piece of paper, doesn't mean they are the right person. There are a lot of smart people out there that do not have that paper. He puts a lot of effort into the Board and pushed the Board into the future with a lot of his ideas. He would like to do that with Planning. Paul Nikisher questioned how long the term would be for. Cindy Miller commented it would be for four years. Jerry Pritchard commented Planning is an advisory Board. As a Supervisor, you have the right to deny a plan. You don't need to be there when the plan is being created. You have the voting power as a Supervisor. Phil Gogel commented Cindy Miller currently holds both positions, and come January, he will no longer be on the Board. Keith Hantz commented he made the motion looking into the future because Phil Gogel will no longer be on the Board in January. Jerry Pritchard questioned if there is a certainty that he will not be on the Board; there won't be any type of write in campaign or anything that could come up. Keith Hantz commented he cannot say 100 percent that he will not be on the Board. You never know what could happen. You never know if one of the current Board members would resign and he would be appointed to that position. You can't count on that. He is not counting on that with the motion he made. Cindy Miller commented the only reason that she is on both boards is that the Board asked that she be on both. She was on Planning and then she became a Supervisor. Kristen Soldridge questioned when the term would actually start. Attorney Backenstoe commented the term would start now and the individual would be filling the unexpired term. Alice Rehrig commented Jack Wall's term runs until the end of this year. Cindy Miller commented when the Board is looking at individuals to serve on these committees, they may also want to get input from the committee because they are working with these people all the time. What are their needs? They would know better than the Board what their needs are. Phil Gogel commented you need a diverse committee, different ideas, innovation and a little bit of forethought. Phil Gogel commented he went to school for biochemistry. He became an electrician because he made more money. His background is very broad, from construction to electrical, biochemistry, pharmaceutical, and chemical manufacturing. He has a broad knowledge of the world and how things work and operate. Keith Hantz commented he thinks the five month term for Phil Gogel would be a good idea to see if he likes it. If he doesn't like it, the Board can appoint someone different in January. Deb Miltenberger commented there will be two Supervisors who are members of the Rec Board in January. There could potentially be conflicts that would be between the Supervisors and Rec Board. Paul Nikisher commented they would almost need to abstain. Phil Gogel commented he didn't believe that would be necessary. People can make an honorable decision. He doesn't believe people here are malicious. You have to separate yourself and make the right decision for things going forward. Just

because you don't like something, doesn't mean it's not right. Keith Hantz commented you need to look at the majority of the Township residents because that is who you work for, who the Boards work for. Kristen Soldridge commented the Board is not asking the Township residents who are on Planning Commission. They said they wanted someone with an engineering background, but Phil Gogel was nominated to the Planning Commission. Based on the background of the individual, he may have more knowledge that could help the Township save money because Phil Gogel doesn't have that background because he did not work in that field or have the educational background. Phil Gogel questioned if everyone on Planning was an engineering and if not, are they looking to replace all the Planners with Engineers. Cindy Miller commented that is not what is being said. She is saying they looked at the credentials and what this gentleman can bring to the table which is different than Rod Miller who is the only engineer on Planning. This person was a municipal engineer, on a planning commission, and now works with an engineering firm who contracts with PennDOT so he has all that PennDOT and transportation background. Kristen Soldridge commented the input from the committee in which someone will be working on should be taken into consideration. They all have to work together. If everyone is not on board, it could make it difficult to make decisions and decisions could be made with people being unhappy and then it goes to the next level. If you are on a committee, you should have the opportunity to voice your concern or offer your opinion. If they feel someone is a better candidate, that should be taken into consideration. It's nothing against Phil Gogel; he knows a lot. She has been on committees before and there should be that communication or transparency across the board where everyone has an input. If you have a dysfunctional Board, it just is not going to work. Barry Haydt commented he thinks the people who get elected should be the ones who make the decision, not someone who is appointed. The people elected the Supervisors to make decisions. Cindy Miller commented the Board does make the final decision. She is just saying the Board should listen and take into consideration what the committees are recommending. Barry Haydt commented the citizens didn't elect the committee; they elected the Supervisors. Cindy Miller commented the Planning Commission makes a lot of very high recommendations when it comes to planning in this community. The Planners make a lot of decisions that then come to the Board for final approval and the Board most times agrees with the Planners. There are people who serve on the Board of Supervisors who don't understand what planning is or what it is about and why decisions are made. She also knows the Planners want to get this position filled quickly and if she votes no, it will not pass tonight and get tabled until the next meeting and we will have to go through all this again. Phil Gogel commented you need to vote what is right for you. Cindy Miller commented she is not voting what is right for her. She is

voting what is right for the community and in support of the committee she serves on and how they feel. Keith Hantz and Phil Gogel voted aye. Cindy Miller was opposed. Motion did not carry.

VII. NEW BUSINESS

- A. Christmas Tree Lighting. Cindy Miller questioned if the Board wants to do a Christmas Tree Lighting in collaboration with the Chamber like they did last year. If the Board wants to do that, the date for this year would be December 5.

Phil Gogel questioned if the Township ever found out what the Chamber did with the money they collected. Cindy Miller commented she does have a breakdown. Phil Gogel commented he knows he spent roughly a \$1,000 on lighting, electrical, building a panel, the backdrop for Santa, organizing and getting Santa Claus, getting a tree and having it delivered, and meeting the Road Crew. Cindy Miller and Keith Hantz each spent around \$250 getting the decorations. Cindy Miller commented she also gave a sponsorship to the Chamber. Phil Gogel commented the Chamber collected almost \$2,000. Cindy Miller commented the Chamber gave the Fire Company a donation of \$125 for bringing Santa. They made a profit of roughly \$1,500 from Sponsorships. Phil Gogel commented it wasn't meant to be something to make a profit from. It was from the Supervisors to the Community. That's why he put the effort into it. It's our community. The Chamber ended up getting involved and pocketing \$1,500. Cindy Miller commented the Chamber got involved because it was her idea to do a tree lighting and because she is a Chamber member. The Chamber has been doing tree lightings in many communities in the Valley. They said they could collaborate with the Township and help us the first year. They brought in the vendors because they have the connection for the vendors. This is why she is asking if we want to collaborate again this year or do it on our own. It doesn't have to be decided on tonight. Walnutport does not use the Chamber. Slatington, North Whitehall, and Northampton do.

Kristen Soldridge questioned if the Township couldn't just email certain businesses and see if they would be interested and see what kind of response you get from a Township perspective. If you don't get people interested, then go the Chamber route. Cindy Miller commented she believes we would get just as much sponsorship. The Chamber got the food trucks and she doesn't have a list of them. The Township can do it, but it is a matter of putting the time in to do it.

Keith Hantz commented he would like to see it go through the Rec Board as a starting point. Let them develop a committee. He believes Lehigh Township can handle it and run it through the Rec Board. We can table this for now and discuss

it again next meeting when hopefully there is a full Board. Cindy Miller commented she is fine either way. When she came up with the idea, she was thinking Lehigh Township, not the Chamber.

- B. American Recovery Funding. This is the funding from the Federal Government that the Board needs to take action on. Alice Rehrig commented she received an email from DCED last Wednesday recommending the Township apply for the American Relief Funding within five days. It was a deadline that Townships were not being held to, but the application for funding must go in this month or you run the risk of not be eligible for the first distribution of funds. The State received all of the small community funding around May 28. They are required to distribute the funds within 30 days which is why they are pushing everyone to submit their applications as quickly as they can. A portion of the application is the same as other DCED applications that the Township completed in the past. Because this is a federally funded program, there are some additional requirements that also needed to be completed: A federal transparency subgrant data sheet, a SAM registration, a self-certification of our budget, and an agreement indicating we will abide by all the rules and terms of the program which are still vague. Some additional information that she has learned is the period of performance will be March 1, 2021, through December 31, 2024, during which time the funds must be encumbered. The final payments would need to be completed by December 31, 2026. There is an audit requirement. If more than \$750,000 is spent during one year, we are subject to a single audit which is more in depth and costly and expected to be around \$12,000. PSATS has been working with an auditing firm who is supposed to be knowledgeable as to what the funds can be spent on and serve as a consultant and most likely they would want to be the firm to do the audit. Annual reporting will be due by October 31 and will be required through 2026. Additional information is supposed to be coming out around July 16. If communities do not accept the funds, it will be redistributed to the communities who did accept the funding. If we accept the funds and don't use them or all of them, they would be turned back. Alice Rehrig is requesting authorization to execute the necessary documents to submit for the federal funds. Once the funds are received, she will set up a separate account so there is no question about any interest earned in the event funds do need to be returned. There still is no clear guidance as to the use of the funds other than it needs to be related to COVID. It seems technologies are one area that the funds can be used. Cindy Miller commented she believes they will also allow the funds to be used for stormwater and MS4.

Keith Hantz made a motion to authorize the Manager to submit the application for funding under the American Recovery Act. Phil Gogel seconded the motion.

Jerry Pritchard questioned if Attorney Backenstoe has had the opportunity to review the grant as far as what is going to be tied back to the Township. Cindy Miller commented the uses are very vague and the application doesn't tell you a whole lot and doesn't tie you to a whole lot. Adam Raker questioned if there will be another agreement that comes after the application is submitted. Cindy Miller commented there will be and she believes that is where you will see additional details. Alice Rehrig commented the only thing that is specifically called out in the application is a requirement that we need to encourage our employees and any contractors that are involved in any projects to have policies regarding texting and cell phone use while driving, seat belt use, and non-discrimination requirements. Jerry Pritchard questioned if there were any requirements about wearing masks. Cindy Miller commented there was nothing included in the application paperwork. All voted aye. Motion carried.

- C. Manager's Report. Alice Rehrig reported an email has been received from Northampton County indicating that they are looking into the digital radios. There is no time frame, but it will be coming. The digital radios would replace the current VHF and UHF radios. Cindy Miller questioned if they have an idea as to what this is going to cost and are they going to be providing any grant opportunities. Alice Rehrig commented they have not provided any additional information.

The summer help had asked the Board to consider increasing their rate of pay. This is the third summer they are working for the Township and the rate has been \$10 for those years. Keith Hantz questioned what the effect would be if the rate was increase to \$10.50 or \$11.00 per hour. Since the summer help started later than April 15, would it really effect the amount of hours they mow for the remainder of the season? Phil Gogel questioned if the budget states a specific rate. Alice Rehrig commented it was just a total amount based on possible hours worked. If the rate were to be changed, we would need to make sure we stayed within the money that was listed in the budget. Adam Raker questioned why you would spend to the budget instead of only spending what you need to so you would have the money available for something else.

Keith Hantz commented the Township has done an increase in the past when the same individuals worked three years in a row. Six years ago, the Board gave a \$.50 increase. The Township hired the two current men at \$10 and asked if the Township would consider the increase since it is their third year. Cindy Miller commented she finds it odd that the Board is being questioned now rather than in the beginning. Frank Zamadics commented what prompted it was that there was an ad in the paper where Bowmanstown was hiring for \$12 an hour. Keith Hantz

commented these individuals do a good job for the Township for \$10 an hour. Cindy Miller commented she is not saying they don't do a good job; she just asking why it wasn't questioned in the beginning.

Adam Raker commented if they were hired at \$10 an hour, then leave it at \$10 and if you want to consider increasing it for next year, do it then. We shouldn't short ourselves on getting work done by giving a raise part way through the season. Every penny counts. The budget is the budget and the agreement is the agreement. Every dollar that is picked up is something else that can be done for the Township.

Kristen Soldridge questioned if these two individuals were given an increase would it open the gates for other increases. Phil Gogel commented everyone else's rates are set by contract.

Jerry Pritchard commented it is not the \$.50. It's the business principal of how it works in the real world. In the business world, it would wait until next year. You don't make it up as you go along.

This item was tabled until the next meeting.

- D. Solicitor's Report. Attorney Backenstoe provided an update on the Vandling case. Right now, the Board has an injunction against Mr. Vandling. This prohibits him from living on the property, earth moving, modifying the sewer system, and modifying the electric system. The Township believes that Mr. Vandling continues to violate the injunction so he has prepared a petition to enforce the injunctive order. He is hoping to have it before the court in June. He has also been having the Zoning Officer repeatedly contact DEP to have them come out as well. DEP did come out and inspect the site. They found several items, one of which was disturbance of a prior area that was not supposed to be disturbed under DEP regulations. He believes DEP finally is taking this situation seriously. In addition, the Zoning Officer was able to take a lot of photographs because she attended the site inspection with DEP. He will be incorporating what was observed at this inspection into the new petition that he is doing. When the petition goes before the Court, he will have Phil Malitsch, Liz Gehman, and the Sewage Enforcement Officer testifying at the hearing. He will be asking for \$10,000 per day in fines for the violation and ultimately, if he does not pay, he would be incarcerated in Northampton County prison. He is not sure if the court will do that or not, but he doesn't know how else to get through to him. He

knows the neighbors are upset with him, but what is really hard to believe is that all Mr. Vandling would need to do is file the land development plan and grading plans.

Attorney Backenstoe also wanted to discuss Resolution 2021-9. The Township definitely got people's attention with this resolution. On May 11, when this resolution came up, he told the Board that the State Election Code and County Election Code preempts the items contained within the resolution and that it would be unenforceable because the Township does not have the authority to do this and if even if they did, it could not be enforced by resolution. It would need to be an ordinance. Having said that, he said if that is the Board's statement, it is their statement, but it is completely unenforceable. Since then, he has looked at it a little more closely. He does think it overreaches and that the Township did not have the authority to pass a resolution like this after further review. He really believes at some point, sooner rather than later, he believes the Board should repeal or rescind it. In addition, he and the Board have received an email from Rod Miller from the Planning Commission who was upset about the resolution and indicated he would resign if the Board did not repeal it. In addition, he just received an email from the County Solicitor's office stating vehemently in more detail that what was previously explained to the Board, that they are preempted by the State and County Election Codes from adopting the regulations. At the time when it was adopted, he was looking at it as a political statement, but after further review, he could see how someone who doesn't understand the fact that it is preempted and the Township doesn't have the authority to regulate the items in the resolution, it could stifle voting which is why he is telling the Board he thinks it should be repealed and rescinded.

Cindy Miller commented she read the email from the resident. The resident never talked to her and there are things that are stated in the email that indicate they are not understanding why the resolution was written. The reason the resolution was written was because the County wrote a resolution and sent it to the State. The County is stating that they preempt the Township. We already knew that. She told people it was unenforceable. It was to make a point. It was to get their attention. That is what it was all about. Based on what the Solicitor is saying, the resolution the County sent to the State is also preempted because they don't make the law either; they have to follow or are supposed to follow State law. She wrote the Township's resolution as a response to the resolution the County adopted. If you read their resolution line item by line item, you would have a clear understanding as to why the Township's resolution was written the way it was. She is also questioning why the County is suppressing the Township. Why is it

when local government pushes back, the higher up suppresses? That is exactly what is happening here. It is nothing but suppression. She spoke to Lori Vargo, President of Council, and Lori Vargo wanted to take this to Government Committee. Cindy Miller told her no, she wants to present this to the entire Council and hear feedback from them. She doesn't want it stuck in committee like the State and Federal Governments do. In one day at the poles, they got over 240 signatures in support of this. That is how important this is to residents and voters and all everyone who is higher up wants to do is suppress it and act like we the people have no say. She understands what the resident is saying, but when there are 240 signatures received in a day, what does that tell you? She will do whatever the residents of this community want her to do. If the residents tell her to proceed, then she will proceed. She will do it on her own as a resident and voter. There are other communities who want the resolution. She went to the School Board for something totally different and someone there told everyone they should read it and sign it because everyone needs to start paying attention to what is going on. She will do whatever is wanted. She didn't do this for Cindy Miller. She did it because of resident and voter complaints and what she was hearing. It's how everyone feels. They are tired of it, and they certainly don't want to be suppressed. Why is County Council in such an uproar over this? They had no problem passing their resolution and sending it to the State and not asking any voter how they felt in the County. If you read their resolution, it deters your second amendment rights; all your different rights. She is checking to see if they could have placed this on the ballot as a referendum. If it could have been, then why wasn't it? It was more important for them to place a referendum on the ballot to change their titles. When the important issues face them, they want to suppress it. She will do whatever everyone wants her to do.

Keith Hantz commented normally when there is a resolution, the Board usually doesn't vote on the resolution that night. He realizes it was on the agenda and it was handled the right way. He believes the Board probably should have taken the resolution home with them that evening and read through it, got some feedback, then taken the vote at the next meeting. He knows that there is a petition with a lot of signatures. Cindy Miller commented when she read the resolution at the meeting, someone suggested she do the petition, so she did. People stood at the poles and read it. She wasn't the only one passing it around. Keith Hantz commented he knows the resolution passed 4-0 that evening, but he is just suggesting that the resolution be put back on the agenda for the next meeting and let the residents who have something to say about it, good or bad, come to the meeting and talk to the Board. As an example, when the Board was looking at the rezoning, the residents came to the Board and told the Board what their thoughts

were and what they wanted the Board to do and the Board listened to the residents. Since it is a resolution, the Board can make changes at the meeting or rescind it. That would be the proper way to handle it rather than bring it up under public comment and try to get the Board to vote on it. He believes it should be on the agenda for discussion. If nothing changes, then nothing changes. Cindy Miller commented her concern is a resident writes an email to the Board but doesn't attend the meeting to talk to them.

Kristen Soldridge commented there will need to be a special meeting because it will take the whole night because someone will need to explain why the resolution was written and explain what Northampton County Council meant when they passed the resolution that they passed. Unfortunately, people do not understand what was done in the past; they are aware of what was done now. People may disagree, but they may not understand what was done.

Cindy Miller commented Act 77 was passed unconstitutionally and illegally, but it was adopted. Technically, it was all unconstitutional because of how it was adopted. It was supposed to be a referendum, but they never did that. They bypassed the entire process and it is a law. Then you have another election in which judges created their own law, and they did what they wanted. Now you have Northampton County adding on to what has happened and are requesting the State do even more. When does it end? Of course, they are going to suppress and we are going to be targeted because that is what happens when you lead. They will do whatever they can to stop it. People have been telling her to send this to the State.

Jerry Pritchard commented his younger sister is the chair of the County committee. The committee reviews things and then makes a recommendation. The election office will never agree with the committee. The committee takes it to the elections office and it just gets swept under the carpet. Taking it to the committee is a waste. Is rewriting the resolution really necessary? What legality have we broke? We need to bring attention to the law that the County has broken. We haven't stopped the drop box; we haven't stopped the mail in ballots. We are just bringing it to their attention. Have we broken any laws? Phil Gogel commented we may be on the edge of voter suppression because they created Act 77 and they see it as a law. The resolution pretty much put things back to the way they were, which he agrees with, but they see us as going against them. Attorney Backenstoe commented the Township basically acted outside their authority when they adopted the resolution. Phil Gogel commented that is where the rub is.

Kristen Soldridge questioned since the resolution has already been adopted, what is the purpose of putting it on the next agenda unless you are looking to rescind it. Keith Hantz commented there may be something within the resolution that could be tweaked or a paragraph that could be changed. He's not looking to rescind it. Kristen Soldridge commented she wanted to know because it will keep getting pushed and pushed, maybe the entire Board will not be at the next meeting. The County shouldn't have done what they did and this resolution pushes back because it says we don't agree with it for our area. Cindy Miller commented the County resolution spoke for the entire County. Kristen Soldridge commented the County representatives never reached out to the residents to see if they agreed with it. She's not trying to be difficult but doesn't want to see this keep getting pushed off. Keith Hantz commented he understands, but it probably shouldn't have been adopted the same night it was handed out. Cindy Miller commented she would have had the resolution before the Board sooner, but there were problems with getting a quorum for meetings. It's frustrating because we have to keep tabling things and can't keep things going.

Phil Gogel commented he does not know if we can modify the resolution in any way so that it would be found to be acceptable. If we want to let it ride, let it ride and let the chips fall where they may. Cindy Miller commented she will be contacting the individual who wrote the email and see if he is willing to have a discussion.

- VIII. PUBLIC COMMENT. Katherine Mack noted the last few agendas had the Fire Company on them. She believes that is something that should be kept on the agenda because of the ongoing relationship with them. If they are on the agenda, they would have the ability to come to the meeting to discuss their wants and need. If they don't come it would be on record. You would have constant communication.

Katherine Mack commented she feels for Mr. McGonigle; she knows he is very sick. She also knows he was elected to represent the people of Lehigh Township. But without having a full Board all the time and if another person is absent, you cannot conduct business. She doesn't know when he will be returning or if he can return. She doesn't know what the Township does when someone is that ill and cannot serve. Phil Gogel commented he still has the ability to call into the meetings. He just wasn't able to do so this evening. He speaks with Kim McGonigle on a fairly regular basis to see how he's doing. It's a process. When you get hit with a bunch of illnesses, it takes time to recover and believes everyone should have the right to take the time for to recover. He thought there may be something about missing six months of meetings. Attorney Backenstoe commented there is nothing in the Second Class Code. Cindy Miller thought there was a

relatively new State law. Phil Gogel commented Mike McGonigle knowing he is part of the Board of Supervisors, it helps lift his spirit. He has gone to visit him a few times and they discussed Township business and he gives his feedback. It's not like no one is communicating with him. Katherine Mack commented people are not aware of all of this. Phil Gogel commented he doesn't believe Mike McGonigle wants to air everything. Katherine Mack commented it does make it difficult for the Board to function. She was wondering if there was a way that someone can be appointed as an interim person like they do on Zoning Hearing Board. Attorney Backenstoe commented that can't be done for an elected position. Cindy Miller commented she knows there was an issue in the Slate Belt region where a person was capable of coming to a meeting and they were not coming to meetings. It escalated to the State level and the State passed a law. She doesn't know the wording or statute, but the summary was is that if a Board member is absent for about six months or 50 percent of the meetings, the Board can decide to appoint someone and then that person was removed from office. Normally, you can't remove an elected official; they would need to resign. She read this in the Township News; it was around 2018 or 2019. This process would really put Board members in an awkward position to have to do this because the community votes for the person and in this circumstance he is ill.

Katherine Mack commented it is difficult because the votes have to be 3-0 and things get put off. Phil Gogel commented sometimes that's good because it can prevent things from going too fast in one direction. He personally doesn't have a problem with it. Katherine Mack commented there are times when things do need to move. Sometimes when things don't move, the problem gets greater. Cindy Miller commented where the problem comes in is when there are legal matters that need attention or there is a time frame when something needs to be addressed.

Adam Raker questioned what the course of action would be. He understands what everyone is saying and doesn't know Mike McGonigle all that well and feels bad for his situation, but is there some type of time line when this would be considered. What happens when one of these time sensitive issues come up and the Board is divided, the Township could get the shaft. He understands it's a tough decision to make and doesn't envy the people who have to make that decision. Is there any thought as to how long this can go on until it is addressed one way or another? Phil Gogel commented he doesn't believe anything from this evening that got tabled was a problem. Adam Raker commented what happens if it goes to the next meeting and the next meeting and it turns into a serious problem because of something the Board is not thinking about right now. It may not be something that the Board does right now, but something that needs to be considered seriously if he cannot return. How long can it be allowed to continue?

Supervisor Minutes
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Cindy Miller commented she understands there are times when people are working and they can't be here; it is what it is, it's their livelihood. When you take the role as Supervisor, it becomes somewhat of a priority in your life whether you want to admit it or not. If you are not going to treat it as a priority, you should not have run for office. With that said, being a Supervisor you are responsible and held accountable for a lot. One of those is attending meetings. That should be a priority, although she is going to be going away in the fall and may miss two meetings but that will be the first time in nine years that she missed a meeting. She may call in depending upon what is on the agenda. If there is something important that needs votes, she may call in. If it is a light agenda, she may not. Aside from Mike being ill, we have four Board members, and it falls on the rest of the Board members to pick up the slack and it becomes even more important for them to attend meetings. When you run for this position, you take that responsibility. If you can't fulfill it, don't do it. If you run for the position and think you are not going to attend meetings, it will come to a head like it is now as to why you can't get quorums for meetings. To her, it shows a dysfunctional Board. She is not used to serving on dysfunctional Boards.

Attorney Backenstoe commented in Washington Township there was a problem with a Board member not showing up because of a situation with the zoning officer. In that case, they filed a lawsuit to have her removed. Cindy Miller commented she thought at that time the State passed something that the Board could vote to remove, but you needed an extremely good reason to do that.

Adam Raker questioned if anyone has talked to Mike McGonigle to see how he feels about it. Phil Gogel commented he saw him three weeks ago. He wants to stay on. Jerry Pritchard commented the Board must continue to run the Township. The seats are empty; it's not running. This is the most dysfunctional we have created the Township. We need to do something about it. It is not a like or dislike. It's like his sister said when his father was in the hospital dying, the Pritchard Company still has to run. We have to run this Township. People are not making it and there isn't a quorum. Politics are going on and we are using Mike McGonigle. Decisions cannot be made because people are not showing up. It's not the sick man's fault; it is the ones who are healthy that are not coming. Keith Hantz commented every six weeks he has to work afternoon shift. When something breaks down, it needs to be repaired. He almost wasn't able to make it this evening because they had a breakdown. It's his job to fix the machines. He also understands his job for six more months is to be a Township Supervisor. They all give up a lot to make sure they are in these seats. Right now, he is on shift work and he can't help that. Phil Gogel commented he has missed two meetings in 3 ½ years. Keith Hantz commented Cindy Miller is right, having four people here is right and five would be

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great, but right now we don't have it. Phil Gogel commented we make it work. Cindy Miller commented it is not working because too many issues are getting tabled. We can't keep tabling issues. Phil Gogel commented it will work out.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss a Collective Bargaining Agreement. No action was taken.
- X. ADJOURN. Phil Gogel made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.