

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

May 9, 2023

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, May 9, 2023, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
David Hess
Phil Gogel
Jerry Pritchard
Mike Jones
Attorney David Backenstoe
Mike Muffley
Alice Rehrig
Liz Amato
Scott Fogel
Frank Zamadics

II. APPROVAL OF THE MINUTES.

- A. Minutes of April 25, 2023. Cindy Miller made a motion to approve these minutes. David Hess seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 26733 to 26772. Phil Gogel made a motion to approve these bills. Cindy Miller seconded the motion. Jerry Pritchard questioned if the check being paid to H & K Group is the final payment on the intersection. Alice Rehrig confirmed it was. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Extension of Time for Plan Recording

1. Vineyard Estates. Sal Melo was present to represent this plan. The developer requested an extension of time to record the plan until December 31, 2023. Phil Gogel made a motion to grant the requested extension of time. David Hess seconded the motion. Mr. Melo commented the original Planning Module that was submitted to DEP was denied because the regulations had changed and they were required to do additional testing. They have now resubmitted the new Planning Module to DEP and they are waiting for approval. They have met all the other requirements of the plan. They requested December 31, 2023, so that there wouldn't be a need to come back for an additional extension if there was a delay by DEP. Once they receive their approval, they will finalize everything and record their plan. All voted aye. Motion carried.

B. Extension of Time for Plan Approval

1. Joan & Stanley Gertner Annexation Plan. Stanley Gertner was present to represent the plan. The developer granted the Board an extension of time for 30 days. Mike Jones questioned if Mr. Gertner would grant an extension until July 31, 2023. Mr. Gertner was in agreement with granting the extension until July 31, 2023. He had indicated that the title search for this property is taking longer than expected because of all the issues with the property. Phil Gogel made a motion to accept the extension of time until July 31, 2023. Cindy Miller seconded the motion. All voted aye. Motion carried.

C. Plan for Approval

1. Lehigh Township Municipal Authority Land Development Plan. Wayne Doyle and Carl Sharpe were present to represent this plan. The Lehigh Township Planning Commission recommended final plan approval as indicated in their April 19, 2023, letter. Mike Muffley noted that there will be an improvement agreement, maintenance agreement and a BMP agreement that will also need to be completed. There are also waivers and a deferral that are being requested. Phil Gogel noted he will be abstaining from voting since he serves on the Municipal Authority.

Cindy Miller made a motion to grant waivers of Stormwater Section 138-10.1, 138-13.C(4), 138-13.C(5), 138-15(1), 138-15.B(7), SALDO Section 147-9.A(J), 147-9.A(9). Jerry Pritchard seconded the motion. Cindy Miller, David Hess, Jerry Pritchard, and Mike Jones voted aye. Phil Gogel abstained. Motion carried.

Cindy Miller made a motion to grant the deferral of SALDO Section 147-12.B(4) regarding the sight lighting until such time as the building permits are submitted. David Hess seconded the motion. Cindy Miller, David Hess, Jerry Pritchard, and Mike Jones voted aye. Phil Gogel abstained. Motion carried.

Cindy Miller made a motion to grant this plan conditional approval conditioned upon the developer complying with the items in the April 19, 2023, Planning Commission letter and executing the necessary agreements for the project. David Hess seconded the motion. Cindy Miller, David Hess, Jerry Pritchard, and Mike Jones voted aye. Phil Gogel abstained. Motion carried.

- D. Engineer's Report. Mike Muffley reported the Planning Commission reviewed a subdivision/land development plan for Zachary Bittner on Teel Road which was tabled.

Construction continues with the Northwoods project. They are currently installing water lines and conducted some testing last week.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Board. Sandy Hopkins reported the Rec Board had the stand open for the Northern Lehigh vs. Palmerton game last evening and thanked everyone who came out and helped.

The Pet Vaccination clinic will be held on June 17 from 9 to 1 at the Municipal Building. Dr. Ben Shelly of the Blue Ridge Veterinary Clinic will be administering the vaccinations. The cost for a rabies vaccination will be \$30 and distemper vaccinations will be \$35. They are in the process of getting permission to send flyers home with the elementary children before school ends.

The Rec Board received a grant to purchase signs for Danielsville and Delps Parks, but has been having problems getting Rev Signs to finalize the signs. He has a country style of sign that he would like to do which is a carved type of sign but we haven't been able to get a good picture of the sign. He did indicate that the Maintenance Department would need to put some angle iron around the sign to make it sturdy. At this point, she really can't move forward with the signs because of the limited information. Alice Rehrig noted the grant expires the end of June. Rev

Signs did send a picture, but it was an up-close picture which only showed a cream-colored background with a dark colored carved letter. It would be helpful if he could provide a better picture or a location where one is already installed. Mike Jones commented he will stop by his house and speak with him.

David Hess reported it was discussed at the Rec Board meeting about the possibility of doing a raffle with the proceeds going to the dog park. He spoke with Blue Mountain Fish and Game and they would be willing to do the raffle. He will have additional information for the next meeting.

- B. Public Works Report. Frank Zamadics reported the Department has a few more days of street sweeping then they will move on to their drainage project.

The summer help has started and are doing a good job. They are in their third week and things are going well. Phil Gogel commented he also had received positive feedback on the job they are doing at the parks. Mike Jones commented that the only concern he heard was that the grass was being blown into the fence. Frank Zamadics commented he noticed that at the dog park and that has been addressed.

Paul Nikisher questioned what kind of project was taking place on Walnut Drive. Frank Zamadics commented Walnut Drive is a State Road. The stream undermined the road and PennDOT has restricted it to one lane. He also went out Maple Drive and PennDOT is working on both bridges.

- C. Zoning Report. Liz Amato reported there were 28 new permit applications received and 29 permits were issued.

There was one Zoning Hearing last month which was for Lloyd Green who was granted a variance to add auto sales onto his existing auto service business. The request was approved with conditions.

20 new complaints were received and notice of violations were issued for all of them. Now it is a matter of waiting to see if they resolve the issues in a timely manner.

For the May Zoning Hearing Board, there is one case that was continued and a variance request for setback relief. In June, they will be hearing the two advisory reports which were before Planning Commission last evening. The first one will be for a new wireless communication facility monopole on Lehigh Drive. The Planning Commission recommended approval with conditions. The second one will be for a medical marijuana campus. The Planning Commission did recommend denial of this request. Initially, this application was supposed to be heard in June, but the applicant contacted Liz Amato today and asked to not be seen until August because they have conflicts for June and July. She will have something added to the website with the new date for the hearing. The hearing will also be moved to the Fire Company so that there will be room for everyone.

- D. Police Report. Chief Fogel commented the Department has begun contacting businesses for their support in preparation for National Night Out which will be on August 1. It will again be held at Indiantrail Park. He was also able to obtain the use of a small carousel for the event.

Over the next few weeks, they will be starting the data conversion and training for their new records management system.

One of the problems they have been having is that the Department is currently short staffed. There are currently two officers out on extended leave and there is a possibility of having another two officers retire within the next two years. He would like to work on creating an eligibility list which is usually good for two years. By starting on that now, they are ready for when an officer needs to be replaced. In addition, there will need to be additional training because of the opening that will be created. The creation of an eligibility list doesn't mean that an officer is immediately going to be hired. It just means that there is a list and we are prepared when the Board is ready to hire. Depending upon how some of the imminent items play out, there may need to be consideration given to an alternate method on hiring since we are not under the civil service requirements. The Board had no objection to the Chief moving forward with developing an eligibility list.

Janet Sheats commented it was brought at the last meeting about the overtime being over budget. What could possibly be done to curb the overtime? Chief Fogel commented overtime results from a lot of different things. Right now, there are two people out on medical leave which can't be planned for. Mandated training which can't be avoided is another item which creates overtime. Sick leave and comp time are other items that create overtime. Right now, the biggest burden of overtime is coming from the fact that there are two people out on sick leave.

- E. Municipal Authority. Carl Sharpe reported the Municipal Authority is in the process of inspecting the Northwoods sewer laterals. They are getting ready to do the pressure testing. The water lines are not the Municipal Authority's; Northwoods supplies the water through their own system.

With regard to the Lehigh Valley Resort and Spa, it is his best guess that they probably will not be starting before next spring.

- F. Planning Commission. Cindy Miller reported the Planning Commission discussed updates to the ordinance pertaining to Cluster Developments and adding them to the VR zone. This ordinance will be coming to the Board for their review and approval.

They are also looking at updating the warehouse ordinance and taking wholesale out of the GC zone and only permit it in an Industrial Zoning District.

Principal Solar Energy uses were brought up, but not acted upon. The discussion was tabled at the meeting.

Cindy Miller provided a time line regarding the development of the ordinance pertaining to medical marijuana so that the Board and residents have an understanding what was involved with this since she is the only person who was serving on the Board when this was developed:

The State legalized medical marijuana on April 17, 2016.

The Township received a memo from the Lehigh Valley Planning Commission July 28, 2016, notifying them about this. The Manager sent notification to the Board and the Planning Commission to let them know this was coming. The Planners acted as quickly as possible on this because if you do not act on a new use, it can go anywhere someone wants it to go.

In October, 2016, Michael Corriere, the Planning Commission Solicitor, had a memo dated September 14, recommending the grower processor only be permitted in the General Commercial and Industrial Zoning. At that time, David Shulman, the Chairman of the Planning Commission, suggested that it be at a maximum acreage of

40 or 50 acres. Cindy Miller had stated she did not want it near residential areas because of security issues. David Shulman suggested they only be permitted in the Industrial Zoning District. The Solicitor was going to continue to research the matter. The dispensary was suggested to go in the GC and PRRC zoning districts. During the same time period that the Planners were working on this ordinance, Walmart was planning on going onto the same parcel where the medical marijuana campus is being proposed now. Everyone was of the understanding that Walmart was going to be going onto that site. In addition, the Planners were working on an Air bnb ordinance, oil and gas ordinance, a warehouse ordinance, cell tower ordinance, roadway access ordinance and a right of way ordinance.

November 14, 2016, more of the ordinance was reviewed. David Shulman stated that a draw down test on wells should be required. The zones in which it would be allowed would be GC and PRRC, building setback requirements were looked at for GC, and all the different parameters for this. The Engineer at the time, Phil Malitsch, was looking into the chemicals that would be used for the growing operation and what kind of chemicals could be coming into the Township. David Shulman questioned if we could regulate the type of septic and waste water installations. The Solicitor and Engineer as our consultants were researching all of this.

December 28, 2016, the Planning Commission Solicitor stated that changes had been made in the ordinance and there were questions regarding private wells and fertilizer which they were also going to be looking into.

January 2017 when the ordinance was reviewed again, Cindy Miller had stated that the Federal Government had not legalized this. The Lehigh Valley Planning Commission had also stated that the use was Industrial, not Agricultural, and provided a model ordinance. No one from the public or Supervisors were attending these meetings and they were open to the public.

February 13, 2017, the Solicitor and Engineer for Planning made some minor changes to the zoning that were proposed. The Solicitor had spoken with someone who ran seminars and the grower processor and dispensary had to go in areas where there were similar uses. The Office Business Zone did permit manufacturing and a grower processor was considered as a type of manufacturing. The Solicitor had suggested leaving the grower processor as a permitted use in the OB Zone, but the Planners did not do that.

March 30, 2017, the Planners received a draft ordinance. The Solicitor for the Planners stated he talked to the Engineer regarding a second draft.

April 10, 2017, Cindy Miller questioned whose model ordinance was being used. They were using the Tri-County Regional Planning Commission. She had stated at

that time that the State guideline were so explicit that the Township was going to be held to those guidelines. What she was saying at that time, which was confirmed by the Solicitor, was that the State guidelines will supersede anything we come up with. The State supersedes the Township; we don't supersede them. If there is a discrepancy, it will go by State law. Attorney Backenstoe clarified that State law pre-empt local which means the State laws supersede Township laws. At that point, one of the Planners made a motion, she seconded the motion, to send a letter to the Board of Supervisors recommending they review the ordinance.

June 12, 2017, the Planning Commission reviewed proposed changes to the ordinance and again made the motion to send it to the Board of Supervisors. At this point, it went from the Planning level up to the Board of Supervisors for review.

The Solicitor reviewed the ordinance before the meeting and at the meeting, he explained to the Board the legalities of the ins and outs. At the meeting, Attorney Backenstoe commented that the ordinance had been drafted by the Planning Commission and Act 17 approves the medical marijuana and the Township needed to implement something. The Township had to allow certain things regarding the growing, processing, and dispensing of the marijuana and other areas such as transport vehicles. He went on to explain that he believes the uses had been placed in the appropriate zoning districts and are consistent with what already exists in the zoning ordinance. His only thought regarding the ordinance was that the use should be made a special exception use as opposed to a permitted use. He felt the ordinance was good and that was his recommendation. At that point there were people in the audience that spoke and Phil Gogel was the only one who had given input. He had believed that medical marijuana could not be dispensed through a pharmacy because the FDA regulates the pharmacies, just like the transactions must be cash because banks cannot take payment because of Federal law. What they should do is make it legal and process it the way it should be done through pharmaceutical methods and dispensed the right way. This was on April 25. Phil Gogel commented he doesn't know if it made the minutes, but he also recalls stating at that meeting that it should be done as an agricultural process. Cindy Miller commented that was stated at the next meeting. Attorney Backenstoe had also commented that the County would assess the facilities like any other business that comes in and they are completely taxable like any other business.

May 9, 2017, Keith Hantz made a motion, Dell Grove seconded the motion, to advertise the ordinance for adoption. Phil Gogel questioned if consideration could be given to allow farmers to have one or two grow sites on each of their lots as an incentive for farmers to keep farming rather than selling their farms for development. If something down the road changes and medical marijuana is no longer permitted, the farmer would then have a building available for storage rather than having a building sit vacant in an Industrial or Commercial District. He believed this would

provide a greater benefit to the Township. Phil Gogel noted there should be something in the minutes that it should have been on a farm that was at least 100 acres. At that meeting, Attorney Backenstoe had commented that it was an interesting concept, but he had some concerns because if the Township was only going to allow this on certain parcels in certain zoning districts, it could be considered spot zoning. If it is going to be allowed in a zoning district, it must be allowed for all the property within the district. He was also concerned that this would be inconsistent with Act 16 which says you must have grower processors meet all the same criteria as other manufacturing facilities in the Township which is why the Planning Commission chose the zoning district that they did for the uses. The Board can adopt the ordinance and see how it goes and expand it into the A/RR district if they feel it is appropriate. Also, if a farmer went ahead and applied for one of the limited permits within the State and was successful, they could apply to the Zoning Hearing Board. Attorney Backenstoe went on to comment that he understands the concept that Phil Gogel was suggesting and believed it could be handled through the Zoning Hearing Board. At this point the Township is strictly complying with the State law which is good because this is something new and different and we don't know how this will play out. He believes it is best to start out narrow and see how things work out.

June 27, 2017, the motion was made and seconded to adopt the ordinance. Attorney Backenstoe had noted that the Planning Commission and Lehigh Valley Planning Commission reviewed the ordinance in accordance with the Municipalities Planning Code.

Cindy Miller commented she wanted everyone to understand what took place in developing the ordinance. This particular application was recommended for denial by the Planning Commission as far as the plan that was presented to them.

Jerry Pritchard commented the Planning Commission Chairman recommend the zoning district be limited to Industrial. Why was it expanded to include General Commercial? Cindy Miller commented it was based on additional research. When you look at our zoning, some of the definitions in our zoning have it fall under manufacturing and then at that point it would be included in the General Commercial Zone. She knows people are upset about this; we all are, but people need to understand what is involved with this. This is why she and the Planning Commission are asking the Board to hire a consultant to work through our zoning. It is imperative. We have holes and issues within the ordinance and the Planners cannot get to it fast enough, and they are being found. She is requesting to put out bids for a zoning consultant to come in and work with the Planners and Ad Hoc Committee and get this done. We have the COVID money to get it done or we will continue to battle with developers who find these loopholes in our ordinances.

Mike Jones questioned what the Ad Hoc Committee would do if a consultant was hired. Cindy Miller commented they would work together to do the update to prepare it to have Planning pass it and then bring it to the Board for approval. She is referring to reviewing and updating all of our Zoning and SALDO. It would be put out to bid to have a consultant review the entire Zoning and SALDO ordinances. Phil Gogel commented you would then be getting someone who is not from the community to do our ordinances. Cindy Miller commented it would still be reviewed by the Engineers, Planners and Ad Hoc committee who are from the community.

Phil Gogel commented we would be contracting something out, spending more tax payer dollars only to have our own people who are volunteers who spend a lot of time on this stuff to look at it all over again. He gave his opinion back in 2017 that a grow facility should have been on agricultural which is an agricultural product on a 100 acre or more site. Not everything he said is in the minutes. He remembers saying it should be on a 100-acre site and then that way you would have air dispersion so we wouldn't be worried about the fumes, VOCs; they also could have put on carbon filters and been in the middle of a field and there would have been a surrounding buffer with the corn so you wouldn't have to look at it. What we have now, because you don't listen to the input of the community, is a big mess on our hands. Jerry Pritchard commented having this in an A/RR area would be a disaster. **Attorney Backenstoe commented having this in A/RR would have been detrimental to the Township.** Cindy Miller also agreed. Phil Gogel commented it wouldn't have been a disaster. To get that size of a lot, there are only a few parcels in the Township like that. **Cindy Miller commented if that is the way you feel, you have been on the Board for almost six years. Why did it take six years for them to push it? Phil Gogel commented whenever he brings something up, he is overruled because of the clicks that are going on.** We need to have foresight on things and sometimes the Board that is appointed should be a little more flexible on this and take other people's viewpoints into consideration. Cindy Miller commented the Solicitor and the Engineer advised the Planning Commission not to put it into A/RR.

Cindy Miller questioned if the Board realizes how long it will take the Planners and Ad Hoc Committee to get through all of the Zoning Ordinance and SALDO without the help of a consultant. It will be well over two years. Mike Jones commented this should be placed on the next agenda if the Board is going to vote on it. He commented he does agree with Phil Gogel in that he doesn't understand the need for ad hoc if a consultant is going to be doing the work. It still seems like the process would drag out. Cindy Miller commented it will drag out even longer the way they are doing it now. It could be years and years. In the meantime, new laws are being created and new areas have to be looked at and be addressed. They are finding issues within the ordinances and try to update them as they go. They are still going through definitions. A consultant knows the subjects and the issues more thoroughly than

what the Planners do. They can go through things more thoroughly. The Planners don't have the expertise to know what everyone in the area is doing. It would streamline the process.

Mike Muffley commented the Ad Hoc Committee is spending a lot of time discussing things. No one on the committee is an expert. He and Attorney Corriere do what they can to assist, but they are limited to the time that they are at the meetings because that is what they were approved to do. When someone updates a SALDO or Zoning Ordinance, it takes an incredible amount of time and focus. It is not just a few hours. Someone needs to sit and dissect the entire ordinance and it is very tedious and time intensive. You are literally going through all the definitions and deciding if they are appropriate for the ordinance and having to find where every word is referenced in the ordinance. Doing this in a roomful of 15 people is virtually impossible and the Planning Commission is coming to the realization that this process is taking much too long. What he would suggest happen is to have someone work on an ordinance draft and bring that to either the Planning Commission or Ad Hoc committee and say here's a draft, let's go through it and does everyone agree with it. The question is do you want to hire an outside consultant, have a small focused team work on it, or have them work on it. Mike Jones commented that would make sense to him.

Liz Amato noted that the ordinance that was done 20 years ago was done by a consultant and there were items missed. Imagine what could be missed if they are doing this on their own. Mike Jones commented he agrees that having a professional do it would make it much more sound, but at the same time, if we do this and it takes a year to complete, we are not going to hire a consultant in another few couple of years to do it again. We need to try to keep up with it on our own. Jerry Pritchard commented he thought our ordinances were supposed to be updated every 10 years. Cindy Miller commented our Zoning and SALDO have not been updated in 20 years. Imagine what has transpired over the 20 years. Attorney Backenstoe commented it is a very good practice to have your ordinance updated, and the Township does update the ordinance; however, he thinks the Township is in need of a larger overall. He thinks it is good to have an expert come in. They are professionals; this is what they do. They can come in and go through the painstaking comparisons that Mike Muffley was referring to. If the Township is looking to do a complete overhaul of their ordinance, he thinks it is good for the Township to do an RFP and put it out to bid. There are several good planners in the area who will meet with the Board and the Planning Commission and work with them to write the ordinance. It's not just someone from the outside coming in and changing your whole world. They work within Lehigh Township and what Lehigh Township is, but they have the expertise and skill. Once this is done, every year or so you can look at the ordinance and update it based on the changing laws. That is something that the Planning Commission can do.

Katherine Mack commented she is probably one of the only people on the Ad Hoc Committee who is not a planner. She agrees with Cindy Miller and Liz Amato because being on Zoning, they put up with a lot of the flaws that are in the ordinances. A prime example right now is the medical marijuana. She knows it was recommended it be placed in an Industrial Zoning District, but it ended up in Industrial and General Commercial. When you look at the Township map, one of the major complaints last night was about the odor, the concern about the safety, health, and welfare of the people in the community. Wherever General Commercial is located, there are houses around. No matter where the medical marijuana facilities are going to go, you are going to have the same complaints by a different set of people. It is listed as a special exception use. This particular plan may be able to be disallowed, but you will not be able to continue to disallow it in a General Commercial District all the time or you will have major court cases. When it comes down to the bottom line, it rests with the Board of Supervisors to make the final approval of the ordinances. It is up to the Board to make sure that what is in the ordinances are the best they can be. You can't just put a stamp on it and say fine. The Board is the one that is ultimately responsible. It's just like the map; it is up to the Board to put their final approval on that as well.

Jerry Pritchard commented we could have left the medical marijuana in the Industrial District. Cindy Miller commented the Planners and the Board were advised not to because we didn't know where things were going at that time because it was brand new.

Stacy Wagner commented she lives in the Hills of Greenock. She appreciated hearing what transpired over the past several years to get us to where we are today. She also wanted to confirm that she heard it correctly that there are either COVID funds or grants available to update the ordinances. Cindy Miller commented she suggested and recommended using the COVID money instead of the General Fund money because it is available and back when it was initially created, it was intended to be for planning, updating Act 537, extensions of water and sewer and items such as that, but then they opened it up that it can now be used for basically anything. In her opinion, she is only one, she would recommend using the COVID money to get this done because she believes it is that important to get it done and finalized. Ms. Wagner commented she thinks that sounds like a reasonable approach especially since the ordinances haven't been looked at for over 20 years. She knows the medical marijuana ordinance is the issue in front of us, but she has also seen other communities such as Moore Township fighting against warehouses and other uses they don't want in their community. She thinks it would be a great use of funds, especially if they are available, to look at our ordinances and make sure everything is tightened up to reflect what the people of the Township want in their community.

John Stanina, a resident of the Hills of Greenock, commented the current ordinance is only for medical marijuana. If next month, there were to pass recreational marijuana, what happens. Cindy Miller commented as Planners, they would review what the State Laws were and if there were any changing that impact the ordinance, they would have to make the necessary changes to the ordinance. Attorney Backenstoe commented if the State were to go from allowing the medical marijuana to allowing recreational marijuana, every township, city, and borough would be tasked with determining where a use authorized by the State Legislature has to go. If you don't allow every legal recognized use, you are subject to exclusionary zoning which would be a disaster. That means that if a use is not permitted at all and a developer comes in and proves that it is not permitted within the Township, they can put it anywhere. That is site specific relief which is why Townships try to amend their ordinances as quickly as possible when laws change.

John Knobloch commented he agrees with the Solicitor. Everyone has other jobs. He thinks it makes sense to bring someone in who does this daily and is looking for these loop holes that developers try to get around. These developers have more time and resources and keep hammering you and hammering you. It might cost a little bit of money now to do it once and make it right. Using his house as an example, he is zoned commercial, but there is nothing commercial about his property and it is something that is needing to be fixed.

Linda Roman commented they are trying to push this throughout all the States so that they can get a tax base. They will tax you one end and penalize the user on the other end.

- G. Fire Company. Rick Hildebrand questioned if anything was heard on the grant for the Firetruck. The Board commented they haven't heard anything, but information is expected to be release this month.

Rick Hildebrand commented the Fire Company is also working on applying for grants on their end, but unfortunately, they cannot be used for apparatus.

At some point, he believes they will need to sit down and figure things out for the future because there will be the need for another piece of apparatus in a few years. He doesn't know that there is anything solid lined up as far as a replacement plan. The pumper is a 1998 and the tanker is a 2003. The tanker has been costing a lot of money to keep running. Hopefully with the new NFPA standards and the use of stainless steel, some of the issues will be taken care of.

Rick Hildebrand commented he had been doing his reports quarterly and knows the other departments are providing monthly reports. If the Board wants a monthly report, he can do that. The Board commented the quarterly reports are sufficient.

VI. OLD BUSINESS

- A. Cherryville Intersection. Alice Rehrig reported all three HOPs for the businesses located within the project area have been issued and closed out. The only remaining outstanding item is the correction to one of the certified payrolls. Once the payroll has been corrected, she will release the check. She has submitted all the paperwork to DCED for review. The only outstanding item to close out the grant will be providing a copy of the canceled check.
- B. Maintenance Building. The bids for the maintenance building will be due on May 18. The architect will be reviewing the bids and providing a recommendation for the next meeting.

Alice Rehrig is in the process of completing the application which is due into the state for the RACP funding. She is hoping to have that submitted by either the end of this week or the beginning of next.

VII. NEW BUSINESS

- A. Resolution 2023-7, Authorizing Manager to Sign PTS Grant Documents. In order for Officer Roth to complete the submission of the PTS grant application that the Board authorize at a previous meeting, a resolution is needed to authorize the Manager to sign the documents. Cindy Miller made a motion to adopt Resolution 2023-7. David Hess seconded the motion. All voted aye. Motion carried.
- B. Resolution 2023-8, Restricting Building Funds. As part of the RACP grant application, it is required that the funds the Township has on hand for the project be restricted to only that purpose by resolution even though they are restricted by being in a Capital Fund. Cindy Miller made a motion to adopt Resolution 2023-8. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
- C. Manager's Report. Alice Rehrig did not have anything additional to report.

Katherine Mack questioned if Alice Rehrig was able to set up the meeting that was agreed upon with Attorney Ettinger. Alice Rehrig commented she expects to have it finalized in the next two weeks. Katherine Mack questioned if the letter that was sent to Attorney Ettinger is on hold or being enforced at this point. Phil Gogel commented he believes there should be a moratorium on it until we have the dialog. Katherine Mack commented there is a meeting on Thursday and they did receive the informational sheet. Alice Rehrig commented Attorney Ettinger provided them as a courtesy. Katherine Mack commented that is his work product and he should be paid for his work product. Cindy Miller noted he was told that he wasn't being paid for them. Katherine Mack commented that is his work product and that is something that the Zoning Hearing Board had requested. Jerry Pritchard commented if he is initiating something that was not requested of him, why would we be paying for it.

Katherine Mack commented it is something that they use, it gives them the background on the law. Hopefully, they can get that when they have the medical marijuana hearing. Mike Jones questioned what was done prior to Attorney Ettinger providing that information. How did you learn the zoning? Katherine Mack commented they went into Executive Session a lot. The Solicitor has to advise the Board on the law; sometimes it is done in the public meeting, sometimes it is in Executive Session. What is it costing up front for the information will end up costing you on the back side. She knows the other members of the Zoning Hearing Board are not happy about the letter and hope it can be worked out when you meet with him. The discussion leading up to the letter was done in Executive Session and the results of the Executive Session were not voted upon which is inappropriate and the Zoning Hearing Board was never told about the letter. Mike Jones commented the letter was sent to Attorney Ettinger. It was mean for him; he should not have shared it with the Board. Katherine Mack commented it is his work product for them and he works for them.

A resident questioned if there will be an attorney present at the Zoning Hearing Board when the medical marijuana is being discussed. Mike Jones commented there is an attorney present for the Zoning Hearing Board at every meeting. Cindy Miller commented she believes that the Township should also be present to represent the Township in that hearing. Attorney Backenstoe commented his attendance at a zoning hearing is typically at the discretion of the Zoning Officer. Liz Amato commented she doesn't believe it would hurt to have Attorney Backenstoe present to represent the Township as a whole since Attorney Ettinger is only representing the Zoning Hearing Board.

D. Solicitor's Report. Attorney Backenstoe did not have anything additional to report.

VII. PUBLIC COMMENT. Joel and Laura Harmony of Overlook Circle were present regarding concerns they have with a neighboring property at 543 Overlook Circle. It is a three acre parcel that is being turned into a business. There is a lot of extra traffic, an ongoing plethora of equipment, cars, and junk. It is a drive-through auction going on. Cindy Miller commented the problem is currently being addressed by the Zoning Officer. Mr. Harmony commented he knows it is, but they felt it was important to come to the meeting to make the Board aware. A resident commented the individual is already starting to retaliate. Mr. Harmony commented this is typically a quiet cul-de-sac and it has now become an ongoing problem for the neighbors.

Sarah Dreisbach, 544 Overlook Circle, commented they have also had to call the police because their dogs are allowed to run loose and knocked over her daughter. They've been cited, but they still continue to allow the dog to run loose. There is equipment being stored at the stop sign which is getting out of control and there are a lot of people now turning around in her driveway. As a neighborhood, they wanted to address the Board

that this is a serious matter and it is something they need to be aware of and concerned about because it can get a lot worse. Phil Gogel commented there are zoning rules and regulations that can be enforced, but it takes time to grind it through the system.

Cindy Miller noted some of the people living on neighboring roads have complained to her regarding the situation.

- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter. No action was taken.
- IX. ADJOURN. Cindy Miller made a motion to adjourn. Jerry Pritchard seconded the motion. All voted aye. Motion carried.