

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

January 10, 2023

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, January 10, 2023, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Vice Chairman Cindy Miller called the meeting to order with the Pledge of Allegiance and roll call.

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

Absent: Mike Jones
Scott Fogel

II. APPROVAL OF THE MINUTES

- A. Minutes of December 13, 2022. David Hess made a motion to approve these minutes. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
- B. Minutes of January 3, 2023. David Hess made a motion to approve these minutes. Phil Gogel seconded the motion. There were two correction noted to the minutes. Item F.1. David Hess seconded the minutes. Item K, David Hess seconded the motion. Cindy Miller noted she will be abstaining from voting on the minutes since she was not present for the meeting. Deb Miltenberger questioned the salaries that were announced at this meeting. There was a salary stated, but not the percentage increase or an amount of the increase and was wondering what those amounts were. Cindy Miller commented the way the motion was made, is the way the motion was made. Phil Gogel commented the increases were on sliding scales. He doesn't believe each employee received the same amount of an increase, but all employees received increases. Deb Miltenberger questioned if the percentage of increase could be given. Cindy Miller commented the percentage could be figured out. Deb Miltenberger noted she did not have their annual salaries. Cindy Miller commented yet Deb Miltenberger doesn't have a problem sending out emails prior to the employees finding out what their increases were going to be, so she would think she could figure out the percentage of the increases would be. Deb Miltenberger commented she did not send anybody an email. Cindy Miller commented it may

have been a phone call, but somehow the employees find out what the raises are before they are even told in letters and that needs to stop. Deb Miltenberger questioned what criteria was used to determine the \$900 pay adjustment. Phil Gogel commented it was what was stated at the end of the last meeting. It was based on their review, amount of output of work done throughout the year. He has a list of items when this was discussed last meeting but he doesn't have it with him, but it was primarily based on their reviews and the work they had done. Deb Miltenberger questioned what the reason was when the motion was made it was stated that any changes could only be made by a unanimous vote. Phil Gogel commented he wanted to make sure everyone was on the same page; everyone voted for it. From his personal opinion, he wants everyone on the same page if they amend or modify the wages. He believes last year there was an amendment, but he wants it to be unanimous so that they are all in agreeance with what is going on. Cindy Miller noted she wasn't here for the meeting so there wasn't a unanimous decision. Jerry Pritchard questioned if the motion that was made at the reorganization meeting could be amended. Attorney Backenstoe commented the motion can be amended by the majority of the Board. Phil Gogel questioned if you could amend a motion so that you could make it so that less people could authorize a different wage. Attorney Backenstoe commented any motion is first and seconded and must be approved by three members of a five member board. That is established by Second Class Township Code. Phil Gogel commented it would then be a two-step process. Attorney Backenstoe commented if there was a motion made at a meeting and the Board wanted to amend it at a later meeting, they can do that. Phil Gogel, David Hess, and Jerry Pritchard voted aye. Cindy Miller abstained. Motion carried. Attorney Backenstoe noted a motion can be changed or amended by a motion; a resolution is amended by another resolution, and an ordinance is amended by another ordinance. Phil Gogel commented it would just be a twostep process, one motion to amend the motion and another motion to amend pay increases. Attorney Backenstoe noted it would be a motion to amend whatever the subject may be.

III APPROVAL OF BILLS.

A. General Fund Checks 26375 to 26454. Jerry Pritchard made a motion to approve the bills. Phil Gogel seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Extensions of Time for Plan Approval

1. William Jones, III Preliminary/Final Land Development. The developer provided the Board with an extension of time until June 30, 2023. Bill Jones was present to represent this plan. Jerry Pritchard made a motion to accept the extension of time until June 30, 2023 as recommended by the Planning Commission in their December 12, 2022, letter. Phil Gogel seconded the motion. All voted aye. Motion carried.

B. Plan for Approval

1. Sedler Design & Redevelopment, LLC, Young & Empire Land Development.

The applicant did not submit a plan for review for the meeting and was not present to represent the plan; therefore, the plan was tabled.

- C. Northwoods Development. Cindy Miller had received a call from Mr. Taras, who is a neighboring property owner of the Northwoods Development, regarding an agreement he had with the owners for the installation of a fence. When Cindy Miller had previously looked at the plans, she didn't see any type of note on the plan. While looking at the final plans, she did see that there is in fact a note regarding the installation of a fence on the plan. It shows a perimeter fence between the Taras property and the Northwoods Agreement. It is a private agreement between Mr. Taras and the developers, not something required by SALDO. She did take a picture of that portion of the plan and sent it to Mr. Taras for his records.

Mike Muffley reported the contractor is back working on the site. They are continuing to do some clearing for the stormwater basins. He did have a conference call with the supervisor and discussed E & S controls.

- D. Engineer's Report. Mike Muffley reported there were no new plan submissions. The Planning Commission had a few time extensions on the agenda. They also had a special exception review and conditional use to review at the meeting. The conditional use application is for a solar farm and will be coming before the Board sometime in February for their use permit and then will be going through the land development process.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Report. There was no report this month since the Rec Board did not have a meeting in December.

- B. Public Works Report. In addition to his written report, Frank Zamadics reported that the power to the Christmas Tree has been disconnected.

They are still planning on closing down the Yard Waste Site on February 1st through March 31st to regrade the area and reset the separation walls that are in the site.

Jerry Pritchard noted he was told there is a large pine tree leaning over the building that is at the park. He also heard that a tree came down and took out the power lines by Linda Roman. Frank Zamadics commented he was unaware of this and will check the area. The trees that he had marked for removal were all taken down. There have been quite a few trees coming down throughout the Township as a result of the recent rain and wind.

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1. Dog Park. With the weather we have been having, the Dog Park has been getting pretty muddy. Frank Zamadics would like to close the park this week since there is rain expected which will make things worse. He has signs he will put out there to indicate the park is closed. The Board agreed the park should be closed until the first Monday in April, depending upon the weather.
- C. Zoning Report. Liz Amato reported there were 32 permits issued in December and there were no zoning hearings. In February, there is a notice of violation appeal. There was supposed to be a special exception for the new storage unit for Wasko, but he wasn't at the Planning Commission last night for his advisory letter so this will be pushed back. There were eight new complaints received in December.

The Solar Farm that Mike Muffley previously discussed did sign an extension of time through the end of February. The date that is currently being proposed is Monday, February 6 at 6:00 p.m. Liz Amato requested the Board contact her this week as to whether that date would work for them.

David Hess noticed there were a lot of trees that have been coming down from the wind storm. He requested that Ordinance 155-5.1 be put on the website so residents know what their responsibilities are with the trees.

- D. Police Report. This will be moved to the next meeting.
- E. Fire Company Report. Rick Hildebrand reported the Fire Company ended the year with 440 incidents which included 91 fires, 206 accidents or medical emergencies, 24 service calls which would be similar to water removal or traffic calls, 54 hazardous conditions, 30 good intent calls which are calls that are dispatched and were either no emergency or they were cancelled, 35 fire alarms. The accidents and medical calls are the area in which they had the most calls. Fires were 20 percent of their call volume. His written report includes additional details regarding the hours spent by the volunteers, time of day of calls, and location. They also include information on value of property saved and loss.

Jerry Pritchard questioned if Northampton Regional is the one who provides the medical services for the calls. Rick Hildebrand commented that Northampton Regional is the primary, but if their units are committee, Cetronia, NOVA, Moore Township, and East Allen Township will also respond. The QRS personnel from the Fire Company are made up of EMTs and Paramedics and they will provide supplemental assistance on the priority calls.

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Ford has accepted the order for the truck which was ordered under the grant; however, they have not yet issued a VIN number or production time. Once the manufacturer gets the chassis from Ford, they are looking at a 250 day build time.

The ladder truck has been repaired which was a cost of \$22,000. The engine truck had a starter catch on fire when responding to a call. If they wouldn't have had the ladder truck to rely on, they wouldn't have had an engine truck to respond. They are having plumbing issues because of the acidity in the water and are scheduling repairs on the system which could reach as high as \$30,000.

The truck committee has almost completed the specs for the new ladder truck. They are going to send it out to bid with an accept or reject clause on bids. This will be the only way to know where they stand on the current pricing situation. The proposals are typically only good for 30 days. Once the proposals are received, they will provide the information to the Board.

They have also applied for an AFG grant for safety devices for the fire fighters so that if they should become trapped inside a building above grade, they have bail out bags on their person so they can descend from a rope.

Rick Hildebrand questioned if there is a target date when they announce for the Monroe County Gaming Grant. Cindy Miller commented they used to give dates, but she believes they are so far off, they are no longer issuing dates. The Township has not heard anything on any of the LSA grants they have applied for. The only ones the Township heard back on was the County Grants. Alice Rehrig commented when she had checked on the Statewide Grant, they were six months behind.

Paul Nikisher questioned if the pricing that is received on these trucks will be held until delivery. Rick Hildebrand commented the truck they have under agreement could have potential increases. They don't know yet because it hasn't gone into production and the parts are not ordered until it hits production. Vendors have now included verbiage in their proposals that include escalators in regards to pricing. It doesn't appear as though any of the pricing has been stabilizing.

Cindy Miller requested the Municipal Authority be added to the agenda under the Departmental/Organizational reports in the future so the Board is aware of what they have going on as far as projects. They can have a representative attend the meeting or if Phil Gogel would want to give a report.

VI. OLD BUSINESS

- A. Cherryville Intersection. The curb cuts have been poured and PennDOT was out to do the final inspection but they have not issued a report as to whether or not they approved the work.
- B. Maintenance Building. The Building Committee met to discuss moving the building forward. They would like authorization to move forward with bidding the project in February with the excavation as a separate principal bid rather than including it in the general contractor portion of the project.

David Hess made a motion to put the project back out to bid with the excavation as a separate contract. Jerry Pritchard seconded the motion. Jerry Pritchard commented one of the larger components of a project is the excavation and the general contractor will usually add a percentage to that cost. If the excavation is separate, the Township will save on the mark up the general contractor charges. The excavator has to be a reputable contractor who can honor their work. The Township has the right to scrutinize the bids. Attorney Backenstoe commented the bid has to be awarded to the lowest responsible bidder. If it can be shown that someone is not a responsible bidder and be able to testify if need be, you don't need to take the lowest bid. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Proposed Ordinance correcting Cluster Development Ordinance. The cluster development section of the zoning ordinance had some inconsistencies that the Planning Commission felt should be addressed prior to them completing the updates to the Zoning Ordinance. In the definition section, cluster developments are allowed in the VR zone, but not the A/RR zone, but it is listed as a conditional use in the A/RR zone, but not listed in the VR zone. In the specific criteria section, the VR district is not listed. The proposed changes would allow a cluster development within both the A/RR and VR zoning districts. There are no changes to the specific criteria.

Phil Gogel commented he understands the idea behind the cluster development in the A/RR district but is not sure what the benefit is of having it in the VR district. Liz Amato commented she is not certain what the theory was when the cluster development was created. As they are going through the zoning ordinance, this may change again, but for now, they just wanted to correct the inconsistency. **As they go through the ordinances, they may want to take the VR back out, but for now, they want to correct the inconsistency.** Phil Gogel commented he would prefer to fix the ordinance all at one time. Mike Muffley commented depending on the property and topography, there may be an advantage for a developer to do a cluster

development in an area where higher density is typically permitted, but Phil Gogel does have a point that there may be limited advantages for a cluster development in the VR district.

David Hess made a motion to authorize the advertisement of the proposed changes pertaining to cluster developments. Jerry Pritchard seconded the motion. Phil Gogel questioned if the ordinance committee was going to be fixing it the right way. Cindy Miller commented the committee does not have time to redo this section right now. They are still working their way through the definitions. Phil Gogel commented his concern is the cost of advertisement, the writing of the ordinance, and then the Board would need to adopted it. Alice Rehrig commented the advertisement is about \$125 because they need to advertise the ordinance two times. She can prepare an ordinance for Attorney Backenstoe to review. Phil Gogel commented his thought was to create a list of all the items that need to be corrected and then do it all at one time. Cindy Miller commented they are in the process of going through everything now, but do not know how long it will take. Their idea was to correct the inconsistency right away because you never know when someone would want to come in and do a cluster development. **Attorney Backenstoe commented if there is a known problem with the ordinance you would want to address it right away and not wait.** All voted aye. Motion carried.

- B. Resolution 2023-1, Establishing Sewage Enforcement Officer Fee Schedule. This resolution establishes the fees for sewage enforcement services at a rate that is consistent with the rates Keystone Consulting charges the Township for these services. The increases were between \$10 and \$15 per category. Phil Gogel made a motion to adopt Resolution 2023-1. David Hess seconded the motion. All voted aye. Motion carried.
- C. Resolution 2023-2, Establishing Police Department Fee Schedule. The only changes made to this schedule were the increase in range use fees from \$15 to \$25 per officer and adding a copy charge of \$.25 per page. Phil Gogel made a motion to adopt Resolution 2023-2. David Hess seconded the motion. Jerry Pritchard questioned the charges for non-criminal fingerprinting. Attorney Backenstoe commented there are several reasons someone may need fingerprinting for a non-criminal purpose such as employment purposes or a gun permit. All voted aye. Motion carried.
- D. Resolution 2023-3, Establishing Building Permit Fees. The only changes made to this resolution was to change the accessory solar panel kilowatts from 18 to 30 to be consistent with what is in the zoning ordinance and the utility road cuts and boring were increased to bring them more in line with other commercial permits. David Hess made a motion to adopt Resolution 2023-3. Phil Gogel seconded the motion.

Jerry Pritchard commented he doesn't believe that the Township needs \$25 if someone wants to put a 150 square foot shed on their property to store their lawn mower. All voted aye. Motion carried.

- E. Manager's Report. The Township was awarded a grant \$14,000 towards building security through the Grow Norco Grant program. It is a 50 percent matching grant. A list of items included in the grant application was provided to the Board because the project needs to be completed this year. Alice Rehrig suggested starting with the cameras and wireless bridge and magnetic access for the Township Building and Police Station. Phil Gogel questioned if the cameras were going to be included for the yard waste site. Alice Rehrig commented she wasn't planning on adding them to the first phase. She was focusing more on the buildings, although the cameras could be ordered and stored until we were ready to have them installed. A proposal had also been received for gated access and a control panel for the yard waste site which would cost \$17,361. Jerry Pritchard questioned the need for a gate if you can watch on a camera who is going in and out. David Hess commented he would like to start with the buildings first. The Board agreed Alice Rehrig should obtain updated pricing for the cameras and magnetic access. The difference between the grant award and the cost of the cameras and access will come from the American Relief Funding we received.

The Township was also awarded \$14,000 from Northampton County through the Emergency Services grant towards a police vehicle. This is a \$1 match for every \$2 of grant funding. Alice Rehrig will ask the Chief to get proposals for a vehicle. The cost of the vehicle was included in the budget.

The Chief had applied for a grant through Pennsylvania Commission on Crime and Delinquency for upgrading the records management program. We were recently notified that we were awarded \$376,000 which was the entire amount that was requested. There is no match required for this grant program. Cindy Miller noted the Township was one of the few police departments that were awarded the grant. Most of the funding was awarded to county level programs.

A notice was received from Keystone Credit Services that Deer Country turned our account over to them for collections. There is section on the notice where you can dispute the charges. Alice Rehrig plans on responding that we are disputing the charges and attach the letters we sent to Deer Country explaining our position.

- F. Solicitor's Report. Attorney Backenstoe did not have anything additional to report.
- VIII. PUBLIC COMMENT. Paul Nikisher questioned who is moving into Kmart. Cindy Miller commented she believes it is a wholesale company, but she also saw an add that

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they are looking to lease the property. Rick Hildebrand commented he was told it would be a light warehousing use and that there wouldn't be much in customer traffic.

Rick Hildebrand questioned if there was any anticipated business development. Cindy Miller commented at this point it is just Jandl and Turkey Hill. Rick Hildebrand commented there really has not been that much added to our tax base over the last 15 or 20 years other than a school which is tax exempt. Cindy Miller commented the interest

in developing here has not come yet, but it is coming. She too would like to see something decent come into the Township. Phil Gogel commented the biggest issue is that we don't have our infrastructure built out. Once water and sewer starts stretching into areas where we can have development, he thinks you will see more commercial. We don't want to wipe out our farmlands, but on the major thoroughfares, we should start looking at stretching water and sewer in those areas to encourage businesses. A lot of business don't want to deal with two municipalities. They don't want to deal with Walnutport for water and sewer and then Lehigh Township for the land development. They want to run a business, not have people managing different accounts and appeasing different people so they can run their business. The Lehigh Township Municipal Authority is getting their feet on the ground. They were in debt for a long time. He believes once they get moving and generating revenue, they will be able to stretch out the water and sewer and get those areas.

Rick Hildebrand commented that the Fire Marshall noticed a large pile of dirt by the storage center on Route 145. Is this being expanded? Liz Amato commented the pile is a violation which she is in the process of working on with the Conservation District.

Rick Hildebrand questioned if Turkey Hill received their PennDOT permits. Cindy Miller commented they did not receive their permits; they are working through PennDOT. This is also part of the issue with development. You have all these regulations to comply with which are beyond the Township control.

Jerry Pritchard commented that he has noticed with the business he works in, once the residences are built, the commercial comes in around it because they see people who will come to it. We are not there yet with our current mindset. Water and sewer are a big part of that. Cindy Miller commented she believes the residents want smart growth. They want to stay as rural as possible, but they do want to be able to shop local. You need commercial to balance things because you can't just depend on the residential because they will end up bearing the tax burden. The other question is, do the residents want apartments because that is what they are building right now. For apartments, you need the water and sewer. Single family dwellings are not what are currently being built.

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- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter.

- X. ADJOURN. David Hess made a motion to adjourn. Jerry Pritchard seconded the motion. All voted aye. Motion carried.