

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

May 10, 2022

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, May 10, 2022, 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
Jerry Pritchard
Phil Gogel
Mike Jones
Attorney David Backenstoe
James Milot
Alice Rehrig
Liz Amato
John Henry
Frank Zamadics

Absent: Scott Fogel
Mike Muffley

II. APPROVAL OF THE MINUTES

- A. Minutes of April 26, 2022. Phil Gogel made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 25752 to 25799. Phil Gogel made a motion to approve these bills. Cindy Miller seconded the motion. Cindy Miller questioned Check 25785 to Attorney Ettinger and why it was so high. Alice Rehrig commented it is based on the hours that he is billing for services to the Zoning Hearing Board. He does things differently than what Attorney Caffrey did. He issues a letter prior to the meeting and summary after the hearing which adds to the time that gets billed. Phil Gogel questioned if the summary is necessary. Katherine Mack commented that we didn't have it before, and it is not required. Barry Haydt commented he does find it to be helpful. Katherine Mack commented the Zoning Hearing Board can discuss it at their next meeting. Alice Rehrig noted the March 31, 2022, financial statements show that the legal fees are at 62 percent of the budget, although the first three months of the year have been quite busy. The bills do seem to be higher than what they were. Cindy Miller commented this will be something that the Board needs to pay attention to. All voted aye. Motion carried.

- B. State Fund Checks 1554 and 1555. Phil Gogel made a motion to approve these checks. Cindy Miller seconded the motion. Linda Roman questioned what the checks were for. Mike Jones commented it was for asphalt, 2A modified, and anti-skid. Marc Kerksmar requested if the State Fund money was from grants or money that was set aside by the State. Cindy Miller commented it is Liquid Fuel money that we receive from the State to use on the roads. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Extensions of Time.

1. Vineyard Estates, Melo Enterprises Preliminary Major Subdivision Plan. No one was present to represent this plan. The developer provided the Board with an extension of time until December 31, 2022. Jim Milot commented they were before the Planning Commission last evening and received a conditional approval on their plan as well as the extension of time. Cindy Miller commented the plan was presented as a preliminary plan, but they also presented a waiver request for preliminary plan approval and submit as a preliminary/final plan. The approval they received was based upon confirmation that the plan was reviewed as a preliminary/final plan. If it was not reviewed as a preliminary/final plan, they would only have a preliminary plan approval and would need to submit their final plan back to the Planning Commission. Phil Gogel made a motion to accept the extension of time until December 31, 2022, as recommended by the Planning Commission in their May 9, 2022, letter. Cindy Miller seconded the motion. All voted aye. Motion carried.
2. Gertner/Goodman Annexation Final Plan. Mr. Gertner was present to represent this plan. The Developer provided the Board with an extension of time until July 31, 2022. Mr. Gertner commented part of what has been holding them up is the determination of ownership of the internal roadway. Once this is determined, he will be receiving a portion of Mr. Goodman's property and the other portion will be transfer to another individual. They are close to getting the ownership clarified, but not quite there yet. Phil Gogel made a motion to accept the extension of time until July 31, 2022, as recommended by the Planning Commission in their May 9, 2022, letter. Cindy Miller seconded the motion. All voted aye. Motion carried.
3. Michael & Martina Obenski Land Development. David Lear was present to represent this plan. Initially, the Developer provided the Board with an extension of time until December 31, 2022; however, the extension was amended at the Planning Commission meeting to only accept an extension

of time until July 31, 2022, to force the owner to apply for the needed zoning relief. Once the zoning application is submitted, there would need to be more consideration to the extension of time, but the zoning needs to be taken care of first. Phil Gogel made a motion to accept the extension of time until July 31, 2022, as recommended by the Planning Commission in their May 9, 2022, letter. Cindy Miller seconded the motion. All voted aye. Motion carried.

- B. Release of Escrow—Hills at Greenock. The Developer has been moving forward with completing the project. For night now, they are requesting approval of Escrow Release #2 in the amount of \$3524 for the completed improvements. This request and the work have been inspected and approved by the Township Engineer as indicated in their May 4, 2022, letter. Phil Gogel made a motion to release \$3,524 to DLP Construction Management as stated in the May 4, 2022, letter from the Township Engineer. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

- C. Greg Biege, Lot Consolidation Request. Mr. Biege currently has two parcels of property which he would like to combine into one and is requesting he be permitted to do this without going through the formal SALDO requirements. He is planning on building a new home and the location of the home would straddle the property line. The seven acre lot to the rear is land locked and the pole portion that he uses to access the property is a separate parcel.

Cindy Miller questioned why this wouldn't go through planning. Phil Gogel commented we have done this in the past when residents want to combine parcels.

Phil Gogel made a motion to grant the request by Mr. Biege to consolidate his lots without going through the planning process. Jerry Pritchard questioned why we wouldn't want to require an engineered drawing. Liz Amato commented when two lots are owned by the same owner and they want to combine their lots to improve a non-conformity, the Board has approved it. In this case, he would be eliminating a non-conforming lot by combining with his remaining lands. If there were different owners involved or they were trying to move a lot line, then they would need to go to Planning Cindy Miller seconded the motion since this was our past practice. All voted aye. Motion carried.

- D. Engineer's Report. Jim Milot has nothing additional to report.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Report. Sandy Hopkins reported there were two high school games at Bryfogle Field, one of which was a Senior Night game. The refreshment stand

was open for both games and there are plans to have the stand open for the Lehigh Township PTA Color Run which is going to be held on Saturday. Right now, there is one team that is considered to be a home team and will be playing there regularly. That team has also been supporting Frank Zamadics and taking care of the infield to their specifications. A men's softball team will be using the Danielsville Field on a regular basis.

Yoga was supposed to start back up in April, but then the weather got cold. Sandy Hopkins will have to check with the YMCA as to their plans to start back up.

The Lions Club has approved the costs for refurbishing the shed at Bryfogle Park and have already provided the funding to the Township.

- B. Public Works Report. Frank Zamadics checked on the engine that was ordered for the truck. From what he understands, this was the last engine available through Ford at this time. There is no specific date as to when it will arrive.

The Crew has picked up the steel skin for the refurbishing of the shed at Bryfogle Park.

They also removed four dead Ash trees from the Danielsville Park, near the entrance along Walnut Drive. They were a hazard to the park.

1. Yard Waste Hours. The Board is considering extending the hours for the yard waste site to make it more accessible for residents. The Board agreed to extend the hours to 7AM to 6 PM, Monday through Friday and 6AM to 6PM on Saturday. The Police will be closing the site during the week and opening it on Saturday at the beginning and ending of their shifts. If there is a problem with contractors and non-residents utilizing the site, the Board will revisit the hours.

Phil Gogel made a motion to establish the hours of the yard waste site at 7 AM to 6 PM, Monday through Friday and 6AM to 6PM on Saturday.

Jerry Pritchard seconded the motion. Cindy Miller asked for clarification for who will be opening and closing the site. Mike Jones commented the Road Department will open the gate during the week when they start at 7 AM and the Police Department will close it as 6 PM during the week. On a Saturday, the Police Department will open it as 6 AM and close it at 6 PM. All voted aye. Motion carried.

Mike Jones commented he has received several calls regarding dead trees dropping branches on Alder Drive and that there are trees in danger of falling on the road. Frank Zamadics commented the Road Crew has picked up some branches from the road, but not recently. Most of the trees are on private property or the Walnutport Authority property. Recently, they had one come down on Olive Road and Cherryville Road. Jerry Pritchard noted there was one that came down on Birch as well.

Jerry Pritchard noted that Maple Drive is getting pretty bad from the trucks using it. Municipal Road by the stop sign is also sinking. Frank Zamadics commented he has been regularly checking Municipal. The pipes under the road are still in good condition. The road is compacting from the weight of the trucks.

Paul Nikisher commented as the ordinances are being redone, it may be worth considering that trees that are planted not be located within 20 feet of the roadway to help prevent trees from falling on the road and becoming unsightly as they grow and get into the overhead wires. Jerry Pritchard commented he doesn't believe that the government should be telling people where to plant their trees.

- C. Zoning Report. Liz Amato reported the building permit are picking up which is typical for this time of year. There are no zoning hearings scheduled for May.

At the Planning Commission meeting last evening, they decided the recommendation for updating the solar ordinance would only be to increase the kilowatts on roof mounted systems from 18 kw to 30 kw. All other aspects of the ordinance would remain the same, including the ground mounted system which have a maximum square footage of 1,000 square feet for an accessory structure. Right now, the highest kilowatt roof mountain system that she has seen is 25 kw so there is some room increases in wattage as technology changes. She does not see very many ground mounted system and of the ones that she has issued permits for, they did not require a variance which is why they are proposing to not make changes to that section of the ordinance. If the Board agrees with the change, she will have a draft ordinance prepared for the next meeting so that authorization can be given to advertise the ordinance.

Adam Ash noted that solar panels are not the greatest thing for a roof. As an electrician, if he were doing solar, he would not want it on his roof and he would need more than 1,000 square feet to offset his electric bill because he has a 3,000 square foot house. A roof will last 15 to 20 years and it could be damaging to the roof. If he is going to invest in solar panels, he doesn't want it to be damaging to his home; he wants it to be an asset to his home. You are updating the regulations, but you are hamstringing the people who do not want to put them on

their roof. Liz Amato commented she agrees, but there are only two or three ground mounts in the whole Township. Most people are putting the panels on their roof. Jim Milot commented most people want their yard space for other uses so they prefer to put the panels on the roof. Liz Amato commented the reason the Planning Commission didn't suggest changes to the ground mount system was because there were limited requests for them and variances haven't been needed. Mike Jones commented 1,000 square feet is larger than most roof areas. Liz Amato commented the roof area is regulated by the amount of kilowatts and the ground mounts are regulated by the square footage of the unit.

The Board agreed to just change the kilowatt requirement from 18 kw to 30 kw as recommended by the Planning Commission.

Liz Amato reported she was able to get in touch with the property owner on Route 145 by the old Speed Tech property. She will be trying to meet with him on Friday. He seems open to her coming down and walking around and trying to come up with some type of plan to get things cleaned up. She is not sure of the magnitude of what is there so it may be a long process.

Jerry Pritchard questioned what the status was of the property along Route 248 between Pennsville and Petersville. Liz Amato commented they have been issued the third round of citations. Every time he is cited, he says he is ready to clean it up, but he doesn't.

Liz Amato also noted that the Miller property is in the process of getting cleaned up; you can see there is progress being made. In addition, Mrs. Kern is in the process of getting her property cleaned up on North Cottonwood Road.

- D. Police Report. Sergeant Henry did not have anything specific to report.

Linda Roman questioned if all the police vehicles are operational. Sergeant Henry commented all the vehicles are currently working. They are waiting for the upfitting on the last new vehicle to be completed.

VI. OLD BUSINESS

- A. Cherryville Intersection. Jim Milot reported there was a meeting with several PennDOT officials, the contractors, and his office. They finally received some direct answers from the PennDOT Permit Manager as to what they will accept. A portion of the concrete work needs to be redone by the contractor. The curbing slumped a little bit and two of the ramps will need to be replaced. One of them is due to slopes by the contractor. The other one is a combination of slopes and a field adjustment that was forced to be made because of a pipe that is scheduled to

be removed as part of the Turkey Hill project when they do the remaining three legs of the intersection. Since we had to do the work before they did, we couldn't abandon the pipe and they needed to shift the pedestrian push button pole on the existing Turkey Hill side down a little bit. Because of that, it made design and retrofit of the ramp more difficult as well as the tie in back to the property. They have a revised detail plan submitted to PennDOT and the contractor is waiting for that approval so they can do the final punch list items.

Cindy Miller questioned how long it will take the contractor to complete the items once everything is approved. Jim Milot commented the contractor should be able to get everything done in two weeks once they get the approval. He is hopeful they will be done by the end of June.

Cindy Miller commented it seems like Turkey Hill is moving forward. Jim Milot commented Melissa Maupin sent them a copy of their review because he had mentioned to her that he didn't know if they were moving forward. Jerry Pritchard questioned who Melisa Maupin was. Jim Milot commented she was the former Northampton County Permit Supervisor. PennDOT has made some adjustments to the way they run the department and now have three permit managers that each have two counties. The current Northampton County permit manager is Marah Haddad.

Paul Nikisher questioned if there is a start date for Turkey Hill. Jim Milot commented he does not know of one. They are still working through their planning and permitting. Paul Nikisher questioned if it looks like it may be this year. Jim Milot commented they were hopeful that it would be this construction season. Cindy Miller commented their project manager had indicated to her that they were hoping to start by April 18. Attorney Backenstoe commented he had provided Turkey Hill with draft copies of the improvements agreement, maintenance agreement, and BMP agreement three month ago, but he hasn't received a revised cost estimate or letter of credit from them. Jim Milot commented they are still going through the PennDOT permitting. Cindy Miller commented she believes they did finalize everything through the Conservation District and the NPDES permit.

- B. Maintenance Building. There were no updates on the grant application.
- C. Township Railroad Bed Property H2 19 1. Mr. and Mrs. Dotta were in attendance to continue the discussions of them possibly acquiring this railroad bed property from the Township. Mrs. Dotta was able to obtain a curbside appraisable for the property. The value that the realtor placed on the property was \$500, mostly because the property has a 15 foot to 20 foot drop from the roadway with a swale

that collects water because that is where the tunnel was that went under Oak Road. It is an unbuildable lot because of the railroad going under the roadway.

Cindy Miller commented there should have been comps included as part of the curbside appraisal. Mrs. Dotta noted that the realtor did show assessed values of other properties which were lower than this particular one. Jerry Pritchard questioned why this couldn't be considered since no one else came forward. Attorney Backenstoe commented if the value of something is in excess of \$6,000, then you must advertise it and put it out to bid. If the value is less than \$6,000, then you don't have to put a bid out. You can sell it to someone, but you must announce at a Township meeting your intent to sell it, but you cannot sell it for 30 days. This is per the Second Class Township Code. Cindy Miller commented her only concern with the curbside appraisal is that they didn't list any comps that were used to show how they came up with the value. Attorney Backenstoe commented if after the due diligence of obtaining an independent appraisal, the Board believes it is less than \$6,000, the Board can sell it to someone after giving 30 days' notice at a public building. The reason for doing this is so that if someone wants to offer the Board more money for the property, they can do so. That is the intent of the Second Class Township Code. After the days have passed, there could be a mini closing. He wouldn't recommend giving a special warrantee deed since the Township really doesn't know much about the property and it is deeded to the Lehigh Township Road Board, now known as the Lehigh Township Board of Supervisors. He would do a quick claim deed.

Michael Jones commented there was a comment made at the last meeting regarding the possibility of not being able to sell the property. Attorney Backenstoe commented often times when a Township receives a property from a railroad company there is a covenant which runs with the land which states that you can't sell it to anyone, that is must be used for public purposes. In this case, we have a copy of the deed and it does not state that, therefore, he does not believe there is that prohibition. The deed which lists this particular property also includes five other parcels. Phil Gogel questioned if the Township would have to subdivide this parcel out of the deed. Attorney Backenstoe commented the deed actually conveys multiple parcels which each have separate meets and bounds descriptions and separate tax parcel numbers so the Board is able to sell one of the parcels without going through a subdivision.

Jerry Pritchard questioned why the Board cannot reach an amount based upon the numbers from the County and the appraisal. Attorney Backenstoe commented the appraised value that the County has it set at is \$2,000; the assessed value is \$1,000 which is always 50 percent of the appraised value in Northampton County.

This is the value in which you are taxed on. The \$500 is the curbside appraisal that was done by a real estate agent. The \$500 is what the realtor feels is fair market value for the property.

Mike Jones questioned if the Board agrees to accept a certain price for the property, can someone offer more money for the property? Attorney Backenstoe commented if they do it within the 30 days, yes. He believes the reason the process was written the way it was in the Second Class Township Code was because of the cost of advertising. It could potentially cost the Township more money to advertise something for sale than what they would actually be getting paid for the item.

Linda Roman questioned how the Township acquired the railroad bed. Attorney Backenstoe commented in 1965 the Public Utility Commission filed a legal action against Southern Norfolk. As a result of that legal action, they entered several docket orders before the Public Utility Commission and actually conveyed title on behalf of Blue Ridge Farm Real Estate. Thereafter, Blue Ridge Real Estate sold it to the Township for \$1.

Marc Kerksmar questioned if the Board were to accept the offer of \$500, and someone was a nitwit and offered the Board \$550 within that 30 day period, would the Board have the right to accept whichever offer they want to? Attorney Backenstoe commented the Township as a taxing authority would have to take the \$550 or the higher offer. Mr. Kerksmar questioned if Mr. and Mrs. Dotta would have the option of offering more than the \$550. Attorney Backenstoe commented they would have that opportunity.

Mr. Dotta commented there must be 50 dead trees on this property. If they are not dead and standing, they are dead and leaning into the trees or have fallen onto their property. They have hit their fence, landed in their yard, and they have to keep cleaning them up. They don't want to keep cleaning up what they don't own.

Phil Gogel commented he does agree with Cindy Miller in that we really should have comps. He knows the railroad beds that sit down like this are nothing but mosquito traps and are horrible, but the Township still needs to do things to make sure it looks like the Township is doing the right thing. Mrs. Dotta commented she thinks it will be difficult to find comps because of the type of property. In 1965, her mom paid \$340 for the railroad bed that is on the other side of Oak Road. Cindy Miller commented the reason she mentioned comps was so that the Board would have something to compare the \$500 value to. If they are unable to

obtain comps, then they should have noted that and explained how they got to the \$500 value. She doesn't feel a full blown appraisal is needed. Michele Dotta commented she believes that the real estate agent looked at the assessed values of other railroad beds when creating the price. Cindy Miller commented she is looking for the information they used as to how they arrived at the value.

- D. Ordinance 2022-1, Amending Chapter 111, Peace and Good Order. This ordinance has been advertised as required and is now before the Board for approval. Phil Gogel made a motion that the Board does not adopt Ordinance 2022-1 because he believes there should be specific guidelines included for businesses. Jerry Pritchard seconded the motion. Adam Ash questioned what the new guidelines would be. Phil Gogel commented the new ordinance would have put a broad spectrum on the whole Township whether you are in Industrial, Commercial, or Residential. It put everything under one umbrella. There was a section in quotes which segregated out specific areas. It would send the decibels or noise levels back to reference zoning. As soon as they get done with zoning, it will be more specific, but for right now, the noise level criteria would be whatever they were approved for under Planning and Zoning for their specific zone. Adam Ash questioned how it would apply to a non-conforming use. Phil Gogel commented it would go back into zoning. When they retool our ordinances, they should address those specifically. It will simplify things if you are a commercial entity. For example, a business who runs all night long and is located in an industrial zoning district would have to shut their business down at 11 PM if they are bothering the neighbors. Mike Jones and Cindy Miller commented that is not how the ordinance is written. Mike Jones commented the ordinance states "no legitimate purpose". Normal operation of a business is a legitimate purpose. Jerry Pritchard commented Attorney Backenstoe had drafted language to address this. This language should have been included. Phil Gogel and Jerry Pritchard voted aye. Cindy Miller, David Hess, and Mike Jones were opposed. Motion did not carry.

Cindy Miller made a motion to adopt Ordinance 2022-1. David Hess seconded the motion. Jerry Pritchard questioned how the Board can say they are for business then vote down something that is business oriented. Mike Jones questioned how this would hurt a business. Phil Gogel noted it is a blanket over everything. Cindy Miller, David Hess, and Mike Jones voted aye. Phil Gogel and Jerry Pritchard were opposed. Motion carried.

VII. NEW BUSINESS

- A. Resolution 2022-14, Supporting the PA Commission for US Semiqucentennial. This resolution was created and circulated by PSATS in anticipation of the County's upcoming 250th anniversary. The resolution would show the

Township's support of the 250th anniversary celebration. Cindy Miller noted it pertains to a lot of the history of the United States. A non-profit organization started this and is looking for support from all the municipalities across the Commonwealth to say, yes, they want to recognize the 250th anniversary of the United States. Cindy Miller made a motion to adopt Resolution 2022-14. Phil Gogel seconded the motion. Adam Ash questioned what this would obligate the Township to. Cindy Miller commented there is no obligation. It is just showing the Township's support. All voted aye. Motion carried.

- B. Manager's Report. Alice Rehrig reported Cindy Miller made her aware that the Lehigh Valley Chamber has a beautification grant available. It is a matching grant for a total of \$4,000, with \$2,000 coming from the Chamber and \$2,000 from the Township. It is geared towards tourism and improving down town areas. In reviewing the grant guidelines, it seems as though it could be used for obtaining a park identification sign for Delps Park. There were funds budgeted for the sign and this would be an opportunity to get the sign and have half of it paid for. The application is due by the end of the month. At this point, she is seeking authorization to apply for the grant funding. The final design and costs of the sign would be brought back to the Board for final approval if we were successful in obtaining the funding. She would also take this to the Recreation Board for additional discussion. David Hess made a motion to authorize Alice Rehrig to move forward with the grant application. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

For the next meeting's agenda, Alice Rehrig is going to try to have a list of different projects for discussion by the Board and how to move them forward. There are two grant opportunities that will be opened up by the County over the summer and the Northampton County and Monroe County gaming grants should also be opening over the summer as well. The one County grant is a dollar for dollar matching grant up to \$50,000; the second County grant is an EMS grant which is a one dollar match for every two dollars of grant funding. The gaming grants do not require a match, although some type of match is encouraged. Phil Gogel questioned if the grants can be used for roads. Alice Rehrig commented she has never seen the grant funds go towards general road maintenance. Typically, they are used for a specific capital project.

The Comp Plan workshop will be held on Wednesday, May 18, at 6 PM at the Fire Company. There have been approximately 250 notices mailed out. The Planning Commission was also notified about the meeting. Cindy Miller noted only three of the Planners will be able to make the meeting because of conflicts. Jerry Pritchard questioned if we will be able to finalize the comp plan at this

meeting. Phil Gogel commented he believes there should be guidelines set up. Cindy Miller commented this is a review and she wants to hear from all of the residents who have been notified and what their comments are.

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

Jerry Pritchard questioned where things were at with the Karafam appeal. Attorney Backenstoe commented as authorized in Executive Session, he has spoken with their attorney about developing certain conditions. He has not heard back from them yet.

VIII. PUBLIC COMMENT. Bob Leasburg questioned what happened with Lorah's meeting. He had emailed Mike Jones and Cindy Miller, came to multiple meetings, and no one knew anything. He didn't receive an email and it wasn't posted on their property. Jerry Pritchard commented no one came to the meeting. Mr. Leasburg questioned how are people supposed to know when the meeting is if they are not notified. Mike Jones commented the property was posted and he did email him with the date of the meeting. Kristen Soldridge commented the property was posted between the roadway and the track. Mr. Leasburg commented he drives by there several times a day and did not see a sign, nor did any of the other neighbors. Mr. Leasburg spoke with someone who just moved here eight months ago. He told him he loves living on Cypress Road, but what a pain it is when Lorah's have events. So, he told him there would be a meeting and he would let him know. When he didn't hear anything, he looked at the minutes and learned the meeting was held and no one was here. None of them were aware what was going on. Cindy Miller commented the Board is not the ones who send out notices. The notices are sent out by the staff. Alice Rehrig commented the adjacent property owners were notified. According to the file, there were 12 letters sent out to the adjoining property owners. It was also advertised in the Home News on March 3rd and 10th. Jerry Pritchard questioned what the radius was that the Township was obligated to send notices to. Attorney Backenstoe commented the ordinance requires the adjoining property owners to be notified, the property posted, and the meeting advertised twice in the paper. Mr. Leasburg commented in reading the minutes, it appears as though Mr. Lorah has carte blanche to do what he wants. He could do auctions, junk car races, tractor pulls, whatever they want, every weekend.

Katherine Mack commented she understands Mr. Lorah is located in a General Commercial area, but she also mentioned she knew people were upset about the events, the Board also knew people were upset about the events. It was mentioned at several meetings. Because this was a conditional use, it went before the Board of Supervisors rather than the Zoning Hearing Board. She was out of the country when the hearing took place, but told the Board how disappointed she was that they did not place conditions on

Mr. Lorah's activities because they knew there were people who were upset. There were people who live away from the area, Sandy Hopkins, who can hear the noise and she is no where near the site. Mr. Leasburg commented there is also the dirt, the smell of fuel. Katherine Mack commented you do not need to have objectors present at the meeting to set reasonable conditions. Reasonable conditions could have been time of day, number of events, types of events. All of these conditions could have been set. Mr. Lorah could have had his tractor pulls and at the same time, the neighbors could have had peace and quite on certain weekends of the month. Mr. Leasburg commented that was his concern. When it started out at three events, he didn't care, but not every weekend. That is not okay. Katherine Mack commented the reason the majority of the Board didn't place conditions was because there were no objectors.

Kristin Soldridge commented that was not the reason. The attorney that was here has studied agricultural law in Pennsylvania for over 20 years. You can't say that what the attorney stated was incorrect when you don't know the law. The State trumps Lehigh Township when it comes to agricultural laws. Katherine Mack commented it is agritourism which includes hay rides, corn mazes, and those types of things are part of agritourism. You can see it listed in the Pennsylvania Department of Agriculture's activities that they put out about this. Tractor pulls and junk yard races are done at fairgrounds. Mr. Lorah had tractor pulls; he was granted a number of them, but he went over and above which caused problems in the neighborhood. Zoning is to protect people in the neighborhood. It protects individuals from having businesses right next to their house which is inappropriate or not allowed. It also protects Mr. Lorah in that he can have certain types of activities. He is in the agricultural industry and located in the General Commercial Zone. There are limits sometimes that make it more reasonable for everyone in the Township to live in a peaceful organized manner.

Linda Roman commented she can relate to this. She used to live in Lehighton and could hear the races going until midnight. It's fine to do these things, but there needs to be a time frame when there is quiet time as well.

Phil Gogel commented the time frame was set at 11:00 p.m. He was one of the Board members who said okay. He based his decision on past practice, being in the General Commercial area, the amount of surrounding area that is General Commercial and many other factors. Bob Leasburg commented that is easy to say when you don't live by it and your road is being turned into a dirt road with all the crap that gets tracked onto it. Once in a while wouldn't be bad, but every weekend is too much. When the type of events and scope of events were allowed a few years ago, he also used that as a basis for his decision. He doesn't want to allow someone to do something then say you cannot do it. If it was already allowed, a precedence was set. They may have been able to curtail the number of events, but when someone is in General Commercial and Industrial, he doesn't agree with having to shut machines down at a certain time. There was a time frame set

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on the events. He didn't want to pigeon hole him into the number of events due to creating hardship for lack of funds to run the farm. Fertilizer prices went from \$350 per ton to \$1,500 per ton and the diesel prices. You can't run the tractor through the field without burning up \$1,000. As expenditures go up and we want to keep our agricultural nature, we have to allow them to be able to make money. If they are farming, the margins are slim.

Kristen Soldridge commented the farm has a street cleaner. They go out after the events and when they plant the fields. They don't clean the roads each time they cross the road, because they would lose too much time. The events are not held every weekend and are posted. If an event is rained out, they do not make it up. You can't pigeon hole them into a certain amount of events because they don't control the weather. They have had to stop events because there were rain delays and they were not going to be done by 11 PM because people will call and complain about the noise. They make sure they are done by 11 PM. This year they have been starting their events earlier to make sure they are done by 11 PM. She lives in Danielsville and on a clear night, she can hear the train. No matter where you live, you will hear noise. Mr. Leasburg commented the noise is not the biggest issue. It's the danger of the people coming to the events and speeding down the road. Kristin Soldridge commented they are not able to control what people do. They place cones in the road, have the Lions Club telling people to slow down. If they don't listen, what are they supposed to do. The Police have been there and do the best they can; the Fire Company is there and does the best they can do. They have put every safety measure they can think of in place to make sure no one gets hurt. They have done everything that they were required to do.

Marc Kerscmar commented he thinks it says a lot about the Township for Liz Amato to reach out to a property owner and work with them to resolve an issue. He also noted a Veterans Memorial was mentioned in the past. It may be something to shoot for to unveil the memorial around the time of the 250th anniversary.

Phil Gogel commented with regard to the memorial for Mike McGonigle and a Veterans Memorial, Kim McGonigle has been speaking with Tom Szoke and there will be a meeting this Saturday at 2 PM at St. Nick's church. They will be talking to Father Sedar to look for an area and go about a design. Mike Jones questioned if it is a memorial for Mike McGonigle or a Veterans Memorial because he knows Tom Szoke was talking to the Legion. Phil Gogel commented he knows Kim McGonigle has been talking to Tom Szoke so there maybe multiple discussions taking place. Kim McGonigle reached out to Tom Szoke; they may be looking to tie things together and then the Township wouldn't be involved. Jerry Pritchard commented he thought they were looking at Bryfogle or somewhere on a main road. Phil Gogel commented that if it is on Township property, it becomes a public issue. Cindy Miller commented if it is a Veterans Memorial for all of the Township, the Township should be involved. Katherine Mack commented she spoke

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with Kim McGonigle and what she is planning on doing is more of a religious memorial. She was looking at doing outside Stations of the Cross that would culminate near Mike McGonigle's memorial. She doesn't believe a Veterans Memorial should be on religious property.

Adam Ash commented there are a lot of issues taking place at the School Board meetings were they are doing a lot of cloak and dagger with tax payer money. He would encourage everyone to attend the meetings. There will be a Policy Committee meeting on May 18 at 10:00 a.m. The next School Board meeting is June 4 at 6:30 p.m. in the High School Auditorium. One June 15 there is a meeting pertaining to the Moore Township Elementary School because the parents are upset that the elementary School may be closed and the kids will have to be bussed to Route 329. Kristin Soldridge commented Doug Vaughn and Kim Bretzick are upset because consideration wasn't given to renovating the Moore Township School versus building a new school on Rt. 329 that would combine the Borough School and Moore Township. Cindy Miller questioned if it is true that the Lehigh Elementary School is already at capacity. Kristin Soldridge commented she believes they may be 100 seats at most. Cindy Miller commented the Planners questioned the School during planning as to how much capacity they have and what happens when they reach capacity. The Planners were told by the Solicitor, they will build a new school. Katherine Mack commented she was principal at Moore Elementary. When they do renovations, they often do not take into account they need to have classrooms for IU-20. They never plan for more. There are also a lot of Lehigh kids that go to Moore. Moore Township was always the most neglected area of Northampton School District because it was the most rural. When she was there, there was a Superintendent who never came to the School in the eleven years she was there because it was too far to go. Now these kids will have to be bussed to Northampton or George Wolfe. When they build the schools, they don't take into consideration how loud the air handlers are. They don't write the correct specs for them. You cannot live and learn in these classrooms. Teachers either lose their voice talking over the air handlers. The kids can't hear properly which is essential for elementary learning. There is something to be said when principals are going back to the classroom at a high rate.

Jerry Pritchard commented the interest rates are going up. They have gone up twice and it is expected they will increase seven times this year. The market is going down. This means less money; more payout. The Township needs to think about their finances and keep everything in order.

- IX. ADJOURN. David Hess made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.