

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

July 11, 2023

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, July 11, 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
Mike Jones
Jerry Pritchard (via telephone)
Attorney David Backenstoe
Mike Muffley
Alice Rehrig
Scott Fogel
Frank Zamadics

Mike Jones provided the following statement pertaining to the lawsuit which was filed against the Township by a former police officer:

Lehigh Township, when advised of the allegations raised in former Lehigh Township Officer Edwards' Federal lawsuit, had outside labor counsel from Campbell Durrant, P.C. fully investigate these allegations. The investigation did not find any hostile work environment, discriminatory conduct, sexual harassment or retaliation. The Township stands behind Chief Fogel and will not litigate Ms. Edwards' lawsuit in the press. The Township will defend this lawsuit instead in Court by presenting all relevant testimony, including labor counsel's independent findings, that the allegations in Ms. Edwards' lawsuit are without merit.

II. APPROVAL OF THE MINUTES

- A. Minutes of June 27, 2023. David Hess made a motion to approve these minutes. Cindy Miller seconded the motion. Cindy Miller noted on Page 3 there should be a clarification added that Katherine Mack did not speak with the office, but will do so. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 26892 to 26937. Cindy Miller made a motion to approve these checks. David Hess seconded the motion. All voted aye. Motion carried.

- B. State Fund Checks 1580 and 1581. David Hess made a motion to approve these checks. Cindy Miller seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Plan for Approval

1. Daniel DiSanto, 373 Riverview Drive, Lot Line Adjustment Plan. Brad Rock of Lehigh Engineering was present to represent this plan. This is a minor subdivision where they are slicing off a small area from the Penny Dice property and consolidating it with the DiSanto property. They have completed the outstanding items in the Engineer's letter from the Planning Commission with the exception of obtaining their HOP. They have submitted to PennDOT but have not yet received a response. Mike Muffley commented this plan would be ready for conditional approval.

Phil Gogel made a motion to grant this plan conditional approval subject to the applicant complying with the comments in the Planning Commission's letter of June 15, 2023. David Hess seconded the motion. Cindy Miller questioned if a condition could be added that the plan must be recorded in a certain amount of time. We are starting to see a lot of plans not getting recorded. Alice Rehrig noted there is a 12 month requirement noted on the conditional approval form which is signed at the Planning Commission meeting. All voted aye. Motion carried.

B. Extension of Time for Plan Approval

1. Riverview Self Storage/David Wasko Land Development Plan. Jason Buchta of Ott Consulting was present to represent this plan. Mr. Buchta reported the plan is currently going through a jurisdictional determination with DEP and Army Corps of Engineers and is requesting additional time to get this completed. The developer provided the Board with an extension of time until April 30, 2024; however, the Planning Commission is only recommending an extension until January 31, 2024. Phil Gogel made a motion to accept the extension of time until January 31, 2024, as recommended by the Planning Commission. Cindy Miller seconded the motion. All voted aye. Motion carried.
2. John and Dennis Moyer Lot Consolidation and Grading Plan. Dennis Moyer was present to represent the plan. Mr. Moyer commented he will be applying for a special exception use to the Zoning Hearing Board because the property never had one in the past and needs additional time to go through this process and then finish the plan. The applicant provided the Board with an extension of time until January 31, 2024. Phil Gogel seconded the motion. All voted aye. Motion carried.

3. Zachary Bittner Minor Subdivision. Brad Rock of Lehigh Engineering was present to represent this plan. They are currently working on the stormwater plan and grading. They had granted an extension of time until February 29, 2024, but the Planning Commission recommended six months from their meeting until January 31, 2024. When he prepared the extension, he went six months from the expiration date of the plan, August 6, 2023, when he chose the February 29th date. Phil Gogel made a motion to grant the extension of time until February 29, 2024. Cindy Miller seconded the motion. All voted aye. Motion carried.
- C. Joan and Stanley Gertner Minor Subdivision. Stanley Gertner was present to represent the plan. Mr. Gertner granted the Board an extension of time until August 31, 2023. Mr. Gertner commented he has completed the title search and is having problems getting Mr. Moyer to agree to the quit claim process for the paper road that exists on the property. When the original owner divided up the property, he used the street as the dividing line, but the street itself was never incorporated into any of the parcels. The title search still shows that the original owner and his heirs still own the road. The heirs have signed off on the claim, but Mr. Moyer has not been willing to do so. He needs additional time to research what his options are. Attorney Backenstoe commented if the neighbors are not willing to sign off on a quit claim deed, then an action of quiet title must be filed. Attorney Backenstoe commented the extension that Mr. Gertner provided the Board will not be enough time to complete this process and suggested Mr. Gertner grant an extension to at least September 30, 2023. The Board suggested a six month extension of time. Mr. Gertner was agreeable to this extension. Phil Gogel made a motion to accept an extension of time until February 29, 2024. David Hess seconded the motion. Mr. Gertner was in agreement with this extension. All voted aye. Motion carried.
- D. Extension of Time for Plan Recording
1. Lehigh Valley Resort & Spa Land Development. Attorney Joseph Zator and Adam Jaindl were present to represent this plan. They are requesting an extension of two years, until August 27, 2025, to record the plan. Mr. Jaindl is trying and will succeed in making this a world class project, unique to the region and the Lehigh Valley. In order to do this, it takes time. Since the plan was approved four years ago, Mr. Jaindl has been diligently working on this. It has been a very thorough and expensive process. Attorney Zator commented in his 35 years of doing this type of work, he never experienced a project of this complexity. The Jaindl goal is to get shovels in the ground as soon as possible and then begin vertical construction as soon as possible thereafter. The project is going well as far as permits and easements. There are only a handful of them left. There have been mock ups of the hotel rooms created on the Jaindl Farm. This is the gold standard of the industry when a high end hotel and conference center are being

constructed. There will be a few changes to the plan as compared to what was approved four years ago in terms of parking, location of the service barn, and a tweaking of a few things. They anticipate that resubmission to the Township Engineer for review will occur around September. They also believe it will take about six months of review time before the site plan is complete. He has also spoken with Attorney Backenstoe regarding starting the earth moving activities under an indemnification agreement in advance of the plan getting recorded. In order to do this, the site plan must be completed. In a project such as this, everything is driven by the vertical construction. As decisions are made on the construction, it is quite common for there to be ripple effects that will require changes in direction and other decisions that need to be made. This ripple effect also effects what happens on the outside as well and can be quite extensive. They are confident that by the time everything is complete, it will be a project everyone can be proud of. With a project as large as this, they cannot go out to bid until all the details have been worked out and they cannot apply for their financing until the bids are received and they know what their costs will be. The Jaindl family has invested a lot into this project, not only financially, but into the community as well. They want it to be a project that they and the Township will be proud of. This is why they need the two year extension. If the Board feels it appropriate, they are more than willing to come back to the Township every six months to provide an update on where they are with the project.

Cindy Miller questioned if the changes to the plan will be going back to the Planning Commission. Adam Jaindl commented they had spoken with the previous Township Engineer regarding the changes and he felt it wouldn't be necessary to go back to the Planning Commission. Attorney Zator commented the changes that are being made are not significant from a layman's standpoint. The engineering detail is what needs to be looked at. Mike Muffley commented he has discussed the changes that Attorney Zator is referencing with Phil Malitsch in June 2021. As long as those changes have not evolved into something different, he doesn't see it as an issue. The information he received was that the minor changes that were made to the plan were alright with the Planning Commission.

Phil Gogel made a motion to grant a motion to extend the deadline to record this plan until August 27, 2025, with the condition that they appear before the Board every six months to provide updates on the plan. David Hess seconded the motion. Linda Roman questioned what happens if this two year extension is given and there are additional changes to the plan. Mike Jones commented if there are additional changes to the plan that are significant, they would need to resubmit the plan back to the Planning Commission. Attorney Zator commented

what was a parking lot will now be a parking deck to look like a bank barn, the service barn will be relocated to a different spot by the parking deck rather than out by Cherryville Road. The event center is going to change by a few square feet from where it had been in terms of size. Ms. Roman commented that if he is changing things with the rooms, it can impact where his electrical, water, and sewer lines will go. He is planning on developing 460 acres. Mike Jones commented the plan that is before the Board is only for 60 acres. Cindy Miller questioned how soon the plan would be recorded after the indemnification and construction agreement are entered into. Attorney Zator commented they will not be doing any construction of buildings until after the plan is recorded. There is an extensive amount of site work that needs to be done which is why they are planning on entering into the indemnification agreement. They plan on recording the plan as soon as they can, but based on the way that things have been going with the architecture work and mechanicals and needing to be adjusted, they expect that they will be getting to a point around September where they can file the revised plan for review. At that point, the grading and building footprints will be in their final form. They will still have work to do on the interior of the buildings and the professionals will continue working on that. Once that is complete, they are planning on recording the plan because that is when they will be going out to bid and getting the financing for the project.

Cindy Miller commented the Board typically has only been giving six month extensions for the recording of plans. As long as she has been on Planning and on the Board, she doesn't recall ever given an extension for more than six months. Attorney Zator commented he agrees that six months is typical in most Townships, but this is not a typical project. It is very complex and hard to compare to other projects. Six months may not be sufficient to get it through Hanover Engineering let alone getting to the point of the next steps after that and get the plan recorded. Mike Muffley commented it would be unrealistic to expect this to be wrapped up in six months and he would need to come back for another extension. The condition of him returning every six months with an update is not unreasonable. Jerry Pritchard commented this is not a typical break ground type of project. There are a lot of moving pieces. There is a lot more involved in this project that what typically comes before the Board. It is expected that things may need to be tweaked before they can be finalized. Cindy Miller commented she understands, but it has also been four years since the plan was approved which is her concern. Cindy Miller questioned where things stand with the water and sewer for the project. Attorney Zator commented he believes they are in very good shape there. They have been working with the Authority to document all the details. There has been a utility and services agreement in play for a few years now and has been approved by LTMA and Mr. Jaindl subject to a few minor adjustments with the LTMA Solicitor and Engineer based on making sure

the final exhibits are tweaked to correspond to the contract itself. They are at a point where the exhibits have been finalized and they are going through the exercise of making sure the document is in sync with the exhibits and plans that get attached to it. A resident questioned if there was any consideration given to the effect the additional traffic will have on Cherryville Road. Mike Jones commented the traffic has been addressed through the Planning process. There will be certain improvements and additional lanes added to Cherryville Road. All voted aye to grant to extension for plan recording until August 27, 2025. Motion carried. Attorney Zator will be marking his calendar to return to the Board meeting in six months.

E. Engineer's Report. Mike Muffley did not have anything specific to report other than the construction continues at Northwoods.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

A. Recreation Board. There was nothing specific to report.

B. Public Works Report. Frank Zamadics reported June was a busy month and it appears as though July will be equally busy. It is his understanding that they will start moving ground for the building on Monday.

Phil Gogel questioned if the milling head was purchased and working. Frank Zamadics commented it is operational and ready to go. It only needs a few minor repairs. They did try it and it is working very well.

Jerry Pritchard questioned if there is anything that would hinder the contractor from breaking ground on Monday. Frank Zamadics commented there is nothing in the way. The crew has been moving everything out of the area for the past three weeks.

Jerry Pritchard questioned what can be done with the hole in the Mangrove and Redbud Drive area. Frank Zamadics commented the weight of the garbage truck has been devastating the hillside. The Department will have to install some additional blacktop and build it up to try to get the turn a little wider. He is hoping that will solve the problem, but they are dragging a lot of weight over the tight corner.

David Hess questioned how the drainage project along Cottonwood Road is going. Frank Zamadics commented they have two more cross pipes to install. The amount of rain we have been getting, vacation schedules, and getting ready for the building are complicating things. Once the piping is complete, the blacktopping can be put to bid.

- C. Police Report. Chief Fogel reported the replacement speed board trailer has been received and put into service.

There are currently six applicants who have applied for positions within the Department. They are currently going through the background information and should have some additional information to report on shortly.

National Night Out will be held on August 1 from 6 PM to 9PM at Indiantrail Park. They are expecting a similar setup as last year with a few extras.

Kim McGonigle has heard the Township lost two police officers and our current officers are working unbelievable hours. She doesn't know how they are getting enough time off between shifts or how the schedule is working being down two officers. Chief Fogel commented the Officers are doing what they can do right now. There are gaps in the schedule, but unfortunately one officer resigned and the other went out on a medical disability at the same time, not leaving many options other than filling shifts the best they can. In cases where there is only one officer out, they rely on neighboring jurisdictions for backup. He is proud of everyone. They are doing a really good job doing the best they can. Everyone is pitching in with the extra hours, including officers who typically don't work the overtime shifts. They are spreading the time out and working it the best they can. It is not perfect, but they are doing the best they can. Unfortunately, manpower shortages are happening all across the country. Kim McGonigle questioned if going back to 10 hour shifts would be helpful because it is a better rotation and actually safety for the guys. Chief Fogel commented they have had conversations regarding 8 and 10 hour days trying to find the best possible solution for everyone involved. There is no question they are working very lean right now.

Any Nyce commented on June 20 she called for the police because her neighbors on Overlook Circle decided to light a fire in their yard. She waited outside for an hour and no one showed up. She knows we were on a burn ban because she called 9-1-1. There is also an issue with dogs leaving the property. She was told to call 9-1-1 when the dogs leave the property, but nothing is done. Things are getting worse in the area. Chief Fogel will look further into the events. When the dog leaves the property, they should continue to call the Police. He will address any lack of action by the officers. Rick Hildebrand commented there was not a burn ban that day. He also drove by the night of the call and there was not a violation of the burning ordinance. He had responded to the call immediately because he was only two blocks away. The Fire Company does not get involved with neighborhood disputes. If there are no violations of the ordinance when they respond, there is nothing that can be done.

- D. Municipal Authority. Phil Gogel commented the Authority is close to ratifying the agreements with Lehigh Valley Resort and Spa as indicated by Attorney Zator. The new agreements are more beneficial to the Township.
- E. Planning Commission. Cindy Miller reported the Planning Commission has been working on a Communication Facility Ordinance, a Solar Energy Ordinance, a Recreational Marijuana Ordinance, and a Medical Marijuana Ordinance which were all finalized and will be coming before the Board shortly. There are a few corrections that Attorney Corriere must make to the ordinances. Even though the State has not passed the recreational marijuana yet, the Planning Commission is preparing for when they do.

Michele Cassale, 3368 Church Road, commented the Planning Commission is proposing to remove principal solar from any place in the Township except for Industrial. She has a farm in the Township and is asking the Board before they blanketly take it away from every area in the Township, they consider the farms. It is a supplemental income that farmers can really use. They Planning Commission basically said that until they know more about it, they are just going to take it out of everyone and will work with them. Cindy Miller commented the Planning Commission was discussing Principal Solar which is the primary use of the land. It has nothing to do with someone putting solar on their house. Michele Cassale commented she is referring to a dual use where you put solar above the farm crops. You can farm or graze animals under the solar panels. You can do all kinds of things to keep the land agriculture. It doesn't add more imperviable surface, add more to the runoff, take more fire department, school or anything. It is supplemental. She is asking that before the Board removes it out of everything, they consider the farms. It is supplemental income they can use to go above their crops. Cindy Miller commented the Planning Commission discussed at their meeting that A/RR is not just farmland. It is residential and agriculture. The Planners discussed that they want to remove it from all areas other than Industrial. Then, when they are doing the SALDO and Zoning Ordinances take that time to consider having agriculture separated from residential and creating two separate districts. That way they may be able to do the dual use on the farmland and decide where it may be most appropriate. It's not that the Planners were opposed; they wanted to post pone because it was not the right time to pass something like this. Right now, our farms and residential are together. Ms. Cassale commented that her fear in doing what is proposed by the Planning Commission is that they wouldn't be able to come before the Board to do the dual use without having a hardship. There is no timeframe as to when the Board would be looking at this or a guarantee that things won't change between then and now. If it comes out, most of them will not have an option to have a secondary viable income for their farmland. If you take it out now, their hands are tied. They cannot do this without having a hardship. Kristin Soldridge commented the bottom line is you can't

have two principal uses on one property which is where this lies. A farm is a principal use and a principal solar energy facility is a principal use; you can't have dual uses. What was explained at Planning Commission was that they were definitely going to entertain it; it wasn't going off the radar, but they want to make sure to do it the right way. They don't want to jump in feet first and make a decision and then find out when the start reviewing ordinances, they have to change something because they jumped into this too quickly. Michele Cassale commented she does have a solar company interested in doing something with her farm and another member of the community does as well. Of the 400 acres between them, they are only proposing to use about 50 acres. They have the ability to not do impervious surface by keeping the crops underneath them and having the supplemental income to help her keep her farm. The problem is the way the ordinance is written, she can't do the solar. Mike Jones commented he doesn't agree that there would not be stormwater issues. Phil Gogel commented a lot of the solar companies are telling people they don't need to go through the stormwater regulations or that the panels are not hazardous waste, but that is not the case. A solar farm would still need to go through all the environmental regulations as a regular development. People really need to think about what they are going to do and what their return will be because these companies will try to pull the wool over their eyes if they have the chance. Mike Jones commented regardless of whether or not the ordinance is changed, the dual use still is not permitted.

- F. Fire Company. Rick Hildebrand reported there were 147 calls for the past quarter. 63 of them were accident and EMS calls. 84 were fire calls. There were 34 agency assists and 10 occasions where they received aid. These numbers are a reflection of the manpower that we have for our community. Typically, neighboring municipalities have mutual aid responding for every call; Lehigh Township only receives mutual aid for structure fires and dwelling fires because of the depth of their personnel and are able to handle all the other incidents without additional resources. There were 19 instances where there were two or more calls at once. EMS response times to scene are typically shorter than to other calls because they have people equipped with medical supplies for QRS calls and will go directly to scene.

The Fire Company was also awarded a Federal Grant in the amount of \$34,000 for Life/Safety for firefighters. Escape bags will be purchased for the firefighters with this funding. The escape bags will be hooked onto their gear and will allow a firefighter to escape out of a window by jamming a tool into a wall or object and using the rope to repel down.

- Ladder truck purchase/replacement. Cindy Miller commented after the Board's meeting with the Fire Department's leadership and firefighters, she wants to make a motion. It was made very clear that not all citizens are paying for fire protection

due to the very low return of 25% on the subscription mailing. The large apparatus is rising and very costly in the millions of dollars. The motion she is making is as follows:

Lehigh Township will authorize the purchase of the ladder truck with these conditions:

- Lehigh Township will commit at this time \$1,550,000 for the ladder truck.
- Lehigh Township will use \$600,000 in the capital fund allocated for large fire apparatus.
- Lehigh Township will use up to \$200,000 of the American Rescue Plan Act money towards the ladder truck, if necessary.
- Lehigh Township will research, develop and pass a fire tax ordinance to be implemented January 1, 2024. Details of the ordinance will follow. The Board will work on that.
- Lehigh Township will keep the large fire apparatus in the capital plan, but use the fire tax money to pay for the apparatus.
- The ladder truck will be paid in full the 3rd year as per the proposal showing 906 days.
- The next large piece of fire apparatus will be purchased minimally in three years after the total acquisition of the ladder truck.
- The Lehigh Township Volunteer Fire Company will order the chassis to the ladder truck by July 31, 2023.
- Lehigh Township Volunteer Fire Company will re-evaluate the specifications to determine the needs versus wants of the ladder truck just to see if the cost can come down from where it is.
- The Lehigh Township Volunteer Fire Company will start a capital campaign for the balance of the money. A physical thermometer billboard will be displayed along Route 248 that shows the dollar value obtained for the Truck to include the Township money when allocated by year to see the growth in the campaign because we have \$1,550,000 so we are short.

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- An online means to raise money will be provided by the Fire Company. Whether it be direct to the fire company, GiveSendGo or GoFundMe. This money will be used only for the purchase of the ladder truck.
- Should the capital campaign for the ladder truck come up short, the Lehigh Township Volunteer Fire Company will take out a 2% state loan for the balance of what is due.
- Lehigh Township Volunteer Fire Company will place the current ladder truck for sale within 60 days from receipt of the new ladder truck. The proceeds from the sale will be used toward the payment of the new ladder truck. If the proceeds are not needed for the new ladder truck purchase, the money will be put into the fire tax account and used to purchase the next new large fire apparatus.
- Lehigh Township Volunteer Fire Company will fully disclose their finances to include the annual finance report and budget to the Board of Supervisors and Township Manager of Lehigh Township by February 1 of each year.
- Lehigh Township Volunteer Fire Company will continue to provide the Board of Supervisors and Township Manager with their quarterly activity report.

David Hess seconded the motion. Jerry Pritchard questioned if the \$1.5 million that is being offered to the Fire Company will need to be generated over a period of time. Cindy Miller commented it would be generated over three years. \$600,000 would come from the capital fund, up to \$200,000 from the COVID relief funds, and the balance would come from income generated from a fire tax which is estimated to be minimally \$250,000 per year. Jerry Pritchard questioned how we know what fire tax we would be applying to this when we don't have a tax. Cindy Miller commented she is basing her numbers off of the amount of money that is currently being set aside for the fire company. Cindy Miller commented the final details of the fire tax will need to be worked out when the Board starts working on the fire tax ordinance. Phil Gogel questioned what the Township was going to be doing with the remaining \$675,000 of the COVID relief money. Cindy Miller commented there is a whole list of projects that were presented to the Board. Phil Gogel questioned which of those were committed. Cindy Miller commented she is not depleting the entire account for the firetruck. The money needs to be used for the entire community for other things. Phil Gogel commented it seems like there are a lot of hooks included in the motion. Cindy Miller commented it is not a lot of hooks. We are providing the Fire Company with \$1.5 million. Jerry Pritchard commented once the fire tax is implemented, it stays. We wouldn't roll it back. Mike Jones commented the

Board could roll it back, but generally, it would stay. Rick Hildebrand commented he is speaking without having a monthly meeting to bring any other information back. His question is about putting the sign in the yard. Cindy Miller commented it would be a capital campaign where you would show how much money is coming in so the community knows. If you do a capital campaign, people from the community would be sending money in for the truck. Her idea with the visual is to get the point across to the community that we are trying to raise \$1.8 million for the truck. It will be in front of people all the time. Only 25 percent of the community is subscribing to the Fire Company. With a capital campaign being done on-line, people can send money in and it only goes towards the truck. As the dollars go up, we can keep marking off the visual so people can see where we are in setting the goal of the funding for the truck. We want the community to visually see this, that the money is coming in rather than just saying we need this. Rick Hildebrand commented the pre-payment of the chassis is \$614,968. Will this be an issue with what is in the truck fund? Mike Jones commented it is understood that the balance would come from the fund. Rick Hildebrand wanted to let the community know that the tax fund from the Township do not change hands with the Fire Company. They take no tax money. The tax money is invested into equipment and apparatus for the community which is the community's equipment; they house it. Their fundraising efforts go to raising funds to house, repair, maintain the building, the apparatus, and the fire equipment. Currently in the last five years, they have had \$250,000 in apparatus repairs. That is coming from money that does not come from taxes. That comes out of the money they raise with their mailers and fundraisers at the firehouse. Above and beyond that, they have to maintain the property and everything that goes on in it. That has been millions of dollars in spending over the past five years of taking care of the property, the electric, and everything else that goes on up there. He is slightly concerned if they put another fundraiser out there that they have to organize, host, and accept money for from the community. Cindy Miller commented she is suggesting it be an on-line fundraiser. Rick Hildebrand commented they would need to research this with the regulations associated with small games of chance. Cindy Miller commented that as a Township, they cannot do that. We cannot apply for any grants because once the contract is signed, grants are out. He wants everyone to understand that they have an open book policy with the Township. Anything that they raise or have in their books has been disclosed to the community for the Supervisors at all times. They have never said, no we are not going to show you something because it is private information. They turn over audits. They have to be audited because they raise funds as a charitable organization. Their audits are getting done; there are checks and balances. They disclose all the information to the community. Mike Jones commented the motion is not saying that the fire company doesn't do that. By law, if there is a fire tax, it has to be done that way. The finances do need to be

turned over. Rick Hildebrand commented if they are not receiving tax funds, they would not be subject to that audit. They are not receiving tax funds. Cindy Miller commented the Township is allocating money for equipment that comes from tax funds. Rick Hildebrand commented in other communities, the community will make donations to the Fire Company and give them money blindly. Lehigh Township Fire Company has never done that. Whenever they needed something, they would provide a receipt to the Township. There never is community money at the firehouse as far as tax funds. Mike Jones commented the Township pays for the large equipment, fuel, and insurances. Everything else needed at the Fire Company is paid for by them. Doug Vaughn commented his understanding of the motion is that the Fire Company will need to raise the balance of the funds between the \$1.5 million and the cost of the truck. Mike Jones commented there may be more than the \$1.5 million by the time the truck is delivered depending upon how the fire tax holds out. Cindy Miller commented her estimate is conservative based on the funding that is currently provided. Rick Hildebrand commented that money is not raised for the Fire Company. The money is put in an account and the Township manages where the money goes. Cindy Miller noted that when the Fire Company presents an invoice and says they need this, they get the money. Rick Hildebrand commented he's not disagreeing. He just wants everyone to understand there is a clear separation between the Fire Department and the tax funds until a tangible item is purchased. They do not handle anyone's money other than the donations made at Fire Company. Cindy Miller commented the Township does not release any funds until they are presented with an invoice. Once they have an invoice, they release the funds. The fire tax would work the same way. That is how other municipalities handle it as well. The money is allocated for the Fire Company and it doesn't get touched except for fire protection. There is a separate account. Ann Breidenback questioned if they will have to justify to the Board that they want a particular piece of equipment. It was made pretty clear that this equipment is needed. Cindy Miller commented when she is referring to a want versus a need, she is asking them to go through the specs again and determine if there is a way to cut costs and determine if there is something in the specs that is a want rather than a need. They would be asked to do this for each piece of apparatus. Paul Nikisher commented he likes the idea that there is a budget, but just because there is money is a budget doesn't mean it needs to be spent. He also questioned if money will be set aside as it was in the past with the implementation of a fire tax. Cindy Miller commented that the money that was previously set aside would come off the books and now be a fire tax. Mike Jones commented the millage that is set for the fire tax will hopefully be enough to cover things. In the next few years, it should level off. In a 10 year span, the Township was asked to pay for \$4 million in equipment. Once we get through this rough patch, things should even out and as more people come into the Township, the funds will increase. Paul Nikisher

commented in the interest of fairness, everyone will be contributing with a fire tax. It is our community and he applauds the time and efforts the firefighters put in. Cindy Miller commented the Fire Company needs newer equipment and the idea is that we will be buying the equipment sooner and basically getting caught up and with it being in the capital plan we can keep it going moving forward. Rick Hildebrand commented with regard to revisiting the specs, they have a proposal that was more than a year in the making. It is a finite item. It is either sign it or scrap it. If they try to make changes to it, they will wind up going through reengineering because they will have to redesign the electric, plumbing, and some other things. When they did this proposal, they put technology into it to allow for compressed air foam which is a firefighting technology. They have been using Class A foam to combat fires since 1998. This is the next generation which incorporates compressed air into it to make a substance similar to shaving cream to apply to the outside of structures. With this technology, there is a cost of \$100,000; however, it reduces the amount of water than has to be carried on the truck, reduces the amount of water that needs to be applied to the fire, reduces the weight of the fire hoses. Cindy Miller commented she is not asking them to eliminate something that is needed. She is saying we are short the \$300,000. If the Fire Company can look through the specs and see if there is anything that can be taken out, then that is less we need to come up with in the capital campaign. Daryl Hassler commented you may be able to find nickel and dime type of things, but anything significant will require reengineering. Cindy Miller commented she didn't know what could or couldn't be done based on what she read. It was previously discussed about the painting of the truck red, white, and blue. Is this a want or a need? She doesn't know what it adds to the price. Daryl Hassler commented a lot of those things they don't know either. There is not an ala carte list that shows up with the proposal. It is not itemized. Rick Hildebrand commented on the 20th of this month, they will be signing a contract for a \$1.83 million firetruck with only \$1.5 million available. Mike Jones commented the numbers are based on the current funding the Township puts towards a truck. When the Board looks at the fire tax, that number can change. Cindy Miller commented she based her numbers on what can be committed to today because we don't know. Rick Hildebrand commented he thinks whomever will be signing the paper will be nervous knowing that there is a shortage of funding. He would think that the community would be the ones responsible for paying for their equipment. It keeps on being stated that the money is being given to the Fire Company. They may get to utilize it, but this is a community investment. Cindy Miller commented she believes this is going in the direction where the Township takes out the loan, but the Township won't have the money because we are already depleting the fire tax to get to the \$1.550 million. Rick Hildebrand commented this is an investment for the community and should be by the community. They are the stewards of the equipment and they maintain it and

operate it for free. It won't be that way for years down the road and it will not be a discussion that anyone wants to have, but it is coming. You look at the age of what is at the Fire Company and the turnover that is coming, that is why they use the technology they spoke about to reduce the strain on the firefighters, the work and labor that goes into it and to have a tactical advantage on the fire with that technology. He wants to make sure that everyone understands that they are going to try to solicit people driving by who are already the ones who are helping them keep the lights on, heat in the garage, maintain the apparatus because there is zero maintenance that gets done on the apparatus by the Township. It is all on the fire house and that is where all these fundraising efforts go. Now, above and beyond that, they potentially will have a \$350,000 shortfall that doesn't come from the community, but on the backs of the firefighters again. Cindy Miller commented she understands that, but the other option is it will take four years to get the funding and then the equipment prices go up. It is a vicious cycle. Rick Hildebrand commented if they don't sign by the 20th, the price will go up by \$86,000. Cindy Miller questioned what the alternative would be. Rick Hildebrand commented we need a properly funded fire tax that can account for these issues. Mike Jones commented if the Board wouldn't do a fire tax, there would still be a shortfall. John Haggerty questioned who would pay for the 2% state loan, the fire house or the community? Phil Gogel commented when it was discussed a few weeks ago, he wanted the Township to service the loan, but he doesn't think that is part of this discussion. Cindy Miller commented that is what she is getting at, how will the Township pay for that if there isn't enough money? Phil Gogel commented the fire company would be taking out the loan and buying time until the funding from the fire tax comes in. The fire tax would service the loan. Cindy Miller questioned how money would be saved up for the next truck that is being discussed in three years. Phil Gogel commented you would need to adjust the numbers in your fire tax. Rick Hildebrand commented if the Board is looking at \$1 million for the engine, it will most likely be \$1.5 by the time it gets here. Rick Hildebrand also commented the motion is addressing large fire apparatus. Is there any apparatus that is excluded from the fire tax? Cindy Miller commented they are not getting into the details of the fire tax tonight, but most fire taxes cover large apparatus—the rescue, engine, tanker, ladder. The Board will have to define what is included in the ordinance. Rick Hildebrand commented the truck they just received on a grant, which is a mini-pumper came in at \$435,000. He doesn't consider that to be small. Even if they do a pickup truck with a utility body like the last one which was \$150,000, the current price of that will probably be close to \$200,000. These are numbers that could potentially by motion be put back onto the fire house. Mike Jones commented the motion is to allow the fire company to sign the paperwork for the truck and that the Township will work on a fire tax. Nothing is set in stone on the fire tax. What will or won't be included is not known at this time. Rick Hildebrand commented

there is still a \$300,000 short fall. Cindy Miller commented that is what the Township has been saying for the past several meetings. We have to figure out how to get and it we have three years to get it. Rick Hildebrand commented if you set the tax appropriately, enough money could be generated. David Hess commented the fire tax could go anywhere from 1 mill to 1.5 mills to 2 mills. They don't know yet. Doug Vaughn questioned if it wouldn't be better for the community, instead of taking out a loan, the additional funding came out of the COVID relief money that is not yet committed. Mike Jones commented there are still projects that the Township needs to complete. Unfortunately, there is not enough money to go around. Mike Matseur commented items of life/safety should take precedence and the other items put on the back burner. Mike Jones commented the comments about us no longer being safe need to stop. We are not unsafe. The fire company is getting the truck that they want. Mike Matseur commented what Mr. Vaughn is asking the Board to do is to use the COVID money that is supposedly earmarked for a ballfield or something and use it for the cost that they are bringing to the Board that is associated with life/safety. There is cash laying around that can be used to put towards that cost. Jerry Pritchard commented the money is not going towards a ballfield. There are designated projects that need to be completed. Cindy Miller commented a new fueling station is needed; that is something that is being planned for the COVID money. It will cost over \$100,000. That is used to fuel the fire trucks also; it needs to get done. Mike Matseur commented the fuel system can be delayed for a year; give the Fire Company gas cards and they can go to Turkey Hill for fuel. The idea is that when a life safety issue comes up, it supersedes other issues and they can be put on the back burner for the money to be allocated for the truck right now. Mike Jones commented the money is not needed today for the truck. Mike Matseur commented that there is still a shortfall. Mike Jones commented whether or not there will be a shortfall has not yet been determined. The numbers right now are based on what currently is being given to the Fire Company. We don't know what a fire tax will generate. The Board is looking for ways of saving money. There are things included in the truck that are not needed such as the three colors and the upholstered seats with the Fire Company logo. Things that are not needed for life saving, but the Fire Company is still getting the truck they need to save the Township. Mike Matseur commented it is frustrating being a member of the Fire Company and having people say let them fundraise for it. They give so much of their time to the community, yet people say, let them fundraise. If you counted up the number of personnel hours that go into the training, upkeep, maintenance, fundraising, preparing for the events, the staffing of the events, and now you are expecting them to give even more of their time to fundraise when you can just set a high bar with a high fire tax and get the money that that need. What is the maximum fire tax? Mike Jones commented it is three mills. You would want the Township to tax everyone three mills? Mr. Matseur

commented that would be beautiful. It would get them what they need, but is the Board in favor of that? Mike Jones commented absolutely not. People can understand a one mill tax, but there is no way they would understand a three mill tax. David Hess commented he does believe it will need to be more than one mill. Mr. Matseur commented that as time goes on, there will be less volunteers and it will make it so much harder to fundraise and raise money. They will be going down this road again and coming back to the Board saying they need more of a fire tax because there is a short fall. He is asking the Board to consider two or three mills and they won't have to touch it again. The Board is also saying it will be just for a truck when a lot of their issues come into play with maintenance and keeping the trucks on the road and having to buy equipment. Sometimes they don't get a grant and need to replace things because they have life spans. There never could be too much money in there. Mike Jones commented the fire tax is not an open checkbook. It is for things that the Fire Company needs. Rick Hildebrand commented they need an apparatus replacement plan, maybe a maintenance plan because it is expensive, but at the end of the day they need a funding source that is enough to handle the replacement of the apparatus. The police do not have coin tosses to buy bullets, the road crew does not have coin tosses or on-line fundraisers to buy salt for the road. Why do they need to have fundraisers to buy the firetruck to put someone's house out? This is becoming absurd with the amount of stuff that is being placed on them because if you are not paying attention to SR 60 and where the State is going with volunteer fire departments, you are missing a boatload of information. The \$2 million a year police department budget which is primarily people's paychecks would have to double or triple to pay for a fire department staff. That is \$4 to \$6 million in operational costs to have a funded fire department with paid firefighters. The volunteer service is collapsing. Mike Jones commented the Township is not saying that it will not get the money for the truck. The fire tax has not been set up. If it ever gets to the point of a paid department, we will have to deal with it. It will be statewide at that time, not just in Lehigh Township. Rick Hildebrand commented if the motion will allow them to move forward with the truck and there are no additional questions, he would say move forward. Phil Gogel commented the issue he has is with the \$375,000 that is at the end where they will be on the hook for it. Cindy Miller commented we don't know that; once everything is set up, the money may be there. Phil Gogel questioned if the motion could be amended that if the funding is there, they would be reimbursed for that. Mike Jones commented the motion was that there would be a minimum of \$1.55 million. Depending on what comes in on the fire tax, there could be more money available. Phil Gogel commented the motion has them taking out the loan, but there is no means for them to be reimbursed for that. Cindy Miller commented she doesn't know where the reimbursement would come because you would be saving for the next vehicle. Doug Vaughn commented he doesn't believe it is

appropriate to ask someone to sign their name for a loan knowing they don't have any way to pay it back. Mike Jones commented they are not required to take the loan right now. The motion says there will be at least \$1.55 million available and if necessary, they would get the 2 percent loan. Phil Gogel commented when the loan was previously discussed, the Township was going to service the loan, but that is not part of the motion. Ann Breidenback commented you are saying they can purchase the equipment, but if there is a shortfall, they must raise the money. There is a stipulation that the capital campaign has to have an on-line presence, yet the on-line fundraisers get a kickback so you are asking them to work twice as hard to get the money. Can't the Township squeak out some of the \$350,000 and give them some peace of mind that they don't have to break their backs to fundraise and maybe as a community we can come together. We have the firefighters; we should treasure them. We shouldn't be asking them to fundraise for it. John Haggerty commented 50 people shouldn't have to figure out how to protect 11,000 people and go raise money to do it. Phil Gogel commented it is the Township's job to figure out the money and their job is to ask for the equipment. Linda Roman commented they may want to consider asking the large developers to donate towards the equipment. They may want to donate towards the community. Everyone is worried about the threat of a fire. They are not the only fire company who responds to a fire and this is not the only piece of equipment that comes to a fire. They all help each other. She is one of the people who live on a fixed income and everyone else wants to raise her taxes. People need this and people need that, but there are people who have to worry about needing medication or if they can buy food. They live here too. A resident and member of the Fire Company commented he is glad to hear that the Board is finally in agreement to make a commitment to addressing a fire tax. It is long over due. It would be his suggestion to make a commitment to a five year replacement program so that you buy a piece of apparatus every five years and have the four large pieces of apparatus replaced every 20 years. If you do that you will get a higher resale value. Keeping them to 30 years, you will only get a scrap value. A commitment needs to be made to replace these items and get them in the capital improvements plan. Phil Gogel commented he wants to know if the Fire Company is happy with the motion. He is not happy with it, but is okay with it if the Fire Company is. He has an issue with that one area. Rick Hildebrand commented it is a gray area. Their concern is not knowing if the money will be there or not when the Board has the ability to adjust to make sure it is. John Haggerty questioned if the loan portion of the motion could be stricken. Mike Jones commented it is listed as *if* there is a shortfall. John Haggerty commented he understands, but they don't have any options. David Hess commented there are possibilities for funding if it is needed. John Haggerty commented the Fire House can promise that they are willing to work in good faith to help with the funding, but there is a concern that they may not be able to reach what is needed.

John Noblach, 4415 Katlyn Drive, commented his concern with putting the thermometer at the fire house and asking for donations on line is that the Fire House is already using donations from the community to meet the expenses at the fire house and people only have so much money. What impact will the contributions towards the truck have on them? They already take care of the fire house and the equipment and volunteer their time. It's unfair to them; you can only pull them in so many directions. Cindy Miller commented the reason she suggested this was to bring awareness to the community that we are collecting for a firetruck. The Township can't do it; we are not allowed to do it. Rick Hildebrand commented the fire company has been sending out mailers to the community and only 25 percent respond. A sign in the yard has less exposure; people aren't going to care. Cindy Miller commented we need to promote it. We will also be placing articles in the paper to promote this to the community. Rick Hildebrand questioned if there was going to be a partnership in this between the Fire Company and the Board. Cindy Miller commented, yes, it is a joint effort between both parties. The message needs to get out to the community. People are asking her if we really need a \$1.9 million ladder truck. We need to be able to answer those questions to the community. She's not saying we don't. Rick Hildebrand commented the longer the can gets kicked down the road, the more it will cost. Cindy Miller commented that is why she is saying in order to sign today to save that money, there is at least \$1.55 million available. Katherine Mack commented the motion tonight was long coming. The Fire Company is already giving their blood, sweat, and tears. To get the \$300,000, you divide it over the 10,000 people in the township, it comes to \$30 a piece. Give them the \$300,000 and get it out of the motion; give it to them. Raise the tax enough so that is not even in the motion. They deserve what they get and they shouldn't have to go out and beg from the community. There shouldn't be any loan; no caveats. Take it out of the motion and make the fire tax work. Mike Jones commented not everyone wants a high fire tax. Katherine Mack commented no one wants to do that, but it is necessary. Things cost money. Eventually you have to pay for what is needed. That is what a community does; it pays for their services and they pay for it through their tax money. Jerry Pritchard commented people also look at what the taxes are in a community before they decide to move there. That is why some people don't move to certain cities. They look at the whole package. If the fire tax is done correctly, it will work. But if it is give, give, give, it will not work. You have to manage your money right. Phil Gogel commented he would like to see the motion amended to remove the \$300,000 from the fire company's responsibility. They can still take the loan, but the Township will service the loan and pay for it so they are not going to be liable for it. Cindy Miller commented she would be willing to amend the motion if you can tell her how the Township would pay for it. Phil Gogel commented the fire tax is not set in stone at this point so an adjustment would be needed to the tax to cover

the shortfall. Roughly figuring, it would be around 1.75 mills. It will cover the gap for what is needed in the next three years and not put people in sticker shock again after it is enacted. Jerry Pritchard questioned, what about the people on a fixed income. Phil Gogel commented people on a fixed income can apply for tax forgiveness. There are agencies that can help them out, but you have to qualify. Kristin Soldridge questioned what about the people who don't qualify. There are people in this township that don't pay taxes. If they are not paying, then their share becomes a burden on the people who are. Phil Gogel commented if they are not paying taxes, they are not doing so for a reason. There is an exemption available for everyone. It is state law. Kristin Soldridge commented she is concerned about the comment that was made at a previous meeting if there is a fire involving a solar panel, they would just let it burn; they wouldn't touch it. There are a lot of homes with solar panels on them. If they are going to let a house with solar panels on it burn, they why would that individual be responsible for paying the fire tax. Rick Hildebrand commented there is a lot of technology available for that. They pride themselves in putting fires out, not letting them burn so that wouldn't happen. He said solar is a challenge because you can't turn solar panels off. Kristin Soldridge commented she believes the fire tax is needed, but it needs to be looked into further; most other municipalities are at mill or less. Rick Hildebrand commented Northampton Borough's tax is at 1 mill and it is only for the apparatus. They still get additional funding from the general fund. Mike Jones commented he spoke with someone from their fireman's relief and he indicated that wasn't the case. He was impressed with the amount of money that is currently being given to the fire company compared to what they get. Marc Kacsmar commented he is all for supporting the fire company but commented the fire tax runs the risk of the 25 percent contribution being reduced. Rick Hildebrand commented there does need to be education, but there was a poll taken in other communities and that wasn't an issue. All voted aye to the motion as stated. Phil Gogel commented he doesn't agree with the hook that is in the motion. Motion carried.

VI. OLD BUSINESS

- A. Maintenance Building. Alice Rehrig commented she has been in contact with Stantec who is the consultant that was assigned to our first grant. They will be having a discussion next week regarding the whole process for submitting payment requests and other related documentation.

Cindy Miller questioned how we will be comparing the bills that are received to the specifications for the project to make sure we're not being over billed and that the contractor is staying on track. Mike Jones commented he would think that W2A should be doing that as part of the service they are doing for us. He also recalls Adam Raker saying he would look at things as he has time. Cindy Miller commented

she doesn't believe that Adam Raker has the time. Jerry Pritchard commented with an AIA contract, they should be submitting their requests for payment and then the performance should be checked to verify that it is done, then we pay our bill. Cindy Miller questioned if we have the expertise in house to make sure the specifications are being met before we pay. Jerry Pritchard commented that Adam Raker can handle that. Cindy Miller commented Adam Raker doesn't have the time. Mike Jones commented W2A should be reviewing that. Cindy Miller commented she is concerned with relying solely on the architect. She doesn't want to get taken advantage of if we are not keeping track. Mike Muffley offered his assistance to review the applications. Contractually, W2A is responsible for the payment process. What concerned her was that they were not going to stand up for the Township with the fencing. If they are not standing up for the Township with something like this, what will happen through the project. Phil Gogel commented that is why we have the water tanks above grade, rather than below. Cindy Miller commented her concern is that the specifications are being met and that the Township is not being short changed on the project, which can easily happen.

1. Shannon A. Smith Inc, Payment Request #1. This is the first payment request from the contractor for payment for the bonds they were required to obtain for the project. Jerry Pritchard made a motion to approve Payment Request #1 in the amount of \$3,925.80 to Shannon A. Smith, Inc. Cindy Miller seconded the motion. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Awarding of Bid for Sale of 2013 Dodge Charger. This vehicle was taken out of service several months ago and placed for sale on Municibid. The high bidder was Ana Lino at a price of \$4,050. Cindy Miller made a motion to award the sale of the 2013 Dodge Charger to Ana Lino at a price of \$4,050. Phil Gogel seconded the motion. All voted aye. Motion carried.
- B. Resolution 2023-9, Extending Draw Period for Construction Loan. Since the drawing of funds for the maintenance building was delayed, a new resolution and loan modification agreement is needed to keep the Township in compliance with the Local Unit Debt Act requirements. David Hess made a motion to approve Resolution 2023-9. Phil Gogel questioned if the entire Board will need to be signing any of the documents. Alice Rehrig commented the resolution and agreement are the only items that need to be signed. Cindy Miller seconded the motion. All voted aye. Motion carried.
- C. Loan Modification Agreement. This agreement extends the draw period on the construction loan for the maintenance building until April 2024. David Hess made a motion to approve the loan modification agreement. Cindy Miller seconded the

motion. Phil Gogel questioned if the entire Board will need to be signing any of the documents. Alice Rehrig commented the resolution and agreement are the only items that need to be signed. All voted aye. Motion carried.

- D. Manager's Report. Alice Rehrig reported she will have two ordinances before the Board for the next meeting for authorization to advertise for adoption as recommended by the Planning Commission. One is modifying the cluster development ordinance and the second addresses inconsistencies in our ordinance pertaining to wholesale and wholesale trades.

The RFP for a consultant to review the zoning and SALDO ordinances will be going on PennBid later this week. The deadline to have them returned will be August 21, 2023.

Notification was received from DEP that the Township was awarded \$39,754 for the security project up at the yard waste site so that a controlled access system can be installed.

Two Ag Security area requests have been received for approval. The required resolutions have been prepared and forwarded to the property owners. As soon as they are returned, they will be placed on the next available agenda.

- E. Solicitor's Report. Attorney Backenstoe had nothing additional to report.

- VIII. PUBLIC COMMENT. Katherine Mack commented as a follow up to the last meeting where she talked about the spreadsheet she did comparing the current Zoning Hearing Board Solicitor to the previous one, she did go to the office and get a copy of the memo that was sent to the Board of Supervisors and also spoke with the person who put it together for the Board and learned they took every bill, but did not remove court costs or similar items, nor was the UCC appeal removed which is why the costs for Attorney Ettinger were so much higher than Attorney Caffrey's. It wasn't broken down further because the individual didn't have enough time. One of the things she asked Attorney Ettinger to do was to clearly itemize his bills.

Paul Nikisher commented he is glad everyone came together for the Fire Company; it is important, but we also need to be realistic.

Katherine Mack questioned how do we get the information out to the public? How do you get it out there and build community spirit? She knows the news letter comes out twice a year and there are articles in the paper, but not everyone gets the paper. She did propose the recording of the meetings so people are aware of what is going on. She believes there has to be community spirit built, but there are a lot of people who don't

know what is going on. The information is breaking down. How do we educate the community? Cindy Miller commented there will be a public meeting at the fire hall regarding the fire tax. Katherine Mack questioned how do you get people to come? Phil Gogel commented it is society in general. Instead of people trying to get along, everyone is in everyone else's business and they get nasty as hornets. Mike Jones commented it is sad to say, but most people just don't care unless something happens that affects them. Janet Sheats commented people know when the meetings are; you can't force them to come to the meetings. They only care when it directly affects them. The sign that was suggested to be placed at the Fire Company regarding how much money has been raised for the ladder truck is not so much to beg for money as it is to let the other 75 percent of the people who are not donating to their subscription know what is going on. If people cared about what was going on, they would make it a point to be here, go on-line and get involved.

Charlie Perich commented he thinks putting the thermometer up for how much money is raised for the fire truck is a good idea. He also thinks there should be a second thermometer put up showing how many people are members of the fire company. It would be a short thermometer.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss personnel. Upon returning from the Executive Session, Cindy Miller made a motion to approve the Contract Settlement Agreement for contract years 2024 and 2025 with the Police Association. David Hess seconded the motion. All voted aye. Motion carried.
- X. ADJOURN. Cindy Miller made a motion to adjourn. Jerry Pritchard seconded the motion. All voted aye. Motion carried.