

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

October 11, 2022

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, October 11, 2022, at 6:00 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
 Attorney David Backenstoe
 Alice Rehrig
 Liz Amato
 Scott Fogel
 Frank Zamadics
 Mike Muffley

- II. EXECUTIVE SESSION. The Board went into Executive Session to discussion personnel matters. No action was taken.
- III. 2023 BUDGET AND CAPITAL IMPROVEMENTS PLAN. Alice Rehrig reported other than making some minor adjustments made to the General Fund budget, the budget did not change. The rates for medical insurance, workers comp, and unemployment compensation will be received later this week. She has gone through the budget to make sure the budget and Capital Improvements Plan are matching for 2023.

The State Fund estimates have been received from PennDOT. We are expected to be receiving an additional \$5,000 in 2023 over the 2022 actual amount. Cindy Miller questioned if this will bring us back to the original amount before they reduced the amounts Township's receive. Alice Rehrig commented she believes it is close. Last year is when the reduction took place. We actually received \$9,000 more than what the estimate was and for 2023, it is expected to be \$5,000 above that.

The greatest impact on the State Fund Budget is the cost of line striping. There is a shortage of traffic paint and the pricing doubled when we striped Indiantrail Road and Cottonwood Road after the paving project. The balance of the 2022 striping will not be able to be completed this year because of the shortage. The budget amount for 2023 was doubled and it is the recommendation that the line striping be put to bid in the spring. Previously, we were utilizing the contract through the Lehigh Valley Cooperative

Purchasing Group, but it wouldn't hurt to obtain separate bids to see what the pricing comes in it. In the past, we paid 10 cents per foot for double yellow lines and 5 cents per foot for single white lines. Depending upon the pricing, we may want to look at changing to an every other year basis for striping.

The budget amount for the pipe has been increased because we will be needing to order all sizes of pipe for next year. This year, the pipe wasn't needed because the road crew was able to utilize pipe that was on hand.

The balance available for road projects will be \$318,000 which is similar to the amount we had for this year. Cindy Miller questioned if we know which roads we are looking at completing next year. Frank Zamadics commented he would review the roads again in spring, but he will be looking at going back to the list of proposed projects which included completing Cottonwood Road, Long Lane Road, and Timberline Road. Mike Jones questioned if there was money available from the McAuliffe Transfer Station. Alice Rehrig commented the facility is currently closed, but they did keep their permit active so she doesn't know if there is an intention of reopening it. There is approximately \$128,000 in the account. There is also some additional pipe replacement that is needed on Timberline.

Jerry Pritchard questioned what funds were available for the Maintenance Building. Alice Rehrig commented there is \$1.1 million available in cash, \$1 million in a grant, and \$2 million in a loan. There are also two outstanding grants that we haven't heard back on. Phil Gogel noted that the loan was not intended to be spent, it was a bridge for the grant funding. Alice Rehrig commented the building costs need to be paid, then submitted to the State for reimbursement so the loan is needed to pay the contractor while waiting for the reimbursement. It was expected that when the project was completed, we would have a loan balance of \$500,000 to \$750,000 that would need to be paid back over time.

The Board agreed to start the October 27th meeting at 6 PM to discuss the budget.

IV. APPROVAL OF THE MINUTES

A. Minutes of September 27, 2022. Cindy Miller made a motion to approve these minutes. David Hess seconded the motion. All voted aye. Motion carried.

V. APPROVAL OF BILLS.

A. General Fund Checks 26163 to 26202. Phil Gogel made a motion to approve these bills. Cindy Miller seconded the motion. All voted aye. Motion carried.

B. State Fund Checks 1565 to 1567. David Hess made a motion to approve these bills. Cindy Miller seconded the motion. All voted aye. Motion carried.

VI. DEPARTMENTA/ORGANIZATIONAL REPORTS

- A. Recreation Report. Sandy Hopkins reported the softball tournament on October 1 was canceled because of the weather. She is not certain if it will be rescheduled. They will be discussing it at their next meeting. Cindy Miller commented she had heard it was going to be this weekend and was hoping that wouldn't be the case with everything going on this weekend. There is the hot air balloon event in Slatington, a Gathering at the D & L, the Canal Festival on Sunday, plus the turnpike will be closed this weekend. There will be a lot of traffic funneling through this area. Frank Zamadics reminded everyone that the water typically gets shut off by November 1. If a facility needs to remain open longer, they need to let him know.

The Tree Lighting is scheduled for December 3. The tree will be donated as it was in the past. The Lions will again be serving hot dogs and the Blue Mountain Fish and Game will be serving chili. The Lehigh Township Elementary Chorus will be singing and Santa Claus has been scheduled.

Sandy Hopkins was again contacted by the Lions regarding putting a sign on the shed in Berlinsville. She discussed with them that the initial sign that was proposed was too large. They are requesting the Township come back with a size that the Township feels is acceptable. Her suggestion is to keep the Bryfogle Memorial Park at the top as proposed and then decide separately what size sign that would be put on the building. It started as 8 X 8, then 6 X 6, and then down to 4 X 4. Mike Jones commented the signs that are on the tennis courts from when Livengood Excavators donated the courts are 3 X 5. He thinks the sign for the shed should be the same size. Sandy Hopkins commented the Lions are looking to put the Lions emblem on the sign along with Lehigh Township Lions. She is not certain if that size sign will be large enough. She was told the Lions had initially donated towards the original shed that was there and now they donated \$7,000 towards the material that was needed to refurbish the shed. David Hess commented he agrees that the sign should be the same size as the Livengood Excavators sign and they should adjust what they want on the sign to fit the sign. Cindy Miller questioned where they want to place the sign. Sandy Hopkins commented they want to place it on the shed on the Route 248 side. Linda Roman commented she thinks there are enough distractions that are located along roadways. Mike Jones commented he feels there should be some recognition on the building for their donation. Linda Roman commented she agrees, but it doesn't have to face the roadway. It could be on the other side for those who use the park to see. Barry Haydt commented he wouldn't be too strict on them; they do a lot of good work in the Township. Cindy Miller commented she is not saying she doesn't want to recognize the Lions or their work. She doesn't want the shed to become a billboard. Jerry Pritchard commented they came into the

Rec Board and are offering to build a pavilion. Do we really want to bicker over one foot in the size of the sign? David Hess commented Livengood Excavators also donated a lot to the Township; this sign should be the same size as what is already out there recognizing their donation. Katherine Mack questioned if there are zoning regulations for this sign. Liz Amato commented there are no restrictions for Township signs. It was agreed that the sign should be the same size as what is already existing at the park, 3 foot by 5 foot.

Sandy Hopkins questioned if the Township had a PA system? What does the Police Department use for their events? Chief Fogel commented the PA system he uses is his personal system. Sandy Hopkins questioned if the Township would consider purchasing one so that the Township could use it when they want to rather than having to go borrowing one all the time. Phil Gogel suggested checking Sam's Club. They have them every so often. Mike Jones commented he bought one a few years back and it can be heard for quite a distance. Phil Gogel suggested getting a price for a system and bring it back to the Board. There would be money available through the Recreation Funds. Alice Rehrig commented there would also be money available through the Recreation Budget. Cindy Miller commented she would prefer to have the money come from contingency since the equipment would be for the entire Township.

- B. Public Works Report. Frank Zamadics wanted to make the Board aware of the continued issues with the fuel pump. Over the weekend, the Police on duty were not able to pump fuel for their cars. There have been several attempts made to correct the problem, but it is becoming more and more expensive to try to repair it. With the damp mornings right now, they are unable to get it to pump until the sun hits it and warms it up. There seems to be a problem with a break in the circuit boards in the pump. Trying to find the problem within the circuit board or replacing it will be expensive. The frequency that the problem is occurring is starting to become more frequent and take longer to clear. It is getting to the point where the system should be either replaced with the fuel island that was discussed or there will need to be a lot of money invested into the old pumps to keep them running. Cindy Miller commented the Township submitted for a grant; hopefully it comes through for us.

Frank Zamadics reported the new motor is in the process of getting installed in the small dump truck. He does not have an estimated date as to when it will be completed.

1. Roadside Mower Invoices. Frank Zamadics received a call from the Service Manager at Deer Country. They are standing their ground and want to be paid for the entire balance of the work they did. If payment is

not received, it will go through their corporate office and to collections. Cindy Miller questioned what the Township paid and was willing to pay. Alice Rehrig commented the Township paid the \$7,300 that was quoted for the repair and would have been willing to pay the balance on \$2,162.57 on that invoice if they were willing to remove the charges from the other invoice. Deer Country is still looking for payment of both invoices which would total \$4,814.05. A recap of the situation is as follows: The tractor was stuck in low range. The Road Crew worked at the tractor for about two hours and was not able to resolve the issue so they requested a service tech come to the Township. The service tech came here for about 2 ½ to 3 hours and was not able to repair it so they loaded the tractor and took it to their facility. They tore the whole thing apart. They had shifting forks and collars from the transmission that had noticeable wear and they indicated they needed to replace them, the parking pawl and parking gear. Frank Zamadics had gone down to the shop and looked at the pieces and was verbally told it would be \$7,300 to repair the tractor. They put the tractor back together and told him it took an extra \$2,100 in parts, and he could come to pick it up. Phil Gogel questioned if they ever notified Frank Zamadics of the additional expenses or if they just did the work. Frank Zamadics commented they just went and did the work. He thinks they figured we were already into it for \$7,300, so the \$2,100 wouldn't make a difference and put it back together. They went down and that is when Deer Country could not get it out of park to bring it up the hill so it ended up staying down at the shop. Attorney Backenstoe commented if the tractor was not working, they wouldn't have called you. If it wasn't working, they need to get it working for the price they charged you. Jerry Pritchard commented he believes they should be eating the last \$2,000 bill. Attorney Backenstoe commented he would be able to argue that you shouldn't have been charged more than what was quoted, but can understand that there were additional expenses; however, the Township shouldn't be paying more on top of that if you were called and told it was repaired and this is the price, and then when you get there, it is not ready. Phil Gogel commented if they did extra work without asking, it should be on them. They should have had the additional repairs authorized. Everyone knows how townships work. Attorney Backenstoe commented you don't receive a call that something was repaired and then when you pick it up, it is not repaired and then have a company charge you additional fees. Frank Zamadics commented the comment from Deer Country was that it went there for repairs because it wouldn't come out of low range. When they went to pick up the machine, it was stuck in park. The additional charges were for the repairs because the machine was stuck in park. Attorney

Backenstoe commented if they took the machine apart, made the repairs and put it back together wrong and it got stuck in park, they caused the problem. It wasn't us and shouldn't be our bill. Jerry Pritchard questioned what harm would there be in going to them and saying here's the \$2,100, would you accept it at payment in full? Attorney Backenstoe commented that information was already relayed to them and they said no. Frank Zamadics noted that the additional invoice for \$2,600 was an already reduced invoice. They reduced their original invoice in half because they didn't feel it was all their fault and it wasn't all our fault. There was a very sporadic problem with the tractor getting stuck in park, but when the tractor when down there, it was not having a problem. After the tractor was returned to the Township, it was still having a problem, but he dug into the problem and was then able to find out why there was an issue and took care of the problem himself. Ever since he made that repair, the tractor has been working fine. Jerry Pritchard commented he believes we should pay the \$2,100 as payment in full and see what happens. Mike Jones commented they have already said we would be taken to collections and would most likely be switched to a COD account.

- a. Invoice W63977, \$2,162.57 (Machine stuck in low range). Cindy Miller made a motion to pay the balance of \$2,162.57 that is owed on Invoice W63977. Jerry Pritchard seconded the motion. Attorney Backenstoe commented that he believes it should be written in a letter that we would tender that amount if the Township account is considered to be paid in full. If they are not going to accept it as payment in full and we have to go to court or collections, then we would go for both amounts. All voted aye. Motion carried.

Linda Roman suggested staying away from John Deere. They are hard to work on and expensive. She has had similar experiences with her own equipment.

- b. Invoice W64630, \$2,651.48 (Machine stuck in park). Cindy Miller made a motion to not pay this invoice in the amount of \$2,651.48 and consider our account paid in full with the payment of \$2,162.57 for Invoice W63977. Phil Gogel seconded the motion. Cindy Miller, Phil Gogel, David Hess, and Jerry Pritchard voted aye. Mike Jones was opposed. He doesn't want to see the Township in collections. Phil Gogel questioned if he wanted to see the Township taken advantage of. That shows a bad precedence.

Mike Jones commented he doesn't want the Township taken advantage of, but he also doesn't want the Township in collections. Motion carried.

- C. Zoning Report. Liz Amato reported there were 29 permit applications received and issued in September. In September, the Zoning Hearing Board approved a special exception for an accessory apartment, setback relief for replacing a home on an existing non-conforming foundation on Willow Road, and denied a use variance application for a mini warehouse. On Thursday, there are two applications before the Zoning Hearing Board. One is the continuation of the Bill Jones appeal to have an existing excavation business on a new flag lot and the other is setback relief to replace a home that burned on Deer Path Drive. So far, she doesn't have any applications for November, but it expecting one to be submitted for a storage facility or mini-warehouse on Route 145. With the change in the weather, the complaints have been slowing down.

Last week they had their first meeting of the UCC Board of Appeals for the Jaindl Project. The Board became organized with a Chairman and Vice Chairman and the hearing went well. The Board granted the relief to Mr. Jaindl. Now that the Board has been organized, if the Board wants to hire a permanent solicitor for next year for the Appeals Board, she would like to have some recommendations and have the Board conduct interviews. She does believe there will be more hearings coming up. She and David Backenstoe attended the meeting as a learning experience, but unless the Board feels otherwise, they don't believe Attorney Backenstoe's attendance would be needed at future hearings unless the Board wants to take a position. Attorney Backenstoe commented the UCC Board of Appeals is similar to the Zoning Hearing Board in that it acts independently so unless the Township is taking a position in a particular hearing, there wouldn't be a need for his attendance. In this case, the developer is installing an inground pool which requires a certain amount of concrete to be placed around it. The developer is proposing an infinity pool which is designed to look like it drops off. They had good engineering testimony and experts from all over testify and presented a decent case. They also were requesting relief from the amount of footcandles that are required to be around the pool. The members of the Appeals Board were very good and well versed on the matter and asked questions. They really did a nice job at the hearing.

1. Proposed Ordinance adding Landscaping Contractor definitions and uses to Zoning Ordinance. The Planning Commission had been working on this ordinance to address the issues of smaller landscaping businesses being in violation of our current ordinances because they have commercial pieces of equipment or employees. In addition, the current ordinances

only has plant nurseries and greenhouses as a use, but do not have a landscape contractor. In the past, it was thrown under the plant nurseries and greenhouses, but she feels there should be something more specific to address the issues that have been occurring over the past several years. Besides providing definitions and guidelines for the smaller businesses, the proposed ordinance also regulates where the larger landscaping businesses can go and how they are regulated. This ordinance can be placed on a future agenda after the Board has had the opportunity to more thoroughly review it.

Mike Jones questioned how this would apply to the owner operator who is currently working out of their house. Liz Amato commented they would be considered a limited landscaping business and would operate like a home occupation with restrictions such as they would be permitted one truck, trailer, and tools, but they couldn't do stockpiling, or something similar, or have employees. It's meant to be fair for people who are just doing their own small side business while not disturbing the neighborhood.

Phil Gogel noted the business would be located in General Commercial and Industrial. Liz Amato commented the General Commercial and Industrial would be for the larger scale, full blown landscaping business with employees, multiple trucks and trailers. These types of businesses would be permitted by special exception. The limited landscaping business with one truck, one trailer, and no employees would be permitted anywhere by right.

Mike Jones questioned what signage would be permitted. Liz Amato commented the rules that are in place for signage would remain for the larger landscaping businesses. The limited landscaping business would not be permitted to have signs. It would be similar to the existing by right home occupations.

Phil Gogel questioned what will happen with people who have their own equipment for personal use. Liz Amato commented the second portion of the ordinance will be to look at unenclosed storage. This section would regulate the personal equipment. Right now, no one can have anything commercial in nature stored on their property on a long term basis. The ordinance does not separate the type of use for commercial equipment. The unenclosed storage in the ordinance is not specific to any zone. It is any piece of property anywhere in the township and addresses storage

outside a building. It states that you cannot have any commercial equipment stored on your property on the outside of a building on a long term basis. This area needs to be reviewed to allow for some leniency because there are a lot of people who own commercial equipment but are not operating a business. Cindy Miller commented this is why the ordinances need to be reviewed because they are so old and have not been reviewed to address these issues. Liz Amato noted our current ordinance defines a commercial vehicle as a vehicle which is over 10,000 pounds.

- D. Police Report. Chief Fogel reported the crime, traffic, and crashes have been low this past month; about half of the crashes were deer strike related. One of the police cars was just hit by a deer. The damages to the vehicle are minimal. There is a dent in the vehicle and he is having it looked at to see what would be needed for the repair. The deer ran into the vehicle on Route 946.

The traffic in the construction area of Route 248 has not been as bad. There has been a significant reduction in the amount of trucks going through the area. The bridge is expected to be opened around the 19th.

This past Friday they had their movie in the park which was a lot of fun. The Public Works Department and Fire Department did a great job helping out with building a fire pit and watching the fire so the kids could have S'mores. The leftovers from National Night Out were frozen and used for this to create a free event for the community. There were a lot of questions as to when they would be doing this again. His hope would be to try to continue this for in the spring and fall.

The car that was purchased through the auction has been picked up. It runs very well and is in good condition. It seems to be a good buy for the price.

Chief Fogel completed the speed study for West Walker Road. The study showed that the 85th percent and the safe running speed to be consistent with the posted speed limit in Moore Township at 30 miles per hour. Cindy Miller made a motion to authorize the Manager and Solicitor to create an ordinance to establish the speed limit on West Walker Road at 30 miles per hour. David Hess seconded the motion. All voted aye. Motion carried.

1. Resolution 2022-24, Authorizing Chief of Police to apply to PCCD for funding to upgrade and update record management system. The Chief has been looking at this grant to enhance their current records management system. There are a couple of options available, the one for which he is applying for the grant (cNET) and Cody Systems. The cNET system is

the better system for the price and to fit our needs. The company also serves our booking center equipment. They regularly work with PCCD on grants and similar items and provided most of the information for the grant application. The grant proposal would not only benefit the Township but other agencies across the State which makes it a very attractive application for PCCD. The grant will take care of the end of life issues they are having with their current RMS. The company is not really providing any upgrades of any significant degree. The grant would provide the necessary programming to tie all their programs together. Right now, anything issued through e-citations and crash reporting needs to be manually added to the RMS. The cNET system would incorporate all the components so that the secretary wouldn't need to re-enter information into the RMS system that the officers already entered into a different component. The grant will also allow cNET to incorporate programming for search warrants and affidavits for criminal complaints. It would pull everything together rather than having portions here and there. In addition, they will also be able to incorporate the information that County sends to the cars right into their RMS system. This will greatly enhance everything they need to do and for the first five years there will not be any maintenance fees on the program which are around \$4,000. Other systems he was looking at had annual fees of \$16,000 to \$17,000. It will allow everyone to access the system at the same time. Right now, there are only three licenses for the department. The Secretary is almost always using one, he is using one, which means there is one left for the rest of the department to share.

Phil Gogel made a motion to approve Resolution 2022-24. Cindy Miller seconded the motion. Jerry Pritchard questioned if there would be any cost to the Township with this grant. Chief Fogel commented there would not be any cost to the Township until after five years when we would have to start paying the annual maintenance fee which we would be required to do so with any system. Chief Fogel also noted he received at least nine letters of support for this grant, including letters from Representative Mako and Senator Scavello. All voted aye. Motion carried.

- E. Fire Company. Rick Hildebrand provided the Board with the 3rd quarter report of activities. In the past quarter, there were 43 EMS calls which included medical calls and accidents and 53 fire related calls for a total of 96 calls in the quarter. 19 percent of the calls were for fires, 44 percent were for crashes and medical, 12 percent were hazardous conditions, 11 percent were good intentions and service calls and 11 percent were false alarms. Additional details were available in the written report that was provided.

The ladder truck is currently in the shop for the repair of the heads. They also found some other items that were damaged, but they don't appear to be a large ticket items. They are hoping the repair will not exceed \$10,000. He also spoke with the Treasurer to update the Board with the truck expenses. In the past 12 months, they have paid \$66,403 in maintenance on the trucks. The ladder will cost a minimum of \$10,000 for the repairs and the pumper is getting its foam system replaced because of age. That cost will be \$17,000. They will have roughly \$100,000 in apparatus repairs within a year which is a large number.

1. Discussion—Possible used Engine. Alice Rehrig commented it was brought to her attention that there is a Township in the middle of the State which is closing and some of their equipment is up for sale. They have a 2010 Engine that they are willing to sell for \$150,000. It is reported that it is in decent condition, carries 750 gallons of water, 50 gallons of foam, two cross lays, bumper line and a light tower. It is similar to the 1981 engine that was sold to Catasauqua. It is an opportunity that became available and would help spread out the capital purchase in the Capital Improvements Plan.

Cindy Miller questioned if this would replace anything that is coming up in the Capital Improvements Plan. It wouldn't replace the ladder truck? Rick Hildebrand commented the Fire Company bought the ladder truck used after having three mechanic reports of it being a very good piece of equipment. They were independent guys; no one knew each other and were in the industry. One of them was an emergency vehicle technician; working on apparatus is what they do all day long. The vehicle had 23,000 miles on it; hardly driven and well pampered. Here we are a couple of years later, and we had to kick it to the front of the line because we are spending exorbitant amounts of money on it. They discussed used versus new with the Board that was in place at the time and were open to it. Now on the back side, they will end up spending \$50,000 to \$60,000 on the truck. It's not the ladder that is needing repairs; it's the drivetrain, pump, all the electrical things on a chassis. He would be gun shy on used apparatus; he's not saying no, he is not interested, but they had a bad experience with one. It would also create a train wreck if this is considered for the next truck in the situation right now because we moved the ladder truck to the primary position because it was failing faster than the 1998 Engine which is not schedule for replacement for another 8 years. Alice Rehrig commented when the ladder truck was moved up for replacement, the 1998 Engine had to be moved back to 2028 because of funding.

Phil Gogel commented it may not hurt to send a crew out to look at it and check the lines to make sure they are not steel lines and check the specs. He knows there were problems with steel lines before. Rick Hildebrand commented it probably will be steel plumbing. The water in our community is acidic and eats through the plumbing. When one pipe rots through, you can't just pull it off and replace it. It is like a jungle gym and you have to take all the other pipes apart to get to it and it gets very expensive. If you don't replace the whole thing, you could wind up doing it again chasing another leak. Phil Gogel commented with a 2010, they may have changed that. Rick Hildebrand commented the change to stainless steel was just recently. Rick Hildebrand also noted that in order to make it one of theirs, they would have to change color on it which can be another costly thing. The guys are particular about keeping the house in the same appearance.

Phil Gogel commented the large truck companies are having problems finding parts right to assemble vehicles, let alone Fire Trucks. Rick Hildebrand noted they still haven't received a build order on the truck they received through the grant because they haven't received the chassis. He heard they opened slots for orders and thinks they may have gotten an order, but they haven't received a confirmation yet. This truck was supposed to take the pressure off the pumper.

Jerry Pritchard questioned if they feel the ladder truck will be okay when it comes back this time. Rick Hildebrand commented he thinks that every time but it doesn't always work out. Jerry Pritchard questioned the cost of a new ladder truck. Rick Hildebrand commented they have not put it out for official bids yet. They are going through the items and drilling down to make a spec that can be put out for a quote. The manufacture they are working with provided Alice Rehrig with a quote, but he hasn't seen it. Alice Rehrig commented the number she received was \$1,850,000. Rick Hildebrand commented he thinks that may include a lot of extras. They may not have wanted to give away their hand knowing it was not the finalized build vehicle and competitors may be looking at the vehicle as well. He is thinking it will be closer to the \$1.5 million; right now, it is like throwing a dart at the side of the barn with the costs, part availability, and the economy. It is not a good time to be in need of vehicles or services.

Rick Hildebrand commented he would be willing to look at this truck, but they had three inspection mechanics look at the last one and gave it a very

high thumbs up. One was a township resident who commented he felt it would be foolish to not take it because it was such a deal, but on the back side it takes everything they make in fundraising to support the apparatus.

Cindy Miller questioned what the used ladder truck cost. Rick Hildebrand commented it was \$120,000, \$20,000 for the paint and \$40,000 went into the bump out of the building. It was about \$180,000 to replace an engine that was due at that time so there was about a \$320,000 in savings by buying used which allowed the rescue truck to be moved up. Cindy Miller questioned how much money has been put into that truck at this point. Rick Hildebrand commented the 12 months period of repairs was \$66,000. He knows the pump work and the transmission were roughly \$30,000. There was an estimate of \$10,000 for the current engine repair, but it could be more if they find more issues. There were several other repairs on the truck, so the total on that truck could easily be \$60,000. Cindy Miller commented when you look at the cost of the truck and the repairs, you are roughly at \$275,000 versus \$1,850,000 for a brand new truck. She knows it is used and there are maintenance issues, but it is \$275,000 versus \$1.8 million.

Rick Hildebrand commented by not spending the money on the cost of the apparatus you are transferring the cost to the fire house where it takes everything they have to maintain it. Basically, the Township is getting a deal and the Fire Company gets the burden. Cindy Miller commented the Township isn't getting that much of a deal if they are putting out \$150,000.

Phil Gogel commented if a new truck costs \$850,000 and you take the \$66,000 in maintenance cost per year for ten years, then you take the \$850,000 less the \$660,000, that is where you would be for the sweet spot in purchasing the used truck.

Rick Hildebrand noted the engine is not scheduled to be replaced until 2028. We would end up taking \$150,000 that we don't necessarily have now and moving it ahead of the ladder truck to consider it. Cindy Miller also noted that the Township just applied for a \$750,000 grant to be used towards a ladder truck. It would be up to the Township to figure out where we would come up with the money for the ladder truck in 2025. Jerry Pritchard commented even with the \$750,000 grant, the community still needs to come up with almost a \$1 million. Cindy Miller commented she believes we need to negotiate something better than \$1.8 million.

Rick Hildebrand commented he doesn't believe it will be the \$1.8 million that was quoted. Mike Jones commented it was stated earlier that it would be closer to \$1.5 million.

David Hess questioned the condition of the engine. Rick Hildebrand commented it is well used, they service it and they repair it. Minus any catastrophic failure, they haven't had any engine issues. The ladder truck has given them some engine issues. They replaced the injectors shortly after they bought it. Everything costs money to keep running. The engine has not been as expensive as the ladder truck. They have already authorized the replacement of the foam system; it just wore out and can't be repaired any more. He would foresee the engine being in good shape until 2028, with the caveat that the grant truck is going to take some of the pressure off the constant running which is what they envisioned when they wrote the grant.

Jerry Pritchard questioned what the time frame was for the replacement of the ladder truck. Rick Hildebrand commented they are in the process of developing the specs now so that they could put it out to bid for the beginning of the year to get an accurate quote. You are looking at up to two years to build the truck once you give them the order. They are also concerned with the fluctuating market and escalating clauses that may go along with it. They don't know what they will write into the proposals.

Jerry Pritchard questioned how we go about paying for the firetruck. Mike Jones commented we have been paying for the chassis when it is completed because they have been discounting it if the chassis was paid for up front. Rick Hildebrand commented the apparatus replacement plan was designed so that the truck could be bought without having to pay interest on it, but with the rising costs and things breaking that weren't expected, that may not be possible. He feels that there is a time of expiration on a piece of apparatus where it holds value and where it loses value. It may require someone with some financial planning expertise to say, once the vehicle gets to this age, your value is just going to tank and will lose its value. It may be better to replace them in a shorter time frame than 25 or 30 years because by holding on to them for that period of time, you take their value down to a minimal value of getting a return on it. It may be something to look at or try to figure out as to if you replace it sooner, you may be able to get more of a return on the investment than

what we get by holding on to them and only getting \$10,000 to \$15,000. We won't get much more than that on the ladder or the engine they currently have because they are costly to maintain.

Rick Hildebrand questioned how the idea of the used engine came to be. Mike Rehrig commented while he was working at the Bloomsburg Fair, one of the members of Bloomsburg, who also runs with Montour Township, knew the Lehigh Township was looking for an engine and ladder truck, and had told him they were getting rid of the engine, not because it was worn out, but because Montour Township Fire Company didn't exist anymore.

Rick Hildebrand commented if they get the contact information, they will look at it, but in the grand scheme of the replacement plan they had asked the ladder truck be moved up and that is what they are working on so he doesn't know if the Board would even consider it or if it is a consideration. Phil Gogel commented it would depend upon what the research team would find out. If everything meets the needs, it may be something that needs to be considered. Mike Jones commented if it is a good piece of equipment, it is something that the Board should consider. Alice Rehrig commented the benefit of the used piece of equipment is no great benefit to the Township in the short term, but it is the long term effect on the Capital Improvements Plan. Right now, all the equipment is coming due for replacement and need to be pushed back because of cost. They were able to get 10 years out of the ladder truck that was 20 years old when they purchased it and that helped spread things out then. With the rising costs of equipment, we would be looking at a down payment for the ladder truck upon delivery in 2025 and a 15 year two percent State loan for \$350,000 as well as a five year lease to own just to meet the \$1.4 million on the ladder truck. While these are being paid, the Engine will be due for replacement in 2028 and only a portion of the cost will be able to be paid upfront and another lease would need to be entered into for the balance of the engine. The tanker is then scheduled for replacement in 2032.

Rick Hildebrand commented their plans are to be able to get competitive pricing on the ladder truck at the beginning of the year. If the costs are too high, they will look at making adjustments to the specs. The concern is what they spec today and put to bid can all change in less than a year with changes in manufacturing, parts, and product development. It is only as good as a snapshot. If the bids are not authorized, it doesn't get captured and they will probably have to bid again.

Mike Jones commented if the Fire Company goes out and looks at the equipment and feels it would help them out, they should let the Board know and the Township will need to look into funds to get the truck.

- F. Engineer's Report. Mike Muffley reported the Planning Commission reviewed two existing plans. One was Riverview Self Storage which will be needing special exception approval for the use of a mini-warehouse so this plan was tabled until they receive their approval. The other project is the Sedler Design and Redevelopment of the old Archery Addictions building. Mike Muffley was still not satisfied with the stormwater design for the project and they are waiting for approvals from PennDOT on their driveway. This plan was tabled at the meeting.

The Cinchona Road culvert was installed at Indiantrail Park. The paving has been completed. The only outstanding item is the installation of the guiderail which is expected to be installed the end of this week or early next week.

The Northwoods Lot Line Adjustment plan was submitted with the new owner information. This plan needs to be recorded and finalized before the land development plan can be completed. Mike Muffley and Attorney Backenstoe have been working through the improvements agreements and maintenance agreements. Even though the improvements are going to be private, they will still be public in nature and need to be secured through the agreements even though the Township will not be taking over the roads. They agreed to do private roads during the conditional use hearing. The way the decision was written and approved, the applicant agreed to do private roads and that they would never dedicate them to the Township. Because they are doing private roads, they proposed an alternate type of road drainage system. They will be doing pavers with a stone course underneath so there would need to be an additional agreement with language that would indicate they will be taking care of them in perpetuity and not dedicate them to the Township. The proposed letters of credit has been received by the Township and the Municipal Authority. The process is moving along and they are expecting everything should be finalized in the very near future. Attorney Backenstoe commented at one point there was a question about the Rec Fees and if they were waived. The Rec Fees were not waived; they agreed to put in a 22 acre public complex. The developer's first obligation is to dedicate land to the Township. It is only if the Township doesn't want that land that they receive the fee in lieu of. At the time of approval, the Township was interested in them installing the 22 acre complex. It will include a public recreation building being proposed, essentially a community center for the development. In addition, there will be trails and passive recreation space. Jerry Pritchard noted that is really not a benefit to the Township. Attorney Backenstoe commented this is really what the Municipalities Planning Code requires, it's just

that everyone is used to receiving the fees. The MPC and our ordinance requires each land development or subdivision to provide land, not for the Township in general, but for that development. If you don't take the land, they give you rec fees in lieu of the land which is technically supposed to be used to develop a recreation system next to that development. The reason the Township has been able to receive fees to be used anywhere within their park system is because he writes it into the improvements agreement that the developer waives this requirement. The money from the Rec Fees are also supposed to be spent within three years or give the money back. Jerry Pritchard questioned when the recreation improvements are typically installed for the development. Attorney Backenstoe commented they are usually installed at the same time as the remaining improvements. In this case there will be a slight delay because they are phasing the development. There are no recreation improvements in Phase I; they are installing some of the improvements in Phase II, and then the balance through out Phase III and Phase IV. The improvements are anticipated to be for the residents of the development; however, they are public and not private so anyone could go in there and walk. Jerry Pritchard questioned if the Township can require how large the community center would be. Mike Muffley commented under the ordinance, the Township regulates the amount of land. The original ordinance would have required them to have five acres; the new ordinance requires eight acres. They will be having 22 acres of land. There are no size requirements for the community center. Mike Muffley commented during the planning process it is discussed how they will use the recreation land and during the discussions, the developer is usually cooperative in putting in whatever the Township requests within reason. Paul Nikisher questioned who will maintain this. Mike Muffley commented everything will be maintained by the owners, including the roads. Mike Muffley also noted there was a preconstruction meeting with the Conservation District. They have mobilized some equipment and are doing some tree removal. They cannot do any public improvements until the plans and agreements are finalized and recorded. Right now, the developer is working strictly on erosion and sedimentation control measures which are authorized under their NPDES permit.

VII. OLD BUSINESS

- A. Cherryville Intersection. An email was received indicating that the contractor will be starting to work on the corrections that needs to be made to the intersection either this week or next week to get the project completed.
- B. Maintenance Building. There are no updates on the grants for Maintenance Building.

- C. Chapter 170 Amendments. Alice Rehrig provided the Board with additional revisions to the amendments to Chapter 170. In this draft, she split out the definitions of firearms and bow & arrow. The draft has an acreage restriction of two acres for firearms and one acre for bow and arrow. In speaking with Attorney Backenstoe, he felt it would be best to remove the acreage requirements based on recent case law which requires the Township to establish a basis for setting these requirements. Attorney Backenstoe commented the theory that was used to create the acreage requirements was good, but depending upon where the range is located on a lot, it could be difficult to justify and may become unenforceable if there is a legal challenge. The Board would really need to go all in and create specific standards for ranges or choose to not regulate them and hope that people use their common sense. The Board can make recommendations that people install backstops according to NRA standards and hope they are using them in a practicable and lawful manner. If someone were to shoot someone or something from their range, it would be criminal. Just because someone would be permitted to discharge a weapon on their property, doesn't mean they can do it in a reckless or criminal manner. Right now, the Township doesn't have any standards for issuing a permit for a range and the Chief is put in a bad spot because the ordinance states they need a permit and the Chief is to inspect it without having any objective standards. If someone gets hurt, the Township may very well have a liability. The Township could also take the position we are a second amendment Township and we believe in firearms and want people to be safe and do the right thing with them.

Cindy Miller commented she likes the latter of what Attorney Backenstoe described. Jerry Pritchard commented any verbiage should be a recommendation, not a requirement. Mike Jones commented he likes the idea of just following the State requirements.

Cindy Miller commented in looking at what is written, we are stating footage; the State requirements are in yards. She has read through Title 34 and Chapter 25 which is all about game. It is very loose. There is a State law that is now there which would supersede us anyway; that is the way we should go.

The Board agreed that the acreage should be removed and just use the State requirements for everything. Attorney Backenstoe commented he believes he and Alice Rehrig could work on a more barebones ordinance for the Board to review for the next meeting and then it could be authorized for advertisement. The amendment would be to repeal what is in place and replace it with the new language.

Linda Roman questioned if there was any kind of regulation regarding military weapons. Attorney Backenstoe commented the Federal and State doesn't differentiate between the different types of weapons.

VIII. NEW BUSINESS

- A. Trick or Treat. Trick or Treat will take place on Friday, October 28th from 6:00 p.m. to 8:00 p.m. The rain date is schedule for Sunday, October 30th from 5:00 p.m. to 7:00 p.m.

David Hess commented he was considering handing out candy at the Municipal Building, but if it can be coordinated with the Fire Company he would prefer to do it there since there is plenty of parking and it is along the main roads.

- B. Manager's Report. Alice Rehrig reported there were five applications received for the open position on the road crew and questioned how the Board would like to handle them. The Board agreed they would review the applications and each member will provide their top three applicants.

Alice Rehrig was contacted by a resident at 409 Blue Mountain Drive. He was concerned with the speeds the trucks are traveling and their use of jake brakes. He realizes that there is too much of a grade to eliminate the jake brakes, but is requesting the Township contact PennDOT to see if they would do a traffic study to reduce the speed limit. He feels if the speed limit were reduced, the trucks wouldn't be traveling as fast and wouldn't need to use the jake brakes as much. When the trucks apply the brakes, it is rattling his house. The speed on Blue Mountain Drive varies from 35 miles per hour to 45 miles per hour. Rick Hildebrand commented the speed limit on West Mountain View Drive was lowered and people still drive at high rates of speed. Cindy Miller questioned how much lower would they want the speed. Mike Jones commented the resident called him and told him that his neighbors are willing to sign a petition and come to a meeting in an effort to get the speed limited lowered. Mike Muffley commented that it is not a matter of what you want the speed limit to be, you need to meet the warrants in order to have the speed limit lowered. Rick Hildebrand commented there may be an improvement once the bridge on Route 248 is opened and some of the traffic is eliminated. Phil Gogel commented he doesn't see the harm in making the request, but thinks if the speed limit is lowered, the trucks will ride the jake brake all the way down the hill. Alice Rehrig will send a letter making the request to lower the speed limit.

Northampton Regional Emergency Services provided the Board with a letter describing the operation over the past year and a copy of their audit.

C. Solicitor's Report. Attorney Backenstoe had nothing specific to report.

Katherine Mack questioned what the status was of the KaraFam appeal. Attorney Backenstoe commented they filed an appeal of their decision and then ultimately provided a settlement. The Board of Supervisors approved the settlement agreement; however, a letter was received from the Solicitor of the Zoning Hearing Board that they rejected the settlement. Now the matter is between the attorneys for KaraFam and the Zoning Hearing Board to either reach another agreement or argue it before the courts. He has not heard anything beyond this. Paul Nikisher questioned why the Zoning Hearing Board rejected this. Attorney Backenstoe commented they are in a commercial zoning district but received approval to use it as a residence through a variance many years ago. The owners were conducting an Air BnB. Although it was good Air BnB, it was still a violation of the zoning ordinance. The Zoning Officer learned of it, investigated it, and ultimately cited them and had them appear before the Zoning Hearing Board. The Zoning Hearing Board upheld the Zoning Officer's determination and felt they were violating the zoning ordinance. The owners appealed the decision to the courts, and then the Township came to an agreement with the applicant about the use, but the Zoning Hearing Board did not agree, and they are a necessary party. Now the appeal lies between the Zoning Hearing Board and the applicant. At this point, there is nothing the Township can do. Jerry Pritchard questioned if this will not cost the Township money to argue it in the County Court. Attorney Backenstoe commented it will. It has happened before. Barry Haydt questioned what the Zoning Hearing Board was supposed to do. If you base a decision on whether it will cost money, there is no point in having the appeals to the Zoning Hearing Board.

IX. PUBLIC COMMENT. Linda Roman commented everyone in the area is pleased with the work that was done on Cinchona Road and with the bridge. On Thursday, a large tree snapped at the park and fell onto her truck causing damage. She had her truck parked in a pull off across the street from her home. She is willing to pay for the damages to her truck through her insurance and deductible, but is asking the Township to remove the dead trees that are along Cinchona Road so that this doesn't happen again. Alice Rehrig will have Frank Zamadics look at what needs to be done and get a quote for the work.

Jerry Pritchard commented he attended a School Board meeting last evening. They still owe for the bond issue for the Middle School, they have since built the Lehigh

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Elementary, and now they are moving onto a new \$73 million project which would include another school, tearing down Moore Elementary, and administration building in Seemsville. Where is the money going to come from? They are having an Act 34 special hearing on November 10 at the Middle School at 6:30 p.m. He would encourage people attend the meeting because it is inevitable that there will have to be a substantial tax increase. What are the elderly people in the Township going to do to be able to afford their taxes? Katherine Mack commented there is a capacity issue with the schools because of the development taking place within the district. Cindy Miller commented when the new Lehigh school was built, they indicated they would be able to increase the capacity by 100 students. That would be it.

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