

# LEHIGH TOWNSHIP BOARD OF SUPERVISORS

## Minutes of the January 12, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, January 12, 2021, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. Chairman Cindy Miller called the meeting to order with the pledge of allegiance and roll call:

Present: Phil Gogel  
Keith Hantz via conference call  
Mike Jones via conference call  
Cindy Miller  
David Backenstoe  
Phil Malitsch  
Alice Rehrig  
Scott Fogel via conference call  
Liz Gehman  
Frank Zamadics

Absent: Mike McGonigle

II. APPROVAL OF THE MINUTES

- A. Minutes of December 8, 2020. Phil Gogel made a motion approve these minutes. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. Minutes of January 4, 2021. Phil Gogel made a motion approve these minutes. Keith Hantz seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS

- A. \_\_\_ General Fund Checks 24462 to 24544. Phil Gogel made a motion approve these bills. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. \_\_\_ State Fund Check 1521 and 1522. Phil Gogel made a motion approve these bills. Keith Hantz seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

- A. Extensions of Time for Plan Approval
1. David Buechele, Minor Subdivision Plan. No one was present to represent this plan. The developer provided the Board with an extension of time until April 23, 2021. Phil Gogel made a motion to accept the extension of time until April 23, 2021. Keith Hantz seconded the motion. All voted aye. Motion carried.

B. Extensions of Time for Plan Recording

1. Tim Pitts Major Subdivision Plan. No one was present to represent this plan. This plan was previously approved and the deadline for the developer to meet the conditions of approval and to record the plan is January 31, 2021. This plan was previously approved with the intention of connecting to public sewage through the Northwoods Development which just received preliminary approval. Northwoods is still waiting on their approval from DEP for expanding the water system from Heritage Village. Phil Gogel made a motion to grant this plan an extension of time to be recorded until April 30, 2021. Keith Hantz seconded the motion. All voted aye. Motion carried.
2. Top of the Mountain Estates Major Subdivision. No one was present to represent this plan. This plan was previously approved and the deadline for the developer to meet the conditions of approval and to record the plan is January 30, 2021. Alice Rehrig noted the developer has now obtained their NPDES permit. They should be submitting their plan back to the Township shortly. Phil Gogel made a motion to grant this plan an extension of time to be recorded until March 30, 2021. Keith Hantz questioned what the difference was between this plan and Wynnfield Manor which was rejected. Cindy Miller commented this plan was waiting on their NPDES approval. Keith Hantz questioned how long it will take to get the plan recorded now that they have their approval. Alice Rehrig commented this plan will need to go back through Planning because they needed to remove a portion of the through road and install a cul-de-sac because of an area of new wetlands. Keith Hantz seconded the motion. All voted aye. Motion carried.
3. Lehigh Township Municipal Authority Lot Line Adjustment Plan. No one was present to represent this plan. This plan was previously approved and the deadline for the developer to meet the conditions of approval and to record the plan is January 14, 2021. The developer is requesting an extension of time for six months to complete complying with the comments in the Township Engineer's letter, prepare the recording documents, and the approval of the booster land development plan so they can include any necessary notes on the line adjustment plan. Keith Hantz made a motion to grant a six month extension of time (July 31, 2021) for the Municipal Authority to record this plan. Phil Gogel seconded the motion. All voted aye. Motion carried.

4. Lehigh Township Elementary School. No one was present to represent this plan. This plan was previously approved and the deadline for the developer to meet the conditions of approval and to record the plan is January 12, 2021. They are still working on obtaining their final HOP from PennDOT. Keith Hantz made a motion to grant the School District an extension of time until April 27, 2021 to record this plan. Mike Jones seconded the motion. All voted aye. Motion carried.

C. Plan for Approval

1. Linda & Tommy Bowman Minor Subdivision. Amit Mukherjee of Base Engineering was present to represent this plan. They received the review letter from Hanover Engineering dated January 8, and they will comply with the items in the letter. The only fundamental item that is outstanding is the receipt of the Sewage Planning Module Exemption from DEP. The waivers and deferrals that were requested for this plan were approved in November. Mr. Mukherjee commented they did submit a cost estimate for the monumentation. The monumentation has been completed and he will be providing the certification that is required.

Phil Gogel made a motion to grant this plan conditional approval subject to the outstanding items in the Township Engineer's review letter dated January 8, 2021, and the Planning Commission's review letter dated December 18, 2020. Mike Jones seconded the motion. All voted aye. Motion carried.

- D. Engineer's Report. Phil Malitsch did not have anything specific to report.

IV. DEPARTMENTAL REPORTS.

- A. Recreation Report. Sandy Hopkins provided the Board with a diagram of where the Recreation Board is proposing a dog park at Delps Park. It is generally in the same location as when it was proposed several years ago. There would be a .7 acre park for large dogs and .5 acres for smaller dogs.

Katherine Mack has approached the Recreation Board indicating she would like to see this project move forward and is willing to hire and donate the fencing contractor. Mrs. Mack commented the park would be modeled after the one that is located in Allen Township. She would like to have Tri-Boro Fencing do the fence installation. She would like to stay with contractors who are from the Township. In addition, the owner has also agreed to donate an additional \$1,000 towards items in the park. The fencing would be vinyl chain link fence. The concrete for the fencing would be donated by David Hess. She had also had people approach her who are also willing to donate towards the park for items

such as benches, trees, and shade shelters. She believes there is a need for something like this in the Township and it is her contribution to the Township.

Sandy Hopkins requested authorization from the Board to keep moving forward with this project. She will provide updates to the Board on at least a monthly basis.

Cindy Miller questioned what type of maintenance will be required for the park. Katherine Mack commented the maintenance would mostly consist of mowing the grass. She will be providing large gates, 8' wide for access with the mowers. There will also be concrete at the entrance to the park to limit the amount of mud that would occur from coming and going at the entrance. There would also be dog waste stations for clean-up. There is usually one at the entrance and far end of each of the sides of the park. She has also seen mulch or concrete placed around the benches to help eliminate mud in those areas. The large dog park will get beat up more than the small one because of the size of the dogs. It would mostly be grounds maintenance.

Phil Gogel made a motion to authorize the Recreation Board to move forward with constructing a dog park and that monthly updates are provided to the Board. Keith Hantz seconded the motion. All voted aye. Motion carried.

Keith Hantz questioned if the Pennsville Softball Field will be able to be used this spring. It was confirmed that the field would still be available this year.

Cindy Miller also commented that the Northern Lehigh Recreation Committee chairperson has asked to meet with the Township. This meeting will take place at the Recreation Board meeting in February (February 15). Any Board member who is interested in attending is welcome to come to this meeting.

- B. Public Works Report. In addition to the written monthly report, Frank Zamadics questioned if the Board was planning on keeping the same location for the tree for the Christmas Tree Lighting and if they had given any additional thought as to whether it would be a planted permanent tree or a cut tree. When they went to remove the decorations and the tree, they ran into some issues because the tree is in a wet area. He was also wondering if there was any consideration to putting in a permanent electric service for the tree. Phil Gogel commented he did like the way the tree was set up; the guys did an awesome job. It held up well.

Phil Gogel commented they will be staying with a cut tree. Aunt Mary's tree farm is willing to donate a tree each year for the Christmas Tree lighting. We would only need to pick it up. Even if we were to go back to the same vendor that

we used this year, the tree was \$350 delivered. If a tree were planted, it would need to be trimmed and maintained to a certain height. Cindy Miller commented she is concerned that at some point, the tree will have grown too much and become difficult to decorate. Frank Zamadics commented if the Township is going to continue with the cut tree, he would like to make the base for the tree a bit more permanent.

- C. Zoning Report. Liz Gehman reported she is seeing great progress with the street sweep she did in November. Most everyone has contacted her and is moving forward and making progress in cleaning up. She is hoping to do another street or two this month.

All of the notices that were sent out for short term rentals are being scheduled for zoning hearing. There will be a special hearing for the short term rental on Longacre Drive on February 18 at 6:00 p.m. All of the short term rentals have applied for a special exception hearing with the exception of the property on Longacre Drive. They are applying for a variance. Phil Gogel questioned if the properties have stopped operating now that the cease and desist notices were sent out. Liz Gehman commented once they file an appeal, enforcement action stops and she cannot do any further enforcement until after a decision is rendered by the Zoning Hearing Board.

Liz Gehman also reported she has been working with Attorney Backenstoe on the Vandling injunction.

Cindy Miller questioned what the extension date means on the Zoning Report. Liz Gehman commented most of the notices of violation only allow for 20 days for the individual to come into compliance. This can become difficult with some of the larger cases. If people contact her and indicate they are willing to comply, but need more time, she will put them on a 30 day schedule. As long as she can see they are making continual progress in getting their property into compliance, she will work with them and extend the time frame. If they no longer are making progress, she then will not give them the extension and file citations at the Magistrate. As long as people are moving forward, she will work with them because it doesn't make sense to her to have them fined at the Magistrate when they could use that money towards the cleanup. Cindy Miller questioned if there is an absolute cut-off date when everything must be done. Liz Gehman commented she only gives them extensions in 30 day increments. A lot of times, people will call her and say they only need an extra two weeks. She could put a final date on the extensions. The newer violations she has sent out have made good progress relatively quickly. She does need to catch up with some of the old violations.

Jerry Pritchard questioned if there is a list of all the Airbnbs in the Township? Liz Gehman commented she is aware of seven and they are technically in violation of the short term rental ordinance. Four of those are owner occupied and have applied to the Zoning Hearing Board for a Bed & Breakfast. She has two of these going to the Zoning Hearing Board in February, two in March, and a special hearing being held for the one on Longacre. Until the hearing, they are not specifically classified as either a short term rental or a bed and breakfast. Jerry Pritchard questioned how you would locate them or could they operate and you would never know. Liz Gehman commented she would go by complaints or what she can locate through sites like Airbnb.

Tom Galloway questioned if there is a mechanism in which the operators of a short term rental could keep on pushing off their appeals. Liz Gehman comments now that the hearing is scheduled, the applicant would have to request a continuance of the hearing. The only reason the one on Longacre got pushed by a little bit was because she couldn't schedule it on the same night as the other appeals.

Ali Bumback of 570 Graystone Drive, wanted to express her concerns. She has been a resident since 2012, but just recently purchased the property on Graystone Drive. In the past two months, she has had three issue with the property on Longacre Drive; her property abuts the property. She just heard today that the short term rental is having their septic pumped every two weeks. She also heard that there are inspections required by the ordinance and if those inspections already took place, particularly since the septic is a particular concern for her. Liz Gehman commented the requirements that are listed in the ordinance are only requirements if they get approval. If they don't get approval, then the use would need to stop.

Katherine Mack questioned how many letters were sent out. Liz Gehman commented she sent out seven letters in her first round. Katherine Mack commented it was stated at a previous meeting there were approximately 20 in the Township. Liz Gehman commented she hasn't been able to locate that many and that gentleman did correct himself when this was discussed at the Planning Commission meeting. She did locate one more that is operating in the Resort Commercial. They will need to come in and get the special exception and go through the licensing.

Phil Gogel questioned if there wasn't an ordinance which would prevent someone from having two residences on one property. Liz Gehman commented there is only supposed to be one residential use on a property. There are some properties that received special exception approval to have an accessory apartment. Phil

Gogel commented his concern is the Bed & Breakfasts which may be dividing their home and creating a complete second living quarter in their home which could eventually turn into a twin home or a home with an apartment attached. We don't want to end up creating multi-complex units. Liz Gehman commented from what she is understanding from the two that are scheduled at this point, the owners can enter the short term rental area from their home, but there is a separate exit. She is not aware of any that have created separate dwelling units. Phil Gogel commented it is something that needs to be looked at when the applications come in. We need to look at what they are doing to see what it is that they are really trying to do. We need to make sure the sewer systems are not getting overloaded and creating a problem for neighboring properties. Liz Gehman commented the way the bed and breakfast requirements read now, the owners will need to go through land development through the Planning Commission which would include septic review, screening, and any site issues. Moving forward, there are additional regulations that will be required as the ordinance is amended.

- D. Police Report. Chief Fogel reported most of the officers have now gone through their first round of the COVID vaccine. They have also locked down the booking center to limit the amount of people coming through; everything is now by appointment only.

He is in the process of updating the use of force policy to bring it into compliance with the National Consensus Policy. Being in compliance with the National Consensus Policy is important because the Department of Justice requires it in order to be eligible for any grants. The Department of Justice also funds a lot of the State grants such as the PCCD grants.

Chief Fogel commented he also spoke with a resident regarding his concerns with a private shooting range. One of the main concerns was automatic gun fire at the range and the frequency that the firing is taking place. There were people using the range when the homeowner wasn't present. In addition, there was some type of explosives that were also set off. As far as the shooting itself, it didn't appear as though there was anything taking place that was a violation of the ordinance, so there was nothing the officers could really address.

Roland Reinert of 4888 Alder Drive was present to discuss these concerns. This is Mr. Reinert's neighbor and he has been dealing with this for going on 20 years and every year it gets worse and worse. Last year was out of control. It was every weekend. On Saturday, it was 11:15 to 4:30, non-stop machine gun. It is a machine gun range where they also detonate high explosives. It is taking place

400 feet from his house. There is no respect for anyone around him. When this takes place, it is a complete destruction of quality of life. There are many times in the summer where he leaves because he doesn't want to be around. He is afraid to go out in the yard. There are thousands of rounds going off in a day. Machine gunning is just unsafe; why do we need this going on in the Township. Overall, he is a good person, but believes he is getting carried away when he wants to have fun. Mr. Reinert is just looking for some type of control.

Chief Fogel commented this particular property owner does have an approved range; he believes the range was permitted prior to 2012. Cindy Miller questioned if the Township was aware of the machine guns and the explosives. Chief Fogel commented when the officers were out there, they did not hear the succession of rapid fire from an automatic weapon, but they were there when things were just about done. There are some items that the Department needs to follow up on with the property owner to see if they are permitted to have that type of firearm. It is his understanding that they have that type of firearm, but he hasn't seen it yet. The problem is the frequency and the type of shooting which is taking place. The way our ordinance is currently written, there is not much they can do to rectify the problem.

Phil Gogel suggested having the Chief or one of the Officers talk to the individual and explain to them that if this type of activity continues to take place, it will ruin it for him and other people who have ranges, similar to what has happened with the Airbnbs where one or two of them ruined things for other people who want to make some money on their property. Maybe if he knows that if this continues, the rules will have to change. Chief Fogel commented he would be willing to speak with him again, but he knows some members of the Department have spoken to him a few times in the past. There are a few changes that he would also like to suggest for the ordinance as well; not to necessarily prevent people from having a range, but ways to quiet it down somewhat so it doesn't get to this level.

Cindy Miller commented she has concerns about the explosives being set off. She wouldn't think that would be permitted at all. Chief Fogel commented he believes that this individual has had permits for fireworks at times. He is not sure what he does or doesn't have. Mr. Reinert commented it was January 2 at about 4 PM in the afternoon. There wasn't a fireworks display. He knows the person. He will never admit that he set it off. Cindy Miller commented the police will need to get to the bottom of what is taking place before they can take any kind of action.

Mr. Reinert commented his neighbor told him many times that he wasn't going to stop. It is his understanding that he has a permit for the range. Aren't there any



rules or regulations that must be followed? Cindy Miller commented that he did have a permit and it sounds like the police need to gather more information to try to determine what actions are needed. Chief Fogel commented there are no requirements within the ordinances to reevaluate these ranges once the permit is issued. Things in an area can change after the permit is issued; not just for this property, but for any property that a permit was issued for.

Cindy Miller questioned if a range permit was issued to a property and the property changes hands, does the permit transfer to the new owner? Attorney Backenstoe commented it depends on how the ordinance is written, but ordinarily, the new person would have to come in and get a permit as well.

Cindy Miller commented the Board may need to look at the ordinance and amend it so the ranges are inspected more than when they are installed. Attorney Backenstoe commented over the past twenty years, members of the Board were pretty much pro NRA and were not going to regulate the ranges. Cindy Miller commented there could be a concern with having a range on a property for 25 years and not know what the current condition of it is. She is pro 2<sup>nd</sup> Amendment, but at the same time, they are in residential areas and people live around them. Mike Jones commented he would agree that they should be inspected every year or two because once the range is permitted, it could be altered in some manner. Another concern is that a vacant property behind a range could be sold and there could be houses ending up behind the range. Keith Hantz commented he would like to see the Chief review the ordinance and come back to the Board with some recommendations as to what changes may be needed. Mike Jones commented as far as the explosion that was heard, it could possibly be Tannerite which makes a very large boom depending upon how much is used and that is legal to possess without a license.

The Board agreed to have the Chief review the ordinance and provide recommendations on what changes may be needed and then the Board can determine how they will move forward.

V. OLD BUSINESS

- A. Reorganization. When the Board held their reorganizational meeting on January 4, there were only three members present. In order for a motion to carry, it would have to be a unanimous vote of the three members present. Because of this law, there were two items which were tabled at that meeting.

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1. Township Manager. Keith Hantz made a motion to appoint Alice Rehrig as Township Manager. Phil Gogel seconded the motion. Keith Hantz, Mike Jones and Phil Gogel voted aye. Cindy Miller was opposed for the same reason as stated at the Reorganization Meeting.
2. Vacancy Board Chairman. Keith Hantz made a motion to appoint Blaine Holden as Vacancy Board Chairman. Mike Jones questioned if Mr. Holden was still interested in the position. Keith Hantz commented Mr. Holden sent an email to Alice Rehrig indicating he was still interested. Mike Jones seconded the motion. Keith Hantz and Mike Jones voted aye. Cindy Miller and Phil Gogel were opposed. Motion did not carry.

Phil Gogel made a motion to appoint David Hess as Vacancy Board Chairman. Cindy Miller seconded the motion. Phil Gogel and Cindy Miller voted aye. Keith Hantz and Mike Jones were opposed. Motion did not carry.

Mike Jones questioned if there was a problem with something over the past two years with the Vacancy Board Chairman. Phil Gogel commented there are some concerns he had as far as some comments Mr. Holden had made about him. Cindy Miller commented her concern was that he was on the building committee and got frustrated with that committee and walked out. When someone does that, it causes her concern to put them on another committee. Keith Hantz commented when discussing the Building Committee, you need to understand what Chip Hazard and Blaine Holden went through to work on plans for the building. Without them, we wouldn't even be talking about a building. Yes, there was a frustration level there, but to hold it against him for a Vacancy Board Chairman position, those two things don't even go hand in hand at all. As far as the personal comments against Phil Gogel, if he were to hold comments that were made about him over time, he wouldn't be nominating anyone to any position. Phil Gogel questioned why he would nominate someone who doesn't share the same views as him for the future?

This item will be tabled until the next meeting for either a revote on the individuals or to nominate different individuals.

Keith Hantz questioned what would happen in the event the Vacancy Board Chairman is needed prior to the position being filled or does Blaine Holden stay on until someone is appointed. Attorney Backenstoe

commented the appointment is for one year, then the term expires. If there is a vacancy on the Board, the Board of Supervisors has 30 days to appoint someone to fill that position. If someone is not appointed in those 30 days, then it goes to the Vacancy Board which is the Board of Supervisors plus the Chairman. The Vacancy Board has an additional 15 days (45 days from the vacancy) to appoint a replacement. If there is not an appointment after the 45 days, then it goes to the Court of Common Pleas for an appointment. If there is no Vacancy Board Chairman and the Board can't reach a decision, it will have to go to the Court of Common Pleas to fill the vacancy.

Jerry Pritchard commented it should be noted that two of the individuals who have been nominated for this position (David Hess and Sandy Hopkins) are at the meeting. These two individuals were in the room at the time of nomination. The other individual was not in attendance at the meeting. Keith Hantz noted that he did contact the Township Manager and indicate that he was still interested in that position. Sandy Hopkins commented Blain Holden was Vacancy Board Chairman last year and she was the year before so she also held that position knowing what that position entails. She is here at almost every meeting. She hasn't seen Mr. Holden and doesn't know what his excuse is. She is here because she has a sincere concern for her Township.

- B. Cherryville Intersection. At this point, we are waiting for PPL to do the pole relocation which is scheduled for February.

Mike Jones questioned if the contractor has ordered the mast arms. Phil Malitsch commented after exchanging several emails and phone calls, the contractor was authorized to order the mast arms. He does know the contractor is eager to get started as soon as possible in spring.

- C. Maintenance Building. A letter was received from W2A indicating there would be an additional \$25,000 required in the architectural services. This additional cost would also include adding an alternate wood frame structure as a design build to the bids. They also indicated there may be an issue in meeting the energy codes with the wooden structure. The additional fees are required because of changing the scope of the project from a 100' X 200' building with exterior office and storage to a 100' X 140' structure with the offices and storage on the interior of the building. Phil Gogel commented he understands there would be additional costs with moving the plumbing into the interior, but would like more information as to the additional costs, particularly with the alternative wooden structure

design. Cindy Miller commented she wants to know the total cost of the building. Phil Gogel commented the estimate for the building was right on budget. Alice Rehrig commented the estimated cost was \$2.5 million. A meeting will be arranged with the architect to discuss the additional costs for the redesign and discuss what is needed to move forward with the building.

Jerry Pritchard questioned if Morton Buildings is still a possibility for the building. Alice Rehrig commented the bids are being designed for a steel structure and a wood structure as an alternative bid. When the bids come in, the Township can review both options to see which is the better cost.

Jerry Pritchard also questioned who was on the Building Committee. Phil Gogel commented it is himself, Mike Jones, Frank Zamadics, Adam Raker and Alice Rehrig.

#### VI. NEW BUSINESS

- A. Sale of Equipment. The equipment was placed on Municibid and multiple bids were received for each piece of equipment. Keith Hantz questioned if the Township must accept the high bid. Attorney Backenstoe commented if it was advertised as the Township has the right to accept or reject any and all bids, then the Township could reject the high bid and readvertise the bid. Frank Zamadics reviewed the bids that were received for the sale of the various pieces of equipment. He felt the bids were very reasonable.
1. 1999 GMC Dump Truck. Mike Jones made a motion to accept the bid of \$5,400 from Michael Dalton for this truck. Keith Hantz seconded the motion. All voted aye. Motion carried.
  2. Tarco Leaf Vac, Unit 1. Keith Hantz made a motion to accept the bid of \$3,900 from Union Township for the Tarco Leaf Vac, Unit 1. Phil Gogel seconded the motion. Alice Rehrig noted that since the leaf equipment was purchased through a DEP grant, we will need to return some of the sale proceed to DEP. The grant was a 10/90 split, so we may need to return up to 90 percent back to DEP. There is a different formula when the equipment is being transferred to a municipality. She has been in contact with the representative at DEP so that the details can be worked out. All voted aye. Motion carried.
  3. Tarco Leaf Vac, Unit 2. Keith Hantz made a motion to accept the bid of \$4,100 from Scott Lamon for the Tarco Leaf Vac, Unit 2. Mike Jones seconded the motion. All voted aye. Motion carried.

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4. Stepp Pug Mill. Mike Jones made a motion to accept the bid of \$2,850 from Mike Nice for the Stepp Pug Mill. Keith Hantz seconded the motion. All voted aye. Motion carried.
5. Leaf Box #1. Mike Jones made a motion to accept the bid of \$310 from Union Township for Leaf Box #1. Keith Hantz seconded the motion. All voted aye. Motion carried.
6. Leaf Box #2. Keith Hantz questioned what happens in this case because the two top bids were both \$300. Alice Rehrig commented she contacted Municibid about this. One of the bidders was registered for a proxy bid where they designate their maximum bid. At the end of the bidding, the person bidding by proxy is the first bid registered. The other party bidding has the option of bidding higher. Since the second bidder chose not to go higher than the first bid received, the bid would go to the first bid that was submitted. Keith Hantz made a motion to accept the bid of \$300 from Donald Dietrich for Leaf Box #2. Mike Jones seconded the motion. All voted aye. Motion carried.
7. Leaf Box #3. Keith Hantz made a motion to accept the bid of \$725 from Scott Lamon for Leaf Box #3. Mike Jones seconded the motion. All voted aye. Motion carried.
8. Traffic Lights & Poles. Keith Hantz made a motion to accept the bid of \$2,500 from Michael Rifenburg for the traffic lights and poles. Mike Jones seconded the motion. All voted aye. Motion carried.
9. Snocrete Snow Blower. Keith Hantz made a motion to accept the bid of \$1,850 from Brooke Shoffner for the Snocrete Snow Blower. Mike Jones seconded the motion. All voted aye. Motion carried.

B. Ordinance for Discussion

- i. Ordinance 2021-1, Amending Chapter 70, Earth Disturbance. This ordinance will make the inspections of lot grading a mandatory requirement instead of an optional requirement. This is being done to eliminate issues with lots not being graded according to their approved grading plan. In addition to what is being proposed in the draft ordinance, it was pointed out that Section 70.5.C requires three copies of a grading plan to be submitted. This should also be changed to require four copies.

Attorney Backenstoe commented the overall draft of the ordinance is acceptable, but he would recommend changing “will” to “shall” in Subsection A and then have it read “be conducted as determined necessary”.

Keith Hantz made a motion to authorize the advertisement of Ordinance 2021-1 with the changes discussed. Mike Jones seconded the motion. All voted aye. Motion carried.

C. Resolutions for Adoption

1. Resolution 2021-1, Confirming Real Estate Transfer Tax, Per Capita, and Earned Income Taxes. This resolution confirms the Real Estate Transfer Tax Rate of 1 percent, the Per Capita Tax rate of \$5, and the Earned Income Tax Rate of .5 percent. After the ordinance is adopted, it is then sent to DCED. Keith Hantz made a motion to adopt Resolution 2021-1. Phil Gogel seconded the motion. All voted aye. Motion carried.
2. Resolution 2021-2, Establishing Fees for Sewage Enforcement Services. This resolution sets the fees that are charged for services performed by the Sewage Enforcement Officer. The only change in this resolution is the hourly rate that is charged for miscellaneous service. This rate went from \$105 to \$110. Keith Hantz made a motion to adopt Resolution 2021-2. Phil Gogel seconded the motion. All voted aye. Motion carried.

D. Manager’s Report. There was nothing to report in addition to the written report submitted to the Board.

Keith Hantz questioned if there was any time table for the results of the arbitration hearing. Alice Rehrig commented there was a meeting in early to mid-December, but she has not received any decision yet.

Jerry Pritchard questioned if there was any information regarding when the flag goes back to full staff. Alice Rehrig commented she hasn’t found any information on it. It was lowered because of the passing of Governor Thornburg and was supposed to remain down until his internment, but she hasn’t seen anything as to when that will be taking place.

E. Solicitor’s Report. Attorney Backenstoe reported the oral arguments before Judge Morganelli for the appeal of the Zoning Hearing Board decision on the Singer matter took place today. There were legitimate arguments on both sides. The

matter is in the hands of the court. Jerry Pritchard questioned if there is a time frame when the court would make a decision. Attorney Backenstoe commented they have up to three months to render the decision.

Attorney Backenstoe has been working with input from Liz Gehman, Alice Rehrig, and Cindy Miller to put together the Vandling complaint. He wants to do a final review with Liz Gehman and then he will file the complaint.

Question  
raised by  
Supervisors  
Hantz + Jones

Attorney Backenstoe also commented there was a question regarding holding live meets versus virtual. How the Board holds their meetings would be up to them. There are different ways that Townships are holding meetings and all are acceptable as long as there is advance notice to the public. Some are holding live meetings, some are doing all virtual, and some do a combination of both. Mike Jones question if you can limit the amount of public attending a meeting. Attorney Backenstoe commented when you do that you could run into issues with the case law where the meeting needs to be accessible to the public. If you allow the public in, then you need to allow everyone in and as a Board you would need to be responsible to properly space people. If you know there will be a lot of people in attendance, then it may be best to try to hold the meeting at the fire hall. If you are not going to let anyone in, that's fine. Once you let one in, you should let them all in. Another thing that could be done is there is something like a hearing, you can schedule a time and only allow individuals for that hearing to come in and then when they are through, they would leave and have the next group come in. Everyone would be welcome to call in and listen on the phone. Cindy Miller commented the spacing in the room for this meeting was good. There were only 9 people left in the room. At one point, there were 12. Keith Hantz commented he was concerned about the distancing for not only the public, but the Board and everyone else at the table. Cindy Miller commented with the room is arranged in a U and it has everyone spaced out.

- VII. PUBLIC COMMENT. There was no public comment.
- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss the MS4 appeal with Special Council Steve Hahn and also a Collective Bargaining Agreement. No action was taken.
- IX. ADJOURN. Phil Gogel made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.