

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

March 12, 2024

7:00 p.m.

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, March 12, 2024, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
David Hess
Jerry Pritchard
Janet Sheats
Mike Jones
Attorney David Backenstoe
Alice Rehrig
Mike Muffley
Liz Amato
Scott Fogel
Frank Zamadics

II. APPROVAL OF THE MINUTES

- A. Minutes of February 27, 2024. Jerry Pritchard made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 27581 to 27615. David Hess made a motion to approve the bills. Janet Sheats seconded the motion. Cindy Miller questioned the bill to DRC Technologies. Alice Rehrig commented DRC was able to provide the antenna for the Cradlepoint wireless routers for the police cars at a better rate than AT&T. Cindy Miller also questioned the padlock purchase that was listed for all the parks. Alice Rehrig commented the locks were for the dog park. The bill was incorrectly coded for all the parks. All voted aye. Motion carried.
- B. State Fund Checks 1593. David Hess made a motion to approve this bill. Cindy Miller seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS.

- A. Extension of Time for Plan Approval
1. Timothy Pitts Land Development. David Lear was present to represent this plan. The developer has granted the Board an extension of time until July 31, 2024. He needs the extension to complete the NPDES process. They met with DEP and

people from the Wetland Conservation District Office at the site and they requested a slight change in the plan. The District ask that they shift for roadway alignment by 50 feet to avoid disturbing the wetlands. When the bog turtle study was completed, they found there were additional wetlands on the site. DEP wants them to slide the roadway by 50 feet to avoid the wetlands. The shifting of the roadway will also cause them to lose one unit. This will also make the permitting process simpler. Mike Muffley has reviewed the shift in the roadway and confirmed that is it does not have a major impact on the plan that was previously approved by the Planning Commission. He currently is in the process of doing a detailed review of the plan.

Jerry Pritchard made a motion to accept the time extension until July 31, 2024. David Hess seconded the motion. All voted aye. Motion carried.

- B. Engineer's Report. Mike Muffley did not have anything specific to report. The Planning Commission agenda was light this month as they only had the Recreational Marijuana Ordinance for review. Attorney Corriere will be making the final changes before it gets sent to the Board.

V. DEPARTMENTAL/ORGANIZATIONAL REPORT

- A. Recreation Report. Sandy Hopkins reported that the family of John Hock requested a memorial bench be purchased for Berlinsville Park with the money that was donated in his memory when he passed away. The bench has finally come in. Once it is assembled, a final location will be determined at the park.

- B. Public Works

- 1. 2007 Ford Pickup Replacement. Upper Macungie will be accepting bids on the 2017 pick-up truck in the next few days. This would be a good replacement truck for the 2007. It will be a bare truck. There will not be any lights, plow or liftgate. Frank Zamadics believes the bids will be opened around March 22 and awarded at their April meeting.

Cindy Miller made a motion to authorize the submission of a sealed bid to Upper Macungie on the 2017 pick-up truck as shown on the sheet presented to the Board. David Hess seconded the motion. Janet Sheats questioned if there was anything on our non-working truck that could be placed onto this truck. Frank Zamadics commented their really wouldn't be because of changes in the body panels. The lift gate that is on the truck is in rough condition. It was initially mounted on a 1998 Pick Up and the plow is what came with the truck when we purchased it. Motion carried.

The second potential vehicle would be the 1996 utility truck that the Fire Company is accepting bids on. At this point, it would be an additional vehicle since the 2008 Pick up is still running and assuming we were successful with Upper Macungie. It could be used for dust control and flushing pipes. The preference would be for the truck to be complete with the tank and pump. The greatest issue that is occurring is only having one pick-up truck to do work at the parks, the buildings, and road work. The Board wouldn't need to take action on this vehicle tonight since the Fire Company is accepting bids until April 1. The Board tabled the discussion on this truck until next meeting.

Jerry Pritchard commented he thinks it would be best to increase the bid offering on the 2017 truck and decrease the offering for the 1996 truck since the newer pickup is the preferred truck. Mike Jones suggested increasing the 2017 truck by the difference that is listed in the memo between the 1996 equipped and non-equipped.

Cindy Miller amended her motion to authorize the Manager to submit a bid to Upper Macungie in an amount that is as listed on the presentation paperwork plus the difference between the two pricing options for the 1996 Truck as discussed. David Hess seconded the motion. All voted aye. Motion carried.

2. Public Works Sign. An idea for a sign at the new public works building was to use a V plow as a sign. Cindy Miller commented the suggested price on Municibid seems high. She has seen some on Market Place that were lower in price. Frank Zamadics commented there is also a free one that is available, but the condition is not as good as what is shown on Municibid. The free one is believed to have been used by the Township in the mid 50's. The family is willing to give the Township the plow. It will need to be sandblasted and painted in order to prepare it for a wrap for a sign. Cindy Miller made a motion to authorize Frank Zamadics to rehab the free plow so it could be used as a sign. Janet Sheats seconded the motion. All voted aye. Motion carried.
3. Mower Replacement. The replacement of the 2012 X-Mark mower was included in the budget at a price of \$16,000. In obtaining pricing on the new mower, he went to Backwoods to get pricing on the Bad Boy mowers which are on the Co-stars contract. If he were to trade the 2012 X-Mark and the 2017 John Deere mowers, he could get two new rear discharge 72" mowers for \$16,910. The benefit of doing this would be that the part availability would be local. Getting the parts for John Deere Mowers is a bit more difficult since we cannot purchase them through Deere Country. We would still have a 2019 John Deere mower. Mike Jones commented he would prefer to see all the mowers be the same brand so the parts could be interchanged. Frank Zamadics commented he doesn't have a

preference on the brand of the mower. You can choose the same motor between brands and the hydraulics are basically the same. It really comes down to workmanship, warranty, and parts availability. One of the machines we would be trading has 1,800 hours on it and the other has 1,500 hours on it. He spoke with two other municipalities that have them. One has not had any issues with their mower and the other is purchasing a second one this year. What he likes with this machine is the new design has a rear discharge so that the grass will not be discharged into the track or the fencing. It would also help prevent the possibility of something being discharged towards someone who is using the parks.

Jerry Pritchard suggested going back to the company and see if they are able to do something to meet our budget. He would like to see if we could buy two mowers locally. Frank Zamadics commented he will go back to them with whatever he is authorized to do.

Janet Sheats made a motion to authorize the purchase of the two mowers with the trade ins at a price not to exceed \$16,000 for both mowers. Cindy Miller seconded the motion. All voted aye. Motion carried.

- C. Zoning Report. Liz Amato reported there were 25 new permit applications received and 23 permits were issued in February. There were also three new complaints received in February.

In February, there was a Principal Solar Energy System on the Michele McBride property before the Zoning Hearing Board for variance relief. They were able to rework their plan so that they didn't need relief from having more than one principal use on a property. They only needed paved driveway relief which was granted. Since they changed their plan, they will need relief from the Moore Township Zoning Hearing Board. In order to give them time to go to the Moore Township Zoning Hearing Board, they extended their conditional use application until the end of June.

The March Zoning Hearing Board meeting will take place next week where they will hear two appeals. One is an appeal to a violation notice and the second is a special exception for a home occupation.

- D. Police Report. Chief Fogel reported the traffic enforcement has been increasing and the crashes are staying steady. He has noticed that the Department has been getting busier over the past few weeks. In reviewing the number of calls they received, they are about 100 more calls this year than last year at this time.

The Department has been asked to do some traffic monitoring at Mulberry and Steven Lane area. There have been issues of speeding vehicles and people running stop signs. They will be placing the traffic trailer up there to collect data. Neither Mulberry Drive nor Steven Lane are posted roadways. Steven Lane could be posted as a residential speed of 25 miles per hour since the roadway is only an access for the homes in the development.

The amount of truck traffic has been increasing quite a bit recently. They have been doing additional truck enforcement. Last week they had a truck that was 95,000 pounds.

The two officers that were in field training over the past several months have been released and are now on their own, but will be monitored over their remaining probationary period.

There still will be one additional vacancy towards the end of the summer because of retirements. He does have two individuals who have applied and they have gone through the vetting process. One individual has the academy and the other does not. If the Board would like, he can set up interviews with both of them. As far as academy classes, Allentown has one coming up in July and Lackawanna has one in May. Once the retirement occurs, they will be short staffed regardless of which class an applicant is in. The last date of work for one of the individuals retiring will be April 9 and the second retirement will be mid-June. The Board agreed to interview the two individuals.

Upcoming community activities that are occurring this year are movies in the park nights on May 31 and September 27 at Danielsville Park; National Night Out will be on August 6 at Indiantrail Park from 6:00 p.m. to 8:30 p.m.; December 14 will be Toys for Tots; and they are looking at different options for bringing back the Shop with a Cop program.

- E. Municipal Authority Report. No one was present on behalf of the Municipal Authority.
- F. Fire Company Report. Rick Hildebrand commented the Fire Company responded to 46 calls in the month of February. This included 8 house fires, some of which were not in the Township, 17 accidents or medical emergencies, 14 hazardous conditions, 2 false alarms and 1 good intent call. So far, for the year, they have had 107 calls.

Rick Hildebrand commented he received a call today regarding the house fire on Heritage Lane because nothing was done with the property since the fire. This also reminded him of a property on East Stateside which burned a few years ago and

remains as a blighted property. He was wondering if the Fire Escrow ordinance was still active. He reached out to Alice Rehrig today and she told him the receipt of the money is dependent upon when the claim is processed. He was wondering if the insurance company must investigate the ordinances or if it is something that must be reported. Alice Rehrig commented when the ordinance was adopted, the Township registered the ordinance so the insurance companies are aware of it. The Township is definitely not holding funds for the fire on East Stateside Drive. The last fire escrow she received was for the fire on Steven Lane and they just came in for their permits about a week or two ago. It does take a while until the claims go through the insurance. Rick Hildebrand commented he referred the individuals from Heritage Village to their park office; maybe there is something that could be done from a zoning perspective.

Rick Hildebrand commented the Township adopted a recovery ordinance several years ago so that they could do third party billing for supplies. One of the caveats in the ordinance was that the insurance company would receive the bill and a bill was not to go to the property owner. The third party company that they work with have a clause in there for a transient or someone who is a pass through and not a resident of the community. They would bill these people directly, but in order to do so, we would have to modify the ordinance to allow for that. Rick Hildebrand requested the Board consider revising the ordinance.

The new brush truck was received and is being worked on as far as equipment going on the truck and training. It has already been used and been successful.

March 23rd is the Fire Company's Sportsman Night. This is the largest fundraiser that the Fire Company has.

VI. OLD BUSINESS

A. Maintenance Building. David Hess questioned if the building is still on schedule. Alice Rehrig commented for the most part, they are still on schedule. By April 1st, Bracy Construction is expecting to be down to punch list items. Everything that had the potential of holding up the project has been delivered. They have been in touch with PPL; they just had their electrical inspection from Keycodes. They are expecting everything to be completed in the middle to end of April.

1. Billitier Electric, Payment Request #5. Cindy Miller made a motion to approve Billitier Electric Payment #5 in the amount of \$54,583.20. David Hess seconded the motion. Jerry Pritchard questioned if there is still a 10 percent retainage on the contract. Alice Rehrig confirmed 10 percent is still being held. All voted aye. Motion carried.

2. Shannon A. Smith, Inc. Payment Request #7. Cindy Miller made a motion to approve Shannon A. Smith Payment1 #7 in the amount of \$62,032,50. David Hess seconded the motion. Jerry Pritchard questioned if there is still a 10 percent retainage on the contract. Alice Rehrig confirmed 10 percent is still being held. All voted aye. Motion carried.
3. Vision Mechanical, Payment Request #7. This request includes reducing the amount being held from 10 percent to 5 percent. The bids give the contractor the ability to request their retainer be reduced to 5 percent once they have completed 50 percent of the project. If the Board were to approve payment for the work that was completed, the amount of the payment would be \$63,782.64. Cindy Miller made a motion to approve Vision Mechanical Payment Request #7 in the amount of \$63,782.64 for the work completed and keep the retainage at 10 percent. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

Janet Sheats questioned when the final payments on the project would be expected. Alice Rehrig commented if the project is finalized in April, the final invoices should be received in May.

B. Ordinance for Adoption

1. Ordinance 2024-1, Amending Police Pension Plan. This ordinance has been advertised, reviewed by the actuary, and ready for adoption. This ordinance is stating the pension provided for in their contract. Cindy Miller made a motion to adopt Ordinance 2024-1. David Hess seconded the motion. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Manager's Report. In addition to the written report provided to the Board, Alice Rehrig reported she received notification from Grace Industries who is the contractor for the State for the replacement of the bridge on Maple Drive. The work will be starting on April 2. Maple Drive will be closed between April 2 and June 30. The detour route will be Route 248 and West Mountain View Drive. She will be asking Frank Zamadics to take pictures of the roads right before the detour starts in the event the detour creates a problem on the Township roads.

Cindy Miller raised a concern with having the detour take the motorists to the intersection of Maple Drive and West Mountain View Drive because it is very difficult to pull out of that intersection. Mike Jones commented he wished the State would make that portion of the roadway one way. Alice Rehrig commented that was discussed several years ago. At that time, the homeowner who lives in that stretch of roadway did not want that because he would be forced to go around because of the one-way section.

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

VIII. PUBLIC COMMENT. Linda Roman commented the top of a tree snapped off at Indiantrail Park and is leaning with two branches in the ground. She is concerned that kids may get hurt if they are playing around the tree. She also noted the door to the pump station is standing open. Alice Rehrig will contact Frank Zamadics about the tree and Dave Getz about the pump station.

Paul Nikisher questioned if any entity is exempt from the Fire Tax. The Board confirmed that no one is exempt. Attorney Backenstoe commented he believes that the Board is authorize to assess the Fire Tax on all properties based upon the Second Class Township Code.

Wayne Kleintop questioned if there was going to be buffering or street trees by the new maintenance building. Developers are required to install buffering and street trees. Shouldn't the Township also be required to install them as well? Alice Rehrig was asked to check what the requirements were in the ordinance.

Wayne Kleintop commented he spoke with the Chief earlier regarding the equipment in the cars and he has indicated they were short one AR for one of the vehicles. Mr. Kleintop indicated he is willing to make a donation to the Township for the purchase of the needed AR.

Wendy Kleintop raised a concern about the possibility when people who are not in the country legally come to the Township. The Township needs to be prepared. It may be beneficial to create a task force between the Police Department and residents. It is only a matter of time before it becomes an issue for the Township.

Katherine Mack questioned what became of the issue with the repair to a mower that when it was returned to the Township it wasn't repaired properly and had to be sent back the second time and it still wasn't right. Alice Rehrig commented the unpaid bill was turned over to collections and she provided them with the information regarding the situation and hasn't heard anything since.

Katherine Mack commented she is aware that the Township had a settlement between the Chief and another individual. She is questioning what the cost of that is to the taxpayers as far as legal fees and court costs to have that settlement come to fruition. Attorney Backenstoe commented the Township is represented by an insurance attorney appointed by the insurance company. He does not have a signed agreement yet; therefore, he has instructed the Board of Supervisors not to say anything at this time.

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Barry Haydt commented there are a lot of people who are using the park at Delps. With the amount of people using the park, there should be a port-o-let at the park. Alice Rehrig commented it is scheduled to return on April 1. Mr. Haydt also noted people are not picking up after their dogs at the park. Maybe additional signs are needed and they should be fined. The Board noted there are bags and receptacles at various locations along the track. Unfortunately, people who don't want to clean up after their dogs just don't care and a sign won't make a difference. People who will clean up, will do it without a sign. Attorney Backenstoe commented the problem with the fine is that you need to catch someone.

A resident on Dogwood Road raised a concern that when the power poles along the road were replaced two years ago, the cable line was never transferred over to the new pole. How long do they have to move the line? Mike Jones commented he doesn't believe there is a requirement because of them being a public utility. Rick Hildebrand commented it is probably a Verizon line. They are horrible with removing their cables and poles.

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