

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the October 12, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, October 12, 2021, at 6:00 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
Cindy Miller
Mike Jones
Keith Hantz
David Backenstoe
Mike Muffley
Alice Rehrig
Frank Zamadics
Liz Amato
Scott Fogel

- II. 2022 BUDGET. The current draft of the 2022 Budget was reviewed and discussed. The Workers Comp renewal rates were just received and have been put into the electronic version of the budget, but have not been included in the draft before the Board. The renewal does not have a significant effect on the draft budget.

The Township did receive the full Grow NorCo grant amount of \$50,000 from the County. That has been included in the budget.

The medical insurance renewal was received on October 7. The increase in medical insurance was 11% for next year. Cindy Miller questioned if it was known why the premium increased as much as what it did. Alice Rehrig commented the renewal rates are based on utilization and there were a lot of claims in 2021.

Items under the Office Budget are as follows

Miscellaneous Small Equipment:
Printer
Microphones (2)
Monitors (4)

The microphones and monitors are planned to be part of the larger security grant and could be eliminated from the budget until such time the grant is applied for and awarded. It was determined that these items should be left in the budget for now and can be removed at a later date if a grant is awarded.

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Replacement of Office Air Conditioning Unit is scheduled for 2022, but is currently working so that may not be needed.

Document Imaging has been removed because there still is a balance available on our deposit for another 25 boxes of files to be scanned. This should be enough to get us through 2022.

Wireless Bridge	\$ 5,000
Server Rack	\$ 1,000
Electronic Locks	\$10,000

These items are also planned on being included in the security grant.

The following items have been included under the Police Budget:

Training Supplies has been reduced by \$650 which is the cost of the taser cartridges used for training since that is included with the purchase of new tasers.

An additional \$750 has been added for Power DMS software which is used for filing the accreditation documents. It is a base program which can be expanded upon at a later date. Cindy Miller questioned what type of maintenance will be needed for this software. Chief Fogel commented it is an annual fee for the software. There are additional modules for training and the receipt of emails for training purposes. It allows everyone to acknowledge everything on line. The base program covers all the accreditation standards and allows the assessors to log in to review the files rather than having them come to the station and review everything on site. It also eliminates the need to have all the paper files. Cindy Miller questioned if the hardware could handle the program. Chief Fogel commented it could. It is mostly PDF based.

Minor Equipment items included are:
Miscellaneous items
2 Pocket Jet printer
Shredder
35 mm camera
Tire Deflation Devices for each of the cars

The Chief is requesting an additional smart phone for Pam to use in the office. The additional cost for this will be \$560 per year. This has been included in the budget.

One car has been included in the budget. This is the car in which we were awarded the grant.

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The full amount of the tasers has been included in the budget since the grant was awarded. The other option would be to divide the difference between the grant amount and the actual costs over the next four years budget, but that would then commit that amount to future budgets. Everyone agreed the full amount should be included.

Other items included are:

3 body cameras

HVAC Unit. One of the units at the station is about 16 years old and was scheduled for replacement last year, but there were no issues with it.

Carpet in Secretary's Area can be eliminated as that will be completed in 2021.

Man door

2 garage doors

Savings for Digital Radios

Under the Fire portion of the budget, the contribution to the truck fund includes the 2020 amount, the 2022 amount, and an additional \$25,000 so that there is enough funding for the truck by 2024 when the unit is expected to arrive.

Under Planning, an additional amount of \$7,500 has been included under Legal for drafting of new Zoning and Subdivision Ordinances and an additional \$12,000 has been included under Engineering for this purpose.

Zoning Hearing Board expenses are a continued concern. The fees that are charged are enough to cover the advertising, stenographer, and administrative costs. The legal expenses cannot be figured into the fees, but are a large part of the overall expenses. Cindy Miller commented our fee resolution should be updated so that whenever a hearing is continued, there is a fee to the applicant. It's not right to have everyone's fee be increased because a few applicants take two or three hearings to present their case. Alice Rehrig commented an average hearing cost is about \$1,000 in legal fees, \$250 to \$300 for the stenographer, and \$190 for advertising. Cindy Miller questioned if it is possible to set a time limit on a hearing and then anything over that amount has an extra fee. If there is a time limit on a hearing, it may help reduce some of the overall costs. Alice Rehrig will look at ways of how the fee schedule could be adjusted.

The proposed pay scale for summer help needs to be discussed. The budget as proposed has the following rates:

Starting/1 st year	\$10.50
2 nd year	\$11.00
3 rd year	\$11.50
4 th year—max	\$12.00

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Keith Hantz suggested the rates be increased when you look at the number of applicants we received and the rates of the regular full time crew. It was suggested having the scale adjusted to:

Starting/1 st year	\$11.00
2 nd year	\$11.50
3 rd year	\$12.00
4 th year—max	\$13.00

The same budget amount can be used, but the hours would need to be watched.

Under Capital Purchases, \$10,900 has been included for leak detection equipment for the fuel tanks and a new scan tool. Cindy Miller questioned if the leak detection equipment would be needed if the tanks were moved. Frank Zamadics commented the equipment that was proposed would work for the underground tanks as well as an above ground island. The only problem they are having right now is with the unleaded tank. Whenever there is a significant change in temperature, the pump locks up temporarily. There is a problem within the circuit board of the pump. He has had Boyko up several times over the past few years and they have determined the problem to be within the circuit board. The pump is probably 45 or 50 years old so the parts are obsolete.

The budget amount for Machinery and Equipment hasn't changed, but it is intended that three smaller trucks would be purchased in 2022 and the skid loader pushed to 2023. It is expected that \$100,000 would be funded through the General Fund and \$30,000 from the State. This swapping of equipment will not effect the required contributions under the Capital Improvements Plan.

The Leaf Vac Maintenance budget was increased in 2021 in anticipation of the leaf vac needing to be relined. The relining usually is required after six or seven years of use. The relining wasn't necessary for 2021, so the funds were carried into 2022. Frank Zamadics commented they just had the machines apart in preparation of the fall leaf collection and everything looks good now so this season should be good. Depending upon what it looks like in fall of 2022, it may be needed then.

The traffic light maintenance account has been increased by \$1,500. When Signal Services performed their annual preventative maintenance inspection, they observed the meter base of the flashing warning lights in the gap is severely rusted with holes and should be replaced. An estimate will be needed from an electrician to complete the work. Cindy Miller questioned if PennDOT has been in touch with the Township as to the results of their study and what their intentions are with the intersection. Alice Rehrig commented she has not heard anything.

The Road Maintenance Capital Purchase amount is for the installation of the new culvert on Cinchona Road. Most of this expense will be reimbursed by the left over grant funding from the Stream Bank Restoration project.

Under Recreation, Repair and Maintenance projects are the repair of the dugout roof in Berlinsville and a new batting cage net plus savings towards roof replacement of the Danielsville pavilion and the block garage roof at Indiantrail Park in 2023.

Based on the Capital Improvements Plan, an additional savings amount of \$17,500 is included for the proposed projects or to be used as a match towards grants.

Projects from the Recreation Land Fee Account are as follows:

- New rolling door & counter for Berlinsville Stand
- Rules & regulation signs for parks
- No Dog/Pet signs
- Park Signs for Danielsville & Delps

Fund Transfers for 2022 are planned to be an additional contribution to the building fund in the amount of \$44,721. When the 2021 Budget was developed, it was expected we would be paying for the entire loan. Since we were not required to do that, the excess balance in this line item was used as a contribution to the building fund.

The transfer to the Contingency Fund is based on keeping 10 percent of the operating budget as a balance in the contingency fund plus another \$50,000 in the event it is needed in 2022.

Phil Gogel questioned what is planned for road work for 2022. Alice Rehrig commented there will be \$304,000 available for road projects based upon the projected receipt amounts from the State. Frank Zamadics would like to complete either Cottonwood Road or Long Lane Road. When the Birch Road project was done, the pricing was \$7.10 per square yard and Coatbridge Road completion was \$10.20 per square yard. The Coatbridge costs may have been higher because of a combination of rising costs and it being a small project. Depending upon what the costs are in spring, we may only be able to do a portion of Cottonwood Road because of how long the roadway is.

Keith Hantz questioned if anything was included in the budget for Northampton Regional. Alice Rehrig commented she included a contribution of \$5,000. Cindy Miller commented there are still contributions to the Library and Historical Society included in the budget.

Alice Rehrig noted she is still waiting for the unemployment compensation rate from PSATS and estimate for the Cinchona Bridge Replacement. The unemployment rate will not have a significant effect on the budget.

Cindy Miller questioned if the amount listed under Highway Maintenance Machinery and Equipment there is \$100,000 listed and under Road Maintenance and Repair, there is a Capital Purchase of \$150,000. Alice Rehrig commented the \$100,000 is for the trucks and the \$150,000 is for the Cinchona Road bridge.

Keith Hantz questioned if not awarding the bids will have an effect on the grant. Alice Rehrig commented at this point, it is not an issue. She also noted that when the bill approving the grant was written, it was written at \$1.4 million, but we only were awarded the \$1 million. She spoke with Cindy Miller about talking to Senator Scavello to see what needs to be done to get the additional \$400,000.

The next budget discussion will take place during the regular meeting on October 26.

III. APPROVAL OF THE MINUTES

A. Minutes of September 28, 2021. Phil Gogel made a motion to approve these minutes. Keith Hantz seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS

A. General Fund Checks 25213 to 25261. Keith Hantz made a motion to approve these bills. Mike Jones seconded the motion. Cindy Miller questioned the two checks for the Cherryville Intersection. One was Check 25259 to H & K. They still have some work to do on the intersection and the Township Engineer is advising us to hold the check, and the other is Check 25260 to Hanover Engineering relating to engineering services for the intersection. PennDOT has been requesting additional information because Turkey Hill hasn't done any of their construction. Everything that is in question pertains to ADA requirements in the intersection. PennDOT required us to line the cross walks and install additional signal heads, but they still are not happy. They have comments for the contractor pertaining to timing, signing, pavement markings, pedestrian push buttons, and grading around the sidewalk. Based on what Jim Milot is saying, these items are contractor responsibility because it is part of their contract so there should not be any additional costs to the Township. In addition, they are trying to schedule a walk through with the PennDOT HOP Supervisor to identify any other concerns. Melissa Maupin has commented that if the pedestrian facilities are not to plan, they will need to be redone, but we are not sure what that means. Hanover Engineering is almost ready to resubmit the revised HOP plans. Phil Gogel questioned why the pedestrian facilities would not be installed per plans if everything was approved. Alice Rehrig commented the approved HOP plans

were approved based on the current conditions at the time of approval, but the actual field conditions are going to be different than the HOP plans because PennDOT did an overlay after the HOP was approved which changed all the elevations in the intersection. Because of this, the contractor had to build the intersection to the existing conditions, not the original HOP plan. Cindy Miller commented it was PennDOT's error and they want us to fix it on our dime. Keith Hantz amended his motion to approve Check 25213 through 25258 and Check 25261. Jerry Pritchard questioned why the Township was writing checks to other Police Departments. Cindy Miller commented the checks are all part of the DUI grant program. All voted aye. Motion carried.

- B. State Fund Checks 1541 and 1542. Keith Hantz made a motion to approve these bills. Mike Jones seconded the motion. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

A. Extension of Time.

1. Richard Diehl Land Development Plan. Justin Gross of Lehigh Engineering was present to represent this plan. The developer provided the Board with an extension of time until April 30, 2022. Justin Gross reported Brian Gasda is working on addressing the comments in the Engineer's letter and expects to have a clean plan submitted in the next month or two. Phil Gogel made a motion to accept the extension of time until April 30, 2022. Mike Jones seconded the motion. All voted aye. Motion carried.
2. Sedler Design and Redevelopment/M & U International. Joe Sedler was present to represent this plan. The developer provided the Board with an extension of time until December 31, 2021. Mr. Sedler commented the owners realized there would be additional design work that was needed once they took possession of the building. They will need to add a dock door in the back and do some regrading around the building. They need additional time to make these changes. They are planning on submitting a plan for the November Planning Commission meeting. Keith Hantz made a motion to accept the extension of time until December 31, 2021. Mike Jones seconded the motion. All voted aye. Motion carried.

- B. Engineer's Report. Mike Muffley reported the following plans before the Planning Commission at their October 11, meeting:

Haffner Revokable Living Trust. This is a minor subdivision. This was a resubmission of a plan and they have now satisfied the engineering comments. They just need to submit a title report. The Planning Commission recommended conditional approval.

Top of the Mountain Estates. This is an older subdivision plan. It originally had a roadway crossing wetlands and then was revised to have two cul-de-sacs so that the wetlands wouldn't be disturbed, but the layout was not the best. Various options of how to deal with the roadway was discussed at the meeting last evening. After discussing it at the meeting, it was decided that the best solution would be to make it a two way intersection and control it with a stop sign to eliminate the need for the curve which would effect grading and septic areas. There would also be a snow easement provided in the area where the cul-de-sac was initially provided. Lehigh Engineering is now working on the details of setting up this roadway and will be submitting it back for review. A waiver will be required because it is technically changing from a curved geometry to a non-traditional intersection.

Vineyard Estates. This is a new major subdivision with 18 lots on 32 acres in the area of Willow Road and Long Lane. These will be one acre minimum lots all accessing directly onto an existing Township road. No new roads or public infrastructure is being proposed. It will all be single family homes with on lot well, septic, and stormwater management.

VI. DEPARTMENTAL/ORGANIZATION REPORTS

- A. Recreation Report. Sandy Hopkins submitted a written report indicating she was in contact with Mary's Tree Farm and they will be donating a 25 foot tree, the Fire Department will be bringing Santa to the tree lighting, the Lehigh Township Lions will provide hot dogs and the Elementary School Student Council will serve hot chocolate. The Recreation Board is still in need of a microphone system and vendors for the event.

David Hess set up a table at a basket social at Blue Mountain Fish and Game on Saturday, October 9 and was able to raise \$800 in donations towards the dog park.

Lehigh Township is being recognized by YMCA at their Annual Gala Banquet for the Township's cooperation in allowing the Y to have Summer Camp and Yoga Classes. As a result, Sandy was interviewed being asked how their programs were received by the public and the interview will be used as a virtual tool at the banquet.

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- B. Public Works Report. Frank Zamadics reported on Thursday, he finally received his pipe order that was placed in June. Depending on the weather, he will try to get as many installed as possible.

The Mack Truck that was in need of extensive service work has been gone for 80 days. He is hoping it will be back by Friday or Monday at the latest; the truck has been sitting there because they are waiting on parts.

- C. Zoning Report. Liz Amato reported the Bittner Appeal is scheduled before the Zoning Hearing Board this Thursday. This is the landscaping business, located on Teel Road, in which the Board has received several complaints.

Turkey Hill has submitted their full building permit plan set for review, but so far, they have not submitted their mylars and prints to record the land development plan.

Liz Amato did contact the attorney for Lorah Farms. She indicated she would be filing an appeal in the near future, but there was no specific date given. Cindy Miller commented she would think there should be some type of date as to when the appeal would be filed. Liz Amato commented she doesn't believe it will be a problem for them to meet a deadline to file the appeal. The attorney did indicate that she has had a lot of items come up, as well as an emergency case. The Board agreed that the filing of the appeal should be done by November 30.

Jerry Prichard questioned what the outcome was with his neighbor. Liz Amato commented she sent them a notice and they have 30 days to file an appeal. The resident of the house is not the actual owner; it is his mother who lives in New York. In order to continue the use, they need to obtain a variance for a short term rental.

- D. Police Report. Chief Fogel reported he was just notified that the vehicle that was involved in a car accident has been determined to be totaled. The vehicle is a 2016 Ford Explorer. He doesn't know what they will be paying out on that yet.

The accreditation program is almost completed. They have an evaluation coming up at the end of this month and hopefully they will have the full accreditation program by the middle of next month.

Chief Fogel provided the Board with a breakdown of how the overtime hours have been accumulating throughout the year. The greatest areas generating

overtime are comp time use, workers compensation, service calls, and training. There is not much he can do about the training because of what is required with all the new mandates that have come out over the past year regarding use of force, de-escalation, etc. The calls for service fluctuate depending upon what happens over the course of the year. This year was higher than last year because there were a lot of calls that required transports and officers having to stay late. They just had a fatal stabbing a few weeks ago that involved four or five officers having to work additional hours. Workers Comp is also including COVID related absences; there have been four officers who have been out with COVID. They don't know how they contracted it, but when it happens, they try to take as many precautions as possible and keep everyone segregated as much as they can. Comp time is an issue because it is time that is accumulated and if someone is willing to work the shift, he cannot deny the request to take the comp time because of federal regulations.

Chief Fogel also provided the Board with a report showing traffic enforcement, crash information, and criminal arrests. The traffic enforcement is down because of officers being off the road for various reasons. This is the second year in a row where the criminal arrests have increased.

Jerry Pritchard commented there has been some heavy duty explosions coming from the area of Cedar Drive. The explosions are greater than what you would get with fireworks. They are being set off in the evening. Chief Fogel commented he was unaware this was taking place and suggested the residents call when they hear it. Jerry Pritchard commented he has also heard gunshots in the middle of the night.

Kristen Soldridge questioned if when an officer goes out with COVID, is it disability or workers comp. Chief Fogel commented it would be neither because there is a separate act that deals specifically with Police Officers. Kristen Soldridge commented insurance companies are now putting infectious diseases in their short term disability policies so if someone were to contract COVID, it could be paid under the short term disability policy. Alice Rehrig commented the short term disability policy doesn't start until after 30 days. The absences that have taken place were for the 10 day quarantine period.

Barry Frey requested that the Fire Police be notified when there is a COVID exposure because of the amount of time the Fire Police spend with officers.

- E. Fire Company Report. There was nothing reported.

VII OLD BUSINESS

- A. Cherryville Intersection. Cindy Miller questioned what kind of directive the Board wants to give to the Engineer regarding this project. How long do we want to have this dragging on? Mike Jones commented he believes the contractor should complete what he is required to do and then we should be done. Cindy Miller commented the Township will need to stand up and say we did what we were supposed to do and we are done. If they want something different, then they need to take it out of their budget.

Adam Raker questioned if PennDOT has done a walk through and created a punch list. Cindy Miller commented that is what the engineer is trying to schedule, but they keep procrastinating with scheduling one. Adam Raker commented if PennDOT keeps dragging their feet, he would get a complete as built plan done, send it to them and have them review the work to the plan and develop a punch list; put the ball back in their court. Cindy Miller commented there is one individual at PennDOT who keeps wanting to move the ball.

Attorney Backenstoe commented he received an email from in house council for Turkey Hill indicating they want to move forward with the project. He replied to them and suggested they have their engineer get in touch with Mike Muffley and Charlie Unangst and start working through the conditions of approval and he would prepare an improvements agreement, but he would need an engineer's cost estimate that was approved by the Township Engineer and deeds for the property. Alice Rehrig also provided them with the conditional approval letter. Cindy Miller reported the Planners questioned Lehigh Engineering last evening as to what the status was of Turkey Hill and they indicated they are still working with PennDOT but will probably move forward with the Township requirements.

- B. Maintenance Building. Cindy Miller noted even though the bids were rejected, the project is still remaining on the forefront to get done; costs are expected to come back down and when that happens it can be put out to bid again. This item will be placed back on the agenda at the beginning of the year.

VIII. NEW BUSINESS

- A. Letter of Resignation—Board of Supervisors. A letter was received from Phil Gogel resigning his position on the Board of Supervisors effective October 13. Keith Hantz made a motion to accept the letter of resignation from Phil Gogel. Mike Jones seconded the motion. Cindy Miller questioned what prompted the resignation. Phil Gogel commented he is resigning because that is the only avenue in which he is able to be considered for the vacancy resulting from the passing of Mike McGonigle. He spoke with the Election Board, the Ethics Commission, sought independent legal advice and this is the path he was given.

Cindy Miller commented that even though the voters voted the way they voted and the outcome of the election was what it was, Phil Gogel wants the Board to reappoint him to the Board. Phil Gogel commented the election has no bearing on this. Cindy Miller commented it does; you are resigning from a current position, creating another vacant position. Phil Gogel commented it is true, but it has no bearing. He did run a campaign. It doesn't matter how the Board votes; he is here for the Township. He has always been and will still remain a part of the Township to push it in the right direction. Using that analogy, you are basically saying that he shouldn't be appointed so your mind is already made up. You are also saying if you didn't try for the election by putting your name in the hat, then under your type of thinking, no one would be qualified. He came in third; David Hess came in first, Jerry Pritchard came in second. He received 500 votes, Jerry Pritchard received 640 and David Hess received a few more. There were four people running in the primary. Barry Frey questioned if it wasn't up to the Board of Supervisors to fill the position. Keith Hantz commented it is; residents have until Friday to put their name in for consideration. Next Tuesday, there is a special meeting where the remaining three member Board will interview people for Mike McGonigle's position, then the Board picks after that. Keith Hantz questioned if David Hess as Vacancy Board Chairman could be brought in on Tuesday since there are only three Board members. His thought would be to have the Vacancy Board Chairman present and participate in the interviews rather than wait the additional 15 days. Attorney Backenstoe commented David Hess can come to the meeting and listen to the dialog, but during the first 30 days after the vacancy, it is up to the Board to make the decision. The Vacancy Board Chairman cannot participate and vote until after the 30 day time frame has expired. Kristin Soldridge questioned if it wouldn't be a conflict of interest having David Hess involved in the decision since he is a cousin to Phil Gogel. It wouldn't be any different than if she were a Supervisor and the discussions regarding Lorah Farms came up because Edgar Lorah is her uncle. She believes this is something that should be looked into because people of the Township may question it because they are related and there could be some bias. Phil Gogel commented he contacted the ethics commission and it is not an issue. Attorney Backenstoe commented it is a good question and there is an ethics hotline that anyone can call to get a ruling. Kristin Soldridge commented in all honesty and integrity, the people did not vote Phil Gogel back into office. How can David Hess make the final call to appoint Phil Gogel back onto the Board? Phil Gogel wasn't picked to continue on the Board back in the election. Phil Gogel commented that has no bearing on this vacancy. He didn't run for reelection to fill a vacancy. Kristin Soldridge commented you are resigning tonight just to be able to be appointed to fill Mike McGonigle's seat, and over the past several meetings you said you have talked to and visited Mike McGonigle. It seems a

little coincidental that you are resigning and David Hess is the one who could be making the final decision. Phil Gogel commented Mike McGonigle was a good friend of his; that has no bearing on this. Kristin Soldridge commented she is not trying to be difficult, but from an outside perspective, when you look at how things have gone down, it is very questionable. The Board can make whatever decision they want, but you are going to have residents in this Township that are going to be upset about it. Keith Hantz commented there is no guarantee that David Hess will make the decision. The three Supervisors may come to a decision on Tuesday. Cindy Miller commented there has been a lot of manipulation going on; people not coming to meetings, not wanting to take a vote, pushing off items on the agenda, and now this. Kim McGonigle commented she is confused because she has been hearing all week about people who are putting their names in to fill her husband's position and they didn't run for office because they were told by certain people because they wanted to get certain people on the Board. Why didn't these people run? Jerry Pritchard commented those people were not already on the Board and then got voted off. If other people are putting their name in and they have never been on the Board, it is not the same thing. You cannot equate that to this. Phil Gogel was voted off based upon the people while he was sitting on the Board. Phil Gogel commented the people did nothing, get to be rewarded. Cindy Miller commented she believes the issue is that you are resigning your present position to now be reappointed for two more years. Phil Gogel commented there is no issue. It is perfectly acceptable a legal. He already spoke to the Election Board, the Ethics Commission, and his own attorney. Mike Jones commented if this position would have opened up months ago, it would have been up to Jerry Pritchard's sister to appoint someone. Cindy Miller commented it would not be up to that one person. There is an entire committee that takes a vote. Both parties would take a vote as to who would be on the ballot. She would have preferred that rather than putting the Board in a position to appoint someone. Mike Jones commented that is why the push was two months ago to strip Mike McGonigle of his position so you could put on who you want. That is why everyone was asking when Mike McGonigle was returning to the Board. Cindy Miller commented it is not true. Mike Jones noted the asking stopped after the time frame passed. Jerry Pritchard commented he, nor his sister, ever asked about Mike McGonigle's return to his position. Doug Vaughn commented it probably is legal and ethical for Phil Gogel to resign his position and be reappointed to the Board, but he did not win in the primary election. The voters of Lehigh Township spoke. Members of the Board should take that into consideration when deciding who they are going to appoint to the Board. If a man steps down from the Board in order to regain another longer position on the Board when the voters didn't say they wanted him, it should carry heavy weight in the decision making. The Board should also pick the best

candidate. He has no issues in terms of it being legal or ethical, he just believes that it should carry a heavy weight that the people did not vote him back on the Board. The Board represents the residents. Jerry Pritchard questioned when is their going to be an appointment for Phil Gogel's position. Why not do it tonight? There are people in the audience who would be willing to take that position. Phil Gogel commented it can't be done because it wasn't advertised or anyone interviewed. Cindy Miller commented she is not sure if the Board would even need to fill it for the remaining 60 days of the term. Attorney Backenstoe commented the Second Class Township Code states the Board should fill the vacancy in 30 days. If the position is not filled within 30 days, the Vacancy Board which is the Supervisors plus the Vacancy Board Chairman shall fill the vacancy within 15 days. If this doesn't happen, then the Chairman must petition the Court of Common Pleas to fill the vacancy. Jerry Pritchard questioned if the Board could legally appoint someone at this meeting to fill Phil Gogel's position. Attorney Backenstoe commented legally the Board could appoint someone without advertising the position although it has not been the practice of the Board, but it would need to be on the agenda because of the statute that was just passed. Jerry Pritchard questioned if Attorney Backenstoe was the legal counsel that Phil Gogel sought. Attorney Backenstoe commented he was not. He represents the Board. Phil Gogel commented he sought his own legal counsel outside of David Backenstoe, in addition to speaking with the Ethics Commission and Elections Board. Keith Hantz, Mike Jones and Phil Gogel vote aye to accept Phil Gogel's resignation. Cindy Miller was opposed. Cindy Miller questioned whether Phil Gogel can vote for his own resignation. Phil Gogel commented he spoke with the Ethics Board and the only thing he can't do is vote for a position or anything which gives him monetary value. Jerry Pritchard questioned the Solicitor's opinion on this. Attorney Backenstoe commented he is hearing about this for the first time and believes he probably could vote for himself, but would defer to the Ethics Board for a ruling and could contact them if the Board wishes. Cindy Miller questioned if this should be tabled until the ruling from the Ethics Board is received. Attorney Backenstoe commented it would be up to the Board, but if the Ethics Board said he couldn't vote for himself, then the motion to accept the resignation would be nullified and Phil Gogel would remain in office until the Board accepted his resignation or by default, the resignation would be effective after the 45 day period expired. Attorney Backenstoe was asked to contact the Ethics Board for a ruling. Doug Vaughn questioned if Phil Gogel could put his name in for Mike McGonigle's position while he was a member of the Board. Attorney Backenstoe commented a Board member cannot submit for a vacancy on the Board while they are a sitting Board member. Motion carried.

- B. Manager's Report. Alice Rehrig reported she went back to the insurance company and stated her case regarding the value of the plow that was damaged. They increased the depreciated value of the plow from \$3,160 to \$9,027.

The following individuals have expiring terms on the various Township Boards:

Planning Commission	Todd Rousenberger
Zoning Hearing Board	Lloyd Hopkins
Municipal Authority	Carl Sharpe
Recreation Board	Jerry Pritchard

Alice Rehrig will be contacting these individuals to see if they are still interested in remaining on their respective Board. The Board also agreed that an advertisement should be run to see if anyone would be interested in these positions.

The paving for the Hills of Greenock will hopefully be taking place during the week of October 25.

Cindy Miller noted the damage to the K9 unit was not discussed. She remembers the unit being repaired not that long ago and now there is another \$6,000 worth of damage to it. How often are we going to keep repairing this? Phil Gogel commented accidents happen when you are working. Chief Fogel commented it is an unfortunate circumstance, when you are on the road as much as they are, things do happen, although you try to minimize it the best you can. The vehicle is a 2018 and is not expected to be replaced until around 2024. Cindy Miller commented there have been a lot of insurance claims this year. Keith Hantz commented he would like to see what Leibenguth's can do to reduce the cost and not turn this into our insurance.

- C. Solicitor's Report.

1. MS4 Settlement Agreement. This is a final agreement which will reduce the sediment load values that the Township is responsible for from 2,799,401 pounds to 1,630,023 at an approximate cost savings of \$200,000. The Board, Attorney Hahn, and Hanover Engineering did a great job at bringing the numbers down and getting the new PRP plan and permit approved. The approval of the Final Settlement Agreement would be the last step in completing this appeal.

Phil Gogel commented before he got on the Board, the rest of the Board was spinning their wheels on MS4. He crafted questions to ask DEP regarding the settlement loading, where they did their monitoring stations,

the types of sediment they were looking for because he has a background in metrology. That helps the Township push DEP into a corner and show no studies were done, no validated information that would prove loading for nitrates, sediments, and phosphates. That is just one of the many things he contributed to the Township that people are not aware of. Based on the way the conversations have been going, he doesn't really believe Cindy Miller appreciates the value of his contributions to the Township over the past four years. In the Hills of Greenock, the Township would have been on the hook for almost \$850,000. No other member thought of using the leverage of the detention basins as a building area and having him fill in the basin. By doing this, it only cost the Township \$20,000 using proceeds from a bond rather than the several hundreds of thousands that it initially would have without his thought process. There are many other things he has done, but these are just two examples of the many things he has done to save the Township several thousand dollars over the past four years.

Cindy Miller commented during the election time when people asked her about Phil Gogel's performance and what she thought of him as a Board member, she did specifically say how he worked on MS4, contract negotiations, and all the positive that he did while he was on the Board. Tonight, she disagrees with the process and circumventing the elections.

Keith Hantz made a motion to accept the stipulation for settlement so that the Township will now implement the Pollution Reduction Plan, Amendment #1, to Permit No. PAG132239. Phil Gogel seconded the motion. All voted aye. Motion carried.

- IX. PUBLIC COMMENT. Phil Gogel commented Kim McGonigle asked him to pass along a Go Fund Me page has been created for donations in memory of Mike McGonigle to build a memorial at St. Nick's church. Kim McGonigle commented it will be open to the public because he was a community officer and they wanted to do something for the community and all fallen soldiers and people who have served. It will be a public garden with flag poles, benches, and St. Michael's statue for police. Harding Funeral Home is also accepting donations. Phil Gogel noted Kim McGonigle is also personally accepting donations for the flag poles, benches, shrubs, and flowers.

Barry Frey commented there are a lot of dead ash trees all around the Township. They are becoming so brittle; they could be deadly if they fall. He has learned that when they are on someone's property, they are liable for the tree. Has the Township ever looked into sending residents notices about the trees? Cindy Miller commented something could be added to the website to let people know it is their responsibility to remove the trees.

Supervisor Minutes
October 12, 2021

Jerry Pritchard commented if you are a republican who won both sides of the ticket, you will show up on the democratic side. It goes by the party of the current Governors when you win both sides.

Jerry Pritchard also noted that \$360,000 of our Northampton County tax money went to the Iron Pigs, but yet Lehigh County gets all the revenue.

- X. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter. No action was required.
- XI. ADJOURN. Mike Jones made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.