

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

September 12, 2023

I CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on September 12, 2023, at 6:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Vice Chairman Cindy Miller called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
Phil Gogel (business meeting only)
David Hess
Jerry Pritchard
Attorney David Backenstoe
Alice Rehrig
Scott Fogel
Frank Zamadics

Absent: Mike Jones

II. 2024 BUDGET DISCUSISON. The first draft of the 2024 Budget was presented to the Board. Specific requests from the various departments for inclusion in the budget are as follows:

Public Works:

A single axle dump truck and a pickup truck that are listed in the Capital Improvements Plan for replacement. Frank Zamadics understands that he will have to pick and choose which one will be included in the budget. His preference would be to include the single axle dump because the 2002 is starting to get in pretty rough shape. The projected cost of the vehicle is going to be around \$250,000 with the plow and spreader. Jerry Pritchard questioned what kind of delivery date is expected on the vehicle. Frank Zamadics commented it is expected to take about 9 months for delivery, so the sooner the chassis is ordered, the better.

A 72-inch zero turn is also scheduled for replacement. The estimate he received for another Xmark mower is \$16,000 through Co-Stars. When it comes time for ordering the mower, he can get pricing on other brands of mowers. Jerry Pritchard questioned if one is lower on maintenance than another. Frank Zamadics commented it is hard to tell; it could depend upon the operator. This year we had two good guys cutting our parks. Tier 4 emissions are required on law mowers which can sometimes be problematic. The price he was given was for a 27-horsepower fuel injected Kawasaki engine which seems to be more reliable.

Frank Zamadics would also like to see new furnishings and a lift for the new building. They could relocate the old lift in the garage; however, that lift is not certifiable and could be an issue with the insurance company if it were removed and reinstalled in the new building. The new lift would be a priority along with a new table, chairs, and possibly a desk. Cindy Miller questioned if there were plans to hold training in the conference room. Frank Zamadics comment they will have an area that can accommodate the training and will be able to have LTAP and PSATS training there.

Cindy Miller also noted the fuel island is something that should be added as well. Jerry Pritchard questioned if the fuel island has been put out to bid. Alice Rehrig commented she has the specs complete and will be asking for authorization to place it out for bid under her report.

Frank Zamadics commented he is also requesting funding for carriers for the back of the two roadside mowers. It will give them the ability to carry cones and signs with them when they go out mowing so it doesn't require them to have another truck go out with them.

The portable radios are also scheduled for replacement. Rather than replacing the radios, Alice Rehrig suggested the amount that is allocated for the radios be placed in the Radio fund for when the County makes the switch to digital radios. Cindy Miller questioned if we will be impacted by the changes Lehigh County is making. Chief Fogel commented our radio system is separate from Lehigh County, but everyone is starting to make the switch to digital radios which has been the trend. Northampton County is somewhat behind other counties in making that switch. Rick Hildebrand commented the radios run from \$1,000 to \$6,000 each. Fire Company has purchased some radios because the County is building a digital system. There have been various inquiries made to the County regarding the system, but the answers they get back are inconsistent with the information that the FCC has been given. The person taking care of the entire system is on an entirely different page. They say they are not going to abandon the current system they have, but he really doesn't know what their game plan is. Cindy Miller commented Lehigh County is going to be helping the municipalities fund the switch to digital radios. Chief Fogel commented he doesn't want to buy a radio until we know for certain if it will work. There could be proprietary software involved with the radios. They claim there will not be, but nothing has been put in writing. Rick Hildebrand commented it is supposed to be open source so you could use any radio that is capable of P25 digital with encryption. The problem is, there are three different counties that come together here. To get something that is capable of talking to all three counties, you end up with a \$6,000 portable radio. Cindy Miller commented she can try writing to the County again; last time she didn't get an answer. This is not something that you can just spring onto the municipalities. We've been trying to save because we hear it is coming, but a lot are not doing so.

Jerry Pritchard commented he doesn't have an objection to including any of these items in the budget, but he would hope that when it comes time to purchase them, there would be multiple quotes so that we get the best piece of equipment for the best cost.

Police Department

No vehicles are needed for 2024, but it is being proposed that money be set aside for future replacement of the truck. It does have low mileage, but high idle time. It is also starting to show signs of deterioration.

The booking center computer and printer are at the end of life and should be replaced. Cindy Miller questioned if this is something that should be the County's responsibility. Chief Fogel commented the computer is located in the booking center, but it is part of the Clean Terminal which is the Township's responsibility. The other items in the center are covered by the County program.

Two body cameras are being requested to replace some of the older models which are starting to be cycled out.

The computers for the cars are the largest item that is included in the budget. They are currently 5 years old and are starting to show the signs of wear.

The scheduled radios and portables will not be purchased, but the funding for them would go into the radio fund. The County also indicated they would keep the current system for at least 12 months after the digital system is functioning. They may opt to keep it going longer if not all of the municipalities are going to be ready to make the switch to digital.

The two shot guns and AR's that are listed are to complete the outfitting of each car with the same equipment.

The only other item that was not listed in the budget was replacement of the wireless hotspots for the vehicles. The current units are overheating and dropping signal. That same model is no longer available. The vendor is suggesting Cradlepoint. It is supposed to be better for vehicle use. The total cost to switch everything over would be \$6,280. This could be split over two years rather than doing them all at once.

The match for the License Plate Reader grant should also be included in the event that we are successful with the County grant, but not the second grant we were going to be using for the match.

Fire Department.

Rick Hildebrand commented there is not too much to be spoken about beyond the apparatus replacement plan. He did note that since July, they have encountered \$18,000 in apparatus repairs which includes service, maintenance, and inspection. If they could ask for something, it would be that the Board consider providing funding for hose, pump, ladder and aerial certification testing which is an annual cost of \$7,000.

Cindy Miller commented she did start working on the fire tax ordinance and resolution. She is not ready to discuss it this evening, but it will be included as part of the budget. As a Township they need to have everything completed by December so that it can be filed with the State. Rick Hildebrand questioned if there will still be a public meeting at the Fire Company regarding this. Cindy Miller commented they still can have the meeting. She feels it should be done when they are ready and have the details worked out. Rick Hildebrand commented the Fire Company is willing to help however they can. Cindy Miller commented they would be shifting what they currently had in the general fund to the Fire Tax. Rick Hildebrand commented that would work in theory, but we need to make sure the right number gets there because of costs increasing.

Katherine Mack commented she knows the current budget had about 1 mill being set aside for the fire company. Based on the previous discussions, that will not be continued. Cindy Miller commented the Board will be starting a Fire Protection and Service Account. Katherine Mack commented that \$250,000 or one mill will not be free money in the General Fund. What will happen to this money? Cindy Miller commented it will stay in the General Fund. Katherine Mack questioned how that money will be allocated and for next year, the Township will have an additional \$250,000 available in the event something was to come up. Cindy Miller commented it depends upon what expenses are coming up. Alice Rehrig commented in theory, yes, there would be the extra money, but in reality, expenses have also gone up. Cindy Miller commented the Township Engineer had stated at the Planning Meeting that a mile of roadway used to cost \$150,000; now it costs \$850,000. Katherine Mack commented if the Township wanted to do a mile of road, they would have to increase the budget. Cindy Miller commented if that is what the Board wanted to do. She knows this is going towards increasing the General Fund and she doesn't know that the Board would agree to that. It's all about tax, tax, tax. Katherine Mack commented she knows that things are going up, but you can't just keep piddling money away. Cindy Miller commented no one on the Board is piddling money away. In the years she spent on the Board, she can say that the Board has never piddled money away. They have been very fiscally responsible. Jerry Pritchard commented when the money is going to do out of here, the Board questions it. It gets looked at in the interest of public money.

Recreation

Sandy Hopkins commented most of their budget is supplies and maintenance of the facilities.

Sandy Hopkins commented she does want the Board to be aware that a Park Development Plan is needed. The previous plan that was created for Delps Park is not feasible. To do more at Delps, a definite plan is needed rather than just picking a spot to install something. The infrastructure for the park needs to be developed. The development of the plan is something she would like the Board to consider.

The tennis court at Danielsville needs to be redone. Residents are also requesting an area to be able to play pickleball. If the tennis courts can be repaired/replaced, they could be lined as a dual purpose court or convert one of the tennis courts into a pickleball court.

There is also a need for an improved playground at Indiantrail Park. This park is used by families or reunions and picnics, but there really is nothing for the kids to do.

Jerry Pritchard noted the wall at Bryfogle Park should also be replaced. Sandy Hopkins commented the Rec Board is looking at different ideas for replacing it, but it needs to be replaced before it collapses.

Planning and Zoning

If the Board agrees to hire a consultant to redo the SALDO and Zoning Ordinance, we will need to consider that in the budget. There is some money that will be left over from this year, but it will need to be decided where the additional money would come from.

Office

The largest expense that is anticipated is the replacement of the laptops and monitors. This is part of the grant that Alice Rehrig will be submitting for. The grant will include an entirely new system, but depending upon how successful we are or aren't, the laptops and new desktop monitors do need to be considered. The laptops are 5 years old and the monitors are even older and not really compatible with the newer laptops.

General Discussion

Cindy Miller commented if a special audit is needed, we will need to figure out where that will go in the budget. Alice Rehrig commented she has included additional funding for the special audit.

Cindy Miller commented there was a discussion regarding legal line items. She is not sure how it will be handled, but believes it is needed.

Signage for the Public Works building should also be thought about as to whether it will be a stand alone sign or placed on the building itself. This may be included with the grant. Alice Rehrig commented it could be a match towards the grants.

Jerry Pritchard commented he has concerns with the economy in general. He saw that there is an expected drop in the Cable TV Franchise because people are dropping cable for live streaming. What do we have that is drawing new resident taxes? We are not growing. We end up relying on grants; the money has to come from somewhere. We need to develop a revenue stream to meet our expenses; costs are not going down. He believes this could be a tough year.

Katherine Mack questioned what the special audit would be. Cindy Miller commented there is a potential that a special audit will be needed. Alice Rehrig commented the Township may be meeting the threshold for complying with the Single Audit Act which requires additional work by the auditor. This is driven by the amount of grant money spent and received.

Katherine Mack questioned what was referred to by discussing legal line items. Cindy Miller commented she is at the point with the amount of legal expenses that are resulting from our police department, there should be a legal line item specifically included for the department. This is her recommendation; the Board needs to decide how they want to handle it.

Linda Roman questioned if there is consideration being included in the budget for replacing the wood on the trailer that is used to haul equipment. Frank Zamadics commented the trailer will need to be redocked which is a lot cheaper than replacing it.

Alice Rehrig also provided a draft of a proposed Liquid Fuels Budget. The notice of what was anticipated in liquid fuels is approximately \$8,000 less than what were actually received in 2023; however, it is more than the notice of allocation that was received last year for budget. She is expecting the actual amount received to be very similar to what we received this year.

III. APPROVAL OF THE MINUTES

- A. Minutes of August 22, 2023. David Hess made a motion to approve the minutes. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

IV APPROVAL OF BILLS.

- A. General Fund Checks 27056 to 27118. Phil Gogel made a motion to approve these bills. Daid Hess seconded the motion. All voted aye. Motion carried.
- B. State Fund Checks 1585 and 1586. David Hess made a motion to approve these bills. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

A. Plan for Withdrawal

- 1. Stanley and Joan Gertner Annexation Plan. A letter was received from the developer that he will be withdrawing his plan which is set to expire February 29, 2024. David Hess made a motion to accept the withdrawal of the Stanley and Joan Gertner Annexation Plan. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

B. Extension of Time

- 1. 4209 Lehigh Drive Land Development. Woody Howells was present to represent this plan. The developer provided the Board with an extension of time until November 30, 2023. Woody Howells commented everything for this plan has been completed. They are waiting for the engineers to provide a check print for Mike Muffley to review and then they will be in with their final plans for approval. Phil Gogel made a motion to accept the extension of time until November 30, 2023. David Hess seconded the motion. All voted aye. Motion carried.

C. Plan for Approval

- 1. Timothy L. Pitts Minor Subdivision. David Lear was present to represent this plan. This plan breaks small parcels off the larger parcel to be incorporated into adjoining properties and there will be a larger property that will be incorporated into the Northwoods Development. They were holding off on the approval and recording of this plan until they heard back from all the outside agencies because they wanted to make sure that nothing on the Northwoods Plan would affect anything they were doing with the lot line adjustment plan. Phil Gogel made a motion to approve this plan. Daid Hess seconded the motion. All voted aye. Motion carried.

D. Planning Module for Adoption.

- 1. Timothy Pitts Land Development Plan, Resolution 2023-14. Phil Gogel made a motion to approve the Planning Module for the Timothy Pitts Land Development Plan and to adopt Resolution 2023-14. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

E. Release of Escrow

1. Hills of Greenock. Mike Muffley commented Greenock Ventures completed a minor subdivision within the Hills of Greenock. The lots were Lot 109, which now contains three duplex units, Lot 110 which has not yet been built on, but established as a building lot, and Lot 111 which is fully constructed and built out. They are requesting a reduction in their security since they have completed the required improvements. Since the improvements have been completed, they are ready to move into the 18 month maintenance phase of the project. The original improvement costs were \$296,961.22 and 15% of the original security is required to be held as part of the maintenance period. This amount that would need to be posted during the maintenance phase is \$44,544.18. Phil Gogel made a motion and to release the completed improvements from the bond and retain \$44,544.18 for the 18 month maintenance period as stated by the Township Engineer. David Hess seconded the motion. All voted aye. Motion carried.

VI. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Report. Sandy Hopkins reported the fall baseball and soccer programs are preparing to start. There has also been a lot of activities at the Dog Park.
- B. Public Works Report. Frank Zamadics reported the paving project for South Cottonwood is scheduled to be started on Monday.

The yard waste site has become problematic with people dumping improper items. There is an abundance of grass, ornamental grass, and large logs which are being dumped at the site, especially in the back area. The FRCA does not take these items, so they become the Township's problem to dispose of. The gates for the site cannot get installed fast enough. Alice Rehrig commented she is waiting on the final contract from DEP so she knows when the beginning date of the contract is. While waiting for the contract, she and Frank Zamadics can start working on the layout and how the power will be brought into the site. Frank Zamadics commented he would also like the Board's approval to close the site between February 1 and April 1 like we did last year. It eliminates the problem of having icy conditions within the site as well as having the material freeze and become difficult to load or unload from the containers. The Board had no objection to shutting the site down between February 1 and April 1.

- C. Police Report. Chief Fogel noted the K9 Cash 5K Run and Community Event will be taking place on Saturday starting at 9:00 a.m.

There are three candidates that they are currently looking into for moving forward with the hiring process. The polygraphs and background checks should be completed before the next meeting which he will be attending. He would request that an Executive Session be included on that agenda.

Chief Fogel commented over the past few weeks there were social media comments that have worked some people up and upset others. As a result of this, he wanted to offer some information. One of which was Officer Myrthil's resignation letter which was dated August 23. It was a very well written and thoughtful letter; it doesn't present with any ill will. It was a very elegantly written letter. The Department is not a perfect department, nor, are they perfect people. He has never reported that to be and can't imagine anyone else ever reported that either. That being said, over the past 11 years that he has been here, they have done a lot of work. They have enhanced and updated policies that were from 1991. They have increased and improved equipment and the building: a booking center, cell block, vehicle and body cameras, firearms capabilities, taser capabilities, programs including Shop with a Cop, K9, Vision Zero, National Night Out, toy drives, etc. A schedule that the officers asked for which is a 12 hour day, which the Board had a lot of questions about and he fought for the schedule for the officers. The accreditation of the department; they worked at it for the past 11 years and a great accomplishment; only 11 percent of the departments in Pennsylvania reach that. This year the Police Association and Township came together for a contract settlement which provided a 12 percent raise over two years. That says a lot too. To dwell on thing that have irked people in the past is not favorable, not dignified and not doing the Department any good. It took him a little bit of time to figure out why the social media post took place. He figured out that it was the result of a comment he had made at the first meeting of the month which was on August 8. During the meeting, he told the Board he wanted to move forward as quickly as he could with hiring officers because they were already two officers down and it looks as though there may be another one leaving and moving out of the area. The statement was correct. He did not give a name or any other information beyond that because nothing had been verified to him regarding this. For him to say that Officer Myrthil was leaving at the end of the month or in September would not have been the reality at that time yet. It was not something for him to come to the Board and say. For someone to pick that apart and say that is not the reality of why he left was incredibility premature. His door is always open. He has two sergeants. He tells the officers to come in if there is something they want to talk about. He also encourages them to discuss things with the Board in the meeting room. The meetings are where things get handled for Lehigh Township; not social media. That is a playground for people who just want to bat back and forth over things that do not have anything to do with them; half the time you don't even know who you are talking to with the fictitious names and profiles of people who all they

want to do is pick an argument, which in turn gets other people thinking what really is true. He would suggest that what you see and think you know from social media is only about 10 percent reality.

Cindy Miller commented she appreciates the comments. What took place on social media was totally inappropriate. She doesn't know who started it and at this point doesn't care who started it. It was inappropriate and it continued. It needs to stop. It didn't make the community look bad; it made the Department look bad. Whoever did it may be very proud of themselves for doing it, but they should take an internal look at themselves and why it was done and the viciousness in which it was done. It is tearing the Department apart. It is tearing the community and it will get to the point that the community will not have the sympathy that they believe will happen. She does agree that social media is not the place to say things. If anything needs to be said, the Board is available and happy to talk and communicate. They have never closed the door.

Jerry Pritchard commented people should be asking themselves if it is bettering the situation or worsening the situation before they hit those keys. It doesn't seem like it is bettering things; this sounds like disgruntled people. When you are an official, you need to remember that once you put it out there, it is free game. There are truths, half-truths, and lies. He doesn't know which this situation is, but it doesn't seem like it made it better and that people are happy it went out there; they seem disgruntled.

David Hess commented we will lose good employees if this keeps up; that's what makes him angry. All it does is make the good employees angry.

Cindy Miller commented the Board knows there are aliases out there on social media. If someone is not a big enough person to post their name and uses an alias, why even bother posting. You are a weak coward.

Jerry Pritchard commented he believes that when a situation gets bad enough, people will come through the meeting room door. They may not like the answer that they get or the Board may not like the question they get, but they are looking in each other's faces and not hiding. People do have the first amendment right and we can't stop them from doing what they are doing, but if someone feels that bad and feels that way, bring it to the table and air it out. It will be rectified much better. People won't remember all the good someone did, but they will remember the bad and it will be an albatross hanging. A lot of people don't want to deal in what is real and the best place to not deal with what is real is on social media.

Janet Sheats questioned when the last municipal comparison was done and what were the results. Chief Fogel commented he has done several over the years; he thinks the

last one he did was 2016 or 2018. As far as pay scale, we are now more competitive than what we were. As far as call volume, we pretty much lead the pack. He compared us with similar municipalities: Bushkill, Moore, Upper Nazareth, and may have included Colonial Regional and broke down the municipalities that they serve. At that time, we had a higher call volume, and were a couple officers short of what those other departments had. Janet Sheats questioned if we were slated for 16 officers at that time. Chief Fogel commented he did a personnel study back in 2013 which reflected the DCED study that was done prior to him coming to Lehigh Township. He updated the data that was used in their study. Based on that, it would have been 16 officers. Janet Sheats questioned how many officers we currently have on staff. Chief Fogel commented the department is slated for 12 officers. We currently have 9 officers because three people left the department. He is currently working on getting back up to the 12 officers. He also noted that generally, no one gets to the staffing levels that are suggested by the studies. Does he believe there could be additions, certainly. That has been a debate that he has had with the Board and probably a debate that he will be having again. Janet Sheats commented the one concern she had heard and wanted to address is if there are times when there is only one officer on duty. Chief Fogel commented there is. They end up running into this whether they are short staffed or not. Some of it has absolutely nothing to do with having 12 officers. In July and August, he had two officers who only worked 8 days in the entire month. How do you staff when you have 16 of the 62 days covered? If the staffing levels get back to where they belong, even if we add another two people, under the current system that is set up regarding time off, there is very little expectation to have to work because there is nothing in place to have a two man minimum and you can't do that when you have comp time that gets used so freely that you can't do it. That is the bottom line. You fix that problem, then you can talk about adding people. He has made that clear to both the Board and the Association. They go hand in hand. You want to add people, then you need to fix that problem.

Dean Heffeling, a Lehigh Township Police Officer and resident, commented he will have almost 130 hours in the first pay of this month. There is no comp time used on his part. The biggest problem they have right now is a staffing problem. Their call volume is the highest that it has been for a long time. They are working 16 hour days and going back and forth all the time. Comp time is not always an issue. It is with somethings. The two officers who were out were out with vacation time. Vacation time that they are allotted. It is not that they chose not to come to work. There are a lot of things that come into play as to why people are not here. There are times where they had a single officer out, one of which was just recently, which was a suicide, but at first, they thought it was a homicide. There was a single officer out at that time and it took place before noon. Some of the things that are going on was that they were told they were not allowed to be staffing certain hours with two officers, not

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because there was not an officer to work, but from what they were told, bad things do not happen during the day and having two officers on during the day wouldn't make a difference. There are things going on that not everyone is told about and it makes the department look like they are out there doing whatever they want which is not the case.

Jerry Pritchard questioned during what time the majority of bad things happen. He knows that there is no way of knowing when something is going to happen and that you can't control when this happen, but is there a statistical time frame when the bad calls happen more frequently. Chief Fogel commented they typically do try to work their staffing around the times when things occur more frequently, but things can happen at any time. There were instances where things happened during the day when he was the only one on and he had to deal with mental health patients. When something like that happens, you don't want to rely on someone coming from the next jurisdiction and being 10 minutes away, but sometimes that is a reality. He does agree with some of the things that Dean Heffelfinger says. He does agree that there is vacation time that officers have allotted and they do take time off that they earned. That is their time, 100 percent, but when he looks back through the month and he sees gaps where comp time is taken where it is done with impunity and no regard for the other officers, that is a problem. We are not talking about vacation time. He has done a breakdown of the overtime for the Board and the officers have seen it as well. They know where the overtime is a problem. Comp time has been the largest generator of overtime for the past three years. The overtime and time off go hand in hand. When you are concerned about the money being spent and officers covering the road and maybe having the second body on the road, it plays into it. Dean Heffelfinger commented we need to think about this in a proactive manner. The Fire Department, EMS, and even the Road Department do not show up with just one person. There is always two people. But the police department who responds to emergency calls on a daily basis, 24 hours per day, 365 day per year, they are thought to only have one person respond to those calls. Jerry Pritchard commented he is in agreeance that the Officers should have back up; that is the reality of the world we live in. He doesn't understand all the inner workings, but the faster we can move on getting good employees, the better, but you want good employees, you don't want to be stuck with our back up not really being your backup, just to say you have a body. The faster we move on the hiring situation, he would hope between the department and the manpower, we can get good people back on the road. He understands where he is coming from and not wanting to be the lone ranger out there. Cindy Miller commented she agrees, but also at the same time, she thinks we may need to start looking at scheduling. Maybe there is a problem with the schedule. Phil Gogel commented he doesn't have a problem if officers earn comp time and use it as allowed for by the contract. Officers have the right to chose how they earn their time. He also doesn't have an issue with paying overtime for safety. They are dealing with

people who may or may not want to hurt themselves or others. He doesn't think there should be shifts that are not covered. If someone is willing to work, he believes the shift should be covered. We are not paying for the salary of the officers who left, so there should be money available to pay the overtime so we don't have officers working alone. Cindy Miller commented Dean Heffelfinger has already worked 130 hours in the past pay. Dean Heffelfinger commented they are not filing certain times of the shifts because they were told that bad things don't happen during the day and if they do, having two people will not matter. That's not true. Things happen no matter whether there is one person, 10 people or 100 people. They are going to have things that happen. Part of the problem with the department and the foreseeable future of things is the shifting of that kind of stuff. They need more people on the road. The call volume is so out of control right now, it is hard for most of the department to keep up with things. The Chief is handling calls and not getting to things he normally would get to as Chief, because for some reason they were told they cannot fill 6:00 a.m. to 11:00 a.m. and 3 a.m. to 6 a.m. It needs to be looked at differently. That is where you have issues with employees that get mad. The Chief read Officer Myrthil's letter which was fantastic. Officer Myrthil also met with Alice Rehrig and explained his issue as to why he was leaving. Working alone, by himself, is the number one reason why he left. There were seven officers who went to his swearing in ceremony because he meant that much to this department. He was an exceptional employee. To lose that employee because we are not filling certain blocks during the day, needs to stop. We need to start filling those shifts so we don't lose good employees because other departments that are good are hiring them. He came to this Township because he saw great improvements here as to where he was before. It pains him to see us going backwards when it never was like that. He could always see us going forward, but to stop and start losing employees and not fulfilling shifts make it harder and tougher on the employees we have, then comes the reason why we have other employees who get mad. He is referring to the social media situation. It wasn't supposed to be geared towards any employees. It was thanking Officer Myrthil for his years of service and to let people know that he didn't have to leave this area. He wanted to stay. He left because he was fearful that something was going to happen at some point. They all take the oath and know that it is something that can happen and they don't come home, but we need to work together so that doesn't happen or the likelihood of that happening isn't there.

Jerry Pritchard questioned if Officer Myrthil's feeling was there when there was a full 12 man department. Dean Heffelfinger commented he doesn't believe so, but he can't really speak for him in everything, and whether he would have left if there was a 12 man department, but we need to get to full staffing. Cindy Miller commented the Board is working on it. Dean Hefelfinger also commented there are two more officers going to be leaving next year. If we don't get people in now, we will be in the same boat we were before. David Hess commented we are looking for the right

employees. Jerry Pritchard commented we also need to be proactive and start looking for the additional officers as we speak, not that they are gone and we are scrambling. Chief Fogel commented he is working on that.

Phil Gogel questioned if there are holes in the schedule from 6:00 a.m. to 11:00 a.m. and 3:00 p.m. to 6:00 a.m. Dean Heffelfinger commented in the past month or so, they were primarily not filling two officers from 6:00 a.m. to 11:00 a.m. and then from 3:00 a.m. to 6:00 a.m., they were primarily by themselves. Phil Gogel questioned if a sergeant wasn't responsible for the schedule. Dean Heffelfinger commented they only put the overtime shift out that have been approved by the Chief. If the Chief and the Township Manager do not approve the filling of the shifts, they don't get filled. It's not that no one was willing to work them, although there may be a time or two when no one was available. He came from a department where he spent eight years working by himself. If no one is available to work and you are by yourself, it is what is it. Phil Gogel commented he was unaware of this and doesn't approve it. He believes we need to have the officers out there and not working alone. The shifts need to be covered for the community safety. That is what they pay taxes for. It's a service to the community. This is something that will be discussed in Executive Session.

Darry Philbin commented he believes the whole discussion started as a result of social media. He questioned if this was an internal problem or an external problem created by the members of the community. Chief Fogel commented it came off the Police Association's Facebook page.

Jerry Pritchard questioned of when the officers were working alone, was there no one willing to work. Dean Heffelfinger commented officers were not given the opportunity to fill the open shifts. They were told that the shifts were not being filled and they were not putting overtime into those positions. There are a lot of officers who would jump on overtime when it is available. With two officers ready to retire, they are more than willing to work the shifts. He and Officer Roth also will pick up a lot of overtime, not necessarily because they want to work the extra time. He is young children at home and would sure like to spend time with his children more than be at work. When you talk about the scheduling, 8 hours or 12 hours, not saying either one would be good, but no matter what you are going to run into issues where people will be here longer than they want to. He accepts that. He always has, but at some point, it does take a toll on people. He feels is it his duty to help his fellow officers to make sure that he is there for them as well as other people and keep the community safe. He lives in the community and he chose to do that when he got hired because he likes the community and where it is going. It is everything he

expects. He sees both sides of it, as a resident and as a police officer. He believes as a Police Department and Association, they need to meet more regular with the Board to talk about things and to get to know each other and have a good line of communication.

1. Letter of Resignation. Phil Gogel made a motion to accept the letter of resignation from Officer Peterson Myrthil effective August 23, 2023. David Hess seconded the motion. Jerry Pritchard commented as an employer, when a good employee leaves, you need to continue on and it needs to go on for the better of the community and in the right direction. Phil Gogel wanted to thank Officer Myrthil for his service here. He built relations throughout the Township by stopping in and talking to kids in the park. He would hope that the other officers will continue with talking to the residents and the kids. It builds respect for the Police Department and a lot of good comes from it. All voted aye. Motion carried.

- D. Municipal Authority Report. Phil Gogel reported the Municipal Authority is working on the agreement for the Pennsville Plant. There is no date to start construction of the new plant.

- E. Planning Commission Report. Cindy Miller commented there was nothing specific on the agenda for their meeting last evening. A developer did attend the meeting to discuss an area he would like to have rezoned so that he could put in apartments. He was told he could come back to a future meeting because they were working on the comp plan at this time. He may come back later.

- F. Fire Company Report. Rick Hildebrand commented he will have the quarterly report prepared for the next meeting. He can report they currently have responded to 360 calls this year.

Last Tuesday and Wednesday, members of the Department travelled to Ephrata to go over of the specs for the ladder truck with the manufacturer.

Paul Nikisher questioned how many of the 360 calls were in Lehigh Township. Rick Hildebrand commented the majority of the call were in Lehigh Township. They receive assistance less than they give the assistance. They don't have assistance coming for anything other than dwelling and structure fires. Some of the neighbors need assistance with auto accidents, rescues and items of that nature. Lehigh Township can typically handle those on their own, although there are certain times of day where they may need to call for that assistance. It's a give and take.

Rick Hildebrand commented there will be a letter and announcement coming out in the near future regarding the car raffle that was supposed to take place last week.

There were not enough tickets sold to hold the event. At their monthly meeting, they decided to draft a letter to inform everyone of their decision.

VII. OLD BUSINESS

A. Maintenance Building. Alice Rehrig reported the building continues to remain on schedule to be under roof by December and completed by April.

1. Billitier Electric Payment Request #1. David Hess made a motion to approve Payment Request #1 in the amount of \$14,535 for Billitier Electric. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
2. Livengood Excavators Payment Request #2. David Hess made a motion to approve Payment Request #2 in the amount of \$96,877.89 for Livengood Excavators. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
3. Shannon A. Smith, Inc. Payment Request #2. Jerry Pritchard made a motion to approve Payment Request #2 in the amount of \$4,605.30 for Shannon A. Smith, Inc. David Hess seconded the motion. All voted aye. Motion carried.
4. Vision Mechanical Payment Request #1. Jerry Pritchard made a motion to approve Payment Request #1 in the amount of \$70,537.50 for Vision Mechanical. Phil Gogel seconded the motion. All voted aye. Motion carried.

B. Proposals for Revisions of Zoning and Saldo Ordinances. As discussed at the last meeting, four proposals were received for the revising of the Zoning and SALDO ordinances. Three of the four proposals were in excess of \$100,000

Cindy Miller made a motion to accept the proposal from Urban Research and Development for the revision of the Zoning and SALDO Ordinances in the amount not to exceed \$30,300. David Hess seconded the motion. David Hess questioned if they will actually be able to complete the project for that amount. Cindy Miller commented she believes so. Once the Comp Plan is done, that will be the foundation. From there, they will move into the zoning. She doesn't believe they will need to come back for more money. In reading through the proposal, they were very clear as to what they would be focusing on and elaborated on that. In her opinion, they elaborated on it more than the others did. She believes this one is so much lower because that is the same firm that did the comp plan so they are very familiar with the Township. He already knows what areas to address. Their proposal is to work with

the ad hoc committee, meet once per month and it would take about 11 months. Cindy Miller thinks it may be able to be shorted and some of what they are proposing may be able to be rearranged in the process, but the proposal is for 11 months. They will have a discussion guide and a draft zoning map at the initial workshop meeting and prepare the zoning district texts. There will also be two public information meetings so the public knows what is going on. The complete the revision will be submitted to the Lehigh Valley Planning Commission for their review, as required. They will then develop the draft and have our Planning Commission Engineer and Solicitor involved in the process. Everything will come to the Board of Supervisors for a final review by the Board and Attorney Backenstoe. The Planning Commission is advisory to the Board of Supervisors. The Board of Supervisors have the final say in the adoption. There will also be public hearings before final approval. Katherine Mack questioned if the consultant will be in charge of the meetings and direct everything. Cindy Miller commented they will be in charge of the meetings and they also have the admin staff that can make all the changes. Katherine Mack questioned if the Ad Hoc committee will be still going through things step by step which is what they were doing. Cindy Miller commented it will go much faster because they have the support staff that can work on this behind the scenes. The committee will still have a lot of input and make recommendations. There are items that have not yet even been addressed in our zoning such as food trucks and certain types of camping. There are areas that have never been addressed. Katherine Mack questioned if the Ad Hoc committee will still be comparing one ordinance to another. Cindy Miller commented no, the consultant will listen to what we want, make suggestions then the Planners and Ad Hoc Committee will make recommendations and everything we are working on will be revised by our solicitor and engineer. Katherine Mack commented it will cost more than \$30,000 because that doesn't include the engineer and solicitor time. Cindy Miller commented that will be discussed as part of the budget. It needs to be figured out where the money will be coming from. Katherine Mack commented this is the same company which did the Comprehensive Plan and you waited months and months to get it back. Cindy Miller commented that was not just the consultant's fault; it was the Board's as well. Jerry Schneck commented he has a property in an estate that is 6.8 acres, currently zoned as GC and been in an estate and for sale for the past 13 years. The people who are interested in developing the property is for residential. Residential is the only interest they have had in 13 years. They keep getting denied because there is not a hardship and not zoned for residential. He is looking for a way to get the property rezoned to residential. Cindy Miller commented that would be something that is discussed while they are having the meetings to change the zoning. During the meeting they would discuss the implications of changing the zoning. Mr. Schneck commented the property is not feasible to be developed as commercial because of the location and access to the road. How will he know when the meetings are held. Cindy Miller commented the meetings will be posted on the Township website. Katherine Mack questioned if the

Comp Plan will be delayed until after the zoning if we are directing Mr. Schneck to attend those meetings. Cindy Miller commented the Comp Plan that was worked on needs to be passed before they begin work on SALDO and Zoning. Katherine Mack commented if there are changes recommended to the zoning, we will need to go back and readopt the comp plan. Attorney Backenstoe commented that is not necessarily the case. The Comp Plan is a vision of where you think the Township is going to go. The substantive issues would be with the implementation of the Zoning and SALDO. The Zoning doesn't necessarily match the Comp Plan 100 percent. The Comp Plan is a vision; it is not substantive. Katherine Mack commented there are four ordinances coming up for adoption shortly. It says when you make the ordinances, you want to protect the established character, social and economic wellbeing of private and public property to ensure proper development and uses of property to ensure all uses are accounted for and developed in accordance with the characteristics of the surrounding neighborhood. This doesn't necessarily happen. When you have a special exception, it is a permitted use with conditions. You have already decided that that use should be in that location. You are giving it sanctimony. At times there are neighbors around those areas who do not want that development there and it becomes a bone of contention, such as with the Medical Marijuana Facility. Cindy Miller commented that is why it is important to have our ordinances updated and be more thorough than what they have been. Katherine Mack commented in the meantime, things can go into areas where they are not appropriate. Attorney Backenstoe commented zoning is an evolving process; it changes. As townships, boroughs and cities grow, as they develop, as they morph their identities in different things and areas, that is why zoning ordinances change and why they are constantly updated. Katherine Mack commented we are doing things after the fact. Cindy Miller commented the SALDO and Zoning have not been updated for over 20 years. It should be done every 10 years; that is why she is pushing to get it done. Phil Gogel commented he agrees with what is being proposed as far as getting a consultant, but he will be abstaining because he wants to continue to work on his project with the property he owns along Route 946. Katherine Mack questioned if there is an anticipated time line for the completion of the ordinances. Cindy Miller commented it is expected to take about 11 months. Jerry Pritchard, David Hess, and Cindy Miller voted aye. Phil Gogel abstained. Motion carried.

- C. Comprehensive Plan. The Board received the final draft of the Comprehensive Plan. After reviewing the plan and the process that the Township used to develop the plan and speaking with Charlie Schmehl of Urban Research and Development, Attorney Backenstoe believes that the Township has complied with Section 301.C of the MPC regarding notice to the school district and neighboring municipalities, Section 302A with regard to the Township Planning Commission, Section 302.A1 with regard to the Lehigh Valley Planning Commission, and have had public hearings. He believes it

would be appropriate to have one more public hearing before adopting it. Cindy Miller questioned if it could be part of one of the regular Township meetings.

Attorney Backenstoe commented it could be before or after a meeting; there should be a stenographer present. It was agreed to hold the hearing at 6:00 p.m. on October 24.

VIII. NEW BUSINESS

- A. Resolution 2023-13, Amending 2023 Budget. This resolution amended the 2023 Budget and recognizes an additional \$68,535 in additional revenues and expenditures. This will cover the changes through August 2023. Phil Gogel made a motion to adopt Resolution 2023-13. David Hess seconded the motion. Jerry Pritchard questioned where the shortfalls were that we need to add more money to the budget. Alice Rehrig commented in some cases it is just rearranging numbers and in other cases were additional expenses that occurred. Jerry Pritchard commented the reason that he is asking is that he believes this will be a tough year and where he believes the additional \$250,000 will be needed. Katherine Mack commented the money will still be in the coffers, but not allocated to the Fire Company. Charlie Perich commented it should be. The responsibility of the Supervisors is to provide fire protection, police protection, ambulance protection and keep the welfare of the Township. Cindy Miller noted that the Township does do all of that very well. Charlie Perich commented they do, but that money was put aside for the Fire Company, why would it be taken away. That is what the Township is putting in and it came from all the residents. Cindy Miller questioned what other municipality gives their fire company \$500,000 per year. You won't find it. Charlie Perich agreed, but he believes he could find some township where they wouldn't take away a couple of hundred thousand dollars. Cindy Miller commented you won't find it. When Township's institute a fire tax, that is exactly what they do. Charlie Perich commented eventually when they get enough money, the fire tax goes away because there is no payment. Jerry Pritchard commented when the Fire Company was talking about the additional \$18,000 in repairs, he would hope that we could give back part of the \$250,000 for items like that. Katherine Mack commented that is not what is being proposed. Jerry Pritchard commented he is not saying that it is being proposed; it is his hope. All voted aye. Motion carried.
- B. Manager's Report. Alice Rehrig questioned if the Board wanted to be at 6:00 p.m. again for the next meeting or work on the budget as part of the regular meeting. The Board agreed to start the meeting at 6:00 p.m. on September 26th.

The first reimbursement was received from the Statewide Gaming Grant. Final approval of the documents for the RACP grant has not yet been received.

The next round of Statewide Gaming grant will be open through November 30th. It needs to be decided upon which project we want to submit for. Phil Gogel commented he would like to apply for grants for the trucks and then take the equipment allocation and use it for our roads. Jerry Pritchard questioned how much we typically get for this grant. Alice Rehrig commented 2022 was the first year that they had this grant and we received the million dollars for the maintenance building. Jerry Pritchard commented he heard that they don't always give the same municipality the grants in subsequent years. Cindy Miller commented we need to look at what projects we have coming up. She even thought about applying for the next fire truck. Phil Gogel commented Charlie Perich had a good point of keeping the funding for a period of two or three years to build the kitty up and you actually can use the cash pile. Cindy Miller commented her feeling is we are either doing a fire tax or we are not. There is not going to be an in between. Phil Gogel commented we made need to do both. It may make more sense that way to utilize the funding with the tax. Cindy Miller questioned why we would tie the general fund up that way. Phil Gogel commented you may need to do that to purchase the vehicle you need. David Hess commented when you do the fire tax, you take the general fund money and roll it back in and it gets spread amongst the departments.

Alice Rehrig provided the Board with a copy of the specifications for the new fueling station to advertise to accept bids. Jerry Pritchard made a motion to authorize the Manager to place the fueling station to bid. David Hess seconded the motion. All voted aye. Motion carried.

- C. Solicitor's Report. Attorney Backenstoe reported he had attended the 6 ½ hour zoning hearing meeting regarding the medical marijuana campus. On behalf of the Township, he and Mike Muffley believed that there were a number of technical deficiencies with their submission. Ultimately, the Zoning Hearing Board denied the medical dispensary and 280,000 grower/processor campus and approved the fast food restaurant. The Zoning Hearing Board will now write their decision and then we will see if the applicant will file an appeal or not. Jerry Pritchard commented when Attorney Backenstoe presented at the meeting, he did a great job and you could tell that he really cares about Lehigh Township.

Stacy Wagner, a resident from Coatbridge Lane in the Hills of Greenock, wanted to thank Attorney Backenstoe and Mike Muffley for all the time and preparation they put into this and was very appreciative of their efforts.

Katherine Mack questioned what the status was of the Karafam appeal. The Zoning Hearing Board denied their appeal and it is in the court. In the meantime, they are

just doing their thing. When is something going to happen? Attorney Backenstoe commented the applicant typically places it on the miscellaneous argument list for a briefing schedule. Katherine Mack questioned how you get them to do that. They were denied twice by the Zoning Hearing Board and they are continuing their activity. How long can it continue to go on? Attorney Backenstoe commented he will need to contact their attorney.

- IX. PUBLIC COMMENT. Janet Sheats commented the Fire Company will be having a cash bingo on September 22nd. The doors open at 5:00 p.m. The game starts at 6:00 p.m. The kitchen will be open. The Fire Company is also selling Yeti style tumblers that state I support the Fire Company for \$40.

Katherine Mack listened to the video from the Northampton School Board meeting last evening. They were talking about an escrow account when the elementary school was being built and how it was an open ended account and bills could keep piling up and you need to keep adding more money to the account. They said there was something where the Township put a bill into the School District and the Board refused to pay it. She would like to know what bill it was. The Board commented they were not aware of them not paying a bill. Cindy Miller commented she remembers them not wanting to do a letter of credit and the Township made them do it and they tried to get out of the recreation fee. She doesn't remember any issues with an escrow at all. Mike Muffley commented there has not been any activity with the School District for at least six months. They are in the maintenance period so we would still be holding an escrow for that, but that is typical and not something that is billed. Alice Rehrig commented every time money is taken from an escrow account, the owner is provided with a copy of the bill. The only thing that she can think of is that they may have been asked to replenish their escrow account and they didn't want to do that and wanted to pay the bills as they were received.

- X. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter. No action was taken.
- XI. ADJOURN. David Hess made a motion to adjourn. Phil Gogel seconded the motion All voted aye. Motion carried.