

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

February 13, 2024

- I. EXECUTIVE SESSION. Prior to the Start of the meeting, the Board held an Executive Session at 6:00 p.m. to discuss personnel matters. No action was taken at this time.
- II. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on February 13, 2024, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Vice Chairman Jerry Pritchard called the meeting to order with the Pledge of Allegiance and roll call.

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

Attorney Backenstoe requested the Board of Supervisors amend the agenda to include the resolutions accepting the right of way dedication from the Vineyard Estates Subdivision. He had provided the information to Alice Rehrig at least 24 hours in advance of the meeting; however, the resolutions were not included on the agenda. The Resolutions are de minimis in nature as it is road frontage only and do not require the expenditure of Township funds.

Cindy Miller made a motion to amend the agenda. Janet Sheats seconded the motion. All voted aye. Motion carried.

Janet Sheats made a motion to add Resolutions 2024-8, 2024-9, 2024-10, accepting right of way from the Vineyard Estates Subdivision, to the agenda under the Solicitor's Report. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF THE MINUTES

- A. Minutes of January 23, 2024. Cindy Miller made a motion to approve these minutes. Janet Sheats seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS.

A. General Fund Checks 27491 to 27553. Cindy Miller made a motion to approve these bills. Janet Sheats seconded the motion. Janet Sheats asked for a clarification of which departments/vehicles Truck 12 and Police Vehicle 10 were. Frank Zamadics commented Truck 12 is a Public Works Truck and Police Vehicle 10 is the Ford 250 pickup truck that the Police Department has. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

A. Extension of Time for Plan Approval.

1. Zachary Bittner Minor Subdivision. Mark Leuthe, Zachary Bittner, and Attorney Stan Margle were present to represent this plan. The developer granted an extension of time until August 31, 2024; however, the Planning Commission did not recommend accepting this extension at their February 12, 2024, meeting. Mark Leuthe commented there were only two engineering reviews of this plan, with the most recent one being from December 2023. There are no significant engineering issues with this plan. They have some drainage issues that they need to take care of, including Act 167 approval. They need to do infiltration testing which they cannot complete in the winter; he needs until spring to complete a test so he can complete the drainage comments and resubmit the plan. His staff met with Mike Muffley in January and they are working through the comments in the engineering review letter. They also need an agreement from PPL for a driveway encroachment. Attorney Margle commented the time extension that has been granted is believed to be well beyond the time they think they need to comply with all the outstanding items. The applicant is diligently working on the plan to get it done as expeditiously as possible.

Cindy Miler commented the question the Planning Commission has had is what the business will be. They have asked the applicant to come into a meeting, but he has never shown up. Mark Leuthe commented the use will be as listed in the statement of intent. It will be a nursery. Cindy Miller questioned what the use was today. Attorney Margle commented the current use is not before the Board. There is a matter before the Court of Common Pleas that he and Attorney Backenstoe are working on, but it has not yet concluded. He believes it is something that will be amicable to both the Township and his client. He does agree that his client should be attending meetings.

Jerry Pritchard commented he has been at Planning Commission meetings where this plan was discussed. There seems to be concerns by the neighbors in the neighborhood. Attorney Margle commented what they are proposing with this plan will address the concerns that has been brought forward by the neighbors. If they cannot bring the final plan before the Board in the time frame granted by the extension, then they have a problem.

Janet Sheats made a motion to accept the extension of time until August 31, 2024. Cindy Miller seconded the motion. Cindy Miller commented the Planning Commission denied the plan because the plan was not complete pursuant to the Subdivision and Land Development Ordinance. The Planning Commission has been asking and asking for information. Mark Leuthe commented from an engineering standpoint, they can meet the items listed in the Township Engineer's letter, but they cannot answer the questions that only their client knows. Mike Muffley commented there three outcomes that can happen with this plan. If they deny the extension and ultimately deny the plan, the applicant may drop the project and it goes away. This probably wouldn't happen otherwise he wouldn't have done this. The second option is the Board denies the extension and the plan and then the applicant resubmits the plan next week and restarts the clock. The only effect this will have is an administrative setback waiting to get this back on the agenda. There are no critical comments stopping this plan from getting completed. The third option would be to accept the plan and it moves forward. The stormwater issues are being worked on, but it cannot be completed over the winter; it takes time to complete the stormwater and NCCD reviews. All voted aye. Motion carried.

B. Extension of Time for Plan Recording

1. Turkey Hill Minit Market. This matter was tabled until the applicant could be present to represent the plan.

C. Status Update—Lehigh Valley Resort & Spa. John McRoberts and Joe Zator were present to represent this plan and provide an update as required by the Board. John McRoberts commented he met with Mike Muffley over the past few months to prepare a submission that will address the engineering comments. The utility coordination has been ongoing. It's a complicated small site with water, sewer, stormwater drainage, and gas. Every time they move one thing, a few other things need to be moved around. The items that have changed are the parking that was in the area of Cherryville Road has been relocated to a two story parking deck with 120 spaces on the upper level and 148 spaces on the lower level which will be closer to the facility. The parking deck will be designed so that when you enter the site, the top level will be at grade so it looks like a regular parking lot. They have also gone to great lengths to make sure it is screened with landscaping to make it look like you are pulling into a regular parking lot. This helps maintain the green space along the roadway. The spa area is taking shape. The pool area has taken shape as an amenity garden with various outdoor amenities for the guests. The pool has been slid to the side and will be partially enclosed to extend the season when the pool can be used. The event barn and event space are the final area and they are working on architectural floor plan issues. They may consider moving it a little close to make it feel like part

of the main venue. The timing of the engineering submission will be worked out with Mike Muffley over the next few months. There will be an update to the NPDES permit that is needed as well.

D. Engineer's Report

1. 468 South Cottonwood Road. Mike Muffley reported he conducted a site visit where the roadway has been flooding in this area and backing up onto this property and causing damage to their home. The problem that exists is from the drainage along the road where the stormwater is not getting into the storm box. It is a relatively inexpensive and simple fix for Public Works Department.

Cindy Miller questioned if this can be considered as part of the Township's MS4 projects and the budget. Mike Muffley commented he is not sure of the amount of credit that can be taken, but it will count towards some of the projects.

Janet Sheats questioned if the issue was the result of the recent heavy rains. Mike Muffley commented any time you have the excessive rainfall there will be problems. This problem is happening more frequently than during just the heavy storm. This is a correction that can be taken to prevent further damage.

Jerry Pritchard noted the material is expected to cost between \$1,500 and \$2,000 and we would be providing the labor. Once the pipe is installed, it would become the responsibility of the property owner. He would expect that the property owners would be signing off that they understand this. Mike Muffley commented there would be simple construction easement so that the Public Works Department can complete the work and then when the work is done, the easement goes away. The property owners are in agreement with this project.

Frank Zamadics commented they will also need to rent a mini excavator which would add approximately \$1,000 to the project and there will also be some restoration work that will need to be done. It will take about a day and a half to complete the project.

Cindy Miller made a motion to authorize the completion of this project at a price not to exceed \$5,000. Janet Sheats seconded the motion. All voted aye. Motion carried.

VI. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Report. Sandy Hopkins reported they have received field requests from LTAA for two teams at Bryfogle Park. During the recent wind storms, the tarps from the pitcher's mound and home plate were lost.

The Recreation Board has been discussing the idea of having an Ag Day where they can invite 4H and have some animals for the community. They have also been discussing the idea of selling advertisement signs along the fence at Bryfogle Park. They also want to get the lining of the tennis courts for pickle ball completed. Frank Zamadics commented the park signs have been completed and the lines are next on their list to be completed. The Rec Board is continuing looking at future development of the parks. The wall replacement at Bryfogle park also needs to be completed.

- B. Public Works Report. Frank Zamadics commented he believes it would be a good idea to lock the dog park until the end of April. With a neighboring municipality closing theirs and the ten inches of snow we just had, it will become muddy quickly. By closing it until the end of April, it would give him time to fertilize it and get in one cutting. He is suggesting April 26<sup>th</sup> as a date to reopen the park.

Janet Sheats noted the report indicates that there were complaints that needed to be checked at different residences. Were there a lot? Frank Zamadics commented there were a few mainly because of all the rain and melting snow.

1. 2024 Road Projects. For 2024, there will need to be a lot of repair work to the roads. He is also suggesting a bituminous chip seal be done to seal as many of the roads as we can. With the weather we have been having, there are quite a few roads that have broken apart. Examples are Hickory Road, West Walker, Cedar by Cottonwood, and Pear. He would like to do in house repairs to these roads, then chip seal them. He will provide an updated list as to what his plan is closer to spring. He and Mike Muffley were discussing this and the idea is to seal the roads to keep what is good in good condition and try to improve on the roads as they are able. Paving a mile to mile and a half of road each year it not getting us ahead of the game.
2. 2004 Freightliner Transmission. Frank Zamadics commented he is still waiting on two additional quotes for the repair.

Frank Zamadics also noted that the 2024 Budget includes \$250,000 for the purchase of a new truck. So far, he has received two quotes through Co-stars for the truck. As it stands now, there is a possibility that the new truck wouldn't be delivered until sometime in 2025. The quotes he received for a complete truck with a plow and spreader is \$249,510 for a Western Star and \$238,174 for a Freightliner. Both vehicles would be comparable to what we currently have and match all the trucks we have so a driver can move from one truck to another and have everything set up the same. Cindy Miller made a motion to authorize Frank

Zamadics to move forward with purchasing a new truck as listed in the budget at a price of \$238,174. Janet Sheats seconded the motion. All voted aye. Motion carried.

- C. Zoning Report. Liz Amato reported there we 35 new applications, 34 permits issued, and 8 complaints received in January. At the February Zoning Hearing Board meeting, variances were granted for the Principal Solar Energy Project. The next step will be to hold the conditional use hearing. She is hoping to have proposed dates in the next two weeks. The Zoning Hearing Board meeting has been moved to March 21<sup>st</sup>. There will be two hearings for that evening. One is an appeal to a notice of violation and the second is for a special exception for an accessory use for a home occupation.
- D. Police Report. Our two new officers completed their field training and are now on their own which will help with overtime and staffing issues. The two cadets in the academy are in their second month of class and doing well.

Chief Fogel provided the Board with the end of year statistics for the department. The criminal arrests have significantly been decreasing over the past two years. The traffic enforcement has also significantly decreased which is the result of being short staffed over the past year or so. Crashes also have a decreasing/stable trend. The activities and calls for service for the department have been stable to a slight increase for the department. This includes everything that the officers do over the course of a day. Calls for services are the items that generate a report; things an officer is called for. The activities could be anything from patrol time to visiting the elementary school. Basically everything an officer does throughout the day. Cindy Miller questioned if there was an explanation for the criminal arrests being down as much as what they are. Chief Fogel commented he really didn't know. Criminal arrests don't necessarily correlate to activities. They can be more random. He'll take it as good fortune. Janet Sheats questioned if the arrests are just the police department or what comes out of Magistrate Hawke's office. Chief Fogel commented the arrests are just for the Township. Janet Sheats questioned if it is known as to how this compares to the arrests at the Magistrates Office. Chief Fogel commented he could pull UCR reports to find out; the Magistrates Office would cover multiple jurisdictions, including State Police arrests. The Department wouldn't have anything to do with any of the other departments.

This is the last year of the accreditation cycling so they will be getting ready to get reaccredited for the next year.

1. PLCB Grant. Chief Fogel commented this is a two year grant cycling that is specifically for the Township and all the funding stays here. It is not a matching grant. Officer Roth commented it is a two year grant cycle with \$25,000 per year. Most of the funding goes towards enforcement, but some does go for equipment. There is a \$1,500 limit on equipment purchases. It does cover training, education, and a social media aspect. Cindy Miller made a motion to authorize the Police Department to apply for this grant. Janet Sheats seconded the motion. All voted aye. Motion carried.
- E. Municipal Authority Report. No report was provided.
- F. Fire Company Report. Rick Hildebrand reported the truck that is being purchased through the FEMA grant is scheduled to be delivered on February 26. There is no update on the ladder truck. The Fire Company received a State Fire Grant for \$16,000 for the purchase of equipment which will most likely go onto the apparatus.
1. Approval of Fire Company Activities. Janet Sheats made a motion to approve the listed activities for the Fire Company. Cindy Miller seconded the motion. Cindy Miller raised a concern with “etcetera” being included with several items on the list. She doesn’t want to approve a list with etcetera because she doesn’t know what that could mean. She knows the law requires operation and support activities to be approved. This includes maintaining the station and equipment, acting as the trustees, organizing and participating in fundraising activities that are approved by the Township, providing IT support, assisting with recruiting and other administrative tasks and meetings, trainings, and seminars. The problem she has with the list is all she is looking for are the non-emergent activities such as bingo, Valentine’s day flower sale, flea markets, Christmas tree lighting, fire prevention in the Township, parades, National Night Out, and kitchen activities. What are the fundraising activities for this year? Rick Hildebrand commented there may be items that they didn’t mention. There are multiple activities such as the fishing tournament, assisting with Kids Day at the Lake for handicapped children. It is not a fundraising event, but a public event that they help at. There is so much that goes on, it makes it difficult to create line items. Do they need to come back to get approval for all the fundraisers? Cindy Miller commented she believes they should because there is no way of knowing what is entailed with the fundraisers. This is workers comp. If something were to happen, worker comp would have to pay it, but the Township may not know about that activity. She doesn’t want to give a carte blanche approval without understanding the activity. There’s nothing wrong with talking to the Board. Most of the time we are in agreement. Janet Sheats commented she has seen other departments just list fundraising as a whole because things can come up quickly. She believes

fundraising is fundraising and we are asking them to fundraise. What are the specific items that are of concern? Cindy Miller commented the portion that indicates activities not included on this list that are approved by the Fire Commissioner, Fire Chief, or President. She has no idea what this could be. Rick Hildebrand commented these would be for items that are not dispatched by the County, but something that a crew would be handling. Rick Hildebrand questioned if there is something that the Township wouldn't want them to be doing? Jerry Pritchard commented this may be to close a gap in potential liability. Cindy Miller also questioned the in station physical fitness. Is this something that should be covered. Alice Rehrig commented this had previously been removed. Rick Hildebrand commented they had received a grant for the equipment because firefighter fitness is one of the leading causes for injuries and death. It also allows their members to stay in the Township rather than going out of the area to a gym. Alice Rehrig commented the Board needs to look at the list to determine if they want the workers comp exposure based upon the activity. Does the Board feel someone getting injured using the gym equipment should be covered under workers comp? Janet Sheats commented there is training that the firefighters have to go through that is physical in nature. Janet Sheats and Jerry Pritchard voted aye. Cindy Miller was opposed. Rick Hildebrand requested that Cindy Miller correspond with Roger.

VII. OLD BUSINESS

A. Maintenance Building

1. Billitier Electric, Inc. Payment Request #4. Cindy Miller made a motion to approve Payment Request #4 to Billitier Electric in the amount of \$96,657.50. Janet Sheats seconded the motion. All voted aye. Motion carried.
2. Shannon A. Smith, Inc. Payment Request #6. Cindy Miller made a motion to approve Payment Request #6 to Shannon A. Smith, Inc. in the amount of \$36,61200. Janet Sheats seconded the motion. All voted aye. Motion carried.
3. Vision Mechanical, Payment #4. Cindy Miller made a motion to approve Payment Request #4 to Vision Mechanical in the amount of \$19,300.50. Janet Sheats seconded the motion. All voted aye. Motion carried.

B. 2024 Budget—Amended. Cindy Miller made a motion to approve the amended 2024 General Fund Budget. Janet Sheats seconded the motion. All voted aye. Motion carried.

C. Delps Park Farm Field. When this was on the previous agenda, there was no vote taken on the motion to put the farming of the field to bid. Jerry Pritchard commented he believes the farmer who is currently farming the field should have the first right of

refusal if the field is bid or at least be made aware of it. Alice Rehrig commented if the field is put to bid, it would have to go to the highest bidder. The current farmer is aware of these discussions. His concern is that he had spent the money last year putting lime and fertilizer on the field and has purchased the seed for this year.

Janet Sheats made a motion to advertise the field for bid. Cindy Miller commented she will not second the motion because she asked for an analysis of what the revenue would actually bring in.

Paul Nikisher commented in the interest of fairness to the current farmer, the bidding of this field should be done next year and this year should be the year for planning. Janet Sheats commented she would agree.

Cindy Miller commented she does not believe this proposal is ready for being placed to bid. There should be an analysis of what the possible revenue will be compared to the expenses that will be incurred. Janet Sheats commented there is no way of knowing what the revenue will be since we are doing sealed bids. Attorney Backenstoe commented the bids would need to be advertised and a lease would need to be created. A plot plan showing the specific area to be farmed should be included with the lease. Frank Zamadics commented the water gardens/drainage areas cannot be disturbed. Cindy Miller commented we also need to know exactly how many acres are available for farming. Are we also able to limit what type of fertilizer is placed on the field? A lot of people use the park; we don't want to have sludge applied to the field.

Attorney Backenstoe suggested having an appraisal done to determine the fair market value of the field and for this year, have the farmer provide insurance and enter into a simple lease agreement. The property could then be put to bid next year.

Cindy Miller made a motion to have Mike Muffley develop an exhibit map and have the Manager obtain three quotes for an appraisal and hire the lowest appraisal. Janet Sheats seconded the motion. All voted aye. Motion carried.

#### VIII. NEW BUSINESS

- A. Resolution 2024-6, Adoption of Asset Smoothing for Actuarial Evaluation. The adoption of the asset smoothing method for the actuarial evaluation will spread the market loss on the plan over a five year period which will result in a reduction in the Township's minimum municipal obligation for 2025. Since the Township already is exceeding the pension contribution from the State, this will help reduce the general fund contribution.

Cindy Miller made a motion to adopt Resolution 2024-6. Janet Sheats seconded the motion. All voted aye. Motion carried.

B. Resolution 2024-7, Establishing Police Pension Contributions for 2024 and 2025.

Even though the police contract regulates benefits of the officers, the Township documents are required to be consistent with the contract. Since the contract is for the years 2024 and 2025, we need to state the pension contributions in a resolution.

Cindy Miller made a motion to adopt Resolution 2024-7. Janet Sheats seconded the motion. All voted aye. Motion carried.

C. Ordinance 2024-1, Amending Police Pension Plan (authorization to advertise). The dates of this ordinance needed to be updated so that they match to the contract. Cindy Miller made a motion to authorize the advertisement of Ordinance 2024-1 for adoption. Janet Sheats seconded the motion. All voted aye. Motion carried.

D. Manager's Report

1. Building Heating & Air. Alice Rehrig provided the Board with three quotes installation of new heating and air systems in the Municipal Building. Since the office portion of the building is currently working, she is recommending that that portion of the upgrade be held off until next year. In addition, the quotes she received are not entirely apples to apples because the quoted systems are different types of systems. The most immediate area is the rear of the building because there is not a functioning system back there. The rear office area would be a traditional heat pump and the meeting room is recommended to be mini-splits.

Janet Sheats made a motion to approve the bids for Hannabery to complete the heating and air system at a price not to exceed \$21,000. Cindy Miller seconded the motion. All voted aye. Motion carried.

E. Solicitor's Report

1. Resolutions 2024-8, 2024-9, 2024-10, accepting Right of Way for Vineyard Estates Subdivision. Cindy Miller made a motion to adopt Resolutions 2024-8, 2024-9, and 2024-10, accepting right of way dedication along Willow Road, Persimmon Road, and Long Lane Road. Sal Melo questioned if there are any other remaining items that are needed prior to his escrow being returned. Mike Muffley commented the only outstanding items were the deeds of dedication and the BMP's, which have just recently been recorded. All voted aye. Motion carried.

Supervisor Minutes  
February 13, 2024

- IX. PUBLIC COMMENT. Katherine Mack questioned which minutes appointed the CPA to do the audit for 2023 as the audit was started before the resolution was adopted. Alice Rehrig commented she didn't recall which minutes because there was a multi-year agreement for the CPA.

Kathern Mack also questioned if an ordinance could be adopted at a meeting as opposed to holding a separate public hearing. Attorney Backenstoe commented the MPC definition of a public hearing is a meeting that is advertised pursuant to public notice.

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