

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the July 13, 2021, Meeting

- I. CALL TO ORDER The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, July 13, 2021, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. Chairman Cindy Miller called the meeting to order with the Pledge of Allegiance and roll call.

Present: Phil Gogel, via telephone
Cindy Miller
Mike Jones
David Backenstoe
Mike Muffley
Alice Rehrig
Frank Zamadics
Liz Gehman
Scott Fogel

Absent: Mike McGonigle
Keith Hantz

II. APPROVAL OF THE MINUTES

- A. Minutes of June 22, 2021. Mike Jones made a motion to approve these minutes. Phil Gogel seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS

- A. General Fund Checks 24952 to 25003. Mike Jones made a motion to approve these bills. Phil Gogel seconded the motion. All voted aye. Motion carried.
- B. State Fund Check 1530 to 1532. Mike Jones made a motion to approve these bills. Phil Gogel seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

- A. Extension of Time—Sedler Design & Redevelopment. Joe Sedler was present to represent this plan. The developer initially granted an extension of time until September 1, 2021; however, when this was discussed at the Planning Commission meeting, it was recommended by the Planning Commission that the extension should be until October 30, 2021, and the Developer agreed. Mr. Sedler commented they presented a plan to the Planning Commission in May. Since that

time they have had closing on the property and are working on the land development plan and a new highway occupancy permit and need the additional time to complete everything.

Phil Gogel made a motion to accept the extension of time until October 30, 2021. Mike Jones seconded the motion. All voted aye. Motion carried.

- B. Plan Withdrawal--Timothy L. and Wendy Pitts Land Development/Major Subdivision. The developer submitted a letter to the Board dated May 20, 2021, indicating that he is withdrawing this plan. The plan is being withdrawn because a different plan was submitted for this property because it will eventually become part of the Northwoods Development.

Phil Gogel made a motion to accept the letter of withdrawal dated May 20, 2021. Mike Jones seconded the motion. Attorney Backenstoe commented any escrow funds that the Township may be holding should be returned to the developer or if there are outstanding bills, the Developer should be billed accordingly. All voted aye. Motion carried.

- C. Extension of Time to Record Plan – LTMA Pennsville Plant Lot Line Adjustment Plan. Wayne Doyle was present to represent this plan. Mr. Doyle commented they haven't submitted the final plans for recording because they were waiting on the NPDES permits and the joint permits that were required for the stream crossing as part of the land development plan. They wanted to make sure there were no repercussions that would tie back to the lot line adjustment plan. They are expecting to have the plan into the Township in the next two weeks, but until all the signatures are obtained in order to record the plan and the time it takes for the recording, they will most likely not be able to have it recorded until after July 31. It was suggested that the Board grant an extension of time to record the plan until September 30, 2021.

Mike Jones made a motion to grant an extension of time until September 30, 2021, to record the lot line adjustment plan. Phil Gogel seconded the motion. All voted aye. Motion carried.

- D. Northampton Area School District, Temporary Certificate of Occupancy. Terry DeGroot and Joe Kovalchik were present to represent this plan. Since the last meeting, they have shared construction phasing plans and how they were going to handle the traffic. In addition, Attorney Miller and Attorney Backenstoe have worked out the improvements agreement and maintenance agreement.

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Chris Howie of D'Huy engineering gave a brief presentation demonstrating how the traffic would be handled during the demolition of the existing school and completion of the road improvements to ensure the safety of the students and faculty. There is adequate stacking room for busses as well as parents picking up and dropping students off.

Cindy Miller questioned when demolition of the school is expected to take place. The abatement work should be started this week and continue for three weeks. The demolition will start right after that. They expect demolition and the site to be cleared out by November.

Terry DeGroot commented they are requesting the Board grant a temporary certificate of occupancy prior to plan recording. Their conditional approval required the plans be recorded in order to receive a certificate of occupancy. The reason they have not recorded the plans is that they are still waiting for PennDOT to sign the right of way plans. They did submit a draft record plan to the township engineer for review. The only thing missing from that plan are the final dates and references to the PennDOT right of way recording.

Attorney Backenstoe commented the improvements agreements and maintenance agreements have been completed. With certain conditions, he would believe it to be appropriate for the Board to issue the temporary certificate of occupancy. The conditions would be entering into a fully executed improvements agreement, a maintenance agreement, the school district posting the required insurance certificate with the Township, posting the appropriate letter of credit, Hanover Engineering's approval of the site and access traffic patterns for the school.

Mike Jones made a motion to grant a temporary certificate of occupancy conditioned upon the School District entering into a fully executed improvements agreement, a maintenance agreement, the school district posting the required insurance certificate with the Township, posting the appropriate letter of credit, Hanover Engineering's approval of the site and access traffic patterns for the school. Phil Gogel seconded the motion. Jerry Pritchard questioned when everything would come back to the Board. Attorney Backenstoe commented the motion is to issue the temporary certificate of occupancy. As soon as all the conditions are met, it can be issued. Dennis Herschman commented the cones by the school are getting knocked all over the place at night creating a hazardous condition on the roadway. Terry DeGroot will look into this matter. All voted aye. Motion carried.

Attorney Backenstoe also requested the Board approve the Chairman to execute the improvements agreement and maintenance agreement subject to receiving the required insurance certificate and letter of credit. He would like the Board to approve this subject to his final review because he is anticipating that these agreements will be received prior to the next meeting.

Mike Jones made a motion to approve the improvements agreement and maintenance agreement subject to receipt of the required insurance certificate, letter of credit and final review by the Solicitor. Phil Gogel seconded the motion. All voted aye. Motion carried.

- E Engineer's Report. The Chairman announced Phil Malitsch chose to resign his position at Hanover Engineering. Mike Muffley will be our new representative from Hanover Engineering. Mike Muffley reported there were three plans on the agenda for the Planning Commission meeting last evening:

Mike and Martina Obenski along with Car-Doc Inc. They are looking at installing a parking lot across from the existing Car-Doc facility. The plan was tabled because they are looking for clarification on the use of the property, the amount of vehicles, and what is actually going to be stored there.

DeWalt/Olewine Lot Line Adjustment. This is a simple lot line adjustment. The existing deed plots out cutting off the owners driveway. They had the property resurveyed and are doing the lot line adjustment to correct the issue. There are a few minor issues that need to be addressed as far as plan presentation. They will also be asking for waivers from some of the SALDO requirements because of the nature of this plan. The adjustment will be making the situation better. He did ask them to take a look at the plotting of the PennDOT right of way. It was plotted in an unconventional matter. He is asking them to have PennDOT archives take a look at the right of way.

Top of the Mountain Estates. The main change on this plan is a wetland discovery that bisected a proposed roadway. As a result of this, they created two cul-de-sacs. There are some technical details that need to be worked out as far as how that cul-de-sac will turn into a curve. There are some physical limitations as to making that curve meet the SALDO requirements. There will be a waiver request because of this. They are asking for clarification and more detail as to why they need to make the request. It mostly revolved around the septic testing on the site. It limits the septic area to where the curve will be. There are also some grading issues. He is asking for clarification to show that they are designing the curve to the greatest extent possible.

V. DEPARTMENTAL REPORTS

- A. Recreation Report. Sandy Hopkins reported the Rec Board was hoping to have the Dog Park opened by the beginning of July, but it is going to have to be delayed. They have the rule signs and they are ready to be mounted. She also has a dedication sign from Katherine Mack. They do not want to have the signs mounted until after the concrete is poured. They have received the four dog waste stations which can be mounted. Four benches have been ordered. As soon as the cement slab is completed, she is hoping to open the park. There also is some equipment that was donated that will be placed inside the fencing. A dedication of the park will take place later in the summer.

The Home dugout at Berlinsville was power washed by Jerry Pritchard and is ready for paint. The service counter needs to be repaired prior to the stand being opened at the end of July.

Yoga has been taking place at Danielsville in the grass. They are requesting that they be allowed to come back into the Municipal Building because of the heat and wet grass because of the rain. Mike Jones made a motion to allow Yoga to be held in the Municipal Building effective immediately. Phil Gogel seconded the motion. All voted aye. Motion carried.

Rails to Trails have finished the native plantings along the trail at Indiantrail Park. They still need to add some additional gravel to complete the trail repairs.

Paul Nikisher commented he is glad things are being pushed along. It seems the concrete is the hold up on the dog park. Is the concrete being donated? Sandy Hopkins commented David Hess is donating the concrete. Paul Nikisher commented it is wonderful he is donating the concrete, but when people commit to something, they need to do it. Phil Gogel commented the gates need to be lifted to accommodate the concrete. When he returns from vacation, he will be helping David Hess lift the gates so that the concrete can be poured.

Sandy Hopkins commented Vinnie Eiden's mens' league held a fundraiser for the Miracle League at Berlinsville. There were four teams that played games, a basket social, cornhole tournament, and food trucks. He is hoping to do this again next year and expand it.

- B. Public Works Report. The paving project is schedule to start on Wednesday, July 14. They will be starting on Birch Road and then moving to Alder Drive. The project should be completed by July 23.

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There is no date set as of yet for the chip seal. Since this is a smaller project, they are probably waiting until they have another job in this area.

The Road Crew will be painting the limit lines at the intersections since they were able to get 20 gallons of road paint. From what Frank Zamadics is being told, there is a big shortage on road paint. He went together with four other municipalities to order a pallet of paint from a store in Maryland. He is not sure what effect this will have on getting the line stripers into the Township to paint the yellow and white lines. He will be contacting them once all the projects have been completed.

Cindy Miller suggested putting the road project on the website so residents are aware that it will be taking place. Frank Zamadics commented the contractor will also be placing door hangers on the residences in the area.

Mike Jones questioned if there was discussion some time ago about something being done at the intersection of Locust Drive and Cherryville Road. Phil Gogel commented the road crew was going to paint limit lines at the stop signs. Mike Jones commented he was in the area over the weekend and was surprised at the amount of people who do not stop at the stop signs. Frank Zamadics commented a homeowner along the western approach to the intersection planted arborvitae right on the edge of the Township right of way several years ago, even though he was told to keep them off the right of way. He always cut them back, but he has since passed away. It doesn't seem like anyone one is keeping up with the cutting them same way that he did. The road crew will have to go and trim them back to make sure they are not covering the stop sign. Chief Fogel noted there recently was a serious accident at the intersection. You can't see the stop sign when you approach the intersection. The only advance notice that exists is the stop ahead sign that is about 50 feet from the intersection. Liz Gehman commented when she was made aware of the situation, she sent a letter to them regarding cutting the arborvitae back. Cindy Miller commented this needs to be nipped now before all the additional traffic comes in from the Seminary project. Frank Zamadics commented there were stop bars painted and stop ahead signs erected a few years ago. Mike Jones questioned if rumble strips could be installed to warn or slow traffic. Chief Fogel commented rumble strips work in open areas such as at a park, but they are often a problem in a neighborhood. You are also required to do a study to show the need which may be difficult because of the overall reduction in crashes in that area. The Chief suggested adding a second stop sign on the left hand side of the intersection. It may help draw more attention to the stop signs and intersection. Phil Gogel made a motion to have the Road Crew install a second stop sign on the left hand side of the intersection. Mike Jones seconded

the motion. Jerry Pritchard questioned how the other roads are handled. It seems like it is only a matter of time where there will be an issue with the trees at Route 248 and Hickory. He can see traffic creeping forward at the stop sign. Cindy Miller commented the property owners are notified to cut their trees. Chief Fogel commented either Liz Gehman or Alice Rehrig will send a notice to the property owners. Frank Zamadics commented the Township usually give them 10 days to correct the problem. If they do not take care of the problem, then the Township will cut the trees back. All voted aye. Motion carried.

- C. Zoning Report. Liz Gehman reported she is trying to clear out some of the older complaints, but it is difficult at this time of the year.

Liz Gehman provided the Board with an update regarding the items in her memo from last month's meeting:

Teel Road Property/Land Scaping Business: The property owner's attorney has submitted an application to the Zoning Hearing Board. The application will be before Planning Commission in Augusts and the Zoning Hearing Board in September.

Vandling Property: She will be going to County Court tomorrow. They will be appearing before the judge regardless of whether or not Mr. Vandling is in attendance. Mike Jones noted Mr. Vandling has the property for sale.

Lorah's Farm Events: Liz Gehman has not yet received anything from Mr. Lorah regarding the amount of events or the type of activities that are taking place at the farm. She was looking for input from the Board if they would like her to send a formal letter. Cindy Miller commented at this point, she would say send the letter. Mike Jones questioned how long ago the permission was granted for the three events. Liz Gehman commented it was in 2012 when the Board approved the three events a year. Cindy Miller commented it has gone beyond truck and tractor pulls. There was a resident who attended the Planning Commission meeting last evening with concerns. This resident was in attendance at this meeting and noted he lives on the far end of South Cypress Road and it has become ridiculous. There are no controls on what takes place there. He has raced cars and motorcycles for 45 years of his life. This is the only place he has ever seen where there are no rules for anything. They don't care how fast people drive coming in. Most tracks will say if you get caught speeding coming in, you are banned for life. They are running race fuels, no mufflers, mud is getting tracked onto the road like it is their private driveway. It is getting out of control. If it were only three times per year, who would care? If it is every week or two, he

cares a lot because he didn't move next to a race track. He is concerned that this will get worse instead of better at the rate it is going. Sandy Hopkins commented initially he was allowed to do what he is doing because it was an agricultural activity; it was just tractor pulls. A resident noted there are now tractor pulls, truck pulls, a demolition race, and demolition derby. Every year more and more events and types of events are added. Cindy Miller commented it seems like there are more neighbor complaints. A resident noted it is loud. He lives 1.2 miles away; has his windows closed, central air running and it is still heard in his home. It is very annoying. It was also noted that this property is in farmland preservation and if all of these activities are permitted in that program. A resident noted he has seen car carriers with two vehicles loaded on it that was driving 60 to 70 miles an hour on their way to the races. It is only a matter of time until someone gets hurt. Jerry Pritchard commented there mainly are tractor pulls taking place. Cindy Miller commented they were only permitted three per year and it really has been expanded and it needs to be dealt with. Jerry Pritchard questioned if the Township has any control over the agriculture. Liz Gehman commented she believes that is why there was not objections to the three events per year because it was mainly tractor pulls. The concern is with the races and demo derbies; how can it be considered agriculture. Cindy Miller commented it is not really known if the tractor pulls are considered agriculture. The Township decided it could be considered as agriculture and that is why they put the parameters of only three per year and said if it was going to change, they needed to come into the Township so it could be discussed. Mike Jones commented their current schedule consists of four truck pulls, three tractor pulls, five truck drags, four junk car races; and one demolition derby. There is something taking place almost every weekend. Liz Gehman will send them a letter asking them to come in and talk to the Board. Liz Gehman noted the Board will need to determine if they still want to consider this as agriculture or say it is separate and have them go to the Zoning Hearing Board. She doesn't know what Farmland Preservation has to say on this.

A resident also raised concerns with the digital lighted signs. There should be a requirement that they need to be dimmed at night. The one at Executive Auto Gallery is particularly bright making it difficult to see when you are pulling out at the intersection of Route 248 and South Cypress. Liz Gehman will contact the owner regarding dimming the sign at night.

Debbie Miltenberger questioned if the Board is going to require Lorah's to stop having just the races or must they stop altogether. Liz Gehman commented she can send either a letter asking them to come in and talk to the Board or an actual

cease and desist. Paul Nikisher commented it is a big community event; he thinks the communication is the most important. Just make them aware of the situation and why not talk to him and ask him. Mike Jones commented he knows it is a large community event; however, it is also not fair to the neighbors to have to listen to it every weekend with the amount of events that are taking place. Liz Gehman commented one of the reasons that she hasn't sent a cease and desist letter is because she knows it is a community event and really didn't want to go that route which is why she came to the Board last month and indicated there was a concern by the neighbors. Cindy Miller questioned if the Township sent Lorah's any type of letter. Liz Gehman commented when it came up last month, Kristen Soldridge was at the meeting and said her aunt would send in information, but nothing has been received. Mike Jones suggested a letter be sent indicating that they were permitted to have three tractor pull events per year and now there are more than three events taking place and tell them to please come into a meeting to discuss this. Cindy Miller commented a time deadline also needs to be included in the letter. Liz Gehman commented she will send them a letter and tell them this will be discussed at the first meeting in August. Sandy Hopkins commented it has been ignored all these years. Just because someone makes a phone call or sends a letter will not make it stop; they will look at it as we've had complaints before about noise or whatever. If we ignore it, it will just go away. No one will do anything. It's always stated that it is agricultural activities. She disagrees. She was on the Board in 2012. If she recalls correctly, it was three tractor pulls and he got away with it because it was an agricultural activity. Trucks are not tractor pulls, but he expanded into trucks, then expanded into junk cars and other races. Cindy Miller commented when the letter is sent, it should include that if he doesn't respond, a cease and desist will be sent. She prefers to work with people rather than issue the cease and desist, but we need them to respond.

Mike Jones commented the tents at A Ca Mia were brought up last month. He was looking for clarification as to why they cannot remain because there still are people who are not comfortable eating inside. Liz Gehman commented it is the way the ordinance is written. Outdoor seating is defined as a separate use in our zoning ordinance. It is defined as a café which is part of a restaurant, but a café is not permitted in the General Commercial Districts, but a restaurant is. Cindy Miller commented this type of inconsistency is part of what is being looked at through the Comp Plan. The first phase of the project is updating the Comp plan, then the most important part will be updating our ordinances to be consistent with the Comp Plan, but that could require more funding. The Planning Commission is still reviewing proposals and costs from the consultant before it comes to the Board. Mike Jones questioned what the time line was for the removal of the tent.

Liz Gehman commented they were given 45 days; she is not certain of the exact date. Cindy Miller commented she would not have an objection to giving them more time. Phil Gogel commented the concern is that the tents are taking away from the parking spaces. Mike Jones noted there are quite a few open stores on the site. Liz Gehman commented the amount of parking needed for a restaurant is based on the amount of seating that is available. Cindy Miller commented she really believes that if he wants to keep the outdoor seating there permanently, he should get the necessary approvals. Liz Gehman commented the letter that was sent indicated he could keep the tent for 45 days and if he wanted to do it permanently, he would need to get it formally approved.

Jerry Pritchard questioned what is going on the property across from the old C & D property. There are cars parked behind trailers and just a boat sitting out front. What is the actual use? Cindy Miller commented the property is zoned General Commercial and it is supposed to be Auto Sales. She finds it odd that they have a camper, a pontoon boat, and limited cars. Jerry Pritchard commented he doesn't believe they have sold a single car. Cindy Miller commented the owners have another place in Allentown, but what they have set up here is not auto sales. Jerry Pritchard commented there is nothing be sold at this property. Liz Gehman commented she did question him and his response was questioning why he wasn't permitted to only sell one car. Cindy Miller commented the question is why is there a pontoon boat and camper sitting on the site when it is supposed to be auto sales. Liz Gehman commented she did question that and he questioned why he couldn't have them there. Cindy Miller commented he should be told no, it's a commercial lot. Mike Jones questioned if he was selling the boat or just storing it.

- D. Police Report. Chief Fogel reported the Department had 21 arrests during June, which is high. The arrests included 11 DUI's, two which involved crashes. Crashes overall are still reduced and there has not been a fatal crash for 2 ½ years. Traffic enforcement has been up this past month which helps considerably.

They are still having issue with the truck traffic going over the weight restricted bridge on Route 248. During the night, they are finding that someone is coming through knocking over the warning signs that are posted in Cherryville, so in the morning when the trucks go through, they are not aware of the weight restriction on the bridge.

There were over 20 complaints that were received regarding fireworks on the 4th. They were able to make contact with six of them; some of them did result in citations. Most times the officers are going through the areas just trying to get

them to shut the fireworks down. Attorney Backenstoe commented there were two articles in the Morning Call about how horrible the current law is and how it makes it almost impossible for any police departments to enforce. Mike Jones commented he works with someone who is a Supervisor for Polk Township. They lowered their noise ordinance to 9:00 p.m., except holidays or special permits that were issued for commercial displays. Chief Fogel commented with only two guys on, it is a lot for them to chase the calls. If they are able to make contact and end up citing someone for fireworks, you typically end up citing them for other items because there usually is some drinking involved which is not permitted when shooting off fireworks, most times they are too close to homes because they need to be 150 feet away from homes, so you could end up spending an hour just on one incident.

Mike Jones questioned what the speed bumps on the roadway were for. Chief Fogel commented the Fire Police use them to slow traffic when they are on an extended call. They were doing training with them so that there were no issues if they needed to use them on a call.

Chief Fogel reported they have a police vehicle that is in need of either repair or replacement. The cost of the repair would be a minimum of \$9,200 for a vehicle that has over 100,000 miles on it. He knows with the repair, it is possible to get a three year warrantee on the motor, but that doesn't help out with the transmission or anything else that may go wrong on the car. New vehicles are very difficult to obtain right now. There are very few dealers in the area that have vehicles available. If a new car is purchased, it will be some time until one becomes available. Most of the pricing is the same through the different dealers. You can also get certain upfit parts built into the vehicle as well through the State Contract and also Co-Stars. It is not necessarily cheaper to do this. He also found out that the components that are put onto the police vehicle come with the basic factory three year warrantee. The upfitters provide a five year vehicle. Every now and then there is a problem such as water getting into the lens and shorting it out. It would be covered for 5 years and if it gets replaced during that time, it is another component and the warrantee keeps going. The different dealers he spoke with do not recommend ordering the vehicles with the upfitting already installed from the factory because of the warrantee issue. He has been in contact with Kovatch, Chapman and Landsdale Dodge Ford. The pricing is just about identical. Another option is a lease to buy. The cost of doing this is about \$1,500. This would give you the ability to purchase the vehicle now, pay about \$10,000 which is about the same as the repair, then pay the balance next year. We would be purchasing a vehicle next year anyway. It does seem like the purchase of the new vehicle is the way to go. The Department is at a crossroad with their vehicles

because they have three or four vehicles that have 100,000 miles on them and another one that will have 100,000 on it by this time next year. They are getting to a point where they are running into mileage issue with vehicles. The replacement vehicle could either be the same as what we have now, a Dodge Charger, V6 AWD, which is a better motor than the V8 which does not come in AWD and they found there were a lot of problems with them. They could also replace the vehicle with an SUV or a truck, but then you get into additional expenses for upfitting because a lot of the equipment will not transfer over. The best value option would be to get the same type of vehicle that we currently have so that most of the equipment can be transferred over.

Cindy Miller questioned what was planned as far as the Capital Improvements Plan. Alice Rehrig commented a car was planned and already purchased in 2021. There is a car planned for 2022, but the vehicle that is in need of replacement was not planned on being replaced until 2024, so we would need to switch the vehicles around. In the next year or two we are going to need to replace two vehicles because of the mileage. Cindy Miller commented if a vehicle is purchased, it probably will not be here before November. As far as funding for the vehicle, we could use contingency money this year, then replace it next year in lieu of purchasing an additional vehicle.

Chief Fogel also noted that with these police vehicles, they are basically passenger vehicles being built into police vehicles. These vehicles sit and idle for long periods of time when they are sitting at calls or on traffic detail. When you look at a vehicle with 100,000 miles on it, it really has the equivalent of 300,000 miles on it because of the idle time. Most departments try to cycle their vehicles out at the 100,000 mark because that is usually the point where they start having mechanical issues that nickel and dime you.

Cindy Miller commented she would prefer holding off on the approval of the vehicle because she wants to review the Capital Improvements Plan and see how this is going to work into the plan. She agrees a car should be purchased because it doesn't make sense to put \$10,000 into a used vehicle, but are we going to lease it or buy it. Chief Fogel commented the lease has a \$1 buy out at the end. The financing charge is around \$1,500. Cindy Miller questioned if the cost of the vehicle is known. Is it the same as what is listed in the Capital Improvements Plan? The vehicle that was purchased in 2021 is listed at \$37,400; the 2022 vehicle is listed at \$33,800. Alice Rehrig commented the cost of the vehicle would be \$37,400. The \$37,500 is an accurate number based on the 2021 purchase. The number listed for 2022 has not yet been updated. Is the camera also going to need to be purchased and was that included in the 2021 cost? Alice

Rehrig commented the \$37,400 is the car, upfitting, and lettering. A camera was not purchased in 2021. As long as we do the exact same thing as what was done in 2021, the cost will be \$37,400. Phil Gogel commented a vehicle is needed; it's not something that will go away. He is not a fan of leasing or loans because it is like throwing money away. We purchase it this year and maybe not purchase one next year or if we do, hold off until towards the end of the year. We will need this vehicle regardless.

Phil Gogel made a motion to approve the purchase of a new police vehicle to replace the vehicle with a bad engine. Jerry Pritchard questioned how the Board can agree to purchase a vehicle without knowing what the cost of the vehicle will be. Cindy Miller commented it will be \$37,500 based on the vehicle we just purchased. Chief Fogel commented there is not much room to haggle on pricing because of the way the Co-Stars contracts are set up. If you were purchasing this vehicle off the lot, it would be \$34,000 for just the vehicle. The \$37,400 in the Capital Improvement Plan for 2021 includes the cost of the vehicle, upfitting, and lettering. Chief Fogel commented the vehicle that needs to be replaced is an unmarked vehicle so there will not be a need for lettering. Alice Rehrig commented that would take roughly \$2,000 off the total. Phil Gogel amended his motion to approve the purchase of a new police vehicle to replace the vehicle with a bad engine at a price not to exceed \$36,000. Mike Jones seconded the motion. Jerry Pritchard questioned if there are maintenance logs on our vehicle. Cindy Miller commented we do now; it was started about a year or so ago. Jerry Pritchard questioned if we have record of oil changes and maintenance since we did lose an engine at 100,000. Cindy Miller commented she did question why we would lose an engine already. She was told there have been issues with this particular engine in this vehicle. Chief Fogel commented there were certain issues that were discovered with the V8 motor in the all-wheel drive vehicles. In addition, they have also learned that there are issues with the oil formula after speaking with a garage that routinely works on these vehicles. The idle time is also a factor. By switching to the V6 motor with the AWD is part of the solution. They no longer make the V8 engine with the AWD. Frank Zamadics commented he spoke with Cherryville Auto, and they have had to change out quite a few of these motors so they started questioning things. They went and pulled several samples of oil and found out that certain blends of oil have changed their formula to make the cost of the oil cheaper. They have reduced the amount of zinc content by 40 percent and the zinc is needed for lubrication. With these engines having a low idle oil pressure problem in the top end of the motor, it just burns them up. As a result of this, we are going to be purchasing oil with a higher zinc content. All voted aye. Motion carried.

Cindy Miller questioned the status of the report she requested a few meetings ago that lists how often the officers are required to leave the area to attend court cases. Chief Fogel commented he hasn't had the time to get the report together. It doesn't happen that often. The utilization of Central Court has been pushed back and the County has also compromised in that the Central Court will only be used when someone is incarcerated. The other preliminary hearing types of processing will stay local at the Magistrate and our Booking Center. Cindy Miller questioned how often the Officers would need to go to a different Magistrate. Chief Fogel commented that generally only happens if the Magistrate here cannot hear a case because of a conflict of interest. That would only happen half a dozen times in a year at the most during a busy year. He can only think of five instances that this has happened since he has been here. It used to be if a warrant needed to be signed or for some of the domestic violence paperwork, you had to go to the on call judge in person. This no longer happens because we can now use the booking center and do it remotely. People who are arrested overnight are processed here in the Booking Center and then taken straight down to prison and dropped off. A lot of the delays are gone.

VI. OLD BUSINESS

A. Cherryville Intersection.

1. Payment Request #3. Based on the work that was inspected, completed through June 20, 2021, and after the ten percent retainage, the contractor is requesting payment of \$180,477.09. This amount and the work that was done has been verified by the Township Engineer as well. Mike Jones made a motion to approve payment of \$180,477.09 to H & K Contracting for the work completed through June 20, 2021. Phil Gogel seconded the motion. Jerry Pritchard questioned how much the contractor has been paid to date. Alice Rehrig commented we have paid them \$201,000. There is a balance of \$85,000 that is owed to the contractor. This amount includes the ten percent retainage. Cindy Miller questioned when the contractor will be finished with the project because of the grants. How long will we be able to hold out? Alice Rehrig commented the State did grant an extension of the one grant. The paperwork for the other grant which was not eligible for an extension was submitted prior to the expiration deadline. She is now in the process of closing out the first grant. All voted aye. Motion carried.
2. Change Order #2. This change order is in the amount of \$10,321.70. This is the result of PennDOT requiring all the pedestrian signal heads to match. When the intersection is entirely complete, the pedestrian signals will be the walk/do not walk symbols. Since Turkey Hill is not installing their signals at this time, we are not able to utilize our new signal. We

needed to get regular signal heads and place them on all the corners because we got there first. Mike Jones made a motion to approve Change Order #2 in the amount of \$10,321.70. Phil Gogel seconded the motion. Jerry Pritchard questioned if the 10 percent applied to this amount as well. Cindy Miller confirmed that it does. All voted aye. Motion carried.

- B. Maintenance Building. Mike Muffley commented he received a report from Charlie Unangst that they will have the site plans ready on Friday for the architect to review. After the architect reviews the plans, the project can be placed to bid.

VII. NEW BUSINESS

- A. Community Development Block Grant Program. The County provided the Township with a contract for the Township to participate in the County's administration of Community Development Block Grants for a three year period. The Township has previously participated in this program. If we do not participate, then we would have to apply directly to the State for grant funds. Typically, the Township does not qualify for Block Grant programs because our Township median income level exceeds the allowable amount; however, there is no way of knowing what may become available over time.

Mike Jones made a motion to approve the contract for participation in the Community Development Block Grant program that is administered through Northampton County. Phil Gogel seconded the motion. All voted aye. Motion carried.

- B. Manager's Report. The Pollution Reduction Plan has been advertised for adoption at the August 10 meeting. The plan will be placed on the July 27 agenda to receive any public comment during the meeting.

The Indiantrail Park Stream project construction is underway. The contractor is almost through the first half of the project by the Historical Society building. If the weather holds out, they should be done with the project in the next two or three weeks.

- C. Solicitor's Report. The Vandling contempt hearing will be taking place tomorrow. The Township is doing everything they can to resolve this issue. He realizes that some people believe it is taking a long time. The enforcement portion by the Zoning Officer did take time because of how the process works. Once the Board authorized him to file the injunction in January, he was able to get a default judgement against him in March, and an injunction order entered into in

May and now we are going to court for a contempt petition and are asking for significant fines. He doesn't know what will happen at that hearing or if Mr. Vandling will show up, but his goal is to get the judge to understand what the Township has been going through with this property.

1. MS4 Settlement Update. Attorney Backenstoe did not have anything additional to report on this matter.
2. The Hills at Greenock, Improvements Agreement. The Township entered into two separate agreements with the developer. One was the February 25, 2020, agreement where they agreed to decommission the basins and it was also agreed that some of the work was to be the Townships, specifically some of the pipe removal. The Township agreed that they would reimburse the developer for completing this work at a price not to exceed \$21,000. This work has been completed and the developer is requesting a first draw of \$17,476. This work has been inspected and approved by Hanover Engineering. Mike Jones made a motion to approve the payment of \$17,476 for the decommissioning of the basins. Phil Gogel seconded the motion. All voted aye. Motion carried.

The Developer for the Hills of Greenock is ready to move from the indemnification agreement which gave them the ability to complete some of the surface work, to an Improvements Agreement which will give them the ability to have the plans recorded. He is asking the Board to approve the Improvements Agreement and Maintenance Agreement for the Hills of Greenock pending his final review and their submission of insurance and a letter of credit to secure the improvements. Mike Jones made a motion to approve the Improvements Agreement and Maintenance agreements pending a final review by the Solicitor and the submission of the required insurance certificate and letter of credit by the Developer. Phil Gogel seconded the motion. Jerry Pritchard questioned if there are any recreation fees paid when a plan is recorded. Alice Rehrig commented some developers will pay their fees when a plan is recorded, but the Township cannot require the payment of the fees until such time as the building permit is issued. All voted aye. Motion carried.

Attorney Backenstoe commented he was of the opinion that the Township had received the final revised easement agreement with the Municipal Authority for the water line in Pennsville. It was approved subject to Phil Malitsch's final review. Phil Malitsch still had some concerns and Attorney Zator subsequently sent out another draft of the agreement which

satisfied Phil Malitsch's concerns, but he only sent the agreement to Attorney Andres and himself. When he realized that Alice Rehrig and Phil Malitsch had not received the revised documents, he forwarded them. He believes the Board can approved what is now the final revised document subject to the Engineer's final review. Attorney Backenstoe commented he has reviewed the agreement and finds it to be acceptable from a legal standard, but wants the engineer to review it one final time. Mike Jones made a motion to approve the final easement agreement with LTMA subject to the final review by the Township Engineer. Phil Gogel seconded the motion. All voted aye. Motion carried.

- VIII. PUBLIC COMMENT. Jerry Pritchard noted Rudy Giuliani will be on his brother's WFYN TV show at 9:30 tomorrow. He will be asking him about what is really going on with the voting.

Jerry Pritchard commented there is also a law working its way through the Federal Government which, if passed, would take away the local municipalities ability to zone. Cindy Miller commented she thinks their thought process to is equalize and push what is taking place in the cities and bring it to the rural areas. It would push more of the low income housing into the rural areas. This is included in one of the new bills that are being proposed. She thinks it may be included in the transportation bill. Municipalities will need to push through the State because we are created by the State. The Federal Government is looking to impinge on State and Local Government. It will not be good if this passes. Paul Nikisher commented people need to stay involved and call their representatives. They also need to stay involved in the School Districts since they are the ones who educate our children and grandchildren.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss a Collective Bargaining Agreement. No action was taken.
- X. ADJOURN. Mike Jones made a motion to adjourn. Phil Gogel seconded the motion. All voted aye. Motion carried.