

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the May 11, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, May 11, 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  
Keith Hantz  
Cindy Miller  
Mike Jones  
David Backenstoe  
Phil Malitsch  
Alice Rehrig  
Frank Zamadics  
Liz Gehman

Absent: Michael McGonigle  
Scott Fogel

II. CANDIDATES FOR DISTRICT MAGISTRATE

1. Melissa Gogel. Melissa Gogel was present at the meeting to introduce herself as a candidate for the office of District Magistrate. She is a Township resident currently living on Wood Drive. She is employed as a Police Officer in the City of Allentown for the past 18 years. While working in the City, she has had a lot of experience which includes crime scene work, special victims, and patrol. It has given her a very broad understanding of human nature, crime, and what people expect as far as punishments go. Allentown has three amazing magistrates whom she works with every day and sees how they run their court room. This has led her to listen to our community. Three days a week, she goes out and talks to people to find out what their interest are, what they want to see in terms of criminal justice. Do they have problems with crime? Do they want community involvement? Some of the things she is hearing from people is that they want a Magisterial District Court which is professional, respect for all the residents, a place where the community can come, Boy Scout Troops and Girl Scout Troops, to learn about our civil system, the lower level court, and what happens there, not to walk in and be fearful or not understand the process. That is her goal. She wants people to come into court and know what to expect. She wants them to know what is going to happen with their cases, what their right of appeal are, and items like that. That is why she is running. She believes we have a lot of opportunity here in Lehigh Township. She believes there are a lot of kids who

would like to know how this works. Maybe they would like to be a police officer when they get older; maybe they have never been to court and want to see how it works. She thinks with her experience, she brings a good balance. She can tell them if you are stopped by a police officer, this is what happens. If you do something wrong, this is where you will come to resolve it, and this is what happens while you are here. As far as her educational background, she has two associate degrees, a bachelors degree, a masters in Justice Studies, and is currently going for business. She also possesses a masters certificate in digital forensics. She is bringing formal education to the position as well.

2. Robert Hawke. Robert Hawke has been the District Judge for the past 12 years in Lehigh Township. Prior to becoming District Judge, he worked for Lehigh Township Police Department for 27 years, retiring in 2010 as the Detective. During his career with the Police Department, they formed the Lehigh Valley DUI Task Force to combat drunk driving which was severe in this area. In 1998 he received an award for the dedication to sobriety by the DUI Task Force. He is a full time District Judge. He works more than 40 hours per week. He is usually in his office at 6:00 a.m. reviewing cases and getting paperwork done before the office opens at 8:30 a.m. He is pro-life and pro-2<sup>nd</sup> Amendment. He also has a degree in Criminal Justice from Kutztown University. This past year, 2020 into 2021, there was an investigative journalist from Allegheny County that investigated 477 District Judges across the state for their work ethics, the amount of time they spent in their office, and the job they did. He is ranked in the top 20 of the State. During his 12 year career as District Judge, he is the past president of the Northampton County District Judges Association. He is the current Vice President of District 10 and a member of the Special Court Judges Association for the Commonwealth of Pennsylvania. As part of his duties, he is Co-Chair of the Legislative Committee. Their job is to review all pending legislation pertaining to the vehicle code and crimes code and how it will affect their courts and if it is bad law or good law. Sometimes they have to go before the Body on the Hill and testify on their Association's view. During his career, he received additional awards. In 2002, he received Four Chaplain Legion of Honor Award for the special service to all people regardless of their race and creed. In 2019, he received the John T. Jeffers Memorial Award in recognition and dedication for unselfish service to the Special Court Judges Association of Pennsylvania. When he first took office, there was a problem with warrants within the Court. As such, he brought in four full time constables. During the four years of the audit, his office has brought in \$3.9 million. They work out reasonable payment plans for a lot of people and work with people the best they can. If they are declared as indigent, they do not need to pay anything. He started a program for truancy with Colonial Intermediate Unit and Northampton School District because it was really bad years ago. With the help of Colonial Intermediate Unit, they were approved

by Northampton County to start a pilot program through their court. The program is designed to bring all families together, not to separate the child from parents. They try to find out if there are issues within the home and try to help them and the student. COVID was a disaster for children. A lot of parents do not understand the subject matter; some parents don't understand the computer system. Through the program, they conduct a 30 minute interview when they enter court. They have many partners throughout the Valley. They have helped get families oil for their home, food, counseling for depression, suicide, drugs and alcohol. He believes it is very important to continue this journey because our kids are important and if we don't help them, there will be problems down the road. Once the kids complete the program, they drop the fines. They may need to come back to court two or three times to make sure they are doing the follow up. The second project he is currently working on is for people who get arrested for simple possession of marijuana. They are trying to encourage people to go through a rehab program. This is in partnership with the Bethlehem Health Bureau and the Northampton County District Attorney's Office. If they complete the program, the charges are dismissed. If they don't complete the program, they go through the courts and then part of their bail is having to take the program. It does take up a lot of time in our court, but there are a lot of people who are charged with simple possession which is a low grade misdemeanor. At this point, the County has not given them the authority to handle misdemeanors in their court. Mr. Hawke is a certified full-time judge; his opponent is not certified.

III. APPROVAL OF THE MINUTES.

- A. Minutes of April 20, 2021. Keith Hantz made a motion to approve these minutes. Mike Jones seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS

- A. General Fund Checks 24780 to 24869. Keith Hantz made a motion to approve these bills. Phil Gogel seconded the motion. All voted aye. Motion carried.
- B. State Fund Check 1527. Mike Jones made a motion to approve this bill. Keith Hantz seconded the motion. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

- A. Extension of Time for Plan Recording
1. Top of the Mountain Estates. Mark Leuthe was present to represent this plan. This plan was previously approved by the Board; however, it needed to go back through the planning process because of a small area of wetlands that appeared during the process of obtaining their new NPDES permit, which they have obtained. In order to avoid certain things on the lots like BMPs and infiltration, there is an elbow left hand turn which is

not common in Lehigh Township. Phil Malitsch had asked them to come up with something which is a little more consistence with the SALDO and they are in the process of working on that. He is not certain what the outcome of this will be; it may be necessary to keep the elbow turn.

Mike Jones made a motion to grant an extension of time to record the plan until December 31, 2021. Phil Gogel seconded the motion. All voted aye. Motion carried.

B. Plan for Approval/Extension of Time

1. 527 Graystone Drive, LLC. An extension of time has been received for this plan; however, it will not be necessary if the plan received conditional final approval. Mark Leuthe was present to represent this plan.

The deferral that is listed in the Planning Commission's letter of recommendation was withdrawn at the December 14, 2020, Planning Commission meeting, but it was not removed from the Engineer's review letter. The applicant has also received approval from the Sewage Enforcement letter. Mark Leuthe noted the outstanding items mostly pertain to signing and sealing the plans.

The requirement for dedication of additional right of way along North Cypress Road was discussed. (Item #3 under SALDO Section in the Planning Commission approval letter dated May 3, 2021). The plan shows the right of way at 33 feet and notes the ultimate right-of-way line at 25' from center. The property line follows the right of way line for Lot 1. If the applicant were to dedicate the additional right of way, the area of Lot 1 would be reduced making it less than one acre which would require them to adjust the new property line between Lot 1 and 2. If the additional right of way were dedicated, it would be very close to the existing septic field. Mark Leuthe also noted this section of North Cypress Road only serves three or four driveways and effects five properties.

Phil Malitsch commented the right of way dedication always come up on plans. The ordinance is a little ambiguous when it comes to existing improved property which both of these properties technically are. There is an existing 33 foot right of way for North Cypress Road and the ordinance calls for a total right of way of 50 feet. The plan shows the existing right of way as being the property line and also depicts the ultimate right of way at 50 feet. Usually for these small projects that are lot line adjustments or minor subdivisions, the Township doesn't accept the additional right of way or require improvements because there is no real need to do it in this area. It would be his opinion that it would not be a good idea to accept the

additional right of way because the house already is an existing non-conformity because of setbacks to the right of way line. So, by accepting the additional right of way, you would be making the non-conformity greater.

Phil Gogel made a motion to grant this plan conditional approval subject to the compliance with the outstanding items in the Planning Commission's letter dated May 3, 2021, the Township Engineer's letter dated April 8, 2021, and the Sewage Enforcement Officer's letter dated April 12, 2021. Mike Jones seconded the motion. All voted aye. Motion carried.

- C. Engineer's Report. Phil Malitsch reported the Developer has started filling in the basin at the Hills of Greenock. They held a preconstruction meeting about two weeks ago. The main thing they stressed to the Developer was not to overload the truck and to be respectful of the residents in the development. His office will be doing spot inspections of the project.

## VI. DEPARTMENTAL REPORTS

- A. Recreation Report. Sandy Hopkins reported Devon Whiteman will be resuming the Yoga program, only this year it will be held at the Danielsville Park each Wednesday at 6:00 p.m., starting tomorrow.

Mike Jones questioned the status of the signs for the outfield of the ballfields. Sandy Hopkins commented they did not get to them last year because they were working on the refreshment stand, but will be bring it up to the Board for discussion and what they would do with the funding.

- 1. Field Maintenance/Alterations. Mike Jones commented he has read through all the minutes and is wondering when it was discussed and who gave permission for what was done at Bryfogle. Sandy Hopkins commented they basically were going to come in and fix home plate, the pitcher's mound, dig out the drains by dugout, and install stone. Mike Jones commented he did read that in the minutes along with the donations that were made by David Hess and Jerry Pritchard. Sandy Hopkins commented there was also the donation of sod. Mike Jones commented the sod was never mentioned.

Keith Hantz questioned what the purpose was for installing the sod. Sandy Hopkins commented it was to make the field regulation. Mike Jones commented it was regulation before the sod was installed. Keith Hantz commented the questioned they had was where it was discussed

during a meeting that the base paths were going to be narrowed. At the last meeting, it was stated that the machine which the Township uses to manage the fields needed the six foot width in order for it to be used. Sandy Hopkins commented a six foot width is not a regulation width. Keith Hantz commented the teams have been using the six foot base paths for the past eight or nine years and it wasn't a problem. His concern is the Public Works Department always took care of it with the machine they have. He doesn't understand why the regulation is now coming into play. It is a Township field for anyone who wants to use them. The Berlinsville Braves have been playing there forever and he doesn't remember them complaining that the base paths were too wide. Now we have a new team who came in and we needed to change the basepaths. If the field wasn't proper regulation for them, they could have gone elsewhere to a regulation field. What he is getting at, is when Mrs. Mack wanted to donate the fencing for a dog park in Delps, she went to the Rec Board and then the Rec Board brought it to the Board of Supervisors for discussion. The installation of the sod on the Berlinsville field was not maintenance to the field, it was a change. The change to the field should have been brought to the Board for discussion. The minutes of the Rec Board do not indicate that this change to the field was discussed during the meeting. Sandy Hopkins commented there was a meeting at Bryfogle between herself, Cindy Miller, Frank Zamadics, and Vinnie Eiden. Frank Zamadics and Vinnie Eiden agreed that the Public Works Department would take care of the outfield and Vinnie Eiden and his team would take care of the infield. Frank Zamadics commented the sod was already put down when the meeting took place. He agreed to that only if the Board gave the approval. The Public Works Crew was out there today and got through the whole thing with some help from Jeff Erschen. If it keeps working like it did today, he is fine with it, but it is up to the Board how they want it handled.

Cindy Miller commented she did some research on the history of the ballfield because we always seem to end up arguing about the ballfield. About 15 years ago, the field was in the same condition as it is now. Some time after that, a group of men got together and tore out the grass and changed the field. Back then, for some reason it was okay to change the field. Recreation never came to the Supervisors and this group went and changed the field and nothing was ever said. Keith Hantz commented the change that was made was discussed at a Supervisors meeting and the Board gave their blessing. Cindy Miller questioned why it was okay to change it from a regulation field to a non-regulation field and now it is an issue to change it back to a regulation field. She believes there is a big deal being made over this baseball field. Mike Jones commented if you

look on the MSB website, it gives a range for the width of the base paths so the field was regulation. He doesn't understand why the field needed to be changed if it was good enough for all these years. In reading through the minutes, it is always this team that is complaining. Something is always not done right.

Jerry Pritchard questioned why we are condemning something that is making things better in the Township. Why don't we want better for Lehigh Township? If things were made worse, that is one thing, but if we make things better and the Board fights you, it is no wonder we don't move forward in the Township. The field looks a lot better. The Board should be thanking the people who did the work, not condemning them. Keith Hantz commented he is not condemning the work that was done. He is questioning why it wasn't handled in the same manner in which the dog park was and come to the Board to discuss the change that was going to be made. He thinks the fields looks good. He is not saying the field is wrong, he is just saying the process in which it was handled was wrong. It should have been handled in the same manner and process as Delps Park.

Vinnie Eiden commented he grew up in the Township and has been using the Berlinsville Field because he is unable to use the High School field because of COVID. It has been his team that has been taking care of the field. ECTB comes in, treats the field like trash, doesn't take care of it, and then his team has to come in and spend hours and hours on the field to make it right for the Township, but he is being condemned because he cares about the game of baseball and supports the people that love the game. This project was talked about last October or December. When the discussions started, they had asked Alice Rehrig if the Township had stone that could be used for the drain, but she didn't know if they had that type of stone and David Hess said he would donate the stone. So, they dug out the drain and replaced the stone. They also said they would be working on the field and redo the mound. If you are going to be making repairs to the field and fix the base paths to make it regulation, why would you not go and do it right while the equipment and supplies were there, so that is what they did. He has never seen the machine that the road crew supposedly has ever used at all. It's his guys that are going around over the past four years removing the grass from the infield. You also do not take a machine down basepaths regardless of how wide they are. You rake the base paths. ECTB ruined the basepaths by running the drag down them and killing the edge of the grass. They just wanted to fix it and make it right. This will be their home field this year. He is also having an All Star event there. He grew up on that field; it is his pride and joy. Something that his father

worked for. He wants his kids and everyone else's kids to have that same respect and pride when they are playing the game they love. That is why they do what they do. He went through the steps and through the Rec Board. It is not his fault if they or the Manager didn't pass the information on. The Rec Board gave them their blessing and they spent hours and hours on that field. Mike Jones commented the discussions regarding the changing of the field were not in the Rec Board minutes. The last page of the minutes read that David Hess stated Vinnie Eiden should email Alice Rehrig with everything they are planning on doing at the field. Did this email ever get sent? Vinnie Eiden commented he didn't recall David Hess making that comment. Mike Jones commented that email didn't get sent but when the sod was mowed, there were all kinds of texts and emails that someone should be fired or reprimanded for cutting sod they didn't know was there. Vinnie Eiden commented they had to know the sod was there because he called the Manager and asked about water for the sod and she needed to check with Frank Zamadics to see if the water would be available. Frank Zamadics commented the grass is greener than it ever has been. The field looks great, the lights are on and they are playing ball. Can we move forward? If they do the infield dressing and lining and the Road Crew continues to move the grass, he believes we can work through this. Vinnie Eiden commented if the Road Crew is going to mow the grass, can they at least push mow the grass because you cannot use a zero turn on the infield. Frank Zamadics commented they cut the infield with what they have. They have always done that. The maintenance program from park to park is the same. Mike Jones commented he agrees the maintenance should be the same for each park. If the teams want to dress up the basepaths or infield, they can.

Keith Hantz commented the Rec Board usually does a great job with communicating with the Supervisors. Maybe this time, they just slipped up. He is just saying when something new is going to be done at the parks, let the Supervisors know. The general maintenance doesn't need to come to the Board.

Cindy Miller commented she is hearing that the Supervisors are asking of the Rec Board that when there is going to be a change to the parks, it should come to the Supervisors. Keith Hantz agreed, a change or something new should be brought to the Supervisors.

Mike Jones commented in reading through the Recreation minutes, he does agree that if ECTB is using the field, they should be making it decent again before they leave.



Vinnie Eiden commented he also was able to get the property owner across the street to agree to allow one person who is 18 years or older to come on the property to retrieve the balls. He has played three games since this time and there hasn't been a problem. He is not here to hurt the Township. He wants to help.

Frank Zamadics commented the only confusion that existed today was for the lining of the field, but he also understands that it was senior night. Vinnie Eiden commented they line the fields for their own games. Alice Rehrig commented the senior night game is the only time the Road Crew gets involved in preparing the field. It is done as a courtesy to them because it is their Senior Night game. All the other games are handled by the teams using the field.

- B. Public Works Report. Frank Zamadics reported there was a breakdown with the street sweeper this past Friday. It seems to be electrical in nature and it currently at Horwith's for repair.
1. Summer Help. An ad was run for summer help as well as posted on the website and only two applications were received. There was a third application on file from a few months ago, but that individual is no longer interested in the job. The two applications were Barry Frey and Gary Michael, both of whom had previously worked for the Township as summer help. Keith Hantz made a motion to hire Barry Frey and Gary Michael as summer help for the road department. Mike Jones questioned if they will be working as they did in the past, where there is a certain amount of hours budgeted for the summer and Frank Zamadics schedules them as needed. Frank Zamadics commented it would be the same as before. Jerry Pritchard questioned how many people are usually hired for summer help. Cindy Miller commented there are two being hired, but Township can hire up to three. Phil Gogel commented there is a certain amount of money included in the budget for summer help and the hours they work cannot exceed that amount. All voted aye. Motion carried.
- C. Zoning Report. Liz Gehman reported there were 126 permit applications received during the months of March and April. Over 100 of these permits have been issued. In 2020, there were 11 zoning hearing applications. For this year, there have already been 15 applications scheduled through June.

A resident questioned if there is any additional information regarding what is taking place on Teel Road. Liz Gehman commented the driveway was moved out of the wetlands. DEP was out to supervise the moving of the driveway. The

other disturbance has been stabilized and silt sox put in. The Conservation District and the Township Engineer have reviewed that. There has not been any new movement. They are waiting on the grading plans for the disturbance up the hill. A resident commented the owner is running his landscaping business out of the property. Is anything being done about that? All of his employees are parking there and all of his landscaping equipment is there, trailers and trucks. He is running his business out of his house. The business is listed as Bethlehem, but it is not there. Liz Gehman commented she has not been able to tie his address to the business. She goes by frequently and hasn't seen any marked vehicles. A violation notice could be sent, but she doesn't know if there is enough legal proof to connect the two. The resident questioned why one person would need two or three enclosed trailers. It can't be for personal use when there are two or three trucks hooked to the trailers and backhoes, skid loaders, and fuel tanks. Why send a violation notice; he can't run a business from his home? Cindy Miller commented there is a process that the Township has to go through. The Township cannot just go in and shut people down. Attorney Backenstoe commented if the Zoning Officer is put on notice that a property is being used inconsistent with the Zoning Ordinance and she believes she can prove that, she can issue a cease and desist. Under the MPC, you need to be very specific in the notice. If you miss something, the cease and desist will fail under the law. The Zoning Officer would need to send a notice citing the sections of the ordinance which are being violated and the evidence in which she is making her assertion. She also has to give them 30 days to rectify the problem. She also needs to state in her notice that within those 30 days, they have the right to appeal to the Zoning Hearing Board. Within the 30 day time frame, they can do one of three things. Rectify the problem, file an appeal to the Zoning Hearing Board, or do nothing. If they rectify the problem, the cease and desist goes away. If they file an appeal to the Zoning Hearing Board, the Zoning Hearing Board must hear that appeal within 60 days of the appeal application. The Zoning Hearing Board would then rule and if they rule in favor of the applicant, then they can continue with the use. If they rule against the applicant, then the applicant has the right to file an appeal to the Court of Common Pleas. If they choose to do nothing, then the Zoning Officer can file a non-traffic citation at the magistrate and they can be fined up to \$1,000 per day for every day they are in violation. If the Zoning Officer feels that she has enough to prosecute this person before the Zoning Hearing Board or the Magistrate, she can issue a cease and desist. Just because she issues a cease and desist, doesn't mean it's done. She still needs to be able to prosecute and prove the case in a court of law. If she has the evidence that she needs, he has never seen the Zoning Officer shy away from issuing a cease and desist. She has issued plenty and they have been before both the Magistrate and the County Court and

she does a great job. Liz Gehman commented the evidence is part of the problem. There are trucks and trailers, but proving them to be part of the business is the issue.

A resident commented his property adjoins this property. He can verify the noise starts at 6:30 a.m.; the trailers leave his property scraping the street and causing damage to Teel Road. He is arrogant and does what he wants. He drives through the crops that are planted by the farmer and destroys them. He is just out of control. He is here as a witness to what is going on.

Attorney Backenstoe commented if anyone has photographs of what is going on, they should get them to Liz Gehman. They would be helpful.

The residents who raised the concerns regarding the activities that are taking place were Ralph Tolota of 3417 Teel Road and Paul Kohler of 3436 Teel Road.

Cindy Miller commented the Air B & B on Longacre is still operating. Liz Gehman commented she spoke with Attorney Backenstoe today and will be issuing a citation every day they are operating. She wrote the first one and will be taking it to the Magistrate in the morning. They can be fined up to \$1,000 per day. Attorney Backenstoe noted the property owner still has the right to appeal what has been issued. Liz Gehman also learned that a deck was built over the weekend without a permit and will be issuing them a cease and desist for that.

Dennis Herschman questioned what the status was of 4035 Cedar Drive and the Bed and Breakfast that was operating there. Liz Gehman commented the propertyowner filed an appeal of the Zoning Hearing Board's decision. Since the Zoning Hearing Board denied their application, they shouldn't be operating. She has been driving by regularly and hasn't seen anything that would appear they are operating. If someone has proof that they are operating, she would do the same thing with this property as she is doing with the one on Longacre.

- D. Police Report. Alice Rehrig commented the Chief had asked her to relay to the Board that he would like to pursue the grant for the reimbursement of bullet proof vests through the Department of Justice. This grant would provide a 50 percent reimbursement for the purchase of a vest. Kristen Lorah-Soldridge questioned if this was a matching grant. Alice Rehrig commented it is similar since it is 50 percent reimbursement. Cindy Miller noted the vests are listed in the Capital Improvements Plan so that there is money being allocated for them because there are certain pieces of equipment they need in order to do their jobs.

- E. Lehigh Township Fire Company. Kristen Lorah-Soldridge commented she did speak with the Chief at the Fire Company to discuss some ways of fundraising. She has also been speaking with Cody from the Fire Company about fundraising as well.

VII. OLD BUSINESS

- A. Cherryville Intersection. Phil Malitsch reported Jim Milot is trying to work out the details of the striping plans with PennDOT. It is a timing issue depending upon where Turkey Hill is with their portion of the project by the end of the year. Turkey Hill has submitted revised plans to PennDOT for review, but they have not given any guidance so far on the striping. Jim Milot has made a suggestion as to which way he thinks we should go. The goal is to only have to do it once. The actual construction of the intersection has started. There was also a soft spot that was encountered during the construction so that will most likely result in a change order for some extra excavation and backfilling to remediate the soft spot.

1. Payment Request #1. Phil Gogel made a motion to authorize payment to H & K Group for Payment Request #1 in the amount of \$34,020.53 as recommended in the Engineer's letter dated May 7, 2021. Keith Hantz seconded the motion. Jerry Pritchard questioned if there is a retainer built into each scope. Alice Rehrig commented there is a ten percent hold back for each payment request. Randy Braun commented he has seen work in front of the pizza shop. Is this part of the project. Cindy Miller commented that is part of the project. The driveway needs to be relocated because of the turning lane. All voted aye. Motion carried.
2. Inspections. Phil Malitsch commented PennDOT typically has a full time inspector assigned to a project. His office has learned that PennDOT does not have enough inspectors for their projects and has delegated the inspections to Hanover Engineering. Cindy Miller commented when she heard this, she contacted Attorney Backenstoe because she was concerned as to what liability this would place on the Township. Attorney Backenstoe commented he spoke with Jim Milot and this type of situation is not that unusual. PennDOT now does virtual inspections where pictures are taken of the work and progress and sent to PennDOT and Hanover Engineering would go out and do the spot inspections. He didn't think there would be any additional liability to the Township.

Cindy Miller wanted to clarify that as a Township, we wouldn't need to be concerned having to rip something out or redo something at the end of the project because PennDOT did not personally inspect something. Attorney

Backenstoe commented he can't answer that because he doesn't know what PennDOT would really do. Cindy Miller questioned if they were to do that, could the Township say forget it, we are done. Attorney Backenstoe commented based on his lengthy conversation with Jim Milot, he felt this method of inspection would be acceptable. Phil Malitsch commented the Township is paying the inspection either way, but this way is cheaper because there won't be someone out there all the time just camping on the job. On the other hand, you don't want to get to the end of the job and only have 6 photographs of the entire project. There does need to be documentation as to how things were done and when they were done. As long as they continue to stay in contact with PennDOT and let them know what was done, provide the photographs and inspection notes when someone was there, he believes the more this is done, the lesser the chance of having a situation occur like what Cindy Miller is concerned with.

Cindy Miller questioned if we will get a bill from PennDOT at the end of the project for them reviewing the inspection information they are provided, when the Township has already had to pay our engineer for the actual inspections during the project. Phil Malitsch commented he did not know how PennDOT handles the office time that is spent on a project. He would imagine they would be logging those hours. Cindy Miller questioned how the Township would know how much time they were really spending on the project. Phil Malitsch commented he would need to find out and provide the Board with a summary as to how this whole process works under this circumstance; how the hours are logged, how they are monitored; when are you notified of any bills, is it monthly or at the end of the job. Cindy Miller commented the Township needs to understand this. There is only so much money. We only have the grant. So far, PennDOT has cost us with the overlays and everything going on at that intersection. At this point it is ridiculous and they have cost us more money than we should have ever had to put into this. It is unbelievable. Actually, it is misappropriation of tax payer dollars because this is grant money that is being used.

Jerry Pritchard questioned who determines if the work is acceptable and how much gets paid. Cindy Miller commented the contractor submits an invoice to the Engineer and they review it to determine if the invoice matches the work that was done. Jerry Pritchard questioned if PennDOT inspections were included in the bids. Cindy Miller commented they were not. She would probably push back after everything that has been done.

Cindy Miller commented she is concerned with the change order that is coming. The last change order we received, it was high and out of line. The contractor needs to understand that there is not a ton of money and we will not be taken over. We need to monitor these change orders. The project just started and we are already at the second one.

- B. Maintenance Building. Adam Raker commented the plans and bid specs were sent to the Board for review. The Board may want to consider having a meeting for a final review of the plans before they go to bid. This could be done concurrently with the completion of the site plans. The Board agreed to hold a meeting on Thursday, May 27 at 4:00 p.m. Adam Raker questioned if any of the plans or specs need to go to the State for the grant. Alice Rehrig commented they do not do an actual detailed review, but they want to make sure we meet all the conditions of the grant. She has already forwarded the information to the consultant that was assigned to the Township and they provided information to W2A as far as required language. As information for the project is received, she forwards it to them. Cindy Miller suggested they be invited to the meeting in the event they would be interested in attending or calling in.

Adam Raker also commented the construction administration needs to be discussed. Phil Malitsch commented about a year ago, he had circulated an email that outlined tasks A through D. The Board had approved them to move forward with A & B. Items C & D is the construction administration of the project. At that time, the Board was looking at what portions they should be involved in and what portions Adam Raker could help out with. There was also an additional letter with the breakdown of the overall costs. Adam Raker commented Hanover Engineering needs to be involved to a certain extent, at a minimum, they need to be able to answer questions from the contractor. He would be willing to look at the list of items and work with the Township to see what items he can help with or if some of the items would be better suited for W2A to handle to help to try to save the Township some money.

1. Site Plan. Cindy Miller noted the final land development plan and ESPC and PCSM also need to be updated. The Board received an email from Phil Malitsch indicating the cost would be between \$5,600 and \$6,000 to update these plans. The Board needs to approve this in order for them to be updated and move the project forward. Keith Hantz made a motion to authorize Hanover Engineering to update the land development plan and the PCM plan as a cost of \$5,600 to \$6,000. Phil Gogel seconded the motion. Jerry Pritchard questioned how quickly the plans could be turned

around. The quicker the project moves forward, the easier it will be to keep the costs down. Phil Malitsch commented it will take about four weeks. All voted aye. Motion carried.

C. Ordinances for Adoption

1. Ordinance 2021-2, Amending Definition, Criteria, and Providing Regulations for Bed and Breakfast. This ordinance has been advertised and reviewed by the Lehigh Township Planning Commission and the Lehigh Valley Planning Commission. Phil Gogel made a motion to adopt Ordinance 2021-2. Mike Jones seconded the motion. All voted aye. Motion carried.
  
2. Ordinance 2021-3, Amending Zoning Map. This ordinance will change the general area of Cherry Road, Locust Drive, Lehigh Drive and Cherryville Road from a Village Residential Zoning District to an Agricultural/Rural Residential Zoning District. A resident questioned what the difference is between the A/RR and V/R districts. Cindy Miller commented the main difference is in the size of the lots. A/RR is the typical one acre lots and single family dwellings and VR provides for higher density development where you can have town houses and twins. The reason the Planners looked at this is because they are working on the Comp Plan. They looked at the surrounding areas and felt this area was more consistent with the A/RR zoning than the VR zoning. There are some differences between the uses that are permitted.

Mark Leuthe commented he is representing one of the properties that will be affected by the zoning change. Anyone who has a lot that is under an acre will be required to obtain a variance every time they want to do something. Phil Malitsch commented that was incorrect. If someone has an existing lot that is under an acre and meets the setback requirements for A/RR, they would not be required to go to the Zoning Hearing Board. The setbacks for A/RR for primary structures is 50 feet front and rear, 20 feet side yard and accessory structures are 15 feet side and 10 feet rear. The VR the setbacks are variable based on the type of dwelling and if there are public utilities. Single family dwellings with on public utilities have setbacks of 50 feet front yard, 20 feet side yard, and 30 feet rear yard. Accessory structures are 15 feet side yard and 5 feet rear yard.

Mark Leuthe commented his client is the only person who will be significantly impacted because he owns 38 acres and this change in zoning will restrict the potential amount of future development on his lot if water and sewer were to become available, therefore, reducing his property

value in half. There is no logical reason for the rezoning other than someone came up with it on a whim. He is putting the Township on notice that his client is prepared to file suit if the rezoning goes through.

A resident commented that cluster developments are permitted within the A/RR district. Cindy Miller commented they are permitted with public water and sewer and a minimum of 30 acres. The houses could be closer together but there would be open space around it.

Linda Roman commented the one acre lots are necessary if the people have to put in wells and septic systems.

Mark Leuthe commented there are public utilities that are not that far away from his client's lot. He is representing their interests for future development should those public utilities become available. If the utilities were available and with the change of the zoning, the value of his client's land will be cut in half. Phil Malitsch comments it's hard to determine the value without knowing what the final development would be. The value of a town home would be less than that of a single family dwelling. Mark Leuthe questioned if there is a benefit to the current residents to change the zoning? The person who it hurts the most is the person with the most land; this is almost spot zoning.

Frank Vitovitch questioned why should the man with the most land be able to bring in water and sewage to the area and force the people who have lived here all their life be forced to connect to it.

Mark Leuthe commented if water and sewage comes near this property, he had the right to bring in water and sewer and develop the property. His client intends on fighting the Township on this and it will cost the Township a lot of money.

Kevin Werner commented he lives adjacent to the 38 acres. He believes a development with larger more valuable homes will increase his property value more than a development with smaller lots and less valuable homes.

David Lozenger commented he is in favor of the change in the ordinance. If a housing development is going to go in, he would rather see single homes than the townhouses.



Frank Vitovitch commented he believes this ordinance is a protection to the people living around the land who bought in this area because they wanted homes with a well and septic system. If they would have wanted public water and sewer, they would be living in the city.

The residents who live at 530 Rosewood Drive, 483 Rosewood Drive, 4112 Locust Drive and 558 Rosewood Drive were in favor of the change in the zoning district.

A resident questioned if the change in the zoning district could result in the possibility of an animal feeding operation going in. Cindy Miller commented it can't be an animal feeding operation.

A resident questioned what effect the change in zoning would have on commercial uses. Phil Malitsch read through the various permitted, special exception, and conditional uses listed in the district. There are a lot of overlapping uses between the districts, but there are some differences, such as restaurants and golf courses.

Mark Leuthe questioned what the basis was for changing the zoning. Cindy Miller commented the Board has been working with a consultant, Urban Research and Development, who has been helping with the comp plan.

A resident questioned why this ordinance changes was being broken out from the rest of the comp plan. Cindy Miller commented the Planners wanted to get some of it approved now, rather than waiting until the very end and try to do everything. There will be quite a bit of changes that are being proposed under the comp plan. There will also be other areas of VR that will be changed. This is not the only area. Mark Leuthe questioned what the benefit is to the Township to change this area. Cindy Miller commented it would be lower density housing. Lehigh Valley Planning Commission has already responded that this is in line with their plan.

Carl Boyko, 4108 Locust Drive, questioned where the public water and sewer will be coming from for the Jaendl Development. Cindy Miller commented they are bringing it up from Pennsville. Public water and sewer was a specific criteria in order for them to develop the property. Mr. Boyko commented he thought the Pennsville System was too small to handle the development. Cindy Miller commented the Developer has applied for grants and is planning on building another plant next to the existing plant. Mr. Boyko questioned if there were any plans of moving

the plant to the 38 acres that Mr. Leuthe has been referring to. Cindy Miller commented there were no plans for that. Mr. Boyko noted that this portion of Locust Drive is one of the best roads in the Township and he would hate to see it ruined by running water and sewer through the road.

Dave Dawson, 489 Rosewood Drive, commented there is one lot in the area which is not developed and is under an acre. Does this change mean that they will not be able to develop the lot? Cindy Miller commented they would still be able to develop the lot. The lot would be a non-conforming lot, but they would be able to build on it as long as they met the setbacks for the A/RR zoning district.

Keith Hantz made a motion to adopt Ordinance 2021-3. Mike Jones seconded the motion. Mark Leuthe commented the Board will be spending a lot of money defending this ordinance when it is something that doesn't necessarily need to be done. All voted aye. Motion carried.

#### VIII. NEW BUSINESS

- A. Betty Reinhart, Request for Waiver of Subdivision Requirements for Combining Lots on Three Mile Lane. Ms. Reinhart owns two small parcels of land along Three Mile Lane. She would like to combine the two parcels into one lot and build a double wide home on it and is requesting the Board waive the requirement of going through a lot line adjustment to combine these lots. She has been in contact with the Zoning Officer and knows that she will eventually be needing to go before the Zoning Hearing Board, but she suggested she come to the Board with the waiver request as a first step. Phil Gogel made a motion to grant a waiver of the subdivision requirements and authorize the consolidation of the lots located at 4771 and 4777 Three Mile Lane. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. Resolution 2021-8, Opposing Governor's proposal to levy fee to fund State Police. This resolution has been circulated amongst various Township for adoption and ultimately forwarded on to the State Representatives and Senators to encourage them to oppose Governor Wolf's budget plan of charging municipalities who have their own full time police department for a fee for the State Police. Keith Hantz made a motion to adopt Resolution 2021-8. Phil Gogel seconded the motion. Cindy Miller noted as part of the Governor's budget plan, municipalities who are already spending the money on their full time police departments would have to pay an additional fee for state police. The fees are calculated by a formula based upon population and whether the municipality has their own full time and part time department. Based on the formula, Lehigh Township would be required to pay over \$45,000 per year in addition to the

funding of our own police department. This resolution is stating that we are not in support of the Governor's proposal. Jerry Pritchard commented in addition to sending the resolution to the legislators, the Township will also need to stay on top of the legislators to see this through. Kristen Lorah Soldridge questioned how many townships are on board with this resolution. Alice Rehrig commented she believes Hanover Township and Moore Township adopted it. She believes Plainfield is considering it. It has been circulated throughout the Valley. Kristen Lorah-Soldridge commented townships should come together on something like this that will impact so many people. The more people that are aware of this and involved with it, the more effective it will be at the State level. All voted aye. Motion carried.

- C. Resolution 2021-9, Resolution for Election Integrity. Cindy Miller wrote this resolution because she feels the local governments are going to need to start pushing back with everything that is going on in the Federal and State Governments. This resolution is mainly to make a point to the County because five of our seven County Council members passed a resolution that was sent to the State Legislators in which they support HR1. HR1 increases the amount of mail in ballots, the amount of drop boxes and additional line items. This resolution is on election integrity for Lehigh Township. She is not sure where this will go, but is asking for the support of the Board by adopting this resolution so she can present this to Northampton County Council and say you did not come to the municipalities and ask how they feel and this is how Lehigh Township feels. The items in the resolution go back prior to the adoption of Act 77 which is what created all the problems with the election laws in Pennsylvania.

Keith Hantz commented he agrees with the overall content of the resolution but has a concern about the line where the Township will not recognize mail in ballots. With the way things are now, he believes there are some people who do like the mail in ballot and without them, they may not be able to get out to vote. Cindy Miller commented they can still use the absentee ballots. The resolution is meant to say, use the absentee ballots like we did in the past. You still could use the absentee ballots. The problem she has with the mail in ballots is the way they are distributed. Her son moved away five years ago and he received mail in ballots and registrations not only from Northampton County, but also mail from Ohio telling him to fill it out and send it to the County. Anyone could have filled it out and mail it in and he is no longer a resident of Northampton County. The companies who are sending the mass mailings of these mail in ballots have no idea who the people are. She fully believes people who are inbound, cannot get to the polls, are away because of work or have another reason they can't get to the polls, should have the right to vote through an absentee ballot. There was nothing wrong with the way elections were done before Act 77. Absentee ballots are one

thing, but mass mailings of mail in ballots is another. You don't know who is sending them out and you don't know who is receiving them and ultimately sending them in to the County. Keith Hantz questioned how you would stop the distributing of the mail in ballots. Cindy Miller commented you get the name of the organization who is mailing them and fine them.

Cindy Miller commented she knows County law takes precedence over the Township when it comes to elections, but the Township has to start speaking up and pushing back. Our County government is not supporting this county. She watched what took place with the last election. It is not bipartisan. There is one party representing the entire election department of the County. They eliminated the bipartisanship last year. There are a lot of elections within our County. This resolution is to make a point and say to the County Council, enough is enough, you need to start talking to the people and listening to what they want.

Attorney Backenstoe commented he appreciates the spirit and content of the resolution. As the Solicitor, he would be remiss if he didn't tell the Board that a lot of the items in the resolution are not enforceable because State law preempts local law for election code. Also, substantial fines as stated in the resolution need to be adopted by ordinance. He is not saying the Board shouldn't pass it, but does want to make them aware that portions may not be enforceable. Cindy Miller commented she is hoping this is a push to other municipalities to start pushing back on the County.

Jerry Pritchard commented there is a drop box in the Court House. An attorney has sued in the courts to get the cameras for the drop box because ballot harvesting is illegal. They wouldn't turn over the footage. They sued and won at the State level and they are still sighting it. Why is the County hiding the footage? Regardless of whether this resolution has any legal value to it, it does tell the County we are on to them.

Paul Nikisher commented common sense needs to be restored. We need to step it up a little bit and get some good decent people to run for offices. He also believes this resolution should be provided to the legislators and ask them for a response. We need to start talking to them and holding them accountable.

Phil Gogel made a motion to approve Resolution 2021-9. Keith Hantz seconded the motion. Linda Roman suggested a petition signed by the residents be added to the resolution. All voted aye. Motion carried.

Kristin Lorah-Soldridge suggest that people start attending the County Council meetings. There are decisions being made and they are not taking the residents of the County into account. The Council votes on their own views, not that of the citizens.

D. Letters of Resignation

1. Jack Wall, Planning Commission. The Board received a letter from Jack Wall resigning his position on the Planning Commission effective immediately. Phil Gogel made a motion to accept the resignation of Jack Wall. Mike Jones seconded the motion. All voted aye. Motion carried. Alice Rehrig noted this position has been advertised and posted on the website.
2. Chip Hazard, Municipal Authority. The Board received a letter from Chip Hazard resigning his position on the Municipal Authority effective June 3, 2021. Mike Jones made a motion to accept the resignation of Chip Hazard. Phil Gogel seconded the motion. Alice Rehrig noted the advertisement for this position will be going into the paper shortly. All voted aye. Motion carried.

E. Awarding of Bids

1. Oil & Chip Project. Two bids were received for this project. The low bidder was Shiffer Bituminous at a price of \$63,453.42. This is for the single chip coating on the shoulders on West Mountain View Drive, Beech Drive, and Walnut Drive. Mike Jones made a motion to award the bid to Shiffer Bituminous in the amount of \$63,453.42. Keith Hantz seconded the motion. All voted aye. Motion carried.
2. Paving Project. There were seven bidders on the paving project. The low bidder was New Enterprise Stone at a price of \$256,968.10. This would be for an overlay on Alder Drive and Birch Road and binder as needed. Mike Jones made a motion to award the bid for the paving project to New Enterprise Stone at a price of \$256,968.10. Phil Gogel seconded the motion. Mike Jones questioned how the bids compared to what was estimated. The overall projects are lower than what was estimated. The oil and chip was higher than expected and the paving was under the estimates. Keith Hantz questioned if we had any experience with the company. Alice Rehrig commented the last time they would have done work in the Township they would have been under Eastern Industries. All voted aye. Motion carried.

- F. Manager's Report. Alice Rehrig received a request from a resident who runs in the Danielsville area. When she runs, she is having problems with traffic while crossing Blue Mountain Drive and Route 946. She is requesting to have the timing adjusted on the light so that it stays all red in each direction for a longer period of time. In order to adjust the timing, we need to submit a request to PennDOT for them to review the timing. If it is permitted, we would then need to contact Signal Services and have them come out to make the adjustment. The Board was not in agreement with adjusting the timing.
- G. Solicitor's Report. Attorney Backenstoe commented the indemnification agreement for the Hills of Greenock has been executed. The Board had met in Executive Session to discuss this as part of potential litigation and approved the agreement. Since the agreement has been signed, the Developer is decommissioning the ponds.

Attorney Backenstoe reported he filed the Injunctive Complaint against Terry Vandling. There were difficulties in getting him served so a private investigator needed to be hired in order to get him served. He has now been served. Since Mr. Vandling did not file and answer within a certain period of time, there was a default judgement against him. He has now filed an additional petition to enforce the judgement. We now have a judgement against him so legally he has been found guilty. In order to have him removed from the property or have the building razed, he needs to take an additional step. He has not filed another petition to get the formal injunction relief. He doesn't know if Mr. Vandling will file an answer to this or not so he talked to the Court Administrator and she suggested he present a motion in Motion Courts this Friday, which he is intending on doing. If Mr. Vandling shows up and says he didn't know or didn't have a lawyer, it would be okay because it was his intention to have it on the non-jury trial for June 28 at which time he would have Liz Gehman, Phil Malitsch, Chris Noll, and possibly someone from DEP or the Conservation District testify. If Mr. Vandling doesn't show up, the judge may very well enter it, if not, then he will file for the non-jury trial on June 28.

- IX. PUBLIC COMMENT. There was no Public Comment.
- X. EXECUTIVE SESSION. The Board went into Executive Session to discuss the MS4 litigation and the Collective Bargaining Agreement. Upon returning from the Executive Session, Mike Jones made a motion to accept the reduced loading of 155,220 pounds for the MS4 permit. Keith Hantz seconded the motion. All voted aye. Motion carried.
- XI. ADJOURN. Mike Jones made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.