

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

September 13, 2022

- I. **CALL TO ORDER.** The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, September 13, 2022, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
 David Hess
 Phil Gogel
 Jerry Pritchard
 Mike Jones
 Attorney David Backenstoe
 Alice Rehrig
 Mike Muffley
 Liz Amato
 Scott Fogel
 Frank Zamadics

Mike Jones made a motion to allow an amendment to the agenda. David Hess seconded the motion. All voted aye. Motion carried.

Mike made a motion to add the Blue Mountain Quarter Midget End of Season Final Race to the agenda as Item E under new business. They are requesting an hour extension on the time limits set in the Nuisance for their last race of the season. David Hess seconded the motion. All voted aye. Motion carried.

II. APPROVAL OF THE MINUTES

- A. Minutes of August 23, 2022. Cindy Miller made a motion to approve these minutes. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 26066 to 26131. Phil Gogel made a motion to approve Checks 26066 through 26131. David Hess seconded the motion. All voted aye. Motion carried.
- B. State Fund Checks 1563 and 1564. David Hess made a motion to approve Checks 1563 and 1564. Cindy Miller seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Plan for Approval

1. Fields at Cottonwood, David Farkas Preliminary/Final Minor Subdivision. Joe Rentko of Black Forest Engineering, and David Farkas were present to represent this plan. Mr. Farkas is proposing a three lot minor subdivision. His son will be constructing a single family dwelling on Lot 1. Lots two and three are not proposed to be built upon at this time. Initially, they were not going to show anything on the lots, but they also didn't want them to be consider non-building lots so they did perform septic testing and infiltration testing to show they are suitable for future building. They have addressed the outstanding engineering items and are waiting on the final review by the Lehigh Valley Planning Commission. When they initially submitted to LVPC, they wouldn't review it without the stormwater being addressed because of the potential for future building on Lots 2 and 3. After several discussions with them, it was agreed that they should do the stormwater testing to demonstrate that there are infiltration capabilities on the lot. The final submission to LVPC took place on August 21 so they should be hearing back from them in the next week or so.

Phil Gogel made a motion to grant this plan conditional approval subject to the outstanding items in the Planning Commission's letter dated July 18, 2022, receiving a favorable review from LVPC, and final review by the Township Engineer. David Hess seconded the motion. Motion carried.

B. Extension of Time for Plan Approval

1. 4209 Lehigh Drive, Bulldog Properties Land Development. Woody Howell was present to represent this plan. The developer provided the Board with an extension of time until December 28, 2022. This plan received conditional plan approval at the July 11, 2022, Planning Commission meeting. They are currently working through the comments from the Sewage Enforcement Officer and need additional time to address them. Cindy Miller made a motion to accept the extension of time until December 31, 2022. David Hess seconded the motion. All voted aye. Motion carried.

C. Extension of Time for Plan Recording

1. Northwoods Lot Line Adjustment. David Lear was present to represent this plan. The developer is requesting an extension of time to record this plan until November 10, 2022. The property is currently in negotiations for the sale of the property. They are waiting for some agreements for the

Northwoods development which are currently being worked on between Attorney Backenstoe, the Engineer, and their Attorney. They also just received the Buckeye approval letter on Friday. This was the final outside agency approval that was needed on the development side of the plan. The developer needs a few more months to finalize all these agreements so they can be signed together. Phil Gogel made a motion to grant an extension of time to record the plan until November 30, 2022. Cindy Miller seconded the motion. All voted aye. Motion carried.

2. LTMA Pennsville Water Booster Station Land Development Plan. The Developer is requesting an extension of time until February 28, 2023, to record the plan. Phil Gogel commented the extension is needed to work out the various agreements that pertain to the site. They need to work out the particulars of who owns what and how things will be allocated. Jerry Pritchard made a motion to grant the extension of time to record this plan until February 28, 2023. David Hess seconded the motion. Cindy Miller, David Hess, Mike Jones, and Jerry Pritchard voted aye. Phil Gogel abstained since he is a member of the Municipal Authority. Motion carried.

- D. Northampton Area School District Release #3. Chris Holler from D'Huey Engineering was present to represent the project. They have completed \$215,603.88 in improvements for which they are requesting a release of escrow. Mike Muffley noted the release amount is a good portion of the remaining escrow funds. \$7,351.80 is being retained in escrow for minor items such as monuments and landscaping. As part of the improvements agreement, they are required to enter into an 18 month maintenance period and retain 15 percent of their project as security. The amount required for the maintenance period plus the \$7,351.80 for the monuments is a total of \$163,840.94. This is the amount of money that will need to be retained in their escrow account. Phil Gogel made a motion to approve Release Request #3 in the amount of \$215,603.88 and retain the required maintenance amount and outstanding improvements in the amount of \$163,840.94, as stated in the Township Engineer's letter dated September 13, 2022. Cindy Miller seconded the motion. All voted aye. Motion carried.

- E. Engineer's Report. Mike Muffley reported there were two plans before the Planning Commission for review at their meeting on September 12, 2022.

Sedler Design/M & U International which is the old Archery Additions Building. There has been a lot of discussion about their stormwater designs and a retaining wall to the rear of the property. They have asked them for more design

information and clarification on some issues. They are also waiting for the stormwater management comments from the LVPC. This plan was tabled.

Riverview Self Storage. There is a self-storage facility geared more towards the storage of recreational vehicles and campers being proposed on vacant land just north of the Sedler Design property. There are approximately 360 units being proposed. The applicant's engineer was not able to attend the meeting so there was limited discussion on the plan and it was tabled until their engineer could be present.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Report. Sandy Hopkins commented she and Alice Rehrig met with two individuals from the Lions Club. When the shed in Berlinsville was refurbished, the Bryfogle sign needed to be removed and they would like to have a new sign installed since they provided the funding. They would like to replace it with a 4' X 6' sign and provided a design of what they would like to do. The sign would be placed on the 248 side of the shed. There was a concern that the sign may be too large for the shed. Sandy Hopkins will be speaking with them again.

Patrick VanderPloeg provided an update on the Community Softball Game. There is a total of 6 teams that will be playing. He has received 70 shirts and has 64 softballs. He has spoken with LTAA and they will not be opening their stand. He has been looking for some type of food trucks to come. So far he has a coffee cart coming. He may have a hot dog and hamburger cart that is willing to come. All that is being asked of the food trucks is that they make a small donation. There is one more meeting that will be held to go over the rules and draw for team match ups. They will be going by score differential since there will be an odd number of teams after the first round. The tournament will not be a cost to the Township. Jerry Pritchard cautioned as you are trying to get a good truck to come out, you need to check what their requirements are. The Rec Board had previously learned that most food trucks require a guaranteed minimum amount of sales and if they don't meet the sales, the Township would be responsible for the balance.

1. Capital Improvements Plan. Alice Rehrig commented the Rec Board hasn't had the opportunity to review the Capital Improvements Plan or the Budget yet since their meeting is not until next week. When she put the numbers together, she included the park signs that are being paid for in part by a grant. Over the past few meetings, one of the goals of the Rec Board is to come up with future layouts of the parks and what may need to be changed. Delps Park would be the one that would require the most

planning. Once the Rec Board decides what they want to see changed, a new site plan will need to be drawn up by an engineer to make sure there is enough parking for the proposed facilities. \$5,000 has been included in the budget for this.

Mike Jones commented he thought the Danielsville Tennis Courts were scheduled to be repaired or replaced in the near future. If the courts are being redone, it may make sense to add pickle ball to the striping on the tennis court. He does see people using the courts all the time.

- B. Public Works Report. Frank Zamadics reported he will be picking up a skid loader and mill to start doing some repairs. He also received a PO number from PennDOT to bill them for the materials needed to repair Municipal Road and Evergreen Road. They will start milling on Municipal and Evergreen on Wednesday. When they do the work on Evergreen, they will be closing the roadway while the crew is working there. Cindy Miller questioned if the piping that is running along Evergreen is the Township's or private. Frank Zamadics commented the piping was installed years ago by the homeowner. Curt Dixon commented he is the homeowner and that piping was temporary to handle the water from PennDOT's pipe. He has since installed a real pipe to handle the stormwater so that pipe is no longer used. Frank Zamadics commented it is within the right of way and they will remove it when they do the shoulders.

Some of the other areas where they will be milling and repairing roads are Cottonwood, Poplar, Cinchona, and several others. He has not yet heard from the contractors as to when they will be doing Indiantrail Road and Cottonwood Road. Cindy Miller questioned if road work will be completed in one day or several days. Frank Zamadics commented they will do the shoulders on Evergreen one day and then put the topping on it the next day. Cindy Miller commented she was concerned about notifying residents. Frank Zamadics commented they only work on one side of the road at a time. They make every attempt to get residents in and out as quickly as they can. The issue with Evergreen is that it is being used as part of the detour which is why they need to close it entirely. Cindy Miller questioned if the roads should be posted on the website with a rough schedule. Frank Zamadics commented most people have been seeing them working in the area and know they are coming. The work will take place over a period of six hours.

1. Road Crew Open Position. When Jon Gula submitted his resignation in June, it was decided that the advertising of the position would be discussed in September in hopes of having a replacement before winter. Mike Jones questioned how long the position is typically advertised.

Alice Rehrig commented she usually runs the ad for two weeks. Cindy Miller made a motion to advertise for a position on the Road Crew. Jerry Pritchard seconded the motion. Paul Nikisher questioned if a CDL would be required. The Board confirmed it would be. All voted aye. Motion carried.

2. Roadside Mower Invoices. Jerry Pritchard requested an explanation of what took place with the mower and was it Frank Zamadics' understanding that it was fixed. Frank Zamadics commented they were called that they could come and pick up the tractor. When the crew got down to Deer Country with the trailer, the employees of Deer Country went to get the tractor were not able to get it to the trailer, so they left the tractor there and the company had to tear it apart again. Initially, they had torn the unit apart, told them they drove it around periodically for two days, made adjustments and everything worked. They also advised the Road Department to not park the tractor on a hill, but that is also what they did. When they called them to pick it up, they were not able to move the tractor and used a forklift and chain to move it, so the men that were picking up the tractor were instructed to leave the tractor there. The tractor was in the shop for another week and they were called that it was repaired and they picked it up. They used the tractor for two days and it locked up again. It wouldn't shift on the console. He used a screw driver to release the cable and the cable broke. He replaced the shifting cable, but he still couldn't move the handle, but when he was laying underneath the tractor he was able to shift it without a problem. He tore the dash apart and when he looked within the shifting quadrant, there was a small cam that had broken ears on both sides so depending upon where it fell when you moved the handle, it would prevent you from shifting. He took the piece out and it has been working good for the past two weeks. The two repair issues were separate issues. The parking issue would surface from time to time depending upon which way it was leaning. The problem with it not coming out of low gear is what it originally went down there for. He saw those parts, and that definitely was a problem, but the problem of it not coming out of park and the breaking of the parking pawl and the new parking gear should be on them. We paid to have them installed the first time and they are the ones who hooked it up to a chain and forklift and it took some pressure to brake that gear and blow the parking pawl apart. They were tugging at it pretty hard. It was more than just rocking it to try to free it.

Jerry Pritchard commented he has a tough time paying additional money for something that they should have fixed. Cindy Miller commented they

should have noticed that the cable needed to be replaced if they were working on the machine. Frank Zamadics commented the braking of the cable could be on him because he did pull on it with a screwdriver trying to release it. His issue is they sold it, built it, they designed, and should know the assembly in the dash better than he did, yet he found the problem. Jerry Pritchard commented he looks at it as sometimes you have a job that goes bad and you have to eat it. This was their job; it went bad. Why should we eat it?

Mike Jones questioned how much was paid on this project. Alice Rehrig commented she paid the \$7,300 that was authorized and the service charge for when they came to the Township to try to make the repair. There is \$2,167 that is owed on the first invoice for the gear issue. The second invoice for the parking problem was reduced down to \$2,651.48. Mike Jones commented the second invoice we definitely should not have been billed for. Frank Zamadics commented he questioned the first invoice because he was told \$7,300. When he received the call with the estimate, he asked them if that was everything, start to finish, and we are done. When he was told he could pick it up, the total was \$2,300 more than what was quoted. He was told the \$7,300 was just an estimate. There were some other complications. Looking at the invoice, the additional cost was from a diagnostic fee, but when he was called, they already knew what it took and it was already apart because he went to look at it before coming to the Board for the \$7,300. At that time, he already knew what time he had in it.

Cindy Miller questioned if we get estimates in writing or do we just take their word for it over the phone? Frank Zamadics commented he was given the estimate over the phone. It may have been followed by an email. Frank Zamadics commented most places send an email and want something signed and sent back so he would typically send them to Alice Rehrig to review. Cindy Miller commented it seems like we should only owe them the \$7,300. David Hess commented he could understand if it was only a few hundred, but not \$5,000 more. Frank Zamadics commented the damages the second time were caused by the pressure of the chain and backhoe. He went down to look at the parts and there was enough pressure to take two teeth out of the parking gear and broke the parking pawl. Then, within 48 hours of using it, he has a situation where the operator parked the tractor to throw some stuff off the road, and it wouldn't come out of park again. Based on the fits the tractor had over the past two or three years, the piece that he found had to have been broken for a long time.

Cindy Miller questioned if the Township has to use the vendor in the future or is there another place we can take the equipment to. Patrick VanderPloeg suggested Blue Mountain Equipment in Kempton. Cindy Miller commented she questioned this because if the Township refuses the payment, they won't want to repair our equipment and she doesn't know that we really want to go back there.

Attorney Backenstoe commented based on what he has heard this evening, he doesn't believe the second invoice should be paid. He believes it would be legally appropriate. Mike Jones questioned if there is a legitimate estimate for the initial repair, is the Township responsible for the additional balance on the first invoice. Alice Rehrig commented the estimate was given verbally. She also spoke with Jason at Deer Country. He indicated to her that they do not give written quotes. Their estimates are their best guess until they have the machinery taken apart and truly know what the problem is.

Cindy Miller commented the Township's position should be they do accept verbal estimates and we accepted the estimate of \$7,300; this is what was voted on. By law, the Township should be receiving three estimates. If they are the only one in town, then that is what we go by. In the future, our stance should be that we need a written estimate.

Attorney Backenstoe commented if the Board is inclined to give them the benefit of doubt that when they went to fix the machine, it required more time and parts than they initially thought, it would be appropriate to pay the balance of the first invoice. It is the second invoice that is really the issue. If the machine was not properly fixed, they shouldn't have called you to pick it up and there shouldn't be two separate invoices. It should have been all inclusive. If the Board only wants to pay the \$7,300, it would be appropriate, but you could end up at the magistrate.

Jerry Pritchard commented he believes a precedence should be set that we do not move forward with repairs unless we have paperwork. If we had the right documentation, it would be \$7,300 and it would be over. Attorney Backenstoe commented it may not always be possible to analyze the problem in its entirety when an initial estimate is given. Mike Jones commented he has a problem with the fact that the tractor was torn apart in their shop when they gave the estimate. They should have been able to be more accurate because they should have known what the problem was.

Frank Zamadics noted that there are two different issues associated with the tractor. The first issue was not being able to get it out of low range. The second issue was with it being stuck in park. When Deer Country went out and started tugging at the tractor with a chain and backhoe, they already knew that the mechanism for shifting was an item that was obsolete. He would have thought they looked at it a little harder and realized that the two tabs were broken which is what created the problem.

Phil Gogel commented we should only pay the \$7,300 and send them a letter indicating that after speaking with Frank Zamadics, we don't owe anything additional and consider it to be paid in full. Jerry Pritchard commented they will most likely take us to court on this. Cindy Miller noted the Township will have court fees on top of the cost of the invoices. Attorney Backenstoe commented if the balance is paid on the first invoice, he doesn't believe they would come after the Township for the second invoice.

Frank Zamadics commented he will be going down there one last time to show them the piece that he found and what was wrong with the parking mechanism.

Barry Haydt commented before you pay the balance on the invoice, you are going to want them to accept it as payment in full. If you are going to go to court for the \$2,600 on the second invoice, you might as well go for the full amount.

Jerry Pritchard suggested we send them a letter indicating that we are disputing the bill and see what they come back with. Alice Rehrig commented she already sent them a letter disputing the total balance which is what prompted the email from Jason at Deer Country to be written. She suggested doing another letter indicating that this matter was discussed with the Board and the \$7,300 was the appropriate amount based on the fact that the tractor was already torn apart when the estimate was given and have Frank Zamadics take it with him when he takes the part down and see where it goes. If they insist on payment, we can then come back with we will pay the first invoice, but not the second invoice. The Board agreed with this.

Leo Livengood commented he has had the same dealings with Deer Country and having to take the machines back because they didn't work. The bills would be two to three times what the estimate was that he was given. When he would complain, they would knock off a couple of bucks.

He has been doing business with them for years, but it has gotten to the point where they will no longer allow him to take the equipment from the shop without giving them payment for the invoice. It is not the way it was when the company was Lehigh Ag. It is altogether different now that it is Deer Country.

3. Capital Improvement Plan. The items that are being considered for the 2023 Budget are a line painter, skid loader, a small trucks. The final plan needs to be revised because of the cost increases associated with the trucks. Phil Gogel questioned if the skid steer loader would include the miller. Alice Rehrig commented there were several attachments planned with the skid loader. Depending on the final plan, something may need to be cut back. Initially, in 2022 we were looking on replacing the 2 pickups plus the F550, but we ended up replacing the engine in the F550 and the costs of the trucks have increased significantly.

Mike Jones questioned if the truck with the replacement engine has been received. Frank Zamadics commented it hasn't been returned yet. They ran into a problem where the main hydraulic hose broke which made it that they couldn't raise the body to gain access to the hood. They are hoping it will be received by the end of this week.

Cindy Miller questioned if there was going to be a special meeting or would we be starting meetings earlier. Alice Rehrig commented she was going to suggest starting at 6 PM for the next meeting and go through the budget and capital improvements plan.

- C. Zoning Report. Liz Amato reported there were 39 new permit applications received in August; 44 permits were issued.

At the August Zoning Hearing Board, two cases were continued to October. One was for the Bill Jones lot on Municipal, another was a rear yard setback for a new home. There were some neighbors that were concerned with only a five foot rear yard, so they were going to look at it and try to revise things for October. The third application was for Car Doc on East Valley Drive where they needed zoning relief to use the lot across the street from them as an overflow lot for parking. This application was approved with conditions. They will next be going back to Planning.

There were three zoning hearings in September. One was for Sal Melo requesting to use an existing foundation of a home he tore down which didn't meet setbacks. This request was granted. The second hearing was a use variance for Sinergy AG

to build a self- storage facility on the old Sheckler property on Mountain View Drive. This application was denied. The third application was for an accessory apartment on Cypress Road. This application was approved.

In October, there are currently three hearings, although the application deadline is not until Thursday. The two that were continued from August plus Todd Dreisbach which is for setback relief to rebuild a home that was destroyed by fire.

She received 11 new complaints in August and has two court cases this week for complaints where citations were issued. She also has a county court case on the 26th where the defendants have been cited over and over without compliance and appealed the decision of the Magistrate.

Mike Jones questioned the large billboard that Sal Melo has on his barn. Liz Amato commented she had a conversation with Mr. Melo, and he told her it was not a billboard. It is a tarp keeping the weather out of his barn. She told him he needed to take the letters off the tarp. She will send a follow up letter.

1. UCC Appeals Board Solicitor. Mr. Jaindl has submitted an application to the UCC Board of appeals. He is asking for relief from decking access for their pool. It will have an infinity edge on it. The code requires 90 percent of pool access have decking. The infinity edge will take them down to 72 percent. The hearing is scheduled for October 6. This will be the first UCC Appeals Board hearing and they are in need of a solicitor. Attorney Backenstoe suggested Attorney Neil Ettinger since he serves in this capacity for two other Township so he does have experience in this area. Attorney Backenstoe can't serve as the UCC Board of Appeals Solicitor since he would be representing Liz Amato as the BCO.

Attorney Backenstoe commented this is very similar to the Zoning Hearing Board, only in this case, the applicant is requesting relief from the Building Codes rather than the zoning ordinance. The appeals Board will need legal representation because they will have to write up some type of decision after the hearing. Since there was not a lot of time to find a solicitor, he took it upon himself to contact Attorney Ettinger since he serves as the Zoning Hearing Board Solicitor and has also served as Solicitor for other UCC Appeals Boards. He thought this would be a nice fit, at least for this hearing. Attorney Backenstoe commented the rate would be the same as the Zoning Hearing Board. If the Board wants to do something different for the future, they can.

Cindy Miller commented they are appealing for relief from the State Building Code. They would actually need this relief regardless of where they were building. Liz Amato commented that is correct. They do have the right to ask for relief from the UCC. Cindy Miller questioned if we are now going to be getting more people coming in with these requests. Liz Amato noted this is the first appeal since the codes have been in effect. She also knows that Mr. Jaindl will most likely be coming in with an additional request. There is another option that people can take which is a document review option where they just hand in paperwork, the Board reviews it and determines if they are okay with what is being proposed and then she would write up the decision. Applicants can do this type of process or opt for a hearing. Depending upon how things go with this hearing, they may opt for the document review option in the future. With the hearing, they will be required to pay a \$750 fee to cover the expenses of the advertising, stenographer, and administration.

David Hess made a motion to appoint Attorney Neil Ettinger as the Solicitor for the UCC Board of Appeals for the hearing on October 6, 2022, at the same rate as he is paid for the Zoning Hearing Board. Cindy Miller seconded the motion. All voted aye. Motion carried.

- D. Police Report. Chief Fogel reported there has been a spike in the traffic enforcement over the past month, mainly because of the traffic detour issues. He believes the department has issued roughly 120 citations and warnings in this area since the detour has been set up. He knows the detour is inconvenient and people are not necessarily following the posted detour and everyone is frustrated, but he stressed that people within the detour area should not take matters into their own hands for their safety. It also creates traffic issues. There was a situation this past week where someone blocked trucks from going on a road and it created a 30 to 40 car backup. Someone could get arrested for blocking a roadway.

The speed study for West Walker Road is not complete as far as the written report. The roadway is currently unposted, making it a 55 mile per hour speed limit. The data collection from the timing that took place was for 1,000 vehicles in an 11 day stretch going in both directions. The 85th percentile for vehicles traveling from Cottonwood Road into Moore Township was 23.7 miles per hour. The 85th percentile of the vehicles traveling from Moore Township towards Cottonwood Road was 27.6 miles per hour. These speeds are in line with what Moore Township has posted at 30 miles per hour. He would recommend the speed limit in Lehigh Township also be posted at 30 miles per hour. It is a short

stretch of roadway with limited sight distance at the hump in the road and the roadway is only 21 feet wide. It would be best to keep it in line with what is posted in Moore Township.

On Saturday is the K-9 5K and Dog Walk at Delps Park starting at 9:00 a.m. There will be a K-9 demonstration and some other activities. There will also be a Movie in the Park on October 7 at Danielsville Park. They will be showing Minions, the Rise of Gru. There will be food, drink and some handouts.

1. Capital Improvements Plan. Based on the current plan, the following items have been included in the budget: two pocket jet printers, shredder, desk printer, two or three chairs for the squad room, a car and camera, five body cameras, the replacement of a man door at the building which would be coordinated with the access control project, and continued savings for digital radios, and replacing the Department sign because the letters are starting to come off. The Department is currently having issues with two of the radios in the patrol cars. In trying to correct the problem, they would start by replacing components such as antennas and microphones, but the budget is allowing for the replacement of two radios if necessary.

Cindy Miller questioned if we have heard from the County as to what their plan is for the radios. Chief Fogel commented he has a County Police Chief meeting on Wednesday and he may hear more information.

Alice Rehrig noted the cost of the car is just a guess at this point. The pricing on the Ford vehicles is available and has increased between \$6,000 and \$9,000. The Dodge Charger pricing will not be available until next month. This will be the last year that the Chargers are available. Chief Fogel commented the vehicle that is being replaced is a Charger so it would make sense to replace it with another Charger.

Chief Fogel commented as the Board is aware, there are two police vehicles with high mileage. One of the patrol vehicles has 140,000 mile and the vehicle he is driving has 160,000 miles. He just learned that there is a 2015 Charger on Municibid that appears to be in good condition. It had the motor and transmission replaced and there is no know problems with the vehicle and inspected through the end of the year. The mileage on the car is 74,000. The starting bid price is \$11,000 and scheduled to be bid on September 14. Alice Rehrig commented she reviewed the Capital Improvements plan and what effect this vehicle would have on it. If this vehicle is purchased now, it would need to be done through contingency since this is not something that was anticipated. Going forward, we would

still need a vehicle in 2023 because there still is another vehicle with high mileage. By adjusting the plan, a vehicle could be eliminated in 2024 and 2025. Because of the vehicle issues that have occurred over the last year, the plan needs to be readjusted regardless and she has been working to try to eliminate the need for purchasing two vehicles in one year. With this used vehicle, we can avoid needing to purchase a vehicle in 2024 and 2025. The one vehicle would need to be pushed out by a year, but it is very low in mileage because it hasn't been driven because it has been out of service because of the fire in the trunk. Chief Fogel commented they are waiting on panels from the factory. Alice Rehrig noted that with these adjustments we would be back on track for replacing one vehicle per year, assuming there are no other unforeseen issues. The years when we are not purchasing a vehicle, we could put money aside for when the pickup truck needs to be replaced so that there is not as much of a hit in the budget because of the rising costs. Chief Fogel commented when the vehicles coming out of service are sold, the money could go back into contingency. Phil Gogel commented he would agree with this because it would hopefully buy the time for pricing to stabilize or come down. David Hess made a motion to authorize Alice Rehrig to bid up to \$12,500 for this vehicle on Municibid. Jerry Pritchard seconded the motion. Chief Fogel noted the vehicle is equipped excepted for the radio and computer. All voted aye. Motion carried.

- E. Fire Company. Rick Hildebrand was present to update the Board on some of technical issues the Fire Company has been experiencing. The ladder truck is currently out of service because it is consuming more antifreeze than they feel comfortable for driving. He stopped at Engine's Inc to try to get more concrete coat estimates. They gave him a ballpark estimate of \$50,000 to \$60,000, if they are able to find the parts. They received some other proposals from other private, non incorporated facilities, but you are taking a chance. They are starting to question if they should continue to put money into the truck if it is on a two year replacement. The problem with not repairing the truck is that they just invested \$30,000 in it the within the last 12 months. They would be losing that money. The only problem with the truck is the engine. They just passed hose pump, ladder and aerial testing in it based on NFPA standards. The Fire Company wanted to make the Board aware of where they are at. They haven't decided which way they want to go with this, but it is possible that it may just remain out of service.

The pumper engine is a 1998 and we keep kicking that replacement further down the road. That truck periodically goes out of service with breakdowns. When that

happens, they do not have an attack engine. The new pickup truck they are getting through the FEMA grant does not even have a build date assigned to it from Ford so there is no backup engine coming. Once there is a chassis, there will probably be an 18 month build period for the body. They are starting to go down a slippery slope and it all equals big dollars for the apparatus.

Cindy Miller questioned what the priority would be, a ladder truck or the engine because the Township cannot do both. Rick Hildebrand commented the ladder truck remains the priority. They have begun working with a vendor to develop specs so that they can remove any proprietary specs and it can be given to all vendors to bid to see where they come in with pricing. There was a town in Massachusetts where they ordered a truck and the manufacturer came back to them and said there would be an additional cost of \$225,000 because of all the upcharges they have been experiencing during the build time. Without the extra payment, they won't build the truck.

Mike Jones questioned if the Fire Company still had the loaner truck he saw at the station. Rick Hildebrand commented it wasn't a loaner truck. One of their guys is a salesman and he had a demo that was here for the parade and kept it extra because they wanted to be able to fly the flag at the quarter midget track. He has also been showing it in other communities. Loaner firetruck are very hard to come by.

Jerry Pritchard questioned how often the ladder truck is used. Rick Hildebrand commented they would take it out for any residential house fire, structure Fire or unknown type of fire. They also assist neighboring departments like they would assist the Township during a house fire. He can provide statistics in his next quarterly report. The truck has seen a lot of work since they purchased it used several years ago. It was a good solid unit.

1. Capital Improvements Plan. Rick Hildebrand commented the further things get pushed down the road in the plan, the harder and harder it is because when they break down, they are not cheap to repair. Pushing equipment to 30 years can become expensive and there can be part availability issues.

Alice Rehrig noted if the Township contributes \$200,000 in 2023, 2024, and 2025, the ladder truck could be replaced in 2025 if there was a 2% loan taken from the State in the amount of \$350,000 and an additional \$150,000 lease based on the \$1.4 million. The 15 year state loan and a 5 year lease were figured into the Capital Improvements Plan. The plan does not have a lot of room for any type of surprises.

Rick Hildebrand commented when they came up with the values for the equipment replacement, it was pretty much a guess. They have no idea where it is going to come back at until they get the specs completed and proposals returned back to them. These numbers were generated in the midst of the pricing going crazy. Hopefully, things have stabilized, but it may also not be a realistic number. There is also another vehicle that is coming up that will be 30 years old that will need to be replaced. When you have a plan that is cut to the line, it is hard to adjust for cost influxes and everything that goes with it. Cindy Miller commented she believes the Township is doing everything it can at this point. We started with a truck that was \$800,000 and now the vehicles are being flipped and the Township is playing catch up trying to meet this. She is hoping it doesn't come in higher than the \$1.4 or \$1.5 million because she doesn't know if the Township can give more than \$200,000 per year plus everything else. The Township is applying for a grant that we hope we will get, but even with that, it is not giving us much of a buffer. There won't be that much extra, especially if you are talking about a loan and a lease.

Cindy Miller commented the Township was initially contributing \$150,000 each year and now we are looking at contributing \$200,000 each year. She is hearing that the truck may come in higher than the \$1.4 million, but depending upon how high it gets, we may not be able to move forward. We are doing the best we can. Rick Hildebrand commented he understands. All of their fundraising right now is going to the repairs of the equipment; they really are not able to get ahead. They are running at the line as well with these large repairs that keep coming up.

Cindy Miller commented she knows the issue of a fire tax keeps coming up, but the Township is almost contributing an amount that is equal to one mill. She wants everyone to realize that we are doing this without having to implement another tax. That is what they are trying to avoid if they can as long as they can. She doesn't know how long they will be able to do this, but they are trying. She has been advised that if you don't have to have a fire tax, don't do it.

Linda Roman questioned if there is anything that can be sold to help offset the costs of the equipment. Mike Jones commented they would sell the old piece of equipment and put that money back into the pot. Other than that, they would have to sell property. Rick Hildebrand commented years ago when bingo dried up, they were fortunate enough to be able to purchase the property across the street from and next to the Fire Company, fix it up and rent it out. This replaces the fundraising money they lost from bingo. If you sell the property, they lose the fundraising and it would be hard to substitute it with another fundraiser because people are tapped right now. Other fire departments' raffles are starting to suffer. Their raffles are one of their biggest fundraisers. How else do you generate

revenue to support these kinds of expenses? Linda Roman commented this is everywhere, not just the Township and Fire Company. It's individuals too. We are all feeling the pressure of everything going up and up and nothing going down. People on a fixed income do not have any more.

VI. OLD BUSINESS

- A. Cherryville Intersection. Jim Milot is still waiting on numbers from the contractor. She did tell him this needs to get moving before the end of the year.

Attorney Backenstoe commented he has prepared the various agreements and they are waiting for Turkey Hill to prepare their cost estimates to the satisfaction of the Township engineer.

- B. Maintenance Building. No updates have been received on the grant applications. Paul Nikisher questioned if the Township is receiving estimates on the building. Mike Jones commented everything is currently on hold because of the costs. Cindy Miller commented the Township has applied for grants and if we are successful, we will be able to move forward with the building.

- C. Ranges/Chapter 170 Amendments. Alice Rehrig provided the Board with a draft of proposed changes to Chapter 170 of the Codified Ordinances. She is looking for input from the Board as to whether they are in agreement with the concepts of the changes. The proposed draft would eliminate permitting of ranges and also require a minimum of one acre and that the ranges would need to be 500 feet away from an occupied structure. There were also some definitions added to the ordinance.

Attorney Backenstoe commented the ranges have been broken into three categories: personal shooting ranges, private or public shooting ranges. The private or public shooting ranges are a business and can be regulated by zoning to a point. Ultimately, the Township will have to make a decision whether or not they want to regulate personal shooting ranges. The current provisions of the ordinance are no longer appropriate. The current ordinance allows personal shooting ranges as long as the Chief of Police inspects it and approves it. There is no objective criteria that the Chief would follow and the Township is taking on some liability in that they are issuing a permit and if someone were hurt or killed, the Township would most likely become a defendant because they issued the permit. If the Township is not going to regulate them with some type of subjective criteria, Alice Rehrig has the right idea with the proposed draft of the ordinance. If the Township wants to regulate them, they can, but it is difficult. You need to show through some objective criteria that you have an appropriate lot size, minimum setback criteria, safety requirements as far as backstops being built

in accordance with a particular standard, the position of the shooting range, and possibly an engineering study in conjunction with the NRA standards, you probably could get away with having an ordinance. You would also need to determine who would inspect the ordinance. You would need to either go all in and have the best objective criteria you can so if you do get sued you can explain how you did everything you could or you don't regulate the ranges. He doesn't really see that there is an in between, and that is what we currently have.

Phil Gogel commented a one acre lot size seems small. A resident noted that 500 feet also seems to be short. If someone is shooting 500 feet from your house and pointing the gun in your direction, you are going to get shot. That is what happened to their home. Barry Haydt commented you could still get shot if you are a quarter mile away. The resident commented he is more concerned about a range that was already approved and is grandfathered in. He would hope that if the Board approved something, they can also repeal something. Attorney Backenstoe commented that is not necessarily the case. The courts are not clear on that.

Chief Fogel commented in this particular case the resident had two bullet holes into their home and one into their vehicle. This was down range from a range that was approved many years ago by a former range instructor. The range had not been used for a period of time and has eroded over time to some extent and probably was not built for what the current owner is using it for. There also was another similar situation over on Timberline Road where someone ended up with bullet holes in their vehicle while they were standing outside in the general area. He would also agree with Phil Gogel that one acre is small in size. He would think five acres would be more appropriate but is not sure if that can be done. His concerns with the ranges are that he doesn't feel the Township should be liable for issuing the permits and also that common sense doesn't always run throughout everyone. Attorney Backenstoe noted unsafely discharging a weapon is a criminal act and someone could be charged for that. You are responsible for where the bullet lands whether or not you have an approved range. Carelessly shooting a weapon has nothing to do with whether or not a township regulates a shooting range. The resident commented the shooting range is into a hillside but people are walking along the hillside, fishing in the creek, and it is not safe. She has also found two dead sheep in her pasture; she never thought they could have been shot, but now she has two bullet holes into her home and her truck. Who will be responsible for that? Attorney Backenstoe commented the person who shot the firearm is criminally responsible for their actions, regardless of a Township ordinance. The resident commented he wants to make sure there is enough backing from the Township or the Police Department to do something if his neighbor starts carelessly shooting again. Mike Jones commented regardless

if there is or isn't an approved range, the bullets shouldn't be leaving the backstop or range. Attorney Backenstoe commented if the Police can determine where the bullets came from, the individual can be prosecuted.

Attorney Backenstoe commented at some point, the Board will need to make the determination of which way they want to go. Do they want to go all in and regulate the ranges and if so, he and Alice Rehrig will work to develop a comprehensive ordinance with very specific and detailed criteria. The other option the Board would have would be to repeal their current ordinance and not regulate ranges at all and let the Police prosecute when people discharge firearms illegally.

Phil Gogel suggested something be added that the homeowners need to have insurance if they have a range.

A five acre minimum was again suggested. Attorney Backenstoe commented he is not sure if the five acres would be upheld if it were challenged in court. You would need to defend what standard you used for using the 5 acres as a minimum.

Cindy Miller commented the ordinance has the same standards for guns and bow and arrow. A five acre minimum for a bow and arrow seems to be excessive.

Marc Kerscmar commented he believes the one acre is too small. A responsible gun owner should recognize that. Perhaps using the same criteria as what the Game Commission uses for hunting would work. If you leave it too subjective, you could have someone shooting at a piece of plywood on a stick.

Mike Jones commented a hunting safety zone is 150 yards from someone's house; you are able to hunt closer to your own home. Bow and arrow is 75 yards.

Attorney Backenstoe and Alice Rehrig will work on revisions to the draft ordinance that was presented using the 150 yards from a third party dwelling for guns and 75 yards from a third party dwelling for bow and arrow.

VII. NEW BUSINESS

- A. Northern Lehigh Multi-Municipal Comprehensive Plan. The plan was provided to the Township as a courtesy since the Township is an adjoining municipality. As an adjoining Municipality, the Township has the right to offer comments if they choose. Cindy Miller commented the Planning Commission discussed this at their meeting and feel it doesn't really impact Lehigh Township.

- B. 2023 Budget. Alice Rehrig suggested the Board meet at 6:00 p.m. for the next meeting to start going through the budget in greater detail. If the Board doesn't have any questions about what she prepared, she will continue working on refining the budget. She doesn't have the pension MMOs included in the first draft of the budget. She will have them prepared for the next meeting. If there are any questions or if the Board wants more information on anything within the budget, let her know and she will provide the information at the next meeting. She will not have the final medical insurance and workers compensation insurance information until sometime in October. The operational expenses of the Township are currently being met, but the capital is becoming more difficult to meet.

Alice Rehrig will also need to continue working with the Chief and Frank Zamadics on their portion of the Capital Improvements Plan. She also noted that she included projects at the end of each departments portion of the plan that had not been previously included, but were discussed at some point. Some of these items are associated with grant submissions. Once it is known if there will be grant funding, she will incorporate that into the budget.

- C. Manager's Report. In addition to the information in her written report, Alice Rehrig received an email from Bob Prophet from PennDOT. They are looking to start doing the Route 248 and 145 and Route 248 and Route 873 traffic signal upgrades in the summer/fall of next year. As part of that project, we will need to adopt a resolution and an operation and maintenance agreement with PennDOT because we will be the ultimate owners of the traffic signal. She will place this on the next meeting agenda.

The culvert for the Cinchona Road project will be delivered on September 16. It is expected that it will be installed within the next two weeks and should be substantially complete by the end of October.

PennDOT will be providing the material to provide Municipal Road with a 2 inch overlay and a 3 inch base coat for five foot shoulders along Evergreen Road.

- D. Solicitor's Report. Attorney Backenstoe did not have anything additional to report.
- E. Blue Mountain Quarter Midget End of Season Final Race. Mike Jones received a call from the Blue Mountain Quarter Midgets regarding their final race of the year. The race is scheduled for September 23 with a rain date of September 30. Normally, they run a few heats and all features. For the last race of the year, they

want to be able to have all the kids run and heat and a feature. They believe they will be able to complete everything before 11:00 p.m., but are requesting an hour extension if it is necessary so that they can complete the races without being fined. David Hess commented he appreciates that they came to the Board with the request and made a motion to approve the extension of the noise ordinance to midnight on their final race of the 2022 season on September 23 or on their rain date. Cindy Miller seconded the motion. All voted aye. Motion carried.

- VIII. PUBLIC COMMENT. Paul Nikisher commented he would strongly urge and recommend people who want to shoot to join a gun club. It is much safer.

Paul Nikisher questioned if there is anything happening with the K-mart Building. Cindy Miller commented the building was sold and the Township is waiting to hear what is actually going in the building. From what she has heard, it will not be retail.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss matters of pending litigation and personnel. Upon returning from the Executive Session, the Chairman announced they discussed a matter of potential litigation and a personnel matter. With regard to the personnel matter, the Board will be taking action. Cindy Miller made a motion to suspend Employee #209 for a period of 3 days for violation of the code of conduct. The Chief is ordered to schedule the days so as to not interfere with the operations of the department and to not cause overtime. Jerry Pritchard seconded the motion. Cindy Miller, Jerry Pritchard, Mike Jones, and David Hess voted aye. Phil Gogel was opposed. Motion carried

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