

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

February 14, 2023

- I. **CALL TO ORDER.** The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, February 14, 2023, 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
Jim Milot
Liz Amato
Frank Zamadics
Scott Fogel

II. **APPROVAL OF THE MINUTES**

- A. Minutes of January 24, 2023. David Hess made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. **APPROVAL OF BILLS.**

- A. General Fund Checks 26484 to 26546. Cindy Miller made a motion to approve the bills. Phil Gogel seconded the motion. Cindy Miller questioned Check 26495 that was paid to H & K Contractors for the Cherryville Intersection. Alice Rehrig commented it was the check that corresponds to Payment Request 4 which was approved at the last meeting. Jim Milot commented the balance that remains due to the contractor is the retainage. David Hess questioned the two checks to Horwith Trucks for the 2004 Freightliner and how much trouble we were having with the truck since the checks were about a month apart. Frank Zamadics commented there were two issues with the trucks that have now been resolved. All voted aye. Motion carried.

IV. **PLANNING RELATED ITEMS**

- A. Plan for Approval
1. Sedler Design & Redevelopment, LLC./Young & Empire Property Management Land Development. Joe Sedler was present to represent the plan. Mr. Sedler commented he was looking for conditional approval of the plan as there are a few items that need to be completed. Jim Milot noted there would need to be an improvement agreement and security which would include the drainage

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improvements because they are for the benefit of the public because they are to control stormwater management. Jim Milot also noted that Mike Muffley has issued a supplemental letter dated February 2, 2023, which builds upon the December letter which the Planning Commission conditional approval was based upon. Mr. Sedler noted they are still working through PennDOT.

Phil Gogel made a motion to grant a waiver of SADLO Section 147-17.E.7.(a) as approved by PennDOT and Section 87.2.F.4(b) as recommended in the December 19, 2022, letter from Hanover Engineering. David Hess seconded the motion. All voted aye. Motion carried.

Cindy Miller made a motion to grant the deferral as recommended by the Planning Commission at their December 12, 2022, meeting. David Hess seconded the motion. All voted aye. Motion carried.

Phil Gogel made a motion to grant this plan conditional approval subject to the outstanding items in the Township Engineer's letter dated December 19, 2022, the Planning Commission's letter dated January 3, 2023, the applicant obtaining any and all third party approvals prior to the recording of the plan, and the applicant entering into a developers agreement and posting appropriate financial security. David Hess seconded the motion. All voted aye. Motion carried.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Recreation Board. Sandy Hopkins commented the Recreation Board will be looking at all the parks to determine what additional improvements or development may be needed at the parks.

They will also be looking into additional community activities or events to involve the community to bring them together.

- B. Public Works Report. Frank Zamadics reported the Department has been taking advantage of the mild weather and has placed the field conditioner on the fields at Danielsville and Berlinsville Park. They did work the field at Indiantrail Park, but did not add conditioner since it is not known if the field will be used.

The 2004 Freightliner is at Horwith Trucks to diagnose a shifting problem. So far, they haven't been able to determine the problem. The service writer indicated that it is difficult to get tech support and parts because of the age of the truck.

They would like to start doing some drainage work on Cottonwood Road and are looking into the pricing of the pipe. He would like to see the remainder of Cottonwood Road as the road project for the year.

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Jerry Pritchard noted the home plate tarp was picked up by the wind and is up against the fence.

Phil Gogel commented he noticed the Christmas Tree was still up at the park. Frank Zamadics commented they disconnected the lights, but didn't trust backing the truck in because of how soft the ground is.

Jerry Pritchard questioned if there were any plans for the replacement of the burned out field lights. Frank Zamadics commented he is getting pricing on the bulbs and ballasts from Dennis Beck.

- C. Zoning Report. Liz Amato reported there were 26 permits issued in January along with a few new complaints. She and Attorney Backenstoe have two hearings that will be coming up. One is at the Magistrate and the other is in County Court.

There were two cases at the Zoning Hearing Board last week. One was for an appeal to a notice of violation which was upheld by the Zoning Hearing Board. The second was for setback relief on an undersized lot which was denied.

The Conditional Use Hearing on the principal solar system will be tomorrow at 6:00 p.m.

The Planning Commission revised proposed definitions for work truck and work trailer which will need to be incorporated into the landscape business ordinance. The definitions were provided to the Board. The complete ordinance will be before the Board for review and authorization to re-advertise the ordinance. Phil Gogel commented he likes the way the definitions are written. They seem to be fair for people who fall into this category.

- D. Police Report. Chief Fogel reported crashes still continue to be down. The Department has been continuing with traffic enforcement. They have received some complaints regarding traffic in the Blue Mountain/Mountain View drive area and will continue to watch the area as they are able.

Bill Michael of Dataworks Plus was present to provide some additional information regarding the grant which was recently received by the Police Department for software development. The funding was received through the Pennsylvania Commission on Crime and Delinquency. The grant program is very competitive and requires a lot of effort. The current records management system has been designated as end of life and would require the Department to purchase a new system which

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through that current company could cost anywhere from several thousands of dollars to a hundred thousand dollars. There are 1,300 police agencies in Pennsylvania. 422 of those agencies applied for funding. 320 agencies were awarded funding, but less than 250 agencies received the full amount of what was being requested. The Chief applied for and received \$378,000 in grant funding. When PCCD reviews the grant requests, they look at a number of items. They want to know what the agency is about and will they be able to use the funding wisely. The PLEAC accreditation program helps demonstrate this to PCCD because it means that the Department has shown that they are doing things by the book and have modern current policies and procedures and are acting accordingly. Another area PCCD looks at is the grant request itself. Some agencies hire consultants or employ grant writers to do the grant. In this case, the Chief wrote the grant himself. The grant funding will not only cover the cost of replacing the RMS system, including initial costs of data conversion and implementation plus another five years of system maintenance. In addition to this, the software that the Department will be switching to is a web based product that will be able to do almost everything that is needed for what they do. It will be able to handle all the calls, the investigations, crashes, evidence, and arrests. There are 90 other agencies using this for a total of 1,500 users. Because of the improvements they are making to their product through this grant, all these other agencies will be able to benefit. All the other agencies will be able to share the information within the system which is important for policing because criminals do not remain within one jurisdiction. The software development will mean that police will be spending less time putting duplicate data into the computer and more time on policing. Mr. Michael is also a resident of Lehigh Township and as a resident he is pleased to see that someone took the initiative to be fiscally responsible instead of asking for more money and get in front of this which will improve public safety and fiscally benefit the Townships budget and taxpayers.

Chief Fogel also reported that their 2013 Dodge Charger is ready to be placed for sale on Municibid.

Jerry Pritchard wanted to thank the Department for the assistance they gave when the ambulance had to be called for his mother.

- E. Municipal Authority. Phil Gogel commented he spoke with Carl Sharpe and the Authority feels that if the Board wants a representative at the meeting, a formal letter should be sent requesting their attendance. There really is nothing going on. They are working out the final details on the agreement with Mr. Jaindl for the new sewer plant. They were at Planning last evening and there was discussion on the volume of the plant and the capacity for the Pennsville area. The activities of the Municipal Authority are not fast paced. As an independent agency of the Township, they are

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requesting a formal letter be sent requesting their attendance; they feel it is only right. They don't require any funding from the Township, although the Township would be needed to sign for loans. Beyond that the Municipal Authority is its sole entity; they pay their own bills. It all comes out of the revenue generated from the water and sewer fees. It is different than the other boards within the Township. Jerry Pritchard questioned if all else fails, would the Township end up owning it? Attorney Backenstoe commented the Authority is actually not an entity of the Township, but an entity of the State and has very different proprietary interests. Although the Township may establish an authority, once it comes into being, it is no longer an entity of the Township. Cindy Miller questioned what would happen if the Authority defaulted on a loan. Attorney Backenstoe commented if the Township signed as a guarantor of the loan, they would be responsible for repayment of the loan, but the Township still would not own the Authority. Phil Gogel commented there is sufficient revenue coming in to keep the Authority solvent. The sewer side is running in the black now and generating revenue. The water side still has an outstanding loan, but is doing okay. The Authority is a well-run group of people.

- F. Engineer's Report. The Planning Commission reviewed the Wasko mini warehouse and took action to make recommendations to the Zoning Hearing Board. They also submitted a time extension which will be before the Board next month.

They also reviewed the Municipal Authority plan and an overview of how the existing plant will be revised and how the new plant will integrate in and the effect it will have on Indiantrail Park. The Planning Commission did act on a few waivers relating to stormwater management and then tabled the plan for their consultant to make corrections to the plan. Linda Roman questioned what the waivers were. Jim Milot commented one of the waivers pertained to the slope of the basin. Linda Roman questioned the particulars of the plant that will be installed. She was directed to the Municipal Authority for additional information. She also questioned how much of the park will be going to the Authority. Phil Gogel commented the Township is giving the Municipal Authority one acre and Jaindl Land Development will give the Township \$40,000. There was an agreement established between all the parties.

VI. OLD BUSINESS

- A. Cherryville Intersection. Jim Milot reported the contractors have done some remediation work at the intersection over the past month. PennDOT has questioned the pedestrian ramp from an accessibility standpoint on the Bodish side of the intersection. PennDOT and the contractor have reached an agreement on how to fix that. The contractor should be done with the project by the next meeting. They will need to go back out and saw cut out the detectable warning surface (DWS). PennDOT was not happy with the DWS because it was about eight to ten inches short

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and PennDOT regulations require it to be the full width of the curb cut area. Jim Milot is planning on having all the close out paperwork for the Board for their next meeting.

A notice was also received from Lehigh Engineering that they have a conditional approval from PennDOT for the Turkey Hill project. Based upon that, Alice Rehrig has executed the signal application on behalf of the Township for when they submit the revised signal plans which will include the turning lanes for the Turkey Hill project.

Cindy Miller questioned how much time is left on the grant. She is getting to the point where she will close out the grant and the contractor will not get paid or something will not get done and they can work things out with PennDOT. Alice Rehrig commented she has to have the grant closed out by June 30, but in order to close out the grant, she needs to have the paperwork submitted prior to that which includes cancelled checks, so she will need a 30 to 60 day window before June 30.

B. Maintenance Building. The Architect submitted a proposal for making the needed revisions to the plans. The Board felt the costs for updating the plan and bidding assistance seemed to be high. Alice Rehrig noted some of the increase could be due to the fact that they need to update the plans from the 2015 building codes to the 2018 building codes. Cindy Miller commented the architect should have known that the Township was not able to comply with the 2015 building code when the bids were just put out the first time in 2022. The 2018 codes should have been used in the first place. Jim Milot commented sometimes the need to make a change on one plan has a cascading effect to the other portions of the plan which can drive up costs. The Board requested the architect attend the next meeting to discuss the charges as outlined in their proposal.

C. Comprehensive Plan Map.

1. Request to include 4128 Mountain View Drive in NC District. Phil Gogel abstained/excused himself from the Board for this discussion since it is property that he owns. Phil Gogel commented he was at the Planning Commission meeting last evening and provided them with a letter requesting that the property he owns at 4128 Mountain View Drive be included in the Neighborhood Commercial Zoning District for the proposed Comprehensive Plan. The proposed Comprehensive Plan extended the neighborhood commercial area from the Danielsville light to two doors down from his property. This property has always been used as a commercial use with excavating equipment and items of that nature. It is grandfathered under Section 180-109, Continuation of Nonconformities. His request would give continuity. It is a 4.3 acre lot with an

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excellent line of sight to enter and exit the property. The speed limit in the area is 45 miles per hour. There is 374 feet of road frontage which is ideal and it is located on a PennDOT highway. It is a straight section of road looking east and to the west there is a turn, but it is on the exterior of the radius of the turn. Since the Comp Plan technically is not all the way finished, he is requesting this be included as Neighborhood Commercial. Other people have made similar requests which have been granted. There are also a few other changes that will need to be made to the map as noted at the last meeting. The recommendation of the Planning Commission was that he go to the ad hoc committee, but at the Planning Commission meeting Jim Milot had a good reason to extend the zoning district to keep it in continuity. Jim Milot commented he had made the statement at the Planning Commission meeting that typically you would want your zoning map to be consistent with your Comprehensive Plan since that forms the guideline by which you develop your zoning map. One of things that Mike Corriere had pointed out was that although you would typically use your Comprehensive Plan to form your zoning map, there is case law that states that the Comprehensive Plan does not dictate the zoning so whether it is consistent or not, would not necessarily be an invalid scenario for the zoning map, but typically you would want to keep them consistent. Phil Gogel's desire is to have the future land use map within the Comprehensive Plan indicate that this would be an upcoming zoning change for consistency with what his desires are. The Planning Commission did discuss this and felt that they were so far along in the Comprehensive Plan process that they wanted to get it enacted and have Phil Gogel to come to the ad hoc committee for additional discussions, but also that he could go to the Board of Supervisors as well.

Mike Jones questioned why Phil Gogel wanted to have this changed. Phil Gogel commented the property has always been commercial; it would still be out of compliance because of the use, but it is more compliant to what it is today and since there already is a business there, he may want to put another type of business. His anticipation is that at some point down the road, he would like to have a country lodge. There is very limited lodging in Lehigh Township other than Woodstone and the Filbert Inn. His vision is to put a country lodge on the property, maybe a 10 unit building with an open vestibule/foyer area—a common area with a fireplace in the check-in area. He would like to see the Township be able to take advantage of the mountain ski area, white water rafting, wineries, rails to trail. There is a lot to offer in Lehigh Township, but no where to stay. Commercial buildings produce tax revenue which is good for the Township. The Township is in a commercial deficit. We need a vision moving forward. At this point he is only representing himself as this property owner.

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Mike Jones questioned if the country lodging is permitted in the NC zoning district. Phil Gogel commented he would need a variance. The NC would give him more latitude as to what he can do with the property in the event he doesn't have enough capital because this will be a costly project. If he doesn't have the capital for this project, he would need to have another way of generating revenue off this property until he gets the capital to do what he wants to do. When someone comes in with a plan, you need latitude to make things happen and that is what he looks at when he is a Supervisor. You need plan A, B, and C because you are tying up a lot of money when trying to develop something because of the costs involved. The NC gives him additional opportunity going forward if he doesn't get his variance and the Country Inn doesn't pan out. He could still do a bed and breakfast or short term rental.

Mike Jones questioned how public water and sewer would be accomplished. Phil Gogel commented it could be accomplished through on lot because it is a 4.3 acre lot and the subsoils are favorable. Water and sewer would also be accessible through Northwoods. You want to keep stretching out the water and sewer because it makes sense. That is how you grow a system and pay the bills. He would need right of way agreements to go through the properties where the lines would cross. Mike Jones noted that any home who has a sewer line crossing in front of it would need to connect to the sewer line if they are within 150 feet. How would that be fair to those people. Phil Gogel commented it would be part of the agreements that are made; it wouldn't be up to the Township to decide. Mike Jones noted that anyone who is within 150 feet of the line would need to connect to the sewer. Phil Gogel commented he would have to get an agreement going through the neighboring property and they would want some type of compensation and would also realize it makes their property more valuable. There are pros and cons and you would have to weigh them against your budget.

Mike Jones questioned if Phil Gogel spoke to any of the neighbors about this project. Phil Gogel commented he talked to one of the neighbors, but this is no different than if someone bought Green's Garage and wanted to level it and do something different. Mike Jones commented he spoke with all the neighbors around this and they didn't want it. Phil Gogel commented the one he spoke with didn't say anything bad about it. Mike Jones commented they all said they are old school, stuck in their ways and do not want anything like this around them. They said it was one thing to have Glass's vehicles there and now the Hess vehicles, but they do not want a new business coming in. The other comment he got was "why can't we change our properties too?". Mike Jones commented we haven't granted a request to change someone's property throughout the comp plan process other than Mrs. Simcoe in keeping one of her properties in the GC zone. The Board

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took people out of the changes at their request, but did not put them into a district. There was the request to put a property on Nectarine Road into GC and the Board denied that request. Phil Gogel commented the Board granted a change for John Barto for his property across the street from Burger King, and that did make sense.

Jerry Pritchard questioned what the harm would be in granting the request. Cindy Miller commented it would be setting a precedence. The Planners want to get the Comp Plan done. It should have been completed six months ago. Mike Jones commented as stated before, the Comp Plan is a vision. Nothing set is stone. Whatever is added or not added is just a vision. It is not actually changed until it goes through a zoning change. Phil Gogel commented he would still need a variance to do the country inn.

Mike Jones noted that all but two properties in that entire stretch are residential. Phil Gogel commented the NC is proposed to be extended all the way down to Green's Garage. Mike Jones commented that there is no continuity because there is nothing there but the two parcels. Phil Gogel commented his property is currently used as commercial. He has equipment at the site that is being used.

Cindy Miller commented the Planners recommendation was to leave the comp plan as it is and move forward with it and to have Phil Gogel go to the ad hoc committee. Jerry Pritchard commented if this is harmless, why are we fighting over it. Cindy Miller questioned how the Board would know if it is harmless. The board hasn't studied the area or talked to the neighbors. Mike Jones commented he spoke with the neighbors who are either across from the property or touching the property and they were not in favor of it. He asked them about how they would feel about an Airbnb or a mini-hotel across the street. They would have been willing to come tonight, but Mike Jones told them it wasn't necessary because it was not the rezoning.

Phil Gogel commented he would need to get a variance to do the Country Inn, and if the neighbors came in opposed to it he may be denied. If the property was zoning as neighborhood commercial, he could still have a nice stone farm house there, upgrade the barn and landscaping. It gives him more opportunity to use the property to its fullest extent. It doesn't necessarily have to be an Airbnb; it could be a law office or a restaurant. There are a lot of things under NC which has no impact on the neighborhood. Mike Jones commented it would have an impact. Right now, there is a piece of equipment that goes out in the morning and comes back at night. There is not traffic going in and out all day long. Phil Gogel

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commented he would not tolerate noise. The neighbors can call him at any time and he will take care of it. David Hess commented if the noise is the concern, why did we permit all the homes to go in across the street.

Phil Gogel commented the Planners, although Mr. Shulman said it was the Supervisors, extended the NC zoning district to Green's Garage. Knowing that the parcel of land that he currently owns has always been used as commercial, why wouldn't you extend it to include that property. Cindy Miller commented Mr. Glass didn't have a commercial property there. He lived there and stored his equipment there. Phil Gogel commented Mr. Glass ran an excavating business. Mike Jones commented the work was not on site as it is with Green's Garage. Mr. Glass was doing a bigger version of the new landscaping ordinance which is being proposed. The equipment was stored there and then left when he went to do a job. Phil Gogel commented if he changes uses on the property, all the equipment would go away and all the noise associated with the equipment would be gone. You would then have a quiet car coming in. The maximum people that could stay at the house is four. Anyone down the road could put something larger in. If you want to stop progress, the Township will stay stagnant. He doesn't believe it is fair to him to stop it at Green's garage knowing that his parcel has always been used as a commercial property. Mike Jones commented you can't say you are being left out; everyone may want the exact same thing or have their property changed over to whatever they want it to be. Phil Gogel commented he believes all of Route 946 should be zoned commercial. Mike Jones commented the residents do not want that at all.

Jerry Pritchard questioned if this is not harming anything, why do we want to stop it. Mike Jones commented at the last meeting when it was brought up that the Comp Plan was just a vision, Phil Gogel said no, future Boards after this Board will follow the plan as adopted. Phil Gogel commented he believes it provides a strong guidance for the ad hoc committee to say this area will be zoned a certain way. Jerry Pritchard commented when we are looking at a Comp Plan we need to look at the entire Township and landscaping, not just one property. Phil Gogel commented this is one of the areas where there is enough acreage to do something and there is also water and sewer nearby. The lots are also large enough to have something on site and the sight distance is there; the speed limit is there. It is ripe for the possibilities.

David Hess noted Phil Gogel has several reasons why the map **should shouldn't** be changed. The consultant is not listing any reasons for the changes before the Board. Cindy Miller commented the items that are listed are the mistakes that were found on the

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map. If we keep going back and forth on the map and keep changing zoning, it will never get done. Errors keep getting made on the map because we keep going back to the consultant with additional changes.

Barry Haydt commented he agrees that it shouldn't be stopped just two properties short because the neighbors get mad. If a pig farm were to go in, then they really would get mad, and that is something that could be done by the zoning ordinance.

Cindy Miller commented the reason the Planners extended the NC zone down to where they did was because Green's Garage has been there for years. That is the only reason they did that. Phil Gogel commented Alex Glass was there since the 50's or 60's. Barry Haydt commented he still doesn't believe it should be up to whether the neighbors want it or not. Cindy Miller commented when it comes to the zoning change, the neighbors will have the opportunity to speak about it. At the joint Comp Plan meeting, it was decided the NC wouldn't be changed or extended which is why the Planners are saying they want to move forward with what they have and deal with this through zoning, not on the Comp Plan map itself. David Hess questioned if it is changed, wouldn't it still need to go through zoning?

Phil Gogel questioned Attorney Backenstoe if not wanting to change a color on a map is a good reason to deny someone a change. That is pretty much what is taking place. Cindy Miller commented she has tried to explain the position of the Planners and why it was stopped before this property, but Phil Gogel will not accept the reason.

Mike Jones questioned who else submitted a letter requesting their property be changed. Most people didn't want a change and requested it be put back to what it was. Phil Gogel commented Dave McKeever submitted a letter. Cindy Miller commented that was because someone was going around telling them here's the comp plan and what it is doing to them. Phil Gogel commented the issue was that it appeared as though certain residents were being targeted because it looked obvious when a property here and a property there by the same owner were being changed. Then a business that has been established and in the Township forever, we don't want them making noises anymore so we are going to target them. Cindy Miller commented this is being taken way out of proportion. This was never said during a meeting. Phil Gogel commented when he looked through the map, it gave him that appearance and he pointed them out at a meeting. He is not naive. He knows what goes on. After he pointed it out, those people were notified and they came to the meeting and realized they will no longer be able to run their business if this goes through. Mike Jones questioned which business was determined to be shut down. Phil Gogel commented it was on slated, Lorah's

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Farm. Cindy Miller commented it was stated during the public meeting that the change was an error on the map by the consultant. Phil Gogel commented it wasn't changed for several meetings. **Cindy Miller commented Phil Gogel literally took the map with the error over to them and said she was responsible. Phil Gogel commented he didn't say she was responsible. He did give them the map and say she was friends with Kristin Soldridge and it would have been nice to tell her that instead of not saying anything to her and having the knowledge of that. It is something that should have been told to them.** It was at a public meeting and public knowledge. Cindy Miller commented there was no change planned. It was an error that was made by the consultant.

Cindy Miller questioned if there is a conflict for David Hess to make a motion or vote since he has his equipment stored on the property. David Hess commented there is no money exchanging hands. Attorney Backenstoe questioned if there was a pecuniary interest. David Hess indicated there is not; he is not involved with the property and if he has to, he can move the equipment. Attorney Backenstoe commented there would not be a conflict.

David Hess commented he understands Phil Gogel's reasoning for the request and that there is Neighborhood Commercial right up the street and made a motion to include 4128 Mountain View Drive in the NC district. Jerry Pritchard seconded the motion. David Hess and Jerry Pritchard voted aye. Cindy Miller and Mike Jones were opposed. Phil Gogel abstained from participating as a Board member and voting. Motion did not carry.

Cindy Miller commented the next step would be for Phil Gogel to go to the ad hoc committee and they would in turn make a recommendation to the Board. Phil Gogel commented he could still end up in the same position if there was another 2 to 2 vote. Attorney Backenstoe commented Phil Gogel could always go to the Zoning Hearing Board for a variance regardless of how he is zoned and if he is successful, he could do his project.

Phil Gogel commented this is the issue where developers have an issue coming to Lehigh Township. When they want to do something, it is such an uphill battle that no one wants to build in Lehigh Township. They are scared to come here and even buy property because they get beat up by the Township.

Katherine Mack questioned if there would be a conflict of interest for Mike Jones to have a vote because he is a neighbor and he solicited the neighbors. Cindy Miller commented in talking to the neighbors, he was just doing his homework.

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Katherine Mack commented the neighbors should have come to the meeting. Mike Jones commented it wasn't a matter of zoning; it was just whether it should have been added to the comp plan map. Marc Kaesmar commented if it would be a conflict of interest for Mike Jones to vote because he is a neighboring property, then it should have been a conflict of interest for David Hess to vote as a cousin to Phil Gogel.

Cindy Miller made a motion to accept the proposed corrections to the comp plan map as listed in the January 18, 2023, letter from the Planning Commission. David Hess seconded the motion. Phil Gogel commented he will be abstaining from any discussions pertaining to the Comp Plan going forward because of his interest. Cindy Miller, David Hess, Jerry Pritchard, and Mike Jones voted aye. Phil Gogel abstained. Motion carried.

VII. NEW BUSINESS

A. 1043 Quince Road, Request for Well/Septic Isolation Distance Waiver. This property has a malfunctioning septic system and Chris Noll was able to find a suitable replacement area; however, the new system would be located approximately 70 feet from the well rather than the required 100 feet. In order for Chris Noll to issue a permit to replace the system, a waiver of the well/septic isolation distance is required. If the Board is inclined to grant the waiver, a condition of the waiver would be that the property owner enter into an indemnification agreement holding the Township harmless. Cindy Miller made a motion to grant the waivers of the well/septic isolation distance as recommended in the letter from the Sewage Enforcement Officer dated February 14, 2023, conditioned upon the property owner entering into an indemnification agreement with the Township. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

B. Zoning Hearing Board Alternate. A resident, Jim Hoppes, had approached David Hess that he would be willing to serve as an alternate to the Zoning Hearing Board. The Second Class Township Code and the MPC allows the Township to have up to three alternates for the Zoning Hearing Board. Mr. Hoppes had previously served on the Zoning Hearing Board several years ago.

David Hess made a motion to appoint Jim Hoppes as an alternate to the Zoning Hearing Board. Phil Gogel seconded the motion. All voted aye. Motion carried.

C. Letter of Resignation. This matter was tabled.

D. Manager's Report. As a reminder, the conditional use for the Solar Farm is tomorrow at 6 PM.

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Alice Rehrig also provided the Board with the end of year financial statements for the Township.

The Lehigh Valley Planning Commission will be holding several meetings to discuss the transportation needs for the area. They would like to meet with Allen Township, Walnutport Borough, and Lehigh Township here on Thursday, March 9 at 1:00 p.m. Jim Milot commented over the past several years, the Township has made application for traffic improvements through Lehigh Valley Transportation Study. One of the concerns by the LVPC, was that certain municipalities were over represented compared to others because they had the consultants and budget to perform the needed studies. The LVPC is doing an area wide information gathering to try to assist all Township to have the ability to submit applications through the LVTS. He believes their goal is to give everyone the opportunity to know what their needs are.

E. Solicitor's Report. Attorney Backenstoe did not have anything additional to report.

Cindy Miller provided the Solicitor and the Board a draft of the resolution regarding appointments to Boards and Committees for everyone to review. It will be placed on the next agenda for discussion.

VIII. PUBLIC COMMENT. Katherine Mack commented there was some discussion a previous meeting regarding Attorney Ettinger and when he calls in an alternate. There is one section in the Municipalities Planning Code which indicates that an alternate is used to make a quorum. There is also another section that mentions that an alternate may participate in any preceding or discussion of the Zoning Hearing Board, but shall not be entitled to a vote as a member of the Board or be compensated unless they are designated as a voting alternate member under Section 906 which is the section which addresses using an alternate to make a quorum. Based on this section, the alternates to the Zoning Hearing Board could attend every meeting if we wanted them too. Attorney Backenstoe commented Moore Township has their alternates at their meeting and they participate in the discussions, an Executive Session, basically the whole meeting, but they cannot vote. Katherine Mack commented their Solicitor essentially did not make a mistake when he requested the alternate attend the hearing. Attorney Backenstoe commented he has spoken with Attorney Ettinger regarding when he empanels an alternate member of the Zoning Hearing Board. Attorney Ettinger had pointed out to him a comment that was written at some point that talked about the statute being amended so that you could empanel an alternate at any time. He and Attorney Ettinger will have to respectfully agree to disagree. The Zoning Hearing Board needs to be bound by the advice of their Solicitor. Mike Jones commented the concern was using the alternate as a voting member when there was already a quorum of the Board present. Attorney Backenstoe commented there is no case law on this matter. Katherine Mack commented if the Zoning Hearing Board votes 2 to 2, there is a problem; the application is denied. That is

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why Attorney Ettinger doesn't want to get into the possibility of that kind of vote because it can end up going to court. Mike Jones questioned why someone couldn't take the decisions to court if the alternate is used to vote when they shouldn't be voting. Attorney Backenstoe commented Attorney Ettinger does not believe that to be the case. It is a gray area and Attorney Ettinger's position is without merit. Attorney Backenstoe still believes that when you read the statute the legislature may have intended to do something, but didn't.

Dennis Herschman commented in reading the minutes, it seems like the only discussion pertaining to the COVID relief funding was for a heating system for the meeting room. Has there been any other discussions on how they were going to use the COVID Relief Funding? Cindy Miller commented at this point, the funding hasn't been spent on anything. Mike Jones commented there are grants that the Township has applied for and the funding could be used as match towards the grants. Jerry Pritchard questioned where Mr. Herschman would like to see the money spent. Mr. Herschman commented other places have given some money to their employees who worked during COVID; perhaps give money to the Fire Company towards a truck.

Rick Hildebrand commented that the Board needs to do what is right for the Township and the financial wellness of the Township. Sometimes there is too much power put into neighboring people's opinions. Just because someone is down the street and doesn't necessarily agree with something doesn't mean that it should overwhelmingly effect decisions of the Board when they have to make tough decisions. There may be some projects that are worthy for the Township and the community to have. As it was stated earlier, we are commercial upside down; we are a bedroom community and everything falls on the backs of the homeowners. There is no offset. We just lost a prosperous restaurant. Cindy Miller commented the closing of the restaurant does not effect the tax dollars other than the EIT and LST from the jobs. We are not losing the real estate value. Rick Hildebrand commented when something sells, you do get the real estate transfer tax. Cindy Miller commented we don't have big enough businesses here to get the large transfer tax, and people don't want the big businesses like a warehouse. Rick Hildebrand commented he agrees we don't want the warehouses; the Fire Company will probably end up helping out the neighboring Townships at some point. His concern was always that the homeowners are shouldering everything and the bedroom community is tapped to the point where the budget is always on a shoestring and it would be nice to have breathing room when additional funding was coming from businesses. He has always worried about becoming a pass through community where everyone drives through the area because the next frontier is up the street and we are left in the dust. If you put too much weight in the concerns of a neighbor, you can lose more than just a project. Barry Haydt commented a neighbor doesn't want anything to change, not be in their backyard, but they don't want their taxes to go up.

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- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter and identifiable potential litigation. No action was taken.
- X. ADJOURN. David Hess made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.