

## LEHIGH TOWNSHIP BOARD OF SUPERVISORS

January 14, 2025

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, January 14, 2025, 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  
Janet Sheats  
Mike Jones  
David Hess  
Jerry Pritchard  
Attorney David Backenstoe  
Alice Rehrig  
Mike Muffley  
Scott Fogel  
Frank Zamadics  
Liz Amato

The Chairman announced the Board held an Executive Session prior to the start of the meeting to discuss personnel. No action was taken.

II. APPROVAL OF THE MINUTES

A. December 10, 2024. Cindy Miller made a motion to Approve these minutes. David Hess seconded the motion. All voted aye. Motion carried.

B. January 6, 2025. David Hess made a motion to approve these minutes. Cindy Miller seconded the motion. David Hess, Cindy Miller, Jerry Pritchard, and Janet Sheats voted aye. Mike Jones abstained since he was not at the meeting. Motion carried.

III. APPROVAL OF BILLS

A. General Fund Checks 28305 to 28417. Cindy Miller made a motion to approve these bills. Janet Sheats seconded the motion. Jerry Pritchard commented in reviewing the bills, he believes the bills from Attorney Ettinger are pretty steep compared to the bills for other attorneys who do work for the Township. He also questioned the bill to Horwith Trucking as that was a very large amount. Alice Rehrig commented the chassis for the truck that was ordered last year finally came in. The truck is now at the upfitter for completion. Cindy Miller questioned if the bill for Check 28328 was looked at thoroughly. Alice Rehrig commented it was. Paul Nikisher question why the legal bills were higher, was there more time, meetings, or consultation? Jerry Pritchard commented he is not on the Zoning Hearing Board so he can't really answer that, but he is just looking at the numbers and compared it to the other bills. Paul

Nikisher questioned if the Board oversees the Zoning Hearing Board. Mike Jones commented the Board has to approve the payment to their Solicitor, but they are an independent Board and he is their solicitor. Cindy Miller commented the Zoning Hearing Board Solicitor reports to them. There is no report to the Board of Supervisors. Attorney Backenstoe commented there are a lot of things involved. If the Board felt there was something that was inappropriate in the bill, he would believe they would have the option to not pay it, but the Board of Supervisors is not involved in what happens with the Zoning Hearing Board. All voted aye. Motion carried.

#### IV. PLANNING RELATED ITEMS

##### A. Plan for Approval

1. Zachary Bittner Minor Subdivision. Brad Rock and Zachary Bittner were present to represent the plan. This is a four lot minor subdivision on Teel Road. Lot one contains the existing home and driveway and the remaining three lots will remain undeveloped at this time. The Plan received conditional final approval from the Planning Commission at their December meeting. Cindy Miller made a motion to grant this plan conditional approval subject to the outstanding items listed in the Planning Commission letter of recommendation dated December 16, 2024, and the Township Engineer's review letter dated December 9, 2024. David Hess seconded the motion. All voted aye. Motion carried.

##### B. Request for Waiver from Land Development

1. 4828 Lehigh Drive, 3054 A & S LLC. Joe Rentko was present to represent this plan. They were before the Planning Commission for an initial review. There is an existing gas station/service station for cars. The new owners would like to remove the service station and put in a small convenience store. The Township's ordinance states that if there is a change of use of some type, a land development plan is required. There are no proposed improvements to the outside of the facility. All the changes that would be made will be to the inside of the building. They also meet all the parking requirements and the septic system. There really are no physical changes to the exterior of the property. Based on this, they went before the Planning Commission and respectfully asked if they could obtain a waiver from the formal land development review. Without having to through the entire process, it would save the applicant money on the review fees, the submission to LVPC, and the recording process. They did receive comments from the Zoning Officer and they are happy to address these requirements.

Mike Muffley commented he did a full review of the first submission and felt that there was no reason to continue with the land development process because there were no elements of the plan that warranted land development. There would be

no benefit to the Township to record the plan and there are no improvements that would need to be secured which is why he recommended that the land development requirements be waived. The plan will still need to have a zoning review and meet all the requirements of zoning and meet all the approvals outside the Planning Commission.

Cindy Miller also noted that the property is along a State Road and they would have to go through the HOP process with PennDOT and as a Township, we can't hold up a plan because of a third party. Jerry Pritchard commented there still is a change of use for the property. Mike Muffley noted any element of the plan that would be of interest to the Township is covered under the zoning review. It also has to be reviewed under the building codes. Joe Rentko commented the change of use is what prompted them to request the waiver of land development.

Cindy Miller made a motion to grant the requested waiver from land development. David Hess seconded the motion. All voted aye. Motion carried.

- C. Engineer's Report. Mike Muffley did not have anything significant to report. He noted the Planning Commission met last evening and there was one minor two lot subdivision on the agenda.

V. DEPARTMENTAL/ORGANIZATIONAL REPORT

- A. Recreation Report. Sandy Hopkins commented she had nothing specific to report. The Recreation Board's first meeting of the year will be next week. They did set the date for the 2025 Tree Lighting which will be the first Saturday in December.
- B. Public Works. Janet Sheats questioned the status of the lines on Cottonwood Road. Frank Zamadics reported he has been on the painters since August last year. When they were able to schedule the Township, they ran into weather issues and temperatures and told him they would be first on the list for spring. He was begging them to do just the three miles of roadway, but they will not come up for just three miles of road. This is not something that the crew can do on their own because they do not have the line painting truck and we are at the mercy of the bidder.

Jerry Pritchard questioned if the crew is now working out of the new building. Frank Zamadics commented for the most part, they are working out of the building. They do still have to get a few parts out of the old building. They have seasonal items stored in the garage area. They moved the backhoe into the old building so there would be more room for the trucks. In the warmer area of the building, they have items such as water pump and the roller. In the cold storage as they have seasonal items that don't require winterization, such as the tar kettle. The building has been

working out real well. They were out late one night and a hose broke. It is great to be able to be inside and put the body up to make the repair rather than be outside in the snow.

Mike Jones questioned if there have been any issues with snow removal. Frank Zamadics commented, other than a minor breakdown here or there, there have not been any issues. He also noted the Department went into the winter fully stocked with salt. He will still be needing to take the minimum delivery amount in spring to avoid storage charges.

1. Pick-up truck replacement. Frank Zamadics commented the one pick-up truck was planned to be replaced in 2025 after going down because of all the mechanical issues. The initial quote he received for the replacement was \$10,000 over the budget amount. He went to another supplier, Miracle Ford from Tamaqua, who does a lot of their own work in house rather than going to an upfitter. They provided a quote of \$87,043.85 which is \$2,043.85 over budget. This quote is for the truck with the Reading service style body, liftgate, plow, and lightbar. Miracle Ford is a Co-Stars vendor.

Alice Rehrig commented there was \$85,000 budgeted for the replacement truck. In reviewing the Capital Improvements Plan, the \$2,043.85 overage will not affect the funding of the Equipment Fund.

Cindy Miller questioned if there is a way to negotiate the price down to \$85,000. Frank Zamadics commented it is tough. He has been picking at it, but the profit margin is set by the State Contract. If we put it out to bid, the prices tend to come back higher because the companies have to go out and obtain additional bonding which gets passed on to the Township.

Mike Jones questioned what the delivery time frame would be. Frank Zamadics didn't have an exact date. It depends upon what stock vehicles they have at the time the order is placed.

Cindy Miller questioned if there is another area in the Public Works budget that funding could come from. Alice Rehrig commented she believes there is and it could be done by budget amendment after March. Cindy Miller commented she would really like to try to adhere to budget. She understands the situation, but she believes that if we need the additional \$2,000 for the truck, there should be another area of the budget that can be pulled back to cover it.

David Hess made a motion to approve the purchase of the truck from Miracle Ford at a cost of \$87,043.85 with the condition that we find the money from somewhere else in the Public Works Budget. Janet Sheats seconded the motion. All voted aye. Motion carried.

Paul Nikisher questioned if the Public Works Department was still installing the Hometown Heros Banners or must it wait until spring. Frank Zamadics commented wind is a factor in being able to install them. They are larger than what people realize. The cold also is a factor because there is a lot of tedious work involved to make sure they fit right on the pole. As time permits, they will put them up. They installed the first 106 banners. He received the second order of 82 the third week in December. Between limited staffing at the year end and the weather, they haven't been able to start on the installation of the second order.

- C. Zoning Report. Liz Amato reported in December, there were 25 new permit applications received, 22 permits issued, and 8 new complaints received. There was one zoning hearing for a special exception for a doggie daycare which was approved. There are no hearings scheduled for January.
- D. Police Report. Chief Fogel reported there were 443 calls throughout December. He provided the Board with the activities logs for the month.

Shop with a Cop went very well. They took kids from Lehigh Elementary to Walmart in Lehigh and then went to Blue Mountain Restaurant where they provided a breakfast and wrapping station for the kids.

He is also looking at starting an program at Lehigh Elementary School that is similar to DARE. It is called LEAD, Law Enforcement Against Drugs and Violence. It's an anti-drug and bullying program for 5<sup>th</sup> grade students. They are targeting April and May for the program. The School is in agreement with the program; they are the ones who reached out to him regarding a program. He will need to send two officers for training to teach the program. The cost of the training will come from his training and community relations budget. Cindy Miller questioned how often the program will be offered to the school during the course of a year. Chief Fogel commented it is a 10 class program. An officer would go to the school one day a week for about 45 minutes. His goal is to have two officers trained so that they can go over to the school during their regular shift so that there is not a cost to the Township. This will give them an opportunity to get back into the school and interact with the kids. With this type of program, if there was a major event or call and the officers couldn't make it over that day, it would either be canceled or rescheduled.

The scales when out to get certified for the motor carrier weights and measures. Two sets of scales failed and are in need of service. He will most likely get them repaired one at a time because of the shipping costs involved due to their weight.

The newest officer, Anthony Stinemire, is doing very well in field training. He should be starting to be driving a car on his own in the next month and a half. There still is one officer out injured.

- E. Fire Company Report. Rick Hildebrand reported the Department responded to 522 incidents in 2024. Northampton County dispatched the Department 683 times, but those include phone call, burning complaints, or an officer response where there is no need for equipment to respond. Their average time on scene was two hours. This time was increased as a result of the week long fire on the mountain. The total manhours on scene for the year was 9,386 hours. Overall, they have been able to handle everything in the community themselves with the exception of structure fires which is when they rely on mutual aid.

Monica Brown questioned, in light of the fires in Los Angeles and that we had the mountain fire, is there any clearing of the brush done to prevent the spreading of the fires. Rick Hildebrand commented the greatest difference between the fires in Los Angeles and here is the 100 mile per hour winds. The Game Commission has been trying to develop a plan for quite some time to burn the base of the mountain to get rid of the briars which is a fuel load for a fire. They were having problems developing a plan to do the burn safely because of how tedious it is with limited access to the area and houses all along the base. Since the fire, they have been working with property owners and the Game Commission so that there is access to keep the dozer trails open so that they can continue to maintain the area. They still need to work out how they can manage the other portion of the mountain.

Paul Nikisher noted the Fire Company is having their large raffle fundraiser in March, the rose sale in February, and the annual fund drive. He encourages everyone to support the Fire Company.

Rick Hildebrand commented the Fire Company will be going to Reading tomorrow for the after action review with the State for the Gap Fire and the fire out by the Pagoda in Reading. After that, they will have an after action review locally with the departments who responded with them to talk things out to see what could be done better if it happens again.

VI. OLD BUSINESS

- A. Maintenance Building. Alice Rehrig reported the issue with the temperature of the water tank has not yet been resolved. They are in the process of coordinating a

meeting this week or next with everyone who was involved with this portion of the project which would include engineers, architect, Vision Mechanical and their subcontractors: Comunale and Pittsburg Tank so that a final resolution can be developed.

- B. Zoning Ordinance Update. Alice Rehrig provided the Board with background information from Pennoni Associates. During the last conversation she had with Matt Wanamaker from Pennoni Associates, he was pretty certain they could complete the project for the remainder of the budget that is left, but doesn't have a final commitment from him yet. She believes they are working things out internally because they would become a subcontractor for Urban Research and Development whereby we would continue to pay Urban Research, but using the personnel from Pennoni Associates. Mr. Wanamaker would become our primary contact and he would be working with Pennoni's Bethlehem Office. Hopefully, there will be a final answer by the next meeting.

Cindy Miller noted the Planning Commission has decided to suspend the Ad Hoc Committee meetings until the Board makes a decision on this. The Zoning Ordinance is almost done. The SALDO hasn't been started, but they don't really know that they need the Ad Hoc Committee for that because most of the work would be done between engineers, the consultant, and the Zoning Officer. SALDO is a more technical review which is beyond the scope of the Ad Hoc Committee.

- C. Park & Recreation Consultant. Cindy Miller commented she would like to start moving forward with the process so it can be bid and we can hire a consultant. Mike Jones questioned if an RFP was prepared. Alice Rehrig commented she had prepared a draft for the Board to review several months ago. She will review it again, make any necessary changes and recirculate it to the Board. Jerry Pritchard commented it should be determined if we want to hire a consultant before we have people jump through hoops. Mike Jones suggested the Board collaborate with the Rec Board to determine which direction we want to move with the parks. Cindy Miller commented we need a scope of work for a consultant. Once the scope of work is outlined, we can do the RFP. David Hess questioned if we couldn't work off the plan that was originally done for Delps. Cindy Miller commented it can be shared, but that plan is a bit excessive. Cindy Miller commented the plan was done by the engineer at the time. A park and rec consultant was not hired. It is her understanding that the engineer was asked to draw up a plan for that park. This consultant would be looking at all of our parks and coming up with a plan so that we can move forward with all the parks.

Janet Sheats questioned what the vision is for the parks? Cindy Miller commented that is what the consultant would help develop. Mike Jones commented the Board

would tell the consultant what their vision is for the parks and then develop a plan for the park. Janet Sheats noted she has not seen any of the ideas. Jerry Pritchard commented there is a lot of money being thrown at a consultant, but he believes that the Recreation Board should sit down and figure out if they want this money spent for this or somewhere else. Cindy Miller commented if the Township wants to apply for grants, there needs to be a plan.

Phil Gogel commented under the recreational agreement with the Jaindl development, he had said he would front some stuff. He did say that his engineering and planning would be free and that not everything could be spent at Indiantrail Park. He would suggest that someone reach out to him to see if he would be willing to get together with the Recreation Board and get a vision and let him do it for free. That is what the reduction was all about. He has a team of people who can do that stuff. If he is contracted to do something at the park, it would be in Jaindl dollars rather than pay the 130 percent premium; it would basically be a donation. Rather than spending a lot of money on a consultant, use the agreements you already have in place. Instead of spending money on consultant after consultant and having a plan that just sits there and you are not going to do anything with, have something that you can execute and have it that it is pointed in the right trajectory to do it.

Cindy Miller commented as far as the Jaindl agreements, they don't fall into line until he starts development. Phil Gogel commented he said he would be willing to advance the services. Mike Jones commented he does remember him saying that if a project cost more than what was owed by him, he would give us the money in advance of what he owes. Cindy Miller commented he hasn't done anything yet. David Hess commented it wouldn't hurt to ask. Cindy Miller questioned how much money was included in the budget for a consultant. Alice Rehrig commented there was \$50,000 included in the budget.

Mike Jones questioned, if part of the agreement of the Township giving the Municipal Authority land, was that Mr. Jaindl would do improvements that the Township wanted. Phil Gogel commented he thought that there would be \$40,000 for the property and he also thought there was another amount of money negotiated with the Recreation Board. Mike Jones questioned if we couldn't use the money from the sale of the land. Sandy Hopkins commented from what she recalls, Mr. Jaindl wanted to have a committee put together to decide what would be done with the money and how much his employees would be able to put towards it. If Jaindl and his committee didn't agree with what we wanted to do, nothing would be done. We would need his okay. Mike Jones commented if the Rec Board and the Township agree, it would be 2 to 1 so he would need to do what we wanted. He doesn't believe that Jaindl needed to be involved in the planning for the park, but when it comes to shovel in the ground,



he could decide which project he would want to do. Cindy Miller questioned why the Township would want Mr. Jaindl involved in the planning of the parks. Phil Gogel commented it would be because you could get his engineers for free and get everything onto the fancy paper. The only time you would be dipping into the \$500,000 would be when you are doing the improvements. Mike Muffley noted that you can apply for grants to develop a park plan.

Sandy Hopkins commented the Recreation Board has gone over what the essential needs are at each of the parks. Using the tennis courts in Danielsville as an example, there are some major problems out there with water. Until we know what needs to be done to rectify the problem, how do we move forward. Cindy Miller commented a consultant could help determine if it should stay in that location or do we need to move it.

Jerry Pritchard commented he believes we need to form the committee at least on our end as far as a recommendation from the Recreation Board to who they would like to serve on the committee and bring that back to the Board before we just pay a consultant.

Mike Jones commented if the Recreation Board has ideas as to wants and needs, that could also be brought forward so that it could be given to a consultant when developing the plans. Cindy Miller commented that would be part of the consultant's work. They would be meeting with the Rec Board to develop the plans. It would be just like what they are doing with the Ad Hoc Committee and Planning. The consultant may also want to do a survey with the residents and see what they want. They organize all of this and come with a report. That is what you are paying for. Jerry Pritchard commented the Board would have the last say and if they don't like it, the money was spent for what. Cindy Miller commented the consultant will develop things based upon what the Board wants. David Hess commented he understands what Jerry Pritchard is saying and agrees, he doesn't want to pay \$50,000 for a consultant and then you get two years down the line and you don't do anything with it. Cindy Miller commented right now we are sitting here and our parks are wasting away and we are not utilizing them like we could. David Hess commented in the last two years, we have spent a lot of money on consultants. Cindy Miller noted that was because nothing was done in the past to move forward. We need to move forward. We are banking on Jaindl, but that is not the answer to everything.

Alice Rehrig commented before she does anything, she will pull the Jaindl agreement to refresh everyone's memory as to what is included in them.

Katherine Mack commented the plans will probably be very well drawn up regardless of who does them, but if you are addressing the needs at the parks, part of the plan needs to be a long range plan as to how the parks will be developed and how it will be paid for. Part of the plan needs to be putting the needs into priority. A cost analysis needs to be done so that you can prioritize what you can pay for and how you are going to pay for it, then move forward.

Sandy Hopkins commented she agrees with what Katherine Mack said; however, there are needs for the parks and she would rather focus on the needs rather than the future. Until the needs are met, she doesn't see the need to focus on the dreams. Janet Sheats commented it would be helpful to her if she could see what the needs are for the parks.

This matter was tabled.

VII. NEW BUSINESS

A. Resolution 2025-2, Establishing Fees for Sewage Enforcement Services. Cindy Miller made a motion to adopt Resolution 2025-2. David Hess seconded the motion. All voted aye. Motion carried.

B. First Regional Compost Authority Agreement. The First Regional Compost Authority provided the Board with a proposed three year agreement which outlines the services they will provide for a designated per capita fee. There would not be a change in the services provided, it just formalizes the current practice that is taking place. The other alternative would be to pay as we go for each load that is dumped, but then the Township would be responsible for hauling the material.

Mike Jones questioned if there is a set amount of containers and do we get charged more for additional containers. Alice Rehrig commented we currently have three containers sitting at our site and a fourth container is down at the FRCA facility to exchange with the full container when they haul. Typically, there is a minimum of three trips per week hauled down to the facility. It could be more.

Cindy Miller commented the charge based on per capita basis seems odd because we could be paying for 18 year olds who don't own property. Alice Rehrig commented it is based on the census numbers. A per capita basis was the most consistent unit to base the charge to municipalities. There are nine municipalities paying on a per capita basis. Cindy Miller questioned how the \$3.45 per capita amount was reached. Alice Rehrig commented it was based upon what was needed to meet the expenses. Unfortunately, the equipment at the site is very expensive to purchase and maintain. Repairs are expensive when foreign objects are placed in the leaves and brush.

This is first time that the rate has been increased in several years for the original five members of FRCA. Cindy Miller questioned if the FRCA has any other sources of income besides the per capita. Alice Rehrig commented there are four or five other municipalities that pay at a commercial rate, where they pay per yard that comes in to the center. There are also private contractors that come in who pay per yard. Cindy Miller questioned how many of our residents have obtained cards to use the recycling center. Alice Rehrig commented she believes there were around 250 cards issued. Mike Jones commented he would expect the number of cards issued to double by May. Cindy Miller commented it doesn't make sense to her that we are paying based on 10,776 and there are only 250 people using the center. She would prefer a one year agreement to see how many residents are actually using the center. Jerry Pritchard commented it would be beneficial to lock the rates in for the three years. Alice Rehrig noted with all the changes that have been made down there, the operations have been reduced to as low of an expense as possible. There is a staff of two full time and two part time workers.

Marc Kerksmar questioned how many yards of material are taken to the center. It would be helpful to know how many yards are hauled compared to the per capita fees.

David Hess made a motion to accept the three year agreement from FRCA. Cindy Miller seconded the motion. All voted aye. Motion carried.

- C. Proposed Ordinance 2025-1, Amending Chapters 43 and 151 pertaining to Tax Certifications. Alice Rehrig provided the Board with a draft ordinance pertaining to fees charged by the tax collector for tax certifications and duplicate tax bills. In speaking with other tax collectors, the new tax collector learned that most collectors are charging \$20 for tax certifications and our rate is at \$15 since 2005. When Alice Rehrig looked out our ordinance, she discovered that it was erroneously included under Chapter 151 which establishes the different types of taxes and felt it should be removed from Chapter 151 and moved to Chapter 43 which is specific to the tax collector. The charges for duplicate tax bills and returned checks are also not included in the ordinance so she added those in as well. She would also like to add language that the fees can be amended from time to time by resolution. Attorney Backenstoe has not yet had the opportunity to review the ordinance. Attorney Backenstoe commented he did not have an objection if the Board wanted to authorize it to be advertised subject to his final review.

Cindy Miller questioned if language could be added that the fee is set by resolution rather than including the fee in the ordinance so that the ordinance doesn't need to be changed all the time. Attorney Backenstoe commented that could be an effective tool for amending the fees.

Cindy Miller questioned if while we are reviewing the Tax Collector Ordinance, in light of what we went through this year so that we don't ever have to go through it again, could language in general be added that would state as an example, if the reports are not received by the 10<sup>th</sup> of the month and it goes on for a few months, can some sort of ramification be added to tighten up the time line without violating state law. Attorney Backenstoe commented the regulation of the tax collector is preempted by state law. He is not certain that something beyond state law can be included in the ordinance, but he can look into it. He is also under the understanding that the legislators are currently working on this.

Jerry Pritchard questioned what type of ramifications are being thought about. Cindy Miller commented she wasn't certain and was just putting it out as a possibility. As an example, if we don't receive reports for 60 days, can something else be added beyond the \$250 fine per month, such as maybe an audit would be kicked off or something else is kicked off. Something more to monitor things so that we don't have to go through what we did for the past two years. Attorney Backenstoe commented the Board can have an audit done at any time without it being in an ordinance. Cindy Miller commented she would like it in the ordinance so that it is in writing and Alice Rehrig would have it if she is questioned. It's here and the Board knows what it is and it can move forward rather than having to bring it to the table and discussing it for months on months on end. She doesn't want a future Board to have to go through this. Thank goodness we had Suzanne Hawke who was willing to help clean things up. She just wants something is writing that everyone knows what the ramifications are. Attorney Backenstoe commented it is an interesting concept and he will work on it with Alice Rehrig.

Phil Gogel questioned why the Board doesn't look into using Keystone Collections for collecting their taxes. It may be cost beneficial to the Township. Cindy Miller commented the Township cannot use them as their tax collector. Over the last several years at every PSATS conference, there has been a resolution put forward to do something about the tax collector laws, but the lobbying group for the tax collectors have fought it every year. What is happening is that municipalities are facing more and more problems with this position and she thinks there is more pressure being put on the legislators. The law is very archaic and impractical.

Attorney Backenstoe commented if the Board wants to do what Alice Rehrig is suggesting, it is easy and they could make a motion to advertise the ordinance subject to his review, and then he could dig into what Cindy Miller is suggesting another day. If the Board wants to do what Cindy Miller is suggesting right now, he would table the ordinance because the Board will be in for some work.

David Hess made a motion to authorize the draft ordinance that Alice Rehrig prepared be advertised subject to final review by Attorney Backenstoe. Cindy Miller seconded the motion. All voted aye. Motion carried.

- D. Manager's Report. Alice Rehrig noted that if there was going to be any changes in the tax collector salary, the changes need to be made prior to February 15<sup>th</sup>. This will be placed on the next agenda.

Janet Sheats questioned the status of the fueling station. Alice Rehrig commented besides a part for the RFID readers, we are still waiting on DEP for their final approval. We received a temporary approval which pretty much only acknowledges the new system. We are not permitted to utilize it until we receive our final approval from them.

- E. Solicitor's Report. The Township, along with many other Townships, received a letter from Mr. Jaindl's attorney, providing a list of properties that they own and indicating that they want to be notified if any of the properties are discussed at a public meeting. They also cited Section 109 of the MPC which pertains to a Township taking action that could affect their property. Attorney Backenstoe contacted Mr. Jaindl's attorney and the reason they sent the letter is that Mr. Jaindl is concerned because they own so many properties throughout the State and it is so hard to monitor what ordinances may affect his property. They are trying to protect themselves because there were several cases where they were thinking about doing something on a particular property and the zoning would be changed, and they would get caught off guard at the last minute. This letter puts the Township on notice that if they are going to be changing something that could affect his property, he wants to be notified.

Cindy Miller questioned why we would only provide the notification to Mr. Jaindl and not every taxpayer. Attorney Backenstoe commented it would be because he put the Township on notice with the letter. Cindy Miller commented in her opinion, the letter doesn't matter. If we are going to be providing notice to him, then we should be providing notice to everyone. He is no exception. She understands he is the largest land holder in the Township and appreciates that he wants to develop in this area, but at the same time, he is no different than anyone else who may face an ordinance change. Attorney Backenstoe commented he understands the reaction, but now that he has given the letter, if the Board goes ahead and makes an ordinance change and it affects one of his properties, and it does affect him, the change will be null and void on his properties. Cindy Miller commented she is not saying we shouldn't notify him, but if we do it for him, we are going to do it for everyone. Everyone else could send us a letter putting us on notice. Attorney Backenstoe

commented anyone else can do the same thing. There are many instances where you don't have to notify property owners. If you notify everyone of changes, you will end up costing yourselves thousands and thousands of dollars in fees. Jerry Pritchard commented if someone else sends us a letter, we will notify them, but why would we miscellaneously do it and have those expenses. Attorney Backenstoe commented every landowner has the right to do this. Cindy Miller commented now our staff, probably our Zoning Officer, will have to monitor who submitted letters and if any of their properties are affected. Attorney Backenstoe noted there are many instances where property owners are required to be notified because of a change. This notice only applies to circumstances where individual property owners are not required to be notified.

Sandy Hopkins commented this is typical of someone like Mr. Jandl who now will not have to pay his employee to keep checking on his properties. Now, he will have the staff of every Township in which he owns property doing it for him. It leaves him off the hook.

Cindy Miller commented her concern with this is if the Township would accidentally miss something, we could be sued. He is putting us on notice. Jerry Pritchard questioned what the legality of this is. Attorney Backenstoe commented if you are having a public meeting which would affect one of his properties, you would need to put him on notice. It doesn't mean he can or can't do something. It is just that he needs to be notified. If you don't notify him, and you enact a law that substantively effects his property, it is not valid on his property. Cindy Miller commented, basically, the Township will be on the hook and needs to pay attention that we notify him. It is on us.

Zach Szoke questioned if the agendas for meetings are posted on the website? Why not make him responsible to check the agendas? Attorney Backenstoe commented he can and probably will do that, but Section 109 of the Municipalities Planning Code requires he be notified because he provided the Township with a letter putting them on notice.

Katherine Mack commented when a change in an ordinance is taking place, the Township must hold a public hearing. Wouldn't that be considered public notification? The last time the property owners whose zoning was changed were notified. Attorney Backenstoe commented in a lot of cases, property owners are notified; however, based on Section 109 of the MPC, if there is a public meeting which would affect his property and he is not required to be notified, the Township must still provide the notice.

- VIII. PUBLIC COMMENT. John Knoblach questioned if each board has a budget or is it just the Board of Supervisors. Mike Jones commented the different boards each have a budget.

Michael Hock questioned if the Board would consider any type of land or open space preservation programs in the Township, similar to what Moore Township has done. Attorney Backenstoe commented it is the EIT program for ag preservation and open space; there is a whole statutory program for this. If the Township is interested, you would need to place a referendum on the ballot. If it gets voted in, you would need to set up a whole program about purchasing open space with the additional .25 percent of Earned Income Tax. Attorney Backenstoe commented if this is something the Board is interested in, there are several procedural hoops that will need to be gone through. Ultimately, you draft and approve an ordinance with the referendum on the ballot. The referendum is binding. If there is a majority vote in favor of it, the Board must follow it. Cindy Miller noted that will mean an increase in taxes and a person in the office to handle it.

Phil Gogel questioned if solar panels could be placed all over a farm that has received money for the purchase of the development rights. Attorney Backenstoe commented it can be complicated. There are a number of levels. You would need to create an EAC and a program to determine which farms you want to preserve. Once you do this, then you generally work in conjunction with the County and the State. He has found that many people petition the County to get their land into the County program. If it gets chosen by the County, then the County purchases the ag easement. There are many properties who do not qualify for the County program so they then will apply to the Township because the Township regulations are less stern. In this case, the Township will finance the whole thing and purchase it with the money. There are also a number of times where the County will partner with the Township and they will pay half and the Township pays half. As to whether or not solar panels can be placed on the farm, he doesn't believe they are permitted. He did note that the use of bio-solids are permitted under the program.

Mike Jones commented he likes the idea of preserving land, but he has heard a lot of residents say they don't want their money to be used for something that they will not be able to have access to or be able to use. They want property purchases that are useful to them as opposed to the purchase of development rights. Cindy Miller commented she has also heard from people that they don't want their tax dollars used to buy land and then a farmer gets to farm it.

David Hess commented if we were going to raise taxes in the Township, there are other things that are needed such as more officers and repairing roads. Mike Jones commented in the case of the referendum, the residents would be choosing to raise taxes for the specific purpose of preservation.

Janet Sheats commented she wants everyone to understand the whole totality of this. When the idea of a fire tax was initiated for fire services, people didn't want to pay that tax.

Michael Hock commented if you look up the various studies in Pennsylvania, it shows that land preservation saves a municipality over time. That is something else that should be considered. You don't need more roads for a farm and the animals on the farm are not required to go to school. It would be a lot cheaper for municipalities over time if they preserve land.

Cindy Miller commented there are already farmers who have put their land into preservation. There is a lot of farmland that is already into preservation. How will that work with looking who is in preservation versus what is left. Attorney Backenstoe commented those who already sold their development rights to the County have been paid and preserved. The Township would be looking at properties who didn't qualify for the County program.

Jerry Pritchard questioned who actually buys the land. Attorney Backenstoe commented if it is part of the County program, the County pays for it. If it is through the Township program, then the Township pays for it. In the case of preservation, the farmer owns the property and you would just be purchasing the development rights so that it cannot be developed. It would create an agricultural easement that means the property can only be farmed.

Phil Gogel commented he likes the idea of ag preservation, but he disagrees that is it mathematically possible for you to put land into preservation and it will be economically beneficial for the Township. When properties are developed, the Township receives taxes and revenues that come in. Every time you sell a property, you get taxes. Whenever you do a study like this you will get both ends of the spectrum.

Janet Sheats commented everyone needs to be rightfully informed on both sides. There is a lot to look at here. She wants to make sure the residents truly understand what is going into this. She agrees with David Hess, before we spend money on this, we need more officers on our streets.

Zach Szoke commented he finds it troubling that we are depending upon growth, but yet we only have a certain amount of space in the Township and sooner or later you will get



to the end. The only other alternative he can think of besides going into the farmland preservation would be to limit the amount of subdivisions that can be allowed per parcel. He believes it was Heidelberg Township that only allows a parcel to be subdivided two times and the maximum is 1.5 acres per subdivision. If the tax is unfavorable, this would be another way to tackle the preservation of agriculture and openness in this Township. The first few bullet points of the Comp Plan is that we want to preserve or keep things the way they are. If we don't in another hundred years we will look like Whitehall. Cindy Miller commented we already have a one acre minimum requirement except for the areas where we have to provide all the different types of housing as required by the MPC. Zach Szoke commented in the case of the Top of the Mountain Estates, they are able to put 30 homes on the 60 acres under the current ordinance. If there was a restriction on the amount of subdivisions that could take place, the maximum number of homes would be two. There would be three acres that are homes and 55 acres that would still be agriculture. Cindy Miller commented that we would be regulating properties to the point where people couldn't do anything with their property. Mike Muffley commented if the amount of subdivisions on a parcel are restricted, you could run out of parcels and potentially end up with an exclusionary challenge to your zoning ordinance.

Michael Hock questioned what the next step would be for this. Mike Jones commented the Board would need to discuss this more and get more information on the program. Attorney Backenstoe commented the Board needs to decide if this is something they want to have placed on the ballot because there will be a cost involved to do that. Mike Jones commented the Board will need to discuss this further and have it added to a future agenda.

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