

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the September 14, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, September 14, 2021, at 6:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. Chairman Cindy Miller called the meeting to order with the Pledge of Allegiance and roll call.

Present: Phil Gogel
Cindy Miller
Mike Jones
Keith Hantz
David Backenstoe
Mike Muffley
Alice Rehrig
Frank Zamadics
Liz Amato
Scott Fogel

Absent: Mike McGonigle

- II. 2022 BUDGET. The Capital Improvements Plan was reviewed as far what was spent on capital and what was planned to be spent on capital. The items listed in 2021 are the items that have been spent. Items that were slated for 2021 but not yet purchased were assumed to not be purchased in 2021 and were moved to 2022 along with the funds that were allocated for these purchases. To further clarify, the items that were slated to be purchased in 2020, were moved into 2021 and all the subsequent years were pushed out a year in the 2021 Capital Improvements Plan. Not all the items that were designated to be purchased in 2021 were purchased. These items were moved to 2022 in addition to the items that were previously scheduled for 2022 in the 2021 Capital Improvements Plan.

Proposed purchases that were briefly discussed are as follows:

Office:

Microphones and monitors (unpurchased from 2021)

Printer. One printer was purchased in 2021 and a second is planned for 2022.

Allocation for continued document imaging project

Wireless bridge (unpurchased from 2021)

Server Rack (unpurchased from 2021). Technology purchases were held off because they could possibly be purchased with the federal funds that were received and the wireless bridge is also going to be needed for the new maintenance building.

Document Imaging. The project was started in 2021 and a deposit was paid on the project. It is on ongoing process. The variance files have been completed. The subdivision files are not completed yet. It is taking quite a bit of time putting things together for scanning. There is an amount allocated in 2022 for the continuing of the project.

Electronic Locks (unpurchased from 2021). Cindy Miller noted she, along with Alice Rehrig, met with the IT company and a security company, regarding security systems, access, cameras, and fire alarm systems to increase the security of buildings and property. Once the quotes are received, she will be working with Senator Scavello to obtain a grant for these items. She is aware of other Senators who were able to secure grants other than the Monroe and Northampton County Grants for these types of items. In her opinion, with today's environment, we need to seriously look to improve security for our buildings and is looking to other ways to fund it besides using General Fund money. Chief Fogel commented he liked everything that was being discussed regarding the security, cameras, etc. We really don't have anything here and he would suggest we work towards trying to figure out how to fund it over the next few years in the event we don't get the grant.

Generator. The funds listed for the generator are the grant funds that have been received. It was listed as a capital purchase so the funding wouldn't be absorbed into the general fund.

HVAC Unit. The unit was installed in 2007 and was expected to have a 15 year life. Right now, there are no issues with the system. The \$8,500 that is listed is most likely not going to be enough. Cindy Miller commented ductless air conditioning may be a consideration when it is time to replace the unit.

Police:

Police Vehicle. The Board previously approved the purchase of a vehicle to replace the vehicle with the bad motor. This replacement vehicle is the only new police vehicle that is planned. Up until now, the Chief was not able to secure a vehicle. A vehicle and tasers were included in the Grow Norco Grant that Alice Rehrig just submitted. Chief Fogel commented he was just notified that a car would be available in about three weeks and then it would need to go for upfitting. The Grow Norco Grant is expected to be awarded in October. As far as the car situation, the grant may be a way to help get the

department out of the situation where they have four cars with over 100,000 miles on them. The one that was purchased around the same time as the one with the blown motor has 125,000 miles on it and the one he is currently driving has 146,000 miles on it. The reliability of the vehicles starts to drop when they get the high mileage on them.

HVAC Unit. The unit is currently working, but it was installed in 2004. Money is allocated since the unit is 17 years old.

Uniforms. There has been difficulty in obtaining the needed uniforms. So far, about half of what was ordered has been received.

Tasers. The allocated tasers for 2021 were not purchased. The replacement of the tasers was part of the Grow Norco Grant where all the tasers would be purchased at one time and the costs would be covered for a period of five years. Chief Fogel commented this taser program would be \$6,000 more than what is currently being spent over the five year period; however, the tasers we currently have could be sold and we would receive about \$700 per taser to which would make up that difference. The cost of the program would include holsters, 8 cartridges per year per unit for training and live fire, and targets. This would basically cover all expenses for five years plus provide a 5 year warrantee which most of the tasers no longer have.

Night Owl DVR system/cameras. This was listed in the Plan for replacement in 2021; however, a grant was received from the DA's office at the end of 2020 that covered that expense.

Carpeting in the Secretary Area. The carpeting has not been replaced yet. The Chief will look into possibly getting this completed this year.

Public Works:

Trash Pump. This was listed for replacement in 2021 and it is still planned on being purchased.

Public Works Building Loan. When the 2021 budget was developed, it was anticipated that we would be having to start repaying the loan; however, we have only been required to pay the interest on the outstanding amount in 2021.

Lead Detection Equipment. This was scheduled for 2021, but has not been completed. This would need to be moved into 2022.

Leaf Vacuum relining. The machine did not need the relining in 2021, so the expense has been moved into 2022.

Fire:

Roger Spadt was present on behalf of the Fire Company. The original amount that was not deposited into the fund in 2020 was \$140,000. The amount that was scheduled for 2022 was \$145,000 for a total of \$285,000. The budget amount was increased to \$310,000 so that the amount of \$850,000 could be reached by the targeted dated of 2024. Cindy Miller commented she believes \$285,000 is what should be included in the budget and a grant should be applied for. Phil Gogel commented he would prefer the \$310,000 remain in the budget and see how things work out.

Ambulance:

Maria Wescoe was present on behalf of Northampton Regional Emergency Services. It was suggested they attend the budget meeting since it was noted in their report that their subscription services have decreased. In the past, the Township has allocated fuel in the amount of \$450, but it was not used. Marie Wescoe noted they switched their fleet to gas engine vehicles since they are cheaper to maintain and purchase. Keith Hantz noted Lehigh Township is the second highest in call volume for the area they serve. Northampton Borough had 1,233 calls last year and Lehigh Township had 1,023. Out of the eight municipalities they serve, Lehigh Township has the second high number of calls. Marie Wescoe commented their municipal support is limited. It ranges from an allocation of up to \$14,500 in fuel to a monetary contribution of \$5,000 plus fuel. Monetary contributions are appreciated because there are limited grants available for EMS; most are written for fire services. When they are written for EMS, Fire and QRS are also able to apply for the same funding. Even through COVID when their call volume was the greatest, they did not get the largest portion of the funding. They do apply for whatever grants are available to them. There is also a misconception regarding the billing for ambulance services. They are driven by Medicare. Regardless of what they put on the bill for the patient, they must accept the Medicare rate which is about \$320 dollars for an ALS call, and that is only if the patient is transported. They are also the only medical service that is required to take you whether or not your insurance will pay or you have money to pay for the service. A patients care cannot be based upon their ability to pay. Their operating budget is \$1.9 million and they write off about \$2 million each year in bad debt relating to patients where they have to accept the Medicare payment or patients who do not have the ability to pay.

Public Works—Capital Improvements Plan Changes:

The Public Works Department has been experiencing mechanical problems with trucks. In evaluating the problems, they felt it would be best to move the skid loader to 2023 and replace the trucks in 2022. In doing this, the roller will also need to be pushed out by two years. This shift in the plan will not cause any long term problems with the plan. The vehicles that are being proposed to be replaced in 2022 are the Ford 550, and the two Ford 350s. Cindy Miller questioned the discrepancy in pricing between what was in the plan and what was being proposed. Alice Rehrig commented the price in the plan was an estimate based on the pricing of other trucks. The proposed pricing for the new trucks is lower because they are going to be gas engines instead of diesel. The prices that Frank Zamadics received on these trucks are based on State Contract pricing. Frank Zamadics commented there is a savings of \$10,000 per truck just by removing the diesel engines; the diesel engines on these small trucks have been nothing but trouble. Two weeks ago, when the crew was checking grates in preparation of Ida, they drove into a cul-de-sac checking grates and the truck started rattling. The vehicles have a two piece valve in them and they are known to come apart. They haven't dug into the problem yet, but if the problem is anything other than in the head of the engine, it will require a total replacement of the engine. An estimate on a total replacement with fluids, belts and hoses is around \$20,000. This is the same truck where the body rusted and we replaced the body three years ago. The other pickups have the same engine in them and one of them is throwing a trouble code. He spoke with a mechanic who knows Ford engines and was told between 80,000 and 125,000 is when the engines can become a problem. The 550 has 90,000 on it and the 2008 350 pickup with the Tommy Gate has 125,000. The other 350 is older with a 6.0 engine in it and that one is having transmission problems. With these issues and concerns, he felt it would be best to move these vehicles up in the replacement schedule and push the skid loader back a year and keep the grader. These trucks get used every day. The truck that he runs can be a 150 to reduce the costs. If and when a chassis is found, there may be a possibility that we can take the body off the 550 and use it on the new chassis if the frame rails are all the same.

Recreation:

The Capital Improvements Plan was redone to show it as a savings plan and the targeted date for the improvement. The way the plan is scheduled, the current allocation to the Recreation Savings will be able to be continued. The greatest concern is the wall in Berlinsville because it is starting to fail and the Recreation Board wanted to make sure the funding would be available for that. Sandy Hopkins noted the funding that was in the plan for the dog park was moved to the wall so the repairs could be done.

The current balance of the Building Fund is \$1,067,780 with another \$50,000 being scheduled to be deposited this year.

III. APPROVAL OF THE MINUTES

- A. Minutes of August 24, 2021. Keith Hantz made a motion to approve these minutes. Mike Jones seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS

- A. General Fund Checks 25129 to 25181. Keith Hantz made a motion to approve these bills. Mike Jones seconded the motion. All voted aye. Motion carried.
- B. State Fund Checks 1537 to 1539. Keith Hantz made a motion to approve these bills. Mike Jones seconded the motion. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

A. Plans for Approval

1. William Jones Lot Line Adjustment. William Jones was present to represent this plan. This is a lot line adjustment between Mr. Jones and the Oplinger-Hower Legion. Mike Muffley commented he has had the opportunity to review the plan and all outstanding items have been addressed. There were four waiver requests that were submitted. The waivers being requested are from SALDO Section 147-9.A regarding showing all existing features within 50' of the tract boundary, Section 147.9.A.7 regarding contour lines being shown at vertical intervals of two feet, Section 147.9.A.10 & 10.A.16 regarding the location of manmade features within 50' of the project boundary, and Section 147.9.A.5 regarding showing all existing streams, watercourses, and woodlands on the plan.

Phil Gogel made a motion to grant the four waivers being requested as recommended by the Planning Commission in their letter dated June 21, 2021. Keith Hantz seconded the motion. All voted aye. Motion carried.

There is no additional right of way being proposed for this project and the Planning Commission agreed no additional right of way would be required.

Phil Gogel made a motion to grant this plan final approval. Mike Jones seconded the motion. All voted aye. Motion carried.

2. Charles & Mary Sheckler Minor Subdivision. Darrin Heckman from Keystone Consulting was present to represent this plan. Mike Muffley noted the developer's engineer has addressed all of the comments to his

satisfaction. There is a waiver being requested of SALDO Section 147-37.A(2) regarding monumentation. The monumentation as shown on the plan is acceptable to the Township Engineer.

Phil Gogel made a motion to grant the requested waiver of SALDO Section 147-37.A.(2). Mike Jones seconded the motion. All voted aye. Motion carried.

Cindy Miller questioned the proposed driveway that is being shown on Lot 2 as well as the proposed use of Lot 2. Darrin Heckman commented Mrs. Scheckler's property is on both sides of West Mountain View Drive. The dwelling is on the east side of the roadway and the balance of the property is on the west side of the road. The zoning district line goes up the center line of West Mountain View Drive. Sal Melo is the individual who is purchasing the 8 acres on the west side of West Mountain View Drive. They are showing accessibility, a well location and that they have a primary and secondary location for a septic system to show it is a viable building lot. The exact intentions of Mr. Melo are not known at this point. This intent of this plan to split the home from the remaining lands and show that the remaining lands are a viable lot for the future. Mrs. Scheckler will be retaining the home and Mr. Melo will be acquiring the remaining lands. They are also proposing to dedicate additional right of way along Old Main Street and West Mountain View Drive.

Cindy Miller commented she got confused when she read LVPC's letter and the letter stated the intent was to subdivide the 11 acre property to create a new lot for the construction of a new single family dwelling on Lot 2; she knows Lot 2 is a commercial lot, not a residential lot. Darrin Heckman commented LVPC must have overlooked the statement of intent that was listed on Lot 2. Because Lot 2 is zoned as a General Commercial Lot, they do not know what the use of the property will be at this time. In the future, when there is development on this parcel, they will be back before the Planning Commission and the Board. As part of this subdivision, he just wanted to demonstrate accessibility and a clear sight triangle.

Cindy Miller questioned if the driveway could be moved in the future since it is noted as "proposed" on the plan. Mike Muffley commented the use the property will dictate the size and geometry of the driveway. Since this plan is just a subdivision of the land, they want to demonstrate that there is access to the property. Cindy Miller commented the access is a

concern because she believes this is a dangerous area of West Mountain View Drive. Darrin Heckman commented this property is on the outside of the curve so there is a better site distance than what you would have on the other side by Maple Drive. Cindy Miller questioned if the bank will need to be cut back to meet the site distance. Mike Muffley commented the bank will need to be cut more for the grading of the driveway in order to meet the slope requirements for the driveway and keep it within the boundary of the property. The existing farm road is closer than five feet to the property line so they were asked to shift the driveway to meet this requirement.

Cindy Miller commented she understands the need for the subdivision because the property is split into two zoning districts. She has no objection as long as they will be coming back to Planning in the future for land development of the vacant land. Darrin Heckman confirmed they would be coming back for any development of the vacant parcel.

Phil Gogel made a motion to approve this plan. Mike Jones seconded the motion. All voted aye. Motion carried.

3. Marvin Olewine Lot Line Adjustment. Marvin Olewine and George Fetch were present to represent this plan. There are three waivers being requested. The waivers are SALDO Section 147-9.A.7, regarding contours being shown on the plan; Section 147-9.A.10 and 10.A.16 regarding existing utility information being provided on the plan and Section 147-10-A.10 regarding the location and elevation of all street monuments being provided, specifically for the requirement for an as built plan showing the location and elevation of all existing and construction street monuments prior to the release of posted security. Mike Muffley commented all the items in his last review letter have been addressed.

Mike Jones made a motion to grant the three waivers being requested. Keith Hantz seconded the motion. All voted aye. Motion carried.

Phil Gogel made a motion to grant this plan final plan approval. Keith Hantz seconded the motion. All voted aye. Motion carried.

- B. Engineer's Report. Mike Muffley reported the following plans before the Planning Commission at their September 13 meeting:

Donald & Judy Latshaw. This is a lot consolidation plan. The plan was reviewed and tabled for their engineer to make changes to the plan.

Haffner Irrevocable Living Trust. This is also a lot consolidation plan which they are splitting a lot and adding it to two other lots to make them larger. The plan was reviewed and tabled for their engineer to make changes to the plan.

J & T Enterprise, Terry Vandling. This is for a single family residence on the old PPL quarry. There were a number of items discussed including deed restrictions with respect to DEP and asbestos material disposal and getting clarification for the area. The plan was reviewed and tabled for their engineer to make changes to the plan.

A time extension was also approved for the Obsenski Plan (CarDoc). This will be coming to the Board at their next meeting.

There was a grading plan review done for Jodi and Megan Snyder. In addition to grading review, they also need stormwater management review. They are asking for two waivers that he feels are appropriate because of the limited amount of flows in the swales. The Snyder's have a rather long driveway and the stormwater associated with the driveway includes some swales. The stormwater ordinance requires the side slopes of the swale to not exceed a 3:1 ratio. They are proposing a 2:1 ratio. In order to meet the 3:1 ratio, the swale will need to be flatter resulting in more earth disturbance and would not be practical for what the site layout is. In addition to the side slope ratio, there is a maximum velocity in a swale. Since it is a low depth of flow, there are no concerns with the velocity exceeding the maximum limit. In order to meet this requirement, it would require an exorbitant amount of grading which would not be practical. It would create more earth disturbance and stormwater issues. With all the recent rain, there has not been an issue with runoff at the site. This stormwater eventually ties into the Hills of Greenock system so it is all accounted for in the overall system. The waiver is the only outstanding item for their plan. This item will be placed on the next agenda for approval. Megan Snyder commented this project has had multiple delays because it is a complicated project, but if they don't build this year, it will become a financial burden to them because they will not be able to hold their contract with their builder. Cindy Miller commented this will be on the agenda in two weeks and it will definitely be acted upon. Megan Snyder questioned how quickly they would receive their permit if this is approved in two weeks. Liz Amato commented she can issue the permit the next day once the waiver is approved.

There were some additional MS4 comments received from DEP that his office is working on addressing. Cindy Miller commented she thought the MS4 was completed. Mike Muffley commented the plan was adopted, but there a few things that need to be wrapped up with DEP. Attorney Backenstoe commented everything that the Board agreed to with DEP is still the same.

VI. DEPARTMENTAL/ORGANIZATION REPORTS

- A. Recreation Report. Sandy Hopkins reported the dedication of the Dog Park went very well even though the weather was against them. There were about 20 dogs and 40 people who attended the dedication. Kathern Mack spoke dedicating the park to her late husband. Wes Shoemaker gave suggestions on how to introduce your dog to other. David Hess brought snacks and water for people and Alice Rehrig provided some dog treats. Cindy Miller also noted the agility equipment that was donated is really nice. Sandy Hopkins commented there is someone who is also looking to donate a fire hydrant to the park as well.

Sandy Hopkins also met with the Lehigh Township Lions and they would like to be involved in the Tree Lighting. They would like to provide hot dogs and hot chocolate. They are willing to help in any way that is needed.

- B. Public Works Report. Frank Zamadics reported the oil and chip project was completed with very little problems. The Township is on the list for line striping. They initially planned on moving in on the 1st, but were delayed because of Ida and it has been raining every Wednesday since. Once they are able to get here and the weather is okay, the striping will be completed.

Phil Gogel requested a list of roads be developed for paving and chipping next year.

- C. Zoning Report. Cindy Miller questioned what was taking place at 3461 Lehigh Drive. Liz Amato commented she sent them a violation notice and eventually cited them. The property owner plead guilty so there was never a hearing. They just paid the fine. Since the violation still exists, she cited him again. She is hoping this time there will actually be a hearing so the matter can be resolved.

Liz Amato did have a hearing at the Magistrate for the Gogel property on Route 145. They will be back at the Magistrate in 30 days to see what progress has been made.

Last week the Hosiers were approved for their accessory apartment at the Zoning Hearing Board after the third continuance. Betty Reinhart was granted a variance from setback for the two lots that she is consolidating on Three Mile Lane. The

Grubes who are building at the corner of Wood Drive and Municipal Road withdrew their application. The only hearing that is scheduled for next month is the Bittner Appeal for a landscaping business.

Cindy Miller noted Attorney Caffrey seems to be doing very well in his campaign for Judge. The Zoning Hearing Board should start thinking about who would replace him if he is successful in his campaign.

Jerry Pritchard commented there is a house below him that has multiple cars at it on multiple days. Liz Amato commented the property owner came in to speak with her yesterday. When he initially spoke with her some time ago, he asked if the garage could be turned into a craft room for his wife and her friends, which would not be a problem. He is now using the home for an Airbnb craft resort. He is renting rooms on the weekend for people to come to the house for a craft retreat. He will be going through the zoning process for this use.

- D. Police Report. Chief Fogel reported the crashes continue to be lower than what they have been over the past few years with no fatal crashes over the past 2 ½ years.

The Department has been having a difficult time obtaining certain items such as ammunition and uniforms.

On Saturday, September 18, the Cash 5K fundraising event will be held at Delps Park.

Chief Fogel wanted to thank Bethany Wesleyan Church for hosting a Glock armorers class for the Police. They provided all the space that was needed, as well as lunch and coffee.

Jerry Pritchard commented he caught the tail end of the budget regarding a new car and was wondering how the current vehicles are treated. Chief Fogel commented there are four vehicles with over 100,000 miles on them. When you take into consideration the idle time on the engine, it equals about 250,000 to 260,000 miles per vehicle. The vehicles are driven hard when they are trying to get to a call quickly or pull a vehicle over. With the police cars, you are really taking a passenger vehicle and making it into a police vehicle. Other than putting a heavier duty suspension and larger alternator on the vehicles, there is no difference between the police vehicle and a regular passenger vehicle. The vehicles are maintained. When something needs to be done, the vehicle goes over to the Public Works garage to get the work done. They are taken care of, but

sometimes problems develop like what happened with the problem with the motor on the one vehicle. Cindy Miller noted the Capital Improvements Plan does show the planning for the replacement of the vehicles.

- E. Fire Company Report. There was nothing additional to report. Roger Spadt did need to leave the meeting to attend another meeting.

VII. OLD BUSINESS

- A. Cherryville Intersection. Mike Muffley reported the signal heads and cabinets are completed. The only outstanding item is the pedestrian pavement markings so that the units can be energized. This should be completed in the next few weeks.

Cindy Miller commented she noticed there are a lot of weeds starting to come up right next to the project. Whose responsibility would it be to take care of the weeds? Attorney Backenstoe commented the Township took the property by emanant domain to complete the roadwork. The Township wouldn't have any type of ownership to the property. The maintenance of the property would be that of the property owner like any other lot in the Township. Liz Amato commented she will contact Adam Jandl and ask if he can take care of it.

- B. Maintenance Building. The building has been put out to bid and the bids are due next Wednesday. There should be a letter of recommendation from the Architect for the next meeting. Keith Hantz questioned if there was a lot of interest in the project. Alice Rehrig commented she knows there has been some interest because she has seen emails go back and forth with questions, but as far as how many people have looked at the specs on PennBid, she wouldn't see that information because the Architect is the one who posted the bid.

VIII. NEW BUSINESS

- A. Lorah Farm Events. Attorney Susan Bucknum was present to represent Edgar Lorah Jr. who owns and operates Lorah Farms. Mr. Lorah engages in agritainment activities on his property in conjunction with the direct commercial sales of his agricultural activities. He has done so since 2006. She submitted a letter dated August 27, 2021, outlining the activities on the farm, the history, as well as the State laws in Pennsylvania that protect agricultural operations. It's important for the Board to understand what is meant by agritainment in the ag industry. It is to bring people to your farm to sell your ag commodities in order to generate additional income for the viability of your farm. The agricultural industry recognizes that ag operators engage in this use to market, sell, and use their ag products, to provide education and entertainment, educate on the availability, nature, use and quality of Pennsylvania produced agricultural

commodities. It helps preserve farmland and heritage by helping to assist with the economic viability of an ag operation. It provides a community service and helps to supplement income.

Agritainment activities generally encompass four broad categories: direct sales, agricultural education, such as farm tours, recreation agritainment activities that get offered, and agriculture lodging, farm stays, are encompassed as an agritainment activity. Examples of the activities that occur not only here, but across the state are children's activities, bounce pillows, cart rides, apple cannons, paintball, peddle cart tracks, batting cages, ball throwing, go carts, laser tag, corn mazes, haunted mazes, hay rides, music, rodeos, pony rides, off road vehicle driving, limited wineries, concerts, yoga, weddings, and food trucks. It's recreation and entertainment that the farmers provide to bring people to the farm and then they sell their commodities. The agritainment does not have to have a direct correlation to a farming activity. It's entertainment. It's a way to bring people to their farm, and then they can see where their food comes from, and they learn.

The Lorah family has been in farming for 100 years. Mr. Lorah and his sons continue to operate the family farm to this day. Mr. Lorah's agricultural operation consists of over 200 acres which produces pork, beef, poultry, agricultural crops and commodities that he produces. He also farms additional acreage for his operation. He is enrolled in the Lehigh Township Agricultural Security Area and the Northampton County Clean and Green Program. The majority of his acreage is permanently preserved through a conservation easement dating back to 2002. The Northampton County Bureau of Farmland Preservation approves of these activities and the use of the preserved farm field for parking.

In 2006, Mr. Lorah began holding a few truck and tractor pulls on his farm. By 2012, Mr. Lorah was holding approximately 12 truck and tractor pulls a year with each one scheduled on a day between early spring through early fall. Several years ago, Mr. Lorah started holding truck drags, junk car races, and a demolition derby in addition to the truck and tractor pulls. In 2021, Mr. Lorah scheduled 17 of these agritainment activities in a staggered fashion between early spring and late October. Two of these events have been cancelled this year. The schedule consisted of four truck pulls, three tractor pulls, four truck drags, four junk races, and one demolition derby. The schedule of these events was one junk car race in April, one truck pull on May 14, one tractor pull on May 15, a demolition derby on May 31st which started at 2 PM. In June, there was a truck and tractor pull on the 12th and a truck drag on the 18th. In July, there was a junk car race on the 9th, a truck pull on the 30th, and truck drags on the 31st. There was one truck drag in August, a truck drag on September 11th and there is a truck pull and tractor pull on

the 17th and 18th and one junk car race at the end of the month. A final junk car race will be held at the end of October. Mr. Lorah opens up the farm about two hours before the actual event starts where people can come in in a staggered fashion. He has food for sale. The events typically start around 6:00 p.m. and are wrapped up between 9:00 p.m. and 10:00 p.m.

Mr. Lorah has always sold the food that he produces from his agricultural operations at these events since 2006. There are no outside vendors and this is the direct sale of ag commodities. He uses the truck and tractor pulls and related pulls and races to bring people to the farm to sell food, as well as provide the family friendly experience and community support. The local Lions Club assists with parking cars and the ticketing at the events and they get donations in exchange for this. They use the donations to provide support to the community for charitable contributions assisting residents in need and providing scholarships. The donations from Mr. Lorah's agritainment activities provide significant resources for the Lions Club's work within the community. In addition, Mr. Lorah also allows the local Fire Company to solicit donations with buckets at the event. Firefighters are also admitted for free. These charitable donations are another aspect of agritainment. The farmers have these events and give back to the community through the donations. It helps preserve their farmland and educate people.

Mr. Lorah does not allow alcohol at these activities; not in the parking lot and not on the track. No one is allowed to bring a cooler in; vehicles are searched. If there are any issues, the patrons are told to leave. The pulls and races allow both city and county kids to bring their cars that they work on and have some good safe wholesome fun with families while people enjoy the farm fresh food that is produced by the Lorah's and their family history recipe.

Mr. Lorah sited the track that is used for the events at the farm to the eastern side of his property. It is only several hundred feet to the Route 248 access. It is also bordered on the eastern side of the track by Erschens' Garage and Livengood Excavators which are both commercial operations. On the western side of the tract are all of Mr. Lorah's farm buildings. There are farm fields to the north, south, and west. The closest property owner is 500 feet or more away to the west on the opposite side of his farm buildings. The parking for the activities occurs across South Cypress Road, north of the track. Mr. Lorah uses farm fencing to ensure there is only one path for patrons to go across from the parking lot to where the track is. The lighting used for the track has been the same for decades. It shines down on the track. All the lights shine down on the track, not towards the road. That hasn't changed. There is a light source in the parking lot that is a single pole and is only used as needed. If these lights are used, they are directed

across the street towards the track. The customers arrive in a staggered fashion and leave in a staggered fashion. There are people who come and leave when their heat is done so they are not all leaving at one time. Events are typically concluded by 9:00 or 10:00 p.m. Mr. Lorah ensures the agritainment activities are concluded by 11:00 p.m. There have been about three times in the past three years that some events went a little past 11:00 p.m. because of unavoidable rain storms. The activities are scheduled to begin around 6:00 p.m. to ensure they can be wrapped up by 11:00 p.m. The junk car races were previously started at 7:00 p.m., but Mr. Lorah has changed them to start at 6:00 p.m. to be consistent with the other activities.

The truck and tractor pulls which have been taking place at the Lorah's since 2006 are the loudest of the variety of events. This involves a 300 foot pull so it is a short spurt for the heat and then it concludes. All the vehicle heats go from the western side of the track to the eastern side of the property so they are going towards Erschen's Garage which is a commercial property and are going away from the nearest residence which is over 500 feet away. Mr. Lorah will restrict the number of pulls based on the number of entries per day to ensure they are done in time, scheduling them to end around 9:30 p.m. or 10:00 p.m. The truck drags are a race that is about 200 feet and are trucks that are driven on the public roads. They don't create more noise than the truck and tractor pulls that have been going on since 2006. The junk car races involve small vehicles that are four cylinders with small mufflers and go about 30 miles per hour around the track and make more of a buzzing sound and are not a big noise contributor. The demolition derby is one per season and held in the afternoon around 2:00 p.m. It is her understanding that Livengood Excavators have many triaxle trucks that are presumably driven every day and are right there. It is also her understanding that there are about 300 triaxle trucks that travel through the area every day. The Blue Mountain Quarter Midge track is about two streets away and they hold races every Friday which involves people bringing their race cars with trucks and trailers to that track. There is a similar type of use in proximity to this.

There was an issue brought up about speeding on South Cypress Road. Mr. Lorah makes announcements throughout the festivities to abide by the speed limit and don't be speeding down this road. It is a Township road, and Mr. Lorah welcomes suggestions from the Township on how to enforce the speed limit if it is an issue. He doesn't want the speeding either, but is not in the authority to issue speeding tickets.

Attorney Bucknum wanted to review some of the history on this property since 2012, since this was referenced in the Zoning Officer's letter. There appears to be some discrepancies. In 2012, Mr. Lorah submitted a letter to the Township

indicating he would like to continue holding his events. He would abide by the nuisance ordinance and end by 11:00 p.m. In his letter, he did not state how many events he had. The Supervisor meeting minutes from June of 2012 when this was discussed, the focus was only on Mr. Lorah concluding by 11:00 p.m. There was no mention of the number of events or activities being held. The focus was on neighbor complaints of the pulls running late. In the minutes there are comments from the solicitor to the Board that state this is just use being conducted on his property. As long as he complies with the ordinances on nuisance, the Board will have no other input. Keith Hantz had made a motion that the Board have no other input as long as Mr. Lorah complies with the nuisance ordinances. Other statements from the minutes were, the Board is simply acknowledging that he is conducting these events and the Township doesn't find there is any prohibition in the ordinances so it is up to him on how he wants to run them. It is not being regulated by the Township and it is not a sanctioned Township event. It is something he is doing on his property. The Township doesn't find it to be illegal and he can continue to do it. The Township doesn't regulate or oversee it. Ultimately, the Township voted on Supervisor Hantz's motion that the Board have no further input as long as Mr. Lorah complies with the nuisance ordinances. There was no reference in the meeting minutes to any Board vote on the number of events. The Zoning Officer sent an email to Mrs. Lorah and it was ambiguous in how it described the events. Everyone kept saying it was three events, but back in that time period, Mr. Lorah was running weekend events on Friday, Saturday, and Sunday. The e-mail says three events and they were three days each. She wants to clear this with the Board because it has been said Mr. Lorah has exponentially increased the number of events being held, but he really hasn't. Back in 2012 he was holding 12 and this year he scheduled 17 which really turned out to be 15. There seems to be a misunderstanding back then because Mr. Lorah never stated the number of events and the Zoning Officer's letter back then was ambiguous with nine events because there were three day weekend events. She wanted to clear this up because it wasn't three events back in 2012 and there hasn't been an exponential growth of events.

As far as zoning, it is Attorney Bucknum's understanding that the Lorah Farm was zoning ag/rural residential until there was a rezoning of the Route 248 corridor some time a few years ago. The zoning map is dated 2016. Attorney Backenstoe commented the last rezoning that took place was in 2002. Attorney Bucknum commented the Lorah farm was zoning ag/rural residential until any rezoning. Under the permitted uses in the A/RR zoning district, it provides for Outdoor Recreation, but the term is not defined and there are no criteria. They submit that Mr. Lorah's longstanding agritainment falls within outdoor recreation and an established conforming use. Under the MPC, terms that are not defined are interpreted in favor of the land owner for the least restriction. Mr. Lorah's

outdoor recreation as agritainment since 2006, is a lawful continuing conforming use. In addition, agritainment would fit into the General Commercial purpose of that zone. The purpose of the zone in the zoning ordinance states this zone provides for larger-scale retail, entertainment, and service uses within the Township. Uses within this zone are meant to draw upon a Township-wide and regional market. Furthermore, certain tourism-related uses are also permitted that cater to those visiting or passing through the Township. Mr. Lorah's use of agritainment activities to bring people to his farm fits squarely into this purpose.

There are also State laws that are geared towards protecting and preserving agricultural operations and land. The Right to Farm Act protects direct commercial sales of ag commodities. Attorney Buchman noted her entire law practice is representing ag operators and agricultural law. Ag is a business and people tend to lose site of that. Farmers are in the business to make money and make a living. Commercial sales involve marketing and bringing people to your farm. This is how the ag industry has developed. The agritainment has really helped the farmers out to generate that extra income. Lehigh Township also has their Ag Security Area in which Mr. Lorah is enrolled. This law provides for additional protection to the property that are enrolled in this area. A municipality is mandated that they shall encourage the continuity, development, and viability of agriculture in the area by not enacting laws or ordinances that would unreasonably restrict farm structures or farm practices. The ASA law defines ag production as the production for commercial purposes of ag crops, livestock, products, including the processing and retail marketing of such crops, livestock, and livestock products. Accordingly, the production, processing and retail marketing of agricultural crops are part of ag production and farm practices and should not be unreasonably restricted. The Municipalities Planning Code provides the Township with the authority to enact zoning ordinances but it also comes with purposes, the responsibilities and limitations. One of the purposes of the MPC is that it directs municipalities to ensure that when municipalities enact zoning, they facilitate the present and future viability of existing and future ag operations in the Commonwealth and they do not prevent or impede in the owner operators need to change or expand their operations in the future in order to remain viable. Under Section 603, it explicitly limits municipal authority to regulate commercial agriculture production with requirements that would exceed the Right to Farm Act or Ag Security Law. The MPC also mandates that a municipality shall encourage the continuity, development, and viability of agricultural operation not restrict agricultural operation in geographic areas where agriculture traditionally has been present. The General Assembly has recognized agritainment. They amended the Clean and Green in 2005 to allow for agritainment on farm parcels and not lose their preferential tax. This supports

what is being said that it is recognized that agritainment is used by agricultural operators and that the State recognizes that as a use and shouldn't impact the farmers preferential tax treatment.

Mr. Lorah has been engaging in agritainment activities in conjunction with his direct commercial sales since 2006 and his activities are consistent with other operations throughout Pennsylvania and provide a significant contribution to this community. They are an outlet for young people and families to come and enjoy safe good fun on the farm. On behalf of Mr. Lorah and family, she is requesting the Board recognize his agritainment activities as a continuing conforming outdoor recreation use that was established in 2006 and been a continuing operation since then. The continuing conforming use is within the purposes of the General Commercial Zone which it currently is zoned.

Dan Lombardo of the Lehigh Township Lions commented they assist the community in many ways, just as Sandy Hopkins described earlier regarding the Christmas Tree Lighting. It is one of the many ways that they do things for the community. The donation that Mr. Lorah provides to the Lions through his events is a significant amount of what they do for the community. As a Lions Club Organization, they give back 100 percent of what they get. They donate \$100 to the food bank on a monthly basis, provide a \$500 donation to any family that has had any type of fire in Lehigh Township, they donate a significant amount to the Lehigh Township Fire Company, give out 230 fruit baskets to shut-ins at Christmas, donate to members of the community in need, along with organizations within the Township. They are always willing to help. They provide free eye exams and glasses for those in the community who can't afford the service, scholarships to Northampton High School seniors and also contribute to other Lions organization in the area. In addition, they maintain Bryfogle Memorial Park. They have an endowment from Mr. Bryfogle specifically geared towards taking care of the park and helping the kids with the scholarships. Loss of the donations of the activities at the Lorah farm would significantly impact what they can do for the community. These donations make up more than 50 percent of their fundraising efforts.

Attorney Backenstoe commented there are a lot of issues involved with this discussion. There are issues regarding a lawful non-conforming use, issues regarding a conditional use, and agritainment issues which are important to recognize. In reviewing the file, there was limited information available regarding this particular issue. He did find the letter from Mr. Lorah, indicating he would like to continue to have his yearly events, not specifying a certain number, and trying to comply with the noise ordinance. The former Zoning Officer, Laura Harrier, wrote a memo indicating that this wasn't a use anywhere

and that it could fall under Chapter 65, Circuses and Shows. That is kind of how the Board looked at it. Basically, what she said was the solution at that time, because there was a number of complaints, was that she visited the site and requested he present a letter to the Board of Supervisors asking to continue the tractor pulls. Laura Harrier said in her memo that he operates three per year, one in June, July, and August. To avoid having problems with interfering with the noise ordinance, Mr. Lorah would start the events earlier in the day to conclude by 11:00 p.m. The Board then had a very general discussion as described by Attorney Bucknum. Attorney Backenstoe commented it was his take that the Board felt that it is a farm, it is a rural community and tractor pulls are traditionally part of farming. Based on Laura Harrier's representation, the Board looked at it as there are approximately three or so truck or tractor pulls and the Board of Supervisors didn't really have any thoughts on it, didn't want to interfere with it and felt it was appropriate. Based on this, Laura Harrier, sent a letter to the Lorah's and indicated the Board discussed it on June 12 and doesn't object to the continued use; however, the Board was very firm that the events end by 11:00 p.m. and starting the events earlier should take care of this issue. She also said the pulls should not increase in size, meaning the number of events per year, three, they must remain as you have them now. Should there be any type of change, whether it is to increase the number of events or hold longer events from the three days now, to more or add any structures you would need to submit a request to the Board and zoning approvals may be necessary. The memo is kind of ambiguous in that you could interpret each event as a three day event. To Attorney Backenstoe understanding, the Board of Supervisors haven't heard anything further regarding this until last year when residents came in upset with the noise and traffic. One fellow was upset because people were showing up at the events with large trailers and were speeding down the road. The Board wanted to know what was going on which is why they had the Zoning Officer send a letter. At this point, with the magnitude of what is taking place on the property, he doesn't know that the Board of Supervisors can permit or not permit it. He believes it may be a zoning issue. His thought is that the Board can't just condone what is taking place. The Board always believed there were three tractor pulls in 2012, but he doesn't know whether or not the events have been taking place since 2006. Based on his conversations with the Zoning Officer, there are a couple of interesting issues which would protect Mr. Lorah's right to do this. He doesn't know that the Board of Supervisors has the authority to approve or condone this. He does believe there are several options within the Township ordinances that could clarify this once and forever.

The first option would be a lawful non-confirming use. To Attorney Backenstoe's knowledge, this whole farm is in a General Commercial Zoning District and the farm has been in operation for 100 years. The last time there was

a significant zoning change was in 2002. He believes this is when he would have obtained non-conformity. When you have a lawful non-conforming use, you have a constitutional right to continue to do that. The courts did say that Townships, Boroughs, and Cities have the right to limit the expansion of a lawful non-conforming use. They have to allow expansions, but Townships can limit. The question becomes how much of the agritainment were you really doing and when did it start. To the extent of how much the non-conforming use was expanded and how it is determined would be to go to the Zoning Hearing Board for a special exception. A special exception is a permitted use to which you are entitled and conditions can be attached by the Zoning Hearing Board unless an objector proves that the expansion is more detrimental to the community than other ones like it. Going to the Zoning Hearing Board would confirm the extent to which the non-conforming use expanded or, in the very least, create a record and have a written decision that you were doing these uses and should be able to continue them.

A second option would be to apply for a conditional use in which a presentation similar to what was done tonight would be presented to the Board of Supervisors during a conditional use hearing that was properly advertised to make a record. In this case, the Board would have full authority to grant the approvals that are being sought. Under the ordinances, the property is located in the General Commercial Zoning District and under conditional uses is Commercial Recreation Facilities. A conditional use is similar to a special exception where it is a permitted use to which conditions can be applied. The only difference between a conditional use and a special exception use is that a conditional use hearing takes place before the Board of Supervisors rather than the Zoning Hearing Board. A conditional use hearing is the only time under Pennsylvania law in which the Board of Supervisors has jurisdiction over a zoning matter. Based on the research that he has done, the activities on Mr. Lorah's farm fall under the Commercial Recreation Facilities. This is defined as activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to bowling alleys, drive-in motion-picture facilities, swimming pools, health clubs, miniature golf courses, etc. This definition does not include adult-related uses, shooting ranges, amusement arcades, or off-track betting parlors, as defined herein. Attorney Backenstoe feels that the agritainment falls right within this definition. Assuming Mr. Lorah felt he was part of a Commercial Recreation Activity, he would file an appeal with the Zoning Officer for a conditional use. There are Conditional Use requirements which he also reviewed and feels this would fall under this as well. There are special criteria for Commercial Recreation Facilities which are as follows:

If the subject property contains more than two acres, it shall front on an arterial or collector road;

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Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;

Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy;

The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and/or pollution;

Required parking will be determined based upon a combination of the types of activities proposed and the schedule contained in Section 180-37. In addition, an unimproved grass overflow parking area to be provided for peak use periods may be required. Such overflow parking shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;

Any booths or other structures used for the collection of admission and/or parking fees shall be set back a sufficient distance and be arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (e.g., roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If at any time after the opening of the commercial recreation facility the Township determines that traffic backups are occurring on adjoining property, the Township can require the applicant to revise the means of access to relieve the undue congestion; and

Any outside pedestrian waiting lines shall be provided with a means of shade.

Based on the presentation made this evening, it would appear as though all these conditions could be met and this use falls with the Commercial Recreation Facility requirements. A similar presentation could be made at a conditional use hearing.

Liz Amato commented she wouldn't have preference as to what type of relief they would seek. She is looking for the record to be made so that she has a means of addressing complaints that come in and she can say this is what they were approved for.

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Attorney Bucknum commented other municipalities view agritainment as an accessory use to the farming operation. With what Mr. Lorah is doing, you are only talking about 17 days out of the entire year. Other farms with agritainment are doing things all the time from spring right through to the fall and winter. Limited wineries rely on bringing people to their farms with music and food trucks every weekend. Pick your own farm activities can go on all week or weekend. What is taking place here is really not a large scale when you compare it to other agritainment activities. Even the agritainment that goes all through the week or every weekend is still viewed as an accessory to the farm.

Attorney Backenstoe commented he does not believe agritainment is listed as an accessory use. In other municipalities he represents, there is always a hearing. There is a record created and the right to do it is preserved forever. He has not been involved in any Township where it is just a permitted use. It doesn't mean it couldn't be; it would be up to the Zoning Ordinance.

These two options are his thoughts on this matter. He tried to look at it in a light that was favorable to Mr. Lorah. He doesn't know what happened. In 2012 everyone believed there were three truck or tractor pull events.

Keith Hantz commented he, along with Cindy Miller, and Sandy Hopkins were on the Board in 2012 when this was discussed. He believes that all thought they were the weekend events or a total of nine days. He can only speak for himself, but he doesn't believe anyone on the Board is trying to shut down Mr. Lorah's operation. He agrees with Liz Amato in that he would like to have something on the record that as a Township they have what the rules were for Mr. Lorah to keep his events going. When you are sitting at the table as a Supervisor and a resident contacts you to complain about the event, it is difficult when you don't have what the decision was and to be able to stand by that decision. He stands by what was done in 2012. He does believe the events may have grown a bit, but up until last year, the Board didn't hear anything about it other than late night noise. Listening to what Attorney Backenstoe and Attorney Bucknum have said, he believes there is a simple solution to this. He doesn't believe the Board of Supervisors has a problem with the Lorah Farm. He just thinks it would be better to have something on record so that the Board can stand by it if they get that complaint.

Cindy Miller commented she remembers the conversation from 2012 very clearly. She was under the impression it was three weekends a year and that was it. She did notice there were more weekends; she drives by all the time. She believes it is great for the area but the Board is starting to get complaints. She agrees with Liz Amato and Attorney Backenstoe that we need something in writing so they have something to talk about to the residents or neighbors who are complaining. She

lives on North Cypress and doesn't really hear it and it doesn't bother them, but it does bother some residents and the Board needs to look out for everyone. She believes either the Special Exception or the Conditional Use are needed to get something in writing. For the Board, it is vague at this point and she doesn't want to have to have another meeting like this. She wants Mr. Lorah to be able to conduct his business and feel comfortable conducting his business so that he doesn't get complaints and the Board doesn't get complaints.

Keith Hantz commented if it goes to a hearing, it gives everyone the opportunity to speak and the Board to hear the pros and cons of the situation. He believes the majority of the people in the room are all in favor of the activity. Unfortunately, the Board doesn't usually get to hear people saying they enjoy going to the events; they usually hear the complaints. Having a hearing will give both sides the ability to give their opinion for a decision to be made.

Attorney Backenstoe concluded there are two avenues that Mr. Lorah could consider. The first, would be to confirm that he has a lawful non-conforming use that has been in place for many years and he has the right to continue it. This would go to the Zoning Hearing Board. The second avenue, after listing to the presentation and the Board tonight, would be to file a petition for a conditional use and argue that there is a commercial recreation facility and include in that application that this is a legal non-conforming use and have that hearing before the Board of Supervisors. This would preserve Mr. Lorah's right forever to have that use.

Attorney Bucknum commented Mr. Lorah has been spreading his events out rather than holding them on a Friday, Saturday, and Sunday. He is cognizant of the neighbors and how they feel. Cindy Miller commented some of the complaints she has heard was that it started to be every weekend, even if it is was only one event. The people living nearby came to a meeting and said it was almost every weekend and if they wanted to sit outside and have people at their house for a picnic, they really couldn't because it was going on every weekend. This is what the Board was told; she didn't look at a calendar to verify the times. This is something that would be considered as part of hours of operation. Should the events be every weekend even if it is between 6:00 p.m. and 10:00 p.m. or is it going to be Friday, Saturday, Sunday in one weekend or broken out. This would be up to Mr. Lorah to determine and present. Attorney Backenstoe commented if a conditional use hearing is held and Mr. Lorah demonstrates that he meets all the criteria that were outlined, the Board must grant the requested relief.

Jerry Pritchard commented this topic is listed on the agenda. If people were so concerned about this, why were they not at the meeting. We are going to drag

these people into another hearing and Mr. Lorah has to pay for his attorney for another meeting. If people were so concerned, they would have been here. Attorney Backenstoe commented he absolutely doesn't believe the Board has the authority to approve a zoning use of this nature at tonight's meeting. They would have the authority if it was a conditional use hearing. Jerry Pritchard questioned if it was a conditional use hearing back in 2012. Attorney Backenstoe commented it was not a conditional use hearing in 2012. At that time, the Board felt it was of such little consequence because it was tractor pulls. There was nothing about races and demolition derbies. Keith Hantz commented he only remembers some of the people who go to the events attending the meeting wanting the Board to allow it to go longer because they participate in the event and they came from New Jersey. He doesn't believe Mr. Lorah was at the meeting that night. The Board felt they were doing the right thing at the time because there were no concerns. Cindy Miller commented she remembers discussion about liability and how involved the Township really wanted to get with inspections and who was going to provide bleachers and would the Township have to come out and inspect bleachers and who would do that. Jerry Pritchard questioned if the Board realizes that through all the COVID drama, Mr. Lorah provided people with somewhere to go. Cindy Miller commented the Board is not arguing that. She believes it is a great idea, but the fact of the matter is residents have complained. If it goes to a hearing, the neighboring property owners would be notified and maybe they would come in. They have to listen to everyone and follow the procedures. Phil Gogel commented it's in the best interest of the farm to go through the process and get the approval they need.

Kristen Soldridge questioned what the cost would be to go to the Zoning Hearing Board versus the Conditional Use. Alice Rehrig commented the application to the Zoning Hearing Board is \$1,500. A conditional use is a filing fee of \$200 plus an escrow of \$2,000. Out of the escrow, fees for advertising, stenographer, and neighbor notification would be taken. The advertising is about \$60 to \$70, stenographer is around \$200 to \$250; and the mailing would be around \$25.

Jerry Pritchard questioned if they can continue to operate until a hearing was held. Attorney Backenstoe commented he could because there is no cease and desist because Mr. Lorah was gracious enough to come to the meeting.

Paul Nikisher commented he was glad things went the way they did with this. He believes this is good for the community.

- B. Awarding of Bids for Hills of Greenock Paving. This project will complete the roadway in the Hills of Greenock Development. The upper portion of Coatbridge

Lane currently does not have the top coat of blacktop. Four bids were received for this project. The low bidder was Hanson Aggregates at a price of \$63,675. There is \$339,650 remaining in the escrow account.

Keith Hantz made a motion to award the bid for the paving in Hills of Greenock at a price of \$63,675. Phil Gogel seconded the motion. Jerry Pritchard questioned if the Township has ever used this contractor before. Frank Zamadics commented the Township has used them before. All voted aye. Motion carried.

- C. Employee Appreciation. The Jaindl Company had sent an email if the Township wanted to reserve turkeys again this year. If the order is placed by September 15, they will hold last years' prices. After the 15th, there will be a price increase.

Phil Gogel made a motion to purchase turkeys for employees and the Boards (Recreation, Planning, and Zoning Hearing Board). Keith Hantz seconded the motion. All voted aye. Motion carried.

- D. Manager's Report. The meeting to discuss the Comprehensive Plan will be on Thursday, September 23, at 6:30 p.m.

Alice Rehrig is still going back and forth with the insurance company regarding the plow. Frank Zamadics did contact a different vendor and we are able to just replace the blade and have our crew do welding and fabricating to repairs to the hitch. The cost of the blade is \$16,400. This information has been provided to the insurance company, but we haven't heard back. Phil Gogel questioned if we could just go to the insurance company and have their person repair the plow. Alice Rehrig commented when the adjuster reviewed the claim, they determined that the plow was a total loss and the depreciated value of the plow was around \$3,000. This is the amount she is trying to get them to increase on the basis that there were eight or nine more years of service in the plan and it was not fully depreciated and should have a value of at least \$9,000. Cindy Miller commented as far as the insurance in general, she is aware of the two police vehicles that need to be repaired. She doesn't believe the one vehicle that was damaged for the second time should be turned into insurance. If it is drivable and just scratched or dented, why must it be repaired? The Board hasn't seen any information or pictures of this vehicle. She understands the other vehicle was not drivable and needs to be repaired. The more claims we file, the more our rates will go up. If the vehicles are high in mileage, should we really file the claim or should we just leave the ding in the car? It may be best to not turn everything into the insurance. The other question is what type of damage was there to the DUI trailer. Frank Zamadics commented there was a ding on the trailer. Alice Rehrig commented a

claim has not been filed with the insurance. Cindy Miller commented her concern is the Township pays for everything for the trailer and it is used to benefit the other departments. Then when something happens, we are stuck with the bills. Frank Zamadics commented the unit may be used in another Township, but one of our officers go with the equipment.

Alice Rehrig reported the Township fared very well with Tropical Storm Ida. There were very limited amounts of damages. Mike Jones commented the Road Crew, Fire Company and Police did an awesome job during the storm.

- E. Solicitor's Report. Attorney Backenstoe reported the briefs were submitted and they technically had their oral arguments for the Longacre Drive short term rental. The Zoning Hearing Board turned down the zoning request for a short term rental and the applicant filed an appeal at County Court. He and Attorney Caffrey had to prepare briefs and went to court to argue it. Unfortunately, the Judge that was assigned to the Township was on vacation. He would like the oral argument and has a feeling that when the Judge returns, they will have one via Zoom. There was some indication from their council regarding possible settlement where they could continue to operate possibly to the end of the year. Cindy Miller commented this has gone on long enough. Attorney Backenstoe noted with a settlement, it would end it. It is possible that this could drag on for another two years without a settlement. This hearing is before the Court of Common Pleas and they have another 90 days to render a decision. The applicant could file an appeal to the Commonwealth Court which could take two years. Cindy Miller commented she understands, but the residents have already put up with and tolerated so much. Attorney Backenstoe commented the same law that allows this to keep going would protect someone if the Board acted improperly. An example of this would be if a Supervisor had an auto repair business and a new business were to come in who also wanted to do auto repair and started to take his business. The Supervisor then leans on the Zoning Officer and tells them he wants them cited. Now that person is cited and may be properly operating, but ends up before the Zoning Hearing Board and loses and an appeal were filed and it takes the full process before it is overturned. This business that was wrongly shut down for all this time could end up bankrupt because something illegal happened. The same law that protects the guy from the Township doing something wrong, also unfortunately protects the ones who are doing something wrong like the Longacre property.

Cindy Miller noted a letter was received from the Pennsylvania Historical Preservation Office. It is a list of properties that were nominated to the national register of historic places. On this list was the Seminary. She doesn't know what

it means. The Township can listen in on the hearing that will be held on October 5th. The letter indicates that there are tax credits and incentives. She doesn't know what this means and to whose benefit it is. Attorney Backenstoe commented it is most likely for the benefit of the owner, although the Township has the benefit of having a marked historic site in the Township. Cindy Miller questioned if there would be any tax ramifications for the Township. It is something we should know about in the event it makes it so we can plan accordingly for our budget.

- IX. PUBLIC COMMENT. Alice Rehrig questioned if the Board wanted to start the next meeting at 6:00 p.m. again to discuss the budget. The Board agreed the meeting would start at 6:00 p.m. with the budget. Keith Hantz noted he is on afternoon shift and will not be able to make the next meeting.

Paul Nikisher questioned who did such a poor job of filling in the roadway by the School. Mike Jones commented it would have been done by the contractor for the School and it is temporary. Phil Gogel commented structurally it is built well. They added drain tile and put in a good base.

- X. EXECUTIVE SESSION. The Board went into Executive Session to discuss applicants to the Public Works Department. No action was taken.

- XI. ADJOURN. Mike Jones made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.