

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the February 22, 2022, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, February 22, 2022, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
David Hess
Jerry Pritchard
Phil Gogel
Mike Jones
David Backenstoe
Alice Rehrig

II. APPROVAL OF THE MINUTES

- A. Minutes of February 8, 2022. David Hess made a motion to approve these minutes. Phil Gogel seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 25549 to 25604. Cindy Miller made a motion to approve these bills. Phil Gogel seconded the motion. All voted aye. Motion carried.
- B. State Fund Check 1551. Phil Gogel made a motion to approve this bill. David Hess seconded the motion. All voted aye. Motion carried.

- IV. NORTHAMPTON AREA PUBLIC LIBRARY. No one was present to represent the library. Alice Rehrig will contact them to see if they would like to be placed on the agenda for another meeting.

V. PLANNING RELATED ITEMS

- A. Ad Hoc Ordinance Committee. Cindy Miller commented the Planning Commission is starting to work on the updates to the Zoning Ordinance and SALDO. Two residents, Katherine Mack and Bill Hart, also came forward and are willing to help with the process. Rather than having these individuals sit in the audience, the Planning Commission is requesting the Board approve the forming of an Ad Hoc Ordinance Committee to work on these ordinances. The Committee would consist of the Planning Commission Members, the Zoning Officer, the Township Engineer, the Planning Commission Solicitor, Bill Hart, and Katherine Mack.

Cindy Miller noted when the Board approved the budget, they included funding for the updating of the ordinances. The Committee would be meeting at least once a month on a different night than regular Planning Commission meeting. The meeting is advertised and open to the public. The first meeting will be held on Wednesday, February 23, at 6:00 p.m. The Planners along with their Solicitor and Engineer were willing to work on the updates to the ordinances rather than hiring a consultant and having it cost even more money. The ordinance updates are the only thing that this committee would be working on. Once the updates are complete, the committee would be dissolved. All ordinances and updates would be presented to the Board for final approval.

Phil Gogel questioned if the only two individuals who could participate on the committee were Katherine Mack and Bill Hart. Cindy Miller commented these two individuals specifically approached the Planning Commission that they were willing to help with the project. Anyone is welcome to attend the meetings and offer input. Phil Gogel commented usually there is an odd number of individuals on a committee. Cindy Miller commented the Planning Commission just wants to get the project started and get it done. The ordinances need to be worked on.

Jerry Pritchard questioned what the necessity was in having this committee. We already have a Planning Commission and a Zoning Board. Why do we need to have a separate committee? Cindy Miller commented the meetings for the ordinance updates are going to be held on a separate night from the Planning Commission meetings.

Phil Gogel commented he would like to see at least three people on the committee and suggested Kristen Soldridge since she previously served on the Zoning Hearing Board. Kristen Soldridge indicated she would be willing to be on the committee.

David Hess made a motion to approve the formation of an ad hoc committee to work on the updates to the Zoning Ordinance and SALDO. Phil Gogel questioned if the individuals who are going to be on the committee are going to be identified. Cindy Miller commented the individuals would be those who she named. They came forward and volunteered to do this. This has been talked about for months. Phil Gogel commented this is the first time he heard of this. Cindy Miller commented the Board was aware that they were going to be working on ordinances. Phil Gogel commented this is the first time that forming a committee was brought to the Board. Cindy Miller commented they need to work as a committee and it needs to be on a separate night of the month than during a regular Planning Commission meeting. She doesn't care who wants to be on the committee. There is nothing to hide. All they are trying to do is get this done.

Charlie Perich commented he would like to volunteer. Cindy Miller commented that is fine. The individuals just need to be members of the community and show up for the meetings. Jerry Pritchard commented he doesn't want to see lawyer fees created, then bring it to the Supervisors table, and have it go round and round and then change the ordinances after we have paid an attorney to sit at the meetings. Cindy Miller commented that it how it works when you go through a Comp Plan and with every committee we have. The Board has final say. Jerry Pritchard commented we are adding an additional lawyer fee with an additional committee and things tend to go in a circle. Cindy Miller noted we have a layer fee anyway. We have it in the budget for the lawyer to review the ordinances. It is included in the budget. Jerry Pritchard commented the money in the budget doesn't necessarily need to be spent. Cindy Miller questioned who would work on the ordinances? They need to be updated. Phil Gogel commented he would like to include Charlie Perich and Kristen Soldridge. David Hess amended his motion to authorize for forming of an ad hoc ordinance committee with the following members: the members of the Planning Commission, Bill Hart, Kristen Soldridge, Charlie Perich, Katherine Mack, the Planning Commission Engineer, and the Planning Commission Solicitor. Phil Gogel seconded the motion. Paul Nikisher questioned if individuals need to commit to the committee tonight or can they come tomorrow night. Attorney Backenstoe commented the committee is just to sit down and focus on working on the ordinances. Anyone is welcome to come to any of the meetings. All voted aye. Motion carried.

VI. OLD BUSINESS

- A. Cherryville Intersection. Alice Rehrig reported Jim Milot has submitted the final plans into the PennDOT through their submission program. A response has not yet been received.

Phil Gogel commented he has had at least four elderly people call him with concerns about the lane that was created. The extra lane that was created is messing them up when they get to the intersection. When they pull out of Turkey Hill, they want to swing wide into the oncoming lane because there is more area there. He doesn't know if we can put lines in that area. He recalls the discussion taking place at one time but then it was decided not to because of having to have them ground out at a later date, but he believes this could be creating a safety hazard and a liability. Cindy Miller commented it would be up to PennDOT. PennDOT told us how to create the intersection. It is a PennDOT roadway. Phil Gogel commented the Township probably shouldn't have been involved in it, but since we are involved, we have people in our community who are having a tough time with it because it is so wide. Cindy Miller commented we can contact PennDOT and get their approval. Mike Jones commented he sees trucks parking

in the new lane, most likely because they ran into Turkey Hill, but he agrees, this is a PennDOT issue. Cindy Miller commented the Township shouldn't have to pay for it. Phil Gogel commented there was grant money spent on that intersection and the Board took on the project before he was on the Board. He feels a responsibility of the Township if we took on the project. He knows the lines were brought up before and was it brought up to temporarily have lines in that area. Alice Rehrig commented it was discussed whether or not the lines would be needed in that area and PennDOT approved the striping that is there. Cindy Miller commented the Township would have to pay. David Hess commented he doesn't agree with using Township funds on a State road. Phil Gogel commented he is not suggesting using Township funds; he is suggesting using the grant funding. Cindy Miller commented the grants are in the process of being closed out. Phil Gogel commented he will at least know what to tell people when they call about the problem we created. Cindy Miller commented we didn't create a problem; the intersection was installed according to PennDOT requirements. We didn't create it. Phil Gogel commented the Township took on the project. Jerry Pritchard commented when the whole intersection is complete, it will be a normal intersection with a turning lane. Why should we rush right now to spend the money when the rest of the intersection will be eventually completed? It seems like the development is starting to move.

- B. Maintenance Building. Cindy Miller reported she and Alice Rehrig have been working on the grant for additional funding. Jerry Pritchard questioned when the grant is expected to be submitted. Alice Rehrig commented it will be submitted after the next meeting. The Board will need to adopt a resolution.

Paul Nikisher questioned how long the Township has to use the grant that they already received for the building. Alice Rehrig commented the Township would have three years from when the contract was received which was last summer. Phil Gogel questioned if this is the one that Zach Mako wrote into a bill. Cindy Miller commented it was Senator Scavello who wrote it into the bill.

- C. Proposed Ordinance 2022-1, Amending Chapters 103 and 111 (Noise). Alice Rehrig provided the Board with two drafts of this ordinance. Draft 1 is the original draft of the ordinance and draft 2 has the additional language that Attorney Backenstoe added regarding the definition of a legitimate purpose. She also added additional language which would hold the property owners responsible for nuisance renters since this was one of the concerns the police had. The additional language makes it clear that the owners of a property can be responsible for their tenants. This additional language would have been helpful with the Longacre property.

Phil Gogel made a motion to authorize the advertisement of Ordinance 2022-1 amending Chapters 103 and 111 for Noise using Draft 2 which includes the additional language that was added in parenthesis. Jerry Pritchard seconded the motion. David Hess questioned how long the current language was in effect. Alice Rehrig commented about 15 to 20 years. Mike Jones commented the ordinance is just combining and updating the language. Alice Rehrig commented the one chapter went back to the original codified ordinances and the other one was from 2000. Both sections were merged together to make this new ordinance. A resident commented it seems unfair since Jerry Pritchard was not at the previous meeting to hear everyone's input regarding the additional language that was added to the ordinance. It seems like he is being pushed into the motion. Phil Gogel commented when the Lorah's attorney came to the meeting, Attorney Backenstoe drafted the additional language so that everything meshes. He agrees with it because you can't take a blanket ordinance and throw it across the whole Township. We are too big; we are 28 square miles. You can't take an Industrial area and have the same noise ordinance as Village Residential. You have to refer back to zoning. You have to have some type of organization to find out where you are heading with stuff. You can't make a blanket statement because people get intertwined in it. For example, if he had a property in an Industrial zone and was making gaskets, he would need to run that machine 24 hours per day, so he can't be pinned down in a noise ordinance that says he has to shut down at 11:00 p.m. You have to refer back to zoning what they required when he applied for all his permits. They set the criteria based upon the equipment that he wants to run based on the area he is in. This draft of the ordinance encompasses that so it gets kicked back so that everyone has the same rule in general, but there are exceptions to everything because you can't run an Industrial area the same way that you would run a residential unit. That is why that language is there. Mike Jones commented he spoke with the Chief and asked him to pull up all the citations that have been filed against a commercial business and there has been none, except for after 11:00 p.m. Phil Gogel questioned why you would want to have an ordinance that would create a problem when the Board's job is to fix problems and straighten things out. Mike Jones noted there hasn't been a problem. Phil Gogel commented there hasn't been a problem, but there will be one eventually. If you are going to fix something, fix it right; that is all that he is saying. Phil Gogel and Jerry Pritchard voted aye. Mike Jones, Cindy Miller, and David Hess were opposed. Motion did not carry.

Jerry Pritchard commented he does not understand why we wouldn't want to encompass businesses, yet we claim that we want to have businesses.

David Hess questioned if the language in the ordinance had been good enough for 15 years, what changed that it wouldn't work now. Phil Gogel commented we

have increased businesses and the potential for more problems. If you are going to change something, make it so that it is correct and ties everything together. Our zoning ordinances are piecemealed. The Zoning Officer has trouble with it because we started making zoning ordinances here and there instead of taking that whole section and fixing it. That is what this is supposed to do. If you are not going to fix it, then why change the ordinance at all. Mike Jones commented the Zoning Officer also agrees that the language shouldn't be in the ordinance. Phil Gogel commented when he explained it to her, she changed her mind. David Hess commented when you read the minutes, that was not her comment when he asked her.

Keith Hantz commented the ordinance that failed had the definition of legitimate business in it so that would mean the Board doesn't want to have it defined. Didn't Attorney Backenstoe create the language? Why would you not want an ordinance to include a definition? Mike Jones commented when they spoke with the Zoning Officer, she didn't feel that zoning should be brought into the noise ordinance.

Phil Gogel questioned what Katherine Mack's opinion would be on this. Katherine Mack commented the discussion last time was the police needing to know all the decisions of the Zoning Hearing Board. Because of all the zones, there needs to be a difference in the noises in the areas. It needs to be based upon the zone you live in or what is going on there. When she looks at different ordinances from other Townships, in general, the definitions are very concise and there are a lot of definitions. The more information you have there the better.

Jerry Pritchard commented he believes by adding this language, the Police Department will not have to second guess. By not adding this, they have to second guess. They may not have had to in the past, but we are also talking about in the future. Mike Jones commented his concern is how will they know where all the different zones are or what the decisions of the Zoning Hearing Board were. Jerry Pritchard commented the noise ordinance is to be the encompassing umbrella for the noise of the business versus the noise of a residence. They are two different things. Without this, the business really doesn't have an umbrella. In the future, if a business were to come in and set up shop, we would have something to work with. Mike Jones commented a business is given certain hours of operation and levels of noise that they are allowed to make, so if they are working outside of this, they should be in trouble. Mike Jones commented it states legitimate purpose. Kristin Soldridge commented your legitimate purpose may be different than her legitimate purpose. Not every business in this Township has been in front of the Zoning Board. There are businesses that have

been here for over 30 years, or the Board they went in front of is not as detailed as the current Board so you can't just sit here and put a blanket statement for every business in this Township without taking into consideration the businesses that have been here for a while. The reason Mr. Lorah's attorney stood up was because she was insuring that her clients business was not directly impacted by this ordinance because someone has a fit to press because they don't like their neighbors. Chief Fogel said at a previous meeting that he always checks with Liz Amato and if there is a question, they talk to her. If there is a problem at a business, the Police can go there and talk to the business, then check with Liz Amato the next day like they do for everything else.

Mike Jones commented with this provision, you are giving a commercial business the ability to make as much noise as they want. Phil Gogel commented if a business were to go to the Zoning Hearing Board and say they need to run their presses 24 hours per day, the Zoning Hearing Board would look at their criteria and say this is an acceptable box for them to operate within because they are in an Industrial area. They may be required to have a certain quiet time and then the business would need to crunch their numbers and decide if it is doable or not. Katherine Mack commented if people were to complain because of noise coming outside of a business, they would still need to check with Liz Amato to see if it is in compliance with zoning. Sometimes illegitimate businesses are found that way because they are reported to zoning and then they have to go through the proper approval process. She also agrees with Kristin Soldridge that there are a lot of businesses within the Township that would be considered to be illegal nowadays because they are either grandfathered or have gotten away with it for such a long time.

Phil Gogel commented he does not understand why you would not want to put a definition into an ordinance and provide as much information as you can.

Cindy Miller made a motion to authorize Ordinance 2022-1, draft 1, without the definition of legitimate business. David Hess seconded the motion. Cindy Miller, David Hess, and Mike Jones voted aye. Jerry Pritchard and Phil Gogel were opposed. Motion carried.

Mike Jones noted again, the police have never sited any business for making noise prior to 11:00 p.m. Using that as an excuse for needing the additional language is a false argument. Phil Gogel commented the whole basis of the argument was to provide a basis for a definition for going forward. Mike Jones commented the crowds initial argument was that there were fines being dished out to businesses and businesses are being affected. That is not the case. Phil Gogel commented that was not his argument. His argument is there should be a definition included.

Kristin Soldridge commented Attorney Bucknum did not specify that a business was being affected; this was cleared up when Cindy Miller noted that she spoke with Mr. Lorah and the only citations that were issued to Lorah's were for noise beyond 11:00 p.m. This whole thing came about because of Longacre and someone not doing their job. Now you are going and modifying an ordinance which will create more issues later on. What happens if there is an issue later on. Mike Jones commented he doesn't see how this is going to cause issues later on; the language in the ordinance really was not changed. Kristin Soldridge commented by taking the proposed language out of the ordinance, you are going against everything you always do. It seems to keep the door wide open for interpretation and everyone's interpretation is different. Jerry Pritchard commented he would rather work off of a preventive measure. Kristin Soldridge commented the verbiage is to clarify things for everyone.

VII. NEW BUSINESS

A Manager's Report. Alice Rehrig reminded the Board the next meeting will be starting at 6:30 p.m. with the Comp Plan being the first item of discussion.

With the successful purchase of the used police vehicle, Alice Rehrig is assuming that the Board wants to turn the vehicle over to the insurance company for the higher payout of \$6,444. Mike Jones questioned if this is the only Ford sedan that we have and if the equipment could be used for something else. Alice Rehrig commented it is the only Ford sedan. She doesn't believe we will be able to reuse the equipment, but we would remove it and then decide what can be done with the equipment. Cindy Miller made a motion to turn the vehicle over to the insurance company after we remove our equipment. David Hess seconded the motion. Phil Gogel commented he doesn't believe you can do that. The insurance companies typically insure the vehicle as a whole. They may not allow you to remove equipment from the vehicle. Cindy Miller amended her motion to remove any of the upfitting equipment if the Township is permitted to do so. David Hess seconded the motion. Jerry Pritchard questioned what was the purchase price of the vehicle we purchased. Alice Rehrig commented it was \$13,200. Mary Trexler questioned what the cost was of the vehicle when we purchased it. Alice Rehrig commented it was probably around \$25,000 to \$30,000. Mary Trexler thought it may be worth fixing. Mike Jones commented the cost to repair the vehicle was almost \$9,000. Paul Nikisher questioned if the Board was planning on bidding on the other vehicle that was coming up on Municibid. Mike Jones commented we are now back up to having a full fleet of vehicles. Katherine Mack commented the Chief had indicated at the last meeting that there could be a more aggressive kind of development to replace and repair vehicles. Mike Jones commented it is already being looked into. Katherine Mack questioned if a committee will be doing this. Mike Jones commented there is a leasing program

being looked into. Phil Gogel commented he would never agree to a leasing program. Cindy Miller noted other municipalities are doing long term loans on their larger equipment, such as a 10 year loan. Mike Jones commented the Board is looking into various options. Cindy Miller commented there wouldn't be any changes being made until we work on the Capital Improvements Plan. A resident questioned if the issues with the Chief's car have been resolved. Mike Jones commented the power steering issues were repaired. Patrick VanderPloeg commented he thought there was also an engine issue and it has 150,000 miles. Mike Jones commented it is true that his vehicle is in need of replacement and that is expected next year. The vehicles that are used for daily patrol are in working condition and are not older than 2018. Cindy Miller commented the Capital Improvements Plan has the vehicles scheduled for replacement in a manner that the Township can afford so we don't need to raise taxes. Phil Gogel commented we only have so much money to work with. All voted aye. Motion carried.

Alice Rehrig also noted we still have the police vehicle with the blown motor and was requesting authorization to sell the vehicle on Municibid. David Hess made a motion to authorize the vehicle to be sold on Municibid. Cindy Miller seconded the motion. All voted aye. Motion carried.

A request was received from a resident in Berlinsville that the Township consider restricting the brake retarders on trucks going through the intersection. Since this is a PennDOT road, the Township would have to conduct engineering studies on the area and roadway and then present the finding to PennDOT for their approval. Alice Rehrig provided the Board with a list of the criteria that is needed in order for PennDOT to consider approving the request. The most significant item is that the downhill grade cannot exceed four percent for a distance of 500 feet or more. They also review the crash history of the intersection. In 2007, the Township received an estimate of \$1,500 to complete the study. Alice Rehrig did not get an updated quote, but estimated the amount to be about \$2,500. Cindy Miller commented she had heard more complaints about them being used along Route 946. Kristin Soldridge commented she would also want to have a study done by her house. She heard the trucks using the jake brakes at 4:00 a.m. They don't realize that they need to slow down when get to the bend in the road. Cindy Miller commented she did ask Attorney Backenstoe if other Townships he represents were able to get approval from PennDOT to post PennDOT roads, and he indicated that they were successful in doing that. Alice Rehrig commented she did let the Police know that we have been receiving complaints about the speeds of the trucks as well. No action was taken on this.

Mike Jones commented he was also forwarded a letter from PennDOT that a resident is requesting a stop light, flashing light, or street light at the intersection of Route 145 and Birch Road. If the Township wanted to pursue this, it would be at their expense.

Cindy Miller questioned if we know what the reason is as to why any of the approved, but not recorded plans that are listed in her report are not being recorded. Attorney Backenstoe commented typically the conditions of the final approval are required to be met within 12 months, sometimes 24 months for larger plans. The reasons could vary from the developer not wanting to post a letter of credit and doing the improvements before recording, the market could drop, problems with getting their HOP or NPDES permit, or running out of money. Their plan could technically be considered void unless they request an extension. Alice Rehrig commented the Authority lot line adjustment plans have been signed, but not recorded because the plant expansion plans and permits have not been completed. Cindy Miller commented her concern is that the developers are not coming in and discussing an extension. Alice Rehrig will contact the developers and get an update on the plans.

Keith Hantz questioned if there was only going to be a half hour allowed for the comprehensive plan hearing. Alice Rehrig commented the meeting is starting a half hour early, but there is no time limitation. Keith Hantz commented in looking at the plan, it seems as though there are about 180 properties in the Township that are affected by this plan. He would think a separate meeting outside the regular Township meeting should be held. He has concerns that a lot of people do not know the zoning of their property is changing. He believes a lot of it is good for the Township, but in some cases, it may not be for the benefit of the resident and doesn't think they will be happy about that. Keith Hantz also questioned where the meeting was advertised. Alice Rehrig commented it was in the Home News on February 10 and 17. He also believes there should be more publicity on something like this. There was an article in Home News about the committee to discuss the ordinances. He would have thought a plan as large as the comp plan would have had more publicity. It probably should have been in the Northampton Press and Town and County Gazette, in addition to the Home News so all the residents are aware of what is taking place. Phil Gogel commented he doesn't agree with the Comp Plan. Kristin Soldridge commented she doesn't believe a lot of people understand what it is. It will affect their property, but they don't know how it will affect their property. You need to give the residents whose property is going to be affected the opportunity to come in and ask what is changing so they understand it. Not all the residents understand how zoning is applied and what it is or how it will affect their property until after a decision is made. More education to the residents who are going to be severely

impacted would be beneficial, perhaps a phone call could be made to them or an email letting them know of the change and give them the opportunity to come in. Mike Jones commented he would agree; he is surprised that we are not sending out letters to individuals whose property is being changed. Attorney Backenstoe commented a Comprehensive Plan is not a substantive ordinance. It does not change zoning. It is a concept of how you would like to see the Township grow in the future. It is a vision; an umbrella. You don't enforce your rights or tell someone they can have a business here and not there. A Comprehensive Plan is required by the Municipalities Planning Code and it is supposed to be redone every ten years because it sets for the vision. Then, substantively, you have your Zoning Ordinance and SALDO which really do affect peoples rights. Cindy Miller commented that is what the Ad Hoc Committee will be working on. Keith Hantz questioned if, with the new comprehensive plan, someone has a business and the zoning is changed, they eventually won't be able to have their business there. The Comprehensive Plan will not change it, but the zoning will and when that it changed is when it will go into effect. Attorney Backenstoe commented under this example, they would have the constitutional right to continue the business and it would become a lawful non-conforming use. They would also have the right to expand it. Phil Gogel questioned what happens when they go to sell it and a person thinks they are buying a commercial property and they want to do something different. Attorney Backenstoe commented the new buyer could continue the law nonconforming use. If they want to change it, our ordinance requires you do it by special exception. Phil Gogel commented that is where the rub is because there is not a guarantee that you will get it. You are basically devaluing someone's property depending upon how you change the ordinance. The Township would be picking and choosing winners and losers the way the federal government usually does. We don't want to do that at a Township level. He wants everyone to succeed. He has looked at the Comp Plan and it looks like we are picking and choosing. Mike Jones commented he would prefer to see it on its own night. Keith Hantz commented the advertising also needs to be better for the Comprehensive Plan and people need to understand that the ad hoc committee is what will be the defining answer to the Comprehensive Plan. He understands the Comprehensive Plan doesn't mean anything without the changes to the ordinances. Phil Gogel commented it points them in a direction. We want to get away from having a property with two different zones. There is a piece of property here that looks like the first acre is going from A/RR to Neighborhood Commercial and the second two or three acres is going from A/RR to Resort Commercial. This property happens to be owned by an LLC. Where is the connection there? This is just one piece of property, then you skip another piece and you have two other pieces, which are Shelly's Garage and the farm there that are A/RR to Neighborhood Commercial, then two doors down, you have Green's

Garage which is still agricultural. If you are going to start taking businesses and putting them into an area or grouping them in an area, it seems like you are just picking and choosing. It looks like you are destroying the value of certain properties. Cindy Miller commented the Consultant will be explaining the entire plan during the meeting. Alice Rehrig commented if the Board wants to hold the Comp Plan meeting on a separate night, it will need to be readvertised. It will need to be moved to April. Alice Rehrig will contact the consultant to get his availability and then circulate the dates to the rest of the Board. Cindy Miller commented the Comprehensive Plan meetings have been held for over a year and were advertised. The public and the Board were invited to attend the meetings. If the Board didn't attend to find out what was happening, there is no one to blame but ourselves. Phil Gogel commented he attended one meeting and that was used against him. Mike Jones questioned if there is a way of notifying just the property owners whose properties are proposed to be changed. Kristin Soldridge commented it could just be a simple phone call. Jerry Pritchard commented the plan is not making the change, it is the umbrella. Cindy Miller commented it does affect the whole Township. Phil Gogel commented if your property does not change, but your neighbors changes, you are being effected. Phil Gogel commented if you call the 180 people being affected, and the calls take 12 minutes, it would be 37 hours of time. A resident questioned if a post card could be sent out to residents regarding the meeting. Attorney Backenstoe commented when it gets to the point where the zoning of a property is being changed, those property owners will be notified. Phil Gogel commented when his property was rezoned it was split in half; half is zoned Rural Residential and half is zoned Village Residential. He was never notified. What is supposed to be done and what is done doesn't always fit. The Comp Plan meeting will continue to be on the website, advertised in the Home News, Northampton Press, and the Gazette.

- B. Solicitor's Report. Attorney Backenstoe reported he attended two zoning hearings at the request of Liz Amato. One was KaraFarm which was a short term rental in which the Zoning Hearing Board found in favor of the cease and desist that was issued. The written decision was just recently received. He is expecting that they will be appealing this decision and will update the Board should that happen.

The second hearing was for 4800 Lehigh Drive regarding a junkyard expanding onto a vacant lot. This was a challenge to the cease and desist that Liz Amato issued. The Zoning Hearing Board also found in favor of the cease and desist in this case as well. He is also expecting they will be appealing this decision and will update the Board should that occur.

Attorney Backenstoe reported he also received a tort claims notice. When someone is injured in a municipality, the injured party must comply with the tort claims act which is a six month statute of limitations. If someone is injured in a municipality and it is possibly the municipality's liability, you must put them on notice as to where you were hurt and what happened with it. He received this type of notice on behalf of the Township on February 11. This particular notice is a little bit odd in that it seems as though the attorney was using a form because he says pursuant to the requirements of the law, Section 4255, which is the tort claims act, as well as Heart and Lung which is for police officers who are injured, that you are advised of a possible civil action against the City of Bethlehem. They then continued to list where the accident occurred which was September 2021 at Mountain View Drive near Blue Mountain Drive. Cindy Miller noted these are PennDOT roads. Attorney Backenstoe commented this may not result in anything, but since we were notified, we needed to forward it to our insurance carrier. What was odd about the notice was that it referenced the Heart and Lung Act which is for police officers. Alice Rehrig commented this is the accident that one of our officers was involved in. She is working on obtaining additional details on this because of the verbiage that was used in the notice.

VIII PUBLIC COMMENT. Cindy Miller announced that she will be running for the open seat for the 14th District in the Pennsylvania Senate. She will still continue to serve in her capacity as Supervisor. The 14th District is the new district that was created as a result of the redistricting. It includes Lehigh Township and goes down into Allentown. Phil Gogel commented he called Harrisburg on the redistricting. The Supreme Court hasn't given a ruling on this yet so there really isn't a position at this time. Things could change and there may eventually be a position to run for, but they may do nothing, keep it the same and then there wouldn't be a position. Jerry Pritchard commented they are kicking the can down the road so that the incumbents do not have a race. They will be shrinking the signature process so it gives you very little time to get the signatures that you need to get on the ballot. It's more like a keep out process in Harrisburg right now. The District itself will be a go. Phil Gogel commented they will still be giving you the allotted four weeks.

Katherine Mack questioned what the status was of the ordinance to address shooting ranges. Cindy Miller commented Alice Rehrig has obtained information regarding the shooting ranges and is working on it. Cindy Miller had also provided some information from the NRA as well. Katherine Mack noted it was not on the agenda as old business or a continuation of old business. Alice Rehrig commented she did not have anything ready to present to the Board for this meeting.

Katherine Mack also noted in January when there were vacancies on Recreation Board, it was stated that there was an unwritten policy about individuals who want to serve on the

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Board needing to live in the Township for a year. At that time, Attorney Backenstoe made a recommendation that something should be adopted and written so that there is historical record of it. There is no historical record of this and nothing has been done since January to put this on the agenda to make a record of it that it is going to be the policy of the Board. There is no policy and past practice means that both sides are aware of it. The Board may be aware of it, but not the person or persons who are applying for it. This really needs to be on the agenda so someone can make a motion or a resolution that we only allow people on committees who has been in the Township for a year. Alice Rehrig was asked to put this on the next agenda.

Katherine Mack commented she really has a problem with not seeing the minutes prior to them being adopted. Mike Jones commented the minutes are not the minutes until they are adopted by the Board. Phil Gogel commented it was only okay to give them out during the appointment process. Cindy Miller commented they really shouldn't have been given out then. Attorney Backenstoe commented the reason that they are not given out is that based on the Sunshine Act, the minutes are in draft to be reviewed by your governing agency. The minutes are not official and really should not be handed out until they are approved. Once they are approved, they become official. If a resident is unhappy or unsatisfied, they have the right during the next set of minutes to comment on the inaccuracies in the previous set of minutes. Then those inaccuracies are reflected forever. Katherine Mack commented that is such a length of time between the time the minutes are adopted and they are posted on the website. This last time it was five days later. Phil Gogel commented the minutes are voice recorded and you can do a right to know request to get a copy of the recording like what he has been doing.

Paul Nikisher commented people need to start making the School Board meetings and pay attention to what is going on there. They just approved \$5 million to do a study on a new school, so be prepared for your taxes to go up. We just built a new school here; why can't we use the same footprint or make it a little bit bigger, or have more of cookie cutter type schools throughout Pennsylvania rather than go through this abuse of money. When you buy a home or a car, it is eventually paid off and done, but when there is a tax increase, that is always with you until you sell your home. It just moves people further up the ladder until you fall off. Kristin Soldridge commented the School District is going to be trying to push through a \$75 million project on Seemsville Road. They are doing this because of the road improvements that were done as a result of the warehousing. The Solicitor for the School District is saying that the only thing the property can be used for is something school related because of a restriction when they purchased the land from the State. Jerry Pritchard commented the School District is already \$134 million in debt. By the time this new school is built, the debt will be \$209 million. Keith Hantz commented Township residents should also start thinking about running for School Board. When they took the vote on doing the study, it was 5 to 4. This is probably one of the few times that Board ever saw that type of split. Jerry Pritchard agreed. We need

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to run good candidates to help fix the problem. Kristin Soldridge commented the School is also paying large fees to send kids to Charter Schools. The School Board pushes a lot of the blame to the State, but the representatives on the School Board need to be held accountable to be doing things to help the people of the areas they represent. It is not going to get any better. Keith Hantz commented the Supervisors have always done what they could to watch the Township taxes. They have literally nickel and dimed everything. The School Board doesn't look at that at all. If they need a new school, they just go and build it. Paul Nikisher commented it is more than just the taxes. We need to make sure our kids and grandkids are protected and not being twisted by some of the programs. We need to push back.

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