

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the June 22, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, June 22, 2021, at 7:00 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
Keith Hantz
Mike Jones
David Backenstoe
Phil Malitsch
Alice Rehrig

Absent: Mike McGonigle

Keith Hantz requested an Executive Session for personnel be added to the agenda prior to adjournment.

II. APPROVAL OF THE MINUTES

- A. Minutes of June 8, 2021. Keith Hantz 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 24935 to 24951. Mike Jones made a motion to approve these bills. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. State Fund Check 1529. Keith Hantz made a motion to approve this bill. Phil Gogel seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

- A. Northampton Area School District, Temporary Certificate of Occupancy. Terry DeGroot of Terraform Engineering was present to represent this matter. The District is making good progress on the new elementary school and are looking to have the staff move into the building in August and then the students in the fall. They are close to being able to obtain their certificate of occupancy; however, in speaking with the Zoning Officer, she is unable to issue the certificate of occupancy without the plan being recorded. There will not be an issue with complying with the other items that are needed for a certificate of occupancy; it is just the recording of the plan. The reason they have not recorded the plans is they are still waiting for PennDOT to sign off on the right of way. They have been

given authorization to proceed with the roadway improvements which will be starting next week. One of the conditions of their approval was to finish the PennDOT right of way work and then record the plans. PennDOT has stated everything was okay with the right of way dedication. They are waiting for someone in Harrisburg to sign the dedication. Once that is signed, it can be recorded and the note regarding the recording can be added to the record plan and then the record plan can be recorded. He is requesting a temporary certificate of occupancy for the school while the paperwork is being finalized and they are able to record the plan. The old school is in the process of being prepared for demolition; they need to remove some asbestos. The school will come down this summer, then the remaining portions of parking lot on the north side of the new area will be completed and an athletic field installed in the area of the old school. All of this is expected to be completed this year. There will be some landscaping items that will need to be completed next season. Their goal is to get the kids into the new school and keep things moving.

Phil Gogel made a motion to approve the temporary certificate of occupancy for Northampton Area School District, pending PennDOT right of way and plan recording. Terry DeGroot commented they are looking for a certificate of occupancy prior to the recording of the plans. The motion was not seconded.

Phil Malitsch commented it is not typical that a certificate of occupancy be granted prior to plans being recorded. This is a relatively large project. The new school is only half the project. The other half is that the old school must come down. If the Board were to do this and the plans were to be recorded, there would need to be an improvements agreement to take over for the indemnification agreement. Even though the only thing that PennDOT needs to do is to sign the right of way documents, there is no time frame as to when that would take place. If a temporary certificate of occupancy was granted, there should be specific parameters set for what the building can be used for. You don't want to give a temporary CO and then have all the kids in the building in the fall without an HOP, driveway and proper bus traffic.

Attorney Backenstoe commented the Township would not ordinarily consider a request like this. The reason is, if this were a private developer and you allowed them to get permits without a recorded plan or without having an escrow or improvements agreement, the developer could build the homes and not complete any of the improvements and then Township would be stuck because there would not be a recorded plan, an improvements agreement, or an escrow. In this case, it is not a private developer; it's the School District and they aren't going anywhere. To an extent, the Board has been helpful by allowing the indemnification agreement for them to do everything that they have already done.

Attorney Backenstoe questioned what public improvements are remaining that would need to be secured. Phil Malitsch commented he is not certain at this point. Prior to the indemnification agreement, Terry DeGroot's office prepared a cost estimate of what the improvements are. In order to say what they still need to do, he would need to do a site inspection to see what is outstanding. Attorney Backenstoe commented he would feel better, even if there is no improvements agreement, if the School District posted security or some type of collateral for the remaining improvements. That way the Township would be totally protected and a temporary CO could be issued.

Phil Malitsch questioned what the scope of the temporary CO could be. Terry DeGroot commented they need the temporary CO in order to get the kids into the school. Phil Malitsch questioned how they would accomplish this without the driveway. Terry DeGroot commented they currently have driveways. There is a temporary driveway on the southern end which is the same location as a driveway that was there previously. The existing driveway south of the existing school is also still in place. They are currently being used to bring students in and out of the existing school and will be able to be used temporarily to bring them in and out of the new school. They need the certificate of occupancy by mid-August when the teachers come back, and then the students will come back in September. Phil Malitsch commented he does not feel comfortable with having the teachers and students occupy the building as a full operation. Will PennDOT even allow them to use the driveways? Terry DeGroot commented they have already been using the driveways on a temporary basis for the past two years. Phil Malitsch questioned how the bus traffic will work with this arrangement. Terry DeGroot commented they would be using the same traffic patterns that they have been over the past two years. The buses would just be going to the new building rather than the old building. The traffic patterns will not change. The first day of school will be August 30.

Cindy Miller questioned if the temporary co is issued, will the students and staff be in the new school while the old school is being tore down. Terry DeGroot commented the building is currently being prepared for demolition. Cindy Miller questioned if the old school will be demolished before there was PennDOT approval and full co. Terry DeGroot commented that is why they are looking for their co this evening. They were expecting to have all the PennDOT items completed by now. That is what is holding them up.

Terry DeGroot commented if it is a matter of posting security, he believes they could work something out. They could submit a draw on the original escrow amount that was not established and see what is left as far as outstanding improvements. Phil Malitsch commented there is some time before the teachers

need to move in. There are three more meetings before the actual occupancy will take place. It would be his suggestion that the Board take two weeks to develop a package of how this would work so that there are safeguards for both the Township and the School. It seems like Terry DeGroot and the School have a plan, but the Township hasn't seen it yet. Once the Township approves the co, it can't be undone once the kids are in school. The Township would want to be certain there will not be any issues with the buses and students. Terry DeGroot will provide a clear circulation plan to the Township. He will also provide a list of outstanding items from the original cost estimate that was submitted. If the Board feels an improvements agreement is necessary, he will start to coordinate that with the Township's solicitor. If there are other items the Township would want to see, he would work on getting that together for the next meeting and make a presentation.

This matter was tabled until the next meeting.

V. OLD BUSINESS

- A. Cherryville Intersection. Phil Malitsch reported the intersection is mostly done. There is some clean up and seeding that remains. Cindy Miller noted the turning lane will not be able to be used until Turkey Hill comes in.

Paul Nikisher questioned what is going on with Turkey Hill. Cindy Miller commented the last the Township heard was that they were still working with PennDOT because their plans changed since the time that they received their initial permit. Jerry Pritchard questioned if the Township couldn't push PennDOT. Cindy Miller commented based on the Township experiences, you can't push PennDOT. The only thing you can do to push them is get the legislators involved.

- B. Maintenance Building. Phil Malitsch commented his office is working on the site plans. They received the revised information from the architect last week.

Phil Malitsch also noted the NPDES permit for the building expires on January 23, 2022. DEP typically tells you to apply for a renewal of an NPDES permit six months prior to the expiration date. The cost of the renewal could range from four hours of their time to 24 hours of their times depending upon what DEP requires. The permit was issued under old standards and old forms. He has a call into the District to see what is needed. It could be as simple as a form with renewal checked, submitting a package, or submitting a new NOI form. He won't know until he hears back from them.

Phil Gogel made a motion to review the NDPES permit for the Maintenance Building. Keith Hantz seconded the motion. Jerry Pritchard questioned if the Township is close to bidding the project. Phil Malitsch commented he believes everything should be ready by the next meeting. All voted aye. Motion carried.

- C. Christmas Tree Lighting. Sandy Hopkins reported she received a positive response from the Recreation Committee regarding handling the tree lighting. Looking into it, there will need to be a lot of detail worked out between Santa, dates, and vendors. She believes the Recreation Committee can pull it off with the support of the Supervisors. All Supervisors indicated they would be willing to help where needed.

Phil Gogel commented he spoke with Santa and he would be available for a Saturday and he still has all the electrical equipment from last year. He also has the contact for the tree. Based on Santa's availability, November 27 and December 4 are possible dates for the tree lighting. Mike Jones commented he would have some information regarding food trucks.

- D. Wages of Summer Help. Cindy Miller questioned if the increase in the wages for summer help was a request for this year or next year. Alice Rehrig confirmed it was for this year. Cindy Miller commented this came about because they saw that Bowmanstown was getting \$12 per hour compared to our \$10. Mike Jones noted that Bowmanstown just replaced all their employees, not just hired summer help.

Keith Hantz noted in the past, the Township has given summer help an increase for their third season. He also indicated that Alice Rehrig's memo indicates that a reasonable increase would not affect the amount of hours they would work or the budget for the summer help because of them starting later in the season. Mike Jones questioned if we will exhaust the summer help budget. Alice Rehrig commented the budget wouldn't be exhausted because we are already 8 weeks into the season and they also started late. Cindy Miller commented when they were hired, they knew the rate was \$10; now, eight weeks into the season, they ask for more money because of what another municipality is paying. It's not the amount of an increase; it's the principal. Why would the Board give an increase now? They knew it was \$10 per hour when they took the job. Mike Jones commented the Board previously gave an increase when they returned for the 3rd season. Cindy Miller questioned if they were told that or if that was taken into consideration when the budget was done? Alice Rehrig commented the \$10.50 was not taken into consideration for the budget. Cindy Miller commented she would say leave it the way it is and then next year, consider the increase. Phil Gogel commented they are not covered under the union contract, so it would not be a grievable item. He believes it was an oversight when the budget was done.

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He would not be in agreement with increasing it to \$12 an hour, but wouldn't object to increasing it to \$10.50. Keith Hantz commented the Township is getting experience with the two guys that are working and they do a nice job with our parks. They are also very flexible. They are not coming in and looking for something to do when it rains. Mike Jones questioned how often an increase was given to the summer help; is it every three years? Alice Rehrig commented the only other time we had individuals return for the 3rd season was in 2012 or 2013. Keith Hantz commented during budget time, you really don't know who will be returning so it is difficult to establish a rate which is why an amount and hours are set.

Keith Hantz made a motion to increase the rate for summer help to \$10.50 for the rest of the season. Phil Gogel seconded the motion. Mike Jones questioned if the increase will cause us to go over budget. Alice Rehrig commented it would not. Sandy Hopkins suggested a pay scale be discussed during budget time so that the Board is ready regardless of who gets hired. She will agree they do a nice job for the parks. Doug Vaughn, 733 Stone Hill Drive, questioned if the two employees have said they were going to quit if they didn't get a raise. If the rate and budget was set at \$10 per hour, then that is the rate. Keith Hantz commented there was a certain amount of hours put into the budget at \$10 an hour under the assumption that the summer help would begin on April 15. They didn't start until May 17. With the increase, they will still be under budget. Mr. Vaughn commented you are really changing the budget because you budgeted \$10 per hour and now you are changing it to \$10.50. Phil Gogel commented there was a budgeted amount of money for Frank Zamadics to use for summer help whether he uses it for 20 hours per week or for 30 hours per week. It is regulated as to how many hours and what the total cost can be. Keith Hantz commented we will still be under the budgeted amount. Jerry Pritchard commented even if it is in the budget, you do not need to spend all the money. It's not the \$.50. It's the timing. This conversation should have been had before they started. There has been summer help in the Township for a long time. Colin Murphy, Mulberry Drive, questioned who would do the mowing if these guys don't show up. Cindy Miller commented the job was advertised with the rate. Keith Hantz commented if the summer help is not mowing the grass, then it would be the full time public works crew that would be mowing the grass which would take them away from other road work. Mr. Murphy commented the cost may be greater by not giving them the increase. If they are residents of the Township and they are paying taxes here, it is also additional money going back into the tax base. Bill Jones questioned if these gentlemen were told they would be getting a raise. Keith Hantz commented they were not told. It came up when they saw the rate that another municipality was paying. Bill Jones questioned if you owned a business and someone who works for you said someone else will give them more money, would you give them more

money to keep them. Phil Gogel commented it would depend upon what type of worker they were. If they were not a good worker, he would send them down the road. Mike Jones commented it was a past practice that the \$.50 was given in the third year. Bill Jones commented he agrees with what Sandy Hopkins said; lets up it in the budget. He also understands that the Board doesn't want to lose the help. The Board is in a dilemma. Dennis Herschman commented why not pay these guys the \$10.50 rather than pay someone who is making more than \$20 per hour to do that job. Tiffany Murphy, Mulberry Drive, commented it is a changing work environment all over. There is a shortage of employees all over. If you want to keep a good employee, keep them happy. If they are worth it, give them the \$.50. Kristen Soldridge questioned if it is written in an employee handbook that they are given the \$.50 per hour. Phil Gogel commented it is not written in a handbook. Keith Hantz commented he doesn't recall exactly how the increase in the 3rd year came about, but it was before these two gentlemen. Kristen Soldridge commented that she agrees it needs to be written into the budget because if these two gentlemen return next year, you can't go back to giving them \$10 per hour. Keith Hantz, Mike Jones, and Phil Gogel voted aye. Cindy Miller was opposed, only because of the principal. She is not saying they are not worth the money. It is the principal. Motion carried.

- E. Resolution 2021-9. Keith Hantz commented he asked this to be back on the agenda after last meeting so the Board could look over the resolution and see if there were any areas that could be tweaked because it had some people upset, others did like it. After a lot of thought with Township residents and our Township attorney, he doesn't see any areas where he could tweak Resolution 2021-9. It is a resolution really of no merit and does not do anything for Lehigh Township residents because it is unenforceable. If anything, it could end up costing the Township money if it were to end up in litigation. The mistake that he made was voting on the resolution that night. Normally, the Board doesn't vote on a resolution the night it was received. They received the resolution and voted on it that same night. Usually, the Board will take the resolution home, look over it for two weeks, and talk to whomever they need to. They do this not only for resolutions, but for ordinances and other items. His mistake was to make the motion to approve the resolution. After thinking about this and everything else that was said, he would like to make the motion to rescind Resolution 2021-9.

Keith Hantz made a motion to rescind resolution 2021-9. Phil Gogel seconded the motion because he was also part of this. It is illegal and we could put the Township in jeopardy by keeping the resolution. It wasn't supposed to be drummed up as much as what it was. In his mind, it was meant to be more of a statement to tell our legislators to wake up. You have to think about the people. You can't just change things mid-stream in an election. What they did was

wrong, but we can't continue to do the same wrong on our end. Cindy Miller commented she wrote the resolution. She doesn't believe it should be rescinded. Her full intention was to have the resolution passed, then go to Northampton County Council and present it to council. She called the County and spoke with their Administrative Office and asked to be placed on the agenda and they told her they would need to check. She then received a call from the President of Council and then asked the President of Council if this could go on the agenda. She was told to send it in ahead of time so they could send it to the Government Committee for review, then they would decide. Cindy Miller then told them she didn't want it to go to a committee because when that happens, things tend to get stifled and pushed under the carpet. She then told them she wanted to present it in front of County Council and was told she would get courtesy of the floor for 5 minutes at the next meeting. She couldn't attend the next meeting because the Board put the Resolution on hold until tonight's meeting. In the meantime, she also had petitions signed by 250 to 300 residents in about one day of people standing at the polls. In most cases, it wasn't the full day, it was just a few hours. Phil Gogel commented he spoke with a few people who signed the petition. They indicated they were guided over to sign the petition and they figured they would so they could be on their way. Some people working the polls did feel it was being disruptive. Cindy Miller commented she knows the polls were not worked all day because the petitions were not out all day. The petitions did not get to most of the poles until noon. The petition was for people to read the County Resolution and the Township Resolution. Both resolutions were attached to the clipboard with the petitions. Cindy Miller commented she never presented anything to Northampton County. She found it interesting that Northampton County got ahold of the resolution because it is not the easiest to find on our website. The resolution got passed around County Council and then the County Solicitor wrote the letter. She is not sure how Mr. Pinsley from Lehigh County got the resolution other than Northampton County forwarded it to him. She wanted to get to Northampton County to discuss the resolution. The resolution's intent is not voter suppression. That is not what was meant. She knows what she meant when she wrote the resolution. Collin Murphy commented he would rather take Northampton County's resolution than take something from Sisyphus. That's who this reminds him of. Paul Nikisher commented he likes the resolution. He thinks it shows voter integrity and would like to know why people don't agree with it other than the fines. Phil Gogel commented it is illegal and we don't want to get the Township in jeopardy; the Board took an oath. Just because our legislators in 2019 decided to what they did, we can't do this. This is where the residents need to call our legislators and complain to them because they were in on changing the law. The Township cannot change the law at its level. We cannot create a lawsuit for the Township. Cindy Miller commented it is a resolution. It's not a law. To make a law, it would need to be an ordinance. This

was a statement. Attorney Backenstoe commented it was read for the first time the night it was adopted. He had not seen the resolution prior to the meeting. He listened to Cindy Miller read the resolution and tried to digest it. He believes he said, as believes the minutes will reflect, that almost every aspect of the resolution was preempted by the Pennsylvania Election Code, the Pennsylvania Constitution, and the Northampton County Election Law. He also believes he said that night that it was absolutely unenforceable and the penalty provisions cannot be enforceable for a number of reasons. You can't institute a penalty of that nature through a resolution; it would need to be done by ordinance. The Second Class Township Code does not authorize the Township to institute that type of penalty. It only allows for property maintenance fines of \$600 and non-summary offence violation of up to \$1,000. That was his position the night the resolution was presented. Once he received the resolution and really had a chance to read it at his office, he was taken back a little bit. It is a political statement, and he is not one to suppress political speech; however, as an attorney, it becomes a legal matter because all the provisions of the document are preempted by State and County law and the Constitution. This is important to him as solicitor because Townships are creatures of statute. Dillons Law is an old statute or case which goes back to the 1800's. When you are an entity which is a creature of statute, you have no greater or lesser authority than what is given you by the Second Class Township Code. Because the Second Class Township Code does not authorize the Board to take any action of this nature and does not authorize the Board to adopt a resolution of this nature, and because the State Election Law preempts it, it is, in his opinion, inappropriate for the Township to adopt it. These are his concerns with the resolution. It could be seen as suppressing or disenfranchising voters. This is a concern to him and should be a concern of the Board. While he firmly believes that people should have the right to speak in a manner in which they believe is appropriate and state what they believe politically, the Board of Supervisors isn't supposed to be making political statements. They are supposed to be running the Township. For these reasons, when he was asked to take a look at it and discuss it, he believes it should be repealed or rescinded. Cindy Miller commented she wrote the resolution because there were a lot of people complaining in our community. They were very upset about election integrity. They were extremely upset. A person in the audience commented that Cindy Miller could have done this as an individual, not as a member of the Board. Cindy Miller commented she wrote the resolution as an individual and brought it to the Board. It was the Board's decision to approve it. She is one of five. The Board takes an Oath of Office. Their Oath is to support and defend the Constitution of the United States and Pennsylvania. That is also the County's oath of office. What she found interesting in Northampton County's Resolution was when they said "to enact legislation to prohibit firearms to be carried into all polling places to ensure all voters feel safe from any intimidation

whatsoever when casting their ballots”. This violates the Second Amendment. Members of the audience disagreed. You can’t carry firearms into the court house. Are they violating the Second Amendment every day? You don’t want people to hand out water, but you will let them carry guns. Cindy Miller commented it does violate the Second Amendment in a municipality. A resident commented you can’t take a firearm into the school that was just built. Cindy Miller commented the polling places are considered that way. Most of the polling places in this area are in churches. A resident disagreed because the polling places are an extension of the County. Phil Gogel commented he understands both sides. He has family members who are strong Republicans and strong Democrats, but when they get together, they are family. That is what Lehigh Township is. It is one big family. With the past few election cycles, it has been getting more and more fatiguing. If you go out and try to talk to people to get votes and they find out you’re a Republican, they slam the door on you and vice versa if you are a Democrat. We need to start getting along. Coming through COVID was stressful enough; now, even at the meeting, we want to start attacking each other for this or for that. If we bring things down a little bit, we can be a happy community. We can’t keep attacking each other for every little thing. We all make mistakes. Rod Miller commented he heard it stated that there was a petition with 250 to 300 signatures. There are 10,000 residents in Lehigh Township. Saying a petition with a small minority of signatures is representing all the interests of the entire township is not something that you know. Cindy Miller commented if they would have gone door to door, they would have had a lot more signatures. Jerry Pritchard commented all politics start at the local level. Right now, the Governor wants to federalize our elections. That is moving closer to communism than you will ever be. You won’t want the federal government running your elections. Cindy Miller commented she received an email during the meeting indicating that House just passed the Voting Rights Protection Act, House Bill 1300. It enhanced voter ID, signature verification and two unique identifiers, the public can review ballots after the election, less waiting time at the polls, voter list maintenance, no dead people, ban direct third party funding of Counties, voters can fix mistakes, early in person voting, five days of additional pre-canvassing, ensuring ADA compliance and accessibility, realistic timelines for election administration, comprehensive election audits, uniformity across counties, voter bill of rights, and help people in long term care to vote. The Bill goes on to the Senate. Cindy Miller commented the whole point of the resolution was to get the attention higher up. That’s what this was for; and we got their attention. Bill Jones commented he believes we all can agree that we want voter integrity. A resident commented he served eight years in the military and has been working in Washington DC. This is how government should be; everyone should come into a room and talk. He would like everyone to understand about DC. They want to control everything from down there. He had a friend who was

a lobbyist and had a membership at the Capital Club. The Democrats and Republicans are trying to divide us all and then hang at the Capital Club. It opened his eyes to how it is and how it should be. It should be for the people, but it is for ulterior motives. He believes it is fair for what both sides are asking for. He was fighting in Iran during one of their elections and even they required some type of ID. It's going to get contentious some times and people will yell at each other. That's okay, but when you leave the room, he would hope everyone still respects reach other. We need to work together. We have gone through a crazy year. Challenge each other and always asked questions. Ultimately, democracy will prevail because that is what everyone voted for. Keith Hantz, Mike Jones, and Phil Gogel voted aye to rescind Resolution 2021-9. Cindy Miller was opposed because she believes the resolution can be tweaked rather than rescinded. Motion carried.

F. Board Vacancies

1. Planning Commission. Keith Hantz made a motion to appoint Todd Rousenberger to fill the vacancy on the Planning Commission. Phil Gogel seconded the motion. All voted aye. Motion carried.
2. Municipal Authority. Keith Hantz made a motion to appoint Phil Gogel to fill the vacancy on the Municipal Authority. Mike Jones seconded the motion. Paul Nikisher questioned if Phil Gogel will have enough time, energy, and experience to serve on both boards. Phil Gogel commented he would have the time. He has put a lot of effort into the Board the last 3 ½ years. He was a journeyman electrician for almost 30 years, served in the Marine Corp, and has a background in biochem. He has a lot of experience in calibrations, instrumentations, metrology which would be beneficial to the Authority, especially with starting up a new plant. He is versatile and was willing to bow out from Planning and put his name in for Municipal Authority because he believes he can help them out as well. All voted aye. Motion carried.

VI. NEW BUSINESS

- A. Chairman of Supervisors. Keith Hantz commented this will tie into the Executive Session.
- B. Authorization to Advertise of Pollution Reduction Plan. The Pollution Reduction Plan is required under the MS4 program. Through negotiations with DEP, the Township was able to reduce the amount of sedimentation that must be controlled from 280,000 per year to 155,000 per year. The remaining issue with the MS4 permit is what projects will the Township in order to meet the 155,000 pound obligation. Some of the major elements of this plan is street sweeping, roadside

improvement projects such as a vegetative swale along Township roads that get inundated with road cinders or have channels that are not in the best condition. Hanover Engineering submitted several sites to DEP where these projects could take place. In addition, there is the installation of filter bags. The stream restoration project at Indiantrail Park is also able to be counted towards the Township's obligation; however, based on DEP's regulations, the Township can only get a limited credit because only the vegetated portion of the stream bank is allowed to be counted. The armoring that will be done to mitigate the velocity of the water can not count towards the obligation. These projects that are planned to satisfy the obligation are what needs to be advertised. The Township can always change projects, but when you do, you will need to readvertise the plan. The Township already has a plan in place for the original 280,000. Since we are reducing the obligation and changing the projects, it will need to be advertised again. Phil Malitsch commented the final approvals have not yet been received from DEP, but in conversation with Special Council and Attorney Backenstoe, he believes we are close enough to the approval that it would be an appropriate time to advertise the plan. Attorney Backenstoe noted the efforts of the Township Engineer have saved the Township several hundred thousand dollars.

Bill Jones questioned if the proposed improvements are a budgeted item. Cindy Miller commented the Township is budgeting \$50,000 for the MS4 program. The Township will need to look at the projects and costs and see how that relates to the money that was budgeted. Attorney Backenstoe commented this is a Federal and State mandated program. The Township has no choice in doing the program.

Mike Jones made a motion to advertise the Pollution Reduction Plan. Keith Hantz seconded the motion. All voted aye. Motion carried

- C. Manager's Report. Alice Rehrig reminded the Board and residents that there will be a special meeting on Thursday, June 24, regarding the proposed Comprehensive Plan. There will be an open house from 6:30 to 7:00 p.m. and then the Planning Commission will hold a meeting at 7:00 p.m. Copies of the plan and maps are on the homepage of the Township website.

Alice Rehrig also provided the Board with the financial statements for May. There have not be any significant changes in the finances over the past month.

- D. Solicitor's Report. Attorney Backenstoe updated the Board on the Vandling matter. He filed another petition with the court and will be attending a hearing on July 14. He is looking for significant fines in order to get Mr. Vandling's attention. In addition to the Zoning Officer, Township Engineer, and Sewage Enforcement Officer, he will also be asking the neighbors to attend the hearing as

well. This whole matter could be solved by Mr. Vandling filing the appropriate land development and grading plans, building plans and sewerage plans. He could seek the appropriate permits which would legalize everything that he is doing, but he just doesn't do it.

- VII. PUBLIC COMMENT. Jerry Pritchard questioned if it was required by law that the Executive Session regarding the Chairman be held without the public present. Keith Hantz commented it is a personnel matter. If any action is taken, it would be done publicly. Jerry Pritchard questioned if personnel matters are based on employees or public officials. Attorney Backenstoe commented it can be anyone who is in a position of authority of importance or is an employee.

Paul Nikisher questioned what is going on with the property on Teel Road where there were a lot of people here complaining about it. Attorney Backenstoe commented there were no violations taking place with what he was doing. Phil Gogel asked about the pole barn that is being planned for construction. Alice Rehrig commented the pole building is planned to go behind their home.

A resident questioned if there was any truth to the rumor that Jaindl Farms is proposing a development on Cedar Drive. Mike Jones commented that is just rumor. Cindy Miller commented Mr. Jaindl purchased the property but he has not presented plans or anything to the Township at this point.

Wendy Kleintop, 1023 Pear Road, commented the development of this property is a concern of hers as well as many others. She knows the zoning was changed for the Seminary project for Jaindl and knows he purchased the 85 acres on Cedar Drive. She has heard that there would be multiple housing. If this is the case, when would they find out about that. She thought the Township had a one acre, one house requirement. She doesn't want to see multiple housing on that parcel and what can they do about that. Cindy Miller commented the property is currently zoned as A/RR (Agricultural/Rural Residential) where one acre lots are required. If there is a parcel which is greater than 30 acres, they can do a cluster development which means a higher density of single family homes where it would be 1.2 homes per acre and the houses would be closer together. They would need public water and sewer for this type of development.

Cindy Miller commented on Thursday night the Planners will be hearing from the Comprehensive Plan Committee regarding changes in zoning for the Comp plan. As far as she knows, that area is not slated to be changed for any higher density development. The public is welcome to come in and express their thoughts to the Planning Commission. As far as when people will know what he is proposing, it would be when he presents his plans to the Planning Commission. Sometimes a developer will come to

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the Board of Supervisors to talk with them first. Her suggestion is to pay attention to the agendas or contact a Board member. At this point, the Township has not heard a thing regarding this property.

A resident noted there is a proposed medium density zoning which would allow for four or five homes to an acre. Cindy Miller commented that would be a different zoning district with different requirements.

Mike Jones commented if an area was going to be rezoned, it wouldn't be just one parcel. Attorney Backenstoe noted a developer cannot force the Township to rezone an area. That is purely a legislative act. A developer can ask the Township and tell the Township why he thinks it's a good idea, but he can't force the Township to rezone. Wendy Kleintop noted the Seminary was rezoned and that is her concern. Attorney Backenstoe commented the Board chose to do that. They thought about it and discussed it for months and months to try to save and protect the Seminary building.

Wendy Kleintop questioned when the Seminary project would be started. Attorney Backenstoe commented that would be up to the Developer. Linda Roman commented when you look at all the property Mr. Jaindl has bought in the area, he owns from the Seminary to the Balliet Farm, down to Indiantrail Road as well as a small home on Cinchona Road. Mr. Jaindl has been trying to purchase the property at Route 248 and Indiantrail Road and Newhart's Property. If he gets his hand on the corner property, he will not need to cross the creek. Cindy Miller noted he purchased a lot at Blue Mountain Drive and South Locust Drive.

John Knobloch, Katlyn Drive, questioned if the public water and sewer must be owned by the Township or could he put in his own system? Cindy Miller commented the need to be able to provide public water and sewer. It could be a community system.

Noah Vehafric, 517 Mildred Drive, commented the American Rescue Plan gives state and local governments \$360 billion in aid and there are virtually no guardrails on it yet. He has a concern as to how it is going to be used or misused. Has the Township heard anything as to when and how much the Township will be receiving? Cindy Miller commented the Township just signed the documents to apply for the funding. The Township is schedule to received \$1,030,000. The guide as to how it can be used is still vague. We have been advised by PSATS to accept the money and sit on it. The Township has up to three years to spend it. We are supposed to receive 50 percent this year and 50 percent next year. We do know it specifically allows for it to be spent on water and sewer, 5G and broadband, stormwater management, and COVID related expenses. At this point, the Board has not discussed how they would utilize the money because we are not certain when we are going to get it. Mr. Vehafric commented in his

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opinion there is lot of good that the money can be used to develop broadband, but historically, it has been wasted and fraudulently used. He would prefer if his Township did not use the money for broadband.

- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter. No action was taken.
- VIII. ADJOURN. Mike Jones made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.