

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

October 22, 2024

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, October 22, 2024, at 6:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
Janet Sheats
Jerry Pritchard
Mike Jones
David Hess
Attorney David Backenstoe
Alice Rehrig

- II. 2025 BUDGET AND CAPITAL IMPROVEMENTS. The third draft of the 2025 Budget was before the Board for review. Alice Rehrig reported she has received the outstanding information she was waiting on and has incorporated that into the draft of the budget.

The most significant change was the increase in the paver maintenance line item. While doing the paving this year, there were issues with the paver so it was taken to Stephenson Equipment for repair estimates. The rubber wheels inside the tracks are dry rotting from age and use and are slipping when the machine goes forward and it no longer moves in reverse. The replacement of the wheels is labor intensive because of the way they work with the tracks. The cost to replace the wheels and adjust everything that became out of adjustment over time is \$18,240.09. Also included in the price is a 250 hour service. Since we are proposing to get the service done, they are offering a 10 to 15 percent discount which will come off the price of the repairs. The repairs could be done over winter so the machine is ready for next year. The cost of these repairs has been built into the budget.

The only remaining item in the budget is the approval of the minor equipment and capital purchases for inclusion in the budget.

Cindy Miller questioned the type of computers that are being proposed for the office and if they are laptops, will they have docking stations. Alice Rehrig commented it would be laptops with docking stations, similar to what currently is being used. The docking station would also continue to allow the use of dual monitors. New monitors have also been included in the cost since the current ones are used monitors and older. It would be 6 to 9 monitors for the office plus the monitors for the meeting room. Alice Rehrig commented the cost also includes adding a third monitor so the cameras can always be in view. Right now, when you are using the dual monitors, the cameras are covered.

Jerry Pritchard questioned if the generators were included. Alice Rehrig commented she did include a place holder in the budget. She is still waiting on a quote for them.

Cindy Miller questioned the type of car and station computers. Alice Rehrig commented the station computers would be desk top type computers. Cindy Miller questioned if it is necessary to have both car computers and station computers. Alice Rehrig commented that typically, the car computers do not get taken out of the vehicles. She can find out if the station computers are necessary. Mike Jones questioned if there could be an issue with the switching of shifts. Alice Rehrig commented she wasn't certain. Cindy Miller commented if it is not necessary to duplicate computers, it would help save money. She also raised a concern of security with the computers that are in the take home cars and if the computers are used at home. There is a concern with police computers being used at home because of the security of a home network. Alice Rehrig commented she would get clarification from on both of these items from the Chief and Andy Guildner.

Cindy Miller questioned if it is known how much is in the Fire Tax Fund. Alice Rehrig commented she just received the March report and it indicated that approximately \$190,000 was collected to go into the fund, but there are expenses that came out of that amount. This was the actual amount based on the reports. Cindy Miller questioned if we know when the balance of the reports will be completed. Alice Rehrig commented she knows they are working on them, but does not have a date. The 2024 interim billing has also been updated and she believes the bills have been sent out. Cindy Miller questioned if 2023 was done. Alice Rehrig commented she did not know. Cindy Miller commented this has been going on way too long with the tax collector issue. There are six months of reports that still are not turned in; we don't know when we are going to receive the balance and we are already coming into November. She thinks it is time to go to the DA. Jerry Pritchard commented he doesn't agree; you go to the DA for a crime. Cindy Miller commented the Board is personally liable for the financials of the Township. She, as a supervisor, is not going to jeopardize her financial status or her family's financial status because someone has not done their job. She believes further action should be taken at this point because this has gone on long enough. We have a meeting with the Fire Company on Thursday and all we can tell them is we have \$190,000 in the account and more to come, but we don't know. Jerry Pritchard questioned if going to the District Attorney will get the problem cleaned up. Cindy Miller commented all she wants to do is inform them there is a problem. He may not do anything, but at least it is reported. What happens if someone sues the Board because of what it going on. Jerry Pritchard commented rather than looking for someone to sue us, we should look to resolve this. We have a good person working on this constantly. Cindy Miller commented it is not her job to clean it up. At this point, she is looking to

protect herself. The Board could be blamed for allowing this to go on and on. Jerry Pritchard commented it is being worked on. Mike Jones commented we have done everything we were told, but nothing has worked.

Monica Brown commented she got a copy of the forensic audit. The audit was not received until May 2024. The Auditor provided a list of deficiencies as to what the Tax Collector did and didn't do and you had people being turned into the County who actually paid their tax. There were problems in 2022; you didn't get those reports. They were not turned in as of June 2023. Isn't that a problem? Mike Jones commented they did what they were advised to do. Monica Brown commented there was more; the Board is supposed to protect the people of the Township.

Jerry Pritchard commented the Board did everything they were advised to do. The only thing they didn't do was go to the DA as suggested by Cindy Miller. Our Solicitor never advised us to go to the DA. Cindy Miller commented she spoke to the lawyer from PSATS who advised her to report it to the DA and at least inform them that something is going on; put them on notice.

Monica Brown noted the report lists all the internal control deficiencies. As protectors of the Township, if you can't fire the person because they are elected, why couldn't you bring charges against them? Mike Jones commented the report doesn't identify a crime; it doesn't state there was money missing. Monica Brown commented there were people who paid their taxes and were turned over to the County. They went to the County and the only one who could help them was the Tax Collector. Janet Sheats questioned if we know how many of those cases were rectified. Alice Rehrig commented there is a list from the County, maybe 20 to 25. Cindy Miller questioned if we knew how many were still outstanding. Alice Rehrig commented she did not know. Monica Brown commented the audit report was from last November and it is almost a year later. Mike Jones commented they only way to get rid of her would to have been to file for impeachment. She has now resigned. All we can do is fine her as we were permitted and do what we can and were told to do.

Cindy Miller commented all she wanted to know was where we stood with the fire tax collections since the Board has a meeting with the fire company coming up on Thursday. As far as she is concerned, the Board is unprepared for the meeting because they will be sitting there saying they don't know. Jerry Pritchard commented we will tell them what we do know. Mike Jones commented they don't need to know exactly what is in the account until the money is needed for the truck that was ordered. The account is not to be used as their own bank for them to pull money out as they want. Cindy Miller questioned the purpose of the meeting. Janet Sheats commented the Board said they would revisit this and was asking about their bills, maintenance, etc. Alice Rehrig commented she can check with Suzanne Hawke as to where they are with April. Cindy

Miller commented it is not fair to Suzanne Hawke to put pressure on her; it is not her responsibility. She can't even move forward as the new collector at this point because she doesn't have a delinquent list from Mary Trexler. The list can't be turned over because they are still working on reports. We don't know when that will be completed. We are already almost into November. There are only two months left in this year and there are six months of outstanding bills.

Linda Roman commented when Suzanne Hawke came on board, the Board knew there would be a certain timeframe that she would need to get the reports up to date. You knew it was a mess to start with. She really believes you need to give them time to get it done. Cindy Miller commented this really is not the Board's problem but it has become their problem because someone was irresponsible and didn't do their job. It became the Board's problem because it their job to protect the residents and taxpayers of this community. Linda Roman commented she realizes that, but she is saying you need to give them time. Cindy Miller commented she has given two years of time to correct this. Linda Roman commented the two women are working together to get the reports done.

Cindy Miller commented if she would have done this on her job, she would have been fired. She doesn't need to wait any longer at this point. She is now protecting her family and what effect this may have on them. The Supervisors can be held personally liable for the financial condition of the Township if they are found to not being doing what they are supposed to do as Supervisors and believes it is time to at least inform the DA that there is a problem. She is not accusing anyone of anything, she is just saying there is a problem.

Attorney Backenstoe commented generally when you go to the District Attorney you would want to have some indication that there was a real problem. Cindy Miller commented the 2023 audit is not complete because they couldn't finish it. Attorney Backenstoe commented the audit was very critical of the tax collector's actions. As far as going to the DA, that would be up to the Board and this should be discussed further in Executive Session.

Mike Jones questioned if the Board could be personally liable for the tax collector not doing her job. Attorney Backenstoe commented there are various factual circumstances that would need to be analyzed. The underlying principle is that if the tax collector is not doing her job, and there is a problem and the Township is not following up and doing what they can do, the Township is ultimately responsible to make sure the taxes are collected. It is the tax collector who collects them, but the Township must oversee it. There is a section in the Second Class Township Code that talks about the Supervisors being surcharged. Generally, that is if the Supervisors knowingly take some action, such as awarding of a bid absolutely knowing that you didn't follow the protocol for bidding

requirements or if the Board knowingly misappropriates tax funds, they can be surcharged. It all depends upon the specific set of facts surrounding a situation.

Mike Jones questioned if the Board has done everything that they needed to do in the tax collector matter, other than trying to impeach her. Attorney Backenstoe commented they did. The Board has had meetings with her, explained the concerns, Alice Rehrig repeatedly reached out to her, Alice Rehrig and Cindy Miller had offered to help her, and he wrote letters outlining the concerns and issued in the audit report. Outside of going through the impeachment process, the Board did everything they could do.

Monica Brown questioned if there wasn't anything that could be done to her to retrieve the tax records because they belong to the Township. The records were not being completed. Attorney Backenstoe commented the other action that the Board was considering and he was working on was an action in mandamus to require her to perform her administrative duties. Janet Sheats commented right before this could be filed, she resigned.

Katherine Mack commented when an individual resigns, they still have the responsibility of completing their administrative duties. With the Fire Tax, that just went into effect. Is some of that still filtering in? Some people may not have paid their taxes. Jerry Pritchard commented most of the taxes are paid through April so at that point we would have most of the taxes. Katherine Mack commented she is aware of individuals who have chosen to not pay the fire tax. What happens with them? Cindy Miller commented they get turned over as a delinquent tax. Katherine Mack questioned if that would go against their property. Cindy Miller commented it gets turned over with the other real estate taxes for collection through the County.

Alice Rehrig provided the Board with draft resolutions which increase the various escrows for Subdivision and Land Development and Building Permits. She spoke with Liz Amato and Lori Lambert and there are additional requirements and time required for processing permits, particularly the ones that require inspections and grading. The escrow fees are also recommended for an increase because in most cases, there is not enough money in accounts to cover the bills. The last time these fees were increased was three and four years ago. The change in fees would take effect in January. Alice Rehrig will prepare a clean resolution for the next meeting.

The budget discussions will continue at 6 PM on November 12th.

III. APPROVAL OF THE MINUTES

A. October 8, 2024. Janet Sheats made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

V. APPROVAL OF BILLS.

A. General Fund Checks 28168 to 28191. Cindy Miller made a motion to approve these bills. Janet Sheets seconded the motion. Cindy Miller questioned what was being paid under Check #28178. Alice Rehrig commented it was the balance of the invoice that she thought was fair for services at the Zoning Hearings. Cindy Miller commented she feels that they should be required to divide out the expenses rather than have us guessing. Alice Rehrig will pull the check and contact them for the actual time. Katherine Mack questioned what the Sewage Enforcement Officer does. There are many bills that are being paid to them. Cindy Miller commented they do inspections, testing, and issue permits. Katherine Mack questioned if we get the money back when they go out to do this. Alice Rehrig commented generally we do. We adopt a fee scheduled based upon their charges. There are certain times where we are unable to recoup the expenses, such as a complaint of a malfunctioning system that is unfounded. All voted aye to approve the bills as discussed. Motion carried.

VI. PLANNING RELATED ITEMS

A. Extensions of Time

1. Keith & Karen Hantz Preliminary/Final Minor Subdivision. Keith and Karen Hantz were present to represent this plan. They provided the Board with an extension of time until December 31, 2024. Keith Hantz commented they need a little more time to complete their plan. They met with the Planning Commission in August and October and will be needing at least one more meeting with the Planning Commission. Their plan will be expiring before the next time the Planning Commission meets. Cindy Miller made a motion to accept the extension of time until December 31, 2024. Janet Sheats seconded the motion. All voted aye. Motion carried.
2. Zachary Bittner Preliminary/Final Minor Subdivision. Mark Leuthe was present to represent this plan. The developer provided the Board with an extension of time until December 31, 2024. Mark Leuthe commented that this plan originally came in as a land development plan with a landscaping business and green house. The owner has now changed direction and is proceeding with a fur lot minor subdivision. The testing and design have been completed for the site. They are working through Mike Muffley's comment letter. Cindy Miller made a motion to accept the extension of time until December 31, 2024. David Hess seconded the motion. All voted aye. Motion carried.

VII. OLD BUSINESS

A. Maintenance Building

1. Livengood Excavators, Payment Request #8, Final. Cindy Miller made a motion to approve Livengood Excavators final Payment Request, #8, in the amount of \$101,200.09. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

VIII. NEW BUSINESS

A. Manager's Report

1. Approval of Paver Repair. Cindy Miller questioned if the repairs of the paver are being included in the 2025 Budget. Alice Rehrig commented she did include them. Stephenson Equipment will not be billing us until next year. Janet Sheats made a motion to authorize the repair of the paver at a price not to exceed \$18,240.09 as quoted. David Hess seconded the motion. David Hess questioned what happened to the paver. Mike Jones commented the wheels for the tracks are shot and need replacing. Alice Rehrig commented it is a labor intensive repair. All voted aye. Motion carried.

B. Solicitor's Report. Attorney Backenstoe did not have anything specific to report.

- IX. PUBLIC COMMENT. Katherine Mack commented she expects that the process for complaints was approved as part of the minutes, but was wondering if the process should have been part of a motion rather than by discussion. Attorney Backenstoe commented it would really be up to the Board. They can leave it as a discussion or if they wish to formalize it, they could make a motion and vote on it. A motion would be more formal. Cindy Miller made a motion that Zoning Officer's policy for enforcement would be based upon the following: If there is a matter of imminent danger or a threat to the public, action is to be taken immediately; if the Zoning Officer makes an observation of a violation in the course of her normal travels, they **shall** can act on it; all complaints shall be in writing and submitted to and accepted by someone in the office. Janet Sheats seconded the motion. All voted aye. Motion carried.

Marion Mae of Brighton Circle noted that the street sign for Brighton Circle is incorrect. The sign is "Brighten" and it should be "Brighton". When you look it up on a GPS, it is also being read incorrectly. How will emergency personnel and other deliveries be able to locate the homes on that street? Frank Zamadics will be told to order a new sign.

Katherine Mack commented this last issue of the newsletter was a very good newsletter. It provided a lot of good information.

Linda Roman reported there are a few issues at Indiantrail Park. There is a water leak by the faucet at the bridge. The ground is saturated in that area. There are also some dead

trees that are snapping off by the pavilions, and there is a hole in the roof of the last pavilion. Alice Rehrig will have Frank Zamadics look at the issues. She also looked at the banner on Wood Drive and doesn't see an issue with liability. It is not any different that any other pole along the roadway.

Paul Nikisher questioned the status of Phase II of Heritage Village. Attorney Backenstoe commented he just received all the signed agreements back from the developer. Once they provide the insurance certificate and letter of credit, the plans can be recorded. Mr. Nikisher questioned if the roads will be public roads. Attorney Backenstoe commented all the roads in the development are intended to be private and not taken over by the Township.

Paul Nikisher questioned if there is anything happening with the Jaindl project. Cindy Miller commented the last update they provided was they intended to record the plan and start in spring. They are still working on the architectural portion of the project. Mr. Nikisher also questioned the status of the new Turkey Hill. Cindy Miller commented they pulled their plan because they are expecting to down size the building and will have to start over with Planning. It is her understanding that they did obtain their HOP, but there is nothing pending before the Township.

Paul Nikisher commented he noticed the sign is still up. He imagines it can stay up for a while. Attorney Backenstoe commented he believes the 20 days period to remove the sign is up and that Zoning Officer filed an action at the Magistrate which is what the statute requires. Jerry Pritchard noted that the people with the rocks along the Municipal Road were not taken to the Magistrate or paid a fine as it was stated at the last meeting. They did move the rocks out of the right of way.

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