

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

August 23, 2022

6:00 p.m. Executive Session

7:00 p.m. Regular Meeting

- I. EXECUTIVE SESSION. The Board met in Executive Session prior to the meeting to discuss a personnel matter. No action was taken.
- II. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, August 23, 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
 Phil Gogel
 Jerry Pritchard
 Mike Jones
 Attorney David Backenstoe
 Alice Rehrig

- III. APPROVAL OF THE MINUTES
 - A. Minutes of July 27, 2022. Phil Gogel made a motion to approve these minutes. David Hess seconded the motion. All voted aye. Motion carried.
 - B. Minutes of August 9, 2022. David Hess made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.
- IV. APPROVAL OF BILLS.
 - A. General Fund Checks 26025 to 26065. Cindy Miller made a motion to approve these bills. Phil Gogel seconded the motion. All voted aye. Motion carried.
- V. PLANNING RELATED ITEMS
 - A. Plan for Approval
 1. Gladys Werner Estate, Minor Subdivision. This plan was discussed at the previous meeting under the Engineer's Report. Mike Muffley had indicated that this plan was ready for conditional approval. There are two waivers being requested for this plan. A waiver of SALDO Section 147-9.A(3) regarding the scale of the plan and Section 147-9.A(9) regarding the soil types. The Planning Commission had no objections to these waivers.

Phil Gogel made a motion to grant the waivers of SALDO Sections 147-9.A(3) and 147-9.A(9) as recommended by the Planning Commission in their August 16, 2022, letter. Cindy Miller seconded the motion. All voted aye. Motion carried.

Phil Gogel made a motion to approve this plan subject to the outstanding items in the Planning Commission's letter dated August 16, 2022, the Engineer's letter dated August 4, 2022, and the Sewage Enforcement Officer's letter dated August 2, 2022. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

- B. Appointment to Planning Commission, Term Expiring December 31, 2022. Phil Gogel made a motion to appoint Charlie Perich to fill the unexpired Planning Commission term ending December 31, 2022. David Hess seconded the motion. Jerry Pritchard questioned if this person would immediately become involved with the Comprehensive Plan. Attorney Backenstoe commented whomever is appointed this evening will immediately assume the roll as a Planning Commission member. Jerry Pritchard questioned if this person were to present new ideas, would the whole plan have to be revamped. Cindy Miller commented the person would have input, but the plan wouldn't need to be completely changed. It would also need to be voted upon. David Hess, Phil Gogel, and Mike Jones voted aye. Cindy Miller and Jerry Pritchard were opposed. Motion carried. Mike Jones commented for the past year and a half, Mr. Perich has applied for every opening the Board has had. He is always here. He believes he should be given an opportunity, at least for the next four months. If Mike Jones is wrong on the appointment, then he doesn't have to be reappointed in January.

VI. OLD BUSINESS

- A. Cherryville Intersection. Alice Rehrig received an update from Jim Milot. PennDOT has issued the supplemental approval for the remediation and the contractor is working on a schedule and revised material list. Jim Milot is expecting a change order will be needed based on the changes in material; however, the change order will not necessarily be a change in the cost. The ramps that need to be redone would be at the contractor's expense. Depending on the outcome of the change orders, Jim Milot will be at the next meeting to explain them. Cindy Miller questioned if that means that the Township could be on the hook for costs when there is no more grant money left. Alice Rehrig commented it is possible. Jim Milot is working on it that there is no change in cost in that it would be more of one type of material and less of another material. Cindy Miller commented we cannot close our grants at this point. Eventually the State will not allow us to keep the grants open. Alice Rehrig commented there will not be another extension.

Mike Jones questioned who is responsible for the grass at the corner by the curb. Attorney Backenstoe commented the right of way area was transferred to PennDOT by deed.

- B. Maintenance Building. Mike Jones questioned if there is a date when we would know if the funding was received. Alice Rehrig commented the Township was written into a Bill for \$1.5 million which gave her the opportunity to apply for the funding. She applied for the \$1.5 million in the last round of funding which closed on August 19. Based on the previous application, the awarding of the funds took six months to a year. She had also applied for the Statewide Gaming Funds and the awarding of those funds are expected to take place around November.

VII. NEW BUSINESS

- A. Todd Dreisbach, Request for Waiver of Zoning Section 180-16.E and 180-112. Mr. Dreisbach owns a property at 1323 Deer Path Drive. This past Memorial Day, it was destroyed by a fire that was believed to be associated with a PPL plastic meter base. The home was a double wide mobile home, 26' X 58' and he is proposing to replace it with a 28' X 60' manufactured home. He would like to replace the home in same spot because relocating the home to a different area on the lot would create havoc and a huge expense. The septic is in the front of the house and the sewer line goes across the front. The original foundation that was installed in 1978 is able to be used. He is unable to move the pylons and everything that is there. The people who previously owned the property subdivided and the husband lives on the other side of the property and the wife stayed in the house. When he bought it back in 2002, the deed was all clear for where everything was at. When he checked what was needed after the fire, the zoning requires him to be 50 feet from the rear line and he currently only has 20 feet. He has 160 feet from the back property line to Deer Path Drive and 190 feet across the lot. As a result of this he is requesting a waiver from the Board so that he can rebuild in the same location. Becker Homes has applied for all the permits for the new home and is waiting for approval from the Township to place the home in the same location it has existed for the past 37 years.

Mike Jones commented he agrees with the idea of being able to replace the home where it previously existed, but it is a zoning issue. Phil Gogel commented the Board approved something like this when a barn burned down. Alice Rehrig commented when the Miller barn burned on Cedar, the Miller's owned a small parcel in front of the larger farm parcel. They wanted to rebuild the barn in an area that straddled the property line so the Board granted them a waiver of the subdivision requirements for combining lots.

Attorney Backenstoe commented the Board of Supervisors are able to waive SALDO requirements, but unfortunately, they do not have the authority to grant relief from zoning, although it sounds like there is a good reason for the relief. The relief would need to be granted by the Zoning Hearing Board and it does sound like he would be entitled to a variance. He also believes the Board of Supervisors could issue a letter supporting the variance request. Mike Jones commented it was an unfortunate circumstance; nothing that the owner willingly did. He would agree that a letter should be sent to the Zoning Hearing Board.

Jerry Pritchard questioned if he needed the variance if he were to put the home in the exact same location. Attorney Backenstoe commented he would; the ordinance is clear that if a property is destroyed beyond 50 percent of its fair market value and is a non-conforming use, you need to go to the Zoning Hearing Board for relief. In fact, you are not supposed to put it back up, but based upon what Mr. Dreisbach described, it makes all the sense in the world to put it back where it was.

Phil Gogel made a motion to have Alice Rehrig write a letter to the Zoning Hearing Board supporting the relief Mr. Dreisbach needs. David Hess seconded the motion. Mr. Dreisbach was directed to speak with Liz Amato and finalize an application to the Zoning Hearing Board. Mr. Dreisbach commented he would like to get this moving as quickly as possible. The family is staying in a motel in Leighton and they have children who will be starting school next week. He had been working with Liz Amato but then he had be told he could come to the Supervisors for a waiver. The next available zoning hearing meeting would be October. Katherine Mack commented there are times where the Zoning Hearing Board will hold extra meeting if they are able to get all the members, the Attorney and Stenographer together. All voted aye. Motion carried.

- B. Resolution 2022-19, Authorizing Manager to apply for Public Safety Grant and committing matching funds. Cindy Miller made a motion to adopt Resolution 2022-19. David Hess seconded the motion. All voted aye. Motion carried.
- C. Manager's Report. Alice Rehrig reported a verbal approval was received from DCNR that they will provide an additional \$62,000 in funding towards the culvert replacement at Indiantrail Park. Phil Gogel commented he is glad the Board decided on the double lane bridge. Linda Roman questioned how wide the bridge would be. Phil Gogel commented he believes the engineer stated it would be 26 feet wide with guiderails. The funding in coming from leftover grant money from the repairs to the streambanks plus the additional funding that was received. Linda Roman commented she looked on line and a one lane bridge is 10 to 11 feet. The roadway is around 18 feet. You are basically going to be going from a

one lane road to a two lane bridge and then back to a one lane road. Phil Gogel commented it is for future development. You always want to make sure you go above and beyond if you have the funds, which we do through the grants. It makes sense to not just make it good enough, but as best as what we can. Linda Roman commented there is not a lot of traffic that uses that road, but if you put in a double lane bridge, you are inviting someone to increase the speed and risk of an accident in that area because you are going from a single lane road to a double lane bridge back down to a single lane bridge. Mike Jones commented he doesn't believe a bridge that is only 20 feet in length will encourage speeding. Linda Roman commented it is a connecting road; that is all it is. It's not like Teak which should be widened because it provides access. Phil Gogel commented there was an issue with the bridge being damaged during the storm and it needed to be taken care of. Linda Roman commented the bridge was not damaged during a storm. It was damaged when the Township allowed several triaxles that were fully loaded to go across it. Attorney Backenstoe commented the Township is better off having a new bridge that is wider. Phil Gogel commented it is better for safety, the community and future development. He understands the concerns, but we always want to try to improve in the Township whenever we can. He would like to see that area keep developing and getting better. It's one of the oldest areas of our community. He remembers going to the park when he was a kid and having fun. If we can improve, we should be improving. Linda Roman commented if that were the case, then you wouldn't be putting a waste water plant down there.

D. Solicitor's Report. Attorney Backenstoe reported he received a self-perpetuating order about a month ago for the Vandling Property. He was fined a total of \$15,000 and in the order he requested that if he didn't pay the fine in so many days, which he didn't, a lien could be entered against him personally and against the property for the \$15,000. The property is currently listed for tax sale, so if it should be sold, the Township should be covered.

VIII. PUBLIC COMMENT. Curt Dixon, 4435 Lehigh Drive, commented ever since they placed the weight limit on the bridge on Route 248, there were dump trucks cutting down Evergreen. It was going all day long. Now, the road is completely closed to traffic but no one listens to the signs and the road is getting broken up; it's dangerous. He has already lost five feet of his yard from people. When it was only a foot, the Township came by and put some cold patch in for which he was glad, but now it is five feet into his yard. The tractor trailers are coming down the road. Could signs be placed indicating cars only, 10 miles per hour and fine the truckers that come down the road. He has seen the large buses, tractor trailers going both ways, dump trucks, everything going down that side road. He has talked to the police, but they are busy and don't have the time to sit

there. When they did have time, they did sit there and pull people over. Can the signage be improved? People are not stopping at the stop signs and are yelling at each other. Cindy Miller commented they saw the Chief earlier, and he commented that they issued 60 citations and have issued citations for trucks being overweight. He also commented he doesn't know what else to do. David Hess suggested the residents contact their State Representative and have them get on PennDOT to improve the signs. Cindy Miller questioned if the LED sign could be placed in the general area to help direct traffic. Alice Rehrig will contact the Chief regarding this. Alice Rehrig commented it is her understanding that PennDOT has contacted Google to show the road closure. Mr. Dixon also commented that PennDOT did not replace the cracked old bridge walls. They just put new concrete over the top.

Randy Braun, 4152 Butternut Drive, commented he contacted Zach Mako's office today regarding PennDOT. Route 248 is closed; the detour is Blue Mountain and they are replacing the culverts on Blue Mountain. His wife was trying to get to an appointment and they had traffic stopped and someone came walking down the line and said it would take another 30 minutes. No one answered at Mako's office so he left them a message.

Randy Braun commented the gentleman with the fire indicated the fire possibly started in the meter base. Mr. Braun's meter base failed three years ago. He has an Anchor brand meter base. He looked them up on Google and discovered that there was a 100 percent failure rate for Anchor meter bases; the company is no longer in business. He was fortunate that he didn't have a fire. He just lost power to half his house. It is not a matter of if it will fail; it is a matter of when it will fail.

Katherine Mack updated the Board on her research regarding the expenses associated with the Zoning Hearing Board Solicitor. She has reviewed a packet of information that Alice Rehrig and Liz Amato put together with the Zoning Hearing Board at their last meeting. Initially they did find that the costs are up, but some of the costs are because of the Graystone and Karafam appeals. Graystone was being appealed and then they dropped it; Karafam appealed and we are having some other legal discussions. One of the things that they noticed was that Attorney Ettinger is preparing his bills differently than Attorney Caffrey was. She will be contacting Attorney Ettinger about some items and one item will be to itemize the time spent on the various hearings. The other items that were discussed was the cheat sheet that Attorney Ettinger is providing to the Board prior to the meeting. The other members of the Board like receiving the cheat sheet because it explains the law to them prior to the meeting and they feel it is a good thing that he is explaining it to them in advance. She will also be discussing other items to try to clear things up. One of them will be the post hearing letter that is being sent; she wants to clear up who is getting the letter. She will not be at the September meeting, but will have additional information in October.

Supervisor Minutes
August 23, 2022

Dean Browning, 2234 West Congress Street, wanted to introduce himself. He will be the Republican candidate for the newly create State Senate District 14. Lehigh Township will be one of the 18 municipalities in the district. Everywhere he has gone, he has been hearing the same complaints about PennDOT and Harrisburg. You would think with a State budget of \$44 billion, they would do a better job. Why they don't, he doesn't know, but would do everything he can to fix that. Jerry Pritchard commented he has been coming to meetings for 20 years and he has been hearing PennDOT, PennDOT, even after different people are elected. He would hope that one day, someone will be able to go there and make changes. Cindy Miller commented it also comes down to the Governor. He is in charge of administration. The Governor should be able to make changes to the administration.

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