

## LEHIGH TOWNSHIP BOARD OF SUPERVISORS

July 23, 2024

I. **CALL TO ORDER.** The Lehigh Township Board of Supervisors held their second monthly meeting on July 23, 2024, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Vice Chairman Jerry Pritchard called the meeting to order with the Pledge of Allegiance and roll call.

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

Absent: Mike Jones

II. **APPROVAL OF THE MINUTES**

A. Minutes of July 9, 2024. Janet Sheats made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. **APPROVAL OF BILLS.**

A. General Fund Checks 27922 to 27957. Cindy Miller made a motion to approve these bills. David Hess seconded the motion. All voted aye. Motion carried.

B. State Fund Check 1606. David Hess made a motion to approve this bill. Cindy Miller seconded the motion. All voted aye. Motion carried.

IV. **OLD BUSINESS**

A. Maintenance Building. Alice Rehrig reported the final inspection for the building is scheduled for August 1.

David Hess questioned how things were progressing with the fuel island. Alice Rehrig commented they just submitted several documents for review by Mike Muffley. Livengood Excavators has also been in touch with them to coordinate the pouring of the concrete and the top coat of blacktop. David Hess questioned if everything will be done for the ribbon cutting. Alice Rehrig commented the blacktop will be done by the ribbon cutting. They have been working on the blacktop this week and will be working into next week. Cindy Miller questioned if everything has been straightened out with the fire suppression system. Alice Rehrig commented as far as she is aware, everything is complete.

Phil Gogel questioned how much money will be used from the loan that the Township took for the building. Alice Rehrig commented once everything is completed, the loan will be paid off.

B. Resolution 2024-12. The changes to the resolution were increasing the user fee of the baseball field to \$75 and having the home teams work together to provide the material they need for the seasons. The Township would be responsible for preparing the field for the startup of the season. Jerry Pritchard noted that this year the teams provided most of the material; the Township needed to provide a limited amount.

Janet Sheat questioned if the light fees were increased. Alice Rehrig commented they were not increased. The fees have been covering the cost of the lights.

Cindy Miller made a motion to adopt Resolution 2024-12. Janet Sheats seconded the motion. All voted aye. Motion carried.

## V. NEW BUSINESS

A. Public Hearing--Ordinance for Adoption

1. Ordinance 2024-4, Reducing Speed Limit on a portion of Mulberry Drive to 25 miles per hour. This ordinance was advertised and ready for adoption. It will establish a speed limit of 25 miles per hour on Mulberry Drive between Long Lane Road and Mulberry Drive. Cindy Miller made a motion to adopt Ordinance 2024-4. Janet Sheats seconded the motion. David Hess questioned the reason for the reduction in the limit. Alice Rehrig commented it was the result of several complaints of speeding vehicles and safety concerns for the pedestrians in the area because the roadway is narrow and has sharp curves. All voted aye. Motion carried.

B. Manager's Report. A request for a well septic isolation waiver was received from Bret and Lori Keiper. They have a malfunctioning septic system that needs to be replaced. The only suitable area for a new system is only 50 feet from their well. The waiver would be conditioned upon the owners entering into an indemnification agreement with the Township. This will be on the agenda for the next meeting.

PennDOT had provided the Township with an update regarding repairs there are making to the Route 873 bridge. One lane of the bridge will be closed during construction. They will be opening bids on August 8, issuing the notice to proceed in mid to late September, and starting February 2025 through September 2025, the southbound traffic will be detoured. There will also be a few weekends where all traffic will be detoured.

Copies of an ordinance and draft Official Maps were received from Washington Township and the Borough of Slatington. Both communities are going through a multi-municipal Comprehensive Plan and the maps are a part of that process. The MPC requires they submit the documents to neighboring Townships for comment. The maps that were received show existing locations of streets and municipal owned properties and trails. Cindy Miller questioned if the map should be designating zoning districts since it is part of a comprehensive plan. Attorney Backenstoe commented an Official Map is focused on roads, ingress and egress, and public properties. The Board can review the information for the next meeting and if there is no comment by the Board, the Board can instruct Alice Rehrig to send a letter that it was reviewed and there is no comment.

C. Solicitor's Report. Attorney Backenstoe reported he received a call from the Bond Counsel for the Lehigh Township Municipal Authority. They are working on the paperwork and confirmed that the loan will be a payout loan verses a loan with a balloon payment at the end. The loan payments and interest rate are favorable for the Authority.

VII. PUBLIC COMMENT. Katherine Mack questioned when the update on the budget will be discussed to show how the budget will be affected because of the payout from the lawsuit. Janet Sheats commented it was tabled at the last meeting because not all the Board members were present. Alice Rehrig commented it will be back on the agenda for the next meeting. Katherine Mack questioned if it will be published on the website. Alice Rehrig commented the resolution adopting the changes to the budget will be posted on the website after it is approved.

Katherine Mack noted the proposed solar field that was denied by the Zoning Hearing Board is being appealed. Attorney Backenstoe commented he will be entering an appearance in the appeal on behalf of the Township. Attorney Backenstoe commented this was the Poplar Drive Solar Field matter in which he and Mike Muffley attended a zoning hearing. The solar company wanted to place a solar field in an area in which it is no longer permitted. In addition to the variance that would be needed to install the solar field, they were also claiming an exclusionary zoning challenge. An exclusionary zoning challenge alleges that the Township is not providing for every reasonable use. If it is found that there is exclusionary zoning, the relief is site specific and can go where ever someone wants to place it. There are two theories for exclusionary zoning: de facto and de jour. De jour means by law, where the Township simply didn't allow that use anywhere. If that argument is won, the use can be put anywhere. De facto means that you allow it, but it is so limited that in fact it really is exclusionary. As a result of the exclusionary zoning challenge, the Zoning Officer asked that he and Mike Muffley attend the zoning hearing. Attorney Backenstoe commented he was able to present and prove to the Zoning Hearing Board that there were many places where solar fields were permitted,

and where land could be purchased and repurposed. The Zoning Hearing Board found that it wasn't exclusionary and that they furthermore did not meet the criteria for a use variance. This decision has not been appealed by the solar company. Unless the Board has an objection, Attorney Backenstoe will now enter an appearance in the appeal and brief this along with Attorney Ettinger as to why the Zoning Hearing Board acted properly. Janet Sheats questioned if the request to the Zoning Hearing Board was filed prior to the ordinance being enacted. Attorney Backenstoe commented it was not. The company's argument was that they were working on this prior to the Township changing the zoning, but working on it doesn't make a legal difference. The Board had no objection to Attorney Backenstoe entering an appearance to protect the Township.

Katherine Mack commented she reviewed the proposed ordinance regarding the off street parking requirements for medical marijuana. She realizes the Board is just adding the parking requirements to the industrial section of the off-street parking requirements section in the ordinances, but it doesn't change anything. The actual paring regulations don't really fit. It may be something for discussion at the ad hoc committee. Cindy Miller commented the ordinance should really go back to the Planning Commission. Attorney Backenstoe commented he understands what the Planning Commission was trying to do, but he does understand that it could be a little more clear. There is no harm in sending it back to the Planning Commission for review. Alice Rehrig commented she has contacted the Home News and asked them to pull the advertisement.

Katherine Mack commented she wanted to bring up again the concept of providing incentives for members of the fire department as allowed under Act 172 and Act 91 which was updated in 2020. She really believes that this is something that should be considered. She knows we have the fire tax and the money that the Township used to give the fire company has been incorporated into the General Fund and will continue to be. She believes that some of that money should be used to provide incentives for the municipal volunteers. Under these Acts, municipalities can provide tax incentives to the volunteers. It would be a way of saying thank you for the tremendous job they do. She believes this is something the Board should consider and discuss in public. Jerry Pritchard questioned who determines who can volunteer? What if someone wants that incentive and says they want to volunteer at the Fire Company. Katherine Mack commented it is as simple as saying "I want to help at the breakfast". There are regulations and stipulations and parameters that the Board can put in place such as number of hours and training. There are a lot of caveats that go into this. It is only for the active firefighters, not the social volunteers. There are other local townships such as East Allen Township, that have done this. It is an incentive to volunteer. Volunteerism is on the decline and we don't want to have to pay a fire department. If it came to that it would be significantly more expensive. Janet Sheats commented the money that was previously given to the Fire Company has been put back in the budget for various

projects. If the Township were to increase taxes again, residents would have a fit. She does agree that it is something to be looked at, but is concerned with tax implications. Jerry Pritchard commented he supports the Fire Company, but people also want their roads fixed. The Township needs to be careful how they structure that money. Janet Sheats commented she would want to see how others structured it and what their costs are and what effect it would have on the Township budget. Cindy Miller noted East Allen Township relies on State Police; they don't have the costs of a Police Department. David Hess also noted they are making a significant amount of revenue they are getting off the warehouses. Katherine Mack commented she knows somewhere along the line taxes will have to be increased because roads are very expensive and you can't maintain a township where everything increases without an increase in revenue. She has always said she is surprised that the Township hasn't raised taxes over the years and it may be something to consider for the 2025 Budget.

Linda Roman commented she doesn't agree with the incentives. The fact of the matter is that the Fire Company was going to lose the money that the Township gave them every year, but they still pushed for the fire tax. She knows they are great guys and doesn't want to take that away from them, but they knew this up front. If they weren't doing the fundraising before like they should have done, knowing they were going to need equipment down the road. They did not prepare for the future; that is poor management. During the fire tax meetings, all she heard was they need equipment and repairs. The fire tax is dedicated to essentials: workers comp, insurance, apparatus, fuel. Now you want to add incentives on top of it. No.

VIII. EXECUTIVE SESSION. The Board went into executive session to discuss personnel. No action was taken.

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