

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

October 24, 2023

- I. **CALL TO ORDER.** The Lehigh Township Board of Supervisors held their second monthly meeting on October 24, 2023, at 6:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Vice Chairman Cindy Miller called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
 Phil Gogel
 David Hess
 Jerry Pritchard
 Attorney David Backenstoe
 Alice Rehrig
 Scott Fogel

Absent: Mike Jones

Prior to the start of the meeting, the Board recognized Alice Rehrig for her 40 years of service to the Township.

- II. **COMPREHENSIVE PLAN HEARING AND POSSIBLE ADOPTION.** Charlie Schmehl of Urban Research and Development gave a brief summary of the Comprehensive Plan. The Comprehensive Plan is an overall set of policies for the preservation and development of the Township over the next 10 to 15 years. It is primarily a set of policies that are intended to guide the update of the Township's Zoning Ordinance and also looks at natural features preservation, agricultural preservation, transportation, community facilities, and ways to carry out the plan. Over a period of a year or so, there have been multiple meetings with a committee and then it was turned over to the Supervisors. They in turn held about five public meetings to go over the plan. This last hearing is to make sure everyone has the opportunity to see the final version. The changes that were made to the plan are changes that were discussed during previous public meetings. There is nothing brand new being presented at this meeting. The proposed future zoning map is not a great change from what is currently existing in the Township. There have been adjustments made to reflect developments that have been approved or an existing development that is already in place and having the zoning be consistent with what it already in place in those areas. The plan does not have to be followed exactly, but any changes should be generally consistent with the plan.

Cindy Miller commented she did not have any concerns with the context of the plan but she did notice some typographical errors which do not affect the context, but should be corrected.

Jerry Pritchard questioned what can go into Neighborhood Commercial. Charlie Schmehl commented the intent of Neighborhood Commercial is to have commercial uses which fit in well with nearby housing. Some examples of uses are retail stores, personal services, daycare centers, funeral homes and housing. General Commercial would have the same commercial uses, plus vehicle repair, vehicles sales and gas stations. General Commercial would allow all commercial uses. Jerry Pritchard questioned if an apartment building above a retail store would be permitted. Charlie Schmehl commented it would be permitted; however, the density is not that high in the Township. You would only get three to five units per acre which is not that dense for apartments.

Katherine Mack commented she believes the intent of the plan is to continue to be a rural residential area. If more housing developments are to take place and they are in agricultural areas, the intent is to keep them far enough away from the agricultural area so that the housing is not impacted. Charlie Schmehl commented there are not large lots in the rural agricultural areas; some Townships have five acre lots, which is not in place here. What they are suggesting is that through some clustering incentives, they push the housing further away from the active farmland so that there are either wider yards or open space next to the farmland.

Jerry Schneck questioned if any of the permitted uses in the zoning districts have changed. Charlie Schmehl commented they have not yet changed. They will be starting a process soon to update the zoning ordinance and looking at it in detail. In general, the overall concepts still remain the same as the current zoning. Mr. Schneck questioned what the process would be for spot zoning and getting an area approved for spot zoning. Attorney Backenstoe commented spot zoning is improper zoning and illegal. Spot zoning would be when a large area is zoned in a particular manner, such as agricultural, and you put an industrial use in the middle of it which is not related to any other use. It would be a spot in the middle of the district. When Townships have tried to do this in the past, the Courts have repeated rule it was improper. If there is a request to change the zoning for a parcel, it should be addressed during the zoning ordinance updates. There may be other parcels that would be changed as well. Charlie Schmehl commented a written request to the Manager and the Board of Supervisors would start the process. He spoke with this gentleman prior to the meeting and he indicated he has a property located along the border with Walnutport which is commercially zoned and the interest is in having a residential use. Since this is located along the Borough of Walnutport, their zoning could be looked at and depending upon the situation, it may not be spot zoning. This is something that would require further discussion.

Jerry Pritchard commented he asked about Neighborhood Commercial because he recently did a project where they had commercial uses located along the front of the property and there were luxury apartments to the rear. He thought this would be something that would help develop a greater tax base for the Township. Charlie Schmehl

commented that this is something that would be permitted under the plan; however, the density of apartments is not there because the density is four to five units per acre. Jerry Pritchard commented he would expect to have something like this pushed towards the main arteries on the exterior of the Township and not destroy the farmland. Charlie Schmehl commented the clustering of developments is intended to minimize the impact of development on farmlands.

Edward Lorah wanted to clarify that the intent of his property is to remain as commercial. It appears as though he is listed as preserved farmland. He only has an easement on the property. He does not have his property in preservation. Charlie Schmehl commented the future zoning map shows the property as general commercial. There is a second map which shows properties that currently have been either preserved or have agricultural easements on them. The preserved areas or ag easements are informational, not a zoning district. The proposed zoning is still General Commercial.

Cindy Miller made a motion to adopt the presented comprehensive plan with the condition that the typographical errors be corrected. She will be providing a list to Mr. Schmehl. Jerry Pritchard seconded the motion. Jerry Pritchard noted the Comprehensive Plan is a recommendation. It is not binding to the Township. It is just a guide for what may be considered in the future. Phil Gogel commented he will be abstaining because of a potential conflict. Cindy Miller commented there is not a conflict. Phil Gogel commented he has previously had removed himself from the Board and sat in the audience to bring up a piece of property that he owns. Since then, he has abstained from the Comp Plan and will continue to do so. Cindy Miller commented if you choose to abstain, you can, but you don't have to because there is no conflict. Phil Gogel commented there will be in the future. David Hess, Cindy Miller, and Jerry Pritchard voted aye. Phil Gogel abstained. Motion carried.

III. APPROVAL OF THE MINUTES

A. Minutes of September 26, 2023. David Hess made a motion to approve these minutes. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

B. Minutes of October 10, 2023. David Hess made a motion to approve these minutes. Jerry Prichard seconded the motion. Jerry Pritchard questioned if it is noted in the minutes that the payment request for the building be pushed off to the next billing cycle. A billing cycle is different that pushing it to the next meeting. Alice Rehrig commented there are no specific billing cycles identified. The contractors are required to submit their payment requests for review the week prior to a meeting. All voted aye. Motion carried.

IV. APPROVAL OF BILLS.

- A. General Fund Checks 27212 to 27246. Cindy Miller made a motion to approve these checks. David Hess seconded the motion. Jerry Pritchard questioned the bill from Cambell Durrant for legal services. We seem to be getting a lot of bills from them. Alice Rehrig commented it is currently an ongoing matter. All voted aye. Motion carried.
- B. State Fund Check 1590. David Hess made a motion to approve this bill. Phil Gogel seconded the motion. All voted aye. Motion carried.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Police Report. Chief Fogel went over some notable items from the September Police Blotter. He wanted to bring these items to the Board's attention to show why it is important to get back to the appropriate amount of staffing and the need for future discussions regarding staffing.
- September 3, criminal mischief at Danielsville Park in which they pulled the sink off the wall.
 - September 4, police were dispatched for a male with outstanding warrants and a foot pursuit ensued.
 - September 12, police were dispatched to Riverview Drive for a male walking along the road who appeared agitated; he was flailing his arms and yelling.
 - September 13, a bad check was issued to a car dealership in the amount of \$40,000 for a vehicle purchase. This type of situation requires a lot of investigation; however, our full-time detective is temporarily covering a lot of shifts on the road.
 - September 14, the Department received a scam complaint where the complainant was called three separate times claiming to be from the Federal Trade Commission, an Apple computer expert, and the Inspector General's Office. They were essentially trying to scam information. People need to be aware that no one will be calling looking for a bank account number or social security number. If you don't know the person calling, do not give out any information.
 - September 17, they were dispatched for a male hitting his hand several times with a hammer.

Supervisor Minutes
October 24, 2023

- September 20, they received information regarding a sexual assault that happened several years ago where children were assaulted by a family member.
- September 21, police were dispatched to a residence for two stolen motorcycles which were stolen from New Jersey during a burglary. The male at the residence was charged with receiving stolen property and possession of narcotics with the intent to deliver. They found the individual hiding in the attic crawl space.
- September 20, they were dispatched to Lorah's Farm for a fight in process. This is the type of call where you don't want to be going with only one officer because there is a lot of people there and you don't know how many people may be involved.

Based on the interviews which were conducted, he currently has two candidates which he would like to extend a conditional offer of employment. Chistian Surjen has successfully completed all the necessary testing and is ready to start field training. Joseph Dougherty needs to complete the physical exam and psychological testing. Once these are completed, he too would be ready to start field training. Both officers come with their Act 120 certification and more than one year experience in another department.

Chief Fogel is also looking at a third candidate who is currently in the Police Academy. They are hoping to talk to him over the next week or so and also have the Detective conduct a background investigation. As soon as he has additional information, he will update the Board.

Looking forward, we know we will have two retirements. One will be in March or April; the second will be around August. He would like the Board to consider sending two individuals through the academy. The next class starts in January and graduation will not be until late June. There is funding available which will cover half or more of the schooling and salary. He thinks this would be the best way to stay ahead of the curve. Otherwise, we wouldn't be able to put anyone into the academy until July which means we wouldn't have officers on the road until 2025. If the Board is interested in doing this, he would need to know by early December who the specific individuals are. He is able to hold slots for now. Cindy Miller commented she would like more information on the logistics of how this would work. Jerry Pritchard questioned if sending someone to the academy is a requirement. Chief Fogel commented if you have a candidate who already has the Act 120 certification, it is not necessary. If someone has never been an officer, they would need to obtain the Act 120 Police Academy certification. It is not uncommon for departments to send individuals through the academy. The State does reimburse the Township for a good portion of the academy and the officer's salary while attending the academy.

The individuals would still be subject to the same hire criteria that an experienced officer would have, it would just be done before entering the academy. A benefit of having someone go through the academy is that they would come with no predisposition or bad habits that may have formed from a previous agency.

Kristin Soldridge questioned if there is an active reach out to school guidance counselors to see if there is an interest from high school students who are interested in becoming an officer. Chief Fogel commented the problem with hiring someone out of high school is that they are 18 or 19 years old and State law doesn't permit them to carry a hand gun. As an officer, they would be allowed to carry it while on duty, but they would have to leave it in the station under lock and key when they leave. Generally speaking, there can also be a maturity level that has not been reached at that point and you are giving them a gun and a lot of authority where they are arresting someone and taking their freedoms away. It could become a big deal. Chief Fogel commented they do internships so if someone is interested, they could do that. The local colleges and academy have the Department's information as well. The biggest issue is the laws surrounding the carrying of a handgun.

Janet Sheats questioned if two officers are now hired, a possible third one may be hired, and another two officers would be going to the academy, where will that put the total officers. Chief Fogel commented it would be 12 officers. Cindy Miller commented for right now, there are only two officers approved to be hired.

Alice Rehrig noted that if an officer is going to be put through the academy by the Township, the Township will want to have some sort of commitment that they will remain employed by the Township for a certain amount of time. We will need to work out some type of agreement. The Board requested Chief Fogel provide the Board with all the details regarding what it takes to send someone through the academy so they can make a decision regarding pursuing sending someone through the academy.

1. Hiring of Police Officers. David Hess made a motion to authorize the Chief to extend an offer of employment to the two successful candidates from the interviews last week, subject to the successful completion of drug and alcohol testing, a physical exam, and psychological exam. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

VI. OLD BUSINESS

A. Maintenance Building

1. Bracy Construction, Payment Request #4A. Payment Request #4A in the amount of \$405,120.01 has been received from Bracy Construction. This request was for the steel, nuts, and bolts for the building. All of these items have been received

on the site. Jerry Pritchard made a motion to approve Payment Request 4A in the amount of \$405,120.01. David Hess seconded the motion. All voted aye.
Motion carried.

VII. NEW BUSINESS

- A. Awarding of Bids for Fueling Station. Alice Rehrig reported there was only one bid from TTI Environmental in the amount of \$239,250 that was received for the fueling station. Based on the amount of the bid and the fact that there was only one bid, it was her recommendation that the bid be rejected and have the project rebid. She will work with Mike Muffley to tighten up the bids and check with a contractor to see if there is something that is pushing the bids higher. It may be something as simple as the tight time frame. To help encourage more bid response, they will most likely mail bid packages directly to contractors. Since fueling stations are not that routine amongst municipalities and PennBid is geared more towards municipal work, we may not be reaching contractors like we would expect to when using PennBid.

David Hess made a motion to reject the bid from TTI Environmental and rebid the project. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

- B. Manager's Report. The public meeting with the Fire Company will be held on November 8 at 6:00 p.m. at the Fire Company.

The deadline for the Statewide Gaming Grant is November 30. The Board will need to determine what project they want to submit under this grant. It would need to be something that is pretty much ready to go because a quote will need to be submitted with the application and the project is expected to be completed within the next two years. Jerry Pritchard questioned if the park development plan could be submitted under this application. Alice Rehrig commented she doesn't know how well that would work because they typically restrict engineering expenses on a project to 10 percent. There will be a DCNR grant application opening for park development. She was planning on attending a webinar regarding submissions for the DCNR grants. Jerry Pritchard questioned if this funding can be used towards roads. Alice Rehrig commented that is not an acceptable application under the grant. Alice Rehrig commented she thought about submitting for a dump truck that is scheduled for replacement in the next two years because it will be at least six months until we hear back on any type of award. The cost of the truck would be between \$250,000 and \$275,000. There is no guarantee that we would receive the entire amount. It is suggested that we provide some type of match because that does give a greater scoring number. This will be discussed further at the next meeting. You also would want to make sure that you are able to complete the project if the funding is reduced. Kristin Soldridge questioned if the grant could be used for playground equipment. Alice Rehrig commented that would be something that is permitted. Kristin

Soldridge commented she is asking because she would like to see the parks have improved playgrounds similar to what is at the covered bridge park by Parkland High School. If we are trying to get the community to use our parks, we need to be able to offer more than just a small playground. If there were more elaborate playground equipment available, you would have more people willing to bring their kids to the parks. This will be placed on the next meeting agenda for additional discussion.

Phil Gogel commented an advancement can be requested of Mr. Jaindl for the recreational fees in which he agreed to use his engineering services for free for the Township, with the exception of the NDPES permit. This agreement could be helpful with the development of Delps Park. The Rec Board and the liaison from the Supervisors would need to speak with Mr. Jaindl about this. Cindy Miller commented she thought Mr. Jaindl was pretty adamant about using his fees towards improvements at Indiantrail Park. Phil Gogel commented that was the discussion, but Mr. Jaindl also realized that you can't stick \$500,000 into Indiantrail Park because it is only a small park. The discussion then went on to see if he would be obliged to do something at one of the other parks, especially Delps, because the Board wanted to move the park forward. Jerry Pritchard commented he thinks the Supervisors should have just one person to act as the liaison rather than having multiple people trying to deal with Mr. Jaindl. David Hess commented this is something that can be discussed at future meetings. Phil Gogel commented he just wants to make sure the Board remembers all the tools available to them.

- C. Solicitor's Report. Attorney Backenstoe reported Alice Rehrig had asked him to look into the fire tax and whether or not exempt properties could be included in the tax. He believes the fire tax is an assessment for services as opposed to tax on real property. He also checked with PSATS and they agreed with him. The statutory language is clear that you can impose the tax on all properties. It would be at the Board's discretion if they wanted to include exempt properties. The Board has to uniformly tax properties.

David Hess questioned if the Board chose to not include churches, would schools still need to be included. Attorney Backenstoe commented it is his opinion that if the Board chooses to tax exempt properties, it is an all-in type of situation. If you tax one, you tax them all. Cindy Miller commented the Board also needs to keep in mind that you don't know who will be moving into the Township in the future. There are organizations that could move into the Township that are exempt from taxes. Phil Gogel commented he doesn't see that many organizations moving into the Township. Cindy Miller commented it could be medical or anything.

Kristin Soldridge questioned if a tax-exempt organization could appeal their assessment. Attorney Backenstoe commented they could appeal it to the court. If they are successful, it is possible that it could undo the entire tax on exempt properties.

- VIII. 2024 BUDGET. Alice Rehrig commented she received all the outstanding information regarding insurances so the draft that is before the Board is accurate; however, the budget cannot move forward until a determination is made regarding a fire tax. It was decided that the next meeting on November 14 would start at 6:00 to start finalizing the budget.
- IX. PUBLIC COMMENT. Katherine Mack commented she was told to attend the Planning Commission and the Recreation Board meetings. When she went on line to look at the agenda and minutes of the Recreation Board, there was no place for the agenda and not all of the minutes were available. She did bring this up to the Rec Board and has seen that an area for the agenda has been added. Hopefully, the minutes will also be brought up to date.

Katherine Mack commented she also is not clear regarding some items in the Recreation Budget and how it works. She is wondering what actually goes under Capital Purchases for the Rec Board. The budget shows \$17,000 for last year and \$22,000 for this year. If it carries over, you would have almost \$40,000 to purchase something. Also, it shows an item listed for Rec Land Fee Purchases. This year there is \$3,700 and last year there was \$10,505 listed and each year it is moved to an interfund transfer. Where was it transferred to. Alice Rehrig commented the Capital Purchases was a line item used to create a capital savings account for Recreation so that there is money available for future projects and grant match. Money was taken from the General Fund and placed into a Capital Fund specifically for Recreation. The Rec Land Fee is a separate account where the developers are paying rec fees for the lots they created. The money from this can generally only be used towards recreation improvements. Katherine Mack commented the budget for the parks is almost \$70,000, but the only money that is being brought in is \$8,900. Why are we not charging more for park usage if it costs us \$70,000. Jerry Pritchard commented a lot of people look at park maintenance as part of the taxes they pay. Cindy Miller commented when you look at the charges for the park, you also have to look at what other municipalities are charging because we are competing with them to a degree. Katherine Mack commented the charge for the lights used to be \$475 and now it was dropped down to \$250. Cindy Miller commented you can't compare the lights for the field to the rest of the budget. We have gone over this repeatedly and have now finally figured out the best way to charge for them because of the type of lights they are. Katherine Mack commented she is questioning this because it has been talked about putting something up at Delps for shade.

Cindy Miller commented the shade structures have not been brought to the Board by Recreation for inclusion in the budget. Katherine Mack commented the Recreation Board should be getting a treasurer's report regarding their budget. Cindy Miller commented if the Recreation Board wants a report, they can ask for a report. Katherine Mack commented she will ask Alice Rehrig for a report. Cindy Miller questioned why the details of what was spent are so important. Katherine Mack commented its because there are no shades being put up at the park. Cindy Miller commented the budget is being worked on now. The Recreation Board need to get them into the budget. David Hess commented it will be discussed at the next Recreation Meeting.

Katherine Mack questioned how the public will be notified about the meeting at the Fire Company. Jerry Pritchard commented the sign will be placed by the Fire Company. Cindy Miller commented it will also be advertised in the Home News, possibly the Gazette, and on the website.

Sandy Hopkins commented the Recreation Board has been working on establishing an overall plan. They met with Northampton County to help give ideas for the parks. She agrees that a plan is needed. They can't expect to get a grant if it is not all down on paper with an engineer helping them out. Everything moves slowly. They would like to see a large playground at Indiantrail Park. They need water, electric, and sewer at Delps which will be big items and not something that will happen quickly. They are all things in Planning. She knows the electric for the parks can be a high number, especially at Bryfogle because of the turn on fee. Alice Rehrig has investigated it over and over with PPL and the answer was the same each time. Because of the type of lights, it will cost a fee just to turn on the switch and then there will be an hourly fee. To throw this on the public as well as make the rental of the pavilions pay for itself, it is a tough thing for them to do. As a resident, she expects to be able to use the parks. The parks cannot be self-sufficient. That is where some of the tax money is going. There are maintenance expenses that come up that they don't necessarily want, such as having to repair the sinks that were ripped of the walls, but that is the way the ball rolls.

Phil Gogel questioned if it was the in rush that is pushing the bill for the lights. Alice Rehrig commented it is the demand that is required by the lights. The lights are either on or off. In an industry, they can stagger the starting of equipment so that it is not all demanding power at the same time, but that can't be done with the lights. Phil Gogel commented a soft start like what goes on air conditioning units may help with the lights. Jerry Pritchard questioned if the system the Rec Board came up with was covering the bill. Alice Rehrig commented it was for the most part. Jerry Pritchard commented he has been trying to get multiple teams to play during the same cycle to make the lights more economical because the cost of the lights shouldn't be the responsibility of the tax payers.

Supervisor Minutes
October 24, 2023

Bill Jones commented there are enough businesses in the Township that if each one supported the lights with \$250, that would take care of the bill. He for one would be willing to pay the \$250.

Jerry Pritchard noted that on November 7, 2023, election day, Gerald L. Pritchard is not on the ballot.

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