

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

April 26, 2022

Timothy Pitts Manufactured Home Community Conditional Use Hearing and
Regular Board of Supervisors Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, April 26, 2022, beginning with a conditional use hearing for Timothy Pitts Manufactured Home Community at 6:00 p.m., followed by their regular meeting 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
Jerry Pritchard
Phil Gogel
Mike Jones
Attorney David Backenstoe
Alice Rehrig
Liz Amato

- II. TIMOTHY PITTS MANUFACTURED HOME COMMUNITY CONDITIONAL USE HEARING. Attorney Kevin Fogerty, David Lear, and Tim Pitts were present to represent this project. A stenographer was present during the hearing. Attorney Backenstoe commented this is a conditional use hearing in which the Board of Supervisors sits as a quasi-judicial body, akin to the Zoning Hearing Board. A conditional use is a permitted use to which conditions can be attached. When an applicant is applying for a conditional use, there are two standards they need to meet. One is general standards and the other is specific standards. The general standards are set forth in the Zoning Ordinance in Chapter 180-128. These standards are general standards and with a few statements by the applicant, it is presumed that these standards will be met. The burden would then shift to any objectors to show that this particular use before the Board tonight is more detrimental to the community than other uses like it under normal circumstances. The specific criteria is set forth in Chapter 180-89, and that is the area where Attorney Fogerty and the applicant will be focusing on because those are the specific criteria set for in the ordinance and it is their burden to come forward and show they met the criteria. Assuming the Board believes they meet these criteria, they must be granted the relief they are seeking. The Board can attach reasonable conditions as well.

Attorney Backenstoe asked the Zoning Officer to confirm that the hearing was advertised, the neighbors notified, and the property posted in accordance with the requirements of the Zoning Ordinance. Liz Amato confirmed that everything was done in accordance with the Zoning Ordinance.

Attorney Fogerty provided the Board with a set of exhibits which are proposed to be part of the record. The exhibits are as follows: A-1, A copy of the appeal petition; A-2, Attachment to the Zoning Appeal; A-3, Chapter 180-89; A-4, Chapter 180-128; A-5, February 28, 2022, letter from Corriere and Andres; A-6, March 18, 2022, letter from Lehigh Township Planning Commission; A-7, February 14, 2022, letter from Hanover Engineering.

Testimony of David Lear

David Lear is the Civil Engineering Project Manager for the project. The project involves a subdivision of Mr. Pitts property. The use specifically involves Lot #5. It is proposed as an expansion of the Northwoods Modular Home Park. It will be an additional 29 units.

Attorney Fogerty questioned if David Lear reviewed Exhibit A-1, the appeal petition and if the information contained within the document was correct and accurate. David Lear confirmed it was correct and accurate.

Attorney Fogerty questioned if David Lear assisted in the preparation of the document marked as Exhibit A-2, the attachment to the appeal petition and if the information contained within the document was correct and accurate. David Lear confirmed he did help prepare the document. Page 1 describes the project, housing, amenities, and rules and regulations. Pages 2 through 5 describe the details of the specific criteria and general criteria. David Lear explained the compliance with these criteria as follows:

Section 180-89, Specific Conditional Use Requirements

- A. The mobile/manufactured home park shall have a minimum tract size of 10 acres, and the maximum density of any mobile home park shall not exceed 2.7 mobile homes per net acre of usable land. Unusable land is areas of wetlands, slopes in excess of 30%, floodplains, bodies of water, and rock outcroppings. All mobile home parks shall be connected to public or centralized sanitary sewer and public or centralized water supply systems. David Lear testified this use complies with these conditions. This plan was before the Planning Commission on three different occasions to determine if the plan complies with these requirements.
- B. The mobile/manufactured home park shall have centralized sewer and water. David Lear testified this use complies with these conditions.
- C. The mobile/manufactured home park shall have a thirty-foot-wide buffer yard around the perimeter of the site. See § 180-33. David Lear testified this use complies with these conditions.

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- D. All applicable provisions of Chapter 147, Subdivision and Land Development, shall be complied with. David Lear testified this will meet the requirements of the Subdivision and Land Use Ordinance. They are in the process of going through the land development process. They are seeking a few waivers from the Subdivision and Land Development Ordinance which are similar to waivers that were granted for the Northwoods Land Development, such as only being required to provide sidewalks on one side, curbing similar to Northwoods. They want to mimic what was previously approved for that development. The plan will comply with the provisions of the SALDO, with the exception of the waivers that are being requested.
- E. The minimum separation between mobile/manufactured homes shall be 50 feet. David Lear testified this use complies with these conditions.
- F. Setback distances measured from the existing street right-of-way line shall be 50 feet. David Lear testified this use complies with these conditions.
- G. Recreation area. The size of such recreation area shall be based upon a minimum of 2,000 square feet per dwelling unit. No outdoor recreation area shall contain less than 2,500 square feet.
 - 1. Contiguous usable recreation area shall be provided. The amount of the recreation area shall be a minimum of 5,000 square feet per dwelling unit within the tract. This shall be developed as an active playground or level field suitable for free play. Areas within the required perimeter setback shall not count as this recreation area. David Lear testified this appropriate amount of area will be provided.
- H. Each unit shall comply with the requirements for mobile homes in § 180-36 and the definition of "mobile home" in Subsection (5) of the definition of "dwelling" in § 180-15. David Lear testified this use complies with these conditions.
- I. Mobile/manufactured home park may include a recreation center for residents, a rental/management office, maintenance buildings for the park and the sale of mobile/manufactured homes that will be placed on the tract. David Lear testified this is an optional requirement. They are not proposing any of these items on this tract.

Section 180-128, General Criteria. David Lear testified he helped draft the responses that are listed within Exhibit 2 in italicized print. There is general compliance with all of the provisions in Section 128.

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Exhibit A-5, February 28, 2022, letter from Corriere and Andres, LLC. David Lear noted that Attorney Corriere is the solicitor for the Lehigh Township Planning Commission. This letter lists conditions that Attorney Corriere is recommending for this project. Attorney Fogerty noted that Exhibit A-6, Planning Commission Letter, was generated after this letter from Attorney Corriere. Item 6 references Attorney Corriere's letter and recommends the Board of Supervisors consider the letter from Attorney Corriere.

1. Section 138-15.B.8. This condition relates to the stormwater management that was designed for the plan to collect stormwater from not only the units, but the roadways and off street parking areas. It will all be privately owned by the developer. The developer is agreeable to this condition.
2. SALDO Section 147.23.B.9. This section relates to grading. Typically, in a development, there would be a grading for each individual unit to insure that water does not flow into the building on the lot or effect adjacent properties. They have requested a deferral on this since they are modular units, not knowing the size or the first floor of the unit until they are built. They asked this to be deferred until time of building permit so they can more accurately depict the drainage and grading patterns for that. This deferral was agreed upon at the Planning Commission level, although it was not formally voted on. The developer would come in with a grading plan for each individual lot when applying for a building permit and the plan would be reviewed by the Township Engineer to ensure it meets all the requirements.
3. Consideration should be given that when all privately constructed roads are constructed pursuant to Township standards, the improvements agreement should include security for the roadway drainage costs. The roads will be privately owned and constructed. The developer is agreeable to the roads being constructed to Township standards. David Lear's interpretation of this comment is that there would be something to ensure all private roads and stormwater improvements will be maintained by the Developer. If there is an escrow account that is reasonable for this, he believes the Developer would be agreeable to this.

Exhibit A-6, March 18, 2022 letter from the Lehigh Township Planning Commission.

1. Off Street parking as shown on the preliminary plan submitted to the Planning Commission shall be provided by the Developer. The developer is agreeable to this.
2. The Developer shall be required to have central water and sewer for the development. The Developer has met this requirement.

3. Sidewalks shall be provided on one side of the road. David Lear commented the ordinance requires sidewalks on both sides of the road, and a waiver was requested and reviewed; they will provide sidewalks on one side of the road, similar to the adjacent development. This was recommended by the Planning Commission.
4. Curbing shall be provided throughout the development. The Developer is agreeable to having curbing throughout the development. It is a modified curb that was agreed upon which will be the same as in the other development. It is a PennDOT style of curbing and will be throughout all the roads.
5. The Developer shall provide approvals from the utility companies who have easements across the property for any road or driveway crossing any utility. The Developer is agreeable to this.
6. Consideration of the comments from the Solicitor Michael Corriere. This was already discussed under Exhibit A-5.

Exhibit A-7, February 14, 2022 letter from Hanover Engineering.

This was review letter number 3. There are a few items that need to be addressed in order for them to meet the requirements of the Subdivision and Land Development Ordinance. The developer has no objection to meeting the requirements listed in the letter. There will be waivers being requested for some sections of the ordinance. Attorney Fogerty commented that to the extent that the waivers are granted on the land development side, they would be requesting on the conditional use side, those same waivers be granted from the requirement that the plan complies with all conditions of the SALDO. David Lear noted the letter outlines the items from which waivers are being requested.

The time line for the plan is to wait through the 30 day appeal time for the conditional use hear. Once the 30 days period has expired, they will resubmit a preliminary/final plan to the Planning Commission based on this review letter, work out their outside agency reviews and permits and then hopefully come into this Board for their final approval.

Attorney Backenstoe questioned what the total acreage was for the site and how many total units are being proposed. David Lear commented it is 14.0242 acres with 29 single family units being proposed.

Attorney Backenstoe wanted to confirm that this will have all private roads. David Le confirmed that all the roads will be private.

Attorney Backenstoe questioned how this development relates to Northwoods. David Lear commented there is an agreement between this property owner and the owner of Northwoods for the purchase of the property once there is approval to tie this development into their proposed central water and sanitary sewer system.

Jerry Pritchard questioned who will be maintaining the roads. Tim Pitts commented the roads will be private. Jerry Pritchard questioned if there will be a homeowners association. David Lear commented it will be an individual company, the future owner, who will maintain the roads, similar to Heritage Village.

Attorney Backenstoe commented he does agree with Mr. Lear's interpretation of Item 3 in Attorney Corriere's letter. He believes he is trying to say that this development will be subject to an improvements agreement and to the extent that the drainage system has to be secured, those improvements would be secured like any other improvement in a subdivision. They would not be talking about the private roads.

The floor was then opened to the public for questions or presentation.

James Strickland, 4125 Mountain View Drive, questioned if the tree line that separates Northwoods from this development will remain. David Lear commented the only area where trees will be removed in the area of the Hastings Road connection from one development to another. The other trees will remain. Mr. Strickland questioned the drainage issues and where will the water runoff from the development go. David Lear commented they are only requesting a deferral of the detailed individual lot drainage. The over drainage of the development is shown on the plans. This overall plan will take care of all the drainage of the property. The deferral is only for how the individual lot will drain into the overall system. The stormwater is in the process of being reviewed by the Lehigh Valley Planning Commission, Northampton County Conservation District, and the Township for compliance with Act 167 Stormwater requirements. About 90 percent of the drainage will be going towards Teresa Lane which is the proposed roadway that goes north and south. At the bottom, there is a proposed culvert system that goes into a pond behind units 20 to 23 and discharges through the current Northwoods project into the stream that goes to the Butternut Drive area. They are required to retain the two year storm within the development. They also cannot release more water from one discharge point after the full development than what is currently being discharged today. Mr. Strickland commented there is an issue with a flood plain; the Northwoods Development was stopped because of it. He knows there is drainage issues because of Northwoods and that drain will drain into Northwoods that has a problem on Butternut. David Lear clarified that Northwoods has not yet been developed so there are no drainage issues. The development that is being referred to is Heritage Village. This development does not drain towards Heritage Village. The Pitts project

and the Northwoods project will be draining south, away from Heritage Village. None of this stormwater will go through the Heritage Village site. Mr. Strickland questioned if there will be a tree line around the site. David Lear commented there is required buffering between a mobile home park and traditional single family homes. Since the majority of this project is already surrounded by another modular home park, there is no buffering required between the two. They do show buffering on the top behind units 16 through 19. This will be a 30 feet wide buffer with a berm and plantings to meet the requirements.

Richard Shelly, who lives across the street from this development, commented there is a drainage problem there now when it rains hard. The water coming down from the mountain between his property and Preston Henry Jr.'s property, goes over Route 946 and floods out his yard and Mr. Henry's yard and he gets eight feet of water into his basement. All of this existing water will be coming into this project. The plans may take care of the water that each of the trailers have, but what about the water that is coming onto the property from across the street and mountain. Mr. Shelly also noted the road coming out will be right across from his house. He will be going from having no headlight to headlights coming into his house every time someone leaves the development. David Lear commented they are required by Act 167 to analyze the entire watershed and make sure they have a safe passage way for that water to continue south. The water will go through the culvert near unit 119 and continue to another culvert under the proposed roadway and go into the drainage system that currently existing through the PPL area. This is a bypass area and is currently under review. Susan Shelly questioned how the analysis would work since some years are not as bad as others in terms of heavy rainfall. David Lear commented they are required to analyze a 2, 5, 10, 25, 50, and 100 year storm event. This is required under Act 167 and DEP requirements. They have to meet the requirements for these storms. Mrs. Shelling questioned if they minimize in terms of looking at all the facts and what is needed or do they go over and above in anticipation of things to come. David Lear commented they do provide safety factors. He is not the drainage expert so he can only give the overview, but he does know they do provide for safety factors. There is a certain amount of safety factors built into the regulations. Mrs. Shelly commented her concern is because the area is already very wet. David Lear commented the wetlands do come up through the PPL line and there is a delineation of this area on the plan. Mike Jones commented he will agree that the area is very wet and there have been a few storms where the water coming from the mountain have overflowed the pipe. David Lear commented he is sure that Cindy Miller who also sits on the Planning Commission will relay this information back to them, but the stormwater system that is designed is reviewed by the Township Engineer, DEP, LVPC to make sure they meet the requirements. David Lear commented sometimes these existing conditions and pipes act like their own detention basin. If you increase the size of the pipe, you end up creating more problems downstream. A lot of this is about the watershed, timing, and impacts downstream. If you get too much water at one spot at

one time, you create more problems than if there are several slow releases in different spots. This is all part of the Act 167 review that they have to go through. Mrs. Shelly questioned if there is an alternative to the location of the roadway where it meets Route 946. Mr. Shelly questioned if there will be lighting provided at the roadway and will he have lights shining into his house. David Lear commented there is no proposed street light. They are limited in the location of the access because of PPL line, Buckeye Pipeline and PennDOT required site distances. Mr. Shelly commented the road looks like it will be coming out directly across from his front door. Couldn't it be shifted down closer to his driveway. David Lear commented it would get into the PPL easement. Mr. Shelly questioned how much traffic is expected to be coming out of this development. David Lear commented they did turn in a traffic study. The study was also combined with the Northwoods Traffic Study. Most of the traffic is expected to exist further west. The way the roadway network is designed, it makes it difficult to use this road as a short cut out. Most will be further west on Mountain View Drive and through the existing Heritage Village. They can only make the assumptions that are required in the PennDOT manual. Most of the families in Heritage Village are retirees. The last analysis indicated there are only 10 units that have children out of the 150 and most of them are not school age. The traffic that goes in and out of the development is a lot less than there would be for a typical single family dwelling.

Attorney Backenstoe questioned the access points for the developments. David Lear commented there will be four accesses with all the parks. Three on Route 946 and 1 on Butternut Drive.

Kyle Hess, Monroe Street, questioned if the proposed development would connect to Monroe Street. David Lear commented there will not be any connection to Monroe Street. Mr. Hess questioned how they wouldn't know what the elevations are. David Lear explained they know the elevations of the ground. A grading plan usually requires a first floor elevation and a foot print of the home. They do not know the exact unit which will be going into a spot or if there will be a garage. They did take the skirting of the mobile home and the roof leaders into consideration when doing their calculations. Mr. Hess questioned why they chose to do manufactured and mobile homes for this development. David Lear commented the original plan was for traditional single family dwellings but the market did not accept it. The plan was approved 10 years ago and no one was interested in purchasing it. The developer of Northwoods showed interest in this property which is why they are here.

James Strickland questioned if there will be any street lights at the intersection with Route 946. David Lear commented there will not be any street lights at the intersections; however, they will be required to have a light by the bus stop they were required to put in.

Phil Gogel questioned if Lot 4 has an existing house. David Lear commented Lot 4 is a proposed new single family home. Lots 1, 2, and 3 are not building lots. They are areas to be conveyed to the adjacent property owners.

Mike Jones noted Lot 4 is 11 acres. Is it subdividable? David Lear commented every lot could be subdividable in the future depending upon what ordinances come into play; but they are only looking at developing Lot 5.

This closed the evidentiary portion of the hearing and the exhibits have been accepted.

Attorney Backenstoe commented with regard to the General Standards listed in Section 180-128, it is presumed that the applicant has met those standards, but it was nice that they did make a presentation to demonstrate that. It would be up to an opponent to the application to present substantive evidence as to why this use would be more detrimental to this community than to another community provided all things were equal. There were a lot of good questions, but no objections or a presentation and he would submit to the Board that they have met the criteria for the general standards.

The specific standards for mobile home communities are set forth in Section 180-89. The applicant made a comprehensive presentation and reviewed each of the conditions identified in Section 180-89. If the Board feels they met the criteria listed in this section, then they must grant the conditional use. They may however, set reasonable conditions to their approval. The applicant did stipulate they would agree to the conditions listed in Exhibit A-5 (Letter from Planning Commission Solicitor) and A-6 (March 18, 2022, letter from the Township Planning Commission).

Attorney Backenstoe commented if the Board is inclined to approve this conditional use, he would recommend a motion to grant the conditional use application of Timothy Pitts subject to the six conditions set forth in the Planning Commission's letter dated March 18, 2022, (A-6) which also incorporates the letter from the Planning Commission's solicitor (A-5), and the requested waivers for the conditional use would be granted provided they are ultimately approved on the land development plan. Attorney Fogerty requested a clarification of Item 3 in Attorney Corriere's letter be included as part of the motion. Attorney Backenstoe commented it is his understanding that an improvements agreement will be required for this plan and security of the public improvements will need to be provided. The private roads would not need to be secured, but the roadway drainage swales which may be public would need to be secured. Attorney Fogerty commented that would be agreeable to the developer.

Cindy Miller made a motion to grant the conditional use application of Timothy Pitts subject to the six conditions set forth in the Planning Commission's letter dated March 18, 2022, (A-6) which also incorporates the letter from the Planning Commission's

solicitor (A-5), and the requested waivers for the conditional use would be granted provided they are ultimately approved on the land development plan and an Improvements Agreement and any public improvements or road drainage systems would be secured as noted in Item 3 in Attorney Corriere's letter. David Hess seconded the motion. Cindy Miller requested clarification that the plan waivers are not being granted as part of this approval. Attorney Backenstoe commented they testified they will apply with all the applicable provisions of the SALDO and Zoning Ordinance, but noted several waivers are being requested under the SALDO. They are requesting that if the waivers are granted as part of the land development process, they would be incorporated into the conditional use application. All voted aye. Motion carried.

III. APPROVAL OF THE MINUTES

- A. Minutes of April 6, 2022. Phil Gogel made a motion to approve these minutes. Cindy Miller seconded the motion. Phil Gogel commented the minutes are hard to read with draft printed in the center. Alice Rehrig commented she put the mark in the wrong location. Phil Gogel questioned if it really needs to be marked draft. Jerry Pritchard commented it should always be draft until it is finalized. Cindy Miller noted a correction on Page 17 with the address for Michael Hock. The house number listed is incorrect and should be corrected. All voted aye to approve the minutes with the noted correction. Motion carried.
- B. Minutes of April 12, 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 25734 to 25751. Phil Gogel made a motion to approve these bills. Cindy Miller seconded the motion. All voted aye. Motion carried.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Zoning Report. Liz Amato reported the Zoning Hearing Board granted the two special exceptions for accessory apartments with conditions and approved the variance for roof mounted solar panels at their April meeting.

Liz Amato updated the Board regarding the letter the Board received at their last meeting. She also received this letter back in 2020. It pertained to the Gogel and Shemanski properties on Route 145. Both properties were cited two years ago and have been to the Magistrate and found guilty on two occasions and are in the process of going through the third round of citations. Unfortunately, even when people are found guilty and fined, it doesn't always abate the problem. There may need to be some other type of legal action in order to get this cleaned up. The other property in the letter was the Woodring property on Route 248 near Creek Road. This property also has two rounds of citations and is on the third

round. So far, they have not had a hearing before the Magistrate. They just plead guilty and paid their fine. She has requested a hearing before the Magistrate so that she can get him into the court room so that she can speak with him. The third one is the Miller property on Blue Mountain Drive. A notice of violation has been issued and she has seen him working at the site trying to get things cleaned up. As long as he keeps making progress, she doesn't want to cite him. This is not something that will get cleaned up overnight.

The Ad Hoc Ordinance Committee has decided to keep the base of the current ordinance the same and just make the changes that are needed. They are currently working on the definitions and comparing them to Kidder Township, Bushkill Township, and Longswamp Township. They will be adding, changing, and removing definitions as they determine are necessary. They will continue to meet on the 4th Wednesday of each month at 6:00 p.m. for anyone who is interested in coming out to the meetings.

David Hess questioned what the next step would be with regard to the first property (Gogel) that Liz Amato mentioned. Attorney Backenstoe commented the next step would be to authorize him to file an injunction in court. Assuming they are found guilty, a judge can order them to clean up the property. If they do not clean up the property, they can be found in contempt of court and fined. It would be a similar process to what was done several years ago with the property on Park Lane. The Courts eventually allowed the Township to enter the property and do the cleanup and assess fees and lien the property. The Township was eventually able to recover their expenses when the property was sold at Sheriff sale. It is a process and takes a while.

Phil Gogel questioned if Liz Amato tried reaching out to the property owner. Liz Amato commented he has shown up for two court hearings, but did not show up for the last one. She has had conversations and Judge Hawke told him the last time he showed up for a hearing to get in contact with her to let her walk the rest of the property to see what is there, but the property owner never called her back.

David Hess commented he thinks we should move to the next stage. Phil Gogel commented he would want to use that as a last resort. Cindy Miller commented this has been going on for two years. Liz Amato commented the property has been a problem for a very long time and she has been working on this for the past two years. She has been trying to be reasonable. She could cite him every day, but every time he is assessed a fine, it takes money from him that could be used to clean up the property. Jerry Pritchard commented he believes if he wanted to take care of the issue, he would have taken care of it by now.

Phil Gogel questioned if this is a residence or a business. Liz Amato commented she believes he lives there. There is nothing in the file that indicates he has approval for a business. She does know he did towing and was talking to Judge Hawke about it, but that was before her time with the Township.

Liz Amato commented she has not had very many conversations with the property owner. Whenever she reaches out, she doesn't get a response back. Phil Gogel commented he doesn't know the individual personally or how they are. He hates to attack someone if they don't have much money or are older. A younger person has the ability to get people to help scrap things and make some money. David Hess commented it doesn't take much to reach out and get in touch with Liz Amato. Phil Gogel noted some people are intimidated by authority. Liz Amato commented whenever she goes to court the first time, Judge Hawke almost always gives the individuals 30 days to show initiative and make a dent in whatever the issue is. If they do, they go back every 30 days as a method of monitoring progress. If you don't do it, then, the fines are levied. This is what has happened in this case. Phil Gogel commented he feels Liz Amato should reach out one more time and see what the issue is. He doesn't believe we should go full throttle on one of our residents. We really shouldn't be doing that. Cindy Miller commented she believes Liz Amato should call him and give him a week and if there is no response, then move forward.

Cindy Miller made a motion to have Liz Amato reach out to the property owner. If he does not respond to her, then she has the authority to move forward with the next step in remedying the situation. David Hess seconded the motion. Phil Gogel commented he believes this is a little too harsh. He doesn't know the man's status, he may be elderly, poor. He would rather wait until the next meeting. Mike Jones commented whether he is elderly, rich, or poor, he can at least contact Liz Amato. Jerry Pritchard, Mike Jones, Cindy Miller, and David Hess voted aye. Phil Gogel was opposed because he believes he should have more time. Motion carried.

Paul Nikisher questioned the status of the property on Wood Drive. Liz Amato reported she and Barry Haydt visited the property last week. The condition of the property look about the same as it did last year. There are still DEP violations as far as the asbestos and tires. They did not see a compound of campers with people living there. There is no new earth disturbance. His son was there with a piece of machinery moving trash and metal around. It seemed like he may have been trying to help the owner clean up. As far as any new activity, there is nothing going on so there was no need to file new citations. DEP is still going after him for their violations. The Township still has the action that David Backenstoe is involved with.

- B. Fire Company Report. Rick Hildebrand provided the Board with a report of the calls the Fire Company responded to in the first quarter of the year. They responded to 64 EMS calls and 55 Fire calls. The structure calls they responded to had a value of \$815,000 and only sustained \$68,500 in damages. They also responded to aid other departments 21 times and on 11 occasions they received aid from other departments.

Cindy Miller questioned if there are times where the Fire Police go out without the whole Fire Department or does everyone always go out. Rick Hildebrand commented there are occasions when Fire Police just go out. His report is all inclusive of everything the Fire Department does. Sometimes the Fire Police are short and some firefighters go out to help. There are other times when the Fire Police come to an accident and help them if they are short. They work as one big team. On his way to the meeting, there was a call to respond to the airport and there were some stations that were not able to get out. Volunteer services are struggling with personnel right now. They are thankful for the help they have. Cindy Miller questioned if our fire department is responding to the airport calls. Rick Hildebrand commented our tanker is part of the overall aid package to the airport. If there is an emergency of a large air carrier or cargo plane, they would be down there because of the amount of water that is needed to supply the foam.

Jerry Pritchard questioned where the fundraising stands now compared to the time during COVID. Is it better now? Rick Hildebrand commented they did some creative fundraising during COVID with on-line events. It was going very well, but then the State squashed a lot of what they were doing. This year they had a successful sportsman's raffle with 734 people attending. They also held their first ever tool raffle this past Saturday. They had a decent turnout for a first time event and everyone that was there had a good time. Jerry Pritchard questioned if the Fire Company was going to continue with their fundraising efforts. Rick Hildebrand commented they need to fundraise to pay for the expenses associated with the Fire Company. The only thing provided to them outside their fundraising is the Fire Trucks. Today, as an example, they took their ATV to the shop because it wasn't running right and learned they will be needing a \$5,000 engine. It isn't cheap to operate the Fire Department. When things break, it is sometimes expensive and that is what their fundraising goes towards.

Rick Hildebrand commented he will provide a report like this for the Board for each quarter.

VI. OLD BUSINESS

- A. Cherryville Intersection. There were no updates.

- B. Maintenance Building. There were no updates.
- C. Summer Help. Phil Gogel made a motion to hire the two applicants (Brett Oplinger and Cameron Labarre) for summer help as previously discussed at a rate of \$11 per hour and scheduled as determined by Frank Zamadics in accordance with the budget. David Hess seconded the motion. All voted aye. Motion carried.
- D. 2008 Ford Engine Replacement. When Cherryville Service Center went to order the Jasper engine that they had previously quoted for the truck, they were told the engine was no longer available it had to be ordered through the dealership which increases the price for the engine replacement by approximately \$6,000 for a total cost of \$21,210.43. Jerry Pritchard questioned what the cost would be for a new truck. Alice Rehrig commented that cost is expected to be around \$70,000 to \$80,000. The dealerships will not quote vehicles until July and it would take about one year until the truck is received. Cindy Miller made a motion to authorize the engine replacement of the 2008 F550 at a price not to exceed \$21,210.43 so that we can get the truck back on the road. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Township Railroad Bed Property H2 19 1. Steve and Michele Dotta were present to discuss purchasing this railroad property that is owned by the Township. The property is located in between two parcels that Mr. and Mrs. Dotta own. The Emerald Ash Borer has created a lot of dead trees on this parcel that are falling and causing damage to their fencing. They would like to clean up this property since they are able to access it from both sides. Since the railroad went under Oak Road, accessing the property from the roadway is difficult since there is a 30 to 40 foot drop from Oak Road. The property is approximately 100 feet wide.

Mike Jones questioned if any of the other adjoining owners would need to be notified. Attorney Backenstoe commented if the Township is interested in selling the property, the first thing that would need to be done is the deed would need to be reviewed to make sure there are no restrictions on the property. Sometimes when property is received from a railroad, there is a provision that the property be used for public purposes and if you try to convey title, it automatically reverts back to the railroad. The property would also need to be sold for fair market value. The Township may also need to advertise it and take bids on the property, even though Mr. and Mrs. Dotta may be the only ones who bid on the property.

The Board did not have an objection to the selling of this parcel. Attorney Backenstoe suggested Mr. and Mrs. Dotta obtain a curbside appraisal or market analysis from a competent realtor and he will review the deed to make sure there are no restrictions.

Katherine Mack questioned who was going to pay for the deed research, will it be the Township and the Taxpayers? Phil Gogel commented he doesn't see an issue with the Township paying for Attorney Backenstoe to review the deed if someone is interested in the purchase of the property. That money will be recouped when the property is sold. The Township would have to do this any time they want to sell property. It would be to the Township's benefit to sell a property that is useless to us and get it back on the tax rolls.

Mrs. Dotta will contact a realtor to obtain a curbside appraisal.

- B. Yard Waste Hours. A question arose at the last meeting as to whether the Board would consider opening the yard waste site earlier on a Saturday. The current hours are 2:00 p.m. to 6:00 p.m. Phil Gogel commented most contractors work in the morning and are done by noon, so 11:00 a.m. to 6:00 p.m. may be an alternative. He also thought about extending the Friday hours as well.

Phil Gogel questioned if there is still a problem with contractors coming into the site. Alice Rehrig commented it varies. There are some loads that get dumped that look like they may have come from a contractor.

Mike Jones commented he also thought about extending the hours during the week for the summer. David Hess commented he thinks it would be best to hold off on this until the next meeting when Frank Zamadics and the Chief are here. Cindy Miller agreed since it is affecting their Departments.

Marc Kerksmar commented he understands the Board's concerns, but you are also segregating the community. He can be working anytime from 6:30 a.m. to 6:30 p.m. during the week. The only time he would be able to get to the yard waste site would be on a Saturday. The last thing he would want to do is wait until a Saturday afternoon to take care of his yard work. He would prefer getting everything ready on a Friday night so he could take it to the yard waste site on a Saturday morning. Even with the later hours during the week, it may be difficult for people to get to the site. If a contractor is going to try to sneak something in, they will find a way to do it during whatever hours the site it open.

Phil Gogel commented the hours can be adjusted, but the site cannot be left open the way that it was because we get inundated with yard waste from contractors and people outside the Township.

Marc Kercksmar commented he does understand the issue. He used to live in Palmerton and they had to restrict their hours for the same reasons. He would rather see the site open at 8:00 a.m. or 9:00 a.m. on a Saturday. If there was a keycard access, the Board could charge residents \$5 or \$10 per year for the access.

Phil Gogel commented the residents can always take the yard waste to the main site. Alice Rehrig commented the hours are Wednesday and Friday, 8:00 a.m. to 4:00 p.m. and 1st and 3rd Saturdays from 8:00 a.m. to 1:00 p.m.

Paul Nikisher commented it seems like the majority of the people who do things right have to pay for the minority of those who are doing things wrong. He suggested imposing higher fines as a deterrent. It is a shame for it to be opened so late for the residents. It should be accessible to the residents. Jerry Pritchard commented we need to figure something out because we are punishing our Township people for a few bad apples.

- C. Manager's Report. The Township insurance policies are up for renewal on May 3. Alice Rehrig contacted the two major brokers in the area and asked them to both obtain quotes from the companies they deal with. The lowest quote that was received was from the Brown & Brown Agency through Selective Insurance at a price of \$50,521, which is an increase of approximately \$5,500 from last year. The only difference between this quote and our current insurance is that the Police Professional Liability is quoted with a \$5,000 deductible rather than the \$1,000 we currently have. Mr. Pugielli from Brown & Brown is working with Selective Insurance to get a price on a lower deductible, but has not yet receive it. The other quote that was received was from the Weiss Schantz Agency through Trident Insurance. They were able to maintain the \$1,000 deductible, but their total premium is \$54,470. Alice Rehrig did ask Weiss Schantz to quote a \$5,000 deductible for comparison, but they had indicated that it didn't make that much of a difference and recommended we stay with the \$1,000 deductible they quoted. The Township has had insurance through both of these companies in the past.

Mike Jones questioned what we averaged in claims each year. Alice Rehrig commented the only deductible that is being changed is the Police Professional Liability. We went for close to 15 years without a claim, but in the last two years, we had one claim and were put on notice for two others. The Board felt they would prefer having the lower deductible.

Cindy Miller made a motion to purchase the insurance through the company which can provide us with a \$1,000 deductible at the lowest rate. David Hess seconded the motion. All voted aye. Motion carried.

The dates for the next meeting on the Comp Plan have been narrowed down to May 18, 19, and 25. Cindy Miller noted the 25th is the ad hoc ordinance committee meeting. David Backenstoe commented he also is no longer available for May 25.

Phil Gogel questioned if there was any progress made on clearing up the issues that the Board spoke about at the meeting on April 6. Alice Rehrig commented there was no direction given at the meeting. The workshop meeting is to discuss the issues that were raised how everyone wanted to proceed with them. Phil Gogel commented he would have thought that after that meeting the Planning Commission would know which direction the Board wants to go in; they don't want to see the singled out areas, have parcels of property be placed in two different zones. Alice Rehrig commented the meeting was left that the Board and the Planning Commission would have a workshop meeting to work through those items. Phil Gogel commented they have been working on this for two years; now the Board has to work through it with them after paying someone to work through it with them. We just blew over \$50,000 on a consultant. Jerry Pritchard commented we now have a starting point. Cindy Miller commented at the meeting on the 6th, everyone agreed to have a workshop meeting. Phil Gogel commented he is just hoping they would be a little further along than what they presented at the meeting. Mike Jones commented they wouldn't have worked on it. Cindy Miller questioned why the Planning Commission would work on the plan. Phil Gogel commented we are worried about spending money but the Planners wasted \$50,000 on the plan and now the Board is going to get together to hammer it out any way. Why wasn't this done in the beginning? Cindy Miller commented this is the process. Phil Gogel commented we spent all that money and got nowhere. The plan is a piece of crap. Jerry Pritchard commented we did get somewhere. It may not be picture perfect, but we did get somewhere. Alice Rehrig commented the Board has wanted all the property owners that are proposed for a change to be notified of the meeting. Mike Jones commented he is hoping we can work through everything on the 18th. Phil Gogel commented he was hoping they worked on it so that we would be further ahead than starting at ground zero. Cindy Miller commented there is nothing further being done by the Planners until the workshop meeting. Phil Gogel questioned what is being done about the money that was paid to the consultant. Mike Jones commented a lot of information came out of the plan. Is it perfect? No, but there is ground work like Jerry Pritchard said that we can go off of. A lot of the changes that were being proposed, the Board was fine with. There were questions raised about a few

properties, but the remaining ones were fine. That is a lot of ground work. Phil Gogel commented he didn't rip the plan apart the way he should have. David Hess questioned if the meeting was going to be advertised. Alice Rehrig commented the meeting must be advertised and letters will be sent to everyone whose properties are listed on the proposed changes map and as Phil Gogel had also suggested sending letters to individuals who abut properties that are going from Residential to Commercial. Phil Gogel commented Green's Garage was exempt from the change to commercial; you don't just change the zoning for two properties. David Hess commented he does agree that \$50,000 is a lot of money to spend.

The Board agreed the workshop would be held at 6:00 p.m. on May 18 as long as the Fire Company is available.

D. Solicitor's Report. Attorney Backenstoe did not have anything additional to report.

VIII. PUBLIC COMMENT. TV 13 was questioning if there were any updates on the new Turkey Hill. Alice Rehrig commented there was no new information.

Paul Nikisher commented he would strongly encourage individuals to attend the School Board meetings. There are a lot of large expenses coming up with the proposed building of a new elementary school. It is good to attend the meetings to hold them accountable. Their next meeting will be May 9 at 6:30.

Cindy Miller reported she attended the PSATS Conference today. Some of the resolutions that were presented were interesting. People were reminded of civics and understanding the difference between State and Local Government issue and what should be addressed locally and what should be addressed by the State. The big issues they talked about were Solar Farms, tolling bridges—the Governor is proposing to toll certain bridges in Pennsylvania. Jerry Pritchard questioned if anything will come back to the local government. Cindy Miller commented it would not. Cindy Miller commented they also talked about Growing Greener III and there was \$5 million allocated for it. It involves State Parks and DCNR funding. There will be some grant money available to tap into. The State Treasurer also indicated that Townships often are included in the dormant funds and encouraged Townships to go on line and check if there are any dormant funds for them. The next round of American Relief Funding is expected to be released shortly. They also indicated under this funding, Townships are permitted to do joint ventures with other municipalities for projects. The America 250PA Celebration, which is the 250th anniversary of the United States, was also discussed. They are doing a county wide initiative. There is also a resolution available on line if the Board wants to join in on that. PennDOT also spoke on the new infrastructure law over the next five

years and the \$4 billion which is going to Pennsylvania. They said \$1.6 billion of it will be given for bridge work. 15 percent will go towards local bridges. Everything else will be for State bridges. They also spoke about the importance of building relationships with your regional transportation authority which in our area is Lehigh Valley Planning Commission. There will also be 13 new discretionary grants and programs. They also said inflation is having a major impact on their projects and that many things from PennDOT should not be expected this year. There also will not be a dues increase for PSATS.

Mike Jones questioned if there were guidelines on what the American Relief Funding can be spent on. Alice Rehrig commented she has to complete a report by the end of the month. As part of this report, it allows her to select a one time loss of revenue option. By choosing this option, you can pretty much spend the money on most anything. There is also supposed to be additional legislation coming out from Congress, but no details were available on this. One of the things that was mentioned was that Townships could use the funding to reimburse themselves for payroll expenses to free up budget funds. Phil Gogel commented MS4 would be a possible expenditure; this is a big deal. A couple of years ago, it was floated about a rainwater tax or fee which he didn't agree with because it would hurt our cemeteries, churches, and farmers. He didn't agree with that which is why he worked hard on that. This would be a good use of the money since the Federal and State government decided to pass it on to us.

Marc Kerksmar questioned if there is any impact to the Township roads with the building of the new school because of traffic patterns. Mike Jones commented when the Moore Elementary School is closed, it will put more students into Lehigh Township because there are some kids from Lehigh Township who go to Moore. Cindy Miller commented she hopes they took those calculations into consideration when they built the new school. When they came into Planning Commission with the school, they asked how much additional capacity there was in the school in the event there was an influx of development. The School told them only 100 more student. Marc Kerksmar commented he heard from parents at the beginning of the school year that they had already ran out of classrooms and had to use the cafeteria. Cindy Miller commented when she asked them at Planning about what happens if they run out of capacity, the School District solicitor said we just build a new school. Hopefully the School District has given a lot of consideration because the taxpayers cannot keep paying for what they are doing.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss personnel and pending litigation. No action was taken.
- X. ADJOURN. David Hess made a motion to adjourn. Phil Gogel seconded the motion. All voted aye. Motion carried.