

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

September 26, 2023

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on September 26, 2023, at 6:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Mike Jones
Phil Gogel (business meeting only)
David Hess
Jerry Pritchard
Attorney David Backenstoe
Alice Rehrig
Liz Amato

Absent: Cindy Miller

- II. 2024 BUDGET DISCUSISON. Alice Rehrig reviewed the second draft of the 2024 Budget with the Board.

Revenues:

The assessed value of taxable properties increased by \$777,000 which generates roughly \$3,000 in additional taxes. The real estate tax collections for 2022 were unusual in that the rate of collection had dropped. For the past five or six years, the collection rate was 94 percent of the assessed value. In 2022 it dropped to 92 percent. She is not sure if this was a fluke or a new trend of reduced collections. For the 2024 budget, she used 93 percent.

Mike Jones questioned if the one mill fire tax that was included in the budget is what was the final number decided upon by the Board. Alice Rehrig commented there has been limited discussion on it, so she used 1 mill as a starting point. If the Fire Tax is going to be adopted, she needs to include line items in the budget. Mike Jones questioned what items were included with the fire tax. Alice Rehrig commented it still needs to be determined by the Board. For now, she included all the fire related expenses from the budget which would be the fuel, vehicle insurance, and workers comp insurance. Mike Jones questioned when the ordinance needs to be adopted. Alice Rehrig commented it needs to be submitted to DCED by mid-December and with the advertising deadlines and requirements, it should be planned on having it finalized by early November. David Hess questioned if there was going to be a meeting with the Fire Company. Alice Rehrig

commented it could be done. There was discussion about ironing out the details of the ordinance before holding meetings so that everyone understood what was included in the ordinance.

An Interfund transfer has been included to transfer funds from the American Relief Funding to cover expenses for the updates to the Zoning and SALDO ordinances. The amount to be transferred is \$27,000. In developing this amount, she also assumed the expenses for Attorney Corriere and Mike Muffley to attend all the meetings as well as a final review of the ordinances by Attorney Backenstoe.

Expenditures

There have been discussions about having the departmental budgets reflect the legal fees that have been incurred from the filing of grievances, etc. Alice Rehrig suggested this could be handled in one of two ways. One way would be to include an account in the general portion of the budget to allow for consultation if it is needed in the interest of the Township. If there are any fees resulting from a grievance, they can be handled by a budget amendment by adding a legal category within the specific department which generated the expense. Another way would be to include a limited amount within each Department to allow for the legal consultation. If something occurs, the excess amount would need to be a budget amendment.

Items included in the Office budget:

Cell Phone
Miscellaneous
Printer
Shelving Units
Allowance for scanning for Document Imaging

Laptops, does not include the entire technology grant items, just what is in the capital plan.

Generator. The generator is not expected to be purchased for the amount in the budget. The amount that is included as an expense is to earmark them for this purpose because these are funds that were received specifically for a generator.

Office Air Conditioning Unit
Meeting Room Monitors

Items included in the Police budget are:

Miscellaneous
Shredder
Pocket Jet Printer
Funding towards future truck replacement

Booking Center Computer and Printer. Jerry Pritchard questioned if this was part of the County program. Alice Rehrig commented the computer and printer are not part of the program. They are located in the booking center area, but are used by our department for access to the Clean Terminal system. The computer is used for more than just the booking center.

Body Cameras (2)

Computers & Mounts. The plan calls for the replacement of the vehicle computers and mounts, however they are quite expensive at potentially \$8,500 per vehicle. In speaking with the Chief regarding this, he and Alice Rehrig felt it would be best to split the vehicles over two years and do some of the office computers, basically evening the expense over two years rather than having a large expense in one year.

4 radios & 4 portables were scheduled for replacement. Since we don't know what the County is doing as far as digital radios, the money that would be allocated for the radios would be put into the radio fund knowing the digital radios are going to be expensive

Continued Savings for digital radios

Shot gun (2)
AR-15 (2)
Cradlepoint Wi-fi

A \$5,000 contribution to Northampton Regional Emergency Squad is included in the budget.

Under Planning and Zoning, the updating of the Zoning and SALDO ordinances have been included along with allowances for Attorney Corriere and Mike Muffley to participate in the meetings.

In the Public Works Department, an estimated increase in the heating fuel and electric have been included.

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Specific items included in the Public Works Department are:

Miscellaneous items which typically are small specialty tools or replacement of small items.

Safety Apparat. Mike Jones commented the amount should be verified against the number of items that may be needed so that everyone has what they need.

3 Point hitch w/ platform for tractors to enable them to carry signs and other items with them on the road.

Flammable Liquid Cabinet. This is something that has been recommended by our insurance company. They are also providing a matching grant up to \$1000 for the cabinet.

Magnetic Locks for new building that are compatible with what was installed at the Township building.

Summer Help. Mike Jones questioned if we use the full budget for the summer help. Alice Rehrig commented this year it may be close. She did increase the amount for next year. Mike Jones commented in talking to various people, they think it would be good if they could work a little more hours. They are doing a great job and it would free up our regular guys to do other things when the summer help is here. He has had a lot of positive feedback regarding the current summer help and everyone would like to see them return.

Two computers
Printer/copier

Single Axle Dump Truck to replace the 2002. The funding of the truck will come from Capital Improvements Plan. Because of the increase in vehicle costs, the plan will need to be reworked as well.

New Building Furnishings. The priority will be given to purchase a new lift which can be inspected and certified and a new table and chairs.

Three portable radios were scheduled for replacement. This money will be added to the radio fund for digital radios.

72" mower to replace current X-Mark. Mike Jones questioned if the replacement model would be the same model as what we currently have so that the same supplies can be

used on all the mowers. Alice Rehrig commented Frank Zamadics will be getting pricing on various models. Depending upon the price difference, it may be worth the change over the convenience.

Recreation Items that are included are:

Continued savings for Danielsville Pavilion Roof replacement since it is approaching 25 years old.

Batting Cage Net for Berlinsville. The net is approximately five or six years old and will soon be in need of replacement.

Savings towards developing a complete Recreation Plan which will be needed for applying for grants to develop Delps Park.

Savings towards future capital projects so that there is match available for grants or to complete projects.

Under the Recreation Land Fee Purchases, funding was included for supplies to repair/replace the retaining wall at Berlinsville Park. In speaking with Frank Zamadics, he feels the Public Works Crew could replace the wall in spring if they were to use the concrete blocks. Jerry Pritchard commented a mat will need to be placed over the concrete for safety.

Contingency Fund. In addition to having an allowance for unexpected items that come up, a match of \$14,000 was included in the event we need a match for the license plate readers.

Mike Jones questioned the amount included in the sign budget. Alice Rehrig commented she did increase it by \$1,000 because of the increase in the cost of sign materials. Mike Jones noted he has been getting email from a lady on Brighton Circle wanting the sign replaced because it is spelled wrong.

In addition to the budget, Alice Rehrig provided the Board with a summary of the different categories in the budget plus past expenses. She also provided a report showing the operating revenues and expenditures and capital in the budget. We are currently meeting our operating expenses, but the capital will need to be watched.

The State Fund Budget will be very similar to the 2023 budget based upon the notifications that she has received from the State. There will be approximately \$318,000 available for a road project.

Katherine Mack commented she has a copy of the 2023 budget. It seems as though 1 mill was budgeted which is about \$250,000. The 2023 budget shows \$324,707 was allocated to the Fire Company. She has heard that if and when a fire tax is initiated, the Township will no longer provide the Fire Company with funding. Everything will be paid for through the fire tax. If \$324,000 was previously budgeted for them, why would you only consider 1 mill right now. Alice Rehrig commented she used the one mill based on the various discussions that have taken place and it pretty much keeps them consistent with what was previously allocated. The proposed total for the Fire Company is \$345,755. Katherine Mack questioned how that could be if one mill generates \$250,000. Alice Rehrig commented one mill would generate around \$275,000. Katherine Mack commented the motion that was made was very clear that the fire tax could be for Fire Company expenses normally contributed by the Township. She raised the question why wouldn't you include the \$250,000 which is now being incorporated to the General Fund budget which she hears has been absorbed into capital expenses, but you are saying you don't have enough money to put aside for the apparatus and pay for the insurances you normally pay unless you pay for them from the General Fund. You need to sit down and have some conversations. Mike Jones commented he agrees. The Board has not yet worked out the details of the fire tax. Katherine Mack commented when you talk to the Fire Company you should have their budget and know what they are budgeting for, so you know what their expenses are and how this will all mesh together. Mike Jones commented the Fire Company does provide a copy of the expenses to the Board. Katherine Mack commented the 2023 budget shows workers comp, \$25,707, supplies \$10,500, insurance \$18,500, Contributions Grants and Subsidies, \$200,000; Fire Relief Payments \$70,000. Mike Jones commented the Fireman's Relief is not an actual township expense; that money comes from the State. Katherine Mack questioned why it was included in the budget. Alice Rehrig commented it has to be; it is pass through money that comes from the State. Katherine Mack commented that \$70,000 is not listed under state money; it is listed under our General Fund. Alice Rehrig commented when the money comes from the State it is deposited into the General Fund under a revenue account for fireman's relief. When it is paid to the Fire Company, it is charged under the Fire Company, Fireman's relief payments.

Katherine Mack commented when the taxes were raised in 2015, it was started almost a year in advance. She has all the minutes. A letter went out to the public and had tax and millage referenced in them. Two people from the Board did not want anything going out to the public that referenced the word tax. The Board is permitted to raise taxes, but why aren't they communicating with the public. Why must it be a surprise if and when you initiate it in December that is going to be starting in January? Mike Jones commented the Board was discussing this for the past several months. Katherine Mack commented the public was not notified. There was only one reference to the tax in the July publication of the Home News. She was at a church function and people had no clue about a fire tax. Jerry Pritchard commented he thought everyone knew. All the Board has ever heard was

that everyone wants the fire tax to support the Fire Company. Janet Sheats commented the amount hasn't been set yet. Why would you notify people if you don't know the rate? Katherine Mack commented there should be information that goes out to the public. She is for the tax and even paying the Fire Company more, but the general public has the right to be informed. Everyone has said they want the public to be informed, but no one is informing the public. Mike Jones commented, it is his understanding that years ago, before he was on the Board, they had a tax meeting at the Fire Company and they said they would like to do that again once the details have been worked out. Katherine Mack commented it is not even on the website that the Township is even considering a fire tax. The public has the right to be informed. Jerry Pritchard questioned when the meeting would take place if the Board hasn't even ironed out the details of this yet.

Katherine Mack commented there are references to other funds that are not part of the budget. How much is in the building fund, the equipment fund, contingency fund? Alice Rehrig commented there was just over \$1 million when the building process started. The equipment fund has roughly \$100,000 in it. The contingency fund has approximately \$420,000. Katherine Mack commented none of these are being considered into the budget. She also noted that there is \$110,000 listed for on the budget, yet the balance is only \$100,000. Alice Rehrig commented the 2023 deposit has not been deposited to the fund.

Katherine Mack commented she heard that the \$275,000 that is currently going to the Fire Company will no longer be going there; couldn't that money go into the equipment fund since you are going to have to buy a dump truck. Alice Rehrig commented when she put the budget together, she didn't specifically look at that number. She looked at the entire budget. Katherine Mack commented if you are creating a one mill fire tax, you have one mill to play with. Alice Rehrig commented you could distribute that money anywhere throughout the budget. Katherine Mack commented the money could be given back to the people. Alice Rehrig commented if that is what she is instructed to do, then she will do that and you would have to re-evaluate the capital purchases. Katherine Mack commented the way she looks at it, you are gaining a mill.

III. APPROVAL OF THE MINUTES

A. Minutes of September 12, 2023. David Hess made a motion to approve the minutes. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS

A. General Fund Checks 27119 to 27162. Phil Gogel made a motion to approve the bills. Jerry Pritchard seconded the motion. Jerry Pritchard questioned if the bill to Campbell Durrant was for our labor attorney fees. Alice Rehrig confirmed that it was. All voted aye. Motion carried.

- B. State Fund Checks 1587 and 1588. David Hess made a motion to approve these checks. Phil Gogel seconded the motion. All voted aye. Motion carried.

V. DEPARTMENTAL REPORTS

- A. Zoning Report. Liz Amato reported there were 24 new applications in received in August. 31 permits were issued. 7 new complaints were received in August and she still continues to work on the older ones.

The medical marijuana campus hearing was held in August and the fast food portion of the application was approved. The dispensary and grow houses were denied. Three new applications have been received. One application was for a home occupation which will be seen by Planning in November and go to Zoning in December. A use variance for a short term rental will be on the Zoning Hearing Board agenda for October. A conditional use application was received for a principal solar system in the A/RR district. She is looking to possibly get it before Planning in October and then schedule the hearing after that.

David Hess commented the Vandling Property was sold at the tax sale that was held last week. Mike Jones questioned if the Township will still get the money that is owned to them. Attorney Backenstoe commented they would. Attorney Backenstoe commented he was not aware of the sale and was actually planning on discussing filing another petition against him since he failed to get the land development plan recorded. Mike Jones questioned what the new owner would need to do. Attorney Backenstoe commented he would need to do everything that Mr. Vandling was supposed to do. They would need to do a land development plan, grading plan, and get the proper permits for the house and septic.

VI. OLD BUSINESS

A. Maintenance Building

1. Bracy Construction, Payment Request #3. The third payment request was received from Bracy Construction in the amount of \$72,684.31. Most of the work included in the payment request was for the concrete for the footers. Jerry Pritchard made a motion to approve Payment Request #3 for Bracy Construction in the amount of \$72,684.31. David Hess seconded the motion. Phil Gogel questioned if all the work was inspected. Alice Rehrig commented they have done the specialized testing for the concrete and Keycodes is at the site inspecting for compliance. Liz Amato noted she is receiving inspection reports from Keycodes almost every day. All voted aye. Motion carried.

B. Ordinances for Adoption

1. Ordinance 2023-2, Amending Chapter 180-67.1, Cluster Developments. David Hess made a motion to adopt Ordinance 2023-2. Jerry Pritchard seconded the motion. All voted aye. Jerry Pritchard questioned if this is more directed towards properties that are zoned Village Residential. Alice Rehrig commented the ordinance is cleaning up some of the language and adding Cluster Development into the VR zoning district as a permitted use. Jerry Pritchard questioned if the ordinance will create more regulations for Village Residential or removing them. Alice Rehrig commented it is providing an additional opportunity or manner to develop properties within Village Residential zoning districts. Paul Nikisher questioned what a cluster development entailed. Liz Amato commented a cluster development will allow for a higher density per acre and more open space in certain areas. Single family dwellings can have a density of 1.2 units to an acre and semi-detached dwellings have a density of 1.3 units per acre. This density is not a change with this ordinance. It already exists in the current ordinance. Motion carried.
2. Ordinance 2023-3. Amending Zoning Ordinance pertaining to Wholesale and Wholesale Trades. Phil Gogel made a motion to adopt Ordinance 2023-3. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Acceptance of 2024 Pension MMO's. Alice Rehrig presented the 2024 Pension Obligations to the Board. The total to be contributed to the Non-Uniformed Pension Fund is \$48,064. The total to be contributed to the Police Pension Fund is \$ 267,754.
- B. Telephone Poles. David Hess was contacted by the construction manager of BVCI who is doing work on the turnpike. There are five telephone poles which are 35 feet in height that he needs to take down. The Blue Mountain Fish and Game can use one of them and in speaking with Frank Zamadics, we could use the other four if we want to put lights at the Danielsville volleyball court or as Jerry Pritchard suggested at a Recreation meeting, they may be able to be used to add netting along the first baseline at the Berlinsville Ballfield. The Blue Mountain Fish and game is willing to have someone take the lights down. If the Township is interested in accepting the donation, all the Township would need to do is provide a driver, truck, and trailer to haul the four poles back to the Township. Jerry Pritchard made a motion to accept the donation of the telephone poles from BVCI and authorize the maintenance department to transport the poles. David Hess seconded the motion. All voted aye. Motion carried.

C. Resolutions for Adoption

1. Resolution 2023-15, Authorizing Chairman and Secretary to Execute Grant related documents for Monroe County Local Share Grant Application. David Hess made a motion to adopt Resolution 2023-15. Jerry Pritchard seconded the motion. All voted aye. Motion carried.
2. Resolution 2023-16, Authorizing Chairman and Secretary to Execute Grant related documents for Lehigh Northampton County Local Share Grant Application. David Hess made a motion to adopt Resolution 2023-16. Phil Gogel seconded the motion. All voted aye. Motion carried.

D. Employee Appreciation. Phil Gogel made a motion to purchase turkeys again for the Employees and Boards. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

E. Manager's Report. Alice Rehrig reported she is continuing to work through the RACP grant requirements. The bids for the fuel island had been advertised and are expected to be before the Board for approval next meeting.

F. Solicitor's Report. David Backenstoe reported he received a notice from the Solicitor for the Zoning Hearing Board that he praeciped the Karafam matter onto the argument list. The Karafam attorney will now have to do a brief on the matter within 25 days of the list. The Zoning Hearing Board as the praecipeing party will have to file a brief. Since Attorney Backenstoe entered an appearance on behalf of the Township and they are considered to be a party in the matter, the Board will need to decide if they want to join as a party in the brief being filed by Attorney Ettinger or if they want to have Attorney Backenstoe file a separate brief. Phil Gogel commented he doesn't want to be a position where the Board would be fighting against one of their own Boards. Attorney Backenstoe commented it wouldn't be that the Township would be fighting against the Zoning Hearing Board. Attorney Ettinger will enter a brief outlining all their points in their decision on their behalf. If the Township felt strongly about upholding the decision of the Zoning Hearing Board or felt there should be a different approach to the defense, they could have Attorney Backenstoe enter a separate brief on the Township's behalf. Unless the Board feels that strongly about this case, he doesn't know that it is necessary for him to submit a separate brief when the Township could join in on the Zoning Hearing Board's brief by having Attorney Backenstoe provide a simple letter indicating as such rather than having two briefs written. Katherine Mack questioned if the Board does that, does it mean that they agreed with their second decision. Attorney Backenstoe commented he contacted the Karafam Attorney and he was told that they did not have a second opportunity to go before the Zoning Hearing Board. Katherine Mack commented there was a second decision.

Jerry Pritchard questioned how this would be in court if there was not a second decision. Attorney Backenstoe commented this is the result of the first hearing which occurred after the Zoning Officer cited them for a violation. They went to the Zoning Hearing Board and were denied. The applicants then filed an appeal of the Zoning Hearing Board's decision to Northampton County Court. Occasionally, such as in this case, while there is an appeal pending, the parties can agree to a resolution. The Township in concept agreed to a resolution with the property owner where the Township said they could continue with the use subject to certain conditions. However, the Zoning Hearing Board did not agree to that, therefore, there cannot be a settlement agreement because the Zoning Hearing Board is a party to the lower court. He doesn't know anything about the second decision. He wasn't notified or attend a second hearing on this matter. Liz Amato commented there was not a second advertised hearing. It was Attorney Ettinger asking the Zoning Hearing Board if they would entertain having Karafam coming back for a second hearing. The Zoning Hearing Board said no to holding a second hearing. Katherine Mack commented she was out of the county and wasn't here when this took place. Attorney Backenstoe commented the request to have a second hearing is irrelevant. There was the initial decision to deny the appeal. The applicant filed an appeal with the court which was pending and now the Zoning Hearing Board praeciped it on for argument and briefs need to be filed. The question is does the Township want two briefs filed on behalf of the Township or join in the brief that will be filed by Attorney Ettinger and only have the one brief filed.

Mike Jones questioned if Attorney Backenstoe would be providing a brief based upon the settlement agreement. Attorney Backenstoe commented since no agreement was reached, the agreement is considered null and void. He would essentially be arguing the same thing as Attorney Ettinger regarding the decision of the Zoning Hearing Board because we would be relying on the Zoning Hearing Board's decision. Katherine Mack questioned if the courts would be privy to the proposed settlement agreement. Attorney Backenstoe commented they would not be; attempts to settle take place all the time but are not permitted to be used as part of the litigation.

The Board agreed that they would join in the brief with the Zoning Hearing Board rather than have Attorney Backenstoe prepare a second brief.

- VIII. PUBLIC COMMENT. Katherine Mack commented she brought up the question regarding what was billed to the School District and the School District refusing to pay. She did look into this and it wasn't the Township's bill. The School District was billed for damages that the contractor did to the State roadway and they didn't feel it was their responsibility to pay the bill. It should be the contractor since they did the damage.

Katherine Mack commented she hopes that it is on the agenda for October for a plan between the Fire Company and the Township for community awareness of the fire tax. That should be on the agenda so that the Board actually has to do something. Between now and then, someone should reach out to the Fire Company to sit down and have a meeting would be great, then it could be on the agenda under old business instead of new business. You need to discuss how you are going to integrate this into public awareness. Alice Rehrig and Rick Hildebrand were asked to try to coordinate a meeting over the next few days between their respective boards to iron out the details of the fire tax. Once these details are set, then a meeting with the public can be held and the rate set. Rick Hildebrand commented the Fire company does have an idea ready on how to lay it out. They had done something before to try to educate the public as to who they are, what they do, and what it takes for them to do it. He thinks this could come together quickly because everyone has already been engaged. The other side of this, based on the last time, you advertise it, but you don't get a lot of response. David Hess commented the opportunity should be offered to the people and they can decide whether they want to come or not.

Katherine Mack commented the Planners and the Ad Hoc committee were supposed to be meeting with the consultant regarding the updating of the ordinances. They haven't heard anything about that since they were hired. Will someone be setting up a meeting? Who is responsible to set up the meeting? Liz Amato commented Charlie Schmehl reached out to see what had already been worked on and Mike Muffley will also be calling him to bring him up to date with where things are at. She believes it will be discussed at the Planning Commission meeting. Katherine Mack suggested the Ad Hoc committee be invited to the Planning Commission meeting so they can have input on the dates of the meeting as well.

Rick Hildebrand commented the Fire Company now has the 2024 Sportsman Night tickets available from members of the Fire Company and at local shops.

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