

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

February 27, 2024

- I. EXECUTIVE SESSION. The Board met in Executive Session at 6:00 p.m. to discuss personnel matters. No action was taken at this time.
- II. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, February 27, 2024, 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
 Janet Sheats
 Mike Jones
 Attorney David Backenstoe
 Alice Rehrig
 Frank Zamadics

III. APPLICANTS FOR PLANNING COMMISSION VACANCY

- A. Timothee Bartlett. Mr. Bartlett has been a resident of the Township for twelve years and a member of Bethany Wesleyan Church. He currently is a member of the Fire Company serving on the Fire Police. He is interested in the Township and loves living here for the past 12 years. He is interested in seeing where this Township is moving and what is going on. He has attended a few meetings before. He currently is retired. He has no agenda and is looking to see how we can move forward.

Cindy Miller: Are you familiar with plans and items of that nature that will be presented to the Planning Commission? Yes, the past 16 years before he retired, he worked for a plumbing manufacturer and they sold to wholesalers. He was head of distribution. There were projects in Manhattan and Queens that he needed to coordinate. He also was in Silicon Valley and worked with any company in Silicon Valley and he needed to coordinate shipments and installation for many big companies. He has been in middle management for 40 plus years. He is looking to be an asset to the Township.

Jerry Pritchard: When blue prints come in, are you familiar with them? Yes, he is very familiar with construction plans, grading plans, and landscaping plans. His father was a general contractor so he grew up with this.

David Hess: What are your thoughts or ideas on growth in the Township? The Township is a bedroom community; a pass through community. There is not a lot of

commercial industry or businesses here. His only agenda is wanting to improve Lehigh Township, but knows he needs to get his feet wet. He thinks there is room for improvement. Farmland needs to be maintained, but he sees room for growth. Other properties could be developed to bring in businesses, people, and revenue. We need to preserve what Lehigh Township is and keep future generations in mind as to what they will have and what we will leave them. He is willing to listen to others and offer his opinion to work to make things better.

Janet Sheats: Do you have the time to commit to the Planning Commission? Yes, he is retired. He is on call for any incidents with the Fire Company, but other than that he is available. He wants to be more involved with the community.

- B. Charles Perich. Mr. Perich has been a resident of Lehigh Township since June 25, 2021. He previously resided in Heidelberg Township. He is familiar with Second Class Townships. While in Heidelberg Township, he served as auditor for 10 years, and served on their EAC and Referendum Committee. In the time he served over there, they were fighting for identity as to what to do. They had a rural preservation league that didn't want to do anything; they wanted rural preservation and farmland preservation. They wanted to stifle building. He didn't want a lot of building, but in order to survive, you need some growth. You need to have some businesses come in so that it isn't a bedroom community. Otherwise, people will shop somewhere else, eat somewhere else. You need a small nestle of a community here and that is what he would try to develop. More activities for the community to get together. It seems the only people who get to know one another are the people with kids in athletics. The rest of the people are looking for the picnics or the gatherings where you can get together and meet new acquaintances. He will serve in the government where ever he can. He does have some experience. He has always been active in church. In his earlier years, he ran a cub scout group. He would like to get involved and help. He has attended meetings, goes to the Ad Hoc, Planning, and Supervisor meetings. He tries to keep up with what is going on in the community and keep abreast of it.

Jerry Pritchard: You had stated that you were involved with an EAC committee in Heidelberg Township. Do you feel this Township needs an EAC Committee? It depends upon what your philosophy is. Heidelberg Township started an Environmental Advisory Committee and they became very active. They did a stream restoration program behind the Township which they didn't like because they were taking water from that stream to mix for dust suppressant. When DEP found out they were taking water from it, they told them they were not allowed to do so because it was a small stream. The EAC restored that stream to a riparian root. They planted a lot of trees along it to keep the stream cool and create a good habitat.

Jerry Pritchard: When an EAC was previously brought up, it was a tipping point for the Township. Meetings had to be held at the Fire Company. It was ultimately voted down. He doesn't know where the Township is today which is why he questioned if Mr. Perich saw a need for an EAC. Mr. Perich commented he would give him his opinion, but he would put the question back to the Board and how they feel about an EAC. If the Board believes it would be beneficial to the community, well, that would be good. He could give some input on that whether he is appointed or not. He lives here in the Township.

Cindy Miller: Could you explain your experience in looking at plans? When he served on the EAC, they approved most plans, especially if there was something taking place near a stream or on a hillside, so they saw a lot of plans; even if someone wanted to build a house near a stream and it divided the property, they would offer them some suggestions as to what they could do.

Cindy Miller made a motion to appoint Tim Bartlett to the unexpired term of Kristin Soldridge which would expire December 31, 2026. Janet Sheats seconded the motion. Mike Jones commented he should have mentioned it earlier, but it seems like Mr. Perich would be a good fit for Recreation Board with the ideas of social events to gather people together. All voted aye. Motion carried.

IV. APPROVAL OF THE MINUTES

A. Minutes of February 13, 2024. Janet Sheats made a motion to approve these minutes. Cindy Miller voted aye. Motion carried.

V. APPROVAL OF BILLS.

A. General Fund Checks 999057 to 999083. Cindy Miller made a motion to approve these bills. David Hess seconded the motion. Jerry Pritchard questioned the bill from Block Communications for the 2022 vehicle. Alice Rehrig commented Block Communications recently had an audit and discovered they never invoiced the Township for the work. All voted aye. Motion carried

B. State Fund Checks 1591 and 1592. David Hess made a motion to approve these bills. Cindy Miller seconded the motion. All voted aye. Motion carried.

VI. PLANNING RELATED ITEMS

A. Extension of Time for Plan Recording

1. Turkey Hill Minit Market. Attorney Ryan Brannon was present on behalf of Turkey Hill to request a six month extension of time or whatever length the Board would deem appropriate for the recording of their plan. They are waiting for final approval from PennDOT. This is the only outstanding item. They submitted a plan on January 26th and their engineer has not yet heard back from them. They

are pursuing PennDOT on a daily basis. They have also reached out to the local State Representative, but they are still waiting. They have done what they can to push PennDOT along.

Cindy Miller questioned if anything else has lapsed on this project. Are the utilities worked out with the Municipal Authority? Attorney Brannon commented all the work has been completed. They are just waiting on PennDOT.

Attorney Backenstoe commented he did improvements agreements, security agreements, and BMP agreements about two years ago. The agreements would still be good, but the cost estimates will need to be updated. They can't update this or execute the agreements until they are ready to record the plan.

Cindy Miller commented the letter that was submitted indicates they it is expected that the final plans will be approved by PennDOT and signed so that the plans can be recorded in April 2024. Is this something that PennDOT has stated or is this Turkey Hill's timeframe? Attorney Brannon comment this is their best hope and estimation as to when everything will occur, but ultimately it is in the control of PennDOT.

Jerry Pritchard questioned why a six month extension would be needed if this will be recorded in April. Attorney Brannon commented the six month extension is just to provide an outside date. If they receive their approvals before that point, they will record the plan. Cindy Miller commented she is getting upset with this project. It has been going on for seven years. The Township did their leg of the intersection as promised to the community because neither PennDOT nor Turkey Hill were going to be responsible to complete that portion of the intersection. The Township finished their portion about two years ago. It is not just PennDOT. She believes it is both sides. Is someone going to be really pushing to get this project moving forward? Attorney Brannon commented they submitted plans on January 26 and PennDOT had a comment regarding the property lines and their engineer submitted their response and has not yet heard anything back. Janet Sheats commented at this point we don't know if PennDOT has even accepted this response. Cindy Miller commented she doesn't agree with the six month extension. She feels three months is more appropriate. She is getting very close to the point where they questioned how much longer the Board should permit this to continue.

Cindy Miller made a motion to grant an extension of time until May 31, 2024, to record this plan. Janet Sheats seconded the motion. All voted aye. Motion carried.

VII. DEPARTMENTAL REPORT

A. Public Works

1. 2004 Truck Transmission. Frank Zamadics reported this truck went down during the second storm in January and is in need of a new transmission. It has been sitting at repair shop for the past five weeks with half a load of salt while he is waiting to receive quotes for a new transmission. He received one price from Tim Rehrig Repair for a rebuilt transmission, with a warranty for \$8,500 installed. He has been trying to get two more quotes for the past five weeks. He has called and sent emails on multiple occasions and has not received a response from either Horwith Trucks or Penn Power Group. Both say they will, but are short handed. He would like to really get the truck back and on the road because it is used a lot. He spoke with Erschen's Garage and they are the ones who referred him to Tim Rehrig Repair. He has also spoken with other municipalities who have used him they spoke highly of him and said they were treated fairly by Mr. Rehrig. Mr. Rehrig is also a resident of the Township. To move it to another repair shop, it will also need to be towed.

David Hess made a motion to authorize the replacement of the transmission on the 2004 Freightliner at a price not to exceed \$8,500. Cindy Miller seconded the motion. All voted aye. Motion carried.

2. 2006 Ford Pickup Repairs. Frank Zamadics reported they have been limping along the 2006 Ford Pick Up which has 140,000 miles on it and a lot of rust damage. They have been primarily using the truck for parks because it has a lift gate on it which is also not in good condition. During the last storm, the transmission went on this one. He would not recommend spending any more money on this truck. It is a 6.0 diesel which has had a very lazy shift for the past several years. With the condition of the body and frame, he doesn't think it would be worth spending the money to try to repair the vehicle; it really should be replaced. He received information this week that Upper Macungie will be placing a 2017 pick up with 31,000 miles on it and 2016 utility truck with 61,000 miles to bid later this year. Upper Macungie rotates their vehicles out after 6 years regardless of mileage and will accept sealed bids from other municipalities who are interested in it. If the Board is interested in either of these vehicles, he can get additional information for the next meeting. They did tell him that the cost to replace the 2017 pick up was \$62,000 through co-stars. They are expecting to get around half of this cost when they put it out to bid. He also checked with some dealers and the cost of a new truck is \$60,000 to \$90,000 depending upon how it is outfitted. The Board agreed Frank Zamadics to obtain additional information on new and used trucks and bring the information back at the next meeting.

Frank Zamadics commented the gentlemen who worked as Summer Help last year are have reached out to him and are interested in coming back. If there is no objection from the Board, he would like them to come back. They were good to work with and took care of the equipment. Summer Help can start April 15 according to the contract. The Board has no objection to having them return based upon the previous pay scale that was set.

- B. Fire Company Activities. Cindy Miller commented she has not had the opportunity to speak with Roger Spadt prior to him sending this list. Mike Jones commented he is fine with everything except for the Activities not on the list that are approved by the Fire Company President, Fire Commissioner, or Fire Chief. Janet Sheats commented the PA Statute Title 77 Workers Comp has that same verbiage. It states “fire company or fire department upon the authorization of the chief of the fire company or fire department or other person in charge or while answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned” and continues on. Cindy Miller commented it is referring to calls. Janet Sheats noted there is a whole section in the statute. Cindy Miller commented it doesn’t mean it is carte blanche and open for anything. Jerry Pritchard commented the Fire Company could add to the list at any time.

Cindy Miller commented she wanted to talk to Roger Spadt to find out what an example would be of an activity that falls under this category. Rick Hildebrand commented he believes the language was always there, but now it is being scrutinized more. His concern would be that they couldn’t get something done that may be beneficial because it would have to wait for a meeting because it doesn’t fall under the parameters outlined in the list. Jerry Pritchard commented he believes the Board is asking that they be notified of what is not on the list. Cindy Miller commented she had other questions such as sale of tickets at remote locations. Does that mean while you are driving there or are you actually at another location? Rick Hildebrand commented if you are working for the company, on behalf of the company to raise funds, why should you not be covered? They have set up tables at the former K-Mart property and at Ag Hall. If the Township can’t support them and they have to support themselves, they have to raise funds and do a whole lot of other things to come up with money.

Cindy Miller also questioned the fire protection activities away from the station. She is assuming the fire protection activities are within the Township, not outside the Township. Rick Hildebrand commented what about if they start a recruitment program at the high school to bolster their volunteers and get new members. Why wouldn’t we want this type of activity covered. Cindy Miller commented this is why she is asking. It should be covered. She doesn’t know what is or isn’t included under the items in the list which is why she wanted to talk to Roger Spadt. This is workers

comp and she takes this it seriously as far as what the Township would have to cover if something happened to someone. The Township is on the hook to provide the coverage. She looks at all of that; scrutinizes that. It's legalities and what it means if something were to happen. Rick Hildebrand commented anytime someone touches anything that has to do with the firehouse, they are employees of that organization. If they don't have workers comp coverage, why do it? Cindy Miller commented it is not that she doesn't want to provide the coverage, she just wants to understand the activities.

Janet Sheats commented she believes the Board should be following the statute. Her proposal would be to remove the line regarding authorized activities by the President, Chief, and Commissioner; however, the Board needs to understand that items do come up. An example would be asking a member to retrieve a part for a truck that is out of the Township. Rick Hildebrand commented another example is when they had their Valentine's Day rose sale, they ran out of certain things and they had to send people shopping. Janet Sheats commented she suggests removing this line and any last minute changes and additions should be emailed to the Manager so she has knowledge of it so it can be covered under workers comp.

Cindy Miller made a motion to adopt the Lehigh Township Fire Company activity list with the exception of the 2nd to last bullet point of activities approved by the Fire Company President, Fire Commissioner, or Fire Chief, and add that the Township be notified of any additional activities that come up. David Hess seconded the motion. Marc Kerscmar commented a possible example could be the fundraiser that took place at the Fire Company for the benefit of the children who lost their parents in an accident. Sandy Hopkins questioned if workers comp reviewed the list and felt it was too vague. Cindy Miller commented the vagueness actually comes from the workers comp statute. Janet Sheats commented a lot goes back to interpretation. Some fire companies go by things that are too vague for her liking, but the statute is very vague. Cindy Miller commented she wants to make sure we are covered properly so that we do have workers comp insurance coverage. All voted aye. Motion carried.

VIII. OLD BUSINESS

A. Maintenance Building

1. Bracy Construction, Payment Request #8. Cindy Miller made a motion to approve Bracy Construction Payment Request #8 in the amount of \$109,760.85. David Hess seconded the motion. Jerry Pritchard questioned what the completion date was for the project. Alice Rehrig commented they were targeting mid-April. Jerry Pritchard commented everything should be paid off in the next billing cycling except retainage. Alice Rehrig commented depending on timing, it could be close to where a portion of the retainage could be released. Jerry Pritchard questioned if there was a provision in the contract for a penalty if the project is

not completed on time. Alice Rehrig commented she was not certain if that was included. David Hess questioned how far along they were with the project. Alice Rehrig commented they are getting ready to paint the water tanks and the drywall and spackling has been completed. They are in the process of scheduling with PPL for the pole and connection. This is probably the greatest potential for timing issues right now. The project is within two weeks of what was originally anticipated. All voted aye. Motion carried.

IX. NEW BUSINESS

A. Manager's Report. Alice Rehrig did not have anything additional to report outside her written report.

Cindy Miller questioned the status of the heating system that was approved. Alice Rehrig commented the work is scheduled to start on Monday and expected to be completed by Wednesday or Thursday.

Katherine Mack questioned if there is a plan for putting monitors in the meeting room. Mike Jones commented the Township applied for a grant and are waiting to hear whether it was approved.

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

Katherine Mack questioned what the status was of the Hefflefinger and Medical Marijuana campus appeals. Attorney Backenstoe commented they are both still pending.

X. PUBLIC COMMENT. Monica Brown commented she was at Delps Park yesterday. Even though the dog park is still closed, there were 14 cars in the parking lot. People are still using the park. Cindy Miller commented she was out there today and there were quite a few people there. It's really nice to see people using the park.

Paul Nikisher commented he has been getting feedback from people regarding the fire tax. He believes it was much needed and the residents still need to support the Fire Company.

Kim McGonigle commented she believes the Board failed in letting people know about the tax; not everyone is on Facebook or sees the boards. A note should have been sent at some point to the residents explaining the fire tax for the people who were unaware of it. Mike Jones commented the Board did what they could to notify people. There were advertisements, Facebook posts, the website, and on the sign Board.

Rick Hildebrand commented every year there are elections and people vote for the people who they believe will do the right job. This is a business meeting and a business decision. It is something that is advertised, publicized. Each time the Board has to make a decision, it cannot be sent to every single house. The Board has done a fantastic job of maintaining the tax base for quite a very long time; however, the cost of doing business has gone up drastically. That is where it came into a financial pinch where they had to make some kind of decision. They also made a very frugal decision because there was a whole lot more that could have been funded, but they held back on it. They are still doing their part as a Fire Company by continuing to try to raise funds. They didn't try to reduce their fundraising, but they needed help because of how much the items costs to be replaced. He understands people may be shocked because they didn't know or get notice, but that is what voting is about. It is about putting the right people at the front table to make these decisions. By law, the fire tax could not be put on the ballot as a referendum. What are they supposed to do, ask for 11,000 opinions before voting on something. You hear the same six, ten, or fifteen people on Facebook. Is this a mutiny of the people or just a couple of keyboard warriors going at it. If people were truly concerned, you would see them at the meeting, but it is the same people. He doesn't believe the Board could have hashed this out any more than what they did. It is a done deal, for the right reasons, and the Board did their job.

Cindy Miller commented she has not received one phone call about the fire tax or how concerned someone was. No one will face the Board; it is just keyboard warriors hiding behind Facebook. The society has been one of entitlement where everything has to be brought to them rather than them taking the responsibility to be informed.

Mary Trexler commented when she received phone calls, she did the best she could to try to explain the tax. She has told everyone that it was advertised for almost six months and a meeting was set up at the Fire Company because the Board wanted to hear feedback from the people. She also included in it an article that will be coming out in the newsletter.

Jerry Pritchard commented he has been on the Board for two years. The topic of a fire tax has been a topic of discussion since he was on the Board. The sign was at the fire company; there were notices. The community likes to gossip; everyone should have known.

Jerry Pritchard commented someone had previously asked him to set up a Facebook page regarding what is taking place in the Township. He said no because you have to administer the page. Whomever is administrating a Facebook page, Neighbors Helping Neighbors page, is responsible. It was set up during COVID-19 and has turned into a gossip column. Whomever is administering the page may want to check who they are allowing, who has fake names that they are allowing, and allowing them to spew on that

page. Legally, they own it. Outside people are joining the page and reflecting lies, defamation and it is being allowed. They need to make sure what they own. Rick Hildebrand commented from being at the fire company for 43 years, he has a good idea of what is going on. He will see comments on that page where people are stating what they know and it is clearly wrong.

Rick Hildebrand also noted this year is the 80th anniversary of the Fire Company.

Linda Roman commented some people do not attend the meetings because of the time of day they are held. She believes that there should be an expiration date on the Fire Tax. Otherwise, it will go on forever. Once the needs of the Fire Company are met, the tax should end.

Tim Bartlett commented he has been with the Fire Company for over a year. He has never seen a more dedicated group of people that give up their time voluntarily. They do not hesitate to help whether or not the tax has been paid. The fire tax could have been hidden within the regular taxes, but the Board chose to be transparent and show everyone what the tax was for.

Monica Brown commented the Board hadn't increase taxes for nine years. Whose expenses have not increase over this time? It had to come to a point where something had to be done. Maybe not having a tax increase for nine years makes up for the fact that a fire tax is needed to keep our volunteer fire company going. School taxes go up every year.

- XI. ADJOURN. Cindy Miller made a motion to adjourn. Janet Sheats seconded the motion. All voted aye. Motion carried.