

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

September 27, 2022

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, September 27, 2022, 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: Cindy Miller  
David Hess  
Phil Gogel  
Mike Jones  
Attorney David Backenstoe  
Alice Rehrig

Absent: Jerry Pritchard

- II. 2023 BUDGET & CAPITAL IMPROVEMENTS PLAN. The Board reviewed the 2023 Capital Improvements Plan in detail for all the Departments. Specific discussions regarding the items listed in the plan were as follows:

Administration:

Microphone. An additional microphone had been previously included in the plan and is listed in 2023. Rather than purchase the single microphone for the current system that is not being utilized, it would make more sense to hold off and have a new upgraded sound system installed as part of a technology upgrade with the COVID Relief Funding.

Monitors for meeting room. It was determined that the monitors for the meeting room should be a project for 2023 rather than hold off for technology improvements. Cindy Miller commented she would like to see them done sooner than later so people can see what is going on during discussions, especially at Planning. Phil Gogel commented he would agree. It's expected that Jaendl will be coming in soon and people will be coming to meetings to see what is going on. Alice Rehrig will contact Keystone Technology for a quote to move the project forward.

Office Heating/Air and Meeting Room Heating/Air. The replacement of the office unit has been included in the budget for a few years, but the system is working, but not as efficiently as it should be. There currently is no dedicated unit to the meeting room; it is fed from the office unit. The meeting room system is listed as a project

under the COVID relief funding. It was suggested that the split systems or mini cassette systems be looked at as an alternate to the traditional heat pump. An evaluation of the existing systems and replacements will need to be done.

Police:

Vehicles. The plan was updated to include the vehicle which was just purchased through the auction. Since a vehicle will not be needed in 2024 and 2025, she did provide an amount to be saved towards the replacement of the truck when it is needed so that the future budget wouldn't be severely impacted. Phil Gogel questioned if we always had eight cars. He recalls when the K9 program was started, the Chief had stated he would be willing to give up his car if the K9 vehicle was tied up all the time with the K9, which it is. It seems like we are floating an extra car since then, taking into consideration gas, parts, and wear and tear. Alice Rehrig commented we didn't pick up any extra vehicles since we had the K9 program. The car that was designated as the K9 car used to have two officers assigned to it. The one officer that was assigned to that car was reassigned to a different vehicle. Phil Gogel questioned if that meant there was three people assigned to another vehicle. Alice Rehrig commented she believes that is the case; she believes it may be Car 9 which is the one where the battery caught fire.

Uniform Maintenance. There is only one vest that is needed in 2023 in addition to the regular uniform replacement. Phil Gogel commented he noticed 2022 was over budget. Alice Rehrig commented it was a combination of uniforms going up in price and not being able to get items last year. There were several items ordered last year that didn't come in until March or April of this year. Some of these items were the vests. The Chief has applied to the Department of Justice for reimbursement for 50% of the vests, but there is no way of knowing when that money will be received so that revenue is not part of the budget.

Department Sign. The face is the only portion that needs to be replaced.

Fire:

Equipment Contribution. The contribution amount towards the Truck Fund remains the same at \$200,000.

Public Works:

Equipment Replacement. In 2022, Frank Zamadics had been planning on replacing the two small pickup trucks and the small dump truck. Instead of replacing the small dump

truck, we had the new motor installed. The pricing for the pickups has increased drastically plus there is an extended delivery time. Frank Zamadics felt it was best to hold off on the pick up truck replacement for another year and see where things are next year in hopes that the pricing will stabilize. There is also going to be a single axle dump truck coming up for replacement in another year. He would rather hold off to see where the greatest need will be. He would like to move forward with the attachments for a skid loader. Walnutport just purchased a skid loader and is willing to work with the Township on an equipment exchange where we could borrow their skid loader and they could use our attachments rather than having each municipality duplicate the equipment. If for some reason the arrangement doesn't work out, we could always purchase the skid loader in the future.

Loans. The balance at the end of the 2022 is going to be \$58,000. Depending upon how things go next year, consideration may be given to pay off the balance of the loan.

Scan Tool. Frank Zamadics commented he is not planning on purchasing the scan tool. Unless we subscribe to a service, which is costly, we will not be able to get all the codes with the tool. Rather than spending all that money up front, Frank Zamadics commented it would make more sense to have the dealership read the code.

Bucket Truck Inspection. Based on past experience, this year could be a year where there are greater expenses in order for the bucket portion of the truck to pass the safety inspection.

Recreation:

Cooler Replacement for Berlinsville. The Rec Board will be trying to get a new cooler donated by Coke, but in the event it doesn't work out, money has been allocated for the replacement. Cindy Miller suggested watching for sales when restaurants go out of business; the Rec Board may be able to obtain one at a very reasonable price.

Pavilion Roof in Danielsville. The Rec Board has been putting money aside for when the pavilion roof needs to be replaced. Mike Jones commented the roof is not bad and can wait at least another year.

Block Building Roof. The fire company built the building in 1992. There will need to be additional discussions regarding the use of the building. If the Fire Company is not going to use the building, it could be utilized by the Township.

Light Replacement at Berlinsville. There are roughly 6 to 8 lights that are out at the baseball field and the Rec Board would like to see these lights and ballasts replaced in 2023 rather than do a complete re-lamping because the hours on the lights are less than what was anticipated. Going forward, they would do this same process as needed. The cost of the lift rental is roughly \$2,000. If the \$3,500 is not enough to cover the expense, there is also \$1,500 available in the ballfield lighting account.

Cindy Miller questioned the reasoning for the retaining wall and tennis court refurbishing being pushed out to 2024. Alice Rehrig commented it was a matter of getting pricing and seeing what the cost would be. The Rec Board has been putting money aside for these projects. Cindy Miller noted there is a lot of recreation grant money available. She would like to see them apply for grant funding. It would be nice to see them get some of the other project in for people to use.

All of the Capital Improvement projects have been included in the budget.

III. APPROVAL OF THE MINUTES

A. Minutes of September 13, 2022. Cindy Miller made a motion to approve these minutes. Phil Gogel seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS.

A. General Fund Checks 26132 to 26162. David Hess made a motion to approve these bills. Cindy Miller seconded the motion. All voted aye. Motion carried.

V. OLD BUSINESS

A. Cherryville Intersection. Jim Milot provided the Board with a status update on the intersection and Change Order #3. The work on the intersection was predominantly completed, and during the final inspection by PennDOT, they rejected some of the ADA facilities and are requiring some upgrades because of the adjustments that had to be made in the field because the Township's portion of the project was completed before the Turkey Hill portion of the project. Change Order #2 had been previously presented to the Board to upgrade the pedestrian pushbuttons and signal heads because PennDOT would not allow the Township to only do their part of them and still have the old facilities in the remainder of the intersection. Change Order #3 is to add additional flare areas adjacent to the maneuvering areas of the pedestrian ramps to close the gaps between the maneuvering area for the ramps and the foundation areas of the pedestrian pole by the existing Turkey Hill and a mast arm on the Bodish side of the intersection. With some negotiating, we were able to salvage the pedestrian

ramps by the Fire Company. In order to prevent any additional problems going forward, part of the change order includes three 3 inch extension arms for all the push buttons. This is to ensure that we have a reach that is less than or equal to 10 inches from any of the perimeter areas on the maneuvering areas. The additional flares are to ensure that a wheelchair tire or wheel does not go off the edge of the maneuvering area in the gap between the foundation and the maneuvering area. Part of this was necessitated because there was a pipe that couldn't be abandoned in part of the project area because of the new Turkey Hill not being built and this pipe serves as an inlet within Blue Mountain Drive. Because of this, we had to shift our facilities out of the way of the pipe. We are now down to the point where the contractor has some punch list items from PennDOT that they must compete outside of this change order. The Change Order breaks down additional facilities that were not included in the original scope of work, including removal of more of the timber guiderail along the parking lot because PennDOT will not allow us to have a tying slope as steep as the landing area without putting in a cheek wall. While they were in the field they came to an agreement that it would be more cost effective to remove the timber guiderail and grade in a 3:1 slope as opposed to having more concrete work done which would cost several thousand dollars above this change order. The change order also provides for mobilization, traffic control, the three push buttons, the flare at each of the poles along Route 248, and the tie in area on the Turkey Hill side of the intersection. The total of Change Order #3 is \$19,713.37. This appears to be a reasonable cost. They have compared this to other work that is similar in nature. He has been working with the contractor to get the price down to this point over the past week and a half. He wanted to get this to the Board for this meeting because we have lost more time since the PennDOT meeting because it took this long to get to this point. In addition to this, he has preliminarily looked at Change Order #4 which will be a reconciliation change order which says these are the materials that you did not use and the Township gets credit back. His preliminary numbers indicate we will be getting between \$32,000 and \$33,000 back or credit when the change order is processed. This credit is mostly made up of pavement markings, paving, and additional sidewalk that we couldn't do because Turkey Hill is not in yet. Our paving would have extended further through the intersection and the pavement markings would have included the left turn lane and taper striping, and sidewalk and excavation work because we would have been coming further around the curve by the existing Turkey Hill. He will submit Change Order #4 to the Board when all the work has been complete and we are ready for final payment.

Phil Gogel questioned if the Township will be required to do the striping later on after the intersection is complete. Jim Milot commented he has multiple meetings with Lehigh Engineering's group to coordinate that they will have to do the work that we were not able to complete. Melissa Maupin has been emphatic that all the work will be finished by Turkey Hill.

Jim Milot is requesting this change order be acted upon at this meeting because it is time sensitive. We need to get this project wrapped up and there is not much of a construction season left.

Cindy Miller questioned if there was money available in the grant or if the funding was used up. Alice Rehrig commented there wouldn't be money left in the grant, but with the credit for the materials, it would work itself out. Cindy Miller commented the only way she would approve this change order is if the money is coming back. She is so disgusted with everything PennDOT put the Township through with this project. Alice Rehrig commented Change Order #2 was in the amount of \$10,321.70, making the total of the change orders associated with the Township doing the project before Turkey Hill around \$30,000 which would be less than the expected credit for Change Order #4.

Mike Jones questioned if this is it and everything is done after this. Jim Milot commented there should not be any extra scope that would be encumbered by the Township after this. From this point now, it would be between PennDOT and the contractor and not a change in the scope. Cindy Miller questioned how the overlay of Blue Mountain Drive will affect the project. Jim Milot commented we are clear of working on the Blue Mountain Drive. The work we need to do is all along Route 248.

Cindy Miller questioned if Turkey Hill is making any progress. Jim Milot commented they have recently made several submissions to PennDOT. Cindy Miller commented she had heard there was also a hold up with the Conservation District. Jim Milot commented he is not aware of any other issues, but he wasn't specifically told what was outstanding by Lehigh Engineering.

Cindy Miller commented she wants to be clear that the Township has not incurred any debt with the project. When the contractor is paid in full, there will not be any grant funding remaining. Alice Rehrig also noted the grant needs to be closed out with the State. Cindy Miller commented the State has really been good to work with. They have given us three extensions, which are unheard of, for this project. We were very fortunate we were able to show progress on the project.

David Hess made a motion to approve Change Order #3 in the amount of \$19,713.37 as outlined in the Township Engineer's letter dated September 27, 2022, subject to Change Order #4 being a reduction in the contract in an amount that is adequate to cover the cost of Change Orders #2 and #3. Cindy Miller seconded the motion. Alice Rehrig will ask Jim Milot to prepare a draft of Change Order #4 as soon as possible. All voted aye. Motion carried.

B. Maintenance Building. There was no additional information on the building.

VI. NEW BUSINESS

A. Police Department Accreditation. Jim Adams from the PA Chiefs Association was present to present the Police Department with their Accreditation Certificate. The Department obtained their Accreditation status in February. Mr. Adams commented the certification represents a lot of hard work by the Police Department. Once the decision was made to become an accredited department, they had five years to complete the process. It is a very intense period of time where they need to do a self-assessment of their department, comparing their existing policies against the PA Chiefs Association's 125 best practice standards. Within these standards, there are another 245 sub-standards. These standards cover almost every aspect of what they do, from being on the street, administratively, how they handle calls, and how they conduct themselves. When the department is about 12 months out from when they feel they are ready to have their on site assessment, they begin gathering proofs. Not only does the program require them to have the best operating practices and procedures, they also have to show proof of compliance that the agency is following those policies. A few months before they are ready for their final assessment, they do a mock assessment where a team of volunteers comes in and reviews the policies and how they compare to the standards and having the appropriate proofs attached to the policies. After this, his team from the PA Law Enforcement Accreditation Commission come in and go through all the policies, standards and sub-standards making sure there is a good fit between the agency policies and procedures and how they meet the standards. They also do ride alongs with the department while they are here, interviews, and sometimes even interview elected officials and Township Manager. When this is complete, a detailed report goes before the Accreditation Commission which meets three times per year and gets voted upon unanimously to grant the accreditation to the department.

There are 1,100 municipal police departments in Pennsylvania. 370 departments are enrolled in the program. In the history of the program, they have accredited

a total of 160 agencies, and currently 147 are still accredited. The difference between the total of departments who have reach accreditation and who are still accredited is because the accreditation certificate is not a certificate for life. The departments have to submit a very detailed report to his office where they do their own self-assessment, attesting they are still in compliance with the standards. Every three years a new team of assessors comes in and the department must go through the same process again.

- B. 2023 Pension Minimum Municipal Obligations. In accordance with Act 205, Alice Rehrig is required to present the Board with the Minimum Municipal Obligations for the Township's pension plans. The 2023 contribution for the Non-Uniformed Employees will be \$ 52,164 and the contribution for the Police Pension will be \$310,020. Both of these amounts have been included in the 2023 Budget.
- C. Resolutions for Adoption
1. Resolution 2022-20, Authorization of Grant Submission for Funding towards a Ladder Firetruck through Monroe County Gaming Grant. Cindy Miller made a motion to adopt Resolution 2022-20. Phil Gogel seconded the motion. Rick Hildebrand questioned how much was being requested. Alice Rehrig commented we requested \$750,000, but that is most likely not the amount we will receive. It is typical that they reduce the requested amount during the grant review. All voted aye. Motion carried.
  2. Resolution 2022-21, Authorization of Grant Submission for Funding towards Above Ground Fuel Storage System. Cindy Miller made a motion to adopt Resolution 2022-20. David Hess seconded the motion. All voted aye. Motion carried.
  3. Resolution 2022-22, Authorizing the Execution of Traffic Signal Maintenance Agreement with PennDOT. This resolution is the standard PennDOT resolution and maintenance agreement for traffic signals. Attorney Backenstoe commented it is something that PennDOT requires and the Board had to do it, although he does not like some of the provisions they include because the Township has to indemnify PennDOT and hold them harmless. For some of his other Township he has written to PennDOT and told them the language is not appropriate and it is not fair, but they will not change the language. This particular

agreement is slightly better than some of the other agreements because the Township is indemnifying PennDOT from Township acts or neglect or misconduct rather than all acts.

Phil Gogel made a motion to adopt Resolution 2022-22. David Hess seconded the motion. All voted aye. Motion carried.

4. Resolution 2022-23, Amending Various Line Items in the 2022 Budget. David Hess made a motion to adopt Resolution 2023-23. Phil Gogel seconded the motion. Mike Jones questioned why the electricity for Berlinsville increased so much. Alice Rehrig commented it was because the field lights were used more. There were offsetting field use fees received as well. Katherine Mack questioned what the various items were. After hearing the list of proposed changes, questioned if she understood correctly that there were enough additional fees to offset the increase in the Zoning Hearing Board Solicitor fees and balance it out for the rest of the year. Alice Rehrig commented these adjustments were based upon year to date numbers through September. The addition legal fees were \$350 more than the revenues. Katherine Mack commented it would appear that there was enough money that was brought in to pay for the zoning costs. Alice Rehrig commented the year to date zoning hearing fees are \$15,000; the legal services for the Zoning Hearing Board are at \$23,000. Phil Gogel commented there will probably need to be another resolution for the end of the year. Alice Rehrig commented there would be. She felt that the Board should be able to see how we were able to cover the overages in expenses through September. All voted aye. Motion carried.
- D. Employee Appreciation. There would be a total of 40 turkeys to be purchased for the employees and boards. Phil Gogel made a motion to purchase the 14 to 16 pound turkeys for employee and board appreciation. David Hess seconded the motion. All voted aye. Motion carried.
- E. Manager's Report. A resident approached Alice Rehrig if the Board would be interested in accepting a donation of property in Pennsville above Mangrove Road. It is a small piece of property, around 40 feet wide and would need to be accessed by private roads. The Board did not feel they would be able to utilize the property and it would be best for the individual to offer the property to one of the neighbors.

- F. Solicitor's Report. Attorney Backenstoe reported he has been working with Mike Muffley on the Northwoods project. They are moving along and want to get it recorded, but there are a lot of issues. They did sell the land, they need to do a lot consolidation, improvements agreements, and provide a letter of credit in the amount of \$4 million for just Phase I. There will be a separate maintenance agreement, improvements agreement, and operation and maintenance agreement for BMPs each phase. The roads will be private, but they still need to be secured and installed properly. He believes the agreements should be before the Board within the next month or so.

Similarly, they are waiting for Turkey Hill to get their letter of credit finalized, final submissions to PennDOT, and some engineering issues to resolve. Cindy Miller noted earlier Jim Milot reported they just did a submission to PennDOT.

David Hess asked if there was an update on the Vandling Property. Attorney Backenstoe commented he has seen emails go back and forth where the neighbors are putting pressure on DEP to get him to do what he is supposed to do. Things are pretty much at a standoff because he can't do what they want him to do until he files a soil and erosion control plan with the Township, which he has not done. It would have made more sense for him to include the E & S plan with his land development plan. Typically, they are done together. Katherine Mack commented it was stated at a previous meeting that the property was going up for tax sale, but she hasn't seen anything on the County website. David Hess commented he heard someone went down and paid the taxes.

- VII. PUBLIC COMMENT. Linda Roman commented there is a large tree that snapped off in Indiantrail Park. She also noted the contractors did a really good job on the bridge on Cinchona Road.

Rick Hildebrand commented one of the members of the Fire Company who works on engines investigated the motor issue on the ladder truck and found a cracked head rather than a problem with one of the cylinder sleeves. They are looking at getting a vendor to replace the head and get it back in service. He also reported the engine broke during training last evening so that truck will be taken out of service for a few days and they will have to reluctantly put the ladder back in service, but since the issue they are having is just a cracked head versus the cylinders, they are not as concerned as they were previously.

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A resident questioned if there was any additional information regarding Chapter 170. He moved here recently and heard the Board was looking at making changes to Chapter 170. He is interested if he will still be able to shoot on his property. Mike Jones commented the Board is looking to change the ordinance to follow the State rules rather than having the Board issue permits. There may be a restriction on the size of the lot. Attorney Backenstoe commented he is currently in the process of reviewing the proposed changes against the most recent case law. Phil Gogel commented the Board is basically putting the responsibility of the range on the homeowner rather than on the Board.

- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss a matter pertaining to a Collective Bargaining Agreement. No action was taken.
- IX. ADJOURN. David Hess made a motion to adjourn. Phil Gogel seconded the motion. All voted aye. Motion carried.