

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

February 11, 2025

6:30 p.m.

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, February 11, 2025, at 6:30 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Vice Chairman Jerry Pritchard called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
Janet Sheats
David Hess
Jerry Pritchard
Attorney David Backenstoe
Alice Rehrig
Mike Muffley
Scott Fogel
Liz Amato

Absent: Mike Jones
Frank Zamadics

The Vice Chairman announced the Board held an Executive Session prior to the start of the meeting to discuss personnel. No action was taken.

- II. PENNONI ASSOCIATES. Matt Wanamaker was present on behalf of Pennoni Associates to introduce himself and the firm regarding the completion of the Zoning Ordinance update and SALDO updates. Pennoni Associates is largely an engineering firm; however, they do have a small planning group that is split between the Bethlehem and Philadelphia area. They have done work in the County previously; he has municipal appointments nearby. They are working with URDC to complete the work they have previously started so they have a lot of the materials that have already been delivered to the Township. They do have some additional work to do in order to complete the SALDO and they are prepared to do that.

Jerry Pritchard questioned if they have reviewed all the files. Mr. Wanamaker commented they have collected it and know they have what they need, but haven't really dug too far into it since there is not a signed contract. He can confirm he has everything they need to continue.

Cindy Miller commented it is her understanding that based on the contract, Pennoni would be able to meet the costs that were remaining under the URDC contract. Mr. Wanamaker commented that was correct. Jerry Pritchard questioned how that could be determined if all the files haven't been reviewed. Mr. Wanamaker commented, due to the unique situation of URDC, they made an agreement with them that they could continue their work under their existing contracts. They intend to meet all their existing contracts. He understands if there is an overage, he will have to eat it. It is a unique situation and they felt this was the right thing to do.

Cindy Miller commented the Planning Commission discussed this and canceled the February meeting and would reconvene in March if Mr. Wanamaker was ready and would also work on coordinating a meeting date if the scheduling is an issue. They also discussed the SALDO part of it where the technical part of it is mostly engineering and zoning so that could be worked on between those parties and then present a draft back to the Planners rather than meeting every month for SALDO. Mike Muffley commented he and Mr. Wanamaker can keep in direct contact along with the Zoning Officer and Administration and work on it as a small group and then bring it back to the Committee since it is a relatively large group.

III. APPROVAL OF THE MINUTES

A. January 28, 2025. Janet Sheats made a motion to approve these minutes. David Hess seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF BILLS

A. General Fund Checks 28452 to 28494. Janet Sheats made a motion to approve these bills. Cindy Miller seconded the motion. Cindy Miller questioned Check 28481 pertaining to the garage door. Alice Rehrig commented that was to replace the garage door on the building between the Public Works Building and the Police Station. The door was not working and in constant need of repairs and it reached a point where it made more sense to replace the door than to continue to pay the service calls for them to come out each time it wasn't working. The door was ordered last year, but just came in now. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

A. Plan for Approval

1. Carl & Linda Becker Minor Subdivision. Bob Hoppes and Carl Becker were present to represent this plan. This plan received conditional approval at the Planning Commission in January. There was one waiver that was being requested regarding to SALDO Section 147-29 pertaining to wetlands. There was no objections to this waiver by the Planning Commission.

David Hess made a motion to grant the waiver of SALDO Section 147-29 pertaining to Wetland Certification conditioned upon the applicant adding the note to the plan that is outlined in the Planning Commission's letter of recommendation dated January 20, 2025. Cindy Miller seconded the motion. All voted aye. Motion carried.

Cindy Miller made a motion to grant conditional final approval of this plan conditioned upon the applicant complying with the items in the Planning Commission's letter dated January 20, 2025, the Township Engineer's letter dated January 13, 2025, and Sewage Enforcement Officer's letter dated January 3, 2025. David Hess seconded the motion. All voted aye. Motion carried.

B. Extension of Time for Plan Approval

1. Tyler & Emily Landis Minor Subdivision. Joe Gruver of Benchmark Engineering was present to represent this plan. Mr. Gruver commented the plan was held up waiting for DEP to approve their Planning Module. They have now received approval and will be submitting for the March meeting. Cindy Miller made a motion to accept the extension of time until April 30, 2025. David Hess seconded the motion. All voted aye. Motion carried
2. Keith & Karen Hantz Minor Subdivision. Keith Hantz was present to represent this plan. Mr. Hantz commented they made good progress at the Planning Commission meeting and received conditional approval. They will be submitting to the Board of Supervisors for their March meeting. Janet Sheats made a motion to accept the extension of time until April 30, 2025. Cindy Miller seconded the motion. All voted aye. Motion carried.
3. 3641 Magnolia Drive (Billy Carter) Minor Subdivision. Art Swallow Associates were present to represent the plan. They need an extension of time to comply with the Steep Slope Ordinance. Mike Muffley commented the initial plan has a few issues with the steep slope requirements and the impact it had on where houses, driveways, and septic systems could be located. When the surveyor spoke with the owner regarding this, they decided to reconfigure some of the layout and are working on getting a new plan back to the Township that meets the steep slope requirements. Cindy Miller made motion to accept the extension of time until June 27, 2025. Janet Sheats seconded the motion. All voted aye. Motion carried

C. Extension of Time for Plan Recording

1. LTMA Pennsville Booster Station. Wayne Doyle from Cowan Associates was present to represent the plan. They are requesting an extension of time to record the plan until December 31, 2025. The Authority is requesting the extension of

time for recording because they are awaiting design plans from the waste water treatment designer from Lehigh Valley Resort and Spa. They have not received revised plans based on his office's review in November 2024. They are waiting on the design plans so they can guarantee to the Township that there will be no modifications to the site improvement. Mike Muffley commented this plan cannot really move forward until the LVRS plan is finalized and ready for recording. It is a necessary component of the LVRS plan and until that plan is finalized, there could be a risk of minor changes to this plan. It is easier to modify the plan now than waiting until after it is recorded. Mr. Doyle also noted the NPDES permit for this project expires May 31, 2026. They will need to be filing for an extension for that permit by November 2025. Cindy Miller made a motion grant an extension of time until December 31, 2025, to record this plan. Janet Sheats seconded the motion. All voted aye. Motion carried.

Cindy Miller questioned if LTMA planned on filing for any additional grants for this project. Angelika Fortun commented they received an H2O grant for the treatment plan and two rounds of LSA funding. She does not believe there are any additional plans for filing for grants for the LVRS portion of the development. The LTMA may proceed with some minor grants on their own.

- D. Lehigh Valley Resort and Spa. Nichole Galeo was present to represent this project. Ms. Galeo is the Director of Engineering and Design for the Jaindl Land Development Company. Ms. Galeo reported that Fred Ebert of Ebert Engineering will be resubmitting the design plans next week. He was waiting for information from an electrical contractor which is what caused the delay in resubmitting the plan since November.

The main items holding up the plan from getting recorded is the event barn. They now have architectural plans and are working on getting the grading finalized. The NPDES permit for the on site work required an extension of time which was submitted the end of December. There also was a minor amendment required for changes in the location of the event barn.

They are coordinating the design efforts of all the plans and the changes that were made by the various consultants. They are looking to start construction later this year, possibly over the summer. They expect to be submitting plans back to Mike Muffley over the next three to four weeks.

Cindy Miller questioned if the plan will be coming back to Planning again. Mike Muffley commented it was agreed that he would review the final submission and report back if there was anything substantial in the review. The layout of the site is pretty much set with the exception of the barn of which they did provide the location

where they want to put it and are working on the grading and stormwater. The Northampton County Conservation district will also have to do a final review for the Chapter 102 requirements.

Janet Sheats questioned if there was a timeline for the residential component. Ms. Galeo commented they didn't have a timeline. They did have a concept plan, but that is as far as they went. Their focus has been on completing the report portion of the project. They may be revisiting this once they get the construction started.

- E. Engineer's Report. Mike Muffley reported the David Wasko self-storage plan was before the Planning Commission at their meeting last evening. The overall layout of the plan is good, but there are some outside agency items and stormwater details that need to be worked through. It is expected that the plan will receive conditional approval in March.

VI. DEPARTMENTAL/ORGANIZATIONAL REPORT

- A. Recreation Report. Sandy Hopkins reported Northern Lehigh will be starting their games in Berlinsville on March 18th.

St. Nicholas Church will be hosting a star gazing event at Delps on June 7th.

The Recreation Board had a discussion regarding hiring a consultant for the parks.

The wall at Berlinsville is near finished. The fence needs to be replaced and padding installed on wall. They will have LT on both ends of the wall and the Lions symbol in the middle. The Lions will be contributing to the wall, but the final amount has to be determined.

They also discussed improvements and items that need to be repaired, such as the tennis court in Danielsville and whether they need to hire an engineer or ask the Township Engineer to review the site regarding the water issues there.

Jerry Pritchard commented he has been working on the padding on the wall and trying to get that completed prior to the start of high school baseball. If the padding cannot get completed in time, there may need to be a temporary barrier. David Hess questioned if a motion is needed to pay for the padding. Jerry Pritchard commented he doesn't know which company it will be at this point. It depends upon pricing and availability. Janet Sheats suggested a motion be made to authorize an amount up to a certain price. Jerry Pritchard commented the lowest price at this point is \$20,700. A second estimate was \$25,000. Cindy Miller questioned how much was budgeted for the wall. Alice Rehrig commented the wall was budgeted at \$16,000 and the Lions

indicated they would contribute \$14,000 towards the padding so the balance of the padding would need to come from the Recreation Land Fees because it is not part of the General Fund Budget. Cindy Miller questioned if we have the amount from the Lions in writing so we know what the actual costs will be. Jerry Pritchard commented they were in contact with the Lions during the meeting and they are willing to commit \$14,500 towards the padding. Cindy Miller commented the information should be provided to the Board in writing so they know what the costs will be.

Katherine Mack questioned if there would be a liability to the Township if the mats are not installed on the wall. Jerry Pritchard commented if the mats are not installed, we would need to put up temporary fencing to prevent someone from hitting the wall.

Cindy Motion made a motion to table this until there is additional information available. Janet Sheats seconded the motion. All voted aye. Motion carried.

With regard to the tennis courts, the Board of Supervisors needs to grant the authority to Mike Muffley to meet with someone from the Recreation Board and get suggestions to move forward on that project.

- B. Public Works. Alice Rehrig reported Frank Zamadics provided her with a list of roads that could be done through the CDBG grant program. She will need to find out what the maximum grant amounts are for submission because there are about 15 roads on the list.

Frank Zamadics also spoke with Upper Macungie regarding the used lift. Upper Macungie has placed their order for a new lift and are expecting the used lift to become available in the next month or so.

Phil Gogel commented years ago when Waste Management went in, they paid road improvement money. Is this money still available and what is the amount? Alice Rehrig commented she believes it is about \$112,000.

- C. Zoning Report. Liz Amato reported in January, there were 24 new permit applications received, 21 permits were issued, and 6 new complaints were received. There were no zoning hearings scheduled for February.

She reached out to the Labor and Industry auditor since she hasn't received her report yet. They indicated they are behind in getting the letters out to the municipalities, but we will eventually receive the letter.

- D. Police Report. Chief Fogel reported there were 406 logged incidents in January which would average out to 16.2 calls in a 24 hour period.

Chief Fogel would like to being the promotional process for Sergeants and provided the Board with drafts of the documents that were used in the past. He also reached out to various Chiefs in the area, the process that was used in the past appears to be the standard. The only thing that he may be looking at changing are the percentages for the various components of the testing process. In the past there was a written exam, oral interview, and an in-basket which is a scenario based question at the end. He is not certain if the in-basket will materialize or if it will just be additional questions at the end. If it is just additional questions, it will be 50/50 rather than 33/33/33. To start the process, we would need to get the literature that the officers would need to read and study for the written test. Usually, you give them a month and a half or two months to study. Once the test is completed, it is sent to an outside organization for grading. From that point interviews are conducted by Chiefs, Lieutenants, or Sergeants from other departments. Chief Fogel would like to start the process since it does take a while.

Janet Sheats commented she believes we need to keep the process to the manner in which it was done before. Her concern is that we waited so long with Sergeant Henry going into the Detective position and wants to keep this moving along. Chief Fogel commented he understands, but it was difficult with five new people and getting everyone through their field training. The last officer should be completing his field training in about two or three weeks. Once that is complete, they will be back to having 12 officers on the road.

Jerry Pritchard questioned if the position of Detective has been completed. Chief Fogel commented the Detective has been selected, but he has not been moved into the position. With getting all the new officers up and running, he has not been able to completely move into that role. There is not enough manpower. In addition, he currently has two officers out sick. One has been out long term and the other was recently hospitalized and out for a few weeks. Janet Sheats noted that would mean we only have 10 officers. Chief Fogel commented there are 10 officers working the road, but 12 officers in the department.

Jerry Pritchard questioned if all 12 officers are needed in order to move Sergeant Henry into the detective position. Chief Fogel commented if he were to take Sergeant Henry off the road and keep him solely in the detective position, it would create a lot of overtime and issues with people working alone. He is still needed to cover the road. Between the two officers out sick and one still in field training and being paired with another officer, that really only leaves 9 officers for the road. Even if he would have started the detective process sooner, he still wouldn't be able to be in it full time because he would still be needed to cover the road. Having enough people on the road is paramount. The priority is to cover the road first. They have been working towards finding more time for him to be in the detective role. It is not ideal and he

would prefer to be at the end were everyone is in their proper place. If it were only one person out, it would be more manageable. With three people not being able to work the road, it is difficult. As Chief and not being in the bargaining unit, there is only certain things he is able to do to cover the road. Once the last officer completes his field training in the next few weeks and transitions to his squad to even things out and the other officer returns from sick leave, hopefully soon, it will get us back to where we should be. There is not a lot of room for error with 12 officers covering 24 hours a day, 365 days a year, people are spread thin. When people are out, it does create gaps in the schedule.

David Hess made a motion to authorize the Chief to move forward with the process promoting a sergeant. Janet Sheats seconded the motion. Janet Sheats commented she believes the Board needs to thoroughly read and discuss the process that was provided by the Chief so the Board understands it. Chief Fogel commented at this point, he only needs to order the tests and reading material so officers can begin to study. David Hess amended his motion to authorize the Chief to order the books and tests so officers can begin studying. Janet Sheats seconded the motion. All voted aye. Motion carried.

Chief Fogel commented the Department is now back to having 12 officers, but they are not all on the road. He doesn't remember the last time he had 12 officers on the road. It just doesn't seem to happen. Some may be the nature of the job because someone always seem to be hurt or ill. It is demanding and hours get crazy at times. The Department has been at 12 officers since before he started here. The 16.2 calls in a 24 hour period only leaves 8 hours to deal with evidence handling, write reports, search warrants, arrest warrants, review body and in car camera and log into evidence. None of the calls are cookie cutter type calls. The time each call takes varies greatly because each call is unpredictable and unique. There are calls that can take hours to complete and then there are others that may take 10 minutes. In addition to what is required by the calls, you would want the officers to do proactive patrol, community relations, stopping at the school, dealing with traffic related problems. He wanted to put it out to the Board for consideration as to where we are going for the future. Everyone around us is growing and we are not. Moore, Bushkill, and Upper Nazareth who are similar to us have 18, 14, and 15 officers. He knows it is not an exact comparison, but we do have more residents than each of those municipalities and less officers to serve the community. When he first started here, he did a staffing study and it basically said the same thing as what was previously done. He knows when you do the studies, it almost always states you need more personnel, that goes without saying. The studies are important so you understand why you need the personnel. It tells you the information behind the numbers. It tells you about the community you are serving, the residents and their needs and the average time spent on each call. It is a helpful resource and tool.

Carl Sharpe commented there is development within the Township. There are 34 homes going in between Myrtle Road and Quince Road, the development in the Treichlers area. We are building everywhere. Janet Sheats also commented the Jaindl project will be coming in as well. Carl Sharpe commented that development will come with about 500 homes. Cindy Miller noted the homes probably won't come in for another three years.

Janet Sheats commented she believes we need to get some financials as to how much was spent on overtime last year, how many hours of that was because someone was out, and how much money was spent in overtime versus having two part time officers. David Hess commented the Board has been discussing this. Janet Sheats commented we also need to know how much it would cost to put an officer on the street. Chief Fogel commented one of the problems is it doesn't take into account the down time the officers need. You are constantly burning the officers with overtime. He knows it came up about two young officers working together over the holiday, but where is he supposed to get officers from when they are the only ones available. We have five young officers which is almost half the department. He doesn't believe burning the officers with more overtime is the answer. They are already working it. This coming week and next there are three overtime shifts that were not filled when he looked at the schedule; although they may have been filled by now. Janet Sheats commented there should not be only one officer working by themselves, especially after the discussion last meeting. Chief Fogel commented it is difficult with only 12 officers. Even if there are twelve officers able to be working, there are still contractual issues that need to be dealt with regarding time off. There is vacation, personal, holiday, and comp time. These are items that need to be looked at in what we are trying to accomplish which is trying to provide the right service for our community. Right now, there are a lot of gaps and tired officers trying to keep up. Janet Sheats commented she believes these conversations have not taken place enough in the public eye. With what the Chief is asking and what she believes the public has wanted is community policing and we don't have the officers to do that. If the public doesn't hear from the Chief what has really been going on, when the possibility of raising taxes comes up, they don't understand why it is being done. Chief Fogel commented he has provided the Board the staffing studies over the past years with breakdowns of overtime. This is the first year he hasn't done one and he really hasn't had the time as he was trying to keep his head above water helping to run calls. There is plenty of work to go around. It is not an easy situation or conversation because no one likes to talk about raising taxes. He doesn't know if that even is part of the conversation now. He believes we need to sit down and start looking at what we need. You will never eliminate overtime because you will still have sick time, injuries, and unforeseen events. David Hess commented maybe the Association needs to be brought in to hear their suggestions as well. Chief Fogel

commented it is also a contract year which creates additional dynamics. We all know what needs to be done to move forward, we just need to figure out how to get there and what can be done to make it work for everyone.

- E. Fire Company Report. Rick Hildebrand reported there were 50 calls for the month, 9 of which were structures or houses. They also provided mutual aid eight times and have overlapping calls six times. The average time on scene was 35 minutes.

Last month they attend the incident review with DCNR on the Gap Fire in Reading. It was a favorable review. The State was overwhelmed by the amount of community support that was offered. They never saw anything like that. They will be taking the information from that meeting and have a roundtable discussion with other fire companies from the area who were involved with the fire.

Cindy Miller questioned if a report has been received from DCNR. She spoke with someone from DCNR and hasn't received one yet. Rick Hildebrand commented he has not received a written report. He believes Greg Reese is overseeing a lot of it and is their point of contact. He may be seeing him at an upcoming meeting and will try to obtain information.

This week the Fire Company will be holding their annual Valentine Fundraiser on February 12, 13, and 14. The money from the fundraising goes towards maintaining their equipment and keeping the lights on at the station.

Cindy Miller noted the Chamber will be distributing checks on February 21st. Rick Hildebrand commented he is working that day, but believes there is another officer or two that should be able to attend.

Rick Hildebrand also reported the Fire Company received a State Grant in the amount of \$16,322. Their award was the largest in Representative Mako's District, largely due to them having a minimum of 20 firefighters with Firefighter 1 certifications.

Cindy Miller commented Northampton County passed their bond of \$35 million. Included in this bond is \$6 million for the new radio system. There doesn't appear to be any funding being provided to municipalities. She would expect the new radio system will be coming in the near future. Chief Fogel commented there is a patch available that will allow the old radios to work with the new system for a period of time.

Cindy Miller commented she also saw the repeater at the Seminary was repaired. Rick Hildebrand commented the lightning strike caused about \$100,000 in repairs and there are still some issues with the radios. They are also looking at the future of

equipment being located on that site as the towers and antenna are not looked upon favorably. Part of the funding is to look into other locations. The new radios and portables are estimated to be costing \$6,000 to \$8,000 per radio.

- F. Municipal Authority. Carl Sharpe reported both of the sewage treatment plants have been running well in spite of the cold weather. The colder the weather gets, there is the possibility of freezing. There have been limited issues.

VII. OLD BUSINESS

- A. Maintenance Building. The engineer for Vision Mechanical submitted their calculations regarding the tank heaters and based upon the calculations, the heaters are the appropriate kilowatt. The next step is to insert longer thermometers and rods that will go further into the tanks. Vision supplied the cut sheets for the thermometers and asked the architect for authorization to order them. There is a three to four week lead time on delivery. Cindy Miller questioned if they were ordered or if they needed to be ordered. Alice Rehrig commented she would need to check because she only was the cut sheets that were submitted to W2A. She doesn't know if W2A gave them the authorization or approval to order them. Cindy Miller commented it doesn't sound as though they will meet the February 28th deadline if the items were not ordered and there is a three to four week window. The Board will need an update for the next meeting.
- B. Zoning Ordinance Update. Pennoni Engineering is prepared to take over the Zoning Ordinance update from URDC and once that is complete, they will move onto the SALDO updates. Pennoni has agreed to honor the URDC contract and pick up where they left off. Cindy Miller made a motion to hire Pennoni to complete the contract in accordance with the terms of URDC at a price not to exceed \$3,482 for Zoning and \$9,800 for SALDO. The total contract price is \$13,282. Janet Sheats seconded the motion. All voted aye. Motion carried.
- C. Park & Recreation Consultant. Alice Rehrig provided the Board with an updated draft of an RFP for a consultant to prepare a master park plan for the Township. Janet Sheats questioned what the recommendation was of the Rec Board. Jerry Pritchard commented the Rec Board met and were back and forth. Sandy Hopkins commented since they couldn't agree, they did not make a motion. Jerry Pritchard commented he doesn't believe the Rec Board is against the consultant, but they are not ready to move forward with it at the moment. He would like to see other projects, such as the wall and the tennis courts, completed before committing to a consultant and not being able to get the money back. Cindy Miller commented the money for the consultant is in the budget. Cindy Miller commented the Board doesn't know if the projects that the Recreation Board is working on are ones that should be completed because we

don't have a comprehensive plan. Jerry Pritchard commented the Board has spent a lot of money on consultants. Cindy Miller commented she would be happy to review a plan that the Rec Board comes up with. She's been asking for one for three to four years. Davis Hess commented he is not saying we shouldn't get a consultant, but just not now, maybe next year. Sandy Hopkins commented the discussion at the Rec Board was no, we are not spending the money.

Cindy Miller questioned how our parks would move forward to provide services to our community. David Hess commented he thinks the services we need to concentrate on right now are our police. Janet Sheats agreed; however, she did request a list of needs and wants at the last meeting. Jerry Pritchard commented the Rec Board is in the process of setting up the projects that need to be completed. Once the projects before them are complete, then look at spending the money on a consultant. Cindy Miller questioned how the Board would know that the tennis courts are a priority of what really needs to be done. David Hess commented since he has been on the Rec Board, the priority has always been the dog park and the tennis court. Jerry Pritchard commented he just doesn't agree with spending the money at this time. Cindy Miller noted the money is coming out of two different pots.

Janet Sheats commented she would like to see a list of what the Rec Board wants to get done, just like the other departments provide a list of what they have done and are looking to do. Cindy Miller noted the Rec Board is advisory and are to be advising the Board as to what it needed. They Supervisors are not be advised; they are being told what is being done and they haven't even voted on anything. She doesn't know what any of the costs are.

Sandy Hopkins commented they haven't provided a list of what they want because they really don't know what they want. They really don't know what the general public wants out there. They can ask for surveys and people don't want to take the surveys and get involved. The idea of a consultant is that they know what is going on in eastern Pennsylvania or the State of Pennsylvania and what people are desiring. The Rec Board has no inclination of what other townships have and are planning. Jerry Pritchard commented pickle ball is the upcoming item; it's all over the news. You don't need a consultant to know that. Cindy Miller commented if that is a priority, maybe a pickle ball court should have been done instead of the wall. Jerry Pritchard commented the wall was a safety issue. The wall was falling down.

Janet Sheats commented she doesn't want to keep adding projects when we have an issue with the tennis courts. If there was a problem with the tennis courts, why are we waiting until now to have the engineer look at them. Sandy Hopkins commented over the past few years, Maintenance said water was an issue but didn't have a

solution. Janet Sheats questioned why the consultant must be pushed through so quickly when it was only on the agenda for two meetings and the tennis courts have been an issue for three or four years.

Keith Hantz commented when the budget was done for the year, it sounds like there was money set aside for a consultant, so it must have been discussed at that time and the Board must have agreed to put money in the for the consultant. Jerry Pritchard commented just because it is in the budget doesn't mean we need to spend it. Cindy Miller commented then it shouldn't have been put in the budget and that \$50,000 could have been allocated for something else in recreation.

David Hess commented between last year and this year, the Board has spent a lot of money on consultants and that is why he doesn't agree with it whether it is in the budget or not. Cindy Miller commented the Zoning and SALDO were divided up over two years. David Hess noted we also spent money for consultants for the Police Department.

Katherine Mack commented she believes the Rec Board has done their homework because they went to each of the parks with a park person. In the minutes they have a list of activities, needs, and suggestions from a person who has some knowledge of this. Cindy Miller commented they walked the parks with Northampton County. They are not telling us what to do; they are throwing out ideas. That is not what a consultant would do. Katherine Mack commented just because there is something that is recommended by a consultant doesn't mean that is what you need to do. They can recommend something elaborate. There are probably items that can be listed for each park that needs to be done. She would believe you would want to take care of your needs before your wants. Cindy Miller commented the issue is what do we need; what is the priority. She has only every heard about a wall and a tennis court.

Cindy Miller made a motion to authorize Mike Muffley to meet with representatives from the Rec Board to look at the tennis court and make a recommendation regarding the water and drainage. Janet Sheats seconded the motion. Cindy Miller commented the other part of the tennis court which is why she was pushing the consultant is, is the tennis court in Danielsville really where you want it? Janet Sheats commented she thinks that can be determined after Mike Muffley looks at the tennis court. Paul Nikisher commented he agrees with having Mike Muffley look at the tennis court, but doesn't understand why you would want to throw \$40,000 or \$50,000 at a consultant. Cindy Miller commented that is what the consultants cost. We don't have the expertise to do this. Someone has to lay out the plan. All voted aye. Motion carried.

Cindy Miller commented we can keep throwing things out at the parks, but we don't know if that is what we should have. Then we end up throwing more money and

more money and it comes back that maybe we shouldn't have put that there; maybe we should have done this. That is why you hire professionals to do this. We don't have the expertise in house. What's to say that somewhere down the road, we wouldn't need a recreation and parks person. We may have 20,000 or 25,000 residents and need someone who is going to lead recreation for the Township and get paid. We can't look at just today. We need to look five and ten years down the road. That is the Board's job. If we only look at today, we are just making fixes here and there and pushing all the problems down the road and then it escalates to hundreds of thousands of dollars. Jerry Pritchard commented he doesn't believe our parks are a disaster. He hears people tell him how nice our parks are. Cindy Miller commented she hears there is nothing to do here. Parents are complaining that there is nothing to do for their kids other than organized sports. Janet Sheats commented she will agree that there is nothing beyond organized sports, but it also comes down to the parents. Cindy Miller commented people are leaving the Township to use parks everywhere else because we don't have things here. We can stay in the dark ages or start getting progressive and make it so people want to move here. Phil Gogel commented you need commercial property to carry the baseload of the taxes. Cindy Miller commented commercial won't come in without the residents. Phil Gogel commented you are clogging your major arteries up with houses instead of commercial.

Monica Brown commented if you hire a consultant and they look at each park, they can give you a potential of what can be done at the park. It doesn't mean you need to go forward, but if you have a plan, you may be able to get grants once you pick and choose what you want to develop and look for funding. Cindy Miller commented you can apply for a grant for planning, but that may be another year out. Janet Sheats questioned what the plan would be if we didn't get any grants for the parks. Cindy Miller commented if you don't get grants, you put money aside and then you just do it.

Rick Hildebrand commented from a grant standpoint, a lot of times they want to see consulting prior to getting into something like that. To go after grants, it is a feather in the hat and a bonus if you are going to apply for that. Cindy Miller commented the consultants are usually networked into the grants.

Carl Sharpe commented when Jaindl starts his project, he is on the hook for doing Pennsville. He is also on the hook for doing work at Delps. Cindy Miller commented he is on the hook for about \$120,000 when you read the agreement and that is mainly for Indiantrail Park. Phil Gogel commented he is also on the hook for \$500,000 to do construction work and free engineering and consulting and drawing up the plans. Cindy Miller commented Jaindl doesn't have to give us that \$500,000. He can use credits because he will be putting in recreation as part of his housing. Phil Gogel commented that was discussed, but it was not agreed upon.

D. Pine Run Construction

1. Payment Request #3. The work for the new fuel island was completed in November. By the end of November, the only outstanding item was the final inspection by Labor and Industry and filing for permits with DEP. At that point, Labor & Industry performed an inspection and the contractor was made aware that the Emergency Stop was installed too far away from the tanks. The contractor installed the button on the garage which was about 120 feet away and wouldn't approve the location. The contractor met with Frank Zamadics and said they need to fix that and they decided upon a new location. The contractor did all the work and did not notify Mike Muffley of the issue or discuss any change orders or pricing with the Township. They proceeded with the work without any oversight or inspection. About a week later, they contact Mike Muffley and said they did all the extra work and they need a change order. He told them he was not aware of what work was done and questioned how he should proceed in approving the change order and wouldn't negotiate a specific price. He requested they submit their time and materials. At the end of December, the contractor submitted a change order request for a fixed amount. Mike Muffley denied the change order because there was not enough documentation to support the price of the change order. Their options at that point were to either accept the denial or file a claim with the owner/Board of Supervisors, so they filed an appeal to the Board on his denial. Now it is open for the Board to review the claim, so the contractor submitted a letter on January 23 saying they are appealing the engineer's decision on the change order and will provide additional information which they supplied last week. Alice Rehrig asked Mike Muffley to prepare a report on what was submitted and he still feels they haven't submitted enough information. Due to the circumstances with the L & I inspection, only some of the work is really justified to be a price change. Some of the work they performed failed the inspection and they had to redo the work. That portion was part of the scope of services in the contract. They had to install conduit that was not part of their contract which he can agree they should be paid to do that work, but they haven't given him sufficient information to support that and they gave expenses in addition to that work which they discussed would not be submitted. Mike Muffley provided the Board with a report detailing all this information and he also provided an engineer's estimate on what the extra work should cost. He tried to be as objective as possible using the prevailing wage rates from the state and cost of materials that went into the ground. This cost was \$8,340.92.

When the change order was submitted, they automatically requested a payment application which included the change order that was not approved. For tonight, there are two payment applications for consideration. One was for the change order price in the amount of \$13,081 less the 10% retainage making the request for \$11,722.90. Immediately following that, they submitted Payment

Request #4 which was the release of the retainage for the entire project, including the change order. He is not recommending payment of any of these amounts. Right now, he is recommending for Payment Application #3, the amount of retainage for the original contract or \$22,150. The work is complete, the fuel system is on line and functional. The retainage from the original contract should be released.

Janet Sheats made a motion to approve Payment Request #3, the retainage of the original contract, in the amount of \$22,150. Cindy Miller seconded the motion. All voted aye. Motion carried.

1. Change Order #1/Payment Request #4. Cindy Miller made a motion to deny Change Order #1 in its entirety. They should have known by the codes. It was in the proposal that it needed to meet all codes. Janet Sheats seconded the motion. Janet Sheats commented this shouldn't be on the Township to fix. Jerry Pritchard questioned who ran the original conduit. Mike Muffley commented the original conduit was run by the electrical contractor for the building. The intent of the conduit was to connect the power supply and communication lines for the fuel station. There was an ambiguity in the contract because the e-stop requires a separate conduit. His position was that we hired a contractor to provide a facility that is in accordance with all the laws and regulation, specifically all the pertinent equipment, fittings, hardware, finishes as determined by the bidder and in compliance with all the applicable regulations and industry standards. Those regulations required the e-stop. The contractor, after reviewing the bids and after the bids were awarded, before starting work should have pointed out to him as the engineer that there was an inconsistency in the bid document that they didn't have an answer on. They should have approached him and said, Mike, what do we do with this. Jerry Pritchard questioned if these items were discussed during any of the scope meetings. Mike Muffley commented they were not discussed. Cindy Miller questioned if at any time, did they contact Mike Muffley as the engineer on this project to discuss any of these changes. Mike Muffley commented they did not. That is part of his issue with the change order. They proceeded with the work and never offered anything to the Township that they were going to have a price change. He could support the change order if they gave him a sufficient breakdown of expenses and costs and a justification of why they had to do that so he cannot recommend any payment on that end. Alice Rehrig noted when they contacted Frank Zamadics, they told him the e-stop couldn't be located on the building, where should they place the e-stop so he gave them an area that would work within the required distance. Janet Sheats commented that is the point where the contractor should have called Mike Muffley. Cindy Miller commented they went through and did the work, cut the asphalt and didn't replace it to what was there. Mike Muffley commented since the time he issued his letter, he has

had the opportunity to review the restoration and it is not acceptable. Jerry Pritchard commented from his experience, he needs to get authorization before he moves forward with any change orders. No one authorize the change order before the work was done. Mike Muffley commented there is a standard condition which is a nationally accepted standard that is included in all of their contracts which clearly outlines the procedures which are supposed to be followed for change orders, price changes, or anything that involves a change in the work. Attorney Backenstoe commented he believes the contractor handled things incorrectly. When they found out a change order was needed, the proper thing would have been to go to Mike Muffley and talk to him and go through the channels. His only reservation on some of the payments is that he thought they would have had to do some trenching no matter what. If they had to do it anyway, it is not really a change order, but something that would have had to be done. To that extent, they may be entitled to that payment. Cindy Miller commented this project was a quarter million dollars. How does the Board know that it wasn't already included in their pricing? Janet Sheats commented the trenching is not up to the standards. Mike Muffley commented the extra trenching and conduit could be considered an approved change order. He can agree that digging a new trench and conduit was not part of their scope of work. He does believe that is something that the contractor should have pointed out prior to doing the work. We are at an impasse because it was work that was going to be required anyway, but we didn't approve or authorize it and the work is not acceptable. Cindy Miller commented there are no ramifications to get them to correct the work. Mike Muffley commented the restoration was not done in accordance with the specifications that were used for the rest of the building. The pavement was put in at certain depths with certain materials, certain requirements. According to the information the contractor did provide, this was not done. He did request material slips, material certifications, and delivery tickets which is all standard for paving projects. All he received was an invoice for \$4,500. All voted aye to deny Change Order #1.

VIII. NEW BUSINESS

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

Cindy Miller commented with regard to the Sanctuary County discussion, she did hear back from Congressman Mackenzie's Office. It is assumed that if federal funding is working through a county that is considered to be a sanctuary county, the federal funding would be stopped if the President decides to execute that decision.

Attorney Backenstoe also clarified that Lehigh County is not a sanctuary county. They have put a disclaimer on their website. Several years ago, Lehigh County

detained someone solely on an ICE detainer. There was all kinds of kick back on that, but they stuck to their guns and detained the individual. There was no other type of warrant or judicial decree. Lehigh County was then sued and lost because they cooperated with ICE. They had to make a payment and agree to follow whatever federal laws or jurisdictions in place. To this day, Lehigh County has completely cooperated with any law enforcement entity and cooperated and called ICE immediately. The County was sued because they cooperated with an ICE retainer.

Janet Sheats commented her other concern is if you watch what is going on in the country with other police departments, these people with the warrants coming after the officers, they are scared. This is why she is all about our Police Department and why we should have more people on the road.

B. Solicitor's Report. Attorney Backenstoe did not have anything specific to report outside the agenda.

1. Earned Income Tax Referendum Process for Farmland/Open Space Preservation. Attorney Backenstoe provide the Board with the various documents he prepared for other municipalities so the Board would have an idea of what is involved. He also wanted to provide the Board with information on what is involved with placing the referendum on the ballot, what needs to be done if the referendum passes, and what can the funds actually be spent on.

If the Board is interested in considering placing a referendum on the ballot, the process would be to first adopt a notice of intent to adopt an ordinance calling for a referendum on whether to increase the earned income tax for purposes of preservation of open space. You would need to declare that you want to adopt an ordinance which provided for the referendum. You would need to determine the amount you want to implement which is .25 percent under the Statute, determine that you would like a ballot question placed on the next ballot. It would have to be determined at least twelve Tuesdays before the election. The referendum would say "Do you favor the imposition of an additional earned income tax at a rate of .25 percent for Lehigh Township to be used for financing the acquisition of open space for the purpose of acquiring agricultural conservation easements and the purpose of acquiring property settlement rights?" In addition, you would also have to scribe a plain English version which would also appear on the ballot for people to vote, "Do you want to vote for and impose a .25 percent tax on yourself for the purpose of acquiring agricultural conservation easements that the Township could purchase agricultural conservation easements or participate with State or County land preservation programs that acquire agricultural conservation easements; finance the acquisition of open space that the Township could purchase undeveloped land from land owners in the Township in order to protect

sensitive natural areas and woodlands; and to acquire property development rights. Under this option the landowner would sell development rights to the Township. In summary, if you wanted to pursue this, you would need to create the referendum question, then adopt an ordinance. You would need to prepare and advertise the ordinance outlining these items. If the ordinance is adopted, you would then send a referendum question to the Registrar of Elections for Northampton County asking that the question with the plain English version be placed on the ballot. It would be up to the Township to determine how much they want to educate the tax payers about question to determine whether they want it or don't want it. Assuming the Board would get the majority vote of the tax payers to adopt the ordinance, the fee would appear on the next cycle of tax bills to start establishing the fund.

Before any money could be spent from the fund, you have to create either an EAC or some type of land preservation board because applications will need to be reviewed for the use of the funds. Criteria will also need to be established. There are booklets and criteria from other municipalities that could be used to assist in creating the criteria, but the criteria will need to be tailored specifically to Lehigh Township. Once all of this is established and in place, it would need to be approved by the State. At that point, you could start spending the funds. Typically, the EAC or land preservation board would be the ones to oversee the applications that come in and the program. Once there is a pool of funds, residents would submit applications to the Township for the Township to either purchase their land or their open space. The board would need to review the applications and rate and rank them according to the criteria that is established.

There are a number of different types of acquisitions that can be made through this program. One type is a fee simple purchase where you could purchase land to maintain it as open space. You are also allowed to use 25 percent of the funds to maintain the lands. You can also use a certain portion of this money to make improvements to lands that you own that were not acquired through open space funding. A second type of use of the funds would be to acquire easements. Someone would dedication their land and sell you the development rights so it would stay as open space, typically woods, forests, natural habitats. There are certain aspects where they would have to let the public on their property and sometimes they don't. A third type of use of the funds would be to buy development rights from farmers. A farmer would sell you the development rights to the farm, but they would still keep the farm and continue to farm it. It is just that a developer could never come in and develop the property either for homes or commercially. Under these three options, everything would become the Township responsibility. It would be up to the Township to get the appraisals and

monitor the properties and easements. Another possibility is to partner with different entities such as the Wildlands Conservancy or the Nature Conservancy.

These are public trusts and all they do is work on and acquire and preserve open space. When you partner with these organizations, they take the laboring oar on a lot of the work. They prepare the easements, get the appraisals done, and monitor the property. Another type of partnership that occurs, is that Townships partner with the County. A lot of times, the Township will bring lands to the County or the County will come to you and say someone filed an application with them that doesn't meet the criteria or is so far down on the list, it won't receive funding, and then the Township could partner with the County to help pay a portion of the funding so that it can be preserved.

Zack Szoke commented if someone was making \$100,000 per year, the additional tax would be \$250. Attorney Backenstoe noted that once the money is there, these are the only things that it can be used for. If the Township were to ever want to undo the tax, it would have to be one by another referendum to see if the voters would want to stop it.

Jerry Pritchard questioned if the board that oversees this program would require their own solicitor. Attorney Backenstoe commented he didn't believe so. Generally, they run themselves and if there are questions, the Township solicitor would advise when necessary. A separate board to oversee the program is necessary. As a Board of Supervisors, you wouldn't want to take on the work and responsibilities that are involved in this program. It is too much with the meetings and reviews. You will want to appoint individuals to the overseeing board that are somewhat familiar with this. The board will ultimately come to the Supervisors with their recommendations.

David Hess commented the Board would essentially be asking the residents to pay more taxes for open space, but not for hiring another officer. He then questioned Jon Roth as to how many times in his career he worked alone. Jon Roth commented it was a lot.

Jerry Pritchard commented once it gets to a referendum and if it passes, the people will have spoken. You will really need to school the people as to what they are getting involved in. No development coming in means no additional tax base and this tax would be just for the purchase of land and easements; nothing else. No development means no growth in the tax base and we will stay stagnant. Attorney Backenstoe commented under the new laws, he believes a portion of the tax could go towards maintaining some of our existing parks and open space.

Cindy Miller questioned how this would coincide with Planning. Someone may have 50 acres in which they want to subdivide 5 acres off and keep the remaining 45 acres. Would the preservation board be able to come in and purchase the remaining 45 acres? Attorney Backenstoe commented that could happen.

Janet Sheats commented the presentation regarding this will be on the agenda for the next meeting. Would it make sense to have the presentation advertised so people can come and learn about the program so the Board would have an idea as to how people feel about it and give them an opportunity to ask questions. Janet Sheats made a motion to hold the next meeting at the Fire Company and advertise that there will be a presentation regarding land preservation. There was no second. Cindy Miller commented she doesn't have an objection to having the presentation brought to the Board, but doesn't know that we are ready to hold a special meeting on it. She believes the Board needs to hear what they have to say and then decide what they want to do from there.

Marc Kercksmar questioned if the board would be paid and where would the money for legal expenses come from. Attorney Backenstoe commented the board would not be paid. The soft costs associated with the program such as the appraisal and the agreements of sale can come from the fund. There could be some costs that would fall outside the scope of what can come from the fund. Marc Kercksmar commented he is all for preservation, but he would rather see taxes increased for an additional police officer rather than for purchasing land.

- IX. PUBLIC COMMENT. Phil Gogel questioned if there was any COVID relief money left. Alice Rehrig commented it has been allocated, but not spent. There are some outstanding projects that need to be completed. Phil Gogel commented he is bringing this up because he heard they may do call backs on the funding if it was not spent.

Paul Nikisher questioned what is going on with the Kmart property. Cindy Miller commented it was purchased and is being used for storage. Jerry Pritchard commented he thought Walmart was moving things out of there.

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