

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

June 28, 2022

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, June 28, 2022, 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  
Phil Gogel  
Mike Jones  
Attorney David Backenstoe  
Alice Rehrig

Absent: Jerry Pritchard

II. APPROVAL OF THE MINUTES

- A. Minutes of June 14, 2022. David Hess made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 25887 to 25920. Cindy Miller made a motion to approve these bills. Phil Gogel seconded the motion. All voted aye. Motion carried.

IV. DEPARTMENTAL/ORGANIZATIONAL REPORTS

- A. Fire Company. Rick Hildebrand reported members of the Fire Company met with the Manager to discuss the apparatus replacement plan and the possibility of switching the purchase of the ladder truck with the engine. The Fire Company is currently having some issues with the engine for the ladder truck which would cost them between \$20,000 and \$40,000 in repairs depending upon what is found. The value of the ladder truck is limited and not more than the estimated repair so it doesn't seem to make sense to put that amount of money into the truck. The Manager did some number work and based upon what she was able to work out, it does seem like it would be doable but it would require a little extra in terms of contribution from the Township. The ladder truck was scheduled for replacement in 2029.

Alice Rehrig noted that the ladder truck and the tanker initially fell in the same year, so she had to push the tanker truck back to 2031 in order to make things work. She did work out two different scenarios to address what the Fire Company is requesting although she does not have the plan finalized because of all the variables that go with it. The ladder truck could be moved to 2025, but the

engine would need to be pushed back to 2022, and then the tanker would be pushed out to 2031. She assumed the Fire Truck fund was going to be reduced by \$70,000 for the mini pumper since there is no way of knowing if, or how much grant funding available to help offset this amount depending upon timing and grant requirements. Rick Hildebrand commented they were looking into GroNorCo and DCED, but they require the funds be used within a year and there is a two year delivery window on the mini pumper. Cindy Miller commented if the Fire Company is applying for DCED funding, they could end up competing against the Township for the same funding. Rick Hildebrand commented as a 501.3.C, they are able to apply for the funding like everyone else. Alice Rehrig noted the DCED funding that the Fire Company would apply for is specific to Emergency Services. The GroNorCo funding would be the same funding the Township would apply for and would be a direct competition. Alice Rehrig commented there could be an issue with obtaining the grants because the Fire Truck is already ordered. Rick Hildebrand commented he spoke with Sarah Ortiz at the County and she said it would be appropriate to apply next year because the delivery and payment would be after the grant award.

Alice Rehrig commented when she developed the scenarios, she also assumed the Fire Company would loan through the State. Under this program, they can get a \$350,000 loan at two percent for 15 years. If the loan and an outright purchase of the truck were done in 2025, an additional contribution of \$75,000 would need to be made to the fund. It would increase the contribution from \$185,000 to \$260,000 for 2025. 2023 and 2024 would be \$200,000 as currently planned. Another alternative would be to do a lease in addition to the loan. She looked at a \$200,000 lease for five years and that would drop the needed annual contribution to \$200,000. This would also require additional leases as other pieces of equipment are needed to be replaced. She is not sure of the current rates on a lease. Car loans are running between 4.5 and 5 percent. A lease may be slightly higher. If the Board is interested in this type of scenario, there is an on-line chart available through one of the leasing companies that she could use to better calculate the lease payments. Phil Gogel commented he does not like leasing because as a non-profit, there would not be a write off. You do a lease if you are a business and can write it off. This way, there is really no benefit. Alice Rehrig commented the reason she looked at leasing is because if the Township is going to be the one to enter into the financing, a loan would require the Township to go through the Local Unit Debt Act requirements which can be quite costly and time consuming.

Mike Jones questioned what the estimated cost of a ladder truck would be. Rick Hildebrand commented the cost is a moving target. Right now, they would be

looking at \$1.4 million at today's pricing. There is an estimate five percent annual increase that is assumed for each year going forward. Mike Jones questioned what the cost of the engine was. Rick Hildebrand commented that was around \$850,000, but that too is a moving target because of the current times. Rick Hildebrand also noted there may be some manufacturer financing available as well. They sometimes can do some creative things for municipalities. Alice Rehrig also noted that some of the contracts right now have an escalator clause built right into them. If you do not take delivery within a certain time frame or if there are increases in the price of the materials between the order date and delivery date, you are responsible for those increases.

Cindy Miller questioned if there was any way to cut the costs on the vehicles, such as eliminating the three different paint colors. How much does the red, white, and blue paint add to the vehicle? Rick Hildebrand commented he doesn't believe the paint makes that much of a difference when purchasing the vehicle new because they have to tape in order to paint regardless whether it is one color or three. This is why they continued with the same color scheme over the years. It is more about station pride and making the vehicle look like it belongs. He really doesn't believe it is a substantial cost when you are looking at the numbers we are currently looking at. Cindy Miller commented even if it is only \$10,000, that is \$10,000 that could be used towards the next vehicle. Rick Hildebrand commented Cindy Miller is right, but he doesn't believe it comes anywhere close to that, but he will look at getting more information. Cindy Miller commented she understands the comradery and spirit, but she is also looking at costs.

Mike Jones questioned if the other vehicles will be able to make it out as far as they are scheduled. Rick Hildebrand commented he believes they may be able to re-chassis the tanker which will save money. The problem they are having with the ladder truck is that it is a proprietary manufacturer. All the electronic circuitry and parts are manufactured by them specifically for them. They ran into an issue where the fan blade broke. They had to go and have one manufactured for them because it was that specialized. They keep parts available for about 20 years and since they are now beyond that time period, the parts are becoming hard to find. Right now, they have a leak in the antifreeze system, but haven't been able to pinpoint the exact cause. The other apparatus that the Fire Company has are not proprietary and they are able to get parts for them so they can be kept running as long as there is not a catastrophic type of event. Rick Hildebrand commented the vehicles they would be looking at will not be proprietary in nature. The current ladder truck is a Pierce, which is a good truck, but the replacement parts are all proprietary. He does believe the other vehicles will be able to be stretched out to their designated years.

Alice Rehrig will provide additional information regarding different leasing options, the State loan, and the long term effects on the Capital Improvements Plan to see what would be needed to make the plan work, using \$200,000 as a targeted annual contribution. The final determination will be part of the budget discussions.

Cindy Miller questioned how the Township will be compensating for the fuel and other items that are higher than anticipated. This will be discussed further under the Manager's report.

Rick Hildebrand commented there was a presentation entitled bruise, belts and burns at the Fire Company. It was put on by the Highway Safety Group with some media coverage. The Fire Commissioner had canceled the Safety Presentation that was scheduled for last week because of a shift in the media company.

V. OLD BUSINESS

- A. Cherryville Intersection. There was nothing additional to report. Mike Jones noted the engineers for Turkey Hill have now brought Jim Milot into the project to help them through the PennDOT process in hopes of moving the project along faster.
- B. Maintenance Building. There was nothing additional to report.
- C. Ordinance 2022-2, Amending Zoning Ordinance to increase kilowatts of Accessory Solar Energy Systems. This ordinance will increase the permitted kilowatts of a roof top accessory Solar energy system from 18 kilowatts to 30 kilowatts. All other provisions of the ordinance will remain the same. This will eliminate the need for individuals who are installing systems that are 22 or 25 kilowatts from having to obtain a variance. Cindy Miller made a motion to authorize the advertisement of Ordinance 2022-2 for adoption. David Hess seconded the motion. All voted aye. Motion carried.

VI. NEW BUSINESS

- A. Letter of Resignation—Planning Commission. Mike Cawthray submitted a letter of resignation from the Planning Commission. Cindy Miller made a motion to accept the letter of resignation and advertise for a replacement to the Planning Commission. Phil Gogel seconded the motion. All voted aye. Motion carried.
- B. Nazareth Area Comp Plan. The Nazareth Area municipalities are in the process of updating their comp plan. This regional comp plan includes Moore Township,

Lower Nazareth Township, Upper Nazareth Township, Bushkill Township, Hanover Township, Borough of Bath, Borough of Chapman, Borough of Nazareth, Borough of Stockertown, and the Borough of Tatamy Since Lehigh Township is a neighboring township to Moore Township, the group is required to provide us with the opportunity to comment on the plan. The Planning Commission did not have any comments on the plan. The Board did not have any comments on the plan at this time. It will be placed on the next agenda in the event someone has comments they would like to submit.

- C. Allen Township Letter of Support. Allen Township will be applying to Northampton County under the GroNorCo grant program for portable speed boards. They have been having issues with people speeding on Cherryville and Indiantrail Road. Since they do not have their own police department, they are looking to obtain these signs as an alternate method to help slow people down. They were also looking to have their signs work in tandem with our signs. The Board appreciated Allen Township including Lehigh Township in their application, but did not want to issue a letter of support since this would be a direct competition to the Township for the same grant.
- D. Road Crew Vacancy. Authorization would be needed to advertise for the vacancy on the Road Crew. David Hess commented he would like to hold off for now since the fuel costs are trending to go over budget by \$8,000 to \$10,000. If we delay in hiring the replacement, it will save us between \$4,000 and \$6,000 each month. He would like to look at this again closer to winter. Phil Gogel commented he does agree; we are running in to a rough patch with a lot of expenditures. Fall would be a better time to hire someone.

Cindy Miller questioned how much road work needs to get done this year with our workers. Alice Rehrig commented they have started replacing pipes and they still need to do the mill and fill repairs to various areas of the Township. Mike Jones questioned if the summer help could help with some of these areas. Cindy Miller commented there may be restrictions in the contract. Phil Gogel commented we would need to do a resolution to put more money in that account and as long as they are considered part time, there wouldn't be an issue. Mike Jones questioned if they are limited to only cutting grass. Alice Rehrig commented there are restrictions in the contract and would need to check what they were. Phil Gogel commented you can outside contract as long as you don't have someone laid off so there should not be an issue according to the contract. Cindy Miller questioned how that would effect summer help. Alice Rehrig commented there are restrictions on summer help. Mike Jones commented he would like this looked into to see if they can be utilized. Alice Rehrig

commented she will also speak with Frank Zamadics to see if he would be able to utilize them with the projects. Phil Gogel commented they would almost be like a subcontractor at that point. Cindy Miller commented Frank Zamadics should be part of the discussion to help the Board make that determination. Alice Rehrig will check the contract for the restrictions.

The Board agreed to revisit hiring in September.

- E. Building Security. David Hess commented he asked this to be on the agenda, but believes some of the discussion should be part of an Executive Session. Attorney Backenstoe commented it would be a permitted topic under the Sunshine Law because it pertains to public health and safety.
- F. Manager's Report. Alice Rehrig provided the Board with a draft of the letter that would be sent out as a notification of the next Comprehensive Plan meeting. She was planning on sending this letter to all the individuals who received the initial notification. The meeting has been confirmed that it will be held at the Fire Company. The Board was in favor of the letter.

The bids for the bridge on Cinchona Road are in the process of being prepared so the project can be completed this summer. With the increases in material pricing that has been taking place, the estimated cost of the culvert increased by approximately \$15,000 to \$56,000. As long as delivery is taken on the culvert, there will not be a change in the price. The culvert is premanufactured and available through co-stars so prevailing wages will not need to be paid for the culvert, only for the installation. There is \$125,800 left in the grant funding for the project. If the project doesn't get completed this year, we will lose the funding. There would be roughly \$55,000 available for the installation of the culvert after the permitting and engineering expenses. When the budget was developed, there was an estimated grant receipt of \$120,000 and an installation price of \$150,000. Depending upon what the final numbers are, the Township may need to add some additional funding. The Board was in favor of advertising the project for bid.

Alice Rehrig provided the Board with information pertaining to areas of the budget where there is expected to be overruns. The fuel costs for all the departments is expected to exceed the budget. The Police Department overtime is over budget. The Chief did provide a breakdown of where all the overtime is coming from. Some of this may need to be discussed in Executive Session because it could lead to personnel discussions. Alice Rehrig also looked at the Zoning Hearing Board expenses. She compared hearing expenses from January

2021 through May 2021 with the 2022 expenses for that same period. The expenses for both years were within \$100 of each other for 13 appeals each year. When looking at the itemization of the bills, the greatest difference is in the amount of charges for appeals to County Court. Last year, there were 11.65 hours spent on two appeals. This year, there was 20.8 hours spent on two appeals. Each of the two attorneys word their bills differently which makes it difficult to determine what causes the extra time. The only thing that was really different was Attorney Ettinger had an excess copying fee of \$150. The street sign budget is maxed out. Frank Zamadics is aware of it and will only be ordering replacements for damaged signs. Typically, they do a certain amount of sign replacement each year because of age and fading lettering, but the costs for this year almost tripled. Alice Rehrig also has told the Chief and Frank Zamadics that they should watch their spending. If it is not immediately needed, hold off on purchasing it, even if it is something included in the budget. Cindy Miller questioned what is being done about the fuel consumption. Alice Rehrig commented that she has already spoken with the Chief about not having the vehicles idle more than necessary and eliminating unnecessary driving. Everyone has been notified to do what they can do to cut costs. Cindy Miller noted it is just a matter of common sense and treating the Township budget like you would yours at home.

Linda Roman questioned what the size was going to be of the culvert that is being replaced. Alice Rehrig commented in looking at the dimensions on the estimate, it looks like it would be 31 feet by 16 feet. It would be slightly wider than the one that is there. The length of the culvert would definitely be under 20 feet. Linda Roman commented her concern is the amount of water that goes through that creek. Mike Jones commented the Township Engineer would have provided the information for the design of the bridge based upon the water flows of the area.

- G. Solicitor's Report. Attorney Backenstoe provided the Board with an update on the Vandling matter. Last July, we were before the court and an order was issued against Mr. Vandling and he was fined and sanctioned. As part of this, there was a number of provisions: a \$5,000 fine to reimburse the Township for the legal and engineering expenses for enforcing the Township regulations, he was to file a land development plan, and not excavate. For the most part, he did comply. He paid \$3,000 of the \$5,000, filed a land development plan and fees associated with that, and did not do any excavating. In May of this year, he started to excavate again and the neighbors got upset and started calling the Zoning Officer, Cindy Miller, himself, and emailing him constantly. Because they were so upset, Attorney Backenstoe went and prepared another contempt petition and filed it right after Memorial Day. He was able to get a court hearing on June 22<sup>nd</sup>. He

had Liz Amato and all the neighbors show up for court. Mr. Vandling did not show up for the court hearing. Because the penalties that the Township was seeking were so extreme, the Judge did not want to have a hearing and impose these penalties unless Mr. Vandling was there. The Judge asked Attorney Backenstoe to refile a petition and return on July 18<sup>th</sup> and placed it on the non-jury trial. He had the Sheriff serve the notice to Mr. Vandling. Attorney Backenstoe also had to have a private process server serve him as well because the Judge wants him there because we are looking to have him pay the \$2,000 that is still owed from last year in three days; another \$5,000 penalty for not paying and making the Township file another petition, and if he continues to excavate without the appropriate plans and permits, the Police be authorized to arrest him. Attorney Backenstoe commented he does not know what else to do to get him to stop. The Judge did not want to impose this type of penalty without putting him on notice that he should be there and hire a lawyer because of the severe penalties he could be facing.

Mike Jones questioned if Mr. Vandling does not show up again, will the Judge hold the hearing without him there. Attorney Backenstoe commented he would. The Judge did previously rule on one of the Township's petition without him being there. Attorney Backenstoe also noted he does believe the neighbors who are so upset about this do believe the Township is doing everything they can. Cindy Miller commented she doesn't agree with that based on public opinion. Mike Jones commented it is being said that the Township is not doing anything and have turned their backs on them. Attorney Backenstoe questioned how that could be when they were at the hearing with him. Mike Jones commented they have been calling the State Representative and telling them the Township hasn't done anything.

Attorney Backenstoe commented he asked the neighbors to put journals together and has pre-marked them as exhibits. Cindy Miller commented the Township is done on July 18<sup>th</sup>. The residents are out of control. She heard they were at the Planning Commission meeting and were so rude to the Planners, carrying on, screaming to the point that she believes if the Police were there, they would have been escorted out. She heard it was absolutely horrendous the way they acted. Then they came to the Board meeting the following night. They are not appreciative of what the Township is doing. They are maligning the Board maligning the community; no one cares. Come July 18<sup>th</sup>, we need to move on. It is her recommendation they hire an attorney. Right now, they are using Attorney Backenstoe and the Township. She agrees the Township needed to get involved because he built a house without permits, but the Township has done everything they legally can do. The Township has to abide by Court orders which they cannot understand or will not accept what they are being told. They only thing

they will accept is that this guy be driven out of town which the Board cannot do. Mike Jones commented he doesn't believe the neighbors will be happy until the property is vacant and there is no one on it. Cindy Miller commented they can hire an attorney or pool their money together and maybe he will sell them the property.

Attorney Backenstoe commented the Township is doing everything they possibly can. He is receiving and responding to emails on the weekends. Phil Gogel commented the residents shouldn't be contacting Attorney Backenstoe. They should be contacting the office or coming to a meeting. He doesn't mind listening to people complain because that is what he signed up for. He will listen to anyone complain about anything or if they have an issue because that is what the Board is here for. Mike Jones commented he agrees, but at the same time, they don't like what they are being told. Phil Gogel commented they should not be badgering Attorney Backenstoe. They should be going through the property order and coming to the meeting. Attorney Backenstoe commented they should also be calling the State Representatives to push DEP. Cindy Miller commented that is not what they are doing. They are not telling the Rep to push DEP; they are telling the Rep that the Township isn't doing anything. When the Rep calls the Township Office, Alice Rehrig has to inform them that the Township has done everything they can do and he needs to work on getting DEP involved. Attorney Backenstoe commented the things the neighbors are most concerned about are the things that fall under DEP, such as the asbestos in the quarry, and the effects it would have on their water. Mike Jones noted the asbestos has been in that quarry for years and years. Phil Gogel commented if that was going to effect their water, it already would have. Attorney Backenstoe commented he wishes DEP would do something more than just send letters out. Right now, from a Township perspective, the violation is the raw excavation which is a violation of the previous court order. The other issues fall under DEP and State regulations as indicated in the sections that are being cited under the notices that DEP sends out. Phil Gogel commented they can come to a meeting as often as they want and the Board can keep giving them the same answer that they need to go to DEP. That is fine, but they should not be bothering Attorney Backenstoe. Mike Jones commented the Board told them that at the last meeting, but they didn't care. Phil Gogel commented that is okay. Sometimes it takes more than one or two times until something registers. It will eventually register. They can come and yell at him every meeting. That is what he is here for.

Cindy Miller commented the Township staff can no longer go to that site, not when they are presented with a guy holding a knife. The Board agreed; it is a safety issue. Cindy Miller commented the Township has done everything they can. The next step will be to work with him to get his permits. He has his land

development plan and received conditional approval. He has SEO approval. We have to work through the permits because it is a court order. We must work with him. Mike Jones commented that is another thing the neighbors do not understand. They want the Township to stop it. Cindy Miller commented she is very concerned about the safety of the staff; they cannot go to that site any longer, not when he comes with a knife. Attorney Backenstoe believes the Judge is properly cautious about that. That is why he wants a full blown hearing and to have him represented by an attorney. So far, Mr. Vandling has not had an attorney with him when he was in court.

Cindy Miller commented she believes he is doing things to irritate the neighbors and things keep escalating there. Mike Jones also noted they keep saying he is bringing in more and more tires, but when Liz Amato and DEP walked the site, nothing at the site changed. They just don't like him. Cindy Miller commented she can understand that, but at the same time the Township has done everything they can and Attorney Backenstoe shouldn't be burdened with them calling and emailing all the time. Phil Gogel commented they need to be told to come to the meeting or file a complaint with the office. Attorney Backenstoe is not their personal kicking post. If they have an issue that is within the Township's bounds, the Board needs to try to help them. Cindy Miller commented she is not saying we won't help them; we have already done that and have done everything they can do. Mike Jones commented they keep arguing on stuff that the Township has to follow through on. Phil Gogel commented you know how people are; nothing is ever good enough, but you just keep on doing the best you can.

- VII. PUBLIC COMMENT. Rick Hildebrand commented when he met with Alice Rehrig regarding an unrelated matter, he brought up a safety concern with the weight restricted bridge in that if something didn't happen shortly, the Township was going to be faced with some type of catastrophic accident at the intersection of Municipal and Route 248. Ironically, the next day the signs went up that they were going to be working on the bridge. With PennDOT using Municipal Road as the detour, the drainage pipe is collapsing. Was there an agreement entered into with PennDOT for them to use a Township road as their main detour that they would repair or replace the pipe on Municipal Road? The Board commented there was no agreement. Alice Rehrig noted the pipe is okay; the material surrounding the pipe has become compacted. Frank Zamadics is aware of the situation, but repairing it now wouldn't make sense. There is a truck detour set up, but not all the trucks are following the detour. In addition, there are a lot of vehicles that are not stopping at the stop signs at Municipal Road and Maple Drive and Municipal Road and Route 248. Alice Rehrig will ask the Police to watch these intersections.

Supervisor Minutes  
June 28, 2022

- VIII. EXECUTIVE SESSION. The Board went into Executive Session to discuss a matter of public health and safety and security of the Township Building. Upon returning from the Executive Session, Cindy Miller made a motion to authorize Alice Rehrig to move forward with obtaining quotes for security and access for all the buildings for public safety. David Hess seconded the motion. All voted aye. Motion carried.
- IX. ADJOURN. David Hess made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.