

## LEHIGH TOWNSHIP BOARD OF SUPERVISORS

### Minutes of the November 3, 2021, Meeting

The Lehigh Township Vacancy Board, consisting of the Board of Supervisors and Vacancy Chairman held a special meeting on Wednesday, November 3, 2021, at 7:00 p.m. at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. The purpose of the meeting was to discuss and potentially vote to appoint someone to fill a vacancy on the Board. Vacancy Board Chairman David Hess called the meeting to order with the Pledge of Allegiance and roll call.

Present:       Cindy Miller  
                  Mike Jones  
                  Keith Hantz  
                  David Hess  
                  David Backenstoe  
                  Alice Rehrig

Attorney Backenstoe commented as previously discussed, the process for when there is a vacancy, it has to be recognized and declared. Under the Second Class Township Code, it is specific as to what has to happen. The Board has to try within 30 days to fill the vacancy which in this case was on September 28 due to the unfortunate passing of Mike McGonigle. The 30 days expire on October 28. If the Board is unable to fill the position by this date, the Vacancy Board is empaneled. The Vacancy Board is the remaining Board of Supervisors plus the Chairman, who was chosen at the Reorganization Meeting of the Board in January. This Vacancy Board has 15 days from October 28 to fill this vacancy which is why they have a special meeting tonight. If they don't make a decision tonight, they could still make a decision at the next regular Supervisors Meeting on November 9, but they must make the decision no later than November 12. If for some reason a decision is not made by November 12, Cindy Miller, along with Attorney Backenstoe, would have to petition the Court and have the Court appoint someone. In order for the Board to appoint someone, they would need to have three votes in favor of a candidate.

Keith Hantz commented there is one candidate, Rich Rehrig, who was not in attendance at the meeting on the 19<sup>th</sup> because he didn't receive confirmation of the meeting and he had contacted him yesterday. Keith Hantz questioned if the Board would want to take the time to interview him at this meeting. David Hess felt that would be fair. Cindy Miller questioned if the Board was going to open this up to everyone else who may be interested in applying or just Mr. Rehrig. Keith Hantz commented he was part of the original 10 applications the Board received. Rich Rehrig commented he had received an email indicating it was the 21<sup>st</sup>. Cindy Miller questioned if he came out on the 21<sup>st</sup>. Rich Rehrig commented, no, he found out the day after the interviews were completed, that they were the night before. Cindy Miller questioned if he followed up with that information. Rich Rehrig commented he didn't; he just thought the Board had picked someone that night.

Vacancy Board Minutes  
November 3, 2021

Rich Rehrig

Keith Hantz: What do think would be the most pressing issue if you came on the Board as a Supervisor?

Rich Rehrig: It would be public safety for residents, including fire, police and EMS.

Keith Hantz: Are their any outstanding items that you are aware of that haven't been completed or should be done as far as the Township?

Rich Rehrig: He believes the roads could use improvement.

Cindy Miller: What talent do you feel you would bring the Board?

Rich Rehrig: He has a background in law enforcement. He has somewhat of a background in road maintenance. His talent would be working for the people of this Township and make it a better Township.

David Hess: What is your opinion on a Fire Tax?

Rich Rehrig: His opinion on a fire tax would be, if one is needed to sustain a working fire company for this Township, he would consider the issue.

Mike Jones: Why didn't you run in the primary or attend other meetings?

Rich Rehrig: He ran for Supervisor one time years ago, and lost. He just didn't attend any meetings.

Patrick VanderPloeg questioned if he could speak on his behalf. Attorney Backenstoe commented it would be up to the Board. The process was that applications would be submitted and each of the candidates would make a presentation. There was a mix up of dates with one of the candidates who gave a written submission, but didn't have the opportunity to address to the Board. He doesn't know that the Board was looking to hear from all the candidates again, but that would be up to the Board. David Hess commented the Board gave Rich Rehrig the opportunity to present to the Board because he was given the wrong date. The floor will be opened for comments if there is a motion on the floor.

Keith Hantz made a motion to appoint Phil Gogel to fill the two year term ending December 31, 2023. Mike Jones seconded the motion. Keith Hantz commented his reason for the nomination was that with the applications that were received, he feels that Phil Gogel would be the best suited for the Township at this point because going forward, we have two new Supervisors

Vacancy Board Minutes  
November 3, 2021

coming on at the beginning of the year and Phil Gogel has been a member of the Board for the past four years. He thinks it is best for the Township to have three supervisors with some experience to work with the new supervisors. Cindy Miller commented her position on this has been that putting Phil Gogel back on the Board circumvents the voters. There has been a lot of discussion going on, phone calls going on, and people contacting different people. The fact of the matter is the voters voted. There were two positions. Jerry Pritchard and David Hess won those positions. There was just the General Election and they were both voted in to start January. If Phil Gogel were put back on, it circumvents the voters. It doesn't matter that he came in third and everything else that has been said. It circumvents the voters in the fact that he was not one of the top two. Should David Hess decide to go through with this, he starts his position circumventing the will of the voters and is being placed in a very awkward position. If Mike Jones votes in favor to do this, he is going against the will of the voters. If Keith Hantz votes in favor of this, he is going against the will of the voters, but he is walking away. He is done in January and this Board will have to deal with the fallout of this community moving forward. That is what happens, he will get to leave and this Board has to deal with whatever the outcome is of this decision. She wants everyone to be aware that this Board will have to face the music moving forward. Yes, you will be a resident, but you are gone from the Board. Paul Nikisher questioned if David Hess in the past year, have you ever had a conversation or discussed this vacancy in any way with Phil Gogel. David Hess commented when Phil Gogel and Cindy Miller nominated him to the Vacancy Board and Keith Hantz and Mike Jones did not, they had a discussion back then. He said if Phil Gogel and Cindy Miller really want him to do this, he would consider it. Paul Nikisher commented he is asking as far as you, perhaps, stepping in, vouching for, or appointing Phil Gogel. David Hess commented no, he was totally taken by surprise when Mr. Gogel stepped down. After that, they did not have any conversation. Actually, a friend if his contacted him and told him that Phil Gogel was in the hospital last weekend. He was upset by that because no matter what, he is still is cousin. He wouldn't even call him to tell him that. He did get ahold of his wife to find out how he was doing. Adam Raker commented at one point during one of the meetings, someone addressed a question to Phil Gogel regarding some property that he owns and wants it rezoned. Does David Hess have any connection to that property or have any financial gain from any change in zoning or anything associated with the property? David Hess commented, no, that is Phil Gogel's property. The only thing he ever did there was pour concrete for him. Janet Scheetz commented she had submitted a letter of intent to the Board. She did not run this year because her husband was up for reelection and felt it would be a conflict of interest. The minutes back in February indicate that Phil Gogel didn't want to reappoint Blaine Holden to the Vacancy Board because he didn't appreciate that he was saying mean things about him. That circumvents what is going on here at the Board. One doesn't like what another one says and this one doesn't like what you are all saying. There is so much divide here and it needs to stop. You are acting on behalf of the residents. Kristen Soldridge commented for someone who was in the primary and in the general election yesterday and received over 31,000 votes in Northampton County, she can tell you that if you circumvent the voters of the Township and you run for reelection again, they will not vote

Vacancy Board Minutes  
November 3, 2021

for you. People in this County are beyond upset. They believe there is fraud and corruption. Before a decision is made, she would recommend that you think wisely. It just doesn't impact you today, it impacts your entire supervisorship and may impact if you run for reelection and on top of that, it will impact you later on if you ever decide you want to have a voice in any other type of position where you are an elected official. People will look at you and remember what was done and that cannot go towards your or anyone else's benefit across the board. The voters came out in this election solely because they were tired of the corruption, the favors, the back door dealings, and being put last. The residents of Lehigh Township need to be put first and that is how it should be. If there are issues where one person doesn't like someone versus the other person doesn't like them because they don't feel they understand the budget enough or are concerned that they may change the budget, that is besides the point. The voters have voted. Whether you have experience or not, you are coming in as a brand new person in January. The voters took a chance on you. She would definitely recommend with what is going on in our current environment in Northampton County, local, state and across the country, the ramifications of the decisions that are made tonight or not made tonight; things that should be thought about before hasty responses are made to just accommodate certain people or certain ideas. There have been comments made that contradict themselves. LB Roman commented the voters voted Phil Gogel out, plus he was just in the hospital. How does he think he can contribute back to the community if he has medical issues? Phil Gogel commented he does not have medical issues. He had a bacterial infection which was taken care of with antibiotics. LB Roman commented she believes all the Board members are good people with what they have been doing. Her question is how do you think you can contribute if the voters don't think you can do the job when they voted you off? How do you think you can fill that position when the community didn't have confidence in you as a supervisor? If she votes someone out because she doesn't have the confidence in them to serve our community, why would the Supervisors bring that person back into the Supervisors position when she and others don't have the confidence in him to do so. Keith Hantz commented Phil Gogel did have over 500 votes, so there are at least 500 people who do have the confidence in Phil Gogel. He is not sure that everyone realizes the amount of work and money Phil Gogel did save the Township money in the four years he was a Supervisor. He took over the MS4 from Darryl Snover and ran with it. LB Roman commented that still doesn't answer why would she as a citizen of this Township who voted someone out because she didn't have the confidence in them, why would she want them to bring that person back into that position? Keith Hantz commented he doesn't really believe that people lost confidence in Phil Gogel. When you look at the votes from the primary, there were only two hundred votes away. David Hess had 600 plus; Phil Gogel has 500 plus; and Jerry Pritchard had 13 more than David Hess. What he is saying is there were 100 people who thought David Hess would make a better Supervisor than Phil Gogel which is fine, but he doesn't believe most people realize the amount of work that Phil Gogel has done and the amount of money he has saved the Township in his four years as Supervisor. Linda Roman commented you are talking about voters. Only 30 percent of the voters came out to vote, which is a very small number compared to the rest of the residents in the Township. Keith Hantz commented there probably was only 10 percent in the primary. Yesterday, more people came out to vote. When Phil Gogel

Vacancy Board Minutes  
November 3, 2021

lost in the primary, 30 percent of our voters did not come out then. LB Roman commented if they didn't come out, you have to wonder why. People are disgusted with what's going on in the community; not only our community. Keith Hantz commented normally when people are disgusted, that is when the larger amount comes out. That's when they should come out if they are disgusted and want a change. Normally, when they are complacent and happy with what's going on, less come out. LB Roman commented it is not just here; that is why she asked what he can contribute if he was voted out. Kaz Kotlow commented you just structured this as basically saying the primary election wasn't really important because not enough people came out. Keith Hantz commented that is not what he said. He did not say that once. Kaz Kotlow commented it was an insinuation. He believes you will do everything in your power to put Phil Gogel back on the Board regardless of what the voters said. Where was it said where the voters said the number three person is the next runner up for any kind of vacancy. What was on the ballot in the primary? Keith Hantz commented we talked about this at the last meeting; there is no need to go over this again. Mike McGonigle passed away and now we have to replace him. Why do we need to go over this again? Kaz Kotlow commented he believes it is very clear that you have decided. David Hess noted this was already discussed and recorded in the minutes and would like to keep this to new information and comments. Kaz Kotlow commented the limiting of comments is the shortest commitment to democracy. Paul Nikisher questioned in the interest of time and fairness, what Attorney Backenstoe would recommend so that this doesn't go on all night? Attorney Backenstoe commented he serves as solicitor to the Board and he tells them and tries to advise them on the legal appropriateness of how they are acting and the actions they are taking. He makes sure they follow the Second Class Township Code. If the meeting goes on until 1:00 a.m. or the next meeting, it does. As the Solicitor, he certainly cannot interfere with deliberation. He can only make sure the deliberations are done in accordance with the law. Adam Raker commented back when the reference was made to the minutes from exchange that took place regarding the nomination of Blaine Holden, Mike Jones mentioned something about high school, indicating someone was acting juvenile. Mike Jones commented he said something about acting like you are in high school because you don't like what someone said about you; something along the line that you are mad at someone because they didn't talk nice about you. Adam Raker commented so far you voted twice to support reinstating Phil Gogel on the Board. Mike Jones noted he also voted to appoint Adam Raker to the Board. Adam Raker commented he agrees, but he also wasn't told that he was behaving like he was in high school. If you believed that about Phil Gogel, why would you vote to put him back on the Board. Mike Jones commented at that time he was acting like that just because someone didn't talk nice about him. People talk mean about all of the Board members. You just brush it off and do what you do. There is no point in holding a grudge over it which is why he told him about it because it was bothering him (Mike Jones). Kerry Strohl questioned if any of the other individuals who were interviewed were ever a Supervisor before or ran for office as a Supervisor and lost. Mike Jones commented Bill Jones and Rich Rehrig has previously run for office. Patrick VanderPloeg commented if these two individuals previously lost an election, why are they not in consideration? Their names haven't been brought up for this vacancy. Cindy Miller commented Bill Jones was nominated, but there was no second. Patrick VanderPloeg commented it seems

Vacancy Board Minutes  
November 3, 2021

like the nominations are based upon if you ran before. Mike Jones commented that isn't true. Adam Raker never ran before. Patrick VanderPloeg commented even though he was one of the candidates, he believes Adam Raker was the most qualified. Kerry Strohl commented his point was that the other people didn't win an election so they are in the same shoes as Phil Gogel. Mike Jones, Keith Hantz, and David Hess voted aye to appoint Phil Gogel to the vacancy ending December 31, 2023. Cindy Miller was opposed. Motion carried.

Cindy Miller commented there still is the two month position that needs to be filled. Attorney Backenstoe commented the position could be discussed but no action could be taken on it at this meeting because it is not yet a matter before the Vacancy Board. The matter could be placed on the agenda for the regular Board meeting on the 9<sup>th</sup>. Cindy Miller commented she would like to see it on the agenda for the Board meeting because she wants to stick to the law. She doesn't want to get called in on something and be accused of not abiding by the law. She wants to follow through with the process. If the rest of the Board does not want to make an appointment, that is up to them, but she is following the law. Attorney Backenstoe commented the Board of Supervisors would have until November 11 to make an appointment for the two month position. If an appointment is not made, then you would go into your vacancy Board until November 26.

Keith Hantz noted the three terms, Cindy Miller's, Mike Jones, and the term Phil Gogel was just appointed to will be coming up for election in two years. There will be three terms on the ballot in the next municipal election. One will be a two year term to complete the remaining term of Mike McGonigle and the other two will be six year terms.

Cindy Miller made a motion to adjourn. Mike Jones seconded the motion. All voted aye Motion carried.