

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the March 8, 2022, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, March 8, 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
 Jerry Pritchard
 Phil Gogel
 Mike Jones
 David Backenstoe
 Alice Rehrig
 Mike Muffley
 Frank Zamadics
 Liz Amato
 Scott Fogel

II. APPROVAL OF THE MINUTES

- A. Minutes of February 22, 2022. Cindy Miller made a motion to approve these minutes. David Hess seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS.

- A. General Fund Checks 25605 to 25640. Phil Gogel made a motion to approve these bills. Cindy Miller seconded the motion. Cindy Miller noted the electric bills was a little more than \$800 for the month which seems high compared to other months and questioned if it was known what could have caused that. Alice Rehrig commented it is not unusual to get at least one high bill over the winter; however, if one of the heat pumps was running on the emergency heat cycle more than normal, it could drive the cost up. Chief Fogel commented he did notice that the auxiliary heat was kicking on more often on the older unit. He can have it looked at, but it may also be at the point where it will soon need to be replaced. All voted aye. Motion carried.
- B. State Fund Check 1552. David Hess made a motion to approve this check. Cindy Miller seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Extensions of Time for Plan Approval

1. Sedler Design & Redevelopment, M & U International. Joe Sedler was present to represent this plan. The developer provided the Board with an extension of time until June 30, 2022. Mr. Sedler commented he is submitting a plan for the April Planning Commission meeting and is hoping to receive conditional approval at that meeting. Phil Gogel made a motion to accept the extension of time until June 30, 2022. Cindy Miller seconded the motion. All voted aye. Motion carried.

B. Plans for Approval

1. Northwoods, LURRs Final Land Development Plan. Mark Leuthe and David Lear were present to represent this plan. Mark Leuthe commented they received conditional approval at the Planning Commission at their last meeting. They should be receiving their Buckeye Pipeline approval letter shortly. They need to have some plan notes for them. They have received their letter from PPL. He also needs two sealed drawings, one for the foot bridge and one for the culvert. The LTMA approval should also be received shortly. They have their permits from DEP for the expansion of the water service. The sewage module was approved and they received the will serve letter from the authority. They just need the final review and approval by the Leigh Township Municipal Authority. It is mostly administrative in nature. Cindy Miller made a motion to grant this plan conditional approval subject to the outstanding comments in the Township Engineer's letter dated February 8, 2022 and the Planning Commission conditional approval letter dated February 23, 2022. David Hess seconded the motion. Jerry Pritchard questioned how many units there were in the development. Mark Leuthe commented there are 198. Jerry Pritchard questioned how recreation was going to be handled. Mark Leuthe commented there is no recreation fee, only a traffic impact fee of \$400 per unit. Dave Lear noted when this project started and went through the conditional use hearing, there were no recreation fees. They will be having their own internal recreation facilities for the units in the development. There will be a club house, rec field. Their residents tend to be over 55, although it is not designated as such. Passive recreation is preferred, although there will be a playground and some walking paths. All the internal roads will be maintained by the development. Jan Ryan commented she fully believes that this development will impact Butternut Road further than Heritage Village already has and she will be holding everybody here accountable when that time comes. They can already see Butternut deteriorating. Go ahead and put the development in, but then we are going to court. Cindy Miller commented the area is zoned VR, it's a

permitted use. Jan Ryan commented she knows she will be impacted and she can't help that. Attorney Backenstoe commented the Township cannot require any additional payments from the developer other than what is permitted by the Municipalities Planning Code. Jan Ryan commented she spoke with an engineer and he said she should let them put it in and when they have a problem, they will address it. There will definitely be more water. Mark Leuthe commented he can speak from experience where there are projects that make the preexisting stormwater conditions prior to the development, better post development. It actually gets better because the water is controlled from the source. All voted aye. Motion carried.

2. Richard Diehl Paving Preliminary/Final Land Development Plan. Mark Leuthe and David Lear were present to represent this plan. Mark Leuthe commented there are minimal outstanding items remaining on this plan. They received a new engineering letter this evening which indicates it is mostly administrative items remaining. Phil Gogel made a motion to grant this plan conditional approval subject to the items listed in the Township Engineer's letter dated March 8, 2022, and the Planning Commission letter of recommendation dated February 18, 2022. Cindy Miller seconded the motion. Attorney Backenstoe noted the engineer's letter indicates there will be an improvements agreement and security needed for this project. A cost estimate and deeds will be needed to develop the improvements agreement. All voted aye. Motion carried.

- C. Northampton Area School District Land Development. No one was present to represent this project.

1. Escrow Release #1. A letter dated February 28, 2022, was received from the Township Engineer indicating \$1,052,451 could be released from the escrow being held for the School District based upon the improvements that have been installed and completed, and inspected to date. Mike Muffley commented the District is pretty far along with the site improvements. Most of the outstanding items are in the area where the demolition took place because it still needs to be graded. They are also still waiting on the PennDOT right of way plan. Phil Gogel made a motion to authorize the release of \$1,052,451 from the escrow account as indicated in the letter from Hanover Engineering. Cindy Miller seconded the motion. Jerry Pritchard questioned why we would be releasing money when the project is not entirely completed. Attorney Backenstoe commented under the MPC, when a developer posts security and they get a certain amount of improvements completed, they have the right to request the Township release the escrow. The Township then has to send a memo to the Township Engineer within 10 days telling him to inspect

the improvements. The Township Engineer then has 15 days to complete the inspection. Then within 10 days he needs to report back to the Supervisors. Within 30 days of this whole process, the Township has to release the escrow which is authorized by the Township Engineer. If the improvements that were installed were not acceptable, the Township is not obligated to release the funds. If the improvements were acceptable and the Township chooses not to do the release, the MPC says you lose and forfeit the entire escrow. All voted aye. Motion carried.

2. Update on plan recording, Expired August 31, 2021. The School District has been waiting for the PennDOT right of way plan since last July or August. Alice Rehrig reported she spoke with Terry DeGroot last week and he indicated that the plans had been misplaced within the District Office and have now been located. They were supposed to be mailing the plans back to his office last week so that they could get them recorded. This is the only thing that is holding up this plan from being recorded. Cindy Miller made a motion to extend the deadline for plan recording until June 30, 2022. Jerry Pritchard seconded the motion. All voted aye. Motion carried.

D. Updates on Approved but not recorded Plans.

1. Lehigh Township Municipal Authority Lot Line Adjustment. No one was present to represent this plan. The deadline for the recording of this plan was September 30, 2021. This prints and mylars have been signed by the Authority. The Township needs to sign them and then they would be ready for recording. Once the plan is recorded, the next step would be to transfer the property to the Municipal Authority. The recording of the plan was being held off until they were closer to completing the land development plan. If for some reason the land development plan doesn't move forward, there is no need to complete the lot line adjustment. Phil Gogel commented he doesn't see an issue with recording the plan because all it would do is kick in the payment to the Township after the property is transferred. Alice Rehrig commented the terms of the multi-party agreement would come into play with the recording and settlement of the property. Attorney Backenstoe commented if there is anything on the land development plan that would effect the lot line adjustment, you wouldn't want to record the plan. Mike Muffley commented the Board would have two options: Record the plan now and if something changes, you would need to do another lot line adjustment or table it as there is no real harm in not recording it. Cindy Miller commented she doesn't believe an

extension is needed; we could just wait. Attorney Backenstoe commented for book keeping purposes, he would grant an extension similar to what was done with the School District.

Phil Gogel commented the lot line adjustment pertained to the area where the new lot line will be. If the Authority is not requiring more property, why not move this along instead of dragging our feet like we do with everything. Mike Muffley commented his only question would be is the development moving forward for sure and will anything change with the development that will alter what happens with the treatment plan property. Phil Gogel commented the recording of the lot line adjustment is the start of the sequencing of the project. He will not vote on the plan because he is on the Municipal Authority, but is questioning why you would want to hold up the process from going forward. Mike Muffley commented his only reasoning is that we don't know what is final as far as the development. If something changes as part of the development, we would have to go through and redo the entire lot line adjustment process.

Cindy Miller questioned how far out would the recording of this plan need to be extended. Attorney Backenstoe suggested three months and then we can check where things are at that time. He was questioning the status of the land development of the Authority. Alice Rehrig commented the plan received conditional approval, but she believes there are outstanding agency approvals that are needed. Phil Gogel commented he is on the Authority, but just started in the past few months so he doesn't know all the details. The engineer indicated they are in the design phase, but did indicate they may need a larger system. Attorney Backenstoe commented he did receive a call from Michael Corriere who mentioned this was on the agenda and was questioning what was going on with the items and Attorney Backenstoe explained that if something was going to change, you wouldn't want to file the lot line adjustment plan. Phil Gogel commented nothing was presented in a manner that would be perceived that the size of the footprint would be changing.

Jerry Pritchard questioned if this was tied to the Seminary Project and if anything was starting there. Mike Jones commented the portion of the project with the Seminary wouldn't affect the plant, but when they move into the residential phase, the new plant would be needed.

Phil Gogel suggested that we reach out to Fred Ebert and ask him to attend one of the meetings to provide an update.

Cindy Miller made a motion to extend the deadline for the recording of this plan until June 30, 2022. David Hess seconded the motion. Cindy Miller, David Hess, Michael Jones, and Jerry Pritchard voted aye. Phil Gogel abstained because he serves on the Municipal Authority. Motion carried.

2. Lehigh Township Municipal Authority Land Development. The deadline to record this plan expired February 9, 2022. Mike Muffley reported he just received the drawings for the water distribution building. Cindy Miller made a motion to extend the deadline for the recording of this plan until June 30, 2022. David Hess seconded the motion. Cindy Miller, David Hess, Michael Jones, and Jerry Pritchard voted aye. Phil Gogel abstained because he serves on the Municipal Authority. Motion carried.
3. LURRS/Northwoods Lot Line Adjustment. Mark Leuthe and David Lear were present to represent this plan. The deadline to record this plan is March 31, 2022. Mark Leuthe commented he is hoping to record this plan and the Land Development plan at the same time. He is requesting an extension of time for 90 days, until June 30, 2022. His plan is to have everything in order for both plans so they can get recorded by this date. If for some reasons he couldn't get it completed in this time frame, he will come back to the Board for another 30 day extension. Phil Gogel made a motion to extend the deadline for plan recording until June 30, 2022. Cindy Miller seconded the motion. All voted aye. Motion carried.
4. Thomas Phillips Lot Line Adjustment. Mark Leuthe and David Lear were present to represent this plan. The deadline for recording this plan is April 20, 2022. This was a lot line adjustment with the former Archery Addictions property. Mr. Phillips had an agreement with the prior owner to give him some additional land. By the time everything was done with the lot line adjustment, the owner of Archery Addictions sold the property. Mr. Leuthe will be getting in touch with Mr. Phillips to see what he would like to do or if he wants to approach the new owners to see if they would be willing to honor the agreement. Mike Muffley noted that the new land development plan for this site does not take the lot line adjustment into consideration, but what is being developed by Mr. Sedler does not impact the area of the lot line adjustment. No action was taken on this plan.
5. David Buechele Minor Subdivision. Mark Leuthe and David Lear were present to represent this plan. The deadline for recording this plan is June 8, 2022. Mr. Leuthe commented he believes the planning module is still outstanding on this plan. There were some agreements that are also

needed on this project. A certification of monuments that were set will need to be provided to Hanover Engineering. Mr. Leuthe believes they will be able to meet all the conditions of approval prior to the deadline. No action was taken on this plan.

6. Turkey Hill Land Development Plan. Mark Leuthe and David Lear were present to represent this plan. The deadline for recording this plan is June 30, 2022. Mark Leuthe commented he believes that this plan will also be able to be completed prior to the deadline, although they are having problems with getting the plan through the PennDOT office. Attorney Backenstoe commented Turkey Hill's attorney had contacted him regarding an improvements agreement. Mark Leuthe noted the Township will need to adopt a resolution for the PennDOT right of way. He will forward the form to the Township for a future meeting. The NPDES permit needed to be adjusted because of the extended construction area of the roadway.

Cindy Miller commented she spoke with the project manager a few months ago and she had indicated that they were looking to have shovel in the ground around April 18. She is not sure if they are still on the same timeline or if it needed to be pushed back. Cindy Miller also noted that Alice Rehrig had been in touch with the project manager as well to let them know that PennDOT is planning on doing an overlay project on Blue Mountain Drive this year. It is not known what the impact of this overlay will be. David Lear will contact PennDOT to see if he can find out what their schedule is.

No action was taken on this plan.

- E. Engineer's Report. Mike Muffley reported the Planning Commission will be meeting next week to review some advisory reports for the Zoning Hearing Board and an advisory report for the Timothy Pitts plan who will coming before the Board for a Conditional Use hearing. The J & T Enterprise (Terry Vandling) Land Development plan is also before the Planning Commission for review.

Mike Muffley also looked through the file for Grace Estates to see where things were left. He will be working with Attorney Backenstoe regarding some acknowledgement agreements that were needed to be filed for lots regarding the new NPDES permit. They also did an inspection and there is some work that needs to be done on the outlet of the detention basin. Attorney Backenstoe commented Mark Wagner came in questioning why the Township was still holding his money. Mike Muffley did a good job in reviewing the file and

learned that some of the outstanding items for this plan was that there was supposed to be lots that were to be consolidated and were not, there were O & M agreements that were supposed to be completed, but weren't. There were a number of key elements of the plan that were supposed to be done that were not done which is why the Township was holding his money.

Jerry Pritchard questioned what Mr. Wagner's response was to all of this. Attorney Backenstoe commented when he called him, he indicated that he didn't remember any of this. Liz Amato questioned if the plan will need to be rerecorded. Attorney Backenstoe commented that it does need to be rerecorded.

V. DEPARTMENTAL/ORGANIZATIONAL REPORTS.

- A. Recreation Report. Sandy Hopkins reported it was necessary to close the dog park temporarily because of the muddy conditions that are developing.

She has also been in contact with Dun-Rite regarding the electric at the shed at Bryfogle Park because of the work the Lions want to do with the shed. In discussing this project and meeting with David Hess, Frank Zamadics, and one of Dun-Rite's foreman, they discovered the pole which supports the lines going into the shed is rotted and in poor condition. It needs to be determined who will be responsible for taking care of the pole. She thinks it will be PPL since the wires are coming from across the street, but Dun-Rite will be looking into this. The other discussion they had was the replacement versus refurbishing of the shed. They all agree that the best thing would be to refurbish it. The frame work is very sturdy and the concrete base doesn't have any cracks in it. They are looking at residing the shed.

Yoga will be starting up again on April 3 at Danielsville Park.

The Northampton Kids Adult team has qualified as a home team and they want to continue to take care of the infield like they did last year. They would also like to redo the inside of the dugouts, meaning they would paint the inside and replace the existing benches with new benches provided the Township would pay for the materials. She would like to discuss this with Frank Zamadics. The material cost they provided was \$3,400 and she would like him to review it. Jerry Pritchard commented the line items should be reviewed because the cost seems to be high.

The Lehigh Township Elementary PTA has been approved to use the track at Bryfogle for their color run on May 14 since the School's property is still under construction.

Jerry Pritchard commented he spoke with the owner of ECTB and they will not be coming back up to the Township at this point. They have access to a complex that accommodates all ages so they don't need to move from field to field. At this point, he would hold off on redoing the benches because we will not have any money coming back into the field.

- B. Public Works Report. Frank Zamadics reported he is waiting on a lot of prices for projects. He is hoping he will have that information by the end of the week.

As Sandy Hopkins indicated, he locked up the dog park and it will remain closed until April 30. He is also planning on putting some seed down to get some new growth. Cindy Miller commented the dog park may need to be closed at a certain time every year because of the grass. Frank Zamadics commented he also thought it may be a good idea to close it down for a bit in midsummer for fertilization and to give it a break. It may be a good routine to close it periodically. The freezing followed by the rain and then the thaw made it a real mess which is why he thought it was important to close it now.

Jerry Pritchard questioned what is being done with the truck with the blown engine. Frank Zamadics commented he is waiting on numbers for replacing the vehicle and also replacing the motor. As far as getting a new chassis, you most likely will not see that until 2024. He is hoping to have numbers either by the next meeting or the meeting in April.

Jerry Pritchard questioned when the water will be getting turned on in the parks. Frank Zamadics commented he is hoping he can get it turned on before the end of March and pull the necessary tests in April.

Patrick VanderPloeg questioned if the Lions are willing to just do the residing of the shed. Sandy Hopkins commented she did call them and told them what they were thinking. The person who is in charge through the Lions is a contractor and he indicated he can get all the materials and would be willing to send a man or two out if it is needed.

- C. Zoning Report. Liz Gehman reported the permits are picking up which is typical for this time of year.

There were two zoning hearings last month, a special exception for H & Z Holdings for heavy equipment sales which was granted with conditions and 527 Graystone Drive LLC which was an appeal of her notice of violation for the expansion of a business located across from Executive Auto. The notice of violation was upheld. This month there are three hearings, two are for a special

exception, one for short term rentals in the Resort Commercial District, and one for a home occupation in a General Commercial District, and a variance request to store commercial vehicles on a residential property in an A/RR District. She also has three applications for next month, two for a special exception for accessory apartments and one for an accessory solar system which exceeds the maximum kilowatts.

The Conditional use application has also been received for the Pitts Land Development plan. The application will be reviewed by the Planning Commission in March and then there will need to be a hearing before the Board of Supervisors. This hearing is for 29 manufactured homes which will ultimately be combined with the Northwoods project. The Board needs to decide if they want to hold this hearing on a separate night or in conjunction with a regular Board meeting. It was agreed to hold the hearing at 6:00 p.m. on April 26, prior to the Board meeting.

The Ordinance Committee held their first meeting and came up with a game plan on how they will be moving forward. There are a few tweaks that should be done to the ordinances sooner than later because of the ongoing day to day issues. One would be provisions for a landscape business because they are not really addressed in the ordinance and they are popping up all over and the other would be accessory roof mounted solar panels. Right now, an accessory system has a maximum capacity of 18 kilowatts. Currently, the solar company will only install systems that cover a certain percentage of usage and most of what she is seeing is more than 18 kilowatts so they need to obtain a variance from the Zoning Hearing Board. These systems are still accessory system and residents are being required to pay the additional variance fees in order to have the system installed. They would like to increase this number as long as the system remains as an accessory system and provide relief from needing a variance for a roof mounted system. The Committee would like permission to begin working on updating these sections of the ordinances to present something to the Board prior to the completion of the entire ordinance update. This item will be placed on the next agenda for a formal vote.

Jerry Pritchard questioned what type of problems Liz Amato was having with Landscape Businesses. Liz Amato commented there is nothing listed in our ordinances pertaining to people who have a lawn care business or plow shown in the winter. The problem she is having is they are popping up all over, particularly in the A/RR district where people are essentially running the business from their property and have commercial equipment parked there. Our ordinance does not list it as a permitted use in any district. Some of the businesses have tried to come in under a home occupation but that hasn't worked because the business is not

really being run from the home. It's a very popular use that we don't provide for and she thinks it would be a good idea to have it provided somewhere whether it be permitted by right in certain places or a special exception with certain rules. Phil Gogel commented he could see requiring certain criteria such as a certain amount of acres so the neighbors are not disturbed by the equipment going in and out. Liz Amato commented most of them are small business and most of the complaints do come from the neighbor properties and there should be some type of regulation on them.

David Hess commented he noticed there were several complaints regarding junk cars in the Zoning Officer's report and questioned how the junk cars at the restaurant on Route 946 came about? Liz Amato commented there have been lengthy discussions about this. The owners claim they are not junk cars because they do not have motors. They are the décor for their business. When this business went in, it went from a non-conforming use to the same non-conforming use with a different owner so land development was not required which is typically when these issues are addressed. Initially when the cars came in there were complaints about junk cars being parked there. The owners indicated that they were part of the décor and she had told them to at least incorporate them into the décor and make them look nice like they are part of the decorations which they have done. Their argument all along was that they are not junk cars, but decoration. Phil Gogel commented he agrees with what David Hess is saying. He could have 10 junk cars and use them as planters like they do with the old bathtubs. He could have 10 cars full of dirt with cornstalks growing out of them. Liz Amato commented if the Board wants to revisit this and feels they are junk cars, she can send them a notice. Phil Gogel commented he doesn't believe it should be up to the Board to make that determination unless they have a hearing in front of the Board. He feels that should be part of the Zoning Officer's job. Liz Amato commented when someone gets put on notice for junk vehicles, it is under the nuisance ordinance, not the zoning ordinance. If she sends the notice, the owner cannot appeal her notice to the Zoning Hearing Board. Phil Gogel commented he thought there was something in the ordinance that there could only be one unregistered vehicle on the premise. Liz Amato commented she will check, but believes none are permitted under the nuisance ordinance. They would either need to get rid of the vehicles or if they didn't get rid of them, she would have to cite them and it would go to the Magistrate. The Magistrate would then need to make the ruling after the hearing as to whether or not they are junk cars. Phil Gogel commented he agrees with the questions by David Hess because we need to treat everyone the same. It can't be segregated out because you are a business. It has to be levied on everyone equally. David Hess commented his question was more of what would happen if an individual said it was part of their décor. Liz Amato commented it would become a matter of interpretation or

opinion. When you look at the black and white of the ordinance, yes, these cars would be considered to be junk cars. Does she see them as junk cars? No, they are part of the whole theme they have there. If the Board wants to consider them junk, she can do the enforcement. Phil Gogel commented he would agree, but when you look at the ordinance, you need to enforce it the way it is written. Jerry Pritchard questioned what would happen after the Zoning Officer sends the notice. Liz Amato commented they would have 20 days to remove the vehicles. If the vehicles are not removed within 20 days, she would have to write a citation and they would go to Judge Hawke and either plead guilty and pay a fine and the cars still sit there and continue to pay fines or plead not guilty, take a hearing, and Judge Hawke may not agree with her that these are junk cars and allow them to remain. There just would not be a hearing before the Zoning Hearing Board. Phil Gogel commented he believes we need to treat everybody equally. We have things coming up and he believes everyone needs to be on the same playing ground. Kim McGonigle commented she thought they were all shells and painted real fancy. She doesn't believe they have wheels on some of them. Mike Jones commented he has played golf there and thinks there may be insides to the cars, but there are no motors. Kim McGonigle also heard they were planning on adding a go cart track this spring, but it is a local business. Phil Gogel commented he is not saying that it is bad, but we just need to treat everyone equally. Unless we change the ordinance to accommodate businesses with certain décor, we need to treat everyone equally. Kim McGonigle commented when she thinks of junk cars, she thinks of M & R. Liz Amato commented she can send out a letter, but believes they will fight to keep them because they spent a lot of money on the cars. Mike Jones commented they built the whole place around that theme. In his opinion, he doesn't seem them as junk. Liz Amato commented if they come in for a go cart track, they will need land development because that is a new use. That portion will have to meet all the new regulations. Patrick VanderPloeg questioned if this is a fight the Township wants to have. This is the same person who beat the State during COVID. Phil Gogel commented it's not about that. You can't say he's a nice guy and let him get away with it. Everyone has to follow the same rules otherwise you might as well throw the rule book away and have chaos. That's the difference between a civilized nation and a noncivilized nation; rules.

Mary Trexler questioned what the status was of the property on Wood Drive. Attorney Backenstoe commented we filed an injunction and the court ordered him to file a land development plan, which he did, and to pay fines, which he has paid some. He understands the neighbors do not like him, but people tend to forget he has a residential home in a residential zoning district. If he gets his land development plan approved, he will be allowed to live there. If there are other things that are being done that are not legal, it becomes a police matter. He was

told by the neighbors that the owner hasn't been living there for months. Barry Haydt commented he was just there a few days ago. He is not living there and is not working there. Chief Fogel commented the Department was called there this past Saturday. The owner, one of his tenants, and a friend were down there shooting. One of them decided to shoot a container of Tannerite which caused the explosion the neighbors heard. Tannerite is not illegal, just loud. They were told they couldn't shoot down there without going through the process of having a range which is what they have done for everyone else.

- D. Police Report. Chief Fogel reported they have been spending a lot of time on Walnut Drive as a result of reports of speeding vehicles and trucks. The dump trucks are noisy and there are a lot of homes close to the road in the area. This, along with the combination of the volume, gives it the sound and optics that they are speeding and there is a problem, but they have not really encountered a problem after sitting in the area for a number of days. During the time they were sitting there, they only pulled over two vehicles for violations. It doesn't mean it doesn't happen, it just hasn't been to the degree where there is a repetitive problem.

February's activity was unusually slow. They only had 6 arrests for the month and 20 total accidents. Typically, they would have closer to 30 accidents.

The Chief provided everyone a copy of the accreditation assessment report. It gives all the demographics of the Department and spells out who they are, what they do, and how they do it. He recommends everyone take some time to read it. As part of the accreditation process, the Assessors did a ride along and reviewed policies and proof that policies were being adhered to. Sergeant Henry did an outstanding job in putting everything together for the Assessors. He did the lions share of the work on this. Sergeant Mirabile also helped a lot with the use of force and training activities that are part of the accreditation standards. Pam Herschman also needed to go through an assessment process for the records management and everything that ties into it in the office. There was a lot she needed to prepare for and put together for that portion of the process. The Detective had to go through the property room and make sure everything was in order and met the standards. During the process, it was determined that a few things within the property room needed to be updated. The Road Crew came over and within an hour, they reconstructed an area of the property room to meet the standards that were needed. It was a great group effort by everyone involved. On April 12, Jim Adams from the PA Law Enforcement Accreditation Commission will be coming here to present the plaque to the Department.

There is a JAG grant that is available this month that he is looking into and hopes the Board would support his application. It is a no match grant for informational sharing, regional type sharing between departments. He is looking to upgrade their records management software. There have been a lot of things that have changed over the past few years and the current records management company has not been updating their program. There is another program out there that a lot of Departments are using call Cody Systems. This program will pull all the information together from the various areas and automatically put it into the records management system. There would be a benefit to this because you wouldn't have to retype things that have already been typed. For example, e-citations and crash reports are located in one network. The current records management system will not build the bridge that is needed to pull all this information into the records management because they want you to buy their software. The Township is getting all their software for tickets and crash reporting paid for by the State under a grant so it doesn't cost us anything so it doesn't make sense to pay for these services. Cindy Miller questioned if there was a cost on the upgrading of the records management software. Chief Fogel commented he is estimating it to be around \$20,000. The maximum grant application amount is \$200,000, but you can only submit for one project. Cindy Miller questioned if a hardware upgrade was needed. Chief Fogel commented an update will not be needed and he is also looking to include the migration of all their data into the grant as well so that there is not siloed information. The other issue with the current system is if you wanted to utilize it for crash reporting and citations, you would need to install it into all the vehicles which would meet additional licensing fees. Jerry Pritchard questioned who would apply for the grant. Chief Fogel commented he would put it together and be signed by the Board. Jerry Pritchard questioned what would happen if the grant didn't come through. Chief Fogel commented he would continue to use the current system. There is nothing wrong with the system; it is just not as efficient. The Board had no objection to the Chief moving forward with this grant.

The Department will be doing SFST Training from May 13 to May 15. By the Department hosting the training, it helps put money back into the training budget. Any of our officers who haven't had this training will be able to go through it without a cost to the Township because we are hosting the training. Fees paid by other departments will go back into the Department's training budget to help offset costs.

On Saturday, there is Community Day at Blue Mountain Resort. It's a day that they set aside in cooperation with the PA State Police and St. Luke's Health Network where they supply a number of tickets for children to come up snow

tubing for the day. The Department was given 12 tickets which were taken over to the elementary school for them to help select 12 children to go up to Blue Mountain Resort for the day. They will get three hours of snow tubing plus the activities that the State Police and Blue Mountain set up for them.

The Department is looking at doing a Police Pistol Shoot, primarily for Police Officers. It is pistol only. It is a competition for officers to show what they are able to do. It is also a great training mechanism because the more often officers can get in the line to do shooting, the better. Right now, our officers are going to the range twice per year, sometimes a third time if available. They are in the process of making sure everything is covered by insurance. They are looking to do this on April 23 from 9:00 a.m. to 5:00 p.m. Jerry Pritchard questioned if there was a fee that the officers would need to pay. Chief Fogel commented there is an entrance fee of \$35 per officer. They do two man shoot and individual shooting. The fees would be to offset the costs of the competition. The individuals will need to supply their own ammo, but we will be furnishing the targets and prizes. Any additional funds that are raised would be put back into the range to buy targets, frames for targets, or other items that are needed for training purposes. Jerry Pritchard questioned how many officers are expected to be part of the competition. Chief Fogel commented he is not certain how many there will be, but they will be staggering the times so that there is only a certain number of officers at the range at one time. Cindy Miller questioned if there will be any sponsorships for this. Chief Fogel commented Sergeant Mirabile was looking into it, but he does not know if there will be any. Jerry Pritchard questioned if there will be a report of the revenue and expenses provided to the Board. Chief Fogel commented he would provide one. Paul Nikisher questioned if the public would be able to watch. Chief Fogel commented he wouldn't have an objection, but it could be difficult for people to see because they will not be able to be on the berms, and depending upon the amount of people that are there, it may be difficult to see from behind the range. Phil Gogel commented he doesn't think it is a good idea to have civilians on the range. Chief Fogel commented the only aare they would be able to be in would be behind the range and shooters, so they wouldn't really be on the range. He could also look into livestreaming it through Facebook. David Hess made a motion to authorize the Police Department to hold the Lehigh Township Police Department Inaugural Pistol Skills Competition. Jerry Pritchard seconded the motion. Cindy Miller commented her only concern would be liability. Chief Fogel commented he will make sure the liability is covered. If there is a problem with liability, they will not hold the competition. All voted aye. Motion carried.

- E. Fire Company Report. Rick Hildebrand provided the Board with a letter regarding updates to the grant which they had received. When the capital

improvements plan was developed, there were some pieces of equipment that were not specifically identified for replacement as part of the program, but possibly through a grant. They had written a federal grant to replace the 52 year old military truck and the brush truck. The reasons these two vehicles were chosen to be replaced through the grant was because the Fire Company doesn't qualify for any other type of vehicle through this grant program because we are a rural community. The only thing they qualify for is a brush truck or mini-pumper/urban interface vehicle. The grant was written back in 2020 and they were awarded \$295,000 through the grant. They have spent the last 5 ½ months meeting with vendors and other departments trying to make something that will work for the community. They need a vehicle that is able to make it to homes and areas where the regular fire apparatus cannot make it. They had to overcome several hurdles along the way and finally received bids for the vehicle and it came in over the \$295,000 that was awarded in grant funding. The Fire Company is looking for any assistance that can be given from the Township in funding the difference between the grant and the purchase price of the vehicle without jeopardizing the apparatus replacement fund because they do have another piece of equipment that is in need of replacement in a timely matter because they don't want to see it go further and further down the road. This grant opportunity happened to present itself and is like winning the lottery in that there is an opportunity bring federal dollars back into the Township.

Jerry Pritchard questioned if the Fire Company ever looked at leasing a vehicle. Rick Hildebrand commented through the replacement plan, the equipment is able to be purchased without having to incur any leases, loans, or paying interest. Jerry Pritchard commented it would seem that it would be easier for the Township to come up with lease money a lot easier than full purchase money. Rick Hildebrand commented this particular grant does not allow there to be any liens against the apparatus that is purchased through the grant because it is a federal asset. It is an unfortunate hinderance of the program. They just received a \$50,000 grant through Northampton County for radios and their match for the grant is \$20,000. If they would have known about this situation with the truck when the radio grant was written, they would have written the grant to be used for equipment replacement.

Mike Jones commented when he spoke with the Fire Company before about this, he was under the impression that the Fire Company was going to be putting funds towards the new vehicle. Rick Hildebrand commented the Fire Company is looking at putting funding towards the vehicle, but didn't know if there was any possibility of some additional funds coming from the Township. When he provided the Board with the letter requesting the funds, he looked at the wrong number so there is a \$10,000 mistake on his behalf which is something that they

would put in. They are able to do something to contribute towards the truck but are questioning if the Township would also be able to contribute something. Jerry Pritchard questioned if the amount the Fire Company is looking for is \$119,696. Rick Hildebrand confirmed that would be the amount. It actually would have been \$129,696, but he had made a mistake when he provided the letter to the Board.

Mike Jones questioned what the life span would be of this vehicle. Rick Hildebrand commented he believes it would be 30 years.

Mike Jones questioned if the total price of the vehicle that is shown in the letter is the final price. Rick Hildebrand commented it is the final price of the vehicle which will also include some hose and ladders, but the Fireman's Relief fund will be purchasing air packs, hand tools, equipment, radios, and medical supplies. In addition, they will also be purchasing a thermal imaging camera which is \$15,000. The vehicle is going to be set up to address the concerns they have had with not being able to get to some places. It will be a year round asset rather than a piece of equipment that only gets used five days a year.

Mike Jones questioned why two places didn't want to bid on the truck and another place didn't want to meet the requirements. Rick Hildebrand commented the one company only wants to build a vehicle with stainless steel. There are also issues with companies getting their vehicles certified as far as weight and structural stability because the truck needs to be built to NFPA compliance which is a requirement of the grant. One company that they were working well with, is a newer company and they are not organized enough to be in compliance with the NFPA standards and they bowed out. Unfortunately, they did this in the 11th hour after they had spent multiple months working with them. They also had another manufacturer which is like a parent company to them who wasn't even aware of what was going on. Another manufacturer will only build a vehicle out of stainless steel. The Fire Company was looking for an aluminum body and this company will not change the way they build vehicles. This vehicle will have a two pump configuration in it. In order to be compliant with the grant, it has to be a wildlands truck for pump and roll and also have the capability to pump to handle structural fires. This is what provides the benefit of being able to fight fires in areas that they cannot get to with other pieces of apparatus.

Rick Hildebrand also noted that the pricing for the vehicle is actually good until April 30th, not the March 31st as indicated in his letter.

Phil Gogel commented the Board cannot take action on this at the meeting since it was not on the agenda, but it can be placed on the next agenda and asked the Fire

Company to come up with their number. Rick Hildebrand commented initially when they were awarded the grant, they felt they were going to be able to take care of the funding of the vehicle on their own, but with all the issues that came up and the significant increase in the price, they are coming to the Township for assistance. Phil Gogel noted the 2020 pricing was definitely different than what the current pricing is.

Mike Jones questioned when the payments for the truck would be due. Rick Hildebrand commented there would be an additional \$10,000 discount if the vehicle is paid for at the time of signing which would be when they place the order. Rick Hildebrand commented by paying the vehicle up front in full, it doesn't give you much control over the production, changes, and such. There are damage clauses that if they don't produce the truck in a certain amount of days and time, they start paying penalties for every day that is it late which is usually a couple hundred of dollars per day. They would have immediate access to the federal funds so that will not be an issue.

Rick Hildebrand commented he should be able to make the next meeting if there are any additional questions on this. Jerry Pritchard questioned if he would be bringing along how much money the Fire Company will be contributing and how much funding will be needed from the Township. Rick Hildebrand commented they are already responsible for \$14,000 plus he did make a mistake in the letter he gave to Board which understated the price of the vehicle by \$10,000 which they are going to fund. They are also paying \$20,000 in match towards the other grant they received from the County. Jerry Pritchard questioned if there was anything in Capital Improvements for this. Cindy Miller commented this was not part of the plan. This would be in addition to the \$320,000 that is being set aside for the engine they are looking to purchase in another year or so. Rick Hildebrand commented he realizes that this was unexpected, but he also hated to not take advantage of getting the additional funds through the federal grant program. Phil Gogel commented he read the letter and understands what they need and he will give them his support. Cindy Miller commented it is not just a matter of supporting or voting to help. We need to figure out where the money would be coming from. Rick Hildebrand commented he understands there is an equipment replacement plan, but he is trying to avoid taking money from there and making that situation worse by pushing that piece of equipment further into the future.

VI. OLD BUSINESS

- A. Cherryville Intersection. Alice Rehrig noted there was no update on the project. Nothing has been posted to the online system regarding whether or not PennDOT accepted the plans that were submitted.

Cindy Miller commented she noticed in the Manager's report that we have exceeded the budget for the striping plans for the intersection. Alice Rehrig commented she reviewed the entire engineering budget for the project and the expenses have reached their maximum amount and she has put Jim Milot and Charlie Unangst on notice. Cindy Miller commented we cannot continue to keep paying for PennDOT to delay and change things.

B. Maintenance Building

1. Resolution 2022-8, Authorization to submit for Statewide Gaming Grant. In order to complete the grant application, a resolution is needed that indicates the Board's authorization to submit for the grant and names the Secretary and Chairman as signers on the grant. This resolution also indicates that the Township is committing \$250,000 from the building fund towards the project. Cindy Miller made a motion to adopt Resolution 2022-8. David Hess seconded the motion. All voted aye. Motion carried.

C. Advertising of Comp Plan. David Hess commented he requested this be placed on the agenda to find out where the plan will be advertised. Alice Rehrig commented meeting has been set for April 6. The official advertisement will be placed in the Home News and run on March 17 and 24. She also is running an add on March 17 in the Town and Country Gazette and she is also going to be running another advertisement in the Northampton Press on March 17. David Hess commented he also thinks there should be some type of mailers or robocalls being made to do more outreach to the residents, especially the ones whose properties may be effected. Cindy Miller commented if the robocalls are done, you could contact everyone rather than doing a mailing to people specifically affected. Jerry Pritchard commented he would get a price on robocalls. Cindy Miller commented at least if the robocalls are done, then people can't say we didn't try.

Adam Raker commented he would suggest mailing something to the people who are affected, similar to what they do on the Zoning Hearing Board. A lot of people do not listen to the robocalls. At least if a letter was mailed, you can show the attempt was made. Cindy Miller commented if a mailer is going to be done, she would only do the people whose property would be directly affected.

Phil Gogel commented he is not in agreement with the way the plan is written. He sees too many flaws in it. Why waste the money? Mike Jones commented the residents should still be notified about it. Cindy Miller commented the consultant will also be present to give a presentation on why it was developed the way it was. You are going to want the residents to be here for the presentation.

Barry Haydt commented there are more properties being affected than the ones who are getting rezoned. The people who are not getting zoned the way they want are also being affected. Everyone is affected. He believes there should be two or three plans available when people go to vote and then the voters can decide. That is the way it should be. Adam Raker commented if you put multiple plans out you will not get people to come to a consensus. That is why you have the five people in the front to make the decision. Attorney Backenstoe commented under Pennsylvania Law you cannot have an opinion vote put on the ballot. There are only certain items which are permitted to be on a ballot.

Phil Gogel suggested there be one meeting with the comp plan and then everyone can argue amongst themselves to hammer out what they don't like about it, then if we come to some type of resolution that can be agreed upon, then advertise it and spend the money on the robocalls or the mailers and have the public come in and have it in two parts. Jerry Pritchard commented we would just be rehashing everything that is scheduled for April 6; why not just get it done. Phil Gogel commented he doesn't believe we will be able to get it done so why spend the money to send out the mailers the first time. He doesn't believe it will go through the first time. Cindy Miller commented if we do the mailers and notify the residents the first time and it gets continued to another meeting, the people at the meeting will know when the next meeting will be because the Board should be scheduling the next meeting that same night.

Mary Trexler suggested including something in the newsletter. Alice Rehrig commented the newsletters have already gone to print. Liz Amato commented there may be a way to put an insert into the newsletter. Alice Rehrig will check on this.

VII. NEW BUSINESS

A Resolutions for Approval

1. Resolution 2022-9, Establishing Residency Requirement for Serving on Boards and Commissions. Cindy Miller made a motion to adopt Resolution 2022-9. Jerry Pritchard seconded the motion. Paul Nikisher questioned what the residency requirement was. Mike Jones commented it is one year. That is what the practice has always been, but now it is put in writing. Barry Haydt questioned if background checks were required. Mike Jones commented the resolution does not have it included. Barry Haydt commented he believes it should be a requirement when you are sitting on boards for the Township. You don't want someone who is a felon sitting on a board. Attorney Backenstoe commented it would be highly unusual to require background checks for someone who is sitting

on a board or committee. He has never seen that as a requirement for appointments. The law does not prohibit someone from being appointed to a committee; it does not permit someone who has a felony arrest to serving in an elected position. All voted aye. Motion carried.

Phil Gogel questioned what would happen if someone was a resident for only 10 percent of the time, like someone who is a snowbird. Cindy Miller commented she would think that is something the Board would consider at the time of the appointment. Attorney Backenstoe commented if someone is going to be gone for six or eight months, they wouldn't be able to sit on a board.

2. Resolution 2022-10, Establishing Miscellaneous Fees for Services. Cindy Miller made a motion to adopt Resolution 2022-10. David Hess seconded the motion. Cindy Miller noted there was an error in the effective date. It should be 2022, not 2021. Alice Rehrig commented most of the charges in the resolution pertain to reimbursement for time and materials when someone has an accident and the street signs are damaged. When this happens, she will file a claim with the insurance company. The particular area of the resolution that changed was the cost of the street signs and posts. Since the beginning of the year, we have seen an increase of 25 to 30 percent in the materials. David Hess questioned if the hourly rates for the road department are adequate. Alice Rehrig commented she checked the rates and they do cover the hourly rate and benefits. Mike Jones noted that the resolution is restricting alcohol to just Indiantrail Park. He had thought that was changed to allow it at Danielsville as well. Alice Rehrig commented it was changed. She will update the resolution. All voted aye for the adoption of the resolution with the noted corrections. Motion carried.
 3. Resolution 2022-11, Establishing Police Pension Contributions. Cindy Miller made a motion to adopt Resolution 2022-11. Jerry Pritchard seconded the motion. Paul Nikisher questioned what the contribution is. Mike Jones commented it is 3.5 percent for 2020, 2021, 2022, 2023. The rate is set by contract, but the law requires a resolution to be adopted. All voted aye. Motion carried.
- B. Manager's Report. The Comp Plan meeting is scheduled for Wednesday, April 6, at 6:00 p.m.

Alice Rehrig received an email from a resident expressing his concerns about the trucks that have been using Municipal Road, Maple Drive, and Evergreen Road because of the weight restriction on the Route 248. She told the resident she would relay his concerns and see if the Board wanted to reconsider the weight restrictions on the road. She had explained to him the previous discussions of the expenses involved in the studies as well as the effect the posting has because the trucks find other routes through the Township. Alice Rehrig also had asked Frank Zamadics to check Municipal Road and Evergreen Road to see if the trucks are damaging the roadway. He indicated the only area where there is a problem is where there is a dip in the road where the pipes dropped on Municipal Road. Maple Drive has more damage and that is a State Road. Phil Gogel suggested the police set the scales up in the area. Chief Fogel commented they have done that a number of times, but there are so many of them that the trucks keep coming. They even have taken them to the weight scales on Timberline so that they wouldn't have to give them a weight variance because of using portable scales. In addition, PennDOT has now issued a new permit that allows certain commercial vehicles to go over that bridge, even if they are overweight. It's a cheap permit, around \$50, and it can be used multiple times per day. The Board did not want to pursue the weight restriction studies.

Alice Rehrig provided the Board with some range guidelines that she compiled after reviewing the NRA Range Book and another resource she found on line. The NRA Range Book was not as detailed in terms of how high and how deep a range needed to be as the other resource was. She also wants to reach out to the NRA to see what type of inspections they offer and if they have any other suggestions. Phil Gogel suggested she reach out to David Kemmerer who did the work on the police range. He is familiar with the trajectory of the bullets and the angles that are needed to be safe. He may be able to fill in some of the gaps.

The Lorah Conditional Use hearing is scheduled for March 17 at 6:00 p.m.

Jerry Pritchard commented with these different hearings, there is a capacity law regarding the inability to fit people into the room. If there are too many people to fit into the room, the hearing needs to be continued until a large room is found. Attorney Backenstoe commented in the past, the Township has gone to the Fire Company. Jerry Pritchard commented if we are notifying all the people in the Township to come to the Comp Plan meeting, we need to think about this. Rick Hildebrand indicated that the Fire Company was available on the 6th if the Board needed to use the hall. The Board agreed to hold the Comp Plan meeting at the Fire Company.

Dalton Lorah questioned if the Comp Plan can be viewed before the meeting. Alice Rehrig commented she has copies available in the office and it is on the website as well.

C. Solicitor's Report.

1. Assessment Stipulation Agreement. Attorney Backenstoe provided the Board with a copy of a stipulation settlement for Seritage KMT Financial. The owner filed an appeal of assessment to Northampton County and appeared before the Revenue Appeals Board. The owners were not satisfied with the result of the appeal to the Revenue Appeals Board. As a result of that, they filed a formal assessment appeal with the Court of Common Pleas. When this happens in Northampton County, the County takes the lead role spends the money on an appraisal in addition to their assessors and typically negotiate a settlement rather than going through a full blown hearing. The Townships usually do not participate in the process because of the costs they would incur. It would be unnecessary for the Township to spend the money when the County and possibly the School are already doing so because they get the greater share of real estate taxes. The School District has already signed off on this agreement and Attorney Backenstoe was requesting authorization from the Board to also sign off on the agreement on behalf of the Board.

Phil Gogel made a motion to authorize Attorney Backenstoe to sign the settlement agreement for Seritage KMT Financial Assessment Appeal No. 2020-07486. Cindy Miller seconded the motion. Cindy Miller noted the common level ratio was lowered for our area. She thought that seemed odd. Attorney Backenstoe commented every year, the State Tax Equalization Board sets a common level ratio based on the new properties sold compared to current values and determine if the net value of the properties in the Township is going up or down. If they find a deviation of more than 35 percent of the standard ratio of homes, they will increase the common level ratio accordingly. The real estate taxes are determined by the assessed value which is the fair market value times the common level ratio. All voted aye. Motion carried.

Attorney Backenstoe questioned if the Chief would have an objection to him providing the neighbors with a copy of the incident report pertaining to the weekend activities at the Vandling property on Wood Drive. He receives emails and calls from the neighbors and would like to send it to them to let them know that the Township is doing everything they can with the situation.

- VIII PUBLIC COMMENT. Paul Nikisher questioned if Jaindl is still planning on moving forward with his project. Mike Jones commented there was an article in the paper indicating he plans on breaking ground in the fall and it will take two years to complete. Cindy Miller noted he has not yet started on the residential portion of the development.

Adam Ash commented he doesn't know how many people were involved in the Comp Plan and saying what they want their area to be changed to. Cindy Miller commented it was done with a consultant and the Planning Commission at open meetings over the past year that people could have attended. Adam Ash commented he was unaware of the meetings and also knows that there are people who have businesses that would like to have stuff in their area of the Township and are not too far away from the Neighborhood Commercial zones. They would like to have Neighborhood Commercial in the area but don't with this new plan. Not only that, there is a large section of General Commercial being eliminated from the Township. He does not understand why we wouldn't want to have more access for businesses to move in and pay taxes. A lot of General Commercial along Route 248 have been removed. He would be for adding more commercial, particularly along Route 946. Phil Gogel commented you want to keep your commercial areas along the main thoroughfares because they are State roads. You don't want to have anything on the interior of the Township. He agrees with Mr. Ash's vision. Cindy Miller noted Route 248 was designated as a major thoroughfare for the Lehigh Valley by the Lehigh Valley Planning Commission. She recommended people come out to the meeting and hear the presentation by the consultant to help them understand why the plan was laid out the way it was and the Planning Commission did what they did. The Planners and the consultant met for over a year to work on this. Adam Ash questioned if people who attend the meeting can have things changed. Cindy Miller commented recommendations can be made to the Board and then the Board will have final say. Phil Gogel questioned how much money has been spent on the Comp Plan. Cindy Miller commented it was budgeted for around \$50,000. Alice Rehrig commented she didn't believe the whole budget was spent.

Adam Ash also commented on the possible changes to the solar panel ordinances. Right now, it appears that if you want solar panels, they must be on your roof. Liz Amato commented ground mounts up to 1000 square feet or 18 kilowatts are permitted as accessories to your home.

Dennis Herschman questioned if the Board has determined what they will be doing with the COVID relief money. Mike Jones commented the guidelines have not yet been received. Alice Rehrig commented there was another release from the Federal Government that she hasn't looked through yet.

Supervisor Minutes
March 8, 2022

Kim Kistler commented he was able to obtain a Lehigh Township Board of Supervisors ledger dated 1804. He is willing to sell it. He has been trying to get in touch with the Historical Society, but has not been able to reach them.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss a personnel matter. No action was taken.
- X. ADJOURN. David Hess made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.