

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the February 9, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, February 9, 2021, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pa. 18088. Chairman Cindy Miller called the meeting to order with the pledge of allegiance and roll call:

Present: Phil Gogel
Keith Hantz
Mike Jones
Cindy Miller
David Backenstoe
Jim Milot
Alice Rehrig
Liz Gehman
Frank Zamadics
John Henry

Absent: Mike McGonigle
Phil Malitsch
Scott Fogel

II. APPROVAL OF THE MINUTES

- A. Minutes of January 12, 2021. Mike Jones made a motion to approve these minutes. Keith Hantz seconded the motion. Cindy Miller noted a clarification should be added to the discussion on Page 15 that it was Supervisors Hantz and Jones who raised the question. All voted aye. Motion carried.

III. APPROVAL OF BILLS

- A. General Fund Checks 24545 to 24617. Phil Gogel made a motion to approve these checks. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. State Fund Checks 1523 and 1524. Keith Hantz made a motion to approve these checks. Mike Jones seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

- A. Plan for Approval
1. LTMA Pennsville Water Booster Station. Wayne Doyle of Cowan Associates and Carl Sharpe were present to represent this plan. The Authority has no problem complying with the comments listed in Hanover

Engineering's letter of February 8, 2021, or the February 5, 2021, letter from the Fire Department. There are six waivers are being requested; five of which have been recommended by the Planning Commission. The five waivers that have been recommended by the Planning Commission are from Sections 138-10.I; Section 138-13.C.1.c, Section 138-13-C.4, Section 138-13.C.5; Section 138-15.B.7. The waiver that was not recommended is from Section 147-9.A.12, regarding the requirement of a title report. The waivers are mostly being requested because the detention basin is expected to be a temporary basin because it will need to be replaced if and when the facility is expanded.

Cindy Miller questioned if the Board normally would give a waiver on a title report. Attorney Backenstoe commented it is typically not waived because in most projects you are dealing with a private enterprise and the Board would have no way of knowing if there were any ownership issues or liens against a property that would affect the Township's ability to take over the public improvements in the future. Wayne Doyle commented they are requesting the waiver because they are subject to the Township guidance and to cut down on the legal costs for the Authority. It was waived for the lot line adjustment because they were obtaining the land from the Township. The Planning Commission was more concerned about the land where the facility will be located because it is owned by the Authority and not the Township. Cindy Miller commented it is her understanding that the Authority has applied for a grant for this project. The grant will require title reports on the project so they would need to do this anyway. She doesn't want it to fall back on the Township because they waived the requirement and they later find out a grant requires it to be done.

Mike Jones made a motion to grant the waivers of Section 138-10.I; Section 138-13.C.1.c, Section 138-13-C.4, Section 138-13.C.5; Section 138-15.B.7, as outlined in Hanover Engineering's letter of February 8, 2021. Keith Hantz seconded the motion. All vote aye. Motion carried.

Phil Gogel made a motion to deny the waiver request of Section 147-9.A.12 regarding the requirement to submit a title report. Mike Jones seconded the motion. All voted aye. Motion carried.

Mike Jones made a motion to grant this plan conditional preliminary/final plan approval subject to the conditions outlined in Hanover Engineering's letter dated February 8, 2021, the Planning Commission's letter of recommendation dated January 19, 2021, and the items listed in the Fire Company's letter dated February 5, 2021. Keith Hantz seconded the motion. All voted aye. Motion carried.

B. Plan for Denial

1. Terry Vandling Land Development Plan. This plan expires February 28, 2021, and an extension of time has not been submitted by the applicant. The applicant's consultant, Mark Leuthe was on the phone during the Planning Commission and indicated that he would not be providing an extension of time and he has not been in contact with the property owner. As a result of this, the Planning Commission is recommending this plan be denied.

Mike Jones made a motion to deny the J & T Enterprises, LLC, Terry Vandling Preliminary/Final Land Development Plan for failure to comply with the Township Engineer's letter dated October 8, 2020, and failure to comply with the Sewage Enforcement Officer's letter dated October 5, 2020, and failure to comply with any and all of the conditions set forth in both of these letters, supported by the Lehigh Township Planning Commission's letter dated November 9, 2021. Phil Gogel seconded the motion. All voted aye. Motion carried.

Mike Jones questioned how this affects everything else taking place on this property. Attorney Backenstoe commented he filed a complaint with the court and had to hire a private process server in order to serve Mr. Vandling. Mr. Vandling has been served and we are awaiting a court date. Attorney Backenstoe is also in the process of filing a preliminary injunction request which will mean there would be an expedited hearing, almost like an emergency fashion, because it will take several weeks before a trial would take place.

V. DEPARTMENTAL REPORTS

- A. Recreation Report. Alice Rehrig commented she spoke with Sandy Hopkins and she had asked her to relay that Katherine Mack has signed the contract for the fencing to move forward with the fencing for the dog park this spring. There was also a grant opportunity that became available to possibly get some items for

inside the dog park. The Recreation Board is in the process of applying for that funding. Cindy Miller commented the grant information will need to come before the Board of Supervisors for approval like the other departments need to present grants to the Board.

Cindy Miller noted the meeting with the Northern Lehigh Recreation Group has been cancelled.

Katherine Mack commented the original proposal she had received was only for approximately 1,000 feet of fencing, which is smaller than what was proposed four or five years ago. She had asked Tri-Boro to give her a quote for 1,500 feet of fencing. When the quote came back, it seemed to be quite high so the Rec Board felt it would be best to obtain additional quotes. It was almost \$7,000 less expensive to go with the contractor who installed the fencing for the Allen Township Dog Park. The two parks will be very similar. She has now signed the contract and the park will be the same size as what was intended several years ago.

David Hess commented the Rec Board is putting together a fundraiser to raise funds for items such as benches for the park. He also was in contact with Wayne Kleintop and he will be putting together some landscape drawings for the park.

- B. Public Works Report. Frank Zamadics commented the Department has been quite busy over the past several days with snow removal. He also has received a lot of positive feedback from residents. The repairs resulting from the storm have been minimal, a few hoses. The greatest repair they had a spring on one of the trucks. Cindy Miller commented she also received an email from a resident thanking the Road Department for their services. Frank Zamadics commented the Crew ran hard for a couple of days. They did an awesome job. They all worked together and everything went well.

Frank Zamadics noted they haven't been able to get to the parks to plow them. They have been going to various locations throughout the Township removing snow from cul-de-sacs or corners so they have room to put any additional snow that may come over the next weeks or so.

- C. Zoning Report. Liz Gehman commented there are several short term rental zoning hearings coming up in the next two months. There are two hearings on Thursday, one next Thursday and then two more on March 11.

1. Uniform Construction Code Board of Appeals. Liz Gehman commented she knows there will be an appeal coming up in the near future and needs to put an Appeals Board back together. Cindy Miller questioned what the background was of the individuals who were interested in being on the Board. Liz Gehman commented Larry Shoemaker does plumbing and heating, Adam Raker and Bills Jones are involved with construction, and Rick Schmidt and Mike Tripaldi are electricians. Rick Schmidt was the only individual who was previously on the Board that responded that he would still be interested in serving on the Board of Appeals. There are seldom, if any appeal requests. In the past eight years, there hasn't been an appeal filed. She knows there will be one coming up for the Seminary pertaining to the fire suppression in the chapel. When the renovations are started, everything must be brought up to the current codes. They do not have an objection to doing it in other locations of the building, but are looking for alternatives for the chapel area.

Mike Jones made a motion to appoint Larry Shoemaker, Adam Raker, Rick Schmidt, Mike Tripaldi, and Bill Jones to the Uniform Construction Code Board of Appeals. Keith Hantz seconded the motion. David Backenstoe questioned if Liz Gehman had checked the regulations in the MPC regarding Adam Raker serving on the Zoning Hearing Board and the UCC Appeals Board. Liz Gehman commented she read through the MPC and there are no restrictions. Cindy Miller questioned how long the terms would be. Liz Gehman commented there are no term limits set by the Building Codes. She will reach out to them each year to make sure they are willing to continue to serve if there were an appeal. All voted aye. Motion Carried.

- D. Police Report. Sargent John Henry did not have anything specific to report. He did supply a list of recommended changes to the Weapons Ordinance as it pertains to private ranges.

1. Range Recommendations. Phil Gogel commented for the most part, he likes most of the recommendations. There were some that he wasn't too sure about.

Cindy Miller commented she liked the fact that the Police be taken out of approving the ranges to remove the liability from the Township. Sargent Henry noted the Department has Firearm instructors but do not have anyone who is certified to actually approve a range. Jerry Pritchard

questioned who would approve the range. Cindy Miller commented it would be either an independent engineer or insurance agent that specializes in range construction for approval. Once there is an approval from either an engineer or insurance company, the Board would have to give the final approval to permit the range.

Attorney Backenstoe commented in order to enact the regulations, the ordinance would need to be amended. He will need to review the current law to see what entities are permitted to do as far as setting firearm regulations.

Cindy Miller commented the one area she was concerned with was the hours and restricting it to 8 a.m. to 4 p.m. because people work. Attorney Backenstoe commented he wasn't as concerned with regulating hours or days, but the types of guns that can be used. Phil Gogel commented he also agrees with restricting the range use on Sundays.

VI. OLD BUSINESS

A. Reorganization

1. Vacancy Board Chairman. Keith Hantz noted a correction to what was previously stated at a meeting regarding how long Blaine Holden served as the Vacancy Board Chairman. Blaine Holden was on the Vacancy Board for the past three years.

Keith Hantz commented Blaine Holden has served on the Board for the past three years, so what is the concern with reappointing him back to that position. The Vacancy Board hasn't been used in the past three years. The same Board had appointed him for the past three years. Cindy Miller commented she had stated her concern at a previous meeting. Keith Hantz questioned why it was a concern this year and not the last year when he hadn't been involved with the Building Committee for over a year. Cindy Miller commented she is looking for people to serve on Boards who are going to be active, coming to meetings, and being involved with the Township. That is what she is looking for. She has voted to replace people on other Boards who were not active. Mike Jones commented he didn't quite understand Phil Gogel's reasoning, that he was mean to him. Phil Gogel commented he had stated that he didn't appreciate what he had said about him. Why would he vote for someone who doesn't have his viewpoints on where the Township should be going? He's going to vote for someone, it is going to be for someone who he feels is best suited for

the directions in which he feels the Township should be heading. They don't need to have his viewpoint on everything, but not when they are saying he shouldn't currently be sitting on the Board as a Supervisor. If he wasn't on the Board, the ordinance which would have prevented people from being able to wash their cars in the driveways would have been approved. The Board was on the verge of spending \$850,000 to fill in the retention ponds. If he wouldn't have stepped in and said what he said, \$850,000 would have been spent instead of \$20,000. How much was spent in putting the bid packages together? He is conservative for the Township and doesn't want to waste taxpayer money unnecessarily. He wants someone who has the viewpoint of being conservative, not spending money wastefully and keeping the Township going in the right direction.

Cindy Miller clarified what the position of Vacancy Board Chairman entails. If one of the Supervisors resigns, a vacancy is created. The Board of Supervisors appoints the fifth Supervisor. If the Board cannot come to a consensus to fill that appointed position, the Vacancy Board Chairman steps in as an additional person to work with the four Supervisors to find the fifth Supervisor to fill the vacant position. If, the four Supervisors and the Vacancy Board Chairman still cannot get a majority vote to appoint someone, then it goes to the Courts to make a decision on the appointee.

Keith Hantz questioned if the person who is appointed as Vacancy Board Chairman has an interest in serving as a Supervisor, can they vote for themselves? Attorney Backenstoe commented someone could make a motion to appoint that individual, but he does not believe they would be able to vote for themselves. He believes it would be a conflict under the Ethics Act because he would be voting for himself to have a pecuniary gain.

Paul Nikisher questioned who was being considered for Vacancy Board Chairman. Cindy Miller commented so far, it was Sandy Hopkins, Blaine Holden, and David Hess. She has suggested Sandy Hopkins because she served on the Board for seven years, also served as Vacancy Board Chairman in the past, is always at the meetings and knows what is going on in the Township. If it were to go to the courts, she is not sure what a judge would be looking for. Attorney Backenstoe commented once a vacancy has been accepted, the Board may fill the vacancy within 30 days. If the vacancy has not been filled, then the Vacancy Board which consist of the four remaining Supervisors plus the Vacancy Board Chairman, shall appoint someone within 15 days. If the seat is still not filled, then the

Chairman of the Vacancy Board with the assistance of the Solicitor would file a petition with the Court to have the Court appoint someone. He believes the Court at that point would interview people and appoint someone. He has not directly been involved in this type of situation.

Mike Jones made a motion to appoint David Hess as Vacancy Board Chairman. Phil Gogel seconded the motion. Cindy Miller questioned if David Hess was running for Supervisor, how would that affect this appointment. Attorney Backenstoe commented it wouldn't affect this because if he were elected, he wouldn't take that position until next year. He, as Vacancy Board Chairman would not be able to vote for himself as a Supervisor to fill the vacancy that would exist this year. David Hess did confirm that he was running for Supervisor and he wouldn't vote for himself. Keith Hantz questioned if David Hess was related to Phil Gogel. David Hess did confirm that he is related. Jerry Pritchard commented it appears that everyone is jockeying for a position. For too many years, this Township hasn't utilized the people they have that are here. He has been to meetings for years and has now finally been appointed to the Rec Board. He has been involved with construction of large building projects for many years and never once was he asked to help on the Building Committee. Do we want people who will get things done or are we doing favoritism? Keith Hantz commented the Building Committee was a volunteer committee. Anyone could have served on the Committee. All voted aye. Motion carried.

- B. Cherryville Intersection. Jim Milot commented they are looking to start construction as soon as PennDOT allows them in March, but the snow may push that back a bit but they will start as soon as possible. Over the next couple of weeks, the Contractor is planning on initiating the rest of the tree removal so that PPL can get out to the site during the first week of March to relocate the poles. He is working out the final details with the contractor. A preconstruction meeting has been requested of PennDOT. They will schedule this meeting once the pole relocation schedule has been finalized.

Cindy Miller questioned if there have been any changes within District 5? Jim Milot commented as of now, it is the same as it was last year. There is interest and concern from the permit department now that the Township is in the lead position as opposed to being in the tail position because of Turkey Hill doing the work. He will most likely have to modify the signal plan because that will be a plan of record. He is trying to delay or defer some of these changes with the department in hopes that Turkey Hill will catch up to the Township. Cindy Miller

noted if PennDOT would act in a timelier fashion on permits and not keep delaying them, things like this wouldn't happen. Jim Milot commented he has made them very much aware that they need to be cognizant of the fact that we have a timeline that needs to be met because of grants. Cindy Miller commented the deadline is June 1st and they have jerked the Township around for two or three years. As one Supervisor, the Township will keep on moving forward with this project.

Phil Gogel questioned when the project is expected to be complete. Jim Milot commented June 1st is the date for substantial completion and the entire project should be done by June 30. Cindy Miller commented the Township has grants that will be expiring. The Township cannot take the chance of losing the funding after PennDOT screwed around for four or five years.

Adam Raker questioned if all the materials have already been ordered if the plan is to have everything complete by June 30? Jim Milot commented the contractor was given the Notice to Proceed and authorization to order any of the long term materials, such as the mast arms, that are needed for the project. Most of the work is standard construction work. The only item that is a longer lead time item is the mast arm. Adam Raker questioned if Jim Milot was confident that it will be delivered in time for the June 30 completion. Jim Milot commented he is; it is a standard mast arm and is comfortable that it will be delivered on time.

Cindy Miller commented she has been watching what is taking place with the Copper Penny Intersection. They are moving full steam ahead on this intersection which was started after the Township's. Priorities need to be set for these projects and this one needs to be a priority as well with PennDOT.

Adam Raker questioned what will happen if we are not done in June. Cindy Miller commented the Township will lose their grant money; \$700,000. Adam Raker commented he believes someone needs to make sure the project is kept on target with the contractor and items that need to be expedited are taken care of. Cindy Miller commented we have done everything we can do administratively on our end. We have been in contact with DCED and kept them updated on the progress of this project. Adam Raker commented he deals with subcontractors all the time and has heard and seen all kinds of delays and excuses for delays between storms, COVID, and political unrest. Are there any penalties for the contractor if they do not finish by our end date? Jim Milot commented there are liquidated damages included in the contract, but it would not be \$700,000. There are limitations on the allowable amount of liquidated damages. Adam Raker

questioned if this were to come up again, is there something that could be included in the contract that would state if the project is delayed, these are the costs you would incur. Attorney Backenstoe commented it is something that would need to be included in the bid package and the contractor would have to accept it as a condition. Cindy Miller commented DCED has also been in contact with the contractor. Everyone has been talking with each other.

- C. Maintenance Building. Cindy Miller noted a meeting was held last Wednesday. The architect presented another plan which was provided to the Board. The architect had also submitted a letter indicating the cost would be \$25,000 to do the redesign to change the structure to a 100 X 140 building with the offices and storage areas being located inside the building rather than the original 100 X 200 building with exterior offices and storage areas.

Adam Raker commented the general concepts of the building are similar to what the original design was, but there are a lot of redesigns that need to take place. The Building wasn't just reduced in size; the office and storage areas were brought inside, there was a change in mechanical systems going from radiant heat in the floor to overhead infrared heat. It is a fairly comprehensive redesign.

Phil Gogel questioned if everyone was happy with the proposed design. Frank Zamadics commented he was fine with the redesign. Adam Raker also noted there will be a small redesign in the storage area because the mechanical room will no longer be needed to house boilers. With this redesign of the storage area, they believe they may be able to get another smaller parking space in the building. The air handler and electrical panels can be located above the office area to save floor space. Mike Jones questioned the status of a mezzanine above the storage area. Adam Raker commented there are some restrictions that go with installing a mezzanine. What was discussed at the meeting was that this would be something that would be done down the road at a minimal cost rather than trying to incorporate it in at this time. The architect is also working on updating the cost estimate for this scheme of the building. Based on the last cost estimate and the cost saving measures that have been taken, this design should be right on target for meeting the budget. He did want to caution the Board that steel prices are through the roof right now. He has seen 10 and 20 percent increases over the past month and a half.

Paul Nikisher questioned what the time line was on the grant. Cindy Miller commented there is no time line on the RCAP grant. Mike Jones noted that the schedule that W2A submitted was that the building would be completed in November. Adam Raker commented W2A did indicate that it would take

approximately four weeks to update everything once the Board approves the proposal. Hanover Engineering also needs to be contacted so they know to update their plans. There will be an additional meeting needed to finalize everything before it goes to bid. The Board is looking at a two to three month period before a contractor is selected.

1. Approval of Architect Redesign Proposal. Phil Gogel made a motion to accept W2A proposal for the redesign of the maintenance building to a structure that is 100' X 140' with the office and storage areas located within the main structure as shown on Option 1B at a price of \$25,000. Mike Jones seconded the motion. Jerry Pritchard questioned if this is the final design. There are a lot of fees involved when you change the designs. Phil Gogel commented the design needed to be changed because the original design was going way above budget. We needed to stop and regroup. Now we are ready to move full steam ahead. There will not be any additional changes. All voted aye. Motion carried.

Alice Rehrig commented she has been working with Brian Beecham who has been assigned as our project manager for the RACP grant. Even though the Township has been awarded the grant, there still needs to be a formal application which his office is assisting with that will be submitted to the Office of the Budget. One of the items that the Office of the Budget will be requiring before they release any funding to the Township will be a Phase I Environmental Study. Hanover Engineering provide a cost estimate of \$3,500 to \$4,000. Phil Gogel made a motion to authorize Hanover Engineering to conduct a Phase I environmental study at a cost not to exceed \$4,000. Keith Hantz seconded the motion. All voted aye. Motion carried.

Alice Rehrig noted there is a lot of documentation that must be submitted to the Office of the Budget. It could take up to three months from the time they receive the application until they provide a grant contract for signature.

- D. Ordinance 2021-1 for Adoption, amending Chapter 70 Earth Disturbances. This ordinance will change the requirements for inspections on final grading from optional to mandatory. The ordinance has been advertised and if the Board is in agreement, it is ready for adoption. Phil Gogel made a motion to adopt Ordinance 2021-1. Mike Jones seconded the motion. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Approval of Fire Company Activities. Any activity that is not specific to firefighting needs to be approved by the Board of Supervisors in order for the activity to be covered by Workers Compensation. Phil Gogel made a motion to approve the Fire Company activities as listed in their January 8, 2021, letter. Keith Hantz seconded the motion. All voted aye. Motion carried.
- B. Replacement of 1998 HME Central States Fire Engine (4712) Cindy Miller noted the Fire Company provided the Board with a letter indicating they would like to start working on bid specifications to replace the 1998 Engine. Mike Jones commented the letter indicates that they are looking to have the engine delivered in 2023 as it was originally planned in the Capital Improvements Plan, not as the current date of 2024.

Cindy Miller commented in the past five or six years, the Township has spent a million dollars on fire equipment. The reason it was pushed back was because of COVID. Everything was pushed back. Phil Gogel commented it would be nice if one of the guys were here to discuss it. There may be something wrong with the vehicle. Cindy Miller commented the question is, is there money in the account? They came to the Township with two requests that were not planned on, that they said were needed and the question every time was “Are you sure you want to get this now? Every time you make a purchase, it is coming from the account.” They said yes. So now there is only so much in the account.

Phil Nikisher questioned how much was in the account. Alice Rehrig commented right now, there is \$37,536 in the account. The 2020 allocation was not made to the fund, the purchase of the Fire Police vehicle was an additional \$50,000 and the purchase of the Rescue Truck pretty much depleted the fund back in 2019. That is how the engine replacement got pushed back; based on the balance of the fund.

Keith Hantz commented that was his concern during the budget and not putting anything into the fund and pushing everything back. We may have spent a million dollars in the past five years, but it is for the safety of the Township residents. Cindy Miller commented she understands that, but the Township has a budget and there is only so much money. She is also questioning why they didn't come to the Board sooner with this when we were working on the budget. Alice Rehrig has been asking them to review the capital plan and she hasn't received

anything back from them until now. Keith Hantz questioned if the Fire Company was ever told that the allotment was not going into the fund. Phil Gogel commented we should have more in our road budget, but we don't.

Alice Rehrig commented without COVID and the changes that were made with the 2020 budget, the Engine was scheduled to be replaced in 2024 at a price of \$750,000. This was based on \$139,700 that was planned for 2020, \$145,000 in 2021; \$145,000 in 2022, \$152,000 in 2023; and \$160,000 in 2024. This would have brought the fund up to the \$750,000. As a result of COVID, everything in the plan is pushed back by a year so the replacement wouldn't be until 2025. These numbers do not take into account the estimated cost of the truck at \$850,000. Mike Jones questioned if it was ever planned in 2022. Without pulling up all the prior year plans, Alice Rehrig wasn't sure. She believes things started getting shifted around when the ladder truck was purchased a few years ago.

Phil Gogel commented he believes that a meeting should be held with the Fire Company to discuss the truck; maybe there are repairs that need to be done. Cindy Miller commented the Township doesn't have the money for the repairs. Keith Hantz commented right now this is the Department's only engine. Cindy Miller commented when you look through what they are requesting in the future, they are looking for \$3.4 million in equipment in one year. Where are we going to come up with that in one year? We're not. Phil Gogel commented that is why we need to have a discussion with them.

Cindy Miller questioned how often they were contacted about the plan and why wouldn't someone be here at the meeting since they wanted this on the agenda? Keith Hantz commented he believes it was because they didn't want to be blasted at a public meeting. He agrees it would be a good idea to have two Supervisors and the Manager meet with them to have a discussion and then bring it back to the Board. Cindy Miller questioned why they didn't just request a meeting rather than send the letter. Keith Hantz commented he believes they wanted to know where the Board was standing on their request on their letter. Phil Gogel commented he does have concerns, but this is for the safety of the Township residents. We need to sit down and have a discussion with them. We all need to work together. Cindy Miller commented she agrees, but we worked on a budget last year and passed it and the Capital Improvements Plan for the year. They are asking the Board to establish a truck committee and put this to bid in 2023. Keith Hantz questioned if they were made aware of what was in the Capital

Improvements Plan. Alice Rehrig commented she sends the plan to them at least one time every year; sometimes more. Cindy Miller commented we go through each Department every year. These items need to come in when we are working on the budget, not two months into the year.

Paul Nikisher commented he understands what both Cindy Miller and Keith Hantz are saying and if things were perfect, we could cover this; but we can't. We don't have the resources to do it. He disagrees that they would be blasted at the meeting. It would just be a matter of letting them know, we just can't do this. It is a lot of money to come up with in a short period of time. Phil Gogel commented they may not understand the financial situation of what is coming in and what is going out. That is why we need to have a discussion with them to work out some type of resolution.

Jerry Pritchard commented a letter or something needs to be sent to the Fire Company to open the lines of communication. Jerry Pritchard also noted the Township discusses the Police Department, the Maintenance Building and the Fire Company, but they don't discuss the roads and the roads are driven on every day.

C. Resolutions for Discussion/Adoption

1. Resolution 2021-3, Establishing Fees for Subdivision and Land Development, Zoning Hearings and Hearings before the Board of Supervisors. This resolution is primarily adjusting the escrow account for minor subdivision and adding commercial land development plans as a separate category for setting escrow amounts. The intent is to have the escrows for most projects funded in advance rather than having chase people down for additional funds. It also changes the non-refundable portion of a Conditional Use Hearing fee and Zoning Amendment Fees to keep them consistent with the other fees that are listed in the resolution. Final grading fees have also been incorporated into this resolution along with some clarification to the Stormwater Management Fees

Mike Jones made a motion to adopt Resolution 2021-3. Phil Gogel seconded the motion. All voted aye. Motion carried.

2. Resolution 2021-4, Establishing Fees for Zoning and Building Permits. Liz Gehman and Lori Lambert reviewed the fees and made adjustments for consistency and to adjust the schedule to fill in some gaps in fees that were occurring. The area that had the greatest change was the residential

accessory structures. This section was readjusted to reduce the cost of larger accessory structures because they were finding that under the old schedule, some of the accessory structure fees became unreasonably high. The one question that came up was whether the Board would want to have a separate category for Agricultural Buildings. As an example, if a farmer were to construct a large barn that would be 6,000 square feet, the fee for the barn would be \$475. Cindy Miller questioned if the Agricultural Building would apply only to farms? Liz Gehman commented it would only be for farms and used for agricultural purposes such as farm equipment or animals. The Board agreed that a flat fee of \$150 should be established for agricultural buildings on a farm.

With the number of changes being proposed to this resolution, the resolution was tabled until the next meeting when a final draft could be presented to the Board for review.

3. Resolution 2021-5, Establishing Fees for Various Services of the Township. The only change to this resolution was in the section pertaining to street and road signs. The prices were adjusted based on the current pricing the Township received from the supplier. The billing for street signs usually only comes into play when there is an accident that damages a sign and the insurance company is billed.

Phil Gogel made a motion to adopt Resolution 2021-5. Mike Jones seconded the motion. All voted aye. Motion carried.

4. Resolution 2021-6, Establishing scheduling priorities and fees for use of Lehigh Township Recreational Facilities. There were two significant areas of changes made to the resolution. One was with the insurance requirements. The insurance requirements were repeated throughout all the different sections of the resolution. This draft of the resolution states the insurance requirements under one section. The other area that was changed was in the light use fees. Previously, there was a \$70 per hour charge for using the field lights in the spring. Then in the fall, there was a turn on fee of \$475 plus \$20 per hour for light use. The new resolution is now requiring each team using the lights to pay one \$250 turn on fee during each monthly billing cycle and then an additional \$50 per hour of light use regardless of when the lights were used. The Recreation Board felt that this schedule would help balance out the electric expenses for the

light use so that the Township would not have to be contributing towards that expense, especially in the spring of the year. The resolution is also requiring all keys to be turned in by November 15 each year to help eliminate the misplacement of keys as coaches change. Under the scheduling priorities, a change was made to give Township home teams the first priority for scheduling provided their schedules were turned in by May 15 prior to opening the scheduling to outside teams or tournaments.

Cindy Miller questioned the section pertaining to home teams. If a business sponsors a team, does the 25 percent residency requirement still apply. Alice Rehrig commented it would.

Cindy Miller questioned who was being referred to in Section 4.A.2 where it states that failure to comply will result in the removal from the field by local authorities. Who are the local authorities? Alice Rehrig commented it would have to be the Police. Cindy Miller suggested it that it be changed to local law enforcement.

Keith Hantz asked for a clarification on the light use fees and how often a team would need to pay turn on fees. Alice Rehrig commented each team would pay a monthly \$250 turn on fee during a billing cycle. If the team used the field multiple times during the billing cycle, there would be one turn on fee of \$250 plus the hourly use fee of \$50 per hour.

Cindy Miller also suggested Section 6 be revised to clarify that the light charges are for the baseball field at Bryfogle Park.

Cindy Miller commented Page 5, Item 5, it states that fees are to be paid to the Lehigh Township Parks and Recreation Fund. What fund is that? Alice Rehrig commented it should just be payable to Lehigh Township because it goes into the General Fund to cover the expenses. Cindy Miller commented it could be Stand Fee because there is an account labeled as that. It should be identified as Stand Fee so that it is applied to that account, not just blanketly into the General Fund to be reallocated to another area of the budget. Alice Rehrig noted that the Rec Board is not planning on renting the stands, but wanted to have a provision in the resolution that would establish the requirements should there be an occasion where they felt it appropriate to rent the stand. Adam Raker questioned if someone were to use the stand would they need to disinfect the stand to what today's standards are? Cindy Miller commented the resolution states that it is expected that the food stand and equipment will

be cleaned properly after each use. If it is not, the Township will have the stand cleaned and the individual will be responsible for the fees that are incurred. With what the Rec Board went through with the cleaning, scrubbing and remodeling, to get the stand up to where it is today, she doesn't believe they will be quick to rent the stand to another group or individual.

Cindy Miller questioned if the number of keys that are available to the food stand are limited. Alice Rehrig commented there are only four keys available for the food stand.

Phil Gogel made a motion to adopt Resolution 2021-6 with the amendments of Section 4.A.2; the clarification of Section 6, and changing the wording as to how the payments are written out as discussed at this meeting. Mike Jones seconded the motion. Jerry Pritchard questioned if the resolution can be amended. Cindy Miller commented a resolution can be amended at any time during a meeting. All voted aye. Motion carried.

- D. Proposed Ordinance 2021-2, Bed and Breakfast Criteria. Cindy Miller noted the ordinance is taking the Bed and Breakfast's from the A/RR district and placing them in the RC and NC districts. Attorney Backenstoe commented he has not had an opportunity to completely review the ordinance.

Keith Hantz questioned if this ordinance would affect the Filbert Inn. Cindy Miller commented it wouldn't because they are an established legal use. The individuals who are appearing before the Zoning Hearing Board in the next month would also not be affected by this ordinance; they would be under the current Bed & Breakfast ordinance. Liz Gehman commented she has received all the Zoning Hearing Board applications for Bed & Breakfast uses that she was anticipating.

This ordinance was tabled until the next meeting to give Attorney Backenstoe the opportunity to review it in detail.

- E. Tax Exonerations Resulting from removal of units from Park. A letter was received from the County indicating that units located at H2 17 1B-T107 and H2 17 1B-T75A were removed from the Mobile Home Park but a tax bill was still generated. Since the bill was generated for a unit that no longer existed, it didn't get paid and it needs to be exonerated in order to remove it from the outstanding tax rolls.

Phil Gogel made a motion to grant the exoneration of the 2019 real estate taxes for Parcel H2 17 1B-T107 and H2 17 1B-T75A. Mike Jones seconded the motion. Cindy Miller questioned if the units will be reassessed when another unit is placed in their location. Phil Gogel commented the new unit will be assessed through the permitting process. All voted aye. Motion carried.

E. Manager's Report. Alice Rehrig did not have anything additional to report.

Keith Hantz commented he noticed in the Manager's report that it was stated that there was a meeting regarding the arbitration last week. Is this referring to the beginning of February? Alice Rehrig commented it was. The decision is expected to be awarded within 30 to 45 days from that time. Keith Hantz questioned who was meeting. Alice Rehrig commented it was the Township's attorney, the Association's attorney and the Arbitrator. Cindy Miller commented she is not understanding these meetings. She was of the impression that when there is binding arbitration, the two parties come into the room, present their cases to the arbitrator and then he makes a decision in 45 days. That is not what is happening here. Both parties presented their cases to the arbitrator, then they schedule meetings and continue to negotiate. There were two or three meetings, and now it seems like the arbitrator is ready to make a ruling within the next 30 to 45 days. Alice Rehrig noted this is not unique to this particular arbitration. Attorney Backenstoe suggested that the Township's attorney be contacted to explain the process. Cindy Miller will contact the Attorney for an explanation. Alice Rehrig commented when there is an arbitration that results from discipline, the process is what Cindy Miller described. The contract arbitrations have always involved the meetings and taken quite a bit of time until a decision was rendered.

G. Solicitor's Report. Attorney Backenstoe did not have anything additional to report.

VIII. PUBLIC COMMENT. Paul Nikisher questioned what the status was of the Jaindl development. Cindy Miller commented the Township hasn't heard anything other than they made Liz Gehman aware that they will be filing an appeal from the UCC code for the fire suppression in the Chapel. LTMA is also working on moving forward with the water and sewer, but nothing has come before the Planners recently.

Keith Hantz wanted to make everyone aware there are two Supervisor seats, Phil Gogel and himself, that are up for election this year, as well as the Tax Collector position.

Supervisor Minutes
February 9, 2021

Anyone who has been a resident for at least a year is eligible to run for these positions. The Board of Supervisors get paid \$50 for each meeting they attend and the salary that the Board just set for the Tax Collector is \$42,000 starting in 2022.

Jerry Pritchard commented that shortly someone local will be announcing their candidacy for County Council. He would hope the residents of the Township would support them so the Township is represented on County Council.

Paul Nikisher commented it is not just the Township and County elections. There are positions open on the School Board. He believes more people need to go to the School Board meetings and put some pressure on them. People need to get involved.

Phil Gogel commented he and Keith Hantz are up for re-election. He has been on the Board for four years now. During his first year on the Board, he took his meeting pay. Since then, he has been donating it back to the Township for different programs. He believes he has made a difference for the Township and will be running again.

John Yankauskas of 4005 Cedar Drive raised concerns about a property at 3997 Cedar Drive. There are zoning and grading issues which need to be addressed on this property. A garage was built on his property, in steep slopes without any permits. Title 25. It is unlawful for someone to change or affect the flow of groundwater without obtaining the proper permits for earth disturbance. It is now to the point where the foundation is cracking and his driveway is washing out. He contacted the Zoning Officer and six months into this she responded to him that she contacted the property owner and was told that a previous zoning officer told him that a permit was not needed. He contacted her at her current place of employment and she told him a permit would be needed. The Zoning Officer is telling him he needs to get a survey done to verify the property line, basically putting it back on him. Cindy Miller commented the Zoning Officer did speak with the Township Solicitor regarding this matter. It seems like Mr. Yankauskas would need to get a survey of his property. Cindy Miller questioned if the problem occurred six months ago or years ago. Mr. Yankauskas commented it is unknown because there is no documentation on this. Attorney Backenstoe commented if Mr. Yankauskas filed a written complaint with the Zoning Officer, she would respond to it. If he disagrees with her response to the complaint, he can appeal her decision to the Zoning Hearing Board. Cindy Miller commented it is her understanding that he did file a complaint with the Zoning Officer and she is telling him he needs a survey. Attorney Backenstoe commented if he is complaining that their building or driveway is on his property, the Zoning Officer would have no way of knowing and wouldn't have a reason to issue a citation without that information. If he is not happy with her decision, he has 30 days to

file an appeal to the Zoning Hearing Board. Mr. Yankauskas commented that is not the only complaint he has

Supervisor Minutes

February 9, 2021

made. There is also a violation of Title 25 of the Department of Environmental Protection. Attorney Backenstoe noted that Title 25 violations are handled by Northampton County Conservation District. If his neighbor illegally created earth disturbance, he can contact the Conservation District and they could do an investigation. It is their jurisdiction. Phil Gogel suggested Mr. Yankauskas write down a list of all the concerns he has with the property and submit the list to Alice Rehrig. The Board will review the list and then get back to him.

- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss a Collective Bargaining Agreement. No action was taken.
- X. ADJOURN. Mike Jones made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.