

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Minutes of the March 9, 2021, Meeting

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, March 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
Cindy Miller
Mike McGonigle, via telephone
David Backenstoe
Phil Malitsch
Alice Rehrig
Liz Gehman
Frank Zamadics
Scott Fogel

Absent: Mike Jones

II. APPROVAL OF THE MINUTES

- A. Minutes of February 23, 2021. Keith Hantz made a motion to approve these minutes. Phil Gogel seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS

- A. General Fund Checks 24657 to 24692. Phil Gogel made a motion to approve these bills. Keith Hantz seconded the motion. All voted aye. Motion carried

IV. PLANNING RELATED ITEMS

A. Extension of Time for Plan Approval

1. 527 Graystone Drive, LLC Lot Line Adjustment Plan. Mark Leuthe was present to represent this plan. The developer provided the Board with an extension of time until June 12, 2021. Mark Leuthe commented this plan involved a commercial property and a single family dwelling. They are proposing to transfer .88 acre to the commercial property and retain one acre of land with the residential dwelling. This plan has been delayed because they have been having some difficulty locating existing septic systems and will need to coordinate this with Chris Noll.

Phil Gogel made a motion to accept the extension of time until June 12, 2021. Keith Hantz seconded the motion. Keith Hantz questioned where

the property was located. Mark Leuthe commented the property is located across Route 248 from Executive Auto Body. The same person owns the commercial property and the residential property and they are just looking to do a transfer of land. All voted aye. Motion carried.

B. Extension of Time for Plan Recording

1. Top of the Mountain Estates. Mark Leuthe was present to represent this plan. The developer is requesting an extension of time for 60 days, until May 30, 2021, to get this plan recorded. They will be submitting on March 22 for the April 12 planning commission meeting. This plan was previously approved and the NDPES permit expired. The developer has obtained the NPDES permit and can begin to finalize the plan. The plan originally had a through road on it, but an area of wetlands developed over time. As a result of the additional wetlands, they are removing a portion of the through road and adding to cul-de-sacs.

Phil Gogel made a motion to grant the developer an extension of time until May 30, 2021, to record the plan. Cindy Miller seconded the motion. Phil Gogel, Cindy Miller, and Mike McGonigle voted aye. Keith Hantz was opposed. Motion carried.

- C. Piechota Group, Inc. Land Development Plan. Mark Leuthe was present to represent this plan. The plan expires on March 29, 2021, and the developer has not granted the Board an extension of time. Cindy Miller noted this item was on the Planning Commission agenda last evening and it was their recommendation that this plan be denied since an extension of time was not submitted and the developer has failed to comply with the outstanding items in the Township Engineer's review letter dated July 10, 2020, the Sewage Enforcement Officers letter dated March 19, 2020, and any conditions associated with those letters. Mark Leuthe commented the developer is not planning on submitting an extension of time or a letter of withdrawal for the plan. He did want to note that a letter was received from the Sewage Enforcement Officer indicating the system is adequate to meet the sewage flow needs. Keith Hantz questioned if the plan is denied, what can he do with the property? Mark Leuthe commented he would use it for whatever complies with zoning. He believes the current use is in compliance. Cindy Miller commented he doesn't have an HOP. Keith Hantz questioned how he could continue to operate a business from that site without a Highway Occupancy Permit? Mark Leuthe commented he believes it is the developer's intent to sell the property.

Keith Hantz made a motion to deny the Piechota Group Land Development plan for failure to comply with the outstanding items in the Township Engineer's review letter of July 10, 2020. Phil Gogel seconded the motion. All voted aye. Motion carried.

D. Engineer's Report. Phil Malitsch did not have anything specific to report.

V. DEPARTMENTAL REPORTS.

A. Recreation Report. Jerry Pritchard commented the last Recreation Board meeting was canceled because of weather. Everything from last meeting stands.

B. Public Works Report. Frank Zamadics commented possible single chip seal road would be Walnut Drive, Beech Drive, and the shoulders of West Mountain View Drive. Paving projects could be Alder Road, Long Lane Road, Birch Road and Cottonwood Road. He will get pricing for all the roads so the Board can review them and choose which roads they would like to do. If there are any other roads that the Board would like pricing on, they should let him know. Phil Gogel noted not all the roads will be able to be done because they are all relatively long roads. There are also some pipe projects that are planned for this year as well. If the budget permits, there are some in house paving projects to be done.

With the Board's approval, there is also some additional equipment that can be sold on Municibid. The equipment includes two 60 inch mowers, a bumper mount salt spreader, a Bolens tractor which can be sold for parts, 1999 Freightliner, and the 1996 DUI trailer. The Board had no objection to these items being placed on Municibid.

Cindy Miller commented the guys did a great job keeping up with the roads with all the winter weather.

C. Zoning Report. Liz Gehman reported there was an owner occupied Bed & Breakfast that was approved by the Zoning Hearing Board last month and a short term rental on Cedar Drive that was denied, although they are expecting an appeal of this decision. The hearing for the short term rental on Longacre Drive was rescheduled to March 29.

Cindy Miller questioned how the cleanup was going with some of the properties that are on the list of violations. Liz Gehman commented she is planning on going back out again this week. She was out last week and saw that some things

were being cleaned up, but it was difficult to see everything with all the snow cover, and she was also getting calls from people who were having a difficult time cleaning up because of the snow.

- D. Police Report. Chief Fogel commented April 24 will be the date for the National Prescription Drug Take Back program. The Department is working on a drive through drop off site. Once the details are worked out, he will provide flyers and have it posted on their Facebook page.

The Department is also going to be doing a file purge and will be providing that information in a resolution for the Board's approval to be in compliance with the Records Retention Act.

Chief Fogel also wanted the Board to be aware of a discussion that took place at the Northampton County Chiefs Association meeting. There are changes to preliminary hearings that are being proposed by going to a Central Court system. It seems like they are planning on phasing this in over time, but with a Central Court it would mean all the preliminary hearings would be moved from the local magistrate to the Central Court, which will most likely be in Easton. Initially, they would be starting with preliminary hearings for individuals who are incarcerated or on parole. Eventually, all the hearings would be held at a Central Court in Easton. This will result in 45 minutes to 1 hour of travel time down to court, 45 minutes to an hour to drive back, and then an officer would be there for a minimum of an hour if they were the first court case heard. Based on the number of preliminary hearings the department has in a year, it would cost in excess of \$19,000. At some point when more information becomes available, the Board may want to reach out to the County and voice their concerns. In addition, there could also be additional contractual expenses because Officers are paid a different rate when they have to go to County Court. The bigger problem for the Department is road coverage. They won't be able to send someone down to Central Court during the day when they are scheduled to work like they do with the local magistrate. If an emergency were to arise, they would be an hour away rather than five minutes away. He also knows other departments will be talking about this because none of them are too keen on this. He can understand using a Central Court system for incarcerated individuals because they are already there, but not using a Central Court for all the hearings for all the Departments in the County. In Lehigh County it works pretty well because their Central Court is more centrally located.

Cindy Miller questioned if a reason was given as to why they want to do this. Chief Fogel commented it will save the County money, but there are how many municipalities across the County that will suffer the consequences of this.

Cindy Miller questioned if the report that is supplied to the Board could be expanded upon to show how many of the citations were paid in full, versus taking it a step further. Chief Fogel commented it would become time consuming because the Department doesn't know how a citation will be handled until after they get a disposition back which could be a month or two. If people are on payment plans, it could go out even further. The County no longer sends dispositions back to them. Adding all this into the RMS system would be labor intensive. All of the citations have to be manually entered because they are on two different systems. Cindy Miller commented she was looking at how many citations were issued compared to how many times officers were at the Magistrate and going to Easton. Chief Fogel commented he could provide hours of service for going to District Court and to County Court. That information would come from the time sheets. He just doesn't have the amount of fine money available. Cindy Miller commented she isn't really looking at the amount of money. She is more interested in how much time is being spent at the Magistrate versus having to go to County Court or another Magistrate outside the area. Chief Fogel commented the need to go to another Magistrate only occurs when there is an on call magistrate if our magistrate is unavailable. Chief Fogel could be able to break down the hours spent at the different courts.

Attorney Backenstoe commented he started looking into the regulating of ranges and if some of the suggested changes can be made. It seems like the problem with the personal ranges is the lack of standards. There are no criteria that the Department has to determine compliance. He checked with the Township Engineer and was told the NRA has a book with range standards. The cost of the book is approximately \$60 and he would like authorization to obtain this. He believes if there are standards for the Police Department to look at, then they will have guidelines to follow. The Board would include the standards into their ordinance and also have the property owner indemnify the Township hold the Township harmless. He also believes the Board can limit the hours for private ranges. The zoning ordinance permits private ranges in all zoning districts except for the VR district. He will work on creating an ordinance to have ranges meet the NRA standards and also include a requirement for the individuals to hold the Township harmless after the permit is issued. Cindy Miller commented she believes Senator Scavello's office has the NRA standards in his office and will contact him. Chief Fogel commented it would be his preference to have an outside entity be responsible for approving the construction of the range rather

than the Department. It would take the liability away from the Department. Cindy Miller commented the NRA may possibly have individuals who perform those inspections.

Jerry Pritchard questioned how the preliminary hearings are currently handled. Chief Fogel commented the preliminary hearings are held at the local district court. The constable will pick up the individual and bring them to the Magistrate. Jerry Pritchard questioned who decides whether the hearings will be held at Central Court. Chief Fogel commented the recommendation is currently coming from the President Judge. Jerry Pritchard questioned if County Council will have any input into the decision. Cindy Miller commented she has a feeling that this will be judicial and they will say this is the way it is going to be. The Township can discuss this matter with County Council so they are aware of it.

Roger Spadt commented the Fire Company parking lot would be available for the Drug Take Back program if it is needed. Cindy Miller commented the Drug Take Back should also be added to the Township Website.

Cindy Miller commented the Board received an email from a resident, Ralph Regar, regarding police funding. He wanted to convey to the Board that he is in support of our police department and is completely against any idea of defunding the department. Cindy Miller commented she does not know where the rumors started that Lehigh Township was looking to defund the police. This is far from the truth. She wants to make it very clear that Lehigh Township is not looking to defund the police. If there are any concerns, let the Board know; their phone numbers are listed on the website. Keith Hantz commented he also heard rumor it may be coming from someone who is already campaigning for Supervisor. One of the things that was said was that this current Board wants to abolish the Police Department. Jerry Pritchard commented he is running for Supervisor, and has not knocked on the first door yet, and he feels the department would be funded through the budget.

- E. Lehigh Township Volunteer Fire Department. Roger Spadt commented the Fire Department was not present during the last two meetings when it was discussed and no action was taken on the request to move forward with the replacement of the 1998 Engine. He received the email that the Board wanted to talk with them and they decided that they would come to a public meeting rather than have a non-public meeting so it is in a public forum and on record. He got a hold of the minutes from the February 9 meeting; there are a lot of inappropriate comments in the minutes that he doesn't believe are factual. It wasn't fair to discuss the stuff without the Fire Company being present. The letter should have been tabled and

moved on. On item being, the Chairman referenced there was \$1 million spent on fire equipment in the last five or six years. It was failed to be mentioned that a multi-hundred thousand grant was received to offset the cost of the rescue truck. Cindy Miller commented that the fact remains we spent about \$1 million on fire equipment in the past five years, regardless of where the funding came from.

Roger Spadt commented \$1 million did not come from the budget when there was a grant for \$400,000+ for the rescue truck. Cindy Miller commented the grant was not \$400,000+.

Roger Spadt questioned if the money from the sale of the old rescue truck was put back into the fund. Alice Rehrig confirmed it was.

The replacement of the Fire Police vehicle was \$77,000. When looking at the replacement plan, the vehicle was replaced right on track. Somehow, that truck got moved way back on the schedule, not by their choice. He talked to the Township Manager and she didn't know how it got moved back there on the spreadsheet. The old fire truck it replaced was the old pickup truck that is barely running. They nickel and dined it, and saved the Board money because they found a good deal on a used Fire Police vehicle, just like they did for the ladder truck. They were not brand new trucks and they saved money out of the budget by doing this. The Fire Police Vehicle is not used just for fire calls. They also have a lot of use helping the Police Department or Road Crew, otherwise, these people would need to be called out for traffic control. Rightfully so, some of the money should have come out of the police budget for this vehicle since it is multi-use to help them out also.

Roger Spadt also commented there was a question as to whether they were aware of the money not going into the fund in 2020. Yes, he was told by Alice Rehrig that the money wasn't going into the fund because the Township wasn't sure what the impact of COVID would be on their income, but they would be doubling up on the next payment of \$280,000. This is what he was told and reported back to the officers. They were not getting the money but it would be made up for the next time. Keith Hantz questioned what was put in the 2021 budget. Alice Rehrig commented it was \$139,000, the balance of the 2020 budget was put into the 2021 budget. Keith Hantz commented if there is \$139,000 in the budget, then there is an entire payment that is missing. Cindy Miller commented the 2020 Capital Improvement Plan for 2020 was pushed into the next year for every department. We did not spend capital. The only one who spent capital was Frank Zamadics for the Road Department because the truck was ordered in January. If he would have been ordering it in March when COVID hit, he would not have

been allowed to spend the money. Every single department did not get to spend capital in 2020: Public Works, Administration, Police and Fire. Roger Spadt commented he doesn't ever remember in the history of the apparatus replacement fund that it was ever considered a capital budget item. Cindy Miller commented it is in the Capital Improvements Plan. All of the equipment was included. The Township found a way to fund all of the equipment through the Capital Improvement Plan and every year money is allocated to a budget item to be placed into a savings account for that equipment. That is the way it was being done for the past four or five years. Prior to that, the Fire Company got nothing. Roger Spadt commented the payment is still missing. Cindy Miller commented a payment is not missing. Last year's capital was moved to this year. Keith Hantz commented the payment is still missing. They had a 100 percent budget cut. Cindy Miller commented it was not a budget cut. It's capital improvement. No one else received capital last year. There is a difference between budget and capital. Keith Hantz commented the budget that was adopted by the majority of the Board took away \$145,000 from the Fire Department. Cindy Miller commented it wasn't taken away; everything from 2020 was froze. No one received anything in capital last year. Phil Gogel commented if there isn't an issue with cash flow because of covid, the money can be reallocated. We can't spend money we don't have. If everything falls in line with the budget, we can add to those funds. Cindy Miller commented for 2021, there is \$139,000 designated to go into the Fire Company fund.

Rick Hildebrand commented the Capital Improvements Plan was derived because of lack of funding in the past and the need to come to the Board and say we need a truck and trying to find funding in a hurry. We were spending money on leases and loans. They brought it up that there should be some type of direct line of Fire Company funding. There were meetings and they sat down and discussed a fire tax versus a contribution. Fire Tax money cannot be spent on anything else. Here we are again, derailing the plan and diverting money from the Fire Company again, Cindy Miller commented we are not; it was stopped for every department. Not just the Fire Department. Rick Hildebrand commented now we have a plan that does not have funds in and we have to go back to funding with loans. Cindy Miller commented if there is no money in the fund, it is because money was taken out because it was requested and the Township gave it. Each time it came out of the account. Every year the Township has been putting money into the account. Rick Hildebrand commented he agrees, but who is managing the account and taking into account appreciation. When you kick something down the road and delay it by just one year, it adds \$40,000 to the price. Cindy Miller commented she has asked if the Fire Company has been sitting down and reviewing the Capital Improvements. Rick Hildebrand commented it is not working. Cindy

Miller commented if it is not working then you need to come in and sit down with the Township. Rick Hildebrand commented he nor Roger Spadt have been told that they were appointed as Fire Chief and Fire Marshall for the Township. Cindy Miller commented that took place back in January. Rick Hildebrand commented no one was notified. Keith Hantz noted it took place during the reorganization meeting. Alice Rehrig commented the Township recognized the Fire Chief and Fire Marshall at their meeting, but they do not actually appoint them to their positions. The actual selection to the position is done through the Fire Company.

Roger Spadt commented the Fire Officers sat down for a whole day and went through the plan and created a realistic plan and provided it to Alice Rehrig. Was that provided to the Board? Cindy Miller commented they have a copy of the plan where it says in 2028 the Fire Company wants two pieces of equipment at \$3.4 million. That is unrealistic. Roger Spadt commented that is reality. It was stated that it was at \$750,000 and it is estimated at \$850,000. When you look at the plan they provided, it shows the cost of the apparatus for every year as it marches out. That is the price increases that are expected from year to year based on the manufacturer. The more things are delayed, the more costs go up. The reason there are two pieces of apparatus needing to be replaced in one year is because the Fire Company saved the Township a ton of money by finding good deals on used equipment. Used equipment only has a certain life span. The Fire Company is way past the life span of a primary engine by NFPA standards. The engine is a 1998 and 23 years old; three years past the recommended life span of an engine. If something happens and it fails and someone dies because of that, it will be on the Board's shoulders also because of keeping an old apparatus in service.

Rick Hildebrand commented they appreciate the purchase of the apparatus, but the Board also needs to realize that there is no money for anything else. They are supporting everything else for the entire property at the fire station with the volunteers that do the work 24/7 for this community. All they are asking for is for a fire truck. They know the trucks come with prices. That is not their problem. It is the problem of the community to afford that. The Fire Company has to raise funds to maintain the equipment over its lifetime. Bryan Fritz reported the 1998 Engine they are looking to replace has required \$163,000+ of their own funds for maintenance and repairs since the purchased the truck in 1998. If you deduct the equipment costs and insurance related payments, they still spent \$105,000 for maintenance since they received the truck in 1998 to present. Rick Hildebrand commented, just this year, their 2003 tanker required a \$13,000 repair. It is money they have to raise through fundraisers to afford this stuff. It doesn't

include tires, inspections, or anything else. They came to the Board with a realistic approach to fund the necessities of the Fire Department. It doesn't include the lights or anything else.

Cindy Miller commented when she and Sandy Hopkins met with the Fire Company a few years ago, they talked about what it costs specifically to provide safety to the Township. She remembers an amount of \$250,000 and that is when they came up with putting money in the account towards the big equipment. Because of the law, the Township pays the workers compensation insurance, and in addition, they also pay the fuel and vehicle insurance. They felt by putting the money in the account towards the equipment, it would help tremendously, but it sounds like it doesn't. Roger Spadt commented it does help. They are fortunate. They get to travel around and see other fire stations and a lot of the other stations pay for their own fuel, insurance and everything. They are thankful for what they get each year and buying the big trucks does help. Back in 1990, the Township Supervisors agreed that they would fund the purchases of the large fire apparatus if the Fire Company can take care of the smaller stuff. The 1990 Rescue truck that was just sold was the first truck that the Township paid in full which is why it had municipal plates on it. When the large pieces of apparatus are sold, the money would go back into the replacement fund. They do take their losses for maintenance because the Township couldn't afford to maintain that. The little stuff, they had no problem paying for. The Fire Police vehicle is not a little truck but you are also saving by buying the used apparatus. There was probably a \$60,000 savings.

Rick Hildebrand commented they also saved \$340,000 by not replacing an engine and picking up a used ladder truck. These were all numbers that were worked on, thought about and discussed. He remembers asking the Board if they had any concerns with utilizing used apparatus. They found something that was in very good quality and it has served them immensely well right now. There were also some comments made as to why the Fire Company didn't come to the Board at budget time. They don't fall into the email chain as to when there are budget meetings. Roger Spadt commented the apparatus replacement fund was always a given from year to year. It was never touched. Why come to a budget meeting when it always happened? To ask for other stuff in the budget doesn't make no sense because the Board would never pay for other items, even splitting the maintenance costs. The Board said it would never happen. Cindy Miller commented she made the comment regarding coming to budget because that is when they work on the Capital Improvement Plan which includes the Fire Company. Having someone attend the meeting would help them to determine if it is adequately depicted in the plan. Rick Hildebrand commented the Fire

Company spent an entire Sunday working on the plan the Board has. Roger Spadt commented the reason there are two pieces of apparatus being replaced in one year is because the ladder truck is a used truck. The life span of the used ladder truck is less than an engine. If it were a new ladder truck, you would have spent \$1 million instead of \$100,000. \$900,000 was saved by buying this sweetheart of a deal. The apparatus replacement plan that is before the Board is the most realistic plan they have put together.

Cindy Miller commented there was a comment that was made that the Fire Company thought there was money being placed into a fund every year, and it is. Roger Spadt commented they never had to come to a meeting to ask for it. Cindy Miller commented she is not saying the Fire Company needs to come to a meeting to ask for it. In the Capital Improvement Plan, the Board had allocated \$145,000 for 2020. The contribution to the fund has been going up by \$5,000 almost every year. That money does go into the account. The only reason it didn't go in last year was because of COVID. We had no idea where EIT was going to come in or what was happening. If you look, almost every municipality was impacted. Roger Spadt commented they were okay with that as long as they were going to be made whole. Did every other department take a \$145,000 hit to their capital plan? Cindy Miller commented none of the departments got anything last year; the Township didn't spend capital. This year, they are getting what they were scheduled to get last year, but they are not getting two years in one. What was done, was the years were pushed out. They skipped a year for everyone.

Rick Hildebrand commented they are not arguing that the capital was skipped for everyone. This is like a rock. The price you pay for this is that if you don't chip away at these slowly, you will end up with a mountain in front of you and you will not be able to cover it. Cindy Miller commented she knows the Fire Company did a lot of work on the plan and has looked at it, but there is no way the Township can afford \$3.4 million for two pieces of equipment in one year. She knows what is being asked for and we have eight years. Now the Township has to figure it out and what we can do to get closer to make this work.

Rick Hildebrand commented he and Cindy Miller sat with Bill Brady from the State who works with Fire Department consolidations and mergers. They asked him if the Department needs to be any smaller than what they are. His answer was, you cannot do anything less than what you are doing currently; you may even expand and build a station to the north. The Department has eleven pieces of apparatus at the station. How do you spread eleven pieces of apparatus out on a spreadsheet and make it work without having larger numbers? There is \$145,000 that is going into a fund for moving targets on a list. If you are trying to

pay for a ladder truck in ten years, you need \$1.3 million to pay for that piece of equipment. Each year you wait, the cost of the equipment increases. If we are not putting \$100,000 away for that piece of equipment each year for ten years, we are never going to be at the \$1.3 million. That doesn't include a pumper, rescue truck or all the other pieces of equipment. The number may look big to the Township, but they don't build or manufacture the equipment so the costs are the costs. It is unrealistic at this point to come up to the plate as far as what is needed to get to the plan. Cindy Miller questioned what the Fire Company would be proposing or asking of the Board. Rick Hildebrand commented they can't tell the Board how to spend money or where to get it from. So, what they are doing is they are giving the Board a plan and the Board can figure it out. That is what they were told when they had the meeting at the Fire Department. They laid out a presentation for an hour. Cindy Miller commented that was because the Fire Company wanted an allocated 1.5 mil Fire Tax. Rick Hildebrand commented, right, the majority of the people, almost 100 percent of the people they spoke to supported that. He's not talking fictitious numbers. Everybody would support that. What they don't support is just raising taxes for the general fund and every thing else. They support a dedicated Fire Tax for the Fire Department. You can probably find some people who will say no, but everyone he talked to, 100 percent support that.

Cindy Miller commented she remembers when they had the meeting with the state, he said if you can figure out a way to work this without doing a fire tax, it is better. Roger Spadt commented there are apparatus in the plan that are also being taken out for replacement when they end their life span. That will help replenish the funds towards the larger pieces of apparatus. With regard to the Fire Tax, he believes it is time for the Board to start looking at that. Yes, no one likes to hear the word tax, but the fire tax would pay for apparatus replacement, help pay for equipment, and maintenance. In addition, sooner or later, they will need to sit down with the Township or community members and start thinking about replacing the Fire Station. It is not meeting the needs any more. All they are doing is nickel and diming it. You can't fit new apparatus into it. They spent how much money, hundreds of thousands of dollars to put a bump out on the building to put the new apparatus in it. They are willing to work with that. Yes, if they sell the Fire House, the money will go towards a new building, but they don't have the funds and will never be able to raise enough funds for a new fire station or property by themselves. The same thing applies to maintenance. You heard what they spend on just one truck. You'd fall off the chair if you heard what was spent from year to year on all the vehicles. Remember, all the maintenance costs, all the utility bills, and insurance costs on the Building is all raised by the volunteers who are giving up their time to do that for this

community, plus going to multiple trainings in a week and on weekends and 500 plus calls per year. That is where the Township comes in who has been gracious over the years in buying the big trucks. What the Fire Company would like to see the Board do tonight is to make a motion and do something with the engine. It will take a year of design and spec and obtaining bids plus another year to year and a half for manufacturing and delivery because everything is pushed back because of COVID because it is affecting the supply chain and everything you need to build a fire truck. Then sometime down the road, bite the bullet and start talking about a fire tax so we are not doing this again and again down the road. Then all the younger firefighters don't have to worry about it when the older ones step down. They are trying to build the Township's Fire Department to be a premier one in the area, which they are, and have it stay that way. Rick Hildebrand commented they would love for community input to make it easier for the Board to do that, but they are not allowed to put a referendum on the ballot to ask the question if a fire tax would be supported. The Township is already charged with providing for the fire service and fund up to 3 mils in a dedicated fire tax. Cindy Miller commented she needs to do more research into the Fire Tax. From what she was understanding, it didn't all go towards the Fire Company. She heard some had to go to EMS and some had to go somewhere else. Roger Spadt commented if it is labeled as a Fire Tax, it goes to fire related stuff. If it is an Emergency Services Tax, then it is something different and needs to be split. Almost everyone around us has a fire tax. Rick Hildebrand commented the Fire Department is a licensed EMS agency as well. They are recognized by the PA Department of Health as an EMS agency. Roger Spadt commented this is all for future discussion that can start. They need to start talking about the Fire Station. They have been spending their own money to get appraisals on the fire station to see what it is worth and what can be put towards a new building to help the Township look for a new fire house. They are not looking for a taj mahal fire house. When they replace the apparatus, they never get the bells and whistles. They get what works.

Phil Gogel commented when the Board started looking at the maintenance building, they did kick the idea around about having everything localized and how to get funds. It's not that it hasn't been thought of, but they didn't want to bring anything to the Fire Company to get their hopes up until they had a better idea of what could be done. Roger Spadt commented communities that have put their fire and police together like Catasauqua did have found it to work out great. If there is room for a training area, both the police and fire could use it. Phil Gogel commented that is one of the reasons why he liked the idea of having two Supervisors sit down and meet with the fire company. They could work on laying

out a whole plan and bounce ideas off each other so they can move forward in a progressive manner. He understands that the Board can't just sit here and spin their wheels and hope that everything works out. That is not a plan.

Roger Spadt commented the discussion may have gotten off track from the purpose they came here for, but that's okay. It was good to put everything out in the open. He does believe that we should sit down and talk more about the fire tax. He knows the residents don't want to hear more about taxes, but now that they know it will strictly go for that and what they spend on maintenance. If something were to happen to that engine now, they would need to decide how much they want to spend on it to fix it and then there is no engine in the Township. Bryan Fritz commented in looking at their whole fleet just for 2021, they have already spent \$13,000+ on maintenance alone for the trucks. The testing of the apparatus for them to maintain their certification is paid for through Fireman's Relief. Cindy Miller commented she noticed the Fire Relief funding has been slowly dropping. Roger Spadt commented it is a tax on non-Pennsylvania insurance companies. Cindy Miller commented she also heard rumor that they may be looking at getting rid of that. Roger Spadt commented they won't be getting rid of that. Too many volunteer fire departments depend on it. For some, it is their only source of income. If they were to get rid of it, it would put a lot of volunteer departments out of business. Thankfully, the amount of relief money they receive is a lot more than what other communities get. He likes what Phil Gogel said about sitting down and talking about everything. They have spent many thousand dollars already on appraisals and he does know of people who are interested in the property because it is a prime commercial property.

1. Replacement of Engine 4712. On behalf of all the firefighters at the station, Roger Spadt requested the Board make a motion to go forward with the replacement of the engine. The longer they wait, the more it is going to cost.

Cindy Miller questioned what is in the account. Alice Rehrig commented the current balance is \$37,000, but with the payment of the \$27,000 for the fire police vehicle, it will drop it to \$10,000, plus the 2021 contribution of \$139,000 to the fund. Phil Gogel commented the Board cannot make any false promises. Cindy Miller commented she is not making any promises. She knows we have been saving and saving and just bought the last large truck, and were going to save again to buy the next big truck, but they claim they need the truck now. Roger Spadt commented it would be great to get a truck right now, but realistically, it would be two years down the

road. Cindy Miller commented right now the issue we are facing is money was taken out of the account for unplanned purchases. When it depletes, the money is gone. It doesn't get replaced other than the normal contribution. Right now, there is \$10,000 plus the \$139,000 contribution, so there will be \$149,000 available by the end of the year. The truck is expected to be \$850,000. Next year we are looking at putting in \$145,000. She is looking at how long will it take to get to the \$850,000 because we have been paying cash rather than taking out loans. Maybe we need to look at leasing rather than buying. She doesn't know. We may need to go that route so we can afford it. Rick Hildebrand commented the apparatus replacement plan is a big plan. If it is not coddled and fostered over time with increases as to what the actual costs will be and adjusted for that, we will never see the reality of it because it will come up short. Cindy Miller commented the Township also needs to fund the other departments in the Township. Right now, we are working on a Public Works Building which we will have to start paying for in April whether or not there is shovel in the ground. Roger Spadt noted in the event of a structure fire, this engine is the only engine in Lehigh Township.

Phil Gogel questioned if there are any immediate maintenance needs on the vehicle. Rick Hildebrand commented the truck was built back in the days when they used all steel plumbing. They have replaced pipe after pipe. The water has eaten through cast pipes that are about an inch thick because of the acidic water in the area. They do not know where or when the next leak will occur. It is very expensive to keep up with the plumbing on the truck. Right now, everything is good. In some cases, they are working off of a 30 year replacement plan. There are some departments that are replacing their vehicles after 15 years.

Cindy Miller commented she hears this a lot where departments are being compared. We need to compare communities. She was having a conversation with someone else who said Whitehall does this...we are not Whitehall. We do not have the tax base they do or the commercial property they have. We do not have the needs like they do. When she is looking at what we need to do, she is looking at Lehigh Township and comparing to similar communities who are rural and residential and don't have the large tax base from commercial. Roger Spadt commented we are rural with lots of residents and square miles. Cindy Miller commented we are, but most of our calls are accident calls. Roger Spadt commented there are more fire calls than what the Board realizes. We also need to help our neighbors and go on mutual aid calls. This is our only fire engine to

protect us. We need to keep it working. There is more than one police car and more than one dump truck in the Township. What is best for our Township is that we have a workable engine within the guidelines of the 20 years. Cindy Miller questioned if an engine is that important, why did we by the other truck instead of the engine. Rick Hildebrand commented the truck was 30 years old and fell in line with the replacement plan. Roger Spadt commented the longer we wait, the harder it will be to sell the 1998 engine.

Phil Gogel commented he believes the Supervisors need to work on a plan to fund more money into the Fire Department. He understands everyone is a volunteer and saving the community a lot of money by being volunteers. Rick Hildebrand commented if the Fire Department were paid and fully staffed, it would double the police department budget. It's a three million dollar operation that is being run for \$140,000 plus per year.

Roger Spadt questioned if a motion could be made to start the engine replacement process as requested so that this doesn't keep dragging out and they don't need to keep coming back. Cindy Miller commented she doesn't believe they need to keep coming back. The Board needs to get together to figure out how they can manipulate their Capital Improvements Plan and how this will all fall into line.

Jerry Pritchard commented the Fire Tax would need to be worded properly. When you tax people, they want to see how their money is spent. People get upset when you tax and don't come back with anything. If there is a fire tax, is there a way to put earmarks that this much goes to this and this much goes to that so people can see where their tax money goes. If you initiate a fire tax and it is earmarked for this engine and people see the engine, people like to see something for their taxes. Roger Spadt commented the Fire Tax can only be used for fire department related items such as apparatus replacement or maintenance. Jerry Pritchard commented if you place a tax on people and they don't see anything coming back for their tax, people get upset. Cindy Miller commented people can see the truck. The Fire Company also gets invited to events where they can display their truck.

Jerry Pritchard questioned if this can be placed on a referendum. Attorney Backenstoe commented the Board is authorized to set an annual tax, not exceeding three mills to purchase and maintain fire apparatus and a suitable place to house the apparatus without going to a referendum. They

would just increase their millage and declare a certain amount of millage to go to the Fire Department. If the Township were to initiate a rate higher than three mills, the Township must submit it to the voters on a referendum. Roger Spadt commented if the millage is not designated as a Fire Tax, the funds can be used for something else in the budget. Cindy Miller commented if she were going to consider anything, it would be for a dedicated fire tax and that is it. Roger Spadt commented that is where the Fire Tax would come in because that money would become untouchable because it can only be used for Fire Company related items. It would be used for apparatus replacement and maintenance because how long can you keep asking volunteers to spend whatever free time they have to keep scratching and doing fundraisers to keep this stuff on the road.

Roger Spadt commented the Board would have two years to figure out the financing. They would like to move this forward because it will take the two years. Rick Hildebrand commented they are not asking the Board for a commitment to sign a check. It is to develop plans and coming up with what is needed for the next phase. Cindy Miller commented she understands, and you want the Board to commit and say okay, get your plans together, but the Township still needs to come up with \$750,000 in two years. In order for her to commit, she needs to know that the Township can do this.

Paul Nikisher commented we need the Police Department, but we also need the Fire Department. He thinks it would make sense to look into the Fire Tax and make everyone's job easier. He doesn't want any tax increases, but he does want our fire department. They do go above and beyond. If they need money, lets give it to them. Cindy Miller commented that's easy to say, but when you go out into the community and tell them we are raising their taxes 1.5 mills and give it to the Fire Company. They are not going to hear "fire company". They are going to hear you are raising my taxes by 1.5 mills. This is for every year. As the tax base increases, the actual dollar amount going towards the Fire Company from the tax will increase also. Paul Nikisher commented he doesn't think we need to go to the 1.5 mills. Why not try a half mill and see what happens? Cindy Miller commented the Township is already giving more than half a mill to the Fire Company.

Roger Spadt commented it has to do with the presentation to the public. How much better can you have it than having 70 plus people, the firefighters, promoting it and telling people what it is for. They have how many people at this meeting who are for it. This was just for the fire trucks. We need to think about the fire station. The days of having just volunteers pay for a fire station are over. There is no way you can raise enough money for a fire station, let alone the property for it. It's all in presentation and things we need to think about. What is on the agenda is for the Board to make a motion to start the process to replace the engine. If they don't, it will be like dropping a bomb on the fire house when they go back and tell them this was tabled again and it won't be entertained until they figure out something with the finances. Then he will let the Board go to the meeting and explain it to all those people when staring at those 70 sets of eyes. Cindy Miller commented she would explain it. Right now, she is saying to a community that she needs to come up with \$850,000 in three years out of our budget. She is not saying she doesn't appreciate the Fire Company, but the Board needs to balance it. Roger Spadt commented the Board also needs to be able to explain to a community when the 1998 engine fails and they decide they don't want to put their blood, sweat, and tears into fixing it and there isn't an engine for this community. Cindy Miller commented she is open to hearing what ideas the community has. She sits here trying to rack her brains out trying to figure out how not to raise taxes every year that people scream at them about, but yet everyone has their hand out. We have to figure out how to balance that. Phil Gogel commented when you go through budget, it is difficult pick out what goes in to make it work. Cindy Miller commented it has taken them 18 years to get a public works building going because past Boards have wasted our money. Now you have Boards here trying to figure it out and deal with the escalation of the problems over all the years. It's accumulative. It doesn't go away. She's open to hear what people want them to do.

Rick Hildebrand commented when the meeting was held years ago, they had a slide graph that when given the choice, when they sent to every household in the community, less than three out of every ten houses make any contribution to support fire services. That is 27 percent of the public will help to try to support the fire department without being helped to help them. This is a 100 percent community operation. They don't discriminate, they don't say they don't go to that section of town. They cover 100 percent of the community but 100 percent of the community doesn't support them. They only way to level that field is a tax.

Roger Spadt commented the vast majority of the people who were not familiar with the fund drive and didn't contribution have stated it was because they thought the funding was paid through the taxes. This is the long time residents. As the community evolved, we got a lot more people who have moved here from other communities or states. Most thought it was like everywhere else and the fire company was tax funded. They didn't give to the fund drive because they didn't think the fire company needed the money because it came out of their taxes.

Keith Hantz commented if the Township were to start with just one mill, it would increase the amount of funds that would go to the fire company to \$250,000 per year and put \$145,000 back into the Township general budget. In three years, you would have enough money for a firetruck.

Rick Hildebrand commented the millage for the fire tax can be adjusted up and down annually. Cindy Miller commented if it is set at one mill, it will never go down. Taxes never go down; they always go up. Rick Hildebrand commented there is a necessity to fund certain things and that is why that necessity is there. We are not talking about three mills. He is saying you are saying you are assigning a number that is necessary to fund the operation. We are only talking about trucks right now. This is just the baseline.

Roger Spadt questioned what one mill of tax would cost a household. Alice Rehrig commented it depends upon the individual assessed value. It would probably be around \$100 per household.

Cindy Miller questioned if the Fire Departments in this area have started any discussions about regionalizing or working together more than just mutual aid. Rick Hildebrand commented they are already covering 30 square miles. It is currently up for an ISO review. This is the insurance company's way of gauging how much they charge you for fire insurance under your homeowners' insurance. They are beyond their recommended base for being able to respond in five minutes or five miles. That is what Bill Brady from the State said they may need another fire station to the north. They don't want to do that because that is not in the best interest of fire stations to fragment. However, they are capable of meeting all their other criteria as far as the type of equipment that responds and the amount of water they are able to move. The one thing they can't do is get any smaller. When you say regionalize, the only thing they can do is cost sharing with another communities, but for them to come here or us to go

there, it is not a huge benefit other than the fact that they can send manpower because we do not save them cost on their homeowners insurance. In today's day and age, you are lucky if you have people to do the work. They had a fire in Palmerton the other day. There were 25 fire departments there. Everyone had to give a little to fight the fire.

Likewise, when we have a fire. If it is in the middle of the day, we may have 20 people around or they may have no one around. He dreads the day when he sees there is no one there. This Department is in such good shape with personnel and capabilities that they are some of the examples that are used for personnel and model. They don't have the problems and struggle that other departments do. You can throw as much money at other departments and give them everything that they could possibly want but they don't have the people to do the work for free. Cindy Miller questioned about the sharing of equipment. Rick Hildebrand commented that would be okay if they could come to the station because they have 30 square miles to cover. Cindy Miller commented she means for of working out utilization of equipment. It is going to get to a point where each community cannot afford every piece of apparatus for each department. She is looking at our neighbors and thinking. Roger Spadt commented if anything, we will be absorbing our neighbors, not our neighbors absorbing us. The consolidation works in communities that have more than one independent fire company that gets consolidated into one bigger umbrella town fire department. Cindy Miller commented as an example, Walnutport is neighboring and close. They have a lot of commercial along Route 145 and 2,500 residents. The Fire Company is saying they may need a second station in Lehigh Township. Rick Hildebrand commented if Walnutport was out towards Danielsville, that would work. The problem is the travel time to get there. Cindy Miller commented she was thinking if Walnutport stayed where they were and Lehigh Township moved out towards Danielsville. Rick Hildebrand commented it is possible if they found land and they could move a little bit north, but the problem is they are already sharing the equipment because if there is a house fire they are drawing from Walnutport, Slatington, Northampton Laurys, and Allen on the first alarm. That is the time when someone picks up the phone and calls 9-1-1 and tells them they have a fire, they are getting apparatus from all those stations just to meet the manpower that is required to fight a fire so they are already doing that. Roger Spadt commented consolidation of fire departments would not benefit Lehigh Township at all.

Rick Hildebrand questioned if it was possible to put this item out on a lease and spread the payments out over time and allow the contributions to build. Cindy Miller commented that is something that may need to be done. She doesn't know enough about the leases. She knows the Fire Company doesn't want this tabled, but she would like to look into this before she gives a decision as to whether she can commit to the Fire Company putting this out to bid right now because she doesn't feel comfortable saying yes because she doesn't know which direction we are going to go. Are we going to buy or lease? Rick Hildebrand suggested putting in on the agenda for another meeting and try to come up with answers. Roger Spadt commented based on the information Attorney Backenstoe provided regarding a fire tax, one could be enacted next year and that would give you the money you need by the time that truck gets here. He knows no political person likes to hear the word tax. He doesn't like to hear it as a tax payer. But it was always said that if people know what it is going for and there are 70 soldiers up at the Fire Company that are willing to get the word out to the public, you have the ability to do that and put additional money back into the general fund. What kind of heroes would the Board be? You would be putting that money back into the general fund that could also be spent. You'll have the money here by just staying at one mill.

Keith Hantz questioned how long it would take for the Fire Company to form a committee and draw up the specs for the truck. Rick Hildebrand commented it takes a year to develop the specs because they go out and visit other departments and the plant if necessary, then another year to build. Keith Hantz noted it would another year before they would even put this to bid, then another year before we would get a bill. Roger Spadt commented they would be willing to take one or two Board members with them when they visit other stations. Phil Gogel questioned why the Fire Company couldn't get started on the specs for the truck on their end and let the Board work on it on their end. He would hate to tell them yes to order the truck and then not have the funding come in for one reason or another. If a commitment is made, he will honor it one way or another. Keith Hantz questioned why they would go and waste their time and energy working on a truck if the Township is not committed to it. Phil Gogel commented he thinks that in looking at the budget for the past couple of years, he does have a few ideas. Keith Hantz commented the Board does have an answer, it's a hard answer, but it is a fire tax. This has been talked about for at least 10 years. With a fire tax, the Fire Company can go forward knowing what they are definitely getting every year rather

than hoping every year they are getting the \$145,000. There is an answer, a hard answer, but that is what the Board is elected for, to make these decisions. Having a roster of 70 people who are volunteering their time makes this a no brainer. That is why he thinks it is best having an open meeting like this than just having two supervisors meet because it would just delay the process longer until the two Supervisors are able to come back and report to the rest of the Board what was discussed. This way, the Board heard everything from Roger Spadt and Rick Hildebrand and so did the public. He doesn't understand why the Board wouldn't make a motion and have it pass for them to start their committee and work on specs for a new engine when the Board has the rest of this year to discuss it. It should probably be on the agenda for every meeting to discuss whether it should be a fire tax or are there other ways to come up with the money that they are missing, although our budget is already tight to begin with. Phil Gogel commented the budget is slim, but there are a few things that may help the cash flow if things work out. Keith Hantz commented the fire tax would be for the Fire Company and then the money the Township is currently giving them would go back into our budget for however the Board would choose to use it. Roger Spadt noted that by starting the fire tax next year, there would be enough money in place for when the apparatus would come.

Adam Raker commented he understands the urgency when you want to do something, but he can also understand taking the time to figure it out correctly. He doesn't see the harm in the Board taking another two weeks to get everyone on the same page, and get it right. Let everyone have time to think about this.

John Knobloch commented he has lived all over the county with his job and this is the most professional department he has ever belonged to. With the size of the new development that Jaindl is proposing, why can't he or any other development coming in help fund a firetruck. Developments will increase the number of fire, ambulance, and accident calls. They should have to contribute to the truck. Attorney Backenstoe commented under the Municipalities Planning Code, the Township cannot levy or assess fees for emergency services. If people go to their legislators and get them to change the MPC to allow Townships, Boroughs, and Cities, to assess for the impact those developments will have on a community, then the Board could do it. The law would need to be changed. The only thing the Board can do is assess a traffic impact fee after the appropriate study has been done.

Jerry Pritchard commented he knows there are cases where a developer pays for equipment. Jerry Pritchard questioned who writes the specs? Roger Spadt commented it is a committee of five people with experience in spec writing and at least one newer person so they get some experience. They go through the spec process, talk to manufacturers, go out to see a lot of apparatus, then once they find a manufacturer that they are most comfortable with based on equipment and experience. They then put it out to bid or use co-stars for the purchase. Jerry Pritchard questioned if everything is included in the price of a truck. Rick Hildebrand commented the cost is for a raw truck. Roger Spadt commented the apparatus comes with two ladders and two fire extinguishers. Most of the equipment from the old truck can be transferred over to the new truck.

Cindy Miller commented her preference would be to wait the two weeks. It is a lot of money and she doesn't want to give them false hopes. She wants to come to them with the right answer so they can move forward. Keith Hantz commented he would be willing to make a motion, but he knows it would not pass.

Rick Hildebrand commented the Fire Company worked on a presentation ten to twelve years ago. Maybe they need to do a Township level communication that solicits an answer to help the Board. Getting people to do things on their own results in a 27 percent contribution. It's almost to the point where you need to do what is best for the community. It's not an easy thing to do but almost one of the necessities. Roger Spadt commented the Board could hold a public meeting at the fire house about the fire tax, but most are too busy to go to meetings. They still have the presentation from the last meeting. They could modernize it a little bit. The Board could let people know what it costs to run their fire house and that the money could only be used for this. It is not their fire house. It belongs to the whole community; they are just charged to run it. They need to do something. A fire tax is the best way to go right now. The money will be there in two years, most likely two and a half, when it gets delivered. The fire tax will also help put more money back into the General Fund. We are responsible to give everyone in the Township fire protection.

Phil Gogel commented he would also like to wait two weeks to review some figures. He doesn't want to put a promise out there if he can't deliver on it. He would also like to get the opinions of the Board members

who are not present. The Township needs to figure out where they are in terms of funds. The roads need repairs, the fire department is not paid and does a good service to the Township. The Board needs to figure it out.

Roger Spadt commented hopefully the Township goes in the way of the fire tax. They have talked about this for how many years. No, you don't want to do it, but yes you do because it will ease the craziness over budgets.

Roger Spadt commented although this discussion drug on longer than he anticipated, a lot of good discussion came out of it, that they weren't even planning on talking about. It would good to have a community group who just worries about the fire items. Have certain people from the community sit and talk about things and go over stuff a couple times a year. The word filibuster was mentioned earlier and they kind of did it tonight, but wondered what over people who are in attendance at this meeting thought.

Noah Vehafric of Mildred Drive commented he is a college student. This is the first time he has heard about this issue and is willing to help start an initiative to talk about this in a public forum.

A resident commented over the course of the last 25 years, there has been a dwindling amount of volunteers across communities and they are being forced to go to paid staff. The last thing you would want to see is for that to happen in this community. He doesn't see that happening here in the next 10 to 15 years, but he does believe those days are coming in the next 20 to 25 years. He believes we are getting to the last generation of volunteers. Phil Gogel commented he can see where it will become a major issue.

Roger Spadt questioned if there were any questions from the public regarding the main topic they started with, which is the replacement of the engine and/or the fire tax that came out of the meeting which was not planned, but kind of planned. It was saved if they needed to bring it up, but it was brought up.

John Knobloch commented it was stated earlier that a one mill fire tax would cost each household around \$100. It may seem like a lot, but if the Department doesn't pass the certifications and there isn't a good fire rating, it will cost people more than \$100 in their insurance.

A firefighter commented she thinks is it important for the Board to understand the problems they are having with the engine. Even just the driver's seat is rotted and comes out. Is that what you want serving your community? Phil Gogel commented that is why he asked if there were any issues that needed to be addressed immediately. Things like this they wouldn't be aware of. Rick Hildebrand invited the Board to the station to look at everything.

VI. OLD BUSINESS

- A. Cherryville Intersection. Cindy Miller noted the poles and street are marked which is an indication that PPL is getting ready to start with the pole relocation. Phil Malitsch noted they should have a stump grinder on site this week and continue with the vegetation work. The electric work should be completed over the next week or two at Amey's.
- B. Maintenance Building. A revised plan was provided to the Board for review. Adam Raker commented he believes the plan hits all the marks and everything that was asked of the architect. Any concerns regarding this plan should be addressed as soon as possible and get it back to the architect to finish updating the mechanical and electrical plans to match the floor plan. Alice Rehrig commented Frank Zamadics had reviewed the plan and did not have any objections to it. The only item that needs to be addressed with the architect is the water closets versus the wall mounts in the bathrooms. Frank Zamadics has no preference as to which one is used. Adam Raker suggested the floor mounts. The wall mounts tend to have more problems with loosening and leaking.

Jerry Pritchard questioned if the building is close to being finalized. Cindy Miller commented that is where the Board is at now, finalizing the drawings so we can move forward. Jerry Pritchard questioned when it will be finalized. Alice Rehrig commented once the Board approves the floor plan, she will contact the architect to let them know to proceed. Adam Raker commented it will take about four weeks until all the drawings are finished and they can place the project to bid.

Phil Gogel made a motion to approve the plan as presented on the March 5, 2021, drawing by W2A and continue to move this forward. Keith Hantz seconded the motion. All voted aye. Motion carried.

- C. Proposed Zoning Map Amendment. This amendment will change a VR district in the area of Route 248 and Locust Drive and Locust Drive and Cherryville Road to A/RR. Cindy Miller commented she did some research on the area. The lots in this area range from .32 acre to 1 acre in size. The small lots have a shed on them

so putting a shed on them in the future will not be an issue. Keith Hantz questioned why this particular area was being looked at now for changing the zoning when the Planning Commission is working on the comprehensive Plan and there will be additional areas needing to be changed. Why not do them all at one time. Cindy Miller commented the Planning Commission thought they would get this area done. They have now received a draft of the Comp Plan to review and that will take time. Keith Hantz commented he had heard that they are looking to change the zoning in the area of Route 248 and Municipal. Why not wait until they get them all and then make the decision. Cindy Miller commented the Planning Commission wanted to move this area forward first to get it done. When the Board gets the Comp Plan, it will be a lot because there will be zoning and SALDO changes as well. This could take another six months. They thought this area was something that stood out and thought they could get it done and get that off the table.

Cindy Miller noted the VR district is a higher density district than the A/RR. Phil Gogel commented the lots in A/RR are usually larger. Cindy Miller commented they are usually 1 acre.

Keith Hantz suggested tabling this until there is a full Board. He would not be voting for the change as outlined on the map.

Phil Gogel questioned if there was any water or sewer in the area. Alice Rehrig commented there is water on Cherry Drive and in Beil Circle. There is no public sewer.

VII. NEW BUSINESS

A. Indiantrail Park Stream Bank Restoration.

1. Awarding of Bids for Construction. The bids for the stream bank restoration ranged in price from a low bid of \$123,665 from Brightfield to a high bid of \$297,996 from Lindy Corporation. Wildlands has been in contact with Brightfield to verify that they will be able to complete the project for the amount they bid since their bid was so much lower than the other bids. They were confident they could do it and they also submitted a detailed budget showing the quantities of material needed. The engineers have reviewed the quantities and found them to be in order as well. The proper wage rates for the project were also verified. Based on the information that was received, there is no material reason why they shouldn't be awarded the bid as low bidder.

Keith Hantz questioned what the points were referring to on the chart that was submitted from Wildlands. Alice Rehrig commented when Wildlands looks at any project, they use this scoring matrix based on price, experience, and presentation. If the work was being done by a private corporation, they could use the matrix to help make the decision as to which contractor to use because they are not bound by taking the lowest bid. Using the matrix, Brightfields scored 39 versus two other companies who scored 41 and 42. Some of what dropped the scoring on Brightfields was their limited experience. They do have some experience in doing this type of work, but not as much as some of the others. All of the bidders were required to submit information regarding other projects they were involved with.

Phil Gogel made a motion to award the bid for the stream restoration work to Brightfield at a price of \$123,665. Keith Hantz seconded the motion. All voted aye. Motion carried.

2. Pedestrian Bridge Approval. As part of the stream bank restoration project, the bridge that goes from the park to the volley ball court will be removed. This bridge has been shifting off its foundation over the past couple of years. A new pedestrian bridge is being proposed to replace this bridge rather than replacing it with another vehicular bridge. In researching bridges for the project, Contech has premanufactured bridges which are part of the Co-stars program. The bridge would be built off site and delivered to the park so that there wouldn't be any upcharges by the contractor or the need to pay prevailing wages for the construction of the bridge. The cost of the pedestrian bridge would be \$18,905. The foundation for the bridge is included in the contract price for Brightview.

Phil Gogel made a motion to approve the purchase of a pedestrian bridge from Contech Engineered Solutions at a price of \$18,905. Keith Hantz seconded the motion. Paul Nikisher questioned how wide the bridge was going to be. Alice Rehrig commented it will be five feet wide. All voted aye. Motion carried.

Alice Rehrig commented if everything goes as planned with the project, there will be approximately \$100,000 left in the grant funds. The Board may want to think about utilizing this funding towards the replacement of the bridge on Cinchona Road or what direction they would want to go with that. The funds could potentially be used for the permitting and removal of the bridge and then seek additional funding for the

replacement. The replacement could be with another vehicle bridge or a pedestrian bridge and close it off to vehicles. Alice Rehrig will ask Wildlands and Hanover Engineering for ideas as to how far the funds may stretch and what can be accomplished with the funding.

- B. Board of Supervisors Meetings. Cindy Miller asked the Board to consider eliminating the call in option for meeting attendance by the general public. The only call in option would be for Supervisors who need to call in in order to attend the meeting. It is not easy running the meetings with the conference option and there are a lot of misstatements made in the newspaper.

Keith Hantz commented he believes everyone who attends the meetings should be required to wear a mask. He is not against eliminating the call in option, but in order for everyone to be safe, masks should be required. Phil Gogel commented he agrees.

Next meeting will not have the call in option.

- C. Manager's Report. Alice Rehrig reported a request was received from Donald Kuntz to add 10.3 acres along Pear Road to the Ag Security area. If there is no objection, she will prepare the resolution for Mr. Kuntz to sign and then place it on the agenda for adoption by the Board. Keith Hantz questioned if the property was located next to Mr. Kuntz's daughter's home. Alice Rehrig commented it was the field on Pear that goes behind his daughter's home and comes out on Cedar Drive. There was no objection to adding this to the Ag Security area.
- D. Solicitor's Report. Attorney Backenstoe reported the Township received a favorable decision in the Singer matter. This was an appeal of the decision by the Zoning Hearing Board to permit an auto salvage facility in a district where it wasn't permitted. He believes this decision could have gone either way. He believes argument went in the favor of the Township because the standards of getting a use variance are so difficult. In its truest form, you could almost never get a variance. You need topographical or geographical features associated with the land such that you can show a hardship caused by the land that there is a unique topographical or geographical feature that is so unique that you can't use the land for any of the other permitted uses in that Zoning District. The applicant presented a very good case indicating that the property had previously been used for a restaurant which burned down, then a high intensity ag business which had been approved as a permitted use. The applicant said what they were doing was not any worse, and in fact, they felt it was less of an impact than the previous uses. This is a good argument to make and if no one is there or upset about the

proposed use, it is something that is easier for the Zoning Hearing Board to buy. The problem is that this is not the standard. The standard is not whether or not the applicant is hurt and can get better money or funds out of the property. The standard is whether or not the land is burdened. A dimensional variance is a whole different thing. On a dimensional variance, the use is permitted and you are seeking a dimensional relief, such as setbacks or height. The courts through the Hertzberg case determined that you wouldn't hold an applicant to the same standards for a dimensional variance as you would for a use variance. In a dimensional variance they are easier because the use is permitted and you should be able to make reasonable use of your land.

1. Hills of Greenock Indemnification Agreement. Attorney Backenstoe commented he believes the Board is finally getting to the end of the Hills of Greenock development. He provided the Board with a copy of an Indemnification Agreement pertaining to the development. Most times, a developer is in a hurry to get their plan recorded. In order to record a plan, the public improvements need to be secured and they enter into an improvements agreement and post a letter of credit. In some cases, a developer wants to do the work on their property before the plan is recorded. They wouldn't need to post security if they are doing private work on their property, but Township's don't want to just let someone go and start doing the work so they use an Indemnification Agreement for the instances where a developer wants to do site work but not all of the improvements. The Township also has a separate agreement with this developer where they would be decommissioning the detention basins if they got their subdivision approval. This Indemnification will bring this agreement into fruition. This Indemnification Agreement will allow them to start to decommission the basin. The stages still need to be ironed out which is something that Phil Malitsch is still working at. The agreement says the developer can do this but they need to hold the Township harmless, post insurance in the amount of \$1 million per occurrence, \$2 million in aggregate for personal injury. He doesn't believe the Township could have any liability since it is all on private property. They are not putting in public improvements. He also has included a \$10,000 escrow. Attorney Backenstoe will also be adding some additional language requiring the escrow to be replenished when it gets below a certain amount. He is not asking the Board for a vote this evening, but wanted to give them the opportunity to review it.

Cindy Miller commented there is a section that indicates the Township is responsible for the monuments. Is this correct? Attorney Backenstoe

commented it was the Township's responsibility just like the roads and detention basins, but the Township just never did it. The Developer is putting in new monuments on the interior for Lots 109, 110, and 111 so they would be responsible for those.

Cindy Miller also noted it indicates that they could get back \$21,000. Attorney Backenstoe commented that was from the other contract with this developer. There was a de minimis amount of work that the Township agreed they would do and put out three requests for proposals and the best proposal that was received was for \$21,000. This is the proposal that is attached to the contract that was entered into. These expenses will be coming out of the escrow account the Township is holding from the original developer.

Phil Gogel questioned how much was remaining in the developer's escrow because we still need to complete the roads in the development. Alice Rehrig commented there is approximately \$357,000 remaining. Attorney Backenstoe commented the Township did as well as they could have possibly done with the disaster that was left from the previous developer. He is hoping to have a final draft for the Board at their next meeting.

- VIII. PUBLIC COMMENT. There was no public comment.
- IX. EXECUTIVE SESSION. The Board went into Executive Session to discuss the MS4 permit appeal. No action was taken.
- X. ADJOURN. Phil Gogel made a motion to adjourn. Keith Hantz seconded the motion. All voted aye. Motion carried.