

**LOWHILL TOWNSHIP
BOARD OF SUPERVISORS
JUNE 8, 2023
MEETING MINUTES**

The Lowhill Township Board of Supervisors meeting was called to order at 6:30 pm by Chairman Richard Hughes. Also present were Vice Chairman George Wessner, Jr. via Zoom; Supervisor Curtis Dietrich; Engineer/Zoning Officer Ryan Christman; Solicitor David Brooman, Esq.; and Secretary Jill Seymour.

After the Pledge of Allegiance, Curtis Dietrich made a motion to approve the May 11, 2023 meeting minutes, as written. Richard Hughes second the motion. Roll Call: Curtis Dietrich: yes. Richard Hughes, yes. George Wessner, Jr.: yes. Motion carried. Curtis Dietrich made a motion to pay the monthly bills, as submitted. Richard Hughes second the motion. Roll Call: Curtis Dietrich, yes. Richard Hughes, yes. George Wessner, Jr., yes. Motion carried. Richard Hughes announced an executive session was held at the township building to discuss employee matters, the PO system. All has been straightened out and PO's are being used. Curtis Dietrich read a letter that Jill Seymour issued to all vendors, dated May 18, 2023.

Curtis Dietrich made a motion to approve the agenda. Richard Hughes second the motion. Roll call: All: yes. Motion carried.

Richard Hughes opened the floor for public comment, hearing none, moved on with the agenda.

Final Plan dated 5/8/2023: Subdivision & Land Development and Sewage Planning Module: 2766 Route 100 Warehouse. Curtis Dietrich requested that representatives of Core5 be present this evening, as he has questions. There are outstanding engineer comments from a year ago, as well as from this May that have not yet been answered. Mr. Dietrich has additional questions, such as how the EPA areas were calculated, he has not seen evidence of field survey's etc. He has issues with the storm water management plans that he would like answered. Curtis Dietrich stated we have ordinances for retaining walls in 6306, which could have been eliminated with a green roof, which they do not want to do. Our Act 537 does not show any public water. PA Code 7121A16 requires that as well. The previous developer has withdrawn the NPDES permit several times with issues they

could not correct. Would like to see the LVPC letters. There are issues with our SALDO 4701 and 4702 that need to be addressed. This now is the same developer and attorneys from 7503 Kernsville Road. Core5, who believes that Curtis Dietrich was not properly appointed when Robb Werley resigned. They published a deemed approval and have a quo warranto legal action taken against Mr. Dietrich, District Attorney of Lehigh County vs. Curtis Dietrich, which will be heard this Monday. Mr. Dietrich has the belief that they plan to take their deemed approval and it would be more responsible on our part to table this plan this evening and put it on July's agenda. Curtis Dietrich made a motion to table the Final plan dated 5/8/2023, Subdivision & Land development & Sewage planning module for 2766 Route 100 Warehouse and add it to the July 2023 Board of Supervisors agenda. George Wessner, Jr. second the motion. Roll call: Curtis Dietrich: yes. George Wessner, Jr., yes. Richard Hughes, yes. Motion carried.

Jack Ianntuono, Lowhill Township: With tabling of the project, what is the time line?

David Brooman: 90 days from the PC meeting. The applicant or the Supervisors could request an extension.

Richard Hughes: Do we have to give them that much time?

David Brooman: See what they come back with and if they ask for an extension and why.

Richard Hughes: Can we write a letter to extend to July?

David Brooman: They are on zoom, but you can write a letter.

Don Link, Lowhill: What happens if Curt's action from Monday gets extended?

David Brooman: Nothing.

Linda Mohr, Weisenberg Township: Not in favor of any extensions.

Dwight Camp, North Whitehall Township: There are levels of approval.

Developer could get shut down by the County, the State, etc. At what point do they get shut down?

David Brooman: PA DEP, LVCD, NPDES(stormwater), they all have their own rules, PennDot has to issue a Highway Occupancy permit.

Joe Turacy, Lowhill: Concerned about property values going down.

Jedd Komlos, Lowhill: Question on ordinances passed at recent meetings.

David Brooman: Not familiar with the ordinances being talked about.

Jedd Komlos, Lowhill: Multimunicipal plan.

David Brooman: That has not yet been completed, it's in the consulting stage.

Jedd Komlos, Lowhill: Can it be used on things in process?

David Brooman: They can't. Any new ordinance would not apply to in process. The law is clear.

Sue McGorry, Lowhill: A year or so ago, Trammel Crow agreed to more traffic studies, which would include all three warehouses. Since a representative is on Zoom, can you tell us where this stands?

David Brooman: I wouldn't expect the developers nor the attorneys to comment tonight.

Curtis Dietrich: The review letter from Ryan Christman has 27 items and 6 items concerning traffic. Chris Noll's letter for the sewage planning module has 4 concerns.

Don Link, Lowhill: What happens if it's found Curt was appointed improperly?

Curtis Dietrich: If determined, we would appeal. If it is not determined, it should end it.

David Brooman: We asked for evidence Core5 is the equitable owner of 2766 Route 100, have yet to receive it.

Bill Pleban, Lowhill: Do they have legal responsibilities to respond timely?

David Brooman: The clock is running; they have 90 days from May 27th.

Curtis Dietrich: They presented this as the final plan. It is not a final plan. He discussed concerns that they still haven't responded to letters from a year ago.

Bill Pleban, Lowhill: Attorneys try to delay and put townships in the position for deemed approval.

David Brooman: Anything is possible. We need to get through Monday. They are experienced, but I've been around the block too.

Curtis Dietrich: The Planning Commission recommended denial based on the two letters from Keystone Consulting Engineers and concerns from Stephen Lear.

Debi Keba, Lowhill: Question on Curt not being properly seated, why not do it properly if there was an issue?

Curtis Dietrich: I do not believe I'm seated incorrectly and I was also reappointed in January.

David Brooman: A judge would have to seat or vacancy board. Will be talking to the judge Monday.

Lynn Pleban, Lowhill: This is a serious proceeding, thinks it's disrespectful for one of the Supervisors to be on Zoom and that the Core5 representative is on zoom and not here in person.

David Brooman: They aren't ready to answer. They asked to be tabled and the attorney can't just answer for the client and the client is not on zoom.

Mike Segal, Lower Macungie: Discussed railroad gates on 78 and Route 100 would like that to be a reason for denial. Believes they will ruin the township. PennDot and Municipalities need to get together.

Ryan Christman: Narris Road: Looking at another option, 80' of wall, foam grout injection. He will be meeting with a contractor on June 20. They will take sample cores free of charge.

Curtis Dietrich: A letter was received from a resident on Narris Road, Jim Smith, concerning site distance. Curt agrees with Mr. Smith that the homeowners need to trim the bushes back to get site distance.

Joe Kalusky: They should be removed.

Richard Hughes: Will go ask them to remove the bushes.

Joe Kalusky: May & June: Weisenberg and Lynn, milling and oil and chip. Paved, back filling and we are ready for oil and chip.

Curtis Dietrich: Website: still looking for input, glad for the microphone system we are using this evening. PO's were already discussed.

Purchase of new mower tractor: Joe Kalusky: got pricing and specs on tractor. **Richard Hughes** made a motion to table until the Supervisors have time to look at the pricing and specs. **Curtis Dietrich** second the motion. Roll call: **Richard Hughes, yes; Curtis Dietrich, yes; George Wessner, Jr., yes.** Motion carried.

Curtis Dietrich: Have we budgeted for a new mower tractor?

George Wessner, Jr.: yes, we put \$37,000 in for a mower tractor.

Ordinance 2023-1 Proposal to amend the Zoning Ordinance of Lowhill Township Ordinance 2018-1, adopted April 12, 2018, by deleting and restating article 500 RV-Rural Village District section 541.25.

Curtis Dietrich: 541.25 – Source of terminology, would delete and restate. Defining self-storage building. Curt read the ordinance aloud.

David Brooman: Will have to advertise and send to Planning Commission and Zoning Hearing Board, have a public hearing.

Curtis Dietrich: When is it enforceable?

David Brooman: As soon as it hits the newspaper. It does not apply to these warehouses.

Curtis Dietrich discussed storage buildings and warehouses and gave descriptions.

Linda Mohr, Weisenberg: How do you enforce something like that? If they put chemicals in there, how would you know?

David Brooman: Same way we do now, if someone rats them out or there's an explosion.

Curtis Dietrich discussed current zoning.

Rodney Afflerbach, Lowhill: Can you make them design how we want?

David Brooman: They are receptive to the environment they come into.

Bill Pleban, Lowhill: What can or cannot be placed in storage buildings, what legal constraints are on developer that these buildings to not store forbidden materials?

David Brooman: They wouldn't be cheap. Warehouses couldn't offload to a middleman and they can afford it.

Bill Pleban, Lowhill: What about flammable, poisonous or hazardous materials?

David Brooman: Ryan Christman would perform an inspection. If not compliant, go to the magistrate, impose fines and if need be, go to court.

Richard Hughes: Would have someone appointed to inspect.

David Brooman: Condition to approval and force of law.

Terry Lenhart, Lowhill: Would limit warehouses or any storage buildings?

David Brooman: Correct.

Curtis Dietrich: Section 541.25 was never challenged in the past.

Terry Lenhart, Lowhill: Storage on Route 100 set the precedent for the warehouses.

Curtis Dietrich: Storage Building is the closest definition we had, I was told.

Rodney Afflerbach, Leather Corner Post: Discussed public water, fire protection, if we don't have rain a well will not be enough to quell a fire.

Curtis Dietrich: Proposal originally put forward was to have public water.

They will not be able to do it via well's. Public water/sewage required.

SALDO issues were discussed. Lehigh County Authority was willing to provide public water, this Board rescinded. Developers were going to split the cost.

Kim Weinberg, Weisengberg: Supports rescinding public water.

Curtis Dietrich made a motion to amend the Zoning Ordinance. Richard Hughes second the motion. George Wessner did not respond. Motion carried.

Curtis Dietrich announced available positions: In need of 2 Township Auditors, must be available January through March during business hours. Emergency Management Coordinator and 2 alternates for the Planning Commission.

Curtis Dietrich made a motion to appoint William Pleban as a Township Auditor. Richard Hughes second the motion. Roll call: Curtis Dietrich, yes. Richard Hughes, yes. George Wessner, Jr., yes. Motion carried.

Curtis Dietrich made a motion to appoint Eugene McGorry as Emergency Management Coordinator. Richard Hughes second the motion. Roll Call: Curtis Dietrich, yes; Richard Hughes, yes; George Wessner, Jr., yes. Motion carried.

Still in need of an auditor, 2 alternates for the Planning Commission and will need a Planning Commission member next year.

Richard Hughes opened the floor for public comment.

Melissa Newach, Lowhill: Can they fight back to LCA?

Curtis Dietrich: We got an acknowledgement from LCA, have not heard push back. We have to agree.

Hearing no more public comment, Richard Hughes moved on with the agenda.

Curtis Dietrich made a motion to adjourn. Richard Hughes second the motion. Motion carried.

The Lowhill Township Board of Supervisors meeting was adjourned at 7:47 pm.

Respectfully Submitted,