

November 2, 2016
Wednesday, 7:00 P.M.

MINUTES

Chairman Robert Rohner, Jr. called the meeting to order at 7:00 p.m. Also present were Richard C. Vollmer, Vice Chairman, John P. Sivick, Supervisor, MaryAnn Conza, Assistant Secretary and Robert F. Bernathy, Esq., Township Solicitor. Absent: Jon Tresslar, Township Engineer.

PUBLIC COMMENTS:

None.

APPROVE THE MINUTES OF OCTOBER 18, 2016:

Motion made by Mr. Vollmer and second by Mr. Rohner to approve the minutes of October 18, 2016 as presented. Motion passed with Mr. Sivick abstaining.

APPROVE THE PAYMENT OF THE BILLS ON LIST #1, LIST #2 AND THE TRANSFERS AS PRESENTED.

Mr. Sivick questioned the Boucher & James invoice that pertains to the VanWhy road dedication. Mr. Sivick would like to see the report generated by Mr. Tresslar showing the specs, to see if the road is in compliance with the written recommendations he made to the Supervisors and does it meet Township ordinance. Mr. Rohner will have the file available for Mr. Sivick to review once again.

Motion made by Mr. Vollmer and second by Mr. Rohner to authorize the payment of the bills on List #1, List #2 and the transfers as presented. Unanimous.

OLD BUSINESS:

1. SAW CREEK ESTATES-FIRE HYDRANT' MAINTENANCE AGREEMENT:

Attorney Bernathy is waiting to receive some agreement language to review from Nick Harros, who has done this for other communities. There will be a follow up phone call to Mr. Harros.

2. COMMUNITY PARK BALLFIELDS PROJECT

Mr. Sivick was not present at the last meeting and does not agree with the action voted on and with the direction given to the engineer. Mr. Sivick contacted Eric Gerhartz, who is an expert on grass and fields, and asked him to do an inspection of the field.

Attorney Bernathy asked if the inspection done by Mr. Gerhartz in August was at the direction of the Supervisors. We received an opinion from our engineer stating that we contracted for top soil that is not on the field and we need to take measures to replace it. Since the Supervisors did not ask for a second opinion and did not order an inspection of the field, this is not an appropriate time for Mr. Gerhartz to give an opinion or a presentation.

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According to Attorney Bernathy's position, this is a matter that all three Supervisors have been involved in and there has been a decision made already that the field is inadequate and it is likely going to be the subject of potential litigation in the future and we must be careful what we disclose and discuss in public session. This is based on the opinion that we received from our professional engineer, Jon Tresslar, and there was no contradiction at the time nor a suggestion to get another opinion. A second opinion was never sought by the Board.

Mr. Sivick wanted the record to reflect that since June 2016 he has been kept out of meetings with reference to the Community Park and Field. There have been meetings with the Board and Mr. Tresslar that he has not been invited to. Attorney Bernathy stated that, as already shared with Mr. Sivick, he was the subject of those meetings. There have been disciplinary matters in the past and investigation pending that we should not go into and is not relevant with tonight's agenda.

Attorney Bernathy stated that no one supervisor should act outside the scope of their responsibility to act as a Board, not an individual. If you wanted to seek an opinion outside the scope of your position, you should have asked the Board for another opinion, but that was never done.

Mr. Sivick stated that back in September he had a grass expert look at the field. Mr. Vollmer stated that there was supposed to be a minimum of 8 inches of top soil, free from all rock (larger than 2 inches) and no debris. What we have is a field loaded with big boulders, rocks, flags, plastic piping and wire. After top soil is placed on the field as per contract, then we discuss the grass.

Mr. Sivick disagrees with the 8-12 inches of topsoil contracted and stated that it states 8-12 inches if the ground is going to be scarified or 6 inches plus or minus 1 inch. Mr. Rohner stated that the bottom line is we do not have what we contracted for and the kids cannot play on the field and Mr. Sivick was aware of what happened at each of the executive sessions regarding personnel and litigation and we are not going to rehash it now.

Mr. Sivick stated that Mr. Tresslar did not do his job and go to the contractor with a punch list. Mr. Vollmer stated that the engineer was not made the project manager. We were not going to pay him to be a project engineer when you were going to be there on a daily basis and watch what was being done. The engineer told the Supervisors that he left off with you that if there was a problem you would call him. Mr. Sivick stated that he called Mr. Tresslar a number of times.

Mr. Sivick disagrees with the Board's action and the waste of \$30,000. Under the contract the contractor is responsible and we should bring the contractor to task with the engineer and point out the errors. Mr. Rohner stated that the contractor will be brought to task and it will not be an expense to the tax payers. Mr. Sivick was asked by Attorney Bernathy if he was at the job site on a daily basis, which he responded, yes.

NEW BUSINESS:

- 1. RESOLUTION NO. 314 – BLUE RIDGE COMMUNICATIONS FRANCHISE TERM EXTENDED UNTIL DECEMBER 31, 2017, BLUE RIDGE COMMUNICATIONS TO PAY LEHMAN TOWNSHIP \$2,700.**

Motion made by Mr. Vollmer and seconded by Mr. Sivick to approve Resolution No. 314.
Unanimous.

2. RESOLUTION NO. 315 – FEDERAL LANDS ACCESS PROGRAM (FLAP) TO ASSIST DELAWARE WATER GAP NATIONAL RECREATION AREA TO FUND THE PLANNING NEEDED FOR TRANSIT, PEDESTRIAN, HIGHWAY AND TRAIL-RELATED IMPROVEMENTS IN BUSHKILL VILLAGE.

The grant is for \$500,000, Township match is \$100,000 over multiple years. Motion made by Mr. Vollmer and seconded by Mr. Sivick to approve Resolution No. 315. Unanimous.

3. REQUEST OF THE SAW CREEK WOMEN’S CLUB TO USE THE COMMUNITY PARK IN THE SUMMER OF 2017 (DATE TO BE DETERMINED) FOR THE GREAT SAW CREEK RUBBER DUCK RACE TO RAISE FUNDS FOR AWSOM FOR FERAL CAT STERILIZATION.

The Saw Creek Women’s Club was asked to forward in writing how the Duck Race will operate, how much stream front is required, what are the times and a Certificate of Insurance naming the Township as an additional insured. Motion made by Mr. Vollmer and seconded by Mr. Sivick to approve the request after the above information is received by the Township. Unanimous. We will put up temporary fencing in front of the steep parts of the stream.

MISCELLANEOUS:

- 1. THE TOWNSHIP RECEIVED A REBATE OF \$4,028.00 FROM THE PA MUNICIPAL HEALTH INSURANCE COOPERATIVE. REBATES TO DATE IS \$7,933.00.**
- 2. THE ANNUAL CHRISTMAS TREE LIGHTING WILL BE WEDNESDAY, DECEMBER 7TH AT 6:00 P.M. AT THE MUNICIPAL BUILDING**
- 3. A PUBLIC HEARING FOR THE 2017 BUDGET WILL BE HELD ON WEDNESDAY, DECEMBER 21ST AT 7:00 P.M.**
- 4. REQUEST OF MINK POND CLUB TO BORROW THE HAY WAGON FOR THE WEEKEND OF NOVEMBER 4TH, 5TH AND 6TH.**

Motion made by Mr. Vollmer and seconded by Mr. Sivick to approve the request. Unanimous.

ROADMASTER / PUBLIC WORKS DIRECTOR:

Tim Rohner, Public Works Director, reported that work continues on W. Sugar Mountain doing shoulders, the final night of the Halloween Trail went well and has been cleaned up and props will be put in the Agricultural Building. Ordered and received a total of 194.63 tons of white Salt, installed tailgate spreaders on trucks #909, 920, 921, 916 and 917. Line painters were in on October 26th and painted lines on W. Sugar Mountain, Wickes Rd, part of Evergreen Dr. that was paved, Walnut Trail and Maple Dr. Recall on Recycling Truck and taken to Abeloff for repairs at no charge. Started picking up leaves in Rustic Acres, continue clean up at recycling centers, Safety Kleen was in and took out first load of paint and chemicals from the fall cleanup. Need to let residents know that the leaves should not be left in bags. Signs will be purchased stating, no bags, empty bags first. Containers could be left next to the recycling containers for residents to discard empty bags.

Mr.Sivick asked that the soft spot on Sugar Mt. East be paved before Winter.

PUBLIC COMMENTS

A request was made for the Township to look into moving the voting poles for Lehman Township to the Bushkill North school. The Commissioners and the Board of Elections have the final say with moving the poles, not the Township.

Eric Gerhartz introduced himself as a resident of Lehman Township and offers his services as a consultant that deals with sport fields.

ADJOURNMENT:

There being no further business, a motion was made by Mr. Rohner and second by Mr. Vollmer to adjourn the meeting at 7:35 p.m. Unanimous.

Respectfully submitted,

MaryAnn Conza
Assistant Secretary