

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

January 28, 2025

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, January 28, 2025, at 6:30 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
Janet Sheats
Mike Jones
David Hess
Jerry Pritchard
Attorney David Backenstoe
Alice Rehrig

II. APPROVAL OF THE MINUTES

- A. January 14, 2025. David Hess made a motion to approve these minutes. Cindy Miller seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF BILLS

- A. General Fund Checks 28417 to 28451. Cindy Miller made a motion to approve these bills. David Hess seconded the motion. Jerry Pritchard commented there was an individual who questioned the legal bills a few meetings ago. In looking at the bills, he believes they should be looking at the bills coming from their own Board. When he looks at the bills, he sees the amount going out for one Board compared to what we pay the Solicitor and there is a big difference. All voted aye. Motion carried.

IV. OLD BUSINESS

- A. Maintenance Building. All the various parties involved met at the site and are working towards a resolution. The contractor's engineer provided the calculations for the heaters and she is waiting for the response from MEI Engineering. Janet Sheats questioned if they gave a timeline. Alice Rehrig commented they didn't provide a timeline, but they know what our timeline is and they also want their last payment. Jerry Pritchard questioned what has taken place. Alice Rehrig commented the initial heaters that were submitted required three phase power which is not available at the site so a new design was needed. The contractor submitted paperwork for the 2 KW units that are currently installed and our engineer stated they had no objections as long as the calculations were provided to show they would work. They never submitted the calculations, but the units were installed. The contractor is contending that they did submit everything. At this point, it is known that there is a problem and they need to get it resolved.

- A. Zoning Ordinance Update. A proposal was received from Pennoni Associates indicating that they will be able to complete the remaining work on the Zoning Ordinance and SALDO for the amount contracted with Urban Research and Development. There have been issues between Pennoni and Urban Research as far as legalities in them serving as a subcontractor for Urban Research which is why they provided us with a proposal that would be between Pennoni and the Township.

Cindy Miller commented her concern with this is how do we hold Urban Research responsible in case we run into a problem with the second part of the project if we are creating a new contract. How would this work if there was an issue in the future? Attorney Backenstoe commented Pennoni will have to do an overview of the entire project and he will also have to review the project along with the Planning Commission. It will need to be reviewed in a global sense to determine if all the changes make sense. Once it is adopted, it becomes the ordinance of the Township and people would come to the Board if there are issues. Specifically, they would go to the Zoning Officer and request variances or special exceptions. He would say it would be unlikely that Urban Research with Pennoni would put together some provision that is so outrageous or so inappropriate that it would cause the Township significant legal challenges. Zoning is a legislative act. There may be some better drafters than others, but he doesn't see anything that Urban Research would have done as illegal and he believes that Pennoni will be taking a look at what they have done in order to finish everything up. There are a lot of eyes on the ordinance before it gets adopted.

Cindy Miller commented they are stating they can meet the same cost. What happens if as they are working through this, there are things that need to be changed and all of a sudden it costs more. Attorney Backenstoe commented he would assume that we would have Urban Research's work product in Word and Pennoni could make the changes. Cindy Miller commented we do not have it in Word. Alice Rehrig commented she believes we will be able to obtain everything from Urban Research. Attorney Backenstoe commented once we pay for a drafting product, it is the Township's. It is not theirs. To the extent that something would need to be corrected that Urban Research did, conceivably, you would still have had to have Urban Research do the work and pay them for the work, so he doesn't believe you would be paying Pennoni anymore. It's a revolving process. Instead of paying Urban Research, you would be paying Pennoni instead. Jerry Pritchard commented they know what budget they have to work with. If they say they can finish it for that amount, they can.

Cindy Miller commented on Page 9 of Pennoni's contract states that all drawings, sketches, specification, and other documents in any form including electronic

prepared by Pennoni are instruments of Pennoni's services and as such are and shall remain Pennoni's property. Attorney Backenstoe commented that they are providing you a product, which is the zoning ordinance, that is yours. He sees these general terms as items that would be applicable to a private contractor which they create a stamped drawing. The private contractor cannot give those drawing to someone else to modify. Once the zoning ordinance is adopted, it is public. Cindy Miller commented in the past they have had consultants hold onto documents that were the Townships and we had a hard time getting them, specifically when engineering was changed. Attorney Backenstoe commented he can see where there would be an issue with sealed engineer drawings, but this would be different. It is a piece of legislation that the Township will adopt and at that point it becomes public information and everyone has access to it. If the Township at some point in the future wanted to change the ordinance, they would do so by another ordinance.

Janet Sheats commented the only thing she didn't see was if Pennoni was going to review what was already done by Urban Research. Alice Rehrig commented they will catch up, look where things are at, and go forward from there. They have had the opportunity to review the work that Urban has done. Urban Research did forward information to them. Attorney Backenstoe commented they will need to review it to make sure all sections of the proposed ordinances are consistent with each other.

Cindy Miller commented she doesn't see anything in the proposal for costs of hard copies or electronic version. On Page 10, it talks about communication fees. Janet Sheats commented when she read through it, she thought the pricing included these items. David Hess commented he understands what Cindy Miller is talking about. She wants to make sure there are no surprise costs. Janet Sheats commented on the second page it does state about plan reproductions and express mailing will be billed at costs plus 10 percent administrative fees. Mike Jones noted in Section 5, it states that once everything is paid, it is handed over to us.

Alice Rehrig suggested having Matt Wanamaker come in and talk to the Board before signing the agreement. The Board agreed to meet with Mr. Wanamaker from Pennoni Associates at the beginning of the next meeting.

- B. Park & Recreation Consultant. Alice Rehrig provided a draft of an RFP for a consultant for developing a Master Park Plan. Cindy Miller commented she believes there is additional work that is needed. Jerry Pritchard commented he would like to have the Recreation Board review it as well and offer comment. Alice Rehrig will provide a copy to the Recreation Board for their review.

V. NEW BUSINESS

- A. Sanctuary County. Cindy Miller wanted to discuss this in light of watching everything taking place around us. She wanted to find out from law enforcement what the process would be for dealing with illegal immigrants by the Police Department. For example, if the police were on a traffic stop and learned that there was a warrant because they were illegal. What would the process be and how do we interact with the County? Sergeant Mirabile commented the Department would follow the current procedure that is in place. They would contact the federal agents and either relinquish custody to them or they may send a detainer to the County prison. It would be the same basic process whenever there is an outstanding warrant by another agency.

Cindy Miller commented her reason for asking is because Northampton County is a Sanctuary County since 2020 by Executive Order 2020-28. From what she is reading, the County will look for a judicial warrant from the federal level. They say they will detain for 48 hours for ICE to come. She doesn't want to see our law enforcement getting in the middle of this when taking someone to Easton. She wants to make sure our officers are safe and their time management is properly handled so that they are not tied up in Easton unnecessarily and being pulled away from our Township. In reading the Executive Order from the President, he is indicating that State and Local could become more involved and she doesn't know what that would entail. She also knows the County was called out for being a Sanctuary County. They received a letter on December 23, 2024, from America First Legal in Washington DC. She also has concerns with the fentanyl drug problems; they are threatening to take away federal funding if the sanctuary doesn't get lifted. There is a lot going on here and she wants to make sure Lehigh Township is okay. We have our own law enforcement.

Mike Jones commented if anyone gets arrested, the Police would have to take the person to Easton which will take the officers out of the Township. What would be changing. Sergeant Mirabile commented the process is still the same until such time as the Chief of Police would issue a new directive.

Jon Roth commented when you are dealing with immigration, it does take a while. When you make a traffic stop, you are running that individual's information through County and you get a query ID number. You then call the feds and tell them what you have. Then they make the arrangements. Whether they want the individual or not is not up to the Department. It's the same process with warrants from other police jurisdictions.

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Cindy Miller commented she knows Lehigh Township is small and right now they are looking at the major cities, but eventually, they will come to the area. She just wanted to make sure that we had a process and we know what we are doing. If they end up going to County and whether or not they honor it, it is up to them.

Cindy Miller commented she also contacted Congressman Mackenzie's office to find out how or if Lehigh Township would be affected as a municipality in Northampton County should the County choose to remain as a sanctuary county. If they pull federal funding from Northampton County, how will that affect Lehigh Township? Is it just the County or do the municipalities who are in the County get pulled into the loss of funding? The Township does deal with FEMA.

Cindy Miller also noted they will be passing the Laken Riley Act and that will also add more pressure because this does come down to the local level. Jon Roth noted that when it comes to immigration issues, he has always taken people to Lehigh County where immigration has a facility.

Janet Sheats commented right now the immigrants are running scared and she is concerned for the safety of our officers and believes it is even more important to have at least two officers on duty at a time. She believes this needs to be made a priority.

Cindy Miller also noted the County Executive Order from 2020 talks about having a detainer, but it also states it has to be a judicial warrant which creates a discrepancy. With the Federal Executive Order that just came out, it states that ICE does not need a judges warrant. Jon Roth commented it would work like a probation violation. If there is a probation violation, someone can be picked up without a warrant. Cindy Miller noted the verbiage in the County order states you must have a warrant which is what is creating the discrepancy. Jon Roth commented Immigration has already come to the Township and picked people up. It depends on the circumstances. Most times they are requested to take them to Lehigh County. They Officers do their job by getting the individuals down there. Once they are there, it is between the County and Immigration and the Officers don't get involved beyond that, but it does take time. You would be involved with a traffic stop for one or two hours.

Paul Nikisher commented he had no idea that Northampton County was a sanctuary county. He doesn't know how that happened. He also saw a phone number to report illegals, but when you call it, it states they are not taking calls. People need to be calling their representatives.

Cindy Miller commented she has a call into Congressman Mackenzie's office to talk to them on a federal level as to what this may mean. This is all new to them and he is also new to the office. She knows when he was a PA legislator he was working on a

bill to abolish sanctuary status in Pennsylvania. The Township is not involved at that level. She is concerned about our local law enforcement and what it means to them and how that plays out.

- B. Setting Salary of Tax Collector. If a change was going to be made to the Tax Collector Salary, the resolution adopting that change must be done no later than the next meeting.

Paul Nikisher questioned what the current salary was. Mike Jones commented it is \$42,000.

Monica Brown questioned how the salary is determined. Mike Jones commented the Board sets the salary. At one point it was as high as \$51,000 and based on a percentage, then it went to a per bill basis, then the Board set it at a salary of \$36,000 and increased it to \$42,000 four years ago. Cindy Miller noted the tax collector is now responsible for collecting the fire tax in addition to the real estate tax. Alice Rehrig also noted that when the School District eliminated their tax office, the responsibility of maintaining the per capita list for the Township became that of the tax collector.

The Board agreed the salary would remain the same and no action needed to be taken.

C. Manager's Report. Alice Rehrig reported she was in the process of obtaining quotes for the renewal of the property and liability insurance policies from two different brokers. In addition, she was approached by HA Thomson to see if there was an interest in going back into the PIRMA pool. The pool provides the same liability coverages that we currently have, but there are no sub limits for different categories. The pool only provides coverage to municipalities. The downside of the pool is that you get tied to the pool if there is a claim. Through the pool, you are responsible for any claims if you leave; your claims go with you, unlike traditional insurance. Cindy Miller commented she doesn't see how we could go back to the pool when we seem to be getting claims every year. Janet Sheats commented she doesn't believe that an insurance company will stand up for you and defend you as much if you are no longer with them. She is leery about hopping insurance companies. Jerry Pritchard commented he is not sure about being in a pool with others that we have no say in what they do or claims that are paid and it could affect us. Alice Rehrig commented once the Township's premium is set for the year, it is set, but, if the pool keeps having to pay out large claims, they will have to increase the rates overall.

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Monica Brown questioned if the Township claims experience wouldn't have to be pretty good to even get invited into the pool. Alice Rehrig commented she is fairly certain that the Township could get into the pool, but the question would be at what price and is it comparable to what we currently are paying. Monica Brown commented she believes the Township should consider all options as there may be things available to the Township that could be of a benefit.

The Board agreed they would look at all options that are comparable.

Alice Rehrig reported she received paperwork from Northampton County regarding updated census information for 2024. Based on this information, the number of people with low to moderate income in the northwest and southwest areas of the Township has increased which will now allow the Township to apply for CDBG funding for projects in those areas. Cindy Miller noted road and infrastructure improvements are acceptable projects under the CDBG program. Alice Rehrig will provide the Board a copy of the document.

Paul Nikisher questioned what the income level is that is being used to determine low to moderate income. Alice Rehrig commented the County did not provide that information in the document she received. She would have to check with the County.

Alice Rehrig reported there are grants coming up through FEMA for generators that she will be working on. The first step in the process is to send a notice of intent to PEMA and then they will provide a link for the application through FEMA.

Alice Rehrig is also working on moving forward with the new phone system that was included in the budget. She has received one quote and is working on obtaining additional quotes.

At the last meeting, there was a question regarding how much material is taken to the FRCA from our yard waste site. The 2024 totals received at FRCA from Lehigh Township are as follows: 6,031 cubic yards of brush, 1,280 cubic yards of leaves, and 3 cubic yards of grass clipping. In addition, the residents received 653 cubic yards of mulch and 431 cubic yards of compost.

Cindy Miller questioned what the percentage is on the fees that are being charged by the bank for the pension accounts. The fees seem to be on the high side. Alice Rehrig commented she will check the file and get the information.

Monica Brown questioned how much was collected for the Fire Tax. Alice Rehrig commented there was \$375,208.64.

D. Solicitor's Report. Attorney Backenstoe did not have anything specific to report.

- VI. PUBLIC COMMENT. Zack Szoke questioned if there was any update regarding the possibility of getting the referendum for farmland preservation or an EAC on the agenda for further discussion.

Mike Jones questioned if Attorney Backenstoe could provide the Board with a synopsis of what Moore Township does. Attorney Backenstoe commented he could provide the ordinances that Moore Township adopted.

Janet Sheats commented she is not ready to raise taxes for farmland preservation when we need money for other things.

Kristin Soldridge commented several years back, the Board of Supervisors tried to push through an EAC and the Fire Company was full of people who were irate because of that. People need to understand what an EAC does. It comes in and gives all these additional regulations that people of the Township have to abide by and ends up increasing costs for permits and administrative staff. She believes information should be obtained from Moore Township to determine if it is even worth it. There may not be a benefit to the farmers in this area to even go that route because it will cost them more money at the end of the day. There are other tax benefits through the County that people can apply for with creating an EAC in the Township and putting that burden on the residents. It is also not fair to the actual farmers. There are lot of parcels out there that meet the acreage for a farm, but they are not farms. They are just property. You put an EAC in place, it can take over everything.

Cindy Miller commented she remembers a planning meeting and the room was full of farmers. It was the first time all the farmers came to a meeting in mass. They told them they do not want the Township regulating their land.

Attorney Backenstoe commented Moore Township had an EAC and then merged it to create their Farmland Preservation Board.

Cindy Miller commented when an EAC is in place, it creates another level of bureaucracy. Every plan that goes through the Planning Commission must be reviewed by the EAC. It creates a delay on the entire project. Attorney Backenstoe commented Plainfield Township had an EAC for years and they just drafted an ordinance to repeal it. Kristin Soldridge commented at the end of the day, it just creates more aggravation for everyone. It increases taxes, permit costs, and time to do a project; it impacts everything you do with your property and takes the rights away from the owner.

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Janet Sheats commented she would not have an objection to having it on the agenda and having a presentation. Zack Szoke commented he would like to bring information to the Board from people who do this to help the Board make a decision. He believes there is a misunderstanding about the program and what they are trying to accomplish. He spoke with Moore Township. They have the lowest millage in the County and the most preserved farmland, next to Plainfield Township.

Mike Hock questioned if an EAC is needed for farm preservation. Attorney Backenstoe commented a board is needed to oversee the program. There is a process involved. You need a board which sets and establishes criteria for land acquisition. Usually it is the EAC, but it can be called another name. Before it would get to that point, a referendum would have to be done and placed on the ballot for the residents to vote on whether or not they want to increase their earned income tax by .25 percent for the purpose of open space acquisition. Attorney Backenstoe commented the process is outlined in the Open Space and Preservation Act found in PS 32§ 5001, 7.1.a.3. It outlines that a referendum by ordinance is required on the specific rate of the tax to be imposed. The tax cannot be repealed any sooner than five years after approval. David Hess commented he wouldn't vote for putting the referendum on if it would raise taxes. Before that, he would raise taxes to put more officers on. Janet Sheats commented the Board's first priority is the health, safety, and welfare of our residents. Before she would raise taxes, it would be for additional police officers for the Township.

Janet Sheats suggested placing this on the next agenda to hear their presentation and then the Board can determine if they want Attorney Backenstoe to look into the matter further. Mike Jones commented he would like to see the ordinances first.

It was agreed that Attorney Backenstoe would provide copies of the farmland preservation ordinances from Moore Township for the next meeting and a presentation regarding farmland preservation would be on the agenda for the second meeting in February.

Paul Nikisher questioned if there is anything additional that the Township can do with regard to illegal immigrants. Attorney Backenstoe commented there is nothing more the Township can do. The Lehigh Township officers are complying with the laws. When and if they pick someone up, they take them to the appropriate facility. There is nothing more they can do. Lehigh Township is a Second Class Township and complies with the laws of a Second Class Township and the Police Department complies with Pennsylvania law. The issues pertaining to ICE are beyond what the Township would have to deal with.

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Paul Nikisher encouraged everyone to support the fundraising activities of the Fire Company and the Lions. Sandy Hopkins noted the Slatington Lions are now accepting females into their club.

Monica Brown questioned if Lehigh Township wouldn't be considered sanctuary since we are part of Northampton County. Attorney Backenstoe commented there are different definitions of sanctuary. Lehigh Township is not involved in that whatsoever other than enforcing the laws of the Commonwealth of Pennsylvania. If there are detainers or bench warrants issued, our police will honor them. Cindy Miller commented these are questions she has for the legislators. She will report when she hears back from them.

- VI. ADJOURN. Janet Sheats made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.