

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

May 12, 2026

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their regular monthly meeting on Tuesday, May 12, 2026, at 7:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport. Vice Chairman Jerry Pritchard called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
David Hess
Janet Sheats
Jerry Pritchard
David Backenstoe
Alice Rehrig
Mike Muffley
Roxann Colfer
John Henry
Frank Zamadics

Absent: Mike Jones

II. APPROVAL OF THE MINUTES

- A. April 28, 2026. Janet Sheats made a motion to approve the minutes. David Hess seconded the motion. All voted aye. Motion carried.

III. APPROVAL OF THE BILLS

- A. General Fund Checks 29557 to 29588. Janet Sheats made a motion to approve these checks with the exception of Check 29566 for further review. David Hess seconded the motion. All voted aye. Motion carried.

IV. PLANNING RELATED ITEMS

A. Extension of Time

1. Joseph & Susan Ahearn Minor Subdivision. The developer provided the Board with an extension of time until October 31, 2026. Mark Leuthe was present to represent the plan. They have had their first review from the Township and have submitted their plan to the Lehigh Valley Planning Commission. Once they receive comments from the Lehigh Valley Planning Commission, they will be resubmitting to the Township. Cindy Miller made a motion to accept the extension of time until October 31, 2026. Janet Sheats seconded the motion. All voted aye. Motion carried.

B. Engineer's Report

1. 980 South Cottonwood Road. This was an application for a single family home with a rather long driveway and required several approvals including a NPDES permit and drainage plan, and zoning relief for steep slopes on the driveway access. During the review process, there were some issues with the stormwater requirements in which waivers would be reasonable since this is a stormwater facility for a single family dwelling and not a large scale development. The items included a 1 foot free board, which on an 18 inch basin would make it become a foot deeper; slopes being 4:1 horizontal, an access ramp into the basin, and the top of the berm equal to three quarters of the dam height which would make it unnecessarily wide for this type of basin. He is recommending a waiver of the sections because they don't make practical sense for this type of application. Cindy Miller made a motion to waive Stormwater Management Sections 138.10.B, 138.13.C.(1)(C), 138.C(4), and 138.13.C.(12)(B). Janet Sheats seconded the motion. All voted aye. Motion carried.

V. DEPARTMENTAL/ORGANIZATIONAL REPORT

- A. Recreation Report. Jerry Pritchard commented the Rec Board has been discussing the same basic items including the Christmas Tree Lighting, the tennis courts, and Keith Hantz met with Frank Zamadics on a few items.

Cindy Miller commented the DCNR grant was successfully submitted on time.

David Hess noted the shelters have been completed at the Dog Park.

- B. Public Works Report. Frank Zamadics commented street sweeping will be completed in approximately two weeks. The sand that was used as anti-skid is quite dusty and requires more water so it is taking them longer to complete the sweeping. Once the sweeping is complete, they will begin road repairs. They will be starting on Granger Road with a large repair. From there, they will begin leveling roads that are planned for the oil and chip project this year.

Mike Muffley is working on the final contract setup for the Timberline Road project. After discussing the contract with Alice Rehrig, they felt it would be best to set it up as two separate contracts, one for the pipe replacement and the other one for the road paving. He is expecting that the bids will go out in the next week or two.

Frank Muldowny questioned when the remaining portion of the Mountain Vista Development will be redone. Frank Zamadics commented the crew repaired the bad section of the development. The overall completion of the development is not yet

determined. When possible, they try to keep the major repairs to one area so a contractor is not having to move equipment across the Township and add extra costs to the project.

- C. Zoning Report. Roxann Colfer reported 47 permits were issued in April. There were two zoning hearings last week, one was continued and one was approved. There is one hearing scheduled for next week. Six enforcement complaints were closed out. 11 are at the Magistrate or under an order to vacate and still being worked on.

Mike Druckenmiller was present to discuss concerns he had with his neighbor installing a large ground mount solar display with no screening. Section 180-107 requires screening. Without the screening, it is an eyesore for the neighborhood. Roxann Colfer commented Section 180-107 sets the requirements for Principal Solar Energy Systems which are the primary use of a property. The solar systems that individuals place on their property or roof tops are considered an accessory solar system or accessory structures to the home. Screening is not required for accessory solar systems. There is nothing in our current ordinances to require screening for an accessory solar system. The Planning Commission has discussed adding screening as a requirement under the new ordinance. Mike Druckenmiller questioned if his neighbor will be required to install screening when the ordinance is complete. Attorney Backenstoe commented they cannot go back and make him install screening. They can only require screening going forward. Unfortunately, there is nothing the Township can do to force the individual to install screening. The only thing that Mr. Druckenmiller can do is speak with his neighbor to see if they would be willing to install screening. Mr. Druckenmiller questioned if the setbacks will be checked against the property line and will be determined if the property line is correct. Roxann Colfer commented the Township does not do a survey. She goes by the site plan that was submitted and the County tax maps.

- D. Police Report. Chief Henry reported in April, there were 467 calls for service, 4 reportable accidents, 12 non-reportable accidents, 13 summary citations were issued, and 3 individuals were processed through the booking center. There were also 8 arrests which included burning, DUI, drugs, strangulation, simple assault, and harassment.

Recently, there has been issues at bus stops. One issue involved a blue pickup truck on Washington Drive where a parent was concerned about the actions of the driver of the truck. The owner of the vehicle has been identified and the situation is currently under investigation. The second issue was in the general area of Route 248 and Cottonwood Road where a pickup truck stopped and tried to offer a ride to two elementary school age children to get them into the truck. They have not yet

identified the owner of that vehicle and they are continuing to investigate that incident as well. The School District and School District Police has been notified about these incidents.

The encampment on the PPL property was removed on April 29.

National Night Out will be held on Tuesday August 4th from 6:00 p.m. to 8:00 p.m. The event will be held at Berlinsville Park since Indiantrail Park will have some construction taking place.

Chief Henry commented he has two successful candidates for the Board to interview. He requested an Executive Session prior to the next meeting at 6:00 p.m. The Board agreed to conduct the interviews.

Janet Sheats commented it is National Police Week and she wanted to thank the Chief and the officers of the department for a job well done over the past year.

- E. Fire Company Report. Rick Hildebrand commented the Fire Company is up to 180 calls for the year. The most notable call was the two homes that burned in Walnutport. They used the new ladder truck to assist the Borough of Walnutport.

The ladder truck will be out of service for a few weeks. It needs to go back to the manufacturer for some warrantee work. It will also be going to Harrisburg for two days. A large portion of the department has completed the training on the compressed air system on the truck. The system makes fighting large fires easier on the firefighters because it is lighter and causes less fatigue. It also has better fire suppression capabilities and creates less water damage.

VI. OLD BUSINESS

- A. Ordinance 2026—3, Noise Ordinance Amendments. This ordinance takes all the concepts that were previously discussed and places them into ordinance format and also identifies the sections that will either be deleted or repealed. The Board could either table the authorization to advertise the ordinance until Attorney Backenstoe completes his review or authorize the advertisement upon the completion of the review. Cindy Miller made a motion to table the ordinance. David Hess seconded the motion. All voted aye. Motion carried.

VII. NEW BUSINESS

- A. Resolution 2026-19, Amending Ag Security Area. Cindy Miller made a motion to adopt Resolution 2026-19 to include parcels H2 1 37 and H2 1 35 into the Ag Security Area. Janet Sheats seconded the motion. All voted aye. Motion carried.

- B. Manager's Report. Alice Rehrig wanted to recognize a Township resident, Cindy Rifenburg, who volunteered to repair and paint the agility equipment and place mulch around them to make the mowing easier at the dog park.
- C. Solicitor's Report. In addition to the Noise Ordinance, Attorney Backenstoe has also been working with Mike Muffley on the Data Center Ordinance and both ordinances should be before the Board shortly.

Jerry Pritchard commented the data centers have become a large issue and we need to get something in place. Attorney Backenstoe commented the ordinance that the Planning Commission and Mike Muffley drafted is a good ordinance. One of the issues with drafting ordinances addressing data centers is the rate in which the technology pertaining to them evolves. It often comes up as to why the Township can't just prohibit data centers. The worst mistake a Township could make would be to not allow data centers. If you don't allow a data center at all, the developer can file an exclusionary zoning challenge and if the courts find in favor of them, not only can they put the data center in the Township, they can put it anywhere they want because when you exclude a use that is permitted under the law, that is the remedy.

Lisa Pignataro questioned if the State adopts a law regarding the data centers, could it prevent the Township from regulating them. Attorney Backenstoe commented it might. Right now there are two pieces of legislation, one in the House and one in the Senate. The one in the House is looking to have these regulated as a public utility which would take them in a whole different direction. He has not seen a lot about this legislation. The other legislation that is in the Senate where they want to provide more regulation. This legislation would allow you to be tougher on the developer. Depending upon the outcome of the legislation, the Township could be totally preempted from regulating the data centers or they may need to amend their ordinance to comply with the State legislation.

Cindy Miller commented on the State and Federal level they are handing out money to entice businesses to come in to the State, and on the other hand you have the municipalities pushing back saying we don't want them and their residents are saying the same thing. That is why it is important to reach out to the legislators.

- D. PSATS Convention Report. Cindy Miller reported she attended about six different sessions when she was at the PSATS Convention. The sessions included succession planning, personnel, blight, the 10,000 population plus round table, collective bargaining and a mock data center hearing. The succession planning was interesting in the need for job descriptions, SOPs, critical roles and risk and vulnerability. In the blight session, it was stated that municipalities are starting to lean on the Abandoned and Blighted Property Conservatorship Act and how municipalities are dealing with blight. She also learned that Northampton County did not have a land bank. At the

round table, there was a lot of discussion about private water companies coming in and purchasing systems from water authorities. They were advised to get involved if an authority was considering using a private company because there have been large rate increases for the residents. Our authority is not looking at this. It was interesting to watch the mock data center hearing and see what issues could get raised during a hearing. In the collective bargaining session she learned that a lot of insurance companies are starting to remove the GLP1 drugs for weight loss because of the expenses associated with it. Alice Rehrig commented she attended similar sessions to what Cindy Miller did which dealt with personnel, contracts, and updates on the Right to Know law. The largest topic of discussion at the Convention was the data centers. Cindy Miller commented when Senator McCormick spoke at one of the general sessions, the first thing he said was the importance of AI and data centers and how everyone uses technology. The elected officials in the audience recognized this, but at the same time, they are now being pushed to develop ordinances. This is why it is important to push back on our representatives because they on one hand are offering incentives for companies to come in while the residents don't want it and local officials have to deal with the zoning issues and how it fits into the community.

- VIII. PUBLIC COMMENT. Rick Hildebrand commented there was an announcement from Senator McCormick's office that Northampton County was the recipient of a \$1.835 million dollars grant for Public Safety Radio Upgrades to purchase equipment for law enforcement and first responders. It will be interesting to see how the funds get used. Cindy Miller commented she will write to the County Executive to see if there will be any funding provided to the municipalities. Janet Sheats commented when you look at things from a county perspective, the funding will not go very far. Cindy Miller noted the changing of the radio system creates another unfunded mandate for the Township.

Paul Nikisher questioned if there was any progress on getting a LED sign for the front of the building. Alice Rehrig commented she will be applying for a grant by the end of the month. Paul Nikisher questioned what happens if we don't get the grant. Cindy Miller commented we would have to find a way to get it into the budget.

Matt Green was present to discuss a passing perc test that was being considered invalid by the current SEO. He owns a property along Route 248 which was subdivided and perc tested in 1995 with passing limiting zones of 20 and 21 inches. The requirement for a limiting zone is a minimum of 20 inches. In 2019 when he purchased the property, he spoke with Chris Noll as to whether or not the perc test was still valid. He had indicated that they were and they purchased the property. In February 2026, someone approached him about purchasing the land, and he decided he would sell it. He needed to provide the buyer with a passing perc test which is has, but it needed to be verified because it was older and Steve Gitch from Keystone Consulting was going to come out to the site after

the snow melted to verify the testing area was not disturbed. In the mean time, the Township changed sewage enforcement officers and the new SEO is denying his valid perc test on the basis of time. He has discussed this with other SEOs and excavators and no one has ever heard of denying a perc test just on time. Now he is stuck and cannot sell the land. Mike Muffley commented it is his understanding that after 6 years, DEP can require the site to be retested. Mr. Green questioned why the test was good in 2019 and now six years later is it not. The subdivision plan shows where the perc testing passed and where it failed. He is also aware that Scott Brown from Hanover had approved a perc test from 1993 which is the same situation in a different Township. Why would his test not be good in this Township. When the current SEO looked at the information, he said it was too old and he would need to redo the testing, so he went and scheduled a probe test. This particular SEO only came up with 18 inches, so it failed. He had his own soil scientist look at the site and he also said it was not passing, so how did it pass in 1995 and why can't he use the passing results from 1995. Where is the regulation that says it can't be used? Mike Muffley commented there is an administrative process for approving a perc test and there is the actual testing of the soils. Based on what he is hearing, the soils do not pass today. If the soils don't pass today, you can't design a septic system on the site today. It is his understanding that relief is being sought on a 30 year old perc test approval so that the property can be sold. Mr. Green commented he bought the property with the understanding that the perc test was valid. David Hess questioned what would have happened to the soils that they don't pass today. Mike Muffley commented he hasn't done any type of investigation into the soils, but there are obviously wet areas on the site. Janet Sheats commented she is guessing that there was something that concerned the SEO which is why he wouldn't accept the 30 year old test. Mr. Green commented there is nothing that puts a time limit on a perc test and the area was not disturbed. Mike Muffley commented he has information that the SEO checked a test pit and did not get 20 inches and an independent soil scientist, hired by the owner, evaluated the site and also verified that there is no good location to put a septic system on the site. Mr. Green commented that is why he is questioning why it was good in 1995 and the perc test results can be denied on time. Mike Muffley commented he will stand by his sewage enforcement officer's decision if they get an application and review it and have reason to believe that the information that is 30 years old is not accurate. Mr. Green noted that there are several SEOs at Hanover and one of the other SEOs approved a test from 1993. Janet Sheats commented you can't compare one site to another. Mr. Green questioned why it passed then and now it is not. Mike Muffley commented the soil conditions could have been different, there are hydric soils and a stream running through the middle of the lot. Mr. Green commented nothing changed; the tested area is in grass. Mike Muffley commented you cannot tell if the soils changed by grass. A current probe was done and it had a limiting zone of 18 inches. An independent soils scientist was called in and looked at the site and said he wasn't finding anything either. The SEO was then called and told not to bother running the perc test because the probes fails and there

was not a suitable site. It's clear that the soils don't pass. Mr. Green agreed and they can still do a different system, but the point is that he did have a passing test from 1995 and the previous SEO was going to look at the site after the snow melted. He was good with the prior testing. The real issue is what is the timeline on a perc test. How is this too old and why would there be a concern that something changed when a test from 1993 was honored by a different SEO. Mike Muffley commented the test from 1993 was done on a different site with different conditions. This particular site has hydric soil and type D soils which are different than the other site. As far as the time frame, his SEOs are telling him it is six years.

Zach Szoke wanted to let everyone know that in all of his actions both at meetings and online, he is not trying to put anyone down, show anyone up, or tell anyone that they need to feel exactly how he feels or believes. He does feel it is of the utmost importance that the greatest amount of truth and reasonable thinking be exercised in everything that is said and done by all of us here. When interacting at the meetings and on line, he is only trying to do what he can to invoke as much science and data-based truth and critical reasoning into the conversation. He tends to be "to the point", and because of that, he apologizes if anyone believes that he is angling at something differently, but he is trying to invoke truth and reason in everything. The Board is elected to be wise leaders of this Township, and acting wisely, is a choice that each of us must make. Going forward, he prays that the Board can choose to act in a manner that is as consistent with patient wisdom as much as possible, because the quality of every one of our lives depends on it. If and when you happen to be met with distasteful and/or emotionally-charged actions of others, or even just opinions that differ from your own, he hopes that the Board can react as calmly and as wisely as any good leader would. More so than anyone, the Board needs to be the change that they wish to see in others, so that we can all be led into our best possible future, in the best possible way. Previously he was asked to provide the number of landowners that would want to willingly preserve their properties through a Township land preservation program. At this time, he and Mike are really not sure what the most appropriate and sensitive way to gather this information, but what they tell the Board right now is that of the 302 parcels that would qualify for this program, 206 of them are currently enrolled in either Act 319 or Act 515, meaning that the landowners have already committed to not developing their properties to some extent. In-turn, they receive some amount of monetary compensation for not doing so. In these programs, they would receive tax breaks. In a nutshell, the benefits of participating in these acts is exactly what the program that he and Mike are proposing would do; compensate landowners for not developing their land, but on an actual, permanent basis in our case. He understands that this isn't exactly 206 people outright telling us "Yes, we want to permanently preserve our land through a Township program, but, for the most part, their current actions are very strong indications that they would seriously consider being willing participants of this program. The creation of an open space land preservation

program is extremely important to a large number of Lehigh Township's citizens, and the Board should make a plan to place a referendum for the creation of this program on the November 2026 ballot.

Wendy Kleintop questioned how many of the 206 parcels have applied to Northampton County for preservation. Zach Szoke commented he did not know, but all of these parcels are at least 10 acres and could contain woods, meadows, or streams. It is not all farmland. Northampton County's program is just farmland and has a minimum of 25 acres. Wendy Kleintop questioned why someone would want to leave programs such as 319 and go into a Township preservation program. She has been trying to contact Northampton County for the past week to get additional information, but has not been able to reach anyone. How is someone going to get the facts? If there is a lot with woods or wetlands on it, it is already preserved because a developer will not buy it. She doesn't want to have to pay for it and doesn't believe anyone should have to have their Township taxes increased again to pay for it.

Janet Sheats commented she thinks people like the idea of preserving the farmlands, but they don't want the additional expense. The farmers need to be encouraged to not sell their land to developers.

Merion Miller commented there is a middle ground where the County program starts at 25 acres and Zach Szoke is proposing 10 acres. The confusing part is the wetlands, streams, quarries, etc., that are already protected or unusable. He understands preserving the farmlands because they have value on the market. Wetlands do not. When referring to open space, it is either farmlands or it's not. The term open space shouldn't be combined with everything.

Zach Szoke questioned if the rainwater wouldn't be cleaner if, when it fell, it ran over green areas and trees as it ran into our water rather than over rooftops and blacktop. He thinks the water would be less polluted if it fell over green areas and that would benefit everyone.

Linda Roman commented this is not a benefit to the people who cannot vote for it and will be taxed for it.

Frank Muldowny questioned if a developer were to pay the back taxes, could they turn around and sell the land for a data center. Cindy Miller commented that we have zoning that would prohibit data centers in residential areas. The preservation program is voluntary. If the property owner doesn't want to go into it, they don't have to. The best way to protect your land if you are approached, is to not sell it. If a family member places land in preservation, it will remain there for generations.

David Hess noted that every resident is already paying for farmland preservation at the County level. If the Township creates this program, it will be another tax on the residents.

Jerry Pritchard commented regardless of everyone's individual viewpoint, he believes everyone wants what is best for Lehigh Township.

Austin Kleintop questioned how many septic tests Blue Valley Builders was denied. Mike Kemmerer commented he was not denied any tests. Whenever a Township changes sewage enforcement officers, there is always the question of what was previously done. They were not wrong in requesting the testing be redone, but he also thinks most SEOs may have accepted it.

Mike Kemmerer questioned if someone goes into land preservation, does that mean that their taxes remain the same. Attorney Backenstoe commented there is an Act 4 millage freeze. If you are in preservation, your taxes are locked in that whatever rate was in effect when you entered into the program. Mike Jones questioned who would be paying the taxes in 75 years. That is the one thing that needs to be kept in mind, what happens in 75 or 100 years from now. Cindy Miller commented taxes would fall back on everyone else. When the tax value remains the same, everyone else will need to make up the real estate tax loss. The only recourse the Township would have is to raise the general fund tax rate to recoup the losses from the millage freeze. Zach Szoke commented study and research have proven that the cost of services that a municipality has to provide to residential properties is more than the cost of services to open space.

Jerry Pritchard commented if this topic is to really be aired out, it should be done at a larger venue rather than doing this every other week.

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