

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

August 25, 2026

- I. CALL TO ORDER. The Lehigh Township Board of Supervisors held their second monthly meeting on Tuesday, August 25, 2026, at 6:00 p.m. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
David Hess
Janet Sheats (via telephone)
Jerry Pritchard (business meeting)
Mike Jones
Alice Rehrig
David Backenstoe
Mike Muffley

- II. 2027 BUDGET AND CAPITAL IMPROVEMENTS PLAN. Alice Rehrig reviewed the draft Capital Improvements Plan for 2027 and the draft of the 2027 General Fund, State Fund, and Fire Tax Fund Budgets. The items listed in the Capital Improvements Plan have been incorporated into the 2027 Budget, including the in car cameras, body cameras, software, and tasers.

Cindy Miller questioned the allocation for a new financial and permit program and whether it was a one- time fee or an annual fee. Alice Rehrig commented the budgeted amount is a one-time fee, but most programs will have an annual maintenance fee. She is expecting that to be around \$2,000 per year.

There was discussion regarding the Fire Tax Balances and Firetruck Fund. The next apparatus is scheduled for 2031. The balance from the ladder truck purchase that is owed to the General Fund is still at \$33,000. The fire tax that has been collected over the past 3 months has been used to reimburse the general fund for fuel and insurance expenses. There is a possibility that the balance may be carried into 2027. This will be determined over the next two months since this is the time of year when the delinquent taxes are being paid. The old ladder truck was recently sold, and those funds will be turned over to the Township for the truck fund.

Janet Sheats questioned if anything moved forward with meeting with the Fire Company for a general update on how things are going with them. Alice Rehrig will reach out to try to set something up.

Alice Rehrig requested the Board review the capital purchases for 2028 and 2029 as a guideline of items we can apply for grant funding.

Mike Jones suggested that Municibid be watched because he has heard that Whitehall Township will be posting several items they used for parks that are in good condition and may be worth watching for some of our future equipment needs.

Cindy Miller wanted to verify that the new equipment for the police was included and what will happen with their old equipment. Alice Rehrig commented she had included everything with the new equipment has been included in the budget, but there will be some adjustments to the costs since the final quote has now been received. The old equipment can be sold on Municibid.

III. APPROVAL OF THE MINUTES

A. August 11, 2026. David Hess made a motion to approve these minutes. Janet Sheats seconded the motion. All voted aye. Motion carried.

IV. APPROVAL OF THE BILLS

A. General Fund Checks 29856 to 29884. Cindy Miller made a motion to approve these checks. David Hess seconded the motion. Cindy Miller questioned how the joystick in the loader broke. Alice Rehrig commented she doesn't believe the joystick was physically broken. It was more of a wiring issue. Katherine Mack questioned what the bill to DataWorks was for. Alice Rehrig commented it was for the police records management program and will be reimbursed through grant funding. All voted aye. Motion carried.

B. State Fund Check 1659. Cindy Miller made a motion to approve this check. David Hess seconded the motion. All voted aye. Motion carried.

V. PLANNING RELATED ITEMS

A. Extension of Time for Conditional Use Approval

- 1 BWC Hokendauqua Creek, LLC. Brian O'Neil from Blue Wave was present to represent this project. The Conditional Use approval for the project expires October 9, 2026, and the applicant is requesting a two year extension of time to start the project. They are currently in a regulatory issue with First Energy/Med-Ed. In September, PPL filed a rate classification that reclassified customer generators and the rate that they would be paid for electricity. This matter was settled in June. In February, First Energy did the same thing, and they are in settlement talks with them but don't know when the settlement would be reached. Because of this, they put the project on hold because they didn't know what they would be paid for the electricity rates. Once the matter is resolved, they will be coming in with land development and will also have to go through land development in Moore Township. They also need an NPDES permit from DEP. Because of all the outstanding items, they are requesting the two year extension.

Cindy Miller commented it sounds like they are nowhere near ready to move forward on the project. Mr. O'Neil commented it is through no fault of theirs. Cindy Miller questioned why the project would get extended for another two years if they are not ready to move forward. There are no guarantees that things will be resolved in two years. Mr. O'Neil commented it is not a matter of them not knowing how to move forward. They finance their own projects. They just need the regulatory matters to be settled. Right now, they are operating under a Supreme Court ruling. Mr. O'Neil commented they would be ready to move forward today if they knew what the compensatory rates would be.

Cindy Miller made a motion to not grant the extension of time. Jerry Pritchard seconded the motion. Mike Jones questioned what other companies do; there are other projects that are taking place. Mr. O'Neil commented it depends upon the specific criteria of the different municipalities. In this case, the Township has the approval expiring after two years. They have given Moore Township an extension of time until the end of the year for their land development plan. Other municipalities where they are dealing with First Energy, they have gone to them and asked for an extension of time to pause things until they get the answers they need. Mike Jones questioned if it is an answer that is needed or wanted. It seems like the utility is offering a rate that is lower than what is wanted. Mr. O'Neil confirmed that to be the case. In redefining what a customer generator is they placed everyone in a lower classification. This applies to any customer who generates energy behind the meter is appealing this reclassification. Until the reclassification is settled, they cannot move forward. Jerry Pritchard commented they can move forward, but it would be a lower rate than they want. Mr. O'Neil commented they don't want to move forward with the project without knowing what the returns will be or whether or not they will make any money. The only difference if this were denied is that they would need to go back through the conditional use hearing. Cindy Miller noted that if it is denied, they will be subject to the new zoning ordinances. It has been two years since they were approved. Janet Sheats questioned why it needs to be a two year extension. There doesn't seem to be any definitive items. Mr. O'Neil commented that the ordinance requires them to have a permit and move forward with a project within two years. They probably will not have a decision from the PUC until the end of the year, then they need to finish the Moore Township Land Development, come back to Lehigh with the land development plan, and obtain their NPDES permit from DEP. All of this will take about a year. Then the project must be bid which is why they figured it would take them two years to get to that point. Jerry Pritchard commented he can't see why the Board would want to grant an extension for two years when they have no idea what the outcome of anything will be. Mike Muffley commented if the issue is administrative while they are waiting for a decision, all the various submissions can be made while waiting for

the decision to keep the project moving. These submissions will take several months to complete. The decision on the rates will not change the layout of the property. Janet Sheats commented her concern was that it was stated that if the rate doesn't come back at an amount in which they can make money from it, they may not move forward with the project. Mr. O'Neil commented if the timeline with Met-Ed is the same as PPL, they should have a decision by the end of the year. They would be submitting land development plans shortly thereafter. They have them ready to go. If they were given until the end of the year and they didn't submit, then they would have to start all over. Jerry Pritchard, Cindy Miller, and Janet Sheats voted aye to not grant the two year extension. Mike Jones and David Hess were opposed. Motion carried.

VI. OLD BUSINESS

A. Ordinance 2026-4, Parks and Recreation. This ordinance incorporated all the items that were previously discussed by the Board and reviewed by the Police Department and Attorney Backenstoe. Janet Sheats made a motion to authorize this ordinance to be advertised for adoption. David Hess seconded the motion. All voted aye. Motion carried.

B. Meeting Agendas. Attorney Backenstoe commented there is no issue with the proposed layout of the agenda. He wanted to note that public comment needs to be allowed after every motion that is made, not the discussion, just the motion. The motion is made, seconded, the Board comments, then public comment before the vote. The only way to potentially eliminate public comment after a motion is to have the item of discussion so specifically defined as a motion on the agenda so that someone would have enough information so that they could comment on it prior to the motion being made. He does not recommend this and doesn't think it works well, but it is legal to do so.

Cindy Miller made a motion to adopt the new agenda incorporating the advice of Attorney Backenstoe. David Hess seconded the motion. Janet Sheats questioned how it would work if someone had a question for the staff who is giving reports. Cindy Miller commented it can wait until the end of the meeting. If someone needs to leave before public comment, then they can ask for Board and the Board will get them the answer. Janet Sheats commented the staff could stay until the end of the meeting. Mike Jones noted most times, the staff has been staying until the end of the meeting. Jerry Pritchard commented the Board is here for the meeting, but they are also here for the public. He has a tough time when the departments are part of public service and questions cannot be asked of them. Mike Jones commented it will be done under public comment. Janet Sheats commented this will help streamline the meetings. Other municipalities have been doing this for a long time. Paul Nikisher

commented when he has questions, he would like to have them answered while the staff is here. Mike Jones commented they will be here for the entire meeting so you can ask them during public comment. Janet Sheats commented a question doesn't need to wait for a meeting; the staff can be contacted during the day. Leann Wechsler questioned how the public would know what an ordinance is if they don't have it. Attorney Backenstoe commented an ordinance is a draft or a concept while it is being discussed, and changes are being made to it. As a draft, it really is not ready to be viewed by the public because changes do get made, so it is not considered a public document until the Board authorizes it to be advertised for adoption. Once the ordinance is finalized and is voted to be advertised for adoption, it will be advertised in the paper, posted on the website, the Northampton County Law Library, and available at the Municipal Building. When it is on the agenda for adoption, the public can make comments on the ordinance. Jerry Pritchard questioned who will be monitoring the three minute time limit. Mike Jones commented he guesses it will be him. Attorney Backenstoe commented there is usually a clock or a sand timer that gets flipped over. Jerry Pritchard commented he is against limiting the time for public comment. Tom Szoke wanted to clarify that the three minute time is per person as opposed to only allowing three minutes for public comment and potentially getting through all the public comment. Attorney Backenstoe clarified it is per person. If 35 people speak, each person gets three minutes. Jerry Pritchard questioned if it is only one time per person for three minutes. Mike Jones commented it would be. Leann Weschler questioned what happens if you have more than one question. Janet Sheats commented individuals need to get their thoughts together and ask them at one time. Cindy Miller commented our meetings need to be more organized. Mike Jones commented they have three minutes to comment and ask whatever they want. Once they are done commenting and asking questions, the Board or staff will answer. Janet Sheats commented she believes the process would be that individuals come up to the podium, have all their thoughts organized and ask their questions. When they are finished asking all of their questions, the Board can answer their questions if they can or choose to. Dan Ziegenfuss commented he agrees that everyone should come up front to speak so that there is order. His concern would be that if he asks several questions and gets a response, he may have a follow up question because of the response. He thinks that is where things could get sticky. He agrees that meetings don't need to go for hours and hours but thinks it may be difficult if you are trying to have a discussion. Janet Sheats questioned how a situation like this works in other municipalities. Attorney Backenstoe commented it happens very rarely. He has been told by some residents that because they have limited time to speak, they tend to gather their thoughts better so that they can articulate them to the Board in a clean, concise manner. If there is a follow up question, it could be allowed, but it really should be within the three minutes. Adam Ash commented if someone's questions are not answered within their three minute

too long for the Board, they don't need to be up there; don't run again. Carol Light, Walnut Drive, commented her concern is that sometimes there are just comments, not questions. They have ideas or areas of concern, and they may be in two different areas. It's wrong to try to get both areas of concern within the three minutes. Mike Jones commented with the exception of Parks & Recreation, all the other departments can be reached during the day. Ms. Light commented that's fine but what if they want the Board or other citizens to hear their thoughts? Katherine Mack commented she speaks at the School Board and asks questions. Sometimes she gets an answer, but the answers tend to generate more questions, but she is not able to ask them because her four minutes are up. What she does is write down the questions and asks them at the next meeting. Fortunately, their meetings are taped and she can listen to the meeting and review what was said so she can formulate her questions. It is very frustrating when you are presenting something to the Board and they answer your question and it generates more questions, but you can't ask them. That is what dialog with the Board is. She can understand limiting the number of times someone speaks, but not the time. She also thinks that people who don't raise their hand and speak without being recognized by the chair is inappropriate for a meeting. If you want to educate your people, you should be able to have a dialogue with them so they can ask questions and get a resolution at the meeting. Jerry Pritchard commented what she is saying is true; when the clock runs out, you are cut off. He also has a problem with making people come to the podium if they are physically not able to do so. There should be language included in the policy so that they can be accommodated. Michelle Dotta questioned if it is three minutes, one time per night or per motion. Cindy Miller commented it is only for public comment. Attorney Backenstoe commented people can comment on each and every motion if they choose and still have their three minutes for public comment. Adam Ash commented if things are not answered in one meeting, it just kicks things down the curb. You are not the voice of the public; you are suppressing the public. Mike Jones commented he understands, but it is not being brought up because of people asking questions of the Board, but because the audience will ask a question, someone who doesn't like the question will ask or comment against the question then the first person replies back to that comment and it goes back and forth. Leann Wechsler questioned if once the three minute rule goes into effect, will the Board just stop the questions and say no more comments. Mike Jones commented the Board has never stopped comments or questions. Adam Ash suggested a three minute time limit with allowing two minutes for follow up. Mike Jones commented he doesn't necessarily see the need for limiting the length of time for someone to speak if it is one time only. A resident questioned what else was on the new agenda. Mike Jones commented it includes the three limit time restriction, a sign in sheet, coming to the podium, and holding general comments until public comment. Zach Szoke questioned if there is a time limit set on

comments, will that give the public more access to documents that the Board has before them, such as the agenda format that is being discussed. Katherine Mack commented she believes the time limit is only for public comment. She believes that there can be multiple times someone can speak and multiple questions asked when there is a motion on the floor. Mike Jones commented that was correct. Laura Klotz commented people should be reminded to silence their phones because that seems to be happening pretty much lately. Cindy Miller, Janet Sheats, and David Hess voted aye to adopt the three minute time limit. Jerry Pritchard and Mike Jones were opposed. Mike Jones commented he is fine with just one time per night. Jerry Pritchard commented he cannot believe we are setting a time on the people. We're supposed to be for the people and now we are restricting them. Motion carried.

VII. NEW BUSINESS

- A. Resolution 2026-20, Adding 3481 Cannonball Drive to Ag Security Areas. Cindy Miller made a motion to adopt Resolution 2026-20. Jerry Pritchard seconded the motion. Monica Brown questioned what that was. Cindy Miller commented it is the first step towards preservation. Attorney Backenstoe commented in addition to it being the first step towards preservation, it also protects farmers from nuisance complaints against regular farming operations, such as when they harvest corn and the sheathes may blow onto another property. All voted aye. Motion carried.
- B. Awarding of Bids for Timberline Road. Mike Muffley commented the bids were scheduled to be opened today, but there was only one bid received for the paving portion and there were no bids for the pipe. He set up an addendum to extend the deadline and made some alternations to the contract and has rescheduled the opening to occur in two weeks.
- C. Manager's Report. Alice Rehrig did not have anything specific to report.
- D. Solicitor's Report. Attorney Backenstoe reported the advertisement for the Data Center ordinance did not run as scheduled; therefore, it needed to be removed from the agenda. He has run an ad in the Morning Call and it will be ready to be on the September 8th agenda. He also noted that a favorable review was received from the Lehigh Valley Planning Commission.

Zach Szoke commented he did some research and learned that municipalities have the right to exempt people who earn less than \$12,000 from the earned income tax. This would address the concern regarding the individuals who are under 18. He was wondering if Attorney Backenstoe could confirm that. Attorney Backenstoe commented he would need to research it, but he believes that may be accurate. Zach Szoke requested the Board authorize Attorney Backenstoe to research this. Mike

Jones commented he doesn't have a problem with having this looked into, but he doesn't know that it will change anything. He is also concerned that other issues could arise out of adding an exemption. The Board agreed that Attorney Backenstoe could look into this.

- VIII. PUBLIC COMMENT. John Knoblach, Vice President of the Fire Company, commented that the Fire Company is actively trying to work on a contract with a local farm to obtain some land for a future new firehouse. Their current firehouse is too small for the size that the equipment has become. They have met with the State and Federal representatives, and everyone is committed to helping them find the funding. They are planning on obtaining grants and raising the funds on their own. They are not looking to have any of the fire tax money go towards the project.

Deirdre Kamber Todd is running for State House Representative for District 183. She is looking to get things done, regardless of party. She is also a 9-11 survivor, and her father was a volunteer fire fighter. She has been collecting memorabilia and doing shows to raise money for first responders because they were a key part in people surviving 9-11. With this being the 25th anniversary, she is holding what she hopes is her biggest event. It will be a free event and child friendly. She is asking for a \$20 donation and the funds raised will be donated to any first responder organization who is present at the event. She also wants to give first responders a platform to speak about the challenges they face. This event will be held on September 11th.

Tom Szoke questioned if the Township has any land or facilities that could be available for the Fire Company. Mike Jones commented they really don't, the old maintenance building is currently being used for storage.

Katherine Mack questioned if a response was received from Attorney Ettinger. Alice Rehrig commented she did not receive a response.

Carol Light commented the discussion on the three minute time limit piggybacks on the land preservation. The Board is taking everything away from them. Last meeting the Board didn't want to compare themselves to other Townships; this meeting we are looking at what other Townships do. The Board is talking from both sides of their mouths. This is concerning to her. The referendum that was prepared by the solicitor was a waste of money. People are asking to have that on the ballot, whether it wins or not. It bothers her to have their voice taken away. Mike Jones commented he is one who likes to look at what other municipalities do. They may do something that would work for us. Jerry Pritchard commented he is representing this community. He doesn't represent the others. He does not agree with having a time clock just because others do. We don't need to be followers; we can be leaders.

Board of Supervisors Minutes
August 25, 2026

Sherry Szoke commented she agrees with Jerry Pritchard and Carol Light. She believes the time limit came about because of land preservation and trying to stifle them and what they want. They get accused of shaking their heads at the Board, yet a Board member sits there and shakes their head throughout the meeting.

Linda Roman commented everyone seems to be fine with young people not having the right to vote on land preservation. When it was voted down, the Supervisors were protecting the right to vote, not taking it away. They were protecting the next generation who is not of age to vote.

Zach Szoke commented even though the Board voted to not move forward with the referendum, they still went ahead with their meeting on August 17. He appreciates Jerry Pritchard attending their July presentation and letting their voices be heard. He also has a hard time swallowing placing a time limit on people speaking.

Adam Ash commented he believes a Board member should place this on the next agenda to repeal the three minute limit.

Merion Miller questioned if the elected boards have subpoena power. Attorney Backenstoe commented in general he doesn't believe they do because you need to have judicial power. When the Board of Supervisors sit for a conditional use hearing, they are acting as in a quasi-judicial capacity and in this situation, only then would they have the right to subpoena.

Paul Nikisher commented he would rather see a fire tax and a volunteer fire company than have to pay for paid full time firefighters. He also believes that the open space should be on the ballot. He believes the majority of the people in the Township want open space. It is just a matter of figuring out how to get there. There are other ways.

Adam Ash commented the Fire Tax is a form of a real estate tax because it is based on the assessed value of property.

IX. EXECUTIVE SESSION. No Executive Session was held.

X. ADJOURN. David Hess made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.