

Meeting Minutes
Lehigh Tax Collection Committee
Thursday, April 18, 2024, 8:30 A.M.

I. Roll Call/Quorum determination

A meeting was held on Thursday, April 18, 2024, at 8:30 am at the South Whitehall Municipal Building. The purpose of the meeting was to continue the process of compliance with Commonwealth of Pennsylvania Act 32.

Officers in Attendance were:

<i>Shane Pepe</i>	<i>Chairperson</i>
<i>Jack Meyers</i>	<i>Secretary</i>
<i>Michael Gaul</i>	<i>Solicitor</i>
<i>Bruce Koller</i>	<i>Treasurer</i>

The meeting was called to order at 8:39 am. Meyers took the roll call vote for the delegates. There were a requisite number of delegates from both the School Districts (5/9) and Municipalities (15/25) in attendance for the meeting. Therefore, a quorum was met for the purposes of conducting the meeting and resolving issues.

II. Re-organization of the Board

Voting of Officers

Motion to reappoint Shane Pepe as Chairperson was made (Carter). There were no comments or questions. Pepe was reappointed unanimously.

Motion to reappoint Cathy Bonaskiewich as Vice Chairperson was made (Pepe). There were no comments or questions. Bonaskiewich was appointed unanimously.

Motion to reappoint Bruce Koller as Treasurer was made (Saul). There were no comments or questions. Koller was appointed unanimously.

Motion to reappoint Jack Meyers as Secretary was made (Wehr). There were no comments or questions. Meyers was reappointed unanimously.

III. Public Comment regarding agenda items

There were no members of the public present for comment.

IV. Approval of Meeting Minutes

A motion was made (Beitel) and seconded (Wehr) that the November 16, 2023, meeting minutes be approved as presented. The motion was approved unanimously.

V. Approval of Treasurer's Report

Koller reported that all municipal taxing authority assessments have been paid. He has utilized Certificates of Deposits with Embassy Bank to bring additional revenue to the TCC. Koller also presented the draft budget for 2024. There have been issues with Maillie providing the completed audits and it may be necessary to draft a new Request for Proposals for auditing services. The budget is consistent with prior years. Pepe noted that more expenses will be forthcoming with the most recent tax appeal. Roth moved, seconded by Patel that the Treasurers report be approved as presented. The motion passed unanimously.

VI. Approval of Invoices for Payment

Two invoices were presented for payment as noted in Koller's report. Payments noted were to Penn Prime (insurance) and Lafayette College (Executive Director services). A motion was made (Saul) and seconded (Beitel) to approve the invoice for payment as presented. The motion was approved unanimously.

VII. Tax Officer's Report

Sean Sanderson presented Berkheimer's report. 2023 collections were \$163 million or \$7 million more than the prior year. This represents a 4.5% increase. Sanderson also unveiled Berkheimer's new business-to-business operation. This involves printing and scanning resources for utilities and taxes. The company scanned 70 million documents last year and anticipates 100 million this year.

Many taxing authorities have centuries of records. All deal with numbers of Right-to-Know requests. The company can scan every piece of paper and create a digital mail room. Volumes of boxes and files can readily be scanned, and digital copies retained. They will also provide Certificates of Destruction when requested. There is much more to come in the future.

Malay queried whether there were any factors leading to the increased collections. Sanderson replied that this was not known at present.

VIII. Old Business

There was no old business to discuss.

IX. New Business

Update on Tax Appeal – Pepe reported that the recent tax appeal from a Washington Township resident was denied. Pepe personally thanked the members of the Appeals Board for their service in this regard.

Approval of the 2024 Budget – Pepe discussed the proposed 2024 Budget. A major component of this is legal fees, which vary based upon any future tax appeals. The Executive Director position expense should be relatively consistent with those services previously performed by the Meyner Center. Possessing a compliant website is also a challenge for 2024. The Executive Director will need to work with the TCC on this budget item. There being no further discussion, Nemeth moved, seconded by Roth that the 2024 Budget be tentatively adopted as presented. The motion carried unanimously.

Engagement of Executive Director – Bonaskiewich and Koller worked on this matter and the Request for Proposals. The lone applicant, Chris DeFrain, served on Emmaus Borough Council. The estimated 50-60 hours per year of annual service time matched his schedule. He was considered an excellent choice for the position. Attempts to coordinate this service with the Northampton TCC were unsuccessful, as the NTCC was not yet prepared to move on the matter. There was concern as to the effect of future tax appeals on the hours of service the Executive Director performs. Atty. Gaul did note that his partner had done legal work for Mr. DeFrain and/or his wife, but it did not involve the matter of his engagement or his company's engagement as Executive Director.

It was noted that the Executive Director will receive a 1099 form and is not considered an employee of the LTCC. Roth questioned whether he would have time in April for the TCC, given that he also performs public accounting work. It was reported that DeFrain would be scaling back his work. Saul moved, seconded by Brown, that Chris DeFrain Consulting LLC be appointed Executive Director of the TCC, subject to an Engagement Agreement satisfactory to the Solicitor, and that the Chairperson be authorized to sign the Engagement Agreement, at the rates set forth in DeFrain Consulting, LLC's proposal. The motion passed unanimously, with the exception of Pepe who abstained.

Amendments to the By Laws, Appeals Board Rules and Regulations Governing Practice and Procedure – Discussions ensued on Atty. Miller's drafts to the rules. Atty. Gaul stated that the amendments address issues that were, in part, a result of the COVID emergency. How the Sunshine Act relates to virtual meetings, and not at a physical location was discussed. The amendments will need to reflect virtual/remote meetings, how that not only relates to our rules, but also Act 32. These need to be fine-tuned. Discussion also included the voting and quorum issues. Finally, the amendments need to be formatted into a Resolution format. Logistically, there are things which need to be resolved and the legislation is not ready for action. The TCC will need to provide these revised amendments 10 days in advance of the next meeting to each of the delegates.

Appointment of Replacement Appeals Board Member – In so far as Ron Kistler, a member of the Appeals Board retired, a replacement was needed. Wehr was proposed to fill the vacancy. The motion was made by Roth and seconded by Koller. The motion was approved unanimously. It was noted that the proposed amendments will revise the term of appointment for Appeals Board members from 1 year to 3 years.

X. Next Meeting

The next regularly scheduled meeting is on November 21, 2024, at the South Whitehall Municipal Building at 8:30 am. Pepe also indicated that delegates can forward their

Ethics Forms to either Meyers or him. It was again noted that Maillie owes audits to the TCC. The TCC will reach out to Don Pierce for additional information. However, it may be necessary for a new RFP to be done. It was noted that the new Executive Director knows a lot of auditing firms. Patel moved, seconded by Malay, that the Committee initiate the search for a new auditor. The motion passed unanimously.

XI. Public Comment

There was no public comment.

XII. Adjournment

The date for the next regular meeting is November 21, 2024. There being no further business to discuss, a motion was made (Roth) and seconded (Beitel) to adjourn the April 18, 2024, meeting at 9:48 am.

Respectfully submitted,

Jack D. Meyers
Secretary