

UPPER MILFORD TOWNSHIP  
BOARD OF SUPERVISORS  
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068  
JULY 19, 2012 AT 7:30 P.M.  
REGULAR MEETING MINUTES

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**ATTENDANCE:** Supervisors; Daniel Mohr, Robert Sentner, George DeVault; Manager, Daniel DeLong; Solicitor, Marc Fisher; Secretary/Treasurer, AnnaMarie Zeravsky

Meeting called to order at 7:38P.M.

Pledge of Allegiance to the flag.

**ANNOUNCEMENTS:**

Supervisor Mohr announced that the meeting is being recorded principally to aid in the preparation of minutes and for such other purposes as the Board sees fit. For that reason, will each person wanting to give any comments during the meeting, please state his or her name for the record and address the Board of Supervisors.

**PUBLIC INPUT:** -

Resident James Krippe asked what is going on with Buckeye Tank Farm. Supervisor Sentner stated that along with Lower Macungie officials and other officials from Upper Milford, he was in a meeting earlier this week with Buckeye Pipe Line's management. Buckeye Pipeline was more than willing to get Upper Milford involved in their First Response. Supervisor DeVault stated that Buckeye Pipeline couldn't have been more than forthcoming about the recent gas spill. Supervisor DeVault stated that together, everyone is working towards the beginning of a process to establish a chain of command so that the proper officials/authorities will be notified in the instance of another gas spill. Mr. Krippe stated that his property borders the Tanks and that is why he is concerned. He said that sometimes when he walks outside of his house he feels like someone poured gasoline on top of him because of the strong fumes. Mr. Krippe stated that it really concerns him because eventually Buckeye's gas spills will affect his well water. Supervisor Sentner stated that everyone is concerned and that the purpose of the meeting was to come up with a way to alert the public, fire departments, and DEP when the inevitable spills occur in the future. Supervisor DeVault said that Township Officials will be meeting with Buckeye Pipeline more regularly and the next meeting is already scheduled.

Resident Luanne Willfinger asked if the water situation around her property that causes water to come gushing down from Buckeye Pipeline, is going to affect her well. She said she was promised by the Public Works Department that something would be done to correct the problem back in spring and nothing has been done. She stated that the problem started when Hurricane Irene hit the local area, causing her basement to fill with 5 inches of water because of blocked drainage. The water drainage problem is a huge concern especially with the recent gas spills at Buckeye Pipeline; she is very concerned about her well water becoming contaminated. Ronald Wilfinger asked for a timeframe for when the storm drain on Tank Farm Rd can be fixed. Supervisor Sentner said that he will

have Steve Ackerman look into the situation and see what can be done to correct the problem.

**ACCEPTANCE OF MINUTES: -**

July 5, 2012 Workshop and Regular Meeting Minutes

**MOTION:**

Supervisor DeVault made the motion to approve all Minutes. Supervisor Sentner then seconded the motion. Any questions or comments, all in favor, and the motion carried.

**APPROVAL OF PAYMENT OF BILLS:**

**GENERAL FUND:**

PLGIT XXXX7096 - Check No's. 12219 to 12248 in the amount of \$40,748.71

**PAYROLL FUND:**

PLGIT XXXX7015 – Check No 7259 in the amount of \$48.92

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer # 22 to 23

**MOTION:**

Supervisor Sentner made the motion to approve the payment of the bills as submitted and acknowledge bank transfers 22 and 23. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**OLD BUSINESS:**

1. Response on Mr. Ruhe's request for BOS Support to Repeal Act 13 (Marcellus Shale Drilling)

Eric Davis read a statement from State Representative Justin Simmons explaining why he voted in favor of Act 13. Representative Simmons saw it as a compromise between the need for environmental protections and allowing this growing industry to continue to operate in the state. Supervisor Sentner stated that after doing some more research on Act 13, he has a few concerns. First concern being that fracking is exempt from Clean Air and Safe Water act. Phil Casey stated that the Township is continuing to discuss Act 13 and he suggest that the Township stop worrying about fracking and start worry more about current issues that actually effect the Township, such as the buckeye pipeline gas spills. Supervisor Sentner stressed that one of his biggest concerns is that Act 13 strips Townships of all zoning rights. Phil Casey asked if there was anything that the Township could actually do to stop Act 13, since it is already in place. Solicitor Fisher stated that what was originally asked of the Board was for the Board to consider passing a resolution expressing their concern to repeal Act 13, and that is the only thing that the Township can do because it is a state law. Barry Williams stated that he recommends the Boards pass a resolution

supporting the repeal of Act 13 because talking about fracking week after week is not going to do anything about Act 13. John Hayes stated that he feels, based on revenues being produced from fracking, it is going to be an uphill battle to get Act 13 repealed; however, if the Township does want to support the repeal, then he feels now is the time to do so.

**MOTION:**

Supervisor DeVault made the motion to pass a resolution to oppose Act 13 and have the resolution sent to State Representative Justin Simmons 131<sup>st</sup> State Legislative District, State Representative Ryan MacKenzie 134<sup>th</sup> State Legislative District, and Senator Bob Mensch 24<sup>th</sup> State Senatorial District. Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**SOLICITOR'S REPORT:** - None

**NEW BUSINESS:** - None

**DEP MODULES / SEWAGE PLANNING:** -

1. Resolution No. 2012-026 Approve Pension Services Provider

Solicitor Fisher summarized that if Resolution 2012-026 is approved, it would award a professional services contract for pension plan services to Municipal Retirement Trust and would direct him and staff to move forward with the necessary paperwork and be sure it is properly submitted, prepared, and advertised, as per Act 44 of 2009.

**MOTION:**

Supervisor Sentner made the motion to approve Resolution 2012-026, Pension Services Provider. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

2. Cynthia Kuhns Request to carry vacation and personal time

Cynthia Kuhns requested to carry over 219 vacation hours and 133 personal hours that she was unable to use do to circumstances beyond her control. Manager DeLong stated that he feels it is only fair to grant her the carry over. Supervisor Mohr stated that Cindy has helped out a lot over the past year while the Township was between staff members. Supervisor Sentner thanked Cindy for all she has done to help out over the past year.

**MOTION:**

Supervisor Sentner made the motion to grant Cynthia Kuhns' request to carry over 219 vacation hours and 133 personal hours. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**PLANNING COMMISSION – OLD BUSINESS:** - None

**PLANNING COMMISSION – NEW BUSINESS:** - None

**SUBDIVISIONS – IMPROVEMENTS: -**

1. BOS Acknowledgement of 90 day time extension for 6244-6274 Sweetwood Dr

Arthur A Swallow Associates sent a letter to Brian Miller, Planning Coordinator requesting Board of Supervisor's acknowledgement of the 90 day time extension for 6244-6274 Sweetwood Drive.

**MOTION:**

Supervisor Sentner made the motion to acknowledge the 90 day time extension for 6244-6274 Sweetwood Drive. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**CORRESPONDENCE: -**

1. Letter from Department of Environmental Protection dated July 5<sup>th</sup>, 2012;

Manager DeLong summarized that the letter from DEP stated that in 1994, the Township removed 2 underground fuel tanks from the old Township building. DEP has reviewed the Township's tank removal information from 1994 and has concluded that the levels that were reported in the soil samples were above the required threshold and DEP is requesting that the Township do a remediation report. Manager DeLong said that he will review the Township's files and if needed, he will get estimates from an outside source to move forward, as per DEP's request.

**EXECUTIVE SESSION –**

The Board of Supervisors held an executive session from 8:14 PM until 8:32 PM to discuss personnel issues.

**OTHER ISSUES –**

Manager DeLong stated that Lower Milford Township is considering abandoning Scout Rd which does cross the Upper Milford Township Line. Should Lower Milford Township move forward with abandoning their portion of Scout Rd, Upper Milford Township will then have to look into what options are available for the Township's portion of Scout Road.

Manager DeLong also reported that Cetronia Ambulance Corp recently mailed, in error, a subscription service bulk mailing to all residents within the 18062 zip code area. Manager DeLong stated that this information can be found on our website and mentioned that Upper Milford Township residents of zip code 18062 have Macungie Ambulance Corp as their First Responder Ambulance Service Provider. However, any resident is welcome to donate to Cetronia, if desired, but it will not affect Macungie Ambulance as being their First Responder Service Provider.

**REPORTS:**

Supervisors:

**Daniel Mohr –**

Supervisor Mohr stated that he received a complaint from a resident living on Acorn Drive regarding a water issue where it is causing an icing problem in the winter and the use of salt and subsequent brine water runoff may be causing damage to the property owner's vegetation in his yard down slope of the intersection with Main Rd. East. Supervisor Mohr asked the Public Works Department to look into this and fix if possible.

**Robert Sentner –**

Supervisor Sentner thanked Buckeye Pipeline for working with the Township on involving the Township in their emergency plan.

**George DeVault – None**

Recreation Commission –

**Barry Williams –**

Barry William stated that at the last meeting, the Recreation Commission discussed a few options regarding the Green Future Funds. He also mentioned that at the next Recreation Commission meeting, the Commission would like to take any actions required to complete the Field Use Policy.

Township Manager

**Daniel DeLong –**

Manager DeLong stated that the Township's Former EIT Tax Collector, Gail Lichtenwalner has turned over all of her records to the Township's Current EIT Tax Collector, Berkheimer and he expects all future tax collections to work out.

**ADJOURNMENT:** 8:40P.M.

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Daniel J. Mohr, Chairman

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Date

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AnnaMarie L. Zeravsky, Secretary/Treasurer