

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
July 19th, 2018 at 7:30 P.M.  
REGULAR MEETING MINUTES

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**ATTENDANCE:** Supervisors: Daniel Mohr, Robert Sentner, Joyce Moore; Manager, Bud Carter; Planning Coordinator, Brian Miller; Solicitor, Marc Fisher; Secretary/Treasurer, Jessi O'Donald

The meeting called to order at 7:35 pm.

Pledge of Allegiance to the flag.

**ANNOUNCEMENTS:**

This 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 this meeting, please state your name for the record and address the Board of Supervisors.

**PUBLIC INPUT:**

George DeVault expressed his concern over the Zoning Ordinance as it relates to agriculture. He went on to say that he had sent a letter to the PA Dept. of Ag, Mr. Doug Wolfgang. After several attempts by the UMT Office staff to get input on our zoning ordinance. Mr. Wolfgang responded with a few short paragraphs that gave more questions than answers. George offered his assistance with the update. George went on to give definitions of farms and farming from various agencies He stressed that the Township needed to address this as the voters supported the Open Space referendum and asked if the Township is supporting farmers or limiting development.

There was a lengthy discussion between Supervisor Sentner, Supervisor Mohr, George DeVault, Houstin Lichtenwalner, Luke Lichtenwalner, Gail Lichtenwalner, Brian Miller, and Damian Painter from LCCD on The Lichtenwalner's concerns of Stormwater engineering for his farming and animal heavy use area. He has been working with the Lehigh County, LCCD and the Township to be able to build a shelter for the cattle along with buffer upgrades and construction to keep the cattle out of the stream. The discussion centered on how to look at the differences in Stormwater concerns for farming and residential areas. The Lichtenwalner farm was ranked 1st in a four county area for need of an Animal Heavy Use Area to feed the cattle in, so the pasture can gain healthy growth and stormwater controlling upgrades to divert runoff from the animal area away from the creek. The Lichtenwalner's were in line for a large grant to help with these improvements. At this point, they have missed the grant funding due to the length of the process for zoning and stormwater planning for their project. There was talk of including NRCS (National Resource Conservation Service). Talk also revolved around the mandates that State and Federal Government put on the local municipalities. NRCS offers help for farmers and partners with landowners to implement some of the improvements to help clean up the streams and reduce stormwater runoff.

Supervisor Sentner would like to get all parties together and start the conversation on what needs to be updated within the Zoning and SALDO. Brian Miller talked about the fact that there are two separate concerns, Stormwater and Zoning. He hopes they can talk about them

separately if at all possible. Certain items even though they go together they are not regulated together based on mandates from other entities.

Phil Casey wanted to say that nothing is free but paid for by our tax money paid for through different agencies. Each agency creates rules that filter down. He suggested taking the Open Space money to pay for updates to the rule. [Referendum rules do not allow that expense] He spoke about credit sharing for stormwater. He asked the Board to let everything slide and help the farmer out.

Elizabeth O'Rourke asked about the credits for Stormwater. She was told the concern was where the stormwater concerns is on the property.

Brian Miller asked Damian if he felt the State and Federal regulations were at a point that they were not going to change each week. Damian responded that he was not sure because the constant change is a real concern along with the fact that each regulation also doesn't mesh with other regulations.

After further discussion it was agreed that if the correct agencies or individuals can be contacted that a meeting date will be had by the next Board of Supervisors meeting.

**ACCEPTANCE OF MINUTES:**

Approval of the July 5th, 2018 Regular meeting minutes.

**MOTION:** Supervisor Sentner made a motion to approve the June 21<sup>st</sup> 2018 workshop and regular meeting minutes as presented. Supervisor Moore seconded the motion. Any questions or comments, all were in favor, motion carried.

**APPROVAL OF PAYMENT OF BILLS:**

**GENERAL FUND:**

PLGIT XXXX7096 - Check No's. **17666 to 17702** in the amount of **\$38,656.82**

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer No. 2018-050 to 2018-055

**MOTION:** Supervisor Moore made a motion to pay the bills as read and acknowledge the bank transfer. Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, motion carried.

**EXECUTIVE SESSION:** - If Needed

**SOLICITOR'S REPORT:** - Solicitor Fisher reported that the item before the board for action this evening was an agreement with the O'Rourke's at 6501 St. Peters Rd. 1.) The O'Rourkes acknowledge that they were informed by the Township Zoning Officer, in writing, no later than September 19, 2017 of the requirements needed to obtain a permit for the building, including his determination that the proposed use within the building constituted a Farm-Based Business and required the O'Rourkes to seek a special exception from the Township Zoning Hearing Board. 2.) The O'Rourkes acknowledge the Zoning Officers interpretation of the Zoning Ordinance requiring them to seek a special exception was fair and reasonable, but believe that the Zoning Officer did not have an accurate understanding of the proposed use, and therefore disagree

with that interpretation. 3.) The O'Rourke's acknowledge that their first submission to the Zoning Officer following the September 19, 2017 letter was received on May 7, 2018 and supplemented on June 19, 2018, that their first Stormwater Management Report submitted to the Township was received on April 5, 2018 and supplemented on July 6, 2018; and that they first requested zoning relief on July 9, 2018. 4.) The Board of Supervisors of the Township agree that the Zoning Officer's interpretation of the Zoning Ordinance was fair and reasonable; however, they request that relief be granted by the Zoning Hearing Board to the O'Rourke's. 5.) The Zoning Officer will issue a temporary permit for the proposed pole building contingent upon the following: (a) that the O'Rourke's continue to diligently pursue zoning relief which is scheduled for a hearing on August 13, 2018; and (b) that the O'Rourke's demonstrate compliance with all of the other requirements set forth in the Zoning Officer's letter dated June 28, 2018. Until the temporary permit is issued, the O'Rourke's shall conduct no use in the pole building other than the storage of grapes. Once the temporary permit is issued, the Zoning Officer agrees to not institute civil enforcement proceedings until an unfavorable decision from the Zoning Hearing Board is rendered which shall result in an automatic revocation of the temporary permit. Should the Zoning Hearing Board render a favorable decision to the O'Rourke's, the temporary permit shall automatically convert to a permanent permit.

**MOTION:** Supervisor Sentner made a motion to approve the Winery agreement dated July 19<sup>th</sup>, 2018 between the Upper Milford Township Board of Supervisors and the O'Rourke's of 6501 St. Peters Rd. Supervisor Moore seconded the motion. Any questions or comments, all were in favor, motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**DEP MODULES / SEWAGE PLANNING:** - None

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

**PLANNING COMMISSION – NEW BUSINESS:** -

- 1.) Millbrook Farms VI SALDO waivers & preliminary Subdivision Approval
  - a. Letter from Planning Coordinator Brian Miller

Letter from Planning Coordinator Brian Miller dated July 18, 2018 stated that the Planning Commission recommended granting waivers to SALDO Section 1015.D.2 & SALDO Section 1019.A.8 as requested in a letter from Ana S. Martins, P.E. of Van Cleef Engineering Associates dated 6/6/18. The Planning Commission also recommended approval of the Subdivision plan contingent on addressing the comments in Jeff Ott's review letter dated 6/22/18, and payment of any outstanding fees.

**MOTION:** Supervisor Sentner made a motion to approve Millbrook Farms VI SALDO waivers and preliminary subdivision approval as per Brian Miller's letter dated July 18, 2018. Supervisor Moore seconded the motion. Any questions or comment, all were in favor, motion carried.

- 2.) Lower Macungie Zoning map and Ordinance Amendment
  - a. Letter from Planning Coordinator Brian Miller

Letter from Planning Coordinator Brian Miller dated July 19, 2018 stated that the Planning Commission received and reviewed the official notice of the proposed amendment to the Lower Macungie Zoning Map and Zoning Ordinance at their meeting on 7/2/17. The Planning Commission recommends thanking Lower Macungie for the chance to comment on the amendment and notes that the amendment appears to be consistent with the Southwestern Lehigh County Comprehensive Plan.

**MOTION:** Supervisor Sentner made a motion to send a letter thanking Lower Macungie for allowing the review of the zoning map and amendment changing. Supervisor Moore seconded the motion. Any comments or questions, all were in favor, motion carried.

- 3.) Berks County Comp Plan
  - a. Letter from Planning Coordinator Brian Miller

Letter from Planning Coordinator Brian Miller dated July 19<sup>th</sup>, 2018 stated that the Planning Commission received and reviewed the Berks County Comprehensive Plan Draft Update at their meeting on 7/2/17. The Planning Commission notes that there appears to be no conflicts with adjoining land uses and recommends thanking Shannon L. Rossman, Executive director of the Berks County Planning Commission for the chance to review & comment on the Comprehensive Plan Update.

**MOTION:** Supervisor Sentner made a motion to send a letter to the Berks County Planning Commission thanking them letting them review the draft plan. Supervisor Moore seconded the motion. Any questions or comments, all were in favor, motion carried.

**SUBDIVISIONS – IMPROVEMENTS:** -

- 1.) Approval of Credit Release No. 7 for Stone Ridge Estates
  - a. Letter from Township Engineer Jeffery Ott

Letter from Township Engineer Jeffery Ott in accordance with the request for release of secured funds dated July 12, 2018, we the undersigned hereby certify that the improvements required in connection with Stone Ridge Estates, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of Four Thousand Eight Hundred Ninety-Two Dollars and Forty-Four cents (\$4,892.44), in accordance with the Subdivision Improvements Agreement dated June 15, 2017. This certificate authorizes Univest Bank & Trust Company to reduce said amount namely Four Thousand Eight Hundred Ninety-Two Dollars and Forty-Four cents (\$4,892.44) to owner or such other person as said owner shall designate. This authorization shall not be construed as final acceptance of improvements made to date.

**MOTION:** Supervisor Sentner made a motion to approve release number 7 for Stone Ridge Estates for \$4,892.44. Supervisor Moore seconded the motion. Any questions or comments, all were in favor, motion carried.

**CORRESPONDENCE:** -

- 1.) Resignation Letter from James Krippe

Mr. Krippe's letter thanked everyone for trusting him with the deputy emergency management coordinator position, however he was resigning as the Emergency Services chairman and not applying for the Emergency Management Coordinator position.

**MOTION:** Supervisor Sentner made a motion to not accept Mr. Krippe's resignation. Motion died for lack of a second.

Supervisor Sentner noted that he and Mr. Krippe had their differences in the past but given the amount of training that goes into the Emergency Management Coordinator position, he feels Mr. Krippe is the right person for the position.

**MOTION:** Supervisor Mohr made a motion to accept Mr. Krippe's resignation and thank him for his service. Supervisor Moore seconded the motion. Any questions or comments, Supervisor Moore and Mohr were in favor, motion carried.

**OTHER ISSUES:** - None

**REPORTS:**

Emergency Services Committee Report: Supervisor Sentner reported that the emergency services committee discussed the budget requirements of the Fire Departments. The ESC should have the fire company budget information and recommendation to BOS by the next meeting. The ESC has the right citizen's at large in place on the committee.

Township Emergency Management Coordinator:  
Deputy Jim Krippe - Not Present

Emergency Services Call Report: Report posted on website

Fire Companies: Western and Vera Cruz were having joint training this evening.

Emmaus Library: No Report

Recreation Commission: No Report

Supervisors:

- Robert Sentner – Tollgate Rd is a race track. Traffic with the large bridge replacement will be a mess. Thank you to all the farmers that came tonight.
- Joyce Moore – attended the ESC meeting and though there was a good start to the budget planning. She also felt she had a better understanding of the obligations and requirements for the fire companies.
- Daniel Mohr – Vera Cruz Homecoming is Sunday August 19<sup>th</sup> from 12 to 8 at Mystic Chain Park. He also reported concerns with Busses and tractor trailers on Vera Cruz Road.

Township Manager:  
Bud Carter – No Report

**ADJOURNMENT:** Meeting was adjourned at 8:57 pm.

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**Chairman Daniel Mohr**

**08/02/2018**  
**Date**

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**Secretary/Treasurer Jessi O'Donald**