

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
January 20th 2022, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors; Daniel Mohr, Joyce Moore, John Zgura; Manager Edward Carter; Planning Coordinator Brian Miller, Solicitor Marc Fisher, Secretary/treasurer Jessi O'Donald

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.

Upper Milford Board of Supervisors held an executive session beginning at 6:45 pm prior to the start of this meeting to discuss a personnel matter.

PUBLIC INPUT:

County Executive - Philips Armstrong

Philips Armstrong introduced himself to the room. He is Lehigh County Executive. He likes to attend all the local municipality meets at least once per year to answer questions and see what is going on locally and what he may be able to help with or answer from the County Level. He stated the county has to upgrade the communication system for emergency calls. The cost of that upgrade is around 25 million dollars. The questions again was the upgrade to the digital 911 call service. How local groups will be able to get radios and if there will be discounts from the County contracting a radio purchase in bulk or low cost loans for the purchase for Fire Ambulance and Police service. Chief Kline of Station #19 asked if there will be inter county communicating as they often mutual aid assist in Berks and Montgomery Counties. Executive Armstrong stated there would be communication ability between county systems and that they are looking into bulk contracting. Manager Carter asked if it might even be a lease to own option on the radios. Mr. Armstrong said he would look into that. The County is looking at the project in the 5 year plan.

There is a job fair for seniors, the county is short employees along with everyone else. He also mentioned that they need pole workers. They have given a \$30.00 raise to the position and are looking into payment cards so you receive the card the day you work instead of having to wait for a check. There will be election training soon and you will get paid for training as well.

Supervisor Moore asked to confirm the pay increase and paid training for Election workers. She also asked for comment on the Agriculture Preservation Money from the County Budget. Executive Armstrong stated that the Ag preservation money had three million for two years. The County Board decided to put in two million for last year and one million for this year. He stated that was not his decision. He stated he felt that the preservation fund was needed and that the average age of the Lehigh County Farmer was 57.5.

John Hayes – New Tripoli Bank

John Hayes stated it has been three years already that New Tripoli Bank opened the building on Buckeye Rd. The Bank enjoys being a part of our local community. As a local Bank they like to support local services. For 2021 they have given as a Bank donations to local Fire, Ambulance,

Zionsville Food Pantry, Historical Society and sponsored events like the Joint EAC's Earth Day. He also thanked the Township and it's resident for the support everyone has shown to the Bank.

Public -

-Chief Kline thanked New Tripoli Bank for their continued support. He introduced Kevin Kleinsmith as the Fire Company Financial Secretary. Mr. Kleinsmith explained that the Fire Company was applying for a FEMA grant to replace Station #19's 31 year old Tanker. They have received Support letters from Rep. Mackenzie, and Senator Pat Toomey. They asked the Township for a letter of support. He stated he tried to contact Senator Casey's Office and Rep. Susan Wild and could not get through. Secretary O'Donald said she would also put them in touch with State Senator Browne's office. Supervisor Moore stated she would put them in touch with Rep. Susan Wild's office. Kevin stated this was a long shot but hoped with enough support they could get it as their truck is very outdated and needs a lot of work besides being out of service for two weeks in 2021. Supervisor Zgura asked if a new truck would fit in their garage. Kevin explained that if they received the grant they would have four years to contract the truck and the delivery dates at this point are out 24 months so they would have time to figure out the housing of the truck and what they are going to do with a possible upgrade for their building.

-Ashley Lorah, Jessica O'Donnell, and Hayden Rinde joined over zoom to introduce the Chamber of Commerce and thank the Township and Manager Carter for his support. The Chamber has assisted Lehigh County with small business grants for covid relief. They are working on Restaurant week and a virtual dessert and wine pairing events along with the Chambers Rocktober fest. This year they hope to have the event out near Alburdis as they normally hold the event at Macungie Memorial Park.

-Jason Tapler – 2868 Chock Rd.

Jason read from notes. He expressed his concerns over public safety. He feels that if the Township does not take his concerns seriously he will take his concerns to the public. He wants this addressed as he is a tax payer and the Fire Company's receive some money through tax payer funding. He would like a third party audit of public safety. He has 18 years of ammonia response training and doesn't feel the current chief of station #28 has enough training to be Chief. He feels the Fire Company in Vera Cruz has become a click and the Township should redistrict call response. He didn't think the update given by the new officers of station #28 for the Emergency Services Committee was well done, as he would expect better. He doesn't feel the currant fire volunteers have enough experience to build a specification for a new truck, as they are looking to replace one of the current vehicles with a truck that will cost upwards of \$700,000.00. He asked the Township for a letter stating that he is as protected now as he was prior to the current officers. He stated that he will no longer allow anyone from Station #28 on his property even if there would be an emergency. He has told the County that he doesn't want Station #28 called to his property and that he will call state Police to remove any responders from Station #28 if they are dispatched to his property.

ACCEPTANCE OF MINUTES:

Approval of January 3rd, 2022 re-organization and regular meeting minutes.

MOTION: Supervisor Moore made a motion to approve the January 3rd re-organizational and regular meeting minutes as presented. Supervisor Zgura seconded the motion. Hearing no further questions or comments, all were in favor, motion passed.

APPROVAL OF PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7096 - Check No's. **20914 to 20959** in the amount of **\$115,837.73**

STREET LIGHT FUND:

PLGIT XXXX7125 - Check No's. **1374** in the amount of **\$2,339.27**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

No Transfers

MOTION: Supervisor Moore made a motion to pay the bills as read. Supervisor Zgura seconded the motion. Hearing no further questions or comments, all were in favor, motion passed.

SOLICITOR'S REPORT:

OLD BUSINESS:

NEW BUSINESS:

- 1.) Re-appointment of Jon Levin, Scott Bieber, John Zgura to the open Space Committee with terms to expire January 6th, 2025
- 2.) Re-Appoint Jon Levin to the Joint EAC with a term to expire January 6th, 2025

MOTION: Supervisor Moore made a motion to approve the reappointments as listed above in the agenda with terms to expire January 6th, 2025. Supervisor Zgura seconded the motion. Hearing no further questions or comments, all were in favor, motion passed.

- 3.) COVID Sick Time Policy
 - a. Memo from manager Carter

One of the allowed uses of the American Rescue Plan, is for Covid-19 mitigations, and part of mitigations is make sure employees do not come to work if they have covid-19 or have been in close contact to a covid-19 positive case. To insure that employees do not try to work when they should be quarantine, I would recommend adding additional Covid-19 sick time for employees to use if needed. In order for a municipalities to use these funds for additional covid-19 pay the township would need to adopt a policy to pay employees for covid-19 sick and/or quarantine pay out of the American Rescue Plan Funds. I would recommend the Board adopt the following policy for paying for Covid-19 sick/quarantine pay. 10- Days of Covid-19 sick time per calendar year will be paid to an employee that meets one of the following criteria: • Have received a positive PCR Covid-19 test result, or have a positive at home test and a doctor's note confirming a positive Covid-19 diagnosis, or have been in close contact or exposed to a positive PCR Covid-19 case and is recommended to quarantine as required by the CDC or with documentation from a Medical Physician • The employee must notify the Township Manager directly and must follow up with all documents for this to be consider an allowable use of Covid-19 sick pay. This policy will expire at the end of the Covid-19 pandemic or when the American Rescue Funds expire in 2026, whichever comes first.

MOTION: Supervisor Moore made a motion to approve the COVID sick time policy and use ARPA Funds as per Manager Carter's memo dated January 14, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion passed.

3.) Recycling Center Hours
a. Memo from Manager Carter

Memo dated January 12, 2022: With fencing in the yard waste site and have it manned when the site is open. I would like to make these the new hours for the yard waste site. •Winter Hours- December 1st to March 31st Wednesday 1:00 pm to 5:00 pm, Saturday 8:00 am to 12:00 pm, •Summer Hours- April 1st to November 30th Monday- 12:00 pm to 4:00 pm, Tuesday- Closed, Wednesday- 3:00 pm to 7:00 pm/Dusk whichever comes first Thursday-Closed, Friday- 8:00 am to 12:00 pm, Saturday- 8:00 am to 4:00 pm, Sunday-12:00 pm to 4:00 pm

MOTION: Supervisor Zgura made a motion to approve the new yard waste hours per Manager Carter’s memo dated January 12, 2022. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

4.) Resolution 2022-020 - 4649 Shimerville Rd Stormwater O&M

MOTION: Supervisor Moore made a motion to approve Resolution 2022-020 Stormwater O & M for 4649 Shimerville Rd as presented. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

5.) Resolution 2022-021 – 5102 Beck Rd Stormwater O&M

MOTION: Supervisor Moore made a motion to approve Resolution 2022-021 Stormwater O & M for 5102 Beck Rd as presented. Supervisor Mohr seconded the motion. Hearing no questions or comments, Supervisor Moore and Mohr were in favor, Supervisor Zgura Abstained, motion carried.

6.) Resolution 2022-022 – Septic Agreement for 5750 Indian Creek Rd

MOTION: Supervisor Moore made a motion to approve Resolution 2022-022 Septic Agreement for 5750 Indian Creek Rd as presented. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

7.) Resolution 2022-023 – 4994 Macungie Mountain Stormwater O&M

MOTION: Supervisor Moore made a motion to approve Resolution 2022-023 Stormwater O&M Agreement for 4994 Macungie Mountain Rd as presented. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

8.) Turnpike Bridge information from the Turnpike Commission

The Pennsylvania Turnpike Commission (PTC) previously held meetings with public officials in the spring/summer of 2017 to review the referenced projects. At that time, we provided an overview of the projects to reconstruct and widen the Turnpike and discussed various project issues affecting the local municipalities, including the need to reconstruct and widen the bridges carrying state and local roadways over the Turnpike before roadway reconstruction, and widening could occur. As we continue with the design of these projects, we have reached the point where four of the overhead bridges in the project area will proceed to construction. The bridges include: • Cassel Road Bridge (T-383) at MP A45.94 – Construction to begin in February 2022, with a target completion date of

November 2022 • Vera Cruz Road Bridge (SR 2027) at MP A49.67 – Construction to begin in February 2022, with a target completion date of November 2022 • Indian Creek Road Bridge (SR 2018) at MP A52.29 – Construction to begin in February 2023, with a target completion date of November 2024 • Tilghman Street Bridge (SR 1002) at MP A57.06 – Construction to begin in March 2023, with a target completion date of November 2024

9.) Wachter Conservation Preservation- Approval - Resolution 2022-024

a. Approval of Open Space Referendum Check # **1020** in the amount of **\$138,910.50**

The preservation agreement has been gone over by the Township Solicitor and all information needed is in order for Board approval and approval of the check for payment. Mr. Watcher has already signed all the necessary paperwork.

MOTION: Supervisor Moore made a motion to approve Resolution 2022-024 Conservation Preservation and corresponding check number 1020 in the amount of \$138,910.50 from the PLGIT Open Space Referendum Fund to complete the easement purchase for 4302 Main Rd W. and 5760 Vera Cruz Rd. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS: None

SUBDIVISIONS – IMPROVEMENTS:

1.) Approval – Credit Release No. 5 for FIC in the amount of \$175,585.10

a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated January 5, 2022, we the undersigned hereby certify that the improvements required in connection with the Phase IV & V Final Plan of Fields at Indian Creek, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of One Hundred Seventy-Five Thousand, Five Hundred Eighty-Five Dollars and Ten Cents (\$175,585.10), in accordance with the Subdivision Improvements Agreement dated August 30, 2019. This certificate authorizes the Peoples Security Bank & Trust Company to reduce said amount, namely One Hundred Seventy-Five Thousand, Five Hundred Eighty-Five Dollars and Ten Cents (\$175,585.10) 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.

Supervisor Zgura asked how this was determined and if anyone else checks the progress. Manager Carter stated that we pay the Engineer to verify this request and he also keeps track of the rough progress of the developments.

MOTION: Supervisor Moore made a motion to approve Credit Release No. 5 for Fields at Indian Creek Phase IV & V per Township Engineer Jeffery Ott's letter dated January 18th, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Approval – Credit Release No. 6 for Fields at Jasper Ridge in the amount of \$405,970.70
a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated January 5, 2022, we the undersigned hereby certify that the improvements required in connection with Jasper Ridge, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of Four Hundred Five Thousand, Nine Hundred Seventy Dollars and Seventy Cents (\$405,970.70), in accordance with the Subdivision Improvements Agreement dated August 7, 2018. This certificate authorizes the Peoples Security Bank & Trust Company to reduce said amount, namely Four Hundred Five Thousand, Nine Hundred Seventy Dollars and Seventy Cents (\$405,970.70) 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 Moore made a motion to approve Credit Release No. 6 for Fields at Jasper Ridge per Township Engineer Jeffery Ott’s letter dated January 18th, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 3.) Approval – Credit Release No. 1 for O’Rourke Winery in the amount of \$47,898.75
a. Letter from Township Engineer Jeffery Ott
b. Approval of Escrow release check # **162** in the amount of **\$47,898.75.**

In accordance with the request for release of secured funds dated January 13, 2022, we the undersigned hereby certify that the improvements required in connection with the O’Rourke Vineyard and Winery, have been completed to the extent that the security deposit can be reduced by the amount of Forty-Seven Thousand, Eight Hundred Ninety-Eight Dollars and Seventy-Five Cents (\$47,898.75), in accordance with the Improvements Agreement dated October 15, 2020. This certificate authorizes Upper Milford Township to reduce said amount, namely Forty-Seven Thousand, Eight Hundred Ninety-Eight Dollars and Seventy-Five Cents (\$47,898.75) 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 Moore made a motion to approve Credit Release No. 1 for O’Rourke Winery per Township Engineer Jeffery Ott’s letter dated January 18th, 2022, along with corresponding check No. 162 from the PLGIT Escrow Fund in the amount of \$47,898.75. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

CORRESPONDENCE: None

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: Report on Website

Fire Companies: Mike Kline, Chief Station #19, no additional report

Emmaus Library: Lisa Marten reported that the Library continues to host events and workshops as guidance allows. Some are over zoom some in the library. They have an upcoming teen drivers workshop and Snow Blast is tentatively scheduled for February 5th. Stop in the Library to see art work from the Art Alliance.

Recreation Commission: No Report

Township Manager:

Bud Carter – No Report

Supervisors:

John D. Zgura – Supervisor Zgura wanted everyone to think about using a portion of the ARPA funding as grant for local businesses or groups. Supervisor Zgura thought the amount might be \$100,000.0- \$150,000.00. He was just asking everyone to think about the possibility. He wondered how we could go about facilitating that. Manager Carter and Secretary O'Donald mentioned the Chamber of Commerce has helped Lower Macungie and the County in that respect. Manager Carter will reach out to see how they worked it out. It was asked if the ARPA Funding rules allowed for that use and if it could be used for emergency services. Secretary O'Donald stated there is allowable grant use for small business registered or if the organization is a 501c3 nonprofit.

Joyce K. Moore – No Report

Daniel J. Mohr – Be careful on the ice.

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting was adjourned at 8:07 pm.

Chairman Daniel J. Mohr

02/03/2022

Date

Secretary Jessi O'Donald