

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
May 15th, 2025, 7pm
REGULAR MEETING MINUTES

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

Meeting called to order at 7:00 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:

- 1.) ~~Chris Greb – Macungie Ambulance~~ Chris will reschedule
- 2.) Dave Skinner – HOA Fields at Indian Creek – Grinder Pump wiring concerns

Dave expressed concerns from the residents of The Fields at Indian Creek incorrectly wired grinder pumps. There was an issue where lawn care hit the uncovered wires. The grinder pumps within both Upper Milford and Emmaus Borough were not wired to code sometimes leaving the exposed wire on top of the lawn. They are working with Alan Brokate and Eric Fuhrmann. Dave Stated that Alan has been a great help in that he was out and already inspected 43 of the grinder pumps within the Upper Milford section of the development. Kay Builders has given the residents a correction plan of correction. They will be re-wiring up to 10 each day. This depends on resident availability if the contractor needs to enter the house, weather and inspection availability. The HOA wants these concerns on record and asks for a few things to help. They would like the proper code for the wiring, If Alan can be on site during the rewiring and if not how soon can he be out to inspect to make sure trenches can be closed as soon as possible, if he can't be there for an extended time can he give guidance on safety measures to make sure no one gets hurt. They would like a letter from the Township to Kay and the HOA regarding this matter. Chris McLean, Solicitor for Kay Builders, is present and will relay concerns.

Manager Carter stated that this development was inspected by KeyCodes Inspection Agency. If Kay called for the inspection, then Kay would have been charged and KeyCodes would have been paid.

Supervisor Ashbrook asked about the start timeline. Kay will start next week on the repairs.

Solicitor Fisher stated the Township would take in under advisement regarding the letter asked for.

Phil Casey suggested that KeyCodes has insurance for this type of thing.

Supervisor Mohr stated that he had installed grinder pumps before that there was a plumbing inspection and then later an electrical inspection.

Luis Rosa, and I live in the Fields at Jasper Ridge. I'm here this evening to speak as a concerned resident and on behalf of many neighbors who are frustrated and disappointed with the continued delays and lack of accountability from Kay Builders and its Owner/President, Rick Koze. Jasper Ridge has been under development since 2019. The last home sold from the builder to an initial homeowner was in April 2023. And yet, here we are—six years in—and our development has remained incomplete. This Board has already granted three consecutive 365-day extensions to Mr. Koze: • In 2022, an extension to August 2023 • In 2023, to August 2024 • In 2024, to August 2025. Now, on tonight's agenda, Mr. Koze is requesting yet another extension—this time to August 2026. This pattern of granting extensions year after year without substantial, visible progress has to stop. While these extensions may appear routine on paper, the reality on the ground is very different. Our roads are in terrible condition—cracked, uneven, and completely neglected during snow events. Kay Builders has failed to plow or maintain them, despite it being their legal responsibility, leaving residents stranded and at risk. To make matters worse, sections of our sidewalks remain unfinished or dangerously uneven, posing a serious safety hazard to pedestrians, including children, seniors, and those with mobility issues. This is not just a delay—it's a quality-of-life and public safety issue for the people who live in this neighborhood every single day. At some point, repeated extensions become less about development and more about enabling a lack of accountability. That point, in our view, has long passed. So tonight, we respectfully but firmly ask the Board to: Deny the proposed extension to August 2026. •Require a clear, measurable completion plan before considering any future requests. •Hold Kay Builders to the terms of their agreements, especially regarding road and sidewalk safety. We are not opposed to responsible development. What we oppose is indefinite delay without action, while residents suffer the consequences. Thank you for your time and your consideration. We trust that you'll do what's in the best interest of your constituents, those of us who are already living in Jasper Ridge and waiting for the promises made to us to finally be fulfilled

Jim Krippe asked if the Township could look at his driveway where it meets the road. He stated that there is a 6" drop from the road to his property. He is having trouble plowing and he felt the Township used some new material to pave the road last time, so he is concerned. He remembers what happened last time he had water issues.

Manager Carter requested permission to take the Township Engineer with him to the property. Permission was granted.

Phil Casey was glad Alan received an accolade with all the negativity he gets.

ACCEPTANCE OF MINUTES:

Approval of May 1st, 2025, regular meeting minutes.

MOTION: Supervisor Ashbrook made a motion to accept the minutes as presented for May 1st, 2025. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

APPROVAL OF PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7209 - Check No's. 1046 to 1072 in the amount of **\$134,710.49**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No's. 2025-022 to 2025-029

MOTION: Supervisor Ashbrook made a motion to pay the bills as read and acknowledge the bank transfers. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

SOLICITOR'S REPORT:

1.) Ordinance No. 173 – Parking in Little Lehigh Acres

Solicitor Fisher explained that Ordinance No. 173 has been advertised in accordance with regulations and is before the Board for adoption. This Ordinance restricts parking within all the Little Lehigh Acres development. This ordinance will go into effect July 14th after school is over and gives public works time to install the signs.

MOTION: Supervisor Zgura made a motion to approve Ordinance No. 173. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS:

- 1.) 3055 Main Rd East Lot Line Adjustment
a. Letter from Planning Coordinator Brian Miller

This is a land swap to fix septic areas and other usages on the properties.

MOTION: Supervisor Zgura made a motion to approve the Lot Line Adjustment for 3055 Main Rd East. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, Ashbrook and Zgura were in favor, Mohr abstained, motion carried.

SUBDIVISIONS – IMPROVEMENTS:

- 1.) Time Extension – Fields at Indian Creek Phase 3 until August 7th, 2026
a. Letter from Rick Koze of Kay Builders

Kay Builders is requesting a time extension to complete the improvements at the Fields at Indian Creek, Phase 3 per our updated schedule, attached for review. As per the letter received April 15, 2025, please place our request for a 365-day extension to August 7, 2026, on May 1st, 2025, Board of Supervisors Agenda for the Board to act upon.

Solicitor Chirs McLean was present for the developer. He commented that the request should be modified to be March 2026 and not August as the timeline suggests that the construction should be complete by then.

This prompted a lengthy discussion between the Board and the audience. Phil Casey commented on the Lawyer and Kay Builders use of other law firms. Rea Wong, Ginger Coleman, Hillary Yosopovici, John DeVeau, Sylvie Matteo, James Livezey, Jeane Schevets, Colt Hersinger Dave Skinner, William Bedics and Lauren Haponski all had concerns about the developer and how their business model runs without finishing one project before they start another and leave started projects lingering. They all questioned the timeframe and details within that timeframe. There were questions about how other states handle developers and if those same things can be done in Pennsylvania. In Pennsylvania you cannot fine a developer for slow progress on completion. It is important to keep in

mind that the Fields at Indian reek Project is a six-phase development and the phase 3 request to be able to put the final wearing course on the roads at final completion. These roads will be taken over by the HOA when finished so trucks running over them to finish stormwater and concrete repairs will damage a final wearing course until all phases are complete as there is only one way in and out of the development which is the main entrance. The letter states this phase should be completed by September but there is work to be done on other phases. Solicitor Fisher reminded the Board and Solicitor McLean that the last meeting Phase on was granted an extension until March 2026 and maybe aligning all the phases for completion would be warranted. Solicitor McLean offered to modify the request until March 2026.

MOTION: Supervisor Zgura made a motion to table the request for extension and direct staff to request Rick Koze of Kay Builders to attend a meeting to ask for the time extension. Supervisor Ashbrook seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

- 2.) Time extension – Fields at Jasper Ridge until August 7th, 2026
 - a. Letter from Rick Koze of kay Builders

Kay Builders is requesting a time extension to complete the improvements at the Fields at Jasper Ridge, per our updated schedule, attached for review.

As per the letter received April 15, 2025, please place our request for a 365-day extension to August 7, 2026, on May 1st, 2025, Board of Supervisors Agenda for the Board to act upon.

Solicitor McLean offered to modify this time extension request as well.

MOTION: Supervisor Zgura made a motion to table the request for extension and direct staff to request Rick Koze of Kay Builders to attend a meeting to ask for the extension time. Supervisor Ashbrook seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

- 3.) Credit Release No. 3 Fields at Twin Run in the amount of \$275,792.72
 - a. Letter from Township Engineer Jeffery Ott.

In accordance with the request for release of secured funds dated April 23, 2025 (some items were adjusted per completed field conditions), we the undersigned hereby certify that the improvements required in connection with The Fields at Twin Run, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of Two Hundred Seventy-Five Thousand, Seven Hundred Ninety-Two Dollars and Seventy-Two Cents (\$275,792.72), in accordance with the Subdivision Improvements Agreement dated November 7, 2024. This certificate authorizes the First Northern Bank & Trust Company to reduce the said amount, namely Two Hundred Seventy-Five Thousand, Seven Hundred Ninety-Two Dollars and Seventy-Two Cents (\$275,792.72) to the owner or such other person as said owner shall designate. This authorization shall not be construed as final acceptance of improvements made to date.

In no event shall the escrow fund for the construction improvements associated with The Fields at Twin Run, be reduced to any amount less than Two Million, Eight Hundred Seventy-Three Thousand, Nine Hundred Eighty-Three Dollars and Twenty-Nine Cents (\$2,873,983.29).

Here was a brief discussion. The Township Engineer inspects and confirms that the work is complete before recommending any release of funds.

MOTION: Supervisor Zgura made a motion to approve the Fields at Twin Run Credit release number 3 in the amount of \$275,792.72 per Township Engineer Jeffery Ott's letter dated April 29th, 2025. Supervisor Ashbrook seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

OLD BUSINESS: None

NEW BUSINESS:

1.) Resolution 2010-031 Enforcement Policy Discussion

Supervisor Ashbrook would just like everything to be consistent. She stated that she was told all complaints needed a written, to then find certain complaints were just phone calls. She wants to make sure all complaints are treated the same.

Solicitor Fisher asked what she wanted to see in a policy. She wanted a wording change from serious danger to immediate danger and wanted documentation.

Supervisor Mohr would like to find out how nearby communities handle concerns and complaints.

Phil Casey asked about satellite services to see properties in real time. (There is no real time satellite service that the Township has)

Colt Hershinger would like to see all calls recorded. He doesn't care what other Township's do as he doesn't want himself or his clients picked on without documentation.

Lauren Haponski talked at length about consistency.

This is tabled until the next meeting.

2.) Request to advertise for Bid – Salem Bible Church Rd Culverts
a. Memo from Manager Bud Carter

The bid packets are ready for advertising for the replacement of the Salem Bible Church Road Culvert.

MOTION: Supervisor Ashbrook made a motion to advertise the bid packets for the Salem Bible Church Road Culvert replacement. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

3.) Discussion of purchase of Backhoe from Upper Macungie.

Upper Macungie is looking to sell a 2015 310SK Backhoe. They were offered \$38,500 for trade and online the going rate is between \$38,000 and \$42,000. This would replace the 1996 John Deere Backhoe that has some drivability concerns and 5766 hours on it.

Phil Casey thought the Township couldn't buy used equipment. Manager Carter explained that the Township can buy used among Township's not in the general market.

Colt Hershinger stated that for the price it would be a good deal as he has experience with that model, and it should run a long while.

MOTION: Supervisor Ashbrook made a motion to authorize an offer from Upper Milford Township on the 310SK Backhoe offered for sale by Upper Macungie Township at \$38,500.00. Supervisor Zgura seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

DEP MODULES / SEWAGE PLANNING: - None

CORRESPONDENCE: - None

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: No Report

Fire Companies: No Report

Emmaus Library: Robin Rotherham reported that the summer reading program signups will start soon with the kickoff celebration June 19th. The library will be participating in Jasper Day Celebration at Jasper Park June 21st. The library also just completed an 8-week balance program for older residents aimed at reducing falls. They hope to offer the program again.

Recreation Commission: Lauren Haponski reported that the Jasper Day Celebration is coming up and to register for the 5k run soon if you want to participate.

Township Manager:

Bud Carter –

Supervisors:

Angela Ashbrook – No Report

John D. Zgura – No Report

Daniel J. Mohr – He noticed the speed sign on Main Rd East. The Vera Cruz Community Association is looking for advertisers for the 2025 Homecoming Book. The Homecoming event is August 17th from noon to 8pm.

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting was adjourned at 8:51 pm.

June 5th, 2025

Chairman Daniel J. Mohr

Secretary Treasurer Jessi O'Donald