

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
June 5<sup>th</sup>, 2025, 7pm  
REGULAR MEETING MINUTES

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**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.

The Upper Milford Township Board of Supervisors held an executive session on Thursday, May 29<sup>th</sup>, 2025, at 1:30pm to discuss Legal and personnel.

**PUBLIC INPUT:**

Don Maskal – Columbus Drive

On May 1st of this year, I asked the Board for help concerning my neighbor's crowing roosters. That weekend I installed audio recording equipment to document the noise in preparation for a lawsuit against my neighbor. On May 12th, two members of the Township came to investigate my complaint and serendipitously met with my neighbor. On May 17th, and starting at 6: 19AM, I recorded and counted 125 crows within 1 hour and 43 minutes. The roosters continued crowing even after I stopped recording my time sample. Later that day, I met with my neighbor again and we spoke about the noise. He assured me that he was going to eliminate all but one of his roosters that day. The next morning, I reviewed my audio recording and found a much more tolerable sampling. From May 18th and on, I still hear a rooster crowing, but I have yet to count even 12 crows per occurrence, and the times between the occurrences are usually marked by hours, so much so, that I no longer count them. The crowing occurrences are now similar to intermittent dog barking and not the constant unbearable crowing that once was. Now, while preparing for litigation, I came across another Township's ordinance that accounts for such noise complaints without requiring expensive equipment or calibrations, just a simple audio recorder and a watch. I am asking the Board to consider initiating the process for including this, or a version of, into the Upper Milford Township Ordinance. I am certain I would have won my case in court, but through this amendment, it may help others with expectations before moving into the Township of Upper Milford, whether it be the tolerance of constant domesticated animal and bird noise in the Agricultural District, or the intolerance in every other district.

Chapter 93-1 of the Willistown Township Ordinances provides that:

It shall be unlawful within the Township of Willistown for any person or persons to own, possess, harbor or control any animal or bird which makes noise continuously and/or incessantly to the disturbance of any person for a period of 15 minutes or more between the hours of 8 :00 a.m. through 10:00 p.m. or for a period of 10 minutes or more between the hours of 10:00 p.m. through 8:00 a.m. or makes such noise intermittently for 1/2 hour or more any time of the day or night, regardless of

whether the animal or bird is physically situated in or upon private property, said noise being a nuisance, provided that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated. In conclusion, I would like to thank the Members of the Board for listening to and taking action with my complaint, the reporter who I did not even know was here, for reporting a mostly accurate story, and my neighbor, for finally taking action to return the neighborhood to the peaceful place it once was, without the need for costly litigation.

Lawsuit of Nuisance Applied to Noisy Rooster

<https://www.torttalk.com/2021/02/law-of-nuisance-applied-to-noisy-rooster.html>

Willistown Township Nuisance Ordinance

<https://ecode360.com/11713206#11713207>

Lori – 4481 Chestnut St – Farm animals on the road and on her property from the farm behind her up the hill. She endures people knocking on her door that her animals are out and wanted a record of her complaint. Her husband has picked up a dead goat off the road and feels it's only a matter of time until there is an accident. She asked for enforcement.

Supervisor Mohr stated he is aware of the concern and directed Manager Carter to investigate it again.

Frank Kulklis 4190 Mill Rd - stated that the LVPS Transportation division has expressed interest in reviewing the Turnpike plan for Mill Rd and asked for an update.

Manager Carter states at this time he is unable to make a statement as it is an ongoing discussion.

Franics – 4736 Buckeye Road about the flooding at Buckeye Road when PennDOT reconfigures the intersection. The water cuts through the back yards and drops debris then floods the roadway.

Supervisor Mohr said that the concern would be relayed to PennDOT but the Township has no control over the engineering of the PennDOT roadway.

### **ACCEPTANCE OF MINUTES:**

Approval of May 15<sup>th</sup>, 2025, regular meeting minutes.

**MOTION:** Supervisor Ashbrook made a motion to accept the minutes as presented for May 15<sup>th</sup>, 2025. Supervisor Zgura seconded the motion. Jim Krippe emailed the following, "I would ask a correction be made about my driveway comments. The paving I was mentioning is not the material installed last time it was the material installed over 20 years ago of which totally changed the elevation of Mill Road that time. Which due to the old pavement mix failing creates not only a straight drop off to my driveway, but will so delaminate enough to cause a safety hazard to main road." Hearing no further questions or comments, all were in favor, motion carried.

### **APPROVAL OF PAYMENT OF BILLS:**

#### **GENERAL FUND:**

PLGIT XXXX7209 - Check No's. 1074 to 1121 in the amount of **\$1,106,849.85**

#### **OPEN SPACE REFERENDUM FUND:**

PLGITXXX7146 – Check No. 1035 in the amount of **\$1,700.00**

#### **ACKNOWLEDGEMENT OF BANK TRANSFER:**

Transfer No. 2025-030

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

**SOLICITOR'S REPORT:** No Report

**OLD BUSINESS:** None

**NEW BUSINESS:**

1.) Jasper Ridge Parking Discussion – Jasper Ridge HOA

Scott Strahler, John Devoe and Bill Erdman Asked for clarity on how to change the Parking to one side within The Fields at Jasper Ridge. Solicitor Fisher reminded them that the Board doesn't have to entertain any change. The plan was recorded with no parking on the street except certain places and the parking lot/driveways. Supervisor Zgura stated that he had wanted to see a 2/3'rds vote of the entire HOA in agreement of the parking change, since people purchased in the community with no parking plan in place. Bill Erdman stated they got 83% of those areas impacted within the development. Manager Carter stated that the concern is that it has been so long since the HOA brought this in front of the Supervisors.

Ginger Coleman, Joelle Strahler and others were in favor of parking on one side to help families be able to place cars and not have to walk so far in inclement weather. Lauren Haponski, Silvie Matteo and others were against the parking changes. There was a lot of back and forth among the audience.

Supervisor Ashbrook asked if the Township could override an HOA rule. Solicitor Fisher stated that the Township cannot override an HOA rule unless it is in violation of a Township Ordinance.

This was left with the HOA needing 2/3<sup>rd</sup> vote of the HOA to present the change request again.

2.) Complaint Policy Discussion

The discussion revolved around how complaints should be taken to be addressed. Supervisor Mohr stated that he spoke with other municipalities, and they were handling it the same as we were. Solicitor Fisher stated that the Board needs to give guidelines. Supervisor Ashbrook stated that she believes all complaints should be in writing. Supervisor Zgura agreed. Supervisor Mohr didn't agree as there are people concerned worried about retaliation from their neighbors. Supervisor Ashbrook stated that everyone should be used to forms at this point so complaints in writing shouldn't be an issue. Supervisor Mohr discussed the different types of complaints. The Zoning Complaints were in writing and water complaints were different. Manager Carter asked for clarification as to which type of complaint needs to be in written form. He was reminded that the Right to Know Act doesn't allow complaints to be made. Colt Hershinger asked if the complaints can't be given why his neighbor knew who complained. Brian Miller stated that most people know who made the complaint based on conversations with neighbors. John Zgura stated that he didn't want any employee to have the ability to make a decision on a complaint unless in writing. He didn't want any employee to have the power to investigate any complaint on their own. Manager Carter asked if that would be true if someone called to complain that the neighbor was building an addition or home. Supervisor Zgura agreed that would be the case. Unless the complaint was in writing it couldn't be addressed. Chirs Millvale of Maple Ridge asked why there was a zoning officer. He stated that with Supervisor Zgura's response that he would be encouraged to never apply for a permit for anything and take the chance no one would complain. Secretary O'Donald asked for clarification that when the widow down the street doesn't drive and doesn't access the internet and feared her neighbor but had a concern that the

Township couldn't help. Supervisor Ashbrook said to mail out a form. The Board then discussed that zoning complaints would need to be in writing, but other complaints or concerns would have to be documented in some way and given to the Supervisors. Secretary O'Donald Offered that there could be a fillable form that would populate a spreadsheet that the Board could have access too. There was some discussion of violations as you drove through the Township. Manager Carter reminded everyone that complaints have been addressed as they come in not as people drive around. Colt Hershinger stated phone calls should be recorded. Secretary O'Donald stated that tech is expensive at \$10,000.00. Colt stated there was money spent that was stupid anyway. Supervisor Ashbrook agreed. Lauren Haponski stated that she felt there needed to be a paper trail on complaints. Lauren also wanted to support the role of the zoning officer.

Solicitor Fisher then asked for clarification on what the Board is looking for. It was left with Staff and Solicitor drafting a new policy and that Zoning Complaints in writing and other complaints with documentation and a name.

- 3.) Resolution 2025-029 Supplemental appropriation for Backhoe and Check 1118 in the amount of \$38,500.00 from PLGIT No. XXX7209.

This is to memorialize the transaction with Upper Macungie for the purchase of the 310Sk backhoe that was approved to be negotiated with Upper Macungie Township at the last meeting.

**MOTION:** Supervisor Ashbrook made a motion to approve Resolution No. 2025-029 and check no. 1118 from account #7209 for the purchase of the 310Sk backhoe from Upper Macungie Township. 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:**

- 1.) Time extensions, the current timeframes are due to expire on 6/31/25
  - Dunkin Donuts 4054 Chestnut St. Land Development, 180 days to expire 12/31/25.
  - Goldstein Subdivision. 180 days to expire 12/31/25.
  - 5330 Macungie Mtn. Rd. Subdivision. 180 days to expire 12/31/25
    - a. Letter from Planning Coordinator Brain Miller

The letter from Brian Miller states: The current timeframes are due to expire on 6/31/25. If you agree, the Solicitor and I will complete the process with the applicants. If you have any questions or comments, please do not hesitate to contact me.

**MOTION:** Supervisor Ashbrook made a motion to grant the time extensions as recommended per letter dated June 3<sup>rd</sup>, 2025, from Planning Coordinator Brian Miller. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**SUBDIVISIONS – IMPROVEMENTS:**

- 1.) Brookshire Time Extension until September 5<sup>th</sup>, 2025
  - a. Letter from JUDD Builders – Joseph Steinhieser

Judd Builders is requesting an extension until September 5, 2025, to the Improvements Agreement for the Brookshire Major Subdivision that is expiring on June 8, 2025. Judd Builders has completed all

the improvements in the Brookshire Subdivision, including top paving the roads, but this extension will allow time to complete outstanding or deficient items as part of the dedication and acceptance of the improvements.

**MOTION:** Supervisor Ashbrook made a motion to approve the time extension for Brookshire Development until September 5, 2025. Supervisor Zgura seconded the motion. Supervisor Ashbrook asked why the extension is needed. Manager Carter stated that the development is complete but there were some housekeeping items with the deeds of dedication that needed to be reworked, and this extension gives time to complete that paperwork. Hearing no further 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: No Report

Emmaus Library: No Report

Recreation Commission: Jasper Day Celebration is Saturday June 21<sup>st</sup> from 10-1

Township Manager:

Bud Carter – No Report

Supervisors:

Angela Ashbrook – No Report

John D. Zgura – he requested the topic of the public works employee be placed back on the agenda for the next meeting and that the other Board members think about the July 3<sup>rd</sup> meeting to see if there is a need for it since it is the night before a holiday.

Daniel J. Mohr – No Report

**EXECUTIVE SESSION:** - Not needed

**ADJOURNMENT:** Meeting adjourned at 8:31 pm.

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Chairman Daniel J. Mohr

June 19<sup>th</sup>, 2025  
Date

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Secretary/Treasurer Jessi O'Donald