

UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068
JULY 5, 2012 AT 7:30 P.M.
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors; Daniel Mohr, Robert Sentner, George DeVault;
Solicitor Fisher; and Secretary/Treasurer, AnnaMarie Zeravsky

Meeting called to order at 7:30P.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: -

Jason Tapler expressed his concerned, with the sewer project taking place near his home, there was a dump truck in front of his driveway, an unhitched trailer, and an excavator sitting out into the intersection. There is also straw in his lawn where he would like to mow and piles of mud, as well. He stated that it posed a hazard if his home were to catch fire since his driveway was partially blocked. Supervisor Sentner asked Jason is he talked to anyone regarding his concerns and Jason stated that he had not.

ACCEPTANCE OF MINUTES: -

June 21, 2012 Workshop and Regular Meeting Minutes

MOTION:

Supervisor Sentner made the motion to approve all Minutes. Supervisor DeVault 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. 12183 to 12218 in the amount of \$13,549.84

PAYROLL FUND:

PLGIT XXXX7015 – Check No's 7256 to 7258 in the amount of \$1,129.16

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer # 20 to 21

MOTION:

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

OLD BUSINESS:

1. Ralph Christman's request to have his property at 3311 Main Road East exempt from connecting to the public sewer system.

Supervisor Sentner asked Mr. Christman if he had pursued any other options and Mr. Christman stated that he had not. Supervisor Sentner stated that the recommendation of the Township Solicitor is that the Supervisor's should abide by the ordinance that was set by the Township, whether the Supervisor's like it or not. Supervisor Sentner said that he feels for Mr. Christman but unfortunately his hands are tied. If the Township exempts one person, it would cause a nightmare. Supervisor Mohr stated that there are other people who were in same situation as Ralph and have already connected which would make it even harder to exempt one person because the people who already connected can come back to the Township and want to know why they were not exempt. Supervisor Sentner confirmed with Solicitor Fisher that the wording used in the ordinance came directly from the Second Class Township Code. Solicitor Fisher noted that State Legislative determines who has to connect within a second class township. Mr. Christman wanted to know why other people were able to request to be connected if they were more than 150 feet away. Solicitor Fisher stated that the ordinance states who is compelled to hook up based on the ordinance not who can request to be part of the sewer project and get hooked up.

Supervisor DeVault asked if there has ever been any discussion on changing from a second class township to a first class township. He feels it would be a discussion worth having. Supervisor Mohr stated that at a meeting he was at a few years ago where pros and cons were looked at, the cons outweighed the pros. Supervisor Sentner stated that this matter should be discussed at a later time and not while making a decision on whether or not to exempt Mr. Christman from connecting to the public sewer.

MOTION:

Supervisor Sentner made the motion to deny Ralph Christman's request to be exempt from connecting to the public sewer system. Supervisor Mohr seconded the motion. Supervisor DeVault abstained from voting due to a conflict of interest. Any questions or comments, 2 were in favor, 1 abstained and the motion carried.

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

Supervisor Sentner asked State Representative Justin Simmons aid, Eric Davis if there is anything that Upper Milford, as a Township, can do about Act 13. Eric stated that the option would be to pass a resolution against Act 13 and send it to State Representatives asking them to repeal Act 13 or join the legal battle already in action against certain sections of Act 13. Supervisor Sentner asked if

State Representative Justin Simmons supports Act 13 and Eric Simmons confirmed that Justin is in support of Act 13. Supervisor DeVault stated that according to The Second Class Township Code, the duties of the supervisors are to secure the health, safety and welfare of the citizens and if we, as a Township, have no say against fracking, then supervisors simply can't do their jobs, which is why he feels Act 13 is gutting local government. Resident Barnaby Ruhe stated that Marcellus Shale has now been discovered in Bucks and Montgomery County which probably means that Lehigh County is within Marcellus Shale as well. Mr. Ruhe also stated that by waiting to repeal Act 13, he fears that it will be too late. Supervisor Mohr stated that the supervisors are not prepared to make a decision on this matter at this time but are hoping to have a representative from DEP at the next Board of Supervisors meeting to help shed some more light on the subject. Mr. Ruhe stated that he was told by Michael Krancer from DEP that it can not be proven that any poisoning occurs as a result of fracking.

SOLICITOR'S REPORT: - None

NEW BUSINESS: - None

DEP MODULES / SEWAGE PLANNING: -

1. On Lot Sewage System Well Isolation Distance Waiver Request: 6245 Tollgate Rd

Brian Miller stated that the rear of the home which is where the sewage system is now located and malfunctioning, is in a low lying area that has a gas line crossing the area, which leaves only the front of the property available to put a septic system. The existing well is also in the front of the property roughly 50' from the proposed absorption area. There are 2 wells on the property, one being used for landscape irrigation only which is 26' from the proposed absorption area; the property owner indicated that she is willing to properly abandon that well if the Board of Supervisors so desire. Supervisor DeVault asked Brian Miller the proper procures of abandoning a well. Brian explained that the well would be unhooked from the home, would be filled with a concrete slurry mix, and then be capped.

MOTION:

Supervisor Sentner made the motion to approve the Well Isolation Distance Waiver and to waive a ground water study and any fees required for that study contingent upon the proper abandonment of the irrigation well on the property. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

MOTION:

Supervisor Sentner made the motion to approve The Maintenance Agreement between Mary Hanzlik and Upper Milford Township for an onlot sewage disposal system. 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: -

1. Lower Macungie Township; Request for comment on proposed amendment to the Zoning and Subdivision Ordinance

Supervisor Mohr read the letter from Brian Miller, Planning Coordinator which states that the Planning Commission agreed that the changes adding regulations to manage driveway access on arterial roads is a matter of local concern and he recommends thanking Lower Macungie Township for the chance to review the amendment.

MOTION:

Supervisor Sentner made the motion to direct staff to prepare a response letter to Lower Macungie Township. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

2. Berks County; Request for comment on the Draft Comprehensive Plan

Supervisor Mohr read the letter from Brian Miller, Planning Coordinator which states that The Planning Commission reviewed the Draft Berks County Comprehensive Plan and recommends thanking the Berks County Planning Commission Executive Director Glenn Knoblauch for the chance to review the plan and asks that any Designated Growth Area and Future Growth Area along States Route 29/100 in the eastern portion on the County be based on the provision that an adequate and sustainable water supply be available to serve that area. Supervisor Sentner stated that he agrees that The Township has to be very careful of the water supply in that portion of The Township.

MOTION:

Supervisor DeVault made the motion to direct staff to prepare a response letter to Berks County Planning Commission's Executive Director Glenn Knoblauch. Supervisor Mohr seconded the motion. Any questions or comments, all were in favor, and the motion carried.

3. Seedway Minor Subdivision Waiver Requests

Supervisor Mohr read the letter from Brian Miller, Planning Coordinator which states that The Planning Commission recommends granting the waivers requested for the Seedway Minor Subdivision.

MOTION:

Supervisor Sentner made the motion to grant the following waivers requested on behalf of Seedway LLC, SALDO Section 1004.C.2 – Road widening, SALDO Section 1004.L – Transportation improvements, SALDO Section 1014 – Curbing, SALDO Section 1015 – Sidewalk, SALDO Section 1011.B – Easements from interior and exterior lot lines on lot 2, SALDO Section 1007 – Open space fee, and SALDO Section 1008.D – Basin fencing for the existing stormwater basin. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

SUBDIVISIONS – IMPROVEMENTS: -

1. Seedway Minor Subdivision Final Plan Approval

Brian Miller, Planning Coordinator's letter to the Board of Supervisors, states that The Planning Commission recommends the approval of The Seedway Minor Subdivision.

MOTION:

Supervisor DeVault made the motion to approve the Seedway Minor Subdivision contingent upon all outstanding fees being paid. Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, and the motion carried.

CORRESPONDENCE: - None

EXECUTIVE SESSION – None

OTHER ISSUES – None

REPORTS:

Supervisors:

Daniel Mohr – None
Robert Sentner – None
George DeVault – None

Recreation Commission –

Barry Williams – None

Township Manager

Daniel DeLong – Not present

ADJOURNMENT: 8:12P.M.

Daniel J. Mohr, Chairman

Date

AnnaMarie L. Zeravsky, Secretary/Treasurer