

UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068
September 6, 2012 AT 7:00 P.M.
WORKSHOP MEETING MINUTES

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

CALL TO ORDER: 7:00 P.M.

ANNOUNCEMENTS:

Supervisor Mohr announced that the meeting was being recorded to principally aid in the preparation of Minutes and for such other purposes as the Board saw fit. For that reason, any person wanting to give any comments during the meeting should please state his or her name for the record and address the Board of Supervisors.

PUBLIC INPUT: - None

OLD BUSINESS:

1. MS4 Permit Renewal Update

Manager DeLong stated that he and Brian Miller met with Jason Smith from Hanover Engineering Associates to go over the requirements of the MS4 permit application. Since forty percent of the Township's water drains into the Borough of Emmaus, it made sense to work with their consultant, to extend their MS4 permit into our Township. Manager DeLong stated that he authorized Jason Smith to file the appropriate paperwork. Jason is scheduled to go over a few things with Brian tomorrow (September 7, 2012) and then the permit will be filed on time.

Resident Phil Casey asked if this had to do with Erosion and Sediment. Manager DeLong stated that this is the Township obtaining a Federal Permit to discharge storm water into waters of the Commonwealth of Pennsylvania. Phil Casey wanted to know if the Township was filing this permit because of fear of losing Liquid Fuel Funds. He stated that as far as he knew, only one Township in Pennsylvania was every denied Liquid Fuels monies. He also stated that Township's are only encouraged to filine this permit but not mandated. He stated that since the Township already has a storm water management plan, the Township should not be spending additional money on permitting, and engineering.

Phil Casey also stated that he recently found out that if a road is passable at 15mph, it could qualify for liquid fuels funds, which means driveways could qualify. He stated that the Township should look further into this.

Manager DeLong stated that the Township already has a permit which is good until 2013. This is a renewal for the Township's current permit. Supervisor Sentner asked why the Township needs to pay an outside engineer if the work for this permit is not extensive. Manager DeLong stated that neither he nor Brian Miller have the time for this application. Phil Casey stated that the policy for Townships has not been as explicit and that Township's are only encouraged. Phil also stated that 350 communities across Pennsylvania are required and

2,565 communities are not affected but are encouraged. Manager DeLong pointed out that Upper Milford Township is one of the 350 communities that are mandated. Phil said that Solicitor Marc Fisher should look further into what would happen if the Township doesn't file the application because he doesn't feel anything would be jeopardized since the Township already has storm water management practices in place. Phil asked again, what would happen if the Township doesn't file the renewal application. Manager DeLong stated that the first thing that would happen is that the application fee would go from \$2,500 to \$5,000. This is a program that the Township is in and has to stay in; the Township should be following the law. Solicitor Fisher then stated that this is mandated. Also, the 3 supervisors could be potentially surcharged personally if they fail to do something they are mandated to do. Solicitor Fisher stated that whether this is a good requirement or not, the fact is that the Township is mandated and there is no choice. Phil Casey then asked who is mandated. Solicitor Fisher said that this particular Township is mandated. Manager DeLong stated that everything is already in the works to file this application and he will proceed as planned. Supervisor DeVault asked if anyone knows the long range implications of this program; how will this affect the Township down the road and what are the increased costs? Manager DeLong stated that no, the Township does not know exactly how this will effect the Township in the future. The only thing that is clear is that when the mandate came out in the early 90's, the American Public Works Association predicted that this is the most single expensive per capita programs that the Feds every mandated upon the states and The Feds expect the cost to be paid by a storm water tax. The other part of the new program is that when streams are identified as being impaired, it is the responsibility of the Township to pay for the testing and make the stream unimpaired. Supervisor DeVault asked if this is going to result in a stormwater department within the Township. Manager DeLong stated that if it is up to the Feds, yes. Supervisor Sentner stated that he agrees with Phil Casey, he is totally against this but he also agrees with Marc Fisher, the Township is mandated. James Krippe asked how long the permit is for. Manager DeLong stated that the permit is for 5 years. James Krippe asked if that meant the permit costs would equate to \$500 per year. Manager DeLong stated that on top of the \$2,500 application fee is a \$500 per year permit management fee.

2. Vera Cruz Area Sewer Project; Discussion on Course of Action Regarding Non-Responsive Owners

Manager DeLong stated that out of the 261 properties that were required to connect to public sewer, 2 property owners have remained unresponsive. The estimated 30 others that are not connected have at least shown signs towards working to connect. Manager DeLong stated that although those 30 or so residents that are not connected and are in violation of the September 1st deadline, he is not condoning that the Supervisors take legal action. However, the 2 residents that have refused all attempts to communicate with the Township, Manager DeLong feels that the Township should start with legal action or have the Solicitor look into it. Supervisor Sentner asked Manager DeLong if the Township workers have made as many attempts to contact these residents as they did with the one non-responsive resident in Milestone One. Manager DeLong stated that between knocking on the door and leaving notes on the door, the Township is treating these residents the same as they did in Milestone One. Supervisor DeVault asked if anyone from the Township has made face to face

contact with these 2 residents. Manager DeLong stated that at this point, no one has made face to face contact because the residents seem to be MIA. One is an absentee Landlord and the other is a vacant piece of property where the owners left town. Supervisor Sentner asked what would happen if the Township placed a Judgment on properties. Solicitor Fisher stated that by placing a judgment on the property, if the house is sold, there are ways of recouping the Township's monies. The potential way to get the property hooked up is that the property owner would hopefully become compliant after receiving a civil enforcement notice. George DeVault asked if they could revoke certificate of occupancy and tell the landlord that no one could live there. Manager DeLong stated that yes, the Township can do that but then the Township would be responsible to provide a place for the tenants to live.

MOTION:

Supervisor Sentner made the motion to direct staff and the Solicitor to initiate civil enforcement on the 2 non-responsive properties. Supervisor DeVault then seconded the motion. Any questions or comments, all in favor, and the motion carried.

Manager DeLong stated that while discussing the Sewer Project, it would be a good time to discuss the letter received from Resident Ralph Christman. Mr. Christman's letter asked the Board if he got a boundary line adjustment or possible sub-division, would he still have to connect to public sewer. He also asked if the Township or Lehigh County Authority would pay for installation of the lateral across or under Liebert Creek. Lastly, in his letter, Mr. Christman asked if he could have an extension so that he has more time to settle this matter.

Supervisor Sentner asked Manager DeLong about the other properties that had their lateral installed on the other side of the creek. Manager DeLong stated that one foot off the right away fell within the creek. Supervisor Sentner asked Ralph Christman how close his property is to the creek in which he responded with one hundred or so feet. Supervisor Sentner asked Marc Fisher if Zoning granted Mr. Christman the relief that he is looking for, would that allow the Supervisors to allow him out of the sewer project. Marc Fisher stated that in his opinion, no. According to the Township's Ordinance, Mr. Christman's property is and was an improved property, meaning that that particular property is required to hook up and it is not waiveable. Ralph Christman stated that he feels the ordinance was written poorly because he did not understand that he was an improved property when he first read it. Marc Fisher stressed that at this point Ralph Christman is required to hook up and what he is proposing to change is coming after the fact. Mr. Christman stated that he would have come before the fact if the ordinance's wording was simpler and he understood that he was an improved property. If other properties had their laterals on the other side of the creek, he feels he should have the same opportunity. Supervisor Sentner stated that with the other properties, it was only a couple of feet and with Ralph Christman's property, it is 100 feet from the creek.

Mr. Christman stated that the Township should have been smart from the start and exempted him then. Ralph Christman stated that he has a perfectly working septic system. He said this is all about the good of the people and he is one of the people. Supervisor Sentner asked Marc Fisher again, if Ralph Christman went to zoning, would he would still be required to hook up. Solicitor Fisher, again, said the ordinance states that at the time the ordinance was written, Mr. Christman's property was considered an improved property requiring him to hook up. Changing that after the fact does not allow the property to escape the requirement. Mr. Christman asked the Board about the lateral and Supervisor Sentner stated that he does not know enough about laterals to give him an answer.

MOTION:

Supervisor Sentner made the motion to grant Ralph Christman a 60 day sewer extension. Supervisor DeVault then seconded the motion. Any questions or comments, all in favor, and the motion carried.

NEW BUSINESS: -

1. Recreation Commission Request to Look into Purchasing 5056 Veracruz Rd to Add to Jasper Park

Supervisor Mohr read a memo from Manager DeLong. The memo went over the request from the Recreation Commission to look into the Township purchasing 5056 Veracruz Rd to add to Jasper Park. Phil Vanim of the Recreation Commission, stated that the Recreation Commission feels that it could benefit the Township to look into purchasing this property to help to improve the entrance way to Jasper Park. The Recreation Commission feels that the Township should at least look into it to try and fix the entrance for the safety of the residents. Supervisor Sentner asked what the Recreation Commissions plans were for the property. Phil Vanim stated that The Recreation Commission hadn't discussed the possibilities. Supervisor Sentner stated that the Recreation Commission should come up with a proposal to submit to the Supervisors. Property Owner, Terry Schmeltzle, stated that to fulfill his father's wishes, he is presenting the offer to the Township to purchase the property. What he sees is possibly a caretaker living on the property and the Township using the rent to eventually pay the Township back for the purchase of that property. He stated that he would be open to any discussion from the Supervisor's on offers or appraisals. Terry Schmeltzle also added that as a Recreation Commission Member, he feels that the Township should pursue this offer vigorously. Supervisor DeVault stated that the request is to look into possibilities and that is what the Supervisor's will do. Phil Vanim asked if the Supervisor's could provide the Recreation Commission with print outs of the property lines by their meeting in September. Supervisor Mohr stated that they would get something to the Recreation Commission by their next meeting.

2. Request from Robert Schmeltzle, Jr to Carry Over 10 Vacation Days

Public Works employee, Robert Schmeltzle, Jr wrote a letter requesting the Board of Supervisor's to approve him to carry over his unused vacation time.

MOTION:

Supervisor Sentner made the motion to allow Robert Schmeltzle, Jr to carry over 10 vacation days. Supervisor DeVault then seconded the motion. Any questions or comments, all in favor, and the motion carried.

ANY OTHER BUSINESS: - None

EXECUTIVE SESSION: - None

ADJOURNMENT: 8:03 P.M.

Daniel J. Mohr, Chairman

Date

AnnaMarie L. Zeravsky, Secretary/Treasurer