

UPPER MILFORD TOWNSHIP  
BOARD OF SUPERVISORS  
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068  
SEPTEMBER 6, 2012 AT 7:30 P.M.  
REGULAR MEETING MINUTES

---

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

Meeting called to order at 8:03P.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:** -

Francis Larish from the Emmaus Public Library thanked the Supervisors for providing their support in providing public library services to Upper Milford Township residents, which is essential because it allows the residents to have full access to public library services because they are living in a municipality that supports a public library. Francis mentioned that on September 11, the Library would be hosting Community Hero's Day. Fire Trucks and Ambulances will be there for everyone to enjoy. September 13, their will be discussions at the Library on Terrorism in the United States. September 19, their will be discussions on the different databases offered by the Library. A workshop on genealogy will be held on September 26. She encouraged everyone to visit the Emmaus Library's website and again thanked the Supervisor's for their continued support. Supervisor George DeVault mentioned that the Upper Milford Fire Company will be part of the 9/11 activities at the Library.

Resident Edgar Hausman presented the Board of Supervisors with dated pictures to view. Mr. Hausman stated that the retention pond on his property is deteriorating and has been for 10 years. There is a pipe that has rusted and now sank. Also, the drain hole fills up with water but because of clogging, the water won't drain down and collects mosquitoes. Supervisor Sentner asked if there is a maintenance agreement for the retention pond. Mr. Hausman stated that as far as he knows the agreement is that he mows the grass around the pond and the Township is responsible for repairs. Solicitor Fisher stated that without the Recorded Subdivision Plan, he cannot determine who is responsible. Manager DeLong stated that there is also a Home Owners Association Agreement as well. Manager DeLong also stated that at one time, the Township did try to help Mr. Hausman by putting a relief pipe in but when it came to relocate utility lines and the increased cost, the Supervisors, at the time, decided against putting the relief pipe in. The price increased from \$1,200 to about \$16,000. No money was every allocated or used so the \$1,200 that was originally intended for the relief

pipe stayed in the Township General Fund. Mr. Hausman then asked who is responsible for taking care of the pond. Manager DeLong stated that the Township needs to review the Deed, the Homeowners Association Agreement, and the notes on the original plan and go from there. Solicitor Fisher then reiterated that a determination will be made after reviewing the appropriate documents. Supervisor DeVault stated that he reviewed the problem up close, earlier this year and he discovered that it is a very real problem. He stated that the bank is eroded horribly and the bottom is rotted down to the pipe. Supervisor Mohr then stated that the Township will look into this and get back to Mr. Hausman.

**ACCEPTANCE OF MINUTES: -**

August 16, 2012 Workshop and Regular Meeting Minutes

**MOTION:**

Supervisor DeVault made the motion to approve all Minutes. Supervisor Sentner 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. 12323 to 12371 in the amount of \$62,845.66

**PAYROLL FUND:**

PLGIT XXXX7015 – Check No 7260 in the amount of \$73.38

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer # 29 and 30

**ACKNOWLEDGEMENT OF 2013 MINIMUM MUNICIPAL OBLIGATION**

Memo from Manager Daniel DeLong

Supervisor Mohr read a memo from Manager Daniel DeLong stating that Act 205 of the 1984 require that the Chief Administrative Officer of the Pension Plan inform the Governing Board of the Minimum Municipal Obligation for the following year by the last business day in September. Attached to the memo was a requirement for the Board of Supervisors to review. Supervisor Sentner asked if any of the required amounts were subsidized by the state. Manager DeLong replied, yes.

**MOTION:**

Supervisor Sentner made the motion to approve the payment of the bills as submitted, acknowledge bank transfers 29 and 30, and to acknowledge the 2013 Minimum Municipal Obligation. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**OLD BUSINESS:**

1. AP Automotive Request Tabled From Last Meeting

Supervisor Mohr asked Manager DeLong where the Township stood with this request. Manager DeLong stated that Mr. Alan and Mr. Pranzo requested that they and the Township enter into an agreement to lease 5 parking spaces from the Township's parking lot located at 5671 Chestnut Street and the Supervisor's tabled the decision from last meeting so the Supervisor's could further look into it. Supervisor Mohr then read a memo from Zoning Officer Alan Brokate. The memo mentioned that the parking space requirements for the Township is 73 spaces and the facility has 82 parking spaced provided.

Supervisor DeVault thanked the staff for gathering the requested documents for the Supervisors to review. He stated that the request is simply whether or not to allow AP Automotive to lease 5 parking spaces from the Township. Based on his research, he does not feel that that is what the parking lot is there for and he would be opposed to the request. Mr. Pranzo asked the Supervisor's what the negatives are of them leasing the spaces especially since they are offering to pay the Township \$1,200 a year for the spaces and there would be no liability to the Township. Supervisor DeVault stated that the biggest negative aspect is the safety concern, also the Township could have other plans for other uses for the property and he doesn't feel that tying up those spaces for a given amount of time is in the Township's best interest. Mr. Pranzo then stated that as far as he knows, the Township is already leasing the parking lot on the weekends. Manager DeLong then stated that the Township does not lease the parking lot, they do however, have an agreement with the Farmer's Market to use the parking lot for free on the weekends to hold their weekly Farmer's Market. Mr. Pranzo then asked if he could make an agreement to use the parking lot for free during business hours. He then stated that the Township is allowing the Farmer's Market to conduct business on the Township property for free and AP Automotive is offering to pay to simply park on the property, he doesn't feel that makes sense.

Resident Phil Casey stated that AP Automotive is offering \$1,200 per year for 5 spaces, which equates to \$20 per month per space, which is 75 cents per day to rent the spaces which is not good business for the Township as a renter. Mr. Casey then stated that at that point, he wants to rent spaces, as well. Mr. Pranzo then stated that the Farmer's Market uses many spaces for zero dollars and then conducts business and makes money. Mr. Casey suggested AP Automotive should inquire about renting spaces from the other Township property located further down the street. Mr. Pranzo then stated that he still sees no negatives. Supervisor Mohr stated that he doesn't like the idea of renting spaces to circumvent a zoning variance. Mr. Pranzo then stated that he would still have to apply and get approved for an amendment. But if granted, AP Automotive could hire an additional employee which would increase their productivity. Simply, AP Automotive would like to come into compliance. Supervisor Mohr stated that he has a problem with renting spaces to businesses when there are many other businesses in the Township who could then request to lease spaces causing him to vote against it.

**MOTION:**

Supervisor Mohr made the motion to deny AP Automotive's request to lease 5 parking spaces from the Township at 5671 Chestnut Street. Supervisor DeVault seconded the motion. Any questions or comments, two were in favor, one abstention, and the motion carried.

**SOLICITOR'S REPORT:** - None

**NEW BUSINESS:** - None

**DEP MODULES / SEWAGE PLANNING:** - None

**PLANNING COMMISSION – OLD BUSINESS:** - None

**PLANNING COMMISSION – NEW BUSINESS:** -

1. P.C. Comment/Recommendation on Lower Macungie Twp. Greenway Plan

Supervisor Mohr read a letter from Planning Coordinator, Brian Miller. The letter stated that the Planning Commission reviewed the Draft Lower Macungie Township Greenway Plan and the Planning Commission recommends thanking Lower Macungie for the courtesy.

**MOTION:**

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

2. Boyko Automotive Time Extension

**MOTION:**

Supervisor Sentner made the motion to grant Boyko Automotive the 90 day time extension requested by Ott Consulting, Inc. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

3. Bergey Minor Subdivision

Supervisor Mohr read a letter from Planning Coordinator, Brian Miller. The letter states that the Planning Commission reviewed the Bergey Minor Subdivision which is a subdivision of a 44.8 acre property of two lots. There is a small portion of the new 25 acre lot in Upper Milford Township which has no development proposed in that area. The Planning Commission recommends thanking Lower Milford for the opportunity to review the plan and also recommends that subdivision review and approval be deferred to Lower Milford Township.

**MOTION:**

Supervisor DeVault made the motion to direct staff to send Lower Milford a letter thanking them for the opportunity to review the Bergey Minor Subdivision plan and subdivision review and approval be deferred to Lower Milford Township.

Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**SUBDIVISIONS – IMPROVEMENTS:** - None

**CORRESPONDENCE:** -

1. Borough of Macungie Request for Assistance for Traffic Control During Halloween Parade

Supervisor Mohr read a letter from Macungie Borough Manager, Chris Boehm. The letter requests the assistance from the Western District Fire Company Special Fire Police on October 27, 2012 for Macungie Borough's annual Halloween Parade from 6:00 pm through the finish of the parade. Supervisor Mohr asked if this request was also for the Vera Cruz Fire Police. Supervisor DeVault said that the letter only mentions Station 19. Manager DeLong stated that the Borough or Macungie usually requests to use Upper Milford Township's East Macungie Road as a detour route.

**MOTION:**

Supervisor Sentner made the motion to allow Western District Fire Company Special Fire Police to assist The Borough of Macungie on October 27, 2012, if available and to allow the Borough of Macungie to use East Macungie Road as a detour route. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**EXECUTIVE SESSION:** –

The Board of Supervisors held an executive session from 8:38 PM until 9:44 PM to discuss personnel and real estate issues.

**MOTION:**

Supervisor Sentner made the motion to allow any Township employee who qualifies as an All-Hazards Emergency Responder to take a leave of absence to respond to emergencies. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

**OTHER ISSUES** - None

**REPORTS:**

Township Emergency Management Coordinator:

**Bill Stahler** – None

Recreation Commission –

**Barry Williams** – None

Supervisors:

**Daniel Mohr** – None

**Robert Sentner** – None

**George DeVault** – Supervisor DeVault stated that the Fire Departments met with Buckeye Officials and discussed emergency communications and things that can be done to improve a few things. Supervisor Mohr asked Supervisor DeVault if he knew anything about the paint markings on Main Road East. Supervisor DeVault stated that he emailed Representative Mackenzie's office to inquire about that.

Township Manager

**Daniel DeLong** – None

**ADJOURNMENT:** 9:47P.M.

\_\_\_\_\_  
Daniel J. Mohr, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
AnnaMarie L. Zeravsky, Secretary/Treasurer