

APPROVED MINUTES

UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068
SEPTEMBER 20, 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 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: - None

ACCEPTANCE OF MINUTES: -

September 6, 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. 12372 to 12399 in the amount of \$36,841.55

ESCROW FUND:

PLGIT XXXX7109 – Check No 104 in the amount of \$612.97

STREETLIGHT FUND:

PLGIT XXXX7125 – Check No 1205 in the amount of \$2,144.30

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer # 31 – 33

MOTION:

Supervisor Sentner made the motion to approve the payment of the bills as submitted and acknowledge bank transfers 31 to 33. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried.

OLD BUSINESS:

1. Recreation Commission Comment on 5056 Vera Cruz Rd

Supervisor Mohr read a memo from Manager DeLong which explained that after the Recreation Commission reviewed information, maps, and letters relative to 5056 Vera Cruz Rd, they can no longer recommend pursuing the purchase of such property because they feel that the property would not serve the goal of gaining better access to Jasper Park. The Board took not action.

2. Mink Estates: Stormwater Management Facilities Maintenance; Relief Sought by Edgar Hausman

Manager DeLong stated that Edgar Hausman requested relief to have some repairs done to the Mink Estates stormwater management areas located on his property. Manager DeLong said that he and Planning Coordinator, Brian Miller reviewed the subdivision development plans, the deeds, and the homeowners association agreements which all indicate that the property owners upon which the stormwater management area exists shall have perpetual maintenance of the facility, which includes all structures and that no changes can be made to these facilities without written approval from the Board of Supervisors. Manager DeLong stated that Solicitor Marc Fisher agrees that this is not for the Township to do this work; it is however, the Township's authority to order this work be done.

Edgar Hausman requested a copy of the document signed by John Stoudnour and Dave Stortz stating that the stormwater management area was released to the Township. Manager DeLong gave him a copy of everything he had but stated that he does not have such a document that Mr. Hausman is referring to and he reviewed all information on file. Manager DeLong stated that Stoudnour and Stortz signed a deed of dedication releasing the roads to the Township. Mr. Hausman insisted that they also signed a document releasing the stormwater management area, as well. Solicitor Fisher stated that as far as the Township knows, no such document exists.

Mr. Hausman asked if the document would be held at the Lehigh County Courthouse. Solicitor Fisher stated that if such a document exists, it would be at the Lehigh County Courthouse. Mr. Hausman asked if the pond does not belong to the Township, then why does he have to get the Township's permission to work on it. Solicitor Fisher stated that to change the structure of the pond to the extent that it would impact the Township roads or other facilities, requires permission. Solicitor Fisher said that as far as the Township is concerned, this is not a Township issue. The language is clear that it is the property owner's responsibility.

Resident Frank Caputo stated that when he went to the Court house 8 years ago, he found that each individual property owner is responsible for the detention ponds and it is not the Homeowners Association's responsibility. The problem is with the pipe that runs under the road. Mr. Caputo agrees that the Township is not responsible for the maintenance of the detention pond but he feels that the pipe that runs under the ground should be the responsibility of the Township. The rusted pipe should be taken care of by the Township. Mr. Caputo said that

most of the water doesn't even come from their development; it comes from the field up above and the creek that runs through. Mr. Caputo also said that the majority of the water goes to Mr. Hausman's detention pond. The other 2 detention ponds in the area hardly get any water and Mr. Hausman's pond is always full.

Mr. Hausman stated that he wants to know what would happen if he poured cement in the pipe so no more water comes into his detention pond. If he owns the pond, then why can't he put cement in his pond? He wants to know what maintenance and repairs means. Solicitor Fisher stated that as the homeowner, Mr. Hausman is responsible to keep the detention pond in the same condition it was when he acquired the land and if he wants to make any changes to the structure, such as pouring cement in the pipe, he would need written approval from the Board of Supervisors because the Township would need to know if the changes to the structure would be creating additional problems to areas in the Township in which the Township would then be forced to expend funds because of faulty maintenance.

Mr. Hausman then stated that the Township should just take over ownership of the detention pond and asked if that could be done. Supervisor Sentner then said that he would not sign off on that and asked Mr. Hausman what it is that he wants from the Township. Mr. Hausman stated that he wants the Township to fix the pipe. Supervisor Sentner stated that the Township can not start fixing private property because before you know it, everyone is going to be lined up wanting the Township to fix their property. Mr. Hausman then stated that he will just continue to allow the detention pond to deteriorate. No action was taken by the Board.

SOLICITOR'S REPORT: -

Solicitor Marc Fisher stated that Municipal Retirement Trust is requiring an appointment of a Chief Executive Officer for the Township Employee Pension Plan. Resolution 2012-028, with the Board of Supervisor's adoption will appoint the Township Manager as the Chief Executive Officer of the Township Employee Pension Plan and would appoint the Township Secretary/Treasurer to fill in as the Chief Executive Officer in the event that the Township Manager is unable to perform the duties.

MOTION:

Supervisor Sentner made the motion to approve Resolution 2012-028, Appointment of Chief Executive Officer of the Township Employee Pension Plan. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor and the motion carried.

NEW BUSINESS: -

1. Board of Supervisors Selection of Investment Choice with Municipal Retirement Trust of Upper Milford Township Employee Pension Plan Funds

Supervisor Mohr read a memo from Manager Daniel DeLong, stating that the Pension Committee discussed the two investment options available with Municipal Retirement Trust, the Township's recently chosen Pension Plan

Services Provider. The Pension Committee recommends the Board of Supervisors select to invest the Township Employees Pension Plan Funds in the Municipal Retirement Trust "Fixed Account" plan in order to facilitate making the initial transition from the current provider Wells Fargo to Municipal Retirement Trust.

MOTION:

Supervisor Sentner made the motion to invest the Township Employees Pension Plan Funds in the Municipal Retirement Trust "Fixed Account" Plan, as per the Pension Committee's recommendation. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor and the motion carried.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS: - None

SUBDIVISIONS – IMPROVEMENTS: - None

CORRESPONDENCE: - None

EXECUTIVE SESSION: – None

OTHER ISSUES - None

REPORTS:

Township Emergency Management Coordinator:

Bill Stahler – None

Recreation Commission –

Barry Williams –

Mr. Williams stated that the Recreation Commission discussed the usage of the fields for athletic events because they would like to get Ordinance No. 133; Athletic Field Use Policy done. He also thanked the Public Works department for getting the fields ready for the fall season.

Supervisors:

Daniel Mohr – None

Robert Sentner – None

George DeVault –

Supervisor DeVault followed up on Mr. Hausman's request to seek relief of the stormwater management area located on his property. Supervisor DeVault stated that he urges everyone involved to look for any other documents and hope that the Township could possibly serve as a facilitator and possibly get some outside parties involved, such as the County Conservation Service to at least take a look at the drainage problem in the area. Drainage is a serious problem and if there is anything the Township can do to help out, he hopes that the Township will do it.

Township Manager

Daniel DeLong – None

ADJOURNMENT: 8:01P.M.

Daniel J. Mohr, Chairman

Date

AnnaMarie L. Zeravsky, Secretary/Treasurer