

UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068
APRIL 02, 2015 AT 7:30 P.M.
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors; George DeVault, Daniel Mohr, Robert Sentner; Township Manager, Daniel DeLong; Asst. Township Manager, Timothy Haas; Solicitor, Marc Fisher

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

Pledge of Allegiance to the flag.

ANNOUNCEMENTS:

- 1.) 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.
- 2.) There will be a special meeting of the Board of Supervisors of Upper Milford Township on Wednesday, April 8th, 2015 at 1:30 p.m. at the Township's Municipal Office, 5671 Chestnut Street, Old Zionsville, PA. The purpose of the meeting will be to discuss transportation and road maintenance issues with representatives from PennDOT and others and for other purposes as the Board deems necessary.

Resident, Frank Caputo, asked if the meeting with PennDOT was open to the public. Chairman, DeVault assured him that the meeting is open to the public. Supervisor, Sentner cautioned that too much public input at the upcoming meeting with PennDOT will have a negative impact and PennDOT may close the meeting earlier than expected.

PUBLIC INPUT:

Resident, James Krippe, requested to have the minutes of his statement from the March 19, 2015 BOS Workshop meeting regarding freezing storm water on Mill Road be revised and corrected to reflect that he also stated the freezing storm water is a hazard and a safety condition. This portion of the statement was not included in the previously approved minutes. Chairman, DeVault assured Krippe that the minutes taken at the present meeting will reflect the revision as requested.

Resident, Todd Lagler, further clarified that Krippe's statement from the March 19, 2015 BOS Workshop meeting, regarding freezing storm water on Mill Road, also included the cause of the freezing storm water on the road. The freezing storm water on Mill Road is caused by the home owner pushing the snow and ice back out onto the roadway after the road is plowed. The home owner is not pushing the snow and ice off the road edge, but only pushing it to the middle of the road instead. This portion of the statement was not included in the previously approved minutes. Krippe also

clarified that the snow and ice the home owner pushes back onto the roadway originates from their driveway. These actions from the home owner occur at every snow/ice event.

ACCEPTANCE OF MINUTES:

March 19, 2015 Workshop & Regular Meeting Minutes

MOTION:

Supervisor Sentner made the motion to approve the minutes. Supervisor Mohr seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

APPROVAL OF PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7096 - Check No's. **14601** to **14639** in the amount of **\$123,029.26**

STREETLIGHT FUND:

PLGIT XXXX7125 - Check No. **1246** in the amount of **\$250.41**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer(s) #2015-014 to #2015-017

MOTION:

Supervisor Mohr made the motion to approve all bill payments and the bank transfer as read. Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

OLD BUSINESS:

1.) Agricultural Security Area – Mr. Nikolas Naidu – Request for inclusion of 54.96 acres of land into the Agricultural Security Area.

a. Resolution No. 2015 – 022

Solicitor, Fisher opened by providing a brief summary of the request for the Board. What is presented to the Board of Supervisors is a resolution to include the properties in question into the Township's Agricultural Security Area (ASA). Solicitor, Fisher asked Naidu for confirmation that he would be withdrawing all plans presently on file at the Township as a condition of approval if the properties would be chosen to be included in the ASA. Currently, there are six (6) plans on file at the Township regarding development of the subject properties in question, plans that expire July 1, 2016. Naidu preferred to pull the plans on file at the Township after he receives preservation status from the Lehigh County Agricultural Security Board (LCASB). Naidu asked if it would be an issue if the Board made the condition of removing all development plans

pertaining to the properties in question be contingent upon preservation status granted by the LCASB. Solicitor, Fisher and Supervisor, Sentner reminded Naidu that LCASB is a separate entity and that the Township has no control over non-township related decisions from other agencies. Naidu confirmed that if the properties are preserved by the LCASB that he would be withdrawing all plans presently on file at the Township. Supervisor, Sentner told Naidu that he is not willing to approve the properties to be included in the ASA while active plans still exist on file at the Township. Solicitor, Fisher asked Naidu what time frame he anticipates regarding preservation approval from the LCASB. Naidu answered that he anticipates a decision will be rendered by the LCASB this coming June, due to the time it takes for the appraisal process of the properties. Naidu mentioned that it would be helpful for him if the condition to remove all plans on file at the Township be extended to June, 2015, which is when he anticipates securing preservation status from the LCASB. Resident, Phil Casey, asked how the deforestation of the subject properties relates to the ASA process. Naidu answered that the whole purpose of Agricultural Security is to achieve farmland preservation. He had to increase his tillable acreage according to the LCASB and the Farmland Preservation Board. Roughly eight (8) acres were cleared to meet the tillable acreage requirement. Casey asked if the deforestation related to any anticipation of building. Naidu answered, "No." Casey asked if Naidu holds a permit for the deforestation activities. Manager DeLong assured Casey that Naidu's entire operation is being overseen by the LCASB and the Farmland Preservation Board. Manager, DeLong also clarified that, to date, the Township has not received any complaints regarding Naidu's operations and everything appears to be in order. Solicitor, Fisher asked Naidu that what his course of actions would be if, hypothetically, the Township was to grant the properties into the ASA, but the LCASB would not grant preservation status. Naidu answered that he would reapply for the preservation status next year. Resident, Houstin Lichtenwalner, reminded the Board that the Farmland Preservation Board accepts nominations every year from a ranking system. Naidu can continue to apply every year for preservation consideration from the LCASB. Solicitor, Fisher asked Naidu, conceptually, why he doesn't remove all plans on file at the Township as a condition of having the properties included into the ASA. Naidu answered that the properties hold a higher development probability as far as the LCASB is concerned as they assess value on properties. Lichtenwalner summarized that land is worth more if there are development plans on file for that land. Planning Coordinator, Brian Miller, clarified that the LCASB holds a ranking system for properties requesting preservation status. Naidu reminded the Board that it is not his intention to develop the properties. Chairman, DeVault asked if Naidu's plans on file with the Township will become null and void if the properties are granted preservation status from the LCASB. Solicitor, Fisher answered that Mr. Naidu has indicated that he will submit in writing confirming his withdrawal of all the plans on file at the Township. Resident, James Krippe, asked what would happen to the properties if a change of ownership occurred, would development be possible. Chairman, DeVault answered that Naidu has simply made a request to have the properties included in the ASA, which is a step in the process of preserving farmland. He further clarified, from his own experience of going through the ASA process, that what Lehigh County does is buy the development rights to a property, which is accomplished by

assessing the price per acre compared at a development value and also at a farmland value and paying the difference to the applicant. Lehigh County holds the development rights from the purchasing date, removing the possibility of future development. The process can be undone, but not without extensive time and financial cost to the applicant. Casey asked if that is the same process where an applicant can amend the plan if they ultimately develop or subdivide the property and simply pay the difference of what the two (2) fees would have been. Supervisor, Sentner clarified to Casey that Act 319 can process that way, not within the process at hand. Solicitor, Fisher clarified to Supervisor, Mohr that Chairman, DeVault believes that the active plans on file at the Township will be removed automatically as part of the process at hand, if not, Naidu has agreed to execute whatever documents necessary at that point in time to have the plans removed.

MOTION:

Chairman DeVault made the motion to adopt resolution 2015 – 022 and accept the properties into the Township’s Agricultural Security Area. After further discussion Supervisor Mohr seconded the motion. The motion carried two - one with Supervisor Sentner having the opposing vote.

NEW BUSINESS:

- 1.) Resolution No. 2015 - 019
Appointing Jessi L. O’Donald as Township Treasurer, replacing Daniel A. DeLong
- 2.) Resolution No. 2015 – 020
Authorizing Jessi L. O’Donald to execute Township First Niagara Financial Group Account activity
- 3.) Resolution No. 2015 – 021
Authorizing Jessi L. O’Donald to execute Township Pennsylvania Local Government Trust Account activity

MOTION:

Supervisor Sentner made the motion to adopt Resolutions 2015 – 019, 2015 – 020, and 2015 - 021. Supervisor Mohr seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

SOLICITOR’S REPORT:

Indicated no report, but asked the Supervisors if they request his attendance at the upcoming meeting with PennDOT scheduled for Wednesday, April 8, 2015? The Supervisors indicated they request his attendance at the upcoming meeting.

DEP MODULES / SEWAGE PLANNING: None

PLANNING COMMISSION – OLD BUSINESS: None

PLANNING COMMISSION – NEW BUSINESS:

- 1.) Recommendation of reappointment of Matt Hunter to the UMT Planning Commission, and 2015 Slate of Officers.
 - a. Letter dated April 2, 2015 from Planning Coordinator, Brian Miller

MOTION:

Supervisor Sentner made the motion to reappoint the people listed on Brian's letter, dated April 2, 2015, to the Upper Milford Planning Commission for 2015. Supervisor Mohr seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

SUBDIVISIONS – IMPROVEMENTS: None

CORRESPONDENCE: None

EXECUTIVE SESSION: None

OTHER ISSUES: None

REPORTS:

Emmaus Library: None

Township Emergency Management Coordinator: None

Recreation Commission: None

Supervisors:

Robert Sentner – Reiterated that there will be a special meeting of the Board of Supervisors of Upper Milford Township with PennDOT on Wednesday, April 8th, 2015 at 1:30 p.m. The public is welcome, but reminded the public to mindful of their input.

Daniel Mohr – The Vera Cruz Community Association is having their annual egg hunt at Mystic Chain Park on Saturday, April 4 at 1:00 P.M.

George DeVault – Indicated no report.

Township Manager: None

ADJOURNMENT: 7:57 P.M.

George D. DeVault, Chairman

Date

Timothy A. Haas, Asst. Twp. Manager/Secretary