

UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068
MAY 21, 2015 AT 7:00 P.M.
WORKSHOP MEETING MINUTES

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

CALL TO ORDER: 7:00 P.M.

ANNOUNCEMENTS:

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.

PUBLIC INPUT: None

OLD BUSINESS:

- 1.) The Fields at Indian Creek contingent Preliminary Plan approval; Resolution No. 2015-024 on Regular Agenda (Discussion)

Kay Builders Representative(s) present for discussion:

Rick Koze
Jeff Chandler

Lehigh Engineering Associates, Inc. representative(s) present for discussion:

Lewis Rauch, II

Manager DeLong summarized the current status of the plan for the Board. Last meeting the Board authorized the Township Solicitor and staff to put together a resolution with contingencies for the adoption of the preliminary plan approval for The Fields at Indian Creek. The resolution is complete and has been circulated and is before the Board for discussion and amendment and/or approval. Generally, the resolution also incorporates both the wishes of the Borough of Emmaus and Lower Macungie's contingent approval. The three (3) contentious points are: 1. Access road construction, 2. Allen Street signal 3. Fee in lieu of contribution.

Chandler clarified that the fee in lieu of will be held until final approval.

DeLong agreed and summarized that the resolution also defers the Allen Street traffic signaling and railroad bridge coordination with final approval. The main point of discussion is at what certificate of occupancy (CO) number the emergency access road shall be installed. Presently, the number stands at 20 COs or nine (9) months

after the issuance of the first CO, which also coordinates with the Borough of Emmaus's resolution.

Supervisor Sentner prefers to have the emergency access road installed immediately, prior to any issuance of a CO.

Chairman DeVault agreed with Supervisor Sentner. He would like to see an emergency access road prior to any housing construction beginning. He referenced the recent Buckeye Tavern fire for how serious a structure fire is.

Discussions ensued regarding who is the first to respond to a fire in Upper Milford Township, Emmaus Borough or Upper Milford first responders. Vera Cruz Fire Co. firefighter and UMT Public Works Director, Brent Fegley, clarified that upon an emergency call, dispatch will notify Station 7 (Emmaus) and 28 (Vera Cruz) simultaneously.

Koze requested to allow the issuance of 25 COs before the installation of the emergency access road is complete.

Supervisor Sentner expressed that he does not want to ignore safety.

Koze requested stressed that he also does not want to ignore safety, but he wants to do what is permitted in the Zoning Ordinance, which is 25 homes prior to an emergency access road being installed.

Chandler and Koze brought up the difficulties an emergency access road constructed early in the construction phase creates.

Supervisor Mohr clarified the present resolution requires the construction of the emergency access to commence within nine (9) months post the issuance of the first CO or by the issuance of the twentieth CO, whichever comes first.

Sentner clarified that the maximum road construction specification weight for construction of the access road is 73,000 lbs. in the proposed resolution.

Rauch clarified that the road that they will install will be rated at 90,000 lbs.

Strauss clarified that the road weight rating shall be at a minimum 73,000 lbs.

Chairman DeVault asked about any chance access could be achieved from Chestnut Street.

Koze answered that he is still trying to work out an agreement with the current property owner, but he hope to come to an agreement soon.

Chairman DeVault expressed to the developer that they picked a hard time to develop that property because the traffic volumes are so high throughout that area and so many traffic improvements are required. He shared his thoughts on how hard it is to even get to the Emmaus Post Office due to the current traffic habits.

Koze expressed that he is trying everything they can to minimize the traffic impact on the area.

Koze and Chandler summarized their attempts to negotiate the deal for the property with the farmhouse, but it is taking time. They are hoping for some time to settle an agreement for the land while construction can already begin.

Supervisor Sentner asked Solicitor Strauss how the resolution could be amended to allow the developer to break ground and continue to negotiate a deal for the farmhouse property all while protecting the Township's request to have the emergency access road installed by issuance of the first CO.

Solicitor Strauss answered that working out those specific items within a resolution may be difficult but possible.

Supervisor Sentner expressed to the developer that it is the Board's number one concern to protect the health, safety, and welfare of the Upper Milford Township residents.

Koze expressed that he is only asking what is already allowed in the Zoning Ordinance, which is 25 homes prior to an emergency access road.

Supervisor Sentner expressed that health, safety, and welfare is above the Ordinance.

Koze reminded the Board that he is also very safety conscious and aware of the concerns surrounding an emergency access road, but he still has to balance that with what is realistic from a development standpoint.

Solicitor Strauss asked the Board to consider amending the resolution have the construction of the emergency access road commence within nine (9) months post the issuance of the first CO.

Koze believes that 25 homes constructed prior to a required completion of an emergency access road is still reasonable.

Supervisor Sentner asked Brent Fegley what the water resource is like for that area.

Fegley answered that the water resource for that area is the Emmaus hydrant system.

Supervisor Sentner asked Fegley where the closest fire hydrant is located in relation to the development phase in question.

Discussion ensued among the group and it was concluded that the nearest fire hydrant to that location is along Indian Creek Road.

Koze said that they can add more hydrants to the proposed plan.

Supervisor Sentner and Chairman DeVault expressed that they want to avoid a lack of water supply in the event of a fire in the development.

Supervisor Mohr clarified that he would keep the resolution the same minus an amendment of additional fire hydrants to be installed with a 12 inch main.

Chairman DeVault asked Solicitor Strauss if they have to amend the proposed resolution he has before him.

Solicitor Strauss answered that the Board can make a motion to approve the proposed resolution subject to any revisions the Board wants to make.

Discussions ensued between the developer and their engineer on both the location and amount of fire hydrants proposed within the development phase being discussed.

Solicitor Strauss summarized the Board's modifications to the proposed resolution, which is to adopt the resolution in its current form subject to the condition that paragraph 2.D. be modified to state regardless of what the Borough Emmaus imposes that access road one (1) shall be installed six (6) months post the issuance of a first CO or by the issuance of the fifteenth CO, whichever shall first occur. Additionally, four (4) active "wet" shall be installed in a mutually agreed location prior to the first CO being issued. Additionally, the motion would include giving permission to the Twp. Solicitor and staff to amend the proposed resolution to reflect the Board's revisions.

MOTION:

Supervisor Sentner made an amended motion to approve the proposed resolution, condition that regardless of what the Borough Emmaus imposes that access road one (1) shall be installed six (6) months post the issuance of a first CO or by the issuance of the fifteenth CO, whichever shall first occur. Additionally, four (4) active "wet" shall be installed in a mutually agreed location prior to the first CO being issued. Permission is also given to the Twp. Solicitor and staff to amend the proposed resolution to reflect the Board's revisions. Supervisor Mohr seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

NEW BUSINESS:

- 1.) Resolution 2015-025
Removal of Hedges on Chestnut Street @ Allen Street (Discussion)

Manager DeLong summarized for the Board that the owner of the property has agreed to allow the Township's Public Works Department to remove the hedges on her property. In order to do so a simple agreement and Resolution has been created for the Board's approval.

Resident, Phil Casey questioned why the Township is removing the hedges along a State owned and maintained road.

Supervisor Sentner expressed that the hedges shouldn't be there.

Resident, Phil Casey questioned if the hedges are within the cartway's right-of-way.

Supervisor Sentner asked Dan if the hedges are located outside the right of way.

Chairman DeVault answered that the hedges block the line of sight of Allen Street, which is a Township owned and maintained road.

Supervisor Mohr answered that the hedges are located within the clear sight triangle for the intersection and the Township is allowed to remove sight obstructions that are located within the clear sight triangle of an intersecting street that is a Township road.

Supervisor Sentner expressed that the removal of the hedges is badly needed.

Resident, James Krippe agreed with the Board that the removal of the hedges is badly needed, but he also asked why the hedges at the intersection of Tank Farm Road and Buckeye Road and nothing was ever done with it and that is the same situation, you have to pull out into the middle of the road before you can pull out onto Buckeye Road.

Supervisor Sentner expressed that it is not the same situation because the resident is giving the Township permission to remove the hedges. The resident at Tank Farm Road and Buckeye Road did not give the Township permission.

2.) Completion of Karl Fegley Co-Op Program with Emmaus High School

a. Memo from Manager DeLong

Manager DeLong summarized for the Board that June 3, 2015 will be the last day of the East Penn School District & Upper Milford Township workplace co-op program. Generally, the program was successful and valuable for both the Township and Mr. Fegley. DeLong requested that the Board offer him seasonal part time employment for the summer season, beginning Monday, June 8, 2015.

MOTION:

Supervisor Sentner made the motion to approve Karl Fegley for seasonal part time employment through the summer season, beginning Monday, June 8, 2015.

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

ANY OTHER BUSINESS: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8:03 P.M.

George D. DeVault, Chairman

Date

Timothy Haas, Asst. Twp. Manager/Secretary