

UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
TOWNSHIP BUILDING, OLD ZIONSVILLE, PA 18068
JUNE 16, 2016 AT 7:30 P.M.
REGULAR MEETING MINUTES

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

ABSENT: Supervisor, Daniel Mohr

Meeting called to order at 7:45 P.M.

Pledge of Allegiance to the flag.

Supervisor DeVault initiated a moment of silence held in honor of Maryann Stauffer, who passed away earlier in the week.

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 meeting of the Agricultural Security Advisory Board of Upper Milford Township on Wednesday, July 6th, 2016 at 7:30 P.M. at the Township's Municipal Office, 5671 Chestnut St, Old Zionsville, PA. The purpose of the meeting will be to discuss properties proposed for inclusion into the Upper Milford Township Agricultural Security Area.

PUBLIC INPUT:

Resident, Phil Vanim (4961 Wendi Drive West) summarized his request for Special Fire Police assistance at the Wheels of Time event, of which he is a member. He commended the Special Fire Police with their past assistance at controlling the intersection of Ramer Road/Chestnut Street and Buckeye Road/Chestnut Street. He also raised concerns of unsafe activities occurring during the Wheels of Time event along Buckeye Road, between Chestnut Street and Tank Farm Road.

Manager DeLong asked if the Wheels of Time committee have considered writing a letter to the Pennsylvania State Police regarding the unsafe activities occurring during the Wheels of Time event.

Phil Vanim clarified that they have reached out to the Pennsylvania State Police in prior years and they will be contacting them again this year.

Supervisor DeVault clarified that the Township received a letter a couple weeks ago from the Borough of Macungie requesting Special Fire Police for various events throughout the summer, including the Wheels of Time event.

Citizen's Fire Company Chief, Joseph Sherman clarified that Station 28 was not included in that request letter for Special Fire Police from the Borough of Macungie.

MOTION:

Supervisor Sentner made the motion to authorize Station 28's (Citizen's Fire Company) Special Fire Police for the dates listed on the May 11, 2016 letter from the Borough of Macungie, as long as they are willing and able to assist. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

Phil Vanim also raised concerns regarding the pending referendum. He is concerned that no sunset provision is proposed, no financial plan exists, and no target properties have been discussed. He doesn't feel that development is breathing down the neck of the Township. He hasn't seen activity in the fee-in-lieu-of collection since 2010, which indicates a lack of development. He believes that the Township will be in the real estate business if the referendum passes.

Supervisor Sentner clarified that the Board is proposing a referendum, which allows for the residents to voice their opinion at the polls. The Board isn't pushing anything through.

Supervisor DeVault thanked Phil Vanim for his comments.

Resident, Melissa Kirchner (4511 Queens Lane) asked for a status update on the Township's actions against the Sarvers.

Resident, Laura Gouldy (4558 Queens Lane) expressed her opposition to the proposal of soccer fields at Churchview Park. She also shared additional information that she found online regarding Meadowbrook Farms, specifically listing camping activities. She also expressed her complaints of the loud music being played during the wedding events. Recently, the loud music gave her daughter a migraine headache.

Supervisor DeVault assured the residents that the Township is not taking anything lightly. He clarified that the Township Solicitor will update everyone on the status of the Township's actions against the Sarvers later in the meeting.

ACCEPTANCE OF MINUTES:

June 2, 2016 Workshop and Regular Meeting Minutes

MOTION:

Supervisor Sentner made the motion to accept the June 2, 2016 Workshop and Regular Meeting Minutes. Supervisor DeVault 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. **15683** to **15722** in the amount of **\$68,647.34**

PAYROLL FUND:

PLGIT XXXX7015 – Check No. **7336** in the amount of **\$96.56**

STREET LIGHT FUND:

PLGIT XXXX7125 – Check No's. **1275** to **1276** in the amount of **\$2,324.96**

ACKNOWLEDGEMENT OF BANK TRANSFER(S):

Transfer No. 2016-034 to 2016-039

MOTION:

Supervisor Sentner made the motion to pay the bills as read and acknowledge the bank transfers. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

OLD BUSINESS: None

NEW BUSINESS:

1.) Acknowledgement of Ms. Donna Reidenhour & Mr. David Hill to the Citizen's Fire Company Special Fire Police.

a. Memo from Treasurer, Jessi O'Donald, dated June 16, 2016.

MOTION:

Supervisor Sentner made the motion to acknowledge Ms. Donna Reidenhour & Mr. David Hill to the Citizen's Fire Company Special Fire Police. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

SOLICITOR'S REPORT:

1.) Ordinance No. 147

a. Providing for a referendum question to be placed before the Electors of Upper Milford Township at the November 8, 2016.

Solicitor Fisher briefly summarized Ordinance No. 147.

MOTION:

Supervisor Sentner made the motion to adopt Ordinance No. 147. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

DEP MODULES / SEWAGE PLANNING: None

PLANNING COMMISSION – OLD BUSINESS: None

PLANNING COMMISSION – NEW BUSINESS: None

SUBDIVISIONS – IMPROVEMENTS: None

CORRESPONDENCE:

Supervisor DeVault read a letter from the Emmaus Ambulance Corps to the attention of Citizen's Fire Company, dated June 3, 2016, in which Citizen's Fire Company was commended for their efforts during an incident on May 28, 2016.

EXECUTIVE SESSION: None

OTHER ISSUES:

Solicitor Fisher summarized the recent actions that the Township has taken against the Sarver's and their use of a wedding venue on their property. He also clarified the updated agreement that has been created. The proposed agreement, which was earlier agreed to by the Sarvers, was brought before the Board for their consideration. The agreement includes the following: 1.) *The aforementioned recitals are incorporated herein as fully as though the same were set forth herein at length.* 2.) *The Sarvers are allowed to use the Property for a wedding reception on June 18, 2016 for no more than one hundred and thirty (130) guests; and a wedding reception on September 3, 2016 for no more than one hundred (100) guests. With respect to each of these events, all parking must be conducted on-site in accordance with the current PennDOT Highway Occupancy Permit limited to twenty-five (25) round trips per day. In addition, guests who do not park on-site must arrive and depart the Property via a shuttle bus. A private security firm must be engaged to service the event which will, among other things, enforce the parking requirements and prevent guests from parking on any public road or in any surrounding neighborhood. Finally, a band or DJ is allowed for each event; however, all amplified music must cease no later than 9:30 p.m.* 3.) *Other than the above, no other commercial event can be held until the Sarvers receive a zoning use permit(s) or appropriate zoning relief is granted, and all Building Code requirements are permitted, necessary renovations are implemented and met, and certificates of occupancies allowing the use of the onsite facilities and buildings are issued.* 4.) *In the event that the Sarvers conduct commercial events on any date*

other than that set forth in Paragraph 2 above or violate any condition set forth in Paragraph 2, the Sarvers agree that in the event that the Township institutes litigation which may include seeking injunctive relief, that they will not oppose any relief sought by the Township and shall reimburse the Township for all legal fees and expenses incurred related to that litigation. 5.) Simultaneous to their execution of the Agreement, the Sarvers agree to reimburse the Township in the sum of one thousand (\$1,000.00) dollars to cover the Township's costs incurred to date in enforcing its Ordinances and in preparing this Agreement. 6.) The Sarvers hereby release the Township, its Board of Supervisors, employees, attorneys, insurers, and other agents from any and all liability arising out, or related to the conducting of on-site events at their Property and any matter related to the subject matter of the Agreement. The Sarvers further agree to indemnify and hold harmless all of the foregoing entities or persons in the event of personal injury or property damage, and agree to be solely responsible for any such damages or injuries, and to defend all of the foregoing entities or persons and be responsible for all of their legal fees and expenses incurred. 7.) By entering into this Agreement, the parties agree that the terms of this Agreement shall not be precedential for any purpose whatsoever, (even if not executed by the parties) and cannot be used as the basis for the Sarvers securing any subsequent relief anywhere, including in any judicial or administrative forum. The parties further agree that they are entering into this Agreement as a result of a compromise of their respective positions recognizing the uncertainty of legal relief, the delay in securing in legal relief, the hardship to those who may already have entered into contracts with the Sarvers, to avoid additional fees and expenses that may be incurred, and to minimize any harm to the neighbors of the Sarvers. 8.) Within thirty (30) days of the date of this Agreement, the Sarvers shall pay the Township a fine in the total amount of \$2,500 with respect to the activities described in paragraph 2 above and all prior events held at the Property, and the Township agrees not to seek any additional fines with respect to such activities and events. 9.) The Sarvers agree that they will not file a legal action for defamation based upon any statements made at the May 19, 2016 meeting the Township's Board of Supervisors. 10.) This Agreement may be executed in multiple counterparts and facsimile signatures shall be considered as originals.

Supervisor Sentner asked what happens if the Sarvers hypothetically break the agreement.

Solicitor Fisher answered that the Sarvers would be subject to whatever the court decides to do to them.

Laura Gouldy shared information of upcoming events proposed at the subject property that aren't listed on within the agreement.

Solicitor Fisher clarified that the information was dated and has since been removed by the Sarvers.

UMT property owner, Paul DeWire (6531 Vera Cruz Road South) asked if the injunction is still proceeding, given the proposed agreement. He asked the Township to continue the injunction.

Solicitor Fisher clarified that the injunction would be dropped, but a date for that to occur has not been discussed.

Melissa Kirchner asked if the September 3, 2016 event is a five (5) day event or only a one (1) day event.

Solicitor Fisher clarified that the subject event is one (1) day.

Supervisor Sentner reminded the audience that the Zoning Officer is very limited in what he can do due to the legal process and his limited authority permitted by State law.

UMT property owner, Kimberly DeWire (6531 Vera Cruz Road South) asked if the agreement can include that the Sarvers agree to give up their right to appeal.

Solicitor Fisher clarified that the proposed agreement isn't affected by any potential appeal made by the Sarvers.

MOTION:

Supervisor Sentner made the motion to enter into the agreement with the Sarvers, as outlined by the Solicitor in his report. Supervisor DeVault seconded the motion. Any questions or comments, all were in favor, and the motion carried unanimously.

Supervisor DeVault summarized that the Sarvers recently went before the Zoning Hearing Board seeking approval for a Bed and Breakfast use at their property. They received approval, but with many specific conditions.

Resident and Western District Firefighter, Mike Kline asked if the Bed and Breakfast use will be required to have a commercial fire alarm that automatically dials out to the fire departments.

Supervisor Sentner clarified his understanding that the use has to meet R-1 Building Code requirements, which doesn't include a full commercial fire alarm system.

REPORTS:

Emmaus Library: Ms. Lisa Marten announced that the 2016 Summer reading program will begin on June 20th and will end with a show of wild birds on August 20th. The Library has multiple copies of the books for the East Penn Summer Reading Program. She also mentioned that Library attendance is increasing.

Township Emergency Management Coordinator, Bill Stahler: None

Resident and Executive Director of the American Red Cross of Lehigh Valley/Bucks, Mr. Peter Brown (4558 Queens Lane) commended Citizen's Fire Company for assisting the American Red Cross in educating the residents in fire safety and installing 124 smoke alarms throughout the Township. As a resident he was very proud of their service.

Resident, Joyce Moore (4296 Glenwood Drive) asked what constitutes an old smoke alarm and at what point do they become ineffective.

Peter Brown clarified that a traditional nine (9) volt smoke detector can last forever if properly cared for. Newer lithium smoke detectors are recommended to last ten (10) years.

Fire Companies: Citizen's Fire Company Chief, Joseph Sherman clarified that information on acquiring free smoke alarms is available at the Township.

Recreation Commission: None

Fire Company Steering Committee:

1.) Summary of June 13th Meeting

Asst. Manager, Haas summarized the June 13th meeting of the Steering Committee.

Supervisors:

George DeVault – Indicated no report.

Daniel Mohr – Absent from meeting.

Robert Sentner – Announced that Tyler Stone and Justin Haman have completed Fire 1 training and will be graduating next week. They should be congratulated for their accomplishment (audience applauded).

Township Manager:

Dan DeLong – Indicated no report.

ADJOURNMENT: 8:40 P.M.

George D. DeVault, Chairman

Date

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