

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
September 7, 2017 at 7:00 p.m.
WORKSHOP MEETING MINUTES

ATTENDANCE: Supervisors, George DeVault, Daniel Mohr, Robert Sentner; Manager Daniel DeLong; Assistant Manager Bud Carter; Solicitor Marc Fisher; Planning Coordinator, Brian Miller; Secretary/Treasurer, Jessi O'Donald; Township Engineer, Jeffery Ott

Meeting was called to order at 7:00 pm

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.

EXECUTIVE SESSION: - The Board of Supervisors held an executive session from 7:01 pm to 7:27 pm for Real Estate and Legal Matters.

PUBLIC INPUT:

-Robert Dennis of 4932 South 5th Street spoke about the logging permit issued for 4930 South 5th Street. He stated he was still concerned with how the permit could be issued without answers to his questions. He also mentioned that he couldn't find any evidence that the forester on the logging permit was a registered forester.

- Jane Leary stated she was trying to settle on a home at The Fields at Indian Creek but was now living in a hotel for two weeks since the Township ordered the cease and desist order. That order prevented the developer from obtaining the Occupancy Permit for her house. She asked what the resolution is and when she would be receiving her certificate of occupancy.

-Supervisor DeVault stated he was empathic. He was glad so many were in attendance so they can understand what is going on. He explained that the first thing in their job description is the health, safety and welfare of the residence.

-Debi Mjaatvedt stated that there were 13 families represented at the meeting tonight from the Fields at Indian Creek.

-William Bedics of Gentlewind Way expressed his concern over the mail pick up arrangement at the Emmaus Post Office. He was very concerned to hear they may not have mail delivery for 2 years.

-Martin Lauer asked when permits will be given out for new houses. He is waiting to have a home built in the Fields at Indian Creek.

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OLD BUSINESS:

- 1.) 4245 Shimerville Road Property Sale
 - a. Memo from Manager Dan DeLong

Manager DeLong's memo stated there are several interested parties for the Mill Road property. He recommended the Board authorize staff to re-advertise for sealed bid so those interested parties have an equitable way to submit an offer to the Board for purchase of 4245 Shimerville Rd.

MOTION: Supervisor Sentner made a motion to have staff re-advertise 4245 Shimerville Road for sealed bid. Supervisor Mohr seconded the motion. Any questions or comments, all were in favor, motion carried unanimously.

NEW BUSINESS: None

ANY OTHER BUSINESS: -

MOTION: Supervisor DeVault made a motion to approve an agreement between the Township and The Fields at Indian Creek, LLC (Kay Builder's) that was presented to Solicitor Fisher to lift the cease and desisted order for the Fields at Indian Creek.

Solicitor Fisher addressed the audience. He explained that presented to the Board of Supervisors was an agreement between Kay Builders for The Fields at Indian Creek and the Township. The History of these agreements is that an agreement in 2016 conditionally approved phase 1. At that time the developer set dates for completion of Access Road 1, Bridges and Clubhouse. In 2017 there was an agreement for Phase 1B and 2, also setting completion dates by the developer. As these dates approached Township Staff reminded the developer of the completion of these items as set forth within the agreement. The Developer did not complete Access Road 1 by their chosen date and was granted an extension until August 2nd, 2017. Access road 1 was not completed as set forth in the agreement and confirmed not completed by the Township Engineer as of August 2nd. At the Board of Supervisor's meeting August 3rd, 2017 the Board, concerned with the welfare and safety of the residence of the Fields at Indian Creek chose to hold the developer to the predevelopment agreement by issuing a cease and desist order for Phase 1B and 2 as well as not issuing any further Occupancy Permits until such time as the Access Road was complete.

The agreement before the board lists several items that the developer has agreed to address.

1. Pave the access road, widen and sign the entrance as well as place reflective cones to prevent use other than emergency access as required by the plan. Provide a clear sight line and widening at the entrance to Chestnut St., as well as create a durable stone surface on the unpaved portion of Daylily Dr. Improve and grade access road 2 to a durable stone surface.

The Board is willing to consider this agreement even though not everything is completed to the Supervisor's satisfaction or to the Township Engineers Satisfaction.

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2. Township will not withhold building or occupancy permits for the community center that is agreed to be completed by May 1 2019.

3. Bridges were to be completed in July 2017, they are not completed and permits are still being secured from DEP. The new completion date is May 1, 2018.

4. Developer is ending his law suits with prejudice. The residents cannot come back to the Township for losses as we have agreed these are the Developers concern.

The Township will now lift the cease and desist order and will be issuing building and occupancy permits.

Nothing in this agreement restricts the Township from enforcing any other portion of any agreement with the developer

-Tony Deutch. Asked what the recourse in the future if the developer doesn't follow the agreement. He also asked if the Township has notified the Pennsylvania State Police map of the developments.

-Solicitor Fisher responded that the Township will be within their right to follow the same course if not more.

-Anthony Suglia asked if the fire department was aware of the development. The fire Company has done training within the development. The mapping and address assignments have been shared with all emergency services.

-Debi Mjaatvedt asked if the bridges referenced are the pedestrian bridges.

-William Bedics is concerned that the mail situation will not change for another two years. He also questioned the traffic light timing at Allen Street as well as the intersection of Route 29/Cedar Crest Blvd and Indian Creek Road.

-Manager DeLong stated that the traffic light at Allen Street was scheduled to coordinate with the route 29 bridge replacement which the Township has been told by PennDOT is schedule for construction in 2019.

-Solicitor Fisher suggested that the members of the media present may be interested in the concerns of the residents.

-Resident at Gentlewind Way. He spoke to the Post Mistress. She received more address assignments for The Fields at Indian Creek. Post Mistress has asked her district for permission for external boxes on a concrete slab.

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MOTION: Supervisor Mohr reluctantly seconded the motion to approve the agreement between The Fields at Indian Creek LLO (Kay Builders) and Upper Milford Township as presented by Solicitor Fisher. Any questions or comments, Supervisors DeVault and Mohr reluctantly approved the agreement while Supervisor Sentner was opposed, motion carried.

Supervisor Sentner expressed that with all of the residents' concerns with the Fields at Indian Creek they should attend the Planning Commission meetings to have their input heard for phases 3, 4 and 5.

ADJOURNMENT: Meeting was adjourned at 805 pm.

Chairman George DeVault

09/21/2017
Date

Secretary/Treasurer Jessi O'Donald