

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
July 5th, 2018 at 7:30 P.M.
REGULAR MEETING MINUTES

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

Meeting called to order at 7:30 pm.

Pledge of Allegiance to the flag.

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 Upper Milford Township Board of Supervisors held an executive session for personnel matters from 7:31 pm until 7:35 pm.

PUBLIC INPUT:

Paul Linde – Mr. Linde expressed concern about the new fireworks regulations. He received a newsletter from Justin Simmons Office and would like to express that the new regulations are not strict enough. He was told the noise Ordinance was a Township responsibility. He is asking for some controls for time frame, debris control and fire hazard concerns.

There was a brief discussion about the ability to enforce noise control and timing.

Domain Pterion - O'Rourke – St. Peter's Rd - Dan and Elizabeth O'Rourke. They planted a vineyard that is now in its fourth year. He is concerned since they have tried to get a permit for a storage building to process the grapes and have been denied the permit.

Supervisor Sentner commented that he reached out to Mrs. O'Rourke after she sent out a Facebook post. He is concerned that there may be miscommunications or that someone is not understanding what needs to be done. He said that the permit was denied due to a determination by the Zoning Officer.

Mrs. O'Rourke stated that winery was a permitted use under agriculture section of the Ordinance and she doesn't feel that she should need a special exception. They want to have a place the community can come to. She wants to create a community feeling and they have placed their life savings into this historic farm.

Supervisor Sentner stated that one of the concerns is the Township needs to be able to control the growth so we don't end up with the concerns that some of the neighboring municipalities have dealt with. If the Special exception was done it would eliminate or confirm the

determination of the Zoning Officer. The Township needs to have agritourism in the Ordinance. Residents have supported the direction of land and farm preservation.

Attorney Jim Preston – Stated that the Ordinance states that crop farming in the Ordinance states winery but the denial letter that Zoning Officer wrote didn't have the winery definition. His client is stuck and they are in a position right now that they need to harvest their crop.

Manager Carter stated that the building was discussed in a September 2017 letter from the Zoning Officer.

Mr. O'Rourke stated that the special exception was not a part of that meeting. He expressed that they want to do this correctly, but they need to harvest their grapes this year as they cannot sell the grapes due to the requirements of the quarantine zone with the Spotted Lantern Fly. Mr. O'Rourke discussed Pennsylvania Right to Farm and ACRE.

Supervisor Sentner said at this point is all comes back to the Special Exception.

Solicitor Fisher explained they can seek an interpretation or Special Exception. The bottom line is they started the process prior. Even if no one in the room agrees with the interpretation no one in the room can over turn his determination of the Zoning Officer.

Attorney Preston explained that in this case his client can submit a Mandamus to make the Board of Supervisors and the O'Rourke's parties to the concern so they can rectify the situation due to the financial hardship of loosing the crop.

Nathan Yoder expressed that if he wanted to put up a building he would have to meet all of the Zoning laws.

Supervisor Moore asked when the Zoning Officer's decision was known to the O'Rourke's. Manager Carter listed dates of September 19th 2017 and June 28th 2018.

Supervisor Moore expressed that the supervisors are guided by the Solicitor.

Jim Keller, Houstin Lichtenwalner, Mary Rumsfeld, Kerry Panetero, Brandon Erdman, Diane Nathan Yoder, Diane Fleming, Phil Casey added to the discussion with regard to farm law, examples of subdivision hurdles, government over reach, suggestions of recording all staff discussions with residents, Deer concerns due to fencing around the O'Rourke farm, how deer have always been an issue regardless of fencing, character references for the O'Rourke's and their desire to have the O'Rourke's build their winery appropriately.

Solicitor Fisher asked what exactly will be done in the building. Mr. O'Rourke explained that they will be washing, crushing, fermenting of the grape crop. In discussion it was stated that bottling and packaging are part of a winery.

It was clarified that even if the decision is changed they would still need their HOP and Stormwater to be able to put up their building.

Kevin Casey – Expressed that he also had trouble with zoning concerns when building his house. He supports the winery. He asked for Clarification on what the process is for Zoning.

Supervisor Mohr explained that the supervisors are the legislative branch and Zoning Officer is the appointed zoning official and the zoning hearing board is the judicial branch. If someone doesn't agree with the Zoning officer they have the ability to appeal to the Zoning Hearing Board.

It was determined that the O'Rourke's would proceed with which path their Attorney counseled as appropriate but that they could make the deadline for the next zoning hearing board for an Interpretation or Special Exception.

Dean Marks – Mr. Marks wanted to let the Township know how well Victory Valley Camp was prepared for an emergency. Hereford Fire Company was called out to mutual aid Western District Fire Company for a car fire at Victory Valley Camp. He was impressed that when they arrived, there were staff members with radios directing the responders at each turn. He was impressed to find this is something the practice each Monday of their camp season so they are prepared for an emergency. He was glad they had this in place. He wanted to make sure the Township knew they did such a good job with their preparedness.

ACCEPTANCE OF MINUTES:

Approval of the June 21st, 2018 Workshop and Regular meeting minutes.

MOTION: Supervisor Sentner made a motion to approve the June 21st 2018 workshop and regular meeting minutes as presented. Supervisor Moore seconded the motion. Any questions or comments, all were in favor, motion carried.

APPROVAL OF PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7096 - Check No's. **17625 to 17665** in the amount of **\$171,348.29**

PAYROLL FUND

PLGIT XXXX7015 – Check No. **7370** in the amount of **\$128.22**

STREET LIGHT FUND

PLGIT XXXX7125 – Check No. **1326** in the amount of **\$2,244.15**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No. 2018-049

MOTION: Supervisor Moore made a motion to pay the bills as read and acknowledge the bank transfer. Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, motion carried.

SOLICITOR'S REPORT: - No Report

OLD BUSINESS:

1.) Traffic Concerns – Mill Rd and Shimerville Rd

Planning Coordinator Brian Miller discussed the traffic count findings for Shimerville and Mill Roads. The traffic study he performed on Mill Rd found that the speeds posted were appropriate

for the roads. He will follow up with the residents that expressed concerns. Mill Rd came in at 548 trips at 85th percentile was 37 miles per hour. For Shimerville Rd speed limit questions. Manager Carter looked into this and it is posted correctly. He did ask State Police to patrol more often. Shimerville Rd will get Traffic counts so we have data prior to the Rt 29 bridge is started.

Planning coordinator Brian Miller will follow up with concerned residents.

NEW BUSINESS:

- 1.) Authorization to hire for the Office Assistant Position.
 - a. Memo from Manager Bud Carter

Memo from Manager Carter recommended hiring K.W. from Allentown to the Office Assistant Position full time for \$18.00 with the terms stated in his offer letter dated June 28th, 2018 with full name to be announced at the August 2, Board of Supervisor's meeting.

MOTION: Supervisor Moore made a motion to authorize the hiring of K. W. who's name will be announced at the August 2nd Board of Supervisors meeting, to the full time position of Office Assistant per the terms of offer letter dated June 28, 2018 for \$18.00 per hour. Supervisor Sentner seconded the motion. Any questions or comments, all were in favor, motion carried.

- 2.) Authorization to proceed with Optional Dental Plan Coverage
 - a. Memo from Secretary/Treasurer Jessi O'Donald

Memo from Secretary/Treasurer Jessi O'Donald discussed the information for the Option Dental plan through United Concordia, administered through Benecon. The employees interested in the plan opted for Option 1 the 2018 rate of \$23.53 per month for employee only and \$72.90 per month for employee plus family. Authorization was asked for to complete the enrollment process for those employees interested.

MOTION: Supervisor Sentner made a motion to authorize the voluntary enrollment of employees into the Dental Plan Option 1 with Concordia United through Benecon with premiums paid through payroll deductions. Supervisor Moore seconded the motion. Any questions or comments, all were in favor, motion carried.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS: - None

SUBDIVISIONS – IMPROVEMENTS: -

- 1) Security Release Number 5 – Fields at Indian Creek
 - a. Letter from Township Engineer Jeffery Ott

MOTION: Supervisor Moore made a motion to approve security release 5 for the Fields at Indian Creek for the amount of \$326,972.21 in accordance with the letter from Township Engineer Jeffery Ott's letter dated June 29, 2018. Supervisor Mohr seconded the motion. Any

questions or comments, Supervisor's Moore and Mohr were in favor, Supervisor Sentner abstained, motion carried.

CORRESPONDENCE: - None

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator:
Deputy Jim Krippe - No Report –not present

Emergency Services Call Report: Report posted on website

Fire Companies: LCA locked fire hydrants and failed to notify the fire companies or the Township. When this was addressed with LCA they immediately unlocked them. The locks will go back on at some point and lock keys have been given to the Township. It was mentioned that keys should be requested for surrounding mutual response companies as well.

Emmaus Library: No Report

Recreation Commission: No Report

Supervisors:

Robert Sentner – He would like to direct staff to invite farmers, etc. to give input for the Zoning Ordinance revision and would like this process started sooner rather than later.

Joyce Moore – She requested that we look into a fireworks Ordinance to help with enforcement of the State's new fireworks regulations.

Daniel Mohr – PSATS has also stated that the municipalities need to support the Right To Farm Act better.

Township Manager:

Bud Carter – No Report

ADJOURNMENT: Meeting adjourned at 9:08 pm.

Chairman Daniel Mohr

July 19, 2018
Date

Secretary/Treasurer Jessi O'Donald