

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
September 5<sup>th</sup>, 2019 at 7:30 P.M.  
REGULAR MEETING MINUTES

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**ATTENDANCE:** Supervisors: Robert Sentner, Joyce Moore, Daniel Mohr; Township Manager, Edward Carter; Solicitor Eric Strauss; Planning Coordinator, Brian Miller; Secretary/Treasurer Jessi O'Donald

Meeting called to order at 7:31 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.

**PUBLIC INPUT:**

David Klauder – 7821 Corning Rd - He expressed a concerns about noise and safety from his neighbor of 16 years. His concern is for high volume of noise and safety of himself and his wife when coming and going from their property. They are the third house on a shared driveway and the neighbor is the second house. The neighbor drives his Backhoe and other large equipment up and down the driveway at all hours of the day and evening along with very loud music. The neighbor often blocks access to the drive with his equipment. The neighbor has also threatened him and the police have been called. They have come to the township to see if it is possible to enforce the noise ordinance.

After several minutes of discussion it was noted that the construction equipment is not enforceable by the noise portion of the Township Ordinance.

Timothy Watkins – 7747 Corning Rd - Mr. Watkins confirmed that the noise from the music is so loud he can hear it with his TV on inside his house which is the opposite side from the neighbor of concern. Mr. Watkins stated that the neighbor actually takes the Backhoe onto the lane and then sits in front of 7821 Corning Road and bangs the bucket on the ground. By the time the police arrive the neighbor is done and has put away his equipment. Mr. Watkins had his own property resurveyed and pinned. His neighbor had told him there was a 30 foot easement. The neighbor of concern has placed dirt and dug drainage that was never permitted on property that is owned by Mr. Watkins. With the survey it was found that there was no easement.

Dean Marks – 7747 Corning Rd – Mr. Marks asked if a pond installation would need approvals. He stated that the neighbor of concern has installed a large pond and redirected a water course. He also stated that the neighbor is question has been digging in the creek bed along Batman road with heavy equipment as well. The neighbor installed a pipe around a utility pole and directed all the water right out to the street. Mr. Marks was told to call Lehigh Conservation District about the pond.

There was a discussion with the room, it was suggested that the neighborhood get together and contact a lawyer to see what rights they have and what options they have to resolve the concern with the neighbor and how to protect themselves. It was discussed who owns the lane and what agreement was set up for the neighbors per their deeds as to who owns the lane along with how it was to be maintained. Solicitor Strauss recommended they have a title search to see what responsibilities they each have in regard to the lane. This is really a civil matter. The Township doesn't even have the authority to issue fines to enforce Ordinances. The Township has to follow procedures set within the Ordinances and then take the offender to the magistrate. The Magistrate sets the fines and decided what to enforce and what not to enforce. Planning Officer Brian Miller offered to do the deed research.

Tony Green – 7765 Corning Rd – He said that the radio from the neighbor is so loud that he can hear it 200 yards away inside his home. He has asked the neighbor politely and has been yelled at for talking to the other neighbors.

Phil Casey – asked what the neighbor of concerns name was. The Board responded that they would not reveal the name.

Cheryl Klauder – 7821 Corning Road – said that the neighbor blocks her from returning home with the Backhoe in the lane. She stated she did not feel safe.

#### **ACCEPTANCE OF MINUTES:**

Approval of August 1<sup>st</sup>, 2019 Workshop and Regular meetings minutes (Mohr/Sentner)

**MOTION:** Supervisor Sentner made a motion to accept the workshop and regular meeting minutes for August 1<sup>st</sup> as presented. Supervisor Mohr seconded the motion. Any questions or comments, Supervisor Sentner and Mohr were in favor, Supervisor Moore Abstained, motion carried.

Approval of August 15<sup>th</sup>, 2019 regular meeting minutes (Mohr/Moore)

**MOTION:** Supervisor Moore made a motion to accept the minutes for August 15<sup>th</sup> regular meeting as presented. Supervisor Mohr seconded the motion. Any questions or comments, Supervisor Moore and Mohr were in favor, Supervisor Sentner abstained, motion carried.

#### **APPROVAL OF PAYMENT OF BILLS:**

##### **GENERAL FUND:**

PLGIT XXXX7096 - Check No's. **18704 to 18751** in the amount of **\$51,455.42**

##### **STREETLIGHT FUND:**

PLGIT XXXX7125 – Check No. **1341** in the amount of **\$2,219.30**

##### **ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer No. **2019-068 to 2019-072**

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

**SOLICITOR'S REPORT: -**

PUBLIC HEARING: Resolution 2019-029 - O'Rourke ASA

PIN No. 548209294810 1 5001 Mountain Rd with 25.1 acres

PIN No. 547298994164 1 6501 Saint Peters Rd with 33.7927 acres

a. Letter from Planning Coordinator Brian Miller

Both the Planning Commission and the Agricultural Security Area Board have made favorable recommendations to add the Dan & Elizabeth O'Rourke properties at 5001 Macungie Mountain Rd. & 6501 Macungie Mountain Rd. to the Upper Milford Agricultural Security Area.

The properties meet all the ASA requirements for inclusion, the properties were posted as required & the modification to the ASA Area and the Public Hearing has been advertised for this evenings meeting as required. The Township has received no comments from the public.

Solicitor Strauss Opened the Public Hearing at 8:02 pm and closed it at 8:05 pm hearing no public input. The Resolution 2019-027 for the inclusion of above parcels into the Agricultural Security Zone is now before the Board of Supervisors for their adoption.

**MOTION:** Supervisor Sentner made a motion to adopt Resolution No. 2019-027 to include 5001 Mountain Rd and 6501 Saint Peters Rd into the Upper Milford Township Agricultural Security Area. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1.) Approval for Part Time Parks Help
  - a. Memo from Manager Bud Carter

Within the 2019 budget there is funding for part time sessional park help. At this time I would ask the board to approve Art Mohr to this positions at an hourly rate of \$11.00 per hour.

**MOTION:** Supervisor Sentner made a motion to hire Art Mohr as part time parks help per Manager Carter's memo dated September 9<sup>th</sup>, 2019. Supervisor Moore seconded the motion. Hearing no comments or questions, Supervisor Sentner and Moore were in favor, Supervisor Mohr abstained, motion carried.

- 2.) Speed Tracking equipment discussion –signs/trailer
  - a. memos from Office Assistant Kyle Walbert

I received quotes from three different companies for speed radar signs. The three companies are ElanCity, Kustom Signals Inc., and MPH Industries. Please see the attached quotes for prices. Each company has different prices depending upon features. I received quotes for similar size and style signs. These signs are mountable to any type of pole and can be moved to different locations as long as there is a pole available. They all have Statistic recording software. At this time we recommend purchasing 1 unit from ElanCity for the amount of \$3450.00. ElanCity also offers a discount if you purchase two at the same time \$5829.00.

There was a brief discussion about locating and installation ability between the signs and a trailer, along with the statistical information capability.

**MOTION:** Supervisor Sentner made a motion to purchase one (1) speed sign from ElanCity for the quoted price of \$3,450.00. Supervisor Moore seconded the motion. Hearing no comments or questions, all were in favor, motion carried.

Secretary/Treasurer Jessi O'Donald ask the Board for permission to purchase the speed sign out of the Capital Equipment fund. Supervisor Moore asked about the life expectancy of the sign. It was determined that the sign would last longer the requisite five (5) years for a capital expenditure.

**MOTION:** Supervisor Sentner made a motion to allow the Speed Sign to be purchased from the Capital Equipment Fund. Supervisor Mohr seconded the motion. Hearing no comments or questions, all were in favor, motion carried.

**DEP MODULES / SEWAGE PLANNING:** - None

**PLANNING COMMISSION – OLD BUSINESS:** - None

**PLANNING COMMISSION – NEW BUSINESS:**

- 1.) Lower Milford Zoning Amendment
  - a. Letter from Planning Coordinator Brian Miller

As required by the Southwestern Lehigh County Comprehensive plan agreement, the Planning Commission received and reviewed the official notice of the proposed amendment to the Lower Milford Zoning Map and Zoning Ordinance at their meeting on 9/3/19. The details for the proposed amendment to their zoning ordinance is attached in a letter dated 7/25/19 from Zachary Cooperman at Lower Milford Township. The Planning Commission recommends the Board of Supervisors thank Lower Milford for the chance to comment on the amendment and notes that the amendment appears to be consistent with the Southwestern Lehigh County Comprehensive Plan. If you have any additional comments or concerns please let me know.

**MOTION:** Supervisor Sentner made a motion to thank Lower Milford Township for the opportunity to review their zoning map change. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**SUBDIVISIONS – IMPROVEMENTS:** -

- 1.) Approval – Time Extension request for Avicenna Health
  - a. Letter from Dr. Ahmed

In light of the future road widening project of PennDOT, directly effecting our medical office at 3835 Chestnut Street, Emmaus, Avicenna Health LLC would like to request the Upper Milford Township to grant us an extension till the PennDOT projected completion time of December 2021, for the necessary improvement as agreed to in the Land Development Agreement. Please note that First Northern Bank Trust has already issued a letter of credit valid till September 11, 2020 for the said improvements. We will request the bank to issue an updated letter of credit valid till December 2021.

**MOTION:** Supervisor Sentner made a motion to grant the Time Extension as requested by Dr. Ahmed of Avicenna Health until December 31<sup>st</sup>, 2021. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

2.) Improvements agreement for FIC Phase 4&5

The Improvements Agreement for Kay Builders phase four and five is before the Board this evening for approval. This agreement is signed by Kay Builders and has been thoroughly gone over by staff and solicitor.

**MOTION:** Supervisor Sentner made a motion to approve the Improvements Agreement for Kay Builders Phase 4 & 5. Supervisor Moore seconded the motion. Hearing no question or comments, all were in favor, motion carried.

3.) Approval – Release of Credit for Stone Ridge Estates  
a. Letter from township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated August 22, 2019, we the undersigned hereby certify that the improvements required in connection with Stone Ridge Estates, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of Forty-Six Thousand Nine Hundred Thirty-Three Dollars and Fifteen cents (\$46,933.15), in accordance with the Subdivision Improvements Agreement dated June 15, 2017. This certificate authorizes Univest Bank & Trust Company to reduce said amount namely Forty-Six Thousand Nine Hundred Thirty-Three Dollars and Fifteen cents (\$46,933.15) to owner or such other person as said owner shall designate. This authorization shall not be construed as final acceptance of improvements made to date.

**MOTION:** Supervisor Moore made a motion to approve credit release number 8 for Stone Ridge Estate per township Engineer Jeffery Ott's letter dated September 4<sup>th</sup>, 2019. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

4.) Approval – Release of credit for Fields at Jasper Ridge  
a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated August 22, 2019, we the undersigned hereby certify that the improvements required in connection with Jasper Ridge, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of Three Hundred Sixty-Six Thousand, Six Hundred Thirty-Seven Dollars and Twenty One Cents (\$366,637.21), in accordance with the Subdivision Improvements Agreement dated August 7, 2018. This certificate authorizes the Peoples Security Bank & Trust Company to reduce said amount, namely Three Hundred Sixty-Six Thousand, Six Hundred Thirty-Seven Dollars and Twenty-One Cents (\$366,637.21) to owner or such other person as said owner shall designate. This authorization shall not be construed as final acceptance of improvements made to date.

**MOTION:** Supervisor Moore made a motion to approve credit release number 4 for Fields at Jasper Ridge per township Engineer Jeffery Ott's letter dated September 4<sup>th</sup>, 2019. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried

**CORRESPONDENCE:** -

- 1.) Letter from Zoning Hearing Board Solicitor John Stover Jr.

Please be advised that I will not be seeking reappointment as Zoning Hearing Board Solicitor for the calendar year commencing January 1, 2020. I have served as Zoning Hearing Board Solicitor since January of 1986 and believe that it is time to wind down my practice and think about retirement.

**MOTION:** Supervisor Sentner made a motion to thank Solicitor Stover for his many years of service to the township and send out a Request for Proposal for a new Zoning Hearing Board Solicitor. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**OTHER ISSUES:** - None

**REPORTS:**

Emergency Services Committee Report: Next meeting September 18<sup>th</sup>, 2019

Township Emergency Management Coordinator:

James Krippe: He will attend the quarterly meeting and the Limerick training on October 22<sup>nd</sup>, 2019

Emergency Services Call Report: No Report

Fire Companies: Station #19 has their Sportsman's drawing on Saturday September 14<sup>th</sup>.

Emmaus Library: No report

Recreation Commission:

- 1.) Recommendation for Fields at Jasper Ridge Park Name
  - a. Memo from Secretary/Treasurer Jessi O'Donald

As the time frame for dedication of the Park at the Fields at Jasper Ridge gets closer. The Recreation Committee has discussed names for the new park. At the July 15<sup>th</sup>, 2019 recreation Committee meeting, it was decided that the Recreation Committee would solicit park name ideas through social media. The names that were submitted are: Arrowhead Park, Kradjel Park, Sanguen Park (Lenape for weasel), Papaches Park (Lenape for Woodpecker), Achtu Park (Lenape for Deer), Jasper Fields, Parry Park. It was found that some of the Lenape words have different meanings in different languages, they are hard to pronounce, also the committee did not feel it is appropriate to name an entire park after one person, due to the fact there are so many people that could be deserving. With that, they would like to recommend the name "Arrowhead Park". They feel that this name is easy to pronounce, easy to spell and that it would be fitting for the area.

**MOTION:** Supervisor Sentner made a motion to accept the name of Arrowhead Park for the park at the Fields at Jasper Ridge when it is dedicated to the Township. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**Supervisors:**

Daniel Mohr – The Homecoming event had rain again this year. The Large Flower heads didn't get to perform at all.

Joyce Moore – No Report

Robert Sentner – Supervisor Sentner asked about the concerns with the Jasper Ridge pump house. Manager Carter said they have all been addressed and Mr. Brokate is waiting on the Specifications for the pump prior to inspection. He is also working on setting up the training. LCA did test the system.

**Township Manager:**

Bud Carter – No Report

**EXECUTIVE SESSION:** -If Needed

**ADJOURNMENT:** Meeting adjourned at 8:29 pm.

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**Chairman Robert Sentner**

**September 19<sup>th</sup>, 2019**  
**Date**

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**Secretary/Treasurer Jessi O'Donald**