

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
August 20th, 2020 Starting at 7pm  
REGULAR MEETING MINUTES

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**ATTENDANCE:** Supervisors: Joyce K. Moore, Daniel J. Mohr, Robert C. Sentner; Manager: Edward Carter; Planning Officer: Brian Miller; Solicitor Marc Fisher; Secretary/Treasurer: Jessi O'Donald

Meeting called to order at 7:00 pm.

Pledge of Allegiance to the flag.

**ANNOUNCEMENTS:**

This ZOOM meeting is being recorded to aid in the preparation of minutes and for other such purposes as the Board sees fit. All participants of this meeting have been muted except for the Board of Supervisors and Township Staff. Public input was collected prior to 4pm this afternoon via telephone call or email and will be read into the minutes.

**PUBLIC INPUT:** Mark Feiertag:

I am emailing you my concerns about the flooding we have had at our shop, Mechanics Plus Towing and Transport on Colebrook Ave. Let me start by bringing to your attention that my business has been located on Colebrook Ave for 12 years. We have experienced flooding 2 years ago and now we flooded twice this year in the last month. There has been a major amount of new land development that has taken place in our vicinity and my business is getting all the run-off water. This has now become a major expense to me personally and to my business.

Due to the fact that myself and my employees have spent time during the rain and flood moving equipment and trucks in my yard as best we could, we have witnessed the water run off coming from the business directly next to me, ESA which was previously Emmaus Bowling Lanes. This business has redone the grading on their property. It is unclear if it has been engineered properly or by professionals. This is in conjunction with the new property development from Mill Road, has made my property a virtual lake during heavy rains. The water rushes down Colebrook and as the lowest lying property it ends up in my yard. The woods next to my property to the left is too saturated to hold water coming from that end as well.

We are requesting some relief from this hardship as we have had cars and equipment in our lot that are not turn-key. These vehicles and equipment are a total loss. We also currently have rental equipment in our yard worth over \$1,000,000 which was ruined and is my responsibility to cover repairs. In the previous flood we had 10 of our own trucks damaged which again, I had incurred the expense.

We are aware of a 7-foot pipe where the stream runs behind our property under the train tracks. This was put in place many years ago for the water to run under the tracks. Clearly it is not accepting the water that now must run through it due to land development. The impervious surface ratio to undeveloped land has changed and there is nowhere for the water to go. Who would be responsible for examining this pipe and

making adjustments to assure that it is adequate to accept the current amount of water flowing in this direction?

This loss has become too great to continue. It is not only the physical loss and expense, but also manpower expense. Every storm my employees and I have no choice but to quickly try to move all the things in the line of water.

I look forward to your response as well as a copy of tonight's minutes regarding a solution that will help ease our burden.

Sincerely,  
Mark Feiertag  
President  
Mechanics Plus Towing & Transport, Inc.

The board and staff had a brief conversation. Staff was directed to do a site visit to see the concerns listed and consult the Township Engineer for the concern of grading at the ESA facility.

**ACCEPTANCE OF MINUTES:**

Approval of August 6<sup>th</sup> Regular meeting minutes.

**MOTION:** Supervisor Sentner made a motion to accept the minutes as presented. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**APPROVAL OF PAYMENT OF BILLS:**

**GENERAL FUND:**

PLGIT XXXX7096 - Check No's. **19608 to 19640** in the amount of **\$59,998.17**

**STREET LIGHT FUND:**

PLGIT XXXX7125 - Check No. **1354** in the amount of **\$2,016.02**

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer No.'s 2020-047 through 2020-052

**MOTION:** Supervisor Mohr made a motion to pay the bills as read and acknowledge the bank transfers. Supervisor Sentner seconded the motion. Hearing no questions or comments, all were in favor, motion carries.

**SOLICITOR'S REPORT:** - No Report

**OLD BUSINESS:** None

**NEW BUSINESS:**

- 1.) Waiver for Well Isolation Distance
  - a. Letter John Kortvely

Grammes Property (Repair) 5750 Indian Creek Rd. Zionsville PA 18092

A well isolation exemption is requested to correct a malfunctioning on-lot sewage disposal system. The required! 100 foot isolation between a private well and a sewage absorption area cannot be met due to site constraints (63' proposed). The system will utilize an Eljen Sandi filter system. (as shown on the plan) 1 PADEP alternate system 2010-007-005 6/2015) (Eljen Sandi filter). The system has been oversized 22%) to (1,760 SF).

This repair will mitigate a surface malfunction./health hazard and improve existing treatment technology (undersize septic tanks and in ground gravel bed). The well isolation waiver is provided by PADEP. 2

**MOTION:** Supervisor Sentner made a motion to approve the well isolation waiver for the repair at 5750 Indian Creek Rd as requested by John Kortvely's letter dated August 10<sup>th</sup>, 2020. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Eagle Scout Project – Bat Houses at Fulmer Preserve
  - a. Scout Project Packet submitted by Grant Hagenbuch
  - b. Memo from Secretary O'Donald

This project focuses on the construction of bat boxes. There will be a total of six bat boxes that will be mounted on three different posts in a double sided configuration. Two bat boxes will be mounted back to back onto each post. The bat box design I plan to use is featured down below. This specific design has three cambers allowing for a great number of bats to occupy the box.

Memo from Secretary O'Donald relayed the recommendation for approval from the Recreation Committee at their August 17<sup>th</sup> meeting. The Recreation Committee was happy to have another project to help the environment.

**MOTION:** Supervisor Sentner made a motion to approve the Eagle Scout project for G. Hagenbuch of bat boxes installed at the Harold G Fulmer III Nature Preserve. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 3.) Resolution 2020-033 - Interim Lehigh County ACT 537 Plan

This is the Lehigh County Authority Interim Act 537 plan. Approval is needed by all participating entities.

**MOTION:** Supervisor Sentner made a motion to approve Resolution No. 2020-033 accepting the Interim Act 537 plan for Lehigh County Authority. Supervisor Mohr seconded the motion. Hearing no 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:** None

## **CORRESPONDENCE:**

### 1.) Email from Wesley Barret of Golf Circle – request for Stop Sign

I would like to request a stop sign where N 2nd St and Golf Cir meet in the township. This is located in the annexed portion of UMT. The sign would go at the very edge of the township line before you enter into LMT. I did confirm on a County map that this is UMT and not LMT. There is a clear sight triangle issue and would benefit from proper signage. There is currently no sign and numerous bushes, trees, light post, and a road width change and to a degree a house that obscure visibility.

The sign request would be for the traffic headed north off of 2nd St. There is a long straight away with no houses and most cars do slow down when they reach the intersection, but no one stops and uses it as a casual yield, regardless of which way they turn. I find the stretch of no houses prior, mentally lets people drop their guard down but since both left and right sight triangles are limited there is no way to really have scanned the intersection fully and proceed with certainty there is not another car, cyclist, runner or walker in that intersection. Usually when someone makes this request, they blame it solely on others, I am sending this request on my behalf because I have twice, not seen a cyclist and a walker at the corner of these intersections. I had stopped in both occasions but was just about to start when they seemed to come out of the camouflage. Most people do not approach this intersection with an equal concern and rightfully so because there is no sign in any direction that would let them know they need to.

This is a walkway for a 2 to 3 families that walk to school. (There is a bus, but it is used more often on cold or rainy days.) In the morning "rush" it averages 30 to 40 cars per hour and in the afternoon bus hour to rush hour, its closer to 20 to 25 per hour. The circle has a significant number of walkers and bikers, even pre-covid. On a nice evening, I would estimate there are 30 groups per hour at peak. (It's actually amazing how many people walk Golf Cir.) I spent 13 years on the Borough Council in Emmaus so I know these types of requests come in all the time as traffic calming measures, which is not justification for a sign, but I think this one with its sight triangle issue more definitively warrants a sign.

I am a Lower Macungie resident, (part of my yard in in UMT), with an address of 2851 Golf Cir, Emmaus. I have attached some photos and maps. Wesley Barrett

There was a brief discussion of the area at Golf Circle. Manager Carter also presented a map of the area and location of proposed stop sign confirming that the stop sign location would be within Upper Milford Township.

**MOTION:** Supervisor Mohr made a motion to have Public Works install a stop sign at the location requested by Wesley Barrett and confirmed by Manager Carter at Golf Circle. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**OTHER ISSUES:** - None

## **REPORTS:**

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: Report on website

Fire Companies: No Report

Emmaus Library: No Report

Recreation Commission: No Report

Supervisors:

Daniel Mohr – No Report

Robert Sentner – He questioned why we are still having zoom meetings. He felt it left people out of local government and people should be allowed to communicate better with the Board of Supervisors. Manager Carter expressed that we were having zoom meetings due to the 25 person inside limit. There was a discussion of what options would need to be thought about in the event that a 26<sup>th</sup> person were to walk into the in person meeting. Solicitor Fisher stated that the Board could only request that the person leave or someone else be willing to step out. If someone would not be willing to step out then the options are limited to moving outside weather permitting or ending the meeting and rescheduling. Supervisor Moore also expressed that the mask mandate would need to be followed by all in the room if in-person meeting were to resume. Supervisor Sentner expressed his feelings that he is against wearing masks but would wear one in order to resume in person meetings at the Township Building.

**MOTION:** Supervisor Sentner made a motion to resume in person meetings and that noted that if the others felt differently they could allow the motion to die.

There was a continuance of the conversation with Solicitor Fisher concerned about the wording of the motion. After a brief conversation and the opinion expressed by staff that ZOOM meetings also allow for those that did not want to be in a room of people to participate and follow along with the meeting, it was decided to allow for some type of hybrid meeting format. Supervisor Mohr asked if the 25 limit was also for outdoor meetings. The mandate allows for more people at a gathering outside. He felt that there should be a motion to direct staff.

**MOTION:** Supervisor Sentner made a motion to direct staff to work toward a type of hybrid meeting to allow for both in-person and remote participation with proper advertising. Supervisor Mohr seconded the motion. Hearing no further questions or comments, all were in favor, motion carried

Joyce Moore – She misses in person communications with staff and residents. She also feels very strongly about everyone wearing masks when we are all in the same room for meetings.

Township Manager:

Bud Carter – No Report

Supervisor Sentner asked Manager Carter about the repair of Rt. 29 at the Trivet from the storm damage. Manager Carter reported that the repair looks better than what had originally been there.

**EXECUTIVE SESSION:** -Not Needed

**ADJOURNMENT:** Meeting Adjourned at 7:34 pm.

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Chairperson Joyce k. Moore

09/03/2020  
Date

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Secretary Jessi O'Donald