

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
December 3rd, 2020 Immediately following the Workshop Meeting
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors: Joyce K. Moore, Daniel J. Mohr, Robert C. Sentner; Manager: Edward Carter; Solicitor Marc Fisher; Secretary Jessi O'Donald

Meeting called to order at 7:02 pm.

Pledge of Allegiance to the flag.

ANNOUNCEMENTS:

This meeting is being broadcast over Zoom and the recording will aid in the preparation of minutes and for other such purposes as the Board sees fit. All virtual participants of this meeting have been muted except for the Board of Supervisors and Township Staff.

There was an opportunity to submit public input via email or phone prior to 4 pm this afternoon. For those joining us in person this evening we ask that anyone who would like to speak, state their name and address the Board of Supervisors. We ask that one person speak at a time slowly and clearly to allow those joining us through zoom the ability to hear the proceedings.

PUBLIC INPUT: None

ACCEPTANCE OF MINUTES:

Approval of November 19th 2020 Workshop and 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. 19879 to 19913 in the amount of \$22,365.63

STREET LIGHT FUND:

PLGIT XXXX7125 - Check No 1359 in the amount of \$47.17

ESCROW FUND:

PLGIT XXXX7109 - Check No. 154 in the amount of \$2,238.75

ACKNOWLEDGEMENT OF BANK TRANSFERS:

No Transfers

MOTION: Supervisor Mohr made a motion to approve the bills as read. Supervisor Sentner seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

SOLICITOR'S REPORT

- 1.) Engleman Property Re-Zoning request

On November 23rd the Township received a request for re-zoning of the 25 plus acres of the Engleman LLC land at 4650 Indian Creek Rd. Engleman LLC wishes to have the zoning changed from I (industrial) to SR (Suburban Residential). At this time the Board needs to acknowledge the receipt of the request.

MOTION: Supervisor Moore made a motion to acknowledge the zoning change request and direct staff to start the review process by sending the request to all appropriate parties and committees for input. Supervisor Mohr seconded the motion. Hearing no further questions or comments, Supervisors Moore and Mohr were in favor, Supervisor Sentner was against, motion carried.

OLD BUSINESS:

1.) Sanctuary at Haafsville Contract Discussion

Secretary O'Donald informed the Board that she had spoken with the concerned resident about the animal control contract and then reached out to the Lehigh Valley Humane Society. The LV Humane Society will be presenting a proposal prior to the next Board meeting for discussion. Both contracts will be presented for review.

NEW BUSINESS:

1.) 2021 Budget Approval

Supervisor Moore asked if there were any comments on the advertised budget. There had not been any requests to see the proposed Budget.

MOTION: Supervisor Sentner made a motion to approve the 2021 budget. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

2.) Resolution 2020-035 – Real Estate Tax Millage

There is no tax increase for 2021. The millage rate remains at 0.45 mills.

MOTION: Supervisor Mohr made a motion to approve Resolution 2020-035 setting the millage rate at 0.45 mills. Supervisor Sentner seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

3.) Resolution 2020-036 –Setting Tax Collectors fees

The Tax Collector is requesting to set the Tax Certification fee at \$30.00 and the Duplicate Bill Fee at \$5.00 while leaving the Not Sufficient Funds Check fee at \$25.00. Treasurer O'Donald recommended that the fees be set at \$25.00 for NSF Checks, \$25.00 for Tax Certifications and \$4.00 for Duplicate Bills. This recommendation was made after researching what our surrounding tax collectors charge. The Tax Certification fee has not been increased since 2009 and the Duplicate bills cost more to process, however most surrounding municipalities were not setting fees as high as requested.

MOTION: Supervisor Mohr made a motion to approve Resolution 2020-036 with the recommended fee increases to \$25.00 for Tax Certifications and \$4.00 Duplicate Bill Fee. Supervisor Sentner seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

4.) Resolution 2020-037 – Setting Tax Collectors Wages

Every four years the Township needs to pass a resolution setting the Tax Collector wages prior to the filing deadline for the next term election. This resolution keeps the Tax Collectors wages at the current rate of 5% for Real Estate, Fire Hydrant and Street Light.

MOTION: Supervisor Mohr made a motion to approve Resolution 2020-037 setting the Tax Collectors wages at 5% of the Real Estate, Fire Hydrant and Street Light Assessments upon collection. Supervisor Sentner seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

5.) 2021 Library Agreement

The yearly library agreement for Upper Milford Residents to use the Emmaus Public Library and affiliates has a membership fee of \$44,452.00 paid in quarterly payments of \$11,113.

MOTION: Supervisor Mohr made a motion to approve the Emmaus Public Library Agreement for 2021. Supervisor Sentner seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

6.) Meeting Schedule for 2021 to advertise

Supervisor Moore questioned if the Board of Supervisors meetings should move to an online format due to rise in COVID cases. Supervisor Sentner was not in favor of the virtual format. Phil Casey questioned if people could give their opinions during the virtual format since that was not allowed prior, only submitted correspondence. He was told any applicate to the Board of Supervisors would be allowed to speak if needed.

MOTION: Supervisor Moore made a motion to hold Board of Supervisors meetings on ZOOM until further notice. Supervisor Mohr seconded the motion. Hearing no questions or comments, Supervisors Moore and Mohr were in favor, Supervisor Sentner was against, motion carried.

MOTION: Supervisor Sentner made a motion to approve the 2021 meeting schedule as presented to be advertised. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

7.) Hall Rental Discussion

In March the Board of Supervisors made the decision not to rent the Municipal Auditorium or Park Pavilions for the remainder of 2020. At this time the Staff is asking for guidance for 2021. Manager Carter Recommended that reservations not be taken until we see where the pandemic restrictions fall later in the year. He recommended the Auditorium not be rented for 6 months and that the Park Pavilion rental be discussed in March to see where things stand at that point. Manager Carter also asked that outside organizations not enter the building until March for meetings until we see where things stand. Supervisor Sentner agreed with the prudence of those items. He did question the Emergency Services Committee meeting in January. It was discussed that one of the Fire Houses could hold that meeting as it would allow the resident volunteers on that committee the chance to see what everyone is discussing in terms of building and equipment.

MOTION: Supervisor Sentner made a motion to not allow outside rental of the Auditorium for six months, to revisit Park Pavilion rentals and outside committee organizational meeting use in March. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

8.) Budget Purchase Authorization

Within the 2021 budget there are funds to lease the purchase of vehicles for the office staff. At this time, I would like the Board to approve the following purchase: (1) 2021 Ford Ranger Crew Cab for \$28,950 (1) 2021 Ford Ranger Super Cab for \$26,750 both of these would be purchased through Sands of Red Hill and are on Costars contracts.

Phil Casey questioned the number of vehicles purchased. He thought there were five total. Manager Carter and Chairperson Moore explained that there were only two vehicles within the 2021 budget and this request was to start the ordering process for those two vehicles.

MOTION: Supervisor Sentner made a motion to approve the lease to purchase order as stated in Manager Carter's memo dated Dec. 3rd, 2020 for the two vehicles at the specifications provided through Red Hill Ford. Supervisor Mohr seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS:

1.) Fields at Indian Creek – Lot line

At their meeting on November 30th the Planning Commission recommended Final approval of the Fields at Indian Creek Lot Consolidation Plan dated June 13th, 2020 last revised November 10th, 2020 contingent on addressing the comments in the Ott Consulting Inc. Review letter dated November 25th, 2020 (attached) to the satisfaction of the Township Engineer along with payment of any outstanding fees.

2.) Fields at Indian Creek – Annex

At their meeting on November 30th the Planning Commission recommended Final approval of The Annex at The Fields at Indian Creek Preliminary Land Development Plan dated June 13th, 2020 last revised October 20th, 2020 contingent on addressing the comments in the Ott Consulting Inc. Review letter dated November 25th, 2020 (attached) to the satisfaction of the Township Engineer along with all required outside agency approvals and payment of any outstanding fees.

3.) Reith – land development

At their meeting on November 30th the Planning Commission discussed the Reith Land Development. The property is located on the corner of Tollgate Rd. and Chestnut Street, and is on our Official Map as an intersection in need of additional right of way or easement for intersection improvements. I suggested that I would speak with The Township Traffic Engineer Peter Terry to see what he would recommend we do with this intersection, the Planning Commission agreed. Pete suggested additional road right of way be obtained. Attached is an aerial view of the intersection with a white line drawn at a general location that Pete agrees should help if an intersection alignment project would take place in the future. The Official Map allows the Board of Supervisors to determine if they want the additional right of way at this time. A

decision should be made before Plan approvals are granted. The Planning Commission recommended approval of the following SALDO waivers for Reith Land Development Plan dated May 1st 20th, 2018 last revised November 5th, 2020: SALDO Section 602.A-A, allowing for submittal of a preliminary Final Plan. SALDO 603.C.J.7, waiving the parking lot lighting requirements, The applicant does intend to use wall pack lighting on the building, and does not plan to need additional lighting in the parking lot. SALDO 1011.B.2. Waiving the requirement for Perimeter lot drainage and utility easements. The Planning Commission agreed as long as the internal easement for the storm sewer piping that runs from Chestnut St. to Tollgate Rd is dedicated to the township. SALDO 1011.B.2. Waiving the requirement for Perimeter lot drainage and utility easements. The Planning Commission agreed as long as the internal easement for the storm sewer piping that runs from Chestnut St. to Tollgate Rd is dedicated to the township. SALDO 1019.A Waiving the Street Trees requirement along Chestnut Street to maintain sight distance and accepting the existing Trees as meeting the street tree requirement along Tollgate road. The Planning Commission also recommended Preliminary/Final Plan approval contingent on the applicant addressing all comments in the Ott Consulting Inc. Review letter dated October 29th, 2020 (attached), any outstanding outside agency approvals and payment of any outstanding fees.

There was a brief discussion as to if the Right Of way should be taken at this time. Supervisor Sentner believed that it should not be taken at this time. He felt that the intersection was a low priority for the Township and without PennDOT cooperation would not be a project the Township would do. Supervisor Mohr felt that if the Right of Way area was on the official map it was something to consider since now in the approval is the time to do that. Solicitor Fisher suggested Tabling the decision until December 17th to give time to learn more information. Mr. Reith questioned how everyone would feel if the Township were considering taking part of a property that they owned. Mr. Reith's engineer spoke on his behalf and stated that the main concern is planning. Mr. Reith needs to know what will happen so he can plan for that area of the parcel. His engineer also suggested that he would like to retain the are of the parcel as negotiation are for the intersection with PennDOT as there will be impact to his driveway and highway occupancy permit.

MOTION: Supervisor Moore made a motion to table the agenda item until the next meeting at the recommendation of the Solicitor. Supervisor Mohr seconded the motion. Hearing no further questions or comments, Supervisors Moore and Mohr were in favor, Supervisor Sentner was opposed, motion carried.

4.) Estates at Maple Ridge – Final Plan Approval

At their meeting on November 3rd the Planning Commission recommended approval of the following SALDO waivers/deferrals for The Estates at Maple Ridge COSDO Final Land Development Plan dated December 20th, 2018 last revised October 14th, 2020: SALDO Section 1004.C, to defer roadway widening improvements along Main Road West since this is a Penn DOT road. Storm water Management Ordinance No. 106 Section 304.I, a waiver to allow a 2' separation between a BMP facility and a Limiting Zone. This Waiver would allow the separation distance to be the same as DEP requirements. The Planning Commission also recommended Final Plan approval contingent on the applicant addressing all comments in the Ott Consulting Inc. Review letter dated October 29th, 2020 (attached), addressing the comments in the Township Traffic Engineer Pete Terry's review letter dated October 26th, 2020 (attached), any outstanding outside agency approvals and payment of any outstanding fees.

MOTION: Supervisor Sentner made a motion to approve the Maple Ridge Final Plan as outlined above in Planning Coordinator Brian Miller Letter from the Planning Commission dated December 3rd, 2020.

Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 5.) Time Extensions: time extensions for 180 days to 6/30/21.
Goldstein Subdivision, expires 12/31/20
Indian Creek Industrial Park Subdivision, expires 12/31/20
Indian Creek Industrial Park Lot #10 Land development, expires 12/31/20
4054 Chestnut St. Land Development, 12/31/20
6244 & 6274 Sweetwood Dr. Lot line adjustment, expires 12/31/20

MOTION: Supervisor Sentner made a motion to approve the time extensions as listed above. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

SUBDIVISIONS – IMPROVEMENTS: None

CORRESPONDENCE:

- 1.) Letter from Upper Milford Western District Fire Company

The Board of Supervisors

- 2.) Request from Old Zionsville UCC for Special Fire Police 12/24 from 7-7:45 pm for traffic assistance
a. Letter from Kathy Latshaw

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: No Report

Fire Companies: No Report

Emmaus Library: December 17th the Library will hold a video conference for Health Insurance. On Dec. 23rd is the Library's Holiday watch party on Facebook. December 30th will be a video Storytime. See the Library website for details.

Recreation Commission: No Report

Supervisors:

- Daniel Mohr – No Report
Robert Sentner – No Report
Joyce Moore – Wash your hands stay safe as the case infection rate goes up.

Township Manager:

- Bud Carter – No Report

PUBLIC INPUT: James, Heiter – 6015 King Highway South. He is concerned that the UCC Church has installed no parking signs on the fence beside their church building and he feels that has taken parking away from the residents.

Manager Carter took Mr. Hieter's contact information and will research the right of way in that area and get back to him.

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting was adjourned at 7:52 pm.

AGENDA PART II:

UNFINISHED BUSINESS (NO ACTION ANTICIPATED):

OLD BUSINESS:

1. Indian Creek Industrial Park Subdivision:

Letter dated 01/31/07 from the Planning Commission recommending Preliminary Plan Approval contingent upon Township Engineer comments in their review letter dated 01/25/07.

(This approval is granted an extension until Dec. 31, 2020)

2. **Morrissey Property Concerns**
3. **Open Space Update**
4. **Zoning and SALDO Update**
5. **Krause Property Concerns**
6. **Indian Mill Creek –completion**

END AGENDA PART II: