

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
August 5th, 2021 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors; Daniel Mohr, Robert Sentner, Joyce Moore; Manager Edward Carter, Planning Coordinator 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 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.

The Board of Supervisors held an executive meeting at 6:30 pm this evening to discuss a personnel matter.

PUBLIC INPUT:

Milou Mackenzie – Representative Mackenzie introduced herself and Ken Navitsky to everyone. Ken is her in office assistant. She offered help and a listening ear if there were any questions or concerns anyone would like to bring to her attention. She is in Emmaus every day and Red Hill with an appointment. She will meet with anyone if they ask.

No one had any concerns for Rep. Mackenzie. The Board thanked her for her time.

ACCEPTANCE OF MINUTES:

Approval of July 15th Regular meeting minutes

Jim Krippe asked for an addition to the minutes from his comments at the last Board of Supervisors meeting. Jim's second item was reminding Rob of the attempt by the twp. to reimburse for many items such as training and health screens. Station 28 was against the decision and was therefore dropped by the twp. supervisors.

MOTION: Supervisor Sentner made a motion to accept the minutes as presented with the addition of Jim Krippe's comment for July 15th 2021. Supervisor Moore seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7096 - Check No's. **20513 to 20572** in the amount of **\$107,516.42**

Fire Hydrant FUND:

PLGIT XXXX7154 - Check No's. **1006** in the amount of **\$1,469.65**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No.'s 2021-050 & 2021-051

MOTION: Supervisor Moore 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 carried.

SOLICITOR'S REPORT: -

- 1.) ASA Inclusion - Resolution 2021-029 (Public Hearing)
 - a. Letter from Planning Coordinator Brian Miller

Public hearing was opened at 7:07 pm for the Agricultural Security Inclusion of 6131 and 6230 Saint Peters Road.

The Marsteller ASA application has received favorable recommendations for approval to include both properties in the Upper Milford Agricultural Security Area from both the ASA Board and the Planning Commission. No other comments have been received from the public. Below is a detailed timeline of the process. 3/18/21 - UMiT BOS accepted the ASA application. Week of 3/29/21 Notice of intent to include in ASA published in the East Penn Press 4/2/21 - Posted property for proposal to add to ASA. 6/1/21 - ASA Board met and recommended inclusion. 6/28/21 - Planning Commission met and recommended inclusion. Week of 7/19/21 Notice of Public Hearing published in the East Penn Press. 7/19/21 - Posted property for the Public Hearing. 8/5/21 - Public Hearing.

Hearing no comments the Public Hearing was closed at 7:08 pm

MOTION: Supervisor Sentner made a motion to approve Resolution 2021-029 Agricultural Security Area inclusion for 6131 Saint Peters Rd and 6230 Saint Peters Rd. Supervisor Moore seconded the motion. Hearing no questions or concerns, all were in favor, motion carried.

- 2.) Discussion of Memorandum for J. Tapler

Solicitor Fisher created a memorandum to respond to Mr. Tapler's questions from the previous meeting.

There was a discussion of the memorandum. Supervisors Daniel Mohr and Joyce Moore thought it was an appropriate response from the Solicitor. The answers and explanations were taken directly from Resolution 2017-026 that established the Emergency Services Committee. Supervisor Sentner was against the answers. He thought it was incorrect. He felt the 54 page paper of information that Jason Tapler turned into the Township should have gone to the ESC. He felt that the steering committee won't know if they don't get the information. Solicitor Fisher reminded the Board that Jason's information stated not for public dissemination. That information was addressed to the Supervisors in reference to an outside organization. Supervisor Sentner stated he felt the Township needed to be more transparent with what is going on with Emergency Services. He feels the township pretends there are no issues. The Township supervisors are charged with providing adequate emergency services. He doesn't feel that the Township is providing adequate services. Supervisor Moore felt it was very important to understand that the Fire Companies are separate legal entities. Supervisor Sentner felt that the township has control over who our Fire Companies are and who provides services for the Township. The Emergency Services Committee was setup to advise the Supervisors about emergency services and Supervisor Sentner feels the Committee should be used better. Supervisor Sentner stated he asked to have agreements created between the Township and the Fire Companies. He felt other municipalities have them and that was the new PSATS advisement last year. Manager Carter stated he found only two of the local municipalities had agreements for emergency services. Supervisor Sentner stated he understands what it takes to provide services as he is a fire fighter. Supervisor Mohr felt the answers should be turned over to Mr. Tapler.

Emily Fair- asked if the Township has the authority to hold fire line officers to having had Fire 1 training as a minimum standard. She discussed NFPA (National Fire protection Association) standards.

Supervisor Sentner stated that was a slippery slope as there is a fire line officer that has Fire 1 that he wouldn't enter a burning building with. He also stated that if you review the minimum qualification the first of every year it is not guaranteed not to change throughout the year.

Solicitor Fisher stated he doesn't know what minimum standards should be but since it was brought up by Rob before to send the minimum standards question to the Emergency Services Committee. Supervisor Mohr asked if Pennsylvania is a NFPA state. Emily Fair stated that having the minimum may protect the Township. Supervisor Mohr asked if we are not an NFPA state then we really could not hold anyone to the recommendations. Supervisor Sentner stated the volunteers are dwindling and the fire service is decimated. Then he stated Pandora's Box will open but you can't stick your head in the sand. Supervisor Mohr states PSATS had presentations on minimums. If you set those standards do you lose many more volunteers? Supervisor Sentner said that the younger volunteers may have more time to get training, where the older volunteers may not have the time for the training.

Jason Tapler stated he did send in those papers noted with "not for public dissemination". Though He feels nothing was addressed from that. He is taxing the Board with the knowledge that the roster that was turned in by Chief Sherman and that there are many less volunteers, as some walked away when he was locked out of the station. He doesn't feel its right to give them Township money since they don't know what to do with it. He will read the letter answering his questions from last meeting and decide what direction he will go with it. He felt the Roster contains administration people as active response volunteers.

Supervisor Sentner states that the Roster for Vera Cruz was wrong. He was asked why the Fire Chiefs weren't asked these questions.

MOTION: Supervisor Moore made a motion to release Solicitor Fishers memorandum dated July 23rd, 2021 to Jason Tapler. Supervisor Mohr seconded the motion. Hearing no further comments, Supervisors Moore and Mohr were in favor, Supervisor Sentner voted no, motion carried.

Supervisor Sentner stated that there was \$88,000 put aside each year for major fire equipment. He talked to New Tripoli Bank and they could set up accounts with four signatures. There was a discussion about the legality of handling the money in that manner. Solicitor Fisher was not sure if that was possible. He would like to research the answer. Supervisor Sentner feels that the Supervisors could move the money at any time and that isn't fair to the Fire Companies.

Treasurer O'Donald stated the money could sit in a stalemate because no one could agree. The money is in a designated Capital Reserve accounts earmarked for each Fire Company. She stated that the money just can't be moved and if it could be moved that would have to be done in a public meeting.

MOTION: Supervisor Sentner made a motion to create that account between the supervisors and the Fire Company. There was not a second, motion died. Supervisor Moore stated she would like the solicitor to research this first before making a decision. Supervisor Sentner stated that he wanted everyone to know the other two supervisors voted against this idea. Supervisor Mohr stated that wasn't true he would just like to know more before deciding.

Supervisor Sentner stated that if you look at google maps there is a disparity of response times. Supervisor Sentner stated that according to Donnie Smith of the Lehigh County Communications Center Upper Milford Township is the only Township in Lehigh County that uses voting district lines for response districts.

MOTION: Supervisor Sentner made a motion to send the response time concern to the Emergency Services Committee and have the fire companies look at the district lines. Supervisor Moore seconded the motion. Hearing now questions or comments, all were in favor, motion carried.

MOTION: Supervisor Sentner made a motion to require both Fire Chiefs at the next Supervisors meeting.

There was brief discussion in regard to invite or demand. Supervisor Moore stated she would rather invite than demand as she understands there could be other obligations. Emily Fair reminded everyone of the chain of command that would allow the chiefs to be present even in the event of a call. Jason Tapler stated that the Township writes the Fire Companies large check and felt the Chiefs should be present.

Supervisor Sentner withdrew his motion. It was agreed that a motion wasn't needed to extend an invitation to the Fire Chiefs for the next meeting.

OLD BUSINESS:

- 1.) Yard Waste Center Discussion
 - a. Memo from Manager Carter

During the July 15th Board of Supervisor meeting staff was asked to come up with how much it would cost to secure the yard waste area. In order to secure this area we would need to fence off the yard waste area, currently this area is open whenever Publics Works opens up the two access gates to the property during their normal work day. The Township would also need to have someone at the site while it is opened to the public to make sure that the people who are dumping off yard waste live in the township and watch for illegal dumping of material. To fence off the site, I have received one quote for \$8,480 to install 6-foot high chain link fence with a 20-foot wide gate. I would also like to install concrete stacking blocks along the inside of the fence to protect the fence from the yard waste being pushed agents it. This would cost an additional \$850.

Currently the yard waste site is open for 50 hours per week, these hours would have to change if we are going to have the yard waste site staffed, with part time employees. If the Township choses to have a part time person monitor the site, I would recommended that we open the site for no more than 24 hours per week during peak session April to the end of November, then just 8 hours per week in the months of December thru the end of March. This would cost about \$12,000 per year to have the site staffed. To date for 2021 we have spent \$8,883 for rental of the tub grinder and we have received \$3,333 for loading and deliver fees for mulch. That is a loss of \$5,550, and we have not received the last bill for grinding last month. Since 2011 we have spent \$40,066.50 for rental of the tub grinder and we have received \$17,868 for loading and delivers fees

There was a brief discussion. Supervisor Moore asked if there was money in the budget for this year. Treasurer O'Donald answered that it would be something to look at for next year's budget. Supervisor Sentner said he felt it should be put into next year's budget.

MOTION: Supervisor Sentner made a motion to direct staff to add the yard waste fence, blocking and personnel into the budget for 2022. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

NEW BUSINESS:

- 1.) Well Isolation waiver Request – 4821 Wendi Dr. E.
 - a. Letter from Homeowner

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 (81' proposed). The system will utilize dual septic tanks (1250 & 750 gallon) with an NSF standard

46 rated 4" effluent filter and a dosing tank to a 1,330 sq. ft. standard bed. Because of the closer than normal proximity to the well we will test the water regularly to ensure water quality. This repair will mitigate a surface malfunction/health hazard and improve existing treatment technology (undersized septic tanks and malfunctioning in ground gravel bed).

SEO Brian Miller explained that the lot was small and there was a need to correct the septic.

MOTION: Supervisor Sentner made a motion to approve the well isolation distance waiver. Supervisor Moore seconded the motion. Hearing no questions or concerns, 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.) Marjorie Geissinger asked if the Light the Night Safe Zone Block Party committee will be allowed to use the property for their event as in years past. Last year they held the event as a trunk or treat and would like to know how to plan for this year.

There was a discussion about the use of the building inside or outside with current pandemic data.

MOTION: Supervisor Moore made a motion to allow the Light the Night Safe Zone Block Party Committee to hold their event at the Township Building in the parking lot with access to restrooms and reconsideration as the dates gets closer if they can move inside. Supervisor Mohr 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:

Jason Tapler - questioned the executive session and asked if personnel matters was about his concern with an employee driving too fast on the way to a fire call. He stated he will not back down and will question if something isn't done

Emmaus Library: No Report

Recreation Commission: Next meeting 8/16 at 7pm at Arrowhead Park

Township Manager:

Bud Carter – The Rt. 29 bridge detour will be removed tonight and traffic will flow both directions while the contractor finishes up the project. There will be minor delays at times until final paving.

Supervisors:

Robert Sentner – He stated he is passionate about the fire company.

Joyce Moore – She urged people to get vaccinated and stay safe.

Daniel Mohr – Vera Cruz Homecoming is August 15th with the Large Flower Heads as the main band.

EXECUTIVE SESSION: Not Needed

ADJOURNMENT: Meeting was adjourned at 8:55 pm.

Chairman Daniel Mohr

Date
08/11/2021

Secretary Jessi O'Donald