

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
April 21st, 2022, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors; Daniel Mohr, Joyce Moore, John Zgura; Manager Edward Carter; Planning Coordinator Brian Miller, Solicitor Marc Fisher, Secretary/treasurer Jessi O'Donald

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:

Trooper Greg Emory –State Police Barack Fogelsville Commander – Trooper Emory wants to get to more local meetings. He apologized for not being in attendance more often. He wanted to thank the Township of allowing his trooper to use the garage facilities during inclement weather. That allowance makes the shift safer for the troopers and puts them out here where they are needed instead of stuck on roads in between. They are trying to address the truck concerns on Main Road especially with the detours. There are more officers getting trained that will be stationed in Fogelsville which will allow officer to be present more often. If anyone has concerns he asked that they please reach out. He went on to talk about some statistics and trooper accolades. He states that with the site distances it can be hard to enforce the speed limits but with a presence they can see other issues like expired inspections.

No further public input

ACCEPTANCE OF MINUTES:

Approval of April 7th, 2022 regular meeting minutes.

MOTION: Supervisor Moore made a motion to approve the minutes as presented. Supervisor Zgura 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. 21181 to 21209 in the amount of \$31,106.72

ACKNOWLEDGEMENT OF BANK TRANSFERS:

No Transfers

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

SOLICITOR'S REPORT: No Report

OLD BUSINESS:

- 1.) Buckeye Partners LP, Buckeye Macungie Solar LLC
 - a. Letter from Planning Coordinator Brian Miller

Letter from Brian Miller: I received the attached letter and supporting documents from Erich J. Schock at Fitzpatrick, Lentz & Bubba Attorneys at Law requesting a waiver of the Upper Milford Subdivision and Land Development Ordinance for the Buckeye Macungie Terminal Solar Project. The Project has been through the Land Development review process in Lower Macungie Township. During that review it was noted that the municipal boundary line was inaccurately plotted on the plan and a few of the solar panels and substation were located partially on the Upper Milford side of the accepted municipal boundary line. Since the property that this project takes place on is taxed in Lower Macungie Township I would recommend that Upper Milford defer the Land Development approval to Lower Macungie Township. If you agree by motion I can work with Attorney Schock and Lower Macungie Township on the details of addressing this request.

Buckeye did drop off a full set of plans to the Township.

MOTION: Supervisor Moore made a motion to approve the Buckeye Pipeline Land Development request to defer land development to Lower Macungie Township per Brian Miller's letter dated April 6, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

NEW BUSINESS:

- 1.) Zoning Hearing Board Appointments
 - a. Memo from Manager Carter

With Linda Feiertag resigning from the zoning hearing board, I would ask the board of supervisor to make the following appointments. Appoint, April Schiel who is currently an alternate on the Zoning Hearing Board to fill the remainder of Linda's terms that expires on December 31, 2023. Appoint Michael Gray to fill the Alternate Zoning Hearing Board position held by April Schiel that expires on December 31, 2024.

MOTION: Supervisor Moore made a motion to appoint April Schiel to fill the member term expiring December 31st, 2023 and Michael Grey to the alternate term expiring December 31, 2024. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Zoning Overlay District – Engelman Tract
 - a. Letter from Planning Coordinator Brian Miller

In working to complete the Coordinated Zoning along Municipal Borders Overlay District the Planning Commission requested that I address two other comments. Comment one dealt with restricting fences in the side yards between dwellings. Working with Marc Fisher and Staff we determined the best way to address that request will be through the Homeowners association requirements and a note on the plan. Marc Fisher will work with us to address this concern prior to a plan being approved.

The second Planning Commission comment was that Stormwater BMP's required for Plan approval not be placed on any private property other than that owned by the Homeowners Association. After discussion with staff we determined this would be done by adding a section to the proposed ordinance the exact wording will be reviewed by Jeff Ott's Office and Marc Fisher prior to sending the draft out for the review process.

MOTION: Supervisor Moore made a motion to authorize Staff to work with the Solicitor to advertise and finalize wording and proceed with the Ordinance. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

3.) Vera Cruz Fire Company Request

a. Letter from Vera Cruz Fire Company President

The Citizens' Fire Company of Upper Milford Township is currently making plans to replace our tanker/pumper. However, we currently have a number of loans that are strapping our finances. We are requesting the release of funds from the Major Fire Fighting Fund to eliminate these loans. Currently, we have an outstanding principle balance of \$72,238.43 on our current pumper. Also, there is a principle balance of \$33,746.21 on our command vehicle loan and we also have a principle balance of \$59,168.38 on our SCBA loan. We are asking for a total of \$165,153.02 to pay off these outstanding loans. This will allow us to save our current monthly payment for the purchase of a new truck in approximately (5) five years. Also, this will render us debt free and allow us to ensure our firefighters have the proper equipment to protect this community.

Supervisor Zgura asked questions about the 2020 Audit and the 2021 financial statements show. He asked about a discrepancy of approximately \$66,000. He state these questions need to be answered before he would vote to release money.

Bryan Hamscher stated they spend \$30,486.00 each year in loan payments. He offered to sit down together an look at the financial statements. They need to replace the tanker pumper with a cost of \$600,000 to \$900,000 in today's terms. They have already received a quote of \$900,000.00.

Supervisor Moore asked if the financial statements before them were audited for 2021.

Supervisor Mohr suggested that the reports in front of them don't show the same information.

Treasurer O'Donald asked if the Fire Company was given an Audit report that looked the same as 2020? She suggested they run a report that captures the account balances for their cash accounts.

Phil Casey – He has had audit and none have used Quicken or QuickBooks. He also questions conversations from Fire Officers prior during meetings about using some program money to pay for certain items at the Fire Company.

Jim Krippe – He stated there is a pattern with this company. He remembers conversations about the purchase of the command vehicle. in 2019 Joe Terrible helped the fire company do an audit and maybe he can help.

Colt Hershinger – Asked why the truck needs to be replaced.

Karl Fegley - Chief – stated that due to age and repair history the trucks are out of service and costing the company too much in repairs. The company is looking at the two they have and would like to replace them with one truck. One truck is 1980's and the other is late 80's. They have been used hard.

The Board asked for more information before making a decision.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS: None

SUBDIVISIONS – IMPROVEMENTS:

- 1.) **Brookshire Time Extension** -365 days until 06/08/2023
 - a. Letter from Brookshire Partners

We are requesting a time extension from June 8, 2022, for the Brookshire Major Subdivision Improvement Agreement dated December 8, 2005. All site infrastructure work has been completed with exception to final wearing course paving, landscaping, and survey requirements to be done upon individual lot completion. Our Bond will automatically be re-issued on September 10, 2022 and will continue to be re-issued until the township accepts dedication and releases the bond. We are anticipating to commence the dedication process this summer with intentions to dedicate prior to the end of this year.

MOTION: Supervisor Moore made a motion to approve the time extension until 06/08/2023 for Brookshire Subdivision as requested by Brookshire Partners LLC. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) **Stone Ridge Estates Time Extension** – 365 days until 06/15/2023
 - a. Letter from Double D Holdings LLC

Hand written letter from Judy Doddona asking for time extension and confirming the letter of credit has been extended.

MOTION: Supervisor Moore made a motion to approve the time extension until 06/15/2023 per letter from Judy Doddona dated April 19, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried

- 3.) **O'Rourke Credit Release No. 2** in the amount of **\$70,350.27**
 - a. Letter from Township Engineer Jeffery Ott
 - b. Approval for Escrow Account PLGIT7109 Check Number **163** for **\$70,350.27**

In accordance with the request for release of secured funds dated April 12, 2022, we the undersigned hereby certify that the improvements required in connection with the O'Rourke Vineyard and Winery, have been completed to the extent that the security deposit can be reduced by the amount of Seventy Thousand, Three Hundred Fifty Dollars and Twenty-Seven Cents (\$70,350.27) in accordance with the Improvements Agreement dated October 15, 2020. This certificate authorizes Upper Milford

Township to reduce said amount, namely Seventy Thousand, Three Hundred Fifty Dollars and Twenty-Seven Cents (\$70,350.27) 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 the escrow release number 2 for the O'Rourke Winery in the amount of \$70,350.27 per Jeffery Ott's letter dated April 18th, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor motion carried.

MOTION: Supervisor Moore made a motion to approve Escrow Check #163 in the amount of \$70,350.27. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 4.) **Fields at Jasper Ridge Credit Release No. 7** in the amount of **\$22, 325.35**
 - a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated April 5, 2022, 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 Twenty-Two Thousand, Three Hundred Twenty-Five Dollars and Thirty-Five Cents (\$22,325.35), 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 Twenty-Two Thousand, Three Hundred Twenty-Five Dollars and Thirty-Five Cents (\$22,325.35) 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 7 for the Fields at Jasper Ridge in the amount of \$22,325.35 per Jeffery Ott's letter dated April 18th, 2022. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

CORRESPONDENCE:

- 1.) Resignation of W. Ashby from Recreation and Open Space Committees
 - a. Emails from W. Ashby

I trust everyone is doing well. I have relocated to Salisbury Township and sadly I will not be able to continue as a member of the Upper Milford Open Space Committee. It's been a true pleasure to work with all of you. Thank you for the opportunity to serve on the Committee, I learned quite a bit from the group.

I have relocated to Salisbury Township and sadly I will not be able to continue as a member of the Parks and Recreation Commission. It's been a true pleasure to work with all of you over the years. If there is every anyway I can help out, I am not far.

MOTION: Supervisor Moore made a motion to regretfully accept W. Ashby's resignations and direct staff to thank her. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Scout Troop 31 request to use parking lot under trees to hold used clothing drive.
 - a. Email from Kelly Fegley

I am reaching out, as Boy Scout Troop 31 would like to have another clothing drive collection like last year. We would have the trailer parked in the township building lot and be able to collect clothing items from the community. We are looking at 5/21 to do this from 9-1. Please let me know if this is ok and if there would be any other information you need.

MOTION: Supervisor Moore made a motion to approve the use of the parking lot for Troop 31's used clothing drive on May 21st from 9-1. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: N/A

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: No Report

Fire Companies: No Report

Emmaus Library: Lisa Marten reported that part of the roof will be replaced soon. To get the family place recognition there was a training conference that was attended and there will be 4 early childhood workshops organized and will happen 1 or 2 times per year after.

Recreation Commission: No Report

Township Manager:

Bud Carter – Manager Carter followed up with the Turnpike and they will be adding additional no truck signs. No trucks except local deliveries to be posted on Acorn, Chestnut, and Main Rd.

Supervisors:

John D. Zgura – John showed the Board a sketch of the veteran's memorial. It is very preliminary at this point. Chris Saylor is designing and it will have all branches of military recognized. Saturday is Earth Day is at Emmaus Community Park from 9-11 with recycling and the Clean-up PA from 8:30-12.

Joyce K. Moore – Earth Day Event is being held by the Joint Emmaus/Upper Milford Environmental Advisory Council. She thanked Jessi for all of her hard work.

Daniel J. Mohr – Vera Cruz Community Association had a good turnout for the Egg Hunt. They had donations of peeps and Texas Road house Kids meals coupons in addition to the chocolate bunnies and plastic eggs filled with candy. He thanked the Trooper for the efforts in traffic control.

Jim Krippe asked if there was going to be road work done at the Trivet Dinner. (Manager Carter stated that Road work is part of the TIP)

Colt Hershinger – asked when the light is going in at Allen St. (Manager Carter stated Kay Builders is installing the light. PennDOT would not allow them to install the light until the bridge was complete. The schedule at this point is this summer to install)

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting was adjourned at 8:02 pm.

Chairman Daniel J. Mohr

05/05/2022
Date

Secretary Jessi O'Donald