

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
March 16<sup>th</sup>, 2023, 7pm  
REGULAR MEETING MINUTES

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**ATTENDANCE:** Supervisors, Joyce K. Moore, John D. Zgura, Daniel J. Mohr; Manager Edward Carter, Solicitor Eric Strauss; Secretary/Treasurer Jessi O'Donald; Assistant Zoning Officer, Kyle Walbert

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.

**PUBLIC INPUT:**

Jim Krippe – Jim noted that he doesn't like the color, or aesthetic of the pole building and believes it a waste of taxpayer money.

Phil Casey likes the copula.

Jason Smith – Pollution Reduction Plan Discussion

Jason explained that the Pollution Reduction plan is a mandate from the Federal and State Government through the NPDES program. The plan needed to show a reduction of sedimentation run off by 10% within the Urbanized Zone according to the mapping created through the census information based on population density. These maps are done with each census with a lag time of about three years. This plan is based on mapping from 2010 released approximately 2013. The urbanized area is determined through population density of 1000 people per square mile. Some communities only can modify storm basins. The cost of Storm Basin modification can be very expensive, and communities have had to assess a Stormwater fee to pay for the modification. Upper Milford is fortunate to have a parcel owned by the Township that is lease to farm and with new guidelines can be used within the Pollution Reduction Plan to gain that mandated 10% reduction in sediment run off with a change in farming practice. The MS4 program is a 5 year phased program and there has only been rumor as to what the next phase will require. The Township's 10% reduction is coming from credit allowances for regular farming tillage number to the reduction allowable through High Residue no-till farming practices for the Fulmer Tract.

Supervisor Moore asked about the categories of no-till Farming. Jason explained high residue no-till leaves a lot of vegetative matter back on the open soil as cover, low residue no-till leaves some vegetative matter on the open soil. He has spoken with a farmer and the farmer said the High residue tillage is a better practice than low residue and the High Residue to the accepted in the new guidelines for the Pollution Reduction credits. It was noted that when the first Pollution Reduction Plan was filed these credits were not available. In the last few years, the guidelines have changed

with new information and the machinery used in these farming practices is much better than 15-20 years ago.

Phil Casey asked if there was a known number for tillable acres lost in the community. He also commented that the cost of farming is intense, and George DeVault spoke of no-till farming for the Fulmer Tract years ago. Phil asked about other farms like the Seed Farm. It was noted that the Seed Farm parcels are not in the urbanized area, so would not count anyway.

Angie Ashbrook asked what would happen to the credit if the parcel is not continued to be farmed. Jason explained that since the Township owns the parcel they can hopefully control the continued farming of the tract, however there could be a case made that if it were allowed to be returned to a meadow the credit could be kept with the number showing the sedimentation runoff possibly even lower by not being farmed but for now the no-till farming meeting the requirements set forth by the program.

Frank Kuklis asked about inspection of existing stormwater basins and infrastructure. He commented that the Township must be a part of the engineering and permitting process but then doesn't follow up as he sees basins that are no longer collecting water or have silted in that they aren't collecting enough or have other deficiencies. Jason explained that the Pollution Reduction Plan is only one part of the MS4 program. The other parts are cataloging all the stormwater facilities in the Township along with inspection of certain ones. Anything built since 2007 has been built with strong guidelines and has maintenance included in the permitting already.

Supervisor Zgura ask what the next phase of the permitting might require. Jason stated it has only been rumored so far but what he is hearing is a possible infiltration of water requirement.

**ACCEPTANCE OF MINUTES:**

Approval of March 2<sup>nd</sup>, 2023, regular meeting minutes.

**MOTION:** Supervisor Zgura 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. **21990 to 22025** in the amount of **\$75,577.07**

**STREET LIGHT FUND:**

PLGIT XXXX7125 - Check No. **1388** in the amount of **\$2,398.55**

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer No's. 2023-007 to 2023-010

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

**SOLICITOR'S REPORT:** No Report

**OLD BUSINESS:** None

## **NEW BUSINESS:**

- 1.) Awarding of Road Bids
  - a. Memo from Kyle Walbert

Township staff prepared and advertised to receive bids at 1 :00 PM March 14, 2023. Bids were received and opened by Kyle Walbert, Assistant Zoning Officer and witnessed by Cynthia Kuhns. Bids were received for: 1. Bituminous Seal Coat, 1 bid 2. Line Painting, 2 bids. Based on staff's review of the bids. I recommend that the Board of Supervisors award the bids and enter contracts with the lowest qualified bidder in each category as follows: Bituminous Seal Coat, Award to: Asphalt Maintenance Solutions, for the contract amount of \$303,178.97. Line Painting, Award to: A-1 Traffic Control, for the Contract Amount of \$17,952.00 for 2023 and \$18,849.00 for 2024. The recommended award bidders are PA DOT prequalified and they have provided the completed bid forms.

Supervisor Zgura asked if there were regulations for how many bids needed to be received. Kyle Walbert answered that the bids were mailed out to several companies, but these were the only bids received back.

**MOTION:** Supervisor Zgura made a motion to award Bituminous Seal Coat, bid to Asphalt Maintenance Solutions, for the contract amount of \$303,178.97 and the Line Painting bid, to A-1 Traffic Control, for the contract amount of \$17,952.00 for 2023 and \$18,849.00 for 2024, per memo from Kyle Walbert dated March 15<sup>th</sup>, 2023. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

## 2.) DCNR Grant Application Update – Kyle Walbert

Working with Ott Engineering's office to finalize the budget for the project as well as the overall Site Plan. We have decided to break up the grant to 2 phases because the cost of construction came in a lot higher than we anticipated. We are going to focus on the following for phase 1 of the grant:

- Repave tennis courts and basketball courts and create pickleball courts and additional. basketball court
- Fence in entire tennis/basketball court area
- Pave ADA accessible walking trail to make connection with existing path
- Take down existing trees
- Plant new trees
- Plant a riparian buffer along stream edge at southern end of the park
- Create an additional ADA accessible parking space by entrance for new paved path

We are working on writing and reviewing the project narratives and answering the questions for the grant application. Jessi is going to be working with and Collecting information from Perkiomen Watershed Conservancy about the proper native plants and trees to put in at the park.

I am working on collecting the Regional and Local Plans to submit with the application. DCNR wants to see how we are in line with the Plans of the local government with our ideas. For example, the Southwestern Lehigh Comp plan, Upper Milford Park, and Rec Plan, etc. Phase 2 of the grant will consist of rebuilding the existing playground and adding an ADA accessible trail to that area from the parking lot. We will go for the grant again next year for phase 2, if we obtain this grant, and we have

not yet started to compile numbers for that. We will know more once we find out information from this grant submittal.

Phil Casey asked about the grant match funds, he wanted to know if money was being spent out of the Capital reserve. Treasurer O'Donald explained that most of the funds were coming from Fee in Lieu of Recreation money collected from development does not form the Capital Reserve.

Angie Ashbrook asked about the size of the grant. Kyle Walbert explained that DCNR would match up to \$250,000 and the final costs are still being outed through.

### 3.) Discussion of fee waivers for Fire Companies.

There was a brief discussion. Supervisor Zgura would like to see more conversation with the Fire Companies, and this is a way to bring them in to have that conversation. Jim Krippe commented that it would still cost the Fire Companies engineering fee and the Township should make it as simple as possible. Supervisor Zgura stated they would take that into consideration.

**MOTION:** Supervisor Zgura made a motion to allow Fire Companies to submit a letter to the Board of Supervisors requesting a waiver of Municipal fees with an explanation of the project being done and how this project helps the community, so that the Board can act upon each request as the board sees fit. 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:** None

### **SUBDIVISIONS – IMPROVEMENTS:**

- 1.) Approval – Time Extension Estates at Maple Ridge until May 11, 2024
  - a. Letter from Chris Canavan of WB Homes

From Mr. Chris Canavan, please accept this request to the Upper Milford Township Board of Supervisors to extend the Land Development Agreement for the Estates at Maple for an additional year so that we may complete the improvements required under the agreement. The current agreements will expire on May 11, 2023.

**MOTION:** Supervisor Zgura made a motion to allow the time extension for the Estates at Maple Ridge until May 11<sup>th</sup>, 2024, per request by Chris Canavan of WB Homes Inc. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

### **CORRESPONDENCE:**

- 1.) PennDOT 2023 Public Outreach Campaign
  - a. Letter from PennDOT

PennDOT is looking for public input for the next 12-year plan. The Township website has the letter and the links to give your input.

Supervisor Moore stated that LVPC is also seeking public input on the next regional transportation plan. (this has been share on the Township's Social Media)

- 2.) Request from Macungie for Special Fire Police for:
  - Antique Truck Show June 16 & 17, 2023
  - Das Awkscht Fescht August 4, 5 & 6, 2023
  - Wheels of Time Car Show August 25,26 & 27, 2023
  - a. Letter from Manager Brown

On behalf of the Macungie Police Department, I respectfully request assistance from the Upper Milford. Vera Cruz Fire Dept. Station #28 Special Fire Police for traffic control within the Borough of Macungie during the following events: 1) Antique Truck Show, June 16 & 17, 2023, 2) Das Awkscht Fescht Car Show, August 4, 5 & 6, 2023, 3) Wheels of Time Car Show, August 25, 26 & 27, 2023.

**MOTION:** Supervisor Mohr made a motion to allow Special Fire Police Assistance if willing and available for the events included in the letter from Macungie manager John Brown dated March 15<sup>th</sup>, 2023. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 3.) Request for assistance for "Cross" Walk April 7<sup>th</sup>, 2023
  - a. Letter from Pastor Lori Esslinger

The Ministerium churches are planning to have a Cross Walk on Good Friday, April 7. It will start at 2 p.m. at the Upper Milford Mennonite Church and progress to Old Zionsville United Church of Christ. We are planning to do this rain or shine. If there would be snow on the ground making travel on the road dangerous, we will cancel. We are requesting assistance for safety protection while we are walking on the road from UMMC to OZUCC. I clocked it at .7 miles – much of it is uphill. Is it possible for a vehicle with flashing lights to accompany us? I believe the last time we did this in the community a township truck was near us to alert traffic. We appreciate anything you can offer to make our journey safe. A car will be following us in case any participants become too tired to continue the walk. We are hopeful of about 20 walkers but that will depend on the weather. We anticipate arriving at OZUCC around 2:20/2:30 p.m. at which time our walk ends with worship until 3 p.m. Thank you so much for hearing our request and assisting as possible. Please advise if there is a cost for this "escort" and who I need to contact in case of cancelation.

There was a brief discussion. Citizen's Fire Company provided the escort in 2019. Both Fire Companies were notified that this request came in an if the Board chooses, they may allow Special Fire Police to Assist.

**MOTION:** Supervisor Mohr made a motion to allow Special Fire Police Assistance is willing and available from both fire companies to help in traffic control and pedestrian safety for the Church's Cross Walk on April 7<sup>th</sup> at 2 pm. Supervisor Zgura 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

Township Manager:

Bud Carter – No Report

Supervisors:

John D. Zgura – No Report

Joyce K. Moore – No Report

Daniel J. Mohr –No Report

**EXECUTIVE SESSION:** - Not needed.

**ADJOURNMENT:** Meeting adjourned at 7:59 pm.

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**Chairperson Joyce K. Moore**

**Date**  
**April 6<sup>th</sup>, 2023**

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**Secretary Jessi O'Donald**