

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
October 19th, 2023, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors, Joyce K. Moore, John D. Zgura, Daniel J. Mohr; Manager Edward Carter, Solicitor Marc Fisher; Planning Coordinator Brian Miller; 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.

Upper Milford Township Supervisors held an executive session from 9:00 am to noon on October 13th for employee reviews.

The Upper Milford Board of Supervisors held an executive session beginning at 6:30 pm prior to the start of this meeting to discuss a personnel matter.

PUBLIC INPUT: None

ACCEPTANCE OF MINUTES:

Approval of October 5th, 2023, regular meeting minutes.

MOTION: Supervisor Mohr made a motion to accept the September 21st, 2023, 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. 22541 to 22577 in the amount of \$67,944.37

ACKNOWLEDGEMENT OF BANK TRANSFERS:

No Transfers

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

SOLICITOR'S REPORT: No Report

OLD BUSINESS: None

NEW BUSINESS:

1.) 2024 Budget Discussion if needed

Supervisor Moore stated it was a balanced Budget with no increase. Supervisor Zgura asked for a public works project list. Supervisor Mohr had no questions.

2.) Resolution 2023-026 – The Fields at Twin Run Development Agreement

Solicitor Fisher explained this was the agreement they had reached for the development that included the 1.37 acres that will be turned over to the HOA with the walking path and a small fee in lieu of recreation.

MOTION: Supervisor Moore made a motion to approve Resolution 2023-026. Supervisor Mohr seconded the motion. Hearing no questions or concerns, all were in favor, motion carried.

3.) Resolution 2023-027 – Investment for Fire Companies

Solicitor Fisher explained that this lined out what was discussed prior for investing the money for the Fire Companies for the foam system and a future vehicle, how to split the interest and that the Fire Companies must acknowledge the Resolution prior to the end of the 270-day term transaction.

MOTION: Supervisor Zgura made a motion to approve Resolution 2023-027 to invest the money for the Fire Companies. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

4.) Resolution 2023-028 – O&M for 5232 South Mountain Dr (Aponte currently of Marion Place)

This is the normal stormwater operation and maintenance agreement between the homeowner and the Township for stormwater systems put in place due to new construction.

MOTION: Supervisor Moore made a motion to approve Resolution 2023-028 for the O&M agreement for 5232 South Mountain Drive. Supervisor Mohr seconded the motion. Hearing no questions or concerns, all were in favor, motion carried.

5.) Alan Myers Escrow Release Report

- a. Check No. **180** in the amount of **\$5,000.00**
- b. Memo from manager Carter

Alan Myers has completed rehabilitation to the Turn Pike bridge that is above Church View Road. They were using Faith Drive, Bleiler Road, Acorn Drive and Geho Road for the detour passenger traffic detours. Alan Myers posted security with the township in case any damage occurred during the detour, and they are asking for the security to be returned to them. I have completed an inspection and did not see any damage to these roads. At this time, I would like to ask the Board to make a motion to return the \$5,000 that was held for security to be returned to Alan Myers.

MOTION: Supervisor Moore made a motion to approve the Allen Meyers Escrow release for the roads for the Churchview Road Turnpike bridge detour per Manager Carter's memo dated October 17th, 2023, along with release check number 180 in the amount of \$5,000.00. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

6.) Jasper Ridge Parking Discussion

The Jasper Ridge Homeowners Association (HOA) approached me with a request to revise the "No Parking" restrictions on the approved plan. It is my understanding that the HOA is concerned with the distance of the Community parking lot for several of the houses in the development and is proposing parking on one side of Mink and Stole Roads to provide overflow parking within the development. The attached plans delineate the specific parking sign revisions which involve the elimination of seven "No Parking" signs and the addition of three "No Parking Here to Corner" signs. From my perspective, the 32-foot-wide local roadways should be adequate to permit parking on one side of the street. I support the request and am asking the Township to approve the proposed plan revision. The plan revision can be reflected on the final as-built plans which will be prepared following completion of the project. I look forward to your cooperation in approving this revision and would appreciate your letting me know how to proceed to obtain Township approval.

There was a brief discussion where ideas about HOA enforcement, the history of the plan as approved and difficulty parking on Benjamin court were all discussed. The engineer and HOA representative will do some more research and discussion with the HOA members and come back to the Board.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS:

- 1.) PC review of Emmaus Zoning, SALDO, & Official Map
 - a. A. Letter from Brian Miller

At their meeting on October 2nd, 2023, the Planning Commission reviewed the Draft Emmaus Borough Zoning Ordinance, Zoning Map, SALDO & Official Map as per the requirements of the Southwestern Comprehensive Plan Agreement. The Planning Commission recommended thanking the Borough for allowing them to review the proposed ordinances. The Planning Commission noted the proposed Official Map did not have adjacent municipal boundaries shown and suggested recommending the Borough revise the plan to show the adjacent Boundaries. If you agree a motion for me to write a letter addressing the above will be completed.

MOTION: Supervisor Moore made a motion to direct staff to write the letter to Emmaus Borough in accordance with Brian Miller's letter dated October 18th, 2023. Supervisor Zgura seconded the motion. Hearing no questions or concerns, all were in favor, motion carried.

SUBDIVISIONS – IMPROVEMENTS:

- 1.) Release No. 5/Final for Domain Pterion in the amount of \$32,447.35 and Check No. **181** in the amount of **\$32,471.13.** (includes interest)
 - a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated October 2, 2023, 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 Thirty-Two Thousand, Four Hundred Forty-Seven Dollars and Thirty-Five Cents (\$32,447.35) in accordance with the Improvements Agreement dated October 15, 2020. This certificate authorizes Upper Milford Township to reduce said amount, namely Thirty-Two Thousand, Four Hundred Forty-Seven Dollars and Thirty-Five Cents (\$32,447.35) to owner or such other person as said owner shall designate.

MOTION: Supervisor Zgura made a motion to approve the final credit release for Domaine Pterion/O'Rourke Winery in and check number 181 in the amount of \$32,471.13. Supervisor Moore seconded the motion. Hearing no questions or concerns, all were in favor, motion carried.

- 2.) Release No. 6 for the Estate at Maple Ridge in the amount of \$141,961.85.
 - a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated September 29, 2023, we the undersigned hereby certify that the improvements required in connection with the Estates at Maple Ridge, have been completed to the extent that the Financial Security Agreement can be reduced by the amount of One Hundred Forty-One Thousand, Nine Hundred Sixty-One Dollars and Eighty-Five Cents (\$141,961.85), in accordance with the Subdivision Improvements Agreement dated May 11, 2022. This certificate authorizes the Penn Community Bank to reduce said amount, namely One Hundred Forty-One Thousand, Nine Hundred Sixty-One Dollars and Eighty-Five Cents (\$141,961.85) 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. In no event, shall the escrow fund for the construction improvements associated with the Estates at Maple Ridge, be reduced to any amount less than One Million, Three Hundred Five Thousand, One Hundred Forty-Six Dollars and Seventy-Seven Cents (\$1,305,146.77).

MOTION: Supervisor Mohr made a motion to approve Release number 6 for the Estates at Maple Ridge in the amount of \$141,961.85 in accordance with the letter dated October 10th, 2023, from Township Engineer Jeffery Ott. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 3.) Time Extension for Fields at Indian Creek Annex for 365 days until 12/7/2024
 - a. Letter of request from Rick Koze

Please accept this request for a 365-day time extension for the Improvements Agreement for the Indian Creek Major Subdivision Annex Phase to allow time to complete the necessary improvements. Kay Builders will ensure that Irrevocable Letter of Credit No. 135000060222 People's Security Bank and Trust originally dated December 6, 2022, will be extended to a date beyond the new expiration date of the Improvements Agreement.

MOTION: Supervisor Zgura made a motion to approve the time extension until December 7th, 2024 for the Annex at The Fields at Indian Creek. Supervisor Mohr seconded the motion. Colt Hershinger asked if Emmaus Borough Approved this as well. Brian Miller answered that The There was only a very small part within the Township to approve the extension for.

CORRESPONDENCE:

- 1.) Macungie Borough request for detour and Special Fire Police for the Halloween Parade
 - a. Letter from Manager John Brown

Macungie Borough requests the use of East Macungie Road as a traffic detour during our Halloween Parade on October 29, 2023, from 6:00-9:30 PM and the use of Special Fire Police from Upper Milford Stations #19 and #28 if willing and able. Please have them contact the following: Sargent Travis Kocher or Parade Coordinator Margaret Young.

MOTION: Supervisor Mohr made a motion to allow the use of East Macungie Road as the parade detour route and Special Fire Police from stations #19 & #28 for the Macungie Halloween parade on October 29th, 2023, from 6:30-9:00 pm. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Request from Western District Fire Company
 - a. Letter from Kevin Kleinsmith

The Upper Milford Western District FC is asking if the board would fund the cost of a grant writer to allow us to apply for the AFG (Assistance to Firefighter Grant). This grant we want to apply for will help offset the cost of equipping our new tanker pumper that is on order. We plan on applying for: 2000' of 5" large diameter hose for that truck, 1500' of 5" large diameter hose to replace our existing 21-year-old hose that is located on our 2014 KME engine, Various fittings and nozzles needed for the new truck to handle the foam capabilities of the truck. We have a quote for the hose of \$35,000 and are waiting for the cost of the fittings and nozzles. The grant writer we have selected has an excellent track record of getting grants for various fire companies. His proposal is attached and has stated that our needs are a high priority case to be funded. If we are awarded our share would be 5% of the total of the grant. The grant period is set to open in early January and all the awards are set to be awarded by September 30, 2024. Starting in November will be the planning period to be ready to apply in January. Thank you for considering this.

There was a discussion on this request. Supervisor Zgura asked for time to do some research. Treasurer O'Donald suggested the Fire Companies work together with the ESC to see what they both need and wondered if the Local Shares Grant would be a cheaper easier option for application since the truck isn't being delivered for a while there is time to try for that in the next LSA grant round. It was decided that the Board isn't opposed to paying for a grant writer in the correct circumstance but needed more time and information.

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: N/A

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: Report Posted on Website

Fire Companies: Kevin Kleinsmith reported that Breakfast is the first Sunday of the month.

Emmaus Library: Lisa Marten reported that Heros night was well attended, and the digital literacy program has been received well with participation.

Recreation Commission: No Report

Township Manager:

Bud Carter – No Report

Supervisors:

John D. Zgura – No Report

Daniel J. Mohr – the Vera Cruz Halloween parade was successful. Even the surrounding fire companies showed up for the parade with their trucks. It was a little hectic with the Shimerville Light detour but that cleared just in time.

Joyce K. Moore – October 16th was a meeting with the Fire Companies to go over budgeting, cash flows and the having the Fire Companies do budgeting for capital expenses for 5 and 10 years.

EXECUTIVE SESSION: - If needed

ADJOURNMENT: Meeting adjourned at 7:58 pm.

Chairperson Joyce K. Moore

11/02/2023
Date

Secretary/Treasurer Jessi O'Donald