

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
June 20th, 2024, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors; Daniel Mohr, John Zgura, Angela Ashbrook; 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:

Frank Kuklis – Shimerville Road – He was following up on the concerns he raised at the last meeting on the Turnpike expansion. He spoke with LCA and stated that LCA had not yet heard from the Turnpike about Mill Road. He is concerned over the sewer pipe that is buried under Mill Road and would be buried under many more feet of soil if the Turnpike is successful in closing Mill Road and filling in under the bridge.

Jim Pruitt – 6401 Zionsville Bible Fellowship Church – they have received the letter needed from Zoning Officer Alan Brokate. Jim proceeded to read a letter requesting help from the Board of Supervisors to waive the need for Land Development for the Church's additional 839 square feet to connect the two buildings. The church has been given a cost of \$25,000 for the needed plans if they need to go through a land development to add the additional 839 square feet for the enclosed hallway between the two buildings that will house a walkway, kitchen area and additional restrooms that are ADA compliant while allowing the current restrooms to be updated to ADA compliant. They are also asking for zoning relief.

Solicitor Fisher stated that the Board could decide to waive the requirements for land development for the church. He recommended that Staff meet with the Church to make sure everything that is asked for is discussed first. However, The Board of Supervisors cannot provide relief for the Zoning. That will have to go before the Zoning Hearing Board.

The Supervisors directed staff to meet with the church and make sure of the project's scope prior to the Board of Supervisors making any decisions.

Jim Pruitt left his contact number for Manager Carter to call and schedule a meeting.

ACCEPTANCE OF MINUTES:

Approval of June 6th, 2024, regular meeting minutes.

MOTION: Supervisor Mohr made a motion to pay the bills as read and acknowledge the bank transfers. Supervisor Ashbrook 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. 23125 to 23160 in the amount of \$178,646.96

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No's. 2024-044 to 2024-052

MOTION: Supervisor Mohr made a motion to pay the bills as read and acknowledge the bank transfers. Supervisor Ashbrook 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.) Amendment to the Handbook – Abuse prevention Policy

Secretary/Treasurer O'Donald explained that with the new insurance regulations changing the Liability Limits for Municipalities and the statute of limitations being lengthen on certain abuse allegations that Insurance agent recommended adopting an abuse policy into our employee manual. This is the same type of abuse policy adopted for other businesses and schools.

There was a discussion among Board members as to the necessity of this policy.

Phil Casey stated people had a choice as to argue with each other or not.

Colt Hershinger asked how much this policy was going to cost. It was explained that this is a handbook policy not a premium paid policy.

Solicitor Fisher commented that this was recommended by the insurance agent to protect the Township and should be carefully considered.

Jim Pruit commented that this type of policy was a best practice for most corporations and businesses as it adds a way to track certain behaviors and correct if needed but most of all protect the Township in the event of an abuse allegation.

MOTION: Supervisor Mohr made a motion to adopt the abuse policy into the handbook as recommended by the Township Insurance agent. Supervisor Zgura seconded the motion. Hearing no further questions or comments, Mohr and Zgura were in favor, Ashbrook opposed the motion, motion carried.

2.) Well Isolation Distance Waiver for 3222 Faith Dr.

We received the attached Well Isolation Waiver request from David & Joan Muth of 3222 Faith Dr Emmaus. They are asking for a waiver to the 100' isolation distance between their well and septic. PA Code Title 25, Chapter 73.13. Minimum Horizontal Isolation Distances requires 100' between the well and the aggregate in the absorption area. The Muth's installed their first septic system in 1982 and a second in 1987, the current system is malfunctioning at times and the Muth's hired a Septic

Consultant to test & design a new septic system. Due to the existing improvements on the 1.155 acre property and neighboring well locations the consultant has proposed a system location that is approximately 27' from their well. When considering corrective measures for a malfunctioning septic system the regulations allow for the use of Best Technical Guidance, PA code Title 25 Chapter 73.3 Policy allows the Local Agency to waive the isolation distance requirements at their discretion. Pa Code Chapter 72.33. Well isolation distance exemption notes that the applicant shall submit a formal written request for the exemption/waiver. The board may also waive the requirements of Chapter 72.33.(c). for appropriate groundwater studies.

It was asked why the two systems already failed and are there any safeguards on the well. Brian Miller stated that the Township can require an operation and maintenance agreement for water testing and maintenance reporting. Supervisor Mohr asked if this proposed system was like a stream discharge system. It is similar. Phil Casey asked the type of system. Colt Hershinger asked about power outages with the system. The homeowner stated they are installing a whole house generator prior to the system being completed.

MOTION: Supervisor Mohr made a motion to approve the well isolation distance and ground water study waivers contingent upon an O&M agreement being signed by the homeowner. Supervisor Ashbrook 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 FIC Phase 3 until August 7th, 2025
 - a. Letter from Rick Koze of Kay Builders

Kay Builders is requesting a 365-day time extension to allow ample time to complete the improvements at the Fields at Indian Creek, Phase 3. Please place our request for a 365-day extension to August 7, 2025, on the June 20, 2024, Board of Supervisors Agenda for the Board to act upon. Letter of Credit 1350000660211 with People Security will remain in effect until Phase 3 is finalized.

There was a conversation on completion on the development and if the Builder is intentionally dragging their feet in the completion steps. Manager Carter explained that the builder is in the development working on things and has just completed the last home, so they are working through what needs to be addressed prior to completion.

MOTION: Supervisor Mohr made a motion to approve the time extension for Fields at Indian Creek Phase 3 until August 7th, 2025, as requested. Supervisor Ashbrook seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

- 2.) Approval – Time Extension Fields at Jasper Ridge until August 7th, 2025
a. Letter from Rick Koze of Kay Builders

Please accept this request for a 365-day time extension for the Improvements Agreement for the Fields at Jasper Ridge Major Subdivision to allow time to complete the necessary improvements. Kay Builders will ensure that Irrevocable Letter of Credit No. 1380001456205 with People's Security Bank and Trust will be extended to a date beyond the new expiration date of the Improvements Agreement.

There was a conversation about improvements agreements and the amounts that can be released and kept in security. It was asked if that amount would be adequate to complete remaining items if the developer doesn't finish the development. Phil Casey asked if the bond can be increased. Frank Kuklis asked if the time frame can be shortened to try to push the developer. Planning Coordinator Brian Miller said that all these items are regulated by the Municipal Planning Code. The Township can only hold what is allowable in accordance with the MPC. Solicitor Fisher has explained that the Township has asked for increased security and received it in the past. Supervisor Ashbrook expressed frustration with the regulations.

MOTION: Supervisor Mohr made a motion to approve the time extension as requested until August 7th, 2025. Supervisor Zgura seconded the motion. Hearing no further questions or comments, Mohr and Zgura were in favor, Ashbrook was against, Motion carried.

CORRESPONDENCE:

- 1.) Request from Emmaus Borough for Special Fire Police for Halloween Parade
October 19th at 7pm with a rain date of October 20th, at 6pm.
a. Letter from Deputy Chief of Police Bryan Hamscher

MOTION: Supervisor Mohr made a motion to approve special Fire Police Assistance in accordance with the request from Deputy Chief Bryan Hamscher of the Emmaus Police Department for the Halloween Parade October 19th at 7 pm with a rain date of October 20th at 6 pm. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report:

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: Report on website

Fire Companies:

Emmaus Library:

Recreation Commission: Next meeting is July 15th at Churchview Park.

Township Manager:

Bud Carter – Oil and Chip will be done next week. The Road list has been posted and the roads have signage.

Supervisors:

Daniel J. Mohr –Vera Cruz Community Association is still collecting ads for the Homecoming Book. Please direct questions to Dan Mohr or another association member.

Angela Ashbrook – No Report

John D. Zgura – No Report except he will not be in attendance at the July 18th meeting.

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting was adjourned at 8:02 pm.

Vice Chair Daniel J. Mohr

July 18th, 2024
Date

Secretary/Treasurer Jessi O'Donald