

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, December 19, 2011 – 6:00 P.M.
Township Municipal Building

Members Present: Miro A. Gutzmirtl, Chairman
Stephen Wagner, Vice Chairman
Joseph M. Horvath
John E. Gilda, Jr.
Joaquim "Jack" DeMatos

Staff Attending: Thomas F. Beil, Township Manager
Robert E. Kassel, Jr., Asst. Township Manager
Dennis Harman, P.E., Township Engineer
Thomas Dinkelacker, Township Solicitor
Ronald Gawlik, P.E., Township Engineer
Sharyn Heater, Director of Community Development
Dennis Gehringer, Township Planning Consultant

CALL TO ORDER

Chairman Gutzmirtl called the meeting to order at 6:00 p.m., in the Public Meeting Room of the Upper Saucon Township Municipal Building, 5500 Camp Meeting Road, Upper Saucon Township, Lehigh County, PA.

PLEDGE OF ALLEGIANCE

Mr. Gutzmirtl asked all in attendance to stand and recite the "Pledge of Allegiance." Mr. Gutzmirtl asked all in attendance to observe a moment of silence to honor the memory of Carolyn Lidie who recently passed away. Ms. Lidie was an active volunteer in the Township and served on several Township Boards and Commissions.

PUBLIC COMMENT

Doris Clegg, 4137 Bunker Hill Drive – Ms. Clegg explained the need for the installation of guiderail along Main Street at the intersection with Liberty Road. Mr. Beil responded that Main Street is a State road, and he encouraged Ms. Clegg to bring this matter to PennDOT's attention.

CHAIRMAN'S REMARKS

Mr. Gutzmirtl read the following statement and asked that it be made part of the official minutes:

"I couldn't have been more proud than to have served with outstanding fellow Supervisors Jack DeMatos, John Gilda, Joe Horvath and Steve Wagner.

We have always tried to make a positive difference in our community. Serving the Township with this Board has never been about personal accomplishments, but rather about making Upper Saucon Township a place where we can all equally enjoy its resources.

I'm proud of our collective accomplishments, and there have been many. But some of the highlights include:

- Amending the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, which will help manage growth and allow for the creation of additional open space areas.
- Creating the Environmental Advisory Council, to advise the Board of Supervisors on open space acquisition, and be community leaders regarding environmental issues.
- Appointing volunteers to commissions, committees, councils and boards who are independent thinkers and have a positive long term vision for our township.
- Being fiscally responsible while still providing a high level of township services to residents. Each of the municipal budgets over the last 6 years, as well as next year's budget, were made without a tax increase.
- Expanding the recreational opportunities within the Township by completing the Phase 1 section of the Saucon Rail Trails.
- Upgrading our communication to those that attend meetings, read our website and/or our newsletters. The hiring of a Communications Coordinator has pushed many of these efforts to completion.

I share these accomplishments with this Board of Supervisors, Thomas Beil (Township Manager), our Township Staff, and our Professionals, including the Law Offices of Dimmich and Dinkelacker and the Engineering Offices of Pidcock Engineering.

And to finish, it has been an incredibly good 6 years!

We did the right things
at the right times
in the right ways
for the right reasons!!

Thank you for the privilege of serving this community!"

STATE REPRESENTATIVE JUSTIN SIMMONS – RECOGNITION OF OUTGOING SUPERVISORS MIRO GUTZMIRTL AND JOSEPH HORVATH FOR THEIR SERVICE TO THE TOWNSHIP

Justin Simmons, State Representative for the 131st Legislative District, was unable to attend the meeting because of his commitments in Harrisburg. Dan Paschke, Staff Assistant, presented Chairman Gutzmirtl and Mr. Horvath with a Citation issued by the Pennsylvania State House of

Representatives commending them for their contributions to the Township while serving on the Board of Supervisors.

**PROPOSED ORDINANCE NO. 145 – COMPREHENSIVE AMENDMENT OF
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO)**

Ordinance No. 145 constitutes a comprehensive amendment to the Subdivision and Land Development Ordinance of Upper Saucon Township.

Public Hearing on Proposed Ordinance No. 145

Solicitor Dinkelacker introduced the ordinance and summarized its relevant provisions.

Dennis Gehringer, Township Planning Consultant, stated that Ordinance No. 145 has been customized to meet the Township's specific needs and is a very readable document.

Ronald Gawlik, Township Engineer, said the Ordinance provides a road map for working through the subdivision and land development process.

Solicitor Dinkelacker asked if anyone from the public wished to comment on the Ordinance.

Mindy Moore, 4325 Boulder Drive – Ms. Moore asked the Solicitor to clarify Section 203 of proposed Ordinance No. 145. Solicitor Dinkelacker explained that Section 203 gives developers the option to file a combined preliminary/final plan instead of filing two separate plans. However, the option to file a separate preliminary plan followed by a separate final plan is still available.

Ms. Moore asked the Solicitor to clarify the waiver process set forth in Ordinance No. 145. Solicitor Dinkelacker explained the waiver procedure as set forth in Section 205 of Ordinance No. 145.

Adoption of Proposed Ordinance No. 145

Motion made by Mr. Horvath and seconded by Mr. Wagner to adopt proposed Ordinance No. 145 which constitutes a comprehensive amendment to the Upper Saucon Township Subdivision and Land Development Ordinance.

The motion was approved by a vote of 5 to 0.

PROPOSED ORDINANCE NO. 141-E – ZONING ORDINANCE AMENDMENT

Ordinance No. 141-E amends the Upper Saucon Township Zoning Ordinance by amending the Zoning Map to designate a 3 acre portion of a certain tract of land at the corner of Route 378 and Colesville Road identified as 4373 Route 378 as a Village Commercial Overlay Zone.

Public Hearing on Proposed Ordinance No. 141-E

Solicitor Dinkelacker introduced the ordinance and summarized its relevant provisions.

Solicitor Dinkelacker introduced the following exhibits into the record:

- T-1 Complete copy of proposed Ordinance 141-E
- T-2 Letter from Sharyn Heater, Director of Community Development, transmitting proposed Ordinance 141-E to Upper Saucon Township Planning Commission
- T-3 Letter from Sharyn Heater, Director of Community Development, transmitting proposed Ordinance 141-E to the Lehigh Valley Planning Commission
- T-4 Review comments received from the Upper Saucon Township Planning Commission

- T-5 Review comments received from the Lehigh Valley Planning Commission
- T-6 Copy of public notice for proposed Ordinance 141-E which ran in The Morning Call newspaper on December 5, 2011, and December 12, 2011
- T-7 Copy of actual public notice printed in The Morning Call on December 5, 2011, and December 12, 2011
- T-8 Notice of rezoning sent to property owners
- T-9 Photographs of property postings
- T-10 Copy of notices posted on property

The exhibits will become part of the official file and are available for public inspection at the Township Building.

Solicitor Dinkelacker asked if anyone from the public wished to comment on the proposed Ordinance. There was no response.

Adoption of Proposed Ordinance No. 141-E

Motion made by Mr. Wagner and seconded by Mr. DeMatos to adopt proposed Ordinance No. 141-E which amends the Zoning Ordinance by amending the Zoning map to designate a 3 acre portion of a certain tract of land at the corner of Route 378 and Colesville Road identified as 4373 Route 378 as a Village Commercial Overlay Zone.

The motion was approved by a vote of 5 to 0.

SUBDIVISIONS & LAND DEVELOPMENTS

Old Saucon Development – Resolution No. 2011-31

Motion made by Mr. DeMatos and seconded by Mr. Wagner to adopt Resolution No. 2011-31 conditionally approving the Preliminary/Final Land Development Plan of Old Saucon Investment, LP to construct an Age-Qualified Residential Community and a Village Commercial Center along the east side of Route 378 near the intersection with Center Valley Parkway.

The motion was approved by a vote of 5 to 0.

MINUTES

Regular Meeting of November 7, 2011

Motion made by Mr. Wagner and seconded by Mr. Horvath to approve the minutes of the regular meeting of November 7, 2011.

The motion was approved by a vote of 5 to 0.

Regular Meeting of November 21, 2011

Motion made by Mr. Wagner and seconded by Mr. Gilda to approve the minutes of the regular meeting of November 21, 2011.

The motion was approved by a vote of 5 to 0.

COMMITTEE REPORTS

None

ORDINANCES

Proposed Ordinance No. 108-B – Act 167 Stormwater Management Ordinance

Motion made by Mr. Horvath and seconded by Mr. DeMatos to adopt proposed Ordinance No. 108-B regulating stormwater management, stormwater quality and certain land development practices as the same may impact stormwater runoff management and quality.

The motion was approved by a vote of 5 to 0.

RESOLUTIONS

Resolution No. 2011-28 – Adoption of 2012 Township Budget

Motion made by Mr. Wagner and seconded by Mr. DeMatos to adopt Resolution No. 2011-28 approving the 2012 Township Budget.

A discussion ensued among the Board members as to whether or not to budget \$40,000 for a study to determine if the Township should sell its public water system.

Mr. Gutzmirtl was not in favor of selling the water system.

Mr. Gilda argued the study will provide useful information such as the estimated value of the water system which the Board can use to make an informed decision on the issue. He noted that both the Finance Committee and the Budget Review Advisory Committee recommended proceeding with the study.

Mr. Wagner said the Board members should be fairly certain they want to sell the water system before spending \$40,000 on a study. He wanted to know why consideration is not being given to selling other Township assets besides the water system.

Mr. DeMatos said he is not in favor of the study because he is not in favor of selling the water system.

Mr. Wagner amended his original motion to read as follows: Motion to adopt Resolution No. 2011-28 approving the 2012 Township Budget, as preliminarily approved by the Board of Supervisors on November 21, 2011, subject to the following modifications:

<u>Account No.</u>	<u>Description</u>	<u>Original Amount</u>	<u>Revised Amount</u>
01-401-100	Police Salaries – Regular	\$1,377,139	\$1,402,356
01-487-000	Police - Social Security Tax	\$112,668	\$112,995
60-389-200	Police – Income from Member Contribution	\$109,855	\$111,873
01-401-260	Study to determine if Twp. should sell water system	\$40,000	\$0

Mr. DeMatos seconded the amended motion.

The amended motion was approved by a vote of 5 to 0.

Resolution No. 2011-29 – 2012 Tax Levy

Motion made by Mr. Horvath and seconded by Mr. Wagner to adopt Resolution No. 2011-29 fixing various tax rates for the year 2012, which are unchanged from the 2011 tax rates.

The motion was approved by a vote of 5 to 0.

Resolution No. 2011-30 – 2012 Pay Plan

Motion made by Mr. Horvath and seconded by Mr. Gilda to adopt Resolution No. 2011-30 establishing the 2012 Pay Plan for all Township employees.

The motion was approved by a vote of 5 to 0.

Resolution No. 2011-27 – Fee Schedule for Community Development Department

Motion made by Mr. DeMatos and seconded by Mr. Horvath to adopt Resolution No. 2011-27 establishing a comprehensive fee schedule for the subdivision and land development process, building permit process, building code appeals, certificate of occupancy issuance, zoning permits, zoning appeals, stormwater infiltration testing and activities performed in connection with on-lot sewage disposal systems.

The motion was approved by a vote of 5 to 0.

Resolution No. 2011-32 – Authorizing Condemnation of Gun Club Property at 7600 Blue Church Road South

The Board met in executive session to discuss the possible condemnation of property at 7600 Blue Church Road South for the purpose of developing a municipal water supply well.

The Board returned from executive session.

Motion made by Mr. Wagner and seconded by Mr. DeMatos to adopt Resolution No. 2011-32 authorizing the Township Solicitor to take all legal steps necessary to acquire 2.131 acres of the property at 7600 Blue Church Road South and a non-exclusive wellhead protection easement on the property at 7600 Blue Church Road South in order for the Township to construct, operate and maintain a municipal water supply well and related waterlines.

The motion was approved by a vote of 5 to 0.

Resolution No. 2011-33 – Policy for Processing Requests by Supervisors for Access to Information
Motion made by Mr. Horvath and seconded by Mr. Wagner to adopt Resolution 2011-33 establishing a policy for processing requests by members of the Board of Supervisors for access to information.

The motion was approved by a vote of 5 to 0.

MOTIONS

Interim Appointment of Code Master Inspection Services to Administer and Enforce the State Wide Construction Code

1. Interim Appointment of Third Party Agency For Administration and Enforcement of PA Construction Code Act

Motion made by Mr. Wagner and seconded by Mr. Gilda to appoint Code Master Inspection Services, Inc. and its construction code officials, as the sole third- party agency to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Construction Code Act, in accordance with Section 503(b)(2) of the Act and Section 3.b of Upper Saucon Township Ordinance No. 130.

The motion was approved by a vote of 5 to 0.

2. Interim Appointment of Municipal Code Official and Primary Building Code Official

Motion made by Mr. Wagner and seconded by Mr. DeMatos to appoint David Backenstoos of Code Master Inspection Services, Inc., as the municipal code official and primary building code official to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Construction Code Act, in accordance with Section 503(b)(1) of the Act and Section 3.a of Upper Saucon Township Ordinance No. 130.

The motion was approved by a vote of 5 to 0.

Request For Payment – Barry J. Hoffman, Inc. – Certification No. 12

Motion made by Mr. Gilda and seconded by Mr. Wagner to authorize payment in the amount of \$124.50 to Barry J. Hoffman, Inc., for work completed on the electrical system at the Country Club Sewer Pump Station.

The motion was approved by a vote of 5 to 0.

Police Collective Bargaining Agreement

Motion made by Mr. Horvath and seconded by Mr. Gilda to ratify the new Collective Bargaining Agreement between the Township and the Police Officers Association incorporating the terms and conditions contained in the Act 111 Interest Arbitration Award dated November 21, 2011; and authorizing the appropriate Township officials to execute said Agreement on behalf of the Township.

The motion was approved by a vote of 5 to 0.

Release of Funds – Assumption of BVM Church Land Development – Certification No. T-1

Motion made by Mr. Wagner and seconded by Mr. DeMatos to authorize the release of construction security in the amount of \$4,840.00 for the Assumption of BVM Church Land Development in accordance with the Township Engineer's recommendation made by letter dated August 9, 2011.

The motion was approved by a vote of 5 to 0.

Request For Payment – Livengood Excavators, Inc. – Certification No. 2

Motion made by Mr. Wagner and seconded by Mr. Gilda to authorize payment in the amount of \$88,565.39 to Livengood Excavators, Inc., for work completed on the Taylor Drive storm sewer project.

The motion was approved by a vote of 5 to 0.

Request For Payment – Barry J. Hoffman, Inc. – Certification No. 13

Motion made by Mr. DeMatos and seconded by Mr. Gilda to authorize payment in the amount of \$294.00 to Barry J. Hoffman, Inc., for work completed on the electrical systems at the Wastewater Treatment Plant and the zinc mine water supply facility.

The motion was approved by a vote of 5 to 0.

Animal Control Agreement With Lehigh County Humane Society

Motion made by Mr. Horvath and seconded by Mr. Wagner to approve an agreement with the Lehigh County Humane Society for animal control services during the 2012 calendar year and to authorize the Township Manager to execute said agreement on behalf of the Township.

The motion was approved by a vote of 5 to 0.

Amendment to Traffic Improvements Agreement with School District

Motion made by Mr. Horvath and seconded by Mr. Wagner to approve an amendment to the Traffic Improvements Agreement between the Township and the Southern Lehigh School District relating to the design and construction of certain traffic improvements at the intersection of Route 309 and Lanark Road, subject to any minor modifications to the Agreement deemed appropriate by the Township Solicitor.

The motion was approved by a vote of 5 to 0.

CORRESPONDENCE AND INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

None

BILLS, PAYROLL, AND COMMISSIONS

Prepaid Invoice List #12052011 dated 12/16/2011 for \$3587,001.15
Warrant List #12052011 dated 12/16/2011 for \$1,614,663.86

Motion made by Mr. Wagner and seconded by Mr. Gilda to authorize the payment of the Prepaid Invoice List and the Warrant List.

The motion was approved by a vote of 5 to 0.

ADDITIONAL BUSINESS

Mr. Gutzmirtl noted that two new Supervisors will be joining the Board in January, 2012 and he wished them well.

COURTESY OF THE FLOOR

Mindy Moore, 4325 Boulder Drive, thanked the current Board members for a job well done.

ADJOURNMENT

Motion made by Mr. Gilda and seconded by Mr. Horvath to adjourn the meeting.

The motion was approved by a vote of 5 to 0.

The meeting was adjourned at approximately 7:39 PM.

Secretary