

**MINUTES**

Upper Saucon Township Board of Supervisors  
Regular Meeting  
Monday, January 27, 2014 – 6:30 P.M.  
Township Municipal Building

Members Present: Stephen Wagner, Chairman  
Joaquim "Jack" DeMatos, Vice Chairman  
Dennis E. Benner  
Patrick M. Leonard  
Philip W. Spaeth

Staff Attending: Thomas F. Beil, Township Manager  
Robert E. Kassel, Jr., Assistant Township Manager  
Jeffrey Dimmich, Township Solicitor  
Dennis Harman, P.E., Township Engineer  
Sharyn Heater, Director of Community Development  
Robert Coyle, Police Chief

**CALL TO ORDER**

Chairman Wagner called the meeting to order at 6:36 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. Wagner asked all in attendance to stand and recite the "Pledge of Allegiance."

Mr. Wagner announced that all public sessions of the Upper Saucon Township Board of Supervisors are electronically recorded. The recordings are maintained as part of the record of the meeting until the minutes are transcribed and approved by the Board.

**PUBLIC COMMENT**

None

**CHAIRMAN'S REMARKS**

None

## **SUBDIVISIONS & LAND DEVELOPMENTS**

### Saucon Creek Golf LP – Lot Line Adjustment Plan - Resolution No. 2014-10

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2014-10 conditionally approving the preliminary/final lot line adjustment plan of Saucon Creek Golf LP and Neil Hopkins to adjust the lot lines for the properties at 3200 and 3300 Center Valley Parkway and to adjust the location of an existing open space covenant on the property at 3300 Center Valley Parkway.

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

### Geissinger/Ridge & Valley Rod & Gun Club – Lot Line Adjustment Plan - Resolution No. 2014-11

Motion made by Mr. DeMatos and seconded by Mr. Leonard to adopt Resolution No. 2014-11 conditionally approving the preliminary/final lot line adjustment plan of Jay Geissinger, Jason Geissinger, Joshua Geissinger and the Ridge and Valley Rod and Gun Club to adjust the lot lines for various lots as part of a plan to convey land to the Ridge and Valley Rod and Gun Club.

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

### Traditions of America – Revised Preliminary/Final Subdivision Plan - Resolution No. 2014-13

Motion made by Mr. Benner and seconded by Mr. DeMatos to adopt Resolution No. 2014-13 conditionally approving the revised preliminary / final subdivision plan of Traditions of America and Wedgewood Land LP to subdivide four existing lots at the northwest corner of Lanark Road and West Hopewell Road into nine new lots to be transferred and/or developed as follows: Lots 1 through 4 for development of the age qualified community proposed by Traditions of America, Lots 5 through 7 to be utilized by Wedgewood Golf Course, Inc., for possible reconfiguration of the existing golf course, and Lots 8 and 9 to be dedicated to the Township to meet certain park, recreation and open space requirements.

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

### Traditions of America – Revised Preliminary Land Development Plan - Resolution No. 2014-12

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2014-12 conditionally approving the revised preliminary land development plan of Traditions of America and Wedgewood Land LP to construct an age qualified community with associated site improvements on 150+/- acres located at the northwest corner of Lanark Road and West Hopewell Road.

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

Traditions of America – Final Land Development Plan For Phase 1 of Traditions of America Age Qualified Community - Resolution No. 2014-14

Motion made by Mr. Benner and seconded by Mr. DeMatos to adopt Resolution No. 2014-14 conditionally approving the Final Land Development Plan of Traditions of America and Wedgewood Land, LP to construct Phase 1 of an age qualified community with associated site improvements on 24.11 acres located at the northwest corner of Lanark Road and West Hopewell Road.

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

Wedgewood Golf Course - Final Land Development Plan - Resolution No. 2014-15

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2014-15 conditionally approving the final land development plan for Distinct Golf, Inc. – Wedgewood Golf Course to relocate the 7th and 8th holes of the Wedgewood Golf Course and to construct certain site amenities including cart paths.

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

**DIRECTION/DISCUSSION ITEMS**

Review proposed ordinance regulating all terrain and off-road vehicles and consider placing the proposed ordinance on the March 10, 2014 meeting agenda for possible adoption.

Chairman Wagner stated this matter was extensively reviewed by the Planning and Zoning Committee and public opinion seemed to be evenly split on the issue.

Solicitor Dimmich summarized the proposed ordinance which places certain restrictions on the operation of ATVs in the Township. The proposed ordinance prohibits the operation of ATVs between one-half hour after sunset and 9:00 a.m. In addition, the ordinance prohibits the operation of ATVs within 150 feet of an occupied dwelling.

Mr. DeMatos mentioned the 150 foot setback requirement might be very difficult to enforce.

Police Chief Coyle agreed with Mr. DeMatos that the ordinance could be difficult to enforce.

Mr. Leonard spoke in favor of measuring the 150 foot setback from accessory structures such as decks and pools, in addition to occupied dwellings.

Public comment on the proposed ATV ordinance is summarized as follows:

Debbie Miller, 6281 Hall Court – Ms. Miller said she is concerned that it gets dark early in winter and children will not have time to ride after school. She said people are not outside in the winter so ATVs should not bother them.

Kevin Harwick, 7212 Gun Club Road – Mr. Harwick said he has owned a 3-acre plot of land for 26 years and rides ATVs there. He said that a development was built adjacent to his

property and some homes are only 20 feet from his property. He would not be able to ride on his property anymore if the ordinance is adopted. He said that he moved into the Township before the development was built but feels he is being punished by the newer residents.

Nick Sharrer, 5051 West Hopewell Road – Mr. Sharrer said he believes the fines are too high. He said that you could get seven speeding tickets for the cost of one ATV ticket. He said there are more developments being added and residents do not have many places to ride ATVs in the Township anymore. He said operating a lawnmower or kids playing in a pool make just as much noise as an ATV.

Jason Beck, 4335 Verz Cruz Road – Mr. Beck said he has lived in the Township his entire life. He asked why people have not complained about ATVs in the past, but now are. He said the ordinance was not fair to those who ride ATVs and have been doing so for years.

Peggy Sharrer, 5051 West Hopewell Road – Ms. Sharrer praised the committee on the work it has done to find an acceptable resolution of this issue. She spoke in opposition to the ordinance. She has lived in the Township for 23 years and originally moved here because it was rural. She believes the proposed ordinance caters to the residents of the Curly Horse subdivision and is directed against her and one other neighbor. She said that a proposed tree line was never put up between her property and the development. She said that ATVs are no louder than a lawnmower and she thinks that a setback of 50 feet is fairer than the 150 foot setback proposed under the ordinance.

Karl Schersberg, 6936 Gun Club Road – Mr. Schersberg said he wants the Township to take a look at the actual resident complaints and not just the ones from the Curly Horse subdivision. He asked if the ordinance benefits the entire Township or just a few people.

Police Chief Coyle said that in 2013, the police responded to a total of 20 ATV complaints. Of those 20 complaints, 5 came from residents living in the Curly Horse development.

Rick Schersberg, 5641 Locust Valley Road – Mr. Schersberg asked Chief Coyle if any of the 20 ATV complaints were repeat calls about the same problem. Chief Coyle said that there were no repeat complaints and that the complaints came from several areas in the Township.

Doris Clegg, 4137 Bunker Hill Drive S – Ms. Clegg said she believes the ordinance is discriminatory.

Matt Allison (no address given) – Mr. Allison said he is looking to purchase 3 acres of land in the Township and doubts he will purchase the land if he is prohibited from riding ATVs there. He would like to see something written in the ordinance about engine size or noise level.

Anthony Caruso, 4971 Chestnut Hill Road – Mr. Caruso said both sides should be able to work this out without involvement by the Township. He feels this issue is a big waste of time and we should be working on more important matters. He said an ordinance is not needed and the best course of action would be to take no action.

Tyler Burke, Vera Cruz Road – Mr. Burke said he is concerned about noise coming from construction in the new developments. He added that noise from lawnmowers is at a higher decibel rating than ATV noise.

Tom Nicoletti, 4700 Rolling Ridge Drive – Mr. Nicoletti said this issue is about everyone co-existing and being able to enjoy their properties in a reasonable manner.

It was the consensus of the Board to table this matter until the next Board meeting which is scheduled for Monday, February 10, 2014 at 6:30 p.m.

### **MINUTES**

Regular Meeting Minutes of November 25, 2013 and December 23, 2013

It was the consensus of the Board to approve the regular meeting minutes of November 25, 2013 and December 23, 2013 as presented.

### **ORDINANCES**

None

### **RESOLUTIONS**

Resolution No. 2014-16 – Disposition of Township Records

Motion made by Mr. DeMatos and seconded by Mr. Leonard to adopt Resolution No. 2014-16 authorizing the disposition of certain Township records in accordance with the schedules and procedures established in the Municipal Records Manual published by the Pennsylvania Historical and Museum Commission.

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

### **MOTIONS**

Request For Payment – Blooming Glen Contractors – Certification No. 3

Motion made by Mr. Benner and seconded by Mr. Leonard to authorize payment in the amount of \$51,238.11 to Blooming Glen Contractors, Inc., for work completed on the Bar Screen Enclosure at the Wastewater Treatment Plant.

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

Request For Payment – James D. Morrissey, Inc. – Certification No. 6

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize payment in the amount of \$254,364.25 to James D. Morrissey, Inc., for work completed on the Taylor Drive Roadway Rehabilitation Project.

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

Request For Payment – Barry J. Hoffman, Inc. – Certification No. 1

Motion made by Mr. Benner and seconded by Mr. DeMatos to authorize payment in the amount of \$1,004.00 to Barry J. Hoffman, Inc., for work completed on the electrical system at the Wastewater Treatment Plant.

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

Encroachment Agreement – Shared Mailbox Structure – 1850 Augusta Drive

Motion made by Mr. Leonard and seconded by Mr. DeMatos to approve an encroachment agreement with Joseph A. Jr., & Laura Fitzpatrick; Richard & Amy Thompson; Charles Andrews & Thelma Quiogue; and Lee Warsaw in order to allow the installation of a shared mailbox structure within a portion of the Township right-of-way of Augusta Drive 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.

**CORRESPONDENCE AND INFORMATION ITEMS**

None

**COMMITTEE REPORTS**

Administration and Finance Committee Meeting of January 20, 2014 – Supervisor DeMatos

Mr. DeMatos reported the Committee met on January 20, 2014 to review engineering services provided to the Township. The Committee was tasked with making a recommendation to the Board as to whether the Township should solicit proposals for Township Engineer and geotechnical consultant. The Committee will resume discussions on Tuesday, February 18.

**BILLS, PAYROLL, AND COMMISSIONS**

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

Prepaid Invoice List #01272014 dated 01/24/2014.....\$314,378.21  
Warrant List #01272014 dated 01/24/2014.....\$341,592.18

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

**ADDITIONAL BUSINESS**

None

**COURTESY OF THE FLOOR**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Motion made and seconded to adjourn the meeting.

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

The meeting was adjourned at approximately 9:00 p.m.

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Secretary