

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, February 10, 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
Sharyn Heater, Director of Community Development
Robert Coyle, Police Chief

CALL TO ORDER

Chairman Wagner called the meeting to order at 6:33 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

Andrew Miller of Center Valley – Mr. Miller spoke in opposition to the ATV ordinance. He would like to work with the Curly Horse residents to arrive at an agreed upon solution rather than have the Township take the drastic step of passing an ordinance.

CHAIRMAN'S REMARKS

None

DIRECTION/DISCUSSION ITEMS

Review proposed ordinance regulating all terrain and off-road vehicles and consider placing the proposed ordinance on the April 14, 2014 meeting agenda for possible adoption

Chairman Wagner opened the floor for public comment.

Public comment is summarized as follows:

Peggy Sharrer, 5051 West Hopewell Road – Ms. Sharrer spoke in opposition to the ordinance. She questioned why the Board needs to move forward with an ordinance when only a handful of residents in the Curly Horse Subdivision are complaining about ATVs. She pointed out that the Curly Horse residents moved to an area where people have been riding ATVs for many years. She would like to work things out with the Curly Horse residents rather than have the Township pass an ordinance.

Attorney Michael Shafer of Zator Law Office – Attorney Shafer was present on behalf of his clients, Tom and Shannon Nicoletti of 4700 Rolling Ridge Drive. He spoke in support of the proposed ATV ordinance.

Anthony Caruso, 4971 Chestnut Hill Road – Mr. Caruso does not want the Board to move ahead with the ordinance, and he does not believe an ordinance will solve the problems. He said the Township needs to give the neighbors more time to work this out without Township involvement.

Patrick Price, 4660 Rolling Ridge Drive – Mr. Price spoke in favor of the proposed ordinance saying that an imperfect ordinance is better than none at all. He said the ordinance is a good compromise.

Bridget Graver, 4640 Rolling Ridge Drive – Ms. Graver complained that she gets lots of dust and debris on her property due to ATV use on a neighboring property. Her young children play in the backyard and she would like the ATV riders to observe a greater setback from her property.

Andrew Miller of Center Valley – He spoke against the proposed ordinance, pointing out that lawn mowers and tractors are louder than ATVs.

Peggy Sharrer, 5051 West Hopewell Road – She said the ATV riders have made a good faith effort to compromise but their efforts have been rebuffed by the Curly Horse neighbors. She said the Curly Horse residents made a choice to move next to a property where people have been riding ATVs for over 20 years.

Taylor Getz, Taylor Drive – He spoke against the ATV ordinance. He said ATVs are not a widespread problem in the Township, and an ordinance is not needed.

Chairman Wager asked if any of the Board members wished to discuss the proposed ordinance.

Mr. Leonard suggested changing section 3.a of the ordinance to read as follows: “No person shall operate an ATV between 8 pm and 9 am.”

A discussion ensued concerning Mr. Leonard’s suggestion.

Mr. Benner said the 30 foot setback should be measured from street cartway instead of the street right-of-way.

Mr. Benner noted the ordinance contains a provision that allows the 150 foot separation zone requirement to be waived if abutting property owners agree. He emphasized that this provision encourages neighbors to resolve their differences and compromise with one another.

Motion was made by Mr. Leonard and seconded by Mr. Benner to pursue the following course of action with respect to the proposed ordinance regulating ATVs:

- Revise section 3.a of the proposed ordinance to prohibit ATVs from being operated between the hours of 8 pm and 9 am.
- Revise section 3.c of the proposed ordinance to replace the term “right-of-way” with the term “cartway.”
- Add a definition of the term “cartway.”
- Delete section 2.e in its entirety.
- The revised ordinance will be advertised so final adoption of the ordinance can be considered at the April 14, 2014 Board of Supervisors meeting.

Mr. Wagner said the ordinance is not all bad for ATV riders, as the ordinance gives ATV riders certain rights and protections.

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

Cancellation of Board of Supervisors meeting scheduled for February 24, 2014 due to lack of agenda items

It was the consensus of the Board to cancel the regular meeting originally scheduled for February 24, 2014 at 6:30 pm.

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

Motion made to approve the minutes of the Reorganization meeting of January 6, 2014.

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

ORDINANCES

None

RESOLUTIONS

None

MOTIONS

Request For Payment – MGK Industries, Inc. – Certification No. 1

Motion made by Mr. DeMatos and seconded by Mr. Leonard to authorize payment in the amount of \$51,047.10 to MGK Industries, Inc., for work completed on the clarifier weirs and launders at the Wastewater Treatment Plant.

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

Release of Funds – Liberty Village Subdivision – Certification No. T-4

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize the release of construction security in the amount of \$533,893.31 for the Liberty Village Subdivision in accordance with the Community Development Director's memo dated February 7, 2014.

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

CORRESPONDENCE AND INFORMATION ITEMS

None

COMMITTEE REPORTS

None

BILLS, PAYROLL, AND COMMISSIONS

Motion made to authorize the payment of the Prepaid Invoice List and the Warrant List.

Prepaid Invoice List #02102014 dated 02/07/2014.....\$116,587.38
Warrant List #02102014 dated 02/07/2014.....\$598,096.35

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

ADDITIONAL BUSINESS

Mr. Spaeth asked that the Planning and Zoning Committee review the fee schedule for the Community Development Department.

Mr. Benner said he is analyzing the fee schedule. He hopes to have his analysis completed in the near future and will share it with the other Board members. It was the consensus of the Board to wait until Mr. Benner completes his analysis before taking action on this matter.

Mr. Spaeth thought it would be a good idea for the Planning and Zoning Committee to get input from contractors and people who do business with the Township regarding possible changes to the Township's land use ordinances.

COURTESY OF THE FLOOR

Anthony Caruso, 4971 Chestnut Hill Road – Mr. Caruso said the Board should look into the way engineering costs are passed on to landowners and developers who have building and development projects reviewed by the Township. He also suggested the Board consider relaxing the tree cutting regulations in the Zoning Ordinance.

EXECUTIVE SESSION

At approximately 8:00 pm, the Board met in executive session to discuss a personnel matter.

The Board returned from executive session at approximately 9:20 pm.

ADJOURNMENT

Motion made by Mr. DeMatos and seconded by Mr. Leonard to adjourn the meeting.

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

The meeting was adjourned at approximately 9:20 p.m.

Secretary