

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, June 9, 2014 – 6:30 P.M.
Township Municipal Building

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

Staff Attending: Thomas F. Beil, Township Manager
Robert E. Kassel, Jr., Asst. Township Manager
Dennis Harman, P.E., Township Engineer
Jeffrey Dimmich, Township Solicitor
Thomas Dinkelacker, Township Solicitor
Charles Castetter, Jr., Fire Chief

CALL TO ORDER

Chairman Wagner called the meeting to order at 6:30 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

Chairman Wagner asked all in attendance to recite the "Pledge of Allegiance."

Chairman Wagner announced that all 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

Chairman Wagner asked those in attendance to refrain from commenting on proposed Ordinance No. 84-A until later in the meeting when the issue comes up for consideration. Chairman Wagner asked if anyone from the public wished to speak on a matter other than proposed Ordinance No. 84-A. There was no response.

PUBLIC ANNOUNCEMENTS

Chairman Wagner made the following announcements:

- An Electronics Recycling Event will be held on June 21, 2014 from 9:00 am to Noon at the Township Building.
- Summer Concerts will be held at the Township Park on June 19, July 10, July 24 and August 7, 2014, from 7:00 p.m. to 8:30 p.m.

MINUTES

Regular Meeting of April 28, 2014

Motion made by Mr. Leonard and seconded by Mr. DeMatos to approve the minutes of the Regular Meeting held on April 28, 2014.

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

ORDINANCES

Ordinance No. 84-A – Outdoor Burning Regulations

Motion made by Mr. Spaeth and seconded by Mr. Benner to adopt proposed Ordinance No. 84-A providing for outdoor fires in approved containers, regulating certain types of outdoor fires not in approved containers, providing for a permit system for outdoor fires not in approved containers and providing for enforcement and penalties for violations thereof.

Solicitor Dinkelacker summarized the proposed Ordinance which places greater restrictions on outdoor burning in the Township.

Chairman Wagner invited the public to comment on the proposed Ordinance. Public comment is summarized as follows:

Richard Frick, 5150 Mountainside Lane – Mr. Frick was not in favor of the Township placing additional limitations on burning. He stands behind the right to burn. He recounted a story about a woman who complained to him about burning even though she was smoking a cigarette. Mr. Frick was of the opinion the Township should give neighbors a chance to work things out before creating more laws.

Joseph Talago, 4454 S. Sunset Drive – Mr. Talago explained he was against the Ordinance from an agricultural point of view. He noted the best way to get rid of diseased trees and plants is to burn them. He said tougher restrictions on burning would result in greater use of insecticides and pesticides.

Art Swanson, 3782 Chestnut Hill Road – Mr. Swanson was opposed to the Ordinance. He was of the belief that the new Ordinance was written to favor suburban homeowners and does not give rural landowners a fair shake. He said yard waste has to be disposed of in some manner and the most efficient way to do this is to burn it. If residents cannot burn yard waste, then the Township should pick it up. He said the burning permit fee is too expensive for the working man. He commented that the permitting process is too cumbersome.

George Bloeser, 6500 Limeport Pike – Mr. Bloeser explained he is not against improving the existing Burning Ordinance. He made various suggestions for relaxing some of the more burdensome requirements contained in the proposed Ordinance.

Bryan Velez, 4400 Old Bethlehem Pike – Mr. Velez spoke in opposition to the proposed Ordinance. He said residents should have the right to have fire pits. He pointed out that fire pits and bon fires are a good way for people to bond and connect.

Joshua Tadrzynski, 5618 Applebutter Hill Road – Mr. Tadrzynski said he was opposed to the proposed Ordinance because it is too restrictive. He said burning is the most efficient way to get rid of yard waste, especially if you have a large property with a lot of trees. Mr. Tadrzynski expressed concern that the permit fees were too high and the time restrictions on burning were too burdensome.

Anthony Caruso, 4891 Chestnut Hill Road – Mr. Caruso was opposed to the proposed Ordinance. He commented that the existing burning regulations were adequate. His only suggestion was to come up with a system for property owners to notify the fire department of planned burns on their properties. He said neighbors should be capable of working things out among themselves, and we do not need an ordinance.

Joseph Tadrzynski, 5618 Applebutter Hill Road – Mr. Tadrzynski spoke in opposition to the proposed Ordinance. He said the current Ordinance adequately regulates burning and most people are responsible about burning. According to Mr. Tadrzynski, burning is the best way to get rid of yard waste.

Joshua Freeman, 4400 Old Bethlehem Pike – Mr. Freeman said burning is the best way to dispose of large trees that are dead or in danger of falling down. He disagrees with the proposed Ordinance and does not believe it is needed.

Nancy Cygan, 2816 Forest Drive – Ms. Cygan wanted to know what the catalyst was for the proposed Ordinance.

Mr. Spaeth said he initiated the proposed Ordinance in response to what residents told him while he was campaigning for Supervisor during the most recent election.

Ms. Cygan noted that many of the restrictions in the new Ordinance might make sense to suburban homeowners, but did not address the needs of rural property owners. She said the proposed burning regulations will create a hardship for rural property owners who cannot readily dispose of yard waste. She said rural areas should remain rural and questioned whether the Township was getting too controlling by trying to pass this Ordinance.

Carol Turner, 3839 Chestnut Hill Road – Ms. Turner explained she has a large property with many trees and burning is her only option for disposing of branches and yard waste because it is too expensive to transport this material to the Township drop off center. She cautioned the Board not to take everyone's rights away just because of a few people. She suggested the Township send out a flyer to all residents educating them on how to burn in a safe and responsible manner.

Mary Parkkila, 4400 Old Bethlehem Pike – Ms. Parkkila spoke against the proposed Ordinance. She said it was insane to charge a permit fee for the right to burn. She said her kids like to sit around a fire pit and socialize. She held the opinion that people should be able to police themselves when it comes to burning. She considered the new Ordinance a waste of time.

Elaine Davis, 4680 Rolling Ridge Drive – Ms. Davis wanted to know if the current Ordinance allows the burning of toxic substances. Mr. Wagner said the current Ordinance does not allow this.

Rick Nelson, 5675 Applebutter Hill Road – Mr. Nelson said Ordinance No. 84-A is too restrictive and takes people's rights away. He wanted to know which Township official would interpret Section 5.b.4 of the Ordinance to determine what constitutes an agricultural operation.

Solicitor Dimmich said the Zoning / Code Enforcement Officer would be responsible for interpreting the Ordinance.

Mr. Nelson questioned what actions the Township was taking at its drop off center to control the spread of the emerald boring beetle.

Mr. Beil said he was not aware of any practical measures that could be implemented at the drop off center to control the spread of the emerald boring beetle.

Mr. Nelson urged the Board to vote the Ordinance down. He wanted to know why all the people who supposedly support the Ordinance failed to show up at the meeting.

Daniel Douro, 2881 Pike Avenue – Mr. Douro objected to the new Ordinance because it places too many restrictions on property owners. He objected specifically to a restriction on campfires and expressed concern the Ordinance was too vague. It was his hope the Board would vote "no" on the Ordinance.

Sally Moyer-Sinclair, 5877 Applebutter Hill Road – Ms. Moyer-Sinclair spoke against the proposed Ordinance. She agreed with the concerns previously expressed by others regarding the Ordinance. Ms. Moyer-Sinclair owns a campground and is concerned the proposed burning restrictions will adversely affect her business.

Tim Price, 5776 Blue Church Road – Mr. Price was opposed to the proposed Ordinance. He suggested the Board table action on the Ordinance and reevaluate what it is the Township is trying to accomplish. He pointed out that if burning is such a problem, more people would be at the meeting to support the Ordinance. He suggested people who burn hazardous materials should be punished, not people who burn in a responsible manner.

Peter Sinclair, 5877 Applebutter Hill Road – Mr. Sinclair said there were enough laws on the books already, and we do not need more laws. He commented that the permit fee is unreasonable. He suggested the Board let the people decide this issue by putting it before the voters in the form of a referendum.

Solicitor Dimmich said State law does not allow burning regulations to be adopted by voter referendum.

Kenneth Young, Blue Church Road – Mr. Young pointed out that the Board heard from many people opposed to the Ordinance, but no one got up to speak in favor. He said if people were really in favor of the Ordinance, they would be here to voice their opinion.

George Bloeser, 6500 Limeport Pike – Mr. Bloeser said a burn barrel is a safe way to burn things like paper and untreated wood. He claimed the Township drop off center does not have enough capacity to handle all the yard waste residents would be taking there if they could not burn it. He said we are a rural and agricultural Township and need to allow burning in a reasonable way.

Bob Fulford, 3675 N. Saucon Avenue – Mr. Fulford distributed a handout with his suggested changes to the proposed Ordinance and discussed the suggested changes in detail. He recommended the Board do more homework on the proposed Ordinance and talk to the local forest ranger for ideas. He went on to explain the various positive social aspects of fire.

Nancy Cygan, 2816 Forest Drive – Ms. Cygan wanted to know where the people who support the proposed Ordinance live. She suggested that separate regulations could be enacted in high density developments where open burning might not be appropriate.

Mr. Spaeth thanked everyone for providing meaningful input on the proposed Ordinance. He said that based on the comments provided by the public, he could see no clear reason to proceed with the proposed Ordinance. He suggested the police be educated on the requirements of the existing Ordinance so they can better respond to residents' concerns regarding burning.

Mr. Benner applauded Mr. Spaeth for being proactive and trying to address constituent concerns.

Mr. Leonard indicated the existing Ordinance seems to serve the Township well and should remain in place. He suggested coming up with a procedure to ensure the fire department is notified when a resident intends to burn.

Chairman Wagner suggested the Board look into establishing a special answering system to make it easier for residents to notify the Fire Chief when a burn will be taking place.

Fire Chief Castetter spoke in support of making minor modifications to improve the current Burning Ordinance.

Mr. DeMatos thanked the public for commenting on the Ordinance. He noted the existing Burning Ordinance probably needs to be updated and modernized, and it might be a good idea to refer the matter to Committee.

Chairman Wagner thanked the public for providing meaningful input on the proposed Ordinance.

Chairman Wagner called for the vote. The motion to adopt proposed Ordinance No. 84-A failed by a vote of 0 in favor and 5 against.

It was the consensus of the Board that the Public Safety Committee should review the existing Burning Ordinance and make recommendations on possible updates to the Ordinance.

RESOLUTIONS

Resolution No. 2014-24 – Appointment of Special Fire Police

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2014-24 appointing various individuals to serve as Special Fire Police for Upper Saucon Township.

Chairman Wagner noted the Special Fire Police are volunteers and he thanked them for their service to the Township.

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

MOTIONS

Request For Payment – James D. Morrissey, Inc. – Certification No. 8

Motion made by Mr. DeMatos and seconded by Mr. Leonard to authorize payment in the amount of \$71,817.91 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 – Mid-State Utility Contractors, Inc. – Certification No. 7

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize payment in the amount of \$283,880.85 to Mid-State Utility Contractors, Inc., for work completed on the Gun Club water supply well.

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

CORRESPONDENCE AND INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Cancellation of Board of Supervisors meeting scheduled for June 23, 2014

It was the consensus of the Board to cancel the meeting scheduled for June 23, 2014.

Procedure for Hiring New Community Development Director

Mr. Beil said he would like to move forward with filling the vacant Community Development Director position. The Board authorized the Township Manager to run an employment ad and solicit applications for the Community Development Director position. Qualified applicants will be interviewed by an informal committee consisting of the Township Manager,

Assistant Township Manager and Supervisor DeMatos. The Board will ultimately decide who should be hired after considering the recommendations of the informal committee.

Township Building Roof Replacement Project

It was the consensus of the Board that the Public Works Committee should review the Township Building Roof Replacement Project and make a recommendation as to whether or not to move forward with the project.

COMMITTEE REPORTS

None

BILLS, PAYROLL AND COMMISSIONS

Motion made by Mr. Leonard and seconded by Mr. DeMatos to authorize payment of the Warrant List and Prepaid Invoice List #06092014 dated June 6, 2014.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

Richard Nelson, 5675 Applebutter Hill Road – Mr. Nelson wanted to know if the stormwater and earth disturbance violations in the Weyhill Estates Subdivision were corrected. Mr. Beil responded that the developer corrected the violations and is in compliance.

Mr. Nelson complained about developers placing temporary signs along Township roads advertising new developments. Mr. Beil said the Zoning Officer would look into Mr. Nelson's complaint.

Mr. Nelson wanted to know if construction equipment in the Traditions of America development will be required to observe a certain setback from existing property lines. Mr. Beil said the Township has a Work Hours Ordinance which restricts the operation of heavy equipment to certain times of day, but the Township does not require construction equipment to observe a setback from property lines.

Bruce Bush, 1809 Taylor Drive – Mr. Bush thanked the Board for all the work done to improve Taylor Drive. He noted there is still a problem with the hump at the end of his driveway which Township staff is addressing. He expressed concern that the recent paving of Taylor Drive will encourage motorists to speed and a greater police presence might be needed.

EXECUTIVE SESSION

None

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:03 pm.

Secretary

