

## MINUTES

Upper Saucon Township Board of Supervisors  
Regular Meeting  
Monday, October 13, 2014 – 6:30 P.M.  
Township Municipal Building

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

Participating Via  
Speakerphone: Stephen Wagner, Chairman

Staff Attending: Thomas F. Beil, Township Manager  
Robert E. Kassel, Jr., Assistant Township Manager  
Thomas Dinkelacker, Township Solicitor  
Dennis Harman, P.E., Township Engineer

### **CALL TO ORDER**

Vice Chairman DeMatos called the meeting to order at 6:32 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**

Vice Chairman DeMatos asked all in attendance to stand and recite the "Pledge of Allegiance."

### **NOTIFICATION**

Vice Chairman DeMatos 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

## **PUBLIC ANNOUNCEMENTS**

Vice Chairman DeMatos made the following announcements:

- Trick or Treat will be held on October 31 from 6:00 p.m. to 8:00 p.m. with a rain date of November 1.
- The General Election will be held on November 4 from 7:00 a.m. to 8:00 p.m.
- An Electronics Recycling Day is scheduled for November 8 at the Southern Lehigh Public Library from 9:00 a.m. to 12:00 p.m.

Additional information on these events is available on the Township's website.

## **SUBDIVISIONS & LAND DEVELOPMENTS**

### **Basile Senior Housing LLC Preliminary/Final Land Development Plan - Resolution No. 2014-32**

Present on behalf of the applicant were Attorney Emil Kantra, Bob Bauer and Amit Mukherjee of Base Engineering. Attorney Kantra and Messrs. Bauer and Mukherjee reviewed the Preliminary / Final Land Development Plan and answered questions from the Board. Attorney Kantra requested that condition 3.k on page 3 of the Resolution be amended to read as follows: *"Posting of security for the construction and completion of required improvements in the form of an irrevocable, stand-by letter of credit or tri-party agreement to the satisfaction of the Township."*

It was the consensus of the Board to amend the Resolution consistent with Attorney Kantra's request.

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2014-32, as amended, conditionally approving the Preliminary/Final Land Development Plan of Basile Senior Housing, LLC to construct a bank with drive through facilities and associated site amenities on 7.57 acres located at the northwest corner of Route 309 and Lanark Road.

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

## **MINUTES**

### **Regular Meeting of August 11, 2014**

Mr. Spaeth said the draft minutes do not accurately reflect his comments concerning the proposed tree cutting Ordinance. He requested the last sentence on page 1892 of the minutes be revised to read as follows: *"Mr. Spaeth raised the possibility of eliminating all tree cutting restrictions except for those related to timber harvesting and construction activities."*

It was the consensus of the Board to accept Mr. Spaeth's requested revision to the minutes.

Motion made by Mr. Benner and seconded by Mr. Leonard to approve the revised minutes of the regular meeting of August 11, 2014.

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

Regular Meeting of September 8, 2014

Motion made by Mr. Leonard and seconded by Mr. Benner to approve the minutes of the regular meeting of September 8, 2014.

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

**PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-I**

Ordinance No. 141-I modifies certain provisions of the Township Zoning Ordinance relating to tree cutting and removal.

Vice Chairman DeMatos opened the hearing and asked Solicitor Dinkelacker to handle the proceedings.

Solicitor Dinkelacker said the purpose of the hearing was to accept public input on proposed Ordinance No. 141-I.

Solicitor Dinkelacker introduced the following exhibits into the record:

- Exhibit T-1 – Complete copy of Ordinance No 141-I
- Exhibit T-2 – Letter from Thomas Dinkelacker, Township Solicitor, transmitting proposed Ordinance No. 141-I to the Upper Saucon Township Planning Commission
- Exhibit T-3 – Letter from Thomas Dinkelacker, Township Solicitor, transmitting proposed Ordinance No. 141-I to the Lehigh Valley Planning Commission
- Exhibit T-4 – Review comments received from the Upper Saucon Township Planning Commission
- Exhibit T-5 – Review comments received from the Lehigh Valley Planning Commission
- Exhibit T-6 – Copy of public notice for proposed Ordinance No. 141-I which ran in *The Morning Call* newspaper on September 26, 2014 and October 3, 2014
- Exhibit T-7 – Copy of actual public notice printed in *The Morning Call* newspaper on September 26, 2014 and October 3, 2014

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

Solicitor Dinkelacker provided an overview of proposed Ordinance No. 141-I which amends various sections of the existing Zoning Ordinance pertaining to tree cutting. He said the goal of the proposed Ordinance is to make the tree cutting regulations less burdensome to property owners.

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

A lengthy discussion ensued among the Board members as to whether the proposed Ordinance goes far enough in easing the regulatory burden on property owners.

Solicitor Dinkelacker closed the public hearing.

### **ORDINANCES**

#### **Proposed Ordinance No. 141-I – Zoning Ordinance Amendment – Tree Cutting**

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt proposed Ordinance No. 141-I which modifies certain provisions of the Township Zoning Ordinance relating to tree cutting and removal.

Vice Chairman DeMatos asked if anyone from the public wished to comment on the Ordinance. There was no response.

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

#### **Proposed Ordinance No. 160 – Soliciting & Peddling**

Motion made by Mr. Benner and seconded by Mr. Leonard to adopt proposed Ordinance No. 160 regulating door-to-door sales and solicitations in the Township.

Vice Chairman DeMatos asked if anyone from the public wished to comment on the Ordinance. There was no response.

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

#### **Proposed Ordinance No. 67-RR – Establishing Speed Limits on Certain Streets in the Curly Horse Subdivision**

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt proposed Ordinance No. 67-RR establishing a 25 mph speed limit on Brittany Hill, Curly Horse Drive, Hycliff Chase and Rolling Ridge Drive.

Vice Chairman DeMatos asked if anyone from the public wished to comment on the Ordinance. There was no response.

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

### **RESOLUTIONS**

None

### **MOTIONS**

#### **Release of Funds – Weyhill Estates, Phase 1 – Voucher No. 4**

Motion made by Mr. Benner and seconded by Mr. Leonard to authorize the release of construction security in the amount of \$90,930.44 for Phase 1 of the Weyhill Estates

Subdivision in accordance with the Community Development Director's memo dated October 3, 2014.

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

Release of Funds – Weyhill Estates, Phase 2 – Voucher No. 1

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize the release of construction security in the amount of \$496,748.26 for Phase 2 of the Weyhill Estates Subdivision in accordance with the Community Development Director's memo dated October 3, 2014.

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

Release of Funds – Weyhill Estates, Phase 2 – Voucher No. 2 (SEA 1st Request)

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize the release of construction security in the amount of \$155,273.05 for Phase 2 of the Weyhill Estates Subdivision in accordance with the Community Development Director's memo dated October 3, 2014.

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

Request For Payment – Semmel Excavating, Inc. – Certification No. 1 (Final)

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize payment in the amount of \$68,050.25 to Semmel Excavating, Inc., for work completed on Phase 3 of the Saucon Rail Trail.

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

**CORRESPONDENCE & INFORMATION ITEMS**

None

**DIRECTION/DISCUSSION ITEMS**

Cancellation of Board of Supervisors meeting scheduled for October 27, 2014 due to lack of agenda items

It was the consensus of the Board to cancel the meeting scheduled for October 27, 2014.

Procedure for evaluating proposals for Township Engineer

A discussion ensued concerning the procedure for evaluating the thirteen proposals received for Township Engineer.

It was the consensus of the Board that a special committee consisting of Messrs. Leonard and Benner should review the engineering proposals and recommend the top two or three firms for the full Board to interview. The Board expressed a desire to interview the existing

Township Engineer, The Pidcock Company, regardless of the Committee's recommendations.

**COMMITTEE REPORTS**

None

**BILLS, PAYROLL, AND COMMISSIONS**

Motion made by Mr. Benner and seconded by Mr. Leonard to authorize payment of the Warrant List and Prepaid Invoice List #10132014 dated 10/10/2014.

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 by Mr. Benner 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 8:01 p.m.

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Secretary