

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, February 23, 2015 – 6:30 P.M.
Township Municipal Building

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

Members Absent: Dennis E. Benner

Staff Attending: Thomas F. Beil, Township Manager
Robert E. Kassel, Jr., Assistant Township Manager
Thomas Dinkelacker, Township Solicitor
Charles Unangst, P.E., Township Engineer
Joanna Slagle, Director of Community Development

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

Mr. Wagner asked all in attendance to stand and recite the "Pledge of Allegiance."

NOTIFICATION

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

Public comment is summarized as follows:

Jim Waters, 4866 Treeline Drive – Mr. Waters said his immediate neighbor burns unseasoned wood in an indoor fireplace. The smoke emitted from the neighbor's fireplace is thick, foul and penetrates Mr. Waters' home. He recently purchased a pure air system,

replaced windows and added more insulation in an effort to rid his house of the stink from the smoke, but nothing seems to work.

He described the health risks associated with inappropriate wood burning, as well as the fire hazards.

Mr. Waters asked the Board to consider placing reasonable regulations on indoor fireplaces and stoves so no resident is left victim to a neighbor's filthy, stinking and dangerous behavior of burning irresponsibly.

James Matejik, 4866 Treeline Drive – Mr. Matejik reiterated many of the concerns expressed by Mr. Waters regarding wood burning fireplaces. He said there are times when he cannot tolerate being at home because the foul smoke from his neighbor's fireplace burns his throat and eyes.

He was concerned about the potential health risks associated with burning unseasoned wood.

Mr. Matejik asked the Board to consider adopting a "common sense" burning law.

Several Board members voiced concern that it would be very difficult, if not impossible, to enforce an ordinance regulating indoor fireplaces.

The Board was in favor of the Township taking a more active role in educating the public on the proper use of indoor wood burning fireplaces.

It was the consensus of the Board to refer this matter to the Emergency Services Committee.

Jared Esposito, 4740 Blue Church Road – Mr. Esposito asked the Board to oppose the zoning appeal filed by William Samph. Mr. Samph is seeking zoning variances in order to construct an addition to his home at 4750 Blue Church Road. Mr. Esposito said Mr. Samph plans to use the addition to operate an illegal home business. He alleged Mr. Samph has repeatedly lied to Township officials and started construction on the addition without receiving the required permits from the Township.

Kelly Esposito, 4740 Blue Church Road – Mrs. Esposito explained Mr. Samph is seeking variances that would allow 20.7% impervious coverage where 15% is permitted, and a 15 foot building setback where 25 feet is required. She asked the Board to support her family's property rights by sending the Township Solicitor to the upcoming zoning hearing to oppose the Samph appeal.

Solicitor Dinkelacker said the Samph matter is pending before the Zoning Hearing Board and any discussion of this matter by the Board of Supervisors should take place in Executive Session.

PUBLIC ANNOUNCEMENTS

Chairman Wagner announced electronics recycling events will be held at the Township Building on Saturday, April 11, 2015 from 9:00 a.m. to 12:00 p.m. and at the Southern Lehigh Public Library on Saturday, April 25, 2015 from 9:00 a.m. to 12:00 p.m.

SUBDIVISIONS & LAND DEVELOPMENTS

DeSales University – Billera Hall Expansion & New Athletic Fields – Resolution No. 2015-09

Motion made by Mr. Leonard and seconded by Mr. DeMatos to adopt Resolution No. 2015-09 conditionally approving the Preliminary and Final Land Development Plan of DeSales University to expand Billera Hall and construct new athletic facilities on the campus of DeSales University.

Present on behalf of DeSales University were Attorney Kate Durso, Jim Mazeika of Barry Issett & Associates and Robert Snyder, Vice President of Finance and Administration for DeSales University.

Messrs. Snyder and Mazeika gave a brief overview of the proposed project to construct new athletic facilities on the campus of DeSales University.

Messrs. Mazeika and Snyder responded to questions from the Board.

The motion was approved by a vote of 4 to 0.

Resolution No. 2015-12 – Accepting Park and Recreation Land from TOA Saucon Valley L.P. (Traditions of America)

Motion made by Mr. DeMatos and seconded by Mr. Leonard to adopt Resolution No. 2015-12 conditionally approving the transfer of 24 +/- acres of park and recreation land from TOA Saucon Valley L.P. to the Township.

The motion was approved by a vote of 4 to 0.

Southern Lehigh School District – Lot Line Adjustment Plan – Resolution No. 2015-13

Motion made by Mr. Leonard and seconded by Mr. DeMatos to adopt Resolution No. 2015-13 conditionally approving the Preliminary/Final Lot Line Adjustment Plan of Southern Lehigh School District to adjust certain lot lines involving the parcel where the existing Hopewell Elementary School is located and several other surrounding parcels.

Jim Mazeika of Barry Issett & Associates gave a brief overview of the Lot Line Adjustment Plan and responded to questions from the Board

The motion was approved by a vote of 4 to 0.

APPOINTMENT OF GEOTECHNICAL CONSULTANT

Motion made by Mr. Leonard and seconded by Mr. DeMatos to appoint Leidos, Inc., (formerly known as Leidos Engineering, LLC) as the Township Geotechnical Consultant to serve at the pleasure of the Board and to compensate the Township Geotechnical Consultant for services rendered in accordance with the fee schedule and related information set forth in Kent Littlefield's letter dated February 10, 2015.

The motion was approved by a vote of 4 to 0.

MINUTES

Regular Meeting of November 24, 2014

Motion made by Mr. Leonard and seconded by Mr. DeMatos to approve the minutes of the regular meeting of November 24, 2014.

The motion was approved by a vote of 4 to 0.

Regular Meeting of December 22, 2014

Motion made by Mr. Leonard and seconded by Mr. DeMatos to approve the minutes of the regular meeting of December 22, 2014.

The motion was approved by a vote of 4 to 0.

ORDINANCES

None

RESOLUTIONS

Resolution No. 2015-14 – Consultant Review Fees To Be Paid By Developers In Connection With the Review and Approval of Subdivisions and Land Developments

Motion made by Mr. DeMatos and seconded by Mr. Leonard to adopt Resolution No. 2015-14 approving consultant review fees to be paid by developers in connection with the review and approval of land development plans and the inspection, review and approval of public improvements and common amenities contemplated by land development projects pursuant to the *Municipalities Planning Code* and the Township Subdivision and Land Development Ordinance.

The motion was approved by a vote of 4 to 0.

MOTIONS

Request For Payment – Alan Kunsman Roofing & Siding – Certification No. 2

Motion made by Mr. Leonard and seconded by Mr. DeMatos to authorize payment in the amount of \$2,898.00 to Alan Kunsman Roofing & Siding for work completed on the Municipal Building Roof Replacement Project.

The motion was approved by a vote of 4 to 0.

Request For Payment – James D. Morrissey, Inc. – Certification No. 11 (Final)

Motion made by Mr. Leonard and seconded by Mr. DeMatos to authorize payment in the amount of \$32,348.40 to James D. Morrissey, Inc., for work completed on the Station Avenue Roadway Rehabilitation Project.

The motion was approved by a vote of 4 to 0.

Reappointment to Park & Recreation Commission

Motion made by Mr. DeMatos and seconded by Mr. Leonard to reappoint Christopher C. Jordan to the Park & Recreation Commission for a five year term expiring on December 31, 2019.

The motion was approved by a vote of 4 to 0.

DIRECTION/DISCUSSION ITEMS

Preparation of 2016 Township Budget and 5 Year Capital Budget

It was the consensus of the Board to refer this matter to the Administration and Finance Committee.

Applicability of impervious cover requirements to swimming pools

Joanna Slagle, Director of Community Development, reviewed her memo dated February 11, 2015 with the Board. She said her predecessor made an internal policy decision about a year ago to exclude swimming pools from impervious coverage calculations. Ms. Slagle would like to reinstate the Township's prior policy of including swimming pools as impervious cover for purposes of the Zoning Ordinance and Stormwater Management Ordinance.

It was the consensus of the Board to refer this matter to the Planning & Zoning Committee.

Review agenda for Zoning Hearing Board meetings on March 2, 2015 and March 4, 2015

The Board reviewed the three appeals on the docket for the March 2, 2015 Zoning Hearing Board meeting. It was determined that the appeals involve routine matters that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

Consistent with the advice of the Township Solicitor, the Board decided to meet in Executive Session to discuss the Samph zoning appeal which is the only appeal on the docket for the March 4, 2015 Zoning Hearing Board meeting.

EXECUTIVE SESSION

At approximately 7:50 p.m., the Board met in Executive Session to discuss:

- Samph Zoning Appeal.
- Litigation involving the Township (Laurenzano v. Upper Saucon Township, File No. 2015-C-309).
- Acquiring an interest in real property.

The Board returned from executive session at approximately 8:47 p.m.

Chairman Wagner announced that the Board of Supervisors authorized the Township Solicitor to attend the March 4, 2015 Zoning Hearing Board meeting to represent the Township in the Samph appeal.

Comprehensive Fee Schedule for Community Development Department

Mr. Beil and Ms. Slagle reviewed the proposed Fee Schedule. It was the consensus of the Board to place this matter on the March 23, 2015 Board of Supervisors agenda for possible adoption.

Cancellation of Board of Supervisors meeting scheduled for March 9, 2015 due to lack of agenda items

It was the consensus of the Board to cancel the meeting scheduled for March 9, 2015.

CORRESPONDENCE & INFORMATION ITEMS

None

COMMITTEE REPORTS

None

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Leonard and seconded by Mr. DeMatos to authorize payment of the Prepaid Invoice List and Warrant List #01122015 dated 02/20/2015.

The motion was approved by a vote of 4 to 0.

ADDITIONAL BUSINESS

Traditions of America – Lanark Road Swale Concern

A discussion ensued regarding the large roadside swale recently constructed along Lanark Road as part of the Traditions of America Development. Several residents contacted Board members to voice concern that the swale presents a safety hazard to drivers. Mr. Unangst discussed the advantages and disadvantages of installing guiderail along Lanark Road.

Mr. Beil said the swale is shown on the approved Subdivision Plan which was reviewed by the Planning Commission and Township Engineer. He also noted the swale was approved by PennDOT.

Mr. Wagner said the Board should consider amending its zoning and subdivision regulations to prevent something like this from happening in the future.

Mr. Leonard suggested installing a cable arrestor system to catch cars that might veer off the road.

Mr. Wagner pointed out the roadside swale probably prevents Lanark Road from being widened in the future.

The Board directed Solicitor Dinkelacker to contact the developer's attorney to find out if something can be done to improve the situation.

Mr. Spaeth asked for regular updates from the Township Engineer on the status of upcoming road projects. Mr. Unangst said he is working with Mr. Beil on developing a monthly report that lists the status of all engineering projects.

Mr. DeMatos asked the Township Road Department investigate a large bump that recently developed on Center Valley Parkway. Mr. Beil said the Road Department would look into it, but noted Center Valley Parkway is under PennDOT's jurisdiction.

COURTESY OF THE FLOOR

None

ADJOURNMENT

A motion was made and seconded to adjourn the meeting.

The motion was approved by a vote of 4 to 0.

The meeting was adjourned at approximately 9:13 p.m.

Secretary