

## MINUTES

Upper Saucon Township Board of Supervisors  
Regular Meeting  
Monday, November 21, 2016 – 6:30 P.M.  
Township Municipal Building

Members Present: Stephen Wagner, Chairman  
Patrick M. Leonard, Vice Chairman  
Dennis E. Benner  
Brian J. Farrell  
Philip W. Spaeth

Staff Attending: Thomas F. Beil, Township Manager  
Robert E. Kassel, Jr., Assistant Township Manager  
Thomas Dinkelacker, Township Solicitor  
Kevin Chimics, P.E., Township Engineer  
Patricia Lang, 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**

None

### **PUBLIC ANNOUNCEMENTS**

Mr. Wagner made the following announcements:

- The Upper Saucon Township Municipal Offices will be closed on Thursday, November 24, 2016 and Friday, November 25, 2016 in observance of the Thanksgiving Holiday.

- The PA Department of Environmental Protection is again urging Township residents to test their homes for radon as high levels have been detected in certain areas of the Township.

**RESOLUTION NO. 2016-32 – RECOGNITION OF SAMUEL A. BADER FOR ATTAINING THE RANK OF EAGLE SCOUT**

Chairman Wagner invited Samuel Bader to step forward and describe his Eagle Scout Project. Samuel Bader described how he renovated a playground and constructed a Ga-ga pit at Trinity Lutheran Church in Coopersburg.

Motion made by Mr. Benner and seconded by Mr. Leonard to adopt Resolution No. 2016-32 recognizing Samuel A. Bader for the tremendous honor he has brought to his family, Boy Scout Troop and community by attaining the rank of Eagle Scout.

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

Mr. Wagner congratulated Samuel Bader on his scouting accomplishments and presented him with a framed copy of Resolution No. 2016-32 signed by all the Board members.

**SUBDIVISIONS & LAND DEVELOPMENTS**

**Preliminary/Final Minor Subdivision Plan for Dawn Papciak and Eugene Jani – Resolution No. 2016-31**

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2016-31 conditionally approving the preliminary/final minor subdivision plan of Dawn Papciak and Eugene Jani to subdivide the property at 6193 Blue Church Road South, consisting of approximately 5.04 acres, into three residential lots.

Attorney Thomas Schlegel of Fitzpatrick Lentz and Bubba and Brian Gasda of Lehigh Engineering were present on behalf of Dawn Papciak and Eugene Jani.

Mr. Gasda briefly reviewed the proposed subdivision plan with the Board.

Attorney Schlegel responded to questions from the Board.

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

**MINUTES**

None

**PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-N – ZONING  
ORDINANCE AMENDMENT – DESIGNATE PROPERTIES AT 5737 ROUTE 378  
AND 5706 OLD BETHLEHEM PIKE AS VILLAGE COMMERCIAL OVERLAY  
ZONE**

Proposed Ordinance No. 141-N amends the Township Zoning Ordinance to create a new Village Commercial Overlay Zone comprised of two tracts of land totaling 2.088 acres located at the northeast corner of Route 378 and Preston Lane, also known as 5737 Route 378 and 5706 Old Bethlehem Pike.

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

Solicitor Dinkelacker briefly summarized the proposed Ordinance and said the purpose of the hearing was to accept public input on the proposed Ordinance.

Solicitor Dinkelacker said the proposed Ordinance, if adopted, would allow the owners of the Copperhead Grille to add more parking spaces and an outdoor dining area at their existing restaurant.

Solicitor Dinkelacker introduced the following exhibits into the record:

- Exhibit T-1 – Complete copy of proposed Ordinance 141-N.
- Exhibit T-2 - Letter dated October 7, 2016 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance 141-N to the Upper Saucon Township Planning Commission.
- Exhibit T-3 - Letter dated October 7, 2016 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance 141-N 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 notice posted on property.
- Exhibit T-7 – Photographs of property postings and map showing locations of postings.
- Exhibit T-8 – Copy of Public Notice for proposed Ordinance 141-N which was mailed to interested parties.

- Exhibit T-9 – Copy of public notice for proposed Ordinance 141-N which was submitted to The Morning Call newspaper for publication on November 3, 2016 and November 10, 2016.
- Exhibit T-10 – Copy of actual public notice printed in The Morning Call on November 3, 2016 and November 10, 2016.

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

Attorney Kate Durso of Fitzpatrick Lentz and Bubba was present on behalf of the owners of the Copperhead Grille.

Mr. Spaeth wanted to know how noise from the proposed outdoor seating area would be addressed.

Attorney Durso explained it would be a violation of Liquor Control Board regulations if noise from the outdoor seating area emanated beyond the property line. In addition, Attorney Durso mentioned a berm with dense plantings is proposed along the northern property line which should act to muffle any noise coming from restaurant patrons in the parking lot.

Ms. Lang said the proposed buffer contains more plantings and is taller than what is required under the ordinance.

Solicitor Dinkelacker asked if anyone from the public wished to comment on the proposed Ordinance.

John Zelena of 5650 Old Bethlehem Pike wanted to let the Supervisors know that he is in favor of the zoning change as long as the buffer is installed as proposed.

Chairman Wagner closed the public hearing.

Adoption of Proposed Ordinance No. 141-N

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt proposed Ordinance No. 141-N which amends the Zoning Ordinance by creating a new Village Commercial Overlay Zone comprised of two tracts of land totaling 2.088 acres located at the northeast corner of Route 378 and Preston Lane, also known as 5737 Route 378 and 5706 Old Bethlehem Pike.

A roll call vote was taken and the vote was as follows:

Supervisor Wagner	Yes
Supervisor Leonard	Yes
Supervisor Benner	Yes
Supervisor Spaeth	Yes
Supervisor Farrell	Yes

The motion was approved by a vote of 5 in favor and 0 against.

## **RESOLUTIONS**

### **Resolution No. 2016-33 – Accepting Tuscany Court and a Portion of Blue Church Road as Part of the Public Road System**

Motion made by Mr. Benner and seconded by Mr. Farrell to adopt Resolution No. 2016-33 accepting Tuscany Court and a portion of Blue Church Road as part of the Township's public road system.

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

## **MOTIONS**

### **Release of Funds – Sacred Heart Senior Living – Certification No. 1**

Motion made by Mr. Benner and seconded by Mr. Farrell to authorize the release of construction security in the amount of \$222,794.00 for the Sacred Heart Senior Living project in accordance with the Township Engineer's recommendation made by letter dated November 16, 2016.

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

### **New Sick Leave and Personal Time Policy for Non-union Employees**

Motion made by Mr. Benner and seconded by Mr. Farrell to approve the new Sick Leave and Personal Time Policy for Non-union employees as set forth in the Assistant Township Manager's memo dated November 17, 2016 and to make said policy effective as of January 1, 2017.

Mr. Farrell asked when non-union employees will be notified of the change. Mr. Beil said an employee meeting is planned for the next week or two to discuss the changes.

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

### **Release of Funds – Mountain Glen – Certification No. 1**

Motion made by Mr. Benner and seconded by Mr. Farrell to authorize the release of construction security in the amount of \$39,960.00 for the Mountain Glen Subdivision in accordance with the Township Engineer's recommendation made by letter dated November 18, 2016.

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

## **CORRESPONDENCE & INFORMATION ITEMS**

Chairman Wagner announced the Board of Supervisors Reorganization Meeting will be held on Tuesday, January 3, 2017 at 6:30 pm

## **PRELIMINARY 2017 TOWNSHIP BUDGET**

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt the preliminary 2017 Township Budget and to authorize the Township Manager to advertise the Budget so that final consideration of the Budget can be accomplished at the Board of Supervisors meeting on December 19, 2016.

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

## **DIRECTION/DISCUSSION ITEMS**

### Review Agenda for Zoning Hearing Board meeting on December 5, 2016

Mr. Beil reviewed the four appeals on the docket for the December 5, 2016 Zoning Hearing Board meeting. It was determined all four appeals involve routine matters that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

### Cancellation of Board of Supervisors meeting scheduled for December 12, 2016 due to lack of agenda items

It was the consensus of the Board to cancel the meeting scheduled for December 12, 2016.

### Procedure for evaluating applicants seeking appointment/reappointment to Township Boards and Commissions

It was the consensus of the Board to continue the current practice of having the Appointments Review Committee evaluate those individuals seeking appointment to a Township board or commission. The Committee will evaluate the applicants and make recommendations concerning possible appointments to the various Township boards and commissions. The full Board will consider acting on those recommendations at the Reorganization meeting on January 3, 2017.

### Board of Supervisors Regular Meeting Schedule for 2017

Mr. Beil reviewed the proposed 2017 regular meeting schedule with the Board. The Board will consider approving the meeting schedule at its Reorganization meeting on January 3, 2017.

## **COMMITTEE REPORTS**

None

## **BILLS, PAYROLL, AND COMMISSIONS**

Motion made by Mr. Benner and seconded by Mr. Farrell to authorize payment of the Prepaid Invoice List and Warrant List #11212016 dated 11/18/2016.

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

**ADDITIONAL BUSINESS**

None

**COURTESY OF THE FLOOR**

None

**EXECUTIVE SESSION**

At approximately 7:22 p.m., the Board met in executive session to discuss potential litigation with the City of Bethlehem.

The Board returned from executive session at approximately 8:05 p.m.

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 8:05 p.m.

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Secretary