

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, May 8, 2017 – 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
Jeffrey Dimmich, Township Solicitor
Charles Unangst, 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

Jasper Torchia – Jasper Torchia identified himself as a local realtor who represents the owner of a 24 acre property located at 5167 East Valley Road (southeast corner of East Valley Road and Route 309). He asked the Board to consider changing the zoning designation of the property to allow age restricted apartments.

Solicitor Dimmich suggested Mr. Torchia submit a formal request for the property to be rezoned.

Mr. Wagner mentioned the Township is in the process of updating its comprehensive plan and perhaps the zoning for this property could be studied as part of the update.

Mr. Torchia thanked the Board for hearing his request and said he would talk to his client.

PUBLIC ANNOUNCEMENTS

None

PRESENTATION BY MARK HARMAN OF ARRO CONSULTING – UPDATE ON TOWNSHIP’S COMPLIANCE WITH FEDERAL AND STATE STORMWATER REGULATIONS (MS4 PROGRAM)

Mr. Harman of ARRO Consulting provided an overview of the stormwater regulations mandated by State and Federal agencies under the MS4 program. In addition, he explained how these regulations impact the Township and the actions taken to date by the Township to comply with these regulations.

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

None

ORDINANCES

None

RESOLUTIONS

Resolution No. 2017-23 - Dissolve Park & Recreation Commission

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2017-23 dissolving the Upper Saucon Township Park & Recreation Commission.

Chairman Wagner invited the public to comment on this matter.

Craig Roth, Chairman of the Park & Recreation Commission, expressed disappointment and frustration with the Board’s apparent desire to dissolve the Commission. He offered various explanations as to why so many of the Commission’s meetings had to be cancelled over the past year or two. He acknowledged there have been issues with the Commission in the past, but stressed the volunteers who serve on the Commission deserve to be treated better by the Board.

Mr. Leonard said the Commission did not accomplish much over the past few years and Township staff seemed to be doing more and more of the Commission's work.

Mr. Leonard mentioned he would be willing to give the Commission another chance before taking the drastic step of dissolving the Commission. Mr. Roth was of the opinion that the Commission was deserving of a second chance. Mr. Leonard said he will start attending Commission meetings and will give the Commission three months to accomplish something.

It was the consensus of the Board that the Commission should be given a legitimate opportunity to demonstrate its worth. If the Commission fails to do so, the Board will revisit the issue of dissolution.

Mr. Leonard withdrew his motion to adopt Resolution No. 2017-23 and Mr. Benner withdrew his second. No vote was taken as the motion was withdrawn.

Resolution No. 2017-24 – Application to Modify Pavement Markings and Signage at the Signalized Intersection of Route 309 and Passer Road

Motion made by Mr. Leonard and seconded by Mr. Benner to adopt Resolution No. 2017-24 authorizing the Township Manager to submit all necessary documentation to PennDOT in order to secure the required approvals to install "No Turns from Shoulder" signs and pavement markings at the westbound Passer Road approach to Route 309.

Mr. Beil said he received an email from a resident who had a safety concern about motorists using the shoulder to make right turns from westbound Passer Road onto northbound Route 309. The resident claims that at least one accident and several near misses have occurred at this location due to motorists using the shoulder to make turns. It was suggested the Township install "No Turns from Shoulder" signs and pavement markings to prevent motorists from using the shoulder as a turning lane.

A lengthy discussion ensued as to whether "No Turn from Shoulder" signs are needed at this location. Mr. Beil said he talked to the Police Chief about this matter and the Police Chief was not aware of any reportable accidents caused by vehicles turning from the shoulder.

The Board decided that "No Turn from Shoulder" signs and pavement markings are not needed at this time. The Board expressed a willingness to revisit this issue at some time in the future should conditions change.

Mr. Leonard withdrew his motion to adopt Resolution No. 2017-24 and Mr. Benner withdrew his second. No vote was taken as the motion was withdrawn.

MOTIONS

Release of Funds – Traditions of America, Phase 1A – Certification No. 1

Motion made by Mr. Benner and seconded by Mr. Farrell to authorize the release of construction security in the amount of \$99,363.00 for Phase 1A of the Traditions of America

development in accordance with the Township Engineer's recommendation made by letter dated April 21, 2017.

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

Award Bid for 2017 Street Maintenance Project – Crack Filling, Bituminous Seal Coating & Micro-surfacing on Various Township Roads

Motion made by Mr. Leonard and seconded by Mr. Benner to award the 2017 Street Maintenance bid to Asphalt Paving Systems, Inc., for a total bid price of \$165,071.06.

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

Release of Funds – HMB Management Hotel & Banquet Center –Certification No. 2

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize the release of construction security in the amount of \$849,989.31 for the HMB Management Hotel & Banquet Center project in accordance with the Township Engineer's letter dated April 26, 2017.

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

Participation in SolSmart Program

Motion made by Mr. Leonard and seconded by Mr. Benner to authorize the Director of Community Development to submit the necessary documentation in order for the Township to receive "Bronze Level" designation through the SolSmart Program.

Mr. Beil said the SolSmart Program is funded by the U.S. Department of Energy and is intended to recognize communities that have taken steps to remove barriers to the use of solar energy.

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

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Request by Eugene Jani, Jr., to have property at 3519 Preston Lane added to the Village Commercial Overlay Zone

Eugene Jani, Jr. of 6193 Blue Church Road South asked the Board to consider adding the property at 3519 Preston Lane to the Village Commercial Overlay Zone. Mr. Jani is interested in purchasing the property and converting it into a small retail business, possibly a sandwich shop, with apartments on the second floor.

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

Relax zoning regulations pertaining to raising and keeping of chickens in residential districts
Mr. Beil explained an increasing number of residents are interested in keeping chickens on their properties as a source of fresh eggs, but cannot do so because of the Township's zoning regulations.

The Board discussed relaxing the zoning regulations pertaining to the raising and keeping of chickens in residential zoning districts. It was the consensus of the Board to refer this matter to the Planning and Zoning Committee.

Form special committee to determine the feasibility of holding a Book Festival in the Township

Mr. Beil asked the Board to consider forming a special committee to explore the idea of holding a book festival in the Township. He said the City of Gaithersburg, Maryland holds an annual book festival that seems to be very successful. The purpose of the committee would be to evaluate the feasibility of holding this type of event in the Township and to make recommendations to the Board on how best to proceed.

The Board had a positive reaction to the book festival concept and encouraged Mr. Beil to move forward with forming a committee to evaluate this matter further. Mr. Farrell volunteered to serve on the committee as the Board's representative.

Cancellation of Board of Supervisors meeting scheduled for May 22, 2017 due to lack of agenda items

It was the consensus of the Board to cancel the meeting originally scheduled for May 22, 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 #05082017 dated 05/05/2017.

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

ADDITIONAL BUSINESS

Mr. Spaeth noted a recent water allocation report prepared by the Township Engineer and asked if the Township should consider developing another water supply well. Mr. Beil said Mr. Spaeth's point is well taken but the development of another well can probably wait until 2018.

Mr. Spaeth encouraged the other Board members to attend Senator Pat Browne's upcoming budget presentation.

Mr. Spaeth asked Mr. Wagner about a recent email he sent to Erin Kintzer of Lehigh University regarding the President Pump historic site. He was concerned that Mr. Wagner's email might scare Lehigh University away from working with the Township in the future on the preservation of the President Pump site. Mr. Wagner said the purpose of his email was merely to point out that the Board has not taken an official position regarding the preservation of this site. Mr. Wagner said he would reach out to Ms. Kintzer to clarify his email.

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 8:35 p.m., the Board met in executive session to discuss the following:

1. Personnel matter involving the retirement of a current employee.
2. Litigation with Jay and Denise Colson concerning stormwater discharges on the property at 4901 Blue Church Road.
3. Potential litigation with the City of Bethlehem and Sacred Heart Memory Care concerning public water service to the property at 4860 Route 378.

The Board returned from executive session at approximately 9:17 p.m.

Settlement Agreement – Colson Litigation

Motion made by Mr. Leonard and seconded by Mr. Benner to approve the Settlement Agreement between Jay and Denise Colson, Lennar Corporation and Upper Saucon Township relating to claims for injunctive relief and damages arising out of the approval, design and construction of the stormwater management system at the Blue Ridge West Estates Subdivision, and to authorize the Township Manager to execute said Agreement on behalf of the Township, subject to minor revisions as deemed appropriate by the Township Solicitor.

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

Water Connection and EDU Agreement – Sacred Heart Memory Care

Motion made by Mr. Benner and seconded by Mr. Leonard to approve the Water Connection and EDU Agreement between Sacred Heart Memory Care, LLC, and Upper Saucon Township resolving various matters relating to utility connections and tapping fee payments for the proposed assisted living facility complex at 4860 Route 378, and to authorize the Township Manager to execute said Agreement on behalf of the Township.

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

ADJOURNMENT

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

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

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

Secretary

