

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, January 22, 2018 – 6:30 P.M.
Township Municipal Building

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

Participating Via
Speakerphone: Stephen Wagner

Staff Attending: Thomas F. Beil, Township Manager
Robert E. Kassel, Jr., Assistant Township Manager
Thomas Dinkelacker, Township Solicitor
Charles Unangst, P.E., Township Engineer
Joseph Geib, Special Projects Coordinator
Patricia Lang, Director of Community Development
Karl Schreiter, Township Sewer Engineer

CALL TO ORDER

Chairman Leonard 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 Leonard asked all in attendance to stand and recite the “Pledge of Allegiance.”

NOTIFICATION

Chairman Leonard 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

**RECOGNITION OF ROBERT KASSEL, JR., ASSISTANT TOWNSHIP MANAGER,
UPON HIS RETIREMENT FROM THE TOWNSHIP AFTER 28 YEARS OF
DEDICATED AND MERITORIOUS SERVICE**

Chairman Leonard thanked Mr. Kassel for his many years of service to the Township and presented him with a commemorative crystal plate in recognition of his retirement.

**AMENDED STIPULATION OF SETTLEMENT – BRINLEY COURT
DEVELOPMENT**

Motion made by Mr. Benner and seconded by Mr. Spaeth to approve the Amended Stipulation of Settlement between the Township and Brinley Court, LLC, and to authorize the appropriate Township officials to execute the Amended Stipulation of Settlement on behalf of the Township.

Solicitor Dinkelacker provided an overview of the Amended Stipulation of Settlement.

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

**ACT 537 PLAN SPECIAL STUDY AND SEWAGE FACILITIES PLANNING
MODULE FOR BRINLEY COURT**

Motion made by Mr. Benner and seconded by Mr. Spaeth to adopt Resolution No. 2018-10 approving the Act 537 Plan Special Study to reallocate sewage capacity in the Township collection system to service the Brinley Court and Traditions of America developments, and further approving the associated Sewage Facilities Planning Module for the Brinley Court development as an amendment to the Township's Act 537 Official Sewage Plan.

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

**AMENDMENT TO INTER-MUNICIPAL AGREEMENT WITH COOPERSBURG
BOROUGH**

Motion made by Mr. Benner and seconded by Mr. Spaeth to approve the Amendment to Inter-municipal Agreement with Coopersburg Borough relating to the operation and joint use of certain sewage transmission facilities located in both the Township and Borough.

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

**PUBLIC HEARING ON AMENDED CONDITIONAL USE APPLICATION OF
BRINLEY COURT, LLC**

The application of Brinley Court, LLC, to construct a 217 unit townhouse development on 41.34 acres located at 7535 South Main Street and 7611 South Main Street. The applicant previously obtained conditional use approval for a 205 unit townhouse development. The applicant requests amended conditional use approval to remove the offline flow equalization tank, which was originally proposed when the original conditional use decision was issued, and to allow the construction of 12 additional townhouse units in place of the offline flow equalization tank.

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

Solicitor Dinkelacker briefly explained the purpose of the hearing and provided background information on the Applicant's amended conditional use application.

Solicitor Dinkelacker introduced the following exhibits into the record:

- Exhibit T-1 – Copy of application to amend conditional use approval submitted by Brinley Court LLC and received by the Township on December 26, 2017
- Exhibit T-2 – Copy of Zoning Officer's written report dated December 26, 2017
- Exhibit T-3 – Planning Commission recommendation regarding application to amend conditional use approval submitted by Brinley Court LLC
- Exhibit T-4 - Copy of Public Notice that ran in The Morning Call on Friday, January 5, 2018 and Friday, January 12, 2018
- Exhibit T-5 – Copy of Public Notice sent to applicant, applicant's legal counsel and interested parties
- Exhibit T-6 – Copy of Public Notice posted on the properties at 7535 S. Main Street and 7611 S. Main Street on January 11, 2018
- Exhibit T-7 – Photographs dated January 11, 2018 of the Public Notice posted on the properties at 7535 S. Main Street and 7611 S. Main Street
- Exhibit T-8 – Copy of current deed for subject property
- Exhibit T-9 – Original conditional use approval by the Upper Saucon Township Board of Supervisors by decision dated April 1, 2011
- Exhibit T-10 – Court approval of original Stipulation of Settlement
- Exhibit T-11 – Copy of proposed Amendment to Stipulation of Settlement
- Exhibit T-12 – Copy of Amended Settlement Plan for Brinley Court prepared by Van Cleef Engineering Associates dated November 3, 2017
- Exhibit T-13 – Ordinance No. 79-JJ adopted by the Board of Supervisors on May 14, 2002.

Township Exhibits T-1 through T-13 were offered into evidence and admitted without objection.

Attorney Robert Gundlach of Fox Rothschild, LLP, and Samuel Costanzo of Van Cleef Engineering were present on behalf of the Applicant, Brinley Court, LLC.

Attorney Gundlach introduced the following exhibits into the record:

- Exhibit A-1 – Samuel Costanzo CV
- Exhibit A-2 – Aerial Plan for Property
- Exhibit A-3 – Original Plan for Brinley Court, last revised 4-17-09
- Exhibit A-4 – Shared Facilities Plan by Ebert Engineering Showing Route of Off-Site Utilities
- Exhibit A-5 – Kratz Easement Documents
- Exhibit A-6 – Golf Course Easement
- Exhibit A-7 – Utility Easement Blow-Up

Applicant Exhibits A-1 through A-7 were offered into evidence and admitted without objection.

Mr. Costanzo testified in support of the Applicant's request for conditional use approval. He said the Plan proposed by the Applicant in the Amended Application fully complies with the applicable requirements of the Zoning Ordinance.

Mr. Costanzo testified that easements were procured for the proposed public water and sewer lines servicing the development.

Solicitor Dinkelacker asked if the Board members had any questions for Mr. Costanzo. There was no response.

Solicitor Dinkelacker asked if anyone from the public wished to be heard on the Brinley Court Application. There was no response.

Attorney Gundlach closed by saying that testimony has been submitted into the record which satisfies the requirements for amended conditional use approval.

Solicitor Dinkelacker closed the record.

Motion made by Mr. Wagner and seconded by Mr. Benner to approve the Amended Conditional Use Application of Brinley Court, LLC for a 217 unit townhouse development with the elimination of offline flow equalization facilities on 41.34 acres at 7535 and 7611 South Main Street.

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

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

Regular Meeting of December 18, 2017

Motion made by Mr. Farrell and seconded by Mr. Spaeth to approve the minutes of the regular meeting of December 18, 2017.

The motion was approved by a vote of 4 in favor, 0 against and 1 abstention. Mr. Wagner abstained from voting because he was not present at the Board meeting on December 18, 2017.

ORDINANCES

Proposed Ordinance No. 62-N – Amendment to Non-Uniformed Employees’ Pension Plan – Appointment of New Chief Administrative Officer

Motion made by Mr. Spaeth and seconded by Mr. Farrell to adopt proposed Ordinance No. 62-N appointing Thomas F. Beil, Township Manager, as the Chief Administrative Officer of the Non-Uniformed Employees’ Pension Plan.

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

RESOLUTIONS

Resignation Of Walter (Chip) Gallagher As Zoning Hearing Board Alternate Member To Become Zoning Hearing Board Regular Member

Motion made by Mr. Benner and seconded by Mr. Spaeth to accept the resignation of Walter (Chip) Gallagher as an Alternate Member of the Zoning Hearing Board effective immediately.

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

Motion made by Mr. Wagner and seconded by Mr. Farrell to adopt Resolution No. 2018-04 appointing Walter (Chip) Gallagher as a Regular Member of the Zoning Hearing Board for a three year term expiring on December 31, 2020.

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

Resolution No. 2018-12 – Appointment of Wes Kovach As Zoning Hearing Board Alternate Member

Motion made by Mr. Farrell and seconded by Mr. Spaeth to adopt Resolution No. 2018-12 appointing Wes Kovach as an Alternate Member of the Zoning Hearing Board for a partial term expiring on December 31, 2019.

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

Resolution No. 2018-11 – Amendment to Police Pension Plan – Appointment of New Chief Administrative Officer

Motion made by Mr. Benner and seconded by Mr. Farrell to adopt Resolution No. 2018-11 appointing Thomas F. Beil, Township Manager, as the Chief Administrative Officer of the Police Pension Plan.

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

Resolution No. 2018-09 – Appointment of Voting Delegate, First Voting Delegate and Second Voting Delegate to the Lehigh County Tax Collection Committee

Motion made by Mr. Benner and seconded by Mr. Spaeth to adopt Resolution No. 2018-09 appointing Jeremy Melber as Voting Delegate, Thomas Beil as First Voting Delegate and Stephen Wagner as Second Voting Delegate to the Lehigh County Tax Collection Committee.

The motion was approved by a vote of 4 in favor, 0 against and 1 abstention. Mr. Wagner abstained from voting on his own appointment.

Resolution No. 2018-05 – Comprehensive Fee Schedule for Community Development Department

Motion made by Mr. Benner and seconded by Mr. Farrell to adopt Resolution No. 2018-05 updating the comprehensive fee schedule for the Subdivision & Land Development process, building permit process, building code appeals, certificate of occupancy issuance, zoning permits, zoning appeals, stormwater infiltration testing and activities performed in connection with on-lot sewage disposal systems.

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

MOTIONS

Appointment of Plan Administrator/Chief Administrative Officer of Non-Uniformed Employees Retirement Plan

Motion made by Mr. Farrell and seconded by Mr. Benner to appoint Thomas F. Beil, Township Manager, as the Plan Administrator and Chief Administrative Officer of the Non-Uniformed Employees Retirement Plan.

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

Purchase Agricultural Conservation Easement On 24.64 Acre Property At 6834 Passer Road

Motion made by Mr. Spaeth and seconded by Mr. Benner to approve the Sale and Purchase Agreement for the acquisition of an agricultural conservation easement on a 24.64 acre property at 6834 Passer Road for the purchase price of \$221,760.00; and to authorize the Township Manager to sign said Agreement on behalf of the Township.

Mr. Beil clarified that the conservation easement is being purchased jointly in cooperation with Lehigh County. The County is paying \$147,840.00 and the Township is paying \$221,760.00 for the conservation easement.

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

Separation and Consulting Agreement with Robert E. Kassel, Jr.

Motion made by Mr. Wagner and seconded by Mr. Benner to approve the Separation and Consulting Agreement with Robert E. Kassel, Jr., who currently serves as Assistant Township Manager, whereby Mr. Kassel will provide consulting services for a period of ten months immediately following his retirement on February 1, 2018 in order to assist with the smooth transition to a subsequent Assistant Township Manager; and to authorize the Chairman of the Board of Supervisors to sign said Agreement on behalf of the Township.

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

Release of Funds – Hopewell Elementary School – Certification No. 2

Motion made by Mr. Benner and seconded by Mr. Farrell to authorize the release of construction security in the amount of \$725,074.63 for the Hopewell Elementary School project in accordance with the Township Engineer's recommendation made by letter dated January 12, 2018.

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

Sewer Connection Agreement with Coopersburg Borough

Motion made by Mr. Farrell and seconded by Mr. Benner to approve the Sewer Connection Agreement with Coopersburg Borough allowing 38 homes in the Stone Harvest Estates (f/k/a Cooper Farms) Subdivision to connect to the Township sanitary sewer system and one home at 500 Horse Alley to connect to the Borough sanitary sewer system, and to authorize the Chairman of the Board of Supervisors to execute said Agreement on behalf of the Township.

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

Release of Funds – Liberty Village – Certification No. 7

Motion made by Mr. Benner and seconded by Mr. Wagner to authorize the release of construction security in the amount of \$84,550.45 for the Liberty Village Subdivision in accordance with The Pidcock Company recommendation made by letter dated January 17, 2018.

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

Release of Funds – HMB Management Hotel & Banquet Center – Certification No. 3
Motion made by Mr. Benner and seconded by Mr. Farrell to authorize the release of construction security in the amount of \$211,649.38 for the HMB Management Hotel & Banquet Center project in accordance with the Township Engineer’s letter dated January 18, 2018.

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

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

None

ELECT VICE CHAIRMAN OF BOARD OF SUPERVISORS

Motion made by Mr. Spaeth and seconded by Mr. Wagner to elect Dennis Benner as Vice Chairman of the Board of Supervisors.

The motion was approved by a vote of 4 in favor, 0 against and 1 abstention. Mr. Benner abstained from voting on this matter.

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 #01222018 dated 1/19/2018.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 7:23 p.m. the Board met in executive session to discuss a personnel matter.

The Board returned from executive session at approximately 7:55 p.m.

ADJOURNMENT

Motion made by Mr. Farrell 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 7:56 p.m.

Secretary

