

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, June 25, 2018 – 6:30 P.M.
Township Municipal Building

Members Present: Dennis E. Benner, Chairman
Brian J. Farrell, Vice Chairman
Philip W. Spaeth
Kimberly Stehlik
Stephen Wagner

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Thomas Dinkelacker, Solicitor Township
Charles Unangst, P.E., Township Engineer
Patricia Lang, Director of Community Development

CALL TO ORDER

Mr. Benner called the meeting to order at 6:33 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. Benner asked all in attendance to stand and recite the “Pledge of Allegiance.”

NOTIFICATION

Mr. Benner 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

REVIEW OPTIONS AND POTENTIAL USES FOR TOWNSHIP-OWNED PROPERTY AT 7486 PASSER ROAD (FORMER HARING PROPERTY)

Mr. Benner began by saying that no decisions will be made tonight and there will be an executive session to discuss options from a legal point of view.

Mr. Beil provided background information and gave a brief history of the 74-acre property. He said the goal for tonight is to start a discussion regarding the options and possible uses for the property. Important points were made regarding natural features that may serve as an impediment to development of any kind, including bog turtle habitat, existing wetlands and water features. He noted that extending public water and sewer to the site could be a challenge.

Mr. Beil presented four possible options for the property:

1. Take no action. The Township will continue to own and maintain the property as it is.
2. Construct a Sustainable Nature Park on the property, consistent with the Master Site Plan developed by the Sustainable Community Park Study Committee.
3. Sell the property to the highest bidder. It is likely the highest bidder will be a residential developer or home builder. Based on the current zoning classification, it is believed that approximately 80 homes could be built on the property.
4. Sell the property as a preserved farm. A deed restriction would be placed on the property limiting its future use to activities compatible with farming and agriculture.

Several residents asked questions and gave opinions on the best use of the property:

Anna Lynn Nemeth, 7553 Pheasant Drive, asked if the zoning designation will be changed to allow for multi-family housing on the property. Mr. Benner said there have been no discussions to change the zoning classification of the property.

Carol Schmeltzle, 7226 Passer Road, asked the Board to confirm a rumor that if a developer purchases the property, the project would be pre-packaged as to not require requests for relief of any kind. Mr. Benner said there has been a very casual conversation about the Township trying to control the type of development that would go on the property should the Township decide to sell it. Ms. Schmeltzle asked if comprehensive studies have been done on how developing the property will affect schools and water/sewer systems. Mr. Benner said these studies would be done as part of the review process if the Township decides to sell the land to a developer. She questioned how the Township would benefit by adding more homes.

Tim Foley, 7510 Pheasant Drive, asked why the property was condemned seventeen years ago. Mr. Beil said the stated reason for condemning the property was for recreation and open space purposes.

Meryl Bixel, 6834 Passer Road, said he just put his farm into Lehigh County Farmland Preservation. He said that Lehigh County is interested in preserving the Haring property to use for farming. Mr. Bixel did not want to see more traffic and homes in the area.

Gail Nagy (no address given) spoke in favor of having the property preserved as farmland.

Joe Saveri, 3189 Quail Drive, spoke against developing the property saying it would result in a traffic nightmare, and that the property was acquired by the Township for recreation and open space. He questioned whether the Township should be in the business of selling real estate. He added that he thinks the sewer plant is overtaxed as is without adding a new development, and inquired who the developer would be, and if any Board members have business relationships with developers.

Keith Ruppel, 3361 Jacoby Road, inquired about the bog turtle studies done on the property. Mr. Beil responded to his questions.

Kim Ruppel, 3361 Jacoby Road, asked why the plan for the park only takes up half of the property. Mr. Beil said bog turtles are suspected on the western half of the property which would preclude any type of development. He noted that a preliminary study identified bog turtle habitat on the western half of the property, but a follow up study is needed to definitely determine if bog turtles are present.

Saralyn Foley, 7510 Pheasant Drive, said at one time playing fields were proposed on the property. She spoke in opposition to the property being sold to a developer. She said if the property is developed, current residents with wells and septic systems would be forced to pay for the hookups to public water and sewer. She also questioned why the Township is looking to purchase other real estate in the Township other than the Haring property. She said the goal of the Comprehensive Plan is to preserve the residential and agricultural feel of the area. Mr. Benner said there are a multitude of reasons why the Township would purchase property, including for open space.

Ms. Foley asked how many on the Board are developers. Mr. Benner said he was a developer. She said the residents have spoken and they don't want condensed living and warehouses.

Stephen Kutoloski, 3211 Jacoby Road, referenced a newspaper article on linguistic trickery and hoped the Board would continue to be straight forward and avoid linguistic trickery in their decision making on this issue. He posed several questions to the Board. He asked why other options were not discussed.

Roy Slekovac, 7750 Passer Road, owns a preserved farm east of the Haring site. He said it would be a betrayal of the public trust to sell the property for housing. He recommends the property be used for a nature center.

Christina Kline, 7286 Passer Road, said nobody wants to see the property developed. She asked when a second and more thorough bog turtle study will be done, and if it would be done prior to any decision being made. Mr. Beil said the study would cost approximately \$15,000, and it would be up to the Board to decide whether or not to do the study.

Linda Anderson, 2910 Forest Drive, was opposed to developing the property. She said the property is unique and beautiful and should remain that way.

Ed Hepner, 2974 Forest Drive, said he does not see clarity in the vision of the Township regarding development. He asked that the Board listen to residents because they do not want a development.

Mike Morton, 5502 Northwood Drive, spoke in support of the other residents who previously spoke. He would like to see a nature preserve or recreation facility at the property. He said traffic has greatly changed over the years and building a development would cheapen the area in the long run.

Steven Fosbenner, 7071 Suter Road, said he would like to see the property remain a farm or become a park.

Steve Montgomery, 7504 Pheasant Drive, asked if a trail was supposed to connect the Haring property with Lutron. Mr. Beil said such a trail was originally planned but was later removed due to the potential bog turtle habitat. Mr. Montgomery asked if 80 homes could be built on the property. Mr. Beil explained if the land is developed under the conservation design plan, half of the space would be preserved – including the bog turtle habitat – and the other half could consist of roughly eighty single-family homes.

Mr. Montgomery asked why development is an option. Mr. Beil said he wanted to present all options to the Board.

Mr. Beil answered various questions posed by unidentified members of the audience concerning public utilities. He noted that public water and sewer would be required in order to maximize the number of homes that could be built on the property. He said the developer would be responsible for the cost of extending water and sewer to the site, and all homes within 150 feet of a new sewer line are required to connect within 90 days of being notified to do so.

An unidentified woman wanted to know if any of the Board members wanted to sell the property for development. Ms. Stehlik said the Board is considering all options and will make a decision in the best interest of the Township.

Tim Foley, 7510 Pheasant Drive, asked if any Board members have a conflict of interest regarding the decision of this property. Mr. Beil stated that all Board members are required to file Financial Interest forms, and those are on file and open to the public. Mr. Wagner said the State ethics law would apply.

An unidentified woman in the audience asked whether any Board member has owned land that they have sold to a developer here in the Township. Mr. Spaeth and Mr. Wagner both stated they have not. Mr. Benner stated that by profession, he is in the land development business, however, he has no conflict of interest in this particular matter.

Bill Kennedy, 4492 Keene Street, would like to see a dog park on the property.

Rick Nelson, 5675 Applebutter Hill Road, asked if the property becomes a park, would water and sewer lines be run. Mr. Beil said probably not because it would be too expensive. Mr. Nelson also asked how many of the Township residents use the parks. Mr. Beil said he does not know. He encouraged the Board to sell the property as a preserved farm.

An unidentified woman in the audience asked if they will be notified if this item comes up for discussion on a future agenda. Mr. Beil said that anyone who signed up on the sign-in sheet at this evening's meeting will be notified of future meetings regarding this topic.

Doris Clegg, 4137 Bunker Hill Drive South, asked why there has been no mention of economics tonight, because in light of the bog turtle habitat and the site restrictions, the property should be sold for a considerable sum to recoup the \$1.6 Million paid earlier. Mr. Benner responded that it was way too soon to be considering economic issues at this point in the process. Ms. Clegg had various questions concerning the process for selling the property. Mr. Benner responded to her questions. He reminded the audience that if the property were to be sold, it would be done via public bid.

Saralyn Foley, 7510 Pheasant Drive, asked if it were possible for the Township to receive additional grants for development of a Sustainable Community Park, due to the Master Site Plan process. Mr. Beil said such grants are a possibility.

Keith Ruppel, 3361 Jacoby Road, inquired what will be discussed during executive session, and whether or not a decision will be made tonight. Mr. Benner stated the legal issues relating to the property will be discussed in executive session, and that no decision will be made this evening.

Tim Foley, 7510 Pheasant Drive, inquired who funds the studies for issues like bog turtle habitat, and the feasibility of expanding water and sewer utility service. Mr. Beil responded that the developer would factor in the cost of expanding utility service into the bid for any property. Mr. Foley had various questions to which Mr. Beil responded.

Carol Schmeltzle, 7226 Passer Road, asked when any further discussion will be held. Mr. Benner was unsure about the timeline.

Stephen Kutoloski, 3211 Jacoby Road, asked why this discussion was not held prior to the Master Site Plan for the property. Mr. Wagner stated that previous Boards chose to do nothing with the property, and a later Board agreed to pursue the grant for the Master Site Plan.

Lee Lilley, 2945 Dogwood Drive, does not want to see the property developed. He would like to see the land used for farming or a park.

Chairman Benner closed the discussion by thanking everyone for their input.

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

Regular Meeting of April 23, 2018

Motion made by Mr. Farrell and seconded by Ms. Stehlik to approve the minutes of the regular meeting of April 23, 2018.

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

Regular Meeting of May 14, 2018

Motion made by Mr. Spaeth and seconded by Ms. Stehlik to approve the minutes of the regular meeting of May 14, 2018.

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

ORDINANCES

None

RESOLUTIONS

Resolution No. 2018-26 – Accepting Off-Site and Partial On-Site Sanitary Sewer Facilities

Motion made by Mr. Wagner and seconded by Mr. Spaeth to adopt Resolution No. 2018-26 accepting a Bill of Sale for off-site and partial on-site sanitary sewer facilities and a deed of easement for partial on-site sanitary sewer facilities in connection with the Weyhill Estates Subdivision (a/k/a Blue Belle Farms).

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

MOTIONS

None

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Preparation of 2019 Township Budget and 5 Year Capital Budget

It was the consensus of the Board to refer preparation of the 2019 Township Budget and Five Year Capital Budget to the Administration and Finance Committee.

Cancellation of Board of Supervisors meeting scheduled for July 9, 2018 due to lack of agenda items

It was the consensus of the Board to cancel the meeting originally scheduled for July 9, 2018.

Review Agenda for Zoning Hearing Board meeting on July 2, 2018

Mr. Beil reviewed the only matter (Appeal No. 2018-05) on the docket for the July 2, 2018 Zoning Hearing Board meeting. The Board engaged in a lengthy discussion concerning Appeal No 2018-05. The Board directed the Township Solicitor to send a letter to the Zoning Hearing Board recommending possible conditions to attach to any zoning relief granted with respect to Appeal No. 2018-05.

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Wagner and seconded by Mr. Spaeth to authorize payment of the Prepaid Invoice List and Warrant List #06252018 dated 06/22/2018.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 8:37 p.m., the Board met in executive session to discuss the following:

- Police contract negotiations.
- Legal issues related to the use, disposition and possible sale of the former Haring property (7486 Passer Road) which, if conducted in public, would violate the Attorney / Client privilege and lead to the disclosure of information or confidentiality protected by law.

The Board returned from executive session at approximately 10:02 p.m. Mr. Benner noted that no decisions were made regarding the topics discussed.

ADJOURNMENT

Motion made by Mr. Farrell and seconded by Ms. Stehlik to adjourn the meeting.

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

The meeting was adjourned at approximately 10:04 p.m.

Secretary

