

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, March 11, 2019 – 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, Township Solicitor
Charles Unangst, P.E., Township Engineer
Trent Sear, Zoning Officer/Codes Enforcement

CALL TO ORDER

Mr. Benner 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. 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

SUBDIVISIONS & LAND DEVELOPMENTS

Provco Pineville Acquisition, LLC – Preliminary/Final Land Development Plan – Resolution No. 2019-12

The Plan proposes the construction of a Wawa convenience store with gas pumps and a fast food restaurant with drive thru on 5.044 acres at the southwest corner of Route 309 and Passer Road.

Attorney Erich Schock of Fitzpatrick Lentz and Bubba and Pete Spisszak of Traffic Planning and Design were present on behalf of Provco Pineville Acquisitions, LLC.

Attorney Schock asked the Board to consider waiving the transportation impact fee for this project. He said the waiver of the fee is justified because the developer will be constructing over One Million Dollars worth of traffic improvements at the intersection of Route 309 and Passer Road.

The Board agreed the transportation impact fee should be waived in this instance given the extent of the traffic improvements being constructed by the developer. It was the consensus of the Board that proposed Resolution No. 2019-12 should be revised to eliminate condition 1.c on page 2, thereby relieving the developer of the requirement to pay a transportation impact fee of \$47,112.

Mr. Wanger inquired about the ongoing litigation related to the vacation of Short Road. Solicitor Dinkelacker updated the Board on this matter.

Mr. Spaeth asked for an overview of the proposed traffic improvements. Mr. Spisszak described the traffic improvements proposed at the intersection of Route 309 and Passer Road.

Motion made by Mr. Wagner and seconded by Mr. Farrell to adopt revised Resolution No. 2019-12 conditionally approving the Preliminary/Final Land Development Plan of Provco Pineville Acquisition, LLC to construct a Wawa convenience store with gas pumps and a drive-through restaurant on a 5.044 acre tract of land located at the southwest corner of Route 309 and Passer Road. The Resolution, as revised, does not require the payment of a transportation impact fee by the developer.

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

MINUTES

Regular Meeting of January 28, 2019

Motion made by Mr. Spaeth and seconded by Ms. Stehlik to approve the minutes of the regular meeting of January 28, 2019.

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

ORDINANCES

None

RESOLUTIONS

Resolution No. 2019-11 – Accept Easement and Bills of Sale For Sewer Lines At The Promenade Shops

Motion made by Mr. Farrell and seconded by Mr. Wagner to adopt Resolution No. 2019-11 accepting an on-site sanitary sewer easement and Bills of Sale for off-site and on-site sanitary sewer lines constructed in connection with The Promenade Shops.

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

Resolution No. 2019-13 – Amending Recreation Fee

Solicitor Dinkelacker and Mr. Beil reviewed Resolution No. 2019-13 with the Board. Mr. Beil said the Resolution, if approved, would reduce the Recreation Fee that developers pay from \$5,000 per dwelling unit to \$2,770 per dwelling unit.

A lengthy discussion ensued concerning the formula used to calculate the Recreation Fee. Mr. Beil explained the new Recreation fee was calculated based on a formula established in the Park and Recreation Plan which takes into account factors such as land values and population projections. He said the primary reason the Recreation Fee is going down is because a recent appraisal report determined that land values in the Township have gone down.

The Board questioned the accuracy of the appraisal report on which the new Recreation Fee is based.

The Board directed Mr. Beil to engage the services of an independent land appraiser to confirm the accuracy of the land values used to calculate the Recreation Fee.

Motion made by Mr. Wagner and seconded by Mr. Spaeth to postpone action on Resolution No. 2019-13 until such time as the land values which form the basis of the Recreation Fee can be verified as being accurate.

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

MOTIONS

Release of Funds – Copperhead Grille - Certification No. 1

Motion made by Mr. Wagner and seconded by Mr. Spaeth to authorize the release of construction security in the amount of \$330,867.04 for the Copperhead Grille parking lot and patio expansion project in accordance with the Township Engineer's recommendation made by letter dated February 18, 2019.

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

Request For Payment – Preston Lane Drainage & Roadway Improvements – Certification
No. 5

Motion made by Ms. Stehlik and seconded by Mr. Farrell to authorize payment in the amount of \$17,369.63 to Horst Excavating for work completed on the Preston Lane Drainage & Roadway Improvements Project.

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

Sale of Used Township Vehicles and Equipment

Motion made by Mr. Farrell and seconded by Ms. Stehlik to authorize the sale of a 2010 Ford Explorer (VIN 1FMEU7DE9AUA81899) to Ronald Przech of Newington, CT for \$3,700.00.

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

Motion made by Mr. Spaeth and seconded by Mr. Farrell to authorize the sale of a 2004 Ford Expedition (VIN 1FMPU16L14LB42206) to Ronald Przech of Newington, CT for \$1,250.00.

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

Motion made by Ms. Stehlik and seconded by Mr. Spaeth to authorize the sale of a 2003 Ford F-550 DRW Dump Truck (VIN 1FDAF57PX3ED00439) to Hal Sands of Richlandtown, PA for \$11,700.00.

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

Motion made by Mr. Farrell and seconded by Ms. Stehlik to authorize the sale of a 2000 Ford F-450 DRW Dump Truck (VIN 1FDXF47F5YED70885) to David Fowler of Rillton, PA for \$4,600.00.

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

Motion made by Mr. Wagner and seconded by Mr. Farrell to authorize the sale of a 2014 Ford Interceptor (VIN 1FM5K8AR0EGC38310) to Terence Brown of Sykesville, MD for \$7,800.00.

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

Motion made by Ms. Stehlik and seconded by Mr. Spaeth to authorize the sale of a Smith Model 100 Air Compressor (S/N: 110D7269) to Dennis Restuccia of York, PA for \$1,350.00.

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

Motion made by Mr. Farrell and seconded by Ms. Stehlik to authorize the sale of a Gatorcam flexible camera inspection system to Todd McCartney of Orbisonia, PA for \$350.00.

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

Motion made by Mr. Wagner and seconded by Ms. Stehlik to authorize the sale of a Homemade Trailer (approximately 3000 lb. gross weight rating) to Kenneth Yoder of Harleysville, PA for \$600.00.

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

Motion made by Mr. Farrell and seconded by Mr. Wagner to authorize the sale of 12 traffic signal heads to Scott Burkholder of Morgantown, PA for \$260.00.

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

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Determine whether or not the Township will accept the streets in the Brinley Court development

Mr. Beil said the Board needs to decide whether the streets in the proposed Brinley Court development will become public streets maintained by the Township or private streets maintained by the Homeowners Association. He said the Resolution approving the Brinley Court Land Development Plan gives the Board 90 days to decide this issue. A lengthy discussion ensued concerning the advantages and disadvantages of the Township accepting the streets.

Ms. Stehlik noted the School District has a policy that school buses are not allowed on private streets.

Doris Clegg of 4137 Bunker Hill Drive S advised the Board not to accept the streets citing parking concerns.

It was the consensus of the Board that a final decision regarding this matter will be made at the Board meeting scheduled for April 8, 2019 and that the Township Solicitor should prepare the appropriate resolution expressing the Board's intent to accept the streets in the Brinley Court development.

Privacy fences installed on Rail Trail property without Township approval.

Mr. Beil explained the homeowners at 1645, 1673 and 1735 Spring Valley Road installed fences on land owned by SEPTA that is leased to the Township for the Rail Trail. Mr. Beil said the homeowners failed to secure the necessary approvals prior to installing the fences. The zoning officer sent letters to the three homeowners notifying them that the fences had to be removed by May 6, 2019. Mr. Beil said he wanted to make the Board aware of this issue because the three homeowners may appear before the Board at a future meeting to seek approval of the fences.

Solicitor Dinkelacker said the fences probably violate the lease agreement with SEPTA.

A lengthy discussion ensued regarding the Board's stance with respect to the fences.

Attorney Schock said he represents one of the neighbors with a fence on the Rail Trail property. He asked that his client be given an opportunity to address the Board before any official action is taken with respect to the fences.

It was the consensus of the Board that the Township Manager and Solicitor should meet with the three homeowners and inform them that the fences need to be removed.

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Farrell and seconded by Mr. Wagner to authorize payment of the Prepaid Invoice List and Warrant List dated 03/08/2019.

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

ADDITIONAL BUSINESS

Mr. Beil reminded the Board that the Kay Builders proposal is one of the items on the agenda for the Board's March 25th meeting.

COURTESY OF THE FLOOR

Duane Wetzel, 5100 Locust Valley Road, wanted to know the status of the Comprehensive Plan Update. Mr. Beil said the project is underway and it may take another year to complete. Mr. Wetzel said the Board should hold off on taking action on any rezoning requests until after the Comprehensive Plan Update is finished.

Mr. Spaeth expressed frustration with how long it is taking to complete the Comprehensive Plan Update. Mr. Beil said he would contact the consultant working on this project.

EXECUTIVE SESSION

At approximately 8:20 p.m., the Board met in executive session to consider the purchase of real property.

The Board returned from executive session at approximately 8:42 p.m.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:43 p.m.

Secretary

