

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, June 10, 2019 – 6:30 P.M.
Township Municipal Building

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

Participating Via
Speakerphone: Stephen Wagner

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Thomas Dinkelacker, Township Solicitor
Charles Unangst, P.E., Township Engineer

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

Jerry Werkheiser, 6528 Walnut Lane, expressed concerns regarding the paths and tunnel at the Upper Saucon Township Community Park that goes under Preston Lane. Mr. Werkheiser has concerns about the narrow, winding path, sight distance, and speed of trail users in this area. He would like to see some warning signs or other safety measures taken in this area.

Mr. Beil noted that his concerns were previously brought before the Park and Recreation Commission, with no changes proposed by the Commission.

The Board agreed that the Township Engineer will look into Mr. Werkheiser's concerns and make some suggestions for safety enhancements in this area.

Sally Keglovits, 6121 Valley Forge Drive, expressed concerns about consumer fireworks. She knew the Township had an ordinance regulating professional display fireworks, and requested the Board consider placing greater restrictions on the use of consumer fireworks, as Hanover Township has done.

Solicitor Dinkelacker was of the opinion that the Township could not regulate consumer fireworks. He said the State law regulating fireworks is fairly comprehensive and likely pre-empt the field. The State law authorizes municipalities to regulate display fireworks but does not contain a similar provision authorizing municipalities to regulate consumer fireworks.

The Board asked the Township Solicitor to research this issue.

PRESENTATION BY MARK ZETTEMAYER OF RKL LLP – 2018 ANNUAL AUDIT OF TOWNSHIP ACCOUNTS

Mark Zettlemoyer of RKL, LLP provided an overview of the 2018 Annual Audit of Township accounts. Mr. Zettlemoyer responded to questions posed by Board members.

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

None

ORDINANCES

None

RESOLUTIONS

Resolution No. 2019-20 – Appointment of Special Fire Police

Motion made by Ms. Stehlik and seconded by Mr. Farrell to approve Resolution 2019-20, appointing the Special Fire Police.

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

MOTIONS

Request For Payment – Preston Lane Drainage & Roadway Improvements – Certification No. 6

Motion made by Mr. Farrell and seconded by Mr. Spaeth to authorize payment in the amount of \$22,628.35 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.

Award Bid – 2019 Street Maintenance Project

Motion made by Ms. Stehlik and seconded by Mr. Farrell to award the bid for the 2019 Street Maintenance Project to Asphalt Maintenance Solutions, LLC for a total bid price of \$264,939.84.

Mr. Beil noted the bids came in slightly higher than the budgeted amount.

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

Request For Payment – Hopewell Park Project – Certification No. 2

Motion made by Ms. Stehlik and seconded by Mr. Spaeth to authorize payment in the amount of \$94,837.44 to Barwis Construction for work completed on the Hopewell Park Project.

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

Rescind Previous Authorization to Sell Used Township Trailer

Motion made by Mr. Wagner and seconded by Mr. Farrell to rescind the previous authorization to sell a Homemade Trailer (approximately 3000 lb. gross weight rating) to Kenneth Yoder, Jr., for \$600.00 due to Mr. Yoder's failure to pay for and take possession of the trailer in a timely manner.

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

Sale of Used Township Trailer

Motion made by Mr. Farrell and seconded by Mr. Spaeth to authorize the sale of a Homemade Trailer (approximately 3000 lb. gross weight rating) to Suhirdbir Bhasin of Reading, PA for \$575.00.

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

Request For Payment – Oakhurst Storm Sewer Improvements– Certification No. 8

Motion made by Mr. Wagner and seconded by Mr. Farrell to authorize payment in the amount of \$328,091.71 to H&K Group, Inc., for work completed on the Oakhurst Storm Sewer Improvement Project.

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

Award Bids – New Water/Sewer Garage

Contract 1 – Site Work and General Building Construction

Motion made by Ms. Stehlik and seconded by Mr. Spaeth to award the site work and general construction bid for the new Water/Sewer Garage to Ankiewicz Enterprises, Inc., in the amount of \$1,525,336.75.

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

Contract 2 – Mechanical

Motion made by Mr. Farrell and seconded by Ms. Stehlik to award the mechanical bid for the new Water/Sewer Garage to K.C. Mechanical Service, Inc., in the amount of \$167,000.00.

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

Contract 3 – Plumbing

Motion made by Mr. Wagner and seconded by Mr. Farrell to award the plumbing bid for the new Water/Sewer Garage to Dual Temp Company, Inc., in the amount of \$93,600.00.

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

Contract 4 – Electrical

Motion made by Ms. Stehlik and seconded by Mr. Spaeth to award the electrical bid for the new Water/Sewer Garage to Wind Gap Electric, Inc., in the amount of \$160,770.00.

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

Investment Policy Statement For Non-Uniformed Pension Plan and Police Pension Plan

Motion made by Mr. Spaeth and seconded by Ms. Stehlik to approve the Investment Policy Statement for the Non-Uniformed Pension Plan and Police Pension Plan dated June, 2019.

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

Encroachment Agreement For Rail Trail Fence – David & Kimberly Smith

Motion made by Mr. Spaeth and seconded by Mr. Farrell to approve the Encroachment Agreement with Mr. & Mrs. Smith which allows the Smiths to make certain modifications to the Rail Trail fence along the rear of their property at 1735 Spring Valley Road 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.

Encroachment Agreement For Rail Trail Fence - Anthony & Megan Ochotorena

Motion made by Mr. Farrell and seconded by Mr. Spaeth to approve the Encroachment Agreement with Mr. & Mrs. Ochotorena which allows the Ochotorenas to make certain

modifications to the Rail Trail fence along the rear of their property at 1673 Spring Valley Road 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.

Encroachment Agreement For Rail Trail Fence - John Inglis III & Diana Inglis

Motion made by Mr. Farrell and seconded by Mr. Spaeth to approve the Encroachment Agreement with Mr. & Mrs. Inglis which allows the Inglis to make certain modifications to the Rail Trail fence along the rear of their property at 1645 Spring Valley Road and to authorize the Township Manager to execute said Agreement on behalf of the Township.

Mr. Inglis said his current fence was installed before the Rail Trail was built and that the fence was approved by the former Chairman of the Board of Supervisors. He asked the Board to consider allowing him to keep his existing 7.5 foot tall fence rather than forcing him to reduce the height of the fence to 5 feet as required under the terms of the proposed Encroachment Agreement.

A lengthy discussion ensued as to whether Mr. Inglis should be allowed to keep his existing 7.5 foot tall fence.

Mr. Inglis said he didn't want to prolong things and he would be willing to accept the same Agreement as the other two property owners just to move this issue along.

Mr. Smith of 1735 Spring Valley Road said he had no issue with Mr. Inglis' current fence.

Solicitor Dinkelacker said the underlying problem is that Mr. Inglis' fence, as well as the other two fences, were constructed on property owned by SEPTA and leased to the Township.

The Board was not inclined to amend the Encroachment Agreement to accommodate Mr. Inglis' request.

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

Purchase Agricultural Conservation Easement On 57.9 Acre Tract of Land At 1414, 1446 and 6495 Blue Church Road

Motion made by Mr. Spaeth and seconded by Ms. Stehlik to approve the Sale and Purchase Agreement for the acquisition of an agricultural conservation easement on a 57.9 acre tract of land at 1414, 1446 and 6495 Blue Church Road for the purchase price of \$362,370.00 (with the County paying \$347,400.00, Lower Milford Township paying \$4,940.00 and Upper Saucon Township paying \$10,030.00); and to authorize the Township Manager to sign said Agreement on behalf of the Township.

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

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Cancellation of Board of Supervisors meeting scheduled for June 24, 2019 due to lack of agenda items

It was the consensus of the Board to cancel the meeting originally scheduled for June 24, 2019.

Authorize Manager to send letter to PennDOT requesting speed limit reduction on Weyhill Drive from 40 mph to 30 mph

Mr. Beil provided background information on this issue, indicating that because of the number of school bus stops and walkers along Weyhill Drive, some residents have requested the lowering of the speed limit. Weyhill Drive is a PennDOT-owned road, and PennDOT will perform the speed study, if asked to do so. Also, PennDOT would make the final determination as to whether or not to lower the speed limit on this road.

Mr. Spaeth said the 40 mph speed limit does not seem excessive, in comparison to other roads in the Township with similar conditions. Mr. Farrell would like to see the use of speed awareness monitors to provide some additional information. Mr. Wagner inquired if the Township would be bound to the outcome of the PennDOT study. Mr. Beil indicated that the speed limit will be posted in accordance with the outcome of the study.

The Board was not in favor of sending a letter to PennDOT requesting a speed limit reduction on Weyhill Drive, but was open to reexamining this issue after data gathered by the speed awareness monitors becomes available.

Review Agenda for Zoning Hearing Board meeting on June 19, 2019

Mr. Beil reviewed the two appeals on the docket for the June 19, 2019 Zoning Hearing Board meeting. It was determined that both appeals involve routine matters that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

Pitt-Ohio Zoning Agreement – 4723 Route 309

Motion made by Mr. Spaeth and seconded by Ms. Stehlik to approve the Agreement with Pitt Ohio Express, Inc. and Terminal Leasing, Inc., setting forth the terms and conditions under which the Township will refrain from opposing the zoning appeal filed by Terminal Leasing, Inc., to expand the truck parking facilities and terminal on the property at 4723 Route 309, 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.

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 dated 06/07/2019.

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

ADDITIONAL BUSINESS

Mr. Spaeth asked if there were plans to alleviate some of the standing water issues along Glen Road. Mr. Unangst indicated his firm is working with the Township Road Department to address this issue.

Mr. Spaeth inquired about the status of the Chestnut Hill Road project. Mr. Geib provided a status update, informing Mr. Spaeth that easements are being wrapped up for Phase 1 of the project, and that he and Mr. Unangst will meet with other landowners in the near future to work out some remaining design issues.

COURTESY OF THE FLOOR

Mr. Werkheiser inquired about how the Township will follow up with him regarding his concerns at the park. Mr. Beil indicated that Township staff will get back to him with the recommendations of the Engineer.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:18 p.m.

Secretary