

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, January 6, 2020 – 6:30 P.M.
Township Municipal Building

Members Present: Brian J. Farrell, Chairman
Philip W. Spaeth, Vice Chairman
Stephen Wagner
Dennis E. Benner
John G. Inglis, III

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Roxann Steelman, Township Solicitor
Kevin Chimics, P.E., Township Engineer
Thomas Nicoletti, Chief of Police
Patrick Leonard, Special Projects Coordinator

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.

REORGANIZATION OF THE BOARD OF SUPERVISORS

Appoint Temporary Chairperson

Motion made by Mr. Farrell and seconded by Mr. Wagner to appoint Solicitor Steelman as Temporary Chairperson for the purpose of conducting the election of a permanent chairperson.

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

Elect Chairperson

Solicitor Steelman asked for nominations for the position of Chairperson.

Motion made by Mr. Benner and seconded by Mr. Wagner to nominate and elect Brian Farrell as Chairman of the Board of Supervisors.

There being no further nominations, the nominations were closed and Solicitor Steelman called for the vote.

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

Elect Vice Chairperson

Chairman Farrell asked for nominations for the position of Vice Chairperson.

Motion made by Mr. Benner and seconded by Mr. Farrell to nominate and elect Philip Spaeth as Vice Chairman of the Board of Supervisors.

There being no further nominations, the nominations were closed and Chairman Farrell called for the vote.

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

Appoint Township Secretary

Motion made by Mr. Benner and seconded by Mr. Wagner to appoint Thomas F. Beil as Township Secretary.

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

Appointed Township Treasurer

Motion made by Mr. Benner and seconded by Mr. Spaeth to appoint Joseph L. Geib as Township Treasurer.

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

Appoint Assistant Township Secretary

Motion made by Mr. Benner and seconded by Mr. Wagner to appoint Joseph L. Geib as Assistant Township Secretary.

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

Appoint Assistant Township Treasurer

Motion made by Mr. Benner and seconded by Mr. Spaeth to appoint Thomas F. Beil as Assistant Township Treasurer.

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

PUBLIC COMMENT

Karen Rabenold, 4869 Apple Lane, expressed concerns with the proposed dental office at 4886 Route 309. She was particularly concerned about the lack of adequate stormwater controls for the proposed parking lot associated with the dental office and the potential for increased flooding on nearby properties. She also noted that the issue of the fence between her property and the property at 4886 Route 309 has not been resolved.

Ms. Lang and Mr. Chimics confirmed the stormwater controls proposed for the dental office at 4886 Route 309 comply with Township requirements.

John Tsiouvaras, owner of 4886 Route 309, said he has been trying to meet with Ms. Rabenold to discuss the fence issue. He said the stormwater issues have all been addressed.

John Zbyszinski, 6163 Winding Road, spoke in support of lowering the speed limit on Glen Road.

John Dobos, 5430 Glen Road, questioned how the current 40 mph speed limit on Glen Road was originally established. He also asked if the police conducted any recent speed enforcement activities on Glen Road. Messrs. Beil and Nicoletti responded to Mr. Dobos' questions. Mr. Beil said he would email Mr. Dobos a copy of the 1994 speed study that established the 40 mph speed limit on Glen Road.

REORGANIZATION BUSINESS

Establish Treasurer's Bond

Motion made by Mr. Benner and seconded by Mr. Spaeth to establish the Treasurer's Bond for the year 2020 at \$2,000,000.00.

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

Establish Assistant Treasurer's Bond

Motion made by Mr. Wagner and seconded by Mr. Spaeth to establish the Assistant Treasurer's Bond for the year 2020 at \$2,000,000.00.

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

Depository for Township Funds – Resolution No. 2020-01

Motion made by Mr. Wagner and seconded by Mr. Inglis to adopt Resolution No. 2020-01 approving QNB Bank as depository for Township Funds for the year 2020.

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

Reappointment of Township Solicitor

Motion made by Mr. Benner and seconded by Mr. Spaeth to reappoint the law firm of Dimmich & Dinkelacker, P.C., as Township Solicitor and to approve the fee agreement with Dimmich & Dinkelacker, P.C., effective January 1, 2019.

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

Reappointment of Township Engineer

Motion made by Mr. Benner and seconded by Mr. Wagner to reappoint Charles Unangst, P.E., or his designee as an employee of Hanover Engineering Associates, Inc., to serve as Township Engineer and to compensate the Township Engineer for services rendered in accordance with the 2020 Professional Fee Schedule included with Mr. Unangst's letter of December 9, 2019.

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

Reappointment of Township Conflict Engineer

Motion made by Mr. Benner and seconded by Mr. Inglis to reappoint C. Robert Wynn, P.E., or his designee as an employee of C. Robert Wynn Associates, Inc., to serve as Township Conflict Engineer and to compensate the Township Conflict Engineer for services rendered in accordance with the Schedule of Per Diem Fees, effective January 1, 2020, as provided by C. Robert Wynn Associates, Inc.

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

Reappointment of Sewage Enforcement Officers

Motion made by Mr. Benner and seconded by Mr. Wagner to reappoint Jacob A. Schray (SEO #03134), Christopher A. Taylor (SEO #03138), Gregory C. Gray (SEO #03945) and Scott J. Brown (SEO#01716) of Hanover Engineering Associates, Inc., as sewage enforcement officers to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Sewage Facilities Act.

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

Reappointment of Geotechnical Consultant

Motion made by Mr. Spaeth and seconded by Mr. Inglis to reappoint Hydro-Terra Group as the Township Geotechnical Consultant and to compensate the Township Geotechnical Consultant for services rendered in accordance with the 2020 Geotechnical Services Rate Schedule included with Kent Littlefield's letter of December 30, 2019.

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

Appointment of Accounting Firm To Perform 2019 Audit – Resolution No. 2020-02

Motion made by Mr. Wagner and seconded by Mr. Benner to adopt Resolution No. 2020-02 appointing the accounting firm of RKL, LLP to perform the 2019 annual financial audit of Township accounts.

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

Reappointment of Third Party Agency For Administration and Enforcement of PA
Construction Code Act

Motion made by Mr. Benner and seconded by Mr. Inglis to reappoint Keycodes Inspection Agency and its construction code officials, as the sole third-party agency to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Construction Code Act, in accordance with Section 503(b)(2) of the Act and Section 3.b of Upper Saucon Township Ordinance No. 130.

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

Reappointment of Municipal Code Official and Primary Building Code Official

Motion made by Mr. Wagner and seconded by Mr. Benner to reappoint David I. Shields of Keycodes Inspection Agency as the municipal code official and primary building code official to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Construction Code Act, in accordance with Section 503(b)(1) of the Act and Section 3.a of Upper Saucon Township Ordinance No. 130.

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

Appointments / Reappointments to Boards and Commissions

Vacancy Board

Motion made by Mr. Wagner and seconded by Mr. Spaeth to reappoint Richard M. Nelson to the Upper Saucon Township Vacancy Board for a one year term expiring on December 31, 2020.

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

Police Pension Committee

Motion made by Mr. Benner and seconded by Mr. Inglis to appoint Brian Farrell, Philip Spaeth and Dane Carroll to the Upper Saucon Township Police Pension Committee for the 2020 calendar year.

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

Non-Uniformed Employees' Pension Committee

Motion made by Mr. Benner and seconded by Mr. Wagner to appoint Thomas E. Young, Robert Tierney and Philip Spaeth to the Upper Saucon Township Non-Uniformed Employees' Pension Committee for the 2020 calendar year.

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

Municipal Authority/Sewage Treatment Authority

Motion made by Mr. Benner and seconded by Mr. Spaeth to reappoint Ronald J. Reybitz to the Municipal Authority and Sewage Treatment Authority for a five year term expiring on December 31, 2024.

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

Uniform Construction Code Board of Appeals

Motion made by Mr. Inglis and seconded by Mr. Wagner to reappoint David T. Howard to the Uniform Construction Code Board of Appeals for a one year term expiring on December 31, 2020.

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

Uniform Construction Code Board of Appeals

Motion made by Mr. Benner and seconded by Mr. Wagner to reappoint Stewart J. Gouck to the Uniform Construction Code Board of Appeals for a one year term expiring on December 31, 2020.

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

Zoning Hearing Board

Motion made by Mr. Inglis and seconded by Mr. Spaeth to adopt Resolution No. 2020-03 reappointing Michael DePaolis to the Upper Saucon Township Zoning Hearing Board for a three year term expiring on December 31, 2022.

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

Zoning Hearing Board

Motion made by Mr. Benner and seconded by Mr. Wanger to reappoint Terrence Grube as an Alternate to the Upper Saucon Township Zoning Hearing Board for a three year term expiring on December 31, 2022.

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

Park & Recreation Commission

Motion made by Mr. Inglis and Seconded by Mr. Spaeth to reappoint Christopher Jordan to the Park and Recreation Commission for a five year term expiring on December 31, 2024.

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

Designate Chairperson of Environmental Advisory Council

Motion made by Mr. Inglis and seconded by Mr. Spaeth to designate Thomas L. Gettings as Chairperson of the Upper Saucon Township Environmental Advisory Council for the year 2020.

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

Saucon Rail Trail Oversight Commission

Motion made by Mr. Wagner and seconded by Mr. Inglis to reappoint Peter Jarrett to the Saucon Rail Trail Oversight Commission for a four year term expiring on December 31, 2023.

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

Environmental Advisory Council

Motion mad by Mr. Inglis and seconded by Mr. Spaeth to appoint Bryan Macfarlane to the Environmental Advisory Council for a three year term expiring on December 31, 2022.

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

Establish 2020 Regular Meeting Schedule

Motion made by Mr. Benner and seconded by Mr. Wagner to approve the following regular meeting schedule for 2020:

Board of Supervisors

(All meetings will start at 6:30 PM and will be held in the public meeting room of the Upper Saucon Township Municipal Building located at 5500 Camp Meeting Road)

*Monday, January 6, 2020 (Reorg.)	Monday, July 13, 2020
Monday, January 27, 2020	Monday, July 27, 2020
Monday, February 10, 2020	Monday, August 10, 2020
Monday, February 24, 2020	Monday, August 24, 2020
Monday, March 9, 2020	Monday, September 14, 2020
Monday, March 23, 2020	Monday, September 28, 2020
Monday, April 13, 2020	Monday, October 12, 2020
Monday, April 27, 2020	Monday, October 26, 2020
Monday, May 11, 2020	Monday, November 9, 2020
**Monday, May 18, 2020	**Monday, November 16, 2020
Monday, June 8, 2020	Monday, December 14, 2020
Monday, June 22, 2020	**Monday, December 21, 2020

*1st Monday of month

**3rd Monday of month

Note: Special meetings will be scheduled when needed.

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

Committee Assignments for 2020

Chairman Farrell announced the following committee assignments for 2020:

Planning and Zoning Committee

Dennis Benner, Chair
Brian Farrell

Public Works and Transportation Committee

Stephen Wagner, Chair
John Inglis

Administration and Finance Committee

Philip Spaeth, Chair
Brian Farrell

Emergency Services Committee

Stephen Wagner, Chair
Dennis Benner

Parks/Recreation and Open Space Committee

John Inglis, Chair
Philip Spaeth

Appointments Review Committee

Brian Farrell, Chair
John Inglis

Appointment of Voting Delegate to State Association's Annual Convention

Motion made by Mr. Inglis and seconded by Mr. Wagner to appoint Philip W. Spaeth as the Township's voting delegate to the State Association's annual convention.

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

SUBDIVISIONS & LAND DEVELOPMENTS

Proposed Dental Office and Parking Lot at 4886 Route 309 – Preliminary/Final Land Development Plan – Resolution No. 2020-08

Motion made by Mr. Benner and seconded by Mr. Spaeth to adopt Resolution No. 2020-08 conditionally approving the Preliminary/Final Land Development Plan of Sophia Kladias and JST Group to convert an existing residential dwelling into a dental office and construct a parking lot consisting of 10 spaces on the property located at 4886 Route 309 (northwest corner of Route 309 and Chestnut Drive).

At Mr. Spaeth's request, Mr. Chimics briefly reviewed how stormwater would be managed on the subject property.

Edward Grube, 4852 Route 309, said the area regularly floods and expressed concerns about the proposed dental office contributing to the existing flooding problems.

Karen Rabenold said the property at 4886 Route 309 regularly floods and questioned whether the proposed stormwater controls would be adequate.

Ms. Rabenold asked if the grading could be changed to direct stormwater to Chestnut Drive. Mr. Chimics said there would be no way to do what Ms. Rabenold is suggesting because of the grade.

Ms. Rabenold asked if the parking lot could be moved closer to Chestnut Street. Mr. Chimics said the parking lot could not be moved closer to Chestnut Drive due to setback requirements.

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

MINUTES

Regular Meeting of October 28, 2019

Motion made by Mr. Spaeth and seconded by Mr. Benner to approve the minutes of the regular meeting of October 28, 2019.

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

Special Meeting of October 29, 2019

Motion made by Mr. Wagner and seconded by Mr. Spaeth to approve the minutes of the special meeting of October 29, 2019.

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

ORDINANCES

Proposed Ordinance No. 67-XX – Establishing 25 mph Speed Limit on Tilghman Street and 30 mph Speed Limit on Carlton Road

Motion made by Mr. Spaeth and seconded by Mr. Benner to adopt proposed Ordinance No. 67-XX establishing a 25 mph speed limit on Tilghman Street and a 30 mph speed limit Carlton Road.

Chairman Farrell invited the public to comment on proposed Ordinance No. 67-XX.

There was no response from the public.

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

RESOLUTIONS

Resolution No. 2020-04 – Comprehensive Fee Schedule for Community Development

Department

Motion made by Mr. Inglis and seconded by Mr. Benner to adopt Resolution No. 2020-04 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.

Mr. Spaeth questioned if the permit fees for swimming pools and pool fences were reasonable. He said residents have complained to him that the permit fees for swimming pools are too high.

Mr. Beil said he would do a survey to find out what other municipalities are charging for pool permits and report back to Mr. Spaeth. He said he would also let Mr. Spaeth know how much the inspection agency charges the Township for pool inspections.

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

Resolution No. 2020-05 – Police Pension Plan Contribution

Motion made by Mr. Spaeth and seconded by Mr. Benner to adopt Resolution No. 2020-05 requiring participants of the Police Pension Plan to make a mandatory contribution to the police pension fund for the year 2020.

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

Resolution No. 2020-06 – Non-Uniformed Employees' Pension Plan Contribution

Motion made by Mr. Wagner and seconded by Mr. Spaeth to adopt Resolution No. 2020-06 requiring participants of the Non-Uniformed Employees' Pension Plan to make a mandatory contribution to the non-uniformed employees' pension fund for the year 2020.

The motion was approved by vote of 5 to 0.

Resolution No. 2020-07 - Consultant Review Fees To Be Paid By Developers In Connection With The Review And Approval Of Subdivisions And Land Developments

Motion made by Mr. Benner and seconded by Mr. Wagner to adopt Resolution No. 2020-07 approving consultant review fees to be paid by developers in connection with the review and approval of land development plans and the inspection, review and approval of public improvements and common amenities contemplated by land development projects pursuant to the *Municipalities Planning Code* and the Township Subdivision and Land Development Ordinance.

The motion was approved by vote of 5 to 0.

MOTIONS

Lease of Township-owned Property at 4556 E. Valley Road

Motion made by Mr. Inglis and seconded by Mr. Wagner to approve the Lease Agreement with Leroy C. Stahler, Inc., which would allow for the growing, cultivation and harvesting of crops on Township-owned property at 4556 E. Valley Road and to authorize the Township Manager to execute said Lease Agreement.

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

Lease of Township-owned Property at 4865 W. Hopewell Road (Curly Horse Open Space)

Motion made by Mr. Spaeth and seconded by Mr. Inglis to approve the Lease Agreement with Dennis Trexler which would allow for the growing, cultivation and harvesting of crops on a portion of the Township-owned property at 4865 W. Hopewell Road and to authorize the Township Manager to execute said Lease Agreement.

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

Request for Payment – Water / Sewer Department Garage – Certification No. 3 (Contract 3)

Motion made by Mr. Benner and seconded by Mr. Inglis to authorize payment in the amount of \$5,836.50 to Dual Temp Company, Inc., for work completed on the Water / Sewer Department Garage.

The motion was approved by vote of 5 to 0.

Appointment of Barbara Repsher to Fill Vacancy on Board of Elected Auditors

Motion made by Mr. Inglis and seconded by Mr. Spaeth to appoint Barbara Repsher to the Upper Saucon Township Board of Elected Auditors for a partial term expiring on January 3, 2022.

The motion was approved by vote of 5 to 0.

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Review Agenda for Zoning Hearing Board Meeting on January 13, 2020

Mr. Beil reviewed the lone appeal on the docket for the January 13, 2020 Zoning Hearing Board meeting. It was determined this appeal involves a routine matter that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Spaeth and seconded by Mr. Wagner to authorize payment of the Prepaid Invoice List and Warrant List dated January 3, 2020.

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

ADDITIONAL BUSINESS

Mr. Spaeth said he's been hearing a lot about municipalities being susceptible to cyberattacks and hackers. He wanted to know if the Township has the proper cybersecurity in place to mitigate these types of attacks. Messrs. Geib and Leonard briefly explained the cybersecurity protections employed by the Township. Mr. Beil said the Township staff would prepare a report outlining the Township's cybersecurity measures for the Board to review.

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 7:35 p.m., the Board met in Executive Session to consult with the Township Solicitor regarding the following legal matters:

- Pending litigation against the Township filed by APS Associates, LLC regarding the vacation of Short Road.
- Pending litigation against the Township filed by Kay Lehigh, LLC regarding the Township's denial of Kay Lehigh's Curative Amendment.

At approximately 8:37 p.m., the Board returned from Executive Session.

Settlement Stipulation Resolving Litigation with APS Associates Concerning Vacation of Short Road

Motion made by Mr. Spaeth and seconded by Mr. Benner to 1) approve the Settlement Stipulation between APS Associates, LLC; Provco Pineville Acquisitions, LLC; and the Township, which if approved by the Court of Common Pleas, resolves litigation between the parties concerning the vacation of a portion of Short Road as reflected in Ordinance No. 163, dated October 8, 2018, and 2) authorize execution of the Settlement Stipulation by the Township Solicitor.

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

ADJOURNMENT

Motion made by Mr. Benner 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 8:39 pm.



Secretary

