

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, November 16, 2020 – 6:30 P.M.
Township Municipal Building

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

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

CALL TO ORDER

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

NOTIFICATION

Chairman Farrell 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

Timothy McCarthy, Managing Partner of Traditions of America, asked that the Township change its policy and allow developers to use performance bonds when posting financial security for residential development projects. He said the Township’s current policy requires financial security to be in the form of a letter of credit. He explained the rationale for his request and cited certain advantages performance bonds have over letters of credit.

Solicitor Dinkelacker said a letter of credit is preferred over a bond because it's easier for the Township to access the funds in the event of default by the developer.

Mr. Spaeth said this issue was discussed in the past and it was decided that requiring letters of credit is in the best interest of the Township.

David Biddison of Traditions of America spoke in support of Mr. McCarthy's request for the Township to allow the use of bonds instead of letters of credit.

The Board took Mr. McCarthy's request under advisement.

Robert Lieberman of 4449 Founders Drive identified himself as president of the Traditions of America Homeowners Association. He indicated there are still unresolved issues with the Traditions of America development pertaining to grading, stormwater management, missing landscaping, concrete work and code violations. He wanted the Board to be aware of these issues and asked for the Board's help in getting them addressed.

An unidentified man said the concrete work at Traditions of American is the worst he has ever seen.

James Rouland of 4444 Founders Drive expressed concerns with the concrete work and tree planting at Traditions of America. He said the only way to fix the concrete is to replace it.

ORDINANCES

None

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

None

RESOLUTIONS

None

MOTIONS

Security Release Request 3 – Provco Pinegood Coopersburg (Wawa project)

Motion made by Mr. Benner and seconded by Mr. Wagner to authorize the release of construction security in the amount of \$72,731.42 for the Wawa project in accordance with the Township Engineer's recommendation made by letter dated November 12, 2020.

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

Security Release Request 7 - Traditions of America at Saucon Valley, Phase 1

Motion by Mr. Benner to authorize the release of construction security in the amount of \$386,034.00 for Phase 1 of Traditions of America at Saucon Valley in accordance with the Township Engineer's recommendation made by letter dated November 12, 2020.

The motion failed to receive a second and was not considered.

Mr. Biddison of Traditions of America asked the Board to approve the four releases for the Traditions of America project. He said if all four releases are approved for Traditions of America there would still be more than \$1,100,000 in security being held by the Township.

Mr. Lieberman said the Homeowners Association is not opposing the Tradition of America security releases on tonight's agenda.

Chairman Farrell said he would entertain a new motion concerning Release Request 7 for Phase 1 of Traditions of America at Saucon Valley

Motion made by Mr. Benner and seconded by Mr. Spaeth to authorize the release of construction security in the amount of \$386,034.00 for Phase 1 of Traditions of America at Saucon Valley in accordance with the Township Engineer's recommendation made by letter dated November 12, 2020.

Messrs. Inglis and Wagner expressed disappointment and frustration with the apparent lack of responsiveness on the part of Traditions of America in addressing resident concerns.

James Largay of 4344 Allegiant Street expressed concern with the concrete work at Traditions of America at Saucon Valley.

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

Security Release Request 7 – Traditions of America at Saucon Valley, Phase 2

Motion made by Mr. Benner and seconded by Mr. Wagner to authorize the release of construction security in the amount of \$935.00 for Phase 2 of Traditions of America at Saucon Valley in accordance with the Township Engineer's recommendation made by letter dated November 12, 2020.

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

Security Release Request 5 – Traditions of America at Saucon Valley, Phase 3

Motion made by Mr. Benner and seconded by Mr. Wagner to authorize the release of construction security in the amount of \$1,870.00 for Phase 3 of Traditions of America at Saucon Valley in accordance with the Township Engineer's recommendation made by letter dated November 12, 2020.

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

Security Release Request 5 – Traditions of America at Saucon Valley, Phase 4

Motion made by Mr. Benner and seconded by Mr. Spaeth to authorize the release of construction security in the amount of \$43,609.28 for Phase 4 of Traditions of America at Saucon Valley in accordance with the Township Engineer's recommendation made by letter dated November 12, 2020.

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

Request for Payment – Water / Sewer Dept. Garage – Certification No. 6 (Contract 4 – Electrical)

Motion made by Mr. Inglis and seconded by Mr. Benner to authorize payment in the amount of \$29,673.00 to Wind Gap Electric for work completed on the Water / Sewer Department Garage.

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

Appointment of Special Solicitor – Kay Lehigh Conditional Use Application

Motion made by Mr. Spaeth and seconded by Mr. Benner to appoint Attorney Robert W. Gundlach, Jr., as special solicitor to represent the Township's interest in upholding its zoning ordinance in connection with the conditional use application filed by Kay Lehigh LLC on November 6, 2020 and to compensate the special solicitor in accordance with the fee schedule set forth in Attorney Gundlach's letter of November 16, 2020.

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

CORRESPONDENCE & INFORMATION ITEMS

Chairman Farrell announced the Board of Supervisors Reorganization Meeting will be held on Monday, January 4, 2021 at 6:30 pm

DIRECTION/DISCUSSION ITEMS

Cancellation of Board of Supervisors meeting scheduled for December 14, 2020 due to lack of agenda items

It was the consensus of the Board to cancel the meeting originally scheduled for December 14, 2020.

Review Agenda for Zoning Hearing Board meeting on December 7, 2020

Mr. Beil reviewed the two appeals on the docket for the December 7, 2020 Zoning Hearing Board meeting. It was determined both appeals involve routine matters that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

Betty Helm (no address given) asked if variances set precedent. Solicitor Dinkelacker said a variance runs with the land but does not set precedent.

PRELIMINARY 2021 TOWNSHIP BUDGET

Motion made by Mr. Spaeth and seconded by Mr. Inglis to adopt the preliminary 2021 Township Budget and to authorize the Township Manager to advertise the Budget so that final consideration of the Budget can be accomplished at the Board of Supervisors meeting on December 21, 2020.

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

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Benner and seconded by Mr. Inglis to authorize payment of Prepaid Invoice List Dated November 13, 2020 for Check Issue Dates 11/10 /2020 – 11/30/2020 and Warrant Detail Invoice List dated November 13, 2020 for Report Date 11/16/2020.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

Robert Lieberman of 4449 Founders Drive thanked the Board for listening to his concerns regarding the Traditions of America development.

ADJOURNMENT

Motion made by Mr. Benner 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 7:48 p.m.



Secretary