

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, July 12, 2021 – 6:30 P.M.
Township Municipal Building

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

Members
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
Patricia Lang, Director of Community Development
Thomas Nicoletti, Police Chief
Patrick Leonard, Communications Coordinator

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

None

PUBLIC HEARING TO CONSIDER REQUEST OF WAWA, INC. TO TRANSFER LIQUOR LICENSE NO. R-13802 INTO UPPER SAUCON TOWNSHIP

Chairman Farrell opened the hearing and asked Solicitor Dinkelacker to handle the proceedings.

Solicitor Dinkelacker briefly explained the purpose of the hearing and provided background information on Wawa's request to Transfer Liquor License No. R-13802 into Upper Saucon Township.

Solicitor Dinkelacker introduced the following exhibits into the record.

- Exhibit T-1 - Complete copy of application submitted by Wawa, Inc.
- Exhibit T-2 - Copy of public notice which was submitted to The Morning Call newspaper for publication on Friday, June 25, 2021 and Friday, July 2, 2021
- Exhibit T-3 - Copy of actual public notices that appeared in The Morning Call newspaper on Friday, June 25, 2021 and Friday, July 2, 2021
- Exhibit T-4 - Copy of the public notice which was posted on the property at 6680 Route 309, Coopersburg, PA 18036.
- Exhibit T-5 - Photograph of the public notice posted on the property at 6680 Route 309, Coopersburg, PA 18036

Township Exhibits T-1 through T-5 were offered into evidence and admitted without objection.

Attorney Ellen Freeman of Flaherty & O'Hara and Michael Spiegel, Real Estate Project Engineer, were present on behalf of the Applicant, Wawa, Inc.

Attorney Freeman explained that Wawa was requesting approval to transfer Liquor License No. R-13802 from an existing establishment in South Whitehall Township to a proposed Wawa convenience store at 6680 Route 309 in Upper Saucon Township. She said Wawa would like to sell beer and wine at this location.

Attorney Freeman introduced Exhibit A-1, preliminary floor plans for the proposed Wawa at 6680 Route 309, into the record.

Exhibit A-1 was offered into evidence and admitted without objection.

Attorney Freeman spoke in support of Wawa's requested liquor license transfer. She emphasized Wawa's strict safety and carding policies with respect to alcohol sales and handling. She also explained Wawa's extensive employee training program.

Solicitor Dinkelacker asked if the Board members had any questions for Attorney Freeman.

Chairman Farrell asked if there was a minimum age for workers processing alcohol sales. Attorney Freeman replied that all employees handling the sale of alcohol will be at least 18 years of age.

Solicitor Dinkelacker asked if anyone from the public wished to be heard. There was no response.

Solicitor Dinkelacker closed the record.

Resolution No. 2021-22 - Approving Wawa's Requested Liquor License Transfer
Motion made by Mr. Benner and seconded by Mr. Inglis to adopt Resolution No. 2021-22 conditionally approving the request of Wawa, Inc. to transfer Liquor License No. R-13802 into Upper Saucon Township.

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

ORDINANCES

None

SUBDIVISIONS & LAND DEVELOPMENTS

Ohls Lane Lot Line Adjustment Plan – Resolution No. 2021-23
Motion made by Mr. Benner and seconded by Mr. Inglis to adopt Resolution No. 2021-23 conditionally approving the Preliminary / Final Lot Line Adjustment Plan of MJ Anderson Investments, LLC to adjust the lot line between the properties at 5452 and 5494 Ohls Lane.

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

MINUTES

None

RESOLUTIONS

Resolution No. 2021-24 – Bill of Sale for Off-Site Waterline at Weyhill Estates Subdivision
Motion made by Mr. Wagner and seconded by Mr. Benner to adopt Resolution No. 2021-24 conditionally accepting the bill of sale for the off-site waterline constructed in connection with the Weyhill Estates Subdivision.

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

MOTIONS

Purchase Agricultural Conservation Easement on 112.4 Acre Tract of Land at 3716 Chestnut Hill Road and 3947, 4001 and 4055 Kozy Korner Road

Motion made by Mr. Inglis and seconded by Mr. Benner to approve the Sale and Purchase Agreement for the acquisition of an agricultural conservation easement on a 112.4 acre tract of land at 3716 Chestnut Hill Road and 3947, 4001 and 4055 Kozy Korner Road for the purchase price of \$899,520.00 (with the State paying \$656,529.60, the County paying \$17,990.40 and the Township paying \$225,000.00); 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.

Appointment to Zoning Hearing Board (Alternate Member)

Motion made by Mr. Inglis and seconded by Mr. Benner to appoint Timothy W. Gambocurta as an Alternate to the Upper Saucon Township Zoning Hearing Board for a partial term expiring on December 31, 2022.

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

Request for Payment – Main Street Improvements Project (Additional eastbound lane between northbound and southbound Route 309) – Certification No. 5

Motion made by Mr. Spaeth and seconded by Mr. Benner to authorize final payment in the amount of \$24,215.64 to Northeast Site Contractors for work completed on the Main Street Improvements Project.

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

Security Release Request 4 – Provco Pinegood Coopersburg (Wawa Project)

Motion made by Mr. Inglis and seconded by Mr. Benner to authorize the release of construction security in the amount of \$139,611.28 for the Wawa land development project in accordance with the Township Engineer's recommendation made by letter dated July 8, 2021.

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

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Proposals by architectural firms to assess municipal office space needs and identify options for possible expansion of Township Building

Mr. Beil said the Township received proposals from seven architectural firms to perform a feasibility study to assess the Township's office space needs and identify options for possible expansion of the Township Building. After carefully reviewing the proposals, the Township staff recommended KCBA Architects to perform the feasibility study.

Motion made by Mr. Spaeth and seconded by Mr. Benner to accept the proposal dated October 16, 2020 submitted by KCBA Architects to conduct a municipal campus feasibility study for a cost not to exceed \$12,000.

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

Cancellation of Board of Supervisors meeting scheduled for July 26, 2021 due to lack of agenda items

It was the consensus of the Board to cancel the meeting originally scheduled for July 26, 2021.

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Benner and seconded by Mr. Inglis to authorize payment of the Prepaid Invoice List Dated July 9, 2021 for Check Issue Dates 6/15/2021 – 7/12/2021 and Warrant Detail Invoice List dated July 9, 2021 for Report Date 7/12/2021.

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

ADDITIONAL BUSINESS

Mr. Inglis thanked the Township Road Department for doing a great job cleaning up after the recent storm.

Mr. Benner said consideration should be given to placing on open space referendum question before Township voters. The question would ask voters whether they favor increasing the earned income tax to provide additional funds for the Township to preserve open space. He noted several other nearby municipalities have done this.

A discussion ensued concerning the open space referendum. It was noted that the first step is for the Board to adopt an ordinance specifically placing the open space referendum question on the ballot. The Board directed the Township Manager and Township Solicitor to prepare such an ordinance for consideration at a future meeting.

Mr. Spaeth inquired about the status of the Chestnut Hill Road stormwater and roadway improvements project. Mr. Unangst provided an update on the project and indicated the project has been delayed due to problems obtaining materials.

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 7:04 p.m., the Board met in Executive Session to discuss pending litigation against the Township filed by Kay Lehigh, LLC regarding the Township's denial of Kay Lehigh's Curative Amendment.

At approximately 7:53 p.m., the Board returned from Executive Session.

ADJOURNMENT

Motion made by Mr. Benner and seconded by Mr. Inglis to adjourn the meeting.

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

The meeting was adjourned at approximately 7:54 p.m.



Secretary