

## MINUTES

Upper Saucon Township Board of Supervisors  
Regular Meeting  
Monday, October 24, 2022 – 6:30 P.M.  
Township Municipal Building

Members Present: Brian J. Farrell, Chairman  
Stephen Wagner  
Dennis Benner  
John G. Inglis, III

Members Absent: Philip W. Spaeth, Vice Chairman

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

### 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

Attorney William Malkames was present on behalf of his client, Michael Fountaine. Attorney Malkames presented the Board with a copy of a recent letter he sent the Township Solicitor concerning zoning violations on property owned by Louis Shupe. He noted the Township brought an enforcement action against Mr. Shupe and a hearing was held in front of District Judge Trexler which resulted in Mr. Shupe being fined \$12,000. Mr. Shupe

appealed Judge Trexler's decision to the Court of Common Pleas and it could be months before the Court hears this appeal, meanwhile the code violations on the Shupe property continue unabated. Attorney Malkames asked the Township to file another enforcement notice against Mr. Shupe right now, rather than waiting for the appeal to be heard.

Michael Fontaine of 5982 Robin Lane provided a lengthy history of the various zoning violations on the Shupe property. He asked the Township to act as quickly as possible to address this situation.

Solicitor Dinkelacker said the Board would need to discuss this issue in executive session as it involves on-going litigation. He provided a brief update on the status of the enforcement action against Mr. Shupe.

Mr. Fontaine said he heard the inside of Shupe's home is worse than the outside and the Township should look into this.

Joan Slota of 3880 East Hopewell Road was concerned about increased traffic created by the warehouses being proposed by Kay Lehigh. She also was concerned about too many variances being granted enabling developers to circumvent the zoning regulations.

Solicitor Dinkelacker said variances are granted by the Zoning Hearing Board, not the Board of Supervisors.

Solicitor Dinkelacker provided an update on the Kay Lehigh warehouse project. He said there will be an ongoing continuance of the Kay Lehigh Conditional Use Application pending Court approval of the Settlement Agreement.

Christian Hutter of 5481 Scholar Circle wanted to know if there was any progress on his request to ban RVs and large trailers from parking on Township roads.

Mr. Beil said the Board referred Mr. Hutter's request to the Planning and Zoning Committee. He said the Committee is looking to schedule a meeting in the next few weeks and Mr. Hutter would be notified of the date and time of this meeting.

Tony Caciolo of 5151 West Hopewell Road gave an update on the Shupe property. He said Mr. Shupe is in the hospital and some of the neighbors are trying to clean-up the Shupe property while Mr. Shupe recuperates. He said over the next month or so the property should be entirely cleaned-up.

## **SUBDIVISIONS & LAND DEVELOPMENTS**

### Thornton Lot Line Adjustment Plan – Resolution No. 2022-27

Motion made by Mr. Inglis and seconded by Mr. Benner to adopt Resolution No. 2022-27 conditionally approving the Preliminary / Final Lot Line Adjustment Plan of Patrick and Beth Thornton to consolidate two existing lots at 5600 Saucon Ridge Road and 5030 Majestic Drive into a single lot.

The motion was approved by a vote of 4 to 0.

## MINUTES

### Regular Meeting of June 13, 2022

Motion made by Mr. Inglis and seconded by Mr. Benner to approve the minutes of the regular meeting of June 13, 2022.

The motion was approved by a vote of 4 to 0.

### PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-W

Proposed Ordinance No. 141-W amends Section 464 of the Township Zoning Ordinance to authorize the keeping of chickens as an accessory use in the Rural Residential (R-1) and Suburban Residential (R-2) zoning districts.

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

Solicitor Dinkelacker summarized the proposed Ordinance. He said the purpose of the hearing is to accept public comment and input on the proposed Ordinance.

Solicitor Dinkelacker introduced the following exhibits into the record:

- Exhibit T-1 - Complete copy of proposed Ordinance No. 141-W.
- Exhibit T-2 - Letter dated September 8, 2022 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-W to Upper Saucon Township Planning Commission.
- Exhibit T-3 - Letter dated September 8, 2022 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-W to the Lehigh Valley Planning Commission.
- Exhibit T-4 - Letter dated September 8, 2022 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-W to the Lehigh County Department of Law.
- Exhibit T-5 - Letter dated September 8, 2022 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-W to The Morning Call newspaper.
- Exhibit T-6 - Review comments received from the Upper Saucon Township Planning Commission regarding proposed Ordinance No. 141-W.

- Exhibit T-7 - Review comments received from the Lehigh Valley Planning Commission regarding proposed Ordinance No. 141-W.
- Exhibit T-8 - Copy of public notice for proposed Ordinance No. 141-W which was submitted to The Morning Call newspaper for publication on October 6, 2022 and October 13, 2022.
- Exhibit T-9 - Copies of actual public notices for proposed Ordinance No. 141-W which appeared in the legal notices section of The Morning Call newspaper on October 6, 2022 and October 13, 2022.

Solicitor Dinkelacker noted that Exhibits T-1 through T-9 will become part of the official record of the hearing.

Chairman Farrell asked if anyone from the public wished to comment on the proposed Ordinance.

Tim Foley of 7510 Pheasant Drive said it would be nice if the Township could advertise proposed ordinances on Facebook or Nextdoor.

Christian Hutter of 5481 Scholar Circle had a question regarding the proposed Ordinance to which Solicitor Dinkelacker responded.

Chairman Farrell closed the public hearing.

#### **PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-Y**

Proposed Ordinance No. 141-Y amends Section 321.E of the Township Zoning Ordinance to create new tables of approved plant materials to avoid using invasive and poor performing species. The new tables list approved species of shade trees, small deciduous trees, evergreen trees for screening, deciduous shrubs, evergreen shrubs for screening, and approved ground covers.

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

Solicitor Dinkelacker summarized the proposed Ordinance and clarified its applicability.

Solicitor Dinkelacker introduced the following exhibits into the record:

- Exhibit T-1 - Complete copy of proposed Ordinance No. 141-Y.
- Exhibit T-2 - Letter dated September 8, 2022 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-Y to Upper Saucon Township Planning Commission.

- Exhibit T-3 - Letter dated September 8, 2022 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-Y to the Lehigh Valley Planning Commission.
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- Exhibit T-6 - Review comments received from the Upper Saucon Township Planning Commission regarding proposed Ordinance No. 141-Y.
- Exhibit T-7 - Review comments received from the Lehigh Valley Planning Commission regarding proposed Ordinance No. 141-Y.
- Exhibit T-8 - Copy of public notice for proposed Ordinance No. 141-Y which was submitted to The Morning Call newspaper for publication on October 6, 2022 and October 13, 2022.
- Exhibit T-9 - Copies of actual public notices for proposed Ordinance No. 141-Y which appeared in the legal notices section of The Morning Call newspaper on October 6, 2022 and October 13, 2022.

Solicitor Dinkelacker noted that Exhibits T-1 through T-9 will become part of the official record of the hearing.

Chairman Farrell asked if anyone from the public wished to comment on the proposed Ordinance. There was no response.

Chairman Farrell closed the public hearing.

### **ORDINANCES**

Proposed Ordinance No. 141-W – Keeping of Chickens in the R-1 and R-2 Zoning Districts  
Motion made by Mr. Wagner and seconded by Mr. Benner to adopt proposed Ordinance No. 141-W amending Section 464 of the Zoning Ordinance to authorize the keeping of chickens as an accessory use in the Rural Residential (R-1) and Suburban Residential (R-2) Zoning Districts.

The motion was approved by a vote of 4 to 0.

Proposed Ordinance No. 141-Y – Approved Types of Plant Materials

Motion made by Mr. Inglis and seconded by Mr. Wagner to adopt proposed Ordinance No. 141-Y amending Section 321.E of the Zoning Ordinance pertaining to approved types of vegetation, including trees, shrubs, and ground covers.

The motion was approved by a vote of 4 to 0.

**RESOLUTIONS**

Resolution No. 2022-28 – Supporting the Pennsylvania Commission for the United States Semiquincentennial

Motion made by Mr. Inglis and seconded by Mr. Benner to adopt Resolution No. 2022-28 expressing the Township's support for the Pennsylvania Commission for the United States Semiquincentennial (America250PA) in their efforts to plan, develop and coordinate the commemoration of the 250th anniversary of the United States in 2026.

The motion was approved by a vote of 4 to 0.

Resolution No. 2022-29 – Accepting Deed of Dedication for Additional Right-Of-Way along West Valley Road and Bill of Sale and Access Easement for Water Meter

Motion made by Mr. Wagner and seconded by Mr. Benner to adopt Resolution No. 2022-29 accepting a deed of dedication for additional right-of-way along West Valley Road and a bill of sale and access easement relating to a water meter for the medical office building at 5425 Lanark Road (Lanark III Project).

The motion was approved by a vote of 4 to 0.

**MOTIONS**

Release of Funds – Good Shepherd Rehabilitation Hospital – Security Release Request 3

Motion made by Mr. Benner and seconded by Mr. Inglis to authorize the release of construction security in the amount of \$573,360.92 for the Good Shepherd Rehabilitation Hospital Project in accordance with the Township Engineer's recommendation made by letter dated October 5, 2022.

The motion was approved by a vote of 4 to 0.

Sale of Used Township Vehicles and Equipment

Motion made by Mr. Inglis and seconded by Mr. Benner to authorize the sale of used Township vehicles and equipment to the highest bidder for each particular item as set forth below:

- 1988 Pace Trailer (VIN A15DEX07880240234) to Joshua Heck of Upper Strasburg, PA for \$2,700.00.

- 1997 Eager Beaver Trailer (VIN 112AAH208VL047218) to Michael McAnally of Philadelphia, PA for \$1,450.00.
- 2000 Sterling Dump Truck (VIN 2FZNEWCB4YAH18230) to Dan Schleicher of Leighton, PA for \$7,600.00.
- 2004 Chevy Impala (VIN 2G1WF55K649410421) to David Sensenig of Lebanon, PA for \$1,850.00.
- 2008 Ford Explorer (VIN 1FMEU73E58UB11198) to Russell Berry of Chambersburg, PA for \$1,600.00.
- 2015 Ford Explorer (VIN 1FM5K8AR6FGB13362) to Noel Rosario of Bronx, NY for \$5,301.00.
- 2007 Exmark Lazer Z Zero Turn Mower (SN 120620) to John McKeever of Walnutport, PA for \$1,950.00.
- 5 vehicle mount bike racks to Raymond Sinotte of Lansdale, PA for \$61.00.
- Craftsman battery powered hand tools to Kwabena Owusu of Dayton, NJ for \$50.00.
- Revel bicycle to Noel Rosario of Bronx, NY for \$120.00.

The motion was approved by a vote of 4 to 0.

Release of Funds - Estates at Saucon Valley Subdivision – Security Release Request 11  
Motion made by Mr. Wagner and seconded by Mr. Inglis to authorize the release of construction security in the amount of \$44,588.50 for the Estates at Saucon Valley Subdivision in accordance with the Township Engineer’s recommendation made by letter dated October 10, 2022.

The motion was approved by a vote of 4 to 0.

Release of Funds – Provco Pinegood Coopersburg (Wawa Project) – Security Release Request 7

Motion made by Mr. Benner and seconded by Mr. Inglis to authorize the release of construction security in the amount of \$61,391.17 for the Wawa land development project in accordance with the Township Engineer’s recommendation made by letter dated October 10, 2022.

The motion was approved by a vote of 4 to 0.

Request for Payment – 2022 Road Maintenance Project – Certification No. 1

Motion made by Mr. Wagner and seconded by Mr. Benner to authorize final payment in the amount of \$307,889.90 to Asphalt Maintenance Solutions, Inc. for crack sealing and seal coating work completed on various Township roads.

The motion was approved by a vote of 4 to 0.

**CORRESPONDENCE & INFORMATION ITEMS**

None

**DIRECTION / DISCUSSION ITEMS**

Procedure for evaluating applicants seeking appointment or reappointment to Township Boards and Commissions

It was the consensus of the Board of Supervisors to refer this matter to the Appointments Review Committee. The Committee will evaluate all applicants and make recommendations to the full Board concerning possible appointments to the various Township boards and commissions. It was mentioned Supervisors Farrell and Inglis serve on the Appointments Review Committee.

Tim Foley noted Supervisor Inglis's wife applied for a position on one of the Township's boards earlier in the year. He asked if Supervisor Inglis was part of the interview process for his wife. Supervisor Inglis responded he was not.

Board of Supervisors Regular Meeting Schedule for 2023

Mr. Beil reviewed the proposed 2023 regular meeting schedule with Board. The proposed 2023 meeting schedule calls for the Board to meet on the second and fourth Monday of each month at 6:30 p.m. which follows the same pattern as 2022.

The Board will consider formally approving the proposed 2023 meeting schedule at its Reorganization meeting on January 3, 2023.

Review agenda for Zoning Hearing Board meeting scheduled for November 2, 2022

Mr. Beil reviewed the three appeals on the docket for the November 2, 2022 Zoning Hearing Board meeting. He noted the Board of Supervisors previously authorized the Township Solicitor to oppose one of the appeals on the docket, that being Wawa's appeal for additional signage at 6690 Route 309. It was determined the other two appeals involve routine matters that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

**BILLS, PAYROLL, AND COMMISSIONS**

Motion made by Mr. Wagner and seconded by Mr. Benner to authorize payment of Prepaid Invoice List Dated October 21, 2022 for Check Issue Dates: 9/27/2022 – 10/21/2022 and Warrant Detail Invoice List dated October 21, 2022 for Report Date: 10/24/2022.



The motion was approved by a vote of 4 to 0.

**KAY LEHIGH, LLC – APPLICATION FOR CONDITIONAL USE APPROVAL**

Solicitor Dinkelacker said we are now in a stage where a continuance is granted pending court approval of the Settlement Agreement. He said the matter is essentially resolved and he does not foresee the Kay Lehigh Conditional Use Application coming before the Board again.

**ADDITIONAL BUSINESS**

None

**COURTESY OF THE FLOOR**

Saralyn Foley of 7510 Pheasant Drive wanted to know if the Township is still getting the land along Landis Mill Road as part of the Kay Lehigh Settlement Agreement. Solicitor Dinkelacker assured Ms. Foley the Settlement Agreement calls for Kay Lehigh to convey this land to the Township.

**EXECUTIVE SESSION**

At approximately 7:16 p.m., the Board met in Executive Session to discuss:

- Potential litigation concerning the lease with the Southern Lehigh Public Library.
- Personnel matters involving employee pay and benefits.
- Potential litigation concerning zoning violations on the Shupe property at 6092 Robin Lane.

At approximately 8:47 p.m., the Board returned from Executive Session.

**ADJOURNMENT**

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

The motion was approved by a vote of 4 to 0.

The meeting was adjourned at approximately 8:48 p.m.

  
Secretary