

# AGENDA

Upper Saucon Township Board of Supervisors  
Regular Meeting  
Monday, April 25, 2022 – 6:30 P.M.  
Township Municipal Building

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**1. CALL TO ORDER** – Brian Farrell, Chairman

**2. PLEDGE OF ALLEGIANCE**

**3. NOTIFICATION**

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.

**4. PUBLIC COMMENT** (Any Item On or Off the Agenda)

Please sign the Speaker Sign-In Sheet at the front desk if you wish to address the Board during the Public Comment portion of the agenda. Speakers are asked to limit their comments to 3 minutes or less.

**5. EXECUTIVE SESSION**

The Board will hold an Executive Session to discuss a litigation matter involving Kay Lehigh, LLC.

**6. POSSIBLE SETTLEMENT AGREEMENT – ROUTE 309 COMMERCE CENTER (PROPOSAL BY KAY LEHIGH, LLC, TO CONSTRUCT 3 TRUCK TERMINALS AND RELATED IMPROVEMENTS)**

Consideration of a motion to approve the Settlement Agreement between the Township, Kay Lehigh, LLC, KL Pennsylvania Investments, LLC, Terminal Leasing, Inc. and Pitt Ohio Express, Inc. with respect to the Route 309 Commerce Center and to authorize the Township Manager to execute the Settlement Agreement on behalf of the Township, subject to clarification of the obligations of KL Pennsylvania Investments, LLC, as a party to the Settlement Agreement and such minor revisions as the Township Manager shall deem appropriate, all subject to the review and approval of the Township Solicitor.

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

The application of Kay Lehigh, LLC, to construct 3 truck terminals and related site improvements on an approximate 119-acre property located along the east side of Route 309, north of East Hopewell Road. The site is located in the Township’s Industrial and Commercial Zoning Districts. The applicant requests Conditional Use approval pursuant to Sections 484 and 905 of the Zoning Ordinance.

**a. Public Hearing on Conditional Use Application**

- Open public hearing (Night 4)
- Introduction by Township Solicitor
- Identification of additional Township Exhibits (T-14 thru T-18)
- Continuation of testimony
- Accept public comment and input
- Additional testimony / evidence in response to public comment
- Closing arguments and concluding statements by Parties
- Close of record

**b. Board Discussion and Deliberation as Necessary (Executive Session if Desired)**

- Approve
- Approve with conditions and discussion of conditions
- Deny

**c. Board Action on Conditional Use Application of Kay Lehigh, LLC**

Consideration of a motion to [**approve / conditionally approve / deny**] the Conditional Use Application of Kay Lehigh, LLC and to direct the Township Solicitor to draft an order and decision consistent therewith.

**8. ORDINANCES (for possible adoption) - None**

**9. RESOLUTIONS**

**a. Resolution No. 2022-13 – Sewage Facilities Planning Module for Saucon Overlook Subdivision**

Consideration of a motion to adopt Resolution No. 2022-13 approving the Sewage Facilities Planning Module for the Saucon Overlook Subdivision at 1379 Station Avenue.

**10. MOTIONS**

**a. Request for Payment - Water / Sewer Dept. Garage – Certification No. 8 (Contract 2 – Mechanical)**

Consideration of a motion to authorize final payment in the amount of \$11,425.00 to K.C. Mechanical Service for work completed on the Water / Sewer Department Garage.

**11. CORRESPONDENCE & INFORMATION ITEMS - None**

**12. DIRECTION/DISCUSSION ITEMS**

- a. Review Agenda for Zoning Hearing Board meeting on May 2, 2022

**13. BILLS, PAYROLL AND COMMISSIONS**

Prepaid Invoice List Dated April 22, 2022 for Check Issue Dates: 4/12/2022 – 4/25/2022 and Warrant Detail Invoice List dated April 22, 2022 for Report Date: 4/25/2022

- Prepaid Invoice List.....\$168,579.90
- Warrant Detail Invoice List.....\$281,838.36

Consideration of a motion to authorize payment of the Prepaid Invoice List and Warrant Detail Invoice List both dated April 22, 2022.

**14. ADDITIONAL BUSINESS**

**15. COURTESY OF THE FLOOR**

**16. EXECUTIVE SESSION**

The Board will hold an Executive Session to discuss strategy in preparation for negotiations with the Police Union on a new collective bargaining agreement.

**17. ADJOURNMENT**

## MINUTES

Upper Saucon Township Board of Supervisors  
Regular Meeting  
Monday, April 25, 2022 – 6:30 P.M.  
Township Municipal Building

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

Members Absent: Philip W. Spaeth, Vice Chairman  
Stephen Wagner

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

### 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

### EXECUTIVE SESSION

At approximately 6:32 p.m., the Board met in Executive Session to discuss a litigation matter involving Kay Lehigh, LLC.

At approximately 7:07 p.m., the Board returned from Executive Session.

**POSSIBLE SETTLEMENT AGREEMENT – ROUTE 309 COMMERCE CENTER  
(PROPOSAL BY KAY LEHIGH, LLC, TO CONSTRUCT 3 TRUCK TERMINALS  
AND RELATED IMPROVEMENTS)**

Chairman Farrell asked for a motion regarding this matter.

Motion made by Mr. Benner and seconded by Mr. Inglis to approve the Settlement Agreement between the Township, Kay Lehigh, LLC, KL Pennsylvania Investments, LLC, Terminal Leasing, Inc. and Pitt Ohio Express, Inc. with respect to the Route 309 Commerce Center and to authorize the Township Manager to execute the Settlement Agreement on behalf of the Township, subject to clarification of the obligations of KL Pennsylvania Investments, LLC, as a party to the Settlement Agreement and such minor revisions as the Township Manager shall deem appropriate, all subject to the review and approval of the Township Solicitor.

Solicitor Dinkelacker summarized the terms of the proposed Settlement Agreement. He explained the advantages of the Settlement Agreement over the conditional use process, noting the Settlement Agreement puts this matter in a more workable format.

Chairman Farrell invited the public to comment on this issue. Public comment is summarized as follows:

Jim Dickey of 3475 Courtney Drive asked several questions regarding the Kay Lehigh truck terminal project. Solicitor Dinkelacker responded to Mr. Dickey's questions. Mr. Dickey expressed concerns about trucks idling at the proposed truck terminals. He said there is a State law that regulates truck idling and the Township needs to be prepared to enforce these regulations.

Nick Alexiades of 3595 Sunnyside Road had questions regarding Kay Lehigh's truck terminal project and the Township's ability to enforce truck restrictions on East Valley Road. Solicitor Dinkelacker responded to Mr. Alexiades' questions.

Jeff Crandall of 3548 Sunnyside Road expressed concerns about the height of the proposed truck terminal buildings. He questioned if 60-foot tall truck terminal buildings are appropriate for this location considering the proximity to existing residential neighborhoods.

Nick Alexiades asked for a clarification on how building height is measured under the Zoning Ordinance. Solicitor Dinkelacker responded with his interpretation of how building height is measured.

Pat D'Amico of 3593 Stone Gate Drive thanked the Board and Township Solicitor for the respect they have shown the community throughout this process.

The motion was approved by a vote of 3 to 0.

**PUBLIC HEARING - KAY LEHIGH, LLC – APPLICATION FOR CONDITIONAL USE APPROVAL**

The application of Kay Lehigh, LLC, to construct 3 truck terminals and related site improvements on an approximate 119-acre property located along the east side of Route 309, north of East Hopewell Road. The site is located in the Township's Industrial and Commercial Zoning Districts. The applicant requests Conditional Use approval pursuant to Sections 484 and 905 of the Zoning Ordinance.

Solicitor Dinkelacker announced the hearing on this matter is being continued indefinitely. He mentioned the Conditional Use Application is likely to be withdrawn now that the Settlement Agreement has been approved by the Board. He noted that should there be a need to hold a hearing then appropriate notice would be provided to the public.

Samantha Falcone of 3515 Sunnyside Road wanted to know if residents will be notified when this issue goes before the Planning Commission. Solicitor Dinkelacker confirmed that residents will be duly notified.

Rene D'Amico of 3593 Sone Gate Drive asked for a copy of the Settlement Agreement. Solicitor Dinkelacker assured her that Mr. Beil would provide her with a copy.

Saralyn Foley of 7510 Pheasant Drive asked if Kay Lehigh can be trusted. Solicitor Dinkelacker said Kay Lehigh will need to abide by the terms of the Settlement Agreement and there are mechanisms in place for the Township to enforce the Agreement.

**ORDINANCES**

None

**RESOLUTIONS**

**Resolution No. 2022-13 – Sewage Facilities Planning Module for Saucon Overlook Subdivision**

Motion made by Mr. Benner and seconded by Mr. Inglis to adopt Resolution No. 2022-13 approving the Sewage Facilities Planning Module for the Saucon Overlook Subdivision at 1379 Station Avenue.

The motion was approved by a vote of 3 to 0.

**MOTIONS**

**Request for Payment - Water / Sewer Dept. Garage – Certification No. 8 (Contract 2 – Mechanical)**

Motion made by Mr. Inglis and seconded by Mr. Benner to authorize final payment in the amount of \$11,425.00 to K.C. Mechanical Service for work completed on the Water / Sewer Department Garage.

The motion was approved by a vote of 3 to 0.

**CORRESPONDENCE & INFORMATION ITEMS**

None

**DIRECTION / DISCUSSION ITEMS**

Review Agenda for Zoning Hearing Board meeting on May 2, 2022

Mr. Beil reviewed the lone appeal on the docket for the May 2, 2022 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. Benner and seconded by Mr. Inglis to authorize payment of Prepaid Invoice List Dated April 22, 2022 for Check Issue Dates: 4/12/2022 – 4/25/2022 and Warrant Detail Invoice List dated April 22, 2022 for Report Date: 4/25/2022.

The motion was approved by a vote of 3 to 0.

**ADDITIONAL BUSINESS**

None

**COURTESY OF THE FLOOR**

None

**EXECUTIVE SESSION**

At approximately 8:09 p.m., the Board met in Executive Session to discuss strategy in preparation for negotiations with the Police Union on a new collective bargaining agreement.

At approximately 8:44 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 3 to 0.

The meeting was adjourned at approximately 8:44 p.m.



Secretary

