

AGENDA

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, November 15, 2021 – 6:30 P.M.
Township Municipal Building

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. SUBDIVISIONS & LAND DEVELOPMENTS

- a. Landis Mill Estates – Preliminary Land Development Plan – Resolution No. 2021-29
Consideration of a motion to adopt Resolution No. 2021-29 conditionally approving the Preliminary Land Development Plan of Kay Builders for an 86 lot residential subdivision on 88 acres of land located along Old Bethlehem Pike and Landis Mill Road.

6. MINUTES

- a. Regular Meeting of September 13, 2021
Consideration of a motion to approve the minutes of the regular meeting of September 13, 2021.

7. PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-S – TRUCK OR MOTOR FREIGHT TERMINALS

Proposed Ordinance No. 141-S amends the Township Zoning Ordinance to revise Section 484 relating to “Truck or Motor Freight Terminals” by eliminating, modifying and adding certain conditions applicable to such use.

- a. Open public hearing
- b. Introduction by Township Solicitor and identification of Township Exhibits
- c. Staff comments
- d. Questions by Board Members
- e. Accept public comment and input
- f. Additional questions by Board Members
- g. Close public hearing

8. PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-T – WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS

Proposed Ordinance No. 141-T amends the Township Zoning Ordinance to revise Section 488 relating to “Warehousing and Wholesale Trade Establishments” by eliminating, modifying and adding certain conditions applicable to such use.

- a. Open public hearing
- b. Introduction by Township Solicitor and identification of Township Exhibits
- c. Staff comments
- d. Questions by Board Members
- e. Accept public comment and input
- f. Additional questions by Board Members
- g. Close public hearing

9. ORDINANCES (for possible adoption)

- a. Proposed Ordinance No. 141-S – Truck or Motor Freight Terminals
Consideration of a motion to adopt proposed Ordinance No. 141-S amending certain provisions of the Township Zoning Ordinance relating to truck or motor freight terminals. [Note to Chairman: Accept public comment prior to taking vote on proposed Ordinance.]
- b. Proposed Ordinance No. 141-T – Warehousing and Wholesale Trade Establishments
Consideration of a motion to adopt proposed Ordinance No. 141-T amending certain provisions of the Township Zoning Ordinance relating to warehousing and wholesale trade establishments. [Note to Chairman: Accept public comment prior to taking vote on proposed Ordinance.]
- c. Proposed Ordinance No. 74-C – Increase in Annual Compensation for Newly-Elected Supervisors
Consideration of a motion to adopt proposed Ordinance No. 74-C increasing the annual compensation for newly-elected Supervisors from \$3,250 to \$4,125 consistent with the provisions of the Second Class Township Code. [Note to Chairman: Accept public comment prior to taking vote on proposed Ordinance.]

10. RESOLUTIONS

- a. Resolution No. 2021-30 – Deeds of Dedication for Open Space Land and Stormwater Management Basins at Whispering Pines Subdivision
Consideration of a motion to adopt Resolution No. 2021-30 accepting the deeds of dedication for open space land and stormwater management basins associated with the Whispering Pines Subdivision.
- b. Resolution No. 2021-31 – Bills of Sale for Certain Sanitary Sewer Facilities, Limited Stormwater Management Facilities and Waterlines at Whispering Pines Subdivision
Consideration of a motion to adopt Resolution No. 2021-31 accepting the bills of sale for certain sanitary sewer facilities, limited stormwater management facilities and waterlines constructed in connection with the Whispering Pines Subdivision.

- c. Resolution No. 2021-32 – Utility Easements at Whispering Pines Subdivision
Consideration of a motion to adopt Resolution No. 2021-32 accepting and approving certain utility easements associated with the Whispering Pines Subdivision.

11. MOTIONS

- a. Security Release Request 5 – Provco Pinegood Coopersburg (Wawa Project)
Consideration of a motion to authorize the release of construction security in the amount of \$196,663.99 for the Wawa land development project in accordance with the Township Engineer's recommendation made by letter dated November 9, 2021.
- b. Security Release Request 1 – Provco Pinegood Coopersburg (McDonald's Restaurant Project)
Consideration of a motion to authorize the release of construction security in the amount of \$172,044.29 for the McDonald's Restaurant land development project in accordance with the Township Engineer's recommendation made by letter dated November 9, 2021.
- c. Request for Payment – Route 309 and Lanark Road Intersection Improvements Project – Certification No. 4
Consideration of a motion to authorize payment in the amount of \$209,856.68 to Blooming Glen Contractors for work completed on the Route 309 and Lanark Road Intersection Improvements Project.
- d. Request for Payment – Route 309 and Lanark Road Intersection Improvements Project – Certification No. 5
Consideration of a motion to authorize payment in the amount of \$147,081.49 to Blooming Glen Contractors for work completed on the Route 309 and Lanark Road Intersection Improvements Project.

12. CORRESPONDENCE & INFORMATION ITEMS

- a. **ANNOUNCEMENT:** Board of Supervisors Reorganization Meeting will be held on Monday, January 3, 2022 at 6:30 pm

13. DIRECTION/DISCUSSION ITEMS

- a. Cancellation of Board of Supervisors meeting scheduled for December 13, 2021 due to lack of agenda items

14. PRELIMINARY 2022 TOWNSHIP BUDGET

Consideration of a motion to adopt the Preliminary 2022 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 20, 2021.

15. BILLS, PAYROLL AND COMMISSIONS

Prepaid Invoice List Dated November 12, 2021 for Check Issue Dates: 11/9/2021 – 11/15/2021
and Warrant Detail Invoice List dated 11/12/2021 for Report Dates: 11/12/2021 – 11/15/2021

- Prepaid Invoice List.....\$195,816.62
- Warrant Detail Invoice List.....\$333,270.20

Consideration of a motion to authorize payment of the Prepaid Invoice List and Warrant Detail Invoice List both dated November 12, 2021.

16. ADDITIONAL BUSINESS

17. COURTESY OF THE FLOOR

18. EXECUTIVE SESSION

19. ADJOURNMENT

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, November 15, 2021 – 6:30 P.M.
Township Municipal Building

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

Members Absent: Dennis Benner

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

Jon Regan of Future Forest Timber Management, 215 Saylor's Lane, Easton, PA, said he recently submitted a permit application to conduct timber harvesting activities on a property in the Township. He expressed extreme dissatisfaction with the way Township Zoning Officer, Trent Sear, handled the permit application. He claimed Mr. Sear was unhelpful and unprofessional. He said Mr. Sear eventually denied the permit application without justification.

Mr. Beil cautioned the Board Members that they are only hearing Mr. Regan's version of events and Mr. Sear may have a very different version. He suggested Mr. Regan appeal the permit denial to the Zoning Hearing Board.

Mr. Regan noted there is a fee for filing an appeal with the Zoning Hearing Board.

Mr. Regan said he repeatedly asked Mr. Sear for clarification on the timber harvesting requirements and has yet to receive a response. Mr. Beil said he would talk to Mr. Sear about responding to Mr. Regan's requests.

Mr. Regan said he wanted to bring this issue to the Board's attention, stressing that it is not right to be treated this way.

Joan Slota of 3880 East Hopewell Road questioned why the Landis Mill Estates Subdivision is being considered for approval at tonight's meeting. She said she thought the Landis Mill Estates land was being given to the Township as open space in conjunction with the Kay Lehigh warehouse project. Solicitor Dinkelacker responded to Ms. Slota's question, emphasizing the Kay Lehigh warehouse project will not move forward unless the open space requirements are met.

Ms. Slota asked for clarification as to why the Supervisors scheduled a special meeting for Friday, November 19. Solicitor Dinkelacker said the meeting was to consider the Aldi warehouse expansion.

Ms. Slota hoped proposed Ordinance No.141-S will require motor freight terminals to provide adequate truck parking.

James Largay of 4344 Allegiant Street inquired about the open space requirements for the Kay Lehigh warehouse project. Solicitor Dinkelacker said he believes the Landis Mill Estates land will be used to satisfy the open space requirements for the Kay Lehigh warehouse project, but it's ultimately the developer's decision. Solicitor Dinkelacker said the developer asked the Board to approve the Preliminary Plan for the Landis Mill Estates Subdivision as a means of establishing the land's value in anticipation of it being offered to the Township as open space.

SUBDIVISIONS & LAND DEVELOPMENTS

Landis Mill Estates – Preliminary Land Development Plan – Resolution No. 2021-29

Motion made by Mr. Spaeth and seconded by Mr. Inglis to adopt Resolution No. 2021-29 conditionally approving the Preliminary Land Development Plan of Kay Builders for an 86 lot residential subdivision on 88 acres of land located along Old Bethlehem Pike and Landis Mill Road.

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

MINUTES

Regular Meeting of September 13, 2021

Motion made by Mr. Spaeth and seconded by Mr. Inglis to approve the minutes of the regular meeting of September 13, 2021.

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

PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-S – TRUCK OR MOTOR FREIGHT TERMINALS

Proposed Ordinance No. 141-S amends the Township Zoning Ordinance to revise Section 484 relating to “Truck or Motor Freight Terminals” by eliminating, modifying and adding certain conditions applicable to such use.

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

Solicitor Dinkelacker explained the purpose of the hearing was to accept public comment and input on proposed Ordinance No. 141-S.

Solicitor Dinkelacker introduced the following exhibits into the record:

- Exhibit T-1 - Complete copy of proposed Ordinance No. 141-S.
- Exhibit T-2 - Letter dated September 30, 2021 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-S to Upper Saucon Township Planning Commission.
- Exhibit T-3 - Letter dated September 30, 2021 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-S to the Lehigh Valley Planning Commission.
- Exhibit T-4 - Letter dated September 30, 2021 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-S to the Lehigh County Department of Law.
- Exhibit T-5 - Letter dated October 18, 2021 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-S to The Morning Call newspaper.
- Exhibit T-6 - Review comments received from the Upper Saucon Township Planning Commission regarding proposed Ordinance No. 141-S.
- Exhibit T-7 - Review comments received from the Lehigh Valley Planning Commission regarding proposed Ordinance No. 141-S.

- Exhibit T-8 - Copy of public notice for proposed Ordinance No. 141-S which was submitted to The Morning Call newspaper for publication on October 30, 2021 and November 6, 2021.
- Exhibit T-9 - Copies of actual public notices for proposed Ordinance No. 141-S which appeared in The Morning Call newspaper on October 30, 2021 and November 6, 2021.

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

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

Solicitor Dinkelacker closed the public hearing.

PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-T – WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS

Proposed Ordinance No. 141-T amends the Township Zoning Ordinance to revise Section 488 relating to “Warehousing and Wholesale Trade Establishments” by eliminating, modifying and adding certain conditions applicable to such use.

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

Solicitor Dinkelacker said Ordinance No. 141-T reads virtually the same as Ordinance No. 141-S, except Ordinance No. 141-T relates to motor freight terminals while Ordinance No. 141-S relates to warehouses. He further explained the distinction between motor freight terminals and warehouses as those terms are defined in the Zoning Ordinance.

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- Exhibit T-8 - Copy of public notice for proposed Ordinance No. 141-T which was submitted to The Morning Call newspaper for publication on October 29, 2021 and November 5, 2021.
- Exhibit T-9 - Copies of actual public notices for proposed Ordinance No. 141-T which appeared in The Morning Call newspaper on October 29, 2021 and November 5, 2021.

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

Solicitor Dinkelacker asked if anyone from the public wished to comment on the proposed Ordinance.

Tim Foley of 7510 Pheasant Drive asked if he could see the various review letters related to the proposed Ordinance. Mr. Beil agreed to email the review letters to Mr. Foley.

Solicitor Dinkelacker closed the public hearing.

ORDINANCE

Proposed Ordinance No. 141-S – Truck or Motor Freight Terminals

Motion made by Mr. Wagner and seconded by Mr. Inglis to adopt proposed Ordinance No. 141-S amending certain provisions of the Township Zoning Ordinance relating to truck or motor freight terminals.

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

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

Proposed Ordinance No. 141-T – Warehousing and Wholesale Trade Establishments

Motion made by Mr. Spaeth and seconded by Mr. Wagner to adopt proposed Ordinance No. 141-T amending certain provisions of the Township Zoning Ordinance relating to warehousing and wholesale trade establishments.

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

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

Proposed Ordinance No. 74-C – Increase in Annual Compensation for Newly-Elected Supervisors

Motion made by Mr. Inglis and seconded by Mr. Spaeth to adopt proposed Ordinance No. 74-C increasing the annual compensation for newly-elected Supervisors from \$3,250 to \$4,125 consistent with the provisions of the Second Class Township Code.

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

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

RESOLUTIONS

Resolution No. 2021-30 – Deeds of Dedication for Open Space Land and Stormwater Management Basins at Whispering Pines Subdivision

Motion made by Mr. Inglis and seconded by Mr. Wagner to adopt Resolution No. 2021-30 accepting the deeds of dedication for open space land and stormwater management basins associated with the Whispering Pines Subdivision.

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

Resolution No. 2021-31 – Bills of Sale for Certain Sanitary Sewer Facilities, Limited Stormwater Management Facilities and Waterlines at Whispering Pines Subdivision

Motion made by Mr. Wagner and seconded by Mr. Inglis to adopt Resolution No. 2021-31 accepting the bills of sale for certain sanitary sewer facilities, limited stormwater management facilities and waterlines constructed in connection with the Whispering Pines Subdivision.

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

Resolution No. 2021-32 – Utility Easements at Whispering Pines Subdivision

Motion made by Mr. Spaeth and seconded by Mr. Inglis to adopt Resolution No. 2021-32 accepting and approving certain utility easements associated with the Whispering Pines Subdivision.

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

MOTIONS

Security Release Request 5 – Provco Pinegood Coopersburg (Wawa Project)

Motion made by Mr. Inglis and seconded by Mr. Wagner to authorize the release of construction security in the amount of \$196,663.99 for the Wawa land development project in accordance with the Township Engineer's recommendation made by letter dated November 9, 2021.

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

Security Release Request 1 – Provco Pinegood Coopersburg (McDonald's Restaurant Project)

Motion made by Mr. Wagner and seconded by Mr. Inglis to authorize the release of construction security in the amount of \$172,044.29 for the McDonald's Restaurant land development project in accordance with the Township Engineer's recommendation made by letter dated November 9, 2021.

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

Request for Payment – Route 309 and Lanark Road Intersection Improvements Project – Certification No. 4

Motion made by Mr. Inglis and seconded by Mr. Spaeth to authorize payment in the amount of \$209,856.68 to Blooming Glen Contractors for work completed on the Route 309 and Lanark Road Intersection Improvements Project.

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

Request for Payment – Route 309 and Lanark Road Intersection Improvements Project – Certification No. 5

Motion made by Mr. Inglis and seconded by Mr. Wagner to authorize payment in the amount of \$147,081.49 to Blooming Glen Contractors for work completed on the Route 309 and Lanark Road Intersection Improvements Project.

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

CORRESPONDENCE & INFORMATION ITEMS

Chairman Farrell announced the Board of Supervisors Reorganization Meeting will be held on Monday, January 3, 2022 at 6:30 pm

DIRECTION/DISCUSSION ITEMS

Cancellation of Board of Supervisors meeting scheduled for December 13, 2021 due to lack of agenda items

It was the consensus of the Board to cancel the meeting originally scheduled for December 13, 2021.

PRELIMINARY 2022 TOWNSHIP BUDGET

Motion made by Mr. Wagner and seconded by Mr. Inglis to adopt the Preliminary 2022 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 20, 2021.

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

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Mr. Wagner and seconded by Mr. Inglis to authorize payment of Prepaid Invoice List Dated November 12, 2021 for Check Issue Dates: 11/9/2021 – 11/15/2021 and Warrant Detail Invoice List dated 11/12/2021 for Report Dates: 11/12/2021 – 11/15/2021.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

None

ADJOURNMENT

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

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

The meeting was adjourned at approximately 7:15 p.m.



Secretary