

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Tuesday, January 3, 2023 – 6:30 P.M.
Township Municipal Building

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

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Rocco Beltrami, Township Solicitor
Kevin Chimics, P.E., Township Engineer
Patricia Lang, Director of Community Development
Patrick Leonard, Director of General Services
Thomas Nicoletti, Chief of Police

CALL TO ORDER

Supervisor 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

Supervisor Farrell asked all in attendance to stand and recite the "Pledge of Allegiance."

NOTIFICATION

Supervisor 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.

REORGANIZATION OF THE BOARD OF SUPERVISORS

Appoint Temporary Chairperson

Motion made by Mr. Wagner and seconded by Mr. Benner to appoint Attorney Rocco Beltrami as Temporary Chairperson for the purpose of conducting the election of the Chairperson.

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

Elect Chairperson

Attorney Beltrami asked for nominations for the position of Chairperson of the Board of Supervisors.

Motion made by Mr. Benner and seconded by Mr. Inglis to nominate and elect Brian J. Farrell as Chairperson of the Board of Supervisors.

There being no further nominations, the nominations were closed and Attorney Beltrami called for the vote.

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

Elect Vice Chairperson

Chairman Farrell asked for nominations for the position of Vice Chairperson of the Board of Supervisors.

Motion made by Mr. Inglis and seconded by Mr. Benner to nominate and elect Philip W. Spaeth as Vice Chairperson of the Board of Supervisors.

There being no further nominations, the nominations were closed and Chairman Farrell called for the vote.

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

Appoint Township Secretary

Motion made by Mr. Wagner and seconded by Mr. Benner to appoint Thomas F. Beil as Township Secretary.

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

Appoint Township Treasurer

Motion made by Mr. Inglis and seconded by Mr. Benner to appoint Joseph L. Geib as Township Treasurer.

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

Appoint Assistant Township Secretary

Motion made by Mr. Wagner and seconded by Mr. Spaeth to appoint Joseph L. Geib as Assistant Township Secretary.

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

Appoint Assistant Township Treasurer

Motion made by Mr. Inglis and seconded by Mr. Benner to appoint Thomas F. Beil as Assistant Township Treasurer.

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

PUBLIC COMMENT

None

REORGANIZATION BUSINESS

Motion made by Mr. Spaeth and seconded by Mr. Wagner to approve agenda items 6a through 6cc in one action rather than requiring a vote to be taken on each individual item:

- 6a. Establishing the Treasurer's Bond for the year 2023 at \$2,000,000.00.
- 6b. Establishing the Assistant Treasurer's Bond for the year 2023 at \$2,000,000.00.
- 6c. Adopting Resolution No. 2023-01 designating QNB Bank as depository for Township Funds for the year 2023.
- 6d. Adopting Resolution No. 2023-05 designating TD Bank as depository for Township Funds for the year 2023.
- 6e. Reappointing the law firm of Norris McLaughlin, P.A., as Township Solicitor and to compensate the Township Solicitor for services rendered in accordance with the fee schedule set forth in Attorney Dinkelacker's letter dated November 15, 2022.
- 6f. Reappointing Charles Unangst, P.E., or his designee as an employee of Hanover Engineering Associates, Inc., to serve as Township Engineer and to compensate the Township Engineer for services rendered in accordance with the 2023 Professional Fee Schedule included with Mr. Unangst's letter of November 15, 2022.
- 6g. Reappointing Curtis J. Genner, Jr., P.E., or his designee as an employee of Wynn Associates, Inc., to serve as Township Conflict Engineer and to compensate the Township Conflict Engineer for services rendered in accordance with the Schedule of Per Diem Fees, effective January 1, 2023, as provided by Wynn Associates, Inc.
- 6h. Reappointing Jacob A. Schray (SEO #03134), Christopher A. Taylor (SEO #03138), Scott J. Brown (SEO #01716), Luke E. Eggert (SEO #04090) and Justin P. Robbins (SEO #04079) of Hanover Engineering Associates, Inc., as sewage enforcement officers to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Sewage Facilities Act.

6i. Reappointing Hydro-Terra Group as the Township Geotechnical Consultant and to compensate the Township Geotechnical Consultant for services rendered in accordance with the 2023 Geotechnical Services Rate Schedule included with Nikole Brown's letter of December 22, 2022.

6j. Adopting Resolution No. 2023-02 appointing the accounting firm of RKL, LLP to perform the 2022 annual financial audit of Township accounts.

6k. Reappointing Keycodes Inspection Agency and its construction code officials as the sole third-party agency to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Construction Code Act, in accordance with Section 503(b)(2) of the Act and Section 3.b of Upper Saucon Township Ordinance No. 130.

6l. Reappointing David I. Shields of Keycodes Inspection Agency as the municipal code official and primary building code official to act on behalf of Upper Saucon Township for administration and enforcement of the Pennsylvania Construction Code Act, in accordance with Section 503(b)(1) of the Act and Section 3.a of Upper Saucon Township Ordinance No. 130.

6m. Reappointing Richard M. Nelson to the Upper Saucon Township Vacancy Board for a one year term expiring on December 31, 2023.

6n. Designating Thomas L. Gettings as Chairperson of the Upper Saucon Township Environmental Advisory Council for the year 2023.

6o. Reappointing George Bloeser, Jr., to the Planning Commission for a four year term expiring on December 31, 2026.

6p. Appointing Michael Shafer to the Board of Directors of the Municipal Authority and Sewage Treatment Authority for a five year term expiring on December 31, 2027.

6q. Reappointing Kenneth Schlegel as an Alternate member of the Zoning Hearing Board for a three year term expiring on December 31, 2025.

6r. Reappointing Timothy Gambocurta as an Alternate member of the Zoning Hearing Board for a three year term expiring on December 31, 2025.

6s. Reappointing Timothy Foley as an Alternate member of the Zoning Hearing Board for a three year term expiring on December 31, 2025.

6t. Reappointing Stewart J. Gouck to the Uniform Construction Code Board of Appeals for a one year term expiring on December 31, 2023.

6u. Reappointing Jim Hall-Yurasits to the Uniform Construction Code Board of Appeals for a one year term expiring on December 31, 2023.

6v. Reappointing Tony Caciolo to the Uniform Construction Code Board of Appeals for a one year term expiring on December 31, 2023.

6w. Adopting Resolution No. 2023-03 reappointing Michael DePaolis as a Regular Member of the Zoning Hearing Board for a three year term expiring on December 31, 2025.

6x. Reappointing Shannon Cawley to the Park and Recreation Commission for a five year term expiring on December 31, 2027.

6y. Appointing Stan Rugis to the Park and Recreation Commission for a five year term expiring on December 31, 2027.

6z. Reappointing Samantha Ciotti Falcone to the Planning Commission for a four year term expiring on December 31, 2026.

6aa. Reappointing Dennis Benner, Philip Spaeth and Dane Carroll to the Upper Saucon Township Police Pension Committee for the 2023 calendar year.

6bb. Reappointing Thomas E. Young, Robert Tierney and Philip Spaeth to the Upper Saucon Township Non-Uniformed Employees' Pension Committee for the 2023 calendar year.

6cc. Appointing Philip W. Spaeth as the Township's voting delegate to the State Association's annual convention.

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

Committee Assignments for 2023

Chairman Farrell announced the following committee assignments for the year 2023:

Planning and Zoning Committee

Dennis Benner, Chair
John Inglis

Public Works and Transportation Committee

Stephen Wagner, Chair
John Inglis

Administration and Finance Committee

Philip Spaeth, Chair
Dennis Benner

Emergency Services Committee

Stephen Wagner, Chair
Dennis Benner

Parks/Recreation and Open Space Committee

Brian Farrell, Chair
Philip Spaeth

Appointments Review Committee

John Inglis, Chair
Brian Farrell

Special Committee to Review Library By-Law Changes

Brian Farrell, Chair
John Inglis

Establish 2023 Regular Meeting Schedule

Motion made by Mr. Inglis and seconded by Mr. Spaeth to approve the following regular meeting schedule for 2023:

Board of Supervisors

(All meetings will start at 6:30 PM and will be held in the public meeting room of the Upper Saucon Township Municipal Building located at 5500 Camp Meeting Road)

*Tuesday, January 3, 2023 (Reorg.)

Monday, January 23, 2023

Monday, February 13, 2023

Monday, February 27, 2023

Monday, March 13, 2023

Monday, March 27, 2023

Monday, April 10, 2023

Monday, April 24, 2023

Monday, May 8, 2023

Monday, May 22, 2023

Monday, June 12, 2023

Monday, June 26, 2023

Monday, July 10, 2023

Monday, July 24, 2023

Monday, August 14, 2023

Monday, August 28, 2023

Monday, September 11, 2023

Monday, September 25, 2023

Monday, October 9, 2023

Monday, October 23, 2023

Monday, November 13, 2023

**Monday, November 20, 2023

Monday, December 11, 2023

**Monday, December 18, 2023

*1st Tuesday of month

**3rd Monday of month

Note: Special meetings will be scheduled when needed.

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

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

None

ORDINANCES

None

RESOLUTIONS

Resolution No. 2023-04 – Comprehensive Fee Schedule for Community Development Department

Motion made by Mr. Inglis and seconded by Mr. Wagner to adopt Resolution No. 2023-04 updating the comprehensive fee schedule for the Subdivision & Land Development process, building permit process, building code appeals, certificate of occupancy issuance, zoning permits, zoning appeals, stormwater infiltration testing and activities performed in connection with on-lot sewage disposal systems.

A discussion ensued regarding the proposed fee schedule. Supervisors Spaeth and Wagner expressed concerns that the fees are going up in several categories and they wanted to make sure the fee increases are reasonable and in line with what other municipalities are charging. Mr. Beil recommended the Board approve the fee schedule as proposed with the understanding Township staff would conduct a more thorough evaluation of the proposed fee schedule to ensure the fees are reasonable.

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

Resolution No. 2023-06 - Consultant Review Fees To Be Paid By Developers In Connection With The Review And Approval Of Subdivisions And Land Developments

Motion made by Mr. Wagner and seconded by Mr. Spaeth to adopt Resolution No. 2023-06 approving consultant review fees to be paid by developers in connection with the review and approval of land development plans and the inspection, review and approval of public improvements and common amenities contemplated by land development projects pursuant to the *Municipalities Planning Code* and the Township Subdivision and Land Development Ordinance.

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

MOTIONS

Lease of Township-owned Property at 4556 E. Valley Road

Motion made by Mr. Spaeth and seconded by Mr. Benner to approve the Lease Agreement with Leroy C. Stahler, Inc., which would allow for the growing, cultivation and harvesting of crops on Township-owned property at 4556 E. Valley Road, and to authorize the Township Manager to execute said Lease Agreement on behalf of the Township.

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

Lease of Township-owned Property at 4865 W. Hopewell Road (Curly Horse Open Space)

Motion made by Mr. Inglis and seconded by Mr. Benner to approve the Lease Agreement with Dennis Trexler which would allow for the growing, cultivation and harvesting of crops on a portion of the Township-owned property at 4865 W. Hopewell Road, and to authorize the Township Manager to execute said Lease Agreement on behalf of the Township.

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

Appoint Director of General Services

Motion made by Mr. Wagner and seconded by Mr. Inglis to appoint Patrick M. Leonard to the position of Director of General Services with an annual starting salary of \$90,435.00.

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

CORRESPONDENCE AND INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Review Agenda for Zoning Hearing Board meeting on January 9, 2023

The Board reviewed the following two appeals on the docket for the January 9, 2023 Zoning Hearing Board meeting:

- Appeal No. 2022-16 – Special Exception application of Stack – Center Valley & Old Bethlehem Pike, LLC to reduce the number of parking places for the proposed self-storage facility at 5928 Old Bethlehem Pike.
- Appeal No. 2022-17 – Zoning appeal application of East Valley Land, LLC requesting various zoning variances related to a proposed mixed use development on 33.01 acres at 5167 East Valley Road and 5420 Camp Meeting Road.

The Supervisors took no position with respect to Appeal No. 2022-16 concerning the property at 5928 Old Bethlehem Pike.

A lengthy discussion ensued regarding Appeal No. 2022-17 filed by East Valley Land, LLC. Mr. Beil expressed concern with the applicant's latest proposal which shows four residential building lots that seem to encroach into the agreed upon open space areas. He said the problematic lots are identified on the site plan submitted with the zoning appeal as lots 60, 61, 62, and 73. It was the consensus of the Board of Supervisors that the Township will take a neutral position with respect to Appeal No. 2022-17 if the applicant agrees to eliminate the four residential building lots identified as lots 60, 61, 62 and 73 on the site plan submitted with the zoning appeal. If the four lots are not eliminated, the Supervisors will oppose the zoning appeal with the Township Solicitor being authorized to take the appropriate action in this regard.

BILLS, PAYROLL AND COMMISSIONS

Motion made by Mr. Inglis and seconded by Mr. Benner to authorize payment of the Prepaid Invoice List Dated December 30, 2022 for Check Issue Dates: 12/20/2022 – 1/3/2023 and Warrant Detail Invoice List dated December 30, 2022 for Report Dates: 12/20/2022 – 1/3/2023.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 7:16 p.m., the Board met in Executive Session to discuss potential litigation involving the Southern Lehigh Public Library.

At approximately 8:07 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 8:08 p.m.


Secretary

