

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Tuesday, November 12, 2024 – 6:30 P.M.
Township Municipal Building

Members Present: John G. Inglis, III, Chairman
Philip W. Spaeth, Vice Chairman
Stephen Wagner
Timothy Foley

Members Absent: Brian J. Farrell

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Patrick Leonard, Director of General Services
Patricia Lang, Director of Community Development
Tiffany Olsson, Director of Finance
Brent Sine, Director of Roads & Properties
Patrick Lambert, Director of Water and Sewer Resources
Thomas Nicoletti, Chief of Police
Dane Carroll, Emergency Management Coordinator
Charles Castetter, Fire Chief
Jim Ravier, Asst. Director of Roads and Properties
Thomas Dinkelacker, Township Solicitor
Andrew Bohl, P.E., Township Engineer

CALL TO ORDER

Chairman Inglis 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 Inglis asked all in attendance to stand and recite the “Pledge of Allegiance.”

NOTIFICATION

Chairman Inglis 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

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

Regular Meeting of September 9, 2024

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to approve the minutes of the regular meeting of September 9, 2024.

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

PUBLIC HEARING TO CONSIDER REQUEST BY CHARLES RUPPERT FOR AN EXEMPTION FROM THE WELL ISOLATION DISTANCE REQUIREMENT OF 25 PA CODE 73.13 AND FOR A WAIVER FROM THE GROUNDWATER STUDY REQUIREMENT OF 25 PA CODE 72.33(C)(1)

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

Solicitor Dinkelacker briefly explained the purpose of the hearing and the issues to be considered. He noted the hearing pertains to the property located at 5271 Vera Cruz Road owned by Charles and Gretel Ruppert.

Solicitor Dinkelacker introduced several Exhibits into the record, which were identified as Exhibits A through J. The Exhibits were admitted into the record without objection.

Charles Ruppert was sworn in. Mr. Ruppert said he needs to replace the existing on-lot sewage disposal system on his property at 5271 Vera Cruz Road with a new pressurized in-ground disposal system. He explained the new disposal system would be located 78 feet from an existing well on his property. State regulations require a 100 foot isolation distance between any part of a sewage disposal system and a well. He testified in support of his request for an exemption from the 100 foot well isolation distance requirement, noting the exemption is appropriate given the topography and other characteristics of his property.

The Supervisors had various questions to which Mr. Ruppert responded.

Solicitor Dinkelacker asked if anyone from the audience wished to comment on this matter. There was no response.

Solicitor Dinkelacker closed the public hearing.

Board Action on Request for Waiver from Groundwater Study Requirement

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to approve the request of Charles Ruppert for a waiver from the requirement of 25 PA Code 72.33 (c)(1) in order to forgo the submission of an appropriate groundwater study in connection with the request for a well isolation distance exemption at 5271 Vera Cruz Road.

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

Board Action on Request for Exemption from Well Isolation Distance Requirement

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to approve the request of Charles Ruppert for an exemption from the 100 foot minimum separation distance requirement set forth in 25 PA Code 73.13 in order to allow a replacement on-site sewage disposal system on the property at 5271 Vera Cruz Road to be located approximately 78 feet from an existing well on the same property.

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

PUBLIC HEARING TO CONSIDER REQUEST BY RONALD AND FAYE SCHULER FOR AN EXEMPTION FROM THE WELL ISOLATION DISTANCE REQUIREMENT OF 25 PA CODE 73.13 AND FOR A WAIVER FROM THE GROUNDWATER STUDY REQUIREMENT OF 25 PA CODE 72.33(C)(1)

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

Solicitor Dinkelacker briefly explained the purpose of the hearing and the issues to be considered. He said the property at issue is located at 6663 Vera Cruz Road and is owned by Ronald and Faye Schuler.

Solicitor Dinkelacker introduced several Exhibits into the record, which were identified as Exhibits A through J.

Scott Bieber, who represented the Schulers in this matter, was sworn in. He said he was hired by the Schulers to design a new on-lot sewage disposal system because the Schulers' existing system was failing. He explained that topographical features and various existing improvements on the property made it impossible to observe a 100 foot separation distance from the existing well. He noted the best that could be achieved was a separation distance of 47 feet. He said the Schulers are requesting an exemption from the well isolation distance requirement and a waiver from the ground water study requirement.

Mr. Bieber responded to questions.

Mr. Bieber said the 100 foot number is arbitrary and there is no scientific data to support the number.

Mrs. Schuler was sworn in. She said they are trying to sell their property but the malfunctioning system needs to be fixed before that can happen. She claimed the new buyers are completely aware of the situation. She noted the well on the property is unlikely to be contaminated because it's 350 feet deep.

A discussion ensued as to whether the current owners should be required to fully disclose the inadequate separation distance between the well and the new on-lot sewage disposal system to potential buyers.

Solicitor Dinkelacker asked if anyone from the audience wished to comment on this matter. There was no response.

Solicitor Dinkelacker closed the public hearing.

Board Action on Request for Waiver from Groundwater Study Requirement

Motion made by Supervisor Foley and seconded by Supervisor Wagner to approve the request of Ronald and Faye Schuler for a waiver from the requirement of 25 PA Code 72.33 (c)(1) in order to forgo the submission of an appropriate groundwater study in connection with the request for a well isolation distance exemption at 6663 Vera Cruz Road.

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

Board Action on Request for Exemption from Well Isolation Distance Requirement

Motion made by Supervisor Wagner and seconded by Supervisor Spaeth to approve the request of Ronald and Faye Schuler for an exemption from the 100 foot minimum separation distance requirement set forth in 25 PA Code 73.13 in order to allow a replacement on-site sewage disposal system on the property at 6663 Vera Cruz Road to be located approximately 47 feet from an existing well on the same property, conditioned upon the current owners of the property appropriately notifying potential buyers of the Board's decision in this matter.

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

ORDINANCES

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

Motion made by Supervisor Foley and seconded by Supervisor Spaeth to adopt proposed Ordinance No. 74-D increasing the annual compensation for newly elected Supervisors from \$4,125 to \$6,915 consistent with Act 94 of 2024.

Chairman Inglis 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. 2024-27 – Maintenance Security for Sanitary Sewer Improvements at Brinley Court Subdivision

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to adopt Resolution No. 2024-27 establishing the required maintenance security in connection with the Municipal Authority's acceptance of the on-site and off-site sanitary sewer improvements for Phase 1 of the Brinley Court Subdivision.

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

MOTIONS

Request for Payment – 2024 Road Maintenance Project – Certification 2

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize final payment in the amount of \$312,140.47 to Asphalt Maintenance Solutions for maintenance work completed on various Township roads.

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

Professional Services Agreement – Engineering and Design for New Police Station

Motion made by Supervisor Foley and seconded by Supervisor Wagner to approve the Agreement between the Township and KCBA Architects for architectural, design and engineering services related to the new police station project; and to authorize the Township Manager to execute said Agreement on behalf of the Township.

Solicitor Dinkelacker noted his concerns with several provisions of the Agreement. He said none of his concerns are significant, but he wanted the Board to be aware of them. KCBA Architects is unwilling to revise the Agreement to address the Solicitor's concerns.

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

Request for Payment – Preston Lane Pedestrian Bridge Project (Bridge Fabrication and Delivery) – Invoice No. 30189102

Motion made by Supervisor Foley and seconded by Supervisor Spaeth to authorize payment in the amount of \$388,046.00 to Contech Engineered Solutions for work completed on the Preston Lane pedestrian bridge project.

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

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION / DISCUSSION ITEMS

None

PRELIMINARY 2025 TOWNSHIP BUDGET

Mr. Beil and Ms. Olsson provided an overview of the Preliminary 2025 Township Budget. They highlighted various noteworthy projects which were proposed to be funded as part of the Preliminary Budget. Mr. Beil noted the Preliminary Budget does not call for a tax increase.

Chairman Inglis announced the Preliminary Budget will be considered for possible adoption at the Board's next regular meeting which is scheduled for Monday, November 18, 2024 at 6:30 p.m.

BILLS, PAYROLL, AND COMMISSIONS

Prepaid Invoice List Dated November 8, 2024 for Check Issue Dates: 10/15/2024 – 11/10/2024 and Warrant Detail Invoice List dated November 8, 2024 for Report Date: 11/12/2024

Motion made by Supervisor Wagner and seconded by Supervisor Spaeth to authorize payment of the Prepaid Invoice List and Warrant Detail Invoice List both dated November 8, 2024.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 8:17 p.m., the Board met in Executive Session to discuss purchasing real property or acquiring an interest in real property.

At approximately 8:21 p.m., the Board returned from Executive Session.

ADJOURNMENT

Motion made by Supervisor Foley and seconded by Supervisor Wagner to adjourn the meeting.

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

The meeting was adjourned at approximately 8:21 p.m.



Secretary