

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, July 22, 2024 – 6:30 P.M.
Township Municipal Building

Members Present: John G. Inglis, III, Chairman
Philip W. Spaeth, Vice Chairman

Members
Participating
Via Speakerphone: Stephen Wagner

Members Absent: Brian J. Farrell
Timothy Foley

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Thomas Dinkelacker, Township Solicitor
Charles Unangst, 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

Rick Lewis of 4405 Stonebridge Drive expressed concerns with proposed Phase 3 of the Old Saucon development. He was disappointed that Phase 3 was not age restricted and that more wasn't done to keep Phase 3 residents from entering Phase 2 which is age restricted. He said the developer should finish Phases 1 and 2 before starting Phase 3. He questioned whether there was enough parking for the apartments and townhouses proposed in Phase 3.

Chairman Inglis mentioned additional parking was added for the townhouses. He also mentioned there would be a berm and heavy landscaping between Phases 2 and 3.

Messrs. Inglis and Dinkelacker responded to questions from Mr. Lewis.

Mr. Lewis said the developer misrepresented what was going to be built in Phase 3.

Solicitor Dinkelacker suggested Mr. Lewis take his concerns to the Homeowners' Association. Mr. Lewis said the problem is the Homeowners' Association is still controlled by the developer.

Mr. Lewis said he came to the Township because he has been misled by the developer in the past.

Bob Meinhold of 5237 Northwood Drive expressed concerns with the weeds growing on his neighbor's property at 5251 Northwood Drive. He asked the Township to enforce Ordinance No. 98. He mentioned there are weeds on his neighbor's property that are 9 feet tall. He also complained about his neighbor's failure to properly maintain his home and yard. He said he is before the Board to voice his concerns and try to get something done.

Mr. Geib provided an update on this matter. He said the Township is researching the neighbor's claim that the plants growing on the property are not weeds. He said the Township Zoning Officer would make a determination on this issue in the next day or two.

Mr. Meinhold provided photos of his neighbor's property. He mentioned that other neighbors are also upset with the condition of the property.

Mr. Geib said Township staff took photos of the property earlier in the day and he displayed those photos on the screen for the Board and the public to see.

Mr. Beil said the issue boils down to whether the vegetation in question is a weed or not. He said the Township Zoning Officer is researching this issue and will make a determination in the next day or two.

Mr. Meinhold suggested getting advice from a botanist.

Mr. Beil said Township staff was very successful at using an app to identify the vegetation on the property.

Mr. Meinhold said the condition of his neighbor's property is bringing down the value of everyone else's property in the neighborhood. He said his neighbor seems to be dealing with a lot of personal problems but he should just hire someone to maintain his property.

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

Regular Meeting of April 22, 2024

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to approve the minutes of the regular meeting of April 22, 2024.

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

Regular Meeting of May 13, 2024

Supervisor Wagner mentioned that he was not present at the meeting on May 13, 2024 and suggested tabling action on the minutes until a future meeting when at least three Board members who attended the May 13, 2024 meeting are present.

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to table action on the minutes of the regular meeting of May 13, 2024.

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

PUBLIC HEARING ON PROPOSED ORDINANCE NO. 141-AA – MEDICAL RELATED FACILITIES AND USES

Proposed Ordinance No. 141-AA amends the Township Zoning Ordinance to add new definitions relating to types of medical treatment facilities, adding a specialty / micro-hospital use in the Commercial (C) zone and regulations applicable thereto; adding or modifying additional regulations relating to “medical office,” “medical facility,” “urgent care facility,” and “medical / dental / optical lab;” making revisions to the list of permitted uses in the Commercial (C), Industrial (I), and Enterprise (E) Zoning Districts and Article 4, specific criteria consistent with the definitional changes and specialty / micro hospital use; and revising parking requirements for new and revised medical-related uses as set forth in Section 314.v.

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

Solicitor Dinkelacker explained the proposed Ordinance was prompted by a landowner who requested a zoning ordinance amendment to allow for micro-hospitals. He then went on to summarize the provisions of the proposed Ordinance in detail.

Solicitor Dinkelacker introduced the following Exhibits into the record:

- T-1 - Complete copy of proposed Ordinance No. 141-AA.
- T-2 - Letter dated June 6, 2024 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-AA to Upper Saucon Township Planning Commission.

- T-3 - Letter dated June 6, 2024 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-AA to the Lehigh Valley Planning Commission.
- T-4 - Correspondence dated July 12, 2024 from Thomas H. Dinkelacker, Township Solicitor, transmitting proposed Ordinance No. 141-AA to the Lehigh County Department of Law.
- T-5 - Letter dated June 6, 2024 from Trisha Lang, Director of Community Development, transmitting proposed Ordinance No. 141-AA to The Morning Call newspaper.
- T-6 - Review comments received from the Upper Saucon Township Planning Commission regarding proposed Ordinance No. 141-AA.
- T-7 - Review comments received from the Lehigh Valley Planning Commission regarding proposed Ordinance No. 141-AA.
- T-8 - Copy of public notice for proposed Ordinance No. 141-AA which was submitted to The Morning Call newspaper for publication on July 5, 2024, and July 12, 2024.
- T-9 - Copies of actual public notices for proposed Ordinance No. 141-AA which appeared in the legal notices section of The Morning Call newspaper on July 5, 2024 and July 12, 2024.

Exhibits T-1 through T-9 will become part of the official record of the hearing.

On behalf of the Township staff, Mr. Beil recommended the Board adopt the proposed Ordinance as drafted.

Supervisors Wagner and Spaeth had various questions regarding the proposed Ordinance. Ms. Lang and Solicitor Dinkelacker responded to the questions.

A discussion ensued about possibly revising the proposed Ordinance to address a comment from the Township Planning Commission. Solicitor Dinkelacker informed the Board that any revisions to the proposed Ordinance would require going back through the advertising and review process a second time.

Attorney F. Peter Lehr was present on behalf of Embree Development Group who does turnkey operations for Lehigh Valley Health Network. He spoke in support of proposed Ordinance 141-AA. He asked the Board to take action on the proposed Ordinance rather than tabling it.

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

Chairman Inglis closed the public hearing.

ORDINANCES

Proposed Ordinance No. 141-AA – Zoning Ordinance Amendment – Medical Related Facilities and Uses

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to adopt proposed Ordinance No. 141-AA amending the Township Zoning Ordinance to address certain medical related facilities and uses.

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 3 to 0.

RESOLUTIONS

Resolution No. 2024-21 – Urging State Legislators to Oppose House Bills No. 1976 and 2045

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to adopt Resolution No. 2024-21 urging all Pennsylvania State Legislators to oppose House Bills No. 1976 and 2045 which are intended to override local land use authority by dictating that multi-family housing be allowed anywhere currently zoned commercial or zoned for single family homes.

The Board asked Mr. Beil to send a copy of the Resolution to area municipalities and the Lehigh Valley Planning Commission.

Jim Dickey of 3475 Courtney Drive questioned if the proposed bills adequately address the impacts higher density housing will have on local municipalities.

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

MOTIONS

Release of Funds – Lanark III Land Development – Release Request 6 (Final)

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize the final release of construction security in the amount of \$3,786.75 for the Lanark III land development project in accordance with the Township Engineer's letter dated June 12, 2024.

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

Release of Funds – Wawa Land Development – Release Request 2 (Final)

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize the final release of construction security in the amount of \$3,080.00 for the Wawa land development project in accordance with the Township Engineer's recommendation made by letter dated June 21, 2024.

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

Release of Funds – McDonald’s Restaurant Land Development – Release Request 5 (Final)
Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize the final release of construction security in the amount of \$3,451.14 for the McDonald’s Restaurant land development project in accordance with the Township Engineer’s recommendation made by letter dated June 21, 2024.

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

Release of Funds – Provco Pinegood Coopersburg – Release Request 9 (Final)
Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize the final release of construction security in the amount of \$27,383.20 for overall pad and site improvements related to the Wawa and McDonald’s land development projects in accordance with the Township Engineer’s recommendation made by letter dated June 21, 2024.

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

Release of Funds – Sacred Heart Senior Living Center – Release Request 4
Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize the release of construction security in the amount of \$426,031.60 for the Sacred Heart Senior Living Center project in accordance with the Township Engineer’s recommendation made by letter dated May 2, 2024.

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

Jim Dickey of 3475 Courtney Drive wanted to know where the Sacred Heart Senior Living Center was located. Chairman Inglis said it’s located at the intersection of Route 378 and Saucon Creek Road.

Chairman Inglis said there’s a big pile of dirt that the developer for the project needs to get rid of.

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

Request for Payment – Kozy Komer Road Storm Sewer Improvements Project – Certification #1
Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize payment in the amount of \$553,160.93 to Joao and Bradley Construction Company for work completed on the Kozy Komer Road Storm Sewer Improvements Project.

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

Request for Payment – West Hopewell Road School Zone Flashing Warning Sign Relocation Project – Certification #2 (Final)

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize final payment in the amount of \$5,074.60 to T. Schiefer Contractors for work completed on the West Hopewell Road School Zone Flashing Warning Sign Relocation Project.

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

Request for Payment – Water Meter Reading Tower at Applebutter Hill Tank – Certification #1

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize payment in the amount of \$21,847.50 to Michael Symbula Electrical for work completed on the water meter reading tower at Applebutter Hill Tank.

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

Appointment of Conflict Solicitor

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to appoint Treadwell Law Offices, P.C., as Conflict Solicitor to represent the Township on an as needed basis in instances where the Township Solicitor has a conflict or potential conflict; and to compensate the Conflict Solicitor for services rendered in accordance with the Conflict Solicitor Fee Schedule for 2024 provided by Attorney Treadwell. This appointment shall continue until January 6, 2025, unless earlier terminated by motion or resolution of the Board of Supervisors.

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

Release of Funds – Traditions of America at Locust Valley – Security Release Request 6

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize the release of construction security in the amount of \$201,511.65 for Traditions of America at Locust Valley in accordance with the Township Engineer's recommendation made by letter dated July 16, 2024.

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

Request for Payment – 2024 Road Maintenance Project – Certification No. 1

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize payment in the amount of \$376,514.30 to Asphalt Maintenance Solutions for maintenance work completed on various Township roads.

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

Request for Payment – Water Meter Reading Tower at Applebutter Hill Tank – Certification #2

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize payment in the amount of \$22,327.50 to Michael Symbula Electrical for work completed on the water meter reading tower at Applebutter Hill Tank.

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 August 5, 2024

Mr. Beil reviewed the two appeals on the docket for the Zoning Hearing Board meeting scheduled for July 1, 2024. The Supervisors took no position with respect to the two appeals.

Supervisor Spaeth asked if anything is happening with the proposed Yamnicky development at the intersection of Blue Church Road and Chestnut Hill Road. Ms. Lang provided an update on the project, noting the “stop work” order issued several months ago remains in effect.

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Supervisor Spaeth and seconded by Supervisor Wagner to authorize payment of the Prepaid Invoice List and Warrant Detail Invoice List both dated July 19, 2024.

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

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

At approximately 7:55 p.m., the Board met in Executive Session to discuss purchasing real property or acquiring an interest in real property.

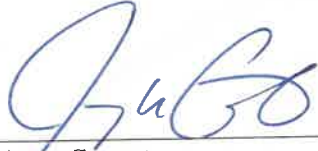
At approximately 8:48 p.m., the Board returned from Executive Session.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:49 p.m.



Secretary/Asst. Secretary