

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
November 7th, 2024, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors: Daniel Mohr & Angela Ashbrook, Planning Coordinator Brian Miller, Solicitor Marc Fisher, Secretary/Treasurer Jessi O'Donald Absent: Supervisor Zgura, Manager Bud Carter

Meeting called to order at 7:00 pm.

Pledge of Allegiance to the flag.

ANNOUNCEMENTS:

This meeting is being recorded principally to aid in the preparation of Minutes and for such other purposes as the Board sees fit. For that reason, will each person wanting to give any comments during this meeting, please state your name for the record and address the Board of Supervisors.

Join us in a moment of silence for Nicholas Cury who passed on October 18th. Over the last 20 years, Nick and his wife were part time park gate caretakers. Upper Milford Township expresses gratitude for his dedication and a deep sadness with his passing.

PUBLIC INPUT:

Lauren Haponski of Benjamin Court talked about the parking in The Fields at Jasper Ridge and stated she is in favor of keeping the no parking for safety reasons.

Kevin Kleinsmith of Western District Fire Company - asked about the Resolution for the Fire Companies and if money could be used for a building. Manager Carter responded that the Resolution was to start with the new budget. Secretary/Treasurer O'Donald responded that like anything else the proposal would have to be presented and the Board of Supervisors makes the decision if they approve the expenditure.

ACCEPTANCE OF MINUTES:

Approval of Workshop and Regular meeting minutes from of October 17th, 2024, and the Budget Workshop meeting of October 24th, 2024, minutes.

MOTION: Supervisor Mohr made a motion to approve the minutes from the Workshop and regular meetings from October 17th and the Budget meeting of October 24th, 2024 as presented. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

APPROVAL OF PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7096 - Check No's. **23396 to 23438** in the amount of **\$55,851.49**

STREET LIGHT FUND:

PLGIT XXXX7125 - Check No. **1411** in the amount of **\$2,979.42**

FIRE HYDRANT FUND:

PLGIT XXXX7154 - Check No. **1019** in the amount of **\$2,951.55**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No's. 2024-072 to 2024-076

MOTION: Supervisor Mohr made a motion to pay the bills as read and acknowledge the bank transfers. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, the motion carried.

SOLICITOR'S REPORT: No Report

OLD BUSINESS:

1.) PennDOT Correspondence on Route 29 safety Concerns

Thank you for your letter dated September 10, 2024, regarding the speed limit on a section of State Route 29 (Chestnut Street) between State Route 100 and Beck Road in Upper Milford Township, Lehigh County. The Department has reviewed the section of roadway mentioned above relative to your request. It has been determined that the posted speed limit of 45 MPH is appropriate for the roadway in question and the Department is not favor of any alterations.

Supervisor Zgura asked if the resident that requested the study was notified. Manager Carter stated they were notified. Supervisor Ashbrook asked what kind of investigation was done. The Township does not know what they did to investigate.

NEW BUSINESS:

1.) Approval to Advertise 2025 Budget

Staff heard no questions about the budget from the last meeting until tonight.

MOTION: Supervisor Mohr made a motion to approve the tentative budget and to advertise for public comment. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

2.) 6620 Crown Lane Preservation

a. Letter from Planning Coordinator Brian Miller

The Open Space Committee met October 9th, 2024, to discuss 6620 Crown Lane Zionsville for a Natural Resource Conservation Easement. The property consists of approximately 35 acres and was recently purchased by a group of adjoining neighbors to aid in protecting it from development. The property is completely wooded and ranks as a high natural resource conservation priority in the Lehigh Valley Planning Commissions Future LV Natural Resources Plan. The Committee members in attendance did not make a quorum, however, they recommended that the Township begin the process of preserving the properties by getting an appraisal for the conservation easement. Copies of the property information are attached. At this time, I would request approval to have the property appraised by Agrarian Associates Inc. at a cost of \$1,700. Agrarian Associates would complete the appraisal in approximately 45 days.

Motion: Supervisor Mohr made a motion to approve the appraisal of 6620 Crown Lane as recommended in Planning Coordinator Brian Miller's letter dated November 4th, 224. Supervisor Ashbrook seconded the motion. Lauren Haponski asked for clarification of what was being done. It was explained that part of the preservation process is an appraisal of the property to be preserved to verify the value to see if the applicant would like to proceed in the process. Hearing no further questions or comments, all were in favor, motion carried.

3.) Graf Conservation Easement

- a. Letter from Planning Coordinator Brian Miller
- b. PLGIT 7146 Check No. **1029** in the amount of **\$145,441.80**

A copy of the Baseline Document and Grant of Consideration Easement and Declaration of Covenants for the Larry & Suzan Graf preservation of 6212 Sweetwood Dr. is attached. The easement appraisal was valued at \$6,790 per acre, and the final surveyed total area for the property was 21.42 acres, for a total easement cost of \$145,441.80. At this time Larry & Suzan Graff agree with the with the Baseline Document & Declaration of Covenants and would like to proceed with the preservation of the property. If you agree, and so desire, a motion to approve the Grant of Conservation Easement and Declaration of Covenants for property located at 6212 Sweetwood Drive, Macungie, Pennsylvania and to authorize Township staff and the Solicitor to take any and all necessary action related thereto, would be in order.

MOTION: Supervisor Zgura made a motion to approve the preservation of 6212 Sweetwood Dr in accordance with the recommendation letter from Planning Coordinator Brian Miller dated November 5th, 2024, for \$145,441.80. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

MOTION: Supervisor Mohr made a motion to approve check #1029 in the amount of \$145,441.80 from PLGIT 7146 for the preservation of 6212 Sweetwood Dr. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

4.) Res. 2024-036 LSA Grant Application for Citizens Fire Truck

Presented to the Board for approval is the Local Services Grant application for the Fire Turck purchase for Citizen's Fire Company.

MOTION: Supervisor Zgura made a motion to approve Resolution No. 2024-036 for the grant application. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

5.) Twin Run Improvements Agreement

Before the board is the Improvements agreement for the Fields at Twin Run, the Kay Builders development on the Engelman Tract on Indian Creek Road.

There was a brief discussion on what these agreements include moving forward. Lauren Haponski asked if the Board has learned anything from the last two developments with developer. Supervisor Zgura replied yes, a Township's hands are tied, and the Municipal Planning Code needs to change. Which is done at the State level.

MOTION: Supervisor Mohr made a motion to approve the improvements agreement for the Fields at Twin Run development. Supervisor Ashbrook seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS: None

SUBDIVISIONS – IMPROVEMENTS:

- 1.) Approval – FIC Annex Time Extension until Dec. 7th, 2025
 - a. Letter from Kay Builders – Rick Koze

Please accept this request for a 365-day time extension for the Improvements Agreement for the Indian Creek Major Subdivision Annex Phase to allow time to complete the necessary improvements. Kay Builders will ensure that Irrevocable Letter of Credit No. 135000060222 People's Security Bank and Trust originally dated December 6, 2022 will be extended to a date beyond the new expiration date of the Improvements Agreement.

There was a brief discussion as to the extent of work left for the development. The Annex except for two homes is within Emmaus Borough and the road access is through Upper Milford.

MOTION: Supervisor Mohr made a motion to grant the time extension as requested until December 7th, 2025. Supervisor Ashbrook seconded the motion. Lauren Haponski asked if there was a timeline to finish the development provided by the developer, the answer is no but moving forward there are provisions in the developers' agreements that they will need to appear before the Board of Supervisors in person to ask for time extension so the developer can answer these questions. Hearing no further questions or comments, all were in favor, motion carried.

- 2.) Credit Release #9 for The fields at Jasper Ridge in the amount of \$147,333.96
 - a. Letter from Township Engineer Jeffery Ott

In accordance with the request for release of secured funds dated October 21, 2024 (some items were adjusted per completed field conditions), we the undersigned hereby certify that the improvements required in connection with Jasper Ridge, have been completed to the extent that the Irrevocable Letter of Credit can be reduced by the amount of One Hundred Forty-Seven Thousand, Three Hundred Thirty-Three Dollars and Ninety-Six Cents (\$147,333.96), in accordance with the Subdivision Improvements Agreement dated August 7, 2018. This certificate authorizes the Peoples Security Bank & Trust Company to reduce said amount, namely One Hundred Forty-Seven Thousand, Three Hundred Thirty-Three Dollars and Ninety-Six Cents (\$147,333.96) to owner or such other person as said owner shall designate. This authorization shall not be construed as final acceptance of improvements made to date.

In no event, shall the escrow fund for the construction improvements associated with the Jasper Ridge, be reduced to any amount less than One Million, One Hundred Seventy-Nine Thousand, Three Hundred Fifty-Eight Dollars and Eight Cents (\$1,179,358.08).

Lauren Haponski asked for clarification on this release as to who reviews the amount and signs off on the release. Manager Carter explained that the Township Engineer reviews the request and verifies the work has been completed then writes a letter to the Township recommending the request. Supervisor Ashbrook asked about giving Lauren the engineer's letter. Manager Carter stated that Lauren should file a right to know request for the letter. Secretary/Treasurer offered to help Lauren and send her the form needed.

MOTION: Supervisor Mohr made a motion to approve credit release No. 9 in the amount of \$147,333.96 as stated in Township Engineer Jeffery Ott's letter dated October 31st, 2024. Supervisor Ashbrook seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

CORRESPONDENCE:

- 1.) Resignation of R. Faurl from Recreation Committee
 - a. Email from R. Faurl

I apologize for my lack of attendance for the past several months. It's been a difficult year for me, and I've been struggling to make time for things outside of work and family. In light of this and in consideration of the committee and the township I am choosing to resign effective immediately and open up a spot for someone who can commit to this position and be an active member. I appreciate the opportunity to have been part of the Parks & Rec Committee over the past several years. Thank you and please pass along my best to all.

MOTION: Supervisor Zgura made a motion to accept the resignation of Randy Faurl from the recreation committee and thank him for his years of service to the Township. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: No Report

Fire Companies: Kris Bawden reported that Citizen's will have their truck quote this week. They were delayed with the Blue Mountain Fire. Kevin Kleinsmith had no report.

Emmaus Library: Lisa Marten stated the library was still conducting interviews for a new library Director.

Recreation Commission: No Report

Township Manager:

Bud Carter – No Report

Supervisors:

Daniel J. Mohr – No Report

Angela Ashbrook – No Report

John D. Zgura – Upper Milford Historical Society is hosting a Veteran’s program on Sunday, November 10th from 1-4. Flyers are on the table in the back of the room.

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting adjourned at 7:30 pm.

Chairman John D. Zgura

11/21/2024
Date

Secretary/Treasurer Jessi O’Donald