

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
February 6th, 2025, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors: Daniel Mohr, Angela Ashbrook, John Zgura; Manager Edward Carter, Planning Coordinator Brian Miller; Solicitor Marc Fisher; Secretary/Treasurer Jessi O'Donald

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.

Upper Milford Board of Supervisors held an executive session beginning at 2:30 pm on February 5th, 2025, to discuss Real Estate and personnel matters.

PUBLIC INPUT:

- 1.) ~~Chamber of Commerce Presentation~~ – Postponed until 2/20/2025
- 2.) Chief Kline – request for relief of permit fees for existing pole building upgrades.

The Fire Company received an invoice for permit fees related to the insulation of the pole building that will house the longer fire trucks. This building was originally just storage. Now it will be used for fire service activities. Since this is not a residential property it falls under the commercial building guidelines and those permits are reviewed and inspected by Keycodes, the Townships third party inspection agency. Chief Kline asked for a waiver of those fees for the Fire Department.

There was a discussion about timing on these requests. Supervisor Zgura was in favor of paying the invoice. He asked about ways to save on these types of permit fees. Supervisor Ashbrook explained that she wanted these requests to come in prior to the work being completed. She questioned the need for a commercial inspection and why Alan Brokate didn't do the commercial side of the building code. Colt Hershinger stated that the Township should never have let it go to the third-party inspector and that he didn't think it should count as commercial. Supervisor Mohr recalled that there would be a lot more education needed for the commercial building code and that years ago they decided that Alan would do the residential side of the inspections and permitting and the third-party inspection company would do the electrical and commercial inspections. Supervisor Ashbrook asked how many commercial permits were pulled each year. Manager Carter and Treasurer O'Donald responded that it all depended on the project. Less Than 10 commercial permit projects Treasurer O'Donald thought it was around 3 for this past year. Supervisor Mohr explained that the Fire Company is a commercial building, was always commercial and that designation has nothing to do with the zoning of the parcel.

MOTION: Supervisor Zgura made a motion to pay the permit fees for the Fire Company. Supervisor Mohr seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

ACCEPTANCE OF MINUTES:

Approval of January 16th, regular meeting minutes.

MOTION: Supervisor Zgura made a motion to approve the minutes 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. **23590 to 23627** in the amount of **\$81,853.24**

STREET LIGHT FUND:

PLGIT XXXX7125 - Check No. **1414** in the amount of **\$417.61**

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No's. 2024-001 to 2024-011

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

SOLICITOR'S REPORT: No Report

OLD BUSINESS: None

NEW BUSINESS:

- 1.) Resolution 2025-021 – Lenape Park Phase 2 Grant Application

This resolution is the resolution required by DCNR for accompany the grant application for phase 2 of the Lenape Park upgrades.

MOTION: Supervisor Zgura made a motion to approve Resolution 2025-021 for the DCNR grant application. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Resolution 2025-022 – Tax Collector Compensation term start 2026

There was a lengthy discussion on compensation for the tax collector. Staff presented the resolution with the percentage discussed at the last meeting. Supervisor Ashbrook wanted to take the compensation back to where it was prior to the Fire Tax and tax increase amount. There was further discussion on how to not have a tax collector and the legality of needing a tax collector per second class township code and state regulations. Supervisor Ashbrook asked about setting the compensation lower and deputizing Berkheimer as it would save money. Phil Casey asked what the difference between Real Estate Tax and Earned income tax was and why they both couldn't be collected by Berkheimer. Phil also suggested that most seniors travel to Allentown each week so traveling in to get a receipt shouldn't be a problem. The concern that Dan Mohr had was that with Berkheimer that there was no one at the Township to answer questions or take payments. Secretary O'Donald asked how the Board would want the office to handle those residents that demand to pay the Office. She stated she would expect the office to direct those residents to Berkheimer. It was also discussed that people are starting to pay for things online and that this transition would be able

to be made. She is concerned about the costs. Supervisor Mohr explained that the Tax Collector is still a mandated elected position. Berkheimer can only be used if there is no one to fill the position. Colt Hershinger explained that Supervisor Ashbrook was suggesting setting the compensation rate down to a point where you only pay someone a small fee and they have Berkheimer do the job. The Berkheimer cost to the Township would be around \$10,000 plus printing and postage for the period of the contract. It would save the residents' expenses overall but eliminate the customer service aspect of the position. The position of tax collector remains on the ballot for each term. The amounts the Board of Supervisors are looking at comprise three parts of the Tax Collector Compensation. The Township pays for their billing cycle, The School pays for their billing cycle and the misc. fees are the part that is paid by settlement companies and escrow companies and change with the housing market. Supervisor Ashbrook asked if the decision had to be made tonight. Solicitor Fisher explained the decision must be made by February 15th. If the Board didn't decide, then the percentage from the last tax collector term would remain at 5%. Lauren Haponski agreed that the Tax Collector is an elected position and that to hold Berkheimer as the backup is appropriate. Shelly Zgura asked about having Berkheimer at the office in any capacity. Secretary O'Donald relayed that Berkheimer no longer offers that service. Colt Hershinger asked about the surrounding tax collectors make. Secretary O'Donald restated that the Tax Collector even appointed needs to be a state qualified tax collector with the proper training and continuing education even if they deputize Berkheimer to do the collection. Lauren Haponski asked about the hours. Secretary O'Donald explained that the Tax Collector is a separate position from the Township and they work whatever hours they need to meet the timeline of turn over that is set. The Tax Collector must be a resident of the Township. Phil asked if EIT and Real Estate were the same. Manager Carter explained that one is income tax, and one is real estate tax. Supervisor Ashbrook asked about how the EIT was paid. EIT and LST are paid through payroll and submitted by payroll. Real Estate is paid by invoice. Most residents also pay someone to complete their tax return submissions.

MOTION: Supervisor Mohr made a motion to approve resolution 2025-022, with the election term in 2026 as presented at 3.5%. Motion dies due to lack of a second.

MOTION: Supervisor Ashbrook made a motion to approve Resolution 2025-022 with Tax Collector compensation at 3.0% for term beginning in 2026. Supervisor Zgura seconded the motion. Hearing no further discussion, motion was carried.

3.) Approval to share Park & Recreation survey for data collection.

The Recreation Committee has been working on a survey to collect the opinions of residents and park users in Upper Milford Township. The last time this was done was 2017 with the park plan update.

MOTION: Supervisor Zgura made a motion to approve the Recreation Survey to be released for data collection and public opinion. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

4.) Acknowledgement of recommendation of Truck Purchase for Citizen's Fire – Table decision until grant award.

a. Letter from Joseph Terrible – Secretary, ESC

There was a brief discussion on the truck, and the grant. The receipt of the recommendation was acknowledged by the Supervisors. The Truck cannot be contracted until the grant awards are listed. This was tabled until the end of 2025 when the AFG grants will be awarded.

- 5.) Resolution 2025-023 Approval of Conservation Easement 6730 Woodlawn Dr and approval of Open Space Referendum **Check No. 1033** in the amount of **\$83,199.32** for easement.
 - a. Letter from Planning Coordinator Brian Miller

A copy of the Baseline Document and Grant of Consideration Easement and Declaration of Covenants for the Brian D. Fasick preservation of 6730 Woodlawn Drive is attached. The easement appraisal was valued at \$7,160.01 per acre, and the final surveyed total area for the property was 11.62 acres, for a total easement cost of \$83,199.32. At this time Brian D. Fasick agrees 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 6730 Woodlawn Drive Zionsville, 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 Resolution No. 2025-023 for the conservation easement on 6730 Woodlawn Dr along with Open Space Referendum check no. 1003 in the amount of \$83,199.32. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 6.) Appointment of Lauren Haponski to the Recreation Committee with term to expire 1/5/2026
 - a. Memo from Secretary/Treasurer Jessi O'Donald

Lauren Haponski has applied to fill the vacancy left by Randy Fauri. The request is to appoint Lauren to the Recreation Committee with a term to expire January 5th, 2026.

MOTION: Supervisor Zgura made a motion to Appoint Lauren Haponski to the Recreation Committee with a term to expire January 5th, 2026. Supervisor Ashbrook seconded the motion. Hearing no question or comments, all were in favor, motion carried.

- 7.) Approval of advertising for 2025 Road Bids
 - a. Memo from Assistant Kyle Walbert

I would like to request approval from the Board of Supervisors in a motion to advertise for the upcoming proposed Road work for 2025. The proposed road work will include the following:

1. Seal Coat for a double application
2. Line Painting for a two-year contract – 2025-2026

MOTION: Supervisor Zgura made a motion to advertise for the 2025 road work bids as listed above with Kyle Walbert's memo dated February 3rd, 2025.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS:

- 1.) Marion Court Lot Line Adjustment

a. Letter from Planning Coordinator Brian Miller

At their meeting February 3rd, 2025, the Planning Commission reviewed & recommended approval for the 4151 & 4177 Marion Place Lot Line Adjustment Plan. The Plan removes a shared driveway between two lots and all easements that were required for that driveway, the plan also shows the proposed location for a new driveway onto Marion Place and has notes pertaining to the required Township Driveway Permit. The Plan has been reviewed by staff and has addressed all comments related to compliance with the Township SALDO & Zoning Ordinances. I am currently awaiting the LVPC review letter, and the new property corners will be set prior to recording. If you agree with the Planning Commission a motion for final plan approval contingent on addressing the items specified in this letter can be made.

MOTION: Supervisor Zgura made a motion to approve the lot line adjustment. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

2.) Time Extension for Zionsville Bible Fellowship until 6/30/2025
a. Letter from Planning Coordinator Brian Miller

At their meeting on February 3rd, 2025, the Planning Commission recommended agreeing to time extensions for the following: Zionsville Bible Fellowship Church Land Development, the project timeframe is set to expire 3/2/25, and the applicant has agreed to a new time frame to expire 6/30/25. If you also agree, the Solicitor and I will complete the process with the applicant.

MOTION: Supervisor Ashbrook made a motion to approve the time extension as outline in Brian Miller's Letter dated February 4th, 2025. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

3.) Emmaus Borough Zoning and SALDO Review
a. Letter from Planning Coordinator Brian Miller

At their meeting February 3rd, 2025, the Planning Commission reviewed the Emmaus Zoning & SALDO Ordinances as they pertain to the Joint Southwestern Lehigh County Comprehensive Plan. The Planning Commission recommended thanking the Borough of Emmaus for allowing us to review the Ordinances and letting them know we have no comments at this time.

MOTION: Supervisor Zgura made a motion to send Emmaus Borough a thank you for allowing the Planning Commission to review their proposed Zoning and SALDO changes per Brian Miller's letter dated February 4th, 2025. Supervisor Ashbrook seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

SUBDIVISIONS – IMPROVEMENTS:

1.) FIC Phase 1B & 2-time extension until March 1st, 2026.
a. Letter from Rick Koze of Kay Builders

Kay Builders is requesting a time extension to allow ample time to complete the improvements at the Fields at Indian Creek, Phase 1B & 2. As per the November 12, 2024, letter received, please place our request for a 365-day extension on February 6, 2025, Board of Supervisors Agenda for the Board to act upon.

There was a lengthy conversation on the time extension for FIC. The Board of Supervisors, Staff and members of the audience expressed their concerns with the length of time it is taking Kay Builders to take steps to finish this development. Planning Coordinator Brian Miller and Manager Bud Carter expressed that there are other factors as this was the first phase of the development and there are other factors within this development that need to be completed. There was discussion of only approving an extension until December 31st, 2025. Supervisor Mohr made a motion to approve the time extension until December 31st, 2025. The motion died due to lack of a second. It was asked if the Township would ask Kay Builders to be present at the next meeting. Manager Carter asked the solicitor to send that request.

This item was tabled until February 20th, 2025, to request Kay Builders to be present.

CORRESPONDENCE:

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: No Report

Fire Companies: No Report

Emmaus Library: No Report

Recreation Commission: No Report

Township Manager:

Bud Carter – No Report

Supervisors:

Angela Ashbrook – No Report

John D. Zgura – No Report

Daniel J. Mohr – Dan thanked the crew that trimmed the trees back along the road and for the additional Stop Sign on Mill Rd.

EXECUTIVE SESSION: - Not needed

ADJOURNMENT: Meeting adjourned at 8:41 pm.

AGENDA PART II:

UNFINISHED BUSINESS (NO ACTION ANTICIPATED):

OLD BUSINESS:

1. Morrissey Property Concerns
2. Open Space Update
3. Recreation Plan Update
4. Krause Property Concerns

END AGENDA PART II: