

**Williams Township Board of Supervisors
December 9, 2020**

The monthly meeting of the Williams Township Board of Supervisors, 655 Cider Press Road, Easton, PA 18042 was held on the above date virtually on “gotomeeting.com” and called to order at 7:00 p.m. by Chairperson Mark Ernst. Others present were Vice Chairperson Raymond Abert, Supervisor Michael Bryant, Township Solicitor Jonathan Reiss, Township Manager Mikal Sabatine, Township Engineer Ronald Madison, Public Works Director Michael Strawn and Assistant Township Manager Melody Ernst.

Mark asked Mikal if there are any public comments on agenda items. There are no comments.

Mark stated an Executive Session was held on Wednesday, December 9 for Legal Matters.

Mark asked Ray and Michael if they had any corrections to the Minutes of November 12, 2020. Ray commented that on page 4 of the minutes, a motion was made for compensation for Melody. Mark abstained so the vote should be corrected to 2-0. Ray made a motion to approve said Minutes with the correction, second by Michael. There being no further comments, motion carried 3-0.

Melody presented the Expense Report of December 9, 2020. Ray made a motion to approve the Expense Report, the Treasurers Reports for November and pay the bills, second by Michael. There being no comments, motion carried 3-0.

Managers’ Report – Mikal read the report for December 9, 2020.

1. Approval to have Paul Kichline Removed from Group Policy Insurance – Mikal asked for approval from the Board to remove Mr. Kichline from the Group Health Care Insurance Policy. Jonathan stated it will be effective January 1, 2021. Ray made the motion to remove Mr. Kichline, second by Michael. There being no comments, motion carried 3-0.

Mikal stated that Robert Diehl, a student at Wilson Area High School is with us tonight to explain his Eagle Scout Project for the Boy Scouts. Robert described his project and stated that he would like to install three benches at the Melchor Tract Park. The benches would sit inside a 4x4 edge with pavers inside. Michael asked Robert if he would be constructing the benches. Robert stated that the materials will be covered by funding and the benches would be constructed with the help of family and friends. Mark applauded Robert for the project and stated he has his support. Mark asked Ron and Mike if they would be assisting where the benches should be placed. Ron will help with the layout and Mike will help with the construction end so that everything is safe and the Township is protected. Mark further commented to Robert that if he can’t get the donations to come back to the Township and Mark will help. Michael commented that he thinks it’s a great idea and applauded Robert. He further stated that he can

help with whatever is needed. Ray commented that he also feels it is a good idea and he is always around if you need any help. Mark told Robert to keep up the great work. Robert thanked the Board for allowing him to share his project.

Mikal recommended that the January meetings be advertised for virtual. Jonathan recommended to advertise all meetings as virtual for 2021 and when you go back with in house meetings you can readvertise for the remainder of the year. The Board agreed.

Mikal stated that the Fry's Run Watershed has submitted the necessary paperwork for an approval of a donation request in the amount of \$428.50. Michael made a motion to approve the donation in the amount mentioned, second by Ray. There being no comments, motion carried 3-0.

Mikal stated that a donation request in the amount of \$4,000.00 was received from the Miracle League along with all the necessary paperwork. Michael made a motion to approve the donation in the amount mentioned, second by Ray. There being no comments, motion carried 3-0.

Mikal commented that he has been contacted by Chrin Brothers Landfill to request an extension of business hours of operation for one hour on both December 26th and January 2nd. The DEP requires confirmation by the Township. Michael made a motion to approve the hour change, second by Ray. There being no comments, motion carried 3-0.

Public Works – Mike Strawn gave the report for November 12, 2020 to December 9, 2020.

Ray asked Mike if he was able to get the last of the water drains to dry at the Melchor Tract. Mike stated that we had the major storm last week and the next day inspection was scheduled and it passed. He further stated they are going to try and get the basin stabilized before winter. Ray and Mark commented on a job well done.

Zoning Office – There will be a Virtual Zoning Hearing Board meeting on Wednesday, December 23, 2020. The following will be heard:

1. **JUDY AND GREG CLEMENS** – 71 Ballek Road – Special Exception
2. **NICHOLAS HINDLE** – 2000 Saint John Street - Variance

Planning Commission Report – None

Land Preservation Board – November 24, 2020

1. **Approval Authorizing Heritage Conservancy to Apply for NC Open Space and Natural Areas Program – Boss Property – Resolution 2020-35** – Bob stated that the Boss' have changed their mind about allowing public access. Tabled.

Laura Baird from Heritage Conservancy gave a brief presentation regarding the Boss Property. She stated that the property is approximately 15.47 acres along Berger Road and is mostly wooded with wetlands and springs. The property was mined at one time and abandoned mine holes filled with water. It would be preserved with the PULTA Conversation Easement which protects properties of the highest protection where natural resources are located. Mark asked the Land Preservation Board to talk about the limited property access of the Russell property and the Boss property not allowing public access to their property at their December meeting. Mark commented that he does not have an issue with full funding. Bob stated that there could be a possibility in the County guidelines for waivers indicating there are some for public access, safety and some for natural resources protection for certain species.

Recreation Board Report - None

Engineer Report - Ron Madison briefly reviewed his December 3, 2020 memorandum.

Ron commented that they have received the proposed 2020 Saucon Valley Comprehensive Plan Update for the adjoining Lower Saucon Township, Hellertown Borough and Saucon Valley School District. He further stated that the Board requested a review be done on the proposed plan for any potential concerns for Williams Township. It was stated to budget up to four hours if necessary and Ron is confident he can stay in that time allotment as it is focused on the land use and the maps.

Ron stated that the Township received notice of the Landfill's PADEP Air-Permit Application for a portable non-metallic mineral processing plant with diesel fuel engine dated November 29, 2020. The equipment will be used in the Stage 9 blasting area for crushing rock. The 30 day PADEP comment period will end December 10, 2020. The Board has no objection to this permit.

1. Oakleigh Knoll Security Reduction Request - Ron stated that a request was received on November 24, 2020 from Ryan Pektor of Primrose Glen, LLC for reduction in their Letter of Credit. An inspection of the site was performed on December 1, 2020 and after full inspections the amount requested could not be recommended. Ron further stated that Maser recommends that the Board of Supervisors consider security reduction from the current amount of \$771,948.18 to \$640,258.88. Ray made a motion to reduce the security to \$640,258.88, second by Mark. Ray asked if we have to approve the reductions when requested? He stated that the fence around the water is falling down and weeds are not being taken care of. Ron commented the Developers Agreement outlines Developer and Township rights. They have the right at any time to ask for a reduction in their security. Ron further stated that overall the site is stabilized. Ray asked if the reduction is for the whole development or where they are working right now. Ron explained they only received approval for Phase 1. There being no further comments, motion carried 2-0. Due to virtual internet connection, there was no comment from Michael.

Mike asked Ron regarding the Cedar Park Development, the Township will not be taking ownership of the roads, storm sewers or sanitary sewers throughout that development correct? Ron stated the roads and the utilities will remain private and owned and maintained by the Homeowners Association. The improvements for Cedar Park Loft have been completed and the 18 month maintenance period will be inspected and on the Agenda for January.

SOLICITOR REPORT- None

OLD BUSINESS

1. Public Hearing – Well Ordinance 2020-6 – Jonathan stated the revisions in this Ordinance were prepared by the Township Engineers office and was advertised for a public hearing. Mark opened the Public Hearing. It was stated that there are no Board comments and no public comments. Mark closed the Public Hearing. Michael made a motion to approve Ordinance 2020-6, second by Ray. Motion carried 3-0.

2. Driveway – Resolution 2020-31 – Jonathan stated that the original Driveway Ordinance had an application attached and this Resolution adopts a revised application revised by the Township Engineer. Michael made a motion to approve Resolution 2020-31, second by Ray. There being no comments, motion carried 3-0.

3. Tiny Home Resolution Discussion - Mark stated this is simply a discussion for the Board and to see what if any thoughts people have regarding the tiny homes because the zoning office is receiving requests for their construction. Mark feels it would be wise for the Township to adopt a Resolution so that the zoning officer would be able to determine whether it would fit the description of a tiny home or a recreational vehicle. Jonathan stated that you cannot discriminate on the size of a house and as long as a small home or tiny home is in the Townships building envelope and complies with the Uniform Construction Code (UCC) could be constructed. The biggest issue with the tiny homes will be whether they comply with the UCC. The third party inspector stated that if the tiny home is on wheels it may have to comply with other requirements that a recreational vehicle would have to comply with. However, if someone has a tiny home on wheels but occupies it as a residence, then they will need to comply with the UCC regardless. Jonathan stated that the Township Ordinance already address tiny homes but it will be governed by the UCC as opposed to the Zoning Ordinance. Mark stated that if it is on a foundation it would be construed as a permanent structure and if it was on wheels that it would have to conform with the National Transportation Authority. Jonathan stated that is accurate except if the person occupies it as their primary residence then it would have to comply with the UCC regardless if it is on wheels. Ron commented that it would also need to be connected to water and sewer and a driveway and grading permit would need to be obtained as well as all other permits in order to comply. Michael asked if there is a minimum requirement for permanent home such as 6 months or more? Jonathan commented, not necessarily it's just if they are living in there as their residence. Mark commented that he has read the UCC regarding the requirements and a person is not allowed to live in a recreational vehicle all year and Keycodes cannot inspect it because it does not comply to the UCC. Mark asked if the Township could draft a Resolution

to give the Zoners and the permitters opportunity to say you can build a home but it has to comply with the UCC and be placed on a foundation. Jonathan stated that he can draft a Resolution but does not feel the Township would need it because the Ordinances and State issues deal with this. Michael asked if it is on wheels and a person is occupying it for more than seven days, who is controlling that? Jonathan stated that it would be complaint driven. Mark asked Mikal to get total clarification from the Township's third party Inspector whether it can be descriptive as to yes we can or cannot be inspected.

4. Agreement of Sale for Conservation Easement - Jonathan stated that he has been working with the Land Preservation Board, Laura Baird and the Board of Supervisors and has come up with a draft template that has been approved by the Land Preservation Board. Jonathan stated this is before you tonight to approve the template understanding that there will be provisions to be changed on a per property basis. Ray made a motion, second by Mark. Ray questioned the funding and stated that he has an issue with the Township paying the whole expense. Jonathan stated changes were made based on direction from the Land Preservation Board and the Board of Supervisors. He further stated the Board passed a motion stating that if grant funding was not obtained for purchases of Conservation Easements the Township would still move forward and fund the whole purchase price. Ray stated he is having second thoughts. Michael stated that he tends to agree with Ray and place a not to exceed amount in the Agreement. Jonathan stated that you could put a blank line not to exceed. Michael asked with the other information that was sent from Jonathan's office is the Township fully protected from litigation shown in those documents sent. Jonathan stated that the litigation was over the Conservation Easements and not the Agreement of Sale. Jonathan stated if the Board wishes to make changes to the template then it would need to go back to the Land Preservation Board for their review and comment. Michael and Ray would like to send it back to the Land Preservation Board and Ray is not comfortable with the Township paying the full amount if the County backs out. Mark is fine with the way the document is written. Bob Schmidt stated he does not understand why you would put in a not to exceed in the document. After a brief discussion, Linda stated that the Board of Supervisors made a decision to pay the full amount if the funder did not come through. Linda further stated that Rays problem is with the Board of Supervisors decision and the Land Preservation Board cannot change that. Mark stated he agrees with Linda's statement and further commented that if the Land Preservation Board of Williams Township is going to continue to preserve property the Township has no other option then to commit to 100% funding. Mark stated that before the Township commits to the Agreement of Sale, we would know what the amount of money would be and have the option at that point to decide whether we can or cannot afford it to move forward. Jonathan stated that is a good point because this is a template and a starting point when either Heritage or Jonathan's office prepares the Agreement of Sale. Ray and Michael changed their minds if it can be looked at on an individual basis. The previous motion was pulled off the floor. Ray made a motion to accept the Agreement of Sale to be looked at on an individual property basis, second by Michael. There being no further comments, motion carried 3-0.

5. Approval of 2021 Budget - Ray made a motion to approve the 2021 Budget, second by Mark. There being no comments, motion carried 3-0.

Mark asked Mikal if there were any public comments - There are none.

6. Non Compliance Fines Discussion - Ray stated that he would like to double the permit fee if someone is found to be noncompliant because they did not obtain a permit. The consensus of the Board is to include the language in the 2021 Fee Schedule to be included on the January Agenda.

NEW BUSINESS

1. Elizabeth Litschauer and Leon Koplin - Announcement of Agricultural Security District Application - Jonathan announced that an application has been received for 45 acres of land. Jonathan stated that his office will advertise for public notice. It will then go to the Township Planning Commission, The Lehigh Valley Planning Commission and ASA Board for review and comment and then will come back to the Township for a public hearing.

2. Chrin Tax Assessment Appeal - Jonathan stated that Chrin apparently appealed their real estate taxes and were not satisfied with the results of the Assessment Division. Because of that they are now appealing to the Court of Common Pleas. Jonathan further stated that Mikal has done some calculations to see how much tax revenue the Township may be losing. Tonight it is just to determine whether or not the Township would like to enter an appearance in an appeal. Mikal stated that the decrease in taxes would be approximately \$3,000.00. He further stated that he is basing this on the full billable amount. Ray asked if this is just landfill property or all properties. Jonathan stated just the landfill. Michael stated so we do not have to do anything but could if we wanted to. After a brief discussion the consensus of the Board is to not intervene in the appeal.

3. Monroe County LSA Grant - Resolution 2020-32 - Mikal stated this Resolution is for funding of Phase II of the public works water storage. Michael made a motion to approve Resolution 2020-32, second by Ray. There being no comments, motion carried 3-0.

4. Lehigh/Northampton LSA Grant - Resolution 2020-33 - Mikal stated this Resolution is for funding for the same project as Resolution 2020-32. Michael made a motion to approve Resolution 2020-33, second by Ray. There being no comments, motion carried 3-0.

5. Williams Township 2021- Real Estate Tax Millage Rates - Resolution 2020-34 - Mark made a motion to approve Resolution 2020-34, second by Michael. There being no comments, motion carried 2-1. Michael Bryant opposed.

6. Approval to Close Books December 28, 2020 - Michael made a motion to close the books December 28, 2020, second by Ray. There being no comments, motion carried 3-0.

Supervisors Comments

Michael thanked Mike and the Public Works employees for a wonderful job on the Melchor Tract and meeting the grant deadline. Holiday wishes to everyone and condolences to Mark for the passing of his mother. Ray wished everyone a safe and Happy New Year as well as condolences to Mark and his family. Mark wished everyone

a Merry Christmas and a Happy New Year. He stated this year the plan will be on December 23 the Public Works will have a Christmas lunch at their building and the Municipal Office will have lunch in their building. The supervisors will not be invited this year because of COVID and social distancing. He thanked Jonathan, Ron and staff for the good work.

Audience comments - None

There being no further business, meeting was adjourned at 8:31 p.m.

Respectfully Submitted,

Melody A. Ernst, Asst. Manager/Secretary
Williams Township Board of Supervisors