

## BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on November 5, 2015, at 7:00 PM, in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Those present were Chairman, James M. Brunell; Vice-Chairman, John P. "Sean" Gill; Secretary, Kathy A. Rader; Township Engineer, Scott Stenroos; Zoning Officer, Daren Martocci, John P. "Sean" Gill; Solicitor, Andrew V. Schantz, Esq., Director of Public Works, Scott Faust; Finance Director, Bruce Koller; UMT Authority Manager, Joseph Bateman, Fire Commissioner, Grant Grim; and, Chief of Police, Edgardo Colón. Township Manager, Daniel Olpere, was attending via telephone.

Chairman James M. Brunell opened the meeting and asked all present to join him in the Pledge of Allegiance to the flag of the United States of America.

**MINUTES** - Chairman Brunell stated that the minutes of the previous meetings of October 1<sup>st</sup>, October 5<sup>th</sup>, October 12<sup>th</sup>, October 20<sup>th</sup>, and October 26<sup>th</sup>, would not be read unless there was some objection. Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimously approved, it was agreed to waive the reading of the minutes of the previous meetings and approve the minutes as presented.

### PUBLIC COMMENTS

--**Christine Gerveshi – 7006 Lehigh Court** -- reported loud noise from a pellet blower, between the hours of 5:00 AM and 7:00 AM, coming from 7441 Daniels Drive. Zoning Officer Martocci will address the issue with the property owner.

--**Vince Lynott – 5458 Doris Drive** -- expressed his concerns with the Route 222 Bypass gridlock from Route 309 (I-78) to Krocks Road, and between Krocks Road and Grange Road. With much discussion, Mr. Lynott's concerns were addressed. One suggestion was to make Cetronia Road "No Trucks, Local Deliveries Only" so that it alleviates truck congestion to allow emergency vehicles to get through. With Cetronia Road being a state road, Engineer Stenroos will address this issue with PennDOT.

**PRESENTATIONS/COURTESY OF THE FLOOR** -- **Presentation of the 2016 Budget** -- Treasurer, Bruce Koller, presented the 2016 Budget. **A motion was made by Secretary Rader, seconded by Chairman Brunell and unanimous to place the budget on display at the township building, starting November 6<sup>th</sup>, and to have the proposed budget placed on the agenda for adoption at the December 3<sup>rd</sup> Board of Supervisors meeting.** It was also discussed to try to put the budget on the UMT website. Daren Martocci will explore that possibility.

**ORDINANCE** -- The following ordinance has been advertised and is ready for adoption:  
**Ordinance #2015-08** -- AN ORDINANCE OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE ENTRY INTO AN INTERMUNICIPAL MUTUAL AID POLICE COOPERATION AGREEMENT WITH SOUTH WHITEHALL TOWNSHIP. **Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, Ordinance 2015-08 is hereby adopted.**

### RESOLUTIONS

**Resolution - #2015-66** -- **Liaison between Upper Macungie Township & Berkheimer** - A RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE BOARD OF SUPERVISORS TO APPOINT A LIAISON BETWEEN THE TOWNSHIP AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL TAXES FOR THE TOWNSHIP, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE TOWNSHIP FOR OFFICIAL PURPOSES. -- **Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolution #2015-66 is hereby approved.**

**Resolution - #2015-67** -- **Docket #2157** -- **Lehigh Valley West II, Lot 9B, Condominium Unit #1, Proposed Hotel, P/F Land Development Plan** -- RESOLUTION GRANTING CONDITIONAL FINAL PLAN APPROVAL TO CLOVERLEAF PLAZA, LLC FOR THE DEVELOPMENT OF A FOUR (4) STORY 114 ROOM HOTEL ALONG WITH ASSOCIATED PARKING, UTILITIES AND SIGNAGE TO BE LOCATED ON A COMMERCIAL CONDOMINIUM LOT HAVING AN ADDRESS OF 110 PA ROUTE 100 IN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. -- **Upon a motion Chairman Brunell, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-67 is hereby approved, subject to staff and engineering comments which includes two (2) waivers and one (1) deferral as listed in the letter of Keystone Consulting Engineers, Inc., dated November 2, 2015.**

**Resolution - #2015-68** -- **Docket #2185** -- **Diana M. Palmer Minor Subdivision Plan -- P/F Plan** -- RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO DIANA M. PALMER FOR THE MINOR SUBDIVISION OF A 2.505 ACRE RESIDENTIAL LOT INTO TWO (2) SEPARATE LOTS -- LOT 1 HAVING 1.091

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ACRES AND LOT 2 WILL BE COMPRISED OF THE RESIDUE LANDS MAINTAINING A SINGLE FAMILY RESIDENCE WITH ON LOT SEPTIC AND WATER TO BE LOCATED AT 331 TWIN PONDS ROAD IN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. -- Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-68 is hereby approved, subject to staff and engineering comments which included three (3) waivers and one (1) deferral as listed in the letter of Keystone Consulting Engineers, Inc., dated November 2, 2015.

**Resolution - #2015-69 -- Docket #2192 -- 1217 Trexlertown Road, Site Plan required for a Change of Use -- RESOLUTION GRANTING SITE PLAN APPROVAL TO CAROL WEISBERG FOR A PLAN PROPOSING TO CHANGE THE USE FROM AN EXISTING INSURANCE BUSINESS TO A HAIR SALON AND CERTAIN RELATED IMPROVEMENTS AT A PROPERTY LOCATED AT 1217 TREXLERTOWN ROAD IN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. -- Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-69 is hereby approved, subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated November 2, 2015.**

**Resolution - #2015-70 -- Docket #2068 -- Above and Beyond Personal Care Facility -- P/F Land Development Plan -- RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL PLAN APPROVAL TO ABOVE AND BEYOND, INC. FOR A LOT LINE ADJUSTMENT PLAN AND A LAND DEVELOPMENT PLAN PROPOSING THE DEVELOPMENT OF A TWO (2) STORY PERSONAL CARE FACILITY WITHIN A 24,857 SQUARE FOOT BUILDING FOOTPRINT ALONG WITH RELATED IMPROVEMENTS INCLUDING AN EXISTING RESIDENTIAL HOUSE; ASSOCIATED PARKING, UTILITIES AND SIGNAGE TO BE LOCATED ON A LOT HAVING AN ADDRESS OF 5844 DANIEL STREET IN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. -- The applicant has requested that due to the requirement to have them install a waterline on Cetronia Road, they are requesting credit toward their boundary road upgrade fee. After much discussion, a motion was made by Chairman Brunell, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-70 is hereby approved subject to staff and engineering comments which includes 1) the denial of the applicant's waiver request to eliminate the boundary road upgrade fee; and, 2) acceptance of dedication of right-of-way along Daniels Street, all as identified in the letter of Keystone Consulting Engineers, dated November 2, 2015.**

#### **MOTIONS**

**--Petition for Street Lights -- Laurel Fields --** A petition has been received, with the required number of signatures, to install street lights in the Laurel Fields development. Street Light Tax for each property to be approximately \$60.00 per year. **Secretary Rader made a motion to move this project forward with PPL. Motion was seconded by VC Gill and unanimous.**

**--Extension of Deadline with EPA to Reduce I & I --** UMT needs to authorize Lehigh County Authority (LCA) to act on our behalf to negotiate and approve an extension of the deadline, in the administrative order from the Federal Environment Protection Agency, to reduce inflow and infiltration (I&I). **Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, a letter is to be sent to LCA authorizing them to act on the Township's behalf to negotiate and approve an extension.**

**--Awarding of RFP Response to American Appraisal Associates, Inc. for Capital Asset Valuation --** To continue to improve financial disclosure and becoming compliant with Governmental Accounting Standards Board (GASB) 34, it has been recommended by the Township Auditors, Mailie LLC, to complete a capital asset valuation. Request for Proposals have been solicited. Two responses have been received: American Appraisal Associates, Inc. - \$16,500; and, AssetWorks - \$24,900. **Upon a motion Secretary Rader, seconded by VC Gill and unanimous, the Township will contract with American Appraisal Services, Inc., for a not-to-exceed price of \$16,500.**

\*--**2016 Tour De Tush Bike Ride (for Colon Cancer Awareness) --** at Grange Road Park

\*--**Jai Ind! Elementary PTO Color Run --** at Breinigsville Park

\*--**Good Shepherd 5K --** at Lone Lane Park

\*--**Resume Workshop --** at Independent Park

\* Vice Chairman Gill described the above four events, recommended by the Recreation Board for approval by the Board of Supervisors. **Upon a motion by VC Gill, seconded by Chairman Brunell, and unanimous, the four events are approved.** Details for the events will be worked out with Lynn Pigliacampi, Recreation Events Coordinator.

**--Salt Bid -- Oceanport LLC --** The annual consolidated salt bid for the townships of: Upper Macungie, Lower Macungie, Weisenberg, North Whitehall, Lowhill, and Heidelberg, has been conducted by Lowhill Township. The bid was awarded to the lowest bidder, Oceanport, LLC, with a unit price delivered of \$75.10/ton, totaling \$304,155.00 and a unit price pick up of \$70.00/ton, totaling \$283,500.00, for the six townships. **Chairman Brunell made a motion to ratify the awarded bid, seconded by Secretary Rader and unanimous.**

--**Heather Glen** – Due to the construction that will be completed at each driveway entrance for the Heather Glen project, Engineer Stenroos is recommending that the developer's boundary road contribution be reduced from \$43,534.83 to \$29,462.97. **After some discussion, Chairman Brunell made a motion to revise the boundary road fee, as listed in the Final Record Letter from Keystone Consulting Engineers, dated November 5, 2015. Motion was seconded by Secretary Rader and unanimous.**

--**Amazon.com – Escrow & Police Services Agreement – Holiday Season 2015-2016** – Manager Olpere reported that it is time to update the 2015-2016 Holiday Season Amazon.com agreement for police services and require a \$10,000 deposit. **Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, Manager Olpere is to have agreement executed and collect the deposit.**

--**UMT/UMTA Dissolution** – Chairman Brunell reported that after much research on the matter, it has been recommended that the Upper Macungie Township Authority dissolve and thereby transfer all of the assets and liabilities to the Township. The following reasons were discussed: 1) The Authority was first created to incur debt for the construction and expansion of the township sanitary sewer system. The debt is now paid and no loans are outstanding; 2) The Authority and Township have operated under a lease back operational arrangement whereby the administration, operations, and maintenance of the sewer system has been performed by the Township and its employees; 3) The lease required that the Township maintain enough funds on hand to operate and maintain the system and maintain a sufficient reserve for repairs and replacements, if necessary. The operations are being handled by the Township and sufficient reserves exist for system repairs; 4) The lease expired in February, 2012. No further extension of the lease is necessary; 5) Township employees currently operate the system, ultimately under the direction of the Board of Supervisors. There will be no operational changes; 6) The annual budget is approved by the Board of Supervisors. That will continue; 7) All bids are currently authorized and approved by the Board of Supervisors. That will continue; 8) All sewer rates are approved by the Board of Supervisors. That will continue.

Therefore, there is little or no reason to maintain another entity which, in large part, duplicates the actions of the Board of Supervisors. **Chairman Brunell then made the motion to recommend that Upper Macungie Township Authority adopt a resolution which would voluntarily dissolve the Authority and transfer all of the assets and liabilities to Upper Macungie Township; and, if this resolution is not adopted by the Upper Macungie Township Authority, the solicitor is hereby authorized to prepare a resolution to require this entity to dissolve. The motion was seconded by VC Gill and unanimous.**

**Splash Park Grant** - As a requirement for the Splash Park Grant, Certificates of Title are needed for the park land. **Secretary Rader made a motion to authorize Solicitor Schantz to complete the legal actions needed to meet the requirement. Motion was seconded by Chairman Brunell and unanimous.**

**DISCUSSIONS & UPDATES** – Angen Property – 7175 Mill Road – pulled from agenda.

#### **REPORTS**

**Treasurer's Report – October – Total bills from all funds \$2,892,891.19**

**A motion was made by Chairman Brunell, seconded by VC Gill and unanimous to pay the bills.**

**Recreation Board Report** – The Recreation Passport listing coming events is on the table for distribution.

**Planning Commission Report** – Scott Stenroos

1. **1217 Trexlestown Road Site Plan** – Andrew Woods from Art Swallow Associates and Rich Somack appeared before the Planning Commission. The Applicant indicated that curbing was not required for this parking lot based on storm drainage requirements. Section 116 and 177 of the Zoning Ordinance did not require curbing so a waiver was not deemed necessary by the PC. The Applicant agreed to address the drainage comments and requested a waiver for the submission requirement for the BOS meeting. Kathy Rader made a motion to recommend conditional approval of the Site Plan and send it to the BOS conditioned upon staff and engineer comments which was seconded by Paul McNemar (vote was unanimous). Kathy Rader also made a motion to recommend a waiver to reduce the submission deadline for the BOS meeting from 3 weeks to 2 weeks which was seconded by Paul McNemar (vote unanimous).
2. **LYW Lot 9B (Mariotti) Land Development** – Bruce Anderson and Gavin Herber appeared before the Planning Commission. Bruce Anderson reported that the technical review is in hand and a resubmission has been made. The NPDES permit is being sent to Wilkes Barre. A PennDOT r/w issue has to be resolved and will be discussed with the BOS. The Applicant was seeking either a conditional final recommendation from the PC since the plan already has a conditional preliminary recommendation from the PC – or - a conditional preliminary/final recommendation. Paul McNemar made a motion to (1) recommend conditional preliminary/final approval for the plan subject to staff and engineer comments, (2) clarify

10 deferral of sidewalk installation along Route 100 which was discuss in the engineer's letter and (3) recommend granting a waiver to reduce the submission deadline for the BOS meeting from 3 weeks to 2 weeks which was seconded by Ken Pavkovic (vote was unanimous).

3. **Above & Beyond Personal Care Facility** – Sue Kandir appeared before the Planning Commission. The Applicant was requesting a conditional preliminary /final recommendation and a waiver of boundary road upgrade fee requirements from the PC. Dave Etowski stated that the PC would not grant a waiver of the boundary road upgrade request and that the Applicant would have to discuss the financial end of the BRU with the BOS. Scott Stenroos reported that the deeds of dedication and cost estimate have not been provided and that the plan should be reviewed as preliminary. The Applicant did not agree and asked that the PC consider a preliminary/final recommendation if they submit the deed of dedication and cost estimate for review prior to the BOS meeting. Scott Stenroos recommended that the deed and estimate be submitted no later than October 27 at noon. Don Frederick who lives next to this site raised concerns about the geology and drainage. Scott Stenroos indicated that a geotechnical report is require prior to construction. Sue Kandir addressed the concern by describing the drainage pattern that flowed away from the Frederick property. Screening was also a concern. The owner reported that trees were being planted to address screening. Paul McNemar made a motion to (1) recommend no action on the waiver request for a reduction in the boundary road upgrade fee, (2) consider a conditional preliminary/final approval for the plan subject to staff and engineer comments and (3) recommend granting a waiver to reduce the submission deadline for the BOS meeting to October 27 at noon which was seconded by Ken Pavkovic (vote was 4 to 1).

### **Upper Macungie Township Police Report – Chief Colón**

856	Total Calls for Service
32	Reportable MVAs
70	Non-Reportable MVAs
11	Criminal Arrest (Misdemeanor/Felony)
9	Non-Traffic Citations (summary)
541	Traffic Citations
64	Parking Tickets
41	Written Warnings
88	False Alarms
2	Assaults
1	Disturbing the Peace Crimes
2	Drug/Alcohol Violations
5	DUI Offenses
1	Fraud Crimes
1	Motor Vehicle Thefts
6	Thefts
3	Vandalism/Criminal Mischief
5	Vehicle Break-in/Theft

Chief Colón also reported that arrests have increased from last year. November 12<sup>th</sup> UMTPD will be conducting a class on teen on-line safety. UMTPD has received a donation of \$1,400 from Vinart Family of Dealerships to be used to purchase a ballistic vest for one of the police dogs; and, on this date the Texas Roadhouse is sponsoring a fundraiser with Hounds on Working Leashes to raise funds for a vest for the other dog.

**Fire/EMS Report** – Commissioner Grim gave report: Fire Inspections - 78. Emergency responses: Station 8-- 32; Station 25 – 38; Station 56 - 42; Total 112 responses for 77 incidents. EMS Responses: Priority 1 – 87; Priority 2 – 82; Priority 3 – 73; Mutual Aid Required – 0; Total 242. Commissioner Grim reported that on November 20<sup>th</sup> at Station 56 there will be a Celebration of Life Memorial for Sam Ashmar. Everyone is invited to attend.

**Public Works Report** - Director Scott Faust -- Copy of his report is on the back table.

**Zoning Report** – The report of the Zoning Officer for the month of October was received and showed 116 Building and Zoning Permits were issued. (Commercial – 41; Residential – 49; Zoning Permits – 26) 1 Plumbing License and 5 Electric Licenses.

### **October 2015 Zoning Hearing Board Meetings:**

October 14<sup>th</sup>, 2015 Zoning Hearing Board: **NO HEARING**

October 28<sup>th</sup>, 2015 Zoning Hearing Board:

**#10 15 018** The Zoning Appeal of Dale Flick, 6342 Memorial Road, Allentown, PA 18106; for variance of Section §27-307.2.A.e. – Table of Lot and Setback Requirements; to permit the construction of a residential building addition which will encroach upon the required side yard building restriction line. The property is located along Memorial Road west of the intersection of Chapmans Road and is situated in the R4 Zoning District.  
**Action:** *The variance was granted by the Zoning Hearing Board.*

November 2015 Zoning Hearing Board Meetings: **There will be no Zoning Hearing Board Meetings in the month of November.**

**Lehigh Tax Collection Committee Report** – None

TOWNSHIP MANAGER'S REPORT – None

**SUPERVISORS**

**Chairman BRUNELL** – Nothing More

**Vice Chairman GILL** – Complemented Bruce Koller and Dan Olpere on their work on the 2016 Budget.

**Secretary RADER** – Executive Sessions: October 5, 2015, at 9:46 P.M. – Personnel Issues; October 20, 2015, at 6:15 P.M. and 9:00 P.M., Personnel Issues; and November 5, 2015, at 5:30 P.M. Personnel Issues, Litigations Issues, and the Leasing of Land.

PUBLIC COMMENT – None

Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, the meeting is adjourned at 8:57 PM.



Kathy A. Rader, Secretary

