

187

**BOARD OF SUPERVISORS**

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on April 7, 2016, 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 Manager, Daniel Olpere; Township Engineer, Scott Stenroos; Zoning Officer/Director of Community Development, Daren Martocci; Solicitor, Andrew V. Schantz, Esq.; Finance Director, Bruce Koller; Director of Public Works, Scott Faust; and, Chief of Police, Edgardo Colón.

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 meeting March 3rd 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 meeting and approve the minutes as presented.**

**DISCUSSIONS & UPDATES** - None

**PRESENTATIONS/COURTESY OF THE FLOOR** - None

**ORDINANCE** - None

**RESOLUTIONS**

**Resolution #2016-11 – Docket #2147 – Boston Beer – Site Plan – RESOLUTION GRANTING SITE PLAN APPROVAL TO AMERICAN CRAFT BREWERY, LLC FOR A SITE PLAN PROPOSING THE INSTALLATION OF A NEW 69-KV POWER SUBSTATION LOCATED AT 7880 PENN DRIVE, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. Upon a motion by Secretary Rader, seconded by Chairman Brunell, and unanimous, BE IT RESOLVED, Resolution #2016-11 is hereby approved subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated April 5, 2016.**

**Resolution #2016-12 – Docket #2198 – Infinera – Preliminary/Final Land Development Plan – RESOLUTION GRANTING CONDITIONAL PRELIMINARY /FINAL PLAN APPROVAL TO BROOKWOOD PHILADELPHIA I, LLC FOR A LAND DEVELOPMENT PLAN PROPOSING THE CONSTRUCTION OF A TWO (2) STORY, 16,300 SQUARE FOOT ADDITION ALONG WITH ADDITIONAL PARKING TO AN EXISTING BUILDING LOCATED ON A LOT HAVING AN ADDRESS OF 7360 WINDSOR DRIVE IN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. Upon a motion by Secretary Rader, seconded by VC Gill, and unanimous, BE IT RESOLVED, Resolution #2016-12 is hereby approved subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated April 5, 2016.**

**Resolution #2016-13 – Resolution to Modify Budget to Add \$5,000 for Recruitment & Retention – A RESOLUTION OF THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS MODIFYING THE 2016 ANNUAL BUDGET PREVIOUSLY ADOPTED BY AND THROUGH RESOLUTION 2015-71. A motion passed at the meeting of January 11, 2016, to amend the 2016 budget to provide an additional \$5,000 in line item #411.340 Recruitment and Retention. **Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, BE IT RESOLVED Resolution #2016-13 is hereby approved.****

**MOTIONS**

**--Robert Ibach, Jr, New Sewer Department Manager; and, Melissa Madden, New Receptionist/Administrative Assistant. Manager Olpere requested that the Board ratify the hiring of two new township employees. Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, motion passed.**

**\*--Bid Awarding – Novachip Project –** This is a joint bid between Upper & Lower Macungie Townships. There were two bids received for the Ultra-Thin Friction Course Project (Novachip) ranging from \$559,117.45 and \$617,302.05 for the combined UMT/LMT project with Bid Option 1, and from \$545,176.55 and \$597,671.20 for the combined UMT/LMT project with no Bid Option, of which the UMT portion was \$457,310.45 with Bid Option 1 and \$447,500.55 with no Bid Option. Bids were reviewed by UMT and Keystone Consulting Engineers, Inc., staffs. It is recommended that the contract for the 2016 Ultra-Thin Friction Course (Upper Macungie Township portion with Bid Option 1) in the amount of \$457,310.45 be awarded to Asphalt Maintenance Solutions, LLC., the low bidder.

**\*--Bid Awarding – Crack Sealing Project –** Two bids have been received for the 2016 Polymer Modified Crack Seal Project, ranging from \$55,960.00 to \$57,160.00. Bids were reviewed by UMT and Keystone Consulting Engineers, Inc., staffs. It is recommended that the contract for the 2016 Polymer Modified Crack Seal Project, in the amount of \$55,690.00 be awarded to Midland Asphalt Materials, Inc., the low bidder.

\*--**Bid Awarding – Bituminous Seal Coat** – Only one bid was received for the 2016 Bituminous Seal Coat with Slurry Seal Project in the amount of \$164,094.88 for the combined UMT/LMT projects including Bid Option 1, and \$147,629.60 for the combined UMT/LMT projects, with no bid option, of which the UMT portion was \$94,035.08 with Bid Option 1 and \$89,040.60 with no Bid Option. Bids were reviewed by UMT and Keystone Consulting Engineers, Inc., staffs. It is recommended that the contract for the 2016 Bituminous Seal Coat with Slurry Seal Project, UMT portion with Bid Option 1, in the amount of \$94,035.08 to Asphalt Maintenance Solutions, LLC, the low bidder.

\***Upon a motion by Secretary Rader, seconded by Chairman Brunell, and unanimous, the contracts for the 2016 Ultra-Thin Friction Course Project (Novachip); the 2016 Polymer Modified Crack Seal Project; and, the 2016 Bituminous Seal Coat with Slurry Seal Project, are hereby awarded to the above mentioned low bidders.**

--**Bid Awarding for Breinigsville Park Utility Improvements Project** – Nine bids were received ranging from \$84,433.75 to \$156,864.37. Bids were reviewed by UMT and Keystone Consulting Engineers, Inc., staffs. It is recommended that the contract for this project, in the amount of \$84,433.75, be awarded to Kempton Excavating, Inc., the low bidder. **Upon a motion by VC Gill, seconded by Chairman Brunell and unanimous, the contract is hereby awarded to Kempton Excavating, Inc.**

--**Bid Awarding for Oak View Drive Intersection Improvements Project** – Two bids have been received for this project ranging from \$119,957.00 and \$167,141.06, which included Bid Option 1 and from \$104,407.00 and \$149,265.32, with no Bid Option. Bids were reviewed by UMT and Keystone Consulting Engineers, Inc., staffs. It is recommended that the contract for the project, to include Bid Option 1, in the amount of \$119,957.00, be awarded to Semmel Excavating, Inc., the low bidder. **Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, the contract is hereby awarded to Semmel Excavating, Inc., the low bidder.**

--**2015 High Performance Chip Seal/Fog Seal Contract Extension** – In July of 2015, this contract was awarded to Asphalt Maintenance Solutions, LLC. The contract document allows for the contract to be extended for a period of a total of three years, renewable in one year increments. This extension will add approximately 62,551 square yards to the contract for various roadways in UMT. The 2015 unit price is \$2.74 per square yard resulting in a total cost of \$171,389.74. Due to the contract escalator provisions, the square yard price will be increased or decreased based upon the current asphalt index during the month of placement of the material. Bids were reviewed by UMT and Keystone Consulting Engineers, Inc., staffs. It is recommended that the contract be extended by one year for the 2016 paving season. **Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, the 2015 High Performance Chip Seal/Fog Seal Contract is hereby extended by one year.**

--**Pennsylvania Lawn & Landscape Grass Mowing Contract Renewal** - DPW Faust recommends that the Grass Mowing Contract be renewed at the same price as last year. This is in conformance with the language in the original contract. **Upon a motion by Chairman Brunell, seconded by Secretary Rader, and unanimous, the contract is hereby renewed at the same price as last year.**

--**Permission to Bid Storage Building for Recycling Equipment** – DPW Faust requested permission to go out for bid for the new storage building. Money for this building was budgeted and will come out of the Recycling Fund. **Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, permission is given to go out for bid.**

--**Widening of Hickory Lane** – Robert Snyder and Jeff Grim met with DPW Faust to discuss the narrow conditions of Hickory Lane in front of their properties. DPW Faust explained that about two and one half feet of paving, with a rolled edge, could be added to the roadway on the west side of the road. There are approximately twelve trees that would have to be removed to widen on the east side. **After much discussion, a motion was made by Chairman Brunell to add two to four feet to Hickory Lane, with a rolled edge, to widen the road on the west side. Motion was seconded by VC Gill and unanimous.**

--**Girl Scout Gold Award Recognition** – A letter was received from the Girl Scouts of Eastern Pennsylvania announcing that Kristen L. Hickey, a resident of UMT, has completed the requirements for the Girl Scout Gold Award, the highest honor in Girl Scouting. **A motion was made by Secretary Rader to send a congratulatory certificate for the Achievement Ceremony. Motion was seconded by VC Gill and unanimous.**

--**Proclamations for Fogelsville & Trexlerstown Fire Companies for 100 Years of Service** – Manager Olpere suggested that proclamations commemorating the 100<sup>th</sup> Anniversaries be drafted for the two fire companies, to be presented at their respective banquets. **Chairman Brunell made a motion to have Solicitor Schantz draft the proclamations. Motion was seconded by Secretary Rader and unanimous.**

- Fireworks Permit Fee Waiver Requests – Velodrome; and, Celebration Fireworks, Inc.** – Requests have been received to waive the permit fees for: Two shows at Valley Preferred Cycling Center (Velodrome), opening and closing the season; and, for Celebration Fireworks, Inc., to shoot fireworks for training purposes. The fees for these events have been waived in past years. **Upon a motion by VC Gill, seconded by Chairman Brunell, and unanimous, the permit fees are, hereby, waived.**
- Realtor to Broker Independent Park (Lower Level)** – Manager Olpere suggested that a realtor be contacted to give options for the use and to broker the lower level of Independent Park. **Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, Manager Olpere is to pursue this project.**
- Property Acquisition** – Recognizing the public outcry from the Valley West Estates development regarding the proposed Jaindl development along Oldt Road, township staff considered the possibility of “swapping” the township-owned and zoned Open Space Preservation (OSP) land with the proposed development by Jaindl Land Company on the north side of Oldt Road, zoned Light Industrial. With OSP along Twin Ponds Road, it is believed that there would be less traffic on the Oldt Road, Nestle Way, and Schantz Road intersections. Before this can be seriously considered by both the Township and Jaindl, a restricted appraisal report was prepared by Raymond C. Geiger, Jr., with both parcels reported to be roughly equal in value. This is due to the fact that the Jaindl property is more ready for development than the Township’s OSP piece. The appraisal was discussed, at length, with Supervisors surprised at certain land value issues. The possibility of another appraisal was discussed. **After much conversation, a motion was made by Secretary Rader to proceed with discussions with staff and Jaindl Land Co. to see where we go from here. The motion was then amended, by VC Gill, to have this item on the agenda for the May Board of Supervisors Meeting. Motion was seconded by Chairman Brunell and unanimous.**
- Appointment to Recreation Board** – The Recreation Board has recommended Karla Trumbauer to fill the vacancy on the Board. **Upon a motion by VC Gill, seconded by Secretary Rader and unanimous, Karla Trumbauer is hereby appointed to the Upper Macungie Township Recreation Board to fill the vacancy and unexpired term of Linda Gorr.**
- Community Center Feasibility Study** – Engineer Scott Stenroos, discussed the four steps of the scope of work and the costs: 1) Community Facility Needs - \$8,500; 2) Facility Operations Costs - \$6,000; 3) Community Facility Construction Cost Feasibility - \$13,500; 4) Architect and Construction Management Selection - \$3,500. The total project fee for the study will be \$31, 500. **A motion was made by VC Gill to proceed with Step 1 of the study with the fee of \$8,500 to be paid from the Capital Fund. The motion was seconded by Secretary Rader and unanimous.**
- Henninger Request** – A letter has been received from Kevin & Heather Henninger requesting Township participation in preserving their 36.63 parcel of farmland. The land has been appraised at \$5,480 per acre. The County currently has a “cap” of \$5,000, per acre that they can pay for the preservation. The difference being \$480.00 per acre, for a total difference of \$17,582.40 that is being requested. **After much discussion, a motion was made by Secretary Rader, seconded by Chairman Brunell and unanimous to table this request and invite a Lehigh County Farmland Specialist to the next meeting to explain the preservation process; and, that Zoning Officer/Director of Community Development Martocci assess the amount of vacant land left to be developed.**
- Posocco Properties (Blue Barn Meadows) Zoning Map Change Request** – Atty. Catherine E.N. Durso appearing with the applicant. The subject property has 9.3 acres, zoned R-2 in Upper Macungie Township and 32.4 acres, and zoned R-5 & R-10 in South Whitehall Township. The land in South Whitehall is already approved for 213 townhouses. The zoning map change would allow the six lots in Upper Macungie, zoned for single-family homes, to be subdivided into twelve lots to allow for twin homes. **Secretary Rader made a motion to send the request to the UMT Planning Commission and Lehigh Valley Planning Commission for review and comment. Motion died lack of second.**

#### REPORTS

**Treasurer’s Report – March** – Total bills from all funds \$962,857.73 – **A motion was made by Chairman Brunell, seconded by VC Gill and unanimous to pay the bills.** Finance Director Koller gave report on the Township’s investments.

**Recreation Board Report** – Nothing to add.

**Planning Commission Report** – Scott Stenroos reported on the March PC Meeting:

--Boston Beer Company - Site Plan Review: The Applicant presented the project which falls under Site Plan review by Zoning Ordinance Section 116. Kathy Rader made a motion to

199 recommend conditional site plan approval subject to staff and engineer comments which was seconded by Paul McNemar. The vote was unanimous.

--Infinera Corporation Building Addition – Land Development Plan: The Applicant presented information to the PC based on the KCE letter dated February 17, 2016. A letter was received by KCE from Infinera stating that no hazardous chemical are being stored on the site. The Applicant agreed to do a traffic count at the intersection of Tilghman Street and Mill Road/Windsor Drive to check traffic signal timings. Paul McNemar made a motion to recommend conditional preliminary/final approval subject to staff and engineer comments and also conditioned upon the receipt of the DEP/LCCD technical review prior to submitting to the BOS for approval. The motion was seconded by Sunny Ghai and the vote was unanimous.

--Hale Trailer Brake and Wheel – Land Development Plan: The Applicant withdrew from the meeting to address plan conditions, LVPC review and NPDES permit coordination.

--6500 Chapmans Road – Sketch Plan: The Applicant provided discussion on the project in regard to the proposed tenants and the proposed use of the facility. There are no proposed tenants at this time and the use of the facility was reported to be “dead storage” for smaller warehousing type tenants. There will not be any manufacturing at this location as the current tenants are using the existing facilities for storage. The proposed development will continue with the same use. The application will require conditional use approval and future tenants will be required to submit for use approval. Since this is a sketch plan there was no action taken on this project. The applicant intends to return with a preliminary plan application.

--Lehigh Hills Lot 5 - Preliminary Subdivision Plan: – The Applicant presented information on the project for discussion with the PC. The profile of Nursery Street, sanitary sewer force main, Applewood pump station, dedication of land for the pump station and the status of the building lots was discussed. Reference was made to the 2013 memo on the Applewood pump station, prepared by KCE, and was discussed. Concern was expressed over the status of the Applewood pump station, land dedication and potential approval of a subdivision with non-building lots. The plan was tabled so that the Applicant can review and address the staff and engineer review comments.

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

732	Total Calls for Service
17	Reportable MVAs
37	Non-Reportable MVAs
7	Private Property MVAs
15	Criminal Arrest (Misdemeanor/Felony)
27	Non-Traffic Citations (summary)
415	Traffic Citations
51	Parking Tickets
29	Written Warnings
108	False Alarms
3	Assault
3	Disturbing the Peace Crimes
3	Drug/Alcohol Violations
8	DUI Offenses
9	Fraud Crimes
1	Motor Vehicle Theft
13	Thefts
7	Vandalism/Criminal Mischiefs
7	Vehicle Break-in/Thefts

Chief Colón reported that progress is being made with the Good Neighbor Coalition. The program will be presented to members of the trucking industry on May 4<sup>th</sup>.

UMTPD is now registered for Operation Save Haven. Women can safely leave their newborn babies (28 days or younger) with a police officer, at the police station, no questions asked.

**Fire/EMS Report** – Chairman Brunell gave the Fire Commissioner’s report: Fire inspections - 79. Emergency responses: Station 8-- 37; Station 25 – 40; Station 56 - 48; Total of 125 responses for 102 calls. EMS Responses: Priority 1 – 77; Priority 2 – 59; Priority 3 – 72; Mutual Aid Required – 1; Total 209. VC Gill requested that if Fire Commissioner Grim could not be at the meeting that Peter Christ or Keith Richard, from the Bureau of Fire, be in attendance.

**Public Works Report** – Mulch will be loaded for free on Saturdays and Sundays in May, between the hours of 9:00 AM and 1:00 PM. 191

**Zoning Report** – The report of the Zoning Officer for the month of March was received and showed that 82 Building and Zoning Permits were issued. (Commercial – 10; Residential – 57; Zoning Permits – 15); 5 Plumbing Licenses and 6 Electric Licenses were issued.

**March 2016 Zoning Hearing Board Meetings:**

There were no Zoning Hearing Board Meetings in March of 2016

**April 2016 Zoning Hearing Board Meetings:**  
**April 13<sup>th</sup>, 2016:**

**#03 16 006** The Zoning Appeal of **Discovery Homes, Inc., 10098 Hamilton Boulevard, Breinigsville, PA 18031**; for a variance of; **Section §27-402.pp.6**. Minimum separation between homes. For an existing non-conforming mobile home park. The property is located along Hamilton Boulevard near the intersection of Terry Hill Drive and is situated in the RU1.5 (Rural 1.5) Zoning District.

**#03 16 007** The Zoning Appeal of **TransEdge, 5344 W. Tilghman Street, Allentown, PA 18104**; for a variance of; **Section §27-704.1**. Maximum Area of Wall Signs in the HC District, other than shopping centers or other multitenant buildings. The property is located along Tilghman Street near the intersection of Werley Road and is situated in the HC (Highway Commercial) Zoning District.

**April 27<sup>th</sup>, 2016: No Zoning Appeal Applications have been received.**

**Lehigh Tax Collection Committee Report** – None

**TOWNSHIP MANAGER'S REPORT** – Nothing More

**SUPERVISORS**

**Chairman BRUNELL** – Chairman Brunell announced that on May 14<sup>th</sup>, at Fogelsville Station 8, from Noon to 5:00 PM, will be a Community Day to celebrate the fire company's 100<sup>th</sup> anniversary.

**Vice Chairman GILL** – Nothing More

**Secretary RADER** –

--Executive Sessions: Wednesday, March 30, 2016, at 5:30 PM – Personnel Issues; and, Thursday, April 7, 2016, at 4:00 PM – Personnel Issues, Land Acquisition and Litigation.

Secretary Rader reminded everyone to watch their mail for the Township Newsletter; also, if there was anyone interested in volunteering on any township committees, feel free to apply.

**PUBLIC COMMENT**

--**Shohn Montano** of 1104 Tudor Drive questioned if the Amazon gate should be open; also if the Home Depot trucks, parked on the lot, were storing materials.

--**Sunny Ghai** of 6910 Lehigh Court requested that truck signs be placed to give more advance notice to truck drivers to avoid U-turns.

--**Andrew Schopf** of 422 Arrowhead Lane, commented, and gave his negative opinions on the proposed Adams Road/I-78 Interchange and the proposed "land swap" that was discussed under MOTIONS – Property Acquisition.

There being no other business, upon a motion by **Chairman Brunell, seconded by Secretary Rader, and unanimous, the meeting is adjourned at 9:53 PM.**



Kathy A. Rader, Secretary