

BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on June 4, 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 Manager, Daniel Olpere; Treasurer, Barry L. Moyer; Zoning Officer, Daren Martocci; Engineers, Scott Stenross and Dean Haas; Solicitor, Andrew V. Schantz, Esq.; Director of Public Works, Scott Faust; Fire Commissioner, Grant Grim; and, Deputy Police Chief, Joseph Wilson.

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 of May 7, 2015, 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 - None

RESOLUTIONS

Resolution #2015 -- 36 - Docket #1884 -- Schaeffer Run Commons -- Subdivision & Land Development- RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL TO JAINDL LAND COMPANY FOR AN AMENDED SUBDIVISION/LAND DEVELOPMENT CONSISTING OF COMBINING OF THREE (3) PARCELS INTO A 56.43 ACRE PARCEL AND THE CONSTRUCTION OF 157 AGE-RESTRICTED RESIDENTIAL COMMUNITY ALONG WITH A CLUBHOUSE, PARKING LOTS, INTERNAL ROADS, STORMWATER CONTROLS AND OTHER IMPROVEMENTS LOCATED AT 1409 WEILERS ROAD, KNOWN AS SCHAEFER RUN COMMONS -- This resolution is to uphold the previous Planning Commission approval of 2005. Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015 -- 36 is hereby approved.

Attorney for the developer, Andrew Hoffman, Esq., requested authorization to enter into a pre-security construction agreement to begin work on this development. A motion was made by Chairman Brunell to grant this request. Motion was seconded by Secretary Rader and unanimous.

Resolution #2015 -- 37 -- Weilers Road (TE-160 Form) Traffic Signal Modification -- RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO APPLY FOR A PERMIT TO MODIFY THE EXISTING TRAFFIC SIGNAL AT THE INTERSECTION OF WEILERS ROAD (T-478) IN UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA. Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolution #2015 -- 37 is hereby approved.

PRESENTATIONS/COURTESY OF THE FLOOR

-- Proclamation -- Samir P. Ashmar Day -- will be deferred until later in the meeting, due to a fire call.

--Trexler Fields Residents -- Several residents from the Trexler Fields development appeared to oppose the walking paths that go through their backyards. Other residents appeared in favor of the paths. These paths are shown on the recorded plans; however, not required by the Township. After much discussion, the residents were informed that this is a Homeowner's Association issue and not a Township issue. (Some of the residents appearing: Derik Beck, Isaiah Williams, Lisa Miskanic, Neil Bachman, Jim, George, and Joanne Schall)

--KRE -- Lehigh Hills lot 5 -- Zoning Ordinance Text Amendment - Representatives from KRE appeared to request that the public hearing for the text amendment and Board of Supervisors meeting be conducted on June 23, 2015, since, previously, there is a special meeting scheduled for that date. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, the public hearing will be scheduled for June 23rd, with the Board of Supervisors meeting immediately following, all commencing at 6:00 PM.

ORDINANCE- None

NO PUBLIC COMMENTS

RESOLUTIONS - continued

Resolution #2015 -- 38 -- IBEW Contract Amendment -- RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA AMENDING THE CURRENT AGREEMENT BETWEEN UPPER MACUNGIE TOWNSHIP AND THE UPPER MACUNGIE TOWNSHIP DEPARTMENT OF PUBLIC WORKS BY ESTABLISHING THE FOLLOWING PERSONNEL CHANGES AND RATES

OF PAY FOR EMPLOYEES FOR THE PERIOD MAY 1, 2014, THROUGH APRIL 30, 2017. The new position is an Assistant Team leader. The rate of pay for this position will be half way between a Laborer and Team Leader. Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, **BE IT RESOLVED**, Resolution #2015 -- 38 is hereby approved.

PROCLAMATION -- **Samir P. Ashmar Day** -- Chairman Brunell read a proclamation dedicated to Samir Ashmar and declaring June 4th as Samir P. Ashmar Day. Sam's wife, Sharon Ashmar; daughter, Makala; son, Joshua; and, several other Ashmar family members were present.

RESOLUTIONS -- continued

Resolution #2015 -- 39 -- Weston Property Planning Module Revision -- RESOLUTION AMENDING THE UPPER MACUNGIE TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN FOR THE PREVIOUSLY APPROVED LAND DEVELOPMENT PLAN KNOWN AS WESTON PROPERTY LOCATED AT 125 ADAMS ROAD WITHIN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, **BE IT RESOLVED**, Resolution #2015-39 is hereby approved.

Resolution #2015 -- 40 -- Docket #1910 -- Trexler Fields -- Seventh Recording -- RESOLUTION GRANTING PHASING PLAN REVISION APPROVAL TO TREXLER FIELDS TWIN HOMES PROJECT FOR A PHASING PLAN FOR FURTHER DIVIDING PORTIONS OF PHASE 2; PHASE 6 AND PHASE 10 (AKA the "7th Recording") SITUATE AT THE CORNER OF HAMILTON BOULEVARD AND TLEXLER ROAD, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. -- Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, **BE IT RESOLVED**, Resolution #2015-40 is hereby approved, conditional upon comments in the letter of Keystone Consulting Engineers, Inc., dated June 4, 2015.

Resolution #2015 -- 41 -- Docket #21.20 -- Liberty at Mill Creek -- Waiver Request -- RESOLUTION GRANTING CERTAIN WAIVERS FROM THE REQUIREMENTS OF THE UPPER MACUNGIE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDC) RELATED TO A LAND DEVELOPMENT PLAN OF LIBERTY PROPERTY, LP, FOR THE DEVELOPMENT OF TWO PROPOSED WAREHOUSE/DISTRIBUTION BUILDINGS CONSISTING OF 1,288,800 SQUARE FEET ON A 112.6 ACRE LOT (LOT #1) AND OF 198,800 SQUARE FEET ON A 86.3 ACRE LOT (LOT #2) TO BE LOCATED AT PROPERTIES HAVING SEPARATE ADDRESSES OF 700 MILL CREEK ROAD AND 800 MILL CREEK ROAD, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. -- Upon a motion by VC Gill, seconded by Secretary Rader and unanimous, **BE IT RESOLVED**, Resolution #2015 -- 41 is hereby approved, conditional upon comments in the letter of Keystone Consulting Engineers, Inc., dated June 4, 2015.

***Resolution #2015 -- 42 -- Grange Road Park Grant -- Pedestrian Improvements, Tennis Courts & Concession Stand/Restroom** -- RESOLUTION AUTHORIZING THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS TO PROCESS A GREENWAYS, TRAILS AND RECREATION PROGRAM GRANT APPLICATION WITH THE PENNSYLVANIA COMMONWEALTH FINANCING AGENCY AND TO DESIGNATE OFFICIALS TO EXECUTE ALL DOCUMENTS AND AGREEMENTS BETWEEN THE TOWNSHIP AND THE COMMONWEALTH OF PENNSYLVANIA FINANCING AUTHORITY.

***Resolution #2015 -- 43 -- Breinigsville Park West Grant -- Three Baseball Fields, Driveway, Parking Lot, Landscaping, and Grading & Stormwater Facilities** -- RESOLUTION AUTHORIZING THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS TO PROCESS A GREENWAYS, TRAILS AND RECREATION PROGRAM GRANT APPLICATION WITH THE PENNSYLVANIA COMMONWEALTH FINANCING AGENCY AND TO DESIGNATE OFFICIALS TO EXECUTE ALL DOCUMENTS AND AGREEMENTS BETWEEN THE TOWNSHIP AND THE COMMONWEALTH OF PENNSYLVANIA FINANCING AUTHORITY.

***Both Resolutions #2015 -- 42 and #2015 -- 43 -- involve projects associated with Act 13 grants. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, BE IT RESOLVED**, Resolutions #2015 -- 42 and #2015 -- 43 are hereby approved.

Resolution #2015 -- 44 -- Existing Berks/Lehigh Regional Police Department Non-uniformed Employees' Pension Plan -- RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO WITHDRAW FROM THE MUNICIPAL PENSION PLAN OF THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM ("PMRS") RELATING TO THE NON-UNIFORM MEMBERS OF THE FORMER BERKS LEHIGH REGIONAL POLICE COMMISSION AND FURTHER AUTHORIZING THE DISBURSEMENT OF ANY REMAINING FUNDS IN THE AFOREMENTIONED MUNICIPAL PENSION PLAN. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, **BE IT RESOLVED**, Resolution #2015 -- 44 is hereby approved.

Resolution #2015 -- 45 -- Resolution for Bikeway Occupancy Permit -- RESOLUTION BY THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS AUTHORIZING AND ESTABLISHING CERTAIN BIKEWAYS WITHIN UPPER MACUNGIE TOWNSHIP ENACTED IN ACCORDANCE WITH THE STANDARDS, RULES AND REGULATIONS OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION. This project is in conjunction

with Lower Macungie Township to extend bike paths along the Hamilton Boulevard corridor. Upon a motion by VC Gill, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolution #2015 -- 45 is hereby approved.

MOTIONS

- Hiring of Finance Director -- Bruce Koller - Manager Olpere announced that Mr. Koller will start the beginning of July. He has much experience in finance. Koller will replace retiring Treasurer, Barry Moyer. Salary will be between \$82,000 to 83,000, in range with the other department heads. Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, Bruce Koller is hired as the new Finance Director.
- Bid Awarding -- for sale of 2004 Ford 550 Truck -- Two bids have been received: Donald Dietrich - \$12,600.00; and, William R. Sterner - \$9,651.00. Upon a motion by Secretary Rader, seconded by VC Gill, and unanimous, the bid to purchase the 2004 Ford 550 Truck is awarded to Donald Dietrich for \$12,600.00.
- Bid Awarding -- for sale of 2003 International Truck -- Two bids have been received: Donald Dietrich - \$18,600.00; and John G. Burkos, Faust Hauling, Inc. - \$16,750.00. Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, the bid to purchase the 2003 International Truck is awarded to Donald Dietrich for \$18,600.00.
- PPL Grant of Right-of-Way -- Manager Olpere reported that before the Verizon Cell Tower construction can begin, a right-of-way agreement must be executed by the Township. The agreement references a 25' wide right-of-way, with the condition that they will not ever remove the historic oak tree that is on the property. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, the PPL Grant of Right-of-Way agreement is approved.
- Toth Barn -- Rear of 1208 Trexiertown Road -- Zoning Officer Martocci reported that said barn is an unsafe structure and for safety reasons should be removed. The proper owners, Mike & Doris Toth were put on notice about the barn, in June of 2014. To date nothing significant has been done to remedy the unsafe condition. Martocci recommends that the Township have the structure removed and the property liened to cover all costs incurred. Mrs. Doris Toth and her son Anthony appearing to ask the Board to allow time for them to secure the property. Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, this matter is tabled until the July Board of Supervisors meeting.
- Growing Greener Grant -- Little Cedar Creek Watershed Assessment -- The Lehigh County Conservation District, in partnership with the City of Allentown, South Whitehall Township, and Friends of the Allentown Parks, is applying for a Growing Greener Grant to conduct a study of the Little Cedar Creek watershed in Lehigh County and is seeking a support letter from Upper Macungie Township for the project. Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, a letter of support will be sent to the Lehigh County Conservation District.
- Yoga in the Park -- The UMT Recreation Board has recommended to offer FREE yoga classes in a park (to be determined). This would be on Monday and/or Thursday evenings from 7:00 to 8:00 PM, from June 22nd through August 20th. Participants will need to sign a waiver. The instructor is insured. Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, yoga classes are approved.
- Community Development Block Grant (CDBG) Designation -- A letter has been received from Lehigh County explaining that the county was invited to participate as an urban county in grant programs funded by the U.S. Department of Housing and Urban Development (HUD). The Township has the option of being included in the urban designation or opting out. Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, it was decided to "opt out" of the urban designation.
- 2015 County of Lehigh Gaming Revenue Application -- Information has been received from Lehigh County regarding the ability to apply for gaming revenue. This grant application must be in to the County by June 26th. Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, it is decided to pursue this grant funding.
- 2015 COPS (Community Oriented Policing Services) Grant -- Deputy Chief Wilson explained the COPS Grant and that if received will pay towards the salary and benefits of two police officers over a three year period. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, approval was given to apply for this grant.

DISCUSSIONS & UPDATES - None

REPORTS

Treasurer's Report -- May -- Total bills from all funds \$1,207,438.90
 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 and on the UMT Website.

Planning Commission Report -- Scott Stenroos reported the following from the May Planning Commission meeting:

Zoning Ordinance Text Amendment: Paul McNemara made a motion to recommend approval of the text amendment for modification to the Truck Terminal definition and for revisions to the Apartment section with the exception that the proposed change to Section 2.A.i.b be stricken. The motion was seconded by Dave Etowski and the vote was unanimous.

Bortz Property -- Subdivision. The PC made a recommendation for conditional preliminary/final approval of the subdivision plan with a deferral of Section 403 to the land development plan and also a waiver of section 504.1 to allow for a preliminary/final submission. The PC recommendation is also conditioned upon staff/engineer comments and the Applicant providing the cross easements and agreements and necessary revisions to the plan prior to submitting to the BOS.

Bortz Property -- Land Development. The PC made a recommendation for conditional final approval of the land development plan with a deferral of sidewalk along Cetronia Road conditioned upon 1) the posting of security for the sidewalk, 2) placing notes on the plan in regard to the sidewalk and DEP review and approval and 3) providing a stipulation in the improvements agreement regarding the installation of the sidewalk. The PC also conditioned the final approval on staff/engineer comments and the receipt of a DEP technical review letter prior to appearing before the BOS.

Tilghman Street Retail -- Dunkin Donuts - The Applicant requested to be withdrawn from the agenda.

Penske Truck Leasing Facility - The plan was tabled so that the Engineer could address plan conditions and work with LCCD.

Lehigh Valley West II -- Lot 9B - The PC made a recommendation for conditional preliminary approval of the land development plan conditioned upon staff/engineer comments and the receipt of a DEP technical review letter prior to appearing before the BOS. The PC also made a recommendation for approval of waivers 2, 3 and 4. Waiver #1 is no longer required.

Above and Beyond Personal Care Facility - The Applicant requested to be withdrawn from the agenda.

Liberty at Mill Creek -- The PC made a recommendation to approve waivers #1 through #8 as requested by the Applicant.

Upper Macungie Township Police Report -- Deputy Chief Wilson

726	Total Calls for Service
19	Reportable MVAs
48	Non-Reportable MVAs
13	Criminal Arrest (Misdemeanor/Felony)
11	Non-Traffic Citations (summary)
363	Traffic Citations
42	Parking Tickets
24	Written Warnings
91	False Alarms
3	Assaults
5	Burglaries
2	Disturbing the Peace Crimes
4	Drug/Alcohol Violations
14	DUI Offenses.
4	Fraud Crimes
1	Motor Vehicle Thefts
5	Thefts
3	Vandalism/Criminal Mischiefs
5	Vehicle Break-in/Thefts

Fire/EMS Report – Commissioner Grim gave report: Fire Inspections - 45. Emergency responses: Station 8-- 26; Station 25 – 40; Station 56 - 46; Total 112 responses. EMS Responses: Priority 1 – 72; Priority 2 – 57; Priority 3 – 110; Mutual Aid Required --4; for a total of 243. Jr. Emergency Services Academy will be held July 20-24th for ages 12 to 16. Emergency Preparedness Day will be held on September 19th at the St. Luke's facility on Cetronia Road.

Public Works Report - Director Scott Faust – Copy of his report is on the back table. Electronic Recycling will be this Saturday, June 6th and the Shredding Event will be the following Saturday, June 13th, both from 9:00 AM until NOON.

Zoning Report –The report of the Zoning Officer for the month of May was received and showed 106 Building and Zoning Permits were issued. (Commercial – 26; Residential – 40; Zoning Permits --40) 9 Plumbing Licenses and 5 Electric Licenses.

May 2015 Zoning Hearing Board Meetings:

On May 13th, 2015, The Zoning Appeal of Eudes N. De Leon, 6515 Memorial Road, Building A, Allentown, PA 18106; Appeal #05 15 006, was heard for a variance from § 27-306. Table of Permitted Uses by District as a change of Use from Auto Sales to an Auto Repair Garage. The property is located at the intersection of Tighman Street and Memorial Road near the intersection of Ruppssville Road and is situated in the NC Zoning District.

Action: *The Zoning Hearing Board voted to grant a continuance to the Applicant until June 10th, 2015, to give the Applicant time to review all relief that is being sought.*

On May 27th, 2015, The Zoning Appeal of Charles H. Crawford, 10136 Weiss Road, Breinigsville, PA 18031; Appeal #05 15 007, was heard for a variance from § 27-403.4.L.(2)(a) To permit construction of an Accessory Structure in access of one-thousand (1,000) square feet on a lot less than two (2) acres in area. The property is located on Weiss Road near the intersection of Ziegels Church Road and is situated in the RU1.5 Zoning District.

Action: *The Zoning Hearing Boarded voted to grant a variance of Section § 27-403.4.L.(2)(a).*

June 2015 Zoning Hearing Board Meetings:

On June 10th, 2015, The Continuance of the Zoning Appeal of Eudes N. De Leon, 6515 Memorial Road, Building A, Allentown, PA 18106; Appeal #05 15 006, will be heard for a variance from § 27-306. Table of Permitted Uses by District as a change of Use from Auto Sales to an Auto Repair Garage. The property is located at the intersection of Tighman Street and Memorial Road near the intersection of Ruppssville Road and is situated in the NC Zoning District.

There will be no Zoning Hearing Board Meeting on June 24th, 2015.

Lehigh Tax Collection Committee Report – None

TOWNSHIP MANAGER'S REPORT – Manager Olpere reported that he is ready to hire the Planning and Zoning Secretary, due to start July 1st, to replace retired Mary McKittrick. The next hiring will be for the Receptionist position replacing retiring Patricia Smith. The new cell tower project is due to begin this month.

SUPERVISORS

Chairman BRUNELL – Nothing More
Vice Chairman GILL – Nothing More
Secretary RADER

-- Executive Sessions -- Wednesday, May 20, 2015, at 9:40 PM; Thursday, June 4, 2015, at 9:30 AM and 4:15 PM; all personnel issues.

-- Rader also announced that the Fogelsville Fire Company is running a Gourmet Food/Retail Shopping Trip to New York on June 6th. More information is on the back table. Proceeds from the trip will benefit the 100th Anniversary Committee.

PUBLIC COMMENT --

Chairman Brunell thanked the Ashmar family for attending tonight's meeting.

Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, the meeting is adjourned at 9:06 PM.

 Kathy A. Rader, Secretary