

## BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on June 7, 2012, in the Municipal Building at 7:00 P.M. Those present were Chairman Edward J. Earley, Vice-Chairman Samir P. Ashmar, Secretary Kathy A. Rader, Solicitors William and Andrew Schantz, Township Engineers Dean Haas and Scott Stenroos, Treasurer Barry Moyer, Fire Commissioner Grant Grim, Labor Attorney Tom Heimbach and Assistant Secretary Owen M. Bastian.

Chairman Edward J. Earley opened the meeting and asked all present to join him in the Pledge of Allegiance to the flag of the United States.

Chairman Earley stated that the minutes of the previous meeting would not be read unless there was some objection. Upon motion by Vice-Chairman Ashmar, seconded by Chairman Earley and unanimously approved it was agreed to dispense with the reading of the minutes of the previous meetings. The minutes of the previous meetings are approved as presented.

Chairman Earley presented the bills for the month of May totaling General Fund \$1,694,270.67 and Sewer Fund \$83,056.47. Upon motion by Chairman Earley, seconded by Secretary Rader and unanimously approved, Treasurer Moyer is authorized to pay the General Fund bills for the month of May in the amount of General Fund \$1,694,270.67 and Sewer Fund \$83,056.47.

**COMMENTS**

Chairman Earley then asked for comments from the floor from anyone not planning to stay for the entire meeting. Mr. Christopher Casey voiced his objection to the Board's vote to intervene with the NIZ zone in Allentown. Many local municipalities have joined a suit in objection to the zone. He urged the Supervisors not to join in the suit because of legal expenses involved. He also voiced his objection to the four credit cards approved for department heads in the Township.

**RECREATION BOARD**

Secretary Rader reviewed the Recreation Board report. Approval is requested to extend the Tennis Clinic from June 26 to August 2. Upon motion by Secretary Rader, seconded by Chairman Earley and unanimously approved the request of the Recreation Board to extend the Tennis Clinic from June 26 to August 2nd is hereby approved.

She also noted some of the upcoming events such as the Geocaching event on June 30, and Movies in the Park on June 15, July 13, and August 10. Advertisers have paid for the movies in the park.

She also noted that the Recreation Board has two vacancies and urged anyone interested to apply.

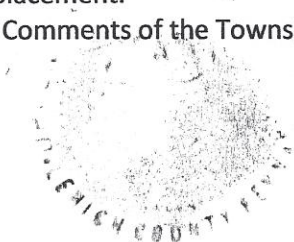
**PLANNING COMMISSION**

Upper Macungie Township Planning Commission met on May 16, 2012, reviewed the following plans and has the following recommendations:

**APPROVAL:**

Docket #1892 - Highgate Phase III - Dunbar Tract - Approved as Preliminary Plan with conditions:

1. Once construction is complete, it will be the developer's responsibility to provide as-built plans and if the Township Engineers feel it necessary to apply for a new LOMR.
2. The waiver requested for sidewalks and curbs along the existing Twin Pond Road is denied. (The developer later withdrew this request.)
3. The right of way at the existing single family house along Twin Ponds Road near the cul-de-sac must be established and the flooding problem corrected.
4. Developer to estimate the cost of the spray irrigation system maintenance and eventual replacement.
5. Comments of the Township Engineer and DCD must be complied with.



**PRELIMINARY PLAN APPROVAL:**

Highgate Phase III - Subdivision (Dunbar Tract)

Engineer Haas reported that only a few items remain and the developer must return to the Planning Commission for final approval. He recommends approval of preliminary plan with conditions.

Upon motion by Chairman Earley, seconded by Secretary Rader and unanimously approved it is RESOLVED that RESOLUTION # "A RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER MACUNGIE TOWNSHIP GRANTING PRELIMINARY APPROVAL FOR DOCKET #1892, HIGHGATE PHASE III, DUNBAR TRACT IS HEREBY APPROVED".

**FIRE COMMISSIONER -**

Fire Commissioner/Emergency Management Coordinator Grant Grim is with us this evening. His report shows that the fire companies answered 120 emergency responses with 199 EMS responses during the month of May.

A fire/police/EMS Academy will be held from August 6 to the 10th for young person's ages 12 to 16. Only 30 students will be able to attend. He urged anyone interested to register immediately.

Vice-Chairman Ashmar then reported that 5 fire fighters have completed Fire Fighter 1, 3 from station 56 and 2 from station 25.

**PUBLIC WORKS REPORT**

Regular maintenance work is proceeding. Director Faust is not with us this evening.

**ZONING REPORT**

The report of the Zoning Officer, Al Geosits, for the month of May was received and showed 119 permits issued, 23 for new residences, 29 for residential additions/alterations, 1 for new commercial/industrial buildings, 16 for commercial/industrial additions/alterations, 50 miscellaneous, plus 6 electrical licenses and 3 plumbing licenses.

In May, the Zoning Hearing Board of Adjustment heard the following appeals:

#51209 - Discovery Homes, Inc. 15530 Kutztown Road, Suite 2, Kutztown for a variances to front, side and rear yard setbacks to replace an existing manufactured home. The property is located at 8657 Breinigsville Road and is zoned NC. - GRANTED

#51210 - The appeal of Minukumar Desai, 5650 Tilghman Street, for a special exception to expand an existing nonconforming use (i.e. Iron Run Motel) and twelve (12) variances to construct a new fifty (50) room, four (4) story Hotel. The existing motel buildings will be demolished along with the two (2) abutting homes, the properties are located at 6526, 6528 & 6530 Memorial Road and are zoned NC & R4. - Continued to June 13th.

#51211 - The appeal of Park Mi Kyung (Exit Massage Therapy), 2701 Elroy Road, Apt. A-16, Hatfield, Pa. for other uses not specifically listed in section 306.B, except as permitted by the Zoning Hearing Board. The applicant proposes to perform therapeutic massage at 1044 Trexlertown Road and the property is zoned NC. GRANTED.

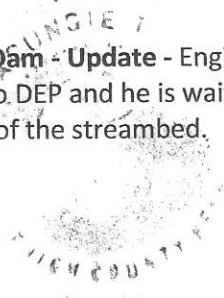
#51212 - The appeal of Tricia Martnick & Scott Keys, 285 Milkweed Drive, for variance to side and rear yard setbacks for a shed. The property is zoned R5. - GRANTED

**LEHIGH TAX COLLECTION COMMITTEE REPORT** - Mr. Ron Kistler is not with us this evening.

**OLD BUSINESS**

**Tilghman Street Closing - PennDOT update** - Traffic Engineer Stenroos reports that the bridge construction is on schedule and August 26 is the target date for completion.

**Fogelsville Dam - Update** - Engineer Haas reported that a draft plan for corrections to the dam has been submitted to DEP and he is waiting for approval from DEP to proceed. A grant has been received for restoration of the streambed.



**KayBrook/GreenHills Community Association Park** - Solicitor Schantz reports that the Pool Association has asked for use of the Park area for parking. He is trying to arrange a meeting with the Pool Association and the Park Association to review a possible solution to the problems. Since the Park is still in the Park Association name they are the group that must approve the request for parking. He will refer the Pool Association to the Park Association for permission to use the Park.

**Parkland School District - Crosswalk** - Engineer Stenroos has the information from PennDOT for the crosswalk. He will arrange a meeting between DPW Faust and a School official to review the requirements for the crosswalk.

**The Sanctuary** - Nothing new.

**Township Website - Update** - Chairman Earley has received a draft copy of proposed improvements.

**Social Media** - Tabled

### NEW BUSINESS

**Ordinance #2012-4 - Vacation of Portions of Rabenold Lane & Short Hill Lane** - Solicitor Andrew Schantz explained that there were no objections to the vacations at the public hearing held earlier tonight. PennDOT has a containment retention pond and must be given access to the pond. Upon motion by Chairman Earley, seconded by Vice-Chairman Ashmar and unanimously approved it is RESOLVED that ORDINANCE #2012-4 "AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING APPENDIX H-101, ET SEQ. OF THE CODE OF ORDINANCE OF THE TOWNSHIP OF UPPER MACUNGIE TO ADD THERETO AN ADDITIONAL VACATION OF PORTIONS OF RABENOLD LANE (T-499) AND SHORT HILL LANE (T939), LOCATED IN THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AS PUBLIC ROADS; SAID VACATION BEING IN ACCORDANCE WITH THE SECOND CLASS TOWNSHIP CODE, 53 P.S. SECTIONS 67304, 67305(a) AND (b) AND 67311" be and is hereby adopted by the Board of Supervisors of Upper Macungie Township.

**Resolutions (4) Accepting Road Rights of Way** - Engineer Haas explained that the Township will accept the right of way for the roads after the developer finishes construction of the road. Upon motion by Secretary Rader, seconded by Vice-Chairman Ashmar and unanimously approved it was RESOLVED that the following four (4) RESOLUTIONS accepting roads in High gate, Lehigh Hills, Laurel Field and Trexler Fields are hereby adopted by the Board of Supervisors of Upper Macungie Township:

RESOLUTION #2012-16 "A RESOLUTION ACCEPTING ADDITIONAL LANDS FOR ROADWAY RIGHTS OF WAY KNOWN AS BRAMBLE DRIVE, CRESCENT LANE, HOLLY BLUE WAY, MONARCH LANE, ORANGE TIP WAY, SCHAEFER RUN ROAD, SCHAEFER RUN ROAD (SOUTH), SWALLOW TALE LANE (EAST), SWALLOW TALE LANE (WEST), TREXLER ROAD AND VICEROY LANE IN TREXLER FIELDS SUBDIVISION AS PART OF THE PUBLIC HIGHWAY SYSTEM OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA"

RESOLUTION #2012-17 "A RESOLUTION ACCEPTING ADDITIONAL LANDS FOR ROADWAY RIGHTS OF WAY KNOWN AS KNOWN AS GLENLIVET DRIVE WEST IN LEHIGH HILLS SUBDIVISION AS PART OF THE PUBLIC HIGHWAY SYSTEM OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA"

RESOLUTION #2012-18 "A RESOLUTION ACCEPTING ADDITIONAL LANDS FOR ROADWAY RIGHTS OF WAY KNOWN AS BELLFLOWER CIRCLE AND MILKWEED DRIVE IN LAUREL FIELD SUBDIVISION AS PART OF THE PUBLIC HIGHWAY SYSTEM OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA"

RESOLUTION #2012-19 "A RESOLUTION ACCEPTING ADDITIONAL LANDS FOR ROADWAY RIGHTS OF WAY KNOWN AS KING WAY IN HIGHGATE SUBDIVISION AS PART OF THE PUBLIC HIGHWAY SYSTEM OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA"

**Resolution for Earned Income Tax Liaison** - Secretary Rader reported that Berkheimer needs a Township representative to be appointed to receive tax information for the Township. Upon motion by Secretary Rader, seconded by Vice-Chairman Ashmar and unanimously approved it is RESOLVED that RESOLUTION #2012-20 "A RESOLUTION OF THE BOARD OF SUPERVISORS FOR UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING: EMPOWERING AND DIRECTING THE TOWNSHIP TO APPOINT A LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF EARNED INCOME TAX FOR UPPER MACUNGIE TOWNSHIP AND THE TAXING DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES" be and is hereby adopted by the Board of Supervisors of Upper Macungie Township.

**Bridge Inspections** - Engineer Haas reported that PennDOT requires bridges in the Township must be inspected every 3 years. They can be inspected by PennDOT or by the Municipalities engineer if they have a certified inspector. KCE inspectors have the required certification.

Upon motion by Secretary Rader, seconded by Chairman Earley and unanimously approved KCE engineers are hereby authorized to inspect Township bridges as required by PennDOT.

**Brandywine Circle Summer Block Party** - Residents of Brandywine Circle request permission to host an end of Summer Block Party. Party would be on August 4th from 12 noon to dusk. They would like to use 150 feet of road. They agree to clean the entire area from any litter or debris left behind. No damage to township property or roads will be done. Upon motion by Chairman Earley, seconded by Secretary Rader and unanimously approved permission is granted to residents of Brandywine Circle to host a block party on August 4, 2012, from 12 noon to dusk including permission to use 150 of roadway for the party.

**Waiver Request - Kyle A. DeLabar** - Solicitor Andrew Schantz reports that the waiver request is for a portion of land at the rear of his lot to prevent illegal and dangerous activities on the lot. Solicitor noted that to grant the waiver might set a precedent since the land is part of the open space easement. Upon motion by Chairman Earley, seconded by Vice-Chairman Ashmar and unanimously approved the request of Kyle A. DeLabar for a waiver to erect a fence at the rear of his property in the easement is denied.

**Global Office II, LLC (Atul Patel)** - Mr. Patel entered into an agreement with Upper Macungie Township, in 2004, to contribute to the Route 100/Tilghman Street project. Under that, agreement payments were to be made over a ten-year period, with interest. Due to the economy, Mr. Patel is seeking forgiveness of over \$18,000 in interest. Vice-Chairman Ashmar said Mr. Patel signed the original agreement and owes the interest and the principal. Chairman Earley also is against waiving any of the interest or principal. Upon a motion by Chairman Earley, seconded by Vice-Chairman Ashmar and unanimously denied the request of Global Office II LLC, Mr. Atul Patel.

#### **UPPER MACUNGIE TOWNSHIP POLICE & BERKS/LEHIGH POLICE**

**UMT Police Department** - Update - Vice-Chairman Ashmar made a motion, seconded by Chairman Earley and unanimously approved authorizing Chief Colon to start interviews and the hiring process for the new UMT Police Department with the offer letters going out on or before August 1, 2012.

**New Police Station** - Update - Vice-Chairman Ashmar reports that the new Station should be ready for occupancy in 30 to 60 days.

**BLRP** - Update - Vice-Chairman Ashmar said no progress.

**CHAIRMAN EARLEY** - Nothing more.

#### **VICE-CHAIRMAN ASHMAR** -

He reports he has had some complaints about hours at the yard waste drop off center. Some residents feel that it should be open later at night during the summer. He made a motion, seconded by Chairman Earley and unanimously approved to have the center open till 7:00 P.M. during the summer.

#### **SECRETARY RADER** -

Executive sessions: Wednesday, May 30, 2012 at 5:15 PM - Personnel Issues & possible litigation  
Tuesday, June 5, 2012 at 4:00 PM - Personnel Issues & possible litigation

Shredding event will be held Saturday, June 9, 2012 from 9 to 12 Noon.

The next regular meeting will be held July 5, 2012 at 7:00 P.M.

Sewer and Refuse/Recycling bills can now be paid on-line with credit cards.

#### **PUBLIC COMMENT**

Mr. DelVecchio thanked the Township for the cooperation he received from Township Staff while using a park area for his recent 50th wedding anniversary party.

Question was raised about the Township Budget. Treasurer Moyer said the current budget is in line with current expenses. The expenses are within the budget. Vice-Chairman Ashmar said we are not looking for any tax increase. Chairman Earley said we are trying to live within the budget. We will begin work on the next budget in August/September.

Engineer Haas reported that Schaffer Run Road should be completed this year.

Engineer Haas will check on the gates at the Amazon parking lot.

Upon motion by Vice-Chairman Ashmar, seconded by Chairman Earley and unanimously approved the meeting was adjourned at 8:15 P.M.



Kathy A. Rader, Secretary



#### BOARD OF SUPERVISORS

A special meeting of the Board of Supervisors of Upper Macungie Township was held June 7, 2012 at 6:45 P.M. in the Municipal Building. Those present were Chairman Edward J. Earley, Vice-Chairman Samir P. Ashmar, Secretary Kathy A. Rader, Solicitors William and Andrew Schantz, Township Engineers Dean Haas and Scott Stenroos, Assistant Secretary Owen Bastian and a Court Stenographer.

Chairman Edward J. Earley opened the meeting and asked all present to join him in the Pledge of Allegiance to the flag of the United States.

Purpose of meeting as advertised in the Parkland Press on May 23 and 30, 2012 is to accept testimony and public comment related to the vacation of certain portions of Rabenold Lane and Short Hill Lane. Said Vacations being in accordance with the Second Class Township Code, 53 P.S. Sections 67304, 67305 (a) and (b) and 67311.

Atty. J. B. McFadden of Rabenold Farms project explains their development.

Court Stenographer's record of the meeting is available in the office of the Secretary.



Kathy A. Rader, Secretary

