

BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on November 6, 2014, at 7:00 PM, in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Those present were Chairman, James M. Brunell; Vice-Chairman, Samir P. Ashmar; Secretary, Kathy A. Rader; Solicitor, Andrew Schantz; Township Engineer, Scott Stenroos; Township Manager, Daniel Olpere, Treasurer, Barry Moyer; Director of Public Works, Scott Faust; Fire Commissioner, Grant Grim; and, Chief 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 meetings of September 22, October 2, October 9 & 20, and October 16, 2014, would not be read unless there was some objection. Upon a motion by Vice-Chairman Samir P. Ashmar, seconded by Chairman James M. Brunell, 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 – Resident Amy Courter requested signage for traffic enforcement, on Mill Road, “no trucks over 30 feet.” Engineer Stenroos and PWD Faust will look into the feasibility of that restriction.

Resident Andy Konnich reported that when the Township recently cut the swale by the Pennfield Development, debris was left behind and is moving “downstream” into the two culverts. Also, the residents at 435 and 437 Barn Swallow Lane have spotted rats in the swale. DPW Faust will look into the debris and Mr. Konnich was asked to check with the residents to see if they are, inadvertently, providing a food source for the rats.

PRESENTATION/COURTESY OF THE FLOOR – None

ORDINANCES – None

RESOLUTIONS

Resolution #2014-43 – Daniel Street Sanitary Sewer Extension – Resolution for Plan Revision for a Minor Act 537 Update. Upon a motion by Secretary Rader, seconded by VC Ashmar and unanimous, motion passed.

MOTIONS

Multi-municipal Salt Bid – This year the multi-municipal salt bid was handled by Lowhill Township. The bid has been rewarded to Cargill, Inc., for \$70.00/ton, \$72.59/ton, if delivered. Upon a motion by Chairman Brunell, seconded by VC Ashmar and unanimous, the multi-municipal salt bid is accepted.

Valerie Brosky – A notice of resignation from Valerie Brosky, effective December 8, 2014, has been received. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, the resignation is hereby accepted.

Karen Cole Loehr – A notice of retirement from Karen Cole Loehr, effective December 31, 2014, has been received. Upon a motion by Chairman Brunell, seconded by VC Ashmar and unanimous, the retirement is hereby accepted.

A motion was then made by Secretary Rader, seconded by Chairman Brunell and unanimous to fill these two vacant positions.

Public Utility Counselor – Manager Olpere requested permission to engage with an attorney who has experience in dealing with Public Utility Commission issues. Upon a motion by Chairman Brunell, seconded by VC Ashmar and unanimous, Manager Olpere has the discretion to obtain this consultant.

Amazon Overtime – After some discussion, VC Ashmar made a motion to enter into a contract with Amazon for the extra police services provided by UMT, to have the fees paid, “up front,” and escrowed. Motion was seconded by Chairman Brunell and unanimous.

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Environmental Protection Agency Rule Change – An EPA proposed change to the Clean Water Act could place another unfunded mandate on local government and could greatly impact their budgets. This change would expand the definition of “waters of the U.S.” and could require additional permits and costs to Townships. The Pennsylvania State Association of Township Supervisors is encouraging townships to comment on the proposal. After some discussion, a motion was made by Chairman Brunell, seconded by Secretary Rader and unanimous to send a letter to EPA and our local legislators of our opposition to this change in the Clean Water Act.

Pay Structure for Recreation Program Instructors - Upon a motion made by Secretary Rader, seconded by Chairman Brunell and unanimous, this agenda item is tabled until the Recreation Board has time to review.

Colon Cancer Bike Event at Grange Road Park – An individual has requested permission to have a bike event to benefit colon cancer. The proposed date is June 13, 2015. The event would start at the Grange Road Park and go into Berks County. Upon a motion by VC Ashmar, seconded by Chairman Brunell and unanimous, permission is granted with the understanding that there is a \$100 fee for a pavilion rental.

Dog Park at Grange Road Park – DPW Faust has received estimates for fencing for a new dog park at Grange Road Park. Fencing and two 6' wide gates could be installed, this year, with a “not to exceed” price of \$18,000, for large dogs. Fencing for small dogs could be installed in 2015, with a “not to exceed” price of \$10,000. Upon a motion by VC Ashmar, seconded by Chairman Brunell and unanimous, DPW Faust is instructed to proceed with this project.

Indoor Pickup Basketball – The Recreation Board has requested to have adult indoor basketball at either the Fogelsville or Jaindl Elementary School, March to June, on Thursday nights from 6 – 8 PM. A motion was made by Chairman Brunell, seconded by Secretary Rader, and unanimous to approve this request with Solicitor Schantz’s supervision and guidance with the paperwork and insurance.

Advanced Tennis – The Recreation Board has requested to have a Spring Advanced Tennis Clinic. This would be for five weeks on Tuesdays from April 7 to May 5, 2015, 7 to 8 PM, at a cost of \$100.00. This clinic would be held at Blue Barn Park. Upon a motion by Secretary Rader, seconded by Chairman Brunell, and unanimous, the request is approved with Solicitor Schantz’s supervision and guidance with the paperwork and insurance.

DISCUSSIONS & UPDATES

Old Dominion Warehouse Distribution ruling by the Zoning Board – Mr. Sunny Ghai of 6910 Lehigh Court appeared on behalf of the concerned residents (over 80 appearing) regarding the “UMT Zoning Hearing Board to define the proposed Old Dominion Freight Lines Trucking Terminal as a Distribution/Warehouse.” Old Dominion Freight is proposed to be located at 6975 Ambassador Drive. Mr. Ghai requested that the Township appeal the October 8th decision and that the definitions be refined to prevent this type of decision in the future. Several residents raised issues and asked questions. Even though proper notice was given, some of the residents thought there should have been more notice about the Zoning Hearing Board meeting. It was suggested that future notice be put more prominently on the website and also on Facebook. After much discussion, Solicitor Schantz explained the procedure for an appeal to Lehigh County Court of Common Pleas and the process for a Condition Use Hearing. The Board of Supervisors cannot make a decision to appeal until the Zoning Hearing Board written decision is issued.

REPORTS

Treasurer’s Report – October Bills – General Fund \$1,813,009.72 – A motion was made by Chairman Brunell, seconded by Secretary Rader, and unanimously approved to pay the bills for October, totaling \$1,813,009.72.

Recreation Board Report – Recreation Board issues were addressed in “Motions.” (See above) The Recreation Passport listing coming events is on the table for distribution. Secretary Rader reported that Barktoberfest and the Run/Walk for Parks Event were both a huge success and thanked all of volunteers who helped to make these events happen.

Planning Commission Report – No quorum in October... meeting canceled and, therefore, no report.

Upper Macungie Township Police Report – Chief Colón

693	Total Calls for Service
18	Reportable MVAs
53	Non-Reportable MVAs
9	Criminal Arrest (Misdemeanor/Felony)
15	Non-Traffic Citations (summary)
337	Traffic Citations
23	Parking Tickets
79	Written Warnings
98	Alarms
5	Assault
1	Burglaries
3	Disturbing the Peace Crime
3	Drug/Alcohol Violation
4	DUI Offense
5	Fraud Crime
1	Motor Vehicle Theft
10	Theft
3	Vandalism/Criminal Mischief
4	Vehicle Break-in/Theft

Chief Colón reported that Congressman Charlie Dent will have a program "Stopping Scams with Congressman Charlie Dent" on Monday, November 10, 2014, from 9:30 AM to 11:00 AM.

New K-9, Bico, has passed his training and is on duty. During the first few hours of his first shift, K-9 Bico, had a drug detection that resulted in an arrest.

Citizen's Police Academy graduation is set for November 8th.

Colón proudly reported that on November 8th, UMT Police Lt. Pete Nickischer will be honored with the Beyond the Badge Award for Outstanding Community Service. The award will be presented by the Officer David M. Petzolt Memorial Foundation, created to honor the memory of Upper Saucon Township Police Officer David M. Petzolt killed, when hit by a van, in 2006.

Berks/Lehigh Police Commission Report – The last official meeting of the Berks/Lehigh Police Commission was held on October 20th. The dissolution agreement was approved. The Pension will be fully funded when merged with the UMT Police Pension plan. The Pennsylvania Municipal Retirement System will vote on November 20th to approve.

Fire/EMS Report – Fire Commissioner Grim reported: Fire Inspections - 46. Emergency responses: Station 8-- 29; Station 25 – 34; Station 56 - 43; Total 106. EMS Responses: Priority 1 – 96, Priority 2 – 100, Priority 3 – 91, Mutual Aid Required – 5, for a total of 292.

Public Works Report - Director Scott Faust – Copy is his report is on the back table. Nothing to add, at this time. Leaf collection is in progress.

Zoning Report – Copies of the report available on the table in the rear of the room. Report was read by Chairman Brunell: During the month of October, 56 permits were issued, including:

- 15 Permits for new Single Family Dwellings
- 17 Permits for Residential additions/alterations and roofs
- 1 Permit for New Commercial/Industrial Buildings
- 11 Permits for Commercial/Industrial additions/alterations
- 12 Zoning Permits
- 4 Electrical Licenses
- 3 Plumbing Licenses

The Zoning Hearing Board of Adjustments heard the following appeal at their October 8, 2014, meeting:

#10 14 009 - A request of the Zoning Hearing Board by Old Dominion Freight Line, Inc., c/o Jessica Gentile, North Star Construction, 6975 Ambassador Drive, Allentown PA, 18106; for an *Interpretation of the Upper Macungie Township Zoning Ordinance*, in accordance with Section §27-105D, with respect to

the definition of a Trucking Company Terminal and Distribution/Warehouse. The property is located on Ambassador Drive near the intersection of Mill Road and is situated in the LI Zoning District. **The Zoning Hearing Board ruled that the proposed project meets the definition of a Distribution/ Warehouse. A Conditional Use will be required for this project.**

#10 14 010 - The Zoning Appeal of Allentown SMSA d/b/a Verizon Wireless, c/o Catherine E. N. Durso, Esquire, Fitzpatrick, Lentz & Bubba, PC, 4954 Schantz Road, Allentown PA, 18106; for a variance from the requirements of the Upper Macungie Township Zoning Ordinance Section § 27-306(2) to permit a commercial communications tower within the R2 Zoning District, Section § 27-402.R.(2) to permit a freestanding commercial communications tower with a height greater than 50 feet above the natural ground level in the R2 Zoning District, Section § 27-402.R.(1) to permit a commercial communications tower which will be set back less than a minimum distance of the tower height to all lot lines and existing street right-of-way lines and Section §402.R.(4) from landscape requirements. The property is located at the intersection of Schantz and Cetronia Roads and is situated in the R2 Zoning District. **The Zoning Hearing Board granted variances from Sections § 27-306(2), § 27-402.R.(2), §27-402.R.(1) and §402.R.(4).**

The Zoning Hearing Board of Adjustment heard the following appeal at their October 22, 2014, meeting.

#10 14 011 - The Zoning Appeal of Route 100 Associates, LP., 7797 Glenlivet West Drive, Fogelsville, PA 18051; for a variance from the requirements of the Upper Macungie Township Zoning Ordinance Section § 27-402.YY.4 to permit a drive-through restaurant on a lot or tract of land which does not have direct driveway access to a major arterial roadway. The property is located at the intersection of Route 100 and Glenlivet West Drive. The property was re-zoned from NC – Neighborhood Commercial to HC – Highway Commercial by a Zoning Map Change (Ordinance #2014-7) on July 3, 2014. **The Zoning Hearing Board granted a variance from Section §27-402.YY.4.**

November 2014 Zoning Hearing Board Meetings:

The following Zoning Appeal will be heard by the Zoning Hearing Board of Adjustments on November 12, 2014:

#11 14 012 - The Zoning Appeal of S.A.P. Hotels, 5828 Memorial Road, Allentown, PA 18104; for a variance from the requirements of the Upper Macungie Township Zoning Ordinance Section §27-307.B.3.a. to permit construction of a hotel on a parcel with an area of less than five (5) acres and a variance from Section §27-307.B.3.g.1) to construct a hotel with a height exceeding thirty-five (35) feet. The property is located at the intersection of Memorial and Blue Barn Roads and is situated in the HC – Highway Commercial Zoning District.

There is no Zoning Hearing Board Meeting scheduled for November 26, 2014.

Lehigh Tax Collection Committee Report – None

TOWNSHIP MANAGER'S REPORT – Daniel P. Olpere gave a brief report...numerous meetings and reformatting the budget. He will have a more formal, comprehensive report in the future. VC Ashmar complimented Olpere on his dedication.

SUPERVISORS

Chairman BRUNELL - NOTHING

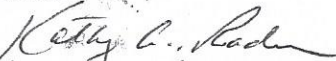
Vice-Chairman ASHMAR – VC Ashmar made a motion to have Dean Haas & DPW Scott Faust check the water issues to the rear of the homes, along Windermere Avenue, by Lone Lane Park. This was seconded by Chairman Brunell and unanimous.

Secretary RADER - Executive Sessions: October 13th at 4:45 PM – Personnel Issues
October 15th at 11:00 AM – Personnel Issues
November 3rd at 4:00 PM – Personnel Issue
November 3rd at 5:00 PM – Possible Litigation

Two tickets are left for the Radio City Christmas Spectacular – Fundraiser for Fogelsville Fire Company.

PUBLIC COMMENT – Some of the residents commenting at this meeting were: Brent Peterson, Steve Cihylik, Peg Konnich, Mark Deery, Robert Barraco, and Scott Rice regarding Old Dominion Freight and/or other matters.

Upon a motion by VC Ashmar, seconded by Chairman Brunell and unanimous, the meeting is adjourned at 8:46 PM.


Kathy A. Rader, Secretary