

BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on May 7, 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; UMTA Manager, Joseph Bateman; Treasurer, Barry L. Moyer; Zoning Officer, Daren Martocci; Engineer, Scott Stenross; Solicitor, Andrew V. Schantz, Esq.; Director of Public Works, Scott Faust; Fire Commissioner, Grant Grim; and, Police 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 April 2 and April 13, 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

PRESENTATIONS/COURTESY OF THE FLOOR

--**Chief Colón presented a Department Commendation to Officer William J. Rohrbach, Community Services Officer.** On December 10, 2014, while Officer Rohrbach was present for lunch at the Fogelsville Elementary School, he observed a 4th grade student appear to be choking and in distress. He immediately took action and administered back-blows causing the obstruction to become dislodged which saved the child's life.

--**KRE -- Requesting Text Amendment of the Zoning Ordinance** -- Representatives from KRE appeared to request a text amendment for the zoning ordinance. It was reported that the "balloon" demonstration has been completed. Mrs. Beth Buckland, Mike DeSeim, and Lou Batista (President of the Applewood Assn.) appeared from Applewood. Solicitor Schantz explained the process for a text amendment.

--**Atty. Ron Corkery & Sunny Ghai -- Requesting Text Amendment of the Zoning Ordinance.** -- Atty. Corkery is requesting that the sentence, "A use that primarily involved either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use." be deleted from the definition of Trucking Company Terminal. **Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, Solicitor Schantz is instructed to proceed with the two Text Amendments of the Zoning Ordinance.**

ORDINANCE 2015-02 -- AN ORDINANCE OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA PROVIDING FOR THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT WHICH AUTHORIZED UPPER MACUNIGNE TOWNSHIP'S MEMBERSHIP IN THE PENNSYLVANIA PUBLIC ENTITY ENERGY CONSORTIUM ("PPEEC") AND AUTHORIZES THE UPPER MACUNGIE TOWNSHIP MANAGER OR HIS DESIGNEE TO PROCESS; SIGN AND TAKE ALL REQUIRED ACTIONS WITH RESPECT TO ENTERING INTO THE AGREEMENT WITH PPEEC FOR THE SUPPLY OF ELECTRICITY AND FURTHER AUTHORIZING PPEEC TO ACT BY ITSELF OR BY ITS ENERGY ADVISORS TO PURCHASE ELECTRICITY ON BEHALF OF UPPER MACUNGIE TOWNSHIP AND TO PROVIDE RELATED SERVICES AS SET FORTH IN THE AGREEMENT. **Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, Ordinance 2015-02 is HEREBY adopted.**

RESOLUTIONS

***Resolution #2015 -- 28 -- Docket #2148 -- National Freight, Inc. -- P/F Minor Subdivision** -- RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO NATIONAL FREIGHT, INC. FOR THE SUBDIVISION/LOT LINE ADJUSTMENT TO RECONFIGURE TWO EXISTING LOTS AND CREATE A NEW NON-BUILDING LOT (LOT 3) AT PARCELS LOCATED AT 7652 AND 7588 PENN DRIVE IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA. There are no waivers requested.

***Resolution #2015 -- 29 -- Docket #2148 -- National Freight, Inc. -- P/F Lot Line Adjustment & Land Development Plan** -- RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO NATIONAL FREIGHT, INC. FOR THE PROPOSED DEVELOPMENT OF CERTAIN LANDS LOCATED AT 7652 AND 7588 PENN DRIVE IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA. Six waiver requests.

***Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolutions #2015-28 and #2015-29 are hereby approved.**

Resolution #2015 -- 30 -- Docket #1839 -- Blue Barn Meadows -- Revised Final Subdivision and Land Development Plans -- RESOLUTION GRANTING CONDITIONAL FINAL PLAN APPROVAL TO POSOCCO

PROPERTIES PROPOSING TO REVISE A PREVIOUSLY APPROVED PLAN FOR THE SUBDIVISION KNOWN AS BLUE BARN MEADOWS WHICH PROVIDES FOR THE CREATION OF SIX (6) BUILDING LOTS (SINGLE FAMILY HOMES) AND AN IRRIGATION AND DETENTION BASIN LOT SITUATION UPON A 6.7043 ACRE LOT SITUATED EAST OF BLUE BARN ROAD; NORTH OF TILGHMAN STREET AND WEST OF THE PA TURNPIKE IN UPPER MACUNGIE, PENNSYLVANIA. There are no waivers requested. This approval is conditional upon an Intermunicipal Agreement with South Whitehall Township for sewer service to the six lots in Upper Macungie. **Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-30 is hereby approved.**

Resolution #2015 – 31 – Docket #2161 – Value Place Hotel – P/F Land Development Plan – RESOLUTION GRANTING FINAL PLAN APPROVAL TO JALAN, LLC FOR THE PROPOSED DEVELOPMENT OF A FOUR (4) STORY, 124 FROOM HOTEL OF 54,140 SQUARE FEET AND A 380 UNIT SELF STORAGE FACILITY OF 37,300 SQUARE FEET LOCATED ALONG OAKVIEW DRIVE IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA. One additional waiver. **Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, BE IT RESOLVED, Resolution #2015-31 is hereby approved.**

Resolution #2015 – 32 – Docket #2120 – Liberty at Mill Creek – Preliminary Land Development Plan – RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL TO 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. Six waivers have been requested, as listed in the letter of Keystone Consulting Engineers, Inc., dated May 7, 2015. **Upon a motion by Chairman Brunell, seconded by Secretary Rader, and unanimous, BE IT RESOLVED, Resolution #2015-32 is hereby approved.**

Due to a timing deadline for their development, Liberty Property, LP, has requested a special meeting of the Board of Supervisors on June 23, 2015, at 6:00 PM. Liberty will pay the advertising costs associated with this special meeting. Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, the request is granted.

Resolution #2015 – 33 – Docket #2170 – 7248 Penn Drive – Conditional Use Review – RESOLUTION GRANTING A CONDITIONAL USE APPLICATION TO ALLOW FOR THE OPERATION OF AN "AUTO REPAIR GARAGE" AS DEFINED IN SECTION 27-202 OF THE UPPER MACUNGIE TOWNSHIP CODE OF ORDINANCES AT A PROPERTY SITUATED WITHIN THE TOWNSHIP'S LIGHT INDUSTRIAL (LI) ZONING DISTRICT AND HAVING AN ADDRESS OF 7248 PENN DRIVE, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. **Upon a motion by Secretary Rader, seconded by VC Gill, and unanimous, BE IT RESOLVED, Resolution #2015-33 is hereby approved.**

****Resolution #2015 – 34 – Resolution for DEP Planning Module Revision – SunOpta –** RESOLUTION AMENDING THE UPPER MACUNGIE TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN FOR THE PREVIOUSLY APPROVED LAND DEVELOPMENT PLAN KNOWN AS SUNOPTA LOCATED WITHIN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA.

****Resolution #2015 – 35 – Resolution for DEP Planning Module Revision – Liberty at Mill Creek-** RESOLUTION AMENDING THE UPPER MACUNGIE TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN FOR THE LAND DEVELOPMENT PLAN KNOWN AS LIBERTY AT MILL CREEK LOCATED WITHIN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA.

****Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolutions #2015-34 and #2015-35 are hereby approved.**

MOTIONS

--Bid Awardings:

*****2015 Grass Cutting Project –** Only one bid received - \$19,453.75 from Pennsylvania Lawn & Landscape, LLC.

*****2015 Polymer Modified Crack Seal Project –** Four bids ranging from \$40,140.00 to \$50,070.00, the low bidder being Asphalt Maintenance Solutions in the amount of \$40,140.00

*****2015 Double Application Bituminous Seal Coat Project –** Only one bid received - \$179,364.40 from Asphalt Maintenance Solutions.

- ***2015 Bituminous Seal Coat/Type 1 Slurry Seal Project** – Only one bid received - \$44,287.65 from Asphalt Maintenance Solutions.
- ***2015 Ultra Thin Friction Course Project** – This is a joint project with Lower Macungie Township. Two bids were received in the total joint amounts of \$421,364.40 and \$434,983.71. E.J. Breneman submitted the lowest joint bid in the amount of \$421,364.40 of which Upper Macungie Township's portion is \$325,214.40.
- ***Upon a motion by Secretary Rader and seconded by VC Gill, and unanimous, the bids are awarded to all of the low bidders.**
- Bid Awarding – UMTA 2014/2015 Manhole Maintenance & Rehabilitation Project** – This was a joint bid with Coplay-Whitehall Sewer Authority. There were four bidders ranging from \$172,475.00 to \$299,850.00. PIM Corporation of Piscataway NJ was the low bidder at \$172,475.00, of which Upper Macungie Township Authority's portion is \$138,275.00. **Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, the bid is awarded to the low bidder, PIM Corporation of Piscataway NJ.**
- Blanchette/Alston Case – Joint Tortfeasor Release** – We have a request from the attorney assigned by the UMT insurance company to sign a Joint Tortfeasor Release. This is as a result of a lawsuit that was filed against Upper Macungie Township and others. **Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, said Joint Tortfeasor Release will be executed and returned to the attorney.**
- Review of Ordinance #2009-08 Establishing Rules & Regulations for the Fire Companies** – Secretary Rader reported that after meeting with the fire companies on April 13th, she received comments from several attendees stating that if the Township wants to help the fire companies, not control them, then Ordinance #2009-08 should be reviewed and possibly repealed. As a result of the comments and lessons learned at a recent PSATS conference, packets of information were given out containing: Ordinance #2009-08; Secretary Rader's suggestions for changes to the ordinance; The Bureau of Fire Mission Statement and Core Functions of the Department; and, Selected Priorities for the Upper Macungie Township Bureau of Fire. With much discussion, Rader reviewed her suggestions and her reasons for them. She then asked that if anyone has any additional suggestions or concerns to e-mail all three Supervisors and Manager Olpere, to be discussed at the July special meeting with the fire companies.
- Collection Agency for Delinquent Refuse & Sewer Accounts** – UMTA Manager Bateman explained the need for a collection agency to recover monies for delinquent accounts with sewer and refuse. **Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, Solicitor Schantz is to prepare an ordinance to enter into a contract with a collection agency for the collection of delinquent refuse and sewer accounts, establishing the agency's fees and permitting the addition of those fees to the delinquent customers account.**
- Keycodes – Third party Inspection Agency** – With the rising number of permits being issued, Zoning Officer Martocci explained the need for the addition of another third party building code inspection service to support the current permit review and inspection workload. Upon a motion by Chairman Brunell, seconded by Secretary Rader, and unanimous, Keycodes Inspection Agency is appointed for third party building code inspections.
- New Pavilion at Grange Road Park** – This pavilion is to be located by the new playground. Approximately \$40,000 needs to be moved from the Recreation Fund for this project. This amount includes the pavilion, installation, concrete floor, and electric. **Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, approval is given to fund this project.**

DISCUSSIONS & UPDATES - Traffic Signal Installation at US 222 & Schantz Road and US 222 &

863/Farmington Road – PennDOT has announced the start of the project to install the temporary traffic signals. Installation was to have begun on May 3rd. Copies of the report are on the back table. As soon as the Township receives updated plans for this project, they will be made available to the public.

REPORTS

Treasurer's Report – April – Total bills from all funds \$1,798,465.00

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 reported the following from the April Planning Commission meeting:

- Docket #2170 – 7248 Penn Drive – Silver Spring Properties, LLC** – A Conditional Use Hearing was Held on April 15, 2015, at 6:30 PM, prior to the Planning Commission meeting. The Planning Commission recommends for Board of Supervisor approval.
- Docket #2148 – National Freight, Inc., 7652 & 7588 Penn Drive** – Land Development/Subdivision – Received conditional preliminary/final approval for the subdivision and land development plans subject to staff and engineer comments and recommended six waivers as requested in the revised April 15, 2015, waiver request letter.
- Docket #1839 – Blue Barn Meadows** – The PC made a recommendation for conditional preliminary/final approval for the subdivision plans subject to staff and engineer comments and resolution of the sewer issue (low pressure vs. gravity). Intermunicipal agreement between UMTA and the South Whitehall Township sewer authority is needed.
- Docket #2161 – Oak View Value Place Hotel** – Land Development Plan. The PC made a recommendation to approve one additional waiver to have a wider driveway width as requested by the UMT Fire Commissioner as listed in the revised April 15, 2015, waiver request letter. The PC made a recommendation for conditional final approval for the land development plans subject to staff and engineer comments and receipt of a clean technical review letter prior to appearing before the Board of Supervisors.
- Docket #2163 – Bortz Property** – Withdrawn from agenda.
- Docket #2120 – Liberty at Mill Creek – Land Development** – The PC made a recommendation to approve waiver numbers 2, 3, 4, 5, 8, 9, and 14. The PC requested additional information on waiver numbers 6, 7, 11, 12, and 13 and did not act on waiver numbers 1 and 10. The PC made a recommendation for conditional preliminary approval for the land development plan subject to staff and engineer comments and that revised plans be provided no later than April 27, 2015, for review prior to the BOS meeting on May 7, 2015, to address plan conditions.

Upper Macungie Township Police Report – Chief Colón

658	Total Calls for Service
17	Reportable MVAs
40	Non-Reportable MVAs
15	Criminal Arrest (Misdemeanor/Felony)
10	Non-Traffic Citations (summary)
589	Traffic Citations
45	Parking Tickets
31	Written Warnings
88	False Alarms
1	Assaults
2	Burglaries
14	DUI Offenses
4	Thefts
3	Vandalism/Criminal Mischiefs

Chief Colón reported that a check has been received from Boston Beer Company, in the sum of \$14,000 toward the purchase of a K-9. The new dog is here, his name is Toon (pronounced "tone"). Presently Toon and Officer Ryan Rhoads are in training. Other matters: Recently there has been a suspicious death in the Township that is under investigation; Manager Olpere complemented the Chief on the comprehensive Police Report in the Township Newsletter; and, Resident, Sunny Ghai, requested more of a police presence on Mill Road, Hickory Road, and Snowdrift Road.

Fire/EMS Report – Commissioner Grim gave report: Fire Inspections - 104. Emergency responses: Station 8-- 37; Station 25g-45; Station 56 - 48; Total 130 responses for 92 incidents. EMS Responses: Priority 1 – 74; Priority 2 – 51; Priority 3 – 83; Mutual Aid Required – 0; for a total of 208. 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. Township personnel will be loading free mulch on Saturdays and Sundays in May from 9:00 AM until 1:00 PM.

Zoning Report –

April 2015 Planning & Zoning Report

During the month of April, 109 permits were issued, including:

BUILDING PERMITS:

COMMERCIAL	April	YTD
Accessory:	3	6
Addition:	1	2
Alterations:	9	24
Demo:	1	4
Electrical:	4	8
Fire Alarms:	2	3
Life Safety:	0	2
Mechanical:	2	0
New Structure	1	1
Plumbing:	0	2
Roofing:	0	1
Sewer Tap:	0	1
Sprinklers:	5	14

RESIDENTIAL:

Accessory:	0	1
Addition:	1	1
Alterations:	4	13
Basement Renovations:	3	23
Decks:	13	17
Demo:	0	2
Electrical:	6	10
Mechanical:	1	7
Plumbing:	3	12
Repairs:	4	5
Sewer Tap:	0	1
Single Family Attached	7	12
Single Family Detached:	11	17
Swimming Pool (Above Ground):	0	1
Swimming Pool (In-ground):	2	4

ZONING PERMITS:

Accessory:	9	13
Change Of Use:	3	9
Driveway:	2	3
Fence:	11	12
Sign Permits:	1	7
Total Permits:	109	240

LICENSES:

Plumbing:	8	30
Electric:	14	42
Total Licenses:	22	72



Permit and License Fees Received: \$117,748.44 \$232,422.32
Planning and Zoning Fees Received: \$2,250.00 \$10,845.00

April 2015 Zoning Hearing Board Meetings:

On April 22nd, 2015 The Zoning Appeal of James D. Collier, 1323 Russett Road, Allentown, PA 18104; Appeal #04 15 005, was heard for a variance from Section §27-603.4.A.(1)(b) to expand the existing driveway to a width greater than twenty (20) feet at its intersection with Russett Road. The property is located along Russett Road approximately 265 feet east of the intersection of Chippewa Drive and is situated in the R2 Zoning District.

Action: *The Zoning Hearing Board voted to grant the Variance from Section §27-603.4.A.(1)(b).*

April 2015 Conditional Use Hearings:

On April 15th, 2015 the Upper Macungie Planning Commission conducted a public hearing on the Proposed Conditional Use of Docket # 2170 – 7248 Penn Drive.

Action: *At their Public Meeting on April 15th, 2015, the Planning Commission voted to recommend the proposed Conditional Use for Docket #2170 – 7248 Penn Drive to the Board of Supervisors.*

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, 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 Tligham Street and Memorial Road near the intersection of Ruppssville Road and is situated in the NC Zoning District.

On May 27th, 2015, The Zoning Appeal of Charles H. Crawford, 10136 Weiss Road, Breinigsville, PA 18031; Appeal #05 15 007, will be 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.

Lehigh Tax Collection Committee Report – None

TOWNSHIP MANAGER'S REPORT – Manager Olpere reported that second interviews have been completed for the new finance director. He is reviewing resumes for Mary McKittrich's replacement. Ads will be going out, soon, for the receptionist position. The newsletter is out. He is in the process of establishing an "in house" Information Technology (IT) Committee.

SUPERVISORS

Chairman BRUNELL – Nothing More

Vice Chairman GILL – Reported: At the recent PSATS Conference Upper Macungie Township was recognized, at one of the workshops, regarding the DCNR grants that Keystone has helped UMT obtain; South Whitehall Township thanked UMT for the mulch we donated for their park "clean-up" project; and, VC Gill has also noticed the failure of motorists to stop at the stop signs on Chapmans Road.

Secretary RADER

- Executive Session – Monday, April 13, 2015, at 5:00 PM – 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 –

--Richard Eroh – Pennfield west swales need cleaning out. DPW Faust is aware of the problem and it is being addressed.

--Paul McNemar – The Opticon is not working at the intersection of Route 100 and Tilghman Street. This has been reported to TELCO, they are waiting for a part.

--Matt Szuchyt, Local Government Liaison for Senator Pat Browne, reminded the Board that if there are any needs, regarding the Commonwealth, we should let him know.

--Sunny Ghai – Thanked the Board for their help and support regarding the Old Dominion Zoning issue.

Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, the meeting is adjourned at 9:30 PM.

Kathy A. Rader

Kathy A. Rader, Secretary

