

**BOARD OF SUPERVISORS**

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on December 3, 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 Engineer, Daniel Olpere; Township Engineer, Scott Stenroos; Zoning Officer, Daren Martocci, Solicitor, Andrew V. Schantz, Esq.; Finance Director, Bruce Koller; 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 of November 5, 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 meeting and approve the minutes as presented.**

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

**--Request for Zoning Map Modification (Lots 9, 10, & 11 – Lehigh Valley West – Near Nestle Way & Oldt Road)** – Attorney Joseph Zator appeared on behalf of his client, Jaindl Land Company, to request an Apartment Overlay District on land that is presently zoned Light Industrial (LI). With this change, the applicant is proposing approximately 224 apartments, open space, and a lineal park. This information was received after the deadline for the December Planning Commission meeting. It was decided that Atty. Zator should work with staff and submit to the Planning Commission for review.

**--Amgen Property – 7175 Mill Road** – Atty. Blake C. Marles, appeared for his client, a possible buyer of the property located at 7175 Mill Road in the Mill Run Corporate Center. In 2007 a company, AMGEN, proposed to develop the property for a distribution center. Because of the expensive inventory that would be taxed by the Commonwealth, Governor Rendell signed an Executive Order creating a Strategic Development Area (SDA). The SDA would create tax exemptions from some state and local taxes. However, the tax exemptions had to be approved by the taxing bodies. AMGEN entered into a Traffic Mitigation Contribution agreement, with UMT, whereby AMGEN, in lieu of township tax, would pay \$500,000 upon the issuance of all building permits and another \$500,000 upon the issuance of the occupancy permit. On October 4, 2007, UMT adopted Ordinance 2007-07 contingently exempting certain taxes within the SDA. These exemptions and abatements are only effective for a period of fifteen (15) years from the Certification Date and are due to expire September 6, 2022. To date, no development has occurred; therefore, no money has been received. AMGEN now has the property for sale and the potential buyer is asking how the Township wishes to proceed and if the agreement could be amended so that the property is not encumbered with the \$1,000,000 payment obligation. There are many outstanding questions: What of the \$1,000,000 dollars for traffic mitigation? What of the unpaid property taxes from 2007 to the present? After much discussion, a **motion to take this issue under advisement and evaluate the financial issues and possible traffic mitigation with staff was made by Secretary Rader, seconded by Chairman Brunell and unanimous.**

**--Highgate Community Regarding the Home Depot Parking Lot Expansion** – Diane Persaud appeared for the Highgate Community and read a letter signed by the residents. Diane Jackson read a letter from the Executive Board of the Home Owner's Assn. The subject of said letters is the new Home Depot Parking Lot Expansion. Residents claim they were told that they would not be able to see any trucks and are requesting more landscape screening on the berm surrounding the parking lot. After much discussion, Zoning Officer Martocci stated that the spacing of landscaping needs to be checked. Martocci will also address noise and lighting complaints.

Wanda Allen of 971 King's Way also has issues with a rain garden that was placed on her property in error. Zoning Officer Martocci will look into this matter with the developer.

**ORDINANCE – None****PUBLIC COMMENT**

**Coldwater Crossing** – Tania Tapia of 1729 Travers Road asked to be heard on behalf of the residents in the Coldwater Crossing development. Their complaint is about tractor trailers cutting through the development, sometimes at high rates of speed. **After some discussion, upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, Scott Stenroos is authorized to study the area to prohibit trucks on certain roads.**

## **RESOLUTIONS**

187

**Resolution - #2015-71 – Appropriation of Specific Sums Estimated for the Year 2016 (2016 Budget) –** RESOLUTION APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSE OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE YEAR 2016 BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA – **Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, BE IT RESOLVED, Resolution #2015-71 is hereby approved.**

**Resolution - #2015-72 – 2016 Wage Increases for Non-Union Employees –** RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER MACUNGIE TOWNSHIP AUTHORIZING WAGE INCREASES TO NON-UNION EMPLOYEES FOR THE CALENDAR YEAR 2016 AND AUTHORIZING THE TOWNSHIP MANAGER, AT HIS DISCRETION, TO PROVIDED CERTAIN NON-UNION EMPLOYEES WITH SALARY/WAGE INCREASES DUE TO A CHANGE IN JOB RESPONSIBILITIES AND/OR JOB DISCRPTIONS. Manager Olpere requested a 3% rate increase for all non-union employees. In addition, rate increases are warranted for some employees who, over the last year, have had substantial changes in their job descriptions. After some discussion, **Secretary Rader made a motion to approve the wage increase for all non-union employees for the year 2016, at the rate of 3%, to be effective with the first pay in January, 2016. In addition, those employees recommended by the Township Manger, whose job description has been amended for a position adjustment increase, will receive the recommended increase prior to the annual wage increase; also effective with the first pay in January. Motion was seconded by VC Gill and unanimous.**

**Resolution - #2015-73 – Fixing the Tax Rate for the Year 2016 –** A RESOLUTION OF THE TOWNSHIP OF UPPER MACUNGIE, IN THE COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2016 – **There is no change in the tax rates for 2016. Upon a motion by VC Gill, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolution #2015-73 is hereby approved.**

**Resolution #2015-74 – Docket #2166 - Tilghman Retail Improvements – P/F Land Development –** RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO APS31 REAL ESTATE INC., FOR THE PROPOSED DEVELOPMENT A 5,400 SQUARE FOOT RETAIL BUILDING AND ASSOCIATED PARKING AND STORMWATER CONTROLS LOCATED AT 5831 TILGHMAN STREET IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA – **Upon a motion by Secretary Rader, seconded by Chairman Brunell, and unanimous, BE IT RESOLVED, Resolution #2015-74 is hereby approved subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated December 1, 2015**

**Resolution - #2015-75 – Docket #2172 – 7042 Snowdrift Road – Building Project – Conditional P/F Plan –** RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO PLAINFIELD DEVELOPMENT CO., LP, FOR THE PROPOSED DEVELOPMENT, A 21,335 SQUARE FOOT SINGLE STORY COMMERCIAL BUILDING AND ASSOCIATED PARKING AND STORMWATER CONTROLS LOCATED AT 7042 SNOWDRIFT ROAD IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA – **Upon a motion by Secretary Rader, seconded by VC Gill, and unanimous, BE IT RESOLVED, Resolution #2015-75 is hereby approved subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated December 1, 2015.**

**Resolution - #2015-76 – Docket #1977 – Parkland Fields, Phase 4 – Final Plan –** RESOLUTION GRANTING FINAL PLAN APPROVAL TO K & M ASSOCIATES, INC. FOR PHASE 4 OF A SUBDIVISION KNOWN AS RABENOLD FARMS (AKA PARKLAND FIELDS) CONSISTING OF A PORTION OF AN OVERALL ONE HUNDRED AND FOUR HUNDRED ONE TENTH (100.401) ACRE TRACT OF LAND WITH PHASE 4 CONSISTING OF A TOTAL OF 58 LOTS OF THE OVERALL 205 LOTS PROPOSED. – **Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, BE IT RESOLVED, Resolution #2015-76 is hereby approved, subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated December 1, 2015.**

**Resolution - #2015-77 – Docket #2163 – Bortz Property (Now known as Spring View Development) – Conditional P/F Subdivision Plan –** RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO KRE SOUTH WHITEHALL TOWNSHIP, LP FOR THE PROPOSED SUBDIVISION OF AN EXISTING LOT INTO FOUR (4) LOTS TO ACCOMMODATE A COMMERCIAL LAND DEVELOPMENT AT PARCELS LOCATED AT 421 CETRONIA ROAD IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA – **Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, BE IT RESOLVED, Resolution #2015 – 77 is hereby approved, subject to staff and engineering comments as listed in the letter of Keystone Consulting Engineers, Inc., dated December 1, 2015.**

**Resolution - #2015-78 – Docket #2163 – Bortz Property (Now known as Spring View Development) – Conditional Final Land Development Plan –** RESOLUTION GRANTING PRELIMINARY/FINAL PLAN APPROVAL TO KRE SOUTH WHITEHALL, LP FOR THE PROPOSED DEVELOPMENT OF THAT PORTION OF A COMMERCIAL LAND DEVELOPMENT THAT IS LOCATED WITHIN THE TOWNSHIP OF UPPER MACUNGIE

168

AND PROVIDES A MAJORITY OF A 27,000 SQUARE FOOT RETAIL BUILDING AND RELATED PARKING AND STORMWATER CONTROLS LOCATED AT 421 CETRONIA ROAD IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA -- Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, BE IT RESOLVED, Resolution #2015-78 is hereby approved, subject to staff and engineering comments, including the sidewalk deferral, as listed in the letter of Keystone Consulting Engineers, Inc., dated December 1, 2015.

**Resolution - #2015-79 -- Planning Module -- 5844 Daniel Street (Above & Beyond) -- RESOLUTION AMENDING THE UPPER MACUNGIE TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN FOR THE LAND DEVELOPMENT PLAN KNOWN AS ABOVE & BEYOND PERSONAL CARE FACILITY LOCATED WITHIN UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA -- Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-79 is hereby approved.**

**Resolution - #2015-80 -- Acceptance of Upper Macungie Township Authority Dissolution -- A RESOLUTION OF THE UPPER MACUNGIE TOWNSHIP ACCEPTING A CERTIFICATE OF DISSOLUTION FROM THE UPPER MACUNGIE TOWNSHIP AUTHORITY AND ACQUESCING TO THE UPPER MACUNGIE TOWNSHIP AUTHORITY'S DESIRE TO TERMINATE AND DISSOLVE ITS EXISTENCE PURSUANT TO 53 PA. C.S. § 5619; TO TAKE ALL STEPS NECESSARY TO PAY AND DISCHARGE OF ALL BONDS, DEBT, AND INTEREST COLLATERALIZED BY AUTHORITY PROJECTS AND/OR PROPERTY, IF ANY; TO TAKE ALL STEPS NECESSARY TO ASSIGN, DELEGATE, OTHERWISE TRANSFER OR TERMINATE ALL OUTSTANDING AGREEMENTS CONCERNING THE OPERATION OR DISPOSITION OF THE SYSTEM; AND THEREAFTER TO TRANSFER ALL ITS PROJECTS AND PROPERTY TO THE TOWNSHIP OF UPPER MACUNGIE PURSUANT TO 53 PA. C.S. § 5619 -- Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-80 is hereby approved.**

**MOTIONS**

--**Planning Commission Appointments for Vacancies** -- A letter of resignation, from the planning commission, has been received from Anthony Salvino. There are now two openings on the Commission and the Township now has received two applications from residents willing to serve. **Secretary Rader made a motion to appoint Kim Snelling to fill Geoff Legg's unexpired term (expiring at the end of 2017) and P. Sunny Ghai to fill Anthony Salvino's unexpired term (expiring at the end of 2016). Motion was seconded by Chairman Brunell and unanimous.**

--**Intent to Appoint Township Auditing Firm** -- In compliance with the Second Class Township Code, Secretary Rader made a motion to intend to appoint the firm of Mallie, LLP, as the professional firm to audit the 2015 financials. **Motion was seconded by VC Gill and unanimous.**

--**Authorize Finance Director to Investigate Investment Options** -- Finance Director/Treasurer Koller has requested permission to investigate investment options, specifically brokered certificates of deposit with the following providers: Pennsylvania Local Government Investment Trust (PLGIT); Pennsylvania School District Liquid Asset Fund (PSDLAF); M & T Bank; and, Beirne Wealth Consulting. **Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, permission is given.**

--**Transportation Alternatives Program (TAP) Grant Applications** -- Applications are being received by Lehigh Valley Planning Commission and PennDOT for TAP Grants. Permission is being requested to apply for the following:

1. Paint the bike lanes and add bus shelters on Hamilton Boulevard (This would be a joint application with Upper Macungie Township, Lower Macungie Township, South Whitehall Township, and Lehigh and Northampton Transportation Authority).
2. Grange Road pedestrian crossing.
3. Pedestrian bridge over the Schaefer Run that will be part of the trail network in Breinigsville.
4. Additional bus shelters throughout the Township.

**Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, permission is given to apply for the grants with Manager Olpere the signer for the applications.**

--**Set January Board of Supervisors Meeting; and January Meeting with the Fire Companies** -- Secretary Rader requested to move the January, 2016, Board of Supervisors to Monday, January 4<sup>th</sup>, the same day as the 2016 Reorganizational Meeting. **Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, the Reorganizational Meeting will be held on Monday, January 4, 2016, at 7:00 PM, with the January Board of Supervisors meeting immediately following; and, that the Special January meeting with the Fire Companies and the Board of Supervisors be January 11<sup>th</sup>, at 7:00 PM.**

--**Independent Park -- Bottom Floor Renovation** -- VC Gill expressed concerns regarding the status of the renovations to the bottom floor at Independent Park. After much discussion of usage and rental

--**Recreation Board Recommendations: Music in the Park; and, Easter Show at Independent Park** – VC Gill reported that the Recreation Board is requesting permission to explore having concerts in the park and an Easter show in spring. **Upon a motion by VC Gill, seconded by Chairman Brunell, and unanimous, permission is given.**

--**2016 Animal Control** – The Township has received two proposals for 2016 animal control, one from the Lehigh County Humane Society and one from the Sanctuary at Haafsville. **After some discussion, Chairman Brunell made a motion to have Manager Olpere review, with both, and negotiate a contract, not to exceed \$10,000. Motion was seconded by Secretary Rader and unanimous.**

--**Layton Indemnification Agreement** – This indemnification agreement is regarding a “grandfathered” septic system that is in need of a repair/replacement and cannot meet all of the current requirements. **Upon a motion by Secretary Rader, seconded by Chairman Brunell, and unanimous, authorization to execute this agreement is hereby approved.**

**DISCUSSIONS & UPDATES – None**

**REPORTS**

**Treasurer’s Report – November – Total bills from all funds \$1,054,295.29**

**A motion was made by Chairman Brunell, seconded by VC Gill and unanimous to pay the bills.**

**Recreation Board Report** – VC Gill reported that the 2015 Holiday Show will be held Friday night (12/4) at Independent Park. There is still a vacancy on the Board. Anyone wishing to serve on the board should submit a Volunteer Application.

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

1. **Hale Brake and Wheel** - Evan Sowers presented from H&K. The preliminary plan was changed to accommodate four truck repair bays and a slightly larger building for office and storage. Seven waivers were discussed. The Applicant reported that they have made a formal application to LCCD. Discussion of stormwater discharge to top of 40’ embankment discussed. Reduction of utility easement width from 15’ to 10’ reviewed with the planning commission which would be the seventh waiver. The Applicant agreed to meet with the Fire Commissioner to discuss the gated entrances to this site. Mr. Sowers indicated that the Karst study was completed. Paul McNemar made a recommendation for waivers 1, 2, 3, 6 and 7 and deferrals for 4 and 5 which was seconded by Ken Pavkovic. The vote was unanimous. No action was taken on the plan as the PC tabled the plan so that the Applicant could address plan comments and obtain the LVPC storm water review letter.
2. **67 Werley Road** – Atty. Jill Nagy and Ana Martins presented on behalf of the Applicant Metro Development Group. A sketch plan showing three story low rise apartments was provided to PC. Left turns at the Werley Road and Cetronia Road intersection discussed. Applicant inquired about removal of concrete island. Roadway concerns including curb and sidewalk and possible bike path. Floodplain reviewed and access to development discussed. Ana Martins asked if the culvert can be extended and will provide request to the Township. A meeting is needed with the UMT Fire Commissioner and Public Works Director for input prior to next submission. Daren Martocci indicated that this development did not qualify for a conservation design. No action needed by PC on a sketch plan.

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

669	Total Calls for Service
29	Reportable MVAs
44	Non-Reportable MVAs
12	Criminal Arrest (Misdemeanor/Felony)
5	Non-Traffic Citations (summary)
490	Traffic Citations
62	Parking Tickets
22	Written Warnings
91	False Alarms
1	Arson
1	Disturbing the Peace Crimes
5	Drug/Alcohol Violations
7	DUI Offenses



170

- 2 **Fixed Crimes**
- 1 Motor Vehicle Thefts
- 8 Thefts
- 2 Vandalism/Criminal Mischief
- 2 Vehicle Break-in/Thefts

Chief Colón also reported that UMTPD received a "heart-felt" donation from Justin Jankowski, a seven year old, second grader. The donation was from his savings, in the amount of \$1,400 to cover the cost of a K-9 vest.

**Fire/EMS Report** – Chairman Brunell gave report: Fire Inspections - 38. Emergency responses: Station 8-- 34; Station 25 - 34; Station 56 - 41; Total 109 responses for 82 incidents. EMS Responses: Priority 1 – 66; Priority 2 – 57; Priority 3 – 84; Mutual Aid Required – 1; Total 208.

**Public Works Report** – Manager Olpere announced that Leaf Pick-up will finish Friday, December 4<sup>th</sup>.

**Zoning Report** – The report of the Zoning Officer for the month of November was received and showed 78 Building and Zoning Permits were issued. (Commercial – 29; Residential – 25; Zoning Permits – 24) 7 Electric Licenses were issued.

November 2015 Zoning Hearing Board Meetings: None

December 2015 Zoning Hearing Board Meetings: None Scheduled

**Lehigh Tax Collection Committee Report** – None

**TOWNSHIP MANAGER'S REPORT** – None

**SUPERVISORS**

**Chairman BRUNELL** – Nothing More

**Vice Chairman GILL** – Nothing More

**Secretary RADER** – Executive Sessions: Friday November 20, 2015, at 2:45 PM – Personnel Issues; and, Thursday, December 03, 2015, at 5:00 PM – Personnel Issues. Secretary Rader reported that the Lehigh County Commissioners voted 5 to 4 to not approve changing the scope of the Community Development Grant, joint project with South Whitehall Township, from the purchase of a Command Vehicle to a Mobile Band Shell. Rader publicly thanked Commissioners Brad Osborne, Percy Dougherty, Thomas Creighton and Geoff Brace for supporting the project and voting in our favor.

**PUBLIC COMMENT** – None

Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimous, the meeting is adjourned at 10:05 PM.



Kathy A. Rader, Secretary


