

BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on June 2, 2016, 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 Engineers, J. Scott Stenroos and Scott Pasterski; Zoning Officer/Director of Community Development, Daren Martocci; Solicitor, Andrew V. Schantz, Esq.; Finance Director, Bruce Koller; Director of Public Works, Scott Faust; Sewer Department Manager, Robert Ibach; Fire Commissioner, Grant Grim; and, Chief of Police, Edgardo Colón. Township Manager, Daniel Olpere attended by telephone.

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 5th, 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.**

SWEARING-IN OF NEW POLICE OFFICERS

The Honorable Michael Faulkner swore-in new police officers Philip Shedaker and Joshua Santos.

COMMENDATION FOR POLICE OFFICER

Chief E. Colón presented a commendation to Officer Matthew Gardner for outstanding service to the citizens of Upper Macungie Township for his assistance in a drug investigation resulting in numerous arrests.

PRESENTATIONS

Jeffrey Zehr, Lehigh County Farmland Preservation Specialist – Mr. Zehr gave a Power Point Presentation of updates on farmland preservation options and progress in Lehigh County.

Property Rehabilitation Ordinance to Amend the UMT Zoning Ordinance – Director Martocci provided a brief description of the request, specifically as it pertains to Lehigh Motor Inn. **Upon a motion by Chairman Brunell, seconded by VC Gill, and unanimously approved, it was agreed to move the proposed Ordinance forward to the Planning Commission for review.**

ORDINANCE – None

RESOLUTIONS

Resolution #2016-24 – Docket #2206 – DCT Industrial, 7175 Tilghman St. – Conditional Use Review – RESOLUTION GRANTING APPROVAL TO A CONDITIONAL USE APPLICATION TO ALLOW FOR A WAREHOUSE/DISTRIBUTION USE AT TWO (2) PROPOSED WAREHOUSES; WAREHOUSE #1 – 112,200 SQUARE FEET AND WAREHOUSE #2 – 223,650 SQUARE FEET, ON A LOT WITHIN THE TOWNSHIP'S LIGHT INDUSTRIAL ZONING DISTRICT AND SITUATED AT THE INTERSECTION OF MILL ROAD AND TILGHMAN STREET ALSO KNOWN AS 7175 TILGHMAN STREET, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. **Upon a motion made by Secretary Rader, seconded by Chairman Brunell, and unanimous, BE IT RESOLVED, Resolution #2016-24 is hereby approved, conditioned upon testimony presented at the Public Hearing on May 16, 2016 and a completed traffic study documenting an no more than 128 (64 in and 64 out) tractor trailer truck trips per day, averaged over five (5) weekdays.**

Resolution #2016-30 – Docket #2206 – DCT Industrial, 7175 Tilghman St. – Stormwater Management/Injection Wells – RESOLUTION GRANTING APPROVAL TO A CONDITIONAL USE APPLICATION TO ALLOW FOR INJECTION WELLS AS AN ACCESSORY USE TO BE USED TO SUPPORT STORMWATER MANAGEMENT IN CONJUNCTION WITH THE PROPOSED CONSTRUCTION TO TWO (2) PROPOSED WAREHOUSES; WAREHOUSE #1 – 112,200 SQUARE FEET AND WAREHOUSE #2 – 223,650 SQUARE FEET, ON A LOT WITHIN THE TOWNSHIP'S LIGHT INDUSTRIAL ZONING DISTRICT AND SITUATED AT THE INTERSECTION OF MILL ROAD AND TILGHMAN STREET ALSO KNOWN AS 7175 TILGHMAN STREET, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. **After much discussion and upon a motion made by Chairman Brunell, seconded by VC Gill, and unanimous, BE IT RESOLVED, Resolution #2016-30 is hereby approved, conditioned upon the five conditions recommended by the Planning Commission and outlined in the May 2016 Planning and Zoning Report and further conditioned upon an acceptable Spill Containment Plan being provided.**

Resolution #2016-25 – Docket #2188 – Hale Trailer Brake and Wheel – Land Development Plan – RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT AND LOT CONSOLIDATION PLAN APPROVAL TO PATRIOT, LLC FOR THE PROPOSED DEVELOPMENT OF A 10,922 SQUARE FOOT OFFICE/SERVICE BUILDING AND ASSOCIATED PARKING AND STORMWATER CONTROLS LOCATED AT

5274 AND 5360 OAKVIEW DRIVE IN UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA. Upon a motion made by Chairman Brunell, seconded by VC Gill and unanimous, **BE IT RESOLVED**, Resolution #2016-25 is hereby approved with the waivers and deferrals recommended at the November 18, 2015 Planning Commission meeting; subject to receipt of the NPDES permit; and, staff and engineer comments as stated in letter dated May 31, 2016 from Keystone Consulting Engineers, Inc.

Resolution #2016-26 – 9328 Merlot Circle, Lot #14, The Vineyard – Waiver Request for a Driveway Slope greater than 10 percent – RESOLUTION GRANTING A WAIVER FROM THE UPPER MACUNGIE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REQUIRING DRIVEWAYS TO MAINTAIN A SLOPE OF LESS THAN TEN (10%) PERCENT. Upon a motion made by Chairman Brunell, seconded by Secretary Rader and unanimous, **BE IT RESOLVED**, Resolution #2016-26 is hereby approved, conditioned upon a Hold Harmless agreement between UMT, the property owner, and the developer, subject to review and approval by the Township solicitor.

Resolution #2016-27 – LifeQuest – d/b/a Mosser Nursing Home – A RESOLUTION DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF UPPER MACUNGIE TOWNSHIP FOR THE QUAKERTOWN GENERAL AUTHORITY TO ISSUE NOTES FOR A PROJECT FOR LIFEQUEST AND CERTAIN AFFILIATES WHICH INCLUDES REFINANCING OF CERTAIN FACILITIES IN THE TOWNSHIP; AUTHORIZING ONE OR MORE SUPERVISORS TO EXECUTE AN APPROVAL OF THE ISSUANCE OF NOTES BY THE QUAKERTOWN GENERAL AUTHORITY; AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS. Upon a motion by VC Gill, seconded by Chairman Brunell and unanimous, **BE IT RESOLVED**, Resolution #2016-27 is hereby approved, allowing LifeQuest to conduct business at Mosser Nursing Home and provide services to the citizens of Upper Macungie Township.

***Resolution #2016-28 – DCED Greenways, Trails & Recreation Programs Grant – Breinigsville Park** – RESOLUTION AUTHORIZING THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS TO PROCESS A GRANT APPLICATION REQUESTING A GREENWAYS, TRAILS AND RECREATION PROGRAM (GTRP) GRANT FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR BREINIGSVILLE PARK WEST IMPROVEMENTS BY DESIGNATING TOWNSHIP OFFICIALS TO EXECUTE ALL THE DOCUMENTS AND AGREEMENTS BETWEEN THE TOWNSHIP AND THE COMMONWEALTH FINANCING AUTHORITY.

***Resolution #2016-29 – DCED Greenways, Trails & Recreation Programs Grant – Breinigsville Park** – RESOLUTION AUTHORIZING THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS TO PROCESS A GRANT APPLICATION REQUESTING A GREENWAYS, TRAILS AND RECREATION PROGRAM (GTRP) GRANT FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR GRANGE ROAD PARK – EXTENSION OF PEDESTRIAN WALKWAY, ROADWAY AND PARKING LOT IMPROVEMENTS BY DESIGNATING TOWNSHIP OFFICIALS TO EXECUTE ALL THE DOCUMENTS AND AGREEMENTS BETWEEN THE TOWNSHIP AND THE COMMONWEALTH FINANCING AUTHORITY.

*** Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, BE IT RESOLVED, Resolutions #2016-28 and #2016-29 are hereby approved.**

MOTIONS

Truck Routes & Restrictions Ordinance Authorization – In response to a traffic study conducted by Keystone Consulting Engineers, a motion was made by Secretary Rader, seconded by VC Gill and unanimous, to authorize the Township Solicitor to move forward drafting an ordinance to be reviewed by the Board of Supervisors, prior to advertising and adoption.

Top Soil Ordinance Authorization – An ordinance regarding top soil restrictions was requested by Township Manager Daniel Olpere. A motion was made by Secretary Rader, seconded by VC Gill and unanimous, to authorize the Township Solicitor to draft an ordinance to be reviewed by the Board of Supervisors, prior to adoption, prohibiting developers from removing more than six inches of top soil.

Embassy Bank – Open Investment Account(s) – Finance Department Director Bruce Koller presented the lucrative terms on Certificates of Deposit and the Township's past history with Embassy Bank. A motion was made by Secretary Rader, seconded by Chairman Brunell and unanimous, to authorize the opening of investment accounts with Embassy Bank and to approve Embassy as a depository for the Township.

Fire Police Requests from Macungie Borough & North Whitehall Township – A letter was received from the Borough of Macungie dated May 11, 2016 and Township of North Whitehall dated May 5, 2016, requesting fire police assistance for upcoming events. A motion was made by Chairman Brunell, seconded by VC Gill and unanimous, to assist with the requests as outlined in the letters.

Eagle Scout Recognition – A letter was received from Boy Scout Troop 12 announcing William Thomas Campbell, a resident of UMT, has earned the rank of Eagle Scout, the highest honor from the Boy Scouts of America. **A motion was made by Secretary Rader, seconded by VC Gill and unanimous, to send a congratulatory certificate for the Recognition Ceremony.**

Recreation: Lemonade in the Parks – The Recreation Board, for public relation purposes, requested permission and financial help in a program to hand out free beverages, in the parks, for the 2016 season. The Recreation Board will be looking for sponsors but would also like the Township to commit to an amount, not to exceed \$1,000.00, to help with the costs. **A motion was made by Chairman Brunell, seconded by VC Gill and unanimous, giving permission for this project, with the condition that the beverage containers be factory sealed and not made of glass.**

Recreation: Community Center Mission Statement – Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, the mission statement recommended by the Recreation Board was approved.

Recreation: Expenditure for Promotional Giveaways for Recreation Board Events & Programs – Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, the use of funds for promotional giveaways for Recreation Board programs and events was approved, not to exceed the 2015 expenditure for the same.

Recreation: Extended Hours for Independent Park Community Center on December 31, 2016 – Upon a motion by VC Gill, seconded by Chairman Brunell and unanimous, the hours for Independent Park the night of December 31, 2016 (New Year's Eve) will be extended to 1:00 am on January 1, 2017, with the condition that an employee is available to work the event.

REPORTS

Treasurer's Report – May – Total bills from all funds \$1,077,375.50: A motion was made by Chairman Brunell, seconded by VC Gill and unanimous, to pay the bills.

Recreation Board Report: Nothing to add.

Planning & Zoning Report – J. Scott Stenroos:

On Wednesday, May 18, 2016, the Upper Macungie Township Planning Commission reviewed the following submissions:

- **#12 15 704 9328 Merlot Circle, Waiver Request for Driveway slope greater than 10%.** The builder presented information in support of the request. Paul McNemar made a motion to recommend approval of the waiver request for a driveway slope room exceed maximum slope per SALDO conditioned upon a hold harmless agreement subject to review and approval by the township solicitor. Makala Ashmar seconded the motion and the vote was unanimous with Kim Snelling abstaining.
- **#2206 DCT Industrial, 7175 Tilghman Street, Conditional Use Application.** Testimony was provided on Monday May 16, 2016 at a public hearing held at the PC workshop. After a lengthy discussion was had by the public on this matter, Paul McNemar made a motion to recommend conditional use approval conditioned upon the testimony presented and the number of tractor trailer trips being limited to 128 truck trips per day (64 in and 64 out). Sunny Ghai seconded the motion and the vote was unanimous with Kim Snelling abstaining.

A second motion was made by Paul McNemar to recommend conditional use approval for the use of injection wells on site conditioned upon the testimony presented and the following items:

1. Good faith stormwater disposal methods to be reviewed and approved by EPA, DEP, and LCCD;
2. If wells are found suitable then only clean roof water shall be used only for the injection wells;
3. No condensate from the HVAC equipment shall be allowed to enter the injection wells;
4. No wells shall be permitted to be located in the truck court or in an area that can be subject to a spill;
5. Injection wells shall be protected by unauthorized acts of third parties.

Kathy Rader seconded the motion and the vote was unanimous with Kim Snelling abstaining.

- **#2209 Grim's Orchard and Family Farms, 9941 Schantz Road, Conditional Use Application.** Testimony was presented on Monday May 16, 2016 at a public hearing held at the

PC workshop. The BOS has 90 days to act on this request. Testimony was taken but can be supplemented with additional information. The PC discussed postponing any decision until more information is provided. A time extension was also discussed but not acted upon. After much discussion, Ken Pavkovic made a motion to table the conditional use application until the PC can review additional studies and plans. The motion was seconded by Makala Ashmar and the vote was unanimous with Kim Snelling abstaining.

- **#2196 67 Werley Road, Apartment Development, Conditional Use Application.** This request is for a reduction in parking for the apartment project located along Werley Road south of Laurel Fields. The Applicant did not show up for the public hearing on Monday night so the public hearing was rescheduled for June 13, 2016 at 7:00 pm.
- **#2084 Lehigh Hills Lot 5 Subdivision.** The Applicant pulled from the agenda to make plan revisions in order to address comments in the review letter.
- **#2175 Lehigh Hills Lot 5 Land Development Plan for Apartments.** The Applicant pulled from the agenda to make plan revisions in order to address comments in the review letter.

The report of the Zoning Officer for the month of May was received and showed that 126 Building and Zoning Permits were issued (Commercial – 24; Residential – 75; Zoning Permits – 27); 1 Plumbing License, 6 Electric Licenses, and 0 Septic Pumper Licenses were issued.

May 11th, 2016: No Zoning Hearing Board Meeting

May 25th, 2016:

- **#01 16 004** The Zoning Appeal of **Darrel R. Stein, 6853 Ruppsville Road, Allentown, PA 18106**; for a variance of; **Section §27-307.2.c.** Minimum lot area. For two (2) existing non-conforming residential lots. **The Board voted to grant the variance 4-1.**
- **#05 16 008** The Zoning Appeal of **Robert Bennett, 575 Independent Road, Breinigsville, PA 18031**; for a variance of; **Section §27-307.2.A.e.** Minimum Building Setback (for a principal structure), to permit continued construction of a building addition which encroaches upon the required rear building setback line. **The Appeal was continued until June 22nd.**
- **#03 16 006** The Continued Zoning Appeal of **Discovery Homes, Inc., 10098 Hamilton Boulevard, Breinigsville, PA 18031**; for a variance of; **Section §27-402.pp.6.** Minimum separation between homes. For an existing non-conforming mobile home park. **The Appeal was continued until June 22nd.**

Upper Macungie Township Police Report – Chief Colón:

764	Total Calls for Service
19	Reportable MVAs
51	Non-Reportable MVAs
6	Private Property MVAs
21	Criminal Arrest (Misdemeanor/Felony)
2	Non-Traffic Citations (summary)
483	Traffic Citations
32	Parking Tickets
99	Written Warnings
102	False Alarms
2	Assault
6	Burglaries
1	Disturbing the Peace Crimes
4	Drug/Alcohol Violations
18	DUI Offenses
4	Fraud Crimes
2	Motor Vehicle Thefts
6	Thefts
8	Vandalism/Criminal Mischiefs
6	Vehicle Break-in/Thefts

A DUI checkpoint was conducted by the Lehigh County Regional DUI Task Force and hosted by the UMT Police Department with the results below:

- 16 officers participated

- 557 vehicles were contacted
- 2 operators were tested and released
- 2 drug impaired DUI arrests were made
- 1 passenger was arrested for possession of a small amount of marijuana and possession of drug paraphernalia

There were reports of letters of solicitation claiming to come from UMT Police Department being distributed in New Tripoli. Those letters are fraudulent and the UMT Police does not have a solicitation campaign.

Fire/EMS Report – Grant Grim: May Fire Inspections – 87. Emergency responses: Station 8-- 19, Station 25 – 27; Station 56 - 38; Total of 84. Commissioner Grim reminded everyone the 2016 Junior Emergency Services Academy is coming up July 18th to July 22nd.

Public Works Report – DPW Scott Faust: 1,000 yards of free mulch was loaded for the residents during the month of May.

Township Manager's Report – Daniel Olpere: Nothing to add.

Supervisors – Chairman BRUNELL: Nothing to add.

Supervisors – Vice Chairman GILL: Nothing to add.

Supervisors – Secretary RADER:

- Announced PPL will be replacing poles.
- The focus of a Lehigh County Congress of Government meeting this past month was drug addiction in Lehigh County. Heroine is the #1 addiction in the County. There is information in the back of the meeting room on addiction and getting help. A prescription drug drop-off station is at the UMT Police Department.

PUBLIC COMMENTS/COURTESY OF THE FLOOR

- **Bonnie Mfarej & Anne Melick** – Country Meadows Nursing Home, 430 Krocks Road – concerned about the differences in name and location among municipalities regarding Krocks Road versus North Krocks Road. **A motion was made by Chairman Brunell, seconded by VC Gill and unanimous, to authorize the Township solicitor to draft an ordinance to change the name of Krocks Road to North Krocks Road between the Route 222 Bypass and Cetronia Road.**
- **Nancy Snyder** – 6648 Schantz Road – concerned about a letter from Waste Management saying trash pickup moved from Wednesday to Thursday. It was explained that there were changes in the schedule.
- **Stephanie Erwin** – 8470 Scenic View Drive – raised concerns regarding the legality of the Jaihind-UMT land swap

There being no other business, upon a motion by Chairman Brunell, seconded by Secretary Rader, and unanimous, the meeting is adjourned at 11:01 PM.



Kathy A. Rader, Secretary

