

I. CALL TO ORDER – PLEDGE TO THE FLAG

The General Business Meeting of the Board of Supervisors of Upper Macungie Township was called to order on February 3, 2022 at 7:00 p.m. in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Present were James M. Brunell, Chairman; Sunny Ghai, Vice-Chairman; Kathy A. Rader, Supervisor; Robert R. Ibach, Jr., Township Manager; Kalman A. Sostarecz, Jr., Township Secretary; Daren J. Martocci, Director of Community Development; Andrew V. Schantz, Esq., Solicitor; Michael Sitoski, Chief of Police, UMTPD; Peter Christ, Director, Bureau of Fire; Scott Faust, Public Works Director; Bruce Koller, Finance Director; and Lynn Matula, Recreation & Events Coordinator.

Chairman Brunell opened the meeting and asked all present to join him in reciting the Pledge of Allegiance to the Flag of the United States of America.

Secretary Sostarecz announced an Executive Session which occurred prior to the meeting at 6:00 p.m. and the topics were labor and litigation.

Motion by Chairman Brunell to approve the execution of an MOU with Immigration and Customs Enforcement. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

II. ADDITIONS/DELETIONS TO THE AGENDA

None

III. MINUTES**A. *January 3rd & 11th, 2022***

Chairman Brunell stated that he would dispense with the reading of the minutes of the previous meetings unless there was an objection.

Motion by Chairman Brunell to waive the reading of the minutes of the January 3rd and 11th meetings and approve them as presented. Seconded by Supervisor Rader. The motion passed unanimously.

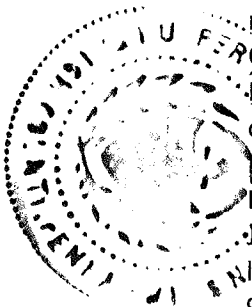
IV. PRESENTATIONS**A. *Greater Lehigh Valley Chamber of Commerce – Hayden Rinde, Coordinator***

Hayden Rinde, Coordinator of the Lehigh Valley Chamber of Commerce, provided an update regarding what the Chamber has been doing and the services it offers. She stated that they were very appreciative of the partnership with the Township. She then introduced Lehigh County Executive Philips Armstrong who provided updates regarding county matters.

V. DISCUSSIONS & UPDATES**A. *Project Update – Docket #2202 – 6500 Chapmans Road***

Mr. Martocci stated that the developer submitted an application for a small warehouse to be reviewed by the Planning Commission as a Sketch Plan in March 2016, then a Preliminary Plan in October of that year. The applicant was provided staff and engineering review letters at that time. No further submissions or revised plans have been received since that time, however they have continued to grant extensions throughout the years which currently expire on February 25, 2022. Furthermore, the use would now require a Special Exception application to the Zoning Hearing Board. The Board could now deny the plan as it has been inactive for many years. The applicant, Joe Iudicello of International Custom Built Homes, stated that they acknowledge it has taken a long time but his client is ready to move forward and requests the township accept an additional 90-day extension to submit revised plans and a Special Exception application.

Motion by Supervisor Rader to accept a 90-day extension with the condition that the applicant submit the required Special Exception Application within two weeks. Seconded by Chairman Brunell. The motion passed unanimously.



B. Project Update – Docket #2062 – Hassen Creek Estates, 2010 Hickory Lane

Mr. Martocci stated that this project is a proposed residential subdivision of nine residential dwelling building lots ranging in area from 10.3 to 15.7 acres. At the August 2021 BOS meeting waivers were granted and it was also discussed that each lot would have separate NPDES permit and land development submissions. At the November 2021 BOS meeting a time extension was granted and accepted by the BOS until February 28, 2022 to allow the applicant time to get a determination on the permit requirements. Attorney Erich Shock, representing the developer, stated that they are moving forward with the project and are actively working on rectifying the various items that have come up, including working with the DEP on the permit questions. They would like to offer an additional 90-day extension allowing the BOS more time to make a decision on the plan. Mark Bradbury, engineer for the project, stated that the hold up is DEP and that decisions on their end which should take two days is taking six weeks.

Motion by Chairman Brunell to accept a 90-day time extension for Docket #2062 – Hassen Creek Estates, pending the applicant provides an anticipated schedule of the project moving forward in a timely manner. Seconded by Supervisor Rader. The motion passed unanimously.

C. Project Update – Docket #1867 – Coldwater Crossing; Docket #1909 – Schaefer Run West; and Docket #2091 – Whispering Farms

Mr. Martocci stated that each of the subject projects has the same developer, Pulte Homes, and that they are in default of their various Improvements Agreements which provide a timeframe in which the improvements are to be completed. The time limitations have long passed and staff met with the developer in June of last year, but still a significant amount of work needs to be completed. The Township Engineer has provided a summary of the improvements yet to be completed and the Board has the option of drawing upon the posted financial security to have the improvements completed. Attorney Chris McLean and Bill Creeger, representing the developer, stated that they again met with staff this week and will focus all of their attention on getting the improvements completed this year. They would first wrap up Whispering Farms, then move on to Schaefer Run West and Coldwater Crossing. They are also willing to sign an agreement holding them to the timeline.

Motion by Supervisor Rader to allow the developer until February 21, 2022 to submit a schedule to complete Docket #1867 – Coldwater Crossing, Docket #1909 – Schaefer Run West, and Docket #2091 – Whispering Farms. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

D. Project Update – Docket #2175 – Lehigh Hills Lot 5 Apartments – Recreational Fees

Solicitor Schantz stated that KRE Upper Macungie Associates, developer of the Lehigh Hills Lot 5 Apartments, has requested a release of their Recreation Fee Bond and reduction of the fee required of them. He provided an overview of the lengthy background regarding the project including the litigation that resulted in a decision regarding the recreation fees until a later time. The developer now requests the Board to make a decision on the fees. Attorney Anthony Bright, representing the developer, outlined some of their reasons for requesting the release of the bond and reduction in fees, that they would present their case to the Recreation Board for their recommendation, then would appear again in front of the Board of Supervisors for a final decision.

Motion by Chairman Brunell to forward the matter of the Lehigh Hills Lot 5 Apartments Recreational Fees to the UMT Recreation Board for their recommendation, and to authorize the Township Solicitor to appear before the Recreation Board on behalf of Upper Macungie Township. Seconded by Supervisor Rader. The motion passed unanimously.

VI. ORDINANCES

A. **Ordinance #2022-01 – Non-Uniform Employee Defined Contribution Pension Plan**

Mr. Koller stated that currently the Township provides full-time, non-uniformed employees with a Defined Benefit retirement plan, which would stay in place for participating employees. The proposed ordinance would create a new Defined Contribution Pension Plan for full-time non-uniform employees hired after January 1, 2022. The new plan is more reasonable to calculate benefits as well as the costs associated with the administration of the plan are less.

Motion by Supervisor Rader to adopt Ordinance #2022-01, establishing a Non-Uniform Employee Defined Contribution Pension Plan. Seconded by Chairman Brunell. The motion passed unanimously.

B. **Ordinance #2022-02 – Uniformed Employee Pension Plan – Deferred Retirement Option Plan (DROP)**

Mr. Koller stated that as part of the bargaining agreement with the Upper Macungie Township Police Officers, both the Township and Association have agreed to establish a Deferred Retirement Option Plan (DROP). The Pennsylvania Municipal Retirement System (PMRS) will administer this plan in conjunction with the current uniform defined benefit pension plan.

Motion by Vice-Chairman Ghai to adopt Ordinance #2022-02, updating the Uniformed Employee Pension Plan to add the Deferred Retirement Option Plan. Seconded by Chairman Brunell. The motion passed unanimously.

VII. RESOLUTIONS

A. **Resolution #2022-03 – Docket #2323 – LRE Allentown Distribution Center Expansion, 8001 Industrial Boulevard – Preliminary/Final Land Development Plan**

Mr. Martocci stated that this project proposes to expand an existing distribution center in two phases. Phase 1 of the plan depicts a 120-space tractor trailer parking area along the northern wall of the site, and Phase 2 depicts a 129,816 square foot addition with the removal of 60 of the spaces added in Phase 1, along with the addition of 16 loading docks. At their public meeting held on December 15, 2021, the Planning Commission reviewed and recommended granting waivers and deferrals and ultimately recommended approval of the plan.

Motion by Chairman Brunell to adopt Resolution #2022-03, granting Preliminary/Final land Development Plan approval for Docket #2323 – LRE Allentown Distribution Center Expansion, including waivers and deferrals, and as conditioned upon the comments found in the Township Bureau of Fire review letter dated January 19, 2022, the Township Zoning Officer review letter dated January 25, 2022, and the Township Engineer review letter dated January 27, 2022 . Seconded by Supervisor Rader. The motion passed unanimously.

B. **Resolution #2022-04 – Docket #2316 – Fallbrook Subdivision, 9160 Schantz Rd & 410 Twin Ponds Road – Conservation Areas**

Mr. Martocci stated that the project proposes a 90-lot single family subdivision utilizing the Conservation Design requirements in the Zoning Ordinance. Part of this requires that the manner in which this conservation area shall be preserved shall be determined by the Board of Supervisors. Prior to permitting the applicant to move forward with the subdivision design under this section, the Board must authorize and acknowledge the locations of the proposed conservation areas. Resident Marilyn Leiby asked whether the Parkland School District is aware of the development since it is near the new school. Mr. Ibach stated that they are in regular communication with the school district about new developments. John McRoberts of the Pidock Company, representing the developer, described the conservation areas.

Motion by Chairman Brunell to adopt Resolution #2022-04, accepting the areas as depicted on Sheet #5 of the development plans for Docket #2316 – Fallbrook Subdivision, as Common



Conservation Areas, in accordance with Section 27-905 of the Upper Macungie Township Zoning Ordinance, and to authorize the developer to move forward with the preparation of the Preliminary Plan. Seconded by Supervisor Rader. The motion passed unanimously.

VIII. MOTIONS

A. Authorizing Township Solicitor to Appear Before the Building Code Board of Appeals Regarding the Appeal of Iron Run Motel

Solicitor Schantz stated that the owners of the Iron Run Motel have filed an appeal with the Township's Building Code Board of Appeals regarding the property. The Board is well aware of the problems that have plagued the motel over the years and requests the Board authorize him to appear at the hearing on behalf of the Township. Four of the units have already been condemned and are not subject to the appeal – just the building code violations of the other units.

Motion by Supervisor Rader to authorize the Township Solicitor to appear before the Building Code Board of Appeals, on behalf of Upper Macungie Township, regarding the appeal of Iron Run Motel. Seconded by Chairman Brunell. The motion passed unanimously.

B. Authorizing Advertisement of a Public Hearing for Sheetz Liquor License Transfer Request

Mr. Sostarecz stated that Sheetz, Inc. has notified the Township that it intends to apply for the inter-municipal transfer of a restaurant liquor license to their property which requires a Public Hearing be held in front of the Board of Supervisors to consider the transfer request prior to the application being forwarded to the PA Liquor Control Board.

Motion by Chairman Brunell to authorize the advertisement of a Public Hearing on Thursday, March 3, 2022 at 6:00 p.m. for the application of Sheetz, Inc, 951 Trexlertown Road, for an Inter-Municipal Transfer of a Restaurant Liquor License. Seconded by Supervisor Rader. The motion passed unanimously.

C. Authorizing Advertisement of Bids for the 2022 Roadway Paving Projects

Mr. Faust stated that he requests the Board authorize the advertising of the roadway paving projects that were included in the 2022 budget. The bids would be brought back to the Board for awarding at a future meeting.

Motion by Chairman Brunell to authorize the advertisement of bids for the 2022 Roadway Paving Projects. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

D. Authorizing Advertisement of a Request for Proposal for Zoning Ordinance, SALDO, & Official Map Consultant

Manager Ibach stated that the Township has been progressing through various ordinance updates since the passing of the 2019 Comprehensive Plan. While progress is being made, it is important to increase the pace of the updates, and hiring a consultant dedicated to this task will allow a holistic overview of the current ordinances, identify weaknesses, and provide recommended solutions. Funds have been included in the 2022 Budget for this project.

Motion by Vice-Chairman Ghai to authorize Township Staff to prepare and advertise a Request for Proposals for the services of a consultant to review and develop an up-to-date Zoning Ordinance, Subdivision & Land Development Ordinance, and create an Official Map. Seconded by Chairman Brunell. The motion passed unanimously.

E. Appointing Barry Isett & Associates as the Upper Macungie Township Alternate/Conflict Engineer

Mr. Sostarecz stated that this is house-keeping as it was an oversight to not include the reappointment of Barry Isett & Associates on the organization agenda at the beginning of the year. As a reminder, Isett was chosen following an RFP process in 2021.

Motion by Supervisor Rader to appoint Barry Isett & Associates as the Upper Macungie Township Alternate/Conflict Engineer. Seconded by Chairman Brunell. The motion passed unanimously.

F. *Appointing Supervisor Rader as BOS Representative to the UMT Community Fund*

Mr. Ibach stated that per the by-laws of the Upper Macungie Township Community Fund, one of the members of their board must be a representative from the Board of Supervisors. Since the Board's former representative, Sean Gill, is no longer a Supervisor, a new representative is needed, and Supervisor Rader has requested to fill that position.

Motion by Vice-Chairman Ghai to appoint Supervisor Rader to the Upper Macungie Township Community Fund Board of Directors. Seconded by Chairman Brunell. The motion passed unanimously.

G. *Authorizing Renewal of Retention Pond Lawn Mowing Contracts*

Mr. Faust stated that the lawn mowing bids over the past two years have included options for extensions; both of the contractors did good work and have offered to extend their contracts an additional year with a 3% increase due to their increased costs. This would be the last year for the 2020 bid, and the second year of the 2021 bid.

Motion by Supervisor Rader to authorize the renewal of the 2020 Retention Pond Lawn Mowing Contract with All American Property Maintenance at a cost of \$9,455.40 and the 2021 Retention Pond Lawn Mowing Contract with PA Lawn & Landscape at a cost of \$16,991.91. Seconded by Chairman Brunell. The motion passed unanimously.

H. *Rejecting Bid for Grange Road Park Phase 2 Spray Irrigation System Installation*

Mr. Alban stated that last year the Township went out for bid for the materials only for the project, and this year advertised a bid for the work only. There was only one bid received which came in significantly higher, at \$205,840, than the Engineers Estimate which was \$85,000. He suggests rejecting the bid. The Public Works Department has agreed to complete the work using their labor forces sometime this year with consultation from spray irrigation experts.

Motion by Chairman Brunell to reject the only bid for the Grange Road Park Phase 2 Spray Irrigation System Installation due to it exceeding the Engineer's estimate. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

I. *Rescinding Motion for Community Development Records Management Software*

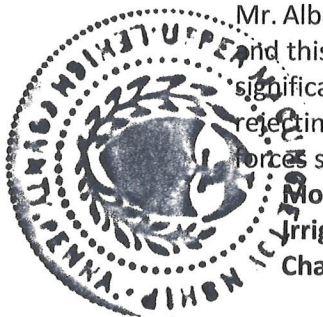
Manager Ibach stated that the Board previously authorized the purchase of software from GovPilot contingent upon review of the agreement by the Township Solicitor and Manager. The company could not agree to terms therefore staff would like to rescind that authorization and to look at other companies to provide the software.

Motion by Vice-Chairman Ghai to rescind the approval authorization for the Township Manager to sign an agreement with PropertyPilot LLC, DBA GovPilot to provide a government management platform to Upper Macungie Township. Seconded by Supervisor Rader. The motion passed unanimously.

J. *Awarding of RFP for Pension Plan Administrator*

Mr. Koller stated that under Act 44 of 2009, municipalities must develop procedures to select the most qualified entity to provide professional services for pension plans. In conjunction with the new Defined Contribution Pension Plan which was passed earlier, Staff advertised an RFP for a Pension Plan Administrator to administer the new plan. Staff recommends appointing Mission Square Retirement as the plan administrator. They are well-known and all they do is administer pension plans.

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Motion by Chairman Brunell to award the RFP for Pension Plan Administrator of the Upper Macungie Township Non-Uniform Employees Defined Contribution Pension Plan to Mission Square Retirement. Seconded by Supervisor Rader. The motion passed unanimously.

K. *Authorizing ARPA Funds Donation to Good Will Fire Company No. 1 of Trexlertown PA for HVAC & Building/Site Improvements*

Mr. Christ stated that the Good Will Fire Company No. 1 of Trexlertown PA has submitted expenses for the repair and replacement of the HVAC systems for reimbursement by the Township utilizing ARPA Funds. The funds were included in the 2022 Budget.

Motion by Chairman Brunell to authorize a donation of ARPA Funds in the amount of \$40,252.00 to Good Will Fire Company No. 1 of Trexlertown PA for HVAC and Building/Site Improvements. Seconded by Supervisor Rader. The motion passed unanimously.

IX. BOARD AND STAFF REPORTS

A. *Treasurer*

The total bills from all funds for January 2022 was \$3,824,857.81. Further details appear in the January Treasurer's Report.

Motion by Chairman Brunell to pay the bills for January 2022 in the amount of \$3,824,857.81. Seconded by Supervisor Rader. The motion passed unanimously.

B. *Recreation Board*

Ms. Matula stated that staff is working on the Spring Newsletter for arrival in homes in March. Further details appear in the January Recreation Department Report.

C. *Community Development*

Mr. Martocci discussed the Planning Commission and Zoning Hearing Board meetings which occurred in January, and those planned for February coming up. He stated that there are currently ten plans being tracked through various stages of approval either before the Planning Commission or Board of Supervisors. Additionally, the department issued 89 permits in January, 56 of which were building permits, and an additional 21 permits for new structures. Further details appear in the January Community Development Report.

D. *Engineer*

Mr. Alban provided updates on the Rt. 100 Traffic Adaptive Signals, Rt. 100 Betterment project, the Tilghman Street No Parking areas, and the Tilghman Street Improvements and TIP. Ms. Marilyn Leiby stated that the traffic backups on Rt. 100 due to the betterment project are significant. Mr. Alban stated they will continue to work with PennDOT to resolve any issues. Further details appear in the January Engineer's Report.

E. *Police*

Chief Sitoski stated that their No Shave fundraiser was great success as they raised \$2,885 for the Pediatric Cancer Fund at Lehigh Valley Hospital. Additional details appear in the January Police Department Report.

903	Total Calls for Service
18	Reportable MVAs
46	Non-Reportable MVAs
9	Private Property MVAs
9	Criminal Arrest (Misdemeanor/Felony)
18	Non-Traffic Citations (Summary)
188	Traffic Citations



3	Parking Tickets
37	Written Warnings
118	False Alarms
0	Arsons
2	Assaults
1	Burglaries
6	Disturbing the Peace
3	Drug/Alcohol Violations
6	DUI Offenses
7	Fraud Crimes
0	Homicides
2	Motor Vehicle Thefts
0	Robberies
1	Sex Offenses
5	Thefts
3	Vandalism/Criminal Mischiefs
3	Vehicle Break-In/Thefts
0	Weapon Offenses

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F. Fire/EMS

Mr. Christ stated that the Notification and Resource Manual of the Emergency Operations Plan has been updated, that a Haz-Mat Refresher Course has been scheduled at Fogelsville, and the Bureau of Fire performed a safety presentation for Willow Tree Early Learning. Further details appear in the January Bureau of Fire Report.

G. Public Works

Mr. Faust had nothing to add. Further details appear in the January Public Works Department Report.

H. Secretary

Mr. Sostarecz stated the Household Hazardous Waste Event which was rescheduled from last year is coming up on Saturday, April 9th at Grange Park – pre-registration is required and to get more information log on to the Township’s website.

I. Manager

Mr. Ibach stated that the Township Auditors met on January 4th for their annual Organization Meeting, setting the salaries for working Supervisors, should the Township ever have them. They also updated the other conditions of work to align with the Employee Handbook, such as PTO.

J. Solicitor

Nothing to add.

K. Board

- i. Chairman Brunell**
Nothing to add.

- ii. Vice-Chairman Ghai**
Nothing to add.



iii. *Supervisor Rader*
Nothing to add.

X. PUBLIC COMMENT/COURTESY OF THE FLOOR

Ms. Marilyn Leiby stated that she has observed tractor trailers on Adams and Church Roads and she feels more driver education and enforcement could be done. Vice-Chairman Ghai stated that the Good Neighbor Coalition has had mixed success in alerting drivers on which way to go.

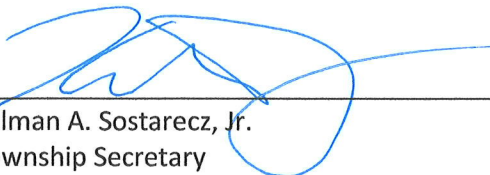
Ms. Leiby also requested an update as to the reopening of Glenlivet. Mr. Martocci stated that the detour plan has expired, and staff is following up with the developer to confirm when they plan to finish and reopen the roadway. Liability as to snow plowing the road was a concern. Mr. Paul McNemar asked if a Certificate of Occupancy can be issued prior to the road being opened. Mr. Ibach stated that staff would investigate further.

Mr. Jim Caffrey asked about the ability to have trucker GPS devices updated as to our local Ordinances. Chief Sitoski stated he believes this has been looked into in the past and there was no easy way to have the updates submitted to the GPS companies. Vice-Chairman Ghai stated that it was also looked into by the Good Neighbor Coalition and they hit a dead end.

XI. ADJOURNMENT

There being no other business, **Chairman Brunell made a motion to adjourn the meeting at 9:19 p.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

Submitted by:



Kalman A. Sostarecz, Jr.
Township Secretary



