

**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 April 7, 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; Andrew V. Schantz, Esq., Solicitor; Michael Sitoski, Chief of Police, UMTPD; Pete Nickischer, Lieutenant, UMTPD; Peter Christ, Director, Bureau of Fire; Scott Faust, Public Works Director; Bruce Koller, Finance Director; Lynn Matula, Recreation & Events Coordinator; and John Toner, Planning & Zoning Specialist.

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.

**II. ADDITIONS/DELETIONS TO THE AGENDA**

Mr. Ibach stated that he would like to add a motion to the agenda to allow staff to advertise an ordinance to vacate Memorial Road by the old Lehigh Motor Inn.

**Motion by Chairman Brunell to add an agenda item to authorize staff to advertise an ordinance to vacate Memorial Road by the old Lehigh Motor Inn. Seconded by Supervisor Rader. The motion passed unanimously.**

**III. MINUTES****A. *March 3, 2022***

Chairman Brunell stated that he would dispense with the reading of the minutes of the previous meetings unless there was an objection. Supervisor Ghai stated that there were a few typographical areas which he listed. Secretary Sostarecz stated those corrections would be made.

**Motion by Chairman Brunell to waive the reading of the minutes of the March 3, 2022 meeting and approve them as amended. Seconded by Supervisor Rader. The motion passed unanimously.**

**IV. PRESENTATIONS****A. *Badge-Pinning Ceremony for New Police Officers***

Chief Sitoski introduced two new police officers being added to the department, Ahmed Elkadousy and Edwin Fernandez, and family members of each officer pinned their badges on their uniforms. The Board congratulated both officers and wished them luck.

**V. DISCUSSIONS & UPDATES****A. *Updates on 6500 Chapmans Road, Hassen Creek Estates, & Pulte Developments***

Mr. Alban stated that for 6500 Chapmans Road, the developer applied for a Special Exception for the proposed warehouse which will be heard by the Zoning Hearing Board later in the month. The developer for the Hassen Creek Estates granted a time extension until the end of May and there have been no further submissions or correspondence – it will be on the May agenda for Board action. Finally, Pulte Homes provided their signed agreement and construction schedule for completion and anticipates the majority of work to be done by fall with any loose ends being completed by the end of the year.

**B. *Glenlivet Drive Reopening***

Mr. Ibach stated that the site contractor is still running fill across the roadway, and weather dependent, they are anticipating being completed soon. The developer is confident that they will be able to reopen the roadway by May 15<sup>th</sup>.

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## VI. ORDINANCES

### A. Ordinance #2022-04 – Zoning Update – Mixed-Use Overlay

Mr. Toner stated that a Public Hearing for this ordinance was heard prior to this meeting. The ordinance would amend the Zoning Ordinance to include a Mixed-Use Overlay within the Medium Density Residential – R4, Medium High Density – R5, Highway Commercial – HC, Neighborhood Commercial – NC, and the Limited Light Industrial – LI(L) Zoning Districts. There was not public comment received at the Hearing.

**Motion by Chairman Brunell to adopt Ordinance #2022-04, establishing a Mixed-Use Overlay within the Zoning Ordinance. Seconded by Supervisor Rader. The motion passed unanimously.**

### B. Ordinance #2022-05 – Applewood Development Speed Limits

Mr. Alban stated that the Township has received complaints from residents and the HOA in the Applewood residential development regarding the speed of vehicles. The Police Department discovered that the Township owned roads in the development are currently not ordained. The roadways were evaluated, and it would be proper to post them with a 25 mile per hour speed limit which the proposed ordinance would ordain.

**Motion by Vice-Chairman Ghai to adopt Ordinance #2022-05, establishing speed limits within the Applewood Development. Seconded by Chairman Brunell. The motion passed unanimously.**

### C. Ordinance #2022-06 – No Parking Areas

Mr. Sostarecz stated that the Township maintained a listing of no parking areas within its codified ordinances dating back to the 1980's; then in 2001, the Berks-Lehigh Regional Police Department asked each municipality that it served to pass the same no parking ordinance without any No Parking areas being listed, and thus the list was repealed through the adoption of Ordinance 2001-  
Even though the Township has continued to ordain no parking areas since then, they have not been codified by General Code due to the repeal of the list in 2001. The proposed Ordinance re-establishes the list of no parking areas as they have been previously ordained. In addition to these, a section of Tilghman Street east of Route 100 is also being added to the list after a study was performed by Keystone Consulting Engineers.

**Motion by Chairman Brunell to adopt Ordinance #2022-06, establishing No Parking areas throughout the Township. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

## VII. RESOLUTIONS

### A. Resolution #2022-10 – Recognizing Local Government Week in Pennsylvania

Mr. Sostarecz stated that each year the state legislature declares a week in April as "Local Government Week" which recognizes those who work in local government. This year the week is April 11<sup>th</sup> to the 15<sup>th</sup>. Staff intends to offer opportunities for residents to come in and learn more about the different departments of the Township; however, with COVID this has been delayed and hopefully next year we will be able to accomplish this.

**Motion by Supervisor Rader to adopt Resolution #2020-10, recognizing Local Government Week in Pennsylvania. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

### B. Resolution #2022-11 – Sewage Planning Module – 7312 Windsor Drive Warehouse

Mr. Alban stated that the Land Development Plan for this project was reviewed and approved by the Board at the March meeting, and now the Sewage Planning Module has been prepared and is also ready for action.

**Motion by Supervisor Rader to adopt Resolution #2022-11, amending the Township's Official Sewage Facilities Plan for 7312 Windsor Drive Warehouse. Seconded by Chairman Brunell. The motion passed unanimously.**

**C. Resolution #2022-12 – Sewage Planning Module – Chapmans Road Sanitary Sewer Extension**

Mr. Alban stated that there is a low-pressure sanitary sewer extension planned for Chapmans Road that would service three additional lots to connect to public sewer. Mr. Ibach stated that one of the lots has a failing on-lot system and there are no alternatives.

**Motion by Supervisor Rader to adopt Resolution #2022-12, amending the Township's Official Sewage Facilities Plan for Chapmans Road Sanitary Sewer Extension. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**D. Resolution #2022-13 – Docket #2175 – Lehigh Hills Lot #5 Apartments – Recreation Fees**

Solicitor Schantz stated that this resolution is being proposed in response to a request from KRE Upper Macungie Associates LP and 1400 Nursery Street Owner, LLC. They are constructing nine apartment buildings with a total of 273 dwelling units in Lehigh Hills behind the Weis market on Route 100 in Fogelsville. KRE has made a formal request by a letter dated January 19, 2022 to seek a modification of their recreation fee to \$0.00, or a full reduction of their fee of \$955,500.00 pursuant to the Township Subdivision and Land Development Ordinance. They appeared before the BOS in February which referred the matter to the Recreation Board for a review. The Recreation Board did review the request and made a recommendation to deny the request, and thus KRE is back before the Board to explain their request. Solicitor Schantz stated that KRE has a stenographer present to record what is said during this meeting, however he does want to make everyone aware that this is not a court proceeding, it is not sworn testimony, and that a record is not being established. Attorney Graham Simmons representing KRE provided a packet of information to the Board and described what was contained therein. Lengthy discussion was had regarding the recreation fees. Mr. Noah Chrismer, Planning Director at KRE, stated that KRE is willing to negotiate for a reduction in fees to something other than \$0.00 and would like to request this item be tabled until the following month. Solicitor Schantz stated that because this topic is related to the Applewood Pump Station litigation, it would be acceptable to have further discussion in an Executive Session.

**Motion by Chairman Brunell to take a ten-minute recess. Seconded by Supervisor Rader. The motion passed unanimously. The time was 8:04 p.m.**

**Chairman Brunell called the meeting to order at 8:08 p.m.**

Secretary Sostarecz stated that an Executive Session occurred from 8:04 p.m. to 8:08 p.m. and the topic was related to the Applewood Pump Station litigation. Chairman Brunell stated that discussion occurred in the executive session and that he would read a portion of the proposed resolution and make a motion. Mr. Bret Spangler, Chairman of the Recreation Board, stated that when KRE was before the Recreation Board there was good discussion, and there were questions by the Recreation Board members which Mr. Chrismer stated was not pertinent to the discussion; however, in Mr. Spangler's view they were very good questions and he found it very disrespectful. Mrs. Donna Gregory asked what would prevent KRE's residents from using the Township's recreation facilities? Although KRE's proposed facilities are closed to the public, the Township's facilities are open to everyone. Mr. Sean Gill stated that the recreation fees are for all residents of Upper Macungie, not just a few.

**Motion by Chairman Brunell to adopt Resolution #2022-13, denying the request. Seconded by Supervisor Rader. The motion passed unanimously.**

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VIII. **MOTIONS**

A. ***Appointing Jazmin Vazquez as Full-Time Receptionist/Community Development Clerk***

Mr. Sostarecz stated that Jazmin Vazquez has been filling the Receptionist position since October on a temporary basis. She has proven to be a very valuable employee and has become an integral part of the team. Not only has she excelled at the given tasks of the position, but she has been eager to learn about all departments and has been assisting them increasingly over the last several months. This has been especially true of the Community Development Department. Staff recommends that she be appointed to the position with the expanded job description.

**Motion by Supervisor Rader to appoint Jazmin Vazquez as a Full-Time Receptionist/Community Development Clerk at a rate of \$18.21 per hour effective April 11, 2022, pending successful completion of all background checks and clearances. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

B. ***Authorizing Wage Adjustment for Part-Time Public Works Employees***

Mr. Faust stated that he is recommending a wage increase for the part-time employees of the Public Works Department to remain competitive with other area employers.

**Motion by Chairman Brunell to authorize a wage increase for Part-Time Public Works employees as follows: David Mauser, Barry Seidel, and Tome Wilson at \$15.00 per hour; and Wally Wilson and Arlan Wright at \$18.00 per hour, effective April 11, 2022. Seconded by Supervisor Rader. The motion passed unanimously.**

C. ***Authorizing Update to Employee Handbook***

Mr. Ibach stated that the Township completed a comprehensive update to the Handbook in September of 2020, and now suggests a small update to organize the book into sections and subsections so that it is easier to follow. In addition, he proposes to adjust the PTO schedule for administrative staff with more than twenty years of service to align with the Public Works agreement. At the milestones of 20, 25, 30, and 35 years an extra day would be issued. Vice-Chairman Ghai asked if the maximum would be 34 days? Manager Ibach stated that it is PTO, so it encompasses all time off, such as sick time. Vice-Chairman Ghai stated that he struggles with the topic because at some point it does become an issue of sustainability, although he does appreciate everything the employees do for the Township.

**Motion by Supervisor Rader to adopt changes to the Upper Macungie Township Employee Handbook as presented. Seconded by Chairman Brunell. The motion passed 2-1; Vice-Chairman Ghai – No.**

D. ***Authorizing Township Solicitor to Appear Before Zoning Hearing Board as Interested Party***

Manager Ibach stated that staff is proposing the Board authorize the Township Solicitor to attend Zoning Hearing Board hearings as an interested party if directed by the Township Manager; this would only be used to fill a gap if the monthly BOS meeting has already been held, and additional information becomes known before the next ZHB meeting and it would be good to have the Solicitor present to get information on the record. Vice-Chairman Ghai wanted to confirm that this would not delegate authority away from the BOS, but that it would only be used if a meeting could not be held in time. Mr. Ibach stated that was correct – it would only occur if information came to light after a BOS meeting but before the ZHB. Solicitor Schantz stated that he would only appear as an Interested Party – the BOS would still be required to send him as an Objector.

**Motion by Chairman Brunell to authorize the Township Solicitor, at the discretion of the Township Manager, under circumstances where time does not allow a public meeting, to appear before the UMT Zoning Hearing Board on behalf of the Board of Supervisors, as an interested party, for any future Public Hearings. Seconded by Supervisor Rader. The motion passed unanimously.**

**E. Authorizing Sale of Public Works Equipment**

Mr. Faust stated that several pieces of used equipment was placed on Municibid and would like a motion to award them – the list was provided to the Board to review. Vice-Chairman Ghai asked questions regarding the age of some of the equipment which was answered by Mr. Faust.

**Motion by Chairman Brunell to authorize the sale of used Public Works equipment as follows:**

- 1970's ONAN 30EK Generator to Glenn Roycroft at a price of \$735.00
- 1970's ONAN 45EM Generator to Glenn Roycroft at a price of \$1,070.00
- 2017 Ex Mark 60" Zero Turn Mower to Mark Nicholas at a price of \$4,600.00
- 2018 EX Mark 60" Zero Turn Mower to Paul Brady at a price of \$6,200.00
- 15' Woods Batwing Rotary Mower to Anthony Veronesi at a price of \$7,700.00
- 2011 15' J.D. Batwing Mower to Joe Cappucci at a price of \$10,800.00.

Seconded by Supervisor Rader. The motion passed unanimously.

**F. Awarding of Bid for 2022 Bituminous Seal Cost/Type 2 Slurry Seal Project**

Mr. Alban stated that the Township awards bids yearly for roadway resurfacing projects. For this project the Township received one bid in the amount of \$373,785.63 from Asphalt Maintenance Solutions. The square yard price increase from last year to this year is \$0.59 which can be attributed to fuel cost increases. Vice-Chairman Ghai asked if there are escalator clauses built in and why we only receive one bid; Mr. Alban stated yes, if the costs of goods move up or down the price will be adjusted, and regarding receiving only one bid – the bid is advertised on Municibid which pushes out the project to contractors in a wide area; however, because the project is relatively small the contractors won't travel far. Vice-Chairman Ghai asked if it would make sense to combine with surrounding municipalities to create a larger project, so it was more attractive for companies to bid on the project? Mr. Alban stated that staff could explore that option.



**Motion by Chairman Brunell to award the 2022 Bituminous Seal Coat/Type 2 Slurry Seal Project bid to Asphalt Maintenance Solutions, LLC at a cost of \$373,785.63. Seconded by Supervisor Rader. The motion passed unanimously.**

**G. Awarding of Bid for 2022 Ultra-Thin Friction Course Project**

Mr. Alban stated this is similar to the previous agenda item however it is a separate project as it comprised of a different process and material. The cost per square yard increased \$0.83 over last year, again attributed to fuel price increases.

**Motion by Supervisor Rader to award the 2022 Ultra-Thin Friction Course Project bid to Asphalt Maintenance Solutions, LLC at a cost of \$614,464.64. Seconded by Chairman Brunell. The motion passed unanimously.**

**H. Awarding of Bid for 2022 Polymer Modified Crack Seal Project**

Mr. Alban stated this is similar to the previous agenda items. Two bids were received and the price per gallon of material increased \$0.77 over the previous year.

**Motion by Supervisor Rader to award the 2022 Polymer Modified Crack Seal Project bid to Asphalt Maintenance Solutions, LLC at a cost of \$58,620.00. Seconded by Chairman Brunell. The motion passed unanimously.**

**I. Authorizing Renewal of 2021 High Performance Chip Seal/Quick Set Fog Seal Project**

Mr. Alban stated that this is a project which was bid out in 2021 and the contract allows for two one-year extensions with price increases. They are proposing a \$0.30 increase this year.

**Motion by Supervisor Rader to authorize the renewal of the 2021 High Performance Chip Seal/Quick Set Fog Seal Project contract to Asphalt Maintenance Solutions, LLC at a cost of \$212,894.40. Seconded by Chairman Brunell. The motion passed unanimously.**

**J. Authorizing UMTPD & Special Fire Police Assistance for Gran Fondo Hincapie Bicycle Ride**

Lt. Nickischer stated that the Police Department and Fire Police have been requested to offer traffic control assistance for the bicycle race which will have approximately 1,000 riders. It begins at the Velodrome and most of the police services will occur when the large group is leaving at the beginning of the race. They have requested a \$5,000 escrow account be established ahead of the race so that their charges for services are assured. Mr. Christ stated that Special Fire Police will provide traffic services at multiple intersections throughout the township for the start of the race, and then a third-party traffic control company will take over afterward. The organization will provide a donation to the fire department.

**Motion by Chairman Brunell to authorize the UMT Police Department and Special Fire Police to aid with traffic control at numerous intersections throughout the Township for the Gran Fond Hincapie Bicycle Ride on June 4, 2022. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**K. Authorizing the Advertisement of an Ordinance to Vacate Memorial Road**

Mr. Ibach stated that the developer has completed the new portion of Memorial Road and is ready to transition to the construction of the new building; the roadway needs to be vacated prior to that construction and staff requests authorization to advertise the ordinance.

**Motion by Chairman Brunell to authorize staff to advertise an ordinance to vacate a portion of Memorial Road. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**IX. BOARD AND STAFF REPORTS**

**A. Treasurer**

The total bills from all funds for March 2022 was \$2,150,343.43. Further details appear in the March Treasurer's Report.

**Motion by Chairman Brunell to pay the bills for March 2022 in the amount of \$2,150,343.43. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**B. Recreation Board**

Ms. Matula stated that the Spring/Summer Newsletter has gone out to all residents and digitally distributed. The Bunny Hop Trunk Hunt is coming up with 410 children registered. Further details appear in the March Recreation Department Report.

**C. Community Development**

Mr. Toner discussed the Planning Commission and Zoning Hearing Board meetings which occurred in March, and those planned for April 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 123 permits in March, 66 of which were building permits, and an additional 13 permits for new structures. Further details appear in the March Community Development Report. Mr. Toner requested a motion for the Solicitor to appear before the Zoning Hearing Board for three public hearings. The applications of Eurosport Classic Motors, 6500 Chapmans Road Warehouse, and 1122 Covered Bridge Crossing.

**Motion by Vice-Chairman Ghai to add an item to the agenda to allow the Solicitor to appear before the Zoning Hearing Board. Seconded by Chairman Brunell. The motion passed unanimously.**

**Motion by Vice-Chairman Ghai to authorize Solicitor Schantz to appear before the Zoning Hearing Board as an interested party regarding the applications of both Eurosport Classic Motors and the 6500 Chapmans Road Warehouse, and as an objector at the hearing of 1122 Covered Bridge Crossing. Seconded by Supervisor Rader. The motion passed unanimously.**

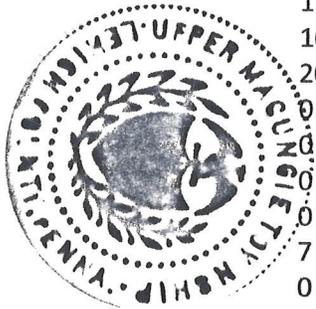
**D. Engineer**

Mr. Alban provided updates on the Rt. 100 Betterment Project and the Rt. 222 & Schantz Road Roundabout Project. Further details appear in the March Engineer's Report.

**E. Police**

Lt. Nickischer stated that there were two thefts from vehicles at Rodale Park and would like to remind everyone to keep their car doors locked and any valuables left inside out of sight. Additional details appear in the February Police Department Report.

|       |                                      |
|-------|--------------------------------------|
| 1,060 | Total Calls for Service              |
| 21    | Reportable MVAs                      |
| 37    | Non-Reportable MVAs                  |
| 9     | Private Property MVAs                |
| 20    | Criminal Arrest (Misdemeanor/Felony) |
| 10    | Non-Traffic Citations (Summary)      |
| 331   | Traffic Citations                    |
| 10    | Parking Tickets                      |
| 84    | Written Warnings                     |
| 88    | False Alarms                         |
| 0     | Arsons                               |
| 2     | Assaults                             |
| 0     | Burglaries                           |
| 17    | Disturbing the Peace                 |
| 1     | Drug/Alcohol Violations              |
| 10    | DUI Offenses                         |
| 20    | Fraud Crimes                         |
|       | Homicides                            |
|       | Motor Vehicle Thefts                 |
|       | Robberies                            |
|       | Sex Offenses                         |
| 7     | Thefts                               |
| 0     | Vandalism/Criminal Mischiefs         |
| 4     | Vehicle Break-In/Thefts              |
| 0     | Weapon Offenses                      |



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**F. Fire/EMS**

Mr. Christ stated that the new Rescue 2541 will be undergoing final preparations at the dealer the week of April 11th. Also, the Junior Fire Academy is scheduled for July 18 through 22<sup>nd</sup> – sign-ups are through the website. Further details appear in the March Bureau of Fire Report.

**G. Public Works**

Mr. Faust stated that the Public Works Department helps load free mulch on every Saturday and Sunday in May from 9am to 1pm. Further details appear in the March Public Works Department Report. Vice-Chairman Ghai asked about the Bradford pear tree on Hilltop Road that looks terrible. Mr. Faust stated that he has asked for that to be taken care of several times – it's on a PennDOT road. The tree is on private property and the homeowner would be responsible for it up to the cartway. Chairman Brunell asked Mr. Toner to look into it. Mr. Paul McNemar asked if the sewer treatment plant re-rating had been completed. Manager Ibach stated that they are still working on the study.

**H. Secretary**

Mr. Sostarecz stated that the Board of Supervisors held an Executive Session on April 7, 2022 at 5:15 p.m. and the topic was litigation. He also stated that community surveys for both the Trail and Walkability Plan Study as well as the new website are available for residents to fill out.

**I. Manager**

Mr. Ibach stated that Lehigh County Authority, Lower Macungie, and Upper Macungie are looking for a semi-temporary solution to ease the flows at the Trexlertown interceptor. The study will be going to the UMT Planning Commission for their comments first, then presented to the public following that. It will then ultimately come back to the Board of Supervisors for final approval. Secondly, South Whitehall Township services a few businesses on Tilghman Street just west of the Turnpike. Due to the bridge replacement project on the turnpike being accelerated, South Whitehall was told to remove their sewer pipes from the bridge in three months – to assist them he will be presenting an inter-municipal agreement at next month's meeting.

**J. Solicitor**

Nothing to add.

**K. Board**

**i. Chairman Brunell**

Nothing to add.

**ii. Vice-Chairman Ghai**

Nothing to add.

**iii. Supervisor Rader**

Reminded everyone that the Household Hazardous Waste event was coming up and residents must pre-register.

**X. PUBLIC COMMENT/COURTESY OF THE FLOOR**

Mr. Keith Wohlbach, who spoke at the beginning of the meeting due to a medical condition, lives at 1250 Trexlertown Road. He discussed a complaint regarding loud music coming from St. Paul's UCC across the street from his church. He's been in communication with the pastor at the church and numerous people at the Township, but the music is still very loud and it's disrupting he and his wife. In addition, the church installed a LED sign which is very bright and does not turn off overnight as required by the Township Code. Manager Ibach stated that regarding the music, the Code Enforcement Officer Shawn Leidy has found the church to be in compliance. Additionally, that the church, as a house of worship, may be exempt from any noise restrictions. Solicitor Schantz stated that he would research the possible exemption. Manager Ibach stated that he would follow up with the Code Enforcement Officer.

Mr. Sean Gill stated that the traffic pattern at the multi-way stop on Memorial Road does not work. Mr. Alban stated they will look into it.

Mr. Kevin Tamerler asked about the intersection of Snowdrift and Hickory due to the crashes including a recent fatal crash. He asked if there was additional signage that could be erected? Mr. Ibach stated that it's already being looked into.

Mr. Hunter Snelling asked if there was any update regarding the Nursery Street one-way survey. Mr. Ibach stated that the decision was to wait until Glenlivet Drive is reopened so the extra cars can get

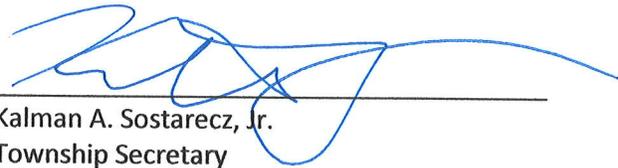
off of Nursery. With that scheduled in May, the survey may be done in June. He asked if a semi-permanent speed sign could be placed on Nursery until the project is done? Lt. Nickischer stated that he would speak with Lt. Reader.

Ms. Donna Gregory asked if the Sheetz Liquor Hearing had occurred? Mr. Ibach stated that they withdrew their application, so no hearing was held.

**XI. ADJOURNMENT**

There being no other business, **Chairman Brunell made a motion to adjourn the meeting at 9:42 p.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

Submitted by:

  
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Kalman A. Sostarecz, Jr.  
Township Secretary







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