

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 May 5, 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; Cory Reader, Lieutenant, 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.

II. ADDITIONS/DELETIONS TO THE AGENDA

Vice-Chairman Ghai stated he would like to add two items to the agenda.

Motion by Vice-Chairman Ghai to add an agenda item for 1122 Covered Bridge Crossing and second item regarding noise complaints and potential remedies. Seconded by Chairman Brunell. The motion passed unanimously.

III. MINUTES**A. *April 7, 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 April 7, 2022 meeting and approve them as amended. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

IV. PRESENTATIONS

None

V. DISCUSSIONS & UPDATES

None

VI. ORDINANCES**A. *Ordinance #2022-07 – Vacation of a Portion of Moyer Road***

Solicitor Schantz stated that the vacation Moyer Road was the subject of a Public Hearing on November 7, 2019. An ordinance was passed a short time later to vacate a portion of the road and now that Glenlivet Drive Extension has been completed it is appropriate for the vacation of the remaining portion of Moyer to take place.

Motion by Chairman Brunell to adopt Ordinance #2022-07, vacating a portion of Moyer Road. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

VII. RESOLUTIONS**A. *Resolution #2022-14 – Recognizing Peace Officers Memorial Day and Police Week***

Mr. Sostarecz stated that in 1962 President Kennedy signed a proclamation which designated May 15th of each year as "Peace Officers Memorial Day" and the calendar week it falls within as "Police Week." A resolution was prepared which was read aloud.

Motion by Vice-Chairman Ghai to adopt Resolution #2020-14, recognizing Peace Officers Memorial Day and Police Week. Seconded by Supervisor Rader. The motion passed unanimously.



B. Resolution #2022-15 – Docket #2062 – Hassen Creek Estates, 2010 Hickory Lane

Mr. Martocci stated that this project is a subdivision which is waiting on a ruling by DEP. The Township has been granted extensions many times by the applicant with no movement on the plan, most recently in February which expires at the end of May. The applicant has granted another extension; however, it is up to the Board whether or not to accept the extension or deny the plan. Township staff recommends denying the plan. Mr. Mark Bradbury, the engineer for the applicant, stated they have been having issues getting information from DEP and requests the extension be accepted. Discussion was had regarding the stormwater from the project as well. Mr. Martocci stated that if an extension would be accepted that it should be longer than 90 days; Vice-Chairman Ghai stated that he would not want to set a precedent for granting longer extensions and also would not want to get into a deemed approval situation.

Motion by Chairman Brunell to adopt Resolution #2022-15, denying Docket #2062 – Hassen Creek Estates Subdivision Plan, based on deficiencies outlined in the Township Engineers review letter dated May 17, 2021. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

VIII. MOTIONS**A. Authorizing Extension of Time Limitation for Plan Recording of Docket #2323 – LRE Allentown Distribution Center Expansion**

Mr. Martocci stated that the LRE Allentown Distribution Center Expansion was approved by the Board on February 3, 2022, and one of the conditions of approval is that the plan be recorded within 90 days. Township staff recommends they be given an additional 90 days to have the plan recorded as they are only waiting for NPDES approval. Mr. Alec Nahas from Bohler Engineering stated that they don't expect PennDOT to review the signal plan for six months. Mr. Alban stated that plan isn't required for plan recording.

Motion by Supervisor Rader to authorize an extension to the required time period for the plan recording of Docket #2323 – LRE Allentown Distribution Center Land Development Plan, which previously was approved by the Board on February 3, 2022. Seconded by Chairman Brunell. The motion passed unanimously.

B. Authorizing Retirement of K-9 Bico

Lieutenant Rader stated K-9 Bico sustained an injury while on duty and following surgery it does not appear that he will not be able to return. His handler, Sergeant Matthew Gardner, has requested that K-9 Bico be retired and be turned over to him for future care.

Motion by Supervisor Rader to authorize the retirement of K-9 Bico and to transfer ownership to Sergeant Matthew Gardner pending the execution of an MOU. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

C. Authorizing Internet Streaming of Planning Commission Meetings

Supervisor Rader stated that in the interest of transparency, she believes the Planning Commission meetings should be streamed online. Vice-Chairman Ghai asked whether allowing two-way communication would be beneficial; Supervisor Rader stated her position is that if someone wants to interact during the meeting they should attend in person.

Motion by Supervisor Rader to authorize internet streaming of the Planning Commission meetings. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

D. Authorizing Advertisement of a Public Hearing for Zoning Ordinance Updates

Mr. Martocci stated that Township Staff and Consultants have drafted an update to the Zoning Ordinance and drafts have been sent to the UMT Planning Commission and Lehigh Valley Planning Commission for the review and comment. A Public Hearing is required prior to enactment of an

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ordinance, and it is recommended to hold that hearing on July 7th at 6:30 p.m. prior to the regularly Board meeting that evening. Ms. Donna Gregory asked if the ordinance would be made available to the public for review prior to the hearing; Mr. Sostarecz stated that it would be advertised and made available for review in person and on the website.

Motion by Vice-Chairman Ghai to authorize the advertisement of a Public Hearing and Ordinance for updates to Chapter 27 – Zoning, on Thursday, July 7, 2022 at 6:30 p.m. Seconded by Chairman Brunell. The motion passed unanimously.

E. Authorizing Sale of Public Works Equipment to North Whitehall Township

Mr. Faust stated that the Public Works Department has two used pieces of equipment that North Whitehall Township would like to purchase. Vice-Chairman Ghai asked what the book value of the vehicles were? Mr. Faust stated that the auction or trade in values were near or below the amounts that North Whitehall was willing to pay.

Motion by Chairman Brunell to authorize the sale of the used 1994 Windy Model 400 Leaf Loader in the amount of \$7,000.00 and a 2013 Ford Interceptor in the amount of \$4,000.00 to North Whitehall Township. Seconded by Supervisor Rader. The motion passed unanimously.

F. Awarding of Contract for Installation of Detention Pond Fencing

Mr. Faust stated that the Township owns thirteen detention ponds which need fence repairs. He received quotes from three companies and the low bid was Arbor Fence.

Motion by Vice-Chairman Ghai to award a contract for the installation of fencing at 13 Township-owned detention ponds to Arbor Fence Co., Inc. at a cost not to exceed \$15,000.00. Seconded by Chairman Brunell. The motion passed unanimously.

G. Rejection of Bids for 2022 Sanitary Sewer Lateral Rehabilitation Project

Mr. Alban stated that there were three bidders for this project that ranged from \$808,000 to \$1.5 million; he feels that there are some options that should be looked into that would cost less than any of the bids and he recommends they should all be rejected. Mr. Ibach stated that LCA is also working on a project with alternatives.

Motion by Supervisor Rader to reject all bids for the 2022 Sanitary Sewer Lateral Rehabilitation Project. Seconded by Chairman Brunell. The motion passed unanimously.

H. Awarding of Bid for 2022 Sanitary Sewer System Manhole Maintenance & Rehabilitation Project

Mr. Alban stated that this is a cooperatively bid project with Coplay-Whitehall Sewer Authority & North Whitehall Township. The project is part of Upper Macungie Township's I&I Program to comply with the PA DEP's approved interim Act 537 Plan. There were five bidders ranging from \$298,855.00 to \$951,851.00. The low bidder was PIM Corporation, a company that the Township has used in the past with success.

Motion by Chairman Brunell to award a bid for the 2022 Sanitary Sewer System Manhole Maintenance & Rehabilitation Project, Contract "A" for Upper Macungie Township, to PIM Corporation in the amount of \$194,616.67, as recommended by Keystone Consulting Engineers. Seconded by Supervisor Rader. The motion passed unanimously.

I. Authorizing Inter-Governmental Agreement with South Whitehall Township for Sewer Services

Mr. Ibach stated that South Whitehall Township has sewer customers in the area of Tilghman Street and the Northeast Extension that will get cut off with the bridgework associated with the highway. The most efficient solution would be for South Whitehall to transport the sewage through the Upper Macungie Township system. Solicitors for both Townships have drafted an



agreement which is similar to agreements we have with other Townships. Attorney Joseph Zator thanked the Township for its cooperation.

Motion by Vice-Chairman Ghai to authorize the execution of an Inter-Municipal Agreement with South Whitehall Township for the purpose of conveying wastewater through the Upper Macungie Township sanitary sewer system. Seconded by Supervisor Rader. The motion passed unanimously.

J. Authorizing Memorandum of Understanding for Glenlivet Drive with Jaindl Land Company

Mr. Ibach stated that Glenlivet Drive is currently part of the Lehigh Hills Subdivision; however, this roadway is a combination of a relocated Moyer Road and new construction. Glenlivet Drive will be used by township residents and emergency vehicles as a travel route between commercial establishments by Route 100 and the western portions of Fogelsville. This puts Glenlivet Drive in a unique situation of serving a new development while also being a needed through collector road. The developer has concerns with liability of the roadway with an anticipated increase in traffic and the Township has concerns with maintenance responsibility. The Township Solicitor and Attorney Zator have drafted an MOU to address issues raised by both parties.

Motion by Chairman Brunell to authorize the execution of a Memorandum of Understanding with the Jaindl Land Company establishing the terms for the opening of Glenlivet Drive. Seconded by Supervisor Rader. The motion passed unanimously.

K. Authorizing Agreement with Information Technology Services

Mr. Sostarecz stated that in 2021 the Township switched IT providers and, although significant improvement was promised over the previous provider, they did not deliver. During the RFP for IT services in 2020, ET&T came in a close second; in addition, it is the township's current telecommunications provider, and their staff has maintained regular contact with Township staff over the years, eager to provide their IT consulting services to the Township as well. Earlier this year the Township Manager and Secretary met with ET&T to indicate our interest in possibly contracting with them. They provided an updated quote and met with us to outline how they would work for the Township. Staff fully recommends switching to ET&T effective June 1, 2022.

Motion by Chairman Brunell to authorize the execution of a 24-month agreement with Eastern Telephone & Telecommunication to provide Information Technology Consulting Services at a cost of \$5,637.57 per month, effective June 1, 2022, pending review of the agreements by the Township Solicitor and Manager. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

L. Authorizing Purchase of Truck Chassis for Fire Unit 2552

Mr. Christ stated that the replacement of unit 2552 is part of the Township's Fire Apparatus Capital Plan and is scheduled for replacement in 2023. The chassis has been located at Whitmoyer Auto Group and is available. The truck committee has recommended the purchase.

Motion by Chairman Brunell to authorize the purchase of a 2022 F-550 crew cab chassis for Upper Macungie Township as specified by Good Will Fire Company No. 1 of Trexlertown, PA to replace current unit 2552, from Whitmoyer Ford at a cost of \$52,700.00. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

M. Authorizing Fire Police Assistance for Veterans Memorial Dedication in Lynn Township

Mr. Christ stated that Lynn Township and the Community Fire Company of New Tripoli have asked for assistance at the dedication of the Veterans Memorial at the Ontelaunee Park on Monday May 30, 2022 at 8:30 a.m. for the dedication of the Veterans Memorial. In addition, Victory in the Valley has requested fire police for its charity motorcycle ride on June 19, 2022, leaving from the Starlite Diner at approximately 10:30 a.m.

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Motion by Chairman Brunell to authorize Fire Police assistance at Ontelaunee Park on May 30, 2022 at 8:30 a.m. for the dedication of the Veterans Memorial, as well as at various intersections in Upper Macungie Township for Victory in the Valley Motorcycle Ride on June 19, 2022. Seconded by Supervisor Rader. The motion passed unanimously.

N. Authorizing the Advertisement of an Ordinance to Vacate Memorial Road
This agenda item combined with letter M above.

O. 1122 Covered Bridge Crossing

Mr. Martocci stated that this stemmed from a zoning appeal in which the Zoning Hearing Board granted a special exception and variances for the owner to construct an accessory structure for the care of a family member. During construction it was determined that the building scope expanded larger than the footprint that was approved by the ZHB with a 15 x 15 two-story addition added to the structure. There were conditions which were established by the ZHB which were agreed to by the property owner which gives the township or any interested party the right to take an easement which the structure currently is within. Township staff recommends that the township take that right and have the building removed. Solicitor Schantz stated that even though there are no stormwater facilities in the easement, it does carry surface water and there are concerns with the structure disturbing that.

Motion by Vice-Chairman Ghai for the Township to exercise its rights toward the easement for Docket #05-2207. Seconded by Chairman Brunell. The motion passed unanimously.

P. Noise Complaints

Vice-Chairman Ghai stated that there have been noise complaints coming from various industrial areas including Mill Road and Hedgewood Road.

Motion by Vice-Chairman Ghai for Township Staff and Consultants to review the concerns of the residents and possibly come up with a revision of the noise ordinance to address those complaints. Seconded by Supervisor Rader. The motion passed unanimously.

IX. BOARD AND STAFF REPORTS

A. Treasurer

The total bills from all funds for April 2022 was \$2,876,945.58. Mr. Koller provided updates on the Household Hazardous Waste Event held at Grange Park in conjunction with North Whitehall Township. He also announced the upcoming Electronics Recycling and Shredding Events which will also be held at Grange Park. Further details appear in the April Treasurer's Report.

Motion by Chairman Brunell to pay the bills for April 2022 in the amount of \$2,876,945.58. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

B. Recreation Board

Ms. Matula provided updates on the number of attendees at events that just concluded as well as events that are coming up, including the Summer Camps. Further details appear in the May Recreation Department Report.

C. Community Development

Mr. Martocci discussed the Planning Commission and Zoning Hearing Board meetings which occurred in April, and those planned for May coming up. He stated that there are currently nine plans being tracked through various stages of approval either before the Planning Commission or Board of Supervisors. Additionally, the department issued 117 permits in April, 49 of which were building permits. Further details appear in the April Community Development Report.

D. Engineer

Mr. Alban provided updates on the Rt. 100 Betterment Project and the Route 222 Roundabout Project. Further details appear in the April Engineer's Report.

E. Police

Lt. Reader stated that the Police Department worked with Wakefern for education of their drivers regarding distracted driving and safety. He also discussed the car racing on Ambassador Drive which is being investigated – initial reports are that many of those involved are from out of state and no advance warning is given. Mr. Hunter Snelling asked if the department completed any traffic studies of Nursery Street. Lt. Reader stated that there had been and provided the data. Mr. Charles Deprill asked if there were any plans to replace the K-9. Lt. Reader stated that options are being discussed. Additional details appear in the April Police Department Report.

939	Total Calls for Service
21	Reportable MVAs
40	Non-Reportable MVAs
4	Private Property MVAs
26	Criminal Arrest (Misdemeanor/Felony)
16	Non-Traffic Citations (Summary)
227	Traffic Citations
14	Parking Tickets
59	Written Warnings
96	False Alarms
0	Arsons
1	Assaults
0	Burglaries
21	Disturbing the Peace
5	Drug/Alcohol Violations
17	DUI Offenses
12	Fraud Crimes
0	Homicides
2	Motor Vehicle Thefts
0	Robberies
2	Sex Offenses
6	Thefts
1	Vandalism/Criminal Mischiefs
4	Vehicle Break-In/Thefts
0	Weapon Offenses

F. Fire/EMS

Mr. Christ stated that he and Fire Inspector Keith Richard attended the TEMA Conference in Hershey and they distributed fire prevention materials at the Bunny Hop Event. Further details appear in the April Bureau of Fire Report.

G. Public Works

Mr. Faust stated that he met with PennDOT who must complete a test of their paving as part of their Route 100 project. They offered to pave a section of Industrial Boulevard from Rt. 100 to the driveway of the pretreatment plant. They will pave and mark it. Discussion was had regarding truck traffic in the area of Fogelsville. Vice-Chairman Ghai asked about traffic signs that have flashing lights. Mr. Mark Sedora asked about truck signage on Snowdrift. Ms. Donna Gregory



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asked if the Township would be able to place yellow caution tape on PennDOT signs. Further details appear in the April Public Works Department Report.

H. Secretary

Mr. Sostarecz stated that the Board of Supervisors held an Executive Session on May 5, 2022 at 6:00 p.m. and the topic was personnel. He also stated earlier in the day 84 second graders from Veterans Memorial Elementary School held a field trip at the municipal complex. He also announced upcoming Special Meetings of the Board as well as a Trail and Walkability Plan Study public meeting.

I. Manager

Mr. Ibach stated that with Glenlivet Drive being close to being opened, Keystone has put together a few ideas for to include in a survey for Nursery Street which should go out in June. Also, that he has been in contact with Lower Macungie Township regarding reciprocal use of their community pool and our splash park for each other's residents.

J. Solicitor

Nothing to add.

K. Board

i. Chairman Brunell

Nothing to add.

ii. Vice-Chairman Ghai

Thanked Lehigh County Voter Registration for obtaining a new polling place for our voting Districts 7 and 8.

iii. Supervisor Rader

Nothing to add.

X. PUBLIC COMMENT/COURTESY OF THE FLOOR

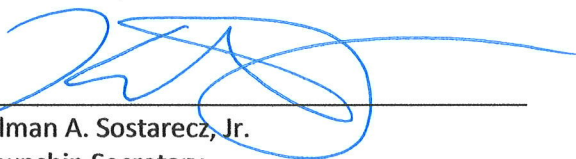
Mr. Keith Wohlbach, 1250 Trexlertown Road, spoke regarding the noise from the church across the street from his home. Mr. Ibach stated that the Code Enforcement Officers have done multiple checks and have found no violations. Additionally, that the church would be exempt from a noise ordinance for their bells. Regarding the digital sign, they are in the process of completing their permit and will be complying with the ordinance.

Mr. Mark Sedora asked about the compressor noise in an industrial area. Mr. Ibach stated staff and consultants are going to research a potential update to the noise ordinance.

XI. ADJOURNMENT

There being no other business, **Chairman Brunell made a motion to adjourn the meeting at 8:53 p.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

Submitted by:



Kalman A. Sostarecz, Jr.
Township Secretary

