

**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 July 7, 2022 at 7:05 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; Keith Richard, Bureau of Fire; Dave Alban, Township Engineer; 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.

Mr. Sostarecz stated that an executive session was held prior to the meeting at 6:00 p.m. and the topics were personnel and facility security. He asked if any member of the Board would like to make a motion based up on the facility security discussion.

**Motion by Vice-Chairman Ghai to authorize the purchase and installation of security camera equipment for Station 56 from TWG Security in the amount of \$43,445.95. Seconded by Supervisor Rader. The motion passed unanimously.**

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

**Motion by Vice-Chairman Ghai to add an item to the agenda to discuss sending the Township Solicitor to the Zoning Hearing Board meeting for the Millipore Sigma hearing. Seconded by Chairman Brunell. The motion passed unanimously.**

**III. MINUTES****A. *May 12<sup>th</sup> & 31<sup>st</sup> and June 2<sup>nd</sup> & 14<sup>th</sup>***

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 May 12<sup>th</sup> & 31<sup>st</sup> and June 2<sup>nd</sup> & 14<sup>th</sup>, 2022 meetings and approve them as presented. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**IV. PRESENTATIONS**

None

**V. DISCUSSIONS & UPDATES**

None

**VI. ORDINANCES**

None

**VII. RESOLUTIONS****A. *Resolution #2022-24 – Docket #2305 – Heeps Meats, 5239 W. Tilghman Street – Preliminary/Final Land Development Plan***

Mr. Alban stated that the project proposes two building additions totaling 11,806 square feet at the rear of 5239 W. Tilghman Street. At their meeting of April 20, 2022, the Upper Macungie Township Planning Commission reviewed and made recommendations on waivers, deferrals, and Preliminary/Final Approval of the plan. The applicant has addressed most Staff and Engineering comments, and the remaining conditions are administrative or minor in nature. Staff is confident those conditions can be satisfied and are in support of the waivers, deferrals, and plan approval.



**Motion by Chairman Brunell to adopt Resolution #2022-24, granting Preliminary/Final Land Development Plan Approval to Docket #2305 – Heeps Meats, 5239 W. Tilghman Street, and the granting of wavier #1 and 5 and Deferral #2, all conditioned on the Township Engineer’s review letter dated July 1, 2022. Seconded by Supervisor Rader. The motion passed unanimously.**

**B. Resolution #2022-25 – Sewage Facilities Planning Module – Glenlivet Drive West Residential Subdivision, Main Street, Fogelsville**

Mr. Alban stated that a Sewage Facilities Planning Module has been prepared for the Glenlivet Drive West Residential Subdivision and reviewed by Township Staff and Consultants. It is ready for adoption by the Board to be forwarded to the PA DEP.

**Motion by Supervisor Rader to adopt Resolution #2022-25, authorizing the submission of a Sewage Facilities Planning Module to the PA DEP, updating the Township’s Act 537 Plan for the Glenlivet Drive West Residential Subdivision. Seconded by Chairman Brunell. The motion passed unanimously.**

**C. Resolution #2022-26 – Multimodal Transportation Fund Grant Reimbursement Agreement**

Mr. Alban stated that in 2020 the Township received a Multimodal Grant in the amount of \$140,041.00 from the Commonwealth Financing Authority for the installation of a signalized dual right turn lane from Grange Road onto the bypass. This resolution authorizes the Township Manager and Secretary to sign the grant reimbursement agreement in order to receive the funds.

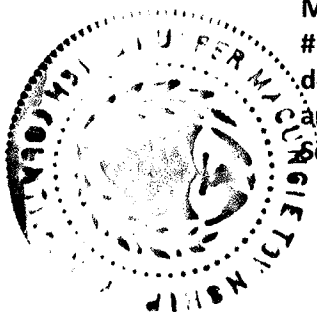
**Motion by Chairman Brunell to adopt Resolution #2022-26, authorizing the Township Manager and Secretary to sign a Multimodal Transportation Fund Grant Reimbursement Agreement for the SR-222 and Grange Road/Mill Creek Road project. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**D. Resolution #2022-27 – Docket #1910 – Trexler Fields – Draw on Financial Security**

Chairman Brunell stated that he would like to combine this agenda item with Item E. as they involve the same developer. Mr. Alban stated that the Improvements Agreements for both projects have expired. The applicant was before the board in April of 2021 at which time the Board granted a one-year extension to complete all of the improvements; following that Township Staff provided an additional extension to June 30, 2022 for full completion. To date the applicant has made significant progress, however there are still items outstanding that remain on the punch list. Mr. Ibach stated that it is the Board’s decision whether to draw down on the developer’s financial security, at which point the Township would arrange for the completion of the improvements, or to grant the developer an additional extension to complete them. Mr. Jim Chrin from Kay Builders stated that they have been working hard to complete the projects and have faced significant issues, including COVID and staffing issues. Discussion was had regarding the items still remaining to be completed including those that require outside agency approvals. Mr. Alban stated that his recommendation is to not include any of those items requiring outside agency approvals in the any motion as the developer will be responsible for them in the future.

**Motion by Chairman Brunell to extend the calling of the Letter of Credit for both Docket #1910 Trexler Fields and Docket #1961 Laurel Fields until October 14, 2022 to allow the developer to complete the items that are not associated with any outside agency approvals and are now on the updated Keystone Consulting Engineers punch list as of July 7, 2022. Seconded by Supervisor Rader. The motion passed unanimously.**

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- E. Resolution #2022-28 – Docket #1961 – Laurel Fields – Draw on Financial Security**  
This item combined with Item D. above.

**VIII. MOTIONS**

- A. Authorizing Execution of Professional Services Agreement with StructureCraft for UMT Community Center**

Ms. Ibach stated that the Community Center has been evolving over the past few years and they have come to a design by StructureCraft that is a timber frame. StructureCraft would like to enter into an MOU stating that the Township would pay for their design work and if the Township proceeds to build their design, that they would be the firm to assemble it. The Upper Macungie Township Community Fund has suggested that the design work be completed so that there are images to show potential donors. Something similar was completed with ClearSpan previously, but due to rising steel prices that is no longer a viable option. Vice-Chairman Ghai asked if the Township's current architect would complete design work. Mr. Ibach stated that StructureCraft would complete the design work for their part of the project, and Howard Kulp Architects would complete the design work for the rest of the building. The overall contract would be handled by Zobay Associates through a Keystone Purchasing Network contract. Mr. Howard Kulp stated that the total cost estimate is \$26 – 30 million dollars and there is a contingency built into it. Mr. Brian Farrell and Ms. Kathy Barth from the Upper Macungie Township Community Fund stated that to date there are approximately \$15 million in grant funds that have been applied for by the Township, and there are additional DCNR grants which are available but cannot be applied for until a design is developed. The remaining cost of the building would be fundraised by the Fund from major donors in the area. The design of the building is crucial to take to the donors, so they have a better idea of what they are donating toward. Vice-Chairman Ghai stated that his concern is that we would not only be signing an agreement for the design, but we would also be locked into using the same firm for construction, and that the MOU is very one-sided. Mr. Ibach stated that the agreement is under review by the Solicitor and staff and that they are forwarding their comments back to StructureCraft to have it updated. Mr. Alex Tamerler asked what controls there are to get a fair price after locking into the design? Solicitor Schantz stated the agreement is solely for StructureCraft to act as a consultant to provide a design. Pricing to construct the building would be negotiated at a later date should the Township wish to proceed with the design. Vice-Chairman Ghai stated that if the Township does not proceed with the design, \$235,000 is a lot of money to spend with nothing to show for it. Mr. Jim Caffrey asked if the \$26 - \$30 million is all inclusive. Mr. Kulp stated that it is.

**Motion by Supervisor Rader to authorize the Township Manager to sign a Memorandum of Understanding and Structural Engineering Services Proposal with StructureCraft Builders, Inc. for structural engineering services for the proposed UMT Community Center in the amount of \$235,000.00 pending review by the Township Solicitor and Staff. Seconded by Chairman Brunell. The motion passed 2-1; Vice-Chairman Ghai – No.**

- B. Authorizing Change Order for Howard Kulp Architects for Additional UMT Community Center Design Work**

Mr. Ibach stated that in conjunction with the previous motion, with the change in design concepts from ClearSpan to StructureCraft, Howard Kulp Associates will need to pivot and do more design work. They have requested a change order to the current PO to account for the additional hours needed. Mr. Kulp stated that they began drawings for the Community Center in 2015 and there have been several iterations since then. With each change in design additional work is needed. Mr. Paul McNemar asked what the total percentage of the project is the design work. Mr. Kulp stated 1.7%. Mr. Tamerler said it was very reasonable.

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**Motion by Chairman Brunell to authorize a Change Order for PO #20-01551, Howard Kulp Architects, P.C., in an amount not to exceed \$120,350.00 for additional design work on the proposed UMT Community Center. Seconded by Supervisor Rader. The motion passed 2-1; Vice-Chairman Ghai – No.**

**C. Docket #2175 – Lehigh Hills, Lot 5, Phase 1 – Apartments – Extension of Time to Construct Improvements**

Solicitor Schantz stated that when this project was approved in 2020 the developer agreement allowed for a 24 month construction period. Since that agreement is about to expire, it would be appropriate to extend the construction period to be in line with the PA Municipalities Planning Code which is an additional three-years. The Township would also require additional security to be posted.

**Motion by Chairman Brunell to grant a three-year extension of time to complete improvements to Docket #2175, Lehigh Hills, Lot 5, Phase 1 Apartments as well as the posting of an additional \$28,653.16 in financial security. Seconded by Supervisor Rader. The motion passed unanimously.**

**D. Authorizing Advertisement of a Public Hearing for Ordinance #2022-10 – Zoning Updates**

Mr. Alban stated that Township Staff has completed a draft of an update to the Zoning Ordinance which requires a Public Hearing.

**Motion by Supervisor Rader to authorize the advertisement of a Public Hearing and Ordinance for updates to Chapter 27 – Zoning, on Thursday, September 1, 2022 at 6:30 p.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**E. Appointing Dana Heller as Finance Office Manager**

Mr. Ibach stated that staff is proposing that Dana Heller fill the position which was created by the retirement of Cindy Yaskowski. Dana has done a fine job and staff is confident she will do very well in the position.

**Motion by Chairman Brunell to appoint Dana Heller as Finance Office manager effective July 5, 2022 at a rate of \$28.62 per hour. Seconded by Supervisor Rader. The motion passed unanimously.**

**F. Authorizing Advertisement for Utility Billing Clerk**

Mr. Koller stated that with the promotion of Ms. Heller, her old position is now open and staff would like the authority to advertise the position.

**Motion by Supervisor Rader to authorize the advertisement for a Full-Time Utility Billing Clerk. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

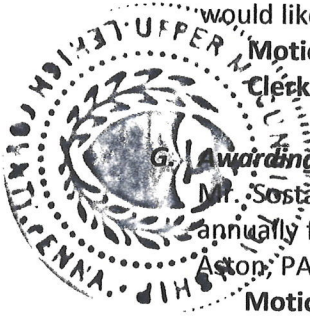
**G. Awarding of LVPC Gas & Diesel Fuel Bid**

Mr. Sostarecz stated that the Lehigh Valley Cooperative Purchasing Council advertises a bid annually for fuel delivery to the partner municipalities. This year's low bidder was PAPCO, Inc. of Aston, PA.

**Motion by Supervisor Rader to award the 2022 LVPC Gasoline and Diesel Fuel Bid to PAPCO, Inc. of Aston, PA. Seconded by Chairman Brunell. The motion passed unanimously.**

**H. Authorizing Fuel Price Adjustment for Lawn Mowing Bid #202-03.01**

Mr. Faust stated that PA Lawn & Landscape has requested an adjustment of 17% to their rate due to the price of fuel increasing. There was no price escalation clause in their contract, but have asked for the increase due to their increased costs. The increase would just be for the current



cutting year. He would like to note that PA Lawn's bid was well below the second place bidder by about 50%. Even offering the additional 17% they will still be well below the other bidder.

**Motion by Supervisor Rader to authorize a fuel price adjustment not to exceed 17% to PA Lawn & Landscape for Lawn Mowing Bid #2021-03.01. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**I. Authorizing Advertisement of Bid for State Police Building Roof Replacement**

Mr. Faust stated that the roof of the state police building is in need of replacement – it's nearly 30 years old and has reached the end of its useful life.

**Motion by Chairman Brunell to authorize the advertisement of a bid to replace the State Police Building roof. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

**J. Authorizing Purchase of Fire Apparatus Body for Unit 2552**

Mr. Richard stated that previously the Board authorized the purchase of the chassis for Unit 2552, and the current timeframe for the body build is six months. Ordering the body now will allow the process to begin, but payment will not be required until next year.

**Motion by Vice-Chairman Ghai to authorize the purchase of a 11' aluminum truck body for Unit 2552 from Levan Machine & Truck Equipment at a cost of \$88,577.00. Seconded by Chairman Brunell. The motion passed unanimously.**

**K. Authorizing Requests for Special Fire Police Assistance**

Mr. Richard stated that there has been a request for fire police assistance for both "A Night in The Country" and the "Guns and Cash Bash."

**Motion by Chairman Brunell to authorize Special Fire Police assistance for traffic control at A Night in The Country on August 20<sup>th</sup> with a rain date of August 21<sup>st</sup>, and at the Community Fire Company of New Tripoli on August 27<sup>th</sup> for their annual "Guns and Cash Bash." Seconded by Supervisor Rader. The motion passed unanimously.**

**L. Authorizing Township Solicitor to Attend Zoning Hearing Board Meeting**

Vice-Chairman Ghai stated that he would like the Township Staff and Consultants to attend the July 13<sup>th</sup> Zoning Hearing Board meeting for the Millipore Sigma plan.

**Motion by Vice-Chairman Ghai to authorize the Township Manager to send the Solicitor, Director of Community Development, and Engineer to the July 13<sup>th</sup> Zoning Hearing Board meeting as an interested party for the Millipore Sigma plan to complete with the Township Conditional Use process and to provide testimony to the Zoning Hearing Board to apply any reasonable conditions to be in compliance with our Ordinance. Seconded by Supervisor Rader. The motion passed unanimously.**

**IX. BOARD AND STAFF REPORTS**

**A. Treasurer**

The total bills from all funds for June 2022 was \$2,089,753.87. Further details appear in the June Treasurer's Report.

**Motion by Chairman Brunell to pay the bills for June 2022 in the amount of \$2,089,753.87. Seconded by Supervisor Rader. The motion passed unanimously.**

**B. Recreation Board**

Ms. Matula provided updates on the various summer camps and Movies in the Park. Further details appear in the June Recreation Department Report.

**C. Community Development**

Mr. Alban discussed the Planning Commission and Zoning Hearing Board meetings which occurred in June, and those planned for July 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 115 permits in June, 49 of which were building permits. Further details appear in the June Community Development Report.

**D. Engineer**

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

**E. Police**

Lt. Reader stated that the Emergency Services Academy is coming up in July and National Night Out is planned for August 2<sup>nd</sup> at Grange Park. Mr. Joe Corcoran asked if any update could be given regarding the shooting incident in Heatherfield. Lt. Reader stated that the PD was dispatched to a shooting event which involved one person that was shot and not from the area. The investigation is ongoing. Additional details appear in the June Police Department Report.

1,015	Total Calls for Service
20	Reportable MVAs
34	Non-Reportable MVAs
5	Private Property MVAs
14	Criminal Arrest (Misdemeanor/Felony)
14	Non-Traffic Citations (Summary)
267	Traffic Citations
8	Parking Tickets
44	Written Warnings
101	False Alarms
0	Arsons
3	Assaults
1	Burglaries
39	Disturbing the Peace
2	Drug/Alcohol Violations
9	DUI Offenses
8	Fraud Crimes
0	Homicides
0	Motor Vehicle Thefts
0	Robberies
2	Sex Offenses
7	Thefts
2	Vandalism/Criminal Mischiefs
1	Vehicle Break-In/Thefts
0	Weapon Offenses

**F. Fire/EMS**

Mr. Richard stated that the Bureau of Fire assisted South Whitehall Jr. Academy with their fire prevention trailer, and at Veterans Elementary School with the summer camp. The Junior Services Academy begins July 18<sup>th</sup> and all the slots are full. Further details appear in the June Bureau of Fire Report.

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**General Business Meeting**  
**July 7, 2022**

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**G. Public Works**

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

**H. Secretary**

Mr. Sostarecz stated that an executive session was held prior to the meeting at 6:00 p.m. and the topics were personnel and facility security.

**I. Manager**

Mr. Ibach stated that the community survey for Nursery Street has been prepared and will be sent out soon.

**J. Solicitor**

Solicitor Schantz stated regarding the Air Products Special Exception Hearing, testimony was taken at two hearings and the testimony has been closed. The Zoning Hearing Board will render its decision at the July 13<sup>th</sup> meeting.

**K. Board**

**i. Chairman Brunell**

He would like to offer his thanks to the officers who responded to the incident near his home – the officers arrived very quickly and worked for many hours to investigate.

**ii. Vice-Chairman Ghai**

Nothing to add.

**iii. Supervisor Rader**

Recruiting and maintaining volunteer firefighters is a big problem not only here, but across the state. She urges anyone who is interested to contact any of the three departments.

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

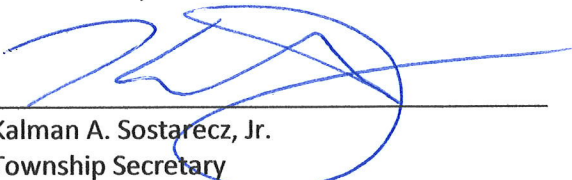
Mr. Alex Tamerler stated that he thanks the Township for the additional signage that was put up at the intersection of Hickory and Snowdrift.

Mr. Mark Messics of 1117 Grove Drive, Orefield, PA 18069, spoke regarding nuisance noise emanating from Naura Akrion, Hedgewood Drive. He has filed numerous complaints with the Township and would like assistance. Mr. Ibach stated that the noise has been researched extensively by Township Staff and Consultants and there is no violation. Mr. Ibach stated that the owner of the property, Prologis, was out looking at the site and is looking into installing sound attenuating devices to assist with the noise.

**XI. ADJOURNMENT**

There being no other business, **Supervisor Rader made a motion to adjourn the meeting at 8:59 p.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.**

Submitted by:

  
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 Kalman A. Sostarecz, Jr.  
 Township Secretary

