

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 7:00 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; Peter Nickischer, Lieutenant, UMTPD; Peter Christ, Director, Bureau of Fire; Daren Martocci, Director, Community Development; 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 5:45 p.m. and the topics were personnel and litigation. Solicitor Schantz stated that the Board of Supervisors has been made aware of pending litigation regarding Holaska vs. Upper Macungie Township Zoning Hearing Board. A settlement agreement has been drafted which he is comfortable with as well as the Zoning Hearing Board's Solicitor.

Motion by Chairman Brunell to authorize the execution of a settlement agreement in regard to litigation presently pending in Pennsylvania Commonwealth Court captioned as Joseph Holaska and Stephanie Holaska vs. Upper Macungie Zoning Hearing Board Docket #22-CD-2022, upon the satisfaction of Township Staff and Solicitor. Seconded by Supervisor Rader. The motion passed unanimously.

II. ADDITIONS/DELETIONS TO THE AGENDA

III. MINUTES

A. July 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 July 7, 2022 meeting and approve them as presented. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

IV. PRESENTATIONS

A. State Representative Mike Schlossberg

Representative Schlossberg stated that he wanted to attend the UMT Board of Supervisors meeting to introduce himself as he now represents the eastern portion of the Township as the maps have been redrawn to include part of the 132nd District. He reviewed his background and initiatives for the state and for the Township. He then answered questions from staff and residents.

V. DISCUSSIONS & UPDATES

None

VI. ORDINANCES

A. Ordinance #2022-10 – Speed Limits on Multiple Roadways

Mr. Alban stated that the Township has several older development roadways and miscellaneous roadways that currently do not have speed limits ordained via ordinance. They completed an



engineering study or evaluation on the roadways in order to establish and enforce speed limits and have identified 192 which are part of the proposed ordinance.

Motion by Chairman Brunell to adopt Ordinance #2022-10, establishing maximum speed limits on multiple Township roadways. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

B. Ordinance #2022-11 – No Parking Areas on Multiple Roadways

Mr. Alban stated that the Upper Macungie Township Police Department has identified a number of areas in which No Parking signs were posted and not ordained, or areas that were in need of signs. They completed the required studies, and this ordinance has been drafted to ordain the No Parking areas.

Motion by Supervisor Rader to adopt Ordinance #2022-11, establishing no parking areas on multiple township roadways. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

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VII. RESOLUTIONS

A. Resolution #2022-27 – Docket #2341 – Newtown Road Subdivision, 9340 Newtown Road – Preliminary/Final Subdivision Plan

Mr. Martocci stated that the applicant has proposed a lot line adjustment between proposed Lot 1 at 9340 Newtown Road, and existing Lot 2 at 9294 Newtown Road, in which Lot 2 is conveying approximately .4028 acres to proposed Lot 1. No new construction is proposed with this project. The UMT Planning Commission reviewed and made recommendations on waivers and approval of the plan at their July 20, 2022 meeting.

Motion by Chairman Brunell to adopt Resolution #2022-27, granting Preliminary/Final Approval to Docket #2341 – Newtown Road Subdivision, and the granting of waivers #1 - #6, all conditioned upon Township Staff and Engineer review letters dated July 18, 2022. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

VIII. MOTIONS

A. Authorizing Execution of Agreement Regarding 9020 Schantz Road, Breinigsville, PA 18031

Solicitor Schantz stated that during the construction of the new Veterans Memorial Elementary School on Twin Ponds Road, and the improvements around the intersection of Schantz and Twin Ponds Road, the property owner at 9020 Schantz Road alleged that the construction altered the slope of their driveway. There have been ongoing discussions with that property owner, school district, contractor, and other parties, regarding a settlement between the school district and the property owner. The Township is party to the settlement agreement and will be held harmless against any claims, therefore he recommends the Township enter into the agreement with the other parties which he has reviewed.

Motion by Chairman Brunell to authorize the execution of a settlement agreement and general release regarding the property of Mark Boyle, 9020 Schantz Road. Seconded by Vice-Chairman Ghai. The motion passed unanimously.



B. Authorizing Execution of Agreement for New Applewood Pump Station

Mr. Ibach stated that as part of the Lehigh Hills development including the KRE Apartments, the developer was to provide a new sanitary sewer pump station which was through a settlement agreement in 2019. The pump station has been completed and is ready to be purchased by the Township pending the completion of some punch list items.

Motion by Supervisor Rader to authorize payment to Jaindl Land company in an amount not to exceed \$1,800,000.00 for the new Applewood Pump Station pending the Engineer's,

Solicitor's, and Staff's satisfaction of completion. Seconded by Chairman Brunell. The motion passed unanimously.

C. Authorizing Advertisement of an Ordinance to Convey Former Applewood Pump Station Lands

Solicitor Schantz stated that with the acquisition of the new pump station, Jaindl Land Company is going to be conveying additional lands upon which the Applewood Pump Station sits. The old pump station has been decommissioned and as part of the settlement agreement the lands upon which it sat would be conveyed back to Jaindl Land Company which will ultimately be transferred to the Boy Scouts. This should be completed by ordinance which needs to be advertised.

Motion by Vice-Chairman Ghai to authorize the advertisement of an ordinance to convey the former Applewood Pump Station lands. Seconded by Supervisor Rader. The motion passed unanimously.

D. Authorizing Advertisement of a Public Hearing for an Intermunicipal Liquor License Transfer Request

Mr. Sostarecz stated that the Township was notified by Cracker Barrel Old Country Store that they intended to transfer a liquor license into the Township to serve alcohol at their restaurant. As part of the process the municipality is required to hold a Public Hearing to consider the transfer and then ultimately approve or deny the transfer.

Motion by Supervisor Rader to authorize the advertisement of a Public Hearing on Thursday, September 1, 2022 at 6:15 p.m. for the application of Cracker Barrel Old Country Store, 7720 Main Street, Fogelsville, for an Intermunicipal Transfer of a Restaurant Liquor License. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

E. Authorizing Advertisement of an RFP for Insurance Services

Mr. Koller stated that the Township completed an RFP in 2016 for insurance brokers and he is recommending to again complete an RFP to see what other offers are available. They would also like to include all the insurances for the Township including for the Volunteer Fire Departments.

Motion by Vice-Chairman Ghai to authorize the advertisement of an RFP for insurance coverage and quotes for the Township's Commercial and Workers' Compensation coverages, and policies of the Township's Volunteer Fire Companies. Seconded by Supervisor Rader. The motion passed unanimously.



Authorizing Advertisement of a Bid for Paving a Portion of Mill Road

Mr. Alban stated that this is to finish up the Mill Road project which has been widened and signals installed. The last step is for the final build up and overlay.

Motion by Vice-Chairman Ghai to authorize the advertisement of a bid to pave a portion of Mill Road. Seconded by Supervisor Rader. The motion passed unanimously.

G. Authorizing Extension of Time Limitation for Plan Recording for Various Land Development Plans

Mr. Martocci stated that there are five plans that have been approved but not yet recorded. Staff is requesting that the Board authorize an extension as they are all close to being recorded. The only items remaining are outside agency approvals.

Motion by Chairman Brunell to authorize the extension of the required time period for recording for an additional ninety days for Docket #2299, Hidden Meadows Phase 3; Docket #2323, LRE Allentown Distribution Center Expansion; Docket #2337, Sam Adams Parking Lot Addition; Docket #2332, Subdivision of Patrick Steward; and Docket #2303, 7312 Windsor Drive. Seconded by Supervisor Rader. The motion passed unanimously.

H. Authorizing Execution of an Agreement Regarding Hassen Creek Estates Subdivision

Solicitor Schantz stated the Board of Supervisors denied the applicant's plan a few meetings prior, and the applicant appealed to the Lehigh County Court of Common Pleas to preserve their rights as they discussed with the Township the previous waivers which had been granted for the plan. A settlement agreement has been developed which preserves the applicant's rights to the waivers so long as the resubmitted plan is substantially the same as the previous submission. The agreement has been reviewed by him and other consultants, and he recommends the Board authorize its execution.

Motion by Vice-Chairman Ghai to authorize the execution of an agreement regarding the Hassen Creek Subdivision, which is to the satisfaction of Township Staff and Consultants. Seconded by Supervisor Rader. The motion passed unanimously.

I. Authorizing Execution of an Agreement Regarding Group of Citizens Fogelsville/Boy Scouts

Solicitor Schantz stated that with the completion of the Applewood Pump Station and the conveyance of land underneath the new and old pump stations, the settlement agreement laid out that Jandl Land Company would convey land to the Group of Citizens/Boy Scouts the land where their facilities exist today. The Boy Scouts have filed for tax exemption for the property, and as part of that they must show services in lieu of taxes, where they perform services upon that land instead of paying taxes. The agreement spells out what they would be responsible for, including cleaning the trails and parking lots, which would benefit the township.

Motion by Chairman Brunell to authorize the execution of an agreement with the Group of Citizens Fogelsville/Boy Scouts, which is to the satisfaction of Township Staff and Consultants. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

J. Authorizing Pre-Order of 2023 Police, Fire, and Public Works Vehicles

Mr. Ibach stated that due to supply chain issues and problems with new vehicle deliveries, dealers are advising municipalities to order vehicles when manufacturers open their enrollment. It is very possible that vehicles ordered in 2023 would not be delivered until 2024 unless the pre-order is completed. This would not be a purchase at this time and no penalty would be assessed if the pre-orders were cancelled. Staff would come back to the Board after the 2023 budget is approved for the approval of the purchases themselves.

Motion by Chairman Brunell to authorize the pre-ordering of five Police, two Fire, and four Public Works vehicles and equipment for 2023. Seconded by Supervisor Rader. The motion passed unanimously.

K. Appointing Scott Adams III as Deputy Tax Collector

Mr. Ibach stated that Tax Collector Tracy Hodrick would like to hire a part-time assistant to help with the taxes. The Board must officially appoint a Deputy Tax Collector to make it official prior to him being able to work with Ms. Hodrick. Mr. Ghai asked if there was any cost to the Township. Manager Ibach stated the cost would be solely to Ms. Hodrick.

Motion by Supervisor Rader to appoint Scott Adams III as Deputy Tax Collector. Seconded by Chairman Brunell. The motion passed unanimously.

L. Authorizing Trick or Treat Date and Time

Ms. Matula stated that Trick or Treat is traditionally the Friday prior to Halloween, which this year would be Friday, October 28th.

Motion by Supervisor Rader to authorize Friday, October 28, 2022 from 6:00 – 8:00 p.m. as Trick or Treat night in Upper Macungie Township, with a rain date of October 29, 2022. Seconded by Chairman Brunell. The motion passed unanimously.



M. Authorizing Creation of a Non-Profit Organization for Fire Protection Services

Mr. Ibach stated that during the summer Board meetings with the fire companies, two of the stations had asked the Township to begin an independent non-profit to provide fire and rescue services, and they were interested in combining to join that new non-profit. There is some paperwork to complete and fees to remit with the paperwork.

Motion by Chairman Brunell to authorize the Township Manager to complete all paperwork necessary for the creation of a Non-Profit Organization for the purpose of supplying fire and rescue services to the citizens of Upper Macungie Township. Seconded by Supervisor Rader. The motion passed unanimously.

N. Authorizing Request for Special Fire Police

Mr. Christ stated that the Lehigh Wheelmen's Association has requested Special Fire Police to assist with their annual event at the Valley Preferred Cycling Center on September 5th.

Motion by Supervisor Rader to authorize Special Fire Police assistance for the Lehigh Wheelmen's Association Bicycle Event at Valley Preferred Cycling Center on September 5, 2022 at 9:00 a.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

IX. BOARD AND STAFF REPORTS

A. Treasurer

The total bills from all funds for July 2022 was \$3,759,267.92. Further details appear in the July Treasurer's Report.

Motion by Chairman Brunell to pay the bills for July 2022 in the amount of \$3,759,267.92. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

B. Recreation Board

Ms. Matula provided updates on Parkland Summer Camp, which is just wrapping up, and Movies in the Park. Further details appear in the July Recreation Department Report.

C. Community Development

Mr. Martocci discussed the Planning Commission and Zoning Hearing Board meetings which occurred in July, and those planned for June 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 130 permits in July, 67 of which were building permits. Further details appear in the July Community Development Report.

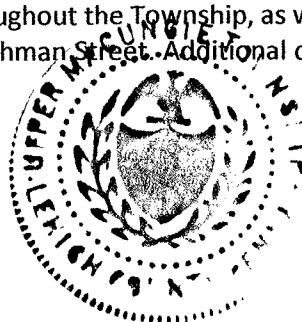
D. Engineer

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

E. Police

Lt. Nickischer stated that National Night Out was a huge success and he thanked both the Fire Departments and the Public Works Department, all of which did a fantastic job. Discussion was had regarding enforcement of traffic laws throughout the Township, as well as the traffic pattern in the area of Blue Barn Road approaching Tilghman Street. Additional details appear in the July Police Department Report.

974	Total Calls for Service
13	Reportable MVAs
39	Non-Reportable MVAs
3	Private Property MVAs



17	Criminal Arrest (Misdemeanor/Felony)
19	Non-Traffic Citations (Summary)
407	Traffic Citations
16	Parking Tickets
53	Written Warnings
105	False Alarms
0	Arsons
1	Assaults
2	Burglaries
29	Disturbing the Peace
4	Drug/Alcohol Violations
6	DUI Offenses
17	Fraud Crimes
1	Homicides
2	Motor Vehicle Thefts
0	Robberies
2	Sex Offenses
4	Thefts
3	Vandalism/Criminal Mischiefs
3	Vehicle Break-In/Thefts
0	Weapon Offenses

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F. Fire/EMS

Mr. Christ stated the Junior Services Academy ran from July 18th – 22nd and it was again a great success with coordination between Police, Fire, and EMS. Further details appear in the June Bureau of Fire Report.

G. Public Works

Mr. Faust had nothing to add. Vice-Chairman Ghai stated that during National Night Out he had discussions with residents who asked about additional trees and pathways in Grange Park. Mr. Faust stated that many more trees and a pathway are planned for the park as it is built out. Further details appear in the July Public Works Department Report.

H. Secretary

Mr. Sostarecz stated that an executive session was held prior to the meeting at 5:45 p.m. and the topics were personnel and litigation; he also stated that a Public Hearing is schedule for September 1st at 6:15 p.m. for a Liquor License Transfer Request, and at 6:30 p.m. regarding a Zoning Ordinance update. Additionally, that on September 13th at 7:00 p.m. there will be a Trail Study and Walkability Plan public meeting where the draft map will be displayed. Finally, the Township's new website is coming along and planned for launch this fall.

I. Manager

Mr. Ibach had nothing to add.

J. Solicitor

Solicitor Schantz had nothing to add.



K. Board

i. Chairman Brunell

Wanted to thank all the Township Staff for National Night Out as it was very warm and welcoming.

ii. Vice-Chairman Ghai

Thought Grange Park was a great location for National Night Out – plenty of parking and space for everything, even though there was a lot going on.

iii. Supervisor Rader

Stated that she has heard a lot of gossip on social media regarding warehousing that’s being built and sitting unused – she cited a Lehigh Valley Planning Commission study that found that the vacancy rate for warehouses in the 1st quarter of the year was 3.9%, and in the 2nd quarter of the year was 3.5%, which is very low.

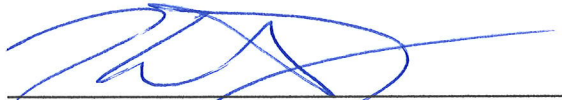
X. PUBLIC COMMENT/COURTESY OF THE FLOOR

Ms. Heather Fotopolous and Ms. Lisa Volk, from the Laurel Fields HOA, discussed the turning over of the development from Kay Builders to the HOA, and the concerns they have with the trees. Mr. Martocci stated that he would research the requirements for the trees in the development, and he along with Township Staff could meet the HOA in the field to discuss the trees.

XI. ADJOURNMENT

There being no other business, **Chairman Brunell made a motion to adjourn the meeting at 8:45 p.m. Seconded by Supervisor Rader. The motion passed unanimously.**

Submitted by:



Kalman A. Sostarecz, Jr.
Township Secretary

