

**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 September 7, 2023, at 7:57 p.m. in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Present were Sunny Ghai, Chairman; Kathy A. Rader, Vice-Chairwoman; James M. Brunell, Supervisor; Robert R. Ibach, Jr., Township Manager; Jazmin Vazquez, Township Secretary; Andrew V. Schantz, Esq., Solicitor; Michael Sitoski, Chief, UMTPD; Peter Christ, Fire Commissioner; Dave Alban, Township Engineer; Scott Faust, Public Works Director; Bruce Koller, Finance Director and Mike Kukitz, Recreation Manager.

Chairman Ghai 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**

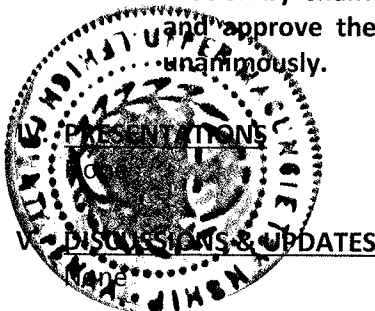
Ms. Vazquez stated that there was an executive session that was held at 5:00 p.m. and the topics discussed were the Collective Bargaining Agreement and litigation for KRE Upper Macungie Associates v. UMT Board of Supervisors case #2022-c-0991.

**Motion by Supervisor Brunell to allow Solicitor Schantz to file an appeal while working with staff on the KRE Litigation. Seconded by Vice-Chairwoman Rader. Motion passed unanimously.**

**III. MINUTES****A. August 3, 2023**

Chairman Ghai stated that he would dispense with the reading of the minutes of the previous meeting unless there were any objections.

**Motion by Chairman Ghai to waive the reading of the minutes of the August 3<sup>rd</sup> meeting and approve them as presented. Seconded by Supervisor Brunell. The motion passed unanimously.**

**VI. ORDINANCES****A. Ordinance #2023-10 – Amending Chapter 15 – Multiway Stop Sign – Scenic View Drive and Witman Drive**

Mr. Alban stated that there have been several concerns that have been presented before the Board in previous meeting regarding the need for a stop sign at the intersection of Scenic View Drive and Witman Drive. The Township conducted an evaluation and determined that a multiway stop sign is warranted at this intersection due to sight distance constraints.

**Motion Chairman Ghai to adopt Ordinance #2023-10, amending Chapter 15 of the Township of Upper Macungie Code of Ordinances regarding the placement of a multiway stop sign on the intersection of Scenic View Drive and Witman Drive. Seconded by Vice-Chairwoman Rader. The motion passed unanimously.**

**VII. RESOLUTIONS****A. Resolution #2023-37 – Inter-Municipal Liquor License Transfer Request for Sheetz – 951 Trexlertown Road**

Solicitor Schantz mentioned that this is a resolution to authorize the transfer of a liquor license for Sheetz on Trexlertown Road. There was a public hearing that was held prior to the August 3, 2023, Board of Supervisors Meeting. During the testimony that was given by the applicant they are voluntarily placing a condition on the transfer that would not allow for the presence of live music at the facility.

**Motion by Vice-Chairwoman Rader to adopt Resolution #2023-37, authorizing the inter-municipal transfer of Liquor License #R-13791 from G&G Restaurant Group, LLC, 925 Airport Center Drive, Hanover Township to Upper Macungie Township for Sheetz, with the consent of the applicant to not have live music on site. Seconded by Chairman Ghai. The motion passed unanimously.**

**B. Resolution #2023-38 – Docket #2360 – 818 Hickory Lane – Valley Pallets – Conditional Use Review**

Mr. Sostarecz stated that a conditional use hearing was held prior to the General Meeting for 818 Hickory Lane, he informed the Board that there is a window of 45 days to act on this resolution. If the Board is prepared to decide, they will be able to do so. Supervisor Brunell suggested that Staff should work with the Applicant to provide proper steps to bring the property into compliance prior to deciding. Solicitor Schantz stated that the applicant bears the burden to prove that they have met all the conditions that are set forth in our zoning ordinance. One of those include compliance with all other local ordinances, federal guidelines, and state laws. Supervisor Brunell stated that the applicant has not proven to be in compliance and the Township has not received a plan depicting the areas where the pallets will be stored for review. Vice-Chairwoman Rader mentioned that the drawing that was provided should be more detailed showing the height and width of the pallets as well as the width of the aisles that are between for review by the Bureau of Fire to ensure that there is access for equipment in case of an emergency. Mr. Sostarecz mentioned that the drawing will have to be submitted with the assistance of qualified individuals and professionals. The applicant has had eighteen (18) months to bring the property into compliance and has only fell further out of compliance, thus requiring a strict deadline for full compliance. Vice Chairwoman Rader asked the applicant if they would be willing to provide a time extension further than the 45 days; the applicant consented to a time extension until the December 7, 2023, General Meeting. They will also need to provide all documentation to the Township for Staff review no later than November 7, 2023.

**Motion by Vice-Chairwoman Rader to continue Docket #2360 – 818 Hickory Lane – Valley Pallets to the December 7, 2023, and allowing Staff to work with the applicant. Seconded by Supervisor Brunell. The motion passed unanimously.**

**Resolution #2023-39 – Addition of Lands at 2531 Orchard Road to the Agricultural Security Area.**

Mr. Sostarecz stated that an application was received from Donald Haas at 5331 Orchard Road in Upper Macungie Township to add his lands to the Agricultural Security Area that was first adopted in 1998. Since adoption, more than 1,500 acres have qualified to be included in the Agricultural Security Area Law. The application was reviewed by the Township Agricultural Security Area Advisory Committee and recommended that the lands be added to the Agricultural Security Area.

**Motion by Vice-Chairwoman Rader to adopt Resolution #2023-37, authorizing the inter-municipal transfer of Liquor License #R-13791 from G&G Restaurant Group, LLC, 925 Airport Center Drive, Hanover Township to Upper Macungie Township for Sheetz. Seconded by Chairman Ghai. The motion passed unanimously.**



**VIII. MOTIONS**

**A. Authorizing the Appointment of an Assistant Finance Manager**

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Mr. Ibach stated that this will fill a position that was approved in the 2023 Budget. This is part of the transition plan, as our current Finance Director Bruce Koller will be moving onto retirement in the future. There were 18 applicants for the position and four (4) were interviewed. The most qualified and best fit for this position was Michelle Souls, due to her banking and managing experience.

**Motion by Vice-Chairwoman Rader to appoint Michelle Souls as the Assistant Finance Manager, at an annual salary of \$90,000.00 effective September 11, 2023. Seconded by Chairman Ghai. Motion passed unanimously.**

**B. Authorizing the Execution of a Change Order to the State Police Renovation Purchase Order**

Mr. Ibach stated that the State Police Building is leased by the Commonwealth of Pennsylvania and owned by the Township. There have been changes to the terms of the lease that have required renovations to the facilities. The project has commenced and there has been a change in the specification of the ceiling tiles, and it is the responsibility of the Township to replace them at the end of the lease.

**Motion by Supervisor Brunell to approve a change order for the state police barracks renovations in the amount of \$108,265.88 to SJ Thomas Company Inc. Seconded by Vice-Chairwoman Rader. Motion passed unanimously.**

**C. Appointing Scott Adams as Deputy Tax Collector**

Mr. Ibach stated Tracy Hodrick, the Township Tax Collector, has requested to appoint Scott Adams as a Deputy Tax Collector to help with the workload as well as providing better service to our residents. Supervisor Brunell mentioned if there was a possibility to extend the office hours for our residents. Mr. Ibach explained that the Tax Collector is separate from the Township and the Township has no control over the sitting hours that are offered.

**Motion by Chairman Ghai to appoint Scott Adams as Deputy Tax Collector of Upper Matungie Township effective September 8, 2023. Seconded by Vice-Chairwoman Rader. Motion passed unanimously.**

**D. Appointing Berkheimer Tax Administrator for the Collection of Local Services Tax (LST)**

Mr. Ibach stated that Parkland School District currently collects the Local Service Tax for the Township and this service and will no longer be provided due to a retirement, as of the end of 2023. Berkheimer will offer substantial savings and be able to use the data base for cross referencing the EIT tax as well.

**Motion by Vice-Chairwoman Rader to authorize the appointment of Berkheimer Tax Administrator to collect and administrate the Local Tax Services (LST) for the Township during the period of January 1, 2024, through December 31, 2027. Seconded by Supervisor Brunell. Motion passed unanimously.**

**E. Authorizing Township Manager to Sign a Memorandum of Understanding with the Parkland School District**

Mr. Ibach stated that the Township had an agreement to pay Parkland School District an additional \$6.00 per person as a fee for the collection of the Local Services Tax (LST). Parkland School District has decided not to continue to collect the taxes but has requested that \$5.00 of the original \$6.00 collection fee remain in place to not lose revenue in their operating costs. Parkland will no longer be collecting the LST, and the Township will enter into an agreement with a third party to provide these services. Solicitor Schantz has reviewed the Memorandum of Understanding and has expressed his concerns with this understanding.

**No action was taken.**

**F. Authorizing Township Manager to Sign an Addendum to the Lowhill Township Fire Agreement**

Mr. Ibach stated that Staff has learned that there is a potential negative impact to the Townships ISO rating in a portion of the community, which will lower the rate. One of the reasons why this will happen is due to Fogelsville Fire Company having primary coverage of a portion of Lowhill Township. This deficiency can be corrected with the proposed amendments to the agreement as presented.

**Motion by Vice-Chairwoman Rader to authorize the Township Manager to sign an amendment to the 2022 Fire Protection Agreement between Lowhill Township and Fogelsville Fire Company. Seconded by Supervisor Brunell. Motion passed unanimously.**

**G. Authorizing Township Manager to Enter into an Agreement with Alvin H. Butz**

Mr. Ibach stated that the Township has reached out to three firms, Boyle, Alvin H. Butz, and Serfass Construction. Boyle and Butz were the only firms that provided a proposal. Of the two proposals that were received, the firm that is the best fit for the Township's needs is Alvin H. Butz.

**Motion by Chairman Ghai to authorize the Township Manager to negotiate and enter into an agreement with Alvin H. Butz, Inc. to provide Construction Management Services, upon final design specifications approval and Solicitor review, for the proposed community center in the amount of \$2,254,203.00. Seconded by Vice-Chairwoman Rader. Motion passed unanimously.**

**H. Authorizing the Renewal of the Cyber Insurance Agreement**

Mr. Koller stated the current Cyber Insurance Policy through Coalition is set to expire on September 14, 2023. The insurance premium has been reduced due to the Townships efforts to increase security. The retention rate has also increased from \$25,000.00 to \$50,000.00. This is the best policy that has been proposed, although there may be a proposal received from Travelers insurance to replace Coalition later in the year.

**Motion by Vice-Chairwoman Rader to authorize the Township Manager to sign the acceptance of the Cyber Security Policy from Coalition Insurance Solutions for the period of September 14, 2023, through September 14, 2024, as proposed by Brown & Brown of the Lehigh Valley, at a cost not to exceed \$15,975. Seconded by Supervisor Brunell. Motion passed unanimously.**

**I. Authorizing Minimum Municipal Obligations for Pension Plans**

Mr. Koller stated that the Minimum Municipal Obligations for 2024 for the non-uniform pension plans and one uniform plan, totaling \$987,517.00. This cost will be offset by the Pension State Aid, which will reduce the costs.

**Motion by Vice-Chairwoman Rader to approve the 2024 Minimum Municipal Obligation for the Non-Uniform Defined Benefit Plan in the amount of \$525,718.00 for the Non-Uniform Defined Contribution Plan in the amount of \$28,363.00 and for the Uniform Plan in the amount of \$433,436.00. Seconded by Supervisor Brunell. Motion passed unanimously.**

**J. Authorizing the Purchase of Recycling Bins**

Mr. Ibach stated that the Township would like to purchase 6,480 sixty-five-gallon recycling bins to aid in the full automation of the collection of recyclables. This will allow costs to be held for now and into the next contract. The old recycling carts will be picked up and replaced with the new ones; the old ones will be recycled.

**Motion by Vice-Chairwoman Rader to approve the purchase of 6,840 sixty-five (65) gallon recycling carts from Otto Environmental Systems in the amount of \$408,906.00 to be paid from the Refuse and Recycling Unappropriated Reserve. Seconded by Chairman Ghai. Motion passed unanimously.**



**K. Authorizing Township Staff and Consultants to Attend Any and All Zoning Hearing Board Meetings Regarding 6939 Ruppsville Road**

Mr. Sostarecz stated that the property at 6939 Ruppsville Road was cited for multiple violations. A Use Permit was submitted, and denied. The owner is appealing this decision before the Zoning Hearing Board. The owner is requesting to use the property for two non-compatible primary uses.

**Motion by Supervisor Brunell to authorize Township Staff and Consultants to attend any all Zoning Hearing Board Meetings regarding 6939 Ruppsville Road. Seconded by Chairman Ghai. Motion passed unanimously.**

**L. Rejection of Bids – Tilghman Street and Snowdrift Road – Radius and Pedestrian Improvement Projects**

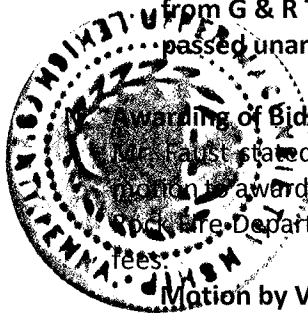
Mr. Alban stated that there were three bids received for this project; all bids significantly exceeded the anticipated 2023 budget. It was recommended that the scope of work be reviewed with the Public Works Department, for completion of the project by Township forces.

**Motion by Supervisor Brunell to reject all bids received as pricing significantly exceeded the anticipated 2023 Budget for the Tilghman street and Snowdrift Road, Radius and Pedestrian Improvement Projects. Seconded by Chairman Ghai. Motion passed unanimously.**

**M. Authorizing Purchase of Used Track**

Mr. Faust stated that the purchase of the track loader was placed for bid twice, with no offers received. The Second-Class Township Code states that if there are no bids received after the second bid is placed, the Township may enter a contract for the purchase of the item needed.

**Motion by Vice-Chairwoman Rader to authorize the purchase of a used 953-D Track Loader from G & R Tractor Repair at a cost of \$93,000.00. Seconded by Supervisor Brunell. Motion passed unanimously.**



**Awarding of Bids for the Sale of Used Township Vehicles**

Mr. Faust stated that the Township has placed several vehicles on Municibid and would like a motion to award the successful bidders. Mr. Christ stated that the sale of the Fire Engine to Marble Rock Fire Department will have a 7% fee that will be paid to Fire Line Equipment for brokerage fees.

**Motion by Vice-Chairwoman Rader to authorize the sale of used equipment as follows:**

- 2012 Chevrolet Suburban to David Harger at a price of \$21,300.00
- 2011 Chevrolet Tahoe to Levi Stoltzfus at a price of \$5,500.00
- 2010 Crown Vic to Azra Navaid at a price of \$3,900.00.
- 2013 Ford Taurus Interceptor to Rich Young at a price of \$3,755.00.
- 2008 Spartan/Smeal Fire Engine to Marble Rock Fire Department Iowa, at a price of \$115,000.00, with a 7% fee to go to Fire Line Equipment for brokerage fees.

**Seconded by Supervisor Brunell. Motion passed unanimously.**

**O. Authorizing Fire Police Assistance for Lower Saucon Fire Rescue, Community Fire Company of New Tripoli, Emmaus Police Department, and Cory and Kimberly's Ride Continues**

Mr. Christ stated that there were four requests received for Fire Police assistance at special events.

**Motion by Chairman Ghai to authorize Upper Macungie Township Fire Police to assist with traffic control on September 8<sup>th</sup>, for a Memorial Event honoring John Kalynych, at the request of Lower Saucon Fire Rescue; the annual event Guns and Cash Bash at the request Lynn Township on behalf of the Community Fire Co. of New Tripoli on September 16<sup>th</sup>, 2023; for Cory and Kimberly's Ride Continues on October 7<sup>th</sup>, 2023, along Route 100; and the**

Emmaus Halloween Parade on October 21<sup>st</sup>, 2023, with a rain date of October 22<sup>nd</sup>, 2023, on behalf of the Emmaus Police Department. Seconded by Vice-Chairwoman Rader. Motion passed unanimously.

**P. Authorizing Extension of Time Limitations for the Recording of Plans for 1001 Glenlivet Drive, Glenlivet West and Fallbrooke**

Mr. Sostarecz stated that there is an ordinance that states that a plan must be recorded within 120 days of approval. There are three Dockets that are very close to being recorded but will require a time extension for an additional 120 days. The extensions that are being requested are for Docket #2317 – 1001 Glenlivet Drive; #2316 – Fallbrooke; and Docket #2324 – Glenlivet Drive West Residential Subdivision. Mr. John McRoberts held a lengthy conversation regarding Glenlivet Drive West Residential Subdivision; the Board stated that there will be no special exceptions made for this project.

**Motion by Vice-Chairwoman Rader to authorize the extension from the required time period for the recording of various plans for an additional 120 days for Docket #2317 – 1001 Glenlivet Drive; #2316 – Fallbrooke; and Docket #2324 – Glenlivet Drive West Residential Subdivision. Seconded by Supervisor Brunell. Motion passed unanimously.**

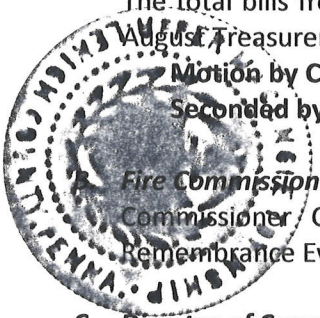
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**IX. BOARD AND STAFF REPORTS**

**A. Treasurer**

The total bills from all funds for August 2023 was \$2,556,672.73. Further details appear in the August Treasurer's Report.

**Motion by Chairman Ghai to pay the bills for August 2023 in the amount of \$2,556,672.73. Seconded by Supervisor Brunell. The motion passed unanimously.**



**Fire Commissioner**

Commissioner Christ stated that Trexlertown Fire Company will be holding their 9-11 Remembrance Event starting at 6:00 p.m. on Monday September 11<sup>th</sup>, 2023.

**C. Director of Community Development**

Mr. Sostarecz informed that the Hazardous Waste Event that was being hosted by Lehigh County has been postponed until further notice.

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

Mr. Kevin Tamerler inquired on the Ordinance that regulates where political signs can be placed and if they can be placed on Township property.

Mr. Jim Caffery inquired about an update on when the sewage will be billed by flow, and if any adjustments will be made for those with irrigation systems.

**XI. ADJOURNMENT**

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

Submitted by:

Jazmin Vazquez  
Township Secretary