

**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 October 3, 2024, at 7:00 p.m. in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Present were Jeff Fleischaker, Chairman; Sunny Ghai, Vice-Chairman; James M. Brunell, Supervisor; Robert R. Ibach, Jr., Township Manager; Kalman A. Sostarecz, Jr., Assistant Township Manager and Director of Community Development; Jazmin Vazquez, Township Secretary; Andrew V. Schantz, Esq., Solicitor; Michael Sitoski, Chief UMTPD; Peter Christ, Commissioner, Bureau of Fire; Daren Martocci, Township Engineer; Scott Faust, Public Works Director; Bruce Koller, Finance Director; and Ryan Griffiths, Recreation Manager.

Chairman Fleischaker 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**

**A. *Change in Order of Ordinances to be Discussed***

Chairman Fleischaker stated that Ordinance #2024-08 should be approved prior to Ordinance #2024-07 that would repeal a section of Ordinance #2024-08.

**Motion by Chairman Fleischaker to change the order of the items that are in Section VI of the Agenda. Ordinance 2024-08 will be discussed first, followed by Ordinance 2024-07. Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

**III. MINUTES & FINANCIALS**

**A. *Minutes – September 5, 2024***

**B. *Financials – September 2024***

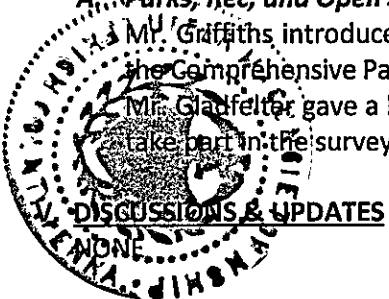
Chairman Fleischaker stated that he would dispense with the reading of the minutes of the previous meeting unless there were any objections.

**Motion by Chairman Fleischaker to dispense with the reading of meeting minutes from the General Business Meeting held on September 5, 2024, and approve as submitted, and authorize the payment of the bills for September 2024 in the amount of \$2,364,882.23. Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

**IV. PRESENTATIONS**

**A. *Parks, Rec, and Open Space Plan – Simone Collins***

Mr. Griffiths introduced Robert Gladfelter of Simone Collins, who made a brief introduction on the Comprehensive Parks, Recreation & Open Space Plan that is being prepared for the Township. Mr. Gladfelter gave a brief presentation overview while stressing the importance of residents to take part in the survey that will allow for the compiling of the wants of the community.



**VI. ORDINANCES**

**A. *Ordinance 2024-08 – Amending Chapter 10, Part 2, Noise***

Solicitor Schantz stated that Ordinance 2024-08 has been drafted with an optional "Grandfathering" or "Non-conformity" Provision that would apply to commercial and industrial properties. This would allow them to operate at the current levels permitted once Ordinance 2024-08 becomes effective. A lengthy discussion was held by the Board Members and Staff on what the "Grandfathering" or "Non-Conformity" clause may have on businesses in the future. Peter Ditzler and Denise Fantuzzi requested clarification about the classification of noises that are being captured in the Ordinance. They also voiced their support for the approval of Ordinance

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#2024-08 without the "Grandfathering Clause" along with Jim Caffery. Greg Davis, legal counsel for Prologis spoke on behalf of his client about their concerns on how the sound readings will be taken and requested that local businesses be allowed to take their own measurements and supply them to the Township. Solicitor Schantz stated that the effective date of this ordinance has been extended from the standard time of five (5) days after adoption to six (6) months. Supervisor Brunell expressed his concerns with the approval of the Ordinance #2024-08 without the "Grandfathering Clause" and what the effects could be on the businesses within the Township.

**Motion by Chairman Fleischaker to adopt Ordinance 2024-08, amending Chapter 10 of the Township of Upper Macungie Code of Ordinances without a grandfathering provision, Section 10-203.4, and adding a new Part 2, regarding noise regulations, with an effective date of six (6) months after adoption. Seconded by Vice-Chairman Ghai. Motion passed 2-1, Brunell – No.**

**B. Ordinance 2024-07 – Amending Chapter 27, Part 5, by Repealing Section 17-508, Noise**

Solicitor Schantz stated that Ordinance #2024-07 will amend Chapter 27, Part 5, by repealing noise provisions within Section 17-508. He also suggested that the effective date of Ordinance #2024-07 be extended to become effective six (6) months after the adoption of the ordinance to align with the effective date of Ordinance #2024-08. Mr. Sostarecz stated that there was a public hearing that was held to discuss this matter prior to the General Business Meeting of September 5, 2024.

**Motion by Chairman Fleischaker to adopt Ordinance #2024-07, amending Chapter 27, Part 5 of the Township of Upper Macungie Code of Ordinances, repealing noise provisions with the effective date to be six (6) months from the date of adoption. Seconded by Vice-Chairman Ghai. Motion passed 2-1, Brunell, No.**

**VII. RESOLUTIONS**

**A. Resolution 2024-41 – Docket #2084A – Lehigh Hills – Waiver Request**

Mr. Sostarecz stated that the waiver that is being requested would allow the applicant to eliminate curbing along a portion of Nursery Street, owing to the location of a gas line installed after the approval of the development. Approval of this waiver was recommended by the Planning Commission during their meeting held on September 18, 2024.

**Motion by Chairman Fleischaker to adopt Resolution #2024-41, granting approval of one (1) waiver to Docket #2084A, Lehigh Hills Lot 5 Phase II, conditioned upon the Township Engineer Review Letter dated September 13, 2024. Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

**B. Resolution #2024-42 – Docket #2299 – Hidden Meadows Phase III, 600 Werley Road – Waiver Request**

Mr. Sostarecz stated the waiver being requested would allow the applicant to proof roll the subgrade immediately before installing the stone and asphalt in the roadways, instead of installing stone backfill 180 prior to the permanent bituminous base course or pavement as required by the SALDO. The Planning Commission recommended approval of the waiver at their September 18, 2024 meeting.

**Motion by Charman Fleischaker to adopt Resolution #2024-42, granting approval of one (1) waiver to Docket #2299, Hidden Meadows Phase III, conditioned upon the Township Engineer Review Letter dated September 13, 2024, and with the additional condition that the applicant provide an 18-month maintenance bond or maintenance security with the proposed HOA. Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

**C. Resolution #2024-43 – Granting Right-of-Way Public Utility Easement to PPL for Route 100 Park**

Mr. Sostarecz mentioned that PP&L has made a third request to install an additional pole at the southern end of Route 100 Park, this easement would allow for the trimming or removal of trees to install the new pole. Staff is in favor of the granting of this easement.

**Motion by Chairman Fleischaker to adopt Resolution #2024-43, granting a Right-of-Way Public Utility Easement to PPL Electric Utilities Corporation for the installation of one (1) pole, one (1) anchor guy, and overhead facilities at 1423 N. PA Route 100, and authorizing the Township Manager to sign all documents related to such grant. Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

### **VIII. MOTIONS**

#### **A. Awarding Bid for Secondary Winter Road Salt Provider**

Mr. Faust stated that every year there is a bid that is awarded to a secondary salt provider. This year it would be awarded to Eastern Salt Inc. at a cost of \$81.50 per ton delivered.

**Motion by Vice-Chairman Ghai to award the Alternate Winter Salt Supplier Bid to Eastern Salt Company, Inc. at a cost of \$81.50 per ton delivered. Seconded by Chairman Fleischaker. Motion passed unanimously.**

#### **B. Appointing Members to the Parks, Rec, and Open Space Plan Steering Committee**

Mr. Griffiths stated that this is a "housekeeping" measure to officially record the members of the Parks, Rec, and Open Space Plan Steering Committee.

**Motion by Chairman Fleischaker to appoint the following individuals to the Comprehensive Parks, Recreation, and Open Space Plan Steering Committee:**

Ray Bronyak	Lori Clement	Karen Fitzpatrick
Peter Grodziak	Thomas Male	Abigail Pasterski
Bradley Reese	Jorge Romero	Yvonne Schweighardt
John Serratore	Mike Sicinski	Jennifer Thomas

**Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

#### **C. Authorizing Staff to Proceed with an Update to the SALDO and Schedule a Public Hearing**

Mr. Sostarecz stated that Township Staff has been working on revisions to both the SALDO as well as the Zoning Ordinances which are anticipated to be ready for consideration in 2025. In the meantime, there have been a few "interim" updates to the Zoning Ordinance and now the staff has identified a few important areas of the Township's SALDO which would also benefit from an update at this time. Staff is requesting authorization to create a draft of these revisions and forward to both the UMT Planning Commission and LVPC for their input 30 days prior to the required hearing, which is proposed for the December 5, 2024 Board of Supervisors General Meeting.

**Motion by Chairman Fleischaker to authorize Township Staff to proceed with an update to the Township's SALDO and Schedule a Public Hearing for Thursday, December 5, 2024, at 7:00 p.m. Seconded by Vice-Chairman Ghai. Motion passed unanimously.**

### **IX. BOARD AND STAFF REPORTS**

#### **A. Public Works**

Mr. Faust provided an update for the Kaybrooke Raingarden Project. He stated that he has been in contact with the engineer to address the issue of standing water and to work on a plan to correct this issue. Mr. Faust is also in contact with adjoining residents to coordinate what plantings will be installed around the raingarden.

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**B. Parks & Recreation**

Mr. Griffiths mentioned that most of the installation of the playground equipment has been completed at the Kaybrooke Park. He stated that once the final inspections have been completed, the Township will open the playground for the enjoyment of the residents. There was information provided on the groundbreaking ceremony as well as the progress on the construction of the Community Center. Upcoming events include Trunk or Treat to be held at Lone Lane Park on Friday October 18, 2024, followed by a movie at the park.

**C. Finance Department**

Mr. Koller mentioned that during the month of October Budget Workshops will be held on the 8<sup>th</sup>, 15<sup>th</sup>, and the 22<sup>nd</sup> at the Township at 5:00 p.m.

**D. Bureau of Fire**

Commissioner Christ reminded residents of the importance of replacing fire alarms every 10 years as well as checking that fire extinguishers are in good condition.

**E. Police Department**

Chief Sitoski recognized Officer David Fritsche for completing a three-week training to become a drug recognition expert. He also mentioned that this year No Shave November will be donating proceeds to Hydrocephalus Association, there will be a Go Fund Me Page that will be posted on the website as well as Facebook for those who wish to donate. The rescheduled date of National Night out will be on Sunday, October 20, from 2:00 p.m. to 6:00 p.m.

**F. Township Secretary**

Ms. Vazquez mentioned that there was an executive session that was held at 6:00 p.m. and the topics discussed were personnel and legal matters. She mentioned that there will soon be news that will benefit our residents and that they should sign up for alerts via email to be the first to know about what is new in the Township.

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

Mike Sicinski asked for more information on the deed restrictions on the land of Russett Park. Solicitor Schantz stated that the use that is being given to the park currently aligns with the restrictions of the deed.

**XI. ADJOURNMENT**

There being no other business, Chairman Fleischaker made a motion to adjourn the meeting at 8:29 p.m. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

Submitted by:

  
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Jazmin Vazquez  
Township Secretary