

**LOWER MACUNGIE TOWNSHIP BOARD OF COMMISSIONERS  
MEETING MINUTES**

1. The First Meeting of February of the Board of Commissioners of Lower Macungie Township was held on 7 February 2008 in the Township Building, 3400 Brookside Road, Macungie, PA 18062. President E. Keller Kline called the meeting to order at 7:00p.m.
  
2. After the pledge to the flag President K. Kline made the following announcements:
  - A) President Kline instructed Acting Township Secretary, M. McKitrick, to acknowledge that the following people were present for the meeting:

President - E. Keller Kline III, Esq.  
Vice-President- Deana M. Zosky - C.P.A.  
Commissioner - Douglas Brown P.E.  
Commissioner- William Spaide  
Commissioner- Julianna Timmcke - absent  
Township Engineer – William A. Erdman, P.E.  
Township Solicitor - Blake C. Marles, Esq.  
Acting Township Secretary- Mary McKitrick  
Township Manager- Rick Prill  
Township Treasurer -Darryl Yothers

- B. The following Boards have vacancies: Historical Commission  
Parks and Recreation Board  
Public Safety Commission  
Board of Appeals – Taxpayer Bill of Rights

3. SECRETARY’S REPORT

W. Spaide made a motion, seconded by D. Brown and passed unanimously to approve the minutes of January 7, 2008, Organizational Meeting.

D. Zosky made a motion, seconded by W. Spaide and passed unanimously to approve the minutes of January 22, 2008, Special Meeting.

President K. Kline asked Mr. Prill how soon the minutes can be put on the web site. Mr. Prill’s answer was as soon as the minutes are approved they could be put on the web site. The budget as well as the minutes will be posted on the Lower Macungie Township web site.

#### 4. APPROVAL OF BILL LIST

Commissioner D. Zosky made a statement that she reviewed the bills and worked with the management and staff to create signatories and a formal procedure to have the bills paid. There will be a cut off on the Monday before the meeting all bills and documentation will be together for the commissioners and /or treasurer to review.

Two bills were of concern to D. Zosky were from Liberty Engineering and Boyel construction in regards to the Fire House. Mr. D.J. Hinkel explained the bills were in effect for the Fire House and New Willow Lane School. Boyel Construction was for the General Contractor professional services for the Fire House.

Mr. Kline asked Mr. Hinkel to review the Fire House contract with Mr. Marles to get more information in regards to the project.

W. Spaide made a motion, seconded by D. Brown and passed unanimously to pay the bills with the exception of the Liberty Engineering bill, which is being held pending further clarification.

General Fund	<u>\$237,626.73</u>	Capital Projects Fund	\$
Sewer Fund	<u>\$2,158.37</u>	Community Ctr. Fund	\$
Solid Waste Fund	<u>\$174,148.33</u>	Developers Impact Fund	\$
Liquid Fuels Fund			
<b><u>TOTAL OF ALL FUNDS \$413,933.43</u></b>			

#### 5. PUBLIC COMMENTS NON-AGENDA ITEMS

a) Mr. Mike Leader – President of Country Meadows Retirement Communities

Mr. Leader was inquiring about his zoning request of last January 2007.

The recommendations need to be re-reviewed with the Planning Commissions and brought to the BOC.

A meeting was tentatively scheduled for the second Thursday, March 13, 2008, at 7 p.m. to meet and discuss the zoning and planning in regards to the Country Meadows zoning issue.

b) Rob Lewis, counsel for Opus East, addressed solving regional issues including grading, drainage, etc. Also, all permits have been applied for and/or received.

Changes did occur on the plans since Opus was before the board previously. Mr. Lewis is present tonight to request the BOC authorize Keystone Consulting Engineers to an administrative review of the changes and make sure the changes do not violate the townships SALDO and present the changes to the BOS for consideration. With hope the changes are granted most expeditiously.

W. Spaide made a motion, seconded by D. Brown and passed unanimously to authorize Keystone Consulting Engineers to review comments Mr. Lewis and Opus will be sending him for this project.

## 6. APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, COMMISSIONS

- a) D. Zosky made a motion, seconded by D. Brown and passed unanimously to appoint Mr. Mike Siegel to the Planning Commission.  
Mr. Siegel, who is also an alternate Zoning Hearing Board Officer, will have to resign his term as a Zoning Hearing Board member.
- b) K. Kline made a motion, seconded by D. Brown and passed unanimously to appoint D. Zosky to the Lehigh Valley Planning Commission.

## 7. PRESENTATIONS

Audit Presentation by the following:

- Larry Shaub (Reinsel Kuntz Leshner) – 2006 Audit of Financial Statements (see attached)
- Management response presentation by manager, Mr. Prill filling on behalf of Ms. Horn who was absent.  
(see attached)
- Commissioner Zosky presentation (see attached)

8. President K. Kline adjourned the meeting for a brief Executive Session at 9:10p.m. to discuss litigation.  
The Board of Commissioners reconvened the regular meeting at 9:45p.m.

President K. Kline made an announcement that the Wescosville Elementary School – Athletic Field Land Development was pulled from the agenda by the request of the East Penn School.

The following decision is the result from the Executive Session:

D. Zosky made a motion, seconded by W. Spaide, and passed unanimously to authorize Attorney Donald Wieand to file summons, on behalf of the township, seeking to collect those monies from those individuals, he thinks is appropriate from his investigation, indicating they may have received funds from Mrs. Szulborski.

President Kline asked Attorney B. Marles to inform Attorney D. Wieand he has authority to proceed with the Szulborski case.

D. Brown made a motion, seconded by W. Spaide and passed unanimously to ratify the BOC authority given to D. Zosky to work with the Business Manager to resolve technical issues to make sure the BOC was in compliance with the budget provisions related to the 25% and 10% rule.

## 9. CONSENT AGENDA ITEMS

### A. MOTIONS

1. W. Spaide made a motion, seconded by D. Zosky and approved, by a vote of 4-0, the Payment Request No. 2 to JOAO & Bradley Const. Co. Inc. in the amount of \$9,381.25 – Shepherd Hills & Ancient Oaks Sanitary Sewer Main Replacement project.

President K. Kline recused himself because of conflict of interest.

2. D. Zosky made a motion, seconded by W. Spaide and passed unanimously to approve a waiver of gym fees for LMYA sponsored basketball and volleyball programs at Lower Macungie Township Community Center for the 2008 year.

## 10. DEPARTMENTAL MATTERS

### Planning / Engineering

#### A) Development Activities for Formal Action

Weis Markets, Inc.  
Land Development  
3369 Rt. 100  
Preliminary / Final Plan  
Application Date – 10/24/07  
LMT 07-020; KCE (LMT 07-048)

#### Conditional Use Hearing

Pursuant to advertising in the January 23, 2008 and January 30, 2009 editions of the East Penn Press.

Pursuant to property posting starting January 31, 2008

Pursuant to certified notification of adjoining property owners, as required by Ordinance as provided by the applicant.

Conditional Use Hearing was called to order at 9:55p.m.  
Attorney Catherine Durso is representing Weis Markets, Inc.  
Testimony was taken from Robert Korp, Project Manager, of Barry Isett Associates and David Gill of Weis Markets, Inc., Director of Architecture.

A discussion followed in regards to having any restrictions imposed on the Weis Markets, Inc project. There were no restrictions imposed.

W. Spaide made a motion, seconded by D. Brown and passed unanimously to accept the conditional use subject to the terms of the written decision to be prepared by Solicitor B. Marles.

D. Brown made a motion, seconded by W. Spaide and passed unanimously to grant the waiver being the applicant need not dedicate additional right of way along Route 100.

W. Spaide made a motion, seconded by D. Brown and passed unanimously to adopt Resolution # 2008-10 Granting Preliminary/Final Approval to Weis Markets, Inc. for a Land Development (Building Expansion) Located at 3369 Route 100.

The Conditional Use Hearing was closed at 10:20p.m.

- B) Stone Hill Station  
42-Lot Subdivision  
3611 Gehmans Road  
Preliminary Plan

D. Brown made a motion, seconded by W. Spaide and passed unanimously to grant Ashley Development Corporation, Stone Hill Station, a time extension to July 8, 2008.

- C) Wescosville Elementary School – Athletic Fields  
Land Development  
1170 Brookside Road  
Preliminary Plan  
Application Date – 6-20/07  
LMT 07-015; KCE (LMT 07-041)

Deferred until February 21, 2008 meeting

- D) Farr Road Associates, LLC  
4 – Lot Subdivision  
2850 Farr Road  
Preliminary / Final Plan  
Application Date – 12/18/07  
LMT 07-030; KCE (LMT 07-065)

Commissioner D. Zosky stated she wishes to recuse herself from any discussion or decisions on the Farr Road Associates, LLC project.

Attorney T. Charlesworth representing the applicant.

This is a 4-lot subdivision for lot line adjustment. No new development proposed.

D. Brown made a motion, seconded by W. Spaide and approved 3-0 (Commissioner D. Zosky recused herself) to approve the waivers of curb & sidewalk along Farr Road, trees along Farr Road, not to extend the sanitary sewer along Farr Road and not to widen Farr Road.

The applicant agreed to make a contribution of \$100 for traffic and \$3800 for recreation.

D. Brown made a motion to approve the Resolution #2008-09 Granting Preliminary/Final approval to Farr Road Associates, LLC for a Four (4) Lot Subdivision located at 2850 Farr Road.

#### 11. Review of Director of Finance Position

D. Zosky made a motion, seconded by W. Spaide and passed by a vote of 4-0 to adopt Resolution # 2008-11 Establishing the Position of Director of Finance and Establishing the Responsibilities and Duties.

Discussion on the duties of the newly created position Director of Finance. Outlined in the Resolution # 2008-11.

To be advertised for 30 days.

#### A. Administration

1. W. Spaide made a motion, seconded by D. Brown and passed 4-0 to split a \$3000 Grand Fund from Lutron to the following:
  - \$1000 to Macungie EMS
  - \$1000 to LMT Emergency Management Association
  - \$500 to LM Fire Department
  - \$500 to Alburdis Fire Department
2. Organizational chart will be revised and reissued.
3. Re-affirmation of commitment for a flood area management study  
President K. Kline asked Solicitor B. Marles to put a proposal together for the township to move forward.
4. Waiving road opening permits for Township projects.  
Deferred

5. The Eagle Scout policy was updated to change the wording to the Board of Commissioners instead of Board of Supervisors.

B. Legal

1. PennDOT turnover of Rt. 222 roadway sections and structures.
2. Lower Macungie Township will take the same stand on the Rt. 222 issues as the former Board of Supervisors. Mr. Marles will investigate.

12. OTHER BUSINESS

A. New Business

1. Attorney B. Marles to investigate how monies are distributed to other Youth Associations in regards to capital requests.  
Board to consider when to schedule presentation to hear LMYA 2008 Capital requests (proposed for 2/21 Board meeting)
2. A discussion took place in regards to the ordinance on the Internal Control and Policies & Procedures. To be reviewed.
3. President K. Kline discussed the communication of residents to the BOC. He request issues be documented in writing and sent to the township manager and the manager therefore decides how and when the issue is resolved or be presented to the Board of Commissioners.

13. PUBLIC COMMENTS

Mr. McNair asked the question asked if the bids for the Fire House were opened and the answer was that they were but Boyle Construction is tabulating them for the Township and the information will be available as soon as possible.

14. ADJOURNMENT

President K. Kline adjourned the meeting at 11:58p.m.

Mary I. McKitrick  
Acting Township Secretary

BOC:mim

These minutes were approved during the May 1, 2008 regular BOC meeting.

