

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

1. The First Meeting of March of the Board of Commissioners of Lower Macungie Township was held on 6 March 2008 in the Township Building, 3400 Brookside Road, Macungie, PA 18062. Vice-President D. Zosky called the meeting to order at 7:00p.m.

2. After the pledge to the flag Vice-President D. Zosky made the following announcements:

A) Vice-President D. Zosky proceeded with roll call and the following people were present for the meeting:

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

B) The following Boards have vacancies or appointments up in 2008

1. Audit Committee
2. Planning Commission
3. Parks and Recreation Board
4. Vacancy Board
5. Public Safety Commission
6. Historical Commission
7. Board of Appeals – Taxpayers Bill of Rights
8. Advisory Committee

3. APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, COMMISSIONS

J. Timmcke made a motion, seconded by D. Brown and passed unanimously to appoint Commissioner D. Zosky to the Audit Committee. Term to end February 28, 2009.

J. Timmcke made a motion, seconded by W. Spaide and passed unanimously to appoint Mr. Pugliese as chairman of the Audit Committee.

J. Timmcke made a motion, seconded by D. Brown and passed unanimously to appoint Mr. David Lesak to the Public Safety Committee with the term ending September 30, 2009.

4. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Minutes of: None

5. APPROVAL OF BILL LIST

J. Timmcke made a motion, seconded by D. Brown and passed unanimously to approve the payment of the following bills.

01 General Fund	\$ <u>305,926.79</u>	Capital Projects Fund	\$
04 Solid Waste Fund	\$ <u>168,548.33</u>	Developers Impact Fund	\$
08 Sewer Fund	\$ <u>394,105.33</u>	Community Ctr. Fund	\$
Liquid Fuels Fund	\$	Developers Escrow Fund	\$
TOTAL OF ALL FUNDS \$ <u>868,580.45</u>			

W. Spaide made a motion, seconded by D. Brown, and passed by majority vote to approve payment of \$554,075.01 to the Wildlands Conservancy per Resolution #2007-64.

J. Timmcke made a motion, seconded by W. Spaide and passed by majority vote to amending the motion for payment to the Wildlands Conservancy should funds be required before our next meeting.

6. AGENDA MODIFICATIONS (At Discretion of Board Vice-President)

Vice-President Zosky announced that an Executive Session will be taking place between 8:30p.m. and 9p.m. instead of at the end of the meeting due to litigation and personnel issues and attorney's arriving at that time.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- a. Virginia Chappelow, resident on behalf of Millrace Road Restoration Project, asked for an update on the restoration of the project. Ms. Chappelow was informed by L. Lichtenwalner that the township is waiting for a response from the developer to find out the status. Ms. Chappelow asked if it would be appropriate for the township solicitor could contact the developer's solicitor to get the project completed before the spring. Mr. Marles, solicitor for Lower Macungie Township stated that the new board was not up to speed on the problems of the project.

Mr. D. Hinkel stated that sometime in April the trees should arrive. Commissioner Timmcke was not aware of the legal issue involved and stated this issue should proceed as quickly as possible. Mr. Hinkel stated that the trees will be planted by the end of April. Mr. Art Imdorf, resident, stated his displeasure of the trees not being planted and does not want to hear any excuses anymore.

- b. Mr. Pete Dooley, Chairman for the Parks & Recreation Board, with an update of the board.

There is still one vacancy on the board.

The following is the mission statement that the board has adopted.

“The mission of Lower Macungie Parks & Recreation Board is to promote diverse year around leisure opportunities to park settings, recreational facilities, preservation of open space, and programs for citizens for all uses.”

Mr. Dooley asked the board for direction in regards to expanding the board to open land conservation and farmland preservation.

Also, the question is do they expand the board from seven (7) to nine (9) members. Will First Class Township allow that to happen or prefer to stay at seven (7) members?

Mr. Lee Lichtenwalner will be taking the Parks & Recreation Board on a tour of the parks in the township on March 15, 2008.

Mr. Marles, township solicitor, checked the First Class Code and the board should be either 5 or 7 person board and the terms are for 5 years. The name can be what ever you would want. There is no specifications on the name, just on what the board does.

Mr. Klotz, township manager, will gladly accept the minutes from the Parks & Recreation Board and pass information on to the Board of Commissioners.

An Ad will be placed in the Morning Call stated as a workshop since more then three commissioners will be on the tour. Tour date is 3/15/08, rain date 3/22/08.

- c) Mr. Pete Dooley is also the President of the Lower Macungie Library Board. At this time Mr. Dooley is submitting the request for the second installment of funding from the township payable to the Lower Macungie Township Library.

8. PRESENTATIONS

Land Studies – Mark & Kelly Gutshall
(see attached)

9. DEPARTMENTAL MATTERS

A. Planning / Engineering

1. Development Activities for Formal Action

A) Wescosville Elementary School – Athletic Fields

Land Development

1170 Brookside Road

Preliminary Plan

Application Date – 6/20/07

LMT 07-015; KCE (LMT 07-041)

Paul Szewczak of Liberty Engineering presented a review of the Preliminary Plan for the new Board of Commissioners.

Residents are concerned about the fence issue for the athletic fields. The last Board of Supervisors made a condition in regards to having the fence closed at all times for safety issues. The residents believe that they do not want to start the process over again and the present Board of Commissioners agreed that the conditions were accepted and approved as is.

D. Brown made a motion, seconded by J. Timmcke and passed unanimously to approve the waivers, SALDO section 774.3.2.2, SALDO section 733.8 and Ordinance 2005-9 as sub detailed in the Liberty Engineering letter dated 9/26/07 for the Wescosville Elementary School – Athletic Fields Preliminary Plan

D. Brown made a motion, seconded by W. Spaide and passed unanimously to approve Resolution # 2008-16 Granting Preliminary Approval to East Penn School District for a Land Development (Wescosville Elementary School New Athletic Fields) Located at 1170 Brookside Road.

B) Brookside Office Partners, L.P.
1005 Brookside Road
Suite 300
Allentown, PA 18106
Property address – 4949 Liberty Lane, Allentown, PA 18106
Application Date – 1/23/08
LMT 08-002; KCE (LMT 08-017)

Conditional Use Hearing

Pursuant to advertising in the February 20, 2008 and February 27, 2008 editions of the East Penn Press.

Pursuant to property posting on February 28, 2008.

Pursuant to certified notification of adjoining property owners, as required by Ordinance based on names and addresses provided by applicant.

Conditional Use Hearing

The Conditional Use Hearing was called to order at 8:50 p.m.

Attorney Catherine Durso was present representing the applicant, Brookside Office Partners.

Testimony was taken from Mr. Stuart Rogers, owner, and Stacey La Faver, manager for the daycare.

The Conditional Use Hearing was closed at 9:05p.m.

J. Timmcke made a motion, seconded by D. Brown and passed by majority vote to accept the conditional use subject to the terms of the written decision to be prepared and voted on at the March 20, 2008 meeting.

The Board of Commissioners adjourned into Executive Session at 9:08p.m. to discuss litigation.

The meeting was called back to order at 10:35p.m.

Moved Opus project up to this point.

- C) Alburdis Crossings Industrial Park (Opus East)
3-Lot Subdivision and Land Development
2995 Schoeneck Road (Lot A); 7211
Alburdis Road (Lot B); and 7335 Alburdis Road
(Lot C)
Revised Final Plan
LMT 06-011; KCE (LMT 06-030)

Mr. Lewis representing Opus asked to have the project tabled due to a review of the resubmitted plans.

J. Timmcke made a motion, seconded by W. Spaide and passed by a majority vote to table the Opus project until the March 20, 2008 meeting.

- C) Schoeneck Road and Route 100 Improvements

Attorney Joseph Zator representing David Jaindl and Attorney Mr. Rob Lewis representing Opus were present.

Discussion on the fees involved in the process for improvements on Schoeneck Road and Route 100 that are asking to be waived.

When the final figures for the fees entailed are in, the BOC will have to vote and passing the waiving of the fees before the partnership of Mr. Jaindl and Opus takes place.

Back to Willow Lane Elementary School

- D) Willow Lane Elementary School
Land Development
6135 Sauerkraut Lane
Preliminary/Final Plan
Application Date – 6/20/07
LMT 07-006; KCE (LMT 07-025)

Mr. Paul Szewczak, Project Manager Liberty Engineering, reviewed the project for the BOC.

W. Spaide made a motion, seconded by D. Brown and passed by majority vote to table this project for design details review.

E) Lower Macungie Township Fire Station
Land Development
2405 Mill Creek Road
Preliminary/Final Plan
Application Date – 7/25/07
LMT 07-017; KCE (LMT 07-043)

W. Spaide made a motion, seconded by J. Timmcke and passed by majority vote to reject the bids for the Lower Macungie Township Fire Station until the approval for the Willow Lane Elementary School.

B. Administration

1. Township Manager's Report – (see attached)

W. Spaide made motion, seconded by J. Timmcke and passed by majority vote to accept the township manager's report without exceptions.

C. Legal

1. A motion to authorize execution of a professional services contract to create a grant application for matching funds from the Department of Community and Economic Affairs to support a project which will survey problems in the Little Lehigh Creek basin and propose solutions directed to improving stream health and habitat, and reducing flooding risks. Project assistance will be sought from the PA Fish and Boat Commission, PA DEP, the US Army Corps of Engineers, the Lehigh valley Conservation District, the Lehigh Valley Planning Commission, the Wildlands Conservancy, Upper Milford Township and Longswamp Township. The contract is contingent upon a commitment by Upper Macungie Township to match the Lower Macungie Township commitment of up to \$50,000 authorized on November 1, 2007 pursuant to Resolution 2007-58.

W. Spaide made a motion, seconded by D. Brown and passed by majority vote to table until further review.

2. D. Brown made a motion, seconded by W. Spaide and passed by a majority vote to approve the Conditional Use Decision regarding the Devine Daycare Center proposal, the hearing for which occurred on February 21, 2007

10. OTHER BUSINESS

A. **Old Business**

1. Camp Olympic Water supply alternatives
2. Status of Camp Olympic for 2008

No action taken tonight and Manager, Mr. Klotz, had stated that the water supply was on his agenda and he will address it when the time comes and will report back to the Board of Commissioners.

Mr. Klotz asked about the tentatively scheduled meeting with the Joint Planning Commission on March 13, 2008. The Planning Commission Attorney, Mr. Miles, will not be able to attend. The BOC recommended postponing the meeting until everyone can be present.

11. EXECUTIVE SESSION

The Board of Commissioners adjourned into Executive session at 12:15a.m.
No action was taken.

12. ADJOURNMENT

The BOC adjourned at 1:15a.m.

Mary I. McKittrick
Acting Township Secretary

BOC:mim

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