

**LOWER MACUNGIE TOWNSHIP  
BOARD OF COMMISSIONERS**

The Board of Commissioners met in regular session on April 21, 2011 in the Township Building, 3400 Brookside Road, Macungie, PA 18062.

CALL MEETING TO ORDER

President Reis called the meeting to order at 7:05 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Roger C. Reis, President	Present
Ryan T. Conrad, Vice-President	Present
Douglas Brown, Commissioner	Present
Ron H. Eichenberg, Commissioner	Present
Joseph Pugliese, Commissioner	Present
William A. Erdman, Township Engineer	Present
Renea Flexer, Township Secretary	Present
Bruce E. Fosselman, Township Manager	Present
Sara Pandl, Director of Planning	Present
Richard Somach, Township Solicitor	Present
Cassandra Williams, Director of Finance	Present
Darryl Yothers, Township Treasurer	Absent

ANNOUNCEMENTS & PRESENTATIONS

The Board of Commissioners held an executive session prior to the meeting to discuss the litigation of the Streck lawsuit against the Township and the proposed sale of Township land.

HEARINGS & APPROVALS

1. Resolution 2011-10 – RESOLUTION GRANTING PRELIMINARY / FINAL APPROVAL TO RONALD M. AND KATHLEEN A. CALDARELLI FOR A LOT CONSOLIDATION OF TWO LOTS LOCATED AT 4418 AND 4402 LISA LANE

Representing the applicant, Francis Cardano of Lehigh Engineering stated that two lots were purchased and are proposed to consolidating into one. This will eliminate the flag shaped lot. Both the Planning Commission and the Planning/Zoning Committee recommends approval with the conditions included on the plan and in the resolution.

**Motion by Commissioner Brown, seconded by Commissioner Eichenberg to approve Resolution 2011-10. There were 5 ayes. Motion carried.**

2. Resolution 2011-11 – RESOLUTION GRANTING FINAL APPROVAL TO LOWER MACUNGIE TOWNSHIP FOR A MINOR TWO LOT SUBDIVISION AT 3098 BROOKSIDE ROAD

This is Township owned land. The intention is to subdivide the residential portion (4.75 acres) of land from the floodplain portion (3.25 acres) and then sell the residential portion. The Planning Commission recommends an easement for utilities and access. The Environmental Advisory Council suggested a condition of sale to prevent further subdivision of the land. It was discussed to do this with both lots through a deed restriction. Along with this property, the Township is looking at other Township owned property to be sold.

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**Motion by Commissioner Eichenberg, seconded by Commissioner Conrad, to approve Resolution 2011-11 conditioned that the Solicitor add a deed restriction to both lots and the latest version of the plan date be used.**

The deed restriction of not being subject to further subdivision will be shown on the plan.

**There were 5 ayes. Motion carried.**

3. Firestone Tire Center is requesting a waiver to allow their development plan to be submitted as a preliminary/final plan. Zoning was granted and the Planning Commission recommends the waiver. If granted, the applicant hopes for plan approval in June and start the project in July. The Planning/Zoning Committee recommends the waiver and hopes if granted that the developer moves forward.

**Motion by Commissioner Brown, seconded by Commissioner Conrad, to grant waiver request of Firestone Tire Center and allow the preliminary/final plan submission.**

Zoning Officer Lancsek requested that the 90 day clock start at the next Planning Commission meeting. The applicant agreed.

**Both Commissioner Brown and Conrad amended their motion to reset the 90 day clock at the next Planning Commission meeting. There were 5 ayes. Motion carried.**

PUBLIC COMMENT ON NON-AGENDA TOPICS – None

COMMUNICATIONS

1. Scott Alderfer, Chair, LMT Environmental Advisory Council – Submitted a report on the Green Gardening Workshop and Native Plant Sale event held in coordination with the Library Book Fair recently.
2. Grayson McNair, 5030 Valley Stream Lane – Two emails with suggestions/comments on the proposed sewer ordinance amendment.
3. Robert Levan, Clearview Manor Condominium Assoc. – Safety concerns with parking. The Code Enforcement Officer and Public Works Director will meet with Mr. Levan. The Public Safety Commission is also looking into restricted parking on Hedgerow Drive for emergency vehicles.
4. Bill Thomas, LMT Senior Citizens Club – Submitted the club's membership information. He thanked the Township for budgeted funds and professional staff at the Community Center.
5. Jeff Gross, Emmaus Rotary Club – Notice of \$1,600 donation for park benches.
6. Donald Sidor, 4978 Bridlepath Dr. – Request for ordinance pertaining to newspaper distribution nuisance. Mr. Sidor will be notified to contact the publisher. *See Public Comment at end of meeting.*

APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, COMMISSIONS – None

APPROVAL OF MINUTES OF PREVIOUS MEETING (S)

**Motion by Commissioner Pugliese, seconded by Commissioner Conrad, to approve the April 7, 2011 minutes as drafted. There were 4 ayes, 1 abstained (Eichenberg was absent).**

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APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

1. Ms. Williams reviewed the April 21, 2011 Bill List.

01	General Fund	\$331,356.60	35	Liquid Fuels	
08	Sewer Fund	\$20,603.21	36	Developers Escrow	\$44,180.50
04	Solid Waste Fund	\$2,635.34	37	Developers Impact	
19	Debt Service Fund	\$780.00	30	Capital Projects Fund	
<b>Total Funds</b>					<b>\$399,555.65</b>

**Motion by Commissioner Pugliese, seconded by Commissioner Conrad, to approve the April 21, 2011 Bill List. There were 5 ayes. Motion carried.**

2. Ms. Williams reviewed the March 2011 Budget Analysis.

DEPARTMENTAL MATTERS

1. **Engineering**

- 1.1. Approval of SCARP Corrective Work Letters – The Board approves of the letters and suggests a drawing be attached along with the inspection report and website information. A list will be given to the Board of how many corrections are needed.

2. **Planning**

- 2.1. A member of the EAC, Chris Sacchi, will attend the LVPC National Heritage Committee meetings on behalf of the Township.
- 2.2. So far this year, there have been a record number of permits processed compared to the last 2 years.
- 2.3. Ordinance 2011-06 – AN ORDINANCE APPROVING THE SALE OF A PORTION OF THE TOWNSHIP’S RIGHT-OF-WAY ALONG SPRING CREEK ROAD TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (HEREINAFTER “PENNDOT”) FOR THE SUM OF NINE THOUSAND SEVEN HUNDRED (\$9,700.00), DOLLARS; APPROVING THE GRANT OF A TEMPORARY CONSTRUCTION EASEMENT FOR BRIDGE REPAIRS ALONG SPRING CREEK ROAD FOR THE SUM OF EIGHT HUNDRED (\$800.00) DOLLARS; AND AUTHORIZING THE PRESIDENT OF THE BOARD OF COMMISSIONERS TO EXECUTE ALL DOCUMENTS NECESSARY TO CONSUMMATE THE SALE AND GRANT OF THE EASEMENT

Ms. Pandl explained the ROW acquisition and the temporary construction easement needed for PennDOT to reconstruct the bridge on Spring Creek Road.

**Motion by Commissioner Pugliese, seconded by Commissioner Brown, to approve Ordinance 2011-06. Roll Call Vote: Conrad aye, Eichenberg aye, Pugliese aye, Reis aye, Brown aye. Motion carried.**

- 2.4. Resolution 2011-12 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER MACUNGIE TOWNSHIP, LEHIGH COUNTY, CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT (BRC-TAG-14-216)

Ms. Pandl reviewed the Camp Olympic Master Plan for which the grant was used. There are near future plans to move the park entrance further south.

**Motion by Commissioner Pugliese, seconded by Commissioner Brown, to approve Resolution 2011-12. There were 5 ayes. Motion carried.**

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**3. Solicitor**

- 3.1. Solicitor Report – 1) Working with staff to compile documents requested by the Zoning Hearing Board. 2) Deeds of easements are being prepared for the Deibert case, which is almost at its conclusion. 3) Worked on the Lichtenwalner subdivision language. 4) Working with staff on collecting debts and if needed, move forward on liens and fees. 5) Working with staff on property maintenance issues. 6) The legal action at the District Judge regarding Mr. Galiardo has been withdrawn and resolved. 7) A draft of the timbering ordinance was presented to staff. 8) Solar panel ordinance is being drafted. 9) The Red Maples sewer billing issue is resolved. 10) Mr. Erdman attended a meeting at LCA regarding Allentown billing issues, communication lines and regular calibrating of meters. 11) Worked on tightening the policy for release of developer funds. 12) Worked with staff on several Right-to-Know requests and responses.
- 3.2. Ordinance 2011-07 – AN ORDINANCE OF THE TOWNSHIP OF LOWER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING SECTION 131-73 OF THE LOWER MACUNGIE CODE TO AMEND THE PROCEDURE RELATED TO THE PAYMENT BY PROPERTY OWNERS WHO OWN PROPERTIES THAT ARE CONNECTED TO THE SEWER SYSTEM AND CONTAIN MULTIPLE UNITS

This is confirming a current procedure that all sewer invoices go to the property owner of multi units.

**Motion by Commissioner Pugliese, seconded by Commissioner Brown, to approve Ordinance 2011-07.**

Resident, Bill Mayo, feels that if each unit would be responsible for their own sewer bill, they would be more cautious of wasting water. Resident, Grayson McNair, feels the property owner shouldn't have to be the "tax collector" and that individual metering would help conserve and be more transparent to tax payers without the landlord overcharging. It was discussed that this ordinance would not affect many properties and would alleviate others having to subsidize delinquent accounts.

**Roll Call Vote: Eichenberg aye, Pugliese aye, Reis aye, Brown aye, Conrad aye. Motion carried.**

- 3.3. Ordinance 2011-08 – AN ORDINANCE OF THE TOWNSHIP OF LOWER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING SECTION 131-79 OF THE LOWER MACUNGIE CODE TO ESTABLISH A PROCEDURE TO SHUT OFF THE WATER OF SEWER USERS WHO ARE DELINQUENT IN THE PAYMENT OF THEIR SEWER RENTALS IN ORDER TO INDUCE THOSE USERS TO PAY THEIR DELINQUENT RENTALS

This is confirming a current policy. A motion was made by Commissioners Conrad and Eichenberg, but was then withdrawn after discussion. The Solicitor will amend B.5 to be done by ordinance, rather than resolution. Also, amend that notices are sent certified.

**Motion by Commissioner Pugliese to table. There were 5 ayes. Motion carried.**

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**4. Township Manager**

- 4.1. Manager Report – 1) The Greenway Committee and staff will take a field trip to look at open space and parks. 2) A \$125,000 PennDOT grant was awarded to LANTA, Upper and Lower Macungie Townships for the Hamilton Blvd. study. 3) Ms. Pandl applied for grants for an environmental play area at Camp Olympic and to expand the Park and Recreation Plan. 4) A final draft of the codification may be ready for the next meeting. 5) Keystone Consulting will send the proposed Camp Olympic Park entrance plan to PennDOT. 6) Boy Scout Troop 131 did a great job cleaning up Camp Olympic Park. 7) All garden plots are reserved on Bogie Avenue and over half are reserved at Camp Olympic. 8) Denise Foulke is very excited for the 10 year anniversary open house at the Community Center. There is a lot of community support. 9) Staff is looking into saving on postage and sending the newsletter via email. Many commented on a great newsletter sent in April. 10) The 2<sup>nd</sup> phase of the municipal pathway is out for bid. 11) Resident, Don Denberg, helped to get 2009 minutes back on the web; 2008 will also be done. A policy needs to be set on how long information remains online. 12) Regarding baseball field usage, staff met with representatives of East Penn School District and the 30+ Men's League. Both organizations understand each other better. 13) The work on the lime kiln will begin when the rainy weather subsides.

**COMMITTEE REPORTS**

**1. Public Safety** (Reis, Brown)

- 1.1. The Public Safety Commission is reviewing possible 1 side parking on North Hedgerow Drive, an accident policy form and a fire review study. Their next meeting is May 17<sup>th</sup>. Staff is reviewing the Public Safety Commission's recommendation for the proposed restricted tractor trailer parking.
- 1.2. The Committee's next meeting is May 5<sup>th</sup> at 6 PM.

**2. Budget & Finance** (Pugliese, Conrad)

- 2.1. The Committee met April 7<sup>th</sup> and reviewed financial results for 2010 and discussed fund balance usage. The Auditor's report to the BOC will be in June. It's time to start looking at the 2012 budget and a 3-5 year projection.
- 2.2. The Committee's next meeting is May 5<sup>th</sup> at 6 PM.

**3. Planning & Zoning** (Brown, Eichenberg)

- 3.1. The Committee met April 14<sup>th</sup>. The 2 subdivisions acted on tonight were discussed as well as the Trexler Senior Living Center and PPL Gold driveway concerns. The Zoning Hearing Board agenda was reviewed as well as adding a 2<sup>nd</sup> alternate to the Board. The Act 537 Plan is being updated to add to the western portion of the Township. A great joint workshop was held with the Planning Commission and Board of Commissioners; suggested a semi-annual joint workshop.
- 3.2. The next meeting is May 12<sup>th</sup> at 4 PM.

**4. Public Works & Facilities** (Eichenberg, Reis)

- 4.1. A new tractor is proposed for purchase through COSTARS; a state contract. The new tractor is for various year round duties; plowing and mowing, etc. One mower will be traded. To be purchased from a John Deere vendor in Allentown.

**Motion by Commissioner Reis, seconded by Commissioner Eichenberg, to authorize the purchase of a John Deere 2720 4-wheel drive tractor. There were 5 ayes. Motion carried.**

- 4.2. The next meeting is April 25<sup>th</sup> at 4 PM.

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5. **General Administration** (Conrad, Pugliese)

5.1. The Committee met tonight and will move forward on a proposal for a campaign finance transparency policy. The County Voters Registration Office agreed to provide the information for us to post on the web.

5.2. The next meeting is May 19<sup>th</sup> at 6 PM.

OTHER BUSINESS

1. **Old Business**

1.1. Issues with Corrado Homes Development (Hidden Valley Meadows) – The bank is working with the contractor and work should begin when the weather clears.

2. **New Business** - None

BOARD OF COMMISSIONERS REPORTS – None

PUBLIC COMMENT

1. James Lancsek, Zoning Officer, said that complaints of distributing the Merchandiser have been a chronic problem for years and suggested littering fines. It was discussed to request a meeting with the publisher to solve the problem.

2. Ken Guldin, 5141 East Texas Road, confirmed with staff that solar lighting is being looked into for future lighting projects. He also suggested a street light at Kressler Road and the 222 by-pass; to be installed next month.

EXECUTIVE SESSION – None

ADJOURNMENT

**Motion by Commissioner Pugliese to adjourn. There were 5 ayes. Motion carried.**

The meeting of the Board of Commissioners adjourned at 9:27 p.m.

Bruce E. Fosselman  
Township Manager

Renea Flexer  
Township Secretary  
April 30, 2011