

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

1. The Second Meeting of June of the Board of Commissioners of Lower Macungie Township was held on June 19, 2008 in the Township Building, 3400 Brookside Road, Macungie, PA 18062. President K. 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  
Township Engineer – William A. Erdman, P.E.  
Township Solicitor - Blake C. Marles, Esq.  
Acting Township Secretary- Mary McKitrick  
Interim Township Manager- Rick Klotz - *absent*  
Township Treasurer -Darryl Yothers  
Director of Finance – Cassandra Williams - *absent*

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

1. Historical Commission
2. Planning Commission
3. Parks & Recreation Board
4. Public Safety Commission
5. Zoning Hearing Board

J. Timmcke has a few appointment nominations for the Public Safety Commission but will wait until Township Interim Manager is back from vacation due to the verification of openings.

C) The Board of Commissioners held an executive session from 6:00 pm to 7:00p.m. to update and discuss the current litigation. No action was taken.

D) At 8:30p.m., the BOC will recess for a public meeting to consider and act upon a proposed Official Sewage Facilities Plan Revision/Special Study (the “Study”) prepared by the Lehigh County Authority.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

None

#### 4. APPROVAL OF BILL LIST AND PAYROLL

##### A. Bill List of 6-13-08 and payroll of 6-6-08

(Doesn't Include \$4,200 request from Lower Macungie Senior Citizens)

01 General Fund	\$ 174,277.00	66 Earned Income Tax	\$ 0
08 Sewer Fund	\$ 352,740.74	36 Developers Escrow Fund	\$ 0
04 Solid Waste Fund	\$ 168,548.33	37 Developers Impact Fund	\$ 0
19 Community Ctr. Fund	\$ 0	30 Capital Projects Fund	\$ 3,659.00
35 Liquid Fuels Fund	\$ 0		
<b>Total All Funds</b>	<b>\$699,225.07</b>		

D. Zosky made a motion, seconded by D. Brown and passed unanimously (5-0) to approve payment of bills and payroll as submitted.

#### 5. AGENDA MODIFICATIONS (At Discretion of Board President)

##### A. Business carried over from 5-18-08

Longswamp Township – Truck Restriction on Fairchild Street (T-908)

D. Zosky made a motion, seconded by D. Brown and passed by majority vote (3-2) to direct Mr. Marles, LMT Solicitor, to prepare an ordinance allowing Longswamp Township to post a “NO TRUCK” sign on Fairchild Road and send it to the Public Safety Commission for review.

W. Spaide and J. Timmcke voted nay.

#### 6. PRESENTATIONS

Exceptional Value status for the Upper Perkiomen Watershed

Rick Loomis, Don Orcutt, & Cathy Frankenberg of Clean Water Action conducted a presentation on the value of supporting the Exceptional Value (EV) status of the Upper Perkiomen watershed. With the Board of Commissioners prompt approval of support, and the approval of a resolution to the DEP, Secretary Kathleen McGinty will help emphasize to the State the continuing growth of support for this high level of protection among the municipalities in this watershed.

D. Zosky made a motion, seconded by W. Spaide and passed unanimously (5-0) to direct Mr. Marles, Township Solicitor, to prepare a resolution to support protecting the water resources of the Upper Perkiomen Watershed.

## 7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- A) Mr. Jim Toolan, resident of Four Seasons, asking about mowing of grass on the walking path. Mr. Erdman, of Keystone Consulting Engineers, is to investigate who owns the property in question for maintenance.
- B) Mr. Bill Kruger, resident, is asking about the flooding of Spring Creek Road. D. Zosky volunteered to be the point person for this flooding issue.
- C) Mr. Berrier, resident, stressed his concern to have the ordinances and violations placed on certain residents carried out. Namely violations that were sent to 7576 Buttercup Road. The resident of 7576 Buttercup Road has until July 7, 2008 to respond to the violation notice sent to him. After that time and no response, the complaint will be sent to the magistrate.
- D) Mr. Leader, on behalf of Country Meadows Retirement Community, requests the rezoning of a portion of property at the Country Meadows Site. D. Zosky stated that a workshop will be scheduled with the Planning Commission to address this issue in the future.
- E) Mr. Benner, resident, asked if the traffic light at Lower Macungie Road and Wild Cherry Lane would be installed in 2008. Mr. Erdman responded that the design is under way and it will be installed in 2008. Mr. Erdman has no firm installation date.

Recess for the Lehigh County Authority presentation. 8:30p.m.

Mike Barron, from Lehigh County Authority, since we were before you a month ago we have provided a publication of a public comment period in the newspaper for 30 days advertising this meeting as a hearing to obtain any written comments from the public on this project. There appears to be some comments to be addressed this evening.

LCA was before the Planning Commission June 10, 2008 and has a copy of their recommendation.

- 8. Mike Barron, from Lehigh County Authority, to take all public comments in regards to the Iron Run Interceptor Pumping Station project.  
A lengthy discussion on the Iron Run Pumping Station and comments and concerns of the residents occurred.  
D. Zosky made a motion, seconded by J. Timmcke and passed unanimously (5-0) to table the resolution and ask for a joint meeting with the Planning Commission and surrounding areas, including Allentown, and have their input on this project for the purpose of additional information.

The Regular Board of Commissioners Meeting reconvened at 10:30p.m.

## 9. NON – CONSENT ITEMS

## A. MOTIONS

- 1) W. Spaide made a motion, seconded by D. Brown and approved unanimously (5-0) to approve a Resolution authorizing conveyance of a 1975 Mack Tele Squirt Truck to Mack Trucks Historical Museum, Inc. for historic purposes. (Not the America on Wheels Museum)
- 2) Motion to approve both the Fire Marshall and Zoning Officer to be authorized to act in the capacity of “Fire Inspector” for the purposes of enforcing Ordinance 2006-1 (AN ORDINANCE AMENDING SECTION 145 OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF LOWER MACUNGIE TOWNSHIP ENTITLED “STREET AND SIDEWALKS” TO INCLUDE ARTICLE V ENTITLED “PARKING RESTRICTIONS” TO PROHIBIT PARKING OF ANY MOTOR VEHICLE OR OTHER VEHICLE IN FIRE LANES OR IN FRONT OF FIRE HYDRANTS) in accordance with section 2. Tabled until next BOC meeting.

## 10. DEPARTMENTAL MATTERS

## A. Planning / Engineering

## 1. Development Activities for Formal Action

Olympic Ridge  
A/k/a The Fields at Olympic Ridge  
38-Lot Subdivision  
4197 Indian Creek Road  
4019 Indian Creek Road  
3060 Cedar Crest Boulevard  
3378 Overlook Drive  
Revised Final Plan  
Application Date – 1/22/08  
LMT 07-027; KCE (LMT 07-061)

D. Brown made a motion, seconded by W. Spaide and passed unanimously (5-0) to approve a time extension to Olympic Ridge until July 10, 2008.

D. Brown made a motion, seconded by J. Timmcke and passed unanimously (5-0) to approve Resolution 2008-25 Granting Final Approval to Olympic Field, LLC for a Third Revised 40 Lot Residential Subdivision Plan for a Project Located at 4197 and 4019 Indian Creek Road, and at 3060 Cedar Crest Boulevard.

2. Lehigh Country Club  
Land Development Plan - Building Expansion  
2319 Cedar Crest Boulevard  
Preliminary/Final Plan  
Application Dated 3/19/08  
LMT 08-011: KCE (LMT 08-031)

D. Brown made a motion, seconded by W. Spaide and passed unanimously (5-0) to approve a time extension to Lehigh Country Club Land Development until July 10, 2008.

W. Spaide made a motion, seconded by D. Brown and passed unanimously (5-0) to approve Resolution 2008-28 Granting Preliminary/Final Approval to Lehigh Country Club for a Land Development (Building Expansion) Located at 2319 South Cedar Crest Boulevard.

3. Dr. John Lapp & Miriam Lapp – Planning Commission recommendation to approve waiver of SALDO Section 732.3 to permit a maximum 12X12 Deck to be enclosed.

D. Brown made a motion, seconded by W. Spaide and passed unanimously (5-0) to approve a waiver of SALDO Section 732.3 and Section 201.204 to allow Dr. & Mrs. Lapp to enclose their deck, not to exceed 12’X12’.

4. Ashley Development Corporation – Stone Hill Station – Planning Commission recommendation to reject plan.

D. Brown made a motion, seconded by D. Zosky and passed unanimously (5-0) to accept a time extension until August 11, 2008 to Ashley Development known as Stonehill Station.

## 11. OTHER BUSINESS

- A. Zoning items to be addressed.

Jim Lancsek, Zoning Officer, explained why so many variances were being brought before the Zoning Hearing Board.

The Zoning Hearing Board asked Jim Lancsek to address the BOC in regards to the variance issues.

- 1) Issue of height of fence in front yard setback. Allow the height of four feet for the front yard fence.
- 2) Non-conforming lots. Approve a zoning overlay to allow non-conforming lots, approved under a cluster-zoning ordinance, to expand within the limits of their original approved plan without a variance.

The BOC authorized Mr. Marles and Mr. Erdman to prepare an ordinance to resolve these issues.

- B. W. Spaide made a motion, seconded by D. Zosky and passed unanimously (5-0) to authorize Solicitor B. Marles to appear before the Zoning Hearing Board opposing an application for a variance for an unauthorized improvement in the 100 year flood plain.
- C. D. Zosky made a motion, seconded by D. Brown and passed unanimously (5-0) to authorize Solicitor B. Marles to adopt the tax certification fee increase to \$20.00.
- 2. New Business

Mr. Joseph Zator II was speaking on behalf of Mr. Jandl in regards to the use of a tri-party agreement as Security for Schaefer Run Commons Improvements.

## 12. ADJOURNMENT INTO EXECUTIVE SESSION

Adjournment at 11:35p.m. to Executive Session to discuss possible litigation.  
No actions taken.

Mary I. McKittrick  
Acting Township Secretary

BOC:mim

These minutes were approved during the February 19, 2009 BOC Meeting.