

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**

The Board of Commissioners met in regular session on December 18, 2008 in the Township Building, 3400 Brookside Road, Macungie, PA 18062. President Kline called the meeting to order at 7:00 p.m.

CALL MEETING TO ORDER

PLEDGE TO THE FLAG

ROLL CALL

E. Keller Kline, President	Present
Deana M. Zosky, Vice-President	Present
Douglas Brown, Commissioner	Present
William Spaide, Commissioner	Present
Julianna Timmcke, Commissioner	Present
William A. Erdman, Township Engineer	Present
Blake C. Marles, Township Solicitor	Present
Gretchen Pearl, Interim Secretary	Present
Bruce E. Fosselman, Township Manager	Present
Cassandra Williams, Director of Finance	Not Present
Darryl Yothers, Township Treasure	Present

ANNOUCEMENTS

The Board of Commissioners scheduled an executive session at 6:00 pm to meet with the solicitors to discuss litigation issues.

A change in the agenda, because Blake Marles, Township Solicitor cannot be present for the entire meeting.

Mr. Blake Marles would like to start with the Conditional Use Application for Lehigh County Authority, Well WL-12, as well as Cedar Shopping Centers, which is not on the agenda.

PUBLIC HEARINGS

Conditional Use Application of Lehigh County Authority for Well WL-12 for conditional use review Section 702.3 and Article 21, Section 2129.1 and Section 2129.2 of the Lower Macungie Township Zoning Ordinance for upgrading of equipment for the well-WL-12 facility (existing public water supply) located at 7034 Church Lane, Macungie, PA. The purpose of the hearing is to get the process started. The gist of the issue for wells 8 and 12 will be heard on January 8, 2009.

Attorney Jim Preston represented LCA, and Aurel M. Arndt, General Manager of Lehigh County Authority also spoke. Exhibit #1 was the Notice of Application for Lehigh County Authority. Aurel M. Arndt was called as first and only witness to request continuance to January 8, 2009. Several residents from Acorn Circle, questioned how to keep informed of what is going on in reference to the well. President Kline's response was to attend the

meeting on January 8, 2009 when the hearing will be conducted. Deana Zosky, Commissioner, also pointed out that Lehigh County Authority has been cooperative in making plans and details of the project available for the public to view at the LCA offices on 1053 Spruce Road, Wescosville, PA.

No vote was needed, continuance granted.

NEW BUSINESS

Next piece of business under NEW BUSINESS is the proposed decision of Conditional Use of the Trexlertown/Cedar Shopping Center. Atty. Marles stated that the conditions required, for approval had been addressed. Those conditions have been met.

President Kline asked for motion to approve the decision. Commissioner Spaide made the motion, seconded by Commissioner Zosky.

There were 5 ayes. Motion carried.

PROPOSAL FOR INTERNAL CONTROLS

Commissioner Zosky made a motion for the Board of Commissioners to adopt an Internal Control Policy based on a best internal control practice that would put into place the controls necessary for good government accounting practices. The motion was seconded by Commissioner Timmcke.

Discussion followed by President Kline expressing concern that the model is for large government with surplus staff and his concern is the lack of personnel for segregation of duties to implement the policy. Under the Finance Director this will be dealt with. Grayson McNair, of Macungie, is in favor of the model and stressed that he would like to see it followed through. Manager Bruce Fosselman agrees that this is not going to happen overnight, but the model needs to be addressed and put in place.

There were 5 ayes and the motion carried.

ANNOUNCEMENTS

Commissioner Zosky thanked all the people who have volunteered for an Environmental Advisory Council and said the process will now begin to establish the new Council. There are to date, upwards of 7 to 10 applicants. Applications are still being accepted.

Lower Macungie Library has received a donation of \$1500.00 from the First Windish Fraternal Benefit Society of America. The check was presented to the Board by Larry Schneider of 5332 Lamb Terrace and James Lancsek of 5445 Prophets Way.

APPROVAL OF MINUTES OF PREVIOUS MEETING (S)

This will be resolved by January 15, the minutes will be ready for approval.

APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

01	General Fund	\$341,381.89
08	Sewer Fund	\$ 1,772.34
04	Solid Waste Fund	\$ 31,451.12
19	Community Center Fund	
30	Capital Projects Fund	
35	Liquid Fuels Fund	
36	Developers Escrow Fund	\$ 95,462.59
37	Developers Impact Fund	
66	Earned Income tax	
	Total all Funds	<u>\$513,451.25</u>

Commissioner Zosky made a motion to approve bills, seconded by Commissioner Timmcke. Commissioner Zosky then outlined, for the audience some of the highlights of the expenses included in the list of bills paid.

Mr. Imdorf of the Audit Committee would like the Fund Balances on the report in the future.

President Kline called for a vote, there were 5 ayes and the bills were approved for payments.

PUBLIC COMMENT ON NON-AGENDA TOPICS

Mr. Knauss wanted to discuss the Leister Farm and any decision regarding the farm. That issue will be discussed later in the meeting. He was kind enough to offer some insight into the history of the property.

Art Imdorf of Emmaus wanted to discuss the trees, and plantings for the Mill Race Road project and what needs to be done to correct the problem. Bruce is working on this issue with Public Works. Commissioner Zosky would like a schedule of the work to be done and to insure that this issue is taken care of. President Kline would like this issue to be on the agenda in February, to discuss a solution to this problem that will satisfy the residents.

Grayson McNair has questioned the public release of the Internal Control Review by Reinsel Kuntz Leshner, LLP. They were contracted to do the review in the summer of 2008. What is the status of that report?

The first draft was presented to the Commissioners and was not what was expected, therefore, a review with the Director of Finance is needed and a revision is necessary. At the end of the process it will be used as a tool by the Finance Director to move forward.

MOTION/RESOLUTIONS/ORDINANCES OF AGENDA ITEM

President Kline presented **Resolution 2008-52, Park and Recreation Board expiration dates.**

Motion by Commissioner Zosky, seconded by Commissioner Brown to adopt Resolution 2008-52.

There were 5 ayes. Motion carried.

President Kline presented **Resolution 2008-51; ADJUSTING THE 2008 BUDGET FOR UNANTICIPATED REVENUE AND EXPENSE FOR SUB-DIVISION STREET LIGHTS.**

Motion made by Commissioner Brown, second by Commissioner Zosky.

There were 5 ayes. Motion carried.

Ordinance 2008-15; Construction Repair Sidewalks, etc. was introduced.

After some discussion, it was deemed necessary to update and make changes to the Ordinance that further defines what is necessary and the time frames that will apply, therefore Ordinance 2008-15 has been tabled to discuss at a future date.

President Kline presented **Ordinance 2008-16; AN ORDINANCE TRANSFERRING FUNDS FROM BUDGET CATEGORY 01.402.120 FINANCIAL, ADMINISTRATION SALARIES, 01.409.600 BUILDINGS/FACILITIES CAPITAL CONTRUCTION, AND 01.438.220 ROADS AND HIGHWAYS OPERATING SUPPLIES TO 01.404.311 LEGAL SERVICES UNION BUSINESS, 01.404.314 LEGAL SERVICES PLANNING, 01.487.156 HEALTH/HOSPITALIZATION INSURANCE, AND 01.408.313 ENGINEERING SERVICES.**

The motion to accept was made by Commission Spaide and the second was by Commission Brown.

There were 5 ayes and the motion carried.

Ordinance 2008-17; AN ORDINANCE TRANSFERRING FUNDS FROM SEWER FUND BUDGET CATEGORY 08.429.600 CAPITAL CONSTRUCTION TO VARIOUS ACCOUNTS WITHIN THE SEWER FUND FOR ALLOCATION OF OVERHEAD EXPENSES.

The motion to approve was made by Commissioner Spaide and the second was made by Commissioner Brown.

There were 5 ayes and the motion was approved.

Ordinance 2008-18; AN ORDINANCE TRANSFERRING FUNDS FROM GENERAL FUND BUDGET CATEGORY 01.409.600 CAPITAL CONTRUCTION TO VARIOUS ACCOUNTS WITHIN THE SOLID WASTE FUND FOR ALLOCATION OF OVERHEAD EXPENSES.

Motion made by Commissioner Timmcke and the second was made by Commissioner Brown.

There were 5 ayes and the motion carried.

DEPARTMENT MATTERS

Request for Traffic Light at Shepherd Lane/Hamilton Boulevard and the removal of Traffic Light at Grange Road/Hamilton Boulevard in conjunction with the site work for Home Depot. William Erdman, Township Engineer presented the situation with the recommendation for this action. There was some discussion from the audience.

The motion was made by Commissioner Timmcke and the second was made by Commissioner Zosky to activate the Traffic light at Shepherd Lane and Hamilton Blvd and to remove the traffic light at Grange and Hamilton Blvd.

There were 5 ayes. Motion carried.

TIME EXTENSION LETTERS

LCA-WELL #8 – LAND DEVELOPMENT UNTIL 1/30/2009

LCA WELL #12 – UNTIL 1/30/2009 – CONDITIONAL USE AND LAND DEVELOPMENT

LCA ADDITION TO THEIR BUILDING ON SPRUCE STREET – UNTIL 2/18/2009 FOR CONDITIONAL USE

TREXLER SENIOR LIVING CENTER – UNTIL 1/15/2009

AMITY MACHINE – UNTIL 4/2/2009

ROMIG SUBDIVISION – UNTIL 1/29/2009

JAINDL-WOTRING ESTATES – UNTIL 1/29/2009

A motion to accept all Time extensions was made by Commissioner Zosky, the second was by Commissioner Brown.

There were 5 ayes and the extensions were approved.

SMART TRANSPORTATION APPLICATION

William Erdman, Keystone Engineers presented the application for a grant that would provide the Township with funds to be used for establishing pathways in the Township.

The motion to make the application was made by Commissioner Zosky and the second was by Commissioner Brown.

There were 5 ayes and the motion carried.

MANAGER'S REPORT

2009 PROPOSED BUDGET

Manager Bruce Fosselman presented the 2009 Proposed Budget for considerations. This budget reflects a 12% increase to the sewer and trash rates over last year due to the increased cost of doing business. He also outlined the Bond Issue, a part of which is designated for the construction of the new Fire Station.

Discussion from residents; Art Imdorf, concerning how much planning actually went into the budget and was everything included this year: Grayson McNair, regarding the lack of reporting in the public budget, he feels the copy he saw was incomplete. Ann Leibensperger is questioning the proposed walking path and the impact on the animals that live in that area of the walking path.

The motion to approve the 2009 Proposed Budget as it stands was made by Commissioner Zosky and was seconded by Commissioner Brown.

A motion was made to amend the budget by deleting line item 460.008 for \$200,000 for repairs and improvements to the Leister Farm by President Kline and a second was made by Commissioner Spaide. Some discussion followed.

There were 2 ayes and 3 nays and the motion was defeated.

The budget for 2009 was approved as stands by a vote of 3 ayes and 2 nays. President Kline and Commissioner Spaide voted nay.

Commissioner Deana Zosky made a presentation on a proposal for discussion on the issue of the Leister Farm and any involvement that David Jaindl may have with the farm in the future. The proposal represents a plan that would lease a portion of the land to Mr. Jaindl to farm, while keeping the homestead, buffer zones and wetlands under the control of the Township. Atty. Joseph Zator and David Jaindl presented their case along with some maps of the property and how the distribution of land would work, according to their plan.

Much discussion continued with opinions/suggestions on what should be done and how this property should be used.

President Kline pointed out that preservation of the site could cost the Township \$1.5 million. Uses for the property are very limited. Studies have been done and there is little to no parking, which means limited recreation uses in the future.

Commissioner Zosky presented the terms of the lease. A 99 year lease, at \$121 per acre for approximately 80.02 acres with an escalation clause of 3 1/2% every 5 years.

President Kline made a proposal to return everything to Mr. Jaindl, and then the Township could lease back the 2 acres that include the homestead. The people who wish to see the homestead restored would have a period of time to raise the money for the restoration and if at the end of the agreed upon time if it is not complete, the homestead reverts back to Mr. Jaindl.

A motion to continue discussions to negotiate a lease agreement with Mr. Jaindl was made by Commissioner Zosky and seconded by Commissioner Timmcke.

There were 3 ayes and 2 nays and the motion was approved. The nays were President Kline and Commissioner Spaide.

NEW BUSINESS

FIRE STATION BIDS

Township Manager Bruce Fosselman gave a brief breakdown of the primary bids for the proposed Fire Station.

Commissioner Timmcke made a motion to accept the bids for the new fire station to be built. The motion was seconded by Commissioner Spaide.

There were 5 ayes, the motion carried.

BOARD OF COMMISSIONERS REPORT

Commissioner Timmcke reported on the Public Safety Commission. **Commissioner Timmcke made a motion to accept the recommendation of the Public Safety Commission to approve a \$4000 item in the budget to go toward contracting with an outside consulting firm to help the Macungie Ambulance with their planning for the future of the safety and well being of providing for Lower Macungie Township. The motion was seconded by Commissioner Zosky.**

There were 5 ayes and the motion carried.

Commissioner Zosky asked a question regarding the protocol of signs, based on a resident complaint; a sign was removed and discarded. Ben Galiardo, Township Code Enforcement Officer, stated the rules covering signs and the procedure that follows when a sign is in violation. Commissioner Zosky will pass on the information to the resident and thanked Mr. Galiardo for the explanation.

MEETING ADJOURNED

The meeting was adjourned at 11:00 p.m.

Gretchen Pearl
Acting Township Secretary