

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

The Board of Commissioners met on April 20, 2023 for a regular meeting. The meeting was held both via Zoom.com, an online audio/video meeting, and at the Township Building, 3400 Brookside Road, Macungie, PA 18062.

1. CALL MEETING TO ORDER

President Higgins called the meeting to order at 6:00 p.m.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Brian P. Higgins, President	Present
Richard V. Ward, Vice President	Present
Ron R. Beitler, Commissioner	Present
Maury G. Robert, Commissioner	Present
Brian L. Shoemaker, Commissioner	Present
Bruce Beitel, Township Manager	Present
David Brooman, Township Solicitor	Present
Renea Flexer, Asst. Manager/Secretary	Present
Nathan Jones, Director of Planning	Present (Arrived 6:09 p.m.)
Bryan McAdam, Township Engineer	Present via Zoom

4. AGENDA MODIFICATIONS (At Discretion of Board President)

5. ANNOUNCEMENTS & PRESENTATIONS

- 5.1. A Proclamation was read proclaiming April 23-29 as National Library Week and encouraged residents to visit the Library. George Doughty, 2131 Stonewall Drive, thanked the Board for the Proclamation on behalf of the Library Board and asked residents to stop by the Library.
- 5.2. A Proclamation was read proclaiming the large baseball field at Church Lane Park be named the Joseph G. Mastroianni Field. There will be a formal dedication on April 29th at 10:30 a.m.

The regular meeting was temporarily adjourned at 6:07 p.m. for the following hearing.

6. HEARINGS & APPROVALS

6.1. Ordinance 2023-03 – AN ORDINANCE OF THE TOWNSHIP OF LOWER MACUNGIE, LEHIGH COUNTY, AMENDING CHAPTER 27 “ZONING” OF THE LOWER MACUNGIE TOWNSHIP CODE OF ORDINANCES BY PERMITTING MIXED-USE DEVELOPMENT BY CONDITIONAL USE IN THE “HE” – HIGHWAY ENTERPRISE DISTRICT; AMENDING CHAPTER 27, “ZONING”, PART 24 “CONDITIONAL USES, SPECIAL EXCEPTION USES, AND CERTAIN USES BY RIGHT SUBJECT TO SPECIFIC ADDITIONAL CRITERIA” BY ADDING NEW SUBSECTION §27-2417 “MIXED USE DEVELOPMENT IN THE HE-HIGHWAY ENTERPRISE DISTRICT”; PROVIDING DIMENSIONAL REGULATIONS; PROVIDING FOR A MIXED USE GOLF DRIVING RANGE WITH HOURS OF OPERATION FROM 9:00 A.M. to 2:00 A.M. ON FRIDAY AND SATURDAY AND FROM 9:00 A.M. TO 12:00 A.M. FROM SUNDAY THROUGH THURSDAY WITH DIMMED LIGHTING OPERATED UNTIL TWO HOURS AFTER CLOSING FOR MAINTENANCE; PROVIDING FOR AQUARIUM, PERFORMANCE THEATRE, AND MIXED-USE SPORTS RETAIL USES; PROVIDING FOR ACCESSORY USES; ALLOWING FOR A MAXIMUM FREESTANDING SIGN HEIGHT OF 50’ FOR A SINGLE FREESTANDING SIGN WITH FRONTAGE ON I-78; AMENDING PERFORMANCE STANDARDS FOR LIGHTING; AND MAKING OTHER CHANGES

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The proposed Ordinance amends the HE-Highway Enterprise Zoning District pursuant to the request from Landston Equities, LLC. A stenographic record was taken of the hearing. Solicitor Brooman presented exhibits. The Township was approached by the applicant with the prospect to redevelop the site which was previously industrial zoned. In 2018, the area was renamed and rezoned as the Highway Enterprise District due to its proximity to the highway. Commissioner Robert expressed concern that the density is determined by the entire land surface and other mixed use districts are based off the residential portion of the land and not the commercial portion of the land. He would like all mixed use districts to be consistent. Samuel Cohen of Gross McGinley, representing Penn Sheet Metal at 421 Schantz Road, would like assurance that there is no intent to exercise eminent domain for his client's property and expressed concern for any changes to Schantz Road. Solicitor Brooman noted that there have been no discussions of any condemnation and until a traffic study is performed any roadway changes are unknown. President Higgins noted that, during his 10 years serving as a Commissioner, he remembers one single time when a developer asked LMT to intervene with a condemnation and the Township's told the developer that it's not the Township's job to condemn for the convenience of development. There was no other public comment.

The regular meeting was reconvened at 6:21 p.m.

Motion by Commissioner Ward, seconded by Commissioner Beitler, to approve Ordinance 2023-03.

Commissioner Robert made a motion to amend the ordinance to change the density from 12 dwelling units per acre to 8.5 dwelling units per acre, but there was no second.

Roll Call Vote on the motion to approve Ordinance 2023-03: Robert, nay; Shoemaker, aye; Ward, aye; Beitler, aye; Higgins, aye. Motion carried.

Motion by Commissioner Robert, seconded by Commissioner Shoemaker, to amend the agenda to discuss and direct the Solicitor to review parity of zoning districts in regards to mixed use density. There were 5 ayes. Motion carried.

Motion by Commissioner Robert, seconded by Commissioner Shoemaker, to direct the Solicitor to review other mixed use developments in other zoning districts to create consistency for density among them all. There were 5 ayes. Motion carried.

6.2. Resolution 2023-24 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER MACUNGIE TOWNSHIP, LEHIGH COUNTY APPROVING AN AGREEMENT WITH EMMAUS AQUATIC CLUB

This is our annual agreement with EMAC for pool services in the amount of \$121,630 plus materials and supplies, including chemicals.

Motion by Commissioner Robert, seconded by Commissioner Ward, to approve Resolution 2023-24. There were 5 ayes. Motion carried.

6.3. Resolution 2023-25 – Approving a DCNR Grant Application

The grant is for the 2024 Wild Cherry Lane Park Playground Restoration Project. The grant is for \$492,000 with a required 50% match from LMT totaling \$246,000.

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Motion by Commissioner Robert, seconded by Commissioner Ward, to approve Resolution 2023-25. There were 5 ayes. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- 7.1. Dennis Seman, 1375 Heather Circle West, expressed concern for basketball structures in the right of way. He requested a meeting with the Township and will call the office to schedule.
- 7.2. Pastor Larry Vandever, 331 S. Main Street, Nazareth, said he is the Founder of The Coalition for Feral Cats of Lehigh Valley and was informed that the Township notified Dunkin Donuts of a colony of cats that need to be removed. He said they maintain cat colonies and would like to help with this particular colony by getting them fixed and vaccinated, then they'll go away in a humane way. They clean up the area so it blends in and people won't know the colony is there. Several people in the audience raised their hands in support.
- 7.3. Debra Hahn, 1233 Bushkill Center Road, Nazareth, said she was one of the first colony organizers at Dunkin 9 years ago. They would feed and trap neuter and release (TNR) the cats and then it became a dumping spot. She has been trying to find placement for the cats, but there is no place; they have TNR'd 22 of the cats. She requested to discretely put two shelters there so they can continue to feed them and TNR.
- 7.4. Donna Wentz, 215 Lock Ridge Lane, Alburtis, said she met with Township Staff about the problem and hopes to work with LMT to save the cats and not have them extinguished. She said they've been relocating, feeding and caring for the cats at their own expense and feels it is animal abuse and animal neglect to remove their shelters and feeding bowls.
- 7.5. Faith Hilbert, 1546 Maple Street, Bethlehem, wants to save the cats that are meaningful to a lot of people by getting them fixed and giving them homes. She doesn't want to see them suffer.
- 7.6. Janice Smith, 3749 Crest View Drive, Allentown, said she became a feeder of the colony back in 2021, which then had over 50 cats. They trapped discretely at night and rescued over 35 cats. She would like to see better laws to chip an animal to make the owner responsible for abandoning a cat or dog, instead of getting rid of them. She suggested LMT purchase land for a nonprofit organization to care for the cats and teach others on how to take care of cats.
- 7.7. Seham Abdel Karim, 970 King Way, Breinigsville, said that since the shelters were removed, two kittens were hit by cars while trying to find shelter during the last storm. She feels they should have shelter year round and asked the Board to consider keeping shelters year round for the cats safety.

President Higgins noted that all of this resulted from resident complaints about the condition of private property and our Code Enforcement Officers have started a violation process for the land owner and because it's a pending legal process, there is very little that the Board can discuss. He said LMT is not looking to kill or take away the cats; it's a private land issue and we are responding to resident complaints by following the law. The Township is not in favor of using public land to create a place for feral cat colonies or other feral animals when the taxpayers paid to acquire land for open space. He said he appreciates their comments and their passion and hopes for a successful outcome.

8. COMMUNICATIONS

- 8.1. Ozias Moore, Park & Recreation Committee – Letter of resignation due to appointment to the Planning Commission.

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Motion by Commissioner Ward, seconded by Commissioner Robert, to accept the letter of resignation from the Park and Recreation Advisory Committee from Ozias Moore. There were 5 ayes. Motion carried.

- 8.2. Brian Miller, Upper Milford Township – Review comments on ordinance amending the HE-Highway Enterprise Zoning District.
- 8.3. Debra Ninesling, 1189 Terrace Circle – Requesting to not change zoning for the HE-Highway Enterprise Zoning District.

9. APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS – None

10. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion by Commissioner Robert, seconded by Commissioner Ward, to approve the April 6, 2023 minutes as drafted. There were 5 ayes. Motion carried.

11. APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

- 11.1. Mr. Beitel reviewed the April 20, 2023 Bill List, which is always available to view on the Township’s website prior to the meeting.

01	General Fund	\$99,466.14	33	Open Space Fund	
08	Sewer Fund	\$6,468.89	35	Liquid Fuels	
19	Debt Service Fund		37	Developers Impact	
30	Capital Projects Fund	\$20,158.44	01	Payroll	\$154,930.26
32	Federal Grants Fund		36	Developers Escrow	\$6,868.44
				Total Funds	\$287,892.17

Motion by Commissioner Robert, seconded by Commissioner Ward, to approve the April 20, 2023 Bill List as drafted. There were 5 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. **Engineering**

- 12.1.1. Engineer’s Report: 1) Brian Cicak will be filling in as Township Engineer for Mr. McAdam from the end of April and through the month of May.

12.2. **Planning**

- 12.2.1. Planner’s Report – No Report

12.3. **Solicitor**

- 12.3.1. Resolution 2023-26 – RESOLUTION AUTHORIZING AN AGREEMENT IN LIEU OF CONDEMNATION TO ACQUIRE REQUIRED RIGHT-OF-WAY AND A TEMPORARY GRADING EASEMENT ON THE PROPERTY LOCATED AT 2396 PA ROUTE 100 IN CONJUNCTION WITH THE SAUERKRAUT LANE EXTENSION PROJECT

Some of the cost for this acquirement will be paid by Mr. Jaindl and the Township will pick up other costs. The goal was to not condemn the property. Thanks were given to Mr. Beitel for negotiating with Mr. Miller.

Motion by Commissioner Robert, seconded by Commissioner Ward, to approve Resolution 2023-26. There were 5 ayes. Motion carried.

- 12.3.2. Resolution 2023-27 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE ASSISTANT TOWNSHIP MANAGER/SECRETARY TO ATTEST THE TOWNSHIP MANAGER’S SIGNATURE REGARDING A GRANT

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APPLICATION TO UNDERTAKE THE PROJECT KNOWN AS THE TRAIL
CONNECTION AT HILLSIDE SCHOOL

This will enable Mrs. Flexer to attest Mr. Beitel's signature on documents related to the DCED Multi Modal Grant for the trail connection at Hillside School.

Motion by Commissioner Robert, seconded by Commissioner Ward, to approve Resolution 2023-27. There were 5 ayes. Motion carried.

12.3.3. Solicitor's Report: 1) There are six approved projects that started moving forward and we will see construction on Hamilton Blvd. shortly.

12.4. **Township Manager**

12.4.1. Manager's Report: 1) Community Day is May 2nd. The new portion of the Community Center will be open to the public. 2) Thanks were given to Penske Logistics of 8783 Congdon Hill for planting trees along the Little Lehigh as part of their 'day of service' for employees to celebrate Earth Day. Public Works dug the holes and they planted 15 trees. 3) An Executive Session is needed after the meeting.

13. OTHER BUSINESS

13.1. **Old Business**

- 13.1.1. Chapter 18 Sewers Amendment for Updates (To Be Drafted)
- 13.1.2. Chapter 27 Zoning Amendment, Lookback (To Be Drafted)
- 13.1.3. Update Lower Macungie Emergency Operation Plan (Being Drafted)
- 13.1.4. Chapter 15 Ordinance for Bridge Weights, Parking & Stop Signs (To be drafted)
- 13.1.5. Liberty Lane Rezoning Request (To Be Drafted)
- 13.1.6. Community Center Expansion Public Improvements Completion (Bids Due April 17th)
- 13.1.7. Bridge Rehabilitation Project (Bids Due April 17th) – There were no bidders and the bidding time has been extended to May 11th.
- 13.1.8. MS4 Projects (Bids Due May 12th)
- 13.1.9. Accepting a Deed of Dedication for the Property Located at 1900 Mill Creek Road from the Lehigh County Authority (Awaiting Document from LCA)

13.2. **New Business** – None

14. BOARD OF COMMISSIONERS REPORT

- 14.1. The next Board Workshop is April 24, 2023 at 6 p.m.
- 14.2. The next Board Regular Meeting is May 4, 2023 at 6 p.m.

15. EXECUTIVE SESSION

- 15.1. An Executive Session was held immediately after the meeting to discuss potential land acquisition.

16. ADJOURNMENT

President Higgins adjourned the meeting at 7:10 p.m.

Bruce Beitel
Township Manager

Renea Flexer
Asst. Township Manager/Secretary
April 26, 2023