

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

The Board of Commissioners met on September 2, 2021 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 Beitler called the regular meeting to order at 7:02 p.m.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Ronald W. Beitler, President	Present
Richard V. Ward, Vice President	Present via Zoom
Ron R. Beitler, Commissioner	Absent
Brian P. Higgins, Commissioner	Present
Maury G. Robert, Commissioner	Present
Bruce Beitel, Township Manager	Present
Renea Flexer, Asst. Manager/Secretary	Present
Nathan Jones, Director of Planning	Present
David Brooman, Township Solicitor	Present
Bryan McAdam, Township Engineer	Present

4. AGENDA MODIFICATIONS (At Discretion of Board President)

4.1. Agenda item 7.1 Public Comment was moved to the first order of business.

5. ANNOUNCEMENTS & PRESENTATIONS – None

6. HEARINGS & APPROVALS

The regular meeting adjourned at 7:11 p.m. for the following Hearing.

- 6.1. Conditional Use Hearing for Buckeye Macungie Solar, LLC (DE 21-012) – Solicitor Brooman explained the conditional use procedure. The hearing was transcribed by a stenographer. All properties for the proposed solar field are the same owners, as required; owner names are different because they're subsidiaries of the same company. Fighting a fire at a solar plant is similar to fighting a transformer fire. The LM Fire Department and Buckeye have discussed this proposed solar fields and the LMFd have the equipment necessary and will have access. All energy generated will go to the PPL substation located just south of the large lot and PPL can turn it off remotely, if needed for an emergency. The proposed facility must be approved by PPL. David and Jane Hottenstein of 5264 Indian Creek Road questioned the address of 5274 Indian Creek Road where some solar panels are proposed and also asked why the ultimate right of way was not shown on the plan. Solicitor Brooman stated that nothing in this hearing would give Buckeye rights to land they do not own. And the applicant noted that the ultimate ROW will be added to the plan for land development.

Motion by Commissioner Higgins, seconded by Commissioner Robert, to approve the Conditional Use Application of Buckeye Macungie Solar, LLC, on behalf of Buckeye Energy Services, LLC, Buckeye Pipe Line Company LP, and Buckeye Terminals, LLC, to construct, own and operate a Solar Energy Facility at 5274 Indian Creek Road, 3760 Tank Farm Road, and 5336, 5346, 5454 and 5455 Buckeye Road, subject to the conditions set forth in the Planning Commission recommendation. Roll Call Vote: Robert, aye; Higgins, aye; Ward, aye; R.W. Beitler, aye. Motion carried.

The Hearing concluded at 8:00 p.m. and the regular meeting reconvened.

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- 6.2. Resolution 2021-40 – A RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO BOYER ALLENTOWN SNF, L.C., ON BEHALF OF ADVANCED HEALTH CARE, FOR THE LAND DEVELOPMENT LOCATED AT 1345 MINESITE ROAD COMMONLY KNOWN AS “ADVANCED HEALTH CARE OF ALLENTOWN”

Preliminary/Final Plan Approval for Advanced Health Care (DE 21-007) – This plan received conditional use approval for a single story life care center with accessory structures. There is a private pathway for patients that will not be ADA accessible and a public ADA pathway from Minesite Road to Treeline Drive and public ADA walkway along Minesite Road.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-40. There were 4 ayes. Motion carried.

- 6.3. Consideration to Authorize Advertisement of an Amendment to Chapter 21 Streets and Sidewalks – As discussed at workshops, the amendment reaffirms the property owner’s responsibility to maintain walking paths on the reverse frontage.

Motion by Commissioner Higgins, seconded by Commissioner Robert, to authorized advertisement of an ordinance amendment to Chapter 21. There were 4 ayes. Motion carried.

- 6.4. Consideration of Three Park Memorial Applications

6.4.1. Application for a bench at East Texas Park in memory of Andrew Schock.

Motion by Commissioner Higgins, seconded by Commissioner Ward, to approve the Park Memorial Application for Andrew Schock. There were 3 ayes (Commissioner Robert was out of the room). Motion carried.

6.4.2. Application for two trees and a plaque at Prater Park in memory of Peter Fosselman.

Motion by Commissioner Higgins, seconded by Commissioner Ward, to approve the Park Memorial Application for Peter Fosselman. There were 4 ayes. Motion carried.

6.4.3. Application for a tree, plaque and bench at Shepherd Hills Park in memory of Patrick Gillette.

Motion by Commissioner Higgins, seconded by Commissioner Robert, to approve the Park Memorial Application for Patrick Gillette. There were 4 ayes. Motion carried.

- 6.5. Consideration of Public Hydrants Along the Sauerkraut Lane Extension – It was noted to appropriately and aggressively sign this road establishing truck routes.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve five public hydrants along the Sauerkraut Lane Extension. There were 4 ayes. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- 7.1. Attorney Craig Neely, representing Ron Speakman of 3307 Seip Road, said that his client attempted for over 2 years to rectify serious flooding issues. He has tried to contact the Army Corps of Engineers several times and did not receive a response. Attorney Neely requested that they be allowed to work with Township staff to get Army Corps of Engineers to address the issue. They have not yet contacted a federal elected official yet in hopes that

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LMT would be able to help get a response. Hills at Lock Ridge was a result of a court settlement; not LMT's approval process.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to authorize staff to work with Attorney Neely to get a response from the Army Corps of Engineers regarding flooding issues at 3307 Seip Road. There were 4 ayes. Motion carried.

8. COMMUNICATIONS – None

9. APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS

- 9.1. Appoint One Individual to the Planning Commission to Fill the Vacancy with a Term to Expire January 1, 2025 – It was noted that all candidates interviewed well and hope that they all want to stay involved.

Motion by Commissioner Higgins, seconded by Commissioner Robert, to appoint Nihal Raval to the Planning Commission to fill the vacancy with a term to expire January 1, 2025. There were 4 ayes. Motion carried.

10. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the August 5, 2021 minutes as drafted. There were 4 ayes. Motion carried.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the August 19, 2021 minutes as drafted. There were 4 ayes. Motion carried.

11. APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL – Postponed

- 11.1. Mr. Beitel reviewed the September 2, 2021 Bill List.

01	General Fund	\$641,202.94	37	Developers Impact	
08	Sewer Fund	\$157,094.43	01	Payroll	\$291,955.53
30	Capital Projects Fund	\$381,998.80	36	Developers Escrow	\$83,619.56
35	Liquid Fuels	\$22,292.83		Total Funds	\$1,578,164.09

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the September 2, 2021 Bill List as drafted. There were 4 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. **Engineering**

- 12.1.1. Engineer's Report – No Report

12.2. **Planning**

- 12.2.1. Resolution 2021-41 – A RESOLUTION REDUCING FINANCIAL SECURITY FOR THE STONE HILL MEADOWS PHASE 2 FINAL SUBDIVISION AND LAND DEVELOPMENT

Motion by Commissioner Higgins, seconded by Commissioner Robert, to approve Resolution 2021-41. There were 4 ayes. Motion carried.

- 12.2.2. Resolution 2021-42 – A RESOLUTION REDUCING FINANCIAL SECURITY FOR THE STONE HILL MEADOWS PHASE 2 FINAL SUBDIVISION AND LAND DEVELOPMENT

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-42. There were 4 ayes. Motion carried.

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12.2.3. Planner's Report: 1) There will be two Planning Commission meetings in September on the 14th and 21st due to the amount of submissions. They hope to fit the zoning lookback in when there are not so many submissions.

12.3. **Solicitor**

12.3.1. Solicitor's Report – No Report

12.4. **Township Manager**

12.4.1. Resolution 2021-43 – RESOLUTION GRANTING AUTHORITY FOR THE TOWNSHIP OF LOWER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY, TO INSTALL AND MAINTAIN A GAUGING STATION ON TOWNSHIP OWNED PROPERTY

This is for an agreement with USGS to allow them to do well monitoring on the Township's property located at 1905 Pembroke Drive. It's a 10 year agreement with an additional 10 year renewal unless either party is notified in writing 60 days in advance of the termination.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-43. There were 4 ayes. Motion carried.

12.4.2. Resolution 2021-44 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER MACUNGIE TOWNSHIP, LEHIGH COUNTY APPROVING A SHORT TERM LICENSE AGREEMENT WITH HAMILTON EYE INSTITUTE, P.C., PERMITTING THE SHORT TERM PARKING OF VEHICLES AT THE WESCOSVILLE MEMORIAL PARK PARKING LOT

This is a three month lease for up to 18 employees of Hamilton Eye Institute to park at the Wescosville Recreation Center Monday thru Thursday for \$500/month. We would like to see them move forward with a long term solution on their site. It was discussed that any extension of this agreement past the three month period will come back to the Board for approval.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-44. There were 4 ayes. Motion carried.

12.4.3. Resolution 2021-45 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER MACUNGIE TOWNSHIP, LEHIGH COUNTY APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH DALLAS DATA SYSTEMS, INC.

This approves an agreement with Dallas Data Systems for sewer/trash billing and payment services. We already have a relationship with this firm since they provide our financial software product. This is a one year contract with a monthly cost around \$4,000/month.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-45. There were 4 ayes. Motion carried.

12.4.4. Manager's Report: 1) Staff will attend a hearing on September 9th at 11 a.m. for the noise exemption request to the Liquor Control Board. 2) Staff and Barb Ferri were thanked for their work last evening during Tropical Storm Ida. LMT's complex was cleaned up and the pool will reopen for Labor Day weekend. Staff was here after midnight to kept residents safe by blocking flooded roads. All were thanked for a great job.

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13. COMMITTEE REPORTS – No Committees have met individually since the last meeting. A workshop will be held on the 4th Monday of each month at 7 p.m., as needed.
 - 13.1. **Planning & Zoning** (Ward, Robert)
 - 13.1.1. Workshop 4th Monday of the Month at 7 p.m.
 - 13.2. **Budget & Finance** (R.W. Beitler, R.R. Beitler)
 - 13.2.1. Workshop 4th Monday of the Month at 7 p.m.
 - 13.3. **Public Works: Parks & Facilities** (Higgins, Ward)
 - 13.3.1. Workshop 4th Monday of the Month at 7 p.m.
 - 13.4. **General Administration** (Robert, R.W. Beitler)
 - 13.4.1. Workshop 4th Monday of the Month at 7 p.m.
 - 13.5. **Public Works: Roads & Sewers** (R. R. Beitler, Higgins)
 - 13.5.1. Workshop 4th Monday of the Month at 7 p.m.

14. OTHER BUSINESS
 - 14.1. **Old Business**
 - 14.1.1. Crossing Guard Agreement with EPSD (Notified of No Cost Sharing)
 - 14.1.2. Chapter 18 Sewers Amendment (To Be Drafted)
 - 14.1.3. Chapter 23 Stormwater Amendment (To Be Drafted)
 - 14.1.4. Chapter 27 Zoning Amendment, Lookback (To Be Drafted)
 - 14.2. **New Business** – None

15. BOARD OF COMMISSIONERS REPORT – None

16. PUBLIC COMMENT – None

17. EXECUTIVE SESSION
 - 17.1. An Executive Session was held immediately following this meeting to discuss potential land acquisition.

18. ADJOURNMENT

President Beitler adjourned the meeting at 8:38 p.m.

Bruce Beitel
Township Manager

Renea Flexer
Asst. Township Manager/Secretary
September 10, 2021