

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

The Board of Commissioners met on October 7, 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 7:00 p.m.

2. PLEDGE TO THE FLAG

| | | |
|---------------------|--|----------|
| 3. <u>ROLL CALL</u> | Ronald W. Beitler, President | Present |
| | Richard V. Ward, Vice President | 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 | Absent |
| | Vincent Tranguch, Deputy Planning Director | Present |
| | David Brooman, Township Solicitor | Present |
| | Bryan McAdam, Township Engineer | Present |

4. AGENDA MODIFICATIONS (At Discretion of Board President) – None

5. ANNOUNCEMENTS & PRESENTATIONS – None

6. HEARINGS & APPROVALS

- 6.1. Consider Written Decision for Buckeye Macungie Solar, LLC Conditional Use Hearing – The Conditional Use was approved on September 2, 2021.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the adjudication for the Buckeye Macungie Solar, LLC Conditional Use Hearing. There were 4 ayes. Motion carried.

- 6.2. Resolution 2021-48 – A RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO BUCKEYE MACUNGIE SOLAR, LLC, ON BEHALF OF BUCKEYE ENERGY SERVICES, LLC, BUCKEYE PIPE LINE COMPANY LP, AND BUCKEYE TERMINALS, LLC, FOR THE LAND DEVELOPMENT LOCATED AT 5274 INDIAN CREEK ROAD, 3760 TANK FARM ROAD, AND 5336, 5346, 5454 AND 5455 BUCKEYE ROAD

The Buckeye Macungie Solar Land Development Plan (DE 21-016) is for solar farms of 2900 panels on 83 acres located in the area of Brookside Road and Buckeye Road. There are no employees on site other than occasional maintenance every couple of months. The project will not generate traffic. A small portion of the project is located in Upper Milford Township and the resolution is contingent on their approval. Lehigh pollinator solar seed mix is proposed.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-48. There were 4 ayes. Motion carried.

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

- 6.3. Ordinance 2021-05 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LOWER MACUNGIE, CHAPTER 21 THEREOF, ENTITLED STREETS AND SIDEWALKS, PART 4, MAINTENANCE OF RIGHTS-OF-WAY, BY REVISING THE DEFINITION OF “OWNER”, BY ADDING DEFINITIONS FOR “BUFFER YARD” AND “PATHWAY” AND BY REMOVING THE DEFINITION OF “BIKEPATH/PEDESTRIAN WALKWAY”; BY REPLACING THE WORD “BIKEPATHS” WITH “PATHWAYS” THROUGHOUT PART 4 OF CHAPTER 21; BY PROVIDING THAT THE MAINTENANCE OBLIGATIONS AND PROHIBITIONS RELATED TO SIDEWALKS APPLY AS WELL TO PATHWAYS; TO REPOSITION AND CLARIFY PROVISIONS FOR VIOLATIONS; AND BY REMOVING TWO SECTIONS FROM PART 5, WEATHER EMERGENCIES, AS DUPLICATIVE OF PROVISIONS IN PART 4

The proposed amendment addresses right of way maintenance obligations, including reverse frontage maintenance, and defines pathways.

Motion by Commissioner Higgins, seconded by Commissioner Robert, to approve Ordinance 2021-05. Roll Call Vote: Ward, aye; R.W. Beitler, aye; Higgins, aye; Robert, aye. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- 7.1. Dennis Seman, 1375 Heather Circle West, presented pictures to the Board showing smoke from his neighbor’s wood fire. He said that LMT should have the cleanest air possible and that smoke hinders health.
- 7.2. Ira Lehrich, 5030 Indian Creek Road, was a builder in the area and was also President of the Lehigh County Farmland Preservation Board. He is interested in conserving land. He noted a New York Times article regarding a law that levies a 2% transfer tax for conservation, which was included in the August 5, 2021 BOC agenda. LMT will have a referendum question in November to propose a .15% earned income tax increase for land preservation and Mr. Lehrich said that not everyone wants to pay for conservation.
- 7.3. George Kane, 2996 Macungie Rd, expressed concern for speeding on his road and that there are several pedestrians and bikers, as well as a one lane bridge. He will submit a Traffic Complaint Form and, in the meantime, LMT will post a speed board and notify State Police. Mr. Kane also reported a flooding problem where Krick Lane gets washed out and his neighbor receives a lot of water.

8. COMMUNICATIONS

- 8.1. Josh Shapiro, Attorney General – Notice of funding for opioid crisis. Staff will check with Macungie Ambulance.
- 8.2. Eric Hoffman, PA Department of Labor and Industry – Certification Renewal of Workplace Safety Committee. The Workplace Committee were thanked for their work and Kim Molnar was thanked for completing the necessary paperwork.

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

10. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the September 16, 2021 minutes as drafted. There were 4 ayes. Motion carried.

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

11. APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

11.1. Mr. Beitel reviewed the October 7, 2021 Bill List.

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|----|-----------------------|----------------|----|--------------------|-----------------------|
| 01 | General Fund | \$1,151,171.04 | 37 | Developers Impact | |
| 08 | Sewer Fund | \$152,797.05 | 01 | Payroll | \$169,403.55 |
| 30 | Capital Projects Fund | \$16,038.00 | 36 | Developers Escrow | \$57,537.47 |
| 35 | Liquid Fuels | \$49,864.88 | | Total Funds | \$1,596,811.99 |

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the October 7, 2021 Bill List as drafted. There were 4 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. Engineering

12.1.1. Engineer’s Project Status Report

12.1.2. Engineer Report: 1) Easement documents were delivered to residents next to the Maulfair Drive storm sewer replacement project; after executed, we can go out to bid. 2) The DEP permit was received for the Gehman Road bridge project and should be going out to bid shortly. 3) Specifications for the Community Center roof are being drafted and should be ready to go out to bid soon. 4) The sanitary sewer slip lining project slowed for a little while, but should be done by its completion date in November.

12.2. Planning

12.2.1. Planner’s Report: 1) The Planning Commission, at their October 12th meeting, will review conditional use applications for apartment units at 3500 Brookside Road and for Mill Creek Pizza to include a craft brewery, as well as the Mertztown Road residential subdivision and the Shelby sketch plan to replace a temporary tent with a permanent structure. The applicant for a lot consolidation of 1863 Pembroke requested to be removed from the agenda.

12.3. Solicitor

12.3.1. Consider Authorization to Advertise an Ordinance Amending Chapter 7, Part 3 for the Key Lock Box Systems – This is for minor changes to conform with current practice.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to authorize an amendment to Chapter 7, Part 3 for the Key Lock Box Systems. There were 4 ayes. Motion carried.

12.3.2. Consider Authorization to Advertise an Ordinance Amending Chapter 10, Junk Yard Licenses – The amendment includes additional requirements for record keeping and licensing and penalty changes.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to authorize an amendment to Chapter 10 for Junk Yard Licenses. There were 4 ayes. Motion carried.

12.3.3. Consider Authorization to Advertise an Ordinance Amending Chapter 21 Streets and Sidewalks for Small Wireless Facilities within the Right-of-Way – There was legislation adopted this year and applications for small cell towers can be submitted starting on October 28, 2021. This ordinance implements certain fees and regulates maintenance of the facilities in the ROW. A design manual accompanies the ordinance and can be adopted by resolution at any time.

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

Motion by Commissioner Higgins, seconded by Commissioner Robert, to authorize an amendment to Chapter 21 for small wireless facilities within the right-of-way. There were 4 ayes. Motion carried.

12.3.4. Solicitor's Report: 1) The PA Liquor Control Board granted a three-year exemption for the Township to regulate noise complaints.

12.4. Township Manager

12.4.1. Consider Request from Stone Hill Meadows to Change Hydrants from Private to Public – There were seven hydrants in the development and previously only three were approved for public use. Staff recommends the remaining four be approved as private hydrants.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve request from Stone Hill Meadows to change the remaining four hydrants in phases one and two from private to public. There were 4 ayes. Motion carried.

12.4.2. Consider Request from John Brown, Interim Macungie Borough Manager, for use of Roads for Detour During Halloween Parade – This is an annual request that is contingent upon PennDOT approving the state roads.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve the request from Macungie Borough to use Township roads for a detour during their Halloween Parade. There were 4 ayes. Motion carried.

12.4.3. Manager's Report: 1) The first Budget Workshop is October 13th at 7 p.m. The agenda includes the Fire Department, Macungie Ambulance, LMYA and the Community Center and Planning.

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)

14.1.5. Budget Workshops (October 13th, 18th and if needed November 1st)

14.1.6. Parking Agreement for Wescosville Community Center (Possible Extension in December)

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

- 14.1.7. 2022 Fee Schedule (Consider January 3rd)
- 14.1.8. 3500 Brookside Road Conditional Use Hearing (Possibly in November)
- 14.1.9. Consider Preliminary/Final Plan Approval for Suburban Self-Serve Car Wash Modified Plan LMT 17-060 (October 21st)

14.2. **New Business** – None

15. BOARD OF COMMISSIONERS REPORT – None

16. PUBLIC COMMENT

- 16.1. Dennis Seman, 1375 Heather Circle West, noted a letter he received from US Representative Susan Wild thanking him for contacting her about banning burning. He named others in the community that would like a ban on burning. He said wood burning is pollution and that he doesn't like to smell the smoke from his neighbor's wood burning.

17. EXECUTIVE SESSION – None

18. ADJOURNMENT

President Beitler adjourned the meeting at 7:54 p.m.

Bruce Beitel
Township Manager

Renea Flexer
Asst. Township Manager/Secretary
October 14, 2021