

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

The Board of Commissioners met on October 21, 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. ROLL CALL

Ronald W. Beitler, President	Present
Richard V. Ward, Vice President	Via Zoom
Ron R. Beitler, Commissioner	Present (Arrived during 6.1)
Brian P. Higgins, Commissioner	Present
Maury G. Robert, Commissioner	Present
Bruce Beitel, Township Manager	Present
Renea Flexer, Asst. Manager/Secretary	Absent
Nathan Jones, Director of Planning	Present
David Brooman, Township Solicitor	Present
Bryan McAdam, Township Engineer	Present
Alan Fornwalt, Former Township Engineer	Present

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

5. ANNOUNCEMENTS & PRESENTATIONS – None

6. HEARINGS & APPROVALS

6.1. Resolution 2021-49 – RESOLUTION GRANTING AMENDED FINAL PLAN APPROVAL TO SUBURBAN SELF SERVE CARWASH, LLC, 6452 HAMILTON BOULEVARD, FOR A NEW TUNNEL AUTOMATIC CAR WASH ADDITION TO THE EXISTING OPERATION (LMT 17-060)

Community Development Director reviewed the modification of plan for existing Suburban Car Wash. Previous modification of plan was approved by the Board. This modification proposes changes to lane structures and provides for street scape improvements. One of the modifications is a lane for another bay. This refreshes the property and improves the internal flow of the property. Solicitor Brooman reviewed the sewer EDU's associated with the project. The project could need as many as 32 EDU's. The current resolution provides for the purchase of five EDU's and the instillation of a flow meter to measure water usage. Applicant did note that the meter may be delayed due to weather. This delay is acceptable to staff. Engineer McAdam advised that the meter type has been reviewed and should be noted in the plan and that there are minor drafting issues to be addressed and it is noted in the resolution. Commissioner Robert questioned the current usage and the \$62.50 per quarter that the applicant would be charged per EDU per quarter and how it relates to the current EDU amount that the applicant is being charged for. Discussion was held about the current billing for sewer service and the disparity with EDU's assigned to the property. There will be no reconciliation of quarterly billing for EDU's until the flow meter is in place and provides data for a period of three years. The applicant will obtain the additional 5 EDU's and be quarterly billed for these additional EDU's as part of the resolution.

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

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-49. There were 5 ayes. Motion carried.

- 6.2. Ordinance 2021-06 – AN ORDINANCE OF LOWER MACUNGIE TOWNSHIP AMENDING PART 3 OF CHAPTER 7 OF THE LOWER MACUNGIE TOWNSHIP CODE OF ORDINANCES TO MAKE THE TOWNSHIP FIRE CODE OFFICIAL RESPONSIBLE FOR ENFORCEMENT, REQUIRE THAT LOCK BOXES CONTAIN CONTACT INFORMATION FOR THE PROPERTY OWNER AND RESPONSIBLE PARTY IN CHARGE OF THE PREMISES, PERMIT SPECIFIC RULES AND REGULATIONS RELEVANT HERETO TO BE CHANGED FROM TIME-TO-TIME AND PROVIDES FOR VIOLATIONS AND PENALTIES; PROVIDE FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; REPEAL ORDINANCES, RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDE FOR AN EFFECTIVE DATE

Manager Beitel briefly reviewed the proposed ordinance that includes the definition adjustments for Fire Code Official, information required to be stored in the box, and height of required key lock boxes.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Ordinance 2021-06. Roll Call Vote: R.R. Beitler, aye; R.W. Beitler, aye; Higgins, aye; Robert, aye; Ward, aye. Motion carried.

- 6.3. Ordinance 2021-07 – AN ORDINANCE OF LOWER MACUNGIE TOWNSHIP AMENDING PART 1 OF CHAPTER 10 OF THE LOWER MACUNGIE TOWNSHIP CODE OF ORDINANCES TO CONSOLIDATE AND UPDATE THE REGULATIONS FOR JUNKYARDS, INCLUDING NEW REGULATIONS FOR RECORD MAINTENANCE, AUTOMOTIVE FLUIDS, AND THE PROTECTION OF STREAMS AND RIVERS; DETAILING THE REQUIREMENTS FOR LICENSES; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; REPEALING ORDINANCES, RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Manager Beitel advised that this is a modification of the text for management of junk yards that includes maintenance and allows for the Zoning Officer to issue the annual permits instead of the Board of Commissioners.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Ordinance 2021-07. Roll Call Vote: R.R. Beitler, aye; R.W. Beitler, aye; Higgins, aye; Robert, aye; Ward, aye. Motion carried.

- 6.4. Ordinance 2021-08 – AN ORDINANCE OF THE TOWNSHIP OF LOWER MACUNGIE, LEHIGH COUNTY, AMENDING CHAPTER 21 TO CREATE A NEW PART 6 ENTITLED “SMALL WIRELESS FACILITIES WITHIN THE RIGHT-OF-WAY” INTENDED TO EFFECTIVELY REGULATE, PURSUANT TO PENNSYLVANIA’S SMALL WIRELESS FACILITIES DEPLOYMENT ACT, SMALL WIRELESS FACILITIES AND ASSOCIATED UTILITY POLES WITHIN THE RIGHT-OF-WAY BY PROVIDING DEFINITIONS; REQUIRING PERMIT APPLICATIONS AND FEES; SETTING FORTH STANDARDS FOR DENIAL OF PERMITS; REQUIRING COMPLIANCE WITH DESIGN

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

AND TECHNICAL REQUIREMENTS; PROVIDING FOR THE COLLECTION OF AN ANNUAL FEE; SETTING STANDARDS FOR MAINTENANCE, REMOVAL, RELOCATION AND MODIFICATION; AND, SETTING FORTH STANDARDS FOR DAMAGE AND REPAIR

Manager Beitel advised that this adjusts and regulates facilities in the right of way.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Ordinance 2021-08. Roll Call Vote: R.R. Beitler, aye; R.W. Beitler, aye; Higgins, aye; Robert, aye; Ward, aye. Motion carried.

- 6.5. Resolution 2021-50 – RESOLUTION SANCTIONING SPECIAL FIRE POLICE APPOINTMENTS

Motion by Commissioner Robert, seconded by Commissioner Higgins, to approve Resolution 2021-50. There were 5 ayes. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- 7.1. Commissioner R.R. Beitler requested that staff check the traffic light at North Krocks Road and the entrance to the shopping center and commented that the “No Truck” signs at Lower Macungie and Willow Lane seem to be working.

8. COMMUNICATIONS

- 8.1. Ryan DeFeo, 5372 Townsquare Drive – Statement of Interest to remain on the Public Safety Commission.
- 8.2. William Smith, 1574 Bogie Avenue – Statement of Interest to remain on the Zoning Hearing Board.
- 8.3. Charles Ervin, 4312 Clear Way – Statement of Interest to remain on the Zoning Hearing Board.
- 8.4. Rudy Fischl, 6151 Sequoia Drive – Statement of Interest to remain on the Planning Commission.
- 8.5. Wesley Barrett, 2851 Golf Circle – Statement of Interest to remain on the Planning Commission.
- 8.6. Becky Short, 5085 Westfield Drive – Statement of Interest to remain on the Environmental Advisory Council.
- 8.7. Jeffrey Machik, 6482 Rutherford Drive – Statement of Interest to remain on the Building Code Board of Appeals.
- 8.8. Paul Mack, Audit Advisory Committee – Notice on not seeking reappointment.

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 October 7, 2021 minutes as drafted. There were 5 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 21, 2021 Bill List.

01	General Fund	\$167,307.79	37	Developers Impact	
08	Sewer Fund	\$24,916.68	01	Payroll	\$149,297.93
30	Capital Projects Fund	\$16,026.00	36	Developers Escrow	\$41,777.55
35	Liquid Fuels	\$325,398.06		Total Funds	\$724,724.01

Motion by Commissioner Higgins, seconded by Commissioner Robert, to approve the October 21, 2021 Bill List as drafted. There were 5 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. **Engineering**

12.1.1. Engineer’s Project Status Report: 1) Engineer McAdam reported that in addition to the included report, the Gehman Road Bridge replacement project and the Community Center roof repair project are being advertised for bid.

12.2. **Planning**

12.2.1. Resolution 2021-51 – 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 2021-51. There were 5 ayes. Motion carried.

12.2.2. Resolution 2021-52 – A RESOLUTION REDUCING FINANCIAL SECURITY FOR THE HILLS AT LOCK RIDGE – PHASE 1A FINAL SUBDIVISION AND LAND DEVELOPMENT, CLOSING OUT THE FINANCIAL SECURITY AND TERMINATING THE DEVELOPMENT IMPROVEMENTS SECURITY AGREEMENT

Engineer Fornwalt from KCE Engineers reviewed that phase 1A is the portion that sits between Schoeneck Road, the middle of the back yards of Knerr Drive, and Seip Road. There was an original financial security of \$2,303,469.56 that is down to the final release for tonight’s consideration. Work completed for this release was for \$48,160.42. The total also includes \$100,000 that was being held as retainage for the improvements along Schoeneck Road. Engineer Fornwalt explained that a lot of time had passed until the improvements were completed, so a \$100,000 flat cost was held for this. Commissioner Robert requested an explanation of why the \$100,000 wasn’t included in other documentation. Engineer Fornwalt explained that this \$100,000 was included in the previous June 15, 2010 release. It is the intent of this release to close out the work that was completed from 1A. Commissioner Robert requested the Board consider tabling the release until further documentation of the \$100,000 was provided.

Motion by Commissioner R.W. Beitler, seconded by Commissioner Robert, to table Resolution 2021-52. There were 5 ayes. Motion carried.

12.2.3. Planner’s Report: 1) All applications are in for the November 9th Planning Commission meeting that will be held at 7 p.m. both in person and on zoom. The applications include a resubmission for the Mill Creek Point Apartment Complex

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

on Lower Macungie Road, a resubmission for Posh Development at 4316 Hamilton Boulevard, a sketch plan for Ciocca Subaru, and a preliminary residential subdivision plan for the Dorney parcel.

12.3. Solicitor

- 12.3.1. Motion to Authorize Solicitor to Execute Settlement Stipulations for Cedar-Trexler Plaza Assessment Real Estate Tax Assessment Appeals – Solicitor Brooman informed the board that the settlement includes ten parcels. Five in Upper Macungie and five in Lower Macungie. The county takes the lead on real estate reassessments. The value of the assessment was reduced from approximately \$33 million to \$30 million. Commissioner Robert reported that this is the Giant shopping center. The settlement net loss for the Township is approximately \$2,500. Solicitor Brooman reviewed that in some areas the local school district takes the lead on the assessment appeal instead of the county and that the school district should take a more active role in the process. Commissioner Robert commented that there should be a countywide reassessment which lead to Board discussion about a countywide reassessment.

Motion by Commissioner Robert, seconded by Commissioner Higgins, to authorize the Solicitor to execute Settlement Stipulations for the Cedar-Trexler Plaza Assessment Real Estate Tax Assessment Appeals. There were 5 ayes. Motion carried.

- 12.3.2. Solicitor's Report – No Report

12.4. Township Manager

- 12.4.1. Resolution 2021-53 – RESOLUTION AUTHORIZING AN AMENDMENT TO THE JOINT APPLICATION OF LOWER MACUNGIE TOWNSHIP AND NORFOLK SOUTHERN RAILWAY COMPANY, TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION REGARDING THE OPENING OF A NEW PUBLIC RAIL CROSSING AT THE EXTENSION OF SAUERKRAUT LANE

Manager Beitel explained that previously in the year the Board approved an agreement with Norfolk Southern that established the Sauerkraut Lane Ext. rail crossing. The PUC had additional questions about general maintenance between the Township and Norfolk Southern. The Township responsibilities included in resolution 2021-53 were read for everyone's review. This agreement clarifies those responsibilities. Commissioner R.W. Beitle asked about the wayfinding signage. Staff advised that they are working on recommendations for proactive wayfinding signage.

Motion by Commissioner Higgins, seconded by Commissioner Robert, to approve Resolution 2021-53. There were 5 ayes. Motion carried.

- 12.4.2. Manager's Report: 1) Manager Beitel advised that the new Township website is now up and running. He thanked staff for their hard work. The community Development Department continues to work on a new development page and GIS interface.

Commissioner Higgins requested that the photos be updated in the lobby.

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

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 18th and if needed November 1st)
 - 14.1.6. Parking Agreement for Wescosville Community Center (Possible Extension in December)
 - 14.1.7. 2022 Fee Schedule (Consider January 3rd)
 - 14.1.8. 3500 Brookside Road Conditional Use Hearing (By January 31st)
 - 14.1.9. Review Mertztown Road Residential Subdivision (November 4th)
 - 14.1.10. MS4 PRP Project – Brandywine (November Workshop)
- 14.2. **New Business** – None

15. BOARD OF COMMISSIONERS REPORT – None

16. PUBLIC COMMENT

- 16.1. Stan Cupp, Director of Projects/Parks/Facilities, reminded everyone of the shredding event this Saturday.

17. EXECUTIVE SESSION

The Board held an executive session after this meeting to discuss ongoing Public Works contract negotiations and real estate acquisition.

18. ADJOURNMENT

President Beitler adjourned the meeting at 8:07 p.m.

Bruce Beitel
Township Manager
October 28, 2021