

CALL TO ORDER

President Chris Becker called the July 02, 2018, meeting of Macungie Borough Council to order at 7:34 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

Council Members:	Alma Akinjiola
	Chris Becker
	Barry Bloch
	Greg Hutchison
	Roseann Schleicher
	John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong
Administrative Assistant:	Selma Ritter
Absent:	Marvin Moyer

PUBLIC COMMENTSa. Prior Public Comments to Council.

1. Jeff Schmitt, complaint about vehicles not stopping at the intersection of West End Trail and Village Walk Drive. President Becker gave a brief history on the public complaints received by Council about vehicles not stopping for the stop sign at the intersection. President Becker had discussed the matter with Mr. Schmitt.

Brightly colored yellow “safety kid” signs, with a red warning flag and “Drive Like Your Kids Live Here” decal, were attached to the three (3) stop signs at the intersection, in an attempt to alert drivers of the stop signs and encourage them to stop. The safety kids were paid for by a private Borough citizen. Mr. Schmitt was asked to give Council a progress report on the intersection and if the safety kid deter vehicles from going through the stop sign without stopping.

Council Member Schleicher reported that she parked near the intersection, three (3) times last week, to view how many vehicles did not stop for the stop sign. She commented that there is a big problem there and it would be good if the Macungie Police Department (“MPD”) would figure out a way to address the issue.

Borough Manager Boehm discussed an email she received from a company that sells flashing LED light retrofit kits for pedestrian and stop signs. The email stated the lights are PennDOT compliant. She emailed the company and asked for more information on the lights’ compliance and questioned if they require a traffic study. The company responded, with the sections of the Municipal Uniform Traffic Control Devices Manual (“MUTCD”), which is the traffic sign code with which all signs must be compliant. The company stated that a traffic study is not required because it is a “Traffic Sign Enhancement.” They sent her a quote of approximately \$4,300.00, which would include installing lights on each of the three (3) stop signs.

Council discussed if other municipalities had them installed and if they were allowed by PennDOT. Borough Manager Boehm discussed the responses she received from other municipalities after she contacted them to inquire if they had the LED lights. Council President Becker reached out to Engineer Kern regarding the matter and is awaiting a return call.

Council Member Yerman commented on the last Council meeting minutes, dated June 18, 2018. He found the suggestions coming from the audience and council interesting, but stated he did not read any creative suggestions from the MPD in the minutes, on something they can do to resolve the matter. Council discussed some of the suggestions, which were given at the last Council meeting. Council Member Schleicher commented that the residents of Village Walk Drive came to Council with a problem, they are residents of the Borough and pay taxes to the Borough, which pay the MPD wages, so something needs to be done, before something terrible happens.

Council stated they did not feel it was unreasonable for the MPD to go to the intersection more often and perform sting operations, since it is a problem area. After discussing different scenarios for possible sting operations at the intersection, Mayor Conrad stated he will speak with the Officer in Charge, Sergeant Travis Kocher, and tell him to conduct stings. The stings will consist of a plainclothes officer at the intersection, either sitting in a chair or in an unmarked vehicle, with another chase car (officer in another car) positioned in the CVS parking lot, at Main Street and West End Trail, to conduct the traffic stops and write tickets. Mayor Conrad will also ask the MPD for other suggestions to help address the matter. Council Member Hutchison clarified with Mayor Conrad that he will be instructing the MPD to conduct the sting, and not just suggesting it to them. Mayor Conrad stated he will instruct them.

Council noted that most violators live in the Brookfield Townhouse Development and communities adjacent to the intersection. They stated when drivers become aware of tickets being issued, the news will spread quickly, via word of mouth, and other drivers will be alerted to stop at the intersection. They also stated after a driver receives one ticket, they will be less likely to run the stop sign again.

Donald A. Hemmer - 161 Village Walk Drive, Macungie, PA, lives near the intersection and discussed the issues there. He expressed concern for someone, especially children, possibly being hit by a car. He also noted the bus stop at the intersection, for 10 school buses, and 2 daycare centers nearby. He reiterated the seriousness of the situation, and noted he witnessed empty school buses going through the stop signs without stopping.

He liked the safety kid signs that were put up, but commented the only real answer is to install another traffic light at Brookfield Drive and Route 100, but acknowledged the expense and time that would require. If that is not possible, he commented the MPD needs to give out tickets.

Mr. Hemmer commented on the sign that Amanda Kleinguenther showed Council at the last meeting, on June 18<sup>th</sup>, which Hatfield Township installed at a troublesome intersection, where drivers don't stop for a stop sign. He suggested a similar sign be put up, believing if people saw the violation fee for not stopping, they would be more motivated to stop.

President Becker stated that Council will continue to work on the matter with the MPD. He noted it is a police issue that Council is trying to address it, but limited in what they can do.

- b. Comments from the Audience on non-agenda items. None.

#### COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.

1. Council Member Schleicher discussed the water facility tour Macungie Water Operator Douglas McNair gave on June 23, 2018. She commented he did a wonderful job, and she found it to be very interesting and informative. Council thanked Water Operator McNair for directing the tour and doing a terrific job.

She commented that the MPD had another coffee with the police event on Saturday, June 30, 2018, which was not well attended because the weather was very hot. She noted the officers that were in attendance at the event and complimented them on the good job they did.

2. Council Member Akinjiola's daughter mentioned that in the past, it was difficult to cross the street, at Main Street/Route 100 and Poplar Streets, without the aid of the lighted crosswalk. As she walked to visit Kalmbach Memorial Park, she found it much easier to cross at the intersection, after pushing the button to illuminate the crosswalk. Also, the driver who stopped, to allow them to cross the street, commented how nice the crosswalk was with the lights.

Also, someone visiting Kalmbach Memorial Park's Wildlife Conservative event complimented the very clean streams.

3. Council Member Yerman commented on the breakdown of the traffic citations the Macungie Police Department ("MPD") distributed, from 1/1/2018 through 6/1/2018, which showed what type of citations were issued during that period of time. He questioned the process of issuing 15 speeding tickets and suggested the MPD replicate the process in other areas of the Borough to cite other speed limit violators. Mayor Conrad commented that he will ask the MPD, but believes it was a speed timing area with timelines.

Council Member Schleicher referenced a July 2, 2018 article in the Morning Call Newspaper relating to why local police in Pennsylvania need radar to enforce speed limits. She found the article informative and suggested others read the article.

#### APPROVAL OF MINUTES

- a. June 18, 2018 meeting – Council Member Akinjiola made a motion to approve the June 18, 2018 minutes, as written, second by Council Member Schleicher. Motion carried: 6 ayes.

#### CONSENT AGENDA

- a. Treasurer's report of June 28, 2018 – After Council discussed the report, Council Member Schleicher made a motion to accept the June 28, 2018 Treasurer's Report, second by Council Member Akinjiola. Motion carried: 6 ayes.

President Becker commented again that he would like a City Sprite Zelkova tree planted in Brookfield Park, so residents can see how it grows and what they look like. Council discussed how much the tree would cost and how to pay for it. Borough Manager Boehm informed Council she will be purchasing the tree with Shade Tree funds.

b. Approval of invoices as listed totaling \$135,715.55 – President Becker noted the revised Consent Agenda, which was distributed to Council at tonight’s meeting. Council Member Schleicher requested a correction to the revised Consent Agenda, dated July 03, 2018, which the Memo erroneously described Robert Hassler as being at the Farmers Market Music on 8/28/18, instead of 6/28/18.

Council discussed the expenses listed on the Consent Agenda, and also options for paying Marino Invoice #11, which has a balance of \$31,123.51. The balance on the invoice needs to be paid before the next Council meeting.

Council Member Schleicher made a motion to approve the July 03, 2018 Consent Agenda invoices, in the amount of \$135,715.55, with one correction showing Robert Hassler attending the Macungie Farmers Market on 6/28/2018, second by Council Member Akinjiola. Motion carried: 6 ayes.

#### CORRESPONDENCE

a. Emmaus Library, re: June 2018 Board Meeting Minutes/Packet. No action taken by Council.

b. Main Street Commons, Time Extension. On June 22, 2018, counsel for the Applicant, Main Street Commons-Phase I, submitted a Waiver of Procedural Time Requirements for an indefinite time extension and waiver, which can only end after sixty (60) days written notice from either the applicant, or an authorized representative of the applicant, or the Borough.

c. Kate Miller, Miracle League LV, request for fire police to provide traffic and parking control. Request for Macungie Fire Police to oversee the parking and traffic control for their Music Food Truck Festival on Sunday, July 15<sup>th</sup> from 11:00 am to 8:00 pm, at Macungie Memorial Park.

Macungie Volunteer Fire Company (“MVFC”) Chief Michael Natysyn contacted Ms. Miller to inform her the MVFC cannot help with parking on private property for insurance purposes. However, they can assist with traffic control if Chief Natysyn can get volunteers on such late notice.

Council Member Bloch made a motion to approve the MVFC providing traffic control for the Music Food Truck Festival on Sunday, July 15<sup>th</sup> from 11:00 am to 8:00 pm, at Macungie Memorial Park, if volunteers are available, second by Council Member Schleicher. Motion carried: 6 ayes.

#### REPORTS

a. Solicitor

1. Turkey Hill Liquor License Appeal Update. Solicitor Armstrong gave an update and brief review of Turkey Hill's request to transfer a liquor license from South Whitehall Township into the Borough of Macungie, which Council denied. Turkey Hill filed an Appeal.

Solicitor Armstrong is still working on language for the final stipulation with opposing counsel for Turkey Hill. He is hoping to have a final draft of the Stipulation for review and consideration at the next Council meeting on July 16, 2018. Once approved by Council, the next steps would be to present it to the Court, receive a potential Order from the Judge, then adopt a Resolution addressing it. He reminded Council that the liquor license transfer needs to be approved by Resolution in order for Turkey Hill to proceed with their application.

2. Home Occupation Amendments. Solicitor Armstrong gave a brief history on why the Planning Commission recommended certain restrictions on vehicle height and weight within the Brookfield Townhouse Development (the "Development"). He stated that the Pennsylvania Consolidated Statutes defines a "Commercial Motor Vehicles." Therefore, there are limitations on what can be changed and/or restricted.

Solicitor Armstrong prepared a draft Ordinance and discussed the changes with Zoning Officer Nicholson. He stated the biggest change between the Planning Commission's recommendation, the current Ordinance and his draft was the Planning Commission and current Ordinance had a general Home Occupation and Low Impact Home Occupation. He noted that a Home Occupation is supposed to be a low impact use. Other municipalities and the MPC have a Home Occupation use and No Impact Home Occupation use.

He discussed the differences in the uses. A No Impact Home Occupation use is permitted by right in a residential district, and is more restrictive than a Home Occupation. No one should know a business is operating out of the home and it should not have any impact on the community, i.e., no customer traffic, no parking, no signage, no lighting, no employees (other than the employee resident), no tractor trailer deliveries, activities can only be conducted within the residential dwelling and cannot occupy more than 25% of the floor area. A Home Occupation use is similar to a No Impact Home Occupation, but it is less restrictive and requires a special exception from the Zoning Hearing Board. A Home Occupation impacts the community slightly. It allows one (1) employee that does not reside in the residence and there is a small amount of parking and signage allowed with the use. Solicitor Armstrong stated that his draft will distinguish the differences; basically, if it is not No Impact, it is a Home Occupation.

Council discussed what constitutes a Home Occupation verses a No Impact and how to properly investigate larger businesses that are run out of homes that are not No Impact. If someone calls to complain about a home business, the Zoning Officer needs to investigate the matter.

Council accepted the draft Ordinance, and authorized it to be sent to the Lehigh Valley Planning Commission and neighboring municipalities for comment; they will have 45-days to respond. Then, it will be advertised for a public meeting and adopted.

3. Village Walk Parking Regulation. The Planning Commission asked Solicitor Armstrong to give his comments to the proposed parking regulations for the Brookfield Townhouse Development, specifically along Village Walk Drive and West End Trail. The

proposed restrictions included a commercial truck weight of no more than 14,000 pounds, with a 10' height limit, and only one (1) commercial vehicle per household. Signage will need to be posted to enforce the parking restrictions.

There was a discussion on changing the definition of a commercial vehicle, which would impact the entire ordinance. Solicitor Armstrong noted that the Pennsylvania statutes define a vehicles size.

Council questioned if a temporary truck, such as a U-Haul or other type of moving van, would be restricted under the proposed regulations. Solicitor Armstrong will discuss language to allow trucks for temporary purposes with Zoning Officer Nicholson. Chapter 329 also provides the exception.

The proposed restrictions will be listed in the Motor Code Section of the Ordinance and will be enforceable by the MPD. Council expressed concern that the restrictions would not be enforced. A comment was made that if there was enforcement of parked vehicles blocking sidewalks, blocking driveways, and/or parking the wrong way on a street a lot of issues would be solved. They discussed how to remedy the issues with enforcement, which include implementing the Ordinances in place and the MPD ticketing violators.

4. Residential Rental Inspection Ordinance. Solicitor Armstrong circulated a draft Residential Rental Inspection Ordinance, with Attorney Lee Stivale's redlined changes, to Council. He commented that Attorney Stivale made minimal changes to the draft, except that he added language stating the landlord will receive a rental occupancy license when they register their existing units, if they comply with the registration requirements, not after the inspection is completed. If the units are a new build or a property conversion occurs, they would get inspected before they are occupied. If the property fails inspection or the landlord does not comply with the registration requirements, the Borough would revoke the occupancy license.

Council discussed Solicitor Armstrong's draft and Attorney Stivale's proposed changes to it. The Application (a/k/a Registration Form) will not be an exhibit to the Ordinance. The Minimum Standard Checklist will be attached to the Ordinance as Exhibit A.

They also discussed the length of time the Rental License would be valid. Five years and/or seven (7) years was suggested, unless there is a complaint. Council then discussed what items will be inspected, which are listed on the Inspection Checklist. Solicitor Armstrong noted that because a unit passes inspection and the property owner gets a Rental License, it does not mean the unit complies with other codes. Council Member Yerman quoted Section 267-8(A) relating to the owner being liable to comply with Borough Ordinances and Codes.

Questions arose if a short-term housing arrangement, such as AirB&B rentals or short-term sublease, would be considered a rental unit, or hotel, and how often it would be required to have an inspection. Solicitor Armstrong will investigate how it should be handled.

Council Members will send Solicitor Armstrong their suggested changes and comments to the proposed draft, after they have the opportunity to read it further.

b. Mayor

1. He gave a brief update on the Macungie Volunteer Fire Department training, which included one member completing the Firefighter One course. President Becker noted there are currently nine (9) Firefighter One members on staff.

2. An Act 44 grant was awarded to the MPD, in the amount of \$8,000, to provide electronic GPS bracelets to people who are prone to wander, including people with Alzheimer's and Autism. Council Member Yerman questioned how a person would get a bracelet. Mayor Conrad said a family member would have to apply for the bracelet.

Council discussed how much administrative time would be spent on the project and if the grant would pay for all the costs associated with the bracelets, or just the bracelets. Council questioned if they want the MPD to spend their time on the project, when they could spend their time addressing other issues in the Borough.

Borough Manager Boehm commented that the MPD would have to follow all of the regulations required to receive the grant. Administratively, the Borough and/or MPD would have to account for all of the training hours, expenses and receipts. Council discussed tracking all of the spending and grant monies associated with the bracelets. Any grant money that is not spent by 4/30/2019 must be returned, along with the receipts to prove how the grant money was spent. The MPD would need to track statistics and other potential issues.

Solicitor Armstrong noted the Grant Application stated, of the \$8,000 awarded, the Itemized Budget is \$5,000 for training and personalized radio transmitting devices and \$3,000 for 10 personalized radio emitting bracelets. He questioned if the grant money would be enough to cover those costs, plus any other potential expenses.

Council requested more information on the grant before committing to accept the money. Mayor Conrad will ask the MPD what the administration process is and the amount of time they will need to spend on it.

3. Mayor Conrad discussed a few events the MPD attended, such as:
- i. Officer Fisher played basketball with children along W. Chestnut Street.
  - ii. He briefly commented on the Coffee with a Cop event at Sammy T's.
  - iii. On June 25<sup>th</sup>, Officer Daniel Wiedemann was a guest reader at the Macungie Pool for their story time of the Young Readers Program.
  - iv. Officer Todd Bernhard spent some time with a youngster, and allowed him to sit in the driver's seat of a cruiser car and made him an honorary Jr. Police Officer.

Mayor Conrad stated the MPD's attendance at the events are some of the ways the MPD is keeping community policing a priority in the Borough. Council Member Yerman disagreed with Mayor Conrad's statement that it is community policing and stated it is community relations work. He stated community policing is stopping crime that affects the community and community relations is attending events. Mayor Conrad stated Council Member Yerman's description is the way

community policing was done in the 1940's through the 1990's, but attending events meets the definition of the way community policing is done now. He commented that other types of policing are important too.

4. He discussed attending the Purple Hearts Truck Run event, at Bethany Church, and commented it was an honor to attend. He noted some of their projects and discussed recipients that received Purple Hearts. The Borough received a reserved parking space sign, from the Wounded Warriors, for a "Combat Wounded Veteran." Council discussed where to hang the sign, where it would get the most use.

Council President Becker and Council Member Hutchison also attended the event.

c. Borough Manager

1. The Borough Engineer was called to the site of a spill at Swabia Creek, which generated a bill for \$430. The Borough received a reimbursement check for those engineering costs.

2. Emmaus Borough agreed to a meeting with members of the SWCP Committee to discuss the comprehensive plan implementation agreement. Emmaus provided a list of specific committee members they wanted present at the meeting. Becky Bradley, LVPC Executive, is scheduling the meeting.

Borough Council was copied on a letter Mark Cappuccio, Solicitor for Lower Milford Township, sent to Ms. Bradley, and the five (5) municipalities. If Emmaus Borough does not reconsider their decision within 60-days, it is his opinion that the Implementation Agreement, Comprehensive Plan and maps need to be revised to remove all references to Emmaus Borough. Not all municipalities agree with Attorney Cappuccio's letter.

Council discussed the letter and the matter. President Becker suggested Ms. Bradley go to an Emmaus Borough Council meeting, as a consultant, and address the issue with Council. Borough Manager Boehm will keep Council informed of the meeting date.

3. The Auction for the planters and backhoe ends July 11, 2018. Borough Manager Boehm will put the matter on the next Council Agenda to discuss the results.

4. The Engineers estimate to pave W. Chestnut Street is over the budgeted amount. If the repaving project does not get done in 2018, President Becker suggested using some of the paving money to pay Marino Invoice #11, which has a balance of \$31,123.51.

A portion of South Church Street was also budgeted for paving. The estimate was approximately \$50,000.00, if the Borough Public Works Department does the work, with the assistance of other municipalities. Borough Manager Boehm will get bids from outside companies.

d. Committees. None.

UNFINISHED BUSINESS – PART I - None.



UNFINISHED BUSINESS – PART II. President Becker announced that the Teamster Contract negotiations will begin in August or September.

a. Main Street Streetscape Phase 1.

1. Approval of Payment for Remaining Balance for Application #11, in the amount of \$31,123.51. PennDOT does not have the additional funds to cover the deficit for Marino's Application #11. Therefore, Council voted to pay the \$31,123.51 to Marino from the Street Paving account.

Council Member Schleicher made a motion to pay Marino's Application #11, in the amount of \$31,123.51 from the Street Paving account, second by Council Member Akinjiola. Motion carried: 6 ayes.

b. Main Street Streetscape Phase 2.

i. Phase 2 Update. Borough Manager Boehm coordinated a walkthrough of the project area, which is from the railroad tracks at Main and Race Streets to Pine Alley, to look for conflicts where trees are proposed to be planted and lights installed. Borough Manager Boehm, Bryan Smith, Council Members Schleicher and Becker attended the walkthrough and made a few adjustments to the installation locations. Flags were inserted at the locations where 12 trees (pink flags) and 18 street lights (orange flags) will be installed. President Becker gave a brief history of Phase 2, its progress and the upcoming work.

Some other Council Member's expressed dissatisfaction at not being invited to attend. Borough Manager Boehm stated that not everyone was invited because if more Council Members would have attended, there would have been a quorum and advertisement for a public meeting would have been required. Borough Manager Boehm will schedule another walk thru.

PennDOT will begin the milling and paving project along Main Street/Route 100 on July 9<sup>th</sup> and continue through July 31, 2018. The project will start at Route 29 and stop at Alburts Road. After the project is complete, PennDOT will paint lines on the macadam, including lines for parking.

ii. 50 Race Street, owned by Tim Romig. President Becker gave an update on funding to improve the SW corner of Race and Main Streets, which is owned by Tim and Jackie Romig. The improvements would include installation of a handicap ramp and crosswalk, and water runoff issues will also be addressed.

At the Lehigh County Commissioners meeting the Borough received notice that they are candidates to receive \$28,434.00 from the Community Development Block Grant ("CBDG"). There will be another meeting next week revealing the finalists to receive the grants.

The Borough received an insurance dividend check for approximately \$21,000, which brings the totals funds available to approximately \$46,461. Engineer Kern was asked to design a plan, within budget, for the improvements.

- c. Ordinance 2018-02, Sewer Lateral Inspection Ordinance, adoption 8/6. No action taken.

NEW BUSINESS

- a. Main Street Commons, Indefinite Time Extension. They submitted an indefinite time extension and waiver, which can only end after sixty (60) days written notice from either the applicant, or an authorized representative of the applicant, or the Borough.

Council Member Yerman made a motion to accept Main Street Commons’ indefinite time extension and waiver, second by Council Member Schleicher. Motion carried: 6 ayes.

Council discussed Stone Hill Meadows needing an extension of time by Council’s next meeting, which is currently scheduled for July 16, 2018.

- b. Resolution 2018-17, Multi-modal Grant Application. Borough Manager Boehm stated the Borough can decline the grant money, without a penalty, if the Borough does not receive approval by the end of the year and the 30% matching funds is required.

Council Member Schleicher made a motion to approve Resolution 2018-17, Multi-modal Grant Application, in the amount of \$1,296,745.00, second by Council Member Akinjiola. Motion carried: 6 ayes.

Roll Call Vote:	Akinjiola – aye	Becker – aye
	Bloch – aye	Yerman – aye
	Schleicher – aye	Hutchison – aye
	Moyer - Absent	

Motion Passed.

- c. Authorization to sign Act 44 Grant Agreement. After Council discussed the grant, they requested more information regarding the grant, including potential costs and time that will be needed to administer Act 44.

Council Member Hutchison made a motion to approve authorization to sign the Act 44 Grant Agreement. The motion was not second. Motion denied, at this time.

ITEMS NOT ON AGENDA.

- a. Solicitor Armstrong received the signed Easement for Macungie Volunteer Fire Department (MVFD), for the Authority. He stated there is another easement that combines the Authority and the Borough.

Council Member Schleicher made a motion to authorize President Becker to execute the Macungie Volunteer Fire Department’s Easement for the water and sewer lines on the property, second by Council Member Akinjiola. Motion carried: 6 ayes.

EXECUTIVE SESSION – None.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, a motion was made by Council Member Schleicher, to adjourn the meeting at 10:16 p.m., second by Council Member Akinjiola. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant