

CALL TO ORDER

President Chris Becker called the May 07, 2018, meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

President Becker announced that on April 25, 2018 an Executive Session was held relating to a litigation matter. No action was taken.

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 COMMENTS

- a. Prior Public Comments to Council – None.
- b. Comments from the Audience on non-agenda items – None.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. Council Member Schleicher:

1. Noted that on April 26, 2018, at approximately 3:00 p.m., a tractor trailer driver used his GPS to navigate through Macungie Borough. Following the GPS, the driver turned onto Lea Street, then onto Hickory, then tried to make a left-hand turn onto Church Street. The 53’ tractor trailer was too large to navigate on those streets, and became stuck causing damage to someone’s property. Council Member Schleicher complimented the Macungie Police Department and Macungie Volunteer Fire Department (“MVFD”) on their fast response to the scene and quick thinking on getting the truck unstuck and navigating it out of area, without causing more damage, in a timely manner. The driver received a few citations.

2. On Friday, May 4, 2018, the Macungie Police Department (“MPD”) participated in the Lehigh Valley Adopt-A-Kid Program (the “Program”) through the Salvation Army. Staff from the Program brought a young man, Randy, to the MPD, where he was greeted by Sergeant Travis Kocher, Officer Todd Bernhard and Reporters from WFMZ News. The MPD made Randy an honorary guest of the MPD for the day. As an honorary guest, Randy learned fingerprinting

procedures, wore body armor and participated in a ride-along with Officer Bernhard, which included a fake traffic stop. Council Member Schleicher complimented the great public relations work by Sgt. Kocher and Officer Bernhard. A special thanks to Sgt. Kocher's wife, Vicki Kocher, for being a good sport and playing the part of the driver who was pulled over in the fake traffic stop.

b. President Becker:

1. The Macungie VFW Post 9264 asked Council and the public to attend their upcoming Memorial Day Program on May 28, 2018, beginning at 10:00 a.m. PennDOT approved the parade route; it will be the same as in the past years.

2. On May 2, 2018, there was a 50-gallon diesel along the Norfolk Southern railroad tracks, which spilled into the Swabia Creek. A contractor, which Norfolk Southern Railroad ("Norfolk") hired to do work on their rails, caused the spill. The MVFD responded to the incident and prepared an invoice, in the amount of \$6,064.00, for their cleanup costs and services. Council authorized Solicitor Armstrong to draft and send a letter to Norfolk, along with the invoice(s), for reimbursement. President Becker suggested the Police Department and Solicitor Armstrong also charge Norfolk Southern for their services.

3. Four (4) volunteers from the Macungie Fire Department will be receiving Firefighter 1 Certification, on June 19, 2018, at the Lower Macungie Fire Department.

APPROVAL OF MINUTES

a. April 16, 2018 meeting – Council Member Schleicher made a motion to approve the April 16, 2018 minutes, as written, second by Council Member Akinjiola. Motion carried: 6 ayes.

CONSENT AGENDA

a. Treasurer's report of April 30, 2018 – Council Member Akinjiola made a motion to accept the April 30, 2018 Treasurer's Report, second by Council Member Hutchison. Motion carried: 6 ayes.

b. Approval of invoices as listed totaling \$365,998.14 - Council Member Yerman noted some line items seemed high, at 40% or higher of the budgeted amount for the year. He expressed concern of the possibility that they may be overbudget by the end of the year. Council discussed that some items may be near their budgeted amount because they are items that are paid for only at the beginning of the year, and will not continue to incur throughout the year, which would show them near their maximum budgeted amount. Council will monitor the costs and continue to compare them with the budgeted amount.

Council Member Schleicher made a motion to approve the May 8, 2018 Consent Agenda invoices, second by Council Member Hutchison. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Emmaus Library, re: April 17, 2018 Board Meeting Minutes/Packet.
- b. Macungie Ambulance Corps, re: March 2018 Monthly Report and Request. They responded to 280 calls during March 2018; 38 of the calls were in the Borough of Macungie. Also, Christopher Greb requested to present their annual report at Council's May 21st meeting.
- c. Municipal Retirement Trust, Reports. Four reports were received (1) Macungie Borough Defined Benefit Police Pension, (2) Macungie Borough Non-Uniform Defined Benefit Pension, (3) Macungie Borough Non-Uniform Defined Contribution Pension, and a (4) Quarterly Trust Report.

Council Member Yerman noted that while the report reflected growth, it did not meet Council's anticipated 7.5% growth. Council discussed monitoring it for another year, before considering making any type of adjustment(s) to the Borough's contribution.

- d. Governor Tom Wolf, re: appointment of Michael Natysyn as Emergency Management Coordinator for Macungie Borough. The appointment is effective as of the date of the letter, April 20, 2018. Mr. Natysyn will serve in this capacity until a successor is named.

When asked, Emergency Management Coordinator, Michael Natysyn, said he will have the revisions to the Emergency Management Plan completed by the end of June 2018.

- e. Kuhns, Christine, re: response to denial letter for bump-out accident of December 1, 2017. Ms. Kuhn's letter of April 28, 2018, stated that she "did nothing wrong" to cause the accident, she is a law-abiding citizen, visits businesses inside Macungie Borough frequently and is well liked within the community, so the Borough should "want to be nice to me [her] in return." She is seeking a \$283.53 reimbursement from the Borough for damages sustained from the accident. Borough Manager Boehm noted that Ms. Kuhn's letter stated she was putting the Borough on notice of legal action, if she is not reimbursed. Council reiterated that the Borough is not responsible to reimburse her for repairs and/or her deductible.
- f. Macungie Memorial VFW Post 9264, re: Memorial Day Program. The Program will be held on May 28, 2018, beginning at 10:00 a.m. They are seeking community and Council Member participation.

REPORTS

- a. Solicitor

1. Proposed Rental Inspection. Solicitor Armstrong has been in contact with Attorney Lee Stivale (attorney for several landlords in the community). Solicitor Armstrong is anticipating sending a revised draft to Council, on or before their next meeting on May 21, 2018.

Borough Manager Boehm has a draft job description for the inspector position. She, along with Zoning Officer Nicholson, will alter it to meet Borough Council's requirements.

2. Draft of Sewer Inspection Ordinance. This matter was discussed under Unfinished Business, Part II.

3. Devine School. With their conditional subdivision approval, the Devine School offered to dedicate two (2) areas of land to the Borough, by fee simple dedication. Currently, both areas have a right-of-way. Solicitor Armstrong suggested keeping the area along Lehigh Street a right-of-way, instead of having it dedicated, because responsibility for the sidewalk maintenance and repair would be easier. If they dedicate the area along Lehigh Street, each time the property is sold, the potential new property owner would need to be notified of their responsibility to maintain and/or repair the sidewalks. Council discussed their options with dedication vs. right-of-way and decided there is no difference, except for who would be responsible for the sidewalk maintenance and repair. Council Member Yerman suggested the Borough take ownership of the street and not the sidewalk. Solicitor Armstrong will discuss the matter with Engineer Kern. If Engineer Kern does not have any specific reasons for the dedication, Solicitor Armstrong will contact the attorney for Devine School to seek keeping the area a right-of-way. If not, Solicitor Armstrong will have the sidewalk (property owner's responsibility) and street (Boroughs responsibility) separated.

4. Turkey Hill, L.P. Filed an appeal regarding Council's denial of the transfer of Liquor License #E4682 by Turkey Hill into the Borough of Macungie from South Whitehall Township. Council will meet in an Executive Session tonight after the meeting, to discuss the matter.

b. Mayor

1. Fair Districting PA re: Gerrymandering. Mayor Conrad briefly discussed gerrymandering and suggested Council adopt a resolution in support of a citizen's commission for legislative and congressional redistricting (a draft copy was distributed to Council). Terry Schettini, from Fair Districting PA, was in attendance at tonight's meeting to answer questions. He stated that approximately 252 other municipalities are drafting resolutions to support fair districting.

During discussion among Council, President Becker expressed concern about appointing people, which could cause another type of gerrymandering to favor their political party. Council Member Yerman stated appointed people would not have a vested interest like elected political parties do.

After discussing concerns with Mr. Schettini, Council Member Yerman made a motion for Council to authorize preparation of a resolution supporting a citizen's commission for legislative and congressional redistricting, second by Council Member Hutchison. The motion passed by a vote of 5 ayes and 1 nay. Council Member Bloch opposed the motion. Borough Manager Boehm will draft a resolution for Council's review.

Cathleen O'Connor, of 137 S. Church Street, Macungie, thanked Council for their support.

2. Council Member Akinjiola's request to know the number of parking tickets issued to vehicles parked in front of the mailboxes on Village Walk. Mayor Conrad reported that, during April 2018, five (5) parking tickets were issued to vehicles parked in front of the mailboxes on Village Walk Drive. Council Member Akinjiola reported that, to date, people are still parking in front of the mailboxes. Since the police cannot be at the location at all times, residents of Village

Walk were encouraged to call the MPD and report vehicles parked at the mailboxes, so they can be ticketed.

3. Truck Weight Scales. Mayor Conrad reported that the scales are no longer being used because they are old/outdated and no officers are certified to use them. Further, PennDOT requires them to be taken to Harrisburg every 90-days to be recalibrated. New scales would cost approximately \$30,000 - 35,000 and would require two (2) officers to use them each time. Mayor Conrad suggested having the Borough of Emmaus or Lower Macungie Township weighing trucks for the Borough, at a cost. After discussing the matter, Council decided it would not be cost efficient to purchase new scales. Mayor Conrad will inquire if the scales are worth selling.

4. Paint With a Cop Event. The event was held at Out of Our Minds Art Studio on April 29, 2018 and was very successful.

5. Life Saved. On April 30, 2018, Officer Anthony Campanell was on his way to work at MPD, when he observed a vehicle erratically pull off the road, near Cedar Crest Boulevard and Tilghman Streets, in South Whitehall Township. He stopped and realized the female driver was in cardiac arrest. Officer Campanell immediately performed CPR, until EMS arrived. His training and quick thinking, along with assistance from the South Whitehall Police Department saved the woman's life. A very emotional, anonymous, bystander contacted Lehigh County Communications and expressed his appreciation to witnessing the heroic act. Mayor Conrad expressed pride in having Officer Campanell on the MPD. Officer Campanell will receive a commendation.

c. Borough Manager.

1. L.C. Office of Community and Economic Development, re: HUD Grant. The letter discussed options to apply for the Community Development Block Grant (CDBG), which is typically used for the Americans with Disabilities Act (ADA) ramps. After discussing the options, Borough Council directed Borough Manager Boehm to continue applying for the grant through Lehigh County, as she has done in the past.

2. 2018 CIPPL Project - Anticipated Schedule of Events. The schedule was distributed to Council. No action was taken.

3. Easements. The Water Authority is scheduling a project under Mountain Creek, which will affect properties at Walnut Street (at the MVFC) and at Poplar Street (property owned by Kevin Wachter). In scheduling the project, it was noticed that the current easements were from the late 1800s and general in nature. The Solicitor has drawn up new easements which delineate the easement locations and purpose. Manager Boehm needs the Fire Department and Kevin Wachter, the two effected property owners to sign the easements. Fire Chief Michael Natysyn and Borough Manager Boehm will discuss the easement. Mr. Wachter is having his attorney review the proposed easement.

d. Committees. None.

UNFINISHED BUSINESS – PART I – None.

UNFINISHED BUSINESS – PART IIa. Main Street Streetscape and Church Street Traffic Light Project

1. Approval of Streetscape Fund 99 Payment totaling \$778.40; Reimbursement Invoice #9. Council Member Akinjiola made a motion to approve paying the Fund 99 payment totaling \$778.40, second by Council Member Schleicher. Motion carried: 6 ayes.

President Becker noted that construction of Phase 1 of the Streetscape has been completed. Borough Manager Boehm stated that PennDOT will tentatively begin excavating the ADA ramps on Main Street/Route 100 on May 8, 2018 as part of their Route 100 paving project. She also informed Council that the bump-outs will be painted yellow, after PennDOT paves Main Street/Route 100.

b. Sewer Ordinance Amendment for sewer lateral inspections. This ordinance was initially considered to require video inspections of the sewer laterals upon sale of a property. Solicitor Armstrong made some revisions to the draft ordinance. One revision included language that if the Borough finds cracked laterals during routine repair work being done for the Borough, the property owners will be notified. Borough Manager Boehm stated the ordinance states that if a property owner is told they need repair work done, the property owner will not be charged for the initial inspection, but they will be required to pay for the repairs.

Borough Manager Boehm suggested requiring a pre- and post- video inspections, as well as a written certification from the plumber, to keep in the property files at the Borough and uploaded to SharePoint (cloud filing). If issues are found during the inspection, the property owner will have 60-days to repair the problems. After the deficits are fixed, the property owner will need to have the lateral re-videoed showing it has been repaired and is now in compliance with the Borough sewer ordinance.

Council discussed who would review the videos for the Borough to ensure there are no issues and/or issues were repaired. Borough Manager Boehm suggested the Borough Engineer review the videos.

Council discussed, again, having a list of certified, licensed plumbers. To avoid possible miscommunications and/or liability, if a list is generated, realtors should distribute it when a property is bought or sold.

Council Member Yerman suggested that the ordinance language be specific in what the Borough is requiring. The specific language should apply to definitions, specifics of the inspection, plumber qualifications and video criteria and quality. The Borough Engineer should be asked for language on what experience and/or education qualifies the plumber to perform a video inspection. Council noted that Paragraph 1, of the draft Sewer Ordinance Amendment, defines what the inspection would entail. Solicitor Armstrong noted that the sewer inspection would be looking for: (1) I&I into the building sewer, and (2) drains that drain into the building sewer, that should not be, i.e. a sump pump. Council Member Yerman suggested adding language that states what a “quality video” should consist of. Council also discussed adding a paragraph to the draft ordinance that

states who could review the videos. Borough Manager Boehm will have Engineer Garman review the draft Sewer Ordinance and offer his comments.

An Unidentified Public Attendee commented that Council should adopt the ordinance and refer to the person doing the work and providing the video as a “Master Plumber,” someone who has a master plumber license, because in the end they would be responsible.

President Becker stated that Council wants to make sure the inspections are done properly, so the next person purchasing the property does not inherit a sewer issue.

The Unidentified Public Attendee also questioned why a video would be required, after repairs are made and expressed concern that the property would have to be excavated for repairs. Council Member Yerman noted that repairs do not always require excavation, as some can be done with lining.

Borough Manager Boehm stated that the video, after repairs, is required to confirm that there are no leaks and the work was done properly; it would also cover the seller and potential buyer.

President Becker noted that the ordinance can be amended from time-to-time, as needed.

c. Residential Rental Ordinance - Establish Fees and Inspector. Solicitor Armstrong provided an update under his report.

d. Macungie Institute Trustee, a 3-year term, expiring on 3/31/2021. Rosanne McGinn submitted a letter of interest, dated March 01, 2018. Ms. McGinn declined serving as an alternate as Macungie Institute Trustee. When someone resigns as Trustee, Ms. McGinn would like to be contacted and she will submit a new letter of interest.

NEW BUSINESS

a. Resolution 2018-10, Stone Hill Meadows Sewer Planning Module. A Stone Hill Meadows (“Stone Hill”) representative attended tonight’s meeting to acquire approval for the Planning Module, for the sewer.

Council Member Hutchison made a motion to approve adopting Resolution 2018-10, a Resolution for Plan Revision for New Land Development, second by Council Member Yerman. Motion carried: 6 ayes.

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

Motion Passed.

The Stone Hill representative noted that the Allen Organ Engineer approved Stone Hill’s proposed swale, which will address the water issues on the property.

b. Appointment of Part-Time Public Works Seasonal Employee. Public Works Director, Tracy Smith, recommended Austin Schmeltzle be hired as a part-time seasonal employee with the Public Works Department. Borough Manager Boehm noted he has prior experience working at Upper Milford Township and Lower Macungie Township.

Council Member Schleicher made a motion to approve hiring Austin Schmeltzle as a part-time seasonal employee with the Public Works Department, at the rate of \$10/hr., up to 40 hours per week, until September 3, 2018, conditioned upon passing the pre-employment drug and alcohol screening. The motion was second by Council Member Yerman. Motion carried: 6 ayes.

Borough Manager Boehm noted the Teamster Contract allows the Borough to hire seasonal part time employees to be work between May 1st and Labor Day.

c. Final Payment Request from Standard Pipe, Inc. \$10,494.77. Council Member Hutchison made a motion to approve paying the final payment for the 2016 CIPPL Bid Project to Standard Pipe, Inc., in the amount of \$10,494.77, second by Council Member Yerman. Motion carried: 6 ayes.

d. Payment Request #3 from Insituform for \$10,899.45. Council Member Akinjiola made a motion to approve paying Payment Request #3 to Insituform for the 2017 CIPPL Bid Project in the amount of \$10,899.45, second by Council Member Schleicher. Motion carried: 6 ayes

ITEMS NOT ON AGENDA - None.

EXECUTIVE SESSION – Council President Becker called for an executive session at 9:17 p.m. to discuss a litigation matter relating to Turkey Hill’s Appeal of the denial to transfer Liquor License #E4682 by Turkey Hill into the Borough of Macungie from South Whitehall Township.

ADJOURNMENT

The Borough Council meeting reconvened from executive session at 9:40 p.m. with no action taken. Hearing no further business to come before Borough Council, the motion was made by Council Member Schleicher and second by Council Member Bloch to adjourn the meeting. Motion carried: 6 ayes.

Respectfully submitted,

/s/ Selma Ritter

Selma Ritter
Administrative Assistant