

CALL TO ORDER

President Chris Becker called the July 16, 2018, meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

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

MACUNGIE POLICE DEPARTMENT (“MPD”) – updates and hearing of resident issues by Corporal Michael Mullen.

Corporal Mullen discussed the traffic stops at the intersection of West End Trail and Village Walk Drive, which were in response to resident complaints. President Becker stated, he understood, 65 vehicles went through the intersection and twelve (12) drivers received citations. Corporal Mullen commented that a ticket, for not stopping at the stop sign, costs \$142.50 each. President Becker asked Corporal Mullen to conduct another sting, which he agreed to schedule.

He discussed a domestic disturbance call he responded to in the Borough, between a husband and wife. The response turned into a drug arrest, with over \$50,000 worth of steroids seized. The Lehigh County Drug Task Force (“LCDTF”) was called in and an investigation was done. An arrest was made, for the drugs and the domestic violence against the female. The LCDTF told Corporal Mullen it was one of the biggest steroid busts in Lehigh County history.

Corporal Mullen responded to Council Member Yerman’s question, from the July 02, 2018 Council meeting, regarding the method the MPD used to issue 15 speeding tickets for the first half of 2018. The citations were issued using the speed timing line method and he described the process.

Council Member Yerman commented on the speed board report, showing the speed limits of vehicles. Corporal Mullen noted the peak of the speeding was done in the early morning hours. Council Members speculated that it was most likely people rushing to get to work on time. Council Member Schleicher commented on the article in the Pennsylvania Borough News magazine

relating to radar and speed timing. She is hopeful Pennsylvania will allow local police officers to use radar.

### PUBLIC COMMENTS

#### a. Prior Public Comments to Council

1. Vehicles not stopping at the intersection of West End Trail and Village Walk Drive. Resident complaints of vehicles speeding and not stopping for the stop sign at West End Trail and Village Walk Drive.

President Becker commented on the MPD sting at the intersection. Council was pleased with the traffic stops. They requested the MPD conduct another sting at the intersection.

b. Comments from the Audience on non-agenda items. Storm Water Engineer Justin Brown, from ACELA Engineering, was in attendance at tonight's meeting to answer any questions Council may have on the Draft MS4 Program, which was distributed to Council.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS – None.

### APPROVAL OF MINUTES

#### a. July 02, 2018 meeting. Changes to the Draft Minutes were requested as follows:

1. Council Member Akinjiola asked for a correction to her statement about her daughter's comment on Page 3, under Council Compliments, Complaints, Petitions and Appeals, to #2, to read: 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.

2. Council Member Yerman requested a change on Page 6 to #4, paragraph 3: They also discussed the length of time the Rental license would be valid. *Five years and/or seven years* were suggested, unless there is a complaint.

Mayor Conrad requested a change on Page 7 to #1, to read: President Becker noted there are currently nine (9) *Firefighter One* members on staff.

Council Member Akinjiola made a motion to approve the July 02, 2018 minutes, as corrected, second by Council Member Schleicher. Motion carried: 5 ayes.

CONSENT AGENDA

a. Payment of invoices as listed totaling \$150,417.05 – Borough Manager Boehm stated a \$2,500.00 check, made payable to DEP for a permit fee, will need to be added to the July 17, 2018 Consent Agenda, so it can be mailed by July 31<sup>st</sup> for DEP to receive it by their August 4, 2018 deadline.

Council Member Schleicher made a motion to approve the invoices listed on the July 17, 2018 Consent Agenda, in the amount of \$150,417.05, plus the \$2,500.00 DEP check for the permit fee, second by Council Member Yerman. Motion carried: 5 ayes.

CORRESPONDENCE

a. Macungie Volunteer Fire Company, re: June 2018 Certificates Report, dated 05/03/2018. The report noted 7 certificates of classes.

President Becker commented on the Fire Academy Training article in the East Penn Press Newspaper on July 3, 2018, relating to volunteers from 16 fire companies completing training, including the Macungie Volunteer Fire Department (“MVFD”). The article mentioned Firefighters Michael Kucharczyk, Nikos Balkit and Darwin Hoppes, of the Macungie Fire Department, as volunteers to complete firefighter training and receive certificates.

b. Macungie Volunteer Fire Company, re: June 2018 Certificates Report, dated 06/21/2018. The report noted 9 certificates of classes.

c. Macungie Volunteer Fire Company, re: May 2018 Training Report. Training included Vehicle Rescue training, SCBA Test Forcible, Pumping Nozzle training, Cleaning up for Parade and SCBA tag in training.

d. Macungie Volunteer Fire Company, re: May 2018 Response Report. They responded to 9 calls in May 2018; 8 of them were in the Borough of Macungie.

e. Macungie Ambulance Corp., re: June 2018 Monthly Report. They responded to 286 calls during June 2018; 20 of the calls were in the Borough of Macungie.

f. Macungie Police Department, re: June 2018 Monthly Report. The report included being dispatched to 257 incidents, 1 DUI, 21 traffic citations, 57 vehicle stops, 7 traffic warnings and 3 traffic accidents.

g. Borough of Alburtis, re: request to utilize paving machine and manpower. Requested permission to utilize the Macungie Borough paving machine and manpower to complete their 2018 scheduled projects.

REPORTS

- a. Mayor - None.
- b. Borough Manager

1. Lehigh Valley Hazard Mitigation Plan (the "Plan"). Due to past natural disasters/hazards, federal regulations require municipalities to update their Plan every five years. All 62 Lehigh Valley municipalities agreed to participate in the Plan.

The Macungie Borough portion of the Plan was distributed to Council for their review. They discussed the Plan and some of the hazards listed in it. The data is also used to apply for certain grants.

Council has thirty (30) days to review the Plan, before it needs to be submitted. President Becker suggested the water operator, sewer operator, MPD and MVFD also review the Plan as part of the Borough's finalization.

Borough Manager Boehm commented that the Borough does not have a written continuity of operations plan to use in an emergency/disaster. However, as part of the disaster/emergency relief plan, documents are being uploaded to SharePoint, which is web-based cloud software; this will allow documents to be accessed from any computer. President Becker suggested the MVFD have restricted access to SharePoint to access documents in the event of an emergency, including water mapping.

2. ACELA Draft MS4 Program (the "Program"). Justin Brown, from ACELA Engineering, discussed the Program, its purpose and answered questions. Borough Manager Boehm discussed the different ways the Borough educates the community on MS4. The Permit Renewal Application along with the Plan is due at DEP by August 4, 2018.

President Becker asked Mr. Brown to prepare an article in the Borough newsletter on how residents can report illegal discharges into the sewer system and what can and cannot go into the sewer system. There was a discussion on how residents can appropriately dispose of hazardous materials, such as motor oil, oil-based paint, etc. Mr. Brown noted that Lehigh County has a program for the disposal of hazardous waste and there are companies that take them for a fee. Council Member Yerman commented that he found it difficult and expensive to dispose of a small amount of hazardous waste through Lehigh County. Mr. Brown will look for possible programs for disposal and grants to help with the costs.

Mr. Brown stated the MS4 Program satisfies the DEP storm water requirements. He will review the document annually for accuracy and incorporate updates, if any. He will keep Council apprised of how the Borough satisfied the MS4 requirements by presenting a PowerPoint Presentation before Council.

3. Borough Manager noted there is a mandatory Employee Safety Manual meeting scheduled for Monday August 16, 2018 at 11:00 a.m.

- d. Committees – None.

#### UNFINISHED BUSINESS – PART I

- a. Authorization to sign Act 44 Grant Agreement. The 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.

Borough Manager Boehm spoke with Matt Moyer, at Senator Pat Browne's office, to get more information regarding how the grant and program work. The grant will cover \$5,000 for training and personalized radio transmitting devices and \$3,000 for personalized radio emitting bracelets. Any unspent money would need to be returned by March 2019, along with receipts showing how the funds were spent. The grant will not cover any administrative work, nor the wages for the MPD's training, which requires one officer to be trained over a period of one and a half days. The bracelets will be distributed at the training. There are no guidelines on how to distribute the bracelets, it would be at the MPD's discretion. According to Mr. Moyer, the administrative work is limited to statistics on how many times the bracelets are used to locate someone.

Council discussed the information provided by Mr. Moyer. The life span of the bracelets, and if they require charging or if they have a battery was unknown. He suggested Mayor Conrad write guidelines/procedures and a policy. Council Member Yerman suggested the bracelets be distributed on a first come, first serve basis, if received under the grant. If more bracelets are needed, applicants can pay for them themselves and/or the MPD can ask for additional grant money to purchase more.

Council Member Schleicher made a motion to approve President Becker signing the Act 44 Grant Agreement, second by Council Member Akinjiola. Motion carried: 5 ayes.

#### UNFINISHED BUSINESS – PART II

- a. Main Street Streetscape Phase 2 Update. President Becker stated the Marino Corporation was paid in full for the Main Street Streetscape Project, Phase I. They signed a Final Release and Waiver of Lien, which stated they received final payment.

- b. Sewer Lateral Inspections Ordinance, adoption 8/6. Borough Manager Boehm stated the Borough Clerk/Assistant Treasurer, Rose Nonnemacher, gave notice of the Ordinance to Real Estate Agents and Settlement Agencies in the area that she deals with, so they are aware of the inspections.

Council Member Yerman questioned if there are maps with the sewer lateral locations. Borough Manager Boehm stated each property file has a map of the laterals ingress and egress to/from the street, the depth and where the cleanout is.

- c. Residential Rental Ordinance - Establish Fees and Inspector Job Description. Solicitor Armstrong should be providing the final document at the next Council meeting.

President Becker respectfully suggested that Council Member Bloch recuse himself from voting on potential fees associated with the Residential Rental Ordinance, because it affects him as a landlord in the Borough, which could be a conflict of interest. He commented Council Member Bloch could vote on the Residential Rental Ordinance itself, without it being a conflict of interest.

Council Members asked for a copy of the most recent Residential Rental Ordinance, Inspection Checklist, Application and inspector qualification list to be distributed to Council Members for review of accuracy. Borough Manager Boehm will distribute the documents before the next Council meeting on August 06, 2018.

Council discussed when the inspections would be conducted. Suggestions included at the time of vacancy and/or every five (5) or seven (7) years. Council expressed concerns of properties having violations between tenants and inspections not being done for five (5) or seven (7) years. President Becker reminded Council that if a complaint is received, Zoning Officer Nicholson can inspect a property at any time, regardless to the Residential Rental Ordinance standard. Council Member Yerman suggested there be a minimum and maximum inspection period, plus inspection at the time of turnover.

After discussion, Council reached a consensus of a minimum inspection period of every 5 years. They further agreed that a landlord can request an inspection, within the five (5) year period, if there is a vacancy. The request for inspection by the landlord, would constitute the time period to restart.

d. Zoning Ordinance Amendment, re: Home Occupation, tentative adoption 9/4. The Amendment was sent to other municipalities, on July 13, 2018, for their review and comments. They have 45 days to respond.

#### NEW BUSINESS

a. Resolution 2018-16, Sale of 2001 Case Backhoe. The highest bid was for \$17,700.00.

Council Member Schleicher made a motion to adopt Resolution 2018-16 for the sale of the 2001 Case Backhoe, in the amount of \$17,700.00, second by Council Member Akinjiola. Motion carried: 5 ayes.

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

Motion Passed.

b. Resolution 2018-18, Sale of two (2) large concrete planters. The highest bid was for \$300.00.

Council Member Schleicher made a motion to adopt Resolution 2018-18 for the sale of two (2) large concrete planters to Christopher Becker, in the amount of \$300.00, second by Council Member Yerman. Motion carried: 5 ayes.

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

Motion Passed.

President Becker noted the Municipal Code states there is no conflict of interest for an elected official to bid on auctioned merchandise, if the item(s) is under \$500.00. If the item(s) is over \$500.00, the elected official needs to get a letter from the Ethics Board. He then recused himself from voting in the motion, because he has a vested interest in the sale, as the highest bidder.

c. Authorization of Application for Payment, in the amount of \$40,860.00, to F.A. Rohrbach, LLC. Borough Manager Boehm stated Lehigh County has not approved F.A. Rohrbach, LLC's certified payrolls. Lehigh County expressed they have some questions regarding the certified payrolls, which F.A. Rohrbach, LLC, needs to address to the County's satisfaction.

Council Member Yerman made a motion to approve the Application for Payment, in the amount of \$40,860.00, to F.A. Rohrbach, LLC, contingent upon F.A. Rohrbach, LLC, addressing all of Lehigh County's concerns with the certified payroll and approval from Lehigh County, second by Council Member Akinjiola. Motion carried: 5 ayes.

d. Stone Hills Meadows Development, time extension expires July 20, 2018. Stone Hill Meadows provided a Waiver of Procedural Time Requirements to August 30, 2018. A representative for the development will be at the August 06, 2018 Council meeting.

Council Member Yerman briefly discussed the status of the project and the water runoff issues on the Allen Organ property. He also commented Stone Hill and Allen Organ agreed on a plan for the water runoff issues, but an agreement has not been signed yet.

Council Member Yerman made a motion to accept the Stone Hills Meadows Development time extension to August 30, 2018, second by Council Member Schleicher. Motion carried: 5 ayes.

e. Approval for Alburdis to utilize paving machine and manpower. Council discussed Alburdis Borough's permission request to utilize Macungie Borough's paving machine and manpower to complete their 2018 scheduled projects. Borough Manager Boehm commented that Emmaus Borough would also like to use the equipment, but does not require manpower, because they have someone who is qualified to operate the paver. Council expressed concerns about loaning the equipment out without someone from Macungie Public Works being with it.

Council Member Schleicher suggested allowing both Emmaus Borough and Alburdis Borough too use the equipment and manpower for the remainder of 2018, because they included its use when

budgeting for their projects, plus they helped Macungie Borough with projects. She also noted that several times at the Southwest Comprehensive planning meetings there were discussions about having a plan signed by all municipalities to share machinery and other municipalities were not interested in discussing it.

After Council discussed the matter, a consensus was reached to allow Emmaus Borough and Alburdis Borough to use the equipment and manpower for the remainder of 2018. An employee from Macungie Public Works will go along with the machine when Emmaus Borough and Alburdis Borough use it.

ITEMS NOT ON AGENDA - None.

EXECUTIVE SESSION – None.

#### ADJOURNMENT

Hearing no further business to be brought before Borough Council, a motion was made by Council Member Akinjiola, second by Council Member Hutchison, to adjourn the meeting at 9:17 p.m. Motion carried: 5 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant