

CALL TO ORDER

President Chris Becker called the June 18, 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 Greg Hutchison Roseann Schleicher
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong, Solicitor
Administrative Assistant:	Selma Ritter
Absent:	Marvin Moyer John Yerman

MACUNGIE POLICE DEPARTMENT (“MPD”) – updates and hearing of resident issues by Sergeant Travis Kocher and Officer Todd Bernhard.

- a. Macungie Police Dept. May 2018 Monthly Report. The report included being dispatched to 226 incidents, 62 vehicle stops and 2 traffic accidents.
- b. Issued Traffic Citation(s) – 1/1/2018 through 6/1/2018. At Council’s meeting on May 21, 2018, Council Member Hutchison requested the traffic citations listed on the police monthly report be broken down to show the violations, so Council knows what type of citations were issued.

The violations included 71 vehicle registrations, 12 driving while suspended, 20 obedience to traffic devices and 15 speeding.

- c. Speed Surveys. Council discussed the results of the surveys. Sgt. Kocher commented that he would like to use the speed board on a majority of the Borough roads. He will also investigate purchasing a solar charger for the unit.
- d. MPD non-emergency telephone number SPOOFED. Officer Bernhard reported the MPD non-emergency telephone number had been SPOOFED, which is part of a scam. Hundreds of people in Macungie and the surrounding area received a telephone call during the early a.m. hours, which their caller ID showed as either the MPD or Borough of Macungie. The recipients did not receive a voice mail or talk with anyone directly.

The MPD is working on trying to resolve the matter, but it is very difficult to track who was responsible, because the Internet Protocol (“IP”) number on the calls keeps changing, which does not allow it to be traceable. Sgt. Kocher did notify the FCC.

Officer Bernhard sent a message to the public, via Nixle and Facebook, about the telephone number being SPOOFED. He noted that if there was a true emergency, the MPD would either come to the person’s home or they would leave a telephone message on the voicemail. Recipients of calls from the MPD telephone number were encouraged to contact the MPD, if they have questions regarding the calls authenticity.

Borough Manager Boehm questioned how the telephone numbers were obtained by the person doing the SPOOFING.

e. Miscellaneous Items.

President Becker inquired about the MPD going into local schools to make public relations connections and making the children and school staff feel safer, as they did in the past. He commented on an article in the Morning Call Newspaper about Shoemaker School being on lockdown on the last day of school because bullets were found inside the school. Sgt. Kocher noted the schools are not in the MPD jurisdiction, but he is willing to conduct more walkthroughs to give a better police presence.

Matthew Szuchyt, Local Government Liaison for Senator Patrick Browne’s Office, contacted Sgt. Kocher and invited him to be part of the Life Saver Project, which provides tracking/GPS wristbands to children with Autism and adults with Alzheimer’s. The device tracks the person’s whereabouts, if they wander off unsupervised. Grants are available to cover the costs. A minimum of two (2) officers will need to become certified operators for the program, but any agency with a certified operator can locate the person. Sgt. Kocher applied for the grant.

PUBLIC COMMENTS

a. Prior Public Comments to Council - None.

b. Comments from the Audience on non-agenda items.

1. Stop Sign at West End Trail and Village Walk Drive. Drivers using the traffic light at West End Trail, who are coming down Brookfield Drive and turning, to avoid the intersection at Brookfield Drive and Main Street/Route 100, are speeding and not stopping for the stop sign at West End Trail and Village Walk Drive.

Jeff Schmitt, 159 Village Walk Drive, Macungie, expressed concern about vehicles not stopping at the stop sign at West End Trail and Village Walk Drive and the potential danger for the neighborhood children and vehicles (backing out of their driveway) of getting hit by a car. Schmitt’s wife noted this location also has a bus stop.

Mr. Schmitt has tried to let drivers know they need to stop, but most of the drivers responded to him with inappropriate language and gestures. He requested better police presence at the location to ticket violators, or anything the MPD can do to help make vehicles stop and drive safely. He offered to help with the effort in any way he can.

Amanda Kleinguenther, 157 Village Walk Drive, Macungie, showed Council and Mayor Conrad a picture of a sign, that Hatfield Borough posted at an intersection where drivers did not stop at a stop sign. The sign said “complete stops are free, rolling stops are \$(dollar amount for fine cost in municipality), your choice.” She stated the sign is effective and drivers were deterred from not stopping. She suggested the Borough of Macungie post a similar sign. She suggested the Borough put up a similar sign at the intersection, under the stop sign.

Ms. Kleinguenther commented that her husband has also tried to let drivers know they need to stop, but most of the drivers responded to him with inappropriate language and gestures.

Officer Bernhard stated to enforce stop sign violations, the police must be positioned in a location where they can see the stop sign; and if they can see the stop sign, then drivers can see the police car. Violators don't normally run stop signs when the police are present, they wait until the police are not there. He noted that he sat at the intersection twice last week, for about 15 minutes each time, and every driver stopped. Comment was made that they stopped because they saw the police car and they questioned if a marked police car is an effective method. Council Member Bloch suggested using the unmarked police car. Officer Bernhard commented that once drivers see the Dodge Charger, they would stop.

Mr. Schmitt noted that he often sees a police car parked in the CVS parking lot. He commented that when parked in the CVS parking lot, the police should be able to see the stop sign, as violators are looking straight ahead and not in the CVS parking lot.

He also asked if the police could dedicate an officer to the intersection, so word would spread that the police are watching the intersection, which could help.

Suggestions to try to improve the situation included educating the community, placing an empty police car at the intersection, installing speed bumps, placing the speed board at the intersection and placing flashing lights on the stop sign. President Becker stated he discussed installing flashing lights on the stop sign with the engineer, but that cannot be done because it would be considered a stop light and the Borough would need to conduct a traffic study, among other things. Sgt. Kocher and Officer Bernhard noted examples of unattended police vehicles that were vandalized.

President Becker suggested purchasing some “Drive Like Your Kids Live Here” yard signs and placing them in the area.

Stop bars were recently painted at the intersection, but Council and residents are not sure how effective they are, at this time. Council Member Akinjiola stated the stop bars made her more

conscious of the stop sign. Mr. Schmitt stated he thinks they are not helping and people are going faster.

Council Member Hutchison questioned if the residents could form a citizen's patrol and report the license plate numbers of violators to the police. Sgt. Kocher said, if the violator challenges the ticket in court, the citizen taking the plate number(s) would most likely have to appear in court as a witness and the Judge could possibly dismiss the complaint. Council Member Hutchison stated that if a violator received a warning in the mail, they may be more prone to obey the traffic laws. Sgt. Kocher commented that they could use a red warning sticker that states the "vehicle is in violation of"... Officer Bernhard offered to draft a warning that could be used to notify the violator.

Officer Bernhard commented that cameras would be a help, but there is a major expense in purchasing and using them. Schmitt's wife, commented that they have an ADT camera on their property and questioned if she could position it at the intersection to record the violators on camera and use the footage to ticket violators. Sgt. Kocher said she could position the camera anywhere, but it may not be enforceable in court. Officer Bernhard suggested making some of the video footage public on the police Facebook page with a title, such as "is this your car."

President Becker asked Sgt. Kocher if he could put the speed board at the intersection. Sgt. Kocher said he could put the speed board at the intersection to record how many vehicles are going through the area and their speed.

Council Member Schleicher noted that the speed board reports, from other locations within the Borough, showed half the vehicles were traveling above the speed limit. Sgt. Kocher commented that although they were traveling above the speed limit, they must be traveling at least 6 MPH over the speed limit to be cited. Council Member Schleicher received an email about the State of Pennsylvania being close to allowing local police departments to use radar to enforce speeding violations. The email noted a statistic that nationwide speeding, during 2016, resulted in more than 10,000 deaths. The National Traffic Safety Board said 30% of fatal crashes, of passenger vehicles happen on local roads.

Council will review the matter and discuss their options. President Becker, Officer Bernhard and Mayor Conrad told the residents they can call them with any questions or concerns they may have.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

1. Franklin Young approached President Becker at Macungie Memorial Park, this past Saturday, stating he parked on Walnut Street, very early on Saturday, June 16th for the car show. Mr. Young stated that when he parked there, there was no handicap parking signs posted, but when he returned, signs were posted and he received a ticket. He will be appealing the ticket.

Borough Manager Boehm will ask the Public Works Department when the signs were posted. If they were posted when the vehicle was parked there, Sgt. Kocher will void the ticket.

2. Council Member Hutchison stated a resident asked him to view curbing on Main Street where PennDOT is replacing curb. It is noticeably different, as there was a section of an old curb that is leaning and was not replaced with the sections on either side that were replaced. He also asked Council who determined what sidewalks needed to be replaced, as the property owner received a letter to replace their sidewalks and a step leading to the front door. The step only had a crack. Borough Manager Boehm stated the Borough Engineer made the determination on the curbing and he sent the recommendation to PennDOT. Zoning Officer Nicholson made the determination on the sidewalks and step.

Council Member Hutchison also asked who will be responsible to maintain the proposed pavers that will be installed along Main Street in the Phase 2 Streetscape Project. If the property owners are responsible, he questioned if they were notified of their responsibility. President Becker responded that the property owners were not contacted yet because the details have not been finalized. However, the property owners will have to maintain their sidewalks, just as they have in the past. Phase 2 of the streetscape project includes sidewalk repairs and pavers being installed. Currently, Zoning Officer Nicholson is inspecting the sidewalks and notifying the property owners if they require repair or replacement. Phase 2 is scheduled to be completed next year.

Council Member Bloch questioned what section of Main Street/Route 100 is part of Phase 2 of the Streetscape. Phase 2 goes from Race Street to Pine Street. Then, Council briefly discussed Phase 2. All work is being done in the Borough right of way, which includes a 3' section of brick pavers on the inside of the curb, decorative streetlights and street trees. The pavers can be taken apart for maintenance and put back together. Because the pavers are not be laid in concrete the ground underneath will help the street trees grow.

Council Member Bloch asked what happens if a property owner does not want a tree planted on their property. President Becker noted trees are on the plan. They can be shifted slightly from their noted location on the plan, to either side, but will not be eliminated from the plan. There was discussion about forcing property owners to have a tree planted on their property. Council Member Hutchison noted that when the pear trees were planted years ago, the property owners gave written permission to have them planted on their property.

Council Member Hutchison questioned what would happen if the property does not meet the 5' width for sidewalk, which is required by the Ordinance. Borough Manager noted the pavers and tree grates are ADA accessible and considered part of the 5' width.

Council discussed the types of trees to be planted along Main Street/Route 100, in Phase 2 of the Streetscape. President Becker reiterated 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. Borough Manager Boehm will discuss purchasing a tree with Public Works Supervisor Smith. President Becker stated that the Borough will maintain the trees, not the property owners.

Council Member Schleicher commented that at a webinar she attended, the facilitator said the City Sprite Zelkova tree was the best type of tree to use on a street. Council Member Hutchison noted that years ago, when Council planted pear trees in the Borough, the engineers presented them as

the best trees to plant, but they turned out to be a disaster, and a lot of them had to be cut down, leaving stumps behind.

Borough Manager Boehm will coordinate a walkthrough of the site, to look for conflicts where trees are proposed to be planted and lights installed. President Becker suggested the Borough Engineer take the walk through before Council Members, to give his input first.

Council discussed PennDOT's repaving project of Main Street/Route 100 and sidewalks requiring repair/replacement along the street, before PennDOT begins their paving project. Council Member Bloch questioned the appearance of the curb near 27 Main Street, where it appears an old curb was repaired with sections of new curbing. Council Member Hutchison asked why the older section was skipped. Borough Manager Boehm stated that it was skipped because it was not marked for repairs. She will contact the Bryan Smith to find out why it wasn't marked for replacement.

President Becker noted that property owners on other streets within the Borough were required to repair/replace their sidewalks prior to the street being repaved, so property owners on Main Street/Route 100 need to do the same.

3. Council Member Bloch questioned how the Public Works Department gets assigned their work tasks for the day. Borough Manager Boehm noted the Public Works Supervisor knows the day-to-day projects needed to be done. Projects out of the ordinary day-to-day jobs, from public requests, are submitted to Borough Hall and passed on to the Public Works Department.

President Becker stated that in the Borough's chain of command, the Borough Manager is the top of the chain, even above the police, with respect to who is responsible for what work.

APPROVAL OF MINUTES

- a. June 4, 2018 meeting.

Council Member Hutchison made a motion to approve the June 4, 2018 minutes, as written, second by Council Member Schleicher. Motion carried: 5 ayes.

CONSENT AGENDA

- a. Payment of invoices as listed totaling \$222,837.97 – Council Member Hutchison made a motion to approve the invoices listed on the June 19, 2018 Consent Agenda, in the amount of \$222,837.97, second by Council Member Schleicher. Motion carried: 5 ayes.

CORRESPONDENCE

- a. Macungie Ambulance Corp., re: May 2018 Monthly Report. They responded to 310 calls during May 2018; 24 of the calls were in the Borough of Macungie.

- b. PennDOT Secretary for Planning- The Borough's Phase 3 Streetscape grant application was denied.
- c. Community Development, re: award of 2018 CDBG Grant. The Borough's CDBG grant application to Lehigh County for the Race Street ADA project was approved in the amount of \$25,461.00. Construction will take place in 2019.
- d. Municipal Retirement Trust, Reports. Council briefly discussed the reports. No action was taken.
- e. Macungie Institute, re: June 2018 Facility Manager Report. Council briefly discussed the report. No action was taken by Council.

Among other items, the report noted the MI Manager's challenges with trying to accomplish all his day-to-day operation duties, funding for operations and networking for funds, with limited work hours. To help alleviate some of the challenges, he began investigating the process to secure obtaining an unpaid intern to help him in the fall with his day-to-day operation duties, which will give him more time to network.

REPORTS

a. Solicitor.

- 1. He had two (2) items for Executive Session this evening. First, the status of the Turkey Hill appeal, and second, real estate easements.
- 2. Draft Sewer Lateral Inspections Ordinance – Revised by Solicitor, will be discussed under the New Business section.

b. Mayor.

- 1. He visited the Macungie Volunteer Fire Department on a couple of their training nights, which seems to be running smoothly, and they recruited younger firefighters.

c. Borough Manager

- 1. Request to advertise for Request For Qualifications ("RFQ") for Facility Assessment Consultant. The consultant will assess the Borough properties and provide recommendations on how the Borough can best utilize the buildings in the most efficient way possible, in the future. Council discussed the process and costs of hiring a consultant.

Council Member Schleicher made a motion to authorize solicitation for Request For Qualifications for a Facility Assessment Consultant, second by Council Member Hutchison. Motion carried: 5 ayes.

2. Macungie Institute Sign. The Macungie Institute Trustees (“MIT”) met on June 12, 2018. At their meeting, they discussed purchasing signage for the building and viewed different renderings of signs. The MIT forwarded all of the sign options, along with their recommendation for Proof #6, to Council for approval. Proof #6 costs \$6,445.00, is double sided and has 4 lines for text.

The sign will be paid for by donations and a grant as follows: \$1,000.00 from the Borough of Macungie, \$1,045.00 from the Friends of Macungie Borough, \$1,000.00 from Town Beautification and \$2,000.00 from the grant.

Council discussed the different sign options and costs. Proof #6 is \$1,100.00 over budget. To stay within the budget, Council decided Proof #2, which costs approximately \$5,400.00, is double sided and has 3 text lines, would be a better option.

Council Member Hutchison made a motion to approve Proof #2 signage, to stay within budget, second by Council Member Bloch. Motion carried: 5 ayes.

3. Ticketed Cars. The Borough received a call from a resident about vehicles that were ticketed for parking at the yellow curb at Walnut and Green Streets. However, the caller noted the yellow curb was faded. The resident requested the curb be repainted so the yellow is clearly visible.

Solicitor Armstrong stated that the State Statute Vehicle Code does not require signs to be posted at certain locations to be enforceable, i.e. fire hydrant, at a corner, and others. He stated that signage requirements are for local Borough restrictions that is not covered in the Vehicle Code, that people who have a driver’s license are not aware of. Local restrictions require a public notification of some sort to be enforceable, i.e. signs.

Council discussed certain traffic violations the MPD won’t enforce, without a sign being posted, i.e. vehicles parked at yellow curbing. President Becker commented that not enforcing violations could allow traffic violations to get out of control. Council Member Bloch asked Mayor Conrad why the police won’t enforce restrictions without signs. Mayor Conrad said tickets can be issued, but it is possible they can be challenged in court and discharged.

Council discussed dissatisfaction with the way laws are written and the lack of community policing by the MPD. President Becker noted that residents are expressing frustration at the lack of community policing by the MPD at Borough meetings, and they want something done, before someone is injured. Mayor Conrad stated that he will direct the MPD to ticket vehicles parked at yellow lines, regardless of a sign being posted or not. Council Member Bloch expressed that vehicles parked the wrong way on a street should also be ticketed.

4. Zoning Hearing Board Training Costs. The cost of Zoning Hearing Board (“ZHB”) training is \$280.00, per person. Borough Manager Boehm noted a letter was already sent to Mr. Stukas stating the Borough would pay for his training and that he would be appointed, if he completed the training. She asked Council if they would be paying for Carl Sell, Jr.’s, training as

well and she also expressed concern of sending two (2) people to training and only having one (1) vacancy on the ZHB.

Council discussed paying for training for all candidates. Borough Manager Boehm stated she already received a verbal commitment from Mr. Stukas saying he would complete the training. She commented that if the Borough pays for his training and he does not appear for the training, the Borough would lose its money. President Becker suggested drafting an agreement with Mr. Stukas that if the Borough pays for the training, and he does not attend, he would have to reimburse the Borough for the training.

Solicitor Armstrong suggested having all candidates pay for the training, and after completion, the Borough would reimburse them for the money. This would ensure candidates take the training and the Borough does not lose its money.

Borough Manager Boehm will review the language in the Council Minutes, to see if a motion was made. She will also check the appointment letter to Mr. Stukas to see how the language for the payment for training and appointment were worded.

Solicitor Armstrong suggested sending the second candidate a letter saying Council is still considering the first applicant and they are following up and confirming with the first applicant to ask if he is going to complete the training. If he does not complete the training, Borough Manager Boehm will contact the second application.

5. Department of Community and Economic Development Grant. The Borough received a letter from PennDOT saying they were denied the grant for Phase 3 of the Main Street Streetscape.

Borough Manager Boehm received an email from Mary, at Barry Isett & Associates, stating they just learned the Department of Community and Economic Development (DCED) has a Multimodal grant open, which usually requires municipalities to provide thirty percent (30%) matching funds. However, for 2018 only, the DCED is waiving the required municipal match, providing the applications are granted prior to December 31, 2018. If the application is granted after the deadline, the 30% municipal match waiver is void. The application deadline is July 31, 2018. Bryan Smith would like to apply for a One Million Dollar grant amount. He believes if they apply for One Million Dollars, the engineering costs will meet the engineering cap of ten percent (10%).

Upon the suggestion of Solicitor Armstrong, Borough Manager Boehm will inquire if the application can be withdrawn, without a penalty, if the Borough does not receive approval by the end of the year and the 30% matching funds is required.

6. Council Member Questions and Comments to Borough Manager Boehm.

i. Council Member Hutchison asked if a meeting was scheduled with the Borough of Emmaus to discuss why they did not sign the Regional Comprehensive Plan Implementation Agreement (“RCPIA”). Borough Manager Boehm stated that Becky Bradley,

from the Lehigh County Planning Commission, is taking the lead on trying to schedule the meeting, but it has been difficult due to vacations. She will keep Council updated on the meeting status.

Borough Manager Boehm noted that since the Borough of Emmaus was included in adopting the Comprehensive Plan with other municipalities, but they did not sign/approve the Implementation Agreement, there is confusion on whether the municipalities are working under the new Comprehensive Plan and under the old Implementation Agreement or how it works. Solicitor Armstrong said the old Implementation Agreement was for the old Comprehensive Plan. He stated since there is an Inter Municipal Agreement between all of the municipalities stating they are going to come together, arguably, the municipalities are working out of the new Comprehensive Plan and the Inter Municipal Agreement, but they are still working out the terms of the Implementation Agreement.

ii. Council Member Bloch asked if the water meters, backhoe and planters were posted for auction on municibid. Borough Manager Boehm reported the bidding for the backhoe and planters will begin Saturday, June 23, 2018.

She also reported that the water meters were not posted yet, because Water Operator, Douglas McNair, is looking into whether used water meters can be reused.

She also noted the scales were not included with the bid either, because Sgt. Kocher discussed with Borough Manager Boehm that the scales are analog and can no longer be certified. They discussed if they would have any use or value to anyone. Council discussed selling them for parts. Borough Manager Boehm will post the water meters and scales for bid at the same time.

d. Committees – None.

UNFINISHED BUSINESS – PART I

UNFINISHED BUSINESS – PART II

a. Main Street Streetscape Phase 1

1. Approval of application #10 & #11 for payment. Application #10 has a credit in the amount of \$20,218.70. The credit from Application #10, was deducted from the balance due on Application #11. Borough Manager Boehm commented that the Capital Fund remaining to pay Application #11 has a deficit of approximately \$31,000.00 to pay Application #11 in full, after the \$20,218.70 deduction is applied.

Borough Manager Boehm noted the grant money has a balance of \$31,331.24. However, PennDOT may be using the balance for their project cost(s) fees.

Council discussed options to pay the bill and its due date. Borough Manager Boehm will ask PennDOT if there are any funds available to help pay the deficit. President Becker suggested

paying what is left from the Capital Fund on Application #11 and include a cover letter with the payment stating the Borough is researching funds for the remaining balance. Solicitor Armstrong will look at the bid contract for any penalties that could be applied.

Council Member Becker made a motion to accept Applications #10 and Application #11 and to pay Marino Corp. \$62,000.00 toward Application #11 at this time. The motion was second by Council Member Schleicher. Motion carried: 5 ayes.

b. Main Street Streetscape Phase 2 Update. The CDBG grant, submitted to Lehigh County for the Race Street ADA project was approved for \$25,461.00 for sidewalks and curbing, for construction in 2019. The Borough will need to provide matching funds for the project. Council discussed where the funds would come from for the project. Borough Manager Boehm noted that the Borough received approximately \$21,000.00 in dividend money from the Pennsylvania Municipal Health Insurance Co-Op, which could be used for curb work. President Becker suggested combining the \$25,461.00 from the CDBG Grant and \$21,000.00 in dividend money and using the combined total of \$46,461.00 on the project. He further suggested asking the engineer to design a plan that is within the budget.

Council Member Becker made a motion to use the \$25,461.00 from the CDBG Grant and allocate the \$21,000.00 in dividend money to the project, second by Council Member Hutchison. Motion carried: 5 ayes. Property owner, Tim Romig, will be notified of the progress.

c. Sewer Lateral Inspections Ordinance – Revised by Solicitor. Solicitor Armstrong discussed the changes he made to the proposed Ordinance, which were discussed at the last Council meeting on June 4, 2018.

Borough Manager Boehm questioned why the change of use was limited for residential to commercial. She questioned what would happen if a property was changed from a single unit to multiple units or commercial to multiple commercials. She commented that an inspection should include all changes of use, and not be limited. She suggested the language be changed to “change of use” and kept general. President Becker gave a brief history of the proposed ordinance. Council then discussed inspections being too invasive if the language does not limit the type of change of use and inspecting at the time of sale.

Solicitor Armstrong stated that the most common times to inspect is at the time of sale or when the Borough is doing lateral work and sees a potential issue at a property. There is language in the proposed ordinance, giving the Borough the right to send a camera in a property lateral, if they suspect there is a problem. The property owner would be responsible to fix any issues, at their expense.

The draft "Building Inspection Form" was removed from the draft ordinance and a “Sewer Lateral Video Inspection Report” was inserted in its place. References to the “Building Inspection Form” will be replaced with language for the “Sewer Lateral Video Inspection Report.” Solicitor Armstrong suggested Council view the Building Inspection Form to see if there is any language they want to incorporate into the Sewer Lateral Video Inspection Report.

Council Member Akinjiola made a motion to authorize the Sewer Lateral Inspection Ordinance be advertised, after the corrections are made, for a public hearing to consider adoption at an upcoming meeting, second by Council Member Schleicher. Motion carried: 5 ayes.

Council Member Bloch expressed concerns of potential expenses that the Borough may incur for administrative costs associated with reviewing the videos, paperwork, man hours, copying and storing videos and other administrative items. He questioned if the potential costs could affect the budget. President Becker noted that there is language in the ordinance to add fees at a later time, if necessary.

d. Residential Rental Ordinance - Establish Fees and Inspector Job Description. Attorney Lee Stivale (attorney for several landlords in the community) contacted President Becker and Solicitor Armstrong about the proposed Rental Inspection Ordinance, which he is supposed to help revise. Attorney Stivale asked for additional time to review the proposed ordinance. Solicitor Armstrong will contact him tomorrow and grant him 2 additional weeks for review and to provide changes, which will then be discussed at the next Council meeting on July 2, 2018.

e. Borough of Macungie Financial Statements, dated December 31, 2017. President Becker reviewed the Financial Statements. President Becker noted Finding No. 2017-1: Segregation of Duties, which stated that due to the size of the office staff of the Borough, there lacks enough personnel to provide for proper segregation of accounting functions. The Auditor recommends Borough Council monitor the accounting of the Borough and remain involved in the day-to-day functions of the office to provide additional safeguards.

Council discussed the funds listed in the report and the safeguards the Borough has in place. Borough Manager Boehm noted that the finding and recommendation is the same as in past years. The Borough has safeguards in place to ensure close oversight of the funds, such as keeping the Borough Council informed of the Borough accounting activity, providing Council with a monthly budget vs. actual and Treasurer's Report, and close review of funds by Borough Manager Boehm, President Becker, Council and staff.

Borough Manager Boehm noted an error in the report on Page 47, under *Expenditures: Employee Benefits, Insurance and Other*. The auditor did not show it was a budgeted item, which it was. The line item shows a negative amount of \$188,310.00, which she commented impacts the entire Statement. She emailed the auditor about the error and will follow up with him when he comes back from vacation.

f. Review of Zoning Amendment, re: Home Occupation. Solicitor Armstrong received correspondence from the Borough to review the Home Occupation amendment. After his review, he sent his comments and suggested changes to Council, via email.

Solicitor Armstrong noted the biggest change in his proposed amendment, compared to the Planning Commission's draft, is that the Planning Commission previously referenced a General Home Occupation Use and a Low Impact Home Occupation use. Solicitor Armstrong suggested

one Home Occupation Use, by itself, is supposed to be a No Impact use. The Solicitor included a “Home Occupation” definition in his draft. He discussed the differences between the uses. A No Impact use does not have any employees on the site, other than family members that reside in the dwelling or unit, and no employees visit the site at any time. A Home Occupation use states no more than one (1) person can be employed there, that is not a resident of the unit or dwelling, there could be some traffic to and from the property, but it shall not include deliveries or pickups by tractor trailer trucks. A Home Occupation Use requires special exception approval from the Zoning Hearing Board. A No Impact Home Occupation use is permitted by right.

Solicitor Armstrong will contact Zoning Officer Nicholson to inquire if he reviewed the proposed ordinance and if he has any questions or concerns to the suggested changes.

g. Resolutions 2018-12 and 2018-13. Borough Manager Boehm noted that Resolution 2018-12, Langan Traffic Signal Approval at Route 100 & Chestnut Street and Resolution 2018-13, Langan Traffic Signal Approval at Route 100 & Church Street were inadvertently deleted from tonight’s Agenda, but need to be passed. The Resolutions are for the Stone Hill Meadows development to make timing changes to the traffic lights on Main Street/Route 100.

Borough Manager Boehm distributed a letter from Barry Isett & Associates, dated June 18, 2018, which references Section G of the Barry Isett & Associates review letter, dated January 10, 2018. As per the review letter, there were no further comments on the traffic signal plans for Church Street and Chestnut Street. The applicant provided Borough Manager Boehm with a system plan mylar signed by Lower Macungie Township, mylars for each of the Traffic Signal Permit Plans for Church Street and Chestnut Street, and TE-160 forms for each of the two Traffic Signal Permit Plans for Borough signature. Council is required to approve the signing of the TE-160 forms, which are Resolutions 2018-12 and 2018-13. Stone Hill would also like Borough Manager Boehm to sign the Mylar plans.

Council discussed the Resolutions and the development’s progress. President Becker commented that Stone Hill is supposed to go back to the Planning Commission for final plan approval, after Allen Organ’s water runoff issues are satisfied. Council discussed concerns with Stone Hill not being forthwith about not having resolved the water runoff issues with Allen Organ. President Becker noted that the last time Stone Hill was before the Planning Commission, the Planning Commission decided they would not bring any favorable recommendations before Council for Stone Hill, until after Allen Organ is satisfied.

Solicitor Armstrong noted the waiver for time extension, which was submitted by Stone Hill until the end of July 2018.

Concerns were expressed of passing the Resolutions without the Allen Organ’s water runoff issues not being resolved and the development not yet receiving final plan approval.

The Resolutions were tabled until Allen Organ is satisfied with a resolution to their water runoff issues and Stone Hill receives final plan approval.

NEW BUSINESS

a. Sewer Operation and Maintenance Plan, I&I Sewer Reduction Plan and letter to Lehigh County Authority. EPA stated certain requirements need to be met; specifically, submission of Kline's Island Sewer System Regional Flow Management Strategy, along with the Borough's Operation and Maintenance Program for the Borough's sewer system. Borough Manager Boehm and Barry Isett & Associates met to discuss the requirements. A form letter also needs to be submitted to Lehigh County Authority by July 10, 2018.

Council Member Hutchison made a motion to submit the letter to Lehigh County Authority along with the Borough's Sewer O&M Plan and I&I Sewer Reduction Plan to be provided to EPA, second by Council Member Schleicher. Motion carried: 5 ayes.

b. Budget Transfers. Council Member Schleicher made a motion to approve the following budget transfers, second by Council Member Akinjiola. Motion carried: 5 aye.

- \$120.91 from 01.406.480 (GF-Miscellaneous) to 01.406.162 (UC-General)
- \$128.32 from 08.429.231 (Fuel-Trucks) to 08.429.230 (Heating Cost-Garage)
- \$181.00 from 01.410.420 (Police Service Contracts) to 01.410.420 (Police Dues-Subscription)

ITEMS NOT ON AGENDA.

President Becker requested the Officials page to the Code of the Borough of Macungie (codifications) be updated to show the new officials, and distributed to Council.

EXECUTIVE SESSION - Council President Becker called for an executive session at 10:42 p.m. to discuss litigation, personnel and real estate matters.

The Council meeting was reconvened at 11:15 p.m. with the following action being taken:

Motion by President Becker, second by Alma Akinjiola, to proceed with the Fire Department easements and to pay the Fire Department's legal fees associated with the easements up to \$2,500. Motion carried: 5 ayes.

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. Motion carried: 5 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant