

CALL TO ORDER

President Chris Becker called the October 01, 2018, meeting of Macungie Borough Council to order at 7:41 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
Borough Engineer:	Ryan Kern
Administrative Assistant:	Selma Ritter
Absent:	Marvin Moyer

EXECUTIVE SESSION regarding personnel began at 6:30 p.m. and ended at 7:40 p.m. No action was taken.

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.

Council Member Schleicher commented the Macungie Fire Police and Macungie Ambulance Corp assisted the City of Allentown on Saturday, September 29, 2018, at the location of a car explosion, near Hall and Turner Streets.

APPROVAL OF MINUTES

- a. September 17, 2018 meeting – Council Member Akinjiola made a motion to approve the September 17, 2018 minutes, as written, second by Council Member Schleicher. Motion carried: 6 ayes.

CONSENT AGENDA

- a. Treasurer's report of September 27, 2018 – After Council discussed the report, Council Member Schleicher made a motion to accept the September 27, 2018 Treasurer's Report, second by Council Member Akinjiola. Motion carried: 6 ayes.
President Becker noted the 4-month TD AmeriTrade CD, which matures on October 12, 2018. He commented Council should discuss and approve how the funds are invested. He also commented that the September 27, 2018 Budget vs. Actual-All Funds report showed 74% of the allotted 2018 Budget funds were used.
- b. Approval of invoices as listed totaling \$226,406.38. Council discussed the expenses on the Consent Agenda.

Council Member Hutchison questioned the \$2,647.50 in legal fees for the Macungie Police Department ("MPD") arbitration matter(s). He suggested the expenses be paid out of the Macungie Police Department's budget, as it is not fair to the taxpayers to have to pay for them. After discussion among Council, they decided the matter will be kept on the Agenda as an action item to be discussed further at a later time. Mayor Conrad suggested adding a line item in the 2019 Budget for future expenses; Council agreed to discuss it when they draft the 2019 Budget.

Council then discussed the Emergency Systems Service charges for generator maintenance, in the amount of \$455.54. Borough Manager Boehm explained the cost was high because the company charged for two (2) visits. They originally came out on a Friday, but could not do the test because if they kicked off the police computer communication system, no one would have been there to reset their computers, which would have left them down over the weekend. Therefore, they had to reschedule them to come back. Council Member Yerman commented the repeat should come out of the MPD Budget. Council Member Yerman made a motion to charge the repeat to the department that caused it, second by Council Member Hutchison. Motion carried: 6 ayes.

Council Member Akinjiola made a motion to approve the October 02, 2018 Consent Agenda invoices, in the amount of \$226,406.38, second by Council Member Schleicher. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Macungie Volunteer Fire Department, re: July/August 2018 certificates update. The report noted three (3) certificates of classes and two (2) new members.
- b. Office of The Controller, re: Audit of Magisterial District Court #31-2-03 for January 1, 2016 to December 31, 2017. The results stated the County of Lehigh received the proper amounts due and the M.D. Judge is in general compliance with the applicable financial AOPC guidelines. This correspondence was sent to Council for informational purposes only. No action was taken by Council.
- c. Municipal Retirement Trust and Quarterly Reports. At the close of 2017 the PSAB Municipal Retirement Trust was comprised of 241 municipal pension plans. The Trust offered two (2) investment options for plan participants. A majority of participants utilized the 60% / 40% mix of equities and bonds. No action was taken by Council.

- d. Emmaus Library, re: September 18, 2018 Board Meeting Minutes/Packet. No action was taken by Council.
- e. John Ashcraft, III, re: 2019 Zoning Hearing Board Solicitor rate. His hourly rate in 2019 will remain the same as that in 2018.

REPORTS

- a. Solicitor. No report given.

President Becker asked Solicitor Armstrong to clarify what constitutes a quorum for the gathering of Council members. Solicitor Armstrong stated the Borough Council, as a governing body, is subject to the Sunshine Act, which states when a Board can meet. If it is not an executive session item, a quorum of Council cannot meet for the purposes of decision making, exchanging ideas and/or deliberating, for the purposes of eventually making a decision, unless they advertise the gathering as a meeting. He stated the purpose of only allowing three (3) Council Members at a non-executive session item is so deliberations cannot take place or decisions made.

Council Member Hutchison expressed feeling left out of a few non-executive session gatherings. President Becker stated he was not intentionally left out to hurt his feelings, but only certain Members attended to avoid having a quorum. After Council discussed the matter further, Council Member Yerman suggested inviting all Council Members to non-executive session items, but if a majority attend, they cannot discuss anything, including what they are seeing. This would avoid deliberations. He also clarified that if a Council Member is absent from a meeting, and they miss something being organized, it would not be Council's responsibility to ensure they received notification or to pursue their desire to attend.

Discussion arose questioning if a majority of Council Members could attend another Borough Board meeting, as resident spectators for the purpose of hearing agenda items. It was suggested that if a majority attends, they should not discuss any of the matters among themselves or sit together, so it could not be viewed as a quorum having a meeting.

- b. Mayor. He is still trying to meet with the postmaster regarding mail not being delivered to mailboxes on Village Walk Drive because vehicles are parking in front to them. Council Member Akinjiola commented no vehicles have been parked by/in front of the mailboxes for about 1-1½ weeks, so the mail has been delivered.

Council Member Bloch commented on the deteriorating condition of the current mailboxes located there and asked who would be responsible for replacing them. He suggested having the current boxes replaced with a multi-box unit, which could hold mail for approximately 70-80 units.

President Becker reported the VFW already received a reserved parking sign for a Purple Heart recipient. After Council discussed where to install the sign they received, Council Member Schleicher made a motion to approve installing the Purple Heart reserved parking sign in the Borough Hall parking lot, second by Council Member Yerman. Motion carried: 6 ayes. Mayor Conrad will pick a parking space in the Borough Hall parking lot for its installation.

c. Borough Manager.

1. SWLCP Implementation Agreement. An amended agreement was reviewed by all of the participating municipalities. Most of the municipalities approved the agreement for adoption, except for Alburtis and Macungie Boroughs. Borough Manager Boehm stated Alburtis Borough intends to approve the agreement at their next meeting.

Council Member Schleicher made a recommendation to accept the amended Implementation Agreement for implementing the Multi-Municipal Southwest Lehigh County Pennsylvania Comprehensive Plan, second by Council Member Yerman. Motion carried: 6 ayes.

Borough Manager Boehm stated that once the agreement is executed by all of the parties, Borough Council will need to authorize preparation of an Ordinance.

2. Engineer Ryan Kern, re: August 06, 2018 Engineer's Report. Borough Manager Boehm reported that some of the items listed in Engineer Kern's report were already completed.

The grant applications were amended; no money was received for the electrical upgrades to the Water Booster Stations and SCADA tank control system. However, the 125KW Back-up Generator at Well #2 grant was received. The Borough is still awaiting the Multimodal Transportation and part of the Streambank Restorations projects to be completed.

Main Street Safety Project-TAP 2 is scheduled to be awarded on October 04, 2018.

3. Safety Manual Amendment. The MPD expressed concern for Section 41 of the Borough Safety Manual, titled *Safety Rules and Methods for their Enforcement*, which discusses disciplinary action if the policies, protocols or rules in the Manual are not followed.

Borough Manager Boehm brought the matter before Council. After they discussed the matter and passed a motion to remove Section 41, Borough Manager Boehm and Cpl. Mullen discussed the matter. Cpl. Mullen agreed to the removal of Section 41.

Borough Manager Boehm stated she would send an amendment out to the staff stating Section 41 was removed. Council Member Yerman suggested removing the language in Section 41, but keeping the number (41) and heading, then adding the language "section intentionally left blank."

Additional Comment(s), Not on Report.

Spillman Farmer Architects (SFA), re: Feasibility Study. Borough Manager Boehm requested dates and times to meet with them. Council Member Yerman suggested Council meet with SFA to ask them what they need Council to agree upon before scheduling individual sessions, to make the meetings productive for a more effective job.

Main St. Commons. Representatives for Main St. Commons appeared before the Planning Commission, at their September 18, 2018 meeting, seeking plan approval for their Preliminary Land Development and Preliminary/Final Lot Consolidation Plans.

Council Member Yerman gave a brief synopsis of the development. After the two (2) parcels are consolidated, a bank will be developed first. The rest of the parcel will be developed in stages, but no development plans were submitted at this time. After discussing two (2) Barry Isett & Associates review letters (one for each plan), the Planning Commission made two (2) conditional recommendations for plan approval. Some of the open items included:

- i. Modification of the zoning buffer adjacent to Jeffrey and Steffany Hartman's property, located at 212 W. Main Street. The Hartmans' would prefer deciduous trees and different landscaping, as opposed to the row of pine trees as shown on the plan. The developer and Hartmans will discuss options and work out an agreement. Depending on what landscaping they decide, they may be required to appear before the Zoning Hearing Board;
- ii. The development will make a fair share contribution to Stone Hill Meadows for the timing changes to the traffic lights;
- iii. They were required to make a dedication of open space or pay a recreation fee;
- iv. Installation of a sidewalk along the Hartman property was discussed. The developer offered to pay for labor costs to install a sidewalk along the Hartman property, if the Hartmans pay for the materials. The Hartmans will consider the proposal. The developer was required to make a return appearance before the Planning Commission with an agreement with the Hartmans; and
- vi. Developer satisfying all of the comments in the Barry Isett & Associates two (2) review letters, both dated September 13, 2018, (one for each plan).

Council Member Yerman commented that Main St. Commons plans on appearing before Council on October 15, 2018. They are then desiring to appear before the Planning Commission on October 16, 2018 for final plan approval.

Council Member Bloch expressed concern about storm water runoff from the property. He commented Mack Trucks installed a parking lot and their storm water is running under Gehman Road then onto Route 100. President Becker commented that the Main St. Commons will be installing an infiltration bed under the proposed parking lot to capture the water, in addition to current and additional inlets. The Planning Commission requested the developer provide a clean plan to clarify how storm water will flow and be detained.

- d. Committees. None.

UNFINISHED BUSINESS – PART I - None.

UNFINISHED BUSINESS – PART II.

- a. Main Street Streetscape Phase 2. No action by Council.

b. Residential Rental Ordinance. President Becker gave a brief history of the Ordinance and noted Solicitor Armstrong and Attorney Lee Stivale worked to produce the Ordinance. He also commented that the draft Ordinance is written as such that there is a consensus to accept it as it is. However, an attorney suggested that the 2nd WHEREAS clause language be amended to read:

“WHEREAS, recognizing that various building and use codes already exist as Borough Ordinances, with their own procedures for review and enforcement, the

primary purpose of this Ordinance the inspection provided for herein and the issuance of rental licenses is to establish a minimum safety review of rented apartments within the Borough for the benefit of the residents of the Borough.”

After the change was discussed, the Council Members stated they did not have an objection to it. Council then discussed finalization of unfinished items in the Ordinance:

§267.6.A.1., states owners of a Residential Rental Unit(s) must register their unit(s) by March 31, 2019; there is no initial registration fee for unit(s) that are registered on or before March 31, 2019; and any unit(s) that are registered after March 31, 2019 are subject to a registration fee.

§267.8.B.1. states each Residential Rental Unit that is registered with the Borough and secures a Rental Occupancy License...shall undergo a Rental Occupancy License inspection within 5 years from the issuance of the Rental Occupancy License.

Article IV. The Ordinance shall become effective on January 02, 2019.

Borough Manager Boehm noted a Registration Form is needed. Solicitor Armstrong stated §267.6.A.7. outlines what information the Registration Form should include.

1. Job Description. The Inspector would work part-time hours, on an as needed basis when an inspection is required. They would be required to work in files and keep them updated including, but not limited to, entering all of the information into SharePoint.

Council discussed who would be attending court proceedings, if any violation(s) is/are found. Solicitor Armstrong stated the Inspector is required to perform the initial inspection. If any violation(s) is/are noticed by the Inspector and the Inspector cannot get the property owner to rectify the violation(s), they would then report the violation(s) to the Borough Zoning Officer. The Zoning Officer would then go out to investigate the violation(s) and the Zoning Officer would then follow it through under Code Enforcement, including filing court documents and attending any necessary hearings.

Council Member Yerman suggested adding language to the *Position Objective* clarifying the Inspector will also conduct the work to implement the Inspection Ordinance, in addition to conducting the inspections.

Suggestions were made to add the following items to *Essential Duties and Responsibilities*:

- Follow-up with property owners for compliance.
- Work with Zoning Officer to resolve enforcement issues as directed by Borough Manager.

2. Checklist. The Checklist will be an exhibit to the Ordinance.

Council Member Bloch questioned how the Rental Ordinance would be enforced, since other violations are not being enforced, such as the 4' high weeds growing along the building on the first block of Main Street. President Becker stated the Zoning Officer is responsible to enforce violations. Council Member Yerman commented that Borough Council has a policy that the

Zoning Officer does not go out to look for violations; a report/complaint is required to be filed for him to go out. Council agreed the Checklist is sufficient.

3. Establish Fees. Fee(s), if any, will be discussed at a later time and decided upon by January 2019. Each unit will be required to pay the inspection fee.

President Becker commented that the fees will be established to cover the costs for the inspector's salary to conduct the inspections and all administrative expenses associated with the inspections and registrations. Council Member Yerman commented that fees cannot be established until the Borough defines what the inspections and registration entail and how much an inspector is requesting to be paid.

Solicitor Armstrong noted, after the changes are made to the Ordinance, he will recirculate it to Council. A public hearing will be required for public input, then Council will have to vote on its adoption.

Council Member Yerman made a motion to advertise the Residential Rental Ordinance and Checklist, with changes, second by Council Member Schleicher. Motion carried: 6 ayes. Borough Manager Boehm stated it will be advertised for a November 2018 Council meeting.

c. Draft Ordinance re: Parking Restrictions, Village Walk Drive. Ordinance No. 2018-04, which was drafted in response to petitions submitted by residents on Village Walk Drive, was discussed. Solicitor Armstrong noted the definition for passenger car, light, medium and heavy truck is currently in the *Code of The Borough of Macungie* in Article 1; General Regulations, under §329-1. A commercial vehicle is defined in the Pennsylvania Vehicle Code. He also stated the language for a passenger car and light truck only; no medium or heavy trucks and/or truck tractors or trailers is also in the Ordinance Council adopted for the West End Trail Ordinance, which is enforceable by the MPD.

Signs are required to be posted to enforce the Ordinance. Solicitor Armstrong suggested having the MPD review the Ordinance to ensure its enforceability. A public hearing will also be required.

Council Member Schleicher made a motion to approve the advertisement of Ordinance No. 2018-04, second by Council Member Yerman. Motion carried: 6 ayes.

NEW BUSINESS

a. Adoption of Resolution 2018-19, re: Refuse Rate. Council Member Hutchison made a motion to adopt Resolution 2018-19 establishing the refuse rate at \$188.36 annually, (\$47.09 quarterly) effective November 1, 2018 to October 31, 2019, second by Council Member Schleicher. Motion carried: 6 ayes.

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

Motion Passed.

Borough Manager Boehm noted there was a meeting with three (3) managers from Advanced Disposal and Borough Staff, today, to discuss the issue with missed stops. She commented the meeting went well and noted the regular truck driver was off the route for two (2) months, which may have added to the stops being missed.

b. Resolution 2018-20, re: transfer of Turkey Hill Liquor License. Resolution 2018-20, regarding the transfer of the Turkey Hill Liquor License, was advertised for public hearing and adoption, in accordance to the Borough Ordinance. It was advertised in The Morning Call LLC newspaper on September 21, 2018 and September 24, 2018, posted at Borough Hall and on the Macungie Borough website.

Solicitor Armstrong briefly discussed the Consent Order from the Court, which required the Resolution to be passed. The public hearing was opened at 9:45 pm. Hearing no public concerns and/or comments, the public hearing was closed at 9:45 p.m.

Council Member Hutchison made a motion to adopt Resolution 2018-20, second by Council Member Yerman. Motion carried: 4 ayes and 2 nays.

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

Motion Passed.

Council noted Resolution 2018-20 was passed with some reluctance by a few Council Members.

ITEMS NOT ON AGENDA. President Becker, Borough Manager Boehm and Council Members Akinjiola and Schleicher will be attending the Lehigh Valley Planning Commission Gala on October 10, 2018.

EXECUTIVE SESSION. None.

ADJOURNMENT. Hearing no further business to be brought before Borough Council, Council Member Hutchison made a motion adjourn the meeting at 9:47 p.m., second by Council Member Schleicher. Motion carried: 6 ayes.

Council Member Hutchison stated he will be absent from the next Council meeting on October 15, 2018.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant