

CALL TO ORDER

President Chris Becker called the October 15, 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
Solicitor:	Patrick Armstrong, Solicitor
Administrative Assistant:	Selma Ritter
Absent:	Greg Hutchison
	Marvin Moyer

MACUNGIE POLICE DEPARTMENT (“MPD”). Updates and hearing of resident issues by Sergeant Travis Kocher.

1. Commendations.

i. Commendation letters were awarded to Officer Kyle Bernhard and Corp. Michael Mullen for their role in apprehending a stolen car suspect on August 24, 2018. The vehicle was stolen out of Berlin Township and tracked to the Borough of Macungie. Officer Joseph David was also recognized, but he was not in attendance at tonight’s meeting.

ii. Christopher Greb, Operations Manager of the Macungie Ambulance Corp, gave Officer Todd Bernhard a Certificate of Commendation for his quick and decisive action with reviving a 58-year old male, who went into cardiac arrest, on September 15, 2018, at Macungie Memorial Park. Upon arrival at the scene, the man was not breathing and had no pulse. Officer Bernhard and Officer David administered CPR and used an automated external defibrillator (AED) and revived the man, who has since made a full recovery. Officer Joseph David was also recognized.

2. Sergeant Kocher comments, concerns and updates.

i. He commented the MPD successfully administered approximately ten (10) doses of Narcan to revive persons who overdosed on opioids.

ii. He stated there is a current animal cruelty issue unfolding at a residence on Hillcrest Drive South in the Borough, with approximately 100 different exotic animals being seized by the Humane Society.

3. Mayor Conrad.
  - i. He briefly discussed the September 2018 Macungie Police Department's Monthly Report.
  - ii. He noted Sgt. Kocher's letter of recommendation to reinstate Officer Michael Marshall.

SPILLMAN FARMER ARCHITECTS – ADDRESS COUNCIL QUESTIONS, RE: FACILITIES FEASIBILITY STUDY PROPOSAL (the "Study"). Salvatore Verrastro, and Gina Vary, from Spillman Farmer Architects, were in attendance tonight to answer questions from Council relating to the Study. President Becker commented that the Study was requested to ensure taxpayer dollars are being spent to the best of Council's ability.

Mr. Verrastro and Ms. Vary will begin a mini master plan on October 16, 2018 by meeting with the stakeholders (all persons that use the buildings) to discuss what their facility needs are, any shortcomings in the facility in which they work and other items.

Council Member Yerman suggested a strategic plan for each department needs to be completed before the strategic plan for the buildings/facilities is done. He commented Council needs to decide what direction they want to grow in before moving forward with planning for the buildings. Mr. Verrastro informed Council Member Yerman that some form a strategic plan would be done as part of this study.

#### 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.

President Becker announced Macungie Borough was chosen from four municipalities as the winner of the 2018 LVPC Community of Distinction Award. He stated the Borough was chosen for the award due to their improvements related to public safety, walking connectivity in the Borough and the Main Street Streetscape. He discussed the honor of receiving the award and commented the Borough is proud and honored to be chosen as the recipient. President Becker then thanked the community and Council for all their hard work, which was recognized by receiving this award.

The House of Representatives of Pennsylvania also gave the Borough of Macungie a certificate for being named winner of the 2018 LVPC Community of Distinction.

#### APPROVAL OF MINUTES

- a. October 01, 2018 meeting. Council Member Schleicher made a motion to approve the October 01, 2018 minutes as written, second by Council Member Akinjiola. Motion carried: 5 ayes.

#### CONSENT AGENDA

- a. Payment of invoices as listed totaling \$107,252.83. Council Member Akinjiola made a motion to approve the invoices listed on the October 16, 2018 Consent Agenda, in the amount of \$107,252.83, second by Council Member Schleicher. Motion carried: 5 ayes.

#### CORRESPONDENCE

- a. Macungie Ambulance Corps, re: September 2018 Monthly Report. They responded to 308 calls during this service month; 18 of the calls were in the Borough of Macungie.
- b. Lower Lehigh Lions Club, re: Halloween Parade on October 27, 2018. Everyone was invited to participate in the 2018 parade. The rain date for the parade is November 03, 2018.
- c. Senator Patrick Browne, re: Multimodal Transportation Fund grant program. PennDOT is currently accepting applications for the Multimodal Transportation Fund grant program. The application deadline is November 15, 2018. Borough Manager Boehm noted the grant requires 30% in matching funds.
- d. Sgt. Travis Kocher, re: letter of recommendation for Michael Marshall as a part-time officer. Sgt. Kocher recommended Officer Marshall be reinstated as a part-time Police Officer. This item was discussed under New Business below.
- e. Macungie Police Department, re: September 2018 Monthly Report. The report included being dispatched to 203 incidents, 2 DUI, 10 traffic citations, 25 vehicle stops, 5 traffic warnings and 4 traffic accidents.

#### REPORTS

- a. Mayor. He reminded Council and the general public of the following events:
  - i. Halloween Parade, October 27<sup>th</sup> @ 7:15 p.m. The parade will be forming at Eyer Middle School at 6:00 p.m. There will be a 2-mile Fun Run starting at 6:45 p.m.
  - ii. Trick or Treat Night, October 31<sup>st</sup>, 6-8 p.m. Mayor Conrad commented the MPD and Macungie Volunteer Fire Police will be out on both nights.
- b. Borough Manager

i. Electronic Recycling Event, Saturday, 10/27, 9-noon, or until the trucks are full. This rain or shine event is for Macungie Borough and Alburtis Borough residents and businesses only. It will be held at the flagpole in Macungie Memorial Park.

ii. Budget Workshop, 10/22 @ 7 p.m. She reminded Council of the workshop and informed them information packets will be delivered.

iii. CD Investment Approval. Rose Nonnemacher, Borough Clerk/Assistant Treasurer, provided a memo, dated October 09, 2018, regarding a \$100,000.00 CD with TD Ameritrade, which will be maturing on October 12, 2018. In her memo, Ms. Nonnemacher recommended reinvesting the funds at TD Ameritrade, at the highest rate available, for up to the length of time approved by the Borough Manager. She commented rates appear to be increasing, therefore, she suggested a short-term investment for 3-4 months, rather than a 1-year commitment.

Council Member Yerman made a motion to approve the recommendation of Rose Nonnemacher, Borough Clerk/Assistant Treasurer, in her memo dated October 09, 2018, to reinvest the \$100,000.00 funds at TD Ameritrade for shorter term investment of 3-4 months, second by Council Member Schleicher. Motion carried: 5 ayes.

iv. Emergency Services Invoice No. 0217, in the amount of \$455.44, was for generator maintenance. At their October 01, 2018 meeting, she informed Council the invoice may have been high because the company was charging for two (2) visits, due to a scheduling conflict with the MPD. Since that time, Borough Manager Boehm found out the invoice was higher because it included the purchase of two (2) batteries for the generators.

Upon receiving new information related to Invoice No. 0217, Council Member Yerman made a motion to rescind the previous motion made on October 1, 2018, directing the payment funds be taken from the Police budget due to the scheduling conflict, second by Council Member Bloch. Motion carried: 5 ayes.

v. Lehigh County Authority Memorandum, re: Vote on Lower Equivalent Dwelling Unit (“EDU”) value. Their memorandum, dated October 11, 2018, stated the Wastewater Advisory Committee is seeking municipality votes to reduce the 250 GPD to 223 GPD (“2018 Reduced Allocations”). Barry Isett & Associates had no comment on the matter.

Council expressed concern that Lehigh County Authority is not adding capacity and just lowering the GPD numbers to make it appear like they have more GPD’s, so they can give them to future developments that are erected, which could cause issues later. Council commented Lehigh County Authority should be putting in more capacity to give to new developments or they should do a study to find the correct number of GPD’s that are currently being used, before allowing more developments to be erected.

After Council discussed the matter, Council Member Yerman made a motion to authorize Borough Manager Boehm to vote “no” to reducing the current 250 GPD to 223 GPD, as stated in the Lehigh

County Authority Memorandum, dated October 11, 2018, second by Council Member Becker.  
Motion carried: 5 ayes.

c. Committees. No action.

UNFINISHED BUSINESS – PART I – None.

UNFINISHED BUSINESS – PART II

a. Residential Rental Ordinance, adoption 11/5. Solicitor Armstrong commented that he removed the two (2) “WHEREAS” clauses in the document and tweaked the language to create a new one. He will circulate the revised Ordinance to Council prior to the November 05, 2018 meeting.

- i. Establish Fee. No action taken by Council.
- ii. Job Description. No action taken by Council.

b. Parking Restrictions on Village Walk Drive, Ordinance adoption 11/5. The Ordinance is on the Borough of Macungie website, at www.macungie.pa.us, for public review. A public hearing on the Ordinance is scheduled for November 05, 2018.

c. Payment of MPD Arbitration Legal Bills. This item was tabled until after the Arbitrator’s report is received by Macungie Borough.

NEW BUSINESS

a. Adoption of Resolution 2018-21, re: Electronics Recycling. The Resolution is for the recycling of the Borough of Macungie’s outdated computer accessories and other equipment to be recycled, which has an estimated market value of less than One Thousand Dollars (\$1,000.00).

Council Member Bloch made a motion to adopt Resolution 2018-21, to recycle the Borough of Macungie’s outdated computers and accessories as listed on the resolution, second by Council Member Yerman. Motion carried: 5 ayes.

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

Motion Passed.

b. Approval of Main St. Commons, re: Preliminary/Final Lot Consolidation Plan Resubmission. The Preliminary/Final Lot Consolidation Plan (“LC Plan”) proposes consolidation of two existing parcels (178 and 200 West Main Street) into one lot in preparation of the site being improved as part of the Main Street Commons land development project.

Engineer Brian Gasda, from Lehigh Engineering Associates Inc, Real Estate Agent Rudy Amelio (“Applicant”) and Attorney Erich Schock, from Fitzpatrick Lentz & Bubba P.C., were in attendance tonight on behalf of Main St. Commons (the “MSC”).

Attorney Schock commented MSC went before the Borough Planning Commission on September 18, 2018. He noted the LC Plan is solely to create one lot. A Preliminary Land Development Plan has been submitted. He then stated the Applicant will comply with all of the comments in the Barry Isett & Associates Lot Consolidation review letter, dated September 13, 2018.

Applicant requested a waiver from marking the trees on the LC Plan at this time. A deferral for the sidewalks and recreation fee was also requested. Applicant will be addressing the trees, sidewalks and recreation fees on the Land Development Plan.

Solicitor Armstrong clarified the waiver for the trees is from §305.15.A.2.D(20) and the deferral for the sidewalk improvements is from §305.29.A. Although the recreation land or fee are commented upon in the Barry Isett & Associates review letter, dated September 13, 2018, it is part of the Land Development Plan.

President Becker noted the Planning Commission recommended the Preliminary/Final Lot Consolidation Plan be approved by Council.

Motion #1. Council Member Yerman made a motion to conditionally approve the waiver from §305.15.A.D(20), requiring the identification of trees greater than 8” in caliber on the Preliminary/Final Lot Consolidation Plan for the Main Street Commons, as well as conditionally approving the deferral to install the concrete sidewalks, until the time of land development pursuant to §305.29.A(3), second by Council Member Schleicher. Motion carried: 5 ayes.

Motion #2. Council Member Yerman made a motion to conditionally approve the Preliminary/Final Lot Consolidation Plan for the Main Street Commons application, subject to the Applicant complying with all of the requirements and comments set forth on the Barry Isett & Associates review letter, dated September 13, 2018, second by Council Member Akinjiola. Motion carried: 5 ayes.

c. Approval of Main St. Commons, re: Preliminary Land Development Plan Resubmission. President Becker stated the Final Land Development Plan is required to go back before the Planning Commission for review and recommendation. Attorney Schock stated the Planning Commission, at their September 18, 2018 meeting, conditionally recommended approval of the Preliminary Land Development Plan (“PLDP”).

Applicant expressed his desire to keep the brick farmhouse that is currently on the property, but he did not want to commit to keeping it at this time. Solicitor Armstrong questioned if keeping the brick farmhouse would create the same zoning concern as stated in the Barry Isett & Associates review letter, dated September 13, 2018 (related to the pink house, which is currently located on Lot 2), at SALDO Review A.1, which stated “Due to zoning concerns, Isett recommends that final plan approval be conditional upon the residential unit on Lot 2 being demolished prior to execution

by the Borough of the plans for recording.” Solicitor Armstrong suggested the Applicant ask the Borough Zoning Officer if keeping the brick farmhouse would cause a zoning issue due to having multiple uses (commercial and residential) on one lot. Council Member Yerman suggested making approval conditional upon resolving any potential zoning issue with keeping the brick farmhouse.

Engineer Gazda discussed the PLDP. A bank will be erected, with a drive-thru, adequate parking area, landscaping and standard lighting. A new driveway will be created to serve the bank. The water and sewer lines will be serviced through Macungie Borough. PennDOT asked the Applicant to mirror the intersection to connect with West End Trail. The PennDOT improvements will require reconfiguration and striping of the stop bars, a left turn lane and creation of a right turn deceleration lane. The same tree waiver from the LCP is also requested on the PLDP, because development will not take place, behind the relocated gravel driveway, as there are no current development plans for that area. The trees that will be impacted during the bank development were identified on the Plan.

Council Member Yerman explained the green space and/or recreation fee requirements for commercial property. Applicant requested a waiver from the green space and/or recreation fee. The Borough Planning Commission recommended giving the Applicant two (2) years to decide if they will dedicate green space or pay the recreation fee of \$2,500.00. Council agreed to the waiver until future land development on the Property and/or until otherwise required by the Borough, not to exceed two (2) years.

Council questioned if an agreement was reached with the Hartmans regarding the zoning buffer. To date, the Applicant has not met with the Hartmans to discuss it. Council Member Yerman gave a brief history of the buffer requirements and the Hartmans request for a different type of buffer.

Applicant commented that he is still waiting on the Hartmans to decide if they would like sidewalks installed on their property. The Applicant offered to pay the labor costs for the installation of the sidewalks if the Hartmans would pay for the materials. Council Member Yerman stated he will reach out to the Hartmans for their decisions.

There was a discussion about the timing of the traffic lights needing to be adjusted every time the dynamics of the intersection changes. The cost for one adjustment is approximately \$8,000. Barry Isett & Associates suggested the Applicant work with Stone Hill Meadows to coordinate some of the adjustments during their development(s). Applicant would then pay SHM their fair share portion of the adjustment. Prior to proceeding with the traffic light signal change, an agreement would be required with the Borough, since they own the traffic light, ensuring Applicant would be responsible for all financial costs and expenses, associated with any and all maintenance and/or design requirements. Solicitor Armstrong questioned if the agreement would be with SHM or the MSC.

Solicitor Armstrong noted a number of items need to be clarified before final land development approval is granted, including all necessary easements and agreements. He confirmed with the Applicant and Attorney Schock that all of the requirements and comments in the Barry Isett & Associates review letter, dated September 13, 2018, will be complied with.

Motion #1: Council Member Yerman made a motion to conditionally approve Main St. Common's Preliminary Land Development Plan, dated November 19, 2014, last revised August 28, 2018, conditioned upon all outstanding items in the Barry Isett & Associates' Preliminary Land Development Plans review letter, dated September 13, 2018, being satisfactorily addressed, along with modifying the zoning buffer adjacent to Jeffrey and Steffany Hartman's property, located at 212 W. Main Street, and return appearance before the Planning Commission with an agreement with the Hartmans, plan revisions showing all the items discussed this evening were satisfied, deferral to the future development of the land to be dedicated for recreation and/or fee to be submitted, the waiver request showing 8" trees within the wooded area and inquiring with the Zoning Officer about any potential zoning issues relating to keeping the brick farmhouse on the lot, second by Council Member Bloch. Motion carried: 5 ayes.

Council discussed approving Lehigh Engineering to proceed with the sanitary sewer and storm water Highway Occupancy Permits ("HOP") applications, conditioned upon all the comments in the Barry Isett & Associates review letter, dated September 31, 2018, being satisfied and an agreement with Applicant ensuring Applicant will be responsible for the design, maintenance and costs related to the HOP applications.

Motion #2: Council Member Schleicher made a motion authorizing Borough Manager Boehm to execute the Applicant's Highway Occupancy Permit applications number EPS 169087 (sanitary sewer) and number EPS 162885 (Storm Water Improvements), subject to electing the box, on page 2 of the Highway Occupancy Permit applications, that the Borough would like to be copied on all notifications regarding the permits, and conditioned upon agreements, between Borough and Applicant, being signed ensuring Applicant is responsible for all necessary agreements for the development, design, maintenance and costs related to the HOP applications and improvements associated herewith, second by Council Member Akinjiola. Motion carried: 5 ayes.

d. Phase II Streetscape Bid. Council discussed a potential problem with the low bidder. The second lowest bidder is \$100,000 more than the lowest bidder. The engineer suggested rejecting all of the bids and rebidding the project after it has been rescoped to eliminate some of the bid items to lower the cost(s). Council discussed the matter including the engineer's recommendations and eliminating items to cut costs and rebidding the project.

Council Member Schleicher made a motion to reject all the bids received for the Phase II Streetscape Bids and to rebid the project, with removal of the following items from the bid based on the Engineer's recommendation: 1) watering of the trees by an outside company, 2) two (2) base lights, 3) trash cans and 4) the cement under the pavers at the Flower Park; second by Council Member Bloch. Motion carried: 5 ayes.

e. Approval of Michael Marshall as Part-Time Police Officer. Council Member Schleicher made a motion to reinstate Michael Marshall as a part-time police officer with the Macungie Police Department, second by Council Member Akinjiola. Motion carried: 5 ayes.



f. Payment Request No. 1 to National Water Main Cleaning Co., in the amount of \$82,655.37. Council Member Akinjiola made a motion to approve Payment Request No. 1 to National Water Main Cleaning Co., in the amount of \$82,655.37, conditioned upon receiving the certified payroll, second by Council Member Schleicher. Motion carried: 5 ayes.

ITEMS NOT ON AGENDA - None.

EXECUTIVE SESSION – Council called for an Executive Session at 9:56 p.m. to discuss the Teamsters contact. No action was taken.

ADJOURNMENT

After Council reconvened from the Executive Session, hearing no further business to be brought before Borough Council, the meeting was adjourned.

Respectfully submitted,

Selma Ritter  
Administrative Assistant