

BUDGET WORKSHOP
REGULAR COUNCIL MEETING

EXECUTIVE SESSION – None.

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

BUDGET WORKSHOP – began at 6:10 p.m.

As per Council’s request, Borough Manager Boehm made changes to the 2019 Budget. Council discussed the General Fund Expenditures. The Non-Uniform Pension, Police Pension, Long-Term Disability and Short-Term Disability were all increased.

The Macungie Police Department (“MPD”) Budget was discussed, including their request to hire another full-time officer and purchase of a new police vehicle. Council agreed that \$15,000 should be added to the Capital Account every year to fund new police vehicles. Council also discussed the refurbished computers, which were purchased for the police vehicles (firewall protection is also required to be purchased). Council commented that they are still waiting for a revised Budget from the MPD.

The Sewer and Liquid Fuels Budgets were briefly discussed; no changes were required, as both are balanced. Manhole rehabilitation and laterals are scheduled for next year. The rates will not be increased.

Tom Bailey, from Bailey Associates, Inc., discussed the Macungie Volunteer Fire Department’s (“MVFD”) budget. Mr. Bailey noted the MVFD revenues are received mostly from donations made by the Borough and private citizens, a State grant, facility/hall rentals and parking fees charged at special events. He then discussed the MVFD’s expenditures including their maintenance and utility costs. The MVFD has a short-term plan to purchase a new Cascade system.

The MVFD requested a \$10,000 increase in the Borough’s allocation to help balance their budget. How the funds would be spent was briefly discussed. Mr. Bailey stated the MVFD is continuing

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to seek ways to cut expenses. Mr. Bailey stated the Audit Council requested is still being worked on.

Council briefly discussed adopting a Resolution, which would allow a 20% real estate tax break for active volunteer firefighters that live in the Borough. Some Council Members questioned how it would be managed to ensure all the people receiving the tax break are active volunteers. If adopted, certain criteria would be attached to the Resolution.

Council will discuss the requested \$10,000 donation increase further, after the Borough budget is closer to being finalized. Some Council Members questioned where Council would take the funds from to pay for the increase, as there appears to be a deficit in the Borough's budget already and funds for other items are being cut to help close the deficit.

The Budget Workshop closed at 7:21 p.m.

CALL TO ORDER

President Chris Becker called the November 05, 2018, regular meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

PUBLIC COMMENTS

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

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.

- a. Council Member Schleicher commented the Macungie Halloween Parade was nice and enjoyable. She thanked everyone who volunteered, participated and attended the event, including the Lower Lehigh Lions Club, Macungie Police Department and Macungie Volunteer Fire Department.

APPROVAL OF MINUTES

- a. October 15, 2018 meeting. Council Member Akinjiola made a motion to approve the October 15, 2018 minutes, as written, second by Council Member Schleicher. Motion carried: 6 ayes.
- b. October 22nd budget workshop. President Becker requested a correction to the minutes showing his statement that funds were used for street repairs in the Borough of \$60,000 in 2014, \$20,000 in 2015, \$47,500 in 2016 and \$80,000 in 2017; the cost for each project was under the budgeted amount allotted. The remaining funds were carried over to the following year.

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Council Member Schleicher made a motion to approve the October 22, 2018 Budget Workshop minutes, with the addition of President Becker's noted street repairs figures and statement. The remaining funds were carried over to the following year, second by Council Member Akinjiola. Motion carried: 6 ayes.

CONSENT AGENDA

a. Treasurer's report of October 31, 2018. Council Member Schleicher made a motion to approve the October 31, 2018 Treasurer's Report, as presented, second by Council Member Akinjiola. Motion carried: 6 ayes.

b. Approval of invoices for payment. After Council discussed the report, Council Member Akinjiola made a motion to approve the November 01, 2018 Consent Agenda invoices, in the amount of \$270,990.94, second by Council Member Schleicher. Motion carried: 6 ayes.

After reviewing the Budget vs. Actual, dated November 01, 2018, President Becker commented the Borough is at 83% of the 2018 Budget.

CORRESPONDENCE

a. Macungie Volunteer Fire Department, re: September 2018 certificates of classes. The report noted two (2) certificates of classes and one (1) new member.

b. Macungie Ambulance Corps, re: thank you for donation. Operations Manager Christopher Greb thanked the Borough of Macungie for their \$750 donation.

c. Municipal Retirement Trust, re: Quarterly Reports. No action was taken by Council.

d. Emmaus Library, re: October 16, 2018 Board Meeting Minutes/Packet. No action was taken by Council.

e. Ken Nicholson, re: update on 968 Hillcrest Drive South. Zoning Officer Nicholson provided an update, with photographs, on the property. A Notice of Condemnation was issued to the Property Owner ("PO").

Zoning Officer Nicholson visited the property on October 25, 2018 and observed the PO had made great progress in bringing the outside areas into compliance with the Property Maintenance Code. The PO is in the process of obtaining a contractor to restore the interior to a habitable condition. At this time, Zoning Officer Nicholson does not believe there is any threat to the health and safety of the surrounding community.

f. Macungie Memorial Park, re: request for MMP stream area to be included in MS4 areas analysis. Park Manager Amy Hillegass requested the MMP stream area be made part of Macungie Borough's Pollution Reduction Plan to reduce the amount of sediment going into the Swabia Creek.

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She commented there has been a change in Mountain Creek's flow lines over the years from storms and erosion.

President Becker commented that some stream restorations were done in 2004. He stated the MMP is currently not part of the MS4. Council Member Yerman stated Kalmbach Memorial Park would also like to be part of the MS4. Council will pass on the Park's request to the Borough's Stormwater Engineer Acela.

g. Senator Patrick M. Browne, re: Certificate of Recognition acknowledging the Borough of Macungie as the recipient of the 2018 Community of Distinction Award. No action taken by Council.

h. PA State Representative Ryan Mackenzie, re: Citation acknowledging the Borough of Macungie as the recipient of the 2018 Community of Distinction Award. No action taken by Council.

REPORTSa. Solicitor

i. He commented he will discuss the three (3) Ordinances on tonight's agenda.

ii. He received the executed Deed of Dedication for the portion of land on Lumber Street and the Easement for the portion of land along Lehigh Street from the Devine School subdivision.

b. Mayor

i. He received complaints from residents about Mack Truck's lighting on the Tyler Pipe property shining in their residential windows. He will discuss the issue with Zoning Officer Nicholson and ask him to ensure the lights are compliant.

Council noted there is a Lighting Ordinance in the Borough, which Zoning Officer Nicholson can review to ensure they are compliant. Council Member Yerman commented there is a lighting Ordinance that dictates rules about lighting from commercial use spilling over into a residential area, which Zoning Officer Nicholson can help with.

ii. He stated Trick or Treat and the Macungie Halloween Parade went well.

iii. He reminded Council and the public of the Holiday Tree Lighting on November 27, 2018 at 6:30 p.m. at the Flower Park.

c. Borough Manager

i. Electronic Recycling Event. She commented the event went well. Both trucks were full by 11 a.m. She thanked Council Members Becker and Schleicher for volunteering at the event.

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ii. Leaf Collection Schedule. Due to the rain, EMI Landscaping did not come out today for leaf collection. They will come out tomorrow instead, if it does not rain. They are contracted to sweep four (4) times; one (1) time each week for four (4) consecutive weeks. Each week they will make a complete sweep through the entire Borough.

iii. Committee Appointments expiring December 31, 2018. She noted the Water Authority and Vacancy Board appointments that are expiring at the end of 2018. The Borough is accepting letters of interest from parties interested in serving on the Boards. She noted both Board Members already serving in those positions submitted a letter of interest to remain on the boards.

iv. Emmaus Public Library ribbon cutting ceremony 11/8 at 2 p.m. for the children's wing. She invited Council and the public to attend.

v. There will be an Executive Session on November 12, 2018, before the Budget Workshop, to discuss the Teamster's response.

vi. At the December 03, 2018 Council meeting, there will be a presentation and unveiling of the sign for the Lehigh Valley Community of Distinction Award. The Borough will receive four (4) signs for: (1) Borough Hall, (2) Macungie Institute, (3) Flower Park and (4) an extra.

d. Committees.

i. Council Member Schleicher noted a Teamsters meeting is scheduled for November 14, 2018.

Borough Manager Boehm suggested having an Executive Session before the next Council meeting, on November 19, 2018, to discuss the litigation response, which is expected to be received on November 16, 2018.

UNFINISHED BUSINESS – PART I - None.

UNFINISHED BUSINESS – PART II.

a. Main Street Streetscape Phase 2. No action taken by Council. The project will be rebid with the elimination of four (4) items to lower the cost to keep the project within budget: (1) watering of the trees by an outside company, (2) two base lights, (3) trash cans and (4) the cement under the pavers at the Flower Park.

b. Residential Rental Inspections.

1. Job Description. A draft version of the Job Description was briefly discussed. President Becker commented that the Job Description will not be finalized until after the Ordinance is adopted.

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NEW BUSINESS

a. Ordinance 2018-04, re: SWLCCP Implementation Agreement (the “Agreement”). Borough Manager Boehm gave a brief history and status update on the Agreement. Emmaus Borough will be adopting the Agreement at their November 5, 2018 meeting, Alburdis Borough will be adopting it on November 14, 2018 and Upper Milford is putting it on their November Agenda. She was unsure of the status for Lower Macungie and Lower Milford’s adoption of the Agreement.

Solicitor Armstrong noted the Ordinance was advertised, pursuant to the Borough Code in the East Penn Press, on the Borough website and it was also available at Borough Hall for public review. He opened the Public Hearing at 7:56 p.m., giving a brief history on the Ordinance and its revisions. Solicitor Armstrong stated the Ordinance authorizes Council to enter into the Southwestern Lehigh County Comprehensive Plan (SWLCCP) Implementation Agreement, between the Boroughs of Macungie, Alburdis and Emmaus and the Townships of Lower Macungie, Lower Milford and Upper Milford.

President Becker questioned if there was language in the Ordinance to address possible disputes, if one should arise. Solicitor Armstrong explained the process for resolving disputes, in accordance with 53 Pa. C.S.A. 2315.

Hearing no further questions, comments and/or concerns from the public or Council, Solicitor Armstrong closed the Public Hearing at 7:59 p.m.

Council Member Yerman made a motion to adopt Ordinance 2018-04, 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.

b. Ordinance 2018-05, re: Parking Restrictions along Village Walk Drive in Brookfield Townhouse Development. Solicitor Armstrong noted the Ordinance was advertised, pursuant to the Borough Code in the East Penn Press, on the Borough Website and was also available at Borough Hall for public review. He then opened the Public Hearing at 8:00 p.m. giving a brief history of the Ordinance and noting its origin was in response to petitions being submitted to the Borough by residents on Village Walk Drive, requesting the parking restrictions, specifically restricting larger types/styles of trucks on the street. The matter was also discussed before the Macungie Borough Planning Commission.

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Solicitor Armstrong noted the Ordinance is for a specific parking purpose and is for street parking only. He commented only passenger cars and light trucks would be allowed to park on the street along Village Walk Drive, under Ordinance 2018-05. Signage for the restrictions will be posted, which will be enforceable by the MPD. The restriction prohibits medium or heavy trucks and/or truck tractors or trailers, from parking along the entire length of both sides of Village Walk Drive in Brookfield Townhouse Development.

Hearing no further questions, comments and/or concerns from the public or Council, Solicitor Armstrong closed the Public Hearing at 8:04 p.m.

Council Member Yerman made a motion to approve Ordinance 2018-05, restricting parking of medium or heavy trucks and/or tractors or trailers along Village Walk Drive in the Brookfield Townhouse Development, second by Council Member Akinjiola. Motion carried: 5 ayes and 1 nay.

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

Motion Passed.

c. Ordinance 2018-06, re: Residential Rental Inspection Ordinance (the “Ordinance”). Solicitor Armstrong noted the Ordinance was advertised, pursuant to the Borough Code, in the East Penn Press, on the Borough Website and was also available at Borough Hall for public review. He then gave a brief history of the Ordinance and its purpose. He also noted a committee was formed to assist with the drafting of the Ordinance. Solicitor Armstrong opened the Public Hearing at 8:05 p.m.

Council Member Bloch questioned why the Ordinance was needed, since all of the minimum standards listed on the Inspection Check List are also in the Property Maintenance Code (“PMC”). Council discussed how to implement the PMC versus the Ordinance and they gave a brief history of complaints residents lodged with the Borough and Council regarding rental properties not being taken care of and tenants living in unsafe properties, which generated the need for the Ordinance. Solicitor Armstrong noted that in addition to complying with the Ordinance, landlords will also be required to comply with all other laws and regulations including the PMC, along with any other codes.

Council Member Bloch commented on the newspaper article, which reported the Borough would be charging \$85 for each unit inspection. President Becker stated that because a fee was printed in the newspaper, does not mean it is right. He noted that Council briefly discussed values and how much other municipality’s charge, but to date, Council has not determined fees for an inspection and/or unit registration. Council Member Yerman concurred Council did not determine

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any fees. He further stated the newspaper misconstrued something that was said and printed an error.

Council Member Schleicher reminded Council and the public that the Ordinance was drafted due to resident complaints to Council and/or Borough Hall about rental units in their neighborhoods not being maintained. President Becker gave examples of complaints over several years and commented Council is trying to look out for the welfare of all of the people living in the Borough and their property values.

Solicitor Armstrong noted the Ordinance would require all residential rental property units in the Borough to be registered with the Borough. Unit(s) that are registered on or before March 31, 2019, will not be subject to the registration fee. Units registered after March 31, 2019 will be subject to fee, approved in the Fee Schedule Resolution, which has not been determined at this time. After the Unit(s) is/are registered, they will be required to pass an inspection and a license will be issued. The license will be valid for five (5) years, but a landlord could request an inspection before the 5-year expiration.

The public was then asked for their questions, comments and/or concerns on the proposed Residential Rental Ordinance 2018-06.

Richard Kempf, 4595 Lisa Lane, Allentown, PA, questioned if the inspection and license would be required for a building or each unit in the building. Solicitor Armstrong noted it would be per each residential rental unit in the building.

Nadenia Butko, 352 Village Walk Drive, Macungie, PA, commented she was in support of the Ordinance because there are several neglected rental properties in her development, which she believes decrease her property value. She stated she is looking for the Ordinance to help prevent and resolve the issues with neglected properties.

Donald Young, 119 E. Main Street, Macungie, PA, stated he was speaking on behalf of some of the landlords. His comments included:

- The rental properties in the Borough are not the only problem. Some of the problems are owner occupied properties, which landlords feel are not being addressed.
- The Ordinance has been substantially modified to be for a safety review, rather than a building inspection review.
- The Inspector should be a local retired person or the Zoning Officer, not an engineering firm, to avoid a bureaucracy for landlords to go through, which could cause issues and/or delays with getting the inspection completed.
- Whatever fees are charged for the inspection and/or registration will be passed on to the tenants by the landlords, which will cost the tenants more in rent.
- A lot of times the tenants cause the problems, not the landlords.

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Attorney Young commented that the Ordinance is for safety, but if the Inspector sees other violations when inspecting the unit, they would report the violation(s) to the Zoning Officer and it would trigger an inspection by the Zoning Officer. Council concurred and made a few comments.

Jeanette Polizzi, 351 Village Walk Drive, Macungie, PA, noted some of the issues in her development with rental properties being neglected and stated she would like to see the Ordinance passed to help with some of the issues that she believes are causing health and safety issues for other residents and the development. She expressed concern for the interior of the properties, if the exterior is not being taken care of. Ms. Polizzi also commented that neglected rental properties impact other properties in the neighborhood by decreasing their property value and she would like to see landlords and/or tenants take responsibility for their properties.

Hearing no further questions, comments and/or concerns from the public or Council, Solicitor Armstrong closed the Public Hearing at 8:33 p.m.

Council Member Yerman made a motion to approve Ordinance 2018-06, the Residential Rental Inspection Ordinance, second by Council Member Schleicher. Motion carried: 4 ayes and 2 nays.

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

Motion Passed.

Ordinance 2018-06 will go into effect on January 02, 2019. Prior to the effective date, Council will work on finalizing the Job Description, which will need to be advertised, and fee established.

d. Resolution 2018-23, re: Lehigh Valley 2018 Hazard Mitigation Plan. Council Member Schleicher and Borough Manger Boehm gave a brief history of the Lehigh Valley 2018 Hazard Mitigation Plan (the “Plan”). Among other things, a Hazard Mitigation Plan will allow opportunities for a municipality to apply for funding to mitigate hazards and emergencies. Council Member Schleicher commented that, as of last week, approximately twelve (12) other municipalities already adopted the plan.

Council Member Yerman made a motion to approve Resolution 2018-23, implementing the Lehigh Valley 2018 Hazard Mitigation Plan, second by Council Member Bloch. Motion carried: 6 ayes.

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

Motion Passed.

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e. Resolution 2018-24, re: LSA Grant for Cotton Street Pedestrian Bridge. The DCED/CFA Local Share Account-Northampton & Lehigh Counties grant, in the amount of \$50,305.00, will be used to purchase a pedestrian bridge to cross over Mountain Creek along Cotton Street, and to connect the project to the existing sidewalk network. The Borough is required to submit an application fee of \$100.00 with the application. No matching funds are required. The submission deadline is November 14, 2018.

Council Member Yerman made a motion to approve Resolution 2018-24 and authorize Borough Manager Boehm to execute the DCED/CFA Local Share Account-Northampton & Lehigh Counties grant, for the amount of \$50,305.00, second by Council Member Becker. Motion carried: 6 ayes.

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

Motion Passed.

f. CDBG Subrecipient Agreement with Lehigh County. The Subrecipient Agreement is for two (2) ADA ramps to be installed at Race and Main Streets. The amount of the grant application is \$25,461.00. President Becker commented the funding will cover the curb and sidewalk, but not the water issues on Race Street.

An easement will be required to be secured by January 2019. Solicitor Armstrong noted a provision in the Subrecipient Agreement that indicates the Borough is responsible to secure any and all easements.

Council Member Schleicher made a motion to execute the Subrecipient Agreement between Macungie Borough and Lehigh County for a CDBG Grant for the Removal of Architectural Barriers, second by Council Member Akinjiola. Motion carried: 6 ayes.

g. Payment Request No. 2 to National Water Main Cleaning Co., in the amount of \$42,731.33. Borough Manager Boehm reported the requested certified payrolls were received and reviewed by Barry Isett & Associates.

Council Member Schleicher made a motion to approve the payment of Request No. 2 to National Water Main Cleaning Co., in the amount of \$42,731.33, second by Council Member Bloch. Motion carried: 6 ayes.

h. New Tripoli Bank, Draw #2 in the amount of \$115,681.49. Council Member Schleicher made a motion to approve Draw #2 from New Tripoli Bank, in the amount of \$115,681.49, second by Council Member Akinjiola. Motion carried: 6 ayes.

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ITEMS NOT ON AGENDA.

1. Mayor Conrad reminded everyone to vote on Tuesday, November 6, 2018.
2. Borough Manager Boehm reminded everyone about the Feasibility Study Workshop tomorrow night in Council Chambers at Borough Hall.
3. Borough Manager Boehm will send Mack Trucks an invoice for the damage caused to the bump out by their truck drivers, who drive over it.

EXECUTIVE SESSION. None.

ADJOURNMENT. Hearing no further business to be brought before Borough Council, Council Member Schleicher made a motion adjourn the meeting at 9:27 p.m., second by Council Member Akinjiola. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant