

CALL TO ORDER

President Chris Becker called the November 19, 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
	John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Administrative Assistant:	Selma Ritter
Absent:	Patrick Armstrong, Solicitor
	Marvin Moyer

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

1. Sergeant Kocher comments, concerns and updates.
 - i. Police Testing Consortium (“Consortium”). Sgt. Kocher discussed a presentation of the Lehigh County Chief of Police, as they are considering a Police Testing Consortium, which would be a web based application process for police officer candidates. All participating municipalities, along with their requirements, would be listed on the website. Applicants/candidates would go online and select which municipalities they want to apply for, fill out a single application, take the required civil service test and physical agility test. The individual municipalities would administer the oral interview, background investigation and polygraph test. Sgt. Kocher stated he is in favor of supporting the Consortium.

Borough Manager Boehm stated she attended the Police Chiefs’ Association meeting on November 15, 2018. She gave a synopsis of the meeting, the Consortium process, costs and the benefits the Consortium would provide for both the candidates and municipalities.

After the scores are entered into the database, a list of candidates, along with their test score(s) will be sent to the appropriate municipalities. The list will be good for 2 years. Council would need to adopt a Resolution extending the list for the 2-year period because our list is only good for 1 year. Historically, the Borough only tested when needed, therefore, we would be testing more often. The cost for the Borough would be approximately \$600, every two years based on the Montgomery County costs presented at the meeting.

The Borough Managers that attended the meeting questioned if an inter-municipal agreement would be required. Borough Manager Boehm stated the need for an agreement would need to be

discussed with Solicitor Armstrong, if Council would like the Borough to be added to the Consortium.

ii. Accident Resolution Team. Lehigh County is considering an accident reconstruction team, where the District Attorney and local municipalities would work together on the initial phase of a county co-op reconstruction team concerning officer shootings.

iii. Halloween Parade Route. Sgt. Kocher attended a meeting at PennDOT to discuss the parade route detour. Also, in attendance were Dave Briggs, from the Lower Lehigh Lions, and representatives from Upper Milford and Lower Macungie Townships. The only requirement PennDOT requested is that any truck signage along the route must be covered during the detour. Each station along the route does not need to be manned, as long as the signage meets PennDOT's requirements. Sgt. Kocher stated the Halloween Parade Route should be acceptable every year. Sgt. Kocher stated that applying for future parade route applications and/or detours will be the responsibility of the Macungie Volunteer Fire Chief, Michael Natysyn, and the event coordinator, David Briggs.

President Becker questioned which vehicle(s) the MPD would be replacing this year, as there appears to be some confusion. Sgt. Kocher stated the Dodge Chrysler (car #705), will be sold. Discussion arose on the benefits and costs of keeping three (3) vehicles versus four (4). Sgt. Kocher stated Ryan Keiser, the Public Works Mechanic, believes four (4) vehicles should be maintained at all times or vehicles would need to be bought/rotated more often than every three (3) years. Sgt. Kocher commented that the additional vehicle Council desires to be sold did not exceed the allotted budget amount for maintenance and/or repairs. Sgt. Kocher recalled a time when two (2) vehicles were out of service at the same time. Cpl. Mullen stated four (4) vehicles are used when there are events/festivals in the Borough. Sgt. Kocher stated if the MPD is allowed to keep the additional vehicle Council is considering selling, he would not ask Council to replace the car, prior to a replacement year, if it no longer runs or becomes mechanically unsound. He noted a "replacement year" occurs every three (3) years, when a new vehicle is purchased.

Richard Stukas, 43 Locust Street, Macungie, PA questioned why four (4) officers would be working on the same shift. He also commented on a time, years ago, when there was a gap in police coverage and questioned if that would happen in the future. Council Member Hutchison commented it has been years since there was a gap in police coverage.

Mayor Conrad then asked Sgt. Kocher if it was his professional recommendation for *status quo* to request four (4) full-time and two (2) 30-hour officers in the 2019 MPD Budget. Sgt. Kocher stated his professional recommendation is for *status quo*, but he offered four (4) full-time and one (1) 30-hour officer for budget reasons. Sgt. Kocher and Cpl. Mullen stated they support Mayor Conrad's request for four (4) full-time and two (2) 30-hour officers in the 2019 MPD Budget.

Council Member Schleicher requested police presence at the Holiday Tree Lighting at the Flower Park on November 27, 2018, beginning at 6:30 p.m. to help people cross the street and calm traffic.

2. Mayor Conrad.

i. He briefly discussed the October 2018 Macungie Police Department's Monthly Report, which included being dispatched to 175 incidents and 4 total persons arrested, 15 traffic citations, 17 vehicle stops, 2 traffic warnings and 6 traffic accidents. Mayor Conrad noted the year to date incidents dispatched was 2,182.

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 briefly reported on the Friends of the Macungie Institute annual meeting he attended.

Council Member Hutchison expressed dissatisfaction with the Arbitrator handling the personnel litigation matter. He gave a brief history on the matter and noted the decision was due weeks ago but has not been received yet. He suggested Council not use this Arbitrator again, if the option is given. Other Council Members, Sgt. Kocher and Cpl. Mullen also expressed their dissatisfaction with the Arbitrator.

APPROVAL OF MINUTES

- a. October 29, 2018 Budget Workshop. Council Member Hutchison made a motion to approve the October 29, 2018 Budget Workshop minutes, as written, second by Council Member Yerman. Motion carried: 5 ayes and 1 nay. President Becker opposed the minutes.
- b. November 05, 2018 meeting and Budget Workshop. Council Member Akinjiola made a motion to approve the November 05, 2018 minutes, as written, second by Council Member Hutchison. Motion carried: 6 ayes
- c. November 06, 2018 Spillman Farmer Feasibility Study Workshop. Council Member Schleicher made a motion to approve the November 06, 2018 Spillman Farmer Feasibility Study Workshop minutes, as written, second by Council Member Hutchison. Motion carried: 6 ayes
- d. November 12, 2018 Budget Workshop. No action was taken by Council. The November 12, 2018 minutes will be on the December 03, 2018 agenda.

CONSENT AGENDA

- a. Payment of invoices as listed totaling \$212,551.47. After Council discussed the bills, Council Member Hutchison made a motion to approve the invoices listed on the November 15, 2018 Consent Agenda, in the amount of \$212,551.47, second by Council Member Akinjiola. Motion carried: 6 ayes.

Borough Manager Boehm noted Alburty Borough will reimburse Macungie Borough for half of Electronic Recycling Event cost. Also, Town Beautification will reimburse the Borough for the Macungie Institute clock maintenance costs, every other year, on odd years.

CORRESPONDENCE

- a. Macungie Ambulance Corps, re: October 2018 Monthly Report. They responded to 351 calls during this service month; 27 of the calls were in the Borough of Macungie.
- b. Auditor General, re: Liquid Fuels Audit Report for 2016-2017. Council reviewed the document and noted the December 31, 2017 report showed an \$86,503.49 balance, which did not include the backhoe.
- c. Macungie Volunteer Fire Department, re: October 2018 certificates of classes. The correspondence showed four (4) volunteers passed the *Emergency Vehicle Operator* class.
- d. Macungie Volunteer Fire Department, re: October 2018 response report. They responded to 5 calls in October 2018, which were all in the Borough of Macungie.
- e. Spillman Farmer Architect, re: 11/06/2018 Stakeholder meeting notes. No action taken by Council Members. Borough Manager Boehm reminded Council of the next workshop meeting on December 04, 2018 at 7:00 p.m. at the Macungie Institute. Spillman Farmer Architect will provide their proposal(s) at this workshop.
- f. BT Management, re: request for service charges to be waived. Following discussion, it was the consensus of Council to deny the request to waive the service charges for the outstanding bills, as the Borough was not responsible for the delay in payment. Council commented that invoices were sent to BT Stonehill in a timely manner, but BT Stonehill neglected to pay them.

REPORTS

- a. Mayor - None.
- b. Borough Manager
 - i. Holiday Tree Lighting Ceremony, Tuesday, November 27th at 6:30 p.m. Jim Ritter from CWTAP Television (a/k/a as Uncle Jeffrey), will attend the event and to video record it.

Borough Manager Boehm suggested Council purchase or rent a portable microphone for the event because it is difficult for attendees to hear. Cpl. Mullen noted the MVFD has one, which the Borough could ask to use.

- ii. Police Testing Consortium. Borough Manager Boehm suggested looking into the Consortium further and asking Solicitor Armstrong if an intergovernmental agreement would be required. After Council discussed the matter, a consensus among the Council Members was given for Borough Manager Boehm to discuss the matter further with Solicitor Armstrong.

Council Member Hutchison stated the ADA ramps at the corners of Fern & Chestnut Streets and Green & N Walnut Streets are collecting water. He expressed concern of it puddling, then freezing during winter, and someone falling on the ice.

c. Committees. No action.

UNFINISHED BUSINESS – PART I – None.

UNFINISHED BUSINESS – PART II

a. Residential Rental Ordinance, adopted 11/05/2018.

i. Job Description. Borough Manager Boehm stated Solicitor Armstrong, Zoning Officer Nicholson, Borough Staff and she reviewed the Job Description. Adoption of a Resolution for the fees will be required.

Council Member Hutchison questioned why the Borough Zoning Officer would not be the person to conduct the inspections. President Becker stated the current Zoning Officer does not want the additional responsibilities due to the minimal hours he works and he does not wish to increase the number of hours he currently works.

President Becker commented that there are 3 or 4 people interested in the Rental Property Inspector position, and one person stated they will offer their salary requirement after they review the Job Description; President Becker will forward the Job Description to them, after it is approved.

Council Member Bloch asked Borough Manager Boehm if the inspection permits would be going to Lehigh County for review and possible property assessment changes. Borough Manager Boehm replied that only building permits go to Lehigh County and to her knowledge the inspection permits would not. Lehigh County dictates which permits are submitted to the County.

Council Member Yerman made a motion to approve the Residential Property Inspector Job Description, second by Council Member Schleicher. Motion carried: 5 ayes and 1 nay. Council Member Hutchison opposed the Job Description.

NEW BUSINESS

a. Zoning Hearing Board Appointment. Carl Sell and Richard Stukas were in attendance tonight seeking appointment as a Zoning Hearing Board member. Both candidates completed the Zoning Hearing Board training at the Lehigh Valley Planning Commission.

President Becker gave a brief history of the one (1) position vacancy and the applicant requirements. Since there are two (2) qualified applicants, he suggested one person could fill the vacancy and the other person could be an Alternate. Mr. Sell and Mr. Stukas then introduced themselves to Council and the public.

Council Member Hutchison questioned correspondence that was received by Council regarding the appointment. President Becker then called for an Executive Session at 8:40 p.m. to discuss personnel. The public meeting resumed at 8:50 p.m.

President Becker thanked both candidates for their interest in the position and attending the training. He also thanked Mr. Sell for attending previous Council meetings, which he commended.

Motion #1: Council Member Becker made a motion to appoint Carl Sell to fill the vacant position on the Zoning Hearing Board, second by Council Member Hutchison. Motion carried: 6 ayes.

President Becker then asked Mr. Stukas if he would be willing to accept the position as Alternate, which Mr. Stukas accepted.

Motion #2: Council Member Becker made a motion to appoint Richard Stukas as an Alternate Member of the Zoning Hearing Board, second by Council Member Hutchison. Motion carried: 6 ayes.

b. 2019 Preliminary Budget. Borough Manager Boehm discussed the Memorandum she prepared, dated November 15, 2018 (the "Memorandum"), regarding the 2019 Preliminary Budget. The Memorandum noted the preliminary General Fund Revenues and Expenditures, Sewer Fund Revenues and Expenditures, Liquid Fuels Revenues and Expenditures and the changes Council made to the 2019 Budget at their November 9, 2018 Workshop.

Council then discussed the General Fund Expenditures and Revenues. President Becker mentioned two changes to the 2019 Preliminary Budget provided a \$9,690.00 surplus. He also discussed a Real Estate Tax change from .00426 to .00425, making the mill collection \$230,120,900.00, which will give the 2019 Preliminary Budget General Fund a Real Estate Tax Revenue of \$938,893.27. He noted a correction to the MVFD contribution increase of \$4,000, not \$14,000, which was mistakenly entered. The correction to the MVFD contribution provided the \$9,690.00 surplus.

Again, Mayor Conrad reiterated his request regarding MPD staffing, of four (4) full-time and two (2) 30-hour officers in 2019. He took a poll among Council to question if they are still committed to the current 2019 Preliminary Budget, which allows one (1) MPD 30-hour officer, increasing the MPD overtime to \$30,000, and increasing the MPD part-time to \$45,000 or if they would be willing to add another 30-hour officer. Council noted an additional officer would eliminate the \$9,690.00 surplus, plus taxes would need to be raised higher than the .00425 mils as previously discussed, to pay for another officer's salary and benefits. Most of the Council Members stated they would like to keep the proposed 2019 Preliminary Budget as it is currently written and keeping the surplus for any unexpected expenses/emergencies that may occur. Mayor Conrad stated he would veto the Tax Ordinance, if two (2) 30-hour officers are not included in the budget.

President Becker discussed the process to override the Mayor's veto including, but not limited to, the Mayor providing a list of reasons for his veto and Council needing a majority, plus one, vote, to override the veto. If the veto cannot be overridden, Council would have to change the budget and decide how much the Real Estate Property Taxes would need to increase to provide a tax ordinance Mayor Conrad would sign.

There was a consensus among Council to keep the 2019 Preliminary Budget as it is currently written, vote on it, then if Mayor Conrad veto's the Tax Ordinance, they can go through the process of the veto, and if necessary, then make any necessary changes to the budget in another Workshop.

President Becker then called for another Executive Session at 9:10 p.m. to discuss personnel. The public meeting resumed at 9:30 p.m., with no decision made by Council.

Council Member Hutchison made a motion to approve the corrected 2019 Preliminary Budget, as stated, second by Council Member Akinjiola. Motion carried: 5 ayes and 1 nay. Council Member Schleicher opposed.

The 2019 Budget will be advertised for adoption on December 03, 2018.

c. Budget Transfers. Borough Manager Boehm submitted twenty-one (21) Budget Transfers to Council. She explained the details of the transfers.

- \$34.17 from 01.406.213 (Minor Equipment) to 01.406.210 (Office Supplies)
- \$38.95 from 01.430.260 (Vehicle Parts) to 01.430.374 (Vehicle Maintenance & Repairs)
- \$73.21 from 08.429.351 (Commercial Ins.) to 08.429.236 (Housekeeping)
- \$2,488.15 from 01.406.351 (Commercial Ins. Policy) to 01.409.122 (Macungie Institute Coordinator)
- \$50.00 from 08.429.460 (Seminars) to 08.429.480 (Miscellaneous)
- \$282.26 from 08.429.260 (Minor Equipment) to 08.429.160 (Pension)
- \$2,778.72 from 01.414.120 (Zoning/Code Enforcement) to 01.406.160 (Pension)
- \$1,000.00 from 01.410.250 (Maint. Repair & Parts) to 01.410.374 (Vehicle Maint. Police)
- \$398.04 from 01.410.351 (Commercial Ins. Policy) to 01.410.374 (Vehicle Maint. Police)
- \$193.27 from 01.410.351 (Commercial Insurance) to 01.410.373 (Maintenance & Repair Bldg.)
- \$8,019.90 from 01.410.132 (Patrolman) to 01.410.136 (Part-time wages)
- \$369.24 from 01.410.351 (Commercial Insurance) to 01.410.231 (Fuel-car)
- \$226.85 from 01.406.351 (Commercial Ins. Policy) to 01.406.325 (Postage and Delivery)
- \$173.51 from 01.429.351 (Commercial Insurance) to 01.429.325 (Postage)
- \$129.49 from 01.433.220 (Signs & Markings) to 01.433.450 (Crosswalk Painting)
- \$61.04 from 01.409.361 (Electricity) to 01.409.230 (Htg. Expense TH&MI)
- \$13.80 from 08.429.351 (Commercial Ins.) to 08.429.230 (Heating)
- \$60.70 from 01.406.213 (Minor Equipment) to 01.406.162 (UC General)
- \$165.00 from 01.406.351 (Commercial Ins. Policy) to 01.406.460 (Seminar)
- \$60.52 from 01.409.373 (Bld. Maintenance & Repairs) to 01.409.236 (Housekeeping)
- \$706.13 from 01.430.384 (Street Equipment Rental) to 01.430.231 (Fuel-Trucks)
- \$39.79 from 08.429.342 (Printing & Reproduction) to 01.429.210 (Office Supplies)

Council Member Schleicher made a motion to approve the budget transfers as a whole, second by Council Member Akinjiola. Motion carried: 6 ayes.

d. Payment Request No. 3 to National Water Main Cleaning Co., in the amount of \$160,412.40. Council Member Schleicher made a motion to approve Payment Request No. 3 to National Water Main Cleaning Co., in the amount of \$160,412.40, conditioned upon the Borough of Macungie receiving the certified payroll(s), second by Council Member Hutchison. Motion carried: 6 ayes.

e. Approval of Stonehill waiver for past due invoices. Council discussed the waiver request. They noted the invoices were past due because of Stonehill's error.

Council Member Yerman made a motion to deny the waiver of the past due fees, second by Council Member Becker. Motion carried: 6 ayes.

ITEMS NOT ON AGENDA. Council Member Hutchison questioned what Council could do to encourage more businesses in the Borough. He commented that businesses may not be attracted to the Borough due to a lack of parking. He then suggested if the parcel for sale, on the corner of Lumber and Main Streets, was purchased by the Borough and used as a parking lot, it may attract more businesses in the area. President Becker reminded Council that the Grace Lutheran Church parking lot could be used for Borough businesses. Council Member Yerman noted as a fee in lieu of parking, the fees were lowed to zero.

Council discussed the types of businesses that would generate taxes and some of the challenges other businesses encountered with the Uniform Construction Code ("UCC"). Borough Manager Boehm suggested potential businesses work with specialists to help with the UCC challenges. Mayor Conrad suggested Council speak with the Chamber of Commerce for fresh ideas.

EXECUTIVE SESSION – None.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Schleicher made a motion to adjourn the meeting at 9:55 p.m., second by Council Member Hutchison. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant