

CALL TO ORDER

President Chris Becker called the February 04, 2019, regular meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

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| 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 |
| Administrative Assistant: | Selma Ritter |
| Absent: | Marvin Moyer |

PUBLIC COMMENTSa. Representative Nathan Brown, Lehigh County Commissioner, District 5

1. Representative Brown offered his services and/or support to help municipalities with certain services, i.e., letters to gain access to funding or other items related to projects.

2. He discussed a five (\$5.00) dollar vehicle registration tax (the "Tax") he is supporting, which would be imposed upon every vehicle registered in Lehigh County, Pennsylvania. Individuals that do not own a registered vehicle or with an annual income of \$19,200.00 or less, would be exempt from the Tax. The Tax would generate approximately \$1.5 million dollars in revenue annually. The first year the tax would be imposed, Lehigh County would keep all of the funds. The second year and forward, the tax revenues would be divided fifty percent (50% or \$750,000.00) to Lehigh County and fifty percent (50% or \$750,000.00) to a grant pool or program, which several municipalities can pull from for infrastructure and street repair projects. If Lehigh County participates in the Tax, the State of Pennsylvania would give the county a one-time \$2 million fund match. Mr. Brown noted that the Borough of Macungie, or most of the municipalities in District 5, do not have any bridges that require repairs; most of the State's funding would go to municipalizes up north. He stated he would like to impose the Tax for a certain period of time, i.e., ten (10) years.

Mr. Brown asked that the public and Council provide him with their thoughts on the proposed Tax. He can be reached via email at NathanBrown@lehighcounty.org, telephone: 610-782-3050 and fax: 610-871-2886.

Some Council Members expressed disapproval of the Tax. Council Member Hutchison commented that the monies collected in a particular municipality should be used for improvements in that same

municipality. Council Member Bloch stated he had a few residents already express their disapproval on the Tax to him because of the other costs related to a registered vehicle i.e., registration fee and fuel taxes, which are supposed to be used on road repairs. President Becker noted the \$6 small trailer tax that is already being imposed. Council Member Yerman stated each municipality should be responsible for raising their own revenue to fix their own streets and infrastructure, even if they have to raise their own taxes for the repairs, and not charge residents in other municipalities. He also commented that it seems the truckers are not being charged and they are most likely causing most of the damage to the bridges.

Mr. Brown commented that the feedback he heard from elected officials and municipalities so far has been that they would want the funds generated from their municipality to be used in their own municipality, not used in other municipalities.

3. He commended Council for their EMS support and desire for a possible tax credit ordinance. He suggested Council familiarize themselves with the EMS Taskforce "SR6 Report," which shows different counties EMS and fire department strengths and weaknesses, among other things.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. Council Member Bloch

1. questioned if all of the Main Street Commons ("MSC") property would be developed or if only a bank will be erected.

President Becker gave him a brief history on the development and noted the Borough's conditional approvals on the project. Council Member Yerman stated that the approved plan was for one building, the bank; there are no other development plans at this time.

Council Member Bloch questioned what type of stormwater runoff the MSC plans showed, as there is a pooling issue in that area. President Becker commented that the plans showed an underground stormwater retention for water runoff.

Council Member Bloch commented that the plans do not show the streets being in line with each other. President Becker noted that there are some things that still need to be finalized, including the acceleration ramp.

2. He questioned how the filtration system in the bumpout at Salvatores Pizza, located at Poplar and Main Streets, worked. He then showed the other Council Members photographs, depicting leaves and stagnant water (filled to the top) in the bumpout. He asked why the water was not draining and if it needed to be cleaned.

President Becker commented that that particular bumpout does not have a drain; it is set up that it should be absorbed into the ground. He stated that it should not be holding water and the matter should be discussed with the engineer.

b. Council Member Schleicher

1. She thanked the Public Works Department (“PWD”) for the great job they did on snow removal during the last storm. She commented that the Borough streets were cleaned much better than other nearby municipalities.

President Becker suggested residents and Council Members send the PWD a thank you note (or email) to express their appreciation for their good work.

2. She received several complaints, from persons serving on Borough committees, regarding the Macungie Institute outdoor sign not being updated/changed enough to advertise upcoming events in the Borough. She noted that Town Beautification and the Friends of the Macungie Institute helped purchased the sign and they would like it to be updated more frequently to show events they are hosting. After receiving the complaints, she discussed the matter with Borough Manager Boehm, whom then discussed the matter with the Macungie Institute Manager, which resulted in the sign being promptly changed. Council Member Schleicher noted the importance of the events being advertised on the sign, as the funds raised from them would help pay for other projects in the Borough.

Borough Manager Boehm stated that she also received complaints last year about the sign not being changed. She discussed the matter with the Macungie Institute Manager and expressed that all public events should be displayed on the sign.

c. President Becker.

1. He discussed a proposed Resolution relating to absentee Council Member Marvin Moyer. He noted that during his three (3) years of service, Council Member Moyer only attended fourteen (14) out of a minimum of seventy-eight (78) planned meetings. He asked the other Council Members to support the Resolution, which asks for Council Member Moyer’s resignation, effective immediately, to allow Council to appoint another qualified elector to accept the responsibilities of serving on Borough Council.

President Becker then read the proposed Resolution. Among other things, the Resolution stated that the residents of the Borough of Macungie should be aware of Council Member Moyer’s lack of responsibility, lack of communication, and failure to attend meetings and participate in any and all Borough business.

President Becker commented that Council Member Moyer cannot be forced to resign, but by statement of the Resolution, President Becker is requesting Council Member Moyer formally resign, effective immediately.

Council Member Becker made a motion, for Council to accept the Resolution, second by Council Member Schleicher. There were no comments and/or questions from the public regarding the matter. Motion carried: 4 ayes and 2 nays. Council Members Bloch and Hutchison were opposed.

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| Roll Call Vote: | Akinjiola – aye | Becker – aye |
| | Bloch – nay | Yerman – aye |

Schleicher – aye Hutchison – nay
Moyer - Absent

Motion Passed.

The adopted Resolution will be mailed to Council Member Moyer, along with a resignation letter for his signature, via U.S. Regular Mail and Certified Mail Return Receipt Requested. If Council Member Moyer does not respond by formally resigning, the Resolution will be sent to Pennsylvania Governor, Tom Wolf.

President Becker expressed concern that if Council Member Moyer does not resign, he could run for re-election and never come to another meeting.

2. He noted the three (3) Council Member seats that are up for election this year, which will expire on December 31, 2019. He encouraged parties interested in running for the positions to register at the Lehigh County Government Center, Lower Level, 17 South 7th Street, Allentown, Pennsylvania. He then noted the following deadlines:

- February 11, 2019 - first day to get packets from the Courthouse
- February 19, 2019 - first day to begin obtaining signatures
- March 12, 2019 - last day to obtain signatures (signatures need to be turned in by 4:00 p.m.)

3. He reported that at their January 29, 2019 meeting, the Macungie Memorial Park Board of Director's voted to increase the Macungie Farmer's Market rent to \$800 annually.

APPROVAL OF MINUTES

a. January 21, 2019 meeting – Council Member Yerman noted a correction to the minutes, showing he was absent from the meeting.

Council Member Schleicher made a motion to approve the January 21, 2019 meeting minutes, with one change showing Council Member Yerman as absent, second by Council Member Bloch. Motion carried: 6 ayes.

CONSENT AGENDA

a. Treasurer's report of January 31, 2019 – Council Member Akinjiola made a motion to approve the January 31, 2019 Treasurer's Report, as presented, second by Council Member Schleicher. Motion carried: 6 ayes.

b. Payment of invoices as listed totaling \$80,053.54 – Council discussed the invoices listed on the Consent Agenda. President Becker briefly discussed the repair costs for the Macungie Police Department vehicle #703. He commented that repairs for #703 have been costing more than the other vehicle repairs and it is the newest vehicle they have.

Council Member Schleicher made a motion to approve paying the Consent Agenda invoices, in the amount of \$80,053.54, second by Council Member Bloch. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Non-Uniformed Defined Benefit Pension Plan. No action by Council.
- b. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Police Pension Plan. No action by Council.
- c. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Non-Uniformed Defined Contribution Pension Plan. No action by Council.

All three (3) reports will be carried to next meeting, under unfinished business.

REPORTS

- a. Solicitor. He questioned if Council wanted to amend the Residential Rental Inspection Ordinance, because as it is written, a License would be given before the inspection is conducted.

Council discussed the matter. President Becker stated that the License only means that the property unit(s) was/were registered with the Borough; it does not mean the unit(s) is/are safe to reside in, nor does it mean they pass any type of code ordinance(s).

- b. Mayor

1. A young supporter of the Macungie Police Department (“MPD”), Jacob, was assigned a project from his school to pick a place of importance in the community and build a replica of it. Jacob chose the MPD. The pictures of his project were uploaded to the MPD Facebook page for the community to enjoy. The replica was very well done with great attention to detail. Among other things, it included the MPD building, American Flag, 3 police cars, 2 police officers and a K-9 dog. Mayor Conrad commended the great job Jacob did.

2. Mayor Conrad reported there was a chimney fire on Main Street last week and noted the fast response time from the Macungie Volunteer Fire Department.

3. Fire Chief Michael Natysyn assured Mayor Conrad that he is working on the chemical response and Emergency Management Plan.

- c. Borough Manager

1. Street Paving List 2019-2026. Public Works Supervisor Tracy Smith provided Council with a memo on the crack sealing schedule along with a 10-year Street Paving list. The memo stated AMS is scheduled to crack seal Hillcrest Drive, Vine Street, Hickory Street and Glenwood Street in mid-April 2019, weather permitting. If AMS completes all of those streets within the week, they will also do Arch and Lea Streets. Council discussed the list and crack sealing.

President Becker commented on repairs that need to be made in two locations in the Borough, due to ponding issues that arose after the streets were paved by the Borough Public Works Department (“PWD”), over a year ago. He suggested all of the Council Members go to the locations after it rains to view the ponding. The residents on Fairview Street were informed that a paving contractor will perform work in the spring-summer 2019 to correct the issue.

Council briefly discussed the 2019 West Chestnut Street paving project, including having it outsourced to a larger paving firm. Council Member Bloch stated he would rather have the PWD do the work to save money and he expressed concern about not having enough funds for paving projects if outside companies do the work. President Becker reminded Council that funds have been set aside for large paving projects. He also reminded everyone that Council previously voted, at a prior meeting, to have all large paving projects outsourced. Other Council Members expressed concern of the PWD not having time to pave large projects, plus get their other work done. They also discussed the amount of time the Borough PWD spends on assisting other municipalities with paving project and vice versa.

President Becker commented that the 10-year plan is for long term financing of the projects and not for street paving construction. He stated Supervisor Smith can make a recommendation at any time to move streets around on the list, if he determines there is an issue on a street that requires more immediate attention. President Becker commented that Supervisor Smith should give Council a yearly update on the 10-year plan.

Council briefly discussed the 10-year plan. President Becker commented that Depot Street (a/k/a Mill Street) has an I&I issue in one of the sewer laterals that requires attention. Borough Manager Boehm commented that the building lateral and Borough lateral are offset, which is allowing inflow and infiltration (I&I) to come in. She spoke with BIA about the matter and the lateral will be lined to resolve the issue. Council Member Yerman commented that the slip lining should be done prior to the street being paved, to ensure that the lining solves the issue, so the street does not have to be dug up after it is repaved.

Borough Manager Boehm noted PennDOT’s dirt, gravel and low volume road program. She commented that Depot, Miller and North Church Streets may be eligible for the low volume road program to receive funding to pave these streets. She had Supervisor Smith sign up for their upcoming 2-day training program to learn more about the program. President Becker commented that Engineer Dan Witczak made him aware of potential stormwater funding that is available for alleys, which may provide funds to repair the sewer issue(s). Council Member Yerman stated that the possible funds should be investigated before the paving work is done.

After the 10-year plan was discussed, Council agreed that the crack sealing and West Chestnut Street paving project should be completed in 2019. Possible program funding will be looked into to complete Depot, Miller and North Church Streets.

There was a 5 - 1 consensus among Council to approve outsourcing the West Chestnut paving project. Council Member Bloch was opposed. Council Member Hutchison stated that while he voted in favor of it being outsourced, he wants the project inspected and to have a maintenance bond, performance bond and funds retained.

2. W. Chestnut Street Paving Bid Schedule. The Barry Isett & Associates schedule, dated January 31, 2019, noted a bid date (on PennBid) of February 28, 2018, a beginning construction date of June 10th and construction completion date of June 28th.

Council Member Hutchison questioned what work is included in the BIA Bid. Borough Manager Boehm will ask BIA to provide a list of the work that will be completed.

d. Committees. President Becker noted the Feasibility Study and Emergency Management Plan are still on the Committee list. No action was taken by Council.

UNFINISHED BUSINESS – PART I - None

UNFINISHED BUSINESS – PART II

a. Street Excavation Restrictions. No action taken by Council. The matter will be carried.

b. Proposed Ordinance Providing Tax Credits for Volunteers of Fire Department or Ambulance Corps. Solicitor Armstrong gave a brief history of the proposed ordinance. He discussed the different types of credits that Council can offer and types of credits other municipalities are currently offering to volunteers. He commented that Council would need to decide what measurable criteria the volunteers would be required to meet, what types of credits Council would offer and what volunteers would be eligible for the credit. Both a resolution (sets forth criteria) and ordinance (implements tax credit) would be required to be adopted to enact the tax credit.

President Becker suggested asking the Macungie Volunteer Fire Department (“MVFD”) what they feel would be good measurable criteria and confirm if the MVFD could measure the requirements. President Becker will discuss the matter with the MVFD and ask them to give the criteria within the next two (2) weeks. He commented that it would be difficult for Council to adopt the ordinance, if the MVFD cannot monitor the criteria and ensure the volunteers qualify for the credit.

Solicitor Armstrong noted that each municipality is specific as to what type of volunteers can receive the credit and whether they have to live in the municipality where they serve. Some Council Members suggested offering the credit only to volunteers that live and volunteer in the Borough. They commented that the credit is meant as an incentive for people to volunteer and Macungie Borough lacks volunteers. Borough Manager Boehm expressed concern that if a volunteer does not have to live and volunteer in the Borough, it would not help increase the number of volunteers in the Borough and the Borough would be paying (through the tax credit) for the volunteers service in another municipality. Council Member Yerman suggested Council offer the tax credit only to the MVFD volunteers at this time. He commented that Council can expand it to other municipalities in the future, if they so desire.

NEW BUSINESS

a. Budget Transfers. Borough Manager Boehm submitted two (2) Budget Transfers to Council. She explained the details of the transfers.

- \$100,000.00 from the Wastewater Fund to the Sewer Fund Capital Account
- \$100,000.00 from the General Fund to the General Fund Capital Account

Borough Manager Boehm commented that the transfer from the General Fund to General Fund Capital Account is before Council for approval tonight, but the transfer would need to wait for Borough Clerk/Assistant Treasurer, Rose Nonnemacher's approval. She stated that if the transfer is done now, the General Fund account would become too low to pay the Borough bills, until the Real Estate Tax funds are received. President Becker stated that Council could give their approval tonight, but Borough Manager Boehm can move them at the appropriate time.

Council Member Yerman made a motion to approve the two (2) Budget Transfers, second by Council Member Schleicher. Motion carried: 6 ayes.

b. Proposal for Auditing and Accounting Services years 2019, 2020 and 2021. France, Anderson, Basile and Company proposed a 3-year contract with rates in the amounts of:

- Borough of Macungie 2019 (\$16,000), 2020 (\$16,600) and 2021 (\$17,260)
- Real Estate Tax Collector 2019 (\$2,700), 2020 (\$2,825) and 2021 (\$2,925)

Council Member Schleicher made a motion to approve France, Anderson, Basile and Company's Borough of Macungie 3-year auditing and accounting proposal for the years 2019, 2020 and 2021, second by Council Member Akinjiola. Motion carried: 6 ayes.

c. Race Street Stormwater Improvement. President Becker and Council Members Schleicher and Yerman met with the owners, Tim and Jackie Romig (collectively, the "Romigs"), of 50 Race Street, Macungie, Pennsylvania, to discuss plans for drainage, curbing and sidewalk installation on their property fronting Main Street/Route 100. The Romigs approved the Borough's plan(s) for the work on their property. Solicitor Armstrong will draft an easement for execution.

Funding for the project and the details of the work were discussed. Borough Manager Boehm commented that the project needs to be bid by the end of February 2019 to meet the CDBG requirements.

d. Rental Inspector RFP. Solicitor Armstrong gave a brief history on the position and RFP. He noted his changes to the RFP, which included a date change for when the document will be executed, *Miscellaneous* #6 on page 2 to include "and/or the number of years of applicable experience" and changes to *Insurance* #5 on page 5 of the Requested Services document. President Becker suggested drafting an insurance declaration page that the candidate(s) could give to their insurance carrier for a quote, so they know exactly what is required.

Council Member Yerman made a motion to approve the Rental Inspector Request For Proposal (RFP), with the proposed changes to the draft document, dated January 31, 2019, that included the date, Miscellaneous and Insurance changes, second by Council Member Schleicher. Motion carried: 6 ayes.

Question arose as to if an active Council Member or Zoning Hearing Board Member could submit an RFP. Solicitor Armstrong will investigate the matter, but suspects they would not be allowed.

e. Authorization to Advertise for Engineering RFP. President Becker suggested advertising for an Engineering RFP periodically.

Council Member Yerman made a motion to approve advertising an Engineering RFP, second by Council Member Becker. Motion carried: 5 ayes and 1 nay. Council Member Hutchison opposed.

ITEMS NOT ON AGENDA

None.

EXECUTIVE SESSION

President Becker called for an Executive Session at 9:17 p.m. to discuss real estate. The meeting was reconvened at 9:35 p.m. with no action taken.

ADJOURNMENT

Hearing no further business to be discussed before Borough Council, Council Member Yerman made a motion to adjourn the meeting at 9:45 p.m., second by Council Member Schleicher. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant