

CALL TO ORDER

President Chris Becker called the February 19, 2019, 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
Borough Manager:	Chris L. Boehm
Administrative Assistant:	Selma Ritter
Absent:	Patrick Armstrong, Solicitor
	Ronald Conrad, Mayor
	Marvin Moyer

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

a. Safe Internet Exchange Zone “Safe Zone”. He discussed the need for a Safe Zone in the Borough, which would reduce the risk of criminal activity with stranger-to-stranger transactions, i.e., online purchases that would require strangers to meet to exchange cash for product(s).

A sign designating a Safe Zone parking space in the Borough Hall parking lot, was distributed to Council for their review. The designated parking space would be located in an area that is under continuous video surveillance and would have a 30 minute parking time limit.

b. Macungie Police Annual Report 2018. The report was a brief synopsis of the police activities for the year. The report included 12 officers are currently staffing the MPD, 2,515 calls for service, 48 arrests, 445 traffic citations, traffic studies conducted at various locations within the Borough, police vehicles mileage, and the types of the MPD’s community involvement.

Council Member Yerman noted the traffic studies in the report, and questioned if anything was being done to manage the speeding problems, other than measuring them. Sgt. Kocher stated that once it is identified as a problem, he would increase speed enforcement in the area. Council Member Yerman stated that Church Street is bad with vehicles speeding and it continues to be an issue. He gave a few examples of vehicles speeding, then requested surveillance and traffic stops be conducted. Sgt. Kocher stated the MPD will be conducting speed timings and will issue speeding tickets to violators.

Sgt. Kocher commented that he received several complaints of vehicles traveling the wrong way on Cotton Street. The MPD set up surveillance and tickets were issued. The area was then monitored and it seems the issue has stopped.

Council Member Yerman commented that there have also been reports of vehicles speeding and not stopping at the stop signs on Race Street. Sgt. Kocher stated he recognizes speeding and vehicles not stopping at stop signs are an issue throughout the entire Borough.

President Becker stated that he likes the speed trailer and questioned if it will be displayed soon. Sgt. Kocher replied that it would be out again in the spring, as he tries to display it in various locations when the weather is warmer. He commented that it is set up for educational purposes so people recognize that there is an issue.

Council Member Schleicher read an email she received from resident Cindy Bogert, who lives on South Church Street, dated February 17, 2019, which stated she contacted Sgt. Kocher regarding vehicles traveling the wrong way on Cotton Street and the issue was addressed immediately with great results. She also stated that Sgt. Kocher reminded her that "A police department is only as good as the eyes and ears of the population they serve." Mrs. Bogert stated that "we all live in this wonderful town, so it's great to know that we are all on the same team to make it a safe and enjoyable place for all the residents." She thanked Sgt. Kocher and the entire MPD for "continuing to support residents like me [Mrs. Bogert] that take your importance for granted until an issue is literally in our backyard."

Council Member Bloch commented on a no parking sign on Parkside Drive, at the dead end, by his house, that was put there years ago by Chief Harry to stop people from parking in front of his driveway and parking him in. After the matter was discussed with Sgt. Kocher yesterday, it was discovered that the "No Parking" location is not listed in the Borough Code Book of Ordinances. Therefore, either an ordinance needs to be adopted or the sign removed. Council Member Bloch proposed an ordinance be drafted and adopted, so the no parking sign could be enforced. President Becker asked Council Member Bloch to draft a plan, with photographs, on what he would like the sign to accomplish and present it to Council for review.

There was a discussion on why the MPD purchased an extra firearm (gun). Sgt. Kocher explained that another gun was necessary due to the increase of part-time staffing, which increased the number of guns that were needed. President Becker inquired why the part-time officers don't leave their guns at the station when they are off duty at the MPD. Sgt. Kocher stated they used to leave their guns at the station, but it didn't work out for several different reasons; he then stated the reasons, which were then discussed further. He confirmed President Becker's question, that if a part-time officer only worked a few hours per month, they would still take the gun home with them.

c. Project Lifesaver. Sgt. Kocher reported that the organization is holding the equipment until the invoice is paid by the Borough. Borough Manager Boehm noted that the Project Lifesaver, Inc. invoice, for the equipment, is listed on the February 19, 2019 Consent Agenda. She stated that the funds are in the carryover account and will need to be transferred. There was a consensus among Council to authorize the Borough Manager to prepare a line item transfer for the funds for the next Council meeting.

PUBLIC COMMENTS

- a. Prior Public Comments to Council. None.
- b. Comments from the Audience on non-agenda items.
 - i. Barbara Levinson, Emmaus Public Library (the “Library”) provided the following updates:
 - The expansion is complete and up and running. The children are enjoying the addition.
 - Beginning January 31, 2019, new library cards will be issued for free. Members can exchange their old card(s) for a new one at the Library; they will need to provide their old card and a valid photo ID when they stop in. The new cards will allow access to all eleven (11) Lehigh Carbon Library Cooperative (LCLC) libraries.
 - Friends of The Library will be holding a Books N Beer fundraising event on March 20, 2019 at Fegley’s Brewery in Emmaus, from 6:00-8:00 p.m. Tickets can be purchased at the Library for \$10.00. The Friends will also be having their annual book sale in April 2019.
 - The Library Trustees are organizing a fall 2019 Gala/Wine Tasting fundraiser at Brookside Country Club on September 27, 2019.
 - A Member has resigned from the Library’s Board of Trustees, which left a vacant seat. Parties interested in the position can submit a letter of interest to the Library and must be an Emmaus Borough resident.

Borough Manager Boehm reported that the concrete base for the Library drop box has been installed and the Borough Public Works Department will be installing it in the very near future. She also requested that the new Director of the Library send her an article for the Borough’s Spring News Letter as soon as possible.

ii. Ashley Lorah, Liaison for the East Penn Chamber of Commerce (the “Chamber”) was in attendance tonight to introduce herself and create a line of communication. Ms. Lorah will be the Borough’s point of contact with the Chamber. She then discussed the following upcoming Chamber’s events:

- Restaurant Week will be held on March 3-9, 2019. Several East Penn Restaurants will be participating in the event, including The Pub on Main, located at 102 E. Main Street, Macungie. During the event, participating restaurants will offer Prix Fixe menus for guests to try a variety of items, ideally at a discounted price.

A preview night for Restaurant Week is scheduled at the Emmaus Theater on February 28, 2019, at 5:00 p.m. Participating restaurants will come into the theatre with menu items and interact with the guests. Tickets can be purchased for \$10, which will include a movie.

- The Chamber also raises funds for a scholarship to be awarded to an East Penn High School graduating student that is pursuing a higher education or any type of continuing education. There will be a happy hour fundraiser event at Don Juan’s Cantina, on Brookside Road and Lower Macungie Road, sometime in 2019, to help raise funds.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS – None.
APPROVAL OF MINUTES

a. February 04, 2019 minutes. Council Member Akinjiola made a motion to approve the February 04, 2019 minutes, as written, second by Council Member Hutchison. Motion carried: 6 ayes.

CONSENT AGENDA

a. Payment of invoices as listed totaling \$113,825.82. Borough Clerk/Assistant Treasurer Rosemarie Nonnemacher provided a revised list of bills for payment, dated February 19, 2019, which showed an invoice for the Fire Dept. Workers Comp as \$974.00 less than the original invoice received. President Becker briefly discussed the revised invoice.

After Council discussed the bills, Council Member Schleicher made a motion to approve the invoices listed on the revised February 19, 2019 Consent Agenda, in the amount of \$113,825.82, second by Council Member Hutchison. Motion carried: 6 ayes.

CORRESPONDENCE

a. Macungie Ambulance Corp., re: January 2019 monthly report. They responded to 350 calls during this service month; 13 of the calls were in the Borough of Macungie.

Borough Manager Boehm reported that Christopher Greb, Operations Manager of Macungie Ambulance Corp, will be attending the March 18, 2019 Council meeting to present their annual report.

b. Macungie Volunteer Fire Department, re: January 2019 Training Report. Training included SCBA, Equipment and New Drivers Test, one (1) Department Meeting, Equipment Hunt and CPR Class AED.

President Becker commented that the MVFD purchased a small all-terrain vehicle that can carry a litter, which will be helpful at events, if needed, in conjunction with the Macungie Ambulance Corps.

He also reported that Mayor Conrad and he met with the MVFD to discuss the resolution establishing the criteria for the tax credit ordinance.

c. Macungie Volunteer Fire Department, re: January 2019 Response Report. They responded to 12 calls in the reported month; 9 of the calls were in the Borough of Macungie.

d. Humane Pennsylvania, re: Campfire Café fundraiser. The correspondence solicited donations for their event. No action was taken by Council.

e. U.S. Department of Homeland Security (FEMA), re: Hazard Mitigation Plan approval. Borough Manager Boehm commented that this correspondence is the final approval for the Lehigh County Hazard Mitigation Regional Plan.

f. Macungie Volunteer Fire Department, re: January 2019 certificates of classes. The report noted no certificates of classes and no new members.

g. Lower Macungie Township ("LMT"), re: Ordinance Amendment to address new small wireless technology (5G). LMT requested Macungie Borough Council's comments and/or recommendations to their proposed Ordinance, which would provide definitions, establish certain general and specific standards relating to the location, placement, construction and maintenance of wireless communications towers and wireless communications antennas, provide further regulation(s) of such facilities within the public rights-of-way and outside the public rights-of-way, provide for the enforcement of said regulations and provide for an effective date.

REPORTS

a. Solicitor – None.

b. Mayor – None.

c. Borough Manager.

i. Macungie Volunteer Fire Department ("MVFD") Audit. The MVFD submitted a Balance Sheet, as of December 31, 2017, as their audit. President Becker commented that he and Mayor Conrad met with the MVFD officers and the Balance Sheet is their answer to Council's audit request.

Council Member Yerman noted the Balance Sheet is not an audit. He then read the Accountant's Disclosure at the bottom of the Balance Sheet, which stated "no assurance is provided on these financial statements. The financial statements omit substantially all of the disclosures ordinarily included in the financial statements prepared in accordance with the tax basis of accounting." Council Member Yerman reminded Council that when they voted on the ten (10) items the MVFD needed to provide to Council, it included an audit by an accountant. He commented that Council could take another vote to see if they would like to change their first vote, if desired, and he reminded Council they also agreed not to release any more funds to MVFD until they provide a full audit. President Becker commented that the officials from MVFD stated they cannot provide a full audit, because it would cost \$6,000 to \$9,000, so the MVFD provided the Quick Books Balance Sheet to save the audit costs.

Following the discussion, it was the consensus of Council not to accept the Balance Sheet in lieu of the audit and request the MVFD provide Council with a full audit as requested.

ii. Public Works Department ("PWD") meeting. The meeting with the PWD, scheduled for February 19, 2019 has been cancelled due to the pending inclement weather. President Becker commented that the meeting was originally scheduled to discuss misconstrued rumors about alleged paving issues on Fern Street, but the matter has since been resolved.

Council Member Hutchison commented about a ponding issue on Fairview Street, and another at Race and Main Streets. Borough Manager Boehm stated the Borough is under contract with Kuhns & Anthony Paving Co., Inc. to make the repairs on Fairview Street in the spring of 2019.

President Becker commented that the only paving issue that was not dealt with yet was on Fern Street, where asphalt paving was removed at the mailbox in front of a residential home several years ago and has not been replaced. He also stated that a water issue that was occurring at this location had nothing to do with the Borough or PWD, and he helped the resident with plans on how to reduce his water issue.

There was a discussion among Council regarding some Members feeling left out of decisions and/or gatherings. President Becker stated that some Members feel disengaged from certain activities due to the constraints of the Sunshine Law, which states if a quorum of Council Members (4 or more) are in the same location at the same time it could be seen as a meeting and would need to be advertised as such. He commented that there is no malice between Council Members to exclude anyone, but it is the Sunshine Law that imposes restrictions. President Becker suggested Borough matters be assigned to a committee, then the Council Members assigned to that particular committee handle the item(s), along with President Becker, so everyone feels included with Borough matters.

President Becker then stated that when Council makes a majority rules decision by vote, not necessarily unanimously, Council needs to follow through with the decision and not go against it or rehash it. He stated that the time for discussion and/or argument on a matter is before the final vote, not afterwards. He commented that Council Members need to come to meetings prepared with a strong argument for what they want to defend and if Council votes against their argument, they have to accept the decision. President Becker further commented that it is time consuming to keep hashing out items that were already voted upon and it restricts Council from moving forward with other items. He also stated that Council needs to work in harmony to benefit the Borough and its residents. The street paving by the PWD was given as an example and briefly discussed. President Becker commented that the decision to outsource large paving projects had nothing to do with the quality of the PWD work, but for other reasons. Street paving funds were also briefly discussed.

The ponding and sidewalk installation issues at the corner of Race and Main Streets (Romig property) were discussed. A Community Development Block Grant ("CDBG") was obtained for the work and Barry Isett & Associates presented a plan on how to construct the area. Council briefly discussed the project funds and plan. Borough Manager Boehm discussed the timeline for the project, including the CDBG deadline to have a contractor under contract by April 15, 2019; she cautioned that if Council waits until the next Council meeting they would lose the CDBG funds. President Becker suggested requesting an extension, so the grant monies are not forfeited, to allow Council time to discuss some outstanding liability items with Solicitor Armstrong by the next Council meeting.

iii. Council Member, Marvin Moyer. Resolution 2019-04 was sent to Council Member Moyer, along with a resignation letter for his signature. A self-addressed stamped envelope was provided for him to mail the signed letter back in. The resolution was also sent to Representative

MacKenzie requesting him to start the process to have Council Member Moyer removed from the Council Board.

President Becker commented that Council made several previous attempts to request Council Member Moyer to resign, before adopting Resolution 2019-04, but they were unsuccessful. Council Member Bloch handed President Becker Council Member Moyer's signed resignation tonight. Borough Manager Boehm read Marvin Moyer's resignation letter in which he states that he is resigning from Borough Council effective immediately due to poor health.

Council Member Bloch made a motion to accept Council Member Marvin Moyer's resignation, effective immediately, second by Council Member Yerman. Motion carried: 6 ayes.

President Becker noted that the resignation left a vacant seat on the Council Board. He asked parties interested in the position to submit a letter of interest to the Borough for Council's consideration. The position expires December 31, 2019.

d. Committees - None.

President Becker reiterated that Borough matters be assigned to a committee, then the Council Members assigned to that particular committee would handle the item(s).

UNFINISHED BUSINESS – PART I.

a. Request for Proposals (“RFP”) – Residential Rental Inspector, deadline February 27, 2019. Borough Manager Boehm reported that the RFP was advertised in the East Penn Press on February 13, 2019. No action was taken by Council.

b. Request for Proposals (“RFP”) – Municipal Engineer, deadline February 27, 2019. Borough Manager Boehm reported that the RFP was advertised in the East Penn Press on February 13, 2019. No action was taken by Council.

UNFINISHED BUSINESS – PART II

a. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Non-Uniformed Defined Benefit Pension Plan. No action was taken by Council. Item was deferred to the next Council Agenda for discussion.

b. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Police Pension Plan. No action was taken by Council. Item was deferred to the next Council Agenda for discussion.

c. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Non-Uniformed Defined Contribution Pension Plan. No action was taken by Council. Item was deferred to the next Council Agenda for discussion.

d. Street Excavation Restrictions. Borough Manager Boehm commented that this item has been on the agenda for years. She questioned if Council wished to proceed with a proposed ordinance, which would only permit streets to be dug up for emergency reasons within a certain amount of time after it is paved, i.e., a property connection to a gas line would not be considered an emergency, but a gas leak would be an emergency.

After Council discussed the matter further, it was the consensus of Council to remove the proposed street excavation restrictions ordinance from the agenda and not pursue it at this time.

e. Proposed Ordinance Providing Tax Credits for Volunteers of Fire Department or Ambulance Corp. President Becker spoke with Michael Natysyn, Chief of Macungie Volunteer Fire Department, to discuss the criteria qualifications for MVFD volunteers to be considered an active member for a proposed ordinance. Volunteers would have to attend twenty-five percent (25%) of everything the MVFD does to be considered a full-time active member. The MVFD would provide the Borough with a list of active members by early November of each year, for them to be considered for the tax credit.

During their discussion, President Becker learned that currently there are five (5) MVFD volunteer fire fighters residing in the Borough; four (4) of them rent properties and one (1) owns their property. President Becker stated that a Real Estate Tax (“R.E. Tax”) credit would only benefit volunteers that own their residential property, but an Earned Income Tax (“EIT”) credit would benefit both renters and property owners. He noted that a flat rate EIT would also allow Council to track its effect on the Borough’s budget. President Becker then suggested the Borough offer an EIT flat rate credit of \$350, and not a R.E. Tax credit.

After Council discussed the suggestion, the EIT in general and approximately how much the credit would cost the Borough, it was a unanimous consensus of Council to offer a flat rate EIT credit of up to \$350, to MVFD volunteers that live in the Borough of Macungie.

President Becker suggested the tax credit be adopted by resolution, so it can be easily changed, if necessary. He also suggested that the MVFD provide the list of qualified volunteers to the Borough by early October, so the credit could be listed in the budget. Council Member Yerman commented that Council could adjust the type and amount at a later date, if desired. Borough Manager Boehm will provide Solicitor Armstrong with Council’s decision.

f. Police Arbitration Expenses. No action by Council. The matter was deferred to the next Council meeting when the Mayor was present.

NEW BUSINESS

a. Review and comments for Lower Macungie Township new small wireless technology (5G) Ordinance Amendment. Council Member Yerman noted that the Ordinance Amendment is in response to wireless companies erecting antennas in municipalities to provide 5G service. The amendment would establish rules to control where the antennas can be installed, inside and outside of public right-of-ways, regulate the antenna size, and enforcement of said regulations.

Council Member Yerman suggested Council consider adopting a similar Ordinance, to avoid any possible issues that may occur in the near future. He suggested Council ask Solicitor Armstrong to use the proposed LMT Ordinance Amendment as a reference for a similar Borough ordinance. After the matter was discussed further, Council made the following motions:

Motion #1: Council Member Yerman made a motion that no comments and/or recommendations were made by Council to Lower Macungie Township regarding their proposed 5G Ordinance Amendment, second by Council Member Schleicher. Motion carried: 6 ayes.

Motion #2: Council Member Yerman made a motion authorizing Solicitor Armstrong to adjust the LMT 5G Ordinance for the Borough of Macungie, second by Council Member Schleicher. Motion carried: 6 ayes.

ITEMS NOT ON AGENDA - None.

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 9:23 p.m., second by Council Member Hutchison. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant