

CALL TO ORDER

President Chris Becker called the March 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

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

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 – None.

APPROVAL OF MINUTES

- a. February 19, 2019 meeting – Council Member Hutchison made a motion to approve the February 19, 2019 meeting minutes, as written, second by Council Member Yerman. Motion carried: 6 ayes.

CONSENT AGENDA

- a. Treasurer’s report of February 28, 2019 – Council Member Akinjiola made a motion to approve the February 28, 2019 Treasurer’s Report, as presented, second by Council Member Schleicher. Motion carried: 6 ayes.
- b. Payment of invoices as listed totaling \$76,780.09 – Council discussed the invoices listed on the Consent Agenda, dated February 28, 2019.

Council Member Schleicher made a motion to approve paying the Consent Agenda invoices, in the amount of \$76,780.09, second by Council Member Akinjiola. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Municipal Retirement Trust, re: January 2019 Monthly Reports
- b. Emmaus Library, re: February 19, 2019 Board Meeting Minutes/Packet
- c. Lehigh County Humane Society, re: 2019 Volunteer Luncheon Sponsorship appeal. The Luncheon will be held on May 02, 2019.
- d. Macungie Police Department, re: January 2019 Monthly Report

President Becker discussed the decision Council made at their last meeting, on February 19, 2019, regarding the Macungie Volunteer Fire Department's ("MVFD") submission of a Balance Sheet in lieu of an audit, with the MVFD. The MVFD will inform Council of their intent at a later date.

REPORTSa. Solicitor

- i. Small Wireless Technology (5G) Ordinance. Solicitor Armstrong briefly discussed Lower Macungie Township's ("LMT") draft amendment to their Zoning Ordinance to include language for small 5G wireless antenna installations in their municipality, which was prepared to help control size and placement of the antennas. He commented on Council's desire to have a similar ordinance prepared for the Borough.

Council Member Yerman commented that placement of the antennas should be constrained to specific areas of the Borough, preferably limited to telephone poles. He also commented that Borough Council suggested using the LMT draft 5G Ordinance as a template for the Borough because it seemed to cover all of the bases for controlling antenna installations and size. He suggested Borough Council decide what streets the antennas can and cannot be installed in the Borough and include them in the draft ordinance.

Solicitor Armstrong then discussed the legality of Distributed Antenna Systems ("DAS") equipment in the right-of-way and if they are considered a public utility; then noted that the decision is pending in the Supreme Court. He commented that if a carrier is entitled to a Certificate of Convenience, there may be a limit as to what regulations can and cannot be imposed in municipal Zoning Ordinances.

There was a discussion on if a franchise fee, similar to a cable franchise fee, and/or an administration fee could be attached to antenna placement. Solicitor Armstrong stated that no franchise fee can be attached, but an administration fee may be allowed for operating and maintaining a system within the right-of-way.

Council Member Hutchison asked Solicitor Armstrong a hypothetical question on if an engineering firm could be held responsible for a defect with a street paving project that they were contracted for, if the project was not inspected or not inspected properly. Solicitor Armstrong

stated he could not answer the question because there are too many variables that would need to be looked at, including a contract, third party contractors and/or indemnification clause.

b. Mayor

i. Mayor Conrad briefly discussed the Macungie Police Department's ("MPD") 2018 Annual Report, which Sgt. Kocher provided for the Council meeting on February 19, 2019, which included being dispatched to 2,515 incidents, 445 traffic citations and 100 traffic warnings.

ii. He briefly discussed the January 2019 Macungie Police Department's Monthly Report, which included being dispatched to 190 incidents. Mayor Conrad commented that the number of traffic stops was listed as "to be determined" on the report because the computer system did not have a number available.

iii. He also noted the Safe Zone that Sgt. Kocher discussed at the last Council meeting. He commented that it is a good idea and most municipalities in the Lehigh Valley are implementing a Safe Zone.

iv. He noted the article in the *Pennsylvania Borough News magazine, March 2019* Edition, titled "Pitcairn Borough Embracing Community Policing," which discusses trust between law enforcement and the community, social media, wellness and safety training, vests, body cams, helping at community and civic functions to build community relationships, and having more of a guardian mindset opposed to a warrior mindset. He commented that the MPD already implements most of the items in the article.

Council Member Schleicher noted another article in the *Pennsylvania Borough News magazine, March 2019* Edition, titled "Not If, But When, Leading a Critical Incident in My Community." She commented that in the article, Police Chief Tom Seefeld gave his opinion on what he saw in seven (7) minutes of panic, as the first person to respond to the incident, where 20 people were stabbed by a 16-year old at Murrysville School in Pennsylvania. Council Member Schleicher commented that the article gave an overview of what a community needs to do to be prepared for such a tragedy. Mayor Conrad commented that if there were to be an incident in a local school, the MPD, surrounding municipal first responders and State Police would all be dispatched and work together. It was noted that the local schools are in Lower Macungie Township, which are serviced by the Pennsylvania State Police and the State Police would be dispatched first.

President Becker commented on Governor Wolf's proposed taxation, which would be imposed on municipalities without a local police department. Mayor Conrad stated that the taxation would be prorated by population.

Daniel Lenig, 210 S. Walnut Street, Macungie – commented on a news broadcast he heard regarding the State Police starting to charge municipalities for traffic stops related to speeding.

c. Borough Manager

i. Council Member Vacancy – accepting letters of interest until 3/13; conduct interviews at 3/18 Council meeting. The vacancy has been advertised in the East Penn Press on

February 27, 2019. Borough Manager Boehm noted Council's 30-day period ends March 19, 2019, to appoint a candidate to fill the vacancy. After a discussion on when to hold interviews for the position, there was a consensus among Council to conduct the interviews on March 18, 2019, prior to the regular Council meeting, beginning at 6:30 p.m. A candidate will be appointed at that time, be sworn in and will immediately take the vacant seat. The appointment will be listed on the next Agenda, immediately after the Pledge of Allegiance.

ii. Leaf Collection Bids due 3/22 @ 1 p.m. The bid request, for the next three (3) years, has been advertised in the East Penn Press on February 27, 2019 and March 06, 2019.

iii. Emmaus Yard Waste passes are available for purchase at Borough Hall. The 2019 passes are currently available at Borough Hall for a \$20.00 fee.

There was a discussion on why the Borough residents cannot use the LMT compost site, since it is closer to the Borough. Borough Manager Boehm commented that she asked LMT several times if the Borough residents could use their compost, but the request was denied.

Richard Stukas, 43 Locust Street, Macungie – commented on a rumor he heard about why the Borough residents could not use the LMT compost. Borough Manager Boehm stated that LMT denied Borough residents from using their site, due to the facility being too small.

Borough Manager Boehm noted that in the fall, Borough residents can put their leaves out to the curb for leaf collection on certain dates or take them to a designated site in the Borough; no branches or yard waste can be taken to the Borough site.

d. Committees - None.

UNFINISHED BUSINESS – PART I – None.

UNFINISHED BUSINESS – PART II

a. Proposed Ordinance Providing EIT Tax Credit to Volunteers of the Macungie Volunteer Fire Department and the Resolution establishing criteria and amount. Solicitor Armstrong discussed the history of the proposed tax credit and Council's motion to move forward with an EIT Tax Credit ordinance. He noted that volunteers that live and volunteer in the Borough of Macungie, for the MVFD and/or a Non-Profit Emergency Medical Service Agencies, would be eligible for an annual Earned Income Tax credit of up to \$350.00, if the volunteer meets the eligibility requirements. If the volunteer's tax liability is less than \$350.00, they would only get a reimbursement for the amount of their tax liability. A real estate tax credit would not be given to volunteers.

The annual criteria that volunteers have to meet will be adopted via Resolution. The MVFD established the requirements for eligibility, which would consist of twenty-five percent (25%) volunteer service in each category of participation for regular meetings, calls, training and fundraising.

President Becker suggested an estimated compliance report, from the non-profit stating the names of the volunteers that met the criteria be submitted to the Borough in September, so Council can have the information for the following year's budget. For budget purposes, the budget will reflect the maximum of \$350.00 per volunteer. Solicitor Armstrong commented that there will be a conference call with Berkheimer's to discuss how the credit will work and the dates for compliance.

To request the EIT Tax Credit, the volunteer and/or non-profit would need to submit proof of compliance to the Borough, due by a date to be determined. The Borough would then generate some type of certificate of compliance showing the volunteer met the required criteria, which the volunteer would then submit to Berkheimer when they file their EIT. Berkheimer would then reimburse the volunteer the credit they are eligible for.

Solicitor Armstrong will provide Council with a draft Ordinance and Resolution at the next Council meeting, Council will then vote on advertising it. He noted there is a 30-day review period, which would make the Ordinance available for adoption in late April or early May.

b. 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.

c. 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.

d. 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.

e. Police Arbitration Expenses. President Becker briefly discussed the history of the \$13,201.00 in MPD arbitration expenses. Council discussed the matter, noting that the expenses were incurred due to MPD filing grievances in 2018 and suggested that the MPD pay for the costs out of the MPD budget. Mayor Conrad stated that there should be a line item in the MPD budget for the expenses to be paid from, if Council wants the MPD to pay for the fees.

Council Member Yerman made a motion to take the \$13,201.00 out of the MPD 2019 Budget and let the MPD decide where in their budget the money should be taken from, second by Council Member Hutchison. Motion carried: 4 ayes, 2 nays. President Becker and Council Member Schleicher opposed.

NEW BUSINESS

a. Approval of Lehigh County Humane Society ("LCHS") 2019 Volunteer Luncheon Sponsorship. Council discussed the request and noted that the Borough is contracted with the LCHS for their services. They noted the donation was not included in the Borough's 2019 Budget.

Council Member Yerman made a motion to respond to LCHS that there are budgeting constraints at this time, but LCHS can request the sponsorship during the 2020 budget cycle, second by Council Member Schleicher. Motion carried: 6 ayes.

b. Request to ordain the No Parking sign(s) on Parkside Drive. Council Member Bloch discussed the lack of parking in the development, emergency turnaround for firetrucks at the cul-de-sac and the “no parking” signs that were installed years ago. He commented that one sign is still there, while the other one is “missing.” Council commented that an ordinance was not adopted for the signs, which makes them unenforceable.

Council Member Bloch requested: (1) that the missing no parking sign be reinstalled at the emergency turnaround; and (2) a new sign at his driveway be installed to read “no parking in front of driveway.”

Council will discuss the matter with the MVFD to see what they need in that area for fire truck turnaround, then draft an ordinance to make the signs enforceable.

c. Budget Transfer. Borough Manager Boehm submitted a budget transfer to Council to cover the expenses associated with the Project Lifesaver Grant Program.

1. \$8,000.00 from 01.410.260 (Major Equipment) to 01.493.000 (Carryover for 2020)

Council Member Yerman made a motion to approve the budget transfer for Project Lifesaver in the amount of \$8,000.00, second by Council Member Bloch. Motion carried: 6 ayes.

d. Borough Engineer RFPs. Borough Manager Boehm noted four (4) firms sent in proposals for consideration: (1) Ott Consulting, Inc., (2) Keystone Consulting Engineers, (3) Barry Isett & Associates and (4) ACELA Architects & Engineers. Borough Manager Boehm commented that the next step would be to conduct interviews of each firm.

Daniel Witczak and Michael Waldron, from ACELA Architects & Engineers were in attendance tonight. Mr. Witczak gave an overview of the company, its services and growth. President Becker questioned if they provide grant writing services to their clients. Mr. Witczak responded that while they have been successful at obtaining grant funds, they do not have a staff member dedicated to that area. He also stated that the firm is seeking to hire a person to conduct inspections but has not found the right person yet.

Council Member Hutchison questioned if there is a problem with the current engineering firm that Council requested Engineer RFPs. President Becker commented that he is not aware of any issues, but it is a good general practice to request proposals for professional services every few years; it has been six (6) years since the engineering services were last reviewed.

After Council discussed dates and times to conduct engineering interviews, there was a consensus among Council to conduct them on March 11, 2019, beginning at 6:45 p.m. in Council Chambers at Borough Hall.

e. Rental Inspector RFPs. One (1) RFP proposal was submitted by Todd Heffner for consideration. President Becker suggested scheduling him to come to the next Council meeting, on March 18, 2019, to be interviewed for the position after the Council appointment.

Council Member Bloch commented that he will be absent from the next Council meeting; but would like to participate in the interview. President Becker suggested that he participate via telephone at the appropriate time.

Council discussed how the Inspector would be paid and work as an independent contractor. They would work from their home, with controlled access to SharePoint database, to enter the inspection information. After the inspection and administration of the inspection is complete, they would give the Borough an invoice for their fees. Council will need to discuss how Borough administrative fees, such as postage, would be included with the inspection.

Council Member Bloch commented that someone questioned him about why a carbon monoxide detector (CO) is on the Inspection Checklist, because their property is totally electric. Council responded that the form is generic for all utility types and if an item is not applicable (n/a) to a particular unit, the inspector can mark n/a on the form.

Council Member Bloch was also questioned why Barry Isett & Associates (“BIA”) does all of the inspections on remodeling/renovation jobs in the Borough and if an individual could hire their own engineering firm for the inspection(s). President Becker commented that they can hire their own engineer for engineering, then give all of the information to BIA for review to ensure it meets Code. BIA would conduct the inspection on the project because they are the Borough’s engineering firm. Borough Manager Boehm commented that Ken Nicholson is the Borough’s Code Enforcement Officer and Barry Isett & Associates is the Borough’s Building Code Official.

ITEMS NOT ON AGENDA - None.

EXECUTIVE SESSION

President Becker called for an Executive Session at 9:21 p.m. to discuss real estate. The Council meeting reconvened at 10:15 p.m. with no action taken by Council.

ADJOURNMENT

Hearing no further business to be brought before Council, the meeting was adjourned at 10:16 p.m.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant