

COUNCIL VACANCY INTERVIEWS

Borough Council conducted interviews for the vacant position on Council at 6:30 p.m. President Becker, Council Members Akinjiola, Bloch, Hutchison, Schleicher and Yerman, Mayor Ronald Conrad, Solicitor Patrick Armstrong, Borough Manager Chris L. Boehm and Administrative Assistant Selma Ritter were in attendance. Candidates in attendance for the position were Angela Ashbrook, Debra Cope, Angela Faidley and Richard Stukas. Candidate Todd Rutledge was not present.

At the request of President Becker, each candidate gave a short statement about themselves. The candidates answered questions from Council members pertaining to what they could offer to help Council, if there were any issues that prompted them to apply for this position, if there were any issues that they would like resolved first, budget and taxes. President Becker noted budget workshops will be starting in September and it would be important for them to attend.

The interviews were completed at 7:30 p.m.

CALL TO ORDER

President Chris Becker called the March 18, 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
- Debra Cope (appointed during meeting)
- Greg Hutchison
- Roseann Schleicher
- John Yerman
- Mayor: Ronald Conrad
- Borough Manager: Chris L. Boehm
- Solicitor: Patrick Armstrong
- Administrative Assistant: Selma Ritter

APPOINTMENT OF COUNCIL MEMBER W/OATH OF OFFICE. Council had no further discussion or questions for the candidates.

Based on each candidate’s answers and the issues for the rest of the year, Council Member Hutchison made a motion to appoint Angela Ashbrook for the vacant Council position, with an expiring term of December 31, 2019, second by Council Member Bloch. Council Members Hutchison, Bloch and Yerman voted aye. Council Members Akinjiola, Becker and Schleicher voted nay, causing a tie vote. Mayor Conrad voted against the motion, breaking the tie. The motion carried: 3 nay, 4 ayes (Akinjiola, Becker, Schleicher and Conrad).

Council Member Schleicher made a motion to appoint Debra Cope to the vacant Council position, with an expiring term of December 31, 2019, second by Council Member Akinjiola. Council Members Schleicher, Akinjiola and Yerman voted aye in favor of the motion. Council Members Becker, Bloch and Hutchison voted against the motion, causing a tie vote. Mayor Conrad voted in favor of the motion, which broke the tie. Motion carried: 4 ayes, 3 nays.

Resolution 2019-05, Appointment of Council Member. President Becker read the Resolution. Motion by Council Member Schleicher, second by Council Member Akinjiola to adopt Resolution 2019-05 appointing Debra Cope to Borough Council for the term expiring December 31, 2019.

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

Motion Passed.

OATH OF OFFICE

Mayor Conrad administered the Oath of Office to Debra Cope. Council Member Cope then took her seat at the Council table.

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

- a. He thanked the Macungie Ambulance Corp. for certifying the Macungie Police officers in CPR.
- b. Officer Erin McFarland is back on duty full-time, after a medical leave of absence. She has been updated on department and equipment changes and has completed CPR, Taser, AED, first aid and firearms training. She is currently in the Field Training Officer (FTO) Program, which is a shadow-based program. Her solo shifts will begin April 1, 2019. Sgt. Kocher stated she is doing very well.
- c. The \$8,000 grant for the Project Lifesaver program has been received. Training has been completed and thirteen (13) transmitters/bracelets were received. Sgt. Kocher noted that the system is a line-of-site system and not a GPS system. A Standard Operating Procedure (SOP) will be drafted, which Council will need to adopt.
- d. The Safe Zone parking space sign was purchased and is awaiting installation in the Borough Hall parking lot. 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.
- e. The new police vehicle will be picked up this week. The Charger will be sold when the new car is fully operational.

f. Council Member Yerman questioned if any steps were taken to address the resident complaints about speeding and/or vehicles not stopping at stop signs on Church Street, Cotton Street, Chestnut Street, Race Street and Mountain Road. Sgt. Kocher stated that there has been traffic details out in all of the areas and they have been enforced regularly. Council questioned if citations were issued. Sgt. Kocher said the MPD does not punish offenders, but rather seeks compliance. He commented that some of the traffic stops resulted in giving drivers warnings, citations and a couple of arrests (due to ancillary reasons).

Mayor Conrad reported that an invoice for Taser cartridges was submitted to the Borough because the ones the MPD had were expired. Sgt. Kocher commented that the Taser units the MPD is currently using will be discontinued and the company will stop producing accessories for the unit as of December 2019, so they bought extra cartridges.

PUBLIC COMMENTS

a. Prior Public Comments to Council. None.

b. Comments from the Audience on non-agenda items.

i. Christopher Greb, Macungie Ambulance Corp Operations Manager, presentation of Annual Report. He noted several highlights in the 2018 Annual Report, including 3,727 calls for assistance (301 calls were for the Borough of Macungie), CPR, AED and First Aid certificate of trainings were issued to 571 individuals, and the Corp participated in dozens of events.

He also noted the Corp vehicle list consists of five ambulances, one incident support vehicle, one community outreach supervisor's vehicle and one ATV. The report stated that in 2018 the vehicles drove over 57,000 miles, costing nearly \$58,000 to operate.

RENTAL INSPECTOR INTERVIEW, w/possible appointment. The candidate for this position was unable to attend tonight's meeting. The interview will be rescheduled to a date and time that is suitable to everyone.

MACUNGIE INSTITUTE FACILITY MANAGER REPORT – Timothy Brown, Macungie Institute Manager ("Manager Brown"), discussed the history of the plans regarding the Macungie Institute ("MI") he is presenting tonight. In October 2018, during a 2019 Budget Workshop, Council requested Manager Brown return before Council to present a plan on how the MI will move forward. At that time, he understood Council had two primary concerns: (1) the MI financial picture, including a plan to close the current financial deficit and (2) the facility usage and the number of regular facility renters. Manager Brown then commented on what he believes to be another concern, which is an identity problem about what the MI should be used for. He stated that the MI is currently used for community events, a rental facility and a venue for programming of various sorts. He presented two plans tonight that he believes would address Councils' concerns. Both plans would have a July 01, 2019 implementation date.

Plan A: He suggested keeping the facility solely a rental facility. However, to make the rates more comparable to other rental facilities in the area Council would need to double the rental rates. There would be a limit on community events. He then discussed the benefits and disadvantages

of Plan A, along with rates other facilities in the area are charging. He commented that Plan A would close the budget gap and provide a \$1,816.00 surplus.

Plan B: He suggested rebranding the facility to make it the “Macungie Institute Performing Arts and Conference Center.” With this plan, private rentals would cease to exist. The focus would be programming, performances, classes (such as art, music and dance), business rentals and community events. Manager Brown believes Plan B would allow the MI to be more in line with its initial mission, “...a place for the social, cultural, and educational advancement of the residents of the Macungie area.” He stated he has been in contact with theatre groups about performing at the MI and other businesses regarding their events being held at the MI. He commented that the theatre groups would be followed up by single night events, such as musical performances, speakers and the like. Supplemental rentals would take the form of classes and other community groups in smaller spaces. Groups that are currently using the facility, such as the Lions Club, local businesses, Boy Scouts and Historical Society would remain as they are. Community use and Borough events, i.e., Macungie Holiday, Council meetings, Town Beautification, would also remain as they are, fee free. He discussed the benefits and disadvantages of Plan B.

Manager Brown commented that for Plan B to be successful, stage lighting would need to be installed. He stated that the Friends of the Macungie Institute volunteered to pay for and install the lights, building security cameras and a key pad for the front door, which would eliminate the need for building keys. Manager Brown stated that the Macungie Institute Trustees and Friends of the Institute fully endorsed Plan B.

Manager Brown stated that he would like Council's decision on the Plans, or an alternative plan from them soon. To implement Plan B, Manager Brown stated he needs approval from Council for the lighting purchase and installation, any building structural changes to the building, i.e. for the keypad, placement of the electric in the walls, and rebranding of the facility. He stated he would like to have an event in July to announce the focus changes to the public and media and to get others excited about the ideas. He stated that if for some reason the rebranding of the facility were not successful, it would be easy to change the MI back to what it was and go back to having private party rentals.

President Becker asked Manager Brown “how much more involvement of your [Manager Brown] time is necessary to do this; is there any more time necessary for you [Manager Brown] to be compensated to do Plan B?” Manager Brown replied, “No.” He stated, for now, it would be a shift in his schedule; if he is not worried about the administration of private rentals, to a large extent, his regular office hours could be by appointment, as theatre groups are plug-n-play where he would have pre-production meetings, the tenant would know the rules of the building, how the building should be left, picking up keys, etc. For single night events, i.e., musicians, Manager Brown would have to be at the MI, but he would be able to change his schedule because he would not have regular daytime hours. President Becker then asked if Manager Brown was willing to adjust his time as necessary. Manager Brown said he would adjust his schedule accordingly.

Council Member Hutchison asked approximately how much the lighting, key pad(s) and cameras would cost. Manager Brown believes it is about \$6,000 to \$6,500.

Council requested that Manager Brown provide the following, in writing:

- Council Member Schleicher requested both Plans, A and B, for Council to review further.
- Borough Manager Boehm asked for a comparison of how much revenue would be lost from single rental events being eliminated, and how much income would be received from the new plan, to provide some values to the numbers.
 - She also requested a list of the proposed rental rates and what that income would total.
- President Becker requested that Manager Brown also provide Council a draft budget with the fees.
- Council Member Yerman suggested Manager Brown include the dates for which he would like Council to complete items by, so they know when they are due.

President Becker suggested Manager Brown give Council time to think about both proposals, then they can make a decision at the April 1st meeting.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. Council Member Hutchison requested President Becker ensure everyone is standing, before the Pledge of Allegiance begins.

b. Council Member Akinjiola stated she wanted to rescind her vote, which was made on March 4, 2019, to charge the MPD the \$13,201 for arbitration fees, which were a 2018 budget item. She stated that she misunderstood the motion at the time. Solicitor Armstrong stated she could not rescind her vote, but she could make a new motion to correct her March 4, 2019 vote.

President Becker noted that the \$13,201 for 2018 arbitration fees was paid by the Borough in 2018, from the General Fund account. He commented that the motion made on March 4, 2019, would charge the arbitration fees to the MPD in 2019, but they were already paid in 2018.

Council Member Akinjiola made a motion that the \$13,201 for arbitration fees not come out of the MPD 2019 budget, second by Council Member Bloch. Motion carried: 6 ayes and 1 nay. Council Members Hutchison opposed.

Carl Sell, 46 Locust Street, Macungie, questioned if the arbitration fees could be charged to the person that loses the arbitration. Council explained that there are seldom “winners” and “losers” in arbitration, as the arbitrator tries to find a compromise for all parties. President Becker explained the Uniform and Non-Uniform contractual obligations outline arbitration.

Mr. Sell then questioned why each party does not pay their own arbitration bill. President Becker explained the process of line items in the budgets. He noted there is no line item in the MPD budget for legal fees. There was a discussion that the \$13,201 had to come out of either the Borough or MPD budget, however, it was not accounted for in either budget, but the money has to come from somewhere. It was noted that the \$13,201 invoice was a cost the MPD created. Council then discussed if a funded line item should be added to the MPD budget in 2020.

Phil Casey, property owner of 807 E. Main Street, Macungie, discussed his understanding of arbitration.

Jeff Strauss, 132 Sonoma Way, Macungie, questioned if the arbitration was part of a budget resolution. It was not.

Council noted that Council began discussing the matter, to have the MPD pay the arbitration fees, in 2018 when the invoice was received, but the matter got carried over into 2019, which then generated the motion on March 04, 2019. There was a conversation that a misunderstanding may have been caused because some Council Members did not realize the invoice was paid in 2018, when they voted at the last Council meeting.

APPROVAL OF MINUTES

a. March 04, 2019 regular meeting. Two corrections were requested: (1) Council Member Yerman requested a change to Page 7(e), which read “They would work from their home, with very limited access...” He requested the change to read “They would work from their home, with controlled access...” and (2) Council Member Schleicher noted a typographical error on Page 3(b)(iv) which read “..., titled No If, But When...” instead of “...titled Not If, But When ...”

Council Member Schleicher made a motion to approve the March 04, 2019 meeting minutes, with corrections, second by Council Member Cope. Motion carried: 7 ayes.

b. March 11, 2019 special meeting, for engineering firm interviews. Council Member Schleicher made a motion to approve the March 11, 2019 meeting minutes, as written, second by Council Member Akinjiola. Motion carried: 7 ayes.

CONSENT AGENDA

a. Payment of invoices as listed totaling \$134,942.41. After Council discussed the bills, Council Member Akinjiola made a motion to approve the invoices listed on the March 19, 2019 Consent Agenda, in the amount of \$134,942.41, second by Council Member Schleicher. Motion carried: 7 ayes.

CORRESPONDENCE

a. Letters of Intent for vacant Council seat, expiring 12/31/2019.

- i. Angela Ashbrook.
- ii. Debra Cope.
- iii. Angela Faidley.
- iv. Todd Rutledge.
- v. Richard Stukas.

b. Macungie Volunteer Fire Department, re: February 2019 Training Report. Training included Rescue Training at Mechanic Plus, Small Equipment Checks, Knot Class and Vehicle Checks.

- c. Macungie Volunteer Fire Department, re: February 2019 Response Report. They responded to 2 calls in the reported month; 1 call was in the Borough of Macungie.
- d. Macungie Volunteer Fire Department, re: February 2019 certificates of classes. The report noted CPR and AED Re-Cert certificates of classes and three new members.
- e. Rita's Italian Ice, re: fire police to direct traffic on March 20, 2019 for First Day of Spring. This event is held annually.
- f. Macungie Ambulance Corp., re: February 2019 Monthly Report. They responded to 330 calls during this service month; 22 of the calls were in the Borough of Macungie.
- g. Municipal Retirement Trust, re: February 2019 Monthly Reports. No action taken by Council.

REPORTS

- a. Solicitor.
 - i. Small Wireless Technology (5G) Ordinance. Solicitor Armstrong will distribute a draft ordinance for the April 16, 2019 Planning Commission meeting.

Solicitor Armstrong also stated that there will be a brief executive session tonight regarding real estate.

- b. Mayor
 - i. He reported a Painting with the Police event, at the Out Of Our Minds Art Studio, is scheduled for April 8, 2019 at 4:30 p.m. Angela Faidley, of Out Of Our Minds Art Studio, was in attendance tonight and stated the event was full.
- c. Borough Manager.
 - i. EPA Administrative Order - Two pieces of correspondence were distributed to Council regarding the Administrative Order: (1) is a unified response to EPA addressing their questions and concerns about the Regional Flow Management Plan; and (2) is from EPA, accepting the Borough's unified response; removing the Borough from the Administrative Order oversight. The Borough will now be under the review of the Department of Environmental Protection.
 - ii. Pollution Reduction Plan Project Schedule. ACELA prepared a 5-year schedule to complete the MS4/Pollution Reduction Plan. A copy of the plan was distributed to Council.

Borough Manager Boehm commented that a bid will go out in 2019 for the streambank restoration project for Mountain Creek and the culver work along Cotton Street, for construction in 2020.

- iii. Municipal Wireless Facilities. Borough Manager Boehm reported that she attended a webinar on Municipal Wireless Facilities on March 14, 2019. She provided Council with a copy of the PowerPoint presentation from that webinar for their review.

She also reported that Lower Macungie Township tabled adoption of their ordinance as a result of comments they received after the ordinance was advertised.

Miscellaneous Items:

- The SWLCCP will be holding a committee meeting on March 26, 2019 at 7:00 p.m. at the Macungie Institute, for purposes of organization and other business. Council Member Yerman will attend the meeting as the representative for the Borough. Borough Manager Boehm suggested Council appoint an alternate to serve on the committee, in case Council Member Yerman is unavailable to attend a meeting. Council Member Schleicher volunteered to be the alternate, since she has knowledge of the matter.
- Borough cleanup day is scheduled for April 13, 2019, beginning at 9:00 a.m. The older Boy Scouts will meet at the MVFD, the younger Boy Scouts will meet at the Train Station/Flower Park. Macungie Memorial Park will also be having their cleanup day on April 13th.
- Crack sealing on Glenwood Street, Hickory Street, Hillcrest Drive South and Vine Street will begin on Wednesday, March 20th.

d. Committees – Council Member Cope will be added to the *Public Safety Committee*, which is currently responsible for Chemical Response and Updating the Emergency Management Plan. She agreed to help Emergency Management Coordinator Mike Natysyn, and Deputy Emergency Management Coordinator Gary Corder update the Emergency Management Plan, which Gary Corder has in his possession.

UNFINISHED BUSINESS – PART I.

a. Proposed Ordinance Providing EIT Tax Credit to Volunteers of the Macungie Volunteer Fire Department and the Resolution establishing criteria and amount. Solicitor Armstrong gave an update on the draft ordinance. He noted that language was intentionally kept in the ordinance to (1) to give the credit to volunteers that are injured during an emergency response call, for up to five consecutive tax years; and (2) a credit for other emergency response non-profits in the Borough, in case a non-profit is formed in the future. He also made the changes requested by Council at the last meeting.

Council discussed what would determine if the volunteer was injured in the line of duty with the non-profit they are volunteering for and if the volunteer remains injured for the five year period. Solicitor Armstrong commented that the injured volunteer would file a workers compensation (“WC”) claim with the non-profit they are volunteering for. The active/open WC claim would determine if the injury occurred in the line of duty and the WC would also show the volunteer has been injured, for up to the five years, and eligible for the credit. Council then directed Solicitor Armstrong to amend the tax ordinance, to state that for an injured firefighter to be eligible for the continued tax credit, the injury had to result in a WC claim being filed, accepted and/or awarded.

The ordinance would be valid for a tax credit in 2019; the refund would then be given in the beginning of 2020, when the volunteer files their 2019 taxes.

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 by Council Member Yerman.
- 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 by Council Member Yerman.
- c. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Non-Uniformed Defined Contribution Pension Plan. This statement will be removed from the Agenda, as Council Member Yerman's discussion will only cover the Non-Uniformed Defined Benefit Pension Plan and Police Pension Plan.
- d. Request to ordain the No Parking sign(s) on Parkside Drive. The matter was discussed and Council decided to not take action.
- e. Borough Engineer Interviews 3/11/19. No action was taken by Council. Item was deferred to the next Council Agenda for discussion.

NEW BUSINESS

- a. Authorization for fire police to direct traffic at Rita's Italian Ice on March 20, 2019. Borough Manager Boehm stated she spoke with the Fire Police Chief and they are available to direct traffic on this date.

Council Member Schleicher made a motion to grant approval for the Fire Police to direct traffic at Rita's Italian Ice on March 20, 2019, second by Council Member Bloch. Motion carried: 7 ayes.

- b. Authorization to sign Project Lifesaver Grant Agreement Amendment. Borough Manager Boehm was contacted by the Auditor General's Office, who requested the Amendment be signed, as items under #2 were added.

Council Member Akinjiola made a motion to authorize execution of the Project Lifesaver Grant Agreement Amendment, second by Council Member Schleicher. Motion carried: 7 ayes.

- c. Estates at Brookside Security Release No. 5. The release is in the amount of \$106,302.04, which would be a 15% reduction in the security, leaving a remaining Improvements Security balance of \$141,103.86. Borough Manager Boehm commented that Barry Isett & Associates signed off on the requested release.

Jeff Strauss, representative for the developer, provided an update on the development and the request for the security reduction. The last two homes have been sold and the development needs minor

improvements. He commented that the development is in compliance with the plan. He also stated that within 18-24 months the Borough will take over the road maintenance and basin retention pond in the development.

Council Member Yerman made a motion to approve Security Release No. 5, for the Estates at Brookside, in the amount of \$106,302.04, second by Council Member Becker. Motion carried: 6 ayes. Council Member Cope temporarily stepped out of the room during the vote.

d. Authorization to sign the agreement for Fire Department purchase of pumper truck. Mayor Conrad stated that the MVFD is purchasing one new Cascade System, not a pumper truck. Solicitor Armstrong clarified that the agreement is for the purchase of a Cascade System, using the 2011 Freightliner Pumper as collateral, plus refinancing the 2015 Ford F550 Mini-Pumper and 2007 Smeal Pumper. Solicitor Armstrong further commented that the MVFD is responsible for the financing, not the Borough.

Council Member Yerman made a motion to authorize execution of the agreement, second by Council Member Schleicher. Motion carried: 7 ayes.

e. Approval of Elite Business Solutions (“EBS”) Agreement with MVFD. Council Member Yerman noted that this is not an audit and EBS made it clear in the agreement that it is not an audit. He read the sentence under *#1 Scope of Business*, which stated “EBS will not audit or review your financial statements, or any other accounting documents and information you provide... Accordingly, we ask that you not in any manner refer to this as an audit or review.” He also noted the list of ten (10) items that Council required from the MVFD, which included an audit for 2017 by an auditor.

President Becker commented that an audit would cost a substantial amount of money, approximately \$7,500-\$8,000, therefore, the MVFD is seeking an alternative answer for an audit that Council would accept as having their books reviewed without spending that much money. He reminded Council that Borough funds have not been released to the MVFD because Council has not received an audit from them.

President Becker then asked the other Council Members to (1) review the EBS Agreement and say if it is acceptable or not and (2) release Borough funds to the MVFD. He commented that the MVFD satisfied nine out of the ten items on the list of requirements that Council gave them.

Council Member Yerman stated that if Council is changing their minds on requiring an audit, and willing to accept another accounting, the original vote would need to be changed. Council Member Hutchison made a motion to accept the EBS Agreement in lieu of an audit. The motion was not second; so, the motion died.

Council discussed that it was public comments and concerns that lead to the audit request. Mr. Casey commented on the MVFD Roster and Certifications having inconsistencies. President Becker commented that the MVFD rectified all of those items. Mayor Conrad noted the monthly reports that the MVFD provide to Council.

Council Member Becker made a motion to release \$12,000 of Borough funds to the MVFD and hold an additional \$8,000 to pay for an audit, second by Council Member Akinjiola. Motion carried: 5 ayes and 2 nays. Council Members Bloch and Yerman opposed.

ITEMS NOT ON AGENDA

Council Member Hutchison announced the passing of Borough resident and volunteer Linden Miller. Council Member Hutchison made a motion to add Linden Miller's name to the plaque in Chambers at Borough Hall, second by Council Member Schleicher. Motion carried: 7 ayes.

EXECUTIVE SESSION was called at 10:22 p.m. to discuss real estate.

Council reconvened the regular meeting at 10:40 p.m. with no action taken.

ADJOURNMENT

Hearing no further business before Borough Council, Council Member Yerman made a motion to adjourn the meeting at 10:40 p.m., second by Council Member Schleicher. Motion carried: 6 ayes (Council Member Hutchison had left the meeting.)

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant