

CALL TO ORDER

President Chris Becker called the April 01, 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
	Debra Cope
	Greg Hutchison
	Roseann Schleicher
	John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong
Administrative Assistant:	Selma Ritter

RENTAL INSPECTOR INTERVIEW – Borough Council interviewed candidate Todd Heffner for the vacant Residential Rental Inspector position. At the request of President Becker, Mr. Heffner gave a short statement about himself. He then answered questions from Council Members.

Mr. Heffner stated he is aware, and is agreeable, that he would not be working as an employee of the Borough of Macungie, but rather as a subcontractor (sole proprietorship) and he would obtain all of the required insurance coverage. He has not secured the required insurance at this time, but will work with his insurance agent to secure it. He would not hold an office at Borough Hall to conduct the inspection administration work; he has another location he could work from.

The inspector would need an official identification badge for security purposes, so residents know he is the inspector. President Becker suggested the inspector also have his picture on the Borough website.

Council Member Schleicher made a motion to hire Todd Heffner as a subcontractor for the Residential Rental Inspector position, second by Council Member Yerman. Motion carried: 7 ayes.

Solicitor Armstrong will draft a contract, between Mr. Heffner and the Borough of Macungie. The contract would automatically renew annually and include a 30-day written termination notice clause, which either party can exercise.

Carl Sell, 46 Locust Street, Macungie, asked what the inspection fee would cost. The initial inspection would cost \$60 per unit and a re-inspection within 60-days would not have a charge, but a re-inspection after 60-days would cost \$30. At this time, a unit registration fee has not been determined.

He also asked how it would work if a tenant violates a safety code, i.e., an overloaded extension cord. Council stated the inspector will inspect for the items listed on the checklist. President Becker noted that the inspector would be corresponding with the landlord, not the tenant, and the inspection appointment would be made with the landlord. Council Member Yerman stated that since the landlord would be present at the time of the inspection, they would see the violation. If the inspector sees a serious violation, or the unit fails inspection, he could discuss the matter with the Borough Zoning Officer. The landlord would be notified with the inspection results.

Angela Ashbrook, 317 Parkside Drive, Macungie, asked how often an inspection would be required. President Becker stated an inspection would be required every 5 years, but a landlord could request an inspection prior to then if the unit becomes vacant.

### PUBLIC COMMENTS

- a. Prior Public Comments to Council – None.
- b. Comments from the Audience on non-agenda items

Diane Angermeier, Volunteer Coordinator for Macungie Memorial Park, was in attendance tonight seeking volunteers for Park events. She stated that regular events require approximately 550 volunteers. She suggested volunteers should be at least 13 years old; however, they could be younger at the discretion of the parent, but the parent would need to supervise them at all times. She commented, that in her opinion, it would be better for younger volunteers to serve at the gates, which is a good area for them to learn communication skills. Parties interested in volunteering can contact her at drang@ptd.net or (610) 967-1531.

Richard Stukas, 43 Locust Street, Macungie, questioned how many volunteers live in the Borough and commented that in the past he was interested in volunteering; but was never contacted. Ms. Angermeier stated that most of the volunteers do not live in the Borough. President Becker suggested Mr. Stukas attend a Macungie Park Board meeting, which is held the last Tuesday of every month, to discuss volunteering.

Maryanne Fegely, 19 S. Chestnut Street, Macungie, expressed a safety concern regarding vehicles coming down Mountain Road extremely fast. She recalled several accidents and near accidents by her house, at Hickory and S. Chestnut Streets, and asked Council to install traffic calming devices to slow traffic, i.e. flashing lights, speed bumps/humps. She stated the problem is getting worse. Council asked Mayor Conrad to discuss the matter with Sergeant Travis Kocher, which Mayor Conrad agreed to do. Council will discuss the matter at the next Council meeting on April 15<sup>th</sup>, when Sergeant Kocher is in attendance.

Council noted Sgt. Kocher's statement, which he made at the last Council meeting, regarding speeding in the Borough, where he stated the MPD is looking for compliance and not punishment; Council asked for Sgt. Kocher to give an update on how that approach is working and how the MPD is measuring success. Council noted that several Borough residents commented to them that they believe the speeding throughout the Borough is getting worse. Council Member Yerman expressed concern that the compliance and not punishment effort may not be working. He

suggested that the effort be measured to see if it is working, and if not, something new needs to be tried.

Ms. Fegely also reported that the Hickory Street, which runs along her property, is deteriorating and needs repairs. She commented there is a lot more water running down the alley when it rains. President Becker suggested Council discuss if the stormwater grants could be used in the alleys.

Angela Ashbrook, asked if Willow Street will become a through street for the development near Allen Organ (Stonehill Meadows). Council Member Yerman commented that Willow Street will not be a through street, but there will be a gated access for emergency vehicles only.

Ms. Ashbrook also asked if the Council meetings could be streamed live so more people have access to the meetings. President Becker commented that a CD of the meeting could be purchased at the Borough for \$5.00; he noted that once meeting minutes are approved for a meeting, the recording/tape is deleted. He further commented that live streaming meetings would be a matter to be discussed during budget meetings.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS - Council Member Hutchison reported the sidewalk at N. Poplar and Main Streets, at Salvatore's Pizza, shifted due to tree roots and is a tripping hazard. He questioned who would be responsible for the sidewalk repairs, since the Borough planted the trees. President Becker and Solicitor Armstrong both noted that sidewalk repairs and installation are the responsibility of the property owner. Council Member Hutchison commented that Council should ask the property owners along Main Street if they want a tree on their property, before installing them during Phase 2 of the Streetscape project.

#### APPROVAL OF MINUTES

a. March 18, 2019 meeting – Solicitor Armstrong suggested a change to the last paragraph on page 1, which read "...along with Mayor Conrad voted nay, causing a tie vote." He suggested removing "along with Mayor Conrad" to have the sentence read, "...voted nay, causing a tie vote."

Council Member Hutchison made a motion to approve the March 18, 2019 meeting minutes, with the one change, second by Council Member Schleicher. Motion carried: 7 ayes.

#### CONSENT AGENDA

a. Treasurer's report of March 28, 2019 – Council Member Hutchison made a motion to approve the March 28, 2019 Treasurer's Report, as presented, second by Council Member Akinjiola. Motion carried: 7 ayes.

b. Payment of invoices as listed totaling \$144,493.88 – Council discussed the invoices listed on the Consent Agenda, dated March 28, 2019.

Council Member Hutchison made a motion to approve paying the Consent Agenda invoices, in the amount of \$144,493.88, second by Council Member Akinjiola. Motion carried: 7 ayes.

President Becker noted the UGI heating cost for the Macungie Institute, in the amount of \$837.83. He commented that the bill seemed higher than usual and suggested having the thermostats looked at to ensure they are functioning properly.

#### CORRESPONDENCE

- a. Christopher T. Becker, re: Letter of Interest for Borough Planning Commission. He expressed interest in being re-appointed to the Board for another four (4) year term, expiring March 31, 2023.
- b. John Horner, Jr., re: Letter of Interest for Zoning Hearing Board. He expressed interest in being re-appointed to the Board for another three (3) year term, expiring March 31, 2022.
- c. Dorothy Kociuba, re: Letter of Interest for Borough Civil Service Commission. She expressed interest in being re-appointed to the Board for another six (6) year term, expiring March 31, 2025.
- d. Borough of Macungie Planning Commission, re: Jeffrey and Steffany Hartman (collectively, the "Hartmans") sidewalk installation recommendation. At their March 19, 2019 meeting, the Borough Planning Commission made two recommendations to Council (1) denial of the exception request/appeal and (2) authorization for Solicitor Armstrong to investigate who owns a portion of the property.
- e. Emmaus Library, re: March 19, 2019 Board Meeting Minutes/Packet. No action was taken by Council.
- f. Fries Law Office, re: Hartman Request to postpone consideration of waiver request until the 5/6/2019. In his letter, dated March 27, 2019, Attorney Fries acknowledged receipt of the Borough's notice that Council would consider the sidewalk waiver at its April 01, 2019 meeting. However, due to scheduling conflicts, Attorney Fries requested Council table the matter May 06, 2019. President Becker then read a portion of the letter, which stated "In connection with the continuance request, on behalf of Mr. and Mrs. Hartman I am hereby waiving all applicable time requirements for action by Borough Council with respect to the waiver request."

Council acknowledged receipt of Attorney Fries' continuance request and granted the request.

- g. Department of the Auditor General Bureau of Municipal Pensions Audits. No action taken by Council.

#### President Becker added the following items:

- h. Macungie Volunteer Fire Department, re: March 2019 Training Report. Borough Manager Boehm commented that the report will be on the April 15, 2019 Agenda.
- I. Macungie Volunteer Fire Department, re: donation request for the MPD Dodge Charger. The MVFD asked Council to consider donating the vehicle to the MVFD. They would like the car to travel to trainings, instead of using a truck. Borough Manager Boehm recommended that the

MVFD informally discuss the mechanics of the vehicle with the Public Works Department Mechanic before seeking the donation.

### REPORTS

a. Solicitor

i. Small Wireless Technology (5G) Ordinance. Solicitor Armstrong will try to provide the Planning Commission with a draft ordinance, for their April 16, 2019 meeting.

b. Mayor

i. Officer Erin McFarland has finished her field training and will be covering shifts by herself. Mayor Conrad commented that everything is looking good and she has already made a couple of arrests.

ii. The new police vehicle, 2019 Ford Inceptor #705, is in service at the MPD.

iii. WFMZ Channel 69 News and PBS Channel 39 will be at Borough Hall on Friday, April 05, 2019 at 10:00 a.m. to report on the Internet Exchange Safe Zone in the parking lot at Borough Hall.

iv. Rita's Italian Ice had their annual 1<sup>st</sup> day of spring event. The Macungie Volunteer Fire Police were there to direct traffic. Mayor Conrad commented that everything went well and the patrons enjoyed their free ice.

v. There was a fatal train accident near Race Street and Route 100, where a person got hit by the train while walking on the tracks. Mayor Conrad reminded everyone that it is trespassing to walk on train tracks.

Maryanne Fegely questioned if new managers/caretakers for Kalmbach Memorial Park were appointed yet. The Mayor was not aware of an appointment made at this time.

c. Borough Manager

i. CFA Multimodal Grant Award for Phase 2 Streetscape Project. The Borough was awarded a \$750,000 CFA Multimodal Grant, which will be used to construct Phase 2 of the Main Street Streetscape Project. Phase 2 will include street trees/grates, ornamental lighting and a paver strip. Borough Manager Boehm recognized Senator Pat Browne and State Representative Ryan MacKenzie as major supporters of the Borough's application, along with the excellent grant writing skills of Barry Isett & Associates.

Borough Manager Boehm also noted the next grant round for the CFA Multimodal grant is open until July 31, 2019. Municipalities can request \$100,000-\$3M in grant funds. If the grant application is submitted before December 31, 2019, there is no fund match requirement. Phase 3 of the Streetscape Project will go from Pine Street to Lea Street.

ii. CFA Multimodal Grant Application for Phase 4 Streetscape Project. Council Member Yerman made a motion to approve Borough Manager Boehm apply for the CFA Multimodal Grant application, second by Council Member Becker. Motion carried: 7 ayes.

iii. Macungie Institute Trustee Vacancy, term expiration of March 31, 2019. Borough Manager Boehm noted the position became available, due to the passing of Trustee Linden Miller.

d. Engineer's Report. Engineer Ryan Kern was in attendance tonight on behalf of Barry Isett & Associates ("BIA"). He discussed the Engineer's Report, dated April 01, 2019, which included an update on the 2019 Grant Applications submitted for the Borough and Borough Sanitary Sewer System. He noted:

i. Engineer Kern congratulated the Borough on obtaining the \$750,000 DCED Multimodal Transportation award, which will be used toward Phase 2 of the Streetscape Project;

ii. The Borough has an outstanding DCED/CFA Local Share Account application for the wooden pedestrian bridged to be installed over Mountain Creek adjacent to Cotton Street. Engineer Kern anticipates the CFA Board will announce the award at their May 22, 2019 meeting.

iii. An update on the Borough Authority Projects was also provided. The Walnut Street waterline repair at Mountain Creek will be discussed at the next Borough Water Authority meeting on April 11, 2019. In November 2018, Well #1 Pump was replaced and the pump motor was refurbished. An emergency generator for Well #2, along Lehigh Street, should be completed during the summer of 2019.

iv. An update on the Estates at Brookside development was provided. Engineer Kern commented that several of the properties have seepage pits in the rear yard, which the property owners cannot build on, i.e., a shed, plantings. He reported the Developer will provide a cash deposit for the remaining escrow, after Security Release No. 5.

A preliminary punch list inspection was on March 26, 2019, to go over incomplete/incorrect items throughout the development. President Becker suggested an MS4 punch list "cheat sheet" listing which properties need to be inspected and how often it would need to be done.

The Developer renewed the NPDES Permit with the LCCD, which requires the planting of additional trees within the development. The Developer requested to plant some of the additional trees on the basin lot. BIA requested the Developer provide a plan detailing the number, species and location of any trees they would like to plant for Council's consideration.

v. Main Street Safety Project-Phase 2. The streetscape project from Race Street to Pine Street was approved by PennDOT and bids were received on March 28, 2019. The lowest bidder was Marino Corporation for \$441,826.80.

vi. West Chestnut Street-Paving Improvements project. On March 27, 2019, BIA received eight bids for the full depth repair project and an additional alternate bid for a mill and overlay for the project. The low bidder was Bracelente Construction.

vii. South Church Street preliminary assessment. BIA performed a preliminary assessment of S. Church Street. Pavement cores are scheduled for April 2019. President Becker requested an estimated budget from BIA for the work. President Becker reminded Engineer Kern that Council needs a budget for the project.

e. Committees

i. Chalk the Walk Event. Angela Faidley, from Out of Our Minds Art Studio, and Council Member Schleicher discussed the 1<sup>st</sup> Annual Chalk the Walk Macungie event, which will be held on Saturday, June 22, 2019, from 9:00 a.m. until 12:00 p.m., at the Macungie Volunteer Fire Company, from Cotton to Hickory Streets. The event is free. Cash prizes will be awarded. They are looking for artists from 6 years old to adults, to show their artistic talents at this event. Interested persons can contact Out of Our Minds Art Studio at (610) 762-5694 or artclasses@faidley.net.

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 a brief history on the proposed Ordinance. He noted a revision he made to Section I(1), which added a reference stating a Workers Compensation claim would document an injury.

Council Member Yerman made a motion to advertise the proposed Ordinance 2019-01 for adoption at the next appropriate Council meeting, second by Council Member Cope. Motion carried: 7 ayes.

b. Borough Engineer Proposals. President Becker noted four engineering firms submitted proposals and were interviewed. Council discussed the services an engineering firm would need to provide to the Borough, along with several ongoing projects in the Borough. Council discussed the advantages and disadvantages in changing engineering firms at this time. Borough Manager Boehm suggested discussing the service issues with BIA, instead of changing engineers.

Council Member Hutchison made a motion to keep Barry Isett & Associates as the Borough Engineer, second by Council Member Becker. Motion carried: 7 ayes.

c. Rental Inspector Position. This was addressed earlier in the meeting.

UNFINISHED BUSINESS – PART II

a. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Non-Uniformed Defined Benefit Pension Plan.

b. Thomas J. Anderson & Associates, Inc., re: December 31, 2018 Financial Statement - Police Pension Plan.

Council Member Yerman gave a brief history of the Financial Statement(s) Council received from Thomas J. Anderson & Associates, Inc. in January or February 2019. He read a suggestion in the *Discount Rate* section of the Financial Statement and provided his comments:

- "..., the plans long-term returns may be less than its actuarial discount rate assumption..." Council Member Yerman commented this means they are likely to be less than 7.25%, because everything used in the math is 7.25%.
- "This may result in future increased total and net pension liability." Council Member Yerman commented this means if too much of a percent is used, more would have to be paid later.
- "The actuary recommends that the governing body explore the costs of lowering the actuarial assumed investment rate of return going forward to be more consistent with the plan's anticipated investment returns." Council Member Yerman commented at the end of the analysis, Thomas J. Anderson & Associates recommended looking at a percentage other than 7.25%.

Council Member Yerman discussed the Non-Uniformed Defined Benefit and Police Pension Plans and how funds are contributed to them. He commented that the Borough has approximately 10-years before several pensions will need to be paid out, within months of each other; he then expressed concern that the pensions are underfunded and suggested using a lower stock market percentage rate, which would increase the pension amounts. Council discussed the advantages and disadvantages with changing the percentage rate.

Borough Manager Boehm noted that the non-uniform employees contribute 5% to the pension. She suggested having representatives from PSAB Municipal Retirement Trust, along with their investment firm of Goldman Sachs, come before Council to give a presentation on the matter in a workshop. President Becker suggested having them come in August 2019, so Council has the information to consider during the budget workshops.

Solicitor Armstrong cautioned that if Council uses a lower percentage rate, they will be tied to that amount, but they could contribute any amount to the MMO.

#### NEW BUSINESS

a. Appointment to the following Boards, expiring on March 31, 2019:

1. Christopher T. Becker to a 4-year term on the Borough Planning Commission, expiring 3/31/2023. Council Member Yerman made a motion to re-appoint Christopher T. Becker to a 4-year term on the Borough Planning Commission, expiring 3/31/2023, second by Council Member Schleicher. Motion carried: 7 ayes.

2. John Horner, Jr. to a 3-year term on the Borough Zoning Hearing Board, expiring 3/31/2022. Council Member Hutchison made a motion to re-appoint John Horner, Jr. to a 3-year term on the Borough Zoning Hearing Board, expiring 3/31/2022, second by Council Member Bloch. Motion carried: 7 ayes.

3. Dorothy Kociuba to a 6-year term on the Borough Civil Service Commission, expiring 3/31/2025. Council Member Akinjiola made a motion to re-appoint Dorothy Kociuba to a 6-year term on the Borough Civil Service Commission, expiring 3/31/2025, second by Council Member Schleicher. Motion carried: 7 ayes.



b. Bid Award for West Chestnut Street Paving Project. Borough Manager Boehm discussed the paving project history, required finances, core samples and bid. Two project options were given: Option #1 would be reconstruction of the street to approximately 275’ before S. Church Street for the bid amount of \$133,872.25, and Option #2 would be a mill and overlay of 275’ of the street to Church Street, in the amount of \$13,730.00. Due to budgeting constraints, Borough Manager Boehm recommended Option #1 only; she stated the street portion under Option #2 is not in bad shape and can be sealed. Work will begin on July 28, 2019 and should be completed within 30-days. The required Maintenance Bond and Performance Bond were included in the bid.

Council Member Yerman made a motion to award the West Chestnut Street Paving Project to Bracelente Construction, for the bid amount of \$133,872.25, for Base Bid Option #1, second by Council Member Schleicher. Motion carried: 7 ayes.

c. Bid Award for Main Street Streetscape Phase 2. There were five bidders for the project, from Race Street to Pine Street, with Marino Corporation being the lowest bidder at \$441,826.80. PennDOT has verified their bid.

President Becker commented that Council needs two sidewalk brick samples from BIA for consideration. Concern of the sidewalk pavers moving was discussed. The design and potential movement will be discussed with the project designer.

Council Member Yerman made a motion to award the bid to Marino Corporation, in the amount of \$441,826.80, second by Council Member Schleicher. Motion carried: 7 ayes.

Solicitor Armstrong noted that he has not seen the contract for the project yet. Borough Manager Boehm commented that a contract for the project will be drafted after the bid is awarded, then the contract will be given to Council for review and authorization to sign.

d. Authorization for Sewer Loan Advance Draw #4, in the amount of \$13,306.50. Council Member Akinjiola made a motion to authorize disbursement of Sewer Loan Advance Draw #4, in the amount of \$13,306.50, second by Council Member Bloch. Motion carried: 7 ayes.

e. Resolution 2019-06, Authorizing 2019 CDBG Grant Signing and Submission. The funds will be used to upgrade the ADA ramps on South Church Street in advance of the street reconstruction project.

Council Member Schleicher made a motion to adopt Resolution 2019-06, authorizing signing and submission of the 2019 CDBG Grant, second by Council Member Akinjiola. Motion carried: 7 ayes.

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

Motion Passed.

f. Bid Award Curbside Leaf Collection. The bid amount of \$73,815.00 is for a three-year period, from 2019-2021.

Council Member Hutchison made a motion to approve the bid award for Curbside Leaf Collection to EMI Landscaping, in the amount of \$73,815.00, for the years 2019-2021, second by Council Member Cope. Motion carried: 7 ayes.

g. Jeffrey and Steffany Hartman Sidewalk Waiver Request. At the request of Attorney William Fries, the matter was deferred to the May 06, 2019 Council meeting.

ITEMS NOT ON AGENDA – Council Member Schleicher questioned if the Macungie Institute Manager, Tim Brown, gave any of the requested information regarding the proposals he made at the last Council meeting. Borough Manager Boehm commented that he will have the information for the April 15, 2019 Council meeting.

#### EXECUTIVE SESSION

President Becker called for an Executive Session at 10:18 p.m. to discuss personnel and real estate. The Council meeting reconvened at 10:55 p.m.

Council Member Yerman made a motion to relinquish the 2018 Community Development Block Grant (CDBG) money because Council and the property owner associated with the project, could not come to a mutually agreeable set of terms for the project, which would have been funded by the CDBG, second by Council Member Hutchison. Motion carried: 7 ayes. Borough Manager Boehm will notify Lehigh County.

#### ADJOURNMENT

Hearing no further business to be brought before Council, Council Member Cope made a motion to adjourn the meeting at 10:56 p.m., second by Council Member Schleicher. Motion carried: 7 ayes.

Respectfully submitted,

Selma Ritter  
Administrative Assistant