

REGULAR COUNCIL MEETING

ATTENDANCE

Council Members: Chris Becker
Barry Bloch
Debra Cope
Greg Hutchison
Roseann Schleicher
John Yerman
Mayor: Ronald Conrad
Borough Manager: Chris L. Boehm
Administrative Assistant: Selma Ritter
Absent: Alma Akinjiola
Patrick Armstrong, Solicitor

CALL TO ORDER

President Chris Becker called the June 17, 2019, meeting of Macungie Borough Council to order at 7:30 p.m. in the Macungie Institute, 510 E. Main Street, Macungie, PA.

PUBLIC COMMENTS

- a. Prior Public Comments to Council.
i. Cotton Street Pedestrian Bridge (the "Bridge"). Several residents were in attendance tonight to express their opinion on the Bridge.

Carl Sell, 46 Locust Street, Macungie, expressed his opposition to the Bridge and commented on the required maintenance, which would cost the taxpayers money.

Lynette Sell, 46 Locust Street, Macungie, expressed her opposition to the Bridge and grant funds. She walks Cotton Street and has never seen any pedestrian issues at there in the past and thought the grant funds could be better utilized elsewhere in the Borough. President Becker explained the grant funding, which is from the gambling commission. He explained the grant money has to be used for the project listed on the grant application and cannot be used for another project. If the Borough does not use the funds, they would be put back in the kettle and another municipality would use it in their community.

It was noted the Bridge would become part of the Borough trail connection. Borough Manager Boehm stated the stop signs at the Cotton Street bridge would be removed after the Bridge is installed. Council Member Schleicher commented the stop signs are not solving the problem or finishing the project.

James Cox, 42 Locust Street, Macungie expressed opposition to the Bridge. He walks his dog and runs in the area frequently and never felt unsafe.

REGULAR COUNCIL MEETING

Cindy Hartzell, 60 S. Chestnut Street, Macungie, stated she walks in the area frequently and supports the Bridge because it would be safer.

Angela Ashbrook, 317 Parkside Drive, Macungie, recalled the Council meeting, two weeks ago, where a couple of residents opposed the Bridge. She expressed concern that Council had their minds already made up about the Bridge and is still pushing to install it even though more residents are in attendance tonight opposing to the Bridge. She discussed the required matching funds, which would be approximately \$20,000, and what the cost would be to each property owner in the Borough to pay for the Bridge. President Becker briefly discussed the history of the Bridge. He noted that Council Members are planners and the Bridge has been discussed for years because the projects they plan take time to implement. Ms. Ashbrook suggested Council consider what the residents want and not just push forward because it was decided years ago to install a Bridge. She also stated that she understands how grants work, but grant funds are taxpayers' money, whether used in the Borough or in another municipality; however, the money is still coming from the taxpayers.

Council Member Yerman stated that he is not personally supportive of the Bridge due to the amount of additional funds the Borough has to provide. He commented that grant money is intended for a specific type of project, so it does not matter what municipality receives the grant monies because it will be spent on the same type of project.

Denise Brosky, 200 Cotton Street, Macungie, spoke on behalf of the previous Kalmbach Memorial Park caretakers, who expressed to her that the bridge is needed because it would be safer and it would also connect to the walking trail.

ii. Ryan Gingrich, noise complaint. A few residents near 995 Hillcrest Drive South were in attendance to discuss the constant parties, with loud music/noise and traffic occurring at 995 Hillcrest Drive South since the new residents moved into the property.

M. Albert, 4280 Glenwood Drive, Emmaus, discussed her perspective of the issues at 995 Hillcrest Drive South, which include parties with loud music, guests speeding in the area, guests bringing unleashed dogs to the property (no electric fence) and allowing them to defecate on the sidewalks, indirect threats, profane language used at her and sexual gestures that were made in front of her juvenile child. She stated that she tried to talk with the resident; but was only met with resistance. The Macungie Police Department (MPD) was called more than once. Ms. Albert requested support and mediation on the issue from Council and the MPD, before it escalates into something horrible. She expressed concern for her family's safety. Ms. Albert also stated that she does not believe anyone resides in the home during the week days.

Ryan Gingrich, 990 Vine Street, Macungie spoke about the loud music and intimidation he is receiving. He commented that the guests visiting the property are worse than the homeowners.

Sgt. Kocher stated the MPD has been called to the area on three occasions, but the officers that responded did not witness anything. He suggested Ms. Albert go to the District Magistrate's office to file a complaint regarding the threats and sexual gestures; and encouraged the residents to continue to call the MPD. Borough Manager Boehm commented on the Borough Nuisance

REGULAR COUNCIL MEETING

- c. Project Lifesaver. Sgt. Kocher provided an update on the program. Emmaus Borough has developed a policy. Now that a policy has been developed, he will use that to develop the Borough's policy. The program should be implemented before summer of 2019.
- d. Miscellaneous Comment. Council Member Schleicher reported that she spoke with Fire Chief Natysyn about an incident at the park. He commented that it was a good response by the MPD.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.

- a. A resident asked Council Member Hutchison if the Lehigh Street bridge is going to be maintained. Borough Manager Boehm stated that the Public Works Department budgeted for the staining of the bridge, which will be done this year.
- b. President Becker reported that he attended the New Tripoli Bank grand opening today.

APPROVAL OF MINUTES

- a. June 03, 2019 minutes. Council Member Hutchison made a motion to approve the June 03, 2019 minutes, as written, second by Council Member Bloch. Motion carried: 6 ayes.

CONSENT AGENDA

- a. Payment of invoices as listed totaling \$168,276.03. Council Member Hutchison made a motion to approve the invoices listed on the Consent Agenda, dated June 13, 2019, in the amount of \$168,276.03, second by Council Member Cope. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Macungie Planning Commission Recommendation, re: Lower Macungie Township Ordinance 2016-12 Amendment, proposed Ordinance 2019-09. LMT requested Council provide their comments and consideration on the proposed Ordinance 2019-09. Council Member Yerman noted that the Borough is only being asked to look at the proposed Ordinance Amendment and provide any issues and/or comments they may have.
- b. Macungie Ambulance Corps, re: May Report. They responded to 343 calls during this service month; 25 of the calls were in the Borough of Macungie.
- c. Lower Macungie Township ("LMT"), re: Comprehensive Zoning Ordinance Revision. The comprehensive Zoning Ordinance Revision enacts a multitude of recommendations and action items from the adopted Southwest Lehigh Comprehensive Plan of 2017. The Ordinance will go before the Southwest Lehigh Steering Committee at their June 25th meeting.

REGULAR COUNCIL MEETING

d. Macungie Volunteer Fire Department (“MVFD”), re: May Response Report. They responded to 9 calls in May; 8 calls were in the Borough of Macungie. President Becker commented that the MVFD exceeded their number of call responses from last year.

President Becker stated that he went to the Firefighter One Graduation Ceremony, where Richard Miller, Bill Henry and Joel Kennridge were among the graduates. President Becker noted the MVFD now has nine (9) Firefighter One level volunteers, not including the officers, which requires 940 man-hours to pass the course. He noted that the MVFD already has two (2) other volunteers enrolled in the upcoming course.

Council Member Hutchison reported that he and Mayor Conrad scheduled a meeting with Tom Bailey, from Bailey Associates Inc., for the week of June 24th to discuss the MVFD budget/audit. Council Member Hutchison asked the Council Members to provide him or Mayor Conrad with any specific questions or concerns they may have regarding any types of funds, so they can discuss them at the meeting.

e. Ken Nicholson, resignation letter. Zoning Officer Nicholson resigned from his position as Zoning and Code Enforcement Officer, effective July 30, 2019.

Council Member Hutchison made a motion to accept Ken Nicholson’s resignation, with regret, second by Council Member Roseann. Motion carried: 6 ayes.

REPORTS

a. Mayor.

i. Unlicensed Dirt bikes on Borough streets. The MPD did not receive any complaints regarding unlicensed dirt bikes on the streets. Mayor Conrad encouraged the residents to call the MPD with any issues.

ii. Council Member Cope questioned if vehicles could be parked blocking a driveway, whether the driver owns the property or not. Mayor Conrad will discuss the matter with the MPD.

b. Borough Manager.

i. Lehigh County 2019 CDBG Award. The Borough received notice of the 2019 grant award, in the amount of \$11,600.00. Borough Manager Boehm commented that there are 16 ADA ramps on S. Church Street that need to be replaced for compliance for a total cost of approximately \$98,592.00. She will inquire with Lehigh County if the Borough could amend the application to decrease the number of ADA ramps to match the grant funds.

Borough Manager Boehm commented that without grant funds, the property owners would be responsible to install the ADA ramps themselves, at the cost of approximately \$4,000 - \$5,000 per ramp.

The pending reconstruction project on South Church Street was briefly discussed, including the estimated cost of approximately \$760,000 and the possibility of additional storm drainage being

REGULAR COUNCIL MEETING

installed to help with the water runoff. President Becker suggested tarring and cindering S. Church Street now to help with the condition, which would allow Council some time to figure out where to get the funds for the reconstruction project.

ii. Borough Manager Boehm discussed the Marino Main Street Streetscape project 2-week schedule, which was distributed to Council. Marino will be working on the light foundations, trenching and conduit for the streetlights this week.

c. Committees - None.

Council Member Schleicher reminded Council and the public of the Chalk the Walk event this Saturday, June 22, 2019 from 9:00 a.m. to 12:00 p.m. at the MVFD. Prizes will be awarded. She stated 22-24 people have already registered for the event. The East Penn Press reporter was asked to attend the event.

UNFINISHED BUSINESS – PART I.

a. Borough Facility Feasibility Study. President Becker commented that this matter is about finances and would not be complete by the time Council Members changeover in 2020; therefore, anything done up to that time could be in vain. Council Member Yerman commented that the study was initiated for a multi-year plan on how to utilize the Borough buildings. Council tabled the matter until the new Council was seated in 2020.

b. Police Chief discussion. Council Member Yerman requested a written proposal from Mayor Conrad on for the Police Chief position. President Becker commented that Council voted to have a Police Chief, so the next conversation would be to decide if Council would like to open the candidate pool to the public or if they are only looking at an in-house person for that position, specifically Sgt. Kocher. Council Member Hutchison suggested that the first question be if the Chief would be Civil Service protected.

Ms. Ashbrook questioned what Civil Service protection means, which Borough Manager Boehm explained. President Becker noted that Chiefs are not usually protected. Council Member Hutchison noted that the past Borough Chiefs have not been protected. President Becker commented that he attended a meeting where all three government sectors said it would not be good to protect a Chief.

Mayor Conrad discussed his proposal. He stated that, if Sgt. Kocher were promoted to Chief, the only thing that would change is his title to Police Chief and he would not seek a pay increase. In Mayor Conrad's proposal, Sgt. Kocher's position as Sergeant would remain Civil Service protected, in case he would be removed as the Chief for some reason, then he could go back to his position as Sergeant, which would not be filled. Mayor Conrad stated he is currently trying to find out if this is legally possible. President Becker suggested Mayor Conrad contact the District Attorney's Office. Borough Manager Boehm suggested he contact the Attorney Stewart to inquire if it is permissible.

REGULAR COUNCIL MEETING

Ms. Ashbrook questioned if Council would offer the Civil Service protection if the Chief position were opened to the public. Mayor Conrad would not recommend that.

President Becker asked the Council if they wanted to offer Civil Service protection to anyone hired as Chief and it was a unanimous consensus of Council not to have a Civil Service protected Police Chief. Mayor Conrad concurred. Mayor Conrad stated that if Sgt. Kocher were promoted to Chief, his position would be at the will of Council without a contract.

Council briefly discussed the Police Chief proposal that had been presented by former Mayor Corder when he was in office. That proposal will be distributed to Council and Mayor Conrad for review and further discussion.

The Police Chief discussion was tabled until Council receives (1) Mayor Conrad's proposal in writing; and (2) Mayor Conrad finds out if Sgt. Kocher could return to his Civil Service protected position as Sergeant, if his position as Chief does not work out.

UNFINISHED BUSINESS – PART II

- a. Jeffrey and Steffany Hartman (collectively, the “Hartmans”) Sidewalk Waiver Request. To date, the Hartmans have not presented a proposal to Council. President Becker requested a letter be sent to the Hartmans asking them for an update on their sidewalk installation.
- b. Main Street Streetscape Phase 2. No action taken by Council.
- c. Main Street Streetscape Phase 3. No action taken by Council.

NEW BUSINESS

a. Cotton Street Pedestrian Bridge (the “Bridge”). The proposed Bridge was discussed again, including its history, the need for the Bridge, funds for its installation and purchase, and its connectivity to the Master Plan. The purchase price and purchase and installation of the Bridge would be completely paid for by the Local Share Account (“LSA”) Grant, but the engineering fees would not be funded, which would cost approximately \$20,000.

i. LSA Grant Agreement (the funds are generated by Act 71 of the Gaming Act). Borough Manager Boehm noted that 2019 is the first year LSA Grant money became available to the Borough. She stated the signed Agreement would need to be returned to DCED no later than July 12, 2019. The Borough would have until 2022 to spend the grant funds. Council Member Cope suggested trying to apply for another grant to use in conjunction with the LSA Grant to cover the engineering costs of approximately \$20,000.

Borough Manager Boehm suggested obtaining engineering quotes to see if the project could be completed at a lesser cost. President Becker commented that the project could possibly be completed for less with another engineering firm; but, the overall cost would not fit within the LSA Grant funds. Borough Manager Boehm noted that the DEP application fee of \$4,500 would not change.

REGULAR COUNCIL MEETING

Some of the Council Members expressed uncertainty or were opposed to accepting the LSA Grant funds due to the \$20,000 unfunded engineering fees the Borough would have to pay. Following the discussion, it was the unanimous consensus of Council to table the matter until the next Council meeting, to allow time to obtain additional engineering quotes.

Motion #1: Council Member Hutchison made a motion to not move forward with the Bridge due to a lack of funding, second by Council Member Yerman. Motion carried: 2 ayes and 4 nays; Council Members Becker, Bloch, Cope and Schleicher opposed. Motion denied.

Motion #2: Council Member Schleicher made a motion to postpone signing the LSA Grant Agreement to allow time for Council to pursue alternative engineering pricing, second by Council Member Bloch. Motion carried: 4 ayes and 2 nays; Council Members Hutchison and Yerman opposed. Motion passed.

b. Crosswalk Painting at Race and Main Streets. President Becker reported that he had not spoken with Norfolk Southern Railroad or Tim Romig yet to inquire if the Borough could paint a Crosswalk on their property.

Council Member Hutchison made a motion to paint only the area on Borough property, second by Council Member Bloch. Motion carried: 6 ayes. Motion passed.

c. Lower Macungie Township ("LMT") Ordinance 2016-12 Amendment. The proposed Ordinance Amendment was discussed. She stated the ordinance would not be approved by LMT until July, so Council could wait to provide comment after the Southwest Lehigh Steering Committee made a recommendation on the Ordinance.

Council Member Yerman made a motion to endorse the Borough Planning Commission's recommendation regarding the ordinance, second by Council Member Schleicher. Motion carried: 6 ayes.

Borough Manager Boehm stated that the Southwest Lehigh Steering Committee will be hearing a presentation from Lower Macungie at their July 25th and discussing the changes to the Zoning Ordinance. She commented that the Zoning Ordinance Amendment is an effort to regulate warehouse, 222 Bypass/Hamilton Boulevard and other growth.

Council Member Yerman stated he attended a previous PowerPoint presentation. He then discussed the topics, development, challenges and walking trail connectivity's that were addressed at the meeting.

President Becker and Council Member Yerman commented that ordinance reviews typically go before the Borough of Macungie Planning Commission, before they come before Council. Therefore, the matter will be sent to the Planning Commission for review at their next meeting on June 18th.

REGULAR COUNCIL MEETING

d. Approval of Payment Application No. 4 (final) to National Water Main Cleaning Company in the amount of \$31,755.45. Borough Manager Boehm stated that the project is now complete.

Council Member Hutchison made a motion to approve paying Application No. 4 to National Water Main Cleaning Company, in the amount of \$31,755.45, second by Council Member Schleicher. Motion carried: 6 ayes.

e. Zoning/Code Enforcement Officer Position. President Becker stated that he discussed the Zoning/Code Enforcement Officer and Rental Inspection positions with Todd Heffner, since he was appointed as the Residential Rental Inspector, but has not signed a contract with the Borough yet or begun work. The Job Descriptions will be sent to Mr. Heffner for his consideration.

Council discussed the position(s) and they unanimously decided to have the Zoning Officer, Code Enforcement Officer and Residential Rental Inspector positions combined into one non-union position, which will be part-time of no more than 29 hours per week. The wages will be commensurate with experience.

It was the unanimous consensus of Council to advertise the position in the newspaper, Borough website and online.

f. Budget Transfers. Borough Manager Boehm submitted three (3) Budget Transfers to Council:

<u>Amount</u>	<u>Purchase</u>	<u>From Account</u>	<u>To Account</u>
• \$2,014.50	Emergency systems – radiator replacement & generator repairs	08.429.313 Engineering	08.429.373 SF Garage maint. & repair
• \$285.51	Holiday Lighting Electric	01.453.245 Special event decorations	01.434.361 Holiday lights
• \$157.77	Greg’s Auto-Tires	08.429.250 Maint. & Repair - parts	08.429.374 Vehicle Repairs

Council Member Hutchison made a motion to approve the Budget Transfers collectively, second by Council Member Yerman. Motion carried: 6 ayes.

g. Approval and Authorization to sign the TE-160 Application for West End Trail Traffic Signal. The matter was discussed under Comments from the Audience on non-agenda items above.

ITEMS NOT ON AGENDA

a. Council Member Yerman:

REGULAR COUNCIL MEETING

i. Discussed the Walk/RollLV Event that was held by the Lehigh Valley Planning Commission in Bethlehem to raise pedestrian safety awareness in the Lehigh Valley for those walking or riding their bicycles.

ii. Due to Council Member Yerman's absence at the June 03, 2019 Council meeting:

- He requested clarification on a few items that were stated in the Minutes, which occurred during the meeting.
- He thanked Council for passing the Volunteer Tax Credit Ordinance and suggested holding a presentation for the Fire Department volunteers, so they understand the tax credit and how it works. Borough Manager Boehm will discuss a possible presentation with Fire Chief Natysyn.

b. Council Member Cope questioned the fire protection services in Alburtis that was stated in the June 03, 2019 Council Minutes. The fire taxes other municipalities pay were then discussed.

EXECUTIVE SESSION.

President Becker called for an Executive Session at 10:34 p.m. to discuss a personnel matter. The Council meeting was reconvened at 10:55 p.m. with no action being taken.

ADJOURNMENT.

Hearing no further business to be brought before Borough Council, Council Member Hutchison made a motion to adjourn the meeting at 10:55 p.m., second by Council Member Yerman. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant