

CALL TO ORDER

President Chris Becker called the July 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       |

PUBLIC COMMENTS

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

- i. Carl Sell, 46 Locust Street, Macungie, (1) reported that a butterfly bush has been planted in the bump out on the northwest corner of Poplar and Main Streets, which will grow to over 6' high; and (2) again, expressed his opposition to the proposed pedestrian bridge on Cotton Street, because he believes there are other projects in the Borough that could be done. Council Member Schleicher stated the butterfly bush was planted by the contractor and not the volunteer(s) taking care of the bump out. Borough Manager Boehm commented that it will need to be trimmed to the 2' required height.

- ii. President Becker commented that he attended the pre-construction meeting at West Chestnut Street, which the contractor held with the residents to discuss their concerns/questions on the street reconstruction. He asked the Macungie Police Department ("MPD") to enforce the no parking signs on the street during the construction.

- iii. Janet Sell, 101 S. Church Street, Macungie, expressed her past financial support of the Macungie Volunteer Fire Department ("MVFD"), then questioned if Council received the audit to show they are using their funds correctly. President Becker stated the MVFD is absolutely using the funds correctly. He then noted that Tom Bailey, from Bailey Associates Inc., has been acting Treasurer for the MVFD for approximately 18-months. Solicitor Armstrong noted the MVFD is a separate and distinct entity from the Borough and they control their own financial bookkeeping. Ms. Sell concurred she knew and understood.

Council Member Hutchison commented that he and Mayor Conrad met with Mr. Bailey on June 28, 2019 and requested and reviewed certain financial records, which were provided to them. Council Member Hutchison stated that as far as he is concerned, the proper checks and balances are in place at the MVFD. Mayor Conrad stated that the MVFD added more volunteers, provide training reports and in his opinion, everything is going very well there.

#### COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.

a. Council Member Schleicher.

- She reported the Chalk The Walk event, on June 22, 2019, was well attended and they are hoping to have another one in 2020. She thanked Angela Faidley, from Out of Our Mind Art Studio, the sponsors, volunteers and participants.

- She received several compliments that the bump outs look very nice. Also, Mrs. Johnson, from Fairview Street, thanked her and all of the volunteers for taking care of them. Council Member Schleicher concurred to her that they are cared for by volunteers and not by paid caretakers with taxpayer money.

b. Council Member Hutchison questioned the Barry Isett & Associates (“BIA”) invoice for \$679.00 for the two proposed line painting plans at the intersection of Race and Main Streets, which were supposed to be done for free. President Becker stated the Borough was not billed for the plans, but for the design work (marking the layout at the site) to paint the lines/crosswalk. A-1 Traffic Control will conduct the work.

#### APPROVAL OF MINUTES

a. June 17, 2019 meeting

Council Member Cope made a motion to approve the June 17, 2019 meeting minutes, as written, second by Council Member Bloch. Motion carried: 7 ayes.

#### CONSENT AGENDA

a. Treasurer’s report of June 27, 2019 – Council Member Schleicher made a motion to approve the June 27, 2019 Treasurer’s Report, as presented, second by Council Member Cope. Motion carried: 7 ayes.

b. Payment of invoices as listed totaling \$125,500.92 – Council Member Schleicher made a motion to approve paying the Consent Agenda invoices, in the amount of \$125,500.92, second by Council Member Akinjiola. Motion carried: 7 ayes.

#### CORRESPONDENCE

a. Macungie Volunteer Fire Department, re: May 2019 Certificate of Classes Report. The report noted Bill Henry, Rich Miller and Joel Kerridge have completed the Fire Fighter 1 course, Mike Tomlinson and Chris Ziello will be starting the Fire Fighter 1 course and there were two new members.

Mayor Conrad reported that the Vera Cruz Fire Company thanked the MVFD for their assistance with firefighting efforts in their Township; they did a great job.

b. Ryan MacKenzie, re: Amendment of the Right To Know Law. The letter acknowledged receipt of the Borough's Resolution to Amend the Right-To-Know Law and Provide Relief from Vexatious Requesters.

c. Municipal Retirement Trust, re: March 2019 Monthly Reports. Borough Manager Boehm reminded Council of the joint PSABMRT, Thomas Anderson & Associates and Morgan Stanley workshop on August 05, 2019 at 6:00 p.m. Council Member Bloch reported he will be absent from the workshop.

d. Nancy Meck, re: withdrawal of sidewalk appeal for repair/installation. President Becker stated the materials and repairs to be used on the sidewalk cracks were presented to the Borough Planning Commission and BIA for approval. Council Member Yerman commented that the Planning Commission worked with Commissioner Becker to find a suitable product to fill the cracks in the sidewalks, which BIA approved as long-standing. He stated the spalling portion of the sidewalk will be replaced. Ms. Meck then withdrew her appeal. Solicitor Armstrong commented that since she withdrew, no action is necessary by Council.

e. Meals on Wheels, re: 2019 donation request. They requested a financial donation for the fiscal year 2019. A letter will be sent to Meals on Wheels informing them that due to budget constraints, Council is unable to donate in 2019. But Council will entertain a budget request for 2020.

## REPORTS

a. Solicitor

i. Solicitor Armstrong reported he will be absent from the first meeting in August 2019. He will send a representative from his office if necessary.

ii. An Executive Session will be held to discuss legal and personnel matters.

b. Mayor

i. Police Chief Position. Mayor Conrad tabled the discussion until he has a proposal to present to Council.

ii. Project Lifesaver. The Standard Operating Procedures are complete and training will begin soon.

iii. Memorandum of Understanding ("MOU"), re: Lehigh County Crash Reconstruction Task Force. Mayor Conrad recommended Council sign the MOU for the Lehigh County Crash Reconstruction Team. Council was awaiting direction regarding the word "shall" in

the paperwork language, which was a concern. Council Member Yerman commented that “shall” means must.

Solicitor Armstrong discussed his concerns with the word “shall” referenced in Exhibits A (Lehigh County Crash Reconstruction Task Force Policy and Procedures) and B, which would not be changed, and commits the MPD to it. He also expressed concern on the termination provision, which states that the MOU “can be terminated anytime by mutual consent,” which means it can be terminated at any time so long as everyone agrees. Corp. Mullen confirmed that the MPD reviewed the documents; he stated that the MPD is on board with them and it is Sgt. Travis Kocher’s recommendation to follow through and accept it.

President Becker read a portion of the Lehigh County Crash Reconstruction Task Force MOU, which stated the names of the Lehigh County Police Departments and District Attorney that would be entering into the MOU. When asked by Council Member Schleicher, Corp. Mullen confirmed that the MPD backed the agreement. Council Member Bloch asked for clarification on what the task force would do and if the MPD has the manpower to participate. President Becker stated that the MPD would participate with the Lehigh County Crash Reconstruction Task Force, if necessary. Borough Manager Boehm stated that a representative she spoke with on the telephone stated that they understand small municipalities lack manpower, so they would not be required to provide it. Solicitor Armstrong cautioned that the language in the MOU states “shall,” which means the Borough would be required to participate. He then stated that if someone is sent out, there will be a cost (Corp. Mullen concurred there will be a cost). Corp. Mullen stated that the MPD does not have the training or expertise for a reconstruction, so the County would send the Task Force to do it, then seek to be compensated for it. He was unsure if the MPD would be called out with the Task Force.

Council Member Hutchison made a motion to proceed with the Task Force Memorandum of Understanding, second by Council Member Bloch. Motion passed: 5 ayes and 2 nays.

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

Motion Passed.

There was a concern of the cost associated with the MPD’s participation. Corp. Mullen stated that if the MPD needed to use the resource, they would be billed for it. Council Member Bloch expressed concern of the MPD having to participate and no other officer being available to fill in at the MPD during that time. Corp. Mullen stated that would not happen.

iv. Vehicles Parking in Front of Driveways. Mayor Conrad reported back to Council that the Code does not specifically address if property owners can park in front of their own driveway or not. Corp. Mullen commented that vehicles should not block access in or out of a driveway. He stated the MPD investigates complaints on a case-by-case basis. However, neighbors should not block another neighbor’s driveway.

v. Non-Agenda Item, re: MVFD Agreed Upon Procedures Engagement. Council Member Hutchison stated the MVFD Treasurer, Tom Bailey, emailed he and Mayor Conrad information regarding the MVFD's Agreed Upon Procedures Engagement Agreement. Council Member Hutchison asked Mayor Conrad to distribute the information in the email to Council for their review and discussion at the next Council meeting.

c. Borough Manager

i. 2020 United States Census ("the Census") Proclamation, which was issued by Phillip M. Armstrong, Lehigh County Executive. He is asking all municipalities to include and encourage their education, health and human services, aging, non-profits, chambers of commerce, unions, and the faith-based communities, and to encourage households to participate in the Census. Borough Manager Boehm discussed the importance of having an accurate count, which would affect a municipality's congressional representation and eligibility for a Community Development Block Grant ("CDBG") and other grants that are based on the Census.

Borough Manager Boehm reported that most of the Census reporting will be done on the internet; they will only send mailings or go door to door when necessary.

ii. Lehigh County 2019 CDBG. Borough Manager Boehm is awaiting a response to her request to lower the scope of the project work, since they only received enough grant money to install eight (8) ADA ramps. If the request is approved, the Borough would then apply for grant monies in 2020 for the remaining eight (8) ramps.

iii. DEP letter and NPDES Permit. Borough Manager Boehm reported that the Borough received a final notice from the Department of Environmental Protection ("DEP") stating the MS4 Permit was approved. She discussed the required items that must be submitted to DEP, along with the submission deadlines, which are outlined in their June 18, 2019 NPDES permit letter. ACELA Engineering is currently working on the 5-year MS4 Plan.

President Becker discussed a meeting at the park he and Council Member Bloch attended, where Dan Witczak, from ACELA Engineering, was asked to speak to the park staff on July 26<sup>th</sup> at 7:00 p.m. regarding the MS4 and stream bank restoration plan at Macungie Memorial Park. Council Member Yerman commented that everyone along the Swabia Creek is concerned about erosion, including Kalmbach Memorial Park, who may also wish to attend the meeting. The erosion along the stream was discussed, along with suggestions on how to help slow it down. Borough Manager Boehm stated that the Borough's PRP project is specific to a certain section from Cotton Street to Walnut Street.

iv. Borough Manager's Retirement Notice. After 20 years of service to the Borough, Manager Boehm read and submitted her written notice of retirement to Borough Council, effective January 31, 2020. Her last day in office will be December 31, 2019. She requested compensation for her accumulated vacation and sick benefits and for the Borough to provide, and pay for, her health care benefits until age 65.

President Becker stated it has been a pleasure to work with Borough Manager Boehm over the years, then acknowledged her hard work and dedication to the Borough. President Becker made a

motion to accept Borough Manager Boehm's retirement notice, with extreme regret, second by all the other Council Members. Motion carried: 7 ayes.

Later in the meeting Solicitor Armstrong clarified, under "Items Not on Agenda," that Council's motion was to accept the retirement with the request for benefits to be discussed at a separate time.

v. Borough Manager Leave of Absence. Borough Manager Boehm reported she will be on medical leave starting August 1, 2019.

d. Committees

Southwest Lehigh Steering Committee ("SWLSC") Report. Council Member Schleicher discussed the June 25, 2019 meeting she attended regarding the Lower Macungie Township's ("LMT") draft Zoning Ordinance ("Draft Ordinance"). The SWLSC will tentatively meet again on July 23, 2019. LMT will also be holding a meeting on July 25, 2019. The draft Ordinance is on LMT's website for Council to read.

Council Member Schleicher asked if the Borough Planning Commission ("P.C.") had any questions regarding the Draft Ordinance. Council Member Yerman discussed the P.C.'s thoughts on trying to read through it, then commented that it would be overwhelming for anyone to review the document to comment on it. Borough Manager Boehm suggested that municipalities only review area affecting their municipality.

Council Member Yerman commented that the next step would be for Borough Council to review the Draft Ordinance and provide comments to LMT. Council Member Schleicher suggested Council Members attend the LMT's public meeting on July 25<sup>th</sup>, to learn about the changes. She stated LMT will not be taking action until August 01, 2019.

President Becker suggested the MS4 at the Hamilton Crossings be added to the list for completion.

UNFINISHED BUSINESS – PART I

a. Zoning/Code Enforcement Officer/Rental Inspector application deadline July 12<sup>th</sup>. President Becker spoke with Todd Heffner about the position and provided the job description to him. The position and hours were briefly discussed. Borough Manager Boehm noted that resumes for the position are due by July 12, 2019.

b. Cotton Street Pedestrian Bridge, LSA Grant Agreement due by July 12<sup>th</sup>. President Becker stated he received two engineering quotes for the project. He discussed the matching funds the Borough would need to provide, which are approximately \$20,000.

Angie Ashbrook, 317 Parkside Drive, Macungie, asked if the project could become more expensive if anything was found during a geological study. President Becker stated that if something was found in the soil, the project would have to cease, but they would not know that until the study is completed.

Carl Sell, 46 Locust Street, Macungie, questioned if anyone looked at the condition of the bridge by Master Supply Line (on Hickory Street), which he believes requires repairs.

Janet Sell, 101 S. Church Street, Macungie, opposed the bridge. She asked if a study was conducted to see how many pedestrians and vehicles travel in the area the bridge is to be erected. President Becker replied that a pedestrian study was not done, but a vehicle study was done at Church and Main Streets and Cotton and Church Streets. He gave a brief history of the proposed bridge, then noted that a pedestrian bridge was always part of the construction design.

Ms. Ashbrook suggested additional signage be placed in the area, cautioning/alerting vehicles of pedestrians, instead of the bridge. Council Member Schleicher gave a brief history of Borough residents coming before Council to request the bridge. She stated it is about safety being the priority. President Becker discussed grants and the difficulty in receiving them. Council Member Cope commented that it is very difficult to find grants that are 100% funded.

President Becker made a motion to hire ACELA to do the professional engineering for the pedestrian bridge, based on their quote/proposal dated June 27, 2019, and to approve signing of the grant agreement, second by Council Member Schleicher. Motion passed: 6 ayes and 1 nay. Council Member Hutchison opposed.

#### UNFINISHED BUSINESS – PART II

a. Jeffrey and Steffany Hartman (collectively, the “Hartmans”) Sidewalk Waiver Request. Borough Manager Boehm reported that, at the direction of Council, a letter was sent to the Hartmans asking them for an update on their sidewalk installation. They have not responded yet.

b. Main Street Streetscape Phase 2.

i. Approval of Change Order #1, in the amount of \$2,834.70. President Becker discussed the reason for the Change Order, which was due to the bid coming in lower than anticipated allowing certain items to fit the project costs within budget. Council Member Schleicher made a motion to accept Change Order #1, in the amount of \$2,834.70, second by Council Member Cope. Motion passed: 7 ayes.

c. Main Street Streetscape Phase 3.

i. Revised Bid Schedule, from Barry Isett & Associates (“BIA”) was sent for informational purposes only. Phase 3 will be advertised and bids will be due by August 01, 2019.

The grant funds for the project were discussed. President Becker noted that the DCED Grant was 100% funded, with no Borough match.

#### NEW BUSINESS

a. Meals on Wheels 2019 Donation Request. It was the unanimous consensus of Council to discuss a possible donation during the 2020 Budget workshops. Council Member Schleicher expressed her support for a donation in 2020.

b. Sewer Capital Loan Advance Draw #5. Council Member Yerman made a motion to transfer the \$51,174.45 for Draw #5 from the Sewer Capital Loan to the Sewer Capital Payment Fund, second by Council Member Cope. Motion passed: 7 ayes.

Council Member Yerman questioned the timeline for the project. Borough Manager Boehm reported that the CIPPL work is completed and the manhole work will be bid out shortly. The laterals will be done after the manholes and is the most expensive part of the project.

Ms. Ashbrook questioned when the Sewer Capital Loan would be satisfied. Borough Manager Boehm stated that the loan expires in 10 years. President Becker explained the history for the required repairs that initiated from receiving a DEP mandate to limit the rain induced inflow and infiltration going into the system, which in turn required municipalities to make repairs.

c. DCED Multimodal Grant Application for Main Street Phase IV Streetscape.

i. Resolution 2019-10, Authorizing Signing and Submittal of Grant Application. President Becker read of portion of Resolution 2019-10, requesting a multimodal Transportation Fund grant in the amount of \$2,045,300.00 from the Commonwealth Financing Authority to be used for Phase IV of Downtown Streetscape Improvements.

Ms. Ashbrook asked what improvements the grant would be used for. President Becker stated that Phase IV would include the balance of the brick pavers, street lights and street trees along Main Street, from Lea Street to South Chestnut Street.

Council Member Schleicher made a motion to authorize Borough Manager Boehm to sign Resolution 2019-10, applying for the grant, second by Council Member Yerman. Motion passed: 7 ayes.

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

Motion Passed.

ITEMS NOT ON AGENDA (Mayor and Council members only).

a. Motion accepting retirement of Borough Manager. Solicitor Armstrong stated he wanted to make note, for the purposes of the Minutes, that the motion to accepting the Manager’s retirement was for the retirement, with the understanding that the requested benefits would be discussed at a separate time.

b. Jaindl Land Group (“Jaindl”). Borough Manager Boehm reported that Jaindl is planning on attending the Lehigh County Authority meeting tomorrow, July 02, 2019, to seek sewer capacity for its development(s) over the next 5-years. She commented that Jaindl would like to be treated in a different definition (5-years), other than what is defined in their agreement (must be

used within 2-years), and she is expected to vote on it at the meeting. There was a unanimous consensus among Council to direct Borough Manager Boehm to vote no.

c. MPD Sally Port and Holding Cell Request, which was part of the Feasibility Study (the “Study”). Council Member Hutchison suggested Council ask the MPD if they still want a sally port and holding cell, and if so Council should have the renovations done, if the funds are available. President Becker commented that the Study was done to look at how the Borough owned buildings are being utilized. He expressed caution on advancing one portion of the Study and not looking at the whole picture. The Study and any possible MPD renovations were placed on hold until after new Council Members are onboard in 2020 or the work could be in vain.

d. Crosswalk Lights at Main and Poplar Streets. Council Member Bloch questioned if the lights were fixed. President Becker, Council Member Bloch and Corp. Mullen reported that some of the lights were not working. Borough Manager Boehm stated that they are still waiting for nine more lights to be delivered, which will be at no cost to the Borough because they have not been durable.

EXECUTIVE SESSION - President Becker called for an Executive Session at 09:28 p.m. to discuss legal and personnel matters.

The regular Council meeting reconvened at 10:20 p.m. The Borough Manager was directed to contact Marci Albert and inform her to submit a complaint form. Those are the procedures Council must follow.

Council Members Yerman and Schleicher volunteered to serve on an ad hoc committee to work with the Borough Manager in preparing to advertise for a new Borough Manager.

#### ADJOURNMENT

Hearing no other business to come before Council, the motion was made by Council Member Yerman and second by Council Member Bloch to adjourn the meeting. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant