

## REGULAR COUNCIL MEETING

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

CALL TO ORDER

President Chris Becker called the July 15, 2019, meeting of Macungie Borough Council to order at 7:30 p.m. in the Macungie Institute, 510 E. Main Street, Macungie, PA.

MACUNGIE POLICE DEPARTMENT (“MPD”) – Representatives from the MPD were unable to attend tonight’s meeting.

PUBLIC COMMENTS

- a. Prior Public Comments to Council - None.
- b. Comments from the Audience on non-agenda items.
  - i. Flower Park Signs. Borough Manager Boehm discussed the Flower Park’s request to hang two medal signs on the Flower Park property, along with a poster on the reader board. She reported that Macungie Borough has been recognized as a showcase community for the Northeastern Pennsylvania Railroad 250<sup>th</sup> Anniversary of the Anthracite Region. The size of the signs and their material type were discussed, along with placement of the signs.

Jane Leeser, the Flower Park Coordinator, is unaware of an ending date for how long the signs should be posted. It was suggested to allow the signs to be hung up for one year, since anniversaries are usually one year, then re-evaluate if they should remain up longer. Town Beautification will provide the wooden posts to install the signs on.

Council Member Hutchison made a motion to allow the signs to be erected in the Flower Park for at least one year at an agreed upon location, then re-evaluate keeping them it up longer, second by Council Member Yerman. Motion carried: 7 ayes.

- ii. Martin Bertie, Shimerville, asked what the Borough has done to correct the railroad track crossing (the “RRX Crossing”), near Main and Race Streets. He stated it has large holes and

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is in need of repairs. He stated that over the last month, he contacted Norfolk Southern Railroad and PennDOT several times to report the issue and request repairs, but no one has called him back.

Mr. Bertie expressed concern of a potential major accident if they are not repaired; then he gave a few examples of vehicles violating traffic rules and patterns due to the condition of the RRX Crossing. Borough Manager Boehm commented that she has received other complaints about the condition of the RRX Crossing as well.

Council Member Yerman made a motion to authorized Borough Manager Boehm to send Norfolk Southern Railroad a letter regarding the condition of the RRX Crossing and request they make repairs so there is not a traffic accident, second by Council Member Bloch. Motion carried: 7 ayes.

Borough Manager Boehm will copy the elected officials on the letter. Council Member Hutchison suggested including photographs of the holes/condition with the letter.

EXECUTIVE SESSION #1. President Becker called for an Executive Session at 7:52 p.m. to discuss a personnel matter. The Council meeting was reconvened at 8:30 p.m. with Mayor Conrad being asked to review the policy on police body cameras, which Mayor Conrad agreed to do.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.a. Council Member Schleicher.

i. In response to Carl Sell's comment at the last Council meeting regarding the butterfly bushes planted in the bump out at Main and Poplar Streets, Council Member Schleicher stated she looked at the landscape plans for the bump out, which showed other bushes were to be planted instead of three butterfly bushes. She reported that she trimmed the butterfly bushes to approximately 2' and suggested replacing two of them in the fall. Concurring with Council Member Schleicher's statement(s), President Becker stated that Council investigated the matter and found the butterfly bushes were originally planted under the engineer's guidance, then found to be invasive. Council will deal with the bushes as they go forward.

ii. Council Member Schleicher provided an update on the West Chestnut Street repaving project, which was completed within one week. She complimented Bracalente Construction on a great job and stated Dominic and his crew were wonderful to work with and very polite to the residents.

b. Council Member Hutchison commented that at the last Council meeting, the MPD officer on duty was at the Council meeting while a woman needed assistance at the Macungie Pool, because she locked her keys in the car and the Alburtis Police responded to the call. Council Member Schleicher commented that she expressed to Sgt. Travis Kocher an officer should attend that meeting. Mayor Conrad stated the officer attended the meeting on his order, unless there was a major emergency call, which the officer would have left the meeting to respond to. He further stated that an agreement was made with the Alburtis Police Department that they would respond to all non-emergency calls during the time of the Borough's last meeting.

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c. Council Member Bloch reported that the crosswalk lights at Main and Poplar Streets are still out. Borough Manager Boehm stated she sent an email to Telco asking for a status update and is awaiting a reply.

d. Council Member Becker requested that the pedestrian crosswalk sign, at Chestnut and Main Streets, on the Subway corner, be turned to face the proper direction. Borough Manager Boehm will have the Public Works Department fix it.

APPROVAL OF MINUTES

a. July 01, 2019 minutes. Mayor Conrad requested a correction to Page 3, Section a, under Correspondence, which read “Mayor Conrad reported Upper Milford Township thanked the MVFD...” He stated that it was Vera Cruz Fire Company and not Upper Milford Township.

Council Member Akinjiola made a motion to approve the July 01, 2019 minutes, with the one noted correction, second by Council Member Schleicher. Motion carried: 7 ayes.

CONSENT AGENDA

a. Payment of invoices as listed totaling \$71,890.09. Following discussion on the invoices, Council Member Schleicher made a motion to approve the invoices listed on the Consent Agenda, dated July 11, 2019, in the amount of \$71,890.09, second by Council Member Yerman. Motion carried: 7 ayes.

CORRESPONDENCE

a. State Representative Ryan MacKenzie, re: correction to previous HB 432 letter. He noted and apologized for the error in his previous letter. Borough Manager Boehm noted that the corrected letter was in response to Council’s request for non-support of HB 432, which automatically assumes Post Traumatic Stress Disorder.

b. Macungie Ambulance Corps, re: June Report. They responded to 320 calls during this service month; 20 of the calls were in the Borough of Macungie.

c. Macungie Volunteer Fire Department, re: June Training Report. Training included Hose Work, setup for Truck Show, Scba Testing and Hydrant and Pre-connects.

d. Amy Hillegass, Macungie Memorial Park Manager, re: request for Public Works assistance installing fence posts for August Car Shows. She requested help from the Borough Public Works Department to install the fence posts in preparation of the 2019 Das Awkscht Fescht and Wheels of Time Show.

Council Member Bloch made a motion to approve the request for the Public Works Department to assist with the installation of the fence posts for the August car shows, second by Council Member Becker. Motion carried: 7 ayes.

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e. Correspondence Added to Agenda. Applicant Donald S. Young (“Applicant Young”), submitted a *Waiver of Procedural Time Requirements*, granting a waiver of all applicable time periods, to Council and the Planning Commission, through September 30, 2019.

Council Member Yerman gave a brief history on Applicant Young’s lot line adjustment plan. He stated that Applicant Young is adjusting the lot lines on the 5 or 6 individual properties he owns, fronting Main Street (“the smaller properties”) to make the rear lot bigger.

Council Member Bloch questioned if there will be enough parking if Applicant Young takes area away from the properties in the front. Council Member Yerman stated the engineers raised the parking issue at the Planning Commission. He commented that all of the smaller properties met the requirements and Applicant Young will create a right-of-way for the smaller lots to continue sharing parking. Solicitor Armstrong reported that he received a draft easement agreement last week for the shared parking, which he revised and sent back. Borough Manager Boehm commented that the plan will be distributed when Applicant Young comes before Council in September.

Council Member Becker made a motion to approve Applicant Young’s extension request to September 30, 2019, second by Council Member Hutchison. Motion carried: 7 ayes.

REPORTS

a. Mayor.

i. Macungie Police Department (“MPD”), re: June 2019 Monthly Report. Mayor Conrad briefly discussed the MPD’s June 2019 Monthly Report, which included being dispatched to 1,252 incidents (year-to-date total), 23 traffic citations (June) and assisting Alburdis Police Department 3x (June).

Council Member Yerman questioned if the MPD was conducting targeted work to enforce the speeding rules on the streets in the Borough that were discussed over the past 6-months (Mayor Conrad responded that they are). Council Member Yerman commented that 23 traffic citations in the month of June is less than one citation per day, which seemed low to him. He recalled the speeding issues being discussed several times during Council meetings and the MPD stating they would do more targeted enforcement to try to get some of the speeding under control. Council Member Yerman then expressed that with the targeted enforcement he expected more traffic citations to be issued.

The speeding issues, including the Speed Board Reports, provided by Sgt. Kocher, showing the number of vehicles speeding on specific streets were discussed. Council Member Yerman commented that with the number of speeders noted on the reports, it would seem that more citations would be written.

Mayor Conrad discussed some of the constraints with being able to enforce the speeding rules. Some of the Council Members discussed ways the speeding rules could be enforced.

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During the conversation, Mayor Conrad commented that he would investigate, and provide Council with more information regarding (1) the amount of speeding citations the MPD issued last year so the amount could be compare to this year, (2) how many hours in the month of June, per shift, the MPD dedicated to enforce the speed limits on Church Street and Race Street, and (3) the number of traffic citations issued on the streets within the targeted speed enforcement area.

b. Borough Manager.

i. Zoning/Code Enforcement Officer Applicants. The deadline for candidates to submit a resume was Friday, July 12, 2019. Four (4) applications/resumes were received for the position. Interviews will be held on Wednesday, July 17<sup>th</sup> and recommendations will be given to Council at their next meeting.

ii. Work Order #2, Streetscape Phase II Request, for downspout coming out of the curb at 27/29 W. Main Street. The area has been excavated to install the brick pavers and the downspout will be connected through the sidewalk. The property owner agreed to pay the expense for the connection and submitted a check, in the amount of \$324.45, to cover the expense.

Council Member Becker made a motion to approve Change Order #2, from Marino Corporation, in the amount of \$324.45, second by Council Member Hutchison. Motion carried: 7 ayes.

iii. Marino Two Week Work Schedule, from July 15-27, 2019, for the remainder of the Main Street Streetscape Phase II project. Borough Manager Boehm briefly discussed the schedule.

c. Committees.

i. Borough Manager Search Committee. The employment advertisement for the Borough Manager position was distributed and discussed. Council Member Yerman discussed the suggested changes to the advertisement.

Council then discussed the suggested changes and the qualifications potential candidates will need to have to be considered for the position, including a minimum of five (5) years municipal management experience, a Bachelor's degree or equivalent work experience in a related field and residency within a 20-mile radius of the Borough, with a start date of December 1, 2019. The salary range will be \$60,000 - \$75,000, plus benefits. Solicitor Armstrong requested to review the advertisement before it is published.

There was a unanimous consensus among Council to advertise the Borough Manager position, with the suggested changes/qualifications, after Solicitor Armstrong reviews it. The position will be advertised in the newspaper, on the Borough Website, to the Lehigh Valley Manager's Association, in the PSAB magazine and online employment websites.

UNFINISHED BUSINESS – PART I. None.

UNFINISHED BUSINESS – PART II

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- a. Jeffrey and Steffany Hartman (collectively, the “Hartmans”) Sidewalk Waiver Request. Borough Manager Boehm received an email from the Hartmans today stating they reached out to their lawyer and the Main Street Commons Developer, Rudy Amelio, but they have not heard back from them yet. The Hartmans will keep Council informed.
- b. Main Street Streetscape Phase II. A meeting is scheduled for Wednesday, July 17, 2019 at 2:00 p.m.
- c. Main Street Streetscape Phase III, Bid Opening 8/1, Bid Award 8/5. President Becker commented that Phase III should be completed by the end of 2019.
- d. Borough Manager Request for Retirement Medical Benefits and Reimbursement of accumulated sick and vacation time. The matter will be discussed in an executive session.

NEW BUSINESS

- a. MVFD Agreed Upon Procedures Engagement Agreement. Solicitor Armstrong recalled a recent Council meeting where Council stated they were amenable to accepting an Agreed Upon Procedures Engagement from the MVFD in lieu of an audit. Solicitor Armstrong noted that the Borough would not be a party in the Agreement. President Becker commented that the Agreed Upon Procedures Engagement is not an agreement in the sense of the word agreement; he then recalled an accountant coming before Council, who used the language “Agreed Upon Engagement Procedures,” which is not a full audit.

President Becker then gave a brief history on the Agreed Upon Engagement Procedures, which included two representatives from Council (Mayor Conrad and Council Member Hutchison), who took finance questions from Council to the MVFD to discuss them and ensure they were copasetic, then provide Council with a report on the findings.

Council discussed a lengthy email they received from Tom Bailey regarding the MVFD, which some Council Members did not find as an acceptable report. President Becker commented that he expected to see a written report on the findings; with Council's questions and the MVFD's answers to the questions. Borough Manager Boehm commented that she understood the MVFD would hire a CPA firm to prepare an Agreed Upon Procedures Engagement.

President Becker stated that it was agreed that the MVFD would provide an Agreed Upon Procedures Engagement (not a full audit) prepared by an accountant/CPA firm. He commented that the only way to close the matter is for the MVFD to hire a CPA firm to provide Council with an Agreed Upon Procedures Engagement with the findings, which is what the MVFD agreed to.

- b. Budget Transfers. Borough Manager Boehm submitted four (4) Budget Transfers to Council:

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<u>Amount</u>	<u>Purchase</u>	<u>From Account</u>	<u>To Account</u>
• \$26.87	Greg's Auto – Inspection and AC charge on #706	01.410.250 Maint. & Repair - parts	01.410.374 Vehicle Maintenance
• \$28.55	PPL Electric	01.453.245 Special event decorations	01.434.361 Holiday lights
• \$66.05	Overhead Door Company	08.429.384 Machinery Rental	08.429.374 Vehicle Repairs
• \$202.40	Greg's Auto – AC leak	08.429.220 Operating Supplies	08.429.373 Garage Main. & Repairs

Council Member Akinjiola made a motion to approve the Budget Transfers collectively as a whole, second by Council Member Hutchison. Motion carried: 7 ayes.

ITEMS NOT ON AGENDA – None.

EXECUTIVE SESSION #2. President Becker called for a second Executive Session at 9:45 p.m. to discuss a personnel matter. The Council meeting was reconvened at 10:00 p.m. with no decisions made.

ADJOURNMENT.

Hearing no further business to be brought before Borough Council, all seven (7) Council Members made a motion to adjourn the meeting at 10:00 p.m. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant