

Pension Workshop – 6:00 p.m.
Regular Meeting - 7:30 p.m.

ATTENDANCE

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

PENSION WORKSHOP - began at 6:10 p.m.

In response to Council Member Yerman's concern (during the April 01, 2019 Council meeting) regarding the Borough's funding of the Non-Uniformed Defined Benefit and Police Pension Plans, Borough Manager Boehm scheduled tonight's workshop for the purpose of hearing a presentation and to have a discussion on the pension investments with representatives Joseph Scott from PSABMRT, Douglas Werley from Thomas Anderson & Associates and Thomas Schaltzman from Morgan Stanley (consultants for the portfolio).

Mr. Schatzman gave an overview of the pension portfolios, return patterns and investing options. Mr. Werley provided a 5-10 year funding plan, which included a recommendation to limit a potential pension risk in the future. He stated if an adjustment is not made, there is a good possibility there could be a future deficit. His recommendation included the Borough funding the 2019 and 2020 pensions with the *MMO Based Market Amount*, plus an additional \$22,500 for the Police pension and \$27,500 for the Non-Uniform pension (which would be an additional total cost of \$50,000 per year), then, to start lowering the MMO rate in future years. The actual would then need to be re-evaluated in 2021.

The Pension Workshop adjourned at 7:24 p.m.

CALL TO ORDER

President Chris Becker called the August 05, 2019, regular meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

After the meeting was called to order, President Becker noted the Pension workshop that was held prior to tonight's regular meeting. He noted Mr. Werley's recommendation to help with a possible pension fund deficit in the future. He then stated that no decisions were made, as the workshop was an informal meeting, which could help Council plan next year's budget.

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PUBLIC COMMENTS

a. Prior Public Comments to Council.

i. Martin Bertie, re: Norfolk Southern Railroad Crossing Condition. President Becker reported that Norfolk Southern Railroad (“NSR”) was contacted and they have funds available to begin repair work on the railroad tracks, near Race and Main Streets, but authorization is required from PennDOT since Main Street/Route 100 is a State Route and would need to be closed for 2-3 days while the repairs are made. If NSR receives PennDOT approval soon, the repair work can begin in September 2019.

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

i. Marci Albert, 4280 Glenwood Drive, Emmaus, provided Council with an update regarding an ongoing dispute with the neighbors at 995 Hillcrest Drive South, which stems from disruption, noise ordinance violation(s) and harassment which has become a nuisance. She stated progress has been made, but there are still issues. She is working with the MPD, who have been helpful, to continue to resolve the issues.

Ms. Albert reported that the neighbors recently installed cameras on their property, which are angled onto her property. She expressed concern for her family’s privacy, her children being videotaped and what the neighbors could do with the video footage. She spoke with Sergeant Travis Kocher and Corporal Mullen at the MPD about it; she understands that anyone has the right to install cameras on their property, but what they do with the recording (how they are used) becomes a gray area of the law. She questioned the Borough and State rules and/or laws on the distance a camera could record and where they could record. Council Member Yerman commented that he believes State law would govern it, as he did not recall seeing any Borough laws/rules. Council Member Schleicher stated that after Ms. Albert emailed her, she investigated the Borough Ordinances and did not find anything on it.

Again, Ms. Albert stated that her concern is what the neighbor(s) might do with the video footage because of the prior incidences with them and how bad things have gotten. She then gave several examples of recent issues with the neighbors and her effort(s) to try to resolve them, without involving the MPD, which were unsuccessful.

Ms. Albert stated she wanted to make sure her words are not misconstrued or misrepresented when it comes to what is happening. She stated that in several cases during visits, it was made to seem that they [Ms. Albert and other neighbors that complained] were the aggressors. She said they will continue to work within the confinement of the law to resolve the issues, then go from there.

President Becker stated that Council would look into the Zoning and Borough Code of Ordinance regarding her questions on video camera use.

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COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.

a. Council Member Schleicher reported that the Das Awkscht Fescht event at Macungie Memorial Park went well. She complimented the park on a great job. President Becker commented that beer and wine was sold this year and served by a local brewery from Emmaus. He stated however that the Wheels of Time event in August 2019 would not be serving alcohol.

b. President Becker

i. He commented that due to two other pools in nearby communities being closed, the Macungie Pool had a really busy summer. They had a lot of out of area attendees that did not want to follow rules and caused issues. He complimented the Macungie Police Department (“MPD”) for coming out often, supporting the pool staff, enforcing the rules when necessary.

Council Member Hutchison stated that he recently visited Macungie Pool for the first time in many years, with his granddaughter and had a great time. He complimented the pool manager for doing a fantastic job and the staff for being professional and pleasant.

ii. President Becker thanked the Public Works Department for fixing the pedestrian light at Chestnut and Main Street. He also reported that the crosswalk lights at Poplar and Main Streets were working.

c. Council Member Hutchison

i. He reported a resident expressed concern about speeding on Lehigh Street, as she almost got hit by a vehicle. He inquired about the status of more MPD enforcement on streets with speeding issues, which was discussed at previous Council meetings. Council recalled asking Mayor Conrad to discuss the speeding issues with the MPD and asking them to enforce the violations. President Becker will contact Mayor Conrad and ask him to report on (1) the number of speeding citations the MPD issued last year so the amount could be compare to this year, and (2) how many hours the MPD is dedicating, per shift, to enforce the speed limits on Church Street, Race Street and Mountain Road.

ii. He asked if the updating of the *Macungie Emergency Management Plan* was completed. President Becker stated that it was very close to being completed.

MAIN STREET STREETSCAPE PHASE 3 BID AWARD – Bryan Smith, from Barry Isett & Associates (“BIA”), reported that bids for Phase 3, from Pine Street to slightly past Lea Street, were solicited for the brick pavers, street trees and ornamental street lights.

Mr. Smith discussed the three bids that were received on August 01, 2019 from (1) Mohawk Contracting & Development, for a Base Bid Total of \$722,126.00 (2) Kobalt Construction, for a Base Bid Total of \$741,480.00 and (3) Marino Corporation, for a Base Bid Total of \$844,000.00.

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All of the bids were responsive and included four allowances for (1) 200 SF of concrete sidewalk, (2) 50 SF of brick paver installation, (3) new street light (incl. base and electrical installation) and (4) 50 LF of electrical wiring and conduit. He stated that the allowances are fund amounts that are held, and would be returned back to the Borough if they are not used by the end of the job. Mr. Smith then noted the lowest base bid total was from Mohawk Contracting & Development (“Mohawk”), which BIA recommends Council accept. The Borough will receive grant funds, in the amount of \$750,000.00, which includes engineering costs of approximately \$75,000.00.

Mr. Smith stated that BIA will have an onsite project inspector, which is captured in their costs of \$75,000.00. The inspector will be onsite full-time in the beginning of the project, then their hours may be adjusted as the work progresses. The project’s warranty and maintenance bond were then discussed. The Phase 3 project is expected to be completed by December 2019.

Mr. Smith stated the Borough would have to contact PPL to have their lights removed. He recommended that the Borough wait until after the project is completed, then have all of them removed at one time.

Council Member Yerman made a motion to accept Mohawk Contracting & Development’s bid, in the amount of \$722,126.00, second by Council Member Hutchison. Motion carried: 6 ayes.

ZONING OFFICER APPOINTMENT – President Becker stated he and Borough Manager Boehm met with three candidates and recommended one of them, but he was unavailable to attend tonight’s meeting.

Council will hold an executive session on August 06, 2019 at 7:00 p.m. at Borough Hall to meet the candidate, discuss the position description and his qualifications. The matter was deferred to the next Council meeting, on August 19, 2019, when the candidate is available to attend and Council can vote on it.

APPROVAL OF MINUTES

a. July 15, 2019 meeting. Council Member Hutchison made a motion to approve the July 15, 2019 meeting minutes, as written, second by Council Member Yerman. Motion carried: 6 ayes.

CONSENT AGENDA

a. Treasurer’s report of July 31, 2019 – Council Member Hutchison made a motion to approve the July 31, 2019 Treasurer’s Report, as presented, second by Council Member Akinjiola. Motion carried: 6 ayes.

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b. Payment of invoices as listed totaling \$327,712.56 – Council Member Hutchison made a motion to approve paying the Consent Agenda invoices, as of August 06, 2019, in the amount of \$327,712.56, second by Council Member Schleicher. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Municipal Retirement Trust, re: June 2019 Monthly Reports. No action taken by Council.
- b. Municipal Retirement Trust, re: 2019 Quarterly Report. No action taken by Council.
- c. Emmaus Library, re: June 2019 Board Meeting Minutes/Packet. No action taken by Council.
- d. Macungie Volunteer Fire Department, re: June 2019 Response Report. They responded to 7 calls in the reported month; 6 calls were in the Borough of Macungie. President Becker commented that the MVFD has two new members.
- e. Emmaus Library, re: Autumn Social. The event will be held on September 27, 2019.
- f. LC Board of Assessment Appeals, re: 150 Spring Street Appeal Hearing Notice. The hearing was scheduled for August 13, 2019 at 11:40 a.m. at the County Government Center, 17 S. 7th Street, Allentown, PA. No action taken by Council.
- g. Angela Faidley and Roseann Schleicher, re: Thank you card. They thanked Macungie Council for their support for the first annual Chalk the Walk Event.
- h. Macungie Volunteer Fire Department, re: June 2019 Certificate of Classes Report. Attached to the report was a list of Certificates earned by Joel Kerridge, which were acknowledged by President Becker.

REPORTS

- a. Mayor – None.
- b. Committees
 - i. Borough Manager Search Committee. Council Member Schleicher provided an update on the search. Approximately 4-5 qualified candidates submitted resumes. President Becker suggested the Committee contact Lower Macungie Township and Upper Milford Township to inquire how they advertised for a Borough Manager, as both municipalities recently hired new managers.

UNFINISHED BUSINESS – PART I – None.

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UNFINISHED BUSINESS – PART II

a. Jeffrey and Steffany Hartman (collectively, the “Hartmans”) Sidewalk Waiver Request. Council Member Hutchison noted that one of the trees in the front of the Hartmans property split and needed to be removed. (The split exposed severe decay within the trunk of the tree.) Council Member Hutchison questioned the health of the second tree in the front of the property, which appears to have decay in the upper portion of it. He commented the tree may already be dead or dying. He suggested Council make the decision to require the Hartmans install a sidewalk on their property.

The health of the tree was discussed. Council Member Yerman commented that it is very likely the tree is just as hollow as the other tree that split and may need to be removed. He noted the indefinite length of time the Hartmans provided the Borough to consider their sidewalk variance, then commented that Council could make a decision at any time. He also noted the Planning Commission’s recommendation to deny the variance request.

There was a unanimous consensus among Council to request the Hartmans appear before them at the next Council meeting, on August 19, 2019, with their sidewalk plan, or Council will make a decision for them without any additional information [from the Hartmans].

b. Main Street Streetscape Phase 2 Update.

i. Payment Estimate #1. Council Member Hutchison made a motion to approve paying Payment Estimate #1, in the amount of \$53,497.23, second by Council Member Yerman. Motion carried: 6 ayes.

ii. Payment Estimate #2. Council Member Schleicher made a motion to approve paying Payment Estimate #2, in the amount of ~~\$110,894.30~~\$57,397.07, second by Council Member Cope. Motion carried: 6 ayes. (*At their August 19, 2019 meeting, Council made a motion to amend this motion to change the amount of \$110,894.30, which was erroneously stated by President Becker, to the correct amount of \$57,397.07.*)

c. Borough Manager Request for Retirement Medical Benefits and Reimbursement of accumulated sick and vacation time. President Becker commented written calculations from Borough Manager Boehm were requested for clarification, as this is a budget item. The matter will be deferred to the next Council meeting. Council Member Hutchison reminded Council that Solicitor Armstrong would like to be present during the discussion because of certain concerns.

Angela Ashbrook, 317 Parkside Drive, Macungie, suggested the concerns be included in the new manager’s contract to avoid issues in the future. President Becker explained that the current Council Members could not enter into a contract for the next Council Members.

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The matter was deferred to the next Council meeting when Solicitor Armstrong is present, which will be in September 2019.

NEW BUSINESS

a. MVFD Agreed Upon Engagement Procedures. President Becker reported that Tom Bailey, from Bailey and Associates, engaged a firm to prepare the Agreed Upon Engagement Procedures document. Mr. Bailey will appear before Council at their next meeting.

b. Approval of Payment Request #1 from Bracalente Construction, Inc. in the amount of \$133,872.25. President Becker stated that the contractor did a great job and was very professional.

Council Member Yerman made a motion to approve paying Payment Request #1 from Bracalente Construction, Inc., in the amount of \$133,872.25, second by Council Member Akinjiola. Motion carried: 6 ayes.

c. Additional Item(s) Added to Agenda. Gary Cordner tendered his resignation as the Deputy Emergency Management Coordinator for the Borough of Macungie, stating he accepted an employment position a substantial distance away from the Borough and would not be available to perform the duties as needed.

Council Member Becker made a motion to accept Gary Cordner's resignation as Deputy Emergency Management Coordinator, with regret, second by Council Member Yerman. Motion carried: 6 ayes.

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

a. Council Member Yerman suggested all of the documents that are included in the Council packets be added to the Agenda and uploaded to the website, so everyone can view what Council would be discussing. President Becker stated some names and addresses in certain documents should not be made public. Council Member Cope suggested Council investigate it further to see what it would involve. No decision has been made on the matter.

b. Council Member Hutchison noted the death of former Council Member Marvin Moyer, then inquired about adding his name to the plaque at the Macungie Institute. Council stated certain qualifications that have to be met before a name could be added to the plaque. President Becker will review the qualifications. Council Member Yerman noted that not all former, deceased Council Members names are on the plaque. There was a unanimous consensus among Council to send a bereavement card and flowers to Mr. Moyer's family.

c. Council Member Schleicher announced she would be distributing two greeting cards for Council's signature after tonight's meeting; (1) for Zoning Officer Ken Nicholson's retirement and (2) a get well card for Borough Manager Boehm.

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EXECUTIVE SESSION - None.

ADJOURNMENT

Hearing no further business to come before Borough Council, Council Member Yerman made a motion to adjourn the meeting at 8:32 p.m., second by Council Member Cope. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant