

EXECUTIVE SESSION #1

Council President Becker called for an executive session at 6:45 p.m. to discuss a personnel matter, prior to the Council Meeting beginning. No action was taken at that time.

CALL TO ORDER

President Chris Becker called the February 20, 2018, meeting of Macungie Borough Council to order at 7:43 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

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

PUBLIC COMMENTS

a. John Long- 17 W. Chestnut Street, Macungie

Mr. Long commented that the American Flag at Macungie Borough Hall was lowered to half-staff in response to the Parkland School shooting in Florida. However, he noticed the American Flag at Macungie Memorial Park was at full-staff. He has noticed this on more than one occasion. President Becker suggested Mr. Long attend the Macungie Park Board of Directors meeting next Tuesday evening to express his concern.

He also asked why there was no turn on red at the Church and Main Streets traffic light and questioned the timing of the light. He was informed that PennDOT regulations required the no turn on red sign. In order to request a change to the timing of the light, the Borough would need to perform a traffic study to show the timing change is warranted and if warranted, submit an amended permit application to PennDOT for approval. The Borough would be required to pay for all approved changes.

There was a discussion between Council and the public regarding the possibility of installing a left turn arrow for the left turn lane onto Church Street from Main. Council will inquire into the PennDOT requirements to see if one can be installed.

Sergeant Travis Kocher mentioned that the traffic light at Church and Main Streets malfunctioned during the last snow storm and did not cycle. Borough Manager Boehm will inquire as to why this

happened. There was speculation that snow may have covered the eye on the sensor, which triggers its cycles.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

Council Member Schleicher read a statement she prepared regarding attendance of Council Members at Council meetings, which specifically addressed Council Members that do not attend meetings regularly. She stated that when Council Members do not attend meetings regularly, it is financially costly to the Borough and, at times, delays conducting Borough business, among other things.

She noted that each elected Council Member takes an Oath to serve with fidelity, and by not doing their job and/or not attending meetings regularly, they are not living up to the Oath they have taken.

Council Member Schleicher asked Macungie residents to be selective voters and think long and hard when voting for Council Members, because according to the Pennsylvania State Association of Boroughs (PSAB), absentee Council Members cannot be dismissed due to poor attendance. She then read an article from the PSAB, where a question was asked if a Borough could pass an Ordinance to withhold pay or remove Council Members that do not attend meetings regularly. Shelly Houck, Director of Research for the PSAB, responded that Council Boards may not take such action because Section 904 of the Borough Code that allowed removal of a Council Member for not attending meetings was declared unconstitutional and repealed. According to the Pennsylvania Constitution, absentee Council Members cannot be removed for not attending meetings. It further states that it would take an amendment from the State Legislature to make a change to the requirements.

Council Member Schleicher further asked the Borough residents and Council Members to draft correspondence to Pennsylvania State Representative Ryan McKenzie to request new legislation be drafted to include removal of absentee Council Members from the Board. This would prevent this problem from happening in the future and allow absentee Council Members to be removed and replaced by someone who cares about the Borough, its business, and the community.

It was noted that, over a one-year period, Council Member Moyer only attended approximately 15% of the Council meetings and Council Member Hutchison attended approximately 52% of the meetings.

BOROUGH ENGINEER REPORT

President Becker discussed a potential paving schedule, drafted by Engineer Ryan Kern and Tracy Smith from Public Works Department, after they inspected the Borough streets on February 1, 2018. The potential schedule noted streets that require some type of repaving repair over the next few years.

In 2018, a portion of W. Chestnut Street and the rutted area of S. Church Street will have paving work done. In 2019, Mill Street, Miller Street and N. Church Street will have milling and/or base work done. Railroad Alley and Lemon Alley are also scheduled for repair work. If funds are available, a selected portion of Race Street will be worked on. It was recommended to put in

curbing along the west route of North Church Street along the east side. President Becker requested that the potential paving schedule be included on the 10-year master plan.

Council Member Bloch asked if work is scheduled on Willow Street, by the pool (Race Street), because the road keeps “sinking.” He believes this may be the beginning of a possible sinkhole. He thought the Borough was waiting for the engineer to review the situation. Council Member Bloch stated that all of Willow Street, back to Parkside, is in need of road repair. Council will have Tracy Smith check the area.

APPROVAL OF MINUTES

- a. January 15, 2018 – Council Member Akinjiola made a motion to approve the January 15, 2018 minutes as written, second by Council Member Schleicher. Motion carried: 5 ayes.
- b. January 22, 2018 workshop - Council Member Schleicher made a motion to approve the January 22, 2018 workshop minutes, with one correction to Page 3, second by Council Member Akinjiola. Motion carried: 5 ayes.

CONSENT AGENDA

- a. Treasurer’s Report of January 31, 2018 – Council Member Akinjiola made a motion to approve the January 31, 2018 Treasurer’s Report, second by Council Member Schleicher. Motion carried: 5 ayes.
- b. Payment of invoices as listed totaling \$151,972.78 – Council Member Schleicher made a motion, second by Council Member Akinjiola, to approve the invoices for the February 6, 2018 Consent Agenda. Motion carried: 5 ayes.
- c. Payment of invoices as listed totaling \$251,126.99 – Council Member Schleicher made a motion, second by Council Member Akinjiola, to approve the invoices for the February 21, 2018 Consent Agenda. Motion carried: 5 ayes.

CORRESPONDENCE

- a. Berks Surveying & Engineering, Inc., re: Devine School Subdivision Request for Sewer Service
- b. Macungie Volunteer Fire Department, re: 2017 Incident Report
- c. Lehigh Valley Planning Commission, re: Formalization of the Lehigh Valley General Assembly
- d. Municipal Retirement Trust, re: December 2017 Monthly Reports and Quarterly Trust Report
- e. Macungie Police Department, re: December Monthly Report

- f. Emmaus Public Library, re: December Monthly Report
- g. County of Lehigh Board of Assessment Appeals, re: Appeal Hearing Notice for 22 Locust Street, Parcel ID 15 547387382628 1
- h. Flaherty & O'Hara, P.C., re: Turkey Hill, L.P. for Approval of Inter-Municipal Transfer of Eating Place Liquor License
- i. Barry Isett and Associates, re: Stormwater Engineering Services
- j. Macungie Volunteer Fire Department, re: January Training Report
- k. Traffic Planning and Design, Inc., re: Construction Inspection Supplement Request
- l. Macungie Institute Facility Manager Report for January 2018
Council liked the Facility Manager's ideas.
- m. Macungie Police Department, re: January Monthly Report
- n. Teamsters Union No. 773, re: meeting request
- o. Macungie Ambulance Corp., re: January 2017 report
- p. Macungie Volunteer Fire Department re: Updated Certificates
- q. Macungie Volunteer Fire Department, re: January 2018 Incident Report
- r. PennDOT, re: inspection of SR 100 (Main St) and Church Street traffic light
- s. Greg Hutchison, re: letter of interest for Macungie Institute Trustee
No action at this time. Term expires 3/31/2018.

REPORTS

- a. Solicitor – No report.
- b. Mayor

1. Macungie Police Department December 207 and January 2018 Reports. Mayor Conrad reviewed the Reports.

Sergeant Travis Kocher noted the Department's six (6) year-to-date reportable accidents in 2018, were all related to the bump-outs located in Macungie, compared to the ten (10) overall reports in 2017. Although, all of the bump-out accidents were due to driver error, Council will speak to the Borough Engineer to resolve the bump-out issues at Chestnut and Main Streets.

President Becker stated his observation on the bump-out accidents at Chestnut and Main Streets. Sergeant Kocher responded that each driver involved in the accident stated that they did not see the bump-out. Sergeant Kocher suggested placing several reflective poles in front of the bump-out, similar to those on the northern side of the railroad tracks. Council has spoken to the Borough Engineer about the matter and requested suggestions for a resolution and is awaiting their response. Council will continue to work with the Borough Engineer on the matter.

2. Part-time Police Officer Appointment. Sergeant Kocher and Mayor Conrad recommended Council hire Daniel Wiedemann as a Part-Time police officer for the Borough of Macungie.

3. Sergeant Kocher reported on the following:

i. He reported that police are no longer permitted to conduct a criminal checks for solicitation permits. To ensure a criminal check is conducted, he recommended Borough Council required the Applicants provide the background check when applying for the solicitation permit. The applicant can run the check themselves online for \$10 and include it with their application. Borough Manager Boehm will reach out to Lower Macungie Township to obtain a copy of their Ordinance to review their language.

Resident John Long asked what would happen if someone solicited without a permit. Council replied that Macungie residents should ask to see if they have a permit. If they don't show proof of a permit, it should immediately be reported to Borough Hall or the Macungie Police for investigation.

ii. On February 21, 2018, District Attorney Jim Martin will be on WFMZ News to discuss a new program "Blue Guardian" to help with the opioid epidemic. D.A. Martin is strongly suggesting that a department head from each community attend the press conference. Sgt. Kocher noted he will be attending.

The Blue Guardian program is extending to Lehigh Valley Pennsylvania residents, including those in Macungie Borough, an advocate intervention, to encourage them to go to rehab for treatment. To be considered for the intervention, they would need be saved via Narcan anywhere in the Lehigh Valley, within 48-72 hours from an overdose. The program asks for three (3) officers from each Police Department work with rehabilitation facilitates and/or a state advocate, for the initial intervention contact.

c. Borough Manager

1. Expiring Committee Positions. No action. Terms expire on 3/31/2018.

2. White and Williams, LLP, re: engagement letter for labor and employment matters. Attorney Jeffrey S. Stewart has changed employers and a new representation letter for White and Williams, LLP is required, if Borough Council wants to continue to use his services for employment matters.

Council Member Becker made a motion, second by Council Member Yerman, to appoint Attorney Jeffrey Stewart as the Borough's labor attorney and sign a new engagement letter. Motion carried: 5 ayes

3. 2018 Recycling Event. Responsible Recycling Services event fees for 2018 almost doubled compared to 2017 rates. Alburtis Borough is willing to hold a joint event with Macungie Borough and share the costs.

Council discussed, and agreed to, charging a \$25 participation fee to non-residents, that do not live in the Boroughs of Macungie or Alburtis. They would be required to pay the fee, plus the required disposal fee(s). The Borough Manager will look into available dates for the event.

4. Changes to US DOT Drug and Alcohol Testing Program effective 1/1/18.

The U.S. Department of Transportation published a final rule modifying the drug and alcohol testing programs for persons holding a CDL license. The rule added testing for four (4) additional semi-synthetic opioids (Percocet, OxyContin, Vicodin and Norco).

President Becker expressed a concern and suggested that the Macungie Borough Handbook should be changed to say "test" instead of "tests." He also noted that the CDL drug testing is mandated by the U.S. Department of Transportation (Federal Government) and not the Borough of Macungie.

Borough Manager Boehm will work with the Borough Solicitor to make sure the Borough's Employee Handbook has the appropriate language required by USDOT for the new testing.

d. Committees.

1. *Administration and Personnel Committee*; item B.1., re: Teamster Collective Bargaining Contract. Mayor Conrad and Council Member Schleicher will be added to the Committee.

2. *Public Safety Committee*; item C.2. Fire Chief Mike Natysyn is willing to serve as the Borough's Emergency Management Coordinator. Council will ask Brian Frizzell if he would like the Deputy Emergency Management Coordinator position and take the training.

UNFINISHED BUSINESS – PART I

a. Ordinance 2018-01 for Zoning Ordinance Amendments Public Hearing rescheduled to 3/5/18

UNFINISHED BUSINESS – PART II

a. Main Street Streetscape and Church Street Traffic Light Project

1. Approval of TPD Supplemental Agreement for Inspection Services.

There was a brief discussion regarding what the \$47,155.02 estimated supplement cost included. President Becker explained the cost.

Council Member Schleicher made a motion, second by Council Member Akinjiola, to approve the TPD Supplemental Agreement for Inspection Services in the amount of \$47,155.02. Motion carried: 5 ayes.

President Becker briefly discussed an action list, which was generated from the January 22, 2018 Phase 2 Streetscape workshop. President Becker wanted to address the action list at the March 19th Council meeting. However, during discussion it was determined a quorum of Council would not be present on the 19th. So, it was suggested the meeting will be held March 26, 2018.

b. Sewer Ordinance Amendment for sewer lateral inspections. No action.

c. Emergency Management Coordinator and Deputy. Fire Chief Mike Natysyn is interested in servicing as the Borough's Emergency Management Coordinator. He stated he is currently compliant with training and will continue training. Council will ask Brian Frizzell if he would like the Deputy Emergency Management Coordinator position. They each need to submit letters of interest, attend training, submit all paperwork and receive approval from Governor Wolf.

Fire Chief Natysyn commented that there may be a possibility to have training paid for by the Lehigh County E.M.A. Bucks County, Berks County and the State of Maryland also have E.M.A. training, but there is a cost of approximately \$600 each per course. There are approximately six (6) training courses, which are conducted throughout the year.

Concern was expressed at having the Fire Chief also serve in the capacity of Emergency Management Coordinator, due to a possible conflict with two emergencies at the same time. Mayor Conrad noted that if there was a conflict, the Fire Chief's first responsibility would be the emergency scene. This issue would be resolved by having a Deputy Emergency Management Coordinator.

Borough Manager Boehm, noted the paperwork for the Hazard Mitigation Plan needs to be completed by February 28, 2018. She will work with the new Emergency Management Coordinator on what needs to be done and deadlines.

The Macungie Borough emergency planning binder needs to be updated, as it is non-compliant. Fire Chief Natysyn will work on updating it. After it is updated, an Promulgation needs to be adopted by Council, which is similar to a Resolution.

Council Member Bloch made a motion, second by Council Member Yerman, to appoint Fire Chief Mike Natysyn as Emergency Management Coordinator. Motion carried: 5 ayes.

Council Member Yerman made a motion, second by Council Member Bloch, to have the Macungie Borough pay for training related to the Deputy Emergency Management Coordinator, if not paid by Lehigh County, Pennsylvania. Motion carried: 5 ayes.

d. Residential Rental Ordinance - Establish Fees and Inspector

A public hearing will be held regarding the possibility of a Residential Rental Ordinance.

Council Member Yerman made a motion, second by Council Member Schleicher, to hold a public hearing on the Residential Rental Ordinance. The meeting would include public comments and suggestions, a possible fee schedule, and what a potential Ordinance would include. Motion carried: 4 ayes; Opposed: 1 – Council Member Bloch.

e. Borough Authority Vacancy.

f. Zoning Hearing Board Vacancy.

NEW BUSINESS

a. Sewer service approval to new lot (Lot 2) for Devine School Subdivision on Lumber Street. Council Member Yerman made a motion, second by Council Member Akinjiola, to approve sewer service, providing the developer of Lot 2 pays all expenses associated with connecting to the Borough sewer service. Motion carried: 5 ayes

b. Authorization to advertise public hearing for Transfer of a Pennsylvania Liquor License from outside the municipality into Macungie Borough for Turkey Hill, L.P. Council Member Schleicher made a motion, second by Council Member Yerman, to advertise a public hearing, which will be held on April 2, 2018, for the Transfer of a Pennsylvania Liquor License from outside the municipality into Macungie Borough for Turkey Hill, L.P. Motion carried: 5 ayes. The advertisement will be run in the East Penn Press legal section on March 14th and 21st, 2018.

c. Appointment of Deputy Tax Collector. Council Member Akinjiola made a motion, second by Council Member Bloch, to appoint Deborah S. Schevets as Deputy Tax Collector for Macungie Borough. Motion carried: 5 ayes.

Borough Manager Boehm noted Deborah Schevets is the Tax Collector for Upper Milford Township. Macungie Borough Tax Collector Cynthia Hartzell will be the Deputy Tax Collector for Upper Milford Township.

d. Stormwater Engineering Services. Three engineering firms (1) Barry Isett & Associates, (2) HRG Engineering and (3) ACELA Engineering submitted proposals to provide services for the Borough of Macungie's stormwater and pollution. Council Member Yerman made a motion, second by Council Member Schleicher, to accept ACELA Engineering's proposal to provide stormwater engineering services for Borough of Macungie's. Motion carried: 5 ayes.

e. Resolution 2018-05, TA Set-Aside Grant Funds and Reimbursement Agreement. Resolution 2018-05 is an implementation and maintenance agreement for the Phase 2 Streetscape grant. Council Member Yerman made a motion, second by Council Member Schleicher, to adopt Resolution 2018-05. Roll Call Vote: 5 ayes.

Resolution 2018-05 includes funding for the island, which will not be constructed during Phase 2. If removed from Resolution 2018-05, the funds would be forfeited. If kept in the Resolution, the funds can be redirected for a different used. It was noted the Resolution relates to funding, not what is designed on the plan to be constructed on the street.

- f. Medical Disability Benefits Continuation Policy. No action.
- g. Approval of Construction Inspection Supplement Request. Council Member Schleicher made a motion, second by Council Member Akinjiola, to approve the TPD Supplemental Agreement for Inspection Services in the amount of \$47,155.02. Motion carried: 5 ayes.
- h. Approval for participation in the Lehigh Valley Great Assembly. Council Members Yerman and Schleicher attended the event and gave a synopsis of the event to Council. Topics discussed at the event included mapping data, grants for Streetscapes, the LVPC's vision for an open community forum, gathering data and sharing ideas.

The Lehigh Valley Planning Commission is working on a regional comprehensive plan and will provide an update in the Winter of 2018. A draft of their goals, policies and actions will be provided in the Summer of 2018. They will present their plan in December 2018, which will encompass all municipalities comprehensive plans.

Council Members Yerman and Schleicher will attend the General Assembly events on July 31, 2018 and October 30, 2018, which will provide updates on their programs and plans, including their transportation plan, transportation improvement program, funding and Census update.

- i. Resolution 2018-06, Resolution of Lodge, Association or Other Similar Organization (New Tripoli Bank). Resolution 2018-06 needed to be adopted so the Macungie Borough Tax Collector, Cynthia Hartzell, can have a check reader to process tax checks from residents. Council Member Schleicher made a motion, second by Council Member Bloch, to adopt Resolution 18-06. Roll Call Vote: 5 ayes.
- j. Resolution Ordinance 2018-07, Revising 2018-03 Banner Resolution. Council Member Yerman made a motion, second by Council Member Akinjiola, to adopt Resolution 18-07 regarding Banners across Route 100. Roll Call Vote: 5 ayes.
- k. Appointment PT Police Officer. Council Member Akinjiola made a motion, second by Council Member Schleicher, to hire Daniel Wiedemann as a Part-Time police officer for the Borough of Macungie. Motion carried: 5 ayes.
- l. Appointment of Macungie Institute Trustee. No Action.

ITEMS NOT ON AGENDA. Council opened a brief discussion on having labor attorney, Jeff Stewart, act as attorney for the personnel matter, which was discussed in tonight's executive sessions. His hourly rate is \$225 and Council expressed concern on how many hours it will take him to review the matter. No action was taken at this time.

Council Member Yerman suggested putting a cap on Attorney Stewarts fees to review the matter, not including negotiating it. Council will ask Attorney to Stewart to provide an estimate on how long it would take him to review the matter and provide his opinion on options.

EXECUTIVE SESSION #2

Council President Becker called for an executive session at 10:10 p.m. to discuss personnel. The Council meeting reconvened at 10:40 p.m. with no action taken.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, a motion was made by Council Member Schleicher, second by Council Member Bloch, to adjourn the meeting at 10:40 p.m. Motion carried: 5 ayes.

NOTICE OF RESCHEDULED COUNCIL MEETING

There will not be a meeting on March 19, 2018, due to lack of a quorum. The March 19, 2018 meeting will be rescheduled to March 26th.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant