

CALL TO ORDER

President Chris Becker called the May 21, 2018, 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
	Greg Hutchison
	Roseann Schleicher
	John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Administrative Assistant:	Selma Ritter
Absent:	Patrick Armstrong, Solicitor
	Marvin Moyer

MACUNGIE POLICE DEPARTMENT – updates and hearing of resident issues.

a. Mayor Conrad: Sgt. Kocher was unable to attend due to a scheduling conflict. In his absence, Mayor Conrad reported.

1. Over 80,000 people viewed the Facebook post of Officer Anthony Campanell's rescue, who saved a female driver's life on April 30, 2018.

2. Sergeant Travis Kocher assisted the Emmaus Borough Police, with a robbery at the 7-11 in Emmaus and he assisted in apprehending the suspect.

Council Members and Mayor Conrad discussed several traffic violations occurring within the Borough, including speeding and vehicles not stopping at stop signs. Council requested that police ticket violators. Mayor Conrad stated he attended a Mayors' reception with other Municipal Mayors, who stated they were also having the same issues. He suggested talking with State Representatives and trying to get a bill passed that would allow local police to use radar. He stated that without radar, it is difficult to enforce speeding because tickets could be challenged in court and thrown out. Mayor Conrad discussed using "pacing" to determine if a driver is speeding, but the procedure must be closely followed to be admissible in court, if challenged. If a ticket is challenged, the only cost to the Borough, would be the officer's time to appear in court.

President Becker suggested the police pull speeders over and give them a warning and make themselves visible to slow vehicles down. Mayor Conrad will talk with Sergeant Kocher about police presence on different streets in the Borough.

They also discussed using timing lines and the digital speed board to enforce speed limits. To use timing lines, the police use a stop watch to time how fast a vehicle travels between two lines. There are timing lines on Church Street and Main Street. The digital speed board will be used at different locations throughout the Borough. Again, the procedure must be closely followed to be admissible in court, if challenged.

President Becker stated that potential court challenges should not be a reason for traffic enforcement not to be done. He questioned the cost and time of having two officers tied up using a license plate reader, looking for expired plates, while traffic violations are not being enforced. Mayor Conrad stated that vehicles are slowing down when they see police cars along Main Street, using the plate reader, and the officers are usually in a position to view the crosswalks and stop signs. President Becker stated that Council is strongly pushing to have the police more visible and enforcing vehicles/drivers to obey traffic laws.

Borough Manager Boehm mentioned vehicles making a left turn out of North Church Street onto Main Street, which is clearly marked "no left turn" and is an accident hazard. Council Member Schleicher recalled waiting at the red light, when a driver made an illegal left turn and ran the red light. Borough Manager Boehm also mentioned vehicles going the wrong way on Cotton Street. Council Member Yerman commented about vehicles speeding and running stop signs on Race Street. Council Member Bloch mentioned vehicles not stopping at the crosswalk at Main Street/Route 100 and Poplar Street, which is illuminated.

Council Member Hutchison requested the traffic citations listed on the police monthly report be broken down to show the violations, so Council knows what type of citations were issued.

Mayor Conrad and Sergeant Kocher discussed a possible sting operation this summer, using a plain clothes officer to cross in the crosswalks and look for traffic violators.

President Becker asked if the Pennsylvania State Police can be called into the Borough, with radar, to enforce the speed limit on state roads, since local police cannot use radar. Mayor Conrad will talk with Sergeant Kocher about this.

b. Officer Todd Bernhard arrived later in the meeting and briefly discussed vehicles speeding, running stop signs and crosswalk violations within the Borough, and what the MPD is doing to enforce the violations.

#### MACUNGIE AMBULANCE CORPS - Annual Report presented by Christopher Greb.

In 2017, the Macungie Ambulance Corps responded to 3,645 calls for assistance, 279 of them were within Borough of Macungie. They also responded to 40 special operation incidences, which are events that they respond to with additional personnel throughout the region.

Mr. Greb gave a short history of the Macungie Ambulance Corps and highlighted items in their 2017 Annual Report. They are funded through their annual subscription program, municipality contributions, grants and insurance companies paying fees for services. If residents are a

subscriber, their medical copay is waived. Currently, they have approximately 14 full-time employees, 20 part-time employees and 15 volunteers.

In 2017, they constructed two (2) additional garages to their building and bought a Stryker powered loader to lift patients. Their service areas include, but are not limited to, the Borough of Macungie and Lower Macungie Township. Currently, they operate five (5) ambulances, one (1) incident support vehicle, one (1) community outreach/supervisor's vehicle and one (1) ATV.

He thanked Council for their continued support.

### PUBLIC COMMENTS

a. Prior Public Comments to Council.

1. President Becker gave an update on the truck parking issues in the Village Walk Development (the "Development"), which were brought before the Borough Planning Commission, via two (2) petitions that were signed by residents of the development. In response to the petitions, the Planning Commission drafted Chapter 329 Vehicles and Traffic §329-1 and §329-31 ("Chapter 329"). President Becker sent a draft of Chapter 329 to Petitioners, Mr. and Mrs. Fatzinger (the unverified organizers of the petitions), for their review and confirmation, to ensure the draft resolves their issues. After the Petitioners review it and give their comments, President Becker will bring it before Council.

b. Comments from the Audience on non-agenda items – None.

### COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

1. Council Member Schleicher asked for volunteers to pull weeds and plant flowers at the Flower Park on May 22, 2018, beginning at 8:00 a.m.

Council Members and Mayor Conrad complimented the volunteers for the great job they do in keeping the Flower Park looking nice. They also noted that, on several occasions, residents commented to them how nice the park looks.

### APPROVAL OF MINUTES

a. May 7, 2018 meeting

President Becker referenced an email, dated May 21, 2018, that he received from Daniel Hummel, representative for Allen Organ, relating to the water runoff issues on the Allen Organ property. In his email, Mr. Hummel asked that the draft Council Meeting Minutes, dated May 7, 2018, be clarified/corrected. He rebutted the statement, in the "New Business" section, bullet "a," that read, "The Stone Hill representative noted that the Allen Organ Engineer approved Stone Hill's proposed swale, which will address the water issues on the property." In his email May 21, 2018, Mr. Hummel stated "to date we have no agreed upon solution. They did present us with the first

draft. We requested some changes and are still waiting for those changes to be drawn up. Once that is done and agreed upon, we will have our attorney draft an agreement between the parties. We will notify Council in writing once that happens.”

President Becker noted that Minutes include statements that are said in a meeting, at that time. However, if someone expresses an objection(s) to something that was said, it does not mean it was inaccurate or wasn't said. Minutes cannot be changed because someone objects to it.

At tonight's meeting, Council Member Yerman gave an update on the Stone Hill project's progression. He stated that the Stone Hill and Allen Organ engineers don't seem to be coming together for a solution to the water runoff issues. He also expressed concern for the expiration date of Stone Hill's extension, which is mid to late June 2018. He noted that at the last Borough Planning Commission meeting, on May 15, 2018, the Commissioners left the matter awaiting a letter from Allen Organ stating a solution was reached and they are pleased with it. He noted that before an agreement can be reached, the engineers have to meet and come to an agreement, easements need to be written and signed, and the lawyers have to meet. Council Member Yerman believes this may take over a month to complete, after the extension expires. Therefore, earlier today, Council Member Yerman asked Stone Hill for another extension.

Council further discussed some of Allen Organ's water runoff concerns, the details of Stone Hill's extension expiration, Phase 2 of Stone Hill's plan, other potential water runoff issues and potential drainage ponds.

Council Member Akinjiola made a motion to approve the May 7, 2018 Minutes, as written, second by Council Member Bloch. Motion carried: 6 ayes.

#### CONSENT AGENDA

a. Payment of invoices as listed totaling \$144,600.72 – Council Member Yerman made a motion to approve the invoices listed on the May 22, 2018 Consent Agenda, in the amount of \$144,600.72, second by Council Member Schleicher. Motion carried: 6 ayes.

President Becker expressed concern about the Public Works Department (“PWD”) purchases and the possibility of them going over budget.

#### CORRESPONDENCE

a. Macungie Volunteer Fire Company, re: April 2018 Training Report. Training included Driver Training with 1571, Rescue Air Bag Training, Knox Box Hunt, Review of brush truck, FF1 Class, Vehicle Stabilization and Rescue Cribbing.

Council Member Schleicher asked what a “Knox Box” was. A Knox Box is a box, with a combination, that gets mounted onto a commercial building, which stores keys to the facility, so first responders can gain access to a building in an emergency situation.

Council Members discussed the need for a Knox Box and also expressed concern of people using the keys for unauthorized access to buildings.

b. Macungie Volunteer Fire Company, re: April 2018 Response Report. They responded to six (6) calls in April 2018; all in the Borough of Macungie.

President Becker was made aware that during one of the training classes, a facilitator denied the volunteers to take lunch, which caused a diabetic volunteer's blood sugar to drop and an ambulance had to be called. Council discussed the possibility of a workman's compensation claim being filed due to the incident.

c. Upper Macungie Township, re: request for Fire Police services on July 7, 2018. They requested services from the Macungie Fire Police for their July 4<sup>th</sup> fireworks celebration on July 7, 2018 from 4:00 p.m. to 11:00 p.m. (rain date July 8, 2018).

d. Macungie Police Department April 2018 Monthly Report. Mayor Conrad summarized the Report. The report included being dispatched to 225 incidents, 4 DUI'S, 72 traffic citations, 68 vehicle stops, 13 traffic warnings and 5 traffic accidents. He also noted that the MPD responded to a fire call on Village Walk Drive, which appeared to be an automatic alarm.

e. RP Management, Inc., re: credit request for water leak at Macungie Village Apartments. They requested a credit for high sewer charges on their April 15, 2018 utility bill, because the water did not enter the sewer system. The higher than usual sewer charges were due to a water leak.

f. Emmaus Public Library, re: May 15, 2018 Board of Trustee Meeting Minutes. Librarian, Amy Resh, from the Emmaus Public Library will attend the June 4, 2018 Council meeting to give a construction update.

g. Borough of Emmaus, re: proposed Ordinance Amendment No. 1172. They are proposing to amend the Borough of Emmaus Zoning Ordinance to allow nursing homes, personal care facilities, or any other permitted and licensed facility housing and providing outdoor areas for patients suffering from Alzheimer's, dementia, or other memory impairment or disorder, to erect an 8' fence rather than a 6' fence in allowable districts.

President Becker noted that the Borough Planning Commission made a recommendation, at their May 15, 2018 meeting, for no comment or action by the Planning Commission and to forward the Borough of Emmaus' proposed Ordinance Amendment No. 1172 to Borough Council.

Council Member Becker made a motion for no comment to the Borough of Emmaus letter regarding the proposed Ordinance Amendment No. 1172, second by Council Member Schleicher. Motion carried: 6 ayes.

h. Macungie Ambulance Corp., re: April 2018 Monthly Report. They responded to 299 calls during April 2018; 30 of the calls were in the Borough of Macungie.

## REPORTS

a. Solicitor – None.

b. Mayor

1. He attended the Lehigh Valley Mayors Municipal Annual Reception and talked with other Mayors about different problems they are experiencing in their Municipality, Macungie's Main Street improvements, Macungie Farmers Market, Borough parks and other events held in the Borough.

c. Borough Manager

1. Construction on the ADA ramps at Race & Willow Streets and Parkside & Willow Streets will begin on May 23, 2018.

2. Council Member Schleicher, Council Member Yerman and Borough Manager Boehm attended the Downtown Fit For Trees seminar, which discussed different ways to make trees healthier. She commented that the seminar was very informative. Some of their suggestions included:

- i. Placing a strip where pavers will go, this will help the roots spread and the tree grow.
- ii. Hiring an arborist and not allowing property owners to maintain the trees.
- iii. Planting the appropriate size trees for the location and not planting trees that grow fruit or flowers. They noted the City Sprite Zelkova trees are popular.
- iv. Checking the site, where trees will be planted and lights installed, for conflicts. They discussed developing the plan, then going to the site to mark where trees and lights will be installed, then adjusting the plan to ensure the lights and trees will function well where indicated on the plan, without people hitting them with their vehicle doors or other issues that may arise.

Borough Manager Boehm will ask Engineer Kern for a copy of the plan.

At the Downtown Fit For Trees seminar, Council Member Yerman asked how the Borough could convince property owners that trees are good. The facilitator noted that trees help with heating and cooling bills, increase property value, and properties rent better.

Council also discussed curb replacement along Main Street. Sidewalks need to be fixed and/or replaced along Main Street/Route 100, before PennDOT begins paving. Borough Manager Boehm expressed Zoning Officer Nicholson's concerns on how to have property owners fix/replace their sidewalks. President Becker noted that the Borough policy is to send letters to property owners,

to inform them that their sidewalks and/or curbs need replacement or repair, which the property owners are responsible for.

3. She distributed pictures of the plants that are in the bump-outs to show how they will look and what they are. Volunteers are requested to adopt a bump-out to maintain it and pull weeds. Council discussed safety concerns, when volunteers are pulling the weeds. Borough Manager Boehm suggested having the part-time PWD employee pull the weeds.

4. She discussed selling unwanted Borough property on municibid.com. She suggested having a policy on how to dispose of all Borough property, because it is currently being disposed of without her approval, and some of it may have resale value. Council discussed the benefits of having a proposed policy, what it would entail who would make the decision of how Borough property gets disposed of. They agreed that no surplus Borough property will be disposed of, without Borough Manager approval.

Council Member Yerman made a motion to have a policy that no Borough surplus property is to be disposed of, unless authorized by the Borough Manager, second by Council Member Bloch.

Motion carried: 6 ayes.

5. She requested Council approval to sell the two large planters on Cotton Street, at the Fire Company trail, on municibid.com. Council Member Yerman made a motion to approve selling the two large planters on Cotton Street, by the Fire Company trail, second by Council Member Schleicher. Motion carried: 6 ayes.

6. She also made a recommendation to outsource Borough paving projects, because it takes all the PWD manpower doing paving projects and they don't have enough time to get other projects done. This recommendation does not include street patching projects. She also suggested selling the paving machine and roller.

At this time, the Council Members were not in favor of selling the paving machine and roller. They discussed the possibility of needing it in the future, if the outsourcing does not work out and the PWD has to do the paving. If outsourcing works well, Council can discuss selling the equipment in the future.

Council Member Bloch questioned what the cost difference would be to have a paving company verses the PWD. Borough Manager Boehm noted the hours the PWD spends on paving and the cost of them not getting other projects done.

Council Member Becker suggested discussing the matter further in an executive session.

d. Committees – None.

UNFINISHED BUSINESS – PART I

UNFINISHED BUSINESS – PART II

- a. Main Street Streetscape Phase 2 – RFQ for PennDOT Qualified Construction Inspector. The submission deadline is Friday, May 25, 2018 at 4:30 p.m.
- b. Sewer Ordinance Amendment for sewer lateral inspections. Solicitor Armstrong will discuss the amendment at the June 2018 Council meeting.
- c. Residential Rental Ordinance - Establish Fees and Inspector Job Description. A draft job description was distributed to Council, prior to tonight’s meeting. Council discussed the job description.

President Becker suggested that the person doing the inspections be referred to as an “observer” and not “inspector,” because the term gives the misrepresentation that they have the ability to “inspect” when they will be working off a checklist and not inspecting. Council Members expressed concern that if the person was referred to as an “inspector” they could be misunderstood as a code enforcement officer.

The Council Members discussed portions of the potential Ordinance, which state what the observer will be looking for when conducting an inspection. It was noted that the Ordinance can be revised in the future, if needed.

Council Member Bloch suggested the observer use a GFCI electrical outlet tester when conducting the inspections to ensure the outlets are functioning. The Borough will provide the GFCI tester to the observer, at the Borough’s expense.

NEW BUSINESS

- a. Upper Macungie Township’s request for Fire Police. Council Member Schleicher made a motion to approve the Macungie Fire Police with assisting Upper Macungie Township with their July 4<sup>th</sup> fireworks celebration on July 7, 2018, second by Council Member Hutchison. Motion carried: 6 ayes.
- b. Resolution 2018-11, supporting a Citizens Commission for Legislative and Congressional Redistricting. Council Member Hutchison made a motion to adopt Resolution 2018-11, supporting a Citizens Commission for Legislative and Congressional Redistricting, second by Council Member Yerman.

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

Motion Passed.

- c. Credit request for water leak at Macungie Village Apartments. Borough Manager Boehm gave a brief history of the water leak, sewer charges and their request for a credit, because the water did not go into the sewer (it was absorbed into the ground). She spoke with Lehigh County

Authority (“LCA”) about the credit request and they agreed to credit 1,019,499 gallons to the Borough’s bill at the end of 2018, after they do the final billing.

Council Member Hutchison made a motion to approve a 1,019,499 gallon credit to Macungie Village Apartment’s sewer bill, second by Council Member Akinjiola.

After the motion was made and second, Council Member Yerman questioned when Macungie Village would receive the credit. If Macungie Village’s bill is credited now, the Borough will have to make sure they receive the credit at the end of the year. Or, would Macungie Village receive the credit after LCA credit’s the Borough of Macungie’s bill at the end of 2018? After the matter and motion were discussed, Council agreed to revise the motion. Council Member Hutchison then withdrew his motion and Council Member Akinjiola withdrew her second.

Council discussed and agreed to give Macungie Village the 1,019,499 gallon credit now, contingent upon Lehigh County Authority giving the Borough of Macungie a 1,019,499 gallon credit, at the end of 2018, but if the Borough does not receive the credit from the Lehigh County Authority, Macungie Village will receive a bill for the 1,019,499 gallons.

A new motion was then voted upon. Council Member Hutchison made a motion to waive 1,019,499 gallons on Macungie Village Apartment’s sewer bill now, contingent upon Lehigh County Authority waiving 1,019,499 gallons from the Borough’s bill at the end of 2018, second by Council Member Akinjiola. Motion carried: 6 ayes.

d. Review of Zoning Amendment, re: Home Occupation. No action. Borough Manger will work with Solicitor Armstrong to set up advertisement dates.

e. Budget Transfers. Borough Manager Boehm submitted three (3) Budget Transfer to Council. She explained the reasons for the transfers.

- \$51.14 from 08.429.341 (Advertising) to 08.429.162 (Sewer UC)
- \$2.00 from 01.406.353 (Bonding-General) to 01.406.162 (UC - General)
- \$6.77 from 01.409.450 (Elevator Contract) to 01.406.162 (UC - General)
- \$51.00 from 01.403.211 (Operating Expenses) to 01.403.353 (Bonding – Real Estate TC)

Council Member Yerman made a motion to approve the budget transfers, second by Council Member Schleicher. Motion carried: 6 ayes.

ITEMS NOT ON AGENDA - None.

EXECUTIVE SESSION - Council President Becker called for an executive session at 9:44 p.m. to discuss a personnel matter. The meeting was reconvened at 10:17 p.m. with no action taken.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, a motion was made by Council Member Yerman, second by Council Member Schleicher, to adjourn the meeting at 10:18 p.m. Motion carried: 6 ayes.

Respectfully submitted,

*/s/ Selma Ritter*

Selma Ritter  
Administrative Assistant