

CREEK ALLEY PUBLIC HEARING

Solicitor Armstrong opened the public hearing, which was being held to hear public comments on the petition to vacate Creek Alley. A petition was received from Donald and Debra Young, Michael and Loretta Boyko and David Boyko at the August 17, 2015 meeting to vacate Creek Alley.

Council Member David Boyko noted he would abstain from voting on the matter because he was a petitioner.

Mr. Young provided packets for Council with information on Creek Alley. He proposed to have Creek Alley vacated from Main Street to Lehigh Street. He noted, at their expense, the adjoining property owners will install curbing and sidewalk along Main Street to close Creek Alley and prepare and record easements for the water and sewer lines in Creek Alley. Mr. Young commented Creek Alley is a 13' one-way street that in his opinion is unsafe. Mr. Young remarked he is planning to develop his property along Creek Alley and presented his plan to the Planning Commission.

Mr. Young had one of his tenants, Joyce Mohr, who lives at 101 E. Main Street, comment about the condition of Creek Alley. She noted the cars go the wrong way and come out at Main Street and the cars drive too fast. She commented there are not too many pedestrians walking on Creek Alley.

Mr. Young spoke to Fire Chief Natysyn who remarked the Alley was too narrow to drive a fire vehicle down. In the packet of information, there were drawings of Mr. Young's proposed apartment building with 16 units. He remarked the proposed development would be an improvement to the Borough and provide more revenue.

Public Comments

Dorothy Kociuba, 92 S. Fairview Street, Macungie, asked if the Borough would have adequate space to maintain the water and sewer lines. President Becker noted an easement agreement would have to be done to provide an area to maintain the water and sewer lines.

Tim Romig, business owner of 50 Race Street, Macungie, asked if there would be more discussion on the topic later in the meeting. Mr. Romig asked Mr. Young if the wall damaged by a vehicle had been repaired. Mr. Young remarked it had not been repaired at this time. Mr. Romig asked how many safety complaints there have been. President Becker noted since 2008, there had been 1 traffic incident at Main Street and Creek Alley which was the wall damage. Mr. Romig asked what the cost was to repair Creek Alley. It is noted the Borough Engineer gave an estimate of about \$13,000-18,000. He asked what the length of Creek Alley was but that information was not available there. Mr. Romig clarified that Boykos and Youngs were the adjoining property owners. Mr. Romig asked about a developer contributing toward upgrading a street. Solicitor Armstrong noted there are requirements in the SALDO to deal with that. Mr. Romig asked about the street having to include curb and sidewalk. Mr. Romig asked Council to look at the total picture, remarking that the street may be a better asset when upgraded by a developer. He asked if the Borough received fuel tax for Creek Alley. He asked what the

developer contributes toward the street upgrade. It was reiterated that pertains to the SALDO requirements. President Becker will follow up with the answers to the questions that could not be answered. Mr. Romig clarified the proposed development is for a 4 story, 16-unit apartment building. He asked who is responsible for the bills to vacate Creek Alley. Solicitor Armstrong noted Council could ask for a Professional Services Agreement from the applicant.

Dave Wentz, 65 S. Buttonwood Street, Macungie, remarked about a request to open an alley years ago and Council at that time would only put it in if the adjoining property owners install curbing. It was noted that this public hearing was to vacate Creek Alley.

Having no other public comments and Council's decision to discuss this topic later, Solicitor Armstrong closed the public hearing at 7:34 p.m.

CALL TO ORDER

President Chris Becker called the August 1, 2016, meeting of Macungie Borough Council to order at 7:41 p.m. in Borough Council Chambers, Borough Hall, 21 Locust Street, Macungie, PA.

ATTENDANCE

Council Members:	Alma Akinjiola
	Chris Becker
	David Boyko
	Greg Hutchison
	Marvin Moyer
	Roseann Schleicher
	John Yerman
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong
Administrative Assistant:	Cynthia Hartzell
Mayor:	Gary Corder

PRESENTATION ON BOROUGH'S SEWER REHABILITATION PROGRAM BY ARCADIS

Jim Shelton of Arcadis gave a presentation about the sewer rehabilitation program. EPA issued an Administrative Order to all municipalities that flow into the Allentown sewer plant to reduce the Inflow and Infiltration into their systems to prevent sewer system overflows (SSI) into the creeks, streams and river. The project has been branded Rainstorm Ready. The Western Lehigh Sewer Partners (WLSP), of which Macungie is a partner, discussed several plan alternatives before choosing which one was best for the WLSP. Noting the chosen alternative, Mr. Shelton reviewed the cost of the Borough's projects and the cost for Lehigh County Authority (LCA) and Allentown. He noted that part of the cost from the Western Lehigh Interceptor and Klines Island will be passed to the Borough through rate increases since the Borough's sewage flows into both systems.

President Becker and Borough Manager Boehm thanked Mr. Shelton for his very informative presentation.

VACATION OF CREEK ALLEY

President Becker wanted to discuss the vacation of Creek Alley further. He asked Council for their thoughts. There were comments that there would not be any other road from Lumber Street to the railroad to take as an alternate route if Main Street is backed up from the railroad; there are other narrow alleys with what can be considered unsafe conditions; the possible increase in usage when there is development along Creek Alley; the possibility of people using Creek Alley as a turn around to get to the dance studio at 15 E. Main Street property; there is no difference in safety when a pedestrian walking Main Street wants to cross Creek Alley than crossing any other street along Main Street; and Creek Alley would have to be upgraded either by Council or a developer.

Mr. Young remarked that he did not have a preference but he wanted to know Council's decision so he would have direction when considering developing the property. It was noted Council previously wanted to see how the traffic will flow when the Church Street traffic light is installed. Solicitor Armstrong noted Council may address this topic in the future.

After some discussion, Council Member Akinjiola made a motion to deny the petition to vacate Creek Alley, second by Council Member Schleicher. Motion carried: 6 ayes, 1 abstain (Council Member Boyko abstained from voting because he was a party to the petition.)

PUBLIC COMMENTS

a. Prior Public Comments to Council

1. Jeannette Polizzi, property maintenance complaint - President Becker remarked the issue has been resolved and Ms. Polizzi was happy with what the Borough has done.

b. Public Comments – No public comments

APPROVAL OF MINUTES

a. July 18, 2016 meeting – This will be tabled.

CONSENT AGENDA

a. Treasurer's report of July 28, 2016

Council Member Hutchison made a motion to approve the July 28, 2016 Treasurer's Report, second by Council Member Akinjiola. Motion carried: 7 ayes

b. Payment of invoices as listed totaling \$76,565.05

Council Member Hutchison made a motion to approve the invoices for the current month of the Consent Agenda, second by Council Member Schleicher. Motion carried: 7 ayes

CORRESPONDENCE

- a. Emmaus Public Library Monthly Report and Finances
- b. Barry Bloch, re: Letter of Interest for Zoning Hearing Board Vacancy

REPORTS

a. Solicitor

1. Per Capita Tax Exemptions - Solicitor Armstrong remarked that after researching the matter, Council could allow for a military exemption from the Per Capita Tax. However, the ordinance will need to be amended to include the exemption.

Council Member Hutchison made a motion to change the tax ordinance to include an exemption for active military personnel or active reservists serving the United States, second by Council Member Yerman. Motion carried: 7 ayes

Solicitor Armstrong will prepare an ordinance amending the tax ordinance to allow Council's proposed exemption.

b. Mayor - These items will be tabled.

1. Police Vehicles
2. Church Street speed and truck enforcement
3. Use of retarder brakes on Main Street

Council Member Hutchison questioned if the Police Department is enforcing the pedestrian crosswalks on Main Street. Mayor Cordner will check.

c. Borough Manager

1. Grants – Borough Manager Boehm noted some grants she would like to apply for with Council's approval. One grant is from the PA Small Water Sewer Program for water and sewer. She would like to apply for the full \$500,000 to help defray the costs associated with the sewer rehabilitate project. Another grant is for Tree Vitalization for street trees or parks. Another grant is through DEP to plant trees along streams to improve water quality. She will get more information on this grant. Another grant was from PA Keep American Beautiful for \$1,000 toward the cost of the bump out plantings on Main Street. It was the consensus of Council to apply for the grants.

2. Solicitor Armstrong noted he is working on the ordinance for the new pension plan for new employees.

d. Committees

UNFINISHED BUSINESS – PART I – There was no unfinished business.

UNFINISHED BUSINESS – PART IIa. Main Street Streetscape Plan

b. SW Lehigh Comprehensive Plan – Council Member Schleicher reported a rough draft of the plan was provided at the meeting. She had an intergovernmental agreement which will be given to Council for review before giving to Solicitor Armstrong. Council Member Schleicher noted LVPC would like to attend the September 13th Planning Commission meeting and invite Council.

c. Rental Inspection Programd. LTD Capital Projects

1. Cotton Street
2. Church Street Traffic Light

e. Service Electric Cable Franchise Renewalf. Committee Vacancies – Zoning Hearing Board (1 with term expiring 3/31/2018)

1. Appointment of Zoning Hearing Board vacancy for term expiring 3/31/2018 – Council Member Hutchison made a motion to appoint Barry Bloch to the Zoning Hearing Board vacancy for a 3-year term expiring 3/31/2018, second by Council Member Schleicher. Motion carried: 7 ayes

g. 90-day Trial Period for Dock Street one way traveling east, expires October 12thNEW BUSINESS

a. Post-Employment Benefit Liability Disclosure Report – Borough Manager Boehm noted this report was for information only.

b. Resolution for Misappropriation of Hotel Room Rental Tax – This draft resolution was passed out to all the municipalities in Lehigh County and Northampton County. It is informing the State General Assembly of the disapproval of diverting the Hotel Room Rental Tax being diverted to the Allentown NIZ and requesting to repeal the tax being diverted from Lehigh Valley regional tourism and economic development.

Council Member Yerman made a motion to pass the resolution, second by Council Member Hutchison. Motion carried: 6 ayes, 1 nay (Council Member Boyko)

c. Approval of Payment #2 in the amount of \$80,527.68 to Semmel Excavating Inc. for the Cotton Street Reconstruction Project – Council Member Hutchison made a motion to approve Payment #2 in the amount of \$80,527.68 to Semmel Excavating Inc, second by Council Member Akinjiola. Motion carried: 7 ayes

RAINSTORM READY SEWER REHABILITATION PROGRAM

President Becker noted the finances for the sewer will have to be discussed during budget workshops. Council would like to know the work that needs to be done by the Borough and the cost. Engineer Harry Garman will be scheduled to come to the September 6th meeting. Council also questioned the Borough's costs for the Lehigh County Authority and Allentown improvements.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant