

CALL TO ORDER

President Chris Becker called the September 19, 2016, meeting of Macungie Borough Council to order at 7:30 p.m. in Borough Council Chambers, Borough Hall, 21 Locust, Macungie, PA.

ATTENDANCE

Council Members:

Chris Becker
Greg Hutchison
Roseann Schleicher
John Yerman

Mayor:

Gary Cordner

Borough Manager:

Chris L. Boehm

Solicitor:

Patrick Armstrong

Administrative Assistant:

Cynthia Hartzell

Absent:

Alma Akinjiola

David Boyko

Marvin Moyer

PUBLIC COMMENTS

- a. Prior Public Comments to Council – No Prior Public Comments
- b. Public Comments – No Public Comments

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Schleicher reminded everyone about the 175th Anniversary Celebration Walk from Grace Lutheran Church to Solomon UCC Church this Sunday along Main and Church Streets. The streets will be blocked for the Walk.
- b. President Becker noted the dog show held at Macungie Park this past weekend went well. He noted the Wheels of Time Car Show was well attended.

APPROVAL OF MINUTES

- a. August 15, 2016 meeting – Council Member Hutchison made a motion to approve the August 15, 2016 Council minutes as presented, second by Council Member Schleicher. Motion carried: 4 ayes

CONSENT AGENDA

- a. Treasurer's report of August 31, 2016

Council Member Hutchison made a motion to approve the August 31, 2016 Treasurer's Report, second by Council Member Schleicher. Motion carried: 4 ayes

- b. Approval of invoices as listed.

Payment of September 6, 2016 invoices as listed totaling \$115,270.12

Council Member Yerman made a motion to approve the September 6, 2016 invoices, second by Council Member Hutchison. Motion carried: 4 ayes

Payment of September 20, 2016 invoices as listed totaling \$93,203.45

Council Member Hutchison made a motion to approve the September 20, 2016 invoices, second by Council Member Schleicher. Motion carried: 4 ayes

CORRESPONDENCE

- a. Macungie Fire Department July Response and Training Report
- b. Lehigh County Board of Assessment Appeals, re: 101 Lehigh Street, 111 Lehigh Street, 901 Willow Lane, 151 Village Walk & 335 Parkside Appeal Hearing Notices
- c. Municipal Retirement Trust, re: July Monthly Pension Report
- d. Emmaus Public Library, re: July draft meeting minutes, Directors Report & Monthly Activity Report
- e. Connie Caflin, 103 S. Fairview St, Macungie, re: Request use of road barriers for a block party on October 8th
- f. Catherine E.N. Durso, Fitzpatrick Lentz & Bubba, re: Consideration of Establishment of a Quiet Zone
- g. Upper Milford Township, re: MoveLV Congestion Management Process Draft
- h. Macungie Ambulance Corp August Monthly Report
- i. Thomas Steel, RCN, re: Acquisition of RCN by TPG Capital

REPORTS

- a. Solicitor Armstrong
 1. Defined Contribution Pension Joinder Agreement - Solicitor Armstrong received the joinder agreement for the defined contribution pension. He noted the defined contribution pension allows the option for the employee to join the pension only when the employee becomes eligible; they cannot join at a later date. The employee's minimum contribution is 3% with 3% matched by the Borough. The employee has the option to contribute more than 3%. Solicitor Armstrong commented to complete the joinder agreement Council needs to decide if the Pension would be a balanced account or a fixed account.

Council Member Schleicher made a motion to have the defined contribution pension to be a balanced account, second by Council Member Hutchison. Motion carried: 4 ayes

2. Defined Benefit Pension Plan Amendment Ordinance - Solicitor Armstrong prepared an ordinance to amend the joinder agreement for non-uniformed employees of the Defined Benefit Plan that no new employees may enter this plan after January 1, 2016.

3. Defined Contribution Pension Ordinance – Solicitor Armstrong prepared an ordinance to adopt a joinder agreement for a defined contribution pension for non-uniformed employees who are hired after January 1, 2016 according to the Teamster Collective Bargaining Agreement.

Council Member Hutchison made a motion to authorize the advertising of the Defined Benefit Pension Plan Amendment Ordinance and the Defined Contribution Pension Ordinance, second by Council Member Schleicher. Motion carried: 4 ayes

4. Cotton Street One Way Ordinance - Solicitor Armstrong prepared an ordinance to adopt the one-way section of Cotton Street. He asked if Council wanted to add the one way on Dock Street. Council discussed the topic. President Becker noted he received several phone call from residents in the area who wanted to keep Dock Street as a two-way street between Church and Lea Street. Council Member Schleicher was concerned about the narrow width of Dock Street for two-way traffic. Council decided not to add the regulation to the ordinance and to monitor Dock Street traffic.

Council Member Hutchison made a motion to authorize the advertising of the Cotton Street Ordinance as presented, second by Council Member Schleicher. Motion carried: 4 ayes

5. Service Electric Cable Franchise Renewal - Solicitor Armstrong received a draft agreement from Service Electric. He noted the agreement was basically the same as the RCN agreement except for some items that Service Electric would not agree to. Solicitor Armstrong pointed out the items as no professional services reimbursement provision, only suppling one static IP address, the Borough's franchise fee would not be included in the customer franchise fee, and not pay for permits for routine work. Solicitor Armstrong commented Service Electric was willing to provide a letter agreeing they would reimburse up to \$1,000 for legal expenses. As for the additional static IP address, this is for the police department and will be looked into further.

Council Member Yerman made a motion to move forward with the Service Electric Cable Franchise Agreement and authorize the advertising of an ordinance for adoption, second by Council Member Schleicher. Motion carried: 4 ayes

6. Ordinance 2016-03, Per Capita Tax Exemption Amendment and Burning Outdoor Exemption Amendment - Solicitor Armstrong revised the Per Capita Tax Amendment Ordinance to include an amendment to the Burning Outdoor Ordinance. This was based on the Boy Scout request to allow for US flag burning ceremonies.

Council Member Yerman made a motion to authorize the advertising of Ordinance 2016-03, second by Council Member Schleicher. Motion carried: 4 ayes

b. Mayor

1. Police Vehicles - Mayor Cordner commented the fourth police vehicle that was scheduled to be sold this year could be used as a multi-purpose car as suggested by Sergeant Kocher. The police department and the fire department could use the vehicle to go for training sessions and any other employee could use it for Borough purposes. Mayor Cordner recommended keeping the vehicle.

Council agreed to keeping the Dodge Charger (705) and monitoring the usage.

2. Church Street speed and truck enforcement - Mayor Cordner reported speed lines have been painted on Church Street for the police department and commented the police department is monitoring the speed.

3. Use of retarder brakes on Main Street – Borough Manager Boehm remarked that Engineer Kern will measure the grade and report back to her. She will keep Council updated. President Becker commented on signs he saw in another municipality that requested not to use retarder brakes.

4. Junior Council Member - Mayor Cordner provided information on two candidates interested in serving as a Junior Council Member. The two people want to serve together for this year.

Council Member Schleicher made a motion to appoint Valeria Cordner and Renee Martin as the Borough's Junior Council Members, second by Council Member Yerman. Motion carried: 4 ayes

5. Mayor Cordner commented there was a DUI checkpoint in the Borough a few weeks ago and it was productive.

6. Mayor Cordner commented the Wheels of Time Car Show was a successful event.

7. Mayor Cordner reported there have been reports of graffiti in the Borough. He commented that it is being cleaned up as soon as possible and he did not think it was a big problem.

8. Mayor Cordner commented that Fire Chief Natysyn will be attending a storm water management meeting held by FEMA & PEMA.

9. Mayor Cordner announced PennDOT is requesting a letter from the Fire Police that they will not direct heavy vehicle traffic onto Brookside Road and East Macungie Road during the Halloween Parade due to a weight limit on a bridge and a height restriction at another bridge. Fire Chief Natysyn was hesitant with the responsibility but this will be worked on to get the permit.

b. Borough Manager

1. 2017 Uniformed and Non-Uniformed Defined Benefit Pension Financial Requirement and Minimum Municipal Obligation and 2017 Defined Contribution Pension Financial Requirement and Minimum Municipal Obligation - Borough Manager Boehm reported the 2017 Minimum Municipal Obligation for the Borough of Macungie for the Uniform Pension will be \$67,784, and the Non-Uniform Defined Benefit Pension obligation will be \$64,754 as calculated by the Borough's actuary. A Minimum Municipal Obligation was created for the Defined Contribution Pension with an obligation amount of \$1,200. Since no contributions have been made to that pension fund, this is an estimated and the figure will be adjusted at the end of the year based on actual contributions. These amounts are required for the 2017 budget to fund the Pensions.

2. Sewer Ordinance requiring inspection prior to sale or transfer of property – Borough Manager Boehm wanted to bring this topic before Council for consideration because of the I&I that is required to be removed from the sewer system. This requires an inspection of the sewer lateral before sale of the property. She provided two ordinances from other municipalities and asked that Council

review them for ideas to create a Borough ordinance. After some discussion, the Borough Manager agreed to prepare a draft ordinance for Council's review and consideration.

3. Borough Manager Boehm announced the Borough was awarded the mini-grant from the Lehigh County Conservation District in the amount of \$5,000. This is for the storm drain plantings in the bump outs in the streetscape project. She reported a grant award of \$1,000 from Lehigh Valley Chamber of Commerce was also received for the bump-out plantings.

4. Borough Manager Boehm announced LCA finalized their 2015 billing and the Borough has a credit of \$52,000 that will be applied to the 2016 3rd quarter billing.

5. Borough Manager Boehm addressed the fee for a requested real estate tax certification from the real estate tax collector. Mr. Buchin, tax collector, asked to have the fee increased to \$20 but the fee can only be changed prior to the election of the tax collector position. Council was in agreement and directed Solicitor Armstrong to prepare an ordinance amending the tax certification fee to \$20.

c. Borough Engineer - Engineer Kern was not in attendance. A breakdown of the cost for the sanitary sewer rehabilitation project was received from Engineer Garman for Council's review.

d. Committees – No reports

UNFINISHED BUSINESS – PART I

a. Ordinance 2016-03, Per Capita Tax Exemption Amendment and Burning Outdoor Exemption Amendment - Authorization to advertise for adoption – This was addressed under the Solicitor's Report.

b. Award of 2016 CIPPL Sewer Project – Keystone Consulting Engineers determined that Fast Pipe East, Inc., has met all the bidder's criteria and is capable of undertaking the project. Keystone Consulting Engineers and Engineer Garman recommend awarding the Borough's portion of the 2016 Sanitary Sewer System Rehabilitation Project to Fast Pipe East, Inc., in the amount of \$84,702.50.

Council Member Yerman made a motion to award the Borough's portion, Contract D, of the 2016 Sanitary Sewer System Rehabilitation Project to Fast Pipe East, Inc., in the amount of \$84,702.50, second by Council Member Schleicher. Motion carried: 4 ayes

UNFINISHED BUSINESS – PART II

a. Main Street Streetscape Plan - President Becker met with Bryan Smith, BIA, to discuss the cost of the project. President Becker looked over the finances of the Cotton Street Project and the cost of the traffic light to make sure the funds were within the amount of funds left in the capital loan account. During their meeting, President Becker and Engineer Smith discussed a few items to lower the cost of the streetscape project. The items for discussion were a water inlet at Pine Street, the crosswalk at Lea Street, the shrubs in the bump-outs and painting the crosswalks instead of a stamping the crosswalk. This will be discussed after Cotton Street is complete.

b. SW Lehigh Comprehensive Plan – Council Member Schleicher noted the draft comp plan continues to be discussed at the meetings. She commented on her disappointment that none of the other municipalities have an interest in a regional police department.

NEW BUSINESS

d. Consideration of Establishment of a Quiet Zone at Main Street crossing and at a private crossing south of Main Street crossing – Since the representatives from Fitzpatrick, Lentz & Bubba and Woodmont Properties were present at the meeting to discuss this matter, Council decided to discuss it at this time. Steve Varneckos, Woodmont Properties, and Kate Durso, Fitzpatrick, Lentz & Bubba, explained their request to have Macungie Borough support a request to Norfolk Southern to investigate the feasibility of establishing a Quiet Zone at Main Street and a private crossing in the Borough. Mr. Vaneckos mentioned the development being built just north of the Borough that has 204 luxury apartments and a Weis Markets. The request is only to find out if a quiet zone can be done. Mr. Varneckos commented the support for the investigation does not indicate that Council would agree to the quiet zone. The cost of the request would be funded by Woodmont Properties.

After discussion on the request Council Member Hutchison made a motion to support the request to Norfolk Southern for a quiet zone study, second by Council Member Yerman. Motion carried: 2 ayes, 2 nays, tie breaking aye vote-Mayor Cordner.

UNFINISHED BUSINESS – PART II continued

c. Rental Inspection Program

d. LTD Capital Projects

1. Cotton Street – completion date September 30th
2. Church Street Traffic Light

e. 90-day Trial Period for Dock Street one way traveling east, expires October 12th

f. Sewer Rehabilitation Financing – Borough Manager Boehm reported LCA and DEP met to discuss lengthening Phase 1 to 15 years. She will keep Council informed on the outcome of the meeting.

NEW BUSINESS

a. Resolution 2016-19, Authorization for Emmaus Borough to be the library sponsor for the Keystone Recreation, Park and Conservation Fund Grant for the proposed Children's Wing at the Emmaus Public Library

Council Member Yerman made a motion to adopt Resolution 2016-19, second by Council Member Hutchison.

Roll Call Vote:	Akinjiola – absent	Becker – aye	Boyko – absent
	Hutchison – aye	Moyer - absent	Schleicher – aye
	Yerman – aye		

Motion carried.

b. Resolution 2016-18, Designation of Depositories and Appointing Signatories for 2016 – Borough Manager Boehm commented this Resolution listed Key Bank which is the new name for the First Niagara Bank.

Council Member Hutchison made a motion to adopt Resolution 2016-18, second by Council Member Schleicher.

Roll Call Vote: Akinjiola – absent Becker – aye
 Boyko – absent Hutchison – aye
 Moyer - absent Schleicher – aye
 Yerman – aye

Motion carried.

c. Request use of road barriers for a block party on October 8th

Council Member Yerman made a motion to approve the use of road barriers for a block party on the Fairview Street cul-de-sac on October 8, second by Council Member Schleicher. Motion carried: 4 ayes

d. Consideration of Establishment of a Quiet Zone at Main Street crossing and at a private crossing south of Main Street crossing – This was addressed earlier in the meeting.

e. Approval of Payment #3 in the amount of \$90,113.44 to Semmel Excavating Inc.

Council Member Hutchison made a motion to approve Payment #3 to Semmel Excavating, Inc. in the amount of \$90,113.44 for the Cotton Street Project, second by Council Member Schleicher. Motion carried: 4 ayes.

1. Change Order for Cotton Street Project - President Becker mentioned the change order was for the amount of \$24,515 due to milling down 3' and paving on the west side of Cotton Street.

Council Member Schleicher made a motion to approve the change order of \$24,515 for the Cotton Street Project, second by Council Member Hutchison. Motion carried: 4 ayes

f. Award Bid for Curbside Leaf Collection – Borough Manager Boehm reported one bid was received from EMI Landscaping in the amount of \$66,900 for 3 years at \$22,300 each year. She reported approval has been received to take the leaves to the Lower Macungie Township Quarry Road site. Borough Manager Boehm noted EMI does the leaf collection for Lower Macungie Township also. The leaves will be picked up the week of November 7, 14, 21 and 28th.

Council Member Hutchison made a motion to award the 3-year curbside leaf collection bid to EMI Landscaping for a total bid amount of \$66,900, second by Council Member Schleicher. Motion carried: 4 ayes

g. Budget Transfers

- \$5,296.72 from 01.410.130 (Police Chief wages) to 01.410.136 (Part-time Police)
- \$3,736.80 from 01.410.130 (Police Chief wages) to 01.410.183 (Police Overtime)
- \$55.00 from 01.410.230 (Heating) to 01.410.451 (Janitorial Services)
- \$1,503.62 from 01.410.231 (Fuel-car) to 01.410.374 (Vehicle Maintenance-Police)
- \$343.82 from 01.410.231 (Fuel-car) to 01.410.373 (Maintenance & Repairs-Bldg.)
- \$97.50 from 01.430.142 (Part-Time Wages) to 01.430.141 (Seasonal Wages-Public Works)
- \$1.27 from 01.406.197 (Transitional Reinsurance Fee) to 01.406.198 (PCOR Fee)

- \$116.32 from 01.409.361 (Electricity) to 01.406.375 (GF-Office Maintenance & Repair)
- \$61.00 from 01.409.670 (Building Improvements) to 01.409.450 (Elevator Service Contract)
- \$195.82 from 1.406.156 (Medical, Eye & Dental Benefits) to 01.406.162 (UC-General)
- \$.13 from 08.429.156 (Health Insurance) to 08.429.198 (PCOR Fees)
- \$23.42 from 08.429.231 (Fuel-Trucks) to 08.429.230 (Heating Costs-Garage)
- \$84.49 from 08.429.213 (Small Equipment Items) to 08.429.162 (Sewer-UC)
- \$106.66 from 08.429.213 (Small Equipment Items) to 08.429.480 (SF-Miscellaneous Expenses)

Council Member Hutchison made a motion to approve the budget transfers as presented, second by Council Member Schleicher. Motion carried: 4 ayes

ITEMS NOT ON AGENDA

- a. Borough Manager Boehm noted the budget workshop schedule that was provided to Council. The first budget workshop is on October 24th at 7:00 pm.
- b. Council decided to continue the streetscape plan discussion so the project could move along. There were 4 items that could be changed to lower the cost of the project.
 - First item was to remove the bump outs for the crosswalk at Lea Street. Council decided to keep the bump outs.
 - Second item was to revise the water inlet at Pine Street. Council approved the change.
 - Third item was to remove the shrubs in the bump-outs but 2 grants were awarded to the Borough for the plantings. The plantings will remain in the plan.
 - The last item was to paint the crosswalk at the Poplar St intersection instead of the stamped crosswalk. The majority of Council approved painting the crosswalk instead of the stamping but Borough Manager Boehm did not know if the removal of the stamped crosswalk would affect the grant since they were part of the traffic calming. Council wants to keep the stamped crosswalk but agreed that if the removal of the crosswalk does not impact the grant and the project is over budget, the crosswalk can be painted.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 10:24 pm.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant