

CALL TO ORDER

President Chris Becker called the June 19, 2017, 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:          | Alma Akinjiola<br>Chris Becker<br>Roseann Schleicher<br>John Yerman  |
| Borough Manager:          | Chris L. Boehm   |
| Administrative Assistant: | Cynthia Hartzell   |
| Absent:                   | David Boyko<br>Greg Hutchison<br>Marvin Moyer<br>Mayor Gary Cordner<br>Jr. Council Member Renee Martin<br>Jr. Council Member Valeria Cordner |

President Becker commented letters were sent to Council Member Boyko and Moyer requesting their intentions for their Council position. No response has been received to date but Council hopes they do respond to the letter.

PUBLIC COMMENTSa. Prior Public Comments to Council

1. Dave Fatzinger, 218 Village Walk Drive – neighborhood complaints – Mr. Fatzinger thanked President Becker for coming to talk to him and looking into the situation. He continued referencing sections of the zoning ordinance that pertained to home occupation and its definition. He asked Council to withdraw the home occupation permit for 220 Village Walk Drive interpreting there are violations to the zoning ordinance. He remarked that the home occupancy permit is not legal because Mr. VanDine is not the owner of the property.

President Becker remarked the situation is being looked into and any violations need to be verified and proved to move forward. He suggested appealing to the Zoning Hearing Board on the Zoning Officer's decision to issue a permit and also to get a petition of neighbors against the home occupation permit. He commented Zoning Officer Nicholson is looking at the home occupation regulation that would have to go to the Planning Commission for any changes.

2. Jeanette Polizzi, 351 Village Walk Drive, Macungie - property maintenance complaint - President Becker reported a violation letter was sent to the property owner to have the violations addressed within 8 days. He commented Ms. Polizzi emailed him about the condition of a fence at 357 Village Walk. He will pass this to Zoning Officer Nicholson.

3. Comments on Macungie Fire Department certification with the State - President Becker and Council received the written review from the committee. He noted this will be addressed at the first Council meeting in August and tonight's comments would only pertain to the Borough signing of the certification application.

To address the state certification application submitted by the Macungie Fire Department, Council Member Schleicher remarked Council Member Yerman and she looked into the issue since President Becker recused himself. She made several calls to the office of the state fire commissioner, searching the meeting minutes and listening to a tape from the November 23 budget meeting. It was found that Fire Chief Mike Natysyn brought the form to the meeting and asked President Becker to sign the document so he could submit it. President Becker questioned Chief Natysyn if the document needed to be signed now and he answered yes. No certificates were given or shown to President Becker or Council at the time. Council, Mayor and a former Council Member were also present at the meeting. She commented the length of time and taking care of a lot of other issues was the cause for Council not to remember signing the application.

Council Member Yerman remarked the instructions for completing the application were followed. He looked for corrective action based on the situation. One part to work on is record keeping, commenting that a copy of the document should have been filed. With that said, Council Member Yerman made a motion to recommend all documents signed by the President of Council are identified and noted in the minutes and the document should be copied or scanned, second by Council Member Schleicher. Motion carried: 4 ayes.

Council Member Yerman continued about Council responding at the time to questions asked at a Council meeting. In order to ensure accurate answers, he suggested the public put the questions in writing and Council will look into what is requested. Council Member Yerman made a motion that all questions from residents should be submitted in writing and the written questions will be addressed at one of the 2 following Council meetings, second by Council Member Akinjiola. Council discussed having written questions and allowing the resident to have dialog at the meeting. Dorothy Kociuba, 93 S Fairview Street, Macungie, expressed her concern that all questions should be in writing. Council Member Yerman amended his motion to all questions pertaining to prior actions of Council should be submitted in writing and will be addressed at one of the 2 following Council meetings, second by Council Member Schleicher. Motion carried: 4 ayes.

Council Member Yerman spoke to the Office of the State Fire Commissioner about this topic. They confirmed that notarization was no longer being required. They also confirmed that certificates are needed only if the certification came from outside the OSFC/PSFA Certification Program.

Per the email forwarded by Mr. Schantzenbach, the OSFC indicated this topic was a Borough issue and they were only concerned if any loans or grants provided by them to the fire department were misspent. At the time of this meeting there were no loans or grants identified as associated with this document.

Council Member Yerman remarked that non-governmental organizations do not fall under the Office of Open Records law as it is written. But the OOR sees a relationship between the fire department and the Borough that they feel puts some obligation on the Borough. He suggested Council should be careful because some County courts have disagreed with the OOR. Council Member Yerman made a motion to insure the law is followed, that any non-borough records request for a Right To Know, the Borough gets specific instructions from OOR as we have been doing by denying the request and have the OOR rule on it, second by Council Member Schleicher. President Becker remarked the process is being followed by the Borough office and any questions on the RTK request are referred to the Solicitor. Council Member Yerman withdrew his motion.

Dorothy Kociuba, 93 S. Fairview Street, Macungie, read the section, 506d, of the Right To Know Law.

Council Member Yerman commented there might be concerns about President Becker's leadership. He noted the good job being done by President Becker. To that, Council Member Yerman made a motion to note that Council appreciates President Becker's leadership, affirms their belief that he is a great leader of Macungie and of Council and want him to continue the role in the manner he has done to date, second by Council Member Akinjiola.

President Becker read a statement. He reiterated what occurred at the November 23, 2015 budget meeting where he signed the certification application. He commented about the number of documents and checks he signs and does not remember all of them. He remarked about relying on and having trust in the people he works with in his capacity as Council President.

Motion carried: 3 ayes, 1 nay (Becker)

Council Member Yerman indicated that the citizen questions were answered:

- Who Signed: Chris Becker
- What was reviewed: this document was only certificate, numbers were submitted per the instructions

He then made a motion to end the review of the signing of the fire department certification application. No second, motion died.

President Becker addressed the audience mentioning any comments from the audience are only toward Borough actions. He remarked any comments on the fire department actions will be taken at the August meeting when the Fire Department Committee review is discussed.

a) Tim Schantzenbach, 102 Locust Street, Macungie commented that the certification application for the fire department must be notarized according to his conversation with OSFC. He showed the page of the instructions that indicated the notarization. Mr. Schantzenbach asked if President Becker verified the certificates of the member on the form. President Becker commented he did not verify the certificates. Mr. Schantzenbach continued with the OSFC stating it is up to the fire department to provide the certificates and the borough to verify the certificates.

b) Tim Romig, business owner of 50 Race Street, Macungie, clarified that the certification application was signed on November 23, 2015. He repeatedly wanted to know who verified the certificates. President Becker repeatedly remarked he did not verify the certificates. President Becker noted he trusts the department heads who bring documents for signatures as in good faith or until that trust level is challenged. President Becker continued there where 3 department head's signatures indicating the document was reviewed and approved by the Fire Department leadership. He had other questions not pertaining to the certification application and President Becker noted those questions can be asked at the August meeting.

b. Public Comments

1. Tim Romig, business owner of 52 Race Street, Macungie, emphasized the government should be more open to the public.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. President Becker complimented the Antique Truck Show event. He remarked it was a great show for the Borough.

b. An audience member commented about the new slide at the Macungie Pool.

APPROVAL OF MINUTES

a. May 22, 2017 special meeting – Council Member Akinjiola made a motion to approve the May 22, 2017 Council minutes as presented, second by Council Member Schleicher. Motion carried: 4 ayes

b. June 5, 2017 meeting - Council Member Akinjiola made a motion to approve the June 5, 2017 Council minutes as presented, second by Council Member Schleicher.

Public Comments

Tim Schantzenbach remarked on Page 2, #3, 2<sup>nd</sup> paragraph, 5<sup>th</sup> line ...”Council has only seen the redacted copy of the document.” Mr. Schantzenbach claimed he passed a copy of the un-redacted application before the June 5<sup>th</sup> meeting so he asked to have the word “redacted” moved and the word “only” will be removed. Council agreed to change the wording. Mr. Schantzenbach disputed a sentence under Page 2, #4, 4<sup>th</sup> line down saying “...Solicitor Armstrong remarked there is no investigation of the Fire Department.” He said the Borough, PEMA and OSCF are doing a formal investigation of the fire department. Mr. Schantzenbach noted a sentence on line 6 of the same paragraph “...Schleicher addressed the signature does not have to be notarized.” He commented he and Council Member Schleicher agreed to disagree about it. Council Member Schleicher reiterated her conversation with the representative at OSCF. It was discussed the last two items Mr. Schantzenbach noted were comments made at the meeting and would not be changed.

Council Member Akinjiola amended her motion to include the one change under #4 on Page 2, second by Council Member Schleicher. Motion carried: 4 ayes

#### APPROVAL OF BILLS FOR PAYMENT

President Becker commented on the invoice for the plants for the Flower Park. He thanked the volunteers for their work but noted the budget needs to be followed. He asked Council Member Schleicher to inform the Garden Club that they need to stay within the budgeted amount. She will pass on that information.

Council Member Schleicher made a motion to approve the bills for payment totaling \$269,996.73, second by Council Member Akinjiola. Motion carried: 4 ayes

#### CORRESPONDENCE

- a. Macungie Fire Department May Training Report
- b. Macungie Ambulance Corp May Monthly Report
- c. France Anderson, Basile & Co, PC, re: Tax Collector Financial Statement – Borough Manager Boehm reported the new auditor thought the audit for the tax collector should be done. The only finding was the accounting was done on a cash basis instead of accrual basis. President Becker read the fund accounting section in the audit and asked Borough Manager Boehm to find out what accounts the tax collector is keeping the funds in.

#### REPORTS

- a. Mayor – No Report in his absence.
- b. Borough Manager
  1. Borough Manager Boehm announced she will give Council the refuse bid before it goes out to bid.
  2. Borough Manager Boehm questioned if Council would like to move the August 7<sup>th</sup> meeting to the Macungie Institute since the fire department review will be on the agenda. Council agreed to hold the August 7<sup>th</sup> meeting at the Macungie Institute. She will check on availability and advertise the location change.
- c. Junior Council Members – No report.
- d. Committees – No report.

#### UNFINISHED BUSINESS – PART I

- a. Borough Safety and Loss Control Policy

Council Member Becker made a motion to adopt the Macungie Borough Employee Safety Manual, second by Council Member Schleicher. Motion carried: 4 ayes

#### UNFINISHED BUSINESS – PART II

a. Main Street Streetscape and Church Street Traffic Light Project – Borough Manager Boehm commented when she attends the pre-construction meeting, she will be working to get the project to start in September instead of mid-August.

She announced the closing of the railroad crossing on Gehman Road which caused an increase in traffic on Church Street today due to the detour through the Borough.

b. SW Lehigh Comprehensive Plan – Council Member Schleicher reported Council attended a joint meeting with Planning Commission on June 13<sup>th</sup> to review the comprehensive plan. At that meeting, Council passed a motion to approve the 45 day review for the comprehensive plan. She noted 2 other municipalities still need to approve moving forward with the comprehensive plan. Council Member Yerman expressed his concern that the steering committee does not have any direction on what they need to do to make sure the comprehensive plan is followed.

c. Rental Inspection Program – A revised ordinance was sent to the committee for review.

d. Sewer Ordinance Amendment for sewer lateral inspections

e. Grace Lutheran Church Parking Request - President Becker suggested adding West End Trail to the list to discuss parking.

#### NEW BUSINESS

a. Request from Todd Bernhard for payout of 2016 vacation and personal time – Officer Bernhard requested to have his 2016 vacation and personal time paid out which totaled 74.5 hours for a total payout of \$2,312.48.

Council Member Schleicher made a motion to approve a payout of \$2,312.48 to Todd Bernhard for his unused personal and vacation time, second by Council Member Yerman. Motion carried: 4 ayes

b. Macungie Institute budget - President Becker noted the deficit for the past 4 years. Council discussed the situation, how to make the building more useful and manage the expense of the community center.

Dorothy Kociuba, 93 S Fairview Street, Macungie, remarked the Macungie Institute is a gem of the Borough and did not see it being self-supporting. She thought there should be a person to promote and manage the building. She would like Council to keep the building.

Council continued their discussion. Council Member Akinjiola questioned what the community, referring to the residents, want with the building. Some of the ideas discussed tonight will be passed to Karen. This discussion will continue.

#### ITEMS NOT ON AGENDA

a. President Becker brought up the situation with the 2 Council Members that are not attending the meetings or being involved in the Borough. Neither of the Council Members has responded to date to the letters that have been sent. It was decided President Becker will call each of them to get an answer by the next meeting.

There is a question if there will be a quorum at both July meetings with members going on vacation. Borough Manager Boehm will verify with Council Member Hutchison if he will be able to make the meetings.

#### ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 9:59 pm.

Respectfully submitted,

Cynthia Hartzell  
Administrative Assistant