

CALL TO ORDER

President Chris Becker called the August 7, 2017, meeting of Macungie Borough Council to order at 7:39 p.m. in the auditorium of the Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

Council Members:	Alma Akinjiola Chris Becker Marvin Moyer Roseann Schleicher John Yerman
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong
Mayor:	Gary Cordner
Jr. Council Member:	Valeria Cordner Renee Martin
Administrative Assistant:	Cynthia Hartzell
Absent:	Greg Hutchison David Boyko

PUBLIC COMMENTS

a. Public Comments

1. Dennis Fritz, 32 S. Lea Street, Macungie, clarified that he did not want a noise ordinance but wording that would limit the time for a commercial outdoor area. He referenced sections of the zoning ordinance that would pertain to noise. He commented about the noise from a business disposing of glass bottles during the night.

President Becker remarked this would be given to the Planning Commission for review and he will come and talk to Mr. Fritz.

2. David Fatzinger, 218 Village Walk Drive, Macungie, reiterated about not seeing a letter from his attorney as correspondence on the agenda yet. President Becker replied the letter was not addressed to Borough Council and asked to have his attorney address the letter to Borough Council. Mr. Fatzinger commented about the moving box truck parked for 3 weeks without being moved and not noticed by the police. He remarked about pickup trucks being parked in the passenger car only parking spaces on West End Trail. Mayor Cordner explained under the Pennsylvania Vehicle Code a pickup truck may be considered a passenger car by definition.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. President Becker remarked the Das Awkscht Fescht event this past weekend was a very nice event with good weather.

b. Council Member Schleicher addressed the last articles in the East Penn Press. The one article headlined about volunteers needed for the Macungie Institute. She corrected it that the volunteers are

needed for the events at the Macungie Park. The other article reported the Macungie Institute Building Coordinator's salary. She clarified that that amount included taxes and all the benefits like health and pension that the Borough pays.

APPROVAL OF MINUTES

- a. July 17, 2017 meeting – Council Member Akinjiola made a motion to approve the July 17, 2017, Council meeting minutes as presented, second by Council Member Schleicher. Motion carried: 5 ayes

CONSENT AGENDA

- a. Treasurer's report of July 31, 2017

Council Member Schleicher made a motion to approve the July 31, 2017, Treasurer's Report, second by Council Member Yerman. Motion carried: 5 ayes

- b. Payment of invoices as listed totaling \$90,720.08

Council Member Akinjiola made a motion to approve the invoices of the August 8, 2017 Consent Agenda, second by Council Member Yerman. Motion carried: 5 ayes

CORRESPONDENCE

These items are tabled until the August 21st meeting.

- a. Emmaus Public Library June Monthly Report
- b. Macungie Police Department June Monthly Report
- c. Municipal Retirement Trust June Monthly Report
- d. PennDOT, re: 2016 Automated Red Light Enforcement Grant
- e. Karen Holt, Macungie Institute Building Coordinator, July Monthly Report
- f. Amy Hillegass, Macungie Memorial Park, re: Thank you for Public Works assistance

REPORTS

- a. Solicitor Armstrong – No other report than on agenda items.

- b. Mayor

1. Mayor Cordner remarked this is the last meeting for Junior Council Member Cordner. She will be going off to college. Council wished her well in her future. Junior Council Member Martin will stay on.

- c. Borough Manager – No report

d. Junior Council Member

1. Junior Council Member Martin remarked about Junior Council Member Cordner leaving and wished her luck.

e. Committees – No reportsUNFINISHED BUSINESS – PART I – No Unfinished BusinessUNFINISHED BUSINESS – PART II

These items are tabled until the August 21st meeting.

- a. Main Street Streetscape and Church Street Traffic Light Project
- b. SW Lehigh Comprehensive Plan
- c. Sewer Ordinance Amendment for sewer lateral inspections
- d. Grace Lutheran Church Parking Request and review of on-street parking on West End Trail
- e. Macungie Institute budget
- f. Sewer Ordinance Amendment to comply with City of Allentown Industrial Waste Ordinance
- g. Rental Regulation Ordinance

NEW BUSINESS

- a. Acceptance of Resignation from Michael Marshall

Council Member Schleicher made a motion to accept Michael Marshall's resignation from the Macungie Police Department with regret, second by Council Member Akinjiola. Motion carried: 5 ayes

- b. Authorization for Solicitor and Borough Manager to approve Streetscape Contract with Marino Corporation

Borough Manager Boehm explained this is a step to approve the contract for the streetscape and traffic light project through PennDOT. Solicitor Armstrong explained PennDOT contracts are standard and he wanted to make Council award the contract is through PennDOT on behalf of the Borough. He reviewed the documents of the contract. He informed Council that they fund the project with reimbursement from PennDOT with the knowledge that there is a slight possibility that PennDOT could not have the funds for reimbursement. President Becker noted the amount funded by PennDOT increased due to additional costs from the Railroad. Borough Manager Boehm reported the completion date is January 16, 2018.

Council Member Becker made a motion to authorize Solicitor Armstrong and Borough Manager Boehm to approve the contract with Marino Corporation of Skippack for Project #102716 in the amount of \$639,301.30, second by Council Member Schleicher. Motion carried: 5 ayes

ITEMS NOT ON AGENDA – No other items for discussion from Council.

EXECUTIVE SESSION

Council President Becker called for an executive session at 8:05 p.m. to discuss personnel. The meeting was reconvened at 8:30 p.m. with no action taken.

MACUNGIE FIRE DEPARTMENT REVIEW REPORT

To start the discussion, President Becker read a Proposal he created from the Review Committee's Report. He would like to have Council approve his proposal.

“Proposal: Council would additionally hold the second payment of \$20,000.00 until these action items were satisfactorily proven to be completed.

Exception: If the Department wanted to have paid training performed by outside sources, Council would make those payments (directly to the vendor) so the training could occur.

Disclaimer: The issues below are the MVFD's responsibility to be resolved.

Proposed Action: It is the intent of the Borough of Macungie to review the action items for completion. (See Chapter 23 Fire Department of the Borough Code: Items 23.1, 23.2A & B, 23.3A, B, C & D and 23.4). However it is not the Borough's intent to regulate, instruct or manage the Department. It is clearly recognized that the Fire Department and the Borough of Macungie are separate independent entities. The Borough of Macungie does have a responsibility to provide proper fire service for its residents and businesses. Therefore it is proposed that these action items be accepted by the Fire Department and work to complete them in a timely manner.

List of items, not necessarily in order of importance.

1. Elections as described in the Macungie Volunteer Fire Department Articles of Association; as approved June 14, 2006.
 - Article VII Administrative Officer Qualifications
 - Article VIII Administrative Officer Elections

Proposed Action: Hold a proper election and post results before the end of the year, taking effect 1/1/2018. Additionally consider having an outside agency like (DCED) to perform a review of the Department after the elections are completed.

2. Commonwealth of Pennsylvania Office of the State Fire Commissioner State Fire Academy Recognition Program Application dated November 30, 2015 stating 75% participation which was signed by 3 Fire-Department Officers and myself representing the Borough.

Proposed Action: There are errors of the reported personnel that require corrective action and

certifications should be verified and then sent back to the State Fire Commission Office for recertification. There are 100, 75, 50 & 10% certification levels.

3. Current list of 2017 Station 15 officers and current membership roster then followed up with monthly reporting of membership.

Proposed Action: Continue Monthly reporting of Response calls to Council for Rescue/Fire.

4. 2017 MVFD Training records up to and including present, reported monthly.

Proposed Action: Certified to Council by the current secretary. Examples to be used are former 2013 & 2014 reports previously issued.

5. Correction action to: Firemen's Relief Association report dated April 20, 2017 reporting on January 1, 2014 to December 31, 2016.

Finding No 1. Noncompliance with prior Audit Recommendations - Unauthorized Expenditures

Finding No 2. Undocumented Expenditures

Finding No 3. Failure to Maintain Minutes of Meetings

Finding No 4. Failure to maintain a Complete and Accurate Equipment Rooster

Finding No 5. Inadequate Signatory Authority for the Disbursements of Funds

Proposed Action: All these need to be resolved and documented to Council.

6. Safety Officer and an Assistant Safety Officer maintained to be added to the Personnel Roster. Additionally duty recommending that the Department require its members to have NIMS Training.

Proposed Action: Documented to the Borough.

7. Annual Audit presented to the Borough.

Proposed Action: Additionally report all Fund Drives annually to Borough Council.

8. If at the wishes of Public Works, the Fire-Department will assist in hydrant flushing with periodical annual testing of each hydrant.

Proposed Action: Documented

9. There have been approximately 45 members who left the department from 2009-2015. This appears to be an excessive amount of turnover and defiantly leads to the question of what is causing this? It is not the Borough's responsibility to manage this and/or to intercede in the actions that caused this but with current membership being so low, it should be voluntarily answered and reviewed so that this does not continue to occur.

Perhaps these volunteers could be contacted and asked why and work to resolve this issue and see if they could join again.

Proposed Action: Provide a report of what your findings may be.

10. There have been issues with neighboring Fire Departments. It is highly recommended that this department help work to repair these issues.

Proposed Action: Recommendation would be to cross train with other departments so all can be cohesive in the event of an emergency. Utilize what Training Trainers the other Departments offer and take advantage of this and vise-versa. Identify with the training reports where the training took place and by whom.

In closing: As I stated at a Council meeting, if any of the professionals charged with the individual departments and responsibilities they represent if found for whatever reason that this trust level is in question then it needs to be repaired or dealt with no matter what the consequences. This is why I am asking Council to ask the Fire Department that they resolve the issues summarized in my statement above and hold their contribution till these issues are resolved.”

Council wanted to hold the Fire Department responsible for the safety of the residents and suggested a time frame on some of the items. President Becker noted some of the items are being dealt with. Council commented that their confidence was placed in the Fire Department and the items should be dealt with. President Becker noted surrounding fire departments were in attendance and thanked them for their service.

Attorney James Kratz, representative of Macungie Fire Department, introduced himself and Darwin Hoppes, Deputy Chief of the Fire Department. Acting Fire Chief Russ George was unable to attend. Attorney Kratz noted he disagreed with the report from the Review Committee. He gave Council a 3 year plan from the Fire Department and he reported the Fire Department is planning to have a review from DCED.

Attorney Kratz was given a copy of the Proposal from President Becker. He addressed each item in the proposal. He commented the Fire Department has held an election every year and saw no issue doing the election annually. As for the Recognition Program Application, Attorney Kratz noted there were 4 people in the listing not on the Fire Department roster at the time of submission. He reported a letter was sent to the State Fire Commission to address the issue and request what the next step would be. Attorney Kratz remarked the Fire Department will provide a current roster of firefighters which President Becker noted the Borough does not have. Attorney Kratz will have the Fire Department prepare a spreadsheet showing the training each fire fighter has as requested. To address the Firemens Relief Association Audit Findings, Attorney Kratz commented the Firemens Relief Association is separate from the Fire Department and explained the amount of funds used to pay unauthorized expenditures has been reduced because part of the insurance payments were for the Firemens Relief Association. He noted the undocumented expenditures were corrected and the Firemens Relief Association has started to keep minutes of their meetings. President Becker requested to be given copies of the minutes. Attorney Kratz reported the Fire Department is working to prepare the equipment roster. He explained the Fire Department will have two signatures on the Firemens Relief Association checks. President Becker suggested having a different person for the treasurer as a member who is a non-fire fighter. Attorney Kratz will take that suggestion back to the Association.

Attorney Kratz will have the Fire Department provide documentation for NIMS training. Attorney Kratz remarked the Fire Department will work to have an annual audit and provide a copy to the Borough as requested showing received donations. Attorney Kratz will talk with the Fire Department about assisting Public Works with hydrant flushing. The 9th item was to find out why the volunteers left and may be talk

to them to come back to the Department. President Becker noted that would help with the time frame to have to train a new person. Attorney Kratz mentioned some of the fire fighters left the Fire Department when the Fire Department separated from Fire Company. He commented the separation happened about 2012. As for the working with neighboring Fire Departments, Attorney Kratz noted Macungie is training with Alburtis Fire Department.

Attorney Kratz made some comments about the Review Committee Report. He commented Michael Natysyn was not at all the meetings and the Fire Department members were not interviewed by the Review Committee. He gave the reason that the Fire Department did not respond in November 2016 because the individual who was voted in as Fire Chief for 2017 notified PennDOT revoking the PennDOT employees responding to a call out during the day. He noted the Fire Department was trying to implement a program for physicals for the fire fighters. The Fire Department is waiting for a response from the State Fire Commission about the Recognition Program Application.

Solicitor Armstrong remarked that the Review Committee was an informal group to review the Fire Department and President Becker remarked the issues that were important to Council is what he put in the proposal. Attorney Kratz mentioned the Fire Department is very dedicated.

Public Comment

- a. Tom Kociuba, 401 E. Main Street, Macungie, clarified that the Fire Department separated from the Fire Company in 2006 when Keith Mory was Fire Chief to get a non-profit status to apply for grants.
- b. Ben Spencer, 131 Plaza Drive, Palmyra, provided information that he handed to Council. He remarked he was on the Fire Department from 2002-2007. He remarked about the Recognition Program Application should have been notarized and having names listed who were not active member was fraud. President Becker reiterated his comment from an earlier Council meeting that he verified it was his signature on the application and it changed the level of trust. Mr. Spencer remarked he knows Council has limitations on control of the Fire Department but suggested no funding be given to the Fire Department until Michael Natysyn is out and there is major restructuring of the Fire Department. He gave solutions to get the Fire Department back on track from having other fire departments provide response until the Fire Department is back on track, have a private study done on the Fire Department to have the Fire Department work with a neighboring fire department.
- c. Tim Romig, business owner of 50 Race Street, Macungie, thanked Mr. Spencer for coming to the meeting. He noted the Right To Knows he submitted and received copies of the fire fighters certificates. He compared them to the spreadsheet provided showing all the fire fighters training and there were discrepancies. He noted other documents that were not correct and commented this is fraud with all the incorrect information on the documents. He continued with the current officers of the Fire Department should be removed to end this. Mr. Romig ended with asking if Council contacted the Fire Department insurance carrier, the auditor general and the state attorney general about the fraud. President Becker will find out about that.

President Becker called a 10 minute break at 10:20. Meeting reconvened at 10:29.

- d. Ben Spencer updated Council there is litigation to deal with audits that have findings for fire department.

- e. Tim Romig noted people would come back and make the Fire Department in good standing with new leadership.
- f. Tim Schantzenbach, 102 Locust Street, Macungie, commented the Fire Department by-laws have the Firemens Relief Association as a subgroup of the Fire Department. He read the responsibilities of the fire chief and assistant fire chiefs from the by-laws. He remarked that the current condition of the Fire Department falls on all the officers and not just one person. Mr. Schantzenbach clarified that fire fighters were at all the meetings when the Review Committee was gathering information until the meetings when the Review Committee reviewed all the information to finalize the report. He reiterated about the incorrect information on the documents not being a mistake and being fraud. He reiterated about removing the current Fire Department officers.
- g. Chris Edwards who was the individual voted in as Fire Chief for 2017 clarified that he did not send any document to PennDOT revoking the PennDOT employees to respond to daytime calls.
- h. John Schmid, 2906 Whitemarsh Place, Macungie, commented about the current officers in the Fire Department.
- i. Rob Sentner, 4580 Chestnut Street, Emmaus and Upper Milford Township Supervisor, reiterated about changing the leadership in the Fire Department. He explained that Upper Milford Township has a grant fund for the fire departments in Upper Milford Township that they have to work toward to get the funding.
- j. Dorothy Kociuba, 93 S. Fairview Street, Macungie, thanked the Review Committee for their work and the fire fighters in the audience for coming to the meeting. She reiterated that the current officers in the Fire Department cannot be trusted.

There was a discussion about the Borough taking over the fire department property. Solicitor Armstrong was not sure if it could be done.

- k. Dennis Fritz commented people wanted to get onto the Fire Department crew but were not allowed. He mentioned names.
- l. Bonnie Schantzenbach explained how the Firemens Relief Association works and the regulations are clear.

President Becker asked Council if they approve of his proposal to hold the \$20,000 contribution until the items are met to Council's satisfaction.

Council Member Schleicher made a motion to approve the proposal, second by Council Member Yerman.

Question – Audience urged Council to keep Michael Natysyn out of the Fire Chief position. President Becker explained that is not in the Borough's control other than holding any funds from the Fire Department. President Becker called a 5 minute break to calm the audience. Meeting reconvened at 11:58 p.m.

Council discussed the issue before the break and decided to add under the 4th item of the proposal to include current Fire Department Fire Chief's training certifications be provided to Borough Council. Audience suggested to add the annual audit include all funds. Council decided to amend #7 to include audits of all Financial Records. Council Member Schleicher amended her motion to include the 2 amendments and Council Member Yerman second the amended motion. Motion carried: 5 ayes

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 12:02 p.m.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant