

CALL TO ORDER

President Chris Becker called the October 2, 2017, meeting of Macungie Borough Council to order at 7:30 p.m. in the Auditorium of the Macungie Institute, 510 E Main Street, Macungie, PA.

ATTENDANCE

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

ACELA Presentation of Pollution Reduction Plan

Dan Witczak and Justin Brown presented their Draft Pollutant Reduction Plan (PRP) to Council. This plan proposes to reduce the pollutants and sediments from the storm water runoff before entering into Mountain Creek and Swabia Creek. This is a mandate under the MS4 Program for the Borough's NPDES Permit. They looked at different scenarios to help the Borough reduce the pollutants and sediments in the most cost-effective way, with low maintenance.

The three areas they propose to be the most beneficial for the PRP are the streambank along Mountain Creek north of Cotton Street for about 600 feet, the swale along Cotton Street, from Chestnut Street to Mountain Creek and the detention pond at Glenwood Drive. Their recommendation for the swale and the detention pond is to turn them into rain gardens and to do streambank restoration along Mountain Creek from Cotton Street to Poplar Street. This work is required to be completed within 5 years. They estimate it to cost approximately \$185,000 - \$283,000. They told Council there are grants available but they may be limited since all municipalities have this requirement.

Council Member Boyko commented about the plants in the rain gardens growing over the 10" height as some property owners have been cited for weeds and grass over 10". Mr. Witczak suggested the residents would have to be educated about a rain garden and the plan. He commented education is part of the MS4 requirements. Mr. Witczak explained the rain gardens are low maintenance for the Public Works Department.

Council Member Hutchison questioned the life span of the streambank restoration. Mr. Witczak explained large rocks would be used to stabilize the bank for as long as possible.

This is a concept plan to submit with the MS4 Report. Mr. Witczak commented Council then has 5 years to design, put out for bid and construct the plan. He told Council the next step to move forward is to

authorize advertisement of the plan, have a 30-day period for public comment, draft the public comments and include them as part of the PRP.

### PUBLIC COMMENTS

#### a. Public Comments

1. Dennis Fritz, 32 S. Lea Street – noise ordinance - President Becker reported Zoning Officer Nicholson visited the Pub On Main twice and noted at the last visit, he documented a sign was placed on the door going out to the patio letting customers know the patio closes at 10:30 p.m.
2. Dorothy Kociuba, box alarms - President Becker asked the fire fighters at the last training on Thursday for the box alarm call out list which he read. He noted Chief Heffner was not at the training. Mrs. Kociuba asked if Council was going to change the list, President Becker noted the list needs to be created by the fire department.
3. Tim Schantzenbach, ladder truck certification - President Becker reported the certification for the ladder truck was received by Borough Council.

#### b. Comments from the Audience on non-agenda items

1. Dorothy Kociuba, 93 S Fairview Street, Macungie, commented about the box alarms being set up in an efficient way to be beneficial to the Borough. She noted it is important to have the fire companies in order to have the best coverage for the Borough.
2. Dave Fatzinger, 218 Village Walk Drive, Macungie, asked if Affordable Guy Moving Company has a permit for the business in the Village Walk Drive area. He commented about the box truck continuing to park on Village Walk Drive hindering driving on Village Walk Drive. He asked why the police don't take action when a vehicle is parked for a length of time at the same location. This will be passed to Mayor Cordner for a written response.

### COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Hutchison asked when the decision was made to hold Council meetings at the Macungie Institute. President Becker noted he informed Council through the Borough email about holding the meetings at the Macungie Institute and Borough Manager Boehm requested to hold this meeting here for the presentation tonight.

Council Member Yerman made a motion to continue to hold Council meetings at the Macungie Institute, second by Council Member Schleicher. Motion carried: 6 ayes

- b. Council Member Schleicher noted a picture of Mayor Cordner from a Pennsylvania State Association of Boroughs event was in the Borough News magazine. Mayor Cordner was a speaker at the event.
- c. Council Member Schleicher commented the Our Town with PBS 39 was canceled due to low funds.

APPROVAL OF MINUTES

a. September 18, 2017 meeting – Council Member Schleicher made a motion to approve the September 18, 2017, Council meeting minutes as corrected, second by Council Member Akinjiola. Dorothy Kociuba asked to correct wording in the minutes to note the reason for her comment under Public Comments 2. Council Member Schleicher revised her motion to include the additional wording as asked by Mrs. Kociuba, second by Council Member Akinjiola. Motion carried: 6 ayes

CONSENT AGENDA

a. Treasurer's report of September 28, 2017

Council Member Yerman made a motion to approve the September 28, 2017, Treasurer's Report, second by Council Member Akinjiola. Motion carried: 6 ayes

b. Payment of invoices as listed totaling \$111,756.49

Council Member Schleicher made a motion to approve the invoices of the October 3, 2017 Consent Agenda, second by Council Member Akinjiola. Motion carried: 6 ayes

CORRESPONDENCE

a. France, Anderson, Basile and Co, re: 2016 Borough Financial Statement - President Becker noted a finding in the financial statement. He noted the Segregation of Duties finding is typical for a small government and has been a finding on the Borough's financial statements for a long time. Borough Manager Boehm pointed out the Auditor's Recommendation noted Council needs to monitor the accounting and remain involved in the day-to-day functions which she said Council does monitor the accounting.

President Becker expressed concern about the Auditor's comment under the retirement plans regarding a credit risk. No one was sure what it meant so Borough Manager Boehm will check with the Auditor about the comment.

b. Emmaus Public Library Monthly Report

c. Dimmich, Dinkelacker & Anewalt PC, re: Emmaus Borough Zoning Map Amendment – This is clarifying the zoning map amendment. Council Member Schleicher made a motion that Borough Council has no comment to the amendment, second by Council Member Yerman. Motion carried: 6 ayes

d. Emmaus Public Library, re: Long Term Planning Strategy

e. Thomas W. Kociuba, 401 E. Main Street, Macungie, re: Clarification of reason of leaving MVFD in 2009 – The list of fire fighters that left the fire department as Council requested indicated Mr. Kociuba left because he didn't want to have anything to do with the fire department because of the club. Mr. Kociuba clarified he left because he wanted to do other things. He stated the fire department and the social club had a good working relationship at the time he left the fire department. It was decided to send Mr. Kociuba's letter to the fire department and have them correct the list.

f. Macungie Police Department August Monthly ReportREPORTSa. Solicitor Armstrong

1. Ordinance prohibiting parking in front of cluster mailboxes on Village Walk Drive - Solicitor Armstrong will work on the ordinance. He will research the best way for the information to be in an ordinance, either by exact location or a general wording.

2. Ordinance establishing one way travel south on N. Church Street - Solicitor Armstrong provided a draft ordinance. Some other items were mentioned to add to the ordinance. Solicitor Armstrong will revise the ordinance.

b. Mayor – No Report in his absencec. Borough Manager

1. Lehigh County Housing Authority Payment In Lieu of Taxes Agreement – Borough Manager Boehm explained the Lehigh County Housing Authority Agreement is up for renewal. Daniel Beers, Lehigh County Housing Authority, contacted her to offer extending the Agreement for another 4 years with an increase of \$10 per unit per year in the amount of 2018 for \$7,175; 2019 for \$7,525; 2020 for \$7,825 and 2021 for \$8,225.

Council Member Hutchison made a motion to accept the proposal from Lehigh County Housing Authority to extend the Payment in Lieu of Taxes Agreement with the amounts proposed, second by Council Member Schleicher. Motion carried: 6 ayes

2. Authorization to advertise Macungie Institute Building Coordinator Position – Borough Manager Boehm requested approval from Council to move forward with hiring someone for the Macungie Institute Building Coordinator position. She remarked Karen Holt is retiring at the end of 2017 with the last working day of December 15<sup>th</sup>. Council has not discussed the Macungie Institute budget that would give direction on the Building Coordinator position. Council decided to hold a workshop October 9<sup>th</sup> at 7 p.m. to discuss the Macungie Institute budget.

3. Civil Service Commission Solicitor Appointment – Borough Manager Boehm reported Civil Service Commission appointed Attorney Jeff Stewart as their Solicitor. Council will have to confirm the appointment. Civil Service Commission is working to prepare an eligibility list to hire a police officer since there may be a need for a hire in the next 2 years.

Council Member Boyko made a motion to confirm the appointment of Jeff Stewart as the Civil Service Commission Solicitor at the rate of \$225 an hour, second by Council Member Schleicher. Motion carried: 5 ayes, 1 nay (Council Member Hutchison)

d. Junior Council Member – No Reporte. Committees – No Reports

UNFINISHED BUSINESS – PART IUNFINISHED BUSINESS – PART IIa. Main Street Streetscape and Church Street Traffic Light Project

1. Reimbursement Invoice #1 - Borough Manager Boehm reported Council received a copy of the first reimbursement request sent to PennDOT. When the reimbursement is received from PennDOT, the contractor will be paid. She will provide copies of each request to Council for their information.

Tim Romig, business owner of 50 Race Street, Macungie, expressed his concerns about the construction taking place at the intersection of Main and Race Streets. President Becker remarked he and Council Member Schleicher met with the engineer and contractor and some changes were made to the bump out on the west side of Race Street. President Becker explained why and how that bump out was placed on the plans. He remarked this plan is to navigate people through the Borough safely by either bicyclist, pedestrian or a handicapped person. Mr. Romig complained about an issue that occurred when Race Street was closed and a detour had to be setup.

Richard Albertson, 221 Willow Street, Macungie, agreed that painting a center line on Race Street is a good idea so the vehicles exiting Race Street stay to the right to allow vehicles to turn from Main Street to Race Street. He questioned how a bump out that is flush with the street is a benefit to the pedestrian. President Becker remarked along with the bump out there will be reflective painted lines near the bump out to direct pedestrians across the railroad tracks.

Bill Reiss suggested Mr. Romig give 10' of right-of-way along Main Street and along Race Street to widen the intersection.

b. SW Lehigh Comprehensive Plan – Plan Adoption and Intergovernmental Agreement Ordinance – Council Member Schleicher announced the public meeting on September 25<sup>th</sup> was held and the draft was presented to the public. All municipalities had a quorum of their government body. Borough Manager Boehm noted there were no changes to the plan from the public hearing. When the final plan is received, Council can approve it by resolution and adopt an ordinance for the intergovernmental implementation agreement.

To move forward, Council Member Schleicher made a motion to authorize advertising for the ordinance for the implementation agreement for the SWLC Comprehensive Plan for the 6 municipalities of Boroughs of Alburtis and Macungie, and Townships of Lower Milford, Lower Macungie and Upper Milford, second by Council Member Akinjiola. Motion carried: 6 ayes

c. Sewer Ordinance Amendment for sewer lateral inspections – This will be carried.

d. Sewer Ordinance Amendment to comply with City of Allentown Industrial Waste Ordinance – This will be carried.

e. Contingency Fund – This will be carried.

- f. Emergency Management Coordinator – President Becker asked Council Member Boyko if he was continuing as Emergency Management Coordinator. Council Member Boyko thanked Council and residents for allowing him to serve on Council. In speaking, he stated he is resigning as a Council Member. He remarked he would continue as Emergency Management Coordinator until a suitable person is found.
- g. Ordinance 2017-03, Non-Uniformed Joinder Agreement Amendment-Adoption October 16, 2017
- h. Residential Rental Ordinance - Establish Fees and Inspector – This will be carried.

#### NEW BUSINESS

- a. Resolution 2017-12, Civil Service Commission Rules and Regulation Amendment – Borough Manager Boehm informed Council the Civil Service Commission adopted their resolution at their last meeting. Solicitor Armstrong remarked Council has to endorse the Civil Service Commission resolution in a motion. Council Member Schleicher made a motion endorsing the Civil Service Commission Resolution 2017-01, second by Council Member Akinjiola. Motion carried: 6 ayes

Council Member Schleicher made a motion to adopt Resolution 2017-12, second by Council Member Akinjiola. Motion carried: 6 ayes

- b. Appointment of Council Arbitrator for Police Association arbitration - Solicitor Armstrong explained that Council and the Police Union need to each appoint their own arbitrator and the 2 arbitrators will appoint a 3<sup>rd</sup> arbitrator who determines the outcome of the arbitration. Solicitor Armstrong gave a few proposals for an arbitrator to Council.

#### EXECUTIVE SESSION

Council went into an executive session at 10:24 p.m. to discuss personnel matters. The meeting was reconvened at 11:19 p.m. with the following action being taken:

Council Member Yerman made a motion to appoint Attorney Jeffrey Stewart, of Norris, McLaughlin and Marcus, as the Borough's arbitrator for the police arbitration; if there is a conflict with Attorney Stewart being the Civil Service Commission Solicitor, Attorney Joseph Rudolph is appointed as the Borough's arbitrator, second by Council Member Boyko. Motion carried: 5 ayes, 1 nay (Council Member Hutchison voted against the motion because he did not want to go to arbitration.)

#### ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 11:36 p.m.

Respectfully submitted,

Cynthia Hartzell  
Administrative Assistant