

EXECUTIVE SESSION #1

Council President Becker called for an executive session at 6:30 p.m. to discuss a personnel matter, prior to the Council Meeting. No action was taken from the executive session.

ATTENDANCE

Council Members:	Alma Akinjiola Chris Becker Barry Bloch Greg Hutchison Roseann Schleicher John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong
Borough Engineer:	Ryan Kern
Administrative Assistant:	Selma Ritter
Absent:	Marvin Moyer

CALL TO ORDER

President Chris Becker called the April 02, 2018, meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

DEVINE SCHOOL, 135 LUMBER STREET, PRELIMINARY/FINAL SUBDIVISION PLAN APPROVAL

- a. Waiver request:
 - i. Section 305-7A Preliminary Plan Submission
- b. Deferral requests:
 - i. Section 305-15A.D,(20) Trees over 8” Diameter within Wooded Areas
 - ii. Section 305-16A.D(1)(a) – Storm & Sanitary Sewer Inverts
 - iii. Section 305-29A.A(10)(b)- Street Trees on Lot 2

Engineer Robert Hain, from Berks Surveying & Engineering, Inc., attended tonight’s meeting to speak on behalf of the Devine School and provide a brief history of the project. The Devine School proposes the subdivision of the parcel at 153 Lumber Street into two lots. The Devine School will be “Lot 1” and Lot 2 will be sold.

The project was discussed at the Borough of Macungie Planning Commission meeting on February 21, 2018. At that time, the Planning Commission discussed having the Devine School post an escrow for connection costs to the water and sewer. Engineer Hain stated that the property owner does not wish to post an escrow or make connections at this time, because they do not know what the use will be on Lot 2 and what type of connection will be required. A deferral was requested until the development of Lot 2. Engineer Kern concurred that the connection type would be

different, depending on the use, and he also stated it would make sense to wait until Lot 2 is developed before making the connection.

President Becker expressed concern on waiting until Lot 2 is developed to connect, because Main Street is scheduled for repaving and the Borough would prefer if the new paving were not cut up to make the connection. Engineer Hain suggested other connection options, without having to cut into Main Street, but there is still a chance Main Street would have to be cut into for the connection to be made. Engineer Kern suggested imposing requirements to connect, when the property is developed, to avoid cutting Main Street.

The Devine School (Lot 1) is connected to water and sewer service from Lehigh Street. Lumber Street only has water connection beginning at Lehigh Street for a small area, heading to Main Street. There is no water or sewage service on Lumber Street.

Solicitor Armstrong suggested Council record a Declaration of Covenant and Restrictions against the property, requiring they connect at the time of land development or when they apply for a building permit. The document will also inform the buyer of Lot 2 that there is no water or sewer to the property and they will have to incur all the costs associated with connection. The plan would also need to be revised to show the requirements.

Engineer Hain then reviewed the waiver from Section 305-7A Preliminary Plan Submission and deferrals from Section 305-15A.D(20), Section 305-16A.D(1)(a) and Section 305-29A.A(10)(b). The deferrals relate to features on the land, which cannot be determined until Lot 2 is developed.

Two (2) small portions of right-of-way areas were discussed: (1) the first right-of-way is a small rectangular "island" at Main and Lumber Streets, which was left over from a previous subdivision, from years ago. At that time, the Borough accepted the right-of-way, but it was conveyed as an easement; and (2) the second is a good segment along Lehigh Street, which is currently owned and deeded to Lot 1 as part of the Devine School. Engineer Kern recommended this portion be dedicated to the Borough of Macungie, as it is at a Borough street. Currently, the Borough has a right-of-way over Lehigh Street. Engineer Hain proposed both portions of right-of-way be accepted as fee simple.

There was a discussion on who would maintain the sidewalks in the dedicated areas. Per Borough Ordinance and State Code, the adjacent property owner to the sidewalk would be responsible to maintain them. Solicitor Armstrong suggested adding language to the Declaration of Covenant and Restrictions relating to the sidewalk maintenance in the two areas.

Solicitor Armstrong will prepare a Deed of Decision for each area, accepting them as fee simple. He will also prepare the Declaration of Covenants and Restrictions and include language for the deferrals as well as the requirement for the sidewalk maintenance.

Engineer Kern briefly discussed the General Requirements 1-7 in his review letter, dated March 13, 2018. The plans need to be revised to include the certificates for the owners and surveyor, deferrals and waivers, which were approved by Council, on them when they are recorded. Applicant will need to pay all outstanding fees and bills due to the Borough, prior to recording.

Council Member Schleicher made a motion, to conditionally approve the requested waivers and deferrals, subject to the comments and conditions set forth in the March 13, 2018 review letter from Barry Isett & Associates, for a Waiver from §305-15A, and Deferrals from §305-15A.D(20), §305-16A.D(1)(a) and §305-29A.A(10)(b), as well as a deferral for the extension from financial securities associated with sanitary sewer and waterline requirements, second by Council Member Akinjiola. Motion carried: 5 ayes. President Becker recused himself from the motion because he has a vested interest in the Devine School, because some of his family's income is earned from the Devine School.

Council Member Schleicher made a motion, to approve the Preliminary Final Subdivision Plan of the Devine School Subdivision, conditioned upon compliance with the comments and requirements set forth in the March 13, 2018 review letter from Barry Isett & Associates, as well as the applicant agreeing to execute the Deeds of Dedication associated with the fee simple dedications, discussed this evening, being identified on the plan, as well as a Declaration of Covenants and Restrictions providing for the deferrals referenced in the review letter, as well as the requirement to maintain the sidewalk along Lehigh Street, second by Council Member Akinjiola. Motion carried: 5 ayes. Again, President Becker recused himself from the motion because he has a vested interest in the Devine School.

PUBLIC COMMENTS – None.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Schleicher discussed the success of the Photos with the Easter Bunny event on Saturday, March 31, 2018 and thanked all the volunteers, including Audrey Erb (who played the Bunny), Alice Welsh and Officer Todd Bernhard for providing traffic control.
- b. Council Member Schleicher noted that the first Easter Egg Hunt at Macungie Memorial Park was in 1947. This year, approximately 500 children attended, plus the parents. She thanked all the volunteers for the success of the event.

APPROVAL OF MINUTES

- a. March 19, 2018 Meeting – Council Member Hutchison made a motion to approve the March 19, 2018 minutes, as written, second by Council Member Akinjiola. Motion carried: 6 ayes.
- b. March 26, 2018 Workshop – Council Member Hutchison made a motion to approve the March 26, 2018 Workshop minutes, as written, second by Council Member Schleicher. Motion carried: 6 ayes.

CONSENT AGENDA

- a. Treasurer's Report of March 29, 2018 – Council Member Hutchison made a motion to approve the March 29, 2018 Treasurer's Report in the amount of \$182,947.57, second by Council Member Schleicher. Motion carried: 6 ayes.

President Becker suggested using a portion of the Recreation Account to purchase a City Sprite Zelkova tree and place it at the West End Trail walking trail as a reference, to see how they would look and grow on Main Street. Borough Manager Boehm spoke with the Lions Club and they may donate the tree. If the Lions Club does not donate a tree, the funds in the Recreation Account can be used.

b. Payment of invoices as listed totaling \$164,344.42 – Council Member Akinjiola made a motion, to approve the invoices dated March 29, 2018 consent agenda totaling \$164,344.42, second by Council Member Hutchison. Motion carried: 6 ayes.

CORRESPONDENCE

a. Ben Yorgey Foundation, re: Annual Hey I know You 5K on July 21, 2018. Seeking Council's approval to hold their annual event.

b. Debra Cope, re: letter of interest for the Civil Service Commission Alternate.

c. Alma Akinjiola, re: letter of interest for the Civil Service Commission.

d. Allen Crawford, re: letter of interest for the Planning Commission.

e. Betty Silfies, re: letter of interest for the Planning Commission.

f. Greg Hutchison, re: letter of interest for the Macungie Institute Trustee.

g. Rosanne McGinn, re: letter of interest for the Macungie Institute Board.

h. Richard E. Stukas, re: letter of interest for the Zoning Hearing Board.

i. Lower Macungie Township, re: DCNR Community Conservation Program grant request. They are seeking a comment letter from Council in support of their grant application to develop an inclusive outdoor playground at the Lower Macungie Township Community Center on 3450 Brookside Road.

Council Member Yerman made a motion to approve the Borough writing a letter supporting the DCNR application for Lower Macungie Township' playground grant, second by Council Member Schleicher. Motion carried: 6 ayes.

REPORTS

a. Solicitor. He requested a brief executive session after tonight's meeting regarding a litigation update.

He reviewed the Drug and Alcohol Policy and it will require a couple of slight revisions. The revisions are minor "clean up" items. Solicitor Armstrong will make the revisions and have it ready for the May 2018 meeting.

- b. Mayor - He attended a luncheon with Megan Reed and Jessica O'Donnell from the East Penn Chapter of the Lehigh Valley Chamber of Commerce. They discussed how they can help the Borough of Macungie with different grants and other items. He will keep the line of communication open with them. They are also working on a food truck festival for this coming fall.
- c. Borough Manager
1. Sanitary Sewer I&I Project Schedule. The bid package for the next round of CIPPL will go out this month, for bid submissions due in May 2018. Construction would be scheduled for July through October 2018.
 2. Reminder – Macungie Clean Up Day – April 14th. Volunteers are needed for the Flower Park, Macungie Memorial Park and Train Station. Volunteers should arrive at between 8:30 am and 9:00 am. Gloves and garbage bags will be provided and the Boy Scouts will cook hotdogs for the volunteers at Macungie Memorial Park at 12:00 pm.
 3. Christine Kuhns, re: bump-out at Main and Chestnut. Ms. Kuhns submitted a claim to her insurance company for damages caused to her vehicle from her bump-out accident. She then submitted her \$500.00 deductible to the Borough of Macungie for payment.

Council Member Hutchison made a motion, to send Ms. Kuhns a letter stating the Borough is not responsible to pay her repairs and/or deductible, second by Council Member Yerman. Motion carried: 6 ayes.

- d. Committees. None.

UNFINISHED BUSINESS – PART I – None.

UNFINISHED BUSINESS – PART II

- a. Main Street Streetscape. There will be a meeting with the contractor and inspector on 4/03/2018 to discuss the project and balancing of the prices, which were listed in the bids versus actual costs and amounts of materials used.
- b. Sewer Ordinance Amendment for sewer lateral inspections. Borough Manager Boehm sent the Sewer Ordinance Amendment to Solicitor Armstrong today for review.

The inspection would be done every three (3) years and when the property is sold.

President Becker suggested a short list of licensed plumbers that are experienced with camera video inspections be distributed to the property owners. It would not be mandated for the property owners to use a plumber from the list and the plumbers would not be referred or recommended to property owners by the Borough of Macungie. The list would only be for reference, in case a property owner does not know anyone.

Property Owner/Realtor Mick Seislove commented that realtors provide the property owners with the names of approved plumbers in the Upper Macungie and Alburtis areas, instead of the municipality.

c. Emergency Management Deputy - Brian Frizzell and James Krippe were contacted again, seeking confirmation of their interest in the Deputy Emergency Management Coordinator position. To date, neither party contacted the Borough to express interest in the position.

It was noted Gary Cordner expressed interest in the Deputy Emergency Management Coordinator position. He has the training and experience for the position and will submit a letter of interest to Borough Council.

d. Residential Rental Ordinance Draft. The proposed Residential Rental Ordinance (the "Rental Ordinance"), sample inspection checklist, application and license are available on the Borough of Macungie website at www.macungie.pa.us for review.

President Becker briefly discussed the March 26, 2018 Council Workshop. He also read an email from Allen Crawford regarding his comments on the proposed Rental Ordinance. Mr. Crawford is in favor of safety, but not necessarily the proposed Rental Ordinance.

Council Member Bloch asked Solicitor Armstrong if it was necessary to incorporate various applicable Codes into the proposed Rental Ordinance. He expressed concern that once they were incorporated, the Rental Ordinance would not be for safety issues only and it would be open for the inspector's interpretation. Solicitor Armstrong responded that legally, it is not necessary to incorporate it.

The Rental Ordinance would not dissolve or replace any current Ordinances, such as Nuisance Ordinance, Building Code Ordinance, Zoning Ordinance, etc., that are already in place. The Rental Ordinance would be an additional ordinance to them.

Removal of the term "Code Inspector" from the Rental Ordinance and replace it with "Rental Inspector," was discussed. The Rental Inspector would be given the Residential Rental Unit Inspection Checklist and only inspect for the items listed on the checklist. However, if a concerning item was seen during an inspection, they would report it to the Zoning Officer, e.g., a rodent infestation. The Rental Inspector would determine if the unit would pass or fail, based upon the checklist. Also, "application" needs to be changed to "registration" throughout the Rental Ordinance.

The Checklist was then discussed. The areas to be inspected included All Rooms, Building Exterior, Bathroom and Kitchen. Language will be added to the Checklist to include working carbon monoxide and GFI detectors (and their placement), stucco and finishing to the Building Exterior, and banisters (handrails).

Donald Young, c/o 119 E. Main Street, Macungie, PA, stated that the landlords are not opposed to a safety ordinance, but are objecting to the proposed Rental Ordinance because the language is burdensome. He expressed that a lot of revisions are needed and it also has a lot of inconsistencies.

He liked the idea of using another municipality's minimum standard ordinance as a startup draft for Macungie Borough, instead of trying to revise the current proposed one. He expressed it would save time and money by using one that is already working well for another municipality. He also reminded Council that, in previous meetings, they stated there would not be an application fee. He suggested not having one at the initial startup, but incorporating it at a later date.

Mr. Young then expressed concern about inspections being done when tenants are living in the units, because tenants would not want people in their homes. He suggested the inspections be conducted when the property is sold, when someone moves in or out of the property or when a tenant files a complaint with the Borough. President Becker expressed concern about having a long-term tenant and the property not being inspected for their duration of their tenancy.

Property Owner Mick Seislove disagreed with some of the language in the proposed Rental Ordinance. He interpreted some of the language to say landlords don't care about their properties in the Borough, which he stated was incorrect. He also felt that landlords were being targeted. President Becker stated that enacting a Rental Ordinance is to provide a safety conscious, clean Borough.

It was agreed that there were a lot of items in the Rental Ordinance that are unnecessary, which made it complicated. Council decided to simplify the Rental Ordinance by removing unnecessary language and using the Residential Rental Unit Inspection Checklist (the "Checklist") as minimum standards to re-draft the Rental Ordinance.

The Rental Ordinance will be revised by Borough Solicitor Patrick Armstrong. Attorney Lee Stivale (attorney for several landlords in the community) will assist Solicitor Armstrong in the revision process. If legal fees are incurred for Attorney Stivale's work, they will be paid by the landlords he represents and not the Borough of Macungie. They will use the Douglassville, Berks County, Pennsylvania, rental ordinance as a guide. Borough Manager Boehm requested the checklist be adopted by resolution and referenced in the Rental Ordinance as an exhibit so changes can be made, as needed, through a Resolution.

Criteria for a Rental Inspector was briefly discussed. The person would need to have an extremely flexible work schedule, not requiring a certain amount of work hours per week. President Becker suggested a retired person, who could accommodate a flexible work schedule and is seeking work to supplement their income. There was also discussion on having an Assistant Rental Inspector, to act when the Rental Inspector is not available. Zoning Officer Nicholson will draft a job description for the Rental Inspector.

At this time, there is no application fee. However, there was a discussion tonight regarding assessing one, based on the amount of work that would be involved. It was noted that fees are charged for other types of permits.

Council discussed how often the inspections would occur and how the frequency would affect a large complex, such as Macungie Village Apartments, due to their large tenant turnovers. Council Member Schleicher noted that Macungie Village has short-term rentals that are only for a few months at a time. Attorney Stivale stated that most successful inspections in the State of Pennsylvania are done on a definitive time or upon sale, not upon turnover.

- f. Zoning Hearing Board Vacancy. No action.

NEW BUSINESS

- a. Public Hearing - Turkey Hill Request for liquor license transfer. Solicitor Armstrong gave a brief history of Turkey Hill L.P.'s application requesting to transfer Liquor License #E4682 from Keystone Pizza Partners, LLC in South Whitehall Township, Pennsylvania into the Borough of Macungie. As per the Liquor Control Board ("LCB"), Turkey Hill is required to request permission and approval from the receiving municipality, here being the Borough of Macungie, for an approval Resolution.

The April 02, 2018 public hearing was advertised specific to the transfer of Liquor License #E4682, but not to building permits, improvements, zoning requests, proposed use or other possible issues.

The Public Hearing opened at 9:36 p.m.

Solicitor Armstrong noted that the Borough of Macungie was required to proceed with a public hearing within 45 days from the application date. However, due to a lack of quorum issue with Council, a sixty (60) day extension request was sent to Turkey Hill representative, Ellen Freeman, Esquire, on February 9, 2018. The sixty (60) day extension request began at the end of the 45-day application date, and not the date the extension was requested. Council was going to hear the matter in March 2018, but Ms. Freeman suggested it be heard on April 02, 2018. Attorney Paul A. Namey, from Flaherty & O'Hara, P.C., represented Turkey Hill, L.P. at tonight's meeting and confirmed the 60-day extension date began to run after the 45-day application date expired. Attorney Namey noted that they fully agree with the timeline, which totaled approximately 105-days from the application date, which included the 45-days and 60-day extension.

Attorney Namey gave a short history on the requirements for retailers to sell alcohol under the Municipal Code, County Quota, Pennsylvania Law and Section 104A of the Liquor Code. He also gave a brief history of Turkey Hill, L.P. He stated that, per the Municipal Quota requirements, Macungie Borough is over their quota for liquor licenses, which is determined by how many people live in the municipality and how many liquor licenses already exist in the Borough. Therefore, they are required to receive Resolution approval from Council to be able to make the transfer.

The Turkey Hill, located at 141 W. Main Street, is seeking to sell alcohol to stay competitive with other local retailers and increase overall sales, which was estimated to be approximately eight percent (8%). This store is a 24/7 facility, but hours of alcohol sales are limited by law to Monday-Saturday from 7:00 am -2:00 am and Sunday from 9:00 am – 2:00 am. Attorney Namey stated that Turkey Hill will have a strict operation of sales for the alcohol sales, which will include only selling beer (no liquor will be sold), locking the cooler doors during non-sale hours, cash registers not allowing alcohol sales during non-sale hours, training staff, requiring photo identification, and beer will only be in the coolers (not on the floor or shelves). Takeout amounts sold could be up to 192 fluid ounces and on-premises consumption would be limited to a maximum of 24 ounces. A customer could consume the maximum 24 ounces on-premises, then purchase the maximum 192

ounces for takeout. No draft beer will be available. WiFi, televisions, video gaming terminals and/or live entertainment will not be available.

Mr. Brown discussed the upgrades proposed for the store, which included a facelift to the store, new LED lighting, seating, security cameras and monitors. A floor plan and photograph, showing the proposed upgrades and layout, was distributed at tonight's meeting.

Questions, Comments and Concerns addressed to Turkey Hill, L.P. Representatives:

Council Member Yerman questioned if the new lighting will affect neighboring properties by excess light shining onto their properties and/or in their windows. Mr. Brown stated that LED lighting will be installed, which is more restrictive and will not impose light upon neighboring properties.

Council Member Schleicher asked what will stop the sale of alcohol after hours. Mr. Brown said that, after hours, the cooler doors will be locked, the area will be roped off and the cash register will not be able to ring out alcohol sales. There will be a "final call" 15 minutes before 2 a.m.

Concern was expressed about the daycare being so close to a store that sells alcohol. Attorney Namey stated that under Section 404 of the Liquor Code, selling alcohol in close proximity to schools is restricted, not a daycare center. He stated the daycare, within 200', and residents within 500' of the Turkey Hill would have 30-days to dispute the liquor license application.

Council Member Akinjiola noted that there are a lot of teenagers living near the Turkey Hill store and they like to hang out at the store. She expressed concern that they will be able to get alcohol, either by purchasing it themselves or finding someone to purchase it for them. Mr. Brown said that Turkey Hill is not responsible for the products after they leave the store.

After reviewing the proposed layout plan of the store, Council expressed safety concern of shelving being relocated in front of the windows, which would block the view of the parking lot, gas pumps, and not being able to see inside of the store from the outside. Moving the shelving will provide space for installation of tables. Mr. Brown stated that relocating the shelving in front of the windows will allow the store to keep the same number of products they currently offer, plus add various international and domestic beer products. Council expressed concern that Turkey Hill will not have enough space to keep the same number of current products and their main goal would be to sell alcohol.

It was noted that there are several establishments in the Borough of Macungie already selling beer, such as the beer distributor across the street, 2 pizza shops and the Pub. Council inquired why it would be necessary to sell alcohol until 2:00 a.m. They noted most of the other establishments in the Borough that sell alcohol close between 10:00 p.m. and 11:00 p.m. Turkey Hill does not have statistics on the sales difference, if they stopped selling at 12:00 a.m. verses 2:00 a.m. Mr. Brown stated that if Council were to approve the liquor license transfer tonight, Turkey Hill would agree to stop selling alcohol at 12:00 a.m., instead of 2:00 a.m.

Council expressed concern of issues arising due to the alcohol sales, especially up to 2:00 a.m. and having to add more police officers to Borough personnel and/or the police not being able to enforce

the issues. A Conditional Licensing Agreement could be drafted, to restrict operations, but the Borough of Macungie would have to enforce it, via the police and/or district court, which could become an administrative nightmare. Council stated that if the liquor license transfer were granted, the sale time would have to be restricted to 12:00 a.m.

President Becker expressed concern about who would enforce any issues that may arise at the Turkey Hill store due to alcohol sales. Would the cashier actually approach an intoxicated patron (inside or outside the store), call the police, or stop a patron from exiting the store with alcohol that was purchased for in-store consumption? Council expressed concern that they would not.

Council also expressed concerns of younger children and teens shopping in the store, without adult supervision, and being exposed to alcohol and patrons consuming alcohol. It was noted that Turkey Hill is known for family friendliness, including Girl Scouts selling cookies outside.

After hearing no further comments, questions or concerns, the Public Hearing was closed at 10:32 p.m.

Solicitor Armstrong noted that Council has until May 4, 2018 to make a decision on the Liquor License #E4682 transfer into the Borough of Macungie. If approved, it would then go before the LCB for approval. A Resolution to pass or deny the transfer, would need to be adopted.

Council Member Hutchison made a motion to approve Solicitor Armstrong drafting a conditional Resolution to approve transferring Liquor License #E4682 by Turkey Hill into the Borough of Macungie from South Whitehall Township, conditioned upon them not selling alcohol after 12:00 a.m., further subjected to a Conditional Licensing Agreement, as referenced by the Applicant this evening, LCB approval and any other permits that are required, second by Council Member Bloch. The motion was denied by a vote of 2 ayes, 4 nays. Council Members Akinjiola, Becker, Schleicher and Yerman opposed the motion.

Council Member Schleicher made a motion to approve Solicitor Armstrong drafting a Resolution denying the transfer of Liquor License #E4682 by Turkey Hill into the Borough of Macungie from South Whitehall Township, second by Council President Becker. The motion passed by a vote of 4 ayes, 2 nays. Council Members Hutchison and Bloch opposed the motion.

b. Approval of Annual Hey I know You 5K on July 21, 2018. Council Member Yerman made a motion, to approve the Ben Yorgey request to hold the 9th Annual Hey I know You 5K on July 21, 2018, second by Council Member Akinjiola. Motion carried: 6 ayes.

c. Board and Committee Appointments:

- 1) Civil Service Commission Alternate for a 2-year term, expiring 3/31/2020. Council Member Schleicher made a motion, to appoint Debra Cope as Alternate for the Civil Service Commission, with the term expiring on March 31, 2020, second by Council Member Yerman. Motion carried: 6 ayes.
- 2) Civil Service Commission member for a 6-year term, expiring 3/31/2024. Council Member Schleicher made a motion, to appoint Alma Akinjiola to the Civil Service

Commission, with the term expiring on March 31, 2024, second by Council Member Yerman. Motion carried: 6 ayes.

- 3) Planning Commission member to a 4-year term, expiring 3/31/2022. Council Member Hutchison made a motion, to appoint Allen Crawford to the Planning Commission, with the term expiring on March 31, 2022, second by Council Member Schleicher. Motion carried: 6 ayes.
- 4) Planning Commission member to a 4-year term, expiring on 3/31/2022. Council Member Schleicher made a motion, to appoint Betty Silfies to the Planning Commission, with the term expiring on March 31, 2022, second by Council Member Hutchison. Motion carried: 6 ayes.
- 5) Macungie Institute Trustee to a 3-year term, expiring on 3/31/2021. Council Member Becker made a motion, to appoint Greg Hutchison as Trustee for the Macungie Institute, with the term expiring on March 31, 2021, second by Council Member Bloch. Motion carried: 6 ayes.
- 6) Macungie Institute Trustee to a 3-year term, expiring on 3/31/2021. This position will be tabled until the next Council meeting on April 16, 2018, after Council determines if the number of board members can be changed to four (4), instead of three (3).
- 7) Zoning Hearing Board member to a 2-year term expiring 3/31/2020. Council discussed Zoning Hearing Board (“ZHB”) training for any person filling this position. President Becker noted that there has been a long history of at least two (2) people serving on the ZHB completing the training to be on the Board and he feels that at least two people on the Board should have the training. He requested Council appoint him conditioned upon taking the training which will be in October 3, 2018. He suggested we ask if Mr. Stukas will take the training before making the appointment.

Motion by President Becker, second by Council Member Bloch, to make the appointment to the ZHB contingent upon completing the training.

The Solicitor advised Council to table the appointment and directed the Borough Manager Boehm to notify Mr. Stukas and any interested applicants that Council is requiring applicants for the appointment to the ZHB to attend training in October before an appointment will be made.

Based on the Solicitor’s advice, President Becker withdrew his motion and Council Member Bloch withdrew his second.

Borough Manager Boehm will inform Mr. Stukas of Council decision.

- d. Approval of Payment Request #2 from Insituform Technologies, Inc. in the amount of \$178,238.15. Council Member Hutchison made a motion, to approve payment Request #2 from

Insituform Technologies, Inc. in the amount of \$178,238.15, second by Council Member Bloch.
Motion carried: 6 ayes.

ITEMS NOT ON AGENDA - None.

EXECUTIVE SESSION #2 – To discuss a possible litigation matter.

ADJOURNMENT

The Borough Council meeting reconvened from executive session at 11:10 p.m. with no action taken. Hearing no further business to come before Borough Council, the motion was made by Council Member Schleicher and second by Council Member Akinjiola to adjourn the meeting.
Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant