

WORKSHOP

President Guy Ramsey called the workshop to order at 7:00 p.m. in the auditorium of the Macungie Institute, 510 E. Main Street, Macungie, PA. The purpose of the workshop was to give a presentation on the proposed sidewalk ordinance to the public. Present were Council members Chris Becker, Robert Bogert, David Boyko (7:28), Jean Nagle, Guy Ramsey and Joseph Sikorski (7:10). Also present were Attorney Stephanie Kobal, Mayor Rickie Hoffman, Borough Manager Chris Boehm and Administrative Assistant Cynthia Hartzell. Dorothy Kociuba was absent.

President Ramsey noted the proposed ordinance is defensible, provides safety to a walkable community and has a review process for appeals. In a power point presentation, Borough Manager Boehm reviewed the changes in the ordinance and reviewed the requirements to install or replace sidewalk and curbing. She reviewed the process to appeal the Code Enforcement Officer's decision.

Dave Wentz noted a word change that was discussed at a sidewalk committee meeting under Section 296-10.B(2)(c). He thought "and" should be replaced by "or" at "where the speed limit exceeds twenty-five (25) miles per hour and parking is permitted." Council explained that "and" is more restrictive than "or". It was the consensus of Council not to change the wording.

When Marvin Moyer questioned which streets are controlled by the ordinance, President Ramsey noted the ordinance controls all the streets in the Borough. Mr. Moyer complained the ordinance was selective and did not require all property owners to install curb and sidewalk.

Council discussed when the sidewalks would be required to be installed. The ordinance gives the determination to the Code Enforcement Officer.

The workshop ended at 7:42 p.m.

CALL TO ORDER

President Guy Ramsey called the June 6, 2011 regular meeting of Macungie Borough Council to order at 7:42 p.m. in the Auditorium of the Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

Council Members:	Chris Becker
	Robert Bogert
	David Boyko
	Jean Nagle
	Guy Ramsey
	Joseph Sikorski
Borough Manager:	Chris L. Boehm
Administrative Assistant:	Cynthia Hartzell
Solicitor:	Attorney Stephanie Kobal
Mayor:	Rickie Hoffman
Absent:	Dorothy Kociuba

PUBLIC COMMENTS

a. Prior Public Comments - President Ramsey noted he is writing a response to Tim Romig's letter and will get copies to Council. Council Member Nagle complained about the time spent gathering the information when Mr. Romig was given the opportunity to research the information himself. She also noted this information could be used against Council since Mr. Romig has threatened a lawsuit. President Ramsey noted he wants to have an open government and has answered other such letters.

b. Public Comments

1. Stan Landis, 608 E Main Street, Macungie, asked Council not to appoint the full time police officer listed under New Business. He reiterated the statistics he provided to Council in January showing that the current police department is sufficient. He thought Council was not being fiscally responsible with the budget by hiring the additional officer. He did propose the hiring of the 30 hour police officer.

COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. Council Member Nagle noted a resident of the Borough, David Saylor, received a Community Star Award from the Iron Pigs Baseball Organization. The Iron Pigs Organization started a program to give a monthly award to community leaders and Mr. Saylor was the first recipient of the award. Council Member Nagle said it was a great honor for both Mr. Saylor and the Borough to have someone from this community receive the award.

b. Mayor Hoffman and President Ramsey presented a Certificate of Appreciation to AnnMarie Cordner for her time and efforts on the survey committee creating the survey, compiling the results and writing the report.

c. Council Member Boyko thanked everyone involved in the Memorial Day Parade and Program for organizing and attending the event. President Ramsey thanked Council Member Boyko for his involvement.

APPROVAL OF MINUTES

a. May 16, 2011 meeting - Council Member Nagle made a motion to approve the May 16, 2011 meeting minutes as amended, second by Council Member Sikorski. Motion carried: 5 ayes, 1 abstain (Council Member Boyko was absent)

CONSENT AGENDA

- a. Treasurer's report of May 31, 2011
- b. Payment of invoices as listed totaling \$219,662.45

Council Member Nagle made a motion to approve the consent agenda as presented upon clarification of the legal bills by the Solicitor's Office, second by Council Member Sikorski. Motion carried: 6 ayes

### CORRESPONDENCE

- a. PSAB, re: Request for contact information for legislative use
- b. PSATS, re: Webinar schedule
- c. Lehigh Tax Collection Committee, re: Information Meeting invitation
- d. LCA Wastewater Advisory Committee, re: May meeting minutes
- e. Ray & Ruth Shive, 219 Willow Street, Macungie, re: Support for Borough Manager Boehm
- f. Commonwealth Financing Authority, re: H2O grant was not awarded to the Borough – Borough Manager Boehm reported she has spoken to Engineer Erdman about the grant. The grant application was partnered with Alburts Borough and Mr. Erdman is not sure why the Borough would not receive the grant. He will be looking into this further.
- g. Rosemarie Nonnemacher, EIT Collector, re: TCC Update
- h. Chris Becker, 404 E. Main Street, Macungie, submitted his written resignation from Zoning Hearing Board. Council accepted Mr. Becker's resignation at the May 16<sup>th</sup> meeting.
- i. Chris Becker, 404 E. Main Street, Macungie, submitted a letter of interest for the Planning Commission vacancy. This will be addressed under Unfinished Business Part II.
- j. Karen Holt, Macungie Institute Building Coordinator, re: May Report
- k. Civil Service Commission, re: Police Eligibility List
- l. J. Scott Seislove, 65 N. Walnut Street, Macungie, submitted a letter of interest for the Zoning Hearing Board vacancy. This will be addressed under Unfinished Business Part II.

### REPORTS

- a. Solicitor
  1. Tax Collection Ordinance – Attorney Kobal reviewed the contract between the TCC and Berkheimer, Inc. The contract gives the TCC a great deal of oversight over Berkheimer. Attorney Kobal informed Council the service fees for Berkheimer are 1.55% of the receipts plus the cost of postage, which will be deducted from the payment to the Borough. She noted the Borough of Macungie was in a good position of oversight with Ms. Nonnemacher employed with the Borough.

2. eNETPAY – Attorney Kobal worked with HAMER Enterprises on the agreement. Changes were made and Borough Manager Boehm noted she will move forward with implementing the program.
- b. Mayor
1. Mayor Hoffman noted the Farmers Market had a good turnout at the Grand Opening last Thursday.
  2. Mayor Hoffman commented that the proper way to dispose of an old US flag is to contact the Macungie VFW.
- c. Borough Manager
1. Macungie Farmer's Market – Borough Manager Boehm reported the grand opening of the Macungie Farmers Market went well. She commented there are new state regulations for the Farmers Market but the regulations did not have a big effect on the market.
  2. Street Light Energy Quotes – Borough Manager Boehm noted the electric energy contract with Washington Gas Energy Services does not include the street lights because they are not metered. The street lights are the Borough's largest electric expense. She informed Council she has signed a contract with Premier Power Solutions only to get a quote. She will keep Council informed of the outcome.
- d. Public Works Director
1. Estimated Cost to patch and seal coat Village Walk Drive area - Public Works Supervisor Smith provided an estimated cost to prep and chip seal Brookfield Drive, Village Walk Drive and part of West End Trail. He noted the prep work could be done by the Public Works crew throughout this summer between other jobs. The prep work would cost \$23,510 and the chip seal would cost \$43,000 for a total of \$66,510 estimated on 2011 prices. Council discussed the project and Council Member Becker questioned the cost of bidding the project. Borough Manager Boehm will research the cost to bid the patch work.
  2. Proposal for Shared Usage of Paving Machine - Public Works Supervisor Smith documented the Borough's inter-municipal cooperation with Alburtis Borough and Upper Milford Township on projects and with equipment in dollar amounts. Public Works Supervisor Smith recommended the Borough continue the inter-municipal cooperation with Alburtis Borough and Upper Milford Township since it is a benefit to the Borough. Borough Manager Boehm noted Alburtis Borough is purchasing a street sweeper that they are willing to share with the Borough.

#### UNFINISHED BUSINESS - PART I

- a. Sidewalk Ordinance – This will be carried for further review.

b. Policy #0003, Citizen Complaint Investigation – Non-uniform employees – The Solicitor reviewed the policy and it does comply with the Teamster’s collective bargaining agreement and the employee handbook.

Council Member Sikorski made a motion to adopt Policy #0003, Citizen Complaint Investigation for Non-uniform employees, second by Council Member Bogert. Motion carried: 5 ayes, 1 abstain (Council Member Becker was not involved with the formation of the policy.)

#### UNFINISHED BUSINESS - PART II

a. 52 Race Street Corrective Action Plan (Repayment Plan) – This item is being carried until the payment obligation has been fulfilled and the revised site plan has been filed.

b. Temporary business banners – This item is being carried.

c. Emergency Management Plan Update - Council Member Boyko is waiting for an equipment list report from the Fire Department and the Police Department.

d. Committee Vacancies - Planning Commission, Zoning Hearing Board

Council Member Nagle made a motion to appoint Chris Becker to the Planning Commission vacancy for the term expiring March 31, 2015, second by Council Member Bogert. Motion carried: 6 ayes

Council Member Nagle made a motion to appoint J. Scott Seislove to the Zoning Hearing Board vacancy for the term expiring March 31, 2012, second by Council Member Bogert. Motion carried: 4 ayes, 2 nays (Council Members Ramsey and Boyko)

e. Citizen Complaint Investigation Policy – Elected and Appointed Officials – Borough Manager Boehm prepared the policy and forwarded it to the Solicitor for review.

f. Wastewater Ordinance Revisions – This is being carried until receiving word from Allentown.

g. Uniform Construction Code Ordinance Amendment, workshop is June 15<sup>th</sup> at 7 pm.

h. Policy establishing utility billing – Council would like to have a written policy for the utility billing to further clarify the ordinance which states the property owner is responsible for the payment of the utility bill. This will be for residential and commercial properties. Borough Manager Boehm will write a policy for the utility billing. Council requested letters be sent to the property owner and the tenant notifying them of the billing change.

#### NEW BUSINESS

a. Police Pension Joinder Agreement – Currently the pension joinder agreement does not agree with the police collective bargaining agreement which caused a noncompliance finding by the pension auditor. During the negotiations, the agreement was discussed. Upon adoption of this ordinance the

police collective bargaining agreement and the pension joinder agreement will coincide. Borough Manager Boehm will prepare the advertisement for adoption.

b. Standard Operating Procedure for Field Training Officer Program - Chief Harry prepared a Standard Operating Procedure for Field Training Officers and Patrol Officers, because the new police officer eligibility list consists of non-experienced officers. The policy was reviewed by Attorney Stewart.

Council Member Boyko made a motion to adopt the Field Training Officer Program Standard Operating Procedure with the changes, second by Council Member Sikorski. Motion carried: 5 ayes, 1 nay (Council Member Nagle)

c. Appointment of Full Time and 30 hr. Police Officer – Council will discuss this in executive session before appointment is made.

d. Bituminous Seal Coat Bid Award – There was one bid from Asphalt Maintenance Solutions, Inc. at a bid of \$26,194.95. The bid was higher than the budgeted \$20,000, due to the increase of the gas prices. This bid is to chip seal S. Sycamore and a portion of N. Fairview. Public Works Supervisor Smith suggested doing the work that could be done within the budgeted amount.

Council Member Sikorski made a motion to award Asphalt Maintenance Solutions, Inc. of Center Valley the bid for the Bituminous Seal Coat as listed below, up to \$20,000, second by Council Member Becker. Motion carried: 6 ayes

Quantities	Unit	Description	Unit Price	Total Price
4,500 (more or less)	SY	Single Size ¼ inch Bituminous Seal Coat utilizing CRS-2PM as per Attachment 1B	\$4.65	\$20,925.00
1	SY	Single Size 3/8 inch Bituminous Seal Coat utilizing CRS-2PM as per Attachment 1B	\$4.95	\$4.95
4,500 (more or less)	SY	Grip Tight Fog Seal applied complete in place as per Attachment 1B	\$1.17	\$5,265.00
			Total	\$26,194.95

e. Resolution 2011- 7, Amended Fee Schedule for SALDO review fees and professional services escrow funds – The proposed resolution was prepared with appropriate fees that Zoning Officer Nixon researched for the legal and engineering cost of a land development plan. Council discussed adding wording that the escrow balance be returned to the applicant within 60 or 90 days after completion. Attorney Kobal will research if there is a limitation on the return. This will be carried.

ITEMS NOT ON THE AGENDA

a. Council Member Boyko brought up a request from the Fire Department for Borough assistance with billing for their services. The Fire Department would like Council to adopt an ordinance that

would allow billing for services provided by the Fire Department such as speedy dry, traffic control, equipment, etc. The Borough would do the billing and turn the payments over to the Fire Department. Borough Manager Boehm will research the issue further.

b. Council Member Nagle asked for an update on the Consortium formed to obtain the compost equipment from Lehigh County. Borough Manager Boehm will get an update for the next meeting.

### EXECUTIVE SESSION

President Ramsey called an executive session to discuss personnel and possible litigation at 10:13 pm. The meeting reconvened at 11:14 p.m. with the following action taken:

- 1) Council Member Sikorski made a motion to extend an offer of employment to Matthew Thornton, 89 Wilden Drive E., Easton PA 18045, for the full time position of Police Officer with the Macungie Police Department, conditioned upon passing the medical and psychological examinations, second by Council Member Boyko. Motion carried: 4 ayes, 2 nays (Council Members Nagle and Becker)
- 2) Council Member Sikorski made a motion to extend an offer of employment to Drew Freed, 753 Daniel Drive, Colleagueville PA 19426, for the 30-hour position of Police Officer with the Macungie Police Department, conditioned upon passing the medical and psychological examinations, second by Council Member Bogert. Motion carried: 4 ayes, 2 nays (Council Members Nagle and Becker)

Council Member Nagle validated her negative vote by stating Borough Council just approved a Collective Bargaining Agreement with the Police Union which the impact on the Borough's budget is unknown. The Borough has gotten along with 4 full time and part time officers in the past and there has to be a time when we have to say no and work within what we can afford. She noted there was no increase in population and no increase in crime. She does not see the need.

- 3) Council Member Nagle made a motion to pay the outstanding balance of \$1,596.00 for the invoice from Dimmich and Dinkerlacher, second by Chris Becker. Motion carried: 6 ayes.

### ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 11:16 p.m.

Respectfully submitted,

Cynthia Hartzell  
Administrative Assistant