

CALL TO ORDER

President Guy Ramsey called the June 20, 2011 regular meeting of Macungie Borough Council to order at 7:30 pm in the Auditorium of the Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

Council Members:	Chris Becker David Boyko (7:40) Dorothy Kociuba Jean Nagle Guy Ramsey Joseph Sikorski
Borough Manager:	Chris L. Boehm
Administrative Assistant:	Cynthia Hartzell
Solicitor:	Attorney Stephanie Kobal
Absent:	Mayor Rickie Hoffman Robert Bogert

PUBLIC COMMENTSa. Prior Public Comments

1. Tim Romig Letter – President Ramsey had e-mailed his response to Mr. Romig’s letter to each member of Council. Borough Manager Boehm had e-mailed her comments on President Ramsey’s response to Council and asked if everyone had a chance to review them. President Ramsey and other members of Council had not yet reviewed her comments. She requested Council review her comments before approving President Ramsey’s response. This matter was tabled until the next meeting.

b. Public Comments – no public commentsCOMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

a. Council Member Kociuba commented on the new truck traffic signs that PennDOT has put up on a 30 day trial. The signs will be permanently installed after the 30 day trial. Council is hopeful the new signs and the designated truck route will address the truck situation.

b. Council Member Boyko questioned why the banner for the Truck Show was not hanging across Main Street. Borough Manager Boehm informed him the Truck Organization did not think the allotted 2 weeks was beneficial and it was their decision not to hang the banner.

c. Council Member Nagle read a prepared statement about Council’s action taken at the June 6<sup>th</sup> meeting to hire a full time police officer and a 30 hour police officer. She also clarified her vote not to hire the full time and 30 hour police officer.

APPROVAL OF MINUTES

- a. June 6, 2011 meeting - Council Member Nagle made a motion to approve the June 6, 2011 meeting minutes as amended, second by Council Member Sikorski. Motion carried: 5 ayes, 1 abstain (Council Member Kociuba was absent)

CORRESPONDENCE

- a. Lehigh County Board of Assessments, re: Appeal Hearing for 138 Sonoma Way
- b. Liberty Savings Bank, 226 E Main Street, Macungie, re: Invitation to Ribbon Cutting on June 28, 2011
- c. Tax Collection Committee, re: May 2011 meeting minutes
- d. Pennsylvania Public Utility Commission, re: Synesys LLC approval to install aerial telecommunication conduit
- e. Emmaus Public Library, re: Monthly meeting minutes and budget
- f. PA Right To Know Officer, re: Final Determination on Phil Romig Appeal

REPORTS

- a. Solicitor – Attorney Stephanie Kobal introduced Julie Macomb who is an intern at Tallman Hudders and Sorrentino. She is attending the meeting to observe.
  - a. Resolution 2011-7, Escrow Balance – Attorney Kobal researched that the Borough has 45 days to return the escrow balance from the date a request for the refund is received from the developer. She will change the wording in the resolution.
  - b. Citizen complaints investigation policy for elected and appointed officials – Borough Manager Boehm forwarded the policy to Attorney Kobal because there are different guidelines for elected officials and for appointed officials. Attorney Kobal reported it would be best to separate the policy into two policies; one for elected officials and one for appointed officials. Attorney Kobal will work on the policies.
- b. Mayor – No report due to absence.
- c. Borough Manager
  1. Prevailing Wage Act – Borough Manager Boehm has received a resolution from the Borough of Shippensburg. They are asking municipalities to adopt the resolution. The resolution is asking the State Legislators to repeal the Prevailing Wage Act or pass a bill that excludes municipalities from the act and to allow the local municipality to adopt a prevailing wage ordinance if they so wish to do. Council discussed the issue and questioned the use of the

word “laborer” in the resolution. Attorney Kobal recommended the wording should match the Act. Borough Manager Boehm will correct the wording and put it on the next agenda.

2. Update Consortium for Compost Equipment – Borough Manager Boehm spoke to Bruce Fosselman, Lower Macungie Township Manager, for an update to the consortium. She was informed that the process is moving forward at this time.

3. Borough Manager Boehm provided information from Cohen Law Group about the Federal Communications Commission (FCC) opening a Notice of Inquiry. They are asking for comments to right of way policies from state and local governments along with comments from the cable, telecommunication and broadband industry. Attorney Kobal will look into this matter and report at the next meeting.

4. Estimate to bid patch and sealcoat on Village Walk Drive – Borough Manager Boehm reported the cost to advertise for a bid would be \$600-\$650. Council Member Becker did not feel that the cost for advertising outweighed the cost of the project. He was looking at other options if the Public Works crew would be unable to do the patching due to work load. Borough Manager Boehm informed Council that Public Works Supervisor Smith is certain the Public Works crew will be able to work the patching into their schedule.

5. Street light Energy Quotes – Borough Manager Boehm has not received a quote from Premier Power Solutions yet.

6. Borough Manager Boehm reminded Council the first meeting in July is on Tuesday, July 5 due to the 4<sup>th</sup> of July holiday.

7. Borough Manager Boehm provided an email she received from PSAB about state legislation reviewing several proposals to enact a Natural Gas Impact Fee for the Marcellus Shale region. One of the proposals, Senate Bill 1100 also includes a provision to set statewide minimum zoning standards for oil and gas. Council had some discussion on this issue and would like to know Borough Engineer Erdman’s opinion. This will be carried.

#### UNFINISHED BUSINESS - PART I

a. Sidewalk Ordinance – Following up on the discussion at the workshop, Attorney Kobal added properties abutting a street that is adjacent to a public use property would require sidewalk per the ordinance. She wanted to verify that was what Council wanted in the ordinance. Council had a long discussion on this issue. The decision was to require streets that lead from a collector or arterial street to a public use property to have sidewalk. Attorney Kobal will revise the wording of the ordinance.

b. Resolution 2011- 7, Amended Fee Schedule for SALDO review fees and professional services escrow funds – This was discussed under the Solicitor’s report.

c. Policy #0005 - Utility Billing Policy – This is the first viewing of the policy. Council discussed some revisions to the policy. Borough Manager Boehm will make the changes for the next meeting.

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 met with Chief Harry and will be setting up a meeting with Fire Chief Natysyn. Council Member Boyko reported that a point of distribution will have to be set up to distribute materials or items to the Borough residents in case of an emergency. There were suggestions of Macungie Memorial Park or Eyer Middle School. Council Member Boyko will write a letter to the Park asking for permission and cooperation as the point of distribution location.
- d. Wastewater Ordinance Revisions – This is being carried until receiving word from Allentown. Attorney Kobal will contact Attorney Fruhwirth at Allentown.
- e. Citizen Complaint Investigation Policy – Elected and Appointed Officials – The Solicitor is revising the policy.
- f. Uniform Construction Code Ordinance Amendment – Borough Manager Boehm noted the workshop that was held on June 15<sup>th</sup> and summarized the discussion. She would like to schedule another workshop on June 29<sup>th</sup> at 7 pm to continue working on the UCC Ordinance. The date was agreed on.
- g. Ordinance 2011-02, Uniformed Pension Joinder Agreement - Adoption July 5, 2011
- h. Tax Collection Ordinance – Borough Manager Boehm noted the ordinance is ready for adoption but she would like to hold off on adoption until after the meeting on Wednesday with the Tax Collection Committee.

NEW BUSINESS

- a. Organizational Assessment - President Ramsey and Borough Manager Boehm had looked into having an organizational assessment of the Borough administration. The estimated cost for Dave Woglom from Lafayette College to perform the assessment would be approximately \$5,000. President Ramsey would like to have an organizational assessment of the police department also. Borough Manager Boehm was directed to provide Council with a copy of Mr. Woglom's quote to Williams Township and contact DCED about the Police Department assessment.
- b. Council Solicitor – Since Attorney Kobal has attended the past few meetings, Council discussed having her attend the meetings instead of Solicitor Siegfried. The cost is less and Council Members approve of her performance at the meetings. It was the consensus of Council to have Attorney Kobal attend the meetings.

- c. Right To Know Appeals – Council discussed having copies of all the Right To Know requests. Council will receive a monthly list of the Right To Know requests that have been submitted.
- d. Ordinance to bill for Fire Department Services – Borough Manager Boehm researched if the Borough is able to bill for supplies for the Macungie Fire Department. The Borough has an ordinance, Chapter 197 – Impact Fees, that allows the Borough to bill for any maintenance or use of equipment or materials for a spill. The Borough would collect the money and pass it on to the Fire Department. Just for a comparison, Borough Manager Boehm provided a copy of an ordinance from Lower Macungie Township and a sample ordinance from Pennsylvania Fire and Emergency Services Institute. No action was taken at this time.
- e. Budget Transfers
- \$168.50 from 01.410.156 (Blue Cross/Blue Shield) to 01.410.230 (Fuel Oil-Police Station)
  - \$526.00 from 01.410.156 (Blue Cross/Blue Shield) to 01.410.461 (Civil Service Commission)
  - \$108.96 from 01.409.373 (Building Maintenance & Repairs) to 01.410.373 (Building Maintenance & Repairs)
  - \$6,888.90 from 01.410.135 (30-hour Police Wages) to 01.410.136 (Part-time Police)
  - \$100.00 from 01.406.325 (Postage), \$100.00 from 01.406.450 (Service Contracts), \$260.49 from 01.409.260 (Minor Equipment-Building) to 01.406.460 (Seminar)
  - \$39.99 from 01.409.361 (Electricity) to 01.406.337 (Personal Car Usage)
  - \$130.69 from 08.429.313 (Engineering) to 08.429.374 (Vehicle Repairs)
  - \$74.70 from 08.429.314 (Legal) to 08.429.373 (Garage Maintenance & Repair)
  - \$450.75 from 08.429.384 (Machinery Rental) to 08.429.250 (Maintenance & Repair-Parts)
  - \$280.86 from 08.429.361 (Electricity) to 08.429.230 (Fuel Oil-Garage)
  - \$165.92 from 08.429.220 (Operating Supplies) to 08.429.260 (Minor Equipment)

Council Member Sikorski made a motion to approve the budget transfers as presented, second by Council Member Nagle. Motion carried: 6 ayes

#### ITEMS NOT ON THE AGENDA

- a. Council discussed the sidewalk and handicapped ramps along Chestnut Street that were installed by PennDOT. The sidewalks are not according to PennDOT's specifications or to the Borough's specifications. Council directed Borough Manager Boehm to write a letter to the State Representative and Senator about the condition of the sidewalks. Council Member Boyko suggested sending the letter to the State Legislator that oversees PennDOT. Borough Manager Boehm was also directed to schedule a meeting with Representative Reichley to discuss the workmanship.

Council also discussed the poor job of paving on N. Walnut Street done by PennDOT.

- b. Council Member Kociuba requested all correspondence received at Borough Hall be date stamped, including emails, faxes and other documents printed.

c. Council Member Boyko noted Council needed to take action on whether or not the Public Works crew was going to do the patching on Village Walk Drive, Brookfield Drive and West End Trail as quoted by Public Works Supervisor Smith at the June 6<sup>th</sup> meeting. It was the consensus of Council to move forward with the patching done by the Public Works crew this year for preparation of the seal coating in 2012.

#### EXECUTIVE SESSION

President Ramsey called an executive session to discuss personnel and possible litigation at 10:22 pm. The meeting reconvened at 10:48 pm with the following action taken:

Council Member Nagle made a motion to enter into a release agreement for the sum of \$1,000 relating to a criminal complaint filed on October 11, 2007, second by Dorothy Kociuba. Motion carried: 6 ayes.

#### ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 10:50 pm.

Respectfully submitted,

Cynthia Hartzell  
Administrative Assistant

## **COMPLAINT:**

**At the last council meeting the hiring of a sixth full time police officer and a 30 hour officer was approved by a vote of 5-2. To this council member, this was a fiscally irresponsible decision by those voting in favor of this motion. At this same meeting, council was informed that road work in the borough would exceed budget by approximately \$23,000, and 90% of budgeted legal fees were already expended as of June 6th.**

**Our former mayor of 8 years, Stan Landis, presented various data supporting a no vote for hiring a sixth full time officer, and implored council not to approve an increase in the size of the police department.**

**Council discussed the hiring of these officers with the police chief, and he stated that if council decided not to go forward with these hirings, he would work with what he had. With this cooperation from the police chief, and given overages in budget items, I again reiterate, it is fiscally irresponsible to increase the police staff from what we currently employ.**

**Council recently approved a 3 year contract with the police union giving them:**

**1. Pay increase of 3.25% in the first 2 years, and 3.5% in the 3rd year--and in the prior three years they received 4% in 2008, 4.5% in 2009, and 4.75% just last year in 2010. In an economic downturn that we are experiencing, these are extremely lucrative increases. While people are still losing jobs, taking**

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**cuts in pay, and many other police departments are cutting back--we are increasing. Are we being careful stewards of the taxpayers funds with these increase? I think not!**

**2. In this same contract, we have increased the residency requirement from 15 to 25 miles. What does that say about how we as a council value and respect the neighbors here and nearby?**

**3. The police contribute zero dollars to their pension fund, and refuse to increase their medical insurance contribution from 7% to 8%, whereas, the teamsters union, which represent the rest of borough staff, agreed to increase their contribution from 7 to 8% in the 3rd year of their contract.**

**4. This contract also increased the number of officers in attendance at union negotiations to 3. That's over half the current staff, and represents an additional cost.**

**5. Under this contract, the borough is to pay officers for attending grievance hearings, arbitrations, or unfair labor practice hearings that the union files AGAINST THE BOROUGH, even if the borough is found to not be at any fault.**

6.

**6. In this contract, payment of unused sick days at time of separation of employment was increased from \$50/day to 50% of their rate of hourly pay at the time of separation.**

**7. All this was given to the police, when in the past year and a half, they have sued the borough twice--costing the borough thousands of dollars in legal fees--AND--they withdrew the first lawsuit just before it was to be heard, and the judge dismissed the second lawsuit.**

**With all that has already been given to the police, an increase in the current staff is not economically prudent. Just because it is in the budget, doesn't mean it has to be spent. The budget is merely a guideline. We do budget transfers every year.**

**When our current chief began working in Macungie we had 4 full time officers, which included the chief as one of those 4, and also part time officers. There has not been an increase in population and the crime rate has not increased. Yet, the size of the department has increased.**

**This increase in staff is need versus want. At this time, what would be nice to have, versus what we absolutely need, is not a fiscally responsible decision.**

**How much "want" is in your personal household budget these days versus what is needed? We are entrusted with the taxpayers dollars to make decisions, just as carefully with their tax dollars, as we are our own personal dollars.**

**These new hires have not begun employment to date. I implore this council to rescind these offers of employment, and, as the chief stated, work with what we have.**

  
6/20/11