

CALL TO ORDER

Vice President Joseph Sikorski called the August 1, 2011 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: Chris Becker
Robert Bogert
David Boyko
Dorothy Kociuba
Joseph Sikorski
- Borough Manager: Chris L. Boehm
- Administrative Assistant: Cynthia Hartzell
- Solicitor: Attorney Stephanie Kobal
- Absent: Jean Nagle
Guy Ramsey
Mayor Rickie Hoffman

PUBLIC COMMENTS

- a. Prior Public Comments – Vice President Sikorski noted Barry Bloch’s tree removal request will be addressed under Unfinished Business.
- b. Public Comments – no public comments

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Kociuba commented on how beautiful the Flower Park is and wanted to acknowledge the great work the volunteers have done at the Flower Park.

APPROVAL OF MINUTES

- a. July 18, 2011 minutes - Council Member Bogert made a motion to approve the July 18, 2011 minutes as presented, second by Council Member Becker. Motion carried: 5 ayes, 1 abstain (Council Member Kociuba was absent)

CONSENT AGENDA

- a. Treasurer’s report of July 31, 2011
- b. Payment of invoices as listed totaling \$206,259.25

Council Member Kociuba made a motion to approve the consent agenda as presented, second by Council Member Becker. Motion carried: 6 ayes

CORRESPONDENCE

- a. American Red Cross, re: Statement of Agreement – This will be discussed under New Business
- b. Municipal Retirement Trust, re: June Report
- c. Ryan & Nicole Gingrich, 990 Vine Street, Macungie, re: Waiver Request to place a fence in the utility easement – This correspondence was a condition of Council granting the waiver for the fence installation. The zoning permit has been issued.
- d. State Representative Douglas Reichley, re: Response to Prevailing Wage Act letter

REPORTS

- a. Solicitor
 1. Uniform Construction Code Amendment - Attorney Kobal noted work continues on this issue. She has spoken to Borough Engineer Bill Erdman on the issues discussed at the workshop. Engineer Erdman recommended keeping with the state requirement not to require a permit for retaining walls that are less than 4 feet in height and for sidewalks and driveways that are less than 30 inches above grade. He did agree with requiring a permit for water tanks supported directly upon grade but recommended not requiring a permit for a water tank if the capacity does not exceed 2,500 gallons. Council approved of Borough Engineer Erdman's recommendations.
 2. Amendment to Workers' Compensation Act, re: cancer coverage for firefighters that originated from a fire call – Speaking with a workers compensation attorney within the firm on this issue, Attorney Kobal noted a workers compensation claim for the fire fighter will be treated as any other claim. She did recommend that the physical examination of the fire fighters have a note that there is no evidence of cancer at that time. Attorney Kobal suggested contacting the workers compensation insurance company to see if there is any requirements they may have. Borough Manager Boehm will check with the insurance company. This issue will be carried.
- b. Mayor – No report due to absence.
- c. Borough Manager
 1. Streetlight Energy Quotes – Borough Manager Boehm did not receive a quote from the company due to the overwhelming requests from municipalities.
 2. Organizational Assessment – Borough Manager Boehm noted the August 9th workshop at 7 pm to discuss the organizational assessment.
 3. Tree Removal at 996 Hickory Street – Borough Manager Boehm reported there are 10 manholes that need work at a quoted cost of \$33,000. Sewer Operator Wieder will be inspecting each manhole further for the extent of repair needed. There is a manhole at Glenwood and Hickory Streets that is being damaged by a tree and the tree is lifting the

sidewalk around the manhole. Sewer Operator Wieder will inspect the manhole to find out the extent of the damage from the tree. The problem is who is responsible for the tree that should be removed. The tree is located in the Borough right-of-way. Borough Manager Boehm has spoken to the property owner who does not have a problem with removal of the tree. There is also another tree at the rear of the same property that is lifting the sidewalk along Glenwood Street. Attorney Kobal will research who has the responsibility of the tree.

4. Main Street street trees – Borough Manager Boehm reported that Public Works Supervisor Smith documented all the street trees and the sidewalks on Main Street with pictures. She would like Council to think of what, if any, should be done with the street trees, remove completely or replace with other types of trees. Borough Manager Boehm recommended this be a budget item for next year.

5. Lehigh County Bicentennial – Lehigh County is offering to municipalities to join in the anniversary celebration and hang banners in their municipalities. Lehigh County is offering a grant for 50% match to purchase the banners. Council discussed hanging a banner at each end of Main Street when entering the Borough. Borough Manager Boehm will apply for the grant and purchase the banners.

UNFINISHED BUSINESS - PART I

a. Sidewalk Ordinance – Council reviewed the revision and discussed holding a public hearing before moving forward to adopt the ordinance. Council Member Boyko questioned who will be responsible for installing the curb and sidewalk on the unopened streets. Borough Manager Boehm suggested vacating all the unopened streets to eliminate this problem. She was directed to make a list of the unopened streets and note reasons for vacating the streets.

b. Barry Bloch's request to have street tree removed at 25 E. Main Street – Borough Manager Boehm was informed by the Zoning Officer that Mr. Bloch is undecided about removing the tree because he is in favor of the street trees along Main Street. Borough Manager Boehm will contact Mr. Bloch to confirm his request to have the tree removed. This matter was tabled.

c. Donald Kohn, safety issue on Walnut Street – This will be carried. Council can view the area during the car show this weekend.

d. PennDOT curb and sidewalk installation – There is a tentative meeting with PennDOT and the contractor scheduled for Friday, August 12th at 7:30 a.m. Council Member Becker will attend. Borough Manager Boehm is unable to attend. Council Member Becker had sent his findings on the sidewalk to Pat Conner at PennDOT.

Council Member Kociuba questioned if the stop line on N. Chestnut Street could be moved back further to make it easier for the tractor trailers to make the turn on to N. Chestnut Street. At this time it cannot be done because PennDOT placed the detector loops in the same location after they paved N. Chestnut Street. In order to move the stop bar back, the detector loops would also have to be moved back.

e. Sidewalk repair work from utility pole removal on Main Street – Borough Manager Boehm contacted PPL and they noted a contractor was out last week preparing and concreting the areas. Borough Manager Boehm and Council Member Boyko had seen them working on the north side of Main Street. Borough Manager Boehm will follow up to make sure the other side of Main Street is completed.

UNFINISHED BUSINESS - PART II

- a. 52 Race Street Corrective Action Plan (Repayment Plan) – This item is being carried. Mr. Reiss has one payment left.
- b. Temporary business banners – This item is being carried.
- c. Emergency Management Plan Update - Council Member Boyko reported he is not getting the information requested from the Fire Department. After speaking with President Ramsey, Council Member Boyko will write a letter to PEMA and FEMA noting the lack of cooperation from the Fire Department. Vice President Sikorski requested Council be copied on the letters.
- d. Wastewater Ordinance Revisions – This is being carried until receiving comments from Allentown. Solicitor Kobal will continue to contact Allentown Solicitor Fruhwirth.

NEW BUSINESS

- a. Red Cross Shelter Agreement for Macungie Institute – This agreement is renewed every 3 years. Council discussed the issue that there is no generator or hookup to the Macungie Institute. Borough Manager Boehm will inform the Red Cross that there is no hookup for or a generator at the Macungie Institute. Council discussed other buildings that would be better suited like the Fire Company or Eyer Middle School. Borough Manager Boehm will contact the Fire Company and Eyer Middle School to see if they would be interested in being a mass care center for the Borough when needed. This will be carried.
- b. Resolution 2011-10, Employee Handbook Amendment – Organizational Chart – Council readdressed putting the Emergency Management Director on the organizational chart. The chart was revised to include Code Enforcement Officer in case it would be a single position.

Council Member Becker made a motion to adopt Resolution 2011-10 with the revision to the organizational chart under the Manager/Secretary/Treasurer, the employment positions are Chief of Police, M. I. Building Coordinator, Administrative Assistant, Financial Assistant/Assistant Secretary, Zoning Officer, add Code Enforcement Officer, continue with Earned Income Tax Officer and Public Works Supervisor and under Zoning Officer, Assistant Zoning Officer will be placed, second by Council Member Bogert. Motion carried: 3 ayes, 2 nays (Council Members Kociuba and Boyko)

- c. Resolution 2011-11, Procedures for Compliance with the Professional Services Contract Provisions of Act 44 of 2009
- d. Policy 0008, Conflict of Interest Policy for Uniformed and Non-Uniformed Pension Plans

Borough Manager Boehm explained the Resolution and the Policy are now required under the Act 44 of 2009. During an audit of the pension system, these documents will be needed to be compliant. The Borough is currently in compliance with Act 44 in which disclosures have been obtained from the service contractors and are posted on the Borough website. Borough Manager Boehm noted the resolution and policy have not been reviewed by the Solicitor. Council preferred to have the documents reviewed by the Solicitor before adoption. Both items will be tabled for the Solicitor to review.

ITEMS NOT ON THE AGENDA

- a. Council Member Boyko reported he has seen a number of people removing trash when it is placed out for trash pick up. Borough Manager Boehm noted the police should be called because it is unlawful to remove trash when placed out for pickup.
- b. Council Member Boyko asked the status of the storm water drainage map. He suggested all easements be noted on the map. Borough Manager Boehm reported the Public Works crew is working on I&I issues. She saw no problem with noting the easements on the map.
- c. When questioned by Council Member Kociuba, Borough Manager Boehm reported that speed limit signs will be posted on each end of Green Street and Chief Harry did not feel that it was necessary to post speed limit signs on all the Borough streets.
- d. Council Member Kociuba asked the status of fixing the lettering that is missing from a street sign at Chestnut and Main Streets. Borough Manager Boehm did inform Public Works Supervisor Smith but she will follow up on what his action will be.
- f. Council Member Boyko commented that St. Luke's Hospital has a machine that can scan documents to put them in digital format. He noted the machine could be rented. Borough Manager Boehm will look into it.
- g. Council Member Becker reminded Borough Manager Boehm to place the pedestrian signs on Main Street for the car show this weekend. Borough Manager Boehm will remind Public Works Supervisor Smith about it but she noted the Borough only has two signs. She contacted PennDOT to get more and the person she spoke to was unfamiliar with the signs. She will keep trying to get more signs.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant