

CALL TO ORDER

President Guy Ramsey called the October 3, 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:	Robert Bogert David Boyko Dorothy Kociuba Guy Ramsey Joseph Sikorski
Borough Manager:	Chris L. Boehm
Solicitor:	Attorney Stephanie Kobal
Mayor:	Rickie Hoffman
Absent:	Chris Becker Jean Nagle Administrative Assistant Cynthia Hartzell

PUBLIC COMMENTS

- a. Prior Public Comments – no prior public comments
- b. Public Comments

1. Bill Reiss, 430 E. Main Street, Macungie, noted the shade tree at his property is pushing up his sidewalk. He asked what action Council is taking in regard to this situation. President Ramsey noted Council is aware of the issue which will be discussed during upcoming budget discussions. Mr. Reiss noted the clearance above the sidewalk is only about 6 feet under the tree. Borough Manager Boehm will inform the public works crew to trim the street tree and any others that may need trimming.

2. Tim Romig, business owner of 50 Race Street, Macungie, noted he submitted a Right To Know request for a copy of the Borough's policy for purchasing police vehicles as reported in the 2011 budget summary. His Right To Know was denied because there is no written policy. He noted he reviewed the Council minutes and audio tapes of the Council meetings and did not hear or read about any discussion on the time frame to purchase police vehicles. Mr. Romig asked if a policy was established.

There was a discussion about what was talked about at the budget workshops noting that Chief Harry agreed to hold off one year to purchase a car so the Borough would be able to purchase the paver; President Ramsey has a chart showing the time frame to purchase the police vehicles, which he prepared in 2010 when Council discussed the length of service for a police vehicle during the budget workshops. President Ramsey will look to see when he worked on the chart and look at minutes and recordings for the discussion on the police vehicles.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS - noneAPPROVAL OF MINUTES

- a. September 6, 2011 minutes - Council Member Sikorski made a motion to approve the September 6, 2011 meeting minutes as amended, second by Council Member Kociuba. Motion carried: 5 ayes
- b. September 19, 2011 minutes - Council Member Kociuba made a motion to approve the September 19, 2011 meeting minutes as amended, second by Council Member Bogert. Motion carried: 5 ayes, 1 abstain (Council Member Sikorski was absent)

CONSENT AGENDA

- a. Treasurer's report of September 30, 2011
- b. Payment of invoices as listed totaling \$431,945.63

Council Member Sikorski made a motion to approve the consent agenda as presented, second by Council Member Bogert. Motion carried: 4 ayes, 1 nay (President Ramsey)

Council expressed concerned about a bill for payment to Sikora Brothers. Borough Manager Boehm explained that the bill was for the 4-log treatment project at the wells. Council discussed approving bills for the Authority without any knowledge of the project. There is a maintenance agreement between the Borough and the Authority. Borough Manager Boehm explained that the Authority authorized the payment to Sikora at their September 22<sup>nd</sup> meeting based on the recommendation from the Borough Engineer. Council Member Boyko wants Council to have oversight of the Authority's large expenditures.

CORRESPONDENCE

- a. Macungie Fire Department monthly report
- b. Upper Milford Township, re: Regional Police Department Feasibility
- c. Municipal Retirement Trust, re: Monthly report
- d. Rich Nalichowski, MECAB, re: Organization future

The attendance at the MECAB meetings have dropped and the President of the organization questioned if the organization should continue. Council Member Kociuba suggested limiting their meetings to 3 times a year. Borough Manager will forward Council's email addresses to MECAB with Council Member Kociuba's suggestion.

- e. David Woglom, Meyner Center for Local Government Services, Lafayette College, re: Stormwater Training Program – Borough Manager Boehm reported she will be attending the program. Council Member Kociuba expressed interest in attending. It was also suggested someone from the Public Works Department attend.

f. Pennsylvania Dept. of Auditor General, re: 2011 Pension State Aid allocation – The Borough will be receiving \$114,423.83 for 2011. Borough Manager Boehm noted this amount is larger than the 2011 MMOs. She has received information that this year's allocation was an unusual windfall and should not be used to calculate the state aid for 2012.

g. Donald Young Esq., Young & Young, in behalf of Macungie Memorial Park, re: Sidewalk Ordinance

h. Brian Nagle, 101 S Buttonwood Street, Macungie, re: Comments on draft sidewalk ordinance

i. Macungie Institute Trustee Notes

President Ramsey noted a change to the Macungie Institute Executive Policy Manual that was in the Building Coordinator's notes. Borough Manager Boehm will follow up on the change. Council Member Kociuba remarked about a series of programs that will be held at the Macungie Institute for senior citizens.

j. Congressman Charles Dent, re: Federal Highway Administration (FHWA) regulation amendment – This letter is to inform municipalities of the change in the requirement of the road signs and other traffic control devices that was lifted by FHWA at the request of Congress. Congressman Dent noted the request was after hearing concerns from local officials about the unnecessary expenditure during this period of trying economic times. Borough Manager Boehm reported the Borough has one more section to change for all the Borough street signs to comply with the requirement of the retroreflectivity compliance standards.

k. 2010 Audited Financial Statements – Borough Manager Boehm noted since the Borough Tax Collector no longer collects the county taxes, the Borough will have to budget to have an audit done on the tax collector. Borough Manager Boehm has put the amount in the 2012 budget.

l. Zoning Officer September 2011 Report

m. Lehigh County Emergency Services, re: Federal disaster relief funding

n. John Donches, 559 Minor Street, Emmaus, re: A Candidates Night meeting to be held October 18, 2011 at Emmaus Fire House #1

o. PSAB, re: Legislation will be discussing the Prevailing Wage reform this fall. There are several Bills to be considered. Borough Manager Boehm will send a letter with Council's comments about the prevailing wage legislation.

## REPORTS

a. Solicitor

1. 52 Race Street Corrective Action Plan

2. Wastewater Ordinance Revisions – Attorney Kobal will continue to follow up with Allentown Solicitor Fruhwirth.
3. Uniform Construction Code Amendment – Attorney Kobal noted the final review will be done by Solicitor Siegfried.
4. Sidewalk Ordinance – Attorney Kobal noted the memo with Zoning Officer Nixon's concerns. Attorney Kobal would like Council's comments on his concerns:
  - Council suggested the ordinance should reference the SALDO when requiring curbing and sidewalks in new residential and commercial developments.
  - As Zoning Officer Nixon noted, Attorney Kobal explained that there are streets where there will be sections along a street that do not required sidewalks and other sections that do require sidewalks along the same street. Council will have to discuss this concern.
  - Zoning Officer Nixon was concerned about the time frame to get the sidewalk work completed as listed in the ordinance. Council will have to review this concern.
  - Attorney Kobal can work on a sidewalk excavation permit and updating the Borough's fee schedule to include this permit. She can work on revising the ordinance to state how or when the performance bond terminates.

Council suggested holding a workshop with Zoning Officer Nixon to discuss these concerns. Borough Manager Boehm will work on coming up with a date.

b. Mayor

1. Mayor Hoffman reported the Police Department will be enforcing the crosswalks and the speed limit on Church, Cotton and Lehigh Streets.
2. Mayor Hoffman reported there will be a log to sign in and out in the police department for any person entering beyond the secured area that is not a Borough employee or Council Member. If there is a confidential issue that a person does not want to sign in, an incident number can be assigned. It was suggested that a sign in sheet be required for the administrative offices. Council discussed a log for the Borough office for non-employees. Borough Manager Boehm agreed to require visitors to sign in at the front desk when going beyond the counter area. Council suggested this be done on a temporary basis.

c. Borough Manager

1. Regional Police Meeting – Lower Milford Township, Emmaus Borough and Upper Macungie Township are interested in the discussion on regional police. Allentown Police Chief McClain would also like to attend. Lower Macungie Township, Upper Milford Township and Alburtis Borough are not interested in participating in the regional discussions. The purpose of the meeting is to find out what each municipality's interest is for a regional

police department. DCED will be contacted to come. Council would like to have Chief Harry at the meeting. Borough Manager Boehm will get dates together.

2. ADA Ramps – Borough Manager Boehm contacted surrounding municipalities to find out how they are addressing the new ADA requirements. She received a few comments from other municipalities. One municipality is doing more tar and chip, others are using capital funds, others do not do the project and others will try to continue installing the new ADA ramps as long as CBDG funds are available. This topic will be discussed during the budget.
3. Leave of Absence Policy – Benecon reviewed the current leave of absence policy and offered to revise the current policy to have wording about health coverage if an employee is out on leave at no cost to the Borough. The unions currently address this in the bargaining agreements. Borough Manager Boehm will have Benecon write a policy and she will bring it to Council for review.
4. Borough Manager Boehm reported the Pension State Aid and the Firemen's Relief Aid were received. The amount of the Firemen's Relief also increased. The funds will be forwarded to the Fire Department.
5. Budget Workshop – Borough Manager Boehm reminded everyone about the budget workshop on Monday, October 10 at 7 p.m.
6. 996 Hickory Street - Borough Manager Boehm reported the Borough will have the tree and roots removed, which the property owner will be financially responsible for that work. The property owner will complete a Repayment Agreement to repay for the tree removal. The Borough will replace the sidewalk with the CBDG funding and do the work on the manhole. The work is scheduled for October 12.

#### UNFINISHED BUSINESS - PART I

- a. Red Cross Shelter Agreement for Macungie Institute – An email was received from Nina Johnson of the Red Cross Organization. Council Member Boyko reiterated his concern that the Building Coordinator must have training to manage the situation until the Red Cross arrives to utilize the Macungie Institute. In addition to his concern, Council questioned if the Borough insurance covered that responsibility.

Council Member Boyko made a motion to have someone on the Borough level take the shelter management course in case the Macungie Institute is needed for a type of shelter. The motion died without a second.

Council Member Kociuba made a motion to notify the Red Cross that the Borough is unable to sign the contract for use of the Macungie Institute as a shelter at this time because Council does not feel the Borough is equipped to handle that type of situation, with the understand that this action does not mean that we would never do it, second by Council Member Sikorski. Motion carried: 4 ayes, 1 nay (Council Member Boyko due to failing to provide for our residents)

President Ramsey noted to keep this topic on the agenda. See if any employee wants to take the training course and what insurance liabilities would occur.

- b. Glass Steagall Legislation – This will be carried.
- c. Sidewalk Ordinance – A workshop will be set at a later date.
- d. “No Turn on Red” at Chestnut and Main Street when turning north onto Main Street – referred to Police Chief - Chief Harry commented that he would support a “No Turn on Red” from Chestnut Street to Main Street. He also suggested a “Stop here on red” sign pointing to the stop bar on Chestnut Street. Borough Manager Boehm tried to contact Dennis Toomey at PennDOT without a response. She will keep trying.

#### UNFINISHED BUSINESS - PART II

- a. 52 Race Street Corrective Action Plan (Repayment Plan) – William Reiss was directed to file a new revised corrective action plan at the courthouse with the exact location of the drainage pipe. Mr. Reiss requested permission to file an amendment instead. President Ramsey noted Council felt the changes to the plan were not trivial and the amendment would not be found when researched at the courthouse. Mr. Reiss supplied Council with copies of the amendment to the site plan that would be recorded at the courthouse. He noted an email dated November 15, 2010 from Solicitor Siegfried to Attorney Michael Shafer, Mr. Reiss’ counsel, in which Solicitor Siegfried said it was a good way to approach the amendment issue. Mr. Reiss asked Council to allow him to submit the amendment instead of a new revised site plan. Attorney Kobal noted today is the deadline for Mr. Reiss to file the amended plan.

#### EXECUTIVE SESSION

President Ramsey called an executive session to discuss possible litigation at 9:53 pm. The meeting reconvened at 10:19 pm with no action.

Council Member Kociuba made a motion to direct the Solicitor to contact Attorney Michael Shafer and inform him that Council has heard his client’s request and agrees to reprieve penalties until 5 days after the next Council meeting when a decision will be rendered on his request; after such date all remedies as set forth in the September 19, 2011 default notice and March 16, 2011 settlement agreement shall be rendered as an event of default of settlement which shall have deemed occurred, second Council Member Sikorski. Motion carried: 5 ayes

Attorney Kobal will issue a letter to Attorney Michael Shafer explaining Council’s decision at this time.

Tim Romig asked to review the amendment that Mr. Reiss submitted. Council Member Kociuba said she would provide him with her copy.

- b. Temporary business banners – This item is being carried.
- c. Emergency Management Plan Update – This is being carried.

- d. Wastewater Ordinance Revisions – This is being carried.
- e. Uniform Construction Code Amendment - This is being carried.
- f. Vacating Unopened Street – Borough Manager Boehm reported that the person conducting the training course on official maps at the Lehigh Valley Planning Commission simply said to remove the unopened streets from the official Borough map when it is amended. Borough Manager Boehm and Zoning Officer Nixon, also in attendance at the course, felt there were more legal aspects than just removing the streets from the official Borough map. Zoning Officer Nixon will be looking into getting assistance to create a new official street map.

#### NEW BUSINESS

- a. PMHIC Business Associate Agreement – Borough Manager Boehm explained the agreement is for the Borough to become a part of the agreement that the Service Providers are bound by to protect the confidential health information of the participants.

Council Member Sikorski made a motion to authorize President Ramsey to sign the Pennsylvania Municipal Health Insurance Cooperative Business Associate Agreement, second by Council Member Boyko. Motion carried: 5 ayes.

#### ITEMS NOT ON THE AGENDA

- a. Council Member Boyko noted he toured the Borough with FEMA inspectors and asked what the Borough's position was on installing waste backflow preventer. Borough Manager Boehm noted it has been the Borough's past practice to require the property owners to install the backflow preventer. The Borough does not require it. She spoke to the property owner at 168 E. Main Street, who has been having trouble during the recent water events and the property owner's plumber recommended not installing the backflow preventer. They decided to manually plug the basement floor drain pipe in a heavy rain event and removed a basement bathroom.

Council Member Boyko expressed the importance of reporting any flooding damage in a timely manner to help FEMA assess the damage.

- b. Council Member Kociuba noted the two new police officers should be noted on the Borough website.
- c. Council Member Kociuba commented that during a heavy rain there is a large amount of water that flows from Hillcrest, down Hill Street to Fairview Street and then to Vine Street. She suggested budgeting to install storm drains to alleviate the problem. Borough Manager Boehm noted a study may have to be done.

#### EXECUTIVE SESSION

President Ramsey called an executive session at the request of Mayor Hoffman to discuss possible litigation at 10:37 pm. The meeting reconvened at 10:48 pm with no action.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 10:48 p.m.

Respectfully submitted,

Cynthia Hartzell  
Administrative Assistant