

CALL TO ORDER

President Guy Ramsey called the November 7, 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
- Jean Nagle
- Guy Ramsey
- Joseph Sikorski
- Mayor: Rickie Hoffman
- Borough Manager: Chris L. Boehm
- Administrative Assistant: Cynthia Hartzell
- Absent: Attorney Stephanie Kobal

President Ramsey reported an executive session was held prior to the regular meeting to discuss possible litigation.

PUBLIC COMMENTS

a. Prior Public Comments

1. Faro Evola – police complaint - President Ramsey reported Mayor Hoffman followed up on the complaint by Mr. Evola and could not find any evidence to back up Mr. Evola’s complaint.

b. Public Comments

1. Paul Smith, 421 E. Main Street, Macungie, thanked the Macungie Fire Department for their work during the snow storm last weekend. Mr. Smith also thanked the Macungie Police Department and the Public Works Department for their outstanding work and suggested a letter of commendation be placed in their files.

Mr. Smith reported on incidents that occurred with his neighbor’s dogs at 419 E. Main Street. He has filed numerous complaints about the dog feces that had not been removed in a timely fashion as required by the ordinance. Both he and his wife have been attacked by the dogs. He filed complaints with the Code Enforcement Officer and called the police department but nothing has been done. President Ramsey informed Mr. Smith’s that he will look into the complaints.

2. Bill Drudy, 616 Vine Street, Macungie, reiterated Mr. Smith’s compliment on the Public Works Department.

3. John Long, 17 W. Chestnut Street, Macungie expressed concern about the lack of action take regarding Mr. Smith's complaints.

President Ramsey reiterated he will look into Mr. Smith's complaints and Mayor Hoffman noted he will speak with Chief Harry on the issue.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Becker complimented the Public Works Department and the Police Department on the excellent job they did during the snow storm. Council Member Nagle and President Ramsey agreed and also suggesting placing letters in the employee's files. Council Member Boyko echoed giving letters of commendation the employees.

APPROVAL OF MINUTES

- a. October 10, 2011 budget workshop - Council Member Nagle made a motion to approve the October 10, 2011 budget workshop minutes, second by Council Member Kociuba. Motion carried: 6 ayes, 1 abstain (Council Member Sikorski was absent)
- b. October 17, 2011 meeting - Council Member Nagle made a motion to approve the October 17, 2011 meeting minutes as amended, second by Council Member Kociuba. Motion carried: 7 ayes
- c. October 24, 2011 budget workshop - Council Member Nagle made a motion to approve the October 24, 2011 budget workshop minutes, second by Council Member Kociuba. Motion carried: 5 ayes, 2 abstain (Council Member Sikorski and Boyko were absent)

CONSENT AGENDA

- a. Treasurer's report of October 31, 2011
- b. Payment of invoices as listed totaling \$278,377.58

Council Member Sikorski made a motion to approve the consent agenda as presented, second by Council Member Bogert. Motion carried: 7 ayes

CORRESPONDENCE

- a. Lehigh Tax Collection Committee, re: September 2011 meeting minutes, October 2011 agenda and 2012 Proposed Budget
- b. Lehigh Tax Collection Committee: 2010 Financial Statement
- c. Municipal Retirement Trust, re: Monthly report
- d. Lehigh County Authority, re: 2012 Wastewater User Charges – Borough Manager Boehm noted there was a 0.9% increase in the LCA wastewater user charges.

- e. Benecon, re: Lehigh Valley Insurance Cooperative Group (LVIC) – This will be addressed under New Business.
- f. Adam J. Priest, 66 Hillcrest Drive S, Macungie, re: Waiver Request to place a fence in the utility easement – This will be discussed under New Business.
- g. Lower Lehigh Lions Club, re: Thank you for the contribution to the Halloween Parade.
- h. Lehigh County DCED, re: Thank you for participating in the Lehigh County’s Safe Streets Program that will close December 2011.

REPORTS

a. Solicitor

1. November Zoning Hearing Appeal - Attorney Kobal was previously directed by Council to provide assistance to the Zoning Officer in his defense of his denial of the change of use application in the upcoming Zoning Hearing. Attorney Kobal wanted clarification if Council wanted her to defend the Zoning Ordinance against the requested variance appeal. Council will discuss this in executive session.
2. 52 Race Street Corrective Action Plan – In Attorney Kobal’s absence, Borough Manager Boehm reported the “as-built plan” has been signed and recorded at the Courthouse. She met with Zoning Officer Nixon who will be reviewing the property file to make sure all items for the Corrective Action Plan Agreement have been addressed. Zoning Officer Nixon will document everything and report back to Council. At that time, if all items have been addressed, Council can direct the Solicitor to remove the judgment. Zoning Officer Nixon is looking at other outstanding issues on the property and will report to Council on those issues.
3. Wastewater Ordinance Revisions – This will be carried.
4. Uniform Construction Code Amendment – This will be carried.
5. Sidewalk Ordinance – This will be carried until after the November 15th workshop.

b. Mayor

1. Mayor Hoffman reported on the snow storm. He noted he was in contact with the residents in the Lehigh County housing development and let them know the Macungie Institute had heat and electric and was available should they wish to go there to warm up. He had informed the Police Department about the arrangement. Mayor Hoffman suggested to Council Member Boyko as Emergency Management Director that Eyer and Shoemaker School would be better accommodations because the buildings are larger and can accommodate more people. Mayor Hoffman reported a generator was placed at Town Hall for the police department.

Council Member Boyko suggested converting the Town Hall heat to natural gas powered and he reiterated his recommendation that Council install a generator at Town Hall.

2. Mayor Hoffman urged everyone to vote tomorrow.

Mayor Hoffman left 9:08.

c. Borough Manager

1. Regional Police Meeting – Borough Manager Boehm reported the municipalities invited to discuss a regional police department dropped out one by one except for Emmaus. She spoke to Emmaus Police Chief Faust and during the discussion both decided to table this issue at this time.

Council Member Becker noted Salisbury Township would be interested in the discussion.

2. Report on Snow Storm – Borough Manager Boehm noted her report on the snow storm would repeat the prior comments and she commented the staff worked hard dealing with the storm.

3. Traffic Signal Permit Plans for Chestnut and Main Street Traffic Signal – Borough Manager Boehm reported PennDOT amended the site plans of the handicapped ramps at the intersection of Main and Chestnut Streets which will amend the Borough's Highway Occupancy Permit for the traffic light at that intersection. PennDOT is asking the Borough to sign the amended plan. She expressed concern about Council signing plans that they had no involvement in design or construction. She was also concerned that PennDOT could require the Borough to redo the ramps to the required ADA specifications in the future. She remarked on PennDOT's requirements at the intersection of West End Trail and Main Street and the increasing cost of the project as a result. Council agreed to not sign the plans at this time and contact State Representative Doug Reichley and State Senator Mensch about the situation.

4. Representation for November Zoning Hearing – This will be discussed in executive session.

UNFINISHED BUSINESS - PART I – No Unfinished Business under Part I

UNFINISHED BUSINESS - PART II

- a. 52 Race Street Corrective Action Plan – Reported on under Solicitor's report.
- b. Temporary business banners - President Ramsey suggested removing this from the agenda. Council Member Boyko agreed. Borough Manager Boehm noted this section of the zoning ordinance will be worked on when the entire zoning ordinance is revised.
- c. Emergency Management Plan - Council Member Boyko noted the Emergency Management Plan needs revisions as a result of the snow storm. This will be carried.
- d. Wastewater Ordinance Revisions – This will be carried.

- e. Uniform Construction Code Amendment – This will be carried.
- f. Vacating Unopened Street – This will be listed under the Solicitor’s report and will be carried.
- g. Sidewalk Ordinance Workshop 11/15/11 @ 7 p.m. – Borough Manager Boehm noted the workshop to be held on November 15 at 7:00 pm at the Macungie Institute with Zoning Officer Nixon.

NEW BUSINESS

- a. Resolution 2011-12, Refuse Fee – This resolution establishes the annual refuse and recycling rate of \$214.20 per unit for the new contract between November 1, 2011 and October 31, 2012.

Council Member Sikorski made a motion to adopt Resolution 2011-12 establishing the annual rate of \$214.20 per unit for the collection and disposal of the solid waste, refuse and recycling in the Borough of Macungie from November 1, 2011 to October 31, 2012, second by Council Member Boyko. Motion carried: 7 ayes

- b. Authorization to sign Borough Auditor Engagement Letters for the Borough and Earned Income Tax Collector – Borough Manager Boehm received audit service fee amounts from other municipalities and the amount proposed to the Borough was in the medium range. The engagement letter for the Earned Income Tax Collector noted the proposed service fee does not include any additional work that may be required to close out the accounts of the EIT Office. Council directed Borough Manager Boehm to get a quote for an audit to close out the EIT Office in 2012.

Council Member Kociuba made a motion to authorize President Ramsey to sign the engagement letters for the Borough audit and the Earned Income Tax audit for 2011 with Long, Barrell & Co, Ltd, second by Council Member Sikorski. Motion carried: 7 ayes

- c. Authorization to sign Borough Auditor Engagement Letter for the Borough Real Estate Tax Collector – The Borough will have to have an audit done for the real estate tax collector since Lehigh County no longer provides that service.

Council Member Kociuba made a motion to authorize President Ramsey to sign the engagement letter for the Borough real estate tax collector audit for 2011 with Long, Barrell & Co, Ltd, second by Council Member Sikorski. Motion carried: 7 ayes

- d. MI Executive Policy Manual amendment – This will be carried so Borough Manager Boehm can discuss the amendment with the Macungie Institute Trustees at the next Trustee meeting.
- e. Lehigh Valley Insurance Cooperative Group (LVIC) Proxy vote – Borough Manager Boehm gave the history of the Borough joining the LVIC for the health coverage. The LVIC joined Pennsylvania Health Medical Insurance Cooperative (PHMIC) that included other cooperative groups. The proxy vote is to approve or disapprove terminating the LVIC Agreement. Borough Manager Boehm noted there is no benefit to having the LVIC Agreement since the Borough has an agreement with PHMIC. There was a final distribution of the surplus which was a percentage of the surplus. Borough Manager Boehm will find out the status of the amount of the surplus noted.

Council Member Nagle made a motion to authorize President Ramsey to sign the proxy to terminate the Lehigh Valley Insurance Cooperative Agreement, second by Council Member Sikorski. Motion carried: 7 ayes

f. Waiver Request to place a fence in the utility easement at the rear of 66 Hillcrest Drive S – Adam Priest, is requesting a waiver to place a fence in the utility easement at the rear of his property at 66 Hillcrest Drive S. He has obtained a letter from PPL noting the electric facilities are in the front of the property and the fence would not interfere with the electric facilities. Borough Manager Boehm noted no Borough sewer or water lines run in the utility easement.

Council Member Nagle made a motion to grant a waiver to Borough Codification Section 305-25A.B(1) for the property of 66 Hillcrest Drive S. to install a fence in the utility easement at the rear of the property and if a need arises for the removal of the fence, it is at the property owners expense, second by Council Member Kociuba. Motion carried: 7 ayes

g. Expiring Terms on Borough Authority and Vacancy Board – Council received a memo informing them of the expiring committee positions. Letter of Interest will be accepted until November 30, 2011 and appointment of the position will be the first meeting of 2012.

ITEMS NOT ON THE AGENDA

a. President Ramsey questioned who to contact about an RCN cable wire draping across Church Street since the snow storm. He has called RCN several times with no results. Council Member Bogert said that job is probably low on the repair list since it does not affect any house service.

b. Borough Manager Boehm learned Macungie Memorial Park has a generator but it is not a public building. Council discussed having a shelter use at the Macungie Fire Company even though the Red Cross does not approve it as a shelter location. Council Member Boyko was directed as Emergency Management Director to contact Macungie Fire Company and Macungie Memorial Park to request the use of their facility for a shelter when needed.

c. Council Member Nagle appreciated the Borough residents clearing their sidewalks for the Trick or Treat event the Monday after the snow storm.

EXECUTIVE SESSION

President Ramsey called an executive session to discuss possible litigation at 8:46 pm. The meeting reconvened at 9:06 pm with the following action:

President Ramsey remarked that Council discussed the Solicitor defending the zoning ordinance at the upcoming Zoning Hearing. Council decided the Solicitor would defend the zoning officer's decision of his denial of the change of use application.

After the executive session action was noted, there was discussion on the budget. Council Member Becker had some suggestions to balance the general fund. He suggested a 2.95 tax hike for the next two years plus cuts and can give his reasoning for the tax hike. There was discussion about the tax millage of other municipalities and Borough Manager Boehm provided spreadsheets of all employee's wages and benefits.

Borough Manager Boehm noted the Public Works crew continues to prepare Brookfield and Village Walk Drives for the chip seal coating in 2012 which is a budget discussion.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant