

OATH OF OFFICE

Mayor Rickie Hoffman administered the Oath of Office to newly elected Councilpersons Chris Becker, Debra Cope, Greg Hutchison and Linn Walker.

ATTENDANCE

Council Members:	Chris Becker
	David Boyko
	Debra Cope
	Greg Hutchison
	Jean Nagle
	Joseph Sikorski
	Linn Walker
Borough Manager:	Chris L. Boehm
Mayor:	Rickie Hoffman
Absent:	Attorney Timothy Siegfried

Mayor Rickie Hoffman called the January 3, 2012, reorganization meeting of Macungie Borough Council to order at 7:40 p.m.

REORGANIZATION

- a. Election of President - Mayor Hoffman asked for nominations for Council President.

Nominations for President of Council were as follows: Council Member Hutchison nominated Council Member Nagle; Council Member Boyko nominated Council Member Becker; Council Member Cope nominated Council Member Sikorski. Hearing no other nominations they were closed.

Council Member Hutchison made a motion to appoint Council Member Nagle as Council President, second by Council Member Walker. Motion carried: 4 ayes (Council Members Nagle, Walker, Hutchison and Becker), 3 nays (Council Members Boyko, Cope and Sikorski)

Council Member Nagle was declared Council President. Council Member Nagle took the President's seat and presided over the Council meeting

- b. Election of Vice-President - President Nagle asked for nominations for Vice-President.

Nominations for Vice President of Council were as follows: Council Member Walker nominated Council Member Hutchison; Council Member Cope nominated Council Member Sikorski (Council Member Sikorski declined the nomination); Council Member Sikorski nominated Council Member Becker. Hearing no other nominations they were closed.

Council Member Walker made a motion to appoint Council Member Hutchison as Vice-President, second by Council Member Hutchison. Motion carried: 4 ayes (Council Members Nagle, Walker, Hutchison and Becker), 3 nays (Council Members Boyko, Cope and Sikorski)

Council Member Hutchison was declared Vice-President.

CALL TO ORDER

President Nagle called the January 3, 2012, regular meeting of Macungie Borough Council to order at Macungie Institute, 510 E. Main Street, Macungie, PA. Continuing with reorganization of the meeting President Nagle moved the agenda guidelines to this portion of the meeting.

a. Adoption of 2012-2013 Council Agenda Guidelines - President Nagle reviewed the meeting guidelines at this time. Council had a lengthy discussion about the guidelines. The following changes were made to the guidelines: 1) Public comment will remain at five minutes; 2) Public Comment, Part I will be received at the beginning; 3) Public Comment, Part II on agenda items only will be added at the end of the meeting, prior to executive session; 4) Public comment during the meeting will be at the discretion of Council; 5) Written comments should be provided to the Borough Manager in advance; 6) When a vote of Council is not unanimous members voting both yea and nay will be recorded in the minutes; and 7) Committees will be added under reports.

Borough Manager Boehm was directed to prepare the guidelines with all corrections for approval at the next Council meeting.

b. Council Member Becker suggested having a budget committee to review the financial budget during the year and help with the budget process at the end of the year. Borough Manager Boehm will provide a list of suggested Council committees for the next meeting. Council Members Becker, Sikorski and Cope volunteered to serve on the budget committee with Council Member Becker as the Chair.

PUBLIC COMMENTS

a. Prior Meeting Comments - None

b. Public Comments

1. Allen Crawford, 202 S. Walnut Street, Macungie, commented that the main concern of the sidewalk committee during the creation of the sidewalk ordinance was safety. He could not locate any mention of safety as the main issue for the requirement of sidewalks in the ordinance that was adopted on December 19th.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Boyko welcomed the new Council Members and also suggested offering a tour of the Borough facilities to the new members.
- b. Council Member Becker read a statement on behalf of Borough Council supporting the powers and position of the Mayor of Macungie. Council Member Becker requested the statement be attached to the minutes. Council Members Hutchison, Walker and President Nagle expressed their support of the statement.

APPROVAL OF MINUTES

- a. December 19, 2011 meeting - Council Member Sikorski made a motion to approve the December 19, 2011 meeting minutes as amended, second by Council Member Becker. Motion carried: 4 ayes (Council Members Becker, Boyko, Nagle and Sikorski), 3 abstentions (Council Members Cope, Hutchison and Walker were not on Council at the time.)
- b. December 27, 2011 meeting - Council Member Becker made a motion to approve the December 27, 2011 meeting minutes as amended, second by Council Member Sikorski. Motion carried: 3 ayes (Council Members Becker, Nagle and Sikorski), 4 abstentions (Council Member Boyko was not in attendance, Council Members Cope, Hutchison and Walker were not on Council at the time.)

CONSENT AGENDA

- a. Treasurer's report of December 31, 2011
- b. Payment of invoices as listed totaling \$159,774.95

Council Member Boyko made a motion to approve the consent agenda as presented, second by Council Member Sikorski. Motion carried: 6 ayes (Council Member Becker, Boyko, Cope, Nagle, Sikorski and Walker), 1 nay (Council Member Hutchison did not approve of the money spent on legal bills against the Mayor.)

Borough Manager Boehm was directed to have Solicitor Siegfried provide a list of outstanding items currently at his office.

CORRESPONDENCE

- a. Thomas Bailey, Bailey Associates Inc, 315 E. Main Street, Macungie, re: Request to quote Borough's Workers Compensation, Auto and Property Insurance
- b. Municipal Retirement Trust, re: Monthly report
- c. Emmaus Public Library, re: November meeting minutes and budget
- d. David Wentz, 65 S Buttonwood Street, Macungie, re: Letter of Interest for the Authority vacancy

- e. Kevin B. Wieder, 930 Hillcrest Dr S, Macungie, re: Letter of Interest for the Vacancy Board vacancy
- f. Susan Hoshino, Waste Management, re: Thank you for the support of Toys for Tots this year
- g. Rebecca M. Young, Esquire, Young & Young, re: Petition to vacate Vine Street
- h. Rose Nonnemacher, EIT Collector, re: TCC Report Update
- i. John J. Horner Jr., 956 Vine Street, Macungie, re: Letter of Interest for Zoning Hearing Board vacancy
- j. EPA, re: Western Lehigh Sewerage Progress Report

REPORTS

- a. Solicitor
 - 1. Wastewater Ordinance Revisions – This will be carried.
 - 2. Uniform Construction Code Amendment – Council directed Solicitor Siegfried to provide a draft copy of the UCC ordinance for the next meeting. Borough Manager Boehm will inform Solicitor Siegfried.
 - 3. Vacating Unopened Streets – Borough Manager Boehm explained this issue was the result of addressing all the unopened streets to revise the official borough map. She asked if the new Council wants to continue with this issue. This item will be carried.
 - 4. Petition to Vacate Vine Street – Since this matter was the last item on the agenda, President Nagle took it at this time so the interested parties would not have to wait until the end of the meeting. Attorney Rebecca Young was representing Eric and Tricia Simmons of 54 S. Sycamore Street who are requesting Council vacate a section of Vine Street between Sycamore Street and Carpenter Street adjacent to their property. They want to take possession of this property. The adjoining property owner is not interested in the property. This matter was referred to Solicitor Siegfried for review and comment at the next meeting.
- b. Mayor
 - 1. GPS Units in Police Cars - Mayor Hoffman reported he is soliciting for funds to install GPS units in the police cars. Mayor Hoffman reported it is a 3 year contract, the GPS is on in the vehicle 24 hours and reports can be obtained. The Police Chief and Mayor Hoffman would have access to the information. Council Member Boyko requested the Mayor provide a cost quote for the GPS units in writing.

c. Borough Manager

1. Zoning Officer's Report – Borough Manager Boehm reported a variance was granted at the last Zoning Hearing Board meeting for 51 Race Street and the appeal period expires January 14th should Council choose to appeal the Board's decision.
2. Sale of Police Car - Borough Manager Boehm asked which police car was to be sold. Council directed Borough Manager Boehm to obtain a recommendation from Chief Harry and the Borough Mechanic.
3. 2012 Budget – Borough Manager Boehm appealed to Council to open the 2012 budget adopted by the prior Council on December 27, 2011. She presented Council with a budget reinstating the following: 1) the Administrative Assistant, MI Building Coordinate and Police Officer to full time positions with benefits, 2) \$1,500 contribution to the Lower Lehigh Lions for the Macungie Halloween Parade, 3) \$3,000 for the Macungie Youth Association contribution, 4) \$300 for electricity for holiday lights and 5) \$500 for special event decorations. Her proposed budget included a 2 mil tax increase. Borough Manager Boehm reported her budget continues the quality of life the Borough residents have come to expect from the Borough. She reported that should Council agree to open the budget, a final amended budget must be adopted by February 15th. Council had a lengthy discussion about reopening the budget.

Council Member Hutchison made a motion to open the 2012 budget approved by Council on December 27, 2011, with the condition that if there is no majority consensus on a new budget, Council will continue with the 2012 budget as previously approved, second by Council Member Walker. Motion carried: 5 ayes (Council Members Becker, Hutchison, Nagle, Sikorski and Walker), 2 nays (Council Members Boyko and Cope)

Council scheduled a budget workshop for Thursday, January 12, 2012, at 7:00 pm to discuss amending the budget.

Council Member Hutchison left the meeting at 9:29 pm.

4. RFP for Legal Services – To save money Borough Manager Boehm suggested Council advertise a Request for Proposals (RFP) for legal services. It was suggested Council also advertise for an RFP for engineering services. Borough Manager Boehm provided Council with a copy of the ad and specifications she had prepared last year. Council decided to wait until after the budget was addressed to move forward with advertising. In the meantime, Borough Manager Boehm will prepare an RFP for engineering services.

UNFINISHED BUSINESS – PART I

- a. Sidewalk Policy – Council discussed the Zoning Officer's list of proposed options for enforcement of the sidewalk ordinance for Council's review which are: 1) existing curb and sidewalk will be inspected on all streets scheduled for repair or reconstruction; 2) existing curb

and sidewalk will be inspected at any location where a safety complaint is received; 3) all existing curb and sidewalk will be inspected on a five year rotating schedule, and 4) when new curb and sidewalk will be required. Council Members Sikorski and Becker thought items 1 and 2 were sufficient. Council did not want to have a cycle of inspections as proposed by Zoning Officer Nixon at this time. Borough Manager Boehm will prepare a policy with items 1 and 2 as proposed by the Zoning Officer.

UNFINISHED BUSINESS – PART II

- a. Emergency Management Plan - Council Member Boyko requested an updated list of Council and Authority members along with an updated inventory list from Public Works Department from the Borough Manager. He also noted the new Council Members will need to take the NIMS courses. Council Member Walker noted he took the courses when he was on Council previously.
- b. Wastewater Ordinance Revisions
- c. Uniform Construction Code Amendment

The above items will be carried.

NEW BUSINESS

- a. Adoption of 2012-2013 Council Agenda Guidelines – This matter discussed under Item (a) after the Call To Order.
- b. Adoption of Resolution 2012-1, Designation of Depositories and Appointing Signatories for 2012 - Council Member Sikorski made a motion to adopt Resolution 2012-1, second by Council Member Cope. Motion carried: 6 ayes
- c. Adoption of Resolution 2012-2, 2011 Fee Schedule - Borough Manager Boehm noted the changes to the 2012 fee schedule. Some of the changes were the Zoning Hearing Board application fees, the professional services escrow for planning commission fees was added, fees and escrow for land development and subdivisions were also added, costs were added for a street opening to cover the Borough's cost for the street repair. Borough Manager Boehm explained the process to obtain a street opening permit and how the costs would be applied. This would only apply to curb work done on a street not scheduled for repaving.

Council Member Sikorski made a motion to adopt Resolution 2012-02, second by Council Member Walker. Motion carried: 6 ayes

- d. Adoption of Resolution 2012-3, Approval of Banners Across Rt. 100 - Council Member Walker made a motion to adopt Resolution 2012-03, second by Council Member Cope. Motion carried: 6 ayes

e. Adoption of Resolution 2012-4, Cooperative Purchasing - Council Member Boyko made a motion to adopt resolution 2012-04, second by Council Member Sikorski. Motion carried: 6 ayes

f. Appointments to the following Boards:

1. Appointment to a 5-year term on the Borough Authority expiring 12/31/2016

Council Member Becker made a motion to appoint David Wentz to the Borough Authority for a 5 year term expiring 12/31/2016, second by Council Member Boyko. Motion carried: 6 ayes

Council Member Walker left the meeting room at this time.

2. Appointment to a 1-year term on the Vacancy Board expiring 12/31/2012

Council Member Sikorski made a motion to appoint Kevin Wieder to the Vacancy Board for a 1 year term expiring 12/31/2012, second by Council Member Boyko. Motion carried: 5 ayes

3. Appointment to vacant position on Zoning Hearing Board expiring 3/31/2013

Council Member Becker made a motion to appoint John Horner Jr. to the Zoning Hearing Board to fill the vacant position with the term expiring 12/31/2013, second by Council Member Sikorski. Motion carried: 5 ayes

Council Member Walker returned to the meeting.

g. Approval of Payment No. 1 to Zgura's Concrete Services, Inc. for the ADA Ramps

Borough Manager Boehm explained the funds will be reimbursed by the County ADA grant and PennDOT has been inspecting the work. There is a check list of items that need to be completed. There is 10% retention of the payment.

Council Member Boyko made a motion to approve the payment to Zgura's Concrete Services in the amount of \$22,225.05, second by Council Member Becker. Motion carried: 6 ayes

- h. Authorization to sign Agreement with Berkheimer for Local Service Tax Collection
- i. Adoption of Resolution 2012-5, Retain Berkheimer for Local Service Tax Collection
- j. Adoption of Resolution 2012-6, Appoint Berkheimer as Tax Hearing Officer
- k. Adoption of Resolution 2012-7, Appoint Borough Liaison to Berkheimer
- l. Adoption of Resolution 2012-8, Adopt Schedule of Collection Costs and Authorize Berkheimer to retain costs

President Nagle noted Solicitor Siegfried had not reviewed the agreement with Berkheimer. Items (g) through (k) will be carried until the next meeting to allow the Solicitor to review the agreement.

m. Petition to Vacate Vine Street – This item was discussed under the Solicitor’s Report.

n. Thomas Bailey, Bailey Associates Inc, 315 E. Main Street, Macungie - Mr. Bailey has requested to be the agent of record to provide quotes for the Borough workers compensation, auto and property insurance. He also recommended changing the Borough’s policy effective date to January 1. Borough Manager Boehm noted there is a reason the Borough insurance has an effective date of May. She will contact the Borough’s agent to confirm the reason and report back to Council. This was continued to the next meeting.

ITEMS NOT ON AGENDA

None.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 10:30 pm.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant