

CALL TO ORDER

President Jean Nagle called the January 16, 2012, regular meeting of Macungie Borough Council to order at 7:40 p.m. in the Auditorium of the Macungie Institute, 510 E. Main Street, Macungie, PA.

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
Solicitor:	Attorney Timothy Siegfried

President Nagle noted an executive session was held prior to the regular meeting regarding litigation and no action was necessary.

SPECIAL PRESENTATION

a. Stone Hill Village, 150 Spring Street, Sketch Plan – President Nagle reported the special presentation on Stone Hill Village was postponed. Borough Manager Boehm explained a written request was received today from Wayne Doyle of Cowan Associates, Inc., engineer for Stone Hill Village, granting a 60 day extension for the Borough to review the subdivision plan. Council Member Walker noted the Fire Department disapproved of the plan, but he would like the Fire Department to be specific on their disapproval. Borough Manager Boehm will contact the Fire Chief to request the Department review and comment on the plan. It was noted the plans provided to Council did not incorporate the Planning Commission’s comments. It was the consensus of Council to have the Planning Commission’s comments incorporated on to Plan C for review by Borough Council.

Council Member Hutchison made a motion to accept the 60 day time extension for Stone Hill Village with the condition that a plan be submitted to Council that incorporates the Planning Commission recommendations on Sketch Plan C which was one of the preferences of the Planning Commission, second by Council Member Walker. Motion carried: 7 ayes

PUBLIC COMMENTS

- a. Prior Public Comments
 - 1. Allen Crawford, re: Sidewalk Ordinance – Borough Manager Boehm researched why the primary consideration of safety was not in the sidewalk ordinance adopted by

Borough Council. After reviewing the various revised ordinances, she found the first revision that did not have safety as the primary consideration was May 6th, which was revised from the April 27th workshop of Borough Council and the Sidewalk Committee. The minutes of the meetings did not detail the changes. She recommended putting the primary consideration into the sidewalk policy instead of amending the ordinance. Council Member Sikorski remembered the statement was removed by Solicitor Siegfried who felt it was vague and unclear. Solicitor Siegfried stated having the comment on safety in the ordinance would make it difficult to define and interpret for litigation.

Mr. Crawford questioned what the Zoning Officer would use to determine when sidewalks are needed. Council noted the ordinance had criteria for the Zoning Officer to determine the need for sidewalks.

b. Public Comments

1. Guy Ramsey, 133 S. Church Street, Macungie, stated his position on the Mayor's actions when he was on Council and asked specific questions regarding the statement read by Council Member Becker at the January 3rd meeting. President Nagle requested a copy of Mr. Ramsey's questions in writing and noted his questions would be addressed at the next meeting.
2. Jane Ramsey, 133 S. Church Street, Macungie, commented on the proposed amendments to the 2012 budget at the January 12th budget workshop. She appealed to Council not to reopen the 2012 budget.
3. Ron Conrad, 84 Willow Street, Macungie, commented on the amendments to the 2012 budget and requested Council not reopen the 2012 budget.

COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS

- a. Council Member Hutchison requested a monthly police report, including the K-9 Unit from Mayor Hoffman. Mayor Hoffman will supply the report to Council.
- b. Council Member Boyko asked the status on the storm sewer mapping. Borough Manager Boehm noted the Public Works crew will be going out with the GPS next week.

APPROVAL OF MINUTES

- a. January 3, 2012 meeting – Council Member Hutchison made a motion to approve the January 3, 2012, meeting minutes. Motion died without a second. Corrections were made to the minutes of the January 3, 2012 meeting and approval was tabled until the next meeting. Council Member Becker's statement will be attached to the minutes as requested.

CORRESPONDENCE

- a. Zoning Officer, re: December 2011 Report
- b. Karen Holt, Macungie Institute, re: Thank you letter to the Air Products Foundation for the grant award.
- c. Meals on Wheels, re: Thank you for consideration of their request.
- d. Darrin Fry, Teamsters Local Union #773, re: Requesting negotiations regarding the work status change for the Macungie Building Coordinator position.
- e. Robert Smigielski, Scoutmaster Troop 71, re: Request for a Borough Official to meet with the Boy Scout Troop for merit badge requirements.
- f. Lehigh County Emergency Services, re: Lehigh Valley Hazard Mitigation Plan update session to be held on Tuesday, January 24, 2012. Borough Manager Boehm will be attending.
- g. Robert Young, 4102 Indian Creek Road, Emmaus, re: Budget comment on the Macungie Institute Building Coordinator position and legal fees - Council Member Hutchison agreed with the comments in the letter on the legal fees.
- h. Karen Holt, Macungie Institute Building Coordinator, December Report
- i. James Wieder, re: 2011 Annual Inflow and Infiltration Report
- j. Christopher J. Cook, Lightman Welby Stoltenberg & Caputo, re: Requesting negotiations regarding the Mayor's intent to place Global Positioning System (GPS) units in the police cars.

REPORTS

- a. Solicitor
 1. Uniform Construction Code Amendment – Solicitor Siegfried submitted a draft ordinance to Council. A copy of the ordinance was sent to the Building Code Official and Code Enforcement Officer for review and comment. Solicitor Siegfried noted their comments were mainly procedural. The Borough Manager requested more time to review the ordinance with the Code Enforcement Officer. The ordinance was tabled for further review by the Borough Manager.
 2. Petition to Vacate Vine Street – Attorney Rebecca Young was present along with her clients, the property owners at 54 S. Sycamore Street, petitioning Borough Council to vacate a portion of Vine Street. Solicitor Siegfried reviewed the petition to vacate and prepared a procedural outline to guide the Borough and petitioner through the steps needed to vacate, responded to the comments by Zoning Officer Nixon and recommended Council ask the petitioner to amend the petition by letter to release the

Borough from any damages by virtue of vacation. Solicitor Siegfried reported a survey plan of the property was not required. However, an easement for the storm drain in this portion of Vine Street will need to be prepared and filed by the petitioner's attorney.

Council discussed having the unopened portion of Vine Street surveyed. Solicitor Siegfried noted the Borough is only vacating the Borough's rights to the property. The survey would only be for a private matter. Solicitor Siegfried suggested doing a PA One Call in case any other utilities are in that area. This item will be carried.

3. Berkheimer Agreement for LST Collection - Solicitor Siegfried reviewed the agreement and associated resolutions and had several comments. Berkheimer's legal department reviewed Solicitor Siegfried's comments and addressed some of them. Borough Manager Boehm requested a meeting with Solicitor Siegfried and Rose Nonnemacher, tax collector, to review all the comments. Solicitor Siegfried's concerns included the lack of 1) a bond amount in the agreement, 2) segregation of funds, 3) a report indicating who paid their taxes and 4) an audit. This matter will be carried.

Prior to Council Member Hutchison leaving the meeting, he informed Council he did not want any negotiations with the police department for the GPS in the police cars and he approved of the amended preliminary budget.

b. Mayor

1. Mayor Hoffman is moving forward with obtaining the GPS donations. He noted the cost is \$89 monthly for a total cost of \$1700 the first year.

c. Borough Manager

1. Committee Recommendations – Borough Manager Boehm submitted a list of committee suggestions to Borough Council. They will review the list and descriptions and suggest any changes or other types of committees at the next meeting.

2. Sale of Police Car – At the last meeting Borough Manager Boehm questioned which police car the Borough was selling and was directed by Council to consult with the Police Chief and Borough Mechanic. She reported the Police Chief did not want to sell any police cars until a new car was being purchased and it was the mechanic's recommendation to sell the oldest vehicle, the Chevy Impala. Mayor Hoffman recommended keeping the Chevy Impala at this time. After some discussion it was the consensus of Council to keep the Chevy Impala for the fourth police car.

3. Insurance Renewal Date Change – Borough Manager Boehm reported that the Borough's effective date was based on the effective date of the Workers Compensation pool at the time the Borough joined, which was May 1st. That has since changed and should Council wish to change the Borough's effective date, they can do so. Borough Manager Boehm commented she would not like to change the current effective date of May 1st to January 1st because she would then have to deal with insurance quotes during

budget season. She recommended Borough Council keep the current effective date of the insurance policy at May 1st.

4. Street Opening Permits – Borough Manager Boehm provided Council with a copy of all the forms created by Zoning Officer Nixon for sidewalk and street opening work. She explained the street opening permit would deal with work needed for the street restoration. The applicant will be given an estimate for the street work and upon completion of the street restoration the applicant will be invoiced for the difference of the actual restoration costs. Public Works Supervisor Smith prefers the applicants do the street restoration work but the ordinance states the Borough crew fixes the streets. Council discussed how to make utilities accountable when work is done in the Borough streets. The Borough at this time does not have a maintenance bond from any utilities. Solicitor Siegfried suggested finding out what other municipalities do.

5. Lehigh County CDBG Five Year Consolidated Plan - Borough Manager Boehm reported Lehigh County is preparing a new Five Year Consolidated Plan that will include the goals and objectives for the use of the CDBG program funds for fiscal years 2012-2016. The County is inviting municipalities to share their views on needs of the County and how those needs can be met with CDBG funds. Meetings will be held on January 26th at 2 p.m. and 7 p.m. in the public hearing room of the Lehigh County Government Center.

UNFINISHED BUSINESS - PART I

a. Approval of Amended Preliminary 2012 Budget and Authorize Display – President Nagle moved this agenda item forward from New Business. Council Member Boyko questioned the validity of the motion to reopen the 2012 budget. Solicitor Siegfried noted if the motion was made, seconded and carried, the procedure was done correctly. President Nagle reported that the motion was verified by the Administrative Assistant listening to the tape recording of the meeting. It was the consensus of Council the proper procedure was followed to re-open the budget.

Council Member Walker made a motion to approve the amended preliminary 2012 budget and authorize the budget to be on public display for 10 days starting Monday, January 23, second by Council Member Becker.

Council Member Boyko noted he was against re-opening the budget because it increased property taxes and noted the items changed in the budget. Council Member Walker commented the administration would not be able to do the job with only the Borough Manager and one employee in the office. Council Member Becker's reason to re-open the budget was to keep the status quo because the approved budget lacked an operational plan to work within the budget cuts. Council Member Sikorski noted the prior 2012 budget affected the efficiencies of the Borough.

Motion carried: 4 ayes (Council Members Becker, Nagle, Sikorski and Walker), 2 nays (Council Members Boyko and Cope)

- b. Adoption of 2012-2013 Council Agenda Guidelines – Council readdressed the time limit for the public comments. It was the consensus of Council to allow public comment for 5 minutes, allow the public to comment on an agenda items during the meeting and remove Public Comment Part II at the end of the meeting. This item was carried.
- c. Sidewalk Policy – Borough Manager Boehm requested Council discuss Item No. 4 on the Zoning Officer’s memorandum for the sidewalk policy, dealing with when new curb and sidewalk is required. President Nagle reiterated Council’s decision at the January 3rd meeting to agree on Items 1 and 2 but not on Item 3 for an inspection cycle. It was the consensus of Council to include Item 4 in the sidewalk policy, without item b referencing safety. Borough Manager Boehm will prepare the policy.
- d. Authorization to sign Agreement with Berkheimer for Local Service Tax Collection
- e. Adoption of Resolution 2012-5, Retain Berkheimer for Local Service Tax Collection
- f. Adoption of Resolution 2012-6, Appoint Berkheimer as Tax Hearing Officer
- g. Adoption of Resolution 2012-7, Appoint Borough Liaison to Berkheimer
- h. Adoption of Resolution 2012-8, Adopt Schedule of Collection Costs and Authorize Berkheimer to retain costs

These items are being carried.

- i. Thomas Bailey, Bailey Associates Inc, re: Request for Agent of Record for Borough insurance – This item is being carried.

UNFINISHED BUSINESS - PART II

- a. Emergency Management Plan Update - Council Member Boyko is waiting for paperwork.
- b. Wastewater Ordinance Revisions – Solicitor Siegfried is waiting to hear from Allentown City Solicitor Fruhwirth.
- c. Uniform Construction Code Ordinance Amendment – This item is being carried.
- d. Vacating Unopened Streets – This item is being carried.

NEW BUSINESS

- a. Authorization to sign Emmaus Public Library 2012 Contract - Council Member Sikorski made a motion authorizing the signing of the 2012 contract with Emmaus Public Library, second by Council Member Walker. Motion carried: 6 ayes
- b. Approval of Payment No. 2 to Zgura’s Concrete Services, Inc. for the ADA Ramps - Borough Manager Boehm noted the payment approval was for \$14,587 and kept a retention

amount of \$4,090. Borough Manager Boehm reported the certified payroll sheets must be approved by Lehigh County prior to payment approval for to the CBDG funds. Council Member Becker made a motion to approve the payment to Zgura's Concrete Services in the amount of \$14,587.00, second by Council Member Boyko. Motion carried: 6 ayes

- c. Teamster Union's letter to negotiate change in MI Building Coordinator hours – This item will be carried until the budget is finalized. Borough Manager Boehm will send a letter noting the delay in addressing this request.
- d. Boy Scout Troop 71 Request – Robert Smigielski, Scoutmaster for Troop 71, requested a visit from a Macungie government official to speak to the scout troop on constitutional rights. It was the consensus of Council to have Mayor Hoffman speak to the Boy Scout Troop.
- e. Police Association request to negotiate GPS systems – This will be reviewed by Solicitor Siegfried.
- f. Approve Amended Preliminary 2012 Budget and Authorize Display – The budget was addressed under Unfinished Business, Part I, Item a.

ITEMS NOT ON AGENDA

- a. Council Member Boyko questioned when President Nagle was going to address Guy Ramsey's comments. President Nagle noted his comments would be addressed at the next meeting under Prior Public Comments. A copy of Mr. Ramsey's comments will be supplied to Council before the next meeting.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Cynthia Hartzell
Administrative Assistant