

CALL TO ORDER

President Chris Becker called the May 06, 2019, regular meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

Council Members:	Alma Akinjiola
	Chris Becker
	Barry Bloch
	Debra Cope
	Greg Hutchison
	Roseann Schleicher
	John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Chris L. Boehm
Solicitor:	Patrick Armstrong
Engineer:	Bryan Smith
Administrative Assistant:	Selma Ritter

MAIN STREET STREETScape PLAN, PHASE 3 – BRYAN SMITH, from Barry Isett & Associates (“BIA”). Bryan gave a brief history of the overall streetscape project, to date. Phase 1 included the bumpouts along Main Street, from Race Street to S. Chestnut Street. Phases 2 and 3 will have the same design along Main Street, which includes installation of City Sprite Zelkova trees, LED ornamental street lights and brick pavers on the sidewalks. Phase 2 is from the railroad tracks, near Race, to Pine Street and Phase 3 is from Pine to Lea Street.

Bryan discussed the grants the Borough received for Phases 1, 2 and 3, along with a brief description of their processes, differences, restrictions and required inspections. A \$750,000.00 Multimodal Grant from DCED was awarded to the Borough for Phase 3.

The following comments and/or statements were made related to Phase 3:

- LED Lights. Bryan Smith stated the street lights will be 14’ in height and centered 18” from the curb. The wiring will be in a conduit. He commented that the illumination distribution from the lights will be more uniformed. The lights will have a separate circuit and outlet at the top of the pole for holiday lighting, and a metal hat/shield to help prevent illumination spillover.

- Trees. The trees will not grow flowers or fruits. They will have a spread of approximately 15’, depending on their growth, and will have a lifespan of approximately 20 years. There will be some sap release, but it would not “ooze” sap like a pine or cherry tree. President Becker stated the Borough budget would need to include funds for an arborist to maintain the trees, i.e. trimming. The street trees will not be maintained by “in house” staff. Bryan discussed the tree installation process, so the brick pavers don’t shift.

- Brick Pavers. Bryan Smith stated the lifespan of the bricks could be hundreds of years. He then discussed the construction and installation process for the brick pavers. To help keep the bricks from becoming uneven (over time), the area would be excavated out, backfilled with stone for the trenching, a layer of concrete would be put underneath, then the bricks would be affixed to an asphalt binder. After installation is complete, the bricks would have a sealer put on them to help reduce staining. He stated that the bricks would be resistant to road chemicals, such as brine and salt, that is used during the winter months for inclement weather. The bricks could be removed, for maintenance or repair work, then reinstalled.

An unidentified resident asked who would be responsible for the maintenance and repairs to the sidewalk and brick pavers. President Becker stated the Zoning Ordinance states the property owner is responsible for the maintenance of the sidewalks and curbs on their property, which would include the brick pavers. Borough Manager Boehm commented if there were a Borough related water or electrical issue in the right-of-way of the sidewalk, then the Borough would be responsible for the cost and repairs.

ADA Ramp(s) accessibility at Race Street. Bryan Smith then discussed potential ADA Ramp(s) at the southern corners of Race and Main Streets. He provided two plans showing options for safer pedestrian accessibility: Option #1 proposed painted pavement markings/crosswalk, which would help define and control traffic. This option would maintain the existing street curb lines and pavement, as they currently exist. The improvements would be minimal. Therefore, it would be the least expensive option.

Option #2 would propose widening Race Street with new curb lines, to accommodate most of the tractor trailer ingress and egress circulation, and stormwater drainage would be added. Currently, there is a 25' cart way, which would be widened to 40'. There would also be a 50' right-of-way. Bryan described the traffic flow and turning restrictions with this option, including no right turn onto Main Street going southbound and the road widening would strictly be to the south. A 5' wide sidewalk area would be added to the northern side.

Bryan commented that Option #2 would allow a full curb line coming out of Race Street, so pedestrians would have a ramp on both sides of the south corners of Race and Main Streets, leading to a full raised curb (Refuge Island).

Carl Sell, 46 Locust Street, Macungie, questioned why Option #2 was not thought about when the other work at the Race and Main Streets intersection was done before. Bryan explained that when the Phase 1 of the Streetscape was done, BIA conducted circulation assessments in each location in accordance with the PennDOT and Federal Highway Administration manuals, however, at that time, Option #2 did not meet the required criteria for proposal. And, when BIA learned of potential traffic circulation issues in that area, during Phase 1 construction, they decided to put the project on hold, until now.

An unidentified resident asked if the frequency of large tractor trailers is exclusively for Allen Organ, then would they be interested in funding some of the costs. Bryan stated that it is pretty much exclusively for Allen Organ. He commented there are other businesses that have large trucks with trailers traveling to their facility, but not necessarily the full 67' tractor trailer.

President Becker stated that the Borough would have to acquire land to make it [Option #2] happen. He commented that he was unaware of anywhere in the Borough that land was acquired in previous years and it is not something that Council feels they intend to do in the future. He then stated there was another plan that was previously drafted and reviewed, but it required land to be donated, which could not be done.

Council discussed the advantages, disadvantages and costs for both options. President Becker noted that paint on streets does not hold up well and Option #1 would require annual repainting/maintenance. Council Member Yerman commented that Option #1 would cost much less, compared to Option #2 and is worth considering. Council noted that either option would require coordination with Norfolk Southern Railroad and PennDOT, because the work would be done in their right-of-way.

An unidentified resident asked what precipitated Council to consider widening Race Street. President Becker commented that Council asked the engineer to draft options for the area and it was the plan they came up with. Council Member Cope gave a brief history of a complaint Council received from a disabled person in a wheelchair, where they asked how they would be able to travel across the area. She noted there were discussions with the Public Utility Commission and Railroad regarding the matter, along with Council having several discussions among themselves.

Council Member Schleicher made a motion to authorize Borough Manager Boehm to get a cost estimate for the paint striping at Race and Main Streets as presented by Barry Isett, second by Council Member Cope. Motion carried: 7 ayes.

Council then discussed holding a public workshop for Phase 3 of the Main Street Streetscape on May 20, 2019 at 6:00 p.m., prior to the regular Council meeting. Property owners will be notified of the meeting, and it will be advertised in the East Penn Press, as well as online.

#### PUBLIC COMMENTS

- a. Prior Public Comments to Council – None.
- b. Comments from the Audience on non-agenda items.

Carl Sell, 46 Locust Street, Macungie, distributed a photograph of a vehicle parked on Poplar Street across from Master Supply Line, located at 49 S. Poplar Street, Macungie. He asked for the curbing, near the stop sign, to be painted yellow so vehicles do not park there. Borough Manager Boehm will discuss the matter with the Public Works Supervisor, Tracy Smith. She also commented that since the Motor Vehicle Code states vehicles need to be parked a certain distance away from a stop sign, the curb should not need to be painted for the violation to be enforced.

Nancy Meck, 9 Main Street, Macungie, questioned if they could patch their sidewalk or if the whole sidewalk needed to be replaced. President Becker noted Ms. Meck received a notice from the Code Enforcement Officer requiring their sidewalk to be replaced. He commented that he went to her property to look at the sidewalk blocks, several of which need to be replaced, and tonight she is seeking information on whether they can patch and/or replace the sidewalk blocks. President Becker informed her that was a question for the Borough Zoning Officer. He discussed the letter

Ms. Meck received from the Borough, which discussed the Zoning Ordinance regulation(s) for sidewalks and the process of sidewalk liens, if the work does not get done. He noted that the liens are meant to help people that could not otherwise afford to have work done on their sidewalks. The matter will be discussed with Zoning Officer Nicholson.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS. Council Member Schleicher discussed the Easter Egg Hunt, which was held on April 21, 2019 at Macungie Memorial Park (“MMP”). She commented that the park and Easter Bunny did a wonderful job with the event and the kids loved it. Approximately 700 children attended. Council Member Bloch commented that the Macungie Police Department also did a great job.

President Becker invited Council and the public to the V.F.W. Memorial Day events, which will be held on May 26 and 27, 2019. There is a ceremony at the MMP Veteran’s Memorial Flag at 9:00 a.m. The parade will form at Shoemaker Elementary School at 10:30 a.m. He noted that last year some of the Council Members walked in the parade.

#### APPROVAL OF MINUTES

a. April 15, 2019 meeting – Council Member Yerman requested a change in the language to the motion he made on page 6(c), paragraph two, which read “... to approve Plan B, rebranding the Macungie Institute as ...” He stated that he did not recall saying “Plan B” in the motion, and he and Macungie Institute Manager Tim Brown agreed using “Plan B” in the name is not a good approach to branding. Therefore, “Plan B” should be removed to have the sentence read, “...to approve rebranding the Macungie Institute as...” Borough Manager Boehm clarified that it is to use Plan B, which is the rebranding, not the name.

Council Member Yerman made a motion to approve the April 15, 2019 meeting minutes, with the one change, to remove Plan B, second by Council Member Akinjiola. Motion carried: 6 ayes and 1 nay. Council Member Hutchison opposed.

#### CONSENT AGENDA

a. Treasurer’s report of April 30, 2019 – After Council discussed the Treasurer’s Report, Council Member Schleicher made a motion to approve the April 30, 2019 Treasurer’s Report, as presented, second by Council Member Cope. Motion carried: 7 ayes.

b. Payment of invoices as listed totaling \$139,516.36 – Council discussed the invoices listed on the Consent Agenda, as of May 07, 2019.

Borough Manager Boehm noted the invoice from Schaedler Yesco, in the amount of \$509.14, is for the MI stage lighting. She commented that the invoice was for electrical parts for the lighting that the Macungie Institute Friends (the “Friends”) were purchasing, which was not budgeted for.

The costs of the stage lighting were then discussed. Borough Manager Boehm stated she talked with Macungie Institute Manager Tim Brown (“Manager Brown”) about the invoice charge(s), after the Schaedler Yesco invoice was received. Manager Brown acknowledged when he came before Council, and proposed rebranding the MI, he discussed the installation of the stage lighting,

keypad door entry and video security system being paid for by the Friends. Later, he questioned if Council would help pay for some of it. Tonight, Borough Manager Boehm asked Council if they were interested in paying for the electrical parts and installation for the stage lighting, in the amount of \$509.14. She commented that there will also be electrical charges for installing the key pads and security cameras.

Borough Manager Boehm and the Council Members agreed that they understood, from Manager Brown, that the Friends were paying for everything related to the purchase and installation of the items. President Becker stated that Council should know all the work and costs associated with the proposed projects and the time the Public Works Department will spend doing the work, before Council can make a decision. Council noted that their understanding of the Friends paying for the purchase and installation of the items was the reason Council approved it. Borough Manager Boehm commented that, when this happened, she asked for a proposal showing what the expenses for each item would be. Borough Manager Boehm will inform Manager Brown that Council's approval was for the Friends paying for everything. Council Member Yerman commented that it does not mean Council would not help with some of the expenses, but they would like to see a proposal of all the expenses. President Becker suggested having the Friends reimburse the Borough for the invoice that was received, then bring the rest of the plan for the project before Council for their review.

Angie Ashbrook, 317 Parkside Drive, Macungie, questioned why the invoice would come through the Borough and not be sent directly to the Friends, if they offered to pay for it.

President Becker stated that the policy has always been that all invoices come through the Borough for payment, then Council approves the payments, whether they are a reimbursed expense or not. Council stated they approved the MI rebranding plan based on the Friends paying for purchase and installation of the lights, key pad and security cameras. He suggested the Friends pay the current invoice, then provide a plan for costs to Council to review.

Council Member Hutchison made a motion to approve paying the Consent Agenda invoices, in the amount of \$139,516.36, second by Council Member Schleicher. Motion carried: 7 ayes.

Council discussed the items listed on the Budget vs Actual report. They noted a few items that appeared to be close to being over, or overbudget. Borough Manager Boehm commented that some of the items are at budget because it was a one-time purchase, i.e., new computers. President Becker stated, when he has a question about an item, he asks for and receives a report from Assistant Treasurer Rosemarie Nonnemacher that explains the details of the line item.

#### CORRESPONDENCE

- a. Emmaus Library, re: April 16, 2019 Board Meeting Minutes/Packet. No action was taken by Council.
- b. Macungie Farmers Market, re: invitation to ribbon cutting ceremony on May 16<sup>th</sup>. The letter requested that Council Members interested in attending the event RSVP. It also requested the use of the MI facility for four dates when the Market cannot be held at the Macungie Memorial

Park, which Council had denied at the last meeting. Council Member Schleicher stated she will try to attend the ribbon cutting ceremony.

c. Anthony Campanell, re: letter of resignation as part-time police officer. Due to personal reasons, Officer Campanell submitted a letter of resignation, dated April 18, 2019.

d. Allentown Fire Police, re: Certificate of Appreciation to Macungie Fire Police. In recognition of the Macungie Fire Police's dedication and service to the Allentown community, the certificate was a token of thanks and appreciation for their response to Allentown Fire Police's scheduled events.

e. Municipal Retirement Trust, re: Quarterly Report. No action was taken by Council.

Borough Manager Boehm reported that a presentation and discussion workshop on the Borough's Pension Investments is scheduled for Monday, August 5<sup>th</sup> at 6:00 p.m. at the MI, prior to the regular Council meeting. Representatives from PSABMRT, Thomas Anderson & Associates and Morgan Stanley will be in attendance to give the presentation.

f. Municipal Retirement Trust, re: March 2019 Monthly Reports. No action was taken by Council.

g. Macungie Volunteer Fire Department, re: April 2019 Training Report. Training included Equipment Hunt, Scba, Esst. Class, FF1 Class, Preconnect, Tanker Operations and Check scba change.

h. West Easton Borough, re: Right-To-Know Law. The correspondence asked Council to consider drafting and approving a Resolution asking the Pennsylvania State Legislature to (1) enact an amendment to define the words "harass" and "overburden" in the Right To Know Law and (2) to provide a venue of remedy for a public body to solicit relief from the Office of Open Records or the Courts, to address those who could be recognized as a "Vexatious Requestor."

i. Roseann McGinn, 151 S. Church Street, re: Macungie Institute Trustee Vacancy. The correspondence was a letter of interest for the vacant MI Trustee seat, expiring 03/31/2022.

j. Richard Stukas, 43 Locust Street, re: Macungie Institute Trustee Vacancy. The correspondence was a letter of interest for the vacant MI Trustee seat, expiring 03/31/2022.

k. Macungie Volunteer Fire Department, re: April 2019 Response Report. They responded to 4 calls in the reported month; 4 calls were in the Borough of Macungie.

l. Police and Non-Uniform Pension 1/31/2019 Actuarial Reports. No action was taken by Council.

m. Macungie Volunteer Fire Department, re: April 2019 Certificate of Classes Report. The report noted no certificates of classes or new members.

n. Macungie Volunteer Fire Department (“MVFD”), request for Borough to donate light bars for Dodge Charger. President Becker added this correspondence to tonight’s Agenda, which he received from the MVFD. He read a portion of the correspondence, which asked Borough Council to consider donating the two white bar lights that were previously installed on the Dodge Charger police car (Council approved donating the Dodge Charger to the MVFD on April 15, 2019).

There was a unanimous consensus among Council to defer the matter until after Mayor Conrad discusses it with Sergeant Travis Kocher.

## REPORTS

a. Solicitor.

i. Second Addendum to the Development Agreement for the Estates at Brookside. Solicitor Armstrong gave a brief history of the First Addendum, which included stormwater in 2012-2013. The Second Addendum is for a cash escrow of \$141,103.86 for the remainder of the outstanding improvements that were not completed yet and the release of the previous escrow funds. Solicitor Armstrong clarified that all the Second Addendum does is replace the existing financial security with the cash escrow for the same amount and same outstanding improvements. Borough Manager Boehm stated that the developer asked that the funds be held as a cash escrow instead of having it managed by a third party. The funds and outstanding improvements were discussed.

Council Member Yerman made a motion to approving the Second Addendum to the Development Agreement, second by Council Member Schleicher. Motion carried: 7 ayes.

ii. Update on proposed Ordinance Providing EIT Tax Credit to Volunteers of the Macungie Volunteer Fire Department and the Resolution. Solicitor Armstrong reported that the proposed Ordinance is being advertised for the June 03, 2019 Council meeting.

iii. Main Street Commons Development Request. Solicitor Armstrong received correspondence from the Applicant requesting a preliminary “earth moving” agreement to allow them to start some earth moving work on the property, prior to finalizing all of the conditions (Solicitor Armstrong stated he believes it is related to the PennDOT conditions).

Attorney Christopher McLean, from Fitzpatrick Lentz & Bubba, P.C. was in attendance tonight and spoke on behalf of the Applicant. He gave a brief history and update on the Lot Consolidation and Land Development Plans. Attorney McLean stated the Developer still has more “cleanup” revisions to make and all of the design issues were resolved. He stated the Developer is asking for Council’s authorization to allow Solicitor Armstrong to move forward with drafting an agreement for them to move earth onsite, outside of the PennDOT right-of-way.

Solicitor Armstrong suggested Council have an earth moving agreement drafted to state specifically what type of work can be done and in what location. He also suggested that the Developer be required to post financial security to secure the work that will be done. There was a unanimous consensus among Council to authorize Solicitor Armstrong to prepare an earth moving agreement.

iv. Rental Inspector Agreement. President Becker asked Solicitor Armstrong for a status update on the employment agreement that was to be drafted, between the Borough and Residential Rental Inspector (“Inspector”). Solicitor Armstrong commented that he was still waiting to receive the insurance document from the Inspector. President Becker commented that the Inspector does not wish to obtain insurance until an agreement is signed, as he expressed concern of earning enough income from the inspections to fund the insurance cost(s). Borough Manager Boehm suggested the agreement state it is contingent upon proof of insurance. President Becker directed Solicitor Armstrong to forward the agreement to the Inspector.

b. Mayor.

i. There was an accident on Main Street/Route 100 in the Borough on Saturday, May 04, 2019, which resulted in a fatality. The accident is under investigation.

ii. On Saturday, May 04, 2019, there was a fire at the Lehigh County Housing Authority apartment building on Locust Street, across from Borough Hall, which resulted in 30 residents being evacuated. Mayor Conrad stated the operation went well and there was a great effort between the Macungie Volunteer Fire Department, Macungie Police Department and Lehigh County Housing Authority.

iii. Traffic Studies from the speed board signs will be available at the next Council meeting.

iv. EVOLIS Radar Speed Signs. Mayor Conrad briefly discussed the signs, which are easily movable, could stay up throughout the year and collect the traffic data. He stated he is in support of the signs and thinks they are something to look into.

v. Mayor Conrad asked that the discussion of possibly promoting Sgt. Kocher to Police Chief be put back on the agenda to discuss if Council would like to have a Police Chief in the Borough and/or if they feel they need a Police Chief. If they do, he suggested Council prepare a list of interview questions for Sgt. Kocher to review prior to the interview. President Becker stated he would start a list of questions and circulate it to the other Council Members to add their questions. President Becker directed the matter be listed on the next Council Agenda for discussion. Council Member Yerman suggested the discussions begin with why the Borough needs a Police Chief and why it needs to change from having an Officer in Charge. He then asked Mayor Conrad to prepare a list of reasons why the Borough needs a Police Chief, instead of staying status quo with an Officer in Charge, along with reasons on how a Police Chief would make things better in the Borough for Council to discuss. Council also asked Mayor Conrad to provide a cost estimate for hiring a Police Chief. President Becker suggested Mayor Conrad ask Sgt. Kocher to give a list of advantages and disadvantages to having a Police Chief in the Borough.

Council discussed different questions that could be asked, such as if the Chief would be hired at the will of Council or would they have Civil Service protection, if another officer would need to be hired, if Sgt. Kocher is promoted to Chief, what other organizational changes would take place, what type of the Chief the person would be, i.e., patrolman Chief or administration Chief.



c. Borough Manager.

i. Sewer Fund Capital Investment – CD Maturing 4/26/2019. The CD is for \$100,000. Borough Manager Boehm read the last paragraph of Clerk/Assistant Treasurer, Rose Nonnemacher's, Memo, dated April 22, 2019 regarding her recommendation, which read "Given that the rates for CD's and the PLGIT rate are close, with CD rates still moving upwards, my recommendation at this time would be to allow me to reinvest these funds at TD Ameritrade, at the highest rate available with a reputable banking institution, for up to the length of time approved by the Borough Manager. Because rates seem to be going up, but slowly, shorter term investments seem the better option right now (6 months vs 1 year)."

Council Member Becker made a motion to approve reinvesting the \$100,000 Sewer Fund Capital CD with TD Ameritrade at the highest available rate, second by Council Member Schleicher. Motion carried: 7 ayes. President Becker noted that the interest rate is currently 2.35%.

ii. Proposed Floodplain Map. Borough Manager Boehm stated the proposed floodplain map was provided by the Federal Emergency Management Agency (FEMA) and she had forwarded it to Macungie Memorial Park. She discussed the changes to the proposed map and noted Mountain Creek was not previously on the floodplain map but is on the new map. The property owners within the floodplain will be notified by FEMA when the map is closer to being finalized.

iii. Halloween Parade Rain Date. David Briggs, coordinator of the Halloween Parade, wrote to inform Council that the Lower Lehigh Lions Club is considering no longer scheduling a rain date for the parade due to scheduling conflicts with the parade participants. If no rain date is scheduled and the parade is cancelled, they would keep the Borough's donation and apply it to the following year's parade, then the Borough's donation would not be required following year. There was a unanimous consensus among Council to approve the proposal.

iv. NPDES MS4 Permit Renewal. The renewal is for the Pollution Reduction Plan the Department of Environmental Protection (DEP) tentatively approved. As required by DEP, it is on display at Borough Hall for 30-days for public comments.

e. Committees. President Becker reported that a meeting was held with administrative personnel and the Teamster's representatives regarding an employee issue. The matter will be discussed in Executive Session.

UNFINISHED BUSINESS – PART I

a. Proposed Ordinance Providing EIT Tax Credit to Volunteers of the Macungie Volunteer Fire Department and the Resolution establishing criteria and amount, 6/3/19 meeting. No action taken by Council. Borough Manager Boehm commented that the matter is being advertised for the June 03, 2019 meeting.

UNFINISHED BUSINESS – PART II

- a. Macungie Institute Trustee Vacancy, term expiring 3/31/2022. Two applicants, Richard Stukas and Rosanne McGinn, submitted letters of interest for the vacancy.

Council Member Schleicher made a motion to appoint Rosanne McGinn as a Macungie Institute Trustee to fill the vacancy left by Linden Miller's passing, second by Council Member Akinjiola. Motion carried: 7 ayes.

NEW BUSINESS

- a. Jeffrey and Steffany Hartman (collectively, the "Hartmans") Sidewalk Waiver Request. The Hartmans, along with their attorney William Fries, from Fries Law Office, were in attendance tonight seeking a sidewalk waiver for the Hartman property, located at 212 West Main Street, Macungie.

Attorney Fries gave a brief history of the sidewalk notice and appeal. He referenced the Borough of Macungie Zoning Ordinance, Section 296.13(b) and noted the Planning Commission's denial of the waiver request in January 2019. Attorney Fries stated that he believes the Hartmans met the criteria for the waiver as there are unique physical circumstances which he alleged makes the installation of sidewalks an undue hardship, where the lack of sidewalk does not materially affect the safety and convenience of the general public. He described the unique physical circumstances on the property as (1) two Maple trees, which have branches that extend over a portion of Route 100, with root systems that are located within the proposed sidewalk area and cover at least fifty-percent (50%) of the area; (2) a slope greater than sixty degrees; and (3) utilities consisting of an existing fire hydrant, water main box, sewer line and traffic light control box. Attorney Fries argued that a sidewalk installation would adversely affect the two trees and a lack of a sidewalk would not adversely affect the public safety or provide an inconvenience to them.

Copies of the Hartmans property Deed, along with a diagram Mr. Hartman drafted were distributed to Council. Attorney Fries stated the Deed Description and diagram clearly show the Hartmans own the property where sidewalk is to be installed, therefore, the question of if the Hartmans own that portion the property can be laid to rest. Attorney Fries acknowledged the property was not surveyed to confirm they own the property. Mr. Hartman described how he determined where his property lines were to be placed on the diagram he prepared. He then commented that their property currently extends into the street and before the street was widened there was parking in front of their home, which was taken as part of the Route 100 expansion.

The possibility of adverse possession was briefly discussed. Solicitor Armstrong stated that if the Hartmans did not own the property in question, the thought was PennDOT owned it, and there is no adverse possession against PennDOT because the property is used as a public thoroughfare. Attorney Fries stated they are not relying on adverse possession.

Again, Attorney Fries argued that a sidewalk installation would adversely affect the two trees and a lack of a sidewalk would not adversely affect the public safety or provide an inconvenience to them. President Becker disagreed with his argument, regarding the public's safety and inconvenience.

Attorney Fries read a portion of a letter from the Borough of Macungie, dated June 20, 2001, which stated "...the Macungie Borough Council at their June 19, 2001 meeting passed a motion waiving your requirement to install sidewalk along Main Street at this time...", which Attorney Fries interpreted as saying the Hartmans don't have to install a sidewalk. Council Member Yerman clarified that the Council at that time, waived the requirement, but they did not give them a permanent waiver from ever installing sidewalk. Solicitor Armstrong noted the letter is not considered a permanent waiver and if the current Council Members granted anything it would be a deferral, not a waiver.

Mr. Hartman commented that pedestrians have sidewalk access across the street. He then again expressed concern for his trees and discussed the statements from experts on the possible harm and health to the trees that could occur if the tree roots were cut to install a sidewalk. Mr. Hartman then stated, "you talk about public safety and risk, but what about my home and my trees and the value to this community." President Becker reiterated a comment he made to Mr. Hartman which suggested he have an engineer look at alternative ways to have sidewalk installed.

Attorney Fries commented that the Hartmans are listed tonight for official action on the request for appeal. President Becker disagreed, then noted Attorney Fries' letter, dated March 27, 2019, which stated "In connection with this continuance request, on behalf of Mr. and Mrs. Hartman I am hereby waiving all applicable time requirements for action by Borough Council with respect the waiver request." President Becker then commented that, in his letter, Attorney Fries provided an indefinite amount of time to make a decision, therefore, a decision did not have to be made tonight. Attorney Fries signed/initialed the letter to confirm that the extension is indefinite.

There was also a discussion about other properties in the Borough that have utilities on the property and sidewalks were installed around them. The degree of the slope was also discussed. Mr. Hartman discussed how he determined the slope to be 60 degrees or greater. President Becker commented that the Hartmans did not meet the slope criterial.

Solicitor Armstrong summarized tonight's discussion by giving the history for the Hartmans' appeal. He noted the arguments the Hartmans are making to not have a sidewalk installed, what criteria the Sidewalk Ordinance says they have to meet for a waiver to be granted and the evidence the Hartmans provided. He then commented that his understanding from Council is that the Hartmans may have only met the criteria for the trees and shrubs, but not the utilities and slope criteria. Solicitor Armstrong noted that Council also has to consider if lack of sidewalk would not materially affect the public safety.

President Becker commented that the Hartmans need to consider other options for having a sidewalk installed. Attorney Fries stated he and the Hartmans will have a caucus to consider other alternatives and report back to Council and/or Solicitor Armstrong.

b. Acceptance of Anthony Campanell letter of resignation as part-time police officer. Council Member Hutchison made a motion to accept Anthony Campanell's letter of resignation as part-time police officer, second by Council Member Schleicher. Motion carried: 7 ayes.

c. Authorization for President Becker to sign CFA Multimodal Transportation Fund Grant Agreement and Commitment Letter for the Main Street Streetscape Project Phase 3. Council Member Schleicher made a motion to authorize President Becker to sign the CFA Multimodal Transportation Fund Grant Agreement and Commitment Letter for the Main Street Streetscape Project Phase 3, second by Council Member Cope. Motion carried: 7 ayes.

d. Authorization for Borough Manager and Solicitor to accept the contract with Marino Corporation for Main Street Streetscape Project Phase 2 as prepared by PennDOT. Council Member Schleicher made a motion to authorize Borough Manager Boehm and Solicitor Armstrong to accept the contract with Marino Corporation for Main Street Streetscape Project Phase 2 as prepared by PennDOT, second by Council Member Akinjiola. Motion carried: 7 ayes.

e. Appointment of Part-Time Public Works Seasonal Employee. Borough Manager Boehm briefly discussed Keith Braim's work history and qualifications. She noted that Mr. Braim was interviewed by Public Works Supervisor, Tracy Smith.

Council Member Hutchison made a motion to appointment Keith Braim as the part-time Public Works Seasonal Employee at the hourly wage of \$10.00 until Labor Day per the Teamster's Contract, conditioned upon Mr. Braim passing the pre-employment drug and alcohol screening tests, second by Council Member Akinjiola. Motion carried: 7 ayes.

f. Authorization to reinvest \$100,000 Sewer Fund Capital CD with TD Ameritrade at the highest available rate. This was previously addressed.

g. Authorization to draft proposed resolution for Right-To-Know Law and relief from vexatious requestors. Borough Manager Boehm discussed some of the monthly Right-To-Know requests the Borough receives. She noted that the proposed resolution is to try to get a definition for "harassment" and "overburdened" and relief from vexatious requestors.

Council Member Yerman made a motion to endorse the Borough of West Easton's Resolution to amend the Right-To-Know Law and provide relief from vexatious requestors, second by Council Member Bloch. Motion carried: 7 ayes.

Borough Manager Boehm will draft a resolution for Council's review and approval, at the next meeting.

h. Approval, and authorization for execution of Second Addendum to the Development Agreement for the Estates at Brookside. This matter was discussed under the Solicitor's report.

ITEMS NOT ON AGENDA. None.

EXECUTIVE SESSION, real estate, personnel.

President Becker called for an Executive Session at 10:08 p.m. to discuss personnel and real estate. He stated that he did not expect any decisions to be made. The Council meeting reconvened at 11:06 p.m. with no action taken.

ADJOURNMENT

Hearing no further business to be brought before Council, the meeting adjourned at 11:07 p.m.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant