

ATTENDANCE

Council Members: Alma Akinjiola
Angela Ashbrook
Barry Bloch
Ryan Hanosek
Todd Rutledge
Roseann Schleicher
John Yerman
Mayor: Ronald Conrad
Borough Manager: Robert H. Glisson
Solicitor: Patrick Armstrong
Administrative Assistant: Selma Ritter

CALL TO ORDER

Mayor Ronald Conrad called the January 06, 2020, regular meeting of Macungie Borough Council to order at 7:30 p.m. in Macungie Institute, 510 E. Main Street, Macungie, PA.

OATH OF OFFICE - Judge Douglas G. Reichley administered the Oath of Office to newly elected Council Members Angela Ashbrook, Ryan Hanosek and Todd Rutledge.

REORGANIZATION

a. Appointment of Council President. Mayor Conrad asked for nominations for Council President. Council Member Schleicher nominated John Yerman as Council President. Hearing no other nominations, Mayor Conrad called for the vote. John Yerman was appointed Council President by a vote of 7 ayes.

b. Appointment of Vice-President. Mayor Conrad asked for nominations for Vice-President. Council Member Bloch nominated Roseann Schleicher for Vice President of Council. Hearing no other nominations, Mayor Conrad called for the vote. Roseann Schleicher was appointed Vice President by a vote of 7 ayes.

c. Appointment of President ProTem. Mayor Conrad asked for nominations for President ProTem. The following nominations were made:

1. Council Member Schleicher nominated Alma Akinjiola for President ProTem.
2. President Yerman nominated Todd Rutledge for President ProTem.
3. Council Member Hanosek nominated Angela Ashbrook for President ProTem.
4. Council Member Akinjiola nominated Barry Bloch for President ProTem. Council Member Bloch declined the nomination.

Hearing no other nominations, Mayor Conrad called for a vote. The nomination for Alma Akinjiola as President ProTem carried 3 ayes and 4 nays; the nomination did not pass. The nomination for Todd Rutledge as President ProTem carried 4 ayes and 3 nays; the nomination passed. Todd Rutledge was appointed President ProTem.

The meeting was then turned over to Council President Yerman.

PUBLIC COMMENT

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

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS - None.

APPROVAL OF MINUTES

- a. December 16, 2019 meeting – Council Member Akinjiola made a motion to approve the December 16, 2019 meeting minutes, as written, second by Council Member Bloch. Motion carried: 7 ayes.

CONSENT AGENDA

- a. Treasurer's report of December 31, 2019 – Borough Manager Glisson noted the General Fund balance of \$59,493.45. He then explained the anticipated Department of Community and Economic Development (DCED) grant fund reimbursement for the Main Street Streetscape, Phase 3, which is a significant amount, and would increase the General Fund balance. The Borough will begin to receive Earned Income Taxes in February and Real Estate Taxes in May.

Council Member Schleicher made a motion to approve the December 31, 2019 Treasurer's Report, as presented, second by Council Member Rutledge. Motion carried: 7 ayes

- b. Payment of invoices as listed totaling \$184,134.99 – some of the invoices listed for payment were discussed.

Council Member Schleicher made a motion to approve paying the Consent Agenda invoices, in the amount of \$184,134.99, second by Council Member Ashbrook. Motion carried: 7 ayes.

CORRESPONDENCE

- a. Emmaus Library, re: December 2019 Board Meeting Minutes/Packet. No action was taken by Council.
- b. Macungie Ambulance Corp, re: November 2019 Monthly Report. They responded to 349 calls during this service month; 24 of the calls were in the Borough of Macungie.
- c. Macungie Volunteer Fire Department, re: 2020 Officers List. The Officers List included *Administration Officers* President Darwin Hoppes, Vice-President Russ George, Secretary Holly Hamsher and Treasurer Tom Bailey; *Fire Department Officers* Fire Chief Mike Natysyn, Deputy Chief Todd Heffner, Asst. Chief Russ George and Lieutenant Joel Kerridge; *Relief Officers* President Darwin Hoppes, Vice-President Russ George, Secretary Holly Hamsher and Treasurer

Tom Bailey; *Fire Police Officers* Captain Darwin Hoppes and Lieutenant Holly Hamsher; and *Building Trustees* Tom Bailey, Zack Dries and Bill Henry.

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

e. Christopher Becker, re: Letter of Interest for Joint Building Board of Appeals. Mr. Becker stated his qualifications for the position as having a construction background and education.

Solicitor Armstrong described the position and the expertise required for a candidate to be eligible. The Board consists of volunteers from five (5) different municipalities, which meet on an as needed basis. Council briefly discussed Mr. Becker's qualifications, then commented he has the right skills and experience for the position.

Council Member Schleicher made a motion to appoint Christopher Becker to the Joint Building Board of Appeals, second by Council Member Bloch. Motion carried: 7 ayes.

f. Rose Nonnemacher, re: Stacey Ellixson, 133 S Church Street, sewer fee waiver request of approximately \$58.15. Ms. Ellixson requested this waiver due to an outdoor faucet line leaking underground, from 7/17/19 through 10/15/19; she stated the water did not enter the sewer system.

In her memo, dated January 20, 2020, Borough Clerk/Assistant Treasurer, Rose Nonnemacher, noted the events of the matter. Her memo reported a total of 16,425.6 gallons leaked, at a cost of \$58.15 for sewer usage charges.

The process of a sewer waiver request was discussed as: (1) after a resident submits a sewer waiver request to the Borough, (2) the matter then goes before Council for a recommendation, (3) the Borough Manager sends the recommendation to Lehigh County Authority ("LCA") for written approval, and (4) if approved, the Borough would provide a credit on the resident's next utility bill.

Council Member Bloch made a motion to pass the waiver request, in the amount of \$58.15, onto Lehigh County Authority, and if Lehigh County Authority approves the request in writing, the Borough would give Ms. Ellixson a credit on her utility bill, second by Council Member Schleicher. Motion carried: 7 ayes.

g. Macungie Volunteer Fire Department, re: December 2019 Training Report. The report included Knots Training, EMR Class, Review New Cascade 1591 and CO Meters Review and Test.

REPORTS

a. Solicitor – None.

b. Mayor - None.

i. Police Chief Position. No discussion by Council.

c. Borough Manager.

i. Consideration of Residential Rental Ordinance 2018-06 Amendment. The Borough Zoning/Code Enforcement Officer, Joseph Peterson, prepared a written *Review/Analysis and Update of Chapter 267: Residential Rental Property Ordinance*, dated December 18, 2019, for Council's consideration regarding proposed amendments to Ordinance 2018-06.

Solicitor Armstrong stated he reviewed Zoning Officer Peterson's comments and found most of the answers to his comments (on the Ordinance itself) throughout the Ordinance. He suggested Council review the attachments to the Ordinance and hold a conference call with Zoning Officer Peterson, Borough Manager Glisson and himself. President Yerman requested that he also be included in the conference call. After the conference call, a proposed list of changes to the Ordinance and/or attachments be drafted and given to Council for their review.

d. Committees.

UNFINISHED BUSINESS – PART I - None

UNFINISHED BUSINESS – PART II

a. Main Street Streetscape Phase 2, Phase 3 and Phase 4. Engineer William Leitner, from Barry Isett & Associates, provided Punch List #2, dated January 02, 2020, for cleanup work Mohawk Contracting & Development is responsible for. The Punch List inspection covered work completed on the Northeastern side of Route 100.

Council Member Ashbrook questioned the "rust" that appears to be on the street tree grates. Borough Manager Glisson will contact the engineer to discuss the matter.

b. Committee Vacancies.

i. Joint Building Board of Appeals. Mr. Becker submitted a letter of interest for the position, which was discussed under *Correspondence* above.

ii. Library Board. This position is an open vacancy.

Richard Stukas, 43 Locust Street, Macungie, expressed a possible interest in the position. To be considered for the position, he would need to submit a letter of interest to Borough Hall.

c. Memorial Plaque Criteria, carried from the November 04, 2019 Council meeting for the new council to determine. The criteria would be a set of rules to establish when a deceased person's name would be added to the plaque, which would be limited to persons who made a large impact in the Borough (Hall of Fame). Currently, the criteria for adding a name to the plaque is not understood. The plaque has been in effect for about 10-15 years and does not have every Council Member's name on it. It is unclear if the plaque is only for deceased Council Members or if non-Council persons could be added. Currently, the only rule understood to consider a name be added to the plaque is they must be deceased. The plaque is located in Council Chambers in Borough Hall.

Dorothy Kociuba, 93 S. Fairview Street, Macungie, suggested Council ask Esther Mohr, widow of Clarence “Clossie” Mohr, the former Borough Secretary for many years, if she recalls how the plaque began. After the matter was discussed further, Mrs. Kociuba volunteered to contact Mrs. Mohr to discuss the plaque, then report back to Council. The matter was carried.

d. Replacement Bear for Macungie Institute. Council Member Schleicher reported Angela Faidley, from Out of Our Minds Art Studio, is working on getting pricing for a new white colored, paintable, fiberglass bear. An artist is lined up to paint it. Council Member Bloch questioned what color the bear would be painted. Council Member Schleicher replied it would be painted “something pertaining to Macungie.” Town Beautification, and possible other donations, will pay for the bear’s purchase and painting.

NEW BUSINESS

a. Traffic Planning and Design, Inc. Payment Request #2, in the amount of \$6,934.93 Main Street Streetscape, Phase II. Council discussed the project status and Punch List #2. Council Member Akinjiola made a motion to approve paying Traffic Planning and Design, Inc.’s Payment Request #2, in the amount of \$6,934.93 Main Street Streetscape, Phase II, second by Council Member Rutledge. Motion carried: 7 ayes.

b. Adoption of Resolution 2020-01, Designation of Depositories and Appointing Signatories for 2020. Borough checks require two signatures. The 2020 appointed signatories for the Borough checks would be Council President, John Yerman, Council Vice President, Roseanne Schleicher, Borough Manager/Secretary/Treasurer, Robert Glisson, and Borough Clerk/Assistant Treasurer, Rosemarie Nonnemacher.

Council Member Schleicher made a motion to approve Resolution 2020-01, Designation of Depositories and Appointing Signatories for the Borough funds for the fiscal year 2020, second by Council Member Bloch. Motion carried: 7 ayes.

Roll Call Vote:	Akinjiola – aye	Ashbrook – aye
	Bloch – aye	Hanosek - aye
	Rutledge – aye	Schleicher – aye
	Yerman – aye	

Motion Passed.

c. Adoption of Resolution 2020-02, Approval of Banners Across Rt. 100. PennDOT Publication 46, Section 2.10.12 requires the adoption of a Resolution for displaying an overhead sign or banner over a State Route. Some events that occur in the Borough throughout the year desire to erect overhead banners across State Route 100/Main Street (a list of events is attached to the Resolution). The organization hosting the event is responsible to pay for all of the costs related to the banner purchase, erection and removal.

Council Member Bloch made a motion to approve Resolution 2020-02, for banners across State Route 100, second by Council Member Akinjiola. Motion carried: 7 ayes.

Roll Call Vote:	Akinjiola – aye	Ashbrook – aye
	Bloch – aye	Hanosek - aye
	Rutledge – aye	Schleicher – aye
	Yerman – aye	

Motion Passed.

d. Adoption of Resolution 2020-03, Approval of 2020 Fee Schedule. Council is authorized by the Borough Code to establish services of its officers and institute requirements for permits and set fees, prior to construction, reconstruction, repair, addition to, change of use, or demolition of any building, structure or part thereof, and/or curb and sidewalk. Permits authorizing said work shall be secured and the required fee paid prior to issuance of the permit.

One change was requested to the draft Resolution 2020-03, on Page 4, under *Macungie Institute*, changing the word “Storage” to “Stage.”

Council Member Rutledge made a motion to approve Resolution 2020-03, approving the 2020 Fee Schedule, with the one change, second by Council Member Schleicher. Motion carried: 7 ayes.

Roll Call Vote:	Akinjiola – aye	Ashbrook – aye
	Bloch – aye	Hanosek - aye
	Rutledge – aye	Schleicher – aye
	Yerman – aye	

Motion Passed.

e. Adoption of Resolution 2020-04, Appointment of Pension Plan Chief Administrative Officer and Act 205 Compliance. The Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984) requires that pension reports be prepared under the supervision and the direction of the Chief Administrative Officer of the Municipality.

Council Member Rutledge made a motion to adopt Resolution 2020-04, appointing the Borough Manager, Robert Glisson, as Chief Administrative Officer for the Borough of Macungie Police and Non-Uniformed Pension Plans, second by Council Member Schleicher. Motion carried: 7 ayes.

Roll Call Vote:	Akinjiola – aye	Ashbrook – aye
	Bloch – aye	Hanosek - aye
	Rutledge – aye	Schleicher – aye
	Yerman – aye	

Motion Passed.

f. Consideration of Residential Rental Ordinance 2018-06 Amendment. This matter was discussed under the *Managers Report* above.

g. Appointment of Christopher Becker to an open-ended term on the Joint Building Board of Appeals. This matter was discussed under *Correspondence* above.

h. Stacey Ellixson sewer fee waiver request of approximately \$58.15. This matter was discussed under *Correspondence* above.

i. Budget Transfer. Borough Manager Glisson submitted one (1) Budget Transfer for consideration:

	<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
•	\$150,000	General Fund Capital Account	General Fund Account

President Yerman stated the \$150,000 transferred funds will be returned to the General Fund Capital Account after the Borough receives the compensation from the grants program.

Council Member Akinjiola made a motion to approve the Budget Transfer, second by Council Member Schleicher. Motion carried: 7 ayes.

ITEMS NOT ON AGENDA

a. Donald Luicana, from Luicana Industries letter, dated December 10, 2019, responded to the Pennsylvania Department of Environmental Protection’s (“DEP”) letter, with accompanying Notice of Violation, dated November 04, 2019. Mr. Luicana notified the Borough they intend to apply to DEP for a renewal of Air Quality State Only Operating Permit at their facility, located at 111 Lehigh Street, Macungie, which is operated by Leo Taur Technology Group, Inc. d/b/a Lehigh Surfaces (“Lehigh Surfaces”).

The DEP Notice of Violation stated the permits have been in violation since August 31, 2013 and are related to Lehigh Surfaces “discharging Industrial Stormwater of the Commonwealth without a valid permit from DEP.” (The pollutants would be released into the creek.)

Solicitor Armstrong clarified the Luicana Industries letter, dated December 10, 2019 is related to renewal of the Air Quality State Only Operating Permit, whereas the DEP correspondence is related to violation of the National Pollutant Discharge Elimination System (NPDES) permits.

Council discussed the possibility of pollutants being released into the sewer system, as well as the creek. They suggested Lehigh County Authority (LCA) be contacted to check the company’s discharge into the sewer system.

b. DEP letter to McWane, Inc. The correspondence, dated December 10, 2019, acknowledged receipt of Tyler Pipe’s Clean Up Plan and Final Report on December 04, 2019. DEP has 90-days from receipt of the submission to review the plan and report. Council was uncertain as to what exactly is being cleaned up.

Solicitor Armstrong suggested having Barry Isett & Associates review the plan. Council asked Borough Manager Glisson to reach out to the Lower Macungie Township (“LMT”) Manager to

ensure they were included in the plan, as the Tyler Pipe property at 99 W. Main Street, Macungie, is located in both the Borough of Macungie and LMT.

c. Council Member Schleicher suggested a joint meeting with the Macungie Institute Trustees, Council and Friends of the Macungie Institute to discuss a plan for the Macungie Institute (“MI”) building and a new Coordinator.

Council Members Hanosek and Rutledge volunteered to be Council’s point of contact for the MI Trustees to work with the Trustees on ideas for the MI’s future. Funds for a new furnace for the MI was briefly discussed.

Council Members Rutledge commented the Friends of the Macungie Institute has a meeting scheduled for Wednesday, January 29, 2020 at 1:00 p.m. at the MI.

d. Council Member Schleicher suggested inviting ACELA to a Council meeting to discuss the Borough’s MS4 Plan to reduce sewer sediment run off and lining, since the funds to support the projects were changed and to provide information to the newly Elected Officials. Currently, the MS4 Plan was divided into three phases, which include two rain gardens (each a separate phase) and streambank restoration. There are enough funds in the 2020 Budget to complete one of the rain gardens.

Borough Manager Glisson would like to schedule a meeting with the Macungie Volunteer Fire Department (“MVFD”) to request access to the property for the Borough Engineer to stake out an outline for the project, which is in an area where the MVFD parks cars for various car shows that are held at Macungie Memorial Park. Council Member Schleicher and Borough Manager Glisson will make an appointment with the MVFD to discuss the MS4 Plan.

Council discussed the stream bank issues at Macungie Memorial Park and Kalmbach Park (collectively, the “Parks”) and the possibility of ACELA including them in the permitting of the MS4 Plan. President Yerman commented the Borough would not fund anything for the Parks, but if the Borough included the Parks in their permits, they could share the permit fee expenses and save money.

Council Members Schleicher volunteered to team up with Borough Manager Glisson to meet with the MVFD and Parks to discuss the MS4 projects.

e. President Yerman discussed following up with Spillman Farmers Architecture to continue discussing the feasibility study on the Borough owned buildings. He will invite them back before Council with revised plans that better suit the Borough’s needs and finances. Council Members Ashbrook and Rutledge volunteered to team up with President Yerman on the discussions with Spillman Farmer.

f. Council Member Bloch questioned the status of the Main Street Commons (“MSC”) development permits, near West End Trail and Main Street. He commented the work appears to be going beyond moving dirt. Solicitor Armstrong stated MSC posted the required financial security associated with land development and they signed all of the development agreements with the Borough. Borough Manager Glisson stated MSC obtained the PennDOT permits, but they do

not have any Borough building permits. (MSC only received moving dirt approval until they obtain all of their permits.) Borough Manager Glisson stated any work MSC does beyond moving dirt is being done at their own risk. The type of work they are permitted to do was discussed, along with what type of work they are performing.

g. Council Member Rutledge asked if Borough Manager Glisson and Michael Smith, from the Borough Public Works Department, would like to meet with him and AVCO Supply on January 13, 2020 to discuss ideas for the MI HVAC/Heating system. The time of the meeting is to be determined. Council Member Hanosek volunteered to attend the meeting with them. AVCO Supply could put together an engineering design for the system, but would not necessarily be the contractor doing the work. Solicitor Armstrong reminded Council the work would have to be bid out.

EXECUTIVE SESSION – President Yerman called for an Executive Session at 9:07 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 9:18 p.m. with no action taken.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Schleicher made a motion to adjourn the meeting at 9:19 p.m., second by Council Member Bloch. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant