

CALL TO ORDER

President John Yerman called the January 20, 2020, meeting of Macungie Borough Council to order at 7:30 p.m. in the Macungie Institute, 510 E. Main Street, Macungie, PA.

ATTENDANCE

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

ENGINEERS REPORTS

a. Introduction of Stan Wojciechowski, PE, from Barry Isett & Associates, as the new liaison. He discussed his January 20, 2020 Engineer's Report (the "Report"), which included the following projects in the Borough: 2020 CDBG/S. Church Street ADA Ramps; Main Street Streetscape Project; Borough Sanitary Sewer System; Borough Authority Projects; Stone Hill Meadows-Phase 3; Main Street Commons; and The Estates at Brookside.

i. Comments on Main Street Commons ("MSC"). Engineer Wojciechowski reported MSC currently has one EDU allotted for the Embassy Bank, plus Lehigh County Authority has five more EDU's available for the development.

Engineer Wojciechowski discussed the portion of the Report, which stated "the Developer has satisfied the conditions of the final plan approval and are in the process of obtaining signatures and recording the plans, easements and agreements. The Developer has also initiated site construction to clear the site, strip the topsoil, prepare the building pad, and construct the underground detention facility...". Engineer Wojciechowski commented MSC has not done any work they are not legally allowed to do.

Council Member Bloch requested clarification on what work MSC is allowed to do; he expressed concern that they may be doing more work than what is allowed without proper permits and it would open the door for other contractors to do the same thing. The plan that was approved by Council was discussed along with the work MSC is allowed to do. President Yerman commented that Council approved the plan and what is left are the permits that go with that plan. Council Member Bloch commented that his recollection is Council only approved dirt to be moved around onsite. President Yerman stated Council first approved the plan, then they approved MSC could move soil before the permits were issued. Engineer Wojciechowski commented the work MSC is

doing is allowed by the Municipal Planning Code and the Borough cannot stop a contractor from working on their site, if they have an approved plan with approved grading, sewers and utilities. He further stated that until the plans are recorded, the Borough does not have to provide MSC with building permits (to erect the structure/Embassy Bank). President Yerman clarified that MSC has their PennDOT permits, the plans are at Borough Hall for signature and after MSC provides proof the plans were recorded, the Borough will issue the building permits. Engineer Wojciechowski commented that MSC has everything they need to move dirt, grade the site, and install the water and sanitary lines in the street. They do not have any building permits, so they cannot erect any buildings.

President Yerman provided the development's history. He reported the Planning Commission approved their plan, they have PennDOT approval, but they do not have the building permit.

Council discussed the waiver request MSC submitted to remove excess topsoil from the property, which will be discussed later this evening.

ii. Comments on Stone Hill Meadows ("Stone Hill"). In his Report, Engineer Wojciechowski stated Phase 2 (Lower Macungie Township) of Stone Hill "requires the completion of Robin Road to its eastern terminus at Spring Street in the Borough, and that Spring Street be improved from Robin Road north to Cedar Street to provide alternative means of access for Phase 2." The Report stated "... all roads within Phase 3 are private roads and will be maintained by the Developer and, eventually, the Homeowners Association". Currently, the Developer is working on Phase 3 (Borough of Macungie), which would be Aspen Lane and Spring Street to Aspen Lane. The base paving and curbing on Spring Street have been installed, but there are elevation issues with the curb, which need to be corrected.

The sanitary sewer has been installed and the wet tap into the water main on Willow Street have been completed. The waterline will be connected into Aspen Lane later this week.

Stone Hill's escrow reduction request, Improvements Security #5, in the amount of \$64,837.80, was discussed. Engineer Wojciechowski commented BIA approved the reduction request because some of the improvements were completed and all of the funds are no longer necessary. He commented that fifteen percent (15%) of the funds are still being held.

Stone Hill filed a Tax Assessment Appeal with Lehigh County regarding East Penn School District. They also submitted Escrow Release #5, in the amount of \$64,837.80, to the Borough, which will be discussed later this evening.

iii. Estates at Brookside. All building/construction of houses has been completed. A punch list inspection was conducted on March 26, 2019 and the items listed were discussed with the Developer's representative, but they have not completed any of the items to date. The roads, curbs and sidewalks are not finished. The developer renewed their NPDES Permit with LCCD, which is good for another four (4) years.

President Yerman commented that if the Developer decides the work would cost more to finish than what is held in escrow, they could decide to walk away, because most of the land has been

deeded over. The only thing the Borough has to force the completion of the development is the escrow funds, which may be underfunded. The streets have not been dedicated to the Borough yet. Borough Manager Glisson was asked to send the Developer a letter requesting they coordinate the project's completion with the Borough.

- b. Bryan Smith, RLA, from Barry Isett & Associates. Mr. Smith was absent from tonight's meeting.
 - i. Discussion of Streetscapes Phase IV. No discussion.

MACUNGIE POLICE DEPARTMENT ("MPD") – updates and hearing of resident issues by Sergeant Travis Kocher.

- a. MPD 2019 Annual Report. Sgt. Kocher discussed the 2019 Annual Report he prepared. President Yerman questioned if the Traffic Citations portion of the report (1) were focusing on the troubled speeding areas in the Borough and (2) if there were any improvements shown in the amount of speeding. Travis commented he typically places the traffic monitoring device (a/k/a the speed board) on streets in different locations during warmer months of the year; the last report he provided to Council showed a reduction in speeding, especially on S. Church Street. The speed board gauges the amount of traffic and vehicle speeds, which allows Sgt. Kocher to determine if the area is an area of concern for speeding and helps to determine if a speeding complaint is valid.

In an effort to help defuse the myth and growing concern of public discourse about Police using lethal force in the United States, Sgt. Kocher noted the *Police Use of Force (National)* report, with supporting *Fatal Police Shootings 2017-2019 by Race* graph (generated from Statista 2020 and FBI database), which was included in his 2019 Annual Report. He commented Caucasians (white race) make up most of the national fatal police related shootings and all of the other minority races added together do not total the Caucasians total(s).

Council Member Ashbrook questioned if municipalities that do not have a local police department reimburse the MPD for their services when they respond to an incident/emergency in their municipality. The MPD does not receive financial reimbursement from other municipalities for their services because mutual aid is provided between municipalities; requests for MPD services were tracked and not many requests occur, so it is not really a demand on the MPD (*this sentence was changed as per the 02/03/2020 Council meeting, which added the second portion of the sentence*). The MPD receives reimbursement for Officers work with the Lehigh County Regional DUI Task Force through grants from the Commonwealth of Pennsylvania. The Task Force was then discussed.

PUBLIC COMMENT

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

i. Marci Albert – Request for Chapter 230 Nuisances Ordinance Change. Ms. Albert was not in attendance tonight to discuss her request. The matter was tabled to the next Council Meeting.

ii. Greg Hutchison, 120 N. Walnut Street, Macungie, He discussed rumors he heard regarding the black bear at the Macungie Institute being replaced with a multi-color bear. He then provided several examples of black bears throughout the Borough and expressed opposition to a multi-colored bear.

Mr. Hutchison questioned who was on the committee for the bear replacement, which he believed was formed in December 2019. Council Member Schleicher stated Angela Faidley, from Out of Our Minds Art Studio, presented her idea of replacing the bear with something other than a black bear before Town Beautification. Council Member Schleicher explained the idea as purchasing a paintable bear and have an artist paint with things related to Macungie, such as a special flower and other things the artist has ideas about. Having a decorative bear would start at the Macungie Institute, then business owners along Main Street would have the opportunity to have a bear in front of their business, which would be painted to reflect the business itself. Town Beautification will try to fund some of the cost of the bear in front of the MI and they are seeking other funds.

Mr. Hutchison commented that a black bear is a traditional symbol of the Borough and the replacement bear would be put on Borough owned property, not private property. Council Member Schleicher stated Ms. Faidley would like to appear before Council at their next meeting on February 03, 2020 to discuss her bear replacement idea.

iii. Linda Bieber, proprietor of Linda's Hair Salon, located at 24 S. Church Street, Macungie, announced her retirement, effective May 12, 2020. She will not be continuing her Rental Agreement for the property with the Borough. The shop will be vacated by the end of May 2020. She introduced Sonya Spotts to Council and commented Ms. Spotts is a very interested in renting the building, which would continue to be used as a hair salon.

Ms. Spotts introduced herself to the public and Council. She is a licensed cosmetologist who has worked at Holiday Hair in the Borough of Macungie for about 15-years. If Council grants her request to rent the building, she would serve Ms. Bieber's customers, her own customers and new customers.

President Yerman commented Council needs to review the current lease they have with Ms. Bieber, then proceed from there.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS – None.

APPROVAL OF MINUTES

a. January 06, 2020. Council Member Rutledge made a motion to approve the January 06, 2020 minutes, as written, second by Council Member Bloch. Motion carried: 6 ayes.

CONSENT AGENDA

- a. Payment of invoices listed, dated January 21, 2020, totaling \$160,511.21. Council Member Schleicher made a motion to approve the invoices listed on the Consent Agenda, dated January 21, 2020, in the amount of \$160,511.21, second by Council Member Bloch. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Macungie Ambulance Corps, re: December 2019 Monthly Report. They responded to 350 calls during this service month; 28 of the calls were in the Borough of Macungie.
- b. Macungie Volunteer Fire Department, re: December 2019 Response Report. They responded to 7 calls in the reported month; 6 calls were in the Borough of Macungie.

REPORTS

- a. Mayor - None.
 - i. Police Chief Position. There was no discussion on this matter.
- b. Borough Manager.
 - i. Committee Appointments expiring March 31, 2020:

Civil Service Commission Alternate Debra Cope	2 year term
Macungie Institute Board of Trustees Barbara Levinson	3 year term
Planning Commission Linn Walker	4 year term
Zoning Hearing Board Ronald Karboski	3 year term

The volunteers currently working in the positions will be notified that their term is expiring and the Borough will request they submit a letter of interest, if they would like to remain on the board. The positions are also open for other people to apply for them.

Borough Manager Glisson then also discussed his Manager's Notes, dated January 20, 2020.

- c. Committees - None.

UNFINISHED BUSINESS – PART I – None.

a. Consideration of Residential Rental Ordinance 2018-06 Amendment. Borough Manager Glisson reported there was a conference call between himself, Zoning Officer, Joseph Peterson, and Solicitor Armstrong to discuss Zoning Officer Peterson's written *Review/Analysis and Update of Chapter 267: Residential Rental Property Ordinance*, dated December 18, 2019. Most of the items were cleared up during the conference call, except for the Inspection Check List. The language in the Check List will be reviewed, but not what is being inspected.

UNFINISHED BUSINESS – PART II

a. Main Street Streetscape Phase 2, Phase 3 and Phase 4 – None.

c. Committee Vacancies.

i. Library Board. Richard Stukas, 43 Locust Street, Macungie, submitted a letter of interest for the Library Board position, which is a 3-year term, expiring on December 31, 2022.

Council Member Yerman made a motion to nominate Richard Stukas as the Borough of Macungie's representative for the Emmaus Library Board, second by Council Member Bloch. Motion carried: 6 ayes.

c. Memorial Plaque Criteria, carried from the November 04, 2019 Council meeting for the new council to determine. No action was taken by Council. Dorothy Kociuba volunteered to contact Esther Mohr, widow of Clarence "Clossie" Mohr, the former Borough Secretary, if she recalls how the plaque began. Mrs. Kociuba will report back to Council with her findings.

d. Replacement Bear for Macungie Institute. Angela Faidley, from Out of Our Minds Art Studio, will attend the February 03, 2020 Council meeting to discuss the replacement bear.

e. Macungie Institute ("MI") Facility Plan. Borough Manager Glisson provided an update on the heating and AC furnace repairs/replacement.

There were two meetings at the Macungie Institute to discuss the heating furnace repairs, replacement and efficiency; the first meeting was attended by Council Members Bloch and Rutledge with AVCO Supply, Inc. and the second meeting was with H.T. Lyons was attended by the Borough Public Works Department staff, and Borough Manager Glisson. The meeting attendees discussed different heating and AC ideas and options, along with how to fund and complete the project. Project quotes will be sent to Borough Hall. The project is required to be bid out because the cost would be over \$25,000.00. Council Member Rutledge suggested Council compile a 5-7 year history on the MI repair costs, heating costs and energy efficiency on the current system before making a decision.

Council Member Rutledge commented that during the inspection, they noticed the attic was not properly insulated, which could be an issue with part of the heating expenses.

NEW BUSINESS

- a. Appointment of Voting Member for the (“Lehigh County Authority”) LCA Wastewater Advisory Committee, in accordance with the Post-1985 Agreement.

Council Member Ashbrook made a motion to appoint Borough Manager, Robert Glisson, as a Voting Member for the LCA Wastewater Advisory Committee, second by Council Member Hanosek. Motion carried: 6 ayes.

- b. Approval of Main Street Commons (“MSC”) Waiver Request for Top Soil Removal. Attorney Christopher McLean, from Fitzpatrick Lentz & Bubba, P.C., and Michael Rhoads were in attendance on behalf of MSC, to request approval for a waiver to remove an excess 1,275 cubic yards of topsoil from the site. Attorney McLean provided a brief history and update on the project. He reported all of the conditions for the approvals have been satisfied for the work that has been done to date, but not for erection of the building. The topsoil would be taken to an NPDES approved site in Fogelsville, Pennsylvania.

President Yerman commented that the waiver request should have been presented to the Borough Planning Commission and engineer for consideration prior to coming before Council. Attorney McLean stated the waiver was submitted to Council due to previous conversations with his team, Solicitor Armstrong and Engineer Stan Wojciechowski, from Barry Isett & Associates. Concern was expressed that Council would erroneously approve the topsoil removal and too much soil being removed, then MSC would ask to bring topsoil back to the site.

Council Member Schleicher made a motion to allow 1,275 cubic yards of topsoil to be removed from the Main Street Commons property, contingent upon written approval from Solicitor Armstrong and Engineer Wojciechowski, and with the understanding MSC will not bring any topsoil back to the site, second by Council Member Rutledge. Motion carried: 5 ayes and 1 nay (Council Member Bloch).

President Yerman will discuss the conditional approval with Solicitor Armstrong and Engineer Wojciechowski to ensure it does not violate any laws, permits or other attributes of the plans that Council previously approved. If both the Borough Solicitor and Engineer provide written approval, the representatives for MSC will be contacted with permission to proceed.

- c. Authorization of Stone Hill Meadows, Escrow Release #5, in the amount of \$64,837.80. Engineer Wojciechowski provided a review letter, dated January 16, 2020, which recommended the release of Improvements Security #5 for Stone Hill Meadows, in the amount of \$64,837.80. The remaining Improvements Security balance would be in the amount of \$838,925.96.

Council Member Bloch expressed concern of Council releasing too many of the funds and the Borough not holding enough funds to see the project through to completion. Council discussed a different development in the Borough where the roads, sidewalks and curbs were not completed and there may not be enough funds held in escrow for the Borough to finish the development.

Council Member Schleicher made a motion, based on the engineer’s approval, to approve Stone Hill Meadows request for Security Release #5, in the amount of a \$64,837.80, second by Council Member Yerman. Motion carried: 6 ayes.

Council also discussed Stone Hill's School Tax Assessment appealed to the Lehigh County Courts and the development's ingress and egress through Lower Macungie Township, with a connector road onto Spring Street.

ITEMS NOT ON AGENDA (Mayor and Council members only)

- a. Sewer Main Lining Update – the Statement of Loan Account from January 01, 2019 to December 31, 2019 was discussed. The matter was carried to the next Council meeting to allow Borough Manager Glisson to gather clarification on the payments. President Yerman provided a brief history on the project.
- b. Main Street Streetscape Update - Borough Manager Glisson spoke with the engineer about the “rust” that appears to be on the street tree grates. They are designed have a rustic look and rust to a certain point to help them from rusting away.
- c. Snow/Ice on Brick Pavers – Council Member Ashbrook commented that property owners along Main Street are not shoveling the brick portion of their sidewalks; she questioned if they know they are responsible to do it. Council commented they only have to shovel a path large enough to get a wheelchair through and not the entire sidewalk. Council also commented they may not be shoveling the bricks because they do not have a front yard and there is nowhere to put the snow once shoveled and it is illegal to put it in the street. The Zoning Ordinance will be reviewed to clarify how many inches the path needs to be.

EXECUTIVE SESSION, IF NECESSARY. President Yerman called for an Executive Session at 9:14 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 10:02 p.m. with no action taken or decisions made.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Schleicher made a motion to adjourn the meeting at 10:03 p.m., second by Council Member Bloch. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant