

CALL TO ORDER

President John Yerman called the February 18, 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: Alma Akinjiola (arrived at 7:48 p.m.)
Angela Ashbrook
Barry Bloch
Ryan Hanosek
Todd Rutledge
Roseann Schleicher
John Yerman
Borough Manager: Robert H. Glisson
Administrative Assistant: Selma Ritter
Absent: Patrick Armstrong, Solicitor
Ronald Conrad, Mayor

BOROUGH ENGINEER UPDATE – None.

MACUNGIE POLICE DEPARTMENT (“MPD”) – There were no updates or hearing of resident issues by Sergeant Travis Kocher because he was unavailable to attend tonight’s meeting.

a. Macungie Police Department, re: January 2020 Report – No discussion by Council.

Introduction of Towing Ordinance for Borough; why needed. President Yerman discussed the need for a towing ordinance in the Borough, which began with a car and truck being parked in the Flower Park parking lot for a very long time with outdated inspection stickers. The car has two flat tires and an inspection sticker dated 2015. While investigating the matter, the Borough Zoning Officer, Joseph Peterson, and MPD discovered the Borough does not have a towing ordinance to allow removal of the vehicles. A towing ordinance would also help enforcement of illegal parking in handicap spaces, vehicles parked on the streets during a snow emergency and trailers parked on the streets without being attached to a vehicle. Vehicles would be towed to a third party impound lot.

The Borough of Emmaus provided their towing ordinance for Borough Council’s review and consideration. The Emmaus Police Department stated they are pleased with the way the ordinance is written and its enforceability. Council Member Rutledge suggested a procedure paragraph be added in the ordinance to provide a notification process, which would provide ample notice to a vehicle owner before a towing action would occur. President Yerman commented there needs to be two processes for towing (1) for emergency towing and (2) all other towing.

Council Member Rutledge made a motion to approve Solicitor Armstrong looking at the Borough of Emmaus towing ordinance and draft a similar ordinance for Macungie Borough, with Council

Member Rutledge's addition of a notification process, second by Council Member Schleicher. Motion carried: 6 ayes and 1 nay, Council Member Bloch opposed.

PUBLIC COMMENT

a. Prior Public Comments to Council - None.

b. Comments from the Audience on non-agenda items.

i. Carl Sell, 46 Locust Street, Macungie recalled a previous Council discussion last year regarding reconstruction of South Church Street. He then questioned if the process has been started yet. President Yerman replied it has not been started, as no funds have been budgeted in 2020 for it, therefore, it will not be done this year. He briefly reported the core sampling revealed the street would need a total reconstruction, which would be expensive.

ii. Phillips Armstrong, Lehigh County Executive, provided Lehigh County updates for Council and the public.

2020 Census. Executive Armstrong discussed the upcoming 2020 Census and the importance for every person in Lehigh County to be accounted for. He commented when the last Census was taken 10-years ago, 30% of the people in Lehigh County were not accounted for, which is a loss of Federal funds in the amount of \$2,093.00 per person, per year, for 10-years. Residents can respond to the Census online, by telephone, or by mail. Lehigh County will mail postcards to residents in March 2020. Residents can find more information at <http://2020census.gov>.

New Voting Law. Executive Armstrong announced changes in the Pennsylvania voting laws. Voters can now vote via U.S. Mail by paper ballot up to 50 days prior to the election. The mail-in ballot is not the same as the absentee ballot. Voters can apply for a paper mail-in ballot on the Lehigh County website at <https://www.pa.gov/guides/voting-and-elections/#VotingbyMail-InBallot> or by visiting the Government Center at 17 South Seventh Street, Allentown. Also, there will no longer be straight-party voting on the ballot. Council Member Rutledge suggested the information be included in the next Borough Newsletter and a table be set up at the farmers markets.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS – None.

APPROVAL OF MINUTES

a. February 03, 2020. Council Member Rutledge requested a change to the minutes on page 9, in the third paragraph, which read "Council Members Hanosek and Rutledge commented that they personally do not like the look of decorative bears and they would like to see a black bear at the Macungie Institute." He commented that it is not that he doesn't like decorative bears, but just wanted a traditional black bear at the Macungie Institute ("MI") and believed it would be more appropriate to have a decorative bear in a park (Council Members Hanosek concurred). Council Member Rutledge requested "do not like the look of decorative bears and they" be removed from the sentence to then read:

Council Members Hanosek and Rutledge commented that they personally would like to see a black bear at the MI.”

Council Member Schleicher made a motion to approve the February 03, 2020 minutes, with Council Member Rutledge’s change, second by Council Member Bloch. Motion carried: 7 ayes.

CONSENT AGENDA

a. Payment of invoices listed, as of February 19, 2020, totaling \$397,625.72. Some of the invoices listed on the Consent Agenda were briefly discussed.

Council Member Rutledge made a motion to approve the invoices listed on the Consent Agenda, as of February 19, 2020, in the amount of \$397,625.72, second by Council Member Bloch. Motion carried: 7 ayes.

CORRESPONDENCE

a. Macungie Ambulance Corps, re: January 2020 Monthly Report. They responded to 373 calls during this service month; 35 of the calls were in the Borough of Macungie. The report stated the number of calls represents an all-time high call volume for a single month.

The report also listed Community Organized for Resuscitation Education (C.O.R.E.) for Hands-Only CPR, which is the same as the traditional CPR but without mouth-to-mouth breathing.

b. Macungie Volunteer Fire Department, re: January 2020 Response Report. They responded to 4 calls in the reported month; 3 calls were in the Borough of Macungie.

c. Macungie Volunteer Fire Department, re: January 2020 Certificate of Classes. The report included the swearing in of Dillon Umland as fire police and one new member, Elizabeth Tepes.

d. Master Consulting, PC, re: Brookside Country Club (“BCC”) Concept Plan (the “Plan”). The Plan proposes the development of 95 residential units, which would include single-family and townhouse homes. Master Consulting may be appearing before the Borough Planning Commission (“PC”) in March 2020 to discuss the Preliminary Sketch Plan.

President Yerman commented Lower Macungie Township is concerned about the increased volume of traffic and they will also be attending the Borough PC meeting in March. He also commented the density sounds high and the Plan should be brought before the Southwestern Lehigh County Comprehensive Steering Committee for review.

Council Member Rutledge commented the Ridings at Brookside (the “Ridings”) development leases land from BCC, between the Ridings and the proposed development. He expressed a few concerns regarding the BCC proposed development: (1) if the backyards of the Ridings homes in in that area would meet the required setback if the BCC development terminates the land lease agreement with them; (2) the BCC land slopes to 38 homes in the Ridings which already have a

“river” in their back yards during a decent rain storm; (3) the proposed detention pond should subscribe sediment filtration and go the whole length of the property; and (4) if the streets are dedicated to the Borough, the Borough Public Works Department would have to enter on a private driveway to get to the roads. President Yerman suggested Council Members put their questions and comments in writing and compile a list together to present before the PC for negotiation. He also stated the land is zoned low-density, so consideration of high density would need to go before the Zoning Hearing Board for approval as a Special Exception.

President Yerman stated once BCC submits a plan to Borough Hall, the Borough has 30-days to do something with it, unless the developer gives the Borough permission to delay.

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. The expiring appointments were briefly discussed. President Yerman directed Borough Manager Glisson to send notifications to the people with expiring terms to request they provide a letter of interest, if they would like to remain on the board. The positions are also open to other volunteers to apply for them.

ii. Borough Manager Glisson reported he met with two members of Senator Pat Browne’s staff (Chief of Staff and Outreach Coordinator), which he felt was productive. The coordinator sent Borough Manager Glisson a list of grants for his review and consideration. President Yerman suggested Borough Manager Glisson also contact the grant writer from Barry Isett and Associates regarding grant opportunities.

Council Member Bloch reported stormwater is going around some of the bumpouts and not flowing through them because the filters are full and need to be cleaned out or removed.

Council Member Bloch also questioned if the Borough has extra light bulbs for the crosswalk at Main and Poplar Streets, as some of them are not working. Borough Manager Glisson will check if there are extra bulbs at the PWD shop. President Yerman commented the lights may not be durable enough to withstand the truck traffic on Route 100/Main Street and at some point Council may need to discuss if they want to continue to update it or not.

c. Committees - None.

UNFINISHED BUSINESS – PART I – None.

a. Consideration of Residential Rental Ordinance 2018-06 Amendment. No discussion.

UNFINISHED BUSINESS – PART II

- a. Main Street Streetscape Phase 2, Phase 3 and Phase 4.
- b. Committee Appointments expiring March 31, 2020.
 - i. Civil Service Commission Alternate, 2 year term.
 - ii. Macungie Institute Board of Trustees, 3 year term.
 - iii. Zoning Hearing Board, 3 year term.
- c. Memorial Plaque Criteria, carried from the November 04, 2019 Council meeting for the new council to determine. Resident Dorothy Kociuba reported her findings on how and why the plaque began to Council via a letter, dated February 04, 2020. As Ms. Kociuba suggested in her letter, Borough Manager Glisson researched the 1983 and 1996 Borough Minutes regarding criteria on why a person's name should be added to the plaque. Upon researching the Minutes, he found Council did not have a policy or criteria, except the person had to be a Council or appointed staff member and they had to be deceased.

There was a unanimous consensus among Council to set a policy that a deceased Council or appointed staff member's name could be added to the memorial plaque only after a Council Member makes a nomination at a Council meeting and a motion is made and passed. When the Council Member makes the nomination to add a decedent's name to the plaque, they have to provide an explanation on why they feel the name should be added.

- d. Replacement Bear for Macungie Institute. Council Member Bloch commented the matter is being worked on and is on target.
- e. Macungie Institute HVAC Plan. Council Member Rutledge reported he has not heard back from AVCO Supply, Inc. regarding an estimate for the project.

Council Member Bloch suggested Council try to get a permanent monthly renter for one of the rooms at the MI to help generate a permanent income, i.e. a day care, plus keeping the daily rentals. Council then discussed suggestions for different rental options, possibly increasing the rental fees and ways to generate more income, including marketing the facility more.

President Yerman reported there was a meeting with the Friends of the Macungie Institute (the "Friends"). He stated it was not a meeting to try to improve or change things at the Macungie Institute, but to confirm they would not prevent the Friends from holding their events and meetings at the MI, they would continue to try to support the MI as a Borough facility and also explain their intentions to make the MI more of a community focused resource. He commented the Friends did not volunteer at the meeting to do anything more than what they have done in the past.

Council Member Schleicher stated an MI coordinator/manager is needed for the building, because Rose Nonnemacher, Borough Clerk/Assistant Treasurer, cannot continue to manage both the MI and Borough workloads. The MI workload was briefly discussed, including potential renters requesting a tour of the facility. Council Member Ashbrook suggested a virtual 360 tour of the facility on the website so people don't have to physically come to the MI to see it.

Council discussed the amount of funds necessary to run the MI and breakeven, which are approximately \$58,000.00 annually. The breakeven amount included the facility manager/coordinator's salary, cleaning and utilities. Setup and teardown labor and parking lot maintenance costs of approximately \$15,000-17,000 were not included in the breakeven amount.

Council Members Ashbrook, Hanosek and Rutledge will work together to analyze the past five years of revenue and expenditures for the MI, and also work on a strategy to sustain the costs.

f. Approval of Sonya Spotts Interest to Enter Into Rental Agreement With Borough of Macungie for 24 S. Church Street. Borough Manager Glisson reported an inspection of the building was done and there may be significant structural problems with the floor, as there are sponginess (soft) places. It is believed the floor may be sitting directly on soil without a foundation, but this has not been confirmed. Zoning Officer Joseph Peterson is arranging to rent a scope from King of Prussia next week to look underneath the flooring to investigate the matter.

Council Member Rutledge offered the Borough to use his scope; the testing could be done by the end of this week. The current tenant of the property, Linda Bieber, agreed to allow the testing.

President Yerman suggested providing Ms. Spotts with a draft lease agreement, without the monthly rental fee, for her review and consideration. The rental fee would be determined at a later date.

g. Approval of Easement with Macungie Volunteer Fire Department ("MVFD"); re: Installation of Raingarden. The MS4 Pollution Reduction Plan ("PRP") is an unfunded mandate by the State of Pennsylvania, which requires every municipality to have a stormwater discharge plan.

President Yerman gave a brief history on the three PRP projects, which were approved by the State: (1) a raingarden along Cotton Street, from North Chestnut Street to the creek (on the Macungie Volunteer Fire Department property, located at 31 S. Walnut Street, Macungie); (2) a raingarden at the Glenwood Basin, located near Glenwood and Main Streets; and (3) Streambank Restoration, along Mountain Creek, from Cotton Street to Main Street. Due to the cost of the MS4 projects, the 2020 Borough Budget allotted for one raingarden to be installed near Cotton and South Chestnut Streets (a/k/a the MVFD property) in 2020.

President Yerman explained the first project approval would include: (1) an easement agreement between the Borough and MVFD to install the raingarden on their property, (2) a \$3,600.00 payment to the MVFD for the purchase and use of their land in perpetuity; and (3) approval to advertise a request for bids for the project. The easement would be a permanent easement to allow the Borough to install and maintain the raingarden on the MVFD property but would not include the streambank restoration work.

Temporary easements for the streambank restoration project were also discussed. These easements are temporary and the property owners, including the MVFD, along the stream would need to sign them before the Borough can begin work there; they would not be paid compensation for the

Borough to use their land. After the project is complete, the Borough must restore the owner's property to its original state before the construction.

Borough Manager Glisson commented there are some corrections required to the written plan he just received. He reported the ACELA Engineer suggested using a soil mix in lieu of plant vegetation to save money. The soil would need to be watered every day for a couple of weeks.

President Yerman commented he was open to suggestions for alternatives to the raingarden, if anyone had one. Council Member Hanosek questioned if the bump outs could be included in the plan. President Yerman stated they could not be included in this plan because they were installed before the PRP was submitted and approved by the Department of Environmental Protection; Council would have to inquire with the Borough engineer if they could be included with the next plan.

Blake Martin, 971 Vine Street, Macungie questioned where the Borough and Upper Milford Township boundary lines are by the Glenwood Basin, located near Glenwood and Main Streets. He suggested Upper Milford Township help pay for the proposed raingarden in that location, if they own part or all of it. There was a discussion on which municipality the water runoff comes from. Council Member Schleicher commented the Borough has always taken care of the basin in the past, then recalled the Borough cleans it out on Earth Day. President Yerman will discuss the matter with the Borough Engineer for the next phase of the MS4 project in 2023 to see if the Borough can get a shared credit and/or financial help from the Township.

Council Member Schleicher made a motion to approve the *Easement and Right-Of-Way Agreement* with the Macungie Volunteer Fire Department for the installation of Raingarden, including the perpetuity payment of \$3,600.00, second by Council Member Rutledge. Motion carried: 4 ayes and 3 nays (Council Members Ashbrook, Bloch and Hanosek opposed).

President Yerman asked Council Members Ashbrook, Bloch and Hanosek individually if they had an alternative to the raingarden; which they stated they did not. President Yerman then asked them why they were voting no to something Council did not have an alternative for. Council Member Ashbrook stated she voted nay because of the payment to the MVFD, as the Borough donated a vehicle to them last year, Council waived the requirements for an audit and she was concerned the MVFD would want to have more funds donated to them next year. President Yerman commented the MVFD asked for a \$10,000.00 funding increase for 2020, but Council denied it; Council Member Ashbrook then stated the Borough has been giving it to them in bits and pieces. Council Member Bloch stated he was just not for the whole thing. Council Member Hanosek questioned if the MVFD provided the audit that was requested. President Yerman stated the MVFD did provide an audit, but it was not done by an auditor; however, their processes and finances were checked and it appeared they were doing the right things.

h. Approval of Advertising Bid for Installation of Raingarden. President Yerman noted the schedule he received requested the bid document be approved on February 19, 2020.

Borough Manager Glisson commented a couple of changes to the document are needed. He noted a non-mandatory pre-construction meeting on March 06, 2020 for any company that is bidding.

The project bids will be due on March 16, 2020; the engineer would then provide Council with a bid comparison for Council to review, to award the bid to the lowest responsible bidder.

Council Member Rutledge made a motion to approve issuing an amended bid package, as soon as the amendments are completed, second by Council Member Schleicher. Motion carried: 7 ayes.

Carl Sell, 46 Locust Street, Macungie questioned if any of the Council Members personally physically saw what the raingardens look like. A couple of Council Members replied they did see some. President Yerman commented they look like a big impression in the earth with a lot of stuff growing in them; essentially they are swamps to collect sediment, but designed to drain. Council does not know the longevity or maintenance requirements of a raingarden. Council Member Rutledge commented a barrier may need to be installed around the raingarden so animals and people cannot go into it.

NEW BUSINESS

a. Yard Waste Passes. Both Emmaus Borough and Lower Macungie Township (“LMT”) have offered to allow the Borough of Macungie property owners and/or residents to take their yard waste to their compost site. In 2020, passes for both municipalities will be sold, which would allow Borough property owners to have a choice of which site they would like to use. Emmaus Borough passes will cost \$20.00 and LMT \$25.00.

Council Member Rutledge made a motion accept both the Borough of Emmaus and Lower Macungie Township yard waste passes, second by Council Member Hanosek. Motion carried: 7 ayes.

ITEMS NOT ON AGENDA (Mayor and Council members only)

a. Life Saver Program – President Yerman gave a brief description of the program and the grant to purchase eight (8) bracelets and tracking equipment, for persons prone to wander and get lost. The grant and bracelets were approved for Macungie Borough residents only. Lower Macungie Township (“LMT”) residents are requesting bracelets from LMT, but they are not participating in the program. LMT asked President Yerman if their residents could be included with the Borough’s program. Council discussed if it was possible to provide bracelets to LMT residents and, if so, what would need to be done to locate a missing person in LMT. Council recalled the MPD and MVFD are the ones that locate missing persons that have a bracelet, not the State Police. LMT suggested Council create a fee to charge them, for the MPD services to locate a missing person, since they do not live in the Borough. LMT would also be required to purchase more bracelets once they are all distributed. President Yerman will discuss the matter with the MPD and LMT.

b. Proposed Warehouse on Indian Creek Road. A 350,000 square foot warehouse is proposed, which would create 200 trucks per day on the road, which may then flow onto Brookside Road. LMT expressed concern for the amount of traffic on their roads and is seeking support from other municipalities. President Yerman commented the Southwestern Lehigh County Comprehensive Steering Committee should be advised of the proposed development.

c. Town Beautification:

i. Council Member Schleicher reminded Council and the public of the Sip and Paint night at Out of Our Minds Art Studio, on Friday, February 21, 2020 at 7:00 p.m. Tickets are \$25.00 per person, which benefits Town Beautification; and

ii. Town Beautification requested permission for the \$2,000.00 2020 budgeted funds to purchase nine wreaths for the lamp posts being installed on Main Street, from Race Street to the Mountain Creek Bridge. The company selling the wreaths is having a 1/3% off sale until the end of February. The cost of nine wreaths would be \$4,000.00; Town Beautification would donate \$2,000.00 and the Borough budgeted \$2,000.00, would total the needed \$4,000.00 purchase price.

Council Member Rutledge made a motion to approve the release of the \$2,000.00 from the Borough's 2020 Budgeted funds to purchase of the nine wreaths, second by Council Member Hanosek. Motion carried: 7 ayes.

d. Proposed Grant Updates. President Yerman provided Council with information he gathered from the grant writer, Mary Himmelberger, at Barry Isett and Associates ("BIA") regarding the proposed grants he discussed at the last Council meeting:

i. Small Community Program ("SCP") Grant. The SCP grant is for larger playground equipment projects over \$100,000.00, which is a project more than what Council would like to do. Ms. Himmelberger suggested the Borough purchase playground equipment without a grant to keep costs down. Each piece of equipment would cost approximately \$20,000-30,000.

ii. Indoor Recreation Facility Feasibility Study Grant. This grant appears to be for recreational facilities. Ms. Himmelberger will inquire if they would consider a grant to the MI, which is not a recreational facility.

EXECUTIVE SESSION, IF NECESSARY - None.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Rutledge made a motion to adjourn the meeting at 09:40 p.m., second by Council Member Bloch. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant