

CALL TO ORDER

President John Yerman called the March 16, 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
	Todd Rutledge
	Roseann Schleicher
	John Yerman
Mayor:	Ronald Conrad
Borough Manager:	Robert H. Glisson
Solicitor:	Patrick Armstrong
Engineer:	Stan Wojciechowski
Administrative Assistant:	Selma Ritter
Absent:	Alma Akinjiola
	Ryan Hanosek

BOROUGH ENGINEER UPDATE - Stan Wojciechowski; P.E. discussed his March 16, 2020 Engineer's Report, which was an update on the projects in the Borough, including the 2020 CDBG / S. Church Street ADA Ramps, Main Street Safety Project (a/k/a Main Street Streetscape), Sanitary Sewer System, Borough Authority Projects, Stone Hill Meadows-Phase 3, Main Street Commons and the Estates at Brookside. He also provided an update on the approved and pending grants associated with the respective projects.

After Engineer Wojciechowski discussed his report, Council Member Ashbrook stated she really believes Council should table the Streetscape projects at this time until Council figures out how to pay for other large projects they are committed to (raingardens) and how to properly fund the employee pensions that are currently underfunded. She noted she also brought this up at the last Council meeting. Engineer Wojciechowski stated no Borough taxpayer dollars would be used for anything in Phase IV because the Department of Community and Economic Development ("DCED") waived the Borough matching funds and the grant would pay the engineering fees. The outstanding Phase III punch list items were discussed. Engineer Wojciechowski stated his office is working with the contractor to resolve the punch list items.

Council Member Ashbrook expressed a concern that nothing is free and there would still be maintenance (tree trimming, painting) and other costs involved, and money would be outlaid, even if the upfront costs are free. She commented some Members were elected to Council because a lot of people do not like the Streetscape improvements. Therefore, she cannot recommend continuing with the project(s) and believes it should be tabled to another time or indefinitely. Council Member Schleicher replied the public did not express dislike of the improvements during the workshops when they reviewed the plans.

Possible financial liability and/or penalties that could be imposed for not accepting awarded grant funding in Phase IV were discussed. Engineer Wojciechowski stated the grant agreement would need to be reviewed to find out what happens if Council does not use the money. He expressed concern that if the awarded grant money is not used the Borough may be put on the bottom of an organizations grant consideration list when applying for other grants in the future, including grants for the South Church Street reconstruction project.

Council Member Ashbrook made a motion to table the Streetscape projects until Council has a better grasp on the Borough finances. There was no second to the motion. Motion died.

Streetscape project costs were discussed. Engineer Wojciechowski stated DCED waived the matching funds for Phases III and IV; normally, the matching funds would be used to pay the engineering fees and the grant funds would pay the construction costs. He further stated the engineering costs for Phase IV are \$45,000.00 and would be paid for by the grant funds. President Yerman stated Phase IV will be fully compensated for by the grant and he is working on a report that shows the amount of funds received and spent for each phase, including the engineering fees. Council Member Ashbrook suggested Council stop pushing forward until they know what the numbers are. Council Member Bloch commented Phase IV should proceed since it is already paid for by the grant.

Council Member Schleicher made a motion to authorize BIA to advertise the Phase IV project bid, second by Council Member Rutledge. Motion carried: 4 ayes and 1 nay (Council Member Ashbrook).

Council Member Bloch suggested Council discuss if they want to continue with the Streetscape projects after Phase IV. President Yerman commented there is another significant decision point coming up and by then the expense report numbers should be sorted out. Council Member Rutledge suggested inviting the public back to view the Phase V plans and discuss their opinions on the Streetscape projects.

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 (“MPD”), re: February 2020 Report. Mayor Conrad stated Sgt. Kocher will provide the February 2020 report at a later date. He also reported the MPD will be using new State protocols in light of the Coronavirus pandemic.
- b. Introduction of Towing Ordinance for Borough; why needed. This matter will be discussed when Sgt. Kocher is available.

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 questioned why volunteers could not install replacement pulldown stairs at the Macungie Institute (“MI”), but they could do flower maintenance (weeding) in the bump outs. He also asked what happens if a volunteer gets hit by a vehicle when working in the bump outs and who would pay for it. President Yerman discussed the protocol for what work the PWD does and how/why grievances get filed, then he commented the PWD could file a grievance and win. Solicitor Armstrong stated weeding the bump outs is not in the Public Works Department (“PWD”) job descriptions. Mr. Sell commented he believes the Borough is picking and choosing what work volunteers could do in the Borough. President Yerman stated he would look into who would be responsible if a volunteer gets hit by a vehicle. Borough Manager Glisson stated the attic would not be used for storage in the future, the current pulldown ladder would be removed and a portable ladder would be used to gain access to the attic, which would be safer and save money on the ladder purchase and installation.

Dave Saylor, Friends of the Macungie Institute (the “Friends”) spoke on behalf of the Friends and stated they are willing to pay for a replacement pulldown ladder and the cost for a contractor’s labor to install it. He questioned if the union could stop the Borough from hiring a contractor and why the Borough would close the access to the attic when a lock could be put on the access.

The matter was discussed further. President Yerman stated there are limits on what work the Borough can hire a contractor for and a labor lawyer would have to answer the legal questions. Council also discussed how volunteers for the bump outs were organized.

Karen Billger, 975 Vine Street, Macungie, stated she is a volunteer for weeding the bump outs has often thought of her safety, but she assumes the risk. Council Member Schleicher stated she is also a bump out volunteer and she assumes the risk as well. They do what they can to stay safe.

Council Member Bloch requested an Executive Session tonight to discuss the matter further. President Yerman commented the MI needs a long term maintenance plan and it is not properly managed with consistent organization and a budget. The MI Trustees job responsibilities were discussed, including the requirement for them to meet every other month, publishing minutes and having a budget. President Yerman commented the MI Trustees have not met in over a year and the MI would run better if there were dedicated, focused and active Trustees on the Board. New volunteers interested in being a MI Trustee were then discussed.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS – None.

APPROVAL OF MINUTES

a. March 02, 2020. Council Member Rutledge made a motion to approve the March 02, 2020 minutes, as written, second by Council Member Schleicher. Motion carried: 5 ayes.

CONSENT AGENDA

a. Payment of invoices listed, as of March 17, 2020, totaling \$84,349.18. 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 March 17, 2020, in the amount of \$84,349.18, second by Council Member Schleicher. Motion carried: 5 ayes.

CORRESPONDENCE

a. Macungie Ambulance Corps, re: February 2020 Monthly Report. They responded to 323 calls during this service month; 27 of the calls were in the Borough of Macungie.

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

c. Macungie Volunteer Fire Department, re: February 2020 Training Report. The report included Rapid Intervention Training (RIT) with the Thermal Imaging Camera (TIC), new drivers, RIT rescue training and a review of new dispatch procedures.

d. Rosemarie Nonnemacher, Borough Clerk/Assistant Treasurer, re: Notice of Retirement Acceptance of her letter. After 22 years of service, Treasurer Nonnemacher tendered her retirement notice, effective August 07, 2020. Her last day in office will be July 31, 2020. She requested compensation for her accumulated vacation and sick benefits.

President Yerman made a motion to accept Borough Clerk/Assistant Treasurer, Rosemarie Nonnemacher's, retirement notice, with deep regret, second by Council Member Schleicher. Motion carried: 5 ayes.

e. Susquehanna Municipal Trust, re: 2019 Payroll Audit Statement. The Statement showed an Audit Contribution credit in the amount of \$837.00.

f. Lehigh Surfaces, re: Notice of Intent to Submit a National Pollutant Discharge Elimination System (NPDES) Permit Application was sent to the Pennsylvania Department of Environmental Protection (DEP), for property located at 111 Lehigh Street, Macungie.

g. Rita's Italian Ice ("Rita's"), re: Request for Fire Police Service for Annual First Day of Spring Event, on March 19, 2020. Consideration for Approval. The owner of Rita's contacted Borough Hall to withdraw this request, as the event has been postponed. A new date has not been determined at this time.

h. Macungie Volunteer Fire Department, re: February 2020 Certificate of Classes. The report stated EMR was completed and everyone passed. No new members were noted.

i. Stone Hill Meadows, re: Consideration of Security Release #6, in the amount of \$88,799.48. In his letter, dated March 12, 2020, Engineer Stanley Wojciechowski's, from Barry Isett & Associates, recommended the release of the Improvements Security #6 for Stone Hill Meadows, in the amount of \$88,799.48. The remaining Improvements Security balance would be in the amount of \$750,126.48.

Council Member Schleicher made a motion to proceed with the Stone Hill Meadows Security Release #6, in the amount of \$88,799.48, second by Council Member Bloch. Motion carried: 5 ayes.

j. Karen Billger, re: Letter of Interest in Macungie Institute Board of Trustees Position for Consideration, 3 year term, term expiring 03/31/2023. President Yerman made a motion to appoint Karen Billger to the Macungie Institute Board of Trustees, for a 3 year term, expiring 03/31/2023, second by Council Member Bloch. Motion carried: 5 ayes.

k. Debra Cope, re: Letter of Interest in Civil Service Commission Alternate. Council Member Schleicher made a motion to re-appoint Debra Cope as an alternate on the Civil Service Commission, for a 2 year term, expiring 03/31/2022, second by Council Member Ashbrook. Motion carried: 5 ayes.

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.

ii. Kline's Island Sewer System. The Interim Act 537 Plan identified proposed service areas and alternatives.

iii. Macungie Farmers Market ("MFM"). Borough Manager Glisson gave an update on the market's progress and commented it is supposed to open in May 2020. President Yerman stated that the MFM is self-sufficient.

iv. Towing Ordinance. President Yerman gave a brief history on the proposed ordinance, which was generated by a citizen's complaint about abandoned vehicles in the Borough. He noted abandoned vehicles are not allowed to sit on property in the Borough, whether the property is private or not; vehicles must have a valid registration. The citizen requested the Zoning Officer find out who owned the vehicles, then send them a notice to remove them. When the matter was discussed with the MPD, they pointed out the Borough did not have a Towing Ordinance. Abandoned vehicles on private property are permitted only if they are covered.

Council Member Bloch requested the property owner and vehicle owner(s) be notified of the abandoned vehicles and ask them to remove the abandoned vehicle from the Flower Park parking lot. President Yerman cautioned if the property owner was notified they may close the parking lot, then all of the people parking their movable vehicles there would be upset. Solicitor Armstrong stated the *Code of Ordinances* provides a nuisance provision regarding abandoned junk cars on property, and a notice could be sent to the property owner informing them of the vehicle on their property and asking them to remove it by a certain date or the property owner could be fined, even

if they do not own the vehicle, as it would motivate them to have the vehicle removed. The Zoning Officer would be responsible to enforce the nuisance ordinance. The Towing Ordinance will be reviewed and discussed by the MPD at a future Council meeting.

Council Member Schleicher made a motion to send a registered letter to the two vehicle owners requesting they remove their vehicle from the parking lot, second by Council Member Bloch. Motion carried: 5 ayes.

v. Painted Crosswalk at Race and Main Streets. Council member Bloch questioned if painting of the crosswalk was still on schedule. Borough Manager Glisson reported the last discussion Council had on the crosswalk painting was November 18, 2019 where A-1 provided a quote in the amount of \$1,190.00 and the work was to be completed in 2020. This will be scheduled for a time when other crosswalks in the Borough are painted.

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. No discussion.

i. Phase 4 Request for Approval for Bids.

b. Committee Appointments expiring March 31, 2020.

i. Civil Service Commission Alternate, 2 year term.

ii. Macungie Institute Board of Trustees, 3 year term.

c. Replacement Bear for Macungie Institute. Mr. Sell reported that the replacement black bear has been installed at the MI.

d. Macungie Institute HVAC Plan. AVCO Supply sent information to Council Member Rutledge, but he has not had an opportunity to review it yet.

Council Member Bloch distributed three months of calendar scheduling's to Council for the MI. He reported there are approximately 35 rentals a month at the MI.

e. Consideration of Sonya Spotts Interest to Enter Into Rental Agreement With Borough of Macungie for 24 S. Church Street. A meeting was held at the property. The PWD requested 30-days to complete the renovations, beginning May 26, 2020. Ms. Spotts will move into the property by the end of June 2020. A draft Commercial Rental Agreement was given to Ms. Spotts for her review. The rent will remain at \$450.00 until the end of 2020.

f. Yard Waste Passes. Borough Manager Glisson reported the Borough of Emmaus passes have been selling at Borough Hall and Lower Macungie Township is still firming up the details on their passes.

NEW BUSINESS

a. PIM Corporation Payment Request #2, in the amount of \$8,967.00 (Retainage) for the 2019 Sanitary Sewer Manhole Rehabilitation Work. Council Member Schleicher made a motion to pay the PIM Corporation Payment Request #2, in the amount of \$8,967.00 for the 2019 Sanitary Sewer Manhole Rehabilitation work, second by Council Member Ashbrook. Motion carried: 5 ayes.

Engineer Wojciechowski stated the release of these funds would close out the contract.

b. Lehigh County Authority Interim Act 537 Plan – Update & Schedule. A brief history on the Kline’s Island Sewer System Interim Act 537 Plan was given. It must be reviewed by the Borough Planning Commission and Council for review and comments, before it is submitted to the Department of Environmental Protection (“DEP”) at the end of 2020. President Yerman suggested a representative come before Council to give a presentation. Brookside Country Club’s proposed plan for 95 residential homes would be included in the capacity.

ITEMS NOT ON AGENDA (Mayor and Council members only)

a. Coronavirus. President Yerman commented Council may not be able to meet in the next month or two due to the Coronavirus. Therefore, Solicitor Armstrong prepared a draft ordinance for declaration of emergency, which would authorize Mayor Conrad to make a declaration. The declaration would set the Emergency Management Plan into effect and provide flexibility to Council to pay the bills without meeting. Solicitor Armstrong suggested Mayor Conrad get input before engaging. It would only be good for seven (7) days.

President Yerman reported the Office of Open Records stated Council can meet over the telephone as long as the meeting is recorded and minutes are kept. Solicitor Armstrong commented that some municipalities are using Google-Meet to hold their meetings.

Council Member Yerman made a motion to pass Resolution 2020-05 to give Mayor Conrad the authority to issue a disaster emergency declaration in response to the COVID-19 emergency, second by Council Member Schleicher. Motion carried: 5 ayes.

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

Motion Passed.

Council discussed the Coronavirus pandemic, along with having one Council Member be the point of contact to answer any questions the public has relating to the Coronavirus so everyone is getting the same information. Council Member Schleicher volunteered to be the point of contact.

EXECUTIVE SESSION, IF NECESSARY - President Yerman called for an Executive Session at 09:31 p.m. to discuss a personnel matter and limiting public access to the Borough Offices following the lead of Lehigh County. The regular Council meeting reconvened at 10:10 p.m. with no action was taken.

Council Member Schleicher made a motion to limit public access to the Borough Offices to only Borough staff and only allow outsiders when absolutely necessary by all points, beginning March 17, 2020, second by Council Member Ashbrook. Motion carried: 5 ayes.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Schleicher made a motion to adjourn the meeting at 10:13 p.m., second by Council Member Yerman. Motion carried: 5 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant