

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

President John Yerman called the April 06, 2020, regular meeting of Macungie Borough Council to order at 7:30 p.m. Due to the Coronavirus Pandemic (COVID-19), the meeting was held via telecommunications. The change in venue was announced on the Borough website and by a posting notice on the Macungie Institute and Borough Hall doors. The meeting was open to the public where participants could “attend” the meeting by using an assigned web link or telephone number and access code.

PUBLIC COMMENT

- a. Prior Public Comments to Council - None.
- b. Comments from the Audience on non-agenda items.
 - i. Carl Sell, Jr., 46 Locust Street, Macungie, questioned the process to submit a request for a change to the *Sidewalk Ordinance*. President Yerman stated the process would be for Mr. Sell to submit his request in writing, along with any sketches and/or support documents, to the Borough Planning Commission at Borough Hall.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS – None.

APPROVAL OF MINUTES

- a. March 16, 2020. Council Member Rutledge made a motion to approve the March 16, 2020 meeting minutes, as written, second by Council Member Schleicher. Motion carried: 7 ayes.

CONSENT AGENDA

- a. Treasurer’s report of March 31, 2020 – the items listed on the report were briefly discussed. Council Member Schleicher commented she did not see the Liquid Fuels Entitlement funds of \$80,333.96 listed on the Budget vs. Actual revenues. She noted every year the Borough receives the Liquid Fuels Turn Back and Entitlement funds at the same time in February or March, but this year the Entitlement funds have not been received yet. She discussed the funds for the new Public

Works truck that was ordered, then expressed concern for not having the needed \$65,000.00 in Liquid Fuels money to pay for a portion of it (the chassis was purchased a few months ago). She questioned if there was a reason the money was not received. Borough Manager Glisson stated he expects the report will be filed tomorrow, then he would anticipate the funds being received within a couple of weeks.

Council Member Schleicher made a motion to approve the March 31, 2020 Treasurer's Report, as presented, second by Council Member Ashbrook. Motion carried: 7 ayes.

b. Payment of invoices as listed totaling \$192,175.35 – Council briefly discussed the invoices. President Yerman suggested and Council Member Ashbrook concurred that Council should see all of the spending before it occurs, so they have an explanation of the funds being spent; the process on how this would be done will be discussed at the next Council meeting.

Council Member Rutledge made a motion to approve paying the Consent Agenda invoices, as of April 07, 2020, in the amount of \$192,175.35, second by Council Member Schleicher. Motion carried: 7 ayes.

CORRESPONDENCE

a. Municipal Retirement Trust, re: February 2020 Monthly Trust Report. No action taken.

b. Macungie Volunteer Fire Department, re: March 2020 Training Report. The report included classes on Traffic Management, Pump Training and Small Equipment, along with a Department Meeting.

c. Audrey Billger, re: Letter of Interest for Part-Time Macungie Institute (“MI”) Position for Consideration. Council briefly discussed Ms. Billger's letter. There was a unanimous consensus among Council that it would be premature to hire someone for this position at this time. The Borough will keep Ms. Billger's letter of interest on file.

Council Member Bloch questioned if the suggestion of long-term rentals, i.e. daycare, at the MI was considered and how to proceed with the suggestion. President Yerman stated Council Member Hanosek (MI Liaison) and MI Trustees should evaluate the suggestion. Council Member Bloch will discuss the matter with the Liaison.

d. Macungie Farmers Market (“MFM”), re: Permit Fee Waiver Request, in the amount of \$60.00, for consideration. The letter, dated March 16, 2020, stated a permit is required to place a shed on the new property Macungie Memorial Park acquired, which will be the new location for the MFM. The letter also stated the MFM Board is moving forward to being a non-profit organization. Caution was expressed, that approval of this request could open the door for other non-profit organizations holding events at Macungie Memorial Park to request similar waivers as well.

Council Member Rutledge made a motion to deny the permit fee waiver request because the Macungie Farmers Market is not a non-profit at this time, second by Council Member Bloch. Motion carried: 7 ayes.

Additional Correspondence, Not Listed On Agenda.

e. Macungie Volunteer Fire Department, re: March 2020 Certificate of Classes Report. The report stated all classes are on hold due to COVID-19. No new members were listed.

REPORTS

a. Solicitor – None.

b. Mayor.

i. Police Chief Position. No discussion by Council.

ii. Motion to ratify Mayor’s Emergency Declaration for 60 days or Governor’s rescinding his emergency for Lehigh County whichever comes first. Solicitor Armstrong gave a brief history of the previous Declaration, which was signed by Mayor Conrad on March 30, 2020. Solicitor Armstrong explained the previous Declaration needs to be ratified by Resolution [2020-06] within seven days of the signed Declaration.

Council Member Rutledge made a motion to ratify Mayor Ronald Conrad’s Emergency Declaration for 60 days or Governor Tom Wolf’s rescinding his emergency for Lehigh County, whichever comes first, second by Council Member Yerman. Motion carried: 7 ayes.

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

Motion Passed.

iii. Masks and Gloves. Emergency Management Director, Michael Natysyn, acquired protective face masks, hazmat suits, gloves, and disinfectant supplies which he distributed to the Macungie Volunteer Fire Department and Macungie Police Department (“MPD”). The MPD is using the State protocols on how to respond to calls and stay safe amidst the COVID-19.

iv. Allen Organ Company. Allen Organ is currently permitted to be open to manufacture computer circuit boards, life sustaining products and other critical equipment needed for the COVID-19 pandemic.

v. Sergeant Travis Kocher Updates.
- MPD assistance call volumes decreased due to the COVID-19 Stay-At-Home Order that is in place, but there has been an increase in domestic violence and theft calls. Involuntary Committals to a Psychiatric Hospitals have also increased.

- An MPD Officer has been out sick and seen by a doctor twice. The medical facility he went to refused to test him, although he is a first responder. As a precaution, the Officer was told to stay home until his symptoms cleared up. Sgt. Kocher stated he cannot legally force Officers to stay at home when they are sick with certain symptoms. Solicitor Armstrong suggested they request a written document from the physician’s office stating the Officer is not quarantined

or is not required to be quarantined; he suspected although the doctor may not run the test, they may be requiring people to be quarantined for 14-days. If a similar situation arises again, and the Officer does not want to stay home, the situation should be discussed with Mayor Conrad and Solicitor Armstrong to seek a potential solution.

b. Borough Manager.

i. Streetscape Updates. Mohawk Construction and Landscaping will begin fixing the bump-outs tomorrow and will start planting trees soon. Verizon was scheduled to raise the overhead wires on the east side of Main Street on April 02, 2020, but their linemen and garage personnel are in quarantine until late April due to the COVID-19 pandemic.

ii. CDBG Bid Update. The bid opening was moved to April 09, 2020 to allow prospective bidders more time to assemble the required documents. Lehigh County cancelled the April 15, 2020 submission date. Barry Isett & Associates mandated all work to be completed by October 30, 2020.

iii. Yard Waste Passes Update. The Borough should be receiving the Lower Macungie Township passes by the end of the coming week.

c. Committees - None.

UNFINISHED BUSINESS – PART I

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. President Yerman distributed a detailed cost analysis he prepared, which outlined the amount of grant funds received, loan amounts and/or tax dollars used for the Church Street Traffic Signal and Phases I, II, III and IV of the Streetscape projects to date. Council discussed the analysis, along with the construction and engineering issues that occurred during certain phases. Council Member Ashbrook requested a similar analysis be provided for each future project and the remaining Streetscapes projects.

Council Member Bloch requested the storm sewer bags (the bags lining the sewer inlets) be removed from the bump outs at the Southeast corner of Race and Main Streets. He expressed concern of problems arising from them being in the bump outs too long.

Council Member Ashbrook questioned if the energy charges for the new streetlights would be included on the old street light PPL utility bill or if they would be on a separate bill. President Yerman suggested getting the new streetlights working to determine if they are equivalent to the old ones.

b. CDBG Grant Bid; Delayed Bid Opening for 1 Week at behest of prospective bidders. Discussed under the *Manager's Report* above.

c. Macungie Institute HVAC Plan. No update provided.

- d. Consideration of Sonya Spotts Interest to Enter Into Rental Agreement With Borough of Macungie for 24 S. Church Street. No update provided.
- e. Yard Waste Passes. Discussed under the *Manager's Report* above.

NEW BUSINESS

- a. Approval for Public Works Teams to alternate weeks schedule. Two Options were suggested: Option 1: Public Works employees would work a week on then are off a week, with full pay, which would provide complete separation, full pay for no work during week off and 50% efficiency; or Option 2: One team would work from the Macungie Institute and the other works from the garage, which would provide 80% efficiency and full pay for some work. This item was discussed in Executive Session this evening.
- b. Approval of Letter to Property Owners For Sidewalk Repairs. A draft "Final Determination" notice to property owners along Main Street regarding needed repairs/replacement to their sidewalks was distributed to Council and discussed. The reconstruction of their sidewalk would need to be completed on or before July 31, 2020 to be coordinated with the next phase of the Macungie Pedestrian Streetscape (a/k/a Main Street Streetscape) project. The draft letter included a paragraph that read, "The Borough has previously received cost estimates indicating that the sidewalk repair/replacement will be approximately ten dollars (\$10.00) per square foot to remove and replace the concrete sidewalk panel(s). In the event that you would be interested in having the contractor who is performing the next Streetscape project provide the repair work while they are doing the Streetscape project, the Borough will use our price and provide the cost to you. Please notify the Borough of your decision in writing not later than July 31, 2020. The Borough may consider arranging for the coordination of said work by the contractor and bill you directly. However, please note that such an arrangement is subject to the approval of Borough Council. While our Ordinance below provides for 45 days to perform the repairs to your sidewalk, Council has extended the time until July 31, 2020 as noted above."

Administrative Assistant Ritter stated she thought it was a nice convenience for the property owner, but questioned if the Borough could be held liable (if the Borough acts as a middleman between the property owner and contractor, offers property owners to have the Streetscape contractor repair/replace their sidewalk and/or the Borough receives the payment from the property owner then forwards it to the contractor), should the sidewalk fail for any reason, including improper installation by the contractor, a crack forms and/or the property owner uses too much salt in the winter months that causes spalling. Solicitor Armstrong stated a written document could address it, but the Borough should understand anytime they get into one of these arrangements there is always a potential for liability. He then reminded Council that if a property owner fails to repair/replace their sidewalk, the Borough could have the work done for them then lien the property for the cost. President Yerman commented that the liability issue could be resolved if the property owner was paying the contractor directly.

Blake Martin, 971 Vine Street, Macungie, questioned if the property owners along Main Street were given an option to have a tree planted on their property, if the homeowner would be responsible to pay for any damage to the sidewalks from the tree roots and what the benefits would be for a homeowner to have a tree planted on the front of their property if they are

responsible for sidewalk damage from the trees. President Yerman stated the trees that were chosen to be installed are smaller trees and there is underlying soil for them to grow which should mitigate the risk of sidewalk disruption; the benefits go back to the original Streetscape plan design to make the downtown more attractive and bring in more businesses; and the property owner would be responsible to repair sidewalk damage that may occur from the tree.

Karen Billger, 975 Vine Street, Macungie, questioned what would happen if the property owner would remove the tree from their property. President Yerman stated he was uncertain. Solicitor Armstrong stated the *Code of Ordinances* does not allow property owners to remove trees on certain streets.

Council Member Ashbrook expressed concern for people out of work [that have to repair/replace their sidewalk], due to the State shutdown, and asked if the July 31, 2020 date could be changed. President Yerman noted the *Sidewalk Ordinance* requires sidewalk repair/replacement work to be done when the Borough is doing other work (such as the Streetscape); the sidewalk repairs should be done prior to the Streetscape work so different construction jobs are not being done on top of each other; and it would also avoid the Streetscape brick work from being damaged when the property owners have their sidewalks fixed. If Streetscape brick work is damaged by a homeowner's sidewalk contractor, the homeowner would be responsible to repair the damaged brick work.

President Yerman suggested getting a list of properties this would affect to see how many there are and rewrite the "Final Determination" notice to clarify the finances, adding language stating there will be a contract to sign and the deposit of money. There was a unanimous consensus among Council to table the matter until the next meeting to allow time to have the notice revised and get a list of affected property owners. At that time, Council will also have an update on the Stay At Home Order.

c. Consideration of Approval for Mohawk Construction Change Order #1 for Phase III of Main Street Streetscape. The Change Order requested a decrease in the Contract Sum, in the amount of \$33,174.00. The new Contract Sum including this Change Order would then be \$688,952.00.

Council Member Akinjiola made a motion to approve Mohawk Construction's Change Order #1, second by Council Member Rutledge. Motion carried: 7 ayes.

d. Consideration of Approval for Mohawk Construction Payment #5 for Phase III of Main Street Streetscape. The current payment due is in the amount of \$95,992.00. Application #5 was previously reviewed and approved by Barry Isett & Associates ("BIA"). A remaining balance to finish the work would be in the amount of \$61,814.70.

Council Member Schleicher suggested Council does not approve any more payment requests for Mohawk Construction until the repairs are made to the poor quality of work they did; Council Member Ashbrook concurred.

After the Payment #5 request was discussed, there was a unanimous consensus among Council to table the matter until the next meeting, which will allow time for President Yerman and Borough Manager Glisson to speak with BIA to discuss how the retainage will cover the Borough for the

outstanding work. Borough Manager Glisson suggested having BIA appear at the next Council meeting so they can address each question.

e. Consideration of Conditional Bid Award for the Raingarden Project, located at Cotton Street. In their recommendation for award letter, dated March 23, 2020, ACELA Architects and Engineers stated they reviewed the bid documents and recommend the Borough award the contract to the lowest bidder, Stonewood Landshaping, Inc. for the total bid amount of \$29,000.00. Council discussed a concern of the contractor subcontracting any of the work out, which they do not want to happen.

Council Member Schleicher made a motion to conditionally award the Cotton Street raingarden project contract to Stonewood Landshaping, Inc. for a total bid amount of \$29,000.00, contingent upon Borough Manager Glisson confirming with ACELA Architects and Engineers that Stonewood Landshaping, Inc. will not subcontract any of the work out to another contractor, second by Council Member Bloch. Motion carried: 7 ayes.

ITEMS NOT ON AGENDA

a. Council Member Bloch questioned:

- When the painting of the crosswalk at on the south side of Race and Main Streets would be scheduled for completion. Borough Manager Glisson stated it would be done when A-1 is painting other crosswalks in the Borough.

- When the sidewalk installation on Jeffrey and Steffany Hartman's property, located at 212 W. Main Street, needs to be installed. The sidewalk needs to be installed by June 2020.

- If the job description for the Borough Clerk/Assistant Treasurer position was completed. Borough Manager Glisson reported the job description has not been finalized yet. President Yerman stated an interview schedule was prepared.

Council Members Ashbrook, Rutledge and Yerman, along with Borough Manager Glisson, will work together on a committee to review resumes and interview candidates for the position.

Advertisement of the job description was discussed. A few options on where to advertise the job were suggested, including local colleges, Pennsylvania CareerLink, Lehigh Valley Professionals Group, the newspaper and online job boards, including LinkedIn, Facebook and Indeed.com.

Council Member Yerman made a motion to authorize Borough Manager Glisson to find and spend up to \$2,000.00 of unbudgeted funds to advertise the position; the \$2,000.00 will only be spent if the other suggestions are not fruitful, second by Council Member Schleicher. Motion carried: 7 ayes.

b. President Yerman suggesting using Zoom for future conference call meetings, instead of gotomeeting.com, until the COVID-19 pandemic is over. The monthly subscription cost for Zoom is \$15.00 per month and has features gotomeeting.com does not have.

Council Member Yerman made a motion to approve signing up for a Zoom account to be paid for by a Borough credit card, the account will be closed when Borough Council can meet again in person, second by Council Member Schleicher. Motion carried: 7 ayes.

c. Mayor Conrad reported only three lights in the crosswalk at Poplar and Main Streets are working. Borough Manager Glisson stated Barry Isett & Associates has been in contact with the light manufacturer who is working on an improved fixture.

EXECUTIVE SESSION – President Yerman called for an Executive Session at 10:11 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 11:00 p.m. with the following action taken:

Council Member Schleicher made a motion to approve Option #1 to allow the four Public Works Department employees to work in teams of two, with two employees working one week on and the other two employees having one week off, with full pay, for four weeks, with a Memorandum of Understanding (“MOU”), with the understanding Council can stop it at any time, second by Council Member Hanosek. Motion carried: 7 ayes.

Solicitor Armstrong will prepare the Memorandum of Understanding (“MOU”), which all of the Public Works employees must sign by the end of this week or they would all have to come back to work next week. President Yerman stated the temporary work scheduled will begin tomorrow.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Hanosek made a motion to adjourn the meeting at 11:04 p.m., second by Council Member Schleicher. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant