

ATTENDANCE

Council Members: Angela Ashbrook
Barry Bloch (arrived at 7:48 p.m.)
Ryan Hanosek
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

CALL TO ORDER

President John Yerman called the May 04, 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 notice being posted 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.

BOROUGH ENGINEER UPDATE - Stan Wojciechowski; P.E., from Barry Isett & Associates, Inc. (“BIA”), discussed his May 01, 2020 bid summary letter regarding the South Church Street Improvements, specifically the proposed Americans with Disabilities Act (“ADA”) Ramps. Four (4) bids were received for the project. G&B Construction Group, Inc. (“G&B”) from Willow Grove, Pennsylvania was the low bidder, with a base bid total of \$83,478.00. BIA reviewed G&B’s complete submission, including their qualifications, and recommended the bid be awarded to them.

Costs for the project were discussed. A Community Development Block Grant (“CDBG”) was awarded towards this project in the amount of \$61,460.00. The Borough would be required to match funds in the amount of \$22,028.00, which were allotted in the 2020 Budget. Engineer Wojciechowski stated a BIA inspection and construction management fee would cost an additional one-time fixed flat rate of \$2,000.00, which would cover the entire project no matter how many inspections would be required. The Borough has already paid BIA Sixty-Four Hundred Dollars (\$6,400.00) to BIA for the ramp design.

Council discussed if the project should continue and a bid be awarded, due to concerns for a lack of current and undetermined future Borough finances; the Borough revenues and expenditures were also discussed. These mandatory ADA ramps would need to be replaced before, or at the time, South Church Street is reconstructed. Council Member Bloch questioned why the ramps would be updated prior to the street being paved. Engineer Wojciechowski explained the law requires the ADA ramps to be updated when a street is paved, plus the former Council and former Borough Manager decided what streets would be affected. He also discussed the funding sources (grants) available to help pay for the ramps, then stated it does not matter if the ramps or street are done first as long as they are done correctly. President Yerman stated, to date, no Borough funds

have been assigned to the road [South Church Street] reconstruction. The road reconstruction cost is estimated at approximately \$750,000.00 to \$1 million. Council Member Ashbrook questioned if the ramps were installed now, if they would still meet the ADA regulations when the street is reconstructed in the future or if they would need to be torn out and reconstructed because the ADA ramp requirements change every few years. Engineer Wojciechowski stated generally, if the ADA ramps were compatible at the time they were installed, they would be grandfathered; it is the old ramps that do not have the current requirements. The current ramps are 10-15 years old, which do not meet today's ADA requirements. If South Church Street is not repaved within the next 10 years, there is a possibility the ADA ramps would have to be replaced again to meet the ADA requirements at that time.

Council Member Schleicher made a motion to grant the bid award to G&B Construction Group, Inc. ("G&B"), for a base bid total of \$83,478.00 for the South Church Street ADA Ramps, second by Council Member Rutledge. The motion tied with a vote of 3 ayes (Council Members Rutledge, Schleicher and Yerman) and 3 nays (Council Members Ashbrook, Bloch and Hanosek); Mayor Conrad delivered the deciding vote, with an aye. Motion carried: 4 ayes and 3 nays.

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. April 20, 2020. Council Member Rutledge made a motion to approve the April 20, 2020 meeting minutes, as written, second by Council Member Ashbrook. Motion carried: 5 ayes.

CONSENT AGENDA

- a. Treasurer's report of April 30, 2020 – the items listed on the report were briefly discussed.

Council Member Schleicher made a motion to approve the April 30, 2020 Treasurer's Report, as presented, second by Council Member Yerman. Motion carried: 5 ayes.

- b. Payment of invoices as listed totaling \$184,801.28 - some of the invoices listed on the report were briefly discussed.

Council Member Schleicher made a motion to approve paying the Consent Agenda invoices, as of May 05, 2020, in the amount of \$184,801.28, second by Council Member Rutledge. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Emmaus Library, re: April 2020 Board Meeting Minutes/Packet. President Yerman recalled Council's decision, at their April 20, 2020 meeting, to withhold the library's funding. He

then commented that the assumption of the library being closed and they were not incurring expenses was not accurate; their spending was only reduced by \$1,000.00 in the first quarter of 2020. Borough Manager Glisson reported he received a letter today from the Library Director, which provided an update of their current operational costs and the services they are currently providing. The letter will be discussed at the next Council meeting.

b. Municipal Retirement Trust, re: March 2020 Monthly Trust Report. President Yerman commented both pension funds are down by 14%.

c. Municipal Retirement Trust, re: Quarterly March 2020 Monthly Trust Report. President Yerman quoted, page 2, where the *Total Balanced Managed* reported an average rate of return over the past 10 years as 5.27%, however, Council has been using an assumed rate of 7.25% for a few years.

d. Macungie Ambulance Corps, re: Sample Emergency Medical Services (“EMS”) Week Proclamation for Consideration. The Macungie Ambulance Corps asked each municipality they serve to consider officially proclaiming the week of May 17- 23, 2020 as EMS week in their community. The proclamation would be a way of letting the first responders know that they are recognized and the community is thankful for the work they do, especially during the Coronavirus 19 pandemic. Mayor Conrad announced he would be signing the Proclamation.

REPORTS

a. Solicitor – None.

b. Mayor.

i. Police Chief Position. No discussion by Council.

ii. Sergeant Travis Kocher reported the Macungie Police Department had 21 calls over the past four (4) days and seven (7) of them involved violent crimes.

b. Borough Manager.

c. Committees.

i. Employee Handbook Revisions. The current Employee Handbook was last revised in 2015. Council Member Schleicher discussed three proposed revisions: (1) Page 14: non-uniform employee *Life Insurance* increased to \$80,000.00, in accordance with the contract; (2) Page 17: the *Smoking, Tobacco and Clear Air* policy to include “vaping”; and a paragraph to include language for the wearing of perfume/cologne in the office, to help protect employees with allergies and/or breathing problems from having health issues; and (3) Page 18: the *Personal Appearance* policy to include language outlining what attire would be considered appropriate/inappropriate. Council Member Schleicher commented, due to new employees being hired, it would be a good time to make the changes to avoid past issues in the future.

The proposed language was discussed. Solicitor Armstrong stated the language for the insurance, vaping and dress attire were okay, but he wanted to revise the fragrance language; however, he would not change the substance of the paragraph.

UNFINISHED BUSINESS – PART I

a. Consideration of Residential Rental Ordinance 2018-06 Amendment. Zoning/Code Enforcement Officer, Joseph Peterson (“Zoning Officer Peterson”), expressed concerns with some of the language in the Borough’s *Residential Rental Property Ordinance* (the “Ordinance”). After he worked with Solicitor Armstrong, most of his concerns were resolved. President Yerman commented the Ordinance amendment would only correct the Ordinance in situations where Zoning Officer Peterson could not conduct the inspections within the 30-days as the current Ordinance requires.

Zoning Officer Peterson also prepared a revised draft, *Exhibit A* (to the Ordinance), *Residential Rental Unit Inspection Checklist* (the “Checklist”), for Council’s review and consideration. Council Member Bloch recalled the Ordinance was originally adopted for safety inspections; he then commented that now they want to dictate the size of the rooms and other non-safety items. He expressed concern for properties that do not meet the standards/requirements listed on the Checklist due to the age and/or original construction of the dwelling, i.e., ceiling height of 7’, a window in every room, bedrooms less than 70 s.f. President Yerman suggested Council Members send their concerns and/or comments to Zoning Officer Peterson. This matter will be discussed and voted upon at the next Council meeting.

UNFINISHED BUSINESS – PART II

a. Macungie Institute (“MI”) HVAC Plan. Council Member Rutledge reported he received the gas heating and A/C expenditures for the past five years, which he requested at a previous meeting, from Assistant Treasurer, Rosemarie Nonnemacher. He noted insufficient insulation in the MI attic, which needs to be repaired. He will provide an update at the next Council meeting.

b. Consideration of Sonya Spotts Interest to Enter Into Rental Agreement With Borough of Macungie for 24 S. Church Street. Borough Manager Glisson reported he received a note today from the current tenant, Linda Bieber of Linda’s Hair Salon, stating she would be vacating the property by May 18, 2020. Ms. Spotts plans on moving into the property by July 01, 2020.

c. Yard Waste Passes; \$5 Surcharge to Cover Sticker Cost = \$30. Lower Macungie Township (“LMT”) yard waste passes are \$25.00 for Borough residents. Upon the Borough receiving the stickers, they discovered a \$315.00 invoice in the box for the purchase and printing of the stickers, which the Borough paid. The sticker costs will be included with the price of the pass (\$25.00 + 5.00, for a total pass cost of \$30.00).

Karen Billger, 975 Vine Street, Macungie, expressed dissatisfaction with \$5.00 being added to the cost of the passes, to pay for the stickers and printing. She suggested the Borough purchase less passes in the future. President Yerman explained LMT contacted the printer and requested 250 stickers for the Borough, without confirming the purchase with the Borough first. Ms. Billger then suggested there be better communication between the Borough and LMT next year.

d. Council Member Bloch to work with Council Member Hanosek on Additional Long-Term Rental Ideas at the Macungie Institute. No discussion by Council.

e. Team of Council Members Ashbrook, Rutledge and Yerman, along with Borough Manager Glisson to start working on filling Borough Clerk/Asst. Treasurer position. Borough Manager Glisson reported there was a total of 35 applications received and there are seven candidates that will be considered. The interviews would most likely be conducted via teleconference (Zoom) until the top two final candidates are chosen, whom will then be interviewed in person. Interviews will begin next week. In person interviews will most likely occur in late May or early June. Borough Manager Glisson and Council Members Bloch, Hanosek, Rutledge, Schleicher and Yerman will attend the interviews.

f. Council Member Ashbrook to develop an approach for Council to review purchases before they occur. Council Member Ashbrook agreed for this item to be temporarily removed from future Council agendas; she will reinstate it in the future after she obtains more information.

g. Public Works Department to provide schedule for 2020 cross walk painting, Council to consider if this is an area to postpone for 2020. Borough Manager Glisson provided an update on this matter. The total project cost was \$3,000.00. He suggested (1) the crosswalk painting at Race Street and Route 100/Main Street not be completed, which will have a savings of \$2,100.00, and (2) to have the line striping completed on Cotton, Race and Lumber Streets, which will cost \$900.00.

Council Member Rutledge made a motion to approve no crosswalk painting at Race Street and Route 100/Main Street, and to approve the line striping on Cotton, Race and Lumber Streets, second by Council Member Schleicher. Motion carried: 6 ayes.

h. Zoning/Code Enforcement Officer, Joseph Peterson, to provide update on Sidewalk repairs for Phase IV letter, list of repairs. Thirteen (13) properties along Main Street have damaged sidewalks, which require repair and/or replacement, prior to the Phase IV Streetscape construction (up to Mountain Creek Bridge). Zoning Officer Peterson will be sending the property owners a notice regarding the required repairs. The letter may also include an offer for the Borough to coordinate with the Contractor to fix property owner's sidewalk during the Phase IV sidewalk construction.

Council discussed extending an offer to the property owners for the streetscape contractor to repair and/or replace their damaged sidewalks during Phase IV, at the property owner's expense. Sidewalks are required to be repaired/replaced within 45-days from when the property owner is notified they are out of compliance. President Yerman stated there are a couple of parts for consideration: (1) if Council would offer property owners to have their sidewalks fixed as part of the Streetscape Phase IV construction; and (2) if the sidewalk repair/replacement deadline, of July 31, 2020, would be enforced when the Streetscape Phase IV commences, if not, what deadline would be enforced.

Motion #1. Council Member Schleicher made a motion for Council to extend an offer to the thirteen property owners for them to use the Streetscape Phase IV contractor to repair and/or replace their damaged sidewalks during Phase IV sidewalk construction, second by Council Member Rutledge. Motion carried: 6 ayes.

Solicitor Armstrong clarified the Borough would put the property owner in contact with the Streetscape contractor and get a price for the property owner, but the contract would be between the property owner and the contractor. President Yerman stated if the property owner would like to use the Streetscape contractor, it would be the property owner’s responsibility to contact the contractor themselves, the contractor would give the necessary paperwork to the property owner for signature, then the contractor would give the Borough the signed documents; he stated the Borough would not be in the middle of the parties or be a party in the contract.

Motion #2. Council Member Rutledge made a motion to approve Zoning Officer Peterson sending a letter to the property owners to fix their sidewalks by July 31, 2020 or the Borough will help the property owner to work with the Phase IV contractor, second by Council Member Bloch. Motion carried: 6 ayes.

- i. ACELA to provide an update on the Raingarden. No discussion by Council.
- j. Status of the new safer Public works schedule. Borough Manager Glisson stated all of the Public Works Department employees will be back to work full-time tomorrow.

NEW BUSINESS

- a. Street Sweeping Services. Borough Manager Glisson suggested the Borough only contract for one service this year (spring), instead of two (spring and fall), for a \$2,250.00 savings.

Council Member Ashbrook made a motion to skip the first (spring) street sweeping this year and only have the fall sweeping, second by Council Member Bloch. Motion carried: 6 ayes.

- b. Get the Macungie Institute Trustees Functioning Again. Council Member Hanosek reported he will be meeting with the MI Trustees next Monday to being discussions.
- c. Adoption of Resolution 2020-07, re: Real Estate Tax Payment Extensions. Solicitor Armstrong discussed the proposed Resolution, which would allow Council to (1) waive late fees until December 31, 2020; and (2) extend the discount rate payment period to August 31, 2020. He suggested Council discuss the proposed Resolution with the Borough Tax Collector, Cynthia Hartzell, to inquire if adoption of the Resolution would cause any issues on her end.

Council Member Rutledge made a motion to adopt Resolution 2020-07 waiving Real Estate Tax payment late fees until December 31, 2020 and extending the discount rate payment period to August 31, 2020, second by Council Member Schleicher. Motion carried: 6 ayes.

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

Motion Passed.

d. Adoption of Resolution 2020-08, re: Disposition of Municipal Records. Adoption of a resolution is required by the State of Pennsylvania to dispose of obsolete and/or unneeded municipal government records.

Council Member Schleicher made a motion to adopt Resolution 2020-08 giving permission for the Borough of Macungie, Lehigh County, for the disposition of specific Municipal Records listed within the Resolution, second by Council Member Rutledge. Motion carried: 6 ayes.

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

Motion Passed.

e. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed Ordinance for Wireless Communications. President Yerman provided a brief history on the 5G Antennas, which are the next wave of wireless technology for the internet and cellular telephones. Each antenna would have a 500’ transmission range; therefore, they would need to be installed close together because they do not have coverage like a cell tower. Most of the antennas would be installed on top of telephone poles, but if there is no pole where an antenna needs to be installed, some type of pole could be installed. LMT adopted their Ordinance on February 06, 2020, to restrict the placement of the antennas. The Borough drafted a similar ordinance, which was fashioned after LMT. The draft ordinance will be discussed at the next Borough Planning Commission meeting.

On or about April 24, 2020, Verizon Wireless submitted a contract and other documents to the Borough for the installation of antennas at five locations: (1) 140 W. Main Street; (2) 24 S. Church Street; (3) 127 Main Street/Route 100; (4) 25 Cedar Street; and (5) 67 W. Chestnut Street.

Solicitor Armstrong stated the Borough Planning Commission does not have to review the draft ordinance before Council adopts it. He then commented there is pending litigation on what municipalities can enforce and/or restrict.

f. Proposed Process to Review Spending Before Occurrence. President Yerman discussed the document he prepared to better explain how Borough spending is handled. The document showed categories on (1) how small spending is handled; and (2) a new process for reviewing and/or approving spending. Non-emergency over-time was not a factor at this time because there is not much of it. There was a unanimous consensus among Council to have all purchase(s) of \$1,500.00 or more reviewed by Council before the spending occurs.

g. Volunteer Liability and Insurance. President Yerman provided the history on this item, which initiated when resident Carl Sell volunteered to install a pull down ladder at the MI; the work was first approved, but then later Mr. Sell was told he could not install it due to liability issues. Mr. Sell then inquired about possible liability issues for other Borough volunteers at the Flower Park and bump outs, and also MI renters and their invitees.

President Yerman discussed the matter with the Borough insurance company on May 01, 2020. He then prepared a written table that summarized the call and distributed it to Council for discussion tonight. Mr. Sell stated that the information President Yerman provided from the

telephone call with the insurance company answered his question. Solicitor Armstrong stated all volunteers, including those weeding bump outs, should fill out a hold harmless form.

h. Interim Act 537 Plan (Wastewater Treatment Plan for LVA) for Kline's Island in Allentown, Pennsylvania. Borough Manager Glisson provided a brief history on Act 537. Lehigh County Authority will attend the June 2020 Borough Planning Commission meeting to discuss the matter. Council would then need to vote on it no later than August 2020. Council Member Schleicher reported the Lehigh Valley Steering Committee will be discussing Act 537 at their May meeting, via Zoom.

ITEMS NOT ON AGENDA

a. Brookside Country Club ("BCC"). President Yerman reported BCC would be attending the Borough Planning Commission meeting in June 2020 to discuss their proposed subdivision plan regarding the building of approximately 94 residential homes on their property. Specific comments and/or concerns should be sent to Planning Commissioners Crawford or Yerman for review and discussion.

b. Council Member Schleicher.

i. Wreaths for Lamp Posts on Main Street. She requested permission to spend the \$2,000.00 that was budgeted for the wreaths, which would allow the purchase of nine wreaths. Permission was already granted at a previous Council meeting, but with the current Borough spending restrictions in place, she wanted to ensure the approval was still valid.

ii. Coronavirus Disease 2019 ("COVID-19"). A meeting will be held on Tuesday at 2:00 p.m. regarding the PEMA reimbursements for protective equipment.

EXECUTIVE SESSION – As requested by Macungie Police Department Sgt. Kocher, President Yerman called for an Executive Session at 09:38 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 10:00 p.m. with the no actions or decisions made.

ADJOURNMENT

Hearing no further business to be brought before Borough Council, Council Member Rutledge made a motion to adjourn the meeting at 10:01 p.m., second by Council Member Bloch. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant