

ATTENDANCE

Council Members: Angela Ashbrook
Alma Akinjiola
Barry Bloch
Ryan Hanosek
Todd Rutledge
Roseann Schleicher
John Yerman
Mayor: Ronald Conrad
Borough Manager: Robert H. Glisson
Solicitor: Patrick Armstrong
Engineer: Stan Wojciechowski (7:30 p.m. to 8:11 p.m.)
Administrative Assistant: Selma Ritter (7:30 p.m. to 9:50 p.m.)

CALL TO ORDER

President John Yerman called the June 01, 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.

ENGINEER REPORT - Stan Wojciechowski, P.E. from Barry Isett & Associates, Inc. discussed his June 01, 2020 Engineer’s Report, which included the following Borough projects:

a. Streetlights on Lumber Street; Grant Award of \$42,317.00. The Department of Community and Economic Development (DCED) announced awards for the Local Share Account (Gaming Revenue) for Northampton and Lehigh Counties. The Borough was awarded \$42,317.00 to purchase streetlights for Lumber Street. The purpose of the grant is for the purchase of the lights, have them delivered to the Public Works Department (“PWD”) and the PWD install them. The foundations for the streetlights were previously constructed. Costs for the wiring, conduits and connection to the power supply should be confirmed by the PWD. The lights would be a similar style to those on Lehigh Street.

The Borough’s application originally requested \$50,500.00 which would have included the purchase of seven (7) streetlights (\$4,500.00 per light), the purchase and installation of the required wire and to connect to the power source (PPL fees). However, the awarded grant funds only cover the cost of 5-6 streetlights. Engineering costs would not be covered by grant funds.

The outstanding costs were discussed; they would include \$450.00 for BIA to update the specifications, \$250.00 for an optional code inspection, PPL costs, wire and conduit purchase and connection, and purchase of the 1-2 remaining streetlights (\$4,500.00 each). President Yerman commented BIA estimated the wiring and connection fees ~~were estimated~~ to cost approximately

\$19,000.00.¹ Since Lumber Street is not a state road, no PennDOT approvals and/or permits are required.

Council Member Ashbrook requested a comprehensive list of all the current and future projects the Borough is working on so Council can see what projects are outstanding. She commented it seems Council is spending a lot of money on cosmetic items when they have structural issues that need attention. Engineer Wojciechowski will provide the list on or before the next Council meeting.

Council discussed holding off on purchasing and installing the additional 1-2 lights that are not covered by the grant, until more funding becomes available. Engineer Wojciechowski cautioned if Council waits to purchase and install the same style light, they may be discontinued and the cost of the lights could increase.

b. Main Street Streetscape, Phase III Brick Installation. Engineer Wojciechowski reported Verizon raised their wires in Phases II, III and IV. The contractor in Phase III is currently doing brick work around the raised water valves and redoing previously installed brickwork on the southbound side of Route 100. He stated most of the punch list items have been completed, except for the resetting and sealing of the bricks.

Borough Manager Glisson discussed some of the unsatisfactory brick work Mohawk Contracting & Development (“Mohawk”) did in Phase III. President Yerman commented the curbs in Phase III are not straight, but the bricks are straight, which leaves a gap; ~~that installation was approved by the past Council because they wanted the same brick sightline~~ when looking down the street.² To obtain the requested sightline, Mohawk had to use extra sand to fill the larger gaps, which could cause issues with bricks moving and additional maintenance later.

Council discussed a proposed change order to allow Mohawk to hire Eastern States Paving, Inc. (“Eastern”) to recut the bricks and to alleviate the extra sand currently between the spaces. The cost for a change order would be \$3,800.00 to \$4,000.00 and would be paid for by the unspent grant funds. Engineer Wojciechowski stated there is approximately \$8,528.00 of unused grant funds from Phase III, which would be enough to cover the change order. President Yerman suggested, by the next Council meeting, the change request be submitted to Council in writing and all Council Members visit the site in Phase III to view the brick work. The matter was deferred to the next meeting.

c. Main Street Streetscape, Phase IV Bid Award. The three lowest base bids were: (1) Mohawk Contracting & Development (\$307,645.00); (2) yourPM.mobi (\$344,515.00); and (3) Marino Corporation (\$508,400.00). The lowest bidder was Mohawk. The Bids received are valid until June 27, which is after the next Council meeting, or council can request the bids to be extended.

Department of Community Economic Development (DCED) previously awarded a grant to the Borough in the amount of \$450,000.00 for this project. The grant funds would include BIA’s soft

¹ At the June 15, 2020 Council meeting, President Yerman clarified the fees were estimated by BIA, not himself.

² At the June 15, 2020 Council meeting, President Yerman requested the first part of the sentence be removed because it was unclear who approved the gap between the bricks or if Council discussed it.

costs of \$45,000.00, which were previously identified as preparation of plans and specifications, bidding assistance, and construction oversight, plus the construction improvements of up to \$405,000.00.

Engineer Wojciechowski noted Mohawk identified Eastern States Paving, Inc. as their subcontractor for the brick paver work in Phase IV. Eastern meets the requirements and has a reputation as being the best in the business (a list of their completed projects was distributed to Council).

Council discussed the unsatisfactory work that Mohawk did in Phase III and their contractor's poor demeanor; they expressed concern of having similar issues in Phase IV. Some Council Members questioned if the Borough could reject the lowest bidder (Mohawk) for Phase IV and accept the second highest bidder. Solicitor Armstrong will review the rules on accepting the second lowest bidder, then report his findings to Council.

d. Status of Stone Hill Meadows. The Contractor has resumed work at the site. The Contractor poured the curbs today on the public portion of Spring Street south of Cedar Street higher than the yards behind the curb, which is by design.

e. Status of Main Street Commons; Installation of 8" Water Line Across Main Street. The Developer has recorded the plans, easements, and agreements. The site contractor work is complete and the erection of the bank building has progressed. Trenching across Main Street to install the water service is scheduled to begin in June of 2020. The Construction Manager anticipates obtaining the Certificate of Occupancy and turning the bank building over to the end user in mid-September 2020.

f. Estates of Brookside; Completion of Pending Work. The wearing course has not been installed on the streets in the development and there is minor concrete work that must be addressed. To date, BIA has not heard from the Developer regarding the completion of the remaining work at the site.

g. Church Street ADA Ramps Status. G&B Construction ("G&B") has signed the construction contracts and hardcopies have been forwarded to the Borough Manager for execution. G&B is planning to begin construction in July 2020.

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.

Council Member Ashbrook requested the division split, i.e. 5-2, on motion votes be included in the East Penn Press newspaper reports, so the votes don't come across to the public as all of the Council Members approving the motion. Sharon Schrantz, Special to The Press, stated she will speak with her editor about the request. President Yerman noted the votes are in the Council Minutes.

Council Member Schleicher.

i. Several residents on West Chestnut Street complained about dog waste being found in their yard, when they don't have a dog. She asked that pet owners clean up after their dogs.

ii. She read a written petition regarding Real Estate Tax payments collected in response to the recently adopted Resolution 2020-07, which stated:

“Macungie Borough Council in response to Gov. Wolf's declared state of emergency and signing a Bill to allow taxing entities to change the deadline for Real Estate Tax payments, has approved to extend the discount period until August 31, 2020. Any resident that has not yet mailed their Real Estate Tax payment can take the 2% discount amount until August 31, 2020. Any payment after August 31, 2020 should not include the penalty amount. This change only refers to the Borough of Macungie Real Estate Tax bill. Macungie Borough thanks all the residents that have paid their taxes to date.”

iii. The Macungie Volunteer Fire Department (“MVFD”) building lights have been on throughout the night because there is a crew staying onsite to assist residents in the event of an emergency, especially with the COVID-19 pandemic. Sgt. Kocher stated this is being funded through the State COVID-19 grant reimbursements.

Council Member Rutledge questioned if the Barnyard Market was recognized for the black bear donation at the Macungie Institute. Borough Manager Glisson stated a thank you letter was sent and a copy of the letter was placed in previous Council packets.

Sergeant Travis Kocher thanked the MVFD for assisting the Macungie Police Department with drive by birthday party wishes.

Mayor Conrad complimented all of the volunteers that worked on the Flower Garden and bump outs along Main Street. He stated they look amazing.

APPROVAL OF MINUTES – Two changes to the draft Minutes were requested: (1) Page 3, Section b. “Emmaus Public Library...” Council Member Akinjiola stated she voted aye, not nay for the motion; and (2) Page 6, under ITEMS NOT ON AGENDA Section a.i., President Yerman requested his name be removed from the sentence “President Yerman stated the next phase (Phase IV) will end at the Mountain Creek Bridge, at the Animal Hospital...” because the comment was made, but he was not the person who said it. The sentence will be changed to read “~~President Yerman stated~~ the next phase (Phase IV) will end at the Mountain Creek Bridge, at the Animal Hospital...”

a. May 18, 2020. Council Member Rutledge made a motion to approve the May 18, 2020 meeting minutes, with the two requested changes, second by Council Member Bloch. Motion carried: 7 ayes.

CONSENT AGENDA

a. Treasurer's report of May 28, 2020 – the items listed on the report were briefly discussed. President Yerman questioned if the \$150,000.00 that was transferred from the Capital Fund to the General Fund could be moved back, as the General Fund balance is reflecting a higher amount

because the funds were not transferred back. Borough Manager Glisson stated he would like to speak with Borough Clerk/Assistant Treasurer, Rose Nonnemacher, about the transfer before it occurs.

Council Member Schleicher made a motion to approve the May 28, 2020 Treasurer's Report, as presented, second by Council Member Yerman. Motion carried: 7 ayes.

b. Payment of invoices as listed totaling \$88,505.45 - 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 June 02, 2020, in the amount of \$88,505.45, second by Council Member Akinjiola. Motion carried: 7 ayes.

CORRESPONDENCE

a. Emmaus Library, re: May 2020 Board Meeting Minutes/Packet. President Yerman commented Emmaus Borough is also deferring their payment to the Library.

b. Municipal Retirement Trust ("MRT"), re: April 2020 Monthly Trust Reports. The report shows a 10% decrease ~~compared to other~~ this years.³ The pension funds will be discussed during the 2021 Budget workshops.

c. Linda Bieber, re: Thank You Note. Ms. Bieber thanked Council for the opportunity to work in the Borough over the past twenty (20) years.

d. Benecon Letter re: Distribution of 2019 Fund Overages – \$29,044.60 (50%). The Pennsylvania Municipal Health Insurance Cooperative ("PMHIC") Board voted to provide the Borough with their first surplus claim fund distribution check for the 2019 plan year, which was 50% of the total surplus. Borough Manager Glisson stated the Borough will receive another check at a later date.

e. Borough Planning Commission ("PC"), re: Recommendation on Lower Milford Township Zoning Ordinance and Zoning Map Amendment for Medical Marijuana. At the May 19, 2020 Planning Commission meeting, Commissioner Becker made a motion to pass onto Borough Council the Borough Planning Commissioners have no comments on the changes Lower Milford Township is proposing, second by Commissioner Yerman. Motion carried: 5 ayes. Council briefly discussed the PC's motion.

Council Member Schleicher made a motion to inform Lower Milford Township Borough Council and the Borough PC have no comments on their Zoning Ordinance and Zoning Map Amendment for Medical Marijuana, second by Council Member Bloch. Motion carried: 7 ayes.

f. Lehigh Valley Planning Commission ("LVPC"), re: Review Letter for Brookside Subdivision Sketch Plan (at Planning Commission). The letter provided LVPC's recommendations

³ At the June 15, 2020 Council meeting, President Yerman requested the change to this sentence because it was not a comparison to other years.

which they believe would strengthen the proposal's consistency with *Future Lehigh Valley* in the areas of density, pedestrian accessibility, and traffic movement and emergency access.

President Yerman reminded Council and the public, the PC will be reviewing and discussing the sketch plan at their June 2020 meeting.

g. Lehigh County Authority (LCA) Act 537 Plan (the "Plan") Letter for Publication in Morning Call for Receiving Public Comment. President Yerman stated Council will have to vote on the Plan on August 03, 2020. Borough Manager Glisson gave a brief history on the Plan and commented the matter will be advertised this week for public comments. The comments will go to the Department of Environmental Protection (DEP) and will also be included in the Plan. Council Member Schleicher stated the Steering Committee reported none of the municipalities opposed.

REPORTS

a. Solicitor – None.

b. Mayor – None.

i. Macungie Police Department ("MPD"), re: April 2020 Report. Sgt. Kocher stated all of his monthly reports have been submitted. The April 2020 report, included being dispatched to 137 incidents, 16 domestic/disturbances, 5 Traffic Citations and 2 persons arrested. He commented the MPD also assisted Alburty Borough and the State police with an additional 14-15 domestic/disturbances. Over a dozen or more Protection from Abuse (PFA) Orders were also filed within this timeframe.

Sgt. Kocher reported there will be a parade for the Emmaus High School Seniors on Sunday, June 14, 2020 at 1:00 p.m. He discussed the proposed parade route, which will begin at North Chestnut and Main Street/Route 100. There will be a meeting on June 08, 2020 to confirm the route.

Sgt. Kocher requested a short Executive Session later tonight to provide an update on one of the MPD Officers.

ii. Police Chief Position. No discussion by Council.

Council Member Rutledge questioned why there is a lack of police blogs for the MPD in the local newspapers. Sgt. Kocher stated he provides all arrests in the Borough to the East Penn Press, Morning Call and Lehigh Valley Live. The East Penn Press publishes the arrests he provides them, but in the first quarter of 2020 he has been very busy so the press releases have not gone out. He commented some media outlets take it upon themselves to get the dockets from the courts, then choose what gets printed. He does not know how the media outlets select what does and what does not get printed.

b. Borough Manager.

i. Status of Loans. Borough Clerk/Assistant Treasurer Nonnemacher provided a handout for Council's review, showing the two loans the Borough is currently financing:

(1) a Sewer Debt Service Account, for Phase 1 Sewer work; all Borough property owners are charged \$64.50 on their utility (Water/Sewer/Refuse) bill to pay the debt. The Debt Service Schedule runs through December 31, 2028. The loan is structured that the Borough draws on the loan when needed; they do not have to take all of the money at one time. President Yerman stated the \$64.50 fee will be removed from property owner's bills once the loan is paid in full. He commented the payments are well under budget and there is an outstanding grant for some of the work, therefore, there is a possibility the loan could be paid off prior to the end date of December 31, 2028.

(2) a General Obligation Note, is for the reconstruction of Lumber and Cotton Streets and the Church Street traffic light. The Debt Service Schedule runs through December 31, 2028. Prior to the year 2024, Council would need to discuss loan options (refinance, payoff) to avoid an interest rate increase to 6% for the last five years.

c. Committees.

i. Employee Handbook Revisions. The current Employee Handbook was last revised in 2015. Three proposed revisions were previously before Council: (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 discussed the proposed language for the wearing of perfume/cologne in the office. Solicitor Armstrong stated he wanted to bring to Council's attention that the proposed language states the only recourse for a dispute was for "The Borough Manager and/or Borough Council will direct the employee in violation to refrain from wearing/using the product in question" and not to determine if there is an issue for the affected employee with the product being used. President Yerman clarified that one version of the language states the Borough Manager/Council would get to determine if there is a problem and the other version states there is a problem because there is a complaint and the Manager/Council's job would be to tell them to stop wearing the product.

Council Member Schleicher made a motion to approve the fragrance language as written, second by Council Member Rutledge. Motion carried: 5 ayes and 2 nays (Council Members Ashbrook and Hanosek; Council Member Ashbrook stated she believes the Manager/Council should determine if the product is an issue for the affected employee; the language could be over reaching and putting it in a policy may not be to Council's best benefit).

UNFINISHED BUSINESS – PART I

a. Consideration of Residential Rental Ordinance 2018-06 Amendment.

UNFINISHED BUSINESS – PART II

a. Consideration of Sonya Spotts Interest to Enter into Rental Agreement with Borough of Macungie for 24 S. Church Street. Borough Manager Glisson provided an update on the repair work at the building, which is expected to be completed by June 12, 2020. He reported Ms. Spotts

signed the rental agreement, but expressed she does not want to be charged rent until the repair work is completed.

b. Get the Macungie Institute Trustees (the “Trustees”) Functioning Again (Council Point of Contact; Council Member Hanosek).

- i. Macungie Institute HVAC Plan.
- ii. Possible Long-Term Rentals.

President Yerman stated the HVAC and rentals were moved under this section because they should be vetted through the Trustees since they should be making some level of governance decisions and recommendations to Council.

Council Member Hanosek questioned why the Trustees have not been functioning in the first place for such a long time; he is trying to understand the Trustee’s position. President Yerman stated the best answer he has is the Trustees didn’t seem to want to function for whatever reason and at some point Council began doing their job for them, even though they didn’t want to. Currently, there are two new Trustees and one long-standing Trustee. According to the policy, the Trustees’ are supposed to hold meetings bi-monthly.

Council Member Hanosek stated he is seeking help from Council because he is new and Council has the history of what has been going on with the MI and the knowledge of what they would like the building used for. He suggested Council hold a workshop, with the Trustees, to get things moving faster; not to cut the Trustees’ out, but to include them in a conversation with Council to get things started. President Yerman suggested Council Member Hanosek and the Trustees hold a workshop and invite anyone that would like to come.

c. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed; Ordinance for Wireless Communications (at Planning Commission). President Yerman reported Verizon stated they would not install the antennas until 2021, which would give the Borough time to adopt a 5G Ordinance and negotiate the Verizon contract.

d. Interim Act 537 Plan (Wastewater Treatment Plan for LVA - at Planning Commission).

e. Review Sufficiency of Zoning Hearing Board (“ZHB”) Fees for Hearings. The Cost for two previous Borough ZHB Appeals were distributed to Council, which confirmed the fees the Borough is charging are not enough to break even with the actual costs that Borough paid. The fees neighboring municipalities are charging, along with a cost sheet for the past two Borough ZHB hearing appeals, were also distributed to Council and discussed.

There was a unanimous consensus among Council to raise the Borough fees for both commercial and residential ZHB appeals. Borough Manager Glisson suggested a “menu” fee schedule like other municipalities use. Council Member Rutledge suggested the Borough use another municipality’s “menu” as a template. Solicitor Armstrong stated the Municipality Planning Code (MPC) has limitations on certain fees and some fees the municipality absorbs. Council Member Akinjiola suggested the fees be similar to other Boroughs, such as Emmaus and Alburtis Boroughs, and not a Township. Council Members Rutledge and Schleicher, along with Borough Manager

Glisson, will work as a team to draft a “menu” fee schedule, then make a recommendation to Council no later than the July 6, 2020 Council meeting.

NEW BUSINESS

a. Selection of new Borough Clerk/Assistant Treasurer. This matter will be discussed in Executive Session later this evening.

b. Consideration of Bids for Phase IV of Streetscapes.

c. Memorandum of Understanding, re: Probationary Period for New Hires. The Teamster Local 773 provided a Memorandum of Understanding (“MOU”) to include a ninety (90) calendar day probationary period for new employees. Upon completion of the probationary period, they become a permanent employee and their seniority, and paid time off benefits get computed from the date of hire. Solicitor Armstrong suggested Council confirm the employees that are currently members of the Bargaining Agreement are onboard with the MOU. Sgt. Kocher stated the MPD has a one-year probationary period for police officers before the Borough extends an offer of employment.

Council Member Schleicher made a motion to approve the Memorandum of Understanding between the Borough and Teamsters Local 773, second by Council Member Akinjiola. Motion carried: 6 ayes and 1 nay (Council Member Hanosek stated he likes the one-year probationary period better).

d. Hiring of Part-Time Seasonal Worker (“Seasonal Worker”) for Public Works Department. Borough Manager Glisson acknowledged he “got ahead of himself” and hired the same 2019 Seasonal Worker, Keith Braim, from last year, this year with a fifty cent pay increase, without first consulting Council. He stated Mr. Braim was paid \$9.50 per hour last year. His salary was included in the 2020 Budget. As per the Collective Bargaining Agreement, a Seasonal Worker can work from May 1st through Labor Day, if needed. A Seasonal Worker is not included in the Teamster’s contract as a Union employee.

Council discussed if the Borough Manager has the authority to hire employees without Council’s approval, which he does not; as it has always been the Borough’s policy that Council hires and fires employees. President Yerman stated Borough Manager Glisson made a mistake by hiring the employee without Council’s approval, he is admitting it and now the matter is before Council to decide what they want to do. Council Member Ashbrook asked that it be noted this does not happen again next year, even if it is a formality that it comes before Council first.

Council Member Rutledge made a motion to retain Keith Braim as the Borough’s part-time Seasonal Worker for the year 2020, with a fifty-cent pay increase, for a total hourly salary of \$10.00 per hour, not to exceed the 2020 budgeted amount, second by Council Member Schleicher. Motion carried: 7 ayes.

e. Status of Newsletter. Borough Manager Glisson stated he did not make the 2020 Spring/Summer Newsletter a priority, but a Summer Newsletter will be sent to the residents.

The Department of Environmental Protection (“DEP”) requires that all municipalities provide their residents with the Consumer Confidence Report (“CCR”) by July 1st of each year. Typically, the CCR is included in the Spring/Summer Newsletter and uploaded to the Borough website, which meets the DEP notification requirements. Since the Spring/Summer Newsletter was not published, postcards will be mailed to the residents notifying them the CCR is on the Borough website.

Council Member Rutledge suggested an intern be hired to help Borough Manager Glisson with his workload, such as the newsletter, advertising the MI and/or the Farmers Market. Borough Manager Glisson commented Careerlink has an intern program, which usually has an enrollment fee of \$800.00, but the fee has recently been waived.

f. Website Issues. President Yerman stated there is a “malicious code” floating in the Borough office computers and one of the symptoms is the website being redirected to an online pharmaceutical company when the website is updated. He gave a brief history on the work that has already been done to troubleshoot the matter, then recommended a professional company be hired to look at all of the Borough computers, clean them up and set them up properly. This work was not included in the 2020 Budget. Borough Manager Glisson will contact three companies (1) IntegraONE; (2) Stratix Systems; and (3) DigiTek for solution quotes and recommendations for the Borough’s computer setup(s). Council Member Ashbrook stated she will also provide Borough Manager Glisson with the name of a company for him to contact as well. He will provide Council with the findings by July 06, 2020.

g. Letter to Streetscape, Phase IV Property Owners, re: Sidewalk Repairs. President Yerman reported the bids did not come close to the \$10.00 sf fee stated in the letter that was sent out to property owners in the Phase IV Streetscape project. A follow up letter will be sent to the property owners with the contractors proposed fees in the \$20.00-\$30.00 sf range. Solicitor Armstrong requested he review and revise the letter before it is sent to the property owners.

ITEMS NOT ON AGENDA – None.

EXECUTIVE SESSION – President Yerman called for an Executive Session at 09:50 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 10:38 p.m. with the no actions or decisions made.

ADJOURNMENT

Borough Manager Glisson reported the adjournment as: President Yerman made a decision to reset and reconvene the continuation of tonight’s Council meeting to Monday, June 08, 2020 for consideration of New Business that may include a selection for a new Borough Clerk/Assistant Treasurer. A motion was asked for by President Yerman at 10:43 p.m. and moved by Council Member Rutledge, second by Council Member Schleicher. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant