

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 8:23 p.m.)
Administrative Assistant:	Selma Ritter (7:30 p.m. to 9:52 p.m.)

CALL TO ORDER

President John Yerman called the July 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 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 July 06, 2020 Engineer’s Report, which included the following projects:

a. Main Street Streetscape, Phase III Brick Installation. Engineer Wojciechowski reported Eastern States Paving, Inc. has been working on the bricks over the past three weeks, since Council approved the change order. He commented it is a much cleaner and better look for the Borough.

PPL was onsite today to inspect the breaker connection. The lights on the northbound side of Main Street have been energized, but not turned on because the new lights on only one side of the street would be illuminated; on the southbound side of Main Street, PPL still needs to tie the Phase III turn on with Phase II for it to be energized. Therefore, when Phase II gets energized on both sides of the street, then Phase III can be energized on both sides of the street. It is anticipated this will be completed by the end of July 2020.

b. Main Street Streetscape, Phase IV Bid Award. The Bid was awarded to Mohawk Contracting & Development (“Mohawk”) and BIA sent the contracts out. Mohawk’s Schedule of Values and schedule are in the process of being revised, so the brickwork is completed when the streetlights are delivered.

c. Church Street ADA Ramps Status. Engineer Wojciechowski reported there was a pre-construction meeting with G&B Construction recently. The project equipment was to be moved into the staging area today at the Borough Garage, but he was uncertain if it was.

d. Streetlights on Lumber Street; Grant Award of \$42,317.00. Borough Manager Glisson compiled a cost estimate for Council's review. He explained his process to calculate the costs in the estimate, which totaled \$40,050.00. A grant was awarded to the Borough in the amount of \$42,317.00. The grant funds would cover the costs of streetlights (\$35,000.00), BIA bid preparation (\$500.00), electric wire and miscellaneous connectors (\$1,100.00), PPL connection (\$2,500.00) and electrical inspection (\$950.00). There would be a balance of \$2,267.00 remaining from the grant funds. The cost estimates are on materials only, not labor or installation costs.

President Yerman recalled business owner, Donald Young, agreeing to contribute to the Lumber Street lights project at the May 21, 2019 Planning Commission meeting, when he attended the meeting for a Lot Line Adjustment on his Lumber Street properties. President Yerman asked Council Member Hanosek to follow up with Mr. Young to inquire if he is still willing to follow through on his commitment. He commented a light contribution (or a little more) would be good to ensure there are enough funds to get the project completed.

Council Member Schleicher made a motion to move forward with the Lumber Street streetlight project bidding, based upon Borough Manager Glisson's cost estimates, second by Council Member Akinjiola. Motion carried: 7 ayes.

e. Status of Stone Hill Meadows ("Stone Hill").

i. Stone Hill Meadows, re: Consideration of Security Release #7, in the amount of \$181,913.04. In his letter, dated July 02, 2020, Engineer Wojciechowski, from Barry Isett & Associates, recommended the release of the Improvements Security #7 for Stone Hill Meadows, in the amount of \$181,913.04. The remaining Improvements Security balance would be in the amount of \$568,213.44.

Engineer Wojciechowski stated Stone Hill completed all of the base paving work, including the installation of the stone underneath the paving and the curbing; therefore, according to the MPC they are entitled to have their security reduced for those items.

Council Member Schleicher made a motion to release the Stone Hill Meadows Security Release #7, in the amount of \$181,913.04, second by Council Member Rutledge. Motion carried: 7 ayes.

f. Status of Main Street Commons ("MSC"); Installation of 8" Water Line Across Main Street. Engineer Wojciechowski reported the anticipated waterline installation construction has been delayed due to some design issues, specifically where to put the water meter, what the water meter pit is supposed to look like and how it would get aligned; the Developer and BIA are discussing how to work this out. In the meantime, MSC is focusing on connecting the sanitary sewer into the existing manhole, which will be in the driveway coming off Route 100; they will need to cut into Route 100 to install the 8" water line.

Council Member Bloch questioned which properties were included in the MSC lot consolidation and the access point for ingress and egress to the development. Borough Manager Glisson provided a brief status update on the project, then stated the ingress and egress will be at the current traffic light. President Yerman suggested when MSC submits the plans, they should be reviewed to ensure the development's ingress and egress is at the traffic light and not from another access point.

Borough Manager Glisson reported the Zoning Hearing Board approved a variance for MSC's next phase of the development, a car wash, at their June 24, 2020 hearing, by a vote of 2-1.

g. Estates of Brookside; Completion of Pending Work. Engineer Wojciechowski reported the Developer has a contractor working onsite installing sidewalks and driveway aprons.

Engineer Wojciechowski also reported the Developer is asking if Council would consider waiving the maintenance period, since the development has been under construction for so long; he commented there are pros and cons to it, but the pros appear to outweigh the cons. He stated six of the homes in the development were erected approximately 14-years ago and the Developer is currently replacing all of the sidewalks and driveway aprons that are bad now and all of the street trees are looking healthy; he stated if any of these three items have problems within the next 18-months, as per the Borough Ordinance, the property owners would have to repair them. He also commented the roadway base is solid and tight, "one of the best jobs he has seen in the state of Pennsylvania in a long time", and he "is not fearful of the road falling apart at all."

Engineer Wojciechowski questioned what the Developer would need to offer Council to let them out of the agreed upon clause within the Developer's Agreement. President Yerman explained there is a period of time between when a development is completed and the Borough takes over items within the development (such as the roads and detention pond), where the Borough needs to watch those items to make sure they do not fall apart. He stated this is really a question of if the Borough takes the items over early or in 18-months. Borough Manager Glisson stated the developer offered the Borough \$15,000.00 to let them out of the Maintenance Bond [Developer's Agreement] early (the money is for the Borough's use and does not have to be used within the development). He discussed the status of the development's completion. Engineer Wojciechowski stated the street wearing course would have to be installed before the Borough accepts the street dedication. He stated that if Council signs off early, it would be after the development improvements are completed. President Yerman commented an early release would be after the pieces that the Borough would take over are completed, inspected and approved. Engineer Wojciechowski stated the roads would most likely be finished within a month, but not later than November 2020.

President Yerman commented the stormwater management facility in the development is very complicated and unusual (more than the usual detention basin) and needs to be inspected over time, plus the property owners who have it on their property need to be informed of their responsibilities with it. The property owners are responsible for the stormwater maintenance on their property. Solicitor Armstrong suggested the recorded *Stormwater Operation and Maintenance Agreement* for the property(s) be included with the notification.

Solicitor Armstrong clarified the Developer is not asking the Borough to accept dedication early (the Borough would not accept the public improvements prior to them being completed and inspected by BIA), but they are asking the Borough to accept dedication of them without requiring a maintenance bond; Engineer Wojciechowski confirmed this is correct, then stated the Borough should also ensure the Developer has their Notice of Termination (NOT) from Lehigh County Conservation District, so the Borough does not inherit any issues with the basin.

Miscellaneous Items Not in Engineer's Report:

- Council Member Ashbrook questioned if the Cotton Street Bridge was found and if there are any updates available on it. Borough Manager Glisson provided a brief update. He stated a grant was received for approximately \$32,200.00 and half of the bridge cost has already been paid, but it will not be delivered to the Borough until the remaining half of the cost is paid. The project needs to begin no later than June 2021, with a one-year completion deadline.

- Council Member Bloch commented on the muddy flooding that occurred on Willow Street during a recent heavy rain, which was caused by stormwater from the Stone Hill emergency access that was blacktopped. He discussed the stormwater issue and a swale he believes was previously in the area then removed during the Stone Hill construction. He then questioned what is being done to prevent it from happening in the future. Engineer Wojciechowski reported Stone Hill is converting a couple of storm manholes in the area to divert the stormwater into those inlets. He expressed concern for the approved final plans showing an overall decrease in stormwater running into the swale, but the stormwater flowing into the Willow Street cul-de-sac was an actual increase. Since Stone Hill will have to do regrading on their final improvements, Engineer Wojciechowski requested Stone Hill prove they will not be adding more water onto Willow Street than what went there previously according to their plans.

Council Member Ashbrook questioned if the approved plan could be revised to address the stormwater running onto Willow Street. Engineer Wojciechowski stated Lower Macungie Township ("LMT"), LMT Fire Department, Macungie Volunteer Fire Department ("MVFD") and the Developer would all have to approve a plan change. Council Member Bloch will contact both Fire Departments to discuss a potential change to the plan. Engineer Wojciechowski also stated he spoke with the site contractor about fixing the grading to keep the stormwater on the Stone Hill property. Solicitor Armstrong stated the first step is to ensure the two Fire Departments and both Municipalities are on the same page, then the Borough needs to ask the Developer if they are willing to make the changes. Engineer Wojciechowski commented the contractor has been very accommodating to the Borough when issues arose, so he does not anticipate them not following through with a resolution for the stormwater. He will continue to work with the Developer to resolve the matter.

PUBLIC COMMENT – None.

- a. Prior Public Comments to Council - None.
- b. Comments from the Audience on non-agenda items - None.

COUNCIL COMPLIMENTS, COMPLAINTS, PETITIONS AND APPEALS.

a. Council Member Schleicher reported she received several positive comments from residents on the MVFD and MPD birthday and celebration drive-bys. She also requested smokers to please not use the bump outs as ashtrays, then commented volunteers use their time and personal funds to keep the bump outs looking beautiful and they should not have to clean garbage and cigarette butts out of them.

b. Sergeant Kocher and Corporal Mullen were in attendance tonight and requested an executive session be held to discuss a personnel matter.

c. President Yerman reported vehicles traveling in the wrong direction on Cotton Street and vehicles speeding on South Church Street. Several complaints were received about an aggressive motorcycle driver traveling on the Borough Streets; a license plate number will be provided to the MPD for them to follow up with the driver. Sgt. Kocher stated the MPD will start addressing traffic issues again, since the community is now in the “green” phase of the COVID-19 reopening plan.

APPROVAL OF MINUTES

a. June 15, 2020. Council Member Schleicher made a motion to approve the June 15, 2020 meeting minutes, as written, second by Council Member Bloch. Motion carried: 7 ayes.

CONSENT AGENDA

a. Treasurer’s report of June 30, 2020 – the items listed on the report were briefly discussed. President Yerman noted the General Fund balance; he then questioned if the \$150,000.00 that was transferred from the Capital Fund to the General Fund earlier this year could be moved back to the Capital Fund.

Motion #1: Council Member Yerman made a motion to transfer \$150,000.00 from the General Fund back to the Capital Fund, second by Council Member Schleicher. Motion carried: 7 ayes.

Motion #2: Council Member Schleicher made a motion to approve the June 30, 2020 Treasurer’s Report, as presented, second by Council Member Yerman. Motion carried: 7 ayes.

b. Payment of invoices as listed totaling \$157,265.83 - 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 July 07, 2020, in the amount of \$157,265.83, second by Council Member Ashbrook. Motion carried: 7 ayes.

CORRESPONDENCE

a. Angela Faidley, re: Letter of Interest for Macungie Institute Board of Trustee. Council Member Schleicher commented she believes Ms. Faidley would be a great asset to the Board.

Council Member Bloch questioned if there was even a position available, as there are already three Trustees on the Board. President Yerman stated Trustee Greg Hutchison will be replaced because he has not been active for a long time. The issues with the Trustees not being active for a couple of years were discussed, including they are supposed to be meeting bi-monthly. President Yerman commented they need three functioning Trustees that are active and engaged. Council Member Bloch expressed dissatisfaction with terminating volunteers without first providing them with written notification; he then questioned if Council could terminate a Trustee. President Yerman commented Trustees serve at the will of Council and Council needs to get the Trustee Board up and

running. Council Member Ashbrook stated Council should give Mr. Hutchison the courtesy to be notified, and if the Trustees have not had meetings, Council cannot fault Mr. Hutchison for not going to meetings. Council Member Hanosek, who also acts as the MI Liaison, stated he has been communicating with two of the Trustees, but not Mr. Hutchison. He stated he called him once but did not speak with him. Solicitor Armstrong suggested he and Council review the Trustee controlling documents (i.e. job description). He then suggested a letter be sent to Mr. Hutchison to inquire if he is willing to be active and involved.

Ms. Faidley's letter of interest will be carried until after a letter is sent to Mr. Hutchison and Council Member Ashbrook has the opportunity to speak with Mr. Hutchison to discuss the matter and sends his response to Council via email.

b. Emmaus Library (the "Library"), re: June 2020 Board Meeting Minutes/Packet. Council discussed their decision, at the April 20, 2020 meeting, to withhold the Library's funds for the second payment in 2020. President Yerman suggested Council discuss both the deferred payment and the August payment at their August meeting. Council Member Ashbrook suggested Council cancel the deferred payment because the Library was awarded grant funds through the COVID Paycheck Protection Program ("PPP"); she stated the Library should not have a deficit with or without Borough money, it would be double dipping and they may have received a "windfall" of money. Council discussed the PPP funds and what it covers, then they discussed if they should cancel the deferred payment or not. Administrative Assistant Ritter reminded Council the Borough has a Contract with the Library. Solicitor Armstrong will review the Contract.

c. Municipal Retirement Trust, re: May 2020 Monthly Trust Reports. No comment.

d. Macungie Volunteer Fire Department, re: June 2020 Training Report. The report included training on RAN Small Equipment, Drafting Out of POTA Pond; Air Bagging and Cribbing and Interior and Ladder Setup.

e. Woman's Club of Macungie, re: Macungie Institute Donation and Disbandment Notice. The Club made a \$235.50 donation to the MI. The correspondence also stated the Club disbanded.

Council Member Schleicher made a motion to approve Borough Manager Glisson sending the Club a nice thank you letter, second by Council Member Bloch. Motion carried: 7 ayes.

f. Borough of Emmaus, re: Ordinance No. 1202 for 5G Small Wireless Antennas. President Yerman suggested the matter go before the Borough Planning Commission for review because they were taking the lead on the Borough's 5G Ordinance. Solicitor Armstrong reported he previously received a contract from Verizon's third-party representative and he spoke with them today about it. Their timeframe is sometime in 2021 and the contract does not have to be signed until after Verizon submits a permit application. He commented the contract was sent as a precursor to them submitting the permit application and it is not in a form ready for Council to act upon.

The Borough's draft 5G Antenna Ordinance is currently before the Borough Planning Commission for their review and consideration. President Yerman commented its finalization would probably be a slow process and the Planning Commission is still reviewing it.

g. ARRO, re: Kline's Island Interim Act 537 Plan Public Comment Submission. Council will vote on this matter at their August 2020 meeting.

REPORTS

a. Solicitor – None.

President Yerman requested a revised lease, between the Borough and tenant Sonya Spotts, for the property located at 24 S. Church Street, be circulated to Council; the revised lease should reflect the security deposit, active date and the requested additional paragraph for Council to delay rent due to COVID-19. Borough Manager Glisson will contact Ms. Spotts regarding the status of her signing the lease. The repairs at the property were discussed, along with setting a portion of the rent funds aside for future building maintenance.

b. Mayor.

i. Acknowledgement. Mayor Conrad thanked Council, all Borough board members, Borough staff, volunteers and MVFD for their hard work and dedication during the COVID-19 pandemic. He is hoping everyone continues to take precautions to keep themselves and their family's safe because the pandemic is not over yet.

ii. Police Chief Position. No discussion by Council.

b. Borough Manager.

i. The Borough Zoning Officer completed reviewing the registered Residential Rental properties in the Borough. There are 215 property owners that did not register their rental units. The Zoning Officer prepared a follow up letter to the property owners for Council's review.

ii. The Summer Newsletter was signed off on today. It is expected to go to print shortly.

iii. UGI completed the patchwork on Main Street. They will come back on Thursday to replace the bricks.

iv. CareerLink has an intern program and due to COVID-19, they are waiving the participation fee. CareerLink will pay the salary for the intern. Borough Manager Glisson suggested an intern be hired to help the Zoning Officer with paperwork. Solicitor Armstrong suggested the hiring of an intern be conditioned upon the Collective Bargaining Agreement.

Council Member Yerman made a motion to authorize Borough Manager Glisson to get a free intern to help the Zoning Officer, Joseph Peterson, subject to there not being any issues with the Collective Bargaining Agreement, second by Council Member Schleicher. Motion carried: 7 ayes.

v. The Lehigh Chamber Foundation awarded a \$1,200.00 grant to the Borough for Christmas decorations along Main Street. The original grant application request was for \$2,000.00. Borough Manager Glisson reported the Borough does not have to match funds to receive the grant.

c. Committees - None.

UNFINISHED BUSINESS – PART I

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

b. Hartman Property at 212 W. Main Street; Installation of Sidewalk. President Yerman provided a history on the sidewalk installation requirement, which was supposed to be fully installed by June 01, 2020. On May 28, 2020 the Hartmans' sent an email to the Borough, which stated they allegedly "confirmed that Penn-Dot owns the Right of Way in front of my [the Hartmans] property, and therefore the Borough is responsible for permitting" and "sidewalks constructed in Penn-Dot right of ways are permitted, owned, and maintained by the Municipality. It is the Borough's responsibility for submitting the permit and obtaining HOP approvals."

Borough Manager Glisson reported PennDOT's *Highway Occupancy Permit Operations Manual* (July 2017), *PUB 282 (7-17), Section 2.9-Miscellaneous Applications, Construction of Sidewalk, Curb, or Storm Water Facilities*, states: "... PennDOT may also issue an HOP to an individual property owner for the construction of sidewalk, curb, and assess drainage facilities within the property frontage. A local government may impose additional requirements upon a property owner for the construction of curbs and sidewalks provided they do not conflict with PennDOT's standards." Borough Manager Glisson commented the Hartmans' contractor can pull the permit. He was directed to send the Hartmans a friendly email to inform them they need to have the sidewalk installed by the middle of August 2020.

c. Streetscapes Phase V - \$100 Application Fee (Not eligible for 2% Administrative Cost within the Grant). President Yerman recalled Council's motion on June 15, 2020 to approve authorizing BIA to apply for the DCED Multimodal Transportation Program grant for Phase V of the Streetscape, with the caveat that the matching funds requirement is waived, the grant covers all of the engineering fees and other administrative fees, and the Borough can tailor what they are applying for to match the grant money the Borough is awarded so no taxpayer monies are used. Subsequently, he found out there is a \$100.00 application fee. Borough Manager Glisson commented the Phase V improvements would probably extend to Poplar Street or Walnut Street.

Council Member Yerman made a motion to allow payment of the \$100.00 grant application fee, for the Phase V Streetscape, second by Council Member Schleicher. Motion carried: 7 ayes.

UNFINISHED BUSINESS – PART II

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

i. Macungie Institute HVAC Plan. No update.

ii. Possible Long-Term Rentals. No update.

- b. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed Ordinance for Wireless Communications (at Planning Commission). This item was discussed under the Manager's report.
- c. Interim Act 537 Plan (Wastewater Treatment Plan for LVA - at Planning Commission; Council to vote on 3 Aug. Meeting). Council will vote on this item at their August 03rd meeting.
- d. Review Sufficiency of Zoning Hearing Board Fees for Hearings; Committee of Council Members Rutledge and Schleicher, and Borough Manager Glisson, to Report at July 06, 2020 Meeting. Council Member Rutledge provided a brief history on the fees and their sufficiency compared to the actual costs of a hearing.

Council Members Rutledge and Schleicher, and Borough Manager Glisson met to discuss the fees. They suggested keeping the fees already in the Fee Schedule Resolution, plus adding à la carte expenses for advertising and postage actual costs. Council Member Schleicher reported the last time the Zoning Hearing Board fees were increased was in 2016. Borough Manager Glisson proposed the Commercial fee rate be increased to \$850.00, from \$670.00 and keeping the Residential rate the same at \$370.00. Solicitor Armstrong discussed the Municipal Planning Code (MPC) excerpt he distributed, which outlined what fees can and cannot be charged; he noted professional fees, such as legal (Solicitor) and engineering, cannot be recouped.

Council Member Yerman made a motion to change Fees Schedule Resolution 2020-03, per the Zoning Hearing Board proposed fee changes that were in the Council packet(s), second by Council Member Schleicher. Motion carried: 7 ayes.

The revised Resolution needs to be adopted at the next Council meeting.

- e. Status of Newsletter. The LMT Yard Waste Pass option was included in the newsletter.
- f. Website Issues. The issues were discussed with three different Information Technology (IT) firms. One firm provided a proposal and two more are pending. Borough Manager Glisson commented the computer security and storage issues are the most relevant items to fix.

NEW BUSINESS

- a. Brookside Country Club ("BCC") Development Status. President Yerman discussed BCC's presentation at the June 16, 2020 Planning Commission meeting, which had robust public participation from the Ridings Development. There was a follow up meeting with the Developer to sort out the public's comments from the meeting and to begin negotiations on items such as a bigger buffer to the Ridings Development, walking path to connect Willow Lane down to Route 100, a traffic roundabout junction and a raingarden; the Developer would like more density than what the Zoning Ordinance allows. President Yerman reported, at the meeting, they also discussed water and Fire Department issues. BCC anticipates breaking ground in two years. The Developer plans to attend the next Planning Commission and present a revised sketch plan showing all of the items that were discussed. ACELA, the Borough's MS4 Engineering firm, will also be contacted to inquire if one of the detention ponds could be converted into a raingarden.

b. Employee Manual Dress Code Revision. Council Member Schleicher provided a brief history of the revisions Council approved at their June 01, 2020 meeting. She reported after Council approved the revisions, it was brought to her attention the Public Works Department (“PWD”) wears uniform shorts and the MPD bicycle and undercover officers also wears shorts. Therefore, the language would need to be revised to include approval for the PWD and MPD to wear shorts. The proposed language could be revised to read:

1. F. Personal Appearance

“... Borough employees should dress in an appropriate and professional manner. Shorts (except those uniform shorts allowed for Public Works employees by contract and shorts authorized within the Police Department, by the Chief and/or Officer in Charge, (e.g. bike patrol, undercover work, etc.), tennis shoes, flip flops, revealing clothing and/or other attire deemed inappropriate and/or unprofessional by the Borough Manager and/or Borough Council shall not be worn by Borough employees during regular working hours.” ...

The proposed language will be circulated to the MPD Sergeant for review and comment(s), for Council’s approval at the next meeting.

ITEMS NOT ON AGENDA – None.

a. President Yerman commented the letter head to the Memorandum to the *Code of Ordinance* supplemental pages was outdated. He requested it be revised and redistributed.

EXECUTIVE SESSION – President Yerman called for an Executive Session at 09:52 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 10:40 p.m. with the no actions or decisions made.

ADJOURNMENT

Borough Manager Glisson reported the adjournment as: President Yerman asked for a motion to adjourn. Council Member Bloch made the motion, second by Council Member Rutledge. All were in favor and the meeting was adjourned at 10:41.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant