

ATTENDANCE

Council Members:	Angela Ashbrook Alma Akinjiola Barry Bloch Ryan Hanosek Todd Rutledge Roseann Schleicher, Vice-President John Yerman, President
Mayor:	Ronald Conrad
Borough Manager:	Robert H. Glisson
Solicitor:	Patrick Armstrong
Engineers:	Harry Garman (7:30 p.m. to 7:52 p.m.) Stan Wojciechowski (7:30 p.m. to 8:19 p.m.)
Administrative Assistant:	Selma Ritter (7:30 p.m. to 9:28 p.m.)

CALL TO ORDER

President John Yerman called the August 03, 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.

Discussion, re: Interim Act 537 Plan (Wastewater Treatment Plan for LVA - at Planning Commission; Council to vote on 3 Aug. Meeting).

a. Philip DePoe, P.E., from Lehigh County Authority (“LCA”). Engineer DePoe provided the history on the plan, State mandate Administrative Order and sewer overflow violations at the Kline’s Island treatment plant. Because of the overflow violations, three months in a row in 2019, Department of Environmental Protection (“DEP”) intervened and required the entire region (15 Municipalities are in the region) to do long-term planning by the year 2025. Within the long-term planning, DEP required an Interim 537 Plan be approved by the end of 2020; planning modules will be approved through 2025. The long-term plan will go from 2025 through 2050.

The ARRO Consulting letter, dated July 24, 2020 was then discussed. The letter stated the Interim Act 537 Plan is not a plant expansion, rather it is recognition that the Kline’s Island Sewer System Treatment Plant (KISSTP) is capable of adequately treating flows in excess of its permitted capacity for extended periods of time. Engineer DePoe commented this correspondence relates to the big 537 plan, which is the final plan for all 15 affected Municipalities in the region. Engineer Garman stated the evaluation of the treatment plant is based on the 537 Planning projections, which would be up to 54,000 million gallons per day without having any DEP issues. The Trexlertown project design, planning and construction has a preliminary cost estimate of \$14 Million. Cost sharing for these efforts between the municipalities will be determined through regional discussions currently under way in 2020. Engineer DePoe stated a bulk of the costs will be in 2021, in the City, for flow metering studies. He reported there will be 105 meters installed throughout

the system, with more than half of them installed in the City; there will be one billing meter in 2021 to capture the Borough's flow. The increased cost for the Borough would be minimal because the Borough is small with only 3% of LCA's flow.

- b. Harry Garman, P.E. from Barry Isett & Associates ("BIA"). No further comment.
- c. ARRO Consulting, re: Kline's Island Sewer System; Final Interim Act 537 Plan – For Adoption Submission.
- d. Resolution #2020-10. President Yerman made a motion to adopt Resolution 2020-10, which is the Borough of Macungie signing off on Lehigh County Authority' Final Interim Act 537 Plan, second by Council Member Rutledge.

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

Motion Passed.

Engineer's Monthly Report - Stan Wojciechowski, P.E. from Barry Isett & Associates ("BIA") discussed the projects on his August 03, 2020 Engineer's Report, more specifically:

- a. South Church Street ADA Ramps. The concrete ADA ramps, sidewalk, curbing and paving have been installed. A Completion Certificate was issued on July 29, 2020, which came with a punch list. BIA will verify the punch list items by the week of August 03, 2020.

During the construction, there was a rain event from July 10 through July 12, 2020. Several residents notified the Borough of stormwater seepage into their basements. G&B Construction ("G&B") has met with the homeowners to resolve the issues. Council Member Rutledge suggested the Borough receive written confirmation from the affected property owners stating the work was completed to their satisfaction. Solicitor Armstrong suggested the Borough get the written documentation from the property owners before the final payment is made to G&B.

Change Order #1 will be submitted to the Borough soon, which would reduce the contract with G&B from \$83,478.00 to \$75,328.00 (total reduction of \$11,750.00). The reduction is due to unused allowances for concrete sidewalks (\$4,000), concrete curbs (\$5,500) and 25 square yards of paving (\$2,250).

- b. Main Street Streetscape, Phase 2. PPL is scheduled to connect the power lines the week of August 17, 2020. Council Member Bloch reported the lights that are energized on the one side of the street are very bright. He asked if a lower light bulb wattage could be used and/or if the lights in the next phase can be spaced further apart. Engineer Wojciechowski stated BIA will visit the area when the lights on both sides of the street are operating to check the light brightness and spillover. Once the old lights are removed, there will be less illumination.

c. Main Street Streetscape, Phase 3. BIA issued a Certificate of Substantial Completion to Mohawk. Engineer Wojciechowski stated the last item remaining in this phase is for the street lights to be energized by PPL.

d. Main Street Streetscape, Phase 4. The construction contract was signed, the Performance and Payment Bonds were received, and the Schedule of Values and Construction Schedule were received and accepted.

The Borough Public Works Department (“PWD”) requested three (3) pallets of bricks to be stored at the PWD garage for future use. A change order is required for the purchase of the bricks.

There are remaining grant funds available, in the amount of \$82,905.00, minus the change order amount. Engineer Wojciechowski stated the remaining grant funds could be rolled over to the next Streetscape phase or extra work could be done in Phase 4.

e. The Estates at Brookside Development. The concrete and basin work has been completed. Two inlet tops and as-builts are needed. The wearing course work is scheduled for the week of August 17<sup>th</sup>. Borough Manager Glisson and Engineer Wojciechowski will be attending a pre-paving meeting tomorrow at 8:30 a.m.

f. Stone Hill Meadows: Phase 3. BIA received calculations from the Developer’s Engineer regarding paving, grading and stormwater runoff in Phase 2 (Lower Macungie Township), in conjunction with the emergency access drive and bike path. BIA will continue to evaluate the Developer’s efforts to eliminate or severely minimize off-site stormwater runoff. President Yerman discussed the stormwater runoff onto the Allen Organ property, which the Developer is aware of.

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 – None.

APPROVAL OF MINUTES

a. July 20, 2020. President Yerman requested two corrections to the draft Minutes: (1) Page 5, e, Website Issues: the sentence read “Proposals from other Information Technology (IT) firms will be sought.” President Yerman clarified he will be using the same firms, but he will be giving them very specific requirements on what is needed, instead of the firms determining what the Borough needs. The sentence will be changed to read “Proposals from the same Information Technology (IT) firms will be sought with more specific requirements”; and (2) Page 7, Section b. Items Not On Agenda: the sentence currently reads “Council Member Schleicher stated the wreaths will be attached on top of the globes by a bracket, not on the poles.” Council Member Schleicher clarified the wreaths would go around the globe and attach to the light pole itself. The sentence will be changed to read “Council Member Schleicher stated the wreaths will be attached

~~on top of the globes by a bracket go around the globes and attach on top of the globes by a bracket to the light pole itself, not on the poles bars that were removed.”~~

Council Member Schleicher made a motion to approve the July 20, 2020 meeting minutes, with the two corrections, second by Council Member Akinjiola. Motion carried: 7 ayes.

### CONSENT AGENDA

- a. Treasurer’s report of July 30, 2020 – President Yerman noted the \$150,000.00 that was transferred from the General fund in the beginning of the year was transferred back to the Capital Fund.

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

- b. Payment of invoices as listed totaling \$249,710.43 - some of the invoices listed on the report were briefly discussed. Borough Manager Glisson requested the balance of the Cotton Street Bridge, in the amount of \$14,977.50, be removed from the list of payments because the Borough previously paid the same amount (\$14,977.50) and, after he reviewed the Borough files, he determined the bridge drawings were supposed to be approved in 2019, but they were not and it will take 6-8 weeks. Borough Manager Glisson reported Engineer Michael Waldron, from ACELA Engineering, informed him ACELA has not been tasked to review anything. He also reported the Borough Public Works Department has installed the abutments, based on the drawings that were received.

Council Member Yerman made a motion to approve paying the Consent Agenda invoices, as of August 04, 2020, minus \$14,977.50 for the Cotton Street Bridge, second by Council Member Rutledge. Motion carried: 7 ayes.

### CORRESPONDENCE

- a. Emmaus Public Library (“EPL”), re: July 2020 Board Meeting Minutes/Packet. The report forecasts they will be short funds at the end of the year.
- b. Municipal Retirement Trust (“MRT”), re: June 2020 Monthly Trust Reports. President Yerman commented both Borough pension funds are down 4-5%, even though MRT pension funds are up 17% for the year. He requested Council keep in mind the pensions need to grow each year.
- c. Municipal Retirement Trust, re: June 30, 2020 Quarterly Trust Report. President Yerman briefly discussed the report.
- d. PennDOT, re: Decision on 2020 Multimodal Transportation Fund Grant Application for Streetscape Phase IV. The Borough’s PennDOT grant application was denied; however, the Borough was approved for another grant through DCED.
- e. Borough Planning Commission Recommendations from 07/21/2020 Meeting.

i. Lehigh Valley Planning Commission, re: Emmaus Commerce Center – Land Development Located at 840 Broad Street, Emmaus. This correspondence, dated July 02, 2020, stated the subject application proposed to construct a 20,000 square-foot industrial building, adjacent to three other commercial or industrial buildings on the site and the proposal is generally consistent with *FutureLV: The Regional Plan* because it is located in an area designated for Development in the General Land Use Plan. The Borough Commissioners did not have any comments on LVPC's correspondence regarding this LDEV.

ii. Lehigh Valley Planning Commission (“LVPC”), re: Borough of Emmaus, Ordinance No. 1202 for 5G Small Wireless Antennas. This correspondence, dated July 17, 2020, with the proposed Zoning Ordinance amendment(s), included amending their 1993 Zoning Ordinance to add definitions of “Small Wireless Facilities”, “Small Wireless Facilities Collocation”, and “Small Wireless Facilities Structure”, provide for the same as a permitted use in All Zoning Districts, and to provide additional regulations relating therefore, including an application and permit process and standards for Aesthetic Requirements. The Borough Commissioners suggested the Borough review Emmaus Borough's proposed amendment.

iii. Tetra Tech, Inc., re: Municipal Notice for Reading to Allentown Segment 2 Project. The correspondence, dated July 10, 2020, stated CenturyLink Communications, LLC was planning on submitting an application to Pennsylvania Department of Environmental Protection for Utility Line Crossing (GP-5) and National Pollutant Discharge Elimination System (NPDES) Pennsylvania Individual Permit for stormwater discharges associated with construction discharges. The affected parcels are entirely within the Norfolk Southern Railroad easement(s). The Borough of Macungie Commissioners did not have any comments on this correspondence.

iv. Lehigh County Authority Interim Act 537 Plan (Borough Will Vote in August). Commissioner Crawford made a recommendation stating the [Borough] Commissioners have no comment on the Plan, second by Commissioner Walker. Motion carried: 3 ayes.

v. Quality of Life (“QOL”) Grass/Weed Violation Policy. The Morning Call Newspaper published an article on June 05, 2020, which discussed Bath Borough's adoption of a “Quality of Life” Ordinance addressing violations of open burning, fireworks, the keeping of animals, municipal waste, snow and ice removal and weed and grass growth, among other violations. The Ordinance trades the traditional lengthy (and at times costly) code enforcement process for a more direct ticketing system. The article also stated other municipalities across the state have taken similar approaches, including Emmaus Borough.

The Borough Commissioners discussed the need for a similar policy in the Borough. Then, Commissioner Crawford made a motion to inform Council the [Borough] Commissioners are in favor of a similar ordinance and recommend Council proceed with it, second by Commissioner Walker. Motion carried: 3 ayes.

Tonight, Council discussed Bath and Emmaus Borough's QOL policies. Council Member Bloch commented the Borough already has ordinances [weed/grass] in play, then he questioned who would enforce it [QOL], if the Borough were to adopt one. President Yerman commented the difference between them is the way it would be enforced; the current zoning ordinance process is longer and the QOL would be a quick ticket process. A QOL policy similar to Bath Borough's

would be enforced by the Zoning Officer. Solicitor Armstrong commented the QOL policies are “fine,” but they do not always give a property owner an opportunity to correct the violation prior to receiving a citation; he then discussed the Bath and Emmaus Borough’s QOL documents and a possible appeal period process the property owners could use.

There was a discussion on if there is a grass and weed issue in the Borough that would warrant a QOL policy. The current lengthy and costly (court and/or attorney fees) processes were also discussed, along with a faster streamlining QOL process that is less expensive (automatic citation; no court and/or attorney fees). Council Member Rutledge suggested a duplicate ticketing system (one copy for the property owner and one copy for the Zoning Officer), giving the property owner a certain amount of days to correct the violation or they would receive a citation when the Zoning Officer revisits the property, which would help streamline the Zoning Officers work; Borough Manager Glisson concurred. Council Members Bloch and Schleicher were assigned the task of looking around the Borough to investigate how many properties are currently in violation of the already adopted Grass/Weed Ordinance(s), so Council can better determine if a QOL policy is needed; they will report their findings back to Council in two weeks.

### REPORTS

a. Solicitor – None.

b. Mayor – None.

c. Borough Manager.

i. UGI Patching. UGI finished the repairs on Main Street, where temporary patching was done from work they previously performed.

d. Committees - None.

### UNFINISHED BUSINESS – PART I

a. Consideration of Residential Rental Ordinance 2018-06 Amendment. Borough Manager Glisson reported the Zoning Officer has not sent out letters to the 215 property owners of unregistered rental properties in the Borough yet because he did not have current addresses of the property owners. There was a discussion on how to locate their current addresses. Administrative Assistant Ritter will provide the Zoning Officer with Lehigh County’s Tax Duplicate, which the County updates monthly and contains all properties in the Borough.

b. Jeffrey and Steffany Hartman Property at 212 W. Main Street; Installation of Sidewalk. Borough Manager Glisson reported he and Zoning Officer, Joseph Peterson, had a discussion with the PennDOT Permits Manager and together they concluded the PennDOT Permit would replicate the Borough permit. Borough Manager Glisson has informed Mr. Hartman they would not need a Borough permit. If the sidewalk installation stalls again and does not meet the August 31, 2020 deadline, Council will discuss taking legal action.

c. Angela Faidley, re: Letter of Interest for Macungie Institute Board of Trustee. Borough Manager Glisson will send Ms. Faidley a letter stating no position is currently available.

### 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 discussion.
- ii. Possible Long-Term Rentals. No discussion.

President Yerman reported there was a meeting with the Trustees recently and another one will be scheduled in the near future.

b. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed; Ordinance for Wireless Communications (at Planning Commission). No discussion.

c. Website Issues. President Yerman reported he is working on a set of requirements, which are more in line with the type of work the Borough needs, to distribute to the three Information Technology (IT) firms who recently provided proposals to the Borough.

d. Request for Chapter 230 Nuisances Ordinance Change - Proposal for Progress in Hillcrest Neighborhood. President Yerman discussed the history of reported noise and other issues at a property on Hillcrest Drive South and the petitions that approximately eighteen (18) Borough residents signed requesting Council's help with the matter and changes to the Ordinance(s) to make them more enforceable. The Borough currently has a Noise Ordinance, but it cannot be enforced because the Borough does not have the proper tools, e.g., decibel reader.

In response to the petitions, President Yerman drafted a proposal on how to proceed forward to develop a resolution to the noise situation in the neighborhood. He suggested an approach to move forward could involve contacting the residents in the neighborhood, including the property owner of 955 Hillcrest Drive South, to get their input and find out what behaviors they think are causing problems; the behaviors could fall under three categories (1) things the Borough already has rules on, e.g., noise ordinance; (2) things the Borough needs rules on, which would apply to all of the Borough of Macungie; and (3) things the Borough would not enforce rules on, e.g., where video cameras are pointed, visitors/guests coming and/or going at 2:00 a.m. After it is determined what the behaviors are and which categories they fall under, Council would work with the Zoning Officer and Solicitor to determine a course of action, how rules could be enforced and if the appropriate parties are willing to enforce the rules.

The last time the Macungie Police Department (MPD) was dispatched to the property to investigate a noise complaint was last week. Sergeant Travis Kocher reported the MPD was dispatched to approximately twenty-four (24) calls from May 2019 to last week, with zero (0) violations being issued; calls during the winter months were low or nonexistent, but they are dispatched sometimes daily during the summertime. He stated approximately 14 reports were written, but if a complaint was unfounded or the person was gone upon arrival, the MPD would not write a report.

Blake Martin, 971 Vine Street, Macungie, stated he has been approached at the bus stop by the person making the complaints to the MPD who requested he call the police if he hears anything. Mr. Martin stated he and 3-5 other neighbors have sat outside of their property or have taken walks in the neighborhood to see if they hear any noise coming from the said property, but they have not heard anything going on. He also commented it seems like it is more harassment than anything and believes there are three sides to every story, but no one has heard the other party's side and they should be heard too, along with the other neighbors around them. Mayor Conrad and Council Member Schleicher reported they have been in the area of the said property on several occasions, but they did not hear anything that violates any Borough Ordinances. Council Member Schleicher commented what may be noisy to some people may not be noisy to others.

There was a brief discussion on if Council wanted to “indefinitely park” the matter. Sgt. Kocher suggested the residents that signed the petition be notified that the Borough and/or MPD have done their due diligence, conducted a thorough investigation, and no violations were discovered; the notice should include everything that was done during the investigation. There was a unanimous consensus among Council to discuss in an Executive Session the implications of repeated police calls, if there is any liability or legal implications with repeated unwarranted police calls, and how the Borough could handle the matter.

#### NEW BUSINESS

- a. Brookside Country Club (“BCC”) Development Status. President Yerman reported BCC will be at the next Planning Commission meeting to provide an update. Residents and/or Council should bring their final requests to the meeting for the Developer to address, because the next step would be for them to draft more formal plans. He commented the Ridings residents that appeared before the Commissioners previously had valid complaints, but it is time to turn the complaints into “we wants” so the Developer can incorporate them into the plans. Council Member Rutledge requested the BCC Developer clean up any construction debris (e.g. dust/dirt), within a certain distance from the construction, that may crossover to the neighboring properties.
- b. Council Discussion for Meetings to Resume at Macungie Institute (“MI”). Someone expressed interest in renting the MI for a private event, but the facility has been closed due to the COVID-19 pandemic. There was a discussion on if Council wanted the building opened to resume rentals or not. Some Council Members expressed concern with opening the facility at this time, while other Members felt the building should be opened. Borough Manager Glisson discussed a few items for Council to consider, when discussing the reopening of the facility: (1) the Governor’s Orders of social distancing, limitation of the number of people in a gathering and wearing of face masks; he then expressed concern for event hosts saying they would keep the number of attendees to the allowed limit, but then allowing the number of attendees to exceed the limit; (2) if the draft release of liability documents (signatory documents) for event hosts to sign would be used, so event attendees and/or hosts don’t try to hold the Borough liable for illnesses; (3) and if the facility should be deep cleaned after an event is held, which would cost approximately \$300.00, which the renter would pay. President Yerman suggested Council Member Hanosek discuss the three items with the Macungie Institute Trustees, then report back to Council at one of the next two meetings.
- c. Quality of Life Grass/Weed Violation Policy. This item was discussed under CORRESPONDENCE, e. v. above.

d. Flower Park Signs, re: Northeastern Pennsylvania Railroad 250th Anniversary of the Anthracite Region. At the July 15, 2019 Council meeting there was a discussion regarding the Flower Park's request to hang two metal signs on the Flower Park property, along with a poster on the reader board; as Macungie Borough was recognized as a showcase community for the Northeastern Pennsylvania Railroad 250<sup>th</sup> Anniversary of the Anthracite Region. Then, Council Member Hutchison made a motion to allow the signs to be hung up for one-year, then re-evaluate keeping them up longer, second by Council Member Yerman. Motion carried: 7 ayes.

Borough Manager Glisson stated the Flower Park did not receive the sign until about two weeks ago and the PWD installed it. He suggested Council pass a current motion to allow the sign up for one year, then revisit if they want to keep it up longer. The sign was described as decorative, with the award on it and having the rules of the park on it.

Council Member Schleicher made a motion to allow the sign to be up for one-year, then re-evaluate keeping it up longer in August 2021, second by Council Member Rutledge. Motion carried: 7 ayes.

e. Approval for Mohawk Construction Payment #6 for Phase III of Main Street Streetscape, in the Amount of \$24,536.66.

Council Member Rutledge made a motion to approve paying Mohawk Corporation's Payment Application #6, in the amount of \$24,536.66, second by Council Member Yerman. Motion carried: 7 ayes.

#### ITEMS NOT ON AGENDA

a. Chalk The Walk Event. Council Member Schleicher reported the event, scheduled for August 22, 2020, been cancelled due to the COVID-19. The event will be rescheduled for 2021.

b. Willow Street Flooding. Council Member Bloch reported the street flooded again with yesterday's rain, the installation of a blacktop road in the Stone Hill Meadows development and concerns with fire trucks getting into the development. He discussed the history of the problem(s), measures that have been taken so far to help correct it and possible future measures. Borough Manager Glisson reported he discussed how to address the issue(s) with Fire Chief, Michael Natysyn, and Engineer Wojciechowski, from Barry Isett & Associates, but no resolution has been determined yet.

President Yerman and Solicitor Armstrong both suggested the Developer be contacted to request them changing the plans that were previously approved by the Borough, along with contacting Lower Macungie Township Fire Department to obtain their input. Engineer Wojciechowski should contact the Developer.

EXECUTIVE SESSION – President Yerman called for an Executive Session at 09:28 p.m. to discuss personnel and an attorney-client legal privilege. The regular Council meeting reconvened at 10:17 p.m. with the no actions or decisions made.

President Yerman stated there were several items discussed in the Executive Session: (1) one item was attorney-client legal privilege; (2) an employee issue; and (3) a proposal to retain the recently retired Borough Clerk/Assistant Treasurer, Rosemarie Nonnemacher, on a very part-time basis, with a maximum of 80 hours over the next five months, with very specific details, timeframes and activities for her to continue training the new Borough Clerk/Assistant Treasurer.

President Yerman made a motion to allow Borough Manager Glisson to discuss the training proposal with the Teamsters Union and if they approve the proposal it would move forward, second by Council Member Schleicher. Motion carried: 4 ayes and 3 nays (Council Members Ashbrook, Bloch and Hanosek opposed).

President Yerman requested the record show no other alternatives to this training method were presented.

**ADJOURNMENT**

Council Member Rutledge made a motion to adjourn the meeting at 10:21 p.m., second by Council Member Schleicher. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant