

CALL TO ORDER

President John Yerman called the August 17, 2020, regular meeting of Macungie Borough Council to order at 7:30 p.m. Due to the Coronavirus Pandemic (COVID-19), the meeting was held via telecommunications. The change in venue was announced on the Borough website and by a posting notice on the Macungie Institute and Borough Hall doors. The meeting was open to the public where participants could “attend” the meeting by using an assigned web link or telephone number and access code.

ATTENDANCE

Council Members: Alma Akinjiola  
Angela Ashbrook  
Barry Bloch  
Ryan Hanosek  
Todd Rutledge  
Roseann Schleicher, Vice-President  
John Yerman, President

Mayor: Ronald Conrad

Borough Manager: Robert H. Glisson

Solicitor: Patrick Armstrong

Administrative Assistant: Selma Ritter (left meeting at 10:14 p.m.)

MACUNGIE POLICE DEPARTMENT (“MPD”) – Sergeant Travis Kocher was in attendance tonight to provide updates and hear any issues residents may have.

a. Macungie Police Department, re: July 2020 Report. The report included being dispatched to 158 incidents, 7 Traffic Citations and 4 persons arrested. Sgt. Kocher discussed the report, including traffic related call volumes and traffic details.

b. Introduction of Towing Ordinance for Borough; why needed. The proposed revision to the Borough’s current *Vehicles and Traffic Ordinance*, would provide language for the removal and impoundment of illegally parked vehicles. Sgt. Kocher explained an ordinance is needed because the Borough does not currently have any ordinance of this type in place; he gave examples of calls the MPD received regarding vehicles illegally parking the wrong way on streets and blocking business and/or private driveways where patrons or residents could not enter/exit the driveway.

A proposed 24-Hour violation notice included in the draft Ordinance was discussed, which would provide a warning to the violator giving them 24-hours to move the vehicle prior to it being towed. In the examples that Sgt. Kocher provided above, the 24-hour warning would not have helped the business owners/residents gain faster access to their property. Sgt. Kocher stated he is not supportive of a 24-hour notice because a towing ordinance would be enacted for a reason, not to just penalize someone for no reason, but rather because the illegally parked vehicle is inconveniencing someone’s business or a resident from accessing their own driveway. Solicitor Armstrong stated most municipalities that have a towing ordinance do not provide a 24-hour warning period; he commented Council could include specific tow away zones within the

proposed ordinance. President Yerman suggested the 24-hour language be revised to allow immediate removal of a vehicle if a vehicle is blocking a driveway. Sgt. Kocher stated he believes if the quality of life is suffering, the MPD should be able to remove the vehicle. The proposed towing ordinance would be for removing vehicles from public property, not private property. Sgt. Kocher stated if a property owner wants a vehicle removed from their private property they would have to fill out a form (MV-952PP, which the police must sign) and contract with a towing company themselves to have it removed. He then suggested designating tow away zones in the ordinance as blocking commercial or residential properties, which would designate the zone and bypass the 24-hour notice so the quality of life would not suffer. Solicitor Armstrong commented he could add language related to the 24-hour warning in the tow away zone section.

c. Part-Time Police Officer Position. Sgt. Kocher reported no new applicants applied for the position.

d. Right-To-Know (“RTK”) Request. The Quattrone Center For The Fair Administration Of Justice from The University of Pennsylvania Carey Law School submitted a lengthy RTK request to the MPD for all records and/or policies related to operational, training, driving a vehicle and de-escalation techniques. Due to the vagueness and length of the request, Sgt. Kocher requested Solicitor Armstrong help with the response, so it is replied to properly. Solicitor Armstrong stated due to the volume and vagueness of the request not all of the requested items will be provided to the requestor. The MPD requested, and received, a 30-day extension to respond to the request.

e. Lehigh County Police Testing Consortium (the “Consortium”). Sgt. Kocher discussed the Consortium. He stated he supports the MPD entering into it; he then commented the MPD is the only station that has not entered into the Lehigh County consortium. There is a cost to be in the Consortium, but Sgt. Kocher was unsure of the fee; however, there is a high value in joining it.

President Yerman made a motion to allow Solicitor Armstrong look into the Consortium to see if it would work for the MPD and what issues are remaining for the MPD to join, second by Council Member Schleicher. Motion carried: 7 ayes.

#### PUBLIC COMMENT

a. Prior Public Comments to Council - None.

b. Comments from the Audience on Non-Agenda Items

Tim Schantzenbach, 102 Locust Street, Macungie, commented on the flooding by his property, at the intersection of Race and Willow Streets, during heavy rainfall. He alleged it was caused by stormwater runoff from the Stone Hill Meadows (“Stone Hill”) development that flowed onto Willow Street during Tropical Storm Isaias. He stated the severity of the flooding by his home has gotten progressively worse over the years, which he attributed to stormwater runoff from the new developments in Lower Macungie Township (“LMT”) that flowed into the Borough. He alleged if the water would have risen one more inch during the past heavy rain it would have went into his basement through the windows, which he never had before. He alleged head

pressure from stormwater coming through the sanitary sewer manhole comes into the lines in his basement and the manhole covers for the stormwater and sanitary sewer pipe covers “were bobbing in the street” because the sanitary sewer was full of stormwater. He then discussed the measures he took to keep the stormwater from coming into his basement. He questioned how the stormwater is getting into the manholes if they have a lining and where the stormwater is coming from. He then stated something needs to be done because these stormwater issues cannot continue this way. President Yerman discussed the current sanitary sewer relining project in the Borough. He commented a lateral project will also be done in the Borough as soon as Council receives notification if they will be receiving grant funds or not. He suggested Barry Isett & Associates (“BIA”) view the area and give a plan on what could be done to elevate the problem.

Mr. Schantzenbach also discussed the stormwater runoff from LMT onto the Allen Organ property in the Borough. President Yerman stated the Borough is working with Stone Hill and the engineers for a successful resolution in keeping the LMT stormwater on the LMT property. He commented it is hard to architect for a hurricane, but they can architect for a heavy rain; and what is happening to Allen Organ is unreasonable and it is unconscionable for a developer to try to control stormwater with the methods they did. The Sewer Lateral Inspection Ordinance 2018-02 was discussed, along with the swale and stormwater on the Allen Organ property. Mr. Schantzenbach noted that it is illegal for someone to run their stormwater onto someone else’s property and asked Council to treat Stone Hill Meadows the same as they would treat him (or anyone else), if they ran their stormwater onto someone else’s property. Lastly, he suggested the Borough ask the Railroad to clean the debris and sediment out from under the three tunnels.

#### COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

a. Council Member Schleicher complimented the Borough Public Works Department (“PWD”), Staff, MPD, Macungie Volunteer Fire Department (“MVFD”) and Borough Manager on working well together to assist the residents during Tropical Storm Isaias; they did a great job.

b. Council Member Rutledge complimented the paving work being performed on Mill Street and Miller Street by the Borough PWD, with the assistance of LMT and Upper Milford Township. He commented it looks very professional.

#### APPROVAL OF MINUTES

a. August 03, 2020 – Council Member Schleicher made a motion to approve the August 03, 2020 minutes, as written, second by Council Member Akinjiola. Motion carried: 7 ayes.

#### CONSENT AGENDA

a. Payment of invoices listed, as of August 18, 2020, totaling \$113,706.33. Some of the invoices listed on the Consent Agenda were briefly discussed.

Council Member Schleicher made a motion to approve the invoices listed on the Consent Agenda, as of August 18, 2020, in the amount of \$113,706.33, second by Council Member Akinjiola. Motion carried: 7 ayes.

CORRESPONDENCE

a. Macungie Ambulance Corps, July 2020 Monthly Report. They responded to 318 calls during this service month; 28 of the calls were in the Borough of Macungie.

b. Ridings at Brookside Residents, re: Brookside Country Club (“BCC”) Concerns. In this correspondence, the Residents of Ridings at Brookside development listed their requests and concerns, to be discussed at the next Planning Commission meeting, prior to a final decision being made on the development.

Council Member Rutledge stated this correspondence is from 5-10 residents of the Ridings and does not represent all of the residents in the development. He discussed a few items in the correspondence that he stated were not accurate. President Yerman suggested the author of the correspondence be sent a letter stating they should come to the Planning Commission meeting when BCC is there so they can understand the plan and express their concerns.

c. Steve Markowitz (President of Allen Organ Company), re: Stone Hill Meadows Stormwater Runoff Issues onto Allen Organ Property. In his email, dated August 11, 2020, Mr. Markowitz discussed a significant stormwater runoff problem from the Stone Hill Meadows property onto the Allen Organ property. President Yerman reported he has an ongoing dialog going with Dan Hummel at Allen Organ on the matter.

d. Barry Isett & Associates, re: Engineer’s Comments on Damaged Bridges. In his email, dated August 05, 2020, Engineer Stan Wojciechowski, from BIA, discussed the inspections that were conducted on the Lehigh Street, Hickory Street and Cotton Street bridges to determine their condition after the recent heavy rainfall events in the Borough. The email was a summary of BIA’s findings regarding safety and observations, plus BIA’s recommendations and repair/replacement costs for all three of the bridges. Council discussed the findings, recommendations and/or costs for each bridge.

Funding for the bridge repairs/replacements were then discussed. Borough Manager Glisson commented the emergency declaration Mayor Conrad recently signed due to the recent heavy rainfall storms in the Borough may help the Borough obtain Pennsylvania Emergency Management Agency (“PEMA”) funding if it is available. President Yerman stated if no PEMA or other agency funds are available, the funds would come from the Borough’s general “emergency” fund. Council Member Schleicher suggested President Yerman follow up with Engineer Wojciechowski to inquire if the costs he listed could be reduced.

Hickory Street Bridge: Due to safety concerns, this bridge has been closed. BIA’s assessment of this bridge, with conceptual recommendations excluding load analysis and PennDOT, and including review of replacement span available through the CoStars program would cost \$3,500.00.

Council Member Rutledge made a motion to authorize BIA to evaluate the Hickory Street Bridge, for the cost of \$3,500.00, second by Council Member Schleicher. Motion carried: 7 ayes.

Cotton Street Bridge: The evaluation costs for this bridge would total approximately \$16,500.00, which would include Scour Analysis, HEC-RAS, Subsurface Analysis (including

recommendations for mitigation), and Bridge and Wall Assessment (with conceptual recommendations and excluding load analysis and PennDOT).

Council Member Bloch made a motion to pursue BIA's proposal under "costs" on page 2 with the caveat President Yerman will follow up with Engineer Wojciechowski to see if the Borough can get a lower cost, second by Council Member Rutledge. Motion carried: 7 ayes.

## REPORTS

### a. Mayor.

i. On August 14, 2020 he declared an emergency in the Borough and signed a *Declaration of Disaster Emergency in Response to Two Major Rainstorms* due to Tropical Storm Isaias. He stated the storm damaged some homes and businesses in the Borough, along with some of the Borough's infrastructure. He is hoping the emergency declaration will help the Borough obtain emergency aid from the PEMA. The Borough Emergency Management Coordinator is in the process of documenting damage reports and damage assessments, so they can be sent to PEMA along with a request for any aid that is available. Solicitor Armstrong suggested, similarly to the prior declaration for emergency in association with COVID-19, Council may want to entertain a motion to affirm the emergency declaration for the storm.

President Yerman made a motion to reaffirm the Declaration Mayor Conrad signed on August 14, 2020, second by Council Member Rutledge. Motion carried: 7 ayes.

### b. Manager.

i. Lehigh Street Streetlights. Council discussed the draft Bid Proposal (the "Bid") BIA prepared for six ornamental streetlights. Council Member Rutledge commented there are several items on the Bid that are not correct, which he will discuss with Engineer Wojciechowski. Borough Manager Glisson reported PPL approved an electric drop from the Devine School PPL pole.

ii. Main Street Streetscape Lights. PPL will be energizing both sides of Main Street by the end of this week.

iii. Small H2O Grant. Notification was received from Senator Pat Browne's office, approving the full amount of grant funds the Borough applied for, in the amount of \$155,340.00. The funds will be used to replace lead waterlines/pipes along S. Church Street to the properties and two large valves.

iv. Brookside Country Club ("BCC") Raingarden Update. He reported Engineer Michael Waldron, from ACELA Architects & Engineers stated the detention basin at the BCC development can be used as part of the Borough's MS4 project in lieu of a raingarden on the Borough property off Glenwood Drive.

### c. Committee – None.

## UNFINISHED BUSINESS – PART I.

- a. Consideration of Residential Rental Ordinance 2018-06 Amendment. Borough Manager Glisson provided a status update on the hiring of an intern to help Zoning Officer Peterson and Administrative Assistant Ritter. Sergeant Travis Kocher requested help from the intern with updating (word processing) MPD policies.
- b. Hartman Property at 212 W. Main Street; Installation of Sidewalk. No discussion.

#### UNFINISHED BUSINESS – PART II

- a. Macungie Institute Trustees (the “Trustees”) Update (Council Point of Contact; Council Member Hanosek). The Trustees have been meeting regularly. Therefore, President Yerman suggested this matter be removed from the agenda.
- b. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed; Ordinance for Wireless Communications (at Planning Commission). Solicitor Armstrong provided a brief history and update on the Borough’s proposed 5G Ordinance, along with Verizon’s proposal/Agreement to install antennas in the Borough. He reported he revised the Verizon Agreement to a “hybrid” version, which would cover future co-locations on existing poles in the right-of-way (in case the Borough has not adopted a 5G Ordinance governing them) and the five anticipated locations Verizon requested; it would not cover new poles in a right-of-way. He stated the hybrid approach would allow the Borough time to adopt their draft 5G Antenna Ordinance that is currently before the Planning Commission (“PC”). The three options Council has to move forward with Verizon’s first wave of antennas would be accept (1) the hybrid approach; (2) only the five anticipated locations Verizon requested; or (3) a master agreement which would cover everything going forward. The hybrid approach would not include new poles and would leave them open for Council to either negotiate a new pole agreement with Verizon or move their proposed ordinance forward in a timely manner. Borough Manager Glisson stated the Borough would not receive revenue from Verizon for using the poles unless the Borough owns them, but most of the poles Verizon wishes to use at this time are owned by PPL. The Borough PC would need to give some type of recommendation around esthetics, new poles and other possible items. Solicitor Armstrong recommended the hybrid approach, to give the Borough time to adopt their draft 5G Ordinance. There was then a unanimous consensus among Council to move forward with the hybrid approach.
- c. Public Works Department, re: Monthly Report on Upcoming Projects. Council discussed the work progress noted on the Report, which included the paving of Mill, Miller and North Church Streets, Cotton Street Bridge improvements, curb painting at Race & Main Streets, Town Hall chimney work, Flower Park maintenance, MPD bathroom maintenance, and MI boiler light maintenance.
- d. Website Issues.
  - i. Macungie IT Requirements. President Yerman provided a written list of IT requirements he drafted for Councils consideration. He discussed the history on the matter and his proposed requirements. He will move forward with discussing the requirements with the IT companies that previously provided service proposals to the Borough.

#### NEW BUSINESS

- a. Brookside Country Club Development Status; (at Planning Commission). No discussion or updates.
- b. Quality of Life Grass/Weed Violation Policy; Council Volunteers. At the previous Council meeting on August 03, 2020, Council Members Schleicher and Bloch were tasked with looking for weed and grass violations within the Borough, so Council could determine if a policy is needed. Council Member Schleicher reported there are a lot of violations on many of the streets; however, the developments within the Borough were not checked for violations. She suggested the Zoning Officer place warnings on the properties that are in violation. After Council discussed if a proposed Quality of Life Policy was needed, along with the current policy on enforcing violations, there was a majority consensus among Council to not move forward with a Quality of Life Grass/Weed Violation Policy.
- c. Discussion on Willow Street for More Storm Drains/Paving. Borough Manager Glisson provided an update on the flooding issue. Council discussed if tying more inlets into the main stormwater line would be helpful. Council Member Bloch commented more inlets into the same pipe would not work because the pipe already fills up during heavy rainfalls and cannot take on more water. Borough Manager Glisson suggested Engineer Wojciechowski provide a scoping estimate to see what is needed, then Council could make a better decision on how to move forward.
- d. Results of Tropical Storm; Bridges, Debris, Trash Disposal. Council Member Schleicher reported several residents and business owners in the Borough complained the stormwater runoff from developments in LMT (e.g., Weis Market, Stone Hill Meadows and Woodmont Valley) are negatively impacting the Borough. President Yerman suggested the Borough discuss the matter with LMT and provide them with engineering data on managing stormwater during heavy rainfalls. He commented they could manage stormwater from rainfalls, but it would be an unrealistic expectation for them to manage stormwater from a hurricane. Council Member Schleicher will discuss the matter with Commissioner Ron Beitler at LMT to see if he has any input on how to stop LMT's stormwater from coming into the Borough, before the Borough seeks input from BIA.
- e. Stone Hill Meadows Flooding Issues/Updates. Discussed above.
- f. Weis Project in Lower Macungie Township; water issue in Borough. Discussed above.

ITEMS NOT ON AGENDA (Mayor and Council Members Only).

- a. Council Member Ashbrook questioned if there are plans to resume live Council meetings at the Macungie Institute. The State's restrictions on a 25 person limit in gatherings was discussed. The Council meetings will remain via Zoom at this time.

EXECUTIVE SESSION, IF NECESSARY – At the request of Borough Manager Glisson, President Yerman called for an Executive Session at 10:14 p.m. to discuss a personnel matter. Borough Manager Glisson reported the regular Council meeting reconvened at 10:29 p.m. and President Yerman announced no decisions or votes were made.

ADJOURNMENT - Hearing no further business, Council Member Rutledge made a motion to adjourn the August 17, 2020 meeting at 10:30 p.m., second by Council Member Bloch. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant