

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 (8:35 to 9:28 p.m.)
Engineers:	Stan Wojciechowski (7:30 p.m. to 8:07 p.m.)
Administrative Assistant:	Selma Ritter (7:30 p.m. to 8:45 p.m.)

CALL TO ORDER

President John Yerman called the September 08, 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’S MONTHLY REPORT – BARRY ISETT & ASSOCIATES (“BIA”)

a. Macungie Borough Projects Report- Stan Wojciechowski, P.E. from BIA discussed the projects on his September 08, 2020 Engineer’s Report, more specifically:

i. Lehigh Street Bridge. The damage to the bridge from the recent tropical storm in August does not pose an imminent threat for use. The bridge is deteriorating, with exposed and spalling concrete, and corroded steel reinforcing.

Ownership of the bridge was discussed, as BIA was unsure if it was owned by the Borough or PennDOT. Borough Manager Glisson stated he was informed by Council Member Schleicher that the Borough owns the street on both sides of the vehicular bridge, but not the bridge itself. He was also informed there is information on the bridge and its ownership in a file in his office; therefore, the bridge repair and cost is not the Borough’s responsibility. He was uncertain if PennDOT has been occasionally inspecting the bridge. Council Member Schleicher stated the Borough owns the road on both sides of the bridge, but they do not own the vehicular bridge (the Borough does own the pedestrian bridge). She then discussed the history of the Borough owning Lehigh Street, which is an extension of North and South Church Streets. She stated the Borough did not take ownership of the vehicle bridge when Lehigh Street was reconstructed and the sidewalks were installed, which PennDOT agreed to; and at the time of the reconstruction (in possibly 2003, with Keystone Engineering), the deal included the Borough had to take back Church Street.

ii. Hickory Street Bridge. The bridge has been closed to vehicular traffic because the center piers were damaged by the recent storms. Engineer Wojciechowski stated the bridge damage is beyond repair and needs to be replaced. BIA is in the process of researching replacement options through the Commonwealth's CoStars program and the conventional bid process.

iii. Cotton Street Bridge. The concrete cutoff walls in front of the stone abutments were damaged and, in some locations, torn apart from the walls. Engineer Wojciechowski stated the stream water is flowing under the stone bridge abutments, which is not desirable. The reconstruction would require a DEP GP11 Permit; the cost for BIA to prepare and submit the DEP permit would be \$4,500.00. The bridge repair costs would be approximately \$20,000.00, but it could be cheaper if the Borough Public Works Department does some of the work. If the work is not done, subsequent storms will erode the abutments and deteriorate the bridge.

Engineer Wojciechowski stated the work on the vehicle bridge would not affect the design or codes for the pedestrian bridge; he recommended the vehicle bridge be repaired before the pedestrian bridge is installed to allow more working room for the vehicle bridge. President Yerman stated the funds for the permit and repairs would come out of the Borough's Contingency Fund. The retaining wall would be a separate project away from the vehicular bridge and would require its own permit.

Council Member Bloch made a motion for BIA to immediately move forward with repairing the permits to repair¹ the Cotton Street Bridge for the total cost of approximately \$25,000.00 and to use the "rainy day" funds to pay for it, second by Council Member Rutledge. Motion carried: 7 ayes.

Carl Sell, 46 Locust Street, Macungie, questioned if Cotton Street will be closed when the bridge is being repaired, and if so how long it will be closed. Engineer Wojciechowski concurred it would be closed, but only for a short period of time.

iv. South Church Street ADA Ramps. BIA issued a Substantial Completion Certificate on July 29, 2020, with a few minor punchlist items. Borough Manager Glisson will review the punchlist items in the field.

Change Order No. 1. The contractor, G&B Construction Group, submitted Change Order No. 1, which is a "negative" Change Order for the allowances that were not used. The adjusted contract sum, after Change Order No. 1, will total of \$75,328.00.

Payment Request No. 1. BIA recommended approval of the payment request, which would include everything except for the retainage funds. Engineer Wojciechowski stated the retainage amount would be sufficient to complete the remaining work on the punchlist.

¹ At the September 21, 2020 Council meeting, President Yerman requested a correction to this motion; he stated as the sentence was originally written in the Draft Minutes read as if BIA was performing the work themselves, which they are not; BIA would be preparing the permits to repair the bridge.

Council Member Rutledge made a motion to approve Change Order No. 1 and Payment Request #1, less the retainage amount, second by Council Member Schleicher. Motion carried: 7 ayes.

Carl Sell questioned why there are sandbags at the ADA ramp on the corner of South Church and Locust Streets and if they are permanent. Borough Manager Glisson stated they were placed there temporarily after the ADA work was done to prevent stormwater from washing out the area as the work was not stabilized prior to the rain storms; and when questioned, he also stated the stormwater from the most recent storms did not go into the basement at Town Hall. Engineer Wojciechowski stated a cutoff wall was installed behind the sidewalk, which will help redirect water away from Town Hall. Mr. Sell commented on the stormwater runoff that has flowed down South Church Street for many years and runs onto Locust Street, he then asked if it would ever be rectified. Engineer Wojciechowski stated he would have to look at it as he did not have an immediate recall of it tonight. Mr. Sell stated every time it rains, Locust Street becomes a river from the water runoff traveling on it from South Church Street; he asked if the issue would ever be corrected. President Yerman tasked Borough Manager Glisson with compiling a list of all the reported flooding situations/areas in the Borough so Council can determine where to allocate funds to deal with the areas. He commented all of the areas cannot be fixed, but over time most of them can be remedied. Mr. Sell then commented Apple Street has had water runoff issues since the Borough repaved it.

v. Main Street Streetscape, Phase 2. The streetlights on both sides of Main Street through Phase 2 are operational. However, the light connection between Phase 2 and Phase 3 on the south side of Main Street have not been connected; Mohawk's electrician will connect them soon.

vi. Estates at Brookside. Concrete, inlet tops and wearing course have been completed. The basin modification was compromised by the storms in August and the berm needs to be re-established and stabilized. Engineer Wojciechowski stated Council could move forward with obtaining a recommendation from Borough Planning Commission ("PC") on the Developer's request to do away with the maintenance period in lieu of cash. He will draft a letter to the PC with the remaining steps that require action for them to decide if they would like to move forward with the request, contingent upon the Developer meeting BIA's conditions.

vii. Stone Hill Meadows, Phase 3. BIA will continue to monitor and evaluate the Developer's efforts to eliminate or severely minimize the stormwater runoff.

b. Cost Summary, re: Main Street Streetscape Phase III. BIA reported there is \$2.62 remaining in grant funds for this project. President Yerman stated no further work will be done in Phase III. Engineer Wojciechowski commented the only remaining funds in Phase III are the escrow funds owed to the Contractor, Mohawk. Borough Manager Glisson stated Phase III would also be completed once the streetlights are turned on. He then discussed the funds for the project.

c. Change Order, re: B&G Construction. This item was discussed under the Engineer's Report, subsection iv above.

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. August 17, 2020. Council Member Schleicher made a motion to approve the August 17, 2020 meeting minutes, as written, second by Council Member Akinjiola. Motion carried: 7 ayes.

CONSENT AGENDA

- a. Treasurer's report of August 31, 2020 - Council Member Rutledge made a motion to approve the August 31, 2020 Treasurer's Report, as presented, second by Council Member Schleicher. Motion carried: 7 ayes.
- b. Payment of invoices as listed totaling \$156,820.81 - 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 September 09, 2020, in the amount of \$156,820.81, second by Council Member Ashbrook. Motion carried: 7 ayes.

CORRESPONDENCE

- a. Emmaus Library, re: August 2020 Board Meeting Minutes/Packet. Council Member Rutledge noted the packet information reported four new Macungie Borough residents registered to be card holders, which brings a total of 1,251 Borough residents using the services.
- b. Benecon, re: The Pennsylvania Municipal Health Insurance Cooperative (PMHIC) Life & Disability Insurance Program. Benecon completed their review of the PMHIC Life & Disability program with OneAmerica/America United Life Insurance Company, which is due to be renewed on January 01, 2021. The current rates will be locked in through January 2022.
- c. Commonwealth Financing Authority, re: Denial of Request for H2O PA Program Assistance (Sewer Grant Request). On November 18, 2019 Council adopted Resolution 2019-15, which authorized the submission of an H2O PA Grant application. On August 24, 2020 the Commonwealth Financing Authority denied the request. President Yerman commented since the grant funds were denied, the Borough will fund the sewer projects through a loan.
- d. Municipal Retirement Trust, re: July 2020 Monthly Trust Reports. President Yerman commented the report shows the Borough is close to breaking even, which is good.

e. Lehigh Valley Planning Commission (“LVPC”), re: Turkey Hill, Lot Consolidation and Land Development in Emmaus Borough. This correspondence, dated August 28, 2020, discussed LVPC’s review of Turkey Hill #110’s lot consolidation and land development application to the Borough of Emmaus, which proposed to consolidate three lots and construct a 6,500 square-foot convenience store with a drive-through. The redevelopment project is located at 602 Chestnut Street, Emmaus. LVPC’s letter stated 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.” It also stated “the LVPC has identified concerns regarding the unknown traffic impacts of the proposed development in consideration of the proposed addition of a drive-through...”

President Yerman stated the matter should go before the Borough Planning Commission for review and/or comments, then they should make a recommendation to Council.

f. Borough of Emmaus, re: Subdivision and Land Development (“LDEV”) Ordinance change at Chapter 22. Ordinance No. 1203 proposes to amend Emmaus’s Subdivision and LDEV of the Codified Ordinances, to amend submission deadlines, the number of printed submissions, and the administrative details for final approval of submitted plans.

President Yerman stated the matter should go before the Borough Planning Commission for review and/or comments. Council Member Rutledge commented he would like the Borough Planning Commission to state if they think the Borough should adopt similar language in their Ordinance.

g. Lower Macungie Township (“LMT”), re: LDEV Ordinance Amendment. LMT is proposing to amend Chapter 22A of their LDEV Code of Ordinances. President Yerman stated the matter should go before the Borough Planning Commission for review and/or comments.

h. Lehigh Valley Planning Commission, re: Emmaus Borough Zoning Ordinance Amendment – Plan Submittal Procedures. LVPC reviewed the Borough of Emmaus’s proposed changes to their standards for plan submittal. The LVPC found “the draft amendment to be generally consistent with the County Comprehensive Plan...finding that the proposed amendment poses no substantial impact to the Region.” President Yerman stated the matter should go before the Borough Planning Commission for review and/or comments.

i. Lehigh County Conservation District (“LCCD”), re: Violation Notices to

i. Stone Hill Meadows Development.

ii. Main Street Commons Development.

Both letters from LCCD, dated August 27, 2020, to (1) Stone Hill Meadows and (2) Main Street Commons, stated an LCCD representative conducted an inspection of the earth disturbance activities at the sites on 08/12/2020. The inspections revealed the earth disturbance activities were in violation of the Rules and Regulations of the Department and The Clean Streams Law. Both Developments are required to submit a written reply to LCCD detailing the corrective measures taken or planned to correct the violations.

President Yerman stated the Weis Market Development also received a similar violation notice, but the Borough has not received a copy of it yet. All three (Stone Hill Meadows, Main Street

Commons and Weis Markets) are being cited for violations regarding poor stormwater management during their construction phase. President Yerman commented the Developers were not being carefully watched to ensure they were following the rules; and the Borough should learn from this to watch future developments (e.g., Brookside County Club Development) more carefully to avoid problems.

Council Member Schleicher reported she spoke with Commissioner Ronald Beitler from LMT about the stormwater runoff issues and he commented the developers followed old rules that were on the books for years. She commented with the recent storms the developers should revisit their engineering, water detention and wastewater projects; and the Borough needs to be more careful with monitoring them in the future. Council Member Rutledge commented it comes down to the hierarchy of what work is completed first; he stated if the developer puts buildings up before the stormwater is finished it could badly hurt the Borough, so the hierarchy should be a condition on future approvals.

j. Ryan MacKenzie, re: Letter of Support for Phase V Streetscapes. The correspondence expressed Representative Mackenzie's support for Borough of Macungie's DCED Multimodal Transportation Fund grant application for the Phase V Streetscape improvements on Main Street.

Borough Manager Glisson reported he has all of the application requirement pieces, except for two other letters from LVPC and Senator Pat Browne. Once received, he will then forward the pieces to Mary Himmelberger at BIA so she can submit the application.

REPORTS

a. Solicitor – None.

i. He requested a brief Executive Session later this evening to discuss a legal matter.

b. Mayor.

i. Halloween Parade, scheduled for October 24, 2020, has been cancelled.

ii. Trick-or-Treat, scheduled for October 31, 2020, is still proceeding at this time.

iii. Painting with the Police Event, on August 30, 2020, at Macungie Memorial Park was a success. Corporal Michael Mullen, Officer Todd Bernhard and Mayor Conrad attended the event. The kids, parents and police officers all enjoyed themselves. He thanked Angela Faidley from Out of Our Minds Art Studio for putting the event together.

iv. Two articles were in the Morning Call Newspaper on Sunday regarding the importance of a local police department. One was on West Easton Borough starting their own police department and the other was an opinion by Paul Muecheck the columnist for the newspaper.

- v. Mayor Conrad informed Council he will be placing the Police Chief position discussion back on the Agenda in the near future for Council's consideration. Mayor Conrad and Sgt. Kocher will be presenting a proposal for Sgt. Kocher to be promoted to the Police Chief position.
- c. Borough Manager.
 - i. Zoning Officer Reminder of Weeds/Grass/Vegetation Overgrowth. A sample of the Zoning Officer's warning to residents reminding them of the Ordinance and to clean their vegetation was provided to Council. The Zoning Officer distributed approximately 35 warnings in the Borough; residents have been responding positively to them. At this time, no penalties have been assessed to violators.
 - ii. Rental Unit at 24 S. Church Street. The new tenant, Sonya Spotts, paid the first month's rent and security deposit for the unit. The salon will be opening soon.
 - iii. CareerLink Intern. The intern, Haven Diehl, has been helping the Administrative Assistant and Zoning Officer with tedious work. Her work ethic has been excellent and she moves through the work quickly.
- d. Committees - None.

UNFINISHED BUSINESS – PART I

- a. Consideration of Residential Rental Ordinance 2018-06 Amendment. Borough Manager Glisson reported Intern Diehl has been working on the data base and violation letters.
- b. Hartman Property at 212 W. Main Street; Installation of Sidewalk. Borough Manager Glisson reported the Hartman's have been proceeding forward with the installation; they are currently working on obtaining the required PennDOT permit. The size and specifications for the sidewalk were then discussed.

UNFINISHED BUSINESS – PART II

- a. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed; Ordinance for Wireless Communications (at Planning Commission). Solicitor Armstrong reported he recently forwarded a draft of the document to Council via email for their consideration at the next meeting.
- b. Public Works Department, re: Monthly Report on Upcoming Projects; Due at 2nd Council Meeting of month. No discussion.
- c. Website Issues.
 - i. Macungie IT Requirements. President Yerman reported the requirements have been sent to the three IT companies that previously sent proposals to the Borough. One company requested to have a meeting.

d. Brookside Country Club (“BCC”) Development Status; (at Planning Commission). No discussion by Council. To date, the BCC has not returned to the Planning Commission.

e. Weis Project in Lower Macungie Township; water issue in Borough. Council Member Rutledge stated it appears the stormwater in the Weis Market development was not hooked up and functioning when the storms came through the Borough in August. He suggested the Borough change their ordinance language to insist stormwater management systems in new developments be installed and functioning correctly prior to buildings and other things being erected in the development.

Council Member Schleicher reported Commissioner Ronald Beitler from LMT acknowledged the stormwater runoff issues and he also confirmed LMT received violation notices from the Lehigh County Conservation District; he commented the Weis Market general contractor has been very diligent with working on problems that arise during storms. LMT will continue to monitor the sites closely, especially after it rains, and let everyone know if there are any changes.

NEW BUSINESS

a. Pennsylvania Department of Transportation (“PennDOT”), re: Winter Municipal Agreement. Borough Manager Glisson explained the proposed 5-Year Agreement, which requires a Resolution be adopted. He noted the previous Agreement has expired. He described how the plowing was measured in the Agreement. He stated the Agreement has Mountain Road in it, which is actually South Church Street, which is owned by the Borough. President Yerman suggested Solicitor Armstrong review the Agreement prior to Council taking action on it.

i. Adoption of Resolution 2020-11. No action taken.

ITEMS NOT ON AGENDA (Mayor and Council members only)

a. President Yerman announced there is an intent to have a meeting with Stone Hill Meadows and Allen Organ regarding the stormwater runoff coming from the Stone Hill property. Solicitor Armstrong requested authorization from Council to be present at the meeting because the other parties will most likely bring legal representation.

Council Member Rutledge made a motion to authorize Solicitor Armstrong to attend the meeting, second by Council Member Schleicher. Motion carried: 7 ayes.

Solicitor Armstrong suggested Council also approve Engineer Wojciechowski accepting the invitation to attend the meeting, along with himself and other engineers. President Yerman stated Council would not have to approve Engineer Wojciechowski attending because the invoice for his services automatically goes to Stone Hill Meadows. Council Member Rutledge stated he would also like to attend the meeting.

EXECUTIVE SESSION, IF NECESSARY – President Yerman called for an Executive Session at 08:44 p.m. to discuss a legal issue and personnel matter. The regular Council meeting reconvened at 9:27 p.m. with the no actions or decisions made.

ADJOURNMENT

Council Member Schleicher made a motion to adjourn the meeting at 9:28 p.m., second by Council Member Ashbrook. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant