

CALL TO ORDER

President John Yerman called the September 21, 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 Roseann Schleicher, Vice-President John Yerman, President
Mayor:	Ronald Conrad
Borough Manager:	Robert H. Glisson
Administrative Assistant:	Selma Ritter
Absent:	Patrick Armstrong, Solicitor Todd Rutledge

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: August 2020 Report. Sgt. Kocher discussed the report, which included being dispatched to 185 incidents, 7 Traffic Citations and 6 Domestic/Disturbances.
- b. Introduction of Towing Ordinance for Borough; why needed. The latest draft Ordinance revision was discussed, which included a tow away area on Main Street. It was unclear who added language for Main Street to be a tow away area in the draft or why it was added. Sgt. Kocher commented he did not designate any geographic (specific addresses) tow away areas to the latest revision, but he did designate public inconvenience areas (blocking a driveway, blocking a business entrance). He stated the latest draft Ordinance met the criteria for the police to enforce it and was “pretty cut and dry” with the omission of the tow away area on Main Street.

President Yerman made a motion to adopt Ordinance #2020-01, a Towing Ordinance for the removal and impoundment of illegally parked vehicles on the road, with one change to remove both sides of Main Street/Route 100 in the Borough from Section 329-58 Tow Away Zones Designated, second by Council Member Schleicher.

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

Motion carried: 4 ayes and 2 nays. Council Members Ashbrook and Bloch opposed because they were concerned with the wording in the Ordinance and it was unclear who would enforce it. President Yerman stated he believes (Mayor Conrad then confirmed) the MPD would enforce the Towing Ordinance.

c.     Miscellaneous Items Discussed.

i.     Old Tyler Pipe Property. Sgt. Kocher reported there is a large hole near the bridge on the property, which is approximately 10-12 feet deep. He commented the storm(s) in August 2020 eroded the road away and created the hole. He suggested a fence or some other type of barrier be put up around it to avoid someone from getting hurt.

Sgt. Kocher stated the property is actively for sale, so he contacted the realtor about the hole and they closed the gate on the Lower Macungie Township side of the property and put a couple of cones out on the Borough side; but, he questioned if it would be enough. Council Member Bloch commented that he also saw caution tape and planking, but he did not know who put it there.

ii.    Investigations. A few open investigations (loss of life that were possibly suspicious in nature) have been cleared by the assisting agencies and, to the best of Sgt. Kocher's knowledge, no charges will be filed at this time.

iii.   Part-Time Officer Position. No additional applications have been received for the open position. Sgt. Kocher reported, the MPD did not get enrolled in the Consortium because they missed the deadline, therefore, they will have to wait until spring 2021. The steps the MPD would need to take to participate in the Consortium were then briefly discussed.

iv.    Trucks on Cotton Street. President Yerman reported occasionally trucks turn onto Cotton Street and when they get to the end of the road (at South Church Street) and try to make a left hand turn, they are causing damage to Borough property and his neighbor's property (e.g. neighbor's wall, stop sign), then the vehicles flee from the area. President Yerman questioned what actions citizens could take to have the MPD and/or Council enforce penalties. He stated the police were called to the last incident, but the driver fled before they arrived. Sgt. Kocher suggested, if possible, the citizens should take pictures, especially of the license plate, and/or identifying information on the truck (e.g. company information).

PUBLIC COMMENT

a.     Prior Public Comments to Council - None.

b.     Comments from the Audience on Non-Agenda Items - None.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

Council Member Schleicher reported citizens have been questioning if Trick-or-Treat has been cancelled due to COVID-19 or if it is still on. Mayor Conrad stated, at this time, it has not been cancelled. There was a brief discussion on who was responsible to determine if it is cancelled or not and how a cancellation would be announced. President Yerman noted that in 2019 it was determined the Borough Mayor would be the person to determine if it is cancelled or not. Mayor Conrad stated traditionally Trick-or-Treat is held on Halloween (October 31<sup>st</sup>) and it is a rain or shine event, which he foresees continuing to remain that way. If the event were cancelled, it would be advertised on the Borough website and/or the East Penn Press Newspaper.

APPROVAL OF MINUTES

a. September 08, 2020 – President Yerman requested one correction to the draft Minutes on Page 2, iii, Paragraph 3: the motion currently read “Council Member Bloch made a motion for BIA to immediately move forward with repairing 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.” President Yerman stated, as it is currently written in the draft, the sentence read as if BIA was performing the bridge repair work themselves, which they are not; BIA would be applying for the permits for the repair work. He requested the motion be changed to read “Council Member Bloch made a motion for BIA to immediately move forward with ~~repairing the~~ *permits to repair* the Cotton Street Bridge..., Motion carried: 7 ayes.”

Council Member Schleicher made a motion to approve the September 08, 2020 minutes, with the one correction, second by Council Member Akinjiola. Motion carried: 6 ayes.

CONSENT AGENDA

a. Payment of invoices listed, as of September 26, 2020, totaling \$98,619.85. Some of the invoices listed on the Consent Agenda were briefly discussed.

Council Member Ashbrook made a motion to approve paying the invoices listed on the Consent Agenda, as of September 26, 2020, in the amount of \$98,619.85, second by Council Member Schleicher. Motion carried: 6 ayes.

CORRESPONDENCE

a. Macungie Ambulance Corps, August 2020 Monthly Report. They responded to 362 calls during this service month; 34 of the calls were in the Borough of Macungie.

b. Emmaus Public Library (“EPL”), re: 2021 Municipal Fund Appeal. In their correspondence, dated September 15, 2020, EPL asked the Borough to consider including EPL in their 2021 Budget year discussions for the amount of \$20,416.00. This was the same amount they requested for the 2020 Budget year, which Council approved.

Council Member Akinjiola questioned if the payment (#2) Council withheld would be paid to EPL, as Council committed to paying them approximately \$20,000.00 in 2020, but only paid

them approximately \$10,000.00. President Yerman stated Council considers giving them a payment on a quarterly basis and there was one quarter (#2) where there were two votes to not approve paying EPL based on a belief they were closed due to COVID-19. It was noted that in the August 2020 EPL Directors Report, the Borough paid EPL \$10,208.00 to date, which represents two quarterly payments (#1 and #3).

- c. Emmaus Library, re: August 2020 Board Meeting Minutes/Packet. No discussion.
- d. Lehigh Valley Planning Commission (“LVPC”), re: Lower Macungie Township (“LMT”) Subdivision and Land Development Ordinance Amendment. In their correspondence, dated September 16, 2020, LVPC discussed two meetings that will be held for LVPC to consider the subject amendment. The correspondence also included a few comments for LMT to improve the consistency of the proposed amendment. President Yerman stated the correspondence should be sent to the Borough Planning Commission for review and recommendation(s).
- e. Ron Beitler, re: Signage in Town Center Zoning District. In the correspondence, dated September 14, 2020, Mr. Beitler discussed the condition of the current pylon pole sign on the previous Subway property, located at 325 E. Main Street, Macungie, which he stated is “ugly” and nonconforming (TC Zone requires a monument sign). The correspondence also stated, from a safety standpoint, the parking spaces in front of the building do not have barriers between the spaces and the sidewalk so vehicles cannot inadvertently drive onto the sidewalk. He asked Council to consider having the property owner replace the sign with an appropriately sized monument sign that is conforming.

Borough Manager Glisson stated a sign permit was submitted to the Borough, and approved, to put a new sign on the old base. President Yerman suggested the Planning Commission review and clean up the Sign Ordinance to have the business change the sign when a business turns over, so a new business cannot carry forward a non-conforming sign.

## REPORTS

- a. Mayor. Grace Lutheran Church, 28 W. Main Street, Macungie, will be holding a drive-up or walk-up food cupboard giveaway for people in need on the last Friday of each month, from 2:30 p.m. – 5:00 p.m. Directional signs will be posted. For more information, persons that would like to receive or donate food can call the church at (610) 966-3325. Mayor Conrad thanked the church for offering the help to persons in need.
- b. Manager. Borough Manager Glisson discussed:
  - i. Main Street Streetscape. The decorative lights in Phase 3 are all working now.
  - ii. Hickory Street Bridge. Engineer Stan Wojciechowski informed Borough Manager Glisson the abutments on the bridge are distressed from the recent storms in August 2020 and may not be salvageable.

iii. Estates at Brookside. The paving was completed. The developer still needs to make restorations to the berm in the basin and will also need to submit a new stormwater management plan to the Lehigh County Conservation District (LCD) for their review.

iv. Local Share Grant (“LSG”). A grant can be applied for in October 2020. The LSG money would come from gaming/casino funds. Historically, the grants are awarded for projects which cost less than \$100,000.00, with no matching funds required. Borough Manager Glisson made two suggestions on what the funds could be used for (1) replacing the heating boiler at the Macungie Institute (“MI”), or (2) road work on South Church Street (the cost would exceed \$100,000). He stated his first choice would be for the MI boiler, which would cost approximately \$80,000.00. President Yerman commented although there is no match required, the funds would not cover the entire project amount so it creates a match situation. He further commented that if the grant is not approved, the Borough would eventually have to pay for a new boiler because of its age of over 20 years.

President Yerman made a motion to approve applying for the Local Share Grant to fund the Macungie Institute boiler, based on the earlier estimate of \$85,000.00, second by Council Member Hanosek. Motion carried: 6 ayes.

v. 2021 Budget. The budget workshops would begin October 05, 2020, one hour earlier than the regular Council meeting. Borough Manager Glisson suggested one of the workshop discussions be to move the awarded grant funds out of the General Fund and placing them into a reserve fund to avoid skewing everyone’s view of how much money the Borough actually has; the grant funds would be accounted for, but not in the General Fund. He reminded Council that grant funds could only be used for what they were intended for when applying for the grant.

Borough Manager clarified workshops would be held one hour prior to regularly scheduled Council meeting and other workshops would then be held every other Monday (on nights with no regular Council meeting) starting at 7:30 p.m. and ending no later than 9:30 p.m.

c. Committee – None.

#### UNFINISHED BUSINESS – PART I

a. Consideration of Residential Rental Ordinance 2018-06 Amendment. Borough Manager Glisson provided an update and reported 69 notices were sent out to property owners. He stated a couple of notices were sent to property owners that are not landlords because the property was recently sold and the new owners are living in the property.

#### UNFINISHED BUSINESS – PART II

a. Verizon Proposal to Place 5G Antennas in Five Locations and Proposed; Ordinance for Wireless Communications (at Planning Commission). President Yerman reported Solicitor Armstrong finished the draft Ordinance and it needs to go back to the Borough Planning Commission for review and recommendation(s). Borough Manager Glisson commented, in

addition to the Ordinance, Solicitor Armstrong would like Council to consider the Agreement at their next meeting.

b. Public Works Department (“PWD”), re: Monthly Report on Upcoming Projects; Due at 2<sup>nd</sup> Council Meeting of month. The report showed completion of road paving on Mill Street, Miller Street and Fern Alley, along with installation of abutments for the Cotton Street pedestrian bridge, crosswalk line painting at Race and Main Streets, parking lot seal coating at Town Hall, MI and walking trails, chimney work at Town Hall, Flower Park maintenance, MPD bathroom lighting maintenance, MI boiler light maintenance, generator maintenance and other miscellaneous maintenance endeavors.

Borough Manager Glisson reported the PWD part-time summer help person finished working with the Borough for the year. Council Member Bloch suggested the person remain employed for an additional two weeks to paint the curbs. Borough Manager Glisson reminded Council that the Teamster’s contract only allows seasonal help from Memorial Day to Labor Day.

c. PennDOT Winter Services Agreement; Resolution. The proposed 5-Year Agreement, between PennDOT and the Borough of Macungie, for winter seasons 2020-2025, from October 15 to April 30 of each season, requires Councils’ approval and a Resolution (#2020-11) to be adopted. The amount of the Agreement totals \$6,725.61 over the five year period.

Council discussed the Agreement, which is for PennDOT to pay the Borough to plow South Church Street and Walnut Street (not Route 100). President Yerman commented the Borough would still have to plow both of the roads even if the Borough does not sign the Agreement and get paid for it.

President Yerman made a motion to adopt Resolution #2020-11 and sign the Winter Municipal Agreement, second by Council Member Bloch. Motion carried: 6 ayes.

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

Motion Passed.

d. Streets; Reports of Flooding (See Manager’s list). At the direction of President Yerman at the September 08, 2020 Council meeting, Borough Manager Glisson compiled a list of the reported flooding situations/areas in the Borough that occurred during the August 2020 storms, which was discussed tonight. President Yerman suggested the name of the person who made the report and a brief description of the problem(s) be added to the list. Borough Manager Glisson suggested the Council Members visit the areas during future heavy rain storms to help determine if there is a problem and/or the degree of the problem(s).

#### NEW BUSINESS

a. 2021 Pension Plans; Financial Requirement & Minimum Municipal Obligation (“MMO”). The Police, Non-Uniform and Non-Uniformed Defined Contribution Pension Plan

MMO's were discussed. The MMO choices were for either the Minimum Municipal Obligation (#9) or Minimum Municipal Obligation Based Upon Market Value of Assets (#10). MMO #9 is less expensive than that of #10 and annually Council has to commit to one of the MMO's, except for the Non-Uniformed Defined Contribution Pension Plan which is a fixed amount of \$6,400.00 for 2021. Borough Manager Glisson discussed the difference between MMO option #9 and option #10. He suggested Council choose #9 for the lesser amount, then Council can add more funds equal to #10, if the funds are available; he noted if Council chooses #10, they are committed to that amount.

President Yerman discussed the history of previous Council always choosing the lower amount and Council discussing over the past years that the lower amount does not fully fund the pension funds because they are based on an assumption of a 7.25% rate of return and over a five year period, but in actuality the pension fund only yields a return of approximately 5%. He stated he is okay with choosing the lesser amount (#9) as long as Council understands the Borough has been underfunding the pension plans for a number of years. He then referenced a pension workshop that was held (08/05/2019) with the Borough's pension experts, at which time an example was given where a municipality that was putting a 12.5% return into their pension had almost no money in their pension fund and were almost bankrupt. President Yerman commented Council could choose the lower amount, but it does not reflect the market value and neither #9 nor #10 really reflects what the Borough needs to put into the pensions to properly fund them and at some point Council will have to come up with the funds for the pensions. He stated in the six years he has been on Council, there was only one time Council put extra money in and they keep "kicking the can down the road." Council Members Ashbrook and Bloch suggested Council commit to the lower MMO amount (#9), then discuss paying the higher amount (#10) during 2021 budget discussions.

Council Member Ashbrook made a motion to approve the Minimum Municipal Obligation amount (line #9) for the 2021 Police (\$70,187.00), Non-Uniform Pension Plan (\$16,950.00) and Non-Uniformed Defined Contribution fixed amount (\$6,400.00), then have Council revisit a discussion on putting more money into the pensions during the 2021 Budget Workshops, second by Council Member Bloch. Motion carried: 6 ayes.

b. Approval for Mohawk Construction Payment #7 (Release of Retainage for End of Project) for Phase III of Main Street Streetscape, in the Amount of \$41,088.70. Council Member Schleicher noted Application #7 shows BIA signed off on the release of funds.

Council Member Schleicher made a motion to approve the Certification for Payment Application #7 for Mohawk Corporation, in the amount of \$41,088.70, second by Council Member Akinjiola. Motion carried: 6 ayes.

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

President Yerman recalled Allen Organ Company requesting a meeting with the Borough, Lower Macungie Township, Stone Hill Meadows and themselves regarding the stormwater runoff from the nearby development(s). He reported the meeting occurred, but the Borough was not invited to it for an unknown reason and Stone Hill Meadows declined the invitation to the meeting, which may have been due to pending litigation regarding the matter.

EXECUTIVE SESSION, IF NECESSARY – None.

ADJOURNMENT - Hearing no further business, Council Member Bloch made a motion to adjourn the September 21, 2020 meeting at 08:55 p.m., second by Council Member Schleicher. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant