

ATTENDANCE

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

Mayor: Ronald Conrad

Borough Manager: Robert H. Glisson

Administrative Assistant: Selma Ritter

Absent: Alma Akinjiola  
Patrick Armstrong, Solicitor

Due to the Coronavirus Pandemic (COVID-19), the October 19, 2020 Macungie Borough Council meetings were 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.

BUDGET WORKSHOP (6:30 p.m. to 7:30 p.m.)

Council Members commented they were unable to discuss the forecasted General Fund Revenues and Expenditures in the draft 2021 Budget because they did not receive a hard copy of it in their packets; and some were unable to open the Excel Budget Workbook they received, via email, a few minutes prior to tonight’s meeting due to computer software incompatibility and/or because they were using a cellular telephone instead of a computer. They also expressed they did not have adequate time to review the spreadsheet they received via email.

Borough Manager Glisson briefly discussed his estimation on the 2020 Budget year end amount of approximately \$180,000.00, which is less than originally anticipated in the beginning of 2020. He also estimated the 2021 General Fund Revenue Budget amount to be approximately \$2.4M. There was a discussion on the Council Members not being able to follow what Borough Manager Glisson was explaining because they do not have a hard copy of the preliminary Budget.

Some of the newer Council Members expressed they would like to have a short in person training on how to read the Budget, hosted by a more seasoned Council Member. Caution was expressed on the number of Council Members that could attend (maximum of three) the training, so they do not inadvertently have a quorum and violate the Sunshine Act. After further discussion, it was determined Council Members Ashbrook, Hanosek and Rutledge, along with Mayor Conrad and Borough Manager Glisson would meet on Thursday, October 22<sup>nd</sup> at 6:30 p.m. at Borough Hall to discuss how to read the Budget. Sgt. Travis Kocher suggested Solicitor Armstrong be contacted to determine if the Mayor attending the meeting would constitute a quorum because he has the power to vote to break tie votes at other meetings.

Council Member Rutledge made a motion to adjourn the October 19, 2020 Budget Workshop (for 2021) at 7:12 p.m., then reconvene for the regular Council meeting at 7:30 p.m., second by Council Member Schleicher. Motion carried: 6 ayes.

CALL TO ORDER - President John Yerman called the regular meeting to order at 7:30 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: September 2020 Report. Sgt. Kocher discussed the report, which included being dispatched to 152 incidents, 10 Traffic Citations and 7 Domestic/Disturbances.

b. Macungie Police Department, re: Traffic Study Report, 200 Block South Church Street. The 6,787 vehicles recorded during the seven day study were traveling from Mountain Road to East Main Street (down the hill). The report showed the posted Speed Limit as 25 MPH; the average speed vehicles traveled was 27.18 MPH; and 802 vehicles traveled above the posted Speed Limit.

President Yerman commented this Traffic Study Report showed more than 10% of the vehicles were traveling at a rate of speed that would be a ticketed (citable) offense. Sgt. Kocher explained the Speed Limit grace periods vehicles can travel before they can be cited for speeding. President Yerman then asked Sgt. Kocher how many speeding tickets have been issued on this road over the past three or six months. Sgt. Kocher replied he would have to audit the system for the information because he did not currently have the information in front of him. He stated the MPD does a lot of their speed enforcement around “quality of life.” Currently, the speed board is on Walnut Street because he received a complaint about speeding on the road.

President Yerman commented (Sgt. Kocher concurred) most of the speeding occurs on roads that are shortcuts people use to get through the Borough, such as South Church Street, Mountain Road and South Chestnut Street. Sgt. Kocher acknowledged the Report shows there is a speeding issue. He stated he could determine from the Traffic Study what days and times vehicles travel over the Speed Limit the most, then base enforcement on that information.

c. Macungie Police Department, re: Traffic Study Report, South Chestnut Street. The 4,409 vehicles recorded during the six day study were traveling East (down the hill) from Macungie Mountain Road. On average, approximately 678.24 vehicles traveled the roadway in a 24-hour period. The report showed the posted Speed Limit as 35 MPH; the average Speed Limit vehicles traveled was 38.30 MPH; and 3,174 vehicles traveled above the posted Speed Limit.

President Yerman commented the South Church Street and South Chestnut Street Traffic Study Reports both show more than 10-12% of the vehicles were traveling at a rate of speed that would be a ticketed (citable) offense. Together, Mayor Conrad and Sgt. Kocher explained that if the Speed Limit on the same road changes, and is higher before the posted lower speed limit, the vehicle could legally drive another 3/10<sup>ths</sup> of a mile (approximately 500-800 feet) before it is enforceable and they could be cited, which on South Church Street would be half way down the street. Sgt. Kocher stated as an alternative to a citation, the MPD could pull them over and give

them a warning. He commented most people do not like being pulled over by the police and have their day interrupted.

d. Towing Ordinance for Borough; Scheduled for November 02, 2020. No discussion.

e. Letters of Accolades. Sgt. Kocher sent thank you letters to both the Pennsylvania State Police and Borough of Emmaus for Troopers Clemons and Biddle and Sgt. Vince Murante/with K9 Ronny and Officer Carlos Marrero for their prompt response to MPD's request for aid. Sgt. Kocher described the incident as MPD Officers conducting a vehicle stop on a vehicle driving erratically and nearly striking a pedestrian. When the Officers approached the vehicle, the vehicle fled from the scene running stop signs and nearly striking a different pedestrian and vehicle, before crashing into a building. The four occupants (from the Allentown and Bethlehem areas) in the vehicle fled after the crash, but were apprehended.

f. NovaCare Rehabilitation Luncheon. NovaCare had a thank you luncheon for First Responders. The event was well attended. Sgt. Kocher thanked them for their generosity.

#### PUBLIC COMMENT

a. Prior Public Comments to Council - None.

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

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS - None.

#### APPROVAL OF MINUTES

a. October 05, 2020 (Budget Workshop and Regular Meeting). Council Member Rutledge made a motion to approve the October 05, 2020 minutes, as written, second by Council Member Bloch. Motion carried: 6 ayes.

b. October 12, 2020 (Budget Workshop). Council Member Schleicher made a motion to approve the October 12, 2020 minutes, as written, second by Council Member Bloch. Motion carried: 6 ayes.

#### CONSENT AGENDA

a. Payment of invoices listed, as of October 20, 2020, totaling \$170,835.37. Some of the invoices listed on the Consent Agenda were briefly discussed.

Council Member Bloch made a motion to approve paying the invoices listed on the Consent Agenda, as of October 20, 2020, in the amount of \$170,835.37, second by Council Member Schleicher. Motion carried: 6 ayes.

#### CORRESPONDENCE

- a. Macungie Ambulance Corps, September 2020 Monthly Report. They responded to 331 calls during this service month; 28 of the calls were in the Borough of Macungie.
- b. Lehigh Valley Planning Commission, re: Review Letter for Mill Creek Pointe Apartments, Lower Macungie Township (to Planning Commission). The correspondence, dated October 14, 2020, discusses an application submission to construct 30 buildings containing a total of 180 apartment units on 43.9 acres of land located at 6300 Lower Macungie Road (parcel number 547429666813). The project would be constructed in two phases. The correspondence will be sent to the Borough Planning Commission for their review and recommendation(s).
- c. Kathy McNair, re: Response to Council’s Question Regarding the \$150,000.00 Transfer Back to The General Fund Capital Account. In response to Council’s discussion at their October 05, 2020 meeting regarding the Budget vs. Actual Report, dated September 30, 2020, not reflecting the \$150,000.00 being transferred back to the General Fund Capital account in May 2020, Borough Clerk/Assistant Treasurer, Kathy McNair, provided a Memorandum explaining the money was transferred back to the General Fund Capital account in July 2020, but the QuickBooks journal entry was not done at that time. The memorandum stated the journal entry has now been completed and the transfer will be shown on the next Budget vs. Actual Report.
- d. Municipal Retirement Trust, re: September 2020 Monthly Trust Reports. No comments.
- e. Solicitor Patrick Armstrong, re: Emmaus Public Library (“EPL”) Deferred Payment #2. This correspondence provided the history on the EPL deferred payment #2, in the amount of \$5,104.00, and Solicitor Armstrong’s overview of the Contract between EPL and the Borough. He suggested the Borough continue to honor the 2020 Contract, then consider future contact amounts. Potential EPL recourses against the Borough for not honoring the contract were also discussed in the correspondence.
- f. Solicitor Patrick Armstrong, re: Police Consortium. The correspondence included an attached Agreement for the Police Entry Level Consortium Test and a breakdown of the individual municipalities’ share of the cost for the same (\$513.00). Solicitor Armstrong commented the agreement may also include a separate cost for the creation of a website and a list of Department Requirements.

Council Member Schleicher made a motion to adopt Ordinance #2020-02 and sign the paperwork to join the Lehigh County Police Entry Level Consortium, second by Council Member Bloch. Motion carried: 6 ayes.

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

Motion Passed.

Solicitor Armstrong will prepare Ordinance #2020-02, a newspaper advertisement for the Ordinance and draft an amendment to the Civil Service Commission Ordinance. Ordinance #2020-02 will be advertised in November 2020 for adoption.

g. Macungie Institute Trustees (the “Trustees”), re: Website, Potential Grants and Flex-Time Coordinator. In their correspondence, dated September 24, 2020, the Trustees requested permission to (1) use the Borough contracted webmaster to update and re-design the Macungie Institute (“MI”) web page; and (2) utilize the BIA grant writer to research and apply for grants; they also requested Council proceed with 2021 Budget discussions to include a flex-time coordinator for the MI. President Yerman reported the Trustees are moving forward with the Borough webmaster, Council will need to make a decision on the Coordinator for next year and there are currently no grants outstanding.

## REPORTS

### a. Mayor

i. Trailer. The Borough Emergency Management may be receiving a free trailer from Lower Macungie Township Fire Company, which they could use as a command center.

ii. Deputy Emergency Management Coordinator, Tim Keller. Lehigh County named Deputy Keller Vice-President of Lehigh County Task Force, which responds to all major incidents. Mayor Conrad congratulated him.

iii. FEMA Funds. Governor Tom Wolf requested FEMA to ask the White House to declare an emergency and release funds for damages that were caused by the August 2020 storm(s). Mayor Conrad commented he hopes the funds are released soon, so they could be used to help fund the damaged Cotton Street and Hickory Street bridges. President Yerman questioned if the grant rules would allow the Borough to proceed with work on the bridges prior to receiving financial compensation from FEMA or if the work would cancel out receiving the funds. Mayor Conrad will inquire about the rules and report the findings back to Council and Borough Manager.

### b. Borough Manager

i. Borough Clerk/Assistant Treasurer Hiring Schedule. The schedule will be discussed during an Executive Session later tonight.

ii. Steps for joining Police Consortium; Discussed Above (Solicitor Armstrong’s Correspondence). Discussed above, under *Correspondence f.*

iii. Bridge Repair Work.  
- Stream at Cotton Street. The Department of Environmental Protection (DEP) agreed to authorize an Emergency Permit to get into the stream, but it would only be valid for 90-days. The 90-days would begin when the permit is granted. The work would require the stream to be diverted from one side to the other while the work is being performed on each side of the bridge. Borough Manager Glisson requested Council approve getting a contractor in place now, so the work could begin as soon as the funds are received to avoid overstaying the 90-day period.

Council Member Bloch suggested the same contractor be used for both the Cotton Street Bridge and the wall(s) at the Main Street Bridge, because it appears to be the same issue at both locations and the contractor may give a discounted rate estimate for both bridges instead of one.

President Yerman made a motion to start the process on finding a contractor for the Cotton Street Bridge, subject to a second review of cost and what the answer is on obtaining the FEMA money, and then for Council to have another discussion and motion in the future prior to committing to anything, second by Council Member Schleicher. Motion carried: 6 ayes.

- Stream Near Main Street Bridge. There was a discussion on who owns the wall(s) located near the homes by the Main Street Bridge (PennDOT owns the bridge). President Yerman stated the Borough must first find out who is responsible for repairing the wall(s) (Borough or property owner), before they can ask the contractor doing the work on the Cotton Street Bridge to also give a quote on the wall(s) at the Main Street Bridge; the work at both locations would be the same type of work. He commented if the property owner is responsible, the Borough would need to send them a letter and state they can “piggy back” on the work, but they must pay their own bill and if they don’t have the work done the Borough would do the work for the property owner then lien the property.

President Yerman made a motion to find out who is responsible to repair the walls at the Main Street Bridge and as the Borough is discussing the work with the contractor(s) about the Cotton Street Bridge to have the contractor(s) also look at the walls at the stream near Main Street to determine what needs to be done, and for the Borough to follow up with who is responsible, second by Council Member Bloch. Motion carried: 6 ayes.

President Yerman reaffirmed there is no commitment at this point; the motion is to just to keep the discussion moving and for Solicitor Armstrong to find out who owns the walls so they can determine who is responsible for the maintenance/repairs.

c. Committees – None.

#### UNFINISHED BUSINESS – PART I

a. Residential Rental Ordinance 2018-06:

i. Update on Unregistered Residential Rental Properties Notices. Zoning Officer, Joseph Peterson, provided a written updated report, which showed 211 property owners were notified; 51 property owners registered the rental unit(s) with the Borough for a total of \$1,530.00 collected in registration fees; 51 properties were not residential rental dwellings; 15 properties were commercial rental properties recorded as residential rentals; 20 properties were previously registered, but the documents were lost; and 74 property owners did not respond as of October 15, 2020. Borough Manager Glisson stated the Zoning Officer will be sending a notice of violation to the 74 property owners that did not respond to the previous notice, prior to the next Council meeting on November 2, 2020.

ii. Consideration of Minor proposed Ordinance Amendments for November 02, 2020 Council Meeting. No discussion.

b. RADIO Water Meter Installations: Council Member Bloch questioned if RADIO Meters were installed in all of the properties throughout the Borough. Borough Manager Glisson stated 80% of the meters have been installed, but due to COVID-19 the installations slowed down. He reported Water Operator McNair stated he has begun installing them again.

#### UNFINISHED BUSINESS – PART II

a. Public Works Department, re: Monthly Report on Projects; Due at 2<sup>nd</sup> Council Meeting of Month. An updated written report was distributed to the Council Members. Borough Manager Glisson reported all of the paving work has been done, except for the patchwork that needs to be done in certain areas. He commented the patchwork for Hillcrest Drive will most likely not be completed this year.

b. Lumber Street Bid Approval for New Streetlights. Borough Manager Glisson reported the Public Works Department will be installing the ornamental streetlights and the Bid advertisement will be published.

Council Member Schleicher made a motion to approve advertising the Bid Proposal for the streetlights on Lumber Street, second by Council Member Bloch. Motion carried: 5 ayes.

Council Member Rutledge abstained from voting in this motion because the company he works for may be interested in bidding on the project. He will need to complete and submit a Conflict of Interest Disclosure (abstinence) Form to Borough Hall.

#### NEW BUSINESS

a. Cotton Street Bridge - Emergency Permit Proposal Discussion. Discussed under the *Borough Manager's* Report above.

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

a. Jeffrey and Stefanie Hartman (collectively, the “Hartmans”) Property at 212 W. Main Street; Installation of Sidewalk. Council Member Bloch questioned the timeframe for the Hartmans to have the sidewalk installed, as Council has given them several deadlines but the sidewalk is still not installed. Borough Manager Glisson reported Mr. Hartman consulted the Main Street Commons (“MSC”) developer [to inquire if they were still willing to install the Hartman sidewalk for free if the Hartmans’ paid for the materials], but the developer was not interested because of technical issues. He also reported the contractor that previously stated he would install the sidewalk is no longer interested in the job.

There was a discussion on the history of sidewalk installation mandate (which began almost two years ago), MSC’s offer to install the sidewalk for free, the numerous times Council tried to work with the Hartmans on the matter and the waiver they received on the size specifications. President Yerman recalled the Hartmans were given a deadline of June, then July, then August and now it is October and it is still not installed. He stated the offer from the MSC developer most likely was voided because the Hartmans waited so long. Borough Manager Glisson

commented if the sidewalk is not installed within the next couple of weeks, it would not be installed until spring 2021 due to the winter months approaching. He then suggested Council give the Hartmans an absolute deadline of April 30, 2021 and if the sidewalk is not installed by then Council will act to hire a contractor then have a lien put on the property. There was a unanimous consensus among the Council Members that the next deadline the Hartmans are given would be the final deadline, then the Borough would hire a contractor to install a 5' sidewalk and lien the property to get the money back.

President Yerman made a motion to approve a formal zoning letter being sent to the Hartmans stating the final deadline is May 01, 2021 and if the sidewalk is not installed by then the Borough will hire a contractor and have it installed and place a lien on the property, second by Council Member Schleicher. Motion carried: 6 ayes.

b. Macungie Holiday. Council Member Schleicher reported the Macungie Holiday Committee is requesting Council approve them to use the \$1,500.00 allotted in the 2020 Budget for the Macungie Holiday. She was unsure what the money would be used for, but believes it may be used on the printing of a map and flyer that will be sent out to the Borough residents for the Macungie Holiday, which will be December 12, 2020. There will be a parade and some food trucks at the Macungie Memorial Park. Due to the COVID, the event will not be held in any buildings this year.

Council Member Schleicher made a motion to approve the release of \$1,500.00 that was budgeted for the Macungie Holiday Committee in the 2020 Budget to help defray expenses for the holiday festivities that they are planning this year, second by Council Member Hanosek. Motion carried: 6 ayes.

c. Pension State Aid. Borough Manager Glisson requested Council approve how they would like to distribute the State Aid they received for the 2020 Police and Non-Uniform Pension plans. President Yerman clarified the approval would be to send the State Aid funds, plus the Borough's MMO contribution to the pension companies. Borough Manager Glisson stated the State Aid funding, in the amount of \$52,556.49, along with the Borough MMO contribution in the amount of \$15,509.51 (to be paid out of the General Fund) would go into the Police Pension Plan; and \$21,301.00 would be paid into the Non-Uniform Defined Benefit Pension Plan. He also stated these payments would fully pay the 2020 MMO's for both pension plans. The Borough's MMO contribution amounts were allocated in the 2020 Budget.

President Yerman made a motion to approve sending the State Aid and Borough's MMO contributions, and if necessary to add more Borough funds to reach the Borough's contribution amount, to the pension company, second by Council Member Schleicher. Motion carried: 6 ayes.

d. Correction - Local Service Tax. President Yerman stated the Berkheimer tax letter that was discussed at the October 05, 2020 Budget Workshop (estimating a Revenue loss of \$66,600.00 over a 12 month period) would affect the Borough in the fourth quarter of 2020 and first quarter of 2021, not fully affect 2021 as previously stated.

EXECUTIVE SESSION, IF NECESSARY – President Yerman called for an Executive Session at 08:46 p.m. to discuss a personnel matter. The regular Council meeting reconvened at 8:59 p.m. with the no actions or decisions made.

ADJOURNMENT - Hearing no further business, Council Member Schleicher made a motion to adjourn the October 19, 2020 meeting at 09:00 p.m., second by Council Member Yerman. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant