

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 (7:30 p.m. to 9:32 p.m.)
Engineers:	Stan Wojciechowski (7:30 p.m. to 7:54 p.m.)
Administrative Assistant:	Selma Ritter (6:30 p.m. to 9:14 p.m.)

BUDGET WORKSHOP

President John Yerman called the November 02, 2020, Budget Workshop of Macungie Borough Council to order at 6:30 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. The 2021 Budget Workshops were advertised in the East Penn Press Newspaper and on the Borough website.

Borough Manager Glisson discussed a revised list of proposed significant projects he drafted for the 2021 Budget, along with suggestions on how to fund them. The list included:

- Hickory Street Bridge Replacement (\$350,000.00), funded by FEMA or borrowing. Borough Manager Glisson suggested the project be funded through the Borough’s contingency fund and the PennDOT Infrastructure Bank, which has financing loans available at zero percent interest for up to ten years, if the Borough receives FEMA and/or PEMA approval.
- Cotton Street Bridge Repair (\$40,000.00-45,000.00), funded by FEMA or Contingency Funds. There was a conversation on the Borough’s MS4 Plan to control sediment, which includes two raingardens and streambank restoration projects. President Yerman explained the streambank stabilization project was included in the MS4 project. The location of the “wall” that needs repair/replacement was described as north, downstream to the Cotton Street Bridge on one side of the bridge and is approximately 20-30 feet long. The wall is undercut and holding up the sides of the stream. The wall either needs to be replaced or removed, and as an additional portion of the streambank work for the MS4, the area would be widened and flattened to create a slope to stabilize the bank. It was unclear who owns the wall (Borough or property owner abutting the stream), to be responsible for the repairs/replacement. If the wall is taken down and the embankment is worked on, it would affect the nearby walking path which would then have to be moved, affecting the Macungie Fire Department land. Borough Manager Glisson reported the wall was included in the FEMA funding request.
- Mountain Creek Retaining Wall Replacement (150,000.00) or Streambank Restoration (\$40,000.00), funded by FEMA or borrowing.
- Street paving at various locations (\$80,000.00), funded by 2021 Budget.

- Macungie Institute Heating/AC System (85,000.00), funded by 2021 Budget-Capital Account. Borough Manager Glisson discussed the pending grant funds, which would help with the costs.
- Borough Hall AC System (\$25,000.00), funded by 2020-2021 Budget-Capital Accounts. Borough Hall has two AC units that can be replaced separately (\$12,500.00 each) or at the same time (\$25,000.00). Both units are more than 10-years old.
- Public Works Pickup Truck (\$46,000.00), funded by Budget-Capital Account over a four year period (2020-2023 at \$11,500.00 each year). President Yerman commented vehicles purchased in the past were funded through the Water, Sewer, General and Liquid Fuels accounts.
- Police Department AC Unit (\$12,500-\$15,000.00), funded by 2021 Budget-Capital Account (\$10,000 in 2020 and \$5,000 in 2021).
- Brookfield Park Upgrades (\$14,000.00), funded by 2021 Budget-Capital Account.
- Police Car (\$45,000.00), funded by 2021 Budget-Capital Account (\$15,000 for each year 2020-2022). A new police vehicle is purchased every three years.
- New Zero Turn Mower (\$12,000.00), funded by 2021 Budget.
- Tracked Skid Steer- Bobcat (\$47,000.00), funded by lease purchase. Borough Manager Glisson stated a \$4,000.00 credit would be given for a trade in on the old machine and the monthly lease purchase amount was calculated to be approximately \$660.00, over a five year period. He stated the payment would be paid by Water (25%), Sewer (25%) and Liquid Fuels (50%) Accounts. He also stated that at the end of the five year period, it would be fully paid for with no “buy out” payment required, as it would be fully owned. President Yerman reiterated the payment proposal would be no General Funds used, \$4,000.00 per year from the Liquid Fuels account and \$4,000.00 per year from the Sewer and Water (combined) Funds; he stated the Sewer and Water fees (charged to the residents) would have to be raised, if the funds are not available in the accounts. A comment was made that, using “quick math” the estimated \$660.00 monthly payment amount on the purchase appeared to be under estimated.
- South Church Street Repair (\$850,000- \$1 Million), funded by borrowing. President Yerman provided a brief history on the repairs needed, then commented the street has been on the budget list for approximately the past two years, but no plan was made on how to fund the cost(s). BIA conducted core samples on the street and recommended the street be torn out and replaced. He commented storm sewers would need to be installed on the west side of the street because the cross streets flood during heavy rains and that cost would be in addition to the \$850,000- \$1 Million rough verbal estimate.
- Police Department Renovations (\$80,000-\$100,000.00), funded by General Fund Capital and additional funding. President Yerman stated approximately \$73,000.00 has been set aside in the General Fund Capital over the past 2-3 years. Sgt. Travis Kocher stated the amount in the account was originally \$80,000.00, but new windows and insulation have been installed in the building. The funds were originally set aside to construct a Sally Port and convert the present garage into an Evidence Locker and/or Holding Cells, but then the past Council discussed other possible building options. President Yerman briefly discussed the previous evaluation(s) done on the Borough buildings to determine how to best utilize them and the discussions regarding the other building options; he then stated with the chaos that erupted during the evaluations the discussions stalled. He also commented that at some point, Council would need to determine what renovations should be done with the remaining \$73,000.00.
- IT Support (\$25,000.00), funded by 2021 Budget. President Yerman stated this would be funded at \$5,000.00 per year over the next five years. He stated the MPD computers were not included in the proposals. Sgt. Kocher suggested funds be placed into the budget for the MPD

computers. *Sgt. Kocher* ~~He~~<sup>1</sup> stated the MPD would be limited on what company they could use due to the confidential information.

Council will decide what projects they would like to fund at a later date. President Yerman suggested a five year plan be implemented for the capital projects.

President Yerman made a motion to take a break for seven minutes, then reconvene for the regular Council meeting, second by Council Member Schleicher. Motion carried: 7 ayes.

#### CALL TO ORDER

President John Yerman then called the regular Borough Council meeting to order at 7:30 p.m.

ENGINEER'S MONTHLY REPORT – BARRY ISETT & ASSOCIATES (“BIA”); Engineer Stan Wojciechowski discussed his November 02, 2020 report.

a. Mohawk Contracting Change Order #1 for Streetscapes Phase IV, in the Amount of \$51,902.00. Engineer Wojciechowski explained Change Order #1. He stated the remaining funds, of approximately \$30,000.00, which could be held in contingency in case there are construction issues, could be rolled over into the next Main Street Streetscape (Phase V) or returned to the grant agency.

President Yerman made a motion to approve Document G701-2017, Mohawk Contracting Change Order #1 for Streetscapes Phase IV, in the Amount of \$51,902.00, second by Council Member Schleicher. Motion carried: 7 ayes.

b. Estates at Brookside – Release from Maintenance Bond. Jeffery Strauss, Agent for Developer Delores Breisch, submitted correspondence, dated September 29, 2020, which stated “all the salient facts appear correct and we are in agreement with the Borough Engineer’s conclusions and requirements to complete this project.” The Developer also requested to be released from the Maintenance Period for a proposed fee paid to the Borough in the amount of \$15,000.00. “No conditions on the use of funds is attached to this proposal.”

In Engineer Wojciechowski’s written response to Mr. Strauss’s letter, he stated “the improvements at the project are substantially complete, with one outstanding punchlist item regarding a berm in the basin,” which the correspondence discussed in more detail. BIA calculated the remaining maintenance security the Borough is holding to be in the amount of \$93,190.47. The matter is currently before the Borough Planning Commission for discussion and recommendation to Council.

c. Cotton Street Bridge. The concrete cutoff walls in front of the stone abutments were damaged from the storm in August 2020 and in some locations torn apart from the walls. In early October the Department of Environmental Protection (DEP) began allowing any bridge damage

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<sup>1</sup> At the November 16, 2020 Council meeting, President Yerman requested a change to this sentence, which originally read “...computers. He stated the MPD...” President Yerman requested the sentence be changed to read “...computers. Sgt. Kocher stated the MPD...”

from the storm as an emergency permit. The permit would be valid for 120 days and if Council authorizes the permit to be filed tonight, BIA could have it filed by the end of this week. Engineer Wojciechowski stated the work could be completed before the winter months, but even if it goes into the winter months, the concrete can be poured up to 20° as long as there are enough blankets on it to keep it warm.

President Yerman questioned if Council would like to have the repairs done now before the winter months to avoid potential additional damage to the bridge from winter storms. He stated if Council waits some sort of mitigation may need to be done to protect it from further damage. The money for the repairs would come out of the “rainy day” (contingency) funds. Mayor Conrad stated he did not receive a good enough answer to confirm if the bridge work could be done or not prior to receiving FEMA funds, if approved. He stated the Borough’s Emergency Management people are also working on trying to get an answer.

Council Member Bloch questioned if the bridge work is done and the Borough pays for it, prior to receiving potential FEMA funds, if it would reduce the number and the Borough would not meet the FEMA number. Borough Manager Glisson stated no because it was already included in. President Yerman clarified the question as does the project count if the work is done prior to the FEMA money being awarded; he then commented based on the Mayor’s answer, they don’t know yet. Borough Manager Glisson stated based on his experience, when work was completed before FEMA funds were received, FEMA still reimbursed them. Mayor Conrad stated he heard that, but did not receive a positive answer on it.

d. Retaining Wall north of Cotton Street Bridge. The wall has completely undermined in sections and is showing signs of failure. Engineer Wojciechowski stated BIA believes it would be more economical and advantageous for the Borough to do a streambank restoration and receive MS4 credit. He stated a “worst case scenario” would be to replace it with a precast structure, but it would most likely not be the work that is done.

President Yerman requested BIA provide insight to what would happen at the walking path (possible relocation) because it is a deep spot and the stream restoration could be wide. Engineer Wojciechowski suggested ACELA Engineering be contacted, since they are the Borough’s MS4 engineering firm.

e. Main Street Commons (“MSC”). Embassy Bank (Phase 1) is finalizing to open; they only need the PennDOT approvals and ensure the streetlights are appropriately timed. The Car Wash (Phase 2) was submitted to the Borough and will be considered before the Planning Commission later this month. Engineer Wojciechowski stated once MSC goes beyond Phase 1, they must map out the remaining site.

f. BIA Project Cost Analysis. Engineer Wojciechowski’s list of Borough projects, with project descriptions, external funding source, steps, projected costs and actual costs was reviewed and discussed. He estimated engineering fees for each project to total approximately 25% of each projects cost.

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. October 19, 2020 (Budget Workshop and Regular Council Meeting). Council Member Schleicher made a motion to approve the October 19, 2020 minutes, as written, second by Council Member Rutledge. Motion carried: 7 ayes.
- b. October 26, 2020 (Budget Workshop). Council Member Rutledge made a motion to approve the October 26, 2020 minutes, as written, second by Council Member Schleicher. Motion carried: 7 ayes.

#### CONSENT AGENDA

- a. Treasurer's report of October 31, 2020. No Treasurer's Report was provided for this meeting.
- b. Approval of invoices for payment. Some of the invoices listed on the Consent Agenda were briefly discussed. President Yerman stated on the *Budget vs. Actual* Report, at the bottom of Page 1, #1392001-Transfer from GF Capital Account, he believes an additional \$33,333.00 needs to be transferred from the Capital Account to the General Fund because it was spent on the truck. He stated Council would not approve it because it needs to be fixed for their next meeting.

Council Member Schleicher made a motion to approve paying the invoices listed on the Bills for Payment, as of November 03, 2020, in the amount of \$281,451.36, second by President Yerman. Motion carried: 7 ayes.

#### CORRESPONDENCE

- a. Emmaus Library, re: October 2020 Board Meeting Minutes/Packet. No discussion.
- b. Emmaus Public Library ("EPL"), re: Budget Workshop Library Overview. Borough Manager Glisson stated the EPL Director confirmed they are not asking municipalities for an increase in donations in 2021.
- c. Susquehanna Municipal Trust, re: 2020 Safety Awards for 2019 Workers' Compensation Performance with BOM Risk Management Report Card. Borough Manager Glisson stated the document showed the Borough of Macungie was recognized for "zero lost time days." Also, the Risk Management Report Card for 2019 showed the Borough's score increased, which is good.
- d. Municipal Retirement Trust, re: Quarterly September 2020 Monthly Trust Report. No discussion.

e. Lehigh County Conservation District (“LCCD”), re: Stone Hill Meadows Compliance Notice. On October 07, 2020 LCCD conducted an inspection of earth disturbance activities at the site. The inspection revealed that earth disturbance activities at the site are in violation of the Rules and Regulations of the Department and The Clean Streams Law.

President Yerman questioned if Allen Organ Company could be given a copy of the Report. Solicitor Armstrong stated they should fill out and submit a Right-to-Know Request to the Borough to receive a copy of the report.

f. Administrative Assistant Ritter, Board Terms Expiring December 31, 2020:

Water Authority Board 3 year term

Thomas Kociuba

Vacancy Board 1 year term

Kevin Wieder

The correspondence also stated effective October 20, 2020, Betty Silfies has resigned her position as Commissioner on the Borough Planning Commission board because she will be moving out of the Borough. She will provide a letter of resignation prior to moving. The term expires on 3/31/2022. The vacancy will be advertised on the Borough website.

Borough Manager Glisson reported notices of the expirations were sent and Mr. Wieder and Mr. Kociuba. Mr. Weider has provided a letter of interest to remain on the Vacancy Board.

## REPORTS

a. Solicitor. Other than the items to be discussed later this evening, Solicitor Armstrong did not have any additional items to discuss.

b. Mayor.

i. FEMA Funds. Mayor Conrad reported he will continue to work on finding answers to the FEMA money, how and when the Borough could use it.

ii. Lehigh County Emergency Management has requested all Emergency Management offices be manned during the Election. The Borough will be honoring the request and the Emergency Management people will be stationed at the Fire House. Mayor Conrad stated he does not anticipate any issues, but the Borough will do what the County requested.

iii. Electronic Recycling Event. He attended the event on Saturday, October 31, 2020. He stated it appeared to be well attended and a success.

President Yerman reminded everyone Lehigh County will be hosting a Household Hazardous Waste Collection Event, which has been rescheduled for Saturday, November 14, 2020.

c. Borough Manager.

i. Dumpster Violation at 19 E. Main Street, Macungie. A notice of violation has been sent to Advanced Disposal (“AD”) due to a dumpster not being placed back in its proper

location, which is causing discord among two different property owners. Borough Manager Glisson stated he had an on-site meeting with AD (Route Supervisor and Operations Manager), the two apartment building managers and the Cornerstone Apartment Maintenance Manager. A plan was devised by the two parties.

ii. Cotton Street Raingarden Project. Council Member Ashbrook recalled Borough Manager Glisson reporting the project was complete. She then questioned if the plants that were supposed to be installed will be put in or if they were hidden under the straw that is there. She also asked how much the project cost was. Borough Manager Glisson stated the cost was \$29,000.00 and the contractor used amended soil that has plant seeds in it, instead of using partially grown plans, which saved the Borough money. He commented the seeds should take root and grow through the straw that was laid down. He described the seed that was selected as having some grass in it and the plants that would grow would be tolerant to a heavy water environment.

iii. Right-to-Know (“RTK”) Requests. Council Member Bloch recalled Council previously receiving a monthly list of RTK requests in their meeting packets. He then questioned why Council has not been receiving the monthly list and asked if Borough Manager Glisson was up to date in responding to them or if he was behind or if no RTK requests were received. Borough Manager Glisson stated he just finished two of them last week and will make sure a list is included in future Council packets.

d. Committees – None.

#### UNFINISHED BUSINESS

a. Residential Rental Ordinance 2018-06:

i. Update on Unregistered Residential Rental Properties Notices. Borough Manager Glisson stated the Zoning Officer will be sending a notice of violation next week to the 70 property owners that have not responded to the previous letter that was sent to them requesting they register their rental units. President Yerman noted a provision in Ordinance 2018-06, which allows the Borough to take away their right to rent a unit, if it is not registered.

ii. Consideration of Minor Proposed Rental Inspection Ordinance Amendment to Attachment A (Inspection Checklist). President Yerman provided a brief history to Zoning Officer Peterson’s request for changes to the Inspection Checklist (Exhibit A). He commented the change(s) from the previous revision were mostly in the rewording. He recalled the previous form had “room-by-room” specific inspection items that are not on the revised form, which needs to be followed up on. There was a brief discussion on if the proposed GFCI receptacles language would include the breaker box to cover the whole circuit. Ordinance 2018-06 would need to be amended to show the amendment to the Inspection Checklist (Exhibit A).

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

c. Public Works Department, re: Monthly Report on Upcoming Projects; Due at 2<sup>nd</sup> Council Meeting of month. No discussion.

d. Streets; Reports of Flooding (Council Feedback). As discussed at a recent Council meeting, due to rainfall yesterday, some Council Members visited certain areas in the Borough yesterday that were reported to have possible flooding issues during heavy rainfalls. Their observations were as follows:

Council Member Schleicher reported flooding on South Church Street, which was consistent with other rainstorms in the past. She did not notice flooding at other locations. Mayor Conrad also visited the same areas and concurred with Council Member Schleicher's observations.

Council Member Bloch reported he visited some of the areas, but didn't think there was enough rainfall to determine if there was a flooding issue or not.

President Yerman reported he observed flooding at the Church and Cedar Streets intersection. He also stated water raised to the height of the curb on the southeast corner at Race and Main Streets, at the EZ Shoppe; he speculated the high water in this area may have been caused by a clogged drain, but he was uncertain if this was the cause. He did not observe any flooding on the opposite side of the street (across from the EZ Shoppe), however, he did notice puddling in low spots in the street. Borough Manager Glisson state there is a project scheduled for an inlet to be installed in the area of Race and Main Streets, by the Swabia Creek. President Yerman stated Council should carefully evaluate what work may be needed in the area because there was no issues on the opposite side of the road. He suggested Council Members visit the area during the next few heavy rains to see what is going on in the area. He stated the inlet project should not proceed until Council determines if there is an actual issue and what/where the issue is.

President Yerman reported he visited Willow Street and observed low spots in the street, which caused puddles of water, but he did not observe any drainage, water running or flooding issues. He conjectured that if the street paving was leveled out, the puddling would go away.

e. Adoption of Towing Ordinance No. 2020-01 on Nov. 02, 2020 After Advertising. Solicitor Armstrong discussed the proposed Ordinance. He noted the Ordinance was properly advertised in the local newspaper for public hearing for adoption this evening, which would amend Chapter 329, of the Code of Ordinances of Macungie Borough to add Article IX, Vehicles and Traffic, Removal and Impoundment of Illegally Parked Vehicles.

Solicitor Armstrong opened the Public Hearing at 8:20 p.m. He stated the Ordinance would give the Borough, more specifically the MPD, the ability to remove abandoned or illegally parked vehicles within the Borough, in a manner consistent with the Pennsylvania Vehicle Code. There were no comments or questions from Council Members or the public on Ordinance No. 2020-01. Solicitor Armstrong then closed the Public Hearing at 8:21 p.m.

President Yerman made a motion to adopt Ordinance 2020-01, Towing Ordinance, for the Borough of Macungie, second by Council Member Rutledge. Motion carried: 5 ayes and 2 nays (Council Members Ashbrook and Bloch opposed).



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

Motion Passed.

f. Estates at Brookside (at Planning Commission). No discussion.

g. Ordinance 2020 - 03 for Police Consortium Signatory Agreement and Intermunicipal Agreement. This Ordinance will be advertised for the second meeting in November or the first meeting in December. Solicitor Armstrong questioned if the Ordinance number (2020-03) was the correct number as the Towing Ordinance that was adopted earlier this evening was #2020-01. He suggested the Consortium Ordinance number be verified before it is advertised for adoption.

### NEW BUSINESS

a. Adoption of Resolution 2020-14, re: DCED/CFA Local Share Account Grant Request for New Macungie Institute Heating & Cooling System (\$100 fee required). President Yerman noted the grant funds come from gaming/gambling money the County receives and the Resolution is part of the application process.

Council Member Schleicher made a motion to adopt Resolution 2020-14, authorizing Borough Manager Glisson to sign the DCED/CFA Local Share Account Grant Request for New Macungie Institute Heating & Cooling System, second by President Yerman. Motion carried: 7 ayes.

b. Appointment of Zoning Officer Joseph Peterson as an Additional Building Code Official (BCO). Borough Manager Glisson explained the Borough's appointed BCO is BIA, and since BIA worked on Allen Organ Company's redesign of their rooftop and AC Units, BIA was precluded from acting as the BCO on the project. He stated in order for Allen Organ to obtain a Certificate of Occupancy on the project from the Borough, BIA would have to either hire a third party inspector or the Borough could appoint an additional BCO.

Borough Manager Glisson then asked Council to consider appointing the Borough Zoning/Code Officer, Joseph Peterson, as an additional BCO for the Borough so he could grant the Certificate of Occupancy to Allen Organ on the project. He stated there would not be a cost to the Borough because Zoning Officer Peterson already holds a Certification Card (expires 03/14/2021), which he pays for himself.

President Yerman noted the previous Council discussed approving the Borough Zoning Officer as an additional BCO in the past (03/04/2019 and 12/02/2019). He commented the March 2019 Council Minutes did not appear to state any issue with it. However, the December 2019 Council Minutes stated "Borough Manager Boehm provided an update on this matter. She expressed concern of a possible decision conflict occurring between the engineer and alternate, if there are two officials." President Yerman then stated, "in this case we need a second official, so there is not going to be any conflict since our normal Building Code guy [BIA] can't do it, so I don't think that's currently a problem with this assignment and I think the idea here is that he [the

Borough Zoning Officer] would only do this role if BIA can't" (Borough Manager Glisson concurred with President Yerman).

Solicitor Armstrong stated he does not believe there is a conflict of interest because he knows of other Municipalities that have in-house Zoning Officers that also act at the BCO. He reiterated President Yerman's statement, and clarified, that the Borough Zoning Officer would be appointed as a "conflict Building Code Official" and would only step in if there is a conflict with BIA. Solicitor Armstrong suggested Borough Manager Glisson notify the Borough's liability insurance carrier to inform them Zoning Officer Peterson is going to be the conflict BCO for the Borough in addition to BIA.

Council Member Schleicher made a motion to appoint Zoning Officer Joseph Peterson as an additional Building Code Official for the Borough of Macungie, second by Council Member Ashbrook. Motion carried: 7 ayes.

c. Stonewood Landshaping Payment Application #1 (Final), in the Amount of \$29,000 for the Cotton Street Raingarden. In their correspondence, dated October 30, 2020, ACELA Architects and Engineers, recommended payment of the requested amount (\$29,000.00). Engineer Waldron stated all of the work was completed and the required Maintenance Bond will be submitted, this is the final payment application without withholding retainage.

Borough Manager Glisson stated he and Engineer Waldron visited the site during construction, then the ACELA Engineer inspected the work. He reiterated the Borough saved money by using the seeds instead of partially grown plants. President Yerman stated he emailed the Engineer with construction questions and the Engineer assured him the work was being done per the original design plan. Council Member Rutledge stated he wondered about the surrounding environment, regarding ruts, earth disturbance and cleanup. President Yerman suggested Council postpones paying Application #1 until the next meeting, to allow him and Council Members Rutledge time to visit the site tomorrow.

Council Member Ashbrook questioned if there is a guarantee the plants will grow as they were shown on the approved plans, because they were part of the necessity of the project. Borough Manager Glisson stated there is a Maintenance Bond to guard against what Council Member Ashbrook described, but he was uncertain of the Bond amount. Council Member Ashbrook then questioned who authorized the change from partially grown plants to seeds, as she did not recall it being discussed before Council. Borough Manager Glisson stated he approved the change after ACELA recommended it to him in an email. It was noted a change order should have been issued on the project for Council's approval, prior to the seeds being planted.

Council Member Ashbrook commented Stonewood Landshaping's bid on the project was always \$29,000.00 and she does not see a reduction in Payment Application #1 for changing the plantings to seeds.

d. Listing of Unpaid Engineering Bills. President Yerman reported he reviewed the engineering bills and noticed \$90,000.00 is reimbursable from developers. He then noted B.T.

Stone Hill ~~has~~<sup>2</sup> and others had a total of \$45,868.82 in outstanding bills that have not been paid to the Borough. Solicitor Armstrong stated their posted escrow funds could be used to pay the bills, then the Borough would tell them to replenish the escrow. He suggested the Borough does not issue any permits to Stone Hill until they pay their outstanding bills to the Borough.

e. IT Vendor Next Step: Lantek provides an NDA (Non-Disclosure Agreement) to View How We Function. President Yerman provided the history on why an IT Firm and Agreement are needed for the Borough, along with the process they used to narrow their IT choices down to two firms. He reported Lantek would like to come into the Borough for two days to look at the Borough equipment (without a fee to the Borough) to properly assess the Borough's needs. The NDA would allow them to look at the Borough and Macungie Institute equipment and they would agree not to discuss what they see in the computers (Solicitor Armstrong reviewed and approved the Agreement).

Council Member Bloch made a motion to approve Borough Manager Glisson or President Yerman to sign the Non-Disclosure Agreement, second by Council Member Akinjiola. Motion carried: 7 ayes.

#### ITEMS NOT ON AGENDA (Mayor and Council members only)

a. Sgt. Kocher reported he received a request for a mirror to be installed on the telephone pole at the dance studio property, where vehicles can only make a right-hand turn, because it is a blind spot trying to pull out. He stated there have been minor traffic accidents there as a result of it. President Yerman noted the said parking lot is shared between a few property owners. He commented the property owners can share the expense to have a mirror installed. Installing a mirror in that location may require PennDOT and PPL approval. President Yerman stated the matter can be placed under New Business to be looked into in the beginning of 2021.

b. Council Member Bloch expressed concern of the Engineering costs going up. President Yerman stated half of the costs are reimbursable from developers. The bills need to be reviewed to ensure payment of the bills comes from the developments, grants and Borough.

c. President Yerman questioned what the Zoning Hearing Board hearing on November 11, 2020 is about. Borough Manager Glisson stated they are requesting a dimensional variance for relief from the 80 foot minimum lot width and the 25 foot front yard depth that is required. The Applicant would like to subdivide the property, then build a home on it at a later time. The property is located at 722 E. Main Street, Macungie.

Administrative Assistant Ritter noted that the Applicants are not the owners of the property. She then questioned if a signed affidavit or Power of Attorney from the property owner(s) would be required, showing they authorized the subdivision. Solicitor Armstrong stated the Zoning Solicitor, John Ashcraft, would most likely be asking for an affidavit.

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<sup>2</sup> At the November 16, 2020 Council meeting, President Yerman requested a change to this sentence, which originally read "...is reimbursable from developers. He then noted B.T. Stone Hill has a total of..." President Yerman requested the sentence be changed to read "...is reimbursable from developers. He then noted B.T. Stone Hill and others had a total of..."

EXECUTIVE SESSION, IF NECESSARY – President Yerman called for an Executive Session at 09:14 p.m. to discuss a personnel issue. The regular Council meeting reconvened at 09:30 p.m. with the following action taken:

President Yerman commented the only issue that is going to have any future commitments this time, is all of the Council Members agreed to contact the previous Borough Manager, Chris Boehm, to inquire if she would be willing to come back to the Borough on a part-time basis to help with the 2021 Budget cycle.

Council Member Yerman made a motion to contact Chris Boehm to ask her to come back to the Borough part-time to help with the Budget cycle, and if she says no Council would not move forward with it, second by Council Member Schleicher. Motion carried: 7 ayes.

#### ADJOURNMENT

Council Member Rutledge made a motion to adjourn the meeting at 09:32 p.m., second by Council Member Bloch. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant