

ATTENDANCE

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

Mayor: Ronald Conrad (arrived at 7:53 p.m.)

Interim Borough Manager: Chris L. Boehm

Solicitor: Patrick Armstrong (arrived at 8:38 p.m.)

Administrative Assistant: Selma Ritter (8:30 p.m. to 9:01 p.m.)

Due to the Coronavirus Pandemic (COVID-19), the Macungie Borough Council meetings are being 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.

CALL TO ORDER - President John Yerman called the regular meeting to order.

BOROUGH ENGINEER’S REPORT – None.

MACUNGIE POLICE DEPARTMENT (“MPD”) – Sgt. Travis Kocher and Cpl. Michael Mullen were in attendance tonight to provide updates and hear any issues residents may have.

a. Macungie Police Department, re: January 2021 Report. Sgt. Kocher discussed the report, which included being dispatched to 120 incidents, 12 Vehicle Stops and 3 Domestic/Disturbances.

PUBLIC COMMENT

a. Prior Public Comments to Council - None.

b. Comments from the Audience on Non-Agenda Items.

i. Carl Sell, 46 Locust Street, Macungie questioned why snow piles on some of the roads in the Borough, especially Main Street/Route 100, were not removed to provide curb to curb cleanup. Interim Manager Boehm stated the Public Works Department crew has been working diligently on clean up, but two out of the four employees have been out of work.

ii. Council Member Ashbrook questioned the status of snow removal around the fire hydrants. Interim Manager Boehm reported the Macungie Volunteer Fire Department (“MVFD”) and Borough property owners were asked to assist with digging them out. Also, residents are reminded not to throw snow in the streets when they are clearing their property, as this is illegal and a safety issue.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

- a. Council Member Bloch complimented Administrative Assistant Ritter for resolving an issue with a resident on Hillcrest Drive South regarding their recycling.
- b. Richard Stukas, 43 Locust Street, Macungie, complimented and thanked Interim Manager Boehm for returning to the Borough as an Interim Manager; Administrative Assistant Ritter for her assistance to him with resolving a matter; the Public Works Department for their hard work; and the MPD for keeping the community safe.

Mr. Stukas also reported he attended a meeting with the Emmaus Public Library (“EPL”) earlier today. He provided a brief synopsis on the meeting and the services EPL provides. He commented the EPL is important and an asset to the community.

APPROVAL OF MINUTES

- a. February 01, 2021. Council Member Schleicher made a motion to approve the February 01, 2021 minutes, as written, second by Council Member Rutledge. Motion carried: 7 ayes.

CONSENT AGENDA

- a. Payment of invoices listed, as of February 17, 2021, totaling \$340,531.62.

Following discussion of some invoices, Council Member Akinjiola made a motion to approve paying the invoices listed on the Consent Agenda, as of February 17, 2021, as presented, second by Council Member Schleicher. Motion carried: 7 ayes.

CORRESPONDENCE

- a. Corey Zeisloft, re: Request to Vacate Oak Alley. Mr. Zeisloft is the record owner of 222 S. Walnut and 201 Oak Street; both properties abut the paper alley (Oak Alley) he is asking the Borough to vacate. He would like to obtain Oak Alley so he can consolidate the two properties he already owns into one lot for tax purposes. There are no other properties adjoining Oak Alley.

A paper alley was described as a road that appears on a map, but was never installed by the municipality. Interim Manager Boehm explained if the Borough does not open (install) a paper alley prior to 21-years after it is placed on a map, the Borough loses the rights to it. At this time, it is unclear if there are any underground utilities located on Oak Alley, which Interim Manager Boehm will confirm. If Oak Alley does have utilities on it, and the vacation is approved, an easement would be required and the property could not be built upon, as it would need to remain in the same state that it is currently in so the Borough could access the property/utilities.

Solicitor Armstrong explained the process to vacate a paper alley is outlined in the Borough Code. He stated all property owners abutting the paper alley must be notified and agree with the vacation. If the Borough is amenable to vacating the paper alley, the process set forth in the Borough Code would need to be followed, which includes adoption of an ordinance, with a diagram of the alley/road that is being vacated attached, and a public hearing held. A professional services

agreement would need to be signed, so it is clearly understood that all costs associated with the vacation would be at the property owner's expense (reimbursed to the Borough).

President Yerman made a motion to move forward with the vacation of Oak Alley, with the first step being a letter to Mr. Zeisloft outlining the costs which he would need to sign off on, then Solicitor Armstrong would prepare an Ordinance, advertisement of the Ordinance, then Borough would vacate Oak Alley, second by Council Member Bloch. Motion carried: 7 ayes.

Solicitor Armstrong suggested Interim Manager Boehm investigate if there are any underground utilities, stormwater, swales or pipes of any type on the property that the Borough would use and/or own.

b. Administrative Assistant Ritter, Board Positions Expiring March 31, 2021:

Civil Service Commission	6-year term
Daniel Lenig	
Macungie Institute Board of Trustees	3-year term
Greg Hutchison	
Planning Commission	4-year term
John Yerman	
Zoning Hearing Board	5-year term
Carl Sell	

All current Board Members with expiring terms have been notified and asked to submit a letter of interest seeking re-appointment.

c. Macungie Ambulance Corps, re: January 2021 Monthly Report. They responded to 421 calls during this service month; 27 of the calls were in the Borough of Macungie.

d. Macungie Volunteer Fire Department, re: January 2021 Monthly Report. They responded to 2 calls in the Borough of Macungie during this service month.

e. Ryan and Melissa Dipalma (collectively, the "Dipalmas"), 101 S. Chestnut Street, Macungie, re: Request for water and refuse waiver in the amount of \$484.35. The property has a septic system and is not connected to the Borough sewer. The Dipalmas have not lived in the property since 2019. Water service has been disconnected due to a water leak in the lateral. The Dipalmas have been receiving utility bills from the Borough because they had not requested the services be stopped.

It was noted the Dipalmas also petitioned the Borough Authority for a waiver on the water bill for this property. At their February 11, 2021 meeting, the Borough Authority Members denied their request.

There was a unanimous consensus among the Council Members to deny the Dipalmas waiver request. They are responsible to pay the outstanding utility bill balance, but they will not be billed for refuse in the future, until the Dipalmas request the service be started.

f. Lehigh County Office of Assessment (“Assessment Office”), re: Overpayment Refund Due to Veterans Exemption for 324 Village Walk Drive. In their letter, dated January 29, 2021, the Assessment Office stated the property owner is entitled to a refund for the overpayment of County real estate tax for the tax year 2020. It was noted that the exemption from property tax came from Lehigh County, not the Borough of Macungie. The criteria to be eligible for the exemption was unknown at this time.

g. Lower Milford Township, re: Zoning Ordinance No. 138 Amendment (the “Ordinance Amendment”). The title to the Ordinance Amendment included amendments to clarify the deletion of the term non-nuisance industry, to clarify the intent of the expanded development Overlay District, to amend the applicability of natural resource protection standards to lot line adjustments that do not propose any development, to correct use A.9 Common Domestic Farm Animals as Pets, to revise certain requirements for the Medical Marijuana Grower/Processor use and the Medical Marijuana dispensary use, to require submission of an erosion and sedimentation control plan to the Township for timber harvesting operations, but to remove the requirement for a letter of adequacy from the Lehigh County Conservation District for Timber Harvesting Operations, and to allow for wineries on parcels under 5 acres that demonstrate a yearly gross income of at least \$10,000, and to apply the expanded development Overlay District over certain tracts of ground located on property in the Township in addition to their existing Zoning classifications. Municipalities were asked to provide their comments on the amendments to Lower Milford Township by March 15, 2021.

Council Member Schleicher commented the amendments would be discussed at the Southwestern Comprehensive Plan (“SWCP”) meeting next week. So, correspondence was deferred to the next Council meeting to allow the Council Members ample time to review the document and the SWCP meeting to be held and provide comment. Council Members Schleicher and Rutledge are on the SWCP Committee and will provide Council with the SWCP’s discussion and/or findings after the meeting next week.

REPORTS

a. Mayor. He congratulated Boy Scouts Adam Goldstein and Nicholas Luey, from Macungie Troop #71, for earning their Eagle Scout Awards, which is a large accomplishment.

b. Solicitor.

- i. Ownership of Walls on Mountain Creek at Route 100. No discussion.
- ii. Estates at Brookside Request to Forgo the Maintenance Period Requirement. No discussion.
- iii. Race Street Storm Drain. No discussion.
 - (1) Temporary Construction Easement.
 - (2) Curb Replacement.

c. Borough Manager.

- i. Borough Manager Search. The search for a manager is ongoing and will be discussed in Executive Session this evening.

ii. Truck #3, Mini Dump Truck, Repairs. The truck was repaired and picked up today. The total repair cost was \$6,327.69.

iii. Greater Lehigh Valley Chamber (the “Chamber”) Membership. Ashley Lorah and Jessica O’Donnell from the Chamber were in attendance this evening to discuss the Chamber, its membership and a few upcoming events. The Chamber is a membership driven organization. Restaurant week will be held from February 28, 2021 through March 06, 2021.

Ms. Lorah and Ms. O’Donnell requested the Borough’s support for the Chamber, through membership. Ms. O’Donnell discussed some of the benefits of being a Chamber member. The membership cost is \$400.00 annually, but would provide the Borough with approximately \$5,000.00 worth of benefits.

Interim Manager Boehm noted the Chamber has been a large supporter of the Borough over the years. They awarded over \$9,000.00 in grants to the Borough, provided a trolley for the Macungie Holiday for many years, supported the Borough’s anniversary celebration and events, along with proving support letters when the Borough applied for other grants. The matter has been deferred to the next Council meeting to provide the Interim Manager time to determine where in the Budget the membership funds would be transferred from.

iv. Temporary Signs at Local Businesses. Several complaints were received regarding various types of temporary signs at some of the businesses in the Borough, most of which are illegal and unpermitted. President Yerman recalled at the last Council meeting, Council requested Zoning Officer Joseph Peterson provide them with a status report for enforcement of the illegal signs. In response to Council’s request, Zoning Officer Peterson provided a report, which showed what businesses are in violation and what enforcement actions were taken. President Yerman commented Zoning Officer Peterson’s last enforcement efforts were too lenient. There was a discussion regarding the businesses having enough time to cure their sign violations and now stronger enforcement measures are needed. President Yerman then recalled Council requesting a schedule from Zoning Officer Peterson on when and what enforcement would happen so Council could relay the information to the public when they receive complaints; he commented the report Zoning Officer Peterson provided Council had a good explanation, but it lacked targeted dates for enforcement actions, which would help Council measure if the enforcement is moving forward.

v. Time Extension for Interim Manager Temporary Work Schedule, which expires March 08, 2021. The matter will be discussed in the Executive Session later this evening.

vi. Allen Organ’s Right-To-Know request was responded to today.

d. Committees – None.

UNFINISHED BUSINESS

a. Public Works Department, re: Monthly Report on Upcoming Projects; Due at 2nd Council Meeting of month. None.

- b. Public Works Department (“PWD”) Equipment Replacement Plan. Council briefly discussed the need to determine the amount of annual funding they would like to include in the Budget for replacement and repairs. Council requested (1) a separate line item be added to the budget for the replacement and repair funding so all of the funds could be viewed as a whole, instead of the funds being listed in separate line items as they currently are, and (2) an equipment replacement plan from the PWD.
- c. Emmaus Public Library (“EPL”) 2021 Agreement. The Borough received the revised EPL Agreement late today. It will be distributed to Council for discussion at their next meeting.
- d. Coronavirus 2019 (COVID-19) Policies. President Yerman noted at Council’s last meeting, the Members voted to approve the Policies this evening.
- i. Mitigation Measures/Policy #0016. President Yerman made a motion to adopt the Mitigation Measures/Policy #0016, second by Council Member Ashbrook. Motion carried: 7 ayes.
- ii. Temporary Telework / Work-at-Home Policy #0017. President Yerman made a motion to adopt the Temporary Telework/Work-at-Home Policy #0017, second by Council Member Ashbrook. Motion carried: 7 ayes.

NEW BUSINESS

- a. Mohawk Contracting, re: Change Order #2 for Streetscapes Phase IV, in the Amount of \$7,500.00. At their February 01, 2021 meeting, Council authorized the preparation of a change order for photocells (a/k/a/ dusk-to-dawn timers) to be installation on the decorative lights along Main Street/Route 100. In response to the motion at the last meeting, Change Order #2 was drafted, in the amount of \$7,500.00.

President Yerman made a motion to approve Document G701-2017, in the amount of \$7,500.00, for Change Order #2 to add photocells in Phases II, III, and IV of the Main Street Streetscape, second by Council Member Schleicher. Motion carried: 7 ayes.

- b. Barry Isett & Associates, re: Mountain Creek Survey Cost Estimate. At a previous Council meeting, BIA was asked to prepare a cost proposal to survey the property line between 144 E. Main Street and 154 E. Main Street, along with the location of the creek walls, fences and structure within five feet (5’) of the creek walls, and any defined, recorded easements, deed restrictions, and/or maintenance agreements that were listed in the title searches of the two properties. BIA’s cost proposal for this work was \$4,000.

President Yerman provided a brief history on the need for a survey. Interim Manager Boehm commented the survey would show where the property lines are located. However, would not provide a definite answer to who owns the walls. President Yerman will discuss the best course of action on how to determine who owns the walls with BIA and Solicitor Armstrong.

ITEMS NOT ON AGENDA (Mayor and Council Members Only)

- a. Budget Transfer. Mohawk Contracting submitted a payment request, in the amount of \$229,959.00, for the Main Street Streetscapes Phase IV. These funds would need to be transferred

from the Contingency Fund to the General Fund Other Income, until the grant reimbursement funds are received. The General Fund balance is too low at this time to cover the amount of this invoice and the Borough's day to day bills.

President Yerman made a motion to approve the transfer of \$229,959.00, with the understanding that when the grant funding is received the money will be transferred back to the Contingency Fund, second by Council Member Schleicher. Motion carried: 7 ayes.

b. Council Member Schleicher reported she attended a Lehigh Valley Planning Commission webinar earlier this evening regarding COVID-19 vaccinations and vaccinations in the workplace, which she found to be interesting. She then briefly noted the topics discussed.

EXECUTIVE SESSION, IF NECESSARY

President Yerman called for an Executive Session at 8:50 p.m. to discuss hiring for the manager's position. The regular Council meeting reconvened at 9:25 p.m. with the no actions or decisions made.

ADJOURNMENT

Hearing no further business, Council Member Bloch made a motion to adjourn the February 16, 2021 meeting at 9:26 p.m., second by Council Member Schleicher. Motion carried: 7 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant