

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: Peter Melan
Solicitor: Patrick Armstrong
Engineer: Stan Wojciechowski (7:30 p.m. to 7:52 p.m.)
Administrative Assistant: Selma Ritter (7:30 p.m. to 9:51 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 meeting to order at 7:30 p.m.

ENGINEER’S MONTHLY REPORT – Barry Isett & Associates. Engineer Stan Wojciechowski discussed some of the items listed in his April 05, 2021 report:

i. Main Street Streetscape, Phase IV, Change Order #3. The Change Order will decrease the Contract Sum amount by \$1,911.90. Engineer Wojciechowski commented the reduction was generated by unused items. BIA approved Change Order #3 on March 30, 2021.

Council Member Schleicher made a motion to approve Change Order #3 in the amount of \$1,911.90, second by Council Member Bloch. Motion carried: 7 ayes.

ii. Main Street Streetscape, Phase IV, Pay Application #3.

Council Member Schleicher made a motion to approve Mohawk’s Payment Application #3 in the amount of \$16,545.50, second by Council Member Akinjiola. Motion carried: 7 ayes.

iii. PP&L Utility Pole Work. Fifteen (15) utility pole locations within the Borough had trussing preformed around them. Four of the poles were within the completed sections of the Main Street Streetscape project. Approximately four bricks around each pole need to be reset. BIA is working with PP&L and the contractor, Osmose Construction, on getting the bricks reset.

iv. Sewer Lining and Lateral Construction Project Schedule. The schedule was updated on March 31, 2021. There was no discussion by Council tonight on this item.

v. 202 East Main Street Subdivision. The Borough Planning Commission previously recommended Plan and waiver approval, conditioned upon BIA's comments being satisfactorily addressed. A revised Plan addressing the Planning Commission's recommendation was received on March 19, 2021. On March 22, 2021, BIA issued a revised review letter regarding the revised Plan, which noted four comments regarding recording requirements. Tonight, Council was asked to consider Final Plan approval of the Minor Subdivision. Engineer Wojciechowski stated BIA does not have any issues with the revised Plans.

Michael Houston, from Arthur A. Swallow Associates, LLC, was in attendance this evening to represent the Applicant. He stated they are okay with BIA's comments, which have been addressed.

Motion #1. President Yerman made a motion to approve the waiver request from SADLO Section 305-9AA, second by Council Member Schleicher. Motion carried: 7 ayes.

Motion #2. President Yerman made a motion to approve the Preliminary/Final Subdivision Plan, subject to compliance with the requirements and provisions set forth in BIA's March 22, 2021 review letter, second by Council Member Schleicher. Motion carried: 7 ayes.

Solicitor Armstrong noted the comments in BIA's review letter, dated March 22, 2021, were in regards to the impervious coverage and setbacks, which he stated are both pre-existing non-conformities.

vi. Main Street Commons, Phase 2 Car Wash. The Borough Planning Commission previously recommended Plan and waiver approval, conditioned upon the developer satisfactorily addressing the 54 comments in BIA's review letter.

vii. Stone Hill Meadows, Phase 3. Engineer Wojciechowski provided an update on the development. He reported Ryan Homes is under agreement to be the exclusive builder for the 31 lots in Phase 3. BIA provided some fixed fee costs for lot services, which the SALDO requires (e.g. plot plans, grading plans) to ensure they are consistent with the approved subdivision plans, to have a grading inspection before a Certificate of Occupancy is issued, and to ensure the sidewalks are acceptable. Solicitor Armstrong discussed a revision to the existing Developer's Agreement, which was approved by BIA and Stone Hill. Solicitor Armstrong stated the amendment sets the flat fees and notes Ryan Homes will be the builder in Phase 3. He also stated Stone Hill will remain the responsible party and developer (the Borough is holding Stone Hill's original posted financial security for the project and will continue to hold that security to ensure the project is constructed in accordance with the Plan and Borough Ordinances).

The water runoff and flooding issues in the development were then discussed. Engineer Wojciechowski reported the storm water issues and grading still need to be improved upon. He commented the issues would improve once the houses are built and everything is graded. Council Member Bloch stated he noticed a temporary retaining pond where the three lots are, which turned into a floodplain during recent rain storms and is holding the water back from traveling down the street. Engineer Wojciechowski commented they are getting a lot of siltation that is clogging the drainage, which has been cleaned out.

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 how much of taxpayer dollars were used to pay for the Cotton Street pedestrian bridge (in addition to the grant funds). Borough Manager Melan will work on obtaining the amount.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

- a. Council Member Schleicher thanked Chris Boehm for her help over the past few months filling in as Interim Borough Manager. She also complimented Macungie and Alburdis Boroughs Public Works Departments for a good job installing the Cotton Street pedestrian bridge, which she received a lot of positive feedback on. She also thanked the Macungie Fire Department for allowing the bridge to be stored on their property.
- b. Council Member Ashbrook reported she received a complaint from a resident on Fairview Street, who would not identify herself, regarding dissatisfaction with the Borough's trash and recycling hauler, Advanced Disposal. It was noted the proper procedure for trash and recycling complaints is for residents to call Borough Hall with the complaints and the staff will contact the hauler. Other complaints about trash and/or recycling not being picked up were also received.
- c. President Yerman introduced Peter Melan as the new Borough Manager. His first full-time day was today.

APPROVAL OF MINUTES

- a. March 15, 2021. President Yerman requested two changes to the minutes: (1) page 2, Correspondence b, which currently reads "President Yerman commented the reports seem to be doing well." He requested the word report be changed to market. The sentence would then read "President Yerman commented the ~~reports seem~~ market seems to be doing well;" and (2) page 5, Unfinished Business d, which currently reads "...the Borough does not have a drawing because..." He requested the word *probably* be inserted in the sentence because he does not know if the Borough has a drawing or not; the sentence would then read "...the Borough *probably* does not have a drawing because..."

Council Member Schleicher made a motion to approve the March 15, 2021 minutes, with the two requested changes, second by President Yerman. Motion carried: 7 ayes.

BILLS FOR APPROVAL – CONSENT AGENDA. 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 Bills for Payment, as of April 06, 2021, in the amount of \$127,062.23, as presented, second by Council Member Ashbrook. Motion carried: 7 ayes.

CORRESPONDENCE

- a. Municipal Retirement Trust, re: February 2021 Monthly Trust Reports. No comment(s).
- b. Emmaus Library, re: February 2021 Board Meeting Minutes/Report. No comment(s).
- c. Rosanne McGinn, re: Reopening of Macungie Institute. The Macungie Institute Trustees (the “Trustees”) requested Council consider re-opening the Macungie Institute (“MI”) building for functions and rentals. The building has been closed due to the ongoing COVID-19 pandemic. In her correspondence, Ms. McGinn noted some of the long-term leases need to be renewed. The Trustees would also like to begin the process to hire a building coordinator.

Some Council Members were in favor of opening the building, but not hiring a coordinator at this time. They suggested monitoring how many rental requests Borough Hall is receiving and Governor Wolf’s COVID-19 restrictions for a while to determine if a coordinator is needed at this time. They expressed concern of having to shut the facility down again. Borough Manager Melan stated he is currently working with the Public Works Department on re-opening Borough Hall and the MI. Council Member Rutledge suggested having Borough Hall re-opened, before re-opening the MI.

Greg Hutchison, 120 N. Walnut Street, Macungie, questioned if Council plans on holding in person Council meetings at the MI in the near future and if they will be hiring an MI building coordinator. He commented Council is responsible to hire the coordinator (not the Trustees) and how the money that is generated is maintained. He suggested the Borough Hall staff document the calls from people seeking to rent the MI so Council can determine how much revenue is being lost while the building is closed. President Yerman stated Council has not discussed when they would like to resume in person meetings at the MI.

There was a majority consensus among Council to (1) not re-open until Borough Manager Melan provides a re-opening plan; and (2) not hire a coordinator for the MI at this time.

- d. Macungie Ambulance Corps, re: 2020 Annual Report. Council Member Schleicher commented it was a very nice report. She thanked the Ambulance Corps for the face masks.
- e. Friends of Macungie Institute (the “Friends”), re: 2021 Membership Dues. The paid 2020 membership dues will serve as payment for both 2020 and 2021 because no group events will be sponsored in 2021 due to the COVID-19 pandemic.
- f. Kevin Wieder, re: Proposed Food Truck Ordinance. Mr. Wieder sent a letter, and spoke tonight, on behalf of Macungie Memorial Park (“MMP”), Macungie Rod and Gun Club and other 504C(3)(4) groups (e.g., Lions Club, church groups, Macungie Farmer’s Market, fundraising events at MMP, children’s annual fishing contest) operating within the Borough. They believe the proposed food truck permit ordinance would unfairly impart additional financial hardships on the groups. He acknowledged the proposed ordinance is in response to one business entity looking for relief from operating expenses, but, he expressed dissatisfaction and concern of it greatly impacting non-profits that have been operating within the Borough for decades.

Mr. Wieder discussed several sections of the proposed ordinance that he believes would cause a severe hardships on MMP events and other 501C(3)(4) groups. He requested Council consider revising the current draft ordinance so it would not impact the long standing 501C(3)(4) groups.

Council discussed having all food trucks operating within the Borough being permitted. President Yerman commented an ordinance would not be a revenue generating issue and Council is not trying to stop events, they are just trying to resolve the permit issue that was brought before them by Blue Cactus. After a lengthy discussion, Solicitor Armstrong commented Council could either (1) require no permits for any food truck operating anywhere in the Borough, or (2) have a special permit for special events at MMP. He cautioned the risk of not having permits is food trucks setting up all over the Borough and not complying with State and/or Borough regulations. He suggested the Zoning Officer respond to Blue Cactus by stating Council is considering an ordinance, but at this time, there is no permit so Blue Cactus can operate without a permit. Council then discussed a couple different options on how to permit food trucks, without causing a hardship to the 501C(3)(4) groups.

There was a discussion on the possibility of food trucks operating in the Borough without the proper permits and/or insurance. Council discussed having all food truck vendors provide the Borough with proper insurance and documentation. Amy Hillegass, Manager of MMP, confirmed food truck vendors provide MMP a certificate of insurance to participate in events held at MMP. She stated if anything were to happen, the vendor would be responsible not MMP or the Borough. Borough Manager Melan suggested Council consider the Borough Staff's time to monitor, maintain and process vendor's insurance.

President Yerman instructed Zoning Officer Peterson to stop enforcing any kind of permitting on food trucks operating in the Borough, until Council makes a decision on an ordinance. He commented Council can discuss at another time how, or if, the Borough collects insurance information and other documents. Blue Cactus will be contacted to let them know there is no fee.

Solicitor Armstrong clarified while the Borough is not requiring a food truck permit at this time, food trucks cannot violate the Zoning Ordinance, such as conducting business in a residential zoning district, operating at a business (Bear Swamp) with a loud concert (violation of the noise ordinance) or operate in the public right-of-ways.

REPORTS

- a. Mayor Conrad encouraged everyone to get a COVID-19 vaccine.
- b. Solicitor.
 - i. Draft Food Truck Ordinance. Discussed under *Correspondence f* above.
 - ii. Temporary Signs at Local Businesses. One business is now in compliance. The other business is close to being in compliance, but may be requesting zoning relief in the near future.

iii. Unregistered Residential Rental Properties. All of the property owners who have unregistered residential rental units in the Borough have been notified they must either comply with the Ordinance or notify the Borough they are not operating rental units by April 30, 2021. If they do not comply by the deadline, enforcement notices will be sent.

iv. Stone Hill Meadows, Phase III, re: Addendum to Development Agreement. Discussed under the Engineer's Report above.

c. Borough Manager.

i. Computer Purchase. Borough Manager Melan requested approval to purchase three new computers for the Borough's Administrative Staff, for a total cost of \$3,629.07. The funds for the purchase would be taken from Line Items (1) #1406213 (\$2,500.00); (2) #8429213 (\$600.00); and (3) #6448213 (\$579.07). The cost would include three Dell Optiplex 3080 Tower Computers, three Dell 24" Monitors and three Dell 24" Monitors with video. Borough Manager Melan stated each workstation would have two monitors for efficiency (one to display the work environment and the other to display their email). The computers will have a three year warranty and will be backed up on a cloud server.

Council Member Ashbrook made a motion to approve Borough Manager Melan's proposal to purchase new computers, second by Council Member Bloch. Motion carried: 7 ayes.

ii. Opening Borough Facilities (Borough Hall and Macungie Institute). Borough Manager Melan is working with the Borough's Public Works Department on a plan to re-open Borough Hall and the Macungie Institute. He is also inquiring if COVID stimulus funds can be obtained to purchase electronics to hold Zoom meetings at the Macungie Institute.

iii. MVFD Zoning Hearing Board ("ZHB") Appeal 5/12. The Macungie Volunteer Fire Department ("MVFD") submitted a Zoning Hearing Board Appeal Application on behalf of a business operating a warehouse in the MVFD building, but they did not submit the required fee with the Application. The MVFD previously requested Council waive the fee, which Council denied at their last meeting. Solicitor Armstrong suggested a letter be sent to the MVFD stating they need to pay the Application fee if they want to appear before the ZHB on May 12, 2021.

President Yerman commented the zoning variance the MVFD is requesting would allow them to have a warehouse in the Down Town area. There was a majority consensus among Council to not allow a warehouse in the Borough's down town area.

President Yerman made a motion to approve Solicitor Armstrong attend the ZHB meeting and speak on Council's behalf, to actively oppose the application and variance, second by Council Member Hanosek. Motion carried: 7 ayes.

iv. Special Planning Commission Meeting re: Brookside Country Club April 14th at 7 p.m. at Macungie Memorial Park Main Building. President Yerman discussed the history on what triggered the special meeting to be scheduled, which would be to inform the public on the proposed development and hear any concerns the public may have. The meeting will be held at MMP due to the anticipated number of attendees.

v. Borough Treasurer's Report. President Yerman discussed the history of the report. He commented the past reports did not show a precise accuracy of funds due to outstanding checks when the report was generated, therefore it has been deleted from the Council meeting process. He then stated if Council had a value in seeing the bank balances on a monthly basis, a statement could be generated from QuickBooks and provided to Council by the first meeting of the month, which would show the account balances for the previous month. Some Council Member requested a monthly statement.

Borough Manager Melan stated he is working on obtaining a QuickBooks online version instead of the desktop version that is currently being used, which he anticipates being active within the next two weeks. A reconciliation report will replace the treasurer's report, which will be more informative and accurate.

vi. Hickory Street Bridge. Borough Manager Melan reported he spoke with Lehigh County Development regarding the dilapidated bridge. He stated the Borough is considered a low to moderate income municipality and maybe available for grant funds to repair the bridge. The grant deadline is April 15, 2021. BIA previously provided a cost estimate, in the amount of \$309,000.00, to replace the bridge. The grant would require the Borough to pay a 10% match of funds, which would total \$30,900.00 of taxpayer money. The grant and matching funds would include the engineering costs.

Greg Hutchison, questioned if there are funds available in the 2021 Budget to cover the \$30,900.00. President Yerman stated the cost was not budgeted for in 2021, so the funds would have to come from something else. Borough Manager Melan stated the grant would be awarded within 120-days, if approved. He was unsure when the work would need to be completed by, but believes it would in 2022. President Yerman stated the required 10% match could be budgeted for in 2022.

Council Member Bloch made a motion to move forward with applying for the grant, second by Council Member Schleicher. Motion carried: 7 ayes.

d. Committees – None.

UNFINISHED BUSINESS

a. Public Works Department, re: Monthly Report on Upcoming Projects; Due at 2nd Council Meeting of month. No report was provided for this meeting.

b. Public Works Department Equipment Replacement Plan. President Yerman stated this is a budget item.

c. Board/Commission Appointments – 4/5/21 meeting.

i. Civil Service Commission, 6-yr. term expiring 3/31/2027. No letters of interest have been received for this volunteer opportunity.

ii. Macungie Institute Board of Trustees, 3-yr. term expiring 3/31/2024. Greg Hutchison submitted a letter of interest for re-appointment to this Board.

Council Member Yerman made a motion to re-appoint Greg Hutchison to the Macungie Institute Board of Trustees, for a 3-year term, expiring on March 31, 2024, second by Council Member Schleicher. Motion carried: 7 ayes.

iii. Planning Commission, 4-yr. term expiring 3/31/2025. John Yerman submitted a letter of interest for re-appointment to this Board.

Council Member Schleicher made a motion to re-appoint John Yerman to the Planning Commission, for a 4-year term, expiring on March 31, 2025, second by Council Member Bloch. Motion carried: 7 ayes.

iv. Zoning Hearing Board, 5-yr. term expiring 3/31/2026. Carl Sell and Corey Zeisloft each submitted a letter of interest for re-appointment to this Board.

Council Member Schleicher made a motion to re-appoint Carl Sell to the Zoning Hearing Board, for a 5-year term, expiring on March 31, 2026, second by Council Member Rutledge. Motion carried: 7 ayes.

d. Corey Zeisloft Request to Vacate Oak Street. Solicitor Armstrong will draft a vacation ordinance for Oak Street, with the understanding an easement would be required for the Borough to maintain the underground pipe. An exhibit is needed for the easement.

e. Estates at Brookside Request to Forgo the Maintenance Period Requirement. To date, the developer still has not provided the required documents to the Borough.

f. Race Street Storm Drain (Mtg w/Manager/Public Works Supervisor/Council President/Solicitor). No discussion.

- i. Temporary Construction Easement.
- ii. Curb Replacement.

NEW BUSINESS

a. Barbara Tantaros, re: 202 E Main Street Minor Subdivision Plan, 202 East Main Street (Bear Swamp Diner). This matter was discussed under the Engineer's Report earlier this evening.

b. Ordinance #2021-03 - Revision to Sewer Lateral Inspection Ordinance #2018-03, Amending Definition of Who Can Perform the Video Inspection. Solicitor Armstrong provided a brief history on Ordinance 2021-03, which derived from a business owner, who is licensed with the Pennsylvania Septic Management Association, requesting permission to perform sewer lateral video inspections within the Borough, although his company is not a licensed master plumber, which is currently required by Borough Ordinance 2018-02 (Ordinance 2021-03 is an amendment to Ordinance 2018-02). Ordinance 2021-03 would amend Chapter 274 of the Macungie Borough Code Of Ordinances, Sewers, by amending Section 274-24 to provide a definition for Qualified Inspector in order to allow for inspections by Licensed Master Plumbers and/or individuals certified by the Pennsylvania Septic Management Association and/or an

equivalent organization, and further amending Section 274-33.1 to expand on the purpose of the building sewer inspection and to allow for building sewer inspections by a Qualified Inspector.

Solicitor Armstrong opened the Public Hearing this evening at 9:43 p.m. Hearing no comments or questions from Council Members or the public on Ordinance No. 2021-03, Solicitor Armstrong then closed the Public Hearing at 9:44 p.m.

President Yerman made a motion to adopt Ordinance 2021-03, second by Council Member Rutledge. Motion carried: 7 ayes.

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

Motion Passed.

c. Budget Transfer. At their February 16, 2021 meeting, Council made a motion to approve the transfer of \$229,959.00 to pay a payment request submitted by Mohawk Contracting for the Main Street Streetscapes Phase IV, with the understanding when the grant funds were received the money would be transferred back to the Contingency Fund. Since that time, the Borough has received the grant reimbursement and, as per the motion, will transfer the funds back.

<u>Amount</u>	<u>Purchase</u>	<u>From Account</u>	<u>To Account</u>
• \$229,959.00	Mohawk Contracting - Streetscape Phase IV	General Fund Transfer to Contingency Fund	Contingency Fund

Council Member Schleicher made a motion to approve the Budget Transfer, in the amounts of \$229,959.00, second by President Yerman. Motion carried: 7 ayes.

d. Macungie Farmers Market (the “Market”) Refund Request of Outstanding Fund Balance. From 2007 through 2018, the Market was a Borough function, with all of its funds flowing through the Borough. These funds were generated by vendor application fees, donations and sponsorships. In 2019, the Market became its own entity, separate from the Borough. The Market is now requesting a refund of their fund balance, in the amount of \$1,649.35.

President Yerman made a motion to approve the release the Macungie Farmers Market’s funds, in the amount of \$1,649.35, second by Council Member Schleicher. Motion carried: 7 ayes.

e. Part-Time Seasonal Public Works Employee Appointment. Every year, the Borough hires a part-time seasonal employee to help the Public Works Department with cutting grass and other miscellaneous projects. Public Works Supervisor, Tracy Smith, requested the Borough hire Keith Braim as the part-time seasonal employee for 2021. If approved, this would be the third season Mr. Braim would be working for the Borough. His start date would be May 01, 2021 through August 31, 2021, at an hourly rate of \$10.50/hr.

Council Member Schleicher made a motion to approve hiring Keith Braim as the part-time seasonal employee, at an hourly rate of \$10.50/hr., second by Council Member Ashbrook. Motion carried: 7 ayes.

ITEMS NOT ON AGENDA (Mayor and Council members only)

- a. Council Member Bloch received a complaint about the curbs in the Borough needing fresh yellow paint.
- b. Borough Manager Melan will provide Council with a street sweeping schedule, when it becomes available.

EXECUTIVE SESSION - President Yerman called for an Executive Session at 9:51 p.m. to discuss personnel matters. The regular Council meeting reconvened at 10:37 p.m. President Yerman stated the Executive Session covered two personnel matters; and based on the discussions in the Executive Session, no actions will be taken.

ADJOURNMENT

Hearing no further business, Council Member Bloch made a motion to adjourn tonight's meeting at 10:40 p.m., second by Council Member Ashbrook. Motion carried: 7 ayes.

Respectfully submitted,

/S/ *Selma Ritter*

Selma Ritter
Administrative Assistant