

ATTENDANCE

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| Council Members: | Angela Ashbrook Alma Akinjiola Barry Bloch Ryan Hanosek Roseann Schleicher, Vice-President John Yerman, President |
| Borough Manager: | Peter Melan (Absent) |
| Solicitor: | Patrick Armstrong |
| Engineer: | Stan Wojciechowski (7:30 p.m. to 9:00 p.m.) |
| Administrative Assistant: | Selma Ritter (7:30 p.m. to 9:50 p.m.) |
| Absent: | Ronald Conrad, Mayor Todd Rutledge, Council Member |

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.

ENGINEERS’ MONTHLY REPORT.

a. Barry Isett & Associates (“BIA”). Engineer Stan Wojciechowski discussed some of the items listed in his May 03, 2021 report:

i. Grower Greener Grant, re: Streambank Restoration. Grant applications are due by June 25, 2021. If approved, the grant would provide funds for the Borough’s MS4 mandated obligation for streambank restoration along Mountain Creek (from Cotton Street to the North, near the pedestrian bridge at Hickory & Poplar Streets). This MS4 project is mandated by the Department of Environmental Protection (DEP) in an effort to reduce the Borough’s stormwater runoff into the sewer system. This grant requires a 15% match to be paid by the Borough. BIA recommended the Borough apply for design money this year and construction money next year.

Council asked Engineer Wojciechowski to provide a breakdown of the financial information on the project, before they make a decision on moving forward with the grant application.

ii. Main Street Streetscape.

- Phase V, re: Grant Award. The Borough was awarded a grant in the amount of \$435,198.00 for Main Street Streetscape, Phase V. The project would require \$43,500.00 in engineering/administration soft costs, which would be reimbursable by the grant; after the \$43,500.00 is deducted, a total of \$391,698.00 of grant funds would remain available for construction costs. BIA estimated the grant funds would provide for the completion of the

streetscape improvements on the southbound side of Route 100, from the end of Phase IV to Poplar Street. Council Members Bloch, Schleicher and Yerman will meet with BIA onsite within the next two weeks to discuss the anticipated aesthetics of the project. President Yerman requested Engineer Wojciechowski prepare a financial plan for Council's consideration at the next Council meeting.

- Phase IV Deficiencies Update. Some of the deficiencies have been fully or partially completed. The remaining deficiencies were discussed. Council Members Ashbrook and Bloch will walk through the Phase IV site to evaluate if the punchlist items have been done to Council's satisfaction.

iii. Main Street Commons ("MSC"), Phase II. Consultant Chad Helmer, from Helmer Company, George A. White, III ("Manager White"), from JHA Companies, Attorney Erich Schock, from Fitzpatrick, Lentz & Bubba, P.C., Brian Bath (Consultant Bath) from ICS and Applicant Rudy Amelio were in attendance this evening to speak on behalf of MSC.

- Lot Consolidation Plan Approval. MCS is proposing to consolidate three lots into one lot, which would be developed with the final phases of the project known as MSC. Engineer Wojciechowski discussed his November 12, 2021 review letter with drafting comments. Manager White stated MSC would comply with all of BIA's comments and make the required revisions. Consultant Helmer stated they do not have any further comments. Engineer Wojciechowski stated stormwater runoff does not have to be addressed at this time, because this matter is a lot line adjustment.

Council Member Schleicher made a motion to conditionally approve the Main Street Commons, Phase 2, Lot Consolidation Plan conditioned upon the Applicant complying with the November 12, 2020 Barry Isett & Associates review letter, as well as any and all other applicable Zoning and/or Subdivision and Land Development Ordinances not otherwise mentioned in the letter, second by Council Member Akinjiola. Motion carried: 5 ayes and 1 nay (Council Member Bloch opposed).

Manager White discussed the potential layout of the consolidated parcel, setbacks, Highway Occupancy Permit, Traffic Report and PennDOT's approval. Attorney Schock discussed the history of the development approvals to date, which included MSC appearing before the Borough Planning Commission ("PC") and Zoning Hearing Board ("ZHB"); he noted both Boards approved the consolidation. The car wash will be one of the users for the consolidated lot. The Applicant discussed the consolidation and leased spaces. Engineer Wojciechowski confirmed there is no restriction in the Borough Zoning Ordinance which limits the number of uses on a single parcel. Solicitor Armstrong commented if someone consolidates or subdivides a property and they meet (comply with) all of the requirements in the respective ordinance(s) there is little the Borough can do deny the request, especially with a lot consolidation such as this.

- Preliminary Land Development Plan (the "Plan") Approval. Manager White discussed the Plan, traffic flow, landscaping, car wash, proposed utilities, parking spaces, hours of operation, water use, the June 2020 ZHB approval, noise levels at the property line and stormwater management. A NPDES Permit has not been submitted yet. The lighting plan has been redesigned. At their March 16, 2020 meeting, the Borough conditionally approved the Plan

and the landscaping was deferred. Manager White stated MSC will comply with all of BIA's review comments.

Consultant Bath discussed the approximate amount of water consumption for the car wash, an approximate amount of water that will be discharged into the Borough sewer system and how the water from the car wash would be recycled. He commented there will be a small amount of carryout water, but most of it would be reclaimed and sent into a filtration system, then to an oil separator, where the dirt will be pumped out.

Engineer Wojciechowski discussed the comments in his review letter. He noted this is a preliminary approval, so MCS would only be allowed to move dirt at their own risk; they cannot build any buildings on the property. The approval of a final plan would allow them to build. Solicitor Armstrong stated to be clear, if the Plan is approved, the final plan would be almost identical to it. The Applicant stated MCS is requesting a deferral for the location of the open space location. Solicitor Armstrong noted there were changes to the land development plan compared to the plan MSC presented to the ZHB and they approved; he commented the ZHB Decision included a provision that the configuration that was presented to the ZHB was not expected to be the final configuration. However, the Applicant would need to get confirmation that the new plan is consistent and compliant with that ZHB Decision (Attorney Schock agreed to this statement).

President Yerman made a motion to conditionally approve the Preliminary Land Development Plan for Main Street Commons, Phase 2, conditioned upon the Applicant complying with all the comments and requirements set forth in the April 29, 2021 Barry Isett & Associates review letter, as well as the Applicant agreeing to and executing a Declaration of Covenants to document the deferred improvements being requested and the dedication of recreational land as previously discussed, and further conditioned upon the Applicant confirming consistency and/or otherwise receiving zoning relief in the event the revised plan is not consistent with the Zoning Hearing Board Decision from July 2020, as well as compliance with all other Zoning Ordinance and/or other ordinances of the Borough of Macungie in a manner satisfactory to the Borough, second by Council Member Schleicher. Motion carried: 6 ayes.

Solicitor Armstrong requested clarification that apart from the deferrals for the trees and recreational land, MSC did not request any waivers for this plan. Engineer Wojciechowski confirmed no waivers were requested because no waivers are necessary at this time.

iv. Estates at Brookside, re: Partial Security Release. BIA received the final versions of the documents on April 30, 2021. BIA will provide the items for Councils review and discussion at their next meeting.

v. Hickory Street Bridge. The bridge was severely damaged during the August 2020 rain storms and has been closed since that time. The estimated cost to replace the bridge is ± \$300,000.00. PEMA/FEMA denied the Borough's funding request and the bridge is not eligible for CDBG funding since it is not located in a Low to Moderate Income area.

b. ACELA Engineering & Consulting. Engineer Daniel Witczak provided an update on the Cotton Street Raingarden. On April 16, 2021, the contractor completed most of the work on the punch list, which included hand raking the area, reseeding and spreading top soil. Straw matting

was required to cover the work, which was an additional cost of \$400.00. ACELA agreed to compensate the Borough the \$400.00 for the straw matting because the project could not be built according to the plans that were submitted. He discussed the minor remaining punch list items.

PUBLIC COMMENT

a. Prior Public Comments to Council.

i. Carl Sell, re: Amount of Taxpayer Dollars to Pay for the Cotton Street Pedestrian Bridge. President Yerman stated Council does not have an answer to Mr. Sell's question yet because the Borough does not have a Borough Manager and he is uncertain when the information would become available; the Borough will respond to Mr. Sell's Right-to-Know Request as per the law as soon as they can.

b. Comments from the Audience on non-agenda items.

i. Carl Sell questioned when the Hickory Street Bridge would be repaired, which he commented it is more important than the Streetscape on Route 100/Main Street. President Yerman recalled the Borough recently tried to obtain a grant for the bridge's replacement, but it was denied. The Borough will continue to seek funds to pay for it. He noted grants are not substitutable, therefore, the grant for the Streetscape cannot be used for the bridge. The bridge replacement was estimated at approximately \$300,000.00.

Mr. Sell also commented he believes snow removal and garbage pickup are the most complained about things in the Borough, but neither one of them were mentioned in the Spring Newsletter.

Lastly, Mr. Sell questioned why Officer Erin McFarland was still on the payroll at the Borough. President Yerman stated Officer McFarland is on long-term disability, which can last for a fairly long time, and Council cannot discuss the matter as it is a personnel matter.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

a. Council Member Schleicher thanked State Senator Pat Brown and Representative Ryan Mackenzie for their constant support with Borough projects, a/k/a the Streetscapes projects.

APPROVAL OF MINUTES

a. April 19, 2021.

Council Member Schleicher made a motion to approve the April 19, 2021 minutes, as written, second by President Yerman. Motion carried: 6 ayes.

BILLS FOR APPROVAL – CONSENT AGENDA.

a. Bank Reconciliation Reports, March 31, 2021. This report will be replacing the previously used Treasurer's Report. President Yerman stated the report is for informational purposes only and no approval action is required by Council.

- b. Bills for Payment. Some of the invoices were discussed.

Council Member Bloch made a motion to approve paying the invoices listed on the Bills for Payment, as of May 04, 2021, in the amount of \$96,039.72, as presented, second by Council Member Akinjiola. Motion carried: 6 ayes.

CORRESPONDENCE

- a. Christopher Becker, re: Letter of Resignation from Boards. Mr. Becker tendered his resignation from all the Borough Boards he was appointed to because he is moved out of the Borough.

Council Member Schleicher made a motion to accept Christopher Becker’s letter of resignation, with regrets, second by Council Member Akinjiola. Motion carried: 6 ayes.

- b. Municipal Retirement Trust, re: March 2021 Monthly Trust Reports. No discussion.
- c. Emmaus Library, re: February 2021 Board Meeting Minutes/Report. No discussion.
- d. Antique Truck Club of America, re: Request to Use Macungie Fire Police. They requested permission for the Macungie Volunteer Fire Police to assist them at their event on June 18 and 19, 2021.

President Yerman made a motion to accept the Antique Truck Club’s fire police request, second by Council Member Schleicher. Motion carried: 6 ayes.

- e. Thomas J. Anderson & Associates, Inc., re: Uniform (Police) and Non-Uniform Defined Benefit Pension Plans Actuarial Valuation Reports. The Actuarial Valuation Reports for the Macungie Borough Police and Non-Uniformed Defined Benefit Pension Plans, dated January 01, 2021, were completed and submitted to the appropriate agencies.

President Yerman discussed his review of the plans. He believes the Non-Uniform Plan report shows a shortage of \$106,738.00 and the Uniform (Police) Plan report shows positive fund amount of \$101,443.00.

- f. Administrative Assistant Ritter, re: Available Board Vacancies. The following Borough Committees have immediate vacancies available:

| <u>Board</u> | <u>Current Term Expiration Date</u> | <u>Regular Term</u> |
|---------------------------------|-------------------------------------|---------------------|
| Civil Service Commission | 3/31/2027 | 6-Year Term |
| Joint Building Board of Appeals | None | None |
| Planning Commission | 3/31/2023 | 4-Year Term |
| Water Authority | 12/31/2025 | 5-Year Term |

The U.C.C. Joint Building Board of Appeals requires skills and/or certification in construction. Interested parties should submit a letter of interest to Borough Hall.

g. Borough Clerk/Assistant Treasurer, re: Berkadia Loan Payoff. The 1985 GE Capital Loan, in the amount of \$500,000.00, was secured for major capital improvement to the water system. One of the main reasons for the loan was the Hillcrest water storage tank. The loan payoff amount of \$12,337.30 is valid until May 18, 2021.

President Yerman made a motion to pay the Berkadia Loan Payoff amount of \$12,337.30, providing the Borough Water Authority approves it, second by Council Member Schleicher. Motion carried: 6 ayes.

REPORTS

a. Mayor Conrad - None.

b. Solicitor.

i. Draft Food Truck Ordinance. President Yerman requested this item be removed from future Council Agendas.

ii. Unregistered Residential Rental Properties. There are seven (7) property owners who have not registered their properties to date. Notice of violations will be sent.

c. Borough Manager. President Yerman reported Borough Manager Melan verbally resigned from his position to Council Members Ashbrook, Schleicher and Yerman, because the job was not what he expected.

President Yerman made a motion to accept Peter Melan's resignation as Borough Manager, effective today, and the Borough will pay his salary through today, second by Council Member Schleicher. Motion carried: 6 ayes.

President Yerman then reported on the Borough Manager items:

i. Re-Opening Borough Facilities (Borough Hall and Macungie Institute). Approval of reopening has been deferred due to finances.

ii. DCED Grant Application to Continue Streetscape Project. This matter has been discussed under the Engineer's report above.

i. The Giant Company Grant Opportunity. This grant may be helpful with the streambank cleanup project Council Member Rutledge is planning to schedule in July 2021.

ii. Sewer Ring Replacement. No discussion.

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 given for this meeting.

- b. Race Street Storm Drain (Mtg w/Manager/Public Works Supervisor/Council President/Solicitor). There was no discussion on either matter.
- i. Temporary Construction Easement.
 - ii. Curb Replacement.
- c. Stop Signs at Cotton Street Bridge. No discussion.

NEW BUSINESS

- a. Tax Collector, Cynthia Hartzell, requested permission to resume collecting in-person tax payments at Borough Hall beginning May 11, 2021. Since the COVID-19 pandemic outbreak in early 2019, Borough Hall has been closed to the public and payments were only accepted via U.S. Mail or by drop off at the Tax Collector's house.

Council discussed the request. At this time, Borough Hall continues to be closed to the public. Concern was expressed for a lot of people arriving at one time, social distancing not been implemented properly due to building space limitations and people walking into Borough Hall before and/or after they pay their tax bill. Sgt. Travis Kocher suggested Ms. Hartzell use the Fire Department or police station garage because there is more space. Council Member Ashbrook will provide Council with a re-opening plan for Borough Hall, which meet the Center for Disease Control (CDC) guidelines.

There was a consensus among Council to deny Ms. Hartzell's in-person request at Borough Hall. Property owners will need to pay their bills by U.S. Mail or by drop off at the Tax Collector's house until the Borough buildings are re-opened to the public.

ITEMS NOT ON AGENDA (Mayor and Council members only)

- a. President Yerman announced the format for the Council meeting packets will be changing effective May 17, 2021. Items for discussion will no longer have staples or paperclips to separate the respective paperwork from each other; instead, it will be one large packet.

EXECUTIVE SESSION - President Yerman called for an Executive Session at 9:50 p.m. to discuss personnel matters. The regular Council meeting reconvened at 10:15 p.m. with no actions 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: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant