

ATTENDANCE

Council Members:	Angela Ashbrook Alma Akinjiola Barry Bloch Ryan Hanosek Todd Rutledge John Yerman, President
Mayor:	Ronald Conrad
Borough Manager:	Vacant
Solicitor:	Patrick Armstrong
Engineer:	Stan Wojciechowski (7:30 p.m. to 8:06 p.m.)
Administrative Assistant:	Selma Ritter (7:30 p.m. to 9:29 p.m.)
Absent:	Roseann Schleicher, Vice-President

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.

ENGINEER’S REPORT

a. Growing Greener Grant, re: Streambank Restoration. The streambank restoration was identified as a requirement in the Borough’s Pollution Reduction Program plan; therefore, the Borough is obligated by its MS4 permit to perform this work. The streambank restoration would run along Mountain Creek, from the area north of Cotton Street to the pedestrian bridge at Poplar Street. The project construction and design costs were previously estimated at \$200,000.00.

The grant applications are due by June 25, 2021. If approved, the grant would provide funds for this MS4 mandated obligation. The grant requires a 15% match to be paid by the Borough. Engineer Wojciechowski reported the Department of Environmental Protection (DEP) encouraged the Borough to apply for both redesign and construction money in this single grant application. The potential application costs would include (1) \$2,500.00 to BIA for conceptual design work and cost estimates that would be utilized for the redesign and revised DEP permitting; and (2) \$300.00 for the Solicitor’s legal review.

President Yerman commented a decision on applying for the grant would need to be made tonight to allow BIA enough time to meet the application deadline. Engineer Wojciechowski discussed some of the application requirements (design draft, cost estimate, documents needing to be signed, and the required letters of support); he then cautioned if Council waits until their next meeting on June 07, 2021 to make a decision it would not allow BIA enough time to get all of the requirements completed in 14-days. Approval and/or easements may be required from the property owners

abutting the streambank. The total cost to the Borough to move forward with the application would be \$2,800.00; an additional \$5,000.00 for administrative cost(s) will be paid for by BIA.

President Yerman explained the Borough committed to this project to help satisfy the DEP MS4 mandate to reduce stormwater runoff in the Borough. This project is scheduled to begin in 2022 regardless of grant funds being obtained or not, therefore this grant could help fund the project. He recalled the MS4 projects consisting of two raingardens and the streambank restoration; one raingarden is almost complete and the other raingarden could be included with the Brookside Country Club development project. Engineer Wojciechowski stated the streambank restoration would not extend to any of the pedestrian bridges or affect their structure.

Engineer Wojciechowski commented, in addition to the Borough's MS4 mandated obligation, this grant would be beneficial to replace the wall(s) along with the streambank restoration. It was noted ACELA's streambank estimate did not include the walls. The mature trees along the stream would most likely be removed.

Council Member Rutledge made a motion to move forward with the Growing Greener Grant application process for the streambank restoration along Mountain Creek and to allow Barry Isett & Associates to complete the conceptual design work, up to \$2,500.00 and \$300.00 for legal review, second by Council Member Hanosek. Motion carried: 6 ayes.

b. Estates at Brookside. Currently, there is \$144,035.34 in the Estates at Brookside Escrow Fund. Engineer Wojciechowski reported the developer has installed/constructed all of the required public improvements at the site, except for items that are required for them to obtain their stormwater Notice of Termination (NOT). The developer has requested (1) a partial release of their improvements security to bring the security amount to the Required Maintenance Security and (2) the release of their accrued interest.

In their April 30, 2021 letter, BIA concurred the Borough's interests will be satisfied after the Improvements Security is reduced. BIA also stated in the same letter, that they found the improvements have been installed/constructed, therefore, they recommended (1) the Estates at Brookside Escrow Fund account (held by the Borough) balance be reduced to a \$93,190.47; (2) the Stormwater Management account balance be increased to a \$66,318.46; and (3) the security be released to the Developer in the amount of \$44,208.70.

Engineer Wojciechowski stated, as per the Municipal Planning Code ("MPC"), the developer is entitled to the release of the security funds as the work is completed. He reported, at this time, almost all of the improvements on the site have been completed and the remaining work that is required to satisfy DEP and LCCD would cost approximately \$6,000.00 to \$8,000.00, therefore, the Borough would still be secure with holding \$93,190.47 in escrow. Solicitor Armstrong confirmed the developer is entitled to the release of the funds as long as the improvements have been completed to the satisfaction of the Borough and Engineer; if the improvements have been inspected and approved.

President Yerman made a motion to release monies from the escrow account to reduce it to \$93,190.47, second by Council Member Rutledge. Motion carried: 6 ayes.

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

- a. Macungie Police Department (“MPD”), re: April 2021 Report. Sgt. Kocher discussed the report, which included being dispatched to 144 incidents, 10 total crimes reported, 10 traffic citations/warnings and 4 parking tickets/warnings.
- b. Miscellaneous Items Not on Report.
 - i. Police Car #702 failed inspection. The parts to fix the vehicle have been ordered. The transmission also requires repairs.
 - ii. Street Sweeping. Sweeping of the streets will begin tomorrow and the MPD will assist with getting vehicles removed from the streets.
 - iii. Staff Update. The two officers that have been out with illnesses are both back to work.

PUBLIC COMMENT

- a. Prior Public Comments to Council.
 - i. Carl Sell, re: Amount of Taxpayer Dollars to Pay for the Cotton Street Pedestrian Bridge. No discussion.
- b. Comments from the Audience on Non-Agenda Items.
 - i. President Yerman announced Vice-President Schleicher resigned from Council ~~effective today~~,¹ due to health issues and the stress of Council.
 - ii. Greg Hutchison questioned who gave the previous Borough Manager, Peter Melan, permission to discard files. President Yerman stated he did not have permission from anyone.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

- a. Council Member Rutledge announced Macungie Memorial Park is looking for volunteers for their scheduled events. Interested parties should contact Diane Angermeier at (610) 967-1531 or email her at drang@ptd.net. A list of the upcoming events and dates of the shows can be found on the Macungie Memorial Park website at <http://www.macungiepark.com/>.

APPROVAL OF MINUTES

- a. May 03, 2021. The May 03, 2021 minutes will be provided at next meeting for approval due to current staffing issues.

¹ At the June 07, 2021 Council meeting, Solicitor Armstrong suggested the comment “effective today” be deleted because Council accepted Roseann Schleicher’s resignation on June 07, 2021, not on May 17, 2021.

CONSENT AGENDA

a. Payment of invoices listed, as of May 18, 2021, totaling \$66,395.70. The invoices were briefly discussed.

Council Member Akinjiola made a motion to approve paying the invoices listed on the Consent Agenda, as of May 18, 2021, as presented, second by Council Member Ashbrook. Motion carried: 6 ayes.

CORRESPONDENCE

a. Macungie Volunteer Fire Department, re: April 2021 Response Report. They responded to 4 calls during this service month; 3 of the calls were in the Borough of Macungie.

b. Benecon, re: 2020 Surplus Distribution. The Borough received its first healthcare surplus claim fund distribution check (50% of the total 2020 surplus) for the 2020 plan year. Membership in the Pennsylvania Municipal Health Insurance Cooperative (PMHIC) affords the Borough the opportunity to receive these funds, which typical fully-insured plans do not provide. The remaining 50% of the surplus will be distributed later this year after all of the claims have been processed.

c. Macungie Ambulance Corps, re: April 2021 Monthly Report. They responded to 358 calls during this service month; 24 of the calls were in the Borough of Macungie.

d. Carl Sell, re: Letter of Interest for Borough Planning Commission Board. Mr. Sell currently serves on the Zoning Hearing Board ("ZHB") for the Borough. Solicitor Armstrong reported the MPC states a ZHB Member cannot also serve as an elected or appointed member of any other board; this MPC restriction is due to the ZHB being a *quasi-judicial* board.

e. Rosanne McGinn, re: Tracking for Macungie Institute Rental Requests. Ms. McGinn, Trustee for the Macungie Institute, expressed dissatisfaction with a telephone log not being kept by Borough staff to track the number of calls they received for rental inquiries, so the Trustees could determine the precise number rental interests.

Gregory Hutchison, also a Trustee for the Macungie Institute, provided the history of the logging request. He noted when the MI building/facility did not have a coordinator (which is a union position), other Borough union employees resumed responsibility for the coordinator's tasks, but those employees are no longer employed with the Borough. He stated with all of the staff changes (Borough Managers and Clerks) that have occurred at the Borough recently it is unclear if the logging task was ever delegated to another employee(s) or not; therefore, it would be totally wrong to single out one employee for not keeping the log.

Ms. McGinn discussed the work she has been doing for the facility because it currently does not have a coordinator. She encouraged Council to hire a facility coordinator now, because the COVID-19 restrictions are changing and most likely the facility can be reopened. There was a discussion on not hiring a coordinator at this time because it is unclear how much rental interest there is for the facility and the Center of Disease Control's (CDC) COVID-19 restrictions change

constantly and the facility may have a coordinator that is not needed. Solicitor Armstrong suggested the CDC Guidelines be reviewed to help determine if the building can open or not.

President Yerman suggested all of the facility's telephone calls go the Macungie Institute voicemail and a Trustee check the messages once (1x) per week. He also suggested Council work with the Trustees on compiling the Coordinator's Job Description and reviewing resumes. Mr. Hutchison expressed caution of the Trustee's inadvertently causing potential issues with the Union for performing a Coordinators work, which is a Union position. The Coordinator would work 25 hours per week and the salary would be determined by the Union (Collective Bargaining Agreement). Council Member Hanosek will work with the Trustees.

f. Main Street Commons ("MSC"), Phase 2, Water Service Request (Before Borough Water Authority on May 13, 2021). Engineer Wojciechowski reported the Borough Water Authority granted MSC's water service request for 10,000 gallons of water per day, which would include all of the pad uses on the site; currently, the anticipated uses are a car wash, fast-food restaurant, coffee shop and a small medical office. BIA determined the Borough has enough water to service the site.

g. Correspondence Not on Agenda.

i. Matthew Weider, 222 Sawgrass Circle, Macungie, Mr. Weider stated he is a resident in the Estates of Brookside development. He expressed concern for children in the area's safety due to vehicles allegedly speeding on Sonoma Way. He commented there are currently 22 children under the age of 12 years old that live in the area. Allegedly, a petition was circulated to request "Children at Play", "No Outlet", and/or 3-Way stop signs to slow drivers down. President Yerman stated PennDOT does not allow stop signs to be used to slow traffic and stop signs require a traffic study to be conducted; however, installation of a no outlet sign could be a possibility. Mr. Weider stated the residents in his neighborhood have offered to pay all costs associated with having a stop sign installed.

There was a brief discussion on the possibility of installing speed limit signs and/or speed humps. It was noted speed bumps create challenges with snow plowing. It was also noted the Estates at Brookside development and streets are not Borough owned, so the Borough does not have the authority to take action. It was suggested the residents and/or Mr. Weider contact the developer to discuss their concerns and ask for signs to be installed.

Sgt. Kocher suggested the MPD speed board be displayed to record the speeds vehicles are traveling, how many vehicles are traveling on the road and identify if there is a problem. Solicitor Armstrong stated residents cannot alter roads and/or put up signs themselves. Sgt. Kocher asked the residents to get violators vehicle descriptions and license plate numbers, then report them to the MPD so they can contact them. He also requested all future public safety concerns be sent to him for his review and investigation, instead of them going to Council Members.

REPORTS

a. Mayor.

- i. He reiterated Council Member Rutledge's plea to support Macungie Memorial Park in any way possible.
- ii. He stated tomorrow is Election Day; then he reminded everyone to vote.
- b. Solicitor – None.
 - i. Unregistered Residential Rental Properties. No discussion.
- c. Borough Manager – Currently, the Borough does not have a Manager, therefore, no report was given.
 - i. Re-Opening Borough Facilities (Borough Hall and Macungie Institute).
 - ii. The Giant Company Grant Opportunity.
 - iii. Sewer Ring Replacement.
- 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.
- b. Race Street Storm Drain (Mtg w/Manager/Public Works Supervisor/Council President/Solicitor). No discussion.
 - i. Temporary Construction Easement.
 - ii. Curb Replacement.
- c. Stop Signs at Cotton Street Bridge. President Yerman stated this matter has been deferred because a traffic study needs to be performed.
- d. Main Street Streetscape, Phase V, Acceptance of Grant Funding. A DCED Multimodal Grant, in the amount of \$435,198.00, has recently been awarded to the Borough for Phase V of the Main Street Streetscape. Phase V will run on the southbound side of Route 100 from the end of Phase IV to Poplar Street. Engineer Wojciechowski stated the grant will cover all engineering and/or other costs.

Council Member Rutledge made a motion to accept the grant funding and authorize the signing of the contract and to move forward with Phase V of the streetscape, second by Council Member Hanosek. Motion carried: 5 ayes and 1 nay (Council Member Ashbrook opposed).

- e. Growing Greener Grant, re: Moving Forward. Discussed under *Engineer's Report* above.

NEW BUSINESS

- a. Estates at Brookside, re: Partial Improvements Security Release #6. Discussed under *Engineer's Report* above.

b. Expense Approvals. After each item was discussed individually, they were all voted on at the end of the discussion as a group.

i. Under Body Vibrator for Dump Truck, Cost \$1,526.00. The new truck did not come with a vibrator when it was purchased and it is needed to move the winter road salt to the shoot for spreading onto the roads. There was a unanimous consensus among the Council Members to approve this purchase.

ii. Transfer Case for Police Car #702, Cost \$1,064.00. This is a repair and/or maintenance item. A core charge will be added to this cost, which will be reimbursed. There was a unanimous consensus among the Council Members to approve this item.

iii. Replace 9 Manhole Rings Broken By Snow Plow, Cost \$3,000.00 (Ridings Development will fund \$1,000.00 of Cost). It was noted the Ridings Development is a condominium association and privately owned. The streets in the Ridings have never been dedicated to the Borough, therefore, they pay for their own street repairs and snow removal. However, the Borough owns the sanitary sewers that run through the development. The damage to the nine (9) manhole rings were caused by plow trucks the Ridings hired this past winter for snow removal.

Council Member Rutledge suggested the Borough contact the Ridings property manager before they send them an invoice because they most likely are not aware they will receive a bill for the repairs. There was a majority consensus among Council to pay for the repairs, then request a reimbursement from the Ridings.

iv. Street Patching Materials, Cost \$9,631.00. Council approved this cost with a request for a list of roads the materials were used on, unless the materials are used for spot patching throughout the Borough. Council Member Bloch stated the materials would be used for small patching areas throughout the Borough; the PWD keeps this material on hand for use as needed.

v. President Yerman stated he missed a request for \$80,000.00 for street repairs and is adding it now. This is a budgeted item. Council Member Bloch commented money needs to be released so the PWD can schedule milling work on the streets; and awhile ago the PWD did provide a list of streets the material would be used on.

President Yerman made a motion to approve the five (5) expense releases, in the amounts of \$1,526.00, \$1,064.00, \$3,000.00, \$9,631.00 and \$80,000.00, with the caveat of a list of streets to be done, second by Council Member Rutledge. Motion carried: 6 ayes.

ITEMS NOT ON AGENDA (Mayor and Council Members Only)

a. Council Member Ashbrook was approached by someone in the Flower Park who asked permission to move forward with installing a sign in the Flower Park, which Council allegedly approved a year and a half (1.5 years) ago.

Council was uncertain what the sign was for or what it looked like, so they requested a sketch or picture of it so they can determine what the sign is for and what it looks like before they can approve its installation.

EXECUTIVE SESSION, IF NECESSARY

President Yerman called for an Executive Session at 9:29 p.m. to discuss personnel and land acquisition matters. The regular Council meeting reconvened at 10:17 p.m. No action was taken on the land acquisition and the personnel matter resulted in the following motion:

President Yerman made a motion for him to open up discussions with Keystone [Keystone Municipal Services, LLC] about them providing the Borough with an Interim Manager proposal, as part of that there will be a special Council meeting next Monday (5/24/2021) to further discuss and possibly approve the proposal from Keystone to bring in an Interim Borough Manager, second by Council Member Bloch. Motion carried: 6 ayes.

ADJOURNMENT

Hearing no further business, Council Member Rutledge made a motion to adjourn tonight's meeting at 10:18 p.m., second by Council Member Ashbrook. Motion carried: 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant