

ATTENDANCE

Council Members: John Yerman, President  
Angela Ashbrook  
Alma Akinjiola  
Barry Bloch  
Ryan Hanosek  
Todd Rutledge  
Mayor: Ronald Conrad

Interim Borough Manager: John A. Brown  
Solicitor: Patrick Armstrong  
Engineer: Stan Wojciechowski (7:30 p.m. to 7:53 p.m.)  
Administrative Assistant: Selma Ritter (7:30 p.m. to 8:51 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 meeting to order at 7:30 p.m.

REORGANIZATION – President Yerman stated a reorganization was necessary this evening so Council could appoint a new Council Vice-President.

Motion #1: President Yerman made a motion to accept Roseann Schleicher’s (Vice-President of Council) resignation from Council as of this evening, with regrets, second by Council Member Bloch. Motion carried: 6 ayes.

Motion #2: President Yerman made a motion to reorganize the Council Board, second by Council Member Rutledge. Motion carried: 6 ayes.

Mayor Conrad then preceded the Council meeting.

a. Appointment of Council President. Mayor Conrad asked for nominations for Council President. Council Member Ashbrook nominated John Yerman as Council President, second by Council Member Hanosek. Hearing no other nominations, Mayor Conrad called for the vote. John Yerman was re-appointed Council President by a vote of 6 ayes.

President Yerman then preceded the Council meeting.

b. Appointment of Vice-President. President Yerman asked for nominations for Vice-President. Council Member Bloch nominated Angela Ashbrook for Vice-President of Council, second by Council Member Rutledge. Hearing no other nominations, President Yerman called for the vote. Angela Ashbrook was appointed Vice-President by a vote of 6 ayes.

c. Appointment of President ProTem. President Yerman asked for nominations for President ProTem. President Yerman nominated Todd Rutledge for President ProTem, second by Council Member Hanosek. Hearing no other nominations, President Yerman called for the vote. Todd Rutledge was re-appointed President ProTem by a vote of 6 ayes.

President Yerman noted Council has 30-days, which would be July 06, 2021, to fill the vacant Council seat left by Roseann Schleicher's resignation. Interested parties should send a letter to interest to Borough Hall.

#### ENGINEERS' MONTHLY REPORT.

a. Barry Isett & Associates ("BIA"). Engineer Stan Wojciechowski discussed some of the items listed in his June 07, 2021 report:

i. Mountain Creek Streambank Restoration and Retaining Wall North of Cotton Street Bridge. A Growing Greener Grant is available for the project. The application deadline is June 25, 2021. The grant requires a 15% fund match to be paid by the Borough. Engineer Wojciechowski is working with Interim Manager Brown on obtaining documents that are needed from the Borough for the grant application, including Landowner Commitment letters, land use approval letter from the Borough Planning Commission, funding commitment letter and letters of support from State Representatives.

ii. Main Street Streetscape.

- Phase V. The Borough was awarded grant funds, in the amount of \$435,198.00. Engineering/administration soft costs would total \$43,500.00, leaving \$391,698.00 in grant funding available for construction costs. Engineer Wojciechowski noted Council previously approved accepting the grant funds.

Engineer Wojciechowski stated the next step in the process would be for Council to authorize BIA to prepare the Bid and design documents for Phase V. BIA included a proposal in the total overall amount of \$42,750.00, which would all be paid by the grant funds.

Council Member Rutledge made a motion to approve BIA to work on Phase V of the Main Street Streetscape, second by President Yerman. Motion carried: 5 ayes and 1 nay (Council Member Ashbrook opposed).

- Phase VI. Engineer Wojciechowski discussed the scoping of Phase VI information he provided to Council. The scoping was considered in two parts (1) on the northbound side of Route 100, from Mountain Creek to Poplar Street, with an estimated cost of \$500,000.00; or (2) to go all the way to Chestnut Street for an additional cost of \$1.5 Million. He then explained why he included both scoping options.

Council briefly discussed applying for a grant for Phase VI. The DCED Multimodal Grant is accepting applications through July 31, 2021. There is a \$100.00 application fee. Engineer Wojciechowski recalled in the past Main Street Streetscape Phases the Borough submitted a waiver (which DCED approved) to be exempt from the matching grant funds requirement; he then stated the only cost the Borough would be required to pay is the \$100.00 application fee and

the grant would pay for the rest of the soft costs including all BIA fees, electrical inspection and Solicitor Armstrong's legal review costs. President Yerman stated the Phase VI economics would not be any different than the last phase that was done.

The illuminated Crosswalk at Poplar and Main Streets would not be included as part of the Phase VI project, as it is a separate project. There was a brief discussion on if the illuminated crosswalk in the street paving should be replaced with illuminated pole crosswalk signs, due to the constant maintenance problems with the lights in the crosswalk in the street. President Yerman noted the crosswalk was previously paid for by a grant so it may need to be maintained until the terms of the grant contract expires. He suggested the grant contract be reviewed to help determine what Council could do with the crosswalk; at this time, no Council Members volunteered to review it.

- Phase IV. The deadline for substantial completion was on May 31, 2021. It will be granted once it is confirmed the lights are functioning properly.

Engineer Wojciechowski stated the cobra head lights on the old poles along Main Street are owned by the Borough, therefore, the Borough would need to have them turned off.

b. Miscellaneous Items Not in Engineer's Report.

i. South Church Street water lead project is now substantial completion. Engineer Wojciechowski stated this project was the last item that needed to be done before approximately 1,700 feet of paving is reconstructed. He noted approximately 700 feet of the street needs to be milled and overlaid. President Yerman commented the roadwork is on the list, but the sewer work needs to be completed first.

ii. Estates at Brookside. The Lehigh County Conservation District/PA Department of Environmental Protection issued a minor modification to the NPDES Permit, which now allows the developer to plant the remaining five trees and fix the berm. Once the developer completes this work, they can receive their Notice of Termination Permit and complete the project.

i. Stone Hill Meadows, Phase 3. BIA received, reviewed and approved a grading plot plan from Ryan Homes for the construction of the first single-family home in Phase 3 on Spring Street. He commented the houses should be erected soon.

Council Member Bloch reported there was flooding at the Macungie Village Apartments this past Friday from the rainstorms; the stormwater traveled down Parkside Drive and onto Willow Street. He stated the gully/stream was overflowing, but he was unsure if the water was coming from Lower Macungie Township or not. Engineer Wojciechowski will investigate this report.

Council Member Bloch also reported he received a report from a concerned citizen about numerous frogs in the temporary retaining pond at Willow Street, which the Stone Hill Meadows Development installed. The citizen stated the frogs are making a lot of noise at night. It was noted the water in temporary pond is supposed to drain and the contractor is supposed to keep it clean. Engineer Wojciechowski will investigate this report.

PUBLIC COMMENTa. Prior Public Comments to Council.

i. Carl Sell, re: Amount of Taxpayer Dollars to Pay for the Cotton Street Pedestrian Bridge. At the April 05, 2021 Council meeting, Mr. Sell questioned how much money of taxpayer dollars was spent on this bridge. On April 28, 2021, Mr. Sell then submitted a Right-to-Know Request for the costs. In response to the request(s), the Borough provided various paid invoices relating to the pedestrian bridge. Mr. Sell questioned some of the costs on the invoices he was provided. President Yerman explained the Borough does not have an accounting program for all of the project costs, e.g., Public Works Department (PWD) crew and police department labor costs. He noted the PWD and police are not paid according to a project, but rather they are paid whether they are at a project or somewhere else.

Mr. Sell then commented, according to the invoices he received, the Borough spent \$23,000.00 of tax payer monies on the bridge, above and beyond the grant funds that were awarded. He asked if all of the current Council Members are okay with spending approximately \$23,000.00 of taxpayer dollars on the bridge. It was noted three of the current Council Members were not on Council when the bridge was approved or the decisions took place, therefore, they were not part of the decision(s). Mayor Conrad suggested Mr. Sell review old Council meeting minutes to determine what Council Members voted for or against projects. President Yerman commented he saw many people using the bridge already, so he believes the Cotton Street Pedestrian Bridge will be one of the most used pieces of infrastructure, except for the roads, the Borough has.

b. Comments from the Audience on non-agenda items - None.COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

a. President Yerman complimented Roseann Schleicher for being a real asset to Borough Council during the years she was a Council Member. He commented her ability to look for and find older documents was often phenomenal and always useful; she will be missed. Some of the other Council Members and Mayor Conrad concurred with President Yerman. Council Member Rutledge stated Mrs. Schleicher was amazing at recalling details of things and providing supporting paperwork, which she kept over the years, within an adequate amount of time (sometimes within minutes).

APPROVAL OF MINUTES – President Yerman stated all of the Meeting Minutes will be voted on collectively.

a. May 03, 2021 – Regular Meeting. Council Member Rutledge noted he was absent from this meeting.

b. May 17, 2021 – Regular Meeting. Solicitor Armstrong suggested the comment on Page 3, *Comments from the Audience on Non-Agenda Items* b.i., which read “President Yerman announced Vice-President Schleicher resigned from Council effective today, due to...” be changed to delete “effective today” because Council accepted her resignation today, not on May 17<sup>th</sup>. The sentence will be changed to read “President Yerman announced Vice-President Schleicher resigned from Council ~~effective today~~, due to...”

Council Member Rutledge commented Mrs. Schleicher will be paid for her service as a Council Member through today.

c. May 24, 2021 – Special Meeting.

Council Member Bloch made a motion to approve the May 03, May 17 and May 24, 2021 Council Minutes, collectively, second by Council Member Ashbrook. Motion carried: 6 ayes.

BILLS FOR APPROVAL – CONSENT AGENDA.

a. Bank Reconciliation Reports, April 30, 2021. No discussion.

b. Bills for Payment. No discussion.

Council Member Rutledge made a motion to approve paying the invoices listed on the Bills for Payment, as of June 08, 2021, in the amount of \$118,407.54, as presented, second by Council Member Ashbrook. Motion carried: 6 ayes.

CORRESPONDENCE

a. Roseann Schleicher, re: Letter of Resignation. Discussed and accepted under Reorganization and the May 17, 2021 Minutes above.

b. Emmaus Library, re: April 2021 Board Meeting Minutes/Report. No discussion.

c. Municipal Retirement Trust, re: April 2021 Monthly Trust Reports. President Yerman commented the pension funds seem to have had a good growth this quarter.

d. Gregory Hutchison, re: Letter of Interest for Planning Commission. It was noted Mr. Hutchison is running in the next election and may receive a Council seat in 2022. It was questioned if three Council Members could sit on the Planning Commission (“PC”) Board at the same time. Solicitor Armstrong stated the Municipal Planning Code (MPC) states only two (2) Council Members can sit on a five (5) Member PC Board. President Yerman suggested Mr. Hutchison’s letter of interest for the PC vacancy be deferred until after the vacant Council seat is filled, as Mr. Hutchison may be interested in the vacant Council position as well as the PC and he cannot sit on both Boards.

e. Upper Milford Township, re: Request for Traffic Control Assistance. At their May 20, 2021 meeting, the Township Supervisors, acknowledged and approved the Borough’s request for the Upper Milford Western District Fire Company Special Fire Police and the Citizens Fire Company Special Fire Police to assist with traffic control at the Antique Truck Show (6/18&19, 2021), Das Awkscht Fescht Car Show (8/6-8, 2021) and Wheels of Time Car Show (8/27-29, 2021).

f. Berkheimer Tax Innovations (“Berkheimer”), re: COVID-19 Earned Income Tax (“EIT”) Impact Projections. Berkheimer compared the Borough’s 2019, 2020 and year-to-date 2021 tax collections and determined they “are cautiously optimistic that the overall trend seen in the 3<sup>rd</sup>

quarter and 4<sup>th</sup> quarter collections will continue and that the collections have normalized.” President Yerman reported the Borough’s tax funds did not decline much during COVID-19. He commented if there is a reduction in the EIT, it could be recoverable from the Lehigh County CARES Act grant funding.

## REPORTS

a. Mayor - None.

b. Solicitor.

i. Unregistered Residential Rental Properties. No discussion.

ii. Oak Street Vacation Ordinance and Easement – Cory Zeisloft.

- Ordinance No. 2021-04, re: Vacation of Oak Street. Solicitor Armstrong noted this Ordinance has not been advertised for adoption yet. He provided the history of the unopened and unapproved Oak Street vacation request by Mr. Zeisloft, which essentially is a paper alley. He recalled Council was amenable to the vacation request. The stormwater pipe which runs through Oak Street was noted, therefore, an easement would need to be secured from Mr. Zeisloft concurrently with the vacation so the Borough can maintain the property rights to access the stormwater pipe on the property.

President Yerman reiterated the action steps would be (1) advertisement of Ordinance 2021-04 for adoption; (2) Mr. Zeisloft signing the Declaration of Easement; and (3) obtaining the Tax Map for the Easement. Solicitor Armstrong stated he would need to get confirmation of the length and width of the stormwater pipe to finish preparing the document(s).

President Yerman made a motion to approve the advertisement of Ordinance 2021-04 for the first Council meeting in July 2021, conditioned upon an easement from the property owner being signed/granted, second by Council Member Bloch. Motion carried: 6 ayes.

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

Motion Passed.

- Declaration of Easement – Right-of-Way for Sanitary Sewer Pipe.

c. Borough Manager.

i. Re-Opening Borough Facilities (Borough Hall and Macungie Institute). President Yerman reported he has been in contact with the Borough Union and the Macungie Institute telephone calls must be monitored by a union employee, not a Trustee.

There was then a discussion on if Council was comfortable opening the Borough facilities yet. President Yerman questioned if facilities were opened at a State level yet. Mayor Conrad commented, at this time, after June 28, 2021 all mandates will be lifted.

Council Member Ashbrook made a motion for the Borough to align with reopening the Borough facilities, in accordance with the Governor's mandates, as of June 28, 2021. Before the motion could receive a second or a vote taken, Interim Manager Brown stated he will work with Solicitor Armstrong to ensure everything is in alignment, then confirm it with Council at their June 21<sup>st</sup> meeting. The motion will be carried to the next Council meeting for discussion.

ii. The Giant Company Grant Opportunity. If applied for and approved, this grant may be helpful with the streambank cleanup project Council Member Rutledge is planning to schedule in July 2021. Council Member Rutledge reported he has not viewed the grant guidelines yet.

iii. Sewer Ring Replacement. President Yerman commented the repair costs have been approved and this matter can be removed from the Council Agenda. He stated the total approved repair cost was \$3,000.00, which the Borough will pay \$2,000.00 and the Ridings Development will pay \$1,000.00.

iv. July 6, 2021 Council Meeting is on Tuesday due to Fourth of July Holiday. No discussion.

d. Committees – None.

#### UNFINISHED BUSINESS

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

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. No discussion.

d. Main Street Streetscape, Phase V, Acceptance of Grant Funding. Discussed under the Engineer's Report above.

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

f. Street List for Patching Materials. As requested by Council at their May 17, 2021 meeting, a list of roads where the materials would be used was prepared and presented to Council: (1) Street Resurfacing and Overlay, cost of \$80,000.00, the streets identified on the list included Parkside Drive, Cedar Street (Allen Organ to Race Street), Coach Street, Pine Street and Creek Street; and (2) Street Patching Materials, cost of \$10,000.00, will be used for smaller paving jobs like a 10' x 50' patch, making repairs to damaged areas like man hole ring repairs and/or storm basins. Interim Manager Brown stated the Public Works Supervisor, Tracy Smith, was confident the five streets he listed could be paved with the \$80,000.00 budget; however, there could be items outside of Supervisor Smith's control such as price increases.

g. Cotton Street Raingarden Update. President Yerman reported Engineer Daniel Witczak, from ACELA Engineering, stated the raingarden has been completed and the contractor will be submitting a final bill shortly.

h. Estates at Brookside, re: Potential Traffic Issues. President Yerman recalled a resident appearing at the May 17, 2021 Council meeting and speaking about alleged traffic issues (vehicles traveling 50-60 MPH) and no stop signs on the street. President Yerman reported he telephoned the resident and left him a voicemail, but the resident never called him back.

Sgt. Travis Kocher reported he put the MPD speed board on the street from May 18, 2021 through May 25, 2021 and it captured 1,041 vehicles traveling on the road; 94% of the vehicles traveled within the posted speed limit (0-30 MPH) and there were 27 violations which were egregious in nature (above 51 MPH). Based on the speed board data, he did not determine anything that warrants a sting operation is needed. Council Member Bloch commented he visited the area and noticed stops signs erected there already.

Sgt. Kocher stated one resident complained about having the speed board on the street because they felt it was an eyesore and they didn't like it in the development, but after Sgt. Kocher explained why it was there the resident understood and was okay with it after the fact.

#### NEW BUSINESS

a. Expense Approval:

i. Winter Damage to Borough Buildings (Insurance Claims), Cost \$19,617.54. The damage to the Borough buildings was caused by wind, water and ice during the winter months. The Borough insurance company paid \$19,617.54 to the Borough for the damage on April 21, 2021.

Council Member Bloch made a motion to approve the Public Works Department to move forward to get the buildings fixed, second by Council Member Hanosek. Motion carried: 6 ayes.

b. Adoption of Resolution #2021-08, re: sale of 1998 International Dump Truck. The vehicle was listed for sale on MuniBid on April 20, 2021 through May 20, 2021, there were a total of 36 Bids on the vehicle, with the highest bidder being Elfido Palencia, Lawn Street 37, Greenlawn, NY, in the amount of \$5,800.00. Adoption of Resolution 2021-08 is required to formally award the bid for the sale in the amount of \$5,800.00 and to give Interim Manager Brown authorization to sign the vehicle registration over to the buyer.

Council Member Rutledge made a motion to adopt Resolution 2021-08, second by Council Member Ashbrook. Motion carried: 6 ayes.

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

Motion Passed.

c. DCED/CFA Local Share Account Grant Award, in the Amount of \$84,632.00, re: Macungie Institute Heating and Cooling Boiler. Based on a past estimate of \$110,000.00, the Borough requested the full amount of \$110,000.00 when they applied for the grant. The amount of grant funds awarded were \$84,632.00. It was unclear if Council would descope the project to fit within the grant amount awarded or spend taxpayer dollars to complete it. President Yerman commented he doubted if the HVAC project could be descope to reduce the cost to \$84,632.00; he noted funds have been set aside in the annual budget's Capital Fund, which may be enough to finish the project. It was suggested the previous BIA project design be used for the bid.

Council Member Akinjiola made a motion to respond to DCED/CFA that the Borough would not be descope the project to \$84,632.00, but instead they would be spending the full \$110,000.00 and make up the difference with taxpayer dollars, second by Council Member Rutledge. Motion carried: 6 ayes.

d. Lantek Quote, re: Borough Computer Installation and Upgrades. Lantek estimated the cost to set up three administrative computers at \$2,160.00.

Council Member Bloch made a motion to approve proceeding with setting up the computers in the office [Borough Hall], in the amount of \$2,160.00, second by Council Member Hanosek. Motion carried: 6 ayes.

ITEMS NOT ON AGENDA (Mayor and Council members only) – None.

EXECUTIVE SESSION - President Yerman called for an Executive Session at 8:51 p.m. to discuss several personnel matters. The regular Council meeting reconvened at 9:19 p.m. President Yerman stated Christopher Becker applied for the vacant Borough Manager position and Council discussed his requirements for taking the position in Executive Session and an amical agreement was reached resulting in the following action taken:

President Yerman made a motion to present a job offer to Christopher Becker to work as the Borough of Macungie's Borough Manager at an annual salary of \$84,600.00, with a standard benefits package, with one exception of giving him two-weeks of vacation to start; he would start on or after July 06, 2021 which would be based on his current employment and disentangling from that, second by Council Member Rutledge. Motion carried: 6 ayes.

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

Motion Passed.

Mr. Becker questioned who would be responsible to schedule the required background checks and drug testing. He would also need to be bonded. Solicitor Armstrong stated an employment offer letter would be sent to Mr. Becker, outlining Council's motion this evening, which would be conditioned upon him passing the normal required background checks, drug testing and getting bonded. After Mr. Becker reviews the terms of the letter, he would need to sign and return the employment offer to the Borough.

ADDITIONAL ITEMS DISCUSSED (AFTER THE EXECUTIVE SESSION). Solicitor Armstrong commented DCED is recommending municipalities move quickly to apply for funds under The American's Rescue Act, as there is an application process and terms and conditions are associated with it. He suggested Council consider authorizing Interim Manager Brown to submit the necessary application documents to DCED, instead of waiting at least two weeks for another Council meeting.

President Yerman made a motion to authorize Interim Borough Manager, John Brown, to sign the appropriate paperwork to submit the application for The American's Rescue Act (CARES) funds, subject to Solicitor Armstrong and himself agreeing to it, second by Council Member Ashbrook. Motion carried: 6 ayes.

ADJOURNMENT

Hearing no further business, Council Member Rutledge made a motion to adjourn tonight's meeting at 9:32 p.m., second by Council Member Hanosek. Motion carried 6 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter  
Administrative Assistant