

ATTENDANCE

Council Members: John Yerman, President  
 Angela Ashbrook, Vice-President  
 Alma Akinjiola  
 Todd Rutledge  
 Lisa Yeager  
 Mayor: Ronald Conrad

Interim Borough Manager: John A. Brown  
 Solicitor: Patrick Armstrong  
 Engineer: Stan Wojciechowski (7:30 p.m. to 8:12 p.m.)  
 Administrative Assistant: Selma Ritter (7:30 p.m. to 9:03 p.m.)  
 Absent: Barry Bloch  
 Ryan Hanosek

CALL TO ORDER - President John Yerman called the meeting to order at 7:30 p.m.

COUNCIL BOARD VACANCY, RE: LETTERS OF INTEREST. President Yerman noted when the last Council seat vacancy was filled the parties interested in the position appeared before Council and introduced themselves.

- a. Gregory Hutchison. Mr. Hutchison was not in attendance this evening.
- b. Lisa Yeager. Ms. Yeager introduced herself and stated she has been a resident in the Borough of Macungie for the over 22 years. She believes she can be helpful as a Council Member because she cares about the community and its residents.

Council Member Rutledge made a motion to appoint Lisa Yeager to the vacant Council seat position, second by Council Member Akinjiola. Motion carried: 4 ayes.

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

Motion Passed.

- c. Cameilia Baker. Interim Manager Brown stated it was determined Ms. Baker lives in Lower Macungie Township. He notified Ms. Baker last Friday to inform her she is not eligible to serve on the Borough’s Council Board because she does not live in the Borough of Macungie. Ms. Baker was not in attendance this evening.

SWEARING IN OF NEW COUNCIL MEMBER – Mayor Conrad administered the Oath of Office to the newly appointed Council Member, Lisa Yeager.

Resolution No. 2021-11 - Council Member Rutledge made a motion to adopt Resolution No. 2021-11 appointing Lisa Yeager to the vacant Council seat position, second by Council Member Akinjiola. Motion carried: 4 ayes.

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

Motion Passed.

ENGINEERS’ MONTHLY REPORT. Engineer Stan Wojciechowski from Barry Isett & Associates (“BIA”) discussed some of the items listed in his July 06, 2021 report:

a. Main Street Streetscape, Phase VI, Grant Application Approval. Applications for the DCED Multimodal Grant are due July 31, 2021. There is a \$100.00 application fee, plus the cost for legal fees. President Yerman stated no matching funds are required from the Borough for this grant. The remaining administrative grant work will be provided by BIA pro bono. Phase VI would extend the streetscape improvement on the south side (southbound Route 100) to Poplar Street (in front of Salvatore’s Pizza).

There are two options for applying for the grant funds: Version A costs would complete the north side (northbound Route 100) of Main Street, between Mountain Creek and Poplar Street. These costs include replacing a deteriorated storm sewer pipe and all associated PennDOT Highway Occupancy Permits. The estimated total for Version A is \$497,625.00; Version B costs to complete both sides of Main Street, between Poplar Street and Chestnut Street. The estimated total for Version B is \$1,409,790.00.

BIA recommended applying for the full amount of \$1,907,790.00 as in the past when this type of grant was applied for the funding agency only awarded approximately half of the funds the Borough requested. Engineer Wojciechowski expressed the likelihood of history repeating itself and the funding agency only awarding partial funding, which would not be enough money to complete the streetscape improvements on both sides of Main Street to Poplar Street. In accordance with the grant application requirements, a Resolution for funding is required. The Resolution and Council’s approval to proceed with the grant request must be provided to BIA no later than July 06, 2021 to ensure adequate time for them to prepare the paperwork.

- Adoption of Resolution 2021-10 for DCED Multimodal Grant. Council Member Rutledge made a motion to adopt Resolution No. 2021-10 approving Version B in the amount of \$1,907,790.00 for Phase 6A and 6B funding, second by President Yerman. Motion carried: 3 ayes and 2 nays (Council Members Ashbrook and Yeager opposed).

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

Motion Passed.

b. Authorize Payment Application #4 for Phase IV, in the amount of \$39,020.75. Engineer Wojciechowski reported BIA issued a Certificate of Substantial Completion for the project, which he stated means the project is functional and usable for its intended purposes; he noted it does not mean all of the improvements have been completed. He noted his report, dated May 31, 2021, outlines punch list items that have not been completed yet, plus he is aware of one light remaining

on all day, another light does not come on at night and the photocells change order needs to be completed.

In his letter dated July 01, 2021, Engineer Wojciechowski stated the actual constructed/completed quantity amounts are consistent with Schedule of Values for each request payment and BIA finds the remaining \$26,199.85 value is sufficient to complete the work identified on the final punch list.

Council Member Akinjiola made a motion to approve Application #4 for Phase IV in the amount of \$39,020.75, second by Council Member Rutledge. Motion carried: 5 ayes.

c. Authorize Bidding for the Sewer Lateral Lining Project. Engineer Wojciechowski stated everything has been completed. A proposed schedule of events for this project was submitted to Council for their review. The next step would be for Council to authorize the bidding for the sewer lining project.

Council Member Akinjiola made a motion to authorize the bidding advertisement to be published on July 14 and 21, 2021, second by Council Member Rutledge. Motion carried: 5 ayes.

d. Council to Decide if Building Code Inspection for New Construction at Stone Hill Meadows Satisfies Building Sewer Video Inspection Requirements. Upon Ryan Homes requesting their first building permit for Phase III of the development on July 01, 2021, they were informed the newly constructed homes would be subject to a sewer lateral inspection (with a required video of the line) after construction is completed, as per Borough Sewer Ordinance §274.33.1. Engineer Wojciechowski questioned if the lateral inspection requirement would be necessary for new construction properties because the lines are inspected during the building process. He commented his interpretation of Ordinance 2018-02 inspections was primarily to address concerns with pre-existing lateral lines to determine if they have Inflow & Infiltration (“I&I”) issues. Council Member Rutledge questioned if backfill could disrupt the lateral line when being filled. Engineer Wojciechowski replied that very rarely happens. Council Member Ashbrook questioned if the Borough could be legally liable if Council waives lateral inspections on new homes and it is determined at a later time that there was an issue with the line when it was built. There was a unanimous consensus among the Council Members to not waive the required sewer lateral video inspections on newly constructed homes.

e. Miscellaneous Items:

- Hickory Street Bridge Replacement. President Yerman questioned how often grant fund opportunities become available for bridge replacements and/or repairs. Engineer Wojciechowski stated BIA has been seeking grant opportunities to replace the Hickory Street bridge, but to date no funding has become available. He commented bridge funding does not become available often and when it does PennDOT usually absorbs the funds for their projects.

- Growing Greener Grant. BIA submitted the grant application for the Mountain Creek Streambank Restoration project on June 25, 2021. The grant requires 15% in matching funds. There was a discussion on the water flow velocity at certain areas of the creek, which will be considered in more detail during the restoration planning phase.

- Main Street Streetscape, Phase V. BIA is currently preparing the bid advertisement for publication.

- Interim Act 537 Plan (the “Plan”). The Plan was approved by Council on August 03, 2020. All municipalities in Lehigh County Authority’s Kline’s Island Sewer System service area have adopted resolutions approving the Plan. The Plan was then submitted to DEP on September 04, 2020. Since that time, DEP has completed its review of the Plan and a 3 page letter of approval was mailed to all signatories on June 25, 2021. BIA reported several municipalities have received a copy of the letter, but as of July 01, 2021 BIA has not received the letter on the Borough’s behalf and a copy of the letter should have been mailed to the Borough. Engineer Wojciechowski stated the Plan that Council approved in August has been approved “as is”. The impact on the Borough would be minimal, except for the Borough controlling its I&I which the Borough is working on.

- South Church Street Water Lateral Replacement Project Update. The construction was substantially completed on June 07, 2021. The contractor submitted an application for payment in the amount of \$86,363.00, which was \$22,030.00 less than the Bid Proposal due to a number of service connections that were previously replaced and did not require replacement again. Interim Manager Brown will review the grant contract to determine if the construction cost reduction would reduce the Borough’s required matching fund amount or if the reduction would only affect the amount of awarded grant funds. It was noted this is a Borough Water Authority project, so they would receive any potential refund and/or reduction in the matching funds.

- Brookside Country Club. Percolation tests were performed for the sewer management system.

#### PUBLIC COMMENT

- a. Prior Public Comments to Council – None.
- b. Comments from the Audience on non-agenda items - None.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS – None.

#### APPROVAL OF MINUTES

- a. June 21, 2021 (to be Provided at Next Council Meeting). No discussion.

#### BILLS FOR APPROVAL – CONSENT AGENDA.

- a. Bills for Payment. Some of the bills on the list for payment were discussed.

Council Member Rutledge made a motion to approve paying the invoices listed on the Bills for Payment, as of July 06, 2021, in the amount of \$85,272.23, as presented, second by Council Member Ashbrook. Motion carried: 5 ayes.

CORRESPONDENCE

- a. Macungie Volunteer Fire Department, re: Profit and Loss Statement for the Period of 01/01/2021 to 06/21/2021. The report was dated June 21, 2021.
- b. Auditor General, re: 2019 Liquid Fuels Audit Report. The report, dated June 2021, is for the period of January 01, 2019 to December 31, 2019. The report stated on page 3, paragraph 4, “during our engagement we did not identify any deficiencies in internal control that we consider to be material weakness. However, material weaknesses may exist that have not been identified.”
- c. Lehigh County Authority, re: Interim Act 537 Plan Status Update. No comment(s).
- d. Macungie Volunteer Fire Department, re: May 2021 Training Report. The report included Pump Training New Drivers, Rescue Review, Tanker Operations and Setting up Porta Pond and Drafting. Fire Chief, Michael Natysyn, discussed the postponed Medevac training.

REPORTS

- a. Mayor Conrad reported four (4) new fire police officers were sworn in.
- b. Solicitor.
  - i. Oak Street Vacation Ordinance and Easement – Cory Zeisloft.
    - Ordinance No. 2021-04, re: Vacation of Oak Street.
    - Declaration of Easement – Right-of-Way for Sanitary Sewer Pipe.
    - Barry Isett & Associates Engineering, re: Oak Street Vacation Drawing/Survey Request. Interim Manager Brown reported he received written confirmation from Mr. Zeisloft that he agreed to pay the \$1,000.00 for the BIA survey, which will be an exhibit to the document(s).
  - ii. Zoning Hearing Board Hearings on July 14, 2021.
    - Macungie Volunteer Fire Department (a/k/a Lehigh Mart & Tobacco Outlet), re: Wholesale Sales & Supply Operation at 31 S. Walnut Street. Appeal #2021-02: The applicant is requesting a variance from Zoning Ordinance § 345-20. D (6) for the proposed conversion of the MVFD’s banquet room into a wholesale sales & supply operation for EAA Distributors, LLC’s (a/k/a Lehigh Mart & Tobacco Outlet) convenience store supply business the use does not appear to be a permitted by right use in the Town Center (TC) zoning district.
    - Margaret Young & Ben Storms, re: Property Conversion at 123 E. Main Street. Appeal #2021-03: The applicant is requesting a variance from Zoning Ordinance § 345-20. F. (2). (h) for the proposed conversion of an existing 2-story dwelling into a commercial space on the first floor and a residential rental apartment dwelling on the second floor in the Town Center (TC) zoning district.

c. Borough Manager.

i. The Giant Company Grant Opportunity. Interim Manager Brown stated the grant application was not submitted because it was more complicated than he expected. He will keep it on file for next year if it becomes available again. Council Member Rutledge stated he would still like to hold a stream cleanup project, but a date has not been determined yet.

ii. Lehigh County Authority, re: Voting Member for LCA Wastewater Advisory Committee. Council Member Ashbrook made a motion to appoint Interim Manager John Brown to the LCA Wastewater Advisory Committee, second by Council Member Rutledge. Motion carried: 5 ayes.

iii. Willow Street Update. The contractor repairing a sewer lateral line at a residential property caused damage to the newly paved street when he was taking equipment off/on the back of his truck. Interim Manager Brown reported the contractor has made the street repairs and the project is now complete.

iv. Macungie Institute (“MI”) Telephone Call Log Update. The updated call log was compiled by Borough Staff based on telephone calls they received, from May 27, 2021 through June 22, 2021; it showed eight (8) people expressed interested in renting the MI during that time.

d. Committees. President Yerman stated this report can be removed from future agendas due to no activity.

UNFINISHED BUSINESS

a. Public Works Department (“PWD”), re: Monthly Report on Upcoming Projects; Due at 2<sup>nd</sup> Council Meeting of month.

i. Street Paving Cost Projection. A spreadsheet was compiled for the proposed paving projections, which included five streets. The PWD will begin paving the first street (Parkside Drive) on the list next Monday and the next street is scheduled to be paved in August. The other three streets are planned to be paved but will not be scheduled for work until the first two streets are completed and the remaining budgeted funds are determined. Interim Manager Brown stated all the paving projects will have a full cost analysis done on them and the budget will be updated.

b. Race Street Storm Drain (Mtg w/Manager/Public Works Supervisor/Council President/Solicitor).

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

Interim Manager Brown reported he met with BIA and the Borough’s PWD Supervisor, Tracy Smith to discuss the drawings that were prepared last year. He will bring the drawings before Council for their review and consideration. President Yerman noted a construction easement would be required from the property owner at 50 Race Street before construction could commence.

c. Growing Greener Grant, re: Moving Forward. The grant would help fund the Borough’s MS4 Stormwater obligation, along Mountain Creek, which feeds into Swabia Creek. MVFD Fire

Chief Natysyn stated Resolution No. 2021-09 would not alter any agreements with the adjoining property owners.

- i. Resolution No. 2021-09. Council Member Rutledge made a motion to adopt Resolution No. 2021-09 to approve applying for the Growing Greener Grant, second by Council Member Akinjiola. Motion carried: 5 ayes.

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

Motion Passed.

d. Planning Commission Board Vacancy, re: Letter of Interest.

i. Gregory Hutchison. Interim Manager Brown recalled this matter being tabled from a previous Council meeting until it was determined who would be appointed to the vacant Council seat.

Council Member Ashbrook made a motion to appoint Gregory Hutchison as a Planning Commission Member to fill the vacancy, second by President Yerman. Motion carried: 5 ayes.

#### NEW BUSINESS

a. Expense Approval.

i. Electrical Components for Lumber Street Streetlights Project. Interim Manager Brown provided a brief history on Council's approval for the Borough's Public Works Department to purchase and install the streetlight components at their December 30, 2020 meeting. The approval, was based on a quote from Colonial Electric and Supply, dated November 11, 2020, in the amount of \$2,264.74. Interim Manager Brown stated the components were not purchased at the time of the approval, which resulted in the cost of some components increasing. Therefore, Colonial Electric and Supply provided a new quote, dated June 29, 2021, in the amount of \$7,165.97 which included additional copper wire that was not included in the original quote (\$4,901.21). It was noted the increase in costs also included BIA's Bid specifications (\$787.50) and Pedestal material-new (\$374.84). The cost difference between the two quotes is approximately \$5,276.05. The Borough PWD will conduct the streetlights work.

Council Member Rutledge questioned if the length of the wire (2,181 feet) stated in the new quote is more than what is needed for Lumber Street, which he recalled is a length of approximately 900 linear feet. He suggested other quotes be obtained from other electrical distributors, especially for the wire quote, to compare the prices and lengths.

Council Member Rutledge made a motion to approve moving forward with the purchase conditioned upon checking the lengths of the wire and receiving at least two additional price quotes, and if the new quotes are less expensive then move the entire list for a complete bid, second by Council Member Ashbrook. Motion carried: 5 ayes.

b. Lehigh County Humane Society (“LCHS”) Contract - \$800.00 Budget Item. Historically, the Borough contracted with the LCHS every year. The contract cost of \$800.00 was approved in the 2021 Annual Budget, but the 2021 contract was inadvertently not entered into. Interim Manager Brown contacted the LCHS and obtained a 2021 contract for Council’s approval this evening. It was noted the contracted amount has increased to \$1,000.00. However, the 2021 contract would be a prorated cost of \$500.00 for July 01, 2021 through December 31, 2021.

President Yerman made a motion to approve entering into the LCHS contract, contingent upon minimal Borough Solicitor review of the contract (no more than ten minutes) prior to it being signed by the Borough, second by Council Member Akinjiola. Motion carried: 5 ayes.

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

Motion Passed.

c. Cotton Street Raingarden, Payment Request #2, in the Amount of \$15,250.00. This would be the second and final payment to Stonewood Landshaping, Inc. In his letter dated June 28, 2021, Dan Witczak, President of ACELA Engineering, stated the contractor completed the punch list items outlined in ACELA’s December 04, 2020 letter, ACELA witnessed the items were completed and the construction conforms to the construction documents. Therefore, ACELA recommended payment of the requested amount (\$15,250.00).

The history of the project was recalled. Council Member Ashbrook commented the water is pooling in the raingarden, the grade of it is running the wrong way, and it appears the proposed vegetation and/or wildflowers will not be planted. Fire Chief Natysyn questioned why the Borough would pay for it when the project does not meet the required approved specifications of DEP and the Borough. He stated the rainwater does not drain from the raingarden, the pipes do not take in water from the swale, the pipe was installed backwards so the check valve does not allow the water to flow out (but it allows water to flow into the raingarden), there is still duct tape on parts of the project and only grass was planted (no vegetation). President Yerman stated the idea of the raingarden is for water to flow in, then it sits there and percolates through to keep sediment from flowing back into the creek. Interim Manager Brown and President Yerman will discuss the alleged issues with ACELA and the payment request has been deferred.

d. Advanced Disposal Merger with Waste Management, re: Acknowledgement Letter. As of October 30, 2020, Waste Management, Inc. (“WMI”) acquired Advanced Disposal Services, Inc. (“ADS”) by acquiring all of ADS’s issued and outstanding shares of stock through a merger with WMI. The Borough’s service agreement with ADS will remain in full force and effect (without any changes), but would now be serviced by WMI; this change requires the Borough’s consent.

President Yerman made a motion to sign the consent form and agree to transfer the Advanced Disposal Services contract over to Waste Management, Inc., second by Council Member Ashbrook. Motion carried: 5 ayes.



e. Item Not on Agenda.

i. Fireworks Permit for Wedding. Permit Application #4587 was submitted to the Borough for fireworks at the Brookside Country Club. The wedding is planned for July 17, 2021 and the fireworks would commence at 9:15 p.m. (lasting approximately 8-10 minutes). Fire Chief Natysyn stated he would need a copy of the permit so he can conduct an inspection.

Council Member Ashbrook made a motion to approve Permit #4587 for the wedding on July 17, 2021, second by Council Member Rutledge. Motion carried: 5 ayes.

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

EXECUTIVE SESSION - President Yerman called for an Executive Session at 9:03 p.m. to discuss various personnel matters. The regular Council meeting reconvened at 10:12 p.m. with no decisions made.

ADJOURNMENT

Hearing no further business, Council Member Akinjiola made a motion to adjourn tonight's meeting at 10:13 p.m., second by Council Member Rutledge. Motion carried 5 ayes.

Respectfully submitted,

Selma Ritter  
Administrative Assistant