

MACUNGIE BOROUGH COUNCIL
MEETING MINUTES FINAL
TUESDAY, JULY 5TH, 2022
REGULAR MEETING
7:30 P.M.

Council Members:	John Yerman, President Greg Hutchison, Vice President Barry Bloch (8:00 PM) Todd Rutledge Lisa Yeager Carl Sell Ron Karboski
Mayor:	Ronald Conrad (Absent)
Solicitor:	Will Oetinger
Engineer:	Stan Wojciechowski, Ryan Kern
Borough Manager:	John Brown
Assistant to the Manager:	Nina Solivan

President John Yerman called the meeting to order at 7:30 pm.

1. Barry Isett Engineering Report

- a. Engineer Ryan Kern with BIA was in attendance along with Stan Wojciechowski. Mr. Kern spoke of S. Church St and the curbing and sidewalks that would need to be replaced prior to laying a new road.
- b. Zoning officer Joe Peterson will identify which curbs require replacement and notify the residents
- c. Bids will not go out until next spring.
- d. Council asked regarding utility infrastructure upgrades on S. Church Street prior to road replacement. BIA stated the water and sewer upgrades were already completed. The remaining utility is UGI-gas. BIA will contact UGI to inform them of the road replacement and coordinate with UGI any repair work the utility requires.
- e. The Borough was granted \$863,666.00 for the combined Hickory Bridge replacement and S. Church Street replacement. An additional grant for \$50,916.00 was received for the Hickory Street Bridge replacement. The Borough is required to provide ~ \$ 320,000.00 in matching funds or alternative financing. Hickory Street project.
- f. The priority is the Hickory Street Bridge replacement, followed by S. Church Street Road replacement. Any financial shortfall will impact the scope of the S. Church Street project.
- g. Council suggested BIA consider stormwater enhancements to S. Church Street as part of the replacement project. BIA stated this is very costly and funding sources for stormwater are limited.
- h. BIA indicated a decision will need to be made as to the full or partial closing of S. Church Street for reconstruction. This decision will affect both the time and cost of project if only a partial closing is approved. Route alternatives should be considered.
- i. Council requested BIA compile a list of all current projects and include working timeline for grant application, award, project initiation etc. Include Budget, capital set aside, and projected completion. Council can utilize the information as a decision tree to help Council understand the monies the Borough must allocate of Borough funds to address each project and guide prioritization discussions.
- j. The Macungie Institute HVAC replacement project bids were rejected last fall with a review period for June/July 2022. BIA is requesting council consider how they want to move forward with the project/re-bid.

MACUNGIE BOROUGH COUNCIL
MEETING MINUTES FINAL
TUESDAY, JULY 5TH, 2022
REGULAR MEETING
7:30 P.M.

2. Public Comments

- a. Prior Public Comments to Council - none
- b. Comments from the audience on non-agenda items
 - i. Angela Ashbrook 7402 Saint Peters Rd, Macungie questioned the time frame process of handling a Right to Know request
 - ii. Solicitor Will Oetinger stated a thirty (30) calendar day extension is permissible and starts on the fifth (5th) day of the initial request.

3. Complaints, Petitions, Appeals, and Compliments

- i. Councilman Rutledge complimented Macungie Institute Manager Darlene Misselbeck on the exceptional job she is doing at the Macungie Institute.
- ii. Councilman Rutledge complimented Public Works Director Tracy Smith on assisting a victim involved in a car accident.
- iii. Councilman Karboski along with the rest of the council complimented Borough Manager Brown on the PPL Meter base improvement.

4. Approval of Minutes

- a. June 20, 2022
 - i. Councilman Karboski asked to have two minor corrections be made to the minutes. Under unfinished business letter (a) councilman Karboski asked to have his name removed regarding who asked what takes precedence for the sidewalks.
 - ii. Under unfinished business letter (j) councilman Karboski wanted it stated that councilwoman Yeager suggested Solicitor Armstrong be involved in writing the policy as to when it is acceptable for Borough Manager Brown to sign the checks.
 - iii. Councilman Karboski made a motion to approve the minutes from June 20, 2022. Councilman Bloch seconded the motion. Motion passed unanimously. (070522-A)

5. Consent Agenda

- a. Treasurer's Report – no comments
- b. Approval of invoices as listed
 - i. Councilman Rutledge made a motion to approve the invoices in the amount of \$87,098.60. Councilman Karboski seconded the motion. Motion passed unanimously. (070522-B)

6. Correspondence

- a. Emmaus Public Library Director's Report May 2022
- b. Karen Holt's letter of June 21, 2022, regarding Tracy Smith
 - i. Public Works Director Tracy Smith will be recognized in person and the letter will be placed in his file.
- c. Municipal Retirement Trust update through 5/31/2022
- d. Macungie Institute Manager Report – June 2022
 - i. Macungie Institute received the money needed to obtain a Movie License through donations from the community.
- e. Zoning Monthly Update Report (2nd meeting of the month)

MACUNGIE BOROUGH COUNCIL
MEETING MINUTES FINAL
TUESDAY, JULY 5TH, 2022
REGULAR MEETING
7:30 P.M.

7. Reports

a. Solicitor

- i. In Solicitor Armstrong's absence, Solicitor Will Oetinger attended tonight's meeting.
- ii. Solicitor Oetinger discussed Main Street Commons Phase II. In attendance on behalf of the Main Street Commons was Attorney Tom Schlegel.
- iii. Mr. Schlegel asked for the council to grant some revisions to the Development Agreement that will allow the developer to proceed with certain limited pre-construction earth moving work before Plan recordation. The limited work would only be after the development agreement is signed, security posted, LCCD approval, insurance certificate provided, and pre-construction meeting with Township and LCCD, and subject to the understanding that no building permit will be issued until the Plan is recorded.
- iv. A similar approval was granted for Phase I. The request would be to utilize similar verbiage for this approval in Phase II.
- v. Councilman Rutledge made a motion to approve Main Street Commons to begin limited pre-construction earth moving work under the condition if for some reason the project would be discontinued the site would be returned to the way it was prior to any work. President Yerman seconded the motion. Motion passed unanimously. (070522-C)

b. Mayor- not in attendance

c. Borough Manager -Organizational Chart discussion- handout of June 6th

- i. Borough Manager John Brown discussed the duties of each employee in the Borough Hall.
- ii. He discussed the vulnerability of each roles core function and the need to have adequately trained back-up for key functions.
- iii. Manager John Brown highlighted both the Borough Clerk/Assistant Treasurer and Borough Zoning Officer workload, core functions and the need for added support for these roles.
- iv. More information will be discussed in the executive session

8. Unfinished Business

a. Waste and Refuse Bid document- discussion

- i. Assistant to the Borough Manager Nina Solivan reiterated the bid document reads a three (3) year base with up to five (5) one (1) year extensions, with one (1) day a week pick up of all items
- ii. Council confirmed they are all in agreement with the terms of the Waste and Refuse Bid document.

b. Main Street and Poplar Street Crosswalk updates

- i. In road light repair update and discussion – Telco update
 1. There is no cost of the light fixtures themselves to the Borough. The quote from Telco is \$1,500.00 for labor cost plus \$860.00 totaling \$2,360.00 if a flagger force would be needed. Councilman Rutledge made a motion to approve the Telco quote of \$2,360.00 which would come out of the liquid fuels fund to be done appropriately. Councilman Bloch seconded the motion. Motion passed unanimously. (070522-D)
- ii. Crosswalk Planning Committee

MACUNGIE BOROUGH COUNCIL
MEETING MINUTES FINAL
TUESDAY, JULY 5TH, 2022
REGULAR MEETING
7:30 P.M.

1. Council requested a committee of council be created to identify and define the desire of council relative to Main Street crosswalks.
 2. The committee would propose a plan for Council to consider. BIA would lead the discussion and planning with designated council member volunteers.
 3. Committee council members are: Todd Rutledge, Lisa Yeager and Ron Karboski
- c. Streetscape bumps out(s) – vegetation, upgrade discussion
- i. More information to follow, Borough Manager Brown is working with the Public Works Department.
- d. PA DOT Maintenance Agreement restricting bump-out changes for 10 years- discussion
- i. Bump out at Tyler Pipe/ Main can it be filled in?
 - ii. Lea and Race pedestrian crossings- can additional signage be added?
9. New Business
- a. Musson Bros- Sewer Lateral Lining – change order #1 – discussion and vote
- i. Musson Bros has completed the project coming in under contract bid amount. The original contract bid amount was \$1,905,100.00. Musson finished the project with a total of \$1,687,875.10, saving \$ 217,224.90. Council member Rutledge made a motion approve the Change Order #1 to reduce the contract price to the amount to \$1,687,875.10. Councilman Karboski seconded the motion. Motion passed unanimously. (070522-E)
- b. Musson Bros- Sewer Lateral Lining – final pay application
- i. President Yerman made a motion to approve paying Musson Bros final pay application of \$92,221.75 with the following conditions:
 1. Musson Bros reimburse \$573.44 to the Borough and
 2. Musson Bros Insurance carrier make payment of \$12,450.00 to settle insurance claim insurance claim to the homeowner at 109 Race Street for lateral damage and replacement, and
 3. The sidewalk and sewer lateral cleanout are properly repaired by the homeowner with all appropriate permits being issued.
 4. Councilman Rutledge seconded the motion. Motion passed unanimously. (070522-F)
 - ii. President Yerman made a motion to amend the previous motion to state, that payment to Musson Bros is \$92,221.75 once they reimburse \$573.44 to the Borough and \$12,450.00 to the homeowner’s insurance claim plus any additional fees accrued after properly fixing the clean-out either by the homeowner and or Musson Bros. Councilman Rutledge seconded the motion. Motion passed unanimously. (070522-G)
- c. Columbia Excavating Streetscape V- pay application #3
- i. Tree Grates have been installed. Columbia is asking for payment in the amount of \$38,856.25. Councilman Rutledge made a motion to approve the payment. Council President seconded the motion. Motion passed 6-1. Council member Sell was not in agreement to pay Columbia due to water laying in concrete issues. (070522-H)
- d. Resolution 2022-15 Resolution for Plan Revision New Land Development/Kay Builders/Fields at Brookside – vote
- i. Resolution 2022-15 Sewage Facilities Planning Module submission to DEP -Fields at Brookside

MACUNGIE BOROUGH COUNCIL
MEETING MINUTES FINAL
TUESDAY, JULY 5TH, 2022
REGULAR MEETING
7:30 P.M.

1. All approvals have been granted for sewer extensions; module is ready for submission to DEP.
2. Councilman Karboski made a motion to approve the Resolution 2022-15 Plan Revision for New Land Development. Councilman Sell seconded the motion. Motion passed unanimously. (070522-I)
 - ii. Transmittal Letter for Sewage Facilities Planning
 - iii. Checklist Letter
- e. BIA Letter of 6/30/2022 – Fields at Brookside/Kay Builders – preliminary/final plan approval per the Planning Commission recommendations – discussion/vote
 - i. The field at Brookside/Kay Builders is looking to purchase the land from the Brookside Golf Course.
 - ii. Richard Brooks a representative from Kay Builders stated they are behind time to get approval from outside agencies and need to move forward with the land acquisition. They are looking to subdivide the 17 acres.
 - iii. The 17 acres are non-buildable and will be held until all approvals from agencies are met. Nicole Gailo, Collier Engineering confirmed that acres are tied to the 66 single-family homes.
 - iv. Waivers as outline in the BIA letter of June 30, 2022 to the Planning Commission, were approved by the Planning Commission meeting.
 - v. Kay builders is requesting council approve all waivers. Councilman Karboski made a motion to approve all waivers previously approved by the Planning Commission per the BIA letter of June 30,2022. Vice President Hutchison seconded the motion. Motion passed unanimously. (070522-J)
 - vi. President Yerman made a motion to grant approval of the preliminary/final subdivision plan subject to:
 1. June 30th BIA review letter and waivers
 2. Declaration of Covenants and Restrictions in a manner satisfactory to the Borough Solicitor to restrict the development of the seventeen (17) acre parcel created by this subdivision, including open space set-aside.
 3. John Yerman moved to grant preliminary/final subdivision approval subject to compliance with the Barry Issett & Associates review letter dated June 230, 2022 and the execution of Declaration of Covenants and Restrictions in a manner satisfactory to the Borough Solicitor to restrict development of the seventeen acre parcel created by this subdivision. Councilmember Rutledge seconded the motion. Motion passed unanimously. (070522-K)
- f. Kelly Services contract discussion and vote (discussed in executive session)
10. Executive Session – personnel matters, real estate
 - a. The public portion of the meeting concluded at 9:45 pm there was a five (5) minute recess. The Executive Session began at 10:00 pm.
11. Action as of result of the executive session – potential vote on a personnel matter, real estate
 - a. Executive Session concluded at 10:25 pm.

MACUNGIE BOROUGH COUNCIL
MEETING MINUTES FINAL
TUESDAY, JULY 5TH, 2022
REGULAR MEETING
7:30 P.M.

- b. Councilman Bloch made a motion to extend the Kelly Service Agreement for two (2) months. Councilman Karboski seconded the motion. Motion passed unanimously. (070522-L)
12. Adjournment – Hearing no other business Councilman Rutledge made a motion to conclude tonight’s meeting at 10:30 pm. Council President Yerman seconded the motion. Motion passed unanimously. (070522-M)

Respectfully Submitted,

Ashley Rinker

Administrative Assistant, Ashley Rinker