

ATTENDANCE

Council Members: Angela Ashbrook
Alma Akinjiola
Barry Bloch
Ryan Hanosek
Todd Rutledge
Roseann Schleicher, Vice-President
John Yerman, President

Mayor: Ronald Conrad (arrived at 7:40 p.m.)

Interim Borough Manager: Chris L. Boehm

Solicitor: Patrick Armstrong

Administrative Assistant: Selma Ritter (7:30 p.m. to 8:54 p.m.)

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.

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

a. Macungie Police Department, re: February 2021 Report. Sgt. Kocher discussed the report, which included being dispatched to 111 incidents, 4 Traffic Citations/Warnings, 17 Parking Tickets/Warnings and 2 Persons Arrested (Criminal).

The MPD has applied for the Federal Military Surplus Acquisition Program (1033 Program) through the Department of Defense and has been accepted into the Program. The cost will be approximately \$300.00 annually.

Sgt. Kocher reported two vehicles were stolen on March 08, 2021. One of the vehicles was recovered immediately. The other vehicle has not been recovered yet; the investigation is in progress and they have active leads.

PUBLIC COMMENT

a. Prior Public Comments to Council - None.

b. Comments from the Audience on Non-Agenda Items.

i. Lehigh County Executive, Phillip Armstrong. Executive Armstrong provided an update on the COVID-19 Plan, which provides funds for COVID-19 related items. He stated separate funds are also available for fire departments, libraries, broadband, rental assistance and housing.

President Yerman questioned if there would be guidance provided on how the funds would be disbursed. Executive Armstrong commented he is waiting to receive a condensed version of the 600 page instruction manual he received.

Executive Armstrong suggested Council Members attend the Council of Governments (COG) meeting scheduled for March 30, 2021, as the COVID-19 Plan will be discussed.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS – None.

APPROVAL OF MINUTES

a. March 01, 2021. Council Member Schleicher made a motion to approve the March 01, 2021 minutes, as written, second by Council Member Akinjiola. Motion carried: 7 ayes.

CONSENT AGENDA

a. Payment of invoices listed, as of March 16, 2021, totaling \$90,158.75. The invoices were briefly discussed.

Council Member Schleicher made a motion to approve paying the invoices listed on the Consent Agenda, as of March 16, 2021, as presented, second by Council Member Bloch. Motion carried: 7 ayes.

CORRESPONDENCE

a. Macungie Volunteer Fire Department, re: February 2021 Training Report. The training listed included Borough Hydrant Cleaning, Small Equipment, Cleaning Up After Another Snow Storm and Search and Rescue.

b. Municipal Retirement Trust, re: December 31, 2020 Quarterly Trust Report. President Yerman commented the ~~reports seem~~¹ market seems to be doing well.

c. Macungie Ambulance Corps, re: February 2021 Monthly Report. They responded to 371 calls during this service month; 18 of the calls were in the Borough of Macungie.

d. Macungie Volunteer Fire Department, re: February 2021 Response Report. They responded to 4 calls in the Borough of Macungie during this service month.

e. Thomas Bailey, re: Zoning Hearing Board Application Fee Waiver Request for Macungie Volunteer Fire Department (“MVFD”). The MVFD requested a variance to allow “a wholesale convenience store business” who allegedly will be open to the public and is operating out of the former social hall in the MVFD building. The matter is scheduled to appear before the Borough

¹ At the April 05, 2021 Council meeting, President Yerman requested this sentence be changed from “President Yerman commented the reports seem to be doing well” to “President Yerman commented the market seems to be doing well.”

Zoning Hearing Board (“ZHB”) on May 12, 2021. The commercial application fee to appear before the ZHB is \$850.00. While the fee is normally paid by the tenant, the MVFD will be paying the fee for them. Mr. Bailey requested Council consider discounting the fee to actual costs incurred for the hearing, instead of the \$850.00 fee.

Council discussed waiving the fee. Interim Manager Boehm commented Mr. Bailey’s letter calls it a “wholesale convenience store business,” but the Borough Zoning Officer, Joseph Peterson, stated it is a warehouse. The MVFD is located in the Town Center Zoning District. There was a unanimous consensus among Council to not waive the \$850.00 ZHB application fee.

f. Administrative Assistant Ritter, Update on Board Positions Expiring March 31, 2021. There are four Borough Boards with terms expiring on March 31, 2021. Letters of interest have been received for three out of the four positions. The appointments for each respective Board will be considered at Council’s April 05, 2021 meeting.

REPORTS

a. Mayor – None.

b. Solicitor.

i. Ordinance addressing Food Truck Permits. Solicitor Armstrong provided a brief history on the draft ordinance, which was originated when Adam Gangewere, owner of the Cactus Blue Mexican Restaurant, requested the Borough implement a food truck permit and/or ordinance in the Borough at the last Council meeting. The draft food truck ordinance, will only allow food trucks on private property and not in the public right-of-ways. The permit cost would be a low annual fee. Food truck operators would be required to have the permit on hand at all times. The MPD and Borough Zoning Officer will enforce the ordinance.

There was a discussion on how parking spaces for temporary food trucks and their customers would affect the allocated parking spaces for the business (where the food truck would also be parked to conduct its business), which were determined by the Zoning Ordinance. Solicitor Armstrong will add language to the draft ordinance to allow denial of a permit for traffic and/or parking concerns.

Greg Hutchison, 120 N. Walnut Street, Macungie, questioned how a food truck permit would affect vendors at Macungie Memorial Park events, i.e., car shows. President Yerman stated all food truck vendors need to be treated the same way so all vendors would have to have a permit.

Council Member Ashbrook suggested language be added to the ordinance to state what types of food trucks are permitted. She commented there are CBD (cannabidiol, a/k/a marijuana) vendors with food type products operating out of vendor truck vehicles. Solicitor Armstrong will keep her concern in mind when drafting the ordinance.

Ice cream trucks doing business in the Borough would not have to obtain a permit because they are mobile, unlike food trucks that park in one spot for hours at a time.

ii. Ordinance #2021-03 - Revision to Sewer Lateral Inspection Ordinance #2018-03, Amending Definition of Who Can Perform The Video Inspection. Solicitor Armstrong explained Ordinance 2021-03 derived from Dustin Kapustiak, owner of CDA Inspection Services (“CDA”), requesting permission to perform sewer lateral video inspections within the Borough, although his company is not a licensed master plumber, which is currently required by Borough Ordinance 2018-02 (Ordinance 2021-03 is an amendment to Ordinance 2018-02).

Ordinance 2021-03 would amend Chapter 274 of the Macungie Borough Code Of Ordinances, Sewers, by amending Section 274-24 to provide a definition for Qualified Inspector in order to allow for inspections by Licensed Master Plumbers and/or individuals certified by the Pennsylvania Septic Management Association and/or an equivalent organization, and further amending Section 274-33.1 to expand on the purpose of the building sewer inspection and to allow for building sewer inspections by a Qualified Inspector. Solicitor Armstrong discussed the proposed revisions in more detail, which included a new definition for Qualified Inspector. He noted (1) the Qualified Inspector definition includes Master Licensed Plumber, however, a Master Licensed Plumber is also a definition of its own; and (2) where the Ordinance discusses repairs to laterals (not the inspection), the repairs must be made by a Master Licensed Plumber because a Qualified Inspector would only be doing the inspection.

President Yerman made a motion to authorize the changes and to advertise Ordinance 2021-03 for a public hearing, second by Council Member Rutledge. Motion carried: 7 ayes.

iii. Ownership of Walls on Mountain Creek at Route 100.
- BIA Proposal To Perform Creek Survey. Solicitor Armstrong provided a brief history on the ownership of the walls. He confirmed the March 01, 2021 Council Minutes accurately stated the title search and Deed Description that his office conducted did not call out the walls. He stated a survey would need to be conducted to show where the boundary lines are, which would be the next step to determine who owns the walls. President Yerman stated this matter would be postponed until the Summer 2021 until other Borough projects are completed.

iv. Estates at Brookside Request to Forgo the Maintenance Period Requirement. There were no new updates on this matter, because the Borough is still waiting for the developer to provide the requested documents to them.

v. Race Street Storm Drain (schedule mtg. w/Public Works Supervisor). This matter has been deferred.

- (1) Temporary Construction Easement.
- (2) Curb Replacement.

c. Borough Manager.

i. Temporary Signs at Local Businesses – Status. Solicitor Armstrong reported he spoke with Zoning Officer Peterson about this matter. The business owners were given time to comply with the Ordinance. If violators do not comply, formal enforcement notices will be sent to them within the next week or two.

ii. Unregistered Residential Rental Properties – Status. Solicitor Armstrong reported he has spoken with Zoning Officer Peterson about this matter. He commented the letter Zoning

Officer Peterson sent to the property owners in violation did not have a compliance due date. Solicitor Armstrong drafted a formal notice of violation, which will be mailed to the violators early next week (Zoning Officer Peterson will determine which properties are in violation). Violators will have 30-days to respond before legal action is taken at the Magisterial District Justice's Office.

iii. Authorization to Purchase Flowers and Mulch for Flower Park. The Garden Club (the "Club") is a committee of volunteers that plant flowers and maintain the Flower Park. Last year the Club spent a total of \$3,148.98 for maintaining the Flower Park (mulch \$600.00, flowers and plants \$2,453.65 and basket liners \$95.33). Due to the \$1,000.00 spending threshold Council set, the Club is seeking approval tonight for an estimated material amount of \$3,148.98 (the same amount that was spent in 2020). In addition, the 2021 Budget only allotted \$2,500.00 for the Flower Park. Eden East Landscaping offered to donate the mulch, which would bring the estimated cost down to \$2,548.98.

Council Member Rutledge made a motion to approve the purchase of flowers, plants and liners, less the mulch, for a total of \$2,548.98, second by Council Member Schleicher. Motion carried: 7 ayes.

d Committees.

i. Chalk the Walk Event. Council Member Schleicher reported this event has been scheduled for Saturday, August 14, 2021, with a rain date of Sunday, August 15, 2021.

UNFINISHED BUSINESS

a. Public Works Department ("PWD"), re: Monthly Report on Upcoming Projects; Due at 2nd Council Meeting of month. Each PWD employee prepared a separate report for Council's review. Interim Manager Boehm noted the Water Operator's Report Council received is the same report that was provided to the Water Authority Board at their March 11, 2021 meeting.

b. Public Works Department Equipment Replacement Plan - None.

c. Board/Commission Appointments – 4/5/21 meeting. No discussion. Appointments will be made at the next Council meeting, after the terms expire.

- i. Daniel Lenig, Civil Service Commission, 6-yr. term expiring 3/31/2027.
- ii. Greg Hutchison, MI Board of Trustees, 3-yr. term expiring 3/31/2024.
- iii. John Yerman, Planning Commission, 4-yr. term expiring 3/31/2025.
- iv. Carl Sell, Zoning Hearing Board, 5-yr. term expiring 3/31/2026.
- v. Richard Stukas, Zoning Hearing Board Alternate, 5-year term, expiring 3/31/2026.

d. Corey Zeisloft Request to Vacate Oak Street. Mr. Zeisloft requested this matter be continued until the April 05, 2021 Council meeting.

Council Member Rutledge reported a concerned citizen questioned why Mr. Zeisloft would have to hire an engineer or surveyor to prepare a drawing of the property to show where the 8" pipe runs across Oak Alley (a/k/a the paper alley) and why the Borough would not have documentation on

the pipe. Solicitor Armstrong explained an engineer or surveyor would have to draft a description or plan of where the pipe is located on Oak Alley, so it can be attached to the required easement as an exhibit. President Yerman commented the Borough² does not have a drawing because it was done a long time ago, before records were kept. Interim Manager Boehm recalled another street with a storm drain in it that required an easement and the Borough made the easement the width of the street.

There was a discussion on the size of Oak Alley and where the 8” pipe is located. Council Member Rutledge suggested a video of the 8" pipe under Oak Alley be taken to show its location. Interim Manager Boehm suggested the tax map be viewed to see if it shows the width of Oak Alley.

NEW BUSINESS

a. Borough Manager Position – Extend Offer of Employment. This matter will be discussed in executive session later this evening.

Interim Manager Boehm’s last full-time day working at the Borough is March 12, 2021. She will continue to work at the Borough on a part time basis (up to 20/hours per week) until April 09, 2021. After that, she will be available to answer any questions the new Borough Manager may have on an as-needed basis.

b. Approval and Authorization to Sign the Street Sweeping Quote with Stanley Sweeping. The Agreement is for \$125/hr. from port to port. The 2021 Budget has \$5,500.00 allocated for street sweeping. Three sweepers will be in the Borough on the first day and two sweepers on the second day, at 8 hours each day, for a total cost of \$5,000.00 (40 hours x \$125.00/hour = \$5,000.00). More sweeping is needed this year due to the amount of the cinders on the streets from the previous snow storms. PWD Supervisor Smith will determine if the streets would need to be cleaned again in the fall after the leaves fall; if they do, Supervisor Smith will also determine where in the Budget the funds would be taken from. Interim Manager Boehm commented the 2022 Budget street sweeping amount would need to be increased.

During the street sweeping dates, residents will be asked to remove their vehicles from the public streets; they will be notified of the street sweepings by the PWD posting signs on the streets, a SwiftReach (robo) call being sent and the MPD publishing it on social media.

Council Member Bloch questioned what would be done about vehicles that are not removed from the street for the street sweeping. He commented it is the same problem with vehicles not being removed during snow removal, which is suspected to be repeated violators. Sgt. Kocher stated a Police Officer will work with the street sweeper to get vehicles removed from the streets. He also stated the MPD would enforce the removal of vehicles from the streets by issuing tickets and warnings and/or the vehicle’s owner would be contacted to remove the vehicle.

² At the April 05, 2021 Council meeting, President Yerman requested the current sentence “...the Borough does not have a drawing because...” be changed to include the word probably, which would then make the sentence read “...the Borough probably does not have a drawing because...”

Carl Sell, Jr., 46 Locust Street, Macungie, questioned why no parking signs are posted for two consecutive days in the past, instead of the signs depicting certain hours/days when the street sweeper would actually sweep a certain street. Interim Manager Boehm will discuss the matter with the PWD Supervisor, Tracy Smith, and the street sweeping company to inquire if one section of the Borough could be done one day, then the another section done the following day.

Council Member Rutledge made a motion to approve the Stanley Sweeping Service Agreement at the cost of \$125.00 per hour, second by Council Member Schleicher. Motion carried: 7 ayes.

c. Authorization to Purchase Electrical Materials and Payment of PPL Invoice for Lumber Street Decorative Streetlights Project. Interim Manager Boehm requested an invoice, so it can be submitted to the grant funding agency.

Council Member Schleicher made a motion to approve the PPL Invoice in the amount of \$1541.00, and Colonial Electric Supply Company's Quote in the amount of \$2,264.76, second by Council Member Bloch. Motion carried: 7 ayes.

d. Sewer Debt Service Fee. The original General Obligation Note for the sewer work was financed in 2016 and a quarterly debt service fee of \$64.50 (per EDU) was added in the quarterly utility bills to pay down the sewer capital debt. At their January 18, 2021 meeting, Council adopted Ordinance 2021-02, which was for the refunding (refinancing) of the 2016 Note; now known as General Obligation Note Series of 2021.

Repayment of the General Obligation Note Series of 2021 was discussed, which included two options: (1) keeping the current debt service fee at \$258 annually per EDU (\$64.50 quarterly) and pay off the loan in 3.8 years; or (2) decrease the debt service fee to \$122.44 annually per EDU (\$30.61 quarterly) and pay off the loan in 8 years. Both options were discussed. It was noted that a longer repayment period would cost the residents/Borough more money because a higher amount of interest would be paid.

Council Member Schleicher made a motion to approve Option #1 to keep the sewer debt service fee at \$258 annually per EDU (\$64.50 quarterly) and pay off the loan in 3.8 years, second by President Yerman. Motion carried: 7 ayes.

ITEMS NOT ON AGENDA (Mayor and Council Members Only)

a. Council Member Bloch. He questioned if there is a better way to inform residents not to blow/shovel snow from their property into the street or onto another person's property during snow emergencies. He also commented some people are not moving their vehicles from the street. Interim Manager Boehm stated residents are informed via the Borough Newsletter and website. There was a discussion on the best way to get residents to comply with proper snow removal. Violators should be reported to the MPD, when they are doing it, so the MPD can see them doing it and issue a citation.

EXECUTIVE SESSION, IF NECESSARY

President Yerman called for an Executive Session at 8:54 p.m. to discuss hiring for the manager’s position. The regular Council meeting reconvened at 10:42 p.m. President Yerman stated the Executive Session covered several topics, the most important being the discussion to hire Peter Melan as the new Borough Manager. He will be offered a \$74,000.00 annual salary for 2021; there will be a set of performance-based objectives that if met will result in a \$5,000.00 bonus in 2021; a salary increase of \$5,000.00 commencing in 2022 moving his salary up to \$79,000.00; his 2022 pay raise will be based on his performance; his 2021 general Borough raises and his then current 2021 salary; he is waiving medical coverage so he will get the standard opt-out payment of \$5,600.00 annually; he will start with two (2) weeks paid vacation in 2021, then in 2022 a third week will be added for a total of three weeks paid vacation; his start date will be April 12, 2021, but he may be brought in before that date on a daily rate based on his 2021 salary.

President Yerman made a motion to proceed with the above terms, second by Council Member Hanosek. Motion carried 4 ayes and 3 nays.

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

Motion Passed.

Council Member Schleicher requested the minutes reflect the reason she voted nay is because Peter Melan was not her choice because she felt there was a more experienced applicant that Council could have chosen. She stated she has nothing against Mr. Melan but it is the way she feels and she had to say no to him being hired.

ADJOURNMENT

Hearing no further business, Council Member Bloch made a motion to adjourn tonight’s meeting at 10:47 p.m., second by Council Member Ashbrook. Motion carried: 7 ayes.

Respectfully submitted,

/s/ Selma Ritter

Selma Ritter
Administrative Assistant