

ATTENDANCE

Council Members: Angela Ashbrook, Vice President
 Barry Bloch
 Ryan Hanosek
 Todd Rutledge
 Vacant

Mayor: Ronald Conrad

Interim Borough Manager: John A. Brown

Solicitor: Patrick Armstrong

Administrative Assistant: Selma Ritter (7:30 p.m. to 9:41 p.m.)

Absent: John Yerman, President
 Alma Akinjiola

CALL TO ORDER – Vice-President Angela Ashbrook called the regular Council meeting to order at 7:30 p.m.

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, re: May 2021 Report. Sgt. Kocher discussed the report, which included being dispatched to 135 incidents, 5 total crimes reported, 5 traffic citations/warnings and 15 parking tickets/warnings.
- b. Speed/Traffic Study, 80 Block of N. Walnut Street. The Summary noted the study was conducted from June 10, 2021 through June 13, 2021, with 3,100 vehicles recorded, 855 vehicles traveled the roadway in a 24-hour period, the average speed vehicles traveled was approximately 32.66 and 948 vehicles traveled above the posted speed limit. The posted speed limit on North Walnut Street is 35 MPH. Sgt. Kocher stated 43 vehicles were traveling at a citable offense. He commented studies are prompted by resident complaints and on a proactive basis.
- c. Upper Macungie Township, re: April 21, 2021 Wawa Incident. The Township thanked the MPD for their assistance with a random shooting incident, with a loss of life, at the Wawa Convenience Store on April 21, 2021. The correspondence stated the men and women who responded to assist truly exemplified the motto of “To Protect and Serve.”

PUBLIC COMMENT

- a. Prior Public Comments to Council – None.
- b. Comments from the Audience on Non-Agenda Items.

i. Gregory Hutchison, recalled some previous Council Members stating the stop signs on Cotton Street would be removed once the pedestrian bridge was installed. He stated he supports keeping the stop signs in place because he believes they have safety value.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS – None.

APPROVAL OF MINUTES

a. June 07, 2021. Council Member Rutledge made a motion to approve the June 07, 2021 minutes, as written, second by Council Member Bloch. Motion carried: 4 ayes.

BILLS FOR APPROVAL - CONSENT AGENDA

a. Bank Reconciliation Reports, May 31, 2021 - No comment.

b. Bills for Payment listed, as of June 22, 2021, totaled \$75,754.84. Some of the bills were discussed in more detail.

Cleaning services for the Macungie Institute were discussed. There was a unanimous consensus among Council to keep the building's cleaning services in line with the frequency of Borough Board meetings. Interim Manager Brown will review the cleaning contract to determine how often the Borough buildings are cleaned.

Council Member Rutledge made a motion to approve paying the invoices listed on the Consent Agenda, as of June 22, 2021, as presented, second by Council Member Hanosek. Motion carried: 4 ayes.

CORRESPONDENCE

a. Brandon Gianopulos, re: Letter of Resignation. Officer Gianopulos' resignation from the MPD was effective June 08, 2021.

Council Member Rutledge made a motion to accept Brandon Gianopulos' letter of resignation, as of June 08, 2021, second by Council Member Bloch. Motion carried: 4 ayes.

b. Macungie Ambulance Corps, re: May 2021 Monthly Report. They responded to 350 calls during this service month; 26 of the calls were in the Borough of Macungie.

c. Gregory Hutchison, re: Letter of Interest to Fill Vacant Council Seat, Term Expires 12/31/2021. There was a consensus among the Council Members to table Mr. Hutchison's letter of interest to the July 07, 2021 Council meeting to see if any other letters of interest are received.

Council Member Ashbrook stated Council would conduct candidate interviews and vote on filling the vacant seat at their next meeting, which would be within the 30-day period.

- d. Lisa Yeager, re: Letter of Interest to Fill Vacant Council Seat, Term Expires 12/31/2021. Same action as Correspondence c above.
- e. Governor Tom Wolf, re: American Rescue Plan Act of 2021 (“ARPA”) Allocation. The ARPA has allocated \$6.15 billion to Pennsylvania counties, metropolitan cities and local government units to support COVID-19 response efforts, replace lost revenue, support economic stabilization for households and businesses, and address systemic public health and economic challenges. Governor Wolf’s correspondence stated Macungie Borough is entitled to a maximum allocation of up to \$332,638.76 (based on municipal population) from this federal funding which could be used for, but not limited to critical infrastructure sectors, to invest in water, sewer, and broadband infrastructure, to improve access to clean drinking water, support vital wastewater and stormwater infrastructure and to expand access to broadband internet. Interim Manager Brown stated the Borough’s response for funding is due within five days from the date of the letter and the Borough responded within that deadline. He stated 50% of the funds would be disbursed to the municipalities in 2021 and the remaining 50% in 2022. Solicitor Armstrong recalled at the last Council meeting Council voted to authorize Interim Manager Brown to proceed with the application.
- f. Auditor General, re: Macungie Volunteer Fire Department (“MVFD”) Compliance Audit. Tom Bailey, Treasurer for the MVFD and Fireman’s Relief Association, was in attendance this evening to discuss the Audit and the violations noted in it, which included Findings (1) Noncompliance with prior Audit Recommendation – Undocumented Expenditures; (2) Noncompliance with prior Audit Recommendation – Unauthorized Expenditures; (3) Noncompliance with prior Audit Recommendation – Failure to Maintain a Completed and Accurate Equipment Roster; and (4) Noncompliance with prior Audit Recommendation – Inadequate Minutes of Meetings. He provided the following explanations for the violations in: Findings #1 were due to the MVFD not having receipts for some expenditures and the said expenditures not being properly documented; he further stated these violations would not be seen in the next Audit and all of the violations have been rectified; Finding #2 was a violation for the purchase of uniforms, which is considered safety gear and Mr. Bailey did not know that at the time the purchase(s) was made, therefore, the safety gear would be an authorized expenditures. He will discuss the matter further with his contact at the Auditor General’s Office. Also, the \$100.00 donation has been reimbursed to the relief association; the Findings #3 (*Failure to Maintain a Complete and Accurate Equipment Roster*) violation was due to each piece of equipment’s serial number not being listed. He stated the serial numbers are being added to the roster, so this violation should not be seen on the next audit; the Findings #4 violation was not due to the meetings being recorded properly, but rather they did not address all of the financial-related transactions during the audit period and the minutes were not signed and dated by the secretary. Mr. Bailey stated they are currently trying to find a relief association secretary, which will resolve this violation.
- g. Municipal Retirement Trust, re: May 2021 Monthly Trust Reports. No discussion.
- h. Cpl. Michael Mullen, re: 2022 Collective Bargaining Agreement Notification. It was noted this correspondence is a routine notice to inform Council of the MPD’s intention to commence collective bargaining negotiations for the contract beginning January 01, 2022. The

MPD bargaining committee will be comprised of Cpl. Mullen and Sgt. Kocher. The Council committee will be comprised of President Yerman, Vice-President Ashbrook and Council Member Rutledge.

i. Michael Hinkle, re: Letter of Interest to Fill Vacant Joint Building Board of Appeals Position. Mr. Hinkle's credentials were briefly discussed.

Council Member Hanosek made a motion to appoint Michael Hinkle to the Joint Building Board of Appeals Board, second by Council Member Rutledge. Motion carried: 4 ayes.

j. Emmaus Library, re: May 2021 Board Meeting Minutes/Report. No comment.

REPORTS

a. Mayor

i. Reorganization Procedures. Mayor Conrad requested Solicitor Armstrong clarify the procedure for reorganizing Council meetings. He recalled at the last Council meeting, when the reorganization began to fill the vacant seat left by Roseann Schleicher, the meeting was turned over to him, but then President Yerman took the meeting back over which Mayor Conrad did not believe was necessary. Solicitor Armstrong commented he believed President Yerman turned the meeting over to Mayor Conrad until he [John Yerman] was re-appointed President then he took control of the meeting. Mayor Conrad commented the President, Vice-President and/or President Pro-Tem work at the pleasure of Council, therefore, at any meeting at any time a Council Member could make a motion to replace any of those officers without a reorganization meeting (Solicitor Armstrong concurred this was accurate).

ii. Part-Time Officer Position. Sgt. Kocher reported the application pool for Officer positions are low throughout the Lehigh Valley. Mayor Conrad suggested Council consider hiring a full-time permanent officer because they would be more committed to the Borough.

b. Solicitor.

i. Unregistered Residential Rental Properties. Solicitor Armstrong reported there are only two (2) residential rental units that have not been registered with the Borough yet and enforcement notices have been sent to the property owners. He will keep Council abreast of the matters as they move forward.

ii. 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.

Solicitor Armstrong provided a brief history of the property owner, Mr. Zeisloft, requesting the Borough vacate the unopened portion of Oak Street (a paper alley), which he noted Council

approved to move forward with at a previous meeting. He stated, since that time, he prepared the required documents for the Ordinance, but still needs a legal description from BIA for the sewer pipe that runs under the area and an easement is also needed so the Borough has access to the pipe. He recalled BIA suggesting a full survey be conducted on the sewer pipe because the Borough lacks documentation of it, which would cost \$1,000.00. Interim Manager Brown recalled Mr. Zeisloft originally stated he would pay all of the costs associated with the vacation. The Ordinance will not be advertised until confirmation is received from Mr. Zeisloft stating he agrees to pay the \$1,000.00 survey cost.

Carl Sell, questioned if Mr. Zeisloft had to use BIA to conduct the survey or if he could hire a different company to do it, as Mr. Sell feels the Borough spends a lot of money on BIA services. There was a majority consensus that Mr. Zeisloft could use his own engineering firm for the survey providing the document has the engineer's stamp on it.

Greg Hutchison suggested the Borough search the files at Borough Hall more for the information before spending money on a survey; he commented the Borough most likely installed the pipe so it should be in the records at Borough Hall. Council Member Rutledge commented the Borough knows the pipe is there, but they do not know the diameters of it and they did research the records but they could not find the needed information.

Council Member Ashbrook made a motion to authorize BIA to move forward with a survey, to create the necessary exhibit for the easement associated with vacation of Oak Street, conditioned upon Mr. Zeisloft agreeing to reimbursing the Borough the \$1,000.00 for the BIA invoice or Mr. Zeisloft could hire his own engineering company to resolve the matter satisfactory to the Borough, second by Council Member Rutledge. Motion carried: 4 ayes.

c. Borough Manager.

i. Re-Opening Borough Facilities (Borough Hall and Macungie Institute). Interim Manager Brown reported he reviewed the previous Borough Manager's notes on reopening the Borough buildings. Due to the Center for Disease Control's COVID-19 restrictions changing daily, he suggested Council provide guidance on mask wearing, social distancing and hand sanitizing for when the buildings open. It was noted that as of June 28, 2021 Governor Wolf's Emergency Declaration would no longer be valid and his restrictions would be lifted. Mayor Conrad stated any restrictions related to opening the buildings would be at the Borough's discretion. It was also noted Council decided to re-open Borough Hall at their last meeting.

There was a discussion on the restrictions that could be imposed and if the Center of Disease Control's suggestions would or should be followed. Mr. Hutchison commented if Council opens the Borough buildings, Borough Staff should be the ones to decide what restrictions they are comfortable with imposing because they work in the buildings, not Council telling the staff what restrictions they should follow as Council does not work in the Borough buildings.

Council Member Ashbrook made a motion to re-open Borough Hall and the Macungie Institute (Borough board meetings only; not for rentals) on June 28, 2021, second by Council Member Hanosek. Motion carried: 4 ayes.

ii. The Giant Company Grant Opportunity. Interim Manager Brown highlighted some of the projects the grant funds could be used on, which included open space, park improvements, water shed restorations, recycling, community gardens and farmer's markets. Council Member Rutledge stated no Borough funds would be required for this grant and the awarded grant funds could range from \$2,500.00 to \$25,000.00. He suggested Council apply for the grant to clean up debris in different streams and creeks located in the Borough. The application deadline is June 30, 2021. There was a consensus among Council to authorize Interim Manager Brown to review the grant and work with Council Member Rutledge on applying for funds.

iii. July 06, 2021 Council Meeting is on Tuesday due to Fourth of July Holiday. This item is a reminder for the next meeting. Solicitor Armstrong commented he has another engagement on this date so he would not be attending this meeting. He will follow up with Council when it is closer to the date to inquire if they would like to hold the meeting without legal counsel in attendance or if they would like someone else from his office to attend.

iv. Expense Approval, re: Lantek, Cost \$2,160.00. Lantek should be finished installing the computers tomorrow. Interim Manager Brown recalled Council previously approved this expense and the contract at their June 06, 2021 meeting. He commented the expense form before Council this evening is administrative to honor the \$1,000.00 spending threshold which requires the use of the form. Vice-President Ashbrook commented the form was not provided when Council previously approved the expense therefore it is to document the expense now. It was noted the laptop for the Macungie Institute Coordinator was not included in this proposal; therefore, it would be a separate proposal/expense.

Council Member Rutledge made a motion to authorize the expenditure to Lantek, in the budgeted amount of \$2,160.00, to finish the installation of three new computers, six new monitors and setup of the new software, second by Council Member Bloch. Motion carried: 4 ayes.

v. Macungie Institute Telephone Call Log. The log was compiled by Borough Staff based on telephone calls they received, from May 27, 2021 through June 15, 2021; it showed six people expressed interested in renting the Macungie Institute during that time.

d. Committees – None.

UNFINISHED BUSINESS

a. Public Works Department ("PWD"), re: Monthly Report on Upcoming Projects; Due at 2nd Council Meeting of month. No report was given for this period. However, Interim Manager Brown reported the PWD compiled a tentative street paving schedule, which was distributed to Council via email this evening and included paving for Parkside Drive on July 12th through 16th and Cedar Street on August 16th through 20th.

b. Race Street Storm Drain (Mtg w/Manager/Public Works Supervisor/Council President/Solicitor). Before any work can be done, a temporary Construction Easement is needed from the property owner at 50 Race Street.

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

c. Growing Greener Grant, re: Moving Forward. It was noted this project is to address some of the Borough's MS4 Pollution Reduction requirements, more specifically streambank restoration work along Mountain Creek, behind the MVFD property, including the retaining wall which is collapsing into the creek. Interim Manager Brown recommended Council continue to move forward with this grant because the project must be completed with or without grant funding. He reported the grant would be submitted this coming Friday, June 25, 2021, the MVFD signed a letter of support for the project with conditions regarding no encroachment onto the MVFD property, and the other two property owners have also signed a commitment letter. If the grant funds are awarded, a plan would then need to be signed. The conceptual plan that is being submitted with the grant application would not be tied to receiving the grant funds. The Borough would be applying for approximately \$300,000.00 in grant funds; there is a 15% matching funds requirement from taxpayer dollars (a/ka/ Borough funds), which would be approximately \$45,000.00. Interim Manager Brown stated if the grant is awarded all of the stakeholders would discuss a construction plan and if Council and the adjoining property owners cannot reach an agreement on the design of the plan, the Borough could reject the grant funds. Council Member Bloch suggested other remediation options (e.g., wall, a different bridge company or engineering firm) be considered to save money (Council Member Ashbrook concurred).

Council Member Ashbrook clarified the motion would only be to agree to the \$45,000.00 in matching funds, if they can come to an agreement on the grant, along with an agreement with the adjoining property owners and the design plan.

Council Member Rutledge made a motion for Council to provide a letter of support stating they agree to pay the 15% matching funds for the Growing Greener Grant, which would be ratified in a Resolution at the next Council meeting in July, second by Council Member Hanosek. Motion carried: 4 ayes.

d. Gregory Hutchison, re: Letter of Interest for Planning Commission. This matter has been tabled until the Council seat is filled at a future meeting.

NEW BUSINESS

a. Approval of Fireworks Display at Brookside Country Club ("BCC") on July 04, 2021. Celebration Fireworks, Inc. submitted an Application for Fireworks Display, with supporting documents, to the Borough. The fireworks display is an annual BCC event for the 4th of July holiday. In accordance with Chapter 181, Fireworks and Fireworks Displays of the Zoning Ordinance, Council shall examine the application and direct the Code Enforcement Officer to issue the fireworks permit.

MVFD Fire Chief, Michael Natysyn, stated he would need a copy of the Zoning Officer's permit #4566 so he can conduct an inspection to ensure the fireworks display is compliant with all of the codes.

Council Member Ashbrook made a motion to approve the BCC fireworks display on July 04, 2021, conditioned upon BCC complying with all codes, the MVFD inspection being completed and in compliance and Permit #4566 being issued, second by Council Member Bloch. Motion carried: 4 ayes.

b. Approval of Stone Hill Meadows ("Stone Hill") Building Permit for Phase III. Stone Hill provided the Borough with a *Stipulation and Agreement to Settle Matter*, between BT Stone Hill, LP, by and Through Its General Partner, BT Stone Hill Management, LLC and Lehigh County Board of Assessment Appeals, Lehigh County, East Penn School District and Borough of Macungie, Docket No. 2019-C-2760 as proof of the required Rollback Taxes being paid.

Solicitor Armstrong provided a brief history on the development's requirement to satisfy the tax issues for the property before they could obtain building permits for Phase III. He commented the fully executed tax agreement shows the condition has been resolved and Stone Hill is moving forward with obtaining building permits for the lots in Phase III and all the conditions are met satisfactory to the Borough. Sgt. Kocher recalled (Council Member Bloch concurred) one of the conditions was for Phase II (situated in Lower Macungie Township) being completed before homes could be erected in Phase III (situated in the Borough); he was uncertain if the original developer relayed this condition to the new developer or not.

Council Member Bloch expressed concern for three or four neighboring lots in Phase III (where the temporary retention pond is currently located) creating a flooding issue if developed. Solicitor Armstrong stated the plans have been approved with conditions and he is unsure of the condition of Phase II having to be completed prior to building in Phase III or the four lots Council Member Bloch expressed concern about. Solicitor Armstrong stated he will circulate the conditional approval letter that was sent to Stone Hill to the Council Members, as it has all of the conditions for approval listed in it.

Solicitor Armstrong also stated Stone Hill's agreement with the Tax Assessment Office, which is before Council this evening, is specific to the condition of the roll back taxes being satisfied and Council needs to acknowledge the taxes were satisfied. He commented Council does not issue building permits so that is not the issue this evening. Mr. Hutchison stated Council can put stipulations on a building permit. Solicitor Armstrong stated Stone Hill must comply with all of the conditions of the land development plan.

Council Member Ashbrook made a motion to acknowledge the condition regarding the Roll Back Taxes has been satisfied by way of the Settlement Agreement between Lehigh County Board of Assessment and Stone Hill Meadows in a manor satisfactory to the Borough, second by Council Member Bloch. Motion carried: 4 ayes.

ITEMS NOT ON AGENDA (Mayor and Council Members Only)

- a. Council Member Bloch stated the old cobra head streetlights on the telephone poles along a certain section of Main Street (next to where the new decorative Streetscape lights have been installed) are still illuminated and the electric usage cost is approximately \$12.00 to \$15.00 per light. He recalled from the last Council meeting it is the Borough's responsibility to have them taken down or turned off. He suggested the Borough call PPL to request having them turned off so the Borough does not continue to accrue costs. Council Members Bloch and Rutledge will work together to research which lights should be turned off and to determine the respective pole numbers; after the identifying information is obtained, Interim Manager Brown will then contact the electric company, PPL.
- b. Borough of Alburdis Zoning Ordinance Amendment. At their May 18, 2021 meeting, the Borough of Macungie Planning Commission had a unanimous consensus to recommend no comment to the proposed change to the Alburdis Codified Ordinances §21-1415(r), which seeks to change the amount of required off-street parking spaces under the zoning ordinance for restaurants, nightclubs, barrooms, lunch counters, or the like to one space for every five (5) employees and one space for every thirty (30) seats for customers. Borough Council did not have any comments on this amendment.
- c. Gregory Hutchison questioned:
- i. If the repaving of South Church Street would be worked on this year. Interim Manager Brown stated the lateral work has been completed and the next phase of work has not been determined yet.
 - ii. When Christopher Becker would be starting employment at the Borough as the Borough Manager. Council Member Ashbrook stated his start date is to be determined.

EXECUTIVE SESSION, IF NECESSARY

Vice-President Ashbrook called for an Executive Session at 9:41 p.m. to discuss real estate and a couple of personnel matters, with the potential to reconvene the regular Council meeting afterwards. The regular Council meeting reconvened at 10:15 p.m. with no action(s) taken.

Vice-President Ashbrook announced Christopher Becker is taking his name out of the running for the position of Borough Manager; and at this time, Council will be keeping the temporary/interim manager until they have a further course of action.

ADJOURNMENT - Hearing no further business, Council Member Ashbrook made a motion to adjourn tonight's meeting at 10:17 p.m., second by Council Member Rutledge. Motion carried: 4 ayes.

Respectfully submitted,

/s/ *Selma Ritter*

Selma Ritter
Administrative Assistant