

ATTENDANCE

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

Interim Borough Manager: John A. Brown

Solicitor: Patrick Armstrong

Administrative Assistant: Selma Ritter (7:30 p.m. to 9:05 p.m.)

Absent: Barry Bloch, Council Member  
Stan Wojciechowski, Engineer

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

ENGINEERS' MONTHLY REPORT - No report was provided.

PUBLIC COMMENTa. Prior Public Comments to Council.

i. Heather Printz, re: Donation Request for Das Awkscht Fescht. Alan Printz introduced himself as the President of Macungie Memorial Park ("MMP") Board of Directors and he is also a Member of the Das Awkscht Fescht Committee. He discussed the firework donations shortfall. He requested the Borough provide a donation for the fireworks display this year and in future years. The cost for the 2021 fireworks display was \$7,500.00; MMP raised most of the funds to cover the cost and has paid for them in full.

b. Comments from the Audience on non-agenda items.

i. Carl Sell, 46 Locust Street, Macungie, distributed a photograph of the rear portion of a property located at 36 Locust Street, which is along Apple Alley. He commented the property owner, Ronald Schmoyer, is placing sandbags at the edge of the property when it rains because the rainwater runoff enters his yard, then travels into his basement. Mr. Sell alleged this has been happening for years in this area because Apple Alley is pitched the wrong way.

Mr. Sell also questioned why two dips in the road, located at 201 and 213 South Walnut Street, have not been patched from when the street was opened over a year ago. The Borough will investigate who opened the street, then contact the responsible party to request repairs.

COMPLAINTS, PETITIONS, APPEALS AND COMPLIMENTS

a. President Yerman thanked the Public Works Department for spraying the weeds along some of the gutter areas of Borough streets.

APPROVAL OF MINUTES

a. July 19, 2021. Council Member Rutledge made a motion to approve the July 19, 2021 minutes, as written, second by Council Member Ashbrook. Motion carried: 6 ayes.

BILLS FOR APPROVAL – CONSENT AGENDA.

a. Bills for Payment. Some of the bills on the list for payment were discussed; more specifically, a \$985.00 invoice for seal coating the Brookfield basketball court.

Council Member Rutledge made a motion to approve paying the invoices listed on the Bills for Payment, as of August 02, 2021, in the amount of \$261,285.61, as presented, second by Council Member Akinjiola. Motion carried: 6 ayes.

CORRESPONDENCE

a. Municipal Retirement Trust, re: June 2021 Monthly Trust Reports. President Yerman commented the Police Pension fund increased approximately 7.5% and the Non-Uniform Pension funds increased approximately 5%.

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

REPORTS

a. Mayor Conrad reported he was able to meet President Biden at the Mack Trucks facility last Wednesday, which he stated was an honor. During his visit to the facility, President Biden discussed the Federal Buy American Act.

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.

Solicitor Armstrong reported Ordinance No. 2021-04 and the Exhibit are ready for moving forward with advertisement for adoption, but the advertisement is on hold until the signed Easement is received from Mr. Zeisloft.

Interim Manager Brown reported the Borough has entered into an agreement with Mr. Zeisloft for him to reimburse the Borough (via invoice) for the \$1,000.00 Barry Isett & Associates survey fee.

c. Borough Manager.

- i. Miscellaneous.

1. American Flags Along Main Street. As requested at the July 19, 2021 Council meeting, Interim Manager Brown discussed more flags being hung along Main Street with the Public Works Department (“PWD”). The PWD discussed the matter with Town Beautification, who purchases the flags, and they will include the flags on their mid-August meeting agenda.

2. 123 E. Main Street, Macungie, Refund. The property owners appeared before the Zoning Hearing Board on July 14, 2021 meeting to request a variance; at the meeting it was determined there was a miscommunication between the property owners and the Borough Zoning Officer and a variance was not needed. Since that time, the property owners requested a refund of the \$850.00 ZHB fee they paid. The property owners agreed to a partial refund of \$425.00 (half of the amount) because the Borough incurred expenses related to them requesting to appear before the Board (e.g., advertisement, notifications).

Council Member Rutledge made a motion to approve a partial refund for 123 E. Main Street, Macungie, Zoning Hearing Board fee, in the amount of \$425.00, effective today, second by President Yerman. Motion carried: 6 ayes.

3. 2021 General Obligation Note Series 2021-Sewer Loan Payment Update. Interim Manager Brown provided Council with a *Chart of Allocation for Payment by Fund Source* he prepared, which showed the loan payments will be paid by both the Sewer Debt Service Fund (80.8333%) and the General Fund (19.1667%) Borough accounts over a period of eight years, ending July 15, 2028. The first loan payment became due on July 15, 2021. Interim Manager Brown stated the loan payments would be drawn from two Borough accounts (1) 19% from the General Fund and (2) 81% from Sewer Dept Service.

ii. Grants/Projects.

1. New DCED/CFA Local Share Account (LSA) Northampton Lehigh County Program Grant. The grant submission deadline is September 30, 2021. No taxpayer (Borough) matching funds are required. Interim Manager Brown suggested Council use any potential awarded funds as partial funding for the replacement of the Hickory Street Bridge, which would be a multi-year funding effort due to the cost. He also requested Council consider other types of projects they would like this grant to fund.

2. DCED Multimodal Grant, for Main Street Streetscape, Phase VI. A grant application, in the amount of \$1,907,790.00, has been submitted for consideration and a possible award is pending.

3. Cotton Street Raingarden. The contractor, Stonewood Landshaping, previously submitted Payment Application #2, for the amount of \$15,250.00. ACELA Engineering has signed off on the project. Interim Manager Brown stated, as of this morning, the contractor was supposed to re-seed the raingarden this afternoon. He also reported the Engineer has certified the raingarden will function as it is intended to. Council expressed concern of potential issues with the raingarden’s design and the possibility of it to not function properly.

Payment Request #2, in the amount of was then discussed. Interim Manager Brown suggested Council approve paying 90% (\$13,725.00) of the requested amount but hold the remaining 10% (\$1,525.00) for re-seeding costs.

Council Member Rutledge made a motion to approve paying 90% of the contractor's payment request, approved by ACEA Engineering, less 10% of the payment request to ensure the seeding is completed correctly, second by Council Member Akinjiola. Motion carried: 6 ayes.

iii. Public Works Department.

1. Steet Paving Schedule Update. The Parkside Drive paving project has been completed during the week of July 12-16, 2021 and the Borough is in the process of capturing all of the paving expenses. Cedar Street (Allen Organ to Race Street) is scheduled to be paved the week of August 16-20, 2021.

2. Lumber Street Decorative Streetlights. Interim Manager provided the history for obtaining the three new quotes, dated July 23, 2021, for the project cost: (1) Fromm in the amount of \$40,661.28; (2) Schaedler in the amount of \$39,891.11; and (3) Colonial in the amount of \$39,817.13. He stated the amount of the wire was scaled back to 925 feet. He recommended Council accept Colonial's quote of \$39,817.13. The total LSA Grant Award is in the amount of \$42,317.00. It was noted this project was previously bid out.

Council discussed the new quotes. President Yerman stated no motion to accept a quote was necessary this evening, because Council already made a motion at their July 06, 2021 meeting.

iv. Contracts.

1. Refuse – Advanced Disposal/Waste Management Update. Interim Manager Brown stated the signed contract has an expiration date error; the contract was intended to be a 5-year contract, but the date incorporated into the description expires in 4-years (2021) instead of the actual year of 2022 (5-years). Therefore, a new contract does not need to be bid out until 2022.

2. APPI Electric Supply Contract Proposal. APPI is a broker firm that researches electrical rates for businesses. The Borough has used APPI's services in past years. Interim Manager Brown provided Council with a price quote chart with three options, which all have a fixed kWh rate: Option #1 - kWh 0.07401, 50-month term, with a 0.01074 (16.97%) change; Option #2 - kWh 0.07952, 60-month term, with a 0.01625 (25.68%) change; and Option #3 - kWh 0.07954, 24-month term, with a 0.01627 (25.72%) change. The PPL Price to Compare had a kWh 0.07541, with a 0.01214 (19.19 change).

Council Member Ashbrook made a motion to approve Option #1 for 50-months, subject to a quick legal review of the contract, second by President Yerman. Motion carried: 6 ayes.

3. Miscellaneous Items, Not on Agenda.

i. Cobra Head Streetlights Along Main Street. PPL is working on a cost estimate to depower and remove certain cobra head streetlights along Main Street, which are within the Streetscape improvements. Interim Manager Brown stated the Borough would be required to pay a penalty to terminate the contract early, as they are in the 4<sup>th</sup> year of a 15-year contract.

ii. Berks County Intermediate Unit (“BCIU”) Real Estate Tax Contract. BCIU provides a variety of service offerings within the tax billing services umbrella in an effort to accommodate the varying needs of taxing entities, including the Borough. The Borough received a new contract with BCIU, which requires Council’s approval this evening. The BCIU Board established the rates for the contract, outlined in Appendix 2 (attached to the Contract). It was noted there was no rate increase for the 2021-2022 tax year and the rates on the Appendix 2 schedule are the same as the rates for 2020-2021.

President Yerman made a motion to approve renewing the contract for another year at the same rate as the prior year, second by Council Member Rutledge. Motion carried: 6 ayes.

#### UNFINISHED BUSINESS

- a. Cotton Street Raingarden, re: Payment Request #2, in the Amount of \$15,250.00 (Carried from 7/6/2021 Meeting). Discussed under the Manager’s Report, § ii. Grants/Projects, §§ 3 above.
- b. Request for More American Flags Along Main Street/Route 100. Discussed under the Manager’s Report, § i. Miscellaneous, §§ 1 above.
- c. Request to Re-Open Macungie Institute and Hire Coordinator. President Yerman reported he and Council Member Hanosek discussed moving forward with the re-opening. A coordinator would need to be hired to market/advertise the building, among other duties.

Council Members Ashbrook, Hanosek and Yeager will meet with the Macungie Institute Trustees to work on revising the coordinator’s job description and a timeline to hire a coordinator. Council Member Rutledge volunteered to act as an alternate member of this team.

#### NEW BUSINESS

- a. APPI Electric Supply Contract Approval. Discussed under the Manager’s Report, § iv. Contracts, §§ 2 above.
- b. Approval of Macungie Memorial Park Das Awkscht Fescht Fireworks Display Event on August 07, 2021 (Borough Permit #4598). Discussed under Public Comments, § a.i. above.

Council Member Rutledge made a motion to authorize Permit #4598, for the fireworks Display on August 07, 2021 at 9:00 p.m., second by Council Member Ashbrook. Motion carried: 6 ayes.

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

- a. TASA Grant. President Yerman suggested Council consider adding a pedestrian walking lane to the Hickory Street Bridge (currently does not have one), then apply for the grant to see if the funding agency provides funding. He commented a few grants would be needed to replace the bridge due to the high replacement cost. The TASA Grant application is due in mid-August 2021. After Council discussed the mater further, it was determined there would not be enough time available (less than 2 weeks) to gather all of the application information, which would include an engineering design. It was noted this grant opportunity is available every year, so the Borough could apply next year.

b. Chalk the Walk Event. Council Member Akinjiola announced the event will be held on August 14, 2021 from 9:00 a.m. to 12:00 p.m. (noon) at the Macungie Volunteer Fire Company, 30 S. Walnut Street, Macungie. The rain date is August 15, 2021. This is a Free event for anyone 6 years old to adult. Artists will receive a box of chalk, but it is suggested participants bring their own chalk. There will be cash prizes. For more information on signing up or making a donation, send an email to [artclasses@faidley.net](mailto:artclasses@faidley.net) or call Out of Our Minds Art Studio at (610) 762-5694.

EXECUTIVE SESSION - President Yerman called for an Executive Session at 09:05 p.m. to discuss personnel items; he stated he did not foresee any action being taken afterwards. The regular Council meeting reconvened at 09:28 p.m. with no decisions made.

#### ADJOURNMENT

Hearing no further business, Council Member Ashbrook made a motion to adjourn tonight's meeting at 09:30 p.m., second by Council Member Yeager. Motion carried 6 ayes.

Respectfully submitted,

Selma Ritter  
Administrative Assistant