

January 02, 2018

**Emmaus Borough Council
Agenda
January 02, 2018 7:00 PM**



1. Oath of Office

- 1.a. Judge Donna Butler will Administer the Oath of Office to:
Mayor Lee Ann Gilbert
Councilmember Roy Anders
Councilmember Brent Labenberg
Councilmember Shana Baumgartner

2. Remarks by Judge Donna Butler

3. Call to Order

4. Pledge of Allegiance

5. Reorganization of Council

- 5.a. Mayor Gilbert will preside over the Council Meeting by asking for nominations for President of Council. Council will vote for President. Mayor Gilbert will ask for nominations for Vice President. Council will vote for Vice President. The President will then preside over the Meeting.

6. Personal Appeals, Part I

7. Community Minute

8. Special Presentations

9. Reading of Minutes

- 9.a. Council Meeting Minutes - December 18, 2017

10. Decisions on Bids

- 10.a. Bid Results - Emmaus Public Library Addition

11. Communications

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12. Borough Engineer's Report
13. Solicitor's Report
14. Unfinished Business, Part I
15. New Business
16. Unfinished Business, Part II
17. Items Not on Agenda
Subject to Rule 9
18. Mayor's Report
19. Committee Reports

Public Works/(Highway, Water & Sewer)
Next Meeting – TBD

Health, Sanitation, and Codes
Next Meeting – TBD

2018 Service Agreement - CodeMaster Inspection Services

Reappointment to the Zoning Hearing Board - Don Nickerson (new term expires 1/1/2021)

Reappointment to the Building Board of Appeals - Todd Laudenschlager (new term expires 1/1/2023)

Parks and Recreation
Next Meeting – TBD

Appoint Barry Isett & Associates - Grant Application

Public Safety
Next Meeting – TBD

Reappointment to the Civil Service Commission – Darryl Wentz (new term expires 1/1/2024)

General Administration
Next Meeting – TBD

Resolution 2018-1: 2018 Appointments

Appointment of 2018 Employee and Volunteer Safety Committee Members

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Cave Brewing Company Conditional Use Decision

Reappointment to the Vacancy Board - John Stover, Jr. (new term expires 1/1/2019)

Reappointment to the Emmaus General Authority - Craig Neely (new term expires 1/1/2023)

Reappointment to the Emmaus Public Library Board - Nancy O'Keefe and Jean Nagle (new terms expire 1/1/2021)

Budget and Finance

Next Meeting – January 15, 2018 at 6:45 p.m.

Resolution 2018-2: Bill List

JetPay HR & Payroll Services Agreement

Community Relations, Planning and Development

Next Meeting – TBD

Reappointment to the Shade Tree Commission - Everett 'Reds' Bailey - (new terms expires 1/1/2023)

20. Boards and Commissions

20.a. Library Board Meeting Minutes - November 21, 2017

20.b. Zoning Hearing Board Meeting Minutes - December 21, 2017

21. Personal Appeals, Part II

22. Borough Manager's Report

22.a. Significant Revenue and Expense Items for December 2017

23. President's Business

23.a. Interview Candidates for Council

24. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on January 2, 2018 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

Magisterial District Judge Donna Butler administered the Oath of Office to new Mayor LeeAnn Gilbert, new Council Member Shana Baumgartner, and incumbent Council Members Brent Labenberg and Roy Anders.

CALL TO ORDER

Mayor Gilbert called the Meeting to order at 7:10 p.m.

Roy Anders	Present
Shana Baumgartner	Present
Chris DeFrain	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
LeeAnn Gilbert, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

Mayor Gilbert asked for nominations for President of Borough Council.

Mr. Anders nominated Mr. Labenberg for Council President.

Motion by Mr. DeFrain, seconded by Mr. Shubzda to close the nominations for Council President. There were 5 ayes. Motion carried.

Mr. Labenberg received 5 votes for Council President.

Mr. Labenberg was declared Council President.

Mayor Gilbert asked for nominations for Vice President of Borough Council.

Mr. Labenberg nominated Mr. DeFrain.

Motion by Mr. Anders, seconded by Mr. Labenberg to close the nomination for Council Vice President. There were 5 ayes. Motion carried.

Mr. DeFrain received 5 votes for Council Vice President.

Mr. DeFrain was declared Council Vice President.

Mr. Labenberg took the President’s seat and presided over the Borough Council Meeting.

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PERSONAL APPEALS, PART I

A. John Hayes and Dave Hunsicker, CEO of New Tripoli Bank – Mr. Hayes congratulated Mayor Gilbert and the newly elected Council Members. Mr. Hayes updated everyone on the Buckeye Road project and invited Borough Council to attend the Grand Opening ceremony on Tuesday, January 9, 2018 at 11:30 a.m. Mr. Hunsicker also congratulated Mayor Gilbert and the newly elected Council Members.

COMMUNITY MINUTE

Mr. Anders reminded everyone that refuse/recycling collection will occur on Thursday, January 4th. He stated that the curbside Christmas tree pickup has begun and reminded everyone to remove the bags from the trees before placing them out at the curb.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mr. Anders to adopt the December 18, 2017 Council Minutes as drafted. There were 4 ayes, 1 abstention (Baumgartner). Motion carried.

DECISION ON BIDS

Motion by Mr. DeFrain, seconded by Mr. Shubzda to appoint CMG of Easton, Inc. as General Contractor, including their base bid, with alternates 2, 3, 4, 7, 12, 15, and 16 for the Emmaus Public Library addition in the amount of \$1,019,250.00. There were 5 ayes. Motion carried.

Mr. Anders voiced concern about including alternate 12 as part of the bid. Mr. Pepe responded that he discussed the issue with the contractor and the architect and they had specific reasons for including alternate 12. Mr. Pepe stated that he believes that there will be change orders associated with the project. Mr. Pepe also stated that the project must begin by March 1, 2018.

Motion by Mr. DeFrain, seconded by Mr. Shubzda to appoint Spotts Brothers Inc., as Electrical contractor, including their base bid, with alternates 1, 3, and 5 for the Emmaus Public Library addition in the amount of \$75,250.00. There were 5 ayes. Motion carried.

Mr. Anders stated that he will support the motion but objects to alternate 5.

Motion by Mr. DeFrain, seconded by Mrs. Baumgartner to appoint JBM Mechanical Inc., as the Mechanical Contractor, including their base bid, with alternate

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1, for the Emmaus Public Library addition in the amount of \$63,000.00. There were 5 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mrs. Baumgartner to appoint John G. Membrino as the Plumbing Contractor in the amount of \$21,985.00 for the Emmaus Public Library addition. There were 4 ayes, 1 opposed (Shubzda). Motion carried.

Mr. Anders questioned why John G. Membrino's bid was much lower than the others. Mr. Pepe stated that the owner of the company assured that the bid was accurate per the architect. Mr. Shubzda stated that he will vote against the motion because he was unable to gather any information on Membrino Plumbing.

COMMUNICATIONS – None.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Solicitor Dimmich stated that he will be meeting with the Borough Engineer and Mr. Pepe prior to meeting with the City of Allentown concerning the LCA water issue. He also stated that he is working on an ongoing Police grievance issue.

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

ITEMS NOT ON AGENDA, subject to Rule 9 – None.

MAYOR'S REPORT

Mr. Labenberg congratulated Mayor Gilbert on becoming the first female Borough Council President and the first female Borough Mayor.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Progress.

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b. Health, Sanitation, and Codes Committee

Motion by Mr. Shubzda, seconded by Mr. Anders to enter into the 2018 Service Agreement with CodeMaster Inspection Services. There were 5 ayes. Motion carried.

Mr. Pepe stated that CodeMaster conducts most of our Commercial inspections and that the inspection fees will remain the same for 2018.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to reappoint Don Nickerson to the Zoning Hearing Board to a term expiring 1/1/2021. There were 5 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to reappoint Todd Laudenschlager to the Building Board of Appeals to a term expiring 1/1/2023. There were 5 ayes. Motion carried.

Progress.

c. Parks and Recreation Committee

Motion by Mr. Anders, seconded by Mrs. Baumgartner to appoint Barry Isett & Associates as grant writers for the Borough’s Municipal Greenways and Open Space Network Plans grant application. There were 5 ayes. Motion carried.

Progress.

d. Public Safety Committee

Motion by Mr. DeFrain, seconded by Mr. Shubzda to reappoint Darryl Wentz to the Civil Service Commission to a term expiring 1/1/2024. There were 5 ayes. Motion carried.

Progress.

e. General Administration Committee

Resolution 2018 – 1

BE IT HEREBY RESOLVED by Emmaus Borough Council to appoint the following officials to their designated positions for a term expiring on January 2, 2019.

- | | |
|---------------------------|-----------------|
| Ambulance Corps Chief | Jeffrey Hoffman |
| Animal Control Officer | Allen Lewis |
| Borough Manager/Secretary | Shane Pepe |

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Borough Solicitor	Dimmich, Dinkelacker & Anewalt, P.C.
Director of Finance/Treasurer	Christine Snyder
Certified Public Accountant	France, Anderson, Basile & Co.
Civil Service Commission Solicitor	Davison & McCarthy
Code Enforcement Officer/Public Works Inspector	James L. Farnsworth
Earned Income and Local Services Tax Office	H.A. Berkheimer
Emergency Management Coordinator	James Krippe
Engineer (General/Water/Sewer)	Hanover Engineering
Fire Chief/Director of Emergency Services	John Price
Fire Inspector	Daniel Sell
Health Officer	Garry Ritter
Pension Consultant-Police/Non-uniform	Mockenhaupt Benefits Group
Per Capita Tax Office	H.A. Berkheimer
Police Chief	Charles Palmer
Public Works Director	John Dychala
Sewage Enforcement Officers	Jacob A. Schray Gregory Gray Christopher Taylor
Special Labor Counsel	Campbell, Durrant, Beatty, Palombo & Miller, P.C.
Weed/Snow Enforcement Officer	Paula Weiant
Zoning Hearing Board Solicitor	Ronald Corkery, Esq.

Motion by Mr. Anders, seconded by Mr. Shubzda to adopt Resolution 2018-2. There were 5 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Shubzda to appoint the following individuals to the 2018 Employee Volunteer Safety Committee:

**Administration: Shane Pepe, term expires infinite;
Code / Zoning: Jim Farnsworth – term expires infinite;
Police: Todd Garloff, term expires 12/31/18;
Fire: John Price, term expires: 12/31/18;
Ambulance: Justin Haman – term expires 12/31/19;
Public Works: Troy Bower – term expires 12/31/19;**

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**Clerical: Teresa Pohlmann – term expires 12/31/19.
There were 5 ayes. Motion carried.**

Motion by Mr. Shubzda, seconded by Mr. Anders to approve the Cave Brewing Company Conditional Use Decision. There were 5 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mrs. Baumgartner to reappoint John Stover to the Vacancy Board to a term expiring on 1/1/2019. There were 5 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to reappoint Craig Neely to the Emmaus General Authority to a term expiring on 1/1/2023. There were 5 ayes. Motion carried.

Motion by Mrs. Baumgartner, seconded by Mr. DeFrain to reappoint Nancy O’Keefe to the Emmaus Public Library Board to a term expiring on 1/1/2021. There were 5 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. DeFrain to reappoint Jean Nagle to the Emmaus Public Library Board to a term expiring on 1/1/2021. There were 5 ayes. Motion carried.

Progress.

f. Budget and Finance Committee

Resolution 2018-02, authorizing payment of the January 2, 2018 Bill List, as follows:

Bill List	\$	297,154.60
Payroll #26	\$	134,754.82
Payroll Taxes	\$	<u>47,659.77</u>
Total	\$	479,569.19

Done this 2nd day of January 2018.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to adopt Resolution 2018-02. There were 5 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to enter into an Agreement with JetPay HR & Payroll Services Agreement contingent upon final approval of the Agreement by Mr. Pepe and Solicitor Dimmich. There were 5 ayes. Motion carried.

Solicitor Dimmich stated that there are errors on Page 6 and 7 of the Agreement and they will be corrected. Mr. DeFrain stated that he does not believe that the Borough will use some of the modules listed on the Agreement. Mr. Anders asked if there were other payroll

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services that the Borough was interested in. Mr. Pepe responded that Borough staff also met with ADP Payroll Services. Mr. Pepe stated that the Borough has been using JetPay for years and has never had an issue with them. He also stated that ADP Payroll Services was much more expensive. Mr. Pepe stated that the Borough will go live with JetPay on approximately April 2, 2018.

Progress.

g. Community Relations, Planning and Development Committee

Motion by Mr. Anders, seconded by Mr. Shubzda to reappoint Everett ‘Reds’ Bailey to the Shade Tree Commission to a term expiring on 1/1/2023. There were 5 ayes. Motion carried.

Progress.

PERSONAL APPEALS, PART II

BOROUGH MANAGER’S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for December, 2017 are in the iPads and entertained questions about them. He stated that the Borough is on target with its Budget numbers. He stated that the Borough has had many issues with water leaks due to the extreme cold. He also stated that the Emmaus Police Department has heating issues and they have had no heat for 2 weeks.

Progress.

PRESIDENT’S BUSINESS

Mr. Labenberg stated that there were 14 candidates for the two vacant council positions and thanked everyone for applying. The applicants are as follows: Kristian Anderson, Jeffrey Baker, Wesley Barrett, Alice Fortunato, Jonathan Harada, John Hart, Theodore Iobst, Chelsea Kehs, Courtney Call Kennedy, Erin McLane, John Reynard, Dan Schmidt, Teri Sorg-McManamon, and Nigel Watt. He stated that there are 13 candidates present at tonight’s council meeting and that Erin McLane is not present. Mr. Labenberg began the interview process.

Mr. Labenberg recessed the meeting briefly at 9:45 p.m.

Mr. Labenberg reconvened the meeting at 9:50 p.m.

Mr. Labenberg asked for nominations for the first vacant Council position.

Mr. DeFrain nominated Wesley Barrett as a member of the Emmaus Borough Council.

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Motion by Mr. Anders, seconded by Mr. DeFrain to close the nominations. There were 5 ayes. Motion carried.

Resolution 2018-3: A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Appointing a Council Member to a Term Ending December 31, 2019.

Motion by Mr. DeFrain, seconded by Mrs. Baumgartner to adopt Resolution 2018-3: Appointment of Wesley Barrett to Emmaus Borough Council. There were 5 ayes. Motion carried.

Mr. Anders nominated Teri Sorg-McManamon as a member of the Emmaus Borough Council.

Mrs. Baumgartner nominated Courtney Call Kennedy as a member of the Emmaus Borough Council.

Mr. DeFrain nominated Theodore Iobst as a member of the Emmaus Borough Council.

Motion by Mr. Shubzda, seconded by Mr. Anders to close the nominations. There were 5 ayes. Motion carried.

Resolution 2018-4: A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Appointing a Council Member to a Term Ending December 31, 2019.

Motion by Mr. Anders, seconded by Mr. Shubzda to adopt Resolution 2018-4: Appointment of Teri Sorg-McManamon as a member of the Emmaus Borough Council. Roll Call Vote: Mr. Labenberg, aye; Mr. Anders, aye; Mr. Shubzda, aye; Mr. DeFrain, no; Mrs. Baumgartner, no. There were 3 ayes, 2 opposed (DeFrain, Baumgartner). Motion carried.

Mayor Gilbert issued the Oath of Office to new Council Members Wesley Barrett and Teri Sorg-McManamon.

Progress.

ADJOURNMENT

Motion by Mr. Anders, seconded by Mrs. Sorg-McManamon to adjourn the January 2, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 10:10 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
January 4, 2018