

February 04, 2019

**Emmaus Borough Council
Agenda
February 04, 2019 7:00 pm**



1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
 - 5.a. Cub Scout Pack 80 Webelo II
6. Reading of Minutes
 - 6.a. Council Meeting Minutes - January 21, 2019
7. Decisions on Bids
 - 7.a. Police Department HVAC System
8. Communications
 - 8.a. David Bocchino, 28 W. Berger St. - Request appointment to the Zoning Hearing Board.
 - 8.b. Brian Szabo - Letter of Resignation as a Full-Time Paramedic with the Emmaus Ambulance Corps, effective 2/28/2019.
 - 8.c. Donna Weaver, 5590 Schantz Rd. - Request appointment to the Recreation and Entertainment Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II

February 04, 2019

14. Items Not on Agenda
Subject to Rule 9

15. Mayor's Report

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)
Next Meeting – February 13, 2019 at 4:00 p.m.

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)
Next Meeting – February 27, 2019 at 4:30 p.m.

Appoint David Bocchino, Esq. as an Alternate to the Zoning Hearing Board (term expires 1/1/2022)

Knauss Homestead - Fence

Committee Meeting Notes - January 30, 2019

Next Meeting - February 27, 2019 at 4:30 p.m.

Parks and Recreation (Baumgartner, Anders, Shubzda)
Next Meeting – March 5, 2019 at 4:30 p.m.

Public Safety (DeFrain, Hart, Baumgartner)
Next Meeting – February 13, 2019 at 9:15 a.m.

General Administration (Labenberg, Baumgartner, DeFrain)
Next Meeting – February 14, 2019 at 9:00 a.m.

Budget and Finance (Hart, DeFrain, Labenberg)
Next Meeting – February 14, 2019 at 3:30 p.m.

Resolution 2019-9: Bill List

Committee Meeting Notes - January 21, 2019

Next Meeting - February 14, 2019 at 3:30 p.m.

Community Relations, Planning and Development (Sorg-McManamon, Hart, Shubzda)
Next Meeting – February 21, 2019 at 4:30 p.m.

Resolution 2019-5: The Fields at Indian Creek Phase IV and V Final Plan Conditional Approval

Resolution 2019-8: Wawa Preliminary/Final Plans Conditional Approval

Bus Shelter License Agreement

The Fields at Indian Creek - Recreation Contribution Waiver

February 04, 2019

Next Meeting - February 21, 2019 at 4:30 p.m.

17. Jr. Council Member's Report

18. Boards and Commissions

18.a. Employee and Volunteer Safety Committee Meeting Minutes - January 16, 2019

18.b. Emmaus Arts Commission Meeting Minutes - December 10, 2018

18.c. Board of Health Meeting Minutes - January 17, 2019

18.d. East Penn Chamber of Commerce Board Meeting Minutes - January 22, 2019

18.e. Zoning Hearing Board Meeting Minutes - January 24, 2019

18.f. Joint Environmental Advisory Council Meeting Minutes - January 28, 2019

18.g. Community Garden Commission Meeting Minutes - January 8, 2019

18.h. Emmaus Main Street Partners Board Meeting Minutes - January 2, 2019

19. Personal Appeals, Part II

20. Borough Manager's Report

20.a. Significant Revenue and Expense Items for January, 2019

20.b. Firefighter New Hires

21. President's Business

21.a. Executive Session - Legal / Personnel

22. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on February 4, 2019 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:00 p.m.

Brent Labenberg, President	Present
Chris DeFrain, Vice President	Present
Roy Anders	Present
Shana Baumgartner	Present
John W. Hart	Present
Jeffrey Shubzda	Present
Teri Sorg-McManamon	Present
Jonas Hausmann, Jr. Council Member	Present
Lee Ann Gilbert, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Robin Slifer, 418 Keystone Ave. – voiced concern about the neighbor living next to her at 414 Keystone Avenue. She stated that the neighbor had erected a split-rail fence without a permit. She stated that they were notified by the Zoning Office that they needed a permit and obtained one. She stated that the fence was not installed properly and is taped together. She also stated that the neighbor is decorating the fence with fluorescent tape and that the tape is encroaching onto their property. She stated that the neighbor continues to add more tape to the fence and there is no curb appeal. She asked if there are any Ordinances against defacing property. Mr. Pepe responded that the matter will be looked at in more detail, but he does not believe that there is an Ordinance that can regulate this. Solicitor Dinkelacker also stated that he does not believe that the Borough can regulate the issue.

B. Kerry Zobol, 407 Keystone Ave. – voiced concern about the same neighbor as Ms. Slifer. She stated that the fence and fluorescent tape looks terrible for the neighborhood.

C. Barbara Mohr, 410 Keystone Ave. – voiced concern about the same neighbor as the two previous appeals. She stated that the neighbor has been very vocal and has been stated to say, “I will make your life hell.” She stated that the neighbor uses bad language and there are a lot of fights at the house. She stated that the Police have been at the house several times and there is drug activity at the house. Solicitor Dinkelacker stated that there is nothing the Borough can do and disturbing the peace is a Police issue.

COMMUNITY MINUTE

Mr. Shubzda thanked the Emmaus Arts Commission for hosting the SnowBlast Winter Arts Festival on Saturday, February 2, 2019 from noon to 7:00 p.m. He stated that it was very

EMMAUS BOROUGH COUNCIL

well attended and congratulated them on the success of the event. Mr. Anders stated that the Emmaus Historical Society has done a great job in the Borough and has wonderful volunteers. He encouraged everyone to visit the Society.

SPECIAL PRESENTATIONS

Cub Scout Pack 80 Webelo II

Mr. Labenberg thanked the Webelos for attending tonight's meeting and stated that each Webelo could approach the podium and ask Council questions.

Nicholas asked what background and education is required to become a Council member. Mr. Labenberg responded that anyone who is 18 years or older, lives in the Borough and has been registered to vote for at least one year is eligible to run for Council. He stated that there is no educational requirement. Nicholas also asked what is the biggest challenge facing the community. Mr. Labenberg responded that it is very hard to balance the services with the revenue that is taken in by the Borough.

Riley asked what is Council's most important responsibility. Mr. Labenberg responded that the biggest responsibility is making sure that the Borough spends tax money wisely and is not wasteful with it. Riley also asked how the citizens of the Borough can help Council to be more effective. Mr. Labenberg responded that members of the community can help by volunteering and attending Council meetings to find out what is happening in the Borough. Mr. Hart stated that a major responsibility of Council is also safety and to ensure that the residents feel safe in the community.

Mr. Anders thanked the Webelos for attending tonight's meeting and encouraged them to continue volunteering. Mr. Labenberg encouraged the community to continue to come to Council meetings and offer suggestions.

READING OF MINUTES

Motion by Mr. Shubzda, seconded by Mrs. Sorg-McManamon to adopt the January 21, 2019 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Motion by Mr. Hart, seconded by Ms. Baumgartner to award the Police Department HVAC System bid to Remco, Inc., in the amount of \$48,823.00.

Mr. Pepe stated that the Borough received two bids and the bids were very close. He stated that there will be a change order issued on the project.

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

a. David Bocchino, 28 W. Berger Street – Request appointment to the Zoning Hearing Board.

Motion by Mr. Shubzda, seconded by Mr. Anders to appoint David Bocchino as an alternate to the Zoning Hearing Board to a term expiring 1/1/2022. There were 7 ayes. Motion carried.

b. Brian Szabo – Letter of Resignation as a Full-Time Paramedic with the Emmaus Ambulance Corps, effective 2/28/2019. Mr. Pepe stated that the Borough is going to post the job internally. He stated that it is very difficult to obtain candidates from the outside.

c. Donna Weaver, 5590 Schantz Road – Request appointment to the Recreation and Entertainment Commission. Mr. Labenberg referred the item to the Parks and Recreation Committee.

d. Michael Muller, Yeager Fuel Oil driver – Mayor Gilbert read a letter from Mr. Muller thanking the Emmaus Police Department for responding to a no heat call from an elderly resident and waiting until the technician replaced the motor.

BOROUGH ENGINEER’S REPORT

Brad Youst, Hanover Engineering, Inc., reported that the 10th Street Culvert project has been completed and S. 10th Street is open. He stated that there is a punch list that needs to be completed. He thanked everyone for their patience and understanding during the project. Mr. Labenberg thanked Mr. Youst for the update.

SOLICITOR’S REPORT

Solicitor Dinkelacker reported that J.P. Mascaro did not file an appeal.

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

Mayor Gilbert thanked the Mercantile Club for their generous donation to the Borough’s emergency service departments.

EMMAUS BOROUGH COUNCIL

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reported that the Committee will meet on Wednesday, February 13, 2019 at 4:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee will continue to discuss a request from the Knauss Homestead concerning a fence. He reported that the Committee met with a representative, Paul Brady, from Whitetail Disposal. Mr. Brady stated that the call volume that Whitetail was receiving has diminished greatly. He stated that Whitetail has asked that residents do not place shredded paper out for recycling as it is actually compost and not compatible with their machines. He also stated that plastic bags are not recyclable. He stated that many of the recyclables are contaminated and encouraged residents to rinse their cans and bottles before placing them in the recycle containers. He also encouraged residents to break their cardboard boxes down and place them in a larger box. Mr. Brady also stated that residents should call ahead if they are going to place a large item out for collection. Mr. Pepe stated that there will be a refuse and recycling reminder article in the Spring newsletter. Ms. Baumgartner asked Mr. Pepe if the Borough could post these reminders on Facebook.

Mr. Shubzda reported that the next Committee meeting is February 27, 2019 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that the next Committee meeting is February 5, 2019 at 4:30 p.m.

Progress.

d. Public Safety Committee

Mr. DeFrain reported that the next Committee meeting is Wednesday, February 13, 2019 at 9:15 a.m.

Progress.

EMMAUS BOROUGH COUNCIL

e. General Administration Committee

Motion by Mr. DeFrain, seconded by Mr. Shubzda to enter into the LANTA Bus Shelter Agreement. There were 7 ayes. Motion carried.

Mr. Labenberg reported that the next Committee meeting is February 14, 2019 at 9:00 a.m.
Progress.

f. Budget and Finance Committee

Resolution 2019-9, authorizing payment of the February 4, 2019 Bill List, as follows:

Bill List	\$	658,047.94
Payroll #3	\$	162,219.45
Payroll Taxes	\$	<u>52,242.52</u>
Total	\$	872,509.91

Done this 4th day of February 2019.

Motion by Mr. Hart, seconded by Mr. Shubzda to adopt Resolution 2019-9. There were 7 ayes. Motion carried.

Mr. Hart reported that the next Committee meeting is February 14, 2019 at 3:30 p.m.
Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that there are several items for official action.

Resolution 2019-5 – A Resolution Conditionally Approving the Phase IV and V Final Plan for the Fields at Indian Creek.

Solicitor Dinkelacker stated that Resolution 2019-5 conditionally approves Phase IV and V for the Fields at Indian Creek. He stated that Phases IV and V involve 85 lots, 14 of which are located in the Borough. He stated that 10 of the lots are in Phase IV and 4 are in Phase V. He stated that the plan was reviewed by the Borough’s Planning Commission on November 8, 2018 and the Planning Commission recommended conditional approval. He stated that because it is a phased plan, the conditions are minimal. He stated that there is a waiver request for the Borough to waive the Recreation Fee for the lots located in the Borough of Emmaus. Solicitor Dinkelacker introduced Lew Rauch, Lehigh Engineering, and Richard Brooks, Fields at Indian Creek, LLC. Mr. Rauch stated that they will be presenting Phase IV and Phase V for final approval at Upper Milford Township on February 7, 2019. He stated that the Recreation Fee waiver was made because the developer will be creating a

EMMAUS BOROUGH COUNCIL

pedestrian crosswalk, updating handicap ramps, updating pedestrian crosswalk lights, and will make the intersection safer along Cedar Crest Boulevard. Solicitor Dinkelacker stated that the fee waiver is only for Phase IV and V. Mr. Pepe stated that the Planning Commission recommends granting the fee waiver request. He also stated that the Borough would be waiving a \$14,000 fee to have the \$40,000 - \$50,000 worth of work completed by the developer. He stated that the fee waiver is included in the Resolution.

Motion by Mrs. Sorg-McManamon, seconded by Mr. Anders to adopt Resolution 2019-5. There were 7 ayes. Motion carried.

Resolution 2019-8 - A Resolution Conditionally Approving the Preliminary/Final Subdivision and Preliminary/Final Land Development Plans of Cedar Crest Chestnut Development, L.P. (Proposed Convenience Store)

Solicitor Dinkelacker stated that Resolution 2019-8 is a Resolution for conditional approval for the plans for the development of Wawa. He stated that there are two plans, a subdivision plan for a 29.25 acre tract of land owned by HP Altman Colonial Crest, L.P., and a plan for a convenience store to be placed on a 2.29 acre tract of land. He stated that the remaining 29.25 acre tract of land will continue to be used as an apartment complex. He stated that Altman will remain responsible for some of the easements. He stated that the second plan is the land development plan. He stated that the plan proposes that the detention basin would be offered for dedication to the Borough and the Borough would be responsible for maintaining it. Mr. Labenberg questioned the fee for the maintenance of the detention basin. Solicitor Dinkelacker responded that the Borough does not have an Ordinance to calculate the fee. Borough Engineer, Brad Youst, stated that it will be an infiltration basin and the maintenance will be minimal. Attorney Erick Shock, Fitzpatrick, Lentz & Bubba stated that the developer will design Green Street as a two-way public road, there will be two stormwater management systems, a trail and a bridge, most of which were at the Borough's request. He stated that the plan includes a restricted left turn exit at the proposed Cedar Crest Boulevard access drive. Mr. Pepe stated that Green Street did not exist and the developer is spending approximately \$500,000 to build the road because Council requested it. Mr. DeFrain stated that all the safety issues that the Borough can control have been addressed in the resolution. Mr. DeFrain thanked the developer, Wawa, and the Borough Engineer for addressing every safety issue that the Borough presented. Solicitor Dinkelacker stated that all permits will be obtained in the Borough's name as per PennDot. Mr. Labenberg stated that he is excited about the Wawa because it will bring an estimated 20 to 40 jobs into the Borough and because the developer will make many improvements to the Borough. It is estimated that the Wawa will be open at the end of 2019 or beginning of 2020. Mrs. Sorg-McManamon thanked the Planning Commission for their hard work during this process.

Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to adopt Resolution 2019-8. There were 7 ayes. Motion carried.

Mrs. Sorg-McManamon entertained questions about the Committee notes. She stated that the next Committee meeting is February 21, 2019 at 4:30 p.m.

EMMAUS BOROUGH COUNCIL

Progress.

h. Junior Council Member's Report

Mr. Hausmann stated that the school district recently had snow days. He stated that the boys' and girls' basketball teams will play against Nazareth today. He also stated that the Snow Dance was delayed due to graffiti that was placed in one of the bathrooms.

Progress.

PERSONAL APPEALS, PART II

A. Griffin Harold, 123 Elm Street – asked for a follow-up on a previous personal appeal by Desiree Franz, 27 N. 4th Street. Mr. Pepe stated that he had a meeting with the legal representative from the house located next door and the attorney spoke with the owner of the house to try to make some changes. Mr. Pepe stated that he has received word that no changes have taken place. Mr. Pepe also stated that from a Zoning standpoint, the Borough cannot do anything. Mr. Pepe stated that the Police Department is also dealing with issues there. He also stated that the situation has not been resolved to the neighbor's or the Borough's satisfaction, and the only option is for the neighbor to file a civil lawsuit. Mr. Griffin asked if there is anything anyone in the community can do to help. Mr. Pepe responded that there is not.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for January 2019 are in the iPads and entertained questions about them.

Mr. Pepe reported that staff has made conditional offers of employment to the following eight individuals: Thomas Carl and Matthew Sadrovitz as Master Firefighters; Tyler Heicklen, Joshua Smith and Jacob Sommers as Firefighter 2; and William Beyer, Curtis Diehl, and Ian Mallery as Firefighter 1. Mr. Pepe stated that 20 applications were received and 13 were selected to interview. He stated that all 13 individuals are very highly trained and well-qualified to be Firefighters for the Borough. Mr. Labenberg stated that the resumes were very impressive and the Borough will have top-notch Firefighters. Mr. Pepe stated that the final round of hiring will take place in late Spring or early Summer. He stated that the Borough is also in the promotion process for Lieutenant for the Fire Department and hiring part-time Police Officers. He stated that the Borough is working very hard to fill all of its emergency service openings.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 8:44 p.m. for an Executive Session to discuss legal and personnel matters with no action anticipated.

EMMAUS BOROUGH COUNCIL

Mr. Labenberg reconvened the meeting at 9:19 p.m.

Progress.

ADJOURNMENT

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to adjourn the February 4, 2019 Emmaus Borough Council Meeting. There were 6 ayes. Motion carried.

The Meeting adjourned at 9:20 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 7, 2019