

February 05, 2018

**Emmaus Borough Council  
Agenda  
February 05, 2018 7:00 PM**



1. Attendance of Council Members
2. Public Hearing
  - 2.1. Ordinance No. 1170 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 4.11 Acre (More or Less) Tract of Land Forming a Part of a 17.29 Acre Tract Known as "N. 10th St., Emmaus, PA 18049" and Identified by Lehigh County Tax PIN Number 549414909541 1 From the Medium Density Residential (R-M) Zoning District to the Limited Commercial (B-L) Zoning District (Hearing and Ordinance 2/5/2018).
3. Solicitor Comments
4. Public Comments
5. Council Comments
6. Adjournment

February 05, 2018

**Emmaus Borough Council  
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February 05, 2018 7:00 PM**



1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes
  - 6.a. Minutes - January 15, 2018
7. Decisions on Bids
8. Communications
  - 8.a. Ellen Wilson, 34 Keystone Avenue – Letter of resignation from the Emmaus Arts Commission (term expires 2/7/2018).
  - 8.b. Lauren Kuhn, 4841 Skytop Drive - Request reappointment to the Emmaus Arts Commission (current term expires 2/1/2018) (new term expires 2/1/2021).
  - 8.c. Joe Deddo, Emmaus Veterans Committee - Memorial Day Parade Request - May 28, 2018.
  - 8.d. Joe Deddo, Emmaus Veterans Committee - Request banner fee waiver.
  - 8.e. Rochelle Romeo Kane, Run Lehigh Valley - Funk 5 Miler Event Request - June 9, 2018.
  - 8.f. John Donches - 559 Minor Street - Rezoning of N. 10th & Cedar Crest Blvd.
  - 8.g. Amy Resh, Emmaus Public Library – Summer Reading Club Event
9. Borough Engineer's Report
10. Solicitor's Report

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11. Unfinished Business, Part I

12. New Business

12.a. Ordinance No. 1170 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 4.11 Acre (More or Less) Tract of Land Forming a Part of a 17.29 Acre Tract Known as "N. 10th St., Emmaus, PA 18049" and Identified by Lehigh County Tax PIN Number 549414909541 1 From the Medium Density Residential (R-M) Zoning District to the Limited Commercial (B-L) Zoning District (Hearing & Ordinance 2/5/2018).

13. Unfinished Business, Part II

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 12, 2018 at 3:30 p.m.

Resolution 2018-8: Small Water & Sewer Grant

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)  
Next Meeting – February 28, 2018 at 4:30 p.m.

Committee Meeting Notes - January 15, 2018 and January 31, 2018

Parks and Recreation (Baumgartner, Anders, Shubzda)  
Next Meeting – February 6, 2018 at 4:30 p.m.

Public Safety (DeFrain, Barrett, Baumgartner)  
Next Meeting – February 13, 2018 at 3:00 p.m.

Police Hiring Process

Excessive Wait Time for Non-Emergency Transports

Training Grounds Classroom

General Administration (Labenberg, Barrett, DeFrain)  
Next Meeting – February 15, 2018 at 9:00 a.m.

Agreement to Pool Sick Time

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CDBG Grant Agreement

Water Operator Promotion

Wheelchair Van Driver Pay

Wheelchair Van Driver Job Description

Exercise Facility Policy

Part-Time DPW Pay

Committee Meeting Notes - January 18, 2018 and February 1, 2018

Budget and Finance (Barrett, DeFrain, Labenberg)

Next Meeting – February 8, 2018 at 3:30 p.m.

Resolution 2018-6: Bill List

Request for Proposals: Banking Services

Committee Meeting Notes - January 15, 2018

Community Relations, Planning and Development (Sorg-McManamon, Baumgartner, Shubzda)

Next Meeting – February 15, 2018 at 4:30 p.m.

The Fields at Indian Creek - Minor Subdivision and Phases 1B & 2 Final Plans

Resignation of Ellen Wilson to the Emmaus Arts Commission

Reappoint Lauren Kuhn to the Emmaus Arts Commission

Resolution 2018-7: C.V.I.P. Land Development Plan Approval

Committee Meeting Notes - January 18, 2018

17. Boards and Commissions

17.a. Fire Department - 2017 Annual Report

17.b. Emmaus Public Library Board of Trustees Meeting - December 19, 2017

17.c. Emmaus Shade Tree Commission 2017 Annual Report

17.d. Civil Service Commission Meeting - January 11, 2018

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17.e. Zoning Hearing Board Meeting - January 25, 2018

17.f. Recreation and Entertainment Commission Meeting - November 28, 2017

17.g. Budget Worksheet

17.h. Board of Health Meeting – January 18, 2018

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for January, 2018

19.b. Hire Benjamin Perry as Part-Time Paramedic

19.c. Scott Watkins

20. President's Business

21. Adjournment

## EMMAUS BOROUGH COUNCIL

A Public Hearing was held at 7:00 p.m., prior to the start of the February 5, 2018 Council Meeting.

CALL TO ORDER

Mayor LeeAnn Gilbert; Council President Brent Labenberg; Council Vice President Chris DeFrain; Councilman Roy Anders; Councilman Wesley Barrett; Councilwoman Shana Baumgartner; Councilman Jeff Shubzda; Councilwoman Teri Sorg-McManamon; Borough Manager Shane Pepe; and Solicitor Tom Dinkelacker.

PUBLIC HEARING ON ORDINANCE NO. 1170

Ordinance No. 1170 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 4.11 Acre (More or Less) Tract of Land Forming a Part of a 17.29 Acre Tract Know as “N. 10<sup>th</sup> St., Emmaus, PA 18049” and identified by Lehigh County Tax PIN Number 5494149095411 1 From the Medium Density Residential (R-M) Zoning District to the Limited Commercial (B-L) Zoning District (Hearing and Ordinance 2/5/2018).

Solicitor Dinkelacker explained that the Public Hearing is being held pursuant to the requirements of the Pennsylvania Municipalities Planning Code. He stated that the purpose of the hearing is to hear public input on a Zoning Amendment that Council will consider during its regular meeting. Solicitor Dinkelacker presented several Exhibits.

- Exhibit B-1: A copy of Ordinance No. 1170.
- Exhibit B-2: The Notice of Public Hearing.
- Exhibit B-3: The Affidavit of Publication for the Public Notice which was published in the East Penn Press on January 17 and January 24, 2018.
- Exhibit B-4: A copy of a letter dated December 6, 2017 addressed to the Chairman of the Borough Planning Commission asking for their review of the Ordinance. A copy of the minutes from the January 11, 2018 Emmaus Borough Planning Commission with a 5-0 vote to recommend to Borough Council to re-zone the property from High Density Residential to Light Commercial.
- Exhibit B-5: A copy of a letter dated December 6, 2017 to the Lehigh Valley Planning Commission asking for their review of the Ordinance. A letter from the Lehigh County Planning Commission stating that the zoning change appears to be consistent with the Southwestern Lehigh County Comprehensive Plan.
- Exhibit B-6: A copy of a letter dated December 6, 2017 to the Southwest Comprehensive Plan municipalities asking for their review of the Ordinance. A response letter from Upper Milford Township expressing concerns with safe vehicular ingress and egress and possible attempts to provide alternate access locations in addition to Cedar Crest Boulevard. A response letter from Lower Macungie Township which mirrors the comments from the Lehigh County Planning Commission.

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- Exhibit B-7: A letter from the Borough of Emmaus notifying the landowner, HP Altman, Colonial Crest of the proposed Amendment.
- Exhibit B-8: A letter to the Lehigh County Department of Law.
- Exhibit B-9: Photos showing the proper posting of the property in accordance with the law.
- Exhibit B-10: List of entities and property owners that received notice of the Public Hearing pursuant to the Borough's Ordinance.

Attorney Eric Schock, Fitzpatrick, Lentz & Bubba, stated that he represents the applicant in this matter. He stated that HP Altman is the property owner and his client is Cedar Crest Chestnut Development. He stated that the applicant appeared before the Emmaus Planning Commission and received a recommendation of approval on the proposal. He stated that both the Lehigh Valley Planning Commission and Upper Milford Township stated that the land is appropriate for rezoning for commercial use on the property. He also stated that there is a natural demarcation which separates the property from Colonial Crest apartments. He stated that from the beginning, the developer has been looking at access onto Chestnut Street by another manner, for example, Green Street to Chestnut Street. He stated that the creek and the riparian buffer are what creates the demarcation. He stated that the developer would like to create open space between the Colonial Crest Apartments and any commercial establishment that will be placed on the land. The developer has considered a walking path from 10<sup>th</sup> Street across the property leading to any commercial establishments, with a sidewalk located on the western side of Cedar Crest Boulevard to connect to the path.

#### Council Comments

Mr. DeFrain clarified that tonight Council will only vote on re-zoning. He stated that Borough Council does have the final decision on sidewalks and streets and can make recommendations to PennDOT on the state roads. Solicitor Dinkelacker responded that if access is required to a state highway, it is the jurisdiction of PennDOT and a Highway Occupancy Permit is needed. He stated that the Borough does have input into the Highway Occupancy Permit process, but PennDOT makes the final decision. He also stated that if the Borough street abuts a development, the Borough has jurisdiction to require various types of improvements consistent with its Ordinances. Mr. Barrett clarified that the specifics come at a later date. Solicitor Dinkelacker responded affirmatively. Mr. Barrett voiced his concern about safety and asked if it is realistic to ask the developer for Green Street to become a 2-way street. He asked if it is realistic for the developer to place a sidewalk along Cedar Crest Boulevard that would have no broken connectivity. Mr. Labenberg clarified that Green Street would be 2-way from 10<sup>th</sup> Street to 11<sup>th</sup> Street. Mr. Cogan, Cedar Crest Development LP, responded that the developer's main concern is safety and they are required to follow the PennDOT process. He stated that the developer's only concern is Green Street being a one-way versus a two-way street. He stated that the main concern with two-way traffic is that it will become a short cut for individuals to skip traffic signals from 10<sup>th</sup> Street to Cedar Crest Boulevard. Mr. Labenberg stated that he believes Borough Council's concern is that the entire north and central part of the Borough will be able to access Wawa without using Chestnut Street or Cedar Crest Boulevard. Mr. Barrett asked for the developer to give consideration to

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a two-way street. Mr. Barrett asked for clarification on the sidewalk. Mr. Cogan responded that it is the developer's intent to fully connect the entire frontage with sidewalk. Mr. Barrett asked the developer if there is a willingness to comply with any improvements that PennDOT may require at the traffic signal at North Street and Cedar Crest Boulevard. Mr. Cogan responded that the developer has considered the need for additional crosswalks. Mr. Anders asked if the developer is considering placing a fence along the creek. Mr. Cogan responded affirmatively.

Solicitor Dinkelacker explained to the audience the procedure for public comments. He explained that comments should be limited to safety issues and issues relevant to the property and how changing the zoning of the property may or may not impact the health, safety and welfare of the Borough. He stated that most issues will be addressed during the land development stage.

Public Comments

**1. Michael Irwin, owner of Vinyl Press Signs and Graphics and Jaboa Enterprise and Vice Chair of Board of Directors for the Emmaus Main Street Partners** – thanked Council for allowing him to speak. Mr. Irwin repeated the Emmaus Main Street Partners mission statement and stated that the EMSP supports businesses of all types. He stated that the potential development has been met with positivity and concerns among the business owners. He stated that the EMSP are concerned with stormwater run-off, underground storage tanks, erosion of open space, preserving the buffer between residential and commercial land uses, and safety issues.

**2. Effe Draklellis, family owns the East Penn Diner, 1418 Chestnut Street** – voiced concerns about traffic. She stated that according to the Lehigh Valley Planning Commission, Cedar Crest Boulevard is one of the most congested roads in the Lehigh Valley. She stated that this proposal will add to the congestion that already exists. She stated that Wawa will reverse the strides that the Borough has taken for safety. She stated that there is no need for a Wawa in this town. She asked Council to demand the items that they want before allowing the developer to move forward.

**3. Debra Brownbridge, 927 Walnut Street, at the intersection of 10<sup>th</sup> & Walnut Street** – voiced concerns about the amount of traffic that will be generated by a Wawa. She stated that 10<sup>th</sup> & 11<sup>th</sup> Streets are very narrow and does not believe a truck will be able to travel down the street. She stated that she doesn't understand how 10<sup>th</sup> Street will be able to support the amount of traffic that will occur. She stated that she believes that people will cut through neighborhoods. She stated that people run the light turning left onto Chestnut Street and there are many traffic and safety concerns.

**4. Cliffe Brownbridge, 927 Walnut Street, at the intersection of 10<sup>th</sup> & Walnut Street** – voiced concern about traffic and speeding down Walnut Street. He stated that with the closure of 10<sup>th</sup> Street, many people are speeding down Walnut Street. He stated that the traffic on Walnut Street will increase greatly and it is important to look at the entrances and exits for the proposed Wawa.

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**5. Barbara Ferguson, 408 Eagle Drive, Emmaus** – presented a petition from small businesses and residents concerned about safety and traffic issues. She voiced concerns about safety issues for the residents and children of Emmaus.

**6. Kenneth Schaffner, 1721 W. Wood Street, Emmaus** – voiced traffic concerns about the safety of the water in Leiberts Creek. He stated that he is concerned about the riparian buffer.

**7. Susan Schaffner, 1721 W. Wood Street, Emmaus** – voiced concerns about traffic at the intersection of 10<sup>th</sup> & Chestnut Street. She stated that the timing of the traffic signal is poor and she believes that this intersection will become as bad as the intersection of the Wawa located at Brookside Road and Hamilton Blvd. She voiced concerns about safety issues with school buses at the intersection of 10<sup>th</sup> & Chestnut Street.

**8. Susan Roberts, 1245 Chestnut Street, Emmaus** – stated that many non-residents will be impacted by traffic issues. She stated that Wawa will pay for anything to be able to place their store in the location. She asked Council to take financial implications into consideration.

**9. Mike Nonnemacher, owns Traubs located at 251 Main Street, Emmaus** – stated that Cedar Crest Boulevard and Chestnut Street has always been a nightmare. He stated that this will compound traffic concerns. He stated that the congestion will cause a rippling effect throughout Borough streets. He also stated that there will be an increase in tractor trailer traffic.

Mr. Anders asked Solicitor Dinkelacker if Council can put demands on the developer at a later date. Solicitor Dinkelacker responded affirmatively. Mr. Anders asked Mr. Pepe to explain, based on the current zoning, what are the permitted uses for the R-M Zoning District. Mr. Labenberg read a Memorandum stating that the current permitted zoning uses for the R-M Zoning District include: farming, forestry, housing, group homes, bakeries, bed and breakfasts, beverage distributor, business services, car washes, banks, golf courses, indoor recreation, construction company headquarters, convenience stores, exercise clubs, funeral homes, flea markets, laundromats, lumberyards, medical marijuana dispensaries, medical offices, motel/hotel, office, parking lots, plant nurseries, restaurants, retail stores, theaters, trade schools, beverage places, recycling collection centers, cemeteries, day cares, schools, clubs, pools, and home occupations.

Solicitor Dinkelacker explained that the Public Hearing will adjourn and the Ordinance will be voted on during the regular Council Meeting.

Mr. Labenberg adjourned the Public Hearing at 7:50 p.m.

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The Emmaus Borough Council met in regular session on February 5, 2018 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:50 p.m.

Roy Anders	Present
Wesley Barrett	Present
Shana Baumgartner	Present
Chris DeFrain, Vice President	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
Teri Sorg-McManamon	Present
LeeAnn Gilbert, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART ICOMMUNITY MINUTE

Mrs. Sorg-McManamon stated that the SnowBlast Winter Arts Festival was very successful and that there were 32 different venues with various artists. She thanked the Emmaus Main Street Partners for hosting the SnowBlast bar and Triple Sun and Yergey Brewing for partnering with the Arts Commission. She stated that there are two beautiful carved owl statues in the Borough garage at Town Hall. She stated that the community came together for an amazing event and that the Emmaus Arts Commission appreciates Borough Council's support. Mr. Barrett stated that many business owners reported that they were much busier during the event.

Mr. Anders congratulated the Philadelphia Eagles for their win during the Super Bowl.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Ms. Baumgartner, seconded by Mr. DeFrain to adopt the January 15, 2018 Council Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

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COMMUNICATIONS

- a. Ellen Wilson, 34 Keystone Avenue – Letter of Resignation from the Emmaus Arts Commission (term expires 2/7/2018). Mr. Labenberg directed Mr. Pepe to mail Mrs. Wilson a letter of thanks.
- b. Lauren Kuhn, 4841 Skytop Drive – Request reappointment to the Emmaus Arts Commission (current term expires 2/1/2018) (new term expires 2/1/2021).

**Motion by Mr. Shubzda, seconded by Mrs. Sorg-McManamon to reappoint Lauren Kuhn to the Emmaus Arts Commission to a term expiring 2/1/2021. There were 7 ayes. Motion carried.**

- c. Joe Deddo, Emmaus Veterans Committee – Memorial Day Parade Request – May 28, 2018. Referred to staff.
- d. Joe Deddo, Emmaus Veterans Committee – Request banner fee waiver. Referred to staff.
- e. Rochelle Romeo Kane, Run Lehigh Valley – Funk 5 Miler Event Request – June 9, 2018. Referred to staff and the Community Relations, Planning and Development Committee.
- f. John Donches, 559 Minor Street – Letter concerning rezoning of N. 10<sup>th</sup> & Cedar Crest Blvd.
- g. Amy Resh, Emmaus Public Library – Summer Reading Club Event tent request. Mr. Labenberg stated that the Emmaus Public Library is requesting permission to place a tent outside the Library for the Summer Reading Club. Referred to the General Administration Committee.
- h. Fred Mussel, Cedarbrook Sportsmen – Request donation for stocking of Trout at Furnace Dam.

**Motion by Mr. Barrett, seconded by Mr. Shubzda to grant the Cedarbrook Sportsmen’s request to approve the same amount as in 2017. There were 7 ayes. Motion carried.**

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1170 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a

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4.11 Acre (More or Less) Tract of Land Forming a Part of a 17.29 Acre Tract Known as “N. 10<sup>th</sup> St., Emmaus, PA 18049” and Identified by Lehigh County Tax Pin Number 549414909541 From the Medium Density Residential (R-M) Zoning District to the Limited Commercial (B-L) Zoning District.

Mr. Anders asked for a clearer definition of convenience store in the R-M Zoning District. Solicitor Dinkelacker responded that he is unsure if there is a definition of a convenience store in the Ordinance and if Wawa meets the definition. He stated that Wawa did appear before the Zoning Hearing Board for relief on size. Mr. Cogan responded that he does not believe a convenience store is permitted in a R-M Zoning District. Solicitor Dinkelacker stated that a convenience store is permitted in the commercial district. Mr. Labenberg clarified that there was a typo in the memorandum he read. Mr. DeFrain stated that he spoke to the East Penn School District and they don't see much of an issue as long as safety issues and sidewalks are addressed. He stated that the issue before Council is re-zoning and he believes that the parcel should be rezoned as commercial. He stated that he has all of the concerns that the residents have and his commitment is to make sure that the safety issues are addressed. He stated that he will be voting for the Ordinance. Mr. Anders stated that he spoke to Chief Palmer and at the intersection of Cedar Crest Boulevard and Chestnut Street there have been 17 accidents in the past 3 years, 7 accidents at the 1000 block of Chestnut Street, and 8 accidents at Cedar Crest Boulevard and Green Street. He stated that he is very concerned about safety and believes that this is an opportunity to increase the safety at the intersection of Cedar Crest Boulevard and Chestnut Street. Ms. Baumgartner stated that she has been thinking about this for several months and has asked a lot of questions. She stated that the data shows that the intersection of Cedar Crest Boulevard and Chestnut Street is not as bad as everyone thinks. She stated that she used to live in Colonial Crest Apartments and is aware of the traffic patterns and how people drive there. She stated that she currently lives near the high school and sees high schoolers walk down Cedar Crest Boulevard where there are no sidewalks. She stated that there are already safety concerns. She stated that she is concerned about cars driving through the apartments as a shortcut. She stated that tonight's issue is about re-zoning and whether the parcel should remain residential or become commercial. She stated that she has weighed the recommendations of others heavily. Mr. Labenberg stated that the matter was discussed in the General Administration Committee and every concern that has been raised tonight was also discussed by the Committee. He stated that he believes the parcel should be re-zoned as commercial because he does not want 200 apartments built on the parcel. He thanked everyone for their concerns and stated that his biggest concern is turning left onto Cedar Crest Boulevard. He stated that Borough Council will not approve anything unless all conditions are met. Mr. DeFrain clarified that Borough Council cannot make the final decision on a left turn onto Cedar Crest Boulevard but that Borough Council can have input into the decision. He clarified that PennDOT will make the final decision. Solicitor Dinkelacker stated that Mr. DeFrain is correct.

**Motion by Mr. DeFrain, seconded by Mr. Barrett to adopt Ordinance No. 1071 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 4.11 Acre (More or Less) Tract of Land Forming a Part of a 17.29 Acre Tract Known as “N. 10<sup>th</sup> St., Emmaus, PA**

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**18049” and Identified by Lehigh County Tax Pin Number 549414909541 From the Medium Density Residential (R-M) Zoning District to the Limited Commercial (B-L) Zoning District. (Hearing & Ordinance 2/5/2018). Roll call vote: Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Barrett, aye; Mrs. McManamon, no; Mr. Shubzda, no; Mr. Anders, aye; Mr. Labenberg, aye. There were 5 ayes, 2 opposed (McManamon, Shubzda).**

Mr. Labenberg thanked everyone for attending the Council Meeting. Mr. Anders stated that there is a 5-minute Personal Appeal time at the end of the meeting for anyone with additional questions or concerns.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Resolution 2018-8 – A Resolution Authorizing the Borough Manager to Apply for the Pennsylvania Small Water and Sewer Program Grant. Mr. Pepe explained that the Borough obtained a grant in the amount of \$260,000 for manholes and I&I work. He stated that the Borough will apply for Phase II of the manhole project and an upgrade to the metering system. Mr. Pepe stated that the Borough will apply for a \$300,000 grant. The Borough is committed to pay no less than the 15% matching requirement for the grant. Mr. Pepe stated that the Borough would pay \$45,000 and that the current grant was budgeted for.

**Motion by Mr. Anders, seconded by Mrs. Sorg-McManamon to adopt Resolution 2018-8. There were 7 ayes. Motion carried.**

Mr. Anders reported that the next Committee meeting is February 12, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee met on January 31, 2018 at 4:30 p.m. He reported that representatives from J. P. Mascaro attended the meeting to discuss all of the Borough’s refuse and recycling concerns. He reported that J.P. Mascaro took full blame for the incident that occurred on January 4, 2018. Mr. Shubzda and Mr. Pepe both stated that the

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Borough needs to better educate the community regarding Mascaro's requirements for placing refuse and recycling at the curb. Mr. Pepe stated that there will be an article in the Borough's Spring newsletter with pictures of the correct and incorrect way to place refuse and recycling at the curb. Mr. Shubzda stated that recycling stickers are being printed to place on recycling containers and that the Borough is applying for a grant to obtain recycling containers. Mr. Pepe stated that the Borough will be applying for the Act 904 Recycling Grant to obtain recycling containers. Mr. Anders suggested reflective stickers for the recycling containers. Mr. Labenberg reminded everyone that recycling stickers are available now at Town Hall. He suggested not overfilling recycling containers on windy days.

Mr. Shubzda reported that the next Committee meeting is February 28, 2018 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that the next Committee meeting is February 6, 2018 at 4:30 p.m.

Progress.

d. Public Safety Committee

Mr. DeFrain reported that there are currently two vacant Police Officer positions, with one being temporary due to military leave. The Committee recommends a motion to begin the hiring process of a Police Officer.

**Motion by Mr. DeFrain, seconded by Mr. Anders to direct the Civil Service Commission to begin the hiring process for a Police Officer. There were 7 ayes. Motion carried.**

Mr. DeFrain reported that the Committee received a Memorandum dated January 23, 2018 from Chief Hoffman concerning excessive wait times for non-emergency transports. Mr. DeFrain stated that the Committee will review the item. He reported that the Committee received a Memorandum dated January 23, 2018 concerning a training grounds classroom. Mr. DeFrain stated that the Committee will review the item.

Mr. DeFrain asked Mr. Pepe to explain what the next step is concerning the proposed Wawa and safety issues. Mr. Pepe responded that the next step to build the proposed Wawa would be with the Planning Commission, but the Public Safety Committee will deal with traffic safety issues in general. Mr. DeFrain stated that the residents will have many opportunities to speak and voice their concerns. Mr. Pepe stated that the Planning Commission does not advertise what they will discuss at their meetings. He stated that the meetings are public meetings and are held once a month. He stated that there is an

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opportunity to speak at the meetings. He also stated that the public will have the opportunity to speak again if they meet all of the Ordinances and the Planning Commission puts forth a recommendation to Borough Council. Mr. Pepe stated that he believes that a project like this would come before the Planning Commission several times. Solicitor Dinkelacker stated that the Planning process can be very lengthy. Mr. DeFrain reminded everyone that there is plenty of time for the residents to voice all of their concerns. He stated that Borough Council has many of the same concerns as the residents. Mr. DeFrain asked if the Borough can go above and beyond in notifying residents when meetings concerning the Wawa will occur. Mr. Pepe stated that this can be done. Mr. DeFrain stated that Wawa was not approved at tonight's meeting and the motion was on re-zoning of the parcel.

Mr. DeFrain reported that the next Committee meeting is February 13, 2018 at 3:00 p.m.

Progress.

e. General Administration Committee

**Motion by Ms. Baumgartner, seconded by Mr. Barrett to approve the Agreement to Pool Sick Time for the Emmaus Police Department. There were 7 ayes. Motion carried.**

**Motion by Mr. DeFrain, seconded by Mr. Anders to enter into a CDBG Grant Agreement between the Borough of Emmaus and the County of Lehigh. There were 7 ayes. Motion carried.**

Mr. Pepe stated that due to the retirement of Leon Whitesell after 43 years of working for the Borough, there is currently a Water Operator position open. Mr. Reed and another Public Works employee applied for the position. Mr. Reed has more seniority than the other employee and the other employee is a Mechanic. Mr. Pepe stated that he appreciates Mr. Reed's initiative to obtain his water license. Mr. Pepe stated that he recommends that Brent Reed is promoted to Water Operator for the Borough of Emmaus Public Works Department. Mr. Anders asked if the Borough will replace Mr. Reed. Mr. Pepe responded that there is a full-time and part-time position posted for the Public Works Department.

**Motion by Mr. Anders, seconded by Mr. Barrett to promote Brent Reed to Water Operator for the Borough of Emmaus Public Works Department. There were 7 ayes. Motion carried.**

Mr. Labenberg reported that the General Administration Committee recommends setting the Wheelchair Van Driver pay rate at \$10.50 per hour.

**Motion by Mr. Barrett, seconded by Mr. DeFrain to set the Wheelchair Van Driver pay rate at \$10.50 per hour. There were 7 ayes. Motion carried.**

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**Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt the Wheelchair Van Driver Job Description. There were 7 ayes. Motion carried.**

**Motion by Mrs. Sorg-McManamon, seconded by Mr. Barrett to approve the Borough of Emmaus Exercise Facility Policy. There were 7 ayes. Motion carried.**

Mr. Anders thanked the Committee for including volunteers in the Policy.

**Motion by Mr. DeFrain, seconded by Mr. Barrett to set the Public Works regular part-time employee pay rate at a range between \$14.00 per hour and \$16.50 per hour. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that the next Committee meeting is February 15, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-06, authorizing payment of the February 5, 2018 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>511,185.71</b>
<b>Payroll #2 &amp; #3</b>	<b>\$</b>	<b>284,376.00</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>88,353.73</u></b>
<b>Total</b>	<b>\$</b>	<b>883,915.44</b>

Done this 5<sup>th</sup> day of February 2018.

**Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-06. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. DeFrain to authorize Mr. Pepe to advertise the Borough of Emmaus Request for Proposals for Banking Services. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee meeting scheduled for February 8, 2018 is cancelled.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that there is no action needed for the Fields at Indian Creek at this time.

## EMMAUS BOROUGH COUNCIL

Resolution 2018-7 - A Resolution Conditionally Approving the Preliminary/Final Land Development Plan for C.V.I.P. Properties, Inc., 801 Broad Street.

Solicitor Dinkelacker stated that the Engineer for the developer, Art Swallow, is in the audience to answer any questions. He explained that the Resolution would conditionally approve the plan for a building expansion at 801 Broad Street. He stated that there is an existing manufacturing facility there and they are proposing a 26,200 SF addition to the facility. The plan has been reviewed by the Planning Commission. The conditions of approval located in the Resolution are conditions that were approved and reviewed by the Planning Commission. Solicitor Dinkelacker stated that there are several waivers that are being requested and they are fairly typical waiver requests. The only issue that is unusual is that there are some decisions to be made about how shade trees would be handled along the perimeter of the property. Mr. Swallow approached the podium and stated that the shade tree issue has been resolved. He stated that nine trees will be planted at the recommendation of the Shade Tree Commission. Mr. Pepe stated that the expansion of C.V.I.P. will bring work into the Borough. Mr. Swallow stated that ten employees will be hired. He thanked the Borough for its cooperation throughout this process.

**Motion by Mrs. Sorg-McManamon, seconded by Mr. Anders to adopt Resolution 2018-7. There were 7 ayes. Motion carried.**

Mrs. Sorg-McManamon reported that the Committee discussed its goals for 2018. She stated that the Committee was approached by the Pennsylvania Cable Network to create a 24-minute Borough of Emmaus segment to be included in the Boroughs of Pennsylvania segment. She stated that the Committee will work on the outline and will begin working on a timeline for the segment.

Mrs. Sorg-McManamon reported that the next Committee meeting is February 15, 2018 at 4:30 p.m.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for January, 2018 are in the iPads and entertained questions about them. Mr. Pepe reported that the Borough has hired Benjamin Perry as a Paramedic for the Emmaus Ambulance Corps. He also reported that the Borough has severed its employment with Scott Watkins.

Progress.

PRESIDENT'S BUSINESS

EMMAUS BOROUGH COUNCIL

Mr. Labenberg congratulated the Philadelphia Eagles on their Super Bowl win. He also thanked the individuals that remained in the audience for the entire meeting.

Progress.

ADJOURNMENT

**Motion by Mr. Barrett, seconded by Mr. DeFrain to adjourn the February 5, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 9:13 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
February 8, 2018