

February 06, 2017

**Emmaus Borough Council
Agenda
February 06, 2017 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. Council Meeting - January 16, 2017
7. Decisions on Bids
8. Communications
 - 8.a. Brent Stringfellow, 308 N. 5th Street, Emmaus - Request reappointment to the Planning Commission - term expires 4/01/2017.
 - 8.b. Wesley Barrett, Lehigh Valley Road Runners - Request to hold 4 Mile Race on April 9, 2017.
 - 8.c. Ryan Crawford - Resignation as a part-time EMT with the Emmaus Ambulance Corps.
 - 8.d. Kasey Beck - Resignation as a Firefighter with the Emmaus Fire Department.
 - 8.e. Rochelle Romeo, Run Lehigh Valley - Request for Funk 5 Miler Event on June 10, 2017.
 - 8.f. Jessi O'Donald - Request reappointment to the Joint Environmental Advisory Council - term expires 3/07/2017.
 - 8.g. Paul Miller, Active Learning Centers & Lehigh Valley Martial Arts - Request use of Triangle Park on April 29, 2017 for World Tai Chi Day Event.

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- 8.h. Jeremy Winch, 704 Evergreen Street - Request appointment to the Joint Environmental Advisory Council (term expires 3/7/2020).
- 8.i. Kevin & Maggie McElroy, 432 S. 6th Street - Driveway concerns.
- 9. Borough Engineer's Report
- 10. Solicitor's Report
- 11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1153 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities (1st Reading 12/19/2016) (2nd Reading 2/06/2017).
- 12. New Business
- 3. 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) (Brown, Anders, DeFrain)
Next Meeting – February 13, 2017 at 3:00 p.m.

Health, Sanitation, and Codes (Shubzda, DeFrain, Brown)
Next Meeting – February 16, 2017 at 4:15 p.m.

Resolution 2017 - 7 - Electronics Recycling Policy

Committee Meeting Notes - January 19, 2017

Parks and Recreation (Anders, Barrett, Labenberg)
Next Meeting – February 7, 2017 at 4:00 p.m.

Public Safety (Gilbert, Barrett, Brown)
Next Meeting – March 1, 2017 at 3:00 p.m.

Promotion of Cara Biery

Hire Keri Miller - Part-time EMT

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EMS Volunteer Appointments -

Dr. Aaron Ratner, EMS Volunteer - Pre-Hospital Physician

Robert Gehman, EMS Volunteer EMT

Resolution 2017 - 6 - Pedestrian Crossing Identification Flag Program

Committee Meeting Notes - February 1, 2017

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – February 15, 2017 at 9:00 a.m.

Appoint Karri Schreppel to the Emmaus Arts Commission - term expires 2/07/2019

Fields at Indian Creek - Phase 1B and 2 Approval

Knauss Homestead Lease

Committee Meeting Notes - January 18, 2017 and February 1, 2017

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – February 21, 2017 at 6:45 p.m.

Bill List - Resolution 2017 - 5

General Authority Request

Monthly Budget Performance Report

Committee Meeting Notes - January 16 & 26, 2017

Community Relations, Planning and Development (DeFrain, Shubzda, Anders)

Next Meeting – February 9, 2017 at 4:00 p.m.

17. Boards and Commissions

17.a. Planning Commission Meeting Minutes - January 12, 2017

17.b. Library Board Meeting Minutes- January 17, 2017

17.c. Employee Safety Committee Meeting Minutes - January 17, 2017

17.d. Board of Health Meeting Minutes - January 19, 2017

18. Personal Appeals, Part II

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19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for January, 2017

20. President's Business

20.a. Executive Session: Legal and Real Estate

21. Adjournment

EMMAUS BOROUGH COUNCIL

A Public Hearing was held at 7:00 p.m., prior to the start of the February 6, 2017 Council Meeting.

CALL TO ORDER

Mayor Winfield Iobst; Council President Brent Labenberg; Council Vice President Wesley Barrett; Councilman Roy Anders; Councilman Nathan Brown; Councilman Chris DeFrain; Councilwoman Lee Ann Gilbert; Councilman Jeff Shubzda; Borough Manager Shane Pepe; and Solicitor Jeffrey Dimmich.

PUBLIC HEARING ON ORDINANCE NO. 1153

Ordinance No. 1153 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities.

Solicitor Dimmich explained that the Public Hearing is being held for the adoption of Ordinance No. 1153 providing regulation of Medical Marijuana Facilities within the Borough of Emmaus. He explained that the Ordinance is patterned after an Ordinance by the Lehigh Valley Planning Commission. The model Ordinance was amended to fit the Borough's needs. He stated that the dispensaries are treated like pharmacies and are placed into the Commercial zones, while the growing processors are considered Industrial and Light Industrial so they are placed into those zones. He also stated that there is a regulation that will not allow any facility to be located within a 1,000 foot radius of a school. He stated that a copy of the Ordinance is available to the public for review. He stated that the Ordinance was properly advertised and was sent to the Lehigh Valley Planning Commission and the Borough of Emmaus Planning Commission. He stated that the only comment received was from the LVPC.

Public Comments – None.

Council Comments

Mr. Brown questioned if the 1,000 foot zone will be addressed at this time. Mr. Pepe stated that the only concern is one location. He stated that the Hildenbrandt Learning Center is located within 1,000 feet of the IL Zoning District but that the Learning Center could close at any time. Solicitor Dimmich responded that while the reasoning is rational to question the requirement, at this point in time, he does not believe that it is something that Council needs to address.

Mr. Labenberg adjourned the Public Hearing at 7:05 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 10, 2017

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on February 6, 2017 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:05 p.m.

Brent Labenberg, President	Present
Wesley Barrett, Vice President	Present
Roy Anders	Present
Nathan Brown	Present
Chris DeFrain	Present
Lee Ann Gilbert	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Teri Sorg-McManamon, 152 Seem Street, on behalf of the Emmaus Arts Commission – Mrs. McManamon read a letter and stated that the SnowBlast was a huge success. She thanked John Dychala, the Public Works Department, Fire Department, Ambulance Corps, Police Officer Schantz, Wes Barrett, Borough Council, and all of the sponsors of the event. Mr. Labenberg, on behalf of Borough Council, thanked Mrs. McManamon and the Emmaus Arts Commission. Mrs. McManamon thanked the Morning Call and East Penn Press for advertising the event. Mr. Anders thanked the Arts Commission for the success of the event.

B. Crystal Klein, 222 N. 5th Street, representing Paul Miller and the Lehigh Valley Martial Arts – requested the use of Triangle Park for World Tai Chi Day on April 29, 2017. Mr. Labenberg stated that the item is on the Agenda for discussion.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt the January 16, 2017 Council Minutes as drafted. There were 5 ayes, 2 abstentions (Brown, Gilbert). Motion carried.

DECISION ON BIDS – None.

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

a. Brent Stringfellow, 308 N. 5th Street – Request reappointment to the Planning Commission – term expires 4/01/2017.

Motion by Mr. Barrett, seconded by Mr. Anders to reappoint Brent Stringfellow to the Emmaus Planning Commission to a term expiring on 4/1/2021. There were 7 ayes. Motion carried.

b. Wesley Barrett, Lehigh Valley Road Runners – Request to hold 4 mile Race on April 9, 2017. Referred to staff.

c. Ryan Crawford – Resignation as a part-time EMT with the Emmaus Ambulance Corps. Mr. Labenberg directed Mr. Pepe to mail Mr. Crawford a letter of thanks.

d. Kasey Beck – Resignation as a Firefighter with the Emmaus Fire Department.

e. Rochelle Romeo, Run Lehigh Valley – Request for Funk 5 Miler Event on June 10, 2017. Referred to the Public Safety Committee.

f. Jessi O’Donald – Request reappointment to the Joint Environmental Advisory Council – term expires 3/07/2017.

Motion by Mr. Shubzda, seconded by Mr. Anders to reappoint Jessi O’Donald to the Joint Environmental Advisory Council to a term expiring on 3/07/2020. There were 7 ayes. Motion carried.

g. Paul Miller, Active Learning Centers & Lehigh Valley Martial Arts – Request use of Triangle Park on April 29, 2017 for World Tai Chi Day Event. Referred to the Parks and Recreation Committee.

h. Jeremy Winch, 704 Evergreen Street – Request appointment to the Joint Environmental Advisory Council – term expires 3/7/2020. Referred to the Health, Sanitation & Codes Committee.

i. Kevin & Maggie McElroy, 432 S. 6th Street – Driveway concerns. Referred to the Public Works Committee.

j. Christopher Hoensheid, St. Ann’s Cub Pack 80 – interest in clean-up work in the Borough. Referred to staff.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1153 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities (1st Reading 12/19/2016, 2nd Reading 2/06/2017).

EMMAUS BOROUGH COUNCIL

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Ordinance No. 1153 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

The next Committee Meeting is February 13, 2017 at 3:00 p.m.

b. Health, Sanitation, and Codes Committee

Resolution 2017-7 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Establishing a Policy Regulating Electronics Recycling Drop Off at the Designated Location Within the Borough of Emmaus.

Mr. Shubzda stated that there are several reasons for the Resolution. He stated that there is an issue associated with residents dropping off very large items. He stated that the Borough has incurred two workers’ compensation injuries that have resulted from removing large televisions from resident’s vehicles. Another reason for the Policy is an attempt to limit the amount of electronics being dropped off. Mr. Shubzda stated that there will be a charge for any residents or businesses that are dropping off more than three electronics per month. Mr. Pepe stated that not only were residents dropping off multiple television sets at once, but commercial businesses were dropping off box trucks filled with televisions. Mr. Pepe stated that all of the information regarding the new Policy will be printed in the upcoming spring newsletter and will be posted on the Borough’s website. In addition, residents will be handed a copy of the new regulations when they drop off electronics.

Motion by Mr. Shubzda, seconded by Mr. Brown to adopt Resolution 2017-7. There were 7 ayes. Motion carried.

EMMAUS BOROUGH COUNCIL

The next Committee Meeting is February 16, 2017 at 4:15 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met prior to tonight's Council Meeting and interviewed Barbara Graff for a vacancy on the Recreation and Entertainment Commission.

Motion by Mr. Anders, seconded by Mr. Shubzda to appoint Barbara Graff to the Recreation and Entertainment Commission to a term expiring on 5/1/19. There were 7 ayes. Motion carried.

Mr. Anders reminded everyone that the Borough is hiring lifeguards, summer Public Works employees and Concession Stand employees. He encouraged anyone who is interested in applying for a position to obtain an application at Town Hall. Mr. Pepe stated that the Borough will pay for Lifeguard Certification.

The next Committee Meeting is Tuesday, February 7, 2017 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Mr. Pepe interviewed and recommends promoting Cara Biery to fill the position of Lieutenant for the Emmaus Ambulance Corps.

Motion by Mrs. Gilbert, seconded by Mr. Brown to promote Cara Biery to the position of Lieutenant for the Emmaus Ambulance Corps at an hourly rate of \$25.69. There were 7 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to hire Keri Miller as a part-time EMT for the Emmaus Ambulance Corps at an hourly rate of \$13.97. There were 7 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to appoint Dr. Aaron Ratner as an EMS Volunteer for the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Mr. Pepe stated that Dr. Ratner is Pre-Hospital Physician and an excellent addition to the Ambulance Corps.

Motion by Mrs. Gilbert, seconded by Mr. Brown to appoint Robert Gehman as an EMS Volunteer for the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

EMMAUS BOROUGH COUNCIL

Resolution 2017-6 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Establishing a Pedestrian Street Crossing Identification Flag Program.

Mr. Barrett explained that 18 residents have been hit by vehicles in the Borough during the last five years. In an attempt to lower that number, he suggested a program in which a pole with a tube is placed on both sides of a busy intersection. In those tubes will be five bright orange flags. Residents will take the flags with them while crossing the street and then place the flags back in the tube on the new side. Mr. Barrett stated that he tested the flag system on the intersection of Second and Harrison Streets and that, without any introduction, parents embraced the flags and none were stolen. Mr. Barrett stated that the Halloween in Emmaus 5K race is going to donate the money for the flags. The cost for the project will be under \$20.00 per intersection. Mr. Labenberg thanked Mr. Barrett and stated that he believes this is an excellent idea and wished Mr. Barrett success with the program. He also stated that Mr. Barrett runs the Emmaus 5K race and thanked him for donating the money for the flags.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt Resolution 2017-6. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that she received an email from Mr. Anders with concerns about buses around the Seven Generations Charter School. She stated that the issue has been addressed in part and that the issue is a bus issue at both 8:30 a.m. and 3:00 p.m. She stated that she discussed the problem with Mr. Pepe and with Sergeant Schantz and Sergeant Schantz will be making a recommendation to the Public Safety Committee. She believes that the resolution will be to extend the bus parking.

Mrs. Gilbert reported that the Committee will be reviewing the Civil Service Ordinance prior to the next Civil Service test.

Mr. Anders stated that he reviewed the monthly department reports and noted that the total for the year for false alarms is the 2nd highest number of calls that are received by the Fire Department. He asked if there is an Ordinance on false alarms and if they are repetitive calls. Mr. Pepe stated that there is an Ordinance on false alarms and he is unsure if they are repetitive calls.

Mr. Labenberg stated that he also reviewed the department reports and that Police Sergeant Schantz also discussed the impact that increasing the force back to its capacity has already had. In particular, Sergeant Schantz discussed proactive contacts in the community, meaning contacts the Department has that are not as a result of a call or someone coming in to make a complaint. In October, there were 44 contacts, in November there were 59 contacts, in December there were 63 contacts, and now that the Police Department is fully staffed, there were 111 contacts made in January. Mayor Iobst stated that he has noticed the Police Department pulling individuals over and issuing many more tickets now that they are fully staffed.

EMMAUS BOROUGH COUNCIL

The next Committee Meeting is Wednesday, March 1, 2017 at 3:00 p.m.

Progress.

e. General Administration Committee

Motion by Mr. Barrett, seconded by Mrs. Gilbert to appoint Karrie Schreppel to the Emmaus Arts Commission to a term expiring on 2/7/19. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to enter into a Lease Agreement with the Knauss Homestead through 5/31/2017. There were 7 ayes. Motion carried.

Mr. Anders stated that the Knauss Homestead has a new group working very diligently to promote and rebuild the Homestead. He stated that their membership has exceeded over 100 individuals. Mr. Pepe explained that the lease is temporary because the Homestead will elect a permanent Board in May.

Mr. Pepe informed Council that they will be asked to approve Phase 1B and 2 for the Fields at Indian Creek. He stated that this phase is not within the Borough, however, because the project has been approved in phases, each phase must be approved separately. Mr. Pepe invited Lew Rauch, Lehigh Engineering, to approach the podium to answer questions. Mr. Rauch reviewed Phases 1B and 2. Mr. Pepe stated that there is no recommendation from the Borough Planning Commission.

Motion by Mr. Brown, seconded by Mr. Shubzda to approve the Fields at Indian Creek Phases 1B and 2. There were 6 ayes, 1 abstention (Barrett). Motion carried.

The next Committee Meeting is Wednesday, February 15, 2017 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2017-5, authorizing payment of the February 6, 2017 Bill List, as follows:

Bill List	\$	302,113.40
Payroll #2 & #3	\$	256,144.53
Payroll Taxes	\$	<u>88,067.67</u>
Total	\$	646,325.60

Done this 6th day of February 2017.

EMMAUS BOROUGH COUNCIL

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to adopt Resolution 2017-5. There were 7 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to approve the General Authority Wish List. There were 7 ayes. Motion carried.

Mr. Labenberg entertained questions about the Committee Meeting minutes.

The next Committee Meeting is February 21, 2017 at 6:45 p.m., prior to the Council Meeting.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain reminded everyone to email him with nominees for the Volunteer of the Year award.

Mr. DeFrain reported that the February 9, 2017 Meeting is cancelled and the next Committee Meeting is March 9, 2017 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II

A. Lynn Donches, 559 Minor Street – stated that she is in favor of the flag idea. She asked if there will be a flag placed on the Triangle between the Wells Fargo Bank and License2Grill. Mr. Barrett responded that it has been discussed. Mr. Pepe responded that there are many locations being discussed and encouraged everyone with a specific location to place the flags to email him. Mrs. Donches asked for clarification on the Medical Marijuana Ordinance and the regulation that will not allow any facility to be located in a 1,000 foot radius of a school. Mr. Pepe responded that the regulation is a state regulation.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for January, 2017 are in the iPads and entertained questions about them.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 7:55 p.m. for an Executive Session to discuss a legal and real estate matter with no official action anticipated.

EMMAUS BOROUGH COUNCIL

Mr. Labenberg reconvened at 8:40 p.m. with no official action taken.

Progress.

ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. DeFrain to adjourn the February 6, 2017 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:40 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 10, 2017