

February 16, 2016

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
February 16, 2016, 7:00 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

February 1, 2016

7. Decisions on Bids
8. Communications
  - a. Dave Fletes, Lincoln Elementary School PTO – 2016 Spring Festival Requests.
  - b. Rochelle Romeo, Run Lehigh Valley, PO Box 123, Allentown – Funk 5 Miler Event Request, June 4, 2016.
  - c. Eli Bracken, 190 Main Street – Request Reappointment to the Joint Environmental Advisory Council (term expires 3/7/16).
  - d. Fred Mussel, Cedarbrook Sportsmen – Request Monetary Donation to Stock Furnace Dam for 2016 Trout Season.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

**Ordinance No. 1136 – An Ordinance Repealing Sections 351 Through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations (1<sup>st</sup> Reading 1/18/16) (2<sup>nd</sup> Reading 2/16/16).**

February 16, 2016

EMMAUS BOROUGH COUNCIL

12. New Business

13. Unfinished Business, Part II

Ordinance No. 1135 – An Ordinance Amending Chapter 15 §201 of the Codified Ordinances, Maximum Speed Limits Established on Certain Streets (1<sup>st</sup> Reading 2/1/16).

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 – March 14, 2016 at 3:00 p.m.

- a. South 10<sup>th</sup> Street Culvert
- b. Historical House Agreements
- c. Lateral Clean-outs
- d. **Remembrance Garden Approval to Dig Swale**

**Health, Sanitation, and Codes** (Shubzda, DeFrain, Brown)

Next Meeting – February 18, 2016 at 3:45 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Amendments
- d. IFC Ordinance

**Parks and Recreation** (Anders, Barrett, Labenberg)

Next Meeting – March 1, 2016 at 4:00 p.m.

- a. Boro Line Park Direction Sign
- b. USSSA Field Request for 2016
- c. **Class of '66 EHS 50<sup>th</sup> Reunion / Classic Car Show**
- d. **Emmaus Fire Department Easter Egg Hunt / Public Safety Education**
- e. **East Penn Emmaus Midget Football Association – Construct Pavilion**

February 16, 2016

EMMAUS BOROUGH COUNCIL

- f. **East Penn Emmaus Midget Football association – Field Usage Fee Waiver**

**Public Safety** (Gilbert, Barrett, Brown)

Next Meeting – March 2, 2016 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Yield to Pedestrian Signs on Chestnut Street
- c. 25mph Signs on Chestnut Street
- d. **Ordinance No. 1136 (2nd Reading 2/16/16)**
- e. Ordinance No. 1135 (2nd Reading 3/7/16)

**General Administration** (Barrett, Labenberg, Gilbert)

Next Meeting – February 17, 2016 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Record Retention
- c. Vehicle Use Policy
- d. **Reappoint Angela Faidley to the Arts Commission (term expires 2/7/19)**
- e. **Contract General Code**

**Budget and Finance** (Labenberg, Shubzda, Gilbert)

Next Meeting – February 25, 2016 at 3:15 p.m.

- a. **Resolution 2016-06 – Bill List**
- b. Capital Plan
- c. Police Pension
- d. Fire Fee Schedule

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

Next Meeting – March 10, 2016 at 4:00 p.m.

- a. Grant Progress
- b. Southwest Lehigh County Comprehensive Plan

17. Personal Appeals, Part II

18. Borough Manager's Report

February 16, 2016

EMMAUS BOROUGH COUNCIL

a. Significant Revenue and Expense Items for First Half of February, 2016

19. President's Business

20. Adjournment

Next Resolution: 2016-07

Next Ordinance: #1137

---

The Emmaus Borough Council met in regular session on February 16, 2016 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 7:00 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
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Michael Waddell, 976 N. 7<sup>th</sup> Street Circle, on behalf of the Emmaus Arts Commission** – recognized Dick Farmer, Ellen Wilson, Lauren Kuhn, and Jeff Shubzda as being in attendance at the Council Meeting. He read a letter drafted by Teri Sorg-McManamon on behalf of the Emmaus Arts Commission and SnowBlast Committee thanking the Public Works Department, Borough Council and the Emmaus community for supporting its 10<sup>th</sup> Annual SnowBlast Winter Arts Festival. There were approximately 1,000 people in attendance with 36 venues participating in the one day Festival on Saturday, February 6, 2016. Emmaus Borough received very positive media and social media coverage. The Commission thanked all of the supporters who

February 16, 2016

## EMMAUS BOROUGH COUNCIL

contributed to make the event a huge success. Dr. Waddell stated that the EAC is currently working on its next event, the 6<sup>th</sup> Annual Rain Barrel Silent Auction. He stated that the call for artists will be open in early March and the beautifully painted barrels will be on display at the Emmaus Farmers' Market beginning mid-June. He encouraged everyone to visit the EAC's website for updated information at emmausarts.org and stated that the EAC is always looking for volunteers, participants, and Board Members. Mr. Labenberg thanked Dr. Waddell and the EAC for the success of the event.

**B. Jessica O'Donnell, John Hayes and Greg Yestrumskas, Emmaus Main Street Partners** – announced that the Emmaus Main Street Partners has partnered with the Emmaus Historical Society to host a bingo event to be held on Sunday, March 6, 2016 from 2:00 p.m. to 5:00 p.m. at St. John's Lutheran Church, 5<sup>th</sup> & Chestnut Street. She also announced that the EMSP Golf Tournament will be held on Monday, June 20, 2016 at Green Pond Golf Course. Ms. O'Donnell thanked Borough Council for its continued support and announced that Borough Manager, Shane Pepe, will be awarded Borough Manager of the year on March 29, 2016 in front of over 700 individuals. Ms. O'Donnell stated that she nominated Mr. Pepe for the award and believes that it is a very well deserved award. Ms. O'Donnell introduced Greg Yestrumskas as her Assistant Main Street Manager. Mr. Yestrumskas introduced himself and stated that he looks forward to working with the Borough and the residents of the town. Mr. Labenberg congratulated Shane on his award.

**C. Carl Timmcke, 547 Furnace Street** – voiced concern about his neighbor and stated that he is building demolition cars and his yard is becoming a junk yard. He questioned whether the activity is allowed in a residential area. He stated that the neighbor has three dogs that bark constantly and many neighbors are concerned about the condition of his property. Mr. Pepe referred the matter to the Health, Sanitation, and Codes Committee. Mr. Pepe suggested that Mr. Timmcke make a list of concerns for the next meeting to be held on Thursday, February 18 at 3:45 p.m. Mr. Pepe invited Mr. Timmcke to attend the meeting and stated that he will also invite Mr. Farnsworth to attend the meeting.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS - None.

### READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. Anders to dispense with the formal reading of the February 1, 2016 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Shubzda, seconded by Mr. Barrett to adopt the February 1, 2016 Minutes as drafted. There were 6 ayes, 1 abstention (Gilbert). Motion carried.**

DECISION ON BIDS - None.

February 16, 2016

## EMMAUS BOROUGH COUNCIL

### COMMUNICATIONS

a. Dave Fletes, Lincoln Elementary School PTO – 2016 Spring Festival Requests. Mr. Labenberg stated that the Spring Festival will be held on May 19, 2016 from 4:00 p.m. to 7:00 p.m. Referred to staff.

**Motion by Mr. Anders, seconded by Mr. Barrett to close Pike Street from Seem Street to Harrison Street and Seem Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets for Lincoln Elementary School's 2016 Spring Festival to be held on May 19, 2016 from 4:00 p.m. to 7:00 p.m. There were 7 ayes. Motion carried.**

b. Rochelle Romeo, Run Lehigh Valley, PO Box 123, Allentown – Funk 5 Miler Event Request to be held on June 4, 2016. Referred to the Public Safety Committee.

c. Eli Bracken, 190 Main Street – Request reappointment to the Emmaus/Upper Milford Joint Environmental Advisory Council (term expires 3/7/19).

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to reappoint Eli Bracken to the Emmaus/Upper Milford Joint Environmental Advisory Council to a term expiring on 3/7/19. There were 7 ayes. Motion carried.**

d. Fred Mussel, Cedarbrook Sportsmen – Request for monetary donation to stock Furnace Dam for 2016 Trout Season. Referred to staff. Mr. Labenberg stated that the donation comes out of the Civic Celebration Line Item.

BOROUGH ENGINEER'S REPORT –None.

### SOLICITOR'S REPORT

Solicitor Dinkelacker reported that a decision has not been reached by the Commonwealth Court in the Emmaus Firefighter's case.

Progress.

### UNFINISHED BUSINESS, PART I

Ordinance No. 1136 - An Ordinance Repealing Sections 351 Through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations (1st Reading 1/18/16) (2nd Reading 2/16/16).

February 16, 2016

EMMAUS BOROUGH COUNCIL

**Motion by Mrs. Gilbert, seconded by Mr. Brown to read Ordinance No. 1136 in short title. There were 7 ayes. Motion carried.**

Mr. Labenberg read Ordinance No. 1136 in short title.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Ordinance No. 1136 - An Ordinance Repealing Sections 351 Through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mr. DeFrain, aye; Mrs. Gilbert, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.**

NEW BUSINESS

Mr. Labenberg introduced Doug White, Lehigh Engineering. Mr. White reviewed the Final Plan for The Fields at Indian Creek. Solicitor Dinkelacker explained that this is a Phase I Final Plan and that the developer requested to complete the project in 5 Phases to limit the cost incrementally. He stated that each Phase must stand alone as if none of the rest of the development will be built. He stated that as a condition of the Borough's conditional Preliminary Plan approval, the emergency access from Green Drive is to be constructed as part of Phase I. The Planning Commission reviewed the Phase I Final Plan and recommended a conditional approval. At that time, there was discussion concerning changing the emergency access to traverse the Farmhouse property through an easement. The Plan was modified and was reviewed by the Planning Commission. The Commission has recommended conditional approval of the Phase I Final Plan with the emergency access easement going across the golf course on Emmaus Borough property. The access would run from Chestnut Street in, parallel to the PA Turnpike and Day Lily Drive would be improved in such a manner that emergency equipment would be able to enter from Chestnut Street and access the portion of the development that would be constructed. He stated that the residences located within the Borough of Emmaus would not be constructed until Phase III and Phase V. He stated that the Planning Commission will review each phase individually and Council will approve each phase individually. He stated that there are comments on Phase I from Hanover Engineering and Jim Farnsworth. He also stated that approval is also required by Upper Milford and Lower Macungie Township. Solicitor Dinkelacker entertained questions from Council.

Resolution 2016-07 – A Resolution Conditionally Approving the Phase I Final Plan for The Fields at Indian Creek.

**Motion by Mrs. Gilbert, seconded by Mr. DeFrain to adopt Resolution 2016-07. There were 6 ayes, 1 abstention (Barrett). Motion carried.**

February 16, 2016

## EMMAUS BOROUGH COUNCIL

### UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that Ordinance No. 1135 will have its 2<sup>nd</sup> Reading at the March 7, 2016 Council Meeting.

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

### MAYOR'S REPORT

Mayor Iobst stated that the foreman for a trucking firm commended Police Officer Adam Polster for his help when a truck was disabled at St. Ann's Church during the blizzard. Mayor Iobst thanked Police Officer Polster for his outstanding work.

Progress.

### COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that Dr. Waddell attended the Committee Meeting representing the Remembrance Garden and presented the Committee with a set of photographs taken at the Garden during a rain storm. The photos demonstrated drainage issues coming off the parking lot into the area surrounding the walkway to the garden. The Remembrance Garden Committee is requesting permission to dig a 10' wide x 6" deep swale from the walkway to the drains at the edge of the property towards the road. The swale would be about 100' in length and would be graded to drain the water to the drain, as it was originally designed. A contractor would complete the work and the organization would pay to have it completed and restored.

**Motion by Mr. Brown, seconded by Mr. DeFrain to grant the request by the Remembrance Garden Foundation to dig a swale to alleviate water issues contingent upon proper approvals and proof of insurance. There were 7 ayes. Motion carried.**

Mr. Brown reported that the 10<sup>th</sup> Street Culvert project is on hold as Penn Dot is unable to release the funds due to the Pennsylvania Budget crisis. The Borough is hoping to finish the project in 2016. Mr. Brown stated that he has reached out to Senator Lisa Boscola and State Representative Justin Simmons to help with the issue.

Mr. Brown reported that the Committee reviewed the plowing and snow removal process. He entertained questions about the Committee report.

The next Committee Meeting is March 14, 2016 at 3:00 p.m.

February 16, 2016

EMMAUS BOROUGH COUNCIL

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda stated that he lives on Furnace Street and will review the condition of the property located on Furnace Street prior to the next meeting to be held on February 18, 2016 at 3:45 p.m. Mr. Pepe suggested that Mr. Shubzda take pictures if he is able.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met on February 2, 2016 at 4:00 p.m. He stated that there are several items on the Agenda for official action.

**Motion by Mr. Anders, seconded by Mr. Barrett to grant a request by the Emmaus High School Class of 1966 to host a classic car show at the Emmaus Community Park during their 50th reunion event to be held on Saturday, June 11, 2016, with a rental fee of \$30.00 for the basketball court at Community Park.**

Mrs. Gilbert asked if the motion should include proof of liability insurance. Mr. Anders amended his motion and Mr. Barrett amended his second.

**Motion by Mr. Anders, seconded by Mr. Barrett to grant a request by the Emmaus High School Class of 1966 to host a classic car show at the Emmaus Community Park during their 50th reunion event to be held on Saturday, June 11, 2016, contingent upon proper liability insurance and a rental fee of \$30.00 for the basketball court at Community Park. There were 7 ayes. Motion carried.**

Mr. Anders reported that the Emmaus Fire Department is requesting permission to host an Easter Egg Hunt and Public Safety Education event at Emmaus Community Park on Saturday, March 19, 2016 from 11:15 a.m. to 4:00 p.m.

**Motion by Mr. Anders, seconded by Mr. Barrett, to grant the Emmaus Fire Department's request to host an Easter Egg Hunt and Public Safety Education event at the Emmaus Community Park on Saturday, March 19, 2016 from 11:15 a.m. to 4:00 p.m. There were 7 ayes. Motion carried.**

Mr. Brown thanked Chief Nelson for hosting the event. Mr. Pepe responded that the Emmaus Fire Department is co-hosting the event with the Active Learning Center.

February 16, 2016

## EMMAUS BOROUGH COUNCIL

Mr. Anders reported that the East Penn Emmaus Midget Football Association has requested permission to build a pavilion adjacent to the building at the multi-purpose field at Community Park. The organization will pay for the construction of the pavilion. The Borough will own it and will be able to rent the pavilion. All rental income will be used to go back to the football field and park area. Mr. Barrett thanked the EPEMFA for requesting to build a building that will benefit the entire community. Mr. Shubzda asked who will be responsible for the maintenance of the pavilion. Mr. Pepe responded that the day-to-day maintenance of the pavilion will be the responsibility of the EPEMFA but the Borough will be responsible for any repairs to the pavilion.

**Motion by Mr. Anders, seconded by Mr. Barrett to grant the East Penn Emmaus Midget Football Association's request to build a pavilion adjacent to the building at the multi-purpose field at Community Park. There were 7 ayes.**

**Motion by Mr. Anders, seconded by Mr. Barrett to grant the request by the East Penn Emmaus Midget Football Association to waive the 2016 field usage fees. There were 7 ayes. Motion carried.**

The next Committee Meeting is March 1, 2016 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Officers Thompson and Polster have completed the required number of hours of FTO training and will be assigned to a Platoon.

The next Committee Meeting is March 2, 2016 at 3:00 p.m.

Progress.

e. General Administration Committee

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to reappoint Angela Faidley to the Emmaus Arts Commission to a term expiring on 2/7/19. There were 7 ayes. Motion carried.**

Mr. Barrett reported that Keystate Publishing will no longer be in business because the owner passed away. General Code Codification Service will be taking over all of Keystate Publishing's accounts. Mr. Pepe stated that General Code Codification Services dominates the business in Pennsylvania with over 900 municipalities in the state and are the recommended vendor by the PSAB. He stated that one of the benefits they provide is eCode 360, which provides immediate online access to the Borough's codes.

February 16, 2016

EMMAUS BOROUGH COUNCIL

There is a yearly fee of approximately \$1,400.00 for this service. General Code Codification Services will download and transfer all of our information from Keystate Publishing for free. Mr. Pepe stated that there are several Ordinances that are due for codification.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to enter into an Agreement with General Code Codification Service to conduct all code codification services for the Borough. There were 7 ayes. Motion carried.**

The next Committee Meeting is Wednesday, February 17, 2016 at 9:00 a.m. Progress.

f. Budget and Finance Committee

Mr. Labenberg read Resolution 2016-6, authorizing payment of the February 16, 2016 Bill List, as follows:

Bill List	\$	330,803.11
Payroll #3	\$	129,334.92
Payroll Taxes	\$	<u>47,072.96</u>
Total	\$	507,210.99

Done this 16<sup>th</sup> of February 2016.

**Motion by Mr. Shubzda, seconded by Mrs. Gilbert to approve the February 16, 2016 Bill List.**

Mrs. Gilbert asked if the approval is contingent upon only a partial payment to LCA. Mr. Shubzda amended his motion and Mrs. Gilbert amended her second.

**Motion by Mr. Shubzda, seconded by Mrs. Gilbert to approve the February 16, 2016 Bill List contingent upon a partial payment to LCA. There were 7 ayes. Motion carried.**

**Motion by Mr. Shubzda, seconded by Mrs. Gilbert to authorize Mr. Pepe to send the Borough's 2016 request letter to the General Authority. There were 7 ayes. Motion carried.**

Mr. Brown thanked the General Authority for supporting the Borough.

Progress.

February 16, 2016

## EMMAUS BOROUGH COUNCIL

### g. Community Relations, Planning and Development Committee

Mr. DeFrain reported that the Committee met on February 11, 2016. He reported that the Committee discussed the Southwestern Lehigh Comprehensive Plan. He stated that a public survey will be released to the public and encouraged everyone to participate in the survey. Mr. DeFrain stated that he will be emailing Council members to obtain nominations for the Volunteer of the Year Award for 2015. Mr. DeFrain entertained questions about the Committee report.

The next Committee Meeting is March 10, 2016 at 4:00 p.m.  
Progress.

### PERSONAL APPEALS, PART II – None.

### BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of February, 2016 are in the Ipads and entertained questions about them. Mr. Anders asked for a status report on the reimbursement for the blizzard. Mr. Pepe responded that he submitted the paper work for reimbursement last week. He stated that the Borough spent approximately \$53,000.00 on snow removal, including all Borough services.

Progress.

### PRESIDENT'S BUSINESS

Progress.

### ADJOURNMENT

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adjourn the February 16, 2016 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 8:02 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
February 23, 2016