

March 18, 2019

**Emmaus Borough Council
Agenda
March 18, 2019 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 Minutes - March 4, 2019
7. Decisions on Bids
8. Communications
 - 8.a. Robert Toth, Sr., 743 Chestnut St. - Request reappointment to the Emmaus Planning Commission (current term expires 4/1/2019).
 - 8.b. Todd Ackerman, 520 Turner St. - Request reappointment to the Emmaus Planning Commission (current term expires 4/1/2019).
 - 8.c. Erin Ruyak & Yvette Fehr, Lincoln PTO - Request for Family Fun Bingo Night Donation.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1186 - An Ordinance Amending Chapter 15 §404.1 of the Codified Ordinances, Establishing Parking Restrictions Adjacent to Triangle Park and South 4th Street During the Emmaus Farmers' Market (1st Reading 2/19/2019) (2nd Reading 3/18/2019).
 - 11.b. Ordinance No. 1187 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 572 Jubilee Street Within the Borough of Emmaus (1st Reading 2/19/2019) (2nd Reading 3/18/2019).

March 18, 2019

12. New Business

12.a. Ordinance No. 1188 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, amending Chapter 20: Solid Waste: of the Borough of Emmaus Consolidated Code of Ordinances, providing for regulations regarding the disposal of refuse and recycling (1st Reading 3/18/2019).

12.b. Ordinance No. 1189 - 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 3/18/2019).

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 – April 10, 2019 at 4:00 p.m.

Committee Meeting Notes - March 13, 2019

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)

Next Meeting – March 27, 2019 at 4:30 p.m.

Reappoint Robert Toth, Sr. and Todd Ackerman to the Emmaus Planning Commission (new term expires 4/1/2023).

Ordinance No. 1188 - 1st Reading 3/18/2019

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – April 2, 2019 at 4:30 p.m.

Committee Meeting Notes - March 5, 2019

Public Safety (DeFrain, Hart, Baumgartner)

Next Meeting – April 10, 2019 at 9:15 a.m.

Hire Deputy Director of Emergency Services

Ordinance No. 1189 - 1st Reading 3/18/2019

Committee Meeting Notes - March 13, 2019

General Administration (Labenberg, Baumgartner, DeFrain)

Next Meeting – March 28, 2019 at 9:00 a.m.

March 18, 2019

Appoint Primary Borough Engineer - Ott Consulting

Appoint Utilities Borough Engineer - Hanover Engineering

Appoint Alternate Borough Engineer - Hanover Engineering

Resolution 2019-13: Adopting the Resolution for the Land Development Revision for New Land Development for the Convenience Store on behalf of Cedar Crest Chestnut Development L.P.

Committee Meeting Minutes - March 14, 2019

Budget and Finance (Hart, DeFrain, Labenberg)

Next Meeting – April 1, 2019 at 6:45 p.m.

Resolution 2019-12: Bill List

Committee Meeting Notes - March 4, 2019

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

Next Meeting – March 21, 2019 at 4:30 p.m.

17. Jr. Council Member's Report

18. Boards and Commissions

18.a. Recreation and Entertainment Commission Meeting Minutes - February 27, 2019

18.b. Zoning Hearing Board Meeting Minutes - February 28, 2019

18.c. Community Garden Commission Meeting Minutes - February 26, 2019

18.d. Planning Commission Meeting Minutes – March 14, 2019

19. Personal Appeals, Part II

20. Borough Manager's Report

20.a. Significant Revenue and Expense Items for the 1st Half of March 2019

20.b. MS4 NPDES Draft Permit

20.c. Sewer Chapter 94 Report

21. President's Business

22. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on March 18, 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
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Butch Rossetti, 19 S. 4th Street – stated that he is one of the owners of the Emmaus Theater and voiced concern about the direct impact that the Farmers’ Market move will have on the theater. He voiced concern about parking and stated that the theater shows a matinee every Sunday at 2:00 p.m. and there are birthday parties held prior to the matinee. He stated that he was not notified about the fact that the Farmers’ Market was moving and voiced concern about where the theater patrons are supposed to park. He stated that the matinee clientele is generally the older generation and is concerned about the patrons having to walk far distances to get to the theater. He also stated that he believes that he should have been involved in the planning process since his business is being affected by the parking restrictions. Mr. Pepe responded that businesses on the Triangle were notified, there was an article placed in the newspaper concerning the move, and that the move was publicized on the Borough’s Facebook page. He also stated that the Emmaus Main Street Partners told the Borough that they reached out to the businesses located on the Triangle. Mr. Rossetti stated that he was never informed about the move by the Emmaus Main Street Partners and just recently was made aware of the move via Facebook. Mr. Pepe stated that the proposed parking Ordinance will prohibit parking on the west side of South Fourth Street between Chestnut Street and Jubilee Street and on Main Street between South Fourth Street and 332 Main Street. Mr. Rossetti voiced concern about emergency vehicles accessing the streets near the Market. Mr. Pepe responded that there is an emergency vehicle plan and that one lane will be unblocked if an emergency vehicle needs access. Mr. Pepe also stated that train traffic is approximately 75% less on Sundays. Mr. Rossetti stated that he believes many business owners on the Triangle are upset about the move. Mr. Pepe responded that there are several downtown businesses that have expressed excitement that the Market will be held at the Triangle. Mr. Pepe stated that approximately 2,000 people visit the Market every Sunday.

EMMAUS BOROUGH COUNCIL

Mr. Labenberg stated that people visiting from out of town that don't know that Emmaus has a theater will notice the theater. Mr. Rossetti stated that he just wishes that he would have been informed about the move sooner. Mr. DeFrain stated that all public safety issues were addressed through the Public Safety Committee and the emergency service departments.

B. Robert Audibert, 19 S. 4th Street - stated that he is one of the owners of the Emmaus Theater and voiced concern about the impact that the Farmers' Market move will have on the theater. He stated that the Sunday matinee accounts for one-third of the theater's revenue and is concerned that the move will cause the theater to shut down. He stated that he shops at the Farmers' Market, but voiced concern that the move will negatively affect the theater and he is unsure if the theater will survive. Mrs. Sorg-McManamon responded that Council's intent is to make this change positive for everyone. She stated that it is Council's intent to work with all businesses and make the transition as easy as possible.

C. Michael Gibson, 230 Ridge Street – stated that he is representing the Planning Commission and thanked Mr. Pepe for distributing the letter to Council outlining the Visioning Committee. He stated that the Visioning Committee will work together to determine the best plan and direction for the Borough for the next ten years. He stated that the Committee is comprised of residents, business owners, professional individuals, non-profit groups, representatives from Borough Council, the Community Relations, Planning and Development Committee, and the Planning Commission. Mr. Gibson entertained questions from Council. Mr. Labenberg thanked Mr. Gibson for spearheading the Committee. Mr. Gibson stated that the Committee will meet once a month and he will provide Council with quarterly updates.

D. Tom Trepovich, Emmaus Farmers' Market – stated that he is in attendance to address the concerns about the Farmers' Market move. He stated that there are approximately 2,000 individuals that visit the Market each week. He stated that a survey was taken with attendees and it was determined that 30% visit within the first hour, 30% visit within the second hour, 25% visit within the third hour, and 15% visit between 1:00 and 2:00 p.m. He stated that new customers account for about 10% visiting weekly. He also stated that the Farmers' Market wants to work with the local businesses to ensure a smooth transition and to help businesses grow. He stated that there is a plan for access for emergency vehicles. Mr. Trepovich entertained questions from Council.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt the March 4, 2019 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

a. Robert Toth, Sr., 743 Chestnut St. – Request reappointment to the Emmaus Planning Commission (current term expires 4/1/2019).

Motion by Mr. Shubzda, seconded by Mrs. Sorg-McManamon to reappoint Robert Toth, Sr., to the Emmaus Planning Commission to a term expiring 4/1/2023. There were 7 ayes. Motion carried.

b. Todd Ackerman, 520 Turner Street – Reappointment to the Emmaus Planning Commission (current term expires 4/1/2019).

Motion by Mr. Shubzda, seconded by Mr. Hart to reappoint Todd Ackerman to the Emmaus Planning Commission to a term expiring 4/1/2023. There were 7 ayes. Motion carried.

c. Erin Ruyak & Yvette Fehr, Lincoln PTO – Request for Family Fun Bingo Night Donation. Mr. Labenberg referred the item to the Parks and Recreation Committee.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1186 – An Ordinance Amending Chapter 15 §404.1 of the Codified Ordinances, Establishing Parking Restrictions Adjacent to Triangle Park and South 4th Street During the Emmaus Farmers’ Market (1st Reading 2/19/19) (2nd Reading 3/18/2019).

Mr. Labenberg thanked Mr. Rossetti for attending tonight’s meeting and asked Mr. Pepe if the Borough employee parking lot can be posted as parking for the Emmaus Theater on Sundays. Mr. Pepe deferred the question to Solicitor Dinkelacker. Solicitor Dinkelacker responded affirmatively. Mr. Labenberg referred the item to the General Administration Committee. Mr. DeFrain invited Mr. Rossetti and Mr. Audibert to attend Committee meetings if they have further questions and concerns. Mr. Hart thanked Mr. Rossetti and Mr. Audibert for attending tonight’s meeting and stated that he supported the decision to move the Farmers’ Market to Triangle Park and believes this is one of those situations where the Ordinance can be changed to address situations that arise along the way.

Motion by Mr. Shubzda, seconded by Ms. Baumgartner to adopt Ordinance No. 1186 - An Ordinance Amending Chapter 15 §404.1 of the Codified Ordinances, Establishing Parking Restrictions Adjacent to Triangle Park and South 4th Street During the Emmaus Farmers’ Market on its 2nd Reading. Roll call vote: Mrs. Sorg-

EMMAUS BOROUGH COUNCIL

McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Ordinance No. 1187 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 572 Jubilee Street Within the Borough of Emmaus (1st Reading 2/19/2019) (2nd Reading 3/18/2019).

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to adopt Ordinance No. 1187 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 572 Jubilee Street Within the Borough of Emmaus on its 2nd Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1188 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, amending Chapter 20: Solid Waste: of the Borough of Emmaus Consolidated Code of Ordinances providing for regulations regarding the disposal of refuse and recycling (1st Reading 3/18/2019).

Mr. Shubzda held a presentation on the requirements of Act 101 and the need for an Ordinance. Mr. Shubzda stated that the Borough was turned down for an Act 101 Grant because the Ordinance was not adequate. He stated that the Borough has budgeted to hire a Refuse and Recycling Coordinator and the interview process will begin in July. He reviewed the services that the Borough provides in accordance with Act 101 and stated that the Ordinance will require that residents utilize trash cans, no larger than 30- gallons, for refuse collection. He stated that compliance to the Ordinance will go into effect one year after the adoption of the Ordinance. Mr. Pepe stated that the Ordinance states that compliance will take effect on January 1, 2020 and the Ordinance will need to be amended to reflect compliance within one year. Ms. Baumgartner stated that many residents have 50- gallon containers and requested that the Ordinance be amended to a maximum of a 50-gallon container. Mr. Labenberg reminded everyone that recycling stickers, to be placed on recycling containers, are available at Town Hall. Mr. Pepe stated that if the Ordinance is adopted, the Borough will apply for a grant for recycling containers.

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Ordinance No. 1188 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, amending Chapter 20: Solid Waste: of the Borough of Emmaus Consolidated Code of Ordinances providing for regulations regarding the disposal of refuse and recycling on its 1st Reading with amendments to Section 3, 2-A: changing the date for compliance to one year after adoption of the Ordinance and changing the required maximum refuse container size from 30-gallons to 50-gallons. Roll call vote: Mrs. Sorg-McManamon,

EMMAUS BOROUGH COUNCIL

aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mr. Labenberg thanked the Health, Sanitation and Codes Committee for their hard work on the Ordinance and refuse contract.

Mr. Labenberg stated that the 2nd Reading of Ordinance No. 1188 will be held at the April 15, 2019 Council Meeting.

Ordinance No. 1189 – An Ordinance Repealing Sections 351 through 356 of the Codified Ordinances involving the Civil Service Commission Rules and Regulations and adopting amended Rules and Regulations (1st Reading 3/18/2019).

Mr. Pepe stated that the Borough and the Civil Service Commission have worked very long and hard on this Ordinance and many changes have been made to the Ordinance. Mr. Pepe also stated that the proposed changes have been negotiated and agreed upon by the EPOA. Mayor Gilbert stated that the changes that were made are very positive.

Motion by Mr. DeFrain, seconded by Mr. Hart to adopt Ordinance No, 1189 - An Ordinance Repealing Sections 351 through 356 of the Codified Ordinances involving the Civil Service Commission Rules and Regulations and adopting amended Rules and Regulations on its 1st Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the 2nd Reading of Ordinance 1189 will be held at the April 15, 2019 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

ITEMS NOT ON AGENDA, subject to Rule 9

Mr. Labenberg explained the process for Items Not on Agenda.

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reviewed the Committee notes and entertained questions about them. He stated that 70 applications were received for the Public Works Department openings. Mr. Pepe stated that 20 candidates were selected and interviews will begin next week.

EMMAUS BOROUGH COUNCIL

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Earth Day Clean-Up will be held on Saturday, April 13, 2019 at Emmaus Community Park. He stated that the event will begin at 8:30 a.m. He also stated that there will be two trucks available for E-Waste and a document shredding event will be held.

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

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner entertained questions about the Committee notes.

Ms. Baumgartner reported that the next Committee meeting is April 2, 2019 at 4:30 p.m.

Progress.

d. Public Safety Committee

Mr. DeFrain reported that Mr. Pepe and Chief Price interviewed seven candidates for the Deputy Director of Emergency Services position and narrowed it to two candidates. He stated that they conducted multiple interviews with the two candidates. He stated that both candidates were very qualified and the Public Safety Committee interviewed the two candidates. He stated that the decision was difficult and the Committee recommends hiring Keith Miller.

Motion by Mr. DeFrain, seconded by Mr. Hart to hire Keith Miller as Deputy Director of Emergency Services at a salary of \$70,000 conditional on completion of a one-year probationary period. There were 7 ayes. Motion carried.

Mr. DeFrain entertained questions about the Committee notes.

Mr. DeFrain reported that the next Committee meeting is Wednesday, April 10, 2019 at 9:15 a.m.

Progress.

EMMAUS BOROUGH COUNCIL

e. General Administration Committee

Mr. Labenberg stated that the Committee recently interviewed five engineering firms for the position of Borough Engineer. He stated that the interview process was lengthy and the Committee has recommended appointing Ott Consulting as the Primary Borough Engineer, Hanover Engineering as the Utilities Borough Engineer, and Hanover Engineering as the Alternate Borough Engineer. Mr. Pepe stated that he believes Ott Consulting will be a great asset to the Borough as the Primary Engineer and Hanover Engineering has been the Borough’s Utilities Engineer for many years and are very qualified.

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to appoint Ott Consulting as Primary Borough Engineer. There were 7 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Anders to appoint Hanover Engineering as Utilities Borough Engineer. There were 7 ayes. Motion carried.

Motion by Mr. Hart, seconded by Mr. DeFrain to appoint Hanover Engineering as Alternate Borough Engineer. There were 7 ayes. Motion carried.

Resolution 2019-13 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania Adopting and Submitting to PA DEP for its Approval as a Revision to the “Official Sewage Facilities Plan” for the Cedar Crest Convenience Store Development.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to adopt Resolution 2019-13. There were 7 ayes. Motion carried.

Mr. Labenberg reported that the next Committee meeting is March 28, 2019 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Hart reported that the March 14, 2019 Budget and Finance Committee meeting was cancelled. He reported that the Significant Revenue and Expense Items have been moved to his report and entertained questions about the items for the first half of March.

Resolution 2019-12, authorizing payment of the March 18, 2019 Bill List, as follows:

Bill List	\$	457,587.70
Payroll #6	\$	162,556.49
Payroll Taxes	\$	<u>51,605.75</u>
Total	\$	671,749.94

Done this 18th day of March 2019.

EMMAUS BOROUGH COUNCIL

Motion by Mr. Hart, seconded by Mr. DeFrain to adopt Resolution 2019-12. There were 7 ayes. Motion carried.

Mr. Hart reported that the next Committee meeting is April 1, 2019 at 6:45 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that the next Committee meeting is March 21, 2019 at 4:30 p.m.

Progress.

h. Junior Council Member's Report

Mr. Hausmann reported that the Snow Co dance was held on Saturday, March 9, 2019. He stated that Shave for Brave was also held and that the Emmaus High School play, Les Misérables, was sold out every night. He stated that there are two high school students in attendance working on a documentary about the Borough.

Progress.

PERSONAL APPEALS, PART II

A. Lehigh County Executive Phil Armstrong – stated that he periodically makes visits to Boroughs and commended the Borough for trying to obtain recycling containers for its residents. He stated that Whitehall Township was able to obtain grants for recycling containers and was able to reduce its refuse/recycling bill after providing containers to the residents. He asked Council if they have any questions for him. Mr. Labenberg thanked Mr. Armstrong for attending tonight's Council meeting. Mr. Armstrong stated that it is important for the municipalities to get their grant requests in early because there is a lack of funding in Washington, DC.

BOROUGH MANAGER'S REPORT

Mr. Pepe recognized Brendan McCourt as the PIAA Class 3A State Diving Champion. He stated that the MS4 NPDES Draft Permit and Sewer Chapter 94 Report are in Council's iPads. He stated that he and Mr. Dychala will begin the interview process for the Public Works positions next week. He stated that he will be very busy next week and asked Council for their patience and that he will respond to their emails as he is able. He stated that he will be attending the PELRAS Conference this week with Chief Hoffman.

Progress.

EMMAUS BOROUGH COUNCIL

PRESIDENT'S BUSINESS

Mr. Labenberg thanked everyone in the audience for attending tonight's Council Meeting.

Progress.

ADJOURNMENT

Motion by Mr. DeFrain, seconded by Mr. Hart to adjourn the March 18, 2019 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:30 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
March 21, 2019