

March 21, 2016

**Emmaus Borough Council
Agenda
March 21, 2016 7:00 PM**



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

Public Presentation - 33 E. Minor Street Architect Plans
6. Reading of Minutes

March 7, 2016
7. Decisions on Bids
8. Communications
 - a. Mary Ringenberg - Pennsylvania Department of Education - Summer Food Service Program
Summer Food Service Program
 - b. Richard Hontz - Letter of Resignation as Part-time Animal Control Officer - Effective July 1, 2016.
 - c. Chad Balliet, South Mountain Cycle & Cafe - Charity bicycle ride event requests - April 9, 2016.
- d. Borough Engineer's Report

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e. Solicitor's Report

f. Unfinished Business, Part I

g. New Business

Ordinance No. 1139 - 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 224 Adrain Street Within the Borough of Emmaus (1st Reading 3/21/16).

h. Unfinished Business, Part II

Ordinance No. 1137 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Eliminating Part 3 Section G Including Subsections 371, 344, 372, 373, and 375 of Chapter 1, and Amending Part 8 of Chapter 1, Creating a Combined Recreation and Entertainment Commission (1st Reading 3/07/16) (2nd Reading 4/04/16).

Ordinance No. 1138 - An Ordinance Amending Chapter 15 §404(a) of the Codified Ordinances, Extending the Bus Zone on the South Side of E. Minor Street (1st Reading 3/07/16) (2nd Reading 4/04/16).

i. Items Not on Agenda
Subject to Rule 9

j. Mayor's Report

a. Letter

k. Committee Reports

Public Works/(Highway, Water & Sewer) (Brown, Anders, DeFrain)
Next Meeting – April 11, 2016 at 3:00 p.m.

a. Hire Troy Bower for the Full-time Public Works /Mechanic Position

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Health, Sanitation, and Codes (Shubzda, DeFrain, Brown)
Next Meeting – April 21, 2016 at 3:45 p.m.

Parks and Recreation (Anders, Barrett, Labenberg)
Next Meeting – April 5, 2016 at 4:00 p.m.

Public Safety (Gilbert, Barrett, Brown)
Next Meeting – April 6, 2016 at 3:00 p.m.

a. Appointment of Officer in Charge

General Administration (Barrett, Labenberg, Gilbert)
Next Meeting - April 13, 2016 at 9:00 a.m.

Budget and Finance (Labenberg, Shubzda, Gilbert)
Next Meeting – March 24, 2016 at 3:15 p.m.

a. Bill List - Resolution 2016-9
Resolution 2016-9

Community Relations, Planning and Development (DeFrain, Shubzda, Anders)
Next Meeting – April 14, 2016 at 4:00 p.m.

l. Personal Appeals, Part II

m. Borough Manager's Report

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

b. Resolution 2016- 10- Disposing of Municipal Records
Resolution 2016 - 10

c. Pension Increment Increase

n. President's Business

o. Adjournment

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The Emmaus Borough Council met in regular session on March 21, 2016 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
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. Chief David Nelson, Director of Emergency Services – stated that approximately 100 people attended the Easter Egg Hunt that was held on Saturday, March 19 at Emmaus Community Park. He stated that a Medivac helicopter landed at the event and fire trucks and other equipment were displayed. He also stated that the Emmaus Ambulance Corps helped two families safely secure their car seats and that children were able to walk through a smoke house. He stated that Lehigh Valley Martial Arts donated Easter Eggs and over 5,000 were handed out at the event. He stated that he hopes to continue the event and received positive responses to it. Mr. Pepe stated that he and his family attended the event and thanked Mr. Nelson and Lehigh Valley Martial Arts for partnering to host the event. He stated that there were 100 children that participated in the Easter Egg Hunt, but believes that there were approximately 500 people attending the event. He stated that Upper Macungie’s Fire Bureau sponsored the smoke house. Mr. Pepe stated that all of the Borough of Emmaus’ emergency services attended the event and were well represented.

COMMUNITY MINUTE

Mr. Anders reminded everyone that the Electronics Recycling will be open the 2nd Monday of the month from March until November.

Mr. Labenberg encouraged everyone to please read the cover article about Chief Faust in the Borough’s spring newsletter. He stated that he hopes that everyone is able to wish him good luck on his retirement. He thanked Chief Faust for his service and everything that he has done for the Borough.

SPECIAL PRESENTATIONS

USA Architects - 33 E. Minor Street Architect Plans

Carlos Tovar and Paul Swartz of USA Architects presented the schematic design, the proposed phases of the project, as well as the proposed construction budget to conduct the

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work at the proposed Town Hall Complex located at 33 E. Minor Street. They stated that the estimated cost will be lower than budgeted because the Public Works Department will conduct a portion of the work.

Mr. Labenberg entertained questions from the Public. Hearing none, he recessed the meeting at 7:29 p.m. Mr. Labenberg reconvened the meeting at 7:31 p.m.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mrs. Gilbert to dispense with the formal reading of the March 7, 2016 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt the March 7, 2016 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

- a. Mary Ringenberg – Pennsylvania Department of Education – Summer Food Service Program. Referred to the Health, Sanitation and Codes Committee.
- b. Richard Hontz – Letter of Resignation as Part-time Animal Control Officer – Effective July 1, 2016.

Motion by Mr. Anders, seconded by Mr. Barrett to authorize Mr. Pepe to advertise for a part-time Animal Control Officer.

Mrs. Gilbert stated that she believes that the matter should be referred to the Public Safety Committee for further discussion.

Mr. Anders withdrew his motion and Mr. Barrett withdrew his second. Mr. Brown thanked Mr. Hontz for his time served and suggested mailing Mr. Hontz a letter of thanks.

- c. Chad Balliet, South Mountain Cycle & Café – Charity bicycle ride event requests. David Pryor, South Mountain Cycle, explained that he is the promoter of the event and that the event will be held on Saturday, April 9, 2016. He explained that the event is a 60 mile bicycle ride that begins and ends in Emmaus and there will be 300 bikers participating. He stated that South Mountain Cycle is requesting two port-o-johns to be placed outside the business as well as traffic control for the event. Mr. Labenberg referred the item to the Public Safety Committee. Mrs. Gilbert responded that due to time constraints, the matter needs to be voted on at tonight's Council Meeting. Mr. Pepe questioned where the port-o-johns would be placed. Mr. Pryor explained that there is 4-6' of sidewalk to the right of the building. Mr. Shubzda questioned who would be paying for the port-o-johns. Mr. Pryor responded that South Mountain Cycle will pay for them. He explained that the port-o-johns would be placed on Friday and picked up on the Monday after the event. Mr. Pepe explained that approval from Council is necessary because the port-o-johns would be placed on the sidewalks in the public right-of-way. Mr. Barrett suggested placing the port-o-johns in the back of the building. Mr. Pryor stated that he believes the bike shop would need approval from Wells Fargo to place the port-o-johns in the back of the building.

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Motion by Mr. Anders, seconded by Mr. Brown to grant South Mountain Cycle's request to place two port-o-johns outside the shop for a charity bike event to be held on April 9, 2016.

Mr. DeFrain stated that he believes that the port-o-johns should not be placed in the front of the bike shop and that the motion should be amended to state that the placement of the port-o-johns should be approved by the Borough Manager.

Mr. Anders amended his motion and Mr. Brown amended his second.

Motion by Mr. Anders, seconded by Mr. Brown to grant South Mountain Cycle's request to place to port-o-johns at a location to be approved by the Borough Manager. There were 7 ayes. Motion carried.

Mr. Labenberg referred the Police escort to Mayor Iobst. Mr. Labenberg directed Mr. Pryor to contact the Borough Manager for direction on placing the port-o-johns and for parking opportunities. Mrs. Gilbert requested a copy of proof of liability insurance.

d. Citizen's Fire Company #2 – Community Carnival to be held on Wednesday, June 8 to Saturday, June 11, 2016 from 6:00 p.m. to 10:00 p.m. Referred to staff.

e. Wesley Barrett – Emmaus 4-Miler to be held on Sunday, April 10, 2016. Referred to staff.

f. Budd Coates, Rodale, 400 S. Tenth Street – Request to rent Emmaus Community Pool on Mondays, Wednesdays and Fridays from 7:00 a.m. to 8:00 a.m. from June 1 to September 2, 2016 for a fee of \$25.00 per session and \$12.50 per lifeguard.

Motion by Mr. Anders, seconded by Mr. Barrett to grant Rodale's request to use the Emmaus Community Pool from June 1 to September 2, 2016 from 7:00 a.m. to 8:00 a.m. for a fee of \$25.00 per session and \$12.50 per lifeguard. There were 7 ayes. Motion carried.

g. Jay Seckler – Mr. Labenberg read a letter from Mr. Seckler requesting to place a plaque on a bench at the Emmaus Community Pool in memory of Barbara Cole. The plaque would be paid for by friends of Barbara Cole. Referred to the Parks and Recreation Committee. Mr. Labenberg and Mr. Pepe complimented Barbara Cole for her dedication to the Emmaus Community Pool. Mr. Brown stated that Barbara was also very involved at the Emmaus Public Library.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Solicitor Dimmich requested an Executive Session.

Progress.

UNFINISHED BUSINESS, PART I – None.

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NEW BUSINESS

Ordinance No. 1139 – 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 224 Adrain Street Within the Borough of Emmaus (1st Reading 3/21/16).

Motion by Mrs. Gilbert, seconded by Mr. Brown to read Ordinance No. 1139 in short title. There were 7 ayes. Motion carried.

Mr. Labenberg read Ordinance No. 1139 in short title.

Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt Ordinance No. 1139 - 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 224 Adrain Street Within the Borough of Emmaus on its 1st 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.

Mr. Pepe stated that the 2nd Reading of the Ordinance will be held at the April 18, 2016 Council Meeting.

UNFINISHED BUSINESS, PART II

Mr. Labenberg reported that Ordinance No. 1137 and Ordinance No. 1138 will have their 2nd Readings at the April 4, 2016 Council Meeting.

ITEMS NOT ON AGENDA, subject to Rule 9

Mr. Brown stated that he reviewed the Annual Police Report and voiced concern about the number of juvenile incidents in 2015. He stated that he believes it is vital for the East Penn School District to have an SRO Officer and to enter into discussions with the Borough on the matter. Mr. Barrett stated that he agrees that the Borough needs to enter into a discussion with the School District. He stated that he believes the Borough should also have broader discussions with the District about all school issues and hold more regular communication. Mr. Labenberg referred the item to the General Administration Committee.

MAYOR'S REPORT

Mayor Iobst read a letter from Sergeant Karl Geschwindt announcing his retirement from the Emmaus Police Department, effective March 31, 2016. Mayor Iobst thanked Sergeant Geschwindt for his service and wished him luck. Mr. Labenberg stated that Sergeant Geschwindt will be difficult to replace and congratulated him on his retirement. Mr. Pepe stated that the Borough received 27 applications for the Police Officer openings and the testing process will begin on Saturday, April 2, 2016. Mr. Barrett stated that the new generation will continue a great legacy that was begun by Chief Faust and Sergeant Geschwindt. Mr. Pepe stated that Sergeant Geschwindt has been instrumental in the accreditation process on a state and national level and thanked him for his effort.

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Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the Committee met on March 14, 2016. He stated that the Public Works Committee interviewed three candidates for the Public Works/Mechanic position and the three candidates were very qualified. Mr. Brown stated that the candidate that was chosen works for the Borough of Macungie. He stated that Mr. Pepe received an email from Chris Boehm, Macungie Borough Manager, praising the candidate and stated that the Borough of Emmaus hit the jackpot. Mr. Pepe stated that there were thirty applicants for the position and Mr. Dychala, Mr. Fehnel, and he interviewed ten candidates. The Public Works Committee interviewed the final three candidates.

Motion by Mr. Brown, seconded by Mr. DeFrain to hire Troy Bower as a Class 1 Public Works/Mechanics position contingent upon Mr. Bower's completion of the background check and in accordance with the Public Works contract with an hourly rate of \$23.26 with an increase to a Class 4 Public Works employee at an hourly rate of \$26.70 upon completion of his 90-day probationary period.

Mr. Pepe stated that Mr. Bower's hiring is not contingent upon the completion of a background check as it has been completed. Mr. Brown amended his motion and Mr. DeFrain amended his second. Mr. Anders stated that Mr. Bower will be a great asset to the Public Works team.

Motion by Mr. Brown, seconded Mr. DeFrain to hire Troy Bower as a Class 1 Public Works/Mechanics position in accordance with the Public Works contract at an hourly rate of \$23.26 with an increase to a Class 4 Mechanics position at an hourly rate of \$26.70 upon completion of his 90-day probationary period. There were 7 ayes. Motion carried.

Mr. Brown reported that the Borough's street sweeper recently caught on fire and has been disabled since that time. Mr. Pepe reported that the insurance company did not total the street sweeper and it is currently at Lowe & Moyer for repairs. Mr. Brown stated that because of the MS4 stormwater mandates, street sweeping is required by law.

Mr. Brown reported that the grant contract for the 10th Street culvert project has been signed. He thanked Joe Kelly and Senator Lisa Boscola's office, Justin Ryan and PA State Representative Justin Simmon's office for their help. He stated that he believes the project will begin in late fall.

Mr. Brown reported that the furnace at the Knauss Homestead is irreparable. He stated that Mr. Dychala recommends installing electric baseboard heating in the home, which will cost approximately \$1,440.

The next Committee Meeting is April 11, 2016 at 3:00 p.m.

Progress.

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b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee Meeting on March 17, 2016 at 3:45 p.m. was cancelled. The next Committee Meeting is April 21, 2016 at 3:45 p.m.

Progress.

b. Parks and Recreation Committee

Mr. Anders reported that the next Committee Meeting is April 5, 2016 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that due to Chief Faust's retirement on March 25, the Borough must appoint an Officer in Charge to handle his responsibilities until a new Chief is hired.

Motion by Mrs. Gilbert, seconded by Mr. Brown to appoint Sergeant Charles Palmer as Officer in Charge, effective March 26, 2016. There were 7 ayes. Motion carried.

The next Committee Meeting is Wednesday, April 6, 2016 at 3:00 p.m.

Progress.

e. General Administration Committee

The next Committee Meeting is Wednesday, April 13, 2016 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Labenberg read Resolution 2016-9, authorizing payment of the March 21, 2016 Bill List, as follows:

Bill List	\$	362,615.03
Payroll #6	\$	126,326.83
Payroll Taxes	\$	<u>42,536.98</u>
Total	\$	531,478.84

Done this 21st day of March 2016.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to approve the March 21, 2016 Bill List. There were 7 ayes. Motion carried.

Mr. Labenberg referred the Emmaus Police Pension Board request to the Budget and Finance Committee.

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Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain encouraged everyone to attend the Mayors' Event on March 29, 2016 where Mr. Pepe will receive the Lehigh Valley Manager of the Year Award. He also reported that the Emmaus Farmers' Market will open on Sunday, April 3, 2016. He reported a Southwestern Comprehensive Plan Meeting was held on March 10, 2016 at Town Hall. Mr. DeFrain reported that the Committee has chosen a 2016 Volunteer of the Year and the winner will be announced shortly. He also reported that he attended an Economic Community Development meeting and will discuss it at the next Committee Meeting. Mr. Brown stated that there was an article in the Morning Call about Jessica O'Donnell and the Main Street Partners and their partnership with the Borough of Emmaus. Mr. Pepe clarified that there were two articles in the Morning Call. Mr. Barrett thanked Lehigh County Executive Tom Muller for attending the Borough Council Meeting.

The next Committee Meeting is Thursday, April 14, 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 March, 2016 are in the Ipads and entertained questions about them.

Mr. Pepe reported that Jim Farnsworth and he have begun cleaning out the files in the basement at Town Hall. He stated that it will be a very lengthy process as there are many files to be disposed. He stated that a Resolution must be adopted to dispose of the files.

Resolution 2016-10 – A Resolution in Accordance with the Municipal Records Act of January 18, 1968 (P.L. 961, No. 428) as Approved for Local Government Records by the Pennsylvania Historical and Museum Commission Bureau of Archives and History, as Approved by the Commonwealth of Pennsylvania on December 28, 2008 and Amended July 23, 2009, Authorizing the Borough of Emmaus to Dispose of Certain Municipal Records.

Motion by Mr. Anders, seconded by Mr. DeFrain to adopt Resolution 2016-10. There were 7 ayes. Motion carried.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 8:18 p.m. for an Executive Session to discuss a personnel matter and legal issues with no official action anticipated.

Mr. Labenberg reconvened at 8:53 p.m. with no official action taken.

Progress.

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ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. Anders to adjourn the March 21, 2016 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:53 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
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