

April 02, 2018

**Emmaus Borough Council  
Agenda  
April 02, 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. Council Meeting Minutes - March 19, 2018
7. Decisions on Bids
8. Communications
  - 8.a. Dave Fletes, Lincoln Elementary School PTO - Lincoln Elementary School's 2017 Annual Spring Festival
9. Borough Engineer's Report
10. Solicitor's Report
  - 10.a. Confidential Solicitor Memo - EPA Meeting
11. Unfinished Business, Part I
  - 11.a. Ordinance No. 1171 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped

April 02, 2018

Parking Sign on the Public Street Located in Front of 546 Broad Street Within the Borough of Emmaus (1st Reading 3/5/2018) (2nd Reading 4/2/2018).

12. New Business

12.a. Ordinance No. 1172 - An Ordinance amending the Borough of Emmaus Zoning Ordinance, Chapter 27, §403.4.D(4)(c) of the Codified Ordinances, establishing fence height regulations for nursing homes and other types of facilities housing patients with Alzheimer's, dementia, or other memory impairments. (1st Reading 4/2/18).

12.b. Ordinance No. 1173 - An Ordinance amending Chapter 15 §405 of the Codified Ordinances, establishing regulations for portable storage containers. (1st Reading 4/2/18)

12.c. Ordinance No. 1174 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, amending Chapter 18, Part 3 of the Code of the Borough of Emmaus to adopt Ordinance 15346 of the City of Allentown, dated February 1, 2017, relating to sewage and industrial waste discharge into the Borough-owned publicly owned treatment works (POTW), subject to certain revisions, additions, and exceptions. (1st Reading 4/2/18)

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 9, 2018 at 3:30 p.m.

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

Next Meeting – April 25, 2018 at 4:30 p.m.

Committee Meeting Notes - March 19 and March 28, 2018

Ordinance 1172 - Fence Heights for Memory Patient Facilities

Ordinance 1173 - Portable Storage Containers

Ordinance 1174 - Industrial Waste Sewer

2019 Refuse - Notice to Hauler

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – April 3, 2018 at 4:30 p.m.

April 02, 2018

Committee Meeting Notes - March 19, 2018

Public Safety (DeFrain, Barrett, Baumgartner)

Next Meeting – April 10, 2018 at 3:00 p.m.

General Administration (Labenberg, Barrett, DeFrain)

Next Meeting – April 12, 2018 at 9:00 a.m.

Budget and Finance (Barrett, DeFrain, Labenberg)

Next Meeting – April 12, 2018 at 3:30 p.m.

Resolution 2018-16: Bill List

Committee Meeting Notes - March 19, 2018

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

Next Meeting – April 19, 2018 at 4:30 p.m.

Boards and Commissions

Board of Health Meeting Minutes - March 15, 2018

Emmaus Public Library Board of Trustees Meeting Minutes - February 20, 2018

Recreation and Entertainment Commission Minutes - February 28, 2018

17. Personal Appeals, Part II

18. Borough Manager's Report

18.a. Significant Revenue and Expense Items for March, 2018

18.b. Hired Weston Kloiber, Mertztown, PA as Summer Park seasonal employee - \$7.25 per hour

19. President's Business

20. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on April 2, 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 7:00 p.m.

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

PERSONAL APPEALS, PART I – None.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. DeFrain, seconded by Mr. Barrett to adopt the March 19, 2018 Council Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS - None.

COMMUNICATIONS

- a. David Fletes, Lincoln Elementary School PTO – Lincoln Elementary School’s 2017 Annual Spring Festival. Referred to staff.
- b. William Lahouchak, Jr. – Resignation from the Emmaus Board of Health (term expires 1/1/2020).

BOROUGH ENGINEER’S REPORT – None.

## EMMAUS BOROUGH COUNCIL

SOLICITOR'S REPORT

Solicitor Dimmich reported that Solicitor Dinkelacker and Mr. Pepe attended a meeting with EPA and DEP and that a confidential memorandum was drafted concerning the meeting.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1171 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 546 Broad Street Within the Borough of Emmaus. (1<sup>st</sup> Reading 3/5/18) (2<sup>nd</sup> Reading 4/2/18)

**Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt Ordinance No. 1171 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §60-2.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 546 Broad Street Within the Borough of Emmaus on its 2<sup>nd</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.**

NEW BUSINESS

Ordinance No. 1172 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance, Chapter 27, §403.4.D(4)(C) of the Codified Ordinances Establishing Fence Height Regulations for Nursing Homes and Other types of Facilities Housing Patients with Alzheimer's, Dementia, or Other Memory Impairments. (1<sup>st</sup> Reading 4/2/18)

**Motion by Mr. Shubzda, seconded by Ms. Baumgartner to adopt Ordinance No. 1172 - An Ordinance amending the Borough of Emmaus Zoning Ordinance, Chapter 27, §403.4.D(4)(c) of the Codified Ordinances Establishing Fence Height Regulations for Nursing Homes and Other types of Facilities Housing Patients with Alzheimer's, Dementia, or Other Memory Impairments on its 1<sup>st</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that the 2<sup>nd</sup> Reading of Ordinance No. 1172 will be held at the June 2018 Council meeting.

Ordinance No. 1173 – An Ordinance Amending Chapter 15 §405 of the Codified Ordinances Establishing Regulations for Portable Storage Containers. (1<sup>st</sup> Reading 4/2/18)

## EMMAUS BOROUGH COUNCIL

Mr. Shubzda explained that Mr. Farnsworth had an issue with a POD being placed on the street for an extended period of time and noted that the Borough's Ordinance does not have a definition for portable storage containers. Mr. Pepe stated that, according to the Ordinance, the portable storage container can remain on the street for up to 60 days and the permit fee for a portable storage container is proposed to be \$50.00. Council would adopt the set fee after adopting the Ordinance. Mr. Barrett stated that he believes that 30 days is an adequate length of time for a portable storage container to be placed on a street. He also stated that, if an individual needs a portable storage unit for more than 30 days, there should be a renewal fee of \$25.00 for an additional 30 days. Mr. Labenberg stated that he will not vote for the amended motion because he believes the time limit should be 60 days.

**Motion by Mr. Barrett, seconded by Mr. DeFrain to amend Ordinance No. 1173 to read that the portable storage container can remain on the street for up to 30 days with a renewal option for an additional 30 days. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, no; Mr. Anders, no; Mr. Barrett, aye; Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Labenberg, no. There were 4 ayes, 3 opposed (Shubzda, Anders, Labenberg). Motion carried.**

**Motion by Mr. Anders, seconded by Mr. Shubzda to adopt amended Ordinance No. 1173 - An Ordinance Amending Chapter 15 §405 of the Codified Ordinances Establishing Regulations for Portable Storage Containers on its 1<sup>st</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, no; Mr. Anders, no; Mr. Barrett, aye; Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Labenberg, no. There were 4 ayes, 3 opposed (Shubzda, Anders, Labenberg). Motion carried.**

Ordinance No. 1174 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 18, Part 3 of the Code of the Borough of Emmaus to Adopt Ordinance 15346 of the City of Allentown, Dated February 1, 2017, Relating to Sewage and Industrial Waste Discharge into the Borough-owned Publicly Owned Treatment Works (POTW), Subject to Certain Revisions, Additions, and Exceptions. (1<sup>st</sup> Reading 4/2/18).

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt Ordinance No. 1174 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 18, Part 3 of the Code of the Borough of Emmaus to Adopt Ordinance 15346 of the City of Allentown, Dated February 1, 2017, Relating to Sewage and Industrial Waste Discharge into the Borough-owned Publicly Owned Treatment Works (POTW), Subject to Certain Revisions, Additions, and Exceptions on its 1<sup>st</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Barrett, aye; Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Labenberg aye. There were 7 ayes. Motion carried.**

The 2<sup>nd</sup> Reading of Ordinance No. 1173 and 1174 will be at the May 7, 2018 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

EMMAUS BOROUGH COUNCIL

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

MAYOR’S REPORT

Mayor Gilbert reported that she and Chief Palmer will be serving dinner at the retirement home located at 333 Ridge Street on Tuesday, April 3, 2018 at 6:00 p.m. She stated that Mrs. Sorg-McManamon will also be at the event. Mayor Gilbert invited Council to attend.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reported that the next Committee meeting is April 9, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda stated that the Committee discussed the deadline for notifying the Borough’s current refuse and recycling hauler as to whether or not the Borough intends to renew the current contract for 2019. A letter must be sent by July 1, 2018. He stated that the Committee has been working on new bid specifications and will notify the current hauler that the Borough intends to bid out the services for a new contract for 2019.

**Motion by Mr. Shubzda, seconded by Mr. Anders to authorize Mr. Pepe to draft a letter notifying JP Mascaro that the Borough intends to bid out services for a new refuse and recycling contract in 2019. There were 7 ayes. Motion carried.**

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

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner entertained questions about the Committee minutes.

The next Committee meeting is April 3, 2018 at 4:30 p.m.

Progress.

EMMAUS BOROUGH COUNCIL

d. Public Safety Committee

Mr. DeFrain reported that the next Committee meeting is April 10, 2018 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Labenberg reported that the next Committee meeting is April 12, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-16, authorizing payment of the April 2, 2018 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>85,183.19</b>
<b>Payroll #7</b>	<b>\$</b>	<b>139,889.62</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>43,916.37</u></b>
<b>Total</b>	<b>\$</b>	<b>268,989.18</b>

Done this 2<sup>nd</sup> day of April 2018.

**Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-16. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that the next Committee meeting is April 19, 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 March, 2018 are in the iPads and entertained questions about them. He stated that per Ordinance, he hired Weston Kloiber, Mertzown, PA as a summer park seasonal employee at an hourly rate of



EMMAUS BOROUGH COUNCIL

\$7.25. He stated that the rest of the summer park seasonal employees are returning. He also stated that the Borough is taking applications for lifeguards and the concession stand.

Progress.

PRESIDENT'S BUSINESS

Progress.

ADJOURNMENT

**Motion by Mr. Barrett, seconded by Ms. Baumgartner to adjourn the April 2, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 7:35 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
April 4, 2018