

April 03, 2017

**Emmaus Borough Council
Agenda
April 03, 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 Minutes - March 20, 2017
7. Decisions on Bids
8. Communications
 - 8.a. Audrey Gardner Racine, 616 N. 2nd Street - Request appointment to the Emmaus Public Library Board (open term expires 1/1/2020)
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II
14. Items Not on Agenda
Subject to Rule 9
15. Mayor's Report

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16. Committee Reports

Public Works/(Highway, Water & Sewer) (Brown, Anders, DeFrain)

Next Meeting – April 10, 2017 at 3:00 p.m.

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

Next Meeting – April 20, 2017 at 4:15 p.m.

Resolution 2017-13 - South Mountain Village Sewage Facilities Plan

Committee Meeting Notes - March 20, 2017

Parks and Recreation (Anders, Barrett, Labenberg)

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

Summer Park Employment - Hire Recommendation

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – April 5, 2017 at 3:00 p.m.

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – April 12, 2017 at 9:00 a.m.

Appoint Audrey Gardner Racines to the Emmaus Public Library Board (term expires 1/1/2020).

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – April 17, 2017 at 6:45 p.m.

Bill List - Resolution 2017-12

Committee Meeting Notes - March 20, 2017

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

Next Meeting – April 13, 2017 at 4:00 p.m.

17. Boards and Commissions

17.a. Emmaus Arts Commission Meeting Minutes - February 27, 2017

17.b. Recreation and Entertainment Commission Meeting Minutes - February 28, 2017

17.c. Emmaus Public Library Meeting Minutes - March 21, 2017

17.d. Zoning Hearing Board Meeting Minutes - March 23, 2017

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18. Personal Appeals, Part II

19. Borough Manager's Report

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

19.b. Sale of Bobcat to Upper Milford

19.c. Resolution 2017-14: CDBG Grant Application

20. President's Business

Executive Session - Litigation

21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on April 3, 2017 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 – Arrived at 7:02 p.m.
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Otto Slozer, 121 E. Elm Street, Emmaus – voiced two concerns, both dealing with the Sunshine Act. He stated that at the Borough Council Meeting dated March 20, 2017, he voiced concern over two instances in which it was suggested that public matters would be discussed via email. He stated that if Council did not want to have the public knowing the name of the Emmaus Volunteer of the Year, it shouldn't have been brought up, because once it is brought up that opens the door. He stated that there are cases where it is improper to be conducting public business through email. He stated that a request can come from court that will order both personal and business emails to be exposed. Mr. Slozer also voiced concern over the lights being turned out in the public area during the last Council Meeting while Council members were still assembled at the front of the room. He stated that the public has the right to see what Council is discussing. Mrs. Gilbert responded that Council had adjourned the meeting. Mr. Pepe responded that there were no deliberations through the email and he has the right to send emails. He stated that Council members understand what business they can and can't do through email and they aren't making any decisions through email. He also stated that Council gives the press 15 minutes at the end of the meeting to answer questions. Mr. Pepe stated that Mrs. Gilbert locked the door and turned off the lights like she does after every meeting. Solicitor Dimmich responded that he has directed Borough Council on the correct procedure for using emails. He stated that the meeting was adjourned and Borough Council did not violate the Sunshine Law.

B. Amy Resh, Director, Emmaus Public Library – introduced herself and provided updates on the Library. She encouraged everyone to visit the Emmaus Public Library's website at www.emmauspl.org and the Library's Facebook page. She thanked Council and stated that she looks forward to working with Council in the future. Mr. Anders

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asked Ms. Resh to provide a status update on the expansion and the Grant the Library received. Ms. Resh stated the architects at Spillman Farmer will have conceptual drawings shortly and she is eager to present them to Council.

COMMUNITY MINUTE

Mr. Labenberg stated that Earth Day Community Clean-Up will be held on Saturday, April 8, 2017 at the Emmaus Community Park at 8:30 a.m. He also stated that the Lehigh Valley Roadrunners 4 mile race will be held on Sunday, April 9, 2017 at 9:15 a.m. He stated that the Kiwanis Easter Egg Hunt will be held at Emmaus Community Park on Saturday, April 15, 2017 at 1:00 p.m. He stated that Zumba is held every Saturday morning at Faith Presbyterian Church at 9:00 a.m.

Mr. Anders stated that Emmaus High School baseball and softball teams have begun playing at Community Park and Williams Street.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt the March 20, 2017 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Audrey Gardner Racines, 616 N. 2nd Street – Request appointment to the Emmaus Public Library Board (open term expires 1/1/20).

Motion by Mr. Barrett, seconded by Mr. Anders to appoint Audrey Gardner Racines to the Emmaus Public Library Board to a term expiring on 1/1/2020. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS – None.

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UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown thanked State Representative Justin Simmons and his team for assisting the Borough in being awarded a Grant in the amount of \$260,000 for the Pennsylvania Small Water and Sewer Funds Project. The grant will provide for 100 sewer covers, sewer ladders and structural repairs. Mr. Brown thanked Mr. Pepe for his hard work applying for the Grant.

b. Health, Sanitation, and Codes Committee

Resolution 2017-13 – A Resolution of the Borough of Emmaus, Lehigh County, Pennsylvania, for Plan Revision for New Land Development for the Project Known as South Mountain Village.

Mr. Pepe explained that the Resolution is a sewage module and will be sent to PA DEP for their approval.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to adopt Resolution 2017-13. There were 7 ayes. Motion carried.

Mr. Shubzda encouraged everyone to attend Earth Day on Saturday, April 8, 2017 at the Emmaus Community Park. He stated that there will be electronics recycling as well as a shredding event.

The next Committee Meeting is April 20, 2017 at 4:15 p.m.

Progress.

c. Parks and Recreation Committee

Motion by Mr. Anders, seconded by Mr. Barrett to hire Noah Kleckner, Emmaus, at an hourly rate of \$7.25 and Peyton Hyndman, Emmaus, at an hourly rate of \$7.25 as Public Works part-time summer employees.

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Mr. Pepe requested that Mr. Anders amend his motion to include the returning employees. Mr. Anders amended his motion. Mr. Barrett amended his second.

Motion by Mr. Anders, seconded by Mr. Barrett to hire Noah Kleckner, Emmaus, at an hourly rate of \$7.25 and Peyton Hyndman, Emmaus, at an hourly rate of \$7.25 as Public Works part-time summer employees; pay increases for Lucas Schaf at an hourly rate of \$8.25; Kyle Hahn at an hourly rate of \$7.75; Logan Hahn at an hourly rate of \$7.50; Nate Zimmerman at an hourly rate of \$7.50; and Jordan Stenroos at an hourly rate of \$9.25 as returning Public Works part-time summer employees. There were 7 ayes. Motion carried.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the next Committee Meeting is Wednesday, April 5, 2017 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the next Committee Meeting is Wednesday, April 12, 2017 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2017-12, authorizing payment of the April 3, 2017 Bill List, as follows:

Bill List	\$	126,311.19
Payroll #7	\$	129,557.35
Payroll Taxes	\$	<u>46,608.51</u>
Total	\$	302,477.05

Done this 3rd day of April 2017.

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to adopt Resolution 2017-12. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the next Committee Meeting is Monday, April 17, 2017 at 6:45 p.m.

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Progress.

g. Community Relations, Planning and Development Committee

The next meeting is April 13, 2017 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E. Elm Street, Emmaus – asked for clarification on the date of Earth Day. Mr. Shubzda responded that Earth Day will be held on Saturday, April 8th. Mr. Slozer asked if there will be an electronics recycling event. Mr. Shubzda responded affirmatively. Mr. Slozer asked if the event will accept batteries. Mr. Shubzda responded that specific types of batteries will be accepted. Mr. Shubzda stated that more information on Earth Day is available on the Borough's website.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for March, 2017 are in the iPads and entertained questions about them. Mr. Pepe stated that an Executive Session will be needed to discuss a litigation matter with LCA.

Mr. Pepe stated that Upper Milford Township requests Emmaus Borough Council's approval to purchase the Borough's Bobcat Mdl. 763H with attachments in the amount of \$13,400. Mr. Pepe explained that we received a trade-in value as well as a retail value from CAT. Upper Milford will pay the retail value.

Motion by Mr. Anders, seconded by Mr. Shubzda to grant Upper Milford Township's request to purchase the Borough's Bobcat Mdl 736H with attachments for \$13,400. There were 7 ayes. Motion carried.

Mr. DeFrain asked if the motion included the attachments to which Mr. Pepe responded affirmatively.

Resolution 2017-14 – A Resolution Approving the Application to Lehigh County and the United States Department of Housing and Urban Development for Community Development Block Grant Funds.

Motion by Mr. Brown, seconded by Mr. Shubzda to adopt Resolution 2017-14. There were 7 ayes. Motion carried.

Progress.

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PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 7:26 p.m. for an Executive Session to discuss a litigation matter with no action anticipated.

Mr. Labenberg reconvened the meeting at 8:04 p.m.

Progress.

ADJOURNMENT

Motion by Mr. Anders, seconded by Mr. Barrett to adjourn the April 3, 2017 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:04 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 5, 2017