

May 07, 2018

Emmaus Borough Council  
Agenda  
May 07, 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 - April 16, 2018
7. Decisions on Bids
8. Communications
  - 8.a. Frank Kane, Director, Lehigh County Community and Economic Development - Urban County
  - 8.b. Martin Ondrovic, Memorial Day Parade Coordinator - Memorial Day Parade Ceremony
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - 11.a. **Ordinance No. 1173** - An Ordinance Amending Chapter 15 §405 of the Codified Ordinances, Establishing Regulations for Portable Storage Containers (1st Reading 4/2/2018) (2nd Reading 5/7/2018).
  - 11.b. **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 Discharges Into the Borough-Owned Publicly Owned

May 07, 2018

Treatment Works (POTW), Subject to Certain Revisions, Additions and Exceptions (1st Reading 4/2/2018) (2nd Reading 5/7/2018).

11.c. **Ordinance No. 1175** - 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 733 Walnut Street Within the Borough of Emmaus (1st Reading 4/16/2018) (2nd Reading 5/7/2018).

12. New Business

12.a. **Ordinance No. 1176** - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Amending Part 3 of Chapter 1, Adding Section G, Creating a Community Garden Commission (1st Reading 5/7/2018).

13. Unfinished Business, Part II

13.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 4/2/2018) (2nd Reading 6/18/2018).

14. Items Not on Agenda  
Subject to Rule 9

15. Mayor's Report

15.a. Proclamation 2018-432: Police Week

15.b. Mayor's Quarterly Report

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)  
Next Meeting – May 14, 2018 at 3:30 p.m.

Committee Meeting Notes - April 16, 2018

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)  
Next Meeting – May 30, 2018 at 4:30 p.m.

Ordinance No. 1172 - 2nd Reading 6/18/2018

Ordinance No. 1173 - 2nd Reading 5/7/2018

Ordinance No. 1174 - 2nd Reading 5/7/2018

May 07, 2018

Committee Meeting Notes - April 25, 2018

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – June 5, 2018 at 4:30 p.m.

Resolution No. 2018-20: Park Study

Committee Meeting Notes - May 1, 2018

Public Safety (DeFrain, Barrett, Baumgartner)

Next Meeting – May 9, 2018 at 9:15 a.m.

Ordinance No. 1175 - 2nd Reading 5/7/2018

General Administration (Labenberg, Barrett, DeFrain)

Next Meeting – May 10, 2018 at 9:00 a.m.

Engleman Agreement

LCA / Allentown Letter for EPA AO

Committee Meeting Notes - April 26, 2018

Budget and Finance (Barrett, DeFrain, Labenberg)

Next Meeting – May 10, 2018 at 3:30 p.m.

Resolution No. 2018-21: Bill List

Resolution No. 2018-17: Amending Schedule of Fees for Portable Storage Containers

Committee Meeting Notes - April 16, 2018

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

Next Meeting – May 17, 2018 at 4:30 p.m.

Ordinance No. 1176 – 1<sup>st</sup> Reading 5/7/2018

Intermunicipal Agreement

Committee Meeting Notes - April 19, 2018

17. Boards and Commissions

17.a. Employee and Volunteer Safety Committee Meeting Minutes - April 19, 2018

17.b. Zoning Hearing Board Meeting Minutes - April 26, 2018

May 07, 2018

- 17.c. Emmaus Public Library Board of Trustees Meeting Minutes - March 20, 2018
- 17.d. Recreation and Entertainment Commission Meeting Minutes - April 25, 2018
- 17.e. Budget Worksheet
- 17.f. Emmaus Main Street Partners Board Meeting  
Minutes - April 4, 2018 and Agenda - May 2, 2018
- 18. Personal Appeals, Part II
- 19. Borough Manager's Report
  - 19.a. Significant Revenue and Expense Items for April, 2018
  - 19.b. Electricity Auction
  - 19.c. Hired Sarah Hoch, Zionsville, as a Concession Stand Attendant - \$7.25/hr.
- 20. President's Business
  - Executive Session – Legal Matters
- 21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on May 7, 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

Mr. Labenberg welcomed Lehigh County Executive Phil Armstrong to the meeting.

PERSONAL APPEALS, PART I – None.

COMMUNITY MINUTE

Mr. Anders stated that the Emmaus Farmers’ Market held its 15<sup>th</sup> Grand Opening on May 6, 2018. He stated that all produce is locally farmed and encouraged everyone to visit the Market on Sundays from 10:00 a.m. to 2:00 p.m.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt the April 16, 2018 Council Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS - None.

COMMUNICATIONS

- a. Frank Kane, Director, Lehigh County Community and Economic Development – Urban County. Mr. Labenberg referred the matter to General Administration. Mr. Pepe responded that there is no action needed because the Borough has been a part of this program for years and will remain in the program.

## EMMAUS BOROUGH COUNCIL

b. Martin Ondrovic, Memorial Day Parade Coordinator – Memorial Day Parade Ceremony. Referred to staff.

c. Bud Carter, Upper Milford Township and John Dychala, Borough of Emmaus – Earth Day Clean Up Event 2018. Mr. Labenberg reviewed the final totals for the Earth Day Clean Up Event.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Solicitor Dimmich reported that the Executive Session scheduled for tonight will not be needed because the legal matter has been resolved.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1173 – An Ordinance Amending Chapter 15 §405 of the Codified Ordinances, Establishing Regulations for Portable Storage Containers (1<sup>st</sup> Reading 4/2/2018) (2<sup>nd</sup> Reading 5/7/2018).

**Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt Ordinance No. 1173 - An Ordinance Amending Chapter 15 §405 of the Codified Ordinances, Establishing Regulations for Portable Storage Containers on its 2<sup>nd</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.**

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 Discharges into the Borough-Owned Publicly Owned Treatment Works (POTW), Subject to Certain Revisions, Additions and Exceptions (1<sup>st</sup> Reading 4/2/2018) (2<sup>nd</sup> Reading 5/7/2018).

**Motion by Mr. Shubzda, seconded by Ms. Baumgartner 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 Discharges into the Borough-Owned Publicly Owned Treatment Works (POTW), Subject to Certain Revisions, Additions and Exceptions on its 2<sup>nd</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.**

## EMMAUS BOROUGH COUNCIL

Ordinance No. 1175 – An Ordinance Amending 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 733 Walnut Street Within the Borough of Emmaus (1<sup>st</sup> Reading 4/16/2018) (2<sup>nd</sup> Reading 5/7/2018).

**Motion by Mr. DeFrain, seconded by Mr. Anders to adopt Ordinance No. 1175 - An Ordinance Amending 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 733 Walnut 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. Barrett, aye; Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.**

NEW BUSINESS

Ordinance No. 1176 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Amending Part 3 of Chapter 1, Adding Section G, Creating a Community Garden Commission (1<sup>st</sup> Reading 5/7/2018).

**Motion by Mrs. Sorg-McManamon, seconded by Mr. Shubzda to adopt Ordinance No. 1176 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Amending Part 3 of Chapter 1, Adding Section G, Creating a Community Garden Commission 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. 1176 will be held at the June 18, 2018 Council meeting.

UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that the 2<sup>nd</sup> Reading of Ordinance No. 1172 will be held at the June 18, 2018 Council meeting.

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

MAYOR'S REPORT

Mayor Gilbert read Proclamation 2018-432, declaring the week of May 13<sup>th</sup> through May 19<sup>th</sup>, 2018 be known as Emmaus Police Department Week, and urged all the residents and friends of Emmaus to join in the observance.

Mr. Labenberg thanked Mayor Gilbert for preparing a Quarterly Report.

EMMAUS BOROUGH COUNCIL

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reported that the next Committee meeting is May 14, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee met on April 25, 2018 at 4:30 p.m. He reported that the Committee worked on the upcoming refuse contract in detail. He stated that Mr. Pepe will continue to work on the draft and will submit the changes for the May Committee meeting. Mr. Pepe stated that he anticipates that bid openings will occur on August 1, 2018.

Mr. Shubzda reported that the next Committee meeting is May 31, 2018 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Resolution 2018-20 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Approving the Application of a Pennsylvania Department of Economic Development Comprehensive Plan with a Greenway and Trails Component Study.

**Motion by Ms. Baumgartner, seconded by Mr. Anders to adopt Resolution 2018-20. There were 7 ayes. Motion carried.**

Ms. Baumgartner explained that the Grant is similar to a previous Grant that the Borough applied for through the DCNR. She stated that the DCNR Grant was a 50% matching Grant and this one is a 25% matching Grant. Mr. Pepe stated that there is a \$100.00 submission fee, but Barry Isset & Associates has offered a free service to help write the Grant application. He stated that the Grant is through the Pennsylvania Department of Community and Economic Development. Mr. Barrett asked what happens if the Borough receives both Grants. Mr. Pepe responded that if the Borough were to be awarded both Grants, the Borough will accept the PA DCED Grant.

Ms. Baumgartner entertained questions about the Committee meeting notes. She stated that the next Committee meeting is June 5, 2018 at 4:30 p.m. and that the July 3, 2018 Committee meeting will be cancelled.

Progress.



EMMAUS BOROUGH COUNCIL

d. Public Safety Committee

Mr. DeFrain reported that the next Committee meeting is May 9, 2018 at 9:15 a.m.

Progress.

e. General Administration Committee

**Motion by Mr. DeFrain, seconded by Ms. Baumgartner to authorize the Borough to enter into the Engleman Agreement for the property known as the 2<sup>nd</sup> Street Reservoir.**

Mr. Pepe stated that it has been a lengthy and costly process to get to this point. Solicitor Dimmich stated that there was a minor change to the Agreement. He asked if Council had the most recent Agreement to which Mr. Pepe responded negatively. Solicitor Dimmich stated that the most recent Agreement has a provision to include a filtration system for metals if needed. Mr. DeFrain asked if the Motion should be amended to include the filtration system. Mr. DeFrain amended his motion and Ms. Baumgartner amended her second.

**Motion by Mr. DeFrain, seconded by Ms. Baumgartner to authorize the Borough to enter into the Engleman Agreement for the property known as the 2<sup>nd</sup> Street Reservoir with changes to include a filtration system for metals if needed. There were 6 ayes, 1 abstention (Barrett). Motion carried.**

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to authorize Mr. Pepe to execute the letter to exit the EPA AO. There were 7 ayes. Motion carried.**

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to authorize the Borough Manager, Borough Solicitor and Borough Engineer to create a plan to exit the EPA AO. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that the next Committee meeting is Wednesday, May 9, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-21, authorizing payment of the May 7, 2018 Bill List, as follows:

## EMMAUS BOROUGH COUNCIL

Bill List	\$	421,694.37
Payroll #9	\$	148,116.47
Payroll Taxes	\$	<u>46,162.53</u>
Total	\$	615,973.37

Done this 7<sup>th</sup> day of May 2018.

**Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-21. There were 7 ayes. Motion carried.**

Resolution 2018-17 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees for Portable Storage Containers.

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt Resolution 2018-17. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Labenberg stated that he will vote against the motion because he does not believe the Borough should charge an extra \$25.00 for a time extension after 30 days.

The next Committee meeting scheduled for May 10, 2018 is cancelled.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that the Committee met on April 19, 2016 at 4:30 p.m. She stated that the Committee reviewed the recommendation from the Emmaus Planning Commission to not enter into the Intermunicipal Agreement for the Comprehensive Plan. She stated that the Committee discussed the pros and cons of entering into the Agreement and decided that there were many more cons than pros. She stated that the Committee recommends that Council deny entering into the Intermunicipal Agreement. Mr. Anders voiced concerns that there may be repercussions for not signing the Agreement. Solicitor Dimmich stated that the Borough has entered into the Southwest Lehigh Joint Comprehensive Plan and that this Agreement is specific to development and the impact on neighboring communities. Mrs. Sorg-McManamon stated that the Committee voiced concern that the Steering Committee will not be composed of professionals to guide the process and it could become political.

**Motion by Mrs. Sorg-McManamon, seconded by Mr. Shubzda to not enter into the Intermunicipal Agreement. There were 7 ayes. Motion carried.**

Mrs. Sorg-McManamon reviewed the Committee minutes and thanked community volunteers for their help in drafting the by-laws for the Ordinance for the Community Garden Commission. She reported that the Borough has received a response from Norfolk Southern concerning the increased train speed. She stated that there is a plan to have a follow-up phone

EMMAUS BOROUGH COUNCIL

call with Norfolk Southern. She reported that the process has begun to update the Borough of Emmaus website.

Mrs. Sorg-McManamon reported that the next Committee meeting is May 17, 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 April, 2018 are in the iPads and entertained questions about them. He stated that the electricity reverse auction was conducted on April 23, 2018 and as a result of the auction, Constellation Energy was the winning bid for a 36-month contract. He stated that the Borough will save a total of \$83,287.74 over 3 years. He stated that staff has hired Sarah Hoch of Zionsville as a concession stand attendant at an hourly rate of \$7.25. He also stated that the Borough is still looking for high school students or individuals that are not in college as lifeguards so that the Borough can keep the pool open when the college students return to college. He stated that the Borough does pay for the lifeguard certification.

Progress.

PRESIDENT’S BUSINESS

Mr. Labenberg reported that the Executive Session has been cancelled. He also reminded everyone that the primary election will be held on Tuesday, May 15, 2018 and encouraged everyone to vote.

Lehigh County Executive Phil Armstrong introduced himself and spoke of the importance of younger people voting. He stated that the most important election is local government and encouraged everyone to vote.

Progress.

ADJOURNMENT

**Motion by Mr. Anders, seconded by Mr. Barrett to adjourn the May 7, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 8:20 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
May 5, 2018