

May 18, 2015

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
May 18, 2015, 7:00 p.m.**

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

Emmaus Arts Commission Student Art Award – Presented to Bernadette Goetz

6. Reading of Minutes

May 4, 2015

7. Decisions on Bids

8. Communications

- a. Scott Carter, 430 N. 2nd Street – Request reappointment to the Special Entertainment Commission (term to expire 6/7/2015).
- b. Chris Boehm, Macungie Borough Manager – Request assistance from Emmaus Fire Dept. for traffic control for upcoming events.
- c. Tina Ralls, Esq., 63 S. Seventh Street – Community Festival – Emmaus Live!, August 22, 2015, Community Park.
- d. Angela Faidley, Emmaus Arts Commission – Chalk the Walk, July 11, 2015, Triangle Park

9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

12. New Business

Ordinance No. 1127 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part 7.C, Entitled

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“Borough of Emmaus Police Pension Plan” to Comply with Act 600 of 1956, as Amended, and Chapter 1, Part 7.B, Entitled “Employees Pension Plan (1st Reading 5/18/2015)

13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9
15. Mayor’s Report

**Proclamation 2015-378 – Emergency Medical Services Week
Proclamation 2015-382 – National Public Works Week**

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Holtzhafer)

Next Meeting – June 4, 2015 at 3:30 p.m.

- a. Fairview Street
- b. South 10th Street Culvert
- c. Historical House Agreements

Health, Sanitation, and Codes (Shubzda, Holtzhafer, Anders)

Next Meeting – May 21, 2015 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills
- d. IFC Ordinance

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – June 2, 2015 at 4:00 p.m.

- a. Boro Line Park Direction Sign
- b. **Recommendation to Hire Summer Parks Program Counselors, Concession Stand Attendant, Pool Lifeguards and Pool Cashiers**
- c. **Aqua Zumba**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – June 3, 2015 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. **Vince Tranguch – Appointment from Alternate to Sitting Member of the Civil Service Commission (term expires 1/1/2019)**
- c. Ambulance Policies & Procedures

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d. Hire Erica Bonfiglio as Intern for Police Department

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – May 27, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Power DMS
- c. **Appoint Lauren Kuhn to the Arts Commission (term expires 2/1/2018)**
- d. **Reappoint Paul Shankweiler to the Safety Committee**
- e. Record Retention

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – May 28, 2015 at 3:30 p.m.

- a. Capital Plan
- b. **Resolution 2015-15 – Bill List**
- c. Financing RFP
- d. **Electricity Rates**

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

Next Meeting – June 9, 2015 at 4:15 p.m.

- a. Grant Progress
- b. Committee Structure
- c. Southwestern Lehigh Comprehensive Plan

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. Significant Revenue and Expense Items for First Half of May, 2015

19. President's Business

20. Adjournment

Next Resolution: 2015-16
Next Ordinance: #1128

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The Emmaus Borough Council met in regular session on May 18, 2015 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert called the meeting to order at 7:00 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Absent
Roy Anders	Present
Wesley Barrett	Present
Nathan Brown	Present – Arrived at 7:11 p.m.
Brent Labenberg	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS

A. Dr. Michael Waddell, 976 N. 7th Street Circle – reminded everyone that the 9th annual veteran’s brick installation will be held at 1:00 p.m. on Sunday, May 24, 2015 at the Remembrance Garden. He stated that bricks will be installed for 27 veterans. He invited everyone to attend. He also reminded everyone that on September 10, 2015 at 5:00 p.m., the Emmaus Commemorative Gardens Foundation will install several bricks in the Community Heroes’ Walkway located at the Remembrance Garden. He stated that there are two bricks currently installed, one for Detective Eddie Kohler, and one for Ken Young.

COMMUNITY MINUTE

Mr. Labenberg reminded everyone that Borough Council will begin its summer meeting schedule and will only meet once during the months of June, July, and August on the third Monday of the month. He also stated that the Library held its 75th Anniversary Celebration. He wished the incumbent Council Members good luck during the Primary Election. He also reminded everyone that the Community Yard Sale will be held on Saturday, May 30, 2015, with a rain date of Sunday, May 31, 2015.

SPECIAL PRESENTATIONS

Robert Boehmer of the Emmaus Arts Commission presented the inaugural Emmaus Arts Commission Student Art Award, including a \$500.00 Dick Blick Gift Card and an additional \$100.00 contribution from Dick Blick to Emmaus High School Senior, Bernadette Goetz. Mr. Boehmer stated that Ms. Goetz will be pursuing her education in Visual Arts. Ms. Goetz thanked the Emmaus Arts Commission for the award and Dick Blick for the Gift Card. Mr. Boehmer stated that Ms. Goetz has a sampling of her art work for viewing in the hallway located outside of Council Chambers.

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READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Labenberg to dispense with the formal reading of the May 4, 2015 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt the May 4, 2015 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Scott Carter, 430 N. 2nd Street – Request reappointment to the Special Entertainment Commission (term to expire 6/7/2015). Referred to the Parks and Recreation Committee.

b. Chris Boehm, Macungie Borough Manager – Request assistance from Emmaus Fire Department for traffic control for upcoming events. Referred to staff.

c. Tina Ralls, Esq., 63 S. Seventh Street – Community Festival – Emmaus Live!, August 22, 2015, Community Park. Referred to the Parks and Recreation Committee. Mrs. Gilbert invited Ms. Ralls to attend the next Parks and Recreation Committee meeting to be held on Tuesday, June 2, 2015 at 4:00 p.m.

d. Angela Faidley, Emmaus Arts Commission – Chalk the Walk, July 11, 2015, Triangle Park.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Arts Commission's request to host the Chalk the Walk Event on Saturday, July 11, 2015 from 9:00 a.m. to 12:00 p.m. at Triangle Park with a rain date of Sunday, July 12, 2015. There were 6 ayes. Motion carried.

e. Kristofer Kwant, Managing Partner – Triple Sun Spirits Company – Request approval to operate a distilled spirits plant in the Borough of Emmaus. Mr. Pepe stated that Mr. Kwant is appealing to the Zoning Hearing Board for an interpretation to the Craft Brewery ordinance. Mr. Kwant will attend the June 25, 2015 Zoning Hearing Board Meeting. The building that Mr. Kwant is interested in is located at 518 Bank Street. Mr. Pepe questioned whether Council is interested in revising the Ordinance to include distilleries. Mrs. Gilbert referred the item to the General Administration Committee. Solicitor Dinkelacker voiced concern about making sure that the definitions are correctly defined in the Ordinance.

f. Justin DeLong, Emmaus Fire Department – Resignation letter from the Emmaus Fire Department.

g. Chief Joe Sherman, Citizens' Fire Company of Upper Milford Township, 4093 Main Road West, Emmaus – Safety issues with Emmaus Fire Department.

BOROUGH ENGINEER'S REPORT – None.

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SOLICITOR'S REPORT

Solicitor Dinkelacker reported that Oral Arguments on the Pennsylvania Labor Relations matter will be held on June 15, 2015 with a decision expected in late summer.

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1127 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part 7.C, Entitled “Borough of Emmaus Police Pension Plan” to Comply With Act 600 of 1956, as Amended and Chapter 1, Part 7.B, Entitled “Employees Pension Plan” (1st Reading 5/18/15). Mr. Pepe reviewed his Memorandum drafted on May 18, 2015 and explained that the changes are necessary to comply with Act 600 and Act 205.

Motion by Mr. Barrett, seconded by Mr. Shubzda to read Ordinance No. 1127 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1127 in short title.

Mr. Anders stated that he believes the Ordinance should be amended to include a provision that Council can make a decision whenever there is a fundamental change to benefits in the Plan based on whether the Plan and the Borough are in a sound financial condition prior to approval. Mr. Labenberg stated that he supports Mr. Anders. Mr. Barrett asked how the language that is currently in the Ordinance was determined. Mr. Pepe responded that the language was adopted from Act 30 of 2005. Mr. Barrett asked if the Borough is legally able to amend the language. Mr. Pepe responded that the language of the Ordinance can be amended.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt Ordinance No. 1127 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part 7.C, Entitled “Borough of Emmaus Police Pension Plan” to Comply With Act 600 of 1956, as Amended and Chapter 1, Part 7.B, Entitled “Employees Pension Plan” on its 1st Reading.

Mr. Labenberg amended his motion and Mr. Shubzda amended his second.

Motion by Mr. Labenberg, seconded by Mr. Shuzda to adopt Ordinance No. 1127 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part 7.C, Entitled “Borough of Emmaus Police Pension Plan” to Comply With Act 600 of 1956, as Amended and Chapter 1, Part 7.B, Entitled “Employees Pension Plan” as Amended to read on Page 2, section 4(d), the next to the last section, “This benefit shall be payable in addition to the monthly benefit

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payable under the pension benefit formula, provided the participant is eligible and the plan is in sound financial condition and the Borough of Emmaus can financially sustain as per the actuarial study. This shall be in accordance with PL466 #89, Act 30 of December 22, 2005.” Roll call vote: Mr. Labenberg, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

Mr. Brown asked if there is a financial impact to adopt the Ordinance. Mr. Pepe responded that there is not. An actuarial study must be completed to change any benefit that will have a financial impact.

Mrs. Gilbert stated that the 2nd Reading of the Ordinance will be held at the June 15, 2015 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Mayor Iobst read Proclamation 2015 – 378, proclaiming May 17 through May 23, 2015 as Emergency Medical Services Week.

Mayor Iobst read Proclamation 2015 – 382, proclaiming May 17 through May 23, 2015 as National Public Works Week.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported there was no quorum at the Committee Meeting held on May 7, 2015 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee Meeting is May 21, 2015 at 4:30 p.m.

Progress.

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c. Parks and Recreation Committee

Motion by Mr. Anders, seconded by Mr. Labenberg to hire Erin Miller, Emmaus, at an hourly rate of \$8.25; Laura O'Malley-Kuklis, Emmaus, at an hourly rate of \$8.00; Kim Corsiatto, Emmaus, at an hourly rate of \$7.50; Gabrielle Zukowski, Emmaus, at an hourly rate of \$7.50; Justin Molitorisz, Emmaus, at an hourly rate of \$7.50; Charlene Casey, Emmaus, at an hourly rate of \$7.50; Darren Smith, Jr., Emmaus, at an hourly rate of \$7.50 as Summer Park Program Counselors and Brooke Meyers, Emmaus, at an hourly rate of \$7.25 as a Concession Stand Attendant. There were 6 ayes. Motion carried.

Mr. Shubzda asked if the hiring is contingent upon the individuals passing the background checks. Mr. Pepe responded affirmatively. Mr. Barrett asked if any of the individuals are returning from last year. Mr. Pepe responded that all of the individuals other than Laura O' Malley-Kuklis are returning. Mr. Pepe stated that Ms. Malley-Kuklis is a school teacher. He also stated that all of the individuals that were hired are young adults. Mr. Pepe stated that Erin Miller will run the program and is now a senior in college.

Motion by Mr. Anders, seconded by Mr. Labenberg to hire Emma Mohr, Emmaus, at an hourly rate of \$7.25 and Joel Heiney, Emmaus, at an hourly rate of \$7.25 as Cashiers at the Emmaus Community Pool; Tyler Burkholder, Macungie, at an hourly rate of \$7.25; Victoria Delhagen, Emmaus, at an hourly rate of \$7.25; Alex Duke, Allentown, at an hourly rate of \$7.50; Chris Spiro, Emmaus, at an hourly rate of \$7.25; Stephan Scheib, Schnecksville, at an hourly rate of \$7.50; Luke Pukanecz, Emmaus, at an hourly rate of \$7.25; Zoie Kassis, Emmaus, at an hourly rate of \$7.50; Olivia Scarnulis, Macungie, at an hourly rate of \$7.50; Joel Murphy, Emmaus, at an hourly rate of \$7.25; Kevin Rodgers, Wescosville, at an hourly rate of \$7.25; Summer Sullivan, Fogelsville, at an hourly rate of \$7.50; Sydney Powers, Emmaus, at an hourly rate of \$7.50; Rachel Heiney, Emmaus, at an hourly rate of \$7.50; Sean Kujas, Macungie, at an hourly rate of \$7.50; Shannon Burkholder, Macungie, at an hourly rate of \$7.50; Ciara Dolan, Wescosville, at an hourly rate of \$7.50; Hannah Maron, Macungie, at an hourly rate of \$7.25 and Emily Thomas, Allentown, at an hourly rate of \$7.25 as Lifeguards at the Emmaus Community Pool; Bianca Panunto, Emmaus, at an hourly rate of \$9.25 and Peter Ehrig, Emmaus, at an hourly rate of \$9.00 per hour as head lifeguards at the Emmaus Community Pool. There were 6 ayes. Motion carried.

Mr. Anders noted that there are several lifeguards that are hired conditionally based upon passing certification testing.

Mr. Anders reported that the Committee met on May 5, 2015. He reported that an individual was in attendance to discuss a Doggie Dip at the pool.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Special Entertainment's request to host Aqua Zumba at the Emmaus Community Pool every other Friday during the summer. There were 6 ayes. Motion carried.

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Mr. Anders stated that Aqua Zumba has a great turn out and thanked the Special Entertainment Commission for requesting an additional day at the Community Pool to hold Aqua Zumba.

Progress.

d. Public Safety Committee

Motion by Mr. Barrett, seconded by Mr. Brown to appoint Vince Tranguch to the Civil Service Commission to a term expiring on 1/1/2019. There were 6 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. Brown to hire Erica Bonfiglio as a Summer Intern for the Emmaus Police Department at an hourly rate of \$7.25 working a maximum of 30 hours per week. There were 6 ayes. Motion carried.

Mr. Labenberg asked if the files are allowed to be thrown away after they are scanned. Mr. Pepe responded that according to the Records Retention Act, there is a time frame that must be followed for discarding the files.

Mr. Labenberg referenced the St. John's Lutheran Church request for adding three handicap parking spaces on the public street next to the church and suggested placing temporary handicap parking spaces on the street during worship hours. Mr. Pepe responded that there is a parking lot located to the back of the church with adequate handicap parking spaces and Officer Hamsher recommends denying the request. The Committee will continue to research the request. Mr. Barrett confirmed that there is a new handicapped ramp being installed on N. 5th Street. Mr. Anders stated that he attends St. John's Lutheran Church and there is a handicap ramp and elevator being installed.

Mr. Anders asked for a time frame of when the work on North Street will begin. Mr. Pepe responded that Mr. Dychala has been in contact with the East Penn School District and he believes the work will begin at the end of June.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee met on May 13, 2015 at 9:00 a.m.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Lauren Kuhn to the Emmaus Arts Commission to a term expiring 2/1/18. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to reappoint Paul Shankweiler to the Safety Committee. There were 6 ayes. Motion carried.

Progress.

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f. Budget and Finance Committee

Mr. Shubzda read Resolution 2015-15 authorizing payment of the May 18, 2015 Bill List, as follows:

Bill List	\$	203,992.84
Payrolls #10	\$	124,658.32
Payroll Taxes	\$	<u>43,391.78</u>
Total	\$	372,042.94

Done this 18th day of May 2015.

Motion by Mr. Shubzda, seconded by Mr. Anders to approve the May 18, 2015 Bill List. There were 6 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. Labenberg to authorize Mr. Pepe to bid for electricity rates at the best rate for 24 months.

Mr. Shubzda amended his motion and Mr. Labenberg amended his second.

Motion by Mr. Shubzda, seconded by Mr. Labenberg to authorize Mr. Pepe to accept bids for electricity rates at the best rate for 12-24 months and to sign a contract for the best rates.

Mr. Barrett stated that he believes the range to obtain the best electricity rates should be 12-36 months.

Mr. Shubzda amended his motion and Mr. Labenberg amended his second.

Motion by Mr. Shubzda, seconded by Mr. Labenberg to authorize Mr. Pepe to accept bids for electricity rates at the best rate for 12-36 months and to sign a contract for the best rates. There were 6 ayes. Motion carried.

Mr. Labenberg noted that you can lock in electricity rates up to 2 months prior to the contract expiring.

Mr. Barrett referenced the RenewLV request and asked what the request was for. Mrs. Gilbert responded that it was for a monetary donation.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that Mr. Gibson, Chairman of the Planning Commission and Mrs. McManamon, Chairperson for the Emmaus Mainstreet Partners Economic Development were in attendance. Mr. Brown stated that Mrs. McManamon spearheaded the discussion. Mr.

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Brown also stated the Community Relations, Planning and Development Committee is in a year-long process of a re-visioning effort. The Planning Commission would like to attend CRD meetings in the future, so that the Commission fully understands the direction, vision, and mission of the Borough and can help work with the vision when dealing with building plans as well as other items within the scope of the Commission. Mrs. McManamon believes that the three groups: the Borough, the Commission, and EMSP, need to work together and have a new vision and work towards attainable goals. Mr. Brown reported that the Southwestern Comprehensive Plan will be completed shortly.

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 May, 2015 are in the Council binders and offered to entertain questions about them.

Mr. Pepe reported that he will be attending a meeting on Tuesday, May 26, 2015 at 10:00 a.m. with Brad Youst, Hanover Engineering, John Dychala, Public Works Director, PennDot, and several grant representatives from Lehigh County to discuss the 10th Street Culvert project. Mr. Pepe stated that the project cannot begin until July 1, and has been pushed back due to grant requirements. The project will take place in spring, 2016. Mr. Pepe reported that he is unable to attend the Zoning Hearing Board Meeting on Thursday, May 28, 2015 at 6:00 p.m. because he needs to attend the DHS forum and asked for an alternate to attend the meeting. Mr. Labenberg stated that he will attend the meeting.

Progress.

PRESIDENT'S BUSINESS

Motion by Mr. Labenberg, seconded by Mr. Anders to adjourn. There were 6 ayes. Motion carried.

The May 18, 2015 Meeting of the Emmaus Borough Council adjourned at 8:27 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
May 28, 2015