

May 20, 2019

**Emmaus Borough Council
Agenda
May 20, 2019 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 - May 6, 2019
7. Decisions on Bids
 - 7.a. Janitorial Services
8. Communications
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1190 - An Ordinance Amending Chapter 15, Section 407, Establishing One (1) Handicapped Parking Space on Sunday Between 10:00 a.m. and 2:00 p.m. on the South Side of Main Street in Front of 332 Main Street (1st Reading 5/6/2019) (2nd Reading 5/20/2019).
12. New Business
13. Unfinished Business, Part II
14. Items Not on Agenda
Subject to Rule 9
15. Mayor's Report
 - 15.a. Proclamation 2019-454: Emergency Medical Services Week

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15.b. Proclamation 2019-455: National Public Works Week

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)

Next Meeting – June 12, 2019 at 4:00 p.m.

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

Next Meeting – May 29, 2019 at 4:30 p.m.

Resolution 2019-23: Conditional Approval of 329 Minor Street Subdivision

Resolution 2019-24: Conditional Approval of Emmaus Commerce Center, 840 Broad Street

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – June 4, 2019 at 4:30 p.m.

Appoint Dana Davies to the Recreation and Entertainment Commission (term expires 6/7/2021)

Emmaus Garden Club Signage

Farewell to Summer Event (September 21, 2019) - Parking Restrictions

Committee Meeting Notes - May 7, 2019

Public Safety (DeFrain, Hart, Baumgartner)

Next Meeting – June 12, 2019 at 9:15 a.m.

Hire Jason Eckert - Full-Time Paramedic

Committee Meeting Notes - May 8, 2019

General Administration (Labenberg, Baumgartner, DeFrain)

Next Meeting – May 23, 2019 at 9:00 a.m.

Budget and Finance (Hart, DeFrain, Labenberg)

Next Meeting – June 6, 2019 at 11:00 a.m.

Resolution 2019-22: Bill List

Significant Revenue & Expense Items for First Half of May 2019

Committee Meeting Notes - May 6, 2019

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

Next Meeting – June 20, 2019 at 4:30 p.m.

Resolution 2019-21: Pennsylvania Council on the Arts Grant Resolution

Emmaus Oktoberfest – September 28, 2019

May 20, 2019

Release of 2009 Anniversary Items on Display at Town Hall

Committee Meeting Notes – May 16, 2019

17. Jr. Council Member's Report

18. Boards and Commissions

18.a. Planning Commission Meeting Minutes - May 9, 2019

18.b. 1Q2019 Investment Presentation

18.c. Pension Board Meeting Minutes - May 15, 2019

19. Personal Appeals, Part II

20. Borough Manager's Report

20.a. Hired Lifeguards - Laura Navitsky, Emmaus; Julia Rakovska, Emmaus; Matthias Walck, Emmaus; and Nai Ri Lin, Emmaus - \$8.25/hr.

20.b. Hired PT Seasonal Public Works Employees - Harrison Sandos, Macungie and Alexander Kazmer, Allentown - \$7.25/hr.

20.c. Hired Concession Stand Attendants - Zack Blose, Emmaus and Tierna Moore, Emmaus - \$7.25/hr.

21. President's Business

22. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on May 20, 2019 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
Chris DeFrain, Vice President	Present
Roy Anders	Present
Shana Baumgartner	Present
John W. Hart	Present
Jeffrey Shubzda	Present
Teri Sorg-McManamon	Present
Jonas Hausmann, Jr. Council Member	Present
Lee Ann Gilbert, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE

Mr. Anders reminded everyone that the Memorial Day Parade will be held on Monday, May 27, 2019 from 9:00 a.m. to 11:00 a.m. Mr. Labenberg stated that if there is inclement weather, the event will be held in the Emmaus High School auditorium. Mr. Anders stated that the Community Yard Sale will be held on Saturday, June 1, 2019 with a rain date of Sunday, June 2, 2019 and the 40th Annual Summer Concert Series will begin on June 2, 2019. Mrs. Sorg-McManamon reminded everyone that the Color Guard will host its ceremony on Sunday, May 26, 2019 at 8:00 a.m., beginning at Calvary cemetery. She also stated that the Emmaus Commemorative Garden Foundation will hold its annual brick installation on Sunday, May 26, 2019 at 1:00 p.m., and invited everyone to attend. Mr. Shubzda stated that the Emmaus Arts Commission kicked off its fire hydrant painting on Saturday. He stated that the event received excellent press and was very successful. Mr. Labenberg stated the 2009 Anniversary Committee held a presentation at St. John’s Lutheran Church. He stated that he attended it and it was a very nice event. Mr. Labenberg reminded everyone to vote on Tuesday, May 21, 2019 and wished the candidates best of luck.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mrs. Sorg-McManamon to adopt the May 6, 2019 Council Minutes as drafted. There were 7 ayes. Motion carried.

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DECISION ON BIDS

Mr. Labenberg reported that one bid was received for the Janitorial Services. He stated that Mr. Pepe drafted a Memorandum asking Council to consider tabling their decision at this time.

Motion by Ms. Baumgartner, seconded by Mr. DeFrain to table the Janitorial Services Bid results. There were 7 ayes. Motion carried.

COMMUNICATIONS – None.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress

UNFINISHED BUSINESS, PART I

Ordinance No. 1190 – An Ordinance Amending Chapter 15, Section 407, Establishing One (1) Handicapped Parking Space on Sunday Between 10:00 A.M. and 2:00 P.M. on the South Side of Main Street in Front of 332 Main Street (1st Reading 5/6/2019) (2nd Reading 5/20/2019).

Motion by Mr. Anders, seconded by Mrs. Sorg-McManamon to adopt Ordinance No. 1190 - An Ordinance Amending Chapter 15, Section 407, Establishing One (1) Handicapped Parking Space on Sunday Between 10:00 A.M. and 2:00 P.M. on the South Side of Main Street in Front of 332 Main Street on its 2nd Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Mayor Gilbert read Proclamation 2019-454, proclaiming that the week of May 19th through May 25th, 2019 be known as Emergency Medical Services Week, with the theme, “EMS Strong: Beyond the Call” and encouraged the community to observe this week with appropriate programs, ceremonies and activities.

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Mayor Gilbert read Proclamation 2019-455, proclaiming the week of May 19th through May 25th, 2019 be known as National Public Works Week, with the theme, “It Starts Here”, and called upon all citizens, business owners, and visitors to the community to recognize the substantial contributions of the Public Works Department in making a great community for all.

Progress.

COMMITTEE REPORTSa. Public Works Committee

Mr. Anders stated that the next Committee meeting is June 12, 2019 at 4:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Resolution 2019-23 – A Resolution Conditionally Approving the Preliminary / Final Subdivision Plan for R&S Hoffman Builders, LLC (329 Minor Street).

Solicitor Dinkelacker explained that the Resolution is for a plan revision for new land development. He stated that the plan proposes to subdivide an existing lot into two lots and will add a new sewer connection. He stated that the Resolution amends the Borough’s sewer facility plan to include the new connection.

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Resolution 2019-23. There were 7 ayes. Motion carried.

Resolution 2019-24 – A Resolution Conditionally Approving the Preliminary / Final Land Development Plan for Emmaus Commerce Center (Proposed Warehouse / Light Industrial Building).

Mr. Pepe explained that this has been an ongoing process since 2017 and the Resolution deals with stormwater issues. He stated that the Borough Engineer has given their approval on the stormwater calculations. Solicitor Dinkelacker explained that the Resolution conditionally approves the Preliminary / Final Land Development for the Emmaus Commerce Center. He stated that the building is zoned as a light industrial warehouse building. He stated that the only condition by the Zoning Officer is that any proposed industrial use must comply with the Zoning Ordinance. He stated that the bulk of the comments deal with the slope and spray irrigation. He stated that the plan has been before the Planning Commission for approximately one and a half years. He stated that the most difficult condition is the spray irrigation and had the rate of spray reached a certain level it would have been considered a stormwater BMP. The rate of spray was low enough not to be considered a stormwater BMP.

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and therefore a variance was not needed by the Zoning Hearing Board. He stated that Hanover Engineering agreed with the calculations provided by the developer's engineer. He stated that there was not a quorum at the last Planning Commission meeting and due to time constraints, the Resolution was brought before Council. Mr. DeFrain believes that due to stormwater issues, the Resolution should be tabled until the Planning Commission views the final plan and makes the final determination. He stated that he believes it is being rushed through at the last minute due to time constraints. Solicitor Dinkelacker responded that a time extension from the developer would be required for it to be tabled and if the developer does not request a time extension and Council does not act, it is deemed as approved. Mr. DeFrain suggested denying the motion. Solicitor Dinkelacker stated that a reason is needed for denying the motion and it is not the developer's fault that the Borough's Planning Commission did not have a quorum. Mr. Pepe responded that he doesn't understand how for a year and a half the spray irrigation numbers did not work and now they do. Andy Woods, Hanover Engineering, explained that the Conservation District and DEP have accepted the calculations and cut off levels. Mr. Anders stated that he is concerned with the amount of rain that has been occurring and that the calculations will be higher. Mr. Woods responded that there is nothing in the Ordinance to address that. Solicitor Dinkelacker stated that he believes the Borough's Planning Commission accepts the review from the Borough Engineer. He stated that if it is found in the future that the plan did not work, then the Commerce Center would be in violation of the Pennsylvania state laws concerning stormwater management and their NPDES permit. He stated that once the plan is approved and recorded, they are bound by the law and by the plan. He stated that a condition of the plan approval is for them to get their NPDES permit. Mr. DeFrain stated that he is going to vote against the motion because he believes the Planning Commission should give its approval. Mr. Labenberg asked for clarification on how the spray measurements will be enforced. Mike Minervani, Lehigh Engineering, explained that a pump will check the figures daily and the electronics will keep a record of how much was sprayed. Solicitor Dinkelacker suggested that a condition placed on the approval should be a Stormwater Declaration which allows the Borough to inspect the property. Mr. Labenberg stated that he will support the motion and has faith in the Borough Engineer's review and the opinion of the Solicitor.

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Resolution 2019-24. There were 5 ayes, 2 opposed (DeFrain, Hart). Motion carried

Mr. Shubzda stated that the next Committee meeting is Wednesday, May 29, 2019 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Motion by Ms. Baumgartner, seconded by Mrs. Sorg-McManamon to appoint Dana Davies to the Recreation and Entertainment Commission to a term expiring 6/7/2021. There were 7 ayes. Motion carried.

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Motion by Ms. Baumgartner, seconded by Mr. Anders to approve the placement of Emmaus Garden Club Signage at areas they maintain for the Borough. There were 7 ayes. Motion carried.

Motion by Ms. Baumgartner, seconded by Mr. Anders to approve parking restrictions on Main Street between 3rd and 4th Street at Triangle Park for the Farewell to Summer Event to be held on September 21, 2019. There were 7 ayes. Motion carried.

Mr. Pepe stated that he is unsure if the Main Street Partners have spoken with the businesses that will be affected by the parking restrictions and street closings. Ms. Baumgartner stated that there was concern about the rain date. Mr. Pepe responded that the event will not be held on the Triangle if there is a rain date but the street closure will remain the same. Mrs. Sorg-McManamon stated that she believes communication with the businesses should happen sooner rather than later and stated that she just received clarification from Ashley Lorah, Emmaus Main Street Partners Manager, that all businesses will be notified about the parking restrictions and street closure after Council approves the request.

Ms. Baumgartner reviewed the Committee notes and entertained questions about them. She stated that the next Committee meeting is June 4, 2019 at 4:30 p.m.

Progress.

d. Public Safety Committee

Motion by Mr. DeFrain, seconded by Mr. Hart to hire Jason Eckert as a full-time Paramedic contingent upon the successful completion of a 6-month probationary period. There were 7 ayes. Motion carried.

Mr. DeFrain stated that the next Committee meeting is June 12, 2019 at 9:15 a.m.

Progress.

e. General Administration Committee

Mr. Labenberg reported that the next Committee meeting is May 23, 2019 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2019-22, authorizing payment of the May 20, 2019 Bill List as follows:

Bill List	\$	525,289.46
Payroll #10	\$	178,578.51
Payroll Taxes	\$	<u>61,059.83</u>

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Total \$ **764,927.80**
Done this 20th day of May 2019.

Motion by Mr. Hart, seconded by Mr. DeFrain to adopt Resolution 2019-22. There were 7 ayes. Motion carried.

Mr. Hart reported that the next Committee meeting is June 6, 2019 at 11:00 a.m.

Progress.

g. Community Relations, Planning and Development Committee

Resolution 2019-21 – A Resolution Authorizing the Formal Submission of a Pennsylvania Council on the Arts Project Stream Grant Application.

Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to adopt Resolution 2019-21. There were 7 ayes. Motion carried.

Motion by Mrs. Sorg-McManamon, seconded by Mr. Anders to grant the Knauss Homestead’s request to host Emmaus Oktoberfest on September 29, 2019. There were 7 ayes. Motion carried.

Motion by Mrs. Sorg-McManamon, seconded by Mr. Hart to release the 2009 & 1959 items displayed at Town Hall to the Emmaus Historical Society. There were 7 ayes. Motion carried.

Mrs. Sorg-McManamon entertained questions about the Committee notes and stated that the next Committee meeting is Thursday, June 20, 2019 at 4:30 p.m.

Progress.

h. Junior Council Member’s Report

Mr. Hausmann reported that the cast of Les Misérables has been nominated for several Freddie awards. He stated that the Emmaus High School Chorale will visit Carnegie Hall on Tuesday, May 28, 2019. He stated that the Emmaus Art show will be held at the Emmaus High School on May 30, 2019 at 6:30 p.m., and Senior Awards will be held on May 29, 2019 at 7:00 p. m. He reported that an Evening of Theater will be held on May 31, 2019 at 7:00 p.m. He reported that Broadway Night was held on Friday, May 17, 2019. He also reported that the final day of Keystone Exams will be held on May 21, 2019. He reported that the High School was in lockdown due to Police activity in the Borough. Mr. Anders stated that the Emmaus varsity softball team will play in the playoffs on May 21, 2019 at the Kiwanis field.

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PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER’S REPORT

Mr. Pepe reported that staff hired Laura Navitsky, Emmaus; Julia Rakovska, Emmaus; Matthias Walck, Emmaus; and Nai Ri Lin, Emmaus as Lifeguards at an hourly rate of \$8.25. He also reported that staff hired Harrison Sandos, Macungie and Alexander Kazmer, Allentown as part-time seasonal Public Works Employees at an hourly rate of \$7.25. He reported that staff hired Zack Blose, Emmaus and Tierna Moore, Emmaus as Concession Stand Attendants at an hourly rate of \$7.25.

Mr. Pepe reported that the Borough will see an application shortly for a winery to be located in the Borough of Emmaus. He also reported that the Emmaus Community Pool has had complications with opening due to the flood that previously occurred. He stated that the pool has been drained and the pool will be repainted. He also stated that the baby pool pump that was submerged due to the flood suffered damage and was sent for repair. He stated that he believes the pool will open on time, but the worst-case scenario is that it would open a day or two late. He stated that if the pool does not open as scheduled, the public will be notified via social media and an auto dial announcement.

Progress.

PRESIDENT’S BUSINESS

Progress.

ADJOURNMENT

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to adjourn the May 20, 2019 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:08 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
June 3, 2019