

July 17, 2017

**Emmaus Borough Council
Agenda
July 17, 2017 7:00 PM**



1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
 - 5.a. Emmaus Women's Club - Donation of Safety Glasses to Ambulance Corps
6. Reading of Minutes
 - 6.a. Council Meeting Minutes - June 19, 2017
7. Decisions on Bids
 - 7.a. Bid Results - Fire Department Billing Services
8. Communications
 - 8.a. Richard Farmer - Thank you letter.
 - 8.b. Justin Stauffer - Part-time EMT - Request to change job status to Volunteer with Emmaus Ambulance Corps.
 - 8.c. Angie Wilson - Part-time EMT - Letter of Resignation with Emmaus Ambulance Corps.
 - 8.d. Kathleen Mintzer, Emmaus Halloween Committee - Halloween Parade Requests.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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12. New Business

12.a. Ordinance No. 1156 - An Ordinance Amending the Provisions of Chapter 1, Part I, §1-103, Borough Manager, of the Borough of Emmaus Consolidated Code of Ordinances (1st Reading 7/17/2017).

12.b. Ordinance No. 1157 - An Ordinance Amending Chapter 15 §403 and Chapter 15 §404.1 of the Codified Ordinances, Addressing Vehicle, Bus and Drop-Off and Pick-Up Parking Issues on East Minor Street (1st Reading 7/17/2017).

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) (Brown, Anders, DeFrain)

Next Meeting – August 14, 2017 at 3:00 p.m.

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

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

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – August 1, 2017 at 4:00 p.m.

Hire Seasonal Part-Time Employees

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – August 2, 2017 at 3:00 p.m.

Hire Justin Haman - Part-time EMT

Ordinance No. 1157 - Amending Parking on East Minor Street (1st Reading)

Sergeant Probationary Period

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – July 19, 2017 at 9:00 a.m.

Ordinance No. 1156 - Borough Manager (1st Reading)

Townhouses at South Mountain - Zoning Map Amendment

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Ambulance Power Stretcher

Committee Meeting Notes - July 5, 2017

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – July 27, 2017 at 3:15 p.m.

Bill List - Resolution 2017-22

Committee Meeting Notes - June 19, 2017

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

Next Meeting – August 10, 2017 at 4:00 p.m.

17. Boards and Commissions

17.a. Employee Safety Committee Meeting Minutes - June 20, 2017

17.b. Library Board Meeting Minutes - May 16 and June 20, 2017

17.c. Emmaus Police Department

18. Personal Appeals, Part II

19. Borough Manager's Report

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

20. President's Business

20.a. Executive Session - Personnel Matters

21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on July 17, 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
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Karen Poshefko, 719 Glenwood Street – thanked Council for their service to the community. She stated that she had a previous personal appeal in March concerning climate change. She stated that everyone needs to work together to address climate concerns and encouraged the Borough to reduce its carbon footprint. She stated that Upper Milford and several of the surrounding communities have taken initiatives to reduce their carbon footprints. She encouraged Council to have a conversation with the Borough’s neighbors to find out how they are reducing their carbon footprint. Mr. Labenberg referred the item to the Health, Sanitation and Codes Committee.

B. Richard Mussleman, 945 Franklin Street – presented Council with information on climate change.

C. John Boyle, 4848 Canterbury Drive, Emmaus – stated that he is an alternative fuels consultant. He stated that he works with corporate companies who are looking for alternative energy for cost reductions. He encouraged the Borough to consider alternative fuels.

D. John Zgura, 4947 Jasper Road, Emmaus, President Emmaus Youth Association – voiced concern about the condition of the fields at the Emmaus Community Park after two occasions that the Dodgers have used the field after rain storms. Mr. Labenberg referred the item to the Parks and Recreation Committee.

COMMUNITY MINUTE – None.

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SPECIAL PRESENTATIONS

Chief Hoffman thanked Debbie Kahler and the Women's Club for its recent donation. The donation was used to purchase a case of safety glasses for the Emmaus Ambulance Corps EMTs. Mr. Labenberg thanked the Women's Club and all the service organizations within the Borough for their contributions to the community.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mrs. Gilbert to adopt the June 19, 2017 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe stated that the new Fire Ordinance and Fire Inspection Ordinance gave the Borough the right to bill insurance companies for certain activities and costs obtained by the Fire Department. The items were included in the Fee Schedule for 2017. Mr. Pepe explained that the Borough has had minimal success on receiving payment from the insurance companies and advertised for a Request for Proposal for Fire Department Billing Services. One bid was received from PA Fire Recovery Service, LLC.

Motion by Mrs. Gilbert, seconded by Mr. Barrett to enter into a Billing Services agreement between the Borough of Emmaus and PA Fire Recovery Service, LLC. There were 7 ayes. Motion carried.

COMMUNICATIONS

- a. Richard Farmer – Thank you letter for 2016 Volunteer of the Year award.
- b. Justin Stauffer – Part-time EMT – Request to change job status to Volunteer with the Emmaus Ambulance Corps.
- c. Angie Wilson – Part-time EMT – Letter of Resignation with the Emmaus Ambulance Corps.
- d. Kathleen Mintzer, Emmaus Halloween Committee – Halloween Parade Requests. Referred to the Community Relations, Planning & Development Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

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NEW BUSINESS

Ordinance No. 1156 – An Ordinance Amending the Provisions of Chapter 1, Part I, §1-103, Borough Manager, of the Borough of Emmaus Consolidated Code of Ordinances (1st Reading 7/17/17).

Motion by Mr. Barrett, seconded by Mr. Anders to adopt Ordinance No. 1156 - An Ordinance Amending the Provisions of Chapter 1, Part I, §1-103, Borough Manager, of the Borough of Emmaus Consolidated Code of Ordinances on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mr. DeFrain, aye; Mrs. Gilbert, aye, Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Ordinance No. 1157 – An Ordinance Amending Chapter 15 §403 and Chapter 15 §404.1 of the Codified Ordinance, Addressing Vehicle, Bus and Drop-Off and Pick-Up Parking Issues on East Minor Street (1st Reading 7/17/17).

Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt Ordinance No. 1157 - An Ordinance Amending Chapter 15 §403 and Chapter 15 §404.1 of the Codified Ordinance, Addressing Vehicle, Bus and Drop-Off and Pick-Up Parking Issues on East Minor Street on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mr. DeFrain, aye; Mrs. Gilbert, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mrs. Gilbert stated that the Ordinance should take care of parking issues at the Seven Generation Charter School.

Mr. Labenberg stated that Ordinance No. 1156 and 1157 will have their 2nd Readings at the August 21, 2017 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst reported that the car show and concert held at the Emmaus Community Park on Sunday, July 16, 2017 was very well attended and was a positive event for the entire community.

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the next Committee Meeting is Monday, August 14, 2017 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee Meeting is Thursday, July 20, 2017 at 4:15 p.m.

Progress.

c. Parks and Recreation Committee

Motion by Mr. Anders, seconded by Mrs. Gilbert to hire Nickolas Blose, Emmaus, at an hourly rate of \$7.25 and Danielle Potts, Emmaus, at an hourly rate of \$7.25 as Concession Stand attendants. There were 7 ayes. Motion carried.

The next Committee meeting is August 1, 2017 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert requested an Executive Session to discuss a personnel matter.

Motion by Mrs. Gilbert, seconded by Mr. Barrett to hire Justin Haman as an EMT with the Emmaus Ambulance Corps at an hourly rate of \$13.97. There were 7 ayes. Motion carried.

The next Committee Meeting is Wednesday, August 2, 2017 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Pepe invited Mr. Wall and Mr. Walsh to the podium to discuss the proposed Townhouses at South Mountain project. Mr. Walsh explained that he, Mr. Wall, and Attorney Bubba are purchasing a 10 acre parcel, owned by Rodale, Inc. Closing on the property will be held on August 10, 2017. He stated that $\frac{3}{4}$ of the lot is zoned R-M and the remaining $\frac{1}{4}$ is

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zoned C-R. The intent is to develop, build, and sell homes. He stated that they discussed placing single homes and town homes on the lot, but that they have amended their planned project and are asking Council to consider adopting a Zoning Map Amendment so that they can push the development towards the railroad tracks, which is currently a C-R Zoning District. He stated that the amount of green space taken in the C-R piece of the property will be replaced at the front of the property. He stated that the team is proposing 49 townhome housing units on the property they are purchasing from Rodale, Inc. Solicitor Dimmich explained that the vote is not binding until all of the proper procedures are followed.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to begin the process of the Zoning Map Amendment process for the Townhouses at South Mountain, with the developer bearing the costs to do the amendment. There were 6 ayes, 1 abstention (Barrett). Motion carried.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to approve the purchase of a Stryker power stretcher for the Emmaus Ambulance Corps and pay for the difference out of the Contingency Fund and wait for an expected estate donation to replenish the difference. There were 7 ayes. Motion carried.

Progress.

f. Budget and Finance Committee

Resolution 2017-22, authorizing payment of the July 17, 2017 Bill List, as follows:

Bill List	\$	562,417.23
Payroll #13 & #14	\$	305,696.77
Payroll Taxes	\$	<u>110,343.07</u>
Total	\$	978,457.07

Done this 17th day of July 2017.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to adopt Resolution 2017-22. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the next Committee Meeting is Thursday, July 27, 2017 at 3:15 p.m.

Progress.

g. Community Relations, Planning and Development Committee

The next Committee meeting is August 10, 2017 at 4:00 p.m.

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Progress.

PERSONAL APPEALS, PART II

A. Erin McLane, 32 N. 4th Street – stated that she lives off of the triangle and voiced concern about the condition of the properties within the Borough. She stated that a neighbor two doors down has a couch on their porch. She stated that she wrote a letter 6 months to a year ago to the Borough and the Mayor and did not receive a response. She stated that something needs to be done about the amount of trash in the block. She asked for help from the Borough. She stated that she believes the amount of rental properties in the Borough are an issue. Mr. Pepe responded that rental properties are monitored closely in the Borough and does not believe that they are an issue in comparison to other communities. Mr. Labenberg referred the item to the Zoning Officer.

B. Jason Jesmain, 915 Chestnut Street – stated that he has lived in the Borough since 1994. He stated that he is currently on the Recreation and Entertainment Commission and is a Borough firefighter. He stated that he has a season pass for the community pool and voiced concern about people from out-of-town, from New Jersey or Allentown visiting the Emmaus Community Park and trashing the park. He stated that he has heard a lot of vulgar language and believes that it is coming from the out-of-towners. He stated that the lifeguards are very young and there is sometimes a language barrier and they are unable to control the individuals. Mr. Anders responded that the Pool Manager is very good and alerts the Park Police if there are any type of issues. Mr. Pepe responded that while we may not personally disagree with his position, the Borough cannot regulate where the individuals live that use the pool. He stated that the Borough attempted to regulate the pool previously and suffered a \$40,000 loss of revenue. He also stated that it is a public pool open for everyone to use. He stated that perhaps we need to be more accommodating. Mr. Barrett stated that he believes that the Borough has been very proactive towards keeping the community clean and also keeping the community park and pool clean. He stated that the Borough must stay within the rights of the law and within the means of the Borough. Mr. Anders encouraged Mr. Jesmain to speak to the Pool Manager if he has any issues while he is at the pool. Mr. Labenberg stated that the Borough is becoming very diverse and it cannot be assumed that an individual is from out-of-town. Solicitor Dimmich responded that there are specific legal rights of individuals and he would not allow the Borough to infringe on those rights and face legal action. He encouraged Mr. Jesmain to speak to the Pool Manager if he has any issues while he is at the pool.

C. Karen Poshefko, 719 Glenwood Street – asked where the proposed townhouses will be built. She questioned if there is anything within the current CR Zoning District that would be jeopardized by the Zoning Map Amendment. Mr. Pepe responded that there is not. He also stated that the plans propose the same amount of green space being lost in the CR portion of the property will be replaced on the front side of it.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for June, 2017 are in the iPads and entertained questions about them.

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Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg thanked Lehigh County Executive, Tom Muller, for attending tonight's Council Meeting.

Mr. Labenberg recessed the meeting at 8:00 p.m. for an Executive Session to discuss a personnel matter with official action anticipated.

Mr. Labenberg reconvened the meeting at 8:35 p.m.

Motion by Mrs. Gilbert, seconded Mr. Brown to return probationary Sergeant Schmidt to his previous rank at the end of his probationary term, as per the civil service rules and regulations, the conduct of the probationer has not been satisfactory to the Borough of Emmaus, with notification in writing that the appointment will not be permanent and that the appointment shall cease. There were 7 ayes. Motion carried.

Mrs. Gilbert congratulated Officers Schilling, Hamscher, and Apgar for the successful completion of their probationary period as Sergeants which will end on Tuesday, July 18, 2017.

Mr. Labenberg recessed the meeting at 8:36 p.m. for an Executive Session to discuss personnel matters with no official action anticipated.

Mr. Labenberg reconvened the meeting at 9:36 p.m.

Progress.

ADJOURNMENT

Motion by Mr. Anders, seconded by Mr. DeFrain to adjourn the July 17, 2017 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 9:37 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
July 26, 2017