

August 15, 2016

EMMAUS BOROUGH COUNCIL

Emmaus Borough
Council Agenda
August 15, 2016
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. July 18, 2016 Council Meeting
7. Decisions on Bids
8. Communications
 - 8.a. Kathleen Mintzer, Emmaus Halloween Committee - 2016 Halloween Parade and Trick-or-Treat Dates
 - 8.b. The Big Red Barn, Emmaus - Request a 30-minute parking space in front of store.
 - 8.c. Kyle Weida, Allyear Inc. - Request to extend lawn mowing service contract for 2017.
9. Borough Engineer's Report

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10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1143 - 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 813 Chestnut Street Within the Borough of Emmaus (1st Reading 7/18/16, 2nd Reading 8/15/16).
12. New Business
 - 12.a. Ordinance No. 1141 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 7 of the Emmaus Borough Code of Ordinances,
Amending, Part 1: Outdoor Fires; Adding Part 3: Fire Prevention and Life Safety Program; Adding Part 4: Regulating Fire Protection Systems; and Adding Part 5: Fees, in the Borough of Emmaus (1st Reading 8/15/16).
 - 12.b. Ordinance No. 1144 - An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Establishing Restricted Parking on Certain Days and Hours in Front of 516 North Street (1st Reading 8/15/16).
13. Unfinished Business, Part II
 - 13.a. Ordinance No. 1142 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, by Amending the Zoning Map of June 21, 1993, as Amended, for the Purpose of Designating as an Age Qualified Community Overlay District a 5.52 Acre Tract of Land Located to the North of Chestnut Street (SR 0029) and to the West of Cedar Crest Boulevard, the Same Being Part of the Robert K. Young, Trustee Tract, Emmaus, Lehigh County, Pennsylvania (1st Reading 7/15/16) (2nd Reading 9/6/16).
14. Items Not on Agenda Subject to Rule 9
15. Mayor's Report
16. Committee Reports

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

Next Meeting – September 12, 2016 at 3:00 p.m.

Committee Meeting - August 8, 2016

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

Next Meeting – August 18, 2016 at 3:45 p.m.

Appoint Jackie Parks to the Planning Commission (term expires 4/1/2018)

Committee Meeting - July 21, 2016

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – September 6, 2016 at 4:00 p.m.

Hire Seasonal Part-Time Employees

Committee Meeting - August 2, 2016

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – September 7, 2016 at 3:00 p.m.

Police Officer Hiring

Appoint Psychological Exam Practitioner

Appoint Physical Exam Practitioner

Resolution 2016-26 - A Resolution of the Council of the Borough of Emmaus,
Lehigh County, Pennsylvania, Granting Charles Palmer Civil Service
Protection as Chief of Police of the Emmaus Police Department.

Animal Control Officer

Memorandum of Understanding: School Resource Officer (SRO) for East Penn
School District

Thunderbird Car Show - September 15, 2016

Ordinance No. 1144 - Restricted Parking at 516 North Street - 1st Reading

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Committee Meeting - August 3, 2016

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – August 17, 2016 at 9:00 a.m.

Safety Committee By-Law Amendment

Committee Meeting - August 3, 2016

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – August 25, 2016 at 3:15 p.m.

Bill List - Resolution No. 2016-27

Committee Meeting - July 18, 2016

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

Next Meeting – September 8, 2016 at 4:00 p.m.

17. Personal Appeals, Part II

18. Borough Manager's Report

18.a. Significant Revenue & Expense Items for July 2016

18.b. Intern Grant

18.c. Façade Grant

18.d. Safety Grant

18.e. PA Small Water and Sewer Grant

18.f. Fire, Ambulance and Building Grant

19. President's Business

19.a. Executive Session

20. Adjournment

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The Emmaus Borough Council met in regular session on August 15, 2016 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 – None.

COMMUNITY MINUTE

Mr. Anders invited everyone to attend the final movie night of the season at Emmaus Community Park on Friday, August 19, 2016. He stated that the movie “School of Rock” will be shown and the movie will begin at dusk.

Mr. Shubzda thanked Jill Killo, Donna Brown, Denise Fruwirth, Karrie Schreppel and Jen Shubzda for their donations and contributions to the Emmaus Police Department.

Mr. Pepe thanked Martha Leiberman for the donation of \$1,000 towards the Project Lifesaver program. He stated that the Borough will receive a large donation from an anonymous donor to fund the remainder of the program. He also stated that this is the third year that the donor has contributed to the Borough’s emergency services.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt the July 18, 2016 Minutes as drafted. There were 7 ayes. Motion carried.

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DECISION ON BIDS – None.

COMMUNICATIONS

a. Kathy Mintzer, Emmaus Halloween Committee – 2016 Halloween Parade and Trick-or-Treat dates. The Halloween Parade will be held on Saturday, October 15, 2016 at 7:30 p.m., with a rain date of Sunday, October 16 at 6:30 p.m. Trick-or-Treat will be held on Friday, October 28, 2016 from 6:00 to 8:00 p.m. Mr. Pepe stated that Mayor Iobst chose the date for Trick-or-Treat.

b. The Big Red Barn, Emmaus – Request a 30-minute parking space in front of store. Mr. Labenberg stated that the matter is on the Agenda for the Public Safety Committee and will be addressed at that time.

c. Kyle Weida, Allyear Inc. – Request to extend lawn mowing service contract for 2017. Referred to the Public Works Committee.

BOROUGH ENGINEER'S REPORT–None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1143 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 813 Chestnut Street Within the Borough of Emmaus (1st Reading 7/18/16) (2nd Reading 8/15/16).

Motion by Mrs. Gilbert, seconded by Mr. Anders to adopt Ordinance No. 1143 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 813 Chestnut Street Within the Borough of Emmaus on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1141 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 7 of the Emmaus Borough Code of Ordinances, Amending, Part 1: Outdoor Fires; Adding Part 3: Fire Prevention and Life Safety

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Program; Adding Part 4: Regulating Fire Protection Systems; and Adding Part 5: Fees, in the Borough of Emmaus (1st Reading 8/15/16).

Mr. Shubzda thanked Daniel Sell, Jim Farnsworth, Mr. Pepe and the Committee for their hard work on the Ordinance. Mr. Shubzda stated that the bulk of the Ordinance is from the International Fire Code and the existing Building Code. Mr. DeFrain stated that the Committee relied on the International Fire Code when drafting the Ordinance. Mr. Pepe invited Mr. Sell to approach the podium. Mr. Anders asked for clarification on fire pits. Mr. Labenberg thanked the Committee for drafting the Ordinance.

Motion by Mr. Brown, seconded by Mr. Shubzda to adopt Ordinance No. 1141 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 7 of the Emmaus Borough Code of Ordinances, Amending, Part 1: Outdoor Fires; Adding Part 3: Fire Prevention and Life Safety Program; Adding Part 4: Regulating Fire Protection Systems; and Adding Part 5: Fees, in the Borough of Emmaus on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mr. Pepe stated that the 2nd Reading of Ordinance No. 1141 will be on September 19, 2016.

Ordinance No. 1144 – An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Establishing Restricted Parking on Certain Days and Hours in Front of 516 North Street (1st Reading 8/15/16).

Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Ordinance No. 1144 – An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Establishing Restricted Parking on Certain Days and Hours in Front of 516 North Street on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

The 2nd Reading of Ordinance No. 1144 will be on September 19, 2016.

UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that Ordinance No. 1142 – Fields at Indian Creek will have its 2nd Reading on September 6, 2016. He also stated that a Public Hearing will be held on the matter prior to the Council Meeting.

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

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MAYOR'S REPORT – None.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the Borough received official notice that it is in quarantine due to sightings of the Spotted Lanternfly. He stated that there have been no Spotted Lanternfly sightings in the Borough. He stated that the Committee discussed the concern about compost from other municipalities making it into the Borough, as well as the Borough selling compost and giving it away to farmers.

Mr. Brown also reported that the Committee discussed concerns regarding the MS4 mandate and review that was recently received. He stated that Mr. Pepe, Mr. Farnsworth, and Mr. Dychala recently attended a conference on the MS4 mandate. Mr. Anders encouraged Council to view Mr. Pepe's binder on the MS4 mandate for more information.

The next Committee Meeting is Monday, September 12, 2016 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Motion by Mr. Shubzda, seconded by Mr. Brown to appoint Jackie Parks to the Planning Commission to a term ending 4/1/18. There were 7 ayes. Motion carried.

The next Committee Meeting is Thursday, August 18, 2016 at 3:45 p.m.

Progress.

c. Parks and Recreation Committee

Motion by Mr. Anders, seconded by Mrs. Gilbert to hire Mason Shaner, Emmaus at an hourly rate of \$7.25, Kelly Haas, Emmaus at an hourly rate of \$7.25 as Concession Stand Attendants, Ciara Wippel, Alburtis at an hourly rate of \$7.25, Alexandra Fruwirth, Emmaus, at an hourly rate of \$7.25 as lifeguards at the Emmaus Community Pool, Logan Hahn, Emmaus at an hourly rate of \$7.25 as a summer Public Works employee and a pay increase for lifeguard Shannon Burkholder to an hourly rate of \$7.75. There were 6 ayes, 1 abstention (Barrett). Motion carried.

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The next Committee Meeting is September 6, 2016 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert stated that the Committee met on August 9, 2016 in Executive Session to conduct interviews for the top 3 candidates for a position with the Emmaus Police Department. The Committee recommends hiring Carlos Marrero. Mrs. Gilbert stated that he is a Veteran and was number one on the Eligibility List. She stated that he is an excellent candidate and a very good fit for the Borough.

Motion by Mrs. Gilbert, seconded by Mr. Brown to make a conditional offer of employment to Carlos Marrero as an Emmaus Police Officer contingent upon the following: must pass a physical examination, must pass a psychological examination, and must successfully complete a one-year term of probation. There were 7 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to hire John Fraunces from the Montgomery County Fire Academy and the Psychological Associates of Bethlehem to conduct the psychological examinations. There were 7 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to appoint East Penn Medical Practice, Inc., of Emmaus to conduct the physical examinations. There were 7 ayes. Motion carried.

Resolution 2016-26 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania Granting Charles Palmer Civil Service Protection as Chief of Police of the Emmaus Police Department.

Mrs. Gilbert stated that Chief Palmer successfully passed both the written and oral examinations.

Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt Resolution 2016-26. There were 7 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Barrett to hire Allen Lewis as the Animal Control Officer contingent upon the Borough receiving a letter from the Teamsters Local 773 Union approving the position. There were 7 ayes. Motion carried.

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Mr. Pepe clarified that the Borough is requiring the Public Works Union to send a letter stating that there is no conflict with Mr. Lewis holding the Animal Control Officer position and a full-time Public Works position. Mr. DeFrain questioned if there will be a conflict with overtime. Mr. Pepe stated that Mr. Lewis will be working more than 40 hours and will be paid a blended rate for the overtime, as per FLSA requirements.

Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt the Memorandum of Understanding Re: School Resource Officer (SRO) for East Penn School District. There were 7 ayes. Motion carried.

Mr. Brown and Mr. Barrett thanked the East Penn School District and the Borough for being open-minded and supporting the School Resource Officer position.

Mrs. Gilbert reported that Mr. Walter Fries was in attendance to discuss the request to hold the Thunderbird Car Show near the movie theater. The event will be held on Thursday, September 15, 2016 and will occur on Jubilee Street from S. 4th to S. 5th Street. The Street will need to be closed. Mrs. Gilbert stated that there will be approximately 35-40 cars at the show and that the cars will be parked in a slanted manner on one side of the street and parallel on the other. Mayor Iobst asked Mr. Pepe if he will notify the Daycare and Switchback Pizza of the event. Mr. Pepe answered affirmatively.

Motion by Mrs. Gilbert, seconded by Mr. Brown to approve the closure of Jubilee Street from S. 4th Street to S. 5th Street on Thursday, September 15, 2016 from 1:30 p.m. to 7:00 p.m. to hold the Thunderbird Car Show. There were 7 ayes. Motion carried.

Mrs. Gilbert stated that Mr. Joshua Hoch attended the Committee meeting and thanked the Police Department for improving their social media presence.

Progress.

e. General Administration Committee

Resolution 2016-33 – A Resolution Amending the Workplace Safety Committee By-Laws.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-33. There were 7 ayes. Motion carried.

The next Committee Meeting is Wednesday, August 17, 2016 at 9:00 a.m.

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f. Budget and Finance Committee

Resolution 2016-27, authorizing payment of the August 15, 2016 Bill List, as follows:

Bill List	\$	960,964.10
Payroll #15 and #16	\$	271,556.12
Payroll Taxes	\$	<u>96,999.37</u>
Total	\$	1,329,519.59

Done this 15th day of August 2016.

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Resolution 2016-27. There were 6 ayes, 1 abstention (Gilbert). Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain reported that the August 11, 2016 meeting was cancelled. He stated that the Emmaus Main Street Partners will host a Mixology event at the House & Barn on Thursday, August 18, 2016 from 5:00 to 7:00 p.m. He also stated that the Farewell to Summer Event will be held in the downtown area on Sunday, September 18th from 10:00 a.m. to 5:00 p.m.

The next Committee meeting is September 8, 2016 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for July, 2016 are in the Ipads and entertained questions about them.

Resolution 2016-31 – A Resolution Authorizing the Borough Manager to Apply for the APMM Charlie Sterner Internship Grant.

Motion by Mr. Anders, seconded by Mr. DeFrain to adopt Resolution 2016-31. There were 7 ayes. Motion carried.

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Resolution 2016-28 – A Resolution Authorizing the Application for the Keystone Communities Program Façade Grant and Authorizing the Borough Manager and/or Council President to Enter into a Grant Agreement if Awarded.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to adopt Resolution 2016-28. There were 6 ayes, 1 abstention (Barrett). Motion carried.

Resolution 2016-29 – A Resolution Authorizing the Borough Manager to Apply for the Susquehanna Municipal Trust Safety Program Grant.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt Resolution 2016-29. There were 7 ayes. Motion carried.

Resolution 2016-30 – A Resolution Authorizing the Borough Manager to Apply for the Pennsylvania Small Water and Sewer Program Grant.

Motion by Mr. Brown, seconded by Mr. Anders to adopt Resolution 2016-30. There were 7 ayes. Motion carried.

Resolution 2016-32 – A Resolution Authorizing the Director of Emergency Services/Fire Chief and Borough Manager to Apply for the OFSC Construction Grant.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt Resolution 2016-32. There were 7 ayes. Motion carried.

Mr. Anders thanked Mr. Pepe for always trying to save the taxpayers money and for running the Borough efficiently.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 7:46 p.m. for an Executive Session to discuss contract negotiations with no official action anticipated.

Mr. Labenberg reconvened at 8:20 p.m. with no official action taken.

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ADJOURNMENT

Motion by Mr. Anders, seconded by Mr. Brown to adjourn the August 15, 2016 Emmaus Borough Council Meeting. There were 6 ayes. Motion carried.

The Meeting adjourned at 8:20 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
August 17, 2016