

August 20, 2018

**Emmaus Borough Council
Agenda
August 20, 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 - July 16, 2018
7. Decisions on Bids
8. Communications
 - 8.a. Darryl Wentz, Civil Service Commission - Certified candidates for Sergeant Promotion.
 - 8.b. Darryl Wentz, Civil Service Commission - Certified candidates for Police Officer position.
 - 8.c. Julian Familia, 207 Ridge Street – Request appointment to the Recreation and Entertainment Committee (term expires 5/1/2021).
 - 8.d. Ronald Gilbert, Sr., 20 E. Greenleaf Street - Letter of resignation from the Zoning Hearing Board (term expires 1/1/2019).
 - 8.e. Vivien McIndoe, Bartlett Tree Experts - Request use of Borough water.
 - 8.f. Barnaby Ruhe - Request use of Community Park for Boomerang Tournament on October 13, 2018.
 - 8.g. Kevin and Maggie McElroy, 432 S. 6th Street - Requesting to vacate the property between 432 S. 6th St. and 504 S. 6th Street.
 - 8.h. Kasia Ritter, 156 Linden Court South, Emmaus - Crosswalk at Ridge Street and East Main Street.

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- 8.i Craig Smith, 1345 Arch St. - Request appointment to the Community Garden Commission (term expires 1/1/2021).
- 8.j Carrie Madigan, 126 E. Berger St. - Stormwater drain easement.
- 9. Borough Engineer's Report
- 10. Solicitor's Report
- 11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1179 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 570 Broad Street and Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 228 Furnace Street within the Borough of Emmaus (1st Reading 7/16/2018) (2nd Reading 8/20/2018).
- 12. New Business
- 13. Unfinished Business, Part II
- 14. Items Not on Agenda
Subject to Rule 9
- 15. Mayor's Report
 - 15.a. List of Activities
- 16. Committee Reports
 - Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)
Next Meeting – September 10, 2018 at 3:30 p.m.

Dakota DeLong - Completion of 90-day Probationary Period
 - Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)
Next Meeting – August 29, 2018 at 4:30 p.m.
 - Parks and Recreation (Baumgartner, Anders, Shubzda)
Next Meeting – September 4, 2018 at 4:30 p.m.
 - Appoint Julian Familia to the Recreation and Entertainment Commission (term expires 5/1/2021)
 - Committee Meeting Notes - August 7, 2018
 - Public Safety (DeFrain, Barrett, Baumgartner)
Next Meeting – September 12, 2018 at 9:15 a.m.
 - Hire Full Time Police Officer – Jayme Whipple

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Appoint East Penn Medical for Physical Exam

Appoint Psychological Associates of Bethlehem, P.C. for Psychological Exam

Sergeant Promotions –Vincent Murante, III and Robert Alburger

Swearing in of Sergeants

Paramedics Brian Szabo and Jonathan Pflieger - Completion of 90-day Probationary Period

Committee Meeting Notes – August 14, 2018

General Administration (Labenberg, Barrett, DeFrain)

Next Meeting – September 13, 2018 at 9:00 a.m.

Purchase Police Vehicle

Weston Solutions – Remove Oil Tank Under Warren Street

Committee Meeting Notes - July 19, August 2 and August 16, 2018

Budget and Finance (Barrett, DeFrain, Labenberg)

Next Meeting – September 4, 2018 at 6:45 p.m.

Resolution No. 2018-29: Bill List

2018 COLA Study

Committee Meeting Notes - July 16, 2018

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

Next Meeting – September 20, 2018 at 4:30 p.m.

Appoint Stephen Baier to the Community Garden Commission (term expires 1/1/2022)

Appoint Craig Smith to the Community Garden Commission (term expires 1/1/2021)

Committee Meeting Notes - July 16, July 19 and August 16, 2018

17. Boards and Commissions

17.a. Emmaus Public Library Board of Trustees Meeting Minutes- June 19, 2018

17.b. Employee and Volunteer Safety Committee Meeting Minutes - July 19 and August 16, 2018

17.c. Board of Health Meeting Minutes - July 19, 2018

17.d. Recreation and Entertainment Commission Meeting Minutes - July 25, 2018

17.e. Zoning Hearing Board Meeting Minutes - July 26, 2018

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- 17.f. Pension Board Meeting Minutes - August 8, 2018
- 17.g. Planning Commission Meeting Minutes - August 9, 2018
- 17.h. July Budget Report
- 18. Personal Appeals, Part II
- 19. Borough Manager's Report
 - 19.a. Significant Revenue and Expense Items for July, 2018
 - 19.b. Hired Logan Swartz – Part Time EMT – Pay Rate \$14.39/hr.
 - 19.c. Hired Shawn Peischl – Part Time EMT – Pay Rate \$14.39/hr.
 - 19.d. Hired Anne Smiley – Pool Lifeguard – Pay Rate \$8.25/hr.
- 20. President's Business
- 21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on August 20, 2018 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
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

PERSONAL APPEALS, PART I

A. **Lehigh County Commissioner Nathan Brown** - stated that the Borough will receive a check shortly for the sale of the 2nd Street property. He stated that Lehigh County Executive Phil Armstrong is proposing a \$5.00 vehicle registration fee. He stated that the fee would fund infrastructure projects around the county and the Lehigh Valley Planning Commission estimates that the fee would bring in \$1.5 million in Lehigh County. He also stated that retirees receiving social security or other pensions would be exempt from the fee if their total annual income does not exceed \$19,200.

B. **Mitchell Fry, 411 N. 3rd Street** – voiced concern about vehicles traveling at high rates of speed on North 3rd Street. He stated that LANTA buses are the worst violators.

COMMUNITY MINUTE

Mr. Anders stated that the Cruise-In Car Show was held on Sunday, August 19, 2018 at Emmaus Community Park. He stated that the weather was not the best, but the event was very nice. Mr. Labenberg stated that he attended the event to listen to the band and he counted approximately 20 vendors.

Mr. Shubzda thanked Emmaus Police Chief Palmer for organizing the volunteers for the Wheels of Time Parade to be held on Friday, August 24, 2018 at 7:00 p.m.

Mr. Barrett stated that registration is now open for the Halloween 5K to be held on October 20, 2018. He stated that there are approximately 75 individuals already registered. He also stated that the race has a new presenting sponsor of First Commonwealth Federal Credit Union. He stated that First Commonwealth Federal Credit Union will move into the former Wendy's located on Chestnut Street.

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Mr. Anders reminded everyone that school begins on Monday, August 27, 2018 and that the Police Department is seeking volunteer crossing guards.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

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

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Darryl Wentz, Civil Service Commission – Certified candidates for Sergeant Promotion.
- b. Darryl Wentz, Civil Service Commission – Certified candidates for Police Officer position.
- c. Julian Familia, 207 Ridge Street – Request appointment to the Recreation and Entertainment Commission (term expires 5/1/2021).
- d. Ronald Gilbert, Sr., 20 E. Greenleaf Street – Letter of resignation from the Zoning Hearing Board (term expires 1/1/2019). Mr. Labenberg directed Mr. Pepe to mail Mr. Gilbert a letter of thanks.
- e. Vivien McIndoe, Bartlett Tree Experts – Request use of Borough water. Mr. Labenberg referred the item to the Public Works Committee.
- f. Barnaby Ruhe – Request use of Community Park for Boomerang Tournament on October 13, 2018. Mr. Labenberg referred the item to staff.
- g. Kevin and Maggie McElroy, 432 S. 6th Street – Requesting to vacate the property between 432 S. 6th St. and 504 S. 6th Street. Mr. Labenberg referred the item to the Public Works Committee.
- h. Kasia Ritter, 156 Linden Court South, Emmaus – Crosswalk at Ridge Street and East Main Street. Mr. Labenberg referred the item to the Public Safety Committee.
- i. Craig Smith, 1345 Arch St. – Request appointment to the Community Garden Commission (term expires 1/1/2021). Mr. Labenberg referred the item to the Community Relations and Development Committee.
- j. Carrie Madigan, 126 E. Berger St. – Stormwater drain easement. Mr. Labenberg referred the item to the Public Works Committee.
- k. South Mountain Memory Care, 201 S. 7th Street – Request for directional signage at corner of N. 7th and Chestnut Street. Mr. Labenberg referred the item to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – None.

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Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1179 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 570 Broad Street and Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 228 Furnace Street Within the Borough of Emmaus (1st Reading 7/16/18) (2nd Reading 8/20/18).

Motion by Ms. Baumgartner, seconded by Mr. Barrett to adopt Ordinance No. 1179 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 570 Broad Street and Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 228 Furnace Street Within the Borough of Emmaus on its 2nd 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 - None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Mayor Gilbert reported that she drafted a Report of Activities for May through August, 2018.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reported that Dakota DeLong has completed his 90-day probationary period as a Public Works employee. He stated that the Borough is very satisfied with his ability, skill and commitment.

Motion by Mr. Anders, seconded by Mr. Shubzda to retain Dakota DeLong as a full-time Public Works employee after the successful completion of a 90-day

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probationary period and promote him to Class 4 pay. There were 7 ayes. Motion carried.

Mr. Anders reported that the next Committee meeting is September 10, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that bids have been received for the Refuse/Recycling bid. Mr. Shubzda stated that the bids will be reviewed at the next Committee meeting. Mr. Pepe stated that the Borough received bids from Advanced Disposal, Whitetail Disposal, Republic Services and J.P. Mascaro & Sons, Inc. and that the Committee will interview the top three bidders at the meeting. Mr. Pepe stated that he will have calculations ready at the Committee meeting for the impact on the resident's refuse/recycling rates.

Mr. Shubzda reported that the next Committee meeting is August 29, 2018 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Motion by Ms. Baumgartner, seconded by Mr. DeFrain to appoint Julian Familia to the Emmaus Recreation and Entertainment Commission to a term expiring on 5/1/2021. There were 7 ayes. Motion carried.

Ms. Baumgartner entertained questions about the Committee meeting minutes. She reminded everyone that Sunday, August 26, 2018 is the last free summer concert for the season. She stated that Scott Marshall and the Hillbilly Souls will be playing at the park.

Ms. Baumgartner reported that the next Committee meeting is Monday, September 4, 2018 at 4:30 p.m.

Progress.

d. Public Safety Committee

Motion by Mr. DeFrain, seconded by Mr. Barrett to make a Conditional Offer of Employment to Jayme Whipple as an Emmaus Police Officer contingent upon the following: must successfully pass a physical examination, must successfully pass a psychological examination, must successfully complete all of the requirements of the PA Act 120 Certification, and must successfully complete a one-year term of probation. There were 7 ayes. Motion carried.

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Motion by Mr. DeFrain, seconded by Mr. Barret to appoint East Penn Medical Practice, Inc., of Emmaus to conduct Jayme Whipple's Physical Examination. There were 7 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to appoint Psychological Associates of Bethlehem, P.C., to conduct Jayme Whipple's Psychological Examinations. There were 7 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Barrett to promote two Emmaus Police Officers to Sergeant. There were 7 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Barrett to promote Officer Vincent Murante III to the rank of Sergeant of the Emmaus Police Department contingent upon the successful completion of a one-year term of probation. There were 7 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Barrett to promote Officer Robert Alburger to the rank of Sergeant of the Emmaus Police Department contingent upon the successful completion of a one-year term of probation. There were 7 ayes. Motion carried.

Mayor Gilbert issued the Oath of Office to new Police Sergeants Vincent Murante III and Robert Alburger.

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to retain Jonathan Pfleeger and Brian Szabo as full-time Paramedics for the Emmaus Ambulance Corps after successful completion of a 90-day probationary period. There were 7 ayes. Motion carried.

Mr. DeFrain entertained questions about the Committee meeting minutes. He reported that the next Committee meeting is September 12, 2018 at 9:15 a.m. He stated that he will not be in attendance.

Mayor Gilbert thanked Mr. DeFrain and Mr. Labenberg for their participation in the National Night Out Event held on Tuesday, August 7, 2018 at the Emmaus Police Station. Mayor Gilbert stated that the event was successful despite the rain. Mr. Pepe thanked Mayor Gilbert for helping to coordinate the event and for the success of the event. Mayor Gilbert also thanked Mrs. Sorg-McManamon for attending the event and taking pictures. Mr. Pepe stated that it was also great to see that the Fire Department and Ambulance Corps participated in the event.

Progress.

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e. General Administration Committee

Motion by Mrs. Sorg-McManamon, seconded by Mr. Barrett to authorize the Emmaus Police Department to purchase a 2019 Ford Utility Police Interceptor SUV, to be delivered no earlier than January 1, 2019. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the Police vehicle must be ordered by the end of September, 2018 to acquire the vehicle in early 2019. He stated that if the order is not placed early, the Police Department will not expect delivery until late 2019 or early 2020. Mr. Pepe stated that this is a single year rotation and in order to get a 2019 vehicle, it must be ordered by September, 2018. He explained that the dealer has promised that if Ford puts the vehicle out before January, they will hold it until the new fiscal year begins.

Motion by Mr. Barrett, seconded by Mr. DeFrain to grant Weston Solutions' request to remove a 2,000-gallon oil tank located under Warren Street. There were 7 ayes. Motion carried.

Mr. DeFrain clarified that the Post Office is paying for the tank removal and restoration process. Mr. Pepe explained that the Borough has a 5-year moratorium on opening a street if road work has occurred. He stated that the Committee voted unanimously to grant Weston Solutions' request.

Mr. Labenberg stated that the next Committee meeting is September 13, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-29, authorizing payment of the August 20, 2018 Bill List, as follows:

Bill List	\$	1,568,308.27
Payroll #15, #16 and #17	\$	470,939.26
Payroll Taxes	\$	<u>146,782.80</u>
Total	\$	2,186,030.33

Done this 20th day of August 2018.

Mr. Labenberg stated that COLA will be discussed at the next Committee meeting.

Progress.

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g. Community Relations, Planning and Development Committee

Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to appoint Stephen Baier to the Community Garden Commission to a term expiring 1/1/2022. There were 7 ayes. Motion carried.

Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to appoint Craig Smith to the Community Garden Commission to a term expiring 1/1/2021. There were 7 ayes. Motion carried.

Mrs. Sorg-McManamon entertained questions about the Committee meeting minutes.

Mr. Anders stated that the Emmaus Public Library Director, Amy Resh, will be leaving and asked Mr. Pepe to mail her a letter of thanks.

Mrs. Sorg-McManamon reported that the next Committee meeting is September 20, 2018 at 4:30 p.m.

Progress.

PERSONAL APPEALS, PART II

A. **Mitchell Fry, 411 N. 3rd Street** – voiced concern about there not being any speed limit signs on N. 3rd Street between Main Street and Harrison Street. Mr. Pepe stated that the Chief of Police may put the speed board on N. 3rd Street. Mr. Fry responded that the speed board works when it is up, but as soon as it is removed people continue to speed. Mr. Pepe stated that he believes if there are no speed limit signs posted, the speed limit is 35 mph. Solicitor Dimmich stated that if there are no speed limit signs posted, the speeds limits are 35 mph in an Urban District, 65-70 mph on highways, 25 mph in a Residential District, and 55 mph in all other locations. Mr. Pepe responded that N. 3rd Street is both residential and commercial and asked Solicitor Dimmich for guidance. Solicitor Dimmich responded that he would need to look at the area involved, but that the Police should be aware of the speed limit for N. 3rd Street.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that staff hired Logan Schwartz as a part-time EMT at an hourly rate of \$14.39, Shawn Peischl as a part-time EMT at an hourly rate of \$14.39, and Anne Smiley as a pool lifeguard at an hourly rate of \$8.25.

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

Mr. DeFrain asked Mr. Pepe for a status on Wawa. Mr. Pepe responded that the convenience store which will not be named is scheduled to go before the Planning

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Commission on September 13th and it will most likely take approximately 2-3 months before all of the necessary approvals will be obtained from different agencies. At that point, the plans will be before Borough Council.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg reported that the Fire Union negotiations will continue on Wednesday, August 22, 2018.

Progress.

ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. Anders to adjourn the August 20, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 7:53 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
August 22, 2018