

August 21, 2017

**Emmaus Borough Council
Agenda
August 21, 2017 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 17, 2017
7. Decisions on Bids
8. Communications
 - 8.a. Meghan Reed, Emmaus Main Street Partners - Request approval for Farewell to Summer Festival on September 10, 2017.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1156 - An Ordinance Amending the Provisions of Chapter 1, Part 1, §1-103, Borough Manager, of the Borough of Emmaus Consolidated Code of Ordinances (1st Reading 7/17/2017) (2nd Reading 8/21/2017).
 - 11.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) (2nd Reading 8/21/2017).

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12. New Business

- 12.a. Ordinance No. 1158 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 1.6 Acre (More or Less) Tract of Land Forming a Part of the Property Known as "Pennsylvania Avenue Rear" and Identified by Lehigh County Tax PIN Number 549420946925 1 from the Conservation-Residential (C-R) Zoning District to the Medium Density Residential (R-M) Zoning District (1st Reading 8/21/2017).
- 12.b. Ordinance No. 1159 - An Ordinance Creating a Quality of Life Ticketing Program to Resolve Property Blight and Maintenance Violation Issues in a More Expeditious Manner (1st Reading 8/21/2017).
- 12.c. Ordinance No. 1160 - An Ordinance Amending the Provisions of Chapter 5, Code Enforcement, Part 6, International Property Maintenance Code, § 5-602 Amendments, of the Borough of Emmaus Consolidated Code of Ordinances to Establish Regulations for Prohibited Furniture and Appliances on the Exterior of a Property (1st Reading 8/21/2017).
- 12.d. Ordinance No. 1161 - An Ordinance Amending the Provisions of Chapter 10, Health and Safety, Part 2, Vermin Control, of the Borough of Emmaus Consolidated Code of Ordinances to Authorize the Animal Control Officer to Enforce Vermin Control Ordinances (1st Reading 8/21/2017)

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 – September 11, 2017 at 3:00 p.m.

Public Works Projects Update

Health, Sanitation, and Codes (Shubzda, DeFrain, Brown)
Next Meeting – September 21, 2017 at 4:15 p.m.

Ordinance No. 1159 - 1st Reading

Ordinance No. 1160 - 1st Reading

Ordinance No. 1161 - 1st Reading

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Committee Meeting Notes - July 20 and August 17, 2017

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – September 5, 2017 at 4:00 p.m.

2018 Boroline Field Rules

Gaga Pit - Lion's Playground

Committee Meeting Notes - August 1, 2017

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – September 6, 2017 at 3:00 p.m.

Police Sergeant Exam

Committee Meeting Notes - August 2, 2017

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – September 13, 2017 at 9:00 a.m.

Colonial Crest Zoning Change

S. 2nd Street Property

Contract Real Estate Agent - Feinberg Real Estate

Purchase Bucket Truck

Contract InR Investment Company

Ordinance No. 1158 - 1st Reading

Ambulance Station Address Change

Public Works Department Building

Memorandum of Understanding - James Farnsworth

Vinart - Parking of Cars

Resolution 2017-25: 2018 Safety Grant

Committee Meeting Notes - July 19, August 2 & August 16, 2017

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Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – August 24, 2017 at 3:45 p.m.

Resolution 2017-24: Bill List

2017 Actuarial Valuation Report

Committee Meeting Notes - July 17, 2017

Next Meeting - August 24, 2017 at 3:15 p.m.

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

Next Meeting – September 14, 2017 at 4:00 p.m.

Resolution No. 2017-23: Final Lot Line Adjustment (526 & 550 Harrison Sts.)

Committee Meeting Notes - August 15, 2017

17. Boards and Commissions

17.a. Planning Commission Meeting Minutes - July 13 and August 10, 2017

17.b. Employee Safety Committee Meeting Minutes - July 18 and August 15, 2017

17.c. Emmaus Public Library Board Meeting Minutes - July 18, 2017

17.d. Civil Service Commission Meeting Minutes - July 19, 2017

17.e. Board of Health Meeting Minutes - July 20, 2017

17.f. Zoning Hearing Board Meeting Minutes - July 27, 2017

17.g. Pension Board Meeting Minutes - August 9, 2017

17.h. Budget Worksheet

17.i. Fire & Ambulance Reports

17.j. LCA - 5-Year Capital Plan

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for July 2017

August 21, 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 August 21, 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	Absent
Roy Anders	Absent
Nathan Brown	Present
Chris DeFrain	Present
Lee Ann Gilbert	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS

Alex Kuhn, of the American Heart & Stroke Association, presented Chief Hoffman, Lieutenant Deppe and the Emmaus Ambulance Corps with the 2017 Bronze Performance Achievement Award. He stated that the Borough of Emmaus Ambulance Corps is 1 out of 75 in the state of Pennsylvania and 1 out of 780 in the United States receiving the award, which represents ½ of 1% who receive the award. Chief Hoffman thanked the American Heart Association for its support and for receiving the award. He thanked his EMTs and Medics for their hard work. Mr. Labenberg thanked Mr. Kuhn and the Emmaus Ambulance Corps.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mr. Brown to adopt the July 17, 2017 Council Meeting Minutes as drafted. There were 5 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Meghan Reed, Emmaus Main Street Partners – Request approval for Farewell to Summer Festival on September 10, 2017.

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Motion by Mr. Brown, seconded by Mr. Shubzda to grant the Emmaus Main Street Partners' request to place yard signs advertising the Farewell to Summer Festival at Triangle Park. There were 3 ayes, 2 opposed (Gilbert, Shubzda). Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to grant the Emmaus Main Street Partners' request to sell alcohol at the Farewell to Summer Festival to be held on September 10, 2017 at Triangle Park, contingent upon proper insurance. There were 5 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

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) (2nd Reading 8/21/17).

Motion by Mr. Brown, seconded by Mrs. Gilbert 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 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 5 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) (2nd Reading 8/21/17).

Motion by Mr. Brown, seconded by Mrs. Gilbert 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 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 5 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1158 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 1.6 Acre (More or Less) Tract of Land Forming a Part of the Property Known as “Pennsylvania Avenue Rear” and Identified by Lehigh County Tax PIN Number

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549420946925 1 from the Conservation-Residential (C-R) Zoning District to the Medium Density Residential (R-M) Zoning District (1st Reading 8/21/2017).

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to adopt Ordinance No. 1158 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 1.6 Acre (More or Less) Tract of Land Forming a Part of the Property Known as "Pennsylvania Avenue Rear" and Identified by Lehigh County Tax PIN Number 549420946925 1 from the Conservation-Residential (C-R) Zoning District to the Medium Density Residential (R-M) Zoning District on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 5 ayes. Motion carried.

Ordinance No. 1159 – An Ordinance Creating a Quality of Life Ticketing Program to Resolve Property Blight and Maintenance Violation Issues in a More Expeditious Manner (1st Reading 8/21/2017).

Motion by Mr. Brown, seconded by Mr. DeFrain to adopt Ordinance No. 1159 - An Ordinance Creating a Quality of Life Ticketing Program to Resolve Property Blight and Maintenance Violation Issues in a More Expeditious Manner on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 5 ayes. Motion carried.

Ordinance No. 1160 – An Ordinance Amending the Provisions of Chapter 5, Code Enforcement, Part 6, International Property Maintenance Code, § 5-602 Amendments, of the Borough of Emmaus Consolidated Code of Ordinances to Establish Regulations for Prohibited Furniture and Appliances on the Exterior of a Property (1st Reading 8/21/2017).

Motion by Mr. Shubzda, seconded by Mr. DeFrain to adopt Ordinance No. 1160 - An Ordinance Amending the Provisions of Chapter 5, Code Enforcement, Part 6, International Property Maintenance Code, § 5-602 Amendments, of the Borough of Emmaus Consolidated Code of Ordinances to Establish Regulations for Prohibited Furniture and Appliances on the Exterior of a Property on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 5 ayes. Motion carried.

Ordinance No. 1161 – An Ordinance Amending the Provisions of Chapter 10, Health and Safety, Part 2, Vermin Control, of the Borough of Emmaus Consolidated Code of Ordinances to Authorize the Animal Control Officer to Enforce Vermin Control Ordinances (1st Reading 8/21/2017).

Motion by Mr. Shubzda, seconded by Mr. Brown to adopt Ordinance No. 1161 - An Ordinance Amending the Provisions of Chapter 10, Health and Safety, Part 2, Vermin Control, of the Borough of Emmaus Consolidated Code of Ordinances to

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Authorize the Animal Control Officer to Enforce Vermin Control Ordinances on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 5 ayes. Motion carried.

Mr. Labenberg reported that Ordinance, No. 1159, 1160 and 1161 will have their 2nd Readings at the September 18, 2017 Council Meeting.

Mr. Pepe stated that Ordinance No. 1158 will have its 2nd Reading in mid-October.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the 10th Street Culvert project will cost at least \$50,000 more than anticipated. He stated that drawings have been submitted to Penn Dot and to DEP for review and permits. Mr. Pepe stated that the project was supposed to be completed a long time ago and the concern now is that the project will not be done by the beginning of winter, meaning the road will be closed all winter. He also stated that if the work is not started this year, the grant will expire in June 2018, before the work is completed.

The next Committee meeting is September 11, 2017 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee meeting is September 21, 2017 at 4:15 p.m.

Mr. Labenberg requested a status update on the current list of recyclable items that J.P. Mascaro is accepting. Mr. Shubzda responded that J. P. Mascaro is not accepting any new items at their new facility and the list will remain the same.

Progress.

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c. Parks and Recreation Committee

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to grant the St. Matthew's Youth Group's request to build a GaGa pit at the Lion's Field Playground Area.

Mr. Pepe stated that the motion should include that the request is contingent upon the final approval of John Dychala. Mrs. Gilbert amended her motion and Mr. Shubzda amended his second.

Motion by Mrs. Gilbert, seconded Mr. Shubzda to grant the St. Matthew's Youth Group's request to build a GaGa pit at the Lion's Field Playground Area contingent upon the final approval of John Dychala. There were 5 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to approve 2018 Field Rules for the use of Boroline Field. There were 5 ayes. Motion carried.

The next Committee meeting is September 5, 2017 at 4:00 p.m.

Progress.

d. Public Safety Committee

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to begin the promotion process for the position of Police Sergeant. There were 5 ayes. Motion carried.

Mrs. Gilbert reported that Chief Price submitted his report and that the Fire Department ISO score remained at 3. In his report, Chief Price stated that the biggest issues affecting the score are staffing and training. Mrs. Gilbert reported that the Animal Control Officer received his Act 245 training, giving him the authorization to carry a firearm if needed. Mrs. Gilbert entertained questions about the Committee minutes.

The next Committee Meeting is Wednesday, September 6, 2017 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Labenberg invited Mr. Erich Schock, from Fitzpatrick, Lentz and Bubba, who represents Summit Realty Advisors to the podium to discuss a proposed Wawa on the HP Altman property located along the east side of Cedar Crest Boulevard. Mr. Schock stated that Summit Realty Advisors specializes in the development for Wawa and CVS properties. He stated that the land is in the commercial corridor and Summit Realty advisors are requesting a Zoning Ordinance amendment to the BL Zoning District. Mr. Schock presented a map of the

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proposed Wawa. Mr. Pepe reminded Council that a motion needs to be made only to begin the rezoning process.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to begin the HP Altman, Colonial Crest rezoning process. There were 4 ayes, 1 opposed (Brown). Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. DeFrain to contract Feinberg Real Estate as the Borough's realtor for all real estate sales that are not sold through the public bidding process. There were 5 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. DeFrain to approve the purchase of a 2006 bucket truck from Utility Auto Sales in the amount of \$35,000. There were 5 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to enter into a contract with InR Investment Company as an investment option for Borough of Emmaus employees. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Shubzda to begin the process to change the address for the Emmaus Ambulance Corps. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Shubzda to authorize Mr. Pepe to advertise for bids for the proposed Public Works Department Pole Building located on the property at 44 Klines Lane, Emmaus, PA 18049. There were 5 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Brown to advertise for bids for the concrete work for the pad of the proposed Public Works Department Pole Building located on the property at 44 Klines Lane, Emmaus, PA 18049. There were 5 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to enter into a Memorandum of Understanding with James Farnsworth. There were 5 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to grant Vinart's request to lease parking space from the Borough of Emmaus at the new Borough Hall Complex for \$1,500 per month with the conditions that there will be no street storage, no sales or clients at the site, no blocking Yocco's, no car carriers, and the company is responsible for its own security and insurance contingent upon final approval from the Borough Solicitor. There were 5 ayes. Motion carried.

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Resolution 2017-25 – A Resolution Authorizing the Borough Manager to Apply for the Susquehanna Municipal Trust Safety Program Grant.

Motion by Mr. Brown, seconded by Mr. DeFrain to adopt Resolution 2017-25. There were 5 ayes. Motion carried.

Mr. Labenberg reminded Council that the Southwestern Lehigh Comprehensive Plan Hearing will be held at the Lower Macungie Community Center on September 25, 2017. He stated that a quorum is required to attend.

Progress.

f. Budget and Finance Committee

Resolution 2017-24, authorizing payment of the August 21, 2017 Bill List, as follows:

Bill List	\$	1,299,063.43
Payroll #15 & #16 & #17	\$	443,398.98
Payroll Taxes	\$	<u>157,934.33</u>
Total	\$	1,830,396.74

Done this 21st day of August 2017.

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to adopt Resolution 2017-24. There were 5 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Brown to approve the Actuarial Valuation Report for the Borough of Emmaus Police Pension Plan as prepared by Mockenhaupt Benefits Group. There were 5 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Brown to approve the Actuarial Valuation Report for the Borough of Emmaus Employees’ Pension Plan as prepared by Mockenhaupt Benefits Group. There were 5 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Resolution 2017 -23 – A Resolution Conditionally Approving the Final Lot Line Adjustment Plan for ISSA Realty, LLC and Lucille A. Daddona.

Solicitor Dimmich explained that the Resolution is for a very small lot line adjustment. Reynold Petree presented the proposed lot line adjustment and explained that it is needed for parking.

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Motion by Mr. DeFrain, seconded by Mr. Brown to adopt Resolution 2017-23. There were 4 ayes, 1 abstention (Labenberg). Motion carried.

Mr. DeFrain stated that the Halloween Committee is looking for volunteers to help with the Halloween Parade.

The next Committee meeting is September 14, 2017 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, 2017 are in the iPads and entertained questions about them.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 8:00 p.m. for an Executive Session to discuss personnel matters with no official action anticipated.

Mr. Labenberg reconvened the meeting at 9:58 p.m.

Progress.

ADJOURNMENT

Motion by Mr. DeFrain, seconded by Mr. Shubzda to adjourn the August 21, 2017 Emmaus Borough Council Meeting. There were 5 ayes. Motion carried.

The Meeting adjourned at 9:59 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
August 23, 2017