

Borough of Emmaus  
Emmaus Town Hall  
September 6, 2016, 7:00 p.m.  
Public Hearing

1. Attendance of Council Members

- a. Public Hearing on 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.

2. Solicitor Comments

3. Public Comments

4. Council Comments

5. Adjournment

Emmaus Borough  
Council Agenda  
September 06, 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

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EMMAUS BOROUGH COUNCIL

- 6.a. August 15, 2016 Council Meeting
7. Decisions on Bids
8. Communications
  - 8.a. Megan Melnick, 112 Cold Stream Court - Letter of Resignation from the Recreation and Entertainment Commission (term expires 6/7/2017).
  - 8.b. David Nelson, Emmaus Fire Department - Letter of Resignation as Director of Emergency Services / Fire Chief.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - 11a 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)

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## EMMAUS BOROUGH COUNCIL

### New Business

**11b** Ordinance No. 1145 - 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 227 N. Seventh Street and 520 N. Third Street and Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 569 Furnace Street Within the Borough of Emmaus (1st Reading 9/6/16).

### 12. Unfinished Business, Part II

**12a** 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} { 2nd Reading 9/19/16}.

**12b** 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) (2nd Reading 9/19/16).

### 13. Items Not on Agenda Subject to Rule 9

### 14. Mayor's Report

### 15. Committee Reports

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

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

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

Next Meeting – September 15, 2016 at 3:45 p.m.

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Parks and Recreation (Anders, Barrett, Labenberg)

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

Public Safety (Gilbert, Barrett, Brown)

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

Hire Full-Time Police Officers

Hire Part-Time EMT

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – September 14, 2016 at 9:00 a.m.

Resolution 2016 - Library

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – September 19, 2016 at 6:45 p.m.

Bill List - Resolution 2016-34

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

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

16. Personal Appeals, Part II

17. Borough Manager's Report

17a Significant Revenue & Expense Items for August 2016

18. President's Business

19. Adjournment

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## EMMAUS BOROUGH COUNCIL

A Public Hearing was held at 7:00 p.m., prior to the start of the September 6, 2016 Council Meeting.

### CALL TO ORDER

Mayor Winfield Iobst; Council President Brent Labenberg; Council Vice President Wesley Barrett; Councilman Chris DeFrain; Councilwoman LeeAnn Gilbert; Councilman Roy Anders; Councilman Jeff Shubzda; Councilman Nathan Brown; Borough Manager, Shane Pepe; and Solicitor, Jeffrey Dimmich.

PUBLIC HEARING ON 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.

Solicitor Dimmich explained that the purpose of the Public Hearing is to adopt Ordinance 1142, which is an Ordinance adding a 5.52 acre tract of land to the Age Qualified Community Overlay District in the Indian Creek area located within the Borough of Emmaus. Solicitor Dimmich explained that proper notice of the Public Hearing and the Ordinance was given. He stated that notices were given to JPC, the Emmaus Borough Planning Commission, and the Department of Law. He explained that there will be action taken on the Ordinance tonight. He stated that the Solicitor's office received a letter dated 8/17/16 from Upper Milford Township Board of Supervisors objecting to the Amendment. He stated that the Borough received a letter today, dated 8/31/16, from the Lower Macungie Planning Commission objecting to the Amendment. Solicitor Dimmich opened the floor for Public Comment.

PUBLIC COMMENT – None.

### COUNCIL COMMENTS

Mr. Labenberg questioned whether Upper Milford's objection will impact the project. Solicitor Dimmich responded that it will not.

Mr. Barrett asked if the Borough, Upper Milford, and Lower Macungie have been consistent with the Comprehensive Plan in reference to the Conservation District. Solicitor Dimmich responded that he believes that the Borough has been consistent but is unaware if Upper Milford and Lower Macungie have been.

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Mr. Brown asked if there will be an access point off of S. Cedar Crest Boulevard at North Street to the development. Mr. Pepe responded that it is not in the plan and does not believe that it will be added.

Mr. Labenberg adjourned the Public Hearing at 7:10 p.m.

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## EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on September 6, 2016 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

### CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:10 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. Martha Lieberman, 333 Ridge Street** – stated that the handicapped ramps located at the corner of 4<sup>th</sup> & Ridge Streets are cracked and broken. She also stated that there were previously three handicapped spots located on N. 4<sup>th</sup> Street and there are now only two. She stated that an individual who lives on N. 4<sup>th</sup> Street has threatened individuals that park in front of their house. She requested an additional handicapped spot to be placed on N. 4<sup>th</sup> Street in front of the high rise. Solicitor Dimmich responded that he believes the typical protocol is for an individual to request a handicapped parking spot for a spot in front of their residence, not to request a handicapped spot for an entire building. Referred to the Public Safety Committee. Mr. Anders voiced concern that a resident is threatening individuals when they park on a public street and suggested that the Police Department is contacted when this occurs. Ms. Lieberman stated that this is an ongoing problem and the Police have been contacted. Ms. Lieberman voiced concern that in the Council Minutes dated 8/15/16, Mr. Pepe thanked Ms. Lieberman for a donation she made to Project Lifesaver. She stated that the donation was made from a fundraiser that was held for Project Lifesaver and not a personal donation. Mr. Pepe responded that it will be noted on the current minutes that it was not a personal donation.

**B. Stephen Gould, 112 Main Street, Rear** – voiced concern that there are very deep and wide potholes in an alleyway at 112 Main Street, Rear, located behind the District Magistrate's office. He stated that he believes that the Borough uses it to



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maintain the property located at 44 Klines Lane and questioned who owns the alleyway. Mr. Labenberg stated that he will refer the item to the Public Works Committee. Mr. Pepe stated that he believes that the Borough does not own the roadway and will discuss the matter with John Dychala. He questioned whether the Borough uses the alleyway to maintain 44 Klines Lane and stated that he is unsure. Mr. Labenberg invited Mr. Gould to attend the next Public Works Committee Meeting on Monday, September 12, 2016 at 3:00 p.m.

### COMMUNITY MINUTE

Mrs. Gilbert invited everyone to attend Community Heroes Day on Thursday, September 8, 2016 at 6:00 p.m. at the Emmaus Public Library. She stated that prior to the event at the Library, there will be bricks installed for two members of the Emergency Services at 5:00 p.m. at the Remembrance Garden.

Mr. Anders stated that the Halloween Committee is in need of volunteers to help with the Parade. He also stated that the St. Ann's Festival will begin on Thursday, September 8 and will run through Saturday, September 10.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt the August 15, 2016 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

### COMMUNICATIONS

a. Megan Melnick, 122 Cold Stream Court – Letter of Resignation from the Recreation and Entertainment Commission (term expires 6/7/2017).

b. David Nelson, Emmaus Fire Department – Letter of Resignation as Director of Emergency Services/Fire Chief.

BOROUGH ENGINEER'S REPORT–None.

### SOLICITOR'S REPORT

Solicitor Dimmich reported that his office has received a draft of the LCA Settlement Agreement and will review it shortly.

Progress.

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### UNFINISHED BUSINESS, PART I

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 (1<sup>st</sup> Reading 7/18/16) (2<sup>nd</sup> Reading 9/6/16).

**Motion by Mr. Anders, seconded by Mrs. Gilbert to adopt 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 on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, abstention; Mr. Labenberg, aye. There were 6 ayes, 1 abstention (Barrett). Motion carried.**

### NEW BUSINESS

Ordinance No. 1145 – 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 227 N. Seventh Street and 520 N. Third Street and Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 569 Furnace Street Within the Borough of Emmaus (1<sup>st</sup> Reading 9/6/16).

**Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Ordinance No. 1145 – 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 227 N. Seventh Street and 520 N. Third Street and Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 569 Furnace Street Within the Borough of Emmaus on its 1<sup>st</sup> 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 2<sup>nd</sup> Reading of Ordinance No. 1145 will be on October 3, 2016.

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UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that Ordinance No. 1141 and Ordinance No. 1144 will have their 2<sup>nd</sup> Readings on September 19, 2016.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the next Committee Meeting is Monday, September 12, 2016 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Electronics Recycling is Monday, October 10, 2016.

The next Committee Meeting is Thursday, September 15, 2016 at 3:45 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met earlier in the day and entertained questions about the Committee Minutes.

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

Progress.

d. Public Safety Committee

Mrs. Gilbert stated that Chief Palmer and Sergeant Jason Apgar have met with the Public Safety Committee and General Administration Committee to recommend hiring

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three full-time Police Officers and that the Committees recommend hiring three full-time Police Officers. Mr. DeFrain stated that he will vote against the motion because he does not believe he was given enough time to make a proper decision on the item. He clarified that he is not against hiring three Police Officers, but believes that he was not given enough time to make a proper decision on the item.

**Motion by Mrs. Gilbert, seconded by Mr. Brown to hire three full-time Police Officers for the Borough of Emmaus Police Department. There were 6 ayes, 1 opposed (DeFrain). Motion carried.**

**Motion by Mrs. Gilbert, seconded by Mr. Brown to make a conditional offer of employment to Don Magee 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 make a conditional offer of employment to Melanie Sayres 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 make a conditional offer of employment to Kevin Miller 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 6 ayes, 1 opposed (DeFrain). Motion carried.**

**Motion by Mrs. Gilbert, seconded by Mr. Brown to hire Nicholas Fisher as a part-time EMT for the Emmaus Ambulance Corps at an hourly rate of \$13.58 contingent upon the successful completion of a skills assessment test. There were 7 ayes. Motion carried.**

Progress.

e. General Administration Committee

Resolution 2016-Library – A Mutual Resolution Between the Borough of Emmaus, Upper Milford Township, and Macungie Borough to Support the Emmaus Public Library Keystone Grant Application and to Designate the Borough of Emmaus as the Official Applicant for the Keystone Recreation Grant.

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

The next Committee Meeting is Wednesday, September 14, 2016 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2016-34, authorizing payment of the September 6, 2016 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>381,634.48</b>
<b>Payroll #17</b>	<b>\$</b>	<b>128,213.79</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>44,636.73</u></b>
<b>Total</b>	<b>\$</b>	<b>554,485.00</b>

Done this 6<sup>th</sup> day of September 2016.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-34. There were 7 ayes. Motion carried.**

The next Committee Meeting is September 19, 2016 at 6:45 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain reminded everyone that the Community Yard Sale will be held on Saturday, September 10, 2016. The rain date is Sunday, September 11, 2016. He also reminded everyone that the Thunderbird Car Show will be held on Thursday, September 15, 2016 from 1:30 p.m. to 7:00 p.m. on Jubilee Street from S. 4<sup>th</sup> Street to S. 5<sup>th</sup> Street. Mr. Pepe stated that a letter was hand delivered to the residents in the surrounding area of Jubilee, on S. 4<sup>th</sup> Street and S. 5<sup>th</sup> Street. Mr. DeFrain stated that the Emmaus Main Street Partners will host the Farwell to Summer Festival on Sunday, September 18, 2016 at Triangle Park.

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

Progress.

PERSONAL APPEALS, PART II – None.

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BOROUGH MANAGER'S REPORT

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

Mr. Pepe reported that Department Managers will be handing in their 2017 Budget requests on Monday, September 12, 2016.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 7:45 p.m. for an Executive Session to discuss a personnel matter with no official action anticipated.

Mr. Labenberg reconvened at 8:19 p.m. with no official action taken.

ADJOURNMENT

**Motion by Mr. Barrett, seconded by Mr. Anders to adjourn the September 6, 2016 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 8:20 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 9, 2016