EMMAUS BOROUGH COUNCIL

Emmaus Borough Council Agenda September 8, 2015, 7:00 p.m.

- 1. <u>Call to Order</u>
- 2. <u>Pledge of Allegiance</u>
- 3. Personal Appeals, Part I
- 4. <u>Community Minute</u>
- 5. Special Presentations

Emmaus Ambulance – Prepared for Pediatrics – State Recognition

6. Reading of Minutes

August 17, 2015

- 7. Decisions on Bids
- 8. Communications
 - a. Charlene Cook Permission to hold an Alex's Lemonade Stand Awareness/Fundraiser Event.
- 9. <u>Borough Engineer's Report</u>
- 10. <u>Solicitor's Report</u>
- 11. Unfinished Business, Part I

Ordinance No. 1130 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 813 Chestnut Street Within the Borough of Emmaus (1st Reading 8/17/15) (2nd Reading 9/8/15).

12. New Business

Ordinance No. 1131 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §407 of the Emmaus Borough Code, Adding Two Handicapped Parking Signs on the Public Street Located in Front of 20 North Fifth Street and in Front of 22 N. 5th Street on Sundays Only Within the Borough of Emmaus (1st Reading 9/8/15).

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- 13. <u>Unfinished Business, Part II</u>
- 14. <u>Items Not on Agenda</u>, Subject to Rule 9
- 15. Mayor's Report
- 16. <u>Committee Reports</u>

<u>Public Works/(Highway, Water & Sewer)</u> (Labenberg, Brown, Holtzhafer)

Next Meeting - October 1, 2015 at 3:30 p.m.

- a. South 10th Street Culvert
- b. Historical House Agreements
- c. Lateral Clean-outs

Health, Sanitation, and Codes (Shubzda, Holtzhafer, Anders)

Next Meeting – September 17, 2015 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Amendments
- d. IFC Ordinance

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – October 6, 2015 at 4:00 p.m.

- a. Boro Line Park Direction Sign
- b. Hire Pool Manager Sally Nicholas

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – October 7, 2015 at 3:00 p.m.

- a. Emergency Operations Plan Review
- b. Ordinance No. 1130 Handicapped Parking Sign (2nd Reading)
- c. Ordinance No. 1131 Handicapped Parking Signs (1st Reading)
- d. Yield to Pedestrian Signs on Chestnut Street
- e. 25mph Signs on Chestnut Street

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – September 16, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Record Retention
- c. Architecture and Engineer RFQ

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Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – September 21, 2015 at 6:45 p.m.

- a. Capital Plan
- b. Resolution 2015-22 Bill List

Community Relations, Planning and Development (**Brown**, Shubzda, Anders)

Next Meeting – October 13, 2015 at 4:15 p.m.

- a. Grant Progress
- b. Committee Structure
- c. Southwestern Lehigh Comprehensive Plan
- 17. Personal Appeals, Part II
- 18. <u>Borough Manager's Report</u>
 - a. Significant Revenue and Expense Items for August, 2015
- 19. President's Business

Executive Session – Personnel Matter

20. Adjournment

Next Resolution: 2015-23 Next Ordinance: #1132

The Emmaus Borough Council met in regular session on September 8, 2015 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert called the meeting to order at 7:30 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Absent
Roy Anders	Present
Wesley Barrett	Present
Nathan Brown	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present

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Jeffrey Dimmich, Solicitor Present Shane Pepe, Borough Manager Present

PERSONAL APPEALS

- A. Joseph R. Hassick, 436 E. Harrison Street asked if the East Penn School District has a rocket launching program for high school and middle school aged children. Mr. Pepe suggested that Mr. Hassick contact a representative at the school district. Mr. Hassick stated that he asked the Zoning Officer if there is any area in the Borough that a rocket can be launched from and Mr. Farnsworth directed him to Council. He stated that the rockets he is inquiring about launching are solid fuel, one stage for little children. Mr. Anders suggested that Mr. Hassick launch his rockets at Emmaus Community Park. Mrs. Gilbert asked how high the rockets shoot up. Mr. Hassick responded 500-2000 feet. He stated that it is preferable to have an open space to launch a rocket due to wind conditions. Solicitor Dimmich stated that there is nothing in the Zoning Ordinance prohibiting rocket launching in the Borough and suggested that Mr. Hassick use common sense launching the rockets. Mrs. Gilbert referred the item to the Parks and Recreation Committee and invited Mr. Hassick to attend the next meeting.
- B. Richard T. Farmer & Alan Hawman, The Friends of the 1803 House, Inc. announced that the fence at the 1803 House has been completed and encouraged everyone to view it. Mr. Farmer stated that the fence was built by Jason Kleckner, Jr. as part of his Eagle Scout Project. Mr. Farmer thanked Council for permission to build the fence and thanked Jason Kleckner, Jr. for his hard work and contribution to the community. The Friends of the 1803 House, Inc., will recognize Jason Kleckner, Jr., during the Very Merrie Halloween event to be held Saturday, October 5, 2015. Mrs. Gilbert asked how long it took Jason to build the fence. Mr. Hawman responded that the fence took approximately 30 hours to build and 100-200 hours to log the wood and perform fundraising.
- C. Tony Groller, 1302 S. 10th Street thanked the Ambulance Corps and the Police Department for assisting his daughter during a minor accident at 5th & Minor Streets. Mr. Groller voiced concern about Borough employees storing personal items on Borough property. He also voiced concern about Borough private property being marked as "Employees Only Beyond This Point." Mr. Pepe responded that action was taken immediately concerning employees storing items on Borough property. He stated that he relayed this information to Mr. Groller approximately three months ago. He responded that at the Compost Site there is a spot that is marked "Employees Only" because there is compost equipment stored there that is a potential safety hazard. He also stated that there are areas in the Borough where members of the public are not permitted to go.

COMMUNITY MINUTE

Mr. Shubzda reminded everyone that the Emmaus Historical Society will hold its Grand Opening on Friday, September 11 through Sunday, September 13 and invited everyone to attend the event.

Mrs. Gilbert reminded everyone that St. Ann's Fall Festival will be held September 10-12, the Community Yard Sale will be held Saturday, September 12, and the Emmaus High School football team will hold its first game on Friday, September 11.

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Mr. Anders reminded everyone that the Farewell to Summer Festival will take place on Saturday, September 19, 2015 from 10:00 a.m. until 7:00 p.m. at Triangle Park.

SPECIAL PRESENTATIONS

Mrs. Gilbert reported that the special presentation for tonight has been rescheduled until October.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Shubzda to dispense with the formal reading of the August 17, 2015 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt the August 17, 2015 Minutes as drafted. There were 5 ayes, 1 abstention. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

a. Charlene Cook – Permission to hold an Alex's Lemonade Stand Awareness/Fundraiser Event. Mr. Anders stated that he will contact Ms. Cook and recommend hosting the event at Triangle Park during the Farewell to Summer event.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Solicitor Dimmich reported that the loan was closed on September 3, 2015 and closing for the Rodale building will be held on Thursday, September 10 at 10:00 a.m.

Progress.

<u>UNFINISHED BUSINESS, PART I</u>

Ordinance No. 1130 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 813 Chestnut Street Within the Borough of Emmaus (1st Reading 8/17/15) (2nd Reading 9/8/15).

Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1130 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1130 in short title.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt Ordinance No. 1130 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped

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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; Mr. Barrett, aye; Mr. Labenberg, aye; Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1131 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §407 of the Emmaus Borough Code, Adding Two Handicapped Parking Signs on the Public Street Located in Front of 20 North Fifth Street and in Front of 22 N. 5th Street on Sundays Only Within the Borough of Emmaus (1st Reading 9/8/15).

Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1131 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1131 in short title.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt Ordinance No. 1131 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §407 of the Emmaus Borough Code, Adding Two Handicapped Parking Signs on the Public Street Located in Front of 20 North Fifth Street and in Front of 22 N. 5th Street on Sundays Only Within the Borough of Emmaus on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

Mrs. Gilbert directed Mr. Pepe to advertise and schedule the 2nd Reading. Mr. Pepe stated that the 2nd Reading will be held at the October 5, 2015 Council Meeting.

<u>UNFINISHED BUSINESS</u>, <u>PART II</u> – None.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is Thursday, October 1, 2015 at 3:30 p.m.

Progress.

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b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee met on August 20, 2015. Mr. Farnsworth and Mr. Sell were in attendance to discuss the Fire Inspection program. Mr. Shubzda reported that the Committee discussed a letter that was received from Lori Belles, concerning the condition of a property located at 307 N. 3rd Street. Mr. Shubzda stated that he, Mr. Anders and Mr. Farnsworth have visited the property and the item will be discussed further at the Committee level.

The next Committee Meeting is September 17, 2015 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that Mr. Pepe, Mr. Dychala and Mr. Kleckner recommend hiring Sally Nicholas as Pool Manager at the Emmaus Community Pool effective immediately.

Motion by Mr. Anders, seconded by Mr. Labenberg to hire Sally Nicholas as Emmaus Community Pool Manager at an hourly rate of \$12.00.

Mr. Anders amended his first and Mr. Labenberg amended his second.

Motion by Mr. Anders, seconded by Mr. Labenberg to hire Sally Nicholas as the Emmaus Community Pool Manager at an hourly rate of \$12.00 contingent upon successful completion of all background checks and obtaining her lifeguard certification. There were 6 ayes. Motion carried.

Mr. Anders stated that he was at the pool for closing day and there was a large turnout. Mr. Pepe stated that the pool has performed well and has been more crowded due to Cedar Beach pool being closed. Mr. Anders thanked Tiffany Reed for her hard work as manager of

the Concession Stand. Mr. Labenberg stated that he believes this has been one of the smoothest years running the pool.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that at the last Council Meeting, Council received a petition to lower the speed limit on Chestnut Street and to place "Yield to Pedestrian" signs on Chestnut Street between 7th & 5th Streets. The Committee recommends Council authorizing Mr. Pepe to direct the Public Works Department to obtain the signs from Penn Dot. The signs are free. Mr. Labenberg stated that he believes the signs may be a hazard due to the volume of trucks that travel on Chestnut Street. He questioned who will be responsible to replace the signs if

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they get hit and stated that there should be protocol for the Police Department and Public Works Department for replacing the signs.

Motion by Mr. Anders, seconded by Mr. Barrett to authorize Mr. Pepe to direct the Public Works Department to obtain "Yield to Pedestrian" signs from Penn Dot. There were 6 ayes. Motion carried.

Mrs. Gilbert reported that the speed limit is currently 35 mph on Chestnut Street. Penn Dot is requiring that Mr. Pepe write a letter requesting that Penn Dot conduct a traffic study to lower the speed limit to 25 mph and for the Borough to pay for the cost of all signs, estimated to cost a total of \$825.00. Mr. Labenberg questioned the beginning and ending point of the potential 25 mph speed limit zone. Mr. Pepe responded that, if warranted, the signs would be placed from E. Main Street to Cedar Crest Blvd. Mrs. Gilbert responded that the letter is a commitment letter stating that the Borough would pay for the signs. Solicitor Dimmich explained that the letter authorizes Penn Dot to perform a traffic study. He stated that the Borough can then determine where the signs are placed based upon results of the study. Mr. Labenberg stated that he does not believe there is a need to lower the speed limit at E. Main Street. Mr. Pepe stated that Penn Dot determines whether or not the speed limit is lowered based on its traffic study.

Motion by Mr. Brown, seconded by Mr. Barrett to authorize Mr. Pepe to draft a letter to Penn Dot stating that the Borough will pay the cost of all signs to lower the speed limit on Chestnut Street from 35 mph to 25 mph and requesting that Penn Dot perform a traffic study on Chestnut Street. There were 6 ayes. Motion carried.

Mrs. Gilbert reminded everyone that Community Heroes Day will take place at the Emmaus Public Library on Thursday, September 10, 2015 at 6:00 p.m. The Emmaus Commemorative Garden will host a brick installation ceremony prior to that at 5:00 p.m. at the Remembrance Garden.

Mrs. Gilbert reported that the next Committee Meeting is October 7, 2015.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee met on September 2, 2015. Sal Verrastro, Spillman Farmer Architects, was in attendance to discuss the architect services for the new building with the Committee. The Committee recommends authorizing Mr. Pepe to create an RFQ for Architecture and Engineer services for the new building.

Motion by Mr. Barrett, seconded by Mr. Labenberg to authorize Mr. Pepe to create an RFQ for Architecture and Engineer services for the new building. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to approve the Conditional Use Request 002 – Triple Suns Spirits Co., 518 Bank Street, with the condition that the S. 5th

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Street entrance is the only ingress and egress to the parking lot. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Shubzda to approve the Conditional Use Request 003 – Yergey Brewing LLC, 518 Bank Street, with the condition that the S. 5th Street entrance is the only ingress and egress to the parking lot. There were 6 ayes. Motion carried.

Solicitor Dimmich explained that within ten days, in accordance with the Ordinance, Triple Sun Spirits Co., and Yergey Brewing LLC will receive a notification of approval with conditions. He explained that the notification of approval will be enough for both companies to continue the process with the PALCB.

Progress.

f. Budget and Finance Committee

Motion by Mr. Shubzda, seconded by Mr. Brown to escrow from the Contingency Fund \$83,000 to purchase two Dodge Ram pick-up trucks for the Police Department in 2016. There were 6 ayes. Motion carried.

Mr. Shubzda read Resolution 2015-22 authorizing payment of the September 8, 2015 Bill List, as follows:

Bill List	\$ 326,274.60
Payroll #17 & #18	\$ 257,909.09
Payroll Taxes	\$ 87,821.66
Total	\$ 672,005.35

Done this 8th day of September 2015.

Motion by Mr. Shubzda, seconded by Mr. Anders to approve the September 8, 2015 Bill List. There were 6 ayes. Motion carried.

Progress.

g. <u>Community Relations, Planning and Development Committee</u>

Mr. Brown reported that the next Committee Meeting is October 13, 2015 at 4:15 p.m.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for August, 2015 are in the Council binders and offered to entertain questions about them.

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Mr. Pepe reminded Council that interviews will be conducted on September 14, 2015 beginning at 5:00 p.m. for the Director of Emergency Services position.

Mr. Labenberg voiced concern about a sculpture that has been placed at the Emmaus Public Library. He stated that nothing was presented to Council prior to placement of the sculpture. Mr. Pepe stated that he was on vacation when the sculpture was placed at the library without approval. Mr. Shubzda responded that the Emmaus Arts Commission did not authorize the placement of the sculpture. Mr. Labenberg questioned who authorized it. Mr. Pepe responded that he is unsure who authorized it. Solicitor Dimmich suggested that a Committee address the item.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 8:40 p.m. for an Executive Session to discuss a personnel matter.

Mrs. Gilbert reconvened at 9:25 p.m. with no official action taken.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adjourn. There were 6 ayes. Motion carried.

The September 8, 2015 Meeting of the Emmaus Borough Council adjourned at 9:26 p.m.

Shane Pepe Borough Manager Transcribed by: Paula Weiant Administrative Assistant September 10, 2015