

September 17, 2018

**Emmaus Borough Council
Agenda
September 17, 2018 7:00 PM**



1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
 - 5.a. Volunteer of the Year
6. Reading of Minutes
 - 6.a. Council Minutes - September 4, 2018
7. Decisions on Bids
8. Communications
 - 8.a. Tammy Schmidt, Emmaus - Letter of concerns for North Street and Cedar Crest Blvd.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
 - 12.a. Ordinance No. 1180 - 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 640 Minor Street Within the Borough of Emmaus (1st Reading 9/17/18).
13. Unfinished Business, Part II
14. Items Not on Agenda
Subject to Rule 9

September 17, 2018

15. Mayor's Report

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)

Next Meeting – October 8, 2018 at 3:30 p.m.

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)

Next Meeting – September 26, 2018 at 4:30 p.m.

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – October 2, 2018 at 4:30 p.m.

Removal of Crystal Klein from the Recreation and Entertainment Commission

Committee Meeting Notes - September 4, 2018

Public Safety (DeFrain, Barrett, Baumgartner)

Next Meeting – October 10, 2018 at 9:15 a.m.

South Mountain Memory Care Directional Sign

Knauss Homestead - 5 mph Speed Limit & Directional Sign

Vacate Street between 432 S. 6th St. & 504 S. 6th St.

Committee Meeting Notes - September 12, 2018

Next Meeting - October 10, 2018 at 9:15 a.m.

General Administration (Labenberg, Barrett, DeFrain)

Next Meeting – September 27, 2018 at 9:00 a.m.

Resolution 2018-32: Disposal of Municipal Records

Fields at Indian Creek - Lower Letter of Credit

S. 1st Street - Legal Remedies

Auctioneer

Committee Meeting Notes - September 13, 2018

Budget and Finance (Barrett, DeFrain, Labenberg)

Next Meeting – October 1, 2018 at 6:45 p.m.

Resolution 2018-31: Bill List

2019 Minimum Municipal Obligation

September 17, 2018

Committee Meeting Notes - September 4, 2018

Community Relations, Planning and Development (Sorg-McManamon, Baumgartner, Shubzda)
Next Meeting – September 20, 2018 at 4:30 p.m.

17. Boards and Commissions

17.a. Building Board of Appeals Meeting Minutes - August 29, 2018

17.b. Recreation and Entertainment Commission Meeting Minutes - August 29, 2018

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for First Half of September, 2018

19.b. Hired Susan Schlener as PT Wheelchair Van Driver - Pay Rate \$10.50/hr.

20. President's Business

20.a. Personnel Matters

21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on September 17, 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	Absent
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. Tom Ashelman, Emmaus Youth Association President – stated that he was asked by the Board of EYA to address Council. He stated that there are several challenges from the EYA’s perspective with the Borough. He said that the EYA is concerned about the renting of Borough fields to outside organizations and that it is almost unbearable for the EYA to maintain a schedule for field rentals because outside organizations are using the fields. He also stated that when he became President, he met with Shane and John and they were very good to work with, but there are challenges with field maintenance from a leveling standpoint and the EYA believes that they are becoming safety concerns. He also stated that the EYA receives no monetary support from the Borough and that the EYA is a volunteer organization. Mr. Labenberg referred the item to the Parks and Recreation Committee. Mr. Pepe responded that the Borough is very happy to explain renting of the fields to Mr. Ashelman and that there are challenges on both ends. He stated that the Borough does not receive a schedule from the EYA for field usage and it is very difficult to coordinate the scheduling with outside organizations. Mr. Pepe stated that field leveling is very expensive and a discussion needs to occur about a joint process to resolve the problem. Mr. Pepe stated that there are issues at multiple fields and there is no short-term fix. Mr. Pepe stated that the EYA can make a request for monetary support from the Borough, but the Borough’s monetary support has been tens of thousands of dollars. He stated that the Public Works Department puts a lot of work into maintaining the fields. He stated that every time the lights are turned on there is a cost, every time the Public Works Department drags the field, waters the field, and mows the field, there is a cost. He stated it is a \$41,000 contract to mow the grass and that is taxpayer money. Mr. Barrett stated that the Borough’s level of contribution to the EYA is great and believes that Mr. Ashelman’s statement about the EYA receiving no monetary contribution from the Borough is inaccurate.

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Motion by Mr. Barrett, seconded by Mrs. Sorg-McManamon to extend Mr. Ashelman's Personal Appeal time by 5 minutes. There were 6 ayes. Motion carried.

Mr. Ashelman voiced concern about coordinating the EYA schedule with outside organizations. Mr. Pepe invited Mr. Ashelman to attend a Parks and Recreation Committee meeting to discuss the issue. He stated that it is staff's job to book the fields and does not receive a schedule from the EYA. Mr. Labenberg encouraged Mr. Ashelman to attend a Parks and Recreation Committee meeting. Mr. Ashelman stated that the EYA is losing many volunteers and he looks forward to discussing the challenges with the Borough. Mr. Anders stated that he is the EYA Vice President, has invited Mr. Ashelman several times to the Parks and Recreation Committee meetings and he has declined the invitation each time. Mr. Barrett stated that he believes this discussion was a great starting point and encouraged Mr. Ashelman to attend the next Parks and Recreation Committee meeting. He stated that at the Committee level they will have much more time to go through everything in detail and hopefully arrive at some agreements. Mr. Labenberg encouraged Mr. Ashelman to attend the next Parks and Recreation Committee Meeting on Tuesday, October 2, 2018 at 4:30 p.m.

B. Ashley Lorah, Manager, Emmaus Main Street Partners- introduced herself as the new Emmaus Main Street Partners Manager. She thanked everyone who attended the ribbon cutting at Montero Violins. She stated that there will be a ribbon cutting at Empower Nutrition & Wellness, 187 Main Street, on October 9, 2018 from 5:30 p.m. to 7:00 p.m., with the ribbon cutting at 5:45 p.m. She handed out copies of the new map of the Borough of Emmaus, and stated that businesses in the community have received the map as well as businesses throughout the Lehigh Valley. She stated that her goal is to attend Council Meetings on a quarterly basis. She encouraged everyone to attend the Emmaus Heritage Festival to be held on Sunday, September 23, 2018 from 11:00 a.m. to 3:00 p.m. at the Emmaus Historical Society. She stated that Old Fashioned Christmas will be held on Saturday, December 1, 2018. Mr. Labenberg wished Ms. Lorah the best of luck.

COMMUNITY MINUTE

Mrs. Sorg-McManamon encouraged everyone to attend the Emmaus Heritage Festival. She congratulated the Emmaus Main Street Partners on their hard work and effort with the Borough of Emmaus Map.

SPECIAL PRESENTATIONS

Mr. Labenberg invited Dr. Michael Waddell and Mrs. Sorg-McManamon to present the 2017 Volunteer of the Year Award. Dr. Waddell stated that the importance of volunteers to the community cannot be overstated. He stated that the Emmaus Commemorative Gardens Foundation has taken over the funding of the Volunteer of the Year brick.

Mrs. Sorg-McManamon stated that the annual Emmaus Borough Volunteer of the Year Award was created to recognize those outstanding community volunteers whose unselfish and dedicated service to an Emmaus organization have made a significant difference

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in the community. Mrs. Sorg-McManamon presented the 2017 Volunteer of the Year Award to Mr. Alan Hawman. Mrs. Sorg-McManamon stated that Mr. Hawman has made significant contributions to many organizations in the Borough. She stated that Mr. Hawman is a lifetime member of the Friends of the 1803 House, where he has served as President, Treasurer, and Director. He is one of the group's representatives with the Emmaus Heritage Alliance where he unofficially Chairs the Emmaus Heritage Festival Committee. He also Chairs the Emmaus Design Grant Committee and sits on the Borough's Building Board of Appeals as a volunteer. Mrs. Sorg-McManamon stated that he has donated countless hours to the Emmaus Historical Society, especially when they were in the process of new building renovations and porch restorations. Mr. Labenberg congratulated Mr. Hawman on his award. Mrs. Sorg-McManamon read the previous Volunteer of the Year Award recipients:

2004 – Dr. John C. Kirschman
2005 – Kathleen M. Mintzer
2006 – Elda Acker
2007 – Frank & Josephine Sadrovitz
2008 – The Emmaus Garden Club
2009 – 2009 Anniversary Celebration Committee
2010 – Emmaus Main Street Partners
2011 – John Eyer
2012 – Robert Boehmer
2013 – Martha Vines
2014 – Teri Sorg-McManamon
2015 – Emmaus Historical Society
2016 – Richard Farmer

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt the September 4, 2018 Council Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Tammy Schmidt, Emmaus – Letter of concerns for North Street and Cedar Crest Blvd. Mr. Labenberg referred the item to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Solicitor Dimmich reported that the Borough received the check from Lehigh County for the sale of 4052 S. 2nd Street. He also reported there is currently a Civil Service Appeal by an Emmaus Police Officer and that there will be an Argument in front of the Commission in

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the near future. He reported that the 1st Street property issue will be addressed at the appropriate time.

Progress.

UNFINISHED BUSINESS, PART I - None.

NEW BUSINESS

Ordinance No. 1180 – 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 640 Minor Street Within the Borough of Emmaus (1st Reading 9/17/18).

Motion by Mr. Barrett, seconded by Ms. Baumgartner to adopt Ordinance No. 1180 - 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 640 Minor Street Within the Borough of Emmaus on its 1st Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Ms. Baumgartner, aye; Mr. Labenberg, aye. There were 6 ayes. Motion carried.

Mr. Labenberg reported that the 2nd Reading of Ordinance 1180 will be held at the October 15, 2018 Council Meeting.

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. Anders reported that the next Committee meeting is October 8, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee meeting is September 26, 2018 at 4:30 p.m.

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Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that Crystal Klein is part of the Recreation and Entertainment Commission and has not been attending meetings or returning communications. The Commission recommends removing Crystal Klein from the Commission.

Motion by Ms. Baumgartner, seconded by Mr. Shubzda to remove Crystal Klein from the Recreation and Entertainment Commission. There were 6 ayes. Motion carried.

Ms. Baumgartner reported that the next Committee meeting is Tuesday, October 2, 2018 at 4:30 p.m.

Progress.

d. Public Safety Committee

Mr. Barrett reported that Ms. Haggart, Facility Director for the South Mountain Memory Care, was in attendance to request a directional sign at Chestnut and 7th Street. Mr. Barrett stated that the Committee voted 1-1 and would not be making a recommendation to Council to approve the request.

Mr. Barrett reported that the Knauss Homestead requested to place a 5 mph speed limit sign at the Knauss Homestead, and to approve a directional sign at the entranceway to the driveway. The Committee denied the request to place a 5 mph speed limit sign at the Homestead. The Committee recommends approving a directional sign at the entranceway to the driveway.

Motion by Mr. Barrett, seconded by Ms. Baumgartner to grant the Knauss Homestead's request to approve a directional sign at the entranceway to the driveway. There were 2 ayes, 4 opposed (Anders, Shubzda, Sorg-McManamon, Labenberg). Motion denied.

Mr. Barrett reported that the Committee reviewed a request from the owners of 432 S, 6th Street to vacate the unopened portion of the street. The Committee voted unanimously to deny the request.

Progress.

e. General Administration Committee

Resolution 2018-32 – A Resolution in Accordance with the Municipal Records Act of January 18, 1968 (P.L.961, No. 428) as Approved for Local Government Records by the

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Pennsylvania Historical and Museum Commission Bureau of Archives and History, as Approved by the Commonwealth of Pennsylvania on December 18, 2008 and Amended July 23, 2009, Authorizing the Borough of Emmaus to Dispose of Certain Municipal Records.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt Resolution 2018-32. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Shubzda to approve the Fields at Indian Creek, LLC, Lower Letter of Credit. There were 6 ayes. Motion carried.

Solicitor Dimmich explained that one of the residents has blocked off a portion of an alley off of S. 1st Street with a curb stop and it is blocking over half of the street. The Borough has been addressing this problem for approximately a year and a half. Mr. Pepe contacted Hanover Engineering to conduct a survey showing all boundaries of the alley behind the Magistrate's Office.

Motion by Mr. Anders, seconded by Ms. Baumgartner to authorize Mr. Pepe and the Borough Solicitor to take all legal measures necessary to remedy the dispute of the alley behind the District Magistrate's Office. There were 6 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mrs. McManamon to authorize Mr. Pepe to contract an auctioneer for a municipal auction at the end of October. There were 6 ayes. Motion carried.

Mr. Labenberg entertained questions about the Committee minutes.

Mr. Labenberg stated that the next Committee meeting is September 27, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-31, authorizing payment of the September 17, 2018 Bill List, as follows:

Bill List	\$	184,861.86
Payroll #19	\$	153,926.42
Payroll Taxes	\$	<u>48,168.15</u>
Total	\$	386,956.43

Done this 17th day of September 2018.

Motion by Mr. Barrett, seconded by Ms. Baumgartner to adopt Resolution 2018-31. There were 6 ayes. Motion carried.

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Motion by Mr. Barrett, seconded by Mr. Shubzda to approve and fund the 2019 Minimum Municipal Obligation for the Emmaus Police Pension Plan in the amount of \$489,509.29 and the Emmaus Employees' Pension Plan in the amount of \$507,193.01. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to deny the 2019 COLA to the Emmaus Police retirees. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to hire Lehigh Valley Engineering to prepare an estimate for HVAC engineering work based on \$1.70 per sq. ft. for the 50,000 sq. ft. new Borough Hall, which includes construction, meetings and complete designs of HVAC and for Electrical Load work for the Department of Public Works garage at \$130.00 per hour. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

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

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Borough's MS4 submission is completed and is available at Town Hall for public review and comment for 30 days.

Mr. Pepe reported that the Borough has received several grants. He stated that the Borough received a Fire grant in the amount of \$14,000 for a gear washer and dryer and \$4,000 for investigation equipment. He also stated that the Borough received the Council of the Arts Grant for approximately \$1,300. He stated that there will be a major announcement on Tuesday concerning two additional grants that the Borough has received.

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1st half of September 2018 are in the iPads and entertained questions about them.

Mr. Pepe reported that staff hired Susan Schlener as a part-time Paratransit Van Driver for the Emmaus Ambulance Corps at an hourly rate of \$10.50. He stated that she will be the third driver and will be able to fill the shifts that the Borough has not been able to fill.

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Mr. Anders asked for a status report on the 10th Street Culvert Project. Mr. Pepe responded that the Borough Engineer has said that the Project will tentatively begin on October 1, 2018 and will be completed by Thanksgiving.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 8:10 p.m. for an Executive Session to discuss personnel matters with no action anticipated.

Mr. Labenberg reconvened the meeting at 8:58 p.m.

Progress.

ADJOURNMENT

Motion by Mrs. Sorg-McManamon, seconded by Mr. Anders to adjourn the September 17, 2018 Emmaus Borough Council Meeting. There were 6 ayes. Motion carried.

The Meeting adjourned at 8:58 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
September 19, 2018