

September 18, 2017

Emmaus Borough Council  
Agenda  
September 18, 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 - September 5, 2017
7. Decisions on Bids
8. Communications
  - 8.a. Linda Rose, 542 North Street - Letter of resignation from the Emmaus Library Board (term expires 1/1/2020).
  - 8.b. Brittney Stephens, 808 Fernwood Street - Request appointment to the Emmaus Arts Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - 11.a. 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) (2nd Reading 9/18/2017).
  - 11.b. 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

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Prohibited Furniture and Appliances on the Exterior of a Property (1st Reading 8/21/2017) (2nd Reading 9/18/2017).

11.c. 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) (2nd Reading 9/18/2017).

12. New Business

12.a. Ordinance No. 1163 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 1, Subsections 341 and 343 of the Code of Ordinances, Amending the Number of Members and Residency Requirements for the Emmaus Arts Commission (1st Reading 9/18/2017).

13. Unfinished Business, Part II

13.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) (2nd Reading 10/16/2017).

13.b. Ordinance No. 1162 - An Ordinance Amending Chapter 15 §404(a) of the Codified Ordinances, Eliminating Parking on Portions of the South Side of East Minor Street (1st Reading 9/5/2017) (2nd Reading 10/2/2017).

14. Items Not on Agenda  
Subject to Rule 9

15. Mayor's Report

15.a. Proclamation 2017-429: Trick or Treat Night

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Brown, Anders, DeFrain)  
Next Meeting – October 9, 2017 at 3:00 p.m.

Lawn Mowing Contract Extension

Committee Meeting Notes - September 11, 2017

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

Next Meeting – September 21, 2017 at 4:15 p.m.

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – October 3, 2017 at 4:00 p.m.

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – October 4, 2017 at 3:00 p.m.

Replace Directional Signs

Mike Wilson - Donation of Motorcycle

Replace Training Grounds Pavilion

Committee Meeting Notes - September 6, 2017

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – September 27, 2017 at 9:00 a.m.

S. 1st Street Vacation and Lot Line Adjustment

Resolution No. 2017-28: Borough Council Orientation Program

Ordinance No. 1163 - Amend Arts Commission Membership (1st Reading)

Committee Meeting Notes - September 13, 2017

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – September 28, 2017 at 3:15 p.m.

Resolution 2017-27: Bill List

2018 Minimum Municipal Obligation

Committee Meeting Notes - September 5, 2017

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

Next Meeting – October 12, 2017 at 4:00 p.m.

Halloween Candy

Committee Meeting Notes - September 14, 2017

September 18, 2017

17. Boards and Commissions

17.a. Civil Service Commission Meeting Minutes - September 5, 2017

17.b. Employee Safety Committee Meeting Minutes - September 12, 2017

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for 1st Half of September 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 September 18, 2017 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 7:00 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
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Hegdge Sefcovic, Ah-Ha Arts Management** – Requested placing 14 directional signs at various locations throughout the Borough for the Lehigh Valley Fiber Festival to be held on Saturday, September 23, 2017 and Sunday, September 24, 2017 at the Wildlands Conservancy. She stated that 4 of the 14 signs would be placed on the Macungie side of the high school. She stated that the signs would be removed on Sunday after the event has ended. Mr. Labenberg asked if the signs are free standing or will be posted on telephone poles. She stated that they are 18 x 24” lawn signs and that the signs will be placed at the locations from Friday, September 22 through Sunday, September 24, 2017.

**Motion by Mr. Anders, seconded by Mr. Barrett to grant the request from Ah-Ha Arts Management to place 14 directional signs throughout the Borough from September 22-24, 2017 for the Lehigh Valley Fiber Festival to be held on Saturday, September 23 and Sunday, September 24, 2017 at the Wildlands Conservancy. There were 7 ayes. Motion carried.**

**B. Neil Carl, owner of properties located at 7 S. 1<sup>st</sup> Street and 106 Main Street** - Mr. Carl asked if a decision will be made at tonight’s meeting concerning the S. 1<sup>st</sup> Street Vacation and Lot Line Adjustment. Mr. Labenberg responded that a motion will be made at tonight’s meeting to begin the process. Mr. Pepe stated that after tonight’s meeting there will be several opportunities for Mr. Carl to voice his concerns and a Public Hearing will be held on the matter. Mr. Labenberg entertained Mr. Carl’s concerns. Mr. Carl stated that he believes that the proper concerns have not been addressed. He stated that Motor’s Plus was approved illegally and the driveway violates environmental laws. Mr. Pepe responded that all rules were followed, DEP was contacted, and all legal processes were taken. Mr. Brown

## EMMAUS BOROUGH COUNCIL

stated that he visited the site and there was an oil or fuel leak on the west side of the street and he believes that it came from the garage located at the end of the street. Mr. Pepe reiterated that all necessary legal processes were taken. Mr. Pepe stated that the Borough has not maintained the property in over 3 years. Mr. Carl responded that he believes that the Borough has been plowing the street.

**Motion by Mr. Barrett, seconded by Mr. Brown to extend Mr. Carl's Personal Appeal time by 5 minutes. There were 5 ayes, 2 opposed (Gilbert, Anders). Motion carried.**

Mr. Shubzda suggested inviting Mr. Carl to attend the General Administration Committee Meeting to be held on Wednesday, September 27, 2017. Mr. Labenberg invited Mr. Carl to attend the General Administration Committee Meeting and stated the matter is only concerning the vacating of the end of S. 1<sup>st</sup> Street.

COMMUNITY MINUTE

Mr. Anders stated that the Farewell to Summer Festival that was held on Sunday, September 10, 2017 at Triangle Park was very well attended.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt the September 5, 2017 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Linda Rose, 542 North Street – Letter of resignation from the Emmaus Library Board (term expires 1/1/2020).
- b. Brittney Stephens, 808 Fernwood Street – Request appointment to the Emmaus Arts Commission. Referred to the Community Relations, Planning and Development Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

## EMMAUS BOROUGH COUNCIL

UNFINISHED BUSINESS, PART I

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 (1<sup>st</sup> Reading 8/21/2017) (2<sup>nd</sup> Reading 9/18/17).

**Motion by Mr. Shubzda, 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 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, aye; Mr. Labenberg, aye. There were 7 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 (1<sup>st</sup> Reading 8/21/2017) (2<sup>nd</sup> Reading 9/18/2017).

**Motion by Mr. Shubzda, seconded by Mr. Brown 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 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, aye; Mr. Labenberg, aye. There were 7 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 (1<sup>st</sup> Reading 8/21/17) (2<sup>nd</sup> Reading 9/18/17).

**Motion by Mr. Shubzda, seconded by Mr. DeFrain 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 Authorize the Animal Control Officer to Enforce Vermin Control Ordinances 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, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.**

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NEW BUSINESS

Ordinance No. 1163 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 1, Subsections 341 and 343 of the Code of Ordinances, Amending the Number of Members and Residency Requirements for the Emmaus Arts Commission (1<sup>st</sup> Reading 9/18/2017).

Mr. Barrett stated that the Ordinance changes the definition of “Borough Resident” to include owners of businesses with physical addresses within the Borough but may reside in other towns being able to join the Arts Commission. The Ordinance also increases the number of allowable members from 11 to 13.

**Motion by Mr. Shubzda, seconded by Mr. Barrett to adopt Ordinance No. 1163 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 1, Subsections 341 and 343 of the Code of Ordinances, Amending the Number of Members and Residency Requirements for the Emmaus Arts Commission 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.**

UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that Ordinance No. 1158 will have its 2<sup>nd</sup> Reading at the October 16, 2017 Council Meeting.

Mr. Labenberg stated that Ordinance, No. 1162 will have its 2<sup>nd</sup> Reading at the October 2, 2017 Council Meeting.

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

MAYOR’S REPORT

Mayor Jobst read Proclamation 2017-429, declaring Friday, October 27, 2017 as the Borough of Emmaus Trick-or-Treat Night and called on all residents who wish to participate in this cheerful festivity to turn on their porch lights, between 6:00 p.m. and 8:00 p.m., to light the way in acknowledgement of their participation.

Progress.



## EMMAUS BOROUGH COUNCIL

COMMITTEE REPORTSa. Public Works Committee

Mr. Brown reported that the Committee met on September 11, 2017 at 3:00 p.m. He reported that Allyear Inc., t/a Aurora Landscape & Lawn Care has requested a one-year extension on the Lawn Mowing Contract with the Borough. Mr. Brown stated that as per the contract, the rates will remain the same as 2017.

**Motion by Mr. Brown, seconded by Mrs. Gilbert to extend the current lawn mowing contract with Allyear Inc., t/a Aurora Landscape & Lawn Care through 2018, with the rate remaining the same as 2017 at \$50,700. There were 7 ayes. Motion carried.**

b. Health, Sanitation, and Codes Committee

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

c. Parks and Recreation Committee

Mr. Anders reported that the next Committee meeting is October 3, 2017 at 4:00 p.m.  
Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on Wednesday, September 6, 2017 at 3:00 p.m.

**Motion by Mrs. Gilbert, seconded by Mr. Brown to replace the directional signage located at 6<sup>th</sup> Street, Harrison Street, and Chestnut Street, for the fire training grounds and central station. There were 7 ayes. Motion carried.**

Mrs. Gilbert stated that Mike Wilson has donated a motorcycle to the Police Department at no cost to the Borough. He will stripe it and put lights on it. The motorcycle will be used for funerals, parades, ceremonies, and other special events.

**Motion by Mrs. Gilbert, seconded by Mr. Brown to accept the donation from Mike Wilson of a motorcycle to be used by the Police Department for funerals, parades, ceremonies, and other special events at no cost to the Borough. There were 7 ayes. Motion carried.**

Mrs. Gilbert reviewed the Committee minutes and entertained questions about them.

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e. General Administration Committee

Mr. Barrett reported that the Committee met on Wednesday, September 13, 2017 at 9:00 a.m. Mr. Barrett reported that Mike Wilson was in attendance to discuss the Borough's plans to move forward with vacating the bottom part of S. 1<sup>st</sup> Street and complete a lot line adjustment. Mr. Wilson will pay for the cost of legal fees and engineering.

**Motion by Mr. Barrett to begin the process to move forward with completing the S. 1<sup>st</sup> Street lot line adjustment.**

Mr. Pepe stated that the motion needs to include vacating the bottom part of S. 1<sup>st</sup> Street. Mr. Barrett amended his motion.

**Motion by Mr. Barrett, seconded by Mr. Anders to begin the process to move forward with completing the S. 1<sup>st</sup> Street lot line adjustment and to vacate the bottom part of S. 1<sup>st</sup> Street. There were 7 ayes. Motion carried.**

Resolution 2017-28 – A Resolution by the Borough of Emmaus, Lehigh County, Pennsylvania, Establishing an Orientation Program for Newly Elected Borough Officials.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2017-28. There were 7 ayes. Motion carried.**

Progress.

f. Budget and Finance Committee

Resolution 2017-27, authorizing payment of the September 18, 2017 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>179,476.77</b>
<b>Payroll #19</b>	<b>\$</b>	<b>139,642.33</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>48,943.72</u></b>
<b>Total</b>	<b>\$</b>	<b>368,062.82</b>

Done this 18<sup>th</sup> day of September 2017.

**Motion by Mr. Shubzda, seconded by Mrs. Gilbert to adopt Resolution 2017-27. There were 7 ayes. Motion carried.**

**Motion by Mrs. Gilbert, seconded by Mr. Shubzda to approve and fund the 2018 Minimum Municipal Obligation for the Emmaus Police Pension Plan in the amount of**

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**\$544,413.76 and the Emmaus Employees' Pension Plan in the amount of \$498,032.37. There were 7 ayes. Motion carried.**

The next Committee Meeting is Thursday, September 28, 2017 at 3:15 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain reported that the Committee met on September 14, 2017 at 4:00 p.m. He reported that the Committee discussed the Emmaus Halloween Parade and the distribution of candy.

**Motion by Mr. DeFrain, seconded by Mr. Brown for Borough Council to support the handing out of candy at the Emmaus Borough Halloween Parade to be held on Saturday, October 21, 2017 at 7:30 p.m. There were 7 ayes. Motion carried.**

Mr. DeFrain reminded everyone that the Halloween Committee is currently in need of volunteers to help with the parade.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of September, 2017 are in the iPads and entertained questions about them. Mr. Pepe also reported that the Department Heads' proposed budget items have been handed in and he has met with all of the Department Heads and has begun meeting with the Committees. He stated that he will present the proposed budget to Council on October 16, 2017.

Mr. Anders reminded Council that the Southwestern Lehigh Comprehensive Plan Hearing will be held at the Lower Macungie Community Center on September 25, 2017. Mr. Pepe asked Council if there will be a majority present to which they responded affirmatively.

Mr. Pepe reminded everyone that the Heritage Alliance Festival will be held at the Emmaus Historical Society building on Sunday, September 24, 2017 from 10:00 am. to 2:00 p.m.

Progress.

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PRESIDENT'S BUSINESS

Mr. Labenberg stated that due to a schedule change at work, he will need to move the General Administration Committee meetings from Wednesday at 9:00 a.m. to Thursday at 9:00 a.m. beginning on the first meeting after October 1, 2017.

Mr. Labenberg recessed the meeting at 7:40 p.m. for an Executive Session to discuss personnel matters with no official action anticipated.

Mr. Labenberg reconvened the meeting at 9:09 p.m.

Progress.

ADJOURNMENT

**Motion by Mr. Shubzda, seconded by Mr. Barrett to adjourn the September 18, 2017 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 9:10 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 21, 2017