

September 19, 2016

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
September 19, 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
  - 6.a. Public Hearing and Council Meeting - September 6, 2016
7. Decisions on Bids
  - 7.a. Ambulance Delinquent Collections
8. Communications
  - 8.a. Janie Slamon, 821 Keystone Avenue - Letter of Resignation from the Emmaus Public Library Board (term expires 1/1/18).
  - 8.b. Krista Pegnetter, Emmaus Public Library Director - Request for Nancy O'Keefe to be appointed to the Emmaus Public Library Board.
  - 8.c. Andre Fatula - Repairs to sidewalks.
  - 8.d. Khine Alkhal, Ph.D, 5186 S. Mountain Drive, Emmaus - Request reserved parking spots.

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9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

11.a. 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).

11.b. 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).

12. New Business

13. Unfinished Business, Part II

13.a. 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) (2nd Reading 10/3/16).

14. Items Not on Agenda

Subject to Rule 9

15. Mayor's Report

15.a. Proclamation 2016 - 404 - Trick or Treat Night

16. Committee Reports

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

Next Meeting – October 10, 2016 at 3:00 p.m.

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

Next Meeting – October 20, 2016 at 3:45 p.m.

Committee Meeting - September 15, 2016

Parks and Recreation (Anders, Barrett, Labenberg)

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

Committee Meeting - September 6, 2016

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – October 5, 2016 at 3:00 p.m.

Hire Director of Emergency Services / Fire Chief

Hire Part-Time EMT

Resolution 2016-35 - A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees for Fire Services.

Resolution 2016-42 - Green Light Go Grant

Committee Meeting - September 6, 2016

Committee Meeting - September 7, 2016

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – September 28, 2016 at 9:00 a.m.

GASB 68 Reports and Benefits Actuary

File Orphans Court Petition - 4052 S. 2nd Street

Resolution 2016-37 - Sale of Borough Hall and Parking Lot

Resolution 2016 - 38 - Sale of 543 Jubilee Street Parking Lots

Resolution 2016 - 39 - Sale of 647 Ridge Street

Resolution 2016 - 40 - Sale of Police Station

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Resolution 2016 - 41 - Sale of Central Station

Committee Meeting - September 14, 2016

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – September 22, 2016 at 3:15 p.m.

Bill List - Resolution 2016-43

2017 Minimum Municipal Obligation

Committee Meeting - September 6, 2016

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

Next Meeting – October 13, 2016 at 4:00 p.m.

Committee Meeting - September 8, 2016

17. Personal Appeals, Part II

18. Borough Manager's Report

18.a. Significant Revenue & Expense Items for 1st Half of September, 2016

19. President's Business

20. Adjournment

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The Emmaus Borough Council met in regular session on September 19, 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 7:00 p.m.

Brent Labenberg, President	Present
Wesley Barrett, Vice President	Present
Roy Anders	Present

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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 - None.

### COMMUNITY MINUTE

Mr. Pepe stated that he received an email from Dr. Waddell informing him that the Preservation Society for the Knauss Homestead will meet at 7:00 p.m. on Tuesday, September 20, 2016 at the Emmaus Public Library and is requesting to have a representative from Council attend.

Mr. Anders stated that the Emmaus Main Street Partners' Farewell to Summer Event was very well attended.

Mr. Barrett stated that on Saturday, October 15, 2016, the 10<sup>th</sup> Annual BBT 5K event will take place prior to the Emmaus Halloween Parade. The race will begin at 7:00 p.m. He stated that there are currently approximately 118 individuals registered for the event.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt the September 6, 2016 Public Hearing Minutes and Council Minutes as drafted. There were 7 ayes. Motion carried.**

### DECISION ON BIDS

Mr. Pepe stated that two RFPs were received for the Ambulance 3<sup>rd</sup> Party Delinquent Collections bid. He stated that bids were received by First States Financial Services Group / EMS Revenue Solutions and Advanced Recovery Systems. He also stated that both companies have a division specific to emergency medical conditions. Mr. Pepe stated that the Borough's average yearly rate of return is currently 2.8% and both companies informed him that the state average is approximately 10%. Both companies stated that they expected a rate of return between 15-23%. He stated that the

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interview Committee recommends hiring First States Financial Services Group / EMS Revenue Solutions.

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to hire First States Financial Services Group / EMS Revenue Solutions as the Emmaus Ambulance 3<sup>rd</sup> Party Delinquent Collections Agency. There were 7 ayes. Motion carried.**

### COMMUNICATIONS

- a. Janie Slamon, 821 Keystone Avenue – Letter of Resignation from the Emmaus Public Library Board (term expires 1/1/18).
- b. Krista Pegnetter, Emmaus Public Library Director – Request for Nancy O’Keefe to be appointed to the Emmaus Public Library Board. Referred to the General Administration Committee.
- c. Andre Fatula – Repairs to sidewalks. Referred to Health, Sanitation and Codes Committee.
- d. Khine Alkhal, Ph.D, 5186 S. Mountain Drive, Emmaus – Request reserved parking spots for product launch to be held on Friday, September 23, 2016 from 5:00 p.m. to 8:00 p.m. Mr. Labenberg invited Dr. Alkhal to approach the podium to answer questions. Dr. Alkhal explained her product and invited Council to attend her launch party at 412 Chestnut Street. She stated that she is requesting permission to reserve 15 parking spots on Chestnut Street/Emmaus Triangle between 4:30 p.m. to 8:00 p.m. Mr. Labenberg suggested that Dr. Alkhal speak with the owner of the Emmaus Bakery about parking in the lot behind the bakery. Mr. Anders suggested speaking to St. John’s Lutheran Church about parking in the church lot and offered Dr. Alkhal contact information for the church. Mr. Barrett suggested Dr. Alkhal contact some of the private businesses in the Borough to help with parking for the event. Dr. Alkhal thanked Council and stated that she will contact the church and several of the local businesses.

BOROUGH ENGINEER’S REPORT–None.

### SOLICITOR’S REPORT

Progress.

### UNFINISHED BUSINESS, PART I

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: Regulation Fire Protection Systems; and Adding Part 5: Fees, in the Borough of Emmaus (1<sup>st</sup> Reading 8/15/16) (2<sup>nd</sup> Reading 9/19/16).

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**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt 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: Regulation Fire Protection Systems; and Adding Part 5: Fees, in the Borough of Emmaus 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. 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 (1<sup>st</sup> Reading 8/15/16) (2<sup>nd</sup> Reading 9/19/16).

**Motion by Mr. Anders, seconded by Mrs. Gilbert to adopt 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 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.**

NEW BUSINESS - None.

### UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that the 2<sup>nd</sup> Reading of Ordinance No. 1145 will be on October 3, 2016. Mr. Labenberg stated that there is an amendment that needs to be made to the Ordinance. Mr. Pepe stated that the resident living at 569 Furnace Street is no longer requesting a handicapped parking sign.

**Motion by Mrs. Gilbert, seconded by Mr. Brown to amend Ordinance No. 1145 by removing the wording, “adding a residential handicapped parking sign located in front of 569 Furnace Street.” There were 7 ayes. Motion carried.**

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

### MAYOR’S REPORT

Mayor Iobst read Proclamation 2016-404, declaring Friday, October 28, 2016 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.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the next Committee Meeting is Monday, October 10, 2016 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee will continue working on the Blighted Property Ordinance and the Medical Marijuana Ordinance. Mr. Pepe stated that there have been inquiries into establishing Medical Marijuana facilities in the Borough.

The next Committee Meeting is Thursday, October 20, 2016 at 3:45 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that Mr. Pepe discussed the preliminary swimming pool financials with the Committee and will provide the final numbers when the last invoices are paid. Mr. Anders stated that the Committee discussed Lifeguard pay and the use of the fields at Community Park. He also stated that Mr. Labenberg requested that the lines be painted on the basketball court at Community Park.

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

Progress.

d. Public Safety Committee

Resolution 2016-36 – A Resolution of the Borough of Emmaus, Lehigh County, Pennsylvania, Hiring John Price as the Director of Emergency Services.

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to adopt Resolution 2016-36. There were 7 ayes. Motion carried.**

**Motion by Mrs. Gilbert, seconded by Mr. Brown to hire Keetly Hamill as a part-time EMT for the Emmaus Ambulance Corps contingent upon the successful completion of a skills assessment test. There were 7 ayes. Motion carried.**



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Resolution 2016-35 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees for Fire Services.

**Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt Resolution 2016-35. There were 7 ayes. Motion carried.**

Resolution 2016-42 – A Resolution Authorizing the Application for the Greenlight GO: Pennsylvania’s Municipal Signal Partnership Grant and Committing to a Matching Requirement of 20% of Grant Award.

**Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt Resolution 2016-42. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that the Borough is applying for the grant in response to several accidents which have occurred in the Borough over the years and requests from residents to obtain crosswalk signals. He stated that the crosswalk signals will be placed at traffic signals along Chestnut Street and Main Street. Mr. Anders asked for clarification on the type of signal that will be obtained. Mr. Pepe clarified the type of cross walk signals that would be installed.

Mrs. Gilbert reported that Chief Palmer informed the Committee that seven Police Officers have signed up for training for the Project Lifesaver Program. She also stated that CSI is donating and installing a video camera for the Borough Safe Zone. The location will be across from the Emmaus Police Department on Jubilee Street. Mrs. Gilbert reported that on Saturday, September 24, 2016 the Emmaus Fire Department will host a smoke detector blitz on the southern part of the Borough.

Mrs. Gilbert reported that the next Committee Meeting is Wednesday, October 5, 2016 at 3:00 p.m.

Progress.

e. General Administration Committee

Resolution 2016-37 – A Resolution Authorizing the Sale of 28 and 32 South Fourth Street in the Borough of Emmaus (Borough Hall and Abutting Parking Lot).

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-37. There were 7 ayes. Motion carried.**

Mr. Pepe explained that the Borough is requesting two Stand-alone GASB 67/68 disclosures at \$600 per plan and an OPEB Valuation (prepared pursuant to GASB

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Statement No. 45). He stated that the fee for an OPEB Valuation for municipalities with the number of employees and types of benefits similar to the Borough is between \$3,500 and \$4,000.

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to have two Stand-alone GASB 67/68 valuation disclosures completed in the amount of \$1,200. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to have an OPEB Valuation completed. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to authorize the filing of a petition to seek Orphans' Court Approval for the sale of 4052 South Second Street. There were 7 ayes. Motion carried.**

Resolution 2016-44 – A Resolution Authorizing the Filing of a Petition to Seek Orphans' Court Approval for the Sale of 4052 South Second Street Pursuant to the Donated and Dedicated Property Act and the Borough Code.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-44. There were 7 ayes. Motion carried.**

Resolution 2016-38 – A Resolution Authorizing the Sale of 543 Jubilee Street in the Borough of Emmaus (Parking Lot 29C).

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-38. There were 7 ayes. Motion carried.**

Resolution 2016-39 – A Resolution Authorizing the Sale of 647 Ridge Street in the Borough of Emmaus (Weight Room).

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt Resolution 2016-39. There were 7 ayes. Motion carried.**

Resolution 2016-40 – A Resolution Authorizing the Sale of 400 Jubilee Street in the Borough of Emmaus (Police Station).

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-40. There were 7 ayes. Motion carried.**

Resolution 2016-41 – A Resolution Authorizing the Sale of 100 North Sixth Street in the Borough of Emmaus (Fire Station).

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**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-41. There were 7 ayes. Motion carried.**

Mr. Barrett explained that the buildings will not be sold at one time and that the selling of the properties is part of a long term plan.

The next Committee Meeting is Wednesday, September 28, 2016 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2016-43, authorizing payment of the September 19, 2016 Bill List, as follows:

Bill List	\$	159,867.03
Payroll #19	\$	139,209.25
Payroll Taxes	\$	<u>49,132.61</u>
Total	\$	<u>348,208.89</u>

Done this 19<sup>th</sup> day of September 2016.

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

**Motion by Mrs. Gilbert, seconded by Mr. Shubzda to approve and fund the 2017 Minimum Municipal Obligation for the Emmaus Police Pension Plan in the amount of \$393,274.00 and the Emmaus Employees' Pension Plan in the amount of \$473,193.00. There were 7 ayes. Motion carried.**

Mr. Pepe explained that the Police Pension Plan will increase by approximately \$57,000 and the Employee Pension Plan will increase by approximately \$18,000. He explained that the increase is not as much as anticipated.

The next Committee Meeting is September 22, 2016 at 3:15 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain reported that the Committee met on September 8, 2016 and he entertained questions about the Committee minutes.

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Mr. DeFrain invited everyone to attend the Emmaus Historical Society's Ice Cream Social event to be held on Saturday, September 24, 2016.

The next Committee Meeting is October 8, 2016 at 4:00 p.m.

Progress.

### PERSONAL APPEALS, PART II

There were no Personal Appeals.

Solicitor Dimmich stated that he researched a previous municipality case and that there is a Pennsylvania Rule of Appellant Procedure 1736, when a municipality is listed as a Defendant. He stated that there is an automatic Stay all the way to the Supreme Court and the Borough does not need to take any action to execute the Stay.

### BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of September, 2016 are in the Ipad and entertained questions about them.

**Motion by Mr. Barrett, seconded by Mr. DeFrain to hire David Faust as a part-time Police Officer at an hourly rate of \$20.16. There were 7 ayes. Motion carried.**

Mr. Pepe stated that former Chief David Faust will be hired as a part-time Police Officer to work EHS sporting events and if necessary an occasional shift. He explained that there would be no additional cost to the Borough because the Borough gets reimbursed by the school district for officers working sporting events. Mr. Pepe stated that Mr. Faust will need to be re-sworn in by Mayor Iobst and that Mr. Faust's hiring may be contingent upon necessary background checks.

Mr. Anders asked for a status on the progress with the new Borough Hall Complex. Mr. Pepe responded that Codemaster has completed its plan review and demolition at the new building will begin in October.

Progress.

### PRESIDENT'S BUSINESS

Mr. Labenberg asked if action is needed for the Merrie Halloween Event. The event will be held on Saturday, October 1, 2016. Mr. Pepe responded that it is an annual event and will be referred to staff.

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ADJOURNMENT

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to adjourn the September 19, 2016 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 7:50 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 24, 2016