

October 02, 2017

**Emmaus Borough Council
Agenda
October 02, 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 18, 2017
7. Decisions on Bids
 - 7.a. Public Works Facility Pole Building
8. Communications
 - 8.a. Janet Rader-Burton, 304 Main Street - Letter of Resignation from the Emmaus Arts Commission (term expires 2/7/2019).
 - 8.b. Althea Sell, 632 Spruce Street - Letter of Resignation from the Board of Health (term expires 1/1/2019).
 - 8.c. Tara Santoro, 302 Windsor Place, Macungie – Request Appointment to the Emmaus Arts Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

October 02, 2017

- 11.a. 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 9/05/2017) (2nd Reading 10/02/2017).
12. New Business
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. 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) (2nd Reading 10/16/2017).
14. Items Not on Agenda
Subject to Rule 9
15. Mayor's Report
 - 15.a. Proclamation 2017-428: Fire Prevention Week
16. Committee Reports
 - Public Works/(Highway, Water & Sewer) (Brown, Anders, DeFrain)
Next Meeting – October 9, 2017 at 3:00 p.m.
 - Health, Sanitation, and Codes (Shubzda, DeFrain, Brown)
Next Meeting – October 19, 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.
 - New Police Officers to Full Time Status
 - General Administration (Barrett, Labenberg, Gilbert)
Next Meeting – October 12, 2017 at 9:00 a.m.

October 02, 2017

Police Contract

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – October 16, 2017 at 6:45 p.m.

Resolution 2017-29: Bill List

Committee Meeting Notes - September 18, 2017

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

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

Appoint Brittney Stephens to the Emmaus Arts Commission (term expires 2/7/2019)

17. Boards and Commissions

17.a. Emmaus Public Library Meeting Minutes - August 15, 2017

17.b. Recreation and Entertainment Commission Meeting Minutes - August 22, 2017

17.c. Zoning Hearing Board Meeting Minutes - September 28, 2017

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for September, 2017

20. President's Business

20.a. Executive Session - Contract Negotiations

21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on October 2, 2017 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
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 – None.

COMMUNITY MINUTE

Mr. Anders reminded everyone that the next E-Waste recycling will take place on Monday, October 9, 2017 from Noon to 6:00 p.m. He also reminded everyone that Zumba will continue on Saturday mornings at 9:00 a.m., but will be held at Faith Presbyterian Church. Mr. Anders stated that the Friends of the 1803 House will host its Very Merrie Halloween on Saturday, October 7, 2017 and invited everyone to attend. Mr. Barrett reminded everyone that the Halloween in Emmaus 5K will be held on Saturday, October 21, 2017 at 7:00 p.m., prior to the Emmaus Halloween Parade. He stated that there are 312 runners registered. Mr. Shubzda stated that the Emmaus Arts Commission will host the kick-off to its 13th Annual Film Festival on October 10, 2017 at 6:00 p.m. The event will be held at the Emmaus High School. Mr. Anders thanked the Boy Scouts that were in attendance at tonight's Council Meeting.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt the September 18, 2017 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.

EMMAUS BOROUGH COUNCIL

DECISION ON BIDS

Mr. Pepe stated that three bids were received for the Public Works pole building. Bids were received from Dutchman Contracting from Denver, PA, Pioneer Pole Buildings from Schuylkill Haven, PA, and D&M Construction Unlimited from Clarks Summit, PA. Staff recommends hiring Dutchman Contracting for the construction of the pole building.

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to hire Dutchman Contracting for the construction of the Public Works pole building in the amount of \$120,886.00, including the building, downspouts and chain hoists. There were 7 ayes. Motion carried.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to hire John Zgura as a concrete consultant in the amount of \$13,000.00. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

Mr. Labenberg stated that he will be voting against the motion for budgetary reasons and stated that he does not believe that the funds for the project should be taken from the Contingency Fund. Mr. Brown stated that he will be voting for the motion because he believes it is very important to complete the project quickly so that the Public Works equipment can be stored properly. Mr. Anders stated that he will be voting for the motion because he believes it is very important to be able to work on the equipment properly.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to approve the total Public Works pole building project in the amount of \$153,173.00, with \$100,000.00 being funded by the Public Works Building Line Item, \$30,000.00 being funded by the Public Works Lift Line Item and \$20,173.00 being funded by the Contingency Line Item. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

COMMUNICATIONS

a. Janet Rader-Burton, 304 Main Street – Letter of Resignation from the Emmaus Arts Commission (term expires 2/7/2019). Mr. Labenberg directed Mr. Pepe to mail Mrs. Rader-Burton a letter of thanks for her service.

b. Althea Sell, 632 Spruce Street – Letter of Resignation from the Board of Health (term expires 1/1/2019). Mr. Labenberg directed Mr. Pepe to mail Mrs. Sell a letter of thanks for her service.

c. Tara Santoro, 302 Windsor Place, Macungie, PA - Request Appointment to the Emmaus Arts Commission. Referred to the Community Relations, Planning and Development Committee.

d. Carl Coleman, Allentown, PA – voiced concerns about Turkey Hill and the parking in the nearby vicinity. Referred to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT – None.

EMMAUS BOROUGH COUNCIL

SOLICITOR'S REPORT

Solicitor Dimmich reported that the PA Supreme Court refused to hear the Fireman's case. He stated that he has drafted a one-page memorandum with several options. He encouraged Council to read the memorandum, but to keep the information confidential. He reported that the Schmidt grievance is proceeding. He reported that he is currently working on the parking lot lease for 10 E. Minor Street and believes that the lease will be completed by the end of the week. He stated that under an oral agreement, permission has been granted to park vehicles on the parking lot.

Progress.

UNFINISHED BUSINESS, PART I

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 9/05/17) (2nd Reading 10/02/2017).

Motion by Mr. Anders, seconded by Mr. Brown to adopt 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 on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mr. DeFrain, aye; Mrs. Gilbert, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that Ordinance No. 1158 and 1163 will have their 2nd Readings at the October 16, 2017 Council Meeting.

Mr. Pepe stated that Ordinance No. 1158 will require a Public Hearing prior to the Council Meeting. He stated that he anticipates that there will be public feedback at the hearing. He stated that there are concerns about increased traffic. Mr. Pepe explained that Council will only be voting on the lot line adjustment, but does have the option to send a representative of the Borough to the Zoning Hearing Board to voice opposition to building more than a single-family dwelling on the tract of land if Council desires.

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

EMMAUS BOROUGH COUNCIL

MAYOR'S REPORT

Mayor Jobst read Proclamation 2017-428, proclaiming October 8-14 as Fire Prevention Week throughout the Borough and urged all the people of Emmaus to develop a home fire escape plan with all members of the household and practice it twice per year, and to participate in the many public safety activities and efforts of the Borough's fire and emergency services during Fire Prevention Week 2017.

Progress.

COMMITTEE REPORTSa. Public Works Committee

Mr. Brown reported that the next Committee meeting is October 9, 2017 at 3:00 p.m.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee meeting is October 19, 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 Tuesday, October 3, 2017 will be the one-year anniversary for Officers Marrero, Sayres and Miller. She stated that Chief Palmer recommends them for full-time status with the Emmaus Police Department. Officer Magee, who was hired at the same time, is actively serving in the military with the US Army Reserves and will not return until at least September, 2018, at which time his probationary status will be in effect for approximately another 60 days. Mrs. Gilbert congratulated the Officers and stated that they are all doing very well. Mr. Labenberg also congratulated the Officers.

e. General Administration Committee

Mr. Pepe stated that the negotiations with the Police Officers' Association went very well. He stated that the pay raises are higher than anticipated, but over time, the contract will save the Borough over 2 million dollars per year. He stated that the contract is for 5 years. He believes that this is the most favorable long-term contract that the Borough has negotiated

EMMAUS BOROUGH COUNCIL

with the Police Officers’ Association. Mr. Labenberg stated that he believes that the contract is very fair, but he wanted to clarify that “long-term” may be 15 to 20 years down the road. Mr. Barrett stated that there were substantial changes to this contract and it will contribute to the long-term fiscal health of the Borough.

Motion by Mr. Barrett, seconded by Mr. Anders to authorize Mr. Pepe and Mr. Labenberg to sign the Collective Bargaining Agreement between the Borough of Emmaus and the Emmaus Police Officers’ Association. There were 7 ayes. Motion carried.

The next Committee Meeting is Wednesday, October 12, 2017 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2017-29, authorizing payment of the October 2, 2017 Bill List, as follows:

Bill List	\$	418,174.45
Payroll #20	\$	127,175.65
Payroll Taxes	\$	<u>44,396.87</u>
Total	\$	589,746.97

Done this 2nd day of October 2017.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to adopt Resolution 2017-29. There were 7 ayes. Motion carried.

The next Committee Meeting is October 16, 2017 at 6:45 p.m.

Mr. Labenberg questioned the Business Privilege Tax on the Bill List. Mr. Pepe responded that he emailed Mr. Gouldy over the weekend and is awaiting his response as to why the amount collected for the Business Privilege Tax is much lower than usual.

Progress.

g. Community Relations, Planning and Development Committee

Motion by Mr. DeFrain, seconded by Mr. Shubzda to appoint Brittney Stephens to the Emmaus Arts Commission to a term expiring 2/7/2019. There were 7 ayes. Motion carried.

Mr. DeFrain reported that the next Committee Meeting is Thursday, October 12, 2017 at 4:00 p.m.

EMMAUS BOROUGH COUNCIL

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the month of September, 2017 are in the iPads and entertained questions about them.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg recessed the meeting at 7:30 p.m. for an Executive Session to discuss contract negotiations.

Mr. Labenberg reconvened the meeting at 8:40 p.m.

Progress.

ADJOURNMENT

Motion by Mr. DeFrain, seconded by Mr. Barrett to adjourn the October 2, 2017 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:41 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
October 4, 2017