

October 5, 2015

EMMAUS BOROUGH COUNCIL  
Emmaus Borough Council  
Agenda  
October 5, 2015, 7:00 p.m.

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

Emmaus Ambulance – Prepared for Pediatrics – State Recognition

6. Reading of Minutes

September 21, 2015

7. Decisions on Bids

8. Communications

a. Brian Hart, Emmaus Ambulance Corp – Letter of Resignation as Paramedic.

9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

**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 N. 5th Street and in Front of 22 N. 5<sup>th</sup> Street on Sundays Only Within the Borough of Emmaus (1<sup>st</sup> Reading 9/8/15)(2<sup>nd</sup> Reading 10/5/15).**

12. New Business

13. Unfinished Business, Part II

14. Items Not on Agenda, Subject to Rule 9

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15. Mayor's Report

**Proclamation 2015 – 389: Trick or Treat Night**  
**Proclamation 2015 – 390: Fire Prevention Week**

16. Committee Reports

**Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Holtzhafer)**

Next Meeting – November 5, 2015 at 3:30 p.m.

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

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

Next Meeting – October 15, 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

**Public Safety (Gilbert, Barrett, Brown)**

Next Meeting – November 4, 2015 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Yield to Pedestrian Signs on Chestnut Street
- c. 25mph Signs on Chestnut Street
- d. **Hire Director of Emergency Services**

**General Administration (Barrett, Gilbert, Labenberg)**

Next Meeting – October 14, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Record Retention
- c. Architecture and Engineer RFQ
- d. **Lease with East Penn Neighbors Helping Neighbors**
- e. Vehicle Use Policy

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**Budget and Finance** (Holtzhafer, Shubzda, Gilbert)

Next Meeting – October 19, 2015 at 6:45 p.m.

- a. Capital Plan
- b. **Resolution 2015-24 – 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. Borough Manager's Report

- a. Significant Revenue and Expense Items for September, 2015

19. President's Business

Executive Session – Personnel Matter

20. Adjournment

Next Resolution: 2015-25

Next Ordinance: #1132

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The Emmaus Borough Council met in regular session on October 5, 2015 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

**CALL TO ORDER**

Mrs. Gilbert called the meeting to order at 7:00 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Present
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  
Shane Pepe, Borough Manager

Present  
Present

PERSONAL APPEALS

**A. Anthony Groller, 1302 S. 10<sup>th</sup> Street** – voiced concern about the condition of various Borough roads. He stated that Elm & Keystone Avenue is ready to fall apart. He also stated that 10<sup>th</sup> Street, beginning at Broad Street has sunk approximately 1”. He stated that at 10<sup>th</sup> & Railroad it looks like the street is moving from the railroad. He also stated that 10<sup>th</sup> Street is covered in debris and believes it is a safety issue.

**B. Sam Augustine, Director of Sales, J.P. Mascaro & Sons, Inc.** – stated that he met with Mr. Shubzda, Mr. Anders and Mr. Pepe to discuss issues with refuse and recycling pick-up. He stated that J.P. Mascaro has had the Borough contract since January, 2015. He stated that J.P. Mascaro is a \$200 million dollar company, is a 5A-1 rated company and services several communities in the Lehigh Valley. He stated that most communities are very satisfied with their service and the Borough of Emmaus is the only community that has fined the company. He stated that he has been with J.P. Mascaro and Sons, Inc., for 33 years and believes he is an expert in waste removal. He stated that the residents of the Borough of Emmaus need to be happy with the services provided by J.P. Mascaro. He stated that he in a letter that he drafted to Council he detailed the number of collections within the Borough, the number of problems with collections and detailed the percentages of those problems. He stated that he knows there are issues, but he believes that J.P. Mascaro has very responsible individuals that are answering and handling the complaints that are received by the Borough. He stated that the fine section in the contract stipulates clearly that the Borough Manager is responsible for levying fines against the hauler. He stated that J.P. Mascaro has saved the Borough a lot of money and there needs to be a “spirit of cooperation” between the Borough and the trash hauler. He stated that the hauler was fined on two separate occasions. He also stated that he met with two individuals on the Health, Sanitation & Codes Committee addressing the issues and was told that there would be a cure time to resolve the issues. He stated that he does not believe the fines imposed are valid and would like to move forward in a positive manner with the Borough of Emmaus. Mr. Augustine entertained questions from Council. Mr. Pepe responded that the Borough still has many issues with refuse and recycling Collection. He also stated that the previous fine that was imposed was rescinded. Mr. Pepe stated that we are receiving complaints from the residents about missing refuse and recycling collections and trash collection occurring after 3:00 p.m. Mr. Augustine responded that he has called Mr. Pepe several times and has not received return phone calls. Mr. Pepe responded that he speaks with the Director of Operations. Mr. Barrett stated that he sent an email to Mr. Augustine because his trash and recycling was not picked up and this had occurred three times in a row. He also said that he has seen J.P. Mascaro employees take recycling out of recycling bins and throw the recycling in the garbage truck. Mr. Barrett stated that the residents just want their refuse and recycling picked up. Mr. Augustine responded that he does not appreciate getting fines. Mr. Labenberg stated that he believes Mr. Augustine is not professional and neither are the refuse collectors. He stated that the trash collectors are placing cans in the street instead of placing the cans on the curbs. Mr. Labenberg stated that he has taken several pictures of issues that have occurred. He stated that he does thank the refuse collectors when he sees them doing something proper. He stated that he believes Mr. Augustine should get out on the streets and observe the collection process. Mr. Anders stated that he believes the fines were previously discussed, were resolved and does not understand

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why Mr. Augustine has brought the subject of the fines before Council. Mr. Augustine stated that J.P. Mascaro received a fine one week after the meeting that he attended with the Health, Sanitation & Codes Committee. He stated that going forward, the refuse and recycling will be picked up properly. Mr. Brown stated that he voted against J.P. Mascaro receiving the contract and encouraged Mr. Augustine to correct the issues going forward. Mr. Labenberg stated that he and Mr. Anders supported J.P. Mascaro winning the contract but now questions his decision. Mr. Pepe stated that every time he calls Mr. Caras he has responded and thanked him for responding and taking care of the problems. Mr. Augustine thanked Council and stated that he hopes going forward the Borough and J.P. Mascaro can work together.

**C. Samuel Seem, 654 Ridge Street** – stated that he is frustrated with the service provided by J.P. Mascaro. He stated that he has witnessed the trash collectors throwing trash cans across the street. He stated that his recycling has not been picked up repeatedly and he is frustrated and annoyed.

**D. Chris Caras, General Manager, J.P. Mascaro** – encouraged Council to personally contact him with issues. He stated that going forward, he wants his company to provide the best possible service. He stated that he takes great pride in the operation of the company. Mr. Holtzhafer and Mrs. Gilbert thanked Mr. Caras for his appeal.

**E. Andy Frobese, 121 Jefferson Street** – voiced concern about Meadow Pools and stated that the grape vines are encroaching on the trees and the power lines located on his property.

### COMMUNITY MINUTE

Mr. Anders welcomed St. John's UCC Troop # 25 Boy Scouts and thanked them for attending the meeting.

### SPECIAL PRESENTATIONS

Ms. Jackson, American Heart & Stroke Association, presented the Emmaus Ambulance Corps with the 2015 Mission Lifeline EMS Bronze Performance Achievement Award. She stated that the Borough of Emmaus Ambulance Corps is 1 out of 62 in the state of Pennsylvania and 1 out of 482 in the United States receiving the award.

### READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. Anders to dispense with the formal reading of the September 21, 2015 Council Meeting. There were 7 ayes. Motion carried.**

**Motion by Mr. Anders, seconded by Mr. Brown to adopt the September 21, 2015 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

### COMMUNICATIONS

- a. Brian Hart, Emmaus Ambulance Corps – Letter of Resignation as Paramedic.

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**Motion by Mr. Brown, seconded by Mr. Barrett to accept Mr. Hart's Letter of Resignation as a Paramedic for the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Pepe to send Mr. Hart a letter of thanks for his time served.

b. Carrie Troutman, CEBS Consultant, Mockenhaupt Benefits Group – Revision to the 2016 Minimum Municipal Obligation. Referred to the Budget & Finance Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Solicitor Dimmich reported that the 151 E. Minor Street lease has been completed with changes. Mr. Anders asked for an update on the sale of the S. 2<sup>nd</sup> Street property. Mr. Pepe responded that he needs to discuss the item with Attorney Dinkelacker.

Progress.

UNFINISHED BUSINESS, PART I

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 N. 5<sup>th</sup> Street and in Front of 22 N. 5<sup>th</sup> Street on Sundays Only Within the Borough of Emmaus (1<sup>st</sup> Reading 9/8/15) (2<sup>nd</sup> Reading 10/5/15).

**Motion by Mr. Brown, seconded by Mr. Anders to read Ordinance No. 1131 in short title. There were 7 ayes. Motion carried.**

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

**Motion by Mr. Barrett, seconded by Mr. Shubzda 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 N. 5<sup>th</sup> Street and in Front of 22 N. 5<sup>th</sup> Street on Sundays Only Within the Borough of Emmaus on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mr. Holtzhafer, aye; Mr. Labenberg, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

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### MAYOR'S REPORT

Mayor Iobst read Proclamation 2015-390, declaring October 4-10 as Fire Prevention Week within the Borough of Emmaus and urged all the people of Emmaus to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement and to support the many public safety activities and efforts of Emmaus fire and emergency services during Fire Prevention Week 2015.

Mayor Iobst read Proclamation 2015-389, declaring Thursday, October 29, 2015 as 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.

### COMMITTEE REPORTS

a. Public Works Committee

Progress.

The next Committee Meeting is Thursday, November 5, 2015 at 3:30 p.m.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda discussed refuse issues and apologized for any miscommunications that have occurred. Mr. Labenberg stated that the issues he discussed with Mr. Augustine at tonight's meeting happened after the last Health, Sanitation, and Codes Committee meeting. Mr. Pepe and Mr. Shubzda stated that Mrs. Wessner does an excellent job communicating with J.P. Mascaro concerning refuse and recycling issues.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the meeting scheduled for October 6, 2015 has been cancelled. The next meeting is scheduled for November 3, 2015 at 4:00 p.m. Mr. Shubzda stated the Furnace Dam playground was vandalized over the weekend and a very large branch recently fell off of a tree at Furnace Dam. He questioned if there should be an inspection program set up to identify possible safety issues with the trees at Borough parks. Mr. Pepe responded that a survey has been completed at all of the parks, the problems have been identified and some of the branches are very large and will need to be cut by an outside company. Mr. Pepe stated that the removal will need to be budgeted for in 2016.

Progress.

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d. Public Safety Committee

Mrs. Gilbert reported that the Committee recommends hiring David Nelson, Myrtle Beach, South Carolina as the Director of Emergency Services at a salary of \$71,000 with a start date of October 26, 2015 conditional upon his FBI fingerprint check coming back clean.

**Motion by Mr. Brown, seconded by Mr. Barrett to hire David Nelson as Director of Emergency Services at a salary of \$71,000, with a start date of October 26, 2015, conditional upon his FBI fingerprint check coming back clean. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that the final four applicants were all very qualified for the position and the choice was difficult. Mr. Pepe stated that there were 50 applicants located all over the United States. He stated that it was very challenging to narrow the applicants to the final four. Mr. Brown stated that he is excited for the progression that the Borough is taking with management and the vision of the Borough for the upcoming years. Mr. Anders thanked the Ambulance Corps for their hard work and the progress that they have made.

Mrs. Gilbert thanked Ray Stackhouse for his help during the process of hiring the Director of Emergency Services.

The next Committee Meeting is October 7, 2015 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee will meet on Wednesday, October 14, 2015 at 9:00 a.m. Mr. Barrett reported that the Lease Agreement between the East Penn Neighbors

Helping Neighbors has been completed and asked Solicitor Dimmich to explain the Agreement. Solicitor Dimmich stated that the Lease Agreement is for two years. The rent charged will be \$1,000.00 per month with a \$1,000.00 security deposit paid upon signing the Lease. Solicitor Dimmich stated that the Lease Agreement is ready for approval at tonight's meeting.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to approve the two year Lease Agreement between the Borough of Emmaus, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049 and the East Penn Neighbors Helping Neighbors, 418 Elm Street, Emmaus, PA 18049 for the property located at 151 E. Minor Street, Emmaus, PA 18049. There were 7 ayes. Motion carried. There were 7 ayes. Motion carried.**

Mr. Labenberg thanked the Public Works Department for cleaning up the property.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2015-24 authorizing payment of the October 5, 2015 Bill List, as follows:



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<b>Bill List</b>	<b>\$</b>	<b>181,709.13</b>
<b>Payroll #20</b>	<b>\$</b>	<b>118,350.46</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>40,509.61</u></b>
<b>Total</b>	<b>\$</b>	<b>340,569.20</b>

Done this 5<sup>th</sup> day of October 2015.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the October 5, 2015 Bill List. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

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 stated that the Borough received \$1,300.00 from the PA Council of the Arts Grant and that Paulette Labenberg will attend the grant award ceremony with him. Mr. Pepe also stated that the Borough received a grant in the amount of \$500.00 from Susquehanna Municipal Trust to purchase safety equipment for the Public Works Department. Mr. Pepe stated that the Borough was awarded the 2<sup>nd</sup> place 2014 Safety Award for Risk Management from Susquehanna Municipal Trust. The Borough scored 122 points out of a possible score of 125 points. He thanked all of the departments for working very hard to reduce injury costs and workers' compensation costs.

Mr. Pepe reported that the Significant Revenue and Expense Items for September, 2015 are in the Council binders and offered to entertain questions about them. Mr. Labenberg thanked Mr. Pepe for his hard work and leadership of the Safety Committee. Mr. Pepe thanked Council for supporting the Committee. Mr. Barrett thanked Mr. Pepe and the employees for making a conscious effort to have a safe work environment.

Mr. Pepe stated that the 2016 Budget binders will be completed by the next Council Meeting to be held on October 19, 2015.

Mayor Iobst stated that the Emmaus Theater has undergone many renovations on the inside and outside and commented on how nice the theater looks.

Mr. Pepe stated that the property on S. Cherry Street is scheduled for demolition on Monday, October 19, 2015. He stated that the house is filled with asbestos and it will take approximately one week to complete the demolition.

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PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 8:11 p.m. for an Executive Session to discuss a personnel matter with no official action anticipated.

Mrs. Gilbert reconvened at 9:40 p.m. with no official action taken.

**Motion by Mr. Anders, seconded by Mr. Barrett to adjourn. There were 7 ayes.  
Motion carried.**

The October 5, 2015 Meeting of the Emmaus Borough Council adjourned at 9:41 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
October 9, 2015