

October 19, 2015

EMMAUS BOROUGH COUNCIL
Emmaus Borough Council
Agenda
October 19, 2015, 7:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

October 5, 2015

7. Decisions on Bids
8. Communications
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

Ordinance No. 1132 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 348 Broad Street Within the Borough of Emmaus (1st Reading 10/19/15).

13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9
15. Mayor's Report

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16. Committee Reports

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

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

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

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

Next Meeting – November 19, 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 – November 3, 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. **Ordinance No. 1132 – Handicapped Parking (1st Reading)**
- e. **Promotion Request**
- f. **Police Hiring Process**
- g. **Hire Part Time EMT**

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – October 28, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Record Retention
- c. Architecture and Engineer RFQ
- d. Vehicle Use Policy
- e. **EPA Order Extension**
- f. **School Fee Waiver**

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Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – October 22, 2015 at 3:30 p.m.

- a. Capital Plan
- b. **Resolution 2015-25 – Bill List**

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

Next Meeting – November 10, 2015 at 4:15 p.m.

- a. Grant Progress
- b. Committee Structure
- c. Southwest Lehigh County Comprehensive Plan

17. Personal Appeals, Part II

18. Borough Manager’s Report

- a. Significant Revenue and Expense Items for First Half of October, 2015
- b. Remove Michael Hoffman – Planning Commission

19. President’s Business

Executive Session – Personnel Matter

20. Adjournment

Next Resolution: 2015-26

Next Ordinance: #1133

The Emmaus Borough Council met in regular session on October 19, 2015 in Borough Council Chambers, 28 S. 4th 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

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Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS

A. Matthew Spangenberg, 7143 St. Peters Road, Macungie, PA – stated that he owns 544 Broad Street, Emmaus. He stated that he purchased the property in March 2015 and has made significant upgrades to the property. He stated that he has upgraded the entire heating system, but that when he contacted UGI to request permission to open the street, he was told that he is unable to due to a 5-year moratorium on opening the street. He stated that he was unaware of the moratorium. He also stated that the Borough reconstructed Broad Street during April-July, 2011 and is requesting permission to open the street prior to the end of the 5-year moratorium. He stated that the moratorium would expire in approximately April, 2016. He also stated that the water is turned on at the property and he is concerned about the pipes freezing. Mrs. Gilbert referred the item to the General Administration Committee.

B. Anthony Groller, 1302 S. 10th Street, Emmaus, PA 18049 – voiced concern that the Borough held a picnic for its employees during work hours and believes that the picnic should have been held on a Saturday. He stated that the picnic was held from noon until 3:00 p.m. and the Borough paid for the worker's salaries and benefits during that time period. He stated that he does not understand why it was held during the week and that he believes the taxpayers paid for the picnic. Mr. Holtzhafer, Mr. Labenberg, and Mr. Pepe each voiced concerns about Mr. Groller's practice of constantly criticizing the Public Works employees and following them around throughout the community.

COMMUNITY MINUTE

Mrs. Gilbert welcomed St. Ann's Troop #80 Cub Scouts and thanked them for attending the meeting. Mr. Anders reminded everyone that Trick-or-Treat will be held on Thursday, October 29, 2015 from 6:00 p.m. to 8:00 p.m. Mr. Barrett thanked the Halloween Parade Committee for a great parade. He stated that there were 405 registered racers for the National Penn Halloween in Emmaus 5K race and that the race raised just under \$10,000. He thanked National Penn Bank for donating \$1,000 and the Emmaus Run Inn for donating \$420

in prizes and countless employee hours. He thanked Ron Glassic of National Penn Bank, Chris Schmidt from the Emmaus Run Inn, Dr. Breslin from OAA for his contribution and 187 Rue Principal for its contribution to the race. He stated that \$3,000 will be donated to the Parade Committee and \$1,600 to the Special Entertainment Commission. Mr. Labenberg thanked the Parade Committee and to Mr. Barrett for organizing the race. Mr. Shubzda stated that the Student Film Festival will show the films from the 28 finalists on Sunday, October 25 at the Emmaus Theater.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Brown to dispense with the formal reading of the October 5, 2015 Council Meeting. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Anders to adopt the October 5, 2015 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS – None.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS –

Ordinance No. 1132 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 348 Broad Street Within the Borough of Emmaus (1st Reading 10/19/15).

Motion by Mr. Shubzda, seconded by Mr. Barrett to read Ordinance No. 1132 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1132 in short title.

Motion by Mr. Anders, seconded by Mr. Brown to adopt Ordinance No. 1132 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 348 Broad Street Within the Borough of Emmaus on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Mr. Pepe stated that the 2nd Reading of Ordinance No. 1132 will be held at the November 16, 2015 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

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MAYOR'S REPORT

Mayor Iobst reported that the Halloween Parade was wonderful and thanked Mr. Barrett for organizing the 5K race.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is Thursday, November 5, 2015 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee Meeting is November 19, 2015 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the next Committee Meeting is scheduled for November 3, 2015 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on October 7, 2015 and there are several items for official action.

Motion by Mr. Brown, seconded by Mr. Barrett to begin the promotion request process to the Civil Service Commission for the Police Department Sergeants and Corporals. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to request the Civil Service Commission to begin the hiring process for the Emmaus Police Department. There were 7 ayes. Motion carried.

Mr. Pepe stated that the Commission is out of Act 120 applicants and is at the bottom of the current list. Mr. Pepe suggested that Council mandate that all candidates must have Act 120 certification for the next hiring process. He stated that it will greatly reduce the candidate list, but the hope is to hire a candidate and have them started on the street much quicker. Solicitor Dimmich suggested including candidates that are in the process of becoming Act 120 certified to be included during the hiring process. Mr. Pepe responded that this was discussed with the Commission.

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Motion by Mr. Anders, seconded by Mr. Brown to hire Kaitlyn Jones as a part-time EMT for the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Mr. Pepe stated that Ms. Jones is very qualified for the position and is currently working as an EMT for Suburban EMS and Easton EMS.

Mr. Brown stated that the speed study was completed on the 900 block of Chestnut Street and that there was an average of 9,000 cars per day traveling an average of 27.5 mph. Mrs. Gilbert stated that due to PennDot regulations, the pedestrian crossing signs have been removed at 6th & Chestnut Streets. The signs will be placed in a different location. Mrs. Gilbert asked for recommendations of additional locations for the placement of the signs.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee received a request for a permit fee waiver from the Emmaus High School for a school project.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus High School permit fee waiver request. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Borough has requested a 10-year extension on the Environmental Protection Agency Administrative Order for the Borough's I & I project. The request was denied and the Borough was given a 2-year extension. Mr. Labenberg asked if the Borough can then request another extension. Mr. Pepe answered affirmatively.

Motion by Mr. Barrett, seconded by Mr. Labenberg to accept the 2-year extension authorized by the Environmental Protection Agency for the Administrative Order for the Borough's I & I project. There were 7 ayes. Motion carried.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2015-25 authorizing payment of the October 19, 2015 Bill List, as follows:

Bill List	\$ 1,181,067.58
Payroll #21	\$ 140,243.78
Payroll Taxes	\$ <u>51,167.72</u>
Total	\$ 1,372,479.08

Done this 19th day of October 2015.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the October 19, 2015 Bill List. There were 7 ayes. Motion carried.

Progress.

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g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met on October 13, 2015 and discussed the Southwest Comprehensive Plan. He also reported that the Emmaus Main Street Partners' Economic Development Committee has received a GAP Analysis, which has been amended. It is designed to address business needs in the community as well as addressing vacant properties.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1st half of October, 2015 are in the Council binders and offered to entertain questions about them.

Mr. Pepe stated that the 2016 Budget binders are on Council's desks and that the first of six Budget workshops will be held on Tuesday, October 27, 2015 at 4:00 p.m. He stated that the Department Heads will attend the first meeting.

Mr. Pepe stated that the Borough has tried many times to communicate with Planning Commissioner Michael Hoffman because he has not attended a Planning Commission Meeting for several months. Mr. Pepe is requesting that he be removed from the Planning Commission. Solicitor Dimmich stated that if the Commission has staggered terms, a Notice of Charges letter must be sent to Mr. Hoffman requesting a hearing. Mrs. Gilbert asked how the Borough can request Mr. Hoffman attend a hearing when he does not respond to any communication. Solicitor Dimmich stated that from a legal standpoint a Notice of Charges letter should be mailed to Mr. Hoffman. Mr. Barrett stated that he will be voting against having Mr. Hoffman removed because there is adequate time to take proper action. Mr. Brown stated that when Mr. Hoffman does attend the meetings he contributes and is very knowledgeable. Mr. Pepe agreed that we should make sure we follow the laws of the PA Municipal Planning Code.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to remove Michael Hoffman from the Planning Commission. There were 3 ayes, 4 nays (Barrett, Anders, Shubzda, Gilbert). Motion denied.

Mrs. Gilbert directed Mr. Pepe to mail Mr. Hoffman a Notice of Charges letter and to hold a hearing at the November 2, 2015 Council Meeting.

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PRESIDENT'S BUSINESS

Mrs. Gilbert cancelled the Executive Session scheduled for tonight's meeting.

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

The October 19, 2015 Meeting of the Emmaus Borough Council adjourned at 7:47 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
October 26, 2015