

November 06, 2017

**Emmaus Borough Council
Agenda
November 06, 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. Public Hearing Minutes - October 16, 2017
Council Meeting Minutes - October 16, 2017
7. Decisions on Bids
 - 7.a. Bid Results - Street Crack Sealing and Bituminous Seal Coating
8. Communications
 - 8.a. Joseph Fritz, 341 Barrett Rd. - Request appointment to the Emmaus Arts Commission.
 - 8.b. Leon Whitesell III - Letter of resignation from the Public Works Department.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1164 - 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 656 Ridge Street Within the Borough of Emmaus (1st Reading 10/16/2017) (2nd Reading 11/06/2017).

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12. New Business

12.a. Ordinance No. 1165 - An Ordinance Establishing a Deferred Retirement Option Plan for the Emmaus Police Department in Accordance with the Provisions of Pennsylvania Act 44 of September 18, 2009, P.L. 396 No. 44, 53 P.S. § 895 - (1st Reading 11/06/2017).

12.b. Ordinance No. 1166 - An Ordinance Amending Chapter 15, Section 214, Establishing a Stop Sign at the Intersection of South Sixth (6th) Street and Bank Street on Bank Street (1st Reading 11/06/2017).

12.c. Ordinance No. 1167 - An Ordinance Amending Chapter 15 §404(a) of the Codified Ordinances, Eliminating Parking on Portions of South Sixth (6th) Street (1st Reading 11/06/2017).

13. Unfinished Business, Part II

14. Items Not on Agenda
Subject to Rule 9

15. Mayor's Report

16. Committee Reports

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

Next Meeting – November 13, 2017 at 3:00 p.m.

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

Next Meeting – November 16, 2017 at 4:15 p.m.

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – November 7, 2017 at 4:00 p.m.

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – December 6, 2017 at 3:00 p.m.

Ordinance No. 1164 - 2nd Reading

Ordinance No. 1166 - 1st Reading

Ordinance No. 1167 - 1st Reading

Hire David Dunn - Part-Time Paramedic

Appoint Logan Schwartz - EMT Volunteer

Committee Meeting Notes - November 1, 2017

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General Administration (Barrett, Labenberg, Gilbert)

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

Ordinance No. 1165 - 1st Reading

Comprehensive Plan Intergovernmental Agreement

Committee Meeting Notes - October 31, 2017

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – November 20, 2017 at 6:45 p.m.

Resolution 2017-31: Bill List

Committee Meeting Notes - October 16, 2017

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

Next Meeting – November 9, 2017 at 4:00 p.m.

Appoint Joseph Fritz to the Emmaus Arts Commission - term expires 10/16/2020

Appoint Tara Santoro to the Emmaus Arts Commission - term expires 10/16/2020

17. Boards and Commissions

17.a. Budget Performance Report

17.b. Recreation and Entertainment Commission Meeting Minutes - September 26, 2017

17.c. Shelter House Society Board Meeting Minutes - October 15, 2017

17.d. Emmaus Main Street Partners Meeting Minutes - August 16 & September 13, 2017

18. Personal Appeals, Part II

19. Borough Manager's Report

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

19.b. Cave Brewing Company LLC - Conditional Use Hearing - December 4, 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 November 6, 2017 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Barrett called the Meeting to order at 7:00 p.m.

Brent Labenberg, President	Present - Arrived at 7:58 p.m.
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. Jessi O’Donald, 1312 Pennsylvania Avenue – stated that after the Council Meeting held on October 16, 2017, she sent a letter to Council with several options for the proposed town house project located behind Arch Street. She asked Council if there were any responses to her letter. She asked if the Borough has videoed the pipe located on Pennsylvania Avenue and if any issues were found, when will the issues be corrected. Mr. Pepe responded that it has not been videoed because the work will be included in the proposed 2018 Budget. She asked when W2B2 will be appearing before the Zoning Hearing Board. Mr. Pepe responded that he believes their appeal is to be heard in December, but suggested she contact Mr. Farnsworth for the exact date. She asked if W2B2 has made a submission to the Planning Commission, to which Mr. Pepe responded negatively.

B. Jon Harada, 224 S. 12th Street – stated that at the last Council Meeting, there was discussion about Tilghman Street cutting across to 12th Street. He stated that there is not a street there, it is private property. He also stated that there was a discussion about extending Arch Street. He stated that in the 1970’s, the Borough abandoned that property and it was deeded over to four neighbors. He voiced concerns about stormwater run-off from 12th Street to Pennsylvania Avenue. He stated that the intersection of 12th Street and Pennsylvania Avenue gets flooded and it is very difficult to keep the storm drain clear. He stated that there is a bus stop located on Pennsylvania Avenue for at least 30 kids and believes that it is a safety issue.

COMMUNITY MINUTE

Mr. DeFrain thanked the Halloween Parade Committee for its help with the Parade and the Emmaus Rotary Club for providing many volunteers to help with the Parade. Mr.

EMMAUS BOROUGH COUNCIL

Shubzda thanked the Emmaus Arts Commission for hosting the 13th Annual Film Festival at the Emmaus Theater. Mr. Barrett stated that there was a record number of 459 registrants for the Emmaus 5K race which was held prior to the Halloween Parade. He stated that the money raised will be donated to the Parade, the Recreation and Entertainment Commission and the Flag Day Association.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Shubzda, seconded by Mr. DeFrain to adopt the October 16, 2017 Public Hearing Minutes as drafted. There were 6 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt the October 16, 2017 Council Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe announced that two bids were received for the Bituminous Sealcoating and Crack Sealing bid. Bids were received from Asphalt Maintenance Solutions, LLC in the amount of \$39,075 and Midland Asphalt Materials in the amount of \$52,500 for Crack Sealing. A bid was received from Asphalt Maintenance Solutions, LLC in the amount of \$69,400 for Bituminous Sealcoating. Staff recommends awarding the 2018-2021 Bituminous Seal Coating and Crack Sealing Bid to Asphalt Maintenance Solutions, LLC in the amount of \$108,475, for the time period of January 1 2018 through December 31, 2021.

Motion by Mr. Brown, seconded by Mrs. Gilbert to award the 2018-2021 Bituminous Sealcoating bid in the amount of \$69,400 and Crack Sealing bid in the amount of \$39,075 to Asphalt Maintenance Solutions, LLC. There were 6 ayes. Motion carried.

COMMUNICATIONS

a. Joseph Fritz, 341 Barrett Rd. – Request appointment to the Emmaus Arts Commission. Mr. DeFrain stated that the item was discussed and voted on during the Community Relations, Planning and Development Committee meeting, which was held prior to tonight's Council Meeting.

b. Leon Whitesell III – Letter of resignation from the Public Works Department. Mr. Barrett reported that Mr. Whitesell's resignation will be effective December 31, 2017. He thanked Mr. Whitesell for his service to the Borough for over 40 years.

c. Roy Anders – Letter of resignation from the Recreation & Entertainment Commission.

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BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1164 – 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 656 Ridge Street Within the Borough of Emmaus (1st Reading 10/16/2017) (2nd Reading 11/06/2017).

Motion by Mr. Anders, seconded by Mr. Brown to adopt Ordinance No. 1164 - 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 656 Ridge Street Within the Borough of Emmaus on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye. There were 6 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1165 – An Ordinance Establishing a Deferred Retirement Option Plan for the Emmaus Police Department in Accordance with the Provisions of Pennsylvania Act 44 of September 18, 2009, P.L. 396 No. 44, 53 P.S. § 895 (1st Reading 11/06/17).

Motion by Mr. Shubzda, seconded by Mr. Brown to adopt Ordinance No. 1165 – An Ordinance Establishing a Deferred Retirement Option Plan for the Emmaus Police Department in Accordance with the Provisions of Pennsylvania Act 44 of September 18, 2009, P.L. 396 No. 44, 53 P.S. § 895 on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye. There were 6 ayes. Motion carried.

Mr. Pepe stated that the 2nd Reading of Ordinance No. 1165 will be held at the December 4, 2017 Council Meeting.

Ordinance No. 1166 – An Ordinance Amending Chapter 15, Section 214, Establishing a Stop Sign at the Intersection of South Sixth (6th) Street and Bank Street on Bank Street (1st Reading 11/06/2017).

Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Ordinance No. 1166 – An Ordinance Amending Chapter 15, Section 214, Establishing a Stop Sign at the Intersection of South Sixth (6th) Street and Bank Street on Bank Street on its 1st

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Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye. There were 6 ayes. Motion carried.

Ordinance No. 1167 – An Ordinance Amending Chapter 15 §404(a) of the Codified Ordinances, Eliminating Parking on Portions of South Sixth (6th) Street (1st Reading 11/06/2017).

Motion by Mrs. Gilbert, seconded by Mr. Brown to adopt Ordinance No. 1167 – An Ordinance Amending Chapter 15 §404(a) of the Codified Ordinances, Eliminating Parking on Portions of South Sixth (6th) Street on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye. There were 6 ayes. Motion carried.

Mr. Pepe stated that this Ordinance deals with a line of sight issue with pulling out of Turkey Hill. He stated that this would eliminate two parking spots on S. 6th Street at Turkey Hill.

Mr. Pepe stated that the 2nd Reading for Ordinance No. 1166 and 1167 will be held at the December 4, 2017 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the next Committee meeting is Monday, November 13, 2017 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee Meeting is November 16, 2017 at 4:15 p.m.

Progress.

c. Parks and Recreation Committee

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Mr. Anders reported that the next Committee Meeting is Tuesday, November 7, 2017 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that David Dunn was hired as a part-time EMT with the Emmaus Ambulance Corps. She also reported that Logan Schwartz was appointed as an EMT volunteer with the Emmaus Ambulance Corps.

Mrs. Gilbert reported that she received a memorandum from District Attorney James Martin stating that 689.5 lbs. of medication was collected during the 14th National Take Back Day which was held on September 28, 2017. She stated that 86.5 lbs of medication was collected at the Emmaus Police Station.

Mr. Anders reminded everyone that S. 10th Street is closed while the 10th Street Culvert project is underway. Mr. Pepe stated that there is an issue with the timing of the traffic signal at 10th Street and Chestnut Street. He stated that both Telco and PennDot have been informed.

Progress.

e. General Administration Committee

Mr. Barrett stated that the next Committee Meeting is Thursday, November 9, 2017 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2017-31, authorizing payment of the November 6, 2017 Bill List, as follows:

Bill List	\$	344,506.52
Payroll #22	\$	137,476.97
Payroll Taxes	\$	<u>48,578.93</u>
Total	\$	520,562.42

Done this 6th day of November 2017.

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Motion by Mrs. Gilbert, seconded by Mrs. Shubzda to adopt Resolution 2017-31. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Motion by Mr. DeFrain, seconded by Mr. Shubzda to appoint Joseph Fritz to the Emmaus Arts Commission to a term expiring on 10/16/20. There were 6 ayes. Motion carried.

Motion by Mr. DeFrain, seconded by Mrs. Gilbert to appoint Tara Santoro to the Emmaus Arts Commission to a term expiring 10/16/20. There were 6 ayes. Motion carried.

Mr. DeFrain stated that the Committee Meeting scheduled for Thursday, November 9, 2017 at 4:15 is cancelled due to a Budget Workshop Meeting.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for October 2017 are in the iPads and entertained questions about them. Mr. Pepe stated that Cave Brewing Company submitted an application to Mr. Farnsworth to operate a brew pub. Solicitor Dinkelacker explained that a Conditional Use Hearing, in accordance with the Borough's Craft Brewery Ordinance, will be held on December 4, 2017 prior to the Council Meeting. The application will be reviewed by the Borough's Planning Commission on Thursday, November 9, 2017.

Progress.

PRESIDENT'S BUSINESS

Mr. Barrett recessed the meeting at 7:30 p.m. for an Executive Session to discuss contract issues with no anticipated official action.

Mr. Labenberg reconvened at 8:44 p.m. with no official action taken.

Progress.

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ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. DeFrain to adjourn the November 6, 2017 Emmaus Borough Council Meeting. There were 6 ayes. Motion carried.

The Meeting adjourned at 8:45 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 8 2017