

November 07, 2016

**Borough of Emmaus
Emmaus Town Hall
November 7, 2016
7:00 p.m.**

Public Hearing

1. Attendance of Council Members
 - a. **Public Hearing on Keystone Community Façade Grant – Discuss the Grant application and process.**
2. Façade Committee Comments
3. Public Comments
4. Council Comments
5. Adjournment

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**Emmaus Borough Council
Agenda
November 07, 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. Council Meeting - October 17, 2016
7. Decisions on Bids
8. Communications
 - 8.a. Beverly Springer, 1242 W. Minor Street - Request reappointment to the Shade Tree Commission (term expires 1/1/2022).
 - 8.b. Emmaus Main Street Partners - Old Fashioned Christmas Requests - December 3, 2016.
 - 8.c. Tina Ralls, Esq., 383 Pine Street - Letter of Resignation from the Emmaus Public Library Board, effective end of term (expires 1/1/2017).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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- 11.a. Ordinance No. 1146 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Increasing the Salary of Members of Borough Council and the Mayor, effective January 1, 2018 and Beyond (1st Reading 10/03/16) (2nd Reading 11/07/16).
- 11.b. Ordinance No. 1147 - An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Establishing Restricted Parking on Certain Days and Hours in Front of 400 Jubilee Street (1st Reading 10/17/16) (2nd Reading 11/7/16).

12. New Business

- 12.a. Ordinance No. 1148 - An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Amending Restricted Parking on Certain Days and Hours in the 500 Block of Ridge Street (1st Reading 11/07/16).

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 14, 2016 at 3:00 p.m.

Next Meeting - November 14, 2016 at 3:00 p.m.

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

Next Meeting – November 17, 2016 at 3:45 p.m.

Appoint Amy Hitch to the Joint Environmental Advisory Council (term expires 3/7/2019).

Committee Meeting Notes - October 20, 2016

Next Meeting - November 17, 2016 at 3:45 p.m.

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – December 6, 2016 at 4:00 p.m.

Appoint Jason Jesmain to the Recreation and Entertainment Commission (term expires 6/7/2019).

Committee Meeting Notes - November 1, 2016

Next Meeting - December 6, 2016 at 4:00 p.m.

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – December 7, 2016 at 3:00 p.m.

Ordinance No. 1148 - 1st Reading

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Committee Meeting Notes - November 2, 2016

Next Meeting - December 7, 2016 at 3:00 p.m.

General Administration (Barrett, Labenberg, Gilbert)

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

Resolution No. 2016-50 - Fields at Indian Creek Final Lot Line Adjustment Plan

Resolution No. 2016-51 - South Mountain Village Final Land Development Plan

Reappoint Attorney John Stover, Jr. to the Vacancy Board (term expires 1/1/2018) as well as the General Authority (term expires 1/1/2022).

Reappoint Linda Rose to the Emmaus Library Board (term expires 1/1/2020).

Committee Meeting Notes - October 26, 2016

Next Meeting - November 9, 2016 at 9:00 a.m.

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – Budget Workshop: November 10, 2016 at 4:00 p.m.

Bill List - Resolution 2016-49

Committee Meeting Notes - October 17, 2016

Next Meeting - Budget Workshop: November 10, 2016 at 4:00 p.m.

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

Next Meeting – November 10, 2016 at 4:00 p.m.

Next Meeting - November 10, 2016 at 4:00 p.m.

17. Personal Appeals, Part II

18. Borough Manager's Report

18.a. Significant Revenue & Expense Items for October, 2016

19. President's Business

20. Adjournment

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A Public Hearing was held at 7:00 p.m., prior to the start of the November 7, 2016 Council Meeting.

CALL TO ORDER

Mayor Winfield Iobst; Council Vice President Wesley Barrett; Councilman Chris DeFrain; Councilwoman LeeAnn Gilbert; Councilman Roy Anders; Councilman Nathan Brown; Borough Manager Shane Pepe; and Solicitor Tom Dinkelacker. Councilman Jeffrey Shubzda arrived at 7:10 p.m.

Also in attendance were: Martha Lieberman, Harold Hackl, Meghan Reed, Greg Yestrumkas, Olivia Scott, Michael Irwin, Martin Smith, Billy Wall, Teri Sorg-McManamon, James Baker, Lew Rauch, Jackie Parks, John Hayes, Jessica O'Donnell, Brent Stringfellow, and Attorney John Stover.

Mr. Pepe stated the Public Hearing is being held to discuss the PA DCED Keystone Communities Façade Grant application that the Borough submitted on October 14, 2016. He stated that part of the requirement of the grant is to hold a Public Hearing to inform the public of the details of the grant application and to seek public input, which will be recorded and sent to DCED as part of the official application. Mr. Pepe stated that part of the application requirement is to record everyone's name that is in attendance, and asked everyone to make sure that they signed in.

Mr. Pepe stated that the Emmaus Main Street Partners and the Façade Program Committee have been applying for and receiving grants through PA DCED since 1995. The Borough of Emmaus became involved in the process in 2014 as a requirement from PA DCED. Altogether, with all of the grants they have received and projects that have been completed, the Committee and the Main Street Partners have made improvements in the amount of over \$1,000,000 to the Borough of Emmaus. Mr. Pepe stated that Alan Hawman is the Chairman of the Committee. Mr. Pepe stated that there are very stringent program requirements and that the Façade Committee will oversee the entire program including the applications of the businesses that are able to apply. Mr. Pepe stated that a requirement of DCED is that businesses that are eligible to apply must be located within the Central Business District. He explained that the program is a dollar-for-dollar match. Mr. Pepe stated that on August 15, 2016, Borough Council passed Resolution 2016-28, which allowed the Borough to partner with the Main Street Partners and the Façade Committee to apply for the grant. The grant round opened in mid-September and the application was due to DCED on October 14, 2016. As part of the application process, the Borough was required to hold a Public Meeting. The Public Meeting was advertised in the East Penn Press on October 26, 2016. Mr. Pepe invited Chairman Alan Hawman to approach the podium. Mr. Hawman stated that the Façade Program is a program designed to improve the economic base of the downtown area. He stated that businesses have used the grant for many different types of improvements. He explained that landscaping and hardscaping are not included in the grant. Mr. Hawman stated that the members of the Façade Program Committee are: Shane Pepe, Audrey Racines, Phil Seibert, Brent Stringfellow, Jim Baker, Bruce Snyder, Jessica O'Donnell, Greg Yestrumkas, and himself. Mr. Hawman stated that the Committee is hoping to obtain \$50,000 to disperse to the businesses. Mr. Hawman stated that the Committee has received 12 applications for the grant. He stated that the Committee has received applications from the Emmaus Theater, Wesley Works, Edward Jones, Tangent Crafts, Daniel Hendricks for 215-217 Main Street, House Splendid, John Schevets for 324 Main Street, Switchback Pizza, South Mountain Cycle & Café, Farmers Insurance, Dr. Timothy Wright for 242 Main Street, and Attorney John Zettlemoyer for 3rd & Ridge Streets. He stated that the Committee utilizes the Secretary of the Interior standards when dealing with

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historic buildings. Mr. Hawman stated that there are still funds available and encouraged business owners to apply for the grant.

PUBLIC COMMENT

Martha Leiberman questioned if the grant includes accessibility issues. Mr. Hawman responded that the grant does not include any concrete walkways, but does include railings, doors, and signage.

COUNCIL COMMENTS

Mr. Barrett stated that his business, Wesley Works, has previously utilized funds from the Façade Grant and stated that as a business owner he believes that the grant is beneficial to the business and the community as a whole.

Mr. Pepe adjourned the Public Hearing at 7:16 p.m.

The Emmaus Borough Council met in regular session on November 7, 2016 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Barrett called the Meeting to order at 7:16 p.m.

Brent Labenberg, President	Present – Arrived at 7:48 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. Jessica O'Donnell, Emmaus Main Street Partners – thanked the Mayor, Mr. Pepe and the Borough for its continued financial support of the Partners. Ms. O'Donnell stated that Farewell-to-Summer was moved to Sunday in conjunction with the Emmaus Farmers' Market and that the event was very successful with over 3,000 in attendance. She stated that there have been 5 ribbon cuttings in the last month including, Pedone's Deli, New Tripoli Bank, and Xtreme Gun Works. She stated that Triple Sun's Spirits and Yergey Brewing will have a ribbon cutting the week of November 14, 2016. Ms. O'Donnell stated that she was promoted to the Senior Vice President for the Greater Lehigh Valley Chamber of Commerce for the Whitehall Chamber and will be leaving her current position on November 21, 2016. She stated that working in the Borough has been a tremendous opportunity and thanked everyone for their support. Ms. O'Donnell introduced Meghan Reed as her replacement as the Main Street Manager. Ms. Reed stated that she was previously involved with the

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downtown Bethlehem area and the Bethlehem Association. She also stated that she managed American Hairlines in downtown Bethlehem for 10 years and was on the Board of Directors on the Bethlehem Association. She stated that she is very excited to begin working in the Borough. Mr. Barrett congratulated Ms. Reed on her new position and thanked Ms. O'Donnell for everything that she has done for the Borough.

B. Martha Leiberman, 333 Ridge Street – voiced concern about snowplowing around the building located at 333 Ridge Street and on N. 3rd Street. She stated that the Borough plows pull out of Short Street and push snow back onto the sidewalk. She stated that 2 years ago, the plow did not plow 3rd Street and that emergency vehicles and buses were unable to reach the building. She stated that senior residents living on N. 3rd Street were unable to leave the building to obtain groceries or medication due to busses being unable to travel on N. 3rd Street.

COMMUNITY MINUTE

Mr. Shubzda stated that the Emmaus Arts Commission hosted its Film Festival on October 30, 2016 at the Emmaus Theater. He stated that the event was very successful. He also stated that the Commission will host its 3rd Annual Photo Contest on December 3, 2016. He encourage everyone to visit the Commission's website at www.emmausarts.org for more information. Mr. Anders stated that Scouting for Food will be held on Saturday, November 12, 2016. Collections will be held from 9:00 a.m. to 12:00 p.m. at the Emmaus Food Bank, located at 419 Elm Street.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt the October 17, 2016 Council Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Beverly Springer, 1242 W. Minor Street – Request reappointment to the Shade Tree Commission (term expires 1/1/2022). Referred to the General Administration Committee.
- b. Emmaus Main Street Partners – Old Fashioned Christmas Requests – December 3, 2016. Mr. Barrett asked Ms. O'Donnell to clarify the request to have alcohol during the event. Ms. O'Donnell stated that alcohol will be sold on private property away from Triangle Park. Referred to staff.
- c. Tina Ralls, Esq., 383 Pine Street – Letter of Resignation from the Emmaus Library Board, effective end of term (term expires 1/1/2017). Mr. Barrett directed Mr. Pepe to mail Ms. Ralls a letter of thanks for her time served.

BOROUGH ENGINEER'S REPORT–None.

SOLICITOR'S REPORT

Progress.

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UNFINISHED BUSINESS, PART I

Ordinance No. 1146 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Increasing the Salary of Members of Borough Council and the Mayor, effective January 1, 2018 and Beyond (2nd Reading 11/7/16).

Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Ordinance No. 1146 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Increasing the Salary of Members of Borough Council and the Mayor, effective January 1, 2018 and Beyond on its 2nd Reading. Roll call vote: Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Anders, nay; Mr. Shubzda, aye; Mr. Brown, aye; Mr. Barrett, aye. There were 5 ayes, 1 opposed (Anders). Motion carried.

Ordinance No. 1147 – An Ordinance Amending Chapter 15§406 of the Codified Ordinances, Establishing Restricted Parking on Certain Days and Hours in Front of 400 Jubilee Street (2nd Reading 11/7/16).

Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Ordinance No. 1147 – An Ordinance Amending Chapter 15§406 of the Codified Ordinances, Establishing Restricted Parking on Certain Days and Hours in Front of 400 Jubilee Street on its 2nd Reading. Roll call vote: Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Anders, aye; Mr. Shubzda, Mr. Brown, aye; Mr. Barrett, aye. There were 6 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1148 – An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Amending Restricted Parking on Certain Days and Hours in the 500 Block of Ridge Street (1st Reading 11/7/16).

Mrs. Gilbert stated that the Ordinance deals with parking at 5th & Ridge Street. She stated that the Ordinance will eliminate parking on Ridge Street on the North Side and the South Side at 5th Street for 25' and a parking space on the North side at 509 Ridge Street and adding parking on Ridge Street on the South Side for 75' on Saturdays from 8:00 a.m. to 12:00 p.m. and Monday through Friday from 8:00 a.m. to 8:00 p.m.

Motion by Mr. Anders, seconded by Mrs. Gilbert to adopt Ordinance No. 1148 – An Ordinance Amending Chapter 15 §406 of the Codified Ordinances, Amending Restricted Parking on Certain Days and Hours in the 500 Block of Ridge Street on its 1st Reading. Roll call vote: Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Anders, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mr. Barrett, aye. There were 6 ayes. Motion carried.

The 2nd Reading of the Ordinance will be held at the December 5, 2016 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the Klines Lane Railroad Crossing will be shut down Monday, November 14, 2016 through Friday, November 18, 2016 for repairs. Norfolk-Southern will then repair the 2nd Street Railroad Crossing at a date to be determined shortly.

The next Committee Meeting is November 14, 2016 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that Amy Hitch interviewed for the upcoming Joint Environmental Advisory Council opening. Mr. Shubzda stated that Ms. Hitch is currently pursuing a degree in Sustainable Development. He also stated that she was previously on the Jim Thorpe Earth Day Board for the past ten years.

Motion by Mr. Shubzda, seconded by Mr. DeFrain to appoint Amy Hitch to the Joint Environmental Advisory Council to a term ending 3/7/2019. There were 6 ayes. Motion carried.

Mr. Shubzda reported that the Committee had a lengthy discussion on the sidewalks located throughout the Borough. He also stated that the Committee discussed the Medical Marijuana Ordinance.

The next Committee Meeting is Thursday, November 17, 2016 at 3:45 p.m.

Progress.

c. Parks and Recreation Committee

Motion by Mr. Anders, seconded by Mr. DeFrain to appoint Jason Jesmain to the Recreation & Entertainment Commission to a term expiring 6/7/19. There were 6 ayes. Motion carried.

Mr. Anders stated that John Eyer was in attendance at the Committee Meeting. He informed the Committee that it will be receiving a request from the East Penn School District Athletic Department to allow the high school to play home softball games at the Kiwanis Field. Mr. Eyer voiced concerns about the field.

The next Committee Meeting is December 6, 2016 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on Wednesday, November 2, 2016 at 3:00 p.m. She entertained questions about the Committee minutes. She stated that Chief Palmer, Detective Longenbach, and Officer Kloss received their certifications to become instructors for the Active

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Shooter Program. She also stated that seven Police Officers completed certification training for Project Lifesaver. Mrs. Gilbert reported that feedback for the School Resource Officer has been very positive.

The next Committee Meeting is December 7, 2016 at 3:00 p.m.

Progress.

e. General Administration Committee

Resolution 2016-50 – A Resolution Conditionally Approving the Final Lot Line Adjustment Plan for the Fields of Indian Creek, LLC.

Mr. Barrett invited Lew Rauch, Lehigh Engineering, to the podium. Mr. Rauch stated that the Resolution approves the final lot line adjustment for the Fields at Indian Creek.

Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Resolution 2016-50. There were 5 ayes, 1 abstention (Barrett). Motion carried.

Resolution 2016-51 – A Resolution Conditionally Approving the Preliminary \ Final Land Development Plan for WS Wall, LLP (South Mountain Village).

Mr. Barrett invited Bill Wall to approach the podium. Mr. Wall stated that the plan is to tear down existing structures and build a 24-bed assisted living facility located at 201 S. 7th Street, Emmaus. Mr. Pepe explained that the Planning Commission voted unanimously to approve the plan. Solicitor Dinkelacker stated that parking spaces are proposed along Oak Street and that part of the spaces will extend into Oak Street. He stated that this issue will be addressed through an Encroachment Agreement. He also stated that there are stormwater facilities that run through the property. He stated that this issue will be addressed through an Agreement of an Easement and the facilities will be maintained by the owner of the property. Mr. Pepe stated that the Planning Commission is recommending that Council adopt an Ordinance concerning parking on S. 7th Street. Mayor Iobst asked for a timeline on the completion of the project. Mr. Wall responded that he hopes to break ground in April, 2017 and have the project completed by the end of the year.

Motion by Mr. Anders, seconded by Mr. DeFrain to adopt Resolution 2016-51 – A Resolution Conditionally Approving the Preliminary \ Final Land Development Plan for WS Wall, LLP (South Mountain Village). There were 6 ayes. Motion carried.

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

Progress.

f. Budget and Finance Committee

Resolution 2016-49, authorizing payment of the November 7, 2016 Bill List, as follows:

Bill List	\$	507,104.52
Payroll #22	\$	127,381.13
Payroll Taxes	\$	<u>44,308.40</u>
Total	\$	678,794.05

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Done this 7th day of November 2016.

Motion by Mr. Brown, seconded by Mr. Shubzda to adopt Resolution 2016-49. There were 7 ayes. Motion carried.

Mr. Barrett reminded Council that the next Budget Workshop will be held on November 10, 2016 at 4:00 p.m. Mr. Pepe stated that the Planning Commission meets at 7:00 p.m. and the meeting must be finished by 6:45 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain stated that the Committee Meeting scheduled for Thursday, November 10, 2016 at 4:00 p.m. is cancelled due to the Budget Workshop. The next Committee Meeting will be held on Thursday, December 8, 2016.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for October 2016 are in the iPads and entertained questions about them.

Mr. Pepe stated that the Borough has paid LCA for sewer transport costs for 2016, but the discussion on the legal issues with LCA will continue. He stated that the Budget Workshop Agenda and contents are posted in the iPads. He stated that he will be posting one more piece of material.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg thanked Mr. Barrett for conducting the Council Meeting. He also reminded everyone to vote on Tuesday, November 8, 2016. He encouraged everyone to be kind to each other regardless of which candidate they support.

ADJOURNMENT

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

The Meeting adjourned at 7:52 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 10, 2016