

December 17, 2018

**Emmaus Borough Council  
Agenda  
December 17, 2018 7:00 pm**



1. Attendance of Council Members
2. Public Hearing
  - 2.1. Public Hearing on Ordinance No. 1183

**Ordinance No. 1183** - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Apply the Modified Parking Requirements of Section 27-602, Sub-section 6, to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the Central Commercial (B-C) Zoning District.

3. Solicitor Comments
4. Public Comments
5. Council Comments
6. Adjournment

December 17, 2018

**Emmaus Borough Council  
Agenda  
December 17, 2018 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 - December 3, 2018
7. Decisions on Bids
8. Communications
  - 8.a. Karri Schreppel, Vice President Emmaus Arts Commission - Request for SnowBlast Winter Arts Festival on February 2, 2019.
  - 8.b. Hanover Engineering - Request reappointment of Borough Engineer and Sewage Enforcement Officers for 2019.
  - 8.c. Keith Plunkett, 216 S. 12th St. - Event Request for Money Knife Fight Against Cancer Bike Ride to be held April 6, 2019.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - 11.a. Ordinance No. 1183 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Apply the Modified Parking Requirements of Section 27-602, Sub-Section 6, to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the Central Commercial (B-C) Zoning District (1st Reading 11/19/2018) (2nd Reading 12/17/18).

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11.b. Ordinance No. 1184 - An Ordinance Levying Taxes for the Fiscal Year 2019 for the Borough of Emmaus at the Rate of 6.7615 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 5.6654 Mills and a Fire Fund Tax of 1.0961 Mills (1st Reading 12/3/2018) (2nd Reading 12/17/2018).

12. New Business

12.a. Ordinance No. 1185 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Requiring Testing, Inspection, Repair, and Replacement of Building Sewers and Sewer Laterals and Providing for Remedies and Penalties for Non-Compliance (1st Reading 12/17/2018).

13. Unfinished Business, Part II

14. Items Not on Agenda

Subject to Rule 9

15. Mayor's Report

15.a. List of Activities and End of Year Report

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)

Next Meeting – TBD

RFP - Lawn Mowing and Trimming Services

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)

Next Meeting – TBD

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – TBD

Public Safety (DeFrain, Baumgartner)

Next Meeting – TBD

Emergency Medical Services Agreement

Hiring Consortium

Committee Meeting Notes - December 12, 2018

General Administration (Labenberg, DeFrain)

Next Meeting – TBD

Ordinance No. 1185: Sewer Lateral Inspection (1st Reading)

Wesley Barrett Replacement Process

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Committee Meeting Notes - December 6, 2018

Budget and Finance (DeFrain, Labenberg)

Next Meeting – January 7, 2019 at 6:45 p.m.

Ordinance No. 1184: 2nd Reading

Resolution 2018-45: 2019 Fee Schedule

Resolution 2018-46: Refuse Collection and Compost Site Assessment Fees

Resolution 2018-47: Adopt 2019 Fiscal Year Budget

Resolution 2018-49: Bill List

CodeMaster - 2019 Services and Fee Schedule

Committee Meeting Minutes - December 3, 2018

Community Relations, Planning and Development (Sorg-McManamon, Baumgartner, Shubzda)

Next Meeting – TBD

Ordinance No. 1183: 2nd Reading

17. Boards and Commissions

17.a. Emmaus Arts Commission Meeting Minutes - November 26, 2018

17.b. Emmaus Board of Health Meeting Minutes - November 29, 2018

17.c. Emmaus Main Street Partners Board Meeting Minutes - December 5, 2018

17.d. Community Garden Commission Meeting Minutes - December 5, 2018

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for First Half of December, 2018

20. President's Business

21. Adjournment



## EMMAUS BOROUGH COUNCIL

Mr. Labenberg asked for a moment of silence to honor and remember Borough resident, Joseph Zeller, who passed away at the age of 100. He served in WWII for three years, served in the Korean War, served on Emmaus Borough Council, and was previously the Mayor of Emmaus. He served in the PA House of Representatives in the 134<sup>th</sup> District and was a 70-year member of the VFW and the American Legion. He was the founder of the Emmaus Flag Day Association.

A Public Hearing was held at 7:00 p.m., prior to the start of the December 17, 2018 Council Meeting.

CALL TO ORDER

Mayor Lee Ann Gilbert; Council President Brent Labenberg; Council Vice President Chris DeFrain; Councilman Roy Anders; Councilwoman Shana Baumgartner; Councilman Jeff Shubzda; Councilwoman Teri Sorg-McManamon; Borough Manager Shane Pepe; and Solicitor Tom Dinkelacker.

PUBLIC HEARING ON ORDINANCE NO. 1183

Ordinance No. 1183 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Apply the Modified Parking Requirements of Section 27-602, Sub-section 6, to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the Central Commercial (B-C) Zoning District.

Solicitor Dinkelacker explained that the Public Hearing is being held pursuant to the requirements of the Pennsylvania Municipalities Planning Code. He stated that the purpose of the hearing is to hear public input on Ordinance No. 1183.

- Exhibit 1: A copy of Ordinance No. 1183.
- Exhibit 2: The Affidavit of Publication for the Public Notice which was published in the East Penn Press on November 28, 2018 and December 5, 2018.
- Exhibit 3: A letter to the Lehigh Valley Planning Commission asking for their review of the Ordinance.
- Exhibit 4: A letter to the Emmaus Borough Planning Commission asking for their review of the Ordinance. The Borough Planning Commission recommended approval of the Ordinance.

Solicitor Dinkelacker explained that Ordinance No. 1183 eliminates the parking requirements of Section 27-602, Sub-section 6 to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the B-C Zoning District.

Public Comments – None.

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Council Comments

Mr. Labenberg stated that the Ordinance will eliminate parking requirements for Craft Beverage Restaurants and Craft Beverage Facilities and will make parking requirements consistent with restaurants within the Borough’s downtown district.

ADJOURNMENT

Mr. Labenberg adjourned the Public Hearing at 7:07 p.m.

The Emmaus Borough Council met in regular session on December 17, 2018 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:07 p.m.

Brent Labenberg, President	Present
Chris DeFrain, Vice President	Present
Roy Anders	Present
Shana Baumgartner	Present
Jeffrey Shubzda	Present
Teri Sorg-McManamon	Present
Lee Ann Gilbert, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I – None.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

**Motion by Mr. Anders, seconded by Ms. Baumgartner to adopt the December 3, 2018 Council Minutes as drafted. There were 6 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Karri Schreppel, Vice President Emmaus Arts Commission – Request for SnowBlast Winter Arts Festival on February 2, 2019. Referred to staff.

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- b. Hanover Engineering – Request reappointment as Borough Engineer and Sewage Enforcement Officers for 2019. Referred to the General Administration Committee.
- c. Keith Plunkett, 216 S. 12<sup>th</sup> St. – Event request for Money Knife Fight Against Cancer Bike Ride to be held April 6, 2019. Referred to the Parks and Recreation Committee.
- d. William Bryfogle, Jr. – Resignation from Emmaus Police Department. Mr. Labenberg directed Mr. Pepe to send Mr. Bryfogle a letter of thanks for serving the community for 28 years.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Solicitor Dinkelacker reported that the Borough continues to wait for a decision on the J.P. Mascaro litigation.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1183 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Apply the Modified Parking Requirements of Section 27-602, Sub-section 6, to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the Central Commercial (B-C) Zoning District (1<sup>st</sup> Reading 11/19/2018) (2<sup>nd</sup> Reading 12/17/2018).

**Motion by Mrs. Sorg-McManamon, seconded by Mr. Shubzda to adopt Ordinance No. 1183 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Apply the Modified Parking Requirements of Section 27-602, Sub-section 6, to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the Central Commercial (B-C) Zoning District on its 2<sup>nd</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 6 ayes. Motion carried.**

Ordinance No. 1184 – An Ordinance Levying Taxes for the Fiscal Year 2019 for the Borough of Emmaus at the Rate of 6.7615 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 5.6654 Mills and a Fire Fund Tax of 1.0961 Mills (1<sup>st</sup> Reading 12/3/2018) (2<sup>nd</sup> Reading 12/17/2018).

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt Ordinance No. 1184 – An Ordinance Levying Taxes for the Fiscal Year 2019 for the Borough of Emmaus at the Rate of 6.7615 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 5.6654 Mills and a**



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**Fire Fund Tax of 1.0961 Mills on its 2<sup>nd</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 6 ayes. Motion carried.**

NEW BUSINESS

Ordinance No. 1185 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Requiring Testing, Inspection, Repair, and Replacement of Building Sewers and Sewer Laterals and Providing for Remedies and Penalties for Non-Compliance. (1<sup>st</sup> Reading 12/17/2018).

Mr. Pepe explained that the General Administration Committee has been working on the Ordinance for approximately 5 months and the Ordinance is a direct result of the requirements from the EPA Administrative Order. He stated that EPA, LCA, and the City of Allentown have said that a large portion of the stormwater that is entering the Borough's sewer lines and traveling to the plant is coming from the sewer laterals. To help alleviate the problem, the Borough decided to institute a lateral sewer inspection upon the sale of a house. Mr. DeFrain stated that this is for the long-term benefit of the Borough residents because it will save future costs further down the road and the new home owner will have the benefit of knowing if there are any issues with the sewer line. Mr. Anders asked how the homeowners and realtors will be made aware of the Ordinance. Mr. Pepe responded that the information will be on the Borough's website, in the Borough's Spring newsletter and the information will be passed on to the Realtor's Association. He stated that there is a delay on the effective date of the Ordinance. Solicitor Dinkelacker stated that the Ordinance will not take effect until late April or early May, 2019.

**Motion by Mr. Anders, seconded by Mr. DeFrain to adopt Ordinance No. 1185 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Requiring Testing, Inspection, Repair, and Replacement of Building Sewers and Sewer Laterals and Providing for Remedies and Penalties for Non-Compliance on its 1<sup>st</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Ms. Baumgartner, aye; Mr. DeFrain, aye; Mr. Labenberg, aye. There were 6 ayes. Motion carried.**

Mr. Labenberg stated that the 2<sup>nd</sup> Reading of Ordinance No. 1185 will be held at the January 7, 2019 Council meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Gilbert stated that she has issued a memorandum with her list of activities for the last quarter and her end of year report. She thanked Terry Held for the beautifully

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decorated Christmas tree that was donated to the Emmaus Police Department. She stated that the tree is located in the vestibule and encouraged everyone to view the tree.

Progress.

COMMITTEE REPORTSa. Public Works Committee

Mr. Anders reported that Mr. Pepe will advertise the Lawn Mowing RFP. Mr. Pepe stated that Council will need to approve the RFP because there were two changes made to it. He stated that the changes made were eliminating the requirement of a bid bond and performance bond.

**Motion by Mr. Anders, seconded by Mr. Shubzda to approve the Lawn Mowing Request for Proposal. There were 6 ayes. Motion carried.**

Mr. Anders reported that the next Committee meeting is to be determined in 2019.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee meeting scheduled for Wednesday, December 26, 2018 is contingent upon the Borough receiving a decision about the J.P. Mascaro litigation.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner stated that the December meeting was cancelled and the next Committee meeting is to be determined in 2019.

Progress.

d. Public Safety Committee

Mr. DeFrain reported that the Borough has received the Emergency Medical Services Agreement between the Pennsylvania Turnpike Commission and Emmaus Ambulance Corps. Mr. Pepe stated that the Borough has been asking for this Agreement for several years. Mr. Pepe explained that currently Quakertown responds to accidents that occur on the Turnpike. The Agreement will authorize the Emmaus Ambulance Corps to respond to the accidents. Mr. Pepe stated that the Agreement needs to be reviewed by the Borough Solicitor before Council

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votes on the Agreement. Mr. DeFrain stated that the Agreement will also be reviewed by the Public Safety Committee prior to a vote by Council.

Mr. DeFrain reported that the Committee recommends entering into the Lehigh County Police Hiring Consortium. Mr. Pepe explained that the Borough will enter into the Consortium to expand the pool of candidates for Police Officer positions.

**Motion by Mr. DeFrain, seconded by Mr. Anders to enter into the Lehigh County Police Hiring Consortium. There were 6 ayes. Motion carried.**

Mr. DeFrain stated that the next Committee meeting is to be determined in 2019.

Progress.

e. General Administration Committee

Mr. Labenberg stated that the process for replacing Councilman Barrett has begun. He stated that an advertisement was placed in the December 12, 2018 newspaper. He stated that the vacancy has also been posted on Facebook and the Borough's website. He stated that the Letter of Intent is due to the Borough by December 20, 2018 and there will be a Special Meeting of Council on January 2, 2019 to appoint and swear in the replacement. Mr. Labenberg stated that the Committee discussed whether Council plans to interview everyone. The law does not require that every candidate is interviewed. Mr. Pepe stated it depends on how many Letters of Intent are received. He also stated that the General Administration Committee will receive a list of candidates for its December 20, 2018 meeting.

Mr. Labenberg reported that the next Committee meeting is December 20, 2018 and the first meeting in 2019 is tentatively scheduled for January 3, 2019.

Progress.

f. Budget and Finance Committee

Resolution 2018-45 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees and Charges for Permits and Services.

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt Resolution 2018-45. There were 6 ayes. Motion carried.**

Resolution 2018-46 – Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2019.

Mr. DeFrain stated that the new refuse collection fee will be \$360.00 per unit if paid on or before April 3, 2019. He also stated that the reduced senior refuse fee based on income

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is \$180.00. Mr. Labenberg stated that there is a \$10.00 discount per unit and a \$5.00 discount for seniors if paid prior to March 4, 2019.

**Motion by Mr. DeFrain, seconded by Mrs. Sorg-McManamon to adopt Resolution 2018-46. There were 6 ayes. Motion carried.**

Resolution 2018-47 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2019 Fiscal Year and Appropriating from Fund Equities, Revenues and Other Financing Sources Available for the Year 2019 for the Specific Purpose Set Forth Therein.

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt Resolution 2018-47. There were 6 ayes. Motion carried.**

Resolution 2018-49, authorizing payment of the December 17, 2018 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>250,254.52</b>
<b>Payroll #25</b>	<b>\$</b>	<b>165,795.88</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>50,992.98</u></b>
<b>Total</b>	<b>\$</b>	<b>467,043.38</b>

Done this 17<sup>th</sup> day of December 2018.

**Motion by Mr. DeFrain, seconded by Ms. Baumgartner to adopt Resolution 2018-49. There were 6 ayes. Motion carried.**

**Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt the 2019 CodeMaster Inspection Service’s Fee Schedule. There were 6 ayes. Motion carried.**

Mr. DeFrain stated that the next Committee meeting is January 7, 2019 at 6:45 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that the next Committee meeting is December 20, 2018 at 4:30 p.m.

Progress.

PERSONAL APPEALS, PART II

**A. Griffin Harold, 123 Elm Street** – asked for clarification about the lateral inspection process. Mr. Pepe responded that the sewer lateral camera is very high tech and will identify roots, clogs, collapses, and infiltration. Mr. Harold asked how much the Borough

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charges to camera the sewer lateral. Mr. Pepe responded that it will cost \$225.00 for the Borough to camera the lateral, but that a resident has the choice between contacting the Borough or an outside agency to perform the inspection. Mr. Harold asked who is responsible if there is an issue during the inspection. Mr. Pepe responded that it is the homeowner's responsibility to perform the repairs. Mr. Griffin asked who he can contact at the state and federal level to discuss stormwater issues. Mr. Pepe encouraged Mr. Griffin to contact his local and state representatives. Solicitor Dinkelacker stated that the Ordinance addresses a sewer issue not a stormwater issue and that the Borough is being directed by Regulatory Agencies. Mr. DeFrain encouraged Mr. Griffin to contact his local and state representatives.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of December 2018 are in the iPads and entertained questions about them. Mr. Pepe reported that the Borough's auction was very successful and he believes that most of the items were sold. He stated that he believes that the Borough will net over \$30,000.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg wished everyone a Merry Christmas and a Happy and Healthy New Year.

Progress.

ADJOURNMENT

**Motion by Mr. DeFrain, seconded by Mr. Anders to adjourn the December 17, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 7:59 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
December 21, 2018