

February 17, 2015

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
February 17, 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

January 19, 2015

7. Decisions on Bids
8. Communications
 - a. Douglas Hohe, Emmaus Kiwanis – Request use of Community Park for Kiwanis Easter Egg Hunt on April 4, 2015.
 - b. JoAnn Corsiatto, 1420 Little Lehigh Drive N. – Trash pick-up concerns.
 - c. Kathy Mintzer, Emmaus Parks and Recreation Commission – Request to hold Community Day on June 21, 2015 and Movie Nights on June 26, July 10, and August 14, 2015.
 - d. Phil Michael, 540 Broad Street – Trash pick-up concerns.
 - e. Carolyn Krock, 5471 Heistand Rd., Zionsville – Request to remove handicap parking sign at 638 Walnut Street.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

**Ordinance No. 1121 – An Ordinance Amending the Provisions of Chapter Six (6) of the Emmaus Borough Codified Ordinances Entitled “Conduct”, by Adding Part Five (5): Graffiti
(1st Reading 2/17/15)**

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12. New Business (continued)

Ordinance No. 1122 – An Ordinance Amending Chapter 15 §404(d).1 of the Codified Ordinances, Establishing Resident Permit Parking on Iroquois Street Between Macungie Avenue and N. 7th Street Circle (1st Reading 2/17/15)

13. Unfinished Business, Part II

Ordinance No. 1120 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter §602.2.A of the Emmaus Borough Code, Removing a Residential Handicap Parking Sign on the Public Street Located in Front of 811 Chestnut Street and Chapter 15 §403, Establishing Prohibited Parking on Railroad Street within the Borough of Emmaus (1st Reading 1/05/15) (2nd Reading 3/2/15).

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

16. Committee Reports

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

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

- a. Fairview Street
- b. South 10th Street Culvert
- c. Historical House Agreements

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

Next Meeting – February 19, 2015 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills

Parks and Recreation (Anders, Barrett, Labenberg)

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

- a. Boro Line Park Direction Sign
- b. **Emmaus Aquatics Pool Rental**
- c. **Kiwanis Annual Easter Egg Hunt**
- d. **Friday Night Under the Lights Movie Nights**
- e. **Community Day**

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Public Safety (Gilbert, Barrett, Brown)

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

- a. Emergency Operations Plan – Review
- b. IFC Ordinance
- c. Ordinance No. 1120 – Remove Handicap Parking Sign and Prohibit Parking on Railroad Street (2nd Reading 3/2/15)
- d. **Appoint Shawn Lubenetski to the Safety Committee**
- e. **Emmaus 4-Miler Race – Wesley Barrett**
- f. **5-Miler Race – Rochelle Romeo**
- g. **Auxiliary Police Captain Job Description**
- h. **Appointment of Jay Kleckner as the Auxiliary Police Captain**
- i. **Ordinance No. 1121 – Graffiti Ordinance (1st Reading 2/17/15)**
- j. **Ordinance No. 1122 – Parking on Iroquois Street (1st Reading 2/17/15)**

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – February 18, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. **Reappointment of Richard Farmer to the Emmaus Arts Commission (new term expires 2/7/2018)**
- e. **Switchback Pizza – Amend fee for rental of three parking spaces**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – February 26, 2015 at 3:30 p.m.

- a. Capital Plan
- b. **Resolution 2015-5 – Bill List (February 2nd)**
- c. **Resolution 2015-6 – Bill List (February 17th)**
- d. **Police Pension COLA**

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

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

- a. Grant Progress
- b. Committee Structure

17. Personal Appeals, Part II

18. Borough Manager's Report

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- a. Significant Revenue and Expense Items for January, 2015
- b. Significant Revenue and Expense Items for First Half of February, 2015

19. President's Business

Executive Session

20. Adjournment

Next Resolution: 2015-7

Next Ordinance: #1123

The Emmaus Borough Council met in regular session on February 17, 2015 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Holtzhafer 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	Absent
Nathan Brown	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Absent
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

Due to the absence of Mayor Iobst, Council President, Lee Ann Gilbert, presided as Mayor and Council Vice President, Brian Holtzhafer, presided as Council President.

PERSONAL APPEALS – PART 1 - None.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Anders to dispense with the formal reading of the January 19, 2015 Minutes. There were 5 ayes. Motion carried.

Solicitor Dimmich noted that the minutes listed Tom Dimmich as the Solicitor present in the Call to Order at the January 19 Council Meeting and should have listed Jeffrey

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Dimmich as the Solicitor present. Mrs. Gilbert stated that she believes Al Stirba was present as the Solicitor at the January 19 Council Meeting. Solicitor Dimmich stated that he believes he was present at the meeting. Mr. Pepe stated that he will review the Council Meeting video to determine who was present.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt the January 5, 2015 Minutes as corrected. There were 5 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Douglas Hohe, Emmaus Kiwanis – Request use of Community Park for Kiwanis Easter Egg Hunt to be held on April 4, 2015. Mr. Holtzhafer stated that the item has already been discussed at the Parks and Recreation Committee Meeting and will be addressed during the Committee’s report.

b. JoAnn Corsiatto, 1420 Little Lehigh Drive North – Trash pick-up concerns. Referred to the Health, Sanitation and Codes Committee. Mr. Labenberg requested that Mr. Pepe respond to Ms. Corsiatto’s concerns.

c. Kathy Mintzer, Emmaus Parks and Recreation Commission – Request to hold Community Day on June 21, 2015 and Movie Nights on June 26, July 10, and August 14, 2015. Mr. Holtzhafer stated that the item has already been discussed at the Parks and Recreation Committee Meeting and will be addressed during the Committee’s report.

d. Phil Michael, 540 Broad Street – Trash pick-up concerns. Referred to the Health, Sanitation and Codes Committee and to Mr. Pepe.

e. Carolyn Krock, 5471 Heistand Rd., Zionsville – Request to remove handicap parking sign at 638 Walnut Street. Referred to the Public Safety Committee.

f. Emmaus High School Department of Athletics – Pavilion rental fee waivers for Senior Class Picnic to be held on May 22, 2015.

Motion by Mr. Labenberg, seconded by Mr. Anders to grant the Emmaus High School’s request to use Community Park and the Art, Moser, and Rotary pavilions on May 22, 2015 from 7:00 a.m. until 2:25 p.m. and to waive the pavilion rental fees. There were 5 ayes. Motion carried.

BOROUGH ENGINEER’S REPORT - None.

SOLICITOR’S REPORT

Solicitor Dimmich reported that the Solicitor’s office has filed a brief with the Commonwealth Court in the matter involving the Emmaus Fire Department.

Progress.

UNFINISHED BUSINESS, PART I – None.

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NEW BUSINESS

Ordinance No. 1121 – An Ordinance Amending the Provisions of Chapter Six (6) of the Emmaus Borough Codified Ordinances Entitled “Conduct”, by Adding Part Five (5): Graffiti (1st Reading 2/17/15).

Motion by Mr. Brown, seconded by Mr. Labenberg to read Ordinance No. 1121 in short title. There were 5 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1121 in short title.

Mr. Labenberg stated that he will vote against the Ordinance because he believes it puts certain restrictions upon businesses and that he does not support the statements that minor children under that age of 18 are unable to purchase broad-tipped indelible markers. He stated that he does support the language of the enforcement of the graffiti. Mr. Pepe clarified letter J of the Ordinance. Mr. Labenberg stated that he will support the Ordinance if the word indelible marker is removed from the multiple places that it is located in the Ordinance. Mr. Anders stated that he agrees with Mr. Labenberg concerning the markers. Mr. Shubzda questioned how the amount of the fine is determined. Mr. Pepe responded that the District Magistrate determines the amount of the fine.

Motion by Mr. Brown, seconded by Mr. Shubzda to adopt Ordinance No. 1121 – An Ordinance Amending the Provisions of Chapter Six (6) of the Emmaus Borough Codified Ordinances Entitled “Conduct”, by Adding Part Five (5): Graffiti on its 1st Reading.

Mr. Brown amended his motion and Mr. Shubzda amended his second.

Motion by Mr. Brown, seconded by Mr. Shubzda to adopt to adopt Ordinance No. 1121 – An Ordinance Amending the Provisions of Chapter Six (6) of the Emmaus Borough Codified Ordinances Entitled “Conduct”, by Adding Part Five (5): Graffiti by eliminating certain provisions regarding indelible markers on its 1st Reading. Roll call vote: Mr. Labenberg, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Holtzhafer, aye. There were 5 ayes. Motion carried.

Ordinance No. 1122 – An Ordinance Amending Chapter 15 §404(d).1 of the Codified Ordinances, Establishing Resident Permit Parking on Iroquois Street Between Macungie Avenue and N. 7th Street Circle (1st Reading 2/17/15).

Motion by Mr. Brown, seconded by Mr. Labenberg to read Ordinance No. 1122 in short title. There were 5 ayes. Motion carried.

Mr. Holtzhafer stated that this particular block is being used by students that attend the Emmaus High School. It is the recommendation of Police Sergeant Garloff to include this street in the list of streets that require permit parking.

Mr. Holtzhafer read Ordinance No. 1122 in short title.

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Mr. Anders questioned how many students are parking in this block. Mr. Pepe responded that the Police are monitoring how many students park on the block and a Police Officer has recommended the change to the Ordinance.

Motion by Mr. Brown, seconded by Mr. Anders to adopt Ordinance No. 1122 – An Ordinance Amending Chapter 15 §404(d).1 of the Codified Ordinances, Establishing Resident Permit Parking on Iroquois Street Between Macungie Avenue and N. 7th Street Circle on its 1st Reading. Roll call vote: Mr. Labenberg, nay; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, nay; Mr. Holtzhafer, aye. There were 3 ayes, 2 opposed (Labenberg, Anders). Motion carried.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mrs. Gilbert reminded everyone that there is an unused medication drop box located at the Emmaus Police Station and medication can be dropped off Monday through Friday between 8:00 a.m. and 4:00 p.m.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on Thursday, February 5, 2015 at 3:30 p.m. He reported that Public Works Director, John Dychala; Code Enforcement Officer, Jim Farnsworth; and Fire Inspector, Daniel Sell conducted an inspection of the Knauss Homestead. He reported that there were many issues at the Homestead. Mr. Labenberg reported that Mr. Dychala provided the Committee with IWORQ reports detailing the costs of equipment, material, and labor associated with several projects throughout the Borough. Mr. Labenberg stated that this is a very useful tool for Council to understand the costs associated with projects, such as downtown snow removal for the SnowBlast festival. Mr. Labenberg entertained questions about the Committee report. Mr. Anders thanked the Public Works Department for their hard work during snow removal. Mr. Labenberg stated that he believes that the Public Works Department does a fine job year in and year out.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee meeting is February 19 at 4:30 p.m. He reported that he received information on two conferences that will be held this year.

Progress.

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c. Parks and Recreation Committee

Mr. Anders reported that there are several items which require official action. He reported that the Committee recommends approving the Emmaus Aquatics' request to rent the Emmaus Community Pool.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Aquatics' request to rent the Emmaus Community Pool at the same rate as 2014. There were 5 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Kiwanis Club's request to host the Kiwanis Annual Easter Egg Hunt at Emmaus Community Park on Saturday, April 4, 2015 at 1:00 p.m. There were 5 ayes. Motion carried.

Mrs. Gilbert noted that historically this request is handled at the staff level.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Parks and Recreation Commission's request to hold Friday Night Under the Lights, movie nights, on June 26, July 10 and August 14, 2015 at Emmaus Community Park.

Mr. Holtzhafer noted that the Commission is requesting to use the Arts Pavilion in case of rain on all three nights. Mr. Labenberg suggested that if the Arts Pavilion is rented on any of the nights, the Commission can use a different pavilion.

Mr. Anders amended his motion and Mr. Labenberg amended his second.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Parks and Recreation Commission's request to hold Friday Night Under the Lights, movie nights, on June 26, July 10 and August 14, 2015 at Emmaus Community Park and to grant the use of a pavilion in the event of rain. There were 5 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the Emmaus Parks and Recreation Commission's request to host Emmaus Community Day on Sunday, June 21, 2015. There were 5 ayes. Motion carried.

Mr. Anders noted that the event will be held on Father's Day.

Mr. Anders reported that Michelle Romeo attended the Parks and Recreation Committee Meeting. Ms. Romeo was in attendance to discuss a proposed race through the Borough on June 6, 2015. The race would be the final part of an entire series of races held in the Lehigh Valley. Ms. Romeo believes that the race will attract between 500 to 1,000 runners. The race would conclude at Triangle Park.

Mr. Anders also reported that Deb Post and Paula Sue Ream were in attendance to present an event on July 11, 2015 called The Ride for Hope. The event would begin and end at Community Park.

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Progress.

d. Public Safety Committee

Motion by Mr. Brown, seconded by Mr. Anders to appoint Shawn Lubenetski to the Safety Committee. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Anders to grant Mr. Barrett's request to hold the Emmaus 4-Miler on Sunday, April 12, 2015. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Labenberg to grant the Run Lehigh Valley's request to host the Funk 5 Miler Race on June 6, 2015, contingent upon proper insurance, the finalization of the race course route, and consultation and approval by the Chief of Police regarding the safety aspects of the race. There were 5 ayes. Motion carried.

Mr. Labenberg stated that he believes the motion should be amended to include contingent upon having the proper licenses to serve alcohol at the event and to have two officers present at the Triangle. Mr. Anders questioned if the Triangle will be closed for the event. Mr. Holtzhafer responded that the motion Council is voting on includes closing Main Street, adjacent to Triangle Park from 9:00 a.m. until 3:00 p.m. Mr. Brown stated that Saturday, in the summer, is a very busy time for the businesses located on the Triangle. Mr. Labenberg stated that the event will bring many people to the Triangle and the businesses should view this as a positive event.

Motion by Mr. Labenberg, seconded by Mr. Brown to have 2 officers present at the Triangle on June 6, 2015 in the event the Funk 5 Miler serves alcohol at the Triangle.

Mr. Labenberg amended his motion and Mr. Brown amended his second.

Motion by Mr. Labenberg, seconded by Mr. Brown to require that there are 2 Police Officers present at the Triangle, at the expense of Run Lehigh Valley, on June 6, 2015 in the event the Funk 5 Miler serves alcohol at the Triangle. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Labenberg to approve the Auxiliary Police Captain's Job Description. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Labenberg to appoint Jason Kleckner as the Auxiliary Police Captain at a pro-rated annual salary of \$6,700. There were 5 ayes. Motion carried.

e. General Administration Committee

Motion by Mr. Labenberg, seconded by Mr. Shubzda to reappoint Richard Farmer to the Emmaus Arts Commission to a term expiring 2/7/2018. There were 5 ayes. Motion carried.

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Motion by Mr. Labenberg, seconded by Mr. Anders to authorize Mr. Pepe to amend the month-to-month rental agreement with Switchback Pizza to rent three parking spaces in the Borough's parking lot adjacent to 525 Jubilee Street at \$75 per month beginning April 1, 2015. There were 5 ayes. Motion carried.

Mr. Anders asked for a status on the sale of the properties located on S. 2nd Street. Mr. Pepe stated that the item needs to be reviewed with the Borough Solicitor. Mr. Labenberg responded that the item will be discussed at the next General Administration Committee meeting to be held on February 18, 2015.

Progress.

f. Budget and Finance Committee

Mr. Shubzda read Resolution 2015-5 authorizing payment of the February 2, 2015 Bill List, as follows:

Bill List	\$	340,962.58
Payroll #2	\$	128,366.25
Payroll Taxes	\$	<u>43,280.87</u>
Total	\$	512,609.70

Done this 17th day of February 2015.

Motion by Mr. Shubzda, seconded by Mr. Anders to approve the February 2, 2015 Bill List. There were 5 ayes. Motion carried.

Mr. Shubzda read Resolution 2015-6 authorizing payment of the February 17, 2015 Bill List, as follows:

Bill List	\$	261,459.73
Payroll #3	\$	115,179.80
Payroll Taxes	\$	<u>40,417.58</u>
Total	\$	417,057.11

Done this 17th day of February 2015.

Motion by Mr. Shubzda, seconded by Mr. Anders to approve the February 17, 2015 Bill List. There were 5 ayes. Motion carried.

Progress.

Mr. Holtzhafer reported that the Budget and Finance Committee originally voted to deny the Police Pension cost of living adjustment for retired Police Officers. The Police Pension Board voted unanimously to approve the COLA for 2015. Mr. Holtzhafer stated that the retirees have not been paid a COLA since 2009. Mr. Labenberg stated that he will vote against the motion to approve the COLA.

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Motion by Mr. Shubzda, seconded by Mr. Labenberg to approve the 2015 COLA to the Police retirees in the amount of \$13,500. There were 2 ayes, 3 nays (Holtzhafer, Anders, Labenberg). Motion denied.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that there is a group in town that is soliciting businesses to partner with them. The businesses are confused by this because they are unsure how to differentiate between the Emmaus Main Street Partners and the other group. He reminded Council that they voted to support the Emmaus Main Street Partners. He stated that he does not believe the other group will support the businesses as well as the Main Street Partners does.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mr. Holtzhafer recessed the meeting at 8:09 p.m. for an Executive Session to discuss a personnel matter and legal issues.

Mr. Holtzhafer reconvened at 9:30 p.m. with no official action taken.

Motion by Mr. Labenberg, seconded by Mr. Anders to adjourn. There were 5 ayes. Motion carried.

The February 17, 2015 Meeting of the Emmaus Borough Council adjourned 9:31 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
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