

March 2, 2015

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
March 2, 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

February 17, 2015

7. Decisions on Bids
8. Communications
  - a. Fred Mussel, Cedarbrook Sportsmen - Request monetary donation to stock Furnace Dam.
  - b. Jessica Malewicz, Lincoln Elementary School PTO – Requests for 2015 Spring Festival.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

**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 (1<sup>st</sup> Reading 1/05/15) (2<sup>nd</sup> Reading 3/2/15).**

12. New Business

**Ordinance No. 1123 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Regulating the Activities of Transient Merchants; Defining Relevant Words and Phrases; Establishing a Licensing Program; Providing for Exempt Persons**

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**and Activities and Providing for Penalties for Violation Thereof (1<sup>st</sup> Reading 3/2/2015).**

**Ordinance No. 1124 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough**

**Code, Removing Residential Handicap Parking Sign on the Public Street Located in Front of 638 Walnut Street and Adding Residential Handicap Parking Signs on the Public Street**

**Located in Front of 570 Broad Street and in Front of 525 Broad Street Within the Borough of Emmaus (1<sup>st</sup> Reading 3/2/2015).**

13. Unfinished Business, Part II

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  
(1<sup>st</sup> Reading 2/17/15) (2<sup>nd</sup> Reading 3/16/15).

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. 7<sup>th</sup> Street Circle (1<sup>st</sup> Reading 2/17/15) (2<sup>nd</sup> Reading 3/16/15).

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 10<sup>th</sup> Street Culvert
- c. Historical House Agreements

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

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

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills
- d. **Catholic War Vets Curbside Refuse Fee**
- e. **Evans Wealth Strategies Refuse Refund**

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- f. **Reappointment of Chris Heckler to the Joint Environmental Advisory Committee (new term expires 3/7/2018)**

**Parks and Recreation** (Anders, Barrett, Labenberg)

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

- a. Boro Line Park Direction Sign

**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 (2<sup>nd</sup> Reading 3/2/15)
- d. **5-Miler Race – Rochelle Romeo – Approval to Serve Alcohol at Event**
- e. Ordinance No. 1121 – Graffiti Ordinance (2<sup>nd</sup> Reading 3/16/15)
- f. Ordinance No. 1122 – Parking on Iroquois Street (2<sup>nd</sup> Reading 3/16/15)
- g. **Ordinance No. 1124 – Handicap Signs (1<sup>st</sup> Reading 3/2/2015)**

**General Administration** (Barrett, Gilbert, Labenberg)

Next Meeting – March 4, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. **Ordinance No. 1123 – Regulating Activity for Transient Merchants (1<sup>st</sup> Reading 3/2/2015)**

**Budget and Finance** (Holtzhafer, Shubzda, Gilbert)

Next Meeting – March 16, 2015 at 6:45 p.m.

- a. Capital Plan
- b. **Resolution 2015-7 – Bill List**

**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 February, 2015

19. President's Business

20. Adjournment

Next Resolution: 2015-8

Next Ordinance: #1125

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The Emmaus Borough Council met in regular session on March 2, 2015 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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	Present
Nathan Brown	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Absent
Tom Dinkelacker, 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

**A. Commander Greg Walls, Catholic War Vets Post #1067, 721 Furnace Street** – stated that he met with the Health, Sanitation and Codes Committee and is requesting a refuse fee waiver for the Catholic War Veterans' annex building. Mr. Holtzhafer responded that the item will be discussed during the Health, Sanitation, and Codes Committee report.

**B. John Donches, 559 Minor Street** – requested that the Borough video tape all Committee Meetings and that the Borough uses the auto dial phone system to notify Borough residents about special meetings.

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COMMUNITY MINUTE

Mr. Shubzda stated that the Emmaus Arts Commission thanks the Borough of Emmaus for its help and support of the SnowBlast Festival. He also congratulated two wrestlers from Emmaus High School, Tom Alcaro and Lucas Schaf who will be attending the State wrestling tournament.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to dispense with the formal reading of the February 17, 2015 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Anders to adopt the February 17, 2015 Minutes as drafted. There were 5 ayes, 1 abstention (Barrett). Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

a. Fred Mussel, Cedarbrook Sportsmen – Request monetary donation to stock Furnace Dam.

**Motion by Mr. Anders, seconded by Mr. Labenberg to contribute \$300.00 to the Cedarbrook Sportsmen. There were 6 ayes. Motion carried.**

Mr. Pepe stated that the item is budgeted and Mr. Labenberg suggested that Mr. Pepe draft a letter to the Cedarbrook Sportsmen informing them of the cutoff for budgeted items for the following year.

b. Jessica Malewicz, Lincoln Elementary School PTO – Requests for 2015 Spring Festival. Referred to Mayor Iobst and staff.

c. Michael Gibson, 230 Ridge Street – Letter in support of Rodale purchase.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1120 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §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 (1<sup>st</sup> Reading 1/05/15) (2<sup>nd</sup> Reading 3/2/15).

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**Motion by Mr. Labenberg, seconded by Mr. Brown to read Ordinance No. 1120 in short title. There were 6 ayes. Motion carried.**

**Motion by Mr. Brown, seconded by Mr. Anders to adopt Ordinance No. 1120 on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Labenberg, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Holtzhafer, aye. There were 6 ayes. Motion carried.**

NEW BUSINESS

Ordinance No. 1123 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Regulating the Activities of Transient Merchants; Defining Relevant Words and Phrases; Establishing a Licensing Program; Providing for Exempt Persons and Activities and Providing for Penalties for Violation Thereof (1<sup>st</sup> Reading 3/2/2015).

**Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1123 in short title. There were 6 ayes. Motion carried.**

Mr. Holtzhafer read Ordinance No. 1123 in short title.

Mr. Pepe stated that there has been an increasing number of complaints by Borough staff, the Police Department, and residents regarding door-to-door sales in the Borough. There have been incidents of fraud, fake driver's licenses and an individual who had a warrant out for his arrest. Mr. Pepe stated that there is very little regulation addressing transient merchants. He stated that this Ordinance establishes a Do Not Solicit list for the Borough. Mr. Labenberg questioned if the Borough will provide Do Not Solicit stickers to residents. Mr. Pepe responded that it would be inexpensive to do so. Solicitor Dinkelacker responded that if a resident's name is on the Do Not Solicit list it is a violation and it is not required for residents to have stickers.

**Motion by Mr. Brown, seconded by Mr. Barrett to adopt Ordinance No. 1123 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Regulating the Activities of Transient Merchants; Defining Relevant Words and Phrases; Establishing a Licensing Program; Providing for Exempt Persons and Activities and Providing for Penalties for Violation Thereof on its 1<sup>st</sup> Reading. Roll call vote: Mr. Labenberg, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Holtzhafer, aye. There were 6 ayes. Motion carried.**

Mr. Pepe stated that the 2<sup>nd</sup> reading of the Ordinance will be on April 6, 2015.

Ordinance No. 1124 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §606.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 638 Walnut Street and Adding Residential Handicapped Parking Signs on the Public Street Located in Front of 570 Broad Street and in Front of 525 Broad Street Within the Borough of Emmaus (1<sup>st</sup> Reading 3/2/15).

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**Motion by Mr. Labenberg, seconded by Mr. Brown to read Ordinance No. 1124 in short title. There were 6 ayes. Motion carried.**

Mr. Holtzhafer read Ordinance No. 1124 in short title.

**Motion by Mr. Labenberg, seconded by Mr. Brown to adopt Ordinance No. 1124 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §606.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 638 Walnut Street and Adding Residential Handicapped Parking Signs on the Public Street Located in Front of 570 Broad Street and in Front of 525 Broad Street Within the Borough of Emmaus on its 1<sup>st</sup> Reading. Roll call vote: Mr. Labenberg, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Holtzhafer, aye. There were 6 ayes. Motion carried.**

Mr. Pepe stated that the 2<sup>nd</sup> reading of the Ordinance will be on April 6, 2015.

UNFINISHED BUSINESS, PART II

Mr. Holtzhafer stated that Ordinance No. 1121, the Graffiti Ordinance, and Ordinance No. 1122 will have their 2<sup>nd</sup> Readings on March 16, 2015. Mr. Pepe stated that the necessary changes have been made to Ordinance No. 1121.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on Thursday, March 5, 2015 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the Committee met on February 19, 2015. Mr. Shubzda reported that Greg Walls, Catholic War Vets, was in attendance to discuss waiving the refuse fee for the Catholic War Vets annex building. Mr. Walls stated that nobody lives in the building, but the secretary does sleep there periodically. He provided the Borough with paperwork and stated that the building is tax-exempt. The Committee discussed Mr. Walls' request in detail and voted to recommend to Council for action to exempt the Catholic War Vets from paying a curbside refuse fee for the annex building.

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**Motion by Mr. Shubzda, seconded by Mr. Labenberg to exempt the Catholic War Vets from paying a curbside refuse fee for the annex building as per §102.3 of Chapter 20 of the Emmaus Borough Code. There were 6 ayes. Motion carried.**

Mr. Shubzda reported that the Committee received a letter from Evans Wealth Strategies, 902 Chestnut Street, requesting a refund for double billings that have taken place at that location since 2011. The Zoning Officer confirmed that there has only been one business in the building for many years. Mr. Barrett asked if there is a Statute of Limitations on requesting a refund. Solicitor Dinkelacker stated that the Borough is able to refund at any time. He also stated that an individual who has overpaid has 4 years to bring the mistake to the Borough's attention.

**Motion by Mr. Shubzda, seconded by Mr. Anders to refund Evans Wealth Strategies, 902 Chestnut Street, for double billings that have taken place in 2011, 2012, 2013, and 2014. There were 5 ayes, 1 opposed (Holtzhafer). Motion carried.**

**Motion by Mr. Shubzda, seconded by Mr. Anders to appoint Chris Heckler to the Joint Environmental Advisory Council to a term expiring 3/7/18. There were 6 ayes. Motion carried.**

Mr. Shubzda reported that the Committee discussed, at length, the enforcement of refuse and recycling. He stated that the Committee will further discuss the item and the need for a Refuse/Recycling Coordinator.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee will meet on March 3, 2015 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that a motion is necessary to authorize the Emmaus 5-Miler Race request to serve alcohol at Triangle Park.

**Motion by Mr. Labenberg, seconded by Mr. Brown to authorize the Emmaus 5-Miler Race permission to serve alcohol at Triangle Park. There were 6 ayes. Motion carried.**

e. General Administration Committee

Mr. Barrett reported that the Committee will meet on Wednesday, March 4, 2015 at 9:00 a.m.

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f. Budget and Finance Committee

Mr. Shubzda read Resolution 2015-7 authorizing payment of the March 2, 2015 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>227,447.09</b>
<b>Payroll #4</b>	<b>\$</b>	<b>129,041.66</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>44,773.66</u></b>
<b>Total</b>	<b>\$</b>	<b>401,262.41</b>

Done this 2<sup>nd</sup> day of March 2015.

**Motion by Mr. Shubzda, seconded by Mr. Anders to approve the March 2, 2015 Bill List. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the next Committee Meeting is Tuesday, March 10, 2015 at 4:15 p.m.

Progress.

PERSONAL APPEALS, PART II

**A. John Donches, 559 Minor Street** – stated that he does not believe the owner of a property should be held responsible for cleaning up graffiti. He stated that the owner is the victim and should not access a fine for graffiti. Mr. Pepe responded that the intent of the Ordinance is not to assess the property owner a fine, but that the property owner is responsible for their property despite the fact that they may be a victim of a crime. Mr. Labenberg stated that he believes the Borough could use individuals that need to fulfill community service hours to help clean graffiti.

**B. Otto Slozer, 121 E. Elm Street** – questioned the effect the Rodale purchase will have on the Borough's insurance. Mr. Pepe questioned if Mr. Slozer was referring to liability insurance to which Mr. Slozer answered affirmatively. Mr. Pepe responded that the rate of the insurance will only increase because the size of the building will increase. Mr. Pepe stated that the ISO rating would be affected if the building is located further than 1 ½ miles from the Fire Station. Mr. Pepe and Mr. Barrett stated that the Borough's insurance agent has stated this method is outdated and rarely used.

**C. Lynn Faust, 210 Keystone Avenue** – stated that she and her husband own property on Railroad Street. She questioned the Ordinance prohibiting parking on Railroad Street. Mr. Pepe responded that the Ordinance prohibits parking on the side of Railroad Street facing the railroad and at the corner of 5<sup>th</sup> Street. Mrs. Faust asked if the purchase of the Rodale building is a done deal. Mr. Pepe responded that Council voted to move forward with the purchase and signed an Agreement to purchase the property, however, details are still being worked out. Mr. Barrett stated that once the details are resolved, it is essentially a done deal.

**D.**

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BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mr. Holtzhafer recessed the meeting at 7:50 p.m. for an Executive Session to discuss a personnel matter with the Fire Department.

Mr. Holtzhafer reconvened at 8:55 p.m. with no official action taken.

**Motion by Mr. Barrett, seconded by Mr. Brown to adjourn. There were 6 ayes.  
Motion carried.**

The March 2, 2015 Meeting of the Emmaus Borough Council adjourned at 8:55 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
March 6, 2015