

March 16, 2015

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
March 16, 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

March 2, 2015

7. Decisions on Bids
8. Communications
  - a. Krista Pegnetter, Emmaus Public Library – Request use of Kiwanis Fields/Williams Street on May 16, 2015.
  - b. David Biles, 936 Evergreen Street – Request reappointment to the Planning Commission (term expires 4/1/2015).
  - c. Richard Farmer, Friends of the 1803 House – Permission to install fence at the 1803 House.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

**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).**

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12. New Business

**Ordinance No. 1125** – An Ordinance Amending the Provisions of Chapter 1, Part IV, Section A, Committees of Council, of the Borough of Emmaus Consolidated Code of Ordinances (1<sup>st</sup> Reading 3/16/2015).

13. Unfinished Business, Part II

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) (2<sup>nd</sup> Reading 4/6/2015).

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) (2<sup>nd</sup> Reading 4/6/2015).

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 – April 2, 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

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

Next Meeting – April 7, 2015 at 4:00 p.m.

- a. Boro Line Park Direction Sign

**Public Safety (Gilbert, Barrett, Brown)**

Next Meeting – April 1, 2015 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. IFC Ordinance
- c. **Ordinance No. 1121 – Graffiti Ordinance (2<sup>nd</sup> Reading 3/16/15)**
- d. **Ordinance No. 1122 – Parking on Iroquois Street (2<sup>nd</sup> Reading 3/16/15)**
- e. Ordinance No. 1124 – Handicap Signs (2<sup>nd</sup> Reading 4/6/2015)
- f. **Resolution 2015-10 – Emergency Operations Plan**

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

Next Meeting – April 1, 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 (2<sup>nd</sup> Reading 4/6/2015)
- e. **Ordinance No. 1125 – Committees of Council (1<sup>st</sup> Reading 3/16/2015)**
- f. **Resolution 2015-9 – Fields at Indian Creek**

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

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

- a. Capital Plan
- b. **Resolution 2015-8 – Bill List**
- c. **Ambulance Financial Hardship Billing Policy**

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

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

- a. Grant Progress
- b. Committee Structure
- c. Volunteer of the Year

17. **Personal Appeals, Part II**

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18. Borough Manager's Report

- a. Significant Revenue and Expense Items for First Half of March, 2015

19. President's Business

Executive Session – Fire Department Personnel

20. Adjournment

Next Resolution: 2015-11

Next Ordinance: #1126

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The Emmaus Borough Council met in regular session on March 16, 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 – arrived at 7:15 p.m.
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. Dr. Michael Waddell, Executive Director Emmaus Commemorative Gardens Foundation, 976 N. 7<sup>th</sup> Street Circle** – provided an update from the Remembrance Gardens Foundation and thanked Borough Council for allowing the Gardens to use Borough property for their garden. He stated that the Emmaus Commemorative Gardens is currently in its 11<sup>th</sup> year and has installed almost 400 bricks in the garden walkway. He stated that Sunday, May 24, 2015 will mark the 9<sup>th</sup> annual Veteran's Brick installation and that the Foundation is in need of a speaker for the event. He stated that the

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Garden has a Community Heroes walkway and a Heritage Alliance walkway. He reminded everyone that the Emmaus Commemorative Gardens funds the brick for Volunteer of the Year award and stated that as soon as he receives the name he will begin work on it.

**B. Tom Campione, 33 W. Water Street, Hellertown, PA** – stated that he is the director of legislative affairs for Pennsylvanians for Self Protection and Vice Chairman of the Lehigh Valley Tea Party. He stated that he presented a personal appeal two months ago to bring to Council's attention a letter that was mailed to Borough Council concerning unlawful firearms ordinances. At that time, Council responded that the issue had been dealt with. Mr. Campione stated that the violation that was referenced still appears on the Borough's website. He stated that he requested a copy of the Ordinance, which was three years old and that he believes Borough Council did not address the issue and did not take the matter seriously. He noted that the current violation is in Chapter 16, Parks and Recreation Part 1, Regulations 103, Prohibited Conduct #18. He stated that Borough Council needs to deal with the Ordinance quickly. Mr. Holtzhafer questioned the term quickly. Mr. Labenberg stated that he did read the letter and took the letter seriously. He stated that he believes the matter needs to be addressed at the Committee level. Mr. Pepe responded that he has forwarded a legal opinion written by the Borough Solicitor to Mr. Campione via email. Mr. Holtzhafer referred the item to the Public Safety Committee.

**C. Otto Slozer, 121 E. Elm Street** – questioned whether an individual is permitted to carry a fireman in the park or not. Mr. Holtzhafer responded that he does not have the current Ordinance in front of him and the matter will be referred to the proper Committee. Mr. Slozer asked if Council's intent is to be in compliance with state law to which Mr. Holtzhafer responded affirmatively.

## COMMUNITY MINUTE

Mr. Anders stated that the Borough Spring Newsletter has arrived and has a lot of useful information in it. He stated that all Borough residents will receive the newsletter in the mail shortly. Mr. Labenberg agreed with Mr. Anders and stated that the newsletter thoroughly addresses how the refuse bill is broken down. Mr. Pepe stated that he has received several questions from residents concerning the reduced refuse rate. Mr. Labenberg reminded everyone that the Compost Site is currently open on Wednesdays and Saturdays. Mr. Anders reminded everyone that the Electronics Dumpster is also available with further information available in the newsletter.

SPECIAL PRESENTATIONS – None.

## READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to dispense with the formal reading of the March 2, 2015 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Anders to adopt the March 2, 2015 Minutes as drafted. There were 6 ayes. Motion carried.**

## DECISION ON BIDS

Mr. Pepe stated that the CDBG Curb and Concrete Bid is currently under review by the County.

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### COMMUNICATIONS

a. Krista Pegnetter, Library Director, Emmaus Public Library – Request use of Kiwanis Fields/Williams Street on May 16, 2015. Mr. Holtzhafer referred the item to the Parks and Recreation Committee. Mr. Anders stated that the Parks and Recreation Commission handles the field assignments. Mr. Holtzhafer referred the item to the Parks and Recreation Commission and stated that he believes Ms. Pegnetter should fill out a Community Event Information Sheet for the request.

b. David Biles, 936 Evergreen Street – Request reappointment to the Planning Commission (term expires 4/1/2015). Referred to the Health, Sanitation and Codes Committee.

c. Richard Farmer, Friends of the 1803 House – Request to install fence at the 1803 House. Referred to the General Administration Committee.

d. Kathy Haney, 18 N. 4<sup>th</sup> Street – Letter of concerns on Rodale purchase. Referred to the General Administration Committee.

### BOROUGH ENGINEER'S REPORT

Chad Peters, Hanover Engineering, and Lew Rauch, Lehigh Engineering, presented Resolution 2015 - 9 – A Resolution Conditionally Approving the Lot Consolidation Plan and Preliminary Land Development Plan for the Fields at Indian Creek.

Mr. Peters entertained questions about the Resolution. Mr. Holtzhafer stated that he believes that there are many concerns about the project that have not been addressed. Mr. Peters responded that many of the concerns are items that require third party approvals. Solicitor Dinkelacker stated that the Resolution was based on the last Planning Commission meeting at which the matter was reviewed. He stated that many of the conditions include simply changing the information that is on the plan, not information that is substantive in nature. He stated that a number of the conditions require outside agency approvals, which is consistent with the law. He also stated that he believes Upper Milford and Lower Macungie are close to an approval of the plans and there will be many phases to the plans.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt Resolution 2015-9. There were 6 ayes. Motion carried.**

### SOLICITOR'S REPORT

Progress.

### UNFINISHED BUSINESS, PART I

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).

**Motion by Mr. Barrett, seconded by Mr. Shubzda to read Ordinance No. 1121 in short title. There were 6 ayes. Motion carried.**

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

**Motion by Mr. Barrett, seconded by Mr. Brown 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 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.**

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).

**Motion by Mr. Barrett, seconded by Mr. Brown to read Ordinance No. 1122 in short title. There were 5 ayes, 1 opposed (Anders). Motion carried.**

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

**Motion by Mr. Barrett, seconded by Mr. Brown 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. 7<sup>th</sup> Street Circle on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Labenberg, nay; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, nay; Mr. Holtzhafer, aye. There were 4 ayes, 2 opposed (Labenberg, Anders). Motion carried.**

NEW BUSINESS

Ordinance No. 1125 – An Ordinance Amending Provisions of Chapter 1, Part IV, Section A, Committees of Council, of the Borough of Emmaus Consolidated Code of Ordinances. (1<sup>st</sup> Reading 3/16/15).

**Motion by Mr. Barrett, seconded by Mr. Anders to read Ordinance No. 1125 in short title. There were 6 ayes. Motion carried.**

Mr. Holtzhafer read Ordinance No. 1125 in short title.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt Ordinance No. 1125 – An Ordinance Amending Provisions of Chapter 1, Part IV, Section A, Committees of Council, of the Borough of Emmaus Consolidated Code of Ordinances 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. Holtzhafer asked Mr. Pepe when the Ordinance will have its 2<sup>nd</sup> Reading to which Mr. Pepe responded that it will be the April 20, 2015 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that due to the inclement weather the Committee was unable to meet. The next Committee meeting is Thursday, April 2, 2015 at 3:30 pm.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee Meeting is Thursday, March 19, 2015 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that due to the inclement weather the Committee was unable to meet. The next Committee Meeting is Tuesday, April 7, 2015 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mr. Brown thanked Mr. Krippe for his hard work on the Emergency Operations Plan and that he believes Mr. Krippe has worked on the Plan for over a year.

Resolution 2015-10 – A Resolution Adopting the 2015 Borough of Emmaus Emergency Plan.

**Motion by Mr. Brown, seconded by Mr. Anders to adopt Resolution 2015-10. There were 6 ayes. Motion carried.**

Mr. Barrett reported that Chief Faust, Rochelle Romeo, and he met to finalize the details and to review the course for the Funk 5-Miler. Mr. Barrett stated that Chief Faust has approved the course and there are several road closures. He stated that Council will receive a final version of the course map. He stated that Ridge Street, between 3<sup>rd</sup> and 4<sup>th</sup> Street, will be closed for a brief time for the start and finish of the race. Also, there will be a brief closing of Ridge Street to Walnut Street, from Walnut Street to Macungie Avenue, and Macungie Avenue to North Street. The closing will be approximately ten minutes. Mr. Anders asked if the event will still utilize Triangle Park to which Mr. Barrett responded

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affirmatively. Mrs. Gilbert questioned the start time of the race. Mr. Barrett responded that the start time has remained the same at 11:00 a.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the March 18, 2015 Committee Meeting is cancelled.

Progress.

f. Budget and Finance Committee

Mr. Shubzda read Resolution 2015-8 authorizing payment of the March 16, 2015 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>101,092.15</b>
<b>Payroll #5</b>	<b>\$</b>	<b>119,961.67</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>42,256.24</u></b>
<b>Total</b>	<b>\$</b>	<b>263,310.66</b>

Done this 16<sup>th</sup> day of March 2015.

**Motion by Mr. Shubzda, seconded by Mr. Anders to approve the March 16, 2015 Bill List. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that the Emmaus Ambulance Corps has established a Policy in order to maintain consistency in assisting individuals with a financial hardship. Previously there had been no Policy in determining a financial hardship. Mr. Barrett and Mr. Labenberg thanked Mr. Pepe and the Ambulance Corps for creating the Policy so quickly. Mr. Pepe thanked Tina Schantz from the Ambulance Corps for helping him create the Policy.

**Motion by Mr. Shubzda, seconded by Mr. Brown to adopt the Emmaus Ambulance Corps Financial Hardship Billing Policy. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Emmaus Main Street Partners have formed an Economic Development Committee to try to address many of the business development needs in the Borough. He stated that this is in line with the new mission of the CRD Committee. Mr. Brown stated that historically the EMSP have developed other plans which have not been implemented. He also stated that the CRD Committee will work closely with the EMSP to implement the plans that they are trying to develop. Mr. Barrett asked how many individuals are included in the Main Street Partners' Economic Development Committee. Mr. Brown

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responded that he is unsure of the number, but that Mr. Pepe and he have been asked to join them at their meetings.

Mr. Brown reminded Council that recommendations are needed for the Volunteer of the Year. There are currently six volunteers that have been recommended. Mr. Anders encouraged the community to offer suggestions for the Volunteer of the Year Award.

Progress.

PERSONAL APPEALS, PART II - None.

### BOROUGH MANAGER'S REPORT

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

Mr. Labenberg asked if the contract between Rodale and the Borough of Emmaus has been signed. Mr. Pepe responded affirmatively.

Progress.

### PRESIDENT'S BUSINESS

Mr. Holtzhafer recessed the meeting at 8:00 p.m. for an Executive Session to discuss a personnel matter with the Fire Department with official action anticipated.

Mr. Holtzhafer reconvened at 8:45 p.m. with official action needed.

**Motion by Mr. Brown, seconded by Mr. Barrett to hire Raymond Stackhouse as a consultant during the Emmaus Fire Department's Union negotiations at an hourly rate of \$50.00. There were 6 ayes. Motion carried.**

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

The March 16, 2015 Meeting of the Emmaus Borough Council adjourned at 8:45 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
March 23, 2015