

August 18, 2014

EMMAUS BOROUGH COUNCIL
Emmaus Borough Council
Agenda
Monday, August 18, 2014, 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

July 21, 2014

August 12, 2014

7. Decisions on Bids

Town Hall and Community Park Bath House Roof Replacement

8. Communications

- a. Craig Neely, 209 Main Street – Request Appointment to the Emmaus General Authority.
- b. Richard Breen, 1333 W. Minor Street – Late Night Gunfire Noise.
- c. Eli Bracken, 190 Main Street – Request Appointment to the Joint Environmental Advisory Council.
- d. Laura Fetzer, Friends of the 1803 House – Waive Fee to Hang Banner.
- e. Don Marron, St. Ann Parish, 415 S. Sixth St. – 32nd Annual Fall Fest Event.
- f. Brian Simons, 1780 W. Wood Street – 245 S. 16th Street.
- g. Keith and Kimberly Condrack, 807 Frank Drive – Sidewalk Damage from Snow.
- h. Vince Tranguch, Emmaus Lions Club – Signage Placement in the Borough.

9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

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12. New Business

- a. **Ordinance No. 1112 – An Ordinance Amending the Provisions of Chapter 15, Section 201, Establishing a Maximum Speed Limit on a Portion of North Seventh Street, and**

12. New Business (continued)

Section 210, Establishing a Right Turn Only During Certain Hours on School Days From Pine Street to Macungie Avenue (1st Reading 8/18/14).

13. Unfinished Business, Part II

- a. Ordinance No. 1111 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Add Definitions for Brew Pub and Craft Brewery; Provide for Brew Pub and Craft Brewery Uses as Conditional Uses in the Highway Commercial (B-H), Light Industrial (I-L) and Central Commercial (B-C) Zoning Districts; and Provide Use, Bulk and Performance Regulations for Brew Pub and Craft Brewery Uses (1st Reading 7/21/14) (2nd Reading 9/2/14).

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 – September 4, 2014 at 3:15 p.m.

- a. Rules & Regulations (update)
- b. Fairview Street
- c. South 10th Street Culvert
- d. Historical House Agreements

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

Next Meeting – August 21, 2014 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 – September 2, 2014 at 4:00 p.m.

- a. Boro Line Park Direction Sign

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- b. **Rental of Tennis Court**
- c. **Cyclocross 2014 Events**
- d. **Hiberians Hurling Club use of Klines Lane**
- e. **Farewell to Summer Event**
- f. **Playground Equipment**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – September 3, 2014 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. **Michael Nonnemacher - Resignation**
- c. **Ordinance No. 1112 – 15 mph on N. 7th St. & Donald Drive and Right Turn Only from Pine Street onto Macungie Avenue**

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – August 20, 2014 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. **Appoint Brent Stringfellow to the Planning Commission (term expires 4/1/2017)**
- e. **Manufactured Homes**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – August 28, 2014 at 3:30 p.m.

- a. Capital Plan
- b. **Resolution 2014-33 – Bill List**
- c. **Investment Policy Plan**

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

Next Meeting – September 9, 2014 at 4:00 p.m.

- a. LERTA
- b. Grant Progress

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. Significant Revenue and Expense Items for July, 2014

19. President's Business

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20. Adjournment

Next Resolution: 2014-34

Next Ordinance: #1113

The Emmaus Borough Council met in regular session on August 18, 2014 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert 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 – Arrived at 7:02 p.m.
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1 - None.

COMMUNITY MINUTE

Mr. Anders reminded everyone that an event celebrating the 300th birthday of Sebastian Knauss will be held at the Knauss Homestead on Saturday, August 23, 2014 beginning at 10:00 a.m. A reception will be held on Friday night, August 22, 2014.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the July 21, 2014 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Anders to adopt the July 21, 2014 Minutes as drafted. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Brown to dispense with the formal reading of the August 12, 2014 Special Council Meeting Minutes. There were 7 ayes. Motion carried.

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Motion by Mr. Brown, seconded by Mr. Barrett to adopt the August 12, 2014 Special Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe stated that the Borough received two bids to replace the Pool Bath House and Town Hall roof. The bids received were both very high and he stated that the bid specifications were written much more stringent and much more detailed than the estimate given. Mr. Pepe stated that he is requesting permission to reject all bids and rewrite the specs.

Motion by Mr. Labenberg, seconded by Mr. Brown to authorize Mr. Pepe to re-bid the replacement of the Pool Bath House and Town Hall Roof.

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

Motion by Mr. Labenberg, seconded by Mr. Brown to reject all bids and to re-draft the bid specifications for the replacement of the Pool Bath House and Town Hall roof. There were 7 ayes. Motion carried.

Mr. Pepe stated that he believes that the bid specifications will be drafted quickly and will be advertised by September 3, 2014.

COMMUNICATIONS

- a. Craig Neely, 209 Main Street – Request Appointment to the Emmaus General Authority. Referred to the General Administration Committee.
- b. Richard Breen, 1333 W. Minor Street – Late Night Gunfire Noise. Referred to the Borough Manager and Chief Faust.
- c. Eli Bracken, 190 Main Street – Request Appointment to the Joint Environmental Advisory Council. Referred to the Health, Sanitation, and Conservation Committee.
- d. Laura Fetzer, Friends of the 1803 House – Waive Fee to Hang Banner.

Motion by Mr. Holtzhafer, seconded by Mr. Anders to grant the Friends of the 1803 House Banner Fee Waiver request for A Very Merrie Halloween. There were 7 ayes. Motion carried.

- e. Don Marron, St. Ann Parish, 415 S. Sixth Street – 32nd Annual Fall Fest Event. Referred to the Mayor and Staff.
- f. Brian Simons, 1780 W. Wood Street – Manufactured Home – 245 S. 16th Street. Referred to the General Administration Committee.
- g. Keith and Kimberly Condrack, 807 Frank Drive – Sidewalk Damage from Snow. Referred to the Public Works Committee.
- h. Vince Tranguch, Emmaus Lions Club – Signage Placement in the Borough. Referred to the General Administration Committee.
- i. Michelle Killino, Jefferson Elementary PTO, 520 Elm Street – Request approval for duck derby at Emmaus Community Park on Saturday, October 4, 2014

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beginning at 1:00 p.m. with the duck launch beginning at 2:00 p.m. Referred to the Parks and Recreation Committee.

j. Chrissy Flexer, Joshua's Future of Promises – Request to use Kiwanis Field and Williams Street Field on September 27 & 28, 2014 and a fee waiver request for the use of the fields. Referred to the Parks and Recreation Committee.

k. Donald Heffner - Thank you card from Emmaus Senior Citizens for \$500.00 donation from the Borough.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1112 – An Ordinance Amending the Provisions of Chapter 15, Section 201, Establishing a Maximum Speed Limit on a Portion of North Seventh Street, and Section 210, Establishing a Right Turn Only During Certain Hours on School Days From Pine Street to Macungie Avenue. (1st Reading 8/18/14).

Motion by Mr. Brown, seconded by Mr. Labenberg to read Ordinance No. 1112 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1112 in short title.

Mr. Barrett asked if the Ordinance would come under a 90 day trial period. Mrs. Gilbert responded affirmatively.

Motion by Mr. Brown, seconded by Mr. Barrett to adopt Ordinance No. 1112 – An Ordinance Amending the Provisions of Chapter 15, Section 201, Establishing a Maximum Speed Limit on a Portion of North Seventh Street, and Section 210, Establishing a Right Turn Only During Certain Hours on School Days From Pine Street to Macungie Avenue on its 1st Reading. Roll call vote: Mr. Labenberg, nay; Mr. Holtzhafer, nay; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, nay; Mrs. Gilbert, aye. There were 4 ayes, 3 opposed (Labenberg, Holtzhafer, Anders). Motion carried.

UNFINISHED BUSINESS, PART II

Mrs. Gilbert stated that Ordinance No. 1111 is scheduled for its 2nd Reading on September 2, 2014.

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

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MAYOR'S REPORT

Mayor Iobst reminded everyone that the Wheels of Time Parade will be held Friday night, August 22, 2014. He stated that the Parade will leave Macungie Park at 6:30 p.m. and that the Parade route will be in reverse of the route in previous years.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on August 7, 2014. Mr. Labenberg entertained questions on the Committee Minutes.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on Thursday, August 21, 2014 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met on August 5, 2014. He stated that there are several items that require official action. Mr. Anders reported that Benjamin Lopez has requested to rent a tennis court at Boro Line Park to hold tennis lessons. The lessons would be held on various days of the week. The Committee recommends to approve the rental of a tennis court to Mr. Lopez at a rate of \$10.00 per hour per court, contingent upon insurance.

Motion by Mr. Anders, seconded by Mr. Barrett to approved Mr. Benjamin Lopez's request to rent a tennis court at Boro Line Park to hold tennis lessons on Tuesdays and Thursdays from 4:00 p.m. to 6:00 p.m. and Saturdays and Sundays from 9:00 a.m. to 12:00 p.m., at a rate of \$10.00 per hour per court, contingent upon insurance. There were 7 ayes. Motion carried.

Mr. Anders reported that Mr. Andrew Bernstein was in attendance to discuss the annual request to create a cyclocross track around the Community Garden area. The Committee recommends granting the request to hold cyclocross events in 2014 and raising the fee from \$25.00 to \$35.00 per event.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the 5th Street Cyclocross request to hold Cyclocross events around the Community Garden area in 2014 at a fee of \$35.00 per event. There were 7 ayes. Motion carried.

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Mr. Anders reported that the Hiberians Hurling Club has requested a fee waiver request for the use of the Klins Lane multi-purpose field for 2014. They have not historically paid for the use of the field because they have agreed to give a donation for the use it. Mr. Labenberg stated that there is no record of the Borough receiving a donation. The Committee recommends approving the use of the Klins Lane multi-purpose field for a flat fee of \$250.00 for the season.

Motion by Mr. Anders, seconded by Mr. Labenberg to grant the request by the Hiberians Hurling Club for the use of the Klins Lane multi-purpose field for 2014 for a flat fee of \$250.00 for the season. There were 7 ayes. Motion carried.

Mr. Anders reported that the Committee recommends granting the Emmaus Main Street Partners' request to host the 2014 Farewell to Summer event, contingent upon proper insurance.

Motion by Mr. Anders, seconded by Mr. Barrett to grant the Emmaus Main Street Partners' request to host the 2014 Farewell to Summer event, contingent upon proper insurance. There were 7 ayes. Motion carried.

Mr. Anders reported that the Committee discussed playground equipment. He reported that several pieces of playground equipment have been removed due to safety issues. He reported that the merry-go-round at Lions Park needs to be replaced. The Committee discussed the need to increase the equipment budget each year to replace some of the out-of-code equipment. Mr. Labenberg asked the price of the merry-go-round and questioned which line item would be used to fund the merry-go-round. Mr. Pepe responded that the cost of the merry-go-round is approximately \$2,000 and the funds would be used out of the Equipment Maintenance line item account under Parks.

Motion by Mr. Anders, seconded by Mr. Labenberg to authorize John Dychala to obtain quotes to replace the merry-go-round at the Lions Playground. There were 7 ayes. Motion carried.

Mr. Anders reported that the Committee discussed installing coin operating light systems at the basketball and tennis courts. He stated that the East Penn School District has a similar system.

Mr. Labenberg questioned the Doggie Dip & Dance. Mr. Pepe responded that Mr. Dychala has voiced numerous concerns about the event and that the event will not be held in 2014.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on August 6, 2014. Mrs. Gilbert reported that the Committee discussed several issues, including the drafting of a graffiti Ordinance.

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Motion by Mr. Holtzhafer, seconded by Mr. Anders to authorize Mrs. Gilbert to sign the Retirement Agreement between the Borough of Emmaus and Ambulance Chief Michael Nonnemacher. There were 7 ayes. Motion carried.

Mrs. Gilbert stated that Chief Faust has issued a memorandum stating that the Sanctuary at Haafsville has agreed to waive the \$15.00 fee to residents for feral cats. The Borough will continue to pay its share of the cost. Mrs. Gilbert entertained questions on the Committee Minutes.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee interviewed Brent Stringfellow for a vacancy on the Planning Commission. Mr. Barrett stated that he is very qualified for the position and the Committee recommends appointing Mr. Stringfellow to the Commission.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Brent Stringfellow to the Planning Commission to a term expiring 4/1/2017. There were 7 ayes. Motion carried.

The next Committee meeting is August 20, 2014 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 33 authorizing payment of the August 18, 2014 Bill List, as follows:

Bill List	\$	655,772.17
Payroll #15 and #16	\$	265,482.05
Payroll Taxes	\$	<u>87,933.79</u>
Total	\$	1,009,188.01

Done this 18th day of August 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the August 18, 2014 Bill List. There were 6 ayes 1 abstention (Labenberg). Motion carried.

Mr. Holtzhafer reported that the Borough received investment guidelines from Wells Fargo for the allocation of investments for the Borough of Emmaus Police Pension Plan and Borough of Emmaus Employees' Pension Plan.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to approve the Wells Fargo Investment Guidelines for the allocation of investments for the Borough of

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Emmaus Police and Borough of Emmaus Employees' Pension Plan. There were 7 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the next Committee Meeting is September 9, 2014 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 7:40 p.m. to discuss a personnel matter with no official action anticipated.

Mrs. Gilbert reconvened the meeting at 8:15 p.m. with no official action required.

Motion by Mr. Labenberg, seconded by Mr. Anders to adjourn. There were 7 ayes. Motion carried.

The August 18, 2014 Meeting of the Emmaus Borough Council adjourned at 8:16 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
August 26, 2014