

September 2, 2014

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
Tuesday, September 2, 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

August 18, 2014

7. Decisions on Bids
8. Communications
 - a. John Datz, 3415 Bleiler Rd., Emmaus – Request appointment to the Shade Tree Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 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).
12. New Business
13. Unfinished Business, Part II

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- b. 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) (2nd Reading 9/15/14).

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 – September 18, 2014 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills
- d. **Eli Bracken – Appoint to the Joint Environmental Advisory Council (term expires 3/7/2017)**
- e. **Nigel Watt – Appoint to the Joint Environmental Advisory Council (term expires 3/7/2016)**
- f. **Geese Police**

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – October 7, 2014 at 4:00 p.m.

- a. Boro Line Park Direction Sign

Public Safety (Gilbert, Barrett, Brown)

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

- a. Emergency Operations Plan – Review
- b. Ordinance No. 1112 – 2nd Reading 9/15/2014

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General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – September 3, 2014 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. S. 1st Street – Rent Parking Spaces**
- e. Appoint as Interim Ambulance Chief - Jeffrey Hoffman**
- f. Appoint Lieutenants to the Ambulance Corps –**
 - Devin Neitz
 - Craig Deppe
 - Jeffrey Knopf - \$23.59/hour
- g. Hire Part-Time EMT's**
 - Kyle Kromer
 - Thomas Gauntner
- h. Town Hall and Community Pool Bath House Roof Replacement Consultant**
- i. Lions Club Signage**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – September 15, 2014 at 6:45 p.m.

- a. Capital Plan
- b. Resolution 2014-34 – Bill List**
- c. Vehicle Lift**
- d. Ambulance Corps Uniforms**

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 August, 2014

19. President's Business

20. Adjournment

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Next Resolution: 2014-35

Next Ordinance: #1113

The Emmaus Borough Council met in regular session on September 2, 2014 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert called the meeting to order at 7:06 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	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1

A. Attorney Jack Stover, 537 Chestnut Street – stated that he is present on behalf of Mike Wilson of Motors Plus. Attorney Stover noted that in tonight’s Agenda under General Administration Committee, there is an item for renting parking spaces on S. 1st Street. Attorney Stover stated that he believes there is an alternative and that his client is requesting a Licensing Agreement for property that the Borough owns located at 33 Klines Lane, Emmaus, which would be located within 500 feet of Mr. Wilson’s proposed use. Mr. Wilson would pay rent to the Borough for the use of the spaces.

COMMUNITY MINUTE

Mr. Labenberg reminded everyone that the community yard sale will be held on Saturday, September 6, 2014, beginning at 8:00 a.m. The rain date is Sunday, September 7, 2014. Mr. Labenberg reminded everyone that a permit is not required for the yard sale.

Mayor Iobst reminded everyone that the St. Ann’s Festival will be held Thursday, September 4, 2014 through Saturday, September 6, 2014.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

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Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the August 18, 2014 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Anders to adopt the August 18, 2014 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. John Datz, 3415 Bleiler Road, Emmaus, PA 18049 – Request Appointment to the Shade Tree Commission. Referred to the General Administration Committee. Mr. Pepe stated that he believes according to the Pennsylvania State Code members of the Shade Tree Commission must be Borough residents but is unsure because Mr. Datz owns property within the Borough.

b. Paulette Labenberg, Emmaus Special Entertainment Commission – Email requesting volunteers to serve ice cream at the Americana/Bluegrass Evening in the Park to be held Saturday, September 27, 2014.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Dinkelacker explained that the Borough Code states that members of the Emmaus Shade Tree Commission must be Borough residents.

UNFINISHED BUSINESS, PART I

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 Draft Brewery Uses (1st Reading 7/21/14) (2nd Reading 9/2/14).

Motion by Mr. Labenberg, seconded by Mr. Anders to read Ordinance No. 1111 in short title. There were 7 ayes. Motion carried.

Mr. Barrett read Ordinance No. 111 in short title.

Motion by Mr. Brown, seconded by Mr. Labenberg to adopt 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 Draft Brewery Uses on its 2nd Reading. Roll call vote: Mr. Labenberg, aye; Mr. Brown, aye; Mr. Holtzhafer, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Barrett, aye; Mrs. Gilbert, aye.

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Mr. Pepe reminded Council that this an overall Ordinance, similar to the Fields at Indian Creek, and that Funk Brewery will need to apply separately to operate as a brew pub. Mr. Labenberg wished Funk Brewery the best of luck.

NEW BUSINESS

UNFINISHED BUSINESS, PART II

Mrs. Gilbert stated that Ordinance No. 1112 is scheduled for its 2nd Reading on September 15, 2014.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on Thursday, August 21, 2014 at 4:30 p.m. He reported that there are three items on the Agenda for official action.

Mr. Shubzda reported that the Committee interviewed two individuals interested in volunteering for the Joint Environmental Advisory Council. The Committee recommends appointing Eli Bracken and Nigel Watt to the Joint Environmental Advisory Council.

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to appoint Eli Bracken to the Joint Environmental Advisory Council to a term expiring 3/7/16. There were 7 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to appoint Nigel Watt to the Joint Environmental Advisory Council to a term expiring 3/7/17. There were 7 ayes. Motion carried.

Mr. Shubzda reported that the geese issue at Furnace Dam has subsided, but the Committee recommends hiring the Geese Police on an as needed basis in 2014 to remove the geese at a shared cost of \$350 per week, split between the Borough of Emmaus and Rodale.

Motion by Mr. Shubzda, seconded by Mr. Labenberg to hire the Geese Police on an as needed basis in 2014 to remove the geese at Furnace Dam at a shared cost of \$350 per week, split between the Borough of Emmaus and Rodale. There were 7 ayes. Motion carried.

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Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met on September 2, 2014.

Mr. Anders reported that the Jefferson PTO has requested to hold a Duck Derby at Emmaus Community Park to be held October 18, 2014 at 11:00 a.m. The PTO has requested the use of two pavilions. The Committee recommends charging a \$100.00 pavilion rental fee for the use of both pavilions for the event.

Motion by Mr. Anders, seconded by Mr. Barrett to approve the Jefferson PTO's request to hold a Duck Derby at the Emmaus Community Park to be held October 18, 2014 at 11:00 a.m., and to charge a \$100 pavilion rental fee for the use of two pavilions. There were 7 ayes. Motion carried.

Mr. Holtzhafer stated that he believes the pavilions are closed at the end of September. Mr. Anders invited Donna Bach to the podium. He asked Ms. Bach if the event can still be held if the pavilions are not available to which she responded affirmatively.

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

Motion by Mr. Anders, seconded by Mr. Barrett to approve the Jefferson PTO's request to hold a Duck Derby at the Emmaus Community Park to be held October 18, 2014 at 11:00 a.m. There were 7 ayes. Motion carried.

Mr. Anders reported that the Committee received a letter from the Joshua's Future of Promise organization requesting the use of the Kiwanis Field and Williams Street Field to host a softball fundraiser on September 27, 2014 from 8:00 a.m. to 8:00 p.m., with a rain date of September 28, 2014. The Committee recommends charging Joshua's Future of Promise a rate of \$40 per game for the use of each field.

Motion by Mr. Anders, seconded by Mr. Barrett to grant Joshua's Future of Promise's request to use the Kiwanis and Williams Street Field to host a softball fundraiser on September 27, 2014 from 8:00 a.m. to 8:00 p.m., with a rain date of September 28, 2014 and to charge them a rate of \$40 for two games for the use of the fields. There were 6 ayes, 1 opposed (Holtzhafer).

Mr. Holtzhafer asked for clarification on the fee charge. Mr. Barrett explained that the organization requested a fee waiver. He noted that the fee was waived in 2012. He further explained the regular fee is \$150 per field per day and \$40 is the game rate for a total of \$80.

c. Public Safety Committee

Mrs. Gilbert reported that the next Committee Meeting is September 3, 2014 at 3:00 p.m.

Progress.

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e. General Administration Committee

Mr. Barrett reported that the Committee met on August 20, 2014. He reported that the Borough Interns held a presentation on the GIS project. Mr. Barrett stated that the Interns performed an incredible amount of work in a very short time period. Mr. Pepe stated that the Interns saved the Borough over \$50,000 in professional services.

Mr. Barrett reported that the Committee discussed parking on S. 1st Street. Attorney Dinkelacker explained that the Borough has the option to sell the property, lease the property, or to enter into a License Agreement with Motor Plus. Solicitor Dinkelacker stated that he has prepared a draft of a License Agreement between the Borough of Emmaus and Motors Plus to rent parking spaces at Kline Lane.

Motion by Mr. Barrett, seconded by Mr. Labenberg to enter into negotiations with Motors Plus to lease approximately 13 parking spaces at 33 Klines Lane. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to appoint Jeffrey Hoffman as interim Emmaus Ambulance Chief at a pro-rated salary contingent upon Mr. Hoffman signing a Memorandum of Understanding.

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

Motion by Mr. Barrett, seconded by Mr. Anders to appoint Jeffrey Hoffman as interim Emmaus Ambulance Chief at a pro-rated yearly salary of \$68,000 contingent upon Mr. Hoffman signing a Memorandum of Understanding. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Devin Neitz, Craig Deppe, and Jeffrey Knopf as Lieutenants to the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to increase Jeffrey Knopf's hourly wage to \$23.59. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to hire Kyle Kromer and Thomas Gauntner as a part-time EMT with the Emmaus Ambulance Corps at an hourly rate of \$12.83. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Lions Club request to place signage at locations approved by the Zoning Officer and Public Works Director, with the Lions Club paying for the cost to install the signs. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to not re-bid the roof specifications, complete the work in-house, and hire Haberstump Home Improvements

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as professional consultants to assist with the completion of both projects. There were 7 ayes. Motion carried.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 34 authorizing payment of the September 2, 2014 Bill List, as follows:

Bill List	\$	376,277.14
Payroll #17	\$	138,804.83
Payroll Taxes	\$	<u>45,791.48</u>
Total	\$	560,873.45

Done this 2nd day of September 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the August 18, 2014 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee discussed the vehicle lift that is located at the Borough garage. The large vehicle lift blew its front master cylinder. Mr. Pepe informed the Committee that it would cost \$8,074 to repair the lift. A new ground life would cost \$16,163.31 installed. Mr. Holtzhafer stated that this is the second time in recent years that the lift has blown the front master cylinder and that it makes more sense to purchase a new lift rather than to rely on an old lift that could break again. Mr. Holtzhafer reported the Borough obtained three bids as follows: Rotary Lift, in the amount of \$16,163.31; Automotive Lift Specialist, in the amount of \$15,430.00; and NAPA Automotive, in the amount of \$16,018.78. The item would be funded through the Water, Sewer and General Fund, each paying one third of the cost.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to purchase a new above ground rotary lift from Automotive Life Specialist in the amount of \$15,430.00. There were 7 ayes. Motion carried.

Mr. Holtzhafer stated that the price does not include electrical wiring or removal of the old lift and concrete work. He stated that the Public Works department will perform the work in house.

Mr. Holtzhafer reported that the Emmaus Ambulance Corps has chosen new uniforms. He reported that there are funds in the EMS Week line item that were not used and the funds will be used towards the purchase of the uniforms.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize the purchase of new Ambulance Corps Uniforms from Patriot Workwear in the amount of \$3,185.00. There were 7 ayes. Motion carried.

Progress.

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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

A. Lynn Donches, 559 Minor Street – questioned if there is an Ordinance against feeding the geese. She suggested placing more signs at Furnace Dam with the Ordinance number and the fines to deter individuals from feeding the geese.

BOROUGH MANAGER'S REPORT

Mr. Pepe stated that he interviewed Charles Sabo prior to tonight's Council Meeting and recommends hiring him as a part-time EMT with the Emmaus Ambulance Corps.

Motion by Mr. Labenberg, seconded by Mr. Barrett to hire Charles Sabo as a part-time EMT with the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

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

Progress.

PRESIDENT'S BUSINESS

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

The September 2, 2014 Meeting of the Emmaus Borough Council adjourned at 8:00 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
September 8, 2014