

September 15, 2014

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Tuesday, September 15, 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

September 2, 2014

7. Decisions on Bids
8. Communications
  - a. John Donches, C.E.P.T.A. – Invitation to speak at November 18th C.E.P.T.A. meeting.
  - b. David Petrohoy, Emmaus Police Department – Letter of Resignation.
  - c. Debbie Lillegard, Emmaus Lioness Lions Club – Request use of Triangle Park for “Scarf Shower”.
9. Borough Engineer’s Report
10. Solicitor’s Report
11. Unfinished Business, Part I
  - 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 Section 210, Establishing a Right Turn Only During Certain Hours on School Days From Pine Street to Macungie Avenue (1<sup>st</sup> Reading 8/18/14) (2<sup>nd</sup> Reading 9/15/14).**

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12. New Business

- a. **Ordinance No. 1113 – An Ordinance Amending Chapter 15 § 408 of the Codified Ordinances (1<sup>st</sup> Reading 9/15/14).**

13. Unfinished Business, Part II

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 – October 2, 2014 at 3:15 p.m.

- a. Rules & Regulations (update)
- b. Fairview Street
- c. South 10<sup>th</sup> Street Culvert
- d. Historical House Agreements
- e. **Purchase Sidewalk Saw**

**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

**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 – October 1, 2014 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. **Ordinance No. 1112 – 2<sup>nd</sup> Reading 9/15/14**
- c. **Ordinance No. 1113 – 1<sup>st</sup> Reading 9/15/14**
- d. **Appoint Jeffrey Hoffman to the Board of Health (term expires 1/1/2016)**

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

Next Meeting – September 17, 2014 at 9:00 a.m.

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- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. **License Agreement – Motors Plus**

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

Next Meeting – September 25, 2014 at 3:30 p.m.

- a. Capital Plan
- b. **Resolution 2014-35 – Bill List**
- c. **2015 Minimum Municipal Obligation**

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

Next Meeting – October 14, 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 First Half of September, 2014

19. President’s Business

20. Adjournment

Next Resolution: 2014-37

Next Ordinance: #1114

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The Emmaus Borough Council met in regular session on September 15, 2014 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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

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Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1 – None.

COMMUNITY MINUTE

Mrs. Gilbert stated that the Borough is in need of volunteer crossing guards. She encouraged anyone that is interested to contact the Emmaus Police Department or Mayor Iobst.

Mr. Barrett reminded everyone that the Halloween in Emmaus 5K race will take place on Saturday, October 18, 2014 beginning at 7:00 p.m., just prior to the start of the Halloween Parade. He encouraged anyone interested in entering the race to visit [www.emmaus5k.com](http://www.emmaus5k.com) to register.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Anders, seconded by Mr. Labenberg to dispense with the formal reading of the September 2, 2014 Public Hearing Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt the September 2, 2014 Public Hearing Minutes as drafted. There were 7 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Anders to dispense with the formal reading of the September 2, 2014 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt the September 2, 2014 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS

Mr. Pepe stated that on Monday, September 15, 2014, three bids were received for the 2014 Nova Chip Bid for North Street and Green Drive. The low bidder was Dosch King Emulsions. Mr. Pepe reported that Dosch King's bid was extremely low compared to the other two bids that were received. Mr. Pepe asked Council to exercise its due diligence prior to awarding the bid to Dosch King and to table the bid until the next Council Meeting to be held on October 6, 2014.

**Motion by Mr. Brown, seconded by Mr. Anders to table the 2014 Nova Chip Bid. There were 7 ayes. Motion carried.**

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COMMUNICATIONS

a. John Donches, 559 Minor Street – invitation to staff to speak at November 18, 2014 C.E.P.T.A. meeting to be held at Emmaus Fire Company #1 from 7:30 p.m. until 9:30 p.m. Referred to Staff.

b. David Petrohoy, Emmaus Police Department – Letter of Resignation.

**Motion by Mr. Barrett, seconded by Mr. Brown to accept Mr. Petrohoy’s Letter of Resignation from the Emmaus Police Department’s Auxilary Police. There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Pepe to mail Mr. Petrohoy a letter of thanks for his service.

c. Debbie Lillegard, Emmaus Lioness Lions Club– Request use of Triangle Park for “Scarf Shower” to be held Saturday, October 4, 2014 from 9:00 a.m. to 2:00 p.m. Mrs. Gilbert stated that the event will take place prior to the next Council meeting and action is needed on the item. Mrs. Gilbert referred parking to Mayor Iobst. Mr. Shubzda suggested placing the flashing lights at the Triangle for the event.

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to grant the Emmaus Lioness Lions Club’s request to use Triangle Park to host its “Scarf Shower” to be held Saturday, October 4, 2014 from 9:00 a.m. to 2:00 p.m. There were 7 ayes. Motion carried.**

d. Andrew Kelhart – Letter of Resignation for the Emmaus Ambulance Corps.

**Motion by Mr. Brown, seconded by Mr. Shubzda to accept Mr. Kelhart’s Letter of Resignation from the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.**

e. Barnaby Ruhe, U.S. Boomerang Association – Boomerang Tournament at Community Park being held on October 18 or October 25, 2014.

**Motion by Mr. Holtzhafer, seconded by Mr. Barrett to grant Mr. Ruhe’s request to host the U.S. Boomerang Association’s Boomerang Tournament on October 25, 2014 contingent upon proper insurance. There were 7 ayes. Motion carried.**

f. National Penn Halloween in Emmaus 5K Race to be held October 18, 2014. Referred to Staff.

BOROUGH ENGINEER’S REPORT - None.

SOLICITOR’S REPORT

Progress.

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UNFINISHED BUSINESS, PART I

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 (1<sup>st</sup> Reading 8/8/14) (2<sup>nd</sup> Reading 9/15/14).

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

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

Mr. Labenberg stated that he previously voted against the Ordinance and will vote against it again. He stated that he is in favor of the right turn only section but is not in favor of changing the speed limit because he does not believe it will be enforced. Mr. Anders agreed with Mr. Labenberg. Mr. Labenberg also stated that he believes that the Borough could use the money toward the posting of two new speed limit signs elsewhere.

**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 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, nay; Mr. Labenberg, nay; Mr. Holtzhafer, nay; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 4 ayes, 3 opposed (Anders, Labenberg, Holtzhafer). Motion carried.**

NEW BUSINESS

Ordinance No. 1113 - An Ordinance Amending Chapter 15 § 408 of the Codified Ordinances (1<sup>st</sup> Reading 9/15/14).

**Motion by Mr. Brown, seconded by Mr. Anders to read Ordinance No. 1113 in short title. There were 7 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1113 in short title.

Mrs. Gilbert explained that the Ordinance did not read as intended and needed to be amended.

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt Ordinance No. 1113 - An Ordinance Amending Chapter 15 § 408 of the Codified Ordinances on its 1<sup>st</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst reported that Trick-or-Treat will be held on Thursday, October 30, 2014 from 6:00 p.m. to 8:00 p.m. He explained that the date was changed for safety reasons due to the Emmaus versus Parkland football game.

COMMITTEE REPORTS

a. Public Works Committee

**Motion by Mr. Labenberg, seconded by Mr. Brown to authorize Mr. Dychala to rent a sidewalk saw from United Rental for one week in the amount of \$585.00 to cut up to 15 sidewalks. There were 7 ayes. Motion carried.**

Mr. Labenberg entertained questions about the Public Works Committee minutes. Mr. Anders asked for the status of the pool and concession stand. Mr. Pepe responded that as of the last report the concession stand had a \$5,000 profit.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee Meeting is September 18, 2014 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the next Committee Meeting is October 7, 2014 at 4:00 p.m.

Progress.

d. Public Safety Committee

**Motion by Mr. Brown, seconded by Mr. Barrett to appoint Jeffrey Hoffman to the Board of Health to a term expiring on 1/1/16. There were 7 ayes. Motion carried.**

Progress.

e. General Administration Committee

**Motion by Mr. Barrett, seconded by Mr. Shubzda to authorize the Borough of Emmaus to enter into a License Agreement for parking with Motors Plus at 33 Klines**

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**Lane with the Agreement to include a rental fee of \$500 per month. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee discussed possible uses of the Town Hall basement and entertained suggestions for its use.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 35 authorizing payment of the September 15, 2014 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>228,747.58</b>
<b>Payroll #18</b>	<b>\$</b>	<b>118,060.41</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>39,290.72</u></b>
<b>Total</b>	<b>\$</b>	<b>386,098.71</b>

Done this 15<sup>th</sup> day of September 2014.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the September 15, 2014 Bill List. There were 6 ayes, 1 abstention (Labenberg). Motion carried.**

Mr. Holtzhafer presented the 2015 Minimum Municipal Obligation calculations for the Police Pension Plan and Employee Pension Plan.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the 2015 Minimum Municipal Obligation for the Emmaus Police Pension Plan. There were 7 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the 2015 Minimum Municipal Obligation for the Borough of Emmaus Employee's 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 October 14, 2014 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe thanked Mr. Shubzda for designing the new Borough website.

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Mr. Pepe stated that the Borough of Emmaus was listed as the fifth safest communities in Pennsylvania. Mr. Pepe stated that the Emmaus Police Department should be particularly proud. Mr. Barrett stated that the criteria was based on the crime statistics of communities over 10,000 people.

Resolution 2014-37 – Resolution for Plan Revision for New Land Development.

**Motion by Mr. Anders, seconded by Mr. Brown to adopt Resolution 2014-27. There were 7 ayes. Motion carried.**

Solicitor Dimmich explained that the Resolution involves the sewer extension for the 191 S. 15<sup>th</sup> Street Subdivision and it is submitted to the Department of Environmental Protection.

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of September 2014 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 15, 2014 Meeting of the Emmaus Borough Council adjourned at 7:30 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 24, 2014