

EMMAUS BOROUGH COUNCIL  
Emmaus Borough Council  
Agenda  
November 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

November 2, 2015

7. Decisions on Bids
8. Communications
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

**Ordinance No. 1132 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 348 Broad Street Within the Borough of Emmaus (1<sup>st</sup> Reading 10/19/15) (2<sup>nd</sup> Reading 11/16/15).**

12. New Business
13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9
15. Mayor's Report

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16. Committee Reports

**Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Holtzhafer)**

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

- a. South 10<sup>th</sup> Street Culvert
- b. Historical House Agreements
- c. Lateral Clean-outs

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

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

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Amendments
- d. IFC Ordinance
- e. **Recycling Grant Resolution**

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

Next Meeting – December 1, 2015 at 4:00 p.m.

- a. Boro Line Park Direction Sign

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

Next Meeting – December 2, 2015 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Yield to Pedestrian Signs on Chestnut Street
- c. 25mph Signs on Chestnut Street
- d. **Ordinance No. 1132 – Handicapped Parking (2<sup>nd</sup> Reading 11/16/15)**
- e. **Hire PT EMT for Ambulance Corps – Bradley Bentley**

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

Next Meeting – November 25, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Record Retention
- c. Vehicle Use Policy

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

Next Meeting – Budget Workshop - November 17, 2015 at 4:00 p.m.

- a. Capital Plan
- b. **Resolution 2015-27 – Bill List**

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- c. 2016 Budget
- d. Police Pension
- e. **Granicus Agenda Management Software**
- f. **Express Bill Pay Online/Credit Card Software**

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

Next Meeting – December 8, 2015 at 4:15 p.m.

- a. Grant Progress
- b. Committee Structure
- c. Southwest Lehigh County Comprehensive Plan

17. Personal Appeals, Part II

18. Borough Manager’s Report

- a. Significant Revenue and Expense Items for First Half of November, 2015
- b. Remove Michael Hoffman from Planning Commission

19. President’s Business

20. Adjournment

Next Resolution: 2015-28  
Next Ordinance: #1133

The Emmaus Borough Council met in regular session on November 16, 2015 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 – Arrived at 7:02 p.m.
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

## EMMAUS BOROUGH COUNCIL

PERSONAL APPEALS

**A. Jessica O'Donnell, Emmaus Main Street Partners** – stated that she was in attendance at tonight's Council Meeting to review the plans for the Old Fashioned Christmas event to be held on Saturday, December 5, 2015. She explained that the EMSP will be selling spiked hot cider between Carmella's and Sugar So Sweet in a controlled environment. Sales will be held between 2:00 and 6:00 p.m. and will not take place on Triangle Park. She also stated that the EMSP will be hosting an Ugly Sweater Party at the Trapp Door on Wednesday, December 2, 2015 from 5:30 to 7:30 p.m. Ms. O'Donnell invited everyone to attend and reminded everyone that a canned good is required for entrance. All donations will be made to the Angel Network. Ms. O'Donnell talked about the power of partnerships and stated that for the first time there is a waiting list to partner with the EMSP to host events. She stated that the Emmaus Historical Society will partner with the EMSP on March 13, 2016 for a joint bingo event. She also stated that the 11<sup>th</sup> annual golf tournament will be held on June 20, 2016 at Green Pond Golf course.

**B. Emily Gerber, Emmaus Main Street Partners** – thanked Mr. Barrett for hosting the 4<sup>th</sup> Mixology event. She stated that each quarterly Mixology event continues to grow. She also stated that the House of Metalworks will host its ribbon cutting on Wednesday, November 18 at 5:30 p.m.

**C. Tony Groller, 1302 S. 10<sup>th</sup> Street** – made allegations that he is being harassed by Public Works employees and they are still getting away with things. He also stated that he does not appreciate how he is being treated by Council.

**D. Albert Eisenberg, PA Competes, 728 E. Wayne Avenue, Allentown, PA** – stated that there is currently no existing protection for gays and transgender people, in the state of Pennsylvania, from being fired. He stated that there is currently a proposed bill known as the Pennsylvania Fairness Act which is currently up for legislative vote. He presented a non-binding resolution which encourages representatives Justin Simmons and Lisa Boscola to vote for the measure and voices Emmaus' support as a Borough which prides itself in diversity and where gay and transgender people are welcomed. Mr. Labenberg stated that for the 20 years that he has been a member of Council, he has not been aware of any situation where there had been any type of discrimination. Mr. Eisenberg responded that the Pennsylvania Fairness Act would just be a legal framework to provide nondiscrimination protection from claimants who have been discriminated against. Mrs. Gilbert referred the item to the General Administration Committee Meeting to be held on December 9, 2015 at 9:00 a.m. Mr. Barrett invited Mr. Eisenberg to attend the Committee Meeting. Solicitor Dimmich clarified that Mr. Eisenberg's ultimate request is to have Council voice their support through their representative to vote in favor of an amendment to the Human Relations Act.

**E. Jack McCurdy, 347 S. 2<sup>nd</sup> Street** – voiced concern about the feral cat problem. He stated that several of his neighbors are feeding the feral cats. He stated that he finds it offensive and questioned if the Borough has an Ordinance stating not to feed the cats and who he should contact concerning the problem. Mr. Pepe asked Mr. McCurdy if he would allow the Borough to place traps in his yard. He explained to Mr. McCurdy that the Animal Control Officer works for the Police Department and he will have a conversation with Chief Faust concerning the issue. Mr. McCurdy asked if it is possible to pass an Ordinance to fine the individuals who are feeding the cats. Solicitor Dimmich responded that it is possible. Mr. Barrett stated that the Borough has addressed this issue several times and is working hard to find a solution.

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COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Shubzda, seconded by Mr. Anders to dispense with the formal reading of the November 2, 2015 Council Meeting. There were 7 ayes. Motion carried.**

**Motion by Mr. Brown, seconded by Mr. Shubzda to adopt the November 2, 2015 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

A. Brent Lenig, East Penn Emmaus Midget Football Association – Request to place a 20' x 30' x 10' pavilion adjacent to the current building at the football field located at Emmaus Community Park. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1132 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 348 Broad Street Within the Borough of Emmaus (1<sup>st</sup> Reading 10/19/15) (2<sup>nd</sup> Reading 11/16/15).

**Motion by Mr. Brown, seconded by Mr. Anders to read Ordinance No. 1132 in short title. There were 7 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1132 in short title.

**Motion by Mr. Anders, seconded by Mr. Barrett to adopt Ordinance No. 1132 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2A of the Emmaus Borough Code, Adding a Residential Handicapped Parking Sign on the Public Street Located in Front of 348 Broad Street Within the Borough of Emmaus on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Labenberg, aye; Mr. Shubzda, aye; Mr. Holtzhafer aye; Mr. Anders, aye; Mr. Barrett, aye; Mrs. Gilbert aye. There were 7 ayes. Motion carried.**

NEW BUSINESS – None.

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UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst reported that he spent time with the Boy Scout troop that recently attended the Council Meeting and discussed how Borough government works.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on Thursday, November 5, 2015 at 3:30 p.m. He reported that the Committee discussed adding a fee into the 2016 Fee Schedule for non-Borough issues for after-hours, weekends, or holidays. He asked Mr. Pepe if a motion is needed for this item. Mr. Pepe responded that a motion is not needed and it will be included in the Fee Schedule Resolution.

Mr. Labenberg entertained questions about the Committee Minutes. Mr. Anders asked if the Borough receives copies of the Knauss Homestead newsletter. Mr. Pepe responded that it was the first newsletter and copies will be made to be placed at Town Hall.

Progress.

b. Health, Sanitation, and Codes Committee

Resolution 2015-28 – A Resolution Authorizing the Application to the Pennsylvania Department of Environmental Protection for an Act 902 Recycling Grant.

Mr. Shubzda explained that the Resolution authorizes the Borough Manager and Public Works Director to apply for a Pennsylvania Department of Environmental Protection Act 902 Grant for a wood chipper, leaf vacuum, and sweeper vacuum. Mr. Barrett questioned when the grant is awarded. Mr. Pepe responded that it typically takes approximately 1 year until the grant is awarded.

**Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Resolution 2015-28. There were 7 ayes. Motion carried.**

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

Progress.

## EMMAUS BOROUGH COUNCIL

c. Parks and Recreation Committee

**Motion by Mr. Anders, seconded by Mr. Shubzda to approve the Emmaus Main Street Partners request to host the Old Fashioned Christmas event on Saturday, December 5, 2015 at Triangle Park. There were 5 ayes, 1 opposed (Holtzhafer), 1 abstention (Barrett). Motion carried.**

Mr. Anders reported that the next Committee Meeting is Tuesday, December 1, 2015 at 4:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on November 4, 2015. She reported that PPL has given a contract to install 7 new street lights. She stated that the Committee has been working on this item for several years.

**Motion by Mr. Barrett, seconded by Mr. Brown to appoint Bradley Bentley as an EMT for the Emmaus Ambulance Corps at an hourly rate of \$13.20. There were 7 ayes. Motion carried.**

Mr. Pepe stated that Mr. Bentley came highly recommended by Chief Hoffman as he has worked with him in the past. Mr. Bentley has been an EMT for seven years and a firefighter in another community for ten years.

Mrs. Gilbert reported that the next Committee Meeting is Wednesday, December 2, 2015 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee Meeting scheduled for Wednesday, November 25, 2015 will be cancelled. The next Committee Meeting is Wednesday, December 9, 2015 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2015-27 authorizing payment of the November 16, 2015 Bill List, as follows:

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<b>Bill List</b>	<b>\$</b>	<b>491,163.41</b>
<b>Payroll #23</b>	<b>\$</b>	<b>120,690.38</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>40,950.56</u></b>
<b>Total</b>	<b>\$</b>	<b>652,804.35</b>

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

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the November 16, 2015 Bill List. There were 7 ayes. Motion carried.**

Mr. Anders asked if the S. Cherry Street demolition fell within budget to which Mr. Pepe responded affirmatively.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to enter into an Agreement with Ganicus Software to purchase Agenda Management Software in the amount of \$11,976.00. There were 5 ayes, 2 opposed (Holtzhafer, Gilbert). Motion carried.**

Mrs. Gilbert stated that she will be voting against the motion because she believes the item is a want rather than a need. Mr. Labenberg stated that he was originally against purchasing the software but ultimately there will be a savings and it will help with efficiency. Mr. Barrett stated that based on the data that was supplied by the Borough, Ganicus Software has estimated an approximate savings of \$22,561. Mr. Anders stated that he believes there will be cost savings purchasing the software and the Borough will become more environmentally sound. Mr. Barrett stated that the item is budgeted for 2015.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to enter into an Agreement with Xpress Bill Pay to set-up, configure and train for accepting online payments and electronic payments of bills. There were 7 ayes. Motion carried.**

Mr. Shubzda questioned Xpress Bill Pay's support fee for maintenance. Mr. Pepe responded that there is a support maintenance and hosting fee of \$0.015 per online customer bill and a \$19.00 monthly service fee. The service fee covers the maintenance. Mr. Pepe stated that the program is hosted through Xpress Bill Pay and they carry the liability. Mr. Brown stated that he is very enthusiastic about the Borough accepting online payments. Mr. Anders stated that it is very important for the residents to have options for paying their bills. Mr. Pepe stated that the program includes options for electronic checks, automatic payments, paperless billing, and credit cards.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown entertained questions about the Committee Minutes.

Progress.

## EMMAUS BOROUGH COUNCIL

PERSONAL APPEALS, PART II

**A. John Donches, 559 Minor Street** – invited everyone to attend the CEPTA Meeting on Tuesday, November 17, 2015 from 7:30 p.m. to 9:30 p.m. to be held at Citizen's Fire Company #1. Sharon Ward, the Governor's Director of the Budget Office will be in attendance. Mr. Donches handed out flyers announcing the meeting.

**B. Lynn Donches, 559 Minor Street** – asked if each Council Member will receive their own computers to operate the software management system. Mr. Pepe responded that it is budgeted for each Council Member to receive a mobile device.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1<sup>st</sup> half of November, 2015 are in the Council binders and offered to entertain questions about them.

Mr. Pepe stated that the Borough has received an unusual amount of revenue from cable TV franchise fees in 2015. Mr. Labenberg suggested that perhaps it is because the cable company has required residents to purchase cable boxes and the price of cable subscriptions continues to increase. Solicitor Dimmich responded that the cable bill is regulated by the Federal Cable Act and the maximum that can be charged is 5%. The fee is charged only on the basic cable package.

Mr. Pepe reported that Michael Hoffman failed to appear for his hearing, did not respond to his letter and did not attend the last Planning Commission Meeting.

**Motion by Mr. Labenberg, seconded by Mr. Anders to remove Michael Hoffman from the Emmaus Borough Planning Commission as per the requirements of the Pennsylvania Municipality Planning Code. There were 7 ayes. Motion carried.**

Solicitor Dimmich recommended mailing Mr. Hoffman a certified letter making him aware of the decision to remove him from the Commission. Mr. Labenberg asked the Solicitor to explain the appeal process.

Progress.

PRESIDENT'S BUSINESS

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

The November 16, 2015 Meeting of the Emmaus Borough Council adjourned at 8:00 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
November 20, 2015