

January 6, 2014

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council

Agenda

Monday, January 6, 2014, 7:00 p.m.

1. Judge Donna Butler will Administer the Oath of Office to:

Mayor Winfield Iobst
Councilmember Wesley Barrett
Councilmember Brent Labenberg
Councilmember Roy Anders, Jr.

2. Remarks by Judge Donna Butler

3. Call to Order

4. Pledge of Allegiance

5. Reorganization of Council

Mayor Iobst will preside over the Council Meeting by asking for nominations for President of Council. Council will vote for President. Mayor Iobst will ask for nominations for Vice President. Council will vote for Vice President. The President will then preside over the Meeting.

6. Personal Appeals, Part I

7. Community Minute

8. Special Presentations

9. Reading of Minutes

December 16, 2013

10. Decisions on Bids

11. Communications

- a. Louise Moyer, Seven Generations Charter School, 2nd Grade Teacher – Request permission to hang nesting box on Borough property.

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- b. Martha Lieberman, 333 Ridge St., Apt. #301 – Interested in serving on a Board or Commission.
 - c. Emmaus Police Officers Association – Pension Contribution for Calendar Year 2014.
 - d. John Hacker, Mosebach, Funt, Dayton & Duckworth, PC. – Proposed Ordinance for The Fields at Indian Creek.
 - e. Elizabeth Jones, The Sanctuary at Haafsville – 2014 Stray Animal Assistance.
- 12. Borough Engineer’s Report
 - 13. Solicitor’s Report
 - 14. Unfinished Business, Part I
 - 15. New Business
 - 16. Unfinished Business, Part II

Ordinance No. 1103 – An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements (1st Reading 11/4/13) (2nd Reading 12/2/13) (Tabled 12/2/13) (Tabled 12/16/13).

- 17. Items Not on Agenda, Subject to Rule 9
- 18. Mayor’s Report
- 19. Committee Reports

Public Works/(Highway, Water & Sewer)

Next Meeting – TBD

- a. Rules & Regulations (update)
- b. South 2nd Street Reservoir
- c. South 10th Street Culvert

Health, Sanitation, and Conservation

Next Meeting – TBD

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- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills
- d. **Reappointment to Board of Health – Althea Sell (Term Expires 1/1/2019)**

Parks and Recreation

Next Meeting – TBD

- a. Green Futures Project
- b. Football Storage Building
- c. Policies:
 - Bands, DJ's, and Live Performances
 - Pavilion Refund
 - Tents, Canopies, and Items Outside Pavilions
 - Vendor Trucks in Parks
 - Moon Bounce and Inflatable Objects

Public Safety

Next Meeting – January 15, 2014 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Ordinance No. 1103 – Emmaus Fire Department Organization (2nd Reading 12/2/13) (Tabled 12/2/13) (Tabled 12/16/13)
- c. **Reappointment to Civil Service Commission – Kathleen Haney (Term Expires 1/1/2020)**

General Administration

Next Meeting – TBD

- a. Emmaus Public Library Expansion Project
- b. HVAC System at Town Hall
- c. Sale of Properties - Appraisals
- d. Town Hall Remodeling Project
- e. **Subdivide 44 Klines Lane**
- f. **Resolution 2014-1 - 2014 Appointments**
- g. **Reappointment to Vacancy Board – John Stover (Term Expires 1/1/2015)**
- h. **Reappointment to Building Board of Appeals – Jeffrey Ott (Term Expires 1/1/2019) and Alan Hawman (Term Expires 1/1/2014)**

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- i. **Reappointment to Zoning Hearing Board – Roger Steinmayr (Term Expires 1/1/2017) and Theodore Iobst (Term Expires 1/1/2017)**
- j. **Reappointment to Library Board – Jeannette Lehman (Term Expires 1/1/2017) and Linda Rose (Term Expires 1/1/2017)**
- k. **Reappointment to General Authority – John Zettlemyer, Jr. (Term Expires 1/1/2019)**
- l. **Appointment to Arts Commission – Dr. Michael Waddell (Term Expires 2/7/2016)**

Budget and Finance

Next Meeting – January 20, 2014 at 6:45 p.m.

- a. **Resolution 2014-2 - Bill List**
- b. **Resolution 2013-36 – Police Pension Contribution (Tabled 12/16/13)**

Community Relations, Planning and Development

Next Meeting – TBD

- a. LERTA
- b. CGI Communications Community Video
- c. Tree Vitalize Grant – January 2014

20. **Junior Council Member's Report**

21. **Personal Appeals, Part II**

22. **Borough Manager's Report**

- a. Significant Revenue and Expense Items for December 2013
- b. **Bid Results – Lawn Mowing and Trimming Services**

23. **President's Business**

24. **Adjournment**

Next Resolution 2014-3
Next Ordinance #1105

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The Emmaus Borough Council met in regular session on January 6, 2014 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

Magisterial District Judge Donna Butler administered the oath to Mayor Winfield Iobst, new Council Member Roy Anders, and incumbent Council Members Wesley Barrett and Brent Labenberg.

CALL TO ORDER

Mayor Winfield Iobst called the Meeting to order at 7:05 p.m.

Lee Ann Gilbert	Present
Brian Holtzhafer	Present
Roy Anders	Present
Wesley Barrett	Present
Nathan Brown	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Al Stirba, Solicitor	Present
Shane Pepe, Borough Manager	Present

The Mayor asked for nominations for President of Borough Council.

Mr. Labenberg nominated Mrs. Gilbert for Council President.

Mrs. Gilbert received 6 votes for Council President.

Mrs. Gilbert was declared Council President.

The Mayor asked for nominations for Vice President of Borough Council.

Mr. Labenberg nominated Mr. Holtzhafer for Council Vice President.

Mr. Holtzhafer received 6 votes for Council President.

Mr. Holtzhafer was declared Council Vice President.

Mrs. Gilbert took the President's seat and presided over the Borough Council Meeting. Mrs. Gilbert welcomed Mr. Anders to Borough Council.

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PERSONAL APPEALS, PART I

A. John Donches, 559 Minor Street – stated that he reviewed his Personal Appeal from the December 2, 2013 Council Meeting and noted that there were several corrections needed. He stated that he asked if the Borough of Emmaus could issue a formal written invitation to the East Penn School District to play on the Legion Field. He also noted that the minutes state that Mr. Pepe did not speak with the Superintendent when in fact he has spoken to him. Mr. Pepe responded that Mr. Donches did not ask for a formal written request and Mr. Barrett responded that Dr. Waddell spoke with Dr. Seidenberger. Mr. Donches stated that he would like the Borough to issue a formal written invitation to the East Penn School District to play on the Legion Field.

COMMUNITY MINUTE

Mr. Brown stated that during the last snow event he rode along in the plows with the Public Works Department. He stated that Borough policy is to make sure the streets are cleared from curb to curb and that sometimes during the plowing process the snow gets pushed back onto the residents' sidewalks. He stated that while he was riding with the Public Works Department a gentleman got very angry and approached the plow because he cleared his sidewalks prior to the plows going by and the plows pushed the snow back up on his sidewalks. Mr. Brown encouraged residents to wait until the plows have cleared the streets to clear their sidewalks and driveways and reminded that residents have 24 hours after the storm ends to clear their sidewalks. He stated that the Public Works Department is doing its best to clear snow in a timely manner and thanked them for their hard work and dedication during snow removal and asked residents to be courteous to the plow drivers.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the December 16, 2013 Minutes. There were 6 ayes, 1 abstention (Anders). Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the December 16, 2013 Minutes as drafted. There were 6 ayes, 1 abstention (Anders). Motion carried.

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DECISION ON BIDS

Mr. Pepe reported that 2 bids were received for the 2014-2016 Lawn Mowing Bid. Bids were received from Genos Greens, LLC., and Allyear Inc., t/a Aurora Landscape & Lawn Care. Staff recommends awarding the bid to Allyear Inc., t/a Aurora Landscape & Lawn Care. Mr. Holtzhafer asked which Committee the bid was referred to. Mr. Pepe responded that he believes the bid was discussed during a Committee meeting, but could not recall which one. He stated that Mr. Dychala handled the bid, and it was bid out at the same time of year as the previous bid. Mr. Barrett asked if the bid is considerably different than the last time it was bid. Mr. Pepe responded that the bid specs are identical to the last time it was bid. Mr. Pepe responded that the bid is for 3 years and that the 2014 is approximately \$800 more than the 2013 bid. Mr. Brown stated that he believed the borough was purchasing a tractor to cut the areas listed in the bid spec. Mr. Pepe responded that the Publics Work Department has cut man power and that it would be difficult to cut the areas. Mr. Labenberg stated that he believes the bid should be reviewed at the Committee level. Mr. Shubzda asked if the bid was won by the current company and if there have been any complaints about them. Mr. Pepe responded that Mr. Dychala has not received any complaints. He stated that if Council prefers they can reject the bids. Mr. Barrett asked if Council rejects the bids if the companies that bid this time would be able to bid again. Mr. Pepe responded affirmatively. Mr. Barrett suggested referring the item to the Committee level. Mr. Labenberg stated that he will support this bid for the years 2014-2016, but believes the item should be addressed at the Committee level.

Motion by Mr. Labenberg, seconded by Mr. Anders to award the 2014-2016 Lawn Mowing Bid to Allyear Inc., t/a Aurora Landscape & Lawn Care in the amount of \$49,222.02 for 2014, \$49,714.24 for 2015, and \$50,708.52 in 2016. There were 6 ayes, 1 opposed (Brown). Motion carried.

COMMUNICATIONS

a. Louise Moyer, Seven Generations Charter School, 2nd Grade Teacher – Request permission to hang nesting box on Borough property.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant the Seven Generations Charter School's request to hang nesting boxes on Borough property and to work with Mr. Dychala on locations to hang the boxes. There were 7 ayes. Motion carried.

b. Martha Lieberman, 333 Ridge Street, #301 – Interested in serving on a Board or Commission. Mrs. Gilbert directed Mr. Pepe to call Ms. Lieberman.

c. Emmaus Police Officers Association – Pension Contribution for Calendar Year 2014. Mrs. Gilbert stated that the item is listed under the Budget & Finance Committee Report and will be addressed at that time.

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d. John Hacker, Mosebach, Funt, Dayton & Duckworth, PC – Proposed Ordinance for The Fields at Indian Creek. Referred to the General Administration Committee.

e. Elizabeth Jones, The Sanctuary at Haafsville – 2014 Stray Animal Assistance. Mr. Pepe noted that the fee for stray cats has decreased from \$50 to \$40 per cat. The price for stray dogs will remain the same.

Motion by Mr. Barrett, seconded by Mr. Shubzda to enter into the Agreement with The Sanctuary at Haafsville for 2014. There were 7 ayes. Motion carried.

f. Dominic Romagnoli – Withdrawal from conditional offer of employment with the Emmaus Police Department.

g. Civil Service Commission – List of eligible police officer candidates. Referred to the Public Safety Committee.

h. Dennis & Gloria Arndt, 34 Spruce Street – Request for Council's permission to have wider crossover. Referred to the General Administration Committee.

i. Gene Clock, EMSP President – Request for Council Representative at monthly meetings. Mrs. Gilbert stated that she will discuss the matter with Mr. Brown.

j. Kathy Mintzer, EYA President – Request to store tractor at Concession Stand Storage Room at Emmaus Community Field. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

Ordinance No. 1103 – An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements (1st Reading 11/4/13) (2nd Reading 12/2/13) (Tabled 12/2/13) (Tabled 12/16/13).

Motion by Mr. Brown, seconded by Mr. Barrett to remove Ordinance No. 1103 from the table. There were 7 ayes. Motion carried.

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Motion by Mr. Barrett, seconded by Mr. Brown to table Ordinance No. 1103. There were 7 ayes. Motion carried.

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

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to reappoint Althea Sell to the Board of Health to a term expiring 1/1/2019. There were 7 ayes. Motion carried.

Progress.

c. Parks and Recreation Committee

Progress.

d. Public Safety Committee

Motion by Mr. Barrett, seconded by Mr. Anders to reappoint Kathleen Haney to the Civil Service Commission to a term expiring 1/1/2020. There were 7 ayes. Motion carried.

e. General Administration Committee

General Administration Committee

Mr. Pepe informed Council that he met with Brad Youst from Hanover Engineering to discuss the subdivision at 44 Klines Lane. Mr. Youst suggested that it would be very difficult to subdivide the property and would require hydraulic studies, sewer studies, and water run-off studies, totaling approximately \$10,000.00 in cost. Mr. Youst suggested that the Borough vacate a section of S. 1st Street, which will give the property owners on both sides of the street one-half of the street. After vacating the

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street, the Borough would then prepare a lot line adjustment, which would give the Borough's portion of the vacated street to Motors Plus, which would provide them with enough land to meet parking requirements for their business.

Motion by Mr. Labenberg, seconded by Mr. Barrett to vacate the S. 1st Street portion that borders 44 Klines Lane. There were 7 ayes. Motion carried.

Mr. Labenberg amended his first and Mr. Barrett amended his second to include that Motors Plus pays for a lot line adjustment.

Motion by Mr. Labenberg, seconded by Mr. Barrett to vacate the S. 1st Street portion that borders 44 Klines Lane and that Motors Plus pays for a lot line adjustment. There were 7 ayes. Motion carried.

RESOLUTION 2014 – 1

BE IT HEREBY RESOLVED by Emmaus Borough Council to appoint the following officials to their designated positions for a term expiring on January 5, 2015:

Ambulance Corps Chief	Michael Nonnemacher
Animal Control Officer	Richard Hontz
Borough Manager/Secretary	Shane Pepe
Borough Solicitor	Dimmich & Dinkelacker, P.C.
Borough Treasurer	Christine Snyder
Certified Public Accountant	France, Anderson, Basile & Co.
Civil Service Commission Solicitor	Davison & McCarthy
Code Enforcement Officer/Public Works Inspector	James L. Farnsworth
Earned Income and Local Services Tax Office	H.A. Berkheimer
Emergency Management Coordinator	
Engineer (General/Water/Sewer)	Hanover Engineering
Fire Chief	James Reiss
Fire Inspector	
Health Officer	Garry Ritter
Pension Consultant-Police/Non-uniform	Conrad Siegel
Per Capita Tax Office	H.A. Berkheimer
Police Chief	David Faust

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Public Works Director	John Dychala
Sewage Enforcement Officers	Jacob A. Schray Jeffrey T. Huff
Weed/Snow Enforcement Officer	
Zoning Hearing Board Solicitor	Ronald Corkery, Esq.

Done this 6th day of January, 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-1. There were 6 ayes, 2 abstentions (Barrett, Brown). Motion carried.

Progress.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to reappoint John Stover to the Vacancy Board to a term expiring 1/1/2015. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Anders to reappoint Jeffrey Ott to the Building Board of Appeals to a term expiring 1/1/2019. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to reappoint Alan Hawman to the Building Board of Appeals to a term expiring 1/1/2019. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Barrett to reappoint Roger Steinmayer to the Zoning Hearing Board to a term expiring 1/1/2017. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Barrett to reappoint Theodore Iobst, II to the Zoning Hearing Board to a term expiring 1/1/2017. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to reappoint Jeannette Lehman to the Emmaus Library Board to a term expiring 1/1/2017. There were 7 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. Barrett to reappoint Linda Rose to the Emmaus Library Board to a term expiring 1/1/2017. There were 7 ayes. Motion carried.

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Motion by Mr. Labenberg, seconded by Mr. Barrett to reappoint Attorney John Zettlemyer, Jr. to the Emmaus General Authority to a term expiring 1/1/2019. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Shubzda to appoint Dr. Michael Waddell to the Emmaus Arts Commission to a term expiring 2/7/2016. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that one vacancy remains on the Emmaus Arts Commission.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014-2, authorizing payment of the January 6, 2014 Bill List, as follows:

Bill List	\$	188,820.68
Payroll #26	\$	114,366.19
Payroll Taxes	\$	<u>40,159.76</u>
Total	\$	343,346.63

Done this 6th of January 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the January 6, 2014 Bill List. There were 7 ayes. Motion carried.

Resolution 2013-36 – A Resolution Requiring That Each Employed Full Time Police Officer of the Borough of Emmaus, Hereafter Referred to as Active Member of the Emmaus Police Pension Plan, as a Condition of Participation in the Plan, Must Contribute, on an After-Tax Basis 2.15% of the Participant's Compensation into the Emmaus Police Pension Plan Effective January 1, 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2013-36. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to reopen the 2014 Budget. There was 1 aye, 6 opposed (Brown, Shubzda, Anders, Holtzhafer, Barrett, Gilbert). Motion failed.

Mr. Holtzhafer asked Mr. Pepe what the process is for reopening the 2014 Budget. Mr. Pepe explained the process for reopening the Budget. Mr. Labenberg stated that there are 6 specific line items in the Budget that need to be addressed. He stated he believes the 17% tax increase is a hit to a lot of residents and believes that there are line

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items that can be reduced. He also stated that he believes if the final numbers for the end of 2013 are better than anticipated, Council should reopen the budget and adjust the tax bump by the amount that comes in. Mr. Anders asked what cost the Borough would incur for reopening the Budget. Mr. Pepe responded that if the Borough advertises with the East Penn Press it will cost approximately \$100 per advertisement. Mr. Pepe stated that he believes the only reason that Council should reopen the Budget would be to reduce the tax increase.

Mr. Pepe explained that the roof in Council Chambers is leaking very badly and asked Council for guidance. Mrs. Gilbert referred the matter to the General Administration Committee.

Progress.

g. Community Relations, Planning and Development Committee

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that the Mr. Emmaus Competition will be held on January 29, 2014 in the Emmaus High School Auditorium. The competition will begin at 7:00 p.m., and run until approximately 10:00 p.m. He invited the community to attend the event.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT -

Mr. Pepe reported that the Significant Revenue and Expense Items for December 2013 are in the binders and entertained questions about them.

Mr. Pepe apologized to John Dychala, Public Works Director. He stated that when he was speaking about the Lawn Mowing Bid he led Council to believe that he was not involved with the bid process. He clarified that he was involved in the bid process.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert appointed Committee members as follows:

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- a. Budget and Finance Committee
Mr. Holtzhafer, Chairman
Mrs. Gilbert
Mr. Shubzda

- b. Community Relations, Planning, and Development Committee
Mr. Brown, Chairman
Mr. Anders
Mr. Shubzda

- c. General Administration Committee
Mr. Barrett, Chairman
Mrs. Gilbert
Mr. Labenberg

- d. Health, Sanitation, and Conservation Committee
Mr. Shubzda, Chairman
Mr. Anders
Mr. Holtzhafer

- e. Parks and Recreation Committee
Mr. Anders, Chairman
Mr. Barrett
Mr. Labenberg

- f. Public Safety Committee
Mrs. Gilbert, Chairperson
Mr. Barrett
Mr. Brown

- g. Public Works Committee
Mr. Labenberg, Chairman
Mr. Brown
Mr. Holtzhafer

The Lehigh County Congress of Governments (COG) representative will be Mr. Barrett.

The Emmaus Arts Commission representative will be Mr. Shubzda.

The Parks and Recreation Commission representative will be Mr. Shubzda.

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Motion by Mr. Barrett, seconded by Mr. Shubzda to adjourn the January 6, 2014 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:25 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
January 9, 2014