

January 7, 2013

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council

Agenda

Monday, January 7, 2013, 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

December 17, 2012 and December 24, 2012

7. Decisions on Bids
8. Communications
 - a. Michelle Steiner, 1104 W. Jubilee Street – Resignation from the Parks and Recreation Commission (term expires 5/1/2014).
 - b. Stephen Zakos, 252 North Street – Term of service on the Planning Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

Ordinance No. 1087 – An Ordinance Amending the Code of Ordinances, Section, 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Vehicle, Truck Tractor Or Trailer; and Providing Penalties for the Violation Thereof (1st Reading 8/20/12) (2nd Reading 9/17/12) (Deferred 9/17/12) (1st Reading 12/17/12) (2nd Reading 1/7/13).

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12. New Business
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, Gilbert)

Next Meeting – February 7, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. Home Inspections/Illegal Hook-ups
- c. South 2nd Street Reservoir
- d. South 10th Street Culvert
- e. Triangle Park Damage

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

Next Meeting – January 28, 2013 at 5:00 p.m.

- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Cintas
- e. **Reappointment of Dr. David Burmeister to the Board of Health
(term expires 1/1/2018)**

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – January 8, 2013 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – January 10, 2013 at 3:00 p.m.

- a. **Ordinance No. 1087 - Tractor Trailer Parking**

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- b. Emergency Operations Plan – Review
- c. Civil Service Commission Rules and Regulations
- d. 24 Hour Municipal Parking Lot Ordinance
- e. **Reappointment of Vince Tranguch to the Civil Service Commission (term expires 1/1/2019)**
- f. **Appointment of Kathy Haney to the Civil Service Commission (term expires 1/1/2014)**
- g. **Hire Denise Shenk and Kyle Gibbons to the Emmaus Ambulance Corps as Per Diem Part-Time EMT's**
- h. **Hire Bryan Nelson to the Emmaus Ambulance Corps as a Per Diem Part-Time Paramedic**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – January 9, 2013 at 9:00 a.m.

- a. 1803 House Lot Line Adjustment
- b. Emmaus Public Library Expansion Project
- c. **2013 Appointments – Resolution 2013-1**
- d. **Reappointments to Boards / Commissions:**

Todd Laudenschlager - Building Board of Appeals - term expires 1/1/2018

Richard Gerhart - General Authority - term expires 1/1/2018

Krista Pegnetter - Library Board - term expires 1/1/2016

Ziad Munson – Library Board – term expires 1/1/2016

Robert Boehmer - Emmaus Arts Commission - term expires 2/7/2016

Angela Faidley - Emmaus Arts Commission - term expires 2/7/2016

Teri Sorg-McManamon – Emmaus Arts Commission – term expires 2/7/2016

Everett 'Reds' Bailey – Shade Tree Commission – term expires 1/1/2018

John Stover – Vacancy Board – term expires 1/1/2014

Ronald Gilbert – Zoning Hearing Board Alternate – term expires 1/1/2016

Susan Schmidt – Zoning Hearing Board – term expires 1/1/2016

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – January 21, 2013 at 6:45 p.m.

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- a. **Bill List—Resolution 2013-2**
- b. Policy for Receipts and Packing Slips
- c. Banking and Accounts for All Borough Entities

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

Next Meeting – January 24, 2013 at 4:15 p.m.

- a. LERTA
- b. Keystone Communities Program

17. Junior Council Member’s Report

18. Personal Appeals, Part II

19. Borough Manager’s Report

a. **Significant Revenue and Expense Items for December 2012**

20. President’s Business

21. Adjournment

Next Resolution #3
Next Ordinance #1095

The Emmaus Borough Council met in regular session on January 7, 2013 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	Present
Brian Holtzhafer	Present
Michael Waddell	Absent
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present

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Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Jeffrey Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Tony Groller, 1302 S. 10th Street – stated that his taxes have increased over the past 10-13 years, and believes that there are three departments, Public Works, Police Department, and the Ambulance Corps, that are costing the Borough a fortune. He asked Council if they ask questions of these departments. He stated that there are many used vehicles parked at the garages and it is a waste of taxpayers' money.

B. John Donches, 559 Minor Street – stated that there were technical difficulties recording the December 21, 2012 Council Meeting. He stated that he recorded the meeting in its entirety and it is available for viewing at www.epcat.us.

C. Samuel Seem, 654 Ridge Street – stated that the alley located in the 600 block behind Ridge Street, between Ridge and Walnut Street is in bad condition. He stated that he and several other residents have complained about the condition of the alley, and that it is a safety issue. He also voiced concern about speeding on Ridge Street. He stated that the Borough provides permits for High School students and believes there should be a permit process for parking trucks on streets in the Borough. He stated that the reason for adopting the truck Ordinance has changed several times. Mr. Labenberg responded that he will discuss the condition of the alley with the Public Works Director at the next Public Works Committee Meeting. He also responded that speeding on Ridge Street is a Police issue.

D. Otto Slozer, 121 E. Elm Street – voiced concern that his Personal Appeal from the December 17, 2012 Council Meeting has been so condensed that it is unrecognizable as to what he actually said. He also stated that the same is true for the gentleman who spoke before him. He stated that if the minutes don't reflect what he actually said than what are they worth? Mr. Pepe responded that meeting minutes are legally required to capture the spirit of what a particular commenter had to say and as such, the December 17 minutes meet that legal obligation.

E. Jonathan Robertson, 165 Spruce Street – voiced concern about trucks being blamed for the condition of curbs destroyed throughout the Borough. He stated that the Borough had problems funding the Fire Department and basic needs, but had no problem funding an Ordinance banning trucks on Borough Streets. Mr. Holtzhafer responded that Borough residents believe tractor trailer parking on Borough streets presents a safety hazard. He stated that he believes the safety of Borough residents is paramount.

F. Glen Gregory, 29 Harrison Street – read an article from the Morning Call dated October 15, 2012, stating that the Borough has obtained 10 complaints about tractor trailer parking since 2003. He stated that in the last two years, eight complaints have been made and he believes that it was the same individual voicing those complaints.

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G. Priscilla Robertson, 165 Spruce Street – stated that she is against the truck Ordinance. She stated that the Ordinance directly affects her family and her husband has been personally attacked in a public forum. She also stated that she has spoken to many people in the community and no one she has spoken to supports the ban. She believes that the Borough is listening to a vocal minority.

H. Gregory Nevel, 444 N. 3rd Street – stated that he is not a trucker and has never had an issue with any trucks. He stated that he believes Council has listened to a minority on this issue and encouraged Council to reconsider the parking ban.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Brown, seconded by Mr. Barrett to dispense with the formal reading of the December 17, 2012 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. Barrett to adopt the December 17, 2012 Minutes as drafted. There were 6 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Labenberg to dispense with the formal reading of the December 24, 2012 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to adopt the December 24, 2012 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

a. Michelle Steiner, 1104 W. Jubilee Street – Resignation from the Parks and Recreation Commission (term expires 5/1/2014). Mrs. Gilbert directed Mr. Pepe to mail Ms. Steiner a letter of thanks. Mr. Barrett thanked Ms. Steiner for her service to the Community.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to accept Ms. Steiner's resignation from the Parks and Recreation Commission (term expires 5/1/2014). There were 6 ayes. Motion carried.

b. Stephen Zakos, 252 North Street – Term of service on the Planning Commission. Mr. Pepe stated that he received a response from Attorney Dinkelacker and

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Mr. Zakos will not be able to remain on the Planning Commission. Mrs. Gilbert directed Mr. Pepe to contact Mr. Zakos for a formal resignation letter.

c. Brent Ohl, Co-Advisor, East Penn School District Class of 2013– Request for permission to use Pavilions. Referred to the Emmaus Parks and Recreation Committee.

d. Linda Rose, 524 North Street – Appointment to Library Board. Referred to the General Administration Committee.

e. Chief Faust, Emmaus Chief of Police – Thank you letters to Citizens Fire Company #1 for \$250.00 donation to K-9 Program, Mercantile Club for \$3,000 donation, and Citizens Fire Company #2 for providing Christmas dinner for the Emmaus Volunteer Crossing Guards.

f. Concerned East Penn Taxpayers Association – Speakers at Fire Company No #1, January 15, 2013, 7:30 – 9:30 p.m.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1087 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Section 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Motor Vehicle, Truck Tractor or Trailer, Bus, Motor Home, and Truck with Truck-Camper; and Providing Penalties for the Violation Thereof (1st Reading 8/20/12) (2nd Reading 9/17/12) (Deferred 9/17/12) (1st Reading 12/17/12) (2nd Reading 1/7/13).

Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1087 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1087 in short title.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to adopt Ordinance No. 1087 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Section 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Motor Vehicle, Truck Tractor or Trailer, Bus, Motor Home, and Truck with Truck-Camper; and Providing Penalties for the Violation Thereof on its 2nd Reading. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, nay; Mrs. Gilbert, aye. There were 5 ayes, 1 opposed (Shubzda). Motion carried.

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Mr. Labenberg stated that the Truck Ordinance has been on the Agenda for several years and believes that Council took the Ordinance very seriously and spent a great amount of time working on it.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on January 3, 2013 and entertained questions about the Committee Minutes. The Committee discussed Mr. Nonnemacher's Personal Appeal and the Public Works Department will paint parking lines on S. 4th Street from the Triangle to Broad Street.

b. Health, Sanitation, and Conservation Committee

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to reappoint Dr. David Burmeister to the Board of Health to a term expiring 1/1/2018. There were 6 ayes. Motion carried.

The next Committee meeting is January 28, 2013.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on January 8, 2013 at 3:30 p.m.

Progress.

d. Public Safety Committee

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Mrs. Gilbert reported that the Public Safety Committee met prior to tonight's Council Meeting and interviewed Kathleen Haney for the vacancy on the Civil Service Commission to fill the unexpired vacancy of David Wigfield. Mr. Labenberg stated that he will vote against the motion because Ms. Haney was appointed to the Special Entertainment Commission and resigned after a very short term.

Motion by Mr. Barrett, seconded by Mr. Brown to appoint Ms. Haney to the Civil Service Commission to a term expiring 1/1/14. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to hire Denise Shenk and Kyle Gibbons to the Emmaus Ambulance Corps as Per Diem Part-Time EMT's. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to hire Bryan Nelson to the Emmaus Ambulance Corps as a Per Diem Part-Time Paramedic. There were 6 ayes. Motion carried.

Mr. Labenberg stated that in Mr. Pepe's interview notes, it is mentioned that several of the candidates voiced an interest in being cross trained for the Fire Department and asked if that is a direction Council will be considering. Mr. Pepe stated that he has spoken with several Council Members but has not received formal direction on the matter. He stated that he believes the departments should work hand-in-hand and will push for Council to go in that direction.

Mrs. Gilbert reported that Vincent Tranguch has voiced an interest in resigning from the Civil Service Commission but will remain on the Commission until a replacement has been found. Mr. Pepe stated that he has spoken to Mr. Tranguch and once a replacement is found he is interested in serving as an alternate on the Commission.

Motion by Mr. Brown, seconded by Mr. Barrett to reappoint Mr. Tranguch to the Civil Service Commission to a term expiring 1/1/2019. There were 6 ayes. Motion carried.

The next Committee meeting is January 10, 2013 at 3:00 p.m.

e. General Administration Committee

Mr. Barrett reported that there are several items for official action.

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Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Todd Laudenschlager to the Building Board of Appeals to a term expiring 1/1/2018. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to reappoint Richard Gerhart to the General Authority to a term expiring 1/1/2018. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to reappoint Krista Pegnetter to the Library Board to a term expiring 1/1/2016. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Ziad Munson to the Library Board to a term expiring 1/1/2016. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to reappoint Robert Boehmer to the Emmaus Arts Commission to a term expiring 2/7/2016. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to reappoint Angela Faidley to the Emmaus Arts Commission to a term expiring 2/7/2016. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Shubzda to reappoint Teri Sorg-McManamon to the Emmaus Arts Commission to a term expiring 2/7/2016. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Everett "Reds" Bailey to the Shade Tree Commission to a term expiring 1/1/2018. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to reappoint John Stover to the Vacancy Board to a term expiring 1/1/2014. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Ronald Gilbert as an Alternate to the Zoning Hearing Board to a term expiring 1/1/2016. There were 5 ayes, 1 abstention (Gilbert). Motion carried.

Motion by Mr. Barrett, seconded by Mr. Shubzda to appoint Susan Schmidt to the Zoning Hearing Board to a term expiring 1/1/2016. There were 6 ayes. Motion carried.

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Mrs. Gilbert explained that Ms. Schmidt's appointment is for a regular seat on the Zoning Hearing Board and there is now a vacancy for an alternate on the Board.

RESOLUTION 2013 – 1

BE IT HEREBY RESOLVED by Emmaus Borough Council to appoint the following officials to their designated positions for a term expiring on January 6, 2014:

Ambulance Corps Chief	Mike Nonnemacher
Animal Control Officer	Richard Hontz
Borough Manager/Secretary	Shane Pepe
Borough Solicitor	Dimmich & Dinkelacker
Borough Treasurer	Christine Snyder
Certified Public Accountant	France, Anderson, Basile & Co.
Civil Service Commission Solicitor	Fonzone and Ashley
Emergency Management Coordinator	Kevin Farnish
Engineer (General/Water/Sewer)	Hanover Engineering
Fire Chief	James Reiss
Fire Inspector	Kevin Farnish
Health Officer	Garry Ritter
Pension Consultant-Police/Non-uniform	Conrad Siegel
Police Chief	David Faust
Public Works Director	Jeffrey Clapper
Asst. Public Works Director	John Dychala
Public Works Inspector/ Code Enforcement Officer	James Farnsworth
Sewage Enforcement Officers	Jacob A. Schray Jeffrey T. Huff
Zoning Hearing Board Solicitor	Ronald Corkery, Esq.

Done this 7th day of January, 2013.

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Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt Resolution 2013-01. There were 6 ayes. Motion carried.

The next Committee meeting is January 9, 2013 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-2, authorizing payment of the January 7, 2013 Bill List, as follows:

Bill List	\$	189,808.25
Payroll #26	\$	105,534.60
Payroll Taxes	\$	<u>33,030.26</u>
Total	\$	328,373.11

Done this 7th day of January 2013.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the January 7, 2013 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee discussed a letter Mr. Pepe received from Dale Washburn, 1258 Pennsylvania Avenue concerning the \$6.00 compost fee added to the 2013 refuse bill. He questioned the need to pay 3 compost fees for one property as he is the only one who does property maintenance at the address. The item is referred to the Health, Sanitation, and Conservation Committee.

g. Community Relation, Planning and Development Committee

Mr. Brown reported that Mr. Pepe will be completing the Streetscapes Amenities Grant Application. He reported that the funds are available for up to \$15,000, with a 50% match, and the grant application is due by the end of February, 2013. He also reported that the Committee will discuss the project at its next Meeting on January 24, 2013 at 4:15 p.m. He asked Council for project suggestions and also stated that he approached the Main Street Partners for project suggestions.

Progress.

h. Junior Council Member's Report

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Mr. Hobson reported that the Emmaus High School Student Government is hosting its Annual Miller-Keystone Memorial Blood Drive on January 15, 2013. He also reported that mid-terms exams will be held on January 18, 22, and 23, 2013.

Progress.

PERSONAL APPEALS, PART II

A. Anthony Groller, 1302 S. 10th Street – stated that every year the Budget and Finance Committee reports that it has severely cut the budget and questioned if that is so, why does his taxes increase every year? He voiced concern over Borough employees taking vehicles home and questioned how much it costs him as a taxpayer. Mr. Holtzhafer responded that he will research the matter.

B. John Donches, 559 Minor Street – asked Mr. Brown to clarify the Streetscapes Amenities Grant he discussed during his Committee Report. Mr. Brown explained the concept of a matching grant. Mr. Donches asked why providing a parking location for trucks was not approved. Mr. Holtzhafer responded that he was not in favor of it because he did not believe it is in the Borough's best interest to enter the parking lot business.

C. Otto Slozer, 121 E. Elm Street – asked Mr. Brown to clarify if Borough workers are donating their time without pay when they are helping with the Grant project. Mr. Brown responded that they are paid. Mr. Slozer stated that if they are paid, it does cost the taxpayers' money.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for December 2012 are in the Council binders and offered to entertain questions about it.

Progress.

PRESIDENT'S BUSINESS

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to adjourn. There were 6 ayes. Motion carried.

The January 7, 2013 Meeting of the Emmaus Borough Council adjourned at 8:10 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
January 11, 2013