

February 19, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda**

Tuesday, February 19, 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

February 4, 2013

7. Decisions on Bids
8. Communications
9. Borough Engineer's Report
10. Solicitor's Report

Ordinance Amending all Current and Future Ordinances to Provide that Any Person Found Guilty of Violating an Ordinance Shall be Assessed Court Costs and Reasonable Attorney's Fees Incurred by the Borough in the Enforcement Proceedings.

11. Unfinished Business, Part I

Ordinance No. 1095 – Amending Ordinance No. 1016 Civil Service Rules and Regulations (1st Reading 2/4/13) (Deferred 2/4/13) (1st Reading 2/19/13).

12. New Business
13. Unfinished Business, Part II

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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 – March 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 – February 25, 2013 at 5:00 p.m.

- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Cintas

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – March 5, 2013 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project
- c. DCNR Grant
- d. **EPEMFA 2013 Field Usage Fee Waivers**
- e. **EYA Field Requests**
- f. **EMSP 2013 Event Requests:**
 - **Clam Bake**
 - **2nd Saturday Sidewalk Sales**
 - **Beer Fest**
 - **Old Fashioned Christmas**
 - **Farewell to Summer Festival**
- g. **School District 2013-2014 Field Usage Fee Waivers**
- h. **Inflatables at Community Day Event**
- i. **Emmaus Aquatics Club Request**

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Public Safety (Gilbert, Barrett, Brown)

Next Meeting – March 14, 2013 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Civil Service Commission Rules and Regulations
- c. 24 Hour Municipal Parking Lot Ordinance
- d. **Ordinance No. 1095 – Amending Ordinance No. 1016 Civil Service Rules and Regulations (1st Reading)**
- e. **Completion of Probationary Period – Police Officer Vincent Murante, III**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – February 20, 2013 at 9:00 a.m.

- a. 1803 House Lot Line Adjustment
- b. Emmaus Public Library Expansion Project
- c. **Appointment of Jeanne Shook to the Emmaus Arts Commission (term expires 2/1/2015)**
- d. **Appointment of Michael Hoffman to the Emmaus Planning Commission (term expires 4/1/2015)**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – February 26, 2013 at 3:30 p.m.

- a. **Bill List—Resolution 2013-5**
- b. Policy for Receipts and Packing Slips
- c. Banking and Accounts for All Borough Entities
- d. Eliminate Gamewell System - 2014

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

Next Meeting – February 28, 2013 at 4:15 p.m.

- a. LERTA
- b. Keystone Communities Program
- c. Community Revitalization Grant

17. Junior Council Member's Report

18. Personal Appeals, Part II

19. Borough Manager's Report

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a. **Significant Revenue and Expense Items for First Half of February**

20. President's Business

21. Adjournment

Next Resolution #6
Next Ordinance #1096

The Emmaus Borough Council met in regular session on February 19, 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	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Jim Woodeshick, 108 Seem Street – voiced concern about salesmen and mechanics from car dealerships running across Lehigh Street. He believes it is a safety concern and suggested mailing the dealerships a letter suggesting using the crosswalks. Mrs. Gilbert stated that she will discuss the item with Chief Faust.

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COMMUNITY MINUTE

Dr. Waddell thanked everyone who attended the Town Hall lobby rededication ceremony which was held at 6:30 p.m., prior to tonight's Council Meeting. He thanked the Arts Commission, the Public Works Department, and Borough Council.

SPECIAL PRESENTATIONS

Dr. Waddell stated that Bob Boehmer and a subcommittee discussed utilizing the upstairs hallway outside of Council Chambers as an art gallery and Council Chambers for musical events. Dr. Waddell entertained questions about a proposal presented by Mr. Boehmer. Mr. Boehmer explained that the subcommittee has worked with Mr. Clapper and that several local businesses, Out of Our Hands and The Emmaus Jewel Shop, have donated materials. He further explained that all materials have been donated and the gallery will not be funded by Borough taxpayers. The Arts Commission will donate funds for electrical work and to have the track lighting installed. Mr. Labenberg thanked the Arts Commission for updating Town Hall and showcasing local talent. Dr. Waddell stated that the proposed date of completion is May, 2013. Mrs. Gilbert referred the item to the General Administration Committee.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Shubzda to dispense with the formal reading of the February 4, 2013 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Dr. Waddell to adopt the February 4, 2013 Minutes as drafted. There were 6 ayes, 1 abstention (Gilbert). Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS - None.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Ordinance Amending all Current and Future Ordinances to Provide that Any Person Found Guilty of Violating an Ordinance Shall be Assessed Court Costs and Reasonable Attorney's Fees Incurred by the Borough in the Enforcement Proceedings.

Solicitor Dimmich reported that he drafted the Ordinance for another municipality in conjunction with the new Borough Code which was adopted in 2012. He explained that there is a provision at the end of the Code which states that if an Ordinance is passed and

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it is a civil enforcement Ordinance, the general taxpayer does not incur the attorney's fees and costs, it is the responsibility of the violating party. Mrs. Gilbert referred the Ordinance to the General Administration Committee.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1095 – An Ordinance Repealing Sections 351 Through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations (1st Reading 2/4/13) (Deferred 2/4/13) (1st Reading 2/19/13).

Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1095 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1095 in short title.

Mrs. Gilbert stated that a major change to the Ordinance is Section 5.5, Polygraph. She explained that all applicants that are offered employment will be required to take and pass a polygraph test prior to the physical and psychological medical examination. Solicitor Dimmich stated that there are substantial changes to the Ordinance, including a chapter dealing with promotions. Mrs. Gilbert entertained questions about Ordinance No. 1095.

Motion by Mr. Labenberg, seconded by Mr. Brown to adopt Ordinance No. 1095 - An Ordinance Repealing Sections 351 Through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations on its 1st Reading. Roll call vote: Mr. Brown, aye, Mr. Shubzda, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on February 7, 2013 at 3:00 p.m. He reported that there was a Personal Appeal by Wayne Dilliplaine, who resides at 532 Chestnut Street, concerning a tree uprooted on his property. Mr. Dilliplaine stated that the tree has upheaved the sidewalk and is causing structural damage to his property. The Committee decided that the Public Works Department will remove the tree. Mr. Labenberg stated that the tree will be replaced; however, due to budgetary constraints it will not be replaced immediately. Mr. Pepe will notify the Shade Tree Commission advising them of the removal of the tree. Mr. Barrett asked if the Public Works Department has removed trees in the past. Mr. Labenberg responded that it has. Mr. Pepe responded that this particular tree was purchased through a grant and it is the Borough's responsibility.

Mr. Labenberg reported that the Committee discussed a letter from David Biles regarding the construction of the new home in his neighborhood. Mr. Pepe responded that he has addressed Mr. Biles' concerns.

Mr. Labenberg reported that the skate stoppers for Triangle Park will be installed shortly. Mr. Pepe encouraged Council to view a sample skate stopper located on the counter in the Borough Manager's office. Dr. Waddell thanked the Committee and Mr. Clapper for producing the skate stoppers and noted the significant savings incurred by producing the stoppers in house. Mr. Labenberg thanked Dr. Waddell for noticing the issue at Triangle Park.

Mr. Labenberg also reported that the Committee is continuing to work on the Public Works Department Workplace Rules.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on February 25, 2013 at 5:00 p.m.

Progress.

c. Parks and Recreation Committee

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

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Mr. Barrett reported that the Committee received a request from the EPEMFA for a fee waiver for youth football for the 2013 season. The league will donate approximately \$15,000 - \$17,000 toward the Green Future Fund project. The organization historically makes a \$1,000 donation to the fields.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the EPEMFA's Field Waiver Request for field usage fees. There were 7 ayes. Motion carried.

Mr. Barrett reported that at the last Parks and Recreation Commission meeting, the field requests by the EYA were referred to the Parks and Recreation Committee because there was not a quorum of non-EYA members of the Commission at the meeting and it was believed that it would be a conflict of interest for the Commission to vote on the requests.

Mr. Barrett reported that there were several requests from the Emmaus Main Street Partners. The Committee had additional questions concerning a Clam Bake. Ms. Madison will attend the next Parks and Recreation Committee meeting to address those concerns.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the Emmaus Main Street Partners' request to hold 2nd Saturday Sidewalk Sales from May to September, 2013, at Triangle Park with the provision that there will be no amplified sound prior to 11:00 a.m. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to hold the Farewell to Summer Festival event on September 7, 2013 at Triangle Park with the provision that there will be no amplified sound prior to 11:00 a.m. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to hold the Old Fashioned Christmas event on December 7, 2013 at Triangle Park. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to sell alcohol at the 4th Annual Beer Fest event to be held on October 5, 2013 at Emmaus Community Park.

Mr. Holtzhafer stated that he believed the request was to use glass bottles at the event. Mr. Barrett stated that he will withdraw his motion until the request can be clarified.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus High School's Fee Waiver Request for the use of South Fourth Street Fields by the

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2013-2014 Field Hockey Team, use of Community Park Fields by the 2013-2014 Boys' Soccer Team, and the use of Williams & Kiwanis Street Fields by the 2013-2014 Softball Team. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the Emmaus Aquatic Club's request to use the Emmaus Community Pool for the 2013 summer season, with the condition that the members must be out of the pool no later than 9:45 a.m. on days of swimming lessons. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee voted to deny a request to allow the use of inflatables at the Community Day event.

Mrs. Gilbert asked the status of the double booking of the Arts Pavilion on Friday, June 14, 2013. Mr. Barrett responded that Mrs. Heatley has been notified of the double booking.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on February 14, 2013 and discussed the issue of parking at St. Ann's School. She stated that she will discuss the item with Chief Faust.

Mrs. Gilbert reported that there was a Personal Appeal by Mr. James Baker, who suggested changing the Gamewell System boxes to an emergency notification system for the Police Department.

Mrs. Gilbert reported that there have been complaints concerning trucks unloading and loading cars in the area of 211 Williams Street. The Committee is recommending a "No Loading or Unloading Zone" between the hours of 8:00 p.m. and 8:00 a.m. on North, Elm, and George Streets between State and Williams Street to eliminate this from occurring.

Mrs. Gilbert reported that the signs for the Tractor Trailer Ordinance have been ordered and will be received shortly.

Mrs. Gilbert reported that in a Memorandum dated February 6, 2013, Chief Faust stated that Patrolman Vincent J. Murante, III has successfully completed a probationary period of one year with the Emmaus Police Department. Solicitor Dimmich stated that a motion is not needed on this item.

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Mrs. Gilbert reported that the Committee met in Executive Session to discuss an ongoing legal issue.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on February 6, 2013 at 9:00 a.m. The Committee interviewed Mrs. Jeanne Shook for the Emmaus Arts Commission and Mr. Mike Hoffman for the Emmaus Planning Commission. Dr. Waddell stated that the Committee was impressed with the candidates and recommends both for appointment. Mr. Labenberg asked Dr. Waddell if this fills the vacancies on the Arts Commission. Dr. Waddell responded that there is one open position. He also noted that Mrs. Shook does not reside within the Borough.

Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Mrs. Jeanne Shook to the Emmaus Arts Commission for a term expiring 2/1/2015. There were 7 ayes. Motion Carried.

Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Mr. Michael Hoffman to the Emmaus Planning Commission for a term expiring 4/1/2015. There were 7 ayes. Motion carried.

The next Committee meeting is February 20, 2013 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-5, authorizing payment of the February 19, 2013 Bill List, as follows:

Bill List	\$	330,014.18
Payroll #3	\$	105,908.20
Payroll Taxes	\$	<u>35,746.25</u>
Total	\$	471,668.63

Done this 19th of February 2013.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the February 19, 2013 Bill List. There were 7 ayes. Motion carried.

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Mr. Holtzhafer reported that the Borough's "Wish List" has been forwarded to the General Authority.

The next meeting is Tuesday, February 26, 2013 at 3:30 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that the Emmaus High School Spring sports have begun, including tennis, boys' volleyball, track & field, and boys' and girls' lacrosse. He also reported that Broadway Night will be held on Friday, February 22, 2013 at 7:30 p.m., in the Emmaus High School Auditorium.

Dr. Waddell asked Mr. Hobson if he is aware of any projects that the Borough can partner with the East Penn School District to accomplish. Mr. Hobson responded that he is unaware of any.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of February 2013 are in the Council binders and offered to entertain questions about it.

Progress.

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PRESIDENT'S BUSINESS

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

The February 19, 2013 Meeting of the Emmaus Borough Council adjourned at 7:44 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 22, 2013