

March 4, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, March 4, 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 19, 2013

7. Decisions on Bids
8. Communications
 - a. Lee Merendino, Seven Generations Charter School – Field Usage Fee Waiver.
 - b. Dennis Ramella – Emmaus High School – Pavilion Fee Waiver for 2013 Senior Class Picnic.
 - c. Wesley Barrett, Lehigh Valley Road Runners – Emmaus 4 Miler Road Race Event.
 - d. Fred Mussel, Cedarbrook Sportsmen - Request monetary donation to stock Furnace Dam.
 - e. Jeffrey McElhaney, Jr. , 16 S. 4th Street – Cancer Support Community of the Greater Lehigh Valley – Market on the Triangle Fund-raiser.
 - f. Katie Pulizzano, Seven Generations Charter School – 5K Walk/Run and 1 Mile Fun Run Fund-raiser.
 - g. Chancity Young, Active Learning Center, 544 Jubilee Street – Walk and Recognition Ceremony at Community Park.
 - h. Glen Dilcher, Retired Police Officer, 3128 S. 6th Street – Retired Police Officers Pension Increase.

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- i. Chris Boehm, Macungie Borough Manager – Use of Yard Waste Facility
- j. Budd Coates, Rodale, 400 S. Tenth Street – Request to rent Emmaus Community Pool.

9. Borough Engineer's Report

10. Solicitor's Report

11. 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) (2nd Reading 3/4/13)

Ordinance No. 1096 – An 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 (1st Reading 3/4/13)

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 – 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 – March 25, 2013 at 5:00 p.m.

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- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Cintas
- e. Refuse Contract**
- f. Wastewater Ordinance
- g. Town Hall HVAC System
- h. Water/Sewer/Refuse Fee Waiver for 1018 S. 10th Street

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

Public Safety (Gilbert, Barrett, Brown)

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

- a. Emergency Operations Plan – Review
- b. 24 Hour Municipal Parking Lot Ordinance
- c. Ordinance No. 1095 – Civil Service Rules and Regulations (2nd Reading)**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – March 6, 2013 at 9:00 a.m.

- a. 1803 House Lot Line Adjustment
- b. Emmaus Public Library Expansion Project
- c. Ordinance No. 1096 - Attorney Fees Ordinance (1st Reading)**
- d. Arts Commission Gallery
- e. Age Qualified Housing Ordinance
- f. HVAC System at Town Hall
- g. Light Duty Policies
- h. DCNR Comprehensive Recreation Planning Grant – Barry Isett**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – March 18, 2013 at 6:30 p.m.

- a. Bill List—Resolution 2013-6**

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- b. Policy for Receipts and Packing Slips
- c. Banking and Accounts for All Borough Entities
- d. Eliminate Gamewell System – 2014
- e. **Resolution 2013-7 Amending Fee Schedule for Public Works Rates**
- f. Pavilion Construction
- g. Electricity / Natural Gas

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

Next Meeting – March 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

a. **Significant Revenue and Expense Items for February 2013**

20. President's Business

21. Adjournment

Next Resolution #8
Next Ordinance #1097

The Emmaus Borough Council met in regular session on March 4, 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

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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	Absent
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. John Donches, 559 Minor Street – invited everyone to attend the next CEPTA meeting. The meeting will be held on Tuesday, March 19, 2013 at 7:30 p.m., at Emmaus Fire Company #1 located at 50 S. 6th Street. The subject matter is Gun Rights. A representative from the NRA will be present at the meeting.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Labenberg to dispense with the formal reading of the February 19, 2013 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt the February 19, 2013 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

- a. Lee Merendino, Seven Generations Charter School – Field Usage Fee Waiver. Referred to the Parks and Recreation Committee.
- b. Dennis Ramella, Emmaus High School – Pavilion Fee Waiver for 2013 Senior Class Picnic. Referred to the Parks and Recreation Committee.
- c. Wesley Barrett, Lehigh Valley Roadrunners – Emmaus 4 Miler Road Race Event. Referred to Staff and the Mayor.

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d. Fred Mussel, Cedarbrook Sportsmen – Request monetary donation to stock Furnace Dam. Mr. Holtzhafer explained that in prior years the Borough has contributed \$300.00 to the organization.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to contribute \$300.00 to the Cedarbrook Sportsmen. There were 7 ayes. Motion carried.

e. Jeffrey McElhaney, Jr., 16 S. 4th Street – Cancer Support Community of the Greater Lehigh Valley – Market on the Triangle Fund Raiser. Referred to the Parks and Recreation Committee.

f. Katie Pulizzano, Seven Generations Charter School – 5K Walk/Run and 1 Mile Fun Run Fund-raiser. Ms. Pulizzano addressed Council and answered questions concerning the race. Referred to the Public Safety Committee. Mr. Barrett invited Ms. Pulizzano to attend the next Public Safety Committee on March 14, 2013 at 3:00 p.m.

g. Chancity Young, Active Learning Center, 544 Jubilee Street – Walk and Recognition Ceremony at Community Park. Referred to the Parks and Recreation Committee.

h. Glen Dilcher, Retired Police Officer, 3128 S. 6th Street – Retired Police Officer's Pension Increase. Referred to the Budget and Finance Committee.

i. Chris Boehm, Macungie Borough Manager – Use of Yard Waste Facility. Referred to the Health, Sanitation, and Conservation Committee.

j. Budd Coates, Rodale, 400 S. Tenth Street – Request to rent Emmaus Community Pool. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Dimmich explained that under the new Borough Code, Section 1008A, it states that when the Mayor is absent the Council President assumes that person's duties. If the Council President is absent the Vice President assumes that person's duties. The Council President or Vice President, while acting as Mayor shall have the power to veto a proposed ordinance or to break a tie but shall not have the power to vote as a member of Council. Mr. Labenberg asked if the President must step down for the whole meeting. Solicitor Dimmich responded affirmatively. Mrs. Gilbert assumed the role of Mayor and Mr. Holtzhafer assumed the role as President.

Mr. Labenberg clarified that if Council Members were to receive pay raises, the increase would begin at the beginning of a new term for each Council member. Current sitting Council members would not be eligible for an increase until after they were reelected to office.

Progress.

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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) (2nd Reading 3/4/13).

Motion by Mr. Labenberg, seconded by Mr. Brown to read Ordinance No. 1095 in short title. There were 6 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1095 in short title.

Motion by Dr. Waddell, seconded by Mr. Barrett 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 2nd Reading. Roll call vote: Mr. Labenberg, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Holtzhafer, aye. There were 6 ayes. Motion carried.

Ordinance No. 1096 – An 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 (1st Reading 3/4/13).

Motion by Mr. Brown, seconded by Dr. Waddell to read Ordinance No. 1096 in short title. There were 6 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1096 in short title.

Mr. Barrett asked Solicitor Dimmich if the ordinance is in conjunction with the new Borough Code, Act 43. Solicitor Dimmich responded that it is.

Motion by Mr. Labenberg, seconded by Mr. Brown to adopt Ordinance No. 1096 - An 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 (1st Reading 3/4/13). Roll call vote: Mr. Labenberg, aye; Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Holtzhafer, aye. There were 6 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

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on Thursday, March 7, 2013 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on February 25, 2013. The Committee reviewed the opening of the Compost Site for the 2013 season with Mr. Clapper. The opening date is scheduled for March 13, 2013.

Mr. Shubzda reported that the Committee discussed the Wastewater Ordinance, and the Town Hall HVAC System. He also reported that the Committee discussed electricity rates. The matter was referred to the Budget and Finance Committee.

Mr. Shubzda reported that the Borough is on its last year of the refuse contract with Raritan Valley. The Committee recommends advertising for Requests for Bids for the refuse and recycling contract. Mr. Labenberg asked if the refuse and recycling contract will be discussed at the Committee Level. The item was referred to the General Administration Committee. Dr. Waddell responded that he will place the item on the Agenda. Mr. Barrett stated that he has received negative feedback from business owners concerning recycling pick up and suggested changing the night of pick up.

Motion by Mr. Shubzda, seconded by Dr. Waddell to authorize Mr. Pepe to advertise for Requests for Bids for the refuse and recycling contract. There were 6 ayes. Motion carried.

Mr. Shubzda reported that the Committee received a letter from Flora Buckalew requesting that the Borough grant a waiver on water, sewer, and refuse for her uncle, John Kissinger, who resides at 1018 S. 10th Street, but is currently living in a nursing home. There has been no refuse or water usage at the property in months. They are trying to sell

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the property. The Committee believes that granting a waiver would set precedence and voted to deny the request. Mr. Labenberg questioned several items on the Health, Sanitation, and Conservation Agenda, including the Wastewater Ordinance, and suggested that the item should be placed on the Public Works Agenda.

The next meeting will be held on March 25, 2013 at 5:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that on Saturday May 25, 2013, the Special Entertainment Commission will host the Emmaus Memorial Day Dash and Splash partnering with Rodale for the Emmaus Gets Fit Health Fair. The race will begin at 11:00 a.m. at Emmaus Community Park and all proceeds will benefit the Special Entertainment Commission. He stated that more information is available at emmaus5k.com. Mr. Labenberg added that School's Out will be playing at the Event, and there will be vendors at the Health Fair, and season passes will be sold at the pool. He also stated that all entrants to the 5k race will be admitted to the pool for free the day of the race and all guests of entrants will be admitted for \$5.00. Mr. Barrett encouraged all residents to visit the Emmaus Community Pool.

Progress.

d. Public Safety Committee

Mr. Barrett reported that the Committee recommends appointing Vincent Tranguch as an Alternate to the Civil Service Commission to a term expiring 3/4/2019.

Motion by Mr. Barrett, seconded by Mr. Brown to appoint Vincent Tranguch as an Alternate to the Emmaus Civil Service Commission to a term expiring 3/4/2019.

Mrs. Gilbert asked Solicitor Dimmich if Mr. Tranguch's term would begin tonight or revert to January 1, 2013 due to the Civil Service Rules being approved and adopted earlier in the evening. Solicitor Dimmich responded that his term would be effective January 1, 2013.

Mr. Barrett amended his motion to reflect Mr. Tranguch's term as expiring January 1, 2019 and Mr. Brown amended his second.

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Motion by Mr. Barrett, seconded by Mr. Brown to appoint Vincent Tranguch as an Alternate to the Emmaus Civil Service Commission to a term expiring 1/1/2019. There were 6 ayes. Motion carried.

Mr. Barrett reported that the Committee recommends appointing William Huber to the Civil Service Commission to a term expiring 1/1/2019.

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

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on February 20, 2013 at 9:00 a.m. He also reported that Mr. Boehmer attended the Committee Meeting and discussed the Arts Commission's vision for the 2nd Floor of Town Hall. The Committee recommends moving forward with the Art Gallery proposal for the 2nd floor of Town Hall. Mr. Brown stated that he has concerns with the Town Hall renovations and use of the Community Room conflicting with the Arts Commission's Art Gallery concept. He questioned if the Commission has coordinated the use of the Community room to make sure there are no conflicts with meetings that take place in the room. Dr. Waddell responded that the Town Hall remodeling efforts were considered by the Committee and there will be contingencies if the Community Room will be used differently in the upcoming months. Mr. Holtzhafer stated that he is concerned with the time frame of the project and voiced concerns about the project conflicting with potential Town Hall renovations. Dr. Waddell responded that there is minimal work that will be required in the upstairs hallway. He stated that the projected completion date of the gallery is May 31 and it is the Arts Commission's hope to have the gallery dedication ceremony to coincide with the kick-off of the Commission's rain barrel event. Mr. Holtzhafer voiced security concerns because the public will have access to Town Hall with no employees present. Dr. Waddell responded that there will always be an Arts Commission member present.

Motion by Dr. Waddell, seconded by Mr. Labenberg to approve Mr. Boehmer's concept for the Emmaus Arts Commission's Art Gallery on the 2nd Floor of Town Hall. There were 6 ayes. Motion carried.

Dr. Waddell stated that the Committee held a discussion on the HVAC system in Town Hall and voted unanimously to begin the process of examining the different options to improve the HVAC system in Town Hall.

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Motion by Dr. Waddell, seconded by Mr. Labenberg to explore different options to improve the HVAC system and to receive quotes for Town Hall. There were 6 ayes. Motion carried.

Mr. Brown stated that several years ago the Borough received a proposal for an HVAC system renovation and asked if this proposal will be reviewed. He stated that he believes the proposal was for approximately \$60,000. Mr. Pepe responded that a proposal was recently received from Burkholder's, which was approximately \$19,000. Mr. Labenberg stated that he believes natural gas is a less expensive option. Mr. Brown stated that there is a solar panel grant currently available through the state but the application deadline is March 18, 2013.

Mr. Barrett stated that Mr. Pepe distributed a proposal by Barry Isett & Associates to prepare and submit a Comprehensive Planning Grant to DCNR on behalf of the Borough of Emmaus at no cost. Mr. Pepe stated that the cost of the study is approximately \$75,000 and the grant is a 50% matching grant. Mr. Barrett stated that the item was referred to the General Administration Committee due to concerns that there may be conditions placed upon the offer. Mr. Barrett stated that a motion is needed to submit an application to apply for a grant. If the Borough receives a grant, it is a 50% match. The Borough would have a Comprehensive Recreation, Park and Open Space Plan, which is necessary to obtain future DCNR grant funds. Mr. Pepe reviewed the scope of work included in the Comprehensive Recreation, Park and Open Space Plan. Mr. Holtzhafer asked if the Borough is committed to spending \$35,000 if the Borough receives the Grant. Mr. Pepe responded that the Borough has the option of not using the Grant. Mr. Barrett responded that the Borough will focus on obtaining community partners and believes it is realistic to obtain a large amount of the funding through the community.

Motion by Mr. Barrett, seconded by Mr. Labenberg to authorize Barry Isett & Associates, pro bono, to prepare and submit a Comprehensive Recreation Planning Grant to DCNR on behalf of the Borough of Emmaus. There were 6 ayes. Motion carried.

The next Committee meeting is March 6, 2013 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Shubzda read Resolution 2013-6, authorizing payment of the March 4, 2013 Bill List, as follows:

Bill List	\$	147,822.78
Payroll #4	\$	125,051.35

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Payroll Taxes	\$	<u>42,600.20</u>
Total	\$	315,474.33

Done this 4th of March 2013.

Motion by Mr. Shubzda, seconded by Dr. Waddell to approve the March 4, 2013 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer explained that on Resolution 2012 – 38, there were several areas where the Public Works employee’s hourly labor rates were incorrectly listed. The Committee recommends adopting Resolution 2013-7, amending the Fee Schedule.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt Resolution 2013-7, A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees and Charges for Permits and Services. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that at the Budget and Finance Committee Meeting on February 26, 2013, the Committee met with Mr. Clapper to discuss the distribution of payment from the insurance company for the pavilion that was damaged due to Hurricane Sandy. Mr. Clapper presented a proposal to erect a 30’ x 60’ storage building and to purchase a used paving machine. Mr. Clapper asked for authorization to sell several items on Municibid and use the funds towards the purchase of the paving machine and the building. The Committee recommended authorizing Mr. Clapper’s request to purchase a used paving machine and sell several items on Municibid, including the current paving machine, an old heater, and an old skid steer snow blower. Mr. Holtzhafer stated that the Committee would like to inventory the current Public Works Department’s site before recommending the purchase of a storage building. Mr. Holtzhafer stated that there will be no out of pocket expense for the purchase of a used paver. Mr. Labenberg clarified that the insurance company did not overpay on the damage of pavilion. The Public Works Department is performing a large quantity of the work on rebuilding the pavilion and will save the Borough money by not having a contractor perform the work.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to authorize Mr. Clapper to purchase a used paver and sell several items, including the current paving machine, an old heater, and an old skid steer snow blower on Municibid. There were 6 ayes. Motion carried.

The Committee discussed Mr. Labenberg’s suggestion to pay off some of the smaller loans as well as investing money in the pension fund with a portion of the Green Futures Fund that the Borough was able to recover. The item will remain on the Committee’s Agenda for further discussion.

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Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee discussed CGI Communications. Mr. Brown explained that CGI Communications is offering a community video to be broadcast on the Borough's website. The company will provide the video at no cost to the Borough. Dr. Waddell stated that Mr. Pepe provided a link to the City of Altoona's website which provided a Tour Book of the City. He stated that it was interesting and very well done. He suggested that Mr. Pepe provide all of Council with the link. Mr. Brown stated that the Committee will further discuss the item at its next Committee Meeting.

h. Junior Council Member's Report

Mr. Hobson thanked the Emmaus Police Department for ensuring the safety of the students at the Emmaus High School. He also thanked the Fire Department for its response to the recent bomb threats at the high school. He thanked Emmaus Borough Council for providing the monetary funds that were necessary to complete the searches after the bomb threats.

Mr. Hobson announced that on Friday, March 22, 2013 the Emmaus High School will host Shave for the Brave for Pediatric Cancer. The event will be held at the high school track beginning at 5:00 p.m. Mr. Hobson stated that he will be shaving his head for the event; it is a great cause, and he invited the entire 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 February 2013 are in the Council binders and offered to entertain questions about it. Mr. Pepe stated that Council Members have expressed an interest in modifying the current report and asked Council for its input. Mr. Labenberg responded that he finds the report to be valuable. Mr. Barrett agreed with Mr. Labenberg.

Progress.

PRESIDENT'S BUSINESS

Mr. Holtzhafer recessed for an Executive Session at 8:30 p.m. to discuss a personnel matter with no official action anticipated.

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Mr. Holtzhafer reconvened the meeting at 9:47 p.m. with no official action required.

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

The March 4, 2013 Meeting of the Emmaus Borough Council adjourned at 9:48 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
March 7, 2013