

March 17, 2014

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, March 17, 2014, 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

March 3, 2014

7. Decisions on Bids

2014 Concrete Contractor Bid Results

8. Communications
  - a. Paulette Labenberg, Special Entertainment Commission – Approval for Community Events: Summer Concert Series and Bluegrass Festival.
  - b. Gema and Scott Carter, 430 N. 2<sup>nd</sup> St. – Request appointment to the Special Entertainment Commission.
  - c. Laura Fetzer, Friends of 1803 House – Approval to hold A Very Merrie Halloween Fall Festival and Craft Show Event.
  - d. Katie Pulizzano, Seven Generations Charter School – Approval for 1 Mile Fun Run and 5K Fundraiser.
  - e. Vince Tranguch, Emmaus Lions Club – Pavilion Fee Waiver.
  - f. Charles Samiljan, 314 Main St. – Approval for Spring Chili Cook-off on the Triangle.

9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

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**Ordinance No. 1105- An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough Code, Adding Residential Handicapped Parking Signs on the Public Street Located in Front of 638 Walnut Street and 221 N. 7<sup>th</sup> Street and Removing Residential Handicapped Parking Signs on the Public Street Located in Front of 226 Ridge Street within the Borough of Emmaus (1<sup>ST</sup> Reading 3/17/14).**

**Ordinance No. 1106 – An Ordinance Amending the Provisions of Chapter 15, Section 209, Prohibiting Left Turns from Green Drive onto Cedar Crest Boulevard (1<sup>st</sup> Reading 3/17/14).**

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, Holtzhafer)**

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

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

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

Next Meeting – April 17, 2014 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills

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

Next Meeting – April 1, 2014 at 4:00 p.m.

- a. Policies:
  - Bands, DJ's, and Live Performances
  - Pavilion Refund
  - Tents, Canopies, and Items Outside Pavilions
  - Vendor Trucks in Parks
  - Moon Bounce and Inflatable Objects
- b. Boro Line Park Direction Sign
- c. **Chili Cook-off at Triangle Park**

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- d. **Cub Pack #25 Pavilion Fee Waiver Request**
- e. **EPSD Field Waiver Request**

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

Next Meeting – April 2, 2014 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Fields at Indian Creek
- c. Cedar Crest Boulevard and Green Drive Ordinance
- d. **Ordinance No. 1105 - Handicapped Parking Ordinance (1<sup>st</sup> Reading)**
- e. **Ordinance No. 1106 – Prohibiting Left Turns from Green Dr. onto Cedar Crest Blvd. (1<sup>st</sup> Reading)**

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

Next Meeting – March 19, 2014 at 9:00 a.m.

- 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. Main Street Gallery Restaurant – Liquor License
- g. **Reappointment of Anthony Groller and Michael Gibson to the Planning Commission (term expires 4/1/2014)**

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

Next Meeting – March 27, 2014 at 3:30 p.m.

- a. **Resolution 2014-10 – Bill List**
- b. Capital Plan

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

Next Meeting – April 8, 2014 at 4:00 p.m.

- a. LERTA
- b. **Emmaus Main Street Partners Monthly Meetings**

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. Significant Revenue and Expense Items for First Half of March 2014

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19. President's Business

20. Adjournment

Next Resolution: 2014-11

Next Ordinance: #1107

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The Emmaus Borough Council met in regular session on March 17, 2014 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	Present
Brian Holtzhafer	Present
Roy Anders	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1

**A. Neil Carl, owns properties at 7 S. 1<sup>st</sup> Street and 106 Main Street** – voiced concerns about the Borough vacating 1<sup>st</sup> Street. He stated that 1<sup>st</sup> Street is a dead-end street and cars park at the end of the street. He is concerned that if the street is vacated, there will be no parking. Solicitor Dinkelacker responded that the street will be vacated by Ordinance and the Ordinance will be properly advertised. Mayor Iobst responded that he believes Mr. Carl will be notified of the Zoning Hearing Board meeting on the matter and can voice his concerns at the meeting. Mr. Carl responded that he has been notified of the Zoning Hearing Board meeting.

COMMUNITY MINUTE

Mr. Barrett thanked the Public Works Department for their hard work and efforts for snow removal.

SPECIAL PRESENTATIONS - None.

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READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to dispense with the formal reading of the March 3, 2014 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt the March 3, 2014 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS

Mr. Pepe reported that two bids were received for the 2014 Curb and Concrete Bid and staff recommends awarding the Bid to ASRE Concrete, Advanced Snow Removal, Allentown, in the amount of \$7,658.50. The other bid received was from Zgura Concrete. Mr. Pepe noted that the bid amount was less than in 2013.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to award the 2014 Curb and Concrete Bid to ASRE Concrete, Advanced Snow Removal, Allentown, in the amount of \$7,658.50. There were 7 ayes. Motion carried.**

COMMUNICATIONS

a. Paulette Labenberg, Special Entertainment Commission – Approval for Community Events: Summer Concert Series and Bluegrass Festival.

**Motion by Mr. Anders, seconded by Mr. Barrett to approve the Special Entertainment Commission's request to hold the Summer Concert Series in the Emmaus Community Park's Arts Pavilion. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to approve the Special Entertainment Commission's request to hold the Bluegrass Festival on Saturday, September 27, 2014. There were 7 ayes. Motion carried.**

b. Gema and Scott Carter, 430 N 2<sup>nd</sup> St. – Request appointment to the Special Entertainment Commission. Referred to the Parks and Recreation Committee.

c. Laura Fetzer, Friends of the 1803 House – Approval to hold A Very Merrie Halloween Fall Festival and Craft Show Event to be held on Saturday, October 4, 2014 from 10:00 a.m. to 3:00 p.m. Mrs. Gilbert referred the street closure to Mayor Iobst.

**Motion by Mr. Barrett, seconded by Mr. Anders to grant the Friends of the 1803 House request to host A Very Merrie Halloween Fall Festival and Craft Show Event to be held on Saturday, October 4, 2014 from 10:00 a.m. to 3:00 p.m. There were 7 ayes. Motion carried.**

d. Katie Pulizzana, Seven Generations Charter School – Approval for Run for Education 1 Mile Fun Run and 5K Fundraiser to be held on Saturday, June 7, 2014. Referred to the Public Safety Committee. Mr. Labenberg voiced traffic safety concerns. Mr. Pepe voiced concern that there may be a PPL line project taking place at the same time as the event. Ms. Pulizzana, who was present at the meeting, responded that there will be many volunteers

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at all intersections to direct runners and traffic safely. Mrs. Gilbert invited Ms. Pulizanna to attend the next Public Safety Committee Meeting on April 2, 2014 at 3:00 p.m.

e. Vincent Tranguch, Club President Emmaus Lions Club – Pavilion Fee Waiver on Saturday, August 23, 2014. Referred to the Parks and Recreation Committee.

f. Charles Samiljan, 314 Main Street – Approval for Spring Chili Cook-off to be held at Triangle Park on Sunday, May 18, 2014 from 9:00 a.m. to 4:00 p.m.

**Motion by Mr. Labenberg, seconded by Mr. Anders to deny Mr. Samiljan's request to allow alcohol at the Spring Chili Cook-off to be held at Triangle Park on Sunday, May 18, 2014 from 9:00 a.m. to 4:00 p.m. There were 7 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Barrett to grant Mr. Samiljan's request to hold the Emmaus Spring Chili Cook-off at Triangle Park to be held on Sunday, May 18, 2014 from 9:00 a.m. to 4:00 p.m. contingent upon liability insurance and contacting the health officer. There were 7 ayes. Motion carried.**

Mr. Labenberg voiced disappointment that Mr. Samiljan was not present at tonight's Council Meeting to answer questions about the event. Mr. Labenberg commented that the event will benefit Juvenile Diabetes and it will coincide with the Emmaus Farmers' Market.

g. Kathleen Mintzer, Chairperson, Emmaus Parks and Recreation Commission – Request to hold the 4<sup>th</sup> Annual Community Day on Sunday, June 22, 2014 from 10:00 a.m. to 6:00 p.m. Mrs. Gilbert questioned the request to have animals at Community Park and asked what type of animals the request includes. Mr. Barrett responded that historically the request is due to the Wildland's Conservancy having a booth at the event. Mrs. Gilbert directed Mr. Pepe to contact Ms. Mintzer for clarification on the item.

**Motion by Mr. Holtzhafer, seconded by Mr. Anders to grant the Emmaus Parks and Recreation Commission's request to hold its 4<sup>th</sup> Annual Community Day on Sunday, June 22, 2014 from 10:00 a.m. to 6:00 p.m. There were 7 ayes. Motion carried.**

h. Kathleen Mintzer, President, Emmaus Youth Association – Request to install 55 foot base drops at the Williams Street and South 4<sup>th</sup> Street front field. The EYA will incur all expenses and labor to complete the project.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant the Emmaus Youth Association's request to install 55 foot base drops at the Williams Street and South 4<sup>th</sup> Street front field and to incur all expenses and labor to complete the project. There were 6 ayes, 1 abstention (Anders). Motion carried.**

i. Peter Chromiak, Head Coach Emmaus High School Rifle Team – Letter of Thanks. Mayor Iobst read a Letter of Thanks from Peter Chromiak, Head Coach of the Emmaus High School Rifle Team for the Borough's support and for hosting the Rifle Team at the Emmaus Police Range over the past two winter sports seasons.

BOROUGH ENGINEER'S REPORT – None.

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SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1105 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough Code, Adding Residential Handicapped Parking Signs on the Public Street Located in Front of 638 Walnut Street and 221 N. 7<sup>th</sup> Street and Removing Residential Handicapped Parking Signs on the Public Street Located in Front of 226 Ridge Street within the Borough of Emmaus (1<sup>st</sup> Reading 3/17/14).

**Motion by Mr. Labenberg, seconded by Mr. Barrett to read Ordinance No. 1105 in short title. There were 7 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1105 in short title.

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt Ordinance No. 1105 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.A of the Emmaus Borough Code, Adding Residential Handicapped Parking Signs on the Public Street Located in Front of 638 Walnut Street and 221 N. 7<sup>th</sup> Street and Removing Residential Handicapped Parking Signs on the Public Street Located in Front of 226 Ridge Street within the Borough of Emmaus on its 1<sup>st</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

Ordinance No. 1106 – An Ordinance Amending the Provisions of Chapter 15, Section 209, Prohibiting Left Turns from Green Drive onto Cedar Crest Boulevard (1<sup>st</sup> Reading 3/17/14).

**Motion by Mr. Labenberg, seconded by Mr. Barrett to read Ordinance No. 1106 in short title. There were 7 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1106 in short title.

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt Ordinance No. 1106 - An Ordinance Amending the Provisions of Chapter 15, Section 209, Prohibiting Left Turns from Green Drive onto Cedar Crest Boulevard on its 1<sup>st</sup> Reading. There were 7 ayes. Motion carried.**

UNFINISHED BUSINESS, PART II – None.

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

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MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that at its last meeting the Committee discussed ten different items and entertained questions on the Committee Minutes.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee Meeting is March 20, 2014 at 4:30 p.m. He reported that the Borough's Electronics Recycling Center opened on Monday, March 10, 2014 and received approximately \$850.00 in revenue. He also reported that the Borough's Compost Site will open on Wednesday, March 26, 2014.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met on March 4, 2014. Mr. Anders reported that the Committee received a field use fee waiver request from the East Penn School District for the use of Borough athletic fields in 2014. The Committee recommends granting the request.

**Motion by Mr. Anders, seconded by Mr. Barrett to grant the East Penn School District's field waiver request for the use of Borough athletic fields in 2014. There were 7 ayes. Motion carried.**

Mr. Anders reported that the Committee received a pavilion fee waiver request from Rick Wentz for a Cub Scout picnic. The request was for a Saturday. Historically, the Borough does not grant fee waiver requests for the use of a pavilion on a Saturday and the Committee voted to deny the fee waiver request.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met with Kay Builders, the builder of the proposed Fields at Indian Creek and their engineers to discuss a proposed emergency access. She reported that the Committee is supporting the use of Green Drive as an emergency access. The builder will be responsible for building a bridge that will span Leibert Creek. The bridge will be in Upper Milford Township. The road will be used for emergency access only. She entertained questions about the item. Mr. Labenberg stated that he supports the idea of making Green Drive a thru-way due to the amount of travel that will incur at the upper

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entrance on Indian Creek Road. Mr. Pepe responded that there would be many improvements needed to make Green Drive become a thru-way, and the developer is hesitant due to potential costs.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee will meet on Wednesday, March 5, 2014 at 9:00 a.m. The Committee recommends reappointing Tony Groller and Michael Gibson to the Planning Commission to a term expiring 4/1/2018.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Tony Groller and Michael Gibson to the Planning Commission to a term expiring 4/1/2018. There were 7 ayes. Motion carried.**

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 10, authorizing payment of the March 17, 2014 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>124,882.84</b>
<b>Payroll #5</b>	<b>\$</b>	<b>116,161.21</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>39,849.07</u></b>
<b>Total</b>	<b>\$</b>	<b>280,893.12</b>

Done this 17th day of March 2014.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the March 17, 2014 Bill List. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that on March 5, 2014, he attended the Emmaus Main Street Partner's monthly meeting. He reported that the meeting was informative and productive. He also reported that after attending the meeting he recommended to the Committee that Mr. Pepe or a Council representative attend the monthly meetings. He stated that after attending the meeting he believes the Borough and the Partners can work to form a better partnership. He also stated that he believes that the partnership between the Partners and the Lehigh Valley Chamber of Commerce is very positive.

**Motion by Mr. Brown, seconded by Mr. Anders to authorize the Borough Manager or a Council Member to attend the Emmaus Main Street Partner's monthly meetings.**

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Mr. Labenberg stated that he believes a motion is not needed for a Borough representative to attend the monthly meetings and will oppose the motion. Mrs. Gilbert reminded Mr. Labenberg that the General Administration Committee directed Mr. Pepe not to

attend the meetings. Mrs. Gilbert suggested that Mr. Pepe attend the meetings on a quarterly basis. Mr. Labenberg suggested that Mr. Pepe attend the meetings quarterly or as requested.

Mr. Brown amended his motion to authorize Mr. Pepe to attend the Emmaus Main Street Partner's monthly meetings on a quarterly basis and Mr. Anders amended his second.

**Motion by Mr. Brown, seconded by Mr. Anders to authorize the Borough Manager to attend the Emmaus Main Street Partner's monthly meetings on a quarterly basis. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Labenberg stated that he believes that the Borough supports the Partners in many different ways. He stated that the Borough does not receive a yearly report from the Partners and believes that the Partners should communicate more effectively. Mr. Pepe responded that the Borough Council Representative does receive correspondence from the Partners. Mr. Holtzhafer asked for a status on the RACP grant. Mr. Pepe reported that the developer has filed for reimbursements. Mr. Holtzhafer asked if the grant has been approved. Mr. Pepe responded that he has not received any correspondence to that fact. Mr. Anders stated that he believes a better line of communication needs to occur between the Borough and the Partners and supports Mr. Pepe attending the meetings on a quarterly basis.

Mr. Brown reported that the Committee discussed the LERTA program. He reported that the Borough of Quakertown has successfully implemented the LERTA program and stated that he will contact them for more information about the program. Mr. Labenberg stated that he does not support the LERTA program. Mr. Holtzhafer stated that he would support the program more if there was a specific project in the community that would benefit from the LERTA program.

Progress.

### PERSONAL APPEALS, PART II

**A. John Donches, 559 Minor Street** – stated that it is printed in the Spring Newsletter that Community Day will be held on Saturday, June 21, 2014 and asked how the Borough will communicate that the date has been changed. Mr. Pepe responded that the Borough will properly advertise in the Summer Newsletter and through an Auto-Dial Notification to inform the community of the change. Mr. Donches also voiced concern about the LERTA Program and suggested that Council be cautious before entering into the program.

### BOROUGH MANAGER'S REPORT

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

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Mr. Pepe stated that the Borough and the Borough Solicitor received letters and unsolicited telephone calls from a law firm in Scranton encouraging the Borough to partner with them to file a lawsuit against PPL. The suit would be for any unmaintained lines or poles in the Borough. Mr. Pepe stated that he believes that this is inappropriate, but the matter is being referred to the General Administration Committee for further discussion.

Progress.

PRESIDENT'S BUSINESS

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

The March 17, 2014 Meeting of the Emmaus Borough Council adjourned at 8:40 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
March 19, 2014