

March 18, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, March 18, 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

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7. Decisions on Bids
8. Communications
  - a. Patricia Diehl, Citizen's Fire Co. #2 – Request to hold Community Carnival.
  - b. Jen Elston, Lincoln Elementary School PTO – Spring Festival Requests.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

**Resolution No. 2013-8 – A Resolution Conditionally Authorizing the Formal Submission of a Recreation Planning Grant to the Pennsylvania Department of Conservation and Natural Resources**

13. Unfinished Business, Part II

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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 (1<sup>st</sup> Reading 3/4/13) (2<sup>nd</sup> Reading 4/1/13)

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 – April 4, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. Home Inspections/Illegal Hook-ups
- c. South 2<sup>nd</sup> Street Reservoir
- d. South 10<sup>th</sup> Street Culvert
- e. 2013 Street Projects
- f. Industrial Discharge Waste Ordinance
- g. **Lower Macungie – Camp Olympic**

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

Next Meeting – March 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
- e. Refuse Contract
- f. Town Hall HVAC System

### **Parks and Recreation (Barrett, Holtzhafer, Labenberg)**

Next Meeting – April 2, 2013 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project
- c. **Resolution No. 2013-8 - DCNR Grant**
- d. **Seven Generations Charter School Field Usage Fee Waiver**
- e. **EMSP Claim Bake**
- f. **EMSP Beer Fest**

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- g. **Sidewalk Sales – Amplified Sound**
- h. **Rodale Request to Use Pool**
- i. **East Penn School District Pavilion Fee Waivers**
- j. **Cancer Support Community of Greater Lehigh Valley Event**
- k. **Bicycles in Parks**

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

Next Meeting – April 11, 2013 at 3:00 p.m.

- a. Emergency Operations Plan – Review

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

Next Meeting – March 20, 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 (2nd Reading 4/1/13)
- d. Arts Commission Gallery
- e. Age Qualified Housing Ordinance
- f. HVAC System at Town Hall
- g. Light Duty / Return to Work Policy
- h. Finance Plan / Budget
- i. Sale of Properties
- j. Refuse Contract
- k. Borough Hall Configurations

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

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

- a. **Bill List—Resolution 2013-9**
- b. Policy for Receipts and Packing Slips
- c. Banking and Accounts for All Borough Entities
- d. Eliminate Gamewell System – 2014
- e. Pavilion Construction
- f. Electricity / Natural Gas

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

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

- a. LERTA

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- 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 First Half of March 2013**
20. President's Business
21. Adjournment

Next Resolution #10  
Next Ordinance #1097

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The Emmaus Borough Council met in regular session on March 18, 2013 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
Michael Waddell	Present
Brent Labenberg	Present – Arrived at 7:03 p.m.
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

Mr. Holtzhafer called for a moment of silence to recognize the victims of Sunday night's tragic fire at 36-38 S. 5<sup>th</sup> Street.

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PERSONAL APPEALS, PART I - None.

### COMMUNITY MINUTE

Mr. Shubzda stated that he received an email concerning an event that will be held at the Emmaus High School on March 19, 2013 at 7:00 p.m. The Borough of Emmaus-Upper Milford Township Joint Advisory Council in conjunction with the Wildlands Conservancy will host the first of a 4 part series focusing on South Mountain. More information can be found at [www.emmausuppermilfordeac.blogspot.com](http://www.emmausuppermilfordeac.blogspot.com).

Mr. Barrett announced that the Finish Line Running Store, now known as the Emmaus Run Inn, has moved its location to the Clock Building. He encouraged everyone to visit the store. He also commented that the Finish Line was originally located on 12<sup>th</sup> Street in Allentown, and that the store has truly evolved since its inception.

SPECIAL PRESENTATIONS - None.

### READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. Brown to dispense with the formal reading of the March 4, 2013 Minutes. There were 6 ayes. Motion carried.**

**Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt the March 4, 2013 Minutes as drafted. There were 6 ayes. Motion carried.**

### DECISION ON BIDS

Mr. Pepe stated that the 2013 Curb and Concrete Bid will be finalized for the April 1, 2013 Council Meeting.

### COMMUNICATIONS

- a. Patricia Diehl, Citizen's Fire Co. #2 – Request to hold Community Carnival. Referred to Staff.
- b. Jen Elston, Lincoln Elementary School PTO – Spring Festival Requests. Referred to Staff and Mayor Iobst.

BOROUGH ENGINEER'S REPORT - None.

### SOLICITOR'S REPORT

Progress.

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UNFINISHED BUSINESS, PART I – None.

### NEW BUSINESS

Resolution No. 2013-8 – A Resolution Conditionally Authorizing the Formal Submission of a Recreation Planning Grant to the Pennsylvania Department of Conservation and Natural Resources.

Mr. Pepe explained that at the March 4, 2013 Council Meeting, Council authorized Barry Isett and Associates, pro bono, to prepare and submit a Comprehensive Recreation Planning Grant to DCNR on behalf of the Borough of Emmaus. Mr. Pepe explained that DCNR requires a Resolution for the formal submission of the grant.

**Motion by Mr. Labenberg, seconded by Mr. Brown to adopt Resolution No. 2013-8 – A Resolution Conditionally Authorizing the Formal Submission of a Recreation Planning Grant to the Pennsylvania Department of Conservation and Natural Resources. There were 6 ayes. Motion carried.**

### UNFINISHED BUSINESS, PART II

Mr. Holtzhafer stated that Ordinance No. 1096 is scheduled for its 2<sup>nd</sup> Reading on April 1, 2013.

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 March 7, 2013. He stated that the guards have been placed on the planters at Triangle Park. Mr. Shubzda noted that guards have not been placed on the fountain. Mr. Labenberg responded that according to Mr. Clapper, no damage has occurred on the fountain. Mr. Labenberg reported that Mr. Clapper has outlined a plan for street sweeping for the Spring season and suggested posting signs for certain days for different streets to be swept. Mr. Clapper requested updating the Ordinance for the downtown corridor to post for specific sweeping dates and times. The request has been forwarded to the Public Safety Committee. The Public Safety Committee will discuss introducing this into the Sign Ordinance that they are currently working on.

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Mr. Labenberg reported that Lower Macungie has requested that the Camp Olympic bathrooms be added to the Borough's Sewage Transportation Agreement. The Committee recommends adding Lower Macungie's Camp Olympic bathrooms to the existing Sewage Transportation Agreement.

**Motion by Mr. Labenberg, seconded by Mr. Brown to authorize Lower Macungie to add the Camp Olympic bathrooms to the Borough's Sewage Transportation Agreement. There were 6 ayes. Motion carried.**

Progress.

b. Health, Sanitation, and Conservation Committee

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

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on March 5, 2013, and there are several items on the Agenda where official action is needed.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Seven Generations Charter School's Fee Waiver request for the use of Borough fields from March through the end of June and September through the end of October 2013, from 10:00 a.m. to 3:00 p.m.**

Mr. Labenberg asked if the school will be making a monetary donation to the Borough for the use of the fields. Mr. Barrett stated that he will amend his motion accordingly. Mr. Barrett amended his motion and Mr. Labenberg amended his second.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Seven Generations Charter School's Fee Waiver request for the use of Borough fields from March through the end of June and September through the end of October 2013, from 10:00 a.m. to 3:00 p.m., conditional upon receiving a monetary donation for the use of the fields. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to hold a Clam Bake event at Emmaus Community Park on July 20, 2013 from 4:00 p.m. to 9:00 p.m. There were 6 ayes. Motion carried.**

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Mr. Barrett reported that the Emmaus Main Street Partners have requested permission to use glass bottles at the EMSP Beer Fest to be held on October 5, 2013.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to use glass bottles at the EMSP Beer Fest to be held on October 5, 2013. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to allow amplified sound at Triangle Park beginning at 10:00 a.m. for previously approved events. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant Rodale's request to use the Emmaus Community Pool on Mondays, Wednesdays, and Fridays from 7:00 a.m. to 8:00 a.m. from May 29 through August 30, 2013 at a fee of \$25 per session plus \$12.50 for a lifeguard. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant The East Penn School District's Fee Waiver request for the use of the Arts, Rotary, and Moser Pavilions for the East Penn High School Senior Class Picnic to be held on May 24, 2013. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Cancer Support Community of the Greater Lehigh Valley's request to allow the sale of items on May 11, 2013 from 6:00 a.m. to 3:00 p.m. at Triangle Park to support local cancer support programs. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to permit bicycles in all Borough parks, with the exception of Triangle Park and no bicycles will be allowed in pavilions. There were 6 ayes. Motion carried.**

Mr. Barrett reported that there was a late request from the Upper Milford UPMYA for Spring Soccer for the use of Kline's Lane on Mondays from 6:00 p.m. to 8:00 p.m., Wednesdays from 6:00 p.m. to 8:00 p.m. and Sundays from 3:00 p.m. to 6:00 p.m., from April to June, 2013. Ms. Gruver attended the Committee meeting to obtain approval for the field usage request. The Committee voted unanimously to grant the request. Mr. Holtzhafer explained that Upper Milford's spring soccer program uses Klines Lane and Emmaus' spring baseball program uses Upper Milford's Jasper Park.

Mr. Barrett noted that the Committee has directed Ms. Wessner to bill the USSA \$9,000 for its field usage.

Progress.



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d. Public Safety Committee

Mr. Brown reported that the Committee met on March 14, 2013 and discussed the St. Ann's parking issues. Mr. Brown also reported that the traffic light located at the intersection of State Road and Harrison Street was recently hit during a hit and run and will need to be replaced. The cost to replace the pole is approximately \$23,000. Mr. Brown reported that during a previous personal appeal by Mr. Woodeshick, it was noted that salesmen from the car dealerships on Lehigh Street are running across the middle of the street. Mr. Brown stated that Mr. Pepe was directed to research the cost of placing pedestrian crossing signals at the crosswalk.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on March 6, 2013. He reported that the Committee discussed many different items that are affecting the Borough's finances and possible ways to reduce the costs for the upcoming years.

**Motion by Dr. Waddell, seconded by Mr. Shubzda to reappoint Mr. Woodeshick to the Emmaus Planning Commission for a term running 4/1/2013 - 4/1/2017. There were 6 ayes. Motion carried.**

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

Progress.

f. Budget and Finance Committee

Mr. Shubzda read Resolution 2013-9, authorizing payment of the March 18, 2013 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>85,920.24</b>
<b>Payroll #5</b>	<b>\$</b>	<b>106,599.94</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>35,633.05</u></b>
<b>Total</b>	<b>\$</b>	<b>228,153.23</b>

Done this 18<sup>th</sup> of March 2013.

**Motion by Mr. Shubzda, seconded by Dr. Waddell to approve the March 18, 2013 Bill List. There were 6 ayes. Motion carried.**

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The next Committee meeting is March 26, 2013 at 3:30 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that all of Council should have received an email with a link to the City of Altoona's website which provides a Tour Book of the City. 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. He reported that the Committee will make a recommendation after its next meeting on March 28, 2013.

Progress.

h. Junior Council Member's Report

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 reported that the Emmaus High School and student body offers its condolences to the families and friends who lost loved ones during the recent fire on S. 5<sup>th</sup> Street, including Montana Twining, who was a student at the high school.

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 March, 2013 are in the binders and entertained questions about the report. Mr. Pepe thanked the Emmaus Police Department, Fire Department, and Ambulance Department's for their effort during the tragic weekend events. He reminded everyone that the Police, Fire, and Ambulance crews who responded to the tragedy are struggling with the loss of life and that they are having a difficult time dealing with the loss too.

Progress.

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PRESIDENT'S BUSINESS

**Motion by Dr. Waddell, seconded by Mr. Barrett to adjourn. There were 6 ayes. Motion carried.**

The March 18, 2013 Meeting of the Emmaus Borough Council adjourned at 7:36 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
March 20, 2013