

April 1, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, April 1, 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

March 18, 2013

7. Decisions on Bids

2013 Curb and Concrete Contractor

8. Communications

- a. Marie Knapp, United Friends School – Banner request.
- b. Cherie Burke, STEP – Request donation for After Ball All Night Party.
- c. Kathleen Mintzer – Request reappointment to the Parks and Recreation Commission (term expires 5/1/2013).

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

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) (2nd Reading 4/1/13)

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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 – April 4, 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. 2013 Street Projects
- f. Industrial Discharge Waste Ordinance

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

Next Meeting – April 22, 2013 at 5:00 p.m.

- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Refuse Contract
- e. Town Hall HVAC System
- f. **Macungie Compost**

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. **Hire Pool Lifeguards**

Public Safety (Gilbert, Barrett, Brown)

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

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- a. Emergency Operations Plan – Review
- b. Sign Ordinance

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – April 3, 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

General Administration (continued)

- 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 – April 15, 2013 at 6:45 p.m.

- a. **Bill List—Resolution 2013-10**
- 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
- g. **Paving Machine**

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

Next Meeting – April 25, 2013 at 4:15 p.m.

- a. LERTA
- b. Keystone Communities Program
- c. Community Revitalization Grant
- d. **CGI Communications Community Video**

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17. Junior Council Member's Report
18. Personal Appeals, Part II
19. Borough Manager's Report
 - a. **Significant Revenue and Expense Items for March 2013**
20. President's Business

Executive Session – Personnel Matter
21. Adjournment

Next Resolution #11
Next Ordinance #1097

The Emmaus Borough Council met in regular session on April 1, 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
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Thomas Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

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PERSONAL APPEALS, PART I

A. Gene Clock, Emmaus Main Street Partners, 244 Main Street – announced that the Emmaus Main Street Partners is interested in hosting the Emmaus Survivors Benefit Run on May 11, 2013 to benefit the survivors of the South 5th Street fire. He stated that the run will end at S. 5th Street with food vendors, a beer truck, and a raffle. Mr. Labenberg voiced concerns about the race and the amount of time needed to prepare for the event. Mr. Clock responded that the event is not a race, it is a run, and is being held with short notice to help the families immediately. Mrs. Gilbert invited Mr. Clock to attend the Public Safety Committee meeting on Thursday, April 11, 2013 at 3:00 p.m. Mr. Barrett noted that the Parks and Recreation Committee will meet on Tuesday, April 2, and asked Mrs. Gilbert if the item should be addressed at the meeting. Mrs. Gilbert responded that, due to street closings, the item should be addressed at the Public Safety Committee meeting. She asked Mr. Clock to prepare a Community Event Planning Form prior to the meeting. Mr. Holtzhafer and Mr. Labenberg voiced concern about having a beer truck at the end of the race and asked if the beer will be sold. Mr. Clock responded that the beer will be sold and he anticipates the event to be attended by others than runners. Mrs. Gilbert reminded Mr. Clock that if any of the street closures involve state roads, PennDot approval requires 30 days.

B. Shelly Steiner, Special Entertainment Commission, 1104 W. Jubilee Street – handed out the Special Entertainment Commission's schedule of events for the summer as follows:

April 28, 2:00 – 4:00 p.m., Zumbathon – Benefits the Lehigh Valley No Kill Shelter
May 4 through September 28, 9:00 – 9:45 a.m., Free Zumba classes at the Arts Pavilion
May 25 – Memorial Day Dash & Splash 5K and Emmaus Gets Fit Health Fair
May 25 through September 28, 6:00 – 8:00 p.m., Sunday Summer Concerts
June 7, July 5, August 2, 6:00 – 9:00 p.m., First Friday Family Fun Nights
June 20, July 18, August 22, 6:00 – 8:00 p.m., Dip-N-Dance with DJ Dutch
(Subject to change)
September 28, 10:00 a.m. – 6:00 p.m., 2nd Annual Bluegrass in the Park Festival

Mr. Barrett complimented the Special Entertainment Commission for its hard work and effort and for hosting the events. Mayor Iobst thanked the Commission for hosting events for all age groups.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS - None.

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READING OF MINUTES

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to dispense with the formal reading of the March 18, 2013 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt the March 18, 2013 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe stated that on March 7, 2013, 4 bids were received for the 2013 Curb and Concrete Bid. He also stated that there will be an Addendum to the contract to fulfill the \$50,000 CDBG grant commitment. Two of the bidders were disqualified and Zgura Concrete was the low bidder in the amount of \$17,972.00.

Motion by Mr. Brown, seconded by Mr. Barrett to award the 2013 Curb and Concrete Bid to Zgura Concrete Services, Inc., in the amount of \$17,972.00. There were 6 ayes. Motion carried.

COMMUNICATIONS

- a. Marie Knapp, United Friends School – Banner request. Referred to the General Administration Committee.
- b. Cherie Burke, S.T.E.P., Support Teens of East Penn – Request donation for Emmaus High School's 31st After Ball All Night Party 2013. Mrs. Gilbert stated that the Borough denied a request in 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to deny a request for a donation from S.T.E.P., Support Teens of East Penn for Emmaus High School's 31st After Ball All Night Party 2013. There were 6 ayes. Motion carried.

- c. Kathleen Mintzer – Request reappointment to the Parks and Recreation Commission (term expires 5/1/2013). Referred to the Parks and Recreation Committee.
- d. Emmaus Arts Commission – Chalk the Walk Event, use of Triangle Park. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Progress.

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UNFINISHED BUSINESS, PART I

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) (2nd Reading 4/1/13).

Mrs. Gilbert asked Mr. Pepe if the Ordinance has been properly advertised to which Mr. Pepe responded affirmatively.

Motion by Mr. Shubzda, seconded by Mr. Barrett to read Ordinance No. 1096 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1096 in short title.

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 on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Barrett, aye; Mr. Holtzhafer, aye; Mr. Labenberg, aye; Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II

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

MAYOR’S REPORT

Mayor Iobst thanked Council and Mr. Clapper for their efforts with spring street sweeping. Mr. Labenberg thanked Mr. Clapper and the Public Works Department.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on April 4, 2013 and stated that the Committee will review the Public Works Rules and Regulations.

Progress.

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b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on March 25, 2013. Mr. Shubzda reported that the Borough has had an agreement with the Borough of Macungie for several years, allowing its residents to use Emmaus Borough's compost site for free. He stated that there are approximately 100 Macungie households that utilize Emmaus Borough's compost site. Macungie inquired about the \$6.00 compost fee for Borough residents. The Committee recommends that the Borough of Macungie residents pay a yearly fee of \$20.00 per household to use the compost site. Mr. Brown asked if Macungie contacted Lower Macungie about the use of its site. Mr. Holtzhafer responded that he is unsure, but the Borough of Macungie has been utilizing the Emmaus Borough's compost site for several years. Mr. Labenberg stated that he believes that the Borough should be cautious about how much it charges Macungie residents for the use of the site and does not want to discourage Macungie residents from using it due to the cost of the yearly fee.

Motion by Mr. Shubzda, seconded by Mr. Labenberg to charge the Borough of Macungie resident's a yearly fee of \$20.00 per household for use of the Emmaus Borough's compost site. There were 6 ayes. Motion carried.

Mr. Shubzda reported that there was a request by Mr. Bob Yoder of a local church to have a fee waived for obtaining scoops of mulch at the compost site. The church maintains a garden in the Lehigh Valley and donates the food to the needy throughout the county. The Committee voted to waive the fee for compost for up to 10 scoops of mulch. Mr. Labenberg asked if Mr. Clapper was contacted and voiced concerns that mulch may not be available for Borough residents. Mr. Clapper was contacted directly by Mr. Yoder and voiced no concerns.

Mr. Shubzda reported that the Committee discussed various items regarding the refuse contract.

The next meeting is April 22, 2013 at 5:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that John Dychala has prepared a Memorandum recommending hiring the following individuals to work at the Emmaus Community Pool for the 2013 season. All of the individuals have previously worked at the Pool.

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Motion by Mr. Barrett, seconded by Mr. Holtzhafer to hire David Trine, Emmaus, as Pool Manager at a rate of \$11.25 per hour, Shane Fairchild, Emmaus, as a full-time lifeguard at a rate of \$9.00 per hour, Austin Keeler, Emmaus, as a part-time lifeguard at a rate of \$8.00 per hour, Ashley Transue, Emmaus, as a full-time lifeguard at a rate of \$9.00 per hour, Anna Overholts, Zionsville, as a part-time lifeguard at a rate of \$7.75 per hour, Benjamin Overholts, Zionsville, as a part-time lifeguard at a rate of \$7.75 per hour, Fergus Watkins, Emmaus, as a full-time lifeguard at a rate of \$7.75 per hour, Kayla Kleckner, Emmaus, as a full-time lifeguard at a rate of \$7.50 per hour, Andrea Montalto, Emmaus, as a full-time lifeguard at a rate of \$8.00 per hour, and Terence Cawley, Emmaus, as a cashier at an hourly rate of \$7.75 per hour. There were 6 ayes. Motion carried.

Mr. Barrett reported that Mr. Dychala is still in the process of interviewing additional new applicants and will be requesting approval at the next Council Meeting for additional lifeguards.

Mr. Barrett reported that there are currently 15 vendors and 12 organizations signed up for Community Day. The Parks and Recreation Commission has raised over \$600.00, and all of the entertainment has been scheduled for the event. They have received a donation of entertainment from Jeff McElhaney.

Mr. Barrett reported that there are currently 33 individuals signed up for the Special Entertainment Commission's Memorial Day Dash and Splash 5K.

Progress.

d. Public Safety Committee

The next Committee meeting is April 11, 2013 at 3:00 p.m.

Progress.

e. General Administration Committee

The next Committee meeting is April 3, 2013 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Shubzda read Resolution 2013-10, authorizing payment of the April 1, 2013 Bill List, as follows:

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Bill List	\$	380,625.14
Payroll #6	\$	119,649.34
Payroll Taxes	\$	<u>40,223.74</u>
Total	\$	540,498.22

Done this 1st day of April 2013.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the April 1, 2013 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that Chief Reiss has renegotiated the contract for monitoring the Gamewell System through Dispatch Services. The price has been reduced to \$295.00 per month to monitor the Gamewell System. The Committee recommends that the Fire Department continue to utilize the Gamewell System. The responsibility for the Gamewell System, including billing, revenue, and liability (including insurance), will be the responsibility of the Volunteer Fire Department, rather than the Borough, with all expenses being paid by the Volunteer Fire Department. The Public Works Department will remove all Gamewell boxes from the poles, in coordination with the Fire Department, and sell them via a bidding process. The boxes will remain inside the buildings that currently utilize the system.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to authorize the Public Works Department to remove all Gamewell boxes from the poles, in coordination with the Fire Department, and sell them via a bidding process. The boxes will remain inside the buildings that currently utilize the system. The responsibility for the Gamewell System, including billing, revenue, and liability (including insurance), will be the responsibility of the Volunteer Fire Department, rather than the Borough, with all expenses being paid by the Volunteer Fire Department. There were 6 ayes. Motion carried.

Mr. Labenberg asked for clarification on removing the boxes and questioned who owns the boxes. Mr. Holtzhafer clarified removing the boxes and responded that the Borough will sell the boxes. Mr. Labenberg asked if the boxes will be sold separately or as a group. Mr. Barrett asked if residents in the community would be able to bid on the items. Mr. Pepe responded that the boxes could be sold locally through the newspaper or through Municibid. Mr. Labenberg asked Solicitor Dinkelacker if a box could be donated to the Emmaus Historical Society. Solicitor Dinkelacker answered affirmatively.

Mr. Holtzhafer reported that Mr. Clapper is asking permission to purchase a paving machine from CAT for \$32,000 through Costars. Mr. Clapper requested permission to purchase the paver with funds remaining on the insurance claim for the pavilion that was damaged during Hurricane Sandy and through funds from several items that were sold on Municibid. Mr. Labenberg explained that there are funds remaining on

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the insurance claim because the Public Works Department provided man hours towards rebuilding the pavilion.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to authorize Mr. Clapper to purchase a paving machine from CAT for \$32,000 through Costars. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee recommends contracting CGI Communications for a Borough promotional video at no cost to the Borough. Mr. Barrett asked if there is a length of time that the Borough must contract with CGI and explained that there will be advertising associated with the video. Mr. Barrett stated that he believes it is very similar to the advertising that is in the Borough newsletter. Mr. Pepe responded that the video must be displayed on the Borough website's home page for three years. Mr. Shubzda asked for clarification on the advertising. Mr. Pepe responded that if CGI Communications is unable to obtain the advertising needed, the project will not move forward.

Motion by Mr. Brown, seconded by Mr. Shubzda to approve contracting CGI Communications for a Borough community promotional video at no cost to the Borough. There were 6 ayes. Motion carried.

Mr. Brown reported that the Committee recommends authorizing payment of \$225.00 for three bricks to recognize the Volunteers of the Year for 2010, 2011, and 2012. Mr. Labenberg stated that he will be voting against the motion due to budget constraints. He also stated that the volunteers are recognized by a plaque. Mr. Barrett asked if historically the Borough has paid for the bricks. Mr. Brown responded that the bricks were previously funded by the Civic Celebrations Line Item.

Motion by Mr. Brown, seconded by Mr. Shubzda to authorize payment of \$225.00 for three bricks to recognize the Volunteers of the Year for 2010, 2011, and 2012 into the plaque at Borough Hall. There were 3 ayes, 3 opposed (Labenberg, Holtzhafer, Gilbert). Mayor Iobst voted nay and cast the deciding vote. Motion failed.

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h. Junior Council Member's Report

Mr. Hobson thanked everyone that supported the Shave for the Brave event that was held on Friday, March 22, 2013 at the Emmaus High School track. He reported that the event raised \$45,000 for Pediatric Cancer and he noted that Alex Cobb raised \$6,000 for the event. Mr. Hobson thanked Mr. Barrett for his commentary during the event. Mr. Barrett stated that it was very moving and a special event for the community.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for March.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 7:50 p.m. to discuss a personnel matter with no official action anticipated.

Mrs. Gilbert reconvened the meeting at 8:26 p.m. with no official action required.

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

The April 1, 2013 Meeting of the Emmaus Borough Council adjourned at 8:27 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 4, 2013