

April 21, 2014

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, April 21, 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

April 7, 2014

7. Decisions on Bids
8. Communications
 - a. Brett Lenig, EPEMFA – Request Field Fee Waiver.
 - b. Theodore Kohuth, 144 Pine Street – Letter of Resignation from the Civil Service Commission.
 - c. Kathy Kline, Lincoln Elementary School – Request to reserve Kiwanis and Williams Street fields for Lincoln Elementary 5th Grade Field Day.
 - d. Paul Heiney, Jr., 1003 Macungie Avenue – Request appointment to the Parks & Recreation Commission.
 - e. Michael Gibson, 230 Ridge Street – No Parking Curb Marking Paint on Driveway Cut-outs.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
 - a. **Ordinance No. 1107 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, by Amending the Zoning Map of June 21, 1993, as Amended, for the Purpose of Designating as an Age Qualified Community Overlay District A 12.54 Acre Tract of Land Located to the North of Chestnut Street (SR 0029)**

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12. New Business (continued)

and to the West of Cedar Crest Boulevard, the Same Being Part of the Former Indian Creek Golf Course, Emmaus, Lehigh County, Pennsylvania (1st Reading 4/21/14).

b. Resolution No. 2014-24 – 1803 Lot Line Adjustment

13. Unfinished Business, Part II

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

a. Proclamation 2014-356 – Arbor Day

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Holtzhafer)

Next Meeting – May 1, 2014 at 3:15 p.m.

- a. Rules & Regulations (update)
- b. Fairview Street
- c. South 10th Street Culvert
- d. Historical House Agreements

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

Next Meeting – May 15, 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 – May 6, 2014 at 4:00 p.m.

- a. Boro Line Park Direction Sign

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – May 7, 2014 at 3:00 p.m.

- a. Emergency Operations Plan – Review

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – May 14, 2014 at 9:00 a.m.

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- a. Emmaus Public Library Expansion Project
- b. HVAC System at Town Hall

General Administration (continued)

- c. Sale of Properties - Appraisals
- d. Town Hall Remodeling Project
- e. Vacate S. 1st St. & Lot Line Adjustment
- f. Main Street Gallery Restaurant – Liquor License
- g. Refuse and Recycling Collection Disposal and Marketing Request for Bids**
- h. Resolution 2014-22 – 2014 CDBG Community Development Block Grant**
- i. Ordinance No. 1107 – Fields at Indian Creek Zoning Map Amendment**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – April 24, 2014 at 3:30 p.m.

- a. Capital Plan
- b. Resolution 2014-23 – Bill List**

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

Next Meeting – May 13, 2014 at 4:00 p.m.

- a. LERTA

17. Personal Appeals, Part II

18. Borough Manager's Report

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

19. President's Business

Executive Session - Legal

20. Adjournment

Next Resolution: 2014-25
Next Ordinance: #1108

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The Emmaus Borough Council met in regular session on April 21, 2014 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
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. Joe D’Aniello, 1200 N. Irving Street, Republic Services/Raritan Valley – explained that Raritan Valley is currently in an extension year in its contract with the Borough of Emmaus for refuse and recycling services. He stated that their present contract runs until December 31, 2014 and expressed an interest in extending the contract for another year. He stated that if the Borough extends their contract with Raritan Valley for another year, they will offer a reduction in the cost of their services by 3-5%.

B. JoAnn & Neil Carl – 4555 Rose Drive, Emmaus, PA 18049 – distributed and read a letter voicing concerns about the Borough’s proposed plans to vacate the back end of S. 1st Street.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the April 7, 2014 Minutes. There were 7 ayes. Motion carried.

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

DECISION ON BIDS - None.

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COMMUNICATIONS

- a. Brett Lenig, EPEMFA – Request Field Fee Waiver. Referred to the Parks and Recreation Committee.
- b. Theodore Kohuth, 144 Pine Street – Letter of Resignation from the Civil Service Commission. Referred to the Public Safety Committee.
- c. Kathy Kline, Lincoln Elementary School – Request to reserve Kiwanis and Williams Street fields for Lincoln Elementary 5th Grade Field Day to be held on Wednesday, May 28, 2014 from 9:00 a.m. to 1:00 p.m., with a rain date of Wednesday, June 4, 2014 from 9:00 a.m. to 1:00 p.m. Referred to Staff.
- d. Paul Heiney, Jr., 1003 Macungie Ave – Request appointment to the Parks & Recreation Commission. Referred to the Parks and Recreation Committee.
- e. Michael Gibson, 230 Ridge Street – No Parking Curb Marking Paint on Driveway Cutouts at 230 Ridge Street. Referred to the Public Safety Committee.
- f. Upper Milford Youth Association – Fee Waiver Request for use of soccer field at Klines Lane. Mr. Holtzhafer reminded everyone that the Borough of Emmaus utilizes a field at Jasper Park in exchange for the Upper Milford Youth Association’s use of the soccer field at Klines Lane.

Motion by Mr. Holtzhafer, seconded by Mr. Anders to grant the Upper Milford Youth Association’s fee waiver request for the use of the soccer field at Klines Lane. There were 7 ayes. Motion carried.

- g. Lincoln Elementary School – Request to reserve Kiwanis and Williams Street fields for Lincoln Elementary School’s 4th Grade Field Day to be held on Tuesday, June 3, 2014 from 9:30 a.m. to 1:30/2:00 p.m., with a rain date of Tuesday, June 10, 2014. Referred to Staff.
- h. Chris Boehm, Macungie Borough Manager – Request for assistance from Emmaus Fire Department. Referred to Staff.
- i. James Martin, Lehigh County District Attorney – Letter of Commendation to the Emmaus Police Department.
- j. Marie Kirk – Letter of Thanks to the Emmaus Police Department.

BOROUGH ENGINEER’S REPORT

Chad Peters, Hanover Engineering, stated that he is at the meeting to answer questions about Ordinance No. 1107.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

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NEW BUSINESS

Ordinance No. 1107 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, by Amending the Zoning Map of June 21, 1993, as Amended, for the Purpose of Designating as an Age Qualified Community Overlay District A 12.54 Acre Tract of Land Located to the North of Chestnut Street (SR 0029) and to the West of Cedar Crest Boulevard, the Same Being Part of the Former Indian Creek Golf Course, Emmaus, Lehigh County, Pennsylvania (1st Reading 4/21/14).

Solicitor Dinkelacker explained that the Ordinance is a land owner request for an amendment in which the Borough authorized an Age Qualified Community Overlay District as a use in the Borough in certain zoning districts. The land owner requested an amendment to the Zoning map to put an overlay over the property to allow them to develop and construct the Age Qualified Community use. He explained that this request is for the Borough portion of the Indian Creek property as the use is permitted in Upper Milford.

Motion by Mr. Labenberg, seconded by Mr. Barrett to read Ordinance No. 1107 in short title. There were 7 ayes. Motion carried.

Mr. Barrett read Ordinance No. 1107 in short title.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt Ordinance No. 1107 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, by Amending the Zoning Map of June 21, 1993, as Amended, for the Purpose of Designating as an Age Qualified Community Overlay District A 12.54 Acre Tract of Land Located to the North of Chestnut Street (SR 0029) and to the West of Cedar Crest Boulevard, the Same Being Part of the Former Indian Creek Golf Course, Emmaus, Lehigh County, Pennsylvania on its 1st Reading. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Mr. Pepe stated that a Public Hearing will be held prior to the 2nd Reading of the Ordinance.

Resolution 2014-24 – A Resolution Conditionally Approving the Final Land Development Plan of the Borough of Emmaus and Rodale Press, Inc. (1803 House Lot Line Adjustment).

Solicitor Dinkelacker explained that Resolution 2014-24 is a resolution adjusting the lot line between Rodale and the Borough of Emmaus for the 1803 House. It is an extension of the property which includes a stream and a wetlands area. Solicitor Dinkelacker stated that Chad Peters, Hanover Engineering, is at tonight's meeting to answer questions. Mr. Peters reviewed the Resolution with waivers including: SALDO Section 504.2.A (waiver of the requirement to widen the cartway of Klines Lane); SALDO Section 504.3.A (waiver of the requirement to widen/properly dimension the cul-de-sac on the north end of South Keystone Ave.); SALDO Section 505 (waiver of the requirement to construct curbs and sidewalks on Klines Lane and South Keystone Ave.); SALDO Section 510 (waiver of the requirement to

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provide a landscaping plan); and SALDO Section 608 (waiver of monuments of concrete or stone at least six (6) inches by six (6) inches by thirty (30) inches and marked on top with a copper or brass dowel. Mr. Peters stated that Zoning Officer Farnsworth and the Lehigh Valley Planning Commission had no additional comments on the plan.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to adopt Resolution 2014-24. There were 7 ayes. Motion carried.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2014 – 356, declaring April 25, 2014, as Arbor Day in the Borough of Emmaus, and urged all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is May 1, 2014. He introduced Lehigh County Executive, Tom Muller, and welcomed him to tonight's meeting.

Mr. Labenberg expressed his sympathies on Martha Vine's passing and paid tribute to her.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reminded everyone that the Earth Day Community Cleanup will take place on Saturday, April 26, 2014 from 9:00 a.m. to 1:00 p.m. Registration takes place at the Emmaus Community Park.

The next Committee Meeting is May 15, 2014 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the next Committee Meeting is May 6, 2014. He stated that the baseball and softball seasons have begun.

Progress.

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d. Public Safety Committee

The next Committee Meeting is May 7, 2014 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee met on April 16, 2014 at 9:00 a.m.

Mr. Barrett reported that the Committee discussed at length the Refuse and Recycling Bid Specifications. Mr. Pepe stated that the Committee has spent several months reviewing the Refuse and Recycling Bid Specifications and the current contract does allow for an extension. He also stated that if Council is interested in entertaining Raritan Valley's offer of reducing its rate if the Borough extends its contract, the Refuse Contract Bid Specifications bid must be tabled. Mr. Labenberg explained several reasons why the Committee recommended to advertise the Refuse Contract Bid Specifications.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to table placing the Refuse Contract out to bid. There were 4 ayes, 3 opposed (Labenberg, Anders, Barrett). Motion carried.

Mr. Pepe reminded everyone that the General Administration Committee does not meet until May 14, 2014 and suggested meeting prior to that date to meet with Raritan Valley. Mr. Barrett suggested that the Committee meet at 6:30 p.m. on May 5, 2014, prior to the next Council Meeting. Mr. Pepe invited Mr. D'Aniello to attend the May 5, 2014 General Administration Committee meeting.

Resolution 2014-22 – Approving the Application to Lehigh County and the United States Department of Housing and Urban Development for Community Development Block Grant Funds.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt Resolution 2014-22. There were 7 ayes. Motion carried.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 23, authorizing payment of the April 21, 2014 Bill List, as follows:

Bill List	\$	248,731.56
Payroll #8	\$	124,524.80
Payroll Taxes	\$	<u>41,293.54</u>
Total	\$	414,549.90

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Done this 21st day of April 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the April 21, 2014 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Thursday, April 24, 2014 Budget and Finance Committee Meeting is cancelled.

Progress.

g. Community Relations, Planning and Development Committee

The next Committee Meeting is May 13, 2014 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II

A. **JoAnn & Neil Carl – 4555 Rose Drive, Emmaus, PA 18049** – asked several questions regarding the Borough's proposed vacating of a portion of the back end of S. 1st Street.

BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:00 p.m. to discuss a legal matter with no official action anticipated.

Mrs. Gilbert reconvened the meeting at 9:01 p.m. with no official action required.

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

The April 21, 2014 Meeting of the Emmaus Borough Council adjourned at 9:01 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 24, 2014