

May 5, 2014

EMMAUS BOROUGH COUNCIL  
Emmaus Borough Council  
Agenda  
Monday, May 5, 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 21, 2014

7. Decisions on Bids
8. Communications
  - a. Lisa Then, OmniForce LLC – The Ride to Conquer Cancer Event.
  - b. Barbara Lindtner, Seven Generations Charter School – Build bridge over wetlands.
  - c. Kathleen Mintzer, Emmaus Parks and Recreation Commission – Request field usage fee waiver for Emmaus Dodgers.
  - d. Daniel DeLong, Upper Milford Township Manager – Thank you for sponsoring the 2014 Earth Day Event.
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) and to the West of Cedar Crest Boulevard, the

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Same Being Part of the Former Indian Creek Golf Course, Emmaus, Lehigh County, Pennsylvania (1<sup>st</sup> Reading 4/21/14) (2<sup>nd</sup> Reading 6/16/14).

13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9
15. Mayor's Report

**Proclamation 2014-353 – Police Week**

16. Committee Reports

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

Next Meeting – June 5, 2014 at 3:15 p.m.

- a. Rules & Regulations (update)
- b. Fairview Street
- c. South 10<sup>th</sup> 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
- b. Hire Concession Stand Manager and Concession Stand Attendants**
- c. Hire Community Pool Manager, Lifeguards and Cashiers**
- d. Hire Summer Parks Program Counselors**

**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.

- a. Emmaus Public Library Expansion Project

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- b. HVAC System at Town Hall
- c. Sale of Properties - Appraisals
- d. Town Hall Remodeling Project
- e. Vacate S. 1<sup>st</sup> St. & Lot Line Adjustment
- f. Main Street Gallery Restaurant – Liquor License Resolution
- g. **Refuse and Recycling Collection Disposal and Marketing Request for Bids**

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

Next Meeting – May 19, 2014 at 6:45 p.m.

- a. Capital Plan
- b. **Resolution 2014-25 – 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 April 2014
- 19. President’s Business
- 20. Adjournment

Next Resolution: 2014-26

Next Ordinance: #1108

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The Emmaus Borough Council met in regular session on May 5, 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  
Brian Holtzhafer

Present  
Present

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Roy Anders	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeff Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1

**A. Neil Carl – 4555 Rose Drive, Emmaus, PA 18049** – read a letter written by All About Windows located at 7 S. First Street, Emmaus, PA, which voiced concerns about the Borough’s proposed plans to vacate the back end of S. 1<sup>st</sup> Street. Mr. Carl voiced concerns about parking if the Borough vacates the back end of S. 1<sup>st</sup> Street.

COMMUNITY MINUTE

Mrs. Gilbert stated that the Emmaus Farmers’ Market held its Grand Opening on Sunday, May 4, 2014 and reminded everyone to be cautious when driving because there are additional pedestrians crossing Chestnut Street.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. Labenberg to dispense with the formal reading of the April 21, 2014 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Anders to adopt the April 21, 2014 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS - None.

COMMUNICATIONS

a. Lisa Then, OmniForce LLC – The Ride to Conquer Cancer Event. Referred to the Parks and Recreation Committee.

b. Barbara Lindtner, Seven Generations Charter School – Build bridge over wetlands. Referred to the Public Works Committee. Mr. Labenberg suggested that Mr. Pepe contact Ms. Lindtner to obtain a photograph of the proposed location for the bridge.

c. Kathleen Mintzer, Emmaus Parks and Recreation Commission – Request field usage fee waiver for Emmaus Dodgers. Referred to the Parks and Recreation Committee.

d. Dan DeLong, Upper Milford Township Manager – Thank you for sponsoring the 2014 Earth Day Event.

e. Eileen and Jack Gerhard, 125 Seem Street – Thank you to John Reiss.

f.

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BOROUGH ENGINEER'S REPORT - None.

### SOLICITOR'S REPORT

Solicitor Dimmich referenced a Supreme Court of Pennsylvania case and advised Council that it cannot legally accept a better deal from Raritan Valley, which hoped to extend its current contract by one more year, and that the Borough must go out for bid on the Refuse/Recycling contract.

Progress.

UNFINISHED BUSINESS, PART I – None.

### NEW BUSINESS

Mrs. Gilbert reported that 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, is scheduled for its 2<sup>nd</sup> Reading on June 16, 2014.

UNFINISHED BUSINESS, PART II – None.

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

### MAYOR'S REPORT

Mayor Iobst read Proclamation 2014 – 353, proclaiming May 11 through May 17, 2014 as Emmaus Police Department Week.

### COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on May 1, 2014. He reported that the Committee reviewed the Rules and Regulations for the Public Works Department. He also reported that Mr. and Mrs. Pierog have purchased the pink shirts for Breast Cancer Awareness Month. Mr. Labenberg stated that the Pierog's purchased the shirts for \$162.00 and thanked them. The Public Works employees will be asked to voluntarily wear the shirts on Fridays through the month of October. Mr. Labenberg reported that the water leak correlator, which

detects water leaks in our system, needs to be repaired. The correlator was purchased over 10 years ago for \$40,000. The cost to repair the correlator is \$2,375. The Borough will eventually need to purchase a new one, which will cost approximately \$27,000. Mr. Labenberg reported that he attended the Earth Day Clean-up Event on Saturday, April 26, 2014. He reported that the weather was beautiful and there were approximately 125 volunteers at the event. He reported that an electronics recycling event was held in conjunction with the Clean-up Event and approximately 5,770 pounds of electronics recycling was collected. He also reported that the total volume collected at the Clean-up Event was 84 bags of garbage, 20 bags of recyclables, 1 full sofa, and 4 bags of plastic car parts from

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accidents. He recognized and thanked the Borough of Emmaus, Upper Milford Township, Lehigh County Authority, Weis Market, HAPCO Screen Printing, Inc., Yocco's, Rita's Italian Ice, Italiano Delite, Nestle Water, PPL Utilities, South Mountain Cycle & Café, Herbein's Garden Center, Traub's Doggie Shop, Wild Birds Unlimited, Responsible Recycling Services, Lehigh County Conservation District, Fernrock Landscaping, Inc., the PA Department of Transportation and Wesley Works for their participation and donations.

Mr. Labenberg reported that the property located at 4<sup>th</sup> and Broad Street has been sold back to the bank in a Sheriff Sale and because it was a foreclosure, the Borough did not receive its \$23,000. Mr. Labenberg stated that the Solicitor is confident that the bank will settle with the Borough shortly. Mr. Labenberg reported there was more data on file than for the GIS Project and the interns will be able to complete more projects than originally anticipated. Mr. Labenberg reported that the Committee is working on updating the Agreements for the three historical homes owned by the Borough.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that 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.

**Motion by Mr. Anders, seconded by Mr. Barrett to hire Tiffany Reed, Emmaus, as the Concession Stand Manager at an hourly rate of \$12.00; Erin Deppe, Emmaus, at an hourly rate of \$8.00; Patricia Deiter, Emmaus, at an hourly rate of \$8.00; Lisa Stenroos, Emmaus, at an hourly rate of \$8.00; Kathleen Durante, Emmaus, at an hourly rate of \$8.00; Sara Schmeltzle, Emmaus, at an hourly rate of \$7.50; Maria Dima, Emmaus, at an hourly rate of \$7.25 as Concession Stand Attendants. There were 7 ayes. Motion carried.**

**Motion by Mr. Anders, seconded by Mr. Barrett to hire Jane-Marie Cintron, Emmaus, as the Pool Manager, at an hourly rate of \$11.25, with a possible \$2,000 bonus at the end of the year; Shaun Baillie, Emmaus, at an hourly rate of \$8.00; Kayla**

**Kleckner, Emmaus, at an hourly rate of \$7.75; Bianca Panunto, Emmaus, at an hourly rate of \$7.75; Olivia Scarnulis\*, Macungie, at an hourly rate of \$7.25; Tyler Schulze\*, Emmaus, at an hourly rate of \$7.25; Darren Lee Smith, Jr.\*, Emmaus, at an hourly rate of \$7.25; David Gardner\*, Emmaus, at an hourly rate of \$7.25; Sean Kujas\*, Macungie, at an hourly rate of \$7.25; Jason Yerger\*, Macungie, at an hourly rate of \$7.25; Sydney Powers\*, Emmaus, at an hourly rate of \$7.25 as Lifeguards, Terence Cawley, Emmaus, at an hourly rate of \$8.00; Alexis LaVana, Emmaus, at an hourly rate of \$7.25 as**

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**Emmaus Community Pool Cashiers. \*Contingent upon passing the Certification Test. There were 7 ayes. Motion carried.**

Mr. Barrett asked if the Motion should include the pool manager being hired contingent upon passing the Certification Test, to which Mr. Pepe answered affirmatively.

Mr. Anders amended his motion and Mr. Barrett amended his second.

**Motion by Mr. Anders, seconded by Mr. Barrett to hire Jane-Marie Cintron\*, Emmaus, as the Pool Manager, at an hourly rate of \$11.25, with a possible \$2,000 bonus at the end of the year; Shaun Baillie, Emmaus, at an hourly rate of \$8.00; Kayla Kleckner, Emmaus, at an hourly rate of \$7.75; Bianca Panunto, Emmaus, at an hourly rate of \$7.75; Olivia Scarnulis\*, Macungie, at an hourly rate of \$7.25; Tyler Schulze\*, Emmaus, at an hourly rate of \$7.25; Darren Lee Smith, Jr. \*, Emmaus, at an hourly rate of \$7.25; David Gardner\*, Emmaus, at an hourly rate of \$7.25; Sean Kujas\*, Macungie, at an hourly rate of \$7.25; Jason Yerger\*, Macungie, at an hourly rate of \$7.25; Sydney Powers\*, Emmaus, at an hourly rate of \$7.25 as Lifeguards, Terence Cawley, Emmaus, at an hourly rate of \$8.00; Alexis LaVana, Emmaus, at an hourly rate of \$7.25 as Emmaus Community Pool Cashiers. \*Contingent upon passing the Certification Test. There were 7 ayes. Motion carried.**

Mr. Anders stated that the Community Pool is still in need of additional lifeguards and encouraged anyone who is interested to fill out an application at Town Hall.

**Motion by Mr. Anders, seconded by Mr. Barrett to hire Donna Price, Bethlehem, at an hourly rate of \$8.00; Justin Molitorisz, Emmaus, at an hourly of \$7.25; Emma Shubzda, Emmaus, at an hourly rate of \$7.50; Kim Corsiatto, Emmaus, at an hourly rate of \$7.25; Darren Smith, Jr., Emmaus, at an hourly rate of \$7.25; Gabrielle Zukowski, Emmaus, at an hourly rate of \$7.25, as 2014 Summer Parks Program Counselors at the Emmaus Community Park. There were 6 ayes, 1 abstention (Shubzda). Motion carried.**

Mr. Barrett asked if any of the counselors are returning. Mr. Pepe responded that Emma Shubzda is a returning counselor. He stated that Donna Price has 22 years of experience in the child care field and will be running the program. Mr. Pepe stated that the Summer Parks Program will be held from June 23 through August 1, 2014. Mr. Anders stated that he is pleased that so many individuals are local residents. Mr. Pepe stated that he is pleased that the Borough was able to hire adults in key positions for the summer.

d. Public Safety Committee

The next Committee Meeting is May 7, 2014 at 3:00 p.m. Mrs. Gilbert reported that Sergeant Palmer and Sergeant Shilling have both passed a two-week motorcycle course and that residents will now see police officers driving a motorcycle through the Borough.

Progress.

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e. General Administration Committee

Mr. Barrett reported that the Refuse and Recycling Request for Bid was Tabled at the last Council Meeting and it is necessary to remove it from the Table.

**Motion by Mr. Barrett, seconded by Mr. Brown to remove the Refuse and Recycling Request for Bid from the Table. There were 7 ayes. Motion carried.**

Mr. Barrett reported that based upon the legal advice presented by the Solicitor, the Committee recommends going out to bid for the Refuse and Recycling contract.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to advertise for bid for the Refuse and Recycling contract. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.**

Mr. Barrett reported that the property located at 187-191 Main Street is applying for a liquor license for economic development purposes. Solicitor Dimmich explained that the liquor code allows for economic development reasons to pass a Resolution granting approval to apply for a liquor license at certain locations. The Liquor Control Board has the ability to grant two liquor licenses in each county per calendar year. After the Resolution is passed, the location must make a presentation before the Liquor Control Board before they are chosen. Solicitor Dimmich thanked Mr. Pepe for drafting the Resolution. Mr. Pepe stated that a Public Hearing is necessary prior to adopting the Resolution and will be held prior to the May 19, 2014 Council Meeting.

The next Committee Meeting is May 14, 2014 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 25, authorizing payment of the May 5, 2014 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>272,164.60</b>
<b>Payroll #9</b>	<b>\$</b>	<b>119,524.20</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>37,677.50</u></b>
<b>Total</b>	<b>\$</b>	<b>429,366.30</b>

Done this 5th day of May 2014.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the May 5, 2014 Bill List. There were 7 ayes. Motion carried.**

Progress.

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### g. Community Relations, Planning and Development Committee

Mr. Brown reported he received an email from Dr. Michael Waddell in reference to the Borough's 2013 Volunteer of the Year Award. He reported that it is necessary for Council to make a nomination by the end of day, May 9, 2014, so that the brick can be ordered and installed by the end of June, 2014 at the Commemorative Garden.

**Motion by Mr. Holtzhafer, seconded by Mr. Anders to award the 2013 Volunteer of the Year Award to Martha Vines. There were 7 ayes. Motion carried.**

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

Progress.

### PERSONAL APPEALS, PART II

**A. Neil Carl – 4555 Rose Drive, Emmaus, PA 18049** – asked about the Licensing Agreement between the Borough of Emmaus and the owner of Motors Plus. Mr. Brown suggested that Mr. Carl discuss the matter with Mr. Pepe.

### BOROUGH MANAGER'S REPORT

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

Mr. Pepe recognized Allen Lewis, Public Works Department, for working with a contractor through a PPL Grant Program to install 49 exterior LED light fixtures in the Borough. The Grant covered approximately \$15,000 in lights, and \$10,000 - \$15,000 in labor.

Progress.

### PRESIDENT'S BUSINESS

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

The May 5, 2014 Meeting of the Emmaus Borough Council adjourned at 8:01 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
May 9, 2014