

August 19, 2013

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council

Agenda

Monday, August 19, 2013, 7:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

Wildlands Conservancy – Recognition for Helping with Alpine Trail

6. Reading of Minutes

July 15, 2013

7. Decisions on Bids

8. Communications

- a. Cathy Stout, Bethel Church – Street Closure for Church Block Party.
- b. Kathleen Mintzer – Emmaus Halloween Committee – Parade and Trick-or-Treat Night Dates.
- c. James Martin, Lehigh County District Attorney – Funding for Child Abuse Investigator and Municipal Emergency Response Team.
- d. Don Marron, St. Ann’s Roman Catholic Church – Annual Fall Fest Requests.
- e. Louis Serensits, 334 Spruce Street – Street Closure for Annual Block Party.
- f. Wesley Barrett, Race Director – Emmaus 5K Race Request.
- g. Rick Daugherty, Lehigh County Senior Center – 2014 Financial Support.
- h. Michele Grasso, Meals on Wheels of Lehigh County, Inc. – 2014 Financial Support.

9. Borough Engineer’s Report

10. Solicitor’s Report

11. Unfinished Business, Part I

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Ordinance No. 1099 – An Ordinance Amending Chapter 15 of the Codified Ordinances (1st Reading 7/15/13) (2nd Reading 8/19/13).

12. New Business

Ordinance No. 1100 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 1.155 – Acre Tract of Land Known as 316 Wood Street and Identified by Lehigh County Tax PIN Number, 549474039624 1 from the Medium Density Residential District to the Light Industrial District (1st Reading 8/19/13).

13. Unfinished Business, Part II

Ordinance No. 1098 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance to Add Part 10, to Create an Overlay District Entitled “AQCOD – Age Qualified Community Overlay District,” to Establish Guidelines for Future Amendments to the Borough’s Official Zoning Map to Govern the Consideration of Landowner and Other Requests for the Approval of Such Overlay, to Add Definitions, Regulations and Other Requirements for Age Qualified Communities and to Otherwise Authorize the Development of Age Qualified Communities Within the Borough (1st Reading 5/6/13) (2nd Reading 9/3/13).

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 – September 5, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. South 2nd Street Reservoir
- c. South 10th Street Culvert
- d. **PPL e-Power Grant Program at Library**

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

Next Meeting – August 26, 2013 at 5:00 p.m.

- a. Compost Options

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- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Town Hall HVAC System
- e. Electronics Recycling

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

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

- a. Emmaus Legion Baseball Field Project
- b. Youth Football League Building Agreement

Parks and Recreation (continued)

- c. **Cyclocross Race Event**
- d. **Policies:**
 - **Bands, DJ's, and Live Performances**
 - **Pavilion Refund**
 - **Tents, Canopies, and Items Outside Pavilions**
 - **Vendor Trucks in Parks**
 - **Moon Bounce and Inflatable Objects**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – September 4, 2013 at 2:00 p.m.

- a. Emergency Operations Plan – Review
- b. **Ordinance No. 1099 – 2nd Reading 8/19/13**
- c. **High School Shooting Range Lease Agreement**
- d. **Street Lighting at High School and Walnut Street**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – August 21, 2013 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Ordinance No. 1098 - Age Qualified Housing Ordinance (1st Reading 5/6/13)
- c. HVAC System at Town Hall
- d. **Sale of Properties - Appraisals**
- e. Town Hall Remodeling Project
- f. **Ordinance No. 1100 – 1st Reading**

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g. Resolution 2013-18 – Sale of Gamewell Fire Alarm Boxes & Funds from Sale

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – August 27, 2013 at 3:30 p.m.

- a. **Bill List—Resolution 2013-19**
- b. **EMSP Marketing Grant**
- c. Health Inspection Fees
- d. **Pavilion Reimbursement**

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

Next Meeting – August 22, 2013 at 4:15 p.m.

- a. LERTA
- b. CGI Communications Community Video
- c. Tree Vitalize Grant – January 2014

17. Junior Council Member’s Report

18. Personal Appeals, Part II

19. Borough Manager’s Report

- a. **Significant Revenue and Expense Items for July 2013**
- b. **South Mountain Ambulance Settlement**

20. President’s Business

Executive Session

21. Adjournment

Next Resolution #20
Next Ordinance #1101

The Emmaus Borough Council met in regular session on August 19, 2013 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

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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 7:02 p.m.
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. **Kathryn & Dennis Swavely, 183 Pine Street** – stated that she and her husband have lived at their residence for over 50 years and voiced concern about a neighbor that lives behind them who resides in Upper Milford Township on Biery Street. She voiced concern that the neighbor is violating the Upper Milford burning regulations. She stated that she and her husband have attended a meeting at Upper Milford Township requesting an amendment to their open burn policy. She also stated that the fumes and pollution are crossing into Emmaus Borough. She stated that she and her husband are representing the neighborhood and asked for assistance from the Borough of Emmaus with the issue. Mr. Swavely presented a petition signed by the neighbors. Mr. Holtzhafer asked what type of material is being burned. Mr. Swavely responded that the neighbor is burning yard waste and the issue is affecting their health. Mrs. Gilbert directed Mr. Pepe to contact Dan DeLong at Upper Milford. Solicitor Dinkelacker responded that the Borough cannot help with the issue because the resident does not live within the Borough. He offered the Swavely's two options for proceeding with the issue.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Barrett to dispense with the formal reading of the July 15, 2013 Minutes. There were 7 ayes. Motion carried.

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Motion by Mr. Brown, seconded by Mr. Barrett to adopt the July 15, 2013 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

- a. Cathy Stout, Bethel Church – Street Closure for Church Block Party. Referred to Mayor Iobst and Staff.
- b. Kathy Mintzer – Emmaus Halloween Committee – Parade and Trick-or-Treat Night Dates. Mrs. Gilbert stated that the Halloween Parade will be held on Saturday, October 19, 2013 at 7:30 p.m. with a Rain Date of Sunday, October 20, 2013 at 6:30 p.m. Trick-or-Treat will be held on Thursday, October 31, 2013 from 6:00 p.m. – 8:00 p.m.
- c. James Martin, Lehigh County District Attorney – Funding for Child Abuse Investigator and Municipal Emergency Response Team. Referred to the Budget and Finance Committee.
- d. Don Marron, St. Ann’s Roman Catholic Church – Annual Fall Fest Requests. Mrs. Gilbert stated that St. Ann’s 31st Annual Fall Fest will be held on September 5 through September 7, 2013. Referred to Mayor Iobst.
- e. Louis Serensits, 344 Spruce Street – Street Closure for Annual Block Party to be held on September 7, 2013 from 2:00 p.m. to 10:00 p.m. Referred to Mayor Iobst and Staff.
- f. Wesley Barrett, Race Director – 7th Annual National Penn Bank Halloween in Emmaus 5K Race Request. The race will be held on Saturday, October 19, 2013 just prior to the annual Halloween parade. Referred to Mayor Iobst and Staff.
- g. Rick Daugherty, Executive Director Lehigh County Senior Center – 2014 Financial Support Request. Referred to the Budget and Finance Committee.
- h. Michele Grasso, Development Director, Meals on Wheels of Lehigh County, Inc. – 2014 Financial Support Request. Referred to the Budget and Finance Committee.

BOROUGH ENGINEER’S REPORT - None.

SOLICITOR’S REPORT

Solicitor Dinkelacker reported that there has been a dissolution settlement with the South Mountain Ambulance Corps. Mrs. Gilbert responded that the item will be addressed during the Borough Manager’s Report.

Progress.

UNFINISHED BUSINESS, PART I

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Ordinance No. 1099 – An Ordinance Amending Chapter 15 of the Codified Ordinances (1st Reading 7/15/13). Mrs. Gilbert reported that the Public Safety Committee has worked on the Ordinance for over 3 years and stated that there were no changes made to the 1st Reading of the Ordinance.

Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1099 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1099 in short title.

Motion by Mr. Labenberg, seconded by Mr. Brown to adopt Ordinance No. 1099 – An Ordinance Amending Chapter 15 of the Codified Ordinances on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1100 - An Ordinance Amending the Borough of Emmaus Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 1.115 – Acre Tract of Land Known as 316 Wood Street and Identified by Lehigh County Tax Pin Number, 549474039624 1 From the Medium Density Residential District to the Light Industrial District. (1st Reading 8/19/13).

Mr. Pepe explained that this is the 1st Reading of the Ordinance changing the Zoning Classification of 316 Wood Street from the Residential to the Light Industrial District. He explained that he believes a Public Hearing will be held on September 4, 2013. He also stated that all off the surrounding properties in the vicinity have been notified of the meeting.

Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1100 in short title. There were 7 ayes. Motion carried.

Dr. Waddell read Ordinance No. 1100 in short title.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt Ordinance No. 1100 - An Ordinance Amending the Borough of Emmaus Ordinance by Amending the Official Zoning Map to Change the Zoning Classification of a 1.115 – Acre Tract of Land Known as 316 Wood Street and Identified by Lehigh County Tax Pin Number, 549474039624 1 From the Medium Density Residential District to the Light Industrial District on its 1st Reading. Roll call vote: Mr. Labenberg, aye; Mr.

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Holtzhafer, aye; Mr. Barrett, aye; Dr. Waddell, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

UNFINISHED BUSINESS, PART II

Mrs. Gilbert reported that Ordinance No. 1098 is scheduled for its 2nd Reading on September 3, 2013.

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

MAYOR'S REPORT

Mayor Iobst reported that he received a phone call from Randy Seagreaves who lives on Harrison Street. Mr. Seagreaves voiced concern about speeding on Harrison Street. He also voiced concern that there is a long gap between crossing guards on Harrison Street.

Mayor Iobst stated that he received a letter from a resident concerning stray cats in the Borough.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on August 1, 2013. He reported that the Committee recommends that Council approve the Library participating in the PPL e-power grant program and to approve the Public Works Department to install the lights. The cost of retrofitting the lights at the Library is approximately \$5,600.00. The savings will be approximately \$3,000.00 and will pay for itself in 2 years. The Borough will match the grant through its labor. The lights will be installed on Fridays when the Library is closed. Mr. Pepe recommended that the matter be returned to the Committee level for further discussion due to an increase in the cost of the project. Mr. Labenberg responded that he will place it on his Agenda for the next Committee Meeting on September 5, 2013.

Dr. Waddell stated that he believes the Committee should continue to discuss replacing the grass on the Triangle with Astroturf. Mr. Labenberg responded that the grass will be reseeded and maintained. Mrs. Gilbert responded that the Committee did discuss replacing the grass with Astroturf but there are maintenance concerns due to individuals placing tents on that patch of grass at Triangle Park. Mr. Labenberg stated that the Committee is continuing to discuss the condition of the bricks at the Triangle.

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Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on August 26, 2013 at 5:00 p.m. The Committee will discuss and finalize the process for the electronics dumpster that was provided to the Borough through Raritan Valley.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee received a request from Andrew Bernstein of the Fifth Street Cyclocross for use of the recycling center and surrounding fields for the annual cyclocross race series on Thursdays and certain Saturdays from September through December. He stated that the organization will pay a fee of \$25.00 per event and will pay for any damage incurred to the fields.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Fifth Street Cyclocross use of the recycling center and surrounding fields for the annual cyclocross race series on Thursdays and certain Saturdays from September through December and will incur the cost of any damage to the fields.

Mr. Labenberg stated that he believes the Motion should include that the Fifth Street Cyclocross pays \$25.00 per event. Mr. Barrett amended his motion and Mr. Labenberg amended his second.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Fifth Street Cyclocross use of the recycling center and surrounding fields for the annual cyclocross race series on Thursdays and certain Saturdays from September through December, will pay a fee of \$25.00 per event and will incur the cost of any damage to the fields. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee discussed a request from Michael Naratil to receive a credit from last year's pool pass due to the early closure of the pool. The Committee felt that everyone had the same opportunity and time period to receive the credit. The Committee voted to deny the request.

Mr. Barrett reported that the Committee received a request from Brian Smith requesting that he receive a fee waiver to reserve two baseball fields for a series of games. Mr. Smith is not a Borough resident and the event is not for a Borough organization. The Committee voted to deny the request.

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Mr. Barrett reported that the Committee prepared formal policies for Band and DJ Requests, Pavilion refunds, Tents, Canopies, and Items Outside Pavilions, Vendor Trucks in Parks, and a Moon Bounce Policy, including insurance requirements. Mr. Holtzhafer suggested that the policies return to the Committee level for further discussion.

Mr. Barrett reported that the Committee has received information on resolving the Furnace Dam goose problem and will continue to discuss the matter.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on August 7, 2013. She reported that the Committee recommends to renew the Lease Agreement with the Borough of Emmaus and the East Penn School District for the use of the rifle range for the 2013-2014 rifle season, with the rent remaining the same as the prior year. Mrs. Gilbert directed Mr. Pepe to have a discussion with Dennis Ramella regarding concerns with the Rifle Team. Mr. Pepe responded that a meeting has been scheduled with Mr. Ramella.

Motion by Mr. Barrett, seconded by Mr. Brown to renew the Lease Agreement between the Borough of Emmaus and the East Penn School District for the use of the rifle range for the 2013-2014 rifle season, with the rent remaining the same as the 2012-2013 season. There were 6 ayes, 1 abstention (Labenberg). Motion carried.

Mrs. Gilbert reported that Mr. Barrett submitted a letter requesting that the Borough considers adding additional street lights in several locations, including at the Emmaus High School parking lot at North Street, on Walnut Street between 6th and Macungie Avenue, and at Ridge and Moyer Streets. Mr. Barrett stated that PPL will install and own the lights and the Borough will only incur the cost of the electric.

Motion by Mr. Barrett, seconded by Mr. Brown to add additional street lights in several locations, including at the Emmaus High School parking lot at North Street, on Walnut Street between 6th and Macungie Avenue and at Ridge and Moyer Streets. There were 5 ayes, 2 opposed (Holtzhafer, Labenberg). Motion carried.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on August 7, 2013. He reported that Mr. Pepe received one set of pricing for appraisals on the Borough properties located adjacent to Cintas Corp., the Public Works garage, located at 31 Klines Lane, the South

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2nd Street 18 acre lot, and the Jubilee Street parking lot. Mr. Pepe stated that the approximate cost of the appraisals will be \$8,000.00. The Committee recommends that Council authorize Mr. Pepe to move forward with the appraisals.

Motion by Dr. Waddell, seconded by Mr. Labenberg to authorize Mr. Pepe to have appraisals conducted on Borough properties located adjacent to Cintas Corp., located at 164 E. Main Street, the Jubilee Street parking lot, the Public Works building located at 31 Klines Lane, and the wooded property located at 4052 South 2nd Street.

Dr. Waddell amended his motion to include the wooded lot located behind 44 Klines Lane and Mr. Labenberg amended his second.

Motion by Dr. Waddell, seconded by Mr. Labenberg to authorize Mr. Pepe to have appraisals conducted on Borough properties located adjacent to Cintas Corp., located at 164 E. Main Street, the Jubilee Street parking lot, the Public Works building, located at 31 Klines Lane, the wooded lot located behind the Public Works Garage located at 44 Klines Lane, and the wooded property located at 4052 South 2nd Street. There were 7 ayes. Motion carried.

Dr. Waddell reported that the Committee discussed selling the Gamewell Fire Alarm Boxes. The Committee recommended authorizing Mr. Pepe to draft a Resolution to sell Borough property valued at under \$1,000.00. The Resolution includes the following provisions: Limit of one per household until November 1, 2013. Conditions and Prices of Gamewell Boxes: Excellent condition, \$150.00, Good condition, \$125.00, and Fair condition, \$100.00. The boxes will be sold in "As Is" condition and the sale will begin Tuesday, August 20 at 8:00 a.m. Mr. Pepe stated that the funds generated from the sale of the Boxes will be used towards the purchase of specific equipment for the Emmaus Fire Department that was not budgeted in 2013.

Resolution 2013 – 18, Approving the Sale of Gamewell Boxes Valued Under One Thousand Dollars (\$1,000) in Accordance with Act 43 of 2012, The Borough Code.

Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Resolution 2013 – 18. There were 6 ayes, 1 abstention (Barrett). Motion carried.

The next Committee Meeting is August 21, 2013 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

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Mr. Holtzhafer read Resolution 2013-19, authorizing payment of the August 19, 2013 Bill List, as follows:

Bill List	\$	477,599.14
Payroll #15 and #16	\$	241,482.35
Payroll Taxes	\$	<u>80,556.29</u>
Total	\$	799,637.78

Done this 19th of August 2013.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the August 19, 2013 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Emmaus Main Street Partners attended the Committee Meeting and requested \$3,000 towards a marketing Grant. The Grant is a matching Grant and would be matched through the Lehigh Valley Chamber of Commerce. The Committee recommended denying the request because it was not a budgeted item. Mr. Holtzhafer asked Council to consider a motion to grant the request to which there was no response.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the previous Committee Meeting was cancelled.

The next Committee meeting is August 22, 2013 at 4:15 p.m.

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h. Junior Council Member's Report

Mr. Hobson reported that school will begin on August 26, 2013, but there will be no school on August 30 and September 2, 2013 due to the Labor Day Holiday. He reported that Parent's Night will be held on September 26, 2013. He also reported that Fall Sports will begin August 21, 2013. He commented that it is very dark at the Emmaus High School parking lot located on North Street.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for July 2013 are in the binders and entertained questions about them. He reported that Earned Income Tax is on target for 2013.

Mr. Pepe reported that he attended the South Mountain Ambulance Corp. dissolution settlement hearing with Solicitor Dinkelacker. The Borough of Emmaus and Upper Saucon are recipients of a portion of the liquid cash assets. He reported that the net sale from the sale of the building was \$316,000.00 and after attorney fees, loans, and stipends the net amount available to split 50/50 between Emmaus and Upper Saucon Ambulance is \$206,500.00. The Borough of Emmaus will receive approximately \$103,250.00 from the sale of the building. As part of the Judge's Order, a portion, \$3,000.00, of the funds must be placed in an Escrow account for 2 years after dissolution and all funds received as part of the settlement must be used for the purposes of the Emmaus Ambulance Corp. Mr. Pepe stated that a motion to approve the settlement is needed.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to approve the settlement between the South Mountain Ambulance Corp. and the Borough of Emmaus in the amount of approximately \$103,250.00. There were 7 ayes. Motion carried.

Mr. Labenberg stated that he is aware that the Ambulance Corps is in need of replacing three life-packs that cost approximately \$30,000.00 each. He suggested staggering the purchase over several years so that in the future the Borough will not have to replace them at one time. Mr. Pepe responded that effective next year, the maintenance on the current packs will expire. Mr. Pepe further responded that the item will be discussed at the Committee level. Mrs. Gilbert responded that the Public Safety Committee will discuss the item.

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PRESIDENT'S BUSINESS

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

The August 19, 2013 Meeting of the Emmaus Borough Council adjourned at 8:00 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
August 22, 2013