

September 4, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Tuesday, September 4, 2012, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
  - Recognition of Monetary Donations for Park Recycling Containers – Rodale and Kiwanis
6. Reading of Minutes
  - August 20, 2012
7. Decisions on Bids
8. Communications
  - a. Debbie Lillegard, Emmaus Lioness Lions Club – Request date change for “Chase the Chill” event.
  - b. Carol Robinson, 912 Lawrence Drive – Request street closure for Block Party.
  - c. Tabitha Tate, Girl Scouts Emmaus Service Unit – Request pavilion fee waiver for Arts Pavilion (May 20, 2013).
  - d. Courtney Kennedy, Seven Generations Charter School – Request to hold event at Arts Pavilion.
  - e. Chrissy Flexer, Joshua’s Future of Promises – Request Kiwanis Field fee waiver.
  - f. Susan Pfeil, Seven Generations Charter School – Request painted crosswalk in front of school.
  - g. Kevin Fister, Wildlands Conservancy – Alpine Street construction assistance from Borough.

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9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

a. Ordinance No. 1087 – An Ordinance Amending the Code of Ordinances, Section, 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Vehicle, Truck Tractor Or Trailer; and Providing Penalties for the Violation Thereof (1<sup>st</sup> Reading 8/20/12) (2<sup>nd</sup> Reading 9/17/12).

12. New Business

13. Unfinished Business, Part II

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

Trick or Treat Night – Proclamation 2012 - 324

16. Committee Reports

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

Next Meeting – September 6, 2012 at 3:00 p.m.

- a. H2O Grants (electric water meters)
- b. Rules & Regulations (update)
- c. Home inspections/illegal hook-ups
- d. South 2<sup>nd</sup> Street Reservoir
- e. South 10<sup>th</sup> Street Culvert
- f. Water Meter rates for multiple units

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

Next Meeting – September 21, 2012 at 3:45 p.m.

- a. Compost Options
- b. Park Recycling Containers
- c. Emmaus and Upper Milford Joint Environmental Advisory Council
- d. Board of Health

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- e. Cintas

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

Next Meeting – October 2, 2012 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project

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

Next Meeting – September 13, 2012 at 3:00 p.m.

- a. Ordinance No. 1087 - Tractor Trailer Parking (2nd Reading 9/17/12)
- b. Emergency Operations Plan – Review
- c. Civil Service Commission Rules and Regulations
- d. 24 Hour Municipal Parking Lot Ordinance
- e. Triangle Park Damage

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

Next Meeting – September 5, 2012 at 9:00 a.m.

- a. **Social Media Policy**
- b. Commission Requirements Ordinance
- c. 1803 House Lot Line Adjustment

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

Next Meeting – September 17, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2012-21**
- b. Swimming Pool Revenue and Expense
- c. Mid Year Budget Review
- d. Water Meter Rates
- e. Policy for Receipts and Packing Slips
- f. Union Negotiations
- g. General Authority Request
- h. Banking and Accounts for All Borough Entities
- i. **Glacial Energy**
- j. Central Tax
- k. **Disposition of Vehicles / Resolution No. 22**

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

Next Meeting – September 27, 2012 at 4:15 p.m.

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- a. VFW/David's Electric Streetscape Plan
- b. Treevitalize Grant
- c. **LERTA**

**Ad Hoc Committees** (Barrett, Waddell, Holtzhafer, Pepe, Mayor Iobst)  
Next Meeting – To be determined.

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. **Significant Revenue and Expense Items for August 2012**
- b. **Liability Insurance**

19. President's Business

Executive Session – Contract Negotiations

20. Adjournment

Next Resolution #23  
Next Ordinance #1088

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The Emmaus Borough Council met in regular session on September 4, 2012 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
Wesley Barrett	Present

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Nathan Brown	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Josephine Sadrovitz – 130 N. 4<sup>th</sup> Street** – voiced concern that the Joseph Kroboth Polka Band, who played at the Arts Pavilion on August 26, 2012, has not received payment.

**B. John Ashcraft – 20 N 5<sup>th</sup> Street, Suite #1** - stated that he represents Jonathan and Priscilla Robertson concerning the tractor trailer Ordinance No. 1087. He stated that Mr. Robertson is the owner and operator of a tractor trailer and that the Robertson's live on Spruce Street. He also stated that Mr. Robertson parks on Borough streets to save time and money. He stated that Mr. Robertson is not the only individual parking tractor trailers in the Borough. He stated that the Ordinance will affect the livelihood of his clients and other residents of the Borough and asked Council to recheck the underlying factual support for the need of the Ordinance. He asked what will be the cost of enforcing the Ordinance. Mr. Labenberg responded that Council will not be voting on the Ordinance until the September 17, 2012 Council Meeting.

**C. Kevin Fister – Outdoor Recreation Manager, Wildlands Conservancy, 3701 Orchid Place** – stated that Tom Gettings from the Wildlands Conservancy is also present. Mr. Fister stated that the Wildlands Conservancy received a DCNR grant and is requesting construction assistance from the Borough on Alpine Street. He stated that he believes the project will be completed by the end of the year. Mr. Fister stated that the Conservancy would like an answer from the Borough as soon as possible. Mrs. Gilbert referred the item to the Public Works Committee. Mrs. Gilbert invited Mr. Fister to attend the next Committee Meeting on September 6, 2012 at 3:00 p.m.

**D. Priscilla Robertson, 165 Spruce Street** – voiced concern about the tractor trailer Ordinance No. 1087. She stated that she is opposed to the Ordinance and asked Council to amend the Ordinance so that residents of the community are allowed to park their trucks in the Borough. She stated that the Ordinance will affect her husband's livelihood.

**E. Jonathan Robertson, 165 Spruce Street** – stated that he is being harassed by the police and the Ordinance. He stated that he specifically chose his house so that he could park on the street. He suggested a permit process. Mr. Barrett responded that the previous Borough Solicitor stated that a permit process was not permissible. Mrs. Gilbert responded that the matter will be discussed further at the next Public Safety Committee Meeting on September 13, 2012.

**F. Samuel Seem, 654 Ridge Street** – stated that he is a truck driver and strongly agrees with a permit process for trucks parking on the street.

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**G. Jim Woodeshick, 108 Seem Street** – stated that use Jefferson Street and Seem Street because they cannot park on Harrison Street. He stated that these streets are not designed for trucks as there are many children in this neighborhood. He stated that he agrees with a permit process. He suggested finding a place in the Borough for trucks to park and suggested Air Products.

**H. Glen Rigori, 29 Harrison Street** – states that he parks his tractor trailer across the street from his house and no one has ever complained about his parking. He stated that he does not believe there is any truck damage to the curbs. He asked about how the Ordinance was designed for punishment. Mr. Pepe responded that the fine rate is progressive based on the number of violations.

COMMUNITY MINUTE - None.

### SPECIAL PRESENTATIONS

Mr. Shubzda presented recycling barrels that will be placed at Community Park. He stated that twenty-six barrels were donated by Kraft Foods. He recognized Rodale, Inc., and the Kiwanis Club for their monetary donations, which was used to purchase lids for the barrels. He thanked Mr. Clapper for spearheading the project. He presented a certificate of recognition to Jim Hersh, Rodale, Inc., and Renee Wetherhold, President, Peter Kapustik, and Ron Glassic of the Emmaus Kiwanis Club. Mr. Barrett thanked everyone involved for their efforts. Mr. Labenberg thanked everyone involved and stated that he hopes the effort can be expanded to the community ballparks. Mr. Pepe responded that the ultimate goal of the Committee is to have recycling containers at every Borough park.

Mr. Labenberg commented that a sign has been placed at the South Mountain Preserve and thanked the Borough Manager and the Public Works Department for the addition of the new trail. Mr. Barrett thanked Rodale, the Wildlands Conservancy, and Mr. Clapper for their effort and contribution to the new trail.

### READING OF MINUTES

**Motion by Mr. Barrett, seconded by Dr. Waddell to dispense with the formal reading of the August 20, 2012 Minutes. There were 7 ayes. Motion carried.**

Mr. Barrett noted that on Page 121, Kathy Mintzer's address was listed incorrectly as 554 Minor Street and should be listed as 524 North Street.

**Motion by Dr. Waddell, seconded by Mr. Shubzda to adopt the August 20, 2012 Minutes as corrected. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

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### COMMUNICATIONS

a. Debbie Lillegard, Emmaus Lioness Lions Club – Request date change for “Chase the Chill” event from October 7 and October 14, 2012 to November 3, 2012.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Lioness Lions Club permission to change the date for use of Triangle Park to November 3, 2012. There were 7 ayes. Motion Carried.**

b. Carol Robinson, 912 Lawrence Drive – Request street closure for Block Party on September 22, 2012 from 2:00 p.m. to 6:00 p.m. Mrs. Gilbert reported that Mayor Iobst has approved the request.

c. Tabitha Tate, Girl Scout Emmaus Service Unit – Request pavilion fee waiver for Arts Pavilion for an event on May 20, 2013. Referred to the Parks and Recreation Committee.

d. Courtney Kennedy, Seven Generations Charter School – Request to hold event at Emmaus Arts Pavilion on September 29, 2012 from 4:30 p.m. to 9:30 p.m. Mr. Barrett stated that there is no formal action needed.

e. Chrissy Flexer, Joshua’s Future of Promise – Request Kiwanis Field fee waiver to hold an event on September 29, 2012.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant Ms. Flexer’s fee waiver request for the use of Kiwanis Field for Joshua Future of Promise Event to be held on September 29, 2012. There were 7 ayes. Motion carried.**

f. Susan Pfeil, Seven Generations Charter School – Request painted crosswalk in front of school. Referred to the Public Safety Committee.

g. Kevin Fister, Wildands Conservancy – Alpine Street construction assistance from Borough. Referred to the Public Works Department.

h. Priscilla Robertson, 165 Spruce Street – Letter opposing tractor-trailer Ordinance No. 1087.

BOROUGH ENGINEER’S REPORT - None.

### SOLICITOR’S REPORT

Solicitor Dinkelacker entertained questions about his report.

Progress.

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UNFINISHED BUSINESS, PART I

Mrs. Gilbert reported that Ordinance No. 1087 is scheduled for its 2<sup>nd</sup> Reading on September 17, 2012.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2012-324, proclaiming Trick-or-Treat Night as Wednesday, October 31, 2012 between 6:00 p.m. until 8:00 p.m. He reminded everyone to turn their porch lights on between those hours if they wish to participate.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on Thursday, September 6, 2012 at 3:00 p.m. Dr. Waddell noted that there continues to be damage to the flower beds at Triangle Park from skateboarders and asked what action can be taken to stop this. Mr. Labenberg responded that he will place the item on the Committee's Agenda. He also responded that the Police are monitoring the Triangle.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on September 21, 2012.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on September 4, 2012 at 3:30 p.m.



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Mr. Barrett reported that Mr. Clapper recommends hiring John Luke Laube as a part-time parks employee at an hourly rate of \$8.00 for the remainder of the 2012 season.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to hire John Luke Laube as a part-time parks employee at an hourly rate of \$8.00. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee discussed the Emmaus Community Pool closing early due to an impeller failure. Mr. Barrett reported that the pool was open for 99 days and closed for 13. Mr. Barrett reported that a pro-rated credit will be issued that can be applied to 2013 season passes or pool admission. Mr. Barrett reported that the credits will be issued as follows: Family Borough Resident Season Pass - \$15.00; Adult Borough Resident Season Pass - \$10.00; Youth Borough Resident Season Pass - \$5.00; Senior Resident Season Pass - \$3.00; East Penn Resident Ages 6-17, \$12.00; East Penn Resident Adult Single Season Pass - \$19.00; East Penn Resident Family Season Pass - \$26.00; and East Penn Resident Senior Season Pass - \$4.00. In order to receive a credit, a season pass holder must be present at Town Hall accompanied by their 2012 Season Pass. Credits will be issued until November 1, 2012. Mr. Holtzhafer clarified that pool patrons missed approximately 13% of the season due to the shutdown. He also clarified that the credit applies to any season pass holder and that the credit will apply towards a 2013 season pass or pool admission.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to issue pro-rated credits for the Emmaus Community Pool for the 2012 Season to be applied to the 2013 season pass or pool admission. The credits will be issued in the amounts of: Family Borough Resident Season Pass - \$15.00; Adult Borough Resident Season Pass - \$10.00; Youth Borough Resident Season Pass - \$5.00; Senior Resident Season Pass - \$3.00; East Penn Resident Ages 6-17, \$12.00; East Penn Resident Adult Single Season Pass - \$19.00; East Penn Resident Family Season Pass - \$26.00; and East Penn Resident Senior Season Pass - \$4.00, and must be issued in person at Town Hall accompanied by their 2012 Season Pass until November 1, 2012. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Parks and Recreation Commission's 3<sup>rd</sup> Annual Community Day will be held on Saturday, July 20, 2013 and have requested the use of the Community Park from 9:00 a.m. until 8:00 p.m. They have requested the use of the Arts Pavilion, the use of tents, permission to have animals in the park, and permission for skate boarders and bicycles.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Parks and Recreation Commission's request to hold the 3<sup>rd</sup> Annual Community Day on July 20, 2013 at Emmaus Community Park from 9:00 a.m. until 8:00 p.m., and the use of the**

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**Arts Pavilion, the use of tents, permission to have animals in the park, and permission for skateboarders and bicycles. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee received a letter from Ray Ignosh from the Mid-Atlantic Development Foundation Cyclocross requesting the use of Homestead Park on Thursdays from 4:00 p.m. to 9:00 p.m. from October 11 through December 20, 2012, for the Mid-Atlantic Development Foundation Fifth Street Cross Cyclocross, provided that the organization pays \$25.00 per event, provides insurance information, and fixes any damage that may occur to the property as a result of the events.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Mid-Atlantic Development Foundation Cyclocross's request for the use of Homestead Park on Thursdays from 4:00 p.m. to 9:00 p.m. October 11 through December 20, 2012, for the Mid-Atlantic Development Foundation Fifth Street Cross Cyclocross, provided that the organization pays \$25.00 per event, provides insurance information, and fixes any damage that may occur to the property as a result of the events. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee received a request from the Emmaus Main Street Partners to have two 10' x 10' canopies at the Crab Fest Event to be held at the Emmaus Community Park on September 9, 2012.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Main Street Partners' request to have two – 10' x 10' canopies at the Crab Fest Event to be held at the Emmaus Community Park on September 9, 2012. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Emmaus Main Street Partners' requested the use of Triangle Park on Saturday, December 1, 2012 from 12:00 p.m. to 7:00 p.m. for the Old Fashioned Christmas event and to place two 10' x 10' canopies on the Triangle.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the Emmaus Main Street Partners' request the use of Triangle Park on Saturday, December 1, 2012 from 12:00 p.m. to 7:00 p.m. for the Old Fashioned Christmas event and to place two 10' x 10' canopies on the Triangle. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee received a request from the Upper Milford Youth Association to waive the fees for the use of the fields at Klines Lane on Mondays, Thursdays, and Saturdays beginning September 6, 2012. Mr. Barrett stated that the Committee has recommended the fee waiver request because the UMYA has granted fee waivers to the EYA for its use of Jasper Field.

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**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Upper Milford Youth Association's fee waiver request for the use of the fields at Klines Lane on Mondays, Thursdays, and Saturdays beginning September 6, 2012. There were 7 ayes. Motion carried.**

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Police Officer Vincente Murante has completed his field training. She also reported that Chief Faust received a letter from Judith Leiberman thanking Officer Bastian for assisting her.

The next Committee Meeting is September 13, 2012 at 3:00 p.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee recommends adopting the Social Media Policy as part of the Personnel Policy. Mr. Pepe stated that the policy will be implemented for Borough employees, volunteers, and committee members. He also stated that the need for the policy was more of a precautionary measure.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt the Borough of Emmaus Social Media Policy. There were 7 ayes. Motion carried.**

The next Committee Meeting is September 5, 2012 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Shubzda read Resolution 2012-21, authorizing payment of the September 4, 2012, Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>220,391.48</b>
<b>Payroll #17</b>	<b>\$</b>	<b>136,728.33</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>43,264.85</u></b>
<b>Total</b>	<b>\$</b>	<b>400,384.66</b>

Done this 4th day of September 2012.

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**Motion by Holtzhafer, seconded by Mr. Shubzda to approve the September 4, 2012 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reported that the Borough will purchase natural gas through Glacial Natural Gas and will use a NYMEX Plus variable rate. Mr. Pepe explained that the result is a potential savings of \$3,000 to \$4,000 per year.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to enter into an agreement with Glacial Natural Gas with a NYMEX Plus variable rate. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reported that Centax will be going out of business and all of their work will be transferring to Berkheimer.

Mr. Holtzhafer reported that there are four vehicles that Mr. Clapper has asked for Council's approval to sell including: a 2005 Ford Explorer valued at \$1,500 with 127,000 miles needing a transmission which would cost approximately \$3,000 to fix, a 1987 Chevy 1 ton Utility Truck with large amounts of rust valued at \$995, a 1985 Chevy Pick-up with rust and a cab in poor condition valued at \$400, and a 1994 Chevy Caprice police car with 94,000 miles valued at \$994. The vehicles would be listed on Municibid. If they do not sell through Municibid, there is a Resolution which would allow the Borough to sell the vehicles without competitive bidding because the market value for the vehicles is less than \$1,000. Mr. Pepe explained that the Resolution would not include the 2005 Ford Explorer because the market value for the vehicle is more than \$1,000. He also explained that Municibid is similar to Ebay.

**Motion by Mr. Holtzhafer, seconded by to Mr. Shubzda to authorize the sale of four vehicles through Municibid. There were 7 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to adopt Resolution 2012-22. There were 7 ayes. Motion carried.**

Mrs. Gilbert reminded Council that they received a memorandum listing dates for the Meetings for Council Members to attend for budget review and a list of Council workshop dates.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Treevitalize Grant has not been closed yet. He also reported that the Committee discussed the LERTA program and its impact on the community. Mr. Brown noted that Mr. Leiberman is in the audience to answer questions. Mr. Brown explained that the program is designed for underutilized parts of the

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community, in particular, in commercial areas. Mr. Brown stated that the Committee is interested on focusing more attention on economic development. He stated that on the South Side Master Plan, there is a S. 4<sup>th</sup> Street development project proposed that would be a perfect place to start. Mr. Brown reported that the Borough has not formally spoken to the School District or County concerning LERTA. He explained that there is a fee for Mr. Leiberman's group to finish the map, draft an ordinance, and attend presentations and meetings. Dr. Waddell asked the timeline for when the Borough must decide on the program. Mr. Leiberman responded that there is a target date of January 1, 2013, but there is no legal restriction on when the program begins. Mr. Brown thanked Teryl Madison and the Main Street Partners for spearheading the LERTA program and encouraged Council to view the map of the proposed LERTA area. Mr. Labenberg stated that he believes the Borough should move forward with the concept of LERTA, but should wait until 2013. Dr. Waddell suggested that a representative of the School District and Lehigh County should be invited to the Committee Meeting on October 25, 2012. Mrs. Gilbert directed Mr. Brown to invite the Superintendent of East Penn School District to the next Committee Meeting. Mr. Barrett stated that he supports the motion because there is no fee involved with moving forward with the concept.

**Motion by Mr. Brown, seconded by Mr. Barrett to move forward with the concept of LERTA for the Borough of Emmaus. There were 7 ayes. Motion carried.**

Progress.

### h. Ad Hoc-Community/School Relations Committee

Dr. Waddell reported that there is a person of interest for the Junior Council Position.

Progress.

### PERSONAL APPEALS, PART II

A. **Anthony Groller** – 1302 S. 10<sup>th</sup> Street, Emmaus – voiced his opposition to the tractor-trailer Ordinance No. 1087 and believes the Borough is discriminating against truck drivers.

### BOROUGH MANAGER'S REPORT

Progress.

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PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 9:25 p.m. to discuss contract negotiations with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 10:35 p.m. with no official action needed.

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

The September 4, 2012 Meeting of the Emmaus Borough Council adjourned at 10:36 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 13, 2012