

September 16, 2013

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council

Agenda

Monday, September 16, 2013, 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

September 3, 2013

7. Decisions on Bids
8. Communications
  - a. Emmaus Special Entertainment Commission – Request to Increase Membership.
  - b. Michele Chasky, 5286 Bachman Road, Macungie – Request Appointment to the Special Entertainment Commission.
  - c. Vickie Gruver, Emmaus Parks & Recreation Commission – Letter of Appreciation for Community Day.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

**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 (1<sup>st</sup> Reading 8/19/13) (2<sup>nd</sup> Reading 9/16/13).**

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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 – October 3, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. South 2<sup>nd</sup> Street Reservoir
- c. South 10<sup>th</sup> Street Culvert

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

Next Meeting – September 23, 2013 at 5:00 p.m.

- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Town Hall HVAC System

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

Next Meeting – October 1, 2013 at 3:30 p.m.

- a. Green Futures Project
- b. Football Storage Building
- c. 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 – October 2, 2013 at 3:00 p.m.

- a. Emergency Operations Plan – Review

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

Next Meeting – September 18, 2013 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. HVAC System at Town Hall
- c. Sale of Properties - Appraisals
- d. Town Hall Remodeling Project
- e. **Ordinance No. 1100 – 2<sup>nd</sup> Reading 9/16/13**

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

Next Meeting – September 24, 2013 at 3:30 p.m.

- a. **Bill List—Resolution 2013-23**
- b. Health Inspection Fees
- c. **Police Pension – 2014 Minimum Municipal Obligation**
- d. **Non-Uniform Pension – 2014 Minimum Municipal Obligation**
- e. **Police Power DMS for Accreditation**

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

Next Meeting – September 25, 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 First Half of September 2013
- b. **Main Street Partners – Amended Agreement**

20. President's Business

21. Adjournment

Next Resolution #24  
Next Ordinance #1101

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**Borough of Emmaus  
Monday, September 16, 2013, 7:00 p.m.  
Emmaus Town Hall**

**Public Hearing**

1. Attendance of Council Members
  
  2. Public Hearing on Amending the Official Zoning Map to Change the Zoning Classification of 316 Wood Street to a Light Industrial District – Ordinance No. 1100.
  
  3. Solicitor Comments
  
  4. Public Comments
  
  5. Council Comments
  
  6. Adjournment
- 

A Public Hearing was held prior to the start of the Council Meeting, beginning at 7:03 p.m.

PUBLIC HEARING – ORDINANCE NO. 1100

Solicitor Dimmich explained that Ordinance No. 1100 is a map amendment for a Zoning change for a property known as 316 Wood Street, Emmaus, PA 18049. The Ordinance would amend the zoning of the property from Medium Density Residential (R-M) to Light Industrial (I-L). Solicitor Dimmich reviewed the exhibits including: Affidavit of Proof of Publication from the East Penn Press, comments from the Lehigh Valley Planning Commission, transmittal from the Department of Law in Lehigh County acknowledging the receipt of the full Ordinance, notice of the Public Hearing, and comments from the Emmaus Planning Commission. Solicitor Dimmich reviewed the process for conducting a public hearing and reminded everyone that any comments or questions concerning the Ordinance should be addressed during the public hearing.

Public Comment – None.

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**Motion by Mr. Brown, seconded by Dr. Waddell to close the Public Hearing.**

The Public Hearing concluded at 7:06 p.m.

The Emmaus Borough Council met in regular session on September 16, 2013 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 7:06 p.m.

Lee Ann Gilbert	Present
Brian Holtzhafer	Present
Michael Waddell	Present
Brent Labenberg	Absent
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

Mrs. Gilbert called for a moment of silence in memory of the former Borough of Emmaus Mayor, Barry Barto.

PERSONAL APPEALS, PART I

A. **Otto Slozer, 121 E. Elm Street** – stated that he was surprised that Mrs. Gilbert did not have a moment of silence for the victims of the attack on the United States Naval Base in Washington, DC.

B. **Sherry Meck, 1115 W. Broad Street** – voiced concern about the feral cat situation in the Borough of Emmaus. She stated that she hears howling in the middle of the night and her neighbors' lawns and gardens are being destroyed because they are being used as litter boxes. She stated that she must be careful when walking in her yard due to cat feces and is concerned about the spread of fleas and feline leukemia. She provided information about feral cats and litters. She stated that many people in her neighborhood are feeding the feral cats. She also stated that she is concerned that her neighbors will poison the cats or shoot them with BB guns. She stated that there are mandated laws for dog owners and questioned why there are no laws instituted for cats. She suggested making it illegal for individuals to abandon their cats, and not have their cats spayed or neutered. She suggested having low cost clinics available in the Borough for individuals to have their cats spayed or neutered. She suggested fining individuals for

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feeding feral cats and also suggested requiring cats to be licensed. She suggested that the Animal Control officer capture the cats, hold them for a designated period of time, and if the cats are not claimed, euthanize them. She stated that her neighbor contacted the Borough Manager about the issue and was directed to attend the Public Safety Committee Meeting on October 2, 2013 at 3:00 p.m. She stated that all of her neighbors work and are unable to attend the Meeting. Mrs. Gilbert stated that the item is on the Agenda for the Public Safety Committee Meeting and thanked Ms. Meck for her suggestions and concern.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Mr. Shubzda, seconded by Mr. Barrett to dispense with the formal reading of the September 3, 2013 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt the September 3, 2013 Minutes as drafted. There were 6 ayes. Motion carried.**

DECISION ON BIDS - None.

### COMMUNICATIONS

- a. Emmaus Special Entertainment Commission – Request to Increase Membership. Referred to the Parks and Recreation Committee.
- b. Michele Chasky, 5286 Bachman Road, Macungie – Request Appointment to the Special Entertainment Commission. Mrs. Gilbert noted that Ms. Chasky resides outside of the Borough. Mr. Holtzhafer commented that the Special Entertainment Commission currently has one spot for members outside of the Borough and the Commission is full, but the Commission is requesting to increase its membership. Mr. Barrett stated that he believes the Special Entertainment Commission should follow the same format as the Arts Commission for residents outside of the Borough. Referred to the Parks and Recreation Committee.
- c. Vicky Gruver, Emmaus Parks & Recreation Commission – Letter of appreciation for Community Day. Dr. Waddell thanked Mrs. Gruver for her hard work and effort with Community Day. He stated that he believes the event should be moved to June due to the hot weather in mid-July. He also stated if the date of the event was moved, the field could be utilized by sporting teams at the same time.
- d. Gene Clock, President Emmaus Main Street Partners – Request for monetary support in the amount of \$15,000. Referred to the Budget and Finance Committee.

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e. Lower Milford Township Police Department – Thank you to Emmaus Police Officers Blose and Schmidt.

f. Wesley Barrett – Attended the Lehigh Valley Economic Development Government Council Meeting and stated that a Power Point presentation was placed in the Council packets. He stated that the Meeting was very informative and that there is a You Tube presentation of the meeting on LVEC’s website.

BOROUGH ENGINEER’S REPORT - None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

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 (1<sup>st</sup> Reading 8/19/13) (2<sup>nd</sup> Reading 9/16/13).

**Motion by Mr. Barrett, seconded by Dr. Waddell to read Ordinance No. 1100 in short title. There were 6 ayes. Motion carried.**

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

**Motion by Mr. Barrett, seconded by Dr. Waddell to adopt 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 on its 2<sup>nd</sup> Reading. Roll Call vote: Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 6 ayes. Motion carried.**

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR’S REPORT

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the ballasts and lights have been ordered for the Emmaus Public Library lighting project and the project will begin shortly. The Public Works Department will work on Fridays as the Library is closed on Fridays.

Mr. Brown reported that the Committee discussed the 10<sup>th</sup> Street Culvert project, the Garden Plot Rental Policy, and the Tree Donation Policy.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that September 9, 2013 was the first drop-off date for the Electronics Dumpster at the Public Works Department garage located on Klines Lane. He reported that many items were dropped off and thanked the Public Works Department for making the electronics recycling a success.

The next Committee Meeting is September 23, 2013 at 5:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the next Committee Meeting is October 1, 2013 at 3:30 p.m.

Progress.

d. Public Safety Committee

The next Committee Meeting is October 2, 2013 at 3:00 p.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the next Committee Meeting is September 18, 2013 at 9:00 a. m.

Progress.



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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-23, authorizing payment of the September 16, 2013 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>260,680.79</b>
<b>Payroll #18</b>	<b>\$</b>	<b>112,857.84</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>36,873.39</u></b>
<b>Total</b>	<b>\$</b>	<b>410,412.02</b>

Done this 16th of September 2013.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the September 16, 2013 Bill List. There were 6 ayes. Motion carried.**

Mr. Holtzhafer presented the 2014 Minimum Municipal Obligation calculations for the Police Pension Plan and Non-Uniform Pension Plan.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to accept the calculation and pay the 2014 Minimum Municipal Obligation for the Borough of Emmaus Police Pension Plan. There were 6 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to accept the calculation and pay the 2014 Minimum Municipal Obligation for the Borough of Emmaus Employees' Pension Plan. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that the Pennsylvania Chiefs of Police Association and the Pennsylvania Law Enforcement Accreditation Commission have endorsed a new software module and law enforcement records management system known as Power DMS. He stated that the Commonwealth is not mandating that all departments purchase this module, but they are strongly recommending that municipalities who are accredited consider purchasing it. Mr. Holtzhafer stated that Chief Faust believes there is funding available in the 2013 Budget to purchase the software program without going over budget. Mr. Pepe stated that he has seen the software program and was very impressed with its capabilities.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize the Emmaus Police Department's purchase of Power DMS. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that he believes that the questions that were raised concerning the proposed Amended Agreement with the Emmaus Main Street Partners have been answered and he stated that he personally recommends that the Borough should enter into the Amended Agreement contingent upon Solicitor Dimmich's review.

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Solicitor Dimmich stated that he will review the Amended Agreement and recommends the Borough entering into the Agreement.

**Motion by Mr. Holtzhafer, seconded by Dr. Waddell to authorize the Borough Manager to enter into an Agreement with the Emmaus Main Street Partners and to list the Borough of Emmaus as host for the RACP Grant contingent upon Solicitor Dimmich's review. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee Meeting scheduled for Thursday, September 26, 2013 at 4:15 p.m. has been rescheduled for Wednesday, September 25, 2013 at 4:15. The Committee will discuss LERTA. Mr. Pepe will attend the Committee meeting to discuss budget issues for 2014.

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that he would like to apologize for the Emmaus Student Section's behavior at the Emmaus High School Football Game. He believes the Student Section represented Emmaus poorly. He also reported that the Emmaus High School Field Hockey team will play Parkland on Wednesday, September 18. He reported that the next theme for the Emmaus High School Football Game is camouflage and encouraged everyone who attends to wear it.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of September 2013 are in the binders and entertained questions about them.

He reported that he has received budget requests from the Department Heads and has begun holding Budget Meetings with them.

Progress.

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PRESIDENT'S BUSINESS

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

The September 16, 2013 Meeting of the Emmaus Borough Council adjourned at 7:40 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 18, 2013