

October 1, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, October 1, 2012, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
  - Emmaus Main Street Partners – Marketing Plan
6. Reading of Minutes
  - September 17, 2012
7. Decisions on Bids
8. Communications
  - a. Connie Yarema, P.O. Box 61, Emmaus – Parking concerns near Seven Generations Charter School.
  - b. Richard Zayaitz, Emmaus Main Street Partners – Request \$15,000 contribution for 2013.
  - c. Ron Eichenberg, Emmaus Main Street Partners – Funding for Marketing Program.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

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- a. **Ordinance No. 1090 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking shall be Prohibited at All times in a Certain Location on Apple Street (1<sup>st</sup> Reading 10/01/12).**
12. New Business (continued)
  - b. **Ordinance No. 1091 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking shall be Prohibited at All Times in a Certain Location on South Seventh Street (1<sup>st</sup> Reading 10/01/12).**
13. Unfinished Business, Part II
  - 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) (Deferred 9/17/12).
  - b. Ordinance No. 1088 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Sections 321, 343, 373, and 801 of Chapter 1, to include New Membership Requirements of the Arts Commission, Parks and Recreation Commission, Special Entertainment Commission, and Shade Tree Commission, as well as Meeting Frequency for the Recreation Commission (1<sup>st</sup> Reading 9/17/12) (2<sup>nd</sup> Reading 10/15/12).
14. Items Not on Agenda, Subject to Rule 9
15. Mayor's Report

Proclamation 2012–323 – Fire Prevention Week
16. Committee Reports

**Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Gilbert)**  
Next Meeting – October 4, 2012 at 3:00 p.m.

  - a. H2O Grants (electric water meters)
  - b. Rules & Regulations (update)
  - c. Home inspections/illegal hook-ups

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- d. South 2<sup>nd</sup> Street Reservoir
- e. South 10<sup>th</sup> Street Culvert
- f. South Mountain Gateway – Kevin Fister
- g. Triangle Park Damage

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

Next Meeting – October 19, 2012 at 3:45 p.m.

- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council

**Health, Sanitation, and Conservation (continued)**

- c. Board of Health
- d. 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 – October 11, 2012 at 3:00 p.m.

- a. Ordinance No. 1087 - Tractor Trailer Parking (Deferred 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
- f. **Ordinance No. 1090 – Apple Street Parking (1<sup>st</sup> Reading 10/1/12)**
- g. **Ordinance No. 1091 – South Seventh Street Parking (1<sup>st</sup> Reading 10/1/12)**

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

Next Meeting – October 3, 2012 at 9:00 a.m.

- a. Ordinance No. 1088 -Commission Residency Requirements (1<sup>st</sup> Reading 9/17/12) (2<sup>nd</sup> Reading 10/15/12)
- b. 1803 House Lot Line Adjustment
- c. **Junior Council Person**

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

Next Meeting – October 10, 2012 at 3:30 p.m.

- a. **Bill List—Resolution 2012-28**
- b. Swimming Pool Revenue and Expense
- c. Water Meter Rates for Multiple Units
- d. Policy for Receipts and Packing Slips
- e. Union Negotiations
- f. Banking and Accounts for All Borough Entities
- g. Library Funding Request

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

Next Meeting – October 25, 2012 at 4:15 p.m.

- a. Treevitalize Grant

**Community Relations, Planning and Development** (continued)

- b. LERTA
- c. West End Gateway Study

**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 September 2012**
- b. **Rifle Range Agreement**

19. President's Business

Executive Session – Contract Negotiations

20. Adjournment

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Next Resolution #29  
Next Ordinance #1092

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The Emmaus Borough Council met in regular session on October 1, 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
Nathan Brown	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Al Stirba, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS

Emmaus Main Street Partners Marketing Plan – Ron Eichenberg and Michael Sayre presented the Emmaus Main Street Partners’ Marketing Plan. Mr. Sayre explained that the plan is a three year marketing plan to market current businesses and attract new businesses into Emmaus. Mr. Sayre stated that the marketing campaign will cost approximately \$40,000 per year to implement. Mrs. Gilbert stated that the matter will be referred to the Budget and Finance Committee for its review.

READING OF MINUTES

**Motion by Dr. Waddell, seconded by Mr. Shubzda to dispense with the formal reading of the September 17, 2012 Minutes. There were 7 ayes. Motion carried.**

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**Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the September 17, 2012 Minutes as drafted. There were 6 ayes, 1 abstention (Brown). Motion carried.**

DECISION ON BIDS

Mr. Pepe reported that the bids ended on Municibid and the vehicles obtained much higher bids than was anticipated.

COMMUNICATIONS

- a. Connie Yarema – P.O. Box 61, Emmaus – Parking concerns near Seven Generations Charter School. Referred to the Public Safety Committee.
- b. Richard Zayaitz, Emmaus Main Street Partners – Request \$15,000 contribution for 2013. Referred to the Budget and Finance Committee.
- c. Ron Eichenberg, Emmaus Main Street Partners – Funding for Marketing Program. Referred to the Budget and Finance Committee.
- d. Richard Gerhart, 107 Dell Street – Request for reappointment to the Emmaus General Authority. Referred to the General Administration Committee.
- e. Aram Ecker, Ken Tomasello, Jen Motto, Lisa Carpenter – Thank you letter for Soap Box Derby.
- f. Emmaus 3.5 mile Fall Classic– Referred to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Stirba reported that Mr. Dimmich has drafted the Agreement between the Borough of Emmaus and the East Penn School District for the use of the Borough's Firearms Range. He offered to answer questions about the Agreement.

Progress.

UNFINISHED BUSINESS, PART I

NEW BUSINESS

Ordinance No. 1090 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking shall be Prohibited at All times in a Certain Location on Apple Street (1<sup>st</sup> Reading 10/01/12).

Mrs. Gilbert explained that there are problems with parking on an undeveloped area on Apple Street from Williams Street to Wenner Street, located near the Williams

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Street Playground. She explained that the Committee has been reviewing this matter since 2009 and recommends establishing a no-parking zone in that area. Mr. Labenberg stated that he believes there is a simpler solution than passing an Ordinance and suggested placing a concrete barrier in the grassy area. Dr. Waddell stated that the site needs to be clearly posted as no-parking and enforced as such. Mr. Barrett and Mr. Brown stated that the Committee has reviewed the matter in detail. Mr. Brown also stated that the no-parking signage would not be placed until 2013. Mr. Labenberg stated that he will vote against the Ordinance because he believes there are other, less expensive ways of blocking the road. Mr. Holtzhafer stated that the parking lot at Williams Street needs to be clearly defined. Mr. Barrett responded that Mr. Clapper will define the parking lot.

**Motion by Mr. Labenberg, seconded by Dr. Waddell to table Ordinance No. 1090. There were 3 ayes, 4 opposed (Brown, Holtzhafer, Barrett, Gilbert). Motion failed.**

**Motion by Mr. Barrett, seconded by Mr. Brown to read Ordinance No. 1090 in short title. There were 7 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1090 in short title.

**Motion by Mr. Barrett, seconded by Mr. Brown to adopt Ordinance No. 1090 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking shall be Prohibited at All times in a Certain Location on Apple Street on its 1<sup>st</sup> Reading. Roll call vote: Mr. Brown, aye, Mr. Shubzda, nay, Dr. Waddell, nay, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 4 ayes, 3 opposed. Motion carried.**

Ordinance No. 1091 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking shall be Prohibited at All Times in a Certain Location on South Seventh Street (1<sup>st</sup> Reading 10/01/12).

Mrs. Gilbert explained that the Ordinance amends the length of no-parking on the east side of S. Seventh Street, and creates a no-parking zone on the west side of S. Seventh Street beginning 62' south of the south curb of Chestnut Street and extending southerly for 47'.

**Motion by Mr. Barrett, seconded by Dr. Waddell to read Ordinance No. 1091 in short title. There were 7 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1091 in short title.

**Motion by Mr. Brown, seconded by Mr. Barrett to adopt Ordinance No. 1091 - An Ordinance Amending the Provisions of Chapter 15, Section 403, and**

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**Establishing that Parking shall be Prohibited at All Times in a Certain Location on South Seventh Street on its 1<sup>st</sup> Reading. Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Shubzda, aye, Dr. Waddell, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

UNFINISHED BUSINESS, PART II

Mrs. Gilbert reported that Ordinance No. 1087 was deferred. She also reported that Ordinance No. 1088 is scheduled for its 2<sup>nd</sup> Reading on October 15, 2012.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2012-13, proclaiming the week of October 7 through October 13, 2012 as Fire Prevention Week.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on Thursday, October 4, 2012 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on October 19, 2012 at 3:45 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reminded everyone that the 6<sup>th</sup> Annual KNBT Halloween in Emmaus 5K Race will be held on Saturday, October 20, 2012, with a start time of 7:00 p.m., just prior to the start of the Halloween Parade. He stated that attendance is down slightly due to the fact that Runner's World is holding a race on the same date.

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Dr. Waddell thanked the Emmaus Special Entertainment Commission for its success with the Blue Grass Festival held on September 30, 2012 at Emmaus Community Park.

The next Committee Meeting is October 2, 2012 at 3:30 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee will meet on October 11, 2012 at 3:00 p.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee has received a letter of interest for the Junior Council position from Rowan Hobson, a junior at Emmaus High School. Dr. Waddell noted that Mr. Hobson is in attendance.

**Motion by Dr. Waddell, seconded by Mr. Barrett to appoint Rowan Hobson as Junior Councilperson to the Emmaus Borough Council. There were 7 ayes. Motion carried.**

Dr. Waddell stated that Mr. Hobson will be sworn in at the October 15, 2012 Council Meeting.

Dr. Waddell reported that the Committee Meeting scheduled for October 3, 2012 has been cancelled. The next Committee Meeting is October 17, 2012.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-28, authorizing payment of the October 1, 2012, Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>436,075.41</b>
<b>Payroll #19</b>	<b>\$</b>	<b>129,732.52</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>41,442.79</u></b>
<b>Total</b>	<b>\$</b>	<b>607,250.72</b>

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## EMMAUS BOROUGH COUNCIL

Done this 17th day of September 2012.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the October 1, 2012 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reminded Council that there will be meetings with Mr. Pepe to discuss budget requests.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Emmaus Main Street Partners attended the last Committee Meeting. He also reported that he and Dr. Waddell attended a reaccreditation meeting for the Partners. Dr. Waddell reminded everyone that the Emmaus Main Street Partners are the “voice” in the community that supports businesses. He stated that it is very important to remember that the mission of the Partners is to support all businesses in the community, not just those businesses that provide financial support to the Partners. Mr. Brown stated that the Emmaus Main Street Partners have been very proactive with economic development and are accomplishing the goals the Borough set before them.

h. Ad Hoc-Community/School Relations Committee

Progress.

### PERSONAL APPEALS, PART II

**A. Anthony Groller, 1302 S. 10<sup>th</sup> Street** – stated that he believes it is important to start thinking about taxpayers and the homeowners in the community and not focusing on special interest groups. He believes that the Borough should stop giving money away.

### BOROUGH MANAGER’S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for September are in the Council binders and offered to entertain questions about it.

Mr. Pepe reported that the draft of the Agreement between the Borough of Emmaus and the East Penn School District for use of the Borough’s Rifle Range has been prepared and will be submitted to the School District for its review.

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PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:16 p.m. to discuss contract negotiations with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:00 p.m. with no official action needed.

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

The October 1, 2012 Meeting of the Emmaus Borough Council adjourned at 9:01 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
October 4, 2012