

October 7, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, October 7, 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 16, 2013

7. Decisions on Bids
8. Communications
 - a. Kelly Musselman, Emmaus High School – Annual Homecoming Parade and Bonfire Permit Fee Waiver.
 - b. Deborah Lillegard, Emmaus Lioness Lions Club – Lions “Scarf Shower” on the Triangle.
 - c. Jennifer Opdycke, Boy Scout Troop 70 – Popcorn Sales on the Triangle.
 - d. Rev. Dr. Sue Pizor Yoder, The Barn – Thank You for Assisting with Community Gardens.
 - e. Joan Schwartz, 4102 Mink Road – Resignation from the Emmaus Board of Health.
9. Borough Engineer’s Report
10. Solicitor’s Report
11. Unfinished Business, Part I
12. New Business

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Ordinance No. 1101 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 § 602.2.2A of the Emmaus Borough Code, Removing Residential Handicapped Parking Signs on the Public Street Located in Front of 201 S. 5th Street and 250 North Street Within the Borough of Emmaus (1st Reading 10/07/13).

Ordinance No. 1102 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Sections 343, 344, 373, and 801 of Chapter 1, and Amending Ordinance No. 1088 to Include New Membership Requirements of the Special Entertainment Commission, and Requiring By-Laws for All Borough Commissions Not Otherwise Governed by the Pennsylvania Borough Code (1st Reading 10/07/13)

13. Unfinished Business, Part II

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

- a. Proclamation 2013-339 *Fire Prevention Week – October 6th to 12th*
- b. Proclamation 2013-346 *Trick or Treat Night – October 31st*

16. Committee Reports

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

Next Meeting – November 7, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. South 2nd Street Reservoir
- c. South 10th Street Culvert
- d. Tree Donation Policy**
- e. Community Garden Plot Policy**

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

Next Meeting – October 28, 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
- e. Install Site Plan Review Fee for Health Officer**
- f. Increase Inspection Fees for Health Officer**

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Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – November 5, 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
- d. **Ordinance No. 1102 – Special Entertainment Commission New Membership Requirements (1st Reading)**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – November 6, 2013 at 2:00 p.m.

- a. Emergency Operations Plan – Review
- b. **Ordinance No. 1101 – Removal of Handicapped Signs (1st Reading)**
- c. **Stray Cats**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – October 16, 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

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – October 21, 2013 at 6:45 p.m.

- a. **Bill List—Resolution 2013-24**
- b. Health Inspection Fees
- c. 2014 Budget

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

Next Meeting – October 24, 2013 at 4:15 p.m.

- a. LERTA

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- 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 September 2013
 - b.
20. President’s Business
21. Adjournment

Next Resolution #25
Next Ordinance #1103

The Emmaus Borough Council met in regular session on October 7, 2013 in Borough Council Chambers, 28 S. 4th 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	Absent
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Al Stirba, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. **Ellen Dashe, 424 Ridge Street**– voiced concern about the feral cat situation in the Borough of Emmaus. She encouraged the Borough to advertise the various programs available to residents to deal with feral cats. Mrs. Gilbert stated that

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Chief Faust has prepared a three page summary that will be in the Winter Newsletter in November explaining the various programs available to Borough residents for dealing with cats and dogs.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS

Mr. Shubzda stated that the Emmaus Arts Commission will host its 8th Annual Student Horror Film Festival. The event will kick-off at Emmaus High School on Thursday, October 10, 2013 at 6:00 p.m.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Shubzda to dispense with the formal reading of the September 16, 2013 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to adopt the September 16, 2013 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

a. Kelly Musselman, Emmaus High School – Annual Homecoming Parade and Bonfire Permit Fee Waiver.

Motion by Mr. Brown, seconded by Mr. Holtzhafer to grant the East Penn School District's Open Burning Permit Fee Waiver Request for Thursday, October 10, 2013. There were 5 ayes, 1 abstention (Barrett). Motion carried.

b. Deborah Lillegard, Emmaus Lioness Lions Club – Lions “Scarf Shower” on the Triangle.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant the Emmaus Lioness Lions Club request to hold the Lions “Scarf Shower” on November 9, 2013 at Triangle Park. There were 6 ayes. Motion carried.

c. Jennifer Opdycke, Boy Scout Troop 70 – Popcorn Sales on the Triangle.

Motion by Mr. Labenberg, seconded by Mr. Barrett to grant Boy Scout Troop 70's request to sell popcorn at Triangle Park on October 13, 2013 from 2:00 p.m. to 6:00 p.m. There were 6 ayes. Motion carried.

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d. Rev. Dr. Sue Pizor Yoder, The Barn – Thank You for Assisting with Community Gardens.

e. Joan Schwartz, 4102 Mink Road – Resignation from the Emmaus Board of Health. Mrs. Gilbert directed Mr. Pepe to send a Thank You letter to Ms. Schwartz for her time served.

Motion by Mr. Shubzda, seconded by Mr. Barrett to accept Ms. Schwartz's letter of Resignation from the Emmaus Board of Health effective November, 2013. There were 6 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I - None.

NEW BUSINESS

Ordinance No. 1101 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.2A of the Emmaus Borough Code, Removing Residential Handicapped Parking Signs on the Public Street Located in Front of 201 S. 5th Street and 250 North Street Within the Borough of Emmaus (1st Reading 10/07/13).

Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1101 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1101 in short title.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt Ordinance No. 1101 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Ordinance 1099 and Chapter 15 §602.2.2A of the Emmaus Borough Code, Removing Residential Handicapped Parking Signs on the Public Street Located in Front of 201 S. 5th Street and 250 North Street Within the Borough of Emmaus on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Labenberg, Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. Motion carried.

Mrs. Gilbert directed Mr. Pepe to advertise Ordinance No. 1101 for its 2nd Reading.

Ordinance No. 1102 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Section 343, 344, 373, and 801 of

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Chapter 1, and Amending Ordinance No. 1088 to Include New Membership Requirements of the Special Entertainment Commission, and Requiring By-Laws for All Borough Commissions Not Otherwise Governed by the Pennsylvania Borough Code (1st Reading 10/07/13).

Mr. Barrett stated that the Special Entertainment Commission voiced concerns about not having enough members to assist at all of the events. He stated that the Special Entertainment Commission has requested a total of 9 members, which will include up to 2 non-residents members.

Motion by Mr. Barrett, seconded by Mr. Brown to read Ordinance No. 1102 in short title. There were 6 ayes. Motion carried.

Mr. Barrett read Ordinance No. 1102 in short title.

Mr. Labenberg questioned whether the terms of office are included in the Ordinance. Mr. Holtzhafer stated that he believes the terms of office will be included in the required By-Laws.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to adopt Ordinance No. 1102 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Section 343, 344, 373, and 801 of Chapter 1, and Amending Ordinance No. 1088 to Include New Membership Requirements of the Special Entertainment Commission, and Requiring By-Laws for All Borough Commissions Not Otherwise Governed by the Pennsylvania Borough Code on its 1st Reading. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye. Motion carried.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2013-339, proclaiming the week of October 6th through October 12th, 2013 as Fire Prevention Week.

Mayor Iobst read Proclamation 2013-346, proclaiming Thursday, October 31, 2013 as the Borough of Emmaus Trick or Treat Night.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

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Mr. Labenberg reported that the Committee met on October 3, 2013. He stated that the Committee recommends Council approve the Tree Donation Policy.

Motion by Mr. Labenberg, seconded by Mr. Brown to adopt the Tree Donation Policy. There were 6 ayes. Motion carried.

Mr. Labenberg reported that Dr. Keim has been overseeing the Community Garden since its inception. Dr. Keim will no longer be available to oversee the Garden. The Committee recommends approving the Community Garden Plot Policy which will take effect in 2014. Mr. Brown asked if the Borough will be rototilling the garden. Mr. Labenberg responded that each individual will be responsible for rototilling their plots.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to approve the Community Garden Plot Policy. There were 6 ayes. Motion carried.

Mr. Labenberg reported that the library lights project is going very smoothly and will be completed by the end of October. He reported that there is an excess of compost at the compost site and Mr. Dychala is working on having it hauled away. Mr. Labenberg reported that the water in the fountain at Triangle Park will be dyed pink for the month of October in honor of Breast Cancer Awareness. Mr. Labenberg reported that the cost of replacing the S. 10th Street Culvert is approximately \$145,000 and the item will be budgeted for in either 2014 or 2015. He also reported that the Committee will continue to review the Public Works Employees Rules and Regulations. Mr. Labenberg reported that the Committee reviewed the budget requests for the Public Works, Water, and Sewer Departments.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on September 23, 2013. He reported that there are two items required for official action. He reported that the Committee discussed fees for health inspections as well as reviewing for site plans. It was determined that the Borough Health Inspector, Garry Ritter, was reviewing site plans at no cost. The Committee recommends charging a \$100 site plan review fee beginning January 1, 2014 and to place the item on the Borough of Emmaus Fee Schedule. Mr. Labenberg asked what the Borough is currently charging for a site plan review and how many site plan reviews the Health Inspector performs in a year. Mr. Shubzda responded that the Borough does not currently charge for a site plan review and the Health Inspector performs minimal site plan reviews.

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to charge a \$100.00 site plan review fee, beginning January 1, 2014, for a site plan review by the Borough

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Health Inspector and to place the item on the Borough of Emmaus Fee Schedule. There were 6 ayes. Motion carried.

Mr. Shubzda reported that the Committee recommends increasing the Inspection Fee beginning January 1, 2014 for the Health Officer for commercial and retail inspections from \$75.00 to \$85.00. Mr. Labenberg asked the reasoning for the increase. Mr. Shubzda responded that the fee has not been increased in several years and the state had increased its fee in 2012.

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to increase the Inspection Fee beginning January 1, 2014 for the Health Officer for commercial and retail inspections from \$75.00 to \$85.00. There were 6 ayes. Motion carried.

Mr. Shubzda reported that the next Electronic Recycling date is October 14, 2013.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Halloween in Emmaus 5K race will be held prior to the Halloween Parade on October 19, 2013, with a start time of 7:00 p.m. He reported that there are over 225 registered for the race, which is considerably higher than previous years. The funds received from the race will be given to the Halloween Parade, the Parks and Recreation Commission, and the Special Entertainment Commission.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on October 2, 2013. She reported that there were approximately 30-35 individuals in the audience to discuss stray cats. Liz Jones from the Sanctuary at Haafsville, and Martha Kahan from No Nonsense Neutering were in attendance to discuss the Borough's current process with handling stray cats. Robin Shultz from the No Kill Lehigh Valley organization and Elle Reismeier, the Animal Food Bank Director were also in attendance. Mrs. Gilbert reported that the Sanctuary at Haafsville has captured and treated 28,000 cats in the Lehigh Valley since 2008. The life expectancy of a feral cat is 6 years. She stated that they give every animal a rabies shot, worm shot, and a complete medical exam before neutering and releasing them. She also stated that 98% of the cats that have been captured do not have fleas or diseases. Mrs. Gilbert stated that the meeting was very informative and that more information will be available in the Borough's Winter Newsletter. She also directed Mr. Pepe to place the information on the Borough's Website.

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Mrs. Gilbert reported that the Committee received a letter regarding a hazardous condition of cars speeding through crosswalks in the area of Macungie Avenue and Pine Street. The matter was referred to the Traffic Control Officer.

Progress.

e. General Administration Committee

Mr. Labenberg reported that the Committee met on October 2, 2013. The Committee discussed cost estimates to reseal the stamped concrete at Triangle Park. The Committee reviewed the Fair Housing Report and directed Mr. Farnsworth to respond to the report. Mr. Labenberg reported that Mr. Ray Geiger will conduct the property appraisals for approximately \$3,000, which is considerably lower than the original estimated cost. Mr. Labenberg reported that the Safety Committee conducted a safety inspection at Community Park. He reported that the Committee discussed creating a Social Media Policy for those individuals operating the official pages of the Borough, such as the Borough's website, and Facebook Page. Mr. Labenberg also reported that the Committee reviewed budget requests. Mr. Barrett clarified that the Committee met on September 18, 2013. The Committee Meeting minutes were prepared on October 2, 2013.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-24, authorizing payment of the October 7, 2013 Bill List, as follows:

Bill List	\$	765,131.56
Payroll #19 & #20	\$	229,972.42
Payroll Taxes	\$	<u>76,910.75</u>
Total	\$	1,072,014.73

Done this 7th of October.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the October 7, 2013 Bill List. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met on September 25, 2013. The Committee discussed LERTA and suggested several zoning changes in the Borough. He also reported that the Committee reviewed budgeted items and discussed a Tree

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Vitalize Grant and Streetscape Project Grant. Both grants are matching grants. Mr. Brown stated that he has attended monthly meetings with two members of the Planning Commission concerning the Southwestern Lehigh County Comprehensive Plan. The Borough is mandated to have a Comprehensive Plan every 10 years. The Borough's current plan will expire at the end of 2015. The Borough has joined with 6 municipalities to create a joint plan. The plan is going to cost between \$6,000 and \$10,000 next year for the Borough to be part of the update. Mr. Brown reported that the Committee is recommending adding a \$5,000 line item for the Emmaus Main Street Partners, with the stipulation that the funds be spent on a very specific purpose and not general operating expenses. Mr. Labenberg asked if there was a vote on the recommendation. Mr. Brown responded that there was not. Mr. Holtzhafer asked how much the Main Street Partners will receive in revenue from the 187-191 Main Street building. Mr. Pepe responded that it will be approximately \$600 per month.

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that the week of October 7-11 is Homecoming Week at Emmaus High School. He reported that there are many activities scheduled for the week. He also reported that the Powder Puff Football game will be played on Tuesday, October 8, 2013 at 6:00 p.m. He encouraged everyone to attend the game.

Progress.

PERSONAL APPEALS, PART II

A. Roy Anders, 349 S. 2nd Street – stated that he is the Emmaus Youth Association's girls' softball coordinator and announced that October 26, 2013 will be the 2nd Annual coach's fundraiser for Cancer event. The event will be held at the Williams Street and Kiwanis Fields from 9:00 a.m. to 5:00 p.m. He stated that last year the event raised \$1,000 and all proceeds are given towards cancer research.

BOROUGH MANAGER'S REPORT

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

Mr. Pepe thanked the Public Works Department for performing an emergency repair on the bridge at Dalton Street. He stated that Mr. Dychala received an emergency cost estimate for the repair on the bridge in the amount of approximately \$15,000. The Public Works Department performed the work and the cost of the repair was \$1,500, which saved the Borough approximately \$14,000. He also thanked the Public Works Department for repairing a head gasket on a police vehicle, which saved the Borough

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\$5,000. He stated that in the past 30 days, the Public Works Department has saved the Borough taxpayers approximately \$20,000. He thanked Mr. Dychala and the Public Works Department for their efforts, hard work, and leadership. Mrs. Gilbert thanked the Public Works Department and stated that the Dalton Street repair was completed in two days.

Progress.

PRESIDENT'S BUSINESS

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

The October 7, 2013 Meeting of the Emmaus Borough Council adjourned at 7:55 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
October 10, 2013