

October 15, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, October 15, 2012, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations

Mayor Winfield Iobst will administer the Oath of Office to:

Rowan Hobson, Junior Councilman

6. Reading of Minutes

October 1, 2012

7. Decisions on Bids

2012 Sewer Inspection and Rehabilitation Project

8. Communications

- a. James Martin, Office of the District Attorney – Letters requesting funding for 2013 Child Abuse Investigator and Municipal Emergency Response Team.
- b. John Stover, Jr., 537 Chestnut Street – Request reappointment to the Emmaus Vacancy Board (term expires 1/1/2013).
- c. Thomas Seidenberger, East Penn School District Superintendent – Request waiver for Open Burning Permit fee.
- d. Judith Lieberman, 333 Ridge Street, Apt. 515 – Request appointment to the Board of Health.
- e. Attorney John Ashcraft, III, 20 N. 5<sup>th</sup> Street – Emmaus Historical Society's development plans for a building site on Library property.
- f. Ronald Gilbert, Sr., 20 E. Greenleaf Street – Request reappointment to the Zoning Hearing Board (term expires 1/1/2013).

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- g. Tim Young, 816 Chestnut Street – Permission to hold pig roast at Moser Pavilion.
  - h. Ronald Madison, Senior Project Manager, Rettew – Emmaus Public Library FEMA Floodplain Map Revision Proposal.
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) (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).**
12. New Business
- a. Library application fee waiver request.**
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 – November 1, 2012 at 3:00 p.m.
- a. Rules & Regulations (update)

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- b. Home Inspections/Illegal Hook-ups
- c. South 2<sup>nd</sup> Street Reservoir
- d. South 10<sup>th</sup> Street Culvert
- e. South Mountain Gateway – Kevin Fister
- f. 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
- c. Board of Health
- d. Cintas

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

Next Meeting – November 6, 2012 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project
- c. **Girl Scouts Pavilion Fee Waiver Request**
- d. **Resolution No. 2012-29 – 2013 Field Rental Fees**

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

Next Meeting – November 8, 2012 at 3:00 p.m.

- a. Ordinance No. 1087 - Tractor Trailer Parking
- 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 (2<sup>nd</sup> Reading 11/5/12)
- g. Ordinance No. 1091 – South Seventh Street Parking (2<sup>nd</sup> Reading 11/5/12)
- h. **Emmaus Fall Classic 3.5 Mile Race – November 18, 2012**

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

Next Meeting – October 17, 2012 at 9:00 a.m.

- a. **Ordinance No. 1088 - Commission Residency Requirements (2<sup>nd</sup> Reading 10/15/12)**
- b. 1803 House Lot Line Adjustment

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**c. Junior Councilman Swearing In**

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

Next Meeting – October 17, 2012 at 3:30 p.m.

- a. **Bill List—Resolution 2012-30**
- 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
- 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 First Half of October 2012**

19. President's Business

Executive Session – Contract Negotiations

20. Adjournment

Next Resolution #31  
Next Ordinance #1092

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## EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on October 15, 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
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

### COMMUNITY MINUTE

Dr. Waddell stated that the Student Horror Film Collection took place earlier in the evening. The Emmaus Arts Commission is expecting that between 25 and 30 films will be submitted. The presentation of the films will take place at the Emmaus Theatre on Sunday, October 28, 2012 at 2:00 p.m. Dr. Waddell thanked Mr. Shubzda and the Emmaus Arts Commission for its hard work for the event.

### SPECIAL PRESENTATIONS

Mayor Iobst administered the Oath of Office to Junior Council Member, Rowan Hobson. Dr. Waddell thanked Rowan for volunteering for the position and for representing the students in the East Penn School District.

Ronald Madison, Senior Project Manager, RETTEW Consulting, on behalf of the Emmaus Library, presented plans for a proposed addition of a children's wing at the Emmaus Public Library. He introduced Krista Pegnetter, President of the Library Board and Frances Larish, Librarian, who were also present. He explained that the library is currently located within the floodplain, which creates multiple obstacles and roadblocks, but disputes that the location is truly in a floodplain. He stated that the Planning Commission recommends that the SALDO fees be waived. Dr. Waddell asked if there

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was formal approval given by Borough Council to move forward with the addition. Mr. Madison responded that he does not believe that the Library Board requested formal approval from Council, but it will ultimately have the right to approve or disapprove the land development plan. Francis Larish, Librarian, explained that the reason for the expansion is to make the library more people friendly. She also explained that there would not be any additional staff needed. Mr. Holtzhafer asked for clarification on the owner of the library. Mrs. Larish responded that she believes the Borough would own the land, but the Library would own the building. The item was referred to the General Administration Committee.

Attorney John Zettlemyer spoke on behalf of the Emmaus Historical Society. Attorney Zettlemyer presented Pat Zentner, President of the Society, Gerianne Keiser, Society Board Member, and Stuart Cox, Building and Grounds Committee. He explained that the Society is interested in building a one-story museum in front of the gateway sign located at the Emmaus Public Library. Mr. Labenberg asked how the project would be funded. Attorney Zettlemyer responded that the Historical Society would apply and qualify for a mortgage. Mr. Brown asked if the Society researched utilizing a pre-existing location. Attorney Zettlemyer responded that it has, but it is much more difficult to build a museum using a pre-existing location.

Dr. Waddell invited Mr. Madison, the Library Board, and the Historical Society to the General Administration Committee Meeting on Wednesday, October 17, 2012 at 9:00 a.m. Mrs. Gilbert referred the item to the General Administration Committee.

### READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the October 1, 2012 Minutes. There were 7 ayes. Motion carried.**

**Motion by Barrett, seconded by Mr. Labenberg to adopt the October 1, 2012 Minutes as drafted. There were 7 ayes. Motion carried.**

### DECISION ON BIDS

Mr. Pepe reported that Hanover Engineering has prepared a Bid Tabulation and recommends awarding the 2012 Sanitary Sewer Inspection and Rehabilitation Project to Mr. Rehab, Inc. of Mechanicsburg, PA, with a total bid of \$60,495.05. Mrs. Gilbert asked if the bids that were received were under budget. Mr. Pepe responded that the low bidder was under budget. Mr. Labenberg asked what the budgeted amount for the project was. Mr. Pepe responded that he will supply Mr. Labenberg with that information.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to award the 2012 Sanitary Sewer Inspection and Rehabilitation Project to Mr. Rehab, Inc. of**

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**Mechanicsburg, PA in the amount of \$60,495.05. There were 7 ayes. Motion carried.**

COMMUNICATIONS

a. James Martin, Office of the District Attorney – Letters requesting funding for the 2013 Child Abuse Investigator and Municipal Emergency Response Team. Referred to the Budget and Finance Committee.

b. Attorney John Stover, Jr., 537 Chestnut Street – Request reappointment to the Emmaus Vacancy Board (term expires 1/1/2013). Referred to the General Administration Committee.

c. Thomas Seidenberger, East Penn School District Superintendent – Request waiver for Open Burning Permit fee. Mrs. Gilbert stated that the fee is historically waived.

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to grant the East Penn School District's Open Burning Permit Fee Waiver Request for Thursday, October 18, 2012. There were 6 ayes, 1 abstention (Barrett). Motion carried.**

d. Judith Lieberman, 333 Ridge Street, Apt. 515 – Request appointment to the Board of Health. Mrs. Gilbert stated that there is not currently an opening on the Board of Health and referred the item to the Health, Sanitation, and Conservation Committee for future consideration.

e. Attorney John Ashcraft, III, 20 N. 5<sup>th</sup> Street – Emmaus Historical Society's development plans for a building site on Library property. Referred to the General Administration Committee.

f. Ronald Gilbert, Sr., 20 E. Greenleaf Street – Request reappointment as an alternate to the Zoning Hearing Board (term expires 1/1/2013). Referred to the General Administration Committee.

g. Tim Young, 816 Chestnut Street – Permission to hold pig roast at Moser Pavilion on Saturday, October 27, 2012. Mr. Barrett stated that he believes the park is closed starting October 1, 2012. Mr. Pepe responded that he will research the matter.

**Motion by Mr. Labenberg, seconded by Mr. Brown to grant Mr. Young's request to rent Moser Pavilion and hold a pig roast on Saturday, October 27, 2012, contingent upon the Emmaus Community Park not being closed for the season and Mr. Clapper's approval. There were 7 ayes. Motion carried.**

h. Ronald Madison, Senior Project Manager, Rettew Consulting– Emmaus Public Library – FEMA Floodplain Map Revision Proposal. Referred to the General Administration Committee.

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i. James Martin, Office of the District Attorney – Letter of thanks to the Emmaus Police Department for its help during an incident that occurred on September 14, 2012 at Parkland High School.

BOROUGH ENGINEER'S REPORT - None.

### SOLICITOR'S REPORT

Solicitor Dimmich reported that he has been working with the East Penn School District for the use of the Emmaus Police Department Rifle Range and the Agreement will be completed shortly.

### UNFINISHED BUSINESS, PART I

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).

Mrs. Gilbert reported that there is no action needed on Ordinance No. 1087.

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, and Special Entertainment Commission, as well as Meeting Frequency for the Recreation Commission, and length of term for the Arts Commission. (1<sup>st</sup> Reading 9/17/12) (2<sup>nd</sup> Reading 10/15/12).

Dr. Waddell explained that the initial term of office for the Arts Commission is three years, and after that the term becomes five years. He stated that it was suggested to him that five years is too lengthy and does not encourage individuals to become members. He also stated that the Ordinance has been revised to reflect a change of term from five years to three years for the Arts Commission. He explained that the Ordinance allows non-Borough residents to become members of the Commission. He further explained that the change does not apply to the Shade Tree Commission. Shade Tree Commission members must be residents of the Borough and the Ordinance has been revised to reflect this. He explained that another change in the Ordinance is the requirement of a monthly meeting for the Emmaus Parks and Recreation Commission. The Commission would be required to meet four times per year instead of monthly. Solicitor Dimmich explained that if a Commission has staggered terms, an individual can only be removed if there is cause. If there are fixed terms, an individual can be removed at any time. Mr. Barrett asked



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Solicitor Dimmich for clarification of a staggered term to which Solicitor Dimmich responded.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to read Ordinance No. 1088 in short title. There were 7 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1088 in short title.

**Motion by Mr. Labenberg, seconded by Dr. Waddell to adopt 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, and Special Entertainment Commission, as well as Meeting Frequency for the Recreation Commission, and length of term for the Arts Commission on its 2<sup>nd</sup> 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

Mrs. Gilbert stated that the Emmaus Public Library is asking Borough Council's approval to waive all SALDO fees for the proposed library addition. Mrs. Gilbert referred the item to the General Administration Committee.

UNFINISHED BUSINESS, PART II – None.

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

### MAYOR'S REPORT

Mayor Iobst encouraged all Council Members to have fun at the Halloween Parade on Saturday, October 20, 2012 at 7:30 p.m.

Progress.

### COMMITTEE REPORTS

#### a. Public Works Committee

Mr. Labenberg reported that the Committee met on Thursday, October 4, 2012 at 3:00 p.m. He stated that Mr. Clapper obtained a sample of an item that can be used at the Triangle as a deterrent to skateboarders. Mr. Clapper estimates that the Borough would need to purchase 70 pieces and that the cost of each piece would be approximately \$15-17

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each. Mr. Clapper believes that the Public Works Department can make the deterrents and will provide a sample shortly.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on October 19, 2012 at 3:45 p.m. He asked Mr. Pepe for the status of a request he made for the Compost Site. Mr. Pepe responded that the information will be complete for the Committee Meeting.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee recommends denying a request by the Girl Scouts to waive the fee for the Arts Pavilion on May 20, 2013. Mr. Shubzda asked if the Committee discussed offering the pavilion at a lower rental fee. Mr. Barrett responded that the Girl Scouts have been offered other options. Mr. Pepe responded that historically there have been 5 fee waiver requests and the fee has been waived 3 of the 5 times. Mr. Barrett thanked Kathy Yaindl for generating a list of prior fee waiver requests and stated that the list makes it much easier to reference to make informed, consistent decisions.

Resolution 2012 – 29 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Confirming and Establishing a Schedule of Fees for Usage of Baseball, Softball, and Multipurpose Fields in 2013. Mr. Barrett reported that the Committee authorized Mr. Pepe to draft a Resolution creating fee changes for usage of athletic fields. The changes will be effective January 1, 2013. The Committee feels that it is necessary to adopt the Resolution immediately to allow the Parks and Recreation Commission adequate time to notify organizations of the changes. Mr. Barrett read the rental fee changes. Dr. Waddell asked if the fee increases are comparable with other municipalities and voiced concern about the increases. Mr. Barrett responded that the fee increases are comparable and will have a greater effect on organizations outside of the Borough.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt Resolution 2012-29, effective January 1, 2013. There were 7 ayes. Motion carried.**

Mr. Barrett reported that Tim Dooner, Faith Presbyterian Church of Emmaus, attended the Committee Meeting and discussed ideas concerning a piece of open space

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located at the church. Committee members suggested a T-Ball field, walking trail, a dog park, and a pocket park.

Mr. Barrett reported that the results of the Emmaus Community Pool Survey have been received and a report will be presented at a future date.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on October 11, 2012. She reported that there were several Personal Appeals concerning changing the direction of Bank Street from East to West. The residents were opposed to changing the direction of travel. She stated that the Committee will continue to look at other options.

Mrs. Gilbert reported that the crosswalk at Seven Generations Charter School has been painted. She reported that the Committee is continuing discussion on the 24-Hour Municipal Parking Lot Ordinance and the parking inventory.

Mrs. Gilbert reported that the Committee recommends granting the ROC Social Club/Run Lehigh Valley request for the Emmaus Fall Classic 3.5 Mile Race event to be held on November 18, 2012, contingent upon the Borough receiving a donation from the organization. Mrs. Gilbert stated that historically the organization has made a donation.

**Motion by Mr. Barrett, seconded by Mr. Brown to grant the ROC Social Club/Run Lehigh Valley request to hold the Emmaus Fall Classic 3.5 Mile Race on November 18, 2012, contingent upon the Borough receiving a donation from the organization. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that the Commission held a lengthy discussion regarding the proposed Tractor Trailer Ordinance. She stated that she asked Committee members to examine the "upper dump" above Klins Lane as a possible place where tractors (without trailers) could park, as permit parking. Mr. Pepe will address the matter with Mr. Clapper. Mr. Pepe will research fee prices by other companies. The Committee is still considering the ban on tractor trailer parking and may include recreational vehicles and larger trucks.

Mr. Shubzda asked when the 2<sup>nd</sup> Reading for the S. 7<sup>th</sup> Street Ordinance will be held. Mrs. Gilbert responded that the 2<sup>nd</sup> Reading is scheduled for November 5, 2012.

Progress.

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e. General Administration Committee

Dr. Waddell reported that the next Committee Meeting is October 17, 2012 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-30, authorizing payment of the October 15, 2012, Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>294,243.88</b>
<b>Payroll #20</b>	<b>\$</b>	<b>108,479.05</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>35,038.32</u></b>
<b>Total</b>	<b>\$</b>	<b>437,761.25</b>

Done this 15<sup>th</sup> day of October 2012.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the October 15, 2012 Bill List. There were 7 ayes. Motion carried.**

Mr. Labenberg questioned the police car purchase on the Committee Report and asked if the purchase being funded was for the vehicle that was already purchased. Mr. Holtzhafer responded that it is for a second car. Mr. Labenberg asked if the item was brought before Full Council. Mr. Holtzhafer responded that it was not and explained that the item was on the Wish List, which was sent to General Authority, and Council approved the Wish List. Mr. Labenberg stated that he believed that the Wish List was approving a vehicle that was already purchased, not an additional vehicle. Mr. Holtzhafer stated that the Budget and Finance Committee authorized Chief Faust to purchase the police car funded from the General Authority. Mr. Brown asked if it is possible to ask the General Authority if the car can be purchased in 2013. Mr. Holtzhafer responded that the General Authority has approved the purchase for 2012 and he does not understand the benefit of waiting until 2013. Mr. Brown responded that if the Police Department waits until January 1 to purchase the vehicle, they will have more vehicles to choose from. Mrs. Gilbert responded that after January 1, 2013, the cost of the vehicles will increase by 10% and she does not believe the General Authority will approve the increase.

Mrs. Gilbert stated that Mr. Pepe prepared budget binders for all members of the Budget and Finance Committee and asked each councilmember to decide if they would like a budget binder prepared for them. Mr. Labenberg, Mr. Barrett, Mr. Brown, Dr. Waddell, and Mayor Iobst responded that they would.

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Progress.

- g. Community Relations, Planning and Development Committee

The next Meeting is October 25, 2012.

Progress.

- h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1<sup>st</sup> half of October are in the Council binders and offered to entertain questions about it.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:26 p.m. to discuss contract negotiations with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:10 p.m. with no official action needed.

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

The October 15, 2012 Meeting of the Emmaus Borough Council adjourned at 9:11 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
October 22, 2012