

November 4, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, November 4, 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

October 21, 2013

7. Decisions on Bids
8. Communications
 - a. Vickie Gruver, 672 Chestnut Street – Letter of Resignation from the Parks and Recreation Commission (term expires 5/1/2015).
 - b. Jeannette Lehman, 414 Cherokee Street – Request Reappointment to the Emmaus Library Board (term expires 1/1/2014).
 - c. Frances Larash, Emmaus Public Library – Letter of Thanks to those involved with the Lighting Retrofit Project.
 - d. William Huber, Jr., Civil Service Commission – Certified List of Police Officer Candidates.
 - e. Attorney John Stover, Jr., 537 Chestnut Street – Lease/Purchase Portion of Emmaus Community Gardens.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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

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**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) (2nd Reading 11/4/13).**

11. Unfinished Business, Part I (continued)

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) (2nd Reading 11/4/13).

12. New Business

Ordinance No. 1103 – An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements (1st Reading 11/4/13).

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 7, 2013 at 3:00 p.m.

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

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

Next Meeting – November 25, 2013 at 5:00 p.m.

- a. Compost Options

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- 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 – December 3, 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 (2nd Reading 11/4/13)**

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 (2nd Reading 11/4/13)**
- c. **Appoint Stacey Spehalski as a Volunteer to the Ambulance Corps.**
- d. **Ordinance No. 1103 – Emmaus Fire Department Organization (1st Reading 11/4/13)**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – November 13, 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 – (Budget Workshop) November 12, 2013 at 4:00 p.m.

- a. **Bill List—Resolution 2013-27**
- b. 2014 Budget

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c. **EPEMFA Storage Building at Community Park Lease**

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

Next Meeting – December 17, 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 October, 2013
- b. **Resolution 2013-28 – Formal Application for RACP Grant**

20. President's Business

Executive Session

21. Adjournment

Next Resolution #29
Next Ordinance #1104

The Emmaus Borough Council met in regular session on November 4, 2013 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Holtzhafer called the Meeting to order at 7:00 p.m.

| | |
|------------------|--------------------------------|
| Lee Ann Gilbert | Present |
| Brian Holtzhafer | Present |
| Michael Waddell | Present |
| Brent Labenberg | Present – Arrived at 7:24 p.m. |
| Wesley Barrett | Present |
| Nathan Brown | Present |

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| Jeffrey Shubzda | Present |
| Rowan Hobson, Junior Councilman | Present |
| Winfield Iobst, Mayor | Absent |
| Jeffrey Dimmich, Solicitor | Present |
| Shane Pepe, Borough Manager | Present |

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE

Dr. Waddell thanked Mr. Shubzda and the Arts Commission for the success of the Student Horror Film Festival. He stated that there were over 170 students involved and that films were submitted by 34 teams. Mr. Holtzhafer stated that one of his former students won and he was impressed by the quality of the work that was produced. Dr. Waddell thanked Alan Brown for the use of the Emmaus Theatre.

Mr. Brown stated that according to Brian Miller of the Upper Milford and Borough of Emmaus Joint Environmental Advisory Council (EAC), the Borough of Emmaus has two vacancies on the Council. Mr. Brown encouraged anyone within the Borough that is interested in volunteering for the EAC to submit a Board and Commission Volunteer Information Sheet or to visit Town Hall for more information.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Shubzda to dispense with the formal reading of the October 21, 2013 Minutes. There were 5 ayes. Motion carried.

Motion by Dr. Waddell, seconded by Mr. Brown to adopt the October 21, 2013 Minutes as drafted. There were 5 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Vickie Gruver, 672 Chestnut Street – Letter of Resignation from the Parks and Recreation Commission (term expires 5/1/2015). Mr. Barrett thanked Ms. Gruver for all her hard work and dedication to the Commission and for streamlining the Field Scheduling system. Mr. Holtzhafer thanked Ms. Gruver for her dedication to the community and Community Days and directed Mr. Pepe to send Ms. Gruver a letter of thanks for her service.

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Motion by Mr. Barrett, seconded by Mr. Brown to accept Ms. Gruver's Letter of Resignation from the Borough of Emmaus Parks and Recreation Commission. There were 5 ayes. Motion carried.

b. Jeanette Lehman, 414 Cherokee Street – Request Reappointment to the Emmaus Library Board (term expires 1/1/2014). Referred to the General Administration Committee.

c. Frances Larash, Emmaus Public Library – Letter of Thanks to those involved with the Lighting Retrofit Project.

d. William Huber, Jr., Civil Service Commission – Certified List of Police Officer Candidates. Referred to the Public Safety Committee.

e. Attorney John Stover, Jr., 537 Chestnut Street – Lease/Purchase Portion of Emmaus Community Gardens. Referred to the General Administration Committee.

f. Alan Jennings, Executive Director, Community Action Committee of the Lehigh Valley (CACLV) – Request for Monetary Donation. Referred to the Budget and Finance Committee.

g. Lehigh Valley Planning Commission – Request funds for Southwestern Lehigh Comprehensive Plan Grant Application. Referred to the Budget and Finance Committee.

h. Laura Zulliger, NerdWallet, consumer advocacy website – Email listing the Borough of Emmaus as the #6 best city in Pennsylvania to raise a family according to NerdWallet. Mr. Holtzhafer stated that a Press Release is forthcoming.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress

UNFINISHED BUSINESS, PART I

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) (2nd Reading 11/4/13).

Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1101 in short title. There were 5 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1101 in short title.

Motion by Mr. Brown, 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

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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 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Barrett, aye; Mr. Holtzhafer, aye. There were 5 ayes. Motion carried.

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 (1st Reading 10/07/13) (2nd Reading 11/4/13).

Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1102 in short title. There were 5 ayes. Motion carried.

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

Motion by Mr. Brown, seconded by Dr. Waddell 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 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Barrett, aye; Mr. Holtzhafer, aye. There were 5 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1103 – An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements (1st Reading 11/4/13).

Motion by Mr. Barrett, seconded by Mr. Brown to read Ordinance No. 1103 in short title. There were 5 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1103 in short title.

Mr. Brown questioned Page 4, D. Borough Funding, #2, “If lawful, Council may set the financial donation for a period of two consecutive years.” He asked other members of Council for their opinion on the sentence. Mr. Holtzhafer responded that the wording does not appear to be binding. Mr. Barrett stated that the Public Safety Committee questioned this statement and asked whether Council wants this statement to

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remain in the Ordinance. Solicitor Dimmich responded that he believes the statement was placed in the Ordinance at the Fire Department's request. Mr. Barrett stated that he believes removing the sentence will cause less tension with the Fire Department. Mr. Brown stated that the Public Safety Committee has worked very diligently on the Ordinance for many hours and believes it is in the best interest of the volunteer Fire Department to remove the sentence.

Motion by Dr. Waddell, seconded by Mr. Brown to adopt Ordinance No. 1103 - An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements on its 1st Reading. Roll call vote: Mr. Brown, nay; Mr. Shubzda, nay; Dr. Waddell, aye; Mr. Holtzhafer, aye; Mr. Barrett, nay. There were 2 ayes, 3 opposed. Motion failed.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt Ordinance No. 1103, An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements on its 1st Reading by amending Page 4, D. Borough Funding, #2, "If lawful, Council may set the financial donation for a period of two consecutive years." Roll call vote: Mr. Barrett, aye; Mr. Holtzhafer, aye; Dr. Waddell, aye; Mr. Brown, aye; Mr. Labenberg, aye. There were 6 ayes. Motion carried.

Mr. Holtzhafer stated that the 2nd Reading of Ordinance No. 1103 will be on December 2, 2013. Mrs. Gilbert thanked the Public Safety Committee, Mr. Pepe, the Solicitor's office, and the members of the Fire Department for spending hours drafting the Ordinance.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mrs. Gilbert reported that the Emmaus Police Department participated in the National Prescription Drug Take Back day on October 26, 2013. The Emmaus Police Department collected 195 lbs. of prescription and non-prescription drugs. The Borough finished 2nd behind the City of Allentown for the amount of drugs collected.

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is November 7, 2013 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee Meeting is November 25, 2013 at 5:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Parks and Recreation Committee Meeting scheduled for November 5, 2013 will be rescheduled due to Election Day.

Progress.

d. Public Safety Committee

Mr. Brown reported that Chief Nonnemacher and Mr. Pepe recommend appointing Stacey Spehalski as a Borough of Emmaus Ambulance Corps EMT volunteer.

Motion by Mr. Brown, seconded by Mr. Labenberg to appoint Stacey Spehalski as a Borough of Emmaus Ambulance Corps EMT volunteer. There were 6 ayes. Motion carried.

The next Committee Meeting is Wednesday, November 6, 2013 at 2:00 p.m.

Mrs. Gilbert reported that next week, the Public Safety Committee will begin interviewing the candidates for the Emmaus Police Department opening. Solicitor Dimmich asked if the Solicitor is needed at the interviews and stated that the Solicitor's office has a list of questions for the interview process. Mrs. Gilbert directed Solicitor Dimmich to forward the list of questions to Mr. Pepe.

Progress.

e. General Administration Committee

The next Committee Meeting is Wednesday, November 13, 2013 at 9:00 a.m.

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Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-27, authorizing payment of the November 4, 2013 Bill List, as follows:

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| Bill List | \$ | 259,500.38 |
| Payroll #22 | \$ | 106,114.05 |
| Payroll Taxes | \$ | <u>35,691.98</u> |
| Total | \$ | 401,306.41 |

Done this 4th of November 2013.

Motion by Mr. Shubzda, seconded by Dr. Waddell to approve the November 4, 2013 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Lease Agreement between the Borough of Emmaus and the East Penn Midget Football Association (EPEMFA) for the storage building located on the Emmaus Community Multi-Purpose Field has been modified to reflect a change in the amount of liability insurance coverage required.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to authorize Mr. Pepe to proceed with the Lease Agreement between the Borough of Emmaus and the East Penn Midget Football Association (EPEMFA) for the storage building located on the Emmaus Community Park Multi-Purpose Field. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Southwestern Lehigh County Comprehensive Plan Partners Meeting was held on Monday, October 28, 2013, at 7:00 p.m. in Council Chambers. The Borough of Emmaus hosted the program with six municipalities present. The Lehigh Valley Planning Commission will conduct the Comprehensive Plan for 2015. He stated that the Plan will cost approximately \$70,000 to conduct as a team with the six municipalities. He also stated that there is a DCED Grant available for \$20,000. He stated that the Plan would cost the Borough over \$70,000 to conduct individually.

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h. Junior Council Member's Report

Mr. Hobson reported that the Emmaus High School Drama Club will present the play "Pride and Prejudice" on November 7, 8, and 9th at 7:00 p.m. in the High School Auditorium. He also reported that the girls Field Hockey Team just won its 25th straight district title and will play Tuesday, November 5, 2013 at the Whitehall field at 7:00 p.m.

Progress.

PERSONAL APPEALS, PART II

A. Susan Pierog, 3802 Churchview Road, Emmaus, PA – stated that her husband Chris is a Public Works employee. She proposed that next October, the 17 Public Works employees wear a pink shirt with the Public Works Logo on the front and a pink ribbon on the back in recognition of Breast Cancer Awareness. She suggested that they wear the shirts on Fridays. She stated that she is willing to help raise the money for the shirts. Referred to the Public Works Committee.

BOROUGH MANAGER'S REPORT

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

Mr. Pepe explained that Resolution 2013-28 is a Resolution that is required to adopt to obtain the grant money for the redevelopment project at 187-191 Main Street.

Motion by Dr. Waddell, seconded by Mr. Brown to authorize Mr. Pepe to adopt Resolution 2013-28 – A Resolution Authorizing the Formal Submission of a Redevelopment Assistance Capital Project Grant Application to the Commonwealth of PA. There were 6 ayes. Motion carried.

Progress.

PRESIDENT'S BUSINESS

Mr. Holtzhafer recessed for an Executive Session at 7:39 p.m. to discuss a legal matter with no official action anticipated.

Mr. Holtzhafer reconvened the meeting at 8:17 p.m. with no official action required.

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

The October 21, 2013 Meeting of the Emmaus Borough Council adjourned at 8:18 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 7, 2013