

November 5, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, November 5, 2012, 7:00 PM**

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

6. Reading of Minutes

October 15, 2012

7. Decisions on Bids

8. Communications

- a. Reds Bailey, 119 E. Berger Street – Request reappointment to the Emmaus Shade Tree Commission (term expires 1/1/2013).
- b. Darryl Wentz, 605 Cherokee Street – Letter of resignation from the Zoning Hearing Board (term expires 1/1/2013).
- c. Deb Walsh, Physical Therapy at St. Lukes, 518 Chestnut Street – Pedestrian Sign at 5th & Chestnut Streets

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 (1st Reading 8/20/12) (2nd Reading 9/17/12) (Deferred 9/17/12).

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- b. 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 (1st Reading 10/01/12) (2nd Reading 11/5/12).**

- 11. Unfinished Business, Part I (continued)
 - c. 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 (1st Reading 10/01/12) (2nd Reading 11/5/12).**

- 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 – December 6, 2012 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. Home Inspections/Illegal Hook-ups
- c. South 2nd Street Reservoir
- d. South 10th Street Culvert
- e. South Mountain Gateway – Kevin Fister
- f. Triangle Park Damage

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

Next Meeting – November 16, 2012 at 3:45 p.m.

- a. Compost Options
- b. Emmaus and Upper Milford Joint Environmental Advisory Council
- c. Board of Health
- d. Cintas

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- e. **Compost Site Fees / Refuse Bill**
- f. **Compost Site Fees / Commercial Permit**

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

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 (2nd Reading 11/5/12)**
- g. **Ordinance No. 1091 – South Seventh Street Parking (2nd Reading 11/5/12)**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – November 14, 2012 at 9:00 a.m.

- a. 1803 House Lot Line Adjustment
- b. **Property Maintenance of Structure - 402 Broad St.**
- c. **Emmaus Public Library Expansion Project**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – November 7, 2012 at 7:00 p.m.

- a. **Bill List—Resolution 2012-31**
- 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. **Budget Requests from 3rd Parties**

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

Next Meeting – To be determined.

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- a. Treevitalize Grant
- b. LERTA
- c. **Keystone Communities Program**

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 October 2012**

19. President's Business

Executive Session – Contract Negotiations

20. Adjournment

Next Resolution #32
Next Ordinance #1092

The Emmaus Borough Council met in regular session on November 5, 2012 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	Present – Arrived at 7:13 p.m.
Brent Labenberg	Present – Arrived at 7:44 p.m.
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present

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

PERSONAL APPEALS, PART I

A. Mike Aldiger, 545 Furnace Street – stated that he volunteers his time to the residents of the Borough helping with Hurricane Sandy clean up and was told he needs to obtain a Commercial Compost Permit to use the Compost Site. He does not believe he needs one because he does not own a business or charge residents for helping them. He believes that he is being followed through the Borough and believes he will be told that he will not be allowed to use the Compost Site. Mr. Pepe asked Mr. Aldiger if he accepts money from the residents for brush removal. Mr. Aldiger responded that he has accepted money from residents for gas. Mr. Holtzhafer volunteered to pay for Mr. Aldiger's permit.

COMMUNITY MINUTE

Mr. Brown reminded all residents to update their phone numbers with Town Hall and encouraged them to provide their cell phone numbers when possible. Mr. Barrett asked the protocol for residents to update their phone numbers. Mr. Brown responded that the resident should call Town Hall at 610-965-9288 to update their phone numbers.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Brown, seconded by Mr. Shubzda to dispense with the formal reading of the October 15, 2012 Minutes. There were 5 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to adopt the October 15, 2012 Minutes as drafted. There were 5 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

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a. Reds Bailey, 119 E. Berger Street – Request reappointment to the Emmaus Shade Tree Commission (term expires 1/1/2013). Referred to the General Administration Committee.

b. Darryl Wentz, 605 Cherokee Street – Letter of resignation from the Zoning Hearing Board (term expires 1/1/2013). Mrs. Gilbert stated that a motion is not needed to accept his resignation since his last meeting on the Board will be December 27, 2012 and his term expires January 1, 2013. She directed Mr. Pepe to mail Mr. Wentz a letter of thanks for his time served on the Board. She referred the opening to the General Administration Committee.

c. Deb Walsh, Physical Therapy at St. Lukes, 518 Chestnut Street – Pedestrian Sign at 5th & Chestnut Streets. Referred to the Public Safety Committee.

d. Angela Faidley, 6279 Maple Lane, Macungie, PA – interest in the Emmaus Arts Commission. Referred to the General Administration Committee.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Dimmich reported that the Agreement between the Borough of Emmaus and the East Penn School District for the use of the Emmaus Police Department Rifle Range has been completed.

Solicitor Dimmich reported that he has issued several memorandums and offered to entertain questions about them.

UNFINISHED BUSINESS, PART I

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 (1st Reading 10/01/12) (2nd Reading 11/5/12).

Motion by Mr. Holtzhafer, seconded by Mr. Brown to read Ordinance No. 1090 in short title. There were 5 ayes.

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

Mrs. Gilbert explained that parking will be prohibited on the North Side of Apple Street, beginning at the west curb of Williams Streets and extending westerly to the east curb of Wenner Street. She further explained that the street is scheduled to be posted accordingly in January, 2013.

Motion by Mr. Brown, seconded by Mr. Barrett to adopt Ordinance No. 1090 - 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 Apple Street on its 2nd Reading. Roll call vote: Mr. Holtzhafer, nay; Mr. Barrett, aye; Dr. Waddell, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mrs. Gilbert, aye. There were 5 ayes, 1 opposed (Holtzhafer). 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 (1st Reading 10/01/12) (2nd Reading 11/5/12).

Motion by Mr. Brown, seconded by Mr. Holtzhafer to read Ordinance No. 1091 in short title. There were 6 ayes.

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

Mrs. Gilbert explained that parking will be prohibited on the east side of South Seventh Street beginning 24' south of the south curb of Chestnut Street and extending southerly for 60' and on the west side beginning 62' south of the south curb of Chestnut Street and extending southerly for 47'.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt 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 on its 2nd 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.

COMMITTEE REPORTS

a. Public Works Committee

Mrs. Gilbert reported that the Public Works Committee Meeting scheduled for November 1, 2012 was cancelled.

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Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on October 19, 2012 at 3:45 p.m. He reported that the Committee discussed the Compost Site. Mr. Clapper provided a memorandum detailing the cost of operating the site. The site costs approximately \$84,377 per year of which approximately \$20,000 of the cost is wages. Mr. Shubzda reported that the Committee recommends placing a \$6 per annum fee on the refuse bill for the usage of the compost site by residents. Mr. Barrett asked what the projected amount of revenue from the \$6 annual fee would be. Mr. Shubzda responded that the revenue would be approximately \$25,000. Mr. Barrett asked if the fee would apply to only residents. Mr. Holtzhafer responded that the fee would apply to anyone who receives a refuse bill. Mr. Brown asked if the Compost Site will continue to run at a deficit even with the \$6 fee. Mr. Shubzda responded that it cost the Borough approximately \$90,000 to run the site. The site generates approximately \$5,400 revenue per year. Dr. Waddell asked how the \$6 fee was determined and asked how many of the residents use the compost site. Mr. Holtzhafer responded that Mr. Clapper believes approximately 75% - 80% of residents use the compost site. Mr. Shubzda stated that issuing a sticker or a card to the residents will eliminate the need for checking I.D.'s at the site. Mr. Barrett asked if an electronic system was researched. Mr. Shubzda responded that an electronic system was not researched.

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to place a \$6 per annum fee on the refuse bill for the usage of the compost site. There were 4 ayes, 2 nays (Barrett, Brown). Motion carried.

Mr. Shubzda reported that the Committee also discussed the use of the Compost Site by commercial contractors and recommends increasing the annual permit fee for the use of the Compost Site by commercial contractors from \$50 to \$100. Mr. Brown asked how the fee increase was determined. Mr. Holtzhafer responded that Mr. Clapper stated that there are a limited number of contractors that use the site, but utilize the site frequently and stated that the Committee believed doubling the fee was fair. He also stated that the Committee will look at charging a per use fee.

Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to increase the annual fee for commercial contractor's use of the Compost Site from \$50 to \$100. There were 5 ayes, 1 opposed (Brown). Motion carried.

Mr. Shubzda reported that the next Committee Meeting is November 16, 2012 at 3:45 p.m.

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Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on November 6, 2012 at 3:30 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee Meeting for November 8, 2012 was rescheduled to November 14, 2012 at 3:00 p.m.

Mrs. Gilbert read a press release from Police Chief Faust providing an update of services provided by the Borough during Hurricane Sandy. Mrs. Gilbert thanked all Borough employees for their hard work during Hurricane Sandy. Dr. Waddell voiced concern that there was not a coordinated effort to help the residents and believes there should be an Emergency Plan in place. Mrs. Gilbert responded that the item has been placed on the Public Safety Committee's Agenda for its next meeting.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee discussed a memorandum prepared by Zoning Officer Farnsworth dated October 17, 2012, concerning the safety and maintenance of a property located at 402 Broad Street. Mr. Pepe explained that Zoning Officer Farnsworth is requesting Council's approval to begin the Administrative Search Warrant process as well as other legal proceedings to address the safety and maintenance issues at the property located at 402 Broad Street. Mr. Pepe further explained that the condition of the property is a safety concern to the community. He stated that since 1996, the owner of the property has received citations on four different occasions and was found guilty of all four citations. He explained that the cost of the legal work will cost anywhere between \$10,000 and \$20,000 for the legal fees incurred. Solicitor Dimmich explained that the legal process will be lengthy and that there will be an attempt to recover all counsel.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to allow the Solicitor to take all steps necessary to eliminate the violations at 402 Broad Street. There were 7 ayes. Motion carried.

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Dr. Waddell reported that the Emmaus Public Library is requesting Council's endorsement of the Sketch Plan for the proposed library addition. He also reported that the Library Board is requesting that all permit fees, except escrow fees are waived.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to endorse the Emmaus Public Library Sketch Plan for the proposed library addition. There were 7 ayes. Motion carried.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to waive all permit fees except escrow fees for the proposed addition at the Emmaus Community Library. There were 7 ayes. Motion carried.

The next Committee Meeting is November 14, 2012 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-31, authorizing payment of the November 5, 2012, Bill List, as follows:

Bill List	\$	181,150.84
Payroll # 21 & 22	\$	232,094.85
Payroll Taxes	\$	<u>74,849.81</u>
Total	\$	488,095.50

Done this 5th day of November 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the November 5, 2012 Bill List. There were 7 ayes. Motion carried.

Dr. Waddell stated that he believes the Borough should place money in a fund for LERTA for a future date. He also stated that he believes the Main Street Partners offers a great service to the Community and should be funded in the 2013 Budget in the amount of \$10,000. Mr. Barrett asked how much the Partners were funded in 2012. Mr. Holtzhafer responded that the amount funded was initially \$15,000 but has decreased to \$5,000. Mr. Holtzhafer stated that he is unsure of how the Lehigh County Chamber of Commerce will impact the Main Street Partners' Budget. Dr. Waddell stated that the Emmaus Main Street Partners will pay \$60,000 to belong to the Chamber of Commerce. Mr. Labenberg stated that he believes the Main Street Partners should be independent and the amount funded should not be raised. Mr. Barrett stated that he believes the funding should come from the Business Privilege Tax and not out of the General Fund. Mr. Labenberg clarified that the Business Privilege Tax is not a separate Line Item in the Budget; it is part of the General Fund Line Item. Mr. Brown stated that he supports LERTA and wants to move forward

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but believes that the program needs the support of the East Penn School District and Lehigh County collectively. He also stated that he supports funding LERTA in 2014.

Motion by Dr. Waddell, seconded by Mr. Barrett to fund the Emmaus Main Street Partners in the amount of \$10,000 in the 2013 Budget.

Dr. Waddell withdrew his motion.

Motion by Dr. Waddell, seconded by Mr. Barrett to fund LERTA in amount of \$6,835 in the 2013 Budget. There were 2 ayes, 5 opposed. (Brown, Shubzda, Labenberg, Holtzhafer, Gilbert). Motion failed.

Mr. Holtzhafer reported that the meeting scheduled for November 7, 2012 has been rescheduled to November 15, 2012 at 4:00 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee discussed the application process to become a designated Keystone Community through the Pennsylvania Department of Community and Economic Development. The designation is instrumental in being eligible for grant funding such as the Main Street Program and the Elm Street Program.

Motion by Mr. Brown, seconded by Dr. Waddell to authorize Mr. Pepe to apply for the Keystone Communities Program. There were 7 ayes. Motion carried.

Mr. Brown reported that the November 22, 2012 meeting has been cancelled. The next meeting will be December 20, 2012.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. Mike Hoffman, 221 S. 2nd Street – stated that he is disappointed that the Borough is not increasing funding for the Emmaus Main Street Partners and LERTA. He believes the programs are very important for the economic growth and development of the community. He encouraged Borough Council to reevaluate its position on both items.

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BOROUGH MANAGER'S REPORT

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

Mr. Pepe reported that the Agreement between the Borough of Emmaus and the Emmaus High School was adopted by the East Penn School Board and is ready for adoption by Borough Council.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the Agreement between the Borough of Emmaus and the East Penn School District for use of the Emmaus Police Department Firearms Range for 2012-2013. There were 6 ayes, 1 abstention (Labenberg). Motion carried.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:24 p.m. to discuss contract negotiations with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:21 p.m. with no official action needed.

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

The November 5, 2012 Meeting of the Emmaus Borough Council adjourned at 9:22 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 9, 2012