

November 18, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, November 18, 2013, 7:00 p.m.**

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

EPSD Library Mosaic – Regina Oster

6. Reading of Minutes

November 4, 2013

7. Decisions on Bids

Bid Results – Heating Oil, Kerosene, Unleaded Fuel, and Diesel Fuel

8. Communications

- a. Jessie Maurer, 1504 Shimerville Rd. – Request to serve on the Special Entertainment Commission.
- b. Pamela Miller, 603 Glenwood St. – Request to serve on the Board of Health.
- c. Michael Waddell, 976 N. 7th St. Circle – Request to serve on the Arts Commission.
- d. Theodore Iobst, II, 413 S. Fifth Street – Request reappointment to the Zoning Hearing Board (term expires 1/1/2014).

9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

12. New Business

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13. Unfinished Business, Part II

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) (2nd Reading 12/2/13).

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 5, 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
- 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

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Public Safety (Gilbert, Barrett, Brown)

Next Meeting – December 4, 2013 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Ordinance No. 1103 – Emmaus Fire Department Organization (2nd Reading 12/2/13)

Public Safety (continued)

- c. **Hire Police Officer**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – November 27, 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
- e. **Library Mosaic Project**
- f. **RFP – South Second Street Property**
- g. **RFP – Jubilee Street Property**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – (Budget Workshop) November 19, 2013 at 4:00 p.m.

- a. **Bill List—Resolution 2013-29**
- b. 2014 Budget

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

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- a. Significant Revenue and Expense Items for First Half of November 2013
- 20. President's Business
- 21. Adjournment

Next Resolution #30
Next Ordinance #1104

The Emmaus Borough Council met in regular session on November 18, 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
Wesley Barrett	Present
Nathan Brown	Present
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

Mr. Holtzhafer noted that the Cub Scouts that meet at St. Ann's Catholic Church are in the audience and thanked them for attending tonight's meeting. He encouraged them to ask questions if they have any.

SPECIAL PRESENTATIONS

Dr. Waddell introduced Regina Oster and Lisa Caruso, art teachers with the East Penn School District. He explained that the art teachers in the East Penn School District met with renowned artist Isaiah Zagar, who is responsible for the Philadelphia Magic

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Garden Concept, and have been working on an idea to paint a mosaic on the outside rotunda wall of the Emmaus Public Library. Dr. Waddell stated that this is a very special opportunity for the Borough and explained that there are several ideas for themes for the mosaic. Ms. Caruso explained that all of the ideas for the mosaic are historically themed. Ms. Oster stated that the teachers and the Library are very excited about the project. Mr. Labenberg stated that this is a great project for the Borough and the school district and asked who will make the final determination of the mosaic that will be hung. Ms. Oster responded that Mr. Zagar has a unique style, but that the mosaic will represent Emmaus historically. Mr. Holtzhafer asked how large the mosaic will be, the materials that will be used, and the maintenance that will be required by the Borough. Ms. Oster responded that the exact size of the mosaic is unknown but the mosaic will come in 3' from the sides, the top and the bottom. The tiles will be ceramic and glass with an adhesive that holds them to the wall with grout in between. Dr. Waddell stated that many students will be involved in creating the pieces for the wall. Mr. Brown asked for clarification as to where the mosaic will be placed. Mr. Labenberg asked if there is an estimated completion date for the project. Ms. Caruso responded that the project will begin this year and will be completed by the end of July, 2014. Mr. Barrett stated that this is a wonderful opportunity for the Borough.

Motion by Dr. Waddell, seconded by Mr. Barrett to grant the East Penn School District art teachers' request to place a mosaic on the curved library wall at the Emmaus Public Library with the contingency that the Borough Engineer, Hanover Engineering, approves the project. There were 6 ayes. Motion carried.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Labenberg to dispense with the formal reading of the November 4, 2013 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the November 4, 2013 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe reported that on November 13, 2013, three bids were received for the 2013-2014 No. 2 Heating Oil, Kerosene, Unleaded Fuel and Diesel Fuel Bid. Bids were received from Lehigh Fuels, LLC., Harned Durham Oil Company, and Suburban Heating and Cooling. He stated that the bids for this year were lower than last year. Lehigh Fuels, LLC., was the lowest bidder for Unleaded Fuel at \$2.8120/gal., and Diesel Fuel at \$3.2345/gal. Harned Durham Oil Company was the lowest bidder for No. 2 Heating Oil at \$3.18/gal., and Kerosene at \$3.56/gal. Staff recommends awarding the Unleaded and Diesel Fuel bids to Lehigh Fuels, LLC., and the No. 2 Heating Oil and Diesel Fuel bid to Harned Durham Oil Company. The bid is effective from December 1, 2013 to November 30, 2014.

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Motion by Dr. Waddell, seconded by Mr. Barrett to award the 2013-2014 No. 2 Heating Oil and Kerosene bid to Harned Durham Oil Company and the Unleaded Fuel and Diesel Fuel bid to Lehigh Fuels, LLC., for the period of December 1, 2013 to November 30, 2014, in the amounts indicated above. There were 6 ayes. Motion carried.

COMMUNICATIONS

a. Jessie Maurer, 1504 Shimerville Road – Request to serve on the Special Entertainment Commission. Referred to the Parks and Recreation Committee.

b. Pamela Miller, 603 Glenwood Street – Request to serve on the Board of Health. Referred to the Health, Sanitation, and Conservation Committee.

c. Michael Waddell, 976 N. 7th Street Circle – Request to serve on the Emmaus Arts Commission. Referred to the General Administration Committee.

d. Theodore Iobst, II, 413 S. Fifth Street – Request reappointment to the Zoning Hearing Board (term expires 1/1/2014). Referred to the General Administration Committee.

e. Dennis Ramella, Director of Student Activities/Athletics, Emmaus High School – Field Usage and Field Waiver Requests. Field Waiver requests referred to the Parks and Recreation Committee and the Field Usage requests referred to the Parks and Recreation Commission.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

Mr. Holtzhafer reported that Ordinance No. 1103 is scheduled for its 2nd Reading at the December 2, 2013 Council Meeting.

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

MAYOR’S REPORT

Mrs. Gilbert congratulated Emmaus Police Detective Jason Apgar for being selected by the Lehigh Valley Police Chief’s Association and the District Attorney’s

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office as Police Officer of the Year. Mrs. Gilbert stated that he is very valuable to the Police Department and does an outstanding job. She encouraged everyone to congratulate him on his award.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on November 7, 2013. He reported that there was a Personal Appeal by Mr. John Royer, 763 Henry Drive. He has been having an ongoing flooding issue from street stormwater and has asked the Public Works Department to help him solve the issue. The Public Works Department will mill the road down a few inches in the spring. Mr. Labenberg reported that the Committee discussed the request from Sue Pierog to have the Public Works Department wear pink shirts on Fridays in October for Breast Cancer Awareness. Mrs. Pierog stated that she will help raise funds for the shirts. The Committee was in favor of the request. Mr. Labenberg reported that the Borough was able to give some of the excess compost to Upper Milford and to some farmland in Alburdis.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee Meeting is November 25, 2013 at 5:00 p.m. Mr. Pepe asked Mr. Shubzda if he should schedule an interview for the interested candidate for the Board of Health vacancy. Mr. Shubzda responded affirmatively. Mrs. Gilbert asked Mr. Shubzda if he received a request for the Environmental Advisory Council. Mr. Pepe responded that he will follow up on the item.

Progress.

c. Parks and Recreation Committee

Progress.

d. Public Safety Committee

Mr. Barrett reported that the Committee met on November 13, 2013 in Executive Session to conduct interviews for the Emmaus Police Department. The Committee met prior to tonight's Council Meeting to make a formal recommendation to hire a new Police Officer.

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Motion by Mr. Barrett, seconded by Mr. Brown to offer a Conditional Offer of Employment to Bethany Adams contingent upon the following: must pass a physical examination, must pass a psychological examination, must pass a polygraph examination, must successfully complete all of the requirements of the PA Act 120 Certification, and must successfully complete a one-year term of probation. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to appoint East Penn Medical Practice, Inc., of Emmaus to conduct Ms. Adams' physical examination. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to appoint Psychology Associates of Bethlehem, P.C., to conduct Ms. Adams' Psychological Examination. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to appoint Lieutenant Gregg Mrochko of the PA State Police to conduct Ms. Adams' Polygraph Examination. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to request the Civil Service Commission forward to the Public Safety Committee the next name from the Eligibility List for consideration. There were 6 ayes. Motion carried.

Progress.

e. Budget and Finance Committee

Mr. Shubzda read Resolution 2013-29, authorizing payment of the November 18, 2013 Bill List, as follows:

Bill List	\$	200,001.80
Payroll #23	\$	118,105.87
Payroll Taxes	\$	<u>40,402.82</u>
Total	\$	358,510.49

Done this 18th of November 2013.

Motion by Mr. Shubzda, seconded by Mr. Labenberg to approve the November 18, 2013 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that there is a Budget Workshop scheduled for November 19, 2013 at 4:00 p.m.

Progress.

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f. General Administration Committee

Dr. Waddell reported that Mr. Schmoyer from the Knauss Homestead was in attendance at the Committee Meeting as were several members from the Shelter House. The Committee held a lengthy discussion with Mr. Schmoyer regarding issues with the Knauss Homestead. Dr. Waddell reported that Ms. Heatly and the Flag Day Association expressed interest in having the Borough take over the park program event on Flag Day. Dr. Waddell also reported that the Committee recommends to direct Mr. Pepe to work with the Borough Solicitor to begin preparing a Request for Proposal to sell the Jubilee Street Parking Lot. Dr. Waddell stated that the value of the property is approximately \$60,000. Mr. Labenberg stated that he will be voting against the motion because he believes that the parking spaces should be rented out by the Borough instead of the property being sold. Dr. Waddell stated that he is concerned about liability issues with the Borough owning the property and renting parking spaces.

Motion by Dr. Waddell, seconded by Mr. Barrett to direct Mr. Pepe to prepare a Request for Proposals for the sale of the parking lot located at 543 Jubilee Street.

Solicitor Dimmich explained that the motion should be for Mr. Pepe to create bid specifications not a request for proposals. Dr. Waddell amended his motion and Mr. Barrett amended his second.

Motion by Dr. Waddell, seconded by Mr. Barrett to direct Mr. Pepe to prepare bid specifications for the sale of the parking lot located at 543 Jubilee Street. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

Dr. Waddell reported that the Committee recommends to direct Mr. Pepe to prepare bid specifications for the sale of the 18 acre wooded lot located at 4052 South 2nd Street, Upper Milford, PA. Dr. Waddell reported that the property was appraised at approximately \$70,000. Mr. Labenberg stated that the property is approximately 18 ½ acres and is located in Upper Milford and Salisbury Township.

Motion by Dr. Waddell, seconded by Mr. Barrett to direct Mr. Pepe to prepare bid specifications for the sale of the 18 acre wooded lot located at 4052 South 2nd Street, Upper Milford, PA. There were 6 ayes. Motion carried.

The next Committee Meeting is November 27, 2013 at 9:00 a.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Southwestern Lehigh County Comprehensive Plan will expire on December 31, 2014. He stated that the Plan will cost

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approximately \$70,000 to conduct as a team with six municipalities. He also stated that there is a DCED matching Grant available for \$25,000. The deadline for the Grant Application is December 1, 2013. Solicitor Dimmich asked if there is currently an existing agreement. Mr. Brown responded that there is an existing resolution that has been given to the municipalities from the Lehigh Valley Planning Commission. Mr. Pepe stated that the Borough is mandated to complete the study every ten years and will split the total cost of the study between the municipalities.

Motion by Mr. Brown, seconded by Dr. Waddell to authorize the Borough of Emmaus to enter into an Agreement with Lower Milford, Upper Milford, Lower Macungie, Macungie and Alburdis to apply for a \$25,000 DCED matching Grant for the purpose of updating the Southwestern Lehigh County Comprehensive Plan that expires on December 31, 2014. There were 6 ayes. Motion carried.

The next Committee Meeting is December 17, 2013 at 4:15 p.m.

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that the Emmaus High School winter sports will begin on November 18, 2013. He asked for the status on the proposed lights to be placed on North Street. Mr. Pepe responded that there are several lights that will be placed on various streets within the Borough and he has contacted PPL several times.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

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

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PRESIDENT'S BUSINESS

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

The November 18, 2013 Meeting of the Emmaus Borough Council adjourned at 7:51 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 21, 2013