

July 18, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, July 18, 2011, 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  

July 5, 2011
7. Decisions on Bids
8. Communications
  - a. Kathleen Mintzer, Emmaus Halloween Committee – Halloween Parade and Trick-or-Treat Night.
  - b. Sheli Polash – Support for Jonna Trexler.
  - c. Richard Zayaitz, Emmaus Main Street Partners – Paid parking control system on Main/Chestnut St. between 3<sup>rd</sup> & 5<sup>th</sup> Streets.
  - d. Daniel Beers, Lehigh County Housing Authority – Thank you for assistance to Ridge Manor residents.
  - e. Teri Madison, Emmaus Main Street Partners – Farewell Summer Festival additional requests.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II

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**Ordinance No. 1079 – Ordinance Re-enacting, Restating and Amending its Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act, as Amended by Act 32 of July 2, 2008. (1<sup>st</sup> Reading 7/5/11) (2<sup>nd</sup> Reading 7/18/11).**

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 – August 4, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements

**Health, Sanitation, and Conservation (Reinhard, Holtzhafer, Waddell)**

Next Meeting – August 11, 2011 at 4:00 p.m.

- a. Compost Options
- b. Refuse/Recycling with Raritan Valley
- c. Riparian Buffer Ordinance
- d. Bollinger Land/Indian Creek Golf Course
- e. Emmaus and Upper Milford Joint Environmental Advisory Council
- f. Board of Health

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

Next Meeting – August 2, 2011 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases

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

Next Meeting – August 11, 2011 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound

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- f. **Appointment of Firefighters – Cory Hunsberger, Zack Keiser, Kasey Beck**
- g. **Shipman Agreement**

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

Next Meeting – July 27, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Public Parking Spaces on Jubilee Street

**General Administration** (continued)

- e. **Hire Weed, Tree, Snow, and Ice Enforcement Officer – Nancy Kellner**
- f. **Temporary Use Ordinance**

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

Next Meeting – August 1, 2011 at 6:45 p.m.

Budget Workshops – August 31 & September 28, 2011 at 7:00 p.m.

- a. **Bill List – Resolution 2011-21**
- b. **Ordinance No. 1079 – Appoint EIT Tax Collector (2<sup>nd</sup> Reading)**
- c. Emergency Management Coordinator Compensation

**Community Relations, Planning and Development** (Brown, Reinhard, Waddell)

Next Meeting – July 28, 2011 at 4:15 pm.

- a. Display of 2009 Anniversary Items and Contents of the 1959 Time Capsule
- b. Emmaus Main Street Program—West End Gateway Sign Presentation
- c. Streetscape Improvement Project

**Ad Hoc Committees** (Holtzhafer, Barrett, Gilbert, Neely, Mayor Iobst)

Next Meeting – To be determined

Community/School Relations

- a. Junior Council Member Draft Resolution Review and Application

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. **Significant Revenue and Expense Items for First Half of July 2011**

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19. President's Business

Executive Session

20. Adjournment

Next Resolution #22  
Next Ordinance #1080

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The Emmaus Borough Council met in regular session on July 18, 2011 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

President Gilbert called the Meeting to order at 7:00 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Absent
Michael Waddell	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Richard Bortz, Jr. 65 S. 2<sup>nd</sup> St., Emmaus** – voiced concern about the condition of the property located at 56 S. Cherry Street. He presented Council with pictures of the property. Mayor Iobst responded that he has final authority over whether a property can be condemned. Mr. Bortz asked if the property has water and sewer hook up. Solicitor Procyk responded that the property owner was cited for code violations and was found guilty by the Magistrate. He appealed the conviction and the Borough is waiting for a Court decision on the appeal.

**B. Mark DeWalt, 5494 Acorn Drive, Emmaus** – voiced concern about the condition of the property located at 56 S. Cherry Street. He stated that the water was turned off in 2006. He claimed that the Borough has done nothing about the property. Mr. DeWalt believes that the Zoning Officer has the right to board up the property. He asked if the Zoning Officer has the right to board up the property while the matter is on Appeal. Mr. Neely responded that the

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Borough is following the correct procedures but needs to be sure that the property owner is afforded due process.

**Motion by Mr. Barrett, seconded by Mr. Brown to extend Mr. DeWalt's Personal Appeal by five minutes. There were 6 ayes. Motion carried.**

Mr. DeWalt stated that the situation has existed for five years. He wants the Borough to take more steps to correct the problems.

**C. John Donches, 559 Minor St., Emmaus** - thanked the Budget and Finance Committee for providing time at its Meeting for comments or questions from the public.

### COMMUNITY MINUTE

Mr. Brown reminded that July 23, 2011 is Community Day from 1:00 p.m. to 10:00 p.m. at Emmaus Community Park.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Mr. Barrett, seconded by Dr. Waddell to dispense with the formal reading of the July 5, 2011 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Brown, seconded by Dr. Waddell to adopt the July 5, 2011 Minutes as drafted. There were 6 ayes. Motion carried.**

DECISION ON BIDS – None.

### COMMUNICATIONS

a. Kathy Mintzer, Emmaus Halloween Committee – Halloween Parade and Trick-or-Treat Night. Mrs. Gilbert stated that the Halloween Parade is scheduled for Saturday, October 15, 2011 at 7:30 p.m. with a rain date of Sunday, October 16, 2011. Trick-or-Treat Night is scheduled for Thursday, October 27, 2011 from 6:00 p.m. to 8:00 p.m. Mrs. Gilbert referred the item to Staff.

b. Sheli Polash – Support for Jonna Trexler.

c. Richard Zayaitz, Emmaus Main Street Partners – Paid parking control system on Main/Chestnut Street between 3<sup>rd</sup> & 5<sup>th</sup> Streets. Mr. Brown stated that the Main Street Partners presented the item to the Community Relations, Planning, & Development Committee. Mrs. Gilbert referred the item to the Community Relations, Planning, & Development Committee.

d. Daniel Beers, Lehigh County Housing Authority – Thank you for assistance to Ridge Manor residents during power outage on June 23, 2011.

e. Teri Madison, Emmaus Main Street Partners – Farewell Summer Festival additional requests. Mrs. Gilbert referred the item to the Parks & Recreation Committee.

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f. Brad Steigerwalt, 1838 Tacoma St., Allentown Scottish Rite Cathedral – Permission to set up a moon bounce, cotton candy machine, sno-cone machine, dunk tank, and skeet ball track in the area around the Landis/Arts Pavilion at Emmaus Community Park on Saturday, July 30, 2011. Mr. Barrett stated that he will vote against the motion because he believes that the item should be discussed at the Committee level. Dr. Waddell stated that he will also be voting against the motion. Mr. Reinhard stated that he will be voting against the motion because the proper insurance documentation has not been provided.

**Motion by Mr. Labenberg, seconded by Dr. Waddell to grant the Allentown Scottish Rite Cathedral permission to set up a moon bounce, dunk tank, and skeet ball track in the area around the Landis/Arts Pavilion at Emmaus Community Park on Saturday, July 30, 2010. There was 1 aye, 5 opposed (Brown, Reinhard, Waddell, Barrett, Gilbert). Motion failed.**

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II

Ordinance No. 1079 - An Ordinance Re-Enacting, Restating and Amending its Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act, as Amended by Act 32 of July 2, 2008. (1<sup>st</sup> Reading 7/5/11, 2<sup>nd</sup> Reading 7/18/11).

**Motion by Mr. Barrett, seconded by Mr. Brown to read Ordinance No. 1079 in short title. There were 6 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1079 in Short Title.

Mr. Neely explained Ordinance No. 1079. Pursuant to Act 32, the Lehigh Tax Collection Committee appointed H.A. Berkheimer as the county-wide earned income tax collector. The Ordinance makes the appointment on behalf of the Borough of Emmaus.

**Motion by Mr. Barrett, seconded by Mr. Reinhard to adopt Ordinance No. 1079 - An Ordinance Re-Enacting, Restating and Amending its Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act, as Amended by Act 32 of July 2, 2008 on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.**

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

MAYOR'S REPORT

Mayor Iobst commented on the good attendance at the Summer Concert at Community Park. He thanked the Park Police for its help with traffic control.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on July 7, 2011. He reported that the South Twelfth Street Stormwater Project is near completion, being \$35,000 under budget. Mr. Neely provided an update on the Broad Street Reconstruction Project.

Mr. Labenberg provided an update on Cintas and reported that DEP has been notified about potential issues.

Mr. Labenberg reported that there was a Personal Appeal by Chris Dimou, owner of the Emmaus Diner. Mr. Dimou requested a meeting with Borough Council to discuss sewer charges. The Committee recommended issuing a \$461.76 credit to his water/sewer bill. Mr. Barrett questioned the reason for the excessive sewer bill, which Mr. Labenberg explained was due to a water leak at the Diner.

**Motion by Mr. Labenberg, seconded by Mr. Brown to grant Mr. Dimou a \$461.76 credit to his sewer bill. There were 6 ayes. Motion carried.**

Mr. Labenberg reported that Brent Reed completed his probationary period with the Public Works Department. Mr. Brown stated that Mr. Reed is a hard worker.

**Motion by Mr. Labenberg, seconded by Mr. Brown to hire Brent Reed as a full-time Public Works Department employee. There were 6 ayes. Motion carried.**

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee met on July 18, 2011 before the Council Meeting. The Committee reviewed the Compost Agreement concerning Lehigh County's transfer of composting equipment to Emmaus and Lower Macungie. Mr. Reinhard reported that the Committee voted 2-0 to recommend the Agreement to Council. Mr. Labenberg asked if the Agreement has a time limit. Mr. Neely responded that the Agreement is an assignment of ownership of the equipment from Lehigh County to the Borough of Emmaus and Lower

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Macungie, which has no time limit. Mr. Labenberg asked if it will be a cost savings to the Borough. Mr. Neely responded that he anticipates that it will be.

**Motion by Mr. Reinhard, seconded by Dr. Waddell to approve the Compost Agreement between the Borough of Emmaus, Lower Macungie Township, and Lehigh County. There were 6 ayes. Motion carried.**

Mr. Reinhard reported that the Committee is in the process of setting up a meeting with Raritan Valley to discuss automated trash and/or recyclables pick-up.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reminded that Saturday, July 23, 2011 is Community Day at Emmaus Community Park starting at 1:00 p.m. He stated that two highlights of the event are an old-timers baseball game and a dunk tank with several of the Council Members participating.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Fire Chief Reiss recommends appointing Cory Hunsberger, Zack Keiser, and Kasey Beck as firefighters to the Emmaus Fire Department.

**Motion by Mr. Brown, seconded by Mr. Barrett to appoint Cory Hunsberger, Zack Keiser, and Kasey Beck as firefighters for the Emmaus Fire Department. There were 6 ayes. Motion carried.**

Mrs. Gilbert reported that Frank Shipman, who resides at 3525 Regency Court, Salisbury Township, asked for permission to park vehicles on Borough property on July 31, 2011. He signed an Indemnification Agreement that allows up to 10 motor vehicles parked on Borough property at the eastern end of Berger Street. The Committee recommends granting permission to park in the area. If the weather is bad, Mr. Shipman will not park vehicles on the property. Mr. Shipman is responsible for any damages caused by vehicles parked there.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to approve the Agreement that authorizes Frank Shipman to have up to 10 vehicles parked on Borough property on July 31, 2011. There were 6 ayes. Motion carried.**

Mrs. Gilbert reported that Chief Nonnemacher anticipates forwarding the applications of two individuals to hire as part-time per diem EMT's. She also reported that the expected delivery date for the new aerial truck is late August. The Fire Department received an inquiry concerning its attempt to sell the Borough's existing aerial truck.



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Mrs. Gilbert reported that the request to review the safety of the Harrison/Keystone intersection is being reviewed by the Police Department's Traffic Officer. She also reported that she and Chief Faust will meet with St. Ann's Church concerning parking issues. She reported that the Committee had a lengthy discussion about whether the 200 block of Seem Street should be made one way to alleviate traffic problems at Lincoln Elementary School. The Committee left it in the hands of the School. Johnathan Chase, a 2<sup>nd</sup> grade teacher at Lincoln, is a member of its Safety Committee, who will discuss with the Safety Committee the feasibility of establishing a drop-off zone on the school's property on Mulberry Street.

Dr. Waddell asked if the Committee discussed a tornado warning system. Mrs. Gilbert responded that the item is on the Committee's Agenda.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee recommends hiring Nancy Kellner as the Borough's Weed, Tree, Snow, and Ice Enforcement Officer at an hourly rate of \$9.00.

**Motion by Dr. Waddell, seconded by Mr. Barrett to hire Nancy Kellner as the Borough's Weed, Tree, Snow, and Ice Enforcement Officer at an hourly rate of \$9.00. There were 6 ayes. Motion carried.**

Dr. Waddell reported that the Committee discussed a change to the Borough Zoning Ordinance regarding Temporary Uses. The Ordinance addresses the situation that occurred early in the year with Fire Company No. 2's request to hold a carnival. Revising the Ordinance would eliminate the need to appear before the Zoning Hearing Board for yearly approval to hold such an event.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to authorize Solicitor Procyk to draft an amendment to Borough Zoning Ordinance Section 807(5). There were 6 ayes. Motion carried.**

The next Committee Meeting is on July 27, 2011 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Reinhard read Resolution 2011- 21, authorizing payment of the July 18, 2011 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>401,963.08</b>
<b>Payroll #14</b>	<b>\$</b>	<b>140,470.25</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b>46,172.28</b>
<b>Total</b>	<b>\$</b>	<b>588,605.61</b>

Done this 18th day of July 2011.

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**Motion by Mr. Reinhard seconded by Dr. Waddell to approve the July 18, 2011 Bill List. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that there was a meeting between the Emmaus Arts Commission and the Emmaus Flag Day Association and thanked Dr. Waddell for acting as a liaison between the two groups. He stated that the replica Civil War Flag will be hung in the hallway of Town Hall on the second floor. Dr. Waddell thanked Frank and Josephine Sadrovitz and Marge Heatley for their help in choosing a location for the Flag.

Mr. Brown reported that he met with Teri Madison to review the details for the Farewell Summer Festival to be held on September 10, 2011. He encouraged everyone to attend the event.

Mr. Brown reported that three Zelcova trees will be planted in front of Wells Fargo using the Treevitalization Grants. He stated that the grant money will also be used to install four trees on Broad Street. He thanked Tim Dugan and Virginia Savage of Lehigh County and stated that the Borough will be applying for a \$15,000 Treevitalization Grant in September.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

**A. John Donches, 559 Minor St., Emmaus** - asked for clarification about the County's composting equipment. Mr. Reinhard explained that the Agreement ensures that the equipment that the Borough used in the past will be available to both municipalities and to all other municipalities in the County to use for screening and composting. The Borough and Township will develop a Fee Schedule that is hopefully less than the Borough is currently paying for those services. Mr. Donches asked if Mr. Clapper is comfortable with maintaining the equipment. Mr. Neely responded that, pursuant to the Agreement, the Borough will receive all maintenance records for the equipment.

**Motion by Mr. Reinhard, seconded by Dr. Waddell to extend Mr. Donches' Personal Appeal by five minutes. There were 5 ayes, 1 opposed (Barrett). Motion carried.**

Mr. Donches suggested placing parking signs throughout downtown to designate parking availability. Mr. Neely explained that it would require permission from private

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property owners who own the parking areas downtown. Mr. Donches asked where public parking is available. Mr. Brown responded that public parking is available on Jubilee Street.

**B. Chris Dimou, 1418 Chestnut St., Emmaus** – thanked Borough Council for its action concerning his sewer bill complaint. He commented that attendance was very good at the Summer Concert at Community Park, but that he received a parking ticket from the park police. He claimed that there was not a “no parking” sign where he parked, that there was no paint on the curb, and he was unaware that he parked on a street. Mayor Iobst responded that he will discuss it with Chief Faust.

**C. Otto Slozer, 121 E. Elm St., Emmaus** – asked for information about disposing of paints, batteries, and varnish. Mr. Neely responded that latex paints can be opened, allowed to dry, and placed out for the garbage. He directs individuals to Lehigh County to inquire about disposing of oil based paints and hazardous waste. He suggested that Mr. Slozer visit the Lehigh County website for further information. Mr. Labenberg suggested contacting the Allentown or Bethlehem Recycling Centers. Mr. Reinhard stated that last year he was given information on a location in Pottstown to drop off materials and will pass the information on to Mr. Neely.

**D. Nancy Hill, 119 S. 6<sup>th</sup> St., Emmaus** – commented that on holidays refuse is not picked up until Thursday and asked Mr. Reinhard if the Health, Sanitation, & Conservation Committee would consider alternating the refuse pickup schedule yearly. Mr. Reinhard responded that the Health, Sanitation, & Conservation Committee will discuss the matter. Mrs. Hill asked where the composting equipment will be housed. Mr. Neely responded that it has not been determined.

### BOROUGH MANAGER’S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the first half of July are in the Council binders and offered to entertain questions about them.

Dr. Waddell asked if it is necessary for Council to meet regularly during the summer months and suggested not meeting if it is not necessary. Mrs. Gilbert announced that the August 1, 2011 Council Meeting will be cancelled. Mr. Neely asked Solicitor Procyk if an official motion is needed. Solicitor Procyk believes that Council approval would be prudent. Mr. Barrett stated that he will vote against the motion. Mr. Labenberg stated that will vote against the motion because the Meeting has been advertised. Mr. Reinhard agreed with Mr. Labenberg. Mrs. Gilbert reminded that the only Committee Meeting prior to the August 1 meeting is the General Administration Committee.

**Motion by Dr. Waddell, seconded by Mr. Brown to cancel the August 1, 2011 Council Meeting. There were 3 ayes, 3 opposed (Barrett, Labenberg, Reinhard). Mayor Iobst, casting the deciding vote, voted nay. Motion failed.**

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PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 8:22 p.m. for an Executive Session to discuss a personnel matter, with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 8:46 p.m. with no official action being taken.

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

The July 18, 2011 Meeting of the Emmaus Borough Council adjourned at 8:47 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
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