

September 6, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Tuesday, September 6, 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

August 15, 2011

7. Decisions on Bids
8. Communications
 - a. Martha Vines, Emmaus Public Library – Letter of thanks for use of well-maintained Emmaus Community Park.
 - b. Marg Iannace, Girl Scout Troop 635 – Pavilion fee waiver request.
 - c. Ray Ignosh, Mid-Atlantic Development Foundation – Fifth Street Cross event request.
 - d. Maura Benner, Girl Scout Troop 635 – Pavilion fee waiver request.
 - e. Thomas Emerson, 372 Barrett Road, Emmaus – Broad Street Reconstruction
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

Ordinance No. 1080 – An Ordinance Amending Chapter 27, Section 807(5) of the Zoning Ordinance, Dealing with Temporary Uses by Special Exception (1st Reading 9/6/11).

12. New Business

Ordinance No. 1081 – An Ordinance Amending Chapter 16, Section 103, Subsection 10, and Chapter 16, Section 109, Subsection 2.M., Dealing with the Prohibition for Carrying any Firearms in Public Parks (1st Reading 9/6/11).

September 6, 2011

EMMAUS BOROUGH COUNCIL

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 – October 6, 2011 at 3:00 p.m.

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

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

Next Meeting – September 8, 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 – October 4, 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 – September 8, 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
- f. **Ordinance No. 1081 – Carrying Firearms in Public Parks**
- g. **Resolution 2011-24 – Retirement Benefits for Chief Faust**

September 6, 2011

EMMAUS BOROUGH COUNCIL

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – September 7, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade

General Administration (continued)

- d. **Ordinance No. 1080 – Temporary Uses by Special Exemption (1st Reading 9/6/11)**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – September 19, 2011 at 6:45 p.m.

Budget Workshop - September 28, 2011 at 7:00 p.m.

- a. **Bill List – Resolution 2011-25**
- b. Emergency Management Coordinator Compensation

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

Next Meeting – September 22, 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. **VFW/David's Electric Streetscape Plan**

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 August 2011**

19. President's Business

20. Adjournment

Next Resolution #26
Next Ordinance #1082

September 6, 2011

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on September 6, 2011 in Borough Council Chambers, 28 S. 4th 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	Present
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. Josephine Sadrovitz, 130 N. 4th Street, Emmaus – asked if there is an Emergency Plan in place for the Borough. Mrs. Gilbert responded that the Public Safety Committee is working with the Emergency Management Coordinator to update the Emergency Operations Plan. Mr. Neely responded that there is an Emergency Operations Plan in effect.

B. Joan Wildman, 226 Pine Street, Emmaus – voiced concern about a sewer backup that occurred at her residence during Hurricane Irene and is concerned that the Borough's sewer system is unable to handle the amount of sewage flowing through it during rainy weather. She stated that she had an inspection of her sewer connections and asked if residents are given time to take corrective action if needed. Mr. Labenberg responded that the amount of time given to make repairs is based on the repair that is required. Ms. Wildman asked if the pipes are in compliance with code. Mr. Neely stated that they are in compliance with the requirements that existed when they were built. Ms. Wildman asked if there is a plan to update the sewer system. Mr. Labenberg responded that he will discuss the matter at the next Public Works Committee Meeting. Mr. Reinhard suggested that Ms. Wildman place an endorsement on her homeowner's insurance to cover sewer back ups. Dr. Waddell suggested that Ms. Wildman attend the next Public Works Committee Meeting on October 6, 2011.

C. Penny Schaffer, 221 Pine Street, Emmaus – stated that she was told that there would be an inspection of the sewer line and asked if it occurred. Mr. Neely responded that there was an inspection completed on the Borough sewer main.

September 6, 2011

EMMAUS BOROUGH COUNCIL

COMMUNITY MINUTE

Mr. Brown reminded that the Emmaus Main Street Partners will be hosting its “Farewell Summerfest,” on September 10 and that the Community Yard Sale is on September 10, 2011 with a rain date of September 11. He also reminded that St. Ann’s Fall Fest is being held on September 10 & 11. In honor of the 10th Anniversary of September 11, he encouraged everyone to attend Community Hero’s Day at the Emmaus Public Library on September 10, 2011. Mr. Brown stated that there will be a ribbon cutting ceremony for Broad Street on September 10, 2011 at 5:00 p.m.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Reinhard to dispense with the formal reading of the August 15, 2011 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Dr. Waddell to adopt the August 15, 2011 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Mr. Neely reported that 2 bids were received for the 2011-2014 Crack Sealing Bid, from Asphalt Maintenance Solutions and E.J. Breneman, L.P. and 1 bid was received, from Asphalt Maintenance Solutions, for the 2011-2014 Bituminous Seal Coating Bid. AMS was the low bidder at \$14.39 per gallon for Crack Sealing and \$2.54 per sq. yd. for Single layer, \$3.84 per sq. yd. for Double layer, and .96¢ for Fog Seal for Bituminous Seal Coating. Staff recommends that both bids be awarded to Asphalt Maintenance Solutions at the above unit prices.

Motion by Mr. Brown, seconded by Dr. Waddell to award the 2011-2014 Crack Sealing Bid at \$14.39 per gallon and the 2011-2014 Bituminous Seal Coating Bid at \$2.54 per sq. yd. for Single layer, \$3.84 per sq. yd. for Double layer, and .96¢ for Fog Seal to Asphalt Maintenance Solutions. There were 7 ayes. Motion carried.

COMMUNICATIONS

- a. Martha Vines, Emmaus Public Library – Letter of thanks for use of well-maintained Emmaus Community Park.
- b. Marg Iannace, Girl Scout Troop 635 – Pavilion fee waiver request. Mr. Neely stated that the Girl Scout Troop no longer needs to rent a pavilion.
- c. Ray Ignosh, Mid-Atlantic Development Foundation – Fifth Street CycloCross event request. Mr. Neely reported that a recommendation will be made during the Parks and Recreation Committee Report.
- d. Maura Benner, Girl Scout Troop 635 – Pavilion fee waiver request. Mr. Neely reported that a recommendation will be made during the Parks and Recreation Committee Report.

September 6, 2011

EMMAUS BOROUGH COUNCIL

- e. Thomas Emerson, 372 Barrett Road, Emmaus – Broad Street Reconstruction.
- f. Barbara Cole, Emmaus – Thank you to Emmaus Community Pool staff.
- g. Brett Freiler – Request for use of Kline’s Lane soccer field for adult flag football. A recommendation will be made during the Parks and Recreation Committee Report.

BOROUGH ENGINEER’S REPORT –None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1080 – An Ordinance Amending Chapter 27, Section 807(5) of the Zoning Ordinance, Dealing with Temporary Uses by Special Exception. (1st Reading 9/6/11).

Motion by Dr. Waddell, seconded by Mr. Brown to read Ordinance 1080 in Short Title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1080 in Short Title.

Dr. Waddell explained that the Ordinance addresses the temporary use that occurred early in the year with Fire Company No. 2’s request to hold a carnival. The Ordinance will eliminate the need to appear before the Zoning Hearing Board for yearly approval. Mr. Neely reminded that it applies only to events that are held annually.

Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Ordinance No. 1080 - An Ordinance Amending Chapter 27, Section 807(5) of the Zoning Ordinance, Dealing with Temporary Uses by Special Exception on its 1st Reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1081 – An Ordinance Amending Chapter 16, Section 103, Subsection 10, and Chapter 16, Section 109, Subsection 2.M., Dealing with the Prohibition for Carrying any Firearms in Public Parks (1st Reading).

Mrs. Gilbert stated that the Ordinance will be discussed at the Public Safety Committee Meeting on September 9, 2011.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR’S REPORT

September 6, 2011

EMMAUS BOROUGH COUNCIL

Mayor Iobst thanked Mr. Brown for his help to the Community during Hurricane Irene.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is scheduled for October 6, 2011.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Borough obtained the Compost Equipment from Lehigh County. The Borough is working with Lower Macungie on preparing a Fee Schedule for the use of the equipment.

Mr. Reinhard reported that he contacted Raritan Valley and thanked them for their excellent service during the Hurricane. He was impressed by Raritan Valley's response.

The next Committee Meeting will be on September 8, 2011, at which it will discuss automated recycling and refuse pick-up.

Mr. Neely thanked Raritan Valley for its response during the Hurricane. He commented that as the week progressed, they were unable to handle the amount of refuse.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on September 6, 2011.

Mr. Barrett reported that Maura Benner of Girl Scout Troop 635 requested a Fee Waiver for the use of a pavilion at the Emmaus Community Park on Sunday, September, 11, 2011.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant Maura Benner's Fee Waiver request for the use of a pavilion at the Emmaus Community Park on Sunday, September 11, 2011. There were 7 ayes. Motion carried.

Mr. Barrett reported that Brett Frieler requested the use of the Klines Lane soccer field for a 6 team Adult Flag Football League. Due to a scheduling conflict with the field, the Committee denied the request.

September 6, 2011

EMMAUS BOROUGH COUNCIL

Mr. Labenberg suggested using the back field at Community Park and discussing the matter with Mr. Clapper to obtain his recommendation.

Mr. Barrett reported that Ray Ignosh of the Fifth Street CycloCross has again requested the use of the area surrounding the Emmaus Compost Site on Thursdays for the races. He stated that last year there was a complaint that the yellow tape marking the course was not removed promptly when the season was over. Mr. Labenberg asked if CycloCross pays a fee to use the area. Mr. Neely responded that he believes the group is charged \$25.00 per event. Mr. Labenberg asked if the tape around the Community Garden could be removed after each race. Mr. Neely introduced Mr. Ignosh, who responded that the stakes and tape are put up before and taken down after each race.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to approve the Fifth Street Cross (FSX)'s request to use the compost center and surrounding area on Thursdays from October 13 through December 16, 2011. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee recommends granting permission to Emmaus Action Sports to use and place moveable ramps at the Williams Street basketball courts on September 25, 2011 from 10:00 a.m. to 6:00 p.m. Mr. Brown stated that he will be voting for the Motion because it will give the Borough an idea of how a skate park will impact the Community. Dr. Waddell asked if the event will affect staff. Mr. Neely responded that it will not. Mr. Labenberg asked what type of ramps the group will use and if there will be a rental fee. Mr. Barrett responded that there is a rental fee. Mr. Reinhard asked if the group submitted proof of liability insurance. Mr. Barrett responded that they have.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the Emmaus Action Sports request to use and place moveable ramps at the Williams Street basketball courts for Street to Crete Skate Jam to be held on September 25, 2011 from 10:00 a.m. to 6:00 p.m. There were 7 ayes. Motion carried.

Mr. Barrett stated that Emmaus Actions Sports has looked at alternate locations for the possible skate park.

Mr. Barrett reminded that registration for the Emmaus KNBT 5K race opens on September 7, 2011. The race is held on October 15, 2011, prior to the Halloween Parade.

Mr. Barrett noted that there was a 3,200 mile running race that began in Los Angeles and ended in New York. There were 17 entrants from different countries and they ran down Harrison Street.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met with Chief Faust and recommends filling the 3 Emmaus Police Department vacancies.

September 6, 2011

EMMAUS BOROUGH COUNCIL

Motion by Mr. Brown, seconded by Mr. Barrett to fill the 3 vacant positions in the Emmaus Police Department. There were 7 ayes. Motion carried.

Mr. Reinhard questioned if all background checks have been performed. Mrs. Gilbert responded that background checks have been completed on the top 10 candidates. The next step is to have the Civil Service Commission certify the Eligibility List.

Motion by Mr. Labenberg, seconded by Mr. Brown to request a list of individuals from the Civil Service Commission to fill the current vacancies on the Emmaus Police Department. There were 7 ayes. Motion carried.

Resolution 2011-24 – A Resolution of the Borough of Emmaus Stating the Police Chief's Level of Benefits Upon Retiring as the Chief of Police from Employment with the Borough of Emmaus.

Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Resolution 2011-24 – A Resolution of the Borough of Emmaus Stating the Police Chief's Level of Benefits Upon Retiring as the Chief of Police from Employment with the Borough of Emmaus. There were 6 ayes, 1 opposed (Reinhard). Motion carried.

Mr. Reinhard asked why the Resolution is necessary. Mrs. Gilbert explained that it gives the Chief peace of mind, knowing that he would retire with the same retirement benefits due to the other police officers. Mr. Reinhard noted that it was handled the same way in the past. He did not believe that the Resolution is necessary. Mr. Labenberg asked if other Department Heads could ask for a similar resolution. Solicitor Procyk explained that Chief Faust is protected by Civil Service, while other Department Heads are not. Mr. Neely clarified that if Chief Faust retires from the Emmaus Police Department from the position of Chief, he would be covered under the contract that is in existence at that time.

Dr. Waddell voiced complaints about poor driving and the lack of stopping at intersections in the Borough. He particularly noted the intersections at 3rd & Harrison and 6th & Harrison Streets. He also commented that he believes the intersection at 3rd & 4th Street at the north end of the Veteran's Triangle should have a stop sign instead of a yield sign. He asked the Committee to discuss these intersections.

The next Committee Meeting is scheduled for September 8, 2011 at 9:00 a.m.

Progress.

e. General Administration Committee

The next Meeting is scheduled for September 7, 2011 at 9:00 a.m.

Progress.

September 6, 2011

EMMAUS BOROUGH COUNCIL

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 25, authorizing payment of the September 6, 2011 Bill List, as follows:

Bill List	\$	413,620.51
Payroll #17	\$	119,280.46
Payroll Taxes	\$	<u>36,084.05</u>
Total	\$	568,985.02

Done this 6th day of September 2011.

Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the September 6, 2011 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee discussed a request from Peaceable Kingdom for a contribution for spaying and neutering of feral cats. Peaceable Kingdom had a grant for \$25.00 per cat. The cost to spay or neuter a cat is approximately \$35.00. The Borough no longer uses Peaceable Kingdom for its services. The Committee denied the request.

Mr. Holtzhafer reminded that there is a budget workshop meeting scheduled for September 28, 2011 at 7:00 p.m. and invited Council to attend.

The next Committee Meeting is scheduled for September 15, 2011 at 3:30 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown invited Council to the Broad Street ribbon cutting ceremony on September 10, 2011 at 5:00 p.m. The ceremony will begin at 6th & Broad Streets.

Mr. Brown reported that the Treevitalization grant application deadline is October 1, 2011. It is a matching grant program, with a maximum grant of \$15,000. The Committee will discuss replacing Bradford Pear trees along Main Street.

Mr. Brown reported that he discussed the placement of the Replica Civil War Flag with members of the Emmaus Flag Day Association, who do not support the Flag being hung in the upstairs hallway.

Mr. Brown also reported that the Committee discussed painting the interior of Town Hall before displaying the artifacts from the 2009 Time Capsule.

Mr. Brown reported that the Committee discussed proposed plans for improvements for the area in front of the VFW and David's Electric. The Borough has an \$8,000 grant from funds left over from the Triangle Improvement Project. Mr. Brown reported that he discussed the idea with Pat Zentner of David's Electric and Mr. Neely discussed the idea with Carlton

September 6, 2011

EMMAUS BOROUGH COUNCIL

Dreas of the VFW, and they are both in agreement with the plans. The deadline for completion is December 31, 2011. Mr. Labenberg asked if the trees will be replaced. Mr. Brown reported that the trees are the remaining trees. Mr. Labenberg asked if the walking surface will be changed. Mr. Brown responded that it will not.

Motion by Mr. Brown, seconded by Dr. Waddell to approve the plans for improvement in front of the VFW and David's Electric and to have the work completed by December 31, 2011. There were 7 ayes. Motion carried.

Mr. Brown reported that the next Meeting is scheduled for September 22, 2011 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that he will be contacting Dr. Seidenberger to schedule a meeting.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for August are in the Council binders and offered to entertain questions about it.

Dr. Waddell asked Mr. Neely if the amount of the Broad Street Project is final and asked how the Project compares to the budgeted amount. Mr. Neely responded that the Project will come in at approximately \$10,000 to \$20,000 under budget.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 8:05 p.m. for an Executive Session to discuss a personnel matter, with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:50 p.m. with no official action being taken.

September 6, 2011

EMMAUS BOROUGH COUNCIL

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

The September 6, 2011 Meeting of the Emmaus Borough Council adjourned at 9:51
p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
September 8, 2011