

September 19, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, September 19, 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

September 6, 2011

7. Decisions on Bids
8. Communications
 - a. Annika Ihnat, Extra Mile America Foundation – Extra Mile Day Proclamation request.
 - b. Rochelle Romeo, The ROC Social Club /Run Lehigh Valley – Approval for Emmaus Fall Classic 3.5 Mile Race event.

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) (2nd Reading 9/19/11).

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 Firearms in Public Parks (1st Reading 9/19/11).

12. New Business

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Ordinance No. 1082 – An Ordinance Amending Ordinance No. 1013 (Service Electric Cable Television & Communication Franchise Ordinance) to Provide for the Renewal of the Cable Franchise (1st Reading 9/19/11).

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 – October 13, 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 – October 13, 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**

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- g. Hiring EMTs for Ambulance Corps – Christopher Fegley and Lindsay Alles**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – September 21, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update

General Administration (continued)

- c. Website Upgrade
- d. Ordinance No. 1080 – Temporary Uses by Special Exception (2nd Reading 9/19/11)**
- e. Ordinance No. 1082 – Renewal of Cable Franchise (SECTV) (1st Reading 9/19/11)**

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 2011-26**
- b. Emergency Management Coordinator Compensation
- c. Memorial Bench Contribution – Raymond Seiling**
- d. Resolution No. 2011-27—Employees’ Pension Plan**
- e. Resolution No. 2011-28—Police Pension Plan**

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 First Half of September 2011**

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19. President's Business
20. Adjournment

Next Resolution #29
Next Ordinance #1083

The Emmaus Borough Council met in regular session on September 19, 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 - None.

COMMUNITY MINUTE

Dr. Waddell reminded that there are volunteer opportunities available on the Planning Commission, the Library Board, and the Emmaus Arts Commission.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the September 6, 2011 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the September 6, 2011 Minutes as drafted. There were 7 ayes. Motion carried.

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DECISION ON BIDS – None.

COMMUNICATIONS

- a. Annika Ihnat, Extra Mile America Foundation – Extra Mile Day Proclamation request. Referred to Mayor Iobst.
- b. Rochelle Romeo – The ROC Social Club/Run Lehigh Valley – Approval for Emmaus Fall Classic 3.5 Mile Race event. Mrs. Gilbert noted that Ms. Romeo is requesting the closure of Green Street. Mrs. Gilbert referred the item to the Mayor and the Public Safety Committee.
- c. Mrs. Gloria D. Kemmerer, 327 W. Berger Street, Emmaus Senior Citizens – Fee waiver request for use of the Arts Pavilion for its annual summer picnic on June 15, 2012. Referred to the Parks and Recreation Committee.
- d. Jennifer Marangos, Lincoln Elementary PTO. Mrs. Gilbert stated that the PTO would like to hold a food festival at Lincoln Elementary on October 12, 2011 and is requesting to borrow tables and trash cans from the Borough for the event. The PTO is also requesting street closures. Mrs. Gilbert referred the item to the Mayor and Staff.
- e. William Tomayko, Program Manager, Waste Management Program, DEP – Transfer of Recycling Equipment.
- f. Kathy Haney – Email update about account balance for Downtown Police Officer Ray Seiling’s memorial bench.
- g. Rick Dougherty, Executive Director Lehigh County Senior Center – Request for \$2,000 donation from the Borough for 2012.

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) (2nd Reading 9/19/11).

Dr. Waddell explained that the Ordinance addresses temporary uses, like the one that occurred earlier this 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 approvals. Dr. Waddell reminded that it must be an annual event.

Motion by Mr. Labenberg, seconded by Dr. Waddell to read Ordinance No. 1080 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1080 in short title.

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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 2nd Reading. Roll call vote: Dr. Waddell, aye, Mr. Reinhard, aye, Mr. Brown, aye, Mr. Barrett, aye, Mr. Holtzhafer, aye, Mr. Labenberg, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

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 Firearms in Public Parks (1st Reading 9/19/11).

Solicitor Procyk reminded that several Council Meetings ago, there was a letter from Ken Richmond, a resident from Bucks County, suggesting that Municipalities amend their Ordinances dealing with carrying firearms in public places. The amended Ordinance includes the public parks section and the Triangle Park section of the Code of Ordinances.

Motion by Mr. Labenberg, seconded by Dr. Waddell to read Ordinance No. 1081 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1081 in short title.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt 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 Firearms in Public Parks on its 1st Reading.

Mr. Labenberg believes that there should be a statement about self-defense situations. Mr. Procyk responded that Legislative Act 2011-10, Omnibus Amendments to the Crimes and Offenses Section of the Pennsylvania Statute, is an Amendment to the Crimes Code in Pennsylvania. It specifically deals with the use of force for self-protection or the use of force for the protection of third persons. He stated that he is unsure how applicable the Act is to a public park situation. He also stated that he can add language to the drafted Ordinance if Council wants it done. Mr. Barrett asked if the Pennsylvania Crimes Code supersedes the Ordinance. Mr. Procyk responded that it does.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to table the Motion. There were 2 ayes, 5 opposed (Brown, Reinhard, Labenberg, Barrett, Gilbert). Motion failed.

Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, nay, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.

NEW BUSINESS

Ordinance No. 1082 – An Ordinance Amending Ordinance No. 1013 (Service Electric Cable Television & Communication Franchise Ordinance) to Provide for the Renewal of the Cable Franchise (1st Reading 9/19/11).

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Dr. Waddell explained that Ordinance No. 1082 deals with the Service Electric Cable Franchise Agreement, including complimentary internet locations for the Borough, and a senior citizen discount.

Motion by Mr. Labenberg, seconded by Dr. Waddell to read Ordinance No. 1082 in short title. There were 7 ayes.

Mrs. Gilbert read Ordinance No. 1082 in short title.

Motion by Dr. Waddell, seconded by Mr. Barrett to adopt Ordinance No. 1082 - An Ordinance Amending Ordinance No. 1013 (Service Electric Cable Television & Communication Franchise Ordinance) to Provide for the Renewal of the Cable Franchise on its 1st Reading. Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

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 Committee met on September 8, 2011. It discussed automated recycling pick-up, including a discussion about a pilot program with Raritan Valley. Additionally, the Committee would like to see if some sample 64 gallon totes can be provided to gauge if the size and weight would be overly burdensome for some of the residents. The Committee reviewed the difficulty dealing with pick-up in the higher population density areas of town. The Committee will continue to research improvements for recycling and refuse collection services. Mr. Labenberg asked if the Borough will save money. Mr. Reinhard responded that using larger totes increases the amount of recycling, so that the Borough will receive more grant money due to a higher tonnage of recycling. Mr. Labenberg asked how much the Borough currently receives in grant money. Mr. Reinhard responded that he is unsure of the amount.

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Mr. Reinhard reported that the Committee discussed the newly acquired compost equipment.

Mr. Reinhard also reported that Mr. Holtzhafer provided information to the Committee on Household Hazardous Waste disposal.

The next Committee Meeting is October, 13, 2011.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the next Committee Meeting is October 4, 2011.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee recommends appointing Christopher Fegley and Lindsay Alles as part-time EMTs for the Emmaus Ambulance Corps.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Christopher Fegley and Lindsay Alles as part-time EMTs for the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the new ambulance unit will be shipped four weeks ahead of schedule.

Mrs. Gilbert reported that she and Mayor Iobst attended the Crossing Guard summer picnic held at Emmaus Community Park and thanked Fire Company #2 for donating the food.

Mr. Labenberg stated that he received a phone call from a resident living on Williams Street, who reported a problem with loading and unloading trucks in the block. He asked if "No Unloading" signs could be placed in the block. Mrs. Gilbert responded that she said that the Committee will discuss it again.

The next Committee Meeting is scheduled for October 13, 2011 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell reminded that the Fall Newsletter was mailed to residents. The Committee will discuss whether to continue with Hometown Press and the current format in the future.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 26, authorizing payment of the September 19, 2011 Bill List, as follows:

Bill List	\$	427,110.93
Payroll #18	\$	112,369.76
Payroll Taxes	\$	<u>34,002.94</u>
Total	\$	573,483.63

Done this 19th day of September 2011.

Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the September 19, 2011 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer presented the 2012 Minimum Municipal Obligation calculations for the Police Pension Plan and Non-Uniform Pension Plan. Mr. Holtzhafer reported that the Committee voted unanimously to utilize a 75% amortization option to calculate the MMO. Mr. Labenberg stated that he will be voting against the motion because he does not believe that the Borough should utilize the 75% amortization option. He believes that the Borough should fund it 100%. Mr. Holtzhafer stated that it will cost the Borough approximately \$74,000 for full funding. Mr. Neely stated that Council can vote to fund 75% and still choose later to fund 100%. Mr. Labenberg asked if the MMO could be funded between 75% and 100%, to which Mr. Neely responded that it can. Mr. Neely explained that under Act 44, the Borough is obligated to fund a minimum of 75% but can fund more than that at any time. Mr. Reinhard stated that it is important to be cognitive of future obligations during contract discussions.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt Resolution 2011-27 – Borough of Emmaus Employees’ Pension Plan. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt Resolution 2011-28 – Borough of Emmaus Police Pension Plan. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

The next Committee Meeting is scheduled for September 28, 2011 at 7:00 p.m. A preliminary 2012 Budget will be discussed at the Meeting.

Progress.

g. Community Relations, Planning and Development Committee

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

Progress.

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h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that a meeting will be scheduled shortly.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the 1st half of September are in the Council binders and offered to entertain questions about it.

Progress.

PRESIDENT'S BUSINESS

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

The September 19, 2011 Meeting of the Emmaus Borough Council adjourned at 7:45 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
September 21, 2011