

October 17, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, October 17, 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

October 3, 2011

7. Decisions on Bids

2011 Sewer Inspection & Rehabilitation

8. Communications

- a. Thomas Seidenberger, East Penn School District Superintendent - Request for waiver of Open Burning Permit Fee.
- b. Teri Madison, Emmaus Main Street Partners – Old Fashioned Christmas Event requests.
- c. Richard Farmer, 221 N. 3rd Street – Request appointment to the Emmaus Arts Commission.
- d. James Martin, Office of the District Attorney – Request funding for 2012 Child Abuse Investigator.
- e. John Stover, Jr., 537 Chestnut Street – Request reappointment to the Vacancy Board (term expires 1/1/2012).
- f. Bob McLeod, 208 N. 7th Street – Request appointment to the Emmaus Arts Commission.
- g. Theodore Kohuth, 144 Pine Street – Request appointment to the Civil Service Commission.
- h. Susan Schmidt, 739 Lawrence Drive – Request reappointment to the Zoning Hearing Board (term expires 1/1/2012).

9. Borough Engineer's Report

10. Solicitor's Report

October 17, 2011

EMMAUS BOROUGH COUNCIL

11. Unfinished Business, Part I

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) (2nd Reading 10/17/11).

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) (2nd Reading 10/17/11).

12. New Business

13. Unfinished Business, Part II

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

- a. Proclamation 2011-298—Trick or Treat Night
- a. Proclamation 2011-302—Extra Mile Day

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Gilbert)

Next Meeting – November 3, 2011 at 3:00 p.m.

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

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

Next Meeting – November 10, 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 – November 1, 2011 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam

October 17, 2011

EMMAUS BOROUGH COUNCIL

- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – November 10, 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 (2nd Reading 10/17/11)**
- g. **Ambulance Corps—Hire Joseph Pezzuti, Part-time EMT**
- h. **Fire Department—Appoint David Tomcics as a member, approve Mark Weider as a driver of Unit 752, and approve Kyle Walbert as a driver of Unit 751.**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – November 19, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. **Ordinance No. 1082 – Renewal of Cable Franchise (SECTV) (2nd Reading 10/17/11)**
- e. Check Cashing Businesses—Zoning Ordinance Amendment
- f. **Retiree Dental Coverage**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – October 20, 2011 at 3:30 p.m.

- a. **Bill List – Resolution 2011-30**
- b. Emergency Management Coordinator Compensation

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

Next Meeting – October 27, 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
- d. Treevitalize Grant

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

Next Meeting – To be determined

October 17, 2011

EMMAUS BOROUGH COUNCIL

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 1st Half of October 2011**

19. President's Business

20. Adjournment

Next Resolution #31
Next Ordinance #1083

The Emmaus Borough Council met in regular session on October 17, 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

Mr. Barrett commented on the success of the Halloween 5K event, which attracted over 250 runners, and thanked KNBT for sponsoring the race for the 5th year in a row. He thanked Ron Glassic, at the KNBT Emmaus branch, and Chris Schmidt, owner of the Finish

October 17, 2011

EMMAUS BOROUGH COUNCIL

Line Running Store, for making prize donations. He also thanked the Emmaus Police Department, Ambulance Corps, Fire and Public Works Departments, South Mountain Cycles, the runners, and Borough Council. Mr. Labenberg and Dr. Waddell thanked the Parade Committee, Kathy Mintzer and John Eyer. He also thanked Mr. Barrett and all of the volunteers who helped with the parade and race.

Dr. Waddell reminded that the Borough is in need of a Christmas tree for the Triangle, asking that anyone with an appropriate sized tree should call Mr. Neely at Town Hall.

Mrs. Gilbert reminded that the Ambulance Corps will be hosting its 65th Anniversary Open House/Health Fair on Saturday, October 22, 2011 from 10:00 a.m. to 3:00 p.m., with the Medi-Vac landing at Noon. She also reminded that the Ambulance Corps' award ceremony will be at 7:00 p.m. on Monday, October 24, 2011 in Council Chambers. The events are open to the public.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the October 3, 2011 Minutes. There were 7 ayes. Motion carried.

Motion by Dr. Waddell, seconded by Mr. Brown to adopt the October 3, 2011 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Mr. Neely reported that on September 28, 2011, the Borough opened seven bids for the 2011 Sanitary Sewer Inspection Contracts. There were two Contracts, Contract A, to televise and clean approximately 25,000 linear feet of sewer line and Contract B, to install a 520 linear foot liner in a sewer main near Leibert Creek. The low bidder for Contract A was Sewer Specialty Services at \$26,090.00, and for Contract B was Mr. Rehab, Inc. at \$26,308.40.

Motion by Mr. Brown, seconded by Dr. Waddell to award Contract A, televising and cleaning approximately 25,000 linear feet of sewer line to Sewer Specialty Services in the amount of \$26,090.00. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Brown to award Contract B, installing a 520 linear foot liner in a sewer main near Leibert Creek, in the amount of \$26,308.40. There were 7 ayes. Motion carried.

Mr. Labenberg asked if the bids that were received were under budget. Mr. Neely responded affirmatively.

October 17, 2011

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

a. Thomas Seidenberger, East Penn School District Superintendent – Request for waiver of Open Burning Permit Fee.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to waive the Open Burning Permit Fee for the East Penn School District for Thursday evening, October 20, 2011. There were 5 ayes, 1 opposed (Labenberg), 1 abstention (Barrett). Motion carried.

Mr. Labenberg asked if the police and fire personnel that are provided for the event are paid for by the School District. Mr. Neely responded that if extra personnel are needed for the event, a bill will be sent to the School District for the hours that are worked.

b. Teryl Madison, Emmaus Main Street Partners – Old Fashioned Christmas requests. Mrs. Gilbert referred the item to the Parks and Recreation Committee.

c. Richard Farmer, 221 N. 3rd Street – Request appointment to the Emmaus Arts Commission. Referred to the General Administration Committee.

d. Lehigh County District Attorney James Martin – Request funding for the 2012 Child Abuse Investigator. Referred to the Budget and Finance Committee.

e. John Stover, Jr., 537 Chestnut Street – Request reappointment to the Vacancy Board (term expires 1/1/2012). Referred to the General Administration Committee.

f. Bob McLeod, 208 N. 7th Street – Request appointment to the Emmaus Arts Commission. Referred to the General Administration Committee.

g. Theodore Kohuth, 144 Pine Street – Request appointment to the Civil Service Commission. Mrs. Gilbert stated that there currently are no vacancies on the Commission. She asked Mr. Neely to keep Mr. Kohuth's letter on file.

h. Susan Schmidt, 739 Lawrence Drive – Request reappointment to the Zoning Hearing Board (term expires 1/1/2012). Referred to the General Administration Committee.

i. Lyle Richardson – Resignation from Parks and Recreation Commission.

Motion by Mr. Barrett, seconded by Mr. Labenberg to accept Mr. Richardson's resignation from the Parks and Recreation Commission. There were 7 ayes. Motion carried.

Mrs. Gilbert asked Mr. Neely to draft a letter of thanks to Mr. Richardson.

j. Mayor Iobst read the first paragraph of a letter he received stating that October is Breast Cancer Awareness Month and reminding women about the importance of obtaining a yearly mammogram.

k. Lehigh County District Attorney James Martin - Letter requesting contribution towards Municipal Emergency Response Team. Referred to the Budget and Finance Committee.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

October 17, 2011

EMMAUS BOROUGH COUNCIL

Progress.

UNFINISHED BUSINESS, PART I

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) (2nd Reading 10/17/11).

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 2nd 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.

Mr. Barrett asked if the Ordinance includes Triangle Park. Mrs. Gilbert responded that it does.

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) (2nd Reading 10/17/11).

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

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

Dr. Waddell explained that Ordinance No. 1082 involves the Service Electric Cable Franchise Agreement, adding seven complimentary internet locations for the Borough, and a senior citizen discount. Mr. Holtzhafer asked if the contract extends the franchise for 5 years beyond the existing franchise term of 2022. Mr. Neely responded that it does.

Motion by Dr. Waddell, seconded by Mr. Labenberg 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 2nd 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 – None.

October 17, 2011

EMMAUS BOROUGH COUNCIL

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2011-298, proclaiming Thursday, October 27, 2011 from 6:00 p.m. to 8:00 p.m. as Trick-or-Treat Night. Mayor Iobst asked that homeowners wishing to welcome trick-or-treaters turn on their porch lights.

Mayor Iobst read Proclamation 2011-302, proclaiming Tuesday, November 1, 2011, as Extra Mile Day. He encouraged all residents to take time on this day to not only "go the extra mile" in his or his own life, but to also acknowledge all those around us who are inspirational in their efforts and commitment to make their organizations, families, community, country, and world a better place.

Mayor Iobst thanked John Eyer for his volunteer efforts on behalf of the community. He also thanked the Halloween Committee for its outstanding job with the Halloween Parade.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on October 6, 2011. He reported that there was a Personal Appeal by Joan Wildman, of 226 Pine Street. Ms. Wildman previously made a Personal Appeal to Council after Hurricane Irene concerning a sewer backup. The Committee directed Jeff Clapper to inspect the sewer main via video. The Committee explained to Ms. Wildman the Borough's efforts to eliminate inflow and infiltration via the I & I Elimination Project. Ms. Wildman suggested that the Borough seek grants to pay for improvements to the Borough's sewer system. Dr. Waddell asked if all the necessary sewer work has been completed in the area leading to her home. Mr. Neely responded that the area that drains into the surrounding area of her home is very large and the work to video and repair the entire area has not been completed. Dr. Waddell clarified that he was asking if all Sanitary Sewer Inspections have been completed in the area.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Meeting scheduled for October 13, 2011 was cancelled. He reported that the Committee is waiting for a reply from Raritan Valley concerning recycling questions. He also reported that there is an outstanding item from Mr. Kohl on North 3rd Street that will be addressed at the next meeting.

Progress.

October 17, 2011

EMMAUS BOROUGH COUNCIL

c. Parks and Recreation Committee

Mr. Barrett reported that the Meeting scheduled for October 4, 2011 was cancelled. The next Meeting is scheduled for November 1, 2011.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee recommends hiring Joseph Pezzuti as a Part-time EMT for the Emmaus Ambulance Corps.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Joseph Pezzuti as a Part-time EMT for the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Committee recommends hiring David Tomcics to the Emmaus Fire Department contingent upon his successfully passing a physical examination.

Motion by Mr. Brown, seconded by Dr. Waddell to hire David Tomcics to the Emmaus Fire Department contingent upon his successfully passing a physical examination. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Committee recommends appointing Mark Weider as a driver for Unit 752 for the Emmaus Fire Department.

Motion by Mr. Brown, seconded by Mr. Labenberg to appoint Mark Weider as a driver for Unit 752 for the Emmaus Fire Department. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Committee recommends appointing Kyle Walbert as a driver for Unit 751 for the Emmaus Fire Department.

Motion by Mr. Labenberg, seconded by Mr. Barrett to appoint Kyle Walbert as a driver for Unit 751 for the Emmaus Fire Department. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Committee will schedule a special meeting with Kevin Farnish, Emergency Management Coordinator, to discuss updating the Borough's Emergency Operations Plan.

Mr. Labenberg commented that the participants in the "Occupy" group at the Triangle are standing with signs in the clear-sight triangle, which he thinks poses a traffic hazard.

Progress.

October 17, 2011

EMMAUS BOROUGH COUNCIL

e. General Administration Committee

Dr. Waddell stated that the Committee discussed offering enhanced dental benefits for retirees at the sole cost of the retiree. The Committee voted to recommend to Council that it approve offering the enhanced dental benefits to retirees, provided that they remit payment for the benefits for an entire calendar year on or before December 1st of the immediately preceding year.

Motion by Dr. Waddell, seconded by Mr. Labenberg to offer an enhanced dental benefit to retirees, at their expense, provided that they remit payment for the benefits for an entire calendar year on or before December 1st of the immediately preceding year. There were 7 ayes. Motion carried.

Mr. Reinhard asked if there will be a need to amend the motion for the benefit on a yearly basis. Mr. Neely responded that unless affirmative action is taken by Council to the contrary, it will remain an ongoing option.

The next Committee Meeting will be October 19, 2011.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 30, authorizing payment of the October 17, 2011 Bill List, as follows:

Bill List	\$	210,741.94
Payroll #20	\$	104,409.87
Payroll Taxes	\$	<u>31,719.41</u>
Total	\$	346,871.22

Done this 17th day of October 2011.

Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the October 17, 2011 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee will meet on October 20, 2011 to continue budget discussions.

Mr. Labenberg stated that at the October 6, 2011 Budget & Finance Committee Meeting he requested investigating refinancing the 2010 Bond Issue and asked if that will be considered. Mr. Holtzhafer responded that the item will be placed on the Agenda. Mr. Neely said that he is meeting with the Borough's Financial Adviser, Gary Pulcini, on October 26, 2011, to discuss the matter. Mr. Reinhard thanked Mr. Donches for videotaping the Committee Meeting and complimented Mr. Labenberg for his budget suggestions.

Progress.

October 17, 2011

EMMAUS BOROUGH COUNCIL

g. Community Relations, Planning and Development Committee

Mr. Brown reported that he met with the Shade Tree Commission to discuss options for the Treevitalization Project.

Mr. Brown also reported that preparations for displaying the replica Civil War Flag have begun. Dr. Waddell stated that the flag will be placed in Council Chambers. Pioneer Glass will supply a solid piece of glass to cover the Flag. Dr. Waddell thanked Mr. Sadrovitz for meeting with him, John Dychala, and Rick Wentz to discuss the placement of the Flag. Mr. Brown thanked the Emmaus Arts Commission for its suggestions on placement of the replica flag.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. Shawn Billy, N. 7th Street Circle, Emmaus – asked why Trick-or-Treat Night is always held on a Thursday night. Mayor Iobst responded that it is tradition to hold it on a Thursday night and he has not received enough requests to change the night. Mr. Labenberg responded that he believes it is not held on Fridays because it would interfere with football games.

Dr. Waddell recognized and thanked the Boy Scouts, including Shawn Billy, for attending the Council Meeting. He thanked them for helping on several occasions with clean-up at the Remembrance Garden.

B. John Eyer, 321 N. 2nd Street, Emmaus – thanked Council, the Emmaus Ambulance Corps, Police Department, and Fire and Public Works Departments for their support with the Halloween Parade. Mr. Eyer asked Mr. Reinhard if the videotapes Mr. Donches makes are being altered. Mr. Reinhard responded that he received a CD-ROM from Mr. Donches, which he watched at his residence and that Mr. Donches said that he edits it, but claims that he runs unedited versions from start to finish elsewhere.

BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

October 17, 2011

EMMAUS BOROUGH COUNCIL

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

The October 17, 2011 Meeting of the Emmaus Borough Council adjourned at 7:46 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
October 18, 2011

DRAFT