

October 20, 2009

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Tuesday, October 20, 2009, 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 5, 2009

7. Decision on Bids

Refuse and Recycling Collection Disposal and Marketing

8. Communications

- a. Leslie Heffron, Emmaus Arts Commission – SnowBlast Event Requests
- b. Carol Bastian, 108 N. 4<sup>th</sup> St. – Reappointment to Emmaus General Authority – Term Expires 01/01/2010.
- c. William Ahlert, Emmaus-Upper Milford Joint EAC – 2010 Financial Support
- d. Mr. and Mrs. Richard Steager, 231 Furnace St. – Installation of Speed Bump

9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

- a. **Ordinance No. 1059 – An Ordinance Providing for Procedures for Warrantless Arrest (1<sup>st</sup> Reading 10/05/09) (2<sup>nd</sup> Reading 10/20/09)**

12. New Business

- a. **Ordinance No. 1060 – An Ordinance Amending Chapter 15, Section 201, Pertaining to Maximum Speed Limits Established on Certain Streets (1<sup>st</sup> Reading 10/20/09)**

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13. Unfinished Business, Part II

- a. Ordinance No. 1056 – An Ordinance Amending Chapter 15, Sections 403 and 404(a), Abandoning No Parking Zone and Establishing Restricted Parking Zones and Bus Parking Zones on School Days Along East Minor Street Associated with the Seven Generations Charter School.

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

16. Committee Reports

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

Next Meeting – November 4, 2009 at 8:00 a.m.

1. Committee
  - a. EPA Order – I & I Elimination
  - b. I & I Elimination Report
  - c. Sidewalk Repairs

2. Solicitor

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

Next Meeting – November 12, 2009 at 3:30 p.m.

1. Committee
  - a. **Refuse Contract**
  - b. Conservation
  - c. **Riparian Buffer Ordinance**

2. Solicitor

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

Next Meeting – November 3, 2009 at 3:30 p.m.

1. Committee
  - a. Ice Rink/Skate Park
  - b. Raven Mill Trail Project (Trail Name)
  - c. Geese at Furnace Dam
  - d. Boy Scouts Use of Boro Line Park

2. Solicitor

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

Next Meeting – November 12, 2009 at 9:00 a.m.

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**Public Safety** (continued)

1. Committee
  - a. Trailer Truck Parking
  - b. Tractor Trailer Unloading
  - c. Seven Generations Charter School Parking Restriction Recommendations
  - d. Ordinance No. 1059 – Warrantless Arrests**
  - e. Ordinance No. 1060 - Maximum Speed Limits**
  
2. Solicitor

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

Next Meeting – October 28, 2009 at 9:00 a.m.

1. Committee
  - a. Historical Sites and Park Ordinance
  - b. Email for Council People
  - c. A-Frame Signs/Sign Ordinance**
  - d. John Kirschman History of Emmaus Donation**
  - e. Computer Software Upgrade**
  
2. Solicitor

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

Next Meeting – October 29, 2009 at 3:30 p.m.

1. Committee
  - a. Bill List – Resolution 2009-30**
  - b. 2010 Budget
  - c. Policy for Use of Tax ID Number
  - d. 2009 Celebration – Overtime
  - e. Senior Refuse Fee Reduction Consideration**
  
2. Solicitor

**Community Relations/Development** (Brown, Waddell, Reinhard)

Next Meeting – October 28, 2009 at 4:00 p.m.

1. Committee
  - a. South Side Master Plan
  - b. Downtown Master Plan – Parking Deck, VFW, David's Electric
  - c. Triangle Project Expansion
  - d. Emmaus Main Street Program Community Survey
  
2. Solicitor

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

Next Meeting – October 21, 2009 at 3:30 p.m.

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 October 2009**

19. President's Business

- a. **Executive Session – Personnel Issue**

20. Adjournment

Next Resolution #31  
Next Ordinance #1061

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The Emmaus Borough Council met in regular session on October 20, 2009 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

Council Vice President Gilbert called the meeting to order at 7:00 p.m.

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

PERSONAL APPEALS – PART 1 - None.

COMMUNITY MINUTE

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Mr. Labenberg thanked Mr. Barrett and Kathy Mintzer for the success of the 2009 Halloween 5K Race and Halloween Parade.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the October 5, 2009 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to approve the October 5, 2009 Minutes as drafted. There were 6 ayes. Motion carried.**

### DECISION ON BIDS

Mr. Neely reported that the Refuse & Recycling Bid Opening was held on October 5, 2009 at noon in Council Chambers. There were three bidders: Raritan Valley Disposal, J.P. Mascaro, and Waste Management. There are two options for pickup, 1x per week and 2x per week. Waste Management is the lowest bidder for pick up 1x per week at \$526,155.00 and Raritan Valley is the lowest bidder for pick up 2x per week at \$510,510.00. Historically the Borough has had refuse and & recycling collection 2x per week. The Health, Sanitation and Conservation Committee recommends that the bid be awarded to Raritan Valley on a twice per week basis, and staff is in agreement with the Committee.

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to award the 2010 Refuse & Recycling Bid to Raritan Valley Disposal on a twice per week basis for \$510,510.00 for the first six months of the contract in 2010. There were 6 ayes. Motion carried.**

Mr. Labenberg thanked Mr. Neely for his work on the 2010 Refuse & Recycling bid package. He also stated that the community will be able to recycle more because it will be able to commingle recyclables. He thanked Waste Management for its superior service to the Borough. Mr. Barrett asked why a twice per week pick up is more cost effective than picking up once per week. Mr. Neely deferred to representatives of Raritan Valley who could explain it. Mr. Brown asked if the days of the week for pickup will change. Mr. Neely stated that pickup days will change and further information will be made available shortly. Linda Emery, from Waste Management, thanked the Borough for the opportunity to have served the community. She asked the Borough to consider limiting trash collection to once per week as it is more environmentally friendly than twice per week. Robert McReynolds, General Manager of Raritan Valley Disposal, stated that he feels Raritan Valley will be very successful in servicing the Borough and is looking forward to doing so. Mr. McReynolds responded to Mr. Barrett's question by explaining that if they provided once per week pick up they would have to purchase another truck so that their capital outlay would have been more if they were to provide once per week service. Mr. Neely thanked the three bidders for their professionalism during the bidding process.

### COMMUNICATIONS

a. Leslie Heffron, Emmaus Arts Commission – SnowBlast Event Requests. Referred to Parks and Recreation Committee.

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b. Carol Bastian, 108 N. 4<sup>th</sup> St. – Reappointment to Emmaus General Authority – Term Expires 01/01/2010. Referred to General Administration Committee.

Mr. Labenberg asked if the vacancy could be advertised in the Borough newsletter. Mr. Neely responded that it could and explained the advertising process for Boards and Commissions.

c. William Ahlert, Emmaus-Upper Milford Joint EAC – Request for 2010 Financial Support. Referred to Budget & Finance Committee.

d. Richard Steager, 231 Furnace St. – Request for Installation of Speed Bump. Referred to Public Safety Committee.

e. Frank Sadrovitz, 130 N. 4<sup>th</sup> St. – Arts Pavilion concerns. Referred to Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – None.

UNFINISHED BUSINESS, PART I

a. Ordinance No. 1059 – An Ordinance Providing for Procedures for Warrantless Arrests. (1<sup>st</sup> Reading 10/05/09) (2<sup>nd</sup> Reading 10/20/09).

**Motion by Mr. Labenberg, seconded by Mr. Reinhard, to read Ordinance No. 1059 in short title. There were 6 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1059 in short title – An Ordinance Providing for Procedures for Warrantless Arrests.

Mr. Neely explained that the Borough inadvertently repealed the Warrantless Arrest Ordinance when it repealed other ordinances relating to police procedure, but that the Ordinance remained in the Ordinance book because the Borough Manager's office never sent it to the publisher to be codified. During the accreditation process, the Police Department realized that the Ordinance for Warrantless Arrests should not have been repealed.

**Motion by Mr. Brown, seconded by Mr. Labenberg to adopt Ordinance No. 1059 on its 2<sup>nd</sup> Reading. Roll Call Vote: Mr. Brown, aye, Mr. Reinhard, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. Motion carried.**

NEW BUSINESS

a. Ordinance No. 1060 – An Ordinance Amending Chapter 15, Section 201, Pertaining to Maximum Speed Limits Established on Certain Streets (1<sup>st</sup> Reading 10/20/09).

**Motion by Mr. Barrett, seconded by Mr. Labenberg to read Ordinance No. 1060 in short title. There were 5 ayes, 1 opposed (Holtzhafer). Motion carried.**

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Mrs. Gilbert read Ordinance No. 1060 in short title – An Ordinance Amending Chapter 15, Section 201, Pertaining to Maximum Speed Limits Established on Certain Streets.

**Motion by Mr. Barrett, seconded by Mr. Brown to adopt Ordinance No. 1060 – An Ordinance Amending Chapter 15, Section 201, Pertaining to Maximum Speed Limits Established on Certain Streets on its 1<sup>st</sup> Reading. Roll Call Vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Mrs. Gilbert, aye. Motion carried.**

UNFINISHED BUSINESS, PART II

a. Ordinance No. 1056 – An Ordinance Amending Chapter 15, Sections 403 and 404(a), Abandoning No Parking Zone and Establishing Restricted Parking Zones and Bus Parking Zones on School Days Along East Minor Street Associated with the Seven Generations Charter School. 90 Day trial period expires 11/15/09.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on October 7, 2009. He reported that the Borough has received a request from the Environmental Protection Agency relating to the I & I Elimination Program. He stated that the Borough is well ahead of other municipalities in implementing remedial measures. Mr. Neely stated that the EPA's Order is dated September 28, 2009 and the Borough has thirty days to respond. Mr. Labenberg reported that the Borough is making great progress with the I & I Program and should complete it within the next two years.

**Motion by Mr. Labenberg, seconded by Mr. Brown to authorize Mr. Neely to accept the terms that the Environmental Protection Agency has set forth in the Order from September 28, 2009. There were 6 ayes. Motion carried.**

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard thanked Mr. Neely and Kathy Yaindl for their work on the Refuse & Recycling Bid.

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Mr. Barrett asked what types of bins would be used for recycling. Mr. Reinhard answered that households would be able to use their own receptacles and a decal would be placed on the container to identify it as recyclables.

Mr. Reinhard stated that the Committee discussed the Riparian Buffer Ordinance. Mr. Holtzhafer explained that the Lehigh County Planning Commission recommends a 150 ft. buffer on either side of a riparian area. The Committee will study the issue and make a recommendation to Council.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Kline's Lane/Weider's Lane Trail is in need of a name and the Committee is seeking suggestions. He stated that the Halloween 5K Race was very successful. There were 253 registrants with ages ranging from 6 to 70. Approximately 75% of the participants ran in the Halloween 5K in the past. Mr. Labenberg's and Mr. Reinhard's families were congratulated on their successes. Mr. Barrett estimates the event will raise close to \$4,000.

Progress.

d. Public Safety Committee

**Motion by Mr. Labenberg, seconded by Mr. Brown to appoint Shawn Lubenetski as a driver of units #711 & 712, and Robert Schwoyer as a driver of unit #751 for the Emmaus Fire Department. There were 6 ayes. Motion carried.**

Mrs. Gilbert reported that the Public Safety Committee reviewed the Rules and Regulations for Triangle Park. The Committee recommends that Solicitor Procyk draft an Ordinance stating the Rules and Regulations for Triangle Park.

**Motion by Mr. Labenberg, seconded by Mr. Brown to recommend that Solicitor Procyk draft an Ordinance stating the Rules and Regulations for Triangle Park. There were 6 ayes. Motion carried.**

Progress.

e. General Administration Committee

Mr. Neely reported that the Committee recommends that Council adopt an amendment to the Zoning Ordinance to include the following elements in a definition of "commercial advertising signs": The size is limited to 8 square feet; only 1 sign is allowed per business; there are no restrictions on the hours that they can be used; and the business would need to obtain a yearly permit, with a fee to be determined by the Budget and Finance Committee.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to direct Solicitor Procyk to draft an amendment to the Zoning Ordinance to provide for a definition of "Commercial Advertising Signs." There were 6 ayes. Motion carried.**



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Mr. Neely reported that the Borough received 3 quotes for computer software upgrades to the Borough's central offices. Mr. Neely reported that the General Administration Committee recommends that the Borough purchase software and receive training from Dallas Data Systems. Mr. Neely reported that Dallas Data Systems currently works with Salisbury Township, which highly recommends them. Lower Macungie Township is planning on upgrading with Dallas Data Systems also. Dallas Data Systems has agreed to conduct joint training with Emmaus and Lower Macungie Township and will allow the Borough to split the cost of the training with Lower Macungie. There will be training that is specific to the Borough, so that the cost of the training may not be split exactly in half.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to approve the purchase of computer software upgrades through Dallas Data Systems and to partner and split the cost of training with Lower Macungie Township. There were 6 ayes. Motion carried.**

Mr. Brown questioned if Dallas Data Systems' quote was the most expensive. Mr. Neely responded that the base price was the most expensive but with the discount for training the cost of the upgrade was the same as Harris Systems. The upgrade will be part of the 2010 Budget. Mr. Barrett added that additional hardware upgrades will be required. Mr. Brown commented that the system is costly, but the ability to pay online is an advantage. Mr. Labenberg added that an upgrade to the system will be a great advantage to the Borough.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2009-30, authorizing payment of the October 20, 2009 Bill List, as follows:

Bill List	\$ 236,979.57
Payroll #19	\$ 101,444.20
Payroll Taxes	<u>\$ 30,472.38</u>
Total	\$ 368,896.15

Done this 20th day of October, 2009.

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the October 20, 2009 Bill List. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations/Development Committee

The next Committee meeting will be on October 28, 2009 at 4:00 p.m.

Progress.

h. Ad Hoc Committee – Community/School Relations

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Mr. Holtzhafer reported that the Committee will meet on October 21, 2009 at 3:30 p.m. at the East Penn Administration Offices.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Neely noted the Significant Revenue and Expense Items for the 1st half of October 2009.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 7:48 p.m. for an Executive Session to discuss a brief personnel issue, without official action being anticipated.

Mrs. Gilbert reconvened the Meeting at 7:54 p.m. with no official action taken.

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 7:54 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
October 21, 2009