

November 7, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, November 7, 2011, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations

Mayor Winfield Iobst will administer the Oath of Office to:

Robert J. Alburger, Emmaus Police Officer
Joseph L. Longenbach, Emmaus Police Officer

6. Reading of Minutes

October 17, 2011

7. Decisions on Bids

8. Communications

- a. Nancy Reimert, 836 Walnut Street – Request reappointment to the Emmaus Board of Health (term expires 1/1/2012).
- b. Janie Slamon, Emmaus Public Library – Request reappointment of Jean Nagle to the Emmaus Public Library Board (term expires 1/1/2012).
- c. Robert Drennan, 1005 Little Lehigh Drive – Request reappointment to the Shade Tree Commission (term expires 1/1/2012).
- d. Roger Whitcomb, 402 Mountain Blvd. – Letter of resignation from the General Authority (term expires 1/1/2012).
- e. Daniel Beers, Lehigh County Housing Authority – Letter of gratitude for assistance during power outage.
- f. Danielle Schurman, 609 N. Second St. – Consider Trick-or-Treat rain date.

9. Borough Engineer's Report

10. Solicitor's Report

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11. Unfinished Business, Part I
12. New Business
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 – December 1, 2011 at 3:00 p.m.

- a. Wieders Lane Status

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 – December 6, 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
- e. **EMSP Old Fashioned Christmas Request**

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

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – November 16, 2011 at 9:00 a.m.

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- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Check Cashing Businesses—Zoning Ordinance Amendment

General Administration (continued)

- e. **Appoint Richard Farmer to the Emmaus Arts Commission (term expires 2/7/15)**
- f. **Possible Appointment of Bob McLeod to the Emmaus Arts Commission (term expires 2/7/13)**
- g. **1803 House Lease Agreement**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – November 17, 2011 at 3:30 p.m.

- a. **Bill List – Resolution 2011-31**
- b. Emergency Management Coordinator Compensation

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

Next Meeting – December 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
- d. Treevitalize Grant

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 October 2011**
- b. **Borough Manager's Correspondence**

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19. President's Business

Executive Session – Legal and Personnel Issues

20. Adjournment

Next Resolution #32
Next Ordinance #1084

The Emmaus Borough Council met in regular session on November 7, 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 – arrived at 7:55 p.m.
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 Borough personnel had difficulty responding to the snowstorm over the Halloween weekend. Mr. Neely responded that the Emergency Management Coordinator, Kevin Farnish, was present during the storm and all of the Departments responded swiftly and appropriately. Mrs. Sadrovitz asked if the Borough is planning on updating its Emergency Operations Plan. Mr. Neely responded that the Public Safety Committee is working with Kevin Farnish to update the Plan.

B. Larry Killingsworth, 726 N. 2nd Street, Emmaus – voiced concern about a sewer backup that occurred at his property during Hurricane Irene. He thanked the Emmaus Fire Department and ServiceMaster for their assistance during the backup. He asked if the Borough has a plan to correct the problem and commented that he has not received the results of the video that was taken of the sewer line on Mulberry Street. Mr. Neely responded that, on October 13, the sewer line on Mulberry Street was videoed and forwarded to the Borough

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Engineer for review. He also stated that he met with the Borough Engineer, who noted that there are problems with the sewer line in the area and will issue a recommendation. He assured Mr. Killingsworth that the Borough is actively pursuing a remedy but can not proceed until it receives the Borough Engineer's opinion.

C. Joan Wildman, 226 Pine Street, Emmaus – voiced concern about the sewage back up that occurred at her property during Hurricane Irene. She claimed that there are numerous grant and loan programs offered by DEP, FEMA, and the EPA. She stated that the Borough has been inspecting properties for five years for stormwater infiltration and believes the program has taken too long to complete. Mr. Neely responded that the Sewer I & I Program was begun by Mr. Clapper in 2006, three years prior to federal mandates by EPA. Emmaus has been the most aggressive and proactive of the thirteen communities serviced by the Allentown Wastewater Treatment Plant. Mr. Neely stated that the Borough budgets \$65,000 yearly for subcontractors to inspect and repair the sewer system. Ms. Wildman stated that Pennvest offers grant money to upgrade sewage facilities. Mr. Neely corrected that Pennvest is a loan program, not a grant program. He stated that DEP considers the issue a maintenance issue and does not issue grants for maintenance issues. Mr. Brown reminded that the next Public Works Committee Meeting is December 1. He encouraged Ms. Wildman to attend.

D. Mike Gibson, 230 Ridge Street, Emmaus – stated that he previously approached Council about being overcharged by the Water Department and was told the issue would be resolved by the end of 2011. He stated that Mr. Neely indicated that the Borough was waiting on software and training to issue the overcharge credits. Mr. Gibson stated that he was disappointed that the Borough did not provide an update to the residents. Mr. Neely responded that a credit will be issued in the first quarter of 2012 but it is at Council's discretion to direct staff to credit every water account individually in the amount of \$5.64. Dr. Waddell and Mr. Barrett stated that it would be very costly to credit each household individually.

COMMUNITY MINUTE

Dr. Waddell thanked Jeff Shubzda and the Emmaus Arts Commission for the success of the Student Horror Film Festival. He stated that there were over 20 films entered from students around the Lehigh Valley.

SPECIAL PRESENTATIONS

Mayor Iobst administered the Oath of Office to Robert J. Alburger and Joseph L. Longenbach as newly hired Emmaus Police Officers with Police Chief Faust present.

Mrs. Gilbert called for a brief recess at 7:30 p.m.

The Meeting reconvened at 7:35 p.m.

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READING OF MINUTES

Motion by Mr. Brown, seconded by Dr. Waddell to dispense with the formal reading of the October 17, 2011 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Brown, seconded by Dr. Waddell to adopt the October 17, 2011 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

- a. Nancy Reimert, 836 Walnut Street – Request reappointment to the Emmaus Board of Health (term expires 1/1/2012). Referred to the Health and Sanitation Committee.
- b. Janie Slamon, Emmaus Public Library – Request reappointment of Jean Nagle to the Emmaus Public Library Board (term expires 1/1/2012.) Referred to the General Administration Committee.
- c. Robert Drennan, 1005 Little Lehigh Drive – Request reappointment to the Shade Tree Commission (term expires 1/1/2012). Referred to the General Administration Committee.
- d. Roger Whitcomb, 402 Mountain Blvd. – Letter of resignation from the General Authority (term expires 1/1/2012). Referred to the General Administration Committee.
- e. Daniel Beers, Lehigh County Housing Authority – Letter of gratitude for assistance during power outage. Mr. Neely read an additional letter of gratitude from Mr. Beers to Emmaus Ambulance Chief Nonnemacher and his staff. Mr. Neely complimented Borough staff and the residents for remaining calm during the snowstorm. Mrs. Gilbert asked Mr. Neely to share the letters with Staff. Mr. Neely thanked Borough Staff and Chief Nonnemacher. Mr. Brown directed Mr. Neely to send a letter of thanks to North Penn Services for providing food to the Seniors during the storm.
- f. Danielle Schurman, 609 N. Second St. – Letter of consideration for Trick-or-Treat rain date. Referred to the Mayor.
- g. Doug Hall, 701 Pine Street – Reappointment to the Shade Tree Commission. Referred to the General Administration Committee.
- h. Robert Iridozy, Emmaus Bakery – Parking concerns in the downtown. Referred to the Public Safety Committee.
- i. Lehigh County District Attorney James Martin – 3rd National Take Back Day Initiative. Mrs. Gilbert stated during the event, held at Weis Market on Chestnut Street, approximately 55 lbs. of prescription drugs were deposited for disposal.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I - None.

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NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Dr. Waddell encouraged the Public Works Department to complete the I & I inspections in the area where the sewer-back ups referenced in the Personal Appeals occurred. Mr. Neely responded that the inspections have been completed in the Pine and Second Street areas. Dr. Waddell asked if there is a timeline for when Hanover Engineering will state its recommendation. Mr. Neely responded that there is not a timeline because there are other studies that may need to be completed first.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee will meet on November 10, 2011.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on November 1, 2011 with one item for official action.

Mr. Barrett reported that the Emmaus Main Street Partners is requesting use of the Triangle for its Old Fashioned Christmas event, scheduled for December 3, 2011 from 5:00 p.m. until 8:00 p.m., and is requesting the use of two parking spaces in front of Iobst Travel from 3:00 p.m. until 8:00 p.m.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the Emmaus Main Street Partners' request for use of the Triangle for Old Fashioned Christmas, scheduled for December 3, 2011 from 5:00 p.m. until 8:00 p.m., and the use of two parking spaces in front of Iobst Travel from 3:00 p.m. until 8:00 p.m. There were 6 ayes. Motion carried.

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Mr. Barrett reported that the Emmaus Main Street Partners is requesting a proclamation by Mayor Iobst, granting permission to close the 300 block of Main Street from 5:00 p.m. until 8:00 p.m. on December 3 for the Tree Lighting Ceremony.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the next Committee Meeting is scheduled for Thursday, November 10 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee recommends appointing Dick Farmer to the Emmaus Arts Commission for a term expiring on 2/7/15.

Motion by Dr. Waddell, seconded by Mr. Barrett to appoint Dick Farmer to the Emmaus Arts Commission to a term expiring on 2/7/15. There were 6 ayes. Motion carried.

Dr. Waddell reported that the Committee recommends appointing Robert McLeod to the Emmaus Arts Commission for a term expiring on 2/7/13.

Motion by Dr. Waddell, seconded by Mr. Barrett to appoint Robert McLeod to the Emmaus Arts Commission for a term expiring on 2/7/13. There were 6 ayes. Motion carried.

Dr. Waddell reported that the Committee recommends approving the proposed lease between the Borough and the Friends of the 1803 House for the 1803 House property. Mr. Neely stated that the Borough has a lease with the Shelter House, which has been in effect for decades. He explained that the proposed 1803 House lease is consistent with the Shelter House lease, being very simple. Dr. Waddell stated that the Friends of the 1803 House approved the lease.

Motion by Dr. Waddell, seconded by Mr. Barrett to approve the Lease Agreement between the Borough of Emmaus and the Friends of the 1803 House for the 1803 House property. There were 6 ayes. Motion carried.

The next Committee Meeting is November 16, 2011.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 31, authorizing payment of the November 7, 2011 Bill List, as follows:

Bill List	\$	337,291.96
Payroll #21 and #22	\$	226,082.03
Payroll Taxes	\$	<u>69,867.22</u>
Total	\$	633,241.21

Done this 7th day of November 2011.

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

Mr. Holtzhafer reported that a 2012 Preliminary Budget, with a memorandum explaining the Budget with no tax increase for 2012, will be included in Council's packets. Mr. Holtzhafer entertained questions. Mr. Reinhard commented that he hopes the 2012 Budget can be passed without any tax or fee increases. Dr. Waddell asked when the 2012 Preliminary Budget will be discussed. Mr. Holtzhafer reported that the 2012 Preliminary Budget will be reviewed at the Council Meeting on November 21, 2011. Mr. Brown thanked Mr. Holtzhafer for having held special Budget and Finance Committee Meetings to discuss the 2012 Budget.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown congratulated the Emmaus Main Street Partners for obtaining a \$500,000 Grant to renovate the former Main Street Gallery building located at 179 Main Street.

Mr. Brown reported that the glass to cover the replica Civil War Flag broke and has been reordered.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. John Eyer, 321 N. 2nd Street, Emmaus – provided an update on Legion Field upgrades. EYA is working with Bill Butler, the head of Maintenance for the Iron Pigs, to upgrade the infield at Legion Field. The work will be completed in August 2012. Mr. Eyer stated that EYA will need a Borough electrician to hook the timer up for the irrigation system.

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He also stated that EYA has 5 pallets of field mix that need to be stored and requested storage at a Borough facility. Mr. Neely responded that he will discuss the matter with Staff.

B. Marshall Rau, 5363 Covenant Court, East Texas, - stated that he owns property in Emmaus. He congratulated the Borough Public Works employees for how well they handled the amount of traffic at the Compost Site during the cleanup from the Halloween snowstorm.

BOROUGH MANAGER'S REPORT

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

Mr. Neely read his resignation letter, effective December 6, 2011. Mr. Neely asked if Council could hold off its acceptance until the next Council Meeting. Dr. Waddell thanked Mr. Neely for his service to the community. Mayor Iobst offered Mr. Neely best wishes for the future.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting for an Executive Session to discuss legal and personnel issues at 8:10 p.m.

Mrs. Gilbert reconvened the meeting at 8: 55 p.m., with official being taken.

Motion by Dr. Waddell, seconded by Mr. Labenberg to advertise for the Borough Manager's position. There were 7 ayes. Motion carried.

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

The November 7, 2011 Meeting of the Emmaus Borough Council adjourned at 8:56 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 11, 2011