

December 19, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, December 19, 2011, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
  - Dedication of the Replica Civil War Flag
6. Reading of Minutes
  - December 5, 2011
7. Decisions on Bids
8. Communications
  - a. Emmaus Central Business District Property and/or Business Owners – Letters of concern regarding parking needs and enforcement of parking.
  - b. Vickie Gruver, Parks & Recreation Commission – 2012 Community Day Plans.
  - c. Bryan Gruver, 672 Chestnut Street – Request appointment to the Parks & Recreation Commission.
  - d. Stephen Baier, 220 Cherokee Street – Request reappointment to the Environmental Advisory Council (term expires 3/7/2012).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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**Ordinance No. 1083—An Ordinance Amending Chapter 27, Section 202 of the Zoning Ordinance and Providing a Definition of “Check Cashing Business”, and Amending Section 306(2) to Prohibit that Use in the Central Commercial (B-C) District, and to Allow that Use in the Highway Commercial (B-H) and Limited Commercial (B-L) Districts (1<sup>st</sup> Reading 12/5/11) (2<sup>nd</sup> Reading 12/19/11).**

**Ordinance No. 1084—An Ordinance Levying Taxes for the Fiscal Year 2012 for the Borough of Emmaus at the Rate of 13.25 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1<sup>st</sup> Reading 12/5/11) (2<sup>nd</sup> Reading 12/19/11).**

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 – To be determined.

- a. Wieders Lane Status
- b. **Resolution 2011-37—Sewer Planning Module for New Land Development**

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

Next Meeting – To be determined.

- 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 – To be determined.

- a. Ice Rink/Skate Park

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- b. Geese at Furnace Dam
- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases
- e. **SnowBlast Winter Festival**
- f. **Food Stand at Community Park – RFP**
- g. **Saint Margaret’s Nursery School – Fee Waiver**
- h. **Summer Concert Series Funding / Contracts**

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

Next Meeting – To be determined.

- 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 – December 28, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. **Ordinance No. 1083—Check Cashing Businesses**
- e. **Appointment of Michael Montero to the Emmaus Arts Commission (term expires 2/1/2015)**
- f. **Resolution 2011-38—Police Pension Contribution**

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

Next Meeting – January 3, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2011-39**
- b. Emergency Management Coordinator Compensation
- c. **Resolution 2011-36—Adoption of 2012 Fiscal Year Budget**
- d. **Ordinance No. 1084—2012 Levying Taxes**

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

Next Meeting – December 22, 2011 at 4:15 pm.

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- 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 First Half of December 2011**
- b. **Teresa Pohlmann—Expiration of Probationary Period**

19. President's Business

20. Adjournment

Next Resolution #40  
Next Ordinance #1085

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The Emmaus Borough Council met in regular session on December 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

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R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

### PERSONAL APPEALS, PART I

**A. Andrew Folkes, 192 Landis Circle, Emmaus** – voiced concern about water running down 2<sup>nd</sup> Street towards Landis Circle, which causes icing problems in the front of his property. He stated that there is a bus stop in front of his property and the ice causes a safety hazard. He presented pictures of the icing to Council. Mr. Neely stated that the Public Works Committee will discuss the matter and encouraged Mr. Folkes to contact the Public Works Department when icing occurs. Mrs. Gilbert directed Mr. Labenberg to add the item to the Public Works Committee Agenda. Mr. Barrett asked Mr. Folkes if he is aware of the source of the water. Mr. Folkes responded that he believes the source is ground water discharging from a neighbor's sump pump into the owner's driveway.

**B. Roy Anders, 349 S. 2<sup>nd</sup> Street, Emmaus** – complimented the Borough Winter Newsletter but commented that several of the articles had events listed that were held prior to receiving the newsletter. He stated that he is also concerned about the icing situation on South 2<sup>nd</sup> Street and Landis Circle. He also believes that it causes a safety issue. Mr. Barrett asked Mr. Neely to explain why the newsletter was delivered late to the residents. Mr. Neely responded that the newsletter is outsourced to Hometown Press and was scheduled to be mailed to residents on December 1. Hometown Press was contacted on December 3, because the newsletters had not been delivered, and it was determined that the Halloween ice storm put them behind schedule and they were unable to get it mailed out by the deadline. Consequently, the newsletter was not delivered until substantially later than was promised. Mr. Neely reminded everyone that the Borough does not pay Hometown Press to publish the newsletter and it has no recourse for the newsletter being delivered late.

COMMUNITY MINUTE - None.

### SPECIAL PRESENTATIONS

Mr. Brown invited the Flag Day Association to join him in the rededication of the 47<sup>th</sup> Regiment replica Civil War Flag to the Borough of Emmaus. Marge Heatley, Emmaus Flag Day Association, presented a history of the Flag. Mr. Brown thanked the Emmaus Flag Day Association and the Community Relations, Planning, and Development Committee for its help with placement of the Flag.

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READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the December 5, 2011 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the December 5, 2011 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS - None.

COMMUNICATIONS

a. Emmaus Central Business District Property and /or Business Owners – Letters of concern regarding parking needs and enforcement of parking. Referred to the Public Safety Committee.

b. Vickie Gruver, Parks & Recreation Commission – 2012 Community Day Plans. Referred to the Parks and Recreation Committee.

c. Bryan Gruver, 672 Chestnut Street – Request appointment to the Parks and Recreation Commission. Referred to the Parks and Recreation Committee.

d. Stephen Baier, 220 Cherokee Street – Request reappointment to the Environmental Advisory Council (term expires on 3/7/2012). Referred to the General Administration Committee. Mrs. Gilbert corrected and referred the item to the Health, Sanitation, and Conservation Committee.

e. Tom Klitch – Request appointment to the Environmental Advisory Council. Referred to the General Administration Committee. Mrs. Gilbert corrected and referred the item to the Health, Sanitation, and Conservation Committee.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1083 – An Ordinance Amending Chapter 27, Section 202 of the Zoning Ordinance and Providing a Definition of “Check Cashing Business”, and Amending Section 306(2) to Prohibit that Use in the Central Commercial (B-C) District, and to Allow that Use in the Highway Commercial (B-H) and Limited Commercial (B-L) Districts (1<sup>st</sup> Reading 12/5/11) (2<sup>nd</sup> Reading 12/19/11).

Dr. Waddell explained that there were 4 requests by individuals wanting to open check cashing businesses in the Borough's downtown. The Borough wants to prohibit

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this type of business in the Central Commercial District and allow it in the Business Highway and Business Limited Districts.

**Motion by Mr. Barrett, seconded by Dr. Waddell to read Ordinance No. 1083 in Short Title. There were 7 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1083 in Short Title.

**Motion by Dr. Waddell, seconded by Mr. Barrett to adopt Ordinance No. 1083 - An Ordinance Amending Chapter 27, Section 202 of the Zoning Ordinance and Providing a Definition of "Check Cashing Business", and Amending Section 306(2) to Prohibit that Use in the Central Commercial (B-C) District, and to Allow that Use in the Highway Commercial (B-H) and Limited Commercial (B-L) Districts on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Reinhard, aye; Dr. Waddell, aye; Mr. Barrett, aye; Mr. Holtzhafer, aye; Mr. Labenberg, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

Ordinance No. 1084 – An Ordinance Levying Taxes for the Fiscal Year 2012 for the Borough of Emmaus at the Rate of 13.25 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1<sup>st</sup> Reading 12/5/11) (2<sup>nd</sup> Reading 12/19/11).

**Motion by Mr. Holtzhafer, seconded by Mr. Barrett to read Ordinance No. 1084 in Short Title. There were 7 ayes. Motion carried.**

Mr. Holtzhafer read Ordinance No. 1084 in Short Title.

**Motion by Mr. Holtzhafer, seconded by Mr. Barrett to adopt Ordinance No. 1084 - An Ordinance Levying Taxes for the Fiscal Year 2012 for the Borough of Emmaus at the Rate of 13.25 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Labenberg, nay; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Reinhard, nay; Dr. Waddell, aye; Mrs. Gilbert, aye. Motion carried.**  
NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst wished everyone Happy Holidays and to enjoy Christmas and stay safe.

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Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that Resolution 2011-37 is a Resolution for plan revision for new land development at 424-436 North 3<sup>rd</sup> Street. Mr. Neely explained that PA DEP altered its prior regulations concerning sewer planning modules. The modules were previously one page, but now, when there is a subdivision, there is a formal sewer planning module process and Borough Council must approve the resolution for the sewer planning module.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to adopt Resolution 2011-37. There were 7 ayes. Motion carried.**

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee met on December 8, 2011 and discussed the reappointment of Nancy Reimert to the Board of Health. The reappointment will take place in 2012.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on December 6, 2011. He reported that the Committee received a letter from St. Margaret's Nursery School requesting a pavilion fee waiver at Emmaus Community Park on May 18, 2012.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant St. Margaret's Nursery School a fee waiver request for the use of a pavilion at Emmaus Community Park on May 18, 2012. There were 7 ayes. Motion carried.**

Mr. Barrett reported that Schreiter's Chuck Wagon has retired as the concession stand vendor at the Emmaus Community Park. The Committee recommends a Request for Proposal to seek a replacement vendor at the Emmaus Community Pool Snack Stand.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to advertise the Borough of Emmaus Community Park Concession Stand Request for Proposal. There were 7 ayes. Motion carried.**

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Mr. Barrett reported that the Emmaus Arts Commission will hold its Snow Blast Winter Festival on February 3, 2012. It requests the use of the Triangle from 10:00 a.m. to 10:00 p.m., along with permission to sell alcohol. Mr. Reinhard stated that he supports the Festival, but noted that the proper liability insurance coverage certificate has not been provided. Mr. Brown stated that the event is an Annual event and asked if it would be covered under the new Borough Ordinance concerning events. Mr. Barrett clarified that the Ordinance was for Zoning purposes.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Arts Commission use of the Triangle on February 3, 2012 for its Snow Blast Winter Festival and to serve alcohol contingent on the proper liability insurance coverage being provided. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.**

Mr. Barrett reported that the Committee received an email from Janet Latshaw who is concerned about tree branches being down at Emmaus Community Park. Mrs. Latshaw was offered an explanation.

Mr. Barrett reported that the Committee held a long discussion about the Summer Concert Series and the contracts that exist with the bands for the Concert Series. The Committee determined that the contracts for 2012 are valid. The Committee recommends that the Borough should not be funding the Series to the extent that it has, and that work should be done to determine mechanisms by which fundraising could play a greater role in funding the Series. The Committee determined that future contracts should include a Cancellation Clause that allows the Borough to cancel the contract before the last day the Budget could be opened, in case the concerts are funded. Mr. Labenberg added that the new contracts will be signed by a representative from Borough Hall to take the responsibility away from Mrs. Sadrovitz. Mr. Barrett re-emphasized that the Summer Concert Series will remain in the 2012 Budget.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on December 8, 2011 and offered to answer questions.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee interviewed Mr. Mike Montaro for the Emmaus Arts Commission. Mr. Montero owns a violin repair and sales shop in Emmaus and is trained in classical violin. Dr. Waddell commented that the Commission is full and has very qualified individuals on it.

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**Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Mr. Mike Montaro to the Emmaus Arts Commission for a term expiring February 1, 2015. There were 7 ayes. Motion carried.**

Dr. Waddell read Resolution 2011-38 A Resolution Requiring that each Employed Full Time Police Officer of the Borough of Emmaus, Hereafter Referred to as Active Member of the Emmaus Police Pension Plan, as a Condition of Participation in the Plan, Must Contribute, on an After-Tax-Basis, 2.55% of the Participant's Compensation into the Emmaus Police Pension Plan Effective January 1, 2012.

Mr. Reinhard asked how the contribution percentage is determined. Mr. Neely responded that it is computed using a formula, and Christine Snyder prepares the calculation. Mr. Labenberg asked if the percentage is the same as 2011. Mr. Neely responded that the percentage is lower. Mr. Barrett asked if the formula is created by the state. Mr. Neely responded that the formula was created by Borough Council and the Police Union several years ago and it was incorporated by reference into the last Collective Bargaining Agreement that the union signed and is addressed in December of every year.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Resolution 2011-38 – A Resolution Requiring that each Employed Full Time Police Officer of the Borough of Emmaus, Hereafter Referred to as Active Member of the Emmaus Police Pension Plan, as a Condition of Participation in the Plan, Must Contribute, on an After-Tax-Basis, 2.55% of the Participant's Compensation into the Emmaus Police Pension Plan Effective January 1, 2012. There were 7 ayes. Motion carried.**

Progress.

Dr. Waddell reported that the Committee received a final draft of the Shade Tree Ordinance and will discuss the item at a future meeting.

Dr. Waddell also reported that the Committee will recommend appointments to several Boards and Commissions at the first Council Meeting in January 2012.

Dr. Waddell reported that the Committee had a lengthy discussion with members of the Shade Tree Commission to assist the Committee to determine what to do in the future concerning the Borough Christmas Tree for the Triangle. Dr. Waddell reported that the Committee discussed six possible options:

- Look for a 25' to 30' tree each year, which presents many obstacles for the Public Works Department.
- Locate a smaller 15' to 20' tree, which would be easier for the Public Works Department to manage.
- Harvest trees for the future.

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- Planting a tree on the Triangle; this decreases the useable space on the Triangle.
- Plant a tree elsewhere, for example the Library, and hold the tree lighting ceremony elsewhere.
- Purchase an artificial tree after the holidays, which would cost approximately \$8,000.

Mr. Barrett reminded that the man hours spent for the Christmas tree this year was approximately \$6,000. Dr. Waddell thanked the Shade Tree Commission and John Dychala for attending the Meeting.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 39, authorizing payment of the December 19, 2011 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>171,627.24</b>
<b>Payroll #25</b>	<b>\$</b>	<b>126,048.05</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>39,140.76</u></b>
<b>Total</b>	<b>\$</b>	<b>336,816.05</b>

Done this 19th day of December 2011.

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

**Motion by Mr. Holtzhafer, seconded by Dr. Waddell to adopt Resolution 2011-36 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2012 Fiscal Year and Appropriating from Fund Equities, Revenues and Other Financing Sources Available for the Year 2012 for the Specific Purposes Set Forth Therein. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown thanked John Dychala, Rick Wentz, and Allen Lewis of the Public Works Department for their help with the placement of the Flag. He also thanked the CRD Committee and Borough Council for its support.

The next Committee Meeting is on December 22, 2011.

Progress.

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### h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that there are no meeting dates available until mid-January 2012.

Progress.

PERSONAL APPEALS, PART II – None.

### BOROUGH MANAGER'S REPORT

Mr. Neely offered that the Significant Revenue and Expense Items for the first half of December 2011 are in the binders, about which he would answer any questions.

Mr. Neely reported that Teresa Pohlmann's probationary period will end on December 26, 2011 and recommends hiring her as a full-time Water/Sewer Billing Clerk.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to recommend Teresa Pohlmann to full-time status as the Water/Sewer Billing Clerk. There were 7 ayes. Motion carried.**

Mrs. Gilbert thanked Mr. Neely for his years of service to the Borough and thanked him for his commitment, dedication, and service to the resident's of the Borough of Emmaus.

Mrs. Gilbert also thanked Mr. Reinhard for his service to the Community.

Mr. Barrett thanked Mr. Neely for his 13+ years of Public Service to the Community.

Mayor Iobst wished Mr. Neely well in his future endeavors, noted how well they got along, and wished him good luck.

Mr. Holtzhafer thanked Mr. Neely for his knowledge and for the amount of time he put into the Community.

Mr. Labenberg thanked Mr. Reinhard for his time served on Council and wished him the best of luck. He thanked Mr. Neely for his time served, thanked him for his knowledge of the Community, keeping the history alive, how much he cares about the Community, and wished him the best of luck.

Dr. Waddell thanked Mr. Reinhard for returning to Borough Council for a second time, and for his time and effort. Dr. Waddell thanked Mr. Neely for his knowledge and

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thanked him for his legacy of leaving the Borough a better place and wished him good luck.

Mr. Brown thanked Mr. Neely for teaching and advising him and for all his hard work. Mr. Brown thanked Mr. Reinhard for returning to Council, for challenging him personally, and for his service.

Mr. Reinhard thanked Mr. Neely for teaching and advising him and wished him the best of luck moving forward.

Mr. Neely responded that it has been a journey of ten years, with many challenges and difficulties, and that he has not left a legacy; it was a group of people, Lee Ann Gilbert, Mayor Iobst, Sue Schmidt, Roger Whitcomb, and Joyce Marin who began to chart the course for the future of the Borough. He stated that the efforts of those individuals thrust the Borough into the National spotlight as being one of the Top 100 Places to live. He reminded that it is up to Borough Council to take the Borough to the next level and to chart the course for the future. He stated that it will be a difficult challenge. He stated that it is time for him to step aside and that there may be others more motivated than him to push the Borough to the next level. He thanked Borough Council for its support and thanked the voters who initially elected him to office. He thanked the Borough employees for being the greatest group of public servants that a town has to offer.

### PRESIDENT'S BUSINESS

Mrs. Gilbert called an Executive Session at 8:10 p.m. to discuss a personnel matter, not anticipating that official action would be taken upon reconvening.

Mrs. Gilbert wished everyone a Happy and safe Holiday season.

Mrs. Gilbert reconvened the Meeting at 8:34 p.m. with no official action being taken.

**Motion by Mr. Barrett, seconded by Mr. Brown to adjourn the December 19, 2011 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The Meeting adjourned at 8:35 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
December 21, 2011