

February 2, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, February 2, 2009 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Special Presentation – South Side Master Plan
5. Reading of Minutes  

January 19, 2009
6. Decision on Bids
7. Communications
  - a. David W. Biles, 936 Evergreen St. – Request for 25 MPH Speed Signs
  - b. Rose Plarr and Family, 351 S. Seventh St. – Letter of Thanks to Emmaus Ambulance Corps.
  - c. David Snyder, 3962 Mountain Rd., Slatington – Letter of Interest to Apply for Part-Time Weed/Grass, Snow/Ice Enforcement Position
  - d. Glen R. Dilcher, 3128 S. Sixth St. – Request Pension Increase for the Police Retirees
  - e. Chrissy Flexer, 3701 Pine St. – Request Permission to Place Fund Raiser Signs in Borough of Emmaus
  - f. Leslie Heffron, Emmaus Arts Commission – SnowBlast Winter Festival Requests
  - g. Vickie Gruver, Emmaus Youth Association Board Member – Requesting Use of Concession Stand
  - h. Ronald L. Freed, 914 E. Union St., Allentown – Fountain Project
  - i. David H. Killick, Conrad Siegel Actuaries – Police Pension Plan
  - j. Cris Brauchle, Secretary, East Penn Emmaus Midget Football Association – Field Usage Fee Waiver for Youth Football/Cheer.
8. Borough Engineer's Report
9. Solicitor's Report

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10. Unfinished Business, Part I

- a. **Ordinance No. 1047 – An Ordinance Amending the Provisions of Chapter 15, Section 404(d), and Establishing that Parking shall be Prohibited in the 600 Block of Pine Street in Excess of One Hour on any Vehicle Without an Approved Resident Parking Permit (1<sup>st</sup> Reading 12/1/08) (2<sup>nd</sup> Reading 2/02/09)**
- b. **Ordinance No. 1050 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part B, Article VII of Exhibit A, Entitled “Borough of Emmaus Employees Pension Plan”, to Comply with the Pension Funding Equity Act of 2004, Pension Protection Act of 2006, and the Final Regulations Issued Under Internal Revenue Code Section 415, Effective as Provided in the Amendment (1<sup>st</sup> Reading 1/5/09) (2<sup>nd</sup> Reading 2/02/09)**
- c. **Ordinance No. 1051 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part C, Article VII of Exhibit A, Entitled “Borough of Emmaus Police Pension Plan”, to Comply with the Pension Funding Equity Act of 2004, Pension Protection Act of 2006, and the Final Regulations Issued Under Internal Revenue Code Section 415, Effective as Provided in the Amendment (1<sup>st</sup> Reading 1/5/09) (2<sup>nd</sup> Reading 2/02/09)**

11. New Business

12. Unfinished Business, Part II

- a. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading Awaiting Raven Mill’s Attorney)

13. Items Not on Agenda, Subject to Rule 6

14. Mayor’s Report

15. Committee Reports

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

1. Committee
  - a. Sidewalk Ordinance
  - b. 2009 Compost Site Hours
2. Solicitor

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**Health and Sanitation** (Holtzhafer, Labenberg, Brown)

1. Committee
  - a. Borough Energy Usage – Department Head Input Forms
  - b. Recycling Needs and Costs
  - c. **Assessment Methods Review**
2. Solicitor

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

1. Committee
  - a. **Raven Mill Property Exchange – Cost Sharing**
  - b. Park Comp Plan
  - c. No Smoking at Parks
  - d. Sandbox at Community Park
  - e. Ice Rink/Skate Park
  - f. Raven Mills Trail
  - g. Meadow Pool
  - h. Field Use Fee Schedule
2. Solicitor

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

1. Committee
  - a. Request for Permit Parking – 600 Block of Pine Street (90-Day Trial Period Expires 11/18/08) – Ordinance No. 1047
  - b. Trailer Truck Parking
  - c. Parking at Fairview/6<sup>th</sup> Streets (Santo's)
  - d. Public Safety Issues Raised by Lori Washburn, 420 Broad St.
2. Solicitor

**General Administration** (Gilbert, Barrett)

1. Committee
  - a. Police and Employees' Pension Plan – Ordinance Nos. 1050 & 1051
  - b. "Community Announcements" Agenda Item
2. Solicitor

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

1. Committee
  - a. **Bill List – Resolution 2009-6**
  - b. Borough Installment Plan

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**Budget and Finance** (continued)

2. Solicitor

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

1. Committee
  - a. Southside Industrial Master Plan
  - b. **Triangle Park Construction – Kiosk Design**
  - c. 2009 Anniversary Celebration – Reserving Pavilions for August 15, 2009
  - d. Public Parking Project – “Jubilee Parking Lot”
2. Solicitor

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

Community/School Relations

- a. Junior Council Member
16. Personal Appeals, Part II
17. Borough Manager’s Report
  - a. Significant Revenue and Expense Items for January 2009
18. President’s Business
  - a. **Revised Committee Assignments**
19. Adjournment

Next Resolution #7  
Next Ordinance #1052

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The Emmaus Borough Council met in regular session on February 2, 2009 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

**CALL TO ORDER**

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

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Michael Waddell, President	Present
Lee Ann Gilbert, Vice-President	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Arrived 7:50 p.m.
Brian Holtzhafer	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. 4<sup>th</sup> St.**, presented to Council a picture she obtained from a magazine depicting landscaping and a plaque that she feels would look nice on the Triangle. She suggested having something different placed there every month by Emmaus organizations. She believes the fountain is an expense and the Borough can't afford it.

**b. Jeff Purtell, 704 W. Greenleaf St.**, representing St. Ann's School CYO. The school will be starting a soccer program in the Spring and appreciates the usage of the field. Also, as a player on the Hurling Club he is requesting a field usage fee waiver on behalf of his club. Council Member Barrett asked that the request be made in writing to the Parks and Recreation Committee for review. Decisions will be made on a club-by-club basis.

**c. Cris Brauchle, 535 E. Berger St.**, secretary for the East Penn Emmaus Midget Football Association, submitted a letter requesting a field usage fee waiver. All of their football players and cheerleaders are from the East Penn School District and would like to have the fees waived.

**d. Kevin Haldeman, President, EPemFA**, stated that the program has been serving the community for over 40 years. He believes that 42% of their kids are Emmaus residents. In order not to raise the program's fees to cover the cost of using the fields, they are requesting to have the fees waived. Council Member Barrett suggested that Mr. Haldeman attend the Parks and Recreation Committee meeting tomorrow to review his request.

**e. Bruce Carl, 136 N. Fourth St.**, received a letter from the Borough regarding the individual who lives in his home. Mr. Carl asked that the Borough review the letters that were sent to him. He stated that he has a moving permit for his girlfriend who moved in with him. He stated that he doesn't believe the Borough has the right to question who lives at their property. Borough Manager Neely will look into the matter and respond to Council in writing.

SOUTH SIDE MASTER PLAN PRESENTATION

Chris Brown, representing Derck & Edson, made a comprehensive power point presentation concerning the South Side Master Plan. The Plan is for the area from 7<sup>th</sup> Street to 10<sup>th</sup> Street in the area of Broad Street and another portion is near 3<sup>rd</sup> & 4<sup>th</sup> Streets behind

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the Powder Mill Apartments. Mr. Brown discussed the types of potential development in the study areas.

He described that they present two options in the industrial area near 3<sup>rd</sup> and 4<sup>th</sup> Streets. One is an institutional use, such as a medical complex or an educational facility. The other is higher density residential. The area would be connected to the downtown by pedestrian pathways.

Mr. Brown showed examples of what could be done in the 7<sup>th</sup> to 10<sup>th</sup> Street area. It would remain primarily industrial. But, he suggested infill development with mixed use commercial/industrial with upper floor residential along 7<sup>th</sup> Street on the east side of the Air Products property. He suggested that artisan-type light industrial uses are a possibility. Parking would be to the rear of the buildings to enhance the streetscape.

The Plan is also suggesting improvements to the entrance to the properties on the south side of Broad Street. An entrance road would be more defined and would be landscaped. It would provide access to all of the properties in that area.

The Plan is suggesting new construction on the northeast corner of 10<sup>th</sup> and Broad Streets, and a second story addition to the building on the southeast corner at 10<sup>th</sup> and Broad. They would serve as a “gateway” defining one’s entrance into the south side industrial area.

The Plan also makes suggestions about enhancing the Broad Street corridor. Street lighting elements would help define Broad Street as a designated pedestrian way between the south side and downtown. He showed renderings of the façade of the Prestige Marble and Granite building on the southwest corner of 7<sup>th</sup> and Broad Streets that include a new entrance and lighting features that enhance its appearance. The lighting options show how small changes or additions can actually make a significant impact.

Council Member Labenberg confirmed with Mr. Brown that the Plan would not be using local taxpayers’ money. Council Member Holtzhafer commended Mr. Brown for the verbiage to enhance the Broad Street linkage. Councilman Labenberg questioned how the businesses were asked to improve their properties. Mr. Brown advised that the process began by sending out invitations to all of the business owners to attend meetings and share in the discussions. Mr. Brown stated that the Borough needs to continue discussions and encourage the businesses to be involved. President Waddell sees the final Plan being returned to the Community Relations/Development Committee for its involvement, and possibly creating an ad hoc committee.

President Waddell opened the questioning to the public. Carl Billera asked if there are plans for additional residential development on the south side. Mr. Brown responded yes. He envisions third floor residential living, condo style, and light industrial on the ground floors. Bruce Carl asked about the rezoning of 300 Furnace St. Borough Manager Neely explained that the request for rezoning was denied because of a problem with who owned it.

President Waddell thanked Mr. Brown for the presentation. Mr. Brown expects that the final Plan will be published by the end of the month. Borough Manager Neely commented that Derck & Edson has done a splendid job involving all of the stakeholders and Council, and getting the feel for what Emmaus is all about.

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READING OF MINUTES

**Motion by Council Member Barrett, seconded by Council Member Gilbert to dispense with the formal reading of the January 19, 2009 minutes. There were 7 ayes.**

**Motion by Council Member Brown, seconded by Council Member Gilbert to adopt the January 19, 2009 minutes as drafted. There were 6 ayes, 1 abstained (Reinhard). Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

- a. David W. Biles, 936 Evergreen St. – Request for 25 MPH Speed Signs. Referred to Public Safety.
- b. Rose Plarr and Family, 351 S. Seventh St. – Letter of Thanks to Emmaus Ambulance Corps.
- c. David Snyder, 3962 Mountain Rd., Slatington – Letter of Interest to Apply for Part-Time Weed/Grass, Snow/Ice Enforcement Position. Referred to General Administration Committee.
- d. Glen R. Dilcher, 3128 S. Sixth St. – Request Pension Increase for the Police Retirees. Referred to Budget & Finance Committee.
- e. Chrissy Flexer, 3701 Pine St. – Request Permission to Place Fund Raiser Signs in Borough of Emmaus.

**Motion by Council Member Labenberg, seconded by Council Member Gilbert to grant permission to place signs in yards to advertise the “Bingo for a Cure” charity event. There were 7 ayes. Motion carried.**

- f. Leslie Heffron, Emmaus Arts Commission – SnowBlast Winter Festival Requests. Borough Manager Neely explained to Council that she is requesting to place a “warming hut” near the pavilion next to the Williams Street playground across from the library. It will need power supplied to it.

**Motion by Council Member Labenberg, seconded by Council Member Gilbert to grant permission to place a portable warming hut on the Williams Street Playground and to work with Mr. Clapper concerning the power supply. There were 7 ayes. Motion carried.**

- g. Vickie Gruver, Emmaus Youth Association Board Member – Requesting Use of Concession Stand. Referred to the Parks and Recreation Committee.
- h. Ronald L. Freed, 914 E. Union St., Allentown – Triangle Project Fountain.
- i. David H. Killick, Conrad Siegel Actuaries – Police Pension Plan. Referred to the Budget & Finance Committee.
- j. Cris Brauchle, Secretary, East Penn Emmaus Midget Football Association – Field Usage Fee Waiver for Youth Football/Cheer. Referred to Parks and Recreation Committee.
- k. Jenae Holtzhafer, 1207 S. 10<sup>th</sup> St. – Letter of Interest to Apply for Part-Time

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Weed/Grass, Snow/Ice Enforcement Position. Referred to General Administration Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Attorney Procyk reported on an issue from the last Council meeting regarding Bethel Bible Church Community Center. He confirmed that the church complied with the time frame for building the center. Attorney Procyk wrote a letter to Council for the church to find out whether they will be filing the appropriate paperwork with the Lehigh County Recorder of Deeds office regarding the portion of Apple Street that was vacated. Progress.

UNFINISHED BUSINESS, PART I

**Motion by Council Member Gilbert, seconded by Council Member Brown to read Ordinance No. 1047 in short title. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1047 in short title: An Ordinance Amending the Provisions of Chapter 15, Section 404(d), and Establishing that Parking shall be Prohibited in the 600 Block of Pine Street in Excess of One Hour on any Vehicle Without an Approved Resident Parking Permit.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to adopt Ordinance No. 1047 on its 2<sup>nd</sup> Reading. Roll Call Vote: Labenberg aye, Holtzhafer aye, Barrett aye, Brown aye, Reinhard aye, Gilbert aye, Waddell aye. Motion carried.**

Council Member Brown asked where the permits for parking could be obtained. Borough Manager Neely will report to Council.

**Motion by Council Member Labenberg, seconded by Council Member Barrett to read Ordinance No. 1050 in short title. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1050 in short title: An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part B, Article VII of Exhibit A, Entitled "Borough of Emmaus Employees Pension Plan", to Comply with the Pension Funding Equity Act of 2004, Pension Protection Act of 2006, and the Final Regulations Issued Under Internal Revenue Code Section 415, Effective as Provided in the Amendment.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to adopt Ordinance No. 1050 on its 2<sup>nd</sup> Reading. Roll Call Vote: Labenberg aye, Holtzhafer aye, Barrett aye, Brown aye, Reinhard aye, Gilbert aye, Waddell aye. Motion carried.**

**Motion by Council Member Brown, seconded by Council Member Gilbert to read Ordinance No. 1051 in short title. There were 7 ayes. Motion carried.**

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President Waddell read Ordinance No. 1051 in short title: An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part C, Article VII of Exhibit A, Entitled “Borough of Emmaus Police Pension Plan”, to comply with the Pension Funding Equity Act of 2004, Pension Protection Act of 2006, and the Final Regulations Issued Under Internal Revenue Code Section 415, Effective as Provided in the Amendment.

**Motion by Council Member Barrett, seconded by Council Member Labenberg to adopt Ordinance No. 1051 on its 2<sup>nd</sup> Reading. Roll Call Vote: Labenberg aye, Holtzhafer aye, Barrett aye, Brown aye, Reinhard aye, Gilbert aye, Waddell aye. Motion carried.**

Council Member Barrett questioned the difference between the two ordinances. Borough Manager Neely explained that one is the non-uniform employee pension plan, the other is the police pension plan. Mr. Neely stated that the Borough paid the actuaries \$2,000 for each of the amendments to conform to changes in IRS regulations.

NEW BUSINESS – None.

### UNFINISHED BUSINESS, PART II

a. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading Awaiting Raven Mill’s Attorney)

ITEMS NOT ON AGENDA, subject to Rule 6 – None.

MAYOR’S REPORT - Progress.

### COMMITTEE REPORTS

a. Public Works Committee

The January 28<sup>th</sup> meeting was cancelled due to inclement weather. The next meeting is scheduled for February 11<sup>th</sup> at 8:00 a.m. Progress.

b. Health and Sanitation Committee

Council Member Holtzhafer reported that the Committee met this evening with Linda Faust of Keystone Avenue to discuss the Borough’s refuse assessment method. The Committee will meet on February 12<sup>th</sup> at 3:30 p.m. Progress.

c. Parks and Recreation Committee

Council Member Barrett reported that the Committee also met this evening to discuss the Raven Mill Property Exchange. Since there are costs associated with the property line changes, the Committee recommended drafting a letter requesting that Raven Mill share the costs with the Borough for a lot line adjustment.

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**Motion by Council Member Barrett, seconded by Council Member Holtzhafer for the Borough and Raven Mill to share the cost for a lot line adjustment as a 50-50 split.**

Council Member Labenberg confirmed with Council Member Barrett that the cost memorandum provides only estimates. If the costs are higher or lower, it will still be a 50-50 split. Council Member Brown understands that the surveying costs have been paid but asked if the other items listed were included on the 2009 Budget. Borough Manager Neely confirmed that the Borough has engineering services that are included in the Budget.

**There were 7 ayes. Motion carried.**

The next Parks and Recreation Committee Meeting is scheduled for February 3<sup>rd</sup> at 3:30 p.m. Progress.

d. Public Safety Committee

The next Public Safety Committee Meeting is scheduled for February 12<sup>th</sup> at 9:00 a.m. Progress.

e. General Administration Committee

The next Committee Meeting is scheduled for February 10<sup>th</sup> at 9:00 a.m. at which time the Committee will be reviewing the Rules and Regulations for Council meetings. Progress.

a. Budget and Finance Committee

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the February 2, 2009 Bill List.**

Bill List	\$ 294,878.69
Payroll #2	\$ 102,581.00
Payroll Taxes	<u>\$ 33,472.81</u>
Total	\$ 430,932.50

**Done this 2nd of February 2009. There were 7 ayes. Motion carried.**

Progress.

b. Community Relations/Development Committee

A motion was made by Council Member Brown to adopt the South Side Master Plan provided by Derck & Edson. President Waddell stated that a motion should not be made until the final plans are received and reviewed. Council Member Brown withdrew his motion.

The Committee recommended to Council that it approve Kiosk Option 2 for the Triangle Park Project.

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**Motion by Council Member Brown, seconded by Council Member Holtzhafer to accept the design of the Moravian style kiosk, being Option 2.**

Council Member Gilbert stated that she does not like the look of kiosk Option 2 and thinks plain is better. Council Member Holtzhafer stated that he thought Council would be given color choices. Borough Manager Neely noted that the gentleman making the kiosk did not submit the colors to the Committee to review. President Waddell stated that Council should decide on the design tonight.

**There were 5 ayes, 2 opposed (Labenberg, Gilbert). Motion carried.**

The next Committee meeting is scheduled for February 25<sup>th</sup> at 4:00 p.m. Progress.

c. Ad Hoc Committees – Community School Relations

Council Member Holtzhafer reported that the Committee met last week with Dr. Seidenberger, Superintendent of the East Penn School District, to discuss the funding of a school resource officer. Police Chief Faust and Dr. Sidenberger agreed to work together to develop a consensus on how it can be funded, and how we will have a police presence in the school. Dr. Seidenberger will notify the Committee of the School District's contact person for the 2009 Anniversary Celebration. Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Borough Manager Neely discussed with Council the contamination at Cintas. In 2002 Cintas installed wells on their property to monitor the water quality underneath the Cintas property. It was agreed that every month Borough Manager Neely and Jeff Clapper would have a conference call with a representative from Cintas and Cintas' engineer. Cintas wants to install 3 monitoring wells on Borough property that would help investigate potential groundwater correlation between the Cintas site and the Borough wells. Cintas is requesting that Council authorize Arcadis, Cintas's engineer, to install the 3 monitoring supply water wells.

Council Member Holtzhafer asked if the Borough has a consulting engineer to protect our interest. Borough Manager Neely replied that our utility engineer, Hanover Engineering, is helping us. Any costs incurred by the Borough's engineer will be paid by Cintas. A motion is recommended for this evening, but can be discussed at the Public Works Committee meeting on February 11<sup>th</sup> if Council would choose to have it studied by a committee first. Council Member Holtzhafer, who has expertise in environmental issues, opined that it is best to act as quickly as possible in these situations. Borough Manager Neely presented an aerial photograph prepared by Arcadis that noted the locations of the 3 proposed wells. Two are next to the parking lots at Cintas, and one is on Wieders Lane.

**Motion by Council Member Holtzhafer, seconded by Council Member Gilbert to allow Cintas to install the 3 monitoring wells at the proposed locations.**

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Council Member Barrett questioned if the well in Weiders Lane would require a permit to install it because it is in the road. Borough Manager Neely confirmed that it would be in the road and would check on the permit status. Council Member Labenberg asked if the locations of the wells voted on could change. Mr. Neely stated that if there would be a deviation in the locations, Council would then need a separate motion. Council Member Brown remarked that he needs more information and will be voting against it. He suggested that it be reviewed by the Public Works Committee before Council votes.

**There are 6 ayes, 1 opposed (Brown). Motion carried.**

Progress.

PRESIDENT'S BUSINESS

President Waddell discussed the revised committee assignments. He made the following assignments:

<b>Public Works</b>	Labenberg (Chair), Waddell, Brown
<b>Health &amp; Sanitation</b>	Reinhard (Chair), Labenberg, Holtzhafer
<b>Parks &amp; Recreation</b>	Barrett (Chair), Labenberg, Holtzhafer
<b>Public Safety</b>	Gilbert (Chair), Barrett, Brown
<b>General Administration</b>	Waddell (Chair), Gilbert, Barrett
<b>Budget &amp; Finance</b>	Holtzhafer (Chair), Gilbert, Reinhard
<b>Community Relations/ Development</b>	Brown (Chair), Waddell, Reinhard

Council Member Labenberg welcomed R. Erick Reinhard to Emmaus Borough Council.

President Waddell recessed the meeting at 8:38 p.m. for an Executive Session for a personnel matter.

President Waddell reconvened at 9:12 p.m. with no official action taken.

ADJOURNMENT

**Motion by Council Member Labenberg, seconded by Council Member Reinhard to adjourn. There were 7 ayes. Motion carried.**

The meeting of the Emmaus Borough Council adjourned at 9:14 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Kathy Yaindl  
Administrative Assistant  
February 4, 2009