

February 19, 2008

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Tuesday, February 19, 2008 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Reading of Minutes  

February 4, 2008
5. Decision on Bids  

Portable Generator
6. Communications
  - a. Dennis J. Ramella, Activities Director, Emmaus High School – Request use of Pavilions at Community Park for Senior Class Picnic
  - b. Fred Mussel, Secretary/Treasurer, Cedarbrook Sportsmen – Requesting \$300 Donation to Restock Furnace Dam for 2008 Trout Season
  - c. Kathleen Mintzer, Chairperson, Emmaus Halloween Committee – 5K Race Prior to Parade
  - d. Vincent Tranguch, Chairman, Civil Service Commission – Candidate Eligibility List for Police Officer
  - e. Tracy Dell, Emmaus Sentinel's Alumni Drum and Bugle Corps - Requesting Donations
  - f. Rob Nicolella, County Administrator, Catholic Charities – Offering Services for Families in Need.
  - g. Karen Poshefko, Emmaus Shade Tree Commission – Request to hold Arbor Day Celebration – April 19th
7. Borough Engineer's Report
8. Solicitor's Report
9. New Business
10. Unfinished Business

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- a. 90-Day Trial Period – Four-way Stop Sign (Keystone/Pine) (Expires 3/13/08)
- b. 90-Day Trial Period – No Parking on Section of Arch Street (Expires 3/13/08)
10. Unfinished Business (continued)
  - c. 90-Day Trial Period – Two Hour Parking on Section of Chestnut Street (Expires 3/13/08)
11. Items Not on Agenda, Subject to Rule 6
12. Mayor's Report
13. Committee Reports

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

1. Committee
2. Solicitor
  - a. Sidewalk Standards

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

1. Committee
2. Solicitor

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

1. Committee
  - a. Raven Mill Property Swap
  - b. **Furnace Dam Geese Problem – Ordinance No. 1037 – (1<sup>st</sup> Reading 1/7/08) (Tabled 1/21/08)**
  - c. **Scott Fichter – EYA Request – Ball Yard Shed**
  - d. **Baby Pool Shade and Sprinkler**
  - e. **East Penn Emmaus Midget Football Yard Sale**
2. Solicitor

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

1. Committee
  - a. Outdoor Fires
  - b. Four-way Stop Sign (Keystone/Pine) – 90-Day Trial Period

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(Expires 3/13/08)

- c. No Parking on Portion of Arch Street (41' East and 50' West of Entrance to Rodale Property Located at 400 S. 10<sup>th</sup> Street) – 90-Day Trial Period (Expires 3/13/08)
- d. Two Hour Parking on West Side of 4<sup>th</sup> Street between Railroad & Chestnut Streets – 90-Day Trial Period (Expires 3/13/08)
- e. **Parking Concern – Chestnut St./Macungie Ave. – Welsh Photography (681 Chestnut St.)**

**Public Safety** (continued)

- f. **Eligibility List for Police Officer**
- g. **Appointment of Part Time Fire Inspector**
- h. **Appointment of Bob Martrich to Fire Police**
- i. **Appointment of Derek Adams to Fire Fighter**

2. Solicitor

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

1. Committee

- a. Historical Building Ordinance
- b. **Appointment of TMG Consulting Engineers (Tony Ganguzza) as Borough's General Engineer**
- c. **Reappointment of Arts Commission Members:**

<u>Name</u>	<u>Term Expires</u>
Robert Boehmer	2/7/2011
Jason George	2/7/2011
Leslie Heffron	2/7/2011
Teri Sorg McManamon	2/7/2011
Denise Tempest	2/7/2011
Cheryl Peters	2/7/2011

- d. **Lehigh County \$15,000 Planning Grant – RFP**

2. Solicitor

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

1. Committee

- a. **Bill List (R-6)**
- b. **Lora Baia \$116.60 Computer Damage**
- c. Support for Homeowners and Bank Protection Act
- d. Matching Fund Request – Arts Commission

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2. Solicitor

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

1. Committee

- a. Ad Hoc Committee for 2009 Celebration
- b. Main Street Program
- c. Emmaus Arts Commission
- d. Downtown Master Plan
- e. Triangle Park Upgrade

2. Solicitor

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

Community/School Relations

14. Personal Appeals, Part 11

15. Borough Manager's Report

- a. Significant Revenue and Expense Items for First Half of February 2008
- b. Manager's Report

16. President's Business

Executive Session – Personnel Issues

17. Adjournment

Next Resolution #7  
Next Ordinance #1038

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The Emmaus Borough Council met in regular session on February 19, 2008 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.

Michael Waddell, President

Present

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Craig Neely, Vice-President	Present
Brent Labenberg	Arrived at 8:05 p.m.
Lee Ann Gilbert	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Bruce Fosselman, Borough Manager	Present

PERSONAL APPEALS, PART I

None

READING OF MINUTES

**Motion by Council Member Neely, seconded by Council Member Barrett to dispense with the formal reading of the February 4, 2008 minutes. There were 6 ayes. Motion carried.**

**Motion by Council Member Neely, seconded by Council Member Gilbert to adopt the February 4, 2008 minutes as drafted. There were 6 ayes. Motion carried.**

DECISION ON BIDS

The Borough received four bids for an emergency generator. Staff recommends accepting the lowest qualified bid from Winter Engine of York, PA in the amount of \$48,185. The cost will be reduced approximately \$1,200 due to negotiating the sound attenuating system out of the proposal. Borough Manager Fosselman explained that this portable generator can be used at any of the six wells in case of power outage.

**Motion by Council Member Neely, seconded by Council Member Barrett to accept the bid of \$48,185 from Winter Engine of York, PA for a portable emergency generator. There were 6 ayes. Motion carried.**

COMMUNICATIONS

- a. Dennis J. Ramella, Activities Director, Emmaus High School – Request use of pavilions at Community Park for Senior Class Picnic. Referred to Staff.
- b. Fred Mussel, Secretary/Treasurer, Cedarbrook Sportsmen – Requesting \$300 donation to restock Furnace Dam for 2008 trout season. President Waddell confirmed with Borough Manager Fosselman that these funds are from the Civil and Military Celebration line item. Council Member Neely confirmed that there were no objections from the Budget and Finance Committee to vote on this tonight.

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**Motion by Council Member Neely, seconded by Council Member Barrett to approve a \$300 contribution to Cedarbrook Sportsmen to restock Furnace Dam. There were 6 ayes. Motion carried.**

- c. Kathleen Mintzer, Chairperson, Emmaus Halloween Committee – 5K Race prior to Halloween Parade. Her Committee requests that the 5K Race start at 7 p.m. Council Member Barrett said that this was a positive outcome. The 5K Race Committee will be meeting with the Halloween Committee to coordinate the events.
- d. Vincent Tranguch, Chairman, Civil Service Commission – Candidate eligibility list for Police Officer. To be discussed under Public Safety Committee.
- e. Tracy Dell, Emmaus Sentinel’s Alumni Drum and Bugle Corps – Requesting donation. Referred to the Budget and Finance Committee.
- f. Rob Nicolella, County Administrator, Catholic Charities – Offering services for families in need.
- g. Karen Poshefko, Emmaus Shade Tree Commission – Request to hold Arbor Day Celebration, April 19<sup>th</sup>. Referred to Staff.
- h. H. Walker Schantz, Schantz Funeral Home – Thanking the Police Department for their assistance.
- i. Mark Peters, Emmaus Police Department – Resignation letter.

**Motion by Council Member Gilbert, seconded by Council Member Brown to accept the resignation from Mark Peters. There were 6 ayes. Motion carried.**

- j. Dave Biles – Requesting speed limit signs, requesting refuse discount and interested in speaking with Health and Sanitation regarding recycling. Referred to the Public Safety Committee & Health and Sanitation Committee.

BOROUGH ENGINEER’S REPORT

None

SOLICITOR’S REPORT

Progress

NEW BUSINESS

None

UNFINISHED BUSINESS

- a. 90-Day Trial Period – Four-way Stop Sign (Keystone/Pine) (Expires 3/13/08)
- b. 90-Day Trial Period – No Parking on Section of Arch Street (Expires 3/13/08)
- c. 90-Day Trial Period – Two Hour Parking on Section of Chestnut Street (Expires 3/13/08)

ITEMS NOT ON AGENDA, subject to Rule 6

None

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MAYOR'S REPORT

Progress

COMMITTEE REPORTS

a. Public Works Committee

The Committee met February 13<sup>th</sup> where they discussed sidewalks and standards; this was referred to the Solicitor.

The Committee discussed the 12<sup>th</sup> Street drainage study scheduled for 2008 and the studies for Macungie and Keystone Avenues, which are scheduled for 2009. Council Member Neely explained that the original plan was to do all three studies in 2008, but due to the cost of the studies, the Borough is only able to do one study. Borough Manager Fosselman said that during the last rain storm, he and the Public Works Director drove to each of these locations and 12<sup>th</sup> Street is the worst drainage area by far. Council Member Holtzhafer asked what the Borough would get out of the storm water engineering study. Mr. Fosselman said the study will estimate the cost and drainpipe location; Public Works performs the work. Mr. Neely said the Borough receives a sealed engineering drawing for Public Works to follow. Mr. Fosselman feels that, after seeing the outcome of the Iroquois and S. 2<sup>nd</sup> Streets storm drain projects, the Borough should continue to budget money for these types of projects.

Progress

b. Health and Sanitation Committee

The Committee met February 14<sup>th</sup>. Council Member Holtzhafer announced that there is a vacancy on the Environmental Advisory Council (EAC). The EAC would like to pursue a grant related to the Leibert Creek Watershed. They will gather all information needed and present it to Council for approval.

Progress

c. Parks and Recreation Committee

The Committee met on February 5<sup>th</sup> and discussed the geese problem at Furnace Dam. Council Member Barrett said that according to the Morning Call, there are many areas in the Lehigh Valley and across the country with geese problems. One solution would be to eliminate areas for laying eggs.

**Motion by Council Member Barrett, seconded by Council Member Gilbert to remove Ordinance 1037 from the table. There were 6 ayes. Motion carried.**

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**Motion by Council Member Barrett, seconded by Council Member Brown to advertise Ordinance 1037 for a 2<sup>nd</sup> Reading.**

Council Member Neely stated that he will still vote against the ordinance.

**There were 6 ayes. Motion carried.**

The Committee discussed providing two shaded areas at Community Pool and a sprinkler system at the baby pool. Borough Manager Fosselman said that the American Cancer Society offers an \$8,000 grant for shade structures. The Borough is sponsored by a local dermatologist for the grant application. Mr. Fosselman and Council commended Mr. Clapper for finding grant money. The Rotary Club is willing to contribute to the shade structures and possibly other clubs also.

Regarding field scheduling, the Committee discussed having a part-time employee do this. Currently a member of the Emmaus Youth Association does the scheduling and the Committee does not want the scheduling to look bias to other organizations that want to use the fields. The Committee will discuss this more in the future. Borough Manager Fosselman asked that the Budget and Finance Committee look into this.

Regarding the request from Scott Fichter to have a ball yard shed in place of the coke wagon at the Williams Street field, the Committee is not in favor of this.

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to deny the request to place a shed at the Williams Street ball field.**

Council Member Barrett explained that the request is for a permanent structure with water and electric lines. He said that something may come out of the Parks and Recreation Comprehensive Plan that would take the place of the coke wagon. Council Member Holtzhafer said that after speaking with the Code Enforcement Officer, there was no way of making a small wooden shed comply with ordinances necessary to serve food from.

**There were 6 ayes. Motion carried.**

Regarding the request from the Emmaus Football Association to use the parking lot at Community Park for a yard sale, the Committee is in favor of the request.

**Motion by Council Member Barrett, seconded by Council Member Brown to approve the use of the parking lot at Community Park, next to the daycare, for the Emmaus Midget Football Association yard sale on April 26, 2008. There were 6 ayes. Motion carried.**

Progress

d. Public Safety Committee

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The Committee met in executive session on February 14<sup>th</sup> and 19<sup>th</sup> to interview for the Fire Inspector position. The Committee recommends Kevin Farnish for this position and to be scheduled for a 20 hour work week.

**Motion by Council Member Gilbert, seconded by Council Member Brown to appoint Kevin Farnish as the part-time Fire Inspector with a salary of \$12.75. There were 6 ayes. Motion carried.**

Through discussions with the Fire Chief, the Committee recommends hiring George DeVault as a part-time fire fighter for 20 hours per week.

**Motion by Council Member Gilbert, seconded by Council Member Brown to appoint George DeVault as a part-time fire fighter at the rate of \$10.50 per hour.**

Council Member Neely pointed out that Mr. DeVault's letter was for the fire inspector position. Council Member Gilbert said that he was interviewed for the inspector position. Council Member Holtzhafer questioned how the wage was determined and Borough Manager Fosselman said that was determined by the Public Safety Committee.

**There were 5 ayes, 1 abstained (Waddell knows Mr. DeVault). Motion carried.**

**Motion by Council Member Gilbert, seconded by Council Member Brown to appoint Robert Martrich as a part-time fire police officer contingent upon passing a physical and training class. There were 6 ayes. Motion carried.**

**Motion by Council Member Gilbert, seconded by Council Member Brown to appoint Derek Adams as a member of the Fire Department.**

Council Member Holtzhafer questioned if there was an age requirement. Fire Chief Reiss stated the applicant must be 18 years of age.

**There were 6 ayes. Motion carried.**

The Emmaus Fire Department had an audit by the PA Auditor General for the Firemen's Relief Association for 2005-2006, which demonstrated excellent financial record keeping.

The Committee interviewed four candidates for the police officer position, all of which are not Act 120 certified and need to go to the academy for training. A Resolution must be done because the Borough will be reimbursed by MOPEC for 100% of the training and 60% of the officer's salary while attending the academy.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to appoint Jaimie Quintero of Allentown as a police officer effective March 3, 2008 contingent upon passing a physical and physiological examination in accordance with MOPEC**

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**standards, complete all requirements of PA Act 120 Certification and one year probation with the Emmaus Police Department. There were 6 ayes. Motion carried.**

Council Member Gilbert read Resolution 2008-7: Reimbursement for police officer training for Jaimie Quintero.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to adopt Resolution 2008-7. There were 6 ayes. Motion carried.**

Council Member Gilbert stated that the second applicant lives in Tamaqua and will be moving within the 20 air mile residency requirement.

**Motion by Council Member Gilbert, seconded by Council Member Brown to appoint Adam J. Knoblauch of Tamaqua as a police officer effective March 3, 2008 contingent upon passing a physical and physiological examination in accordance with MOPEC standards, complete all requirements of PA Act 120 Certification and one year probation with the Emmaus Police Department. There were 6 ayes. Motion carried.**

Council Member Gilbert read Resolution 2008-8: Reimbursement for police officer training for Adam J. Knoblach.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to adopt Resolution 2008-8. There were 6 ayes. Motion carried.**

In December 2007 a letter was received from Mr. Welsh of 681 Chestnut Street with parking concerns on Chestnut St. and Macungie Ave. During Committee restructuring, this letter was referred to Sergeant Garloff, Commercial Weight Officer, who spoke with Mr. Welsh. It was suggested to post a one-hour parking sign, but Mr. Welsh preferred to notify the police instead when there is a problem.

Progress

e. General Administration Committee

Council Member Neely explained that for the last few years the Borough's General Engineer was Rettew Engineering and the assigned engineer was Tony Ganguzza. Mr. Ganguzza has started a business of his own; TMG Consulting Engineers. The Committee discussed if they should continue with Rettew or have Mr. Ganguzza continue as the engineer through TMG Consulting Engineers. Borough Manager Fosselman stated that the rates will not change.

**Motion by Council Member Neely, seconded by Council Member Gilbert to appoint TMG Consulting Engineers as the Borough General Engineer.**

Council Member Barrett confirmed with Borough Manager Fosselman that all rates will remain the same.

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**There were 6 ayes. Motion carried.**

There are six members of the Arts Commission that have expired terms. The Committee addressed this issue and feels that the members have done an excellent job and recommends the reappointments.

**Motion by Council Member Neely, seconded by Council Member Gilbert to re-appoint Robert Boehmer, Jason George, Leslie Heffron, Teri Sorg McManamon, Denise Tempest and Cheryl Peters to the Emmaus Arts Commission with terms expiring February 7, 2011. There were 6 ayes. Motion carried.**

Borough Manager Fosselman explained that a \$15,000 Planning Grant was approved by the County. This is not a matching funds grant. The Committee feels that this would be a good add-on to the \$25,000 Downtown Master Plan and include the south side of town. The Committee feels that the same model that was used for the Downtown Master Plan proposal request can be used for this grant and that the Borough staff could work with the Main Street Program on this.

**Motion by Council Member Neely, seconded by Council Member Gilbert to work with the Main Street Program regarding the \$15,000 Planning Grant Request for Proposal.**

Council Member Barrett asked if the same company would work on this as the Downtown Master Plan. Borough Manager Fosselman said that interviews will be held and would also depend on the RFP's. The scope of the RFP will be discussed with the Community Relations and Development Committee. Council Member Holtzhafer requested to see the map for the low-moderate income areas.

**There were 6 ayes. Motion carried.**

Progress

f. Budget and Finance Committee

The Committee voted 3-0 to deny the payment to Lora Baia in the amount of \$116.60 for computer damage.

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to remove the \$116.60 payment to Lora Baia from the Bill List. There were 6 ayes. Motion carried.**

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the February 19, 2008 Bill List.**

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<b>Bill List</b>	<b>\$ 210,654.87</b>
<b>Payroll #4</b>	<b>\$ 105,220.25</b>
<b>Payroll Taxes</b>	<b>\$ 33,428.49</b>
<b>Total</b>	<b>\$ 349,303.61</b>

Council Member Neely gave the correct figures reflecting the removed item from the Bill List.

<b>Bill List</b>	<b>\$ 210,538.27</b>
<b>Payroll #4</b>	<b>\$ 105,220.25</b>
<b>Payroll Taxes</b>	<b>\$ 33,428.49</b>
<b>Total</b>	<b>\$ 349,187.01</b>

**Council Member Gilbert amended her motion, Council Member Holtzhafer amended his seconded motion to approve the corrected Bill List. Done this 19<sup>th</sup> day of February 2008. There were 6 ayes. Motion carried.**

Progress

g. Community Relations/Development Committee

The Committee will meet on February 27<sup>th</sup> at 4 p.m. Also, there is a 2009 Committee meeting on February 23<sup>rd</sup>.

Council Member Neely stated that they are looking for anyone who may know what is in the time capsule or how it all came about.

President Waddell met with Nate Andrews and Teri Madison. He announced that the 2009 Committee website will soon be available and that they're looking for old pictures of Emmaus.

Progress

h. Ad Hoc Committees

Community School Relations

The next meeting will be scheduled for February 26<sup>th</sup> at 3:30 p.m.

Progress

PERSONAL APPEALS, PART II

None

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BOROUGH MANAGER'S REPORT

Borough Manager Fosselman announced that the article deadline for the newsletter is February 20<sup>th</sup>.

The next and final Park Comprehensive Plan meeting will be February 20<sup>th</sup>.

PRESIDENT'S BUSINESS

Council Member Labenberg arrived at 8:05 p.m.

President Waddell recessed the meeting for executive session at 8:05 p.m.

President Waddell reconvened the meeting at 8:20 p.m. with no official action needed.

ADJOURNMENT

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

The meeting of Emmaus Borough Council adjourned at 8:20 p.m.

Bruce Fosselman  
Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant  
February 26, 2008