

May 19, 2008

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, May 19, 2008 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Brief Presentation by Jeff Clapper Regarding the Triangle Project
4. Personal Appeals, Part I
5. Reading of Minutes  

May 5, 2008
6. Decision on Bids  

Awarding Request for Proposal on Southside Industrial Plan
7. Communications
  - a. Lisa Binder, 440 S. Fifth St., Emmaus – Ambulance Service
  - b. Tracy Dell, Emmaus Sentinels – Practice at Community Park
  - c. Scott Fichter, Emmaus Youth Assoc. – Storage Shed at Kiwanis St. Field
  - d. Linda Destan, Destanee, LLC., Emmaus – Alpine Street Subdivision
8. Borough Engineer's Report
9. Solicitor's Report
  - a. Ordinance No. 1028 – Repealing Ordinance 989 of Chapter 21, Part 4 of the Codified Ordinances of the Borough of Emmaus and Providing for the Implementation of a New Ordinance Governing the Installation, Construction and Maintenance of Sidewalks, Curbs, Handicap Ramps and Driveway Crossovers throughout the Borough of Emmaus (1st Reading 4/21/08)
10. New Business
11. Unfinished Business
12. Items Not on Agenda, Subject to Rule 6

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13. Mayor's Report

14. 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

a. **Fuel Costs Savings – Police Department Cars**

2. Solicitor

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

1. Committee

a. Raven Mill Property Swap

b. Furnace Dam Geese Problem – (Tabled 3/3/08)

c. Skate Park

d. **Review Smoking Policy in Borough Parks**

e. Park Comp Plan

f. **Hiring of Lifeguard**

2. Solicitor

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

1. Committee

a. **Outdoor Fires**

b. Request for Two-Hour Parking Signs on Macungie Ave. on East/West Side between Chestnut and Green Streets - (Tabled 4/7/08)

c. Fifteen Minute Parking on Macungie Avenue (90 Day Trial – 7/21/08)

d. **Conditional Hiring of Police Officer**

e. **Reimbursement of Expenses for Police Officer (Resolution – 15)**

f. **Status of Aerial Fire Truck (Fall 2010)**

g. **Hiring of Part Time EMT**

h. **Street Lighting Request - Triangle**

i. **Appointment of New Volunteer Fire Department Member**

2. Solicitor

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

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1. Committee
  - a. Historical Building Ordinance

**General Administration** (continued)

2. Solicitor

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

1. Committee
  - a. **Bill List (Resolution - 16)**
  - b. **Matching Funds Request from Emmaus Sentinels**

2. Solicitor

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

1. Committee
  - a. Downtown Master Plan
  - b. Web Page Update
  - c. **RFP for Southside Industrial Master Plan**
  - d. Triangle Park Construction
  - e. 2009 Anniversary Celebration
  - f. Jr. Council Members
  - g. Emmaus Arts Commission

2. Solicitor

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

Community/School Relations

15. Personal Appeals, Part 11
16. Borough Manager's Report
  - a. Significant Revenue and Expense Items for First Half of May 2008
  - b. Manager's Report
17. President's Business
18. Adjournment

Next Resolution #17  
Next Ordinance #1042

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## EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on May 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
Craig Neely, Vice-President	Absent
Brent Labenberg	Present
Lee Ann Gilbert	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Absent
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Bruce Fosselman, Borough Manager	Present

### PRESENTATION – TRIANGLE PROJECT

Jeff Clapper, Public Works Director, presented options for the Triangle Park improvements; seating walls, kiosks, fencing and drinking fountains. Borough Manager Fosselman said that the General Administration Committee reviewed these options and decided that Council should choose the styles. Mr. Clapper said that after the designs are chosen, the plans can be completed and submitted for grants. Council Member Brown suggested showing these options to the public during the Downtown Master Plan Public Hearing on May 28<sup>th</sup>. Regarding the Triangle design plan, Mr. Clapper suggested moving the kiosk to where the flag pole currently is. This would help to hide the electrical box. **Seating walls:** Council Member Labenberg likes all the options and prefers the less expensive. **Fencing:** Council Member Labenberg prefers fences without pointed tops. **Kiosk:** Council Member Brown prefers the gazebo type and suggested using it as an information booth during events. Council Member Labenberg suggested solar panels on the kiosk to provide lighting at night time.

Council requested time to look at the options and Mr. Clapper will provide pricing.

### PERSONAL APPEALS, PART I

- A. **Otto Slozer 121 E. Elm St.** pointed out on the May 5<sup>th</sup> minutes, under General Administration, the motion does not state that the individuals are being appointed to the Park and Recreation Commission. Mr. Slozer confirmed with Council that the shade structures placed at the pool cost \$18,000 and will be partially funded through a grant with the American Cancer Society and various service clubs.
- B. **Teri Madison, Emmaus Main Street Program** thanked Council on behalf of the Emmaus Heritage Alliance for their support of the three year signage project, which is nearly complete. A sign dedication will be held on May 30<sup>th</sup>. She presented a packet to Council showing the entire project.

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- C. **Molly Troxel 1239 Pennsylvania Ave.** received a weed notice and suggested changing the Borough weed notice policy to be more compassionate. She presented a letter to Council, which will be referred to a Committee as designated by President Waddell.
- D. **Frank Sadrovitz 130 N. 4<sup>th</sup> St.** announced that the morning of May 25<sup>th</sup> the Veterans Firing Squad will be firing at 7 cemeteries, the Remembrance Garden and the Memorial Triangle. On May 26<sup>th</sup> the Memorial Parade will form and leave the High School parking lot at 9 a.m.
- E. **Karen Poshefko 719 Glenwood St.** suggested that the sidewalk ordinance include a provision to save a tree. Council Member Barrett said that the Shade Tree Commission would need to be contacted before a tree could be removed for a sidewalk. Council Member Labenberg asked Solicitor Procyk to check the Shade Tree and Sidewalk Ordinances to see if the Shade Tree Commission could overrule installing sidewalk. Mr. Procyk feels that the Commission would only make a recommendation to Council for final approval.

READING OF MINUTES

**Motion by Council Member Labenberg, seconded by Council Member Brown to dispense with the formal reading of the May 5, 2008 minutes. There were 5 ayes. Motion carried.**

The Commission name was added for the appointments under General Administration.

**Motion by Council Member Labenberg, seconded by Council Member Barrett to adopt the May 5, 2008 minutes with correction. There were 5 ayes. Motion carried.**

DECISION ON BIDS

The Borough received two bids for the Southside Industrial Master Plan. The plans were reviewed by Staff, Community Relations, and the Planning and Development Committees. The County also approved the plan. It is recommended to award the bid to Derck & Edson. The entire project will cost \$15,000 and will be paid for by a grant.

**Motion by Council Member Labenberg, seconded by Council Member Brown to award the Southside Industrial Master Plan to Derck & Edson.**

President Waddell said that this is a nice connection with Derck & Edson doing both the Downtown and Southside plans.

**There were 5 ayes. Motion carried.**

COMMUNICATIONS

- a. Lisa Binder, 440 S. Fifth St., Emmaus – Ambulance service fee. Council Member Gilbert said that Emmaus Ambulance has an agreement with Cetronia Ambulance to give a 50% discount to any resident that is an Emmaus subscriber and is transported by Cetronia. Borough Manager Fosselman will respond to Ms. Binder and suggest to Cetronia

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Ambulance to contact Emmaus Ambulance before billing to find out if the person is a subscriber.

- b. Tracy Dell, Emmaus Sentinels – Request for Emmaus Sentinels practice at Community Park. Referred to the Park and Recreation Committee.
- c. Scott Fichter, Emmaus Youth Assoc. – Request to place storage shed at Kiwanis Field. Referred to the Park and Recreation Committee.
- d. Linda Destan, Destanee, LLC., Emmaus – Alpine Street Subdivision. Request to amend plan regarding trees and request to release escrow money. Staff will handle escrow money. Tree request will be referred to the Shade Tree Commission

BOROUGH ENGINEER’S REPORT

None

SOLICITOR’S REPORT

Progress

NEW BUSINESS

None

UNFINISHED BUSINESS

None

ITEMS NOT ON AGENDA, subject to Rule 6

None

MAYOR’S REPORT

Progress

COMMITTEE REPORTS

a. Public Works Committee

The Committee met on May 7<sup>th</sup> and discussed the sidewalk ordinance, but no decisions were made.

Progress

b. Health and Sanitation Committee

The Committee discussed a fuel cost savings device that can be placed in six Police Department vehicles. The device and installation will cost \$169 each.

**Motion by Council Member Brown, seconded by Council Member Labenberg to approve six fuel cost saving devices for the Police Department vehicles.**

Borough Manager Fosselman stated that Catasauqua has seen a 15-25% savings.

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**There were 5 ayes. Motion carried.**

Progress

c. Parks and Recreation Committee

The Committee met on May 6<sup>th</sup> and discussed the three requests for no smoking in parks. The Committee decided to not take any action right now because the state has no legislation to back it. President Waddell asked the Committee to review and resolve the complaint of the amount of cigarette butts at Furnace Dam. Council Member Labenberg suggested notifying Rodale of the problem and to be considerate of children present.

**Motion by Council Member Barrett, seconded by Council Member Labenberg to hire Ryan Foux as a Lifeguard at a rate of \$7.15/hr. There were 5 ayes. Motion carried.**

The Committee discussed the Summer Park Program. An information letter will go out to all Jefferson and Lincoln Elementary School students.

Council Member Barrett announced that Chris DeFrain is looking for volunteers to run the Coke wagon at Kiwanis and Williams Street fields. Mr. DeFrain's first day of running the Coke wagon made \$70 that will go to the Parks and Recreation Commission.

The Committee also discussed the water foul issue and said that the geese seemed to have gone away.

Borough Manager Fosselman reported that this year the pool offered two days to purchase pool passes before opening day, which was a success and will be continued every year.

Progress

d. Public Safety Committee

The Committee has been reviewing the outdoor fire ordinance and is in favor of allowing residents to have commercial manufactured recreational fireplaces; not homemade. The Fire Chief will be authorized to issue violation citations. Council Member Labenberg is in favor of the ordinance, but suggested changing Section 102 into two paragraphs for other exceptions. First Reading will be scheduled for June 2<sup>nd</sup>. Council Member Brown questioned how it's enforced if someone is burning leaves or paper in the approved fireplaces. Council Member Gilbert said that the police would be called, who will then contact the Fire Department.

Council Member Gilbert announced that the Fire Department has profited \$3,375 from their hoagie sales so far this year and are on schedule with purchasing a new piece of fire equipment. The Fire Department has also received a grant from the county for \$470,000 to be used for the new training facility. Council Member Labenberg suggested that the Borough take advantage of the money that Wal-Mart offers to communities.

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**Motion by Council Member Gilbert, seconded by Council Member Brown to hire Matt Hahn of Emmaus as a Volunteer Fireman contingent on passing the Fire Department physical. There were 5 ayes. Motion carried.**

On April 30<sup>th</sup> the Committee met in executive session to conduct interviews for a full time police officer. The Committee recommends hiring Nathan Bordner and start at the Police Academy on July 7<sup>th</sup>.

**Motion by Council Member Gilbert, seconded by Council Member Labenberg to offer Nathan W. Bordner a conditional offer of employment to the Emmaus Police Department effective July 7, 2008 with a condition of successfully completing all requirements of the Pennsylvania Act 120 Certification required by MOPEC and successfully completing a one year term of probation with the Emmaus Police Department. There were 5 ayes. Motion carried.**

Council Member Gilbert read Resolution 2008-15 regarding reimbursement from Lehigh County of fees incurred for the police training of Nathan W. Bordner.

**Motion by Council Member Gilbert, seconded by Council Member Labenberg to adopt Resolution 2008-15.**

Council Member Brown stated that the last three officers hired are top notch individuals and commended Chief Faust and the Civil Service Commission for finding them.

**There were 5 ayes. Motion carried.**

The Police Department received a \$25 donation from Carl Schmoyer Funeral Home. They also received a thank you letter from Chief Stiles of Salisbury Township for assisting them on April 30<sup>th</sup> while they assisted Senator McCain.

According to Ambulance Chief Nonnemacher, one more EMT would fill staff positions.

**Motion by Council Member Gilbert, seconded by Council Member Brown to appoint Katheryn Hollis as a part time EMT.**

On the application, both full time and part time were checked off and Council Member Labenberg confirmed that Ms. Hollis is interested in a part time position.

**There were 5 ayes. Motion carried.**

Regarding the request from Teri Madison for additional lighting on the Triangle, the Committee referred this to the Public Works Department to contact PPL.

In reviewing the April Police report, Council Member Labenberg expressed his appreciation to the officer that cited a motorist for not stopping at a crosswalk.

Progress

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e. General Administration Committee

Progress

f. Budget and Finance Committee

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

<b>Bill List</b>	<b>\$ 171,498.87</b>
<b>Payroll #10</b>	<b>\$ 107,867.20</b>
<b>Payroll Taxes</b>	<b>\$ 35,164.44</b>
<b>Total</b>	<b>\$ 314,530.51</b>

**Done this 19<sup>th</sup> day of May 2008. There were 5 ayes. Motion carried.**

The Emmaus Sentinels are requesting \$1,950 from Matching Funds to purchase new instruments.

**Motion by Council Member Labenberg, seconded by Council Member Gilbert to approve \$1,950 to the Emmaus Sentinels from the Matching Funds line item.**

Council Member Labenberg confirmed with Borough Manager Fosselman that before this approval the Matching Funds balance is \$12,500.

**There were 5 ayes. Motion carried.**

Progress

g. Community Relations/Development Committee

On May 28<sup>th</sup> there will be a Public Hearing regarding the Downtown Master Plan at St. John's UCC at 7 p.m.

The Committee will meet with Jeff Shubzda of Trifecta Technologies on May 28<sup>th</sup> regarding the web page update. Council Member Brown said this should be up and running in the next couple months. President Waddell suggested that Mr. Shubzda send previews for the Committee to review before the meeting.

Progress

h. Ad Hoc Committees

Community School Relations

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Progress

PERSONAL APPEALS, PART II

- A. **Otto Slozer 121 E. Elm St.**, regarding the exceptions to outdoor fires, asked what provisions will be made for neighbors smoking out a neighbor. Council Member Labenberg said the ordinance states that it cannot create a nuisance.
- B. **Frank Sadrovitz 130 N. 4<sup>th</sup> St.**, regarding the Sentinels requesting to use Community Park to practice, said that the Arts Pavilion is dedicated to the Summer Concert Series every Sunday. Council Member Labenberg explained that no approvals have been granted and the Park and Recreation Committee will look into it.
- C. **Margaret Geosits 435 Dalton St.** requested that the Sentinels do not practice at Community Park during the Flag Day Program.

BOROUGH MANAGER'S REPORT

In July, the Budget and Finance Committee will hold a special meeting to go over revenue and expenditures.

Progress

PRESIDENT'S BUSINESS

President Waddell announced that the Memorial Day Parade will be held on May 26<sup>th</sup> and will form at the Emmaus High School at 9 a.m. The Veterans will be firing over the cemeteries and Remembrance Garden at 9 a.m. on May 25<sup>th</sup>. The second installation ceremony of veteran bricks will be held at 11 a.m. at Remembrance Garden.

The signs are installed from the Emmaus Heritage Alliance Signage Project. Dr. Waddell said they look very nice and thanked Public Works for their help

Progress

ADJOURNMENT

**Motion by Council Member Brown, seconded by Council Member Gilbert to adjourn. There were 5 ayes. Motion carried.**

The meeting of the Emmaus Borough Council adjourned at 8:25 p.m.

Bruce Fosselman  
Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant  
May 22, 2008