

June 2, 2008

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, June 2, 2008 7:00 PM

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

May 19, 2008
5. Decision on Bids  

Bid Results for CCTV Inspection of Sanitary Sewers Project
6. Communications
  - a. Christopher and Tori Simmons, 671 Pine Street, Emmaus – Parking on Pine Street
  - b. Sharon & Henry Laubach, 676 Pine Street, Emmaus – Parking on Pine Street
  - c. Diane L. – Outdoor Fires
  - d. Tom Klich, 819 Fernwood Street, Emmaus – Block Party
  - e. Marcy Earls, RCN Strategic Account Manager – Rate Increase
  - f. Katrina Hanson – 4-Way Stop Signs at South 4<sup>th</sup> and Minor Streets
  - g. Robert Aptaker, President, Seven Generations Charter School Committee – Proposing Environmental Charter School
7. Borough Engineer's Report
8. 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 (1<sup>st</sup> Reading 4/21/08)
  - b. **Ordinance No. 1033 – An Ordinance Amending Chapter 7, Section 102 Dealing with Exceptions to Prohibited Outdoor Fires (1<sup>st</sup> Reading 6/2/08)**
9. New Business
10. Unfinished Business

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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. Skate Park
  - c. Park Comp Plan
  - d. **Storage Shed at Kiwanis Street Field**
  - e. **Hiring of Two Lifeguards**
2. Solicitor

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

1. Committee
  - a. **Ordinance No. 1033 – Exceptions to Prohibited Outdoor Fires (1<sup>st</sup> Reading 6/2/08)**
  - 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. Street Lighting Request - Triangle
2. Solicitor

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

1. Committee
  - a. Historical Building Ordinance

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**General Administration (continued)**

2. Solicitor

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

1. Committee
  - a. **Bill List (Resolution – 17)**
2. Solicitor

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

1. Committee
  - a. **Downtown Master Plan**
  - b. **Web Page Update**
  - c. Southside Industrial Master Plan
  - d. Triangle Park Construction – Choosing Options
  - 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

14. Personal Appeals, Part II
15. Borough Manager's Report
  - a. Significant Revenue and Expense Items for May 2008
  - b. Newsletter Publication Request
16. President's Business

**Executive Session – Personnel Issue (Fire Department)**

17. Adjournment

Next Resolution #18  
Next Ordinance #1042

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The Emmaus Borough Council met in regular session on June 2, 2008 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

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

Michael Waddell, President	Absent
Craig Neely, Vice-President	Present
Brent Labenberg	Present
Lee Ann Gilbert	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
Winfield Iobst, Mayor	Absent
Frank Procyk, Solicitor	Present
Bruce Fosselman, Borough Manager	Present

PERSONAL APPEALS, PART I

- A. Rob Aptaker 1946 Delaware St. Allentown**, President of Seven Generations Charter School Committee, is working to create a charter school with an environmental focus in the East Penn School District. Initially the school will be K-4 and will grow each year to include another grade. Currently their Committee consists of 50 families and is growing. Mr. Aptaker explained that when a public school student chooses to go to a charter school, only 80% of the allocated student funds follow the student to the charter school and 20% will stay at the public school for administrative costs. The public school can then apply to the PA Department of Education (PDE) for reimbursement. Mr. Aptaker said that typically Charter Schools have a hard time getting a charter with the home district, but Seven Generations does not expect any problems. All testing and reviews for the charter school are the same as a public school. Seven Generations has already applied for development money from the PDE.
- B. Michael Gill 251 Cherokee St.** expressed his support for the Seven Generations Charter School and said that the education is organized around seven core values; academic excellence, sustainable living practices, cultural richness, creativity, mutual respect, hands-on learning and integrative learning. Mr. Gill explained some of the environmental curriculum.
- C. Crissy Bresnan 108 N. 5<sup>th</sup> St.** is excited about the Seven Generations Charter School and feels that it will build a new asset to the community. She said that the children of the community will grow empowered with the skills to reach out; a skill that can be taken anywhere and solve many problems in society now.
- D. Pana Columbus 436 Chestnut St.**, Co-Chair of the Facility Committee for the Seven Generations Charter School, said a strong possibility for the school is the old Rodale office building on Minor Street, but are still looking at other possibilities. Council Member Labenberg confirmed with Ms. Columbus that the school is open to East Penn residents and the families that are part of the founding group. If the school does not fill up, it will then be open to outside of East Penn. Classes will not be available online; only

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in the building. There will be no cost to the students. The Charter School has submitted a charter application to the school district. Council Member Labenberg stated that he supports Charter Schools 100%.

Solicitor Procyk stated that the Borough Code does not specify any delegated power for a governmental body to take official action regarding educational issues. Individual Council Members can express their view points. Council Member Holtzhafer stated that he has been involved with Seven Generations and praised the Charter Members for their hard work. He feels that the charter school will benefit the Emmaus community. Council Member Neely said that the people involved in the charter school are people with integrity and he knows that creating this school is the right thing to do. He feels that Emmaus Borough is the right place to have a green school. Mr. Neely suggested that the school make the same presentation at other municipalities in East Penn School District and at a School Board meeting.

Vice President Neely recessed the meeting at 7:30 p.m.

Vice President Neely reconvened the meeting at 7:35 p.m.

- E. Frank Sadrovitz 130 N. 4<sup>th</sup> St.** said the baseball teams need to water the fields before dragging them to eliminate the dust. The dust covers the tables in the pavilions after Public Works cleans them for renters. Mr. Sadrovitz reported that the ball players park in the grass around the flag pole to use the batting cage. President Neely referred this to the Public Safety Committee and the Mayor. He also reported two dying trees around the Arts Pavilion that have branches falling. Council Member Labenberg will bring that up at the next Public Works Committee meeting. Mr. Sadrovitz feels there should be a rule that table cloths must be used at the Arts Pavilion since the tables turn into benches. Council Member Barrett confirmed that the Shade Tree Commission is not involved with park trees.
- F. Jim Woodeshick 108 Seem St.** was disappointed in the attendance at the last public hearing regarding the Downtown Master Plan, which was only 1/10 of the Emmaus population. He gets upset to hear the public complain about Council's decisions when the public has the opportunity for input, but doesn't come. Council Member Neely said that the Borough of Emmaus has been lucky to have a Council that tries to look out for resident's interests and offer the opportunity for public input. Council Member Holtzhafer said there are a lot of people watching the Council meetings on television instead of taking the time to attend. Council Member Barrett was surprised with the public hearing attendance, but said there will be more opportunities for public input. Borough Manager Fosselman reported that the merchants were not at the public hearing because there was a separate meeting held for them previously and was well attended. Council Member Brown was also disappointed in the attendance and would like more public input so Council makes the right decisions.

### READING OF MINUTES

**Motion by Council Member Gilbert, seconded by Council Member Labenberg to dispense with the formal reading of the May 19, 2008 minutes. There were 6 ayes. Motion carried.**

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**Motion by Council Member Gilbert, seconded by Council Member Labenberg to adopt the May 19, 2008 minutes as drafted. There were 4 ayes, 2 abstained (Neely and Holtzhafer were absent). Motion carried.**

DECISION ON BIDS

The Borough received ten bids to televise, inspect and clean sanitary sewer mains. The 2008 budget included \$45,000 for the project. Staff recommends awarding the bid to Utility Services Group, Inc. in the amount of \$18,778.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to award the Sanitary Sewer Inspection Project to Utility Services Group, Inc. in the amount of \$18,778.00.**

Council Member Brown confirmed with Borough Manager Fosselman that the remaining budgeted money will remain in the sewer fund.

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

COMMUNICATIONS

- a. Christopher and Tori Simmons, 671 Pine Street, Emmaus – Parking on Pine Street. Referred to the Public Safety Committee. Council Member Gilbert stated that the Public Safety Committee is aware of the problem and are looking for a resolution by September.
- b. Sharon & Henry Laubach, 676 Pine Street, Emmaus – Parking on Pine Street. Referred to the Public Safety Committee.
- c. Diane L. – Outdoor fires. Not read due to being anonymous. The General Administration Committee will discuss anonymous letters. Borough Manager Fosselman is also attending a meeting regarding the Sunshine and Right-to-Know laws.
- d. Tom Klich, 819 Fernwood Street, Emmaus – Block Party on July 5<sup>th</sup>. Referred to Staff.
- e. Marcy Earls, RCN Strategic Account Manager – Rate increase as of July 1, 2008.
- f. Katrina Hanson – Update request for 4-way stop signs at S. 4<sup>th</sup> and Minor Streets. Council Member Gilbert said this was looked into and no action will be taken as this time; signs are not needed.
- g. Robert Aptaker, President, Seven Generations Charter School Committee – Proposing Environmental Charter School. See Public Appeals Part I.
- h. Vickie Gruver – Request for additional signage at Community Park regarding no pets.
- i. Chris DeFrain – Monetary donation for crowning S. 4<sup>th</sup> Street front baseball field and the Boro Line baseball field.
- j. Scot Fichter, President, Emmaus Youth Association – Monetary donation from EYA for field crowning. Referred to the Parks and Recreation Committee and Commission.
- k. Kevin and Marie Rossman, 156 Greenleaf St. – Sidewalk exemption request. Referred to the Public Works Committee.
- l. Kathleen Haney, The Shops of Emmaus – Request to use Triangle Park September 21, 2008 and October 12, 2008. Referred to the Parks and Recreation Committee.

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BOROUGH ENGINEER'S REPORT

None

SOLICITOR'S REPORT

Solicitor Procyk presented Ordinance No. 1033 for its 1<sup>st</sup> Reading.

**Motion by Council Member Labenberg, seconded by Council Member Brown to read Ordinance No. 1033 in short title. There were 6 ayes. Motion carried.**

Vice President Neely read Ordinance No. 1033 in short title: An Ordinance Amending Chapter 7, Section 102 Dealing with Exceptions to Prohibited Outdoor Fires.

**Motion by Council Member Gilbert, seconded by Council Member Brown to adopt Ordinance No. 1033 on its 1<sup>st</sup> Reading. Roll Call Vote: Brown aye, Holtzhafer aye, Labenberg aye, Gilbert aye, Barrett aye, Neely aye. Motion carried.**

Progress

NEW BUSINESS

None

UNFINISHED BUSINESS

None

ITEMS NOT ON AGENDA, subject to Rule 6

None

MAYOR'S REPORT

None

COMMITTEE REPORTS

a. Public Works Committee

Next meeting is June 4<sup>th</sup> at 8 a.m.

Progress

b. Health and Sanitation Committee

Progress

c. Parks and Recreation Committee

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**Motion by Council Member Barrett, seconded by Council Member Labenberg to hire Megan Stevens at a rate of \$7.15/hr and Jordan Angel at a rate of \$7.40/hr as part time Lifeguards. There were 6 ayes. Motion carried.**

The next Committee meeting is June 3<sup>rd</sup> at 3:30 p.m. The Committee will review the park employee handbook and the park rules and discuss making Community Park nonsmoking.

Progress

d. Public Safety Committee

The Mayor will administer the Oath of Office to a new Police Officer at the next meeting.

Progress

e. General Administration Committee

Progress

f. Budget and Finance Committee

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the June 2, 2008 Bill List.**

<b>Bill List</b>	<b>\$ 295,250.44</b>
<b>Payroll #11</b>	<b>\$ 103,078.99</b>
<b>Payroll Taxes</b>	<b>\$ 32,932.41</b>
<b>Total</b>	<b>\$ 431,261.84</b>

**Done this 2<sup>nd</sup> day of June 2008.**

Council Member Neely confirmed with Solicitor Procyk that in the absence of the Council President the Vice President signs the Resolution.

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

Progress

g. Community Relations/Development Committee

The Committee held a public hearing on May 28<sup>th</sup> and a stakeholder meeting on May 21<sup>st</sup> regarding the Downtown Master Plan. Council Member Brown said there were great ideas proposed.

The Committee met with Jeff Schubzda of Trifecta May 28<sup>th</sup> regarding the new web page, which should be up and running in the next month.

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The next meeting will be June 25<sup>th</sup> at 4 p.m.

Progress

h. Ad Hoc Committees

Community School Relations

The next meeting will be June 24<sup>th</sup> at 10 a.m. at Town Hall.

Progress

PERSONAL APPEALS, PART II

None

BOROUGH MANAGER'S REPORT

Staff requested Council's approval to publish names and addresses in the Borough Newsletter of active service men and woman serving in Iraq. The original request came from a Borough resident so that letters and cards could be sent to soldiers serving in Iraq.

Borough Manager Fosselman announced that the new ambulance arrived and should be in service by June 6<sup>th</sup>. Council Member Brown confirmed that the old ambulance was traded in for the new one.

Progress

PRESIDENT'S BUSINESS

Vice President Neely recessed the meeting for Executive Session at 8:10 p.m.

Vice President Neely reconvened the meeting at 8:16 p.m. with no official action needed.

Progress

ADJOURNMENT

**Motion by Council Member Brown, seconded by Council Member Holtzhafer to adjourn. There were 6 ayes. Motion carried.**

The meeting of the Emmaus Borough Council adjourned at 8:16 p.m.

Bruce Fosselman  
Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant  
June 4, 2008