

October 4, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, October 4, 2010, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

September 20, 2010
7. Decisions on Bids
8. Communications
 - a. Richard Krauss, 308 N. 2nd St., Emmaus – Letter of resignation as the Snow/Ice/Weed & Tree Enforcement Officer.
 - b. Rich Breen, 1333 W. Minor St., Emmaus – No Parking Zone Request.
 - c. Michael Gibson, 230 Ridge St., Emmaus – Emmaus Republican Committee’s position on the Baseball Field Reconstruction Project.
 - d. Lyle Richardson, Emmaus – Letter of interest to serve on the Parks and Recreation Commission.
 - e. Elder Kirk Perry & Elder Todd Gillies, 52 S. 5th St., Emmaus – Request use of Triangle Park.
 - f. Kathleen Haney, Shops of Emmaus – Request “No Parking” blocks on October 9, 2010.
9. Borough Engineer’s Report
10. Solicitor’s Report
11. Unfinished Business, Part I
 - a. **Ordinance No. 1073 – An Ordinance Amending Chapter 27, to Amend Section 806.3.A Dealing with Nonconforming Structures (1st Reading 9/07/10) (2nd Reading 10/04/10).**
12. New Business

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13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

- a. **Proclamation 2010 – 276 Fire Prevention Week**
- b. **Proclamation 2010 – 277 Trick or Treat Night**

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Gilbert)

Next Meeting – October 7, 2010 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. H2O PA Grant

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

Next Meeting – October 14, 2010 at 4:00 p.m.

- a. Refuse/Recycling with Raritan Valley
- b. Bollinger Land/Indian Creek Golf Course
- c. Emmaus and Upper Milford Joint Environmental Advisory Council
Recycling Event – November 14th
- d. Board of Health
- e. Riparian Buffer Ordinance

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – October 5, 2010 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases
- e. Triangle Park – Use Requirements and Guidelines

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – October 14, 2010 at 9:00 a.m.

- 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)

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Next Meeting – October 6, 2010 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Clerical Union Contract Negotiations

General Administration (continued)

- c. Special Event Signs Ordinance
- d. Cintas Update
- e. Website Upgrade
- f. Public Parking Spaces on Jubilee Street
- g. **Ordinance No. 1073 - Non-Conforming Structures**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – October 4, 2010 at 6:45 p.m.

- a. **Bill List – Resolution 2010 – 30**
- b. Per Capita Tax Ordinance
- c. Act 44 Election

Community Relations/Development (Brown, Reinhard, Waddell)

Next Meeting – September 22, 2010 at 4:15 pm.

- a. Parking Deck Feasibility Study
- b. 2009 Anniversary Items and Contents of the 1959 Time Capsule
- c. Emmaus Main Street Program—West End Gateway Sign Presentation
- d. Broad Street Reconstruction
- e. Streetscape Improvement Project
- f. Lanta Metro Meeting Update
- g. **1959 Time Capsule Items**

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 September 2010**

19. President's Business

- a. **Executive Session**

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20. Adjournment

Next Resolution #31
Next Ordinance #1074

The Emmaus Borough Council met in regular session on October 4, 2010 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
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Joseph Wieder, Teamsters Local 773, Business Agent, Emmaus Borough Public Works Employees, appealed to Council to carefully consider the “thoughtless” words he has heard being discussed regarding the health insurance coverage that the Public Works employees are receiving.

Motion by Mr. Reinhard, seconded by Mr. Brown to extend Mr. Wieder’s Personal Appeal time for five minutes. There were 7 ayes. Motion carried.

Mr. Labenberg stated that he was satisfied with Mr. Neely’s explanation about the Public Works health benefits. He explained that he supported Mr. Reinhard’s request to raise the matter at the last Meeting in order to hear what he had to say. Mr. Reinhard thanked Mr. Wieder for his appeal.

B. Lynn Donches, 559 Minor St., voiced opposition to the Legion Baseball Field Reconstruction Project. She believes that the baseball plan would change the character of Emmaus Community Park.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

Motion by Mr. Labenberg, seconded by Dr. Waddell to dispense with the formal reading of the September 20, 2010 Minutes. There were 7 ayes. Motion carried.

Mr. Reinhard believed that he identified the event by name that he raised under Community Minute. Mr. Neely stated that the Minutes were typed verbatim.

Motion by Mr. Reinhard, seconded by Dr. Waddell to adopt the September 20, 2010 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Richard Krauss, 308 N. 2nd St., Emmaus – Letter of resignation as the Snow/Ice/Weed & Tree Enforcement Officer. Mrs. Gilbert directed Mr. Neely to advertise for the position. Mr. Neely thanked Mr. Krauss for his service. Referred to the General Administration Committee.

Motion by Dr. Waddell, seconded by Mr. Barrett to accept Richard Krauss's resignation as the Snow/Ice/Weed & Tree Enforcement Officer effective immediately. There were 7 ayes. Motion carried.

b. Lyle Richardson, Emmaus – Letter of interest to serve on the Parks and Recreation Commission. Referred to the Parks and Recreation Committee.

c. Richard Breen, 1333 W. Minor St., Emmaus – No Parking Zone Request. Referred to the Public Safety Committee.

d. Michael Gibson, 230 Ridge St., Emmaus – Emmaus Republican Committee's letter concerning the Legion Baseball Field Reconstruction Project. Mr. Neely commented that the Planning Commission reviews sealed engineering plans and the Baseball Field Project cannot be reviewed by the Planning Commission until engineering drawings, which are not yet completed, are submitted for review.

e. Elder Kirk Perry & Elder Todd Gillies, 52 S. 5th St., Emmaus – Request for use of Triangle Park. Referred to the Parks and Recreation Committee.

f. Kathleen Haney, Shops of Emmaus – Request for "No Parking" blocks for two spaces in front of Buss Paint and Wallpaper to park an Emmaus fire truck on October 9, 2010 with a rain date of October 10, 2010 for Fire Prevention Week. Mr. Labenberg suggested parking the fire truck in the parking lot at Buss Paints. Mr. Brown agreed with Mr. Labenberg.

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to approve the Shops of Emmaus request to place "No Parking" blocks for two spaces in front of Buss Paint and Wallpaper to park an Emmaus fire truck on October 9, 2010 with a rain date of October 10, 2010 from 7:00 a.m. until the truck leaves. There were 5 ayes, 2 opposed (Reinhard, Labenberg). Motion carried.

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g. Daniel Kline, 566 Chestnut St., Emmaus – Letter of interest to serve on the Emmaus Arts Commission. Referred to the General Administration Committee.

h. Gene Clock, President, Emmaus Main Street Program – “Thank You” to the Borough for the \$7,500 contribution to the Emmaus Main Street Program.

i. James Martin, Office of the District Attorney, Lehigh County Courthouse, 455 West Hamilton Street, Allentown, PA – “Thank You” for support of the Lehigh County Child Abuse Investigator.

j. Emmaus Senior Citizens – “Thank You” to Borough Council for financial contribution.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1073 – An Ordinance Amending Chapter 27, to Amend Section 806.3.A Dealing with Nonconforming Structures (1st Reading 9/7/10, 2nd Reading 10/4/10).

Motion by Dr. Waddell, seconded by Mr. Brown to read Ordinance No. 1073 – An Ordinance Amending Chapter 27, of the Borough Code of Ordinances, Governing Zoning, to Amend Section 806.3.A Dealing with Non-Conforming Structures in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1073 in short title.

Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Ordinance No. 1073 - An Ordinance Amending Chapter 27, of the Borough Code of Ordinances, Governing Zoning, to Amend Section 806.3.A Dealing with Non-Conforming Structures on its 2nd Reading. Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Mr. Labenberg thanked Zoning Officer Farnsworth for suggesting the amendment to the Borough Zoning Ordinance.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

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Mayor Iobst read Proclamation 2010-276, proclaiming the week of October 3 through October 9, 2010 as Fire Prevention Week.

Mayor Iobst read Proclamation 2010-277, proclaiming Thursday, October 28, 2010 from 6:00 p.m. to 8:00 p.m. as the Borough of Emmaus Trick or Treat Night. Mayor Iobst asked that homeowners who wish to participate in welcoming trick or treaters turn on their porch lights.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on Thursday, October 7, 2010 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Board of Health met on September 16, 2010. He also reported that the Borough Health Inspector, Gary Ritter, is considering changing his method of inspecting facilities. Mr. Ritter conducts two facility inspections per entity per year, but is considering changing to a “risk based” scenario where facilities with historic risk factors are inspected more often and those without risk factors less often.

Mr. Reinhard reported that the Lehigh County Compost Site will be closing at the end of 2010. Dr. Waddell questioned the long-term ramifications of the County Compost Site closing. Mr. Neely responded that previously Emmaus was part of a consortium and shared a tub grinder. The Consortium ended when the County began providing the equipment. Mr. Neely stated that there is a countywide meeting set for the third week of October but that there are not many options available. Mr. Reinhard stated that the item will remain on the Committee’s Agenda. Mr. Brown observed that there is a budget meeting scheduled for October 5, 2010 at 6:30 p.m. for Lehigh County.

Motion by Mr. Reinhard, seconded by Mr. Brown to have Mr. Neely communicate with Lehigh County the Borough’s interest in keeping the model open of utilizing the equipment and an operator for local municipalities as a potential revenue source. There was 1 aye, 6 opposed (Brown, Waddell, Labenberg, Holtzhafer, Barrett, Gilbert). Motion failed.

Mr. Barrett responded that the item should be handled at the Committee level. Mr. Labenberg and Mrs. Gilbert suggested obtaining more information.

Progress.

c. Parks and Recreation Committee

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Mr. Barrett reported that the next Committee Meeting is October 5, 2010 at
3:30 p.m.

Progress.

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d. Public Safety Committee

Mrs. Gilbert reported that Chief Faust recommends that the Public Safety Committee defer the starting date of October 18, 2010 for the one-way 90-day trial period on Seem Street. Mr. Holtzhafer stated that the Principal of Lincoln Elementary School, Jaqueline Attinello, presented the starting date as October 18, 2010 at parent's night. Mrs. Gilbert responded that Chief Faust invited Ms. Attinello to the next Public Safety Committee Meeting on October 14, 2010 at 9:00 a.m.

Motion by Mr. Brown, seconded by Mr. Barrett to postpone the starting date of the 90-day trial period changing the 200 Block of Seem Street to one-way westbound between 2nd and 3rd Streets. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that there are two vacancies in the Emmaus Police Department. There is a Civil Service List with four individuals on it but the background checks were completed 2 ½ years ago. The Civil Service Commission would need to forward the list to Chief Faust to have updated background checks. The Committee recommends a motion to begin the hiring process.

Motion by Mr. Brown, seconded by Mr. Barrett to have the Civil Service Commission forward the list of names of four individuals to Chief Faust and to begin the hiring process. There were 6 ayes, 1 opposed (Reinhard). Motion carried.

The next Committee Meeting is October 14, 2010 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell reminded that all Council Members should complete the Council Person Profile form and forward it to Paula Weiant for upload onto the Borough website.

The next Committee Meeting is October 6, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2010-30, authorizing payment of the October 4, 2010 Bill List, as follows:

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Bill List	\$ 460,214.18
Payroll #19	\$ 132,934.87
Payroll Taxes	\$ 42,011.19
Total	\$ 635,160.24

Done this 4th day of October 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the October 4, 2010 Bill List. There were 7 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met on September 22, 2010 at 4:15 p.m.

He reported that the Committee discussed follow up on the Parking Deck Feasibility Study. He also reported that he scheduled a meeting with LANTA Metro representatives on October 26, 2010 at 4:00 p.m.

Mr. Brown reported that the CRD Committee partnered with the Emmaus Arts Commission and Council to review the items from the 1959 Time Capsule. Roger Whitcomb and the 2009 Anniversary Celebration Committee reviewed the items and approved a proposed distribution between the Borough, the Emmaus Public Library, and the Emmaus Historical Society. He reported that there is one item of particular importance under the Emmaus Historical Society – “Synco Corporation, 1950-1959.” Mr. Neely stated that the Synco Corporation made the 1959 Time Capsule. He received an email from Pat Ryder, whose grandfather owned Synco Corporation. In the 1959 Time Capsule was a large manila envelope from the Synco Corporation with a black and white photograph and documentation from Synco. The family would like the originals of the items. The items are currently in the possession of Rodale Inc. Rodale is willing to reproduce the items. He noted that all of the items on the list are the property of the Borough. The Committee is asking Borough Council to authorize the disposition of the items from the 1959 Capsule and remove Item 24 under Emmaus Historical Society provided that the Borough reproduce the items before turning ownership over to the family. Dr. Waddell thanked Dr. Whitcomb and the 2009 Anniversary Committee for review and proper distribution of the 1959 Time Capsule items. Mr. Labenberg asked if ownership is relinquished by the Borough when the items are dispersed. Dr. Waddell responded that it is. Mr. Labenberg asked if there could be an agreement that if anyone decides to dispose of the items the items would be returned to the Borough. Mr. Neely stated that an agreement would need to be drafted to that effect and he will do so.

Motion by Dr. Waddell, seconded by Mr. Labenberg to remove Item 24 – Synco Corporation, 1950-59, from the list of items from the 1959 Time Capsule with the originals going to the family with the condition that the items are copied before the originals are returned. There were 7 ayes. Motion carried.

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The next Committee Meeting is scheduled for October 27, 2010 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. John Donches, 559 Minor St., voiced concerns about parking problems at Emmaus Community Park. He encouraged Council to think twice before signing the Lease associated with the Legion Baseball Field Reconstruction Project between the Borough of Emmaus and the East Penn School District. He believes that the Agreement gives total control of the field to the School District. He stated that he supports the idea of baseball teams playing their games in Emmaus.

B. Lynn Donches, 559 Minor St., asked for clarification on the Bollinger Land/Indian Creek Golf Course item on the Heath, Sanitation, and Conservation Committee Agenda. Mr. Reinhard responded that it is related to the Riparian Buffer Ordinance. She also noted that the Broad Street Reconstruction Project is listed under the Community Relations/Development Committee Agenda and questioned if that is correct. Mr. Brown responded that the project is off of the CRD Committee's Agenda and will be placed on the Public Works Committee Agenda. Mr. Labenberg responded that it will be on the Public Works Committee Agenda for the next Meeting on October 7, 2010 at 3:00 p.m. but does not know if any action will be taken at that time.

C. John Eyer, 331 N. 2nd St., stated that he is frustrated by the bashing that has been going on alleging that the EYA is making money on Borough fields. He also stated that if the School District cannot partner with the Borough for use of the fields, it will build somewhere else and that will be more costly to taxpayers.

D. Michael Policano, 1813 Alexander Drive, stated that a new plan for the baseball field would need to be drafted since an important part of the funding, the Green Future Fund, was no longer available from the County and therefore could not be considered as part of the original agreement.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for September 2010 are in the Council binders, and offered to entertain any questions about them.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 8:30 p.m. for an Executive Session, anticipating no official action.

Mrs. Gilbert reconvened the Meeting at 11:00 p.m.

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**Motion by Dr. Waddell, seconded by Mr. Barrett to adjourn. There were 7 ayes.
Motion carried.**

The Meeting of the Emmaus Borough Council adjourned at 11:00 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
October 6, 2010