

September 21, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda

Monday, September 21, 2009, 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 8, 2009

7. Decision on Bids
8. Communications
 - a. Beth Sharpless, 2009 Train Excursion Committee – Requests for 2009 Train Excursion
 - b. Barnaby Ruhe, USBoomerang Association - Boomerang Tournament at Community Park
 - c. Marie F. Heller, 130 E. Main St. – Low Income Refuse Rate
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - a. **Ordinance No. 1057 – An Ordinance Amending Chapter 20 of the Borough's Code of Ordinances Adopting Amendments to the Borough's Solid Waste Disposal Ordinance, Governing the Collection, Transportation, and Disposal of Solid Waste Generated in the Borough of Emmaus (1st Reading 09/08/09) (2nd Reading 09/21/09)**
12. New Business
 - a. **Ordinance No. 1058 – An Ordinance Repealing Chapter 15, Part 5, of the Borough Codified Ordinances (1st Reading 9/21/09)**

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13. Unfinished Business, Part II

- a. Ordinance No. 1056 – An Ordinance Amending Chapter 15, Sections 403 and 404(a), Abandoning No Parking Zone and Establishing Restricted Parking Zones and Bus Parking Zones on School Days Along East Minor Street Associated with the Seven Generations Charter School.

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

16. Committee Reports

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

Next Meeting – October 7, 2009 at 8:00 a.m.

1. Committee
 - a. I & I Elimination Report
 - b. Sidewalk Repairs
2. Solicitor

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

Next Meeting – October 8, 2009 at 3:30 p.m.

1. Committee
 - a. **Ordinance No. 1057 – An Ordinance Amending Chapter 20 of the Borough's Code of Ordinances Adopting Amendments to the Borough's Solid Waste Disposal Ordinance, Governing the Collection, Transportation, and Disposal of Solid Waste Generated in the Borough of Emmaus (1st Reading 09/08/09) (2nd Reading 09/21/09)**
 - b. Conservation
 - c. Board of Health
2. Solicitor

Parks and Recreation (Barrett, Labenberg, Holtzhafer)

Next Meeting – October 6, 2009 at 3:30 p.m.

1. Committee
 - a. Ice Rink/Skate Park
 - b. Raven Mill Trail Project (Trail Name)
 - c. Meadow Pool
 - d. Geese at Furnace Dam

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2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – October 8, 2009 at 9:00 a.m.

1. Committee

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Seven Generations Charter School Parking Restriction Recommendations
- d. **Letter to C. Richard Chartrand**

2. Solicitor

General Administration (Waddell, Gilbert, Barrett)

Next Meeting – September 23, 2009 at 9:00 a.m.

1. Committee

- a. Historical Sites and Park Ordinance
- b. Email for Council People
- c. A-Frame Signs/Sign Ordinance

2. Solicitor

Budget and Finance (Holtzhafer, Gilbert, Reinhard)

Next Meeting – September 24, 2009 at 3:30 p.m.

1. Committee

- a. **Bill List – Resolution 2009-28**
- b. **2010 Budget**
- c. Policy for Use of Tax ID Number
- d. 2009 Celebration – Overtime
- e. **2010 Minimum Municipal Obligation**

2. Solicitor

Community Relations/Development (Brown, Waddell, Reinhard)

Next Meeting – September 23, 2009 at 4:00 p.m.

1. Committee

- a. South Side Master Plan
- b. Downtown Master Plan – Parking Deck, VFW, David's Electric
- c. Triangle Project Expansion

2. Solicitor

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

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Next Meeting – To be scheduled.

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 the First Half of September 2009**

b. **Klines Lane Trail**

19. President's Business

Executive Session – Personnel Issue

20. Adjournment

Next Resolution #29
Next Ordinance #1059

The Emmaus Borough Council met in regular session on September 21, 2009 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

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

Michael Waddell, President	Present
Lee Ann Gilbert, Vice President	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

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a. **Otto Slozer, 121 E. Elm St**, feels that the minutes from September 8, 2009 are too brief, making them misleading, and not properly representing what he stated. He reviewed his previous Personal Appeal, and believes that he said, "In particular, on September 4, they picked up 14 loads of water." He says that it should have read, "In particular, on September 3, they picked up 14 loads of water." He also added that his appeal stated that an Aqua Duck truck was observed taking "evasive" action after it picked up a load of water. Mr. Labenberg questioned whether Aqua Duck is finished loading for the season. Dr. Waddell stated that he was present at meetings with Aqua Duck and they never stated that they were only filling up swimming pools.

COMMUNITY MINUTE

Dr. Waddell thanked St. John's Lutheran Church for hosting the production of "Eleckshen" on September 19, 2009. He also mentioned that the October 3 and 4 train excursions are only two weeks away and are quickly filling up.

Gene Clock, President of the Emmaus Main Street Program, reminded that the 4th Annual Emmaus Main Street Program Golf Classic will be on September 28, 2009 at Woodstone Country Club. The deadline for entering is September 23, 2009.

Mr. Labenberg reminded everyone to vote on September 29, 2009 in the Special Election for Senator in the General Assembly.

Mayor Iobst read a letter from Peg Larish, 634 Broad St, thanking the Public Works Department for repairing alleys. He also read a letter from Marianne Deisher, thanking the Borough for the 2009 Anniversary Celebration.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the September 8, 2009 Minutes. There were 7 ayes. Motion carried.

Dr. Waddell agreed with Mr. Slozer that on page 137 in Personal Appeals it should read, "In particular, on September 3, they picked up 14 loads of water."

Motion by Mr. Labenberg, seconded by Mrs. Gilbert to adopt the September 8, 2009 Minutes as amended. There were 6 ayes, 1 abstention (Dr. Waddell). Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Beth Sharpless, 2009 Train Excursion Committee – Requests for 2009 Train Excursion being held on October 2, 3, and 4. Referred to staff.

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b. Barnaby Ruhe, U.S. Boomerang Association – Boomerang Tournament at Community Park being held on October 10, 2009.

Motion by Mr. Labenberg, seconded by Mr. Barrett to approve Barnaby Ruhe's request to use Emmaus Community Park on October 10, 2009 with a rain date of October 11, 2009, contingent on it not conflicting with another event and contingent upon them providing a Certificate of Insurance.

Mrs. Gilbert suggested that the motion should be amended to include the Emmaus Community Park hours being extended until 10:00 p.m.

Motion and second amended by Mr. Labenberg and Mr. Barrett, respectively, to include that the Emmaus Community Park hours be extended until 10:00 p.m. There were 7 ayes. Motion carried.

c. Marie F. Heller, 130 E. Main St – Low Income Refuse Rate. Referred to Budget & Finance Committee.

d. Boy Scout Troop 25, St. John's U.C.C. – Permission to use Emmaus Community Park on October 24 and 25, 2009. Mr. Chad Seibert explained that in 1959 the Boy Scouts conducted a camp out at Community Park and placed ashes from the campfire in the 1959 Time Capsule. The 2009 Boy Scouts would like to conduct a similar camp out and place ashes from the camp fire into the new time capsule to be opened in 2059, requesting that the next group of Boy Scouts do the same. Dr. Waddell asked where the camping would be situated. Mr. Seibert explained that camping would be held in the grove near the volleyball court. Mr. Holtzhafer asked what groups would be involved in the campout. Mr. Seibert responded that it would be all of the Boy Scout groups in town. They are also trying to reach out to the Girl Scouts. Referred to staff.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to allow Boy Scout Troop 25 permission to camp at the Emmaus Community Park on October 24 and 25, 2009, contingent upon a Certificate of Insurance and approval from the Emmaus Fire Department in regards to placement of the campfire.

Mr. Barrett asked whether the Ordinance for Outside Burning would need to be amended. Mrs. Gilbert stated that there is an Ordinance prohibiting open pit burning, so a motion would be needed to be passed to permit a campfire.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to allow a campfire to be held at the Emmaus Community Park by Boy Scout Troop 25, with the approval of Fire Chief Reiss. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – None.

UNFINISHED BUSINESS, PART I

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a. Ordinance No. 1057 – An Ordinance Amending Chapter 20, Solid Waste, of the Code of Ordinances of the Borough of Emmaus to Provide for Changes Regarding Refuse and Recycling Rates, Collection, and Administrative Responsibilities. (1st Reading 09/08/09) (2nd Reading 09/21/09).

Motion by Mr. Reinhard, seconded by Mrs. Gilbert to read Ordinance No. 1057 in short title. There were 7 ayes. Motion carried.

Dr. Waddell read Ordinance No. 1057 in short title – An Ordinance Amending Chapter 20, Solid Waste, of the Code of Ordinances of the Borough of Emmaus to Provide for Changes Regarding Refuse and Recycling Rates, Collection, and Administrative Responsibilities.

Mr. Brown asked whether the refuse fees have ever been transferred to another fund. Mr. Neely answered that the refuse fees are deposited directly into the General Fund. Mr. Labenberg questioned whether there could be a line item set up for the refuse fees so that they would not be deposited into the General Fund. He also stated that he does not agree with the Ordinance's requirement provision that the owner or possessor of a dwelling unit that is used as a Home Office or a Home Occupation should be assessed 1 ¼ of an Annual Assessment for refuse services at the owned or possessed property. Mr. Brown asked when the bids are due. Mr. Neely replied that bids are due by 12:00 p.m. on September 28, 2009. Mr. Brown stated that he feels the motion to adopt the ordinance should be tabled until further information is available.

Motion by Mr. Brown, seconded by Mr. Labenberg to table the Motion to adopt Ordinance No. 1057 on its 2nd reading. There were 2 ayes, 5 opposed (Mr. Holtzhafer, Mr. Barrett, Mr. Reinhard, Mrs. Gilbert, and Dr. Waddell). Motion failed.

Motion by Mr. Reinhard, seconded by Mrs. Gilbert, to adopt Ordinance No. 1057 on its 2nd reading. Roll Call Vote: Mr. Labenberg, no, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, no, Mr. Reinhard, aye, Mrs. Gilbert, aye, Dr. Waddell, aye. There were 5 ayes, 2 nays. Motion carried.

NEW BUSINESS

a. Ordinance No. 1058 – An Ordinance Repealing Chapter 15, Part 5, of the Borough Codified Ordinances, regarding parking meters.

Dr. Waddell read Ordinance No. 1058 in its entirety. Mr. Neely explained that the Borough no longer uses parking meters and this Ordinance would repeal the Street Metered Parking Ordinance in Chapter 15, Sections 501-512.

Motion by Mr. Labenberg, seconded by Mrs. Gilbert, to adopt Ordinance No. 1058 on its 1st Reading. Roll Call Vote: Mr. Brown, aye, Mr. Reinhard, aye, Mrs. Gilbert, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Dr. Waddell, aye. Motion carried.

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UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst reported that he visited the Seven Generations Charter School with Chief Faust and Mrs. Gilbert to observe parking concerns. He stated that he will discuss it at the next Public Safety Committee Meeting.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Environmental Advisory Council Meeting has had regular attendance for the past several months and it is looking forward to continued progress. He reported that there was a Board of Health Meeting on September 17, 2009 at 7:00 p.m.

Mr. Labenberg commented that Meadow Pool has been sprayed for mosquitoes.

Progress.

c. Parks and Recreation Committee

The next Committee meeting will be on October 6, 2009.

Progress.

d. Public Safety Committee

Mrs. Gilbert read a letter written by Chief of Police David Faust thanking C. Richard Chartrand for reconstructing the police officer's portrait boards for the 100th Anniversary of the Emmaus Police Department. Mrs. Gilbert also reported that the Emmaus Police Department is holding an Open House on October 3, 2009 from 10:00 a.m. to 2:00 p.m.

Mrs. Gilbert reported that Mr. Neely will be mailing Mr. Biles a letter addressing his request for 25 mph speed limit signs to be placed on Evergreen Street. Mrs. Gilbert stated that, according to the speed board, the average speed limit on Evergreen Street is 19 mph.

Progress.

e. General Administration Committee

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Dr. Waddell reported that the next Committee meeting will be on September 23, 2009 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer reported that a motion was brought forth in the Budget and Finance Committee meeting by a 2-1 vote to withhold payment to the Emaus Firemen's Relief Association from the September 21, 2009 Bill List.

Mr. Holtzhafer read Resolution 2009-28, authorizing payment of the September 21, 2009 Bill List, as follows:

Bill List	\$ 420,849.37
Payroll #18	\$ 122,276.67
Payroll Taxes	\$ <u>37,060.29</u>
Total	\$ 580,186.33

Done this 21st day of September, 2009.

Mr. Holtzhafer reported that if the Firemen's Relief Association payment of \$73,805.12 would be withheld from the Bill List, the new Bill List Total would be \$506,381.21.

Motion by Mr. Reinhard, seconded by Mr. Holtzhafer to withhold \$73,805.12 from the September 21, 2009 Bill List. There were 2 ayes, 5 opposed (Mr. Labenberg, Mr. Barrett, Mr. Brown, Mrs. Gilbert, Dr. Waddell). Motion failed.

Mr. Holtzhafer reported that the Borough received a check from the Commonwealth of Pennsylvania in the amount of \$73,805.12 to be paid to the Emaus Firemen's Relief Fund. The Budget & Finance Committee would like to research the use of the money. Mr. Neely reported that we have given money to the Relief fund in the past. Mr. Labenberg questioned how the Relief fund money was historically used. Mrs. Gilbert stated that the Borough receives money every year from the state for the Fund and the money is turned over to the Association to purchase new equipment and pay loans. She also stated that the Borough has had no issues in the past with the Relief Fund. Mr. Holtzhafer stated that he is very confident that the money is not being misused; he just wants to be made aware of how the money is spent. Dr. Waddell stated that he agrees with Mr. Holtzhafer's concerns about knowing how the money is spent. Mr. Labenberg asked if the Relief Association issues any type of yearly report to the Borough. Mr. Neely stated that he is unaware of any report issued to the Borough. Dr. Waddell suggested that Mr. Neely further research this matter. He also suggested that Mr. Holtzhafer invite Chief Reiss or Tori Schadler to the next Committee meeting on September 24, 2009 at 3:30 p.m.

Motion by Mr. Labenberg, seconded by Mrs. Gilbert to adopt the September 21, 2009 Bill List. There were 5 ayes, 2 opposed (Mr. Holtzhafer, Mr. Reinhard). Motion carried.

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Mr. Holtzhafer presented the 2010 Minimum Municipal Obligation calculations. Mr. Neely explained that every year, pursuant to the state pension law, the Borough is required, before September 30, to forward to the Commonwealth of Pennsylvania a 2010 Minimum Municipal Obligation calculation. It represents the minimum amount that the Borough should expect to pay to fund the uniformed and non-uniformed pension plans. The amounts are calculated by applying a formula that is predicated on the salaries that the Borough pays and employee contributions to the plans. The numbers the Borough sends are used to determine the amount of state pension aid for 2010. Mr. Holtzhafer reported that the Committee voted 3-0 to approve the 2010 Minimum Municipal Obligation.

Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to approve the 2010 Minimum Municipal Obligation. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Emmaus Main Street Program has requested the release of the second half of the Borough's budgeted funds, in the amount of \$7500. He stated that there is a Budget and Finance Committee Meeting on September 24, 2009 and he would like to discuss it further at that time.

Motion by Mr. Brown, seconded by Mr. Labenberg to release \$7,500 to the Main Street Program. There were 2 ayes, 5 opposed. (Mr. Holtzhafer, Mr. Reinhard, Mr. Barrett, Mrs. Gilbert, Mr. Labenberg) Motion failed.

Progress.

g. Community Relations/Development Committee

The next Committee Meeting will be on September 23, 2009 at 4:00 p.m. The Committee will be reviewing the Southside Master Plan and will be meeting with the Main Street Program. Mr. Brown reported that Teri Sorg-McManamon requests placing a Main Street Program questionnaire in the next Borough Newsletter.

Progress.

h. Ad Hoc Committee – Community/School Relations

Mr. Holtzhafer reported that the next Committee meeting will be during the week of October 5, 2009.

Progress.

PERSONAL APPEALS, PART II

a. **Otto Slozer, 121 E. Elm St**, thanked Council for approving the Emaus Firemen's Relief Association payment on the September 21, 2009 Bill List. He is concerned that there is not enough interaction between Council and Borough Fire Officials. He also stated that he is concerned that if the money was removed from the Bill List, the Borough would be required to return the funds to the state.

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Mr. Holtzhafer stated that there is a time period of 60 days in which to release the money. Mr. Holtzhafer explained that he is not opposed to distributing the money; he simply wants to learn more about the Firemen's Relief Association. Mr. Slozer thanked Mr. Holtzhafer for clarifying his position.

BOROUGH MANAGER'S REPORT

Mr. Neely noted the Significant Revenue and Expense Items for the 1st half of September 2009.

Mr. Neely updated Council on the Kline's Lane Trail. He explained that he and Mark Bowman from South Mountain Cycles walked the woods off of Klines Lane and prepared a map using a GPS system. Mr. Bowman would like authority to begin cutting the trails, possibly as early as the weekend of September 26. The Seven Generations Charter School offered to assist in the construction of the trails. Anyone participating in the construction of the trails would sign a Release of Liability form. The Borough Public Works Department would not be involved in the work. Mr. Neely stated that Council would need to make a formal motion for the work to begin.

Motion by Mr. Labenberg, seconded by Mr. Barrett to allow South Mountain Cycles and the Seven Generations Charter School to clear the trails at Kline's Lane, contingent upon the Release of Liability forms being signed by all participants. There were 7 ayes. Motion carried.

PRESIDENT'S BUSINESS

Dr. Waddell recessed the meeting at 8:00 p.m. for an Executive Session to discuss a brief personnel issue.

President Waddell reconvened the meeting at 8:16 p.m. with no official action taken.

ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. Reinhard to adjourn. There were 7 ayes. Motion carried.

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

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
September 22, 2009