

February 1, 2010

**Emmaus Borough Council**  
**Agenda**  
**Monday, February 1, 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
  - a. January 18, 2010
7. Decisions on Bids
8. Communications
  - a. Chris DeFrain, 181 Harrison St. – Letter of resignation from Borough Council.
  - b. Kathleen Haney, Shops of Emmaus – 2010 Events Schedule.
  - c. Christi Dunning, Emmaus Farmers’ Market – A-frame Sign Fee Exemption.
  - d. Peter Kapustiak, Emmaus Kiwanis Club – Field Usage for Easter Egg Hunt.
  - e. Frances Larash, Emmaus Public Library – Letter of Recommendation, Krista Pegnetter to fill vacancy on the Emmaus Library Board.
  - f. Teri Madison, Emmaus Main Street Program – Request to hang SnowBlast Ice Bar banner on Triangle.
  - g. Kathleen Mintzer, 524 North St. – Letter requesting reappointment to the Parks & Recreation Commission (Term Expires 5/01/2010).
  - h. Nora Goldstein, 411 Barrett Rd. – Letter of resignation from the Joint Environmental Advisory Council (Term Expires 3/1/2010).
  - i. Laura Bauder, 17 Macungie Ave. – Request to fill vacancy on the Emmaus Arts Commission.
  - j. Chris Brauchle, East Penn Emmaus Midget Football Assoc. – Field usage fee waiver.
  - k. R. Erick Reinhard, 920 Franklin St. – Request to fill vacancy on Borough Council.
  - l. Seven Generations Charter School, 154 E. Minor St. – Detention Pond Study
9. Borough Engineer’s Report
10. Solicitor’s Report

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11. Unfinished Business, Part I

a. **Amended Budget – Resolution 2010 - 5**

12. New Business

13. Unfinished Business, Part II

- a. Mulberry Street – One Way Southbound (Trial Period Expires April 4, 2010).

14. Items Not on Agenda, Subject to Rule 9

15. Mayor’s Report

16. Committee Reports

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

Next Meeting – February 4, 2010 at 3:00 p.m.

1. Committee

- a. I & I Elimination Report  
b. Weiders Lane Status  
c. “Share the Road” Signs

2. Solicitor

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

Next Meeting – February 11, 2010 at 3:30 p.m.

1. Committee

- a. Riparian Buffer Ordinance

2. Solicitor

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

Next Meeting – February 2, 2010 at 3:30 p.m.

1. Committee

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

2. Solicitor

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

Next Meeting – February 11, 2010 at 9:00 a.m.

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**Public Safety** (continued)

1. Committee
  - a. Trailer Truck Parking
  - b. Tractor Trailer Unloading
  - c. Mulberry Street—One Way Southbound
  - d. Car Show/Bed Race Detour
  - e. **Hiring Jeffrey Knopf, Paramedic; Peter Alles, Part-time EMT; and Paul Shankweiler, Part-time EMT to the Emmaus Ambulance Corps.**
2. Solicitor

**General Administration** (Waddell, Barrett, Labenberg)

Next Meeting – February 10, 2010 at 9:00 a.m.

1. Committee
  - a. **Appointment of Linda Waddell to the Emmaus Arts Commission (Term 2/1/2010 – 2/1/2015)**
  - b. **Boy Scouts Sponsorship**
  - c. **2010 Census – Request for Space in Town Hall**
2. Solicitor

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

Next Meeting – February 16, 2010 at 6:45 p.m.

1. Committee
  - a. **Bill List – Resolution 2010 –6**
  - b. **Amended Budget**
  - c. Per Capita Tax Ordinance
  - d. Act 44 Election
  - e. **Non-union Employee Contributions to Health Insurance**
2. Solicitor

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

Next Meeting – February 24, 2010 at 4:15 pm.

1. Committee
  - a. South Side Master Plan
  - b. Downtown Master Plan – Parking Deck, VFW, David’s Electric
  - c. Triangle Project Expansion
  - d. Parking Deck Feasibility Study Request for Proposals
  - e. Emmaus Community Car Show / Emmaus Bed Race
  - f. Borough Map

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**Community Relations/Development** (continued)

2. Solicitor

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

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

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 January 2010**

19. President's Business

20. Adjournment

Next Resolution #7  
Next Ordinance #1067

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The Emmaus Borough Council met in regular session on February 1, 2010 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

**PERSONAL APPEALS, PART I**

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**A. Leslie Heffron, 981 Little Lehigh Dr.,** representing the Emmaus Arts Commission, requested clarification for placing A-frame signs during the SnowBlast Festival on February 5 and 6, 2010. Mr. Neely stated that under the Zoning Ordinance a non-profit organization is allowed to place A-frame signs in the Borough advertising events, but added that Borough Council needs to make a motion to allow the Emmaus Arts Commission to place the signs. She also asked for a waiver from the temporary sign fee to hang a banner from TMG Consulting Engineers at the Triangle and for other event sponsors during the SnowBlast Festival. Mr. Neely explained that under Zoning Ordinance Section 704.15, Special Event Signs and Displays, a banner is considered a temporary sign and there would be a \$10 fee to display the banner. Mr. Neely suggested that the sign portion of the Ordinance be referred to the General Administration Committee for further review.

**Motion by Mr. Barrett, seconded by Dr. Waddell to allow the Emmaus Arts Commission to place out four A-frame signs during the SnowBlast Winter Festival on February 5 and 6, 2010. There were 6 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to waive the temporary sign fee for all banners to be hung at the SnowBlast Winter Festival held on February 5 and 6, 2010. There were 6 ayes. Motion carried.**

**B. Steve Shelly, 5318 Limeport Pike, President – Emmaus Farmers Market,** introduced himself as the new President of the Emmaus Farmers Market and advised that questions about the Market should be directed to himself or Christi Dunning. Mr. Holtzhafer asked Mr. Shelly if the Market will be located at the same venue as before. Mr. Shelly responded that it will again be in the KNBT parking lot. Mr. Holtzhafer asked if the Farmers Market has considered moving to the Triangle. Mr. Shelly responded that the Market is too large to move to the Triangle.

**C. Kevin Haldeman, President, East Penn Midget Football Association,** stated that the Association is requesting a waiver from the field usage fees. Referred to the Parks and Recreation Committee.

#### COMMUNITY MINUTE

Mrs. Gilbert reminded that the SnowBlast Winter Festival will be held on Friday and Saturday, February 5 and 6.

SPECIAL PRESENTATIONS – None.

#### READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Dr. Waddell to dispense with the formal reading of the January 18, 2010 Minutes. There were 6 ayes. Motion carried.**

**Motion by Dr. Waddell, seconded by Mr. Brown to adopt the January 18, 2010 Minutes as drafted. There were 5 ayes, 1 abstention (Barrett). Motion carried.**

DECISION ON BIDS – None.

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COMMUNICATIONS

- a. Chris DeFrain, 181 Harrison St. - Letter of Resignation from Borough Council.

**Motion by Dr. Waddell, seconded by Mr. Brown to accept Mr. DeFrain's resignation from Borough Council effective January 26, 2010. There were 6 ayes. Motion carried.**

b. Kathleen Haney, Shops of Emmaus – 2010 Events Schedule. Referred to staff. Mrs. Gilbert suggested sending a reminder letter for requests to the Shops of Emmaus closer to the events to ensure that any issues that arise are handled at the committee level. Mr. Neely assured that he would.

c. Christi Dunning, Emmaus Farmers' Market – A-frame Sign Fee Exemption for Sundays from May 2, 2010 to November 21, 2010.

**Motion by Mr. Brown, seconded by Mr. Barrett to waive the A-frame sign fee of \$25.00 for the Emmaus Farmers' Market for each of its 3 signs for Sundays from May 2, 2010 to November 21, 2010.**

Dr. Waddell asked that the request be referred to the General Administration Committee for review. Mr. Brown withdrew his motion and Mr. Barrett withdrew his second. Referred to the General Administration Committee.

d. Peter Kapustiak, Emmaus Kiwanis Club – Use of Legion Baseball Field for Easter Egg Hunt on Saturday, April 3, 2010. Referred to staff.

e. Frances Larash, Emmaus Public Library – Letter of Recommendation for Krista Pegnetter to fill vacancy on the Emmaus Library Board. Referred to the General Administration Committee.

f. Teryl Madison, Emmaus Main Street Program – Request to hang SnowBlast Ice Bar banner on the Triangle on Friday, February 5, 2010. Mr. Neely asked Teri Sorg-McManamon of the Emmaus Arts Commission to describe the banner's appearance. Ms. McManamon responded that the banner has the Emmaus Arts Commission logo, the Emmaus Main Street Program logo and a logo from the East Penn Bank. Mr. Neely noted that since East Penn Bank has a logo on the banner it is not a non-profit event sign, but a special event sign. Mr. Neely suggested that Council make a motion to allow the banner to be placed at the Triangle and to waive the fee.

**Motion by Mr. Labenberg, seconded by Mr. Brown to allow the Emmaus Main Street Program to install a banner on the Triangle for the Snow Blast Winter Festival on Friday, February 5, 2010 and to waive the Temporary Sign Fee. There were 6 ayes. Motion carried.**

g. Kathleen Mintzer, 524 North St. – Letter requesting reappointment to the Parks & Recreation Commission (Term Expires 5/1/2010). Referred to the Parks & Recreation Committee.

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h. Nora Goldstein, 411 Barrett Rd. – Letter of resignation from the Joint Environmental Advisory Council (Term Expires 3/1/2010).

**Motion by Mr. Barrett, seconded by Mr. Labenberg to accept Nora Goldstein’s resignation from the Joint Environmental Advisory Council. There were 6 ayes.  
Motion carried.**

Mr. Labenberg asked if the Borough advertised for the volunteer positions that are currently open. Mr. Neely responded that in October 2009 an advertisement was placed for all Boards and Commissions that had vacancies or were going to have vacancies at the beginning of the year. The current vacancies will be advertised in the Spring 2010 Newsletter.

i. Laura Bauder, 10 Macungie Ave. – Request to fill vacancy on the Emmaus Arts Commission. Referred to the General Administration Committee.

j. Chris Brauchle, East Penn Emmaus Midget Football Association – Field usage fee waiver. Referred to the Parks and Recreation Committee.

k. R. Erick Reinhard, 920 Franklin St. – Request to fill vacancy on Borough Council. Referred to full Council. Mr. Neely noted that the vacancy is being advertised in the East Penn Press on February 3. Interested parties must submit a letter of intent by 3:00 p.m. on Friday, February 12. Interested parties will be interviewed at the Council Meeting on Tuesday, February 16. After the interviews are complete, Council will vote to make the appointment. The Mayor has the authority to administer the Oath of Office so that the selected individual would be able to sit at the next Council Meeting.

l. Seven Generations Charter School, 154 E. Minor St. – Detention Pond Study Letter. Mr. Neely reported that a group of first graders from the Seven Generations Charter School met in Council Chambers and delivered an original copy of the letter to himself and the Mayor. The first grade students have been studying the detention pond off of Kline’s Lane, below the compost site, since September 2009. Before the school year is over, the school would like permission to post a “protect the pond” sign on the fence surrounding the pond. Referred to the Public Works Committee. Mr. Labenberg responded that the Emmaus Community Gardens is an “organic” garden and there are no harmful chemicals affecting the pond.

m. St. Ann’s CYO Sports Committee - Request for field usage fee waiver for Klines Lane multi-purpose field. Referred to the Parks and Recreation Committee.

n. Allentown Hibernians Hurling Club – Request for field usage fee waiver for Klines Lane multi-purpose field. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT – Progress.

UNFINISHED BUSINESS, PART I

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Amended Budget – Resolution 2010 – 5; moved to the Budget and Finance Committee report.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

Mulberry Street – One Way Southbound (Trial Period Expires April 4, 2010).

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

MAYOR’S REPORT – Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on February 4, 2010 at 3:00 p.m.  
Progress.

b. Health, Sanitation, and Conservation Committee

Mrs. Gilbert reported that the Committee will meet on February 11, 2010 at 3:30 p.m.  
Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on February 2, 2010 at 3:30 p.m.  
Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met in Executive Session on January 21, 2010 for the purpose of interviewing for a full-time paramedic position. The Committee is recommending hiring Jeffrey Knopf from Northampton, PA as a full-time Paramedic at a rate of \$19.15 per hour. The Committee is also recommending hiring Peter Alles from Quakertown and Paul Shankweiler from Zionsville as part-time EMT’s at a rate of \$11.45 per hour.

**Motion by Mr. Brown, seconded by Mr. Barrett to hire Jeffrey Knopf as a full-time Paramedic with the Emmaus Ambulance Corps at the rate of \$19.15 per hour. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Brown to hire Peter Alles and Paul Shankweiler as part-time EMT’s at the rate of \$11.45 per hour. There were 6 ayes. Motion carried.**

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Mrs. Gilbert reported that the Committee will meet on February 11, 2010 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the General Administration Committee is recommending the reappointment of Linda Waddell to the Emmaus Arts Commission for a term expiring 2/1/2015.

**Motion by Dr. Waddell, seconded by Mr. Brown to reappoint Linda Waddell to the Emmaus Arts Commission for a term expiring 2/1/2015.**

Mr. Labenberg questioned if it would be more appropriate for someone else to make the motion due to a conflict of interest. Dr. Waddell withdrew the motion. Mr. Brown withdrew his second.

**Motion by Mr. Labenberg, seconded by Mr. Brown to reappoint Linda Waddell to the Emmaus Arts Commission for a term expiring 2/1/2015. There were 6 ayes. Motion carried.**

Dr. Waddell reported that the Committee will be meeting on February 10, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2010-6, authorizing payment of the February 1, 2010 Bill List, as follows:

<b>Bill List</b>	<b>\$ 279,073.19</b>
<b>Payroll #2</b>	<b>\$ 103,231.04</b>
<b>Payroll Taxes</b>	<b>\$ 31,706.43</b>
<b>Total</b>	<b>\$ 414,010.66</b>

Done this 1<sup>st</sup> day of February, 2010.

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to adopt the February 1, 2010 Bill List. There were 6 ayes. Motion carried.**

Mr. Holtzhafer asked for a motion to read Resolution 2010-5 – A Resolution Adopting the Amended Budget of the Borough of Emmaus for the 2010 Fiscal Year and Appropriating from Fund Equities, Revenues and Other Financing Sources Available for the Year 2010 for the Specific Purpose Set Forth Therein, in short title.

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**Motion by Mr. Holtzhafer, seconded by Dr. Waddell to read Resolution 2010-5 in short title. There were 6 ayes.**

Mr. Holtzhafer read Resolution 2010-5 in short title.

Mr. Labenberg asked if the money designated for window upgrades at Borough Hall is being borrowed and was placed in a Capital Line Item. Mr. Neely replied that the money has been placed in the General Capital Expenditures section in a line item titled Reserve Fund in the amount of \$39,500. The use of the money would be dependent on the recommendations of the energy audit. Mr. Labenberg stated that he feels the energy audit should be completed first before moving forward with windows. He also stated that he is in favor of asking the General Authority to contribute to the windows. Dr. Waddell questioned the history of the General Authority's donations for items like the windows. Mr. Neely stated that the Borough has never asked the Authority to fund capital improvements to Town Hall. Mr. Brown stated that he believes the Borough can fund the project without borrowing the money. Mr. Barrett stated that he is not in favor of the project because he feels that there may be a more efficient way to use the funds. Dr. Waddell agreed with Mr. Barrett and stated that he would prefer to wait until the energy audit is complete and would like more information before making a decision.

**Motion by Mr. Labenberg, seconded by Mr. Brown to eliminate the Capital Reserve Fund from General Capital Expenditures of \$39,500 and to eliminate it from the amount that is borrowed. There were 4 ayes, 2 opposed (Holtzhafer, Gilbert). Motion carried.**

Mr. Labenberg stated that he had a conversation with Jeff Clapper and has decided against making a motion to reduce Line Item 448.761, Replacement Meters, from \$100,000 to \$50,000. He also stated that he is not in favor of borrowing \$450,000 for the Reconstruction of Broad Street. He noted that Mr. Clapper stated that the Broad Street project will not be completed in 2010. Mr. Labenberg would like to remove \$150,000 from Line Item 430.931, Reconstruction of Broad Street, with the intention of taking \$150,000 from the Water Fund in 2011 for the Broad Street Reconstruction.

**Motion by Mr. Labenberg, seconded by Mr. Brown to reduce \$150,000 from the borrowing and from Line Item 430.931, Reconstruction of Broad Street, with the intention of the Water Fund making up the difference in 2011. There were 3 ayes, 3 opposed (Holtzhafer, Barrett, Gilbert). Mayor Iobst cast the tie breaking vote and opposed the motion. Motion failed.**

Mr. Barrett asked if reducing the loan exposes the Borough to any risks. Mr. Neely responded that the less the Borough borrows the more the Borough will pay to borrow the money and the effect on debt service is relatively small. He stated that allocating the money to reconstruct Broad Street from the Water Fund is conceptually inconsistent with the method of allocation used previously for large road improvement projects. Mr. Labenberg stated that if the Borough can reduce the loan by \$150,000 and still complete the project in 2011 he favors reducing the loan.

Mr. Brown questioned several Ambulance Corps and Park/Pool line items in the Capital Reserve Fund and asked Mr. Neely whether, if the numbers are withdrawn from the

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Budget, could the Borough still purchase the items? Mr. Neely stated that the Borough would not be able to afford the items in 2010. He referred to Mr. Labenberg's earlier request about the definition of a capital improvement and stated that the Federal Government defines a capital improvement as an asset that will be put to use for more than two years. Mr. Brown asked if the Borough has any idea how much the General Authority is going to be allocating to the Borough. Mrs. Gilbert responded that the Borough does not know the amount.

Mr. Neely stated that the amendments to the 2010 Budget are as follows: Line Item 393.002, Loan Proceeds, will be \$1,470,500 and the Header Total becomes \$2,180,000. Under Expenditures the Reserve Fund of \$39,500 is deleted and the Header Total becomes \$71,000. Total Revenues and Total Expenditures are both \$2,180,000. He noted that Line Item 492.023, Transfer to Debt Service, is currently \$530,973 and will be reduced by a small amount and Line Item 392.010, Transfer from General Fund, is currently \$530,973 and will be reduced by exactly the same amount as Line Item 492.023. Mr. Neely asked Mr. Procyk if the Borough is able to adopt the 2010 Budget tonight. Mr. Procyk noted that because there is not a substantive change the Borough does not need to re-advertise the Budget.

**Mr. Holtzhafer withdrew his motion to adopt Resolution 2010-5 and Dr. Waddell withdrew his second.**

**Motion by Mr. Barrett, seconded by Dr. Waddell to adopt Resolution 2010-5 with the approved changes. There were 4 ayes, 2 opposed (Brown, Labenberg). Motion carried.**

Mr. Holtzhafer reported that the Committee would prefer to have a third member of the Budget and Finance Committee before it makes a recommendation about non-union employee contributions to health benefits.

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that the Committee met with three firms to discuss the Parking Deck Feasibility Study. The project has been put on hold, but the Committee hopes to have a recommendation shortly. Mr. Neely responded that he spoke to a Lehigh County representative and believes that the Feasibility Study can be put on the Agenda for the next Council Meeting.

The next Committee Meeting will be on February 24, 2010 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

The Committee will meet on February 3, 2010 at 3:30 p.m. at the office of East Penn School District Superintendent Thomas Seidenberger.

Mr. Brown stated that he would like the "School Resource Officer" placed on the Agenda. Mr. Holtzhafer stated that he would. Dr. Waddell noted that the Junior Council

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Member Draft Resolution Review and Application has been on the Agenda for a long time. Mr. Holtzhafer explained that the Resolution needs to be drafted.

Progress.

#### PERSONAL APPEALS, PART II

a. **Chief Michael Nonnemacher, Emmaus Ambulance Corps**, clarified that Jeffrey Knopf was hired as a full-time Paramedic and believes the Motion said EMT. Mr. Neely responded that his notes say full-time Paramedic.

#### BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for January 2010 are in the binders and offered to entertain any questions about it. He noted that refuse bills have been mailed out and that the Tax Collector has mailed out the Business Privilege Tax bills.

Mr. Brown asked if there has been any progress on the electricity bids. Mr. Neely responded that Christine Snyder has been monitoring the bills for thirty days, and made copies of the bills and gave them to him to attach to the Request for Bids. Mr. Brown asked how long it would take to receive the quotes. Mr. Neely answered two weeks.

Progress.

PRESIDENT'S BUSINESS – None.

#### ADJOURNMENT

**Motion by Mr. Brown, seconded by Dr. Waddell to adjourn. There were 6 ayes. Motion carried.**

The meeting of the Emmaus Borough Council adjourned at 8:05 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
February 4, 2010