

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
Tuesday, September 2, 2008 7:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Reading of Minutes

August 18, 2008

5. Decision on Bids

Fire Department Simulator for Training Grounds

6. Communications

- a. Glynis Krasley, 604 N. Second St. – Police Crime Watch
- b. Dennis Gouldy, Tax Collector – Tax Installment Plan
- c. Kathy Haney, Shops of Emmaus – Scarecrow Event
- d. Richard Giering, Libertyville, Illinois – 2009 Celebration
- e. Frances Larash, Emmaus Public Library Director – Library’s 2009 Budget
- f. Debbie Rotenberger, Trappe, PA – Thank You for Street Closing
- g. Deborah Wieder, 350 Spruce St. – Emmaus Safety
- h. Ronald Schock, , DEP Energy Specialist – Energy Efficiency Audit

7. Borough Engineer’s Report

8. Solicitor’s Report

- a. Ordinance No. 1043 – An Ordinance Allowing for Installment Payment of Real Estate Taxes for Residents of the Borough of Emmaus (2nd Reading 9/15/08)
- b. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading 9/15/08)

9. New Business

10. Unfinished Business

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
 - a. Maggie Emmell, 184 Seem St. – Sewer Backup
 - b. Sidewalk Ordinance Options
2. Solicitor

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. No Smoking at Parks
 - e. Request by Fantastic Faces – Painted Faces/Tattoos
 - f. Parks & Rec. Commission Member Needs to be Appointed on the Arts Commission
 - g. No Pets in Parks Policy
 - h. Vacancy on Parks & Recreation Commission
2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

1. Committee
 - a. Request for Two-Hour Parking Signs on Macungie Ave. on East/West Side between Chestnut and Green Streets – (Tabled 4/7/08)
 - b. Request for Permit Parking – 600 Block of Pine Street (90-Day Trial Period Expires 11/18/08)
 - c. Drug Task Force Contract
 - d. Kruise 4 Kids – October 19, 2008
 - e. Lehigh County Police Academy
 - f. Trailer Truck Parking
 - g. Special Public Safety Committee Mtg. – September 17th – 7:00 p.m.
 - h. Crosswalk at Macungie/Walnut Streets
2. Solicitor

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General Administration (Neely, Gilbert, Barrett)

1. Committee
 - a. Historical Building Ordinance
 - b. Email Correspondence
 - c. "Community Minutes"
 - d. **Environmental Advisory Council Vacancy (Interviews on August 26)**
 - e. Purchase of Traffic Lights
2. Solicitor

Budget and Finance (Waddell, Gilbert, Holtzhafer)

1. Committee
 - a. **Bill List (Resolution – 24)**
2. Solicitor

Community Relations/Development (Brown, Waddell, Neely)

1. Committee
 - a. Southside Industrial Master Plan – Next Meeting 9/3/08
 - b. **Triangle Park Construction – Choosing Options (9/2/08)**
 - c. 2009 Anniversary Celebration
 - d. Jr. Council Members
 - e. Emmaus Arts Commission
 - f. Public Parking Project – "Jubilee Parking Lot"
2. Solicitor

Ad Hoc Committees (Holtzhafer, Gilbert, Barrett, Fosselman, Mayor Iobst)Community/School Relations

- a. **Meeting – August 22, 2008 at 9:30 a.m.**

14. Personal Appeals, Part II
15. Borough Manager's Report
 - a. Significant Revenue and Expense Items for August 2008
 - b. Pedestrian Safety Meeting (September 3rd)
16. President's Business
17. Adjournment

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The Emmaus Borough Council met in regular session on September 2, 2008 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
Craig Neely, Vice-President	Present
Brent Labenberg	Present
Lee Ann Gilbert	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Bruce Fosselman, Borough Manager	Present

PERSONAL APPEALS, PART I

- A. Josephine Sadrovitz 130 N. 4th St.** reported that the Summer Concert Series are finished and that there was an exceptional large attendance this year. There are contracts signed for next year already.
- B. Judith Lieberman 333 Ridge St.** reported that the Emmaus Post Office was closed on Saturday morning. She said that the quality of mail service is declining. President Waddell suggested that Ms. Lieberman contact Congressman Dent.

READING OF MINUTES

Motion by Council Member Labenberg, seconded by Council Member Gilbert to dispense with the formal reading of the August 18, 2008 minutes. There were 7 ayes. Motion carried.

Motion by Council Member Barrett, seconded by Council Member Gilbert to adopt the August 18, 2008 minutes as drafted. There were 5 ayes, 2 abstained (Neely, Holtzhafer - were not present). Motion carried.

DECISION ON BIDS

Three bids were received on August 22, 2008 for the Fire Training Simulator. Staff recommends awarding the bid to WHP Training Towers from Overland Park, Kansas for the bid price of \$430,076. The simulator is being paid for by a grant received from Lehigh County. The bid price does not include the concrete foundation and soil testing, which will go out for bid.

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Motion by Council Member Labenberg, seconded by Council Member Brown to award the Fire Training Simulator bid to WHP Training Towers in the amount of \$430,076.

Council Member Labenberg confirmed with Borough Manager Fosselman that the remaining grant money will cover the concrete and soil testing.

There were 7 ayes. Motion carried.

COMMUNICATIONS

- a. Glynis Krasley, 604 N. Second St. – Interest in neighborhood crime watch. Council Member Neely expressed his appreciation for her effort.
- b. Dennis Gouldy, Tax Collector – Tax Installment Plan. Referred to the Budget & Finance Committee.
- c. Kathy Haney, Shops of Emmaus – Scarecrow event. Discussed under Parks & Recreation Committee.
- d. Richard Giering, Libertyville, Illinois – 2009 Celebration
- e. Frances Larash, Emmaus Public Library Director – Library’s 2009 budget
- f. Debbie Rotenberger, Trappe, PA – Thank you for street closing
- g. Deborah Wieder, 350 Spruce St. – Emmaus safety. Referred to Staff.
- h. Ronald Schock, DEP Energy Specialist – Energy Efficiency Audit. Referred to the Health & Sanitation Committee.
- i. Judith Lieberman, 333 Ridge St. – Lighting in Borough Hall parking lot, requests an updated Municipal Directory and crime prevention information. Borough Manager Fosselman said there are two vendors interested in doing the Directory. Letter referred to the Public Safety Committee.

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 will meet on September 10th at 8 a.m.

Progress

- b. Health and Sanitation Committee

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The Committee will meet on September 11th at 3:30 p.m. to discuss implementation of the energy audit and recyclable items.

Progress

c. Parks and Recreation Committee

The Committee met on September 2nd. Kathy Haney, Shops of Emmaus, requested the use of the Triangle to place advertisement signs and scarecrows from their scarecrow contest. All the scarecrows will be made by nonprofit organizations with different themes and will be voted on. The organization with the most votes will receive prize money.

Motion by Council Member Barrett, seconded by Council Member Labenberg to allow the Shops of Emmaus to place a sign on the Triangle from September 8, 2008 until October 12, 2008 for the Scarecrow Event. There were 7 ayes. Motion carried.

Motion by Council Member Barrett, seconded by Council Member Labenberg to place up to 10 scarecrows on the Triangle for the Shops of Emmaus Scarecrow Event from September 21, 2008 to October 12, 2008.

Council Member Neely requested that the scarecrow placement be outside the clear sight triangle. Council Member Barrett suggested Public Works place the scarecrows. President Waddell asked that the Arts Commission be contacted so there are no conflicts with the Front Porch Art Walk.

There were 7 ayes. Motion carried.

The Committee discussed the "No Pets" policy for parks. Park rules state "No Pets", but the Committee suggests adding language to allow service animals.

Motion by Council Member Barrett, seconded by Council Member Holtzhafer to add language to the Park Rules to allow service animals.

Council Member Labenberg does not feel it's necessary to spend the money and have an ordinance for this. He considers a seeing eye dog as a working function for someone who is handicapped; not a pet. Solicitor Procyk said a service animal is not defined in the ordinance and suggests defining what a service animal includes and what it doesn't. President Waddell confirmed that the signs would not need to be changed at the parks. Majority of Council feels that a definition of a service animal should be in the ordinance. Council Member Barrett retracted his motion and Council Member Holtzhafer retracted his seconded motion.

Motion by Council Member Barrett, seconded by Council Member Gilbert to direct the Solicitor to draft an ordinance that states what a service animal is.

Council Member Labenberg said that according to the American Disability Act, the Borough cannot restrict a service animal and doesn't feel money should be spent for the

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Solicitor and advertising. Council Member Brown confirmed with Borough Manager Fosselman that this would generate costs around \$100-\$200.

There were 5 ayes, 2 opposed (Brown, Labenberg). Motion carried.

Interviews will be conducted at the next Committee meeting for the vacancy on the Park and Recreation Commission.

Progress

d. Public Safety Committee

The next regularly scheduled meeting will be September 11th at 9 a.m. A special meeting will be conducted on September 17th at 7 p.m., where Police Chief Faust will address crime issues and neighborhood crime watches. The special meeting will be advertised.

Council Member Labenberg thanked the Fire Department for their informational newsletter.

Progress

e. General Administration Committee

The Committee interviewed for the vacancy on the Environmental Advisory Council.

Motion by Council Member Neely, seconded by Council Member Gilbert to appoint Linda Santo of 552 Fairview Street to the Environmental Advisory Council for a term expiring March 7, 2011.

Council Member Neely said that Ms. Santo will be a benefit to the EAC. Council Member Brown confirmed with Mr. Neely that there was only one interview.

There were 7 ayes. Motion carried.

Council Member Neely alerted Council about something that may come up in the near future; the Borough possibly purchasing the street and traffic lights from PPL. The General Administration Committee listened to presentations where the Borough would purchase the lights and have a maintenance company take on the maintenance part. Council Member Brown confirmed with Mr. Neely that decorative lighting could be a possibility. The Committee has a lot to look into before making a recommendation. Council Member Labenberg confirmed with Mr. Neely that a list of references was provided.

Progress

f. Budget and Finance Committee

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

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Bill List	\$ 144,284.78
Payroll #18	\$ 108,989.60
Payroll Taxes	\$ 35,621.62
Total	\$ 288,896.00

Done this 2nd day of September 2, 2008. There were 7 ayes. Motion carried.

Council Member Labenberg pointed out on the Budget Performance Report that the Cable Franchise Fee revenue is \$41,000 over the budgeted amount. Borough Manager Fosselman explained that was due to rate increases and because Service Electric now has competition with RCN.

Progress

g. Community Relations/Development Committee

Council Member Brown reviewed a memo from Jeff Clapper, Public Works Director, regarding the Triangle Improvement Project.

- **Electrical work** will be done by the Borough.
- **Garbage receptacles, a bike rack and benches** will be purchased and installed by the Borough.
- A **kiosk** will be built and paid for by the Rotary Club; sketches to be provided.
- A **drinking fountain** will be purchased by the Kiwanis Club; options provided to Council. The Committee recommends a pedestal hi-lo handicap accessible double fountain. Council reviewed the prices and the construction of different models.

Motion by Council Member Neely, seconded by Council Member Holtzhafer to approve Model M-C76-1 single handicap drinking fountain for the Triangle Project costing \$2,359.00. There were 4 ayes, 3 opposed (Waddell, Barrett, Labenberg). Motion carried.

- **Fencing** will be installed by the contractor; options provided to Council. The Committee recommends the 4' high Essex fence, costing \$75-\$90 per foot, with decorative post caps.

Motion by Council Member Brown, seconded by Council Member Neely to approve Model S3 – Essex 4' high fence with decorative post caps at the end of each section for the Triangle Project costing \$75-\$90 per foot.

Council Member Labenberg stated that he is not in favor of spending \$16,000 for a fence; the hill with vegetation or hedges is barrier enough. Council Member Holtzhafer confirmed that the fence will be paid for with grant monies and stated that he too will vote against the fence until money is available. Borough Manager Fosselman said the vote is not on spending the money, but to choose the design elements for the Triangle. Council Member Neely explained that Council reviews and chooses the design elements to be included in the bid specifications, which also needs to be approved by Council. Once bids are received, Council has the option to accept a bid or reject all bids. President Waddell feels that a fence is

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needed for safety purposes. Council Member Barrett said a fence is important when there is a large crowd on the Triangle.

There were 6 ayes, 1 opposed (Labenberg). Motion carried.

- **Raised planters** will be installed by the contractor; approximately 1600 SF total. Styles with prices were reviewed by Council. The Committee recommends the landscape block with a bluestone bench top, which costs \$60/SF.

Motion by Council Member Neely, seconded by Council Member Brown to approve the landscape block with a bluestone top, the type of pattern shown bottom/left on item L in the Council packet, reserving the final decision of the block color until after samples are reviewed for the Triangle Project costing \$60/SF.

Council Member Barrett feels a brick style would better match the surrounding buildings, Victorian lamps and fountain than the landscape block. Council Member Neely said that Architect, Sal Verrastro, strongly opposed the brick because of the durability of the brick joints; the landscape block is easy to replace or repair. Council Member Labenberg prefers the landscape block because it's cheaper and more durable; he's concerned about skateboarders.

There were 7 ayes. Motion carried.

- The Committee recommends that the **Planting Plan** be handled by the Emmaus Garden Club.

Motion by Council Member Brown, seconded by Council Member Neely to delegate authority to the Emmaus Garden Club to prepare a planting plan for the Triangle Project, subject to subsequent review by the Community Relations Committee.

Council Member Labenberg confirmed that Council will also review the planting plan.

There were 7 ayes. Motion carried.

- The **fountain** needs more research and will be discussed later.
- **Three trees and two lights** will be relocated by Public Works. Council Member Brown pointed out on the plan where the relocations will be.

Motion by Council Member Brown, seconded by Council Member Labenberg to have three trees and two lights relocated by the Public Works Department prior to the Triangle Project construction. There were 7 ayes. Motion carried.

Motion by Council Member Neely, seconded by Council Member Labenberg to approve the recommendations made by Public Works Director, Jeff Clapper, on his memorandum dated August 28, 2008, for items 1-9, excluding #8, subject to the votes already made by Council concerning individual items.

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Council Member Holtzhafer confirmed that the garbage receptacles, bike rack and benches will match the ones previously purchased with the TEA-21 grant money.

There were 7 ayes. Motion carried.

The next Committee meeting will be September 24th at 4 p.m.

The next Southside Industrial Master Plan meeting will be September 3rd at 10:30 a.m.

Progress

h. Ad Hoc Committees

Community School Relations

The Committee met with School Superintendent Seidenberger and discussed the events for the 2009 celebration, safety issues, after school activities, and football games. The School District is willing to work with the Borough on all these issues.

Claudia Shulman, Director of Curriculum Instruction for East Penn School District, will be the contact person for the 2009 celebration activities.

Both Council Member Holtzhafer and President Waddell feel that the relationship and communications between the Borough and School District is at its best.

Progress

PERSONAL APPEALS, PART II

- A. **Robert Reiss 652 Chestnut St.**, former Fire Chief, and Acting Chief, John Reiss, invited Council, the Mayor and Borough Manager Fosselman to the Annual Memorial Service on October 5, 2008, at St. Johns Lutheran Church, where they honor the departed Members and their families.
- B. **Frank Sadrovitz 130 N. 4th St.** said the “no pets in the park” ordinance was created because there have been individuals in the past who requested their pavilion rental money back due to barking dogs in the park. He said the ordinance needs to be enforced because he sees dogs at the park all the time. Mr. Sadrovitz also reported that table cloths are being stapled to the pavilion tables and the staples are not removed. He suggested placing all recycle containers in one central location instead of having them at each pavilion. Referred to the Parks and Recreation Committee.
- C. **Barry Santo 552 Fairview St.** requested a solution to parking issues at Fairview and 6th Streets, by St. Ann’s Church; possibly 2 hour parking signs. He said it’s hard for residents to get out of their driveways, delivery trucks can’t enter the street and it’s hard for snow removal. St. Ann’s School employees park on the street instead of the parking lot because they’re concerned about car damage during recess. President Waddell confirmed with Mr. Santo that the residents have been in contact with the school for a solution, but have been unsuccessful. Council Member Barrett confirmed

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that this has been an ongoing issue for years. Council Member Labenberg suggested resident permit parking. Referred to the Public Safety Committee.

- D. Judith Lieberman 333 Ridge St.** explained that there are many different types of service animals and wondered if an animal in training would be allowed in parks. Ms. Lieberman thought it would've been nice to read in the paper about the monies that were received for recycling. She also asked if there was an update regarding the Lehigh County Citizen Police Academy. Council Member Gilbert said the classes are full.

BOROUGH MANAGER'S REPORT

Borough Manager Fosselman said there is a Main Street Manager's meeting September 3rd at 7 a.m.

On September 3rd at 8:30 a.m. there is a Pedestrian Safety meeting, where they will walk the streets of Emmaus with the County and PennDOT to possibly receive grant money for pedestrian crosswalk lights.

On September 3rd at 10:30 a.m. there is a Southside Industrial Master Plan meeting.

Progress

PRESIDENT'S BUSINESS

President Waddell announced that Heritage Days is September 5th & 6th and the Community Yard sale is September 6th, rain date September 7th.

President Waddell received compliments from England, after watching the Council meeting web cast. The England resident was impressed with our form of government and the Borough website. Council Member Neely expressed his appreciation for the web cast. He was out of the country and was still able to watch the Council meeting on the Borough website.

Progress

ADJOURNMENT

Motion by Council Member Labenberg, seconded by Council Member Gilbert to adjourn. There were 7 ayes. Motion carried.

The meeting of the Emmaus Borough Council adjourned at 8:35 p.m.

Bruce Fosselman
Borough Manager

Transcribed by: Renea Flexer
Administrative Assistant
September 8, 2008