

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
Monday, September 15, 2008 7:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Reading of Minutes

September 2, 2008

5. Decision on Bids

2008 Crack Sealing

6. Communications

- a. Jeff Shubzda, 750 Furnace St. – Letter of Interest to Serve on Parks and Recreation Commission
- b. Barnaby Ruhe, USBoomerang Association – Request use of Community Park for Boomerang Tourney
- c. Vickie Gruver, 672 Chestnut St. – Snow Plowing Railroad and Bank Streets
- d. Lori Washburn, 420 Broad St. – Noise Ordinance
- e. Senator Rob Wonderling – Congratulations on Recycling Grant
- f. Emmaus Soap Box Derby – Thank You

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 Awaiting Budget & Finance Committee Review)
- 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 Awaiting Raven Mill's Attorney)
- c. **Ordinance No. 1045 – An Ordinance Amending Chapter 16, Section 103, of the Codified Ordinances of the Borough of Emmaus Dealing with Prohibited Conduct in Public Parks (1st Reading 9/15/08)**
- d. **Ordinance No. 1046 - An Ordinance Authorizing Participation in the Lehigh County Drug Task Force and Authorizing Execution of the Lehigh County Drug Task Force Agreement (1st Reading 9/15/08)**

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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
 - c. **One Additional EDU for 4145 S. 5th Street**
2. Solicitor

Health and Sanitation (Holtzhafer, Labenberg, Brown)

1. Committee
 - a. **Energy Efficiency Audit**
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 – Ordinance No. 1045**
 - 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)

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Public Safety (Gilbert, Barrett, Brown)

1. Committee (continued)
 - c. **Drug Task Force Agreement - Ordinance No. 1046**
 - d. Kruise 4 Kids – October 19, 2008
 - e. Trailer Truck Parking
 - f. Special Public Safety Committee Mtg. – September 17th – 7:00 p.m.
 - g. **Parking at Fairview/6th Streets (Santo's)**
2. Solicitor

General Administration (Neely, Gilbert, Barrett)

1. Committee
 - a. Historical Building Ordinance
 - b. Email Correspondence
 - c. “Community Minutes”
 - d. Purchase of Street and Traffic Lights
2. Solicitor

Budget and Finance (Waddell, Gilbert, Holtzhafer)

1. Committee
 - a. **Bill List (Resolution – 25)**
 - b. **2009 – Minimum Municipal Obligation**
2. Solicitor

Community Relations/Development (Brown, Waddell, Neely)

1. Committee
 - a. **Southside Industrial Master Plan**
 - b. **Triangle Park Construction – Choosing Options (9/15/08)**
 - 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

14. Personal Appeals, Part II

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15. Borough Manager's Report
 - a. Significant Revenue and Expense Items for First Half of September 2008
16. President's Business
17. Adjournment

Next Resolution #26
Next Ordinance #1047

The Emmaus Borough Council met in regular session on September 15, 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. Frank Sadrovitz 130 N. 4th St.** reported that there is a lot of vandalism at Community Park. He presented a picture to Council of a broken bench. Mr. Sadrovitz would like to see these types of pictures in the newspaper or newsletter to show what is happening. He also suggested a sandbox at the park; referred to the Park and Recreation Committee.
- B. Otto Slozer 121 E. Elm St.** recalls a number of complaints in the 1990's regarding animal waste in the sandbox that used to be at Community Park. He also wondered if there were any Committee decisions regarding the crime in Emmaus. Council Member Gilbert stated there is a Public Safety meeting on September 17th at 7 p.m.

READING OF MINUTES

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Motion by Council Member Barrett, seconded by Council Member Neely to dispense with the formal reading of the September 2, 2008 minutes. There were 7 ayes. Motion carried.

Motion by Council Member Neely, seconded by Council Member Brown to adopt the September 2, 2008 minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Four bids were received on September 2, 2008 for the Crack Sealing Project. This will be a 3 year contract. The price will fluctuate depending on the market. The lowest bid was from Asphalt Maintenance Solutions for \$12.83/gallon.

Motion by Council Member Labenberg, seconded by Council Member Gilbert to award the Crack Sealing Bid to Asphalt Maintenance Solutions, LLC for \$12.83 per gallon, contingent upon having available funds each year.

Council Member Holtzhafer confirmed that this project is to seal road cracks and the price includes material and labor.

There were 7 ayes. Motion carried.

COMMUNICATIONS

- a. Jeff Shubzda, 750 Furnace St. – Letter of interest to serve on the Parks and Recreation Commission. Referred to the Parks and Recreation Committee.
- b. Barnaby Ruhe, US Boomerang Association – Request use of Community Park for Boomerang Tournament.

Motion by Council Member Barrett, seconded by Council Member Labenberg to approve Barnaby Ruhe's request to use Community Park October 31, 2008 and November 1, 2008, contingent that it does not conflict with another event. There were 7 ayes. Motion carried.

- c. Vickie Gruver, 672 Chestnut St. – Request snow plowing on Railroad and Bank Streets for school bus. Referred to Staff.
- d. Lori Washburn, 420 Broad St. – Noise Ordinance & dog friendly park. Referred to Public Safety and Parks and Recreation Committees. Council Member Barrett said the Parks and Rec Committee discussed a dog park, but have not found a feasible location. Council Member Labenberg said there is a article in the Borough News Magazine on dog parks. He suggested the open space at the end of E. Berger Street, and Council Member Brown suggested the fenced in property at 7th & Broad.
- e. Senator Rob Wonderling – Congratulations on Recycling Grant
- f. Emmaus Soap Box Derby – Thank You
- g. Kathy Mintzer, Chair, Emmaus Halloween Parade– Date requests: Parade, October 18th and rain date October 20th. Trick or Treat, October 30th.

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Motion by Council Member Gilbert, seconded by Council Member Barrett that if the parade rain date conflicts with the scheduled Council Meeting, to move the meeting to October 21, 2008.

Council Member Labenberg confirmed that the meeting date will only change if the parade needs to be held on October 20th.

There were 7 ayes. Motion carried.

- h. Teri Madison, Main Street Program – Requests for the Old Fashioned Christmas. Referred to Staff.

BOROUGH ENGINEER’S REPORT – None

SOLICITOR’S REPORT

See Committee Reports

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 met on September 10th. They’re still discussing the sidewalk ordinance.

Motion by Council Member Labenberg, seconded by Council Member Neely to approve one EDU for sewer service at 4145 South Fifth Street connecting to manhole B9C on Fairview Street.

Council Member Labenberg explained that this property is outside the Borough and needs to connect to the sewer system. Council Member Neely added that this is the Mayor’s property that he is subdividing and Lehigh County Authority (LCA) will be supplying the water. This is the second of fifty connections allowed with LCA.

There were 7 ayes. Motion carried.

The Committee discussed Margaret Emmell’s sewage backup. The sewer backup was not covered under the Borough’s insurance. The Committee suggests notifying residents

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through the website or newsletter that homeowner insurance only covers the cleaning from a sewage backup, but does not cover the call-out fees; a separate rider policy may be needed. Council Member Neely recalled similar situations in 2007 on Harrison Street. He said a lot of homeowner insurance policies exclude sewer backup; whether they happen in the main or in the lateral. Council Member Waddell said it was a very uncomfortable discussion and the Committee felt badly for Ms. Emmell, who didn't do anything wrong and incurred a \$1200 bill. The Committee also discussed supplying some type of information packet when they move into the Borough, which would include a notice about this. Mr. Neely said the Borough does not have immunity to liability; the Borough would be liable if they'd fail to respond in a timely manner.

Progress

b. Health and Sanitation Committee

The Committee met on September 11th and discussed the results of the DEP Energy Survey done for Borough Hall. Suggestions from the survey will be given to Public Works; replace failing lighting fixtures with more efficient fixtures and cover 2nd floor windows with Plexiglas. The Committee will explore recycling cardboard.

Progress

c. Parks and Recreation Committee

Solicitor Procyk presented Ordinance No. 1045. An Ordinance Amending Chapter 16, Section 103, of the Codified Ordinances of the Borough of Emmaus Dealing with Prohibited Conduct in Public Parks.

Motion by Council Member Barrett, seconded by Council Member Gilbert to adopt Ordinance No. 1045.

Council Member Brown asked what the penalty would be and if the entire Ordinance can be read. Solicitor Procyk said it is the same as other violations in the park rules; fine up to \$300 or imprisonment, not to exceed 90 days. **Council Member Neely read Ordinance No. 1045.** Council Member Holtzhafer asked if a park neighbor would be cited if they let their dog out to run in the park, but they do not accompany the animal. Solicitor Procyk said they could be cited under the ordinance requiring a leash.

Roll Call Vote: Labenberg aye, Holtzhafer no, Barrett aye, Brown aye, Neely aye, Gilbert aye, Waddell aye. Motion carried.

Council Member Barrett reported that there are over 50 runners signed up for the Halloween 5K Race, scheduled for October 18th at 7 p.m. Anyone interested in volunteering for the Race should contact Mr. Barrett.

Progress

d. Public Safety Committee

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Council Member Gilbert read a memo from Police Chief Faust reporting that the Police Department completed a successful audit performed by the Pennsylvania Commission on Crime & Delinquency, dealing with the Juvenile Act.

In reference to the parking on S. 6th & Fairview Street, Council Member Gilbert and Police Chief Faust met with the St. Ann's Principal. The Principal will talk with the Monsignor and Staff to try to rectify the situation before having to post 2 hour parking signs. Ms. Gilbert confirmed that while she was there, the staff did not park in the parking lot.

There is a meeting scheduled on September 17th at 7 p.m. to discuss neighborhood crime watch programs. Council Member Gilbert announced that press releases and the Drug Task Force presentation are posted on the Borough website, under the Police Department.

Council Member Gilbert presented a copy of the Drug Task Force Agreement. She doesn't feel it's necessary to have an ordinance and prefers a resolution. The Committee recommends entering into the agreement. Ms. Gilbert explained that the officer would remain a Borough employee. Any overtime must be approved by the Task Force and the Borough will be reimbursed by the County. The training and equipment for the Task Force Officer will be paid for by the County and the Borough pays the officer's salary and benefits. Solicitor Procyk reviewed the contract and has no concerns nor sees any liability issues.

Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to enter into the agreement with the Lehigh County Drug Task Force.

Council Member Labenberg stated that he supports the Lehigh County Drug Task Force and sending an officer to the great program, but feels that since it's a County program, it should be paid for by the County. He feels that Borough taxpayers are paying twice for an officer that the Borough is providing. Mr. Labenberg will vote no because the County is not providing the salary and benefits. Council Member Brown confirmed with the Solicitor that the Borough holds the liability if the Task Force Officer is injured on Task Force time; Mr. Brown feels the County should be liable. Council Member Neely said he will vote against this because he is philosophically opposed to the Drug Task Force and feels it's a poor investment of Emmaus public funds. Mr. Brown confirmed with Ms. Gilbert that, if the officer is not needed on the Task Force, the officer would then work for the Borough. Because of this he is in favor of the agreement and feels it is an investment for the Borough. A resolution will be presented at the next meeting.

Council Member Gilbert and Council Member Holtzhafer amended their motions to authorize the Council President to sign the Drug Task Force agreement and direct the Solicitor to draft a Resolution. There were 5 ayes, 2 opposed (Labenberg, Neely). Motion carried.

Progress

- e. General Administration Committee

Progress

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f. Budget and Finance Committee

Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the September 15, 2008 Bill List.

Bill List	\$ 540,007.80
Payroll #19	\$ 111,393.58
Payroll Taxes	\$ 36,700.18
Total	\$ 688,101.56

Done this 15th day of September 15, 2008.

Borough Manager Fosselman explained that multiple bills on the Bill List, totaling \$210,000, are reimbursable funds.

There were 7 ayes. Motion carried.

Borough Manager Fosselman presented the 2009 Minimum Municipal Obligation for the Borough's pension plan; Police Pension Plan totals \$226,273 and the Employees' Pension Plan totals \$78,633. Mr. Fosselman said this is in the 2009 preliminary budget and the Borough will receive approximately \$225,000 to \$250,000 from the state.

Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to approve the 2009 Minimum Municipal Obligation. There were 7 ayes. Motion carried.

The Committee will meet on September 17th at 3:30 p.m. to continue the 2009 budget process.

President Waddell asked Council to think about and list projects they would like to see in the next 2-5 years for Capital Projects.

Progress

g. Community Relations/Development Committee

The next Committee meeting is September 24th at 4 p.m. They will discuss the Southside Industrial Master Plan and the Triangle Park Construction.

Progress

h. Ad Hoc CommitteesCommunity School Relations

Council Member Holtzhafer reported that the football game went well. He spoke with the Police and the School District Staff and there were no issues.

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Progress

PERSONAL APPEALS, PART II

- A. **Otto Slozer 121 E. Elm St.** appreciates Mr. Labenberg's comments regarding the Drug Task Force program being funded by the County, but feels it's important to participate in the program with the problems in the community today. He pointed out that there will be other Task Force officers from other municipalities in Emmaus Borough doing a job for this community and the Emmaus taxpayers do not pay for them, but are getting an increase in police manpower.

BOROUGH MANAGER'S REPORT

Borough Manager Fosselman attended a Lehigh County Congress of Governments meeting, where representatives from Air Products talked about the benefits of using nitrogen in automobile tires; gas mileage savings and improves the wear of the tire. Mr. Fosselman said the City of Allentown and the New York City transit systems are already using nitrogen. The kit costs about \$11,000 and possibly could be a multi-municipal participation.

The General Administration Committee is currently researching purchasing the street lights. Information will be discussed at the December Congress of Governments meeting.

Progress

PRESIDENT'S BUSINESS

On September 27th at Noon the Remembrance Garden will have a sign dedication.

President Waddell and Police Chief Faust will speak at Ridge Manor on September 17th at 6 p.m.

The Arts Commission's Front Porch Art Walk is October 4th.

President Waddell urged Council to attend the many events in the Borough.

Progress

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 7:58 p.m.

Bruce Fosselman
Borough Manager

Transcribed by: Renea Flexer
Administrative Assistant
September 17, 2008