

October 6, 2008

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
Monday, October 6, 2008 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Reading of Minutes

September 15, 2008
5. Decision on Bids
6. Communications
 - a. Pat Mandes, Project Manager, Lehigh County Authority – Sanitary Sewer Allocation, 4136 S. Fifth St.
 - b. Martha Vines, Emmaus Public Library – Thank You for Participating in Community Heroes Night Event
 - c. Linda Emery, Market Admin., Waste Management – Refuse Contract Extension
 - d. Susan Hall, 421 S. 12th St. – Exempt from Installing Sidewalks
 - e. Emery and Monaca Flexer, 134 Jefferson St. – Dog Park Proposal
 - f. John Rohal, Chairperson, Lehigh Valley Coalition of Affordable Housing – Funding for Shelter
 - g. Lori Moser, 222 Adrain St. – Section 8 Housing
 - h. Ernie Atiyeh, 1117 N. 20th St., Allentown – Ideas to Improve Emmaus
 - i. Douglas Reichley, State Representative – Sewage Back-up in Basements
7. Borough Engineer's Report
 - a. **704 Furnace Street Minor Subdivision**
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)

October 6, 2008

EMMAUS BOROUGH COUNCIL

8. Solicitor's Report (continued)
 - 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 (2nd Reading 10/6/08)**
 - d. **Resolution 2008-26 – A Resolution Authorizing Participation in the Lehigh County Drug Task Force and Authorizing Execution of the Lehigh County Drug Task Force Agreement**
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. 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 – Ordinance No. 1045 (2nd Reading 10/6/08)**
 - h. Vacancy on Parks & Recreation Commission (Interview 10/7/08)
2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

October 6, 2008

EMMAUS BOROUGH COUNCIL

1. Committee
 - a. Request for Permit Parking – 600 Block of Pine Street (90-Day Trial Period Expires 11/18/08)
 - b. **Drug Task Force Agreement – Resolution 2008-26**
 - c. Kruise 4 Kids – October 19, 2008
 - d. Trailer Truck Parking
 - e. **Special Public Safety Committee Mtg. – September 17th – 7:00 p.m.**
 - f. Parking at Fairview/6th Streets (Santo's)
 - g. Public Safety Issues Raised by Lori Washburn, 420 Broad St.

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
 - e. **Interim Borough Manager**
 - f. **Manager Job Search**

2. Solicitor

Budget and Finance (Waddell, Gilbert, Holtzhafer)

1. Committee
 - a. **Bill List (Resolution – 27)**

2. Solicitor

Community Relations/Development (Brown, Waddell, Neely)

1. Committee
 - a. Southside Industrial Master Plan
 - b. **Triangle Park Construction – Choosing Options**
 - c. 2009 Anniversary Celebration
 - d. Jr. Council Members
 - e. 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

October 6, 2008

EMMAUS BOROUGH COUNCIL

15. Borough Manager's Report

- a. Significant Revenue and Expense Items for September 2008

16. President's Business

17. Adjournment

Next Resolution #28
Next Ordinance #1047

The Emmaus Borough Council met in regular session on October 6, 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	Absent
Brian Holtzhafer	Present
Winfield Iobst, Mayor	Absent
Frank Procyk, Solicitor	Present
Bruce Fosselman, Borough Manager	Absent

PERSONAL APPEALS, PART I

- A. Otto Slozer 121 E. Elm St.** feels the September 15th minutes are deceiving and then explained that he agrees that the Drug Task Force Program is a County program and should be County funded.

READING OF MINUTES

Motion by Council Member Labenberg, seconded by Council Member Barrett to dispense with the formal reading of the September 15, 2008 minutes. There were 6 ayes. Motion carried.

Minutes were changed to explain more of Mr. Slozer's 2nd personal appeal.

Motion by Council Member Gilbert, seconded by Council Member Barrett to adopt the September 15, 2008 minutes as amended. There were 6 ayes. Motion carried.

DECISION ON BIDS – None

October 6, 2008

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

- a. Pat Mandes, Project Manager, Lehigh County Authority – Sanitary sewer allocation, 4136 S. Fifth St. Referred to Staff.
- b. Martha Vines, Emmaus Public Library – Thank you for participating in Community Heroes Night.
- c. Linda Emery, Market Admin., Waste Management – Refuse contract extension. Referred to Budget and Finance Committee.
- d. Susan Hall, 421 S. 12th St. – Exemption request from installing sidewalks. Referred to the Interim Borough Manager.
- e. Emery and Monaca Flexer, 134 Jefferson St. – Dog park proposal. Referred to the Parks and Recreation Committee.
- f. John Rohal, Chairperson, Lehigh Valley Coalition of Affordable Housing – Request for Shelter funding. Referred to the Budget and Finance Committee.
- g. Lori Moser, 222 Adrain St. – Laws for Section 8 housing. Council Member Barrett referred her to Congressman Dent or Representative Reichley.
- h. Ernie Atiyeh, 1117 N. 20th St., Allentown – Ideas to improve Emmaus. Referred to the Public Safety Committee.
- i. Douglas Reichley, State Representative – Sewage back-up in basements. Referred to the Public Works Committee.
- j. National Weather Station – Storm Warning Service Agreement. Referred to the Public Works Director. Council Member Gilbert stated that the Emergency Management Coordinator already has a storm warning system in place.

BOROUGH ENGINEER'S REPORT – Postponed until October 20th meeting.

SOLICITOR'S REPORT

Solicitor Procyk presented Ordinance No. 1045 for its 2nd Reading.

Motion by Council Member Barrett, seconded by Council Member Gilbert to read Ordinance No. 1045 in short title. There were 6 ayes. Motion carried.

President Waddell read Ordinance No. 1045 in short title: 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 on its 2nd Reading.

Council Member Holtzhafer stated that he is voting against this because the idea of a dog park is still on the table. Council Member Neely said this ordinance is only codifying what has always been a regulation in the past. Mr. Neely likes the location suggestions made in the Flexer's correspondence tonight.

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

October 6, 2008

EMMAUS BOROUGH COUNCIL

Solicitor Procyk presented Resolution 2008-26: A Resolution Authorizing Participation in the Lehigh County Drug Task Force and Authorizing Execution of the Lehigh County Drug Task Force Agreement.

Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt Resolution 2008-26.

Council Member Labenberg stated that he supports the program and sending an officer to it, but feels since it is a County program it should be funded by the County. He doesn't feel that Borough taxpayers should be paying County taxes and Borough taxes for this police officer.

There were 4 ayes, 2 opposed (Labenberg, Neely). Motion carried.

Progress

NEW BUSINESS – None

UNFINISHED BUSINESS – None

ITEMS NOT ON AGENDA, subject to Rule 6 – None

MAYOR'S REPORT

Council Member Neely read Proclamation 2008-222 declaring October 5th-11th as Fire Prevention Week.

Council Member Neely read Proclamation 2008-223 declaring October 30th as Trick-or-Treat Night.

Council Member Neely read Proclamation 2008-226 declaring October 19th -25th as National Business Women's Week.

Both Council Member Neely and President Waddell expressed there gratitude for firefighters and all they do.

COMMITTEE REPORTS

a. Public Works Committee

The Committee will meet October 8th at 8 a.m.

Progress

b. Health and Sanitation Committee

The next meeting is October 9th at 3:30 p.m.

Progress

October 6, 2008

EMMAUS BOROUGH COUNCIL

c. Parks and Recreation Committee

The Committee will meet October 7th at 3:30 p.m.

Currently there are 122 runners registered for the 5K Race. Interested runners can visit emmaus5k.com. Interested volunteers can contact Wesley Barrett.

Progress

d. Public Safety Committee

Council Member Gilbert reported that the Drug Task Force Officer's assignment will take effect October 20th.

Approximately 50 residents attended a special committee meeting held on October 17th. Police Chief Faust responded to resident questions. So far no residents have shown interest in starting a crime watch program in their neighborhood. Council Member Barrett said that Chief Faust was very professional and informative.

The next meeting is October 9th at 9 a.m.

Progress

e. General Administration Committee

Motion by Council Member Neely, seconded by Council Member Gilbert to accept the resignation of Bruce Fosselman, Borough Manager, effective October 17, 2008. The date is for the purpose of determining his right to obtain payment for certain benefits, but that he be relieved of any duties as of October 6, 2008. There were 6 ayes. Motion carried.

The Committee interviewed Mark Vasoli as an Interim Manager. Council Member Labenberg confirmed with Council Member Neely that Mr. Vasoli set his hourly charge; \$58/hour. Council Member Holtzhafer confirmed that the Borough will not pay health benefits for Mr. Fosselman in November and December. Mr. Neely said that the Borough would be able to pay for Mr. Vasoli until mid December with no budgetary impact. Mr. Labenberg confirmed that Mr. Vasoli does not get paid holidays, only hourly. The Committee recommends appointing the Meyner Center of Lafayette College to conduct the Manager search. The Meyner Center does the screening and paperwork and then helps Council with the interview process. Mr. Labenberg feels the Borough could save money if the Borough does the legwork themselves. President Waddell feels that the Center is more qualified. After looking at the unsuccessful track record of hiring Borough Managers, Council Member Barrett feels that justifies spending the money. Mr. Labenberg said that the Borough could come up with the same result as the Center. Mr. Neely was part of the interview process in 2000 and stated that he was never happy with or comfortable with the applicants or the results when the Borough did the hiring process; the pay scale may have been a factor. He also feels that the Meyner Center would do a better background check. Mr. Neely is in favor of hiring the Center mainly because the cost is capped at \$3,000. The cost is hourly and could result in

October 6, 2008

EMMAUS BOROUGH COUNCIL

costing less than \$3,000. The General Administration Committee will determine the scope of the Meyner Center's involvement. Council Member Holtzhafer requested a copy of the Borough Manager's job description. He also wondered if there would be an agreement with Mr. Vasoli. Council could ask for an agreement, but Mr. Neely feels an explicit motion could be made with the terms.

Motion by Council Member Neely, seconded by Council Member Gilbert to appoint Mark J. Vasoli of 17 Fulmore Avenue, Hatboro, Pa 19040 as the Interim Borough Manager with a rate of \$58 per hour based on an expectation that he have a 30 hour work week, but be paid for hours worked up until Council discharges him or hires a new Manager.

Council Member Holtzhafer suggested a maximum dollar amount in the motion, but Mr. Neely and Dr. Waddell feel its better to not set a cap and state that Council can discharge him at any time. Council Member Labenberg asked what experience Mr. Vasoli has with the budget process. Mr. Neely said Mr. Vasoli has served as Borough Manager in the past and has served on Hatboro Council. Also, Mr. Fosselman has already prepared a balanced budget with no tax increase that needs to be reviewed by Department Heads.

There were 6 ayes. Motion carried.

Motion by Council Member Neely, seconded by Council Member Gilbert to hire the Meyner Center for the Study of State and Local Government at Lafayette College to perform a job search consistent with the September 19, 2008 correspondence with a expenditure cap of \$3,000. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

Progress

f. Budget and Finance Committee

Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the October 6, 2008 Bill List.

Bill List	\$ 385,708.25
Payroll #20	\$ 110,737.46
Payroll Taxes	\$ 36,355.60
Total	<u>\$ 532,801.31</u>

Done this 6th day of October 2008. There were 7 ayes. Motion carried.

Budget and Finance received a Matching Funds request from the Shops of Emmaus, which will be on the October 20th agenda. When reviewing this request, Council Member Neely asked the Budget and Finance Committee to take into consideration that the Shops of Emmaus is not a registered 501C3 nonprofit organization.

A funding request was received from the Lehigh Valley Nursing Association. The Committee recommends not funding this.

October 6, 2008

EMMAUS BOROUGH COUNCIL

Progress

g. Community Relations/Development Committee

The Committee is still working on the Triangle Park development and the 2009 Celebration Committee has been meeting regularly.

Progress

h. Ad Hoc Committees

Community School Relations

A meeting will be scheduled in November.

Progress

PERSONAL APPEALS, PART II

- A. **Otto Slozer 121 E. Elm St.** suggested that Council look back at the budget in 2000. He said that the expenditures for the Interim Borough Manager far exceeded what Council intended. Council Member Neely agreed and recalled around \$75,000 was spent for a 6-7 month period. He said this is why he feels more comfortable with having a professional search done. The Meyner Center expects to complete the search in 60-90 days, where it would take the Borough much longer.

BOROUGH MANAGER'S REPORT - None

PRESIDENT'S BUSINESS

Council received a memo from the Public Works Director, Jeff Clapper, requesting Council's approval to send items to the 2008 Municipal Auction.

Motion by Council Member Labenberg, seconded by Council Member Gilbert to approve items mentioned in the October 3, 2008 memo from Jeff Clapper, to be sent to the 2008 Municipal Auction. There were 6 ayes. Motion carried.

President Waddell reported that the Arts Commission's Front Porch Art Walk went well, despite the weather. The Halloween Parade will be October 18th. The Arts Commission is sponsoring a Student Horror Film Festival and a Halloween Dance at the Emmaus VFW.

Council Member Labenberg attended the Firefighter Memorial Service at St. John's Lutheran Church. He read the names of 11 firefighters that passed away since January 2007.

Progress

ADJOURNMENT

October 6, 2008

EMMAUS BOROUGH COUNCIL

Motion by Council Member Neely, seconded by Council Member Barrett to adjourn. There were 6 ayes. Motion carried.

The meeting of the Emmaus Borough Council adjourned at 7:52 p.m.

Bruce Fosselman
Borough Manager

Transcribed by: Renea Flexer
Administrative Assistant
October 8, 2008