

October 20, 2008

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, October 20, 2008 7:00 PM

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

October 6, 2008
5. Decision on Bids
6. Communications
  - a. Jeff Kittle, Fastpitch Youth Director, USSSA Eastern Pennsylvania – Reserve Fields for 2009
  - b. Jane Noel, 2803 Evergreen Circle – States of Grace Project
  - c. Herbert Haas, 23 Harrison St. – Letter of Resignation from Emmaus General Authority
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)
9. New Business
10. Unfinished Business
11. Items Not on Agenda, Subject to Rule 6
12. Mayor's Report

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13. Committee Reports

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

1. Committee
  - a. **Outside Sewer Connection for 4136 S. Fifth St.**
2. Solicitor

**Health and Sanitation** (Holtzhafer, Labenberg, Brown)

1. Committee
  - a. Borough Energy Usage
  - b. Recycling Needs
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. Parks & Rec. Commission Member needs to be appointed on the Arts Commission
  - f. **Dog Park**
  - g. **Appoint a New Parks & Rec. Commission Member**
2. Solicitor

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

1. Committee
  - a. Request for Permit Parking – 600 Block of Pine Street (90-Day Trial Period Expires 11/18/08)
  - b. Trailer Truck Parking
  - c. Parking at Fairview/6<sup>th</sup> Streets (Santo's)
  - d. 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"

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**General Administration**

1. Committee (continued)
  - d. Purchase of Street and Traffic Lights
  - e. **Borough Manager Position**
2. Solicitor

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

1. Committee
  - a. **Bill List (Resolution – 28)**
  - b. **Matching Funds**
  - c. **Borough Installment Plan**
  - d. **Refuse Contract Extension**
  - e. **General Municipal Pension System State Aid**
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. 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
15. Borough Manager’s Report
  - a. Significant Revenue and Expense Items for First Half of October 2008
16. President’s Business
17. Adjournment

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The Emmaus Borough Council met in regular session on October 20, 2008 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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
Mark Vasoli, Interim Borough Manager	Present

PERSONAL APPEALS, PART - None

READING OF MINUTES

**Motion by Council Member Labenberg, seconded by Council Member Barrett to dispense with the formal reading of the October 6, 2008 minutes. There were 7 ayes. Motion carried.**

**Motion by Council Member Labenberg, seconded by Council Member Neely to adopt the October 6, 2008 minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None

COMMUNICATIONS

- a. Jeff Kittle, Fastpitch Youth Director, USSSA Eastern Pennsylvania – Request to reserve fields for 2009
- b. Jane Noel, 2803 Evergreen Circle – States of Grace Project. Referred to the Community Relations Committee
- c. Herbert Haas, 23 Harrison St. – Letter of resignation from Emmaus General Authority

**Motion by Council Member Barrett, seconded by Council Member Brown to accept the resignation of Herbert Haas from the Emmaus General Authority, effective immediately.**

Council Member Labenberg suggested sending an appreciation letter. Mr. Haas was one of the original members of the General Authority and before that he served on the Sewer

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Authority. Mr. Neely feels it's important to recognize Mr. Haas for his total length of service to Emmaus Borough.

**There were 7 ayes. Motion carried.**

- d. Johnette Lenik, 128 Camp St. – Supporting a dog park. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT

Borough Engineer, Tony Ganguzza, presented a Minor Subdivision for 704 Furnace Street dividing one lot into two lots. The plan was before the Planning Commission, who recommends the subdivision. No waivers are needed. A zoning variance was granted for a lot width variance and lot area variance for lot 2 to comply with the residential zoning. Because Furnace Street was paved last year, Council Member Neely confirmed with Mr. Ganguzza that Council will need to vote on a waiver when the property owner applies for a road opening permit for the water and sewer connection. Council Member Brown wondered what would happen with the existing shed. Andrea Apgar, daughter of property owner, would like to keep the shed. Tiffany Kosalko of Home Choice Surveying requested a vote from Council on the road opening for selling purposes. President Waddell explained that the road opening request would need to be reviewed first by the Public Works Committee. Mr. Neely explained that when the applicant applies for the building permit, the Code Official will deny the application. The applicant will then come to Council for approval. Council Member Barrett requested that the Shade Tree Commission get a chance to review the plan.

**Motion by Council Member Neely, seconded by Council Member Gilbert to approve the Preliminary/Final Minor Subdivision Plans for 704 Furnace Street. There were 7 ayes. Motion carried.**

SOLICITOR'S REPORT

Tax Collector, Dennis Gouldy, wrote a memo to Council with suggestions regarding an installment payment plan for real estate taxes. Council Member Labenberg asked if the 10% late fee would be applied only to the amount due and not the full tax amount. Mr. Gouldy said that the late fee is only applied to the installment payment amount. He explained that if the first payment is not paid on time, then the taxpayer is no longer eligible for the installment payments. Council Member Gilbert pointed out that the original ordinance had a 5% late fee and Mr. Gouldy suggested increasing it to 10%, which is the same as the County and School District tax. Instead of having quarterly payments, Mr. Gouldy suggests allowing 2 months between installment payments. If a person chooses the installment payments, they would forfeit the 2% discount. Mr. Gouldy noted that only 140 taxpayers in the School District chose to take advantage of the installment payments. Only homesteads are eligible for installment payments in the School District and Mr. Gouldy suggests the same for the Borough.

**Motion by Council Member Labenberg, seconded by Council Member Holtzhafer to have the Solicitor incorporate the additional verbiage recommended by Tax Collector, Dennis Gouldy, in Ordinance No. 1043.**

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Council Member Neely asked if the 10% late penalty would be on the unpaid balance. Mr. Gouldy said the penalty would be applied only to the payment missing. The County would like local governments on their own system. Mr. Gouldy said the Borough currently pays the County \$1727.25 to print, stuff, and mail the bills. If the Borough would do the mailing it would cost \$1370.00, but that doesn't include the printing; Mr. Gouldy will get pricing. Council Member Barrett asked how many mailings there would be for installment payments. Mr. Gouldy said that this year, for the School taxes, the second and third notices were mailed together for the people that opted for the installment payments and it worked well. He said there was only a small amount of people to mail to, so it wasn't a great expense.

**There were 7 ayes. Motion carried.**

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 October 8<sup>th</sup> and discussed a letter sent by Representative Reichley regarding sewerage backups. Solicitor Procyk replied to Mr. Reichley explaining the position.

The Committee discussed the sidewalk ordinance and made suggestions to the Solicitor.

**Motion by Council Member Labenberg, seconded by Council Member Neely to approve the sewer connection of 4136 S. 5<sup>th</sup> Street, Upper Milford Township.**

Council Member Barrett asked how many connections there have been so far. Council Member Neely said this is a sewer connection and does not affect the amount allowed with Lehigh County Authority's (LCA) water connection agreement. Council Member Labenberg said that, in the future, LCA will request a water connection for this property.

**There were 7 ayes. Motion carried.**

Progress

b. Health and Sanitation Committee – Progress

c. Parks and Recreation Committee

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Council Member Barrett clarified that, contrary to what was printed in the papers, the Parks and Recreation Committee has not formally discussed the dog park issue. The topic is on the agenda, but the Committee would like to finish the Park and Recreation Comprehensive Plan before acting on a dog park.

The Committee met on October 7<sup>th</sup> and interviewed two individuals for the vacancy on the Parks and Recreation Commission. Council Member Labenberg stated that it was a tough choice between the two applicants; both were two different aspects to what they could bring to the Commission.

**Motion by Council Member Barrett, seconded by Council Member Labenberg to appoint Chris DeFrain to the Parks and Recreation Commission with a term expiring May 1, 2009.**

Council Member Barrett explained that the Commission meets the fourth Tuesday of each month. Its primary focus is basic things that go on with athletics; scheduling field use, approve tournaments, raise funds for the park program, and hold events.

**There were 7 ayes. Motion carried.**

Council Member Barrett reported that everything went smoothly for the Halloween 5K Run. The final figure is not available yet, but Mr. Barrett feels it will be a good fund raiser for the Halloween Parade. There were 226 registrants; 28 were under the age of 14. Mr. Barrett thanked KNBT, the Parade Committee, the Police Department, Officer Schantz, The Finish Line Running Store, CP Signs, the Iron Pigs, and all that volunteered. Council Member Labenberg reported that the youngest runner was 6 years old and ran the race in 34 minutes. The oldest runner was 63. Council Members Barrett, Labenberg and Brown all ran in the race.

Progress

d. Public Safety Committee

The November 13<sup>th</sup> meeting will be cancelled. The next meeting is scheduled for December 11<sup>th</sup> at 9 a.m.

Progress

e. General Administration Committee

The Committee met on October 14<sup>th</sup> with David Woglom to discuss the Borough Manager position and set a timeline schedule for the hiring process. There will be a background check done on the final candidate. The Borough Solicitor will review and modify a release form for the Borough Manager candidate. An ad appeared in the Morning Call on October 19<sup>th</sup> and will appear in the International City Managers Association on October 22<sup>nd</sup> or the 27<sup>th</sup>. The salary will be advertised as \$75,000-\$83,000 depending on qualifications; \$85,000 is budgeted. Council Member Barrett confirmed with Council Member Gilbert that the interviews will be in executive session. President Waddell feels this is off to a good start.

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f. Budget and Finance Committee

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the October 20, 2008 Bill List.**

<b>Bill List</b>	<b>\$ 492,510.87</b>
<b>Payroll #21</b>	<b>\$ 96,911.77</b>
<b>Payroll Taxes</b>	<b>\$ 31,283.95</b>
<b>Total</b>	<b>\$ 620,706.59</b>

**Done this 20<sup>th</sup> day of October 2008. There were 7 ayes. Motion carried.**

Treasurer, Christine Snyder, wrote a memo with a summary of the Matching Funds account. The Shops of Emmaus requested \$4,850 and their total project cost them \$5,136. Matching Funds Guidelines state that the awarded fund may not be an amount that allows the organization to exceed the total cost of the project. The Budget and Finance Committee voted 2-1 to recommend awarding \$286.00. Council Member Labenberg said the Matching Funds should not exceed more than half the cost of the project and feels that \$2,550 should be awarded. He feels that the Shops of Emmaus are doing good things and that the Borough should support them.

Motion by Council Member Labenberg, seconded by Council Member Holtzhafer to approve \$2,000 from the Matching Funds line item for the Shops of Emmaus.

Council Member Brown feels that Council should stay within the guidelines and only grant \$286.00. He said the Matching Grant is a discretionary fund and suggested carrying over any remaining funds for next year. Council Member Barrett supports the renewed energy that the Shops of Emmaus has brought, but feels this could be problematic by giving money to another organization that does a similar process to the Main Street Program. Council Member Neely also supports everything that the Shops of Emmaus is doing and would like to see more coordination efforts between them and the Main Street Program. He said Council could get into a sticky situation when picking and choosing between the two programs. Mr. Neely was surprised to hear that the Shops of Emmaus was told by their lawyer that they do not need a 501c3 registration unless it was required to receive grant money. He doesn't think that any government would issue grant money to the Shops of Emmaus without a 501c3 registration. Mr. Neely feels torn because he could also see a situation where a group of people may request a few hundred dollars to do something really good for the Borough and he would like to retain the flexibility for that. He said the value of the Shops of Emmaus was shown in the popularity of the events and will vote in favor of \$286.00. Mr. Labenberg said that the Borough gave the Main Street Program, who was supposed to be self sufficient after 3 years, \$20,000 in the last budget. He said the Shops of Emmaus is trying to bring positive attention to Emmaus on their own and requesting some assistance, which is what the Matching Funds is for. Mr. Labenberg does agree that the Shops of Emmaus should look into a 501c3 registration. He also suggested freezing the Matching Funds account or deny future applicants knowing increased expenses for next year. Mr. Neely said this is a very serious issue and that the Borough, the Main Street Program and the Shops of Emmaus need to sit down and talk about it. Mr. Barrett agrees with Mr. Neely that the three entities need to talk and said that,

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looking at the 2009 projects, the Shops of Emmaus will need more money from the Borough. President Waddell said the Matching Funds guidelines were revised a year ago and may need to be looked at again. Organizations would like to make money on projects and have money to go into the next event. Mr. Brown said the Shops of Emmaus deserve something out of the Matching Funds without the 501c3. He wondered if any more requests would come before Council this year and President Waddell knew of two requests forthcoming.

There were 2 ayes, 5 opposed (Barrett, Brown, Neely, Gilbert, Waddell). Motion failed.

**Motion by Council Member Neely, seconded by Council Member Holtzhafer to award \$286.00 to the Shops of Emmaus from the Matching Grant line item in response to their request on October 2, 2008. There were 6 ayes, 1 opposed (Brown). Motion carried.**

The Committee discussed and recommends the refuse contract extension with Waste Management.

**Motion by Council Member Holtzhafer, seconded by Council Member Gilbert to approve the refuse contract extension with Waste Management.**

Council Member Labenberg confirmed with Borough Manager Vasoli that this is the last extension allowed.

**There were 7 ayes. Motion carried.**

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer that the amount of \$219,856.75 from the 2008 Commonwealth allocation of General Municipal Pension System State Aid be directly deposited into the Borough's account. There were 7 ayes. Motion carried.**

President Waddell said the Budget and Finance Committee has met to discuss next year's budget. Borough Manager Vasoli will draft a memo with a status check of 2008 and recommendations for 2009.

Progress

g. Community Relations/Development Committee

The next meeting is scheduled for October 22<sup>nd</sup> at 4 p.m. to discuss the Triangle Project and the 2009 Anniversary Celebration.

President Waddell and Council Member Neely attended the Southside Industrial Master Plan meeting. Dr. Waddell said there are good ideas and that the project should be completed in December; presentation to follow.

Progress

h. Ad Hoc Committees

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Community School Relations - Progress

PERSONAL APPEALS, PART II

- A. **Chris DeFrain St. 181 Harrison St.**, regarding the grant money for the Shops of Emmaus, said that even though they held a great event, he feels they and the Main Street Program should get together and would be less costly. Mr. DeFrain suggested health saving accounts for Borough employee health insurance.
- B. **Jim Woodeshick 108 Seem St.** presented pictures of no parking signs that a resident posted on 15<sup>th</sup> Street by Community Park. Referred to Staff.

BOROUGH MANAGER'S REPORT – Progress

PRESIDENT'S BUSINESS

The Emmaus Arts Commission will hold a dance on October 31<sup>st</sup> at the VFW.

President Waddell thanked all who were involved in the Halloween Parade. Volunteers are needed for the Halloween Parade Committee.

The Flag Day Association is looking for Volunteers.

Trick-or-Treat night will be October 30<sup>th</sup> at 6 p.m.

Progress

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 8:20 p.m.

Mark Vasoli  
Interim Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant  
October 24, 2008