

EMMAUS BOROUGH COUNCIL

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

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

December 1, 2008

5. Decision on Bids
6. Communications
  - a. Carl Wieder, 926 Walnut St. – Letter of Interest to Serve on Emmaus General Authority
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 (1st Reading 11/17/08) (2<sup>nd</sup> Reading 12/15/08)**
  - 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 Awaiting Raven Mill's Attorney)
  - c. Ordinance No. 1047 – An Ordinance Amending the Provisions of Chapter 15, Section 404(d), and Establishing that Parking shall be Prohibited in the 600 Block of Pine Street in Excess of One Hour on any Vehicle Without an Approved Resident Parking Permit (1<sup>st</sup> Reading 12/1/08)
  - d. **Ordinance No. 1048 – An Ordinance Levying Taxes for the Fiscal Year 2009 for the Borough of Emmaus at the rate of 12.32 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1<sup>st</sup> Reading 12/15/08)**
  - e. **Ordinance No. 1049 – An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with the Water Rate Schedule for the Fiscal year 2009 for the Borough of Emmaus, Pennsylvania (1<sup>st</sup> Reading 12/15/08)**

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8. Solicitor's Report (continued)
  - f. **Ordinance No. 1050 – An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2009, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania (1<sup>st</sup> Reading 12/15/08)**
  - g. **Zoning Hearing Board Meeting December 23 – Borough Representation**
9. New Business
10. Unfinished Business
11. Items Not on Agenda, Subject to Rule 6
12. Mayor's Report
  - a. **Proclamation 2008-230 – 2009 Anniversary Celebration**
13. Committee Reports

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

1. Committee
  - a. **Subdivision at 704/710 Furnace Street – Road Opening Permit**
  - b. **Sidewalk Ordinance**
  - c. **Budget Items**
2. Solicitor

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

1. Committee
  - a. Borough Energy Usage – Department Head Input Forms
  - b. Recycling Needs and Costs
2. Solicitor

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

1. Committee
  - a. **Raven Mill Property Swap - Letter of Intended Use**
  - 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 – Jeff Shubzda**
  - f. Sandbox at Community Park
  - g. Ice Rink

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**Parks and Recreation** (continued)

- h. **Field Use Revenue Line Item**
- 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) – Ordinance No. 1047
  - 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. **Police and Employees' Pension Plan**
  - b. **Open Records Act**
  - c. **"Community Announcements" Agenda Item**
  - d. **Vacancy on Emmaus General Authority**
  - e. **Golf Club of Emmaus Zoning Appeal**
- 2. Solicitor

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

- 1. Committee
  - a. Borough Installment Plan
  - b. **2009 Budget – Second Review**
  - c. **2009 Fee Schedule**
- 2. Solicitor

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

- 1. Committee
  - a. Southside Industrial Master Plan
  - b. **Triangle Park Construction**
  - c. 2009 Anniversary Celebration – Reserving Pavilions for August 15, 2009
  - d. Public Parking Project – "Jubilee Parking Lot"
  - e. **Lehigh County Green Future Fund**
    - (1) **Covenant Agreement**
    - (2) **Grant Agreement**

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**Community Relations/Development** (continued)

- f. **CDBG 2008 Subrecipient Agreements**
  - (1) Curb Cuts**
  - (2) Triangle Park**

2. Solicitor

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

Community/School Relations

- a. Junior Council Member

- 14. Personal Appeals, Part II
- 15. Borough Manager’s Report
- 16. President’s Business
- 17. Adjournment

Next Resolution #35  
Next Ordinance #1053

The Emmaus Borough Council met in regular session on December 15, 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

**SPECIAL PRESENTATION**

The 2009 Celebration Committee’s Town Crier invited everyone to the year long Anniversary Celebration in 2009. Mayor Winfield Iobst read Proclamation 2008-230

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proclaiming the Borough of Emmaus 150 Year Anniversary Celebration and 250<sup>th</sup> Year as a Moravian Community.

PERSONAL APPEALS, PART I

- A. **Gene Clock 328 Main St.**, representing the Emmaus Main Street Program, made a public invite for the 2009 Anniversary Kickoff Celebration on January 2, 2009.
- B. **Leslie Heffron 981 Little Lehigh Dr.**, representing the Emmaus Arts Commission, made a public invite for the 3<sup>rd</sup> Annual SnowBlast Winter Festival on February 7 & 8, 2009. All free activities are listed on the Arts Commission web site.
- C. **Anthony Groller 1302 S. 10<sup>th</sup> St.** confirmed with Council that it was budgeted last year for two department heads to receive an 8% salary increase. Mr. Groller said it was a waste of taxpayer money for the Public Works Department to haul leaves or compost to New Smithsville and asked what that cost. Council Member Labenberg said there was too much at the Compost Center and needed to be hauled away. Regarding the proposed water and sewer increase, Mr. Groller confirmed with President Waddell that the increase will help with the lack of real estate transfer tax and local services tax that was not generated in 2008.

**Motion by Council Member Neely, seconded by Council Member Barrett to extend Mr. Groller's appeal time. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.**

Mr. Groller said there are Public Works employees who take Borough vehicles home because of being on call-out duty. He feels that only local employees should be on duty to save on gas. Council Member Labenberg told Mr. Groller that these are all issues that he's brought up in the past and were already dealt with. Mr. Labenberg suggested that Mr. Groller attend a Public Works Committee meeting. President Waddell said that there is a rotating duty schedule and sometimes the employee is within the Borough limits and sometimes not.

- D. **Otto Slozer 121 E. Elm St.** said that a resident has the right to come to Council for answers and not be referred to staff or other individuals. He also said there are residents upset about the proposed tax increase. Mr. Slozer said that Council Members need to take a daily look at the budget on ways to save money, then at the end of the year, the Borough would be in better shape. He noted that in the last nine years there has been over 50% in tax increases. President Waddell said that within that time 9/11 happened and a huge economy downfall.
- E. **Jim Woodeshick 108 Seem St.** figured that the proposed fountain would cost the Borough \$19,000 a year; for maintenance, wages, water, and electric. He wonders if the Borough can afford this. Mr. Woodeshick said that, in these tough times, since the Public Works employees do not pay for health benefits, maybe they could remove their working spouses or ask each employee to contribute; and not lay off an employee. He said that way the residents can keep the services they love and expect.

READING OF MINUTES

**Motion by Council Member Barrett, seconded by Council Member Gilbert to dispense with the formal reading of the December 1, 2008 minutes. There were 7 ayes. Motion carried.**

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**Motion by Council Member Labenberg, seconded by Council Member Barrett to adopt the December 1, 2008 minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None

COMMUNICATIONS

- a. Carl Wieder, 926 Walnut St. – Letter of interest to serve on the Emmaus General Authority. Mr. Wieder is scheduled to attend the next General Administration Committee meeting.
- b. Shops of Emmaus – Request to use the Triangle on December 20<sup>th</sup> for pictures with Santa, the Emmaus Drum and Bugle Corps, and a children's caroling group.

**Motion by Council Member Holtzhafer, seconded by Council Member Barrett to allow the Shops of Emmaus to use the Triangle on December 20, 2008 from 11:30 a.m. to 2:00 p.m.**

Council Member Brown suggested closing part of the street for public safety. Council Member Neely confirmed that the Emmaus Drum and Bugle Corps are different than the Emmaus Sentinels. Mr. Neely is concerned with how big the band is and public safety. Council Member Barrett suggested, instead of Council granting approval through a motion, allowing staff to handle this and get more information from the Shops of Emmaus. Council Member Labenberg is in favor of the motion because it's good for the Borough. He also thinks the Drum and Bugle Corps is the same as the Sentinels. Mr. Neely said that historically Council has granted approval of organizations occupying the Triangle. He is voting against this because there are a lot of unanswered questions. Mr. Brown is voting in favor of this because of the timeline. He added that he would like to see the Shops of Emmaus under the umbrella of the Main Street Program next year.

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

BOROUGH ENGINEER'S REPORT – None

SOLICITOR'S REPORT

**Motion by Council Member Labenberg, seconded by Council Member Brown to read Ordinance No. 1043 in short title. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1043 in short title: An Ordinance Allowing for Installment Payment of Real Estate Taxes for Residents of the Borough of Emmaus.

**Motion by Council Member Labenberg, seconded by Council Member Brown to adopt Ordinance No. 1043 on its 2<sup>nd</sup> Reading. Roll Call Vote: Labenberg aye, Holtzhafer aye, Barrett aye, Brown aye, Neely aye, Gilbert aye, Waddell aye. Motion carried.**

Solicitor Procyk said it was requested that he attend the Zoning Hearing Board Meeting on December 23<sup>rd</sup> involving the Golf Club of Emmaus appeal for interpretation of the Zoning Ordinance; what constitutes a land development. A miniature golf course is

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proposed. Council Member Neely explained that the Zoning Officer, Mr. Farnsworth, denied the request for the miniature golf course because he sees it as a land development, which would require a land development plan. Mr. Farnsworth appeared before the General Administration Committee to explain the appeal. The Committee voted 3-0 to authorize the Solicitor to attend the Zoning Hearing Board meeting because the appeal involves the interpretation of "land development" in the Subdivision and Land Development Ordinance.

**Motion by Council Member Labenberg, seconded by Council Member Neely to authorize Solicitor Procyk to represent the Borough and attend the Zoning Hearing Board meeting on December 23, 2008. 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 December 3<sup>rd</sup>. Council Member Labenberg asked Council to review the revised Sidewalk Ordinance in their packet. The 1<sup>st</sup> Reading will be at the next meeting.

Council Member Labenberg said all the money was eliminated for water meters in the 2009 budget and the Public Works Director, Mr. Clapper, requests that \$5,000 be put back in for replacing broken meters. The Committee voted 3-0 to place \$5,000 into line item 448.378 for water meter repairs. Regarding eliminating the dump truck from the 2009 budget, Mr. Clapper is in favor of pushing it off one year. The Committee voted 3-0 to keep the dump truck out of the 2009 budget. Mr. Clapper requested, due to not purchasing the dump truck, increasing the line item for vehicle repairs from \$20,000 to \$25,000; the Committee voted 3-0 to recommend this.

The Committee was able to eliminate the proposed 7% water increase by taking the dump truck out of the budget. The Committee recommends leaving in line item 448.833 for the Scada System for wells. Council Member Labenberg said studies have been done and Scada would make the water system more efficient. He stated that the Water Fund is doing well, financially.

The Committee did not adjust the proposed 25% sewer increase due to paying for sewage treatment and debt service to the City of Allentown, and the interceptor lease payment to Lehigh County Authority. Council Member Labenberg said that the Borough's I & I inspections are helping to decrease the sewage flow, but it is not enough to adjust the numbers.

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Regarding the \$5,000 that was removed from Compost wages, the Committee decided to let the Public Works Director make the appropriate cuts.

Council Member Holtzhafer said that since the dump truck was eliminated from the Water and Sewer Funds, then the increased amount for vehicle repairs should not come out of the General Fund. More will be discussed under Budget and Finance.

A Road Opening Permit was submitted by Andrea Apgar for 704/710 Furnace Street.

**Motion by Council Member Labenberg, seconded by Council Member Neely to approve the Application for a Street Excavation Permit for 704/710 Furnace Street.**

Council Member Holtzhafer said that the applicant does not want to open the road. The applicant would like Council's approval, which will help sell the property. Mr. Holtzhafer feels there is no reason to grant this until the road needs to be opened to develop the property. Council Member Neely explained that the Apgar property was a large lot that was required to install sidewalk. The applicant subdivided the property and would like to sell the vacant lot. Mr. Holtzhafer cannot see digging open and patching a two year old paved road. Mr. Neely said that during Ms. Apgar's sidewalk appeal, the family wanted to sell the property to help fund care for her elderly mother.

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

Council Member Neely pointed out that the proposed budget before Council shows \$85,000 in the Water Fund line item 448.762 for a dump truck, but Council voted to eliminate it at the last meeting. Borough Manager Vasoli said that it was discussed by the Budget and Finance Committee, along with the Treasurer, to keep the dump truck in the budget contingent to funds and Council's approval. Additionally, the 7% water increase was left in the proposed budget. Council Member Labenberg said this was not the recommendation of the Public Works Committee. Mr. Vasoli said the final decision is up to Council. Mr. Neely said that at the last meeting, Council voted to remove the dump truck and now its added back in the budget. He is concerned that a Committee and/or Borough Manager are making changes to budgeted items that Council voted upon. Council Member Labenberg expressed his disappointment for the changes made.

Progress

b. Health and Sanitation Committee

Council Member Holtzhafer said it is the Committee's goal within 2009 to perform an in-house energy audit. They will meet with Department Heads to determine how energy is used and discuss how to reduce it.

Progress

c. Parks and Recreation Committee

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The Committee met on December 2<sup>nd</sup> and discussed park, pool, and field usage rates, which will be discussed under Budget and Finance.

Council Member Barrett presented a Letter of Intended Use and a map for the Raven Mills Property Swap addressed to Salisbury Township and the Planning Commission. The Solicitor recommended drafting the letter, but suggests waiting to send it.

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to approve the Letter of Intended Use for the Raven Mills Property Swap addressed to Salisbury Township Board of Commissioners and Planning Commission and wait to send it until requested.**

Council Member Brown asked if Ordinance No. 1044 must be approved before acting on this. Solicitor Procyk said that Ordinance No. 1044 is approving the agreement between the parties for the land exchange and does not have to be approved prior to this motion.

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

The Parks and Recreation Commission recommend appointing Commission Member, Jeff Shubzda, as the Commission's Representative to the Arts Commission.

**Motion by Council Member Barrett, seconded by Council Member Labenberg to appoint Jeff Shubzda as the Parks and Recreation Commission Representative to the Arts Commission. There were 7 ayes. Motion carried.**

It was discussed if there should be a term set for Mr. Shubzda. Council Member Neely feels it would be like a Council Representative to the Main Street Program, which doesn't have a term.

Progress

d. Public Safety Committee

Progress

e. General Administration Committee

A draft of the Police and Employees' Pension Plan will be before Council at a later meeting.

The Committee drafted and approved a resolution that addresses items that need to be compliant with the Open Records Act. This draft was forwarded to the Solicitor and will be before Council on December 29, 2008.

The Committee discussed the "Community Announcements" agenda item and will have a resolution concerning the agenda for next year.

Council Member Gilbert requested an Executive Session at the end of the meeting to discuss a personnel matter.

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Progress

f. Budget and Finance Committee

President Waddell announced that there is no Bill List. The Borough Treasurer requested to wait until the end of the fiscal year to determine the bill amounts and cash on hand.

Regarding the 2009 Budget, Council Member Holtzhafer confirmed that the General Fund Revenue Fund Balance, line item 340.120, will be \$0 in the beginning of 2009. President Waddell is concerned that the projected revenue is too high for line item 310.500, Local Services Tax, which is \$230,000. Council Member Labenberg said that the dump truck should be taken out of the budget since that was official action at the last meeting. Council Member Neely pointed out that the budget says "Final" for the 2008 amount, but it is the budgeted amount. He would like that changed so the budget Council enacts is clear.

**Motion by Council Member Holtzhafer, seconded by Council Member Labenberg to remove line item 427.131, Staff Wages for Composting, from the table. There were 7 ayes. Motion carried.**

**Motion by Council Member Holtzhafer, seconded by Council Member Labenberg to reduce line item 427.131, Staff Wages for Refuse/Composting, from \$19,871 to \$14,871.**

Council Member Labenberg said the Public Works Director stated he will work with the figure, but not remove Saturdays from the Compost Center hours.

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

Council Member Holtzhafer would like to reduce line item 430.250, Vehicle Repair for the Public Works Department, from \$25,000 to \$20,000 because the dump truck was eliminated. He would like to see the difference go toward the water fund vehicle repair, which is where the dump truck was going to be funded from.

**Motion by Council Member Holtzhafer, seconded by Council Member Gilbert to move \$5,000 from line item 430.250, Public Works Department Vehicle Repair, to line item 448.250, Water Department Vehicle Repair.**

Council Member Labenberg said the Public Works Committee budgeted the water fund without an increase and is concerned of other changes that were made to the budget without him knowing. He's not sure what effect \$5,000 would have on the water fund. Council Member Neely said that if the dump truck is removed from the budget, there still should not be a water rate increase.

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

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President Waddell confirmed with Borough Manager Vasoli that line item 492.080, Contingency Equity Reserve Transfer to Sewer, is General Funds subsidizing the Sewer Fund shortage.

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to add line item 367.800 for Field Usage Fee deposits to the Parks and Recreation Fund.**

Council Member Barrett said that previous revenues were between \$2,000 and \$4,000. Council Member Gilbert suggested leaving the amount at \$0 and Council Member Labenberg suggested budgeting at least \$500 from a softball tournament. Mr. Barrett would like to keep with his original motion and not have any amount assigned to the line item.

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

**Motion by Council Member Labenberg, seconded by Council Member Brown to lower line item 378.100, Water Usage Fees, by \$48,000 to \$922,500 and not have a water increase, as recommended by the Public Works Committee, 3-0.**

Council Member Labenberg explained that \$85,000 was eliminated from the dump truck and he will be making a motion to have the difference between the dump truck and the \$48,000 put back into the budget for the dump truck. Council Member Brown agrees that money should be kept in for the dump truck.

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

**Motion by Council Member Labenberg, seconded by Council Member Brown to increase line item 448.762, Water Dept. Dump Truck, from \$0 to \$32,000.**

Council Member Labenberg explained how he figured budgeting \$32,000. The budget before Council shows \$85,000 in this line item, but should be \$0. He removed the water rate increase, which was \$48,000 and \$5,000 was put into vehicle maintenance in the water fund. Mr. Labenberg stated that this will eliminate the water increase.

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

**Motion by Council Member Holtzhafer, seconded by Council Member Labenberg to remove from the table line item 429.805, I & I Elimination. There were 7 ayes. Motion carried.**

Council Member Labenberg stated that the Borough has not been billed yet for the budgeted 2008 I & I Elimination, so that \$45,000 will carry over into 2009. He said \$20,000 is budgeted for 2009 and will help to lower the amount that the Borough pays Allentown for sewer treatment. Council Member Holtzhafer suggested only budgeting \$45,000, which is the cost that is already spent, to reduce the amount that the General Fund is subsidizing the Sewer Fund. He said there are no other possible cuts from the sewer department and he does not agree that the General Fund is funding the Sewer Department.

**Motion by Council Member Holtzhafer, seconded by Council Member Neely to reduce line item 429.805, I & I Elimination, from \$65,000 to \$45,000.**

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Borough Manager Vasoli said the I & I will save money for the Borough in the long run and that this will be cutting money for future savings. Council Member Holtzhafer agrees with Mr. Vasoli, but is against funding the sewer fund out of the general fund. Council Member Labenberg highly recommends not eliminating the I & I from the 2009 budget. He said it is preventive and will decrease costs for treatment at the Allentown Sewage Treatment Plant.

There were 2 ayes, 5 opposed (Brown, Gilbert, Labenberg, Barrett, Waddell). Motion denied.

Regarding street repairs, Council Member Labenberg said the goal is to finish Harrison Street up to Macungie Avenue and pave every alley that needs paving in the Borough.

Motion by Council Member Holtzhafer, seconded by Council Member Brown to reduce line item 452.810, Triangle Park, from \$510,000 to \$495,000.

Council Member Holtzhafer said he does not agree that \$15,000 is coming from the General Fund for the Triangle Project. He would rather see that money put in the water fund because the fountain is a water feature. Council Member Labenberg wished there would be a decision on the fountain tonight for budging reasons. Council Member Barrett confirmed that \$15,000 was the amount of the Triangle Project engineering fee from the General Fund.

There were 3 ayes, 4 opposed (Labenberg, Brown, Gilbert, Waddell). Motion denied.

**Motion by Council Member Labenberg, seconded by Council Member Gilbert to read Ordinance No. 1048 in short title for its 1<sup>st</sup> Reading. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1048 in short title: An Ordinance Levying Taxes for the Fiscal Year 2009 for the Borough of Emmaus at the Rate of 12.32 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania.

**Motion by Council Member Labenberg, seconded by Council Member Barrett to adopt Ordinance No. 1048 on its 1<sup>st</sup> Reading.**

Council Member Labenberg said that after making changes to the budget, there is no way to have an accurate millage amount tonight. He would like to have the change incorporated in the 2<sup>nd</sup> Reading. Borough Manager Vasoli does not see a change in the proposed rate, but will look into it.

**Roll Call Vote: Brown aye, Neely aye, Gilbert aye, Labenberg aye, Holtzhafer aye, Barrett aye, Waddell aye. Motion carried.**

**Motion by Council Member Labenberg, seconded by Council Member Barrett to read Ordinance No. 1050 in short title for its 1<sup>st</sup> Reading. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.**

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President Waddell read Ordinance No. 1050 in short title: An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2009, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania.

**Motion by Council Member Barrett, seconded by Council Member Labenberg to adopt Ordinance No. 1050 on its 1<sup>st</sup> Reading.**

Council Member Gilbert pointed out that this Ordinance number should be 1049, since that was eliminated.

**Council Member Barrett amended his motion to change the Ordinance No. to 1049. Council Member Labenberg amended his seconded motion.**

President Waddell stated the quarterly connection rate will be \$21.40 and \$1.95 per each 1,000 gallons. Council Member Labenberg explained that it is based on the water usage.

**Roll Call Vote: Labenberg aye, Holtzhafer nay, Barrett aye, Brown aye, Neely aye, Gilbert aye, Waddell nay. Motion carried.**

**Motion by Council Member Labenberg, seconded by Council Member Holtzhafer to authorize advertisement of the budget for adoption on Monday, December 29, 2008. There were 7 ayes. Motion carried.**

**Motion by Council Member Brown, seconded by Council Member Gilbert to authorize the Borough Manager and the Council President to execute any documents to effect a line of credit with East Penn Bank for up to \$450,000 effective on or near December 26, 2008.**

Borough Manager Vasoli explained that this is to help the Borough until tax money starts getting collected in spring. The current interest rate is 3.5%. Council Member Holtzhafer confirmed with Mr. Vasoli that the Borough will only pay on what is borrowed and the monthly payments can be applied to interest only. Mr. Vasoli suspects that this loan will be paid off next year.

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

Regarding the Fee Schedule, Council Member Labenberg said it has been many years since it was changed. He said there are substantial increases proposed and hopes these are being done with the intention of not increasing it for many years again. Borough Manager Vasoli said the Building Fees are still behind, according to other municipalities. Council Member Barrett explained that there are non-resident and resident pavilion fees proposed. The Parks and Recreation Committee voted 2-1 to raise the pavilion rates. President Waddell said that Budget & Finance proposed rates slightly lower.

**Motion by Council Member Holtzhafer, seconded by Council Member Barrett to approve the recommendation of the Park and Recreation Committee for the Pavilion Fees: Weekdays, \$75 for non-resident, \$60 for resident; Weekends, \$150 for non-resident, \$100 for resident; Arts Pavilion, \$375 for non-resident, \$275 for resident.**

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Council Member Labenberg was the Parks and Rec Committee's opposing vote and stated that he is more in favor of the recommendation from the Budget and Finance Committee. Council Member Brown confirmed with Council Member Barrett that he does not feel this will deter non-residents to rent the pavilions. Council Member Gilbert explained that this is the first time the Borough would have non-resident rates for pavilions. Council Member Holtzhafer confirmed that this would only be applied to new rentals made after January 1, 2009.

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

The Parks and Recreation Committee voted 3-0 to change the ages of the pool rates.

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to change the ages for both Resident and Non-Resident Season Pool Passes, and General Admission Pool Rate: schedule to read "Children 5 and under, accompanied by adult" and "Children 6 through 17".**

Council Member Labenberg stated that he voted for this at the Parks and Rec Committee meeting, but is now changing his mind because he's tired of a family getting nickel and dined all the time.

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

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to change the Residential Season Pass Rates, as recommended by the Parks and Recreation Committee, to: Children 5 and under, accompanied by adult, \$0; Children 6 through 17, \$40; Adult 18 and over, \$80; Family, including children 17 and under, \$125; Senior Citizens 62 years or older, single pass, \$20.**

Council Member Holtzhafer confirmed that the proposed budget was using the figures from the Parks and Recreation recommendations and not the Budget and Finance figures. Council Member Barrett said the Parks and Rec recommendation was less than the Budget and Finance recommendation.

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

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to change the Non-Residential Season Pass Rates, as recommended by the Parks and Recreation Committee, to: Children 5 and under, accompanied by adult, \$0; Children 6 through 17, \$95; Adult 18 and over, \$150; Family, including children 17 and under, \$200; Senior Citizens 62 years or older, single pass, \$35.**

President Waddell stated these numbers are lower than the recommendation from the Budget and Finance Committee. The rates were based upon other municipal rates. The Parks and Recreation voted 3-0 for this recommendation. Council Member Labenberg feels the non-resident senior citizen rate should be more.

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

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Council Member Barrett said the swim lesson rate was never in the Fee Schedule and recommends \$75 for swimming lessons; previously it was \$12. This is based on other municipalities. The lifeguards are paid \$10/hour for lessons. After discussion the fee schedule reads wrong; the proposed cost is \$75 for one week of lessons and the lessons are offered for 5 weeks. Council Member Holtzhafer feels this cost is too high.

**Motion by Council Member Holtzhafer, seconded by Council Member Neely to charge \$25 per week, per child, for swimming lessons.**

Council Member Neely agreed that \$75 is too high for one week of lessons. He said it's important to encourage people to take their kids to swimming lessons. Council Member Labenberg is fine with lowering the rate, but is concerned if the rates cover the cost of the lifeguard.

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

Council Member Barrett said there were fees established and added to the proposed fee schedule for baseball/softball fields: \$25 Per Game; \$100 Per Field, Per Day; \$25 Light Usage Fee. Multipurpose fields: \$15 Per Practice; \$25 Per Game; \$100 Per Field, Per Day; \$25 Light Usage Fee. All fees are based on reservation with no refunds. The fees will be waived for organizations with 50% or greater Borough residents on their roster. Emmaus Youth Association agrees with this.

**Motion by Council Member Barrett, seconded by Council Member Holtzhafer to approve the Field Usage Fee for baseball/softball and the multipurpose fields as recommended by the Parks and Recreation Committee.**

It was discussed that the bill will be mailed when the fields are scheduled. Whether the field is used or not, the bill will reflect the amount of fields reserved. Previously, tournaments were charged \$200, but the fee schedule had \$500. Council Member Brown confirmed that if the field is reserved, but not used, no refund will be given. Council Member Holtzhafer explained that is because, if the field is reserved, then no one else can reserve it.

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

President Waddell read the changes made to the fee schedule by Department Heads. The changes will be made to the fee schedule and come before Council at the next meeting.

Progress

g. Community Relations/Development Committee

Council Member Brown will check with the Public Works Director with the cost of operating the ornamental Triangle fountain. Mr. Brown said they need to separate the Triangle Park construction from the fountain construction.

**Motion by Council Member Brown, seconded by Council Member Labenberg to handle the Triangle Park construction and the fountain construction separately due to engineering costs. There were 7 ayes. Motion carried.**

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Council Member Brown said that the grant monies for the Triangle Project will not cover engineering costs; \$25,000 was budgeted in 2009 for engineering. The cost of the engineering fees for the ornamental fountain is \$12,500.

**Motion by Council Member Brown, seconded by Council Member Labenberg to award the Triangle Park fountain construction to Hobbs Architectural Fountains.**

Borough Manager Vasoli suggested that the appointment be conditioned upon granting agencies approval.

**Council Member Brown amended his motion to be contingent upon approval by the granting agencies. Council Member Labenberg amended his seconded motion.**

Council Member Labenberg is concerned with the cost of the fountain and suggested a statue instead. He said there is not much that can be eliminated from the project if the actual costs exceed the projected costs. Mr. Labenberg is not in favor of spending money on the engineering fees. Council Member Neely said he was previously misinformed; before the Borough only needed 1/3 down for the engineering fees. He said half of the Triangle Project is being funded by the Greens Future Fund. He suggested eliminating the fountain, which is half of the Greens Future Fund money, and use it somewhere else. Council Member Holtzhafer was surprised to see the cost of the fountain and is not in favor of spending \$12,500 out of the 2009 General Fund. Council Member Barrett confirmed that the Triangle currently has water supply. Council Member Brown said that it has been difficult for him, as Chairman of the CRD, to work with plans that have been previously approved. It will cost money to get the plans changed. He feels that being that there used to be a fountain on the Triangle, it's nostalgic to bring it back. Borough Manager Vasoli is concerned with going back to the granting agencies with major project changes. It was discussed about tabling the fountain design, but Mr. Brown is concerned about pushing off the start of construction and not meeting the projected construction timeline. Mr. Holtzhafer said that Mr. Woodshick's points are well taken and that Council needs to think about the maintenance of the fountain. Mr. Labenberg said that the Borough gets a specific amount of the Growing Greener Fund and he doesn't feel that residents would want that spent on a water fountain. He'd rather see it go towards the proposed trail by the compost center or look into purchasing Meadow Pool. Mr. Barrett confirmed with Mr. Vasoli that the Borough already made application for the fund to the County. Mr. Neely added that the County borrowed the money and will use property taxes to repay it. The money is distributed to municipalities depending on population. Mr. Neely said the Borough must take advantage of the money that the taxpayers are paying for, but questions if all of that should go towards the fountain. He would also feel bad to change the plans after the volunteer work that was put into it, but feels Council needs to make a decision as to the prudence of the fountain. President Waddell said the only difference he sees is the engineering cost. Previously the plan was approved knowing that the cost of the project was roughly \$500,000, which included the fountain. He suggested tabling this until the December 29<sup>th</sup> meeting. Mr. Brown said that the Borough currently has \$538,000 in Green Future Funds and the Triangle Project is only using \$209,000 of that. Unless it is used on projects outside the Borough, these funds are available until 2014. He would also like to see the Green Future Fund go toward replacing the mulch in the tree wells with stone.

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**Motion by Council Member Neely, seconded by Council Member Gilbert to table the Triangle Park fountain construction. There were 4 ayes, 3 opposed (Brown, Labenberg, Holtzhafer). Motion carried.**

Borough Manager Vasoli explained the Declaration of Covenants, Conditions, and Restrictions to the Green Future Fund Agreement is a covenant tied to the project saying it will be used for public services. He also explained that the grant agreement is with the County that includes requirements.

Motion by Council Member Brown to approve the Green Future Fund Grant Agreement and the Declaration of Covenants, Conditions, and Restrictions to the Green Future Fund Agreement. Motion dies from a lack of a seconded motion.

**Motion by Council Member Holtzhafer, seconded by Council Member Labenberg to put the Triangle Project out for bid for all improvements, except the fountain. There were 7 ayes. Motion carried.**

**Motion by Council Member Holtzhafer, seconded by Council Member Neely to enter into an agreement with Lehigh County by completing the Declaration of Covenants, Conditions, and Restrictions. There were 7 ayes. Motion carried.**

**Motion by Council Member Holtzhafer, seconded by Council Member Neely to enter into an agreement with Lehigh County by completing the Green Future Fund Grant Agreement. There were 7 ayes. Motion carried.**

**Motion by Council Member Neely, seconded by Council Member Holtzhafer to authorize the Borough to enter into the CDBG 2008 Agreement concerning curb cuts. There were 7 ayes. Motion carried.**

**Motion by Council Member Neely, seconded by Council Member Holtzhafer to authorize the Borough to enter into the CDBG 2008 Agreement concerning the Triangle Park. There were 7 ayes. Motion carried.**

The next Committee meeting is on December 17<sup>th</sup> at 4 p.m.

Progress

h. Ad Hoc Committees

Community School Relations – Progress

PERSONAL APPEALS, PART II

- A. Otto Slozer 121 E. Elm St.** confirmed with Council that the Borough is paying \$486,000 for debt service, which includes principal and interest; police building, and two pumper trucks. He would like to see the breakdown between principal and interest. Regarding moving line items in the budget from one department to the other, Mr. Slozer thought it was a state regulation to keep expenditures in the fund. Council Member Neely and Borough Manager Vasoli stated this was confirmed with the

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auditor, although Mr. Neely does not agree with it. Mr. Slozer suggested that Council look at the state regulation dealing with budgeting and enterprise funds. Council Member Labenberg said the budget should not be supplemented by the water fund.

- B. Frank Sadrovitz 130 N. 4<sup>th</sup> St.** said there are people that use the picnic tables that are placed throughout the park, instead of renting a pavilion. He suggested charging for the use of those tables.
- C. Richard Gerhart 107 Dell St.** stated that he is not speaking on behalf of the General Authority. He recommended using the money from the Authority, which is approximately \$90,000, to reduce the amount of the line of credit, instead of making a wish list to the Authority. Mr. Gerhart explained that the Authority earns the money with its bond pools. Council expressed their appreciation to Mr. Gerhart for stating that he, as an individual, feels that is an appropriate use of money. Council Member Labenberg pointed out that the proposed budget shows \$100,000 from the General Authority. At the December 29<sup>th</sup> meeting, Council will discuss what will be requested from the General Authority. Mr. Gerhart also suggested charging people who place advertisement signs at the side of the road. President Waddell said those signs are not allowed to be there and that he and the Zoning Officer pull them out.
- D. Chris DeFrain 181 Harrison St.** hopes that those on Council for the next 10 to 12 years remember how difficult it is to make cuts from the budget. He said it's difficult to get out of the habit of spending. Mr. DeFrain does not feel the Borough should be setting up many contingency funds right now. He feels that there will not be as much of revenue next year and hopes that Council keeps a close eye on the budget. Regarding the field usage, Mr. DeFrain said there is really only one non-resident organization that uses the field. He said they use the fields heavily and can afford to pay. Mr. DeFrain explained that a tournament team will reserve all the fields from Quakertown to Emmaus and then at the last minute not use them. Meanwhile, EYA teams made reservations to use other fields. He agrees with the Field Usage Fees.

BOROUGH MANAGER'S REPORT – ProgressPRESIDENT'S BUSINESS

President Waddell recessed the meeting for personnel matters at 10:35 p.m.

President Waddell reconvened the meeting at 11:22 p.m. with no official action needed.

Progress

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 11:22 p.m.

Mark Vasoli  
Interim Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant  
December 19, 2008