

January 16, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, January 16, 2012, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

January 3, 2012

7. Decisions on Bids
8. Communications
 - a. General Authority – 2012 Appointments.
 - b. Thomas Nervine, Emergency Services of Lehigh County – Lehigh Valley Hazard Mitigation Plan Update Project Meeting.
 - c. Marg Iannace, 156 E. Harrison Street – Letter of resignation from the Civil Service Commission (term expired 1/1/2012).
 - d. Jeanne Shook, 2670 Mountain View Circle – Request appointment to the Emmaus Arts Commission.
 - e. Theodore Iobst, II, 413 S. Fifth Street – Request appointment as Regular Member to the Zoning Hearing Board (term as Alternate expires 1/1/2013).
 - f. Ronald Gilbert, 20 E. Greenleaf Street – Request appointment as Alternate to the Zoning Hearing Board.
 - g. Troy Wildasin, Emmaus – Concerns regarding recently opened business.
 - h. Benjamin Fetterman, 104 Elm Street – Letter of resignation from the Zoning Hearing Board (term expires 1/1/2014).
 - i. Vickie Gruver, 672 Chestnut Street – Request reappointment to the Parks and Recreation Commission (term expires 5/1/2012).
9. Borough Engineer's Report

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10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9
15. Mayor's Report
16. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Gilbert)

Next Meeting – February 2, 2012 at 3:00 p.m.

- a. Wieders Lane Status

Health, Sanitation, and Conservation (Shubzda, Holtzhafer, Waddell)

Next Meeting – January 20, 2012 at 3:45 p.m.

- a. Compost Options
- b. Refuse/Recycling with Raritan Valley
- c. Riparian Buffer Ordinance
- d. Bollinger Land/Indian Creek Golf Course
- e. Emmaus and Upper Milford Joint Environmental Advisory

Council

- f. Board of Health

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – February 7, 2012 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases
- e. Food Stand at Community Park – RFP

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – January 19, 2012 at 3:00 p.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading

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- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound
- f. **Hire Ryan Crawford and Charles Chiaverelli as Part Time EMTs to the Emmaus Ambulance Corps**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – January 25, 2012 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. **Resolution 2012-3—Appointment of Shane Pepe to Borough Manager**
- e. **Jessica Wessner—Expiration of Probationary Period**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – February 6, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2012-4**
- b. Emergency Management Coordinator Compensation

Community Relations, Planning and Development (Brown, Shubzda, Waddell)

Next Meeting – January 26, 2012 at 4:15 p.m.

- a. Display of 2009 Anniversary Items and Contents of the 1959 Time Capsule
- b. Emmaus Main Street Program—West End Gateway Sign Presentation
- c. VFW/David's Electric Streetscape Plan
- d. Treevitalize Grant

Ad Hoc Committees (Barrett, Waddell, Holtzhafer, Borough Mgr., Mayor Iobst)

Next Meeting – To be determined.

Community/School Relations

- a. Junior Council Member Draft Resolution Review and Application

17. **Personal Appeals, Part II**

18. **Borough Manager's Report**

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a. Significant Revenue and Expense Items for First Half of January 2012

19. President's Business

Executive Session

213. Adjournment

Next Resolution #5
Next Ordinance #1085

The Emmaus Borough Council met in regular session on January 16, 2012 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert called the Meeting to order at 7:00 p.m.

Lee Ann Gilbert	Present
Brian Holtzhafer	Present
Michael Waddell	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Borough Manager	Vacant

PERSONAL APPEALS, PART I

A. Josephine Sadrovitz, 130 N 4th Street, Emmaus – stated that at the last Council Meeting in December, it was announced that the 2012 Budget was balanced, but only because programs were cut. The first program to be cut was the Summer Concert Series. She stated that she was asked to attend a Parks and Recreation Committee Meeting for an explanation of why the Program was cancelled. She also stated she was told she is not able to sign the contracts for the bands because she is a volunteer, not a Borough employee. She stated that Mr. Neely asked Mr. Procyk if the contracts for 2012 could be broken and Mr. Procyk responded that they could not. She stated that she reviewed her records for the 16 years that she has been organizing the Program and Bruce Fosselman gave her authorization to sign the contracts. She stated that a clause has been added to the contracts stating that the Borough can break the contracts as long as they do this before

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February 1 of the year the contracts are signed. She believes that it will be difficult to obtain bands with this clause included. She stated that she is resigning from the Special Entertainment Commission effective January 16, 2012. Mr. Labenberg responded that the Series is not being cancelled. He also responded that in order to protect the Borough, it is necessary for a Borough official to sign the contracts. Mr. Barrett clarified that the Summer Concert Series is fully funded for 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to accept Mrs. Sadrovitz's resignation from the Special Entertainment Commission effective January 16, 2012.

Motion by Mr. Barrett, seconded by Mr. Shubzda to table the motion.

Mrs. Gilbert directed Mrs. Sadrovitz to place her resignation in writing. She stated that the matter will be addressed at the next Council Meeting.

B. Frank Sadrovitz, 130 N. 4th Street, Emmaus - questioned why Mr. Barrett asked if the contracts with the musicians could be cancelled for the 2012 Summer Concert Series. Mr. Holtzhafer responded that all discretionary spending was assessed and it was decided to fully fund the Series for 2012. Mr. Barrett stated that he did question whether the contracts were valid, but that it was his due diligence to ask the question. Mr. Sadrovitz stated that he is resigning from the Special Entertainment Commission effective immediately. He also stated that Council allows too many fee waivers for pavilions at the Community Park.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Brown to dispense with the formal reading of the January 3, 2012 Minutes. There were 7 ayes. Motion carried.

Mr. Barrett stated that on Page 1, the vote totals for Vice President are incorrect. He stated that he did not vote for himself. The Minutes should read, "Mr. Barrett received 2 votes for Council Vice President. (Labenberg, Waddell).

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the January 3, 2012 Minutes as amended. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

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- a. Emmaus General Authority – 2012 Appointments.
- b. Thomas Nervine, Emergency Services of Lehigh County – Lehigh Valley Hazard Mitigation Plan Update Project Meeting. Mrs. Gilbert directed that a copy be forwarded to the Emergency Management Coordinator, Kevin Farnish.
- c. Marg Iannace, 156 E. Harrison Street – Letter of resignation from the Civil Service Commission (term expired 1/1/2012).
- d. Jean Shook, 2670 Mountain View Circle – Request appointment to the Emmaus Arts Commission. Mrs. Gilbert stated that Ms. Shook's address is located outside of the Borough limits. Dr. Waddell responded that the Arts Commission is at full capacity. Referred to the General Administration Committee.
- e. Theodore Iobst, II, 413 S. Fifth Street – Request appointment as Regular Member to the Zoning Hearing Board (term as Alternate expires 1/1/2013). Referred to the General Administration Committee.
- f. Ronald Gilbert, 20 E. Greenleaf Street – Request appointment as Alternate to the Zoning Hearing Board. Referred to the General Administration Committee.
- g. Troy Wildasin, Emmaus – Concerns regarding recently opened business on State Street. Referred to Staff.
- h. Benjamin Fetterman, 104 Elm Street – Letter of resignation from the Zoning Hearing Board (term expires 1/1/2014).

Motion by Mr. Barrett, seconded by Dr. Waddell to accept Mr. Fetterman's letter of resignation from the Zoning Hearing Board (term expires 1/1/2014). There were 7 ayes. Motion carried.

- i. Vickie Gruver, 672 Chestnut Street – Request reappointment to the Parks and Recreation Commission (term expires 5/1/2012). Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

ITEMS NOT ON AGENDA, subject to Rule 9 – None.

MAYOR'S REPORT

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Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the current utility software is unable to process a mass credit for the Penn Vest issue and will process individual credits in the amount of \$5.64. The process will take approximately 5 cycles to be completed and will be reflected as a credit on the resident's water/sewer bills. Dr. Waddell stated that he spoke with Mr. Gibson and updated him on the matter.

Mr. Labenberg reported that the Committee will discuss the Landis Circle icing matter at its next meeting on February 2, 2012.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on January 20, 2012 at 3:45 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on February 7, 2012 at 3:30 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee is recommending hiring Charles Chiaverelli and Ryan Crawford as part-time EMT's for the Emmaus Ambulance Corps at an hourly rate of \$12.36.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Charles Chiaverelli as part-time EMT for the Emmaus Ambulance Corps at an hourly rate of \$12.36. There were 7 ayes. Motion carried.

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Motion by Mr. Brown, seconded by Mr. Labenberg to hire Ryan Crawford as part-time EMT for the Emmaus Ambulance Corps at an hourly rate of \$12.36. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Committee will conduct an interview for the Civil Service Commission vacancy at its next Meeting on January 19, 2012. She also reported that the vacancy was properly advertised.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee has two items for Council approval. The first item is the hiring of Shane Pepe as Borough Manager. He reported that this item will be handled during Executive Session. Dr. Waddell reported that Jessica Wessner's probationary period expired on January 6, 2012. Dr. Waddell read a memorandum from Christine Snyder recommending hiring Jessica Wessner as full-time Cashier. He stated that Ms. Wessner has performed exemplary in her duties and works very well with Teresa Pohlmann. Mr. Brown stated that Mr. Clapper is pleased with both Ms. Wessner and Ms. Pohlmann's performance. Mr. Labenberg agreed with Dr. Waddell.

Motion by Dr. Waddell, seconded by Mr. Barrett to recommend Jessica Wessner to full-time status as the Cashier. There were 7 ayes. Motion carried.

Dr. Waddell reported that the Committee will meet on January 25, 2012 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012- 4, authorizing payment of the January 16, 2012 Bill List, as follows:

Bill List	\$	121,777.54
Payroll #1	\$	122,929.70
Payroll Taxes	\$	<u>39,379.33</u>
Total	\$	284,086.57

Done this 16th of January 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to approve the January 16, 2012 Bill List. There were 7 ayes. Motion carried.

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Mr. Holtzhafer reported that the revenue for the 2012 budget was greater than expected and there was a larger cash carryover than expected. He noted that there was a quarterly budget summary placed in Council's mailboxes. He also noted that every department was under budget for 2011. Mr. Holtzhafer reported that the General Fund had a greater cash carryover and the Water Fund had a smaller cash carryover than anticipated. He stated that Mr. Neely prepared a conservative budget for 2012 and complimented him on his efforts. Mr. Holtzhafer entertained questions about the 2012 Budget. Mr. Barrett questioned why the Water Fund had a smaller cash carryover than anticipated. Mr. Holtzhafer responded because there were worker's compensation expenses and unexpected expenses in the Water Department. He noted that there were new DEP water sample testing requirements which were more expensive than anticipated. Dr. Waddell asked how the carryover will be reflected as a Line Item. Mr. Holtzhafer responded because the 2012 Budget has been passed, the carryover will be placed in a Contingency Fund. Mr. Holtzhafer stated that the philosophy of the new Borough Manager will decide the manner in which the Contingency Fund is used.

Mrs. Gilbert stated that Dr. Waddell questioned the Street Lighting Expense at the last Council Meeting. She reported that a bill was received from Telco for a street light replacement at 6th & Chestnut and it was taken out of the account.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee will meet on January 26, 2012 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Barrett reported that he is working towards setting a regular meeting schedule. Mrs. Gilbert offered Mr. Barrett a copy of the Junior Council Member Draft Resolution.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT -

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Mrs. Gilbert reported that Christine Snyder has prepared the Significant Revenue and Expense Items for the 1st half of January 2012. Mrs. Gilbert stated that if there are any questions she will direct them to Ms. Snyder.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert called an Executive Session at 7:35 p.m. to discuss a personnel matter, and a possible litigation issue, anticipating that official action would be taken upon reconvening.

Mrs. Gilbert reconvened the Meeting at 7:50 p.m. with official action being needed.

Dr. Waddell read Resolution 2012-3.

Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Shane Pepe to the position of Borough Manager, at a salary of \$80,000, effective January 23, 2012 for a term expiring on January 6, 2013. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the Borough is fortunate to hire someone with Mr. Pepe's level of experience. Mr. Brown stated that he believes Mr. Pepe has a lot to offer to the Borough. Dr. Waddell stated that Mr. Pepe is Borough Manager of Berwick, PA and was unable to attend tonight's Council Meeting because he is attending his last Council Meeting in Berwick.

Motion by Mr. Labenberg, seconded by Mr. Brown to adjourn the January 16, 2012 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 7:51 p.m.

Transcribed by: Paula Weiant
Administrative Assistant
January 17, 2012