

February 7, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, February 7, 2011, 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 17, 2011

7. Decisions on Bids

Bid Results – Chlorine/PH Analyzer

8. Communications

- a. Kathleen Haney, Shops of Emmaus – Election of Board Members
- b. Michelle Steiner, 1104 W. Jubilee St. – Request reappointment to the Parks and Recreation Commission (term expires 5/1/2011).
- c. Jeff Purtell, Emmaus – Request field usage fee waivers for Allentown Hibernians Hurling Club and St. Ann's soccer program.
- d. Dennis Ramella, Activities Director, Emmaus High School – Pavilion use for Senior Class Picnic.
- e. Karen McGuinness, Service Unit Manager, Girl Scout of Eastern PA – Pavilion use for awards event.
- f. Cris Brauchle, 535 E. Berger St., Emmaus – Request field usage fee waiver for East Penn Emmaus Midget Football Association.

9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

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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 – March 3, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements

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

Next Meeting – February 10, 2011 at 4:00 p.m.

- a. Compost Options
- b. Refuse/Recycling with Raritan Valley
- c. Emmaus and Upper Milford Joint Environmental Advisory Council
- d. Board of Health – Ordinance changes required
- e. Riparian Buffer Ordinance
- f. Bollinger Land/Indian Creek Golf Course
- g. Electricity Provider

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – March 1, 2011 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. Triangle Park – Use Requirements and Guidelines

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – February 10, 2011 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – February 9, 2011 at 9:00 a.m.

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- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Public Parking Spaces on Jubilee Street

General Administration (continued)

- e. **Appointment of Daniel Schmidt to the Emmaus Arts Commission (term expires 2/7/2013).**
- f. **Resolution 2011-5 Dissolving the Emmaus 2009 Anniversary Committee**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – February 22, 2011 at 6:45 p.m.

- a. **Bill List – Resolution 2011-6**
- b. Per Capita Tax Ordinance

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

Next Meeting – February 22, 2011 at 4:15 pm.

- a. Display of 2009 Anniversary Items and Contents of the 1959 Time Capsule
- b. Emmaus Main Street Program—West End Gateway Sign Presentation
- c. Streetscape Improvement Project
- d. Lanta Metro Meeting Update

Ad Hoc Committees (Holtzhafer, Barrett, Gilbert, Neely, 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**

- a. **Significant Revenue and Expense Items for January 2011**

19. **President's Business**

20. **Adjournment**

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Next Resolution #7
Next Ordinance #1076

The Emmaus Borough Council met in regular session on February 7, 2011 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Vice President Holtzhafer called the Meeting to order at 7:00 p.m.

Lee Ann Gilbert, President	Absent
Brian Holtzhafer, Vice President	Present
Michael Waddell	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Josephine Sadrovitz, 130 N. 4th St., thanked the Borough for responding to her Personal Appeal concerning parking at the Triangle for employees of businesses located on the Triangle.

B. John Donches, 559 Minor St., thanked everyone involved with the Snowblast Festival. He encouraged Council to be fiscally responsible and to start over again with the Legion Baseball Field Reconstruction Project.

C. Jim Woodeshick, 108 Seem St., voiced concern about snow removal and stated that he is concerned about cars parked in the travel lanes during storms. He asked if the police could place a warning on cars to have the residents move their vehicles from the travel lanes. Dr. Waddell stated that he agrees with Mr. Woodeshick. He asked Mr. Neely for a snow removal update. Mr. Neely responded that the Public Works Department is performing snow removal on a daily basis.

D. Jeff Lotte, 560 Broad St., stated that he is concerned about the Broad Street Reconstruction Project curb/sidewalk replacement and its costs. Mr. Neely responded that the Project is out for bid with a bid opening on February 18, 2011. Mr. Lotte asked if the cost will be provided to the residents. Mr. Neely responded that after the Bid Award is announced Mr. Lotte could contact Mr. Clapper or himself for the information.

COMMUNITY MINUTE

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Dr. Waddell thanked all parties involved with the Snowblast Festival, observing that it was a very nice community effort.

SPECIAL PRESENTATIONS –None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Brown to dispense with the formal reading of the January 17, 2011 Minutes. There were 6 ayes. Motion carried.

Mr. Reinhard commented that on Page 12, under the Parks and Recreation Committee Report, he would like his comment, “Mr. Reinhard voiced concerns over engineering spending with the Ballfield Project,” to be added.

Motion by Mr. Labenberg, seconded by Dr. Waddell to adopt the January 17, 2011 Minutes as amended. There were 6 ayes. Motion carried.

DECISION ON BIDS

Mr. Neely read a Memorandum prepared by Jeff Clapper, stating that on February 2, 2011, there was 1 bid received for Chlorine/PH Analyzers, which was from LRM, Inc., in the amount of \$19,600. Mr. Clapper recommends awarding the bid to LRM, Inc., in the amount of \$19,600.

Motion by Mr. Labenberg, seconded by Mr. Brown to award the Chlorine/PH Analyzers bid to LRM, Inc., in the amount of \$19,600. There were 6 ayes. Motion carried.

COMMUNICATIONS

- a. Kathleen Haney, Shops of Emmaus – Election of Board Members. Mr. Holtzhafer directed Mr. Neely to send a Thank You letter to Ms. Haney.
- b. Michelle Steiner, 1104 W. Jubilee St. – Requesting reappointment to the Parks and Recreation Commission. Referred to the Parks and Recreation Committee.
- c. Jeff Purtell, Emmaus – Request field usage fee waivers for Allentown Hibernians Hurling Club and St. Ann’s soccer program. Referred to the Parks and Recreation Committee.
- d. Dennis Ramella, Activities Director, Emmaus High School – Pavilion use for Senior Class Picnic. Referred to the Parks and Recreation Committee.
- e. Karen McGuinness, Service Unit Manager, Girl Scouts of Eastern PA – Pavilion use for awards event. Referred to the Parks and Recreation Committee.
- f. Cris Brauchle, 535 E. Berger St., Emmaus – Request field usage fee waiver for East Penn Emmaus Midget Football Association. Referred to the Parks and Recreation Committee. Mr. Neely thanked the Football Program and stated that at the last Parks and Recreation Committee Meeting it presented the Borough with a \$1,000 donation.
- g. Gene Clock, Emmaus – Downtown Parking.
- h. Chris Schmidt, Emmaus – Downtown Parking.

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i. Tim Knecht and Maria Olsen – Thank you to Jeff Clapper and the Public Works Department for Snow Removal on Main Street.

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

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on February 3, 2011 with no official action being recommended to Council. He reported that the Committee discussed the January 27, 2011 Snowfall Response. He also reported that the Committee discussed the Broad Street Reconstruction Project. He stated that the Project is currently out for bid and UGI advised that it will be out in the next 2 weeks to begin replacing gas lines and installing outside gas meters. Mr. Labenberg reported that there is currently an opening in the Public Works Department. He asked Mr. Neely if an ad was placed for the position. Mr. Neely responded that staff has advertised the vacant position.

Mr. Labenberg reported that Mr. Clapper updated the Committee on recent developments concerning new water testing requirements from the EPA, being administered via the Pennsylvania DEP. The new requirements compel the Borough to test for, or obtain a waiver for, testing of new compounds and elements that were previously not required. He stated that the testing and waiver process is more expensive than was anticipated and that the Committee will move forward after more information is obtained.

Mr. Reinhard noted that the Committee report states that there was a discussion about Rules and Regulations for Public Works Employees. He asked how that differs from the Employee Handbook. Mr. Labenberg responded that there are separate Rules and Regulations for the Public Works Employees, which have become outdated, but which cannot be implemented until the next Contract negotiations. Mr. Reinhard asked if the Rules and Regulations for the Public Works Employees supersede the Employee Handbook. Mr. Neely

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responded that the Personnel Policy is 27 separate policies and about half of those do not apply to any employee subject to a Collective Bargaining Agreement. The Rules and Regulations are rules dealing with matters that are unique to the Public Works Department and are mostly disciplinary measures.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Board of Health met on January 20, 2011 and discussed House Bill 174, which is also known as Act 106, which deals with the inspection of food establishments by the Health Inspector and the certification process involved with the inspections. The Health Inspector will be reviewing the Borough Code of Ordinances to suggest the necessary changes.

Mr. Reinhard asked which Committee will be reviewing electric providers. Mr. Neely responded that staff will be doing the research. Mr. Holtzhafer directed Mr. Neely to provide an update for the March Health, Sanitation, and Conservation Committee Meeting. Mr. Labenberg suggested visiting Pennsylvania's website for PPL rates. Mr. Holtzhafer responded that the website is www.pplelectric.com/e-power. Mr. Neely thanked Mr. Labenberg for the suggestion.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the February 1, 2011 Meeting was cancelled, with the next Meeting scheduled for March 1, 2011.

Mr. Reinhard commented that on January 26, in the East Penn Free Press, there was a Letter to the Editor from Mr. Neely providing an update on the Legion Baseball Field Reconstruction Project. Mr. Reinhard asked if Mr. Neely was authorized to provide the update. Mr. Neely reviewed the circumstances of his submitting the information for publication.

Mr. Reinhard stated that the Parks and Recreation Committee authorized the Borough Engineer to perform services for the Project using discretionary spending money and believes that matters like that should be voted on by full Council.

Motion by Mr. Reinhard that all discretionary spending for engineering studies are voted on by full Council.

Mr. Holtzhafer asked Mr. Reinhard for clarification on his use of the term "discretionary spending." Mr. Labenberg stated he supports Mr. Reinhard's motion because money was spent on engineering studies for the Legion Baseball Field Reconstruction Project without being submitted to full Council. Mr. Neely responded that he believes the item

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should be discussed at the Committee level. Mr. Holtzhafer referred the item to the General Administration Committee.

Mr. Reinhard withdrew his motion.

Progress.

d. Public Safety Committee

Mr. Neely reported that the Committee will meet on February 10, 2011.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee interviewed Dan Schmidt to fill a vacancy on the Emmaus Arts Commission. The Committee recommends that Council appoint Dan Schmidt to the Arts Commission to complete a term expiring on February 7, 2013.

Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Dan Schmidt to the Emmaus Arts Commission to a term expiring on February 7, 2013. There were 6 ayes. Motion carried.

Dr. Waddell reported that the Committee discussed archiving videotapes of Council Meetings. Technical difficulties prohibit its present implementation, but if the website is revamped, it will be possible. Upgrading the website will be considered after the installation of new software and hardware in Town Hall, which should be completed by early summer.

Dr. Waddell reported that the Committee discussed how Personal Appeals are handled at Committee Meetings. The Committee decided that discretion should remain with the Committee Chairs to decide the procedure to be used at his/her Committee Meetings.

The Committee discussed dissolving the 2009 Anniversary Committee. The Anniversary Committee was sanctioned by a Borough Council Resolution. The General Administration Committee recommends to Council that it adopt Resolution 2011-5. Dr. Waddell read Resolution 2011-5, A Resolution of the Borough of Emmaus Decommissioning and Dissolving the Emmaus 2009 Anniversary Committee.

Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Resolution 2011-5. There were 6 ayes. Motion carried.

Dr. Waddell thanked everyone that was involved with the Anniversary Committee and the Anniversary Celebration.

Dr. Waddell commented that he failed to thank Mike Nonnemacher and the Emmaus Ambulance Corps, for its participation in Snowblast, during the Community Minute and did so at this time.

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Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 6, authorizing payment of the February 7, 2011 Bill List, as follows:

Bill List	\$ 425,368.85
Payroll #2	\$ 112,910.09
Payroll Taxes	\$ 35,295.28
Total	\$ 573,574.22

Done this 7th day of February 2011.

Motion by Mr. Reinhard, seconded by Mr. Labenberg to approve the February 7, 2011 Bill List. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met on January 26, 2011. He reported that the Borough received two Treevitalization Grants in the amount of \$2000 each from the County of Lehigh and Harleysville Bank to replace trees on Main Street. He stated that the Committee will provide an update on the cost of trees and how many will be able to be replaced.

Mr. Brown reported that there are several grants available from Lehigh County, including the Treevitalization Grant and the Streetscape Improvement Grant. He stated that there is \$15,000 available through the Streetscape Grant with a 50% match.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. John Donches, 559 Minor St., voiced concern about the Borough's use of grant money. He stated that the Borough received a grant to plant the Bradford Pear trees and is now using a grant to remove the pear trees. Mr. Neely responded that he believes the Bradford Pear trees were donated by the Emmaus Chamber of Commerce in the 1980's.

B. Frank Sadrovitz, 130 N 4th St., asked for an update on the Civil War Flag. He asked who made the frame for the blanket hanging in Council Chambers. Mr. Brown responded that he is unsure who made the frame for the blanket and does not have an update on the Flag. He

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stated that he will follow-up with the Emmaus Arts Commission and the Emmaus Flag Day Association.

C. Otto Slozer, 121 E. Elm St., stated that the frame for the Moravian quilt donation was made by and donated by the friend of a prior Councilman. He stated that the grant for the street trees was completed over the years in phases by various funding sources. He also stated that many types of governments are having trouble meeting their budgets and the Borough should be cautious about needless spending. He agreed with Mr. Reinhard's recommendation to have full Council vote on money spent on engineering studies. He stated that under Roberts Rules or Order, when a motion is made on the floor, any discussion is improper until a second is called for. Once it is seconded, then a discussion can take place. If it is not seconded there is no need for a discussion because the motion dies.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for January 2011 are in the Council binders, and offered to entertain any questions about them.

Mr. Reinhard stated that he was recently asked about the PennVest Credit and asked for an update on the item. Mr. Neely responded that the credit should be shown on the bills being prepared and will double check with the Water/Sewer clerk. Mr. Labenberg suggested updating Mr. Gibson on the matter.

Progress.

PRESIDENT'S BUSINESS

Motion by Dr. Waddell, seconded by Mr. Labenberg to adjourn. There were 6 ayes. Motion carried.

The Meeting of the Emmaus Borough Council adjourned at 8:02 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 10, 2011