

February 21, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Tuesday, February 21, 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

February 6, 2012

7. Decisions on Bids
8. Communications
 - a. Peter Kapustiak, Emmaus Kiwanis – Annual Easter Egg Hunt.
 - b. Wesley Barrett, Lehigh Valley Road Runners – 4 Mile Road Race .
 - c. Chrissy Flexer, 3701 Pine Street – Request permission to place fund raiser signs in the Borough.
9. Borough Engineer's Report
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

February 21, 2012

EMMAUS BOROUGH COUNCIL

16. Committee Reports

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

Next Meeting – March 1, 2012 at 3:00 p.m.

- a. Wieders Lane Status
- b. 2012 Proposed Road Work

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

Next Meeting – March 16, 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 – March 6, 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**
- f. **Appoint Roy Anders to the Parks and Recreation Commission (term expires 5/1/2014)**
- g. **Appoint Kathy Haney to the Special Entertainment Commission (term expires 6/7/2013)**
- h. **Appoint Jenae Holtzhafer to the Special Entertainment Commission(term expires 6/7/2013)**
- i. **EMAC request to use Pool from June 1st to August 1st from 7:00 am. –10:00 a.m.**
- j. **Parks and Recreation Commission letter about Community Day – July 21, 2012**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – March 8, 2012 at 3:00 p.m.

February 21, 2012

EMMAUS BOROUGH COUNCIL

- a. Tractor Trailer Parking- Approval to meet with Borough Engineer
- 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

Public Safety (continued)

- f. **Hire Matthew Hahn as Driver for the Fire Department**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – February 22, 2012 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Solicitor Interviews

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – February 28, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2012-6**
- b. Emergency Management Coordinator Compensation
- c. Natural Gas Possible Savings
- d. Effect of Allentown EIT Changes
- e. Budget Completion and Review
- f. Policy for Receipts and Packing Slips
- g. **Cell Phone Plan Cost Savings**
- h. **Business Privilege Tax Review**

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

Next Meeting – February 23, 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. Trevitalize Grant
- e. **Emmaus Main Street Partners Bike Race—July 8, 2012**

February 21, 2012

EMMAUS BOROUGH COUNCIL

Ad Hoc Committees (Barrett, Waddell, Holtzhafer, Pepe, 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 First Half of February 2012**

19. President's Business

13. Adjournment

Next Resolution #7

Next Ordinance #1085

The Emmaus Borough Council met in regular session on February 21, 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
Shane Pepe, Borough Manager	Present

February 21, 2012

EMMAUS BOROUGH COUNCIL

PERSONAL APPEALS, PART I

A. Tony Groller, 1302 S. 10th Street – voiced concern about the Public Works Department having Group Leaders that get paid a higher wage and encouraged Council to remember Borough taxpayers during contract negotiations.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the February 6, 2012 Minutes. There were 7 ayes. Motion carried.

Solicitor Procyk noted that on Page 16, under Call to Order, he was listed as being present. John Ashley attended the Meeting in Solicitor Procyk's absence.

Motion by Mr. Barrett, seconded by Dr. Waddell to adopt the February 6, 2012 Minutes as corrected. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Peter Kapustiak, Emmaus Kiwanis – Annual Easter Egg Hunt. Referred to Staff.

b. Wesley Barrett, Lehigh Valley Road Runners – 4 Mile Road Race. Referred to Staff.

c. Chrissy Flexer, 3701 Pine Street – Request permission to place fundraising signs on properties in the Borough. Mrs. Gilbert noted that it is up to the individual home owner to give Ms. Flexer permission to place signs on their properties. Mrs. Gilbert stated that no action is required by Council and directed Mr. Pepe to notify Ms. Flexer of this.

d. J. Michael Lee, President & CEO, Miller Keystone Blood Center – Letter of thanks to the Emmaus Community Park for hosting a blood drive and thanking Vickie Gruver for the success of the drive.

e. Lehigh County Bicentennial Events

f. Pamela Bechtel, Executive Director, Meals on Wheels – Invitation to Borough Council to deliver meals to homebound clients on Wednesday, March 21, 2012.

BOROUGH ENGINEER'S REPORT –None.

February 21, 2012

EMMAUS BOROUGH COUNCIL

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 will meet on March 1, 2012.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on February 17, 2012. He reported that he will have an updated report prepared for the next Council Meeting on March 5, 2012.

The next Committee Meeting is March 16, 2012.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on February 7, 2012. He reported that the Committee discussed the Request for Proposal for the Concession Stand at the Emmaus Community Pool. The Committee changed the dates on the RFP from May 26, 2012, up to and including, but no earlier than Monday, September 3, 2012. The RFP had previously read that the concession stand shall remain open from the first day that the pool was open to the last day that the pool is open. Mr. Barrett noted that the change gives the individual running the concession stand the opportunity to extend the length of time the stand is open. He also noted that the minimum rental fee owed to the Borough

February 21, 2012

EMMAUS BOROUGH COUNCIL

in the amount of \$2,500 has been changed to \$3,000 or the percentage purposed, whichever amount is greater. Dr. Waddell asked where the advertisements will be placed. Mr. Barrett responded that the advertisement will be placed in the East Penn Press and through word-of-mouth with individuals that run carnivals. Dr. Waddell asked how the bid is awarded. Mr. Holtzhafer responded that the bid is awarded based on the highest percentage of gross receipts. In 2011, the amount in the contract with Schreiter's Chuckwagon was 10% or \$3,000, whichever was greater. Mr. Brown asked if the contract will list specific events and times that the concession stand will remain open. Mr. Pepe responded that it will. Dr. Waddell asked if the specific events and times should be included in the RFP. Solicitor Procyk responded that specific times and events should be included in the RFP. Mr. Holtzhafer responded that the RFP lists the hours of operation as being a minimum of 8 hours a day between the hours of 12:00 p.m. to 8:00 p.m. The vendor will have the opportunity of remaining open beyond those hours but will not be required to.

Motion by Mr. Barrett, seconded by Mr. Labenberg to authorize Mr. Pepe to advertise for the Request for Proposal for the Concession Stand at the Emmaus Community Park. There were 7 ayes. Motion carried.

Mr. Barrett stated that the Committee interviewed three individuals for the Parks and Recreation Commission, Brian Gruver, Roy Anders, and Jeff McElhaney. There are currently two vacancies on the Commission. The Committee recommends appointing Roy Anders to the Commission.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to appoint Roy Anders to the Parks and Recreation Commission to a term expiring 5/1/2014. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee recommends appointing Kathy Haney to the Special Entertainment Commission to a term expiring 6/7/13.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Kathy Haney to the Special Entertainment Commission to a term expiring on 6/7/13. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee recommends appointing Jenae Holtzhafer to the Special Entertainment Commission to a term expiring on 6/7/13.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Jenae Holtzhafer to the Special Entertainment Commission to a term expiring on 6/7/13. There were 6 ayes, 1 abstention (Holtzhafer). Motion carried.

February 21, 2012

EMMAUS BOROUGH COUNCIL

Mr. Barrett reported that the Emmaus Aquatic Club is asking to use the Emmaus Community Pool week days from June 1, 2012 until August 1, 2012 from 7:00 a.m. until 10:00 a.m. for a rental fee of \$1500.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to authorize Emmaus Aquatic Club's use of the Emmaus Community Pool weekdays from June 1, 2012 to August 1, 2012 from 7:00 a.m. until 10:00 a.m. for a rental fee of \$1500. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Parks & Recreation Commission is requesting the use of Emmaus Community Park on July 21, 2012 for its 2nd Annual Community Day. Dr. Waddell asked if there are Pavilions rented on that day. Mr. Barrett responded that the Borough will notify individuals renting pavilions about the event and that the Commission is only requesting the use of the Arts Pavilion. Mr. Barrett stated that the Parks & Recreation Commission will submit the Community Event Information Sheet shortly.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to authorize the Parks & Recreation Commission use of Emmaus Community Park on July 21, 2012 to hold its 2nd Annual Community Day. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee met with members of the Emmaus Action Sports to discuss the idea of a skate park in the Borough and to discuss potential locations and fundraising efforts.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on February 9, 2012. Mrs. Gilbert reported that the Committee recommends hiring Matthew Hahn as a driver for Truck #711 and #712 for the Emmaus Fire Department.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Matthew Hahn as a driver for Truck #711 and #712 for the Emmaus Fire Department. There were 7 ayes. Motion carried.

Mrs. Gilbert entertained questions about the Committee Report. Dr. Waddell voiced concerns about street lighting and stated that he will be opposing adding any additional lights to the Borough. He stated that there are 800 street lights in the Borough and believes a light inventory is necessary. Mrs. Gilbert responded that a light inventory is planned. Dr. Waddell asked if the Borough could approach PPL to alter the existing lighting to minimize light pollution.

February 21, 2012

EMMAUS BOROUGH COUNCIL

Dr. Waddell stated that he is concerned about nails being intentionally thrown in front of the Public Works building, gates, and compost road and hopes the individual is caught and punished to the fullest extent of the law.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on February 8, 2012.

The next Committee Meeting is February 22, 2012.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012- 6, authorizing payment of the February 21, 2012 Bill List, as follows:

Bill List	\$	392,079.20
Payroll #3	\$	131,253.17
Payroll Taxes	\$	<u>45,179.73</u>
Total	\$	568,512.10

Done this 21st day of February 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to approve the February 21, 2012 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee will meet on February 28, 2012 at 3:30 p.m. He directed Mr. Pepe to invite Christine Snyder to the Meeting.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met prior to the Council Meeting and recommends approving the concept of a July 8 bike race through the borough being proposed by the Emmaus Main Street Partners. He stated that due to time constraints it is necessary for Council to approve the concept immediately. He also stated that once Council approves the concept the bike race will be placed on the Public Safety Committee's Agenda.

February 21, 2012

EMMAUS BOROUGH COUNCIL

Motion by Mr. Brown, seconded by Mr. Barrett to approve the concept of a bike race to be held throughout the Borough on Sunday, July 8, 2012 from 10:00 a.m. to 8:00 p.m.

Gene Clock, representing the Emmaus Main Street Partners, stated that the races will begin at approximately 12:30 p.m. and will last until approximately 6:00 p.m. Mr. Clock stated that the Partners are requesting a street closure from 8:00 a.m. until 8:00 p.m. Mr. Holtzhafer suggested that Mr. Brown amend his Motion to reflect the same. Mr. Labenberg asked if all the details of the race would be completed before the race. Mr. Pepe responded that Council needs to give the theoretical go ahead on the concept because it may take up to 60 days for PennDot to issue the street closure permits. Mr. Labenberg asked if the race will be funded with no cost to the Borough. Mr. Pepe responded that the Emmaus Main Street Partners had been given a preliminary cost estimate of \$20,000 by the Borough and that the Partners indicated that they have some means of funding available and that they are seeking other funding. Mr. Barrett wished the Emmaus Main Street Partners luck in its effort to make the race happen and believes it is a very positive event for the Borough.

Mr. Brown amended his Motion and Mr. Barrett amended his second so that the Motion would read as follows:

Motion by Mr. Brown, seconded by Mr. Barrett to approve the concept of a bike race to be held throughout the Borough on Sunday, July 8, 2012 from 8:00 a.m. to 10:00 p.m. There were 7 ayes. Motion carried.

The next Committee Meeting is February 23, 2012.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Barrett reported that he is working towards setting a regular meeting schedule.

Progress.

PERSONAL APPEALS, PART II

A. John Eyer – 331 N. 2nd Street – voiced concern that the proposed bike race on July 8, 2012 will coincide with an EYA U-trip Softball Tournament. Mrs. Gilbert responded that the date will be researched. Mr. Pepe reviewed the proposed road closures for the bike race. Mr. Eyer stated that the Softball Tournament will use the 4th Street, Kiwanis, Williams, Cintas, and Boroline fields. Mr. Pepe responded that the detour will be discussed at the staff meeting on February 23 at 9:00 a.m. Mrs. Gilbert invited Mr.

February 21, 2012

EMMAUS BOROUGH COUNCIL

Eyer to attend the next Public Safety Committee meeting on March 8, 2012 at 3:00 p.m. Mrs. Gilbert stated that she believes the detours will be similar to the Halloween Parade detours.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1st half of February, 2012 are in the Council binders and offered to entertain questions about it.

Mr. Pepe discussed the Allentown Neighborhood Improvement Zone (NIZ), which is a special taxing district that was created in Allentown. He explained that the city will retain all EIT, LST, and state taxes for all people working in this zone. He also discussed the Philadelphia Super Credit. He explained that the Lehigh County Tax Collection Committee is considering joining with other county Tax Collection Committees to file litigation against the PA Dept. of Community and Economic Development. The case will most likely go to the PA Supreme Court, which will take approximately two years. He stated that there is a meeting on March 15, 2012 to further discuss the matter.

Mr. Pepe announced that he has been Borough Manager for thirty days and is very happy with his position and the progress that has been made thus far.

Progress.

PRESIDENT'S BUSINESS

Motion by Mr. Labenberg, seconded by Dr. Waddell to adjourn. There were 7 ayes. Motion carried.

The February 21, 2012 Meeting of the Emmaus Borough Council adjourned at 8:05 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 21, 2012