

March 5, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, March 5, 2012, 7:00 PM**

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

Emmaus Main Street Partners  
Engle-Hambright & Davies, Inc.—RFP vs. RFQ

6. Reading of Minutes

February 21, 2012 and March 1, 2012

7. Decisions on Bids
8. Communications

a. Teri Madison, Emmaus Main Street Partners – Main Street Championship Cycling Event Requests.

b. Teri Madison, Emmaus Main Street Partners – 2<sup>nd</sup> Saturday Sidewalk Sales Event Requests.

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

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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 – April 5, 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. **Hire Craig Christopher, Pool Manager**

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

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

- 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

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- e. 200 Block of Seem Street – One Way Westbound
- f. **Hire Maria Lesinski as Full Time Police Officer**

**General Administration** (Waddell, Barrett, Labenberg)

Next Meeting – March 7, 2012 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. **Signage for Jubilee St. Parking Lot**

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

Next Meeting – March 19, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2012-7**
- 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
- i. Union Negotiations

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

Next Meeting – March 22, 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
- e. Emmaus Main Street Partners Bike Race—July 8, 2012

**Ad Hoc Committees** (Barrett, Waddell, Holtzhafer, Pepe, Mayor Iobst)

Next Meeting – To be determined.

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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 February 2012**

19. President's Business

Executive Session – Contract Negotiations

13. Adjournment

Next Resolution #8  
Next Ordinance #1085

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The Emmaus Borough Council met in regular session on March 5, 2012 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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	Absent
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeff Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

Mrs. Gilbert announced the firm of Dimmich & Dinkelacker as Borough Solicitor, and introduced Jeff Dimmich as the representative at Council Meetings.

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### PERSONAL APPEALS, PART I

**A. Giovanni Landi, 869 Frank Drive** – voiced concern over the Borough raising resident's taxes while having a \$300,000 Budget Surplus. He stated that John Donches and he asked Mr. Neely for a copy of the 2012 Preliminary Budget to offer suggestions. They were informed that they needed to fill out a Right-to-Know request, which was denied. They appealed the decision with the state of Pennsylvania. They won the appeal and a copy of the Preliminary Budget was revealed. At this point, it was too late to offer suggestions. Mr. Landi stated that the process of not releasing the Preliminary Budget cost the Borough approximately \$1,000. He asked Council to explain how a surplus of such magnitude could be a surprise within weeks of the final vote on the 2012 Budget. He also asked if the residents be given an explanation of the Surplus, what the Borough plans to do with the Surplus, will it be placed in a Contingency Fund or will the surplus be spent, if the surplus will be spent, will the public be informed of how it will be spent, will the Borough repeal the tax increase, will Council stop overcharging for refuse collection? He stated that he hopes Council will provide answers to the above questions.

**B. Kate Helflin, 820 Frank Drive – Leader, Girl Scout Daisy Troop 61130** – Ms. Helflin explained that the Troop is learning about democracy and governments. The Troop introduced themselves and stated what they like about the Borough and what they would like to change.

### COMMUNITY MINUTE

Dr. Waddell thanked the Emmaus Arts Commission, Jeff Clapper, and the Public Works Department for renovations at Town Hall.

Dr. Waddell reminded everyone that July 21, 2012, is the 2<sup>nd</sup> Annual Community Day. In conjunction with the event, the Emmaus Arts Commission will hold "Art in the Garden" from 10:00 a.m. to 2:00 p.m. and the "2<sup>nd</sup> Annual Earth Art Rain Barrel Project". He thanked Kraft Foods for donating 6 barrels for the Rain Barrel Project.

### SPECIAL PRESENTATIONS

#### Emmaus Main Street Partners

Teryl Madison began the presentation by stating that the Emmaus Main Street Partners' primary focus is to enhance and improve the economic stability of the Community. She stated that the Partners has 15 Committees and 2 Sub-Committees. She introduced several Board Members including, Rich Zayaitz, Dave Brokate, Judy Yanega, Donna Marks, Ron Eichenberg, and Gene Clock. The Board Members reviewed Community events, fundraising, sponsorship, the 2012 Partner's Budget, Shop Local, Shop Emmaus, and the proposed championship bicycle race. Ms. Madison introduced

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Nicole Bloise, who was not present, as Chairperson of the Marketing Committee. She stated that the Marketing Committee promotes the Main Street Partners and the merchants within the Borough. Mr. Zayaitz thanked Dr. Waddell for serving as Council liaison. He also thanked Mayor Iobst for attending the ribbon cutting ceremonies throughout the Community. Ms. Marks thanked Borough Council for funding a Downtown Police Officer. Ms. Madison announced that the Emmaus Farmers' Market will again partner with the Main Street Partners. Mr. Clock reported that the Partners received a Pennsylvania RCAP Grant in the amount of \$500,000.

### **Engle-Hambright & Davies, Inc. – RFP vs. RFQ**

Jeffrey Boardman and Mike Molinawski of Engle-Hambright & Davis, Inc., reviewed and explained the differences between an insurance Request for Proposal and a Request for Qualifications.

### **READING OF MINUTES**

**Motion by Mr. Barrett, seconded by Mr. Brown to dispense with the formal reading of the February 21, 2012 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Dr. Waddell to adopt the February 21, 2012 Minutes as drafted. There were 6 ayes. Motion carried.**

**Motion by Dr. Waddell, seconded by Mr. Barrett to dispense with the formal reading of the March 1, 2012 Special Council Meeting Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt the March 1, 2012 Special Council Meeting Minutes as drafted. There were 6 ayes. Motion carried.**

**DECISION ON BIDS** – None.

### **COMMUNICATIONS**

- a. Teryl Madison, Emmaus Main Street Partners – Main Street Championship Cycling Event Requests. Referred to the Public Safety and Parks and Recreation Committees.
- b. Teryl Madison, Emmaus Main Street Partners – 2<sup>nd</sup> Saturday Sidewalk Sales Event Request. Referred to the Parks and Recreation Committee.
- c. Community Day, July 21, 2012 – Community Event Information Sheet – Referred to the Parks and Recreation Committee.

**BOROUGH ENGINEER'S REPORT** –None.

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### SOLICITOR'S REPORT

Solicitor Dimmich thanked the Borough for retaining Dimmich and Dinkelacker as Borough Solicitor. He reported that he met with Mr. Pepe and Department Heads to review transition items and stated that he prepared a confidential report for Council, including case law on emails and the Right-to-Know Act. He entertained questions about the report. Mr. Barrett asked Solicitor Dimmich to explain why the report he prepared is confidential, to which Solicitor Dimmich offered an explanation.

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. Brown reported that the next Meeting is April 5, 2012.

He reported that the Committee discussed crosswalk repairs and whether there is a warranty remaining on the work. He also reported that the Committee discussed the South 10<sup>th</sup> Street Culvert.

Mrs. Gilbert entertained questions about the Committee Report.

Progress.

b. Health, Sanitation, and Conservation Committee

The next Committee Meeting is March 16, 2012.

Progress.

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c. Parks and Recreation Committee

Mr. Barrett reported that in a memorandum prepared on March 2, 2012, Borough Treasurer, Christine Snyder, recommends hiring Christopher Craig, 2609 Scout House Road, Slatington as Emmaus Community Pool Manager at an hourly rate of \$11.25 with a possible \$2,000 bonus at the end of the season. Mr. Craig was the pool manager last year and Ms. Snyder was very pleased with his performance.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to hire Christopher Craig, 2609 Scout House Road, Slatington as Emmaus Community Pool Manager at an hourly rate of \$11.25 with a possible \$2,000 bonus at the end of the season. There were 6 ayes. Motion carried.**

Mr. Barrett directed Mr. Pepe to invite Mr. Craig to the April or May Parks and Recreation Committee Meeting.

The next Committee Meeting is March 6, 2012.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on March 1, 2012 in Executive Session. She reported that Council received the Civil Service Eligibility List. The top three candidates on the eligibility list are Maria R. Lesinski, Ryan J. Allen, and David S. Kokinda. The Committee recommends conditional employment as a full-time Emmaus Police Officer to Maria R. Lesinski contingent upon the following:

1. Must undergo and pass a psychiatric examination.
2. Must undergo and pass a physical examination.
3. Must have certification under Act 120 completed.
4. Must complete a one-year period of probation, which is to start from the date of being sworn in by the Mayor; and
5. Must comply with all of the policies, procedures, conditions, and terms of the Emmaus Police Department Policy Manual, applicable Civil Service Requirements, and the Collective Bargaining Agreement between the Borough of Emmaus and the Emmaus Police Officers Association.

**Motion by Mr. Brown, seconded by Mr. Barrett to offer conditional employment as full-time Emmaus Police Officer to Maria R. Lesinski contingent upon the following: Must undergo and pass a psychiatric examination, must undergo and pass a physical examination, must have certification under Act 120 completed, must complete a one-year period of probation, which is to start from the date of being sworn in by the Mayor, and must comply with all of the policies,**



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**procedures, and terms of the Emmaus Police Department Policy Manual, applicable Civil Service Requirements, and the Collective Bargaining Agreement between the Borough of Emmaus and the Emmaus Police Officers Association. There were 6 ayes. Motion carried.**

The next Committee Meeting is March 8, 2012.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee discussed a suggestion from Jeff Clapper, Public Works Director, to post signs at the Jubilee Street parking lot. The Committee recommends that a sign be posted. Dr. Waddell suggested working with Solicitor Dimmich on the correct verbiage for the sign.

Dr. Waddell reported that the Committee discussed the insurance RFP vs. RFQ, and stated that after tonight's Executive Session a motion will be made.

The next Committee Meeting is March 7, 2012.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012- 7, authorizing payment of the March 5, 2012 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>197,491.21</b>
<b>Payroll #4</b>	<b>\$</b>	<b>110,163.77</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>35,176.56</u></b>
<b>Total</b>	<b>\$</b>	<b>342,831.54</b>

Done this 5<sup>th</sup> day of March 2012.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the March 5, 2012 Bill List. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that the Committee met on February 28, 2012. The Borough has signed a contract with Glacial Energy for natural gas, which will provide for a potential savings of about \$4,000 per year. He also reported that the Borough has changed its cell phone plan and will save approximately \$2,000 per year.

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Mr. Holtzhafer reported that the Committee discussed the annual donation of \$300 to Cedarbrook Sportsmen for stocking trout at Furnace Dam. Mr. Barrett asked if the donation comes out of the Civil Service Line Item. Mr. Holtzhafer responded that it does.

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to donate \$300 to Cedarbrook Sportsmen for stocking trout at Furnace Dam. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that the Emmaus Main Street Partners has requested the release of the 2012 Budgeted Line Item funds in the amount of \$5,000.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to release the 2012 Budgeted Line Item funds in the amount of \$5,000 to the Emmaus Main Street Partners. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that the Committee discussed the Police Department retirees' request for a 2.96% pension increase. Conrad Siegel has informed the Borough that there was a COLA taken in 2009. The Committee voted to deny the increase for 2012. Dr. Waddell questioned why the Committee recommended denying the increase because there has not been a COLA since 2009. Mr. Holtzhafer responded that the budgetary impact was approximately \$46,000. Solicitor Dimmich responded that the request is a generally a negotiation issue. Mr. Barrett asked if there is a time frame to increase the pension. Solicitor Dimmich responded that there is not.

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to deny the Police Department retirees' request for a 2.96% increase. There were 6 ayes. Motion carried.**

Mr. Holtzhafer reported that the Committee discussed maintaining better track of receipts and packing slips. Mr. Pepe will begin to prepare a policy regarding this matter.

Mr. Holtzhafer reported that the Committee will begin to discuss the Borough's request from the General Authority. He also reported that Mr. Pepe discussed the option of eliminating one of the postage machines, which would save approximately \$900.00 per year. The Committee discussed the Lawn Mowing Contract. Mr. Clapper indicated that he is very happy with the current contract and it would be the second year of the extension period.

Mr. Holtzhafer entertained questions about the report. Dr. Waddell questioned the Flag Day Donation and stated that he did not receive a memorandum. Mr. Holtzhafer responded that he believes it was an email and that he requested a list of private donors the Association have asked for support prior to asking the Borough for financial support. Mr. Brown explained that he attended the Emmaus Flag Day Association Committee

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Meeting. Ron Heckman asked if the Association could receive a financial contribution from the Borough. Mr. Brown stated that he forwarded the request to Mr. Holtzhafer and Dr. Waddell. He also stated that he informed Mr. Heckman that the request should be made in writing.

Mr. Barrett thanked Mr. Pepe for being proactive with cost saving measures.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the next Committee Meeting is March 22, 2012.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

### PERSONAL APPEALS, PART II

**A. Anthony Groller, 1302 S. 10<sup>th</sup> Street, Emmaus** – asked if the Public Works employees have a special break time. Attorney Dimmich responded that council members are not obligated to answer questions during the public comment portion of Emmaus Borough Council meetings and that they need not be “interrogated” during the public appeals portion of borough council meetings. He told Council that if they desire to answer a question, they may do so, but if they do not desire to answer questions, they do not have to do so. They can address or not address the issue at some other time. He stated under the Administrative Code, complaints regarding Borough employees need to go to the Borough Manager. Mr. Groller voiced concern about several other issues with the Public Works Department.

**B. Otto Slozer, 121 E. Elm Street, Emmaus** - stated that he believes citizens have the right under the 1<sup>st</sup> Amendment to petition Government to express their grievances, including the Public Appeals Section of Government Meetings. Solicitor Dimmich responded that Mr. Slozer is correct, but that the public has a right to make comments, not to interrogate.

**C. Giovanni Landi, 869 Frank Drive, Emmaus** – Mr. Landi thanked Mr. Pepe for his hard work. He asked if there are items in the Borough Solicitor’s report that are not protected by the Sunshine Act. Solicitor Dimmich responded that it is not confidential because of the Sunshine Act, it is protected by Attorney/Client privilege. He stated that Council has the right to distribute the information if they choose to, he does not.

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BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:35 p.m. to discuss Contract Negotiations with official action anticipated.

Mrs. Gilbert reconvened the Meeting at 10:25 p.m. with official action needed.

**Motion by Dr. Waddell, seconded by Mr. Brown to direct Mr. Pepe to advertise for a Request for Qualifications for Insurance Brokers. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Brown to adjourn. There were 6 ayes. Motion carried.**

The March 5, 2012 Meeting of the Emmaus Borough Council adjourned at 10:27 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
March 8, 2012