

March 19, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, March 19, 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

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7. Decisions on Bids
8. Communications
 - a. Dave King, Owner Dirt Sculpt LLC, Allentown – Bicycle Pump Track
 - b. Meghan Groeger, 902 Evergreen Street – Restriction on Dogs
 - c. Stephen Baier, 220 Cherokee Street – Request for reappointment to the Emmaus-Upper Milford EAC. Term expired 3/7/12.
 - d. Sharon Somlinsky, Sarah Hewertson, Fundraising Chairs, S.T.E.P. – Donation request for S.T.E.P., Support Teens of East Penn, Emmaus High School's 30th After Ball All Night Party 2012.
 - e. Dennis Ramella, Director of Athletics, Emmaus High School – Request for use of Pavilions and Fee Waiver Request
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

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Ordinance No. 1085 – An Ordinance Establishing a Tree Fund, and Authorizing the Emmaus Shade Tree Commission to Collect Money in Lieu of Requiring the Replacement of Trees (1st Reading 03/19/12).

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 – 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 – April 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 – April 3, 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. **Community Day Requests**
- g. **2nd Saturday Sidewalk Sale - Music on Triangle Request**
- h. **EMSP Championship Cycling - Tents on Triangle Request**
- i. **E.P.E.M.F.A. Fee Waiver Request**

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Public Safety (Gilbert, Barrett, Brown)

Next Meeting – April 12, 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
- e. 200 Block of Seem Street – One Way Westbound
- f. **Hire Scott Watkins as Part-Time Paramedic to the Emmaus Ambulance Corps**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – April 4, 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 – April 2, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2012-8**
- 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 – April 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

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- e. Emmaus Main Street Partners Bike Race—July 8, 2012

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 March 2012**
b. **Accounting Hardware**

19. President's Business

Executive Session – Personnel

20. Adjournment

Next Resolution #9
Next Ordinance #1085

The Emmaus Borough Council met in regular session on March 19, 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	Absent

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Jeff Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Josephine Sadrovitz, 130 N 4th Street – reminded residents that the Emmaus Flag Day Association is looking for new members. The price for membership is \$10.00 per year for families.

B. Giovanni Landi, 869 Frank Drive – stated that at the March 5, 2012 Council Meeting he questioned the 2011 Budget Surplus but did not receive any answers. He also stated that he reviewed the 2011 Budget and the difference between the total Revenues and General Fund Total is \$539,796 and asked if there is a difference between this amount and the \$300,000 surplus. Mr. Holtzhafer responded that the \$300,000 surplus was in excess of the planned surplus. Mr. Landi stated that he believed when Council was discussing the 2012 Budget there was a \$50,000 shortfall and that the Contingency Fund was being spent. He stated that he also believed the Borough was beginning the year with a \$50,000 shortage and that was why there was a need for a tax increase. Mr. Holtzhafer explained that the Borough would not begin the year with a shortfall. The Contingency rolled over from 2011, and was not a part of the plan for 2012. Mr. Pepe responded that there was a detailed article in the East Penn Press explaining the surplus. Mr. Dimmich reminded Mr. Landi that Council members are not obligated to answer questions during the public comment portion of Emmaus Borough Council Meetings and that his questions could have been directed to the Borough Manager.

C. Lynn Faust, 210 Keystone Avenue – updated Council on tractor trailer parking issues on Ridge Street and Keystone Avenue and voiced concern about the Borough spending money for a study prior to preparing an Ordinance. Mr. Pepe responded that there will not be a study performed before preparing an Ordinance. He stated that the Public Safety Committee is addressing the matter and will move forward with the Ordinance. The Ordinance will include the entire community. Solicitor Dimmich responded that an Ordinance will be drafted shortly.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS -None.

READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Barrett to dispense with the formal reading of the March 5, 2012 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt the March 5, 2012 Minutes as drafted. There were 6 ayes, 1 abstention (Labenberg). Motion carried.

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DECISION ON BIDS – None.

COMMUNICATIONS

a. Dave King, Owner Dirt Sculpt LLC, Allentown – Bicycle Pump Track. Mr. Barrett explained the concept of a bicycle pump track. Referred to the Parks and Recreation Committee.

b. Meghan Groeger, 902 Evergreen Street – Restriction on certain breeds of Dogs. Referred to the Public Safety Committee. Dr. Waddell stated that he believes dogs are controlled by the state. Mrs. Gilbert stated that she will place the item on the Public Safety Committee Agenda but will direct either Mr. Pepe or Chief Faust to correspond with Ms. Groeger.

c. Sharon Somlinsky, Sarah Hewertson, Fundraising Chairs, S.T.E.P. – Donation request for S.T.E.P., Support Teens of East Penn, Emmaus High School's 30th After Ball All Night Party 2012. Mrs. Gilbert stated that she does not remember the Borough providing a donation. Council agreed not to provide a donation.

d. Dennis Ramella, Director of Athletics, Emmaus High School – Request for use of Community Park and the Arts Pavilion, Rotary Pavilion, and Moser Pavilion on Friday, May 25, 2012 from 7:00 a.m. to 2:25 p.m. and Fee Waiver Request. Mrs. Gilbert referred the item to Staff.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to grant Emmaus High School's Fee Waiver Request for the use of the Arts Pavilion, Rotary Pavilion, and Moser Pavilion on Friday, May 25, 2012 from 7:00 a.m. to 2:25 p.m. There were 6 ayes, 1 abstention (Barrett). Motion carried.

e. John Eyer, Chairman of EYA – Outline and Summary of work being completed at Community Park. Referred to Parks and Recreation Committee.

f. Karen McGinnis, Girl Scouts of America –Fee Waiver Request for use of Pavilion at Emmaus Community Park on May 21, 2012 from 6:00 p.m. to 8:00 p.m. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Solicitor Dimmich gave his report.

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

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Ordinance No. 1085 – An Ordinance Establishing a Tree Fund, and Authorizing the Emmaus Shade Tree Commission to Collect Money in Lieu of Requiring the Replacement of Trees (1st Reading 03/19/12).

Dr. Waddell explained that the Ordinance would allow the Shade Tree Commission to collect money in lieu of requiring the replacement of trees. The resident must either replace the tree or pay the Borough \$450, which is an approximation of how much the tree and installation would cost. He further explained that the Ordinance only applies to trees that are located in street rights-of-way, which are typically located 12' from the curb. Solicitor Dimmich stated that he questioned whether the Borough can delegate the expenditure of public funds to a committee that is not directly answerable to the public and will further review the Ordinance. Mr. Holtzhafer stated that he believes \$450 is an excessive amount. Mr. Barrett responded that the fee includes the cost for a professional to plant the tree. Mr. Pepe responded that the point of the ordinance is to encourage the resident to replant a tree. Mr. Labenberg stated that although he helped design the Ordinance, he is opposed to the idea of charging residents in lieu of planting a new tree. He also stated that local government should not have anything to do with telling residents where they can or cannot plant trees, and then charging the residents who do not want to plant one a fee. He stated that he will be voting against the Ordinance.

Motion by Dr. Waddell, seconded by Mr. Barrett to Table Ordinance No. 1085. There were 7 ayes. Motion carried.

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 next Meeting is April 5, 2012.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that he met with the Board of Health on March 15, 2012. The Borough had no violations between November, 2011 and February, 2012.

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Motion by Mr. Shubzda, seconded by Mr. Holtzhafer to reappoint Stephen Baier to the Emmaus and Upper Milford Joint Environmental Advisory Council to a term expiring on 3/7/2015. There were 7 ayes. Motion carried.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on March 6, 2012. He reported that the Committee received a request from Brent Lenig, President of the EPEMFA (Youth Football League) requesting a field fee waiver. He noted that 47% of the participants in the football league are Borough residents, and all players were East Penn School District students. Mr. Barrett stated that the organization historically makes a \$1,000 donation to the fields.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the EPEMFA's Field Waiver Request for field usage fees. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Emmaus Main Street Partners are requesting music on the Triangle for 2nd Saturday Sidewalk Sales.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to approve Emmaus Main Street Partners' request for music on the Triangle for 2nd Saturday Sidewalk Sales. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee received a request from the Emmaus Main Street Partners to place tents on the Triangle during the proposed bike race to be held on July 8, 2012. He reported that the Committee voted to unanimously grant the request contingent upon Jeff Clapper's approval and placement of the tents. Mr. Brown asked if the Main Street Partners were given a deadline to respond to whether or not the bike race will occur. Mrs. Gilbert responded that the item will be addressed in the Public Safety Committee Report, but that the Partners were given a deadline of April 30, 2012.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant Emmaus Main Street Partners' request to place tents on the Triangle during the proposed Championship Cycling Event to be held on July 8, 2012 contingent upon Jeff Clapper's approval and placement of the tents. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee reviewed the Community Event Information Sheet pertaining to Community Days to be held on July 21, 2012. The Parks and Recreation Commission is requesting to extend the hours of Community Park until 10:00 p.m., occupy the Legion Baseball Field, occupy the small baseball field, occupy the back soccer field, occupy the grove area, permit dogs and possibly other small animals (which will be caged) in the park, use of the basketball courts, use of the access road

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from 14th Street to the pool area, have pop-up style tents for the service clubs and churches to sell food or have kid's activities. These tents will occupy the access road and possibly the grove area.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Parks and Recreation Commission's requests of extending the hours of Community Park until 10:00 p.m., to occupy the Legion Baseball Field, to occupy the small baseball field, to occupy the back soccer field, to occupy the grove area, to permit dogs and possibly other small animals (which will be caged) in the park, use of the basketball courts, use of the access road from 14th Street to the pool area, to have pop-up style tents for the service clubs and churches to sell food or have kid's activities. These tents will occupy the access road and possibly the grove area for Community Days to be held on July 21, 2012. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee will discuss the rules regarding dogs and bicycles at Borough Parks. He reported that the Concession Stand RFP has been advertised. The Committee also discussed an opportunity to apply for a Department of Conservation and Natural Resources recreation grant. The Committee will discuss the item further.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee has one item for official action.

Motion by Mr. Barrett, seconded by Mr. Brown to hire Scott Watkins as a part-time per diem Paramedic to the Emmaus Ambulance Corps at an hourly rate of \$19.54. There were 7 ayes. Motion carried.

The Committee discussed a 24 Hour Municipal Parking Lot Ordinance, which the Borough does not currently have, for the parking spaces that the Borough currently owns located on Jubilee Street near the Canine Cutlery.

Mrs. Gilbert also reported that the Committee is currently discussing a Tractor Trailer Ordinance, which will ban tractor trailers from parking in the Borough.

Mrs. Gilbert reported that the Committee directed Mr. Pepe to contact the Emmaus Main Street Partners and give them a deadline to determine whether or not the proposed Championship Bicycle Race will occur. Mr. Pepe stated that he informed the Partners that they had until April 30, 2012 to make a final decision. Mr. Pepe stated that each Department Head prepared a breakdown of labor costs for the event which totaled over \$25,000.

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Dr. Waddell asked if there is any legal recourse for the problems with the Police Department heating system. He noted that there have been ongoing problems with the system since the station was built. Mr. Pepe responded the building was built six years ago and all warranties have expired. Mrs. Gilbert responded that she will forward the file to Solicitor Dimmich for his review.

Progress.

e. General Administration Committee

Dr. Waddell reported that the only item for official action was the Shade Tree Ordinance which has been tabled.

The next Committee Meeting is March 21, 2012.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-8, authorizing payment of the March 19, 2012 Bill List, as follows:

Bill List	\$	220,490.11
Payroll #5	\$	109,509.90
Payroll Taxes	\$	<u>35,641.36</u>
Total	\$	365,641.37

Done this 19th day of March 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the March 19, 2012 Bill List. There were 7 ayes. Motion carried.

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

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Mr. Barrett voiced frustration in having difficulty scheduling a meeting with Superintendent Seidenberger and directed Mr. Pepe to contact the school to arrange a meeting.

Progress.

PERSONAL APPEALS, PART II

A. John Donches, 559 Minor Street – agreed with Mr. Labenberg about the Shade Tree Commission Ordinance and believes it is unfair for a specific homeowner to be responsible for something that would benefit the entire community. He believes that everyone in the community should be taxed equally for sidewalk work and planting trees because it is a “shared expense for a shared benefit” for the community. Mr. Labenberg commented that there have been studies done where there is no difference in the amount of trees in a community with a Shade Tree Commission and one without. Solicitor Dimmich provided an overview of the legal framework for the Shade Tree Commission. He also reviewed the law regarding sidewalk repairs.

B. Giovanni Landi, 869 Frank Drive - thanked Mr. Labenberg for his comments about Shade Trees and the responsibility of government. He also thanked Mr. Holtzhafer and Mr. Pepe for answering his questions about the 2012 Budget. Solicitor Dimmich clarified that he did not believe Mr. Landi was wasting Council’s time during his first Personal Appeal, he was suggesting to Mr. Landi that he would be able to contact the Borough Manager directly for answers to his questions. Mr. Landi encouraged Council to repeal the tax increase incurred upon residents in 2012. Dr. Waddell stated that the 2012 Budget cannot be reopened. Mr. Landi responded that he hopes Council will look closely at the tax increase when preparing the 2013 Budget.

BOROUGH MANAGER’S REPORT

Mr. Pepe reported that beginning April 1, 2012, Service Master will assume the responsibility for janitorial services for the Borough.

Mr. Pepe reported that he emailed Council regarding the quarterly meetings on the regional association of borough’s meetings. He asked Council for direction on whether he should attend the meetings. Dr. Waddell reported that a few years ago, he attended a MECAB meeting at Lafayette College and found it interesting and informative.

Mr. Pepe provided an update on the billing software upgrade. Mr. Pepe explained that there is a Line Item in the Capital Fund for the hardware computer upgrades but asked the Budget and Finance Committee for direction on approval to purchase items for the upgrade. Mr. Pepe believes that the cost of the upgrade will fall within the Budget as long as the conversion of data runs smoothly. Mr. Holtzhafer stated that the money for the hardware computer upgrades are budgeted. He thanked Mr. Pepe for preparing the

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memorandum and asking the Budget and Finance Committee's approval to spend money. Mr. Pepe stated that it is in the Borough Code that amounts of \$4,000 and over require full Council's approval. Dr. Waddell stated that he believes that the fact that the hardware upgrades were included in the Budget authorizes Mr. Pepe to purchase the upgrades. Mr. Pepe thanked Jessica Wessner and Teresa Pohlmann for their hard work and effort during the upgrades.

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

Mr. Shubzda asked if the company performing the software upgrade has a plan if the conversion of data does not work properly. Mr. Pepe responded that Dallas Data Systems feels confident that everything will convert properly. He also responded that the old accounting system was placed on a virtual server, which was tested earlier today.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:28 p.m. to discuss personnel matters with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:41 p.m. with no official action needed.

Motion by Mr. Barrett, seconded by Mr. Shubzda to adjourn. There were 7 ayes. Motion carried.

The March 19, 2012 Meeting of the Emmaus Borough Council adjourned at 9:42 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
March 22, 2012