

April 4, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, April 4, 2011, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
 - a. Emmaus Earth Day—April 16, 2011
5. Special Presentations
6. Reading of Minutes

March 21, 2011
7. Decisions on Bids
8. Communications
 - a. Kathy Kline, Lincoln Elementary, 233 Seem St., Emmaus – Request use of fields for annual 5th grade Field Day.
 - b. Lori Ramsey, 442 N. Third St., Emmaus – Letter of interest to serve on the Planning Commission.
 - c. Judith Lieberman, 333 Ridge St., Emmaus – Emergency Plans and Prescription Drug Program inquires.
 - d. Rachel Heiney, 1003 Macungie Ave., Emmaus - Maintaining Emmaus Parks.
 - e. Garret Hoffman, 326 Spruce St., Emmaus – Meadow Pool.
 - f. Hector Manuel Rodriguez, 108 Cold Stream Ct., Emmaus – Skate Park.
 - g. Karen McGuinnes, Girl Scouts of Eastern PA, Emmaus Service Unit – Pavilion rental fee reduction.
 - h. Dennis Ramella, Emmaus High School – Field usage fee waiver.
 - i. Rebecca Kennedy, Lehigh County Conservation District – Lehigh County Sustainable Landscapes Bus Tour.
9. Borough Engineer's Report

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10. Solicitor's Report
11. Unfinished Business, Part I

12. New Business

Ordinance No. 1077 – An Ordinance Amending Chapter 21, Part 3, Section 301.3, Dealing with Fines and Violations Involving Failure to Remove Snow and Ice from Sidewalks (1st Reading 4/4/11).

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 7, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements
- e. **Hire Brent Reed for the Public Works Position**

Health, Sanitation, and Conservation (Reinhard, Holtzhafer, Waddell)
Next Meeting – April 14, 2011 at 4:00 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 5, 2011 at 3:30 p.m.

- a. Ice Rink/Skate Park

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- b. Geese at Furnace Dam
- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – April 14, 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

Public Safety (continued)

- e. 200 Block of Seem Street – One Way Westbound
- f. Snow Removal Ordinance—Penalty Provision (1st Reading)**
- g. Main Street Championship Cycling Event

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – April 6, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Public Parking Spaces on Jubilee Street
- e. RFP for Insurance Carrier Bids
- f. Personnel Policy**
- g. Video Cameras for Council Chambers**
- h. Reappointment of David Biles to the Planning Commission (term expires 4/1/2015)**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – April 18, 2011 at 6:45 p.m.

Budget Workshops – August 31 & September 28, 2011 at 7:00 p.m.

- a. Bill List – Resolution 2011-11**
- b. EAC Funding Request**
- c. General Authority Request
- d. Appointment of Berkheimer as Local Tax Collector
- e. Emergency Management Coordinator Compensation

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

Next Meeting – April 26, 2011 at 4:15 pm.

- a. Display of 2009 Anniversary Items and Contents of the 1959 Time Capsule

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- b. Emmaus Main Street Program—West End Gateway Sign Presentation
- c. Streetscape Improvement Project
- d. **Bradford Pear Trees Replacement**

Ad Hoc Committees (Holtzhafer, Barrett, Gilbert, Neely, Mayor Iobst)

Next Meeting – April 6, 2011 at 3:30 p.m.

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 March 2011**

19. President's Business

20. Adjournment

Next Resolution #12
Next Ordinance #1078

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

CALL TO ORDER

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

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Present
Michael Waddell	Absent
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

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PERSONAL APPEALS, PART I – None.

COMMUNITY MINUTE

Mrs. Gilbert announced that the Earth Day Celebration will be held on April 16, 2011 at Emmaus Community Park. Registration begins at 8:00 a.m., with litter clean-up and storm sewer stenciling beginning at 9:00 a.m. Electronics and universal waste recycling will be from 8:00 a.m. until 2:00 p.m., and a hot dog lunch will be at 11:30 a.m. She invited everyone to attend. Mr. Reinhard stated that the event is sponsored by the Borough of Emmaus and Upper Milford Township Joint Environmental Advisory Council. He encouraged anyone who would like more information about the event to visit the EAC's website at EmmausUpperMilfordEAC.blogspot.com.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the March 21, 2011 Minutes. There were 6 ayes. Motion carried.

Mr. Reinhard stated that on Page 49, in the first paragraph, he suggested that Committee structures for motions and voting should be consistent with the procedure used at Council. Mrs. Gilbert advised Mr. Neely to have staff review the recording from the Meeting.

Motion by Mr. Labenberg, seconded by Mr. Reinhard to adopt the March 21, 2011 Minutes as amended. There were 6 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Kathy Kline, Lincoln Elementary, 233 Seem St., Emmaus – Request use of fields for annual 5th grade Field Day. Referred to staff.
- b. Lori Ramsey, 442 N. Third St., Emmaus – Letter of interest to serve on the Planning Commission. Referred to the General Administration Committee.
- c. Judith Lieberman, 333 Ridge St., Emmaus – Emergency Plans and Prescription Drug Program inquiries. Mr. Neely stated that he responded to Ms. Lieberman's letter.
- d. Rachel Heiney, 1003 Macungie Ave., Emmaus – Maintaining Emmaus Parks. Referred to the Parks and Recreation Committee.
- e. Garrett Hoffman, 326 Spruce St., Emmaus – Meadow Pool. Referred to the Parks and Recreation Committee.
- f. Hector Manuel Rodriguez, 108 Cold Stream Ct., Emmaus – Skate Park.
- g. Karen McGuinness, Girl Scouts of Eastern PA, Emmaus Service Unit – Pavilion rental fee reduction request. Referred to the Parks and Recreation Committee.
- h. Dennis Ramella, Emmaus High School – Field usage fee waiver. Referred to the Parks and Recreation Committee.

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i. Rebecca Kennedy, Lehigh County Conservation District – Lehigh County Sustainable Landscapes Bus Tour. Mr. Neely stated that the Lehigh County Sustainable Landscapes Bus Tour is scheduled for June 15, 2011. The Bus Tour Organizing Committee is requesting the use of the Arts Pavilion at Emmaus Community Park from 7:30 a.m. until 9:30 a.m., and a fee waiver for the use of the Pavilion. Referred to the Parks and Recreation Committee.

m. Jan Latshaw, Emmaus – Lanta Bus Routes. Mr. Neely read Ms. Latshaw’s email. Referred to the Community Relations and Development Committee.

n. Sheldon DeBois – Lincoln Elementary pickup and drop-off area. Referred to the Public Safety Committee.

o. Vanessa Susan Kueger – Mr. Reinhard stated that he received a letter from Ms. Kueger complimenting the Borough on Clean-Up Day and suggesting that the event should take place more than once a year.

BOROUGH ENGINEER’S REPORT –None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1077 – An Ordinance Amending Chapter 21, Part 3, Section 301.3, Dealing with Fines and Violations Involving Failure to Remove Snow and Ice from Sidewalks (1st Reading 4/4/11).

Mrs. Gilbert stated that the Ordinance concerns increasing fines for failing to remove snow and ice from sidewalks.

Motion by Mr. Labenberg seconded by Mr. Brown to read Ordinance No. 1077 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1077 in short title.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt Ordinance No. 1077– An Ordinance Amending Chapter 21, Part 3, Section 301.3, Dealing with Fines and Violations Involving Failure to Remove Snow and Ice from Sidewalks, on its 1st Reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

UNFINISHED BUSINESS, PART II – None.

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

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MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that on March 28 and 29, Jeff Clapper, John Dychala, Mr. Neely, and members of the Public Works Committee interviewed the final ten candidates for the vacancy in the Public Works Department. Mrs. Gilbert was not involved in the interview process due to a conflict of interest. There were over 120 applicants and 2 rounds of interviews. The Committee recommends hiring Brent Reed of 522 North Street, Emmaus, PA to fill the position. Mr. Neely mentioned that Mr. Reed was present at the Meeting and introduced him.

Motion by Mr. Labenberg, seconded by Mr. Brown to hire Brent Reed, of 522 North Street, Emmaus, PA as a full-time Public Works Department employee. There were 6 ayes. Motion carried.

The next Committee Meeting is April 7, 2011 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee will meet on April 14, 2011 at 4:00 p.m. He reminded that Saturday, April 16, 2011, is the Earth Day Clean-Up at Community Park and encouraged everyone to attend.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on April 5, 2011.

Progress.

d. Public Safety Committee

Progress.

e. General Administration Committee

Mr. Labenberg reported that the Committee met on March 23, 2011. The Committee met with representatives of the historic properties to discuss the respective responsibilities of

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the historic organizations and the Borough concerning maintenance responsibilities for the properties.

Mr. Labenberg reported that the Borough obtained a quote from Entertainment Systems Group, Inc., for the upgrade of the video equipment in Borough Council Chambers. The Committee recommends basic upgrades to the equipment, costing \$2,022.85. Mr. Brown asked for more information about the upgrade. Mr. Barrett explained that the existing equipment is five years old and that there have been several times in the past year that it has not worked properly. He explained that an upgrade will make the equipment easier to use and more efficient.

Motion by Mr. Labenberg, seconded by Mr. Barrett to authorize Entertainment Systems Group Inc., to install basic upgrades of the video equipment in Borough Council Chambers in the amount of \$2,022.85. There were 6 ayes. Motion carried.

Mr. Labenberg reported that the Personnel Policy is complete and the Committee recommends Council approval. Mr. Neely explained that some changes to the Personnel Policy mimic the Secretaries' Union Contract. Mr. Neely highlighted the changes. Mr. Reinhard stated that he is voting against the Policy because he believes that there are areas that need to be amended, including Section 24, Health and Welfare, which he believes should be amended to include an employee contribution to health care. He questioned on page 54, item #5, under the Drug and Alcohol Policy, if the individual pays for treatment. Mr. Neely responded that the item is under the discretion of Borough Council but it would normally be covered under the health insurance policy. He also questioned on page 59, item #3, asking what type of measurable criteria would be used to determine a violation of the Policy. Mr. Neely responded that it is up to the Borough to determine what type of conduct fits it. Mr. Reinhard stated that he believes that there are portions of the Policy that are vague with too much room for discretion.

Motion by Mr. Labenberg, seconded by Mr. Barrett to approve the revised Borough of Emmaus Personnel Policy. There were 5 ayes, 1 opposed (Reinhard). Motion carried.

Mr. Labenberg reported that the Committee recommends reappointing David Biles to the Planning Commission for a term expiring on 4/1/2015.

Motion by Mr. Labenberg, seconded by Mr. Barrett to reappoint David Biles to the Emmaus Planning Commission to a term expiring on 4/1/2015. There were 6 ayes. Motion carried.

Mr. Neely explained that he received quotes for electricity rates. The rates as of 4/4/2011 for a one year term negotiated through PPL EnergyPlus are 8.555 cents per kwh for 1 year and 8.651 cents per kwh for 2 years. The rates are substantially less than what the Borough is currently paying. Mr. Labenberg thanked Mr. Neely for researching and obtaining the quotes and asked if the Borough is able to switch at this time. Mr. Neely responded that the rates can be locked in now and would become effective on June 15, 2011. Mr. Labenberg stated the he is in favor of locking in for two years. Mr. Brown agrees with Mr. Labenberg.

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Mr. Barrett responded that he is in favor of locking in for one year because the rates could drop further. Mr. Holtzafer noted that Mr. Neely suggested a one year contract and asked Mr. Neely his reasoning. Mr. Neely stated that it is a personal preference. Mr. Reinhard asked if the disaster in Japan has affected the electric rates. Mr. Neely responded that the rates have increased since then, but fluctuate constantly.

Motion by Mr. Labenberg, seconded by Mr. Brown to approve an 8.651cents per kwh two year contract with PPL EnergyPlus beginning on June 15, 2011. There were 3 ayes, 3 opposed (Holtzafer, Barrett, Reinhard). Mayor Iobst voted aye to cast the deciding vote. Motion carried.

Progress.

f. Budget and Finance Committee

Mr. Holtzafer reported that during the Budget and Finance Committee Meeting prior to the Council Meeting, Mr. Reinhard had a question about the Bill List. Mr. Reinhard explained that the distribution of funds to the Emmaus Main Street Program in the amount of \$7,500 is on the Bill List. He questioned if anyone on the Committee changed their mind about authorizing it. He further explained that the Budget and Finance Committee supports distribution of the funds. He stated that because the item has the support of full Council, he will support the Bill List.

Mr. Holtzafer read Resolution 2011- 11, authorizing payment of the April 4, 2011 Bill List, as follows:

Bill List	\$ 176,341.62
Payroll #5	\$ 110,996.97
Payroll Taxes	\$ 33,768.40
Total	\$ 321,106.99

Done this 4th day of April 2011.

Motion by Mr. Holtzafer, seconded by Mr. Reinhard to approve the April 4, 2011 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzafer reported that the Joint Environmental Advisory Council requested monetary support for the April 16, 2011 Earth Day Clean-Up Event. He stated that historically the Advisory Council is provided with funds to help offset the cost of food and supplies for the event. The funds will be charged to the Civil and Military Celebrations Line Item. Mr. Holtzafer noted that in 2010 there was a specific line item for the EAC in the amount of \$500.00. The Budget and Finance Committee is recommending granting the request to the EAC for a monetary contribution in the amount of \$250.00. Mr. Holtzafer stated that the EAC asked for the same contribution from Upper Milford Township. Mr. Reinhard stated that it is a great community event that he fully supports.

Motion by Mr. Holtzafer, seconded by Mr. Reinhard to grant the request from the Joint Environmental Advisory Council for funds in the amount of \$250.00 for food

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**and supplies for the April 16, 2011 Earth Day Clean-Up Event. There were 6 ayes.
Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee had discussions with Lanta about eliminating several bus stops in the Borough and will follow up on whether a bus stops at the Weis Supermarket on Chestnut Street.

Mr. Brown reported that the Borough received two Treevitalization Grants in the amount of \$2000 each from the County of Lehigh and First Niagara Bank to replace three Bradford Pear trees on the north side of Main Street between Brunner Street and Short Streets. He reported that all Bradford Pear trees will be replaced in the block. Mr. Reinhard stated that the location was recommended by staff. Mr. Labenberg stated that he believes the Borough should plant more trees instead of replacing trees and will vote against the motion.

Motion by Mr. Brown, seconded by Mr. Reinhard to replace three Bradford Pear trees on the north side of Main Street between Brunner and Short Streets with the recommended replacement species being determined by the Shade Tree Commission. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

The next Committee Meeting will be on April 26, 2011 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that East Penn Superintendent, Dr. Seidenberger, requested rescheduling the Meeting scheduled for April 6, 2011.

Mr. Holtzhafer reported that Dr. Waddell drafted a letter to Dr. Seidenberger concerning the Junior Council Member Program.

Progress.

PERSONAL APPEALS, PART II

John Donches, 559 Minor St., asked if the new recording equipment will be able to archive the webcasts of the Council Meetings. Mr. Barrett responded that the new equipment is an upgrade for recording the meetings and does not involve the webcasts. He stated that the Borough is waiting to complete the software update, and a website update is necessary, before the meetings can be archived. Mr. Donches asked when the software updates will occur. Mr. Neely responded that he anticipates the hardware and software upgrades to be completed by June or July. There are limitations on the current website that prohibit the Borough from archiving the meetings.

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BOROUGH MANAGER'S REPORT

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

Mr. Labenberg thanked Mr. Neely for obtaining electric rate quotes. He also stated that he failed to mention in his Committee report that a detailed Project Update for the Broad Street Reconstruction Project was mailed to the residents on Broad Street. Mr. Neely reported that a Pre-Construction Meeting was held on March 22, 2011. The Project is scheduled to begin on Monday, April 11, 2011.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 7:50 p.m. for a brief Executive Session, observing that she did not anticipate any official action thereafter.

Mrs. Gilbert reconvened the meeting at 8:22 p.m. with no official action being taken.

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

The April 4, 2011 Meeting of the Emmaus Borough Council adjourned at 8:23 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 6, 2011