

April 5, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, April 5, 2010, 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
  - a. March 15, 2010
7. Decisions on Bids
8. Communications
  - a. Jim Gillespie, UFFL Flag Football League – Field usage fee waiver.
  - b. Rick Walters, St. Thomas More Soccer Club – Field usage fee waiver.
  - c. Leslie Heffron, 981 Little Lehigh Drive, Emmaus – Letter of resignation from the Emmaus Arts Commission (term expires 2/7/2013).
  - d. Robert Neitz, 904 Franklin St. – Traffic flow at Lincoln Elementary School.
  - e. Jason George, 5826 Hill Drive, Allentown – Letter of resignation from the Emmaus Arts Commission (term expires 2/7/2013).
  - f. Teryl Madison, Emmaus Main Street Program – Requests for 2010 Summer Entertainment.
  - g. Dennis Gouldy, Chairman 2010 Beer Festival – Request use of Arts Pavilion and rental fee waiver.
  - h. Steve Feeley, Calvary Fellowship of Emmaus – Request use of Triangle for an event.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - a. **Ordinance No. 1067 – An Ordinance Repealing Chapter 15, Part 9, of the Borough Codified Ordinances (1<sup>st</sup> Reading 3/15/10) (2<sup>nd</sup> Reading 4/5/10).**

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11. Unfinished Business, Part I (continued)
  - b. **Ordinance No. 1068 – An Ordinance Amending Chapter 15, Section 207, and Establishing One-Way Traffic Southbound on Mulberry Street, Between Elm Street and Seem Street in the Vicinity of Lincoln Elementary School (1<sup>st</sup> Reading 4/5/10).**
  - c. **Ordinance No. 1069 – An Ordinance Authorizing and Directing the Issuance of General Obligation Bonds (2<sup>nd</sup> Reading 4/5/10).**

12. New Business

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 – May 6, 2010 at 3:00 p.m.

1. Committee
  - a. I & I Elimination Report
  - b. Weiders Lane Status
  - c. "Share the Road" Signs
  - d. "No Dumping" Signs

2. Solicitor

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

Next Meeting – April 8, 2010 at 4:00 p.m.

1. Committee
  - a. Electric Provider RFP
  - b. Refuse/Recycling with Raritan Valley
  - c. Recycling Event
  - d. Riparian Buffer Ordinance

2. Solicitor

**Parks and Recreation (Barrett, Holtzhafer, Labenberg)**

Next Meeting – April 6, 2010 at 3:30 p.m.

1. Committee
  - a. Ice Rink/Skate Park
  - b. Geese at Furnace Dam

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1. Committee (continued)
  - c. Proposed Baseball Stadium at Community Park
  - d. EYA Shed Request
  - e. **EMSP Summer Entertainment Requests**
  - f. **Hire Pool Manager and Lifeguards**
2. Solicitor

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

Next Meeting – April 8, 2010 at 9:00 a.m.

1. Committee
  - a. Trailer Truck Parking
  - b. Tractor Trailer Unloading
  - c. Car Show/Bed Race Detour
  - d. **Ordinance No. 1067 - Bicycle Ordinance – Repeal (2<sup>nd</sup> Reading)**
  - e. **Ordinance No. 1068 - Mulberry Street One-Way Southbound (1<sup>st</sup> Reading).**
  - f. Emergency Operations Plan – Review
2. Solicitor

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

Next Meeting – April 7, 2010 at 9:00 a.m.

1. Committee
  - a. Shade Tree Ordinance—Tree Fund
  - b. Special Event Signs Ordinance
  - c. 2009 Volunteer of the Year
  - d. **Reappointment of Anthony Groller to the Planning Commission (term expires 4/1/2014).**
2. Solicitor

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

Next Meeting – April 19, 2010 at 3:30 p.m.

1. Committee
  - a. **Bill List – Resolution 2010 – 14**
  - b. Per Capita Tax Ordinance
  - c. Act 44 Election
  - d. Employee Contributions to Health Insurance
  - e. **Ordinance No. 1069 – Bond Ordinance (2<sup>nd</sup> Reading)**
2. Solicitor

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**Community Relations/Development** (Brown, Reinhard, Waddell)

Next Meeting – April 28, 2010 at 4:15 pm.

1. Committee
  - a. South Side Master Plan
  - b. Downtown Master Plan – Parking Deck, VFW, David’s Electric
  - c. Triangle Project Expansion
  - d. Parking Deck Feasibility Study – Contract Award**
  - e. Emmaus Community Car Show / Emmaus Bed Race

2. Solicitor

**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 March 2010**
- b. **Town Hall HVAC**

19. President’s Business

20. Adjournment

Next Resolution #15  
Next Ordinance #1070

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The Emmaus Borough Council met in regular session on April 5, 2010 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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

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Nathan Brown	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

a. **Janet Latshaw – 1308 Shimerville Rd**, recommended that the restrooms at the Emmaus Community Park remain unlocked for a longer duration during the year. Mrs. Gilbert referred the matter to the Parks and Recreation Committee and asked Mr. Neely to discuss it at the Staff Meeting.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Reinhard seconded by Mr. Barrett to dispense with the formal reading of the March 15, 2010 Minutes. There were 6 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to adopt the March 15, 2010 Minutes as drafted. There were 6 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

a. Jim Gillespie, UFFL Flag Football League – Field usage fee adjustment for Cintas and Klines Lane fields from April 11 until June 5, 2010. Mr. Labenberg asked what type of football is played. Mr. Gillespie answered that it is Flag Football. Mr. Neely asked how many participants they have, to which Mr. Gillespie responded that there are approximately 200. Mr. Labenberg recommended making a motion immediately.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant the request from UFFL Flag Football League for a fee adjustment for Cintas and Klines Lane fields from April 11 until June 5, 2010, to charge \$100 per Sunday for the use of the 2 fields. There were 6 ayes. Motion carried.**

b. Rick Walters, St. Thomas More Soccer Club – Field usage fee waiver request for Klines Lane soccer field. Referred to the Parks and Recreation Committee.

c. Leslie Heffron, 981 Little Lehigh Drive, Emmaus – Letter of resignation from the Emmaus Arts Commission (term expires 2/7/2013). Mr. Labenberg commended Ms. Heffron for her dedication to the Emmaus Arts Commission. Mr. Brown asked that Ms. Heffron receive a letter of thanks for her time on the Arts Commission.

**Motion by Mr. Brown, seconded by Mr. Reinhard to accept the resignation of Leslie Heffron from the Emmaus Arts Commission. There were 6 ayes. Motion carried.**

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d. Robert Neitz, 904 Franklin St. – Traffic flow at Lincoln Elementary School. Referred to the Public Safety Committee.

e. Jason George, 5826 Hill Drive, Allentown – Letter of resignation from the Emmaus Arts Commission (term expires 2/7/2013). Mrs. Gilbert suggested that Mr. George receive a letter of thanks for his time on the Arts Commission.

**Motion by Mr. Brown, seconded by Mr. Barrett to accept the resignation of Jason George from the Emmaus Arts Commission. There were 6 ayes. Motion carried.**

f. Teryl Madison, Emmaus Main Street Program – Requests use of Triangle for the 2010 Summer Entertainment Series. Referred to the Parks and Recreation Committee.

g. Dennis Gouldy, Chairman 2010 Beer Festival – Request use of Arts Pavilion and rental fee waiver for October 2010 Beer Festival. Referred to the Parks and Recreation Committee.

h. Steve Feeley, Senior Pastor, Calvary Fellowship of Emmaus – Request use of Triangle for an event. Referred to the Parks and Recreation Committee.

i. Patrolman Jeremy Schilling, Emmaus Police Officer's Association – Request to begin collective bargaining negotiations. Referred to the Budget and Finance Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – Progress.

UNFINISHED BUSINESS, PART I

**Motion by Mr. Reinhard, seconded by Mr. Barrett to read Ordinance No. 1067 – An Ordinance Repealing Chapter 15, Part 9, of the Borough Codified Ordinances in short title. (1<sup>st</sup> Reading 3/15/10) (2<sup>nd</sup> Reading 4/5/2010). There were 6 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1067 in short title.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt Ordinance No. 1067 – An Ordinance Repealing Chapter 15, Part 9, of the Borough Codified Ordinances on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.**

**Motion by Mr. Reinhard, seconded by Mr. Brown to read Ordinance No. 1068 – An Ordinance amending Chapter 15, Section 207, and Establishing One-Way Traffic Southbound on Mulberry Street, Between Elm Street and Seem Street in the Vicinity of Lincoln Elementary School in short title. (1<sup>st</sup> Reading 4/5/2010). There were 6 ayes. Motion carried.**

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Mrs. Gilbert read Ordinance No. 1068 in short title.

**Motion by Mr. Barrett, seconded by Mr. Brown to adopt Ordinance No. 1068 – An Ordinance amending Chapter 15, Section 207, and Establishing One-Way Traffic Southbound on Mulberry Street, Between Elm Street and Seem Street in the Vicinity of Lincoln Elementary School on its 1<sup>st</sup> Reading. Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.**

Gary Pulcini, financial consultant for Valco Capital, Ltd., presented a refunding summary for the Borough's \$5,187,000 Bond Issue. He explained that the amount includes paying off the existing 2004 loan and borrowing an additional \$1,470,500.

Kevin Reid, from the law firm of King, Spry, Herman, Freund & Faul, LLC, reviewed Ordinance No. 1069.

Mr. Brown asked Mr. Neely if the upgrade to the software system is included in the Capital Improvements Fund. Mr. Neely confirmed that it is. Mr. Labenberg asked if Solicitor Procyk reviewed the Ordinance. Solicitor Procyk stated that he reviewed the Ordinance. Mr. Labenberg also asked how the rate increase will affect the budget. Mr. Neely stated that a potential rate increase was budgeted. Mr. Labenberg stated that he will be voting against the Ordinance due to current economic conditions.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to read Ordinance No. 1069 – An Ordinance Authorizing and Directing the Issuance of General Obligation Bonds (2<sup>nd</sup> Reading 4/5/2010) in short title. There were 6 ayes.**

Mr. Neely read Ordinance No. 1069 in short title. NOTE: Due to the length of the Ordinance title, it is omitted from the Minutes. Refer to Ordinance No. 1069 for the full title.

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt Ordinance No. 1069 – An Ordinance Authorizing and Directing the Issuance of General Obligation Bonds on its 2<sup>nd</sup> Reading. Roll call vote: Mr. Barrett, aye, Mr. Holtzhafer, aye, Mr. Labenberg, no, Mr. Brown, no, Mr. Reinhard, aye, Mrs. Gilbert, aye. There were 4 ayes, 2 opposed (Labenberg, Brown). Motion carried.**

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Progress.

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COMMITTEE REPORTS

DRAFT



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a. Public Works Committee

Mr. Labenberg reported that the Committee met on April 1, 2010 and made three recommendations. The Committee recommended 3-0 for residents on S. 12<sup>th</sup> Street and West Jubilee Street to not be required to install sidewalks. Mr. Barrett asked what the rationale was behind the vote. Mr. Labenberg responded that the two streets involved are not major thoroughfares, not near schools and not near a park. Mr. Barrett asked if all of the properties currently have curbing. Mr. Labenberg responded that they do. He asked Council to view the properties in question. Mr. Holtzhafer asked if all corner properties will be required to be ADA compatible. Mr. Labenberg responded that they will. Mr. Holtzhafer asked if the property owners are responsible for this. Mr. Neely responded that he will clarify whether the property owner is responsible.

Mr. Labenberg reported that the "No Dumping" sign in front of Kevin Schmidt's property on S. 16<sup>th</sup> Street will be removed. The Committee referred Mr. Schmidt to the Shade Tree Commission for a recommendation on planting trees for blocking noise from the Pennsylvania Turnpike.

Mr. Labenberg reported that there is a recommendation from the Committee for the Emergency Notification System and will address it at the next Borough Council Meeting.

Progress.

b. Health, Sanitation, and Conservation Committee

The next Committee Meeting will be on April 8, 2010 at 4:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee recommends allowing the Main Street Program to use the Triangle on Saturday, May 15, from 5:00 p.m. to 11:00 p.m., on Friday, July 2, from 5:00 p.m. to 11:00 p.m., on Saturday, August 7, from 8:00 a.m. to 11:00 p.m. and Friday, September 3, from 5:00 p.m. to 11:00 p.m., and to provide musical entertainment, beverages (beer, wine, soda, water) and food. Mr. Barrett noted that there was not a request for street closures on those days. He reported that the Emmaus Main Street Program is requesting the use of the Arts Pavilion at Community Park on Saturday, October 2, from 10:00 a.m. to 8:00 p.m., but the Committee is not making a recommendation about it until it receives more information about the event.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Main Street Program to use the Triangle on Saturday, May 15, from 5:00 p.m. to 11:00 p.m., on Friday, July 2, from 5:00 p.m. to 11:00 p.m., on Saturday, August 7, from 8:00 a.m. to 11:00 p.m., and Friday, September 3, from 5:00 p.m. to 11:00 p.m., and to provide musical entertainment, beverages (beer, wine, soda, water) and food. There were 6 ayes. Motion carried.**

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**Motion by Mr. Barrett, seconded by Mr. Labenberg to hire the following individuals to work at the Emmaus Community Pool for the 2010 season: Eric Focht, Pool Manager, at a rate of \$11.00 per hour with a possible \$2,000 bonus at the end of the season. There were 6 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to hire the following individuals as summer employees: Mr. Lauren Reiss, Head Lifeguard, at a rate of \$9.25 per hour, David Trine, Head Lifeguard, at a rate of \$9.25 per hour, Jordan Angel, Part Time Lifeguard, at a rate of \$8.00 per hour, Bridget Hogue, Part Time Lifeguard, at a rate of \$8.00 per hour, Francesca Panunto, Full Time Lifeguard, at a rate of \$7.75 per hour, Roxanne Rieder, Full Time Lifeguard, at a rate of \$7.75 per hour, Malik Fields, Part Time Lifeguard, at a rate of \$7.50 per hour, John Laube, Full Time Lifeguard, at a rate of \$7.50 per hour, and Maggie Murphy, Part Time Lifeguard, at a rate of \$7.50 per hour. There were 6 ayes. Motion carried.**

Mr. Barrett noted that Eric Focht has worked for the Public Works Department as summer help for many years. He also noted that the Borough is still interviewing applicants for lifeguards and cashiers. Mrs. Gilbert asked how many lifeguards the Borough typically hires. Mr. Neely responded that historically the Borough has hired approximately 23 staff.

The next Committee Meeting will be on April 6, 2010 at 3:30 p.m.

Progress.

d. Public Safety Committee

The next Committee Meeting will be on April 8, 2010 at 9:00 a.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee received a letter from Anthony Groller requesting to be reappointed to the Borough of Emmaus Planning Commission for a term expiring on 4/1/2014. He also reported that the request was not formally discussed at the committee level. Mr. Neely noted that there are two vacancies and the Borough received one other application. Mr. Labenberg asked Mr. Groller how long he has served on the Planning Commission. Mr. Groller responded that he has been on the Commission since 1972.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Anthony Groller to the Borough of Emmaus Planning Commission to a term expiring on 4/1/2014. There were 6 ayes. Motion carried.**

Progress.

f. Budget and Finance Committee

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Mr. Holtzhafer read Resolution 2010-14, authorizing payment of the April 5, 2010 Bill List, as follows:

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<b>Bill List</b>	<b>\$ 378,016.59</b>
<b>Payroll #6</b>	<b>\$ 105,349.74</b>
<b>Payroll Taxes</b>	<b>\$ <u>32,260.91</u></b>
<b>Total</b>	<b>\$ 515,627.24</b>

Done this 5<sup>th</sup> day of April, 2010.

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the April 5, 2010 Bill List. There were 6 ayes. Motion carried.**

Mr. Reinhard commented that the Non-Union Employees health care contribution issue has been tabled and would have affected the Bill List if the contributions were required. The Budget & Finance Committee will discuss the issue at a Committee Meeting on April 22, 2010 at 4:00 p.m.

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that the Committee is making a recommendation by a 2-0 vote, with Mr. Reinhard abstaining, to award the Request for Bid for the Parking Deck Feasibility Study to Langan Engineering. He reported that the study will be funded by a \$20,000 Community Development Block Grant and \$5,000 from the 2010 Budget. Mr. Labenberg commented that he does not agree with spending \$25,000 for a Parking Deck Feasibility Study and questioned who in the community is in favor of a parking deck. Mr. Brown responded that the downtown businesses feel that there is a parking problem in the Borough and the study will determine whether a parking deck is needed. Mr. Holtzhafer asked about the timeline of the study. Mr. Brown reported that it is approximately 2 to 3 months. Mr. Barrett asked if the community will be involved in the final parking deck decision. Mr. Brown responded that the engineering firm will consult with residents.

**Motion by Mr. Brown, seconded by Mr. Reinhard to award the bid for the Parking Deck Feasibility Study to Langan Engineering for \$25,000, which will be funded by a \$20,000 Community Development Block Grant and \$5,000 from the Borough budget. There were 5 ayes, 1 opposed (Labenberg). Motion carried.**

The next Committee Meeting will be on April 28, at 4:00 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

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Mr. Neely advised that the Significant Revenue and Expense Items for March 2010 are in the binders and offered to entertain any questions about it.

Mr. Neely reported that Mike Gibson, who prepared the Energy Audit for Town Hall, omitted including a second heat pump for the first floor of Town Hall from the Audit, which would add an additional \$24,900 to the estimate. Mr. Neely asked Council for guidance. Mr. Reinhard asked what the square footage is for the lower level. Mr. Neely answered that he does not know. Mrs. Gilbert referred the matter to the Health, Sanitation, and Conservation Committee.

Progress.

PRESIDENT'S BUSINESS – None.

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 8:10 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
April 8, 2010