

April 16, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, April 16, 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

April 2, 2012

7. Decisions on Bids

2012 Curb & Concrete Contractor Bid Results

8. Communications
 - a. Budd Coates, Rodale, Inc. – Emmaus Community Pool rental.
 - b. PPL Electric Utilities – Request to install pole at 152. E. Main St.
 - c. Kathleen Mintzer, EYA President – Request removal of pitching mound.
 - d. EMSP – Request 3rd Annual EMSP Beer Fest & Classic Car Show
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

April 16, 2012

EMMAUS BOROUGH COUNCIL

15. Mayor's Report

Arbor Day – Proclamation 2012-308

16. Committee Reports

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

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

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

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

Next Meeting – May 18, 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 – May 1, 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 Pool Lifeguards**
- g. **Hire Summer Parks Program Councilors**
- h. **EP&RC – Requests for Community Day – Skateboards and Bikes**
- i. **EP&RC – Requests for Community Day – Fee Waiver**
- j. **Special Entertainment Committee – Live Music on Triangle**

Request

- k. **Girl Scouts Service Unit – Karen McGuiness – Fee Waiver (Deny)**
- l. **St. Matthews EC Church – Kris Bachert – Fee Waiver (Deny)**
- m. **Lehigh Saengerbund – Bier Garten Events – Jack Lojko**

April 16, 2012

EMMAUS BOROUGH COUNCIL

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – May 10, 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

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – April 18, 2012 at 9:00 a.m.

- a. Shade Tree Fund – Ordinance No. 1085 – in Committee
- b. EAC By-Laws**
- c. Website Upgrade
- d. Signage for Jubilee St. Parking Lot

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – May 7, 2012 at 6:45 p.m.

- a. Bill List—Resolution 2012-10**
- b. Emergency Management Coordinator Compensation
- c. Effect of Allentown EIT Changes
- d. Emmaus Community Day Requests**
- e. Policy for Receipts and Packing Slips
- f. Business Privilege Tax Review
- g. Union Negotiations

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

Next Meeting – May 24, 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.

April 16, 2012

EMMAUS BOROUGH COUNCIL

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 April 2012**
 - b. **Junior Council Member Draft Resolution Review**
- 19. President's Business
 - a. Executive Session – Personnel
- 20. Adjournment

Next Resolution #11
Next Ordinance #1086

The Emmaus Borough Council met in regular session on April 16, 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
Thomas Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

Mrs. Gilbert welcomed Attorney Dinkelacker as Solicitor for tonight's Council Meeting.

April 16, 2012

EMMAUS BOROUGH COUNCIL

PERSONAL APPEALS, PART I

A. Jack Nonnemacher, 303 Franklin St., Emmaus – asked for clarification about the Yield to Pedestrian in the Crosswalk Law in the Borough of Emmaus. Mr. Pepe responded that he will discuss the matter with Police Chief Faust and will respond accordingly. Solicitor Dinkelacker also responded to Mr. Nonnemacher. Mr. Nonnemacher suggested the Borough of Emmaus design an Ordinance for No Skateboarding in the street near Lions Playground. Mr. Pepe responded that he will discuss the matter with Police Chief Faust at the Staff Meeting. Mr. Nonnemacher voiced concerns about individuals walking down the street with their pants half down. Mr. Pepe responded that there is a fine line between lewdness and freedom of expression.

B. John Donches, 559 Minor St., Emmaus – thanked the Borough for the installation of sidewalk at CVIP on Broad Street. He asked if the Borough could install a cross walk at 12th Street from the North to the South side.

COMMUNITY MINUTE

Mrs. Gilbert reminded everyone that Earth Day will be held on Saturday, April 21, 2012 from 8:30 a.m. until 1:00 p.m. The event will be rain or shine. She also reminded that on April 28, 2012 from 10:00 a. m. until 2:00 p.m., the Emmaus Police Department will be collecting any expired or unused medications at the Police Station. Mr. Brown commented that recycling containers are available at Town Hall for \$10.00 each.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the April 2, 2012 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt the April 2, 2012 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe reported that on March 20, 2012, there were three bids received for the 2012 Curb and Concrete Bid. Two of the bids were received incomplete and the low bidder is Zgura Concrete Services, Inc., in the amount of \$6,254.

Motion by Mr. Labenberg, seconded by Dr. Waddell to award the 2012 Curb and Concrete Bid to Zgura Concrete Services, Inc., in the amount of \$6,254. There were 7 ayes. Motion carried.

April 16, 2012

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

- a. Budd Coates, Rodale, Inc. – Emmaus Community Pool rental from May 30, to August 31, 2012. Referred to the Parks and Recreation Committee.
- b. PPL Electric Utilities – Request to install pole at 152 E. Main Street. Referred to the General Administration Committee.
- c. Kathleen Mintzer, EYA President – Request removal of pitching mound located on S. Fourth Street back field. Referred to Staff.
- d. EMSP – Request 3rd Annual EMSP Beer Fest & Classic Car Show on Saturday, October 6, 2012 from 10:00 a.m. until 6:00 p.m. Referred to the Parks and Recreation Committee.
- e. Lilith Uhler, 945 Broad Street - Request to serve on Special Entertainment Commission. Referred to the Parks and Recreation Committee.
- f. Lehigh Saengerbund – Oktoberfest Request. Referred to the Parks and Recreation Committee.
- g. Nora Williams – Request for Deaf Child Sign. Referred to the Public Safety Committee.
- h. Cindy Fitzpatrick, Owner Conversational Threads and Fiber Studio – 2 hour parking on South Fourth Street. Referred to the Public Safety Committee.
- i. Butch O'Donnell, Homerun Club - Request to use Parking Lot at Community Park to hold a car wash on May 6, 2012. Mr. Barrett reported that it is an annual event, but historically the event was held at the Burgery in Emmaus. Mr. Holtzhafer stated that he believes the staff would need to review the item. Mrs. Gilbert responded that the event will take place before the next Council Meeting on May 7, 2012. Mr. Holtzhafer stated that for safety reasons, he believes Car Washes being held at Community Park needs to be discussed at a Committee Level to determine a safe procedure for holding the event.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to deny the request from the Homerun Club to hold a car wash on May 6, 2012 at Emmaus Community Park parking lot from 10:00 a.m. until 6:00 p.m. due to the fact that there was not enough time to discuss the request. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Solicitor Dinkelacker entertained questions about any ongoing projects in the Borough.

Progress.

UNFINISHED BUSINESS, PART I – None.

April 16, 2012

EMMAUS BOROUGH COUNCIL

NEW BUSINESS

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2012 – 308, declaring April 27, 2012, as Arbor Day in the Borough of Emmaus, and urged all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Meeting is April 5, 2012. He also reported that there was a Public Appeal from John Donches, with several property owners in attendance concerning multi-unit services charges. Mr. Labenberg reported that the Committee will continue to discuss the matter.

Mr. Labenberg entertained questions about the Committee Report.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Agenda incorrectly states that the next meeting will be May 18, 2012. The next Committee Meeting is April 20, 2012.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that there are several items needed for official action.

Motion by Mr. Barrett, seconded by Mr. Labenberg to hire Matt Kovalchick, Emmaus, as a part-time lifeguard at a rate of \$7.50 per hour. There were 6 ayes, 1 abstention (Barrett). Motion carried.

April 16, 2012

EMMAUS BOROUGH COUNCIL

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to hire Corbin Jankowski, Emmaus, as a part-time lifeguard at a rate of \$7.25 per hour, Kayla Kleckner, Emmaus, as a part-time lifeguard at a rate of \$7.25 per hour, Andrea Montalto, Emmaus, as a part-time lifeguard at a rate of \$7.75 per hour, Savannah Pukanecz, Emmaus, as a part-time lifeguard at a rate of \$7.25 per hour, Maxwell Rieder, Emmaus, as a part-time lifeguard at a rate of \$7.25 per hour. There were 7 ayes. Motion carried.

Mr. Barrett reported that there are two remaining vacancies for lifeguard positions. Christine Snyder will interview candidates and issue a recommendation.

Mrs. Gilbert reported that Ms. Snyder is recommending promoting Shane Fairchild to a Head Lifeguard position and increase his rate from \$7.75 to \$8.75 per hour.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to promote Shane Fairchild from full-time lifeguard to Head lifeguard and adjust his hourly rate from \$7.75 to \$8.75 per hour. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to hire Shaun Kiernan at a rate of \$7.25 per hour, Erin Miller at a rate of \$7.25 per hour, Erin Antrim at a rate of \$8.25 per hour, Kaylee Nonnemacher at a rate of \$8.00 per hour, and Madeline Ziegenfus at a rate of \$7.50 per hour as Camp Counselors for the Summer Park Program. There were 7 ayes. Motion carried.

Mr. Barrett commented that the Summer Parks Program is scheduled to run from June 25 through August 3, 2012. He noted that it is the fifth year for the Program with Erin Antrim, Kaylee Nonnemacher, and Madeline Ziegenfus returning as camp counselors.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Parks and Recreation Commission's request to grant skateboards, roller blades, and bicycles at Emmaus Community Park for Emmaus Community Day on July 21, 2012. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Emmaus Parks and Recreation Commission's fee waiver request for placing a banner across Chestnut Street at 10th Street. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the Special Entertainment Commission's live music request for School's Out Performance to be held at Triangle Park on May 19, 2012 from 6:00 p.m. to 9:00 p.m. There were 7 ayes. Motion carried.

April 16, 2012

EMMAUS BOROUGH COUNCIL

Mayor Iobst asked for clarification of the street closure. Mr. Barrett clarified the street closure. Mr. Brown suggested that the Special Entertainment Commission make the business owners aware of the street closure prior to it happening. Dr. Waddell suggested making the business owners aware of the street closure two weeks prior to the event.

Mr. Barrett reported that the Committee voted to deny granting a pavilion fee waiver request from the Girl Scouts for an event to be held on Monday, May 21, 2012 from 6:00 p.m. to 8:00 p.m. He reported that the organization is not a Borough organization and the request was for the Arts Pavilion.

Mr. Barrett also reported that the Committee voted to deny St. Matthew's EC Church pavilion fee waiver request for Sunday, June 3, 2012. Mr. Brown stated that he is against denying the fee waiver because the church is located in the Borough. He stated that the Church contributes to the Community. Mr. Labenberg responded that he will vote against the motion because the Borough does not historically waive fees on weekends.

Motion by Mr. Brown, seconded by Mr. Holtzhafer to grant St. Matthew's EC Church pavilion fee waiver request for Sunday, June 3, 2012. There was 1 aye, 6 opposed (Shubzda, Waddell, Labenberg, Holtzhafer, Barrett, Gilbert). Motion failed.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Lehigh Saengerbund's request to extend the Emmaus Community Park hours from dusk to 10:00 p.m., on Saturday June 23, July 14, and August 18 for a Beir Garten and September 21 and 22 for a Bavarian Oktoberfest. There were 5 ayes, 2 opposed (Holtzhafer, Brown). Motion carried.

Mr. Holtzhafer stated that he believes the park is only open until dusk and two of the dates the Saengerbund have requested are for September 21 and 22 when dusk is approximately 7:30 p.m. He voiced concern that individuals will be drinking alcohol at the Community Park until 10:00 p.m.

Motion by Mr. Labenberg, seconded by Mr. Barrett to grant the Lehigh Saengerbund's request to sell and serve alcohol at the Emmaus Community Park's Arts Pavilion on Saturday June 23, July 14, August 18, and September 21 and 22 contingent upon the Saengerbund providing proper insurance documents. There were 5 ayes, 2 opposed (Holtzhafer, Brown). Motion carried.

Mr. Lojko of the Lehigh Saengerbund stated that there will be approximately 150 people in attendance with two kegs of beer. The beer will be sold in plastic cups and cans. He stated that it because the event is a series of dates, there may be a larger crowd as the series continues. He stated that there will be food at the event. Mr. Brown asked if

April 16, 2012

EMMAUS BOROUGH COUNCIL

there will be cars at the event. Mr. Lojko responded that the Porsche Club is interested in displaying a small group of cars.

Dr. Waddell asked if there is a precedent for selling and serving alcohol at the Community Park. Mr. Barrett responded that there have been other events at the Park that have served alcohol. Mr. Holtzhafer responded he does not believe there has been alcohol sold at the Park and will be voting against the motion.

Solicitor Dimmich recommended that the Borough not just obtain the certificate of insurance but obtain the actual additional insured endorsement. Mr. Lojko responded that he will be able to obtain a copy of the insurance policy. He also clarified that the event is not a fund raiser.

Motion by Mr. Labenberg, seconded by Mr. Barrett to grant the Emmaus Historical Society's pavilion fee waiver request for June 20, 2012. There were 7 ayes. Motion carried.

The next Committee Meeting is May 1, 2012.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee Meeting scheduled for April 12, 2012 was cancelled due to police activity in the Borough. She reported that the Committee met prior to tonight's Council Meeting and recommends hiring James Maust as a part time paramedic to the Emmaus Ambulance Corps.

Motion by Mr. Brown, seconded by Mr. Labenberg to hire James Maust as a part-time paramedic at a rate of \$19.54 per hour to the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Jayne Grammes as a per diem EMT at a rate of \$12.34 per hour to the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Progress.

e. General Administration Committee

Dr. Waddell reviewed the Emmaus Arts Commission by-laws and the Committee recommends adopting the proposed by-laws for the Commission. Mr. Holtzhafer noted

April 16, 2012

EMMAUS BOROUGH COUNCIL

that the term President and Chair are used interchangeably. Dr. Waddell thanked Mr. Holtzhafer for noting this and responded that the by-laws will be amended.

Motion by Dr. Waddell, seconded by Mr. Shubzda to adopt the Emmaus Arts Commission by-laws as amended. There were 7 ayes. Motion carried.

Dr. Waddell reported that that General Administration received three proposals for the Insurance Broker RFQ and interviewed Brown & Brown, EHD, and the Seltzer Group. The Committee recommends hiring Brown & Brown as the exclusive liability and worker's compensation broker for the Borough of Emmaus.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to hire Brown & Brown as the exclusive liability and worker's compensation broker for the Borough of Emmaus. There were 7 ayes. Motion carried.

The next Committee Meeting is April 18, 2012.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-10, authorizing payment of the April 16, 2012 Bill List, as follows:

Bill List	\$	237,444.97
Payroll #7	\$	109,332.32
Payroll Taxes	\$	<u>35,654.96</u>
Total	\$	382,432.25

Done this 16th day of April 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the April 16, 2012 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Emmaus Parks and Recreation Commission has requested that Council consider making funds available from the Civic Celebration Line Item of the budget in the amount of \$250 to assist in holding Emmaus Community Day on July 21, 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the Emmaus Parks and Recreation Commission request for a donation from the Borough's Civil Celebration Line Item in the amount of \$250 to assist in holding Emmaus Community Day on July 21, 2012. There were 7 ayes. Motion carried.

April 16, 2012

EMMAUS BOROUGH COUNCIL

Mr. Labenberg suggested that the Committee discuss obtaining a digital version of the Morning Call instead of a hard copy version and believes it will provide a cost savings to the Borough. Mr. Holtzhafer responded that he will place the item on the next Committee Meeting Agenda.

The next Committee Meeting is April 25, 2012.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee is unable to meet on April 26, 2012 and has rescheduled the meeting for April 20, 2012 at 4:30 p.m. The Committee will discuss the Treevitalize Grant and replacing three to four trees in the Downtown area.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

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

Mr. Pepe reported that he met with East Penn School District Superintendent Seidenberger and discussed the Junior Council Member Draft Resolution. Mr. Barrett suggested that the General Administration Committee review the resolution at its next Committee Meeting. Mrs. Gilbert directed Dr. Waddell to add the item to the next General Administration Committee Meeting's Agenda so that Council is able to take official action at its next Meeting on May 7, 2012.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:15 p.m. to discuss a personnel matter with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:55 p.m. with no official action needed.

April 16, 2012

EMMAUS BOROUGH COUNCIL

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

The April 2, 2012 Meeting of the Emmaus Borough Council adjourned at 9:56 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 20, 2012