

April 18, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, April 18, 2011, 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 4, 2011

7. Decisions on Bids
8. Communications
  - a. Christi Dunning, Emmaus Farmers' Market Manager – Emmaus Farmers' Market May 1<sup>st</sup> Grand Opening.
  - b. Lyle Richardson, 27 N. 5<sup>th</sup> St., Emmaus – Request Reappointment to the Parks and Recreation Commission (3 year term - expires 5/01/11).
  - c. Vickie Gruver, Emmaus Parks and Recreation Commission – Emmaus Community Day—July 23, 2011.
  - d. Diane Wagner – Letter of Retirement.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II

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 (1<sup>st</sup> Reading 4/4/11) (2<sup>nd</sup> Reading 5/2/11).

April 18, 2011

EMMAUS BOROUGH COUNCIL

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

Arbor Day--Proclamation 2011-283

16. Committee Reports

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

Next Meeting – May 5, 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. **Request for Reduced Curb Permit Fee—Guy Washburn**

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

Next Meeting – May 12, 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 – May 3, 2011 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. **East Penn School District's Fee Waiver Request**
- f. **Girl Scouts' Fee Reduction Request**
- g. **Lehigh County Conservation District's Fee Waiver Request**
- h. **Hire Pool Lifeguards**

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

Next Meeting – May 12, 2011 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review

April 18, 2011

EMMAUS BOROUGH COUNCIL

- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound
- f. Snow Removal Ordinance—Penalty Provision (2<sup>nd</sup> Reading 5/2/11)
- g. Main Street Championship Cycling Event

**Public Safety** (continued)

- h. Hire Colin Foerst as Emmaus Fire Police**
- i. Appoint Shawn Lubenetski and Kevin Farnish as Drivers of Aerial #731**

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

Next Meeting – April 20, 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. Appointment of Tim Knecht to the Emmaus Arts Commission (5 year term expires 2/7/2013)**

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

Next Meeting – May 2, 2011 at 6:45 p.m.

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

- a. Bill List – Resolution 2011-12**
- b. General Authority Request
- c. Appointment of Berkheimer as Local Tax Collector
- d. 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
- b. Emmaus Main Street Program—West End Gateway Sign Presentation
- c. Streetscape Improvement Project

**Ad Hoc Committees** (Holtzhafer, Barrett, Gilbert, Neely, Mayor Jobst)

Next Meeting – To be determined

Community/School Relations

- a. Junior Council Member Draft Resolution Review and Application

April 18, 2011

EMMAUS BOROUGH COUNCIL

18. Borough Manager's Report
  - a. **Significant Revenue and Expense Items for First Half of April 2011**
19. President's Business
20. Adjournment

Next Resolution #13  
Next Ordinance #1078

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The Emmaus Borough Council met in regular session on April 18, 2011 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	Present
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

PERSONAL APPEALS, PART I –

**A. Janice Wetzel – 7728 Sweetwood Drive, Macungie, PA,** thanked the Borough for its support of the Lehigh Valley Soapbox Race and requested that Ridge Street be closed between Keystone Avenue and State Road to hold the 36<sup>th</sup> Annual Soapbox Derby Race on Saturday, August 27, 2011 and Sunday, August 28, 2011 from 7:00 a.m. to 5:00 p.m. Mrs. Gilbert referred the item to the Public Safety Committee.

**B. John Donches - 559 Minor Street, Emmaus,** voiced opposition to the Legion Baseball Field Project. He suggested abandoning the project completely and believes that the fields should be properly maintained. He encouraged Council to make a motion to abandon the project.

April 18, 2011

EMMAUS BOROUGH COUNCIL

**C. Marshall Rau, 5363 Covenant Court, Emmaus,** stated that he lives in the East Penn School District and owns property in the Borough. He disagrees with Mr. Donches. He stated that he supports the improvement and upgrade at the Legion Baseball Field. He also stated that many residents are in favor of the Baseball Field Project.

**D. Philip Weida, 211 Williams Street, Emmaus,** agrees with Mr. Rau. He stated that he does not support a skate park at Williams Street and believes that parking will be an issue. He stated that he is not against a skate park, but opposes a skate park across the street from his house.

**E. Rick Zayaitz, 411 State Ave, and Teryl Madison, Emmaus Main Street Program,** announced that the Emmaus Main Street Program has changed its name to Emmaus Main Street Program d/b/a Emmaus Main Street Partners. Mr. Zayaitz introduced Ms. Madison. Ms. Madison thanked Nancy and Michael Sayre of Sayre Design for creating a new logo for the Main Street Partners. She exhibited the logo and explained its origin.

**F. Karen McGuinness, 1009 Little Lehigh Drive, Emmaus, Girl Scouts of Emmaus,** requested a fee reduction for the Girl Scouts use of the Arts Pavilion at Emmaus Community Park. Mrs. Gilbert responded that the item will be addressed during the Parks and Recreation Committee Report.

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 April 4, 2011 Minutes. There were 7 ayes. Motion carried. .**

**Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the March 21, 2011 Minutes as drafted. There were 6 ayes, 1 abstention (Waddell). Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

a. Christi Dunning, Emmaus Farmers' Market Manager – Emmaus Farmers' Market May 1<sup>st</sup> Grand Opening.

b. Lyle Richardson, 27 N. 5<sup>th</sup> St., Emmaus – Request for Reappointment to the Parks and Recreation Commission. Referred to the Parks and Recreation Committee.

c. Vickie Gruver, Emmaus Parks and Recreation Commission – Emmaus Community Day – July 23, 2011. Mr. Neely explained that on July 23, 2011, the Parks and Recreation Commission is planning on holding “Emmaus Community Day.” The event will be from 1:00 p.m. until 10:00 p.m. Referred to the Parks and Recreation Committee.

d. Diane Wagner – Letter of Retirement. Mr. Neely read Ms. Wagner's letter.

April 18, 2011

EMMAUS BOROUGH COUNCIL

**Motion by Dr. Waddell, seconded by Mr. Barrett to accept Ms. Wagner's letter of resignation from the Water/Sewer Billing Department effective June 10, 2011. There were 7 ayes. Motion carried.**

Dr. Waddell commented that he made the motion with regret and thanked Ms. Wagner for her hard work over the past 27 years.

e. Rebecca Kennedy – Lehigh Valley Sustainable Lands Bus Tour sponsorship request. Mr. Barrett responded that the item will be addressed during the Parks and Recreation Committee Report.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

UNFINISHED BUSINESS, PART II

Mrs. Gilbert stated that 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, is scheduled for 2<sup>nd</sup> Reading on May 2, 2011.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2011 – 283, declaring April 29, 2011, as Arbor Day in the Borough of Emmaus, and urged all citizens to support efforts to care for our trees and woodlands and to support the Borough's community forestry program.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on April 7, 2011, with one item of official action being recommended to Council. Mr. Labenberg reported that there was a personal appeal by John Donches, asking that residents on West Jubilee Street and South 12<sup>th</sup> Street who had curb installed in conjunction with the Stormwater Project pay a reduced curb permit fee, similar to property owners on Broad Street. The Committee observed that all of the curb work, except one property, was done last year, and that all of the property owners

April 18, 2011

EMMAUS BOROUGH COUNCIL

paid their permit fee last year. The Committee also noted that no property owner who paid the fee asked that the fee be reduced.

Mr. Labenberg reported that all of the drainage boxes have been installed for the South 12<sup>th</sup> Street Stormwater Project. He also reported that John Zgura is working on the sidewalk and curb at Guy Washburn's property. Mr. Washburn lives at the northeast corner of South 12<sup>th</sup> Street and Pennsylvania Avenue. Mr. Labenberg stated that the property requires 168 linear feet of curb and the curb permit fee would normally be \$1,630. Mr. Clapper advised that, as part of the Stormwater Project, the Borough will not be required to effect any pavement restoration. The Committee recommends that Mr. Washburn pay a curb permit fee of \$75.00.

**Motion by Mr. Labenberg, seconded by Mr. Brown to reduce Mr. Washburn's curb permit fee to \$75.00. There were 7 ayes. Motion carried.**

Mr. Labenberg provided an update on the Broad Street Reconstruction Project.

Mr. Labenberg reported that the Committee discussed the Overlook Springs Reservoir located on South Second Street, which services 2 out of Borough properties whose water account was sold to the Lehigh County Authority. Mr. Labenberg stated that a decision will need to be made about what to do with the customers, because the reservoir ultimately will need to be abandoned.

The next Committee Meeting is May 5, 2011 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee met on April 14, 2011 at 4:00 p.m. He reported that the Committee discussed the possible development of a Composting Consortium, which is designed to replace Lehigh County as the provider of composting equipment and services after the County's services terminate on June 30, 2011.

Mr. Reinhard also reported that the Committee discussed Raritan Valley's idea that the Borough and it partner with Recyclebank to offer a "rewards program" for recycling. Raritan Valley would acquire 96 gallon totes for all customers to be used for commingled recyclables. Mr. Reinhard observed that at his house he placed a cardboard box containing other cardboard out for recycling and that Raritan Valley removed it as part of the refuse, not the recycling. The box may have been too large to fit in the bucket of the recycling truck.

Progress.

c. Parks and Recreation Committee

April 18, 2011

EMMAUS BOROUGH COUNCIL

Mr. Barrett reported that the Committee met on April 5, 2011, with official action being recommended. Mr. Barrett reported that representatives of the Catholic War Vets, CWV, attended the Meeting to discuss maintenance issues with their baseball field.

Mr. Barrett reported that the Committee received a field use fee waiver request from the East Penn School District for its use of the South 4<sup>th</sup> Street fields for Field Hockey, the Williams/Kiwanis Street Fields for Softball, and the Community Park Fields for Soccer. The Committee recommends granting the fee waivers.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to waive field usage fees for the East Penn School District for its use of the South 4<sup>th</sup> Street fields for Field Hockey, the Williams/Kiwanis Street Fields for Softball, and the Community Park Fields for Soccer. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Girl Scouts previously asked for a complete waiver of the \$275 fee to rent the Arts Pavilion at Community Park on May 25, 2011 from 6:00 p.m. to 8:00 p.m. for its awards program, which the Committee rejected. They revised their request to a fee reduction to \$125.00. The Committee recommends denying the request. Mr. Labenberg suggested saving money by renting pavilions other than the Arts Pavilion. Mr. Reinhard asked about the fee waiver requirements for renting the Arts Pavilion. Mr. Barrett responded that he does not recall the fee ever being reduced for renting the pavilion. Mr. Barrett also responded that the Girl Scouts are requesting use of the pavilion during peak hours and that the organization is not from the Borough. Council took no action.

Mr. Barrett reported that the Lehigh County Conservation District requested the use of the Arts Pavilion on June 15, 2011 between 7:30 a.m. and 9:30 a.m. and has requested a fee waiver for its use of the Pavilion. Mr. Clapper will be making a presentation at the event. The Committee recommends that the waiver be granted. Mr. Labenberg responded that he will be voting against the Motion because he believes it is important to remain consistent. Dr. Waddell stated that he will also be voting against the fee waiver request.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the requested fee waiver to the Lehigh County Conservation District for its use of the Arts Pavilion on June 15, 2011 between the hours of 7:30 and 9:30 a.m. There were 2 ayes, 5 opposed (Brown, Reinhard, Waddell, Labenberg, Gilbert). Motion failed.**

Mr. Neely reported that he spoke with Brad Youst, the Borough Engineer, about estimated engineering fees to complete plans on a scaled down version of the Legion Baseball Field Project, and prepare the Project for bid. He estimated that obtaining an approved Erosion and Sedimentation Plan would cost around \$3,000 to \$4,000, and preparing the Bid Specifications would cost around \$4,000 to \$5,000, concluding that, including an amount for contingencies, the estimate would be approximately \$10,000.

**Motion made by Mr. Barrett, seconded by Mr. Labenberg to hire Lauren Reiss as head lifeguard at a rate of \$9.50 per hour, David Trine as head lifeguard at a rate of \$9.50 per hour, Bridget Hogue as a part-time lifeguard at a rate of \$8.25 per hour, Francesca Panunto as a full-time lifeguard at a rate of \$8.00 per hour, Roxanne Rieder**



April 18, 2011

EMMAUS BOROUGH COUNCIL

**as a full-time lifeguard at a rate of \$8.00 per hour, John Luke Laube as a part-time lifeguard at a rate of \$7.75 per hour, Maggie Murphy as a part-time lifeguard at a rate of \$7.75 per hour, Elizabeth Delre as a full-time lifeguard at a rate of \$7.50 per hour, Shane Fairchild as a full-time lifeguard at rate of \$7.50 per hour, Courtney Jankowski as a full-time lifeguard at a rate of \$7.50 per hour, Austin Keeler as a part-time lifeguard at a rate of \$7.50 per hour, Matthew Kovalchick as a part-time lifeguard at a rate of \$7.50 per hour, Levi Smith as a part-time lifeguard at a rate of \$7.50 per hour, Ashley Transue as a full-time lifeguard at a rate of \$7.50 per hour, Maxwell Watkins as a part-time lifeguard at a rate of \$7.50 per hour, Shaun Baillie as a 1<sup>st</sup> year part-time lifeguard at the rate of \$7.25 per hour. There were 7 ayes. Motion carried.**

Mr. Neely stated that interviewing will continue and the Committee will request approval at the next Council Meeting for additional Lifeguards and Cashiers.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on April 14, 2011, with appointments to the Fire Department being recommended to Council for action. Mrs. Gilbert reported that Colin Foerst completed training to become a member of the Emmaus Fire Police, contingent upon his passing a doctor's physical.

**Motion by Mr. Barrett, seconded by Mr. Brown to appoint Colin Foerst to the Emmaus Fire Police. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that the Committee recommends appointing Kevin Farnish and Shawn Lubinitsky as drivers of Emmaus Fire Department Aerial Truck #731.

**Motion by Mr. Barrett, seconded by Mr. Brown to appoint Kevin Farnish and Shawn Lubinitsky as drivers of Emmaus Fire Department Aerial Truck #731. There were 7 ayes. Motion carried.**

Mr. Reinhard noted that Chief Nonnemacher has had only one response to his advertisement for part-time Ambulance Corps personnel and suggested lifting the 20 air mile residency requirement. Mr. Labenberg asked if hiring one person will eliminate the need to lift the 20 air mile residency requirement. Mrs. Gilbert responded that there will be a need to hire other personnel.

**Motion by Mr. Reinhard to lift the 20 air mile residency requirement. Motion died for lack of a second.**

Progress.

e. General Administration Committee

April 18, 2011

EMMAUS BOROUGH COUNCIL

Dr. Waddell reported that the Committee met on April 6, 2011. He reported that the Committee recommends appointing Tim Knecht to fill a vacancy on the Emmaus Arts Commission to a term expiring on February 7, 2013. Dr. Waddell stated that Mr. Knecht is an excellent candidate for the position. He advised that the Commission expects one of the current Arts Commission members to resign and the Committee recommends that if a vacancy occurs, that Maria Olshin be appointed to the Commission to a term expiring on February 7, 2015.

**Motion by Dr. Waddell, seconded by Mr. Barrett to appoint Mr. Tim Knecht to the Emmaus Arts Commission to a term expiring on February 7, 2013. There were 7 ayes. Motion carried.**

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer reported that there are two bills on the Bill List for which the Committee requests clarification, both from TMG Consulting Engineers.

Mr. Holtzhafer read Resolution 2011- 12, with the Bill List adjusted due to the removal of the two items requiring further clarification, authorizing payment of the April 18, 2011 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>236,729.69</b>
<b>Payroll #7</b>	<b>\$</b>	<b>106,146.75</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>32,754.34</u></b>
<b>Total</b>	<b>\$</b>	<b>375,630.78</b>

Done this 18<sup>th</sup> day of April 2011.

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the April 18, 2011 Bill List. There were 7 ayes. Motion carried.**

Mr. Labenberg asked if it is an industry standard to charge for transferring files between engineering firms. Mr. Reinhard commented that the amount charged was very costly for transferring files.

Mr. Holtzhafer stated that the Committee received a "Wish List" from Department Heads for the Emmaus General Authority. Mr. Neely stated that the "Wish List" was provided to all Council members so that they can discuss the matter with Department Heads. Mr. Neely also stated that Council's decision on the List should be made at its May 2, 2011 Meeting.

Progress.

April 18, 2011

EMMAUS BOROUGH COUNCIL

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Emmaus Arts Commission picked paint colors for Town Hall, which are available for inspection in the Borough Manager's office at Town Hall.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mrs. Gilbert asked Mr. Holtzhafer if the Committee Meeting has been rescheduled. Mr. Holtzhafer responded that he did not receive an exact day or time yet.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the first half of April, 2011 are in the Council binders and offered to entertain questions about them.

Mr. Neely stated that he is requesting Council's authority to hire Teresa Puhmann as a temporary employee in the Water/Sewer Billing Department at an hourly rate of \$12.25.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to hire Teresa Puhmann as temporary employee in the Water/Sewer Billing Department at an hourly rate of \$12.25. There were 7 ayes. Motion carried.**

Mr. Holtzhafer questioned if Ms. Puhmann will be classified as a Class 3 Employee pursuant to the Secretary's Union Contract. Mr. Neely stated that as a temporary employee, she will not be part of the Union. She will be paid the equivalent of the Class 3 wage.

Progress.

PRESIDENT'S BUSINESS

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

The April 18, 2011 Meeting of the Emmaus Borough Council adjourned at 8:15 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
April 21, 2011