

April 19, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, April 19, 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
 - April 5, 2010
7. Decisions on Bids
 - 2010 Curb and Sidewalk Bid Results
8. Communications
 - a. Judith Lieberman, 333 Ridge Street, Health Department Inquiry
 - b. Meghan Groeger, 902 Evergreen Street, Shade Tree Commission Issue
 - c. Jill Killo, Perk on Main, Emmaus Artisan Market
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II
 - a. 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 (1st Reading 4/5/10) (2nd Reading 5/3/10).
14. Items Not on Agenda, Subject to Rule 9
15. Mayor's Report
 - a. Arbor Day Proclamation

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16. Committee Reports

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

Next Meeting – May 6, 2010 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. “Share the Road” Signs
- d. “No Dumping” Signs
- e. **Emergency Notification System**

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

Next Meeting – May 13, 2010 at 4:00 p.m.

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

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – May 4, 2010 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Proposed Baseball Stadium at Community Park
- d. EYA Shed Request
- e. **Hiring Lifeguards and Cashiers**
- f. **Hiring Summer Parks Program Counselors**
- g. **Appointments to Parks and Recreation Commission—Kathy Miller and Renee Shelly**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – May 13, 2010 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Ordinance No. 1068 - Mulberry Street One-Way Southbound (1st Reading 4/5/10) (2nd Reading 5/3/10).
- d. Emergency Operations Plan – Review

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – April 21, 2010 at 9:00 a.m.

- a. Emmaus Arts Commission
- b. Shade Tree Ordinance—Tree Fund
- c. Special Event Signs Ordinance
- d. **Committee’s Recommendations:**

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- **Appointment of Michael Gibson to the Planning Commission (term expires 04/01/14).**
- **2009 Volunteer of the Year**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – April 22, 2010 at 4:00 p.m.

- Bill List – Resolution 2010 – 15**
- Per Capita Tax Ordinance
- Act 44 Election
- Employee Contributions to Health Insurance

Community Relations/Development (Brown, Reinhard, Waddell)

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

- South Side Master Plan
- Downtown Master Plan – Parking Deck, VFW, David’s Electric
- Triangle Project Expansion
- Parking Deck Feasibility Study – Contract Award
- Emmaus Community Car Show / Emmaus Bed Race

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

Next Meeting – To be determined.

Community/School Relations

- Junior Council Member Draft Resolution Review and Application

17. **Personal Appeals, Part II**

18. **Borough Manager’s Report**

- Significant Revenue and Expense Items for First Half of April 2010**
- Town Hall HVAC**

19. **President’s Business**

- Executive Session

20. **Adjournment**

Next Resolution #16
Next Ordinance #1070

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The Emmaus Borough Council met in regular session on April 19, 2010 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 | Present |
| Brent Labenberg | Present |
| Wesley Barrett | Present |
| Nathan Brown | Present |
| Winfield Iobst, Mayor | Present |
| Frank Procyk, Solicitor | Present |
| Craig Neely, Borough Manager | Present |

PERSONAL APPEALS, PART I

Janice Wetzel – 7728 Sweetwood Drive, Macungie, PA, Lehigh Valley Soap Box Derby, thanked the Borough for its annual support of the Emmaus Rally. She requested the use of Ridge Street between Keystone Avenue and State Road to hold the 35th Annual Soap Box Derby Race on Saturday, August 28 and Sunday, August 29, 2010. Mr. Neely reminded that street closures are referred to the Mayor and that staff provides garbage receptacles and barricades. Mr. Labenberg asked if historically the Soap Box Derby has donated money to the Borough. Ms. Wetzel responded that the Derby has not donated money but businesses supporting the Derby have.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to waive fees for the 35th Annual Soap Box Derby Race held on Saturday, August 28 and Sunday, August 29, 2010. There were 7 ayes. Motion carried.

COMMUNITY MINUTE

Mrs. Gilbert reminded that the Emmaus Farmer's Market will open on Sunday, May 2, 2010 and will be open from 10:00 a.m. until 2:00 p.m. on Sundays until November 21, 2010. She also reminded that the Earth Day Cleanup will be held on Saturday, April 24, 2010 starting at 8:30 a.m. at Emmaus Community Park.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg seconded by Mr. Reinhard to dispense with the formal reading of the April 5, 2010 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Reinhard, seconded by Mr. Barrett to adopt the April 5, 2010 Minutes as drafted. There were 6 ayes, 1 abstention (Waddell). Motion carried.

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DECISION ON BIDS

Mr. Neely reported that there were three bidders for the 2010 Curb and Sidewalk Bid, Zgura Concrete Services, Engelman Construction, and A.J. Trunzo. Zgura Concrete Services was the low bidder at \$25,437.60, and its bid conformed to all of the requirements of the bid specifications. Additionally, neither Engelman nor Trunzo included a list of at least 4 employees as required by the bid specifications. Staff recommends that the 2010 Curb and Sidewalk Bid be awarded to Zgura Concrete Services in the amount of \$25,437.60. Mr. Labenberg asked if the bid was lower than what was budgeted. Mr. Neely answered that it is.

Motion by Dr. Waddell, seconded by Mr. Reinhard to award the 2010 Curb and Sidewalk Bid to Zgura Concrete Services in the amount of \$25,437.60. There were 7 ayes. Motion carried.

COMMUNICATIONS

a. Judith Lieberman, 333 Ridge Street – Apt 515, Health Department Inquiry. Mr. Neely stated that he sent a response to Ms. Lieberman.

b. Meghan Groeger, 902 Evergreen Street - Shade Tree Commission Issue. Referred to the General Administration Committee. Mr. Labenberg asked Solicitor Procyk whether, if a tree falls into the backyard of another resident's property, is it a civil issue or is it the Borough's responsibility. Solicitor Procyk responded that it is a civil issue between the neighbors.

c. Jill Killo, Perk on Main, Emmaus Artisan Market – Request for use of the Triangle for selected Sundays from 10:00 a.m. until 2:00 p.m. once a month from May 30, 2010 until November 21, 2010 to host the Emmaus Artisan Market. Dr. Waddell stated that he is concerned that the event will compete with the Emmaus Farmer's Market. Ms. Killo responded that the Emmaus Farmer's Market is supporting the event. She noted that she will contact the Farmer's Market Manager, Christi Dunning, about drafting a letter to Council stating that the Farmer's Market is in support of the events. Referred to the Parks and Recreation Committee.

d. Alan Hawman, 1803 House - Letter thanking Council for its support of the 1803 House and cancelling Memory Day.

e. Vince Tranguch, Civil Service Commission Chairman - Changes to MOPAC funding for newly hired Police Officers that are not Act 20 certified. Referred to the Public Safety Committee. Mr. Neely clarified that MOPAC deals with state funding of Act 20 courses for new hires. In 2009, the state discontinued its funding.

f. Scott Paul - Train horn concerns. Mrs. Gilbert responded that the matter is still on the Public Safety Committee's Agenda and Mr. Neely is in the process of obtaining information about "Quiet Zones."

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – Progress.

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UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

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 (1st Reading 4/5/10)(2nd Reading 5/3/10).

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2010 – 263 proclaiming April 30, 2010 as Arbor Day in the Borough of Emmaus.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Borough is required to have an Auto Dialing System in place by May 10, 2010 for notifying property owners about emergencies and other matters. The Auto Dialing System will be used to comply with new DEP notification requirements. He reported that there are two pricing options: The Borough pays for each call made plus an annual fee or the Borough pays for an unlimited number of phone calls. The Committee recommends by a 3-0 vote to contract the service with Swift Reach Networks, Inc., for \$4,295.00 for an unlimited calling plan. Mr. Barrett asked if the Auto Dialing System is required by the state. Mr. Labenberg responded that it is. Dr. Waddell asked when DEP initiated the requirement. Mr. Labenberg responded that Mr. Clapper has been researching various companies for over a year. Mr. Holtzhafer asked if the Auto Dialing System could be used to notify residents of the change with the refuse contract. Mr. Labenberg stated that it could. Mr. Holtzhafer also asked if the System is budgeted in Capital Improvements for the Water Fund and is under budget. Mr. Neely said that it is. Mr. Barrett asked if the company will be collecting phone numbers and if it is possible to collect email addresses as well. Mr. Neely responded that the Borough has been collecting phone numbers and he will discuss collecting email addresses at the staff meeting on Tuesday morning. Mr. Labenberg asked Mr. Neely how the contract will run. Mr. Neely responded that the contract will run from April 2010 to April 2011.

Motion by Mr. Labenberg, seconded by Mr. Brown to contract the Borough Auto Dialing System with Swift Reach Networks, Inc., in the amount of \$4,295.00 for an unlimited calling plan. There were 7 ayes. Motion carried.

Mr. Labenberg reported that the Committee recommended 3-0 for residents on S. 12th Street and West Jubilee Street to not be required to install sidewalks. Mr. Barrett asked about the rationale 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 voiced concern about

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not placing sidewalks on S. 12th Street. Dr. Waddell stated that he was unable to view the sidewalks and would like the matter to be on the Agenda for the next Borough Council Meeting.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee recommends that the Borough contract with Liberty Power for a 12 month fixed rate. Mr. Neely stated that there are two GS rates, GS 1 service being general service for smaller consuming meters, such as for the smaller buildings. GS 3 service is for heavier demand facilities, such as the well pump stations. The Borough has 49 separate electric meters, 9 of which are GS3.

Motion by Mr. Reinhard, seconded by Mr. Labenberg to contract with Liberty Power for a 12 month fixed rate. There were 7 ayes. Motion carried.

Mr. Reinhard reported that the Committee plans on revisiting the Riparian Buffer Ordinance with the Environmental Advisory Council.

Mr. Reinhard reported that at its next Meeting on May 13, 2010 at 4:15 p.m., the Committee will discuss maintenance and repair of building sewers and laterals.

Progress.

c. Parks and Recreation Committee

Motion made by Mr. Barrett, seconded by Mr. Labenberg to hire Meredith McNelis as a part-time lifeguard at a rate of \$7.50 per hour, Elizabeth Delre as a part-time lifeguard at a rate of \$7.25 per hour, Elizabeth Hittinger as a part-time lifeguard at a rate of \$7.25 per hour, Courtney Jankowski as a part-time lifeguard at a rate of \$7.25 per hour, Austin Keeler as a part-time lifeguard at a rate of \$7.25 per hour, Matt Kovalchick as a part-time lifeguard at a rate of \$7.25 per hour, Jess Reznicek as a part-time lifeguard at a rate of \$7.25 per hour, Melissa Sherman as a part-time lifeguard at a rate of \$7.25 per hour, Levi Smith as a part-time lifeguard at rate of \$7.25 per hour, Ashley Transue as a part-time lifeguard at a rate of \$7.25 per hour, Maxwell Watkins as a part-time lifeguard at a rate of \$7.25 per hour, Malek Freiler as a cashier at a rate of \$7.25 per hour, and Will Haney as a cashier at a rate of \$7.25 per hour. There were 7 ayes. Motion carried.

Mr. Barrett noted that all of the above individuals will be new to the Pool Staff this year with the exception of Meredith McNelis who will be returning for her second season. The Borough will be hiring one more lifeguard to complete the roster for this season.

Mr. Barrett reported that the Borough received 15 applications for the 5 Counselor positions for the Summer Parks Program, 4 of which were Counselors in prior years.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to approve the hiring of Erin Antrim at a rate of \$8.00 per hour, Will St. John at a rate of \$8.00 per hour, Kaity

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Dychala at a rate of \$7.50 per hour, Kaylee Nonnemacher at a rate of \$7.50 per hour and Samantha Fichter at a rate of \$7.25 per hour as Summer Parks Program Counselors. There were 7 ayes. Motion carried.

Mr. Barrett noted that although the Program will only be held at one park this year, the Program has grown and 5 counselors are needed.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Cathy Miller to the Parks and Recreation Commission to a term expiring 5/1/2012. There were 7 ayes. Motion carried.

Mr. Barrett stated that one of Ms. Miller's strength lies in fundraising and she is willing to undertake fundraising efforts to raise contributions for park improvements.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Renee Shelly to the Parks and Recreation Commission to a term expiring 5/1/2012. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Parks and Recreation Committee voted 3-0 to deny the Fee Waiver Request from St. Thomas More for the use of the Klines Lane field on Wednesdays and the Cintas soccer field on Mondays for practices. The recommendation was made because St. Thomas More is an organization located outside of the Borough.

Mr. Labenberg asked if an official Motion is needed for the denial. Mr. Holtzhafer stated that he does not understand why a vote would be needed to deny the request.

Motion by Mr. Barrett, seconded by Mr. Labenberg to deny the Fee Waiver Request from St. Thomas More for the use of the Klines Lane field on Wednesdays and the Cintas soccer field on Mondays for practices. There were 7 ayes. Motion carried.

Mr. Barrett also reported that the Parks and Recreation Committee voted to deny a request from Calvary Fellowship Church to use Triangle Park on September 18, 2010. The Committee concluded that the use as proposed by Calvary Fellowship is more appropriately conducted at the Emmaus Community Park Arts Pavilion and suggests that Calvary Fellowship consider holding its event at the Arts Pavilion.

Motion by Mr. Barrett, seconded by Mr. Reinhard to deny Calvary Fellowship Church's request to use Triangle Park on September 18, 2010. There were 7 ayes. Motion carried.

Mr. Labenberg asked if the event could be downsized so that the church could still use Triangle Park and feels that the church should have this option before being denied use of Triangle Park. Mr. Neely responded that the event is being held to raise awareness about the church. Mr. Neely stated that the Parks and Recreation Committee should contact Calvary Fellowship and ask a representative to attend the next meeting to discuss the possibility of scaling down the event or changing the location to Emmaus Community Park. Mr. Holtzhafer stated that he is concerned about the use of the Triangle because the Triangle will lose its function as a gathering place for residents. Mr. Labenberg commented that the Triangle should be used for organizations in the community and will draw people to the Borough. Mr.

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Brown asked if Calvary Fellowship could work in conjunction with the Emmaus Farmer's Market. Mr. Barrett responded that the request to use the Triangle was denied due to the size of the event.

Mr. Barrett reported that Janice Latshaw's previous Personal Appeal for bathrooms remaining open at Emmaus Community Park was discussed at the last staff meeting and a letter has been mailed to her accordingly.

Mr. Barrett also reported that the Committee discussed the proposed Legion Baseball Field. He noted that Dr. Waddell was in attendance. The Committee is not making any recommendations at this time.

Mr. Neely stated that a request was received from Cynthia Gibson to serve on the Special Entertainment Committee. The Parks and Recreation Committee unanimously recommended that Cynthia Gibson be appointed to the Emmaus Special Entertainment Committee. He also stated that action on this item will need to wait until it can be determined what the appropriate terms are for the vacancy and how the Committee will be structured. Mr. Neely suggested that the matter be referred to a Committee. Mrs. Gilbert referred it to the General Administration Committee.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Public Safety Committee met on April 8, 2010. Mr. Labenberg asked Mrs. Gilbert if the quote of \$850 per intersection to install emergency generator hookups is the amount that was budgeted. Mr. Neely responded that \$3,000 was budgeted for three emergency generator hookups.

Progress.

e. General Administration Committee

Dr. Waddell reported that the General Administration Committee met on April 7, 2010 and recommends that Michael Gibson be appointed to the Emmaus Planning Commission to a term expiring on April 1, 2014. The seat is the one that was held by Phil Siebert.

Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Michael Gibson to the Emmaus Planning Commission to a term expiring on April 1, 2014. There were 7 ayes. Motion carried.

Dr. Waddell requested an Executive Section to discuss nominations for the 2009 Volunteer of the Year Award.

The next Committee Meeting is April 21, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

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Mr. Holtzhafer read Resolution 2010-15, authorizing payment of the April 19, 2010 Bill List, as follows:

| | |
|----------------------|----------------------|
| Bill List | \$ 171,899.66 |
| Payroll #7 | \$ 104,728.79 |
| Payroll Taxes | \$ 32,462.76 |
| Total | \$ 309,091.21 |

Done this 19th day of April, 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the April 19, 2010 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee will meet on April 22, 2010 at 4:00 p.m. He noted that the Agenda for the meeting will include releasing funds to the Emmaus Main Street Program, the Emmaus Police Officers Association request to begin Collective Bargaining, and Non-Union Employee contributions to health insurance.

Mr. Labenberg noted that PPL was second on the Top 5 Bills and asked Mr. Neely what the percentage of savings will be when the Borough switches electric companies. Mr. Neely responded that the net savings will be approximately 15% and is a significant savings.

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that the Emmaus Main Street Program will be presenting a project to the Committee and that the Program is moving forward in its vision and mission statement. He also thanked Jill Killo, Teryl Madison, and Emma Villa for its work in planning the artisan events to be held at the Triangle and for working in conjunction with the Emmaus Farmer's Market.

The next Committee Meeting will be on April 28, at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer stated that the Committee will meet shortly.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the 1st half of 2010 are in the binders and offered to entertain any questions about it.

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Mr. Neely reported that he will attend the General Authority meeting in May and will present a request in person and in writing for the full amount of the total Energy Audit, including the second heat pump for the first floor of Town Hall. He also reported that in the meantime, another opinion on the HVAC needs of Town Hall will be obtained.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert adjourned at 8:10 for a brief Executive Session.

Mrs. Gilbert reconvened the Meeting at 8:15 p.m. with no official action taken.

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 8:17 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 23, 2010