

May 2, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, May 2, 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 18, 2011
7. Decisions on Bids
8. Communications
 - a. Bob Halsey, Emmaus Rotary Club – Annual Emmaus Rotary Dog Walk.
 - b. Virginia Savage, Lehigh County Office of Community & Economic Development – Anniversary Celebration Baskets Request.
 - c. Martin Ondrovic, Emmaus Veterans Association – Memorial Day Parade and Ceremony Request.
 - d. Ariel Scholz, 1249 Pennsylvania Ave. – Letter of Resignation from the Emmaus Arts Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II

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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) (2nd Reading 5/2/11).

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

Proclamation 2011-285 – Police Week

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. **Hiring of Summer Public Works Employees**

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. **Hiring of Summer Park Program Camp Counselors**
- f. **Hiring of Pool Lifeguards and Cashiers**
- g. **Reappointment of Jeff Shubzda, Michelle Steiner, and Lyle Richardson to the Parks and Recreation Commission–(Terms Expire 5/1/2014)**

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

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – May 4, 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 Maria Olshin to the Emmaus Arts Commission (Term Expires 2/1/2015)**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – May 16, 2011 at 6:45 p.m.

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

- a. **Bill List – Resolution 2011-13**
- b. General Authority Request
- c. Appointment of Berkheimer as Local Tax Collector
- d. Emergency Management Coordinator Compensation
- e. **Emmaus General Authority Wish List**

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

Next Meeting – May 24, 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 Iobst)

Next Meeting – To be determined

Community/School Relations

- a. Junior Council Member Draft Resolution Review and Application

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17. Personal Appeals, Part II
18. Borough Manager's Report
 - a. **Significant Revenue and Expense Items for April 2011**
19. President's Business

Executive Session
20. Adjournment

Next Resolution #14
Next Ordinance #1078

The Emmaus Borough Council met in regular session on May 2, 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	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. Jim Woodeshick – 108 Seem Street, Emmaus, voiced concern about an incident on April 20, 2011 at the Compost Site when he took some boy scouts to the Site and the attendant would not load wood chip mulch for them. Mr. Labenberg was upset about the incident, and said that he would discuss the matter at the Public Works Committee Meeting. Mr. Neely explained that when the pile gets low, the attendant stops loading to ration the chips, but said that he will discuss the item at the Staff Meeting.

Motion by Mr. Labenberg, seconded by Mr. Reinhard to extend Mr. Woodeshick's Personal Appeal by five minutes. There were 7 ayes. Motion carried.

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Mr. Woodeshick stated that there are many residents who use leaf blowers to blow leaves, grass, and other foreign items into the street. He stated that the items can cause storm sewers to become blocked and it is a hazard for bicyclists.

B. Rebecca Kennedy – 4184 Dorney Park Road, Suite 102, Allentown, PA 18104, asked Borough Council to reconsider its decision to deny the Lehigh County Conservation District’s Fee Waiver Request for the rental of the Arts Pavilion at Emmaus Community Park for the Lehigh Valley Sustainable Lands Bus Tour. She stated that the Borough Public Works Director, Jeff Clapper, will be the keynote speaker at the event, and also stated that if Borough Council waives the fee, the Borough will be listed as a sponsor of the bus tour. Ms. Kennedy stated that every site that is being showcased and every site that was showcased last year made a financial or “in-kind” contribution to the event. Mr. Barrett offered to place the issue on the Agenda for the Parks & Recreation Committee Meeting on May 3, 2011. Ms. Kennedy explained that there is not enough time to wait for the Committee Meeting and then the next Council Meeting because they need to print the event program.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Dr. Waddell to dispense with the formal reading of the April 18, 2011 Minutes. There were 7 ayes. Motion carried.

Motion by Dr. Waddell, seconded by Mr. Barrett to adopt the April 18, 2011 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Bob Halsey, Emmaus Rotary Club – Annual Emmaus Rotary Dog Walk. Referred to Staff.

b. Virginia Savage, Lehigh County Office of Community & Economic Development – Anniversary Celebration Baskets Request. Referred to the Community Relations, Planning and Development Committee.

c. Martin Ondrovic, Emmaus Veterans Association – Memorial Day Parade and Ceremony Request. Referred to Mayor Iobst and Staff.

d. Ariel Scholz, 1249 Pennsylvania Avenue – Letter of Resignation from the Emmaus Arts Commission.

Motion by Dr. Waddell, seconded by Mr. Labenberg to accept Ms. Scholz’s letter of resignation from the Emmaus Arts Commission. There were 7 ayes. Motion carried.

Dr. Waddell thanked Ms. Scholz for her dedication to the Emmaus Arts Commission.

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e. Jen Elston, Spring Festival Chairperson, Lincoln Elementary School PTO – Request for approval to hold its annual 2011 Spring Festival on Wednesday, June 8, 2011 from 4:00 p.m. to 7:00 p.m. The school is requesting street closures of Pike Street from Seem Street to Harrison Street, Mulberry Street from Seem Street to Harrison Street and Seem Street between 2nd and 3rd Streets. Referred to Mayor Iobst and Staff.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS - None.

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

Motion by Mr. Barrett, seconded by Dr. Waddell to read Ordinance No. 1077 in short title. There were 7 ayes. Motion carried.

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

Mr. Labenberg and Dr. Waddell stated that they will be voting against the motion because they believe the fines imposed are too steep.

Motion by Mr. Brown, seconded by Mr. Barrett 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 2nd Reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, nay, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. Motion carried.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2011 – 285, proclaiming the week of May 15 through May 21, 2011 as Police Week.

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee recommends hiring the following part-time Public Works employees for the 2011 Summer Season: Jordan Stenroos, at an hourly rate of \$7.75, Scott Focht, at an hourly rate of \$8.25, Kyle Focht, at an hourly rate of \$8.55, Andrew Holland, at an hourly rate of \$8.50, Tate Klidonas, at an hourly rate of \$7.50, and Eric Focht at an hourly rate of \$10.25. Mr. Reinhard asked if the individuals are Borough residents. Mr. Neely responded that he is unsure if Jordan Stenroos is a resident. Mr. Holtzhafer asked about Eric Focht's hourly rate and if he was the Pool Manager in 2010. Mr. Neely responded that he was the Pool Manager and has been a summer Public Works employee for many years.

Motion by Mr. Labenberg, seconded by Mr. Brown to hire Jordan Stenroos, at an hourly rate of \$7.75, Scott Focht, at an hourly rate of \$8.25, Kyle Focht, at an hourly rate of \$8.55, Andrew Holland, at an hourly rate of \$8.50, Tate Klidonas, at an hourly rate of \$7.50, and Eric Focht at an hourly rate of \$10.25. There were 7 ayes. Motion carried.

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

Progress.

b. Health, Sanitation, and Conservation Committee

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on April 5, 2011, with official action being recommended. Mr. Barrett reported that the Summer Parks Program will run from June 27 to August 5, 2011 and the Committee recommends hiring Kaylee Nonnemacher, at an hourly rate of \$7.75, Kaitlyn Dychala, at an hourly rate of \$7.75, William St. John, at an hourly rate of \$8.25, and Celynnann LaPlaca, at an hourly rate of \$7.25.

Motion made by Mr. Barrett, seconded by Mr. Labenberg to hire Kaylee Nonnemacher, at an hourly rate of \$7.75, Kaitlyn Dychala, at an hourly rate of \$7.75, William St. John, at an hourly rate of \$8.25, and Celynnann LaPlaca, at an hourly rate of \$7.25. There were 7 ayes. Motion carried.

Mr. Barrett reported that there will be one additional Counselor hired. Dr. Waddell asked if a staff member is in charge of the Program. Mr. Neely responded that he and John Dychala oversee the Program. He also stated that several of the counselors have returned from previous years.

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Motion by Mr. Barrett, seconded by Mr. Holtzhafer to hire Colleen Ehrig as a full-time lifeguard at a rate of \$7.25 per hour, Anna Overholts as a part-time lifeguard at \$7.25 per hour, Benjamin Overholts as a part-time lifeguard at \$7.25 per hour, Fergus Watkins as a part-time lifeguard at \$7.25 per hour, Terence Cawley as a cashier, at \$7.25 per hour, and Arielle Williams as a cashier at \$7.25 per hour. There were 7 ayes. Motion carried.

Mr. Barrett reported that there are three letters of interest for reappointment to the Emmaus Parks and Recreation Commission. The letters will be reviewed at the Committee Meeting on May 3, 2011.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the next Committee Meeting is May 12, 2011.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on April 18, 2011. He reported that due to Ariel Scholtz's resignation, the Emmaus Arts Commission has one vacancy. He reported that the Committee recommends appointing Maria Olshin to the Commission to a term expiring on February 1, 2015. Ms. Olshin was previously interviewed by the General Administration Committee.

Motion by Dr. Waddell, seconded by Mr. Barrett to appoint Ms. Maria Olshin to the Emmaus Arts Commission to a term expiring on February 1, 2015. There were 7 ayes. Motion carried.

The next Committee Meeting is May 4, 2011 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 13, authorizing payment of the May 2, 2011 Bill List, as follows:

Bill List	\$	469,847.60
Payroll #8	\$	125,102.25
Payroll Taxes	\$	<u>39,376.90</u>
Total	\$	634,326.75

Done this 2nd day of May 2011.

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Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the May 2, 2011 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer stated that the Committee reviewed the "Wish List" from Department Heads for the Emmaus General Authority. Mr. Holtzhafer reported that the Committee recommends requesting for the Ambulance Corps, an ambulance with an estimated cost of \$88,700, for the Public Works Department, a screener for the Compost Site in the amount of \$20,000, and for the Police Department, a request for new computers and a server at a cost of \$47,000. The assumption is that the General Authority would fund one or two items. The "Wish List" will be provided to the General Authority. Mr. Brown stated that he believes that new computers and a server for the Police Department should be more of a priority than a screener. Mr. Labenberg believes that the Public Works Department was requesting a new dump truck and has now changed its request to a screener. Mr. Neely explained that it is because the request for the dump truck was for partial funding and to hold the money until 2012 to purchase the dump truck. Mr. Neely explained that the General Authority's practice has historically been to purchase an item, not provide money to be held for the next year. Mr. Labenberg asked if the screener could be rented to other municipalities. Mr. Neely said that the Borough would have the right to rent it out but he does not believe that it should be a factor in deciding whether to purchase a screener. Mr. Reinhard stated that he believes that a new ambulance is the highest priority.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to forward a copy of the "Wish List" to the General Authority, asking it to fund the following items with the following order of priority: an ambulance at the cost of \$88,700, a screener at a maximum cost of \$20,000, and new computers and server for the Police Department in the amount of \$47,000. There were 7 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee did not meet in April. He stated that due to scheduling conflicts, the Committee needs to move its meeting date to the 4th Thursday of the month at 4:15 p.m. The next meeting is Thursday, May 26, 2011.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer stated that he is awaiting confirmation from the School District on a date and time for a meeting.

Progress.

PERSONAL APPEALS, PART II - None.

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BOROUGH MANAGER'S REPORT

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

Mr. Neely reported that he reviewed the Borough's Emergency Operations Plan and made copies of the portion detailing the responsibilities of elected officials in the Borough and distributed them to elected officials so that they can learn of their responsibilities.

Mr. Reinhard stated that in the Significant Revenues there is an insurance dividend in the amount of \$107,439.00 from Benecon, and recommended placing it in a legal expense line item for legal expenses that may be incurred in 2012.

Motion by Mr. Reinhard, seconded by Mr. Labenberg to place the Benecon insurance dividend in the amount of \$107,439.00 in a legal expense line item for legal expenses that may be incurred in 2012. There were 2 ayes, opposed (Brown, Labenberg, Holtzhafer, Barrett, Gilbert). Motion failed.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 8:01 p.m. for an Executive Session, observing that she did not anticipate official action thereafter.

Mrs. Gilbert reconvened the Meeting at 8:19 p.m. with no official action being taken.

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

The May 4, 2011 Meeting of the Emmaus Borough Council adjourned at 8:19 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
May 4, 2011