

June 6, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, June 6, 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

May 16, 2011
7. Decisions on Bids

Curb and Sidewalk Contractor
8. Communications
 - a. Seven Generations Charter School, 154 E. Minor Street – Art & EIC Expo.
 - b. John J. Zettlemyer, Emmaus General Authority – 2011 Capital Purchase Requests.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

Ordinance No. 1078 – Authorizing the incurring of nonelectoral debt by the issuance of a General Obligation Note in the aggregate principal amount of one hundred fifty thousand dollars (\$150,000.00); covenanting to pay, and pledging unlimited taxing power for the payment of the note; establishing a sinking fund and appointing a sinking fund depository; fixing the form, interest rate, maturity, redemption and other provisions for the payment thereof; authorizing a security agreement for an aerial fire truck to secure the note, authorizing a filing of required documents with the Department of Community and Economic Development; ratifying and directing certain actions of officers; and making

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certain other covenants and provisions in respect to the note. (1st Reading 6/6/11).

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 – July 7, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements

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

Next Meeting – June 9, 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 – June 7, 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

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – June 9, 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

General Administration (Waddell, Barrett, Labenberg)

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Next Meeting – June 15, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Public Parking Spaces on Jubilee Street

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – June 16, 2011 at 3:30 p.m.

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

- a. **Bill List – Resolution 2011-15**
- b. Appointment of Berkheimer as Local Tax Collector
- c. Emergency Management Coordinator Compensation
- d. Emmaus General Authority Wish List

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

Next Meeting – June 23, 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

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. **Significant Revenue and Expense Items for May 2011**

19. President's Business

20. Adjournment

Next Resolution #17
Next Ordinance #1079

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The Emmaus Borough Council met in regular session on June 6, 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	Absent
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Josephine Sadrovitz – 130 N. 4th Street, Emmaus - was disappointed that food was not available during a summer concert held on June 5, 2011. Mr. Neely responded that Schreiter's Chuck Wagon closed early and EYA did not have a volunteer to staff the snack stand. Mrs. Sadrovitz suggested having a caterer at the concerts. Mr. Barrett explained that it was a unique situation because EYA did not have a volunteer to open the stand because members of the EYA were out of town. Mrs. Gilbert referred the item to the Parks and Recreation Committee.

B. Richard Gerhart, 107 Dell Street, Emmaus - voiced concern about the lights being turned on at Emmaus Community Park at 7:20 p.m. He believes it is a waste of money to have the lights turned on when it is still light outside. He also voiced concern about cars being parked on the grass at the Park and about the condition of the tables and benches at the Park, particularly at the refreshment stands. Mrs. Gilbert referred the items to staff.

C. Otto Slozer, 121 E. Elm Street, Emmaus – asked if Schreiter's Chuck Wagon has a contract with the Borough to remain open when the pool is open.

D. Marshall Rau, 5363 Covenant Court, East Texas – stated that at the last Council Meeting the subject was brought up that the Police Department is in need of a new computer system. Mr. Rau stated that Mr. Brown suggested taking the money designated for the Legion Baseball Field Reconstruction Project to purchase a new computer system and Mr. Reinhard agreed. Mr. Rau asked how the Borough obtained the money. Mr. Neely responded that when enacting the 2010 Budget, Borough Council authorized refinancing existing debt and borrowing money. As part of the borrowing, Borough Council listed projects for which it would use the money. Mr. Neely stated that Borough Council approved projects and that Council approved him filing paperwork that indicated that \$100,000 of the borrowed money

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would be used for the Legion Baseball Field Reconstruction Project. He stated that there was a fairly large sum of engineering fees paid out of the \$100,000 line item that was created out of the approval for the borrowing. Mr. Neely stated that the funds Mr. Brown and Mr. Reinhard were referring to was the unused remaining money from the \$100,000 that was borrowed and allocated for the Legion Baseball Field Project, essentially abandoning the Project and using whatever money was left over to fund the purchase for the Police Department. Mr. Rau asked if the Police Department asked to use the money. Mr. Neely responded that it did not. Mr. Rau asked if the Police Department is in favor of using the money for the computer purchase. Mr. Neely responded that he can not answer for the Department. Mr. Rau stated that he does not believe the Emmaus Police Department would want to take money away from children to fund its needs.

E. Frank Sadrovitz, 130 N. 4th Street, Emmaus, asked if there is any progress on making the frame for the Civil War Flag to be hung at Town Hall. Dr. Waddell assured Mr. Sadrovitz that the Flag has not been forgotten and will be part of a larger historical display. He stated that the Emmaus Arts Commission is determining how to display all of the memorabilia.

Mr. Sadrovitz voiced his disappointment that there was no food available at the Summer Concert on June 5 at Emmaus Community Park. Mr. Sadrovitz stated that EYA did not tell anyone that they would not be opening the food stand. He stated that he believes the food stand should be open for all events.

Mr. Sadrovitz claimed that there is no storage space for the Emmaus Flag Day Association at Town Hall. Mr. Neely responded that after Mr. and Mrs. Sadrovitz cleaned part of the Town Hall basement, there were 4 or 5 boxes for the Emmaus Flag Day Association. He reminded Mr. Sadrovitz of their conversation in which he offered to store the boxes at Town Hall.

F. John Donches, 559 Minor Street, Emmaus, stated that he supports using the remaining funds designated to the Legion Baseball Field Project being used to upgrade the Police Department's computer system.

G. John Eyer, 331 N. 2nd Street, Emmaus, Chairman of the Board for EYA, explained that the problem with EYA's food stand not being open during the Summer Concert on June 5, 2011 will be resolved, but stated that there is no reason to criticize volunteers.

COMMUNITY MINUTE

Dr. Waddell stated that the Emmaus Historical Society has an exhibit of police memorabilia and encouraged everyone to visit the Society.

Dr. Waddell thanked everyone that helped and was involved with the Memorial Day Weekend. He stated that there were 17 new bricks placed at the Remembrance Garden.

Dr. Waddell commented that over the past two weeks he has been solicited several times at his residence. He reminded that all solicitors are required to fill out a permit and

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acquire a badge that needs to be worn at all times. He encouraged residents to call the Emmaus Police at 610-965-0722 to report any unwanted solicitors.

Dr. Waddell voiced concern about individuals parking in the handicapped spot at the Emmaus Post Office and reminded all citizens to call the Emmaus Police at 610-965-0722 to report individuals that do not have a proper license or placard.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Dr. Waddell to dispense with the formal reading of the May 16, 2011 Minutes. There were 6 ayes. Motion carried.

Mr. Reinhard commented that Mr. Neely placed a correction on the desks for the Minutes. Mr. Neely stated that Mr. Reinhard brought some items to the attention of Paula Weiant and had some questions about the Health, Sanitation, & Conservation Committee Meeting Report on page 78, item b, concerning the efforts to develop a composting consortium. Mr. Neely also stated that there was some information that had been added from the Committee Meeting Minutes by error. He stated that he directed Ms. Weiant to type out verbatim that portion of the Meeting, which was placed on Council's desks. Mr. Barrett asked if the Minutes are official. Mr. Neely stated that they are not official until Council approves them. Mr. Neely suggested removing the first paragraph under part b, page 78, under the Health, Sanitation, and Conservation Committee Report, and replacing it with the verbatim draft and approve the Minutes subject to the correction. Mr. Barrett clarified that Mr. Reinhard's request is for these Minutes only. Mr. Reinhard stated that it is and explained that when he was reading the Minutes he noted that there was information included that he did not say during the Council Meeting. Mr. Labenberg suggested that the Minutes be printed on both sides.

Motion by Mr. Reinhard, seconded by Dr. Waddell to remove the first paragraph of the Health, Sanitation, and Conservation Committee Report and replace it with the verbatim version. There were 5 ayes, 1 opposed (Holtzhafer). Motion carried.

Motion by Dr. Waddell, seconded by Mr. Reinhard to adopt the May 16, 2011 Minutes as corrected. There were 5 ayes, 1 abstention (Holtzhafer). Motion carried.

DECISION ON BIDS

Mr. Neely reported that the bid specifications for the Curb and Sidewalk Contractor were prepared by Mr. Farnsworth and approved by Lehigh County. There were two bidders, Zgura Concrete and Advanced Excavating & Snow Removal. Zgura Concrete's total bid was \$38,716.20 and Advanced Excavating & Snow Removal bid \$49,492.44. Staff recommends awarding the 2011 Curb and Sidewalk Contractor Bid to Zgura Concrete in the amount of \$38,716.20.

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Motion by Mr. Labenberg, seconded by Dr. Waddell to award the 2011 Curb and Sidewalk Contractor Bid to Zgura Concrete in the amount of \$38,716.20. There were 6 ayes. Motion carried.

COMMUNICATIONS

- a. Seven Generations Charter School, 154 E. Main Street – Art & EIC Expo.
- b. John J. Zettlemoyer, Emmaus General Authority – 2011 Capital Purchase Requests. Mr. Neely read a letter dated May 23, 2011, authorizing the Borough's 2011 "Request for Funding: 'Wish List'". Mrs. Gilbert directed Mr. Neely to draft a Thank You letter to the Authority.
- c. Jane Brannan, 406 Cherokee Street – Parking on the Triangle. Referred to the Public Safety Committee.
- d. Fred Shipman – Request to Park on Borough Property. Referred to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1078 - Authorizing the incurring of nonelectoral debt by the issuance of a General Obligation Note in the aggregate principal amount of one hundred fifty thousand (\$150,000); convenanting to pay, and pledging unlimited taxing power for the payment of the note; establishing a sinking fund and appointing a sinking fund depository; fixing the form, interest rate, maturity, redemption and other provisions for the payment thereof; authorizing a security agreement for an aerial truck to secure the note, authorizing a filing of required documents with the Department of Community and Economic Development; ratifying and directing certain actions of officers; and making certain other covenants and provisions in respect to the note. (1st Reading 6/6/11).

Mrs. Gilbert advised that a revised copy of Ordinance No. 1078 was placed on Council's desks. Solicitor Procyk explained that Ordinance No. 1078 involves the Emmaus Fire Department's purchase of a new aerial truck. In conjunction with the purchase, the Fire Department is in the process of applying for a 2%, \$150,000 loan from the Pennsylvania Emergency Management Agency. To do so, the Local Unit Debt Act requires that the Borough provide them with an ordinance authorizing the incurring of the debt.

Motion by Mr. Barrett, seconded by Dr. Waddell to read Ordinance No. 1078 in short title. There were 6 ayes. Motion carried.

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Mr. Barrett asked for clarification on the revised copy. Mrs. Gilbert explained that it was revised due to typographical errors on pages 1 and 2. Mr. Reinhard stated that he believes the aerial truck is a needed purchase, but if the cost is less than the budgeted amount he hopes the Borough and the Fire Department can share in the savings.

Mrs. Gilbert read Ordinance No. 1078 in Short Title.

Motion by Mr. Labenberg , seconded by Mr. Holtzhafer to adopt Ordinance No. 1078 - Authorizing the incurring of nonelectoral debt by the issuance of a General Obligation Note in the aggregate principal amount of one hundred fifty thousand (\$150,000); convenanting to pay, and pledging unlimited taxing power for the payment of the note; establishing a sinking fund and appointing a sinking fund depository; fixing the form, interest rate, maturity, redemption and other provisions for the payment thereof; authorizing a security agreement for an aerial truck to secure the note, authorizing a filing of required documents with the Department of Community and Economic Development; ratifying and directing certain actions of officers; and making certain other covenants and provisions in respect to the note on its 1st Reading. Roll call vote: Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee will meet on Thursday, June 9, 2011 at 4:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that there is one item requiring official action - hiring Madeline Ziegenfus of 444 Cherokee Street as the final Summer Park Counselor for the Summer Parks Program at a rate of \$7.25 per hour.

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Motion by Mr. Barrett, seconded by Mr. Labenberg to hire Madeline Ziegenfus of 444 Cherokee Street as a Counselor for the Summer Park Program at a rate of \$7.25 per hour. There were 6 ayes. Motion carried.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee will meet on Thursday, June 9, 2011 at 9:00 a.m. Mrs. Gilbert reported that the Committee will add the Soap Box Derby to its Agenda.

Progress.

e. General Administration Committee

Dr. Waddell thanked Mr. Gerhart and members of the General Authority for hosting Mr. Labenberg, Mr. Barrett, Mrs. Gilbert, Mr. Neely and him at the General Authority Meeting held on May 18, 2011. He commented that the Meeting was informative and educational.

The next Committee Meeting is June 15, 2011.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 15, authorizing payment of the June 6, 2011 Bill List, as follows:

Bill List	\$	255,598.01
Payroll #10 & #11	\$	246,703.53
Payroll Taxes	\$	79,700.26
Total	\$	582,001.80

Done this 6th day of June 2011.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the June 6, 2011 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee will meet on June 16 at 3:30 p.m. The Committee will review the current budget's progress and begin planning for the fall.

Progress.

g. Community Relations, Planning and Development Committee

The next Committee Meeting is June 23, 2011.

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Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that he will be speaking with Dr. Seidenberger shortly and will schedule a meeting at that time.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 7:54 p.m. for a brief Executive Session, observing that she did not anticipate official action thereafter.

Mrs. Gilbert reconvened the Meeting at 8:10 p.m. with no official action being taken.

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

The June 6, 2011 Meeting of the Emmaus Borough Council adjourned at 8:11 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
June 8, 2011