

June 20, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, June 20, 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

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7. Decisions on Bids
8. Communications
 - a. Donna Nonnemacher, Emmaus Ambulance Corps – 65th Anniversary Open House/Health Fair and Awards Ceremony.
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)
(2nd Reading 6/20/11).**

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 – July 14, 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 – July 5, 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. **Catholic War Vets**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – July 14, 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. **Soap Box Derby**

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g. Resolution 2011-16 – Sale of Aerial Fire Truck

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – July 13, 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 – July 5, 2011 at 3:30 p.m.

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

- a. Bill List – Resolution 2011-18**
- b. Appointment of Berkheimer as Local Tax Collector
- c. Emergency Management Coordinator Compensation

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

Next Meeting – July 28, 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 First Half of June 2011**
- b. Resolution 2011-17—Compost Site Loading Fee Increase**

19. **President's Business**

Executive Session

20. **Adjournment**

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Next Resolution #19
Next Ordinance #1079

The Emmaus Borough Council met in regular session on June 20, 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	Absent
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Leon Moyer, 428 S. 6th Street, Emmaus – voiced concern about the parking situation at St. Ann’s School and suggested that street parking should be posted as residential only. Mrs. Gilbert referred the item to the Public Safety Committee.

B. John Donches, 559 Minor Street, Emmaus – noted that there are two Committee Meetings listed for July 5, 2011 at 3:30 p.m., Parks and Recreation and Budget and Finance. Mr. Neely clarified that the Budget and Finance Committee Meeting is scheduled for 6:30 p.m. before the Borough Council Meeting.

C. Richard Gerhart, 107 Dell Street, Emmaus – stated that he previously voiced concerns about the condition of the tables and benches at Emmaus Community Park. He commented that the tables, especially around the refreshment stands, have been painted and thanked the Borough for painting them. He also commented that the refreshment stand area was cleaned. He stated that the he also previously voiced concern about the lights being turned on when it is still light out and thanked the EYA for addressing his concerns.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Barrett to dispense with the formal reading of the June 6, 2011 Minutes. There were 7 ayes. Motion carried.

Mr. Reinhard stated that on page 88, the first paragraph, the last full sentence reads, "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 will save from the Fire Department's contribution and the Borough's contribution." He suggested the sentence be amended to read, "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."

Motion by Mr. Labenberg, seconded by Mr. Reinhard to adopt the June 6, 2011 Minutes as corrected. There were 6 ayes, 1 abstention (Brown). Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Donna Nonnemacher, Emmaus Ambulance Corps – 65th Anniversary Open House/Health Fair and Awards Ceremony. The Emmaus Ambulance Corps will hold its Open House/Health Fair on Saturday, October 22, 2011 from 10:00 a.m. to 3:00 p.m. at Central Station, and its award ceremony on Monday, October 24, 2011 at 7:00 p.m. at Emmaus Borough Hall.

b. Chris Dimou, Emmaus Diner, 1418 Chestnut Street – Request for meeting with Borough Council to discuss sewer charges. Mr. Dimou will attend the Public Works Committee Meeting on Thursday, July 7, at 3:00 p.m.

c. Rev. David Schoen, Bethel Bible Fellowship Church, 418 Elm Street - Request for street closure for annual block party on Saturday, October 1, 2011 from 11:00 a.m. to 3:00 p.m. Referred to the Public Safety Committee and Mayor Iobst.

d. Charles T. Zellner, 3499 Oakwood Drive, Assistant Coach EYA A-League Softball Team – Request for fee waiver for Kiwanis Pavilion.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant the EYA A-League Softball Team a fee waiver for the use of the Kiwanis Pavilion on July 7, 2011 from 5:00 p.m. until 8:00 p.m. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

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Mrs. Gilbert noted that Ordinance No. 1078 should be placed under Unfinished Business, Part II of the Agenda.

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) (2nd Reading 6/20/11).

Motion by Mr. Labenberg, seconded by Mr. Brown to read Ordinance No. 1078 in short title. There were 7 ayes. Motion carried.

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

Motion by Mr. Labenberg , seconded by Mr. Brown 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 2nd Reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 7 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

Mr. Labenberg reported that the next Committee Meeting will be July 7, 2011 at 3:00 p.m.

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Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee met on June 9, 2011, and discussed inviting Raritan Valley to speak to the Committee about automated recycling collection. Raritan Valley contacted Mr. Neely via email and stated that there are multiple size containers that could be used and there could be a way of doing a manual pickup in some areas and an automated pickup in others. Mr. Reinhard reported that July 14 has been tentatively set as a meeting date. Mr. Labenberg asked Mr. Reinhard to discuss with Raritan Valley the noise level when using the containers. Mr. Reinhard responded that the Committee would.

Mr. Reinhard reported that the Committee discussed composting and obtaining Lehigh County's composting equipment. Mr. Neely stated that he has been dealing with the Lehigh County Solicitor to review the proposed agreements. Mr. Neely suggested a meeting the week of June 24. He noted that the agreement will need to be reviewed by DEP because it has grant agreements with Lehigh County. He also noted that the June 30 deadline for the Lehigh County Compost Site to close is approaching quickly. Mr. Reinhard stated that after July 1, the Borough could rent the grinder from Allentown.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Parks and Recreation Committee met on June 7, 2011. He stated that the Committee discussed the concerns received from Josephine Sadrovitz during a Personal Appeal at a previous Council Meeting about the concession stand and the snack bar being closed during a summer concert. The Committee suggested that EYA place a phone call to Schreiter's Chuck Wagon if they will not be able to open the snack bar. Mr. Barrett referenced a copy of an Agreement between the Borough and Shreiters, which does not mandate that Schreiters remain open.

Mr. Barrett also reported that the Committee discussed ways to improve the quality of peoples experience at the Emmaus Community Pool. The Committee directed staff to investigate some of the ideas and report to the Committee.

Mr. Barrett reported that the Committee discussed the Catholic War Vets Playground/Ballfield. Mr. Neely was directed to meet with Greg Walls, Commander of the Post, to relay the Borough's position in regards to the playground and the field. Mr. Neely responded that he met with Mr. Walls and will update the Committee at its next Meeting.

d. Public Safety Committee

Mrs. Gilbert reported that Chief Reiss indicated that the new aerial fire truck could arrive as early as the end of August.

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Mrs. Gilbert also reported that the Committee received a request from Fred Shipman to park cars on Borough property. The Committee is awaiting a recommendation from the Public Works Department.

Mrs. Gilbert reported that the Committee will discuss the Lincoln School one way issue at its Committee Meeting on July 14, 2011. She also reported that all parking issues dealing with Chapter 15 of the Borough's Code of Ordinances will be addressed when the Committee receives the inventory report from Mr. Neely.

Chief Nonnemacher informed the Committee of the change of dates for the 65th Open House/Health Fair.

Dr. Waddell stated that a Borough resident asked if the Borough has a tornado warning system. He suggested that the item be referred to the Public Safety Committee. Mrs. Gilbert responded that currently radio stations report tornado warnings for the area. She referred the item to the Emergency Management Coordinator.

Resolution 2011-16 – A Resolution Authorizing the Emmaus Fire Department to Advertise for Sale a 1989 Aerial Fire Truck. Solicitor Procyk stated that Resolution 2011-16 deals with the disposal of the existing aerial truck because of the purchase of the new fire truck, which was approved in November 2010. The Borough Code requires that a resolution must be approved for the disposal of the old fire truck. Solicitor Procyk noted that a copy of the advertisement is attached to the back of the Resolution.

Motion by Mr. Labenberg, seconded by Dr. Waddell to adopt Resolution 2011-16 – A Resolution Authorizing the Emmaus Fire Department to Advertise for Sale a 1989 Aerial Fire Truck. There were 7 ayes. Motion carried.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on June 15, 2011.

The next Committee Meeting is July 13, 2011.

Mr. Reinhard requested an update of the insurance RFP process. He stated that the bids were voted on by full Council and made public and believes that bids should have been in by June 14. Mr. Neely stated that the bids were extended until August 1, 2011.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer reported that the Budget and Finance Committee met on June 16 to discuss progress as the Budget moves forward. Christine Snyder expects to have half year Budget updates by the July 18 Committee Meeting. A Committee Meeting is scheduled for

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August 31, 2011 at 7:00 p.m. with full Council and Department Heads. There is also a Committee Meeting scheduled for September 28, 2011 with full Council, anticipating a 1st reading of the 2012 Budget for the last Council Meeting in November 2011.

Mr. Holtzhafer read Resolution 2011- 18, authorizing payment of the June 20, 2011 Bill List, as follows:

Bill List	\$	209,684.36
Payroll #12	\$	137,668.95
Payroll Taxes	\$	<u>42,707.66</u>
Total	\$	390,060.97

Done this 20th day of June 2011.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the June 20, 2011 Bill List. There were 7 ayes. Motion carried.

Mr. Brown asked Mr. Holtzhafer if on page 22 of the Bill List, security monitoring, is a semi-annual payment in the amount of \$2,160.00. Mr. Neely stated that he will look into it. Mr. Brown stated that he believes the amount is high for a monthly bill. He also questioned on page 22, Verizon Bell Atlantic, for the Knauss Homestead, and asked if it is a phone service that Verizon is providing. He noted that phone service has been switched to Service Electric. Mr. Neely responded that Service Electric was unable to switch the line over and Knauss Homestead reimburses the Borough for the service.

Mr. Holtzhafer reported that Chief Nonnemacher issued a memo including the total cost of a new ambulance and the cost of removing the equipment from the old ambulance and placing it in the new one. The total cost is \$933.00 over the budgeted amount, but believes that the total cost of the new ambulance will be absorbed by the ambulance budget.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Tree Vitalization Project is moving forward and has a deadline with Lehigh County of July 31, 2011. Mr. Brown reported that the Committee is working with Tim Dugan of DCNR to ensure that the correct trees are picked. Mr. Labenberg asked if the three trees will be the same species. Mr. Brown reported that the trees will not be the same species and a date of when the trees will be planted will be forthcoming.

Mr. Brown reported that the Emmaus Main Street Partners will be attending the next Committee Meeting to discuss downtown parking issues.

Mr. Brown reported that the Committee will be moving forward with the display of the 2009 Anniversary items.

Mr. Brown reported that the Committee will discuss David's Electric and the VFW pocket park at the next Meeting on July 28, 2011.

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Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E. Elm Street, commented on the insurance RFP and the extension of submission to August 1, 2011. He believes that if it was discussed at the last Council Meeting, it should be in the Minutes. Mr. Reinhard stated that there was no formal vote to amend the RFP's dateline by Full Council or at the General Administration Committee and it was an example of where something was changed at Full Council that was already passed.

B. Anthony Groller, 1302 S. 10th Street, thanked Josephine and Frank Sadrovitz, and Mr. Brown for their outstanding work at the Flag Day Celebration.

C. Frank Sadrovitz, 130 N 4th Street, asked how many tables can be set up in one line at the Emmaus Community Park. He believes that there should be a rule about how many tables can be set up at a grill. He noticed that when a pavilion is not rented, individuals move the tables from the pavilion to the outside where the grills are. He stated that there should be less pavilion fee rentals waived and suggested charging a fee for the use of the tables.

BOROUGH MANAGER'S REPORT

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

Mr. Neely reported that Resolution 2011-17 is a resolution to increase the loading fees for wood chip mulch and ending the practice of loading dump trucks at the Compost Site. Mr. Barrett asked if the Resolution was reviewed at the Committee Level. Mrs. Gilbert reported that it was discussed at the Budget and Finance Committee Meeting prior to the Council Meeting and there was no recommendation coming forward from the Committee.

Motion by Mr. Labenberg, seconded by Mr. Brown to adopt Resolution 2011-17, A Resolution of the Emmaus Borough Council Amending Resolution 2010-35, Setting Forth the Fee Schedule for the Calendar Year 2011. There were 6 ayes, 1 opposed (Waddell). Motion carried.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 7:45 p.m. for a brief Executive Session for a Personnel Matter observing that she did not anticipate official action thereafter.

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Mrs. Gilbert reconvened the Meeting at 8:40 p.m. with no official action being taken.

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

The June 20, 2011 Meeting of the Emmaus Borough Council adjourned at 8:41 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
June 24, 2011