

July 5, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Tuesday, July 5, 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

June 20, 2011 and June 29, 2011
7. Decisions on Bids
8. Communications
 - a. Teri Madison, Emmaus Main Street Partners – Farewell Summer Fest
 - b. Harry Reabuck, Jr. – Citizens’ Fire Company #2 – Pavilion Fee Waiver
9. Borough Engineer’s Report
10. Solicitor’s Report
11. Unfinished Business, Part I
12. New Business

Ordinance No. 1079 – Ordinance Re-enacting, Restating and Amending its Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act, as Amended by Act 32 of July 2, 2008. (1st Reading 7/5/11).
13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9
15. Mayor’s Report
16. Committee Reports

July 5, 2011

EMMAUS BOROUGH COUNCIL

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 – August 2, 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 – 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

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
- e. **Hiring Borough Cashier**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – July 18, 2011 at 3:30 p.m.

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

July 5, 2011

EMMAUS BOROUGH COUNCIL

a. **Bill List – Resolution 2011-20**

Budget and Finance (continued)

- b. **Resolution 2011-19 – Appoint EIT Borough Representative**
- c. **Ordinance No. 1079 – Appoint EIT Tax Collector (1st Reading)**
- d. **Community Day Funding Request**
- e. 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 June 2011**

19. **President's Business**

20. **Adjournment**

Next Resolution #21
Next Ordinance #1080

July 5, 2011

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on July 5, 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. Josephine Sadrovitz, 130 N 4th St., Emmaus – commented on the success of the Summer Concerts over the July 4th weekend. She stated that Shreiter’s Chuck Wagon was open but the concession stand was not open during the concerts. Dr. Waddell thanked Mrs. Sadrovitz for the success of the weekend summer concerts. He stated that there is no contract with EYA to staff the concession stand. Mr. Barrett suggested that the item be placed on the Special Entertainment Commission Agenda.

B. Anthony Groller, 1302 N 10th St., Emmaus – stated that he regularly attends ballgames and concerts at Community Park and voiced concern that Borough Ordinances are not being enforced at the Park.

C. Lee Mazepa, 140 Harrison St., Emmaus - voiced concern about traffic at the corner of Keystone Avenue and Harrison Street. Mrs. Gilbert stated that the item will be placed on the Agenda for the next Public Safety Committee Meeting on July 14, 2011.

D. Eugene Noel, 35 Bachman St., Hellertown, PA – spoke on behalf of Congresswoman Marcy Kaptur, who is sponsoring House Resolution 1489, which seeks to repeal certain provisions of the Gramm-Leach-Bliley Act and revive the separation between commercial banking and the securities business in the manner provided in the Banking Act of 1933, also known as the “Glass-Steagull Act.” He encouraged Council to support the reinstatement of the Act.

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 June 20, 2011 Minutes. There were 7 ayes. Motion carried.

July 5, 2011

EMMAUS BOROUGH COUNCIL

Mr. Reinhard stated that on page 97, under Personal Appeals, Part II, under A, after Mr. Slozer made his comments, he stated that there was “no formal vote to amend the RFP’s deadline by Full Council or the General Administration Committee. It was an example of where something was changed that Full Council already passed.”

Motion by Dr. Waddell, seconded by Mr. Reinhard to adopt the June 20, 2011 Minutes as corrected. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to dispense with the formal reading of the June 29, 2011 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Reinhard to adopt the June 29, 2011 Minutes as drafted. There 6 ayes, 1 abstention (Labenberg). Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Teryl Madison, Emmaus Main Street Partners – Farewell Summer Fest, Saturday, September 10, 2011, from 10:00 a.m. to 4:00 p.m. Mr. Brown stated that in conjunction with the event a softball game between the Emmaus Police Department, the Fire Department, the Ambulance Corps, and the Public Works Department will be held from 4:00 p.m. to 6:00 p.m. Mr. Brown thanked Martha Vines for organizing the Annual Community Heroes Day. Mrs. Gilbert referred the item to the Parks and Recreation Committee. Mr. Reinhard noted that the Main Street Partners filled out the appropriate Community Event paperwork but will need a current Certificate of Liability Insurance before the event. He also noted that the Certificate is addressed to Mark J. Vasoli instead of Mr. Neely. Mrs. Gilbert directed Mr. Neely to contact Ms. Madison about the matter.

b. Harry Reabuck, Jr. – Citizen’s Fire Company #2 – Pavilion Fee Waiver for Moser Pavilion on July 28, 2011, for the benefit of A.R.C. of the Lehigh Valley.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant Citizen’s Fire Company No. 2 a fee waiver for the use of the Moser Pavilion on July 28, 2011. There were 7 ayes. Motion carried.

BOROUGH ENGINEER’S REPORT –None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

July 5, 2011

EMMAUS BOROUGH COUNCIL

Ordinance No. 1079 - An Ordinance Re-Enacting, Restating and Amending its Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act, as Amended by Act 32 of July 2, 2008. (1st Reading 7/5/11).

Motion by Mr. Reinhard, seconded by Mr. Brown to read Ordinance No. 1079 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1079 in Short Title.

Mr. Neely explained Ordinance No. 1079. Pursuant to Act 32, the Lehigh Tax Collection Committee appointed H.A. Berkheimer as the county-wide earned income tax collector. The ordinance makes the appointment on behalf of the Borough of Emmaus.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt Ordinance No. 1079 - An Ordinance Re-Enacting, Restating and Amending its Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act, as Amended by Act 32 of July 2, 2008 on its 1st Reading. Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, 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 on July 7, 2011 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee will meet on July 14, 2011. He asked Mr. Neely for an update on the Lehigh County composting equipment transfer. Mr. Neely responded that he is working on drafting an agreement with Don Lipson, Lower Macungie Township Solicitor, and believes that the County will sign it. Mr. Neely stated that he finished a draft and forwarded it to DEP for review. Mr. Reinhard asked if Mr. Neely foresees the Committee making a recommendation at the next Committee Meeting. Mr. Neely responded that he anticipates a recommendation will be needed for the Agreement at the July 14 Meeting. Mr. Holtzhafer stated that he will not be at the July 14 Committee Meeting or the July 18 Council Meeting.

July 5, 2011

EMMAUS BOROUGH COUNCIL

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Parks and Recreation Committee met earlier today and has one item for official action. Mr. Barrett reported that he received an email from Matthew Catricola from Allentown Victory Church to hold an event on Wednesday, July 20, at Emmaus Community Park. The church will be handing out free hot dogs, hamburgers, drinks, and having face painting, a clown, games, contests, and a movie night. The event will be free. The church is requesting permission to hand out flyers about a free Community babysitting night that will be held at the church. Mr. Barrett reported that the church would like to hold a movie night. Borough Ordinances state that Emmaus Community Park closes at 9:00 p.m. and the Committee is recommending that the Park remain open until 9:30 p.m. on July 20 to show the movie. Mr. Barrett reported that the church was advised to place signs at the Park announcing the event. Mr. Barrett also reported that the church intends to rent a pavilion and use the grass area between the pavilion and the Arts Pavilion.

Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the church to remain in Emmaus Community Park until 9:30 p.m. on Wednesday, July 20, 2011 to allow the Allentown Victory Church to hold a movie night. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Allentown Victory Church to place signs at the Emmaus Community Park announcing the event. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Allentown Victory Church to use the grass area between the rented pavilion and the Arts Pavilion. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee is recommending that the Church be allowed to set up a table to display information about its Community Babysitting event. Mr. Labenberg stated that he will vote against the motion. He stated that his motion during the Committee Meeting was for the church to hand out the information at the pavilion they will be using. Mr. Brown asked Mr. Barrett if there was a copy of the brochure. Mr. Barrett responded that he did not have one.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to allow the Allentown Victory Church to place a table at the event to hand out information about a free Community Babysitting event. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

Mr. Barrett stated that the church was interested in holding a car wash, but due to time constraints, the church was told it would not be able to do so. Mr. Neely noted that there was a request for a pavilion fee waiver, which the Committee voted against. Mr. Barrett reported that the church was originally asking for a fee waiver for the Arts Pavilion, which is a \$275

July 5, 2011

EMMAUS BOROUGH COUNCIL

fee. The church will rent a smaller pavilion, which is a \$75 fee, and, for which it has not asked for a fee waiver.

Mr. Barrett reported that the Emmaus Parks and Recreation Commission spent a considerable amount of time planning and is putting its finishing touches on the first annual Community Day celebration at Emmaus Community Park on July 23, 2011.

Mr. Barrett also reported that the Emmaus Summer Parks Program is in its fifth year. Mr. Neely stated that approximately 80 kids have signed up so far. He also reported that the new Subway in town has offered to provide all the food and drinks for the end of summer picnic.

Progress.

d. Public Safety Committee

Mrs. Gilbert stated that the next Committee Meeting is on July 14, 2011 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that he was incorrect at the previous Council Meeting during his response to Mr. Slozer's Personal Appeal and stated that the RFP timeline was discussed at the June 1, 2011 General Administration Committee Meeting, not the Council Meeting, and that was the reason it was not included in the Minutes from the June 6, 2011 Council Meeting.

Dr. Waddell reported that there were over 500 applications for the Cashier's position and thanked Mr. Neely for reviewing the applications and interviewing the initial 24 candidates. He also reported that two interview sessions were held for the final candidates. The Committee is recommending hiring Jessica Wessner of 603 Chestnut Street, Emmaus, PA. He stated that she was raised in Emmaus, attended Emmaus High School, and attended LCCC. Mr. Neely stated that her resume and references were good. He also commented that she is very personable. Mr. Barrett commented that the candidates were all qualified. He asked if a background check was done. Mr. Neely responded that it was. Mr. Labenberg commented that according to the Secretaries Union Contract, the new hires will contribute 5% towards health care coverage.

Motion by Dr. Waddell, seconded by Mr. Barrett to hire Jessica Wessner with a start date of July 11, 2011. There were 7 ayes. Motion carried.

The next Committee Meeting is on July 13, 2011 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

July 5, 2011

EMMAUS BOROUGH COUNCIL

Mr. Holtzhafer read Resolution 2011- 20, authorizing payment of the July 5, 2011 Bill List, as follows:

Bill List	\$ 201,193.72
Payroll #13	\$ 126,326.62
Payroll Taxes	<u>\$ 43,020.68</u>
Total	\$ 370,541.02

Done this 5th day of July 2011.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the July 5, 2011 Bill List. There were 7 ayes. Motion carried.

Resolution 2011-19, A Resolution of the Borough Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Appointing and Designating a Liaison Between it and Lehigh County Tax Collection Committee for the Express Purpose of Sharing Confidential Tax Information with the Borough of Emmaus for Official Purposes.

Mr. Holtzhafer explained that Resolution 2011-19 appoints the Borough Manager as the Borough's Earned Income Tax representative, authorizing him to make requests and receive tax information from H.A. Berkheimer, Inc.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to adopt Resolution 2011-19. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Parks and Recreation Commission is requesting \$300 to help offset the cost of Community Day. The Civic and Military Celebrations line item has a balance remaining of \$4,407.47 for the fiscal year. The Committee recommends by a 2-1 vote to approve the request. Mr. Reinhard stated that he fully supports Community Day but believes that the Emmaus Action Committee has raised the bar to a new level for Commissions and other entities to fund their own projects and special days. Mr. Barrett stated that in conjunction with the Halloween Parade, the money that is raised through the 5K race that takes place beforehand is donating \$500.00 towards the event.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to grant the Parks and Recreation Commission's request to fund \$300 to the Commission for Community Day on July 23, 2011. There were 6 ayes, 1 opposed (Reinhard). Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported he will attend an Emmaus Main Street Partner's meeting on July 6 at 7:30 p.m. He reported that the Partners held its 6th annual golf outing and it was very well attended, with 106 golfers.

Progress.

July 5, 2011

EMMAUS BOROUGH COUNCIL

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. **Lynn Donches, 559 Minor St., Emmaus** - asked for clarification on the time of the July 18 Budget and Finance Committee Meeting. Mr. Holtzhafer responded that the Meeting will be on July 18, 2011 at 6:30 p.m.

BOROUGH MANAGER'S REPORT

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

Mr. Neely stated that there is a matter for Executive Session for a potential litigation issue that arose during the Parks and Recreation Commission Meeting.

Dr. Waddell asked if it is necessary for Council to meet on July 18. Mr. Neely responded that it is. Dr. Waddell suggested that during the summer months it may not be necessary to meet bi-monthly.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 7:55 p.m. for a brief Executive Session for a litigation issue with no official action anticipated.

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 7 ayes. Motion carried.

The July 5, 2011 Meeting of the Emmaus Borough Council adjourned at 8:11 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
July 6, 2011