

September 20, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, September 20, 2010, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
 - a. Environmental Advisory Council – Source Water Protection Plan Update
 - b. Langan Engineering – Parking Deck Feasibility Study
6. Reading of Minutes

September 7, 2010
7. Decisions on Bids
8. Communications
 - a. Dean Greenawalt, 742 Spruce St., Emmaus – Letter of interest to serve on the Parks and Recreation Commission.
 - b. Emmaus Main Street Program – Thank you for Entertainment Series
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - a. Ordinance No. 1073 – An Ordinance Amending Chapter 27, to Amend Section 806.3.A Dealing with Nonconforming Structures (1st Reading 9/07/10) (2nd Reading 10/04/10).
12. New Business
 - a. **Resolution No. 2010-26 - Fee Schedule Amendment**
 - b. **Town Hall HVAC and Windows Bid Specifications**
13. Unfinished Business, Part II

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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 – October 7, 2010 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. H2O PA Grant

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

Next Meeting – October 14, 2010 at 4:00 p.m.

- a. Refuse/Recycling with Raritan Valley
- b. Bollinger Land/Indian Creek Golf Course
- c. Emmaus and Upper Milford Joint Environmental Advisory Council
Recycling Event – November 14th
- d. Board of Health
- e. Riparian Buffer Ordinance
- f. **Fee Schedule Amendment – Resolution No. 2010-26**
- g. **Bid Specifications for Town Hall Renovations**

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – October 5, 2010 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. Triangle Park – Use Requirements and Guidelines

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – October 14, 2010 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

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- f. **Appointment of Chris Zukowski to the Emmaus Ambulance Corps
– Part-time Per Diem Paramedic**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – September 22, 2010 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Clerical Union Contract Negotiations
- c. Special Event Signs Ordinance
- d. Cintas Update
- e. Website Upgrade
- f. Public Parking Spaces on Jubilee Street
- g. Ordinance No. 1073 - Non-Conforming Structure
- h. Councilperson Fact Sheet**
- i. Drug and Alcohol Policy**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – October 4, 2010 at 6:45 p.m.

- a. Bill List – Resolution 2010 – 27**
- b. Per Capita Tax Ordinance
- c. Act 44 Election**
- d. 2011 Minimum Municipal Obligation**

Community Relations/Development (Brown, Reinhard, Waddell)

Next Meeting – September 22, 2010 at 4:15 pm.

- a. Parking Deck Feasibility Study
- b. 2009 Anniversary Items and Contents of the 1959 Time Capsule
- c. Emmaus Main Street Program—West End Gateway Sign Presentation
- d. 2009 Anniversary Sign and Planter at Weis Markets
- e. Broad Street Reconstruction
- f. Streetscape Improvement Project
- g. Lanta Metro Meeting Update

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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18. Borough Manager's Report

a. **Significant Revenue and Expense Items for 1st Half of September 2010**

19. President's Business

a. Executive Session – Personnel Issue, Official Action Anticipated
Collective Bargaining Issue

20. Adjournment

Next Resolution #28
Next Ordinance #1074

The Emmaus Borough Council met in regular session on September 20, 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
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

Mrs. Gilbert changed the order of the Agenda. Mr. Holtzhafer presented a commemorative brick to Dr. Waddell and the 2009 Anniversary Committee, awarding the Committee the 2009 Volunteer of the Year Award. State Representative Douglas Reichley presented a Certificate of Recognition from the House of Representatives to Dr. Waddell. He stated that every member of the 2009 Anniversary Committee will receive an individual certificate at the September 25, 2010 brick-laying ceremony. He congratulated the Committee for the success of the 2009 Anniversary Celebration events.

PERSONAL APPEALS, PART I

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A. Mike Gibson, 230 Ridge St., noted two discrepancies in the water and sewer bills for the 2009 and 2010 calendar years. He stated that there is a \$5.64 Pennvest charge on the water and sewer bills dating back to 2009. Mr. Neely responded that the item was addressed at the Budget and Finance Committee Meeting on September 16, 2010.

B. Jim Woodeshick, 108 Seem St., voiced concern about the design of the Broad Street Reconstruction Project. He is concerned about the addition of medians and the elimination of angle parking.

C. John Donches, 559 Minor St., read a letter he wrote concerning the Legion Baseball Field Reconstruction Project.

COMMUNITY MINUTE

Mr. Brown announced that the Emmaus Main Street Program's 1st Annual Beer Fest will be held on October 2, 2010 between the hours of 1:00 p.m. and 5:00 p.m. near Liberty Bell Beverage. He encouraged residents to visit the Emmaus Main Street Program's website at www.emmausmainstreet.com for further information.

Mr. Reinhard reported that he attended a Lehigh Valley Hospital Network function on Friday, September 17, 2010. He stated that the event concerned cost saving measures by the staff and how different groups within the hospital network made different functions within the hospital more efficient.

Dr. Waddell reminded that the 2009 Anniversary Celebration Commemorative Book is still available at various sites in the Borough.

SPECIAL PRESENTATIONS

Leisel Adams of the Environmental Advisory Council and Al Guisepppe, geologist with the SSSM Group in Reading, presented a Source Water Protection Plan Update. Ms. Adams stated that copies of the Source Water Protection Plan are available at the Emmaus Public Library, Town Hall, and on the EAC website.

Representatives from Langan Engineering presented the results of the Parking Deck Feasibility Study. The results of the Study showed that there is adequate parking in the Borough to accommodate the parking demand at this time. The study suggested that some kind of arrangement be made so that existing off-street private lots may be utilized, which would open up more parking spaces. Langan Engineering presented a parking deck design that the Borough can use if parking demands increase in the future. Donna Taggart, president of Taggart Associates of Bethlehem, presented a financial feasibility study. Mr. Brown thanked the presenters for their time and effort in preparing the Study. He stated that the study can be used as a tool for future growth.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Dr. Waddell to dispense with the formal reading of the September 7, 2010 Minutes. There were 7 ayes. Motion carried.

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Mr. Reinhard suggested that the Minutes were incorrect by stating that Mr. Labenberg made the Motion under Items Not on the Agenda, Subject to Rule 9. Council Members disagreed. The Minutes remain as drafted.

Motion by Mr. Labenberg, seconded by Dr. Waddell to adopt the September 7, 2010 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Dean Greenawalt, 742 Spruce St., Emmaus – Letter of interest to serve on the Parks and Recreation Commission. Referred to the Parks and Recreation Committee. Mr. Neely commented that there are no openings on the Parks and Recreation Commission. Mr. Barrett responded that he had previously seen an item on the Borough website stating that there was an opening.

b. Emmaus Main Street Program – Thank you to the Borough for supporting its Entertainment Series.

c. Shops of Emmaus – “Just Say YES to Scarecrows” letter.

d. Letter signed by various businesses in the Borough voicing concerns about events held at the Triangle.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Mrs. Gilbert stated that Ordinance No. 1073 – An Ordinance Amending Chapter 27, to Amend Section 806.3.A Dealing with Nonconforming Structures, is scheduled for 2nd Reading on October 4, 2010.

NEW BUSINESS

Resolution No. 2010-26 – A Resolution of the Emmaus Borough Council Amending Resolution 2009-37, Setting Forth the Fee Schedule for the Calendar Year 2010. Mr. Neely stated that the Fee Schedule needs to be amended to reflect the \$50.00 fee for video inspections of building sewers on private property and for the \$35.00 administrative fee for commercial entities opting out of refuse and recycling collection through the Borough contractor.

Motion by Mr. Reinhard, seconded by Dr. Waddell to adopt Resolution No. 2010-26 - A Resolution of the Emmaus Borough Council Amending Resolution 2009-37, Setting Forth the Fee Schedule for the Calendar Year 2010. There were 7 ayes. Motion carried.

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Mr. Neely stated that there are two sets of bids for Town Hall HVAC and Window Bid Specifications. The bids are due by 12:00 p.m. on October 13, 2010. Mr. Neely noted an error on page 5 of the HVAC RFP and stated that the error will be corrected on the final draft. Mr. Holtzhafer thanked Mr. Neely for the effort he put into preparing the bid requests. Mr. Reinhard questioned if the placement of ballasts for the lights in Town Hall should be in the bid specifications. Mr. Neely stated that there is a requirement under the bid specification for HVAC that the successful bidder will provide sealed engineering drawings of what they intend to do. The Borough will decide at that time where the lights need to be placed.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to approve the Town Hall HVAC and Window Bid Specifications with correction. There were 7 ayes. Motion carried.

UNFINISHED BUSINESS, PART II – None.

ITEMS NOT ON AGENDA, subject to Rule 9

Mr. Reinhard expressed interest in raising an issue about the Public Works Contract.

Motion by Mr. Labenberg to allow Mr. Reinhard to bring forth an item, subject to Rule 9. Motion died for lack of a second.

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on Thursday, September 9, 2010 at 3:00 p.m. The Committee recommended by a 3-0 vote to increase Marvin Jennings's hourly wage rate from \$19.00 per hour to \$21.00 per hour.

Motion by Mr. Labenberg, seconded by Mr. Brown to increase Marvin Jennings's hourly wage rate from \$19.00 per hour to \$21.00 per hour. There were 7 ayes. Motion carried.

Mr. Labenberg reported that the chemicals used in Borough parks are herbicides. They are applied once per year for broadleaf and crabgrass control. The brand names are Drive, Acclaim, and Momentum, which are used on turf, and Produce, which is used as a bare ground killer. All uses are consistent with the manufacturers' recommendations.

Mr. Neely stated that approximately 400 to 500 feet of trolley track rail under Broad Street between 5th Street and Perkiomen Street will be preserved and stored as part of the Broad Street Reconstruction Project.

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Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee met on Thursday, September 9, 2010 at 4:00 p.m.

Mr. Reinhard reported that the Committee discussed the Fee Schedule Amendment and the Town Hall HVAC and Window Bid Specifications. He also reported that the Committee discussed how to track recycling by commercial entities that opt out of using the Borough's waste hauler, Raritan Valley, in favor of an Independent Hauler.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee received a letter from Rev. Tim Young, asking to use a large tent at the Emmaus Community Park for his daughter's wedding reception on May 7, 2011. Rev. Young since revised his request to rent 3 pavilions instead and have a small connecting tent between them and a large tent as a back up plan. Mr. Barrett reported that if it rains the Youngs want to place a 60' x 70' tent to accommodate 300 to 350 people. The tent would be professionally installed. If it rains and the tent is needed, the Youngs will provide the trash receptacles. The Committee recommended by a 3-0 vote to grant both requests.

Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the request from Rev. Tim Young to rent 3 pavilions at Emmaus Community Park on May 7, 2011, with small connecting canopies between the pavilions, and, in the event of inclement weather, to place a 60' x 70' tent to accommodate 300 to 350 people, conditioned on the Youngs providing trash receptacles. There were 7 ayes. Motion carried.

Mr. Barrett reported that there is no update on the Legion Baseball Field Reconstruction Project. He also reported that there are approximately 150 people registered for the KNBT Halloween in Emmaus 5K Race. The race is scheduled for October 16, 2010 at 7:00 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on September 9, 2010 with one item being brought forward to Council for official action. The Committee recommends the appointment of Chris Zukowski to the Emmaus Ambulance Corps as a part-time per diem paramedic.

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Motion by Mr. Brown, seconded by Mr. Labenberg to appoint Chris Zukowski to the Emmaus Ambulance Corps as a part-time per diem paramedic. There were 7 ayes. Motion carried.

Progress.

Though he raised the issue out of order, Mr. Holtzhafer stated that he intends to resign from the Parks & Recreation Commission. Mr. Labenberg questioned whether Dean Greenawalt would be offered the position. Mr. Neely responded that Mr. Greenawalt will be contacted to interview for the position.

Motion by Mr. Labenberg, seconded by Mr. Barrett to accept Mr. Holtzhafer's resignation from the Parks & Recreation Commission. There were 6 ayes, 1 abstention (Holtzhafer). Motion carried.

Progress.

e. General Administration Committee

Dr. Waddell reported that the next Committee Meeting will be on September 8, 2010 at 10:00 a.m.

Dr. Waddell reported that Mr. Barrett prepared a short form that councilpersons can complete that has basic factual information about the councilperson that can be uploaded onto the Borough website.

Dr. Waddell also reported that the Committee became aware that the Drug and Alcohol Policy was not part of the Employee Handbook. Mr. Neely stated that under the old policy there was a requirement that all employees were required to provide a supervisor or the Borough Manager a list of all prescription medications taken, even if the medication did not impair his/her performance. The Committee tailored the language to require a list of any prescription medication that may impair his/her performance or if an employee must take any medication that has previously produced undesirable side effects. He also stated that there was a change to the wording if an employee is subject to a collective bargaining agreement and requests a leave of absence, so as to ensure that the policy does not conflict with a collective bargaining agreement.

Motion by Dr. Waddell, seconded by Mr. Labenberg to approve the amended Drug & Alcohol Policy to be included as part of the Employee Handbook. There were 7 ayes. Motion carried.

Mr. Reinhard asked for an update on the Committee's Review of the Davison Report. Dr. Waddell responded that the item will remain on the Committee's Agenda.

The next Committee Meeting is September 22, 2010 at 9:00 a.m.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer reported that there is an updated Resolution for the Bill List. Mr. Neely explained that the reason for the updated Resolution is due to an item referencing the Borough Engineer being removed from the Bill List.

Mr. Holtzhafer read Resolution 2010-27, authorizing payment of the September 20, 2010 Bill List, as follows:

Bill List	\$ 478,858.96
Payroll #18	\$ 113,523.10
Payroll Taxes	\$ <u>34,589.51</u>
Total	\$ 626,971.57

Done this 20th day of September 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the September 20, 2010 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer presented the 2011 Minimum Municipal Obligation calculations. Mr. Neely explained that pursuant to the state pension law, the Borough is required to adopt the 2011 Minimum Municipal Obligation calculation. It represents the minimum amount that the Borough must pay to fund the uniformed and non-uniformed pension plans. The amounts are calculated by applying a formula that is predicated on the salaries that the Borough pays and employee contributions to the plans. Mr. Neely reported that under Act 44, the Borough is able to utilize a 75% amortization option to calculate the MMO. Mr. Labenberg asked the difference between 2009 and 2010. Mr. Neely responded that it is approximately \$230,000.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard authorizing the Borough to use the reduced amortization rate option as allowed by Act 44 of 2009 for the Police Pension Plan and the Employee's Pension Plan. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard authorizing the Borough Secretary to sign Resolution 2010-28 – the Borough of Emmaus Employees' Pension Plan. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg authorizing the Borough Secretary to sign Resolution 2010-29 – the Borough of Emmaus Police Pension Plan. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that Meals on Wheels of Lehigh County requested a \$1,000 contribution from the Borough for 2011. The Committee recommends declining the request.

Progress.

g. Community Relations, Planning and Development Committee

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Mr. Brown reported that the Committee will meet on September 22, 2010 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. Lynn Donches, 559 Minor St., stated that she is in favor of a crosswalk in front of the Seven Generations Charter School. Mrs. Gilbert responded that the Public Safety Committee referred the item to the traffic officer for study. Ms. Donches encouraged Council to abandon the Legion Baseball Field Reconstruction Project. She stated that the proposed project is too big for the space provided at Emmaus Community Park.

B. John Donches, 559 Minor St., encouraged Council to think twice before signing the Lease associated with the Legion Baseball Field Reconstruction Project between the Borough of Emmaus and the East Penn School District. He believes that the Lease turns control of the Community Park over to the School District.

BOROUGH MANAGER'S REPORT

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

Mr. Reinhard asked Mr. Neely to include a copy of the Teamsters Local #773 Unilateral Change of Medical Benefits Memorandum dated September 16, 2010, in the Council binders for the Agenda for the Council Meeting on October 4, 2010. Mr. Neely responded that the decision is up to the Council President.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 9:10 p.m. for a brief Executive Session, anticipating official action.

Mrs. Gilbert reconvened the Meeting at 9:30 p.m.

Motion by Dr. Waddell, seconded by Mr. Brown to accept the resignation of Timothy A. Yarush from the Emmaus Police Department, effective September 16, 2010. There were 7 ayes. Motion carried.

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

The Meeting of the Emmaus Borough Council adjourned at 9:31 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
September 22, 2010