

October 3, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, October 3, 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

September 19, 2011

7. Decisions on Bids
8. Communications
 - a. Marjorie Rutz, R Furry Friends Doggie Daycare Center – Request designated parking spaces in front of business.
 - b. William Ahlert, Emmaus-Upper Milford Joint Environmental Advisory Council - Request funding for 2012.
 - c. Renée Shelly, 895 Frank Drive – Letter of resignation from the Parks & Recreation Commission (term expires 5/01/2012).
 - d. Timothy Knecht, 163 Main Street – Letter of resignation from the Arts Commission (term expires 2/07/2013).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

Ordinance No. 1081 – An Ordinance Amending Chapter 16, Section 103, Subsection 10, and Chapter 16, Section 109, Subsection 2.M., Dealing with the Prohibition for Carrying Firearms in Public Parks (1st Reading 9/19/11) (2nd Reading 10/17/11).

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Ordinance No. 1082 – An Ordinance Amending Ordinance No. 1013 (Service Electric Cable Television & Communication Franchise Ordinance) to Provide for the Renewal of the Cable Franchise (1st Reading 9/19/11) (2nd Reading 10/17/11).

12. New Business

13. Unfinished Business, Part II

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

- a. Proclamation 2011-297—Fire Prevention Week
- b. Proclamation 2011-302—Extra Mile Day

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Brown, Gilbert)

Next Meeting – October 6, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Wieders Lane Status
- c. EPA Water Testing Requirements

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

Next Meeting – October 13, 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 – October 4, 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 – October 13, 2011 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading

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- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound
- f. Ordinance No. 1081 – Carrying Firearms in Public Parks (2nd Reading 10/17/11)
- g. Hiring 3 Police Officers**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – October 5, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Ordinance No. 1082 – Renewal of Cable Franchise (SECTV) (2nd Reading 10/17/11)
- e. Check Cashing Businesses—Zoning Ordinance Amendment**
- f. Borough Newsletter Contract Extension**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – October 6, 2011 at 3:30 p.m.

- a. Bill List – Resolution 2011-29**
- b. Emergency Management Coordinator Compensation

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

Next Meeting – October 27, 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. VFW/David's Electric Streetscape Plan
- d. Treevitalize Grant**

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 September 2011**

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- 19. President's Business
- 20. Adjournment

Next Resolution #30
Next Ordinance #1083

The Emmaus Borough Council met in regular session on October 3, 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 - None.

COMMUNITY MINUTE

Dr. Waddell reminded that the Emmaus Commemorative Gardens Foundation will be installing four bricks at the Remembrance Garden on October 4 at 5:00 p.m. in honor of Emmaus Police Officers Earl Brensinger, John Gasper, Lats Sikora, and Ray Seiling.

Mr. Holtzhafer reminded that on Saturday, October 8, 2011, there will be a bench dedication for Downtown Officer Ray Seiling at 9:30 a.m. in front of Traub's Doggies. He invited everyone to attend.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Labenberg to dispense with the formal reading of the September 19, 2011 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Labenberg to adopt the September 19, 2011 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Marjorie Rutz, R Furry Friends Doggie Daycare Center – Request designated parking spaces in front of business. Referred to the Public Safety Committee.
- b. William Ahlert, Emmaus-Upper Milford Joint Environmental Advisory Council – Request funding for 2012. Referred to the Budget and Finance Committee.
- c. Renée Shelly, 895 Frank Drive – Letter of resignation from the Parks and Recreation Commission (term expires 5/01/2012).

Motion by Mr. Barrett, seconded by Mr. Labenberg to accept Ms. Shelly's letter of resignation from the Parks and Recreation Commission. There were 7 ayes. Motion carried.

Mrs. Gilbert directed Mr. Neely to mail a letter of thanks to Ms. Shelly.

- d. Timothy Knecht, 163 Main Street – Letter of resignation from the Arts Commission.

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

Mrs. Gilbert directed Mr. Neely to mail a letter of thanks to Mr. Knecht.

- e. Kathy Haney, President, Shops of Emmaus – Invitation to Just Say Yes to Scarecrow's Event on October 8, 2011 beginning at noon.

Mayor Iobst stated that the Girl Scouts invited him to St. Ann's Church to speak about local government.

Mayor Iobst announced that Richard Chartrand was the winner of the Apple Pie Baking Contest at the 1803 House Merrie Halloween event on October 1, 2011.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

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Progress.

UNFINISHED BUSINESS, PART I

Mrs. Gilbert stated that, at Mr. Labenberg's request, Solicitor Procyk added additional language to Ordinance No. 1081. She asked Mr. Labenberg if he reviewed the Ordinance. He responded that he has and is satisfied with the wording. Mrs. Gilbert stated that the Ordinance is scheduled for Second Reading on October 17, 2011.

Mrs. Gilbert also stated that Ordinance No. 1082 – An Ordinance Amending Ordinance No. 1013, dealing with Service Electric Cable Television & Communication Franchise Ordinance) to Provide for the Renewal of the Cable Franchise, is scheduled for Second Reading on October 17, 2011.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Mayor Iobst read Proclamation 2011-297, proclaiming the week of October 9 through October 15, 2011 Fire Prevention Week.

COMMITTEE REPORTS

Mrs. Gilbert moved the Public Safety Committee report forward on the Agenda.

a. Public Safety Committee

Mrs. Gilbert reported that the Committee met in executive session on Thursday, September 29, 2011, to conduct interviews for the position of police officer. The top three on the eligibility list are Maria R. Lesinski, Vincent J. Murante, III, and Joseph J. Longenbach. The Committee recommends hiring Joseph L. Longenbach, of Fountain Hill, and Robert J. Alburger, of Perkasio, to the Emmaus Police Department, with an appointment/swear-in date of November 7, 2011, contingent upon successfully completing physical and psychological examinations, pursuant to MPOTEC (Pennsylvania Municipal Police Officer's Training & Education Commission) standards, successfully completing all requirements for Act #120 Certification, including firearms certification, successfully completing a one-year term of probation with the Emmaus Police Department, and, in accordance with the Borough of Emmaus Collective Agreement dated January 11, 2011 through December 31, 2012, must reside within 20 air miles of Emmaus Borough Hall within 1 year of the date of hire.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Joseph L. Longenbach, of Fountain Hill, to the Emmaus Police Department, with an appointment/swear-in date of November 7, 2011, contingent upon successfully completing physical and psychological

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examinations, pursuant to MPOTEC (Pennsylvania Municipal Police Officer's Training & Education Commission) standards, successfully completing all requirements for Act #120 Certification, including firearms certification, successfully completing a one-year term of probation with the Emmaus Police Department, and, in accordance with the Borough of Emmaus Collective Agreement dated January 11, 2011 through December 31, 2012, must reside within 20 air miles of Emmaus Borough Hall within 1 year of the date of hire. There were 7 ayes. Motion carried.

Vincent Tranguch, Chairman of the Emmaus Civil Service Commission, provided the names of the remaining top three eligible candidates for the Emmaus Police Department as Maria Lesinski, Vincent J. Murante, III, and Robert J. Alburger.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Robert J. Alburger, of Perkasio, to the Emmaus Police Department, with an appointment/swear-in date of November 7, 2011, contingent upon successfully completing physical and psychological examinations, pursuant to MPOTEC (Pennsylvania Municipal Police Officer's Training & Education Commission) standards, successfully completing all requirements for Act #120 Certification, including firearms certification, successfully completing a one-year term of probation with the Emmaus Police Department, and, in accordance with the Borough of Emmaus Collective Agreement dated January 11, 2011 through December 31, 2012, must reside within 20 air miles of Emmaus Borough Hall within 1 year of the date of hire. There were 7 ayes. Motion carried.

Mr. Labenberg asked how the distance in air miles is verified. Mrs. Gilbert responded that Chief Faust verifies the information and reminded that Mr. Alburger has 1 year from the date of hire to establish residence within the 20 air miles.

Mr. Tranguch provided the names of the remaining top three eligible candidates for the Emmaus Police Department as Maria R. Lesinski, Vincent J. Murante, III, and Robert J. Allen.

Mrs. Gilbert reported that the Committee recommends hiring Vincent J. Murante, III, of Kutztown, to the Emmaus Police Department, with an appointment/swear-in date of February 6, 2012, contingent upon successfully completing physical and psychological examinations, pursuant to MPOTEC (Pennsylvania Municipal Police Officer's Training & Education Commission) standards, successfully completing all requirements for Act #120 Certification, including firearms certification, reimbursing the Borough of Emmaus the cost of tuition at \$4,300.00 including related costs for Act #120 Certification (Recruit Training), successfully completing a one-year term of probation with the Emmaus Police Department, and, in accordance with the Borough of Emmaus Collective Agreement dated January 11, 2011 through December 31, 2012, must reside within 20 air miles of Emmaus Borough Hall within 1 year of date of hire.

Motion by Mr. Brown, seconded by Mr. Barrett to hire Vincent J. Murante, III, Kutztown, to the Emmaus Police Department, with an appointment/swear-in date of February 6, 2012, contingent upon successfully completing physical and psychological examinations, pursuant to MPOTEC (Pennsylvania Municipal Police Officer's Training

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& Education Commission) standards, successfully completing all requirements for Act #120 Certification, including firearms certification, reimbursing the Borough of Emmaus the cost of tuition at \$4,300.00 including related costs for Act #120 Certification (Recruit Training), successfully completing a one-year term of probation with the Emmaus Police Department, and, in accordance with the Borough of Emmaus Collective Agreement dated January 11, 2011 through December 31, 2012, must reside within 20 air miles of Emmaus Borough Hall within 1 year of date of hire. There were 7 ayes. Motion carried.

Progress.

The next Committee Meeting is October 13, 2011.

b. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is scheduled for October 6, 2011. He noted that there is a Budget & Finance Committee Meeting on October 6 at 3:30 p.m. with department heads and stated that there may be a scheduling conflict for Mr. Clapper.

Progress.

c. Health, Sanitation, and Conservation Committee

The next Committee Meeting is October, 13, 2011.

Progress.

d. Parks and Recreation Committee

The next Committee Meeting is October 4, 2011.

Progress.

e. General Administration Committee

Dr. Waddell stated that the Committee discussed drafting an ordinance to adopt a definition for check cashing businesses and to limit them to the Business Highway and Business Limited Districts.

Motion by Dr. Waddell, seconded by Mr. Labenberg to direct Solicitor Procyk to draft an Ordinance to adopt a definition for “Check Cashing Business” and to restrict them to the Business Highway and Business Limited Districts. There were 7 ayes. Motion carried.

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Dr. Waddell explained that the Committee recommends retaining Hometown Press to produce and distribute the Borough Newsletter for one more issue this year and 3 issues in 2012.

Motion by Dr. Waddell, seconded by Mr. Barrett to retain Hometown Press to publish 1 more issue of the Borough Newsletter for 2011 and 3 issues for 2012. There were 6 ayes, 1 abstention (Barrett). Motion carried.

Mr. Labenberg asked if it is possible to retain them on an issue-by-issue basis. Mr. Neely responded that it is possible, but it simplifies the process to do it for the year.

Dr. Waddell reported that the Insurance RFP will be handled in the spring of 2012.

The next Committee Meeting is scheduled for November 5, 2011.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 29, authorizing payment of the October 3, 2011 Bill List, as follows:

Bill List	\$	836,960.06
Payroll #19	\$	128,122.95
Payroll Taxes	\$	<u>39,243.35</u>
Total	\$	1,004,326.36

Done this 3rd day of October 2011.

Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the October 3, 2011 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee met on September 28, 2011 to discuss the 2012 Budget, and will meet on October 6, 2011 to continue budget discussions.

Mr. Holtzhafer reported that the Committee received funding requests from the Lehigh Valley Senior Citizens in the amount of \$2,000, the Emmaus Main Street Partners in the amount of \$5,000, and the Joint EAC for \$500.

Mr. Reinhard stated that he will be unavailable to attend the Budget & Finance Committee Meeting on October 6, 2011 at 3:30 p.m.

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g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met on September 22, 2011 and recommends that Council authorize filing a grant application in the amount of \$1,500 for the Treevitalize Program. Mr. Brown explained that the Treevitalization Program is a matching program, in which the Borough would need to match the project with a 50% contribution, half of which would be in-kind services of the Public Works Department. He stated that the grant application was prepared and mailed by Mr. Neely on September 30. The application deadline was October 1, 2011.

Motion by Mr. Brown, seconded by Mr. Labenberg to ratify filing the application for the Treevitalize Program Grant. There were 7 ayes. Motion carried.

Mr. Brown stated that the Borough may ask business owners for contributions.

Mr. Labenberg stated he will support the filing of the application but believes the item should not impact the Budget. Mr. Reinhard believes that the Borough should provide the labor, but that it should obtain contributions from private sources.

Dr. Waddell commented that he will be attending the Emmaus Main Street Partners Meeting on October 5, and will discuss the item. He commended Mr. Brown for creating a map of the current locations of the trees.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that a meeting will be scheduled shortly.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

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

Progress.

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PRESIDENT'S BUSINESS

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

The October 3, 2011 Meeting of the Emmaus Borough Council adjourned at 7:35 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
October 5, 2011