

November 1, 2010

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council

Agenda

Monday, November 1, 2010, 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

October 18, 2010
7. Decisions on Bids

Aerial Truck Bid Results
8. Communications
 - a. Patty Meyers, Reunion Committee Chairperson, Feasterville, PA – Request for reduced pavilion rental fee.
 - b. Cathy Miller, 411 Dalton Street – Resignation from the Parks and Recreation Commission (term expires 5/1/2012).
 - c. Marc Pun, 144 Spruce Street – Resume for part time Weed/Grass and Snow/Ice Enforcement position.
 - d. Teryl Madison, Executive Director, Emmaus Main Street Program – Snowblast Winter Festival request.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business
13. Unfinished Business, Part II
14. Items Not on Agenda, Subject to Rule 9

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15. Mayor's Report

16. Committee Reports

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

Next Meeting – November 4, 2010 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. H2O PA Grant
- d. Broad Street Reconstruction

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

Next Meeting – November 10, 2010 at 4:00 p.m.

- a. Refuse/Recycling with Raritan Valley
- b. Compost Options
- c. Borough Hall Energy Audit—HVAC and Window RFP's
- d. Emmaus and Upper Milford Joint Environmental Advisory Council
Recycling Event—November 14th
- e. Board of Health
- f. Riparian Buffer Ordinance
- g. Bollinger Land/Indian Creek Golf Course

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – November 2, 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
- f. **Appointment of Dean Greenawalt to the Parks and Recreation
Commission (term expires 5/1/2012).**

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – November 17, 2010 at 11:00 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. Run Lehigh Valley 5K Race
- g. Animal Control Services—The Sanctuary at Haafsville

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General Administration (Waddell, Barrett, Labenberg)

Next Meeting – November 3, 2010 at 9:00 a.m.

- a. Shade Tree--Tree Fund

General Administration (continued)

- b. Clerical Union Contract Negotiations
- c. Special Event Signs Ordinance
- d. Cintas Update
- e. Website Upgrade
- f. Public Parking Spaces on Jubilee Street

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – November 15, 2010 at 6:45 p.m.

- a. **Bill List – Resolution 2010 – 32**
- b. Per Capita Tax Ordinance
- c. Act 44 Election

Community Relations/Development (Brown, Reinhard, Waddell)

Next Meeting – November 24, 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. Streetscape Improvement Project
- e. Lanta Metro Meeting Update
- f. 1959 Time Capsule Items
- g. **TEA-21 Grant Authorization**

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 October 2010**

19. President's Business

20. Adjournment

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Next Resolution #33
Next Ordinance #1074

The Emmaus Borough Council met in regular session on November 1, 2010 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

President Gilbert called the Meeting to order at 7:05 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Present
Michael Waddell	Present
Brent Labenberg	Present – arrived at 7:55 p.m.
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 - None.

COMMUNITY MINUTE

Dr. Waddell thanked Bob Boehmer of the Emmaus Arts Commission for the success of the Student Horror Film Festival held October 24, 2010 at the Emmaus Theater. There were 22 submissions in total from over 10 different Lehigh Valley high schools and middle schools.

SPECIAL PRESENTATIONS

Dr. Waddell introduced Bob Boehmer from the Emmaus Arts Commission. Mr. Boehmer presented the design for the 2010 Emmaus Commemorative Christmas Card, which is called “Christmas Time in Emmaus” and depicts a scene from downtown Emmaus. The cards will be available in packs of 10. There will also be limited addition prints available at Bach & Co.

Mr. Boehmer commended the success of the 2010 Student Horror Film Festival and congratulated the winners and all of the entrants. He also announced that there will be a dance at the VFW from 8:00 p.m. to 11:00 p.m. on November 19, 2010. The cost is \$10.00

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and part of the proceeds will be donated to the Emmaus Arts Commission. Entertainment will be provided by "School's Out."

Dr. Waddell reminded that the Snowblast Winter Festival is scheduled for February 4 and 5, 2011. He also reminded that the Arts Commission's rain barrel exhibition will be held in Spring 2011. Mr. Boehmer commented that there have been several rain barrel designs submitted for Earth Day 2011.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Reinhard to dispense with the formal reading of the October 18, 2010 Minutes. There were 6 ayes. Motion carried.

Mr. Barrett noted that he did not arrive late for the October 4, 2010 Council Meeting, but was not at the beginning of the meeting because he was being interviewed by WFMZ.

Motion by Mr. Brown, seconded by Mr. Barrett to adopt the October 4, 2010 Minutes as corrected. There were 6 ayes. Motion carried.

DECISION ON BIDS

Mr. Neely reported that on October 12, 2010, bids were opened for the Fire Department Aerial Truck. There were two bids received, Central States at \$624,105 for a 109 Ft. Aerial and KME at \$709,567 for a 109 Ft. Aerial. He noted that the bids were under the amount budgeted. Mr. Neely stated that the Fire Department seeks Borough Council's approval to purchase the Central States 109 Ft. Aerial Truck for a cost of \$624,105.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to award the Emmaus Fire Department Aerial Truck bid to Central States for a cost of \$624,105. There were 6 ayes. Motion carried.

Mr. Barrett asked how much was budgeted for the Aerial Truck. Mrs. Gilbert responded that the price of the truck was estimated at \$835,000. Dr. Waddell asked how the difference of almost \$200,000 will be divided. Mrs. Gilbert responded that Mr. Holtzhafer will discuss it with Chief Reiss at the Budget & Finance Committee Meeting on November 8, 2010.

COMMUNICATIONS

a. Patty Meyers, Reunion Committee Chairperson, Feasterville, PA – Request for reduced pavilion fee rental. Referred to the Parks and Recreation Committee.

b. Cathy Miller, 411 Dalton Street – Resignation from the Parks and Recreation Commission (term expires 5/1/2012).

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Motion by Mr. Barrett, seconded by Mr. Holtzhafer to accept the resignation of Cathy Miller from the Parks and Recreation Commission. There were 6 ayes. Motion carried.

Mr. Barrett asked that a thank you letter be sent to Ms. Miller. Mrs. Gilbert asked if there is a candidate for the Parks and Recreation Commission to fill the vacancy. Mr. Neely responded that there is and the recommendation will be made during the Parks and Recreation Committee report.

c. Marc Steven Pun, 144 Spruce St – Resume for part time Weed/Grass and Snow/Ice Enforcement position. Referred to the General Administration Committee.

d. Teryl Madison, Executive Director, Emmaus Main Street Program – Snowblast Winter Festival request for use of Triangle on February 4, 2011 from 5:00 p.m. to 10:00 p.m. for an Ice Bar. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mrs. Gilbert reported that the Committee will meet on November 4, 2010 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee Meeting on October 14, 2010 was cancelled. He reported that the next Committee Meeting will be on November 10, 2010 at 4:15 p.m. The Committee will discuss options for the Compost Site and bids received for the Borough Hall Energy Audit. Mr. Neely reported that he and Borough Staff performed an

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inventory of commercial entities that have opted for dumpster service and a full report will be forthcoming.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee is recommending the appointment of Dean Greenawalt to the Parks and Recreation Commission to a term expiring 5/1/2012. Mr. Barrett reported that the Committee interviewed Mr. Greenawalt and he would fill Cathy Miller's position.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to appoint Dean Greenawalt to the Parks and Recreation Commission to a term expiring on 5/1/2012. There were 6 ayes. Motion carried.

The next Committee Meeting is November 2, 2010 at 3:30 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee Meeting scheduled for November 11, 2010, Veterans Day, has been rescheduled to November 17, 2010. Mrs. Gilbert confirmed with Mr. Neely that he drafted a letter to the Civil Service Commission requesting the current eligibility list. If received, the Committee will proceed with the hiring process of the two police officer vacancies. Dr. Waddell asked if the Committee can work off of an old list for the hiring process. Mrs. Gilbert responded that the Civil Service Commission will be furnishing a current list of eligible candidates, which is in effect until February 1, 2011. Dr. Waddell expressed concern about the amount of overtime being paid to cover the two vacancies. Mrs. Gilbert stated that the hiring process will begin as soon as the list of eligible candidates is forwarded to the Committee. Mr. Reinhard asked if there is an Ordinance dictating how many officers are needed for the police force. Mrs. Gilbert responded that Council determines the amount of officers needed on the police force and that there is not an Ordinance stating the number.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee is currently in negotiations with the Clerical Union.

The next Committee Meeting is November 3, 2010 at 9:00 a.m.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer reported that the Bill List was recommended with an amendment. On page 4 of the Bill List, there is a payment in the amount of \$7,430.77 for TMG Consulting Engineers. He reported that the Bill List has three charges for TMG Consulting Engineers, one in the amount of \$439.25, one in the amount of \$4,754.42, and one in the amount of \$684.84. The three charges are not equal to the amount listed on page 4. The Budget and Finance Committee recommends subtracting \$7,430.77 for TMG Consulting Engineers until it can be determined what the amount is paying for. Mr. Reinhard noted an amount of \$1,552.26 listed on page 5 of the Bill List, which makes up the difference so that the original Bill List is correct.

Mr. Holtzhafer read Resolution 2010-32, authorizing payment of the November 1, 2010 Bill List, as follows:

Bill List	\$	254,673.43
Payroll #21	\$	118,160.08
Payroll Taxes	\$	<u>36,428.21</u>
Total	\$	409,261.72

Done this 1st day of November 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the November 1, 2010 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that there will be a Budget and Finance Committee Meeting on Monday, November 8 at 3:30 p.m. to review budget requests with Department Heads. The Committee is anticipating having a 2011 Preliminary Budget prepared for the Council Meeting on November 15, 2010. Mr. Holtzhafer asked Mr. Neely to prepare a 2011 Preliminary Budget for the Council packets delivered on November 12, 2011. Mr. Neely responded that he would do so.

Mr. Holtzhafer reported that Mr. Neely has prepared a report in response to Mr. Gibson's Personal Appeal about the \$5.64 Pennvest charge. Mr. Neely explained that he reviewed the Pennvest files and that a loan was taken out in April 24, 1990 in the amount of \$334,450. The total debt service amount was \$469,073.69. The Borough did not begin collecting the Pennvest surcharge until 1992 and it was determined that all water and sewer customers are due a credit of \$5.64. The credit will be discussed with the water/sewer clerk to determine the most efficient method of issuing the credit.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the 2009 Anniversary Celebration items and the contents of the 1959 Time Capsule will be displayed in Council Chambers and Borough Hall. The

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American Flag located in the hallway at Town Hall was removed. Due to the size of the glass covering the flag, Pioneer Glass removed it at no cost and was given the glass.

Mr. Brown reported that the Borough located a live Christmas Tree for the Triangle for this year. The Borough Winter Newsletter will advertise for donations of Christmas Trees for future years.

Mr. Brown reported that he and Dr. Waddell met with a representative of LANTA on October 26, 2010 to discuss the possibility of LANTA having an intermodal transfer station in Emmaus. No further action will be taken until LANTA contacts the Borough with a proposal.

Mr. Brown reported that the Committee discussed applying for a TEA-21 Grant. The Borough received its first TEA-21 Grant in 2002, in the amount of \$97,000, which it used to construct the gateway sign at the Library, to purchase and install the banners that are along Main and Chestnut Streets, and to purchase benches, planters, and trash receptacles. It received a second grant in or about 2005, of approximately \$475,000, which it used to pay for the installation of over 90 new trees along the Main/Chestnut Street corridor, application of the "rice krispy" treatment for select tree wells, and the installation of the stamped asphalt crosswalks. The Lehigh Valley Planning Commission announced that this round of grants has \$3.3 million available in the aggregate. The grant deadline is November 8, 2010. The Committee recommends authorizing Mr. Neely to include in the application the following items:

1. Installation of a band of brick pavers along the curbs between 2nd and 4th Streets to create "paver bands" along the two blocks that would provide an aesthetic improvement to the area and also provide a functional aspect.
2. Installation of freestanding lampposts in the paver bands. Since installing the pavers would require sawcutting out the sidewalk, we would be able to install electric wiring in the excavation, thereby allowing us to line the streets with lampposts that would be aesthetically pleasing and would increase lighting in the downtown.
3. Removing and replacing Bradford Pear trees. The Borough discussed for years the removal of the Bradford Pears. The project could allow the Borough to remove and replace many trees. The Committee defined this portion of the project as between Keystone Avenue and 7th Street.
4. Installing grates for the "rice krispy" treatments in tree wells. Most of the tree wells in town are bare, for which the Borough provides wood chip mulch that often washes from the wells, leaving an unsightly and sometimes dangerous condition. An aspect of the project would be to install grates or some other treatment that would make the tree wells safer.
5. Burying utility lines. The Committee is suggesting that while the sidewalks are open, the Borough tries to convince the utilities, such as cable, electric, and phone, to bury their lines. The poles and wires that currently service properties downtown are an unsightly mess along and crossing the street. Burying the lines would greatly enhance the view in the downtown area. This aspect of the project would be limited to the area between 2nd and 4th Streets, where the paver bands would be installed.

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Mr. Brown stated that it is unlikely that all of the above items would be funded. The Committee recommends to Council that it authorize Mr. Neely to submit the TEA-21 Grant Application. Dr. Waddell clarified that the \$3.3 million available covers many municipalities throughout the Lehigh Valley.

Motion by Mr. Brown, seconded by Dr. Waddell to authorize Mr. Neely to submit the TEA-21 Grant Application to the Lehigh Valley Planning Commission. There were 6 ayes. Motion carried.

The next Committee Meeting will be on November 22, 2010 at 4:15 p.m.
Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E. Elm St., asked for clarification on the funding of the TEA-21 Grant. Mr. Neely explained that the TEA-21 Grant is federal money that is managed through the PA Department of Transportation.

B. Randy Kraft, 4801 Linda Lane, Emmaus, PA., introduced himself as the editor of Emmaus "Patch", which is an online news and information site strictly about Emmaus and Upper Milford Township. The parent company is Patch.com. The company started with 3 Patch sites in New Jersey and there are currently 300. This is the first Patch site in the Lehigh Valley. By the end of 2010 there will be 12 in the Lehigh Valley. He commented that Patch is looking for freelance reporters.

C. John Donches, 559 Minor St., asked if there is a specific amount of funding that the Community Relations/Development Committee is requesting in the TEA-21 Grant Application. Mr. Brown responded that the items the Community Relations/Development Committee are requesting funding for are just a recommendation and Mr. Neely will determine the final dollar amount to be requested.

D. Jim Woodeshick, 108 Seem St., asked Council to be mindful of all residents, especially retirees, when preparing the 2011 Budget.

E. Lynn Donches, 559 Minor St., asked what the next step for the Broad Street Reconstruction Project is and if there is a timeline for the Project. Mr. Neely responded that the Borough Engineer will be providing the final plans within the next 7-10 days and then a Public Meeting will be scheduled. She suggested that the plans be posted on the Borough website. She also asked if a weatherproof bulletin board could be installed at locations throughout the Borough, such as the Emmaus Public Library or the Emmaus Post Office, with the Reconstruction Plans and contact information for residents to call with questions.

BOROUGH MANAGER'S REPORT

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

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PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 7:55 p.m. for an Executive Session.

Mrs. Gilbert reconvened the meeting at 8:21 p.m. with no official action taken.

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

The Meeting of the Emmaus Borough Council adjourned at 8:22 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 3, 2010