

November 21, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, November 21, 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

November 7, 2011

7. Decisions on Bids

Bid Results - Heating Oil, Kerosene, Unleaded Fuel and Diesel Fuel

8. Communications

- a. Maria Olshin, 163 Main St., Emmaus – Letter of resignation from the Emmaus Arts Commission (term expires 2/1/2015).
- b. Kathleen Haney, 20 N. 4th St., Emmaus – Thank you for assistance during bench dedication.

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
15. Mayor's Report
16. Committee Reports

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

Next Meeting – December 1, 2011 at 3:00 p.m.

- a. Wieders Lane Status

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

Next Meeting – December 8, 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 – December 6, 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 – December 8, 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 – December 14, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Check Cashing Businesses—Zoning Ordinance Amendment
- e. **Janitorial Services Request for Proposals**

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Budget and Finance (Holtzhafer, Reinhard, Gilbert)

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

- a. **Bill List – Resolution 2011-32**
- b. Emergency Management Coordinator Compensation
- c. **Preliminary 2012 Budget**
- d. **Proposed 2012 Fee Schedule**

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

Next Meeting – December 22, 2011 at 4:15 pm.

- a. Display of 2009 Anniversary Items and Contents of the 1959 Time Capsule

Community Relations, Planning and Development (continued)

- 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 First Half of November 2011**
- b. Letter of Resignation

19. President's Business

20. Adjournment

Next Resolution #34
Next Ordinance #1084

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The Emmaus Borough Council met in regular session on November 21, 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	Absent
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 Street, Emmaus – voiced appreciation that the replica Civil War Flag was placed in Council Chambers.

Dr. Waddell thanked Frank Sadrovitz, and John Donches for contributing to the Flag's mounting. He stated that Mr. Brown will work with the Emmaus Flag Day Association to schedule a dedication ceremony. Mr. Neely thanked Rick Wentz, Allen Lewis, the Public Works Department, and Pioneer Glass.

B. Giovanni Landi, 869 Frank Drive, Emmaus – asked if the Borough Audits could be placed on the Borough website. Mr. Neely said that it can.

C. John Donches, 559 Minor Street, Emmaus – voiced appreciation for displaying the replica Flag. He thanked the Public Works Department for its hard work during the Halloween snow storm. He thanked EYA for planning to upgrade the infield at the Legion Baseball Field. He encouraged using volunteers more frequently in the community.

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 November 7, 2011 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Dr. Waddell to adopt the November 7, 2011 Minutes as drafted. There were 6 ayes. Motion carried.

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DECISION ON BIDS

Mr. Neely reported that there were 4 bids received for the 2011-2012 No. 2 Heating Oil, Kerosene, Unleaded Fuel, and Diesel Fuel Bid. Deiter Brothers Fuel Company was the lowest bidder for No. 2 Heating Oil at \$3.378/gal, Kerosene at \$4.009/gal, Unleaded Fuel at \$3.0780/gal, and Diesel Fuel at \$3.3490/gal. Staff recommends awarding the bid to Deiter Brothers Fuel Company. The bid is for December 1, 2011 to November 30, 2012.

Motion by Mr. Labenberg, seconded by Dr. Waddell to award the 2011-2012 No. 2 Heating Oil, Kerosene, Unleaded Fuel, and Diesel Bid to Deiter Brothers Fuel Company for the period of December 1, 2011 to November 30, 2012, in the amounts indicated above. There were 6 ayes. Motion carried.

COMMUNICATIONS

a. Maria Olshin, 163 Main St., Emmaus – Letter of resignation from the Emmaus Arts Commission (term expires 2/1/2015).

Motion by Dr. Waddell, seconded by Mr. Holtzafer to accept Ms. Olshin’s letter of resignation from the Emmaus Arts Commission. There were 6 ayes. Motion carried.

Mrs. Gilbert directed Mr. Neely to mail Ms. Olshin a Thank You letter.

b. Kathleen Haney, 20 N. 4th St., Emmaus – Thank you for assistance during bench dedication for Downtown Officer Ray Seiling.

c. Michael Montero, 209 Eagle Drive, Emmaus – Letter of interest to serve on the Emmaus Arts Commission. Referred to the General Administration Committee.

d. St. Margaret’s Nursery School, Lynn Faust, Chairperson – Fee Waiver Request for use of Rotary Pavilion on May 18, 2012. Referred to the Parks and Recreation Committee.

d. Christine Vadelund-Massari, 317 Adrain St., Emmaus – Safety concerns in the 300 Block of Adrain Street. Referred to the Public Safety Committee.

e. Schrieter’s Chuckwagon – Letter of Retirement from serving Borough. 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.

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ITEMS NOT ON AGENDA, subject to Rule 9

Motion by Mr. Reinhard, seconded by Mr. Barrett to allow Dr. Waddell to bring forth an item not on the agenda. There were 6 ayes. Motion carried.

Dr. Waddell suggested that the Borough consider planting trees on Borough property for future Christmas trees for the Triangle. Mrs. Gilbert directed Dr. Waddell to add the item to the General Administration Committee's Agenda.

MAYOR'S REPORT

Mayor Iobst welcomed and thanked the Boy Scouts for attending the Council Meeting.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee will meet on December 1, 2011.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee Meeting scheduled for November 10, 2011 was cancelled. The next Meeting will be on December 8, 2011.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on December 6, 2011.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on November 10, 2011. She entertained questions about the committee report.

The next Committee meeting is December 8, 2011.

Progress.

e. General Administration Committee

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Dr. Waddell reported that the Committee met on November 16, 2011. Dr. Waddell reported that the Committee reviewed the Janitorial Services Request for Proposals and recommends that the Request be approved by Council. If Council approves the RFP, it will be advertised in the East Penn Press on November 30 and December 7, with the bids being submitted on or before noon on December 21, 2011. Mr. Holtzhafer asked if the bid is for one price for cleaning all the buildings included in the proposal. Dr. Waddell responded that it is.

Motion by Dr. Waddell, seconded by Mr. Barrett to approve the Request for Proposal for Janitorial Services for the Borough of Emmaus Facilities and to direct Mr. Neely to advertise in the East Penn Press on November 30 and December 7, 2011. There were 6 ayes. Motion carried.

The next Committee Meeting is December 14, 2011.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 32, authorizing payment of the November 21, 2011 Bill List, as follows:

Bill List	\$	195,523.43
Payroll #23	\$	124,896.12
Payroll Taxes	\$	<u>38,833.88</u>
Total	\$	359,253.43

Done this 21st day of November 2011.

Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the November 21, 2011 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that there is a revised 2012 Fee Schedule with changes highlighted in red. He stated that Mr. Reinhard has additional recommendations to the Schedule. Mr. Reinhard suggested on Page 1, Bank Checks (returned due to insufficient funds, etc.) to increase the amount from \$20.00 to \$30.00. He also recommended on Page 2, Certificate of Occupancy Permit, to increase Rental Units (single or multi up to 4 units per lot) from \$35.00 per unit to \$50.00 per unit, Rental Units (5 or more per lot) from \$20.00 to \$50.00, and Re-inspection changing from \$50.00 per unit to \$75.00. Mr. Reinhard also suggested on Page 5, in the Park Rates section under Pool Rates, Non-Resident Season Passes, Children 6 through 17 changing from \$95.00 to \$125.00, Adult 18 and over from \$150.00 to \$200.00, Family, including children 17 and under, changing from \$200.00 to \$225.00, and Senior Citizens 62 or older, single pass, changing from \$35.00 to \$50.00. Mr. Reinhard suggested a fixed price for Pool Rates for General Admission with residents going to Town Hall to buy a book of passes for a slightly discounted rate. Mr. Holtzhafer stated that he would like to obtain Mr. Farnsworth's feedback on raising the fee for Occupancy Permits.

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He also stated that he believes the Parks and Recreation Committee should review the proposed fee increases for the Emmaus Community Pool.

Dr. Waddell asked how the increases were determined. Mr. Holtzhafer responded that the fees marked in red were increases by Mr. Neely to cover the Borough's costs to provide the services. Mr. Holtzhafer stated that the other proposed increases were suggested by Mr. Reinhard. Mr. Reinhard responded that he suggested increasing the fee for insufficient bank checks to bring it more in line with other places. Mr. Reinhard also responded that he believes raising the fees for Occupancy Permits will raise revenue from people wanting to move into the Borough. He stated that raising Pool Rates for non-residents will generate more revenue without being a burden to Borough residents. Mr. Barrett stated that he agrees with raising the Non-Resident Pool Rates. Mr. Holtzhafer suggested increasing the fee for Moving Permits. He suggested increasing the fee from \$1.00 to \$10.00 to help defray the administrative cost of preparing the permit. Mr. Neely explained that the reason behind obtaining a moving permit is not to raise revenue; it is to help the Borough maintain records of individuals moving in and out of the Borough. Mr. Holtzhafer asked about the fee to raise a banner and noted that the fee is not included in the Schedule. Mr. Neely asked if Council wants to keep the fee at \$75.00 per banner. Mr. Labenberg responded that according to Mr. Clapper, \$75.00 does not cover the cost of Public Works employees raising and lowering banners. Mr. Labenberg suggested obtaining Mr. Clapper's input on increasing the fee. Mr. Neely responded that he will review the proposed changes with Staff.

Dr. Waddell questioned why Pavilion Rental Fees were not increased. Mr. Neely responded that he believes the Borough will lose rentals if the fees are increased.

Mr. Labenberg asked if the Budget and Finance Committee will review the proposed changes before it is brought before Council. Mr. Holtzhafer responded that the Committee will issue recommendations.

Mr. Holtzhafer reported that Mr. Neely prepared a 2012 Preliminary Budget with no tax increase. The Budget includes a \$63,541.00 transfer from the Water Fund to the General Fund to balance the Budget. Mr. Holtzhafer stated that there are additional recommendations from Mr. Reinhard. Mr. Reinhard did not suggest an average yearly increase in water fees of \$10.02 per property owner. Mr. Reinhard also made other recommendations instead of increasing water fees. Mr. Holtzhafer asked for comments. Mr. Reinhard stated that he was hoping that Council would have looked at what services the Borough is required to provide versus the services that are discretionary and make cuts accordingly. He stated that for future planning he recommended that all Department Heads submit a comprehensive list of expense reductions that are beyond the current budget without any water fee increases or millage increases. Mr. Labenberg stated that in October there was a list of funding requests and asked if these were cut from the Budget. Mr. Holtzhafer responded that most of the funding requests have been eliminated or cut. Dr. Waddell stated that he believes the Downtown Police Officer position is important for the community and questioned the cost of the position versus the revenue generated. Dr. Waddell asked Mr. Neely to discuss the matter with Police Chief Faust. Mr. Holtzhafer responded that the cost of the position has been \$22,000 a year, but is cut in half for 2012.

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Dr. Waddell commented that the Workmen's Compensation line item shows an approximate \$140,000 increase over 2011. He believes that it is important to decrease the number of incidents that occur. Mr. Neely stated that the Borough is in the process of developing a Work Place Safety Committee. Dr. Waddell stated that the insurance company needs to be onsite to help diminish the number of work related accidents that occur.

Mr. Labenberg stated that he would like to see the 2012 Budget adjusted to reflect the fuel costs on the bid that was accepted earlier in the Meeting. Mr. Labenberg stated that the Borough completed minimal capital improvements in 2011 and believes Council needs to make difficult choices moving forward. Mr. Labenberg stated that he does not believe that refuse revenue should subsidize the General Fund. Mr. Reinhard and Dr. Waddell agreed with Mr. Labenberg. Mr. Holtzhafer stated that the 2012 Proposed Budget has a \$63,000 deficit and believes that it is better to increase the cost of water rather than to increase taxes. He stated that the Borough water rates are not in line with other municipalities. He stated that the Committee cut as much as could be done without reducing services to the community. Mr. Labenberg stated that Borough residents should pay a water rate that covers costs and maintenance and water rates should not be raised to subsidize the General Fund. Mrs. Gilbert asked Council to direct Mr. Neely whether to increase the water rates or taxes. Dr. Waddell responded that he believes that the millage should be increased. Mr. Labenberg stated that he believes there are line items that can be cut in the proposed budget and that the Lehigh County Drug Task Force Officer's position could be eliminated. Mr. Holtzhafer disagreed with Mr. Labenberg. Mr. Reinhard stated that he is not in favor of increasing the millage or the water rates. He stated that Police Chief Faust has cut his budget and hoped that the other Department Heads would also make necessary cuts. Mrs. Gilbert responded that she believes that all of the Department Heads reduced their budgets and the next step would be to reduce employees. Mr. Neely stated that he needs direction from Council to prepare a Budget to be voted on at the first Council Meeting in December. Mr. Reinhard stated that he would like the Department Heads to provide recommendations on how to lower their budgets by \$50,000. Mrs. Gilbert and Mr. Holtzhafer disagreed. Mr. Neely reminded that Council makes the ultimate decision. Dr. Waddell thanked the Budget and Finance Committee for its effort on the Budget, but stated that Borough residents expect certain services to be provided. He believes that the Borough needs to maintain the level of services that it currently provides. He stated that he spoke to residents who would happily pay \$10 a year more to maintain the level of services the Borough provides. Mr. Labenberg cautioned that the Borough has no money for capital projects and upgrade for equipment and needs to look to the future. Mr. Neely agreed with Mr. Labenberg.

Motion by Mr. Labenberg, seconded by Dr. Waddell to direct Mr. Neely to prepare a 2012 Budget reflecting a real estate tax increase to cover the current deficit. There were 3 ayes, 3 opposed (Reinhard, Holtzhafer, Barrett). Mayor Iobst voted against the motion and cast the deciding vote. Motion failed.

Mr. Labenberg suggested that, due to Mr. Brown's absence, Mr. Neely prepare Budgets reflecting a millage increase and a water rate increase, which will provide Mr. Brown a chance to review both budgets before the December 5 Council Meeting.

Progress.

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g. Community Relations, Planning and Development Committee

Dr. Waddell reported that the November Meeting is cancelled due to Thanksgiving, so the next Committee Meeting is December 22, 2011.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that he will call Dr. Seidenberger's office to schedule a Meeting.

Mrs. Gilbert stated that there is an issue coming forward from the Public Safety Committee concerning emergency response and using the High School in emergency situations. Mr. Barrett stated that the Lehigh County Congress of Governments met on November 15, 2011, when it discussed emergency preparedness and how municipalities and Lehigh County had issues during the Halloween snowstorm. He stated that he will provide information to the Committee as it is made available.

PERSONAL APPEALS, PART II

A. Lynn Donches, 559 Minor St., Emmaus – asked for clarification on the time for the next Budget & Finance Committee Meeting. Mr. Neely stated that the meeting is scheduled for December 5, 2011 at 6:45 p.m.

B. Giovanni Landi, 869 Frank Drive, Emmaus – commented that he appreciated the discussion about increasing taxes versus increasing water rates. He disagreed with retaining a \$5,000 contribution in the 2012 Budget for the Main Street Program. He suggested that the Borough “tak(e) the Budget apart and put it back together.” He furthermore commented on the articulation between the Borough's refuse rates, water rates, and tax rates. He does not want to see any rates or taxes increase, but then said that he is disappointed that the Budget is not funding major capital projects because he does not want to see the Borough's infrastructure crumbling.

C. John Donches, 559 Minor St., Emmaus – commented on the Contingency Fund in the 2011 Budget, asserting that he wants to see it used to fund the 2012 Budget. He claimed that the Borough has “crumbling infrastructure” that has the “potential of catastrophic ends”. He specifically claimed that “the overpass going by at the old CVS is in terrible shape, a potential of catastrophic ends,” and that, “A well water on top of 2nd Street, a well that you know is bad that needs to be dealt with.” Mr. Neely clarified that Mr. Donches was misrepresenting the facts because there is no water well on Second Street and because there is no structural problem with the road near the old CVS, detailing that the South 2nd Street issue involves abandoning a perfectly functioning reservoir that serves only 2 customers who are outside of the Borough, and the issue near the old CVS involves a drainage pipe, not the road or its integrity. Mr. Neely also observed that Mr. Donches was at the meetings when these two issues were discussed.

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Mr. Neely asked Mr. Donches if he knew if the Contingency Fund of which Mr. Donches spoke is a bank account or not. Mr. Neely observed that Mr. Donches made statements about the Contingency Fund when he did not know what he was talking about. Mr. Donches admitted, "I am ignorant, I admit this." Mr. Neely suggested that Mr. Donches not make a Personal Appeal by pretending that he knows something when he does not.

Mr. Barrett asked, "Can we just let him (Donches) talk and be done because no one is going to listen anyway?" Mr. Barrett then observed, "His statements are constantly inaccurate. Just let him talk. We would spend three days trying to correct him." Mr. Donches responded that, "This is a perfect example."

Mr. Donches finished by saying that the Borough should make expenditures for capital improvements.

BOROUGH MANAGER'S REPORT

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

Mr. Labenberg stated that there was a memorandum from Mr. Clapper for a sewer line repair on Mulberry Street in which he asked for guidance from Council about whether to repair it this year or budget for it in 2012. Mr. Neely responded that there is approximately \$3,000 left in the I & I Elimination Line Item in the 2011 Budget and it was suggested to Mr. Clapper to start the project immediately. Mr. Labenberg asked if the water refund is budgeted in 2012. Mr. Neely responded that it was.

Mr. Neely stated that he previously submitted a letter indicating that he would resign on December 6, 2011, but he discussed the matter with Mrs. Gilbert and would extend the date until December 20, 2011. He asked Council to decide on one of the two dates and make a motion to accept his resignation accordingly.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to accept Mr. Neely's resignation as Emmaus Borough Manager effective December 20, 2011. There were 6 ayes. Motion carried.

Dr. Waddell asked Mr. Neely to give a status update on his meeting with Gary Pulcini in reference to possibly refinancing the 2010 Bond Issue. Mr. Neely responded that according to Mr. Pulcini, though bond rates have fallen slightly, the costs to refinance would not justify the refinancing.

Progress.

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PRESIDENT'S BUSINESS

**Motion by Dr. Waddell, seconded by Mr. Barrett to adjourn. There were 6 ayes.
Motion carried.**

The November 7, 2011 Meeting of the Emmaus Borough Council adjourned at 8:40
p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 23, 2011