

May 3, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, May 3, 2010, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Police Accreditation Ceremony

National Anthem by Emmaus High School Choral
Presentation of CALEA Accreditation
4. Personal Appeals, Part I
5. Community Minute
6. Special Presentations

Emmaus Main Street Program
7. Reading of Minutes

April 19, 2010
8. Decisions on Bids
9. Communications
 - a. Richard Frey, 517 Ridge St. – Request street closure for auction.
 - b. Bob Halsey, Emmaus Rotary Club – 2nd Annual Dog Walk.
 - c. Bob Boehmer, Emmaus Arts Commission – Request 2010 EAC budgetary contribution.
 - d. Ziad Munson, Chairman, Lincoln Spring Festival Committee – Request to hold Lincoln Elementary School’s 2010 Spring Festival and street closure for Festival.
 - e. Ellie Passman, VP, East Penn Chamber of Commerce – Signage project.
10. Borough Engineer’s Report
11. Solicitor’s Report
12. Unfinished Business, Part I
 - a. **Ordinance No. 1068 – An Ordinance Amending Chapter 15, Section 207, and Establishing One-Way Traffic Southbound on Mulberry Street,**

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Between Elm Street and Seem Street in the Vicinity of Lincoln Elementary School (1st Reading 4/5/10) (2nd Reading 5/3/10).

13. New Business

- a. **Ordinance No. 1070 – An Ordinance of the Borough of Emmaus Establishing the Special Entertainment Commission (1st Reading 5/3/10).**

14. Unfinished Business, Part II

15. Items Not on Agenda, Subject to Rule 9

16. Mayor's Report

- a. **Proclamation 2010 – 265 – Police Week**

17. Committee Reports

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

Next Meeting – May 6, 2010 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. "Share the Road" Signs
- d. **S. 12th and W. Jubilee Sts. Sidewalk Installation**

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

Next Meeting – May 13, 2010 at 4:00 p.m.

- a. Refuse/Recycling with Raritan Valley
- b. Building Sewers and Laterals
- c. Recycling Event
- d. Riparian Buffer Ordinance
- e. Bollinger Land/Indian Creek Golf Course
- f. Emmaus and Upper Milford Joint Environmental Advisory Council
- g. Board of Health
- h. Borough Hall Energy Audit

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – May 4, 2010 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Baseball Stadium at Community Park
- d. EYA Shed Request
- e. **Reappointment of Kathy Mintzer to the Parks and Recreation Commission (term expires 5/1/10).**
- f. **Hire Lifeguard**

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g. Cyclocross Race – Thank you.

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – May 13, 2010 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. **Ordinance No. 1068 - Mulberry Street One-Way Southbound (1st Reading 4/5/10) (2nd Reading 5/3/10).**
- d. Emergency Operations Plan – Review

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – May 5, 2010 at 9:00 a.m.

- a. Emmaus Arts Commission
- b. Shade Tree Ordinance—Tree Fund
- c. Special Event Signs Ordinance
- d. **Ordinance No. 1070 - Special Entertainment Commission (1st Reading 5/3/10).**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – May 17, 2010 at 4:00 p.m.

- a. **Bill List – Resolution 2010 – 16**
- b. Per Capita Tax Ordinance
- c. Act 44 Election
- d. **Non-Union Employee Health Insurance Contributions**
- e. **Emmaus Main Street Program - Request for Funds**
- f. Emmaus Police Officers' Association – Contract Negotiations
- g. **Emmaus Arts Commission – Request for Funds**

Community Relations/Development (Brown, Reinhard, Waddell)

Next Meeting – May 26, 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. Car Show/Bed Race
- f. Broad Street Reconstruction
- g. Streetscape Improvement Project

Ad Hoc Committees (Holtzhafer, Barrett, Gilbert, Neely, Mayor Iobst)

Next Meeting – To be determined.

Community/School Relations

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- a. Junior Council Member Draft Resolution Review and Application
- 18. Personal Appeals, Part II
- 19. Borough Manager's Report
 - a. **Significant Revenue and Expense Items for April 2010**
- 20. President's Business
- 21. Adjournment

Next Resolution #17
Next Ordinance #1071

The Emmaus Borough Council met in regular session on May 3, 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
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

SPECIAL PRESENTATION

Dr. Gary Corder, CALEA Commissioner, officially awarded the Emmaus Police Department national accreditation from the Commission on Accreditation for Law Enforcement Agencies. The Emmaus High School Chorale, directed by Ms. Rita Cortez, began the program with the National Anthem. The Lehigh County District Attorney, James Martin, praised the Police Department as one of the best in the county and Magisterial District Judge Donna Butler praised their professionalism.

Mrs. Gilbert recessed the Meeting at 7:25 p.m.

Mrs. Gilbert reconvened the Meeting at 7:35 p.m.

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PERSONAL APPEALS, PART I

Bob Halsey, 2561 Dogwood Circle, Emmaus, Emmaus Rotary Club – Mr. Halsey reminded that the Emmaus Rotary Club will hold its 2nd Annual Dog Walk on Saturday, May 15, 2010 at 9:15 a.m. starting at the Emmaus High School student parking lot located at Harrison Street and Macungie Avenue.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS

Teryl Madison presented the Emmaus Main Street Program's 2010 First Quarter Report. She reviewed the Program's organizational chart and the history of the Program. She highlighted the Program's projects, activities to date, and upcoming events.

READING OF MINUTES

Motion by Mr. Reinhard seconded by Dr. Waddell to dispense with the formal reading of the April 19, 2010 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Reinhard, seconded by Mr. Barrett to adopt the April 19, 2010 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

a. Richard Frey, 517 Ridge St – Request street closure for auction. Mr. Neely stated that he spoke to Mr. Frey and advised him that street closures are within the jurisdiction of the Mayor and suggested that he attend the Public Safety Committee Meeting on May 13, 2010 at 9:00 a.m. Mrs. Gilbert noted that she will add the matter to the Public Safety Committee Agenda.

b. Bob Halsey, Emmaus Rotary Club – 2nd Annual Dog Walk. Mr. Neely stated that there is no official action needed.

c. Bob Boehmer, Emmaus Arts Commission – Request 2010 EAC budget contribution of \$1000. Mr. Neely reported that the Budget and Finance Committee unanimously recommended dispensing the funds to the Commission.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to authorize the disbursement of \$1000 to the Emmaus Arts Commission. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

d. Ziad Munson, Chairman, Lincoln Spring Festival Committee – Request to hold Lincoln Elementary School's 2010 Spring Festival and street closure for Festival. Referred to staff and the Mayor.

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e. Ellie Passman, VP, East Penn Chamber of Commerce – Signage project. Referred to the Community Relations/Development Committee.

f. Ariel Sholz - Letter of interest for reappointment to the Emmaus Arts Commission for a term expiring February 15, 2015. Mr. Neely explained that Ms. Sholz's term expired on February 15, 2010.

Motion by Dr. Waddell, seconded by Mr. Brown to reappoint Ariel Sholz to the Emmaus Arts Commission to a term expiring on February 15, 2015. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

Mr. Labenberg noted his concern about whether the Borough advertises for vacancies and questioned Ms. Sholz's ability to serve for a maximum of two years and would prefer to find an individual who could serve a full term. He stated that he does not support the reappointment because she is unable to serve the full term. Mr. Neely explained that the vacancy was advertised and the policy is to contact the individual and advise her that her term is expiring. He noted that Ms. Sholz was contacted and did not respond. Mr. Barrett asked if she is a resident of Emmaus. Dr. Waddell answered that he believes that she is a resident but it is not a requirement of the Emmaus Arts Commission to be a resident of Emmaus.

g. Kathy Haney, Shops of Emmaus – Best in Bloom Art Festival Request.

Referred to the Parks and Recreation Committee.

h. Marty Ondrovic, President, Emmaus Veteran's Association – Request for permission to hold the Memorial Day Parade on May 31, 2010. Mr. Neely reported that staff has already sent the request to the Department of Transportation to request street closure for the event. Mrs. Gilbert asked what time the parade begins to form. Mr. Neely answered that the parade begins to form at 8:30 a.m. Dr. Waddell voiced concerns about the lack of attendance at the parade.

i. Jason Krute, 647 Walnut Street – Fee waiver request for Push the Rock. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1068 – An Ordinance Amending Chapter 15, Section 207, and Establishing One-Way Traffic Southbound on Mulberry Street, Between Elm Street and Seem Street in the Vicinity of Lincoln Elementary School (1st Reading 4/5/10)(2nd Reading 5/3/10).

Motion by Dr. Waddell, seconded by Mr. Reinhard to read Ordinance No. 1068 in short title. There were 7 ayes. Motion carried.

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Mrs. Gilbert read Ordinance 1068 in short title.

Motion by Mr. Brown, seconded by Mr. Labenberg to adopt Ordinance No. 1068 – An Ordinance Amending Chapter 15, Section 207, and Establishing One-Way Traffic Southbound on Mulberry Street, Between Elm Street and Seem Street in the Vicinity of Lincoln Elementary School on its 2nd reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert aye. There were 7 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1070 – An Ordinance of the Borough of Emmaus Establishing the Special Entertainment Commission. Mrs. Gilbert referred the Ordinance to the General Administration Committee.

UNFINISHED BUSINESS, PART II - None.

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

MAYOR'S REPORT

Mayor Iobst reported that he performed a wedding ceremony on May 1, 2010 at the Triangle and a lot of business people and passersby stopped to see it.

Mayor Iobst read Proclamation 2010 – 265 proclaiming the week of May 9 through May 15, 2010 as Police Week.

COMMITTEE REPORTS

a. Public Works Committee

1. South 12th Street Stormwater Project—Sidewalk Installation. Mr. Labenberg raised the issue about whether property owners on South 12th Street and West Jubilee Street will be required to install sidewalk. Council discussed the issue at a prior Meeting, but reserved making a decision until all Council Members inspected the involved areas.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to require the property owners along South 12th Street and West Jubilee Street to install sidewalk in the areas where the roads are being resurfaced. There were 2 ayes (Barrett and Holtzhafer) and 5 opposed. Motion failed.

Discussion ensued concerning the property at 1147 Pennsylvania Avenue, owned by Guy Washburn. The west side of the property fronts South 12th Street, where a drainage culvert that will be removed currently exists.

Motion by Mr. Barrett, seconded by Mr. Labenberg to require the installation of sidewalk on the west side of 1147 Pennsylvania Avenue along South 12th Street.

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Council engaged in a discussion about the property and the sidewalks on the properties that surround it.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to table the issue. There were 7 ayes. Motion carried.

The next Committee Meeting will be on May 6, 2010 at 3:00 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that he attended the Joint Environmental Advisory Council Meeting held on April 24, 2010 and the Emmaus Board of Health Meeting held on April 26, 2010.

The next Committee Meeting will be on May 13, 2010 at 4:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Parks and Recreation Committee is recommending to Council that it reappoint Kathy Mintzer to the Emmaus Parks and Recreation Commission to a term expiring on May 1, 2013.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to appoint Kathy Mintzer to the Parks and Recreation Commission, to a term expiring on May 1, 2013. There were 7 ayes. Motion carried.

Mr. Barrett advised that we need to hire one more lifeguard for the Community Pool. Christie Wetzel submitted an application. She worked for the Borough as a lifeguard in the past, having held the position of head lifeguard. She is available to work again as a head lifeguard.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer, to hire Christie Wetzel as a head lifeguard at the rate of \$9.50 per hour. There were 7 ayes. Motion carried.

Council discussed the thank you letter that it received from Laura Van Gilder concerning the Cyclocross races and her trip to the World Championships in the Czech Republic.

The next Committee Meeting will be on May 4, 2010 at 3:30 p.m.

Progress.

d. Public Safety Committee

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The next Committee Meeting will be on May 13, 2010 at 9:00 a.m.

Progress.

e. General Administration Committee

The Borough's Public Works Department's mechanic's shop is shorthanded, as one of the two mechanics is out with a work related injury. The Committee is recommending that the Borough advertise for a subcontractor to work in the mechanics' shop until the Borough's employee returns from his injury, at a rate not to exceed \$17.00.

Motion by Mr. Labenberg, seconded by Mr. Brown to advertise hiring a subcontractor for not more than \$17.00 per hour to work in the Public Works Department's mechanics shop. There were 7 ayes. Motion carried.

The next Committee Meeting will be on May 5, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

The Committee discussed the Emmaus Main Street Program's request for disbursement of \$7,500 of the funds that the Borough budgeted for the Program, and is recommending that the funds be disbursed.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard, to authorize the disbursement of \$7,500 to the Emmaus Main Street Program. There were 7 ayes. Motion carried.

Mr. Holtzhafer read Resolution 2010-16, authorizing payment of the May 3, 2010 Bill List, as follows:

Bill List	\$	198,524.33
Payroll #8	\$	116,917.06
Payroll Taxes	\$	<u>35,915.10</u>
Total	\$	351,356.49

Done this 3rd day of May, 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the May 3, 2010 Bill List. There were 7 ayes. Motion carried.

The Committee discussed whether non-union employees should be required to contribute towards the cost of their health care. Mr. Reinhard and Mr. Labenberg stated that they support requiring non-union employees contributing to their health care. Dr. Waddell and Mr. Brown stated that they are not in support of requiring contributions now, but expect

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that they will support requiring the contributions next year. Mr. Barrett was not in support of requiring contributions.

Motion by Mr. Holtzhafer, second by Mr. Brown to not require non-union employee contributions to health care at this time. There were 5 ayes and 2 opposed. (Labenberg and Reinhard). Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown referred to the April 30, 2010 Memorandum submitted by the Borough Manager concerning the Committee's activities.

The next Committee Meeting is May 26, 2010 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

a. Josephine Sadrovitz, 130 N 4th Street, Emmaus. Ms. Sadrovitz commented on the turn out for the Earth Day Clean up event, and on the large crowd at the season opening of the Emmaus Farmers Market.

b. Otto Slozer, 121 East Elm Street, Emmaus. Mr. Slozer commented about the issue concerning non-union employees contributing towards the cost of their health care.

c. James Woodeshick, 108 Seem Street, Emmaus. Mr. Woodeshick commented about the issue concerning non-union employees contributing towards the cost of their health care. He also advised that he observed trucks exiting the new CVS illegally.

BOROUGH MANAGER'S REPORT

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

Dr. Waddell had raised the issue about Borough vehicles idling. Mr. Neely indicated that he would review it with Department Heads at the next Staff Meeting.

PRESIDENT'S BUSINESS

None.

ADJOURNMENT

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**Motion by Mr. Barrett, seconded by Dr. Waddell to adjourn. There were 7 ayes.
Motion carried.**

The Meeting of the Emmaus Borough Council adjourned at 8:45 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
May 6, 2010