

February 22, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Tuesday, February 22, 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

February 7, 2011

7. Decisions on Bids
8. Communications
 - a. Liesel Adam, P.O. Box 3214, Allentown – Request reappointment to Emmaus/Upper Milford Township Joint Environmental Advisory Council.
 - b. Victor Bunick, Fourth Furnace Center, 302 S. 4th St., Emmaus – 302 S. 4th Street Zoning.
 - c. Kelsey Schmeltzle, Lincoln Elementary School – Dog Park.
 - d. Garrett Rowlands, Lincoln Elementary School – Skate Park.
 - e. Hannah Gesicki, Lincoln Elementary School – Skate Park.
 - f. Jared Laub, Lincoln Elementary School – Skateboard and Bike Park.
 - g. Hailea O’Connell, Lincoln Elementary School - Skateboard and Bike Park.
 - h. Kayla Vega, Lincoln Elementary School – Skate Park.
 - i. Brianna Jernigan, Lincoln Elementary School – Skateboard Park.
 - j. Victoria Feinberg, Lincoln Elementary School – Skateboard Park.
 - k. James Farnsworth, Emmaus Code Enforcement Officer – Snow removal from sidewalks.
 - l. Kevin Farnish, 215 Hilltop Rd., Coopersburg – Letter of interest to fill Emergency Management Coordinator position.
 - m. Robert and Annamae Letteer, 29 E. George St. – Thank you for Ambulance and Police services.
 - n. Fred Mussel, Cedarbrook Sportsmen – Request monetary donation to stock Furnace Dam for 2011 Trout season.
 - o. James Martin, District Attorney, Lehigh County Courthouse – Emmaus Police Department firearms range donation.
 - p. Judith Lieberman, 333 Ridge St. – High rise apartment evacuation plans.

February 22, 2011

EMMAUS BOROUGH COUNCIL

- q. David Schaeffer, UGI Utilities – Request street opening to place gas line.
- 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

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

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

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements

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

Next Meeting – March 10, 2011 at 4:00 p.m.

- a. Compost Options
- b. Refuse/Recycling with Raritan Valley
- c. Emmaus and Upper Milford Joint Environmental Advisory Council
- d. Board of Health – Ordinance changes required
- e. Riparian Buffer Ordinance
- f. Bollinger Land/Indian Creek Golf Course

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – March 1, 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
- e. Triangle Park – Use Requirements and Guidelines

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – March 10, 2011 at 9:00 a.m.

February 22, 2011

EMMAUS BOROUGH COUNCIL

- 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 – February 23, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Public Parking Spaces on Jubilee Street
- e. **Waiving the administrative fee for Broad Street concrete work**
- f. **Dissolution of the Sanitation Board – Resolution 2011-7**
- g. Adopting the revised Personnel Policy

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – March 7, 2011 at 6:45 p.m.

- a. **Bill List – Resolution 2011-8**
- b. Per Capita Tax Ordinance

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

Next Meeting – March 22, 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. Streetscape Improvement Project
- d. 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

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. **Significant Revenue and Expense Items for First Half of February 2011**

19. President's Business

February 22, 2011

EMMAUS BOROUGH COUNCIL

20. Adjournment

Next Resolution #9
Next Ordinance #1076

The Emmaus Borough Council met in regular session on February 22, 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	Absent

PERSONAL APPEALS, PART I

A. John Donches, 559 Minor St., stated that residents should be made to feel comfortable when attending Borough Committee Meetings. He also stated that he believes the curb/sidewalk permit fees should be waived for the Broad Street Reconstruction Project.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS –None.

READING OF MINUTES

Motion by Mr. Brown, seconded by Mr. Labenberg to dispense with the formal reading of the February 7, 2011 Minutes. There were 7 ayes. Motion carried.

Mrs. Gilbert stated that she was not present at the Meeting but noted on Page 17, on the second Motion it was incorrectly listed that there were 7 ayes. It should read that there were 6 ayes.

February 22, 2011

EMMAUS BOROUGH COUNCIL

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the February 7, 2011 Minutes as amended. There were 6 ayes, 1 abstention (Gilbert due to absence). Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Liesel Adam, P. O. Box 3214, Allentown – Request reappointment to Emmaus/Upper Milford Township Joint Environmental Advisory Council. Referred to the Health, Sanitation, and Conservation Committee.
- b. Victor Bunick, Fourth Furnace Center, 302 S. 4th St., Emmaus – 302 S. 4th Street Zoning. Referred to the General Administration Committee.
- c. Kelsey Schmeltzle, Lincoln Elementary School – Dog Park. Referred to the Parks and Recreation Committee.
- d. Garrett Rowlands, Lincoln Elementary School – Skate Park. Referred to the Parks and Recreation Committee.
- e. Hannah Gesicki, Lincoln Elementary School – Skate Park. Referred to the Parks and Recreation Committee.
- f. Jared Laub, Lincoln Elementary School – Skateboard and Bike Park. Referred to the Parks and Recreation Committee.
- g. Hailea O’Connell, Lincoln Elementary School – Skateboard and Bike Park. Referred to the Parks and Recreation Committee.
- h. Kayla Vega, Lincoln Elementary School – Skate Park. Referred to the Parks and Recreation Committee.
- i. Brianna Jernigan, Lincoln Elementary School – Skateboard Park. Referred to the Parks and Recreation Committee.
- j. Victoria Feinberg, Lincoln Elementary School – Letter against a Skateboard Park. Referred to the Parks and Recreation Committee.
- k. James Farnsworth, Emmaus Code Enforcement Officer – Snow removal from sidewalks. Referred to the Public Safety Committee.
- l. Kevin Farnish, 215 Hilltop Rd., Coopersburg – Letter of interest to fill Emergency Management Coordinator position. Referred to the Public Safety Committee.
- m. Robert and Annamae Letteer, 29 E. George St. - Thank you for Emmaus Ambulance Corps Service.
- n. Fred Mussel, Cedarbrook Sportsmen – Request monetary donation to stock Furnace Dam for 2011 Trout season. Referred to the Budget and Finance Committee.
- o. James Martin, District Attorney, Lehigh County Courthouse – Emmaus Police Department firearms range donation. Mrs. Gilbert stated that she will direct Chief Faust to send a Thank You letter to Mr. Martin.
- p. Judith Lieberman, 333 Ridge St. – High rise apartment evacuation plans. Referred to the Public Safety Committee.
- q. David Schaeffer, UGI Utilities – Request street opening to place gas line. Referred to the Public Works Committee.
- r. Blake Yoachim, Lincoln Elementary School – Arcade, comics, cards, video game store. Referred to the Community Relations, Planning, and Development Committee.
- s. Trevor Calse, Lincoln Elementary School – Recreational sports center.

February 22, 2011

EMMAUS BOROUGH COUNCIL

Referred to the Park and Recreation Committee.

Mr. Reinhard commented that he was invited to the two 5th grade classrooms that worked on the project and was asked his personal opinion about their suggestions. He told the students that if any of their ideas come before Council there are three basic questions that he will ask: Where is the money to build it, where is the money to maintain it, and where is the money to insure it? He stated that there were interesting suggestions. Two students suggested a smoking ban. Mr. Barrett suggested inviting the students to attend a Parks and Recreation Committee Meeting. Mrs. Gilbert stated that she will direct Mr. Neely to invite the students to attend a Committee Meeting.

t. Peter Kapustiak, Kiwanis Club of Emmaus – Request for use of the outfield of Legion Baseball Field at Community Park for their Annual Easter Egg Hunt. Referred to staff.

u. Chief Faust, Chief of Police – Request for pavilion fee waiver for Crime Victims Council of Lehigh Valley annual rally. 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

Mayor Iobst stated that he receives most of his communications over the telephone and enjoys speaking to the residents about their concerns.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on February 3, 2011 with no official action being recommended to Council.

Mr. Labenberg reported that the next Committee Meeting is scheduled for March 3, 2011.

February 22, 2011

EMMAUS BOROUGH COUNCIL

Mr. Brown asked Mr. Labenberg if he knows how old the gas lines are in the Borough. He commented that he is asking based on the tragic events that occurred in Allentown. Mr. Labenberg responded that he will ask Mr. Clapper.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee discussed Act 106, which are new rules concerning health inspections. The Health Officer, Gary Ritter, and Mr. Neely are currently working on a recommendation about how the Borough's Code of Ordinances will need to be amended to conform to the new law. The changes will need to be made by the March 21, 2011 Council Meeting. The Committee will hold a Meeting on March 7 before the Budget & Finance Committee Meeting to provide a recommendation to Council.

The County advertised for Requests for Proposals, seeking proposals from private entities, about how they could run the County compost site on a for-profit basis. The County compost site will remain open until June 30, 2011.

Mr. Reinhard reported that at the last Council Meeting staff was directed to investigate electric rates and providers and report to Council on the results. Mr. Labenberg responded that he has been inquiring about rates for six weeks and believes it should become a priority.

Mr. Reinhard reported that the Dumpster Fee Bills were mailed out and that it will take approximately a year until there is a reliable database concerning all dumpsters being used in the Borough, and a reliable record of compliance with state solid waste and recycling laws and regulations.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the next Meeting is scheduled for March 1, 2011.

Mrs. Gilbert asked Mr. Barrett if he received correspondence from the Emmaus Aquatic Club and if it will be placed on the Committee's Agenda. Mr. Barrett responded that he received the correspondence and it is on the Agenda.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee met on February 10, 2011, with no recommendations for official action. She reported that she received the Emmaus Police Department's 2010 Annual Report from Chief Faust and advised Council to read through it.

Progress.

February 22, 2011

EMMAUS BOROUGH COUNCIL

e. General Administration Committee

Dr. Waddell reported that the Committee met on February 9, 2011 with recommendations for official action. Representatives of the "Hometown Press" will attend the February 23, 2011 Committee Meeting to discuss its newsletter preparation service.

Dr. Waddell reported that the Committee discussed the Broad Street Reconstruction Project and a request to waive the residents' curb and sidewalk permit fees. The Committee will discuss the item further at the next Committee Meeting on February 23, 2011.

Dr. Waddell reported that the Committee recommends to Council that it adopt Resolution 2011 – 7, dissolving the Emmaus Sanitation Board.

Motion by Dr. Waddell, seconded by Mr. Barrett to adopt Resolution 2011-7. There were 7 ayes. Motion carried.

Mr. Reinhard noted under Item 3, Engineering Fees, the Committee did not recommend drafting a policy requiring Council's approval to authorize the Borough Engineer to perform services. He asked if the Committee vote was unanimous. Dr. Waddell responded that a vote was not taken on the item. The preliminary work on the Legion Baseball Field Reconstruction Project was legal, in that the engineer's fees were in the Budget. The Committee believes that it would have been better practice to have the matter brought before full Council. No one in attendance at the Meeting could remember any other circumstance in which a Committee directed that the Borough Engineer prepare such plans or studies. The Committee believes that drafting a policy addressing all of the situations would be very difficult, and does not recommend that a policy be adopted. The Committee also noted that the Minutes prepared by Mr. Neely documenting discussions at Committee Meetings serve as an adequate check and balance for actions at the committee level. Mr. Reinhard responded that there are times, for example, during a collective bargaining process, the process is assigned to a Committee that starts the process and then the item goes before full Council. He stated that there are times, theoretically, where no one wants to go back on what has already been done in the negotiation process. There are instances where a committee comprised of three people makes decisions for everyone. It is difficult then to go backwards and get back to a starting point if the item is not agreed on by a majority later. He stated that he still believes that items such as Borough engineering fees and collective bargaining agreements should be brought to full Council for approval. Dr. Waddell asked for an example of a Committee making a decision that does not go before Council for final approval. Mr. Reinhard responded that on January 26, 2011, in the General Administration Committee Minutes, there was an issue with one of the Collective Bargaining Agreements that needed an interpretation with a potential consequence if there was not agreement on the interpretation. He believes that there should have been an Executive Session to discuss the item. Dr. Waddell responded that the item was an interpretation of a contract and Mr. Neely spoke with the Union Business Agent and the Union Steward and they agreed on the interpretation. Mr. Reinhard questioned whether Mr. Neely should be a decision maker or should a decision be made by full Council. Mr. Labenberg responded that the Committee asked Mr. Neely to act on its behalf and it was a clarification of a contract that was already in effect. Dr. Waddell

February 22, 2011

EMMAUS BOROUGH COUNCIL

responded that it was an interpretation and there was no vote taken on the matter. Mr. Barrett stated the Mr. Reinhard's main concern is fees and asked how the above example mentioned related to fees. Mr. Reinhard responded that his main point is the Legion Baseball Field Project and the scope of the Project. He stated he did not agree with how funds were allocated for the Project. He also stated that there was a committee of three who made the decisions to allocate the funds to be spent. He believes that the matter should have been brought before full Council. Mr. Barrett stated that in Mr. Reinhard's example, the correct protocol was followed and if there was a need for a change in the Union Contract, the item would have gone before Council for a vote. Mr. Barrett voiced concern that there are items being brought forth that suggest Council is acting in an underhanded manner, which causes speculation among Borough residents. Mr. Labenberg stated that he originally supported adopting a policy addressing engineer fees but there are too many grey areas and it is very difficult to address every possible situation. Dr. Waddell stated that the Committee Meeting Minutes Mr. Neely prepares are very useful. He also stated that he believes Mr. Reinhard's intentions are honorable.

Mr. Brown suggested a flat permit fee for curb and sidewalk replacement as part of the Broad Street Reconstruction Project.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 8, authorizing payment of the February 22, 2011 Bill List, as follows:

Bill List	\$ 374,299.70
Payroll #3	\$ 128,986.95
Payroll Taxes	\$ 42,416.36
Total	\$ 545,703.01

Done this 22nd day of February 2011.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the February 22, 2011 Bill List. There were 7 ayes. Motion carried.

Mrs. Gilbert asked Mr. Holtzhafer for permission to invite Chief Faust to the March 7, 2011 Budget and Finance Committee Meeting to discuss part-time police officer's wages.

Mrs. Gilbert asked Mr. Holtzhafer if dates have been scheduled for 2012 Budget Workshops. Mr. Holtzhafer responded that the tentative dates are August 24 and September 28, 2011. Mrs. Gilbert suggested moving the dates to September due to possible vacation conflicts in August. Mr. Holtzhafer responded that the Workshops will be held on August 31 and September 28, 2011.

Progress.

February 22, 2011

EMMAUS BOROUGH COUNCIL

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee met on February 22, 2011. The Committee discussed using the \$4,000 Treevitalization Grants to replace Bradford Pear trees on Main Street between 3rd & Brunner Streets. Mr. Brown reported that three trees will be able to be replaced in that location and asked Council for its input before the next Committee Meeting on March 22, 2011. Mr. Labenberg asked if the Grant is specifically to replace trees or is it possible to plant new ones. Mr. Brown responded that he is unsure. Mr. Reinhard asked if Mr. Neely responded to the Committee's request that he contact business owners concerning a possible monetary contribution towards the cost of replacing the trees. Mr. Brown responded that Mr. Neely is currently on vacation but has not responded. Mr. Brown reported that the time line for replacing the trees is the end of April or early May.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mrs. Gilbert requested that the Committee schedule a Meeting to follow up on the Junior Council Member Draft Resolution. Mr. Holtzhafer responded that he will schedule a meeting.

Progress.

PERSONAL APPEALS, PART II

A. John Donches, 559 Minor St., stated that he agrees with Mr. Reinhard about the need for a policy requiring full Council approval for engineering studies. He believes that the money spent on engineering studies for the Legion Baseball Field Reconstruction Project was handled incorrectly and should have been voted on by full Council. He also believes that the Project has cast a "dark cloud" on Borough Committees and voiced his opposition to the Project. He stated that he has presented a petition opposing the Ballfield Renovation Project with over 1200 signatures on it. Mr. Barrett responded that Mr. Donches has spoken over 65 times about the exact same topic at either Council Meetings or Committee Meetings and asked him if he feels this has cast a "black cloud" over the community. Mr. Donches responded that he does not feel his statements have cast a "black cloud" over the community. He suggested posting Committee Meetings on the Borough website. Mr. Labenberg stated that the General Administration Committee will discuss posting Committee Meetings on the Borough website at its next meeting. Mr. Barrett stated that he believes the Borough communicates very effectively with residents and that Council believes in an open forum. Dr. Waddell clarified that Mr. Donches references that he had a petition signed by 1200 residents opposing the Baseball Field Project, but that the Borough Manager, School Board President, and the East Penn School District Superintendent advised that his petition was inaccurate and misrepresented the Project. Mr. Barrett stated that only 23 residents attended Meetings opposing the Project.

B. Lynn Donches, 559 Minor St., stated that she recently spoke to a resident who signed a petition against the Legion Baseball Field Project and that the resident was unaware that the

February 22, 2011

EMMAUS BOROUGH COUNCIL

Project was still being considered. She suggested attending a Borough Council Meeting and the resident responded that they do not need to attend a Council Meeting to voice their opposition because they have signed the Petition against the Project and that is their representation.

C. Marshall Rau, 5363 Covenant Court, East Texas, stated that he owns property at 655 Main Street, Emmaus. He believes that Council was elected to represent the residents of Emmaus, not to micro-manage every move that takes place in the Borough. He stated that Council hired the Borough Manager to oversee the Borough. He voiced his approval for the Legion Baseball Field Reconstruction Project.

BOROUGH MANAGER'S REPORT

Mrs. Gilbert advised that the Significant Revenue and Expense Items for the first half of February 2011 are in the Council binders.

Progress.

PRESIDENT'S BUSINESS

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 8:10 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 24, 2011