

March 2, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda

Monday, March 2, 2009, 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Reading of Minutes

February 17, 2009
5. Decision on Bids
6. Communications
 - a. Fred Mussel, Secretary/Treasurer Cedarbrook Sportsmen – Request Donation to Stock Furnace Dam
 - b. Joanne M. McCandless, Emmaus Aquatic Club – Request to Rent Community Park Pool
 - c. James N. Woodeshick, 108 Seem St. – Reappointment to the Planning Commission
 - d. John Schmoyer, President, Knauss Homestead Preservation Society – 2009 Anniversary Celebration Requests
 - e. Gene Clock, President, Emmaus Main Street Program – Request for Funding
7. Borough Engineer's Report
8. Solicitor's Report
9. Unfinished Business, Part I
 - a. **Ordinance No. 1052 – An Ordinance Amending Chapter 15, Section 402, Dealing with Angle Parking Required on Portions of Certain Streets (First Reading 3/2/09)**
10. New Business
11. Unfinished Business, Part II
 - a. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading Awaiting Raven Mill's Attorney)

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11. Unfinished Business, Part II (continued)
 - b. Ordinance No. 1046—An Ordinance Amending Ordinance 989 of Chapter 21, Part 4 of the Codified Ordinances of the Borough of Emmaus and Providing for the Implementation of the Installation, Construction and Maintenance of Sidewalks, Curbs, Handicap Ramps and Driveway Crossovers Throughout the Borough of Emmaus (First Reading 2/17/09) (Second Reading 3/16/09)
12. Items Not on Agenda, Subject to Rule 9
13. Mayor's Report
14. Committee Reports

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

1. Committee
 - a. Sidewalk Ordinance
 - b. 2009 Compost Site Hours
2. Solicitor

Health and Sanitation (Reinhard, Labenberg, Holtzhafer)

1. Committee
 - a. Borough Energy Usage – Department Head Input Forms
 - b. Recycling Needs and Costs
 - c. Refuse Assessments—Home Occupations
2. Solicitor

Parks and Recreation (Barrett, Labenberg, Holtzhafer)

1. Committee
 - a. Park Comp Plan
 - b. No Smoking at Parks
 - c. Ice Rink/Skate Park
 - d. Raven Mills Trail
 - e. Meadow Pool
2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

1. Committee
 - a. Trailer Truck Parking
 - b. Parking at Fairview/6th Streets (Santo's)
 - c. Public Safety Issues Raised by Lori Washburn, 420 Broad St.

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1. Committee (continued)
 - d. **Angle Parking - Ordinance 1052**

2. Solicitor

General Administration (Waddell, Gilbert, Barrett)

1. Committee
 - a. **FMLA Amendments – Revised Personnel Policy**

2. Solicitor

Budget and Finance (Holtzhafer, Gilbert, Reinhard)

1. Committee
 - a. **Bill List – Resolution 2009-8**
 - b. Borough Installment Plan
 - c. **Donation to Stock Furnace Dam**
 - d. **Historical Fiduciary Research Project**

2. Solicitor

Community Relations/Development (Brown, Waddell, Reinhard)

1. Committee
 - a. **Triangle Park Project Update**
 - b. Public Parking Project – “Jubilee Parking Lot”

2. Solicitor

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

Community/School Relations

- a. **Junior Council Member Draft Resolution Review and Application**

15. Personal Appeals, Part II

16. Borough Manager’s Report

- a. Significant Revenue and Expense Items for February 2009

17. President’s Business

Executive Session

18. Adjournment

Next Resolution #9
Next Ordinance #1053

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EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on March 2, 2009 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Council President Waddell called the meeting to order at 7:00 p.m.

Michael Waddell, President	Present
Lee Ann Gilbert, Vice-President	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

READING OF MINUTES

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Fred Mussel, Secretary/Treasurer Cedarbrook Sportsmen – Request Donation to Stock Furnace Dam
- b. Joanne M. McCandless, Emmaus Aquatic Club – Request to Rent Community Park Pool
- c. James N. Woodshick, 108 Seem St. – Reappointment to the Planning Commission
- d. John Schmoyer, President, Knauss Homestead Preservation Society – 2009 Anniversary Celebration Requests
- e. Gene Clock, President, Emmaus Main Street Program – Request for Funding

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT – Progress.

UNFINISHED BUSINESS, PART I

- a. Ordinance No. 1046—An Ordinance Amending Ordinance 989 of Chapter 21, Part 4 of the Codified Ordinances of the Borough of Emmaus and Providing for the Implementation of the Installation, Construction and Maintenance of Sidewalks, Curbs, Handicap Ramps and Driveway Crossovers Throughout the Borough of Emmaus (First Reading 2/17/09)

NEW BUSINESS – None.

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UNFINISHED BUSINESS, PART II

a. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading Awaiting Raven Mill’s Attorney).

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

MAYOR’S REPORT - Progress.

COMMITTEE REPORTS

a. Public Works Committee

Council Member Labenberg confirmed with Borough Manager Neely that the second reading for the Sidewalk Ordinance will be at the March 16th Borough Council Meeting.

The next Public Works Committee meeting will be Wednesday, March 11th at 8:00 a.m. in Council Chambers. Progress.

b. Health and Sanitation Committee

Council Member Reinhard reported that the Committee has not met since the last Council Meeting. The Committee will review and discuss the memo received from Mr. Neely regarding home businesses at its next committee meeting on March 12th at 3:30 p.m. in Council Chambers. Progress.

c. Parks and Recreation Committee

Council Member Barrett reported that he received a call from **Bud Copes** regarding the installation of an all-weather track at Emmaus High School. Mr. Copes would like to have someone from Borough Council speak at the School Board Meeting, showing the Borough’s support of having a facility like this in our community.

Motion by Council Member Barrett, seconded by Council Member Reinhard to have someone from Council speak at the March 9th School Board Meeting showing the Borough’s support of an all-weather track at Emmaus High School.

Mr. Labenberg stated that it is the Council’s past practice not to endorse or oppose in other governmental bodies voting. If you support it, you can attend as an individual not representing Council unless Council chose to vote that way. President Waddell asked if it would be an issue if someone from the Parks and Recreation Commission would attend the School Board Meeting.

Mr. Barrett explained that the cinders from the old track would be used for the trail from Klines Lane to Weiders Lane. Also, Rodale will be donating a large amount of money for the all-weather track with the stipulation that the public have access to the new track. Emmaus residents would be the closest to the track, and therefore would benefit from it.

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Mr. Labenberg stated that during these economic times, he does not feel the residents would be in favor of the track. He is not in favor of sending someone from Council, representing the tax payers of Emmaus, to support this track. Mr. Barrett stated that this is in line with what the Borough is promoting; a safe, walkable community, better playing fields, and more activities in the Borough. Barrett said that we would not necessarily be supporting the expense of the track, but the use of the track for the public.

Council Member Holtzhafer explained that according to Dr. Seidenberger, the school will charge a nominal fee (about \$5) to individuals to purchase a keycard to be used to access the track.

Council Member Gilbert asked what exactly is the School Board asking of Council. Mr. Barrett stated that they are just asking that the Borough support this recreational facility. The School District will not be making a presentation to Council. Ms. Gilbert said that a presentation from the school would be helpful in making a decision. Mr. Barrett stated that the School Board will be meeting on March 9th.

There were 3 ayes, 4 opposed (Brown, Gilbert, Labenberg, Waddell). Motion denied.

The Committee will be meeting on March 3rd at 3:30 p.m. Progress.

d. Public Safety Committee

The Committee will be meeting on March 12th at 9:00 a.m. Progress.

e. General Administration Committee

President Waddell asked Mr. Neely to report on the amendments to the Family Medical Leave Act. He stated that the United States Department of Labor took comments throughout last year with regards to the failing Family Medical Leave Act, in terms of what employers thought was good and what needed to be changed. November 17, 2008 the Department of Labor came out with final rules concerning the FMLA. As indicated in his Memorandum of February 27th, 2009, the two areas that we need to address in terms of our Personnel Policy are adding a new eligibility class for a Qualifying Exigency leave and also extending entitlement from 12 weeks to 26 weeks for an eligible employee tending a service member who suffered a serious injury in the line of duty. Currently the Borough's Personnel Policy, No. 10 deals with FMLA which is attached to the Memorandum as is Mr. Neely's proposed language "Borough of Emmaus Personnel Policy Amendment Family and Medical Leave Act", which is also attached to the Memorandum.

The amendments to Policy No. 10 were approved by the General Administration Committee and recommend that Council adopt the amendments and incorporate them into the Personnel Policy. Nothing would need to be changed in the Collective Bargaining Agreements to comply with the FMLA amendments.

Motion by Council Member Gilbert, seconded by Council Member Barrett to adopt the amendments to the Family Medical Leave Act as addressed in Mr. Neely's Memorandum of February 27, 2009. There were 7 ayes. Motion carried.

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President Waddell reported that the Committee is continuing discussions on renaming the Health and Sanitation Committee. Mr. Neely is researching email accounts for Council. The job opening for a part time Weed/Grass and Snow/Ice Enforcement officer will be advertised again in the newspaper.

The next Committee Meeting is March 11th at 9:00 a.m. and March 25th at 9:00 a.m. Progress.

f. Budget and Finance Committee

Motion by Council Member??????, seconded by Council Member Holtzhafer to adopt the March 2, 2009 Bill List.

Bill List	\$ 260,624.76
Payroll #4	\$ 102,522.00
Payroll Taxes	<u>\$ 32,768.40</u>
Total	\$ 395,915.16

Done this 2nd of March 2009. There were 7 ayes. Motion carried.

Progress.

g. Community Relations/Development Committee

Council Member Brown asked Council to review the Southside Industrial Master Plan from Derck & Edson which was given to them this evening. The Plan includes ideas for the present and the future. The Plan will be available for the public to view at the Library and Borough Hall.

Motion by Council Member Brown, seconded by Council Member Labenberg to accept Derck & Edson's Emmaus Southside Industrial Master Plan. There were 7 ayes. Motion carried.

Dr. Waddell would like to see the Community Relations/Development Committee continue to work on implementing these ideas and making them reality. He suggested that this item continue to be placed on the agenda.

Mr. Brown reported that the Public Works Department finished the electrical work on the Triangle Park Project. The bid opening for the Triangle Park Improvement Project will be on Wednesday, March 4th at 10:00 a.m. in Council Chambers. There were eight contractors who attended the Prebid Meeting held on February 24th. The bid will be awarded at the March 16th Council Meeting. Work on the Triangle will begin the first week of April.

The Committee Meeting scheduled for March 25th will be cancelled. Two meetings will be scheduled for April – April 1st and April 22nd. Progress.

h. Ad Hoc Committees – Community School Relations

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Brian Holtzhafer reported that Junior Council Member information was distributed to the Committee members this evening. The Ad Hoc Committee will meet on March 16th at 6:30 p.m. in Council Chambers to discuss the Junior Council Member. Progress.

PERSONAL APPEALS, PART II

- a. **Michael Hoffman, 221 S. 2nd Street**, feels it's a great idea to replace the high school track. Since the new track would be open to the residents of Emmaus, he believes Council should break past practice and speak to the School Board. Mr. Hoffman thinks that the \$5 fee to use the track is to cover the cost of the keycard. He is glad to see the Southside Industrial Master Plan being pushed forward. He feels the Borough missed an opportunity with the recently approved Stimulus Package. If certain elements of both Master Plans were itemized, several elements could be engineer ready in a few weeks and submitted to the County for the stimulus package money.

BOROUGH MANAGER'S REPORT

Mr. Neely reported that the revenues substantially **out pays** the expenses. Financially, we are heading in the right direction. Christine Snyder and Mr. Neely are working closely on a daily basis looking at revenues and daily expenses. Mr. Neely reviewed the first Budget Performance Report today and reported that the Department Heads are holding back on spending. Progress.

Brian Holtzhafer noted that the Budget Performance Report did not include percentages in the percentage column. Mr. Neely found a discrepancy in the line items under Health Insurance Expenses. In the second month, we should have made two payments multiplied by six. It shows that those line items are over budget. There are actually three payments made so far this year, multiplied by four instead of six, it will show we are under budget by about \$40,000 across the entire year.

Mr. Neely explained that the time capsule will be disinterred on March 28, 2009 at noon at the Triangle. The Time Capsule Committee is currently working on making this a ceremony instead of just pulling the capsule out of the ground. The capsule will be pulled out and transported to a secret location. The capsule is believed to be 2' in diameter and 3' high and coated in a rubber sealant in 1959. It is believed that the capsule is inside a vault.

PRESIDENT'S BUSINESS

President Waddell recessed the meeting at **??????** p.m. for an Executive Session to discuss a potential litigation issue.

President Waddell reconvened at 7:50 p.m. with no official action taken.

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at **7:51** p.m.

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Craig B. Neely
Borough Manager

Transcribed by: Kathy Yaindl
Administrative Assistant
March 4, 2009