

April 20, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, April 20, 2009, 7:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

William K. Ahlert – Annual Update of the Environmental Advisory Council

6. Reading of Minutes

April 6, 2009

7. Decision on Bids

Fire Training Building – Concrete Work  
2009 Curb & Concrete Contractor Bid Results

8. Communications

a. Michelle R. Huber, Spring Festival Committee Member – Request to hold Annual Lincoln Elementary School Festival and Street Closing.

b. Kathy Kline, Lincoln Elementary School – Request use of Kiwanis and Williams Street Fields for Annual Field Day.

c. Anthony F. Messenlehner, President, Emmaus Veterans Association – Request approval for Memorial Day Ceremony.

d. Sue Fichter, 223 N. Third St. – Revised EHS Home Run Club's request to use Williams Street Pavilion.

e. Budd L. Coates, Rodale – Request to rent Emmaus Community

Swimming

Pool from May 27 to September 4.

f. Gene Clock, President, Emmaus Main Street Program – Triangle Video Cameras

9. Borough Engineer's Report

- a. 308 Delong Avenue Major Subdivision
- 10. Solicitor's Report
- 11. Unfinished Business, Part I
- 12. New Business
- 13. 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)
- 14. Items Not on Agenda, Subject to Rule 9
- 15. Mayor's Report
- 16. Committee Reports

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

- 1. Committee
  - a. 2009 Compost Site Hours
  - b. 2009 Celebration Sidewalk Stencils**
- 2. Solicitor

**Health and Sanitation (Reinhard, Labenberg, Holtzhafer)**

- 1. Committee
  - a. Refuse/Recycling Categories
  - b. Refuse Billing
  - c. Renewable Energy Meeting
- 2. Solicitor

**Parks and Recreation (Barrett, Labenberg, Holtzhafer)**

- 1. Committee
  - a. No Smoking at Parks – Update**
  - b. South 4<sup>th</sup> Street Baseball Field Concerns**
  - c. Ice Rink/Skate Park
  - d. Raven Mill Trail Project

- e. Meadow Pool
- f. Vacancy on Parks and Recreation Commission**
- g. Reappointments to Parks and Recreation Commission
- h. Reappointments to Special Entertainment Committee
- i. Response to Furnace Dam/Goose Issue**
- j. Hiring Pool Manager and Lifeguards**

2. Solicitor

**Public Safety** (Gilbert, Barrett, Brown)

1. Committee

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

2. Solicitor

**General Administration** (Waddell, Gilbert, Barrett)

1. Committee

- a. Historical Sites and Park Ordinance
- b. Weed/Snow Officer
- c. Health and Sanitation Committee Description
- d. Email for Council People
- e. Triangle Bid Approval

2. Solicitor

**Budget and Finance** (Holtzhafer, Gilbert, Reinhard)

1. Committee

- a. Bill List – Resolution 2009-12**
- b. Borough Installment Plan
- c. Historical Financial Research Project

2. Solicitor

**Community Relations/Development** (Brown, Waddell, Reinhard)

1. Committee

- a. Main Street Program Update
- b. Shops of Emmaus Update
- c. Main Street Program – Triangle Cameras
- d. Lehigh County Streetscape Amenities Grant - VFW

2. Solicitor
  - Ad Hoc Committees (Holtzhafer, Gilbert, Barrett, Neely, Mayor Iobst)**
    - 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 April 2009
  - b. Lower Macungie Trail**
  - c. Multi-level Parking Structure Grant Resolution**
19. President's Business
20. Adjournment

Next Resolution #14  
Next Ordinance#1054

The Emmaus Borough Council met in regular session on April 20, 2009 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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 1

- A. Janice Wetzel, 7728 Sweetwood Dr., Macungie, Lehigh Valley Soap Box Derby**, thanked the Borough for its support of the Emmaus Rally. She requested the use of Ridge Street between Keystone Avenue and State Road to hold the 34<sup>th</sup> Annual Soap Box Derby Race on Saturday, August 29 and Sunday, August 30, 2009.
- B. Tim Steiner, 1104 W Jubilee St.** stated his concerns about crime on Jubilee Street. He asked the Borough to consider having streetlights installed behind the houses. Dr. Waddell asked Mr. Steiner to submit the request in writing. Mr. Steiner stated that he heard that there have also been burglaries on Berger Street. He voiced his concern over the fact that the burglaries have not been printed in the newspaper. Mr. Barrett stated that the Borough has no control over what is printed in the newspaper. Mr. Neely stated that in 2008, the police issued press releases every week concerning criminal incidents. Dr. Waddell stated that the police press releases are public documents.

### COMMUNITY MINUTE

Dr. Waddell reminded Council that in conjunction with the 2009 Anniversary, the Emmaus Chorale will be singing at May 3 at 3:00 p.m. at the Lutheran Church of the Holy Spirit.

Mr. Brown stated that there are T-Shirts, hats, and other items on sale for the 2009 Anniversary. They can be purchased at the Anniversary office in Town Hall and at various retail locations throughout the Borough.

Mr. Labenberg asked how many residents attended the Dog Walk, which was held on Saturday, April 11. Mayor Iobst responded that although the weather was inclement there were still approximately 100 residents and dogs in attendance.

#### SPECIAL PRESENTATIONS

William Ahlert of the Environmental Advisory Council thanked Council for its support and reported that Saturday April 25<sup>th</sup> will be the Borough's Annual Earth Day Clean-Up. This year the event will include storm drain stenciling. He mentioned that the EAC has been very active, meeting once a month and providing educational material to Borough residents, local communities, and Upper Milford Township. He also stated that the EAC provides information on recycling and any initiatives they are involved in, including stream sampling at Leiberts Creek. He stated that the EAC is participating in Hydro-Mania and Watershed Awareness Days. He mentioned that they participated in Heritage Days, Vera Cruz Homecoming, and Memory Days. The City of Allentown is providing the Borough with free water testing and has a group called RSVP, which samples water from the Little Lehigh Creek. He stated that they are coordinating events with the City of Allentown. He reported that the EAC is looking into purchasing a water quality meter. The price of a water quality meter would be approximately \$2500.00 and the EAC has received a commitment from Waste Management for \$1000.00 towards the purchase of the meter. Mr. Ahlert asked Council if there would be any matching funds available from the Borough. He stated that the EAC is working with Public Works Director Clapper to move forward on the Wellhead Protection Plan and that the Department of Environmental Protection is planning on completing an update to the Plan. DEP will satisfy the cost for the update. Mr. Ahlert asked Council if it could help provide an individual to take notes at EAC meetings.

Dr. Waddell thanked the Environmental Advisory Council for its hard work and dedication to the community.

Mr. Labenberg asked if the EAC has a website and if the website could be linked to the Borough Website. Mr. Neely stated that this would be possible.

Dr. Waddell asked if there was a way to recycle batteries. Mr. Ahlert reported that through the Lehigh Counties Hazardous Waste Program, there is a drop off twice a year.

#### READING OF MINUTES

**Motion by Council Member Barrett, seconded by Council Member Labenberg to dispense with the formal reading of the April 6, 2009 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to adopt the April 6, 2009 Minutes as drafted. There were 6 ayes and 1 abstention (Waddell). Motion carried.**

#### DECISION ON BIDS

Mr. Neely stated that on April 1, 2009, the Fire Department and staff opened bids for concrete work at the fire training grounds. F.A. Rohrbach was the low bidder at \$207,225.00. The bid included a specification for using refractory concrete, which Mr. Neely noted is a special application concrete. Because of this, the bid was more than twice as much as the Fire Department was expecting it to be. He stated that the Fire Department does not have sufficient funds to pay for the project. He stated that the entire amount of money the Fire Department has is \$475,000.00 and the cost of the fire training tower alone is \$275,000.00. The Fire Department is requesting that Council reject all of the bids and it will create new specifications that substantially limit the area where the refractory concrete will be used. Mr. Neely stated that it will decrease the overall price of the project. It is staff's recommendation to reject all bids and authorize the Fire Department to have new bid specifications prepared, to redefine the project, and have new bids submitted.

**Motion by Mr. Labenberg and seconded by Mrs. Gilbert to reject all bids for concrete work at the fire training grounds for the new Fire Tower, to authorize the Fire Department to have new bid specifications prepared, and to redefine the project and have new bids submitted. There were 7 ayes. Motion carried.**

Mr. Labenberg asked about the proposed timeline for the project. Mr. Neely stated that the Fire Department wants to complete the project as soon as possible. He also stated that the money is passed through Lehigh County and it must be used this year.

Mr. Neely reported that there were two bids received for the 2009 Curb and Sidewalk Concrete project. He stated that F.A. Rohrbach's bid was \$24,810.00 and Zgura Concrete's bid was for \$24,821.25, which represents an \$11.25 difference. Mr. Neely stated that the bid specifications required each contractor to supply a list of employees, which F.A. Rohrbach did not do. It is staff's recommendation to consider F.A. Rohrbach's bid as being incomplete, reject the bid, and award the bid to Zgura Concrete for \$24,821.25.

**Motion made by Mrs. Gilbert and seconded by Mr. Labenberg to reject F.A. Rohrbach's bid of \$24,810.00 for the 2009 Curb and Sidewalk Project and award the bid to Zgura Concrete for \$24,821.25. There were 7 ayes. Motion carried.**

Mr. Labenberg asked the purpose of needing to supply a list of employees with a bid specification. Mr. Neely stated that previously the Borough had a bidder who would bid the project low and not have enough employees to complete the work. He stated he is

not sure of when the need to supply a list of employees was put in the contract but it was added to ensure that the contractor would have enough employees to complete the job.

Mr. Brown stated his concern about this being the second incident of the Borough having to award a bid to the second lowest bidder because of an incomplete bid. He also stated his concern for the Borough taxpayers and questioned whether this issue could be reviewed. Referred to the General Administration Committee.

### COMMUNICATIONS

- a. Michelle R. Huber, Spring Festival Committee Member – Request to hold Annual Lincoln Elementary School Festival and Street Closing. Referred to Staff.
- b. Kathy Kline, Lincoln Elementary School – Request use of Kiwanis and Williams Street Fields for Annual Field Day. Referred to Staff and Mayor.
- c. Anthony F. Messenlehner, President, Emmaus Veterans Association – Request approval for Memorial Day Ceremony.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Emmaus Veterans Association to hold its Memorial Day Ceremony at the Memorial Triangle on Memorial Day, May 25, 2009. There were 7 ayes. Motion Carried.**

- d. Sue Fichter, 223 N. Third St. – Revised EHS Home Run Club's request to use Williams Street Pavilion.
- e. Budd L. Coates, Rodale – Request to rent Emmaus Community Park Swimming Pool from May 27 to September 4. Mr. Barrett suggested revisiting the rental fee of \$25.00 per session for the 2010 budget. Mr. Labenberg questioned the length of time the fees have remained the same. Referred to Parks and Recreation Committee. Mr. Neely suggested a motion be made to accept the request for 2009.

**Motion made by Mr. Barrett, seconded by Mr. Labenberg to grant Rodale's request to rent the Emmaus Community Park Swimming Pool from May 27 to September 4, 2009 with a rental fee of \$25.00 per session and \$12.50 per session for a lifeguard. There were 7 ayes. Motion Carried.**

Mr. Labenberg questioned whether the rental fee of \$12.50 per session covers the cost of the lifeguard.

Mr. Barrett stated that EMAC has requested renting the Emmaus Community Swimming Pool from June 15 until August 1. He stated that EMAC would not require a lifeguard. They would rent the pool for \$1,500.00 and would supply a \$1,000,000.00 insurance policy.

**Motion made by Mr. Barrett, seconded by Mr. Labenberg to grant EMAC's request to rent the Emmaus Community Park Swimming Pool from June 15 to**

**August 1, 2009 for \$1,500.00 with a \$1,000,000.00 insurance policy contingent upon EMAC supplying its own lifeguard and Rodale and EMAC accommodating each other's time conflicts. There were 6 ayes and 1 nay (Mr. Holtzhafer). Motion Carried.**

Mr. Brown asked for clarification of starting dates and times. He stated that EMAC and Rodale's times would overlap.

Mr. Neely stated that he spoke to Mr. Coates and he stated that overlapping times have occurred in the past. He also stated that the two organizations have been able to compromise in the past.

Mr. Holtzhafer stated that there may be some safety issues with EMAC's starting time of 5:00 a.m. and questioned whether or not it was light out at that time.

f. Gene Clock, President, Emmaus Main Street Program – Triangle Video Cameras.

**Motion by Mr. Brown, seconded by Mr. Reinhard to approve an annual fee of \$124.64 for the use of PPL Poles at Triangle Park for the installation of two wireless cameras. There were 7 ayes. Motion Carried.**

Mr. Labenberg asked why there was a need for the installation of three cameras. He also asked whether the fee is an annual fee and whether the Borough pays for the electric. He asked if the Borough supplies maintenance for the cameras and if the cameras are programmable.

Mr. Clock stated that the original cost was \$10.91 per year per camera. The cameras are FCC regulated and wireless. He also stated that each camera uses 25 watts of power and that the fee is an annual fee from PPL for the use of its poles. He stated that Penn Tele Data will supply maintenance for a period of 5 years at no cost to the Borough. Mr. Clock stated that having three cameras at the Triangle will supply three different angles and view points.

Mr. Labenberg asked the reason that no other private property owner has volunteered to have the cameras installed on their properties. Mr. Clock responded that using the PPL poles enables the cameras to have a clear view of the Triangle. Mr. Labenberg also asked if the Emmaus Main Street Program would be submitting the request annually before Council. Dr. Waddell stated that the Emmaus Main Street Program would need to submit the request annually.

Mr. Clock asked if Mr. Labenberg's concern is the amount of the fee. Mr. Labenberg would rather have the cameras installed on private properties. Mr. Clock stated that he feels the cameras would be an enormous marketing tool for the Borough and is not aware of any other municipalities in the Lehigh Valley using cameras in this

manner. He also stated that if the main concern of Council is the annual fee, Mr. Fred Masenheimer has volunteered to pay the annual fee.

Mr. Holtzhafer asked where the images for the cameras could be viewed. Mr. Clock stated that there would be a link on the Emmaus Main Street Program website. Mr. Holtzhafer asked if a resident would have to view advertising before viewing Triangle Park. Mr. Clock stated there would be advertising for Penn Tel Data but that the Program is working toward a way to bypass the commercials. He also stated that Penn Tel Data and the East Penn Press have contributed approximately \$20,000 towards the project. Mr. Holtzhafer stated concerns about spending taxpayers' money towards advertising. He asked if it was required for the Borough to fund the cameras or just to enter into the agreement to allow the cameras. Mr. Clock stated that the Borough must file the application with PPL. Mr. Holtzhafer noted an error in the amount of \$122.64 as stated in the letter date April 17, 2009 from the Emmaus Main Street Program. The correct amount should be \$124.64.

Mr. Brown asked if the \$62.32 fee is for installation or an annual fee to PPL. Mr. Clock stated that it is an annual fee.

Dr. Waddell asked for clarification that the fee is paid to PPL for the use of the pole. Mr. Clock stated that is correct.

Mr. Labenberg noted that having advertising on the Emmaus Main Street Program website is very similar to having the plaque placed at the Triangle for the donation of the fountain. Mr. Clock feels that the Borough should be willing to allow advertising because it encourages businesses to donate to the Borough. Mr. Labenberg stated that he would like to amend the motion to have the annual fee of \$124.64 be paid by Mr. Masenheimer. Mr. Clock stated that he feels \$124.64 is a nominal cost compared to the benefit the Borough will receive from the cameras.

Mr. Brown stated that an option would be for the Borough to pay the \$124.64 for five years and then revisit the annual fee at that time. He feels it is a small investment compared to the contribution that the Main Street Program, Penn Tel Data and the East Penn Press make to the Borough.

#### BOROUGH ENGINEER'S REPORT – 308 Delong Avenue, Preliminary/Final Plan Approval.

Mr. Tony Ganguzza, Borough Engineer, reported that there are two existing lots located at 308 Delong Avenue that are proposed to be merged into one, after which it will be subdivided into 5 lots. He stated that the existing lot on Delong Avenue will remain and there will be 4 new lots. Lots 2, 3, 4, and 5 will be four twin homes. He stated that the Emmaus Planning Commission reviewed the proposal in February 2009 and in a letter dated March 16, 2009, it recommended a waiver of the submission of Preliminary and Final plans at separate times. The Planning Commission recommended that sidewalks along the frontage of 308 Delong Avenue be installed as part of the

subdivision. The Planning Commission also recommended Preliminary/Final Major Subdivision approval, subject to the Applicant's compliance with the March 4, 2009 letter from TMG Consulting Engineers. Mr. Ganguzza reviewed the letter dated March 4, 2009 with Council.

Mr. Holtzhafer questioned whether the recommendation to move the existing garage was a requirement or a choice of the Lot 1 owner. Mr. Ganguzza stated that it was the lot owner's choice.

Mr. Neely stated that Council will need to make a motion to waive the requirement of SALDO §304. Mr. Neely asked Mr. Ganguzza what SALDO requires and what is being waived in §304. Mr. Ganguzza stated that the SALDO requires a Preliminary application to be submitted, the Planning Commission taking action and Council taking action. After the Preliminary Plan would be approved, a Final Subdivision Plan would be submitted. The final application then goes to the Planning Commission. Mr. Neely stated that historically the Borough has accepted Preliminary/Final Subdivision Plans at the same time.

**A Motion was made by Mr. Labenberg, seconded by Mrs. Gilbert to waive the requirement of SALDO §304. There were 7 ayes. Motion carried.**

Mr. Neely stated that under the Subdivision and Land Development Ordinance, SALDO requires sidewalk to be installed at 308 Delong Avenue because our SALDO requires that all new subdivisions have sidewalk on road frontage. The Planning Commission made a formal motion to require the installation of sidewalks. No action is required by Council. If no action is taken, SALDO will require the sidewalks to be installed. Mr. Neely questioned whether the applicant is requesting a deferral from installing sidewalks. Tiffany Kuselcko, from Home Choice, stated that the applicant is willing to install the sidewalks.

Mr. Neely stated that the Planning Commission discussed street trees and it was determined that only the trunks of the trees are in the clear sight triangle on Arch Street. The Planning Commission recommended that the trees should stay, which is consistent with the SALDO and does not require any action from Council.

Mr. Neely stated the final item is the approval of the Preliminary/Final Major Subdivision, which requires a formal motion from Council.

**A motion was made by Mr. Labenberg, seconded by Mrs. Gilbert to approve the Preliminary/Final Major Subdivision Plan subject to full compliance with the March 4, 2009 letter from TMG Consulting Engineers. There were 7 ayes. Motion carried.**

Mr. Holtzhafer questioned how vehicles will enter Lot 3 to the street. Mr. Ganguzza stated that Lot 3 shifted and it should look like Lot 3 and Lot 4. He also asked

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if there were recreation funds that need to be paid by the applicant. Ms. Kuselcko stated that there is a note on the plan and it will be \$1000.00 per lot.

Mr. Ganguzza offered his help and support for the 2009 Anniversary Celebration.

SOLICITOR'S REPORT – Progress.

UNFINISHED BUSINESS, Part 1 – None.

NEW BUSINESS – None.

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 (2<sup>nd</sup> Reading Awaiting Raven Mill's Attorney).

Mr. Neely reported that Borough Solicitor Frank Procyk is finalizing the agreement between the Borough and Mr. Raven Mill. He stated that the Borough needs to supply a map of the fencing to Mr. Procyk. Mr. Neely stated that he would discuss it with Public Works Director Clapper.

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

MAYOR'S REPORT – Progress.

COMMITTEE REPORTS

- a. Public Works Committee

Mr. Labenberg reported that he received a letter from the 2009 Anniversary Celebration Committee requesting the Borough's assistance with painting a logo on sidewalks in the downtown area of the Borough. He stated that it is a two-phase project. The first phase is painting sidewalks on Borough properties and the second phase involves property owners along Main and Chestnut Streets. Mr. Labenberg asked Council for a motion to approve the 2009 Anniversary Celebration Committee sidewalk stencil project with a spending limit of \$100.00 and with the Public Works Department's assistance. The \$100.00 would come from Civic Celebration line item.

**Motion by Mr. Labenberg, seconded by Mr. Brown to approve the 2009 Anniversary Celebration Committee sidewalk stencil project with a spending limit of \$100.00 and with the Public Works Department's assistance. There were 7 ayes. Motion carried.**

Mr. Labenberg reported that the Committee, in reference to Mr. Shubzda's letter concerning geese at Furnace Dam, had the Public Works Department place a "Please Do Not Feed the Wildlife" sign at Furnace Dam Park. He also reported that the Committee had a discussion about the cost of placing a fence at the South 4<sup>th</sup> Street ball field to eliminate balls causing damage to adjoining properties. He also reported that they are looking at the cost of a fence or a net. He reported that there was a discussion with EYA to attempt to have practices and ball games moved to other fields. Mr. Barrett stated that he feels a proper solution is to shift the practices and games to another field.

Mr. Labenberg stated that the Public Works Committee will be working on a report to inform residents of the progress that has been made with the Sanitary Sewer Inspections. He also reported that there are significant decreases in the impact of heavy rains.

Mrs. Gilbert questioned Mr. Labenberg about the parallel parking problem in front of Volpe's. Mr. Waddell stated that there is a sign placed at Volpe's indicating "No Parallel Parking."

Progress.

b. Health and Sanitation Committee

Mr. Reinhard reported that at the last meeting the Committee discussed refuse and recycling categories for the next refuse bid. The Committee also discussed refuse billing for light home businesses. The Committee is taking a closer look at how the billing will be set up after the award of the next refuse contract.

Mr. Holtzhafer reported on his meeting with Jessie Waters who owns Eco-Electric. He stated that Mr. Waters is a certified electrician who works on environmentally-friendly electrical projects. He is researching the availability of grant money and what he can offer the Borough to help save electricity. Mr. Holtzhafer and Mr. Waters spoke with the Emmaus Public Library librarian, Mrs. Larish. Mr. Waters stated that he feels that the library is an ideal location to have solar panels on the roof to help reduce electricity bills. Mr. Waters noted inefficient lighting inside the library and made recommendations to help save money.

Mr. Holtzhafer and Mr. Waters visited Community Park. Mr. Waters thought that one option to save on electricity would be to install a "micro-hydro" in the stream to generate power. He stated that since the stream flows constantly, it would constantly provide a small amount of power. Mr. Waters will make a presentation to Council within the next few months.

Mr. Barrett asked if the Committee was looking into expanding the possibility of recycling more materials. Mr. Reinhard confirmed that the Committee is working on ways to cut down on the amount of trash and to recycle more materials. Mr. Labenberg

added that the Committee is looking into the possibility of having a drop off center at Klines Lane for cardboard or paperboard.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on April 7, 2009. The Committee voted 3-0 to appoint Kathy Mintzer to fill the vacancy on the Parks and Recreation Commission with a term to expire May 1, 2010.

**Motion by Council Member Barrett, seconded by Council Member Labenberg to appoint Kathy Mintzer to fill the vacancy on the Parks and Recreation Commission with a term to expire May 1, 2010. There were 7 ayes. Motion carried.**

Mr. Barrett confirmed that all seats on the Parks and Recreation Commission are filled.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to hire Meghan Ashcroft as Pool Manager at an hourly rate of \$10.50 with a possible \$2,000 bonus at the end of the season, to hire Erin Hanosek as head lifeguard at an hourly rate of \$9.15, Lauren Reiss as head lifeguard at an hourly rate of \$8.90, Tim Campbell as a FT lifeguard at an hourly rate of \$7.90, David Trine as a FT lifeguard at an hourly rate of \$7.65, Katelyn Ashcroft as a FT lifeguard at an hourly rate of \$7.65, Sam Murphy as a FT lifeguard at an hourly rate of \$7.65, Francesca Panunto as a FT lifeguard at an hourly rate of \$7.40, Roxamme Rieder as a FT lifeguard at an hourly rate of \$7.40, Ian Ross as a PT lifeguard at an hourly rate of \$7.90, Bridget Hogue as a PT lifeguard at an hourly rate of \$7.65, Katie Vincent as a PT lifeguard at an hourly rate of \$7.40, Sammy Gangewere as a PT lifeguard at an hourly rate of \$7.15, Megan Dychala as a PT lifeguard at an hourly rate of \$7.15, Malik Fields as a PT lifeguard at an hourly rate of \$7.15, Meredith McNelis as a PT lifeguard at an hourly rate of \$7.15, Maggie Murphy as a PT lifeguard at an hourly rate of \$7.15, Elijah Smith as a PT lifeguard at an hourly rate of \$7.15, Corey Horn as a cashier at an hourly rate of \$7.65, and Jenna Green as a cashier at an hourly rate of \$7.40. There were 7 ayes. Motion carried.**

Mr. Labenberg asked how it is determined whether Ms. Ashcroft would earn the \$2,000 bonus. Mr. Neely stated that the bonus is an incentive to work the entire season. He also stated that in the past the bonus was given at the discretion of the staff and that he will make the final decision.

Mr. Barrett reported that the "no smoking in the parks" issue has been on the Committee agenda for the past two years. He stated that the Committee has received letters about smoking at Furnace Dam, smoking at Community Park, cleanliness, and smoking around children. The Committee met with Jeannie Figueroa, who is from one of

the anti-smoking commissions, and Ms. Figeroa suggested that the people at the parks be surveyed to see if it is genuinely an issue. Mr. Barrett asked Council for its input and if the Committee should proceed further on the issue.

Mr. Brown feels that a survey should be done. Ms. Figeroa informed the Committee that 17% of the population in the Lehigh Valley smokes. She also informed the Committee that Bethlehem and Lower Saucon ban smoking in the parks. Mr. Labenberg does not support the idea of taking a survey. He questioned where someone could smoke if you are unable to smoke outside? When asked how to enforce a smoking ban, Ms. Figeroa stated it is self-enforced; people in the park approach the smokers to remind them that the park is smoke free. Mr. Labenberg stated that he is not in favor of having staff spending time to perform a survey. Mr. Reinhard does not support the survey but does support a smoking ban. Mr. Barrett feels that the smoking ban in parks should remain on the Committee agenda for further discussions.

**Motion by Mr. Labenberg, seconded by Mrs. Gilbert to remove “no smoking in the parks” from the Parks and Recreation Committee agenda. There were 3 ayes, 4 opposed (Reinhard, Waddell, Holtzhafer, Barrett). Motion failed.**

Progress.

- d. Public Safety Committee

Progress.

- e. General Administration Committee

The next Committee Meeting is Wednesday, April 22 at 9:00 a.m.

Progress.

- f. Budget & Finance Committee

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the April 20, 2009 Bill List.**

Bill List	\$ 46,309.10
Payroll #4	\$ 108,506.76
Payroll Taxes	<u>\$ 33,189.33</u>
Total	\$ 188,005.19

**Done this 20<sup>th</sup> day of April 2009. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that there has been significant progress on the Downtown Master Plan. He stated that the Community Relations/Development Committee is moving forward with the Plan, with the proposed multi-level parking deck, and the VFW/David's Electric proposed façade and concrete improvements. The next meeting is scheduled for April 22 at 4:00 p.m.

Dr. Waddell voiced his concern about the Shops of Emmaus' next event, which is the "Best In Bloom" event. He stated that the event conflicts with the Emmaus Arts Commission "Art in the Garden" event on June 20. He also stated that he contacted Kathy Haney about moving the date of the Shops of Emmaus event. Dr. Waddell asked Mr. Brown for an update on the event. Mr. Barrett stated that he attended the Shops of Emmaus's last meeting held on April 14, and the Shops are planning on holding the event as originally planned. Dr. Waddell stated his concern about the scheduling. He stated that he will discuss it with Kathy Haney.

## h. Ad Hoc Committee – School District Relations Committee

Mr. Holtzhafer reported that the next meeting is scheduled for April 23, 2009 at 3:30p.m. at Dr. Sidenberger's office at the School District Administration Building.

Progress.

PERSONAL APPEALS, PART II -

- a. **Frank Sadrovitz, 130 N 4<sup>th</sup> St**, discussed his concern about vandalism and skateboarding. He stated that the Borough should take care of already existing problems in the community instead of undertaking new projects. Dr. Waddell thanked Mr. Sadrovitz for his continuing concern and dedication to the community.
- b. **Michael Hoffman, 221 S. 2<sup>nd</sup> St**, discussed the cameras being installed at the Triangle and asked if the images will be archived. He stated that there needs to be a written policy from the Borough to the Police Department stating the correct procedure for accessing the archives. Mr. Neely stated that the police will not be using the cameras as surveillance cameras. Mr. Neely stated that he believes the police have a protocol for cameras mounted on private property. Mr. Hoffman discussed the bidding process and stated that having a list of employees included in bid specifications is not new to the bidding process. He also stated that he feels the requirement of having a list of employees protects the Borough and does not feel the requirement should be removed. Mr. Labenberg stated that he is not in favor of having the requirement removed.

Mr. Neely stated that F.A. Rohrbach is a well respected concrete contractor and feels the omission of the list of employees was a mistake. Mr. Hoffman discussed surveying the community concerning smoking. He stated that he agrees with Mr. Labenberg concerning surveying being slanted and easy to manipulate. He feels that if the Borough pursues surveying the residents, it should be designed and completed by a professional survey service. He also stated that it is possible to get grant money to complete this process.

- c. **Chris Defrain, 181 Harrison St,** stated that he sent correspondence to Representative Reichley and received answers concerning his questions about the bid process. He stated that he is familiar with the concrete contractors involved in the bid process and feels that there needs to be an easier way for bidding. He stated that the Borough is spending a lot of extra money due to contractor mistakes when bidding projects. He stated that smoking is not an issue at the parks. He stated that smoking is self-regulated and he does not view it as a problem.

#### BOROUGH MANAGER'S REPORT

Mr. Neely noted the Significant Revenue and Expense item list for the 1<sup>st</sup> half of April 2009.

Mr. Neely reported that he received a request for a letter of support for Lower Macungie Township, which is submitting a grant application to DCNR to develop a Greenway Trail System around the Little Lehigh and Swabia Creeks.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to send a letter of support for Lower Macungie Township's plan to develop a trail system at or near the Little Lehigh and Swabia Creeks. There were 7 ayes. Motion carried.**

Mr. Neely reported that the Downtown Master Plan is suggesting that a multi-level parking structure be constructed near the intersection of 3<sup>rd</sup> and Main Streets. He stated that the area is currently configured primarily with surface parking. Teri Madison of the Emmaus Main Street Program spoke with Laurie Moyer of the Lehigh County Department of Community and Economic Development. Ms. Moyer suggested that the County would consider funding a feasibility study for a parking deck in the Borough. Mr. Neely stated that Council would need to pass a Resolution authorizing the filing of the feasibility study application. He stated that he spoke to the Borough Engineer, Tony Ganguzza, who referred Mr. Neely to a consultant, who estimated that the cost of a feasibility study would be approximately \$25,000. Mr. Neely included an extra \$2,000 for surveying costs. He stated that the application is for a grant for a feasibility study only, not an application to construct a parking deck.

**Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Resolution 2009-13, a resolution authorizing the Borough Manager to submit an application for a grant to Lehigh County pursuant to its community development block grant**

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EMMAUS BOROUGH COUNCIL

**program to obtain funding for the completion of a multi-level parking structure feasibility study. There were 6 ayes. 1 opposed (Labenberg). Motion carried.**

Mr. Barrett inquired about whether Schantz Funeral Home has offered input on this subject. Dr. Waddell stated that Schantz Funeral Home was supportive.

Mr. Labenberg stated that he will not support spending \$27,000 on a feasibility study. He also stated that he doesn't consider parking a major problem and feels that placing a parking deck in the Borough would be a mistake. He also stated that adding a parking garage would change the Borough from a small town to a big city.

Mr. Barrett stated that he feels parking is an issue and would like the feasibility study completed.

Mr. Brown stated that the funds would come from federal Community Development Block Grant money, which has no match requirements. He also stated that he would like to see this money used in the Borough of Emmaus rather than in another community.

Mr. Labenberg stated that he is against spending the money on a feasibility study if the Borough is not seriously considering building a parking deck.

Progress.

PRESIDENT'S BUSINESS – None.

Dr. Waddell thanked Mrs. Gilbert for covering the Council Meeting in his absence on April 6, 2009. He also thanked Council for moving forward with installing the Council Chambers camera and feels that it is a great benefit to the community to be able to watch the Council Meetings.

**Motion by Mr. Labenberg, seconded by Mrs. Gilbert to adjourn the meeting. There were 7 ayes. Meeting adjourned.**

The meeting of the Emmaus Borough Council was adjourned at 9: 42 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
April 23, 2009