

May 16, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, May 16, 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

May 2, 2011
7. Decisions on Bids

Emmaus Fire Department – Garage Door Replacement and Heat Pump
8. Communications
 - a. Scott & Donna George, 30 E. Elm St., Emmaus – Proposed Skate Park at Williams Street.
 - b. Nicole Frierson, Shops of Emmaus – Notification of 2011 Events and 2011 Best in Bloom Arts & Garden Festival Request.
 - c. Betty Kline, 923 Walnut St., Emmaus – Service Electric Senior Discount.
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

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16. Committee Reports

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

Next Meeting – June 2, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements
- e. **Road Projects for 2011**
- f. **Appointment of Corey Bechtel as Summer Park Employee**

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

Next Meeting – June 9, 2011 at 4:00 p.m.

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

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – June 7, 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. **Community Day—July 23, 2011 Requests**
- f. **Reappointment of Jeff Shubzda, Michelle Steiner, and Lyle Richardson to the Parks and Recreation Commission—(Terms Expire 5/1/2014)**

Public Safety (Gilbert, Barrett, Brown)

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

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – May 18, 2011 at 9:00 a.m.

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- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade

General Administration (continued)

- d. Public Parking Spaces on Jubilee Street
- e. **Appointment of Lori Ramsey to the Planning Commission (Term Expires 4/1/2015)**
- f. **Insurance RFP**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

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

Budget Workshops – August 31& September 28, 2011 at 7:00 p.m.

- a. **Bill List – Resolution 2011-14**
- b. Appointment of Berkheimer as Local Tax Collector
- c. Emergency Management Coordinator Compensation
- d. Emmaus General Authority Wish List

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

Next Meeting – May 26, 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

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 May 2011**

19. President's Business

Executive Session

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20. Adjournment

Next Resolution #15
Next Ordinance #1079

The Emmaus Borough Council met in regular session on May 16, 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	Absent
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	Present

A moment of silence was held for recently deceased Downtown Police Officer Ray Seiling.

PERSONAL APPEALS, PART I – None.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Brown, seconded by Dr. Waddell to dispense with the formal reading of the May 2, 2011 Minutes. There were 6 ayes. Motion carried.

Motion by Dr. Waddell, seconded by Mr. Barrett to adopt the May 2, 2011 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS

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Mrs. Gilbert reported that the Emmaus Fire Department received a bid in the amount of \$11,150.00 from ABE Door for the replacement of the garage door at the Fire Station. The Capital Budget has \$14,000 towards the replacement.

Motion by Mr. Brown, seconded by Mr. Labenberg to approve the bid from ABE Door in the amount of \$11,150.00 for the replacement of the single garage door at the Emmaus Fire Station. There were 6 ayes. Motion carried.

Mrs. Gilbert reported that the Emmaus Fire Department received one bid, from M.A. Yeakel, in the amount of \$7,963.00 for the replacement of the roof top heat pump for the training room at the Central Station. The Capital Budget has \$8,500.00 towards the replacement.

Motion by Mr. Labenberg, seconded by Mr. Brown to approve the bid from M.A. Yeakel in the amount of \$7,963.00 for the replacement of the roof top heat pump for the training room at the Central Station. There were 6 ayes. Motion carried.

COMMUNICATIONS

a. Scott & Donna George, 30 E. Elm St., Emmaus – Proposed Skate Park at Williams Street. Referred to the Parks and Recreation Committee.

b. Nicole Frierson, Shops of Emmas – Notification of 2011 Events and 2011 Best in Bloom Arts & Garden Festival Request. Mr. Neely stated that Ms. Frierson is present and the Shops of Emmaus are requesting the use of the Triangle for the Annual Best in Bloom Celebration. Mr. Labenberg suggested that Ms. Frierson fills out the proper documents for use of Borough facilities. He also noted that the Shops has not requested any tents for inclement weather. Ms. Frierson responded that several vendors will supply their own tents. Mr. Barrett stated the Shops request is consistent with requests from previous years for the event. Mr. Reinhard stated that he will be voting against the Motion because the correct forms for the request have not been completed. Mr. Neely responded that the Shops of Emmaus did not complete the Community Event forms because they have not been implemented at Town Hall. Dr. Waddell voiced concern with the amount of time staff spends preparing for events but does anticipate a problem with this request. Mr. Barrett stated that he will vote for the motion but asked if in the future the Shops submit its requests in a timely manner.

Motion by Mr. Labenberg, seconded by Mr. Barrett to grant the Shops of Emmaus's request to use the Triangle with five tents on Saturday, June 11, 2011 from 9:00 a.m. to 5:00 p.m. for the Best in Bloom Arts & Garden Festival. There were 5 ayes, 1 opposed (Reinhard). Motion carried.

c. Betty Kline, 923 Walnut St., Emmaus – Service Electric Senior Citizen's Discount. Referred to the General Administration Committee.

d. Kathy Haney, Haney Associates, 20 N. Fourth Street, Emmaus – Purchase of a park bench or tree with a plaque in honor of Officer Ray Seiling. Referred to the Public Safety Committee.

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Mayor Iobst announced that an account has been set up at KNBT for the Community to donate towards the "Ray Seiling Memorial Fund". Donations must be made by June 1, 2011.

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

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that at the last Council Meeting, it appointed Kyle Focht as a Summer Park Employee. Since then, Kyle learned that he obtained an internship position, and will be unable to work for the Borough this summer. John Dychala recommends hiring Corey Bechtel at the rate of \$7.25 per hour.

Motion by Mr. Labenberg, seconded by Mr. Brown to hire Corey Bechtel as a Summer Park Employee at an hourly rate of \$7.25. There were 6 ayes. Motion carried.

Mr. Labenberg reported that the Committee discussed the issue raised by Jim Woodeshick at the last Council Meeting, when he complained that he took the Boy Scouts to the Compost Site to have wood chip mulch loaded in a truck to take to St. John's UCC, but were refused loading due to the small amount of wood chips left. Mr. Clapper asked that in the future the Boy Scouts advise him of their intent so that there is adequate mulch and staff available to assist.

Mr. Labenberg reported that the Broad Street Reconstruction Project is moving smoothly. He also reported that the Public Works Department is preparing to complete the paving work at South 12th Street.

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Mr. Labenberg reported that in 2010, as part of the 2011 Budget deliberations, Council approved resurfacing North Street, between Macungie Avenue and Cedar Crest Blvd., which would complete the resurfacing of the Harrison Street/North Street corridor from Lehigh Street to Cedar Crest Blvd. Mr. Clapper advised that it would be the sole road maintenance item that can be completed with the level of funding in the 2011 Budget. The amount budgeted for road work in the 2011 Budget is \$169,339. The anticipated expenditures will not use all of the funding. The remaining funds can be used to offset the salt expenditures last winter, and will provide some cushion with respect to the increasing oil costs, which will affect asphalt paving totals.

Mr. Clapper told the Committee that a more effective use of the limited funding for this year would be to not complete North Street, and use the money to do patching, crack sealing, adjust and repave existing manholes, oil and chip park roads, and alley restoration. The Committee recommends approving an amended 2011 Roadwork Project schedule as follows: John Street (Walnut Street to Ridge Street), Railroad Street (3rd Street to Short Street), adjust existing manholes, miscellaneous patching, crack sealing, oil & chip park roads, and emergency generator pads, in the amount of \$144,000. Mr. Barrett asked for clarification about why the project for North Street to Cedar Crest Blvd is not being completed. Mr. Labenberg responded that if the project is completed there will not be any funds left for other road maintenance. He advised that, depending on the budget, the road project will be completed in 2012.

Motion by Mr. Labenberg, seconded by Mr. Brown to approve an amended 2011 Roadwork Project Schedule as follows: John Street (Walnut Street to Ridge Street), Railroad Street (3rd Street to Short Street), adjust existing manholes, miscellaneous patching, crack sealing, oil & chip park roads, and emergency generator pads in the amount of \$144,000. There were 6 ayes. Motion carried.

Mr. Reinhard commented that it is the second Council Meeting in a row that the Public Works Department has changed its plan. He believes that there should be better planning for roadwork projects in the future.

Mr. Labenberg reported that the Committee discussed the Overlook Springs Reservoir located on South Second Street. It has the capacity to hold 185,000 gallons. It exists solely for the benefit of 2 properties along 2nd Street whose water service was conveyed to Lehigh County Authority as part of the sale of the “outside water customers” a few years ago. The Committee directed Mr. Clapper to contact DEP to discuss the Borough’s options.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the minutes from the May 12 Meeting are in the packets. One of the things the Committee spoke about is our composting operations. One of the things we have been working on is trying to get 9 municipalities together to form a consortium to get the county equipment that we have been utilizing. It looks like moving forward Lower Macungie and ourselves are taking the lead to get that equipment to simplify the process.

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Basically within the consortium, if we can form a partnership and make the equipment available to all the 9 municipalities, we could acquire the equipment and store it and make it available. That way the equipment will not go back to the state to redistribute some place else. Mr. Neely and Mr. Fosselman, of Lower Macungie Township, have been working on that.

Mr. Reinhard reported that the Committee was given a DVD from Raritan Valley about using 96 gallon wheeled totes for commingled recyclables. Raritan Valley would pay for the totes. The Committee does not believe that the 96 gallon tote model will work in Emmaus, primarily because of parked cars. Mr. Labenberg stated that he does not support the idea due to the size of the totes.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on May 3, 2011, with official action being recommended. The terms of 3 Commissioners, Jeff Shubzda, Michelle Steiner, and Lyle Richardson, expired on May 1, 2011. The Committee recommends that all three be reappointed to 3 year terms expiring on May 1, 2014.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Jeff Shubzda, Michelle Steiner, and Lyle Richardson to the Parks and Recreation Commission to three year terms expiring on May 1, 2014. There were 6 ayes. Motion carried.

Mr. Barrett reported that the Commission is planning Community Day for July 23, 2011, at Emmaus Community Park. The Commission submitted a number of requests for the event.

Motion by Mr. Barrett, seconded by Dr. Waddell to approve that Emmaus Community Park remain open until 10:00 p.m. for Community Day on July 23, 2011. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Parks and Recreation Commission to place small tents at the Emmaus Community Park for Community Day on July 23, 2011. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to allow one Frisbee catching dog at Emmaus Community Park for Community Day on July 23, 2011. There were 6 ayes. Motion carried.

Mrs. Gilbert asked if the dog will be at a certain location for the event. Mr. Barrett responded that the location has not been determined.

Motion by Mr. Barrett, seconded by Mr. Brown to allow beer sales at Emmaus Community Park for Community Day on July 23, 2011. There were 6 ayes. Motion carried.

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Dr. Waddell asked for further clarification about the beer sales. Mr. Neely responded that one of the social clubs will be sponsoring the beer sales. The sales will take place at a pavilion. Mr. Barrett responded that the sales will adhere to the legal requirements. Mr. Brown asked if beer sales have been permitted at previous events. Mr. Neely responded that the Emmaus Main Street Program has sold beer and alcohol at events and believes that beer sales were permitted at the Dodge Ball event held last year at Community Park. Mr. Barrett stated that he believes there have been beer sales permitted previously at Community Park. Mr. Reinhard asked if the Commission filled out the Community Event forms. Mr. Barrett reminded that the use of the forms have not been implemented at Town Hall.

Motion by Mr. Barrett, seconded by Mr. Labenberg to authorize the Parks and Recreation Commission to occupy the portions of Emmaus Community Park to the east of Micklencic Drive and the entire grove area between the long building and the railroad tracks to hold Community Day on July 23, 2011. There were 6 ayes. Motion carried.

Dr. Waddell asked how the event affects persons that have previously rented the pavilions. Mr. Barrett responded that the Parks and Recreation Commission has rented the pavilions for the day.

Mr. Barrett reported that the Emmaus Action Sports Association attended the Meeting to discuss proposed revisions to its initially proposed plan for a bike/skate park at the Williams Street facility. The Committee did not take any official action, but suggested that the Association look at other available sites in the Borough to determine whether they are suitable for the proposed park.

Mr. Barrett reported that Greg Walls, from the Catholic War Vets, attended the Meeting and discussed an issue about the control of the land and park at the CWV. The Committee will continue to discuss the item.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee Meeting scheduled on May 12 was cancelled and the next Committee Meeting is June 9, 2011.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee met on May 4, 2011. He reported that there are 2 vacancies on the Emmaus Planning Commission. The Borough received a letter of interest from Lori Ramsey, and interviewed her at the Meeting. The Committee recommends appointing Ms. Ramsey to the Commission to a term expiring on April 1, 2015.

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Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Lori Ramsey to the Emmaus Planning Commission to a term expiring on April 1, 2015. There were 6 ayes. Motion carried.

Dr. Waddell reported that the Committee reviewed the Insurance Request for Proposal and recommends that Council approve advertising the RFP. Mr. Reinhard voiced concerns about the Insurance RFP and asked Mr. Neely if he received a recommendation from an individual with an in-depth knowledge or a municipality insurance background when preparing the RFP. Mr. Neely responded he received guidance from the Borough's current Insurance Broker, Brown & Brown. He stated that he will be scheduling an informational meeting for all prospective bidders. Dr. Waddell asked if the RFP will be advertised. Mr. Neely responded that it will.

Motion by Dr. Waddell, seconded by Mr. Barrett to authorize Mr. Neely to advertise the Borough of Emmaus Insurance Policy Request for Proposal. There were 5 ayes, 1 opposed (Reinhard). Motion carried.

Dr. Waddell reported that the Committee recommends authorizing Mr. Neely to advertise for the impending vacancy for the water/sewer billing clerk position.

Motion by Dr. Waddell, seconded by Mr. Barrett to authorize Mr. Neely to advertise for the impending vacancy for the water/sewer billing clerk position. There were 6 ayes. Motion carried.

Dr. Waddell reported that the Borough established an account with money set aside by the 2009 Anniversary Committee, approximately \$5,000, which is to be used for the next Anniversary Celebration.

The next Committee Meeting is May 18, 2011.

Progress.

f. Budget and Finance Committee

Mr. Reinhard read Resolution 2011- 14, authorizing payment of the May 16, 2011 Bill List, as follows:

Bill List	\$ 219,958.20
Payroll #9	\$ 112,448.64
Payroll Taxes	<u>\$ 35,652.05</u>
Total	\$ 368,058.89

Done this 16th day of May 2011.

Motion by Mr. Reinhard, seconded by Mr. Labenberg to approve the May 16, 2011 Bill List. There were 6 ayes. Motion carried.

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Mr. Reinhard reported that the Committee discussed the items sought by Departments as part of the Emmaus General Authority "Wish List." Mr. Labenberg asked about the cost of a new server and computers for the Police Department. Mr. Neely responded that the cost would be \$47,000. He stated that a new ambulance for the Emmaus Ambulance Corps and a new server and computers for the Police Department is \$135,700 and the General Authority will not fund both items. Mr. Brown suggested shifting budget money from other projects, such as the Legion Baseball Field Project.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Main Street Cycling Championship bicycle race has been postponed until 2012.

The next Committee Meeting is May 26, 2011.

Mr. Reinhard reminded that the Community Yard Sale is on June 4, 2011 with a rain date of June 5.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the 1st half of May 2011 are in the Council binders and offered to entertain questions about them.

Mr. Reinhard commented that Earned Income Tax revenue is substantially higher in May than it was in January through April.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 7:51 p.m. for an Executive Session, observing that she did not anticipate official action thereafter.

Mrs. Gilbert reconvened the Meeting at 8:35 p.m. with no official action being taken.

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Dr. Waddell stated that Eugene “Buzzy” Carl, a deceased former Emmaus policeman, will be memorialized in a ceremony on Saturday, May 21, by the laying of a namesake brick in the new police walkway of the Borough’s Remembrance Garden at the Knauss Homestead. Officer Carl’s brick will be the second one in the police walkway. The walkway was created with a first brick memorializing former police officer Clarence “Popeye” Kaiser, who passed away several years ago. Former Police Chief Earl Brensinger is due to be the third officer memorialized with a brick. He invited all Council Members to attend the event.

Motion by Mr. Barrett, seconded by Mr. Labenberg to adjourn. There were 6 ayes. Motion carried.

The May 16, 2011 Meeting of the Emmaus Borough Council adjourned at 8:35 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
May 20, 2011