

May 17, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, May 17, 2010, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
  - Emmaus Main Street Program Community Survey Results
6. Reading of Minutes
  - May 3, 2010
7. Decisions on Bids
  - 2010 Water System Control Upgrades Bid Results
8. Communications
  - a. Dr. Jacqueline Attinello, Principal, Lincoln Elementary School – Request to change Seem Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets to a one-way street.
  - b. Steve Feeley, Calvary Fellowship of Emmaus – Request use of Triangle Park for church event.
  - c. Stephanie Wean, First Star Bank – Request use of Community Park for fund raiser.
  - d. Charlie Samiljan, Lehigh Dodgeballers Coordinator – Charity event requests.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - a. **Ordinance No. 1070 – An Ordinance of the Borough of Emmaus Establishing the Special Entertainment Commission (1<sup>st</sup> Reading 5/17/10).**
12. New Business
13. Unfinished Business, Part II

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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 – June 3, 2010 at 3:00 p.m.

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

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

Next Meeting – June 10, 2010 at 4:00 p.m.

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

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

Next Meeting – June 1, 2010 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Baseball Stadium at Community Park
- d. EYA Shed Request
- e. **Emmaus Artisan's Market**
- f. **Shops of Emmaus Stage Request**
- g. **Green Future Fund Application**
- h. **Push the Rock – Fee Waiver Request**

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

Next Meeting – June 10, 2010 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review
- d. **Hire Two Firefighters**
- e. **Hire Two Paramedics**

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

Next Meeting – May 19, 2010 at 9:00 a.m.

- a. Emmaus Arts Commission
- b. Shade Tree Ordinance—Tree Fund
- c. Special Event Signs Ordinance
- d. **Ordinance No. 1070 - Special Entertainment Commission (1<sup>st</sup> Reading 5/17/10).**

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

Next Meeting – June 7, 2010 at 4:00 p.m.

- a. **Bill List – Resolution 2010 – 17**
- b. Per Capita Tax Ordinance
- c. Act 44 Election
- d. Emmaus Police Officers' Association – Contract Negotiations

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

Next Meeting – May 26, 2010 at 4:15 pm.

- a. Parking Deck Feasibility Study
- b. 2009 Anniversary Items and Contents of the 1959 Time Capsule
- c. Emmaus Main Street Program—West End Gateway Sign Presentation
- d. 2009 Anniversary Sign and Planter at Weis Markets
- e. Car Show/Bed Race
- f. Broad Street Reconstruction
- g. Streetscape Improvement Project

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

Next Meeting – To be determined.

**Community/School Relations**

- 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 2010**
- b. **Green Future Fund Application Authorization**
- c. **Emmaus's Biggest Loser**

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**d. Mechanic Subcontractor for Public Works Department**

19. President's Business

20. Adjournment

Next Resolution #18  
Next Ordinance #1071

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The Emmaus Borough Council met in regular session on May 17, 2010 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Josephine Sadrovitz, 130 N 4<sup>th</sup> Street**, voiced concern over vandalism at the Arts Pavilion. Mr. Labenberg recommended upgrading cameras if necessary. Mr. Neely responded that the issue will be discussed by Staff.

**B. Otto Slozer, 121 E Elm Street**, noted that Aqua Duck has begun receiving water from the Borough and asked if water meters were placed at the filling hydrants for accountability purposes. Mr. Labenberg stated that the Public Works Committee will discuss it at the next Committee Meeting on June 3, 2010. Dr. Waddell recalled that Aqua Duck agreed to pay for a meter.

COMMUNITY MINUTE

Dr. Waddell reminded that the Veterans' Memorial Day Parade will be on May 31, 2010 at 9:00 a.m.

Mr. Labenberg commented that there were recent burglaries in his neighborhood and reminded residents to take extra safety precautions.

SPECIAL PRESENTATIONS

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Teri Sorg-McManamon, Teryl Madison, and David Brokate on behalf of the Emmaus Main Street Program, presented the executive summary and recommendations from the Program's Borough Community Survey. The survey was mailed as an insert in the Borough Newsletter on October 22, 2009. The deadline to return the survey was December 10, 2009. In specific, parking, shopping hours, and selection of merchandise were noted as negative trends. Low traffic and cleanliness were noted as positive trends. Based on the survey results, the Program recommends improvements to parking, shopping hours, targeted business recruitment and entertainment needs. Ms. Madison reported that there will be a public meeting on June 9, 2010 to review the results.

Dr. Waddell thanked the Emmaus Main Street Program and David Brokate for their hard work on the Community Survey.

### READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to dispense with the formal reading of the May 3, 2010 Minutes. There were 6 ayes. Motion carried.**

**Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt the May 3, 2010 Minutes as drafted. There were 6 ayes. Motion carried.**

### DECISION ON BIDS

Mr. Neely reported that on April 14, 2010, 3 bids were received for the Water System Telemetry Control Systems (SCADA Project). Staff is recommending that the bid be awarded to Barry J. Hoffman Co., in the amount of \$174,430.00. The budgeted amount for the project is \$193,000. The remaining funds in the account as of May 11, 2010 are \$188,000, which will leave \$13,750 for additional engineering expenses while the project is underway.

**Motion by Mr. Labenberg, seconded by Mr. Brown to award the Water System Telemetry Control System (SCADA Project) bid to Barry J. Hoffman Co., in the amount of \$174,430.00. There were 6 ayes. Motion carried.**

Mr. Labenberg asked if there are expected costs other than what was bid out. Mr. Neely stated that there will be other engineering costs and that is what the \$13,750 will be used for.

### COMMUNICATIONS

- a. Dr. Jacqueline Attinello, Principal, Lincoln Elementary School – Request to change Seem Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets to a one-way street. The issue is being considered by the Public Safety Committee.
- b. Steve Feely, Calvary Fellowship – Request use of Triangle Park for church event. Mr. Neely reported that Calvary Fellowship has written a letter with a revised request for use of the Triangle on September 18, 2010. Referred to the Parks and Recreation Committee.

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c. Stephanie Wean, First Star Bank – Request to use Emmaus Community Park on October 10, 2010 for a fundraiser for breast cancer awareness and fee waiver request. Referred to the Parks and Recreation Committee.

d. Charlie Samiljan, Lehigh Dodgeballers Coordinator – Request for use of Community Park on Saturday, July 17, 2010. Referred to the Parks and Recreation Committee.

e. Katherine S. Gigler, 951 Lawrence Drive - Suggestions for a dog park. Referred to the Parks and Recreation Committee. Mr. Barrett commented that the idea for a dog park has already been discussed by the Parks and Recreation Committee and it determined that there was not an ideal location for a dog park in the Borough. Mr. Neely stated that he would draft a response letter to Ms. Gigler.

f. Katie Lovell, 912 Lawrence Drive – Recommendation for speed bumps on Lawrence Drive. Referred to the Public Safety Committee.

g. Andrew C Dunn, Jr, 408 S 4<sup>th</sup> Street – Recommendation for Skate Park. Mr. Neely stated that he would draft a response letter to Mr. Dunn inviting him to a Parks and Recreation Committee Meeting.

h. Kevyn McConlogue, 1300 Arch Street – Letter concerning trees on Arch Street. Referred to the General Administration Committee. Mrs. Gilbert suggested forwarding the letter to the Shade Tree Commission.

i. Frances Shaffer, Broad Street – Letter about water runoff on Broad Street. Mayor Iobst asked Mr. Neely to review the letter and address the matter with Staff.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1070 – An Ordinance of the Borough of Emmaus Establishing the Special Entertainment Commission. (1<sup>st</sup> Reading 5/17/10).

**Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1070 in short title. There were 6 ayes. Motion carried.**

Dr. Waddell read Ordinance 1070 in short title.

**Motion by Mr. Barrett, seconded by Dr. Waddell to adopt Ordinance No. 1070– An Ordinance of the Borough of Emmaus Establishing the Special Entertainment Commission on its 1<sup>st</sup> reading. Roll call vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.**

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Dr. Waddell noted that the Ordinance is patterned very closely to the Emmaus Arts Commission Ordinance.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II - None.

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

DRAFT

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MAYOR'S REPORT

Mayor Iobst read Proclamation 2010 – 268 proclaiming May 31, 2010 Memorial Day.  
Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee would like to further discuss Guy Washburn's sidewalk at 1143 Pennsylvania Avenue before removing the item from the table.  
Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee recommends that Council authorizes the Solicitor to draft an ordinance that makes Building Sewers the responsibility of property owners, and Laterals the responsibility of the Borough, with a provision that if a blockage is caused by root or other intrusion at the junction between the two, it is the responsibility of the property owner.

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to authorize the Solicitor to draft an Ordinance that makes the Building Sewer the responsibility of the property owner, and the Lateral the responsibility of the Borough, with a provision that if the blockage is caused by root or other intrusion at the junction between the two, it is the responsibility of the property owner. There were 6 ayes. Motion carried.**

Mr. Reinhard reported that the Committee recommends amending the Borough Fee Schedule to add a fee of \$50.00 to be charged to the property owner for the Borough Public Works forces to use the Borough's equipment to video Building Sewers on private property.

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to amend the 2010 Borough Fee Schedule to add a fee of \$50.00 to be charged to the property owner for the Borough Public Works forces to use the Borough's equipment to video the Building Sewer on private property. There were 6 ayes. Motion carried.**

Mr. Brown asked if the amendment would take effect immediately. Mr. Reinhard responded that it would. Dr. Waddell questioned for what reasons the fee would be charged. Mr. Neely stated that there are times when the Public Works Department will camera a Building Sewer for a resident, which is a service that would normally be performed by a plumber. The process takes approximately 1 hour and the fee would partially reimburse the Public Works Department for its time spent and use of the equipment.

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Mr. Reinhard reported that the Committee discussed holding a recycling event to collect e-waste and recommends drafting a letter to the Environmental Advisory Council asking it to consider holding such an event. He reported that the Committee discussed drafting a flyer that could be sent via bulk mail in June that would advertise the event and further educate property owners of the changes in refuse service as of July 1, 2010.

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to draft a letter asking the Environmental Advisory Council to consider a recycling event to collect e-waste. There were 6 ayes. Motion carried.**

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee received a request for an Emmaus Artisan's Market on the Triangle from May through November from 10:00 a.m. to 2:00 p.m. to coincide with the hours of the Farmers' Market.

**Motion by Mr. Barrett, seconded by Dr. Waddell to approve the request for an Emmaus Artisan's Market on the Triangle from May through November from 10:00 a.m. to 2:00 p.m. on the last Sunday of every month.**

Mr. Labenberg reminded that the request is for 9:30 a.m. to 2:30 p.m. to allow for set up and tear down of the event.

Mr. Barrett amended his motion and Dr. Waddell amended his second so that the Motion would read as follows:

**Motion by Mr. Barrett, seconded by Dr. Waddell to approve the request for an Emmaus Artisan's Market on the Triangle from May through November from 9:30 a.m. to 2:30 p.m. on the last Sunday of every month. There were 6 ayes. Motion carried.**

Mr. Barrett reported that the Committee received a request from the Shops of Emmaus seeking permission to place a 12' x 16' stage on the Triangle for the Best in Bloom Festival.

**Motion by Mr. Barrett, seconded by Dr. Waddell to approve the request from the Shops of Emmaus to place a 12' x 16' stage on the Triangle for the Best in Bloom Festival. There were 6 ayes. Motion carried.**

Mr. Barrett reported that the Committee received a request from Push the Rock, on behalf of the Lehigh County Christian Academy, to waive the pavilion fee for the Moser Pavilion for its rental on June 4, 2010. The Committee recommends denying the request.

Progress.

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Mr. Barrett reported that the Committee recommends that Council authorize Mr. Neely to submit an application to the Lehigh County Green Future Fund for \$300,000 for the Legion Baseball Field Project.

**Motion by Mr. Barrett, seconded by Mr. Reinhard to authorize Mr. Neely to submit an application to the Lehigh County Green Future Fund in the amount of \$300,000 for the Legion Baseball Field Project. There were 5 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Brown asked about the amount of funds remaining in the Green Future Fund and when the expiration date for using the funds is. Mr. Neely responded the expiration date is 2012 and the remaining funds are contingent upon the amount of the Fund remaining after the completion of the Triangle project.

Mr. Labenberg asked for clarification on the project description and if the distribution is approved, would the fund include adding tee-ball fields and an extension of the walking trail? Mr. Neely responded that the project description could be amended to describe in more detail the scope of the project. Mr. Labenberg stated that he will be voting against the motion because the funds will be used on one project and not to upgrade the entire Borough Park System.

Dr. Waddell asked for clarification about pets being allowed at the Triangle and liability issues facing the Borough. Mrs. Gilbert referred the matter to Staff and to the Public Safety Committee.

Progress.

The next Committee Meeting is June 1, 2010 at 3:30 p.m.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee recommends hiring Gail Hunsberger and Matthew Sadrovitz as Part-time Per Diem Paramedics for the Emmaus Ambulance Corps.

**Motion by Mr. Brown, seconded by Mr. Labenberg to hire Gail Hunsberger and Matthew Sadrovitz as Part-time Per Diem Paramedics for the Emmaus Ambulance Corps. There were 6 ayes. Motion carried.**

Mrs. Gilbert also reported that the Committee recommends hiring James P. Healy III and Bobby Erney as volunteer fire fighters contingent upon their passing a doctor's physical.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to hire James P. Healy III and Bobby Erney as volunteer fire fighters contingent upon their passing a doctor's physical. There were 6 ayes. Motion carried.**

Progress.

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e. General Administration Committee

The next Committee Meeting will be on May 19, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Reinhard read Resolution 2010-17, authorizing payment of the May 17, 2010 Bill List, as follows:

<b>Bill List</b>	<b>\$ 419,357.40</b>
<b>Payroll #9</b>	<b>\$ 105,154.89</b>
<b>Payroll Taxes</b>	<b>\$ 33,271.48</b>
<b>Total</b>	<b>\$ 557,783.77</b>

Done this 17th day of May, 2010.

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to adopt the May 17, 2010 Bill List. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Neely reported that a meeting was held with representatives from Langan Engineering and the estimated completion date of the Parking Deck Feasibility Study is August 1, 2010. Mr. Neely reviewed the highlights of the meeting.

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

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

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### PERSONAL APPEALS, PART II

**A. Frank Sadrovitz, 130 S. 4<sup>th</sup> Street**, voiced concerns about the lack of enforcement of rules at Borough parks. He also commented about trees dying on Broad Street. Mrs. Gilbert asked Mr. Neely to discuss the enforcement matter with Staff. She also stated that the dying trees issue on Broad Street was referred to the Shade Tree Commission and follow-up on the matter will occur.

**B. Otto Slozer, 121 East Elm Street, Emmaus**, asked Mr. Neely for clarification about the Lehigh County Green Future Fund and suggested that the Borough should use the \$300,000 for improvements to the entire Borough park system, not just the proposed Legion Ballfield.

### BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the 1<sup>st</sup> half of May 2010 are in the Council binders, and offered to entertain any questions about them.

Mr. Neely reviewed an email proposal from Christine Snyder and Paula Weiant for Emmaus's "Biggest Loser" summer weight loss program.

Mr. Neely reported that Staff is requesting that the Borough hire Marvin Jennings, Jr. as a subcontractor for the mechanics' shop in the Public Works Department at a rate of \$19.00 per hour to temporarily assume Barry Schantzenbach's duties. Mr. Neely noted that at the May 3, 2010 Borough Council Meeting, Council authorized advertising the subcontractor position for an hourly rate not exceeding \$17.00. Barry Schantzenbach is on workers compensation and his wage is being paid via the workers compensation insurance carrier, not the Borough. Consequently, the amount that was budgeted for Barry's salary is not being paid by the Borough, and allows it to hire a subcontractor at \$19.00 per hour and still be within the 2010 Budget parameters.

**Motion by Mr. Labenberg, seconded by Dr. Waddell to hire Marvin Jennings, Jr. as a temporary subcontractor for the mechanics' shop in the Public Works Department at a rate of \$19.00 per hour with the position terminating upon Barry Schantzenbach's return to work. There were 6 ayes. Motion carried.**

Mr. Labenberg thanked Mr. Neely for his detailed Committee Meeting memoranda.

Progress.

### PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 8:41 p.m. for an Executive Session to discuss a personnel issue.

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Mrs. Gilbert reconvened the meeting at 8:53 p.m. with no official action taken.

ADJOURNMENT

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

The Meeting of the Emmaus Borough Council adjourned at 8:55 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
May 20, 2010

DRAFT