

May 4, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
Monday, May 4, 2009, 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

April 20, 2009

7. Decision on Bids
8. Communications
 - a. Diane Proch, 1725 W. Wood Street – Request reappointment to the Parks & Recreation Commission.
 - b. Dean Bortz, Shelter House, 601 S. Fourth Street – Emmaus Southside Industrial Master Plan.
 - c. Stephen Zakos, 252 North Street – Letter of interest to fill vacant position on the Planning Commission.
 - d. Stephen F. Rohrbach, President, F.A. Rohrbach, Inc. – 2009 Curb & Sidewalk Contract.
9. Borough Engineer's Report
10. Solicitor's Report
 - a. **Klines Lane Trail – Raven Mill Agreement**
11. Unfinished Business, Part I
12. New Business

- 404 a. **Ordinance No. 1054 – An Ordinance Revising Name of Health and Sanitation Committee and Description in Chapter 1, Sections 401 and (1st Reading 5/4/09)**

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

- a. **Proclamation 2009 – 239 – Police Week**

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
2. Solicitor

Parks and Recreation (Barrett, Labenberg, Holtzhafer)

1. Committee
a. No Smoking at Parks – Update
b. South 4th Street Baseball Field Concerns
c. Ice Rink/Skate Park
d. Raven Mill Trail Project
e. Meadow Pool

- f. **Reappointments to Parks and Recreation Commission – Chris DeFrain, Vicki Gruver, and Diane Proch**
- g. Reappointments to Special Entertainment Committee
- h. Response to Furnace Dam/Goose Issue
- i. **Summer Park Program – Nonresident Participants**
- j. **Hiring Pool Lifeguard**

2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

- 1. Committee
 - a. Trailer Truck Parking
 - b. 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 – Ordinance No. 1054**
 - d. Email for Council People
 - e. Triangle Bid Approval
- 2. Solicitor

Budget and Finance (Holtzhafer, Gilbert, Reinhard)

- 1. Committee
 - a. **Bill List – Resolution 2009-14**
 - 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 April 2009
 - b. Derck & Edson Agreement**
 - c. Financial Summary – Triangle Park Project**
 - d. Service Electric Telephone**
19. President's Business
20. Adjournment

Next Resolution #15
Next Ordinance

May 4, 2009

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on May 4, 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 1

- A. Jim Woodeshick, 108 Seem St.** stated concerns about the Borough having removed and replaced the trees and the lampposts on the Triangle. He also believes that the Public Works Department needs to improve its efficiency. Mr. Labenberg stated that the Public Works Department provides many services to the Borough, and that he will discuss Mr. Woodeshick's concerns at the next Public Works Committee Meeting, which will be on May 6, 2009 at 8:00 a.m.

COMMUNITY MINUTE

Dr. Waddell thanked the Public Works Department for stenciling sidewalks with the 2009 Anniversary logo.

Mr. Neely stated that there are ten volunteers that have submitted names and contact information to help with community events as part of the Volunteer List.

SPECIAL PRESENTATIONS

Mr. Brown presented the Emmaus Garden Club with the 2008 Volunteer of the Year Award. Mr. Brown thanked Sandy Miklos, President, and the members of the Garden Club for their continuing support and dedication to the Borough's gardens. He stated that the Garden Club will be honored with a brick to be placed at the Memorial Garden. Mr. Brown also stated that the Emmaus Garden Club is recognized both regionally and nationally as an award-winning club. Mayor Iobst read Proclamation 2009-235.

READING OF MINUTES

Motion by Mr. Reinhard, seconded by Mrs. Gilbert to dispense with the formal reading of the April 20, 2009 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Reinhard, seconded by Mr. Barrett to adopt the April 20, 2009 Minutes as drafted. There were 7 ayes. Motion carried.

COMMUNICATIONS

- a. Diane Proch, 1725 W. Wood Street – Request reappointment to the Parks & Recreation Commission.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Diane Proch to the Parks & Recreation Commission to a term expiring 5/1/2012. There were 7 ayes. Motion carried.

- b. Dean Bortz, Shelter House, 601 S. Fourth Street – Emmaus Southside Industrial Master Plan.
- c. Stephen Zakos, 252 North Street – Letter of interest to fill vacant position on the Planning Commission. Referred to the General Administration Committee.
- d. Stephen F. Rohrbach, President, F.A. Rohrbach, Inc. – 2009 Curb & Sidewalk Contract.

Mr. Neely read a letter dated April 27, 2009 from Stephen Rohrbach, President of F.A. Rohrbach, in reference to F. A. Rohrbach's bid for the Borough's 2009 Curb & Sidewalk Contract, which bid was rejected. F.A. Rohrbach asked Borough Council to reconsider its decision to reject Rohrbach's bid. Mr. Labenberg asked Solicitor Procyk what legal implications there would be if the Borough does not reconsider the bid submission by F.A. Rohrbach. Solicitor Procyk stated that the Borough is not legally bound to reconsider the bid rejection and F.A. Rohrbach's next step would be to bring a lawsuit against the Borough. Mr. Barrett questioned whether the bid should be reconsidered. Mr. Neely stated that both he and Zoning Officer Farnsworth do not feel that F.A. Rohrbach's bid should be reconsidered. Dr. Waddell stated that Council would need to make a motion to reconsider F.A. Rohrbach's bid. Mr. Barrett asked how previous errors have been managed by the Borough. Mr. Neely stated that historically Council would receive a recommendation from Staff. Dr. Waddell questioned how the Borough can insure a situation of this type does not occur in the future. Mr. Neely stated that a listing of employees needs to be included in the bid check list.

- e. Dr. Waddell read correspondence about concerns that were raised by the Emmaus Arts Commission in regards to the Shops in Emmaus event being held on June 13 and 20. Dr. Waddell stated concerns about the communications between the Shops of Emmaus and the Emmaus Arts Commission.

f. Mr. Barrett stated that Mr. Doug Boyd asked if his grandchildren would be able to attend the Summer Parks Program Mr. Boyd is a resident of the Borough and his grandchildren are not. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Mr. Neely reviewed the Klines Lane Trail – Raven Mill Agreement that Solicitor Procyk prepared in 2008. He added exhibits to the Agreement. He stated that Council needs to make a Motion to approve Solicitor Procyk's sending the Agreement to Raven Mill's attorney.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to approve the Klines Lane Trail – Raven Mill Agreement and to forward it to the Mills' attorney. There were 7 ayes. Motion carried.

UNFINISHED BUSINESS, Part 1 – None.

NEW BUSINESS

- a. Ordinance No. 1054 – An Ordinance Revising Name of Health and Sanitation Committee and Description in Chapter 1, Sections 401 and 404 (1st Reading 5/4/09).

Motion by Mrs. Gilbert, seconded by Mr. Barrett to read Ordinance No. 1054 in short title. There were 7 ayes. Motion carried.

Dr. Waddell read Ordinance No. 1054 in short title: An Ordinance Revising Name of Health and Sanitation Committee and Description in Chapter 1, Sections 401 and 404.

Mr. Neely reported that the General Administration Committee seeks to change the name of the Health and Sanitation Committee to the Health, Sanitation and Conservation Committee, with supervision over the Borough's efforts to conserve energy and natural resources and matters and initiatives that involve the preservation of the environment and natural resources. He stated that the Committee would appoint one of its members to serve as a liaison between the Emmaus Borough Council and the Emmaus/Upper Milford Joint Environmental Advisory Council.

Motion by Mrs. Gilbert, seconded by Mr. Barrett to change the name of the Health and Sanitation Committee to the Health, Sanitation and Conservation Committee, with supervision over the Borough's efforts to conserve energy and natural resources and matters and initiatives that involve the preservation of the environment and natural resources. Roll Call Vote: Labenberg – aye, Holtzhafer – aye, Barrett – aye, Brown – aye, Reinhard – aye, Gilbert – aye, Waddell – aye. There were 7 ayes. Motion carried.

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

MAYOR'S REPORT

Mayor Iobst read the Proclamation for Police Week, Proclamation 2009 – 239 proclaiming the week of May 10 through May 16, 2009 as Emmaus Police Department Week.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting will be on May 6, 2009. He also stated that he received information on Green Infrastructure Grant Opportunities and stated that he will refer the information to the Public Works Committee.

Progress.

b. Health and Sanitation Committee

Mr. Reinhard reported that the next Committee Meeting will be on May 14, 2009. The agenda for the next meeting will include refuse/recycling categories and refuse billing.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee voted 3-0 to appoint Chris DeFrain and Vicki Gruver to the Parks and Recreation Commission to terms expiring on May 1, 2012.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to appoint Chris DeFrain and Vicki Gruver to the Parks and Recreation Committee to terms expiring on 5/1/2012. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to hire Nino Adamo as a part-time lifeguard at a rate of \$7.40 per hour. There were 7 ayes. Motion carried.

The next Committee Meeting will be on May 5, 2009 at 3:30 p.m.

Progress.

d. Public Safety Committee

Motion by Mrs. Gilbert, seconded by Mr. Brown to appoint Luke Weida as a volunteer for the Borough of Emmaus Fire Department contingent upon him passing a physical examination. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Ambulance Corps will hold its open house on May 16, 2009 from 10:00 a.m. until 2:00 p.m. in conjunction with EMS week. The Ambulance Corps will hold its Years of Service Award on May 19, 2009 at 7:00 p.m. in Council Chambers at Borough Hall.

Mr. Waddell discussed complaints from several residents concerning the fence at the Triangle and the obstruction of view when pulling out from Main Street. Mrs. Gilbert stated that she will place it on the agenda for the next Public Safety Committee Meeting, which will be on May 14, 2009 at 9:00 a.m.

Progress.

e. General Administration Committee

The next Committee Meeting will be on Wednesday, May 13 at 9:00 a.m.

Progress.

f. Budget & Finance Committee

Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to adopt the May 4, 2009 Bill List.

Bill List	\$ 271,859.79
Payroll #4	\$ 106,435.55
Payroll Taxes	<u>\$ 32,868.34</u>
Total	\$ 411,163.68

Done this 4th day of May 2009. There were 7 ayes. Motion carried.

Dr. Waddell asked if the Budget & Finance Committee could provide Council with an update on the Borough's financial status.

The next meeting will be on May 18, 2009 at 6:45 p.m. at Borough Hall.

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that the Triangle Project is proceeding in a timely manner. He also reported that the Community Relations/Development Committee and the General Administration Committee are working together to expedite the decision making process. He reported that an \$8,000 grant has been approved for improvements in front of the VFW.

Mr. Brown stated that Mr. Clock had one of the wireless cameras installed on his travel business building. The video can be seen at the Main Street Program Website.

Mr. Brown also stated that he feels volunteers are essential to the Borough being a success and wanted to thank all volunteers for their time and effort.

The next Committee Meeting will be on May 27, 2009 at 4:00 p.m.

h. Ad Hoc Committee – School District Relations Committee

Mr. Holtzhafer reported that there is no meeting currently scheduled for the month of May 2009 but that the Committee would like to meet before the end of the current school year.

Progress.

PERSONAL APPEALS, PART II -

a. **Nancy O’Keefe, 447 Chestnut St.** stated her concerns about the event conflict between the Shops of Emmaus and the Arts Commission. She stated that the Shops of Emmaus would like to work as partners with the Arts Commission.

Dr. Waddell stated that the Shops of Emmaus event is in direct conflict with the June 20 Arts Commission event. He thanked the Shops of Emmaus for its creativity and for running successful events.

BOROUGH MANAGER’S REPORT

Mr. Neely reported that the total funding for the Triangle Project is \$510,000 and the current expenses are \$317,000, which leaves \$193,000 estimated funds available. He stated that he contacted Derck & Edson to assist the Borough in the development of plans for expansion of the Triangle Park Project. Derck & Edson’s fee is \$6,000, which would include preparing designs for the expansion of the Project. Mr. Neely stated that he applied for a \$3,000 grant through the Lehigh Valley Chamber of Commerce. Design and engineering fees are reimbursable through the DCED grant.

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Motion by Mrs. Gilbert, seconded by Mr. Brown to authorize Mr. Neely to sign the Agreement between the Borough and Derck & Edson to assist the Borough in the development of plans for the expansion of the Triangle Park Project. There were 7 ayes. Motion carried.

Mr. Neely discussed switching the Borough's phone service from Verizon to Service Electric. Switching phone service to Service Electric will save the Borough approximately \$1,200 per month.

Motion by Mr. Labenberg, seconded by Mrs. Gilbert to authorize Mr. Neely to sign the necessary documentation to switch the Borough phone service from Verizon to Service Electric. There were 7 ayes. Motion carried.

Mr. Neely reported that the Lehigh County administration is recommending to the Board of Commissioners that the Borough be awarded a Main Street Initiatives Grant for \$8,000 to be used toward the Triangle Expansion for improvements in front of the VFW. Virginia Savage, from Lehigh County, will be at Borough Hall on May 5, 2009 to obtain the necessary signatures.

Motion by Mr. Labenberg, seconded by Mrs. Gilbert to authorize Mr. Neely to sign the necessary documentation to receive an \$8,000 Streetscape Improvement Grant from Lehigh County. There were 7 ayes. Motion carried.

Mr. Neely stated that he is currently working on a status report of the 2009 Budget.

Progress.

PRESIDENT'S BUSINESS – None.

Motion by Mr. Barrett, seconded by Mr. Reinhard to adjourn the meeting. There were 7 ayes. Meeting adjourned.

The meeting of the Emmaus Borough Council was adjourned at 8:05 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
May 5, 2009