

June 21, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, June 21, 2010, 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

June 7, 2010
7. Decisions on Bids
8. Communications
 - a. Mary Paine, President, Pioneer Band of Allentown – Pavilion rental fee waiver.
 - b. Harry Reabuck, Jr., Citizens' Fire Company #2, Emmaus – Pavilion rental fee waiver.
 - c. Joseph Csordas, 1067 N. 7th St., Emmaus – Vault Social Club
 - d. Dr. Lisa Draper, Lower Macungie Township – Vault Social Club
 - e. Crystal Hoopes, 440 E. Main St., Emmaus – Vault Social Club
 - f. John Bockstanz, Emmaus – Vault Social Club
 - g. Dan Schmidt, 1242 Pennsylvania Ave., Emmaus – Vault Social Club
 - h. Lisa Fritz, Seven Generations Charter School – Request for crosswalk.
 - i. Karen Buck, 623 Alden Drive, Emmaus – Annual block party street closure.
 - j. Daniel DeLong, Upper Milford Township Manager – Planning Committee Formation.
9. Borough Engineer's Report
10. Solicitor's Report
 - a. **Ordinance No. 1072 – An Ordinance Amending Chapter 25, Section 105, Dealing with Hazardous Trees on Private Property and Public Areas (1st Reading 6/21/10).**
11. Unfinished Business, Part I

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12. New Business

13. Unfinished Business, Part II

- a. Ordinance No. 1071 – An Ordinance Amending Chapter 18, Section 101 of the Codified Ordinances Dealing with Lateral Sewer System Maintenance Responsibilities (1st Reading 6/7/10) (2nd Reading 7/6/10).

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 – July 1, 2010 at 3:00 p.m.

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

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

Next Meeting – July 8, 2010 at 4:00 p.m.

- a. **Recycling Events**
- b. **Refuse/Recycling with Raritan Valley**
- c. **Emmaus Public Library Energy Audit**
- d. Ordinance No. 1071 – Lateral Sewer System Maintenance Responsibilities (2nd Reading 7/6/10).
- e. Riparian Buffer Ordinance
- f. Bollinger Land/Indian Creek Golf Course
- g. Emmaus and Upper Milford Joint Environmental Advisory Council
- h. Board of Health

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – July 6, 2010 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Baseball Stadium at Community Park

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – June 24, 2010 at 9:00 a.m.

- a. Trailer Truck Parking

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- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – July 14, 2010 at 9:00 a.m.

- a. Emmaus Arts Commission
- b. Shade Tree Ordinance—Tree Fund
- c. **Ordinance No. 1072 – Hazardous Trees**
- d. Clerical Staff Petition to Unionize
- e. Drug and Alcohol Policy
- f. Special Event Signs Ordinance
- g. **Appointments to the Special Entertainment Commission:
Frank Sadrovitz, Josephine Sadrovitz and Cynthia Gibson (term
expires 6/7/2013).**

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – July 6, 2010 at 6:45 p.m.

- a. **Bill List – Resolution 2010 – 19**
- b. Per Capita Tax Ordinance
- c. Act 44 Election
- d. Emmaus Police Officers’ Association – Contract Negotiations
- e. 1803 House Funds Request

Community Relations/Development (Brown, Reinhard, Waddell)

Next Meeting – June 23, 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. Broad Street Reconstruction
- f. Streetscape Improvement Project
- g. **Lanta Metro Meeting Update**

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

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18. Borough Manager's Report

a. **Significant Revenue and Expense Items for First Half of June 2010**

19. President's Business

a. **Executive Session**

20. Adjournment

Next Resolution #20
Next Ordinance #1073

The Emmaus Borough Council met in regular session on June 21, 2010 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	Present
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

PERSONAL APPEALS, PART I

A. Anthony Groller, 1302 S 10th Street, thanked Mayor Iobst and Mr. Brown for attending the Flag Day Program held at Emmaus Community Park on June 13, 2010.

B. Mark DeWalt, 5474 Acorn Drive, Emmaus, PA, voiced concern about the condition of a property located at 56 S. Cherry Street. Mr. Neely stated that the property is unsafe for human habitation and asked Council to authorize Solicitor Procyk to investigate what further actions could be taken.

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Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to authorize Solicitor Procyk to investigate what action could be taken regarding the property located at 56 S. Cherry Street. There were 7 ayes. Motion carried.

C. Lynn Donches, 559 Minor Street, commended the Borough for the completion of the South Mountain Gateway Trail. She also stated that she has further investigated the proposed Legion Baseball Field and asked if the agreement between the Borough and the East Penn School District is available for public viewing. Mr. Neely stated that it is not because it is still being negotiated. He clarified statements concerning maintenance of the proposed field. She stated that she does not feel communication about the project has been good and feels that the taxpayers' money could be spent differently. Mr. Holtzhafer stated that Ms. Donches can voice her concerns at any appropriate committee meeting and encouraged her to do so. He also stated that he has not heard negative comments about the proposed field.

D. John Donches, 559 Minor Street, voiced concern about potential parking problems at the proposed Legion Ballfield at Emmaus Community Park and presented a petition opposing the proposed project. He stated that approximately 75% of the residents he surveyed are unaware of the ballfield. Mr. Donches stated that he does not want the character of Community Park to be changed. Mr. Holtzhafer commented that he is surprised that there are so many residents unaware of the project and that a petition is being presented when so few residents have voiced any concerns about it. Mr. Labenberg stated that he has been opposed to the project since its conception and is concerned that the Green Future Fund money is being spent on one baseball field instead of all Borough parks.

E. Otto Slozer, 121 E Elm Street, stated that he has canvassed his neighborhood with petitions and that approximately 75-80% of the residents are opposed to the project and 50-75% of the residents have never heard of the project. He also stated that residents are disappointed because the Borough will dramatically change a public asset, improve it with public funds, and turn it over to a special interest group. He stated that information about the ballfield has not been conveyed to the public. He stated that there will be approximately \$30,000 left after expending \$300,000 of the Growing Greener Fund. He feels that the Borough should use the money to upgrade all of the parks. He urged Council to place the issue on a referendum. He stated that he does not agree with building a ballfield during tough economic times.

F. Scott Snyder, 392 Pine Street, stated that he was a part-time Borough police officer from 1998 until 2001 and became a Borough resident in 2005. He stated that he agrees with the previous personal appeals concerning the proposed Legion Ballfield and does not feel the Borough needs a premier baseball stadium. He suggests placing the item on a referendum. Mr. Labenberg asked if the Borough is able to put questions on a referendum. Mr. Neely stated that Council would need to devise a single question dealing with a single issue and it would be placed on either a primary ballot or a November ballot. Mr. Labenberg asked if there is a cost to place it on the ballot. Mr. Neely stated that he does not know.

COMMUNITY MINUTE

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Mr. Brown reminded that the KNBT Bank located next to Wentz Hardware will be sponsoring a free paper shredding event on June 26, 2010 from 9:00 a.m. until 1:00 p.m.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Reinhard to dispense with the formal reading of the June 7, 2010 Minutes. There were 7 ayes. Motion carried.

Mr. Barrett clarified that on page 91, letter D, Ms. Donches questioned whether the name was changed for the proposed Legion Baseball Field. Mr. Barrett stated that he explained that the field name has not changed.

Mr. Neely noted that on page 100, the Motion authorizing Solicitor Procyk to draft an Ordinance amending the Hazardous Tree Ordinance incorrectly reads “Motion by Dr. Waddell, seconded by Mr. Labenberg to authorize the Solicitor to draft an Ordinance amending the Hazardous Tree Ordinance authorizing the Shade Tree Commission to have jurisdiction over trees on private property,” and should read “to not have jurisdiction over trees on private property.”

Motion by Mr. Reinhard, seconded by Mr. Labenberg to adopt the June 7, 2010 Minutes as corrected. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Mary Paine, President, Pioneer Band of Allentown – Pavilion rental fee waiver request. Referred to the Parks and Recreation Committee.
- b. Harry Readbuck, Jr., Citizens’ Fire Company #2, Emmaus – Pavilion rental fee waiver request. Referred to the Parks and Recreation Committee.
- c. Joseph Csordas, 1067 N 7th St., Emmaus – Objection to Vault Social Club.
- d. Dr. Lisa Draper, Lower Macungie Township – Objection to Vault Social Club.
- e. Crystal Hoopes, 440 E. Main St., Emmaus – Objection to Vault Social Club.
Mr. Neely stated that he emailed Ms. Hoopes and advised her that the matter will be discussed at the Zoning Hearing Board Meeting on June 24, 2010.
- f. John Bockstantz, Emmaus – Objection to Vault Social Club.
- g. Dan Schmidt, 1242 Pennsylvania Ave., Emmaus – Objection to Vault Social Club.

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h. Lisa Fritz, Seven Generations Charter School – Request for crosswalk at Kline’s Lane and Main Street. Referred to the Public Safety Committee. Mrs. Gilbert noted that the Committee will meet on June 24, 2010 at 9:00 a.m.

i. Karen Buck, 623 Alden Drive, Emmaus – Annual block party street closure. Referred to Mayor Iobst.

j. Daniel DeLong, Upper Milford Township Manager – Southwestern Lehigh County Regional Planning Committee formation. Mrs. Gilbert asked if there is anyone on Council interested in serving on the Planning Committee. Mr. Holtzhafer responded that he would serve if the meetings do not conflict with his work schedule. Mr. Neely offered to attend the meetings.

k. Josephine Sadrovitz – Pavilion fee waiver request for CEPTA August 17, 2010 annual picnic. Referred to the Parks and Recreation Committee.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Ordinance No. 1072 – An Ordinance Amending Chapter 25, Section 105, An Ordinance Dealing with Hazardous Trees on Private Property and Public Areas.

Motion by Dr. Waddell, seconded by Mr. Reinhard to read Ordinance No. 1072 in short title. There were 7 ayes. Motion carried.

Dr. Waddell read Ordinance No. 1072 in short title.

Mr. Labenberg stated that he will be voting against the Ordinance because he does not feel that government should be involved with a person’s private property. Dr. Waddell clarified that if the tree is on an area of private property over which the Shade Tree Commission does not exercise jurisdiction, then pursuant to the revised Ordinance the Shade Tree Commission will be authorized to provide notice to the property owner that the tree is hazardous. Mr. Barrett asked if there should be an outline of the procedure that the Shade Tree Commission should follow if it is going to provide notice of a hazardous tree on private property. Solicitor Procyk responded that the Shade Tree Commission is only providing notice, not suggesting an outcome. Mr. Holtzhafer asked for clarification on the word “Director” in the Ordinance. Mr. Neely responded that it is defined in the definition section of the Shade Tree Ordinance as the Public Works Director.

Motion by Dr. Waddell, seconded by Mr. Barrett to adopt Ordinance No. 1072 – An Ordinance Amending Chapter 25, Section 105, An Ordinance Dealing with Hazardous Trees on Private Property and Public Areas on its 1st Reading. Roll Call Vote: Mr. Brown, aye, Mr. Reinhard, aye, Dr. Waddell, aye, Mr. Barrett, aye, Mr. Holtzhafer, aye, Mr. Labenberg, no, Mrs. Gilbert, aye. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

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Progress.

UNFINISHED BUSINESS, PART I - None.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

Ordinance No. 1071 – An Ordinance Amending Chapter 18, Section 101 of the Codified Ordinances Dealing with Lateral Sewer System Maintenance Responsibilities. (1st Reading 6/7/2010) (2nd Reading 7/6/2010).

ITEMS NOT ON AGENDA, subject to Rule 9

Motion by Dr. Waddell, seconded by Mr. Brown to allow Mr. Reinhard to bring forth an item. There were 7 ayes. Motion carried.

Mr. Reinhard stated on May 17, 2010 he received a copy of the Business Process Review Report and Employee Handbook prepared by the Davison Group. He recommended that both items be reviewed at the committee level.

Mrs. Gilbert referred it to the General Administration Committee.

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg publicly apologized to Zoning Officer Farnsworth for statements that he made at the June 7, 2010 Council Meeting.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee met on June 10, 2010. He reported that a member of the Environmental Advisory Council was not able to attend the meeting and that he will attend the EAC Meeting on June 28, 2010 at 7:00 p.m. to discuss a possible recycling event. He also reported that the Committee recommends using the Borough's auto-dialing system to inform Borough residents of the changes taking place to the refuse and recycling system that will become effective on July 1, 2010. Mr. Reinhard asked if Town Hall has recycling stickers available for residents to place on their recycling containers. Mr. Neely responded that there are stickers available at Town Hall and that there is a two-page Newsletter that will be delivered late in the month explaining the changes. Mr. Barrett

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suggested using the auto-dialing system for the first several days of the refuse change to notify residents of the changes.

Mr. Reinhard reported that the Committee discussed performing energy audits at other buildings owned by the Borough, particularly the Emmaus Public Library. During the discussion a question arose as to who owns the Emmaus Public Library building. The Committee suggested contacting Grey Connective to perform an energy audit at the Library.

Progress.

c. Parks and Recreation Committee

Mr. Barrett stated that the Committee noted a change to the previous request from the Emmaus Main Street Program for a 20' x 40' tent to be placed on the Triangle for its July 2 and August 7 events. Teryl Madison, Executive Director of the Main Street Program, stated that the Program is asking permission to place a 16' x 16' tent on the Triangle on Friday, July 2, 2010. She stated that the purpose of the tent is to provide shade for the performers. She also stated that Mr. Clapper recommended using two 10'x10' or 12' x 12' tents and placing them side by side. Ms. Madison stated that one tent would be more attractive than two tents and the tent would only be on the Triangle for one day. Mr. Labenberg asked if Mr. Clapper is aware of the possibility of using one tent. Ms. Madison responded that she received the information today and he is not aware of it. Mr. Holtzhafer stated that he would recommend using a 16' x 16' tent but feels Mr. Clapper should approve the use. Mr. Neely recommended that it be referred to Staff.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to approve the Emmaus Main Street Program's use of a 16' x 16' tent on the Triangle on Friday, July 2, with the condition that the use of the tent needs to be approved by Staff. There were 7 ayes. Motion carried.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee recommends hiring Frederick J. Bainhauer, III as an Auxiliary Park Police Officer.

Motion by Mr. Barrett, seconded by Mr. Brown to hire Frederick J. Bainhauer, III as an Auxiliary Park Police Officer. There were 7 ayes. Motion carried.

Mrs. Gilbert reported that the Committee will meet Thursday, June 24, 2010 at 9:00 a.m.

Mr. Labenberg questioned if there is supposed to be a stop or yield sign at Laura Drive going north at Lawrence Street. Mrs. Gilbert referred it to Staff.

Progress.

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e. General Administration Committee

Dr. Waddell reported that the Committee met on June 16, 2010 and discussed the appointment of Frank and Josephine Sadrovitz, and Cynthia Gibson to the Special Entertainment Commission for terms to expire on 6/7/2013.

Motion by Dr. Waddell, seconded by Mr. Barrett to appoint Frank Sadrovitz, Josephine Sadrovitz, and Cynthia Gibson to the Special Entertainment Commission for terms expiring on 6/7/2013. There were 7 ayes. Motion carried.

He reported that the next Committee Meeting is July 14, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Reinhard read Resolution 2010-19, authorizing payment of the June 21, 2010 Bill List, as follows:

Bill List	\$	201,354.56
Payroll #12	\$	136,832.53
Payroll Taxes	\$	44,306.73
Total	\$	382,493.82

Done this 21st day of June, 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the June 21, 2010 Bill List. There were 7 ayes. Motion carried.

Mr. Holzhafer reported that the Committee received a request from the Friends of the 1803 House seeking \$525.00 to cover costs incurred for the replacement of its 30 year old alarm system panel. He noted that historically there was a line item of \$500.00 for each of the three historic properties. The \$1,500 was moved into the Civic and Military Celebrations line item for flexibility purposes. The Budget and Finance Committee is recommending by a 3-0 vote for Council to approve the Friends of 1803 House request. Mr. Labenberg asked for the history on maintenance of the historic properties in the Borough. Mr. Neely stated that maintenance is variable depending on the type of maintenance required and the historic property involved. He also stated that there is no formal agreement between the Borough and the Friends of the 1803 House for maintenance. Mr. Labenberg responded that he will support the motion but feels that an agreement should be discussed at the committee level. Mrs. Gilbert agreed with Mr. Labenberg and noted that the matter will be placed on the General Administration Committee Agenda.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg authorizing the \$525.00 request from the Friends of the 1803 House to cover costs incurred by the replacement of its alarm system panel. There were 7 ayes. Motion carried.

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Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that he attended a meeting with Virginia Savage, Manager of Main Street Initiatives, Lehigh County, and a representative of Lanta Metro on June 9, 2010 at 10:00 a.m. He reported that Lanta is considering making Emmaus an intermodal destination and placing two buses that would be used as connecting buses for transport in the southwest part of the County. He also reported that Lanta has capital improvement funds that could be used contingent on the Parking Deck Feasibility Study. Dr. Waddell stated that Lanta is reevaluating bus stops in the Borough. Mr. Barrett asked if Lanta is studying other communities or just the Borough. Mr. Brown responded that Emmaus is the southern corridor and last stop for their routes and is unsure if other communities are being studied.

The next Committee Meeting is June 23, 2010 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E Elm Street – asked what the Borough is paid for Aqua Duck’s water usage. Mr. Neely responded that the Borough receives \$4.00 per one thousand gallons. He voiced concern about Aqua Duck paying on the honor system. Mr. Slozer encouraged Council to look at all of the Borough parks and use the \$300,000 from the Green Future Fund for upgrading all of the parks.

B. Lynn Donches, 559 Minor Street – stated that she does not feel that the Borough needs to add additional fields. She also encouraged the use of the auto-dialing system to announce issues at Council Meetings. Mr. Labenberg responded that the Borough was required to install the system for water emergencies and has a limit on how many calls can be made. Ms. Donches stated that there is a need for a crosswalk at Kline’s Lane to the Emmaus Public Library.

C. John Donches, 559 Minor Street – released his phone number as a contact for comments and concerns about the proposed Legion Baseball field and encouraged residents to contact him. Mr. Donches stated that he was unaware of Mr. Labenberg’s position on the ballfield. Mr. Barrett responded that all Council Meetings are available for viewing on the Borough website and the Minutes from each meeting are posted on the website. Dr. Waddell commended Mr. Donches for obtaining the petitions but stated that there are inaccuracies in the petition. Mr. Barrett clarified misconceptions regarding the project and stated that Council will develop a fact sheet on the project that will be available on the Borough’s website and at Town Hall. Mr. Holtzhafer asked if Mr. Donches will provide the petition to

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the East Penn School Board on Monday night. Mr. Donches stated that he will. Mr. Neely commented that his door is always open to the public for any comments or concerns.

D. Linda Hamilton, West Broad Street – voiced concerns about the proposed Legion Baseball field.

E. Jack Stover, 537 Chestnut Street – strongly encouraged Council to intervene in the Zoning Hearing Board Meeting on June 24, 2010 at 7:30 p.m. to object to the Vault Social Club.

F. Frank Sadrovitz, 130 N 4th Street – voiced concerns about the proposed Legion Baseball field. He commented that the lights are being turned on at the baseball fields when it is light outside.

BOROUGH MANAGER'S REPORT

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

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 8:50 p.m. for an Executive Session.

Mrs. Gilbert reconvened the meeting at 9:50 p.m. after an Executive Session with one item needing action.

Motion by Dr. Waddell, seconded by Mr. Labenberg to authorize the Borough Manager to attend the June 24, 2010 meeting of the Emmaus Zoning Hearing Board to object to the Vault Social Club's request for relief in regards to its application to operate a private social club at 302 Main Street, Emmaus, PA. The motion authorizes the Borough Manager to advise the Zoning Hearing Board that the Borough Council objects to the application on the grounds that the use does not satisfy the requirements of Zoning Ordinance Section 105.2 and 118(3)(d) and that the use does not meet the definition of "Membership Club" as defined in the Zoning Ordinance and that the use as proposed is not in the best interest of the health, safety, and welfare of the community. The motion further authorizes the Borough Manager to advise the Zoning Hearing Board of the decision of the Emmaus Planning Commission dated June 10, 2010, in which it recommended to the Zoning Hearing Board that it deny the Vault Social Club's application and for the Borough Manger to advise the Zoning Hearing Board of the reasons for the Planning Commission's decision. There were 7 ayes. Motion carried.

Mrs. Gilbert advised Mr. Neely that he would be attending the June 24, 2010 Zoning Hearing Board Meeting on behalf of Borough Council.

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

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The Meeting of the Emmaus Borough Council adjourned at 9:51 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
June 23, 2010

DRAFT