

July 6, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Tuesday, July 6, 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 21, 2010
7. Decisions on Bids
8. Communications
 - a. Heather Deschenes, 850 Frank Drive – Letter of interest to serve on the Emmaus Environmental Advisory Council.
 - b. Thomas Seidenberger, Superintendent of East Penn School District, 800 Pine Street, Emmaus – School Board Approval of Agreement and Leases for Legion Field Reconstruction Project.
 - c. Kevin Haldeman, East Penn Emmaus Midget Football Association – Field Use Concerns.
 - d. Shelly Steiner, 1104 W. Jubilee St. – Interest in Special Entertainment Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 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).**
12. New Business
13. Unfinished Business, Part II

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- 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) (2nd Reading 7/19/10).
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 – August 5, 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 – August 3, 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 – July 8, 2010 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

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- e. **Fire Department—Appointment of Charles Chiaverelli as a Driver for Truck No. 751.**
- f. **Ambulance Corps—Appointment of Andrew Kelhart as a Part-time EMT.**

General Administration (Waddell, Barrett, Labenberg)

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

- a. Emmaus Arts Commission
- b. Shade Tree--Tree Fund
- c. Ordinance No. 1072 – Hazardous Trees (2nd Reading 7/19/10).

General Administration (continued)

- d. Clerical Staff Petition to Unionize
- e. Drug and Alcohol Policy
- f. Special Event Signs Ordinance

Budget and Finance (Holtzhafer, Reinhard, Gilbert)

Next Meeting – July 19, 2010 at 6:45 p.m.

- a. **Bill List – Resolution 2010 – 20**
- b. Per Capita Tax Ordinance
- c. Act 44 Election
- d. Emmaus Police Officers' Association – Contract Negotiations

Community Relations/Development (Brown, Reinhard, Waddell)

Next Meeting – July 28, 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 June 2010**

19. President's Business

a. **Executive Session – Collective Bargaining Issue**

20. Adjournment

Next Resolution #21
Next Ordinance #1073

The Emmaus Borough Council met in regular session on July 6, 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	Absent
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present, arrived at 7:07 p.m.
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Absent
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS, PART I

A. John Donches, 559 Minor St., presented petitions signed by Borough residents opposing the reconstruction of the Legion Baseball Field. He voiced concern about parking during Pavilion use and band concerts. He stated that placing a fence around the field limits general community use. He believes that maintenance of the field will be costly.

B. Debra Dubs, 106 S. 12th St., stated that she is opposed to the proposed Legion Baseball Field. She stated that she doesn't feel the revenue generated by the field will offset the expense of maintaining it. She also stated that the lights are left on at the fields after the games are over and it is a waste of electricity.

C. Eric Focht, 652 Minor St., stated that he is the head coach of the Emmaus Legion Baseball Team, the Pool Manager at the Emmaus Community Pool, and has worked for the Public Works Department at Community Park for the past seven years. He stated that he is in favor of the proposed Legion Baseball Field and feels that it will greatly benefit the youth.

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He does not believe that the field will cause parking problems. He commented that the lights are turned off at the fields after the baseball games are over.

D. Giovanni Landi, 869 Frank Drive, stated that the only information he has been able to obtain on the proposed baseball field is through hearsay. He questioned whether a business plan has been completed. He also questioned whether a parking study, a traffic study, and an environmental impact study have been completed. He asked what the impact will be on pavilion rentals and special events, such as summer concerts. He asked if there will be additional burdens on police officers or borough public works employees. He also asked how much the project will cost taxpayers. He stated that he has not spoken to any Borough residents who are in favor of the project.

E. Joe Mastroianni, 2361 South Pewter Drive, Macungie, PA, commended Councilman Wes Barrett and Borough Manager Craig Neely for pursuing the partnership with the East Penn School District on the proposed ballfield. He noted that 70% of the elected officials from the East Penn School Board and Borough Council are in favor of the ballfield.

F. Renea Flexer, 216 N. 5th St., stated that she supports the proposed baseball field and questioned whether the individuals signing the petition were fully informed. She also stated that a field upgrade will help with drainage problems. She supports installing a grass infield.

G. Bob Stenroos, 1243 W. Jubilee St., is concerned about a fence being installed around the field. He also asked why the proposed baseball field was not placed on a referendum. He lives behind Community Park and parking is a concern at certain times. He asked if the Emmaus Youth Association is aware of the baseball field. Mr. Barrett responded that the EYA is in support of it.

H. Joe Deddo, 163 S. 15th St., stated that he lives next to the park and his wife's grandfather sold the Park to the Borough. He stated that he feels placing a ballfield at the Park will change the character of Community Park. He noted concerns about safety and vandalism at the Park and does not feel that there is enough security at the Park. He stated that he does not oppose the ballfield but is concerned about lighting and security.

I. Don Frazier, 4989 Celia Drive, Lower Macungie Township, stated that the proposed ballfield will benefit the entire East Penn School District. He noted that the improvements needed to be made are relatively minor compared to other locations and commended Borough Council for seeking a regional cooperative effort.

J. Keith Dass, 106 S. 12th St., stated that the personal appeals from Lower Macungie Township residents should not be considered. He is opposed to the project.

K. Michael Barndt, 1133 W Broad St., stated that he is opposed to the proposed ballfield and has noticed the lights lit at the Park until 11:00 p.m.

L. Julian Stolz, 4630 Mill Road, Emmaus, PA, commended the Donches' for their efforts. He voiced concern about spending money for the proposed ballfield during the current economic climate. He stated that Council should represent the residents of the community and vote against the ballfield.

M. Otto Slozer, 121 E. Elm St., noted that on Wednesday, June 30, 2010, there was limited parking at the Community Park and is concerned that there will not be adequate parking if the ballfield is built. He asked Council if a traffic study has been done. He noted that \$100,000 of the funds allotted for the ballfield is borrowed. He stated that the proposed ballfield will impact the community and asked if Council has studied the impact on the Emmaus Community Pool and pavilion rentals. He voiced concern that the maintenance of the ballfield will place an additional burden on taxpayers. He stated that the \$300,000 from the Growing Greener Fund should be used to fix all of the parks, not to build a ballfield.

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Motion by Mr. Barrett, seconded by Mr. Reinhard to extend Mr. Slozer's personal appeal time an additional five minutes. There were 6 ayes. Motion carried.

Mr. Slozer urged Council to fully study all of the impacts of the project and questioned why there was no public hearing for the project.

N. Nancy Hill, 119 S. 6th St., thanked Council for its concern about the proposed ballfield project. She voiced concern about using the Growing Greener Fund for the ballfield project. She asked if other fields in the area are owned by communities. Mr. Holtzhafer responded that it depends on the individual community. She stated that she hopes that Council and the Borough will consider the negative and positive opinions about the ballfield.

O. John Hinkle, 4351 Hillary Drive, Emmaus, PA, voiced opposition to the proposed ballfield. He encouraged Council to cut spending.

P. Lynn Donches, 559 Minor Street, asked for clarification about funding for the proposed Legion Ballfield. Mr. Barrett responded that if not all of the funds are available the project will not be completed.

Q. Mike Policano, 1813 Alexander Drive, Lower Macungie Township, stated that he is a member of the East Penn School Board and voted against the proposed ballfield. He reminded Council to consider the repercussions that may occur if the ballfield is built.

R. Fred Boenig, 117 S 6th St., asked how much the maintenance costs will increase if the ballfield is built. Mr. Neely responded that the Borough will provide the same level of service and maintenance to the ballfield as it currently does. Extra maintenance will be provided by the East Penn School District.

S. Linda Hamilton, W. Broad St., voiced her opposition to the proposed Legion Baseball Field and asked that something be done for girls who play sports.

T. John Eyer, 331 N. 2nd St., responded to the previous personal appeal and stated that the Emmaus Youth Association is in favor of the proposed ballfield, which includes upgrades to the girl's softball fields. He stated that the boys and girls teams currently do not play in Emmaus, and all transportation costs are paid by taxpayers.

U. Todd Kurtz, 119 E. Elm St., voiced opposition to spending \$750,000 on the ballfield and questioned whether the project could be accomplished in smaller increments.

V. Shelly Steiner, 1104 W. Jubilee St., stated that she and her family are in favor of the proposed ballfield. She feels that residents are not aware of the sporting events that are taking place in the community.

Mr. Labenberg thanked the residents for attending the Council Meeting. He stated that he voted against the proposed Legion Ballfield. He also stated that there has not been a lack of communication to the residents about the ballfield but does feel that there should have been a public meeting to present the information to the residents. He stated that the Growing Greener Fund should be used for all of the parks, not just one park. He stated that he is in favor of improving the field, and adding a grass infield but voiced concern about spending \$750,000.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

Motion by Mr. Brown, seconded by Mr. Holtzhafer to dispense with the formal reading of the June 21, 2010 Minutes. There were 6 ayes. Motion carried.

Mrs. Gilbert noted that Mr. Reinhard's name was omitted from the June 7 and June 21 Call to Order section of the Minutes.

Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt the June 21, 2010 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Heather Deschenes, 850 Frank Drive – Letter of interest to serve on the Emmaus Environmental Advisory Council. Referred to the Health, Sanitation, and Conservation Committee.

b. Thomas Seidenberger, Superintendent of East Penn School District, 800 Pine Street, Emmaus – School Board Approval of Agreement and Leases for Legion Field Reconstruction Project. Mr. Neely stated that at the June 28, 2010 meeting of the East Penn Board of School Directors, the Board approved the Agreement for the Emmaus Legion Baseball Field Reconstruction Partnership with the Borough of Emmaus at Community Park. Mr. Neely reported that he has not received the approved leases yet. Once received they will be presented to Council for a motion to approve signing the documents.

c. Kevin Haldeman, East Penn Midget Football Association – Field Use Concerns. Referred to the Parks and Recreation Committee. Mr. Barrett reported that the Parks and Recreation Committee discussed the matter at its meeting and will address the matter with Dr. Seidenberger, Superintendent of the East Penn School District.

d. John D. Lovis, CC Refugee Resettlement Services Volunteer – Request for Borough assistance for refugee family at 652 Furnace Street. Referred to the Budget and Finance Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

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).

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Motion by Mr. Reinhard, seconded by Mr. Brown to read Ordinance No. 1071 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1071 in short title.

Mr. Reinhard stated that the reason for the Ordinance is because there was a property on Elm Street where the lateral was involved in a blockage and there is a need to clarify who is responsible for maintaining the lateral.

Motion by Mr. Reinhard, seconded Mr. Labenberg to adopt Ordinance No. 1071 - An Ordinance Amending Chapter 18, Section 101 of the Codified Ordinances Dealing with Lateral Sewer System Maintenance Responsibilities on its 2nd reading. Roll Call Vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

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) (2nd Reading 7/19/10).

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

MAYOR'S REPORT - None.

COMMITTEE REPORTS

a. Public Works Committee

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that he attended an Environmental Advisory Council Meeting on June 21, 2010, at which it discussed holding a recycling event.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee recommends granting a fee waiver request to the Concerned East Penn Taxpayers Association for Tuesday, August 17, 2010.

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Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant a pavilion fee waiver to the Concerned East Penn Taxpayers Association's annual picnic on August 17, 2010. There were 6 ayes. Motion carried.

Mr. Barrett also reported that the Committee received a letter from Citizen's Fire Company #2 requesting a pavilion fee waiver for ARC of the Lehigh Valley for the Moser Pavilion on July 29, 2010.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant a pavilion fee waiver to Fire Company No. 2 and ARC of the Lehigh Valley for the Moser Pavilion on July 29, 2010. There were 6 ayes. Motion carried.

Mr. Labenberg clarified that historically fee waivers are granted to organizations that are affiliated with the Borough and when the events are held during the week.

Mr. Barrett reported that the Committee recommends denying a fee waiver request from the Allentown Pioneer Band.

Mr. Labenberg explained that the Committee voted to deny the fee waiver request because it was for a weekend and it is an organization from outside of the Borough.

Progress.

d. Public Safety Committee

Mrs. Gilbert entertained questions about the Public Safety Committee Report.

Mr. Labenberg asked if the Seven Generations Charter School was notified about the Committee's decision about the crosswalk request at Klines Lane and Main Street. Mrs. Gilbert responded that Mr. Neely drafted a letter dated June 29, 2010, notifying the school of the Committee's decision. He also asked for clarification on the Snow Emergency Ordinance. Mrs. Gilbert stated that the Snow Emergency Ordinance will remain as written. Mr. Labenberg asked Mrs. Gilbert if there will be a Stop Sign or Yield Sign placed at the T-intersection of Laura Lane and Lawrence Drive. Mrs. Gilbert responded that the Committee did not suggest a change at this time. Mrs. Gilbert stated that the item will remain on the Committee Agenda.

Motion by Mr. Brown, seconded by Mr. Barrett to appoint Charles Chiaverelli as a driver of Truck #751 for the Emmaus Fire Department. There were 6 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to appoint Andrew Kelhart as a Part-Time EMT for the Emmaus Ambulance Corps. There were 6 ayes. Motion carried.

Progress.

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e. General Administration Committee

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

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2010-20, authorizing payment of the July 6, 2010 Bill List, as follows:

Bill List	\$ 87,318.73
Payroll #13	\$ 117,221.46
Payroll Taxes	\$ <u>36,933.70</u>
Total	\$ 241,473.89

Done this 6th day of July, 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the July 6, 2010 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee discussed holding two special meetings with full Council to meet with Department Heads for the 2011 Budget. The Committee chose Wednesday, August 25 and September 15, 2010 at 7:00 p.m. Mr. Holtzhafer advised Mr. Neely to advertise the meetings.

Progress.

g. Community Relations, Planning and Development Committee

The next Committee Meeting is July 28, 2010 at 4:15 p.m.

Mr. Labenberg stated that he hopes that the Existing Conditions Study that Langan Engineering completed in regards to the Parking Deck Feasibility Study is made available to Council. Mr. Neely responded that anyone who wishes to review a copy should let him know.

Progress.

h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer stated that a Committee meeting will be scheduled shortly.

Progress.

PERSONAL APPEALS, PART II

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- A. Giovanni Landi, 869 Frank Drive** – asked if the Green Future Fund of \$300,000 is designated for the Borough of Emmaus or if it is designated specifically as a match for the proposed Legion Baseball Field. Mr. Neely explained that Lehigh County has a specific amount that it allocates based upon the population of the municipality versus the population of Lehigh County. The Borough was allocated approximately \$550,000 and submitted to the County an application for \$300,000 for the baseball field project. Mr. Landi asked if the money could have been spent on other projects. Mr. Neely responded that the program is a matching grant program and the only reason the Borough would be receiving the \$300,000 is because the East Penn School District is spending \$300,000. Mr. Barrett responded that the Green Future Fund money expires in 2012 and can not be spread out over a long time period. Mr. Labenberg stated that the Green Future Fund was also used towards the Triangle Project and the South Mountain Walking Trail. Mr. Neely also advised that \$15,000 was used for the Kiwanis Playground across from the Emmaus Public Library. Mr. Landi asked if Mr. Neely would make the information available to him. Mr. Neely assured him that he would.
- B. Joe Mastroianni, 2361 South Pewter Drive, Macungie, PA**, stated that although he is not a Borough resident, he is in full support of the proposed ballfield.
- C. John Donches, 559 Minor Street**, asked whether the Green Future Fund money could be allocated differently. He commented that he does not feel that his petition was misleading.
- D. Jenae Holtzhafer, 1207 S. 10th St.**, thanked Council Members for their time and effort.
- E. Joe Deddo, 163 S. 15th St.**, commented that changing the field to meet PIAA standards is not as simple as some people think.
- F. Lynn Donches, 559 Minor St.**, urged residents to attend the Council Meeting on July 19, 2010 and the East Penn School Board Meeting on August 9, 2010. She believes that there needs to be better communication between the Borough and the residents.
- G. Otto Slozer, 121 E. Elm St.**, urged Council to have proper studies completed before proceeding with the proposed project.
- H. Mike Policano, 1813 Alexander Dr., Lower Macungie Township**, voiced concerns about the proposed ballfield project.

BOROUGH MANAGER'S REPORT

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

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 9:55 p.m. for an Executive Session.

Mrs. Gilbert reconvened the meeting at 10:14 p.m. after an Executive Session with no

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action needed.

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 10:14 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
July 9, 2010

DRAFT