

August 15, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, August 15, 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

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7. Decisions on Bids
8. Communications
  - a. Wesley Barrett, Race Director – Request to conduct the annual KNBT Halloween in Emmaus 5K Race.
  - b. Craig Poland, Boy Scouts of America Minsi Trails Council – Recognition of Jason Kleckner.
  - c. Alan Hawman, Friends of the 1803 House – Requests for Fall Festival and Halloween/Fall Crafts event.
  - d. Cynthia Gibson, 230 Ridge St. – Letter of resignation from the Emmaus Special Entertainment Commission (term expires 6/7/2013).
  - e. Kenneth Richmond, Holland, PA – Parks and recreation areas ordinance.
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

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15. Mayor's Report

16. Committee Reports

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

Next Meeting – September 1, 2011 at 3:00 p.m.

- a. I & I Elimination Report
- b. Wieders Lane Status
- c. Broad Street Reconstruction
- d. EPA Water Testing Requirements

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

Next Meeting – September 8, 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 – September 6, 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

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

Next Meeting – September 8, 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 – August 24, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. Temporary Use Ordinance
- e. **Volunteer Application Form**

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

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

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

- a. **Bill List – Resolution 2011-23**
- b. Emergency Management Coordinator Compensation

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

Next Meeting – August 25, 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

**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 August 2011**

19. President's Business

Executive Session

20. Adjournment

Next Resolution #24  
Next Ordinance #1081

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## EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on August 15, 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	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. Giovanni Landi, 869 Frank Drive, Emmaus** – stated that he completed a Borough Right-to-Know form, requesting a copy of a memorandum Mr. Neely prepared, dated July 21, 2011, entitled, “Budgetary Philosophical Observation.” He also stated that through the opinion of Solicitor Procyk, the request was denied and asked Borough Council to make a motion to release the memorandum. No Council Member made such a Motion.

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to extend Mr. Landi’s Personal Appeal time by five minutes. There were 2 ayes, 5 opposed (Brown, Waddell, Holtzhafer, Barrett, Gilbert). Motion failed.**

Mr. Labenberg stated that Council never discussed the memo and it was not referred to a committee for review, so the matter is not being considered. He asked Solicitor Procyk if there would be repercussions if a Council Member released it. Solicitor Procyk responded that it may be a moral issue, but not a legal one. Solicitor Procyk stated for the record that the internal memorandum issued by Mr. Neely is not within the definition of a public record under the Right-to-Know Law. Mr. Reinhard asked what part of the definition is not met. Solicitor Procyk stated that, by definition, the memorandum does not document a transaction or activity of the Borough and was not created or retained pursuant to the law in connection with a transaction, business activity, or other activity of the Borough.

**B. John Donches, 559 Minor Street, Emmaus** – believes that the memorandum drafted by Mr. Neely should be available to the public.

**C. Otto Slozer, 121 E. Elm Street, Emmaus** – thanked Mr. Reinhard for providing information about recycling household hazardous waste and batteries. He stated that the

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memorandum drafted by Mr. Neely should be available to the public and encouraged Mr. Landi and Mr. Donches to appeal the decision.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Dr. Waddell, seconded by Mr. Labenberg to dispense with the formal reading of the August 1, 2011 Minutes. There were 7 ayes. Motion carried.**

**Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt the August 1, 2011 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

### COMMUNICATIONS

- a. Wesley Barrett, Race Director – Request to conduct the annual KNBT Halloween in Emmaus 5K Race. Referred to Staff.
- b. Craig Poland, Boy Scouts of America Minsi Trail Council – Recognition of Jason Kleckner for help at Boy Scout Camp.
- c. Alan Hawman, Friends of the 1803 House – Requests for Fall Festival and Halloween/Fall Crafts event.

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to grant the request of the Friends of the 1803 House to hold Merrie Halloween on Saturday, October 1, 2011 from 11:00 a.m. to 3:00 p.m., at the 1803 House Grounds. There were 7 ayes. Motion carried.**

Mr. Barrett asked if it is an annual event. Mrs. Gilbert responded that it replaces Memory Day, which was held in previous years.

- d. Cynthia Gibson, 230 Ridge St. – Letter of resignation from the Emmaus Special Entertainment Commission (term expires 6/7/2013).

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant Ms. Gibson's letter of resignation from the Emmaus Special Entertainment Commission. There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Neely to draft a letter of thanks to Ms. Gibson.

- e. Kenneth Richmond, Holland, PA – Parks and recreation areas ordinance. Mrs. Gilbert referred the item to Solicitor Procyk.
- f. Teri Madison, Emmaus Main Street Partners – Lehigh County 200th Anniversary Celebration.

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g. Emmaus Action Sports – Street to Crete Skate Jam, September 25, 2011 from 12:00 to 5:00 p.m. Referred to the Parks and Recreation Committee.

h. Katie Zychal, 610 Chestnut Street – Permission for Moon Bounce at Lions Pavilion at Emmaus Community Park on August 27, 2011. Mr. Barrett stated that historically requests for Moon Bounces have been denied. He will vote against the motion. Mr. Holtzhafer voiced concern about liability insurance. Mr. Reinhard stated that he will vote against the motion because there is no proof of insurance coverage.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant permission to Ms. Zychal to use a Moon Bounce near the Lions Pavilion at Emmaus Community Park on August 27, 2011.**

Mr. Labenberg amended his motion to require proof of insurance coverage. Mr. Holtzhafer amended his second.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to grant permission to Ms. Zichel to use a Moon Bounce near the Lions Pavilion at Emmaus Community Park on August 27, 2011 contingent on proof of liability insurance. There were 4 ayes, 3 opposed (Brown, Reinhard, Barrett). Motion carried.**

Mr. Barrett stated that the Parks and Recreation Committee will place Moon Bounces on the Agenda for its next meeting.

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

Mayor Iobst reported that the block party for Furnace Street and the Serensits block party on Spruce Street have been approved.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on Thursday, August 4 at 3:00 p.m.

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Mr. Labenberg reported that the Broad Street Reconstruction Project is nearly complete and will be completed under budget.

Mr. Labenberg also reported that the Committee held an Executive Session to address a Parks and Recreation issue regarding possible litigation.

Dr. Waddell asked for an update on the trees on the right side of Broad Street near 10<sup>th</sup> Street. Mr. Labenberg responded that Council approved the land development plans, including the replacement of the trees, but is unsure when it will occur. Dr. Waddell directed Mr. Neely to research when the construction will begin.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that Mr. Holtzhafer has a contact in the hazardous waste industry whom he will contact for more information on the topic.

Mr. Reinhard also reported that Lower Macungie and Lehigh County approved the Composting Equipment Agreement. The Agreement is now with DEP.

Mr. Reinhard reported that two representatives from Raritan Valley attended the August 11, 2011 Committee Meeting to discuss automated refuse pick up. Raritan Valley will provide more information on options for automated pick-up for densely populated areas in the Borough. Mr. Reinhard stated that the Committee discussed automation for recycling and refuse pick-up. He stated that there are two tote sizes available, 96 gallon and 64 gallon. Raritan Valley suggested a trial period to see if the idea is feasible. Mr. Labenberg stated that the automated process is noisy. He does not support the idea. Mr. Barrett asked who would provide the totes. Mr. Reinhard responded that the matter is under discussion. Mr. Reinhard also reported that Raritan Valley discussed a once per week refuse pick-up schedule. Mr. Labenberg commented that the savings between a once per week pick-up and twice per week pick up is minimal. Mr. Neely explained how there are possible cost savings with a once per week pick-up. Dr. Waddell thanked the Raritan Valley representatives for attending the Committee Meeting.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on September 6, 2011.

Dr. Waddell thanked Mr. Barrett for the success of the Summer Parks Program. Mr. Barrett thanked the camp counselors and staff for the success of the Program. Mr. Neely thanked this year's and prior years' camp counselors.

Progress.

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d. Public Safety Committee

Mrs. Gilbert reported that the Committee recommends advertising to fill the vacant Downtown Police Officer position.

**Motion by Mr. Brown, seconded by Mr. Barrett to advertise the vacant Downtown Police Officer position. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that Mr. Clapper advised that he received notice from Penndot that it will be applying a treatment to South 10<sup>th</sup> Street and Pennsylvania Avenue around Labor Day. The contractor may be doing work at night. Mr. Neely will contact Penndot to determine when the work will be performed.

Mrs. Gilbert reported that the new aerial truck is scheduled to arrive in October.

Mrs. Gilbert reported that the Committee discussed a tornado warning system for the Borough. The Committee believes that personal technology has proven to be an effective tool for warning about tornadoes and does not see a need to develop a specialized system.

Mrs. Gilbert reported that the Committee discussed tractor-trailer parking and will render a decision shortly.

Mrs. Gilbert reported that a message will be prepared for the Borough website advising residents about how cautious they should be with door-to-door solicitation.

The next Meeting is scheduled for September 8, 2011 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell thanked Reds Bailey for representing the Shade Tree Commission at the last Committee Meeting.

Dr. Waddell reported that the Committee recommends approving the Emmaus Board and Commission Information Sheet. Mr. Labenberg stated that he will vote against it because he believes that the form is unnecessary.

**Motion by Dr. Waddell, seconded by Mr. Barrett to approve the Emmaus Board and Commission Information Sheet. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

The next Meeting is scheduled for August 24, 2011 at 9:00 a.m.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 23, authorizing payment of the August 15, 2011 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>256,343.65</b>
<b>Payroll #16</b>	<b>\$</b>	<b>143,284.63</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>45,291.89</u></b>
<b>Total</b>	<b>\$</b>	<b>444,920.17</b>

Done this 15th day of August 2011.

**Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the August 15, 2011 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reminded that there will be a meeting with department heads on August 31, 2011 at 7:00 p.m. to discuss plans for the 2012 Budget. He stated that there will be 20 minute time slots set aside for each department head to review their budget needs.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the next Meeting is scheduled for August 25, 2011 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

**A. Josephine Sadrovitz, 130 N. Fourth Street, Emmaus** – asked for the status of the condemned property located at 56 S. Cherry Street. Mr. Neely responded that the Zoning Officer and Mayor notified the owner that the property is and has been posted as condemned.

**B. Frank Sadrovitz, 130 N. Fourth Street, Emmaus** – voiced concern about the amount of noise from the 3<sup>rd</sup> Annual Punk Rock Reunion held at Community Park on August 6, 2011. He asked if there is a Borough Ordinance concerning smoking at the Arts Pavilion. Mr. Neely responded that there is not.

**C. Giovanni Landi, 869 Frank Drive, Emmaus** – stated that he made his request for Mr. Neely's memorandum because he is interested in topics that involve government funding and property taxes. He also stated that he attended tonight's meeting to

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appeal to Council to make a motion about releasing the memorandum, not as a staged event. Mr. Neely responded that the memorandum was not released to the press and there was no discussion with Council concerning the memorandum.

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to extend Mr. Landi's Personal Appeal time by five minutes. There were 2 ayes, 5 opposed (Brown, Waddell, Holtzhafer, Gilbert, Barrett). Motion failed.**

**D. John Donches, 559 Minor Street, Emmaus** – voiced opposition to the proposed Legion Baseball Field Reconstruction Project and believes that the funds from the Project should be allocated to the Emmaus Police Department for equipment upgrades.

**E. Jim Woodeshick, 108 Seem Street, Emmaus** – voiced concern about recent accidents with moon bounces and asked if the Borough conducts inspections on them. Commenting on the Raritan Valley discussion, he stated that 55 gallon trash drums are heavy when they are full.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the first half of August are in the Council binders and offered to entertain questions about it.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the Meeting at 8:20 p.m. for an Executive Session to discuss a personnel matter and a potential litigation issue, with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:06 p.m. with no official action being taken.

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

The August 15, 2011 Meeting of the Emmaus Borough Council adjourned at 9:10 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
August 16, 2011