

October 18, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, October 18, 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

October 4, 2010

7. Decisions on Bids
8. Communications
  - a. Thomas Seidenberger, East Penn School District Superintendent – Fee waiver request for Homecoming Bonfire.
  - b. Roger Steinmayr, 210 N. 1<sup>st</sup> St., Emmaus – Request to be reappointed to the Emmaus Zoning Hearing Board (Term expires 1/1/2011).
  - c. John Stover, Jr., 537 Chestnut St., Emmaus – Request to be reappointed to the Emmaus Vacancy Board (Term expires 1/4/2011).
  - d. Rochelle Romeo, Director of Run Lehigh Valley – Request to hold 5K run in Emmaus on November 21, 2010.
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
15. Mayor's Report

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16. Committee Reports

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

Next Meeting – November 4, 2010 at 3:00 p.m.

- a. I & I Elimination Report
- b. Weiders Lane Status
- c. H2O PA Grant
- d. Broad Street Reconstruction

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

Next Meeting – November 11, 2010 at 4:00 p.m.

- a. Refuse/Recycling with Raritan Valley
- b. Compost Options
- c. Borough Hall Energy Audit—HVAC and Window RFP's
- d. Emmaus and Upper Milford Joint Environmental Advisory Council  
Recycling Event—November 14th
- e. Board of Health
- f. Riparian Buffer Ordinance
- g. Bollinger Land/Indian Creek Golf Course

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

Next Meeting – November 2, 2010 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
- e. Triangle Park – Use Requirements and Guidelines
- f. Main Street Program Old Fashioned Christmas Request**
- g. Appointment of Lyle Richardson to the Parks and Recreation  
Commission – Term Expires 5/1/2011**

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

Next Meeting – November 11, 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
- e. 200 Block of Seem Street – One Way Westbound
- f. Run Lehigh Valley 5K Race**
- g. Animal Control Services—The Sanctuary at Haafsville**

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

Next Meeting – October 20, 2010 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Clerical Union Contract Negotiations
- c. Special Event Signs Ordinance
- d. Cintas Update
- e. Website Upgrade
- f. Public Parking Spaces on Jubilee Street

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

Next Meeting – October 20, 2010 at 7:00 p.m.

- a. **Bill List – Resolution 2010 – 31**
- b. Per Capita Tax Ordinance
- c. Act 44 Election

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

Next Meeting – October 27, 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. Streetscape Improvement Project
- e. Lanta Metro Meeting Update
- f. 1959 Time Capsule Items

**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 October 2010**
- b. **1959 Time Capsule Agreements—Property Disposition**

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- 19. President's Business
- 20. Adjournment

Next Resolution #32  
Next Ordinance #1074

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The Emmaus Borough Council met in regular session on October 18, 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 7:05 p.m.

|                                  |  |
|----------------------------------|--|
| Lee Ann Gilbert, President       | Present  |
| Brian Holtzhafer, Vice President | Present  |
| Michael Waddell                  | Present  |
| Brent Labenberg                  | Present  |
| Wesley Barrett                   | Present – arrived at 7:10 p.m. due to interview with WFMZ. |
| 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. Lynn Donches, 559 Minor St.,** voiced opposition to the Legion Baseball Field Reconstruction Project. She believes that the renovations would change the character of Emmaus Community Park and that parking will be a problem. She opposes Borough Council requesting any funds for the Project from the East Penn School District. She asked for clarification on how TMG's engineering fees were paid. Mr. Neely responded that the engineering fees were paid out of the \$100,000 that was budgeted from the 2010 Bond Issue.

**B. Mike Gibson, 230 Ridge St.,** stated that he has received no response to his Personal Appeal about a \$5.64 Pennvest charge on the water and sewer bills dating back to 2009. Mr. Labenberg stated that an update on the item is necessary. Mr. Neely responded that he is preparing a written report that will be presented to Council. Council will determine what action is necessary.

**C. John Donches, 559 Minor St.,** stated that the facilities at Church Lane in Trexlertown are better suited than Community Park for playing baseball. He also stated that Emmaus Community Park is for the whole community.

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**D. Otto Slozer, 121 E. Elm St.,** stated that the facilities that the Emmaus High School team plays on now at Church Lane in Lower Macungie Township exceed PIAA requirements. He also stated that during the June 7, 2010 Council Meeting, Mr. Barrett was asked specifically what would happen if one of the funding sources became unavailable. Mr. Slozer stated that at the time Mr. Barrett responded that the Project would stop. Mr. Barrett responded that the Project is not going forward as originally conceived. Mr. Slozer claims that Council did not follow due diligence with the Baseball Field Project and did not follow the correct planning process.

**E. Debra Dubs, 106 S. 12<sup>th</sup> St.,** voiced opposition to the Legion Baseball Field Reconstruction Project. She believes that the plan would change the character of Emmaus Community Park. Mr. Neely clarified that the intent of Council is that the field will remain open for public use when it is not being used by the EYA or East Penn School District for baseball.

**F. Josephine Sadrovitz, 130 N. 4<sup>th</sup> St.,** encouraged Council to keep the Emmaus Community Park as it is.

**G. Donald Getz, 220 Furnace St.,** asked why the Borough has not taken Indian Creek Golf Course through Eminent Domain for the Baseball Field instead of using Emmaus Community Park. Mr. Labenberg stated that Eminent Domain is very costly.

### COMMUNITY MINUTE

Mr. Barrett thanked the Halloween Parade Committee for its efforts with the Halloween Parade. He also thanked Mr. Brown for help with the Emmaus 5K Race. Mr. Labenberg thanked the Parade Committee and believes that it may have been the largest attendance. Dr. Waddell thanked Kathy Mintzer and the Halloween Parade Committee. He also thanked Mr. Barrett for the Emmaus 5K Race.

Dr. Waddell stated that there will be a blood drive to benefit a local family on Thursday, October 28, 2010 from 12:00 p.m. to 8:00 p.m. at the Emmaus Public Library.

SPECIAL PRESENTATIONS – None.

### READING OF MINUTES

**Motion by Dr. Waddell, seconded by Mr. Brown to dispense with the formal reading of the October 4, 2010 Minutes. There were 7 ayes. Motion carried.**

Mr. Reinhard stated that he reviewed his comments during the Community Minute portion of the September 20, 2010 Council Meeting and his comments were not typed verbatim as Mr. Neely stated. Mr. Neely responded that Mr. Reinhard's comments were originally typed verbatim but were paraphrased for the final draft. Mr. Reinhard commented that he would like the Minutes to reflect his statement verbatim. Mr. Reinhard's statement verbatim: *"Last Friday I was able to attend a Lehigh Valley Hospital Network function where they were celebrating for their staff, efficiencies and cost saving moves by the staff and it was*

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*exciting to see how management there celebrated how different groups within that hospital network was able to make different functions within the hospital more efficient and more importantly save them money.”*

Mr. Reinhard stated that he believes Mr. Weider's Personal Appeal at the October 4, 2010 Council Meeting was lengthier and included a time-line involving the Public Works Employees' health insurance coverage. He commented that he would like the Minutes to reflect Mr. Weider's time-line. Mr. Weider's Personal Appeal verbatim: *“I really didn't expect to be here tonight. I thought this would be over. As bargaining rep. for the Public Works employees, I am here tonight to address concerns relating to statements that have been and continue to be made by Borough Council, especially a few members of late. At the Council Meeting on March 1, 2010, it was recommended that non-union employees begin contributing at a rate of 3% towards the cost of their medical insurance coverage. After some discussion the issue was tabled to the next meeting. Again on March 15, 2010, Council publicly discussed implementing non-union employee contributions towards the cost of medical insurance that is supplied at the expense of the Borough to all employees including those that I represent. Council President Gilbert referred the item to the Budget & Finance Committee at that meeting. At the May 3, 2010 Council Meeting, it was reported that the Budget & Finance Committee had discussed employee contributions. Councilman Reinhard and Labenberg supported implementation immediately of a co-insurance or co-pay, but Dr. Waddell and Mr. Brown were not in support or agreement and recommended that this be deferred until next year. Councilman Holtzhafer then made a motion which was seconded by Mr. Brown to not require employee contributions to the medical insurance premium and the motion was passed. At the August 2, 2010 Council Meeting, Councilman Reinhard asked Borough Manager, Mr. Neely, if the Public Works Committee had negotiated the last contract. That would be the contract they are working under now. Manager Neely responded that the Committee had and the agreement expires on December 31, 2012. During the September 7, 2010 Council Meeting, Councilman Reinhard stated that the Borough changed the Public Works employee's insurance and he wants to replace the current plan with the right plan, a PPO250 which includes a 90% co-insurance. Councilman Reinhard and Labenberg respectively made and seconded a motion to change the current Public Works plan effective January 1, 2011. Upon recommendation to have the Borough Solicitor review this prior to taking official action, the motion was withdrawn at that meeting. Borough Manager Neely followed through on this recommendation and issued a memorandum to all of Borough Council dated September 16, 2010. His findings were based not only on the opinion of the Solicitor but also upon numerous Case Law decisions. He concluded that the Borough has and continues to provide the same medical insurance coverage as obligated by the Collective Bargaining Agreement. Simply, although the current plan is not called a PPO250, it is equal to the plan that was in effect at the signing of this contract. Despite this conclusion contained in Manager Neely's memorandum, at the Council Meeting conducted on September 22, 2010, Councilman Reinhard and Labenberg again attempted to bring to the floor another discussion regarding the Public Works contract. I would like to remind Councilman Labenberg that if he is not satisfied with the provisions that are contained in the contract, he can assume a lot of the responsibilities. He served on the Borough negotiating committee in 2007 for the contract we are talking about. In fact, he made the motion at the November 1, 2007 Council Meeting to approve the agreement, which was unanimously approved. I would also like to remind him that if he desires to modify or change anything related, but not limited*

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*to, “wages, hours of work, or fringe benefits” he is required to do so through collective bargaining with Teamsters Local 773, the sole and exclusive bargaining representative for the Public Works employees, and as accurately stated by Manager Neely, the agreement does not expire until December 31, 2012. Again tonight, as I sat here unexpectedly through a Budget Committee Meeting, it was brought up again to talk publicly about the Public Works Contract. I tend to agree with the opinion that was rendered. This is something that you need to discuss in Executive Session and think about what you are doing, because there is an agreement in place for two more years for Public Works. It is my belief that statements made by a few Council Members reflect negatively on the Borough Public Works employees and these statements attempt to lead people to believe that these employees are receiving benefits in excess of those that were negotiated. As stated in Manager Neely’s memorandum, the employees receive exactly those benefits as stated as bargained in 2007. I do want to thank the members of Council who I believe are now of the same understanding after looking at that memorandum. I do have a copy of it and Councilman Reinhard referred to it during the Finance Committee meeting and I’ve seen it and I agree with everything that is said in there. I feel that irreversible harm has already been done by a few through thoughtless words and actions. We have had a good working relationship here. I have been the full-time Business Representative for almost 7 years and before that I filled in here on an interim basis. Everybody here has always acted and dealt with us professionally and I would like to see that trend continue. I just want to remind you that it is something that you need to keep in place. When it didn’t go from the co-pays being enacted, then we switched and went a different direction. It seems to say that the employees are receiving a benefit that is not what they had when this contract was signed and that is not at all true. The medical insurance they have now is equal to what was in effect when the contract was signed.*

Mr. Reinhard’s verbatim response was: *“Mr. Weider, thank you for speaking tonight, because you did bring a few comments that I would like to express. In no way am I trying to say that Public Works is getting something that they don’t have a right to get per se. It is not to reflect bad on them, in fact, I think I miscommunicated there. I am not trying to pinpoint Public Works. The reason I am bringing this subject matter up is dealing with other contractual issues moving forward. The language that is used in that contract is inaccurate, unfortunately, and it is not to look at Public Works and say that they did something wrong or they should not receive a benefit. It is moving forward and how that is being addressed. That is what I am trying to bring attention to and showing the research and proof that we need to start thinking about how we contractually word things a little bit better. Unfortunately, I’ve been bringing this up for three months now and it is being stonewalled at the Budget and Finance Committee Level as well as in the Executive Session. Unfortunately, Mr. Labenberg felt the need to second a request here so that we can bring this out and start moving forward with some proper dialog on this subject matter. Hopefully we got people’s attention now and we will start doing that. I do appreciate you saying that because in no means do I want to say that Public Works has done something wrong here or you as their Union Representative have. In fact, I think it is the other way around. We as Council Members need to do more due diligence and be more careful about what we put down in writing.*

**Motion by Mr. Brown, seconded by Mr. Reinhard to adopt the October 4, 2010 Minutes as drafted. There were 7 ayes. Motion carried.**

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DECISION ON BIDS – None.

### COMMUNICATIONS

- a. Thomas Seidenberger, East Penn School District Superintendent – Fee waiver request for Open Burning and Recreational Fire Ordinance for the Emmaus High School Homecoming Bonfire on October 12, 2010. There was no motion made to grant the fee waiver.
- b. Roger Steinmayr, 210 N. 1<sup>st</sup> St., Emmaus – Request to be reappointed to the Emmaus Zoning Hearing Board (Current term expires 1/1/2011). Referred to the General Administration Committee.
- c. John Stover, Jr., 537 Chestnut St., Emmaus – Request to be reappointed to the Emmaus Vacancy Board (Current term expires 1/4/2011). Referred to the General Administration Committee.
- d. Rochelle Romeo, Director of Run Lehigh Valley – Request to hold 5K run in Emmaus on November 21, 2010. Mr. Neely asked that the matter be deferred to the Public Safety Committee report.
- e. Benjamin Fetterman, Request for reappointment to the Emmaus Zoning Hearing Board. (Current term expires 1/1/2011). Referred to the General Administration Committee.
- f. John Stover, Jr., 537 Chestnut St., Emmaus – Request to be appointed to the Emmaus General Authority. Referred to the General Administration Committee.
- g. Bob and Ann Marie Letteer, 29 E. George St., – Thank you to the Emmaus Ambulance Corps.
- h. Mr. and Mrs. Steven Feeley – Thank you To Borough for the Calvary Fellowship Community Fest held on the Triangle.
- i. James Martin, Office of the District Attorney, Lehigh County Courthouse – Request to support the County MERT Team. Referred to the Budget and Finance Committee.

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 thanked the Halloween Committee and the public safety departments for their outstanding jobs on the Halloween Parade. Mr. Labenberg thanked the volunteers from surrounding communities.



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Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on October 7, 2010 at 3:00 p.m. He entertained any questions on the Committee Report.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee Meeting on October 14, 2010 was cancelled. He reported that at the next Committee Meeting on November 11, 2010, the Committee will discuss options for the Compost Site and bids received for the HVAC and Window upgrades to Town Hall.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on October 5, 2010 at 3:30 p.m. He reported that the Committee recommends to Council that it authorize the Main Street Program's use of the Triangle for Old Fashioned Christmas on December 4, 2010.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to authorize the Main Street Program's use of the Triangle for Old Fashioned Christmas on December 4, 2010. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Parks and Recreation Committee discussed the candidates whom it interviewed for a vacancy on the Commission. The Committee recommends that Borough Council appoint Lyle Richardson to the Parks and Recreation Commission to complete Mr. Holtzhafer's term, which expires on May 1, 2011.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Lyle Richardson to the Parks and Recreation Commission, to a term expiring on May 1, 2011. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee unanimously agreed to deny the request by the Church of Latter Day Saints to use the Triangle on October 22 and 23, 2010. The Committee felt that the request was purely promotional without elements that would make it a community event. Mr. Barrett asked if any member of Council would be interested in making a motion to grant the request. No motion was made.

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Mr. Barrett reported that the Committee discussed the Legion Baseball Field Reconstruction Project but deferred further discussion until the November 2, 2010 Committee Meeting.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Public Safety Committee recommends entering into a Contract for 2011 with The Sanctuary of Haafsville for the disposition of stray dogs and cats.

**Motion by Mr. Brown, seconded by Mr. Barrett to enter into a contract for 2011 with The Sanctuary of Haafsville for the disposition of stray dogs and cats. There were 7 ayes. Motion carried.**

Mr. Labenberg noted that there will be no increase in cost.

Mrs. Gilbert reported that the Committee reviewed a request from Rochelle Romeo from Run Lehigh Valley, asking permission to sponsor a 5K race in Emmaus, in conjunction with the Emmaus Farmers' Market, on November 21, 2010, beginning at 9:30 a.m. She proposed to begin the race at 3<sup>rd</sup> and Main Streets, but, upon recommendation from the Committee, she agreed to move the beginning of the race to 2<sup>nd</sup> and Green Street. Ms. Romeo provided three options for the race course. Mr. Labenberg stated that since the race is on a Sunday, he is concerned about the race taking place near a church. Mr. Reinhard noted that one of the courses involves Salisbury Township. Mr. Labenberg observed that there are 40 intersections that will need to be monitored for traffic. Mr. Brown responded that Run Lehigh Valley will have volunteers for road monitoring and will make a financial contribution to the Borough for any personnel needed. Mr. Labenberg asked if instead of a contribution to the Borough, Run Lehigh Valley could be billed for police or fire police needed to monitor the event. Mr. Barrett responded that Police Chief Faust was comfortable with a contribution because he did not feel there would need to be much of a commitment for the event from the Police Department. Mr. Labenberg stated that the contribution needs to cover all of the costs. Mr. Brown responded that the race will generate revenue for the Borough and he is comfortable with a contribution being made this year. Dr. Waddell responded that the motion should reflect that Run Lehigh Valley pay all costs incurred for the event. Mr. Neely stated that Run Lehigh Valley is willing to be invoiced for the costs incurred but the contribution amount may be more than the amount of the costs. Mr. Labenberg stated that Run Lehigh Valley should be charged for the costs of the event and can still make a contribution if so desired.

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to authorize Run Lehigh Valley to have a 5K race in Emmaus using race course map A, in conjunction with the Emmaus Farmers' Market on November 21, 2010, beginning at 9:30 a.m. There were 7 ayes. Motion carried.**

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**Motion by Mr. Labenberg, seconded by Mr. Reinhard to have the Borough bill Run Lehigh Valley for costs incurred for the 5K race event. There were three ayes, 4 opposed (Holtzhafer, Barrett, Brown, Gilbert). Motion denied.**

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee Meeting scheduled for October 6, 2010 at 9:00 a.m. was cancelled. The next Committee Meeting is on October 20, 2010 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2010-31, authorizing payment of the October 18, 2010 Bill List, as follows:

|                      |           |                         |
|----------------------|-----------|-------------------------|
| <b>Bill List</b>     | <b>\$</b> | <b>322,022.71</b>       |
| <b>Payroll #20</b>   | <b>\$</b> | <b>105,065.08</b>       |
| <b>Payroll Taxes</b> | <b>\$</b> | <b><u>32,759.65</u></b> |
| <b>Total</b>         | <b>\$</b> | <b>459,847.44</b>       |

Done this 18th day of October 2010.

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to adopt the October 18, 2010 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reported that there will be a Budget and Finance Committee Meeting on Wednesday, October 20, 2010 at 7:00 p.m. and Thursday, October 21, 2010 at 3:30 p.m. He invited Council to attend both meetings.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee will meet on October 27, 2010 at 4:15 p.m.

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

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### PERSONAL APPEALS, PART II

**A. Nancy Hill, 119 S. 6<sup>th</sup> St.,** asked how many police and fire police are available for an event such as the Run Lehigh Valley 5K event. Mayor Iobst responded that it depends on individual availability. Ms. Hill asked if Council intends to proceed with the current contract between the Borough and the East Penn School Board. Mr. Labenberg responded that the contract would need to be amended to move forward. Ms. Hill asked if Council will be floating a \$56,000 bond to make up the funds that have been spent so far on the Legion Baseball Reconstruction Project. Mr. Holtzhafer responded that it will not be floating a bond in any amount. Ms. Hill asked what communication there has been between Mr. Neely or Council, and the East Penn Board of Education since the Green Future Funds are no longer available. Mr. Neely responded that he spoke with the East Penn School District Superintendent when the item was tabled. Mr. Barrett stated that he had a general conversation with Mr. Earnshaw. Ms. Hill asked if the Parks & Recreation Committee is discussing amending the current plan. Mr. Barrett responded that the Committee is.

**B. John Donches, 559 Minor St.,** discussed Mr. Neely's overview of the Legion Baseball Reconstruction Project. Mr. Labenberg stated that he does not know what PIAA requirements are for the backstop and fence. Mr. Neely stated that he will review the requirements at the next Parks and Recreation Committee Meeting.

**C. Otto Slozer, 121 E. Elm St.,** stated that there are engineering bills dating back to August 2009 and it is unacceptable for Council to not provide the residents with PIAA requirements. He believes that the Project is a waste of money and that the Emmaus High School baseball team has access to a field in Lower Macungie Township for play.

**D. Lynn Donches, 559 Minor St.,** stated that her husband, John Donches, has a voice recording of a conversation he had with an official from PIAA stating the requirements.

**E. Richard Gerhart, 107 Dell St.,** stated that he has listened for months to the same Personal Appeals every meeting about the Legion Baseball Field Reconstruction Project and wonders if there is some type of regulation to stop it. He also stated that he has lived in the Borough all of his life and spent four years playing high school baseball and 4 years playing American Legion Baseball and was happy that he did not have to play in Lower Macungie Township. He stated that part of the funds for the Reconstruction Project are to be used to invest in the Williams Street field, where the girls softball team plays, and it costs the Emmaus taxpayers to send the Emmaus High School girls softball team to Allentown to play baseball. He stated that he has spoken to many residents and can produce signed petitions in favor of the Project if necessary.

### BOROUGH MANAGER'S REPORT

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

Mr. Neely reported that he has submitted two proposed sample agreements for the disposition of the 1959 Time Capsule contents to the Emmaus Public Library and the Emmaus Historical Society for Council approval. If approved, he will forward the

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agreements to the Emmaus Historical Society and the Emmaus Public Library for their review.

**Motion by Mr. Labenberg, seconded by Dr. Waddell to approve the agreements for disposition of the items from the 1959 Time Capsule to the Emmaus Historical Society and the Emmaus Public Library. There were 7 ayes. Motion carried.**

Mr. Labenberg thanked Council for its support of the agreements and Dr. Waddell thanked Mr. Neely for drafting the agreements.

Mr. Labenberg noted that under the Significant Revenue and Expense Items, 4 out of the 6 items are for pension costs, which total \$245,848.00.

Progress.

PRESIDENT'S BUSINESS

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

The Meeting of the Emmaus Borough Council adjourned at 8:35 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
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