

November 2, 2009

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, November 2, 2009, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

October 20, 2009

7. Decision on Bids
8. Communications
 - a. John Stover, Jr., 537 Chestnut St. – Reappointment to Emmaus Vacancy Board (Term Expires 1/04/2010) and Appointment to Emmaus General Authority.
 - b. John Schmoyer, Knauss Homestead Preservation Society – Release of Funds for the Knauss Homestead.
 - c. Frances A. Larash, Emmaus Public Library Director – Reduced Library Hours in 2010.
 - d. Nancy Reimert, Board of Health – Reappointment of Joan Schwartz to Emmaus Board of Health (Term Expires 1/01/2010).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - a. **Ordinance No. 1060 – An Ordinance Amending Chapter 15, Section 201, Pertaining to Maximum Speed Limits Established on Certain Streets (1st Reading 10/20/09) (2nd Reading 11/02/09).**

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12. New Business

- a. **Ordinance No. 1061 – An Ordinance Amending Chapter 16, Part 1, of the Codified Ordinances to Provide for Rules and Regulations for Triangle Park (1st Reading 11/02/09).**
- b. **Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs (1st Reading 11/02/09).**

13. Unfinished Business, Part II

- a. Ordinance No. 1056 – An Ordinance Amending Chapter 15, Sections 403 and 404(a), Abandoning No Parking Zone and Establishing Restricted Parking Zones and Bus Parking Zones on School Days Along East Minor Street Associated with the Seven Generations Charter School. (90 day trial period expires 11/15/09).

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

16. Committee Reports

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

Next Meeting – November 4, 2009 at 8:00 a.m.

1. Committee
 - a. EPA Order – I & I Elimination
 - b. I & I Elimination Report
 - c. Sidewalk Repairs

2. Solicitor

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

Next Meeting – November 12, 2009 at 3:30 p.m.

1. Committee
 - a. Refuse Contract
 - b. Conservation
 - c. **Riparian Buffer Ordinance**

2. Solicitor

Parks and Recreation (Barrett, Labenberg, Holtzhafer)

Next Meeting – November 3, 2009 at 3:30 p.m.

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1. Committee
 - a. Ice Rink/Skate Park
 - b. Raven Mill Trail Project (Trail Name)
 - c. Geese at Furnace Dam
2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – November 12, 2009 at 9:00 a.m.

1. Committee
 - a. Trailer Truck Parking
 - b. Tractor Trailer Unloading
 - c. Seven Generations Charter School Parking Restriction Recommendations
 - d. **Ordinance No. 1060 - Maximum Speed Limits**
 - e. **Ordinance No. 1061 – Rules and Regulations for Triangle Park**
2. Solicitor

General Administration (Waddell, Gilbert, Barrett)

Next Meeting – November 25, 2009 at 9:00 a.m.

1. Committee
 - a. Historical Sites and Park Ordinance
 - b. Email for Council People
 - c. **Ordinance No. 1062 – Definition of Commercial Advertising Signs**
 - d. John Kirschman History of Emmaus Donation
2. Solicitor

Budget and Finance (Holtzhafer, Gilbert, Reinhard)

Next Meeting – November 16, 2009 at 3:30 p.m.

1. Committee
 - a. **Bill List – Resolution 2009-31**
 - b. 2010 Budget
 - c. Policy for Use of Tax ID Number
 - d. 2009 Celebration – Overtime
 - e. Senior Refuse Fee Reduction Consideration
 - f. **Per Capita Tax Ordinance**
2. Solicitor

Community Relations/Development (Brown, Waddell, Reinhard)

Next Meeting – November 25, 2009 at 4:00 p.m.

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1. Committee
 - a. South Side Master Plan
 - b. Downtown Master Plan – Parking Deck, VFW, David’s Electric
 - c. Triangle Project Expansion
 - d. Emmaus Main Street Program Community Survey

2. Solicitor

Ad Hoc Committees (Holtzhafer, Gilbert, Barrett, Neely, Mayor Iobst)
Next Meeting – To be scheduled.

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 October 2009**

19. President’s Business

20. Adjournment

Next Resolution #32
Next Ordinance #1063

The Emmaus Borough Council met in regular session on November 2, 2009 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Council President Waddell called the meeting to order at 7:02 p.m.

Michael Waddell, President	Present
Lee Ann Gilbert, Vice President	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

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PERSONAL APPEALS – PART 1 - None.

COMMUNITY MINUTE

Mr. Brown thanked the Borough's Public Safety staff for handling the situation at the schools well during the bus drivers' strike last week, and for ensuring that all of the kids got to school safely.

Mr. Reinhard announced that the Emmaus High School soccer alumni would be playing a game on November 28, 2009 at the high school field.

SPECIAL PRESENTATIONS

Bob Boehmer appeared on behalf of the Emmaus Arts Commission, and presented items to the Borough Council and Mayor. First, he presented a Commemorative 2009 Anniversary Celebration poster for inclusion in the 2009 Time Capsule. Second, he presented a photo of Charlie Heatley in an F-14 Tomcat, which will be placed in the 2009 Time Capsule. Third, he presented 2 copies of a poster-sized picture of the Middle Atlantic states that was taken by Terry Hart when he was aboard the space shuttle. The picture designates Emmaus's location. Mr. Hart signed both with a personal note. One picture is for Town Hall and the other is for inclusion in the 2009 Time Capsule. Lastly, Mr. Boehmer presented the 2009 Emmaus Commemorative Christmas Cards, which depict the Triangle with the spruce tree before the Triangle renovations. The cards will be available in packs of 10.

READING OF MINUTES

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

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

DECISION ON BIDS – None.

COMMUNICATIONS

- a. John Stover—Letters seeking position on the Emmaus Vacancy Board and the Emmaus General Authority. Referred to the General Administration Committee.
- b. John Schmoyer—Letter requesting disbursement of funds for the Knauss Homestead Society. Referred to the Budget and Finance Committee.
- c. Emmaus Public Library—Update on state funding and change in Library hours, and budget request. Mr. Holtzhafer reported that state government made substantial cuts in library funding, which has severely impacted the Emmaus Public Library. The Library Board voted to close the Library on Fridays to cut costs. He observed that the Library is an important resource to the community, and that it is heavily used. Mr. Labenberg suggested that the Library could possibly shorten hours instead of closing

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on Fridays altogether. Mr. Holtzhafer advised that at the Budget and Finance Committee Meeting, the Committee advised Frances Larash, of the Emmaus Public Library, that if the Library has specific projects that need to be done they can approach the Borough for consideration of the issues.

- d. Nancy Reimert—Requesting reappointment of Joan Schwartz to the Board of Health. Referred to the Health, Sanitation, and Conservation Committee.
- e. Main Street Program—Letter of Thanks for Borough's \$7500 contribution.
- f. Judith Lieberman—Letter suggesting that the Borough place a Chanukah Menorah on the Triangle for the holiday season. Referred to the General Administration Committee.
- g. United States Board on Geographic Names—Letter seeking Borough input regarding naming of unnamed stream as "Rodale Run". Referred to General Administration Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – None.

UNFINISHED BUSINESS, PART I

- a. Ordinance No. 1061 – An Ordinance Amending Chapter 16, Part 1, of the Codified Ordinances to Provide for Rules and Regulations for Triangle Park (1st Reading 11/02/09).

Motion by Ms. Gilbert, seconded by Mr. Reinhard, to read Ordinance No. 1061 in short title. There were 7 ayes. Motion carried.

President Waddell read Ordinance No. 1061 in short title – An Ordinance Amending Chapter 16, Part 1, of the Codified Ordinances to Provide for Rules and Regulations for Triangle Park.

Motion by Ms. Gilbert, seconded by Mr. Barrett to adopt Ordinance No. 1061 – An Ordinance Amending Chapter 16, Part 1, of the Codified Ordinances to Provide for Rules and Regulations for Triangle Park on its first Reading. Roll Call Vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Ms. Gilbert, aye, Dr. Waddell, aye. Motion carried.

Mr. Labenberg explained that when the Ordinance is passed, it will not be posted in its entirety on the Triangle. Some of the activities in the Ordinance are prohibited by state law so that it is unnecessary to post them on the Triangle. Mr. Barrett agreed with Mr. Labenberg's statement.

- b. Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs (1st Reading 11/02/09).

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Motion by Mr. Reinhard, seconded by Ms. Gilbert to read Ordinance No. 1062 in short title. There were 7 ayes. Motion carried.

President Waddell read Ordinance No. 1062 in short title – An Ordinance Amending Chapter 27, Section 704 to Include a Definition of Commercial Advertising Signs.

Motion by Mr. Barrett, seconded by Ms. Gilbert to adopt Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs on its first Reading.

President Waddell reminded Council about Kurt Feldman’s presentation in the summer concerning A-Frame signs. He deferred to Mr. Neely for an explanation of how the issue was resolved. Mr. Neely explained that the issue is not as complicated as it originally appeared. Initially, the General Administration Committee believed that the problem was that the downtown business district was being treated differently than the other business districts. The Committee’s review determined that there was an omission when the Zoning Ordinance was enacted, in that it did not provide a definition for “Commercial Advertising Signs” even though this type of sign is mentioned in the Zoning Ordinance. Ordinance 1062 is designed to provide the definition, which will resolve the issue.

Dr. Waddell raised an issue that the Committee did not address—does the sign need to be in front of the business that is advertising, or can it be placed away from the business? Mr. Barrett agreed that it is an issue, and believes that the General Administration Committee assumed that signs would be placed in front of the businesses. Mr. Labenberg asked what the rule is for churches. Mr. Neely read the “Non-Profit Event Sign” Ordinance. Mr. Labenberg suggested that Council pass the Ordinance and see how it works, and if there are problems the Ordinance can always be amended.

Motion by Ms. Gilbert, seconded by Mr. Brown to table the issue. There were 6 ayes, 1 opposed (Holtzhafer).

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

Motion by Ms. Gilbert, seconded by Mr. Labenberg to extend the trial period for the parking restrictions near the Seven Generations Charter School for 45 days and have the Solicitor prepare the Ordinance for first reading. There were 7 ayes. Motion carried.

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

MAYOR’S REPORT

- a. Mayor Iobst thanked Council President Waddell for the memorial ceremony for Clarence Kaiser at the Memorial Garden.
- b. Mayor Iobst thanked the Arts Commission for sponsoring the Halloween Dance at the VFW.

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- c. Mayor Iobst thanked Ms. Gilbert for setting up the Police Department's 100th Anniversary event.
- d. Mayor Iobst announced that he performed his first wedding on the Triangle. He reported that people came out of the shops to watch.
- e. Mayor Iobst reported that there were a lot of people from out-of-town, who came into town just to trick-or-treat in Emmaus. He suggested that trick-or-treat night be moved so that it coincides with trick-or-treat nights in other communities. Mr. Labenberg suggested that the municipalities should coordinate it among themselves so that trick-or-treat night is the same all over.

COMMITTEE REPORTS

- a. Public Works Committee
Progress.
- b. Health, Sanitation, and Conservation Committee
Progress.
- c. Parks and Recreation Committee
Progress.
- d. Public Safety
Progress.
- e. General Administration Committee
Progress.
- f. Budget and Finance Committee

Mr. Holtzhafer reported that the only matter for consideration is the Bill List. Mr. Holtzhafer read Resolution 2009-31, authorizing payment of the November 2, 2009 Bill List, as follows:

Bill List	\$ 177,716.71
Payroll #19	\$ 117,436.16
Payroll Taxes	\$ 35,285.25
Total	\$ 330,438.12

Done this 2nd day of November, 2009.

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Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the November 2, 2009 Bill List. There were 7 ayes. Motion carried.

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that John Kirschman is offering to donate a booklet about the History of Emmaus to the Borough. Dr. Waddell described the booklet, which has information from Preston Barba's book, They Came to Emmaus, and pictures and names of businesses currently in town. Mr. Kirschman wants to donate the book and link its digital format to the Borough website.

Motion by Mr. Brown, seconded by Mr. Labenberg to accept John Kirschman's donation of the historical booklet to the Borough. There were 7 ayes. Motion carried.

Mr. Labenberg suggested that Mr. Neely send a letter of gratitude to Mr. Kirschman for the donation.

Progress.

h. Ad Hoc Committee – Community/School Relations

The Committee met with the East Penn School District Superintendent on October 21, 2009. Mr. Holtzhafer advised that it was a positive meeting, with the school expressing gratitude for the Borough's and the District's cooperative efforts.

Progress.

PERSONAL APPEALS, PART II

- a. Josephine Sadrovitz, 130 N. Fourth St., Emmaus - Mrs. Sadrovitz informed Council and the Mayor about a book, "Replacement", that she is promoting, which was written by an Emmaus resident, Robert Kauffman. The book recounts Mr. Kauffman's military service, which includes his participation in the Battle of the Bulge and the invasion of Normandy. She wants as many people to read the book as possible.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for October are in the binders.

Progress.

PRESIDENT'S BUSINESS

Dr. Waddell thanked the Mayor for having attended the Halloween Dance sponsored by the Emmaus Arts Commission.

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ADJOURNMENT

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

The meeting of the Emmaus Borough Council was adjourned at 7:55 p.m.

Craig B. Neely
Borough Manager