

November 16, 2009

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, November 16, 2009, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
  - Emmaus Main Street Program
6. Reading of Minutes
  - November 2, 2009
7. Decision on Bids
  - Bid Results for 2009—2010 Heating Oil, Kerosene, Unleaded Fuel and Diesel Fuel
8. Communications
  - a. Darryl Wentz, 605 Cherokee St., Emmaus – Reappointment to Zoning Hearing Board (Term Expires 1/01/2010).
  - b. Thomas L. Seidenberger, Superintendent of East Penn School District – Letter of Thanks to Emmaus Police Department.
  - c. Kathleen Haney, Shops of Emmaus – No Parking Signs Request for Santa’s Emmaus Workshop at the VFW.
  - d. Theodore Iobst, 413 S. Fifth St., Emmaus – Reappointment to Zoning Hearing Board (Term Expires 1/01/2010).
  - e. Phil Arnold, Seven Generations Charter School, 154 E. Minor St., Emmaus – Request use of Klins Lane Athletic Fields in 2010.
9. Borough Engineer’s Report
  - a. **Schmidt Minor Subdivision**
10. Solicitor’s Report

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11. 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 (1<sup>st</sup> Reading 11/02/09) (2<sup>nd</sup> Reading 11/16/09).**
- b. **Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs (1<sup>st</sup> Reading 11/02/09) (Tabled 11/02/09)**

12. New Business

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 – December 2, 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 – December 10, 2009 at 3:30 p.m.

1. Committee
  - a. Reappointment of Joan Schwartz to Emmaus Board of Health
  - b. Conservation
  - c. Riparian Buffer Ordinance

2. Solicitor

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

Next Meeting – December 1, 2009 at 3:30 p.m.

1. Committee
  - a. Ice Rink/Skate Park
  - b. Raven Mill Trail Project (Trail Name)
  - c. Geese at Furnace Dam
  - d. Small Ice Rink on Triangle for Snow Blast – February 5**
  - e. Small Fire Pit on Triangle for Snow Blast – February 5/ Library Lawn – February 6**
  
2. Solicitor

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

Next Meeting – December 10, 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. 1061 – Rules and Regulations for Triangle Park**
  - e. Appointment of Frank Wink as Fire Police and Austin Bratton as Fire Fighter.**
  
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. Chanukah Menorah Suggestion**
  
2. Solicitor

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

Next Meeting – November 16, 2009 at 6:45 p.m.

1. Committee
  - a. Bill List – Resolution 2009-32**
  - 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

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2. Solicitor

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

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

1. Committee

- a. South Side Master Plan
- b. Downtown Master Plan – Parking Deck, VFW, David’s Electric
- c. Triangle Project Expansion

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 1<sup>st</sup> Half of November 2009**

19. President’s Business

20. Adjournment

Next Resolution #33  
Next Ordinance #1063

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The Emmaus Borough Council met in regular session on November 16, 2009 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

Council President Waddell called the meeting to order at 7:00 p.m.

Michael Waddell, President	Present
Lee Ann Gilbert, Vice President	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present

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R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS – PART 1

a. **Rene Schleicher, 1290 Highland Ct., Allentown, PA** owns Haven Home Furnishings on 3<sup>rd</sup> Street in Emmaus. She is concerned about the ordinance being considered that addresses A-frame signs because it would restrict the location of the signs to only being in front of a business. Her business is on a side street, and she places an A-frame sign at the corner of 3<sup>rd</sup> and Main Streets. She said that the A-frame sign at this location is important to her attracting customers, and wants to have the limitation in the proposed ordinance removed.

b. **Don Carl, 641 Chestnut Street.** Mr. Carl's son, Joel Carl, requested that the Borough take disciplinary action against a police officer. He stated matters that were the subject of his son's request. Mr. Neely explained that he received Joel Carl's written request, that he reviewed the matter, and decided that the request should not be considered. Mr. Carl made allegations about things that he claims occurred more than 12 years ago. Mr. Neely explained that the Council back then looked into the claims and did not take any action. Therefore, Mr. Neely made the decision to not grant Joel Carl's request.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS

John Hayes made a presentation on behalf of the Emmaus Main Street Program, which is seeking funding from the Borough for the 2010 fiscal year. Mr. Hayes explained that the Main Street Program spent a lot of time this year brainstorming about the future of the Program, and what its focus will be in the future. He said that the Program has determined that its future activities will focus on economic development.

He listed initiatives that the Program is considering to pursue economic development. It may advocate creating a loan pool among local banks, such that the pool could spread out the risk of loans among the multiple banks, thereby encouraging more investment in business properties. The Program may conduct business workshops to benefit local businesses. It is researching creating an historic district in the downtown. It will keep an available properties database that will be a resource for people interested in moving a business into Emmaus.

Mr. Hayes reviewed the ways in which the Main Street Program is an economic benefit to the Borough. He cited the façade improvement program, which resulted in \$60,000 in investment in the downtown, when considering the grant money and the private money that matched it.

Mr. Holtzhafer asked why the Program seeks \$20,000 when its budget is showing that only \$12,000 is needed. Mr. Hayes explained that it is a matter of timing.

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Mr. Reinhard asked about a potential merger between the Main Street Program and the Lehigh Valley Chamber of Commerce. Mr. Hayes explained that the Main Street Board unanimously voted to not pursue a merger.

Mr. Brown spoke in favor of the Main Street Program. He believes that it is an important part of the Emmaus community, and that it provides substantial benefits to the town.

### READING OF MINUTES

**Motion by Mr. Reinhard, seconded by Mr. Barrett to dispense with the formal reading of the November 2, 2009 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to approve the November 2, 2009 Minutes as drafted. There were 7 ayes. Motion carried.**

### DECISION ON BIDS

Mr. Neely reported that there were two bidders for the 2009-2010 Heating Oil, Kerosene, Unleaded Fuel and Diesel Fuel bid. Harned Durham did not bid on unleaded fuel. Mr. Clapper recommends awarding the 2009-2010 No. 2 Heating Oil, Kerosene, and Diesel Fuel to Harned Durham and awarding the unleaded Fuel to Farm & Home Oil Company. The bid is for the period of December 1, 2009 to November 30, 2010.

**Motion by Mrs. Gilbert, seconded by Mr. Holtzhafer to award the 2009-2010 No. 2 Heating Oil, Kerosene, and Diesel Fuel bid to Harned Durham and awarding the Unleaded Fuel bid to Farm & Home Oil Company for the period of December 1, 2009 to November 30, 2010. There were 7 ayes. Motion carried.**

### COMMUNICATIONS

- a. Daryl Wentz, 605 Cherokee St., Emmaus – Reappointment to Zoning Hearing Board. Referred to the General Administration Committee.
- b. Thomas L. Seidenberger, Superintendent of East Penn School District – Letter of Thanks to the Emmaus Police Department for helping with traffic flow issues during the bus drivers' strike.
- c. Kathleen Haney, Shops of Emmaus – No Parking Signs Request for Santa's Workshop at the VFW on December 12, 2009. Referred to Staff and the Mayor.
- d. Theodore Iobst, 413 S. Fifth St., Emmaus – Reappointment to Zoning Hearing Board. Referred to the General Administration Committee.
- e. Phil Arnold, Seven Generations Charter School, 154 E. Minor St., Emmaus – Request use of Klines Lane Athletic Fields in 2010. Referred to Parks and Recreation Commission.

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- f. Terry and Tim Goshka- Congratulations and Thank You to Emmaus Police Department and Chief Faust for 100 Year Anniversary.

BOROUGH ENGINEER'S REPORT – Schmidt Minor Subdivision

Mr. Ganguzza reported that Arthur Schmidt is proposing a minor subdivision at 320 S. Cedar Crest Blvd. Mr. Schmidt is seeking approval to create separate lots upon which homes currently exist. He is not proposing to build any new structures on the subdivided lots. Mr. Schmidt appeared before the Planning Commission in October, which recommended preliminary and final subdivision approval with conditions. Mr. Ganguzza noted that there is a letter from the Emmaus Fire Department confirming that the one lane bridge on the property of 300 S. Cedar Crest Boulevard is capable of supporting fire trucks in the event of an emergency. The bridge has a capacity of 78,000 lbs. and is able to support the weight of the heaviest fire truck, which is 56,000 lbs. Mr. Ganguzza advised that everything is in order, and that the subdivision approval is a simple matter.

**A motion was made by Mr. Labenberg, seconded by Mr. Brown to grant Preliminary/Final Plan Approval for the Schmidt Minor Subdivision located at 320 S. Cedar Crest Blvd. There were 7 ayes. Motion carried.**

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 (1<sup>st</sup> Reading 11/02/09) (2<sup>nd</sup> Reading 11/16/09).

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

Dr. 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 Mrs. Gilbert, seconded by Mr. Brown 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 second reading. Roll Call Vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Brown, aye, Mr. Reinhard, aye, Mrs. Gilbert, aye, Dr. Waddell, aye. There were 7 ayes. Motion carried.**

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

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to remove Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704 to Include a Definition of Commercial Advertising Signs from the table. There were 7 ayes. Motion carried.**

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**Motion by Mrs. Gilbert, seconded by Mr. Labenberg to read Ordinance No. 1062 in short title. There were 7 ayes.**

Dr. 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. Holtzhafer, seconded by Mrs. 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. Roll call vote: Mr. Brown, nay, Mr. Reinhard, nay, Mrs. Gilbert, aye, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, nay, Dr. Waddell, nay. There were 2 ayes and 5 nays. Motion defeated.**

Mr. Labenberg commented that the Borough benefits from the signs. He also stated that if a business wants to put up a sign at a location other than in front of its business it should be required to get permission from the property owner. Dr. Waddell reminded that the only change to the Ordinance is that only one sign is allowed per business, and it must be located in front of the business address. Mr. Holtzhafer commented that sign placement is very important and businesses should pay special attention to not block sidewalks with their signs. Mr. Barrett asked if a business wanted to have more than one sign what the procedure would be. Mr. Neely answered that the business would have to receive a variance from the Zoning Hearing Board. Mrs. Gilbert stated that she is in favor of the language that is in the Ordinance that restricts the location to being in front of the business. Mr. Brown stated that he is not in favor of imposing regulations on businesses during the current economic situation. Mr. Barrett stated that the sign ordinance must be a balance for the businesses and the residents. Mr. Reinhard is in favor of having one sign in front of a business, but doesn't feel it needs to be a sign for that particular business address.

**Motion by Mr. Brown, seconded by Mr. Labenberg to table the issue. There were 2 ayes, and 5 opposed (Reinhard, Gilbert, Holtzhafer, Barrett, Waddell). Motion defeated.**

**Motion by Mr. Labenberg, seconded by Mr. Barrett to change the wording to read, “only one sign allowed per business and it may be located in front of the business address or in front of another business, with the property owner’s permission, as long as it doesn’t pose a safety hazard where a walkway is impassable.**

Mr. Neely stated that there is currently an ordinance in place regarding signs and safety hazards.

**Motion amended by Mr. Labenberg, seconded by Mr. Barrett to change the wording to read, “in front of the property address”, and to leave out “as long as it doesn’t pose a safety hazard where a walkway is impassable.” Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, nay, Mr. Barrett, nay, Mr. Brown, nay, Mr. Reinhard, aye, Mrs. Gilbert, nay, Dr. Waddell, nay. There was 1 aye and 6 nays. Motion defeated.**

Mr. Procyk stated that the wording will be changed to read that only one sign is allowed per business property. A new sentence will be added to the Ordinance that states, “A sign may be located in front of a business address or may be located in front of another property with the owner’s permission.”

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**Motion by Mr. Barrett, seconded by Mr. Brown to table the issue. There were 6 ayes, 1 opposed. (Labenberg). Motion carried.**

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT - Progress

COMMITTEE REPORTS

a. Public Works Committee

Progress.

b. Health, Sanitation, and Conservation Committee

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Parks and Recreation Committee received two requests on behalf of the Snowblast Winter Festival.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Snowblast Winter Festival to construct a small temporary ice rink on the Triangle for use by the Snow Princess. There were 7 ayes. Motion carried.**

Mr. Barrett stated that the exact location of the ice rink has not been determined.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Snowblast Winter Festival to place an open fire pit on parking spaces adjacent to the Triangle on February 5, 2009, and the Emmaus Library lawn on February 6, 2009. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee received a request for street closings for Ridge Street from above the Emmaus Library parking lot, one block of Keystone to North Street and North Street to 1<sup>st</sup> Street for the Frost Bite Fun Run to be held on Saturday, February 6, from 2:15 p.m. to 4:00 p.m. Referred to the Mayor.

Mr. Barrett reported that the Committee received a request for permission to have a horse drawn carriage on Saturday, February 6, 2009 forming a loop from Ridge Street to the 1803 House and back. Mr. Neely stated that no official action is necessary for this request.

Progress.

d. Public Safety Committee

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**Motion made by Mrs. Gilbert, seconded by Mr. Brown to appoint Austin Bratton to the Emmaus Fire Department as a volunteer Fire Fighter contingent upon passing a physical examination. There were 7 ayes. Motion carried.**

**Motion made by Mrs. Gilbert, seconded by Mr. Brown to appoint Franklin Wink to the Emmaus Fire Department as volunteer Fire Police contingent upon passing a physical examination. There were 7 ayes. Motion carried.**

**Motion made by Mrs. Gilbert, seconded by Mr. Barrett to appoint Nathan Bordner to the Emmaus Police Department as a full time Police Officer contingent upon successful completion of his probationary period, which ends November 21, 2009. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that the Public Safety Committee is continuing to investigate traffic problems at the Seven Generations Charter School. Dr. Waddell asked when the traffic problems are occurring. Mrs. Gilbert advised that problems are occurring at 8:30 a.m. and at 3:30 p.m. during drop-off and pick-up time. She also reported that the Committee is considering changing Mulberry Street to one-way going east from Elm Street to Seem Street to alleviate traffic problems at Lincoln School.

Progress.

e. General Administration Committee

The next Committee meeting will be held November 25, 2009 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2009-32, authorizing payment of the November 16, 2009 Bill List, as follows:

Bill List	\$ 85,546.81
Payroll #22	\$ 101,131.88
Payroll Taxes	<u>\$ 30,272.59</u>
Total	\$ 216,951.28

Done this 16th day of November, 2009.

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to approve the November 16, 2009 Bill List. There were 6 ayes, 1 abstention (Barrett). Mr. Barrett abstained because his company, Wesley Works, is on the Bill List. Motion carried.**

Mr. Labenberg asked for a status on the 2010 Budget. Mr. Neely answered that the 2010 Budget is challenging because of increases in health insurance, wages, and electricity. He is hoping that there will be little or no tax increase. He is concerned about going this past

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year without making investments in capital expenditures and is exploring the possibility of refinancing existing debt so that the Borough can fund capital expenditures.

Progress.

g. Community Relations/Development Committee

The next Committee meeting will be on November 25, 2009 at 4:00 p.m.

Progress.

h. Ad Hoc Committee – Community/School Relations

Progress.

### PERSONAL APPEALS, PART II

a. **Chris Defrain, 181 Harrison St.**, stated that he feels that the Main Street Program is a benefit to Emmaus. He also stated that he hopes the Main Street Program can capitalize if there is a reduction of fees for refuse and sign taxes.

Dr. Waddell congratulated Mr. Defrain on his election to the 2010 Borough Council.

b. **Jim Woodeshick, 108 Seem St.**, stated that he feels signs should be placed in front of businesses and suggested placing direction signs on poles to help businesses on side streets. He commented that he is not in favor of A-Frame signs because he feels that they are unattractive.

c. **Frank Sadrovitz, 130 N 4<sup>th</sup> St.**, voiced his concerns about the lack of barricades or flashing lights on 6<sup>th</sup> Street where the Borough is having handicapped ramps installed and feels that it is a safety issue.

### BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for the 1<sup>st</sup> half of November are in the binders.

Progress.

### PRESIDENT'S BUSINESS

Dr. Waddell thanked Mr. Reinhard for serving on Borough Council.

### ADJOURNMENT

**Motion by Mr. Brown seconded by Mrs. Gilbert to adjourn. There were 7 ayes. Motion carried.**

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The meeting of the Emmaus Borough Council was adjourned at 8:40 p.m.

Craig B. Neely  
Borough Manager

Transcribed By: Paula Weiant  
Administrative Assistant  
November 17, 2009