

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, March 3, 2008 7:00 PM

1. Call to Order
  - a. Ceremony for Two New Emmaus Police Officers
  - b. Special Presentation by Council President, Michael Waddell
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Reading of Minutes

February 19, 2008
5. Decision on Bids
6. Communications
  - a. Laurie Moyer, Grants & Housing Manager, Lehigh County Community Development – Community Development Block Grant (CDBG) Program
  - b. Emmaus General Authority – Capital Purchase Request
  - c. Lisa Binder – Traffic Request
  - d. Bryan Bednar, St. John’s UCC Church – Parking Request
  - e. Chris DeFrain – Emmaus Field Assignor Concerns
  - f. Jenae Holtzhafer – Waterfowl Ordinance
7. Borough Engineer’s Report
8. Solicitor’s Report
  - a. **Ordinance No. 1037** – Prohibiting the Feeding of Waterfowl on Borough Owned Property (1<sup>st</sup> Reading 1/7/08) (Tabled 1/21/08) (**2<sup>nd</sup> Reading 3/3/08**)
9. New Business
10. Unfinished Business
  - a. 90-Day Trial Period – Four-way Stop Sign (Keystone/Pine) (Expires 3/13/08)

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- b. 90-Day Trial Period – No Parking on Section of Arch Street (Expires 3/13/08)
- c. 90-Day Trial Period – Two Hour Parking on Section of Chestnut Street (Expires 3/13/08)

11. Items Not on Agenda, Subject to Rule 6

12. Mayor's Report

13. Committee Reports

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

- 1. Committee
- 2. Solicitor
  - a. Sidewalk Standards

**Health and Sanitation** (Holtzhafer, Labenberg, Brown)

- 1. Committee
- 2. Solicitor

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

- 1. Committee
  - a. Raven Mill Property Swap
  - b. **Furnace Dam Geese Problem – Ordinance No. 1037 – (2<sup>nd</sup> Reading 3/3/08)**
- 2. Solicitor

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

- 1. Committee
  - a. Outdoor Fires
  - b. Four-way Stop Sign (Keystone/Pine) – 90-Day Trial Period (Expires 3/13/08)
  - c. No Parking on Portion of Arch Street (41' East and 50' West of Entrance to Rodale Property Located at 400 S. 10<sup>th</sup> Street) – 90-Day Trial Period (Expires 3/13/08)
  - d. Two Hour Parking on West Side of 4<sup>th</sup> Street between Railroad & Chestnut Streets – 90-Day Trial Period (Expires 3/13/08)
  - e. Request for 25 MPH Signs in Stryer Section (Dave Biles)

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2. Solicitor

**General Administration** (Neely, Gilbert, Barrett)

1. Committee

- a. Historical Building Ordinance

2. Solicitor

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

1. Committee

- a. **Bill List (R-9)**
- b. Support for Homeowners and Bank Protection Act
- c. **Matching Funds Request – Arts Commission**

2. Solicitor

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

1. Committee

- a. Ad Hoc Committee for 2009 Celebration
- b. Main Street Program
- c. Emmaus Arts Commission
- d. Downtown Master Plan
- e. Triangle Park Upgrade

2. Solicitor

**Ad Hoc Committees** (Holtzhafer, Gilbert, Barrett, Fosselman, Mayor Iobst)

Community/School Relations

14. Personal Appeals, Part 11

15. Borough Manager's Report

- a. Significant Revenue and Expense Items for February 2008
- b. Manager's Report

16. President's Business

Executive Session – Personnel Issues

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17. Adjournment

Next Resolution #10  
 Next Ordinance #1038

The Emmaus Borough Council met in regular session on March 3, 2008 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
Craig Neely, Vice-President	Present
Brent Labenberg	Present
Lee Ann Gilbert	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Bruce Fosselman, Borough Manager	Present

CEREMONY

Mayor Iobst swore in two new Police Officers: Adam Knoblauch and Jaimie Quintero. Police Chief Faust introduced the new officers, both who started the Police Academy today. Mr. Quintero was formally a border patrol agent on the west coast and worked at Lehigh County Prison. Mr. Knoblauch comes from Tamaqua and is interested in policing in a town similar to where he was raised. He was a scholar athlete at Delaware Valley College. Both Officers came highly recommended and are looking forward to making a home here in Emmaus.

PRESENTATION

Council President Waddell presented the Volunteer of the Year Award to Frank and Josephine Sadrovitz. Dr. Waddell thanked Mr. and Mrs. Sadrovitz for all their community efforts and said that they never ask for anything in return. Council Member Gilbert said that the Sadrovitz's are wonderful individuals and thanked them. Council Member Neely said that in addition to the contributions they've made, he will always treasure their friendship. Council Member Labenberg thanked the Sadrovitz's and said that they do a lot of things on their own that

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no one knows about, like checking on and watering flowers in different areas. Council Member Barrett thanked Mr. and Mrs. Sadrovitz and said whether the people know or don't know what the both of them do, they are appreciated either way.

Mayor Iobst read Proclamation 2008-205, In Recognition of Frank and Josephine Sadrovitz. He presented the Key to the Borough of Emmaus to them. The Sadrovitz's were given a standing ovation.

PERSONAL APPEALS, PART I

- A. Rich Nalichowski 617 Locust St. Coopersburg**, President of Middle Eastern Counties Association of Boroughs (MECAB), which includes Lehigh, Northampton, Monroe, and Carbon Counties, invited Borough Council and Borough Manager Fosselman to attend their meetings. He said that MECAB has local speakers that are of interest to the Boroughs; in lieu of national conventions. Mr. Fosselman said that Council attended these meetings in the 80's. Mr. Nalichowski will email information to Mr. Fosselman.
- B. Tracy Dell 547 Penn Ct.** is restarting the Emmaus Sentinel's Drum and Bugle Corps, which was formed in 1924 and disbanded shortly after the Emmaus Bicentennial Parade in 1976. She and two other individuals reformed the Corps to help celebrate Emmaus's anniversary next year and there is interest to continue after the anniversary celebration. The Corps is looking for financial help. They held two practices already. There was a tremendous turnout and Ms. Dell was overwhelmed with the response. President Waddell said that her previous correspondence letter was referred to the Budget and Finance Committee, which will be discussed March 17<sup>th</sup>. He also explained the Matching Funds Grant. Council Member Labenberg remembers the Corps when he was little and confirmed with Ms. Dell that they are interested in having new members join. The Corps is in need of many instruments and estimates the cost of \$20,000. Council Member Brown asked Ms. Dell if she contacted East Penn School District to borrow their equipment, but Ms. Dell said the District is strict about loaning equipment. The Budget and Finance Committee will be in touch with Ms. Dell.
- C. Anthony Groller 1302 S. 10<sup>th</sup> St.**, regarding the Borough cleaning the brush at Furnace Dam, wondered if the State Guidelines were followed for disturbing wildlife. Council Member Holtzhafer explained that a Wildlife Biologist for the U.S. Department of Agriculture recommended that the first step to reduce the geese problem at Furnace Dam was to eliminate any nesting habitat. Mr. Groller also wondered if the Borough had that much vandalism that 17 full time police officers were needed. Council Member Gilbert confirmed that there is a lot of vandalism and that it's on the rise.

READING OF MINUTES

**Motion by Council Member Barrett, seconded by Council Member Brown to dispense with the formal reading of the February 19, 2008 minutes. There were 7 ayes. Motion carried.**

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**Motion by Council Member Brown, seconded by Council Member Barrett to adopt the February 19, 2008 minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS

None

COMMUNICATIONS

- a. Laurie Moyer, Grants & Housing Manager, Lehigh County Community Development – Community Development Block Grant (CDBG) Program. Borough Manager Fosselman explained that the Borough received \$50,000 through CDBG for curb cuts and the planning of the south side of town. Council needs to designate these funds and let Mr. Fosselman know so he can prepare the grant application.
- b. Emmaus General Authority – Capital purchase request approvals totaling \$95,000. A thank you letter will be sent to the Authority.
- c. Lisa Binder – Traffic inquiries. Council Member Gilbert stated that the stop signs placed at Keystone and Elm were placed because the intersection met the criteria for the accident history. She said that the speed limit at Jefferson School is 25 MPH. Council Member Neely said PennDOT prohibits stop signs placed on state roads for the purpose of slowing traffic; however, PennDOT's regulations do not prohibit the borough from placing a stop sign on a borough road.
- d. Bryan Bednar, St. John's UCC Church – Street blocking request for a Street Fair, August 9, 2008. Referred to staff.
- e. Chris DeFrain – Emmaus field assignor concerns. Council Member Barrett spoke to Mr. DeFrain and explained that since the field assignor is an EYA member, other organizations requesting field usage may feel that the decision is bias. Council Member Labenberg wonders why the Borough would pay a field assignor if the assignor is willing to volunteer. This is the first year that EYA is not paying the field assignor; previously it was a paid position. Dr. Waddell confirmed with Mr. Barrett that this would be a new position in next year's budget for an Events Coordinator and not to just start paying someone. Mr. Barrett and Mr. DeFrain also discussed the progress that the Park and Recreation Commission has made in trying to schedule a field the most fair process. Referred to the Park and Recreation Commission.
- f. Jenae Holtzhafer – Waterfowl Ordinance
- g. Katrina Hanson – Traffic concerns at S. 4<sup>th</sup> and Minor Streets. Referred to Public Safety.

BOROUGH ENGINEER'S REPORT

None

SOLICITOR'S REPORT

Solicitor Procyk presented Ordinance No. 1037 for its 2<sup>nd</sup> Reading.

**Motion by Council Member Brown, seconded by Council Member Barrett to read Ordinance No. 1037 in short title. There were 7 ayes. Motion carried.**

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President Waddell read Ordinance No. 1037 in short title: An Ordinance Amending the Provisions of Chapter 2, with the Addition of Sections 501 & 502, Prohibiting the Feeding of Waterfowl on Borough Owned Properties.

Council Member Barrett explained that this ordinance has not changed since its first reading. He said that this is one of the first steps to take in a process to alleviate the geese problem at Furnace Dam. The two main elements are feeding the ducks and the breeding grounds. The Department of Agriculture suggested having a professional grease the eggs, but before spending that money, Mr. Barrett said that this ordinance is one of the first steps to take. Council Member Labenberg said that years ago he voted against this ordinance, but feels different now. He said there are people that rent the pavilion and are cooking food next to geese droppings. Mr. Labenberg confirmed with the Borough Manager that there has been more than one complaint about the geese droppings; one being the Rodale Daycare Center that take the kids to Furnace Dam. He's in favor of this ordinance and agrees that this is the first step before spending money to grease the eggs. In as much as Council Member Brown would hate to not be able to feed the ducks, he feels that this is a health and sanitation issue. After research, Mr. Brown suggested an alligator head in the water to scare the birds away. Council Member Holtzhafer said that there have not been any geese at the dam for 2 months and doesn't feel this ordinance is necessary. Wondering how it would be enforced, Mr. Holtzhafer confirmed that the Police would fine the violators.

**Motion by Council Member Barrett, seconded by Council Member Brown to adopt Ordinance No. 1037 on its 2<sup>nd</sup> Reading.**

Council Member Neely agrees that currently there is not a geese problem at the dam and that the problem was from excessive feeding. Because the problem was explained to the person who feeds the ducks, who agreed to cut back on feedings, and because Public Works eliminated nesting areas, Mr. Neely feels an ordinance is not necessary. He doesn't want to prohibit parents from taking their children occasionally to the dam to feed the ducks. Mr. Neely said that if the efforts already taken do not work, he may change his mind. He feels that this is a big step to take by separating humans from animals and ecology. Council Member Barrett understands that there is not a geese problem at this time, but is not sure if they'll return because they've come back each year before. He said that other municipalities enacted such legislation and that this was also suggested by the Department of Agriculture and other biologists. Council Member Labenberg said it's a valid point with regards to the geese not being at the dam now, but he doesn't want to wait until the same problem comes up and the pavilion is already rented or someone wants to use the volleyball court. Council Member Brown said with spring around the corner, the geese will return and is afraid that the pavilion rentals will decrease. Mr. Barrett said that eliminating the nests was a good step to get rid of the geese; and if there are no birds, essentially there will be no fines for feeding. Council Member Holtzhafer said that after speaking to the person who fed the birds for years and explaining the problem, that person stopped the feedings and since then the geese went elsewhere. He said that the geese at Furnace Dam are resident geese and do not migrate. Mr. Brown suggested waiting a few months before passing the ordinance and see if the geese return.

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**Motion by Council Member Neely, seconded by Council Member Holtzhafer to table Ordinance No. 1037. There were 4 ayes, 3 opposed (Gilbert, Labenberg, Barrett). Motion carried.**

President Waddell is pleased that the geese issue was well researched and feels that the discussions will definitely benefit the community.

Progress

NEW BUSINESS

None

UNFINISHED BUSINESS

- a. 90-Day Trial Period – Four-way Stop Sign (Keystone/Pine) (Expires 3/13/08)

**Motion by Council Member Gilbert, seconded by Council Member Neely to extend the trial period for a four-way stop at Keystone and Pine for 45 days and direct the Solicitor to draft an ordinance. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

- b. 90-Day Trial Period – No Parking on Section of Arch Street (Expires 3/13/08)

**Motion by Council Member Gilbert, seconded by Council Member Neely to extend the trial period for a no parking zone on Arch Street for 45 days and direct the Solicitor to draft an ordinance.**

Council Member Labenberg confirmed that this area is on the south side of Arch by Rodale. Council Member Gilbert explained that residents on Arch Street are not able to back out of their driveways when cars are parked on the south side. Council Member Holtzhafer said that there are no signs posted. Borough Manager Fosselman will check if the signs were placed.

Motion by Council Member Labenberg, seconded by Council Member Holtzhafer to table the 90-Day Trial Period for a no parking section on Arch Street. There were 3 ayes, 4 opposed (Gilbert, Neely, Barrett, Waddell). Motion denied.

Council Member Barrett thought that the curb was painted. Council Member Gilbert read a memo dated December 12, 2007 from Officer Kirkner stating that the area has been restricted since Rodale was constructed, but the distance was not included in the ordinance. After discussion, Council Member Labenberg stated that he will be changing his vote.

**There were 7 ayes. Motion carried.**

- c. 90-Day Trial Period – Two Hour Parking on Section of South 4<sup>th</sup> Street (Expires 3/13/08)

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**Motion by Council Member Gilbert, seconded by Council Member Neely to extend the trial period for a two hour parking section on South 4<sup>th</sup> Street and direct the Solicitor to draft an ordinance.**

Council Member Labenberg confirmed that this was posted.

**There were 7 ayes. Motion carried.**

ITEMS NOT ON AGENDA, subject to Rule 6

None

MAYOR'S REPORT

Progress

COMMITTEE REPORTS

a. Public Works Committee

Next meeting is scheduled for March 12<sup>th</sup> at 8 a.m.

Progress

b. Health and Sanitation Committee

Progress

c. Parks and Recreation Committee

Next meeting is scheduled for March 4<sup>th</sup> at 3:30 p.m.

Progress

d. Public Safety Committee

Council Member Gilbert reported that the Police Department received a \$50 donation for the K-9 program from the Allentown Dog Training Club, Inc.

Progress

e. General Administration Committee

Progress

f. Budget and Finance Committee

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**Motion by Council Member Holtzhafer, seconded by Council Member Gilbert to adopt the March 3, 2008 Bill List.**

<b>Bill List</b>	<b>\$ 282,975.68</b>
<b>Payroll #5</b>	<b>\$ 106,838.93</b>
<b>Payroll Taxes</b>	<b>\$ 36,245.70</b>
<b>Total</b>	<b>\$ 426,060.31</b>

**Done this 3<sup>rd</sup> day of March 2008. There were 7 ayes. Motion carried.**

The Committee discussed a matching funds request made by the Arts Commission. President Waddell explained that the request was for \$4,000 and the Arts Commission would profit over \$2,000 on the event. He doesn't feel that the matching funds should be used as a fundraiser. The Committee voted 3-0 to grant \$2,525 and then the Commission would break even on the event.

President Waddell presented new guidelines for matching funds requests. Council Member Labenberg suggested eliminating the last question on the Matching Funds Application that asks how the funds will be used because it is similar to question number 2. The General Guidelines state that the request can be made before or after the event. Mr. Labenberg feels that, for planning purposes, the request should only be made before the event due to the fact that funds may not be available if they wait to make the request. He also feels there should be a \$2,500 limit per event and he agrees that a profit should not be made from the matching funds. Council Member Holtzhafer said that with prior event requests, organizations could make a profit from the Matching Funds because they may raise more funds than what they expected. Council Member Barrett said that may be an incentive for organizations to raise more money. Mr. Labenberg suggested that the application be submitted before the event, but then supply paperwork afterwards. Mr. Holtzhafer agrees that the Budget and Finance should have something before the event. Dr. Waddell's concern with the old guidelines was that it was not clear as to what monies were being matched. He also said that each event could be different situations and he's not sure what is fair to the community. Council Member Neely is concerned that one set of guidelines may not be appropriate for all situations and then exceptions to the guidelines will be needed. Also, if a limit is set and a great project comes up where the Borough is interested in giving more than the limit, an exception is needed. He doesn't feel that the program has been abused and that guidelines could tie Council's hands too much. Mr. Labenberg agrees; but as the program becomes known and more requests are made, he feels there should be a limit set so there are no organizations left out. Mr. Barrett said that by not having a limit, it could be more competitive and an incentive to get the requests in early. He agrees that organizations should not make a profit from the matching funds. Council Member Brown is in favor of a limit and helping multiple organizations. Mr. Barrett said that even though someone requests a certain amount the Borough has the discretion as to the amount granted. Mr. Neely said that he trusts the Budget and Finance Committee to properly exercise discretion and Council has to vote on it. He is not concerned as to how the money is raised to qualify for the grant money; however, he doesn't believe a profit should be made on it.

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Motion by Council Member Labenberg, seconded by Council Member Brown to set a limit of \$2,500 for the Matching Funds Guidelines. There were 2 ayes, 5 opposed (Neely, Waddell, Gilbert, Holtzhafer, Barrett). Motion denied.

The Committee will take all comments into consideration and review the Matching Funds Guidelines again.

Regarding the matching funds request from the Emmaus Arts Commission, the Committee recommends approving \$2,525, which will make the Arts Commission break even.

**Motion by Council Member Holtzhafer, seconded by Council Member Gilbert to approve \$2,525 for the Emmaus Arts Commission from the Matching Funds line item. There were 7 ayes. Motion carried.**

Progress

g. Community Relations/Development Committee

The 2009 Celebration Committee meeting has been postponed until March 29<sup>th</sup>.

Borough Manager Fosselman, Public Works Director, Jeff Clapper, and Council Members Neely and Waddell met with Derck & Edson to discuss what they would like to see happen in the downtown area. Both Neely and Waddell feel it was a very productive meeting. Derck & Edson will take the information given to provide a plan.

Since there is a design done for the Triangle Park, Council Members Neely and Waddell would like to see the improvements done for the 2009 Celebration, which requires finding funding sources. Staff has been instructed to look into funds available. Borough Manager Fosselman contacted the County. The Borough has \$500,000 available in the Green Future Fund. The T-21 grant, which was used previously for the Main Street Improvements, is currently unavailable for another year or so. Council Member Labenberg confirmed that the Green Future Fund would require matching funds, where the T-21 grant does not. He would rather see the Green Future Fund going towards an actual park and not the downtown fund. Mr. Labenberg agrees that it would be nice to have the triangle done for the 2009 Celebration, but is not willing to sacrifice tax money when it can be fully funded by a grant. Mr. Fosselman will get more information for Council.

The next Committee meeting will be March 26<sup>th</sup> at 4:00 p.m.

Progress

h. Ad Hoc Committees

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Community School Relations

The Committee met with East Penn School District on February 27<sup>th</sup> and discussed security issues regarding the threats made for 2/29. The new Superintendent, Dr. Seidenberger, is very proactive with security and would like to work closely with the Police Department. Borough Manager Fosselman stated that Dr. Seidenberger cares about the community.

Progress

PERSONAL APPEALS, PART II

- A. **Frank Sadrovitz 130 N. 4<sup>th</sup> St.** agrees that the waterfowl ordinance should be tabled, but also feels that the geese will be back. He thanked Council for the Volunteer of the Year award and said that he takes pride in the parks.

BOROUGH MANAGER'S REPORT

Progress

PRESIDENT'S BUSINESS

President Waddell and Council Member Neely attended the ground breaking ceremony for Bethel Bible Church Community Center.

President Waddell recessed the meeting at 8:58 p.m. for an executive session regarding personnel issues.

President Waddell reconvened the meeting at 9:10 p.m. with no official action needed.

ADJOURNMENT

**Motion by Council Member Labenberg, seconded by Council Member Barrett to adjourn. There were 7 ayes. Motion carried.**

The meeting of Emmaus Borough Council adjourned at 9:11 p.m.

Bruce Fosselman  
Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant  
March 10, 2008