

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, March 17, 2008 7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Reading of Minutes  

March 3, 2008
5. Decision on Bids
6. Communications
  - a. Wesley Barrett – Resignation from Shade Tree Commission
  - b. Ronald J. Glassic, President, Emmaus Main Street Program – Thank you for support and contribution
  - c. Stephen Pohowsky, PennDOT – Pedestrian Safety Design Workshop
  - d. Laura Mory, 324 S. 16<sup>th</sup> Street – Parking Concerns
7. Borough Engineer’s Report
8. Solicitor’s Report
  - a. **Ordinance No. 1038** – Amending the Provisions of Chapter 15, Section 403, and establishing that parking shall be prohibited at all times in a certain location along Arch Street near the entrance of the Rodale Parking Lot within the Borough of Emmaus (**1<sup>st</sup> Reading 3/17/08**)
  - b. **Ordinance No. 1039** – Amending Chapter 15, Section 406, and establishing a Two-Hour Parking Zone between Chestnut Street and Railroad Street on South Fourth Street (**1<sup>st</sup> Reading 3/17/08**)
  - c. **Ordinance No. 1040** – Amending Chapter 15, Section 214, and establishing a Four-Way Stop Sign at the Intersection of Keystone Avenue and Pine Street (**1<sup>st</sup> Reading 3/17/08**)
9. New Business
10. Unfinished Business

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- a. Request for proposals on Southside Emmaus Industrial Master Plan (Bid Opening April 10<sup>th</sup>)
- 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
  - a. Auto-Dialing System for Water Notification/Public Announcement
- 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 – (Tabled 3/3/08)
  - c. **Field Assignor**
- 2. Solicitor

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

- 1. Committee
  - a. Outdoor Fires
  - b. **Four-way Stop Sign (Keystone/Pine) – 90-Day Trial Period (Expires 4/25/08)**
  - 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 4/25/08)**
  - d. **Two-Hour Parking on West Side of 4<sup>th</sup> Street between Railroad & Chestnut Streets – 90-Day Trial Period (Expires 4/25/08)**
  - e. **Request for 25 MPH Signs in Stryer Section (Dave Biles)**

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- f. **St. John's UCC Church – Street Blocking Request for Street Fair - August 9, 2008**
- g. **Traffic Concerns – S. 4th and Minor Streets**
- h. **Hiring of Four Part-Time EMTs**
- i. **Request for Two-Hour Parking Signs on Macungie Ave. on East/West Side between Chestnut and Green Streets**

2. Solicitor

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

- 1. Committee
  - a. Historical Building Ordinance
  - b. **Appointment to the Environmental Advisory Council**
- 2. Solicitor

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

- 1. Committee
  - a. **Bill List (R-10)**
  - b. Matching Funds Request – Arts Commission
  - c. Emmaus Sentinel's Drum and Bugle Corps request for financial help
- 2. Solicitor

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

- 1. Committee
  - a. Downtown Master Plan
  - b. Southside Emmaus Industrial Master Plan
- 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 First Half of March 2008
  - b. Manager's Report
  - c. Triangle Park Funding

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d. Energy Audit – DEP Grant

16. President’s Business

Executive Session – Personnel Issues

17. Adjournment

Next Resolution #11  
Next Ordinance #1041

The Emmaus Borough Council met in regular session on March 17, 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

President Waddell welcomed Scout Troop 25.

PERSONAL APPEALS, PART I

**A. Laura Mory 324 S. 16<sup>th</sup> St.** complaint regards to parking on S. 16<sup>th</sup> Street. Council Member Labenberg confirmed with Ms. Mory that she has not contacted her neighbor regarding the parking issue and suggested calling the police when a car is parked on the street and not being used. Ms. Mory’s neighbor has a home occupation that was granted by the Zoning Hearing Board and Council Member Neely explained that there is no designated parking on a public street; however, a car cannot sit for more than 72 hours. President Waddell said that Ms. Mory’s letter will be read during Communications and referred to the Public Safety Committee.

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- B. Kim Diehl 930 Macungie Ave.** requested a skate park. She said that there is nowhere for kids to skateboard. Council Member Neely said this was requested in 2002 and Council was in favor of the idea and suggested using the borough property on Klines Lane by the Compost Site. At that time there was \$15,000 donated. The Borough Council was not going to take the lead on the plan and the organized group never followed through. The donated money was then applied to the walking trail at Community Park. Ms. Diehl is interested in revisiting the plan. Council Member Barrett said that the Park and Rec Committee discussed this numerous times and has read positive and negative articles about other skate parks. It was suggested that Ms. Diehl attend a Park and Recreation Committee or Commission meeting.

READING OF MINUTES

**Motion by Council Member Labenberg, seconded by Council Member Barrett to dispense with the formal reading of the March 3, 2008 minutes. There were 7 ayes. Motion carried.**

Borough Manager Fosselman pointed out on page 30, under Ceremony, Mr. Quintero was formally a border patrol agent; not water patrol agent. Minutes corrected.

Council Member Barrett said that on page 34, under Unfinished Business, for each motion made, he was the seconded motion; not Mr. Neely. Recording checked and the minutes reflect the recording.

**Motion by Council Member Neely, seconded by Council Member Barrett to adopt the March 3, 2008 minutes with correction. There were 7 ayes. Motion carried.**

DECISION ON BIDS

None

COMMUNICATIONS

- a. Wesley Barrett – Resignation from Shade Tree Commission

**Motion by Council Member Gilbert, seconded by Council Member Neely to accept Mr. Barrett's resignation.**

Council Member Neely thanked Mr. Barrett and said that he did a great job.

**There were 6 ayes, 1 abstention (Barrett). Motion carried.**

- b. Ronald J. Glassic, President, Emmaus Main Street Program – Thank you for support and contribution  
c. Stephen Pohowsky, PennDOT – Pedestrian Safety Design Workshop  
d. Laura Mory, 324 S. 16<sup>th</sup> Street – Parking concerns; referred to Public Safety Committee.

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- e. Renee Barndt and Daniel Stonehouse, 134 N. 2<sup>nd</sup> St. – Concerns with neighbor’s outdoor fires. After speaking with the Police Department, Council Member Holtzhafer will inform them to contact the police when neighbor is burning. Currently the Public Safety Committee is working on the Burning Ordinance.
- f. Elwood Benner – Concerns regarding loud horns and sirens in Halloween Parade. Referred to the Public Safety Committee.
- g. Vickie Gruver phoned Council Member Barrett – Concerned about discussion relating to the field assignor at the last meeting and the perception that she approached the Borough about a financial benefit. Mr. Barrett said that this was not the case. Council Member Labenberg also spoke to Ms. Gruver. He said she never requested money for the position.

BOROUGH ENGINEER’S REPORT

None

SOLICITOR’S REPORT

Solicitor Procyk presented Ordinance No. 1038 for its 1<sup>st</sup> Reading.

**Motion by Council Member Gilbert, seconded by Council Member Brown to read Ordinance No. 1038 in short title. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1038 in short title: An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking Shall be Prohibited at all Times in a Certain Location along Arch Street Near the Entrance of the Rodale Parking Lot Within the Borough of Emmaus

**Motion by Council Member Neely, seconded by Council Member Barrett to adopt Ordinance No. 1038 on its 1<sup>st</sup> Reading.**

Council Member Holtzhafer asked what would happen if it would no longer be Rodale Press and Borough Manager Fosselman stated that the Ordinance could be amended. Council Member Neely said that through public record it could be ascertained that Rodale was the property owner when the Ordinance was enacted.

**Roll Call Vote: Brown aye, Neely aye, Gilbert aye, Labenberg aye, Holtzhafer aye, Barrett aye, Waddell aye. Motion carried.**

Solicitor Procyk presented Ordinance No. 1039 for its 1<sup>st</sup> Reading.

**Motion by Council Member Labenberg, seconded by Council Member Gilbert to read Ordinance No. 1039 in short title. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1039 in short title: An Ordinance Amending Chapter 15, Section 406, and Establishing a Two-Hour Parking Zone Between Chestnut Street and Railroad Street on South Fourth Street

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**Motion by Council Member Neely, seconded by Council Member Gilbert to adopt Ordinance No. 1039 on its 1<sup>st</sup> Reading. Roll Call Vote: Labenberg aye, Holtzhafer aye, Barrett aye, Gilbert aye, Neely aye, Brown aye, Waddell aye. Motion carried.**

Solicitor Procyk presented Ordinance No. 1040 for its 1<sup>st</sup> Reading.

**Motion by Council Member Gilbert, seconded by Council Member Brown to read Ordinance No. 1040 in short title. There were 7 ayes. Motion carried.**

President Waddell read Ordinance No. 1040 in short title: An Ordinance Amending Chapter 15, Section 214, and Establishing a Four-Way Stop Sign at the Intersection of Keystone Avenue and Pine Street

Council Member Labenberg stated that he will be voting against this as he did in the past. He doesn't feel that a 4-way stop is needed there and regarding safety for the school bus stop he doesn't feel that will be an issue after sidewalk is installed. Mr. Labenberg would like this tabled until the sidewalk ordinance is complete.

A motion was made by Council Member Labenberg to table Ordinance No. 1040, but died from a lack of a seconded motion.

Council Member Holtzhafer said that he spoke to residents in the neighborhood who feel that the 4-way stop is completely necessary; however, he feels that it is redundant and that the 4-way stop at Spruce and Keystone should be changed to a 2-way stop on Spruce. Council Member Labenberg confirmed with Council Member Gilbert that other than the safety concern with the bus stop, the study by Officer Kirkner said there was a visibility problem with hedges. Mr. Labenberg went to the site and did not see a visibility problem. He said that if sidewalk is installed, any bushes would be removed. Council Member Neely stated that the bus stop is at Keystone and Berger and that the kids walk on the street now; he would like to see sidewalks on Keystone. Regarding the 4-way stop, he feels it is a worthwhile addition because over the years Keystone Avenue has changed substantially with vehicle and pedestrian traffic. Mr. Labenberg said it doesn't make sense to have two stops on Keystone one block away from each other.

Motion by Council Member Brown, seconded by Council Member Labenberg to table Ordinance No 1040. There were 2 ayes, 5 opposed. Motion denied.

**Motion by Council Member Neely, seconded by Council Member Holtzhafer to adopt Ordinance No. 1040 on its 1<sup>st</sup> Reading. Roll Call Vote: Brown nay, Neely aye, Gilbert aye, Labenberg nay, Holtzhafer aye, Barrett aye, Waddell nay. Motion carried.**

Progress

NEW BUSINESS

None

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UNFINISHED BUSINESS

- a. Request for proposals on Southside Emmaus Industrial Master Plan (Bid opening April 10<sup>th</sup>)

ITEMS NOT ON AGENDA, subject to Rule 6

None

MAYOR'S REPORT

Progress

COMMITTEE REPORTS

- a. Public Works Committee

The Committee met on March 12<sup>th</sup> with no official action needed.

Progress

- b. Health and Sanitation Committee

Progress

- c. Parks and Recreation Committee

The Committee met on March 4<sup>th</sup> and discussed ideas for the Summer Parks Program, which will be publicized in the newsletter and through schools. Four of the five summer program employees are interested in returning this year. Al Murphy of Western Lehigh Soccer will teach soccer free of charge on one of the days.

The Committee also discussed the Halloween 5K Run, which will be held following the guidelines set by the Halloween Parade Committee.

The Field Assignor will continue as is and this issue will be looked at again in fall.

Progress

- d. Public Safety Committee

Council Member Gilbert presented a map showing the street closings for St. John's UCC Church Street Fair on August 9<sup>th</sup>. The Mayor met with Chief Faust and agreed that the street closing plans are acceptable. If needed, emergency vehicles have access to the high rise and all individuals will be able to get to their residence.

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Regarding a letter from James Welsh of 681 Chestnut Street with a parking complaint, the Committee recommends a 2-hour parking zone from 8 a.m. to 8 p.m. on both sides of Macungie Avenue from Chestnut Street to Green Street.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to approve a 90-day trial period for a 2-hour parking zone from 8 a.m. to 8 p.m. on both sides of Macungie Avenue from Chestnut Street to Green Street.**

Council Member Labenberg would like to find out the hours of both businesses so that the area is not restricted more than what's needed. Council Member Holtzhafer understands there is a problem with a neighbor, but is not sure of placing a 2-hour parking sign because of a truck that is parked in a legal parking spot. Council Member Gilbert said that the individual that parks his truck in that area has parking to the rear of his property and is also not being cooperative and moves the truck every 71 hours because of the 72 hour parking ordinance; additionally, several parking tickets have been issued. Mr. Welsh has a problem exiting his driveway because of visibility. After discussion, it was found that the west side of Macungie Avenue is currently posted 15 minute parking and the Committee suggests changing this to 2 hour parking to benefit the clients for the financial service business. The ordinance for the restricted parking on the west side of Macungie Avenue states a 2-hour restriction; however, it is posted as a 15 minute restriction. Mr. Labenberg confirmed that the proposed 2-hour parking is for every day and then stated that he is not in favor of it.

**There were 4 ayes, 3 opposed (Neely, Holtzhafer, Labenberg). Motion carried.**

Regarding a request for a 4-way stop at S. 4<sup>th</sup> Street and Minor Street, Council Member Gilbert stated that until a traffic study is done, the Committee is not making a recommendation at this time. Officer Kirkner will look at the parking issue in this area and the parking distance around the intersection.

The Committee received a request from Dave Biles for 25 MPH signs in the Stryer Section. The speed display board will be placed in this area.

**Motion by Council Member Gilbert, seconded by Council Member Barrett to hire Shawn Austin of Bath, Lauren Forsythe of Allentown, James Maust of Palm and Laura Gerhart of Emmaus as part-time EMT's.**

President Waddell pointed out that there is only one page of documentation for Laura Gerhart and Council Member Gilbert stated that she is currently a volunteer for the Corps and will be filling out a regular application. Council Member Holtzhafer confirmed that these positions were advertised. Chief Nonnemacher conducts the interviews and makes the recommendation to the Public Safety Committee.

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

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Council Member Gilbert announced that the new Fire Inspector started and visited various businesses in the Borough.

Progress

e. General Administration Committee

**Motion by Council Member Neely, seconded by Council Member Gilbert to approve the reappointment of Liesel Adam to the Environmental Advisory Council with a term expiring March 7, 2011.**

Council Member Labenberg confirmed with Borough Manager Fosselman that this position was advertised and that there is one more vacancy on the EAC.

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

Progress

f. Budget and Finance Committee

**Motion by Council Member Gilbert, seconded by Council Member Holtzhafer to adopt the March 17, 2008 Bill List.**

<b>Bill List</b>	<b>\$ 163,907.19</b>
<b>Payroll #6</b>	<b>\$ 106,385.93</b>
<b>Payroll Taxes</b>	<b>\$ 33,906.48</b>
<b>Total</b>	<b>\$ 304,199.60</b>

**Done this 17<sup>th</sup> day of March 2008. There were 7 ayes. Motion carried.**

The Committee discussed the financial help request from the Emmaus Sentinel's Drum and Bugle Corps. The Committee recommends that the Corps apply for matching funds.

The Committee will have a final draft of the Matching Funds Request form for the next Council meeting.

Progress

g. Community Relations/Development Committee

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

Progress

h. Ad Hoc Committees

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Community School Relations

Progress

PERSONAL APPEALS, PART II

- A. Otto Slozer 121 E. Elm St.** does not feel that businesses should be encouraged to use the public street for business parking. He said the zoning ordinance used to be that each zoning district had a formula that mandated businesses to have off street parking for their customers and employees. Mr. Slozer said that was a good policy and suggested that Council check the ordinance. Council Member Neely said that, while Mr. Slozer was on Council, the Central Business District never had a parking requirement for businesses. He said there are requirements for residential rental units, but the Central Business District has never had parking requirements for a business use. Mr. Slozer suggested that Council look at the ordinance to alleviate the parking problem. Council Member Labenberg asked the Solicitor to check the parking requirement ordinance for each district.
- B. Frank Sadrovitz 130 N. 4<sup>th</sup> St.** asked if there was an ordinance for placing realtor signs at the Memorial Triangle. Council did not know of any. Borough Manager Fosselman will have the Zoning Officer and Solicitor check into this. Mr. Sadrovitz also feels that dogs should not be allowed on the Triangle. Borough Manager Fosselman explained that under the new Comprehensive plan, the Borough is defining the Triangle as 'Triangle Park' and Council Member Barrett said that all the parks are posted "no pets". The Public Safety Committee discussed this and thought about distributing papers around the Triangle about no pets at the Triangle. President Waddell suggested posting signs on the Triangle about pets. Council Member Gilbert confirmed with Mr. Barrett that there have been discussions about a dog park; however, there is no progress on it.

BOROUGH MANAGER'S REPORT

Borough Manager Fosselman reviewed funding sources for phase two of the Triangle Park improvements. The cost estimate is \$470,000, which \$250,000 could be a grant from the Department of Community Development, \$50,000 a CDBG grant, and with an \$85,000 Borough matching grant there is \$85,000 available from the Green Future Fund. President Waddell thanked Mr. Fosselman and staff for their efforts in finding monies available.

**Motion by Council Member Holtzhafer, seconded by Council Member Brown to direct staff to pursue the CDBG grant. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Council Member Labenberg confirmed with Borough Manager Fosselman that in 2009-2010 a new fire truck is needed, which will cost one million dollars; the fire department has \$500,000 in funding and the Borough currently has no money saved for it. Mr. Labenberg is concerned that with the economy, revenue will go down with homes not selling and he would rather not use taxpayer's money when in the past T-21 grants paid fully for the phase one

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improvements. He is in favor of the project, but doesn't feel that it takes priority over \$500,000 needed for a fire truck. He would rather wait until the T-21 money becomes available. Council Member Holtzhafer stated that he is in favor of funding \$100,000 or less to complete the triangle project for the 2009 Celebration, but would be against funding \$500,000 for it. President Waddell said that out of that \$85,000, there will be donations accepted for benches, kiosk, etc. and the project may not cost the tax payers any money. Council Member Barrett asked why the T-21 funding was not available and Council Member Neely remembered that since the state passed their budget late, the funding was not available. Mr. Neely agrees with Mr. Holtzhafer and feels it's a good deal if the Borough gets a \$500,000 improvement and pays \$85,000 for it. Council Member Brown feels the fire truck is more important and should budget for that. He thought it would be great to have a community project and have community volunteers making improvements instead of hiring contractors. Mr. Labenberg confirmed with Mr. Fosselman that, depending on the grant, donations can count toward the matching grant amount.

Borough Manager Fosselman announced that that DEP has energy audit money available and will be coming to look at Town Hall.

Progress

### PRESIDENT'S BUSINESS

The next 2009 Celebration Committee meeting is March 29<sup>th</sup> at 8:30 a.m. for the Steering Committee and 9:30 a.m. for the Project Teams.

President Waddell said that the Arts Commission met for 5 ½ hours on March 9<sup>th</sup>. He said there are wonderful ideas coming in the future.

The Great PA Cleanup is Saturday, April 19<sup>th</sup>. Volunteers will meet at Weis Market at 8:30 a.m. Lunch is provided for all volunteers.

President Waddell recessed the meeting at 8:32 p.m. for an executive session regarding personnel issues.

President Waddell reconvened the meeting at 8:42 p.m. with no official action needed.

### ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 8:42 p.m.

Bruce Fosselman  
Borough Manager

Transcribed by: Renea Flexer  
Administrative Assistant

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