

April 6, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
Monday, April 6, 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

March 16, 2009

7. Decision on Bids

Fire Department Training Building – Concrete Work

8. Communications

- a. Ian Ross, 5614 Tomahawk Lane, Zionsville – Food Vendor Permit
- b. Jeff Shubzda, 750 Furnace St., Emmaus – Furnace Dam Park
- c. Charlie Barebo, Otterbine Barebo, Inc. – Proposed Triangle Park Fountain
- d. Vickie Gruver, 672 Chestnut St., Emmaus – Request Reappointment to the Emmaus Parks and Recreation Commission
- e. Chris A. DeFrain, 181 Harrison St., Emmaus – Request Reappointment to the Emmaus Parks and Recreation Commission
- f. Josephine and Frank Sadrovitz – Request Reappointment to the Special Entertainment Committee
- g. William J. Smith II, 135 W. Berger St., Emmaus – Letter of Resignation from Emmaus Parks and Recreation Commission
- h. Kathleen Mintzer, 524 North St., Emmaus – Letter of Interest to Serve on Emmaus Parks and Recreation Commission
- i. Teri Sorg-McManamon, 2009 Anniversary Committee – Sidewalk Painting
- j. Bryan Bednar, St. John’s UCC, 139 N. Fourth St., Emmaus – Request for Street Closure

- k. Sue Fichter, 223 N. Third St., Emmaus – EHS Home Run Club’s Request to use Williams Street Pavilion
- l. Marsh E. Felsten, President, Mountainview Fairview Street Homeowners Association – Damage to Homes Near S. 4th Street Fields
- m. Emmaus Main Street Program – Thank You for Contribution

8. Communications (continued)

- n. Donald D. Detsch, 633 Broad St., Apt. 107, Emmaus – VFW Building Concerns

9. Borough Engineer’s Report

10. Solicitor’s Report

11. Unfinished Business, Part I

- a. **Ordinance No. 1052 – An Ordinance Amending Chapter 15, Section 402, Dealing with Angle Parking Required on Portions of Certain Streets (First Reading 3/2/09) (Second Reading 4/6/09)**
- b. **Ordinance No. 1053 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking Shall be Prohibited at All Times in a Certain Location on South Seventh Street (First Reading 3/16/09) (Second Reading 4/6/09)**

12. New Business

13. Unfinished Business, Part II

- a. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading Awaiting Raven Mill’s Attorney)

14. Items Not on Agenda, Subject to Rule 9

15. Mayor’s Report

16. Committee Reports

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

- 1. Committee

- a. 2009 Compost Site Hours
- b. Hiring Summer Park Employees**

2. Solicitor

Health and Sanitation (Reinhard, Labenberg, Holtzhafer)

- 1. Committee
 - a. Review of Past Reports and Findings
 - b. Refuse Assessments
 - c. Business Report

2. Solicitor

Parks and Recreation (Barrett, Labenberg, Holtzhafer)

- 1. Committee
 - a. Park Comp Plan
 - b. No Smoking at Parks
 - c. Ice Rink/Skate Park
 - d. Raven Mills Trail Project - Update
 - e. Meadow Pool
 - f. Vacancy on Parks and Recreation Commission**

2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

- 1. Committee
 - a. Trailer Truck Parking
 - b. Parking at Fairview/6th Streets (Santo's)
 - c. Public Safety Issues Raised by Lori Washburn, 420 Broad St.
 - d. Angle Parking - Ordinance No. 1052**
 - e. Prohibited Parking on S. Seventh St. – Ordinance No. 1053**

2. Solicitor

General Administration (Waddell, Gilbert, Barrett)

- 1. Committee
 - a. Historical Sites and Park Ordinance
 - b. Weed/Snow Officer
 - c. Health and Sanitation Committee Description
 - d. Email for Council People
 - e. Triangle Bid Approval
 - f. Reappointment to Planning Commission – James Woodeshick**

2. Solicitor

Budget and Finance (Holtzhafer, Gilbert, Reinhard)

1. Committee

- a. **Bill List – Resolution 2009-11**
- b. Borough Installment Plan
- c. Historical Financial Research Project

2. Solicitor

Community Relations/Development (Brown, Waddell, Reinhard)

1. Committee

- a. Main Street Program Update
- b. Shops of Emmaus Update
- c. **Main Street Program – Triangle Cameras**
- d. **Emmaus Historical Society – Memorial Inscriptions**
- e. **Knauss Homestead – Alcohol at Events (7/17 and 7/18)**
- f. **Lehigh County Streetscape Amenities Grant - VFW**

2. Solicitor

Ad Hoc Committees (Holtzhafer, Gilbert, Barrett, Neely, Mayor Iobst)

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 March 2009
- b. **DCED Funds – Resolution 2009-10**

19. President’s Business

20. Adjournment

#1054

The Emmaus Borough Council met in regular session on April 6, 2009 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Council Vice-President Gilbert called the meeting to order at 7:00 p.m.

Michael Waddell, President	Absent
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

PERSONAL APPEALS, PART 1

- A. **Josephine Sadrovitz 130 N. 4th St.** invited Council Members to attend a CEPTA sponsored Candidates Night on April 21st. She also asked Council members about their opinions concerning business people wanting to put a copy of their business cards in the Emmaus Summer Concerts program. Council deferred the decision to the Special Entertainment Committee.
- B. **Michael Hoffman, 221 S. 2nd St. Rear** commended the Historical Society’s suggestion for the Veteran’s Memorial. He suggested waiting until armed conflicts are over before doing the project. Mr. Holtzhafer stated that the Historical Society wants to inscribe the names of soldiers that have died in all wars and conflicts, not just those that have died in Iraq.
- C. **Roger Bean, 32 S. 5th St.** stated that he is concerned about parking at the corner of South 5th and Broad Streets. He also stated that due to people angle parking in front of Volpes, it is difficult to pull out to go south on 5th Street. He suggested placing a “Parallel Parking Only” sign there. Mr. Labenburg suggested making 5th Street toward Jubilee a one way street. Ms. Gilbert said she would discuss it with the Public Safety Committee.
- D. **Kip Bucks, 417 Wieders Lane,** stated his concerns about the walking path being built behind Cintas and the fact that the path ends near the front of his house. He also stated his concerns about parking and voiced his concerns about the street being a dead end. He stated his concern about the Borough cutting down trees without his knowledge. Ms. Gilbert asked Mr. Neely about the status of the path. Mr. Neely updated Council on the status of the path. Mr. Bucks voiced his concern about a lack of privacy when the path is completed.

- E. Marsha Felsten, 388-412 Fairview St.** on behalf of the Mountainview/Fairview Street Homeowners Association, voiced her concerns about damage caused by baseballs coming from the South 4th Street baseball field. She discussed that it is a continuous problem between April and September and feels that it is a danger to residents as well as animals at the residences. She requested that EYA move the older players to a different park. Mr. Barrett asked how often stray baseballs occur. Ms. Felsten responded that 19 baseballs were hit over the fence in 2008. She also mentioned that there has been property damage caused by baseballs. Mr. Barrett stated that the Parks and Recreation Commission and the Parks and Recreation Comprehensive Plan are addressing this issue. Mr. Neely stated that he will discuss it with the Parks and Recreation Committee. Ms. Gilbert also asked Mr. Barrett to discuss it with the Parks and Recreation Commission on April 28th.
- F. Anthony Groller, 1302 S. 10th St.** asked what age bracket is playing baseball at the South 4th Street field. He stated that he felt older players should not be allowed to play at the field.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Council Member Labenberg, seconded by Council Member Reinhard to dispense with the formal reading of the March 16, 2009 Minutes. There were 6 ayes. Motion carried.

Motion by Council Member Labenberg, seconded by Council Member Reinhard to adopt the March 16, 2009 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS

Borough Manager Neely stated that on April 1, 2009 the Fire Department and staff opened bids for concrete work at the fire training grounds. He stated that the bids are still being reviewed by staff and that there is no recommendation coming forth at this time.

COMMUNICATIONS

- a. Ian Ross, 5614 Tomahawk Lane, Zionsville – Food Vendor Permit. Referred to the General Administration Committee.
- b. Jeff Shubzda, 750 Furnace St. – Furnace Dam Park. Referred to the Parks and Recreation Committee.

- c. Charlie Barebo, Otterbine Barebo, Inc. –Proposed Triangle Park Fountain. Otterbine Barebo, Inc., offered to donate a decorative fountain complete with stand, three years of annual maintenance and a low voltage light set for the Triangle Park Project. Otterbine Barebo, Inc. would build a custom control panel with timers, low voltage light transformers and GFI's for \$1,000.00. Borough Manager Neely stated that the \$1,000.00 expense is the cost for obtaining the electrical components. A condition of the donation is that the Borough installs a brass plaque on the fountain to recognize Otterbine Barebo's donation. The General Administration Committee recommends accepting Mr. Barebo's donation and the installation of the brass plaque.

Motion by Council Member Barrett, seconded by Council Member Brown to accept the donation of the fountain, pay \$1,000.00 towards the cost of obtaining electrical components, and installing the brass plaque. There were 6 ayes. Motion carried.

Council Member Labenberg is concerned about the donation being from a business and stated that he views the plaque as an advertisement rather than a donation. Borough Manager Neely stated the value of the donation is between \$9,000 and \$10,000. Council Member Barrett stated that he feels \$1,000.00 is a minimal price to pay for the fountain. Council Member Brown suggested that Borough Manager Neely send Otterbine Barebo, Inc., a "Thank You" letter for the donation.

- d. Vicki Gruver, 672 Chestnut St. – Request for Reappointment to the Emmaus Parks and Recreation Commission. Referred to the Parks and Recreation Committee.
- e. Chris A. Defrain, 181 Harrison St. – Request for Reappointment to the Emmaus Parks and Recreation Commission. Referred to the Parks and Recreation Committee.
- f. Josephine and Frank Sandrovitz – Request for Reappointment to the Special Entertainment Committee. Referred to the Parks and Recreation Committee.
- g. William J. Smith II, 135 W. Berger St. - Letter of Resignation from Emmaus Parks and Recreation Commission.

Motion by Council Member Barrett, seconded by Council Member Holtzhafer to accept Mr. Smith's resignation. There were 6 ayes. Motion carried.

- h. Kathleen Mintzer – 524 North St. - Letter of Interest to Serve on Emmaus Parks and Recreation Commission. Referred to the Parks and Recreation Committee
- i. Teri Sorg – McManamon, 2009 Anniversary Committee – Sidewalk Painting. Referred to Public Works Department and Public Works Committee.

April 6, 2009

EMMAUS BOROUGH COUNCIL

- j. Bryan Bednar, St. John's UCC, 139 N. Fourth St. – Request for Street Closure. Referred to Staff and Mayor.
- k. Sue Fichter, 223 N. Third St. – EHS Home Run Club's Request to Use Williams Street Pavilion. Referred to Parks and Recreation Committee.
- l. Marsha E. Felsten, President Mountainview Fairview Street Homeowners Association – Damage to Homes Near S. 4th Street Fields – Referred to Parks and Recreation Committee.
- m. Emmaus Main Street Program – Thank You for \$7,500 Contribution.
- n. Donald D. Detsch, 633 Broad St., Apt 107 – VFW Building Concerns.
- o. Steven Murphy – President/CEO Rodale – Smoking at Furnace Dam. Borough Manager Neely read a letter from Mr. Murphy concerning Rodale's smoke free policy and smoking at Furnace Dam. Rodale, in conjunction with Public Works Director Clapper, have taken several steps to rectify this issue.
- p. Shelter House Society – Patriot's Dinner April 18, 2009.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT – Progress.

UNFINISHED BUSINESS Part 1

a. Ordinance No. 1052: An Ordinance Amending Chapter 15, Section 402, Dealing with Angle Parking Required on Portions of Certain Streets (First Reading 3/2/09) (Second Reading 4/6/09).

Motion made by Council Member Barrett, seconded by Council Member Labenberg to read Ordinance No. 1052 in short title. There were 6 ayes. Motion carried.

Vice President Gilbert read Ordinance No. 1052 in short title: An Ordinance Amending Chapter 15, Section 402, Dealing with Angle Parking Required on Portions of Certain Streets.

Motion made by Council Member Labenberg, seconded by Council Member Barrett, to adopt Ordinance No. 1052 on its 2nd Reading. Roll Call Vote: Labenberg - aye, Holtzhafer - aye, Barrett - aye, Brown - aye, Reinhard – aye, Gilbert - aye.

b. Ordinance No. 1053 – An Ordinance Amending the Provisions of Chapter 15, Section 403, and Establishing that Parking Shall be Prohibited at All Times in a Certain Location on South Seventh Street. (First Reading 3/16/09) (Second Reading 4/6/09).

Motion made by Council Member Labenberg, seconded by Council Member Barrett to read Ordinance No. 1053 in short title. There were 6 ayes. Motion carried.

April 6, 2009

EMMAUS BOROUGH COUNCIL

Vice President Gilbert read Ordinance No. 1053 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 on South Seventh Street.

Motion made by Council Member Labenberg, seconded by Council Member Barrett, to adopt Ordinance No. 1053 on its 2nd Reading. Roll Call Vote: Brown - aye, Reinhard - aye, Labenberg - aye, Holtzhafer - aye, Barrett - aye, Gilbert - aye. There were 6 ayes. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS – Part I

a. Ordinance No. 1044 – An Ordinance Approving the Agreement for the Exchange and Trade of Certain Real Estate Between Raven R. Mill and Mary M. Mill and the Borough of Emmaus (2nd Reading Awaiting Raven Mill’s Attorney).

ITEMS NOT ON AGENDA, Subject to Rule 9 – None.

MAYOR’S REPORT – Progress.

COMMITTEE REPORTS

a. Public Works Committee

Council Member Labenberg reported that there are 6 candidates being considered for employment by the Borough as Summer Park Employees. Ryan Curley at \$8.50 per hour, Scott Focht at \$7.65 per hour, Eric Focht at \$9.50 per hour and Kyle Focht at \$8.00 per hour are returning employees and Matt Bachert at \$7.15 per hour and Andrew Holland at \$7.90 per hour will be new employees.

Motion by Council Member Labenberg, seconded by Council Member Brown to approve the hiring of six Summer Park Employees at the stated wages. There were 6 ayes. Motion carried.

The next committee meeting will be on April 8, 2009.

Progress.

b. Health and Sanitation Committee

Council Member Reinhard reported that the former Chairman of the Committee, Mr. Holtzhafer, supplied him with a packet of information concerning energy usage. He also stated that Teri Madison of the Main Street Program supplied the committee with a

April 6, 2009

EMMAUS BOROUGH COUNCIL

list of all businesses in town. Mr. Reinhard stated that he feels this information will be very helpful when determining the refuse assessment process.

Progress.

c. Parks and Recreation Committee

The next committee meeting will be on April 7, 2009.

Progress.

d. Public Safety Committee

The next committee meeting will be held on April 8, 2009.

Progress.

e. General Administration Committee

Council Member Barrett stated that there is a motion needed to reappoint Jim Woodeshick to the Planning Commission for a 4 year term expiring April 1, 2009.

A motion was made by Council member Barrett, seconded by Council Member Labenberg to approve the appointment of Mr. Woodeshick to the Planning Commission for a 4 year term ending on April 1, 2013. There were 6 ayes. Motion carried.

Progress.

f. Budget and Finance Committee

Motion by Council Member Holtzhafer, seconded by Council Member Reinhard to adopt the April 6, 2009 Bill List.

Bill List	\$328, 216.96
Payroll #6	\$103, 463.05
Payroll Taxes	<u>\$ 30,571.08</u>
Total	\$462,251.09

Done this 6th day of April 2009. There were 6 ayes. Motion carried.

Progress.

g. Community Relations/Development Committee

April 6, 2009

EMMAUS BOROUGH COUNCIL

Council Member Brown reported that he met with Teri Madison of the Main Street Program and noted that the \$7,500.00 was released to them. He also stated that the Program, although not completely financially stable, has made progress. He also stated that the Main Street Program is focusing on façade improvements, grants, and other Main Street projects, and may be eligible for a \$30,000 grant from Lehigh County. He mentioned that the Program will be keeping the Faschnacht and Forsythia Festival, Old Fashioned Christmas, and Heritage Day events but will focus mostly on economic development. He reiterated that the Main Street Program is working very hard for the Borough of Emmaus and he feels that the Program is an investment in the community.

Council Member Brown reported that the Shops of Emmaus are a for-profit organization and will be focusing mainly on events. He stated that the Shops of Emmaus will not be doing any grant writing or façade improvements. He noted that the Shops' first event this year will be "Best In Bloom." He stated that the Main Street Program and the Shops of Emmaus are separate entities, and are not in conflict with each other.

Council Member Brown discussed the Main Street Program placing three video cameras around the Triangle. He stated that the Program will not be installing cameras at this time as it is looking at a different possibility for mounting the cameras.

Council Member Brown reported that his committee met with the Emmaus Historical Society about the inscriptions on the Veteran's Memorial. He asked Council for a motion authorizing the Emmaus Historical Society to remove the memorial stone from the Memorial Triangle and inscribe the names of 40 war veterans who died in the line of duty on it. The process would be completed by Memorial Day.

Council Member Labenberg addressed Mr. Hoffman's concerns and stated that he fully supports the Emmaus Historical Society's efforts.

Motion by Council Member Brown, seconded by Council Member Labenberg to allow the Emmaus Historical Society to remove the memorial stone from the Memorial Triangle and inscribe the names of 40 war veterans who died in action on the stone. There were 6 ayes. Motion Carried.

Council Member Brown stated that there was a letter sent to the Committee requesting permission to offer, but not sell, beer and wine at the Knauss Homestead for events scheduled on July 17 and July 18.

Motion by Council Member Brown, seconded by Council Member Reinhard to offer, but not sell, beer and wine at the Knauss Homestead for events scheduled on July 17 and 18. 6 ayes. Motion Carried.

Council Member Holtzhafer reminded Council about the prohibition of glass bottles at the parks.

April 6, 2009

EMMAUS BOROUGH COUNCIL

Council Member Brown reported that the Borough applied for a Lehigh County Streetscape Amenities Grant for improvements in front of the VFW as an extension of the Triangle Park Project. Borough Manager Neely stated the Lehigh County Streetscape Amenities Grant of \$8,000.00 is a matching grant program. He stated that the Triangle Park Project cost came in substantially lower than expected and also stated that the DCED made it clear that the Borough is supposed to use all of the money allocated for the downtown project. Mr. Neely spoke to Brian Jeremiah from DCED who explained that we could expand the project geographically outside of the Triangle. Mr. Neely also spoke to Lehigh County and was told that the Borough could use the DCED money from the Triangle Project to match the \$8,000.00 from the Streetscape Amenities Grant. Public Works Director Clapper took measurements and both he and Mr. Neely drew scaled sketches of a proposed pocket park in front of the VFW. Mr. Neely stated that the designs use design elements from the Triangle Project, with costs based on the A.P. Houser bid. Mr. Neely stated that he spoke to Carlton Dreas of the VFW, who would need approval from his Board. Mr. Neely stated that the deadline for the Streetscape Amenities Grant was approximately two weeks ago. He applied for the grant and he will be sending a cost estimate and drawings to Lehigh County. Mr. Neely also stated that he could present the two drawings to the Community Relations/Development Committee, which can review it and make a recommendation to Council for final approval.

Council Member Holtzhafer voiced his concern about a pocket park in front of the VFW turning into a place for people to smoke.

Council Member Labenberg stated that he would be in favor of an American Flag being placed in front of the VFW.

Borough Manager Neely stated that as soon as Mr. Clapper has the unit prices together, he will forward copies of the two drawings and the unit prices to Council Members and the Community Relations/Development Committee. Mr. Neely stated that the Community Relations/Development Committee will review the drawings and then make a recommendation to Council. He also stated that the drawings are only a starting point. His primary intent was to make sure that the County receives the costs and drawings of the proposed pocket park so that it could consider the grant application.

Council Member Labenberg asked how much grant money will be left over after the Triangle Improvement Project is complete. He also asked what will be done with the remaining funds. Borough Manager Neely stated that there have been several ideas mentioned but no official designation for the money. He also stated that there is a tight time frame to use the money.

Council Member Brown stated that the Main Street Program devised a tool kit for new businesses opening in the Borough. The kit includes a copy of the Downtown Master Plan, the Southside Master Plan and a copy of forms and permits required to start a new business. He stated that the kits are available at Teri Madison's office.

The next Committee meeting is on April 22, 2009.

Progress.

h. Ad Hoc Committee – School District Relations Committee

Council Member Holtzhafer reported a temporary meeting date for Thursday April 23 at 3:30 p.m. He is requesting that the meeting be held at the School District Administration Building.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER’S REPORT

Borough Manager Neely noted the Significant Revenue and Expense item list for March 2009. He clarified that under Snow Removal, the listed item is for the purchase of salt and antiskid material.

Mr. Neely also discussed the Triangle Park Resolution, which is a resolution that is required by the Department of Community and Economic Development for the Triangle Park Grant. He stated that the Resolution needs to be forwarded to the Department of Community and Economic Development along with the contracts that the Borough has with Lehigh County for the Community Development Block Grant funds and the Green Future Fund. He also stated that the funds are being provided as a match against the Department of Community and Economic Development money. The Main Street Resolution is a prerequisite for the Borough to receive the grant money and the Main Street Program has also signed a similar Resolution. Borough Manager Neely stated that this grant differs from prior grants because it is not a reimbursable grant. He explained that once the Resolution is sent to the DCED, the Borough will receive the allocated amount of \$236,000. Once the money is spent, the Borough will provide an audit to the Department. He also stated that the audit is paid for through the grant money from the Department of Community and Economic Development.

Motion by Council Member Brown, seconded by Council Member Reinhard to approve the Borough of Emmaus authorizing the Resolution to be filed with the Department of Community and Economic Development. 6 ayes. Motion carried.

Progress.

PRESIDENT’S BUSINESS – None.

Mayor Iobst reminded Council of the First Annual Dog Walk to be held “rain or shine” on Saturday April 11.

April 6, 2009

EMMAUS BOROUGH COUNCIL

Motion by Council Member Labenberg, seconded by Council Member Barrett to adjourn the meeting. There were 6 ayes. Meeting adjourned.

The meeting of the Emmaus Borough Council was adjourned at 8:26 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
April 15, 2009