

October 5, 2009

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council  
Agenda  
Monday, October 5, 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

September 21, 2009

7. Decision on Bids
8. Communications
  - a. Anthony Groller, 1302 S. 10<sup>th</sup> Street, Emmaus – Reappointment to Emmaus Planning Commission – Term Expires 4/1/2010.
  - b. Emmaus Main Street Program – Thank you letter and donation to the Borough of Emmaus.
  - c. Chad Seibert, St. John’s U.C.C. Boy Scout Troop 25 – Request to waive permit fee.
  - d. Teryl J. Madison, Executive Director, Emmaus Main Street Program – Old Fashioned Christmas Event Requests.
9. Borough Engineer’s Report
10. Solicitor’s Report
11. Unfinished Business, Part I
  - a. **Ordinance No. 1058 – An Ordinance Repealing Chapter 15, Part 5, of the Borough Codified Ordinances (1<sup>st</sup> Reading 9/21/09) (2<sup>nd</sup> Reading 10/05/09)**
12. New Business
  - a. **UGI Street Opening Permit - 215 N. 6<sup>th</sup> Street**
  - b. **Ordinance No. 1059 – An Ordinance Providing for Procedures for Warrantless Arrest (1<sup>st</sup> Reading 10/05/09)**

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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.

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

- a. **Proclamation 2009 – 256 – Fire Prevention Week October 4<sup>th</sup> to 10<sup>th</sup>**
- b. **Proclamation 2009 – 258 – Emmaus Police Department 100 Year Anniversary Celebration**

16. Committee Reports

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

Next Meeting – October 7, 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 – October 8, 2009 at 3:30 p.m.

1. Committee
  - a. **Refuse Contract – Bid Opening October 5, 2009**
  - b. Conservation
  - c. **Riparian Buffer Ordinance**

2. Solicitor

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

Next Meeting – October 6, 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. Boy Scouts Use of Boro Line Park

2. Solicitor

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

Next Meeting – October 8, 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. Amendments to Maximum Speed Limits Ordinance**
  - e. Ordinance No. 1059 – Warrantless Arrests**
2. Solicitor

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

Next Meeting – October 14, 2009 at 9:00 a.m.

1. Committee
  - a. Historical Sites and Park Ordinance
  - b. Email for Council People
  - c. A-Frame Signs/Sign Ordinance
2. Solicitor

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

Next Meeting – October 15, 2009 at 3:30 p.m.

1. Committee
  - a. Bill List – Resolution 2009-29**
  - b. 2010 Budget
  - c. Policy for Use of Tax ID Number
  - d. 2009 Celebration – Overtime
  - e. 2010 Minimum Municipal Obligation
  - f. Emmaus Main Street Program Funding**
2. Solicitor

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

Next Meeting – October 28, 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
  - d. Emmaus Main Street Program Community Survey**
2. Solicitor

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**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 September 2009**

19. President's Business

20. Adjournment

Next Resolution #30  
Next Ordinance #1060

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The Emmaus Borough Council met in regular session on October 5, 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
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS – PART 1 - None.

COMMUNITY MINUTE

Dr. Waddell reminded that the Borough is always looking for volunteers. Mr. Barrett seeks volunteers for the Halloween in Emmaus 5k Race before the Halloween Parade.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to dispense with the formal reading of the September 21, 2009 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Reinhard, seconded by Mr. Barrett to adopt the September 21, 2009 Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS

Mr. Neely reported that the Refuse & Recycling Bid Opening was held on October 5, 2009 at noon in Council Chambers. There were three bidders. Staff is reviewing the bids and expects to have a recommendation at the next Council Meeting on October 20, 2009.

COMMUNICATIONS

a. Anthony Groller, 1302 S. 10<sup>th</sup> Street, Emmaus – Reappointment to Emmaus Planning Commission – Term Expires 4/1/2010. Referred to General Administration Committee.

b. Emmaus Main Street Program – Thank you letter and donation to the Borough of Emmaus in the amount of \$100.00 for Heritage Days.

c. Chad Seibert, St. John's U.C.C. Boy Scout Troop 25 – Request to waive \$25.00 open burning permit fee.

**Motion by Mrs. Gilbert, seconded by Mr. Labenberg to waive the \$25.00 open burning permit fee. There were 7 ayes. Motion carried.**

d. Teryl J. Madison, Executive Director, Emmaus Main Street Program – Old Fashioned Christmas Event Requests. Referred to staff.

**Motion by Mrs. Gilbert, seconded by Mr. Labenberg to approve the use of Triangle Park on Saturday, December 5, 2009 by the Emmaus Main Street Program for the Old Fashioned Christmas Celebration. There were 7 ayes. Motion carried.**

e. Thomas L. Seidenberger, East Penn School District Superintendent – Request to waive open burning permit fee for the Emmaus High School bonfire on October 21, 2009.

**Motion by Mr. Labenberg, seconded by Mr. Brown to waive the open burning permit fee for the Emmaus High School bonfire on October 21, 2009. There were 7 ayes. Motion carried.**

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – None.

UNFINISHED BUSINESS, PART I

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- a. Ordinance No. 1058 – An Ordinance Repealing Chapter 15, Part 5, of the Borough Codified Ordinances, regarding parking meters. (1<sup>st</sup> reading 9/21/09 ) (2<sup>nd</sup> reading 10/5/09).

**Motion by Mr. Labenberg, seconded by Mrs. Gilbert, to read Ordinance No. 1058 in short title. There were 7 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1058 in short title – An Ordinance Repealing Chapter 15, Part 5, of the Borough of Codified Ordinances, regarding parking meters.

**Motion by Mrs. Gilbert, seconded by Mr. Labenberg to adopt Ordinance No. 1058 on its 2<sup>nd</sup> 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. Motion carried.**

NEW BUSINESS

- a. Mr. Neely explained that Mark DeWalt purchased 215 N. 6<sup>th</sup> Street, and wants to install gas service. UGI submitted an application for a Street Opening Permit, which Zoning Officer Farnsworth denied pursuant to Ordinance Section 114, which prohibits opening a street that was paved in the last 5 years unless Borough Council approves it. The Borough paved North Moyer Street in October 2004.

**Motion by Mr. Labenberg, seconded by Mr. Brown to permit UGI to open N. Moyer Street behind 215 N. 6<sup>th</sup> St. before the expiration of the 5 years. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that he was in favor of the street opening because the expiration of the 5 years is only thirty days away.

- b. Ordinance No. 1059 – An Ordinance for Providing for Procedures for Warrantless Arrests.

**Motion by Mrs. Gilbert, seconded by Mr. Labenberg to read Ordinance No. 1059 in short title. There were 7 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1059 in short title – An Ordinance Providing for Procedures for Warrantless Arrests.

**Motion by Mrs. Gilbert, seconded by Mr. Labenberg to adopt Ordinance No. 1059 – An Ordinance Providing for Procedures for Warrantless Arrests on its 1<sup>st</sup> Reading. Roll Call Vote: Mr. Brown, aye, Mr. Reinhard, aye, Mrs. Gilbert, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Dr. Waddell, aye. Motion carried.**

Mr. Holtzhafer asked why the Ordinance is necessary. Mr. Neely explained that there is a state law that for a local police department to have the power to make a warrantless arrest for the 4 summary offenses listed in the ordinance, there must be an ordinance authorizing warrantless arrests in those circumstances.

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UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Mayor Iobst read the Proclamation for Fire Prevention Week, Proclamation 2009-256, proclaiming the week of October 4 through October 10, 2009 as Emmaus Fire Department Fire Prevention Week.

Mayor Iobst stated that the Emmaus Fire Department Fire Training Facility Dedication and Fire Safety Fair during the past weekend was a huge success.

Mayor Iobst reminded that the Emmaus Halloween Parade will be held on October 17, 2009 at 7:30 p.m.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

The next Committee meeting will be on October 7, 2009 at 8:00 a.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the bids for the Refuse and Recycling Contract were opened and will be reviewed at the next Committee meeting on October 8, 2009 at 3:30 p.m. He also reported that the Committee will be working on a Riparian Buffer Ordinance.

Progress.

Dr. Waddell asked what Riparian means. Mr. Reinhard stated that it is the land area along a body of water.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee is looking for volunteers for the Emmaus Halloween 5K Race, which will be on October 17, 2009 at 7:00 p.m. There are approximately 150 runners registered for the race and the Committee is estimating the total will be 250-275 runners. The rain date is October 19, 2009 at 7:00 p.m.

Mr. Neely reported that Mark Bowman from South Mountain Cycles and the Seven Generations School have begun clearing the trails off of Kline's Lane.

Progress.

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d. Public Safety Committee

Mrs. Gilbert reported that the speed limit posting for Cedar Crest Blvd. is incorrectly posted in the Ordinance Book as 45 mph. The posted speed limit should be 40 mph. The Committee recommends that Solicitor Procyk draft an Ordinance making two changes to the Traffic Regulations Ordinance governing maximum speed limits.

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to direct Solicitor Procyk to draft an Ordinance changing the speed limit in the ordinance and amending the penalty section of the Traffic Regulations Ordinance to provide that the penalties shall be as authorized by the Pennsylvania Motor Vehicle Code. There were 7 ayes. Motion carried.**

The next Committee meeting will be on October 8, 2009 at 9:00 a.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the next Committee meeting will be on October, 14 2009 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2009-29, authorizing payment of the October 5, 2009 Bill List, as follows:

Bill List	\$ 521,857.54
Payroll #19	\$ 110,903.89
Payroll Taxes	<u>\$ 33,574.67</u>
Total	\$ 666,336.10

Done this 5th day of October, 2009.

**Motion by Mr. Reinhard, seconded by Mr. Holtzhafer to approve the October 5, 2009 Bill List. There were 6 ayes, 1 abstention (Mr. Barrett). Mr. Barrett abstained because his company, Wesley Works, is on the Bill List. Motion carried.**

Mr. Holtzhafer reported that the Committee is researching the senior citizen discount for refuse fees. The income threshold is currently set at \$11,000. He stated that the Committee is also researching the Borough's debt service.

Mr. Holtzhafer reported that the Committee recommends the release of \$7500 to the Emmaus Main Street Program.

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**Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to release \$7,500 to the Main Street Program. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations/Development Committee

Mr. Brown reported that Teri Sorg-McManamon requests placing a Main Street Program Community Survey in the next Borough Newsletter. The deadline for the Borough Winter Newsletter article submission is October 30, 2009. The Committee recommends that the Community Survey be inserted into the next Borough Newsletter.

**Motion by Mr. Brown, seconded by Mrs. Gilbert to approve the Main Street Program partnering with the Borough of Emmaus to insert a Main Street Program Community Survey in the next Borough Newsletter. There were 7 ayes. Motion carried.**

Mr. Holtzhafer questioned the costs. Mr. Brown responded that the Main Street Program would pay for any additional costs. Mr. Neely stated that the cost of the newsletter would be increased for the insertion of the survey. Mr. Labenberg asked if the postage would increase for the newsletter. Mr. Neely stated that the postage is tiered and it would not increase our postage. Mr. Reinhard stated that he would like to see the survey posted on the Borough website. Teri McManamon stated that for this survey they are only interested in having one person per household fill out the survey. There would be little control of the survey if it were posted on the website. She stated that future surveys could be posted on the website. Mr. Labenberg questioned how many newsletters are mailed out to households. Mr. Neely reported that there are 4300 households, but we also mail the newsletter out to businesses in the Borough.

The next Committee meeting is October 28, 2009 at 4:00 p.m.

Progress.

h. Ad Hoc Committee – Community/School Relations

Mr. Holtzhafer reported that the Committee has set a tentative date to meet on Wednesday, October 21, 2009 at the School District's Administrative office.

Progress.

PERSONAL APPEALS, PART II

a. **Otto Slozer, 121 E. Elm St.,** stated when the Aqua Duck contract was first announced, it was stated that Aqua Duck would be using water to fill swimming pools and no other use was mentioned. He feels it is important for the community to know what other uses Aqua Duck is using the water for. Dr. Waddell stated that Aqua Duck occasionally transports water to construction sites for cleaning tools, and to knock down dust at a job site. Mr. Labenberg furnished Mr. Slozer with a memorandum from Mr. Neely explaining Aqua Duck's water usage. Mr. Slozer stated that there is no monitoring of Aqua Duck's water usage. He questioned why the Borough did not place a meter at the fire hydrant to monitor

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the flow. Mr. Labenberg stated that if the Borough continues its contract with Aqua Duck, a meter can be placed at the hydrant to monitor the flow. Mr. Slozer mentioned that two meetings ago, Council discussed a proposed business tax. He stated that under the "Right to Know law", he will be requesting information about the tax. Mr. Neely responded that he would furnish Mr. Slozer with any information or correspondence that he has, but that Mr. Slozer should submit his request in writing.

**b. Chris Defrain, 181 Harrison St.,** requests that Council review the overtime budget for the Emmaus Police Department. Mr. Labenberg stated that he opposed the officers that went to the Lehigh County Drug Task Force. He asked for a report on part-time hours. Mr. Defrain corrected his appeal and stated that he meant part-time hours, not overtime hours.

### BOROUGH MANAGER'S REPORT

Mr. Neely noted the Significant Revenue and Expense Items for September 2009.

Mr. Neely reported that the Borough will be setting up a Christmas tree on the Triangle for the Holiday season. John Dychala, Assistant Public Works Director, requests Council's input in selecting new Christmas tree decorations. Mr. Neely reviewed the options for lights and for the size of the Christmas balls. He reported that he received a quote from Rileigh's Outdoor Décor, Bethlehem, PA. Mr. Labenberg questioned why we only received a quote from one business. Mr. Neely stated that the Borough will also be purchasing new Christmas balls. Dr. Waddell stated that he would like to see other colors for the LED lights. Mr. Barrett explained that LED lights are only made in red, green, and blue and that it is the plastic covers that give them their ultimate appearance. Mrs. Gilbert suggested a mix of large and small Christmas balls in various colors.

Progress.

### PRESIDENT'S BUSINESS

Dr. Waddell thanked the Train Excursion Committee for a very successful weekend event. Mr. Labenberg commented on the amount of people taking pictures and videos of the trains. Dr. Waddell also thanked Mayor Iobst and Mrs. Gilbert for their help with the Emmaus Fire Department Dedication & Fire Safety Fair. He apologized for not being in attendance at the dedication. He reported that December 4 is the kick-off of the Emmaus Main Street Program Old-Fashioned Christmas. On December 5, 2009, the Time Capsule will be interred.

Dr. Waddell reminded that the next Council meeting will be held on Tuesday, October 20, 2009.

### ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 7:51 p.m.

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Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 22, 2009