

November 3, 2014

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council
Agenda
November 3, 2014, 7:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

October 20, 2014

7. Decisions on Bids
8. Communications
 - a. Pamela Miller, 603 Glenwood Street – Request reappointment to the Board of Health (term expires 1/1/2015).
 - b. Dustin Grim, 250 Main Street – Letter of interest to serve on the Emmaus General Authority.
 - c. Jeanne Shook, 2670 Mountain View Circle – Resignation from the Emmaus Arts Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

Ordinance No. 1114 – An Ordinance Repealing Sections 351 Through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations (1st Reading 10/20/14) (2nd Reading 11/3/14).

12. New Business
13. Unfinished Business, Part II

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14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

16. Committee Reports

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

Next Meeting – November 6, 2014 at 3:15 p.m.

- a. Rules & Regulations (update)
- b. Fairview Street
- c. South 10th Street Culvert
- d. Historical House Agreements

Health, Sanitation, and Conservation (Shubzda, Holtzhafer, Anders)

Next Meeting – November 20, 2014 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Bills
- d. Codes Enforcement in Committee

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – November 4, 2014 at 4:00 p.m.

- a. Boro Line Park Direction Sign

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – November 5, 2014 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Graffiti Ordinance
- c. IFC Ordinance
- d. Landis Circle One-Way
- e. **Ordinance No. 1114 – Amended Civil Service Commission Rules and Regulations (2nd Reading)**
- f. **Hire Part-Time Paramedic – Cara Biery**

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – November 12, 2014 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. **Building Feasibility Study**

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e. Building Appraisals

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – November 13, 2014 at 4:00 p.m. (Budget Workshop)

- a. Capital Plan
- b. Resolution 2014-42 – Bill List**
- c. 2015 Budget
- d. 2015 Per Capita Tax Collection Contract - Berkheimer**
 - Resolution 2014 – 43: Tax Hearing Appointment Resolution**
 - Resolution 2014 – 44: Appointment Resolution**
 - Resolution 2014 – 45: Confidentiality Resolution**
 - Resolution 2014 – 46: Imposition of Costs Resolution**

Community Relations, Planning and Development (Brown, Shubzda, Anders)

Next Meeting – November 12, 2014 at 4:00 p.m.

- a. Grant Progress
- b. Committee Structure

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. Significant Revenue and Expense Items for October, 2014

19. President's Business

Executive Session

20. Adjournment

Next Resolution: 2014-47

Next Ordinance: #1115

The Emmaus Borough Council met in regular session on November 3, 2014 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

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CALL TO ORDER

Mrs. Gilbert called the meeting to order at 7:17 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Present
Roy Anders	Present
Wesley Barrett	Present
Nathan Brown	Absent
Brent Labenberg	Present – Arrived at 7:24 p.m.
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Al Stirba, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1

A. Mark Fischer, 723 N. 2nd Street – offered additional comments, suggestions and corrections to his previous personal appeal made during the October 20, 2014 Council Meeting and stated that his taxes for 2013 and 2014 are current.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Shubzda, seconded by Mr. Barrett to dispense with the formal reading of the October 20, 2014 Minutes. There were 5 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. Barrett to adopt the October 20, 2014 Minutes as drafted. There were 5 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Pamela Miller, 603 Glenwood Street – Request reappointment to the Board of Health (term expires 1/1/2015). Referred to the Health, Sanitation and Conservation Committee.

b. Dustin Grim, 250 Main Street – Letter of interest to serve on the Emmaus General Authority. Mrs. Gilbert stated that the General Authority does not currently have any vacancies and directed Mr. Pepe to retain Mr. Grim's letter.

c. Jeanne Shook, 2670 Mountain View Circle – Resignation from the Emmaus Arts Commission. Mrs. Gilbert directed Mr. Pepe to mail Ms. Shook a letter of thanks.

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Motion by Mr. Barrett, seconded by Mr. Shubzda to accept Ms. Shook's resignation from the Emmaus Arts Commission. There were 5 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Stirba reported that the solicitor's office is moving forward in regards to a civil suit and emergency injunction against 56 S. Cherry Street.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1114 - An Ordinance Repealing Sections 351 through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations (1st Reading 10/20/14) (2nd Reading 11/03/14).

Motion by Mr. Barrett, seconded by Mr. Labenberg to read Ordinance No. 1114 in short title. There were 6 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1114 in short title.

Motion by Mr. Barrett, seconded by Mr. Anders to adopt Ordinance No. 1114 - An Ordinance Repealing Sections 351 through 356 of Chapter 1 of the Codified Ordinances Involving the Civil Service Commission Rules and Regulations and Adopting Amended Rules and Regulations on its 2nd Reading. Roll call vote: Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the next Committee meeting is Thursday, November 6, 2014 at 3:15 p.m.

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Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee meeting is November 20, 2014 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the November 4, 2014 Committee meeting is being cancelled. The next Committee meeting is December 2, 2014.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Mr. Pepe interviewed Cara Biery for a position as a part-time Paramedic for the Emmaus Ambulance Corps. Mr. Pepe stated that Ms. Biery previously worked for the Ambulance Corps as a full-time EMT and that the position was eliminated. He stated that she is currently working full-time in Northampton. He also stated that she is very qualified and the Ambulance Corps would be very happy to have her return part-time. Mr. Labenberg asked if the Ambulance Corps is fully staffed. Mr. Pepe stated that he believes the Paramedics are fully staffed.

Motion by Mr. Anders, seconded by Mr. Labenberg to hire Cara Biery as a part-time Paramedic for the Emmaus Ambulance Corps. There were 6 ayes. Motion carried.

The next Committee meeting is Thursday, November 5, 2014 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the Committee met prior to tonight's Council Meeting.

Motion by Mr. Barrett, seconded by Mr. Labenberg to contract Ray Geiger for a property appraisal in the amount of \$2,000, which will be allocated between line items in four funds. There were 6 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to hire Spillmen Farmer to perform a feasibility study in the amount of \$9,900, which will be allocated between line items in four funds. There were 6 ayes. Motion carried.

The next Committee meeting is Wednesday, November 12, 2014 at 9:00 a.m.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014- 42 authorizing payment of the November 3, 2014 Bill List, as follows:

Bill List	\$	293,403.22
Payroll #22	\$	111,549.36
Payroll Taxes	\$	<u>38,187.49</u>
Total	\$	443,140.07

Done this 3rd day of November 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the November 3, 2014 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer explained that the Borough of Emmaus is going to retain Berkheimer as the tax collector for its Per Capita Taxes. Mr. Holtzhafer stated that the Committee discussed keeping the process in-house or hiring Mr. Gouldy to collect the taxes. Mr. Holtzhafer reported that Mr. Pepe contacted Berkheimer and received a quote from them which was considerably lower than the previous year. The Budget and Finance Committee recommends authorizing Mr. Pepe to enter into an Agreement with Berkheimer to remain as the Tax Collector for the Borough of Emmaus' Per Capita Tax. Mr. Labenberg stated that he believes it would be more convenient for the Borough residents to pay their Per Capita Taxes at Town Hall and that staff has enough time to process the taxes and will vote against the motion. Mr. Anders asked if the Borough is retaining Berkheimer for one year to which Mr. Pepe responded affirmatively. Mr. Pepe stated that he believes ultimately it will be less expensive for staff to process the taxes. He further stated that if the process is brought in-house, a software package will need to be purchased, negotiations will need to be held with the Union, and the Borough will most likely lose money the first year.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize Mr. Pepe to enter into an Agreement with Berkheimer to remain as the Tax Collector for the Borough of Emmaus' Per Capita Tax. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

Resolution 2014-43 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Empowering and Directing the Proper Officers of the Governing Board to Appoint Berkheimer as its Tax Hearing Officer Under and Pursuant to the Local Taxpayers Bill of Rights for the Express Purpose of Adjudicating Appeals Thereunder.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-43. There were 6 ayes. Motion carried.

Resolution 2014- 44 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Authorizing, Empowering and Directing the Proper Officers of the Governing Board to Execute an Agreement with Berkheimer, Whereunder Berkheimer is Retained as the Exclusive Tax Officer for the Collection, Administration, Receipt and

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Enforcement of the Provisions of the Respective Tax Enactment of the Governing Board Levying and Assessing the Per Capita Tax for the Term Herein Defined, Together with Such Extensions as may be Agreed Upon, said Tax Enactment Having Been Adopted Under and Pursuant to the Authority of the Pennsylvania Local Tax Enabling Act (Act 511, P.L. 1257); and Approving and Adopting the Rules and Regulations Prepared by Berkheimer to Administer and Enforce the Per Capita Tax.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-44. There were 6 ayes. Motion carried.

Resolution 2014-45 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Authorizing, Empowering, and Directing the Proper Officers of the Governing Board to Appoint a Liaison Between it and Berkheimer, the Duly Appointed Collector of the Per Capita Tax for the District, for the Express Purpose of Sharing Confidential Tax Information with the District for Official Purposes.

Motion by Mr. Holtzhafer, seconded by Mr. Anders to adopt Resolution 2014-45. There were 6 ayes. Motion carried.

Resolution 2014-46 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Authorizing and Empowering its Local Tax Collector, Berkheimer, to Impose and Retain Costs of Collection on Delinquent Taxes.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-46. There were 6 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Anders reported that the next Committee meeting is November 12, 2014 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reminded Council that the next Budget Workshop will be held on November 13, 2014 at 4:00 p.m.

Mr. Pepe reported that the Borough received a PennDot grant in the amount of \$238,777 for the 10th Street Culvert project.

Mr. Pepe reported that the Significant Revenue and Expense Items for October 2014 are in the Council binders and offered to entertain questions about them.

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Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed the meeting at 7:44 p.m. for an Executive Session to discuss a legal matter with no official action anticipated.

Mrs. Gilbert reconvened at 8:10 p.m. with no official action taken.

Motion by Mr. Barrett, seconded by Mr. Labenberg to adjourn. There were 6 ayes. Motion carried.

The October 20, 2014 Meeting of the Emmaus Borough Council adjourned at 8:11 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
November 6, 2014