

December 1, 2014

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
December 1, 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

November 17, 2014

7. Decisions on Bids
8. Communications
 - a. Rev. Dr. Sue Pizor Yoder, The Barn, 682 N. Brookside Rd., Suite B2, Allentown – Letter of thanks for assistance with the Community Gardens.
 - b. Linda Waddell, 976 N. 7th Street Circle – Request reappointment to the Emmaus Arts Commission (term expires 2/1/2015).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
12. New Business

Ordinance No. 1115 – An Ordinance Amending the Code of Ordinances, Chapter 1, Article 7.C§732 Entitled Borough of Emmaus Police Pension Plan in Order to Comply with the State Laws and Regulations in Effect as of May 20, 2014 (1st Reading 12/01/14).

Ordinance No. 1116 – An Ordinance Amending the Code of Ordinances, Chapter 1, Article 7.B§721 Entitled Borough of Emmaus Employees' Pension Plan in Order to Comply with the State Laws and Regulations in Effect as of May 20, 2014 (1st Reading 12/01/14).

December 1, 2014

EMMAUS BOROUGH COUNCIL

Ordinance No. 1117 – An Ordinance Amending Chapter 15 of the Codified Ordinances (1st Reading 12/01/14).

12. New Business (continued)

Ordinance No. 1118 – An Ordinance Levying Taxes for the Fiscal Year 2015 for the Borough of Emmaus at the Rate of 5.1565 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 4.5254 Mills and the Creation of a Fire Fund Tax of 0.6311 Mills.

13. Unfinished Business, Part II

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 – December 4, 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 – December 18, 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 – December 2, 2014 at 4:00 p.m.

- a. Boro Line Park Direction Sign

Public Safety (Gilbert, Barrett, Brown)

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

- a. Emergency Operations Plan – Review

December 1, 2014

EMMAUS BOROUGH COUNCIL

- b. Graffiti Ordinance
- c. IFC Ordinance
- d. Landis Circle One-Way
- e. **Ordinance No. 1117 – Amending Chapter 15 of the Codified Ordinances (1st Reading)**

General Administration (Barrett, Gilbert, Labenberg)

Next Meeting – December 10, 2014 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – December 15, 2014 at 6:45 p.m.

- a. Capital Plan
- b. **Resolution 2014-49 – Bill List**
- c. **Proposed 2015 Budget**
- d. **Resolution 2014-50– 2015 Fee Schedule**
- e. **Resolution 2014-51– 2015 Refuse Collection and Compost Site Assessment Fees**
- f. **Resolution 2014-52 – Delinquent Tax Collection Services**
- g. **Ordinance No. 1115 – Amending Emmaus Police Pension Plan (1st Reading)**
- h. **Ordinance No. 1116 – Amending Emmaus Employees’ Pension Plan (1st Reading)**
- i. **Ordinance No. 1118 – 2015 Levying Taxes (1st Reading)**

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

Next Meeting – December 9, 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 November, 2014

19. **President’s Business**

December 1, 2014

EMMAUS BOROUGH COUNCIL

20. Adjournment

Next Resolution: 2014-53

Next Ordinance: #1119

The Emmaus Borough Council met in regular session on December 1, 2014 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert called the meeting to order at 7:00 p.m.

Lee Ann Gilbert, President	Present
Brian Holtzhafer, Vice President	Present
Roy Anders	Present
Wesley Barrett	Present
Nathan Brown	Present
Brent Labenberg	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – PART 1 – None.

COMMUNITY MINUTE

Mr. Labenberg noted that in the Borough's Winter Newsletter, J.P. Mascaro & Sons lists aluminum foil as both acceptable and unacceptable material for recycling. Mr. Labenberg also noted that cartons and juice boxes are listed as unacceptable materials and stated that he believes when the contract was bid on, cartons and juice boxes were included as acceptable recyclable items. He asked Mr. Pepe for clarification on the items. Mr. Pepe responded that J. P. Mascaro will be mailing out a separate newsletter with further explanation about refuse and recycling pickup.

Mr. Anders reminded everyone that Old Fashioned Christmas will be held on Saturday, December 6, 2014 from 11:00 a.m. to 8:00 p.m. at Triangle Park and other historical sites throughout the community. Mr. Anders also stated that the Special Entertainment Commission is continuing to offer free Zumba classes on Saturdays from 9:00 a.m. to 10:00 a.m.

Mr. Pepe congratulated the Emmaus Run Inn for being selected as one of the top 50 independent running stores in the country.

December 1, 2014

EMMAUS BOROUGH COUNCIL

Mrs. Gilbert thanked the Fruhwirth family, 156 Pine Street, for donating the Christmas tree that was placed at Triangle Park. She thanked Kathy Haney for wrapping gift boxes to be placed under the tree. She also thanked Kevin Schultz of the Schultz Organization and Nyleve Bridge Corporation for donating their time and effort in the hauling and placement of the tree.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the November 17, 2014 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to adopt the November 17, 2014 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Rev. Dr. Sue Pizor Yoder, The Barn, 682 Brookside Rd., Suite B2, Allentown – Letter of thanks for assistance with the Community Gardens.
- b. Linda Waddell, 976 N. 7th Street Circle – Request reappointment to the Emmaus Arts Commission (term expires 2/1/2015). Referred to the General Administration Committee.
- c. Sanctuary at Haafsville, 901 Nestle Way, Breinigsville – 2015 Stray Dog and Cat Contract. Referred to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1115 – An Ordinance Amending the Code of Ordinances, Chapter 1, Article 7.C§732 Entitled Borough of Emmaus Pension Plan in Order to Comply with the State Laws and Regulations in Effect as of May 20, 2014 (1st Reading 12/01/14).

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to read Ordinance No. 1115 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1115 in short title.

December 1, 2014

EMMAUS BOROUGH COUNCIL

Motion by Mr. Holtzhafer, seconded by Mr. Anders to adopt Ordinance No. 1115 – An Ordinance Amending the Code of Ordinances, Chapter 1, Article 7.C§732 Entitled Borough of Emmaus Pension Plan in Order to Comply with the State Laws and Regulations in Effect as of May 20, 2014 on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Ordinance No. 1116 – An Ordinance Amending the Code of Ordinances, Chapter 1, Article 7.B§721 Entitled Borough of Emmaus Employees' Pension Plan in Order to Comply with the State Laws and Regulations in Effect as of May 20, 2014 (1st Reading 12/01/14).

Motion by Mr. Anders, seconded by Mr. Labenberg to read Ordinance No. 1116 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1116 in short title.

Motion by Mr. Brown, seconded by Mr. Anders to adopt Ordinance No. 1116 - An Ordinance Amending the Code of Ordinances, Chapter 1, Article 7.B§721 Entitled Borough of Emmaus Employees' Pension Plan in Order to Comply with the State Laws and Regulations in Effect as of May 20, 2014 on its 1st Reading. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Ordinance No. 1117 – An Ordinance Amending Chapter 15 of the Codified Ordinances (1st Reading 12/01/14).

Motion by Mr. Barrett, seconded by Mr. Labenberg to read Ordinance No. 1117 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1117 in short title.

Motion by Mr. Anders, seconded by Mr. Barrett to adopt Ordinance No. 1117 – An Ordinance Amending Chapter 15 of the Codified Ordinances on its 1st Reading. Roll call vote: Mr. Anders, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Ordinance No. 1118 – An Ordinance Levying Taxes for the Fiscal Year 2015 for the Borough of Emmaus at the Rate of 5.1565 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 4.5254 Mills and the Creation of a Fire Fund Tax of 0.6311 Mills. (1st Reading 12/01/14).

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to read Ordinance No. 1118 in short title. There were 7 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1118 in short title.

December 1, 2014

EMMAUS BOROUGH COUNCIL

Mr. Labenberg stated that the only increase is in the fire fund tax and questioned how much the tax increase will be per household. Mr. Pepe responded that the tax increase is 1/12 of a Mill and taxes will increase approximately \$4.00 - \$6.00 per household. Mr. Brown stated that the increase in the fire fund tax is due to the legal fees incurred due to the fire issue the Borough is involved in.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Ordinance No. 1118 – An Ordinance Levying Taxes for the Fiscal Year 2015 for the Borough of Emmaus at the Rate of 5.1565 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 4.5254 Mills and the Creation of a Fire Fund Tax of 0.6311 Mills on its 1st Reading. Roll call vote: Mr. Barrett, aye; Mr. Holtzhafer, aye; Mr. Labenberg, aye; Mr. Anders, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

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 December 4, 2014 at 3:15 p.m.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee meeting is December 18, 2014 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the next Committee meeting is December 2, 2014 at 4:00 p.m.

Progress.

d. Public Safety Committee

December 1, 2014

EMMAUS BOROUGH COUNCIL

Mrs. Gilbert reported that the next Committee meeting is December 3, 2014 at 3:00 p.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the next Committee meeting is December 10, 2014 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014-49 authorizing payment of the December 1, 2014 Bill List, as follows:

Bill List	\$	162,694.47
Payroll #24	\$	127,933.27
Payroll Taxes	\$	<u>43,495.64</u>
Total	\$	334,123.38

Done this 1st day of December 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 1, 2014 Bill List. There were 7 ayes. Motion carried.

Resolution 2014-50 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees and Charges for Permits and Services.

Mr. Labenberg noted that the Summer Parks Program fee is increasing from \$35.00 to \$40.00 because the Borough wants the program to be paid for by the fee itself so the Borough isn't contributing any taxpayer money. Mr. Pepe stated that the labor rates, including police and public works were also adjusted.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-50. There were 7 ayes. Motion carried.

Resolution 2014-51 – Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2015.

Mr. Holtzhafer stated that the refuse fee for 2015 will be \$287.00, which is an assessment of \$281.00 per unit and a \$6.00 fee for compost site use. He also stated that if the refuse and compost collection fee is paid on or before March 6, 2015, there will be a \$10.00 reduction. Mr. Labenberg stated that he believes it is a savings of approximately \$25.00 per unit.

December 1, 2014

EMMAUS BOROUGH COUNCIL

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-51. There were 7 ayes. Motion carried.

Resolution 2014-52 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Appointing the Law Firm of Dimmich and Dinkelacker as the Official Delinquent Tax Collection Agency for the Borough of Emmaus.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-52. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Anders to advertise the proposed 2015 Borough of Emmaus Budget. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to appoint Cindy Feinberg to assist the Borough of Emmaus in future real estate transactions.

Mr. Holtzhafer amended his motion and Mr. Barrett amended his second.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to appoint Feinberg & Associates to assist the Borough of Emmaus in future real estate transactions. There were 7 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the next Committee meeting is December 9, 2014 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II– None.

BOROUGH MANAGER'S REPORT

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

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert reminded Council that an Executive Session will be held on December 3, 2014 at 4:00 p.m.

December 1, 2014

EMMAUS BOROUGH COUNCIL

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

The December 1, 2014 Meeting of the Emmaus Borough Council adjourned at 7:26
p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 4, 2014