

December 03, 2018

**Emmaus Borough Council
Agenda
December 03, 2018 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
 - 6.a. Council Meeting Minutes - November 19, 2018
7. Decisions on Bids
 - 7.a. Bid Results - Sanitary Sewer Manhole Rehabilitation Project
8. Communications
 - 8.a. William Huber, 626 Chestnut Street - Request reappointment to the Civil Service Commission (term expires 1/1/2019).
 - 8.b. Karri Schreppel, 651 Walnut Street - Request reappointment to the Emmaus Arts Commission (term expires 2/7/2019).
 - 8.c. David Cole, 999 Little Lehigh Drive - Request reappointment to the Emmaus Library Board (term expires 1/1/2019).
9. Borough Engineer's Report
10. Solicitor's Report

December 03, 2018

11. Unfinished Business, Part I

12. New Business

12.a. Ordinance No. 1184 - An Ordinance Levying Taxes for the Fiscal Year 2019 for the Borough of Emmaus at the Rate of 6.7615 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 5.6654 Mills and a Fire Fund Tax of 1.0961 Mills (1st Reading 12/3/2018).

13. Unfinished Business, Part II

13.a. Ordinance No. 1183 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance of 1993, as Amended, to Apply the Modified Parking Requirements of Section 27-602, Sub-section 6, to Craft Beverage Restaurants and Craft Beverage Production Facilities Located in the Central Commercial (B-C) Zoning District (1st Reading 11/19/2018) (2nd Reading 12/17/2018).

14. Items Not on Agenda

Subject to Rule 9

15. Mayor's Report

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Anders, Sorg-McManamon, Labenberg)

Next Meeting – December 10, 2018 at 3:30 p.m.

Next Meeting - December 10, 2018 at 3:30 p.m.

Health, Sanitation, and Codes (Shubzda, Sorg-McManamon, Anders)

Next Meeting – December 26, 2018 at 4:30 p.m.

Next Meeting - December 26, 2018 at 4:30 p.m.

Committee Meeting Notes - November 28, 2018

Parks and Recreation (Baumgartner, Anders, Shubzda)

Next Meeting – December 4, 2018 at 4:30 p.m.

Next Meeting - December 4, 2018 at 4:30 p.m.

Public Safety (DeFrain, Barrett, Baumgartner)

Next Meeting – December 12, 2018 at 9:15 a.m.

December 03, 2018

Reappoint William Huber to the Civil Service Commission (New term expires: 1/1/2025)

Next Meeting - December 12, 2018 at 9:15 a.m.

General Administration (Labenberg, Barrett, DeFrain)

Next Meeting – December 6, 2018 at 9:00 a.m.

Reappoint David Cole to the Emmaus Public Library Board (New Term Expires: 1/1/2022)

Next Meeting - December 6, 2018 at 9:00 a.m.

Budget and Finance (Barrett, DeFrain, Labenberg)

Next Meeting – December 17, 2018 at 6:45 p.m.

Resolution No. 2018-39: Bill List

Resolution 2018 - 48 Sale of Items at Auction

Proposed 2019 Budget

Resolution No. 2018-40: 2019 Delinquent Tax Collection Agency

Resolution No. 2018-41: Berkheimer Appointment

Resolution No. 2018-42: Confidentiality Resolution

Resolution No. 2018-43: Imposition of Costs

Resolution No. 2018-44: Tax Hearing Appointment

Committee Meeting Notes - November 19, 2018

Next Meeting - December 17, 2018 at 6:45 p.m.

Community Relations, Planning and Development (Sorg-McManamon, Baumgartner, Shubzda)

Next Meeting – December 20, 2018 at 4:30 p.m.

Ordinance No. 1183 - 2nd Reading (12/17/2018)

Reappoint Karri Schreppel to the Emmaus Arts Commission (New Term Expires: 2/7/2022)

Next Meeting - December 20, 2018 at 4:30 p.m.

17. Boards and Commissions

17.a. Emmaus Arts Commission Meeting Minutes - October 22, 2018

17.b. Emmaus Public Library Board of Trustees Mtg. Minutes - October 16, 2018

17.c. Emmaus Main Street Partners

December 03, 2018

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for November, 2018

20. President's Business

21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on December 3, 2018 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:00 p.m.

Brent Labenberg, President	Present
Chris DeFrain, Vice President	Present
Roy Anders	Present
Wesley Barrett	Present
Shana Baumgartner	Present
Jeffrey Shubzda	Present
Teri Sorg-McManamon	Present
Lee Ann Gilbert, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE

Mr. Anders stated that he attended the Emmaus Public Library Book Sale on Friday, November 30, 2018. He stated that it was well attended and it was a very nice event. He also stated that he visited the Emmaus Historical Society and there were several choirs performing. He stated that there was also a large crowd at the event.

Mr. Barrett stated that even though it was drizzling, the Old-Fashioned Christmas event was very well attended. Mr. Anders thanked the Emmaus Main Street Partners for their hard work on the event.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mr. Anders to adopt the November 19, 2018 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Motion by Mr. Shubzda, seconded by Mr. Anders to award the Sanitary Sewer Manhole Rehabilitation project, including adders, to Anrich, Inc. in the amount of \$358,915.00 contingent upon approval by the Borough's Solicitor and Engineer. There were 7 ayes. Motion carried.

EMMAUS BOROUGH COUNCIL

COMMUNICATIONS

a. William Huber, 626 Chestnut Street – Request reappointment to the Civil Service Commission (term expires 1/1/2019).

Motion by Mr. DeFrain, seconded by Mrs. Sorg-McManamon to reappoint William Huber to the Civil Service Commission to a term expiring on 1/1/2025. There were 7 ayes. Motion carried.

b. Karri Schreppel, 651 Walnut Street – Request reappointment to the Emmaus Arts Commission (term expires 2/7/2019).

Motion by Mr. Barrett, seconded by Mr. Shubzda to reappoint Karri Schreppel to the Emmaus Arts Commission to a term expiring on 2/7/2022. There were 7 ayes. Motion carried.

c. David Cole, 999 Little Lehigh Drive – Request reappointment to the Emmaus Library Board (term expires 1/1/2019).

Motion by Mr. DeFrain, seconded by Mr. Barrett to reappoint David Cole to the Emmaus Library Board to a term expiring on 1/1/2022. There were 7 ayes. Motion carried.

d. Brian Afflerbach, 1660 Shimerville Road – Concerns about JP Mascaro and missed trash collection.

e. Erin DeLong, Emmaus Main Street Program – Thank you, Old-Fashioned Christmas event.

f. Emmaus Moravian Church, Board of Elders, 146 Main Street – Thank you for use of nativity scene.

g. Trout, Worman & Yaindl families – Thank you for 911 call responses.

h. Wes Barrett – Resignation from Borough Council, effective 12/3/18.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Solicitor Dimmich reported that he and Mr. Pepe returned to court on November 21, 2018 to continue the litigation process with J.P. Mascaro. He stated that a decision is expected soon. He stated that shortly, the Borough will need to address the Firemen’s Relief Fund issue.

Progress.

UNFINISHED BUSINESS, PART I – None.

EMMAUS BOROUGH COUNCIL

NEW BUSINESS

Ordinance No. 1184 – An Ordinance Levying Taxes for the Fiscal Year 2019 for the Borough of Emmaus at the Rate of 6.7615 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 5.6654 Mills and a Fire Fund Tax of 1.0961 Mills (1st Reading 12/3/2018).

Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt Ordinance No. 1184 - An Ordinance Levying Taxes for the Fiscal Year 2019 for the Borough of Emmaus at the Rate of 6.7615 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 5.6654 Mills and a Fire Fund Tax of 1.0961 Mills on its 1st Reading. Roll call vote: Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Barrett, aye; Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

UNFINISHED BUSINESS, PART II

Mr. Labenberg stated that Ordinance No. 1183 will have its 2nd Reading at the 12/17/18 Council meeting.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTSa. Public Works Committee

Mr. Anders reported that the next Committee meeting is December 10, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda entertained questions about the Committee notes.

Mr. Shubzda reported that the next Committee meeting is December 26, 2018 at 4:30 p.m.

Progress.

EMMAUS BOROUGH COUNCIL

c. Parks and Recreation Committee

Ms. Baumgartner reported that the December 4, 2018 Committee meeting is cancelled. She stated that a meeting will be scheduled for January.

Progress.

d. Public Safety Committee

Mr. DeFrain reported that the next Committee meeting is December 12, 2018 at 9:15 a.m.

Progress.

e. General Administration Committee

Mr. Barrett reported that the next Committee meeting is December 6, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-39, authorizing payment of the December 3, 2018 Bill List, as follows:

Bill List	\$	87,545.92
Payroll #24	\$	148,976.85
Payroll Taxes	\$	<u>47,667.83</u>
Total	\$	284,190.60

Done this 3rd day of December 2018.

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-39. There were 7 ayes. Motion carried.

Resolution 2018-48 – Approving the Sale of Equipment Via Auction and to Directly Sell any Items Valued at Under \$1,000 that are not Auctioned, in Accordance with Act 43 of 2012, the Borough Code.

Mr. Pepe stated that the auctioneer will advertise the auction and that the Borough will post the date and time of the auction on Facebook.

Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt Resolution 2018-48. There were 7 ayes. Motion carried.

EMMAUS BOROUGH COUNCIL

Motion by Mr. DeFrain, seconded by Mr. Barrett to authorize the Borough Manager to advertise the proposed 2019 Budget. There were 7 ayes. Motion carried.

Mr. Pepe stated that there are several notable items to be discussed with the proposed budget. He stated that the Borough negotiated four union contracts over two years and during the union negotiations, the Borough focused on long-term costs, including health care and pension. He stated that pay raises and health benefits are contractual with four unions and this affected the short-term costs. He stated that from 2018 to 2019, salaries have increased by \$350,000.00 and health care costs will increase by \$212,677.00. He stated that pension costs remained steady. He stated that the Borough has spent its budget on major items within the town, including, major I & I projects, stormwater issues, MS4 permitting, road projects, capital issues, new labor and Fire Department issues, legal issues, including the lawsuit from JP Mascaro, the 10th Street Culvert Project, and a new Library roof. He stated that because of this, a tax increase is necessary. He stated that the budget was cut tremendously and there was nothing left to cut, other than cutting the services offered to the residents. He stated that there is a 0.79 Mill tax increase, which is about a 13% tax increase. He stated that homeowners with a property assessed at the Borough's average of \$161,100 will have a \$127.00 tax increase. He stated that the tax increase is tough for everyone, but in order to continue functioning, a tax increase was necessary. He stated that there will be no increase in water and sewer rates and there will be no increase in the Fire Tax. He stated that at the next Council meeting, there will be a proposal to increase refuse rates. Mr. Pepe stated that the Borough provides its residents services that are offered by less than 1% of Pennsylvania Municipalities, including full Public Works services, parks, codes enforcement, their own water system, paid Police protection, Fire protection, and a paid Ambulance department. He stated that Council worked very hard on the proposed budget and made some very tough decisions and in the long-term, the Borough will save tens of millions of dollars. Mr. Barrett stated that the Borough has a very efficient budget and will save millions of dollars down the road. Mr. DeFrain stated that the long-term savings will be great, and there is a small cushion that will be carried over. He stated that the budget must be managed very closely. Mr. Anders stated that the Department Heads worked very hard and that this was the toughest budget he has worked through. He thanked Council, the Department Heads, and Shane for their hard work on the budget.

Resolution 2018-40 – 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. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-40. There were 7 ayes. Motion carried.

Resolution 2018-41 – 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 Enforcement of the Provisions of the Respective Tax Enactment of the Governing Board

EMMAUS BOROUGH COUNCIL

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. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-41. There were 7 ayes. Motion carried.

Resolution 2018-42 – 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 Information Within the District for Official Purposes.

Motion by Mr. Barrett, seconded by Mrs. Sorg-McManamon to adopt Resolution 2018-42. There were 7 ayes. Motion carried.

Resolution 2018-43 – 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. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-43. There were 7 ayes. Motion carried.

Resolution 2018-44 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Authorizing, Empowering and Directing the Proper Officers of the Governing Board to 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. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-44. There were 7 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that the next Committee meeting is December 20, 2018 at 4:30 p.m.

Progress.

EMMAUS BOROUGH COUNCIL

PERSONAL APPEALS, PART II

A. **Ashley Lorah, Emmaus Main Street Partners** – thanked the Borough for its support of the Old-Fashioned Christmas event and the change of schedule. She stated that there were a lot of events that needed to be rescheduled but that the event was very successful. She stated that the Cheers Trail sold out with 200 people in attendance. She reminded everyone that the Holiday Pop-Up Shop will begin on Friday, December 7, 2018 at Triangle Park. She invited everyone to attend a ribbon cutting at Laura's Custom Framing for their 2nd anniversary. Mr. Anders stated that he attended Small Business Saturday and the Downtown area was very busy.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for November 2018 are in the iPads and entertained questions about them. He stated that progress is being made on the 10th Street Culvert project. He stated that he does not know when the project will be completed. He stated that the Public Works Department is working this week on the Library roof and that the Public Works Department has begun working on draining and cleaning the pool after the damage that was suffered from the flood.

Mr. Pepe thanked Mr. Barrett for his hard work as a Council member. He thanked him for always remaining level headed and being able to see both sides of an issue. He stated that he is confident that Mr. Barrett will remain an integral part of the community. He also stated that Borough employees and Council will miss him tremendously. Mr. Pepe wished Mr. Barrett best of luck. Mr. Barrett thanked Mr. Pepe and stated that his efforts are greatly significant and have made a huge impact on the Borough.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg stated that the Borough received a communication from Joseph Calhoun, Compliance Program Coordinator for LANTA. He referred the item to the General Administration Committee and the Borough's Solicitor.

Mr. Labenberg stated that he met Mr. Barrett a long time ago and approached him several times about becoming a Council member. He stated that he will remember Mr. Barrett for three accomplishments on Council: technological advances so that Council meetings can be viewed by all residents, his contribution towards the Emmaus Homestead Trail, and the Halloween 5K race. He stated that Mr. Barrett was always a voice of reason on Council and he greatly appreciates it. Mr. Labenberg stated that he will miss him as a friend and he will miss Mr. Barrett on Council.

Mr. Anders stated that Mr. Barrett encouraged him to run for Council and was instrumental in helping him become a Council member. He stated that Mr. Barrett helped him

EMMAUS BOROUGH COUNCIL

during his first year on Council and he will greatly miss him. Mr. Barrett responded that he is passionate about having great people on Council that care about the community. He thanked Council for their honest debates and lack of personal political agendas. He encouraged Council to continue to search for the best people to be on Council.

Mr. Shubzda stated that Mr. Barrett and Mr. Brown approached him about becoming a Council member and he thanked Mr. Barrett for helping him understand the process of being on Council. He thanked Mr. Barrett for everything that he does for the community. Mr. Barrett thanked Mr. Shubzda for his eight years of service and for his technological perspective.

Mr. DeFrain stated that Mr. Barrett has a well-rounded perspective and a great sense of humor and he will miss working with him on several committees. He stated that when Mr. Barrett takes a stand on an item, it is because he is very passionate about the community, and it makes him take another look at the matter. Mr. Barrett thanked Mr. DeFrain for always remaining professional and for his immense financial knowledge.

Mayor Gilbert thanked Mr. Barrett for everything that he has done for Council and the community. She stated that since 2004, she has served on every committee with Mr. Barrett and she can't remember ever having a heated discussion with him. Mr. Barrett responded that Mayor Gilbert is the most organized person he knows. He stated that it has been an absolute pleasure working with her and she has always been a voice of reason. He stated that the amount of work that she has put into her jobs as a Council member and now Mayor is incredible and stated that Emmaus should be very thankful that she is the Mayor.

Mrs. Sorg-McManamon thanked Mr. Barrett for being an amazing mentor and friend and stated that everyone on Council continues to learn from him. She stated that Mr. Barrett is a tremendous role model and that he encouraged her to become a Council member. Mr. Barrett stated that he wishes that he could have worked with Mrs. Sorg-McManamon for many more years.

Ms. Baumgartner stated that Mr. Barrett also encouraged her to run for Council. She stated that every member of Council has a special talent and thanked Mr. Barrett for all of his contributions to Council. She thanked him for his mentorship and wished him the best of luck. Mr. Barrett thanked Ms. Baumgartner for sacrificing time with her family to be on Council and for her commitment to the community.

Mr. Barrett thanked his wife, Sarah, and his children for their support while he was on Council and stated that he looks forward to spending more time with them.

Mr. Labenberg stated that Mr. Barrett was young when he started but he now has white hair. He also stated that he and Mr. Barrett had many political discussions throughout the years and although they are in opposite parties, have agreed on many issues. He stated that he and Mr. Barrett have a healthy rivalry about attending Council meetings and believes that in 13 years, Mr. Barrett has missed only 3-4 meetings.

EMMAUS BOROUGH COUNCIL

Motion by Mr. DeFrain, seconded by Mrs. Sorg-McManamon to accept the resignation of Wesley Barrett as an Emmaus Borough Council member effective 12/3/18. There were 7 ayes. Motion carried.

Progress.

ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. Anders to adjourn the December 3, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:20 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 5, 2018