

December 7, 2015

EMMAUS BOROUGH COUNCIL  
Emmaus Borough Council  
Agenda  
December 7, 2015, 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 16, 2015

7. Decisions on Bids

2015 – 2016 Heating Oil, Kerosene, Unleaded Fuel, and Diesel Fuel

8. Communications

- a. Rev. Timothy Dooner, Faith Presbyterian Church – Request to hold candlelight service at Triangle Park on December 24, 2015 at 11:30 p.m.
- b. Devin Neitz – Letter of Resignation from the Ambulance Corps.

9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

12. New Business

**Ordinance No. 1133 – An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania (1<sup>st</sup> Reading 12/07/15).**

**Ordinance No. 1134 – An Ordinance Levying Taxes for the Fiscal Year 2016 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 a Fire Fund Tax of 0.6311 Mills (1<sup>st</sup> Reading 12/07/15).**

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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 – TBD

- a. South 10<sup>th</sup> Street Culvert
- b. Historical House Agreements
- c. Lateral Clean-outs
- d. **Plant Tree at Community Park**

**Health, Sanitation, and Codes (Shubzda, Holtzhafer, Anders)**

Next Meeting – December 17, 2015 at 4:30 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. Refuse Amendments
- d. IFC Ordinance

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

Next Meeting – TBD

- a. Boro Line Park Direction Sign
- b. USSSA Field Request for 2016
- c. **Pavilion Rental Fee Waiver for Veteran's Event in 2016**

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

Next Meeting – TBD

- a. Emergency Operations Plan – Review
- b. Yield to Pedestrian Signs on Chestnut Street
- c. 25mph Signs on Chestnut Street
- d. **Hire Ginger Brown as a Temporary Data Entry Clerk for the Ambulance Corps**
- e. **Hire Britney Ruth as a PT EMT for the Ambulance Corps**

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

Next Meeting – December 9, 2015 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project

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- b. Record Retention
- c. Vehicle Use Policy

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

Next Meeting – December 21, 2015 at 6:45 p.m.

- a. Capital Plan
- b. Police Pension
- c. **Resolution 2015-29 – Bill List**
- d. **Proposed 2016 Budget**
- e. **Resolution 2015-30 – 2016 Refuse Collection and Compost Site Assessment Fees**
- f. **Resolution 2015-31 – 2016 Delinquent Tax Collection Agency**
- g. **2016 Per Capita Tax Collection Contract – Berkheimer**
  - Resolution 2015 - 32: Appointment Resolution**
  - Resolution 2015 - 33: Confidentiality Resolution**
  - Resolution 2015 - 34: Imposition of Costs Resolution**
  - Resolution 2015 - 35: Tax Hearing Appointment Resolution**
- h. **Ordinance No. 1133 – 2016 Levying Taxes (1<sup>st</sup> Reading)**
- i. **Ordinance No. 1134 – 2016 Water Rate Schedule (1<sup>st</sup> Reading)**

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

Next Meeting – December 8, 2015 at 4:15 p.m.

- a. Grant Progress
- b. Committee Structure
- c. Southwest Lehigh County Comprehensive Plan

17. Personal Appeals, Part II

18. Borough Manager's Report

- a. Significant Revenue and Expense Items for November, 2015

19. President's Business

20. Adjournment

Next Resolution: 2015-36

Next Ordinance: #1135

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EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on December 7, 2015 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS – None.

COMMUNITY MINUTE

Mr. Anders stated that there were approximately 2,000 individuals in attendance for the tree lighting ceremony held on Saturday, December 5, 2015 at Triangle Park. Mrs. Gilbert thanked the Nyleve Corporation for their assistance in placing the tree at the Triangle. She also thanked Jackie Owens for making the bows that are placed at the Triangle four times a year. Mrs. Gilbert directed Mr. Pepe to mail the Nyleve Corporation and Mrs. Owens a letter of thanks.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Brown to dispense with the formal reading of the November 16, 2015 Council Meeting Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Labenberg, seconded by Mr. Anders to adopt the November 16, 2015 Council Meeting Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS

Mr. Pepe stated that on December 3, 2015, three bids were received for the 2015-2016 Heating Oil, Kerosene, Gas, and Diesel bid. Bids were received from Lehigh Fuels, LLC., Harned Durham Oil Company, and Suburban Heating and Cooling. He stated that the bid

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prices are lower than last year. Staff recommends awarding the heating oil, unleaded fuel, and diesel fuel bid to Lehigh Fuels and the kerosene bid to Suburban Propane.

**Motion by Mr. Labenberg, seconded by Mr. Brown to award the 2015-2016 Heating Oil Bid in the amount of \$1.539/gal., Unleaded Fuel in the amount of \$1.623/gal., and Diesel in the amount of \$1.591/gal., to Lehigh Fuels, and Kerosene in the amount of \$2.21/gal., to Suburban Propane. There were 7 ayes. Motion carried.**

COMMUNICATIONS

A. Rev. Timothy Dooner, Faith Presbyterian Church – Request to hold candlelight service at Triangle Park on December 24, 2015 at 11:30 p.m.

**Motion by Mr. Labenberg, seconded by Mr. Brown to grant Faith Presbyterian Church's request to hold a candlelight service at Triangle Park on December 24, 2015 at 11:30 p.m. There were 7 ayes. Motion carried.**

B. Devin Neitz – Letter of Resignation from the Ambulance Corps.

**Motion by Mr. Labenberg, seconded by Mr. Anders to accept Devin Neitz's Letter of Resignation from the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.**

C. J. Bradley Youst, Hanover Engineering Associates, Inc.– 2016 Reappointment and Professional Fee Schedule. Request for Sewage Enforcement Officer Appointment for 2016. Referred to the General Administration Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1133 – An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania (1<sup>st</sup> Reading 12/07/15).

Mr. Holtzhafer explained that the only change to the water and sewer rates is the quarterly sewer rental fee. The fee will increase \$2.00 per meter per quarter.

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to read Ordinance No. 1133 in short title. There were 7 ayes. Motion carried.**

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Mr. Holtzhafer read Ordinance No. 1133 in short title.

**Motion by Mr. Anders, seconded by Mr. Shubzda to adopt Ordinance No. 1133 - An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania on its 1<sup>st</sup> 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. 1134 – An Ordinance Levying Taxes for the Fiscal Year 2016 for the Borough of Emmaus at a 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 a Fire Fund Tax of 0.6311 Mills (1<sup>st</sup> Reading 12/07/15).

Mr. Holtzhafer stated that taxes will not increase for 2016.

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to read Ordinance No. 1134 in short title. There were 7 ayes. Motion carried.**

Mr. Holtzhafer read Ordinance No. 1134 in short title.

**Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt Ordinance No. 1134 - An Ordinance Levying Taxes for the Fiscal Year 2016 for the Borough of Emmaus at a 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 a Fire Fund Tax of 0.6311 Mills on its 1<sup>st</sup> Reading. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Anders, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Pepe to advertise for the 2<sup>nd</sup> Reading to be held at the December 21, 2015 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Progress.

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COMMITTEE REPORTS

a. Public Works Committee

Mr. Brown reported that the Committee discussed planting a tree at Community Park where a number of trees are missing due to storms.

**Motion by Mr. Brown, seconded by Mr. Holtzhafer to plant a tree at Community Park to replace a tree that was damaged during a storm.**

Mr. Pepe stated that the Shade Tree Commission was working with a homeowner near Alpine Circle to plant a tree as a result of removing a tree in the right-of-way on his property. It was communicated with the General Administration Committee as well as the Shade Tree Commission. Mr. Dychala voiced concern about planting a tree in this location because the Public Works Department piles the bulk of the snow from the neighborhood at this location. He also voiced concern that the young tree would die from the road salt piled around the tree. He suggested planting the tree at Community Park, where a number of trees are now missing. Mr. Labenberg stated that he believes the location on Alpine Circle is perfect and the tree will help diffuse the sound from the train. He stated that the tree is a street tree and should be planted on a street. Mrs. Gilbert asked if anyone has spoken to the homeowner. Mr. Labenberg responded that the homeowner was originally spoken to about planting the tree on Alpine Circle. Mr. Holtzhafer stated that Mr. Dychala was adamant about not planting the tree on Alpine Circle. Mrs. Gilbert stated that she would prefer to have a discussion with the homeowner. Mr. Labenberg stated that he will discuss the item with the residents living on Alpine Circle and believes the item should be tabled for further discussion.

Mr. Brown withdrew his motion. Mr. Holtzhafer did not withdraw his second.

**Motion by Mr. Labenberg, seconded by Mr. Anders to table the item. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.**

Mr. Brown reported that Norfolk Southern will be making repairs to the S. 3<sup>rd</sup> Street intersection. The intersection will be closed from December 14-18 for railroad repairs. Mr. Farnsworth is sending notices to the adjacent property owners on S. 3<sup>rd</sup> Street. Mr. Anders voiced concerns about the S. 2<sup>nd</sup> Street railroad intersection.

Mr. Brown reported that the steering column on the lift truck snapped. Mr. Pepe stated that parts have been found to fix the steering column. Mr. Brown stated that the Committee discussed purchasing a van with a lift as well as a pull-behind lift.

Mrs. Gilbert asked for a status on leaf pickup. She stated that there are still many piles of leaves on the roads throughout the Borough. Mr. Pepe responded that leaf pickup will continue through the week.

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b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the next Committee Meeting is Thursday, December 17, 2015 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

**Motion by Mr. Anders, seconded by Mr. Shubzda to grant a pavilion fee waiver request for a veteran's event next summer. There were 7 ayes. Motion carried.**

Progress.

d. Public Safety Committee

**Motion by Mr. Labenberg, seconded by Mr. Brown to hire Ginger Brown as a temporary employee in the Ambulance Corps at an hourly rate of \$9.00. There were 7 ayes. Motion carried.**

Mr. Pepe stated that Ms. Brown will work approximately 6-8 hours per week entering Ambulance subscriptions between December and March. He stated that currently Mrs. Wessner is entering the subscriptions in addition to Tina Schantz.

Mr. Pepe stated that he interviewed Britney Ruth for the position of part-time EMT. He stated that she is an experienced full-time EMT and will be able to work a set rotation of night shifts with the Ambulance Corps.

**Motion by Mr. Barrett, seconded by Mr. Brown to hire Britney Ruth as a part-time EMT with the Ambulance Corps at an hourly rate of \$13.20. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that the next Committee Meeting is TBA.

Progress.

e. General Administration Committee

The next Committee Meeting is Wednesday, December 9, 2015 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2015-29 authorizing payment of the December 7, 2015 Bill List, as follows:

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<b>Bill List</b>	<b>\$</b>	<b>105,156.01</b>
<b>Payroll #24</b>	<b>\$</b>	<b>124,265.77</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>42,698.51</u></b>
<b>Total</b>	<b>\$</b>	<b><u>272,120.29</u></b>

Done this 7<sup>th</sup> day of December 2015.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 7, 2015 Bill List. There were 7 ayes. Motion carried.**

Resolution 2015-30 – Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2016.

Mr. Holtzhafer stated that there will be no increases in refuse collection fees in 2016.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2015-30. There were 7 ayes. Motion carried.**

Resolution 2015-31 – 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 2015-31. There were 7 ayes. Motion carried.**

Resolution 2015-32 – 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 Levying and Assessing the Per Capita Tax for the Term Herein Defined, Together with such Extensions 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 2015-32. There were 7 ayes. Motion carried.**

Resolution 2015-33 – 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 Liason 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.

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**Motion by Mr. Holtzhafer, seconded by Mr. Barrett to adopt Resolution 2015-33. There were 7 ayes. Motion carried.**

Resolution 2015-34 – 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 2015-34. There were 7 ayes. Motion carried.**

Resolution 2015-35 – 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. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2015-35. There were 7 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to adopt the proposed 2016 Borough of Emmaus Budget. There were 7 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the meeting scheduled for December 8, 2015 at 4:15 p.m. will be cancelled.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe thanked Council, Mrs. Yaindl, Christine Snyder and the Department Managers for their hard work preparing the 2016 Budget.

Mr. Labenberg thanked Mr. Pepe for his leadership and efforts during the budget process.

Mr. Pepe reported that the Significant Revenue and Expense Items for November, 2015 are in the Council binders and offered to entertain questions about them.

Progress.

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PRESIDENT'S BUSINESS

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

The December 7, 2015 Meeting of the Emmaus Borough Council adjourned at 7:40 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
December 10, 2015