# Emmaus Borough Council Agenda December 15, 2014, 7:00 p.m.

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

December 1, 2014

December 3, 2014 – Special Session

7. <u>Decisions on Bids</u>

2014-2015 Heating Oil, Kerosene, Unleaded Fuel, Diesel Fuel

- 8. <u>Communications</u>
  - a. Teri Sorg-McManamon, Emmaus Arts Commission Approval to hold the SnowBlast Winter Arts Festival on February 6, 2015.
- 9. <u>Borough Engineer's Report</u>
- 10. <u>Solicitor's Report</u>
- 11. <u>Unfinished Business, Part I</u>

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 (1<sup>st</sup> Reading 12/01/14) (2<sup>nd</sup> Reading 12/15/14).

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) (2nd Reading 12/15/14).

Ordinance No. 1117 – An Ordinance Amending Chapter 15 of the Codified Ordinances (1st Reading 12/01/14) (2nd Reading 12/15/14).

11. <u>Unfinished Business, Part I</u> (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 (1st Reading 12/01/14) (2nd Reading 12/15/14).

12. New Business

Ordinance No. 1119 - Landis Circle One-Way (1st Reading 12/15/14).

- 13. Unfinished Business, Part II
- 14. <u>Items Not on Agenda</u>, Subject to Rule 9
- 15. <u>Mayor's Report</u>
- 16. <u>Committee Reports</u>

## <u>Public Works/(Highway, Water & Sewer)</u> (Labenberg, Brown, Holtzhafer)

Next Meeting – TBD

- a. Rules & Regulations (update)
- b. Fairview Street
- c. South 10<sup>th</sup> 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
- e. Reappointment of Pamela Miller to the Board of Health (new term expires 01/01/2020)

## <u>Parks and Recreation</u> (Anders, Barrett, Labenberg)

Next Meeting - TBD

- a. Boro Line Park Direction Sign
- b. Lehigh Valley Adult Baseball League Field Fee Waiver

### <u>Public Safety</u> (Gilbert, Barrett, Brown)

Next Meeting - TBD

- a. Emergency Operations Plan Review
- b. Graffiti Ordinance
- c. IFC Ordinance
- d. Ordinance No. 1117 Amending Chapter 15 of the Codified Ordinances (2nd Reading)
- e. Ordinance No. 1119 Landis Circle One-Way (1st Reading)
- f. 2015 Stray Animal Assistance Contract The Sanctuary at Haafsville

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

Next Meeting – TBD

- a. Emmaus Public Library Expansion Project
- b. Sale of Properties
- c. Town Hall Remodeling Project
- d. Resolution 2014-53 836 & 818 Walnut Street Lot Line Adjustment
- e. Reappointment of John Stover, Jr. to the Emmaus Vacancy Board (new term expires 01/01/2016)
- f. Reappointment of Don Nickerson as an Alternate to the Zoning Hearing Board (new term expires 01/01/2018)
- g. Reappointment of Jean Nagle to the Emmaus Public Library Board (new term expires 01/01/2018)
- h. Reappointment of Janie Slamon to the Emmaus Public Library Board (new term expires 01/01/2018)
- i. Reappointment of Carol Bastian to the Emmaus General Authority (new term expires 01/01/2020)
- j. Hire Eli Bracken GIS Work December-January
- k. Adopt Safety and Loss Control Policy Program
- I. Appoint Designated Accident and Illness Prevention Program Coordinator
- m. Comprehensive Plan Intergovernmental Agreement

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

Next Meeting – January 5, 2015 at 6:45 p.m.

- a. Capital Plan
- b. Resolution 2014-55 Bill List
- c. Resolution 2014-54 2015 Budget
- d. Resolution 2014-56 Police Pension Plan Contribution

- e. Ordinance No. 1115 Amending Emmaus Police Pension Plan (2nd Reading)
- f. Ordinance No. 1116 Amending Emmaus Employees' Pension Plan (2nd Reading)
- g. Ordinance No. 1118 2015 Levying Taxes (2nd Reading)

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

Next Meeting - TBD

- a. Grant Progress
- b. Committee Structure
- 17. Personal Appeals, Part II
- 18. <u>Borough Manager's Report</u>
  - a. Significant Revenue and Expense Items for First Half of December, 2014
- 19. President's Business

**Executive Session** 

20. Adjournment

Next Resolution: 2014-57 Next Ordinance: #1120

The Emmaus Borough Council met in regular session on December 15, 2014 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, PresidentPresentBrian Holtzhafer, Vice PresidentPresentRoy AndersPresentWesley BarrettPresentNathan BrownPresent

Brent Labenberg Present – Arrived at 7:02 p.m.

Jeffrey Shubzda Present
Winfield Iobst, Mayor Present
Jeff Dimmich, Solicitor Present
Shane Pepe, Borough Manager Present

## PERSONAL APPEALS – PART 1

- A. Anthony Groller, 1302 S. 10<sup>th</sup> Street voiced concern about the Borough issuing a tax increase for 2015.
- B. **John Donches, 559 Minor Street** encouraged Council to deny the field fee waiver requested by the Lehigh Valley Adult Baseball League.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS – None.

### **READING OF MINUTES**

Motion by Mr. Labenberg, seconded by Mr. Shubzda to dispense with the formal reading of the December 1, 2014 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Anders to adopt the December 1, 2014 Minutes as drafted. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Barrett to dispense with the formal reading of the December 3, 2014 Special Council Meeting Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Anders to adopt the December 3, 2014 Special Council Meeting Minutes. There were 7 ayes. Motion carried.

## **DECISION ON BIDS**

Mr. Pepe stated that there were numerous issues with the previous 2014-2015 Heating Oil, Kerosene, Unleaded Fuel and Diesel Fuel Bid. On December 11, 2014, a new bid opening was held with bids being received from Lehigh Fuels and Harned Durham. Staff recommends awarding the Heating Oil, Unleaded Fuel, and Diesel bid to Lehigh Fuels, and the Kerosene bid to Harned Durham.

Motion by Mr. Labenberg, seconded by Mr. Barrett to award the 2014-2015 Heating Oil Bid in the amount of \$2.34/gal., Unleaded Fuel in the amount of \$2.165/gal., and Diesel in the amount of \$2.508/gal., to Lehigh Fuels, and Kerosene in the amount of \$2.94 to Harned Durham. There were 7 ayes. Motion carried.

## **COMMUNICATIONS**

a. Teri Sorg-McManamon, Emmaus Arts Commission – Approval to hold the SnowBlast Winter Arts Festival on February 6 and 7, 2015.

Motion by Mr. Labenberg, seconded by Mr. Barrett to grant the Emmaus Arts Commission's request to host the SnowBlast Winter Arts Festival to be held on February 6 and 7, 2015. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Brown to grant the Emmaus Arts Commission's banner fee waiver request for the SnowBlast Winter Arts Festival to be held on February 6 and 7, 2015. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT - None.

### SOLICITOR'S REPORT

Progress.

### UNFINISHED BUSINESS, PART I

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) (2nd Reading 12/15/14).

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

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

Motion by Mr. Labenberg, seconded by Mr. Barrett 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 2<sup>nd</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. 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) (2nd Reading 12/15/14).

Motion by Mr. Labenberg, seconded by Mr. Brown 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. Labenberg, seconded by Mr. Brown 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 2<sup>nd</sup> Reading. Roll Call Vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Anders, aye; Mr. Shubzda, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Ordinance No. 1117 – An Ordinance Amending Chapter 15 of the Codified Ordinances (1<sup>st</sup> Reading 12/01/14) (2<sup>nd</sup> Reading 12/15/14).

Motion by Mr. Anders, seconded by Mr. Brown 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. Shubzda, seconded by Mr. Anders to adopt Ordinance No. 1117 – An Ordinance Amending Chapter 15 of the Codified Ordinances on its 2<sup>nd</sup> 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.

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) (2nd Reading 12/15/14).

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

Mrs. Gilbert read Ordinance No. 1118 in short title.

Motion by Mr. Brown, seconded by Mr. Holtzhafer 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 2<sup>nd</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.

## **NEW BUSINESS**

Ordinance No. 1119 – An Ordinance Amending Chapter 15 §207 of the Codified Ordinances, Establishing Landis Circle as a One-Way Street in the Northerly Direction (1st Reading 12/15/14).

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to read Ordinance No. 1119 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1119 in short title.

Motion by Mr. Anders, seconded by Mr. Labenberg to adopt Ordinance No. 1119 - An Ordinance Amending Chapter 15 §207 of the Codified Ordinances, Establishing

Landis Circle as a One-Way Street in the Northerly Direction on its 1<sup>st</sup> Reading. Roll call vote: Mr. Barrett, aye; Mr. Holtzhafer, aye; Mr. Labenberg, aye; Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, 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 Committee met on December 4, 2014 at 3:15 p.m., and entertained questions about his report.

Progress.

# b. <u>Health, Sanitation, and Conservation Committee</u>

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

Motion by Mr. Shubzda, seconded by Mr. Labenberg to reappoint Pamela Miller to the Emmaus Board of Health to a term expiring 1/1/20. There were 7 ayes. Motion carried.

Progress.

# c. <u>Parks and Recreation Committee</u>

Mr. Anders reported that the Committee met on December 2, 2014 at 4:00 p.m. He reported that the Committee received a field fee waiver request from Mike Wenner for an over 35 baseball team using Community Park. The Committee voted to deny the request. Mr. Holtzhafer suggested offering the baseball team a discounted rate for the use of the field.

Motion by Mr. Holtzhafer to offer the over 35 baseball team using Community Park a reduced field fee of \$300 for 9 games. Motion died for lack of a second.

Mr. Labenberg noted that his name was not included in the minutes as being in attendance at the December 2, 2014 Parks and Recreation meeting and asked to have his name added to the minutes.

Progress.

# d. <u>Public Safety Committee</u>

Motion by Mr. Labenberg, seconded by Mr. Barrett to enter into a 2015 Assistance for Strays Contract with the Sanctuary at Haafsville. There were 7 ayes. Motion carried.

Mr. Pepe explained that there were some wording changes added to the 2015 contract. He stated that the fees being charged by the Sanctuary at Haafsville will remain the same.

Motion by Mr. Barrett, seconded by Mr. Brown to hire Ryan Kulp as a part-time EMT to the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Mr. Pepe stated that Mr. Kulp is very qualified for the position and recommends hiring him.

Mrs. Gilbert entertained questions about the Committee minutes.

Progress.

### e. General Administration Committee

Resolution 2014-53 – A Resolution Conditionally Approving the Final Land Development Plan of Franklin W. and Nancy B. Reimert and Richard B. and Robert B. Wieand (Lot Line Adjustment 836 and 818 Walnut Street, Emmaus, PA).

Motion by Mr. Labenberg, seconded by Mr. Anders to adopt Resolution 2014-53. There were 6 ayes, 1 abstention (Barrett). Motion carried.

Motion by Mr. Barrett, seconded by Mr. Shubzda to reappoint John Stover, Jr. to the Emmaus Vacancy Board to a term expiring 1/1/16. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Don Nickerson as an Alternate to the Zoning Hearing Board to a term expiring 1/1/18. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Jean Nagle to the Emmaus Public Library Board to a term expiring on 1/1/18. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Anders to reappoint Janie Slamon to the Emmaus Public Library Board to a term expiring on 1/1/18. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to reappoint Carol Bastian to the Emmaus General Authority to a term expiring on 1/1/20. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to hire Eli Bracken to perform GIS work on the IWORQS program for December, 2014 through January, 2015 at an hourly rate of \$9.00. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to adopt the Employee and Volunteer Safety and Loss Control Policy Program. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint the Borough Manager as the Designated Accident and Illness Prevention Coordinator. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Labenberg to enter into the Intergovernmental Agreement for the Comprehensive Plan. There were 7 ayes. Motion carried.

Progress.

## f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2014-55 authorizing payment of the December 15, 2014 Bill List, as follows:

Bill List	\$ 517,359.03
Payroll #25	\$ 141,029.81
<b>Payroll Taxes</b>	\$ <u>48,244.91</u>
Total	\$ 706,633.75

Done this 15<sup>th</sup> day of December 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 15, 2014 Bill List. There were 7 ayes. Motion carried.

Resolution 2014-54 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2015 Fiscal Year and Appropriating From Fund Equities, Revenues and Other Financing Sources Available for the Year 2015 for the Specific Purposes Set Forth Therein.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-54. There were 7 ayes. Motion carried.

Mr. Barrett stated that in 2015, residents will pay the Borough approximately \$19.00-\$21.00 less than in 2014 and approximately \$87.00 less for residents that have a home-based business. He thanked the department heads and staff for collectively working together to work more creatively and efficiently. Mr. Labenberg stated that he believes the cash carry over is more than \$250,000. Mr. Pepe responded that the cash carry over is closer to \$600,000 - \$700,000. Mr. Labenberg thanked Council and believes the Borough is moving in the right direction and paying off debt. Mr. Anders thanked Mr. Pepe for his hard work and effort on the Budget. Mr. Pepe thanked Council, the Department Managers, Kathy Yaindl,

and Christine Snyder for working as a team on the budget. Mr. Labenberg thanked the Safety Committee for their hard work and effort on lowering workman's compensation claims.

Resolution 2014-56 – A Resolution Requiring That Each Employed Full Time Police Officer of the Borough of Emmaus, Hereafter Referred to as Active Member of the Emmaus Police Pension Plan, as a Condition of Participation in the Plan, Must Contribute, on an After-Tax Basis 2.15% of the Participant's Compensation into the Emmaus Police Pension Plan Effective January 1, 2015.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2014-56. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to appoint Debra Gouldy as a Deputy Tax Collector.

Mr. Holtzhafer explained that the Deputy Tax Collector position is required by the State of Pennsylvania and that the position is unpaid. Solicitor Dimmich stated that he

believes the motion should be amended to state that the Borough must receive the Deputization in writing by Mr. Gouldy, which is required by the statute, and also that the Deputy be covered by the Surety with proof provided to the Borough.

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

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to appoint Debra Gouldy as Deputy Tax Collector for the Borough of Emmaus contingent upon receiving the Deputization in writing by the Tax Collector, Mr. Gouldy, and also that the Deputy be covered by the Surety with proof provided to the Borough. There were 7 ayes. Motion carried.

Progress.

## g. Community Relations, Planning and Development Committee

Mr. Brown stated that 187 Rue Principle is open and that he attended the ribbon cutting with Mr. Anders and Mayor Iobst. He stated that the restaurant is beautiful and encouraged everyone to visit.

Progress.

PERSONAL APPEALS, PART II – None.

## BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1<sup>st</sup> half of December, 2014 are in the Council binders and offered to entertain questions about them.

Mr. Pepe announced the 2015 Safety Committee members:

Administrative: Shane Pepe Clerical: Sally Hosfeld

Codes Enforcement: Jim Farnsworth

Public Works: Gerald Fehnel

Police: Craig Blose – replacing Officer Kevin Schmidt Fire: Jan Harmony – replacing Paul Shankweiler Ambulance: Jeff Knopf – replacing Jeffrey Hoffman

Motion by Mr. Barrett, seconded by Mr. Anders to appoint the following Safety Committee members in 2015: Administrative: Shane Pepe; Clerical: Sally Hosfeld; Codes Enforcement: Jim Farnsworth; Public Works: Gerald Fehnel; Police: Craig Blose; Fire: Jan Harmony; Ambulance: Jeff Knopf. There were 7 ayes. Motion carried.

Progress.

### PRESIDENT'S BUSINESS

Mrs. Gilbert reminded Council to forward their Committee meeting schedules for 2015 to Mrs. Yaindl.

Mrs. Gilbert recessed the meeting at 7:59 p.m. for an Executive Session to discuss a legal matter with no official action anticipated.

Mrs. Gilbert reconvened at 8:37 p.m. with no official action taken.

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

The December 15, 2014 Meeting of the Emmaus Borough Council adjourned 8:40 p.m.

Shane Pepe Borough Manager Transcribed by: Paula Weiant Administrative Assistant December 19, 2014