

December 19, 2016

**Emmaus Borough Council
Agenda
December 19, 2016 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 - December 5, 2016
7. Decisions on Bids
8. Communications
 - 8.a. Lt. Jeffrey Knopf, Paramedic - Letter of Resignation from the Ambulance Corps.
 - 8.b. Jennifer Henry, 514 Alpine Circle, Emmaus - Request appointment to the Recreation & Entertainment Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1150 - An Ordinance Levying Taxes for the Fiscal Year 2017 for the Borough of Emmaus at the Rate of 5.5065 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 4.8754 Mills and a Fire Fund Tax of 0.6311 Mills (1st Reading 12/5/2016) (2nd Reading 12/19/2016).

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11.b. Ordinance No. 1151 - An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates of the Code of Ordinances of the Borough of Emmaus, Pennsylvania for the Fiscal Year 2017 and Establishing a Reserve Fund for Purposes of Infiltration and Inflow and Capital Structural Improvements (1st Reading 12/5/2016) (2nd Reading 12/19/2016).

12. New Business

13. Unfinished Business, Part II

13.a. Ordinance No. 1149 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 177 Elm Street Within the Borough of Emmaus (1st Reading 12/5/2016) (2nd Reading 1/3/2017).

14. Items Not on Agenda
Subject to Rule 9

15. Mayor's Report

16. Committee Reports

Public Works/(Highway, Water & Sewer) (Brown, Anders, DeFrain)

Next Meeting – January 9, 2017 at 3:00 p.m.

Health, Sanitation, and Codes (Shubzda, DeFrain, Brown)

Next Meeting – January 19, 2017 at 4:15 p.m.

Ordinance No. 1152 - An Ordinance of the Borough of Emmaus Amending Chapter 5, Adding Part 6 Chapter 10 to the Borough of Emmaus Code of Ordinances, Entitled "Abandoned Real Property and Blighted Property Registration Ordinance" (1st Reading 12/19/16).

Ordinance No. 1153 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities (1st Reading 12/19/16).

Resolution 2016 – 65 – Amended Drought Contingency Plan

Committee Meeting - December 15, 2016

Parks and Recreation (Anders, Barrett, Labenberg)

Next Meeting – January 3, 2017 at 4:00 p.m.

Western Lehigh Soccer - Rental of Cintas & Klines Lane Soccer Fields for 2017

High School Baseball Batting Cage

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Committee Meeting - December 6, 2016

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – January 4, 2017 at 3:00 p.m.

Adam Polster, Police Officer – Probationary Period Completed

Austen Thompson, Police Officer – Probationary Period Completed

General Administration (Barrett, Labenberg, Gilbert)

Next Meeting – January 4, 2017 at 9:00 a.m.

Resolution 2016 - 63 - Police Pension Contribution 2017

Summer Intern

AFG Grant - MSA Air Packs from Whitmer Public Safety Group

Wieder Property

Committee Meeting - December 7, 2016

Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – December 22, 2016 at 3:15 p.m.

Resolution 2016 - 64 - Bill List

Resolution 2016 - 55 - Adopt 2017 Fiscal Year Budget

Resolution 2016 - 61 - 2017 Fee Schedule

Resolution 2016 - 62 - 2017 Refuse Collection and Compost Site Assessment Fees

Committee Meeting - December 5, 2016

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

Next Meeting – January 12, 2017 at 4:00 p.m.

17. Personal Appeals, Part II

18. Borough Manager's Report

18.a. Significant Revenue and Expense Items for 1st Half of December, 2016

19. President's Business

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20. Adjournment

The Emmaus Borough Council met in regular session on December 19, 2016 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
Wesley Barrett, Vice President	Present
Roy Anders	Present
Nathan Brown	Present
Chris DeFrain	Present
Lee Ann Gilbert	Present
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I – None.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt the December 5, 2016 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Lt. Jeffrey Knopf, Paramedic – Letter of Resignation from the Emmaus Ambulance Corps.
b. Jennifer Henry, 514 Alpine Circle, Emmaus – Request appointment to the Recreation & Entertainment Commission. Mr. Labenberg stated that Ms. Henry will be interviewed prior to the January 3, 2017 Council Meeting.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

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UNFINISHED BUSINESS, PART I

Ordinance No. 1150 – An Ordinance Levying Taxes for the Fiscal Year 2017 for the Borough of Emmaus at the Rate of 5.5065 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 4.8754 Mills and a Fire Fund Tax of 0.6311 Mills (1st Reading 12/5/2016) (2nd Reading 12/19/2016).

Motion by Mr. DeFrain, seconded by Mrs. Gilbert to adopt Ordinance No. 1150 - An Ordinance Levying Taxes for the Fiscal Year 2017 for the Borough of Emmaus at the Rate of 5.5065 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 4.8754 Mills and a Fire Fund Tax of 0.6311 Mills on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Ordinance No. 1151 – An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates of the Code of Ordinances of the Borough of Emmaus, Pennsylvania for the Fiscal Year 2017, and Establishing a Reserve Fund for Purposes of Infiltration and Inflow and Capital Structural Improvements (1st Reading 12/5/2016) (2nd Reading 12/19/2016).

Motion by Mrs. Gilbert, seconded by Mr. Anders to adopt Ordinance No. 1151 - An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates of the Code of Ordinances of the Borough of Emmaus, Pennsylvania for the Fiscal Year 2017, and Establishing a Reserve Fund for Purposes of Infiltration and Inflow and Capital Structural Improvements on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS

Mr. Labenberg stated that the 2nd Reading of Ordinance No. 1149 will be held at the January 3, 2017 Council Meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

The next Committee Meeting is Monday, January 9, 2017 at 3:00 p.m.

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b. Health, Sanitation, and Codes Committee

Ordinance No. 1152 – An Ordinance of the Borough of Emmaus Amending Chapter 5, Adding Part 6, Chapter 10 to the Borough of Emmaus Code of Ordinances, Entitled, “Abandoned Real Property and Blighted Property Registration Ordinance” (1st Reading 12/19/16).

Mr. Shubzda thanked Mr. Pepe, Mr. Farnsworth, Mr. Sell and the Committee for their hard work on the Ordinance. Mr. Anders stated that he believes that snow and ice removal should be included in the Ordinance. Mr. Pepe responded that there is a separate Ordinance for snow and ice removal. Mr. Pepe suggested adding the words snow and ice to PM 1006.B.

Motion by Mr. Anders, seconded by Mr. Shubzda to amend Ordinance No. 1152 to include the words snow and ice to PM 1006.B. There were 7 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. Brown to adopt Ordinance No. 1152 - An Ordinance of the Borough of Emmaus Amending Chapter 5, Adding Part 6, Chapter 10 to the Borough of Emmaus Code of Ordinances, Entitled, “Abandoned Real Property and Blighted Property Registration Ordinance” on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Ordinance No. 1153 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities (1st Reading 12/19/16).

Motion by Mr. Shubzda, seconded by Mr. DeFrain to adopt Ordinance No. 1153 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Emmaus Zoning Ordinance of 1993, as Amended, Providing for the Regulation of Medical Marijuana Facilities on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mr. Shubzda stated that several individuals expressed an interest in placing medical marijuana facilities in the Borough of Emmaus.

Resolution 2016-65 – A Resolution Adopting the Amended Borough of Emmaus Water System Drought Contingency Plan.

Motion by Mr. Shubzda, seconded by Mrs. Gilbert to adopt Resolution 2016-65. There were 7 ayes. Motion carried.

The next Committee Meeting is January 19, 2017 at 4:15 p.m.

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c. Parks and Recreation Committee

Mr. Anders reported that the Committee met on December 6, 2016. He stated that the Western Lehigh United Soccer Club has requested the exclusive use of the soccer fields located at Cintas and Klines Lane for 2017. The Club will pay the Borough a fee of \$5,000 for the exclusive use of the two fields. The Club will maintain the fields in terms of lining and the goals. Mr. Pepe stated that the fields are not currently used and there has been little demand for use of the fields. If someone else would like to use the fields, they will need to go through the soccer organization for permission. Mr. Pepe explained that the rental includes weekdays after 3:00 p.m. and all day on the weekends.

Motion by Mr. Anders, seconded by Mr. Barrett to grant the request by the Western Lehigh United Soccer Club to rent the soccer fields located at Cintas and Klines Lane exclusively in 2017 in the amount of \$5,000. There were 7 ayes. Motion carried.

Mr. Anders reported that the Emmaus High School baseball team has requested permission to place a batting cage beyond the left field fence at Community Field. The team would remove a batting cage which is currently located on the right field side of the baseball field and poses a safety hazard. Mr. Barrett asked if other organizations would be able to use the cage. Mr. Anders responded that other organizations and the general public would be able to use the cage.

Motion by Mr. Anders, seconded by Mr. DeFrain to grant the Emmaus High School's baseball team authorization to install batting cages beyond the left field foul pole at Emmaus Community Field. There were 7 ayes. Motion carried.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Emmaus Police Officers Polster and Thompson have successfully completed their one year probationary period.

The next Committee Meeting is Wednesday, January 4, 2017 at 3:00 p.m.

Progress.

e. General Administration Committee

Resolution 2016-63 – 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 a Before-Tax-Basis 1.85% of the Participant's Compensation into the Emmaus Police Pension Plan Effective January 1, 2017.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to adopt Resolution 2016-63. There were 7 ayes. Motion carried.

Mr. Barrett reported that Chief Price requested permission to hire a summer Intern in 2017.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to grant Chief Price's request to hire a summer Intern in 2017 at an hourly rate of \$7.50. There were 7 ayes. Motion carried.

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Mr. Pepe stated that the Intern would act as an assistant with clean-up, manpower, data entry, and inventories.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to purchase MSA air packs from Whitmer Public Safety Group on the Co-Stars contract in the amount of \$196,000, 5% of which shall be matching funds to the AFG grant. There were 7 ayes. Motion carried.

Mr. Barrett reported that the mortgage company has been in contact with the Borough in reference to paying the lien in the amount of \$32,000 against the Weider property located at 56 S. Cherry Street.

Motion by Mr. Barrett, seconded by Mrs. Gilbert to place any funds that are received from the lien on the Weider property located at 56 S. Cherry Street into the property demolition escrow account. There were 7 ayes. Motion carried.

The next Committee Meeting is Wednesday, December 21, 2016 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2016-64, authorizing payment of the December 19, 2016 Bill List, as follows:

Bill List	\$	180,385.90
Payroll #25	\$	135,142.35
Payroll Taxes	\$	<u>45,584.68</u>
Total	\$	361,112.93

Done this 19th day of December 2016.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to adopt Resolution 2016-64. There were 7 ayes. Motion carried.

Resolution 2016-55 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2017 Fiscal Year and Appropriating From Funds Equities, Revenues and Other Financing Sources Available for the Year 2017 for the Specific Purposes Set Forth Therein.

Motion by Mrs. Gilbert, seconded by Mr. DeFrain to adopt Resolution 2016-55. There were 7 ayes. Motion carried.

Mr. Pepe explained that Council has already adopted the Tax Ordinance and Sewer Ordinance. He noted that in the Sewer Fund there are two line items that are different from previous budgets. One item is a revenue line item for the Reserve Fund and the second is an expense line item, which is a transfer to the Reserve Fund. Residents will see a new line item on their water and sewer bill which is dedicated to the I&I upgrades to the Allentown Sewer Plant. There is a tax increase of 0.35 mils. An average household will be paying approximately \$57.00 per year in taxes and \$49.00 per year for the Allentown sewer upgrade. The sewer tax increase is based on the size of the resident's water meter. Mr. Pepe stated that the tax increase mostly due to an increase in salaries, pension and benefits. Part of this increase is because Borough Council made a decision, which he supported, to fill vacancies in

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several departments, including the Ambulance Corps, the Police Department and the Public Works Department. He stated that this will bring the departments to full staff. He also stated that healthcare costs have increased by 14%. Mr. Pepe stated that all Union Contracts will be negotiated in 2017. Mr. Barrett stated that taxes are not increasing due to the purchase of the new Town Hall Complex. Mr. Pepe stated that there is \$140,000 in an escrow account and there will be another \$150,000 from the sale of two properties which is dedicated to Phase I of the construction.

Resolution 2016-61 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees and Charges for Permits and Services.

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Resolution 2016-61. There were 7 ayes. Motion carried.

Mr. Pepe stated that the Fee Schedule includes fees for ambulance and medical records and several other minor changes.

Resolution 2016-62 – Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2017.

Motion by Mr. Shubzda, seconded by Mr. Anders to adopt Resolution 2016-62. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the Committee Meeting schedule for Thursday, December 22, 2016 is cancelled. The next Committee Meeting is January 3, 2017 at 6:45 p.m., prior to the Council Meeting.

Progress.

g. Community Relations, Planning and Development Committee

The next Committee Meeting is Thursday, January 12, 2017 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E. Elm Street – questioned when the 2017 budget and fee schedule were made available for public inspection. Mr. Pepe responded that the budget and fee schedule are available for inspection in Ms. Yaindl's office and have been available for at least ten days.

B. Lynn Donches, 559 Minor Street – asked for clarification on the amount of the tax increase and sewer increase to which Mr. Pepe responded accordingly.

C. John Donches, 559 Minor Street – asked for clarification on the Blighted Property Ordinance and asked how the process for collecting fees for yard and lawn maintenance works. Mr. Pepe responded that a lien is placed on the property when the Borough hires an individual to cut the grass. Solicitor Dimmich stated that payment on the liens is collected in a timely fashion. Mr. Donches stated that he believes there should be a condition in the lease between the Borough and Western Lehigh that other organizations can use the field when they are not using the field. Mr. Pepe clarified that Western Lehigh is renting the fields consistent with how other fields are rented and does not have a lease with the Borough.

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BOROUGH MANAGER'S REPORT

Mr. Pepe thanked Martha Lieberman for donating cookies to Borough Council and congratulated her for being invited to a national conference due in large part to her hard work with the Emmaus Police Department and her dedication to the Project Lifesaver Project. Mr. Pepe wished Ms. Lieberman a safe trip to Florida.

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of December, 2016 are in the iPads and entertained questions about them.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg wished everyone a Merry Christmas and a happy, healthy, and prosperous New Year.

ADJOURNMENT

Motion by Mr. Anders, seconded by Mrs. Gilbert to adjourn the December 19, 2016 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 7:51 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 22, 2016