

January 4, 2010

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, January 4, 2010, 7:00 PM**

1. Judge Donna Butler will Administer the Oath of Office to:

Mayor Winfield Iobst
Councilmember Wesley Barrett
Councilmember Brent Labenberg
Councilmember Chris DeFrain
Councilmember Michael G. Waddell

2. Remarks by Judge Donna Butler

3. Call to Order

4. Pledge of Allegiance

5. Reorganization of Council

Mayor Iobst will preside over the Council meeting by asking for nominations for President of Council. Council will vote for President. Mayor Iobst will ask for nominations for Vice President. Council will vote for Vice President. The President will then preside over the meeting.

6. Personal Appeals, Part I

7. Community Minute

8. Special Presentations

9. Reading of Minutes

- a. December 21, 2009

10. Decisions on Bids

11. Communications

- a. Michael Gibson, 230 Ridge St. – Offer services for energy audit.
 - b. Emmaus-Upper Milford Joint EAC – EAC pavilion request for Earth Day.

12. Borough Engineer's Report

13. Solicitor's Report

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14. Unfinished Business, Part I

- a. **Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs. (1st Reading 12/07/09) (2nd Reading 1/04/10)**
- b. **Ordinance No. 1064 – An Ordinance Establishing and Providing for the Imposition of a Business Privilege Tax, for the Collection Thereof, and for Penalties to be Imposed for Failure to Pay the Business Privilege Tax. (2nd Reading 1/04/10)**
- c. **Ordinance No. 1066 – An Ordinance Repealing Chapter 24, Part 6, of the Borough Codified Ordinances, Otherwise Known as the Sign Tax Ordinance. (1st Reading 12/21/09) (2nd Reading 1/04/10)**

15. New Business

16. Unfinished Business, Part II

- a. Ordinance No. 1065 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Chapter 1, Part C, Article VII of Exhibit A, Entitled “Borough of Emmaus Police Pension Plan” to Comply with Act 600 of 1956, as Amended by Act 51 of 2009, the Emergency and Law Enforcement Personal Death Benefits Act, Effective as Provided in the Amendment. (1st Reading 12/21/09) (2nd Reading 1/18/10)
- b. Ordinance No. 1056 – An Ordinance Amending Chapter 15, Sections 403 and 404(a), Abandoning No Parking Zone and Establishing Restricted Parking Zones and Bus Parking Zones on School Days Along East Minor Street Associated with the Seven Generations Charter School. (90 day trial period expires 11/15/09) (1st Reading 12/21/09) (2nd Reading 1/18/10)

17. Items Not on Agenda, Subject to Rule 9

18. Mayor’s Report

19. Committee Reports

Public Works/(Highway, Water & Sewer) (Labenberg, Waddell, Brown)

Next Meeting – To be determined.

1. Committee

- a. EPA Order – I & I Elimination
- b. I & I Elimination Report
- c. Sidewalk Repairs
- d. Weiders Lane Status

2. Solicitor

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Health, Sanitation, and Conservation (Reinhard, Labenberg, Holtzhafer)

Next Meeting – To be determined.

1. Committee
 - a. Conservation
 - b. Riparian Buffer Ordinance
 - c. **Appointment of Joan Schwartz to the Board of Health (Term 01/01/2010—01/01/2015)**
 - d. **Appointment of Dale Arndt to the Sanitation Board (Term 01/01/2010—01/01/2012)**

2. Solicitor

Parks and Recreation (Barrett, Labenberg, Holtzhafer)

Next Meeting – To be determined.

1. Committee
 - a. Ice Rink/Skate Park
 - b. Raven Mill Trail Project (Trail Name)
 - c. Geese at Furnace Dam

2. Solicitor

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – To be determined.

1. Committee
 - a. Trailer Truck Parking
 - b. Tractor Trailer Unloading
 - c. Parking Zones for Seven Generations Charter School – Ordinance No. 1056 (1st Reading 12/21/09) (2nd Reading 1/18/10)
 - d. Mulberry Street—One Way Southbound
 - e. Car Show/Bed Race Detour

2. Solicitor

General Administration (Waddell, Gilbert, Barrett)

Next Meeting – To be determined.

1. Committee
 - a. Historical Sites and Park Ordinance
 - b. Email for Council People
 - c. **Definition of Commercial Advertising Signs – Ordinance No. 1062 (2nd Reading 1/04/10)**
 - d. Amendment to Police Pension Plan – Ordinance No. 1065 (1st Reading) (2nd Reading 1/18/10)
 - e. **Appointment to vacancy on General Authority – Committee recommending Carol Bastian.**

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1. Committee (continued)
 - f. **Appointment of John Stover to Vacancy Board.**
 - g. **Appointment of Darryl Wentz and Ted Iobst to Zoning Hearing Board.**
2. Solicitor

Budget and Finance (Holtzhafer, Gilbert, Reinhard)

Next Meeting – January 4, 2010 at 6:45 p.m.

1. Committee
 - a. **Business Privilege Tax – Ordinance No. 1064 (2nd Reading 1/04/10)**
 - b. **Repealing the Sign Tax Ordinance – Ordinance No. 1066 (2nd Reading 1/04/10)**
 - c. **Bill List – Resolution 2010 - 01**
 - d. Policy for Use of Tax ID Number
 - e. 2009 Celebration – Overtime
 - f. Senior Refuse Fee Reduction Consideration
 - g. Per Capita Tax Ordinance
2. Solicitor

Community Relations/Development (Brown, Waddell, Reinhard)

Next Meeting – To be determined.

1. Committee
 - a. South Side Master Plan
 - b. Downtown Master Plan – Parking Deck, VFW, David's Electric
 - c. Triangle Project Expansion
 - d. Parking Deck Feasibility Study Request for Proposals
 - e. Emmaus Community Car Show / Emmaus Bed Race
2. Solicitor

Ad Hoc Committees (Holtzhafer, Gilbert, Barrett, Neely, Mayor Iobst)

Next Meeting – To be determined.

Community/School Relations

- a. Junior Council Member Draft Resolution Review and Application
20. Personal Appeals, Part II
 21. Borough Manager's Report
 - a. **Significant Revenue and Expense Items for December 2009**

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22. President's Business

23. Adjournment

Next Resolution #3
Next Ordinance #1067

The Emmaus Borough Council met in regular session on January 4, 2010 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

Magisterial District Judge Donna Butler administered the Oath of Office to Mayor Winfield Iobst, new Council Member Chris Defrain, and incumbent Council Members Wesley Barrett, Brent Labenberg, and Dr. Michael Waddell.

CALL TO ORDER

Mayor Winfield Iobst called the meeting to order at 7:00 p.m.

Michael Waddell	Present
Lee Ann Gilbert	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
Chris DeFrain	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

The Mayor asked for nominations for President of Borough Council.

Mr. Holtzhafer nominated Mrs. Gilbert for Council President. Mr. Labenberg nominated Dr. Waddell for Council President.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to close the nominations for Council President. There were 7 ayes. Motion carried.

Mrs. Gilbert received 5 votes for Council President. (Waddell, Barrett, Brown, Gilbert, Holtzhafer). Dr. Waddell received 2 votes for Council President. (Labenberg, Defrain).

Mrs. Gilbert was declared Council President.

The Mayor asked for nominations for Vice President of Borough Council.

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Mr. Brown nominated Dr. Waddell for Council Vice President. Mrs. Gilbert nominated Mr. Holtzhafer for Council Vice President.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to close the nominations for Council Vice President. There were 7 ayes. Motion carried.

Dr. Waddell received 3 votes for Council Vice President. (Labenberg, Brown, Defrain). Mr. Holtzhafer received 4 votes for Council Vice President. (Holtzhafer, Gilbert, Waddell, Barrett).

Mr. Holtzhafer was declared Council Vice President.

Mrs. Gilbert took the President's seat and presided over the Borough Council Meeting.

PERSONAL APPEALS, PART I

A. Anthony Groller, 1302 S. 10th St, thanked the Emmaus Ambulance Corps for services rendered to his family. He also thanked Mr. Labenberg for his input into the 2010 Budget. He voiced concern about a \$50,000 expense for fire truck maintenance. Mr. Neely clarified that the Fire Chief's reference to \$50,000 was to the increase in the cost of a new aerial fire truck if it is not purchased in 2010. Mr. Groller voiced concerns about employee raises and health insurance benefits. He also asked if Borough employees receive bonuses. Mr. Neely responded that they do not. He stated that as a taxpayer he cannot afford another tax increase.

B. Otto Slozer, 121 E. Elm St, disagrees with the Business Privilege Tax and feels that any tax on businesses will have a negative effect on business. He responded to Mr. Groller's comments and thanked Mr. Labenberg for his concern for the taxpayers. He also stated that he does not feel enough areas were cut in the budget. He asked if the Legion baseball field was still in the budget. Mr. Neely responded that there is \$100,000 budgeted for the field and it is part of the Capital Reserve Fund. He voiced concerns about parking for 1,100 people. Mr. Neely responded that parking issues will be part of the discussion as the project moves forward but doubts that there will be that much seating. Mr. Slozer stated that it will be another tax increase or huge expenditure if the parking in the park needs to be expanded.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

COMMITTEE REPORTS, PART I.

Mrs. Gilbert moved the General Administration Committee report forward on the Agenda.

Dr. Waddell noted that the General Administration Committee voted 2-0 to recommend that Carol Bastian be reappointed to the Emmaus General Authority.

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Motion by Dr. Waddell, seconded by Mr. Barrett to reappoint Carol Bastian to the Emmaus General Authority to a term expiring on January 1, 2015. There were 7 ayes. Motion carried.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Brown to dispense with the formal reading of the December 21, 2009 Minutes. There were 7 ayes. Motion carried.

Motion by Dr Waddell, seconded by Mr. Barrett to adopt the December 21, 2009 Minutes as drafted. There were 6 ayes, 1 abstention (Defrain). Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Michael Gibson, 230 Ridge St., - Offer services for energy audit. Referred to the General Administration Committee
- b. Emmaus-Upper Milford Joint EAC – EAC pavilion request for Earth Day on Saturday April 24, 2010.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to waive pavilion fees at the Emmaus Community Park on April 24, 2010, for the Emmaus-Upper Milford Joint Environmental Advisory Council's Earth Day clean-up. There were 7 ayes. Motion carried.

- c. Richard Krauss – Request for appointment as Weed/Snow Enforcement Officer. Referred to General Administration Committee.
- d. Ray Ignosh – Request for additional CycloCross Races in January 2010. Mr. Neely explained that Mr. Ignosh is seeking permission to hold 2 or 3 additional CycloCross races in January 2010 as a fundraising effort for a racer who has been invited to the World Championships in the Czech Republic.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to allow CycloCross to hold races at the Knauss Homestead Property in January 2010 for fundraising purposes. There were 7 ayes. Motion carried.

MAYORS REPORT – Progress.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs (1st Reading 12/7/09) (2nd Reading 1/4/10).

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Motion by Mr. Brown, seconded by Dr. Waddell to read Ordinance No. 1062 in short title. There were 7 ayes. Motion carried.

Mr. Neely read Ordinance No. 1062 in short title.

Motion by Mr. Barrett seconded by Dr. Waddell to adopt Ordinance No. 1062 - An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs on its 2nd reading. Roll call vote: Mr. Brown, nay, Mr. Defrain, nay, Dr. Waddell, aye, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 4 ayes, 3 opposed. (Brown, Labenberg, Defrain). Motion carried.

Dr. Waddell stated that the General Administration Committee debated the wording “only one sign per business and it must be located in front of (the business) or (that business).” The Ordinance requires that a sign can only be placed in front of the business. It prohibits a business from placing a sign in front of another business. Mr. Labenberg stated that he will be voting against the Ordinance because he feels that the Ordinance should be less restrictive to benefit smaller businesses on the side streets. He recommended that the Ordinance should allow one sign per business and it should not matter if it is a sign for a different business as long as the property owner has given permission. Mr. Brown asked if the sign fee is listed in the fee schedule and how much the fee is. Mr. Neely responded that the fee is \$25.00 per sign per year. He noted that previously the fee was \$10.00 for a period of 14 days, with a maximum of three times per year.

Ordinance No. 1064 – An Ordinance Establishing and Providing for the Imposition of a Business Privilege Tax, for the Collection Thereof, and for Penalties to be Imposed for Failure to Pay the Business Privilege Tax (2nd Reading 1/4/10).

Motion by Mr. Brown, seconded by Mr. Barrett to read Ordinance No. 1064 in short title. There were 7 ayes. Motion carried.

Mr. Neely read Ordinance No. 1064 in short title.

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to adopt Ordinance No. 1064 - An Ordinance Establishing and Providing for the Imposition of a Business Privilege Tax, for the Collection Thereof, and for Penalties to be Imposed for Failure to Pay the Business Privilege Tax on its 2nd reading. Roll call vote: Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Dr. Waddell, aye, Mr. Defrain, nay, Mr. Brown, nay, Mrs. Gilbert, aye. There were 4 ayes, 3 opposed (Defrain, Labenberg, Brown).

Mr. Defrain commented that he is not in favor of the Business Privilege Tax. He stated that he will be voting against the tax, but if it does pass, he would prefer that it be due on April 15. Mr. Labenberg stated that he feels it is the wrong economic climate to initiate a Business Privilege Tax. He also stated that it would be great for businesses if the Borough could advertise that there is no increased refuse fee and no business privilege tax. Dr. Waddell reminded that businesses will pay less with the Business Privilege Tax. Mr. Labenberg commented that there should be an exemption for businesses that make less than \$12,000 per year, as with the Local Services Tax. Mr. Neely stated that the Local Services Tax exemption is specifically enumerated under Act 511 and he does not believe that the

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exemption is authorized for the Business Privilege Tax. Mr. Labenberg asked Solicitor Procyk to research the exemption. Solicitor Procyk responded that he will.

Ordinance No. 1066 – An Ordinance Repealing Chapter 24, Part 6, of the Borough Codified Ordinances, Otherwise Known as the Sign Tax Ordinance (2nd Reading 1/4/10).

Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1066 in short title. There were 7 ayes. Motion carried.

Mr. Neely read Ordinance No. 1066 in short title.

Motion by Mr. Barrett, seconded by Dr. Waddell to adopt Ordinance No. 1066 - An Ordinance Repealing Chapter 24, Part 6, of the Borough Codified Ordinances, Otherwise Known as the Sign Tax Ordinance on its 2nd Reading. Roll call vote: Mr. Brown, aye, Mr. Defrain, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Dr. Waddell questioned how much revenue the Sign Tax generated in a given year. Mr. Neely responded \$17,000. Mr. Labenberg stated that he previously voted against the Ordinance because he is not in favor of the Business Privilege Tax. He stated that he will be voting in favor of the Ordinance because the Business Privilege Tax passed.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

Mrs. Gilbert noted that Ordinance Nos. 1065 and 1056 will have second readings at the January 18, 2010 Council Meeting.

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

COMMITTEE REPORTS

a. Public Works Committee

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Holtzhafer reported that the Committee recommends appointing Joan Schwartz to the Board of Health and appointing Dale Arndt to the Sanitation Board to terms expiring on January 1, 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to appoint Joan Schwartz to the Board of Health to a term expiring on January 1, 2012. There were 7 ayes. Motion carried.

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Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to appoint Dale Arndt to the Sanitation Board to a term expiring on January 1, 2012. There were 7 ayes. Motion carried.

Mr. Labenberg questioned the function of the Sanitation Board. Mr. Neely explained that the Sanitation Board handles appeals filed by property owners concerning hookups to the Borough's sewer system. Mr. Labenberg asked how many members are on the Board. Mr. Neely responded that there are three seats, but only 1 is filled. Mr. Labenberg asked if the vacancies have been advertised. Mr. Neely responded that they have.

Progress.

c. Parks and Recreation Committee

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee has had a request to post the 300 Block of Mulberry Street as one way southbound, between Elm and Seem Streets in the vicinity of Lincoln Elementary School. She stated that Mulberry Street between Harrison Street and Seem Street is one way south. This would continue it as one way southbound from Harrison Street to Elm Street.

Motion by Mr. Barrett, seconded by Mr. Brown to post the 300 Block of Mulberry Street as one way southbound, between Elm and Seem Streets in the vicinity of Lincoln Elementary School for a 90 day trial period. There were 7 ayes. Motion carried.

Mr. Holtzhafer questioned if the Kulik, Reinsmith Funeral Home was contacted about it. Mayor Iobst answered that he spoke to John Kulik and he supports the concept.

e. General Administration Committee

Dr. Waddell stated that the General Administration Committee recommends appointing John Stover to the Vacancy Board. Mr. Neely explained that the Vacancy Board is utilized if there is a vacancy on Council. If there is a tie vote on filling the Council vacancy, the Vacancy Board, which is comprised of one person, makes the decision on the appointment to fill the seat.

Motion by Dr. Waddell, seconded by Mr. Barrett to appoint John Stover to the Vacancy Board for a term expiring January 1, 2011. There were 7 ayes. Motion carried.

Dr. Waddell stated that the General Administration Committee recommends the appointment of Darryl Wentz and Ted Iobst to the Zoning Hearing Board for terms expiring on January 1, 2013.

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Motion by Dr. Waddell, seconded by Mr. Labenberg to appoint Darryl Wentz and Ted Iobst to the Zoning Hearing Board to terms expiring on January 1, 2013. There were 7 ayes. Motion carried.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2010-1, authorizing payment of the January 4, 2010 Bill List, as follows:

Bill List	\$ 171,306.05
Payroll #26	\$ 102,247.31
Payroll Taxes	\$ 31,432.38
Total	\$ 304,985.74

Done this 4th day of January 2010.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to adopt the January 4, 2010 Bill List. There were 7 ayes. Motion carried.

Mr. Brown questioned the status of the Request for Proposals for price quotes on electricity. Mr. Neely responded that the Request for Proposals are done and are ready to be sent to electricity suppliers.

Mr. Holtzhafer stated that he would like to suspend collection of non-union health care contributions and have the issue referred to a committee for re-evaluation. He also stated that he does not disagree with benefit contributions but he was disappointed with the way that it was brought forward to the employees.

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to suspend collection of non-union health care contributions and have it referred to the Budget and Finance and General Administration Committees for re-evaluation. There were 5 ayes, 2 opposed (Labenberg, Defrain). Motion carried.

Mr. Barrett questioned if the motion is possible since health care contributions were approved in the 2010 Budget. Mr. Neely stated that it was approved as part of a revenue line item. Mr. Labenberg questioned what the correct process was and stated that he did not see the budget until the Friday before the first budget meeting. He stated that he is not on any of the committees that would make the recommendation. Mr. Brown asked when the next union negotiations will be. Mrs. Gilbert responded that they will start this summer with the Emmaus Police Officers Association. Mr. Brown stated that he would like to suspend collection of non-union health care contributions until 2011. Mr. Holtzhafer stated that the revenue already exists in the budget but does not feel that the employees were properly notified of the contribution. Dr. Waddell agrees with the collection of non-union health care contributions but believes that the issue should be considered at the committee level. Mr. Labenberg asked where the revenue is going to come from. Mr. Holtzhafer responded that his

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motion does not include changing the revenue amount; it includes suspending collection of the money until there is a policy to collect it. Mr. Defrain asked if the policy takes a month to develop, does the Borough retroactively collect the money? He stated that he agrees that employees need to contribute to health care, more time is needed to develop the correct procedure, and is concerned that if the process takes 2 or 3 months the Borough will not collect the money from the employees. He also stated that the motion does not state to retroactively collect the money. Mr. Labenberg asked what committee the issue will be referred to. Mrs. Gilbert referred the issue to the Budget and Finance Committee and the General Administration Committee.

Progress.

g. Community Relations/Development

Mr. Brown reported that the Committee is looking forward to working on the South Side Master Plan and the Downtown Master Plan and hopes to obtain grant money for projects.

Progress.

h. Ad Hoc Committee

Mr. Holtzhafer reported that he contacted East Penn School District Superintendent Seidenberger's Office and a Committee meeting date will be scheduled shortly.

PERSONAL APPEALS, PART II

a. **Otto Slozer, 121 E Elm Street**, voiced concerns about Council's application of Robert's Rules of Order. He stated that the budget requires two votes for passage and Council refused to allow anyone on a losing side of an issue to introduce a motion to revisit the issue and that Council did not allow anyone on the losing side of an issue to second a motion. He noted that tonight a councilmember who was on the losing side was able to introduce a motion for reconsideration and the motion was passed. He stated that he feels that allowing the vote was hypocritical.

b. **Duane Yaindl, 850 Lawrence Drive**, voiced concerns about non-union employees contributing to health care.

BOROUGH MANAGERS REPORT

RESOLUTION 2010 – 2

BE IT HEREBY RESOLVED by Emmaus Borough Council to appoint the following officials to their designated positions for a term expiring on January 3, 2011:

Ambulance Corps Chief

Mike Nonnemacher

Animal Control Officer

Richard Hontz

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Borough Manager/Secretary	Craig B. Neely
Borough Treasurer	Christine L. Snyder
Certified Public Accountant	France/Anderson
Emergency Management Coordinator	Dean Bruch
Engineer (General)	TMG Consulting Engineers
Engineer (Water/Sewer)	Hanover Engineering
Fire Chief	James Reiss
Health Officer	Garry Ritter
Pension Consultant-Police/Non-uniform	Conrad Siegel
Public Works Director	Jeffery Clapper
Asst. Public Works Director	John Dychala
Public Works Inspector/ Code Enforcement Officer	James Farnsworth
Sewage Enforcement Officers	Scott J. Brown Jeffrey T. Huff
Borough Solicitor	Fonzone & Ashley
Civil Service Commission Solicitor	Jeffrey Dimmich, Esq.
Zoning Hearing Board Solicitor	Ronald Corkery, Esq.

Done this 4th day of January, 2010.

Motion by Mr. Barrett, seconded by Dr. Waddell to adopt Resolution 2010-2.

Mr. Labenberg asked if the appointment of TMG Consulting Engineers could be made in a separate motion due to a potential conflict of interest. Mrs. Gilbert asked Solicitor Procyk if that is a proper procedure. Solicitor Procyk answered that it is.

Motion amended by Mr. Barrett, seconded by Dr. Waddell to adopt Resolution 2010-2 with the exclusion of TMG Consulting Engineers. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to appoint TMG Consulting Engineers as the Borough Engineer for a term expiring on January 3, 2011. There were 6 ayes, 1 abstention (Labenberg).

Mr. Neely discussed an article that was emailed to him from the Borough's financial advisor, Gary Pulcini. The article explains the factors that Moody's uses to rate municipalities for creditworthiness. He encouraged Councilpersons to read the article.

Mrs. Gilbert asked Council if there are any questions on the Significant Revenue & Expense Items for December 2009. There were none.

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PRESIDENT'S BUSINESS

Mrs. Gilbert asked for suggestions for committee assignments as the committees will be assigned at the January 18, 2010 Council Meeting.

ADJOURNMENT

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

The meeting of the Emmaus Borough Council adjourned at 8:14 p.m.

Craig B. Neely
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
January 5, 2010