

September 17, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, September 17, 2012, 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

September 4, 2012

7. Decisions on Bids
8. Communications
  - a. Rowan Hobson – Letter of interest to serve as Junior Councilman.
  - b. Rev. Tim Dooner, Faith Presbyterian Church of Emmaus – Utilizing church grounds for community.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - a. **Ordinance No. 1087 – An Ordinance Amending the Code of Ordinances, Section, 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Vehicle, Truck Tractor Or Trailer; and Providing Penalties for the Violation Thereof (1<sup>st</sup> Reading 8/20/12) (2<sup>nd</sup> Reading 9/17/12).**
12. New Business

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- a. **Ordinance No. 1088 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Sections 321, 343, 373, and 801 of Chapter 1, to include New Membership Requirements of the Arts Commission, Parks and Recreation Commission, Special Entertainment Commission, and Shade Tree Commission, as well as Meeting Frequency for the Recreation Commission (1<sup>st</sup> Reading 9/17/12).**
12. New Business (continued)
  - b. **Ordinance No. 1089 – An Ordinance Amending Chapter 15, Section 214, and Establishing a Four Way Stop Sign at the Intersection of North Fifth (N. 5<sup>th</sup>) Street and North Street (1<sup>st</sup> Reading 9/17/12).**
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, Gilbert)**

Next Meeting – October 4, 2012 at 3:00 p.m.

- a. H2O Grants (electric water meters)
- b. Rules & Regulations (update)
- c. Home inspections/illegal hook-ups
- d. South 2<sup>nd</sup> Street Reservoir
- e. South 10<sup>th</sup> Street Culvert
- f. **South Mountain Gateway – Kevin Fister**
- g. Triangle Park Damage

**Health, Sanitation, and Conservation (Shubzda, Holtzhafer, Waddell)**

Next Meeting – September 21, 2012 at 3:45 p.m.

- a. Compost Options
- b. Park Recycling Containers
- c. Emmaus and Upper Milford Joint Environmental Advisory Council
- d. Board of Health
- e. Cintas

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

Next Meeting – October 2, 2012 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project

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

Next Meeting – October 11, 2012 at 3:00 p.m.

- a. **Ordinance No. 1087 - Tractor Trailer Parking (2nd Reading 9/17/12)**
- b. Emergency Operations Plan – Review
- c. Civil Service Commission Rules and Regulations

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

- d. 24 Hour Municipal Parking Lot Ordinance
- e. Triangle Park Damage
- f. **Seven Generations Crosswalk Request**
- g. **Ordinance No. 1089 - Stop Sign at 5<sup>th</sup> & North Streets (1<sup>st</sup> Reading 9/17/12)**

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

Next Meeting – September 19, 2012 at 9:00 a.m.

- a. **EMC Liability Insurance**
- b. **Ordinance No. 1088 -Commission Residency Requirements (1<sup>st</sup> Reading 9/17/12)**
- c. 1803 House Lot Line Adjustment

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

Next Meeting – September 19, 2012 at 3:30 p.m.

- a. **Bill List—Resolution 2012-23**
- b. Swimming Pool Revenue and Expense
- c. Water Meter rates for Multiple Units
- d. Water Meter Rates
- e. Policy for Receipts and Packing Slips
- f. Union Negotiations
- g. General Authority Request
- h. Banking and Accounts for All Borough Entities

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- i. **Berkheimer – Per Capita Contract**  
**Resolution 2012 – 24 Tax Hearing Appointment**  
**Resolution 2012 – 25 Appointment Resolution**  
**Resolution 2012 – 26 Confidentiality Resolution**  
**Resolution 2012 – 27 Imposition of Costs**
- j. **2013 Minimum Municipal Obligation**

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

Next Meeting – September 27, 2012 at 4:15 p.m.

- a. Treevitalize Grant
- b. LERTA

**Ad Hoc Committees** (Barrett, Waddell, Holtzhafer, Pepe, Mayor lobst)

Next Meeting – To be determined.

- 17. Personal Appeals, Part II
- 18. Borough Manager's Report
  - a. **Significant Revenue and Expense Items for First Half of September 2012**
- 19. President's Business

Executive Session – Contract Negotiations
- 20. Adjournment

Next Resolution #28  
Next Ordinance #1090

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The Emmaus Borough Council met in regular session on September 17, 2012 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.

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Lee Ann Gilbert	Present
Brian Holtzhafer	Present
Michael Waddell	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Absent
Jeffrey Shubzda	Present
Winfield Iobst, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Jim Woodeshick, 108 Seem Street** – stated that on Page 123 of the September 4, 2012 Council Minutes he is incorrectly stated as saying that trucks park on Jefferson and Seem Street because they can't use Harrison Street. He stated that the Minutes should read that he stated trucks use Jefferson and Seem Street because they can't use Harrison Street.

**B. Samuel Seem, 654 Ridge Street** – stated that he drove around the Borough to look at deteriorating curbs. He stated that there are curbs throughout the Borough that are in the same condition as the curbs where tractor trailers are parked. He also stated that there are curbs in poor condition on Chestnut Street where no one parks. He encouraged Council to allow truck drivers to park their trucks on Borough streets.

**C. Johnathan Roberston, 165 Spruce Street** – stated that he is strongly opposed to the tractor trailer Ordinance No. 1087. Mr. Barrett asked Mr. Robertson how much it would cost him to park his truck somewhere else. Mr. Robertson responded that he has no idea. Mr. Robertson stated that he spent 2 ½ years looking for his house so that he could park where he does. Mr. Robertson asked how much it will cost to put up the signs banning trucks from parking on Borough Streets. Mr. Pepe responded approximately \$100 per sign. Mr. Robertson stated that the Emmaus Police have been to his house 5 times and he believes he is being harassed by them.

**Motion by Mr. Barrett, seconded by Dr. Waddell to extend Mr. Robertson's Personal Appeal time by five minutes. There were 3 ayes, 3 opposed (Labenberg, Holtzhafer, Gilbert). Mayor Iobst voted aye and placed the tie breaking vote. Motion carried.**

Mr. Robertson asked from whom the Borough obtained its information for the Ordinance. Mrs. Gilbert responded that the Public Safety Committee has been reviewing the Ordinance since the year 2000. She stated that over the years the resident's complaints have greatly increased. Mrs. Gilbert stated that the Ordinance will be tabled tonight for

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further action and will be presented to Full Council the second meeting in October with final approval scheduled for November.

**D. Walter Holtzhafer, 325 N 2<sup>nd</sup> Street** – stated that he believes truck parking on Keystone Avenue is a safety hazard for school children.

**E. Glen Gregory, 29 Harrison Street** – asked how many complaints have been received about tractor trailers parking on the streets. Mrs. Gilbert responded that she is unsure. Mr. Holtzhafer responded that he received three complaints in the past month concerning the line of sight when tractor trailers are parked on the street. Mr. Gregory stated that he opposes the tractor trailer Ordinance. Mr. Labenberg stated that he was originally opposed to the Ordinance but is now in favor of it because there are many truck drivers from out of town parking their tractor trailers on the streets and he has received many complaints about tractor trailer parking. Mr. Gregory asked how many of the trucks parked on the streets are non-residents. Mr. Pepe responded that the Police Department has that information.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to extend Mr. Gregory's Personal Appeal time by five minutes. There were 6 ayes. Motion carried.**

Mr. Gregory stated that he believes residents that live in the area where he parks his truck at 1<sup>st</sup> and Harrison Street do not have any complaints about it.

**F. Marshall Rau, owns property at 655 Chestnut Street** – stated that he cuts the grass at the Moravian Cemetery located at Keystone and Ridge Streets. He stated that he has spoken to the Trustees at the Moravian Church and they have no problem with tractor trailers parking on Ridge Street between Keystone and the library. He stated that the big concern is that the tractor trailers park on the South side of the street, where there are no sidewalks. He also stated that tractor trailers need to be aware of not blocking driveways. He thanked Dr. Waddell for observing the tractor trailer parking on Ridge Street by the cemetery.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

**Motion by Dr. Waddell, seconded by Mr. Barrett to dispense with the formal reading of the September 4, 2012 Minutes. There were 6 ayes. Motion carried.**

Mrs. Gilbert noted that on page 122, Letter C, under Kevin Fister's Personal Appeal, Tom Getting's name is incorrectly spelled as "Tom Geddings." She also noted that on Page 123, Letter G, under Mr. Woodeshick's Personal Appeal, it incorrectly states that trucks park on Jefferson and Seem Street and should read that "trucks use Jefferson and Seem Streets."

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**Motion by Dr. Waddell, seconded by Mr. Shubzda to adopt the September 4, 2012 Minutes as corrected. There were 6 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Rowan Hobson – Letter of interest to serve as Junior Councilman. Referred to the General Administration Committee.
- b. Rev. Tim Dooner, Faith Presbyterian Church of Emmaus – Utilizing church grounds for community. Referred to the Parks & Recreation Committee.
- c. Terry Gasper, 954 N 7<sup>th</sup> Street – Resignation from Special Entertainment Commission.

**Motion by Dr. Waddell, seconded by Mr. Barrett to accept Ms. Gasper's resignation from the Special Entertainment Commission. There were 6 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Pepe to send Ms. Gasper a letter of thanks for her time served on the Commission.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Dinkelacker entertained questions about his report.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1087 – An Ordinance Amending the code of Ordinances, Section, 405(a) of Chapter 15, to include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Vehicle, Truck Tractor or Trailer; and Providing Penalties for the Violation Thereof (1<sup>st</sup> Reading 8/20/12) (2<sup>nd</sup> Reading 9/17/12).

**Motion by Mr. Barrett, seconded by Mr. Shubzda to defer Ordinance No. 1087. There were 6 ayes. Motion carried.**

Dr. Waddell encouraged residents who are concerned about the Ordinance to attend the next Public Safety Committee Meeting on October 11, 2012.

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### NEW BUSINESS

Ordinance No. 1088 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Sections 321, 343, 373, and 801 of Chapter 1, to include New Membership Requirements of the Arts Commission, Parks and Recreation Commission, Special Entertainment Commission, and Shade Tree Commission, as well as Meeting Frequency for the Recreation Commission (1<sup>st</sup> Reading 9/17/12).

Dr. Waddell explained that the Ordinance makes a change to the residency requirements for membership in various Commissions. The Ordinance allows non-Borough residents to become members of the Commissions. He stated that non-residents would never be a majority on the Commissions. He also explained that another change in the Ordinance is the requirement of a monthly meeting for the Emmaus Parks and Recreation Commission. The Commission would be required to meet four times per year instead of monthly. Mr. Holtzhafer complimented the General Administration Committee for its effort on the Ordinance. Mr. Labenberg stated that the Ordinance gives the Commissions more opportunity to fill their openings.

**Motion by Dr. Waddell, seconded by Mr. Barrett to read Ordinance No. 1088 in short title. There were 6 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1088 in short title.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to adopt Ordinance No. 1088 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Sections 321, 343, 373, and 801 of Chapter 1, to include New Membership Requirements of the Arts Commission, Parks and Recreation Commission, Special Entertainment Commission, and Shade Tree Commission, as well as Meeting Frequency for the Recreation Commission on its 1<sup>st</sup> Reading. Roll call vote: Mr. Shubzda, aye, Dr. Waddell, aye, Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.**

Ordinance No. 1089 – An Ordinance Amending Chapter 15, Section 214, and Establishing a Four Way Stop Sign at the Intersection of North Fifth (N. 5<sup>th</sup>) Street and North Street (1<sup>st</sup> Reading 9/17/12).

Mrs. Gilbert stated that Traffic Officer Hamscher recommends a 4-way stop sign placement at the intersection of N. 5<sup>th</sup> Street and North Street. In a memorandum prepared by Officer Hamscher, dated September 10, 2012, he states that the criteria that he used to make his recommendation was: Stopping the direction that conflicts the most with established pedestrian crossing activity or school walking routes; stopping the direction



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that has obscured vision; stopping the direction that has the longest distance of uninterrupted flow approaching the intersection; the need to control left-turn conflicts; the need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes; locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop; and an intersection of two residential neighborhood collector streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection. Dr. Waddell commented that he frequently uses this intersection and has not witnessed any problems. Mr. Labenberg stated that he will vote against the motion because there are too many 4-way stop signs on N. 5<sup>th</sup> Street and in the Borough. Mr. Barrett stated that he is supportive of the 4-way because it is close to the school and he has observed that it is a dangerous intersection. He also stated that the Public Works Department and Ambulance Corps do not use this intersection because it is a dangerous intersection.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to read Ordinance No. 1089 in short title. There were 6 ayes. Motion carried.**

Mrs. Gilbert read Ordinance No. 1089 in short title.

**Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt Ordinance No. 1089 - An Ordinance Amending Chapter 15, Section 214, and Establishing a Four Way Stop Sign at the Intersection of North Fifth (N. 5<sup>th</sup>) Street and North Street on its 1<sup>st</sup> Reading. Roll call vote: Mr. Shubzda, aye, Dr. Waddell, nay, Mr. Labenberg, nay, Mr. Barrett, aye, Mr. Holtzhafer, nay, Mrs. Gilbert, aye. There were 3 ayes, and 3 nays. Mayor Iobst voted nay and cast the deciding vote. Motion failed.**

UNFINISHED BUSINESS, PART II – None.

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

### MAYOR'S REPORT

Dr. Waddell thanked Mayor Iobst for changing the date of Trick-or-Treat to Wednesday, October 31, 2012 from 6:00 p.m. until 8:00 p.m.

Progress.

### COMMITTEE REPORTS

a. Public Works Committee

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Mr. Labenberg reported that the Committee recommends the Borough assists the Wildlands Conservancy to develop the Alpine Street Trail Head. The Borough will assist with removing the kiosk, removing approximately 70' of old wooden split rail fencing, as well as removing and disposing of existing pipe gate. The Contractor would perform his work and then the Borough will complete a short section of the trail using millings, reinstall the kiosk and/or replacing with a new kiosk, patch the roadway, help with some small woody growth removal and grading, paint marks on the road for one handicap parking spot. In the future, the Borough will help with more brush removal to open up the entrance, make a small sitting area with millings, place a picnic table, and help with attaching wooden frames to future trail signs using left over lumber. The approximate expense incurred by the Borough would be \$500.00.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to approve the Borough assisting the Wildlands Conservancy to develop the Alpine Street Trail Head. There were 6 ayes. Motion carried.**

Dr. Waddell noted that the Committee report states that Mr. Clapper distributed a handout with possibilities to help protect the Triangle from skateboarding damage. He suggested obtaining different samples from vendors. Mr. Labenberg responded that the Committee will receive different samples of brackets to place where the skateboarders are grinding.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on September 21, 2012. Mr. Shubzda reported that on September 22, 2012 from 9:00 a.m. until 1:00 p.m., Lehigh County will hold "Anything With a Plug" Electronic Collection Day at 3 locations for county residents and small businesses. Recycling locations include: Lehigh Carbon Community College, Schnecksville; Olympus Corporate Headquarters, Center Valley; and Lowe's Home Improvement, Bethlehem. The event is free of charge and all types of electronics will be accepted. All materials collected will be recycled.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met September 17, 2012 at 4:00 p.m. He reported that the Growing Greener Fund is available and the grant application is due by the end of September. He reported that the funds that have been raised by the EYA and in-kind donations pay for approximately half of the total cost of the Legion Field Project.

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The funds raised through EYA cash donations, in-kind donations through the Iron Pigs, Zgura Concrete, the Borough's manpower, and a possible in-kind donation with the football league totals approximately \$60,000. The entire Project could be completed with matching funds from Lehigh County through the Growing Greener Fund. Mr. Barrett explained the upgrades and improvements that would occur. Mr. Labenberg stated that the grant is available through Lehigh County and he fully supports the Borough applying for it.

**Motion by Mr. Barrett, seconded by Dr. Waddell to direct Mr. Pepe to submit an Application to Lehigh County for Growing Greener Funds. There were 6 ayes. Motion carried.**

Mr. Barrett reported Mr. Pepe received an email from the Special Entertainment Commission requesting canopies for its Blue Grass Event to be held on September 30, 2012. Mr. Barrett stated that the Committee did not review the request and does not have a recommendation for this.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the Special Entertainment Commission's request for the use of canopies at Emmaus Community Park for its Blue Grass Event to be held on September 30, 2012 from 12:00 p.m. to 7:00 p.m. There were 6 ayes. Motion carried.**

Mr. Barrett reported that the 6<sup>th</sup> Annual KNBT Halloween in Emmaus 5K will be held on Saturday, October 20, 2012, with a start time of 7:00 p.m., just prior to the start of the Halloween Parade. He stated that there are approximately 100 runners signed up. He also stated that Runner's World is holding a race the same day.

Mr. Barrett thanked the Special Entertainment Commission for preparing a memorandum detailing its accomplishments and goals for 2012 and 2013. He congratulated and thanked them for all they have accomplished and the goals they have set for 2013.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee received a request from the Seven Generations Charter School for a crosswalk in the location of the school. Mrs. Gilbert stated that Seven Generations Charter School will be utilizing the Rodale building located on Kline's Lane. She stated that the request is being reviewed by the Traffic Officer. The Committee recommends Council's approval to install a crosswalk, contingent upon the review from the Traffic Officer. Mr. Labenberg asked for the exact location of the

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crosswalk. Mrs. Gilbert responded that it will be placed near the Rodale building, but the exact location will be determined based upon the review of the Traffic Officer.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to grant the request from the Seven Generations Charter School for a crosswalk in the location of the school, contingent upon the review and recommendation from the Traffic Officer. There were 6 ayes. Motion carried.**

Mrs. Barrett reported that the Committee had a request for speed limit signs and “Children at Play” signs at 10<sup>th</sup> and Arch Street. The matter was referred to the Traffic Officer. The Committee also received a request from John Donches for a crosswalk to be placed at the intersection of 12<sup>th</sup> Street and Pennsylvania Avenue. Mr. Clapper informed Mr. Donches that Pennsylvania Avenue is a state highway and that he would discuss the matter with Penn Dot.

Mrs. Gilbert reported that there is an issue with parking on Williams Street in the area of the Williams Street Playground. Mr. Clapper and Chief Faust met with Mr. George regarding issues behind his property. The two are suggesting proposing an Ordinance eliminating parking on one side of Apple Street, with a 90 day trial period, effective January 1, 2013. The Ordinance will be drafted for the October Council Meeting.

Mrs. Gilbert reported that Mr. Pepe will draft a 24 Hour Municipal Parking Ordinance. She also reported that Chief Faust and Mr. Clapper are continuing to work on completing the sign inventory.

Mrs. Gilbert reported that there have been several complaints about parking on the west side of S. 7<sup>th</sup> Street in the area of CVS. There is a recommendation from the Traffic Officer to extend the no parking on the west side of S. 7<sup>th</sup> Street, south of the crosswalk, by 47 feet.

Mrs. Gilbert reported that the Committee received a concern from a resident regarding line of site from Bank Street to S. 7<sup>th</sup> Street. Bank Street is currently one-way running west. The home located on the corner is within the line of site for the street. Mr. Pepe prepared a letter to all the residents in the 600 block of Chestnut Street requesting feedback on the possibility of changing the direction of the one-way street from west to east and enter off of S. 7<sup>th</sup> Street and exit onto S. 6<sup>th</sup> Street.

Mrs. Gilbert reported that the Civil Service Commission will be holding a meeting on September 20, 2012 to discuss their Rules and Regulations.

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Dr. Waddell stated that there is a yield sign at the north end of the Veteran's Triangle at N. 3<sup>rd</sup> & 4<sup>th</sup> Street. He stated that he believes it is a dangerous intersection and there should be a stop sign placed there instead of a yield sign.

Mr. Holtzhafer asked for the status of the 200 Block of Seem Street, One Way westbound near the Lincoln Elementary School. Mrs. Gilbert responded that the matter is currently being addressed by the East Penn School District.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee reviewed quotes for liability insurance and recommends contracting with EMC for liability insurance coverage in the amount of \$53,923. Mr. Pepe stated that the Borough will save approximately \$10,000 by switching to EMC.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to contract EMC for liability insurance coverage in the amount of \$53,923. There were 6 ayes. Motion carried.**

The next Committee Meeting is September 19, 2012 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-23, authorizing payment of the September 17, 2012, Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>183,863.15</b>
<b>Payroll #18</b>	<b>\$</b>	<b>117,828.82</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>37,853.66</u></b>
<b>Total</b>	<b>\$</b>	<b>339,545.63</b>

Done this 17th day of September 2012.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the September 17, 2012 Bill List. There were 6 ayes. Motion carried.**

Resolution 2012-24 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Empowering and Directing the Proper Officers of the Governing Board to Appoint Berkheimer as its Tax Hearing Officer Under and Pursuant

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to the Local Taxpayers Bill of Rights for the Express Purpose of Adjudicating Appeals Thereunder.

Dr. Waddell asked if there are other options for per capita tax collection. Mr. Pepe responded that he discussed with the Committee placing the item out for bids in 2013. He stated that he is familiar with other tax collectors in the Lehigh Valley.

**Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to adopt Resolution 2012 – 24. There were 6 ayes. Motion carried.**

Resolution 2012- 25 – 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 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. Holtzhafer, seconded by Mr. Labenberg to adopt Resolution 2012-25. There were 6 ayes. Motion carried.**

Resolution 2012-26 – 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 Tax Information with the District for Official Purposed.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2012-26. There were 6 ayes. Motion carried.**

Resolution 2012-27 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Authorizing and Empowering its Local Tax Collector, Berkeheimer, to Impose and Retain Costs of Collection on Delinquent Taxes.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2012-27. There were 6 ayes. Motion carried.**

Mr. Holtzhafer presented the 2013 Minimum Municipal Obligation calculations for the Police Pension Plan and Non-Uniform Pension Plan. Mr. Holtzhafer reported that the Borough must fund the entire obligation for 2013.

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**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to accept the calculation of the 2013 Minimum Municipal Obligation for the Borough of Emmaus. There were 6 ayes. Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Progress.

h. Ad Hoc-Community/School Relations Committee

Progress.

PERSONAL APPEALS, PART II

**A. John Donches, 559 Minor Street** – questioned the Lowe’s Home Improvement location for the Lehigh County "Anything With a Plug" Electronic Collection Day. Mr. Shubzda responded that the location is 1235 Martin Court, Bethlehem, PA.

**B. John Eyer, 331 N. 2<sup>nd</sup> Street** – stated that work has begun on the Legion Baseball Field renovation. Mr. Eyer stated that there is a candidate for Eagle Scout that will be volunteering for the project.

BOROUGH MANAGER’S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the 1<sup>st</sup> half of September are in the Council binders and offered to entertain questions about it. Mr. Pepe also reported that the Safety Committee performed its first Safety Audit of Town Hall. He stated that it was a very thorough audit and the Committee found some areas needed for improvement.

Progress.

PRESIDENT’S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 8:26 p.m. to discuss contract negotiations and a personnel matter with no official action anticipated.

Mrs. Gilbert reconvened the Meeting at 9:58 p.m. with no official action needed.

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**Motion by Mr. Labenberg, seconded by Mr. Barrett to adjourn. There were 6 ayes. Motion carried.**

The September 17, 2012 Meeting of the Emmaus Borough Council adjourned at 9:58 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
September 24, 2012