

December 2, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, December 2, 2013, 7:00 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
 - Envision Lehigh Valley – Joyce Marin
6. Reading of Minutes
 - November 18, 2013
7. Decisions on Bids
8. Communications
 - a. Linda Rose, 542 North Street – Request reappointment to the Emmaus Library Board (term expires 1/1/2013).
 - b. Althea Sell, 632 Spruce Street – Request reappointment to the Board of Health (term expires 1/1/2014).
 - c. William Huber, Jr., Civil Service Commission – Certified List of Police Officer Candidates.
 - d. John Ashley, Davison & McCarthy – Request reappointment as Solicitor for the Emmaus Civil Service Commission.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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Ordinance No. 1103 – An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements (1st Reading 11/4/13) (2nd Reading 12/2/13).

12. New Business

Ordinance No. 1104 – An Ordinance Levying Taxes for the Fiscal Year 2014 for the Borough of Emmaus at the Rate of 5.075 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 0.5496 Mills (1st Reading 12/2/13).

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 – December 5, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. South 2nd Street Reservoir
- c. South 10th Street Culvert

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

Next Meeting – December 23, 2013 at 5:00 p.m.

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- c. **Appoint Pamela Miller to the Board of Health (term expires 1/1/2015)**
- d. Refuse Bills

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Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – December 3, 2013 at 3:30 p.m.

- a. Green Futures Project
- b. Football Storage Building
- c. Policies:
 - Bands, DJ's, and Live Performances
 - Pavilion Refund
 - Tents, Canopies, and Items Outside Pavilions
 - Vendor Trucks in Parks
 - Moon Bounce and Inflatable Objects

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – December 4, 2013 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. **Ordinance No. 1103 – Emmaus Fire Department Organization (2nd Reading 12/2/13)**

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – December 11, 2013 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. HVAC System at Town Hall
- c. Sale of Properties - Appraisals
- d. Town Hall Remodeling Project

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – December 16, 2013 at 6:45 p.m.

- a. **Bill List—Resolution 2013-30**
- b. **Proposed 2014 Budget**
- c. **Resolution 2013-31 – Delinquent Tax Collection Services**
- d. **Resolution 2013-32 – 2014 Refuse Collection and Compost Site Assessment Fees**
- e. **Resolution 2013-33 – 2014 Fee Schedule**
- f. **Ordinance No. 1104 – 2014 Levying Taxes (1st Reading)**

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

Next Meeting – December 17, 2013 at 4:15 p.m.

- a. LERTA

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- b. CGI Communications Community Video
 - c. Tree Vitalize Grant – January 2014
17. Junior Council Member’s Report
18. Personal Appeals, Part II
19. Borough Manager’s Report
- a. Significant Revenue and Expense Items for November 2013
20. President’s Business
21. Adjournment

Next Resolution #34
Next Ordinance #1105

The Emmaus Borough Council met in regular session on December 2, 2013 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mrs. Gilbert called the Meeting to order at 7:00 p.m.

Lee Ann Gilbert	Present
Brian Holtzhafer	Present
Michael Waddell	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Thomas Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE - None.

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SPECIAL PRESENTATIONS

Mrs. Gilbert stated that there is a special presentation listed in the Agenda by Joyce Marin for Envision Lehigh Valley but noted that Ms. Marin is not present at the meeting.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Mr. Barrett to dispense with the formal reading of the November 18, 2013 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Barrett to adopt the November 18, 2013 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Linda Rose, 542 North Street – Request reappointment to the Emmaus Library Board (term expires 1/1/2014). Referred to the General Administration Committee.
- b. Althea Sell, 632 Spruce Street – Request reappointment to the Board of Health (term expires 1/1/2014). Referred to the Health, Sanitation and Conservation Committee.
- c. William Huber Jr., Emmaus Civil Service Commission – Certified List of Police Officer Candidates. Referred to the Public Safety Committee. Mrs. Gilbert stated that the Committee will conduct interviews on either December 9th or 10th.
- d. John Ashley Esq., Davison & McCarthy – Request reappointment as Solicitor to the Emmaus Civil Service Commission. Referred to the Civil Service Commission.
- e. Teri McManamon, Emmaus Arts Commission – SnowBlast Winter Arts Festival Request for use of Triangle Park on February 7, 2014 from 10:00 a.m. to 10:00 p.m. Referred to the Parks and Recreation Committee.
- f. Teri McManamon – Old Fashioned Christmas Request to use the 2nd Floor of Borough Hall, including the Community Room, Gallery Hallway and Council Chambers on Saturday, December 7, 2013 from 6:15 p.m. to 9:00 p.m. Dr. Waddell apologized for the late request. He explained that the Arts Commission is requesting permission to present the East Penn Painters Guild Art Show in conjunction with the Old Fashioned Christmas to be held at Triangle Park. Mr. Labenberg asked if there were any items that will be sold at the event. Dr. Waddell responded that historically an artist will leave their business card with the paintings and interested parties can contact the artist privately. Mrs. Gilbert stated that she does not believe the Public Works Department will be able to move the chairs out of Council Chambers. Dr. Waddell asked if the Public

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Works Department could move the table in the Community Room to which Mrs. Gilbert responded affirmatively.

Motion by Dr. Waddell, seconded by Mr. Shubzda to grant the Emmaus Arts Commission's request to use the 2nd Floor of Borough Hall, including the Community Room, Gallery Hallway and Council Chambers on Saturday, December 7, 2013 from 5:00 p.m. to 9:30 p.m. There were 7 ayes. Motion carried.

g. Robert Drennan, Resignation from Emmaus Shade Tree Commission (term expires 1/1/14). Mrs. Gilbert directed Mr. Pepe to mail Mr. Drennan a letter of thanks for his time served on the Commission.

Motion by Mr. Barrett, seconded by Mr. Labenberg to accept Mr. Drennan's resignation from the Emmaus Shade Tree Commission. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Solicitor Dinkelacker reported that in October, the Emmaus Fire Department filed a Petition for Recognition Certification with the Pennsylvania Labor Relations Board. The Borough has filed an Answer and New Matter to the Petition. Solicitor Dinkelacker stated that he recommends tabling Ordinance No. 1103 pending the outcome of the litigation.

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1103 – An Ordinance Relating to the Organization of the Borough of Emmaus Fire Department and Establishing Procedures, Guidelines and Requirements for the Operation of the Fire Department, Employee and Volunteer Positions, the Payment of Salaries and Stipends, Ownership and Maintenance of Equipment, Record Keeping and Other Administrative Requirements (1st Reading 11/4/13) (2nd Reading 12/2/13).

Motion by Mr. Labenberg, seconded by Mr. Shubzda to Table Ordinance No. 1103. There were 7 ayes. Motion carried.

NEW BUSINESS

Ordinance No. 1104 – An Ordinance Levying Taxes for the Fiscal Year 2014 for the Borough of Emmaus at the Rate of 5.075 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy

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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 0.5496 Mills (1st Reading 12/2/13).

Mr. Holtzhafer explained that the tax increase will be at the rate of 5.075 Mills and will be split between the General Fund Tax of 4.5254 Mills and the creation of a Fire Fund Tax of 0.5496 Mills.

Motion by Mr. Brown, seconded by Mr. Holtzhafer to read Ordinance No. 1104 in short title. There were 7 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1104 in short title. Mr. Labenberg stated that if revenue improves by the end of the year, he hopes the Borough will reopen the budget and adjust the tax bump by the amount that comes in. He stated that it is the reason he is voting in favor of the proposed budget and that he hopes his fellow council members feel the same way.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Ordinance No. 1104 - An Ordinance Levying Taxes for the Fiscal Year 2014 for the Borough of Emmaus at the Rate of 5.075 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 0.5496 Mills on its 1st Reading. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, 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 next Committee Meeting is Thursday, December 5, 2013 at 3:00 p.m.

Progress.

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b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee met on November 25, 2013 and interviewed Pamela Miller for a vacancy on the Board of Health. The Committee recommends appointing Pamela Miller to the Board of Health to a term expiring on 1/1/2015.

Motion by Mr. Shubzda, seconded by Dr. Waddell to appoint Pamela Miller to the Emmaus Board of Health to a term expiring on 1/1/2015. There were 7 ayes. Motion carried.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will reschedule the next Committee Meeting which was to be held on Tuesday, December 3, 2013 at 3:30 p.m.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the next Committee Meeting is Wednesday, December 4, 2013 at 3:00 p.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee discussed the property located at 44 Klines Lane. Due to the configuration of the property, he reported that the Committee recommends subdividing the lot.

Motion by Dr. Waddell, seconded by Mr. Labenberg to subdivide the property located at 44 Klines Lane. There were 7 ayes. Motion carried.

The next Committee Meeting is December 11, 2013 at 9:00 a.m. Dr. Waddell stated that due to the Christmas holiday, the meeting normally scheduled for December 25, 2013 will be held on December 18, 2013 at 9:00 a.m.

Progress.

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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-30, authorizing payment of the December 2, 2013 Bill List, as follows:

Bill List	\$	129,045.19
Payroll #24	\$	111,398.90
Payroll Taxes	\$	<u>37,979.27</u>
Total	\$	278,423.36

Done this 2nd of December 2013.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 2, 2013 Bill List. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that there were no changes to the final proposed 2014 Budget that was discussed at the November 19, 2013 Budget Workshop.

Resolution 2013-31 – A Resolution of the Governing Board of Emmaus Borough, Lehigh County, Pennsylvania, Appointing the Law Firm of Dimmich and Dinkelacker as the Official Delinquent Tax Collection Agency for the Borough of Emmaus.

Mr. Holtzhafer explained that Resolution 2013-31 is a resolution to appoint the lawfirm of Dimmich & Dinkelacker as the official delinquent tax collection agency for the Borough of Emmaus.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2013-31. There were 7 ayes. Motion carried.

Resolution 2013-32 – Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2014.

Mr. Holtzhafer reported that there have been no changes to the refuse collection fee or the compost site assessment fee for the year 2014.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2013-32. There were 7 ayes. Motion carried.

Resolution 2013-33 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Schedule of Fees and Charges for Permits and Services.

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Mr. Holtzhafer reported that there are several changes to the fee schedule, including reduced pool fees rates, an increase in the fee for health inspections, and an increase in the Police hourly rate.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2013-33. There were 7 ayes. Motion carried.

Dr. Waddell stated that the budget process ran very smoothly and he thanked Mr. Pepe and the Budget and Finance Committee for its hard work during the budget process. Mr. Barrett stated that the budget process has been changed significantly and the process runs much smoother than in the past. He stated that although it appeared liked Council zipped through the budget process tonight, it was not the case. He stated that prior to tonight's meeting, Council spent many hours working on the proposed budget. Mr. Brown stated that the proposed budget covers items like the 10th Street culvert, two new police cars, dump trucks, and improvements on many roads. He stated that these items have been needed for many years and have been put off. Mrs. Gilbert thanked Council for its hard work and stated that she anticipates final budget approval at the December 16, 2013 Council Meeting. Mr. Pepe thanked Christine Snyder, staff, and the department heads for their hard work and effort during the budget process. He thanked Council and stated that this budget was a very difficult one. He also stated that if the Borough finishes the year in better shape than anticipated, he hopes to reopen the budget in the beginning of 2014 and reevaluate it. Mr. Labenberg thanked Mr. Pepe, Kathy Yaindl, Christine Snyder, and the department heads for their effort during the budget process.

Progress.

g. Community Relations, Planning and Development Committee

The next Committee Meeting is December 17, 2013 at 4:15 p.m.

Progress.

h. Junior Council Member's Report

Mr. Hobson asked for the status on the proposed lights to be placed on North Street and asked Mr. Pepe to email him with a date that the lights will be installed. Mr. Pepe responded that he was working on the 2014 Budget but will address the item shortly.

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PERSONAL APPEALS, PART II

A. John Donches, 559 Minor Street – thanked Mr. Pepe for his hard work and streamlining the budget process. He noted that there will not be a Parks and Recreation Committee Meeting in December. He asked what fields and what sports were included in Mr. Ramella’s field usage and field waiver request. Mr. Barrett responded that he believes the request is the same every year. Mr. Donches asked if the request included Legion Field. Mr. Pepe responded that it did not. Mr. Donches asked if Mr. Pepe was in contact with the East Penn School District about playing baseball on Legion Field. Mr. Pepe responded that he was not.

BOROUGH MANAGER’S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for November 2013 are in the binders and entertained questions about them.

Progress.

PRESIDENT’S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 7:35 p.m. for legal matters with no action anticipated.

Mrs. Gilbert reconvened the Meeting at 8:35 p.m. with no official action required.

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

The December 2, 2013 Meeting of the Emmaus Borough Council adjourned at 8:36 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 4, 2013