

December 3, 2012

EMMAUS BOROUGH COUNCIL

Emmaus Borough Council

Agenda

Monday, December 3, 2012, 7:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Personal Appeals, Part I

4. Community Minute

5. Special Presentations

Greater Lehigh Valley Chamber of Commerce

6. Reading of Minutes

November 19, 2012

7. Decisions on Bids

8. Communications

- a. Karri Schreppel, 651 Walnut Street – Appointment to the Special Entertainment Commission.
- b. Krista Pegnetter, 568 Evergreen Street – Reappointment to the Emmaus Library Board (term expires 1/1/2013).
- c. Sam Landis, Jr. and Juanita (Landis) Wall – Arts Pavilion fee waiver.
- d. Marge Heatley, 633 Broad Street – Skate Park in Emmaus.
- e. Terry McNabb, Public Works Employee – Letter of resignation, effective April 2, 2013.
- f. Dean Greenawalt, 742 Spruce Street – Resignation from the Parks and Recreation Commission (term expires 5/1/2015).
- g. J. Bradley Youst, Hanover Engineering Associates – 2013 Reappointment and Professional Fee Schedule.
- h. Linda Rose, 542 North Street – Appointment to the Library Board.

9. Borough Engineer's Report

10. Solicitor's Report

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11. Unfinished Business, Part I

12. New Business

Ordinance No. 1092 - An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania (1st Reading 12/3/12).

Ordinance No. 1093 – An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2013, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania (1st Reading 12/3/12).

Ordinance No. 1094 – An Ordinance Levying Taxes for the Fiscal Year 2013 for the Borough of Emmaus at the Rate of 4.15 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1st Reading 12/3/12).

13. Unfinished Business, Part II

- 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 (1st Reading 8/20/12) (2nd Reading 9/17/12) (Deferred 9/17/12).

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 6, 2012 at 3:00 p.m.

- a. Rules & Regulations (update)
b. Home Inspections/Illegal Hook-ups
c. South 2nd Street Reservoir
d. South 10th Street Culvert

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- e. South Mountain Gateway – Kevin Fister
- f. Triangle Park Damage

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

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

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

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – December 4, 2012 at 3:30 p.m.

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

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – December 13, 2012 at 3:00 p.m.

- a. Ordinance No. 1087 - Tractor Trailer Parking
- b. Emergency Operations Plan – Review
- c. Civil Service Commission Rules and Regulations
- d. 24 Hour Municipal Parking Lot Ordinance

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – December 12, 2012 at 9:00 a.m.

- a. 1803 House Lot Line Adjustment
- b. Emmaus Public Library Expansion Project

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – December 17, 2012 at 6:45 p.m.

- a. **Bill List—Resolution 2012-33**
- b. Swimming Pool Revenue and Expense
- c. Water Meter Rates for Multiple Units
- d. Policy for Receipts and Packing Slips
- e. Union Negotiations
- f. Banking and Accounts for All Borough Entities
- g. **Accident & Sickness Insurance – Fire Department**

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- h. **Gamewell System**
- i. **Water Tank Storage Savings Fund**
- j. **Ordinance No. 1092 – Water Rates**
- k. **Ordinance No. 1093 – Sewer Rates**
- l. **Timbering S. 2nd Street Property**
- m. **Sale of S. 2nd Street Property**
- n. **Sale of parcel on north side of 500 block of Jubilee Street**
- o. **Payment of Fire Department Overnight Standby**
- p. **Resolution 2012-34 – 2013 Refuse Collection Assessment Fees**
- q. **Proposed 2013 Budget**
- r. **LCA Water Rates**

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

Next Meeting – To be determined.

- a. Treevitalize Grant
- b. LERTA
- c. Keystone Communities Program

17. Junior Council Member's Report

18. Personal Appeals, Part II

19. Borough Manager's Report

a. **Significant Revenue and Expense Items for November 2012**

20. President's Business

Executive Session – Contract Negotiations

21. Adjournment

Next Resolution #35
Next Ordinance #1095

The Emmaus Borough Council met in regular session on December 3, 2012 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

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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	Absent
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE

Dr. Waddell thanked the Emmaus Main Street Partners for hosting the Old Fashioned Christmas Event held on the Triangle on December 1, 2012. Mrs. Gilbert thanked the Flexer family, from Spruce Street, for donating the Christmas tree for the Triangle and Kathy Haney for supplying the Christmas presents that are placed under the tree.

SPECIAL PRESENTATIONS

Rick Zayaitz, President, Emmaus Main Street Partners, stated that as of December 1, 2012, the Partners have signed an Agreement with the Greater Lehigh Valley Chamber of Commerce. He stated that the Chamber of Commerce provides a tremendous amount of resources to gain sponsors for major events. The Partners will utilize the Chamber of Commerce for Economic Development. Tony Ianelli, President of the Greater Lehigh Valley Chamber of Commerce, explained that the Chamber of Commerce will work with the Partners to help the Emmaus Main Street be the best that it can be. Dr. Waddell asked Mr. Zayaitz what the Emmaus Main Street Partners' vision is for a year from now. Mr. Zayaitz responded that the Partners would like to build its membership, and stated that all businesses that join the Partners also belong to the Greater Lehigh Valley Chamber of Commerce. Mrs. Gilbert thanked Mr. Ianelli and Mr. Zayaitz for the presentation.

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READING OF MINUTES

Motion by Dr. Waddell, seconded by Mr. Labenberg to dispense with the formal reading of the November 19, 2012 Minutes. There were 6 ayes. Motion carried.

Motion by Mr. Labenberg, seconded by Mr. Shubzda to adopt the November 19, 2012 Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

- a. Karri Schreppel, 651 Walnut Street – Appointment to the Special Entertainment Commission. Referred to the Parks and Recreation Committee.
- b. Krista Pegnetter, 568 Evergreen Street – Reappointment to the Emmaus Library Board (term expires 1/1/2013). Referred to the General Administration Committee.
- c. Sam Landis, Jr. and Juanita (Landis) Wall – Arts Pavilion fee waiver for an event on June 8, 2013. Referred to the Parks and Recreation Committee.
- d. Marge Heatly, 633 Broad Street – Skate Park in Emmaus. Referred to the Parks and Recreation Committee.
- e. Terry McNabb, Public Works Employee – Letter of resignation, effective April 2, 2013. Mrs. Gilbert stated that Mr. McNabb will be greatly missed.
- f. Dean Greenawalt, 742 Spruce Street – Resignation from the Parks and Recreation Commission (term expires 5/1/2015).

Motion by Mr. Barrett, seconded by Mr. Shubzda to accept Mr. Greenawalt's resignation from the Parks and Recreation Commission for a term expiring 5/1/2015. There were 6 ayes. Motion carried.

Mr. Barrett directed Mr. Pepe to contact the two prior applicants about the vacancies.

- g. J. Bradley Youst, Hanover Engineering Associates – 2013 Reappointment and Professional Fee Schedule. Referred to the General Administration Committee.
- h. Linda Rose, 542 North Street – Appointment to the Library Board. Referred to the General Administration Committee.
- i. Vince Tranguch, Secretary, Civil Service Commission – Resignation from Civil Service Commission (term expires 1/1/2013). Mrs. Gilbert stated that Mr. Tranguch is willing to serve until a replacement can be found. Mr. Pepe suggested reappointing Mr. Tranguch until a replacement can be found. Mr. Labenberg asked if an advertisement can be placed now to speed the replacement process up. Mrs. Gilbert responded that

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according to the new rules and regulations of the Civil Service Commission, an ad must be placed for alternates. Mr. Labenberg asked in what media an ad will be placed. Mr. Pepe responded that an ad will be placed in the newspaper, in the Borough newsletter, on the Borough website, and on the Borough's Facebook Page.

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Dimmich reported that the Rules and Regulations for the Civil Service Commission are complete. He also reported that he has sent Mr. Pepe a proposal to administer liens and tax collection, which will expedite the process of collecting liens. Referred to the Budget and Finance Committee.

UNFINISHED BUSINESS, PART I - None.

NEW BUSINESS

Ordinance No. 1092 – An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with The Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania (1st Reading 12/3/12).

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to read Ordinance No. 1092 in short title. There were 6 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1092 in short title.

Mr. Holtzhafer explained that the Ordinance will amend the water rates to \$2.05 per 1,000 gallons used, and the meter rates will increase from \$13.55 to \$15.00 for a standard water meter. Mr. Labenberg explained that the water rates will increase ¢.10 per 1,000 gallons, approximately 5%, and the meter rate is increasing \$1.45 per quarter.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to advertise Ordinance No. 1092 - An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with The Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania on its first reading. Roll call vote: Mr. Shubzda, aye, Dr. Waddell, aye, Mr. Barrett, aye, Mr. Holtzhafer, aye, Mr. Labenberg, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

Mr. Holtzhafer further explained that one \$8.00 multi-user fee per multi-user water account will be removed.

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Ordinance No. 1093 – An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2013, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania. (1st Reading 12/3/12).

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to read Ordinance No. 1093 in short title. There were 6 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1093 in short title.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to advertise Ordinance No. 1093 - An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2013, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania on its 1st Reading. Roll call vote: Mr. Labenberg, aye, Mr. Holtzhafer, aye, Mr. Barrett, aye, Mr. Shubzda, aye, Dr. Waddell, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

Ordinance No. 1094 – An Ordinance Levying Taxes for the Fiscal Year of 2013 for the Borough of Emmaus at the Rate of 4.20 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1st Reading 12/3/12).

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to read Ordinance No. 1094 in short title. There were 6 ayes. Motion carried.

Mr. Holtzhafer read Ordinance No. 1094 in short title.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to advertise Ordinance No. 1094 - An Ordinance Levying Taxes for the Fiscal Year of 2013 for the Borough of Emmaus at the Rate of 4.20 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania on its 1st Reading. Roll call vote: Dr. Waddell, aye, Mr. Shubzda, aye, Mr. Barrett, aye, Mr. Holtzhafer, aye, Mr. Labenberg, aye, Mrs. Gilbert, aye. There were 6 ayes. Motion carried.

Mr. Pepe explained that the tax rate for the 2013 budget is set at 4.20 mills. However, that rate could change slightly, depending on how reassessments at the county level play out. Mr. Labenberg explained that the fact that the Borough of Emmaus is not raising taxes does not mean that the tax bills for individual property owners in the Borough will not rise. Some residents could see an increase, others a decrease. It all depends on the county's assessment of a given property. Mr. Holtzhafer clarified that the Borough is not issuing a tax increase in 2013.

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UNFINISHED BUSINESS, PART II

Mrs. Gilbert reported that the Public Safety Committee is reviewing Ordinance No. 1087 and there is no action needed. The Committee will discuss the Ordinance at its December 13, 2012 Meeting.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

Mrs. Gilbert stated that the Junior Councilman's Report will be first.

a. Junior Councilman Report

Mr. Hobson reported that winter sports have begun and invited everyone to attend the Emmaus High School Boys Basketball Game on Friday, December 7, 2012 at 7:00 p.m. He also reported that students will begin taking the Keystone Exams on Friday, December 7. He reported that the students' schedules will be adjusted according to when they are scheduled to take the exams. The exams are for students in 9th to 11th grade. He reported that there is a Choral Concert on Tuesday, December 4, at 7:30 p.m., in the Auditorium and a Band Concert on Friday, December 7, at 7:30 p.m.

Progress.

b. Public Works Committee

Mr. Labenberg reported that the next Committee Meeting is December 6, 2012 at 3:00 p.m. Mr. Labenberg reminded the Committee to review the First Section - General Rules, of the Public Works Rules and Regulations Packet, for the next Meeting.

Progress.

c. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee Meeting is Friday, December 21 at 3:45 p.m. Mr. Shubzda thanked Mr. Clapper for providing Borough Council with the Act 101 Requirements.

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Progress.

d. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on Tuesday, December 4, 2012 at 3:30 p.m.

Progress.

e. Public Safety Committee

Mrs. Gilbert reported that the Committee will meet on Thursday, December 13, 2012 at 3:00 p.m.

Progress.

f. General Administration Committee

Dr. Waddell volunteered his Committee to address and strategize issues that may arise during the 2013 Budget year.

Progress.

g. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-33, authorizing payment of the December 3, 2012, Bill List, as follows:

Bill List	\$	235,332.93
Payroll # 24	\$	106,296.85
Payroll Taxes	\$	<u>33,758.32</u>
Total	\$	375,388.10

Done this 3rd day of December 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 3, 2012 Bill List. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee recommends eliminating the Accident and Sickness Insurance for the Fire Department. He explained that this is an insurance Policy that was not required. He explained that Worker's Compensation Insurance meets the requirements of safely dealing with accidents. He further explained that removing the policy will save \$5,124.00.

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Motion by Mr. Holtzhafer, seconded Mr. Shubzda to remove the Accident and Sickness Insurance for the Fire Department in 2013. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee recommends eliminating the Gamewell System from utility poles. The system is antiquated and the call boxes are a continuous maintenance issue. There are 7 call boxes located inside buildings and businesses, which generate revenue, and will not be removed. Mr. Labenberg suggested removing the call box located at Central Fire Station. Mr. Pepe responded that the other 6 call boxes located at business may be linked to the one located at Central Fire Station. He stated that the matter will be addressed.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to remove the Gamewell call box System from the utility poles within the Borough of Emmaus.

Mr. Barrett reminded Mr. Holtzhafer that there are approximately 40 call boxes that the Borough will sell as a revenue generator. Mr. Holtzhafer amended his Motion, and Mr. Barrett amended his second.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to remove the Gamewell call box System from the utility poles within the Borough of Emmaus and to have the Borough sell the call boxes. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee recommends moving \$100,000 from the PLGIT Water Tank Storage Savings Fund to the Water Fund. He also reported that the Committee recommends moving \$133,000 from the PLGIT Water Tank Storage Savings Fund to the Capital Fund, with the requirement that the Storage Fund will be reimbursed if adequate funds are received by the General Authority. Mr. Pepe clarified that the General Authority Funds will go towards whatever the Authority approves. The Borough is essentially fronting the \$133,000 to cover Capital Improvements until the General Authority Funds are received. The Borough will then reimburse \$80,000 to the Water Tank Storage Savings Fund.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to move \$100,000 from the PLGIT Water Tank Storage Savings Fund to the Water Fund and to move \$133,000 from the PLGIT Water Tank Storage Fund to the Capital Fund, with the requirement that the Storage Fund will be reimbursed by \$80,000 if the Borough receives adequate funds from the General Authority. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that the Committee recommends Mr. Pepe explore timbering a 13-acre parcel located at the end of South 2nd Street. Mr. Pepe will discuss the

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value of timbering the property with the Shade Tree Commission. Mr. Barrett clarified that Council would vote on the item before any official action would be taken.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize Mr. Pepe to explore timbering a 13-acre parcel located at the end of South 2nd Street. There were 5 ayes, 1 opposed (Barrett). Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Shubza to authorize Mr. Pepe to explore the sale of a 13-acre parcel located at the end of South 2nd Street. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

Mr. Labenberg stated that he will vote against the Motion because he is not in favor of any development in that area. Mr. Barrett stated that he believes one of the potential buyers may be an individual that wants to preserve the land. Mayor Iobst stated that he is in favor of preserving the land. Dr. Waddell asked the Solicitor if the land would have to be sold by bid. Solicitor Dimmich responded yes. Mr. Holtzhafer believes that the Borough needs to move slowly with this process.

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to explore the sale of the parking lot property located on the north side of the 500 Block of Jubilee Street. There were 5 ayes, 1 opposed (Labenberg). Motion carried.

Mr. Labenberg stated that he will vote against the Motion because he supports renting the parking spaces.

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to eliminate paying Fire Department members for “on-call overnight standby” duty. There were 6 ayes. Motion carried.

Mr. Labenberg clarified that Fire Department members are able to volunteer to stay overnight. Dr. Waddell asked what the budgetary impact will be eliminating on-call overnight standby. Mr. Holtzhafer responded the impact will be an approximate \$55,000 savings for the Borough.

Resolution 2012-34 - Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2013. Mr. Holtzhafer explained that the refuse fees will increase \$6.00 per unit for the year 2013. The \$6.00 increase is an assessment for use of the Compost Site. The Resolution also includes home-based and occupations, who will pay 1 ¼ units or \$390.00 per year. Residents who are 62 years of age or older, and are head of the household and whose annual income does not exceed \$18,000 or \$25,000 for a household of two will receive a discount and will be required to pay \$159.00 per unit for the year

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2013. Mr. Pepe clarified that the only change to the 2013 Refuse Fee is the increase of \$6.00 for use of the Compost Site.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2012-34 – Establishing Refuse Collection and Compost Site Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania, for the Calendar Year 2013. There were 6 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize Mr. Pepe to advertise for the adoption of the Proposed Borough of Emmaus 2013 Budget. There were 6 ayes. Motion carried.

Mr. Holtzhafer reported that there is no tax increase in the 2013 Budget. He stated that it was the toughest Budget that he has worked on and thanked the Department Heads for their creativity and tough choices during the Budget process. He also stated that there were no services cut and there were no jobs cut. He stated that it is critical that department heads follow the budget. He thanked Mr. Pepe for his preparation of the 2013 Budget and thanked Council for being a part of the budget process. Mayor Iobst thanked Council and Mr. Pepe for their hard work with the 2013 Budget.

Mr. Holtzhafer reported that Committee recommends increasing LCA water rates by 5% in 2013.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to increase LCA water rates by 5% in 2013. There were 6 ayes. Motion carried.

Progress.

h. Community Relations, Planning and Development Committee

Mrs. Gilbert reported that the December 20, 2012 meeting has been cancelled.

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E. Elm Street – asked for clarification on whether Council eliminated the Fire Department's Paid Overnight Standby Program or the paid Standby Program. Mr. Holtzhafer responded that Council eliminated the Paid Overnight Standby. The Fire Department will still have the Paid Standby Program; the Borough will no longer pay the Fire Department to sleep at the Fire Station overnight. Mr. Slozer commented that the residents of Emmaus save considerably on their fire insurance due to the high rating of the Borough's Fire Department.

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BOROUGH MANAGER'S REPORT

Mr. Pepe explained that his wife will be delivering shortly and he will be scheduling meetings light for the month of December. He also explained that he will be out approximately a week to 1 ½ weeks when his daughter is born.

Mr. Pepe reported that the Significant Revenue and Expense Items for November 2012 are in the Council binders and offered to entertain questions about it.

Mr. Pepe thanked Borough Council for their hard work and effort with the 2013 Budget.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert reported that there are no updates on Contract Negotiations and does not require an Executive Session.

Motion by Dr. Waddell, seconded by Mr. Barrett to adjourn. There were 6 ayes. Motion carried.

The December 3, 2012 Meeting of the Emmaus Borough Council adjourned at 8:07 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 6, 2012