

December 5, 2011

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, December 5, 2011, 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
  - Bob Boehmer – 2011 Christmas Card Presentation
6. Reading of Minutes
  - November 21, 2011
7. Decisions on Bids
  - Sale of Fire Department Old Aerial
8. Communications
  - a. Teri Sorg-McManamon, Emmaus Arts Commission – SnowBlast Winter Festival requests.
  - b. Linda Destan, 406 Alpine Street – Request reappointment to the Shade Tree Commission (term expires 1/1/2012).
  - c. John Stover, Jr., 537 Chestnut Street – Request appointment to the General Authority.
  - d. Heather Deschenes, 850 Frank Drive – Resignation from the Environmental Advisory Council (term expires 3/7/2013).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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12. New Business

**Ordinance No. 1083—An Ordinance Amending Chapter 27, Section 202 of the Zoning Ordinance and Providing a Definition of “Check Cashing Business”, and Amending Section 306(2) to Prohibit that Use in the Central Commercial (B-C) District, and to Allow that Use in the Highway Commercial (B-H) and Limited Commercial (B-L) Districts (1<sup>st</sup> Reading 12/5/11).**

12. New Business (continued)

**Ordinance No. 1084 – An Ordinance Levying Taxes for the Fiscal Year 2012 for the Borough of Emmaus at the Rate of 13.00/13.25 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1<sup>st</sup> Reading 12/5/11).**

**Ordinance No. 1085 – An Ordinance Amending Chapter 26, Section 105 of the Codified Ordinances, Dealing with the Water Rate Schedule for the Borough of Emmaus, Pennsylvania (1<sup>st</sup> Reading 12/5/11).**

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 – To be determined.

- a. Wieders Lane Status

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

Next Meeting – December 8, 2011 at 4:00 p.m.

- a. Compost Options
- b. Refuse/Recycling with Raritan Valley
- c. Riparian Buffer Ordinance
- d. Bollinger Land/Indian Creek Golf Course
- e. Emmaus and Upper Milford Joint Environmental Advisory

Council

- f. Board of Health

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

Next Meeting – December 6, 2011 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Geese at Furnace Dam
- c. Emmaus Legion Baseball Field Project
- d. Legion Field Reconstruction Agreement and Leases

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

Next Meeting – December 8, 2011 at 9:00 a.m.

- a. Trailer Truck Parking
- b. Tractor Trailer Unloading
- c. Emergency Operations Plan – Review
- d. Civil Service Commission Rules and Regulations
- e. 200 Block of Seem Street – One Way Westbound

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

Next Meeting – December 14, 2011 at 9:00 a.m.

- a. Shade Tree--Tree Fund
- b. Cintas Update
- c. Website Upgrade
- d. **Ordinance No. 1083—Check Cashing Businesses**

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

Next Meeting – December 19, 2011 at 6:45 p.m.

- a. **Bill List – Resolution 2011-35**
- b. Emergency Management Coordinator Compensation
- c. **Proposed 2012 Budget**
- d. **Ordinance No. 1084 – 2012 Levying Taxes**
- e. **Ordinance No. 1085—2012 Water Rate Increase**
- f. **Resolution 2011-33—2012 Fee Schedule**
- g. **Resolution 2011-34—2012 Refuse Collection Assessment Fees**

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

Next Meeting – December 22, 2011 at 4:15 pm.

- a. Display of 2009 Anniversary Items and Contents of the 1959 Time Capsule

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- b. Emmaus Main Street Program—West End Gateway Sign Presentation
- c. VFW/David's Electric Streetscape Plan
- d. Trevitalize Grant

**Ad Hoc Committees** (Holtzhafer, Barrett, Gilbert, Neely, Mayor Iobst)  
Next Meeting – To be determined.

Community/School Relations

- a. Junior Council Member Draft Resolution Review and Application

17. Personal Appeals, Part II

18. Borough Manager's Report

**a. Significant Revenue and Expense Items for November 2011**

19. President's Business

Executive Session

20. Adjournment

Next Resolution #36  
Next Ordinance#1086

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The Emmaus Borough Council met in regular session on December 5, 2011 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

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

|                                  |         |
|----------------------------------|---------|
| Lee Ann Gilbert, President       | Present |
| Brian Holtzhafer, Vice President | Present |
| Michael Waddell                  | Present |
| Brent Labenberg                  | Present |
| Wesley Barrett                   | Present |
| Nathan Brown                     | Present |
| R. Erick Reinhard                | Present |
| Winfield Iobst, Mayor            | Present |

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|                              |         |
|------------------------------|---------|
| Frank Procyk, Solicitor      | Present |
| Craig Neely, Borough Manager | Present |

PERSONAL APPEALS, PART I

**A. Josephine Sadrovitz, 130 N. 4<sup>th</sup> Street, Emmaus** – suggested planting a tree now for a future Christmas tree or having three small trees on the Triangle for children to decorate on the night of the Tree Lighting Ceremony.

**B. Anthony Groller, 1302 S. 10<sup>th</sup> Street, Emmaus** – questioned hiring two Emmaus police officers when the Borough has a \$63,000 deficit. He stated that Borough Council can not keep spending money during difficult economic times. Mrs. Gilbert responded that the two police officer openings were budgeted.

COMMUNITY MINUTE - None.

SPECIAL PRESENTATIONS

Bob Boehmer, Chairman of the Emmaus Arts Commission, presented the design for the 2011 Emmaus Commemorative Christmas Card, which is called “Christmas Eve at the Shelter House,” depicting an image of the Emmaus Shelter House. The cards will be available in packs of 10 and include a history of the Emmaus Shelter House on the back. He announced that the Arts Commission will donate to the Borough framed versions of the previous seven images, to be hung at Borough Hall. Dr. Waddell thanked the Arts Commission and Mr. Boehmer for donating the pieces to the Borough.

Dr. Waddell thanked the Emmaus Main Street Partners and business owners in the Community for the success of the Tree Lighting Ceremony and other festivities on December 3 and 4, 2011.

READING OF MINUTES

**Motion by Dr. Waddell, seconded by Mr. Reinhard to dispense with the formal reading of the November 21, 2011 Minutes. There were 7 ayes. Motion carried.**

Mr. Reinhard stated that on Page 175, in the last paragraph, fourth sentence, it reads, “Mr. Reinhard suggested an average yearly increase in water fees of \$10.02 per property owner.” He believes that the sentence should read, “Mr. Reinhard did not suggest an average yearly increase in water fees of \$10.02 per property owner.” Mr. Neely responded that he would verify it via the recording.

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Dr. Waddell stated that on Page 171, Letter A, he misspoke when he thanked John Donches for contributing to the Replica Civil War Flag's mounting. He intended to thank John Dychala.

**Motion by Dr. Waddell, seconded by Mr. Barrett to adopt the November 21, 2011 Minutes as corrected. There were 6 ayes, 1 abstention (Brown). Motion carried.**

### DECISION ON BIDS

Mr. Neely reported that the Emmaus Fire Department advertised its old aerial truck for sale, but the advertisement did not attract a buyer. The Macungie Fire Department has since bid \$20,000 for the old aerial. Chief Reiss recommends selling the aerial truck to the Macungie Fire Department for \$20,000. Mr. Barrett stated that \$20,000 is not an adequate amount for the truck and asked how much was originally anticipated to have been received. Mr. Holtzhafer responded that the amount was approximately \$60,000, but, due to the lack of bidders, the Fire Department was considering selling the truck for scrap and believes that the \$20,000 bid should be accepted. Mr. Labenberg asked how the Fire Department will fund the difference between the price that was anticipated to be received and the actual price. Mr. Neely responded that the Department will acquire the funds through the Fireman's Relief Fund or another source. Mr. Labenberg asked why the Borough is not keeping the old aerial truck when Macungie is willing to purchase it. Mr. Brown responded that the lifespan of the equipment is 20 years, while the old aerial truck is 22 years old.

**Motion by Mr. Brown, seconded by Dr. Waddell to accept the bid from the Macungie Fire Department to purchase the old Emmaus Fire Department aerial truck for \$20,000. There were 6 ayes, 1 opposed (Barrett). Motion carried.**

### COMMUNICATIONS

a. Teri Sorg-McManamon, Emmaus Arts Commission – SnowBlast Winter Festival. Referred to the Parks and Recreation Committee. Dr. Waddell asked everyone to attend the event on February 3, 2012.

b. Linda Destan, 406 Alpine Street – request reappointment to the Shade Tree Commission (term expires 1/1/2012). Referred to the General Administration Committee.

c. John Stover, Jr., 537 Chestnut Street – Request appointment to the Emmaus General Authority. Referred to the General Administration Committee.

d. Heather Deschenes, 850 Frank Drive – Resignation from the Environmental Advisory Council (term expires 3/7/2013).

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**Motion by Mr. Reinhard, seconded by Mr. Labenberg to accept Heather Deschenes' resignation from the Environmental Advisory Council (term expires 3/7/3013). There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Neely to send Ms. Deschenes a letter of thanks.

e. Laura Anderko, 557 Minor St., Apt. 1 – Letter of interest to serve on the Board of Health. Referred to the Health & Sanitation Committee.

BOROUGH ENGINEER'S REPORT –None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I - None.

NEW BUSINESS

Ordinance No. 1083 – An Ordinance Amending Chapter 27, Section 202 of the Zoning Ordinance and Providing a Definition of “Check Cashing Business”, and Amending Section 306(2) to Prohibit that Use in the Central Commercial (B-C) District, and to Allow that Use in the Highway Commercial (B-H) and Limited Commercial (B-L) Districts (1<sup>st</sup> Reading 12/5/11).

Dr. Waddell explained that there were 4 requests by individuals wanting to open check cashing businesses in the Borough's downtown. The Borough wants to limit this type of business to the Business Highway and Business Limited Districts.

**Motion by Mr. Barrett, seconded by Mr. Brown to read Ordinance No. 1083 in Short Title. There were 7 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1083 in Short Title.

**Motion by Dr. Waddell, seconded by Mr. Barrett to adopt Ordinance No. 1083 - An Ordinance Amending Chapter 27, Section 202 of the Zoning Ordinance and Providing a Definition of “Check Cashing Business”, and Amending Section 306(2) to Prohibit that Use in the Central Commercial (B-C) District, and to Allow that Use in the Highway Commercial (B-H) and Limited Commercial (B-L) Districts on its 1<sup>st</sup> Reading. Roll call vote: Mr. Brown, aye; Mr. Reinhard, aye; Dr. Waddell, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.**

UNFINISHED BUSINESS, PART II – None.

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

MAYOR'S REPORT

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Labenberg reported that the Committee met on December 1, 2011. Sandy Cleaver, 741 Harrison Street, made a Personal Appeal concerning multiple sewer back ups at her residence. Also, David Keiser made a Personal Appeal concerning a tree needing to be removed at 130 South 6<sup>th</sup> Street. Dr. Waddell asked if there is precedent for the Borough removing the tree and then filing a lien against the property. Mr. Neely said there is not. Mr. Labenberg explained that the tree poses an imminent threat to life and property and needs to be removed immediately. The property owner says that he cannot afford to remove the tree. Mr. Holtzhafer asked what Line Item the removal will come from. Mr. Neely responded that he is unsure. He stated that the tree poses a safety issue and will be removed on December 15, 2011. Mayor Iobst asked Dr. Waddell if he has seen the tree. Dr. Waddell responded that he has not. Mayor Iobst stated that the tree is a major safety issue and needs to be removed immediately.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Reinhard reported that the Committee will meet on December 8, 2011.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee will meet on December 6, 2011.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Committee will meet on December 8, 2011.

Progress.



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e. General Administration Committee

Dr. Waddell reported that the Committee will meet on December 14, 2011.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2011- 35, authorizing payment of the December 5, 2011 Bill List, as follows:

|                      |           |                         |
|----------------------|-----------|-------------------------|
| <b>Bill List</b>     | <b>\$</b> | <b>304,358.09</b>       |
| <b>Payroll #24</b>   | <b>\$</b> | <b>112,229.94</b>       |
| <b>Payroll Taxes</b> | <b>\$</b> | <b><u>35,585.87</u></b> |
| <b>Total</b>         | <b>\$</b> | <b>452,173.90</b>       |

Done this 21st day of November 2011.

**Motion by Mr. Holtzhafer seconded by Mr. Reinhard to approve the December 5, 2011 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reported that Mr. Neely prepared two 2012 Preliminary Budgets, one that includes a .25 mill tax increase, which equates to a 1.92% real estate tax increase, and one which includes a 7% increase in water rates, with a transfer from the Water Fund to the General Fund to balance the General Fund. Mr. Holtzhafer reported that Council needs to approve one of the two Budgets so that it can be displayed in Town Hall beginning on Tuesday, December 6, 2011.

Mr. Reinhard stated that the old aerial Fire Truck will be sold for \$20,000, while the Revenue Line Item for the truck is budgeted as \$10,000. He questioned if this will lower the budget deficit by \$10,000. Mr. Holtzhafer responded that the Fire Department was hoping to receive \$60,000 for the sale. There is nothing budgeted for the sale of the truck. The \$20,000 will be used towards the cost of the new aerial. Mr. Neely explained that the Borough's contribution to the aerial purchase for this year has remained the same, with the difference being made up by the Fireman's Relief Fund.

Dr. Waddell stated that he received an email from Mr. Neely explaining the Downtown Police Officer position. It generates approximately \$3,000-\$4,000 in revenue per year. He stated that he will forward the email to the Emmaus Main Street Partners so that they have a greater understanding of the position.

Mr. Labenberg stated that he reviewed the 2011 Budget through November. He believes that Line Item 301.200, Prior Year Real Estate Taxes, should be increased by \$3,000 to \$15,000. He also questioned Line Item 310.000, Per Capita Tax, and noted that

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in 2010 the revenue generated for the line item was \$38,000. Mr. Neely explained that there was a shortfall in 2010 because the revenue was not received until 2011. Mr. Labenberg suggested increasing the 2012 Budget for Per Capita Tax to \$55,000. He also suggested lowering Line Item 310.800, Business Privilege Tax, from \$48,000 to \$43,000. Mr. Reinhard agreed with Mr. Labenberg on lowering the Business Privilege Tax but did not agree on increasing the other line items. Mr. Brown agreed with Mr. Labenberg on the Business Privilege Tax.

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to increase Line Item 301.200, Prior Year Real Estate Taxes, from \$12,000 to \$15,000, Line Item 301.000, Per Capita Tax, from \$50,000 to \$55,000, and lowering Line Item 310.800, Business Privilege Tax, from \$48,000 to \$43,000. There was 1 aye, 6 opposed (Brown, Reinhard, Waddell, Gilbert, Barrett, Holtzhafer). Motion failed.**

Mr. Reinhard asked if Council is interested in decreasing the expense side in either of the possible budgets. Mr. Reinhard stated that Council needs to look at all expense items to balance the budget. Mr. Barrett asked how much was budgeted in 2011 for the Emmaus Main Street Partners. Mr. Holtzhafer responded that it was \$7,500. Mr. Barrett asked if its intent is to totally wean itself from requesting Borough funding. Dr. Waddell stated that he supports funding the Main Street Partners, as it is a small investment that benefits all of Emmaus. Mr. Labenberg responded that the Program was supposed to be self-sufficient after three years and will vote in favor of a motion to eliminate the funding. Mr. Brown stated that the Main Street Partners was awarded a \$500,000 grant as part of a partnership with a private entity to acquire and renovate the old Main Street Gallery building. He stated that he believes the Borough should support the Partners in 2012.

**Motion by Mr. Reinhard, seconded by Mr. Labenberg to remove Line Item 457.506, Main Street Program, \$5,000, from the 2012 Budget. There were 2 ayes. 5 opposed (Brown, Waddell, Holtzhafer, Barrett, Gilbert). Motion failed.**

Mr. Labenberg stated that he will not support a tax increase or water rate increase. He stated that he will vote for a tax increase when he feels that it is justified and when non-essential spending stops. He believes that the Summer Concert Series is great for the Community but is non-essential spending. He suggested only having half of the concerts, without the taxpayers funding them. He stated that he has a different philosophical view than other Council Members about what is essential and what is non-essential spending. Mr. Barrett asked Mr. Labenberg if he believes that the amount budgeted for the Emmaus Public Library is an essential government function. Mr. Labenberg responded that it was originally agreed upon by five municipalities and it is now down to three municipalities. Mr. Neely stated that it is complicated to eliminate funding for the Summer Concert Series because the Borough is bound by contracts that have already been signed for 2012. Mr. Barrett asked Solicitor Procyk if the contracts are legally binding because they have not been signed by a Borough employee. Solicitor Procyk responded that the Borough

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would be bound to the contracts. Mrs. Gilbert directed Mr. Barrett to add the item to the Parks and Recreation Committee Agenda. Mr. Barrett invited Josephine Sadrovitz to attend the Parks and Recreation Committee Meeting on December 6, 2011 at 3:30 p.m., as she arranged for the contracts to already be signed.

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to fund the Summer Concert series through the funds that are received through donations.**

After more discussion, Mr. Labenberg withdrew his motion and Mr. Reinhard withdrew his second.

Mr. Reinhard commented that he believes Council needs to be proactive and has many tough decisions for the future.

Mr. Labenberg asked Mr. Neely about savings through reduced electricity rates. Mr. Neely said that the savings are reflected in the 2012 Budget.

Mr. Barrett recommended lowering the Borough Manager's salary from \$89,000 to \$80,000, as the salary will be a starting salary for a new manager. Dr. Waddell stated that he believes there should be flexibility with the salary. Mr. Reinhard asked about the total amount of compensation allocated for the Borough Manager's salary and health insurance. Mr. Neely responded that it is approximately \$115,000.

**Motion by Mr. Labenberg to decrease the Borough Manager's salary for 2012 from \$89,000 to \$85,000. Motion died for lack of a second.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to decrease the Borough Manager's starting salary from \$89,000 to \$80,000. There were 4 ayes, 3 opposed (Holtzhafer, Gilbert, Waddell). Motion carried.**

Mrs. Gilbert directed Mr. Neely to make the necessary adjustment in the Budget. Mr. Neely asked if he should also make the adjustment in a Revenue Line Item.

**Motion by Mr. Labenberg, seconded by Mr. Reinhard to cut Line Item 457.504, Emmaus Senior Citizens Contribution, in the amount of \$500. There were 3 ayes, 4 opposed (Brown, Waddell, Holtzhafer, Gilbert). Motion failed.**

Mr. Barrett asked if the Postage Line Items should be adjusted due to the Newsletter being mailed out at a bulk rate. Mr. Neely responded that the Newsletter has always been mailed at a bulk rate.

**Motion by Mr. Labenberg to adopt Ordinance No. 1084 with an adjustment of \$9,000 in Expenses.**

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Mr. Neely explained that the Borough Manager's salary is split between the General Fund, the Water Fund, and the Sewer Fund. He suggested a recess to calculate the millage rate.

Mrs. Gilbert declared a brief recess at 8:22 p.m.

Mrs. Gilbert reconvened the Meeting at 8:42 p.m.

Mr. Neely explained that the compensation that was budgeted for the Borough Manager's position was \$89,784, which is split between the General Fund and the Water and Sewer Funds. To reduce the salary to \$80,000, the General Fund will be affected by \$3,424, the Water Fund by \$3,914, and the Sewer Fund by \$2,446. Only the \$3,424 in the General Fund would affect the tax rate. The proposed tax rate increase was 13.250 mills. The reduction for the decrease in the Manager's salary in the General Fund is equivalent to .001 of a mill, such that the millage increase would be 13.249 instead of 13.250.

**Motion by Mr. Labenberg to approve a property tax rate for 2012 at 13.249 mills. Motion died for lack of a second.**

**Motion by Mr. Brown, seconded by Mr. Holtzhafer to adopt Ordinance No. 1085 to raise water rates for the first 40,000 gallons from \$1.95 to \$2.09. There were 3 ayes, 4 opposed (Reinhard, Waddell, Gilbert, Labenberg). Motion failed.**

Mr. Brown explained that he made the motion because, even though both options are approximately \$10.00, he believes the water rate increase allows consumers to save money by conserving water. He also stated that in the future water rates could be lowered and the Borough's water rates are one of the lowest in Lehigh County. Mr. Labenberg cautioned Council on transferring money from the Water Fund to the General Fund. Dr. Waddell stated that he believes the millage should be increased to increase the General Fund. Mr. Neely encouraged a millage increase. Mrs. Gilbert stated that she will vote against the motion to increase water rates. Mr. Brown asked if transferring funds from the Water Fund has occurred before. Mr. Neely responded that it has, but he is not in favor of the practice in the manner that it was done in the past. Mr. Labenberg asked Solicitor Procyk if he could make a another motion for a millage increase. Solicitor Procyk responded that he could because his first motion died for lack of a second.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to approve a property tax rate for 2012 at 13.249 mills. There were 3 ayes, 4 opposed (Reinhard, Waddell, Labenberg, Barrett). Motion failed.**

**Motion by Dr. Waddell, seconded by Mr. Holtzhafer to approve a property tax rate for 2012 at 13.250 mills. There were 4 ayes, 3 opposed (Reinhard, Labenberg, Barrett). Motion carried.**

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Mr. Holtzhafer asked to have the \$3,424 saved from the Borough Manager's salary placed in the Contingency Fund Line Item.

**Motion by Mr. Holtzhafer, seconded by Dr. Waddell to read Ordinance No. 1084 in Short Title. There were 5 ayes, 2 opposed (Barrett, Reinhard). Motion carried.**

Mrs. Gilbert read Ordinance No. 1084 in Short Title.

**Motion by Mr. Holtzhafer, seconded by Dr. Waddell to adopt Ordinance No. 1084 – An Ordinance Levying Taxes for the Fiscal Year 2012 for the Borough of Emmaus at the Rate of 13.25 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania on its 1<sup>st</sup> Reading. Roll call vote: Mr. Labenberg, nay; Mr. Holtzhafer, aye; Mr. Barrett, nay; Mr. Brown, aye; Mr. Reinhard, nay, Dr. Waddell, aye; Mrs. Gilbert, aye. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to adopt Resolution 2011-34 - Establishing Refuse Collection Assessment Fees in the Borough of Emmaus, Lehigh County, Pennsylvania for the Calendar Year 2012. There were 6 ayes, 1 opposed (Reinhard). Motion carried.**

Mr. Barrett stated that the refuse fee is remaining the same in 2012.

**Motion by Mr. Holtzhafer, seconded by Mr. Barrett to adopt Resolution 2011-33 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Confirming and Establishing a Schedule of Fees and Charges for Permits and Services. There were 6 ayes, 1 opposed (Reinhard). Motion carried.**

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that he met with Marge Heatley and Ron Heckman of the Emmaus Flag Day Association to discuss rededicating the replica Civil War Flag on December 19, 2011 in Council Chambers at the Borough Council Meeting. He asked Mrs. Gilbert for permission to do so. She responded affirmatively.

The next Committee Meeting is on December 22, 2011.

Progress.

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### h. Ad Hoc-Community/School Relations Committee

Mr. Holtzhafer reported that he spoke to Dr. Seidenberger's assistant about possible meeting dates in January.

Progress.

### PERSONAL APPEALS, PART II

**A. Marjory Heatley, 633 Broad Street, Emmaus** – reminded that the Emmaus Flag Day Association holds its annual concert at Community Park. The Emmaus Chorale provides the music. There is already a verbal agreement for their attendance in 2012. The program is part of the Summer Concert Series. She voiced concern about the possibility of the Summer Concert Series being discontinued and encouraged Council to keep the Program.

**B. Jim Woodeshick, 108 Seem Street, Emmaus** – Mr. Woodeshick commented on the 2012 Budget. He said that it is important for the Budget to show where all of the money goes. He did not think that Council Members understood what the money in the Budget was being spent on.

### BOROUGH MANAGER'S REPORT

Mr. Neely offered that the Significant Revenue and Expense Items for November 2012 are in the binders, about which he would answer any questions.

### PRESIDENT'S BUSINESS

Mrs. Gilbert called an Executive Session to discuss a Personnel Matter, expecting that official action would be taken upon reconvening.

Upon returning from the Executive Session, Council voted on whether to advertise the Solicitor's position. Mr. Neely assured that Council's decision to advertise the Solicitor's position has nothing to do with job performance by Mr. Procyk or his firm, Fonzone and Ashley. With a new manager, Council feels that exploring all options is appropriate.

**Motion by Dr. Waddell, seconded by Mr. Holtzhafer, to advertise the Solicitor's position for proposals. There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Neely to place the advertisement.

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**Motion by Mr. Barrett, seconded by Mr. Reinhard to adjourn the December 5, 2011 Emmaus Borough Council Meeting. There were 7 ayes.**

The Meeting adjourned at 9:25 p.m.

Craig B. Neely  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
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