

December 7, 2009

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, December 7, 2009, 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

November 16, 2009

7. Decision on Bids
8. Communications
  - a. Kathleen Mintzer, EYA Vice President – Approval for posting registration signs.
  - b. Dale J. Arndt, 177 Seem St. – Request reappointment to Sanitation Board.
  - c. Robert R. Harson, 704 Evergreen St. – Request appointment to Library Board.
  - d. Lisa Eisenhard and Anthony Zeravsky – Wedding Intentions at Community Park, June 26, 2010.
  - e. Phil Arnold, Seven Generations Charter School – Fee Waiver Request
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
  - a. **Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs (1<sup>st</sup> Reading 11/02/09) (Tabled 11/02/09)**
12. New Business

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13. Unfinished Business, Part II

- a. Ordinance No. 1056 – An Ordinance Amending Chapter 15, Sections 403 and 404(a), Abandoning No Parking Zone and Establishing Restricted Parking Zones and Bus Parking Zones on School Days Along East Minor Street Associated with the Seven Generations Charter School. (90 day trial period expires 11/15/09).

14. Items Not on Agenda, Subject to Rule 9

15. Mayor's Report

16. Committee Reports

**Public Works/(Highway, Water & Sewer) (Labenberg, Waddell, Brown)**  
Next Meeting – To be determined.

1. Committee
  - a. EPA Order – I & I Elimination
  - b. I & I Elimination Report
  - c. Sidewalk Repairs
2. Solicitor

**Health, Sanitation, and Conservation (Reinhard, Labenberg, Holtzhafer)**  
Next Meeting – December 10, 2009 at 3:30 p.m.

1. Committee
  - a. Reappointment of Joan Schwartz to Emmaus Board of Health
  - b. Conservation
  - c. Riparian Buffer Ordinance
2. Solicitor

**Parks and Recreation (Barrett, Labenberg, Holtzhafer)**  
Next Meeting – To be determined.

1. Committee
  - a. Ice Rink/Skate Park
  - b. Raven Mill Trail Project (Trail Name)
  - c. Geese at Furnace Dam
  - d. Small Ice Rink on Triangle for Snow Blast – February 5
  - e. Small Fire Pit on Triangle for Snow Blast – February 5/ Library Lawn – February 6
2. Solicitor

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

Next Meeting – December 10, 2009 at 9:00 a.m.

1. Committee
  - a. Trailer Truck Parking
  - b. Tractor Trailer Unloading
  - c. Seven Generations Charter School Parking Restriction Recommendations
2. Solicitor

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

Next Meeting – December 9, 2009 at 9:00 a.m.

1. Committee
  - a. Historical Sites and Park Ordinance
  - b. Email for Council People
  - c. Ordinance No. 1062 – Definition of Commercial Advertising Signs
  - d. Chanukah Menorah Suggestion
2. Solicitor

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

Next Meeting – December 21, 2009 at 6:45 p.m.

1. Committee
  - a. **2010 Refuse Collection Assessment Fees – Resolution 2009-33**
  - b. **Real Estate Tax Rate – Ordinance No. 1063**
  - c. **Bill List – Resolution 2009-34**
  - d. **2010 Budget**
  - e. Policy for Use of Tax ID Number
  - f. 2009 Celebration – Overtime
  - g. Senior Refuse Fee Reduction Consideration
  - h. Per Capita Tax Ordinance
2. Solicitor

**Community Relations/Development** (Brown, Waddell, Reinhard)

Next Meeting – December 23, 2009 at 4:00 p.m.

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

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2. Solicitor

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

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 2009**
- b. **Thank You Letters – Christmas Tree on Triangle**

19. President's Business

20. Adjournment

Next Resolution #35  
Next Ordinance #1064

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The Emmaus Borough Council met in regular session on December 7, 2009 in Borough Council Chambers, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049.

CALL TO ORDER

Council President Waddell called the meeting to order at 7:00 p.m.

Michael Waddell, President	Present
Lee Ann Gilbert, Vice President	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Brian Holtzhafer	Present
R. Erick Reinhard	Present
Winfield Iobst, Mayor	Present
Frank Procyk, Solicitor	Present
Craig Neely, Borough Manager	Present

PERSONAL APPEALS – PART 1

a. **Dr. Stefany A. Kramer-Reynard, 1240 W Broad Street**, representing the Lehigh Valley Coalition on Affordable Housing. Ms. Kramer-Reynard stated that in 2008 a Lehigh

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Valley Housing Census found that 60% of the individuals using homeless shelter services come from suburban neighborhoods. She stated that when the individuals become homeless they migrate to urban centers and the urban centers are unable to afford the influx of suburban residents. The Lehigh Valley Coalition on Affordable Housing sent all municipalities in the area requests for funding to help the stressed urban centers. She stated that currently 49 people that once resided in the Borough of Emmaus are currently using the urban centers. The Coalition requested \$8,941 from the Borough of Emmaus. She stated that the Coalition would accept any contribution that the Borough could make.

b. **Jim Woodeshick, 108 Seem Street**, stated that he listened to the presentation and request for \$20,000 made by the Main Street Program at the last Council Meeting. He stated that he feels Borough residents are partnered with the Main Street Program and supports the services the Borough provides to the Program. He voiced concerns about the Main Street Program and questioned how much the Borough residents actually receive in return from the Program. He mentioned that a friend of his recently closed a business in Emmaus and feels that the Program should not end at 4<sup>th</sup> Street. He also stated that he supports the shops and feels that everyone that works in the Borough volunteers to help the Program. He stated that the Main Street Program is a business and voiced concerns about his tax money being used to help business survive. He commented that The Shops of Emmaus, whom he feels were not given a warm-hearted welcome when they asked for money, are now advertising on Channel 69 and have advertised in the Free Press. He stated that the Shops of Emmaus are helping businesses to become successful in the Borough. He feels that Borough money should be used towards capital expenditures. He observed that the lifetime of a sewer system is 50 years. He asked how old the Borough's sewer system is. Mr. Neely responded that the Borough's sewer system is 45 years old. He stated that he feels there is a conflict of interest if there are members of the Main Street Program on Borough Council and should abstain from voting regarding funding for the Program. Mr. Neely clarified that there are board seats reserved for Council members as liaisons to the Program. Mr. Barrett confirmed that he is a member of the Main Street Program.

c. **Chris Defrain, 181 Harrison Street**, noted that on the November 16, 2009 Minutes he did not state that, "he hopes the Main Street Program can capitalize if the Borough adopts a Business Privilege Tax." He stated that if there is a reduction of fees for refuse and an elimination of the sign tax, he hopes the Main Street Program benefits. He is not in favor of a Business Privilege Tax. He complimented Mr. Neely on his Budget Analysis. Mr. Labenberg asked Mr. Defrain, as an oncoming council member, if he had any concerns about capital spending for the 2010 Budget. Mr. Defrain responded that he has does not have enough information about the need for a new fire truck or loader, but wonders if these two items could be put off until 2011. He also mentioned that it may be necessary to cut salary increases. Mr. Neely explained that he recently signed a purchase order for \$12,000 because the gear mechanism on the ladder of the aerial fire truck is not working.

### COMMUNITY MINUTE

Dr. Waddell stated that the Borough is always looking for volunteers. He also commented that the 2009 Anniversary Celebration held its Finale at the Bethel Bible Fellowship Church on December 4 at 8:00 p.m. and the 2009 Time Capsule was buried on December 5 at 10:00 a.m. at the Emmaus Public Library. Mr. Brown stated that the Kiwanis Club handed out free cookies and hot chocolate at the Christmas Tree Lighting Ceremony.

SPECIAL PRESENTATIONS - None.

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READING OF MINUTES

**Motion by Mr. Barrett, seconded by Mr. Labenberg to dispense with the formal reading of the November 16, 2009 Minutes. There were 7 ayes. Motion carried.**

It was agreed that staff would review the tape of the minutes and that the minutes would be amended to reflect the changes noted by Mr. Defrain in his Personal Appeal.

**Motion by Mr. Barrett, seconded by Mrs. Gilbert to approve the November 16, 2009 Minutes as amended. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Kathleen Mintzer, EYA Vice President – Approval for posting registration signs for the 2010 season.

**Motion by Mr. Barrett, seconded by Mr. Reinhard to grant the Emmaus Youth Association approval to post signs at the Emmaus Public Library and Community Park from December 20, 2009 through January 15, 2010 and to place a small flyer in the Kiosk on the Triangle for the same duration. There were 7 ayes. Motion carried.**

- b. Dale Arndt, 177 Seem St., Emmaus – Request for reappointment to the Sanitation Board. Referred to Health and Sanitation Committee.
- c. Robert R. Harson, 704 Evergreen St, Emmaus – Request for appointment to the Library Board. Referred to the General Administration Committee.
- d. Lisa Eisenhard and Anthony Zeravsky – Wedding ceremony at Community Park, June 26, 2010. Mr. Neely stated that the request does not need a formal motion, but that he wanted to bring the matter to Council's attention. He will send a letter to them advising that it is allowed.
- e. Phil Arnold, Seven Generations Charter School, 154 E. Minor St., Emmaus – Field Use Fee Waiver Request.

**Motion by Mr. Barrett, seconded by Mr. Holtzhafer to waive the field usage fee for the Seven Generations Charter School's use of the Klines Lane athletic fields. There were 7 ayes. Motion carried.**

- f. Edna Knecht – Thank you to Emmaus Ambulance Corps.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT – None.

UNFINISHED BUSINESS, PART I

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- a. Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs (1<sup>st</sup> Reading 11/02/09) (Tabled 11/16/09).

**Motion by Mr. Barrett, seconded by Mrs. Gilbert, to remove Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704 from the table. There were 7 ayes. Motion carried.**

Dr. Waddell stated that the General Administration Committee reviewed the Ordinance again and noted that there is only a one word difference in the proposed Ordinance from what was read at the November 16, 2009 Meeting. Dr. Waddell read Section 704(25), Commercial Advertising Signs, and noted that the proposed Ordinance reads, “Only one sign is allowed per business, and it must be located in front of the business.” The previous wording was, “Only one sign is allowed per business, and it must be located in front of the business address.” He explained that having the word “address” would limit the strip malls to having only one sign since a building has only one address. Mr. Labenberg questioned the wording “the business”, and suggested changing it to, “their own business.” Mr. Neely suggested the wording “in front of the business being advertised.”

**Motion by Mr. Labenberg to change the wording from, “Only one sign is allowed per business, and it must be located in front of the business” to “Only one sign is allowed per business, and it must be located in front of their own business.” Motion died for lack of a second.**

Mr. Brown asked for a clarification on the yearly permit fee and asked if the fee falls under the Sign Fee. Mr. Neely confirmed that it is in Line Item 361.340, Zoning Permits. Mr. Labenberg asked what the new Zoning Permit Fee will be. Mr. Holtzhafer responded that Line Item 361.340 was budgeted for a \$6,000 increase over 2009. Mr. Labenberg questioned why Line Item 361.340 is not broken down by item. Mr. Brown asked if the temporary sign fee is currently one fee and it is good for 30 days. Mr. Neely explained that currently, in the central business district, the Zoning Officer interpreted the existing Ordinance to not require any fee and to allow a sign up all year round, and in the business highway and business districts, they are Special Occasion Permits for which you have to pay a fee, and the sign is limited to 15 days a years with 4 periods in which you can display a sign. The fee was \$25.00 up to 4 times per year. Mr. Labenberg stated that he feels businesses should be able to place signs in front of other properties if the property owner gives permission.

**Motion by Mrs. Gilbert, seconded by Mr. Barrett to adopt Ordinance No. 1062 – An Ordinance Amending Chapter 27, Section 704, to Include a Definition of Commercial Advertising Signs in short title in its first Reading. Roll call vote: Mr. Brown, nay, Mr. Reinhard, nay, Mrs. Gilbert, aye, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Dr. Waddell, aye. There were 4 ayes and 3 nays. Motion carried.**

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

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

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MAYOR'S REPORT - Progress.

COMMITTEE REPORTS

a. Public Works Committee

Dr. Waddell asked if the Public Works Committee could prepare a comparison of the cost savings between using salt brine versus granular salt on the Borough roads.

Progress.

b. Health, Sanitation, and Conservation Committee

The Committee met on November 19, 2009. Mr. Reinhard reported that Mr. Ritter, the Health Officer, received computer upgrades from the state.

The next Committee meeting will be December 10, 2009 at 3:30 p.m.

Progress.

c. Parks and Recreation Committee

Progress.

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d. Public Safety Committee

Mrs. Gilbert reported that on Friday, November 20, 2009, a representative from the Eastern Region Emergency Medical Services Office inspected the Emmaus Ambulance Corps for state licensure for the years 2010-2012 and there were no deficiencies noted.

Progress.

e. General Administration Committee

The next Committee meeting will be held December 9, 2009 at 9:00 a.m.

Progress.

f. Community Relations/Development Committee

Mr. Brown reported that the Committee is recommending that Council approve a Request for Proposals for the Parking Deck Feasibility Study. The timeline of the study is from December 7, 2009 until April 1, 2010. The Borough has budgeted \$25,000 for the feasibility study, which is funded via a \$20,000 grant from Lehigh County with money from a federal Community Development Block Grant (CDBG) and \$5,000 from the Borough of Emmaus.

**Motion by Mr. Brown, seconded by Mr. Reinhard to approve the Parking Deck Feasibility Study with a timeline of December 7, 2009 through April 1, 2010. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Labenberg questioned the Borough funding \$5,000 for the Feasibility Study. Mr. Neely responded that Council authorized him to submit an application for \$25,000 for the Feasibility Study. The Borough was awarded \$20,000. There was a Council vote on the application, but no vote on the grant award. Mr. Labenberg stated that he doesn't feel the Borough should be paying \$5,000 out of its budget for a Feasibility Study for a parking deck. Mr. Neely stated that when Council reviews the Budget for 2010, it can decide not to fund the \$5,000 and have the line item removed. Mr. Brown stated that having the study done would eliminate any further question about whether the Borough needs a parking deck. Mr. Labenberg responded that the Borough would not have the money to pay for the parking deck.

Mr. Brown also reported that the Committee is requesting the Borough to ask PENNDOT for authority to close Main Street from 2<sup>nd</sup> to 4<sup>th</sup> Streets on May 16, 2010 for the purpose of holding a car show/bed race. He also reported that Police Chief Faust believes a satisfactory detour route can be established. The Public Safety Committee will discuss the events at its meeting on December 10, 2009.

**Motion by Mr. Brown, seconded by Mr. Reinhard to authorize Mr. Neely to write to PENNDOT, asking for authority to close Main Street from 2<sup>nd</sup> to 4<sup>th</sup> Streets on May 16, 2010. There were 7 ayes. Motion carried.**

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Mr. Labenberg asked if Main Street has ever been closed from 2<sup>nd</sup> to 4<sup>th</sup> Street during daytime business hours in the past. Mrs. Gilbert responded that the date being requested is a Sunday. Dr. Waddell asked if Main Street needed to be closed beyond 4<sup>th</sup> Street. Mr. Neely responded that 4<sup>th</sup> Street is plenty. Mr. Labenberg suggested that the businesses affected by the detour should be included to benefit from the closing and perhaps the detour should be extended to include more businesses. Mr. Brown stated that the Committee has contacted restaurants to incorporate them into the event.

Mr. Brown commented that the CRD Committee would like to display the recognitions received during the 2009 Anniversary Celebration and some items from the Time Capsule in Town Hall. Dr. Waddell suggested that a plaque be designed each year to recognize the individual(s) that donate the Christmas Tree for the Triangle.

Progress.

g. Ad Hoc Committee – Community/School Relations

Mr. Holtzhafer reported that the Ad Hoc Committee will be holding a meeting in Mid-January.

Progress.

h. Budget & Finance Committee

Mr. Holtzhafer read Resolution 2009-34, authorizing payment of the December 7, 2009 Bill List, as follows:

Bill List	\$ 514,742.58
Payroll #23 & #24	\$ 225,193.55
Payroll Taxes	\$ 66,783.58
Total	\$ 806,719.71

Done this 7th day of December, 2009.

**Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to approve the December 7, 2009 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer stated that the 2010 proposed budget will be reviewed page by page. Mr. Neely stated that as the budget is being reviewed page by page, if a council person wants to change a line item it can be voted on at that time. Mr. Labenberg suggested reading Mr. Neely's Budget Analysis at the same time as reviewing the Budget. Dr. Waddell suggested referencing the memo as needed.

Mr. Holtzhafer noted that taxes and real estate revenue have a 4% increase over 2009. He noted Line Item 310.950, Sign Tax, is eliminated and the Business Privilege Tax is added. The Business Privilege Tax is averaged at \$150.00 per business. Mr. Barrett asked about the maximum Sign Tax. Mr. Neely responded that it is \$75.00. Mr. Brown stated that he is not in favor of a Business Privilege Tax. Mr. Holtzhafer stated that with the removal of the Sign

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Tax and double refuse fee, there will be lost revenue of \$90,000. A Business Privilege Tax will make up for the lost revenue. Mr. Labenberg stated that the Borough will save \$100,000 with the new refuse bid. Mr. Neely stated that a business paying a double refuse fee plus a Sign Tax paid \$637.00 per year. Under the Business Privilege Tax, a business with 1 to 3 employees will pay \$406.00, which is a \$231.00 savings per year. The second tier will pay \$506.00, which is \$131.00 less than 2009. The third tier will pay \$606.00, which is \$31.00 less. Every business that paid the double refuse fee will pay less to operate its business in 2010. Mr. Labenberg stated that he is against the Business Privilege Tax.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to reinstate Line Item 310.950 of the 2010 Budget for the Sign Tax. There were 3 ayes, 4 opposed (Gilbert, Waddell, Reinhard, Holtzhafer). Motion defeated.**

**Motion by Mr. Brown, seconded by Mr. Labenberg to remove the Business Privilege Tax Line Item in the 2010 Budget. There were 2 ayes, 5 opposed (Holtzhafer, Gilbert, Waddell, Reinhard, Barrett). Motion defeated.**

Mr. Holtzhafer noted that Ambulance Revenues grew. He noted Zoning Permits will increase from \$11,680 to \$16,000 and Building Permits will increase from \$23,318 to \$27,500 because of an increase in the fee schedule. Mr. Barrett questioned the line item for DEP Recycling. Mr. Neely stated that he did not budget an increase because he had nothing upon which to forecast an increase.

Mr. Labenberg stated that in Mr. Neely's Budget Analysis in the second paragraph it states that the Borough has no control over wages, health insurance, and electric rates. He stated that he disagrees with this statement because the Borough has non-union employees who are going to receive pay increases and he is unaware of what percentage those pay increase will be. Mr. Neely stated that historically the pay raise is consistent with the collective bargaining agreements. Mr. Labenberg stated that previously there have been executive sessions to discuss pay raises and this year there have been no discussions. He questioned whether employees have been asked to contribute towards health insurance. Mr. Neely stated that historically it has been consistent with the collective bargaining agreements. Mr. Labenberg stated that there are electric companies offering cheaper rates and he questioned whether the Borough has researched any other electric companies. Mr. Neely responded that the Lehigh County Congress of Governments has been compiling information for municipalities and will offer the Borough this information. Mr. Labenberg stated that he doesn't feel the Borough is budgeting for electric cost savings. Mr. Labenberg asked Council if it is in favor of a 3.9% wage increase. Mr. Labenberg stated that Borough employees have job security, while many people do not. Mr. Barrett stated that if an employee is doing an exceptional job, they deserve an increase despite economic conditions. He stated that he feels that the Borough staff does a great job. Mr. Brown asked about the budget impact if non-union Borough employees did not receive a 3.9% increase. Mr. Holtzhafer stated that he would prefer not to explore it. Mr. Neely stated that he could prepare a summary of the impact to the budget with a 1%, 2%, or 3% increase for all non-union employees.

Mr. Barrett asked if there is an opportunity to sell compost. Mr. Neely stated that the Borough sold some compost to a contractor from Hazelton and would speak to Mr. Clapper about it. The compost sales revenue item is down for 2009 because the County did not supply

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the Borough with a tub grinder until late in the year and, therefore, the Borough was unable to sell as much wood chip mulch.

Mr. Labenberg noted that on page 2 of Mr. Neely's report it states that we are budgeting \$125,000 in Real Estate Transfer Tax. He feels that this amount can be increased because the current homeowners tax credit is being extended until April 30, 2010. He also stated that current homeowners are being offered a \$6,500 tax credit for upgrading their homes and that should increase home sales. Dr. Waddell stated that he would be voting against an increase because he is not as optimistic about an increase in home sales.

**Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to increase Line Item 310.100, Real Estate Transfer Tax, from \$125,000 to \$135,000 in the 2010 Budget. There was 1 aye, 6 opposed (Holtzhafer, Reinhard, Barrett, Gilbert, Waddell, Brown). Motion defeated.**

Mr. Labenberg asked if we receive rent from the residents that park on the Borough parking spaces on Jubilee Street. Mr. Neely stated that we do not charge rent. Mr. Barrett asked if there is anywhere in the Borough that the residents are charged rent for parking. Mr. Neely stated that there is not. Dr. Waddell stated that charging rent for parking will be discussed.

Mr. Labenberg asked how much the Borough is paying for administrative costs in the budget for the refuse fee. Mr. Neely stated that it is impossible to determine an amount with any specificity. Mr. Labenberg voiced his concerns over leaving the money that the Borough is saving in refuse fees in the General Fund. He feels that refuse fees should be lowered. Mr. Barrett asked what has been past practice. Mr. Neely stated that in the past there has always been more collected than has been paid to the waste hauler.

Mr. Holtzhafer noted an increase in insurance rates. Mr. Barrett asked if the new software will enable us to be more efficient with billing and with postage for the newsletter and, if so, it could possibly reduce the amount for those two items.

Mr. Labenberg asked what Line Item 405.513 for the Lehigh County Housing Authority Payment is. Mr. Neely answered that it is a payment we receive in lieu of taxes. It is actually revenue coming in and then revenue going out.

Mr. Holtzhafer noted that the Police Budget increase from 2009 to 2010 is minimal. Mr. Labenberg questioned Line Item 410.462, Child Abuse Investigator, because he feels that the program should be funded by Lehigh County.

**Motion by Mr. Labenberg to eliminate Line Item 410.462, Child Abuse Investigator, from the 2010 Budget. Motion died for lack of a second.**

Mr. Labenberg noted that the overall proposed Police Budget for 2010 is increasing from \$2,021,669 to \$2,655,268 and questioned whether the hiring of two police officers in 2009 reduced overtime. Mr. Holtzhafer responded that Line Item 410.183, Overtime, was budgeted for \$118,000 and is currently at \$95,687. Mrs. Gilbert noted that the Police Department is operating at a 5 ½% decrease in total operating expenses from 2009 and overtime is operating at a 3 ¼ % decrease and part-time is under budget by 10%. Mr. Brown asked if the Emmaus

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High School will be partnering with the Borough in funding the police officer that is currently at the High School. Mr. Holtzhafer stated that the funding is an ongoing discussion with the Ad-Hoc Committee. A grant for funding was applied for last year and was denied. Mr. Labenberg asked if Council could send the East Penn School Board a letter advising them of the expense burden to the Borough.

Mr. Holtzhafer reported that the major increases in the proposed Fire Department Budget are due to increases in wages, insurance, and electricity. Mr. Brown asked if the Firemen's Relief Fund is subtracted from the cost of the Fire Truck. Mr. Holtzhafer stated that the Borough is not allowed to determine what that money is used for. Mr. Brown replied that he understood but would like to address it further when the discussion moves to the Capital Reserve Fund.

Mr. Holtzhafer noted that the Ambulance Corps Budget has a minimal increase. He also noted that the Ambulance Corps' revenue performed well in 2009. Mr. Labenberg commented that the Ambulance Corps is an asset to the Borough and he is impressed by the amount of revenue the Corps brings in. He thanked Chief Nonnemacher for attending the Council Meeting.

Mr. Brown questioned Line Item 414.138, Snow/Weed Enforcement. Mr. Neely answered that the Borough received many complaints in 2009 and he did not feel that \$1500 was an adequate amount to provide the desired results. Mr. Tufano did not hand his hours in until the first week of December, which is why the 2009 amount in the Budget is zero. Mr. Labenberg asked if it is possible for a staff member to handle the position. Mr. Holtzhafer responded that, especially during the winter months, in order for the program to work, the individual must be inspecting the Borough within 24 hours and it is a very time-consuming position. Mr. Labenberg asked if it was possible that someone on staff handle the position during the week and the Borough hire a part-time employee for the weekends. Dr. Waddell answered that Mr. Labenberg's request could be referred to the General Administration Committee. Mr. Brown asked if there are mileage expenses included in the budgeted amount. Mr. Neely answered that there are. Mayor Iobst responded that this summer was particularly difficult. A Weed/Snow Enforcement Officer is needed and \$3,000 is not a lot for the amount of time it requires to do a proper job.

Mr. Labenberg observed that the rebate for the refuse fee for senior citizens was very low at \$12,000. Mr. Holtzhafer answered that the Budget and Finance Committee is recommending a refuse fee Resolution that raises the amount to \$18,000 for an individual and \$25,000 for a household of two.

Mr. Holtzhafer noted that the proposed increase in Public Works Expenses is due to an increase in wages and health insurance. Mr. Labenberg noted that street weed spraying is increasing and he is interested in researching non-toxic weed spray to help reduce expenses. He mentioned that more crack sealing would eliminate the need for weed spraying. Mr. Holtzhafer noted that street weed spraying is in the proposed budget under Line Item 438.250 of the Public Works Budget. Mr. Labenberg stated that weed spraying and crack sealing can be referred to the Public Works Committee.

Mr. Holtzhafer reviewed the Library Budget and mentioned that it remains very close to 2009. He stated that the Library has lost approximately 20% of state funding and has been

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forced to close on Fridays for 2010. The Library recently received a donation from the East Penn School District. Mr. Brown asked if the Borough could partner with the Library on small projects, such as purchasing computers. Mr. Brown asked if a \$1,109.00 increase in the Budget would be enough to help the Library with the purchase. Mr. Holtzhafer responded that the Borough is required to fund the Library at the annual rate equal to or above the rate from the year before and increasing the Budget more than \$1,109.00 would mean that the Borough would have to equal that increase every year. He stated that it could hurt the Library with state funding in the future.

Mr. Labenberg stated that the \$5000 in Line Item 480.510, Matching Funds, should be moved somewhere else because matching funds are traditionally used for non-profits. Mr. Neely stated that the final budget every year has a description for each line item and he will note what the \$5,000 will be used for.

Mr. Labenberg asked Mr. Neely to read the section Transfer to Debt Service from the Budget Summary. Mr. Labenberg stated that he is in favor of lowering the Borough's interest rates on its loans, but not increasing the loan amount by \$1.5 million dollars. He questioned whether the work needs to be completed on Broad Street. He also questioned whether the Fire Department can hold off on buying a fire truck. Mr. Neely noted that rates are extremely low and the Debt Service Fund is only increasing taxes  $\frac{1}{4}$  mil. Mr. Brown asked if decreasing our rate from 3.85% to 2.75% will lower our monthly payment. Mr. Neely noted that the debt service on the balance of 3.5 million is being reduced from 3.85% to 2.75%. The Borough will add \$1.5 million in debt. Mr. Brown asked what the reduction of our monthly payment would be without the additional \$1.5 million debt. Mrs. Gilbert asked if the Fire Department does not purchase a new truck within the next two years, will it have difficulty finding replacement parts due to the age of the vehicle. Mr. Neely answered that the parts are all special order parts and there shouldn't be any difficulty getting them. Mr. Labenberg commented that if Line Items for the Fire Engine, the reconstruction of Broad Street, and the Front End Loader would be removed, the Borough would not be spending almost \$1 million dollars.

**Motion by Mr. Labenberg, seconded by Mr. Brown to eliminate the borrowing of \$1.5 million in the 2010 Budget. There were 2 ayes, 5 opposed (Barrett, Gilbert, Waddell, Reinhard, Holtzhafer). Motion defeated.**

Mr. Holtzhafer commented that swimming pool fees have decreased in 2009 and are budgeted to decrease in 2010. Mr. Labenberg commented that he feels the decrease is due to raising the swimming pool rates during an economic downturn. Mr. Brown asked if it is possible to eliminate a lifeguard position.

Dr. Waddell commented that the Arts Commission is budgeted to receive nothing in 2010, and that historically the Arts Commission received \$1,000 from the Borough. Mr. Neely responded that the Borough Auditor advised that the Arts Commission raises and spends its own funds and recommended that the Arts Commission revenues and expenditures be removed from the Budget.

**Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to change Line Item 457.601, Arts Commission, from zero to \$1,000 and to delete Line Item 367.501, Arts**

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**Commission, from the 2010 Budget. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Labenberg stated that he will not support the motion because he does not believe the Borough has the money to add an additional \$1,000 to the Budget.

Mr. Barrett asked at what point the refuse and water billing will be done through the new software. Mr. Neely stated that that it will be approximately six months until the training takes place and the new system is operating.

Mr. Labenberg stated that he cannot support budgeting \$15,000 to the Main Street Program due to economic hardship. He stated that he supports the Public Works Department helping the Main Street Program. Mr. Brown stated that the Main Street Program helps the Borough obtain grant money because of its partnership with the Main Street Program. Mr. Labenberg commented that when the Main Street Program began it was supposed to be self sufficient in three years. He also commented that the Shops of Emmaus is self-sufficient. Dr. Waddell stated that the difference is that the Shops of Emmaus is not a non-profit organization. Mr. Barrett stated that he feels the Main Street Program is geared toward the community, not just businesses. Mr. Labenberg commented that he feels the Main Street Program would survive without the \$15,000 from the Borough.

**Motion by Mr. Labenberg to reduce Line Item 457.506, Main Street Manager Program, from \$15,000 to \$7,500 in the 2010 Budget. Motion died for lack of a second.**

Mr. Labenberg questioned budgeting \$1,000 to the Wildlands Conservancy because it is outside of the Borough. Mr. Holtzhafer commented that the trails on South Mountain are partially in the Borough and the trail that was just connected between Alpine Street to Wieders Lane is part of the Borough.

**Motion by Mr. Labenberg to eliminate Line Item 457.601, Wildlands Conservancy, from the 2010 Budget. Motion died for lack of a second.**

Mr. Holtzhafer noted that the Water Fund is in good shape. Mr. Barrett asked why the Connection Fees have decreased. Mr. Neely answered that it is based on the number of new units that are built in town and there will be several new units in 2010.

Mr. Holtzhafer reported that Line Item 448.222, Chemicals, shows a large increase. Mr. Neely noted that DEP required the Borough to add caustic soda at Well #6. Mr. Labenberg asked if there is any alternative to adding caustic soda or if there is any way the Borough can test the water and decrease the amount of caustic soda we use. Mr. Neely stated that unless the ph of the water coming out of the well changes, the Borough will need to add caustic soda. Mr. Holtzhafer also noted that Line Item 448.361, Electrical Service, shows a very large increase.

Mr. Labenberg noted that the Public Works Committee discussed in the past that the storage tank may not be needed if the Borough builds interconnectors. He stated that the Borough was going to have interconnectors with the Allentown side and the Lower Macungie side so that if the Borough had a water problem the Borough could open up the interconnectors and get water from outside the Borough. Mr. Neely stated that the cost of

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interconnectors would be approximately \$500,000 and Mr. Clapper is not in favor of doing it at the present time.

Mr. Brown asked how often the Borough would utilize the Auto Dial System. He stated that he feels the budgeted amount could be lowered from \$4,800 to \$3,000 based on the amount of residents in the Borough and using the system 5 times a year. Dr. Waddell asked how the Public Works Committee decided on \$4,800. Mr. Neely stated that the Borough received estimates from several different companies. Dr. Waddell stated that he is going to vote against it until he has more information about the functionality of the \$4,800 versus the \$3,000.

**Motion by Mr. Brown, seconded by Mr. Holtzhafer to lower Line Item 448.837, Auto Dial System, from \$4,800 to \$3,000 in the 2010 Budget. There were 2 ayes, 5 opposed (Holtzhafer, Gilbert, Waddell, Barrett, Reinhard). Motion defeated.**

Mr. Labenberg commented that the Borough is ahead of other municipalities with the I&I Program and the Public Works Committee had asked for a report on cost savings. He feels the program is saving taxpayers money and feels it is important to share this information with the taxpayers. Dr. Waddell questioned which line items would reflect the savings. Mr. Neely noted that the savings would be reflected in Line Items 429.364 and 429.365.

Mr. Brown questioned if it is possible to sell used equipment. Mr. Neely stated that the equipment can either be traded for new equipment or sold at auction.

Mr. Holtzhafer reviewed pages 22 and 23 of the Budget. Mr. Barrett asked if Line Item 409.660 is for replacement windows for Town Hall. Mr. Neely responded that the windows are for the downstairs only. Mr. Barrett asked if the main goal of the windows is for energy savings, which Mr. Neely confirmed. Mr. Barrett questioned if the Borough could have an energy audit. Mr. Neely answered that an energy audit would cost money. Mr. Labenberg questioned why the Borough feels compelled to change windows during economic hardships. He also asked if it is possible to obtain a grant or use stimulus money to pay for the windows. Mr. Barrett asked if the \$42,500 could be included for other major expense besides the windows. Mr. Neely responded that approximately \$5,000 was budgeted for general upgrades. Mr. Brown asked when the boiler will need to be replaced. Mr. Neely answered that the boiler is presently working fine. Mr. Reinhard stated that he feels it is important to be proactive and not reactive when budgeting for capital expenditures.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to change Line Item 409.660, Borough Hall Upgrades, from \$42,500 to \$5,000 in the 2010 Budget. There were 4 ayes, 3 opposed. (Gilbert, Reinhard, Holtzhafer). Motion carried.**

Mr. Brown questioned Line Item 410.753, File Room System, and how it would be used by the Police Department. Mr. Neely stated that there are Police Department files in Town Hall and the Police Station, and the file system is currently ineffective.

Mr. Labenberg asked what constitutes Capital Outlay and stated he would like clarification on it.

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Mr. Brown asked which police cars will be replaced. Mr. Holtzhafer reported that there were no cars replaced in 2009. Mr. Labenberg asked if Line Item 410.746, Police Cars, will be included in the \$1.5 million loan and asked if the Borough could use the \$100,000 from the General Authority for the purchase of police cars. Mr. Labenberg stated that we could reduce borrowing by \$100,000 because historically the Borough has received that amount from the General Authority. He asked if the Borough could contact the General Authority and ask for guidance.

Mr. Holtzhafer noted that Line Item 411.837 will be offset by \$485,000 from the Fire Department for the purchase of the aerial truck. Mr. Labenberg commented that he knows of no repair issues with the current aerial truck and does not feel a new one is needed. Mr. Barrett stated that he will be voting to eliminate the aerial truck Line Item because he does not have enough information about the need for an aerial truck. He also stated that it may be possible to obtain a 2% loan for the truck. Mr. Brown stated that he spoke to a firefighter outside of the Borough who said that the lifespan of an aerial truck is 20 years. He also stated that he would like the \$80,000 from the Firemens Relief Fund to be used towards the truck. Dr. Waddell stated that he feels the Borough needs to be proactive and take advantage of current low interest rates. Mrs. Gilbert stated that she will discuss the aerial truck with Fire Chief Reiss and present a report to Council.

**Motion by Mr. Labenberg, seconded by Mr. Barrett to remove Line Item 411.837, Aerial Truck, from the 2010 Budget. There were 3 ayes, 4 opposed (Holtzhafer, Reinhard, Gilbert, Waddell). Motion defeated.**

Mr. Brown stated that he spoke to Mr. Clapper and he is concerned because if the Borough does not purchase a new loader, the old loader will need tires immediately. Mr. Brown asked if there are maintenance records on the equipment. Mr. Neely stated that the mechanics keep maintenance records on the equipment. Mr. Labenberg stated that he would rather perform maintenance on the loader than replace it. He would like more information on the new loader for next Council meeting.

**Motion by Mr. Brown, seconded by Mr. Labenberg to remove Line Item 430.827, Reconstruction of Broad Street, from the 2010 Budget. There were 2 ayes, 5 opposed (Holtzhafer, Barrett, Wadell, Reinhard, Gilbert). Motion defeated.**

**Motion by Mr. Labenberg, to remove Line Item 454.818, Legion Baseball Field, from the 2010 Budget. Motion died for lack of a second.**

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to reduce Line Item 457.501, Civic Celebrations, from \$9,500 to \$8,500. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Reinhard to add a \$37,500 Contingency Line Item in the Capital Reserves Fund. There were 7 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to approve the first reading of the 2010 Budget as modified. There were 5 ayes, 2 opposed (Labenberg, Brown). Motion carried.**

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Mr. Holtzhafer reported that the Budget and Finance Committee made a recommendation to approve Resolution 2009-33, Establishing Refuse Collection Assessment Fees In The Borough Of Emmaus, Lehigh County, Pennsylvania, For The Calendar Year 2010.

Mr. Labenberg stated that he will vote against the Resolution because he feels the savings from garbage collection should be passed on to the property owners.

**Motion by Mr. Holtzhafer, seconded by Mrs. Gilbert to approve Resolution 2009-33, Establishing Refuse Collection Assessment Fees In The Borough Of Emmaus, Lehigh County, Pennsylvania, For The Calendar Year 2010. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Holtzhafer reported that the Budget and Finance Committee voted 3-0 to recommend that Council approve Ordinance No. 1063 – An Ordinance Levying Taxes for the Fiscal Year 2010 for the Borough of Emmaus at the Rate of 13.086 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania.

**Motion by Mr. Reinhard, seconded by Mrs. Gilbert to read Ordinance No. 1063 in short title. There were 7 ayes.**

Dr. Waddell read Ordinance No. 1063 in short title - An Ordinance Levying Taxes for the Fiscal Year 2010 for the Borough of Emmaus at the Rate of 13.086 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania on its first reading.

**Motion by Mr. Reinhard, seconded by Mr. Holtzhafer to adopt Ordinance No. 1063 - An Ordinance Levying Taxes for the Fiscal Year 2010 for the Borough of Emmaus at the Rate of 13.086 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania on its first reading. Roll call vote: Brown, nay, Reinhard, aye, Gilbert, aye, Labenberg, nay, Holtzhafer, aye, Barrett, aye, Waddell, aye. There were 5 ayes, 2 nays. Motion carried.**

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Neely advised that the Significant Revenue and Expense Items for November 2009 are in the binders.

Mr. Neely read letters from Mr. Clapper to Spiva Tree Service and Nyleve Bridge Corporation thanking them for their contribution of time and equipment towards the Christmas Tree being harvested and placed at the Triangle.

Progress.

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PRESIDENT'S BUSINESS

Dr. Waddell thanked the Emmaus Ambulance Corps, Fire Police and Public Works for helping with the Christmas Tree and the Old Fashioned Christmas Celebration.

ADJOURNMENT

**Motion by Mrs. Gilbert seconded by Mr. Reinhard to adjourn. There were 7 ayes. Motion carried.**

The meeting of the Emmaus Borough Council was adjourned at 10:59 p.m.

Craig B. Neely  
Borough Manager

Transcribed By: Paula Weiant  
Administrative Assistant  
December 08, 2009

DRAFT