

December 16, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, December 16, 2013, 7:00 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes

December 2, 2013

7. Decisions on Bids
8. Communications
 - a. Kathleen Haney, 18 N. 4th Street – Request Reappointment to the Civil Service Commission (term expires 1/1/2014).
 - b. J. Bradley Youst, PE, Hanover Engineering Assoc. – 2014 Reappointment and Professional Fee Schedule.
 - c. J. Bradley Youst, PE, Hanover Engineering Assoc. – 2014 Reappointment of Sewage Enforcement Officers.
 - d. Alan Hawman, III, 203 Main Street – Request Reappointment to the Building Board of Appeals (term expires 1/1/2014).
 - e. John Zettlemyer, Jr., 53 N. Third Street – Request Reappointment to the General Authority (term expires 1/1/2014).
 - f. Teri Sorg-McManamon, Emmaus Arts Commission – Banner Fee Waiver Request.
 - g. Eric Loch, 105 Spruce Street – Reduction or Elimination of Street Lighting.
 - h. Richard Gerhart, Emmaus General Authority – Recommendation of John Zettlemyer, Jr. to the General Authority.
 - i. Jenae Holtzhafer, 1207 S. 10th Street – Resignation from the Special Entertainment Commission (term expires 6/7/2016).

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9. Borough Engineer's Report

10. Solicitor's Report

11. Unfinished Business, Part I

Ordinance No. 1104 – An Ordinance Levying Taxes for the Fiscal Year 2014 for the Borough of Emmaus at the Rate of 5.075 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 4.5254 Mills and the Creation of a Fire Fund Tax of 0.5496 Mills (1st Reading 12/2/13) (2nd Reading 12/16/13).

12. New Business

13. Unfinished Business, Part II

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

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 – TBD

- a. Rules & Regulations (update)
- b. South 2nd Street Reservoir
- c. South 10th Street Culvert
- d. **Electro Chemical Water Leak – Sewer Bill**
- e. **Paver Trailer Purchase**

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

Next Meeting – TBD

- a. Emmaus and Upper Milford Joint Environmental Advisory Council
- b. Board of Health
- d. Refuse Bills

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – TBD

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

Public Safety (Gilbert, Barrett, Brown)

Next Meeting – TBD

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

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – December 18, 2013 at 9:00 a.m.

- a. Emmaus Public Library Expansion Project
- b. HVAC System at Town Hall
- c. Sale of Properties - Appraisals
- d. Town Hall Remodeling Project
- e. Subdivide 44 Klines Lane

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

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

- a. **Resolution 2013-34 - Bill List**
- b. **Resolution 2013-35 - 2014 Budget**
- c. **Resolution 2013-36 – Police Pension Contribution**

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d. **Ordinance No. 1104 – 2014 Levying Taxes (2nd Reading)**

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

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

- a. LERTA
- b. CGI Communications Community Video
- c. Tree Vitalize Grant – January 2014

17. Junior Council Member’s Report

18. Personal Appeals, Part II

19. Borough Manager’s Report

- a. Significant Revenue and Expense Items for First Half of December 2013
- b. **Bryon Scott – Ambulance Corp Volunteer**

20. President’s Business

21. Adjournment

Next Resolution #37
Next Ordinance #1105

The Emmaus Borough Council met in regular session on December 16, 2013 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

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

Lee Ann Gilbert	Present
Brian Holtzhafer	Present
Michael Waddell	Present
Brent Labenberg	Present
Wesley Barrett	Present
Nathan Brown	Present
Jeffrey Shubzda	Present
Rowan Hobson, Junior Councilman	Present

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Winfield Iobst, Mayor	Present
Jeffery Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE

Mrs. Gilbert thanked Christopher Leavy and family for its donation of the tree placed on the Triangle for Christmas. She also thanked Kevin Shultz from Nyleve Bridge Corporation and the Public Works Department for their help with the Borough Christmas Tree.

Dr. Waddell thanked the Emmaus Arts Commission for displaying the artwork that was placed in Town Hall.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. Shubzda to dispense with the formal reading of the December 2, 2013 Minutes. There were 7 ayes. Motion carried.

Motion by Mr. Brown, seconded by Mr. Shubzda to adopt the December 2, 2013 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Kathleen Haney, 18 N. 4th Street – Request reappointment to the Civil Service Commission (term expires 1/1/2014). Referred to the Public Safety Committee.
- b. J. Bradley Youst, PE, Hanover Engineering Assoc. – 2014 Reappointment and Professional Fee Schedule. Referred to the General Administration Committee.
- c. J. Bradley Youst, PE, Hanover Engineering Assoc. – 2014 Reappointment of Sewage Enforcement Officers. Referred to the General Administration Committee.
- d. Alan Hawman, III, 203 Main Street – Request Reappointment to the Building Board of Appeals (term expires 1/1/2014). Referred to the General Administration Committee.
- e. John Zettlemoyer, Jr., 53 N. Third Street – Request Reappointment to the General Authority (term expires 1/1/2014). Referred to the General Administration Committee.
- f. Teri Sorg-McManamon, Emmaus Arts Commission – Banner Fee Waiver Request for SnowBlast Winter Arts Festival to be held February 7, 2014.

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Motion by Dr. Waddell, seconded by Mr. Barrett to grant the Emmaus Arts Commission Banner Fee Waiver Request for the SnowBlast Winter Arts Festival to be held February 7, 2014. There were 7 ayes. Motion carried.

g. Eric Loch, 105 Spruce Street – Reduction or Elimination of Street Lighting. Referred to the Public Safety Committee.

h. Richard Gerhart, Chairman, Emmaus General Authority – Recommendation of John Zettlemyer, Jr. to the General Authority. Referred to the General Administration Committee.

i. Jenae Holtzhafer, 1207 S. 10th Street – Resignation from the Special Entertainment Commission (term expires 6/7/2016).

Motion by Dr. Waddell, seconded by Mr. Brown to accept Jenae Holtzhafer's letter of resignation from the Emmaus Special Entertainment Commission. There were 7 ayes. Motion carried.

Dr. Waddell thanked Mrs. Holtzhafer for her hard work and contribution to the Commission. Mr. Labenberg thanked Mrs. Holtzhafer and stated that she will be missed by the Commission. Mrs. Gilbert directed Mr. Pepe to send Mrs. Holtzhafer a letter of thanks for her contribution to the Commission.

j. Mark Heimbach – Letter of thanks to Borough Council, with special thanks to Dr. Waddell.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1104 – An Ordinance Levying Taxes for the Fiscal Year 2014 for the Borough of Emmaus at the Rate of 5.075 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 4.5254 Mills and the Creation of a Fire Fund Tax of 0.5496 Mills (1st Reading 12/2/13) (2nd Reading 12/16/13).

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

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Mr. Holtzhafer read Ordinance No. 1104 in short title. Mr. Labenberg stated that if revenue improves by the end of the year, he hopes the Borough will reopen the budget and adjust the tax bump by the amount that comes in.

Motion by Mr. Holtzhafer, seconded by Mr. Brown to adopt Ordinance No. 1104 - An Ordinance Levying Taxes for the Fiscal Year 2014 for the Borough of Emmaus at the Rate of 5.075 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania and a Revenue Neutral Levy Based on the 2013 Lehigh County Tax Reassessment, Split Between the General Fund Tax of 4.5254 Mills and the Creation of a Fire Fund Tax of 0.5496 Mills on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II

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

Motion by Mr. Brown, seconded by Mr. Barrett to remove Ordinance No. 1103 from the table. There were 7 ayes. Motion carried.

Motion by Mr. Barrett, seconded by Mr. Brown to table Ordinance No. 1103. There were 7 ayes. Motion carried.

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 Thursday, December 5, 2013 at 3:00 p.m. He reported that Electro Chemical at 750 Broad Street received a water and sewer bill that was very high due to a water leak. The owners have asked for relief in the amount on the sewer portion of the bill, since the water never made it to the sewer lines.

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The new bill will be calculated by averaging the past four bills together and using the average for the sewer portion of the bill.

Motion by Mr. Labenberg, seconded by Mr. Brown to lower the sewer portion of Electro Chemical's water and sewer bill from \$1,137.17 to \$58.40 for a total adjustment to \$1,013.26. There were 7 ayes. Motion carried.

Mr. Labenberg reported that the Borough of Macungie has agreed to allow the Borough to borrow its paver in 2014. The Borough of Macungie does not own a transport trailer for the paver, nor does the Borough of Emmaus. There is \$30,000 in an escrow account for the purchase of a paver and trailer. Mr. Labenberg reported that the Committee believes that, although it is not in the 2014 Budget, there are funds in escrow which should be used to purchase the trailer. The Public Works Department would like to purchase the trailer to transport the paver and to share the trailer with Macungie if they need to transport the paver as well. Mr. Shubzda asked the cost of a paver trailer. Mr. Pepe responded that he believes the price will be between \$10,000 and \$15,000.

Motion by Mr. Labenberg, seconded by Mr. Brown to allow Mr. Dychala permission to begin the purchasing process of a paver trailer using funds from the escrow account. There were 7 ayes. Motion carried.

Mr. Labenberg thanked Mr. Dychala for his hard work in rebuilding relationships with the surrounding municipalities and forming the necessary partnerships that are needed to save money and resources.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the next Committee Meeting is in 2014.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee met at 6:40 p.m., prior to tonight's Council Meeting.

Motion by Mr. Barrett, seconded by Dr. Waddell to approve the Emmaus Arts Commission's request to hold the SnowBlast Winter Arts Festival on February 7, 2014 at Triangle Park. There were 7 ayes. Motion carried.

Mr. Barrett reported that the Committee recommends approving exceptions for the USSA for softball tournaments in relationship to payments, field times, and field restrictions and to grant its request to use Borough fields for its softball tournaments. Dr.

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Waddell asked what exceptions have been made, to which Mr. Barrett and Mr. Holtzhafer responded.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to grant the USSA's request to use Borough fields for its softball tournaments. There were 7 ayes. Motion carried.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the Public Safety Committee recommends a Conditional Offer of Employment to Dominic Romagnoli contingent upon the following: must pass a physical examination, must pass a psychological examination, must pass a polygraph examination, must successfully complete all of the requirements of the PA Act 120 Certification, and must successfully complete a one-year term of probation.

Motion by Mr. Barrett, seconded by Mr. Brown to offer a Conditional Offer of Employment to Dominic Romagnoli contingent upon the following: must pass a physical examination, must pass a psychological examination, must pass a polygraph examination, must successfully complete all of the requirements of the PA Act 120 Certification, and must successfully complete a one-year term of probation. There were 7 ayes. Motion carried.

Progress.

e. General Administration Committee

The next Committee Meeting is December 18, 2013 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-34 authorizing payment of the December 16, 2013 Bill List, as follows:

Bill List	\$	614,235.73
Payroll #25	\$	123,798.97
Payroll Taxes	\$	<u>40,842.78</u>
Total	\$	<u>778,877.48</u>

Done this 16th of December 2013.

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Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 16, 2013 Bill List. There were 7 ayes. Motion carried.

Resolution 2013-35 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2014 Fiscal Year and Appropriating from Fund Equities, Revenues and Other Financing Sources Available for the Year 2014 for the Specific Purposes Set Forth Therein.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Resolution 2013-35. There were 7 ayes. Motion carried.

Mr. Holtzhafer reported that Resolution 2013-36 has been tabled.

Progress.

g. Community Relations, Planning and Development Committee

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

Mr. Labenberg stated that the Public Works Department spends many hours hanging banners and questioned if the CRD Committee could research the use of using LED signs. Mrs. Gilbert reminded Mr. Brown to involve Mr. Farnsworth in the discussion due to possible Zoning issues. Mr. Brown stated that the Committee will discuss the item.

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that the Emmaus Boys Basketball team will play Central Catholic High School on Friday, December 20. He also reported that there are other basketball games being played this week. He reported that there is an early dismissal on Friday, December 20 and that the East Penn School District will be on winter break from Monday, December 23 to Thursday, January 2, 2014.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

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

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Mr. Pepe reported that staff recommends appointing Byron Scott as a volunteer to the Emmaus Ambulance Corps. Mr. Pepe stated that Mr. Scott is a very qualified candidate.

Motion by Mr. Barrett, seconded by Mr. Brown to appoint Byron Scott as a volunteer to the Emmaus Ambulance Corps. There were 7 ayes. Motion carried.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert presented a plaque to Dr. Waddell for serving on Borough Council for eight years. Mrs. Gilbert thanked him for his dedication to the community. Dr. Waddell thanked Borough residents for electing him and re-electing him and stated that it has been a privilege serving the community. He thanked the employees of the Borough of Emmaus. He also thanked Borough Council for its team work. He thanked each Council member individually and thanked the junior Council member. He thanked Mayor Iobst for his dedication to the community. He thanked Mr. Pepe for his hard work for the Borough. He thanked the Solicitor for representing the community. He thanked Borough Council for its accomplishments including the 2009 Anniversary Celebration, Triangle Park, and renovations to Town Hall. Mr. Labenberg thanked Dr. Waddell for his dedication to the community and for mentoring him.

Mrs. Gilbert wished everyone Happy Holidays and a Happy New Year.

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

The December 16, 2013 Meeting of the Emmaus Borough Council adjourned at 7:46 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 26, 2013