

December 17, 2012

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council
Agenda
Monday, December 17, 2012, 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

December 3, 2012

7. Decisions on Bids
8. Communications
 - a. Don Nickerson, 1765 W. Wood Street – Interest in volunteering on a Board or Commission.
 - b. John Royer, 763 Henry Drive – Request appointment to the Joint Environmental Advisory Council.
 - c. J. Bradley Youst, Hanover Engineering Associates – Request for Sewage Enforcement Officer Appointment for 2013.
 - d. Teri Sorg-McManamon, Emmaus Arts Commission – 2013 SnowBlast Winter Festival and Banner Fee Waiver requests.
 - e. David Wigfield, Civil Service Commission Chairman – Letter of resignation from the Civil Service Commission.
 - f. Shawn Huzar, 556 N. 3rd Street – Letter of resignation from Shade Tree Commission (term expires 1/1/2013).
 - g. Teri Sorg-McManamon, 152 Seem Street – Request reappointment to the Arts Commission (term expires 2/7/2013).
 - h. Robert Boehmer, 332 N. 3rd Street – Request reappointment to the Arts Commission (term expires 2/7/2013).

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- i. Angela Faidley, 6279 Maple Lane – Request reappointment to the Arts Commission (term expires 2/7/2013).
 - j. Dale Washburn, 1258 Pennsylvania Avenue - Compost fee for multi unit properties.
 - k. Todd Laudenschlager, 814 Williams Street – Request reappointment to the Building Board of Appeals (term expires 1/1/2013).
 - l. Kate Heflin, Brownie Troop 685 – “Beautifying the Borough” scout project.
8. Communications (continued)
- m. Jessica Mauro, 133 Jefferson Street – Letter of resignation from the Joint Environmental Advisory Council (term expires 3/7/2013).
9. Borough Engineer’s Report
10. Solicitor’s Report
11. Unfinished Business, Part I

Ordinance No. 1087 – An Ordinance Amending the Code of Ordinances, Section, 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Vehicle, Truck Tractor Or Trailer; and Providing Penalties for the Violation Thereof (1st Reading 8/20/12) (2nd Reading 9/17/12) (Deferred 9/17/12) (1st Reading 12/17/12).

Ordinance No. 1092 - An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances, Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania (1st Reading 12/3/12) (2nd Reading 12/17/12).

Ordinance No. 1093 – An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2013, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania (1st Reading 12/3/12) (2nd Reading 12/17/12).

Ordinance No. 1094 – An Ordinance Levying Taxes for the Fiscal Year 2013 for the Borough of Emmaus at the Rate of 4.20 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania (1st Reading 12/3/12) (2nd Reading 12/17/12).

12. New Business

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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 – January 3, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. Home Inspections/Illegal Hook-ups

Public Works/(Highway, Water & Sewer) (continued)

- c. South 2nd Street Reservoir
- d. South 10th Street Culvert
- e. South Mountain Gateway – Kevin Fister
- f. Triangle Park Damage

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

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

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

Parks and Recreation (Barrett, Holtzhafer, Labenberg)

Next Meeting – January 8, 2013 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project
- c. **Sam Landis, Jr. Pavilion Fee Waiver**
- d. **Appointment of Karri Schreppel to the Special Entertainment Commission (term expires 6/7/2014)**
- e. **Pavilion Rental Fees**
- f. **Non-Resident Season Pass at Community Pool**
- g. **Resident and East Penn Senior Season Passes at Community Pool**
- h. **Summer Parks Program Fee**

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Public Safety (Gilbert, Barrett, Brown)

Next Meeting – January 10, 2013 at 3:00 p.m.

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

General Administration (Waddell, Barrett, Labenberg)

Next Meeting – December 27, 2012 at 3:00 p.m.

- a. 1803 House Lot Line Adjustment
- b. Emmaus Public Library Expansion Project
- c. **Resolution 2012-35 – Police Pension Contribution**
- d. **SnowBlast Winter Festival Banner Fee Waiver**
- e. **Codes Fees**

Budget and Finance (Holtzhafer, Shubzda, Gilbert)

Next Meeting – January 7, 2013 at 6:45 p.m.

- a. **Bill List—Resolution 2012-36**
- b. Swimming Pool Revenue and Expense
- c. Water Meter Rates for Multiple Units
- d. Policy for Receipts and Packing Slips
- e. **Secretaries Contact**
- f. **Public Works Contract**
- g. Banking and Accounts for All Borough Entities
- h. **Resolution 2012-37 - Adoption of 2013 Budget**
- i. **Resolution 2012-38 – 2013 Fee Schedule**
- j. **Ordinance No. 1092 – 2013 Water Rates**
- k. **Ordinance No. 1093 – 2013 Sewer Rates**
- l. **Ordinance No. 1094 – 2013 Levying Taxes**

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

Next Meeting – January 24, 2013 at 4:15 p.m.

- a. Treevitalize Grant
- b. LERTA

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c. Keystone Communities Program

17. Junior Council Member's Report

18. Personal Appeals, Part II

19. Borough Manager's Report

a. **Significant Revenue and Expense Items for First Half of December 2012**

20. President's Business

Executive Session – Contract Negotiations

21. Adjournment

Next Resolution #39
Next Ordinance #1095

The Emmaus Borough Council met in regular session on December 17, 2012 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

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

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

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PERSONAL APPEALS, PART I

A. Robert Reiss, Former Fire Chief, 652 Chestnut Street – stated that he has been involved with the Emmaus Fire Department for more than fifty years and understands that Council is faced with budget cuts; however, if Council cuts funds from the Fire Department, the response time to fires will increase from approximately two or three minutes to ten minutes. He also stated that the Fire Department will continue to do its best and service will continue. He stated that the Emmaus Fire Department was the first in Pennsylvania to have 75% of its firefighters certified.

B. Krista Peggnetter, 568 Evergreen Street – stated that as the Library Board President she was disappointed that funding to the Library was cut by 10%. She stated that the result of the cuts will be salary freezes and limited purchases of materials. She asked Council to please reconsider cutting the Library funding by 10%.

C. Gene Clock, Emmaus Main Street Partners – asked that Council reinstate the \$5,000 for the Main Street Partners that was cut out of the 2013 Budget.

D. George DeVault, 3502 Main Rd. E., Emmaus, PA – stated that he is a retired firefighter and an Upper Milford Township Supervisor. He stated that Pennsylvania has lost two-thirds of its volunteer firefighters over the past twenty years. He stated that he believes this is why Emmaus has the current system of paying firefighters. He stated that Upper Milford volunteers receive stipends for bringing their personal cars to incidents.

E. Justin DeLong, 621 W. Greenleaf Street – stated that he is the Emmaus Deputy Fire Chief. He stated that the current response time for firefighters to respond to a fire is 1 to 2 minutes, but that it will be 10 minutes if Council cuts funding to the Fire Department. He stated that the firefighters marched to the Council Meeting as a symbol of brotherhood. He also encouraged Council to reconsider eliminating the Gamewell System and stated that it costs \$0.04 per day per person for coverage.

F. Steve Knauss, 652 Harrison Street – stated that he supports the Fire Department. He also asked why the Borough did not join in the EIT collection lawsuit. Mr. Barrett responded that he believes Borough Council was smart in the way it handled the situation, continuously monitoring progress, and being prepared to join in the suit if needed, however, the Borough saved at least \$10,000 by not reacting too quickly.

G. Jack Nonnemacher, 303 Franklin Street – stated that he supports the Fire Department. He stated that he believes that the money that the Borough is trying to obtain for the Legion Baseball Field Project should go to the Fire Department. He also stated that an 80 foot baseball field does not make any sense. He requested that the Borough consider painting marked parking spaces on S. 4th Street to Broad Street.

H. Jason Hinkle, 651 W. Berger Street – stated that he supports the Fire Department; however, instead of talking about the issue, he believes that together Council and the Fire Department should be working on how to resolve it. He asked how the Borough can raise more revenue.

I. Thomas Carl, 4264 Mill Rd., Emmaus, PA – stated that he is a retired firefighter from Allentown and that the Borough is getting its firemen at a discount. Communities such as Kennett Square, Conshohocken, Coatesville, and Willow Grove have around the

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clock fire coverage. In the current system, firefighters work for an hour, volunteer for an hour, and the Borough pays half of the time the firemen actually serve.

J. Betsy Schafer, 433 S. 7th Street – stated that she is an Insurance Agent and if the ISO rating increases from a 3 to a 5, the average homeowner will pay an additional \$30 to \$50 per year in homeowner's insurance. She stated that she supports the Fire Department.

K. Bill Held, 687 Berger Street – stated that he is an Allentown firefighter. He stated that he supports the Borough's firefighters and that they are very professional. He believes that if the response time increases from three minutes to ten minutes, we will lose homes. He also stated that the Borough gets its firefighters for a discount and should continue funding them.

L. Jeffrey Tapler, 15 N. 4th Street – owns Dispatch Services and a radio broadcasting show. He took over the dispatch for the Gamewell in 1992. He stated that the box alarms in the street are very important and believes that it is a mistake to eliminate them.

M. Jason Custard, 958 Little Lehigh Drive – stated that many high school students speed down Little Lehigh Drive and requested that a speed hump be placed on the street. He also stated that he is a Lieutenant with the Allentown Fire Department and asked Borough Council to reconsider the budget cuts made to the Emmaus Fire Department.

N. Giovanni Landi, 869 Frank Drive – stated that he supports the Emmaus Fire Department. He also stated that he is disappointed by the 2013 Proposed Budget and believes Council has put its own wishes ahead of the Community. He stated that he is not surprised that there is no tax increase because it is an election year. He stated that he does not support placing funds in the Budget for the Baseball Field Project while cutting funds for the Fire Department. He is opposed to increasing the Refuse Collection Fee by \$6.00 to fund the Compost Site even though the Compost Site is funded by the General Fund. He also opposes an increase to water meter fees and charges of fees to apartments that don't have water. He believes the goal of the Borough should be to provide all of its services at the lowest cost possible for the taxpayers.

Motion by Mr. Labenberg, seconded by Mr. Holtzhafer to extend Mr. Giovanni's Personal Appeal time by five minutes. There were 2 ayes, 5 opposed (Holtzhafer, Barrett, Gilbert, Waddell, Shubzda). Motion failed.

O. Matthew Hahn, Captain, Emmaus Fire Department, 328 S. 16th Street - asked who pays for the repairs to the Compost equipment that was purchased from Lehigh County. He stated that he believes the cost of the repairs should be split between the Borough of Emmaus and Lower Macungie Township. Mr. Pepe responded that the Borough pays for the cost of repairs and Lower Macungie pays for the cost of insurance to run the equipment. Captain Hahn stated that Borough Council does not understand how the Fire Department operates. He also stated that all Borough Meetings should be taped. Captain Hahn encouraged Council to reconsider cuts to the Fire Department. Mrs. Gilbert reminded that the Emmaus Fire Department was \$41,000 over budget for 2012.

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P. Dave Ernst, Emmaus Fire Department, 527 E. Harrison Street – handed out photos of a fire at the Farm House Restaurant, and discussed how quickly fire spreads.

Q. John Donches, 559 Minor Street – voiced opposition to the \$6.00 increase to the Refuse Collection Fee. He believes that tenants/renters are overcharged for refuse and water fees. He stated that the fees are “phantom fees.” He stated that Council creates frivolous Ordinances and strips taxpayers of their First Amendment right. He stated that earlier in 2012, the Borough drafted an Ordinance which prevents the video taping of the Pension Board Meetings. He stated that it has not been enforced and asked for the status of the Ordinance. Mrs. Gilbert clarified that it was not an Ordinance. He stated that the Borough is unjustly raising rates and fees. He thanked the Fire Department and the Police Department for its service to the Community.

R. Charles Kahler, 350 S. 12th Street – stated that he has lived in the Borough for 65+ years and was a business owner in the Borough. He stated that he has never had to utilize the Fire Department and that the Borough is making a mistake by cutting the Fire Department’s budget. He stated that he was a firefighter and is currently working as Fire Police. He stated that he would rather have an increase in his taxes than have the budget cut for the Fire Department.

S. Kyle Walbert, 329 S. 2nd Street – stated that he has been a firefighter in the Borough for 9 years and has been on approximately 900 to 1000 calls. He stated that the average fireman in the Borough makes approximately \$6.00 per hour, which is less than minimum wage. Mr. Holtzhafer questioned how Mr. Walbert determined this. Mr. Walbert responded that when he works; he is paid for 4 hours and volunteers for 4 hours. Mr. Walbert stated that the Borough is cutting services.

T. Sally Williams, 609 Chestnut Street – stated that she previously lived in Allentown and had a fire. She stated that firefighters are necessary 24 hours, 7 days a week. She also stated that they do not only fight fires, they have many other responsibilities, and are here for the schools.

COMMUNITY MINUTE

Dr. Waddell encouraged everyone to visit the Emmaus Historical Society and view the displays for the holiday season. He stated that the Society is open Saturdays from 12:00 – 4:00 p.m.

SPECIAL PRESENTATIONS - None.

READING OF MINUTES

Motion by Mr. Labenberg, seconded by Dr. Waddell to dispense with the formal reading of the December 3, 2012 Minutes. There were 7 ayes. Motion carried.

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Motion by Mr. Barrett, seconded by Mr. Labenberg to adopt the December 3, 2012 Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS - None.

COMMUNICATIONS

a. Don Nickerson, 1765 W. Wood Street – Interest in volunteering on a Board or Commission. Referred to the Public Safety Committee and the General Administration Committee. Mrs. Gilbert clarified that Mr. Nickerson is interested in serving on either the Civil Service Commission or the Zoning Hearing Board.

b. John Royer, 763 Henry Drive – Request appointment to the Joint Environmental Advisory Council. Referred to the Health, Sanitation and Conservation Committee.

c. J. Bradley Youst, Hanover Engineering Associates – Request for Sewage Enforcement Officer Appointment for 2013. Referred to the General Administration Committee.

d. Teri Sorg-McManamon, Emmaus Arts Commission – 2013 SnowBlast Winter Festival and Banner Fee Waiver requests. Referred to the Parks and Recreation Committee.

e. David Wigfield, Civil Service Commission Chairman – Letter of resignation from the Civil Service Commission. Mrs. Gilbert directed Mr. Pepe to mail Mr. Wigfield a letter of thanks for his service.

Motion by Mr. Barrett, seconded by Dr. Waddell to accept Mr. Wigfield's Letter of Resignation from the Civil Service Commission. There were 7 ayes. Motion carried.

f. Shawn Huzar, 556 N. 3rd Street – Letter of resignation from the Shade Tree Commission (term expires 1/1/2013). Mrs. Gilbert directed Mr. Pepe to mail Mr. Huzar a letter of thanks for his service. Mrs. Gilbert directed Dr. Waddell to add the vacancy to the General Administration Committee's Agenda.

g. Teri Sorg-McManamon, Emmaus Arts Commission – Request reappointment to the Emmaus Arts Commission (term expires 2/7/2013). Referred to the General Administration Committee.

h. Robert Boehmer, 332 N. 3rd Street – Request reappointment to the Emmaus Arts Commission (term expires 2/7/2013). Referred to the General Administration Committee.

i. Angela Faidley, 6279 Maple Lane – Request reappointment to the Emmaus Arts Commission (term expires 2/7/2013). Referred to the General Administration Committee.

j. Dale Washburn, 1258 Pennsylvania Avenue – Compost fee for multi unit properties. Referred to the Budget and Finance Committee.

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k. Todd Laudenschlager, 814 Williams Street – Request reappointment to the Building Board of Appeals (term expires 1/1/2013). Referred to the General Administration Committee.

l. Katie Heflin, Brownie Troop 685 – “Beautifying the Borough” scout project. Referred to the Parks and Recreation Committee. Mr. Barrett stated that Ms. Heflin was invited to attend the Parks and Recreation Committee Meeting scheduled for January 8, 2013 at 3:30 p.m.

m. Jessica Mauro, 133 Jefferson Street – Letter of resignation from the Joint Environmental Advisory Council (term expires 3/7/2013). Mrs. Gilbert directed Mr. Pepe to mail Ms. Mauro a letter of thanks for time served and referred the item to the Health, Sanitation, and Conservation Committee.

Motion by Dr. Waddell, seconded by Mr. Holtzhafer to accept Ms. Mauro’s letter of resignation from the Joint Environmental Advisory Council. There were 7 ayes. Motion carried.

n. Ziad Munson, 302 N. 2nd Street – Request reappointment to the Emmaus Public Library Board of Trustees. Referred to the General Administration Committee.

o. Kathy Haney, 18 N. 4th Street – Request appointment to the Civil Service Commission. Referred to the Public Safety Committee.

BOROUGH ENGINEER’S REPORT - None.

SOLICITOR’S REPORT

Solicitor Dimmich reported that the amendments and changes have been made to the Tractor Trailer Ordinance.

UNFINISHED BUSINESS, PART I

Mrs. Gilbert reported that the Ordinances listed on the Agenda will be handled during the Committee reports.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II - None.

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

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MAYOR'S REPORT

Mayor Iobst thanked the Emmaus Fire Department for their dedication to the Borough of Emmaus, for attending the Council Meeting, expressing their opinions, and wished them a Merry Christmas.

Progress.

COMMITTEE REPORTS

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

a. Junior Councilman Report

Mr. Hobson reported that the student body at Emmaus High School wore green and white in honor of the students and teachers that lost their lives during the tragedy at Sandy Hook Elementary School.

Progress.

Mrs. Gilbert recessed for an Executive Session at 9:00 p.m. to discuss a legal issue and contract negotiations.

Mrs. Gilbert reconvened the Meeting at 10:10 p.m.

Mrs. Gilbert reported that the order of the Agenda will be changed and that the Budget and Finance Committee Report will be next.

b. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2012-36, authorizing payment of the December 17, 2012 Bill List, as follows:

Bill List	\$	584,696.20
Payroll #25	\$	129,773.36
Payroll Taxes	\$	<u>39,613.58</u>
Total	\$	754,083.14

Done this 17th day of December 2012.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the December 17, 2012 Bill List. There were 7 ayes. Motion carried.

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Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize Mr. Pepe and Mrs. Gilbert to sign the Collective Bargaining Agreement between the Borough of Emmaus and Teamster's Local Union #773, the Emmaus Borough Secretaries Union, effective January 1, 2013 through December 31, 2017. There were 7 ayes. Motion carried.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to authorize Mr. Pepe and Mrs. Gilbert to sign the Collection Bargaining Agreement between the Borough of Emmaus and Teamster's Local Union #773, the Emmaus Borough Public Works Department, effective January 1, 2013 through December 31, 2017. There were 7 ayes. Motion carried.

Mr. Holtzhafer thanked Mr. Pepe for his hard work, time, and effort during contract negotiations.

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to amend the 2013 Borough of Emmaus Budget to add \$80,000 to Line Item #411.36, for a total of \$152,000 and to rescind the previous motion and allow the Fire Department members to get paid for "on-call overnight standby" duty. There were 4 ayes, 3 opposed (Brown, Labenberg, Barrett). Motion carried.

Mr. Holtzhafer stated that there are legal issues that must be addressed, but that the Borough does not want any resident's lives to be in jeopardy. Mr. Brown stated that he will be voting against the Motion because he believes there are other options available. Mr. Barrett stated that he will be voting against the Motion because he also believes that there is a legal issue that needs to be addressed in Executive Session. Mr. Labenberg stated that he will be voting against the Motion because of the legal issues. He thanked the Fire Department for its dedication to the Community and explained that his voting against the Motion is not a reflection of his opinion of the Fire Department. Dr. Waddell stated that he will be voting for the Motion because he believes the legal issues will be addressed properly. Mrs. Gilbert also stated she will vote for the Motion and thanked the Fire Department. Solicitor Dimmich explained that there are volunteer fire departments, paid fire departments, and combinations of the two, but structurally the Emmaus Fire Department doesn't match any of the three. Solicitor Dimmich specifically listed violations of the Pennsylvania Borough Code and the Fair Labor Act in describing the legal concerns.

Motion by Mr. Holtzhafer, seconded by Dr. Waddell to re-advertise the 2013 Budget to reflect a tax millage increase from 4.2 mills to 4.325 mills. There were 7 ayes. Motion carried.

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Mr. Holtzhafer reported that there will be a Special Meeting of the Emmaus Borough Council on December 24, 2012 at 8:30 a.m., to adopt an Ordinance to reflect the tax millage increase in the 2013 Budget.

Mr. Holtzhafer reported that there are several changes to the 2013 Fee Schedule, including a decrease to the Pavilion Rental Fees for residents and non-residents. Mr. Labenberg suggested changing the admission fee for the Emmaus Community Pool for Non-Residents from \$17.00 for Ages 6 through 17, \$18.00 for Ages Adult 18 and over, and \$16.00 for ages 62 years or older to \$15.00 for Weekends and Weekdays for each category. He stated that he is suggesting this change due to the economy.

Motion by Mr. Holtzhafer, seconded by Mr. Barrett to adopt Resolution 2012-38 – 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 as Amended to reflect a decrease in the admission fee for Non-Residents from \$17.00 for Ages 6 through 17, \$18.00 for Ages Adult 18 and over, and \$16.00 for ages 62 or older to \$15.00 for Weekends and Weekdays for each category. There were 7 ayes. Motion carried.

Ordinance No. 1092 – An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania.

Motion by Mr. Barrett, seconded by Mr. Holtzhafer to read Ordinance No. 1092 in short title. There were 7 ayes.

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

Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Ordinance No. 1092 - An Ordinance Amending Chapter 26, Sections 105 and 106, of the Codified Ordinances Dealing with the Water Rate Schedule and the Billing and Collection Procedures for the Borough of Emmaus, Pennsylvania. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Dr. Waddell, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

Ordinance No. 1093 – An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2013, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania.

Motion by Mr. Holtzhafer, seconded by Mr. Labenberg to read Ordinance No. 1093 in short title. There were 7 ayes.

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

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Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to adopt Ordinance No. 1093 - An Ordinance Amending Chapter 18, Sewer and Sewerage Disposal Rates for the Fiscal Year 2013, of the Code of Ordinances of the Borough of Emmaus, Pennsylvania. Roll call vote: Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Dr. Waddell, aye; Mr. Shubzda, aye; Mr. Brown, aye; Mrs. Gilbert, aye. There were 7 ayes. Motion carried.

c. Public Works Committee

Mr. Labenberg reported that the Committee met on December 6, 2012 at 3:00 p.m. Mr. Labenberg reported Mr. Clapper is fabricating the skateboard bumpers that will be installed on the fountain and planters located on Triangle Park. The bumpers will be installed by Spring, 2013. He also reported that the sewer I&I inspections will be completed by Spring, 2013. He reported that the MXU water meter upgrade project is approximately 75% complete and will be completed by 2014. He reported that the Committee began work on the Public Works Department Rules and Regulations and will continue working on them in 2013.

Progress.

d. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee Meeting scheduled for Friday, December 21 at 3:45 p.m. was cancelled and will be rescheduled for January, 2013.

Progress.

e. Parks and Recreation Committee

Mr. Barrett reported that the Committee met on Tuesday, December 4, 2012 at 3:30 p.m. Mr. Barrett reported that the Committee voted to deny a Pavilion Fee Waiver request by Sam Landis, Jr., for the use of the Arts Pavilion for a class reunion in 2013. He also reported that the Committee reviewed a presentation by Mr. Pepe regarding all of the pavilion rentals and revenues over the past several years. He reported that the Committee unanimously recommended to Council to reinstate non-resident swimming pool season passes in 2013. The Committee also recommends increasing the Summer Parks Program Fee to \$35 per child for the Summer.

Mr. Barrett reported that he and Mr. Brown attended a meeting at Lehigh County to request a Green Futures Grant. He clarified that the Green Futures Grant is specifically for parks and open space and cannot be designated to the Emmaus Fire Department.

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Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Karri Schreppel to the Emmaus Special Entertainment Commission to a term expiring on 6/7/2014. There were 7 ayes. Motion carried.

Mr. Barrett reported that the next Committee Meeting is January 8, 2013.

Progress.

f. Public Safety Committee

Mrs. Gilbert reported that the Committee met on Thursday, December 13, 2012 at 3:00 p.m. She reported that there were several changes made to the Tractor Trailer Ordinance. She stated that one of the changes to the Ordinance include the prohibition of Motor Homes, Truck-Campers, and Commercial Vehicles on Borough streets. She also stated that another change to the Ordinance includes definitions of Motor Homes, Truck-Campers and Commercial Vehicles. She stated that the Ordinance includes a section for Permit Parking for Truck Tractors. She also stated that according to the Ordinance, Borough Council may designate an appropriate area within the Borough as a Truck Tractor parking area. Mrs. Gilbert reported that the designated area would be Klines Lane and Minor Street and that the Permit Fee for parking a truck tractor would be \$1,500 per year. Mr. Labenberg responded that he is opposed to permit parking for Truck Tractors because he does not believe the Borough should rent Borough property for Commercial Truck parking. He also stated that he is concerned about the deterioration of the Klines Lane roadway. Mr. Holtzhafer stated that he is concerned about the safety of vehicles parked there and does not believe the Borough should rent Borough property for Commercial Truck parking.

Motion by Mr. Brown, seconded by Mr. Labenberg to remove Number 4, on Page 4 - Permit Parking for Truck Tractor from Ordinance 1087. There were 4 ayes, 3 opposed (Shubzda, Waddell, Gilbert). Motion carried.

Ordinance No. 1087 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Section 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Motor Vehicle, Truck Tractor, Trailer, Bus, Motor Home and Truck with Truck-Camper; and Providing Penalties for the Violation Thereof. (1st Reading 12/17/12).

Motion by Mr. Holtzhafer, seconded by Mr. Brown to read Ordinance No. 1087 in short title. There were 7 ayes. Motion carried.

Mrs. Gilbert read Ordinance No. 1087 in short title.

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Motion by Mr. Brown, seconded by Mr. Holtzhafer to adopt Ordinance No. 1087 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Section 405(a) of Chapter 15, to Include Regulations Prohibiting the Parking on any Public Street or any Public Area of a Commercial Motor Vehicle, Truck Tractor, Trailer, Bus, Motor Home and Truck with Truck-Camper; and Providing Penalties for the Violation Thereof on its 1st Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, nay; Dr. Waddell, aye; Mr. Labenberg, aye; Mr. Holtzhafer, aye; Mr. Barrett, aye; Mrs. Gilbert, aye. There were 6 ayes, 1 opposed (Shubzda). Motion carried.

Mr. Labenberg asked for clarification of a Trailer. Mrs. Gilbert explained the definition of a Trailer. Dr. Waddell stated that he believes temporary parking for 72 consecutive hours for a bus, motor home, or truck with truck-camper is lengthy and believes 24 – 48 hours is a more appropriate time frame.

Progress.

g. General Administration Committee

Dr. Waddell reported that the Emmaus Police will contribute 2.375% to the Police Pension Plan, effective January 2, 2013.

Motion by Dr. Waddell, seconded by Mr. Barrett to adopt Resolution 2012-35 – A Resolution Requiring that each Employed Full Time Police Officer of the Borough of Emmaus, Hereafter Referred to as Active Member of the Emmaus Police Pension Plan, as a Condition of Participation in the Plan, Must Contribute, on an After-Tax-Basis, 2.375% of the Participant’s Compensation into the Emmaus Police Pension Plan Effective January 1, 2013. There were 7 ayes. Motion carried.

Dr. Waddell reported that the Committee recommends approving the SnowBlast Banner Fee Waiver for the Emmaus Arts Commission for the 2013 SnowBlast Event.

Motion by Dr. Waddell, seconded by Mr. Shubzda to waive the SnowBlast Banner Fee Waiver for the Emmaus Arts Commission for the 2013 SnowBlast Event to be held on February 1, 2013 from 5:00 p.m. to 9:00 p.m. There were 7 ayes. Motion carried.

The next Committee Meeting is December 27, 2012 at 3:00 p.m.

Progress.

December 17, 2012

EMMAUS BOROUGH COUNCIL

h. Community Relations, Planning and Development Committee

Mr. Brown reported that Lehigh County has released a Community Revitalization Grant Program. He reported that funds are available for up to \$15,000, and the grant application is due by the end of February, 2013. He reported that the Committee will direct Mr. Pepe to apply for the grant.

Mr. Brown reported that there was not a Committee Meeting in December and the next Committee Meeting is January 24, 2013 at 4:15 p.m.

Progress.

PERSONAL APPEALS, PART II

A. Justin Delong, 621 W. Greenleaf Street – thanked Borough Council for reinstating \$80,000 into the 2013 Budget, and thanked Council for listening to the Emmaus Fire Department's Personal Appeals.

B. John Donches – stated that he believes funds for the Legion Baseball Field upgrade should have been allocated to the Fire Department. He asked Council to tape all Committee Meetings. Mr. Donches asked what the quarterly multi-user fee is. Mrs. Gilbert directed Mr. Donches to contact Mr. Pepe concerning his question.

C. Kevin Farnish, 215 Hilltop Road, Coopersburg, PA 18036 – asked when the Fire Department should be staffed. Mr. Holtzhafer responded that Chief Reiss and Mr. Pepe will meet to discuss staffing issues. He thanked Council for considering the Fire Department's Appeals.

D. Otto Slozer – 121 E. Elm Street – stated that he has made 2 Personal Appeals in over a year and is offended by Mr. Barrett's prior comment. He stated that Borough Council, as elected paid officials, should know how the Departments within the Borough operate. He also stated Mr. Labenberg received a paper from a citizen and threw it in the garbage. He stated that this is very disrespectful to the public.

BOROUGH MANAGER'S REPORT

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

Mr. Brown thanked Mr. Pepe for his effort and hard work with three Union Negotiations, and the 2013 Budget.

Progress.

December 17, 2012

EMMAUS BOROUGH COUNCIL

PRESIDENT'S BUSINESS

Mrs. Gilbert thanked the residents of the Borough and the Fire Department for attending the Meeting and for their dedication to the Borough. She wished everyone a Happy Holiday. Mr. Labenberg wished everyone a Merry Christmas.

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

The December 17, 2012 Meeting of the Emmaus Borough Council adjourned at 11:00 p.m.

Shane Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
December 27, 2012