

December 31, 2009

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Special Meeting  
Agenda  
Thursday, December 31, 2009, 3:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Unfinished Business, Part I
  - a. **Adopt 2010 Fiscal Year Budget – Resolution 2009 - 36**
  - b. **Ordinance No. 1063 – An Ordinance Levying Taxes for the Fiscal Year 2010 for the Borough of Emmaus at the Rate of 13.00 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania.**
  - c. **2010 Fee Schedule – Resolution 2009 - 37**
5. New Business
  - a. **Peaceable Kingdom Agreement**
6. Personal Appeals, Part II
7. Adjournment

Next Resolution #39  
Next Ordinance #1067

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The Emmaus Borough Council met in special session on December 31, 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 3:00 p.m.

Michael Waddell	Present
Lee Ann Gilbert	Present
Brent Labenberg	Present

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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. **Duane Yaindl, 850 Lawrence Drive**, stated concerns about Borough non-union employees contributing to health care benefits. Mr. Labenberg responded that the contribution to health care benefits has nothing to do with respect for the employees; it has to do with a fiduciary responsibility representing the taxpayers. Mr. Reinhard stated that he feels Borough Council acted too quickly in requiring non-union employees to contribute to health care. He also stated that paying for health care benefits is a reality but noted that the issue should have been addressed at the committee level first. Mr. Labenberg added that non-union employees are receiving a 3.9% raise.

UNFINISHED BUSINESS, PART I

a. 2010 Fiscal Year Budget – Resolution 2009-36 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2010 Fiscal Year and Appropriating From Fund Equities, Revenues and Other Financing Sources Available for the Year 2010 for the Specific Purposes Set Forth Therein.

**Motion by Mr. Reinhard, seconded by Mrs. Gilbert to read Resolution 2009-36 in short title. There were 7 ayes. Motion carried.**

**Motion by Mr. Brown, seconded by Mr. Holtzhafer to adopt Resolution 2009-36 – A Resolution Adopting the Budget of the Borough of Emmaus for the 2010 Fiscal Year and Appropriating From Fund Equities, Revenues and Other Financing Sources Available for the Year 2010 for the Specific Purposes Set Forth Therein. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

b. Ordinance 1063 – An Ordinance Levying Taxes for the Fiscal Year 2010 for the Borough of Emmaus at the Rate of 13.00 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania.

**Motion by Mr. Reinhard, seconded by Mr. Barrett to read Ordinance No. 1063 - An Ordinance Levying Taxes for the Fiscal Year 2010 for the Borough of Emmaus at the Rate of 13.00 Mills Pursuant to Section 1310 of the Borough Code of the Commonwealth of Pennsylvania in short title. There were 7 ayes. Motion carried.**

Dr. Waddell read Ordinance No. 1063 in short title.

**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 13.00 Mills Pursuant to Section 1310 of the Borough Code of the**

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**Commonwealth of Pennsylvania. Roll Call Vote: Mr. Brown, nay, Mr. Reinhard, aye, Mrs. Gilbert, aye, Mr. Labenberg, nay, Mr. Holtzhafer, aye, Mr. Barrett, aye, Dr. Waddell, aye. There were 5 ayes, 2 opposed (Brown, Labenberg). Motion carried.**

c. 2010 Fee Schedule – Resolution 2009-37 – 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.

**Motion by Mrs. Gilbert, seconded by Mr. Holtzhafer to remove Resolution 2009-37 from the table. There were 7 ayes. Motion carried.**

**Motion by Mr. Holtzhafer, seconded by Mr. Brown to read Resolution 2009-37 in short title. There were 7 ayes. Motion carried.**

Mr. Neely read Resolution 2009-37 in short title.

**Motion by Mr. Reinhard, seconded by Mr. Holtzhafer to adopt Resolution 2009-37 - A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Confirming and Establishing a Schedule of Fees and Charges for Permits and Services. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Mr. Labenberg questioned the Fee Schedule and the number of fees increasing. He also questioned the percentage increase in the fees. He commented that Pavilion Fees for non-residents are being increased 33 ⅓%. He does not feel that they should be increased during tough economic conditions and asked why the fees could not be incrementally increased over a 2 to 3 year time period. Mr. Neely responded that he researched other municipalities and noted that the Borough was charging much less for many of the building fees. Dr. Waddell asked if the new fees charged were going to be as high as other municipalities or is the Borough falling somewhere in between? Mr. Neely responded that the Borough is charging somewhere in between. Dr. Waddell commented that the new fees will bring the Borough to a level of equity with other municipalities. Mr. Holtzhafer asked if Mr. Labenberg has specific fees that he would like changed. Mr. Labenberg stated that he is not in favor of 90 to 100% increases.

**Motion by Mr. Labenberg to reduce the increases in the Fee Schedule to 50% of the increases listed. Motion died for lack of a second.**

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NEW BUSINESS

a. Peaceable Kingdom Agreement – Disposition of Stray Dogs and Cats

Mr. Neely stated that the Borough previously used the Lehigh County Humane Society, which earlier in the year proposed that all municipalities pay \$1.00 per capita for its services, which would equate to \$11,300 for the 2010 fiscal year. The Borough budgeted \$5,000 for the 2010 fiscal year. Through the Police Department, the Borough made an agreement with Peaceable Kingdom. The fees through Peaceable Kingdom would be \$100.00 per stray dog and \$35.00 per stray cat that is Trapped, Neutered, and Returned, payable quarterly to Peaceable Kingdom.

**Motion by Mr. Labenberg, seconded by Mrs. Gilbert to enter into an Agreement with Peaceable Kingdom for the Disposition of Stray Dogs and Cats for a period of one calendar year beginning January 1, 2010 until December 31, 2010. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that he fully supports Peaceable Kingdom.

PRESIDENTS BUSINESS

Dr. Waddell commented that 2009 has been a particularly challenging year financially and reminded that at the beginning of 2009 the Borough was in considerable financial trouble. He thanked Mr. Neely and the Department Heads for being particularly conscientious during tough economic times. He also thanked Mr. Reinhard for his service and contributions to Borough Council. He reminded that at the Council Meeting on January 4, 2010, Judge Donna Butler will administer the Oath of Office to Mayor Winifeld Iobst, Councilmember Wesley Barrett, Councilmember Brent Labenberg, and new Councilmember Chris DeFrain.

Mr. Labenberg stated that he hopes that the Council President will accept requests from Council Members requesting to be placed on certain committees. Dr. Waddell reminded that the Mr. Mayor will control the Reorganizational Meeting and that the new President will accept the requests.

ADJOURNMENT

**Motion by Mr. Labenberg, seconded by Mr. Barrett to adjourn. There were 7 ayes. Motion carried.**

The Special Meeting of the Emmaus Borough Council was adjourned at 3:23 p.m. on December 31, 2009.

Craig B. Neely  
Borough Manager

Transcribed By: Paula Weiant  
Administrative Assistant  
January 4, 2010