

January 21, 2013

EMMAUS BOROUGH COUNCIL

**Emmaus Borough Council  
Agenda  
Monday, January 21, 2013, 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

January 7, 2013

7. Decisions on Bids
8. Communications
  - a. Peter Kapustiak, Kiwanis Club of Emmaus – Request use of Community Park field for Annual Easter Egg Hunt.
  - b. Stephen Zakos, 252 North Street – Resignation from the Planning Commission (term expires 4/1/2015).
  - c. Richard Gerhart, Emmaus General Authority – 2013 Elected Officers, Solicitor, Special Council and Managing Director.
  - d. Vickie Gruver, Emmaus Parks and Recreation Commission – 2013 Community Day Requests.
  - e. Jon Larson, Emmaus Aquatic Club – Request to rent the Community Park Pool for 2013.
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I

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12. New Business
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 – February 7, 2013 at 3:00 p.m.

- a. Rules & Regulations (update)
- b. Home Inspections/Illegal Hook-ups
- c. South 2<sup>nd</sup> Street Reservoir
- d. South 10<sup>th</sup> Street Culvert
- e. Triangle Park Damage

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

Next Meeting – January 28, 2013 at 5:00 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 – February 5, 2013 at 3:30 p.m.

- a. Ice Rink/Skate Park
- b. Emmaus Legion Baseball Field Project
- c. **SnowBlast Winter Festival**
- d. DCNR Grant

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

Next Meeting – February 14, 2013 at 3:00 p.m.

- a. Emergency Operations Plan – Review
- b. Civil Service Commission Rules and Regulations

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- c. 24 Hour Municipal Parking Lot Ordinance
- d. **Appointment of Michael Arndt and Cody Sabaski as Firefighters for the Emmaus Fire Department**
- e. **Appointment of Paul Shankweiler as a driver/operator of trucks #711 & #712 for the Emmaus Fire Department**

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

Next Meeting – January 23, 2013 at 9:00 a.m.

- a. 1803 House Lot Line Adjustment

**General Administration (continued)**

- b. Emmaus Public Library Expansion Project
- c. **Appointment of Linda Rose to the Emmaus Library Board (term expires 1/1/2014)**
- d. **Appointment of Don Nickerson as an Alternate to the Emmaus Zoning Hearing Board (term expires 1/1/2015)**

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

Next Meeting – January 22, 2013 at 3:30 p.m.

- a. **Bill List—Resolution 2013-3**
- b. Policy for Receipts and Packing Slips
- c. Banking and Accounts for All Borough Entities

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

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

- a. LERTA
- b. Keystone Communities Program
- c. Community Revitalization Grant

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 January**

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20. President's Business

Executive Session – Personnel Matter

21. Adjournment

Next Resolution #4  
Next Ordinance #1095

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The Emmaus Borough Council met in regular session on January 21, 2013 in Borough Council Chambers, 28 S. 4<sup>th</sup> 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

PERSONAL APPEALS, PART I

**A. Jack Nonnemacher, 303 Franklin Street** - thanked Borough Council for its hard work for the Community. He stated that it was his understanding that several of his comments made during a previous Personal Appeal in reference to the Legion Baseball Field upgrade were taken out of context and that he was no longer in favor of the improvements. He stated that the original plans for the improvements were an excellent idea but the state of the economy made it difficult to complete the project. He stated that he believes the project would have stimulated the economy. He asked if there was a proposal from the EYA as to how the field was being improved in reference to a grass infield with 80 ft. bases instead of 90 ft. bases, which is a regulation baseball field. Mr. Barrett responded that he is unsure if there were drawings provided. Mr. Holtzhafer

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responded that there were drawings provided and he is unsure if the length of the bases will make a difference when playing. He stated that if the infield does not work with an 80 ft. infield, ten additional feet will be added. Mr. Nonnemacher stated that he does not understand how the youth that play 90 ft. baseball will be able to play on the field with 80 ft. bases. He stated that he believes certain individuals took it upon themselves to make decisions. He asked Council if they knew it was going to be an 80 ft. grass infield. Mr. Pepe responded that there will be an 80 ft. base path and a 90 ft. base path. Mr. Labenberg responded that Council wants the field to be as versatile as possible and the EYA has donated a large amount of funding for the project.

**Motion by Mr. Barrett, seconded by Mr. Brown to extend Mr. Nonnemacher's Personal Appeal time by five minutes. There were 7 ayes. Motion carried.**

Mr. Labenberg stated that in a previous Personal Appeal, Mr. Nonnemacher asked about painting lines on Fourth Street. Mr. Labenberg stated that the Committee discussed Mr. Nonnemacher's Personal Appeal and the Public Works Department will paint parking lines on S. 4<sup>th</sup> Street from the Triangle to Broad Street.

### COMMUNITY MINUTE

Dr. Waddell reminded everyone that the SnowBlast Festival will be held on February 1 and 2, 2013.

SPECIAL PRESENTATIONS - None.

### READING OF MINUTES

**Motion by Mr. Labenberg, seconded by Mr. Brown to dispense with the formal reading of the January 7, 2013 Minutes. There were 7 ayes. Motion carried.**

**Motion by Mr. Brown, seconded by Mr. Labenberg to adopt the January 7, 2013 Minutes as drafted. There were 6 ayes, 1 abstention (Waddell). Motion carried.**

DECISION ON BIDS - None.

### COMMUNICATIONS

a. Peter Kapustiak, Kiwanis Club of Emmaus – Request use of Community Park Legion baseball field for Annual Easter Egg Hunt to be held on Saturday, March 30, 2013 from 12:00 p.m. to 2:00 p.m. The egg hunt start time is 1:00 p.m., and will be held rain or shine. Referred to Staff.

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b. Stephen Zakos, 252 North Street – Letter of Resignation from the Emmaus Planning Commission (term expires 4/1/2015). Mrs. Gilbert stated that the resignation will be effective at the end of February, 2013.

**Motion by Dr. Waddell, seconded by Mr. Labenberg to accept Mr. Zakos' Letter of Resignation from the Emmaus Planning Commission, effective February 28, 2013. There were 7 ayes. Motion carried.**

Mrs. Gilbert directed Mr. Pepe to mail Mr. Zakos a letter of thanks for his time served on the Commission.

c. Richard Gerhart, Emmaus General Authority – 2013 Elected Officers, Solicitor, Special Council, and Managing Director.

d. Vickie Gruver, Emmaus Parks and Recreation Commission – 2013 Community Day to be held on Saturday, July 20, 2013 from 9:00 a.m. to 9:00 p.m. Referred to the Parks and Recreation Committee.

e. Jon Larson, Emmaus Aquatic Club – Request to rent the Community Park Pool for 2013. Referred to the Parks and Recreation Committee.

f. Jenae Holtzhafer, 1207 S. 10<sup>th</sup> Street – Request reappointment to the Special Entertainment Commission (term expires 6/30/13). Referred to the Parks and Recreation Committee.

g. Jeff McElhaney – Resubmission of application to serve on the Parks and Recreation Commission. Mr. Barrett stated that Mr. McElhaney previously submitted his application. He owns a business in Emmaus but lives outside of the Borough and was unable to serve until the rules for the Commission were changed. The Committee previously voted unanimously to recommend his appointment to the Commission.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Mr. McElhaney to the Parks and Recreation Commission for a term expiring 5/1/2015. There were 7 ayes. Motion carried.**

BOROUGH ENGINEER'S REPORT - None.

SOLICITOR'S REPORT

Solicitor Dimmich reported that he has provided a Memorandum on the Fire Department issues. He also reported that he and Attorney Dinkelacker are working with Mr. Pepe and Mr. Clapper on the correct wording for the signs that need to be posted for the Tractor Trailer Ordinance. He reported that he is also working on a Medicare claim from a retired Police Officer.

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UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS - None.

UNFINISHED BUSINESS, PART II - None.

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 will meet on February 7, 2013.

Progress.

b. Health, Sanitation, and Conservation Committee

Mr. Shubzda reported that the Committee will meet on January 28, 2013 at 5:00 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Barrett reported that the Committee recommends approving the use of Triangle Park from 3:00 p.m. to 10:00 p.m. for the SnowBlast Winter Festival to be held on February 1, 2013.

**Motion by Mr. Barrett, seconded by Mr. Shubzda to approve the use of Triangle Park from 3:00 p.m. to 10:00 p.m. for the SnowBlast Winter Festival to be held on February 1, 2013. There were 7 ayes. Motion carried.**

**Motion by Mr. Barrett, seconded by Mr. Labenberg to allow the Emmaus Main Street Partners to sell alcohol at the Ice Bar at the SnowBlast Winter Festival to be held on February 1, 2013. There were 6 ayes, 1 opposed (Holtzhafer). Motion carried.**

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Mr. Barrett reported that the Committee received a letter from Kate Heflin, Brownie Troop 685, and they are proposing to create a Secretive Flower Walk in the walking trail at Community Park. The Brownies will build 12, 15" x 15" flower boxes and will create a scavenger hunt using the flower boxes. Mr. Barrett invited Ms. Heflin and Brownie Troop 685 to the May 25, 2013 Summer Park Opening Event. Mr. Barrett reported that he met with the Special Entertainment Commission, who will be hosting the Event, and there will a 5K Race held at the event.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that Mr. Pepe interviewed two candidates for the Emmaus Fire Department and recommends hiring them contingent upon the completion of a physician's physical.

**Motion by Mr. Brown, seconded by Mr. Barrett to appoint Michael Arndt and Cody Sabaski as Firefighters for the Emmaus Fire Department contingent upon the completion of a physician's physical. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that Fire Chief Reiss recommends the appointment of Paul Shankweiler as a driver/operator of Trucks #711 and #712 for the Emmaus Fire Department.

**Motion by Mr. Brown, seconded by Mr. Holtzhafer to appoint Paul Shankweiler as a driver/operator of Trucks #711 and #712 for the Emmaus Fire Department. There were 7 ayes. Motion carried.**

Mrs. Gilbert reported that prior to tonight's Council Meeting; the Committee interviewed William Huber to serve on the Civil Service Commission. She stated that the Civil Service Commission has adopted its Rules and Regulations, and they have been forwarded to the Union for its review. Upon review, the Rules and Regulations will be forwarded to Council for official adoption. At that time, an alternate position will be created. Mr. Tranguch will step down to the alternate position and Mr. Huber will fill Mr. Tranguch's vacancy.

Mrs. Gilbert reported that the Committee met with Mr. Tapler in reference to the Dispatch Answering Service. Mr. Tapler indicated that there was a contract created with the Borough for the use of the Answering Service. The item will be discussed at the Budget and Finance Committee Meeting to be held on January 22, 2013 at 3:30 p.m.

Dr. Waddell asked for a status of the legal issues with the Fire Department. Mrs. Gilbert responded that Mr. Pepe will schedule a meeting with the officers of the Fire



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Department and the Public Safety Committee. Mr. Brown responded that he has been appointed the liaison between the Fire Department and Borough Council and will attend the Fire Department Officer's Meeting to be held on January 27, 2013 at 7:00 p.m. He stated that there are two meetings held a month and he will be attending both meetings.

The next Committee meeting is February 14, 2013 at 3:00 p.m.

Progress.

e. General Administration Committee

Dr. Waddell reported that the Committee recommends appointing Linda Rose to the Emmaus Library Board. Mr. Barrett stated that in Dr. Waddell's absence, both Mr. Labenberg and he interviewed Ms. Rose and voted unanimously to recommend her appointment.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Linda Rose to the Emmaus Library Board for a term expiring 1/1/14. There were 7 ayes. Motion carried.**

Mr. Barrett reported that the Committee recommends appointing Don Nickerson as an Alternate to the Emmaus Zoning Hearing Board for a term expiring 1/1/2015. Mr. Barrett stated that Mr. Nickerson is very qualified for the position.

**Motion by Mr. Barrett, seconded by Mr. Labenberg to appoint Don Nickerson as an Alternate to the Emmaus Zoning Hearing Board for a term expiring 1/1/2015. There were 7 ayes. Motion carried.**

Dr. Waddell thanked Mr. Barrett and Mr. Labenberg for interviewing the two candidates while he was out of town and for providing the Committee Report at the last Council Meeting.

The next Committee meeting is January 23, 2013 at 9:00 a.m.

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f. Budget and Finance Committee

Mr. Holtzhafer read Resolution 2013-3, authorizing payment of the January 21, 2013 Bill List, as follows:

<b>Bill List</b>	<b>\$</b>	<b>214,045.76</b>
<b>Payroll #1</b>	<b>\$</b>	<b>111,455.70</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>38,693.84</u></b>
<b>Total</b>	<b>\$</b>	<b>364,195.30</b>

Done this 21<sup>st</sup> of January 2013.

**Motion by Mr. Holtzhafer, seconded by Mr. Shubzda to approve the January 21, 2013 Bill List. There were 7 ayes. Motion carried.**

Mr. Holtzhafer reported that the Committee will meet on January 22, 2013 at 3:30 p.m.

Progress.

g. Community Relations, Planning and Development Committee

Mr. Brown reported that the Committee will meet on January 24, 2013 at 4:15 p.m.

Progress.

h. Junior Council Member's Report

Mr. Hobson reported that the Emmaus High School students are currently in the process of taking Mid-Term Exams. He also reported that the Mr. Emmaus competition will be held on January 30, 2013 at 7:00 p.m. in the Emmaus High School Auditorium. He reported that the Emmaus wrestling team will meet Dieruff High School in its last wrestling match of the season on Wednesday, January 23, 2013 at 6:00 p.m. The Middle School holds an 11-1 record and the High School is wrestling for its 10<sup>th</sup> win of the season.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

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Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of January 2013 are in the Council binders and offered to entertain questions about it.

Progress.

PRESIDENT'S BUSINESS

Mrs. Gilbert recessed for an Executive Session at 7:35 p.m. to discuss a personnel matter with no official action anticipated.

Mrs. Gilbert reconvened the meeting at 8:00 p.m. with no official action taken.

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

The January 21, 2013 Meeting of the Emmaus Borough Council adjourned at 8:01 p.m.

Shane Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
January 22, 2013