

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on January 16, 2023 in temporary Council Chambers, located at 420 S. 10<sup>th</sup> Street, Emmaus, PA 18049 and via Zoom.

CALL TO ORDER

Mr. Labenberg called the meeting to order at 7:02 p.m.

Brent Labenberg, President	Present
Chris DeFrain, Vice President	Present
Roy Anders	Present
Chad Balliet	Present
Shana Baumgartner	Present
John W. Hart	Present
Teri Sorg-McManamon	Present
LeeAnn Gilbert, Mayor	Present
Jason Ulrich, Solicitor	Present
Shane Pepe, Borough Manager	Present
Sara Jarrett-Eaton, Asst. Borough Manager	Present

PERSONAL APPEALS, PART I - None.

COMMUNITY MINUTE

Mr. Anders reminded everyone that the Emmaus Youth Association is currently holding sign-ups for baseball and softball.

Mrs. Sorg-McManamon reminded everyone that the SnowBlast Winter Arts Festival will be held on Saturday, February 4, 2023 from 12:00 p.m. to 4:00 p.m. at the Emmaus Triangle. She invited everyone to attend the event.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

**Motion by Mr. Balliet, seconded by Mr. DeFrain to adopt the January 3, 2023 Council Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

a. Emmaus Kiwanis Club – Request to hold annual Easter Egg Hunt on Saturday April 8, 2023. Mr. Labenberg referred the item to staff.

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b. Todd Laudenslager, 814 Williams Street, Emmaus – Request for Reappointment to the Building Board of Appeals to a term expiring 1/31/28.

**Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to reappoint Todd Laudenslager to the Building Board of Appeals to a term expiring 1/31/28. There were 7 ayes. Motion carried.**

c. Jessi O’Donald, 1312 Pennsylvania Avenue, Emmaus – Request for Reappointment to the Joint Environmental Advisory Council to a term expiring 3/7/26.

**Motion by Mrs. Sorg-McManamon, seconded by Mr. Balliet to reappoint Jessi O’Donald to the Joint Environmental Advisory Council to a term expiring 3/7/26. There were 7 ayes. Motion carried.**

d. Nigel Watt, 130 N. 5<sup>th</sup> Street, Emmaus – Request for Reappointment to the Planning Commission to a term expiring 4/1/27.

**Motion by Mr. Hart, seconded by Mr. Anders to reappoint Nigel Watt to the Planning Commission to a term expiring 4/1/27. There were 7 ayes. Motion carried.**

e. Robert Toth, 743 Chestnut Street, Emmaus – Request for Reappointment to the Planning Commission to a term expiring 4/1/27.

**Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to reappoint Robert Toth to the Planning Commission to a term expiring 4/1/27. There were 7 ayes. Motion carried.**

f. Emmaus Public Library – Request to hold 3<sup>rd</sup> Annual Library Tee Time Event on March 24 & 25, 2023. Referred to staff.

**Motion by Mr. Balliet, seconded by Mr. Hart to approve the sale of alcohol at the Emmaus Public Library’s Tee Time event on Friday, March 24, 2023. There were 7 ayes. Motion carried.**

g. Attorney John Stover – Request for Appointment as an alternate to the Zoning Hearing Board. Mr. Labenberg referred the item to the Health, Sanitation and Codes Committee.

h. Julie Kay, Emmaus – Letter to request phasing out fossil fuels.

i. East Penn Chamber of Commerce – Banner Fee Waiver Request for Restaurant Week. Mr. Labenberg referred the item to staff.

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j. Justin Gifford, 540 Furnace Street, Emmaus – Request Appointment to the Joint Environmental Advisory Council. Mr. Labenberg referred the item to the Health, Sanitation and Codes Committee.

k. Forino Co., L.P. – 555 Mountain Home Road, Sinking Springs – Change request for lighting and walking path material for Land Development (Towns at South Mountain).

Representatives from Forino Co., L.P. reviewed the letter presented to Council requesting several open items. The representative explained that Forino is requesting confirmation that the PPL lighting fixture changes are acceptable and presented visualization of the proposed lighting change. Mr. Labenberg referred the item to the General Administration Committee. The representative explained that the original plan shows a walking path, and the material was never specified on the plans. He explained that when the plans were recorded, it was listed that all cost estimates were based on a mulch path. Mr. Labenberg asked who would maintain the walking path. The representative responded that the HOA would maintain the walking path. Mr. Labenberg asked Solicitor Ulrich if the Borough could require the path to be cindered and encouraged Forino to investigate a cinder path. Mr. Anders stated that he agrees with Mr. Labenberg. Mr. Pepe explained that there was never a discussion with the Planning Commission about the material of the trail. Mr. Labenberg referred the item to the General Administration Committee. The representative from Forino Co., L.P. explained that there have been necessary field updates to the infiltration basin rail system and materials, and they are requesting a change from a two-piece split rail system to a three-piece split rail system.

**Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to authorize Forino Co., L.P. to change from a two-piece split rail system to a three-piece split rail system. There were 5 ayes, 2 opposed (Baumgartner, Hart). Motion carried.**

The representative from Forino Co., L.P. explained that they submitted a Letter of Credit Reduction Request on August 19, 2022, which was not approved until November 2022. In the interim, while that Letter of Credit Reduction Request was being reviewed, Forino received a letter from the Borough to pay an additional \$3,000 into escrow. He explained that due to the delays of the project and the Letter of Credit Reduction Request Approval, Forino is in a negative escrow situation. He stated that Forino is requesting that the Borough's \$3,000 escrow payment demand be withdrawn as the August 19, 2022 Letter of Credit Reduction has already been approved. Mr. Pepe explained that the decision is up to Council, but he does not recommend withdrawing this. Mr. Pepe explained that there were issues with the reduction request. Moreover, Mr. Pepe state that the credit reduction has nothing to do with their escrow. Mr. Pepe stated that taxpayers should not have to supplement the costs of their project with the Borough waits for payment from the developer.

**Motion by Mr. Anders to deny Forino Co., L.P. request to withdraw the \$3,000 escrow payment. Motion died for lack of a second.**

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Mr. Labenberg referred the item to the General Administration Committee. The representative asked for an extension to waive any fees and penalties until after the General Administration Committee meeting on Thursday, January 19<sup>th</sup>.

**Motion by Mr. Anders to deny the request for an extension to waive any penalties and fees until after Thursday, January 19, 2023. Motion died for lack of a second.**

**Motion by Mr. Hart, seconded by Mr. Anders to deny Forino Co., L.P. request to waive the \$3,000 escrow invoice. There were 7 ayes. Motion carried.**

Mr. Labenberg explained that the next General Administration Committee meeting is Thursday, January 19, 2023 at 9:00 a.m., and the next Council meeting is Monday, February 6, 2023. He stated that the meeting time may change to 6:00 p.m.

1. Luke Breidinger – Resignation as Paratransit Driver for the Emmaus Ambulance Corps. Mr. Labenberg directed Mr. Pepe to send Mr. Breidinger a letter of thanks for his service.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS –

Ordinance No. 1237 – An Ordinance Amending Chapter 15 §403, §404.1, §406, §407, §602.2.A, and §602.3 of the Codified Ordinances, Amending Several Sections of the Borough of Emmaus Parking Regulations (1<sup>st</sup> Reading 1/16/23)

**Motion by Mr. Hart, seconded by Ms. Baumgartner to adopt Ordinance No. 1237 – An Ordinance Amending Chapter 15 §403, §404.1, §406, §407, §602.2.A, and §602.3 of the Codified Ordinances, Amending Several Sections of the Borough of Emmaus Parking Regulations on its 1<sup>st</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Ms. Baumgartner, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Balliet, aye. There were 7 ayes. Motion carried.**

Mr. Hart thanked the Police Department for their hard work inventorying all the parking and signs in the Borough. He explained that the only change to the Ordinance is on N. 3<sup>rd</sup> Street. Ms. Baumgartner asked if there is a map available to view prior to the 2<sup>nd</sup> Reading.

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Mr. Labenberg stated that Ordinance No. 1237 will have its 2<sup>nd</sup> Reading at the February 6, 2023 Council meeting.

Ordinance No. 1238 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.3.A of the Emmaus Borough Code, Adding Residential Disabled Parking Sign and Assigning Permitted Parking Space on a Public Street Located in Front of 106 S. 12<sup>th</sup> Street Within the Borough of Emmaus (1<sup>st</sup> Reading 1/16/23).

**Motion by Mr. Hart, seconded by Mr. DeFrain to adopt Ordinance No. 1238 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.3.A of the Emmaus Borough Code, Adding Residential Disabled Parking Sign and Assigning Permitted Parking Space on a Public Street Located in Front of 106 S. 12<sup>th</sup> Street Within the Borough of Emmaus on its 1<sup>st</sup> Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Ms. Baumgartner, aye; Mr. Anders, aye; Mr. Labenberg, aye; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Balliet, aye. There were 7 ayes. Motion carried.**

Ordinance No. 1239 – An Ordinance Establishing Parking Kiosk Zones, Including Days and Hour Parking Limits, Placement and Characteristics of Parking, Payment, Unlawful Acts, Ticketing, Permits, as well as Violations, Penalties, and Exceptions for Kiosk Zones Within the Borough of Emmaus.

Mr. Labenberg explained that Ordinance No. 1239 will not have its 1<sup>st</sup> Reading tonight. Mr. Hart explained that this is the Borough’s 1<sup>st</sup> attempt at establishing an Ordinance for a parking kiosk and the Public Safety Committee needs more time to work on it. He explained that the Ordinance is not just for the parking lot but would be expandable in the future to include any area in the Borough with a parking kiosk. Mr. Pepe stated that the 1<sup>st</sup> Reading of the Ordinance will take place at the February 21<sup>st</sup> Council meeting.

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. Anders reported that there is nothing for official action and the next Committee meeting is Wednesday, January 18, 2023 at 4:00 p.m. via Zoom.

Progress.

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b. Health, Sanitation, and Codes Committee

**Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to hire Brent Reed, as Code Official at a yearly salary of \$70,000, contingent upon the successful completion of his BCO within one year. There were 6 ayes, 1 opposed (Hart). Motion carried.**

Resolution 2023-4 – A Resolution Superseding Resolution 2022-40, to the Extent in Conflict, and Conditionally Approving the Revised Preliminary/Final Land Development Plan for Carolyn and Franklin Tranguch Regarding 680 Ridge Street, Emmaus, Pennsylvania.

Solicitor Urich explained that the Land Development Plan needed to be reviewed by the Planning Commission because it had been deactivated due to the extent of time it took to begin the project. He stated that the initial Resolution was amended because there was an error on the quantity of Town Houses that will be built, and the error was corrected. He explained that Mr. Tranguch is selling the property to Mr. Kiernan, and Mr. Kiernan has indicated that he is not comfortable purchasing the property because they are not planning on recording the mylar plan because the original plan is so old. They are now asking to waive the mylar because there have been no changes to the plan. He explained that the only change in the Resolution is that they are able to record the Resolution instead of a mylar plan.

**Motion by Mr. Balliet, seconded by Mr. Hart to adopt Resolution 2023-4. There were 7 ayes. Motion carried.**

**Motion by Mr. Balliet, seconded by Mr. DeFrain to grant the Fields at Indian Creek, LLC request for a reduction of financial security in the amount of \$230,523.92. There were 7 ayes. Motion carried.**

Resolution 2023-3 – Traffic Signal Maintenance Agreement – 6<sup>th</sup> & Chestnut Streets.

**Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to adopt Resolution 2023-3. There were 7 ayes. Motion carried.**

Mr. Balliet reported that the next Committee meeting is Wednesday, January 25, 2023 at 4:45 p.m. via Zoom.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that there is nothing for official action tonight. She stated that the next Committee meeting is Tuesday, January 17, 2023 at 4:45 p.m. via Zoom.

Progress.

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d. Public Safety Committee

**Motion by Mr. Hart, seconded by Mrs. Sorg-McManamon to purchase the Flowbird Multi-Space Pay Station parking kiosk system. There were 7 ayes. Motion carried.**

Mr. Labenberg explained that the Police Department will be responsible for emptying the machine and refilling the paper for the receipts.

Mr. Hart stated that 3 candidates were interviewed by the Public Safety Committee for the Police Department Clerk position and that it was a unanimous recommendation to hire Joanna Vanaman. He stated that she has an extensive background in public safety and was previously the Administrative Assistant to the Director of Public Safety in the Upper Darby School District and currently works for Villanova University.

**Motion by Mr. Hart, seconded by Mr. DeFrain to hire Joanna Vanaman as the Police Department Clerk. There were 7 ayes. Motion carried.**

Mr. Hart reported that the next Committee meeting is February 8, 2023, at 9:00 a.m. via Zoom.

Progress.

e. General Administration Committee

Mr. Labenberg reported that next Committee meeting is Thursday, January 19, 2023 at 9:00 a.m. via Zoom.

Progress.

f. Budget & Finance Committee

Resolution 2023-5 authorizing payment of the January 16, 2023 bill list as follows:

<b>Bill List</b>	<b>\$</b>	<b>313,662.56</b>
<b>Payroll #1</b>	<b>\$</b>	<b>214,505.98</b>
<b>Payroll Taxes</b>	<b>\$</b>	<b><u>70,451.95</u></b>
<b>Total</b>	<b>\$</b>	<b>598,620.49</b>

Done this 16<sup>th</sup> day of January 2023.

**Motion by Mr. DeFrain, seconded by Mr. Hart to adopt Resolution 2023-5. There were 7 ayes. Motion carried.**

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Mr. DeFrain entertained questions about the Significant Revenue and Expense Items for the 1<sup>st</sup> half of January 2023.

Mr. DeFrain reported that the next Committee meeting is Thursday, January 19, 2023 at 11:00 a.m. via Zoom.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that the next Committee meeting on Monday, January 23, 2023 at 4:30 p.m. is being postponed until Wednesday, February 8, 2023 at 4:30 p.m. via Zoom. She noted that the regularly scheduled meeting for February will take place on Monday, February 27, 2023 at 4:30 p.m. via Zoom.

Progress.

PERSONAL APPEALS, PART II - None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Borough hired Laurie Barry as an Advanced EMT, Sara Pierce as an EMT, and Alysha Page as an EMT.

Mr. Pepe stated that an Executive Session will be needed to discuss a real estate matter.

Progress.

PRESIDENT'S BUSINESS

**Motion by Mr. Balliet, seconded by Mr. Anders to add changing the time of the Borough Council meetings to 6:00 p.m. to the agenda. There were 7 ayes. Motion carried.**

**Motion by Mr. Hart, seconded by Mr. Anders to advertise and change the time of Borough Council meetings to 6:00 p.m. beginning February 6, 2023. There were 7 ayes. Motion carried.**

Mr. Labenberg recessed the meeting at 8:00 p.m. for an Executive Session to discuss a real estate matter with no action anticipated.

Mr. Labenberg reconvened the meeting at 8:16 p.m. with no action necessary.

Progress.



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ADJOURNMENT

**Motion by Mr. Hart, seconded by Mr. Balliet to adjourn the January 16, 2023 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The meeting was adjourned at 8:16 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
January 19, 2023