

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on February 21, 2023 in temporary Council Chambers, located at 420 S. 10th Street, Emmaus, PA 18049 and via Zoom.

CALL TO ORDER

Mr. Labenberg called the meeting to order at 6:00 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 via Zoom
Shane Pepe, Borough Manager	Present
Sara Jarrett-Eaton, Asst. Borough Manager	Present

PERSONAL APPEALS, PART I

A. Samuel & Maria Wessner, 552 Franklin Street - voiced concern about Emmaus High School student’s parking on the 500 block of Franklin Street. Mr. Hart explained that the Police are surveying the area to expand the permit parking in the area, and the matter will be discussed at the next Public Safety Committee meeting. Mr. Pepe explained that the Borough does not have any restrictions on allowing students to park on public streets.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. Balliet, seconded by Mr. Hart to adopt the February 6, 2023 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Motion by Mr. Balliet, seconded by Mr. DeFrain to award the 2023-2024 Fuel, Oil, Kerosene Bid to Lehigh Fuels for No. 2 Heating Oil in the amount of \$3.145/gallon, Unleaded Fuel in the amount of \$2.603/gallon, and Diesel Fuel in the amount of \$3.31/gallon, and Kerosene in the amount of \$7.238/gallon to Diesel Direct Mid-Atlantic, LLC. There were 7 ayes. Motion carried.

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COMMUNICATIONS

a. Todd Ackerman – Request for reappointment to the Planning Commission (term expires 4/1/2027).

Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to reappoint Todd Ackerman to the Planning Commission for a term expiring 4/1/2027. There were 7 ayes. Motion carried.

b. Emmaus 5 Miler – Request to serve alcohol at Triangle Park on 6/3/2023. Mr. Labenberg stated that they have provided proof of insurance.

Motion by Mr. Hart, seconded by Mr. DeFrain to grant the Work to Live, LLC d.b.a. Run Lehigh Valley’s request to serve alcohol at Triangle Park on 6/3/2023. There were 7 ayes. Motion carried.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Solicitor Ulrich reported that there were a few changes made to the parking kiosk Ordinance. Mr. Pepe stated that the parking kiosk changes were minimal. Solicitor Ulrich also reported that refuse bids being received by other neighboring municipalities are showing costs rising extravagantly.

Progress.

UNFINISHED BUSINESS, PART I – None.

NEW BUSINESS

Ordinance No. 1239 – An Ordinance Establishing Chapter 15, Part 5 of the Emmaus Code of Ordinances; 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 (1st Reading 2/21/23).

Mr. Pepe explained that the Ordinance was established to regulate the parking lot that the Borough is renting, located at 311 Main Street. He stated that the Public Safety Committee decided to regulate it through meter parking, and it was determined the best way to meter the parking was through a kiosk. He explained that the Ordinance will cover any kiosk that is placed at a Borough controlled parking area. Mr. Labenberg asked if an addendum would be needed if a kiosk was added somewhere else in the Borough. Mr. Pepe responded that it would be a one-page Ordinance amending the original Ordinance.

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Motion by Mr. Hart, seconded by Mrs. Sorg-McManamon to adopt Ordinance No. 1239 - An Ordinance Establishing Chapter 15, Part 5 of the Emmaus Code of Ordinances; 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 on its 1st 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. Labenberg stated that the 2nd Reading of Ordinance No. 1239 will be held at the March 20, 2023 Council meeting. Mr. Hart stated that the Resolution setting the parking fees will be adopted after Ordinance No. 1239 is adopted.

Ordinance No. 1240 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 1, Part 1, Adding Subsection 108 of the Code of Ordinances, Establishing Hiring and Promotion Procedures for Upper Management Employees (1st Reading 2/21/23).

Mr. Pepe explained that the Ordinance was drafted to maintain consistency in the hiring process and transparency to the public that the best candidate is being chosen. Mr. Labenberg stated that he believes this Council is very transparent and future Councils should not be held to this Ordinance. He stated that he will vote against the Ordinance.

Motion by Mr. Hart, seconded by Mr. Balliet to adopt Ordinance No. 1240 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 1, Part 1, Adding Subsection 108 of the Code of Ordinances, Establishing Hiring and Promotion Procedures for Upper Management Employees on its 1st Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Ms. Baumgartner, aye; Mr. Anders, aye; Mr. Labenberg, no; Mr. DeFrain, aye; Mr. Hart, aye; Mr. Balliet, aye. There were 6 ayes, 1 opposed (Labenberg). Motion carried.

Mr. Labenberg stated that the 2nd Reading of Ordinance No. 1240 will be held at the March 20, 2023 Council meeting.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Progress.

COMMITTEE REPORTS

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a. Public Works Committee

Mr. Anders reported that the Committee met on February 15, 2023, and there are several items for official action tonight.

Motion by Mr. Anders, seconded by Mr. Balliet to authorize the Borough Manager to advertise the Bid Specifications for the S. 2nd Street Multimodal Improvements Project. There were 7 ayes. Motion carried.

Mr. Pepe stated that the Bid Specifications are standard and noted that it is a multimodal project. Mr. Pepe discussed the design offered by the Borough Engineer. He reminded Council that the project is not just for roads, but for pedestrian safety, walkability, and ADA improvements. He explained that the proposed design has sidewalks on each side of the railroad underpass, and this will create a one lane road with stop signs on each side of the underpass.

Motion by Mr. Anders, seconded by Mr. DeFrain to modify the curbside yard waste program to a maximum of 5 bags per pick up and pick up only on Mondays. There were 7 ayes. Motion carried.

Mr. Anders reported that the 2nd interview for Public Works candidates will continue the 1st week of March. He also thanked Mr. Carl for his detailed goals for 2023 and spreadsheet with a timeline for each project that will be completed.

Mr. Anders reported that the next Committee meeting is Wednesday, March 15, 2023 at 4:00 p.m. via Zoom.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Balliet reported that there is nothing for official action tonight and the next Committee meeting is Wednesday, February 22, 2023 at 4:45 p.m. via Zoom.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that there are no items for official action tonight. She thanked the Recreation & Entertainment Commission for their efforts on obtaining donations and sponsors for the Summer Concert Series. She stated that the Commission is looking for volunteers and encouraged anyone that is interested to apply for a position. She also thanked Lawrence Carl, Sara Jarrett-Eaton, and Tiffany Reed for their hard work planning some exciting events that will be held at the pool this summer.

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Ms. Baumgartner reported that the next Committee meeting is Tuesday, March 7, 2023 at 4:45 p.m. via Zoom.

Progress.

d. Public Safety Committee

Mr. Hart reported that there are additional emergency services reports that are included in the iPads and entertained questions about the February 8, 2023 Committee notes.

Mr. Hart reported that the next Committee meeting is Wednesday, March 30, 2023 at 9:00 a.m. via Zoom.

Progress.

e. General Administration Committee

Motion by Mr. Hart, seconded by Mrs. Sorg-McManamon to appoint Jennifer Felegy to the Emmaus Library Board to a term expiring 1/1/2026. There were 7 ayes. Motion carried.

Mr. Labenberg entertained questions about the Committee notes and reported that next Committee meeting is Thursday, March 2, 2023 at 9:00 a.m. via Zoom.

Progress.

f. Budget & Finance Committee

Resolution 2023-10 authorizing payment of the February 21, 2023 bill list as follows:

Bill List	\$	389,565.93
Payroll #3	\$	177,958.63
Payroll Taxes	\$	<u>57,303.69</u>
Total	\$	624,828.25

Done this 21st day of February 2023.

Motion by Mr. DeFrain, seconded by Mr. Balliet to adopt Resolution 2023-10. There were 7 ayes. Motion carried.

Mr. DeFrain entertained questions about the Significant Revenue and Expense Items for the 1st half of February and the Committee notes.

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Mr. Pepe explained that the Pension Board discussed advertising an RFP for a pension investment firm. He stated that Wells Fargo was the Borough's investment firm for many years, and they recently sold their pension firm, and the Borough's customer relations representative retired. Mr. Pepe stated that the Pension Board recently met and agreed to hire Englebert Financial Advisors LLC to perform the pension RFP process and that the process would be completed by June.

Motion by Mr. DeFrain, seconded by Ms. Baumgartner to hire Englebert Financial Advisors, LLC to perform the pension RFP process for a fee of \$7,500.00 to be paid out of the General Fund MMO line item. There were 7 ayes. Motion carried.

Mr. DeFrain reported that the next Committee meeting is Thursday, March 2, 2023 at 11:00 a.m. via Zoom.

Progress.

g. Community Relations, Planning and Development Committee

Motion by Mrs. Sorg-McManamon, seconded by Mr. Hart to grant the Emmaus Farmer's Market request to close S. 4th Street between Main Street and Jubilee Street during the winter Farmers' Market on the 2nd and 4th Sundays of the month. There were 7 ayes. Motion carried.

Mrs. Sorg-McManamon entertained questions about the Committee notes and reported that the next Committee meeting is 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 Robert Leanch has successfully completed his probationary period and meets all qualifications for Public Works Class 3 per the union contract. Mr. Pepe stated that Mr. Leanch is doing an excellent job and is a hard worker.

Motion by Mr. Balliet, seconded by Mr. Hart to promote Robert Leanch to Public Works Class 3. There were 7 ayes. Motion carried.

Resolution 2023-8 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Resolution 2022-44 which Approved the Application of a Pennsylvania Department of Community and Economic Development for the H₂O Grant Program.

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Motion by Mr. Anders, seconded by Ms. Baumgartner to adopt Resolution 2023.8. There were 7 ayes. Motion carried.

Mr. Pepe reported that he has terminated the employment of two EMS employees due to lack of hours worked.

Mr. Pepe reported that an Executive Session will be needed to discuss a personnel matter.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg reminded Council that the President of Council is responsible for assigning committees and needs to be informed of any changes.

Mr. Labenberg recessed the meeting at 6:58 p.m. for an Executive Session to discuss a personnel matter with no action anticipated.

Mr. Labenberg reconvened the meeting at 7:18 p.m. with no action necessary.

Progress.

ADJOURNMENT

Motion by Ms. Baumgartner, seconded by Mr. Hart to adjourn the February 21, 2023 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The meeting was adjourned at 7:18 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
February 24, 2023