

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on May 1, 2023 at St. John’s UCC, located at 139 N 4th Street, Emmaus, PA 18049 and via Zoom, and YouTube Live.

CALL TO ORDER

Mr. Labenberg called the meeting to order at 6:03 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

Mrs. Sorg-McManamon reminded everyone that the Emmaus Farmers’ Market will hold its opening day on Sunday, May 7th. She stated that it will be a celebration of its 20th year. Mr. Labenberg remarked that he was present for the very first opening.

SPECIAL PRESENTATIONS

PFAS Presentation by Gannett Fleming – Gannett Fleming was represented by Mike Brown, P.E. and Lori Kappen, P.E. Mr. Brown and Ms. Kappen introduced themselves and presented a slide presentation identifying the water supply solution options to meet existing and pending PFAS regulations for the Borough of Emmaus. (See attached presentation).

Mr. Labenberg thanked everyone for attending the meeting in person, via Zoom and YouTube. He explained that the General Administration Committee met last week and listened to a detailed presentation from Mr. Brown and Ms. Kappen. He stated that the Committee asked many questions at that meeting. He stated that action will be taken at the next Council meeting and tonight’s presentation is for residents and Council members to ask questions.

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Public Questions and Comments:

1. **Barna Ryan, 425 N. 2nd Street** – questioned if neighboring communities test for high level of PFAS, if they will they share in the cost of remediation. He also questioned the health risks of PFAS contamination. Mr. Labenberg clarified that PFAS was recently detected in the Borough's water system. Mr. Brown stated that the Borough is ahead of the situation because they have tested the water system.
2. **Michelle Constantini, 134 Colonial Court** – asked if the levels in Allentown water have been checked. Mr. Brown responded that Allentown would need to test for PFAS prior to selling their water.
3. **Donna Sousa, 325 Alpine Street** – asked if Allentown discovered PFAS in their water system, would it be another 2 ½ years until they fixed the problem. She stated that she believes this needs to be a factor in the choice of purchasing Allentown's water. Mr. Brown responded that Allentown would need to remediate the situation. Ms. Sousa responded that the cost and risks of remediation would trickle down to Borough residents.
4. **Nora Goldstein, 411 Barrett Road** – stated that we are exposed to short term PFAS compounds in all different sources. She asked how much research has been done with the proposed technologies of the treatments. She asked what the sources of the chemicals are that are found in the Borough's water. Ms. Kappen stated that she can't respond to the sources, but the research has been ongoing for several years. Mr. Pepe responded that two of the wells are near creeks and the Borough does not know what the level in the creeks is. He stated that he wouldn't be surprised if the creeks test positive for PFAS. He stated that two of the wells have very low levels of PFAS.
5. **Alice Fortunato, 231 N. 7th Street** – asked if the Borough is leaning toward the treatment option. She stated that it is the cheaper option and there is more control. She asked if there was a map of where the wells are located. Mr. Pepe responded that the two wells that are highly contaminated are by the fire training grounds located off of Klimes Lane. He explained that those wells are very near each other and feed into the same pipeline. He stated that another well is located near Boroline Park, one is located at Community Park, and one is located at the end of Macungie Avenue. She asked if the water is blended from all wells. Mr. Brown responded that the water is a mixture of all of the wells.
6. **Barna Ryan, 425 N. 2nd Street** – stated that firefighting foam is a source of PFAS.
7. **Diane Wirth, 224 S. 2nd Street** – asked if the neighborhoods located closer to Wells 1 and 2 have a greater concentration of PFAS. Mr. Brown explained that there are certain times of day that there may be a higher concentration, but all the water is blended. He stated that generally speaking if you are located closer to a source, there is a higher concentration of that source. Mr. Labenberg explained that Well 2 has been shut down. Mr. Pepe responded that DEP mandated that Well 1 cannot be shut down due to affecting available supply levels.
8. **Terry Heckman, 302 Minor Street** – stated that he believes the best option is to treat the wells.

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9. **Anne Zayaitz, 144 E. Spruce Street** – asked if the filtration system concentrates the PFAS chemicals. Ms. Kappen responds that it does. Mrs. Zayaitz asked how and where the chemical is disposed after the concentration. Ms. Kappen responded that it is either incinerated or goes to a hazardous waste landfill.
10. **Liesel Gross, 627 W. Greenleaf Street** – stated that she is a Borough resident and the CEO of Lehigh County Authority. She thanked the Borough for being proactive and stated that Lehigh County Authority supports whatever decision the Borough makes.
11. **Jack Stover, 912 Franklin Street** – asked if there has been any calculation on the concentration of the blended PFAS from all well sources. Mr. Brown responded that he is unsure. Mr. Pepe responded testing was required at specific addresses throughout the Borough and there were reduced PFAS levels at specific resident's addresses. Mr. Labenberg stated that there is a state level and a federal level of PFAS levels and asked Mr. Brown to explain this.
12. **Alice Fortunato, 231 N. 7th Street** – asked if the Borough will hire a consultant firm to help the Borough decide the best option. Solicitor Ulrich responded that Borough Council must make the decision but can be advised by professionals.
13. **Nora Goldstein, 411 Barrett Rd** – emphasized that this is an evolving issue and there are so many unknowns. She stated that consumers need to let their representatives know that the manufacturers need to do something about PFAS. Mr. Brown responded that the biggest unknown is the future of regulations.
14. **Alice Fortunato, 231 N. 7th Street** – asked if Gannett Fleming offered the Borough an opinion on the options.
15. **Chris Hoenscheid, 914 Liberty Street** – asked if there was any data to show if the treatment options will also work for other PFAS chemicals. Ms. Kappen responded that the data shows that the treatment will remove PFAS chemicals.
16. **Nora Goldstein, 411 Barrett Rd** – emphasized that the level of health hazard is unpredictable and would err on the side of the health of the people of the community.
17. **Anne Zayaitz, 144 E. Spruce Street** – asked if Council would be in favor of a straw poll of the individuals present. Mr. Labenberg responded that he would take a straw vote. Mrs. Zayaitz asked the cost and risk of a treatment option.
18. **Michelle Benton, 542 Evergreen Street** – asked what options homeowners have to treat the water at their residence. Mr. Labenberg responded that there are options, and a reverse osmosis system is an option. Mr. Pepe responded that a Brita water filter will not help. A reverse osmosis or carbon treatment system are the best options.
19. **Orpha Poupore, 951 Fernwood Street** – stated that she graduated high school from Flint Michigan and explained that when Flint Michigan changed the major source of the water system, it traumatized the existing pipe structure due to old, galvanized pipes. She voiced concerns about outsourcing our water because the Borough has an old, galvanized pipe system. Mr. Brown and Ms. Kappen stated that a detailed analysis has not been performed yet, but it would be if the Borough outsourced its water.

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20. Celeste Woock, 424 North Street – stated that she is grateful that the Borough is being proactive about this issue. She stated that she has severe chronic illnesses and has installed a carbon filter and it has helped with PFAS levels. She stated that she is in favor of treatment at all the wells.

Mr. Labenberg commented that PFAS is in thousands of products and encouraged the residents to choose products that don't have the chemicals in them. He stated that he has researched PFAS and has been reading many articles about the technology.

Mr. Labenberg performed a straw vote of the audience and thanked everyone for attending the meeting.

Council Comments and Questions:

Mr. DeFrain clarified that nothing will remove the PFAS chemicals completely. Mr. Brown responded that it will remove to undetectable levels. Mr. DeFrain thanked Mr. Brown and Ms. Kappen for their presentation and thanked the residents for attending the meeting.

Mr. Anders thanked Mr. Pepe for the countless hours that he has spent working on this issue.

Mr. Labenberg thanked everyone for attending the meeting and issued a brief recess at 7:28 p.m.

Mr. Labenberg reconvened the meeting at 7:40 p.m.

READING OF MINUTES

Motion by Mr. Hart, seconded by Mr. Balliet to adopt the April 17, 2023 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe explained that a sizeable grant was received for the South 2nd Street Multimodal Improvements Project. He stated that the project was estimated to cost \$850,000. He stated that 4 bids were received for the project with Gaver Industries bidding \$586,143.65, Marino Corporation bidding \$720,434.10, H&K Group bidding \$848,408.00, and Grace Industries bidding \$901,735.91. Mr. Pepe explained that the Borough has never worked with Gaver Industries and his first concern was how low the bid was. Mr. Pepe stated that he received a confirmation letter that they did not miss anything in the bid and that they believe strongly in the bid that they submitted.

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Motion by Mr. Anders, seconded by Mr. DeFrain to award the South 2nd Street Multimodal Improvements Project bid to Gaver Industries, Inc. for a total bid amount of \$586,143.65. There were 7 ayes. Motion carried.

Motion by Mr. Anders, seconded by Mr. DeFrain to approve the sale of the sewer camera van through Municibid in the amount of \$14,900.00. There were 7 ayes. Motion carried.

Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to approve the sale of the 1995 Ford 350XL 7.3-liter dump truck in the amount of \$7,450.00. There were 7 ayes. Motion carried.

COMMUNICATIONS

a. Emmaus Veterans Committee – Request to hold the Memorial Day Parade on May 29, 2023 at 9:00 a.m. starting at the high school and ending at the Memorial Triangle. Request to hold Honor Guard Announcement on May 28, 2023. Mr. Labenberg stated that there will be a 21 gun salute at each event.

b. Gene Clock, President Knauss Homestead – Mrs. Sorg-McManamon stated that she received correspondence from Gene Clock, President of the Knauss Homestead, reporting that the three historical sites have been meeting since January and are working closely together.

BOROUGH ENGINEER’S REPORT – None.

SOLICITOR’S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1241 – An Ordinance of the Borough of Emmaus Amending Chapter 15 of the Consolidated Code of Ordinances, Extending Residential Permit Parking Areas to Additional Streets Throughout the Borough of Emmaus (1st Reading 4/3/23, 2nd Reading 5/1/23).

Motion by Mr. Hart, seconded by Mrs. Sorg-McManamon to adopt Ordinance No. 1241 - An Ordinance of the Borough of Emmaus Amending Chapter 15 of the Consolidated Code of Ordinances, Extending Residential Permit Parking Areas to Additional Streets Throughout the Borough of Emmaus on its 2nd Reading. Roll call vote: Mrs. Sorg-McManamon, aye; Ms. Baumgartner, no; Mr. Anders, aye; Mr. Labenberg, aye; Mr. DeFrain, aye; Mr. Hart, aye, Mr. Balliet, aye. There were 6 ayes, 1 opposed (Baumgartner). Motion carried.

Ordinance No. 1242 – An Ordinance of the Borough of Emmaus Amending Chapter 15 of the Consolidated Code of Ordinances, Extending School Zone Parking Restrictions on

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Portions of Harrison Street, Amending Two Hour Parking Requirements on Certain Sections of Main Street, and Amending Disabled Parking Hours at a Portion of N. 5th Street (1st Reading 4/3/23, 2nd Reading 5/1/23).

Motion by Mr. Hart, seconded by Mrs. Sorg-McManamon to adopt Ordinance No. 1242 - An Ordinance of the Borough of Emmaus Amending Chapter 15 of the Consolidated Code of Ordinances, Extending School Zone Parking Restrictions on Portions of Harrison Street, Amending Two Hour Parking Requirements on Certain Sections of Main Street, and Amending Disabled Parking Hours at a Portion of N. 5th Street on its 2nd 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. 1243 – An Ordinance of the Borough of Emmaus Amending Chapter 6 of the Consolidated Code of Ordinances, Repealing a Section of Part 3, Alarms and Automatic Protection Devices, Including Sections of §6-302, §6-303, and §6-308 to Amend Sections of the Code that are Not Enforced (1st Reading 4/3/23, 2nd Reading 5/1/23).

Motion by Mr. Hart, seconded by Mr. Balliet to adopt Ordinance No. 1243 - An Ordinance of the Borough of Emmaus Amending Chapter 6 of the Consolidated Code of Ordinances, Repealing a Section of Part 3, Alarms and Automatic Protection Devices, Including Sections of §6-302, §6-303, and §6-308 to Amend Sections of the Code that are Not Enforced on its 2nd 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.

NEW BUSINESS

Ordinance No. 1244 – An Ordinance Establishing Regulations and Regulations for the Sale and Use of Consumer Fireworks Within the Borough of Emmaus (1st Reading 5/1/23).

Mr. Hart explained that in 2017, the Commonwealth of Pennsylvania adopted Act 43, which expanded the sale of fireworks in Pennsylvania to consumer fireworks. He explained that the law has resulted in an increase in noise to neighborhoods. He stated that the Borough signed a letter to our State Representatives asking them to repeal or modify Act 43. He stated that the Commonwealth of Pennsylvania adopted Act 74 of 2022, which amended Act 43 of 2017. Act 74 allows municipalities to require permits for the use of display fireworks, allows regulations to require verifications of distances from structures, vehicles, and other property, and sets hour limitations on the use of consumer fireworks. He stated that Ordinance No. 1244 permits the non-permitted use of consumer fireworks between July 2 and July 4, December 31, Memorial Day weekend, or on Labor Day weekend in accordance with Act 74 of 2022. He stated that permits will be granted on a weekly basis for the sale of consumer fireworks. He also stated that the use of commercial fireworks is strictly prohibited, and fireworks shall not be ignited,

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exploded, or land within 150 feet of any building, structure, or vehicle within the Borough. Mr. Labenberg questioned the structure and language of the Ordinance.

Motion by Mr. Hart, seconded by Mr. DeFrain to adopt Ordinance No. 1244 – An Ordinance Establishing Regulations and Regulations for the Sale and Use of Consumer Fireworks 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.

UNFINISHED BUSINESS, PART II – None.

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

MAYOR’S REPORT

Mayor Gilbert read Proclamation 2023-557 proclaiming the week of May 14th through May 20th, 2023 as Emmaus Police Department Week, and urged all residents and friends of Emmaus to join in this observance.

Mayor Gilbert read Proclamation 2023-558 proclaiming the week of May 7th through May 13th, 2023 as International Compost Awareness Week.

Mayor Gilbert reported that the Emmaus Police Department received notification from the Pennsylvania Commission on Crime and Delinquency that the department will be receiving a grant in the amount of \$86,770.00.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reported that there is nothing for official action tonight and the next Committee meeting is Wednesday, May 17, 2023 at 4:00 p.m. via Zoom.

Progress.

b. Health, Sanitation, and Codes Committee

Mr. Balliet reported that there are several items for official action tonight.

Motion by Mr. Balliet, seconded by Mr. Hart to enter into an Agreement with Barry Isett & Associates for Professional Services effective May 1, 2023. There were 7 ayes. Motion carried.

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Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to adopt the Barry Isset & Associates Fee Schedule. There were 7 ayes. Motion carried.

Motion by Mr. Balliet, seconded by Mr. DeFrain to grant the request for a reduction of financial security for the 1267 Tilghman Street project in the amount of \$218,419.10. There were 7 ayes. Motion carried.

Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to extend the Refuse and Recycling Collection Disposal and Marketing Agreement with Whitetail Disposal until December 31, 2024. There were 7 ayes. Motion carried.

Solicitor Urich stated that he has worked on two municipal solid waste contracts this year and the prices of Refuse and Recycling have doubled.

Mr. Balliet entertained questions about the Committee notes and reported that the next Committee meeting is Wednesday, May 31, 2023 at 4:45 p.m. via Zoom.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that there is nothing for official action and reported that the next Committee meeting is May 2, 2023 at 4:45 p.m.

Progress.

d. Public Safety Committee

Mr. Hart entertained questions about the Committee notes and stated that there are 3 quarterly reports that were not included. He reported that the next Committee meeting is Thursday, May 25, 2023 at 9:00 a.m. via Zoom.

Progress.

e. General Administration Committee

Mr. Labenberg reported that there is a policy change request for non-management, non-union employees to increase the air-mile radius from twenty miles to thirty-five miles. He stated that this was designed to help with the pool of qualified candidates for the Ambulance Corps and Codes Department. Mr. Pepe clarified that this is for non-management, non-union employees. He explained that union employees would follow their Collective Bargaining Agreement.

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Motion by Ms. Baumgartner, seconded by Mr. Anders to change the air-mile radius residency requirements for non-management, non-union employees from twenty miles to thirty-five miles. There were 7 ayes. Motion carried.

Mr. Labenberg reported that the Committee meeting scheduled for Thursday, May 4, 2023 at 9:00 a.m. is cancelled.

Progress.

f. Budget & Finance Committee

Resolution 2023-17 authorizing payment of the May 1, 2023 bill list as follows:

Bill List	\$	1,065,212.53
Payroll #8	\$	188,287.32
Payroll Taxes	\$	<u>60,896.74</u>
Total	\$	1,314,396.59

Done this 1st day of May 2023.

Motion by Mr. DeFrain, seconded by Mr. Balliet to adopt Resolution 2023-17. There were 7 ayes. Motion carried.

Mr. DeFrain entertained questions about the Significant Revenue and Expense Items for April. He reported that the next Committee meeting scheduled for Thursday, May 4, 2023 at 9:00 a.m. is cancelled and the next Committee meeting will be held on Thursday, May 18, 2023 at 11:00 a.m.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that there is nothing for official action tonight. She entertained questions about the Committee notes. She thanked Mrs. Jarrett-Eaton and Borough staff for their hard work on the Borough’s new website, www.emmauspa.gov. She reported that the next Committee meeting is Monday, May 22, 2023 at 4:30 p.m. via Zoom.

Progress.

PERSONAL APPEALS, PART II – None.

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BOROUGH MANAGER'S REPORT

Mr. Pepe reported that staff hired Brooke Davidson as a lifeguard contingent upon the successful completion of Lifeguard Training and Red Cross Lifeguard Certification, as well as, returning employees Emma Durnin as pool cashier, and Alexandria Kosalko as concession stand attendant.

Progress.

PRESIDENT'S BUSINESS

Progress.

ADJOURNMENT

Motion by Mr. Balliet, seconded by Mrs. Sorg-McManamon to adjourn the May 1, 2023 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The meeting was adjourned at 8:15 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
May 3, 2023