

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in Regular Session on October 17, 2022 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 7:00 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
Shane Pepe, Borough Manager	Present
Sara Jarrett-Eaton, Asst. Borough Manager	Present

PERSONAL APPEALS, PART I

**A. Thomas Ruhe, 504 S 6<sup>th</sup> Street** – requested an update on his previous appeal concerning tractor trailers parked on S. 6<sup>th</sup> Street near Mark’s Pool Service. Mr. Pepe responded that he spoke with Police Chief Apgar about the matter. Mayor Gilbert directed Mr. Ruhe to call the non-emergency police phone number when the trailers are parked there.

**B. Kelly Anderson** – referenced the letter that she drafted concerning the quiet zone for the railroad and asked if the item will be discussed tonight. Mr. Labenberg responded that the item is on the agenda for discussion.

COMMUNITY MINUTE

Mr. Anders thanked all the volunteers who helped with the Halloween Parade. He thanked the residents and non-residents who attended the Parade.

Mrs. Sorg-McManamon reminded everyone that the Knauss Homestead Harvest Festival will be held on Saturday, October 22, 2022 from Noon – 5:00 p.m. She stated that there will be 50 vendors at the festival.

SPECIAL PRESENTATIONS – None.

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READING OF MINUTES

**Motion by Mr. Hart, seconded by Mrs. Sorg-McManamon to adopt the October 3, 2022 Council Minutes as drafted. There were 7 ayes. Motion carried.**

DECISION ON BIDS – None.

COMMUNICATIONS

- a. Kelly Anderson – Train Noise Survey Request.

Mr. Hart stated that he will make a motion to conduct the train noise survey with the condition that the survey should include the level of costs that the residents would be willing to incur.

**Motion by Mr. Hart, seconded by Mr. Balliet to create a train noise survey with the condition that costs to the residents be included in the survey.**

Mr. Anders voiced safety concerns with a quiet zone. Ms. Baumgartner asked who the survey would design and distribute the survey. Solicitor Ulrich stated that the motion should be amended to include who would be responsible for the survey. Mr. Labenberg asked what happens if there is a very small response rate. Mr. Pepe responded that the issue will be discussed if it happens. He stated that with any survey there is a statistically accurate number of responses and is it enough to represent the community. Mr. Labenberg stated that he will not support the survey because he does not want to waste staff's time on this. He stated that the Borough has many other needs and does not believe the Borough has the money to pay for a quiet zone. Mr. Balliet stated that the Health, Sanitation and Codes Committee was going to discuss it and that he is in favor of the survey. Mr. DeFrain asked how much the survey will cost. Mr. Pepe responded that the Borough has a yearly subscription to Survey Monkey, but the biggest cost will be the time to research and create the survey.

Mr. Hart amended his motion and Mr. Balliet amended his second.

**Motion by Mr. Hart, seconded by Mr. Balliet to create a train noise survey with the condition that costs to the residents be included in the survey and that the Public Safety Committee will design the survey. There were 5 ayes, 2 opposed. (Anders, Labenberg). Motion carried.**

- b. Seven Generations Charter School – Public Share Account Grant Sponsorship Request.

**Motion by Mr. Anders, seconded by Ms. Baumgartner to approve the sponsorship of the Seven Generations Charter Public School Public Share account grant application,**

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**contingent upon a promissory agreement and the Solicitor's approval. There were 7 ayes. Motion carried.**

c. Lindsey Kleinberg – Notice of Residency Change and Request to Remain on Arts Commission.

**Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to approve Lindsey Kleinberg's request to remain on the Emmaus Arts Commission as a non-resident for the same term. There were 7 ayes. Motion carried.**

d. Lehigh County Humane Society 2023 Contract Proposal – Mr. Labenberg referred the item to the Public Safety Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

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

Mayor Gilbert reminded everyone that Trick or Treat Night is Friday, October 28, 2022 from 6:00 – 8:00 p.m. and encouraged everyone to place their porch lights on if they wish to participate. She stated that candy will be handed out and hot dogs will be served at the Emmaus Police Station on Trick or Treat Night.

Progress.

COMMITTEE REPORTS

a. Public Works Committee

Mr. Anders reported that there is nothing for official action tonight and the October 19, 2022 Public Works Committee meeting is cancelled.

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b. Health, Sanitation, and Codes Committee

Mr. Balliet reported that there is nothing for official action tonight and the next Committee meeting is October 26, 2022 at 4:45 p.m. via Zoom.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that there is one item for official action tonight. She explained that Resolution 2022-37 is to apply for a DCNR grant for Boroline Park. She stated that the application for the grant is due at the end of October. Mr. Labenberg asked for clarification on the grant. Mr. Pepe responded that the Borough applied for two grants for the funding of Lions Playground but was only awarded one grant. He stated that the grant that was received was sizable and stated that Mrs. Jarrett-Eaton did a fantastic job applying for the grants. He explained that the grant is a 4-year agreement with 50% matching grant. Mr. Pepe stated that after his meeting with DCNR, he was advised that there was another DCNR grant opportunity using ARPA funding. He explained to Council that the ARPA funding is a one-time opportunity, and that staff does not feel that we could submit a competitive grant for additional funding for Lions Playground. However, the Borough would have a very competitive grant opportunity if the application was based on the master plan for Boroline Park. Mr. Pepe reminded Council that this is a \$450,000 matching grant for Boroline Park and that could be a financial concern. Mr. Labenberg voiced concern that the Borough would be sacrificing other projects to fund the project. Mr. Anders stated that the Borough's Park system has not been updated 20 or more years and believes that the public wants the parks to be updated. Ms. Baumgartner stated that this is a unique opportunity, and the Borough has 4-years to develop a plan to fund the project. Mr. DeFrain stated that the worst-case scenario is that the Borough receives the grant but does not use the funding. Mr. Labenberg stated that he knows that the parks need to be updated but believes that the Borough roads should be a priority. Mr. Balliet stated that he believes that this is an opportunity that needs to be taken.

Resolution 2022-37 – A Resolution of the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, Approving the Application of a Pennsylvania Department of Conservation and Natural Resources Park Rehabilitation and Development Grant – Fall Round.

**Motion by Ms. Baumgartner, seconded by Mr. Hart to adopt Resolution 2022-37. There were 6 ayes, 1 opposed (Labenberg). Motion carried.**

Ms. Baumgartner reported that the November 9, 2022 meeting is cancelled due to budget workshops and the Committee will meet on December 6, 2022 at 4:45 p.m. via Zoom.

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Progress.

d. Public Safety Committee

Mr. Hart reported that the next Committee meeting is October 27, 2022, at 9:00 a.m. via Zoom.

Progress.

e. General Administration Committee

Mr. Labenberg reported that there is nothing for official action tonight and entertained questions about the Committee notes. He reported that the next Committee meeting is October 20, 2022 at 9:00 a.m. via Zoom., but the meeting may be cancelled.

Progress.

f. Budget & Finance Committee

Resolution 2022-38 authorizing payment of the October 17, 2022, Bill List as follows:

<b>Bill List</b>	\$	<b>2,291,657.79</b>
<b>Payroll #20</b>	\$	<b>167,817.56</b>
<b>Payroll Taxes</b>	\$	<b><u>54,859.22</u></b>
<b>Total</b>	\$	<b>2,514,334.57</b>

Done this 17<sup>th</sup> day of October 2022.

**Motion by Mr. DeFrain, seconded by Mr. Hart to adopt Resolution 2022-38. There were 7 ayes. Motion carried.**

Mr. DeFrain entertained questions about the Significant Revenue & Expense Items for the 1<sup>st</sup> half of October, the Quarterly Budget Summary Report for the 3<sup>rd</sup> Quarter, and the Committee meeting notes. He reported that the next Committee meeting is October 20, 2022 at 11:00 a.m. via Zoom, but the meeting may be cancelled.

Progress.

g. Community Relations, Planning and Development Committee

Mrs. Sorg-McManamon reported that there is one item for official action. She stated that there is a proposal for a new Borough website from CivicPlus. She explained that the Borough's website has been hacked many times and the website is extremely vulnerable. She stated that

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many website designers were interviewed, but CivicPlus specializes in municipal websites and is available 24/7/365 for customer service. She also stated that CivicPlus offers many features including accessibility features. She stated that if the Borough signs now, there is a 25% discount. Mrs. Sorg-McManamon stated that the Committee discussed the need to have another block of time for Altitude Marketing to use for website needs until the new website is up and running. She explained that they have not charged the Borough for their Emmaus Vision 2030 work and there is \$15,000 left in the budget for the website which can be used towards the cost. Mr. DeFrain asked for clarification that the Borough's website has been hacked, not breached. Mr. Pepe responded that the website is not attached to the Borough's server and there has been no security breach. Mr. Pepe stated that once the contract is signed, it will take 6 months to design the website. Mr. Pepe stated that if the issues with the website cannot be fixed quickly, he is at the point of shutting down the website until a new website is designed. He explained that the law requires the Borough to post certain documents and we are unable to do so. He also stated that the website is not manageable, and we are now in violation. He stated that he will sit down with Infradep to discuss the best solution.

**Motion by Mrs. Sorg-McManamon, seconded by Ms. Baumgartner to approve the proposal from CivicPlus with project development and deployment with the first-year maintenance minus 25% off the entire maintenance package, standard department header, accessibility audio eye package, and a reoccurring 48-month redesign. There were 7 ayes. Motion carried.**

Mrs. Sorg-McManamon entertained questions about Committee notes and reported that the next Committee meeting is Monday, November 14, 2022 at 4:30 p.m. via Zoom.

Progress.

PERSONAL APPEALS, PART II

**A. John Hindersheetz, 1517 Pennsylvania Ave** – voiced concern about the Liebert Creek flooding from 2020. He stated that the Borough came out and looked at the issues shortly after the flood. He stated that his wife has been in contact with the Borough Manager, and he contacted the Mayor, and nothing has been done. He stated that he contacted DEP, and they visited the site and said that there is no reason for them to continue the investigation. He stated that the creek is expanding, and it is dropping trees. He voiced concern that his property will be gone in 20 years. He requested that the Borough dredge the creek to combat the erosion. Mr. Pepe stated that he is sure that DEP explained that the Borough cannot just start dredging. He stated that Mr. Hindersheetz is correct, and there are numerous locations in town that this is an issue. Mr. Pepe explained that site development in nearby communities is part of the problem, but the Borough can only deal with what occurs within the Borough lines. He also stated that other municipalities have different MS4 requirements. Mr. Pepe stated that the water coming into his property originates from Upper Milford Township, and the Borough cannot regulate their stormwater, however, we can only attempt to mitigate the damage in the Borough. Mr. Labenberg referred the item to the Public Works Committee.

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BOROUGH MANAGER'S REPORT

Mr. Pepe reported that he has submitted the preliminary budget to Council and the Mayor. He thanked Mrs. Jarrett-Eaton for her hard work in assisting him with the budget. He also thanked Mrs. Snyder for her quick turn around of information. Mr. Pepe highlighted the key points for 2023 preliminary budget.

Progress.

PRESIDENT'S BUSINESS

Progress.

ADJOURNMENT

**Motion by Mr. Hart, seconded by Mr. Balliet to adjourn the October 17, 2022 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.**

The meeting was adjourned at 8:17 p.m.

Shane M. Pepe  
Borough Manager

Transcribed by: Paula Weiant  
Administrative Assistant  
October 20, 2022