

**BOROUGH OF FOUNTAIN HILL
COUNCIL MEETING MINUTES**

November 8, 2018

7 P.M.

Council members present were: Ms. Jordan, Mr. Atkinson, Mr. Blatt, Mr. Trotter, Mayor Gifford, Mr. Trabel, and Ms. Halleman. Also, in attendance were Anthony Branco (Executive Administrator), Cordula Voges (Finance Officer), Mr. Gildner from Keystone Technologies, and guests. Council President Rapp was absent.

Mr. Blatt, the Vice President of Council, called the meeting to order and asked for everyone to rise for the Pledge to the Flag.

Mr. Blatt asked Council for approval of the minutes of the September 19, 2018 and October 1, 2018 meetings. They were unanimously approved per below:

Minutes September 19, 2018

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Leo Atkinson			x			
Norman Blatt			x			
Doug Trotter		x	x			
Larry Rapp						x
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

Minutes October 1, 2018:

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Leo Atkinson	x		x			
Norman Blatt			x			
Doug Trotter			x			
Larry Rapp						x
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

PRIVILEGE OF THE FLOOR – Discussion on Agenda Items - none.

MAYOR'S REPORT

The mayor read the October 2018 Police Report.

Mayor Gifford reminded of the upcoming November 24, 2018 Fountain Hill Small Business Saturday hosted by The Art Establishment and three (3) others.

The borough of Fountain Hill is coordinating with American Legion Post 406 to hold a Veterans Day celebration including the unveiling of a new permanent Veterans Monument at 1 p.m. on Sunday, Nov. 11, 2018 at the Stanley Avenue Memorial Park.

PRESENTATION(s)

EXECUTIVE ADMINISTRATOR’S REPORT

- Request by Tom Redding to appoint Albert Rohrbach as Temporary Deputy Tax Collector for approximately three (3) weeks in January 2019.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Leo Atkinson			x			
Norman Blatt			x			
Doug Trotter	x		x			
Larry Rapp						x
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

- Staff recommendation to hire Keystone Technology, LLC (Keystone) as the Borough’s IT supplier. Mr. Andrew Gildner of Keystone answered some questions.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Leo Atkinson			x			
Norman Blatt			x			
Doug Trotter		x	x			
Larry Rapp						x
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

- Lehigh County Offer to supply personnel from Corrections for Community Service such as raking leaves, pulling weeds.

Ms. Jordan asked to table the decision on this offer after discussing with the Public Works Department.

- Mr. Casey Roncoroni announced his resignation from the Planning Commission. Council accepted his resignation.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Leo Atkinson	x		x			
Norman Blatt			x			

Doug Trotter
 Larry Rapp
 Philip Trabel
 Helen Halleman
 Mayor Gifford

		x			
					x
		x			
		x			

RESOLUTIONS – none.

ORDINANCES

ORDINANCE NO. 845

**BOROUGH OF FOUNTAIN HILL
 LEHIGH COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, ADOPTING PROCEDURES AND FEE SCHEDULES FOR COLLECTION OF DELINQUENT ACCOUNTS ASSOCIATED WITH SEWER AND SOLID WASTE CHARGES, AND REFERRALS TO THE BOROUGH SOLICITOR FOR THE FILING OF MUNICIPAL LIENS AND ENFORCEMENT THEREOF RELATING TO DELINQUENT ACCOUNTS

WHEREAS, the Borough of Fountain Hill (the “Borough”) is a Municipal Corporation operating under the Pennsylvania Borough Code, 8 Pa.C.S.A. 101, et seq.; and

WHEREAS, the Borough imposes certain sewer rentals and residential and commercial solid waste fees as well as other lawful assessments on Borough residents and properties; and

WHEREAS, the Borough has certain delinquent accounts (the “Account(s)”) associated with sewer and solid waste charges and desires to collect said Accounts; and

WHEREAS, the Borough had engaged Northeast Revenue Service, LLC as a third party agent for purposes of collecting accounts, however, it has notified the Borough that it no longer wishes to serve in that capacity; and

WHEREAS, the Borough desires to authorize the Office of the Executive Administrator / Secretary of the Borough (the “Borough OEA”) to collect the Accounts, and to refer said Accounts to the Borough Solicitor for the purposes of filing any municipal liens and execution thereof; and

WHEREAS, the Borough engages Norris McLaughlin, P.A. with a place of business located at 515 W. Hamilton Street, Suite 502, Allentown, PA 18101, and which also serves currently as the Borough Solicitor for the purposes of filing any municipal liens and execution thereof upon referral by the Borough OEA in connection with the Accounts; and

WHEREAS, the Municipal Claims and Tax Lien Act (the “Act”), 53 P.S. §7101, et seq., authorizes the addition of “charges, expenses and fees incurred in the collection of any delinquent account” to the total amount payable with respect to unpaid sewer rentals and solid waste charges; and

WHEREAS, the Borough desires to establish an orderly and consistent procedure for the collection of unpaid sewer and solid waste charges owed to it by the residents and/or property owners of the Borough.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by Borough Council of the Borough of Fountain Hill, that the Borough Account Collection Procedure and Fees shall be as set forth below:

1. The Borough OEA is hereby charged with the duty of collecting delinquent accounts associated with sewer and solid waste charges, and is authorized to adopt such regulations as may, in its discretion, seem fit and proper, subject to the approval of Borough Council.

2. The Borough Solicitor is hereby charged with the duty of filing any municipal liens and execution thereof upon referral by the Borough OEA in connection with the above-referenced delinquent accounts.

3. **Collection Procedures.** The following collection procedures are hereby established to be the policy of the Borough:

a. An account shall be considered for collection when it has been delinquent for two (2) consecutive calendar quarters.

b. The OEA shall make reasonable efforts to collect the account, which include, but are not limited to, contacting the delinquent account holder by telephone, and/or by mail.

c. In appropriate cases, the OEA shall accept offers by a delinquent account holder to establish a reasonable payment plan to satisfy outstanding balances; provided, however, that if the nature of the delinquent account involves a municipal "claim" as defined by the Act, no payment plan shall exceed six (6) months from the date that the service giving rise to the claim occurred, as the Act imposes a six (6) month statute of limitations on municipal "claims." In the event that there is a question as to whether the delinquent account is subject to this six (6) month statute of limitations, the OEA shall consult with the Borough Solicitor to ensure that the statute of limitations does not run.

d. If a delinquent account is not rendered current by the account holder, then the OEA is authorized to exercise all reasonable and legal remedies provided by law and including, but not limited to, the Act and Ordinance No. 752 relating to the collection of sewer rents. Actual out-of-pocket expenses in connection with any collection action, such as for postage, non-Sheriff service of process, investigation of the whereabouts of interested parties and other necessary expenses shall constitute reimbursable expenses as part of each claim recovered.

e. In accordance with the Act, the OEA is authorized to refer delinquent accounts to the Borough Solicitor for the purposes of filing a municipal lien, a praecipe / writ of scire facias, and a writ of execution and/or Sheriff sale.

f. The OEA shall immediately notify the Borough Solicitor upon receipt of all: (a) petitions or "proof of claims" for bankruptcy that concern a delinquent account; and (b) notices of sheriff sale, judicial sale, or tax sale that concern a delinquent account.

4. **Schedule of Fees.** Pursuant to the Act, the Borough hereby adopts the following schedule of attorney's fees in connection with the collection of municipal claims / liens, as follows:

a. Preparation and filing of the municipal lien, the sum of \$250.

b. Preparation and filing of the Praecipe/Writ of Scire Facias and preparation and filing of the Default Judgment, the sum of \$500.

c. Preparation and filing of the Writ of Execution/Sheriff's Sale of property, including ordering title search, preparation and filing of the praecipe for writ of execution, all Sheriff's documents, preparation and service of notices of Sheriff's Sale and attendance at Sheriff's Sale, the sum of \$700.

d. Preparation of proper notices where there are federal tax liens, the sum of \$200.

e. Preparation and presentment of Motions for Alternative Service (includes investigation to locate defendant), the sum of \$350.

f. Preparation and presentment of Motions to Continue Sheriff's Sale, the sum of \$200.

g. Any additional work required, including, but not limited to, with respect to a contested tax lien, shall be billed at an hourly rate of \$150.

h. All above sums shall be additive.

i. The foregoing fees shall be awarded to the Borough in each action initiated pursuant to the Act. The delinquent account holder's obligation to pay the full amount for each phase of the action shall accrue upon the initiation of any aspect of each phase.

j. It is the express intent of the Borough that the fees above apply to collection of all municipal claims / liens, and any provisions of Ordinance No. 752 relating to attorney's fees inconsistent herewith shall be and are herewith repealed.

k. The current fees for any liens filed previously are hereby reaffirmed and shall remain in effect for those liens filed prior to the effective date of this Ordinance.

l. It shall be presumed that the attorney's fees set forth above are reasonable pursuant to the Act, and the hourly rate is consistent with the current hourly rate charged to the Borough by the Borough Solicitor.

5. Pursuant to the Act, the Borough hereby sets the interest rate applicable to all municipal claims / liens at a rate of ten percent (10%).

6. Court costs, filing fees and charges applicable to all municipal claims / liens shall be additional expenses to be collected from the delinquent account holder.

GENERAL REPEALER

All ordinances or parts of ordinances, and all resolutions or parts of resolutions, inconsistent herewith shall be and are herewith repealed.

SEVERABILITY

The provisions of this Ordinance are severable. If any provision, sentence, clause, phrase, section or part thereof shall for any reason be found unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts thereof, but the same shall remain in effect. It is hereby declared to be the intent of the Borough of Fountain Hill that this Ordinance shall stand notwithstanding the invalidity of any part included herein.

EFFECTIVE DATE

The provisions of this Ordinance shall become effective in accordance with the Borough Code, 8 Pa.C.S.A. §3301.3, the date when the Mayor approves the Ordinance, or the date of enactment by the Council over the veto of the Mayor, or for an Ordinance not returned by the Mayor at the next scheduled meeting of council occurring at least ten days (10) after the meeting at which the Ordinance was enacted by the Council, the date of the succeeding scheduled meeting of Council.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Leo Atkinson			x			

Norman Blatt
 Doug Trotter
 Larry Rapp
 Philip Trabel
 Helen Halleman
 Mayor Gifford

		x			
	x	x			
					x
		x			
			x		

MOTIONS

- Introduction of 2019 Preliminary Budget with a 1 mil tax increase. Authorize advertisement for public review.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Leo Atkinson	x		x			
Norman Blatt			x			
Doug Trotter			x			
Larry Rapp						x
Philip Trabel				x		
Helen Halleman				x		
Mayor Gifford						

- Motion to increase Sewer rates effective January 1, 2019 based on the following chart. There is a 5% increase in lines up to 2 inches, and a 7% increase from 2 inch and greater.

Sewer Line Diameter	Current Quarterly Rate	New Quarterly Rate	Difference
1" and under	\$120.72	\$126.76	\$6.04 (5%)
1" – 2"	\$703.92	\$739.12	\$35.20 (5%)
2" – 3"	\$1,175.76	\$1,258.06	\$82.30 (7%)
3" – 4"	\$2,516.40	\$2,692.55	\$176.15 (7%)
4" – 5"	\$3,882.00	\$4,153.74	\$271.74 (7%)
6" – 8"	\$10,848.00	\$11,607.36	\$759.36 (7%)

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Leo Atkinson	x		x			
Norman Blatt			x			
Doug Trotter			x			
Larry Rapp						x
Philip Trabel				x		
Helen Halleman				x		
Mayor Gifford						

OLD BUSINESS

Mayor Gifford is in receipt of the specific requirements to serve on the UCC Appeals Board and is still looking for interested parties.

COUNCIL PRESIDENT’S REPORT

Mr. Blatt asked for a Motion to authorize the Executive Secretary to purchase a Christmas Tree to be delivered and planted in front of the Borough Hall.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Leo Atkinson			x			
Norman Blatt			x			
Doug Trotter		x	x			
Larry Rapp						x
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

Due to heavy rain, the Borough Hall got partially flooded and underwent professional drying and cleaning. The administrative offices were closed on Monday, November 5th. Mr. Blatt thanked Mr. Branco and Ms. Voges for tending to their duties during the office closure.

Mayor Gifford informed Council that St. Luke’s hospital always has alternate meeting rooms available for Council to meet in case of an emergency.

SOLICITOR'S REPORT

Litigation is pending due to a Slip and Fall incident on 622 S. Lynn Street. The Borough’s General Liability Carrier is notified. The Solicitor is inquiring about the applicable deductible amount.

Recent court cases on lead paint hazards and their effects on the Right to Know laws do not require any action on the Borough’s part at this point.

Mr. Lehr mentioned that the closing for the Hosey would be on December 14, 2018. All papers would be signed on that day. Mr. Lehr recommended that Mr. Rapp or his designee sign the necessary documents. Council agreed.

COMMITTEE REPORTS

A. Finance (Trotter, Blatt, Jordan)

Mr. Trotter asked for approval of the October check payments made from the General, Health & Sanitation, Sewer, and Liquid Fuels funds.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Leo Atkinson			x			
Norman Blatt			x			
Doug Trotter	x		x			
Larry Rapp						x
Philip Trabel		x	x			
Helen Halleman			x			
Mayor Gifford						

B. Public Works (Jordan, Rapp, Trotter)

Ms. Jordan read the Public Works employees' September hours worked as submitted by Mr. Quarry, the Public Works Supervisor.

C. Police (Rapp, Trotter, Blatt) – none.

D. House & Ordinances (Blatt, Halleman, Rapp)

The Fireworks Ordinance for permanent and temporary sales of fireworks is discussed and reviewed in the House & Ordinance Committee.

Due to resignations, the number of members in the Planning Commission is reduced from seven (7) to five (5). The Committee reviews the change in and impact of membership numbers.

An ordinance to amend Ordinance No 752 Collection of Sewer Rentals that only amends the payment plan section relating to delinquent sewer rentals is to be drafted.

E. Fire (Atkinson, Trabel, Halleman) – none –

F. Recreation (Trabel, Jordan, Blatt)

G. Health & Sanitation (Halleman, Jordan, Trabel)

Ms. Halleman read the October 2018 collections for Sewer and Garbage fees.

H. Personnel (Trotter, Blatt, Rapp) – none

SPECIAL OR SELECT COMMITTEES – none.

PRIVILEGE OF THE FLOOR – Discussion on Non - Agenda Items – none.

Executive Session

Council adjourned to an Executive Session.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Leo Atkinson	x		x			
Norman Blatt			x			
Doug Trotter			x			
Larry Rapp						x
Philip Trabel		x	x			
Helen Halleman			x			
Mayor Gifford						

Ms. Halleman left during the Executive Session and did not return for the regular Council Meeting after Council re-convened.

The Borough of Fountain Hill is going to present an offer to purchase the real property on 1336 Russel Avenue in Fountain Hill from the Fountain Hill Hose Co 1 C-O for \$70,000.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Leo Atkinson			x			
Norman Blatt			x			
Doug Trotter		x	x			
Larry Rapp						x
Philip Trabel			x			
Helen Halleman						x
Mayor Gifford						

ADJOURNMENT

At 8:35 PM, Mr. Atkinson made the motion to adjourn, seconded by Ms. Jordan and unanimously approved

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA**

By: _____
Norman E. Blatt Jr., Vice-President of Council

SUBMITTED BY

By: _____
Cordula Voges, Finance Officer

ATTEST:

By: _____
Anthony Branco, Executive Administrator

Next Ordinance – 846
Next Resolution – 2017-35