

**BOROUGH OF FOUNTAIN HILL COUNCIL
COUNCIL MEETING MINUTES
July 1, 2019
7 P.M.**

Council members present were: Ms. Jordan, Mr. Ferencin, Mr. Blatt, Mr. Atkinson, Mayor Gifford, Mr. Trabel, and Ms. Halleman. Also, in attendance were Anthony Branco (Executive Administrator), Cordula Voges (Finance Officer), Pete Lehr (Solicitor), Ed Bachert (Police Chief), and guests.

Council President Atkinson called the meeting to order and asked for everyone to rise for the Pledge to the Flag.

Council was in receipt of the below documents:

1. Minutes of May 22, 2019 Council Meeting
2. Minutes of June 3, 2019 Council Meeting
3. Financials
4. Reports (Police, Fire P.W. as received)
5. Draft Storm and Sewer Authority

APPROVAL OF MINUTES

- Minutes of May 22, 2019 Council Meeting
- Minutes of June 3, 2019 Council Meeting

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

PRIVILEGE OF THE FLOOR

- Pre-Scheduled Appearances - none
- Discussion on Agenda Items - none

MAYOR'S REPORT

Mayor Gifford reported the June incidents handled by the Police.

Mayor Gifford asked for further discussion about an incident at the Pool

EXECUTIVE ADMINISTRATOR’S REPORT - none

NEW BUSINESS

The director of the Allentown LGBT Community Center offered his experiences with handling usage of public space.

RESOLUTIONS – none

ORDINANCES

Second Reading

ORDINANCE NO. 853

AN ORDINANCE ESTABLISHING A UNIFORM CONSTRUCTION CODE BOARD OF APPEALS JOINTLY WITH THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA; AND TO AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWNSHIP OF LOWER SAUCON FOR THIS PURPOSE; PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; REPEALING ORDINANCES, RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HEREWITH; A PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of Fountain Hill and the Township of Lower Saucon have enacted ordinances adopting the Uniform Construction Code (“UCC”), Act 45 of 1999, 35 P.S. § 7210.101, et seq. (the “Act”); and

WHEREAS, Section 301 of the Act directed the Pennsylvania Department of Labor and Industry to promulgate regulations with respect to the administration and enforcement of the Act, which regulations were codified at Title 34 Pa.Code, Chapters 401, 403 and 405 (“Regulations”); and

WHEREAS, Section 403.121(d) of the Regulations, 34 Pa.Code § 403.121(d), as authorized by Section 501(c) of the Act, 35 P.S. § 7210.501(c), provides that two or more municipalities may establish a joint board of appeals through an intergovernmental agreement adopted under the authority of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2301, et seq.; and

WHEREAS, under the Pennsylvania Intergovernmental Cooperation Act, a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body; and

WHEREAS, the Code of Ordinances of the Borough of Fountain Hill, Chapter 5, Section 104 authorizes Borough Council to establish a UCC Appeals Board jointly with another municipality; and

WHEREAS, the Borough Council desires to establish a joint UCC Board of Appeals, to hear and rule on appeals, requests for variances and requests for extension of time as may be filed under Chapter 5 of the Code of Ordinances.

NOW THEREFORE, BE IT DULY ENACTED and **ORDAINED** by the Borough Council of the Borough of Fountain Hill that pursuant to Chapter 5, Section 104 of the Code of Ordinances, enforcement and administration of the Uniform Construction Code shall be undertaken jointly with the Township of Lower Saucon, Northampton County, Pennsylvania by means of the establishment of a Joint Uniform Construction Code Board of Appeals.

NOW THEREFORE, BE IT FURTHER DULY ENACTED and **ORDAINED** by the Borough Council of the Borough of Fountain Hill that either the President of Borough Council or the Executive Administrator of the Borough, shall be authorized to execute an Intergovernmental Agreement, in substantially the form attached hereto as Exhibit A, for purpose of creating a joint uniform construction code board of appeals with the Township of Lower Saucon.

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					
Francis Ferencin			x			
Norman Blatt			x			
Doug Trotter						x
Leo Atkinson			x			
Philip Trabel			x			
Helen Halleman		x				
Mayor Gifford						

MOTIONS – none

OLD BUSINESS - none

COUNCIL PRESIDENT’S REPORT

Council President Atkinson reminded of the upcoming Community Day on July 20, 2019 with a scheduled rain date of July 27, 2019.

SOLICITOR'S REPORT

Mr. Lehr reported of the recent meeting with the Manager of Salisbury Township to discuss the amendment of the Sewer Transmission Rate. Salisbury is reviewing the supporting data that were provided to them and is expected to respond within thirty (30) days.

Mr. Lehr informed Council that his office is working on the Draft Ordinance for creating a Stormwater Authority based on the 6/3/2019 Council discussion.

COMMITTEE REPORTS

A. Finance (Trotter, Blatt, Jordan)

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

B. Public Works (Jordan, Atkinson, Trotter)

Ms. Jordan read the hours worked by the Public Works Department.

C. Police (Atkinson, Trotter, Gifford)

Due to an incident at the Pool involving public restroom usage by transgender visitors, Council President Atkinson suggested to follow the general YMCA policy (i.e. conform to their gender identity) until Council decides otherwise.

D. House & Ordinances (Blatt, Halleman, Jordan) – none

E. Fire (Trabel, Ferencin, Halleman)

Mr. Trabel read the Fire Report.

F. Recreation (Ferencin, Atkinson, Blatt) - none

G. Health & Sanitation (Halleman, Ferencin, Trabel)
Ms. Halleman read the June collection reports for the Sewer and Garbage Utility Rents.

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

SPECIAL OR SELECT COMMITTEES

Ms. Jordan informed Council about Sponsorship Opportunities to support the new library service to Fountain Hill.

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

EXECUTIVE SESSION (if needed) - ADJOURNMENT

At 8:05 pm Council President Atkinson asked for a motion to have an Executive Session to discuss some legal proceedings and ADJOURN the public Council meeting at this time.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			X			
Francis Ferencin		X				
Norman Blatt			X			
Doug Trotter						X
Leo Atkinson			X			
Philip Trabel	X					
Helen Halleman			X			
Mayor Gifford						

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

By: _____
Leo Atkinson - President of Council

SUBMITTED BY

By: _____
Cordula Voges, Finance Officer

ATTEST:

By: _____
Anthony Branco, Executive Administrator

Next Resolution 2019-30
Next ordinance # 853