

**BOROUGH OF FOUNTAIN HILL COUNCIL  
COUNCIL MEETING MINUTES  
August 21, 2019  
7:00 PM**

Council members present were: Ms. Jordan, Mr. Ferencin, Mr. Blatt, Mr. Trotter, Mr. Atkinson, Mayor Gifford, Mr. Trabel, and Ms. Halleman. Also, in attendance were Anthony Branco (Borough Manager), and guests.

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

The documents listed below were provided to Council for the July 24, 2019 Council meeting;

1. Minutes of July 24, 2019 Council Meeting
2. Minutes of August 5, 2019 Council Meeting
3. Stormwater Draft Ordinance – second reading

**DRAFT MINUTES**

- Minutes of July 24, 2019 Council Meeting – DRAFT (Revisions to be submitted to Ms. Voges in writing)
- Minutes of August 5, 2019 Council Meeting – DRAFT (Revisions to be submitted to Ms. Voges in writing)

**PRESENTATION(S) – none**

**PRIVILEGE OF THE FLOOR – Discussion on Agenda Items**

**RESOLUTIONS**

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2019 - 31**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA,  
APPOINTING FOR POSITIONS WITHIN THE BOROUGH  
ORGANIZATION.**

**WHEREAS**, the Borough of Fountain Hill acknowledges that there is a vacancy in the position of Assistant HIPAA Officer;

**WHEREAS**, Borough Council acknowledges the current vacancy of the Assistant HIPAA Officer;

**WHEREAS**, Borough Council desires to appoint person(s) to fill the position(s) of the Assistant HIPAA Officer;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fountain Hill, Lehigh County, Pennsylvania, as follows:

The Council of the Borough of Fountain Hill appoints the following individual(s) to the positions for the terms as presented hereinafter:

<u>Assistant HIPAA Officers</u>	<u>Term Ends</u>
1. Carol Distasio	12/31/2019
2. Kathleen DiRico	12-31-2019

Duly Adopted by Borough Council at a meeting held on the 21<sup>st</sup> of August, 2019.

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

**ORDINANCES**

**PUBLIC MEETING for Ordinance No. 853**

Mr. Trabel made a motion to enter into a public meeting for comments on Ordinance No. 853 Stormwater Municipal Authority, seconded by Ms. Jordan and approved unanimously.

1. Mr. Michael Langton of 1215 Broadway
  - how the stormwater would affect the residents

Mr. Atkinson stated that a fee would be assessed by the square footage of impervious coverage. This fee would be assessed to **ALL** property owners in the borough.

2. Mr. Patrick Figueroa of 820 N. Clewell St.

- Suggested that maybe a collaboration of businesses could help defray the cost of building the needed retention basin.

Mr. Atkinson stated that the fee that would be set would be used to cover the costs associated with the implication of the MS4 program, but that he would ask the new Authority members to look into it when the Authority is formed.

3. Mr. Josh Goldfinger of 830 Tomblor St.

- Would green roofs be eligible for credit

Mr. Atkinson stated that it was one of the ways to receive a credit against the fee.

Ms. Jordan made a motion to conclude the public meeting and return to the regularly scheduled Council meeting, seconded by Mr. Blatt. The motion was approved unanimously.

Council discussion on Ordinance No.853

Mr. Atkinson informed all present items such as filters in the storm drains, planting of trees and a retention basin were submitted in the Act 167 plan that was submitted to and approved by DEP.

Mr. Branco explained that the Borough is mandated to reduce the sediment load generated by stormwater that flows into waterways by 10%.

Mr. Trabel asked if bushes would be considered in place of trees, and if evergreen trees were acceptable.

Mr. Branco stated that bushes were not listed, and any tree is acceptable.

Mr. Blatt made a motion to table Ordinance No. 853 and to place it on the October 7, 2019 Council agenda. The motion passed unanimously

### **Second Reading**

ORDINANCE NO. 853

AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, CREATING A STORMWATER MUNICIPAL AUTHORITY FOR THE PURPOSES OF MANAGING STORMWATER ISSUES WITHIN THE BOROUGH

WHEREAS, the Borough of Fountain Hill finds that stormwater management is necessary to protect the general health, safety, and welfare of the residents of the Borough. Therefore, the Borough of Fountain Hill determines that it is in the best interest of the public to create a Municipal Authority for the purposes of managing stormwater systems within the Borough.

NOW THEREFORE, BE IT DULY ENACTED and ORDAINED by the Borough Council of the Borough of Fountain Hill:

1. The Borough of Fountain Hill hereby signifies its intention and desire to organize an Authority under the Act of May 2, 1945, P.L. 382 and its amendments, and known as the "Municipality Authorities Act of 1945."
2. The President and Secretary of the Borough Council are hereby authorized and directed to execute, on behalf of the Borough of Fountain Hill, Articles of Incorporation for said Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of May 2, 1945, P.L. 382 and its amendments known as the "Municipality Authorities Act of 1945" the Borough of Fountain Hill, a municipal corporation located in the County of Lehigh and Commonwealth of Pennsylvania, desiring to incorporate an Authority thereunder, does hereby certify:

1. The name of the Authority is Fountain Hill Stormwater Authority, its registered office being Borough Hall, Fountain Hill, Pennsylvania.

2. Said Authority is formed under the provisions of Act of May 2, 1945, P.L. 382 and its amendments, known as "Municipality Authorities Act of 1945".
3. No other Authority has been organized under the Municipality Authorities Act of 1945 or under the Act, approved the 29<sup>th</sup> day of June, 1935, P.L. 463, and none is in existence in or for the Borough of Fountain Hill, the incorporating municipality.
4. The name of the incorporating municipality is the Borough of Fountain Hill.
5. The names, addresses and terms of office of the first members of the Board of Authority to be formed hereby are as follows:

<u>NAME</u>	<u>TERM</u>
• Council President or designee	2 years
• Ms. Annamarie Jordan	5 years
• Mr. Thomas Lansek	4 years
• Ms. Kelsey Morison	3 years
• Mr. Patrick Figueroa	1 year

6. The project or projects to be undertaken by said Authority shall be projects permitted and authorized by the laws of the Commonwealth of Pennsylvania as the Borough of Fountain Hill may from time to time by Resolution or Ordinance specify.
7. A certified copy of the Ordinance of the Borough of Fountain Hill authorizing the creation of said Authority, together with proof of publication of Notice of Filing of these Articles of Incorporation, are each submitted herewith.
8. The existence of the Authority shall terminate fifty (50) years from the date of filing, unless extended by an amendment to these Articles of Incorporation

IN WITNESS WHEREOF, the Borough of Fountain Hill, the incorporating municipality have caused these Articles to be executed by its proper officers and have caused to affixed

hereto the municipal seal of said incorporating municipality  
this \_\_\_\_ day of \_\_\_\_\_, A.D., 2019.

3. The President and Secretary of the Borough Council are further directed to cause a notice of the substances of this Party, including the substance of the above Articles of Incorporation and of the proposed filing of the above Articles of Incorporation to be published once in the Morning Call, a newspaper published and of general circulation in the County of Lehigh, and in the Lehigh Law Journal, as directed by the Municipalities Authorities Act of 1945 and its amendments.

4. The President and the Secretary of the Borough Council are directed to file the said Articles of Incorporation, together with the necessary proofs of publication, with the Secretary of the Commonwealth, and to do all other acts and things necessary or appropriate to effect the incorporation of the "Fountain Hill Stormwater Municipal Authority," including the payment of any filing fees in connection therewith.

5. The initial project to the undertaken by the Authority shall be:

- a. To manage the stormwater issues affecting the Borough.
- b. This Borough requests the Authority to undertake and consummate the initial project specified in Section 5(a) with all reasonable dispatch and diligence.
- c. This Section shall not be construed to preclude this Borough from specifying other projects, by future action of this Borough, which may be undertaken by the Authority.
- d. Enactment of this Section is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of citizens of this Borough and will increase the prosperity of citizens of this Borough.

### **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.

MOTIONS - none

OLD BUSINESS

DISCUSSION ITEMS (NEW BUSINESS)

PRIVILEGE OF THE FLOOR – Discussion on Non - Agenda Items

Mr. Patrick Figueroa of 820 N. Clewell St. applauded Council for advertising for a full time Zoning Officer

Mr. Atkinson stated that Trick or Treat would be held on October 25, 2019 from 6 PM to 8 PM

Ms. Iris Kale of 852 N. Clewell St. asked if the Borough would be painting curbs in the borough. Cars are parked too close to intersection and driveways making it a hazard.

Mr. Blatt stated that there are signs posted, and cars parking illegally is an enforcement issue.

Mayor Gifford stated that lines help.

Ms. Jordan asked if Ms. Kale was saying cars parked illegally were not being ticketed?

Ms. Vanessa Figueroa of 820 N. Clewell St, stated that this is the same issue that was discussed at a prior Council meeting, Church Alley and Clewell Street are dangerous because of the parking close to intersections.

Mr. Atkinson directed the Public Works Committee to meet to discuss the issue and formulate a plan.

Mr. Josh Goldfinger of 830 Tomblor St. asked if restrictions could be adopted restricting the amount of time a car is parked such as time limits.

EXECUTIVE SESSION - none

ADJOURNMENT

The meeting adjourned at 7:52 PM followed by Mr. Trabel's motion and passing unanimously.

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

By: \_\_\_\_\_  
Leo Atkinson - President of Council

**SUBMITTED BY**

By: \_\_\_\_\_  
Anthony Branco, Borough Manager

**ATTEST:**

By: \_\_\_\_\_  
Anthony Branco, Borough Manager

Next Ordinance – 853  
Next Resolution – 2019-31