

**MINUTES
BOROUGH COUNCIL
August 5, 2024
7 P.M.**

The Council Meeting was held in person at Borough Hall. Council members present were Ms. Johnson, Mr. Rufe, Mr. Trotter, Mr. McCandless, Mr. Blatt, Mr. Trabel, and Mayor Johnson. Amy Burkhart (Borough Manager), Jill Fessler (Finance Director), Mr. Berger (Solicitor), and guests were also in attendance.

Council President McCandless called the meeting to order and announced that we had an Executive Meeting before the Council Meeting this evening to discuss the Litigation with the Burke Lawsuit and Personnel for the Code Enforcement Position.

PLEDGE OF ALLEGIANCE

Council President McCandless asked everyone to rise for the Pledge to the Flag.

MINUTES

Council President McCandless asked the Council to approve the minutes as amended from July 17, 2024. Mr. Trabel made the motion, seconded by Ms. Johnson, and unanimously approved.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						x
Jamie Johnson		x	x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel	x		x			
Stewart McCandless			x			
Norman E. Blatt Jr.			x			
Mayor Johnson						

Mr. Berger mentioned that we need a motion to amend the agenda.

Council President McCandless announced that we need a motion to amend the agenda. Borough Manager Burkhart announced that the reason for the amendment is that the school district submitted an application to use the park and is requesting a date before our next council meeting. She explained that we just received the application today. We need to add it to the agenda so we can make that motion and have it accepted tonight. Ms. Johnson made the motion, seconded by Mr. Trotter, and unanimously approved it.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						x
Jamie Johnson	x		x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel			x			
Stewart McCandless			x			
Norman E. Blatt Jr.			x			
Mayor Johnson						

PRIVILEGE OF THE FLOOR/ PRE-SCHEDULED – NONE

MAYOR’S REPORT – NONE

BOROUGH MANAGER’S REPORT

- Park/Pool Updates – Borough Manager Burkhart announced that the park and pool will remain open as long as staffing allows, with the pool potentially closing on August 18. Mr. Blatt asked about how residents would be notified, and Ms. Burkhart explained that they will post the exact dates on Facebook, website, and Nixle. Rufe also asked about posting something at the pool and park, and the council agreed to do so.
- South Side Stride Event – Borough Manager Burkhart received an application from the school district for a South Side Stride Event, an introduction for kindergarteners. The event will tour the town, meet teachers, and then have a park event with backpacks and games for incoming students. The event is scheduled for August 16, 2024. Mr. Blatt inquired about potential issues with the last hour of the morning session, but the Borough Manager believes it will be beneficial as it allows kids to see the playground program.

NEW BUSINESS

- Lining of Manholes – Council President McCandless announced a request from Public Works to line several manholes in the Borough in collaboration with the Stormwater Authority. Public Works believes this process is better and more affordable than rebuilding the manholes. Mr. Blatt asked about the lining. Mr. Quarry, the Public Works Supervisor, explained that the process involves spraying chemicals inside the manholes, which restructures the facility. Mr. Trabel asked about the existing brick. Mr. Quarry explained that existing bricks stay in place, and the liner is applied. Mr. Quarry will place the paperwork in the Council's mailboxes.
- Library Budget Consideration – Council President McCandless has announced a request for an increase in the Borough's per capita contribution. Mr. Rufe explained that the

Bethlehem Public Library Board had previously requested a small increase, but the City of Bethlehem changed its budget submission practice, resulting in no increased fees for the Library. The Board is working diligently to implement the rate increase in time for the City of Bethlehem budget, but the fee remains nominal and there hasn't been a significant increase for quite some time. Mr. Rufe explained that he is on the Bethlehem Public Library Board and that many employees haven't received raises and even with this budget increase we wouldn't expect there to be a huge jump in these anyway. Mr. Trabel inquired about the date of the increase. Mr. Rufe explained that the increase is expected to go into effect in January 2025 for the next budget.

- Yard Waste Increase in Contract Price- Council President McCandless announced that the Bethlehem Recycling Bureau is requesting an increase in the Borough's fee for using their yard waste facility. Borough Manager Burkhart stated that the fee is nominal and will be reviewed during the budget time. The current fee is \$1,500.00, but for 2025, it will be \$60.00 more for \$1,560.00. Mr. Trabel asked if yard waste could still be put out for garbage. Mr. Blatt explained that there are special bags that you should use. Mr. Rufe agreed, he also stated that our contributions allow for the residents to use the Recycling Center and that the cost is \$20.00/year to purchase a compost ID card.
- Conflict Council Appointment- Borough Manager Burkhart explained that we will have something for the council to review for our September meeting. She explained that if our Solicitor had a conflict of interest, typically, a community would have this council appointed before the conflict. Mr. Blatt expressed concern about using the same attorney for each case. Ms. Burkhart explained that we can have conversations about this, see what the council recommendation would be, and get your opinion on that.

OLD BUSINESS

- Garbage and Recycling Hauler Contractor – Borough Manager Burkhart informed the council that the garbage and recycling hauler must be submitted for bid. We anticipate having that out on PENN Bid by the end of the week to review pricing. Mr. Blatt inquired about the due date. Ms. Burkhart explained that they will be due back by September. Mr. Blatt asked if this was enough time for the budget. Borough Manager Burkhart explained that she could make the due date earlier. Ms. Johnson explained that she felt we would have enough time. Mr. Berger explained that the contract will take effect in January. Ultimately, the last time we bid this out, we received responses in September and awarded the bids at those meetings. Mr. Blatt remembered that we received two, and Mr. Berger agreed. Mr. Rufe asked if we thought that the short-term affected our number of bids. Mr. Blatt didn't believe so and explained that hauling trash is expensive.
- Handicapped Ordinance – Borough Manager Burkhart explained that a House and Ordinance committee meeting to review the handicapped ordinance and some of its updates is scheduled for August 7, 2024, at 6 P.M.

- Fee Schedule Review- Borough Manager Burkhart announced that we continue working on the fee schedule revision. Mr. Blatt asked if this would be retroactive, and Ms. Burkhart explained that it would be effective on 1/1/2025.

RESOLUTIONS FOR FINAL PASSAGE – NONE

ORDINANCES FOR FINAL PASSAGE – NONE

MOTIONS

- Request that Council authorize the award of a contract to Advanced Rehabilitation Technology for the purchase and installation of OBIC Multi-Layer Manhole Lining System for eight (8) sanitary sewer manholes located within the Borough for a price not to exceed \$20,000.00, subject to any revisions deemed to be in the best interest of the Borough by the Borough Solicitor, and to authorize the Borough Manager or Borough Director of Public Works to execute said contract on behalf of the Borough

Council President McCandless asked the Council authorize the award of a contract to Advanced Rehabilitation Technology for the purchase and installation of OBIC Multi-Layer Manhole Lining System for eight (8) sanitary sewer manholes located within the Borough for a price not to exceed \$20,000.00, subject to any revisions deemed to be in the best interest of the Borough by the Borough Solicitor, and to authorize the Borough Manager or Borough Director of Public Works to execute said contract on behalf of the Borough. Ms. Johnson made the motion, seconded by Mr. Trotter, and unanimously approved.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						x
Jamie Johnson	x		x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel			x			
Stewart McCandless			x			
Norman E. Blatt Jr.			x			
Mayor Johnson						

- Request Council to accept and approve the requested time extension for 940 Cherokee, LLC from MPC guidelines. The deadline for review will be extended to November 1, 2024.

Council President McCandless asked Council to accept and approve the requested time extension for 940 Cherokee, LLC from MPC guidelines. The deadline for review will be extended to November 1, 2024. Mr. Blatt made the motion, seconded by Mr. Trabel, and unanimously approved.

Mr. Berger, our Solicitor, discussed the Land Development plan submitted by 940 Cherokee LLC, which was recommended by the Planning Commission. However, Mr. Berger highlighted several items that the applicant needs to address. He stated that the plans are not ready for Council review and that no compliance has been made. Mr. Berger explained that we granted an extension until November 1, 2024, and Mr. Berger is seeking Council approval to avoid denying the plan.

Mr. Rufe inquired about the property owner's submission of plans for Land Development. Mr. Berger explained that the developer submitted a preliminary final plan, which was reviewed by the Planning Commission before being recommended to the Council. However, the developer must comply with conditions and comments from the Borough Engineer and Borough Solicitor before approving the plan. Mr. Berger stated that the updated plans have not been received.

Mr. Rufe inquired about the timeline for the Planning Commission sending conditions to the developer. Mr. Berger believes they submitted plans at the May meeting. Mr. Berger explained that he believes there is a 90-day period under the Municipality Planning Code from a Land Development application being submitted before the Council to approve or deny the plan. Tonight's meeting would have been the meeting unless we had this extension request from the developer. Mr. Rufe asked if they had requested the extension, and Mr. Berger confirmed they had requested it.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						x
Jamie Johnson			x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel		x	x			
Stewart McCandless			x			
Norman E. Blatt Jr.	x		x			
Mayor Johnson						

- Updated 8/5/24 - Request Council approve the Bethlehem Area School District use of the Stanley Avenue Park on August 16 for a South Side Stride Event. Rental fees to be waived for the event.

Council President McCandless Request Council approve the Bethlehem Area School District use of the Stanley Avenue Park on August 16 for a South Side Stride Event. Rental fees to be waived for the event. Mr. Blatt made the motion subject to the usual insurance certificate requirement, seconded by Ms. Johnson, and unanimously approved.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						x
Jamie Johnson		x	x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel			x			
Stewart McCandless			x			
Norman E. Blatt Jr.	x		x			
Mayor Johnson						

COUNCIL PRESIDENT’S REPORT - Council President McCandless announced that we will have an End of Season Soak Session at the park on Friday, August 16th, in conjunction with the Fire Department and the Park Program from 6 P.M. to 8 P.M. It will be the last one for the season. Council President McCandless asked Mr. Quarry to let us know if anything is needed for the grounds. He also requested the same from the Police. Mr. Bachert confirmed that they would be there. We want a nice night for all the kids and families.

SOLICITOR’S REPORT

- Comcast Agreement Review – Mr. Berger announced that Comcast reached out to us regarding the contract status. He reminded the Council that at the last meeting, he explained that he circulated the most revised contract with some comments. I am following up with the Council to see if they have any requests, revisions, or questions. The final review and approval will be at the September meeting.
- Elementary School Project - Mr. Berger announced that the Elementary School plans will return before the Planning Commission meeting in August. They received Zoning approval for multiple request variances, providing a better understanding of their final plan. The Borough Engineer is reviewing the new plans, and the Planning Commission will make recommendations. The plans are expected to be presented to the Council in September or October for final review and approval.
- Zoning Hearing Board August 19, 2024, 913 Seneca – Mr. Berger announced a Zoning Hearing Board meeting this month, focusing on a variance request for 913 Seneca St. The property, a two-story, two-unit, and side one-story commercial property, suffered a fire loss and is now being rebuilt. The current owner wants to build a one-unit residential apartment on a one-story structure, making the one-story apartment a 17 x 21-foot studio dwelling. The variance is needed to meet the minimum dwelling size of five hundred square feet, resulting in a variance of roughly 300 square feet. The Zoning Officer also noted the need for sufficient off-street parking for six vehicles.

- Collections Update- Mr. Berger announced that there will be a Finance Committee meeting on Wednesday at 4:30 August 7, 2024. Mr. Berger will be there to review the status of several collections.

COMMITTEE REPORTS

A. Finance (Trotter, Blatt, Jordan)

Mr. Trotter asked for a motion to pay the bills as presented. Mr. Trotter motioned and seconded by Ms. Johnson, and unanimously approved.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						x
Jamie Johnson		x	x			
Wilbert Rufe			x			
Doug Trotter	x		x			
Philip Trabel			x			
Stewart McCandless			x			
Norman E. Blatt Jr.			x			
Mayor Johnson						

B. Public Works (Jordan, Trotter, Rufe)

Mr. Quarry reported that two road projects are starting over the next few weeks. They will occur on Lechauweki and Brighton St. Keep an eye out for signage and parking.

C. Police (Blatt, Trotter, Johnson)

Mr. Blatt announced that the Police report was in your mailbox. He believes there were seven part-one offenses and seventeen part-two offenses in the Borough. Chief Bachert reported a DUI checkpoint at the Bottom Dollar on August 2nd, resulting in three DUIs and several violations as part of the Lehigh County Grant. Fountain Hill Police has received the grant for aggressive driver and pedestrian safety. The officers are currently out enforcing, and they will continue until the funds are gone. Game Time officially closed on July 31st, and a new business will open in July. A DUI arrest occurred on Jeter Ave, with multiple mailboxes struck, and the individual was arrested within 40 minutes.

Mr. Blatt inquired about a Facebook post about the line of sight on Delaware and Clewell. There was a bad accident. Mr. Bachert explained that a car struck two vehicles. We had two other claims, but we couldn't find anything linking the

damage to those vehicles. Dave Wood was called out, and he did an investigation. We do not know if it was a line-of-sight issue. It looked like a speed issue.

Mr. Rufe explained that he was happy that Game Time would be switching to a different business. It has been nothing but problematic. He wishes luck to the next business.

D. House & Ordinances (McCandless, Rufe, Jordan)

Council President McCandless reported that we have a meeting this month. We are still working on completing the handicap parking ordinance, fee schedule, and other items.

E. Fire (Trabel, Rufe, McCandless)

Mr. Trabel announced that we had twenty calls in July, and the Fire Department has training every Monday night.

F. Recreation (Johnson, Rufe, Trabel) - NONE

G. Health & Sanitation (Rufe, Johnson, Trabel)

Mr. Rufe read the July Sewer/Garbage collection reports.

H. Personnel (Trotter, Blatt, Jordan) - NONE

I. IT Committee (Johnson, Rufe, Jordan) – Ms. Johnson announced that there was a phishing attempt today. She explained that she sent an email out just as a reminder to double-check the email addresses that come through. I received an email that looked like it was coming from the Mayor. It was not an email address belonging to the Mayor or a link. Make sure you hover over your links and verify where they go. She reported this to Keystone Technology, and this email has been blocked. Just be vigilant.

SPECIAL OR SELECT COMMITTEES -

LIBRARY- Mr. Rufe announced that we do not have a meeting during the month of August due to Musikfest. In July, we discussed the budget. We will have a meeting in September. We are seeing an increase in participation in activities. Thank you for participating.

PRIVILEGE OF THE FLOOR - Discussion on Non - Agenda Items - NONE

ADJOURNMENT

At 7:37 pm Council President McCandless asked to adjourn the Council meeting. Ms. Johnson made the motion, seconded by Mr. Trabel, and unanimously approved.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan						
Jamie Johnson	x		x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel		x	x			
Stewart McCandless			x			
Norman E. Blatt Jr.			x			
Mayor Johnson						

ATTESTED

BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA

BY: _____
Amy Burkhart, Borough Manager

By: _____
Stewart McCandless - President of Council

SUBMITTED

BY: _____
Jill Fessler, Finance Director

Next Ordinance – 883
Next Resolution – 2024-14

APPROVED