

**BOROUGH OF FOUNTAIN HILL  
COUNCIL MEETING MINUTES  
August 7, 2017**

**7:00 P.M.**

Council members present were: Mr. Rapp, Ms. Jordan, Mr. Trabel, Mr. Blatt, Ms. Halleman, Ms. Gifford, Mr. Trotter Jr. and Mayor Rosado. Also in attendance were Mr. Peter Lehr, Esq., Police Chief Ed Bachert, Albert Rohrbach, Bethany Sebesta, Fire Chief Boeher, Joe Patanella and guests. Anthony Branco, Executive Administrator was absent.

Council President Rapp called for the pledge to the flag.

Council President Rapp indicated the next item on the agenda was the approval of minutes:

1. Minutes of the June 21, 2017 Work Session Meeting

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford			X			
Hellen Halleman			X			
Annamarie Jordon	X		X			
Norman Blatt			X			
Doug Trotter		X	X			
Larry Rapp			X			
Mayor Jose Rosado						

2. Minutes of the July 3, 2017 Regular Meeting

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford		X	X			
Hellen Halleman			X			
Annamarie Jordon			X			
Norman Blatt	X		X			
Doug Trotter			X			
Larry Rapp			X			
Mayor Jose Rosado						

Councilman Blatt explained that the House and Ordinance Committee had interviewed candidates for the part-time receptionist position and that the Committee recommended the hiring of Carol Distasio and Kathleen DiRico. Their hire would be effective immediately pending the passing of all necessary pre-employment requirements. Councilman Blatt made the motion, Councilwoman Jordan seconded the motion, and it passed unanimously.

Councilwoman Jordan explained that the Public Works Committee had interviewed current seasonal employee, Michael Valdez, and the Committee recommends Mr. Valdez be promoted to

full-time with the customary six-month probation period. Councilwoman Jordan made the motion, Councilman Trotter seconded the motion, and it passed unanimously.

**PRIVILEGE OF THE FLOOR:** (agenda items) – None.

**MAYOR’S REPORT:**

Mayor Rosado thanked Chief Bachert, the Fountain Hill Police Department, the Fountain Hill Fire Department, and the 37 neighboring departments that assisted at the fire on Benner Street. Mayor Rosado expressed his gratitude on behalf of the Borough.

Mayor Rosado read the Police Department’s monthly report on incidents and reviewed any significant increases or decreases. Mayor Rosado then read the District Magistrate’s report and monthly tickets and reports collections from the Police Department and monthly receipts for tickets and reports submitted by the Department.

**EXECUTIVE ADMINISTRATOR’S REPORT:**

Ms. Sebesta explained the 2018 Minimum Municipal Obligation for the Uniformed Pension Plan calculations and that \$360,560 would have to be budgeted in 2018. Councilman Blatt asked Ms. Sebesta how these figures compared to former years. Ms. Sebesta stated that compared to prior years, it is a significant increase.

**NEW BUSINESS:** none

**RESOLUTIONS:**

**RESOLUTION NO. 2017- 31**

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL SUPPORTING  
SENATE BILL 745 ESTABLISHING THE ELECTRONIC PUBLICATION OF LEGAL  
NOTICES ACT**

**WHEREAS**, the current laws governing publication of local government actions are outdated and result in wasteful spending of taxpayer dollars; and

**WHEREAS**, transparent government does not have to mean in the inefficient use of resources; and

**WHEREAS**, a 2006 Penn State study estimated local government advertising costs at \$26 million; and

**WHEREAS,** Fountain Hill Borough spent \$5,429.46 in 2016 on public notices placed in local print media; and

**WHEREAS,** local government’s use of technological advances in electronic media can provide citizens with equal, if not greater, access to information more quickly, efficiently and cost effectively; and

**WHEREAS,** Senate Bill 745 of 2017 authorizes local government entities to use electronic publication to notify its constituents of its various actions; and

**WHEREAS,** Senate Bill 745 contemplates a searchable statewide database accessible to all citizens; and

**WHEREAS,** use of the database would fulfill Fountain Hill Borough current print media advertising requirements; and

**WHEREAS,** the cost incurred by Fountain Hill Borough would be limited to user fees reflecting the actual cost of administering the database; and

**WHEREAS,** the Office of Open Records is charged with database administration.

**THEREFORE, BE IT RESOLVED:** (Fountain Hill Borough supports Senate Bill 745 providing local government entities with the option to use a statewide database for publication of its various actions and notices.

**BE IT FURTHER RESOLVED,** Fountain Hill Borough requests the PA General Assembly consider, affirmatively support, and move SB 745 to the Governor’s desk during the 2017-2018 legislative session.

Duly Adopted by Borough Council at a meeting held on the 7th day of August, 2017.

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford			X			
Hellen Halleman			X			
Annamarie Jordon			X			
Norman Blatt	X		X			
Doug Trotter		X	X			
Larry Rapp			X			
Mayor Jose Rosado						

**ORDINANCES:** none

**MOTIONS:**

- A motion for conditional approval for release and payment of Application #1 in the amount of \$242,986.17 providing all certified payroll & subcontractor documents for the project have been submitted by the Contractor and reviewed and approved by the Borough and Lehigh County.

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford		X	X			
Hellen Halleman			X			
Annamarie Jordon	X		X			
Norman Blatt			X			
Doug Trotter			X			
Larry Rapp			X			
Mayor Jose Rosado						

- A motion for conditional approval for release and payment for Application #2 totaling \$12,788.75 subject to Barker & Barker completing all final punch list items and approved by the Borough, and the required Maintenance Bond has been submitted to the Borough.

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford		X	X			
Hellen Halleman			X			
Annamarie Jordon	X		X			
Norman Blatt			X			
Doug Trotter			X			
Larry Rapp			X			
Mayor Jose Rosado						

- A curb cut for 1008 Broadway (rear) was requested by Mr. Kenneth M. Kirst. All necessary departments verified.

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford	X		X			
Hellen Halleman			X			
Annamarie Jordon			X			
Norman Blatt			X			
Doug Trotter		X	X			
Larry Rapp			X			
Mayor Jose Rosado						

**OLD BUSINESS:**

Councilwoman Gifford announced that the next Borough Clean-Up will be September 2<sup>nd</sup> and anyone interested can meet at Borough Hall.

#### **COUNCIL PRESIDENT'S REPORT:**

Council President Rapp announced that the new generator at the Brighton St. pump station has been installed and that the new electric service is currently being completed. Council President Rapp thanked Joe Panatela and St. Luke's for their donation to this project.

#### **SOLICITOR'S REPORT: N/R**

#### **COMMITTEE REPORTS:**

- Finance Committee:  
Councilman Trotter reviewed the bills paid in each Fund, and made a motion for the approval of the bills. The motion was seconded by Councilwoman Gifford and was approved unanimously.
- Public Works Committee:  
Ms. Jordan presented the July Public Works report submitted by Mr. Jason Quarry.
- Police Committee: N/R
- House & Ordinance Committee:

Councilman Blatt explained that a Quality of Life Ordinance would allow the Borough to issue certain citations and collect the money directly at the Borough. Councilman Blatt asked Mr. Lehr to review the Ordinance for legality.

- Fire Committee: Councilman Trabel read the fire report from Benner St. and once again thanked all who assisted.
- Recreation Committee: Councilwoman Gifford explained that the pool was a success this year because of the YMCA, but that the playground is still experiencing vandalism issues.
- Health & Sanitation Committee: Councilwoman Halleman read the July Sewer and Sanitation report.
- Personnel Committee: N/R

Council President Rapp asked that Council review an Ordinance prohibiting parking on Cherokee St. Council will review this Ordinance at its next meeting

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 15, PART 3, PROHIBITING PARKING AT VARIOUS TIMES, AMENDING SCHEDULE 1 (A) AND SCHEDULE 2 (B), EXTENDING THE EXISTING PROHIBITING PARKING ON THE NORTH SIDE OF CHEROKEE STREET

BE IT ORDAINED by the Borough Council of the Borough of Fountain Hill, Lehigh County, Commonwealth of Pennsylvania, that Chapter 15, Part 3, shall be amended as follows:

1. Schedule 1(A), Parking Prohibited at All Times in Certain Locations, shall be amended as follows:

**REMOVE:**

STREET	SIDE	BETWEEN
Cherokee St. apron	North	58 feet from the west driveway east to the next driveway  (no stopping, standing, parking)

**ADD:**

STREET	SIDE	BETWEEN
Cherokee Street	North	Beginning at 86 feet east of the intersection of N. Clewell and Cherokee St. going east 255 feet (no parking, stopping)

Councilman Blatt made a motion to table the Ordinance, Councilman Trabel seconded the motion, and it passed unanimously.

AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 7 FIRE PREVENTION AND FIRE PROTECTION, PART 2, PROVIDING FOR REGULATION OF FIRE PITS IN THE BOROUGH, PROVIDING RESTRICTIONS AND PENALTIES FOR THE VIOLATION THEREOF

**WHEREAS**, the Borough of Fountain Hill (hereinafter the "Borough") Code of Ordinances, Chapter 7, Fire Prevention and Fire Protections provides for regulations designed to protect the health and safety of its citizens; and

**WHEREAS**, the risk of fire, as well as air pollution and nuisances caused by fire pits, pose a threat to the health and safety of citizens; and

**WHEREAS**, the Borough finds it necessary to regulate fire pits to reduce the risk of fire through irresponsible, careless and uncontrolled use and operation, and associated nuisances caused by smoke, cinders and ash; and

**WHEREAS**, to protect the health, safety and welfare of the Borough, and to protect the Borough's land, including its rights of way, as well as private property, the Borough Council has determined it is in the best interest of the Borough to adopt this ordinance regulating fire pits.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough of Fountain Hill, Lehigh County, Pennsylvania, in lawful fashion duly assembled as follows:

Councilman Blatt requested that the following Ordinance be put on-hold for the time being.

**Chapter 7, Fire Prevention and Fire Protection, Part 2 entitled Open Burning, of the Code of Fountain Hill Borough is hereby amended as follows:**

Section 202. Definitions is amended by adding the following definitions:

Fire Pit – is defined as below ground pits, freestanding fireplaces, and portable devices intended to contain and control outdoor fires.

Outdoor Food Preparation Equipment – is defined as any and all appliances or equipment used for the sole purpose of food preparation that utilize charcoal, natural gas, or liquefied petroleum as a fuel or heat source.

and amending the definition of “Burn Container” with the amendment noted in underline/strikeout format:

Burn Container – is defined as any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; containing a bottom, sides and a cover, and ~~“Burn containers” shall not be allowed to deteriorate to the point where it has any they contain holes or missing surface area in the structure. Outdoor fireplaces or incinerators shall be considered as Burning Containers for the purpose of this Ordinance.~~

Section 203. Prohibitions is hereby amended and restated in its entirety as follows:

Section 203. Restrictions and Regulations.

- A. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, of whatever nature, unless conducted in this accordance with this Part.
- B. It shall be unlawful for any person to kindle or maintain or authorize to be kindled or maintained any outside fire, unless such fire is maintained within either: (i) a burn container with a burn container cover; or (ii) a fire pit.
- C. It shall be unlawful for any person to burn, ignite, or feed any outside fire any materials which create air pollution, or any materials that are prohibited by state and/or federal law or regulation.
- D. It shall be unlawful for any person to burn, ignite, or feed any outside fire between the hours of 11:00 p.m. and 7:00 a.m.
- E. It shall be unlawful for any person to kindle or maintain or authorize to be kindled or maintained any outside fire within twenty-five feet (25’) of any building or structure, or within twenty feet (20’) of any property line or public street right-of-way. Open burning is prohibited in any public street or alley.
- F. An outside fire conducted in accordance with this Part shall be attended at all times by a person over the age of 18 and the location of the fire shall be controlled as to prevent endangerment to property or person.
- G. Fire pits shall only be used in accordance with the manufacturer’s specifications, including the manufacturer’s recommended solid fuels, and the restrictions and regulations set forth in this Section. Below ground fire pits shall be at least four inches (4”) in depth and shall be surrounded on the outside, above ground, by a non-combustible material such as steel, brick or masonry. A fire pit shall not exceed three feet (3’) in diameter or two feet (2’) in height. If any

emissions from a fire pit become objectionable or offensive to neighboring property owners, the Fire Chief, Fire Marshall, any police officer, or any code enforcement officer of the Borough may direct extinguishment pursuant to Sections 205 and 206 of this Part.

become(s) objectionable or offensive to neighboring properties, the AHJ may suspend the operation of same.

H. Outdoor food preparation equipment shall not be subject to the restrictions and regulations set forth in this Section.

The following new Sections are hereby added to this Part 2:

Section 205. Responsibility of Owners and/or Operators. The Fire Chief, Fire Marshall, any police officer, or any code enforcement officer of the Borough may extinguish or direct any property owner or person in charge of an open fire to immediately extinguish said open fire if the open fire is in violation of this Part and/or in his/her opinion is deemed a threat to the safety of persons and property.

Section 206. Fire Department Extinguishment; Authority. The Fire Chief, Fire Marshall, any police offer, or any code enforcement officer of the Borough is authorized to order the extinguishment any property owner or person in charge of an open fire that creates or adds to a hazardous or objectionable situation. He/she may authorize the Borough Fire Department to extinguish the prohibited fire in the event that said fire is beyond the scope and ability of the responsible party and/or property owner to extinguish said fire.

## **SPECIAL OR SELECT COMMITTEES: N/R**

### **PRIVILEGE OF THE FLOOR (non-agenda items):**

Ms. Marie Smith of 515 S. Benner Ave. asked Council who is responsible for the maintenance on the Borough's fire hydrants. Council President explained that the City of Bethlehem is responsible for the maintenance of the hydrants and that the Borough pays a monthly rental fee for their use. Ms. Smith informed Council that she did not believe the water main at the hydrant by her home was large enough. Ms. Smith was directed by Council to follow up with Mr. Branco.

Councilwoman Gifford made the motion to adjourn at 7:44 PM. Councilman Trotter seconded the motion and it was approved unanimously.



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Respectfully Submitted,

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Bethany Sebesta, Assistant to the Executive Administrator

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

By: \_\_\_\_\_  
Norman Blatt Jr., Vice-President of Council

**ATTEST:**

By: \_\_\_\_\_  
Anthony Branco, Executive Administrator