

**MINUTES  
BOROUGH COUNCIL  
June 3, 2024  
7 P.M.**

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

**PLEDGE OF ALLEGIANCE**

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

Council President McCandless announced that on Thursday, May 23rd, at 11 A.M., the council held an Executive Session called by our Solicitor regarding pending Burke litigation. He explained that this is for informational purposes.

**MINUTES**

Council President McCandless asked the Council to approve the minutes from May 22, 2024. Ms. Johnson made the motion, seconded by Mr. Trabel.

	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						

**PRIVILEGE OF THE FLOOR/ PRE-SCHEDULED –**

Joseph Rentko, an engineer from Black Forest Engineering, attended the meeting for the applicant/owner of 960 Broadway, an existing strip mall with a commercial building in its front corner. The applicant wants to convert the smaller commercial building into a residential property. Mr. Rentko explained that the SALDO definition of Land Development could be interpreted in a way that would require a land development application. Mr. Rentko completed a waiver request based on SALDO, which allows a waiver to be acceptable by the council if the Land Development Review of the project is considered unreasonable due to the small size or limited impact of the development. The applicant's proposal fits the bill of a small size or limited

impact development, as the property already has sidewalks, is fully paved, and is an existing structure. Mr. Rentko submitted the waiver request to the council and explained that the applicant is ready to submit building plans and zoning permits for the work inside the building.

Borough Manager Burkhart confirmed that Rocco Beltrami had completed a memo forwarded to Mr. Chupella, but it was late in the day. Mr. Rentko confirmed that they had already completed the waiver. Mr. Rentko believes the council has the right to waive the Land Development Process before submitting an application, as they have done in Hanover Twp. Mr. Rentko clarified that the waiver asks the council not to make us go through the Land Development Process based on the size and scope of the project. We wouldn't have to submit an application.

Borough Manager Burkhart clarified that the application requirement is part of the Municipal Planning Code and not the Borough's SALDO. Attorney Rocco Beltrami's interpretation suggests submitting the waiver as part of the Land Development application. Mr. Sheppard, the Solicitor, agreed with the Borough Manager, stating that the application should go through the proper channels and be reviewed by the Planning Commission. Mr. Rentko disagreed with the Borough's interpretation. Mr. Cramer stated that there is zero land development, while Mr. Blatt stated that it is the opinion of the Solicitor that the project meets the definition of Land Development. Ms. Johnson explained that the property is moving from a business purpose to a residential purpose, increasing water and waste usage. She believed it would be part of the Land Development application and the SALDO.

Mr. Rentko inquired about how he could assist with the project. Ms. Burkhart explained that the Planning Commission is the most frequent review organization for Land Development, and they are the best group to determine if a waiver is warranted. The council would value their recommendation. Mr. Blatt requested Mr. Cramer to return tonight which gave time for Council to receive input from the Solicitor. Council President McCandless explained that we promised to provide an answer on the project's direction. Mr. Sheppard suggested the project should go through the proper channels, following Solicitor Rocco Beltrami's memo. Council President McCandless's opinion is to follow the recommendations of our Solicitor and go through the Planning Commission.

Michelle Carroll, a resident of 1340 Stanley Ave, discussed the issues at the park with the Council. She cited complaints about fireworks, fires, and out-of-control children. She also mentioned that parents who bring their children cannot bring them to the park. The issue is ongoing and occurs nightly. Robyn Bleicher, a resident of 1340 Stanley Ave, mentioned that the problem occurs between 9 P.M. and 10 P.M., with more children coming to the basketball court. Mr. Blatt suggested that if they are there after 9 P.M., they should call the police since the court is closed. Ms. Bleicher suggested more police presence. Council President McCandless emphasized that the situation depends on the borough's situation and advised against confronting the issue. He asked the residents to continue calling the police and attending council meetings.

**MAYOR'S REPORT** - Mr. Johnson announced that he wanted to thank Council President McCandless, Jason and his crew, the Police, Fire Department, EMS, the Broughal Band, Mr. Stoltz, and everyone who came out to the Memorial Day Celebration. We had a very nice turnout, and it was a nice day. As a reminder, the park will open on Monday, and the pool will

open on Thursday. There is going to be a lot of traffic. Please watch out for children on bikes, skateboards, and scooters. Lastly, if you are out walking your dog, please clean up after your dog.

### **BOROUGH MANAGER'S REPORT**

- Pool Updates - Borough Manager Burkhart announced that we have motions to approve hiring assistant managers and the conditional offer for the manager and additional lifeguards. She also announced that we need to replace the aquatic lifts at the pool. We are looking forward to building a strong aquatics program. We may have a few positions available. If you know anyone who is interested, please forward them our way. We had a meeting on Sunday with the leadership at the pool. Mr. Trabel asked if we had enough lifeguards. Ms. Burkhart explained that after this evening, we will have fourteen lifeguards.
- SALDO Waiver Updates – Borough Manager Burkhart reported that this has already been discussed.

### **NEW BUSINESS**

- Review of the 2024 Borough Street Project: Lechauweki Ave and Brighton Streets – Borough Manager Burkhart explained that Jill Smith submitted a letter to the Council regarding the review of this 2024 Borough Street project. She reported that we received seven bids. You will see a motion in tonight's packet regarding awarding that bid. Ms. Smith recommends awarding the bid to GoreCon, Inc. for \$180,555.89.
- Pool Lifts - Borough Manager Burkhart explained that a memo in their packet regarding the aquatic lifts includes the pricing. If It's Water is a CoStars vendor. So, the \$13,436.10 would meet the bidding requirements because of the CoStars program. This purchase will replace two of the lifts at the pool required for ADA accessibility. Mr. Trabel asked what they were for. Borough Manager Burkhart announced that they are to assist people in wheelchairs or have limited mobility to help them into the pool since we do not have a zero-entry pool. Mr. Blatt explained that they were purchased for us by the Legion twelve years ago. Ms. Johnson explained that we must have those for ADA compliance.

### **RESOLUTIONS FOR FINAL PASSAGE – NONE**

### **ORDINANCES FOR FINAL PASSAGE - NONE**

### **MOTIONS**

- Request Council to approve the hiring of Iris Kale and Ethan Ferris as Seasonal Temporary Assistant Pool Managers for the 2024 Pool Season at an hourly rate of \$22.50/hour contingent on the submission of all necessary employment documentation.

Council President McCandless asked the Council to approve the hire of Iris Kale and Ethan Ferris as Seasonal Temporary Assistant Pool Managers for the 2024 Pool Season at an hourly rate of \$22.50/hour contingent on the submission of all necessary employment documentation. Mr. Trotter made the motion, seconded by Mr. Trabel, and unanimously approved.

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

- Request Council approve the Conditional Offer of Employment to James Zhang as the Temporary Seasonal Pool Manager at a Seasonal Rate of \$7,250 which projects 25 hours per week over 12 weeks at a rate of \$25.00 per hour. The Conditional Offer includes a definition of Emergency Time that would pay of time and a half and includes a definition for Additional Hours a rate of \$25.00 per hour.

Mr. Trabel asked if he was a full-time employee. Borough Manager Burkhardt explained that he works 25 hours weekly as a seasonal employee. Mr. Blatt wondered if there are guidelines in place for hours over 25. Borough Manager Burkhardt announced that there are guidelines for when emergency time would be put in place to be called on-site with less than 24 hours advanced notice. He will need the Borough Manager's approval. Borough Manager Burkhardt will be monitoring the times and schedules. Ms. Johnson explained that this was fewer hours than we anticipated. He was supposed to be full-time. Mr. Blatt made the motion, seconded by Mr. Trabel, and unanimously approved.

	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						

- Request Council approve the hiring of the following individuals as Seasonal Temporary Lifeguards for the 2024 Pool Season at a rate of \$18/hour contingent on the submission of all necessary employment documentation.

Ryan Monahan  
 Brandon Stout  
 Jayden Macon

Jonathan Ahner  
 Angel Alamo  
 Daniel Lanning

Sean McGuire

Council President McCandless asked the Council to approve the hiring of the following individuals as Seasonal Temporary Lifeguards for the 2024 Pool Season at a rate of \$18/hour contingent on the submission of all necessary employment documentation. Ms. Johnson made the motion, seconded by Mr. Trabel, 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						

- Request Council approve the employment of Temporary Seasonal Employees in alternate positions at the following rates:

- Pool Cashier - \$12.00 / hour
- Recreation Assistant - \$15.00 / hour

Council President McCandless asked the Council to approve the hiring of Temporary Seasonal Employees in alternate positions at the following rates: Pool Cashier \$12.00/hour and Recreation Assistant \$15.00/hour. Ms. Johnson made the motion, seconded by Mr. Trabel, 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						

- Request Council approve the award of the 2024 Borough Street Project: Lechauweci Avenue and Brighton Street to GoreCon, Inc in the amount of \$180,555.89.

Council President McCandless asked the Council to award the 2024 Borough Street Project which including Lechauweci Avenue and Brighton Street to GoreCon, Inc in the amount of \$180,555.89. Ms. Jordan made the motion, seconded by Mr. Trotter, and unanimously approved.

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

- Request Council approves the purchase of two (2) Motion Trek BP 350 Aquatic Lifts from If It's Water, Inc for a total purchase price of \$13,436.10. If It's Water, Inc is a CoStars Vendor.

Council President McCandless asked the Council to approve the purchase of two (2) Motion Trek BP 350 Aquatic Lifts from If It's Water, Inc for a total purchase price of \$13,436.10. If It's Water, Inc is a CoStars Vendor. Mr. Trable 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						

**OLD BUSINESS - NONE**

**COUNCIL PRESIDENT'S REPORT** - Council President McCandless thanked everyone who came out for Memorial Day, everyone who assisted Ms. Johnson, and Mayor Johnson. It was a

great program. Thank you to the band and all the speakers who attended. The Park will open in the morning on June 10th, and the pool will open at noon on the 13th.

**SOLICITOR’S REPORT** – Mr. Sheppard announced that we have two items to discuss.

**Update to Elementary School Project:** Mr. Sheppard explained that there will be a Planning Commission meeting next Monday, and Solicitor Berger will attend.

**Parking Easement Agreement 950-960 Broadway:** Mr. Sheppard explained that we had an update on the 950-960 Zoning Hearing Board matter. The applicant filed for a special exception for a convenience store. The applicant needs to show at the Zoning Hearing Board meeting in June that the use won’t violate the health and safety of the community.

**COMMITTEE REPORTS**

A. Finance (Trotter, Blatt, Jordan)

Mr. Trotter motioned to pay the bills as presented, seconded by Ms. Jordan, and unanimously approved.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Jamie Johnson			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)

Ms. Jordan turned it over to Mr. Quarry. Mr. Quarry had nothing to report.

C. Police (Blatt, Trotter, Johnson)

Mr. Blatt said that we have nothing to report.

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

Council President McCandless reported that we are working on the handicap and weed ordinance. We should have something in place by the 1st meeting in July.

E. Fire (Trabel, Rufe, McCandless)

Mr. Trabel announced that the average number of members called out was 4.7, the total number of calls was 61.73, and the total number year-to-date was 101. We have 17 active members.

F. Recreation (Johnson, Rufe, Trabel)

Ms. Johnson thanked residents for their input on the park and urged them to call the police for backup if they notice any issues. The park's morning program will begin on Monday, June 10th, from 9 a.m. to noon, and the evening program will begin on Monday, June 17th. Ms. Johnson mentioned that the police department union doesn't have a problem with hiring security due to a staffing shortage.

Mr. Blatt inquired about security at the pool, and Ms. Johnson suggested adding some hours for security. She emphasized the authority of lifeguards and gates, making it easier to enforce rules. While the pool has staff during open hours, the park program in the evening is more necessary.

Mr. Blatt inquired about the start of the park evening program since it begins the following week. Ms. Johnson explained that due to the staffing and security issues, we wanted to make sure that we had the authority to get staffing before starting the program.

Council President McCandless asked the Council to approve the hiring of outside security, Ms. Johnson made a motion and seconded by Mr. Blatt, and unanimously approved.

Ms. Jordan explained that she was saying yes because we need to protect the people and the children, and we need to provide security for the people who live there. Mr. Blatt said that although this isn't budgeted, he feels it is essential to have security.

	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				
Mayor Johnson						

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

Council President McCandless read the May Sewer/Garage collection reports. Mr. Blatt requested a collection update from Norris Mclaughlin.

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

I. IT Committee (Johnson, Rufe, Jordan) - NONE

**SPECIAL OR SELECT COMMITTEES** - Mr. Zovko, 507 Green Court, was here for the Fountain Hill Community Coalition. We have been spending money on scholarships. He inquired about Mr. Brice and whether he was hired. Borough Manager Burkhart explained that he was hired and approved in a previous meeting.

Mr. Zovko wanted to thank you for fixing up the pool and for our volunteers. He mentioned that he had a meeting with the Borough Manager a few weeks ago. We want to encourage activities at the pool. We have some projects that we would like to discuss with the Borough after the pool has been opened for a little while.

Mr. Blatt asked about a movie night. Mr. Zovko explained that they would like to plan this event again but at the pool. This is under the venue of the pool manager and the coalition's manager.

**LIBRARY- NONE**

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

**EXECUTIVE SESSION**

Council President McCandless announced that an executive session would be held after adjournment. The council agreed that this session wasn't needed.

Mr. Zovko asked if the coalition could donate a refrigerator for the lifeguard room. He explained that the request came from one of our lifeguards. Borough Manager Burkhart requested that Mr. Zovko refer the employee to the Borough Manager and the council. Mr. Quarry explained that we would get a refrigerator for them.

**ADJOURNMENT**

At 8:06 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			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						

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