

**BOROUGH OF FOUNTAIN HILL  
COUNCIL MEETING MINUTES**

**March 7, 2016**

**7:00 P.M.**

Council members present were: Mr. Rapp, Mr. Blatt, Mr. Trabel, Ms. Halleman, Mr. Trotter, Ms. Jordan, Ms. Gifford and Mayor Rosado. Also in attendance were Anthony Branco, Borough Administrator, Mr. Scott Lipson, Esq., Chief Bachert, Jim Levernier, P.W. Supervisor, Fire Chief Boehrer, Mr. Don Seiple, St. Lukes Hospital, and visitors

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 January 20, 2016 Work Session Meeting.  
Ms. Jordan motioned for approval of the minutes seconded by Mr. Trotter. The minutes were unanimously approved.
2. Minutes of the February 1, 2016 Regular Meeting.  
Mr. Trotter motioned for approval of the minutes seconded by Mr. Trabel. The minutes were unanimously approved.

An executive session of the Public Works and Finance Committees (Councilors Jordan, Rapp, Trotter, and Blatt) was held on March 2, 2016. The purpose of the executive session was so Mr. Branco could pass along information received from Solicitor Scott Lipson regarding details for a possible presentation for a lease of real property. No action was taken and the full Council will hear the Details from Solicitor Lipson at the March 7, 2016 meeting in executive session.

Council President Rapp opened the meeting to the Public for any comments on Agenda items or by those persons registered to speak.

1. Ms. Michele Fetzko, 1030 Graham St. – Requested Council to revisit Ordinance 466, “ Establishing provisions for the registration, permitting and use of alarms in the Borough, and containing definitions, registration requirements for audible and silent alarms and timers ...” Section 12 “Remedies and Penalties.”  
Ms. Fetzko stated that she has had 7 false alarms within 6 months and feels that the penalty of \$900.00 is excessive. Ms. Fetzko stated that she is paying the fine but would ask Council to reconsider the penalties associated with the false alarms. Ms. Fetzko also stated that the officers who responded stated that there was no problem in responding to alarms.

Mr. Blatt directed Mr. Branco to have a House and Ordinance meeting scheduled to review the ordinance.

Ms. Gifford asked Ms. Fetzko if she has tried to recover the costs of the penalties from the alarm company. Ms. Fetzko stated that the alarm company was coming this week to inspect the equipment and see if it is faulty.

Chief Bachert stated that there is no way to track the number of alarm calls because it is not always the same officers who are responding.

Fire Chief Boehrer stated that the Fire Department has the same type of billable call for the fire service.

2. Ms. Anna Mendela, Bright Minds Learning Center, 1205 Broadway – requesting 2 ten minute loading/unloading zones at 902 Ostrum Street between the hours of 6:30 AM to 5:30 PM. This property is seeking a variance for a non-conforming use from the Zoning Hearing Board to relocate the Learning Center to this new location.

The request was tabled until after the Zoning Hearing Board has rendered a decision.

Mayor’s Report

Mayor Rosado informed Council that the new police secretary was becoming acclimated to the position and that Police reports would be forthcoming. Mr. Branco will contact District Judge Mara’s office for monthly fine reports.

Executive Administrator’s Report:

Mr. Branco informed Council of the following;

- The Borough will receive \$119,498.68 allocation for 2016.
- Ms. Lynn Zakos has resigned as Health Inspector due to personal reasons. Mr. Branco stated he has another Certified Health Inspector from The Dept. of Agriculture who is interested in the position. The candidate will be at the March 23 meeting to answer any questions Council may have.
- Introduced Pastor Brian Muh of 1229 Stanley Ave offering to fill the vacancy on the Planning Commission.  
A motion to place Mr. Muh on the Planning Commission was made by Mr. Blatt, seconded by Ms. Gifford and approved unanimously.
- The borough has received only one bid proposal for the purchase of a paver. The successful bid was from Stephenson Equipment, Inc. of Pittston PA. The bid price is \$33,500 plus a \$500 delivery charge for a grand total of \$34,000.

A motion was made by Mr. Blatt to purchase the paver after an inspection of the machine by Mr. Levernier to insure it is in good working condition.

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

Presidents Report: N/R

Solicitor Report: N/R

Council President Rapp moved onto Motions:

ORDINANCE NO. 824

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

AN ORDINANCE AMENDING PART 4, SECTIONS 402, 404, 405, PROVIDING THAT PROPERTY OWNERS SHALL OBTAIN A WARRANT OF SURVEY FOR CONSTRUCTION, ALTERATION OR IMPROVEMENTS TO SIDEWALKS GREATER THAN 50 FEET IN LENGTH; PROVIDING FOR CONFORMANCE TO PLANS AND SPECIFICATIONS, PROVIDING FOR FEES FOR INSPECTIONS; **PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; REPEALING ORDINANCES, RESOLUTIONS, OR PARTS IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Borough of Fountain Hill (hereinafter the “Borough”) wishes to amend Part 4, Sections 402, 404, AND 405 by altering the circumstances necessary for obtaining a Warrant of Survey; and

**WHEREAS**, the Borough wants to provide new regulations for the inspection and Warrant of Survey for sidewalks.

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

**I. Part 4 - Sidewalks, Curbs and Gutters - Section 402** shall be amended as follows:

**§402. Warrant of Survey.**

A. Sidewalks In Excess of Fifty Feet. The property owner, after notification as provided in §401, shall obtain, provided the construction shall be in excess of fifty (50) feet of sidewalk, a warrant of survey from the Borough Secretary for a fee set in accordance with the schedule of fees established in §403, and shall receive line and grade from the Borough Engineer. When line and grade stakes have been set by the Borough Engineer, they shall be protected by the property owner affected. If the property owner does not proceed with construction in accordance with line and grades so established and the stakes set, within 30 days, the property owner shall procure a new warrant of survey, and the line and grade shall be established by the Borough Engineer. The Borough does not guarantee a line and grade as indicated by the stakes set unless said stakes are used at once or properly protected until used.

B. Sidewalks Equal to or Less Than Fifty Feet. The property owner, after notification as provided in §401, shall obtain, if the construction shall be less than or equal to fifty (50) feet of sidewalk, a warrant of survey from the Borough Secretary for a fee set in accordance with the schedule of fees established in §403, and shall receive line and grade from the Director of Public Works. When line and grade stakes have been set by the Director of Public Works, they shall be protected by the property owner affected. If the property owner does not proceed with construction in accordance with line and grades so established and the stakes set, within 30 days, the property owner shall procure a new warrant of survey, and the line and grade shall be established by the Director of Public Works. The Director of Public Works does not guarantee a line and grade as indicated by the stakes set unless said stakes are used at once or properly protected until used.

**II. Part 4 - Sidewalks, Curbs and Gutters - Section 403** shall be amended as follows:

**§403. Fee for Warrant of Survey.**

1. Any person applying to the Borough of Fountain Hill for a warrant of survey establishing lines and grades in connection with the construction of curbs, gutters and/or sidewalks in accordance with Section 402 shall pay to the Borough for each warrant of survey issued fees based upon the following:

<b>Type</b>	<b>Fee</b>
Office review fee	
For the first 50 feet	\$100
For each foot in excess of 50 feet	\$1.00/foot
Escrow:	
<b>Type</b>	<b>Fee</b>
Sidewalk only with no survey work/cutsheet required	\$350
Curb or sidewalk requiring survey work and cutsheet	\$800
Curb and sidewalk requiring survey work and cutsheet	\$1,100
Handicapped ramps	\$2,500

2. Any fees established in this Ordinance ~~herein~~ may be revised by resolution from time to time approved by a majority of Borough Council.

**III. Part 4 - Sidewalks, Curbs and Gutters - Section 404** shall be amended as follows:

**§404. Conformance to Plans and Specifications.**

All owners of property abutting any public street of the Borough of Fountain Hill, or abutting the sides of State Highways within the Borough limits, when constructing curb, gutter and/or sidewalk, driveways, or crossing or passages to yards, garages or other structures, shall perform such work in strict conformity with the plans and specifications filed in the Borough Office.

**IV. Part 4 - Sidewalks, Curbs and Gutters - Section 405** shall be amended as follows:

**§405. Driveway and Sidewalk Construction; Permit and Fee.**

1. Driveway. Any person desiring to construct private driveways from the street to the property line shall obtain a permit from the Borough of Fountain Hill and pay to the Borough Secretary a fee \$10.00 for 20 feet of curb cut, plus \$0.240 per foot for footage in excess of 20 feet. Plans and specifications for such work shall be approved by Borough Council, and work shall be subject to the inspection and approval of the Borough Engineer. Fees may be revised by resolution from time to time.

2. Sidewalk. Any person desiring to construct sidewalks shall obtain a permit from the Borough of Fountain Hill and pay to the Borough Secretary a fee of \$5.00 This permit shall be valid for a period of 90 days from date of issue, and no work shall be done after any permit has expired unless a new permit has been obtained. Plans and specifications for such work must conform and be approved by the Borough Engineer and all work shall be subject to his inspection and approval. Fees may be revised by resolution from time to time.

**V. GENERAL REPEALER.** All Ordinances or parts of ordinances, and all resolutions or part of resolutions, inconsistent herewith shall be and are herewith repealed.

**VI. SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it has advance knowledge that any part would be declared invalid.

**VII. PROCEDURAL DEFECTS IN ENACTMENT.** Any procedural challenge shall be filed in accordance with applicable law.

**VIII. ENACTMENT.** Under Authority of Law, Borough Council of Fountain Hill hereby enacts and ordains into an Ordinance the attached documents this date of March 7, 2016. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: March 7, 2016.

**DULY ENACTED AND ORDAINED** on this 7th day of March, 2016, by the Borough of Fountain Hill in lawful session duly assembled.

	Motion	2nd	Yes	No	Abstain
Philip Trabel			X		
Carolee Gifford	X		X		

Norman Blatt		X	X		
Annamarie Jordan			X		
Larry Rapp			X		
Doug Trotter			X		
Helen Halleman			X		
Mayor Jose Rosado					

Council President Rapp moved onto New Business:

Ms. Halleman stated that while looking at the bills to be paid that the Borough had a new Auditor. Ms. Halleman stated that she had no notice of this and questioned Council as to why we had let the past Auditor go.

Mr. Rapp stated that the topic was discussed in November and December, and that a vote was taken on December 7, 2015 and that Ms. Halleman voted for the new Auditors. *(Mr. Trotter informed Council that the Finance Committee while reviewing the 2016 proposed budget directed Mr. Branco to get prices for auditor services. Three proposals were received and the best price was from France, Anderson, Basile and Company at \$8,500 for 2015, \$9,000 for 2016, and \$9,500 for 2017.*

*Mr. Trotter made a motion to appoint France, Anderson, Basile and Company as the Borough Auditors starting in 2016. The motion was seconded by Mr. Capuano and passed unanimously.)*

Mr. Trotter stated that there were lengthy discussions on the Request for Proposals (RFP) and that France, Anderson, Basile was the least cost of the 3 RFP's received.

Council President Rapp moved onto Old Business: none

Council President Rapp proceeded to Committee Reports:

Finance Committee:

Mr. Trotter reviewed the amount of bills paid in each Fund and made a motion for the approval of the bills. The motion was seconded by Mr. Trabel and was approved unanimously.

Public Works Committee:

Ms. Jordan presented the PW report.

Police Committee:

Chief Bachert informed Council that the Easter Egg Hunt was scheduled for March 26 at 10 AM with a rain date of April 2

Ms. Halleman asked Chief Bachert why a tow truck, a commercial vehicle, was parked at 932 Delaware Ave near Tomblor Street. Chief Bachert explained it is not a commercial vehicle until it reaches a pre-determined weight class, which it is not. Chief Bachert also stated that the vehicle had received a ticket for a different infraction.

House & Ordinance Committee:

Mr. Blatt informed Council that a committee meeting was held on February 9, 2016.

Fire Committee:

Ms. Gifford read the Fire Department for March.

Recreation Committee:

Mr. Trabel read the notes from the Rec. Committee meeting with the Bacchanalia Committee.

Health & Sanitation Committee:

Ms. Halleman read the Sanitation report.

Council President Rapp asked if there were any reports from any Special or Select Committees.  
N/R

Mr. Rapp congratulated Mr. Seiple on his promotion to President of the new Monroe County facility.

Council President Rapp opened the meeting up to any public comments. N/R

Ms. Gifford made the motion to adjourn to executive session for contract discussions, at 7:42 p.m. The motion was seconded by Mr. Trabel, and the motion was unanimously approved. No action being taken Council adjourned at 8:17 P.M.

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

By: \_\_\_\_\_  
Lawrence E. Rapp, President of Council

**ATTEST:**

By: \_\_\_\_\_  
Anthony Branco, Secretary