

**MINUTES
BOROUGH COUNCIL
May 22, 2024 - 7 P.M.**

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

MINUTES

Council President McCandless asked the Council to approve the minutes from May 6, 2024. Mr. Trabel made the motion, seconded by Ms. Jordan. It was unanimously approved.

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

PRESENTATION(S)

Council President McCandless welcomed Jesse Chupella owner of 950-960 Broadway. Mr. Chupella explained that he purchased 950-960 Broadway in January and began renovating two parcels, including the bank parcel and the strip mall. They plan to convert the bank building into two residential units. Amy has been helpful since Kieth left. They submitted a construction permit and had a zoning hearing for a variance. They spoke with Brad Youst from Hanover Engineering. Mr. Chupella announced that it has been suggested the conversion should go through SALDO Land Development. However, Mr. Chupella explained that this was timely, costly, and irrelevant to the project, and requested a waiver to get back on track.

Mr. Blatt asked about the Planning Commission's involvement in the waiver process. Mr. Chupella clarified that the Council has the authority to issue a waiver, as seen in Hanover Township. Mr. Chupella explained that the waiver is a means to bypass the Land Development process. Mr. Blatt inquired about the Land Development process, while Mr. Chupella admitted he was not fully familiar with it but believed his project did not fall under Land Development.

Borough Manager Burkhart confirmed that Brad Youst noted that this project it meets the definition of Land Development in the Borough's SALDO. She contacted Brad Youst and Solicitor Dave Berger to

follow the recommended processes. Ms. Burkhart suggested the Planning Commission recommend whether the waiver should occur.

Mr. Chupella and Mr. Blatt discussed the importance of going to the Planning Commission with the waiver. Mr. Blatt suggested requesting a waiver and explaining the reasons behind it. Chupella emphasized saving time and energy, while Mr. Blatt questioned if cost savings were a justified reason for a waiver. Mr. Chupella requested that the waiver not be presented to the Planning Commission.

Mr. Rufe expressed gratitude for the property's commercial use and the positive impact on the tenants. He suggested supporting Mr. Chupella's attempt to bypass the Planning Commission and emphasized the importance of investment in the Borough. He also emphasized the positive impact of residential conversion and advocated for a smoother transition.

Mr. Blatt asked about the criteria for a waiver request, as the Solicitor was absent. Mr. Chupella explained that no one told them that they needed the Land Development portion of the development. Borough Manager Burkhart clarified that she did not request a letter from the Solicitor but presented it as an informational item. Ms. Burkhart explained that the waiver process will go through the Planning Commission. Mr. Chupella mentioned that he hasn't dealt with the Planning Commission for other projects in the last twelve months. She explained that the definition of Land Development aligns with the activities at the bank building. Ms. Burkhart explained that specific criteria need to be met through the SALDO waiver process, which the Planning Commission should review along with any engineering comments.

Mr. Chupella explained that is the problem. It is a de minimis Land Development. It will suck time and resources that could be used toward something more productive than paying engineers. It is his understanding that the council can issue the waiver.

Mr. Blatt asked if it would hurt his project if they could wait two weeks until the Solicitor would be in attendance. Mr. Rufe explained that this is a workshop meeting, and the Solicitor attends the 1st meeting of each month. Mr. Chupella asked to be added to the agenda for the next meeting.

Mr. Chupella's business partner, Tom Kramer, explained that the ordinance is vague and open-ended. He explained that this ordinance was based on a parcel split and creating two deeds. Council President McCandless asked for clarification regarding the bank building. Mr. Kramer clarified that the bank building is on its own parcel, separate from 960. Mr. Kramer emphasized that it is not financially responsible for this project to go through the Planning Commission and that this project should continue moving forward for everyone's benefit.

Mr. Blatt explained that he is not against what they are doing but would feel better if we could receive our Solicitor's approval in advance. Mr. Kramer asked when the Borough must respond to our permits. Borough Manager Burkhart explained that the Borough has fifteen days for the BCO to review permit applications. The plans have been reviewed from a building standpoint, but they have not satisfied the obligation of going through Land Development.

Mr. Rufe and Mr. Blatt agreed on the importance of reaching out to the Solicitor and conducting a review in advance of our June 3rd meeting. Borough Manager Burkhart announced the need for both our Solicitor and Hanover Engineering to review for any waiver recommendation. Ms. Jordan reassured that all the questions could be addressed in time for the June 3rd meeting, which will take ten days. Mr. Kramer noted that if we present this project to the Planning Commission, this will be a 2025 project.

Council President McCandless asked if they could return for the June 3rd meeting. We will put you on the agenda and gather all the needed information. Mr. Chupella and Mr. Kramer agreed to return to our June 3rd meeting.

PRIVILEGE OF THE FLOOR/ PRE-SCHEDULED - NONE

NEW BUSINESS

- **Fountain Hill Fire Company requests the pool for Water Rescue Training on Saturday, June 8.** Council President McCandless confirmed that the training will be held from 8 A.M. to 12 P.M. Borough Manager Burkhart confirmed that the Borough's insurance covers the Fire Company. Council President McCandless announced his support for this training. He explained that Freemansburg and Eastern Salisbury Twp. work with mutual aid, and Mr. Trabel inquired about their presence with the Fire Department. Council President McCandless believes Freemansburg will attend, and Ms. Burkhart will secure their COI.
- **Sale of Brush Truck** - Mr. Trabel thought we would keep it as a spare for pumping basements. Council President McCandless announced they decided to sell it due to the truck's age. Borough Manager Burkhart announced that this is more of an information item for the council. The fire department has a brush truck that they no longer need. They have removed all the equipment from the truck. Since it is the borough's property, we will have a resolution on next month's agenda for the potential sale of the brush truck. Mr. Blatt asked if it would go to auction. Ms. Burkhart confirmed that it will go to auction.
- **Discussion of Pool Hours for 2024**
Thursday – Sunday 12 noon – 7 p.m.

Council President McCandless announced that the pool hours are Thursday – Sunday, 12 noon – 7 PM. He explained that this is open to discussion. Mr. Blatt asked if the tentative start date is June 14th. Borough Manager Burkhart agreed. Mr. Blatt asked if we had a projected end date. Ms. Burkhart explained that we are surveying the staff to see their schedules. She said that it would be in mid-August. Borough Manager Burkhart and Ms. Johnson corrected the start date to Thursday, June 13th. Ms. Burkhart explained that it depends on the staff activities and where they go to school. Ms. Johnson asked about reviewing staffing and increasing the hours at the pool. She inquired if this is something that we will review every two weeks or every month. Ms. Burkhart explained that we would better understand when we receive staff summer availability. We want to ensure coverage before we commit to the day.

- **Discussion of Park Hours for 2024**
Monday – Friday 9 A.M. – 12 noon & 6 P.M. – 9 P.M.

Council President McCandless announced that the park hours are tentatively Monday – Friday, 9 A.M. – 12 noon & 6 P.M. – 9 P.M. Mr. Blatt explained that they are the traditional hours. He thought that we had eliminated the morning hours. Ms. Johnson explained that this occurred during Covid. Mr. Blatt asked if this would begin on June 10th. Council President McCandless and Borough Manager Burkhart confirmed this will be on June 10th. Ms. Trotter asked if we have the staff needed for both programs. Borough Manager Burkhart announced that we are still hiring for both programs.

- **Park Security Proposal**

Borough Manager Burkhart announced that part of the park program discussion concerned security and safety. After this conversation, Ms. Burkhart contacted the Chief of Police regarding what could be done to reduce those concerns. She explained that she also wanted to understand the cost of hiring Omega Security Company, which works with the Lehigh County parks program. Borough Manager Burkhart asked for a quote for someone to be committed to the park for those four hours. Mr. Blatt asked if filling a spot with a part-time officer would be cheaper. The Chief explained that we have two part-timers with their hours already at a maximum. He explained that we would need 1 or 2 part-time officers to cover this shift. Mr. Trotter agreed that we should have security during the evening hours. Ms. Jordan asked if they provided us with rates.

Borough Manager Burkhart explained that it would be \$40/hour with a minimum of four hours. She explained that they recommend one person work through escalation before it is enforced. Ms. Burkhart explained that it is important to prevent problems from happening instead of reacting to them. Borough Manager Burkhart explained that this part of the position is challenging for young adults in a recreation program. Mr. Blatt asked about paying for them for four hours. He asked if we would pay for them for an hour when we were closed. Ms. Johnson explained that they would assist with setting up and closing the program at night. Ms. Johnson clarified that this would help with meeting expectations. Ms. Johnson explained that this is how the police would help, but they may be out on calls. Mr. Blatt asked if this would breach the collective bargaining agreement. Chief Bachert didn't feel it was in violation. He stated that we do not have the staff to staff these hours. Chief Bachert will discuss this with the Union President. Borough Manager Burkhart explained that this was more of an informational item for the council. Mr. Blatt announced that we would need to know this by June 3rd. Chief Bachert announced that he would know by tonight.

- **950 Broadway Waiver Request** – Discussion under presentations.
- **Notification of Opportunity to be Excluded from Urban County** - Council President McCandless announced that he hadn't had the opportunity to contact Mr. Kane. He explained that he received this notification this afternoon, and it invites us to participate in the Urban County Grant Program funded by the Department of Housing and Urban Development. It allows funds to be allocated to the county and then disbursed from the county to the boroughs. Every three years, HUD requests the renewal of this designation. Council President McCandless said he would review it and bring it to the June 3rd meeting.

Mr. Rufe explained that there was a post on a Facebook group discussion about parking ordinances and flat tire vehicles was discussed. The Police confirmed that if the vehicle was inspected, it was not in violation. The question was whether an abandoned car with a flat tire could be addressed via ordinance. Chief Bachert explained that Dave Wood oversees abandoned cars and there is a 3-to-4-week process to gather paperwork. He stated that if valid inspections are provided, there is no way to address the issue. He also mentioned that the Police tow many cars for the borough. Mr. Blatt asked if there is a nuisance ordinance that we could use. Chief Bachert explained that no other ordinance could be used as the vehicle was not illegally parked and had valid registration.

RESOLUTIONS FOR FINAL PASSAGE - NONE

DRAFT ORDINANCES FOR REVIEW AND ADVERTISEMENT - NONE

MOTIONS

- Request Council Approve the hiring of Avery King as the Seasonal Temporary Assistant Pool Manager for the 2024 Pool Season at a rate of up to \$11,000 per season or \$22.50/hour for an expected minimum 40 hours per week contingent on acceptance of a conditional offer of employment in a form that is agreeable to the Borough Solicitor and the Borough Manager.

Council President McCandless asked the Council to Approve the hiring of Avery King as the Seasonal Temporary Assistant Pool Manager for the 2024 Pool Season at a rate of up to \$11,000 per season or \$22.50/hour for an expected minimum 40 hours per week contingent on acceptance of a conditional offer of employment in a form that is agreeable to the Borough Solicitor and the Borough Manager.

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

- Request Council Approve the hiring of James Zheng as the Seasonal Temporary Pool Manager for the 2024 Pool Season at a rate of up to \$12,000 per season or \$25.00/hour for an expected minimum of 40 hours per week contingent on acceptance of a conditional offer of employment in a form that is agreeable to the Borough Solicitor and the Borough Manager. If fewer than 40 hours per week is agreed upon, the Season rate will be adjusted accordingly at a rate of \$25.00/hour.

Council President McCandless asked the Council to Approve the hiring of James Zheng as the Seasonal Temporary Pool Manager for the 2024 Pool Season at a rate of up to \$12,000 per season or \$25.00/hour for an expected minimum of 40 hours per week contingent on acceptance of a conditional offer of employment in a form that is agreeable to the Borough Solicitor and the Borough Manager. If fewer than 40 hours per week is agreed upon, the Season rate will be adjusted accordingly at a rate of \$25.00/hour.

	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 hiring of the following individuals as Seasonal Temporary Cashiers for the 2024 Pool Season at a rate of \$12/hour contingent on the submission of all necessary employment documentation.

Kaylee Arias
 Jovanni Velazquez
 Aliciana Rosa

Council President McCandless asked the Council to Approve the hiring of the following individuals as Seasonal Temporary Cashiers for the 2024 Pool Season at a rate of \$12/hour contingent on the submission of all necessary employment documentation.

	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 hiring of the following individuals as Seasonal Temporary Recreation Assistants for the 2024 Park Season at a rate of \$15/hour contingent on the submission of all necessary employment documentation.

Riley Brooks
 Joshua Lee
 Dominic Tejera
 Abigayle Lee
 Reagan Treskot

Council President McCandless asked the Council to Approve the hiring of the following individuals as Seasonal Temporary Recreation Assistants for the 2024 Park Season at a rate of \$15/hour contingent on the submission of all necessary employment documentation.

	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						

OLD BUSINESS

- Pool Updates - NONE
- Fee Schedule updates – Borough Manager Burkhart explained that she is still updating the fee schedule. She announced that she should hopefully have it for 1st meeting in June.
- Bids to be received May 29 at 1 P.M. for the roadwork. Borough Manager Burkhart announced that our street projects are currently out for bid. She explained that the deadline is May 29 at 1 P.M. We anticipate having a recommendation for the award for the June 3 meeting. Ms. Burkhart explained that it was for the repaving of Lechauweki and Brighton. We were supposed to complete Hertzog but discovered that there was more for curbing and sidewalk than we had previously anticipated.
- Update on Code Enforcement Position- Borough Manager Burkhart announced that the Code Enforcement Position is advertised on Indeed. It would be for a code enforcement and zoning officer with a heavy emphasis on code enforcement and property maintenance concerns.

COUNCIL PRESIDENT'S REPORT – Council President McCandless announced that our Memorial Day celebration will be this Friday, May 24th, at 1 P.M. at the triangle across from the baseball field. Police, Fire, and EMS will be in attendance. Mr. Blatt asked if we would be closing the offices. Council President McCandless confirmed that we would be closing the office for an hour. He hopes to see everyone there.

Council President McCandless announced that the pool would be opening again. He explained that it would be opening on Thursday, June 13th, at noon. He announced that passes are available at the borough offices. The rates for the pool are \$60.00 for a resident season pass, \$90.00 for a non-resident pass, \$8.00 daily rate at the pool, and \$6.00 daily rate for residents purchased at the borough. After 4 o'clock, the rate is \$5.00/day. Mr. Blatt asked if we had found someone for the concession stand. Borough Manager Burkhart announced that we had two people reach out regarding the concession stand. She announced that we would like to run a basic concession stand independently. Council President McCandless announced that we wanted to open the pool properly. We must take baby steps to get this restarted properly.

Council President McCandless announced to look out for updates on the park. As a reminder, the school will be closing soon. When you are driving, please watch out for the kids.

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

ADJOURNMENT

At 7:54 pm Council President McCandless asked to adjourn the Council meeting. 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						

BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA

ATTESTED

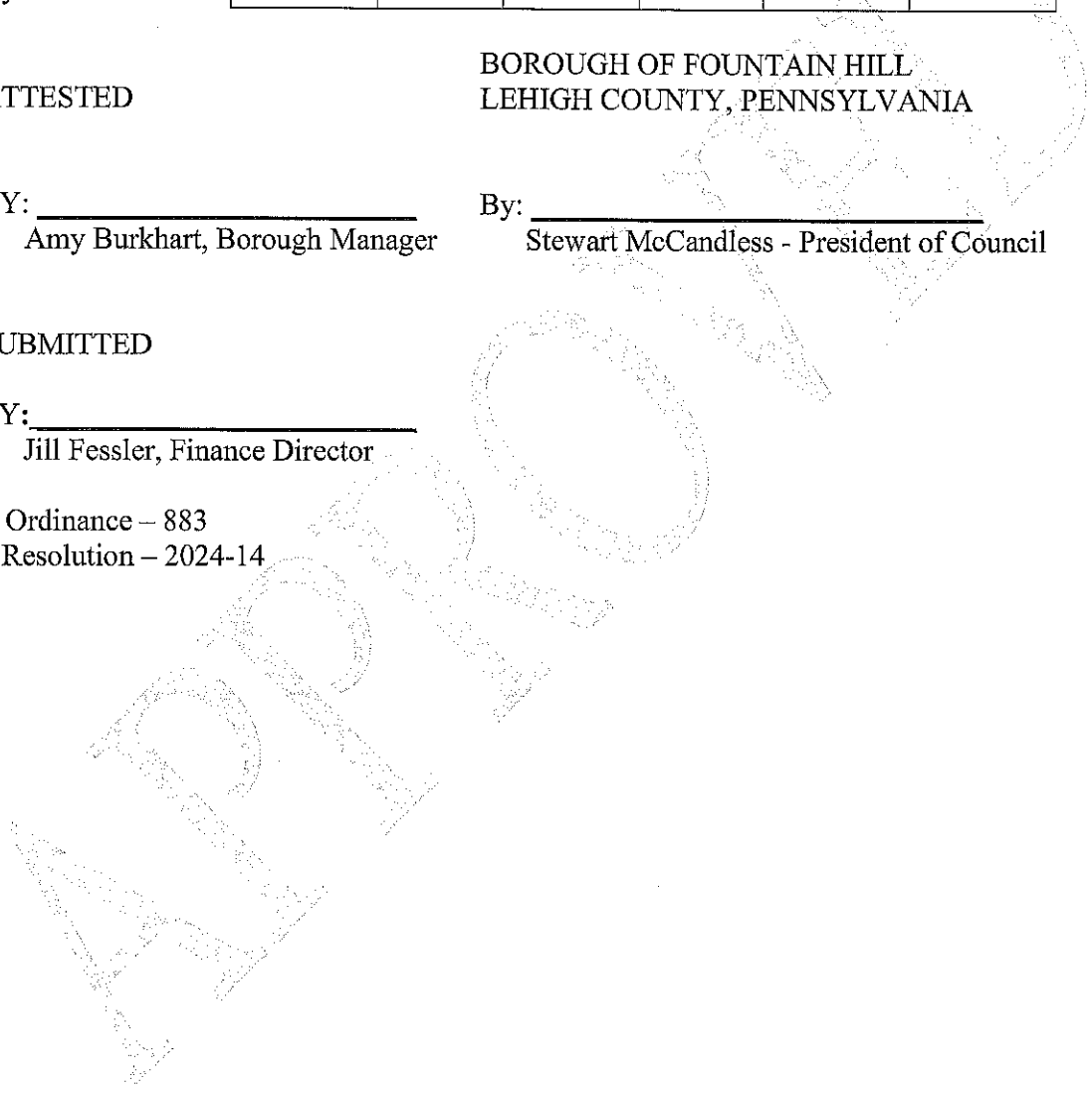
BY: _____
Amy Burkhart, Borough Manager

By: _____
Stewart McCandless - President of Council

SUBMITTED

BY: _____
Jill Fessler, Finance Director

Next Ordinance – 883
Next Resolution – 2024-14



APPROVED