

**BOROUGH OF FOUNTAIN HILL  
COUNCIL MEETING MINUTES**

**October 23, 2019**

**7:00 PM**

Council members present were: Ms. Jordan, Mr. Blatt, Mr. Trotter, Mr. Atkinson, Mayor Gifford, Mr. Trabel, and Ms. Halleman. Also, in attendance were Anthony Branco (Borough Manager), Cordula Voges (Finance Director), Pete Lehr (Solicitor), Ed Bachert (Police Chief), Jason Quarry (Public Works Supervisor) and guests. Mr. Ferencin was absent.

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

The documents listed below were provided to Council for the October 23, 2019 Council meeting:

1. Agenda for 10/23/2019
2. Minutes of September 17, 2019 Special Council Meeting
3. Minutes of September 18, 2019 Council Meeting
4. Minutes of October 7, 2019 Council Meeting (will be in your mail slots before meeting)
5. Resolution 2019-33
6. Ordinance # 853 Municipal Authority
7. Ordinance # 854 Handicap Spaces, 1<sup>st</sup> reading
8. Proposal for the cleaning of Police & Adm. Offices
9. Request of FH Elementary School to close Church St.

**DRAFT MINUTES**

- Minutes of September 17, 2019 Special Council Meeting – DRAFT (Please submit revisions to Ms. Voges in writing)
- Minutes of September 18, 2019 Council Meeting – DRAFT (Please submit revisions to Ms. Voges in writing)
- Minutes of October 7, 2019 Council Meeting – DRAFT (Please submit revisions to Ms. Voges in writing)

**PRESENTATION(S)**

Ms. Mary Erdman, Vice President of League of Women Voters, Lehigh County and volunteer for *Fair District PA*, presented the Fair District PA's work to make the 2018 PA Supreme Court ordered redistricting process more transparent, impartial and fair.

5. PRIVILEGE OF THE FLOOR – Discussion on Agenda Items - none.

7. RESOLUTIONS

### RESOLUTION NO. 2019- 33

#### A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL IN SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

**WHEREAS**, the citizens of the Borough of Fountain Hill in Lehigh County, and the Commonwealth of Pennsylvania deserve a fair, fully transparent, impartial and depoliticized process of the decennial drawing of state legislature and congressional districts of near equal population; and

**WHEREAS**, legislative and congressional redistricting has at times resulted in gerrymandered districts that favor one political party over others; and

**WHEREAS**, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy; and

**WHEREAS**, the creation of a truly independent citizens redistricting commission devoid of political motivation or partisanship will: ensure a fair, transparent, and accurate legislative and congressional redistricting process that respects political subdivisions; prohibit districts from being drawn to favor or discriminate against a political party or candidate; require the use of impartial and sound methodology when setting district boundaries; require public input; and fully comply with the constitutional requirement that “no county, city, incorporated town, borough, township or ward” be divided “unless absolutely necessary,” and

**WHEREAS**, legislation to amend the Pennsylvania Constitution to reform the decennial legislative and congressional redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion is required to ensure these reforms.

**NOW, THEREFORE, BE IT RESOLVED** that the Fountain Hill Borough Council does hereby support legislative efforts to amend the Pennsylvania Constitution to assign the decennial task of both legislative and congressional redistricting to an independent citizens' redistricting commission; and

**BE IT FURTHER RESOLVED** that we call upon all those elected officials and party leaders in the Commonwealth of Pennsylvania who represent the citizens of the Borough of Fountain Hill to publicly announce their support of and commitment to work towards passage of such legislative efforts, and that a copy of this resolution be delivered to each of them.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Francis Ferencin						x
Norman Blatt	x		x			
Doug Trotter			x			
Leo Atkinson			x			
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

**ORDINANCES**

At 7:30 pm Ms. Jordan made the motion to adjourn the regular Council meeting to commence the Public Hearing and Voting on Ordinance No. 853 to create a Stormwater Municipal Authority. Mr. Trabel seconded it and the motion passed unanimously.

**Public hearing and Vote**

Mr. Lehr summarized the legal process for creating the Stormwater Municipal Authority.

Mr. Brian Ferencin asked how the areas that the fees will be based on are measured. Mr. Branco explained that the City of Allentown had created a geographic information system (GIS) map to provide GIS information on impervious areas. For example, the City of Allentown set a stormwater fee of \$20/500 sf. impervious area.

Mr. Zionelli asked to define “impervious area”. Mr. Branco noted that impervious areas refer to land that is covered by features that cannot absorb water.

**ORDINANCE NO. 853**

**AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, CREATING A STORMWATER MUNICIPAL AUTHORITY FOR THE PURPOSES OF MANAGING STORMWATER ISSUES WITHIN THE BOROUGH**

WHEREAS, the Borough of Fountain Hill finds that stormwater management is necessary to protect the general health, safety, and welfare of the residents of the Borough. Therefore, the Borough of Fountain Hill determines that it is in the best interest of the public to create a Municipal Authority for the purposes of managing stormwater systems within the Borough.

NOW THEREFORE, BE IT DULY ENACTED and ORDAINED by the Borough Council of the Borough of Fountain Hill:

1. The Borough of Fountain Hill hereby signifies its intention and desire to organize an Authority under the Act of May 2, 1945, P.L. 382 and its amendments, and known as the "Municipality Authorities Act of 1945."

2. The President and Secretary of the Borough Council are hereby authorized and directed to execute, on behalf of the Borough of Fountain Hill, Articles of Incorporation for said Authority in substantially the following form:

#### ARTICLES OF INCORPORATION

##### TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of May 2, 1945, P.L. 382 and its amendments known as the "Municipality Authorities Act of 1945" the Borough of Fountain Hill, a municipal corporation located in the County of Lehigh and Commonwealth of Pennsylvania, desiring to incorporate an Authority thereunder, does hereby certify:

1. The name of the Authority is Fountain Hill Stormwater Authority, its registered office being Borough Hall, Fountain Hill, Pennsylvania.
2. Said Authority is formed under the provisions of Act of May 2, 1945, P.L. 382 and its amendments, known as "Municipality Authorities Act of 1945".
3. No other Authority has been organized under the Municipality Authorities Act of 1945 or under the Act, approved the 29<sup>th</sup> day of June, 1935, P.L. 463, and none is in existence in or for the Borough of Fountain Hill, the incorporating municipality.
4. The name of the incorporating municipality is the Borough of Fountain Hill.

5. The names, addresses and terms of office of the first members of the Board of Authority to be formed hereby are as follows:

<u>NAME</u>	<u>TERM</u>
• Council President or designee	2 years
• Ms. Annamarie Jordan	5 years
• Mr. Thomas Lansek	4 years
• Ms. Kelsey Morison	3 years
• Mr. Patrick Figueroa	1 year

6. The project or projects to be undertaken by said Authority shall be projects permitted and authorized by the laws of the Commonwealth of Pennsylvania as the Borough of Fountain Hill may from time to time by Resolution or Ordinance specify.
7. A certified copy of the Ordinance of the Borough of Fountain Hill authorizing the creation of said Authority, together with proof of publication of Notice of Filing of these Articles of Incorporation, are each submitted herewith.
8. The existence of the Authority shall terminate fifty (50) years from the date of filing, unless extended by an amendment to these Articles of Incorporation

IN WITNESS WHEREOF, the Borough of Fountain Hill, the incorporating municipality have caused these Articles to be executed by its proper officers and have caused to affixed hereto the municipal seal of said incorporating municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2019.

3. The President and Secretary of the Borough Council are further directed to cause a notice of the substances of this Party, including the substance of the above Articles of Incorporation and of the proposed filing of the above Articles of Incorporation to be published once in the Morning Call, a newspaper published and of general circulation in the County of Lehigh, and in the Lehigh Law Journal, as directed by the Municipalities Authorities Act of 1945 and its amendments.

4. The President and the Secretary of the Borough Council are directed to file the said Articles of Incorporation, together with the necessary proofs of publication, with the Secretary of the Commonwealth, and to do all other acts and things necessary or appropriate to effect the

incorporation of the “Fountain Hill Stormwater Municipal Authority,” including the payment of any filing fees in connection therewith.

5. The initial project to be undertaken by the Authority shall be:
  - a. To manage the stormwater issues affecting the Borough.
  - b. This Borough requests the Authority to undertake and consummate the initial project specified in Section 5(a) with all reasonable dispatch and diligence.
  - c. This Section shall not be construed to preclude this Borough from specifying other projects, by future action of this Borough, which may be undertaken by the Authority.
  - d. Enactment of this Section is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of citizens of this Borough and will increase the prosperity of citizens of this Borough.

#### **GENERAL REPEALER**

All ordinances or parts of ordinances, and all resolutions or parts of resolutions, inconsistent herewith shall be and are herewith repealed.

#### **SEVERABILITY**

The provisions of this Ordinance are severable. If any provision, sentence, clause, phrase, section or part thereof shall for any reason be found unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts thereof, but the same shall remain in effect. It is hereby declared to be the intent of the Borough of Fountain Hill that this Ordinance shall stand notwithstanding the invalidity of any part included herein.

#### **EFFECTIVE DATE**

The provisions of this Ordinance shall become effective in accordance with the Borough Code, 8 Pa.C.S.A. §3301.3, the date when the Mayor approves the Ordinance, or the date of enactment by the Council over the veto of the Mayor, or for an Ordinance not returned by the Mayor at the next scheduled meeting of council occurring at least ten days (10) after the meeting at which the Ordinance was enacted by the Council, the date of the succeeding scheduled meeting of Council.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Francis Ferencin						x
Norman Blatt			x			
Doug Trotter		x	x			
Leo Atkinson			x			
Philip Trabel			x			
Helen Halleman				x		
Mayor Gifford						

At 7:45 pm Mr. Blatt made the motion to reconvene for the public Council meeting, Ms. Jordan seconded it, and the motion unanimously passed.

**First Reading**

ORDINANCE NO. 854

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 15, PART 3, SECTION 302 (c)(3), TO ADD CERTAIN HANDICAPPED PARKING SPACES

BE IT ORDAINED by the Borough Council of the Borough of Fountain Hill, Lehigh County, Commonwealth of Pennsylvania, that Chapter 15, Part 3, Section 302(c)(3), shall be amended as follows:

**ADD:**

STREET	SIDE	LOCATION
Russell Avenue	Front	1220
Russell Avenue	Front	1229

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

3. **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.

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

**5. ENACTMENT.** Under Authority of Law, Borough Council of Fountain Hill hereby enacts and ordains into an Ordinance the attached documents this date of February 20, 2019. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Francis Ferencin						x
Norman Blatt	x		x			
Doug Trotter		x	x			
Leo Atkinson			x			
Philip Trabel			x			
Helen Halleman				x		
Mayor Gifford						

**MOTIONS**

- Proposal for cleaning the Police Department and the Administrative offices (Ms. Meri Hagan’s Proposal for Cleaning)

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Francis Ferencin						x
Norman Blatt			x			
Doug Trotter			x			
Leo Atkinson			x			
Philip Trabel	x		x			
Helen Halleman			x			
Mayor Gifford						



OLD BUSINESS - none.

DISCUSSION ITEMS (NEW BUSINESS)

- Request by Fountain Hill Elementary School to close church St. between Forrest St. & Greene Court on Thursday October 31 from 6 PM to 8 PM for a safe Trick or Treat in the school building.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Francis Ferencin						x
Norman Blatt		x	x			
Doug Trotter			x			
Leo Atkinson			x			
Philip Trabel	x		x			
Helen Halleman			x			
Mayor Gifford						

- Mayor Gifford reminded of the Borough’s Trick or Treat event on Friday, October 25, 2019, between 6 and 8 pm.

PRIVILEGE OF THE FLOOR – Discussion on Non - Agenda Items

- Mr. and Mrs. Gentile are the owners of a “2 Story Converted 1<sup>st</sup> Floor Store” on 1223 Broadway. They inquired about having part of it re-zoned to be used for a small neighborhood grocery store especially in light of parking requirements. They were referred to the Zoning Board to request a variance for parking.

The Borough Manager mentioned that the City of Bethlehem allows businesses without parking facilities. He asked Council for permission to research the same application “to eliminate direct street parking” as currently required by Borough Ordinance.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Francis Ferencin						x
Norman Blatt	x		x			
Doug Trotter			x			
Leo Atkinson			x			
Philip Trabel			x			
Helen Halleman			x			
Mayor Gifford						

Mayor Gifford also recommended to contact the Fountain Hill Business Association for advice on this matter.

- Mr. Hatch on 1220 Broadway reported that an “abandoned” vehicle – without a current inspection sticker - has been parked on the street in front of his house. Chief Bachert explained that a vehicle can only be marked “abandoned” and towed if it is not registered.
- Mr. McCandless of 1011 Pawnee Street reminded that the August 21, 2019 Council Minutes have not been posted on the Borough’s website yet.

EXECUTIVE SESSION – ADJOURNMENT

At 8:10 pm Ms. Jordan made the motion to retreat to an executive session and also adjourn the regular Council meeting. Mr. Trabel seconded it and the motion passed unanimously.

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

By: \_\_\_\_\_  
Leo Atkinson - President of Council

**SUBMITTED BY**

By: \_\_\_\_\_  
Cordula Voges, Finance Officer

**ATTEST:**

By: \_\_\_\_\_  
Anthony Branco, Borough Manager