

**BOROUGH OF FOUNTAIN HILL COUNCIL
COUNCIL MEETING MINUTES**

January 23, 2019

7 P.M.

Council members present were: Ms. Jordan, Mr. Blatt, Mr. Trotter, Council President Atkinson, Mr. Trabel, and Ms. Halleman. Also, in attendance were Mayor Gifford, Anthony Branco (Executive Administrator), Cordula Voges (Finance Officer), Jason Quarry (Public Works Supervisor), Ed Bachert (Police Chief), Francis Ferencin (the newly elected Council Member), the Bethlehem Press representative and guests.

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

Mayor Gifford proceeded to swear in Mr. Francis Ferencin as a Fountain Hill Borough Council member. Mr. Ferencin took his seat with the other Council members.

Mr. Atkinson asked Council to review the following draft minutes and submit any corrections to Ms. Voges in writing:

- Minutes of December 19, 2018 Council Meeting
- Minutes of January 7, 2019 Council Meeting.

PRESENTATION(S)

Mr. Ted Haven on 846 Tombler St. asked Council to elaborate on the parking issue on Oak Street as related to the proposed Ordinance No. 848. Council President Atkinson showed him pictures of the Church Alley displaying the difficulty for big service vehicles (e.g. Garbage Trucks and Public Works Snow Plough) passing through.

Mr. Haven also asked for clarification on the "Right of Way". Council President and Mr. Branco referred to Title 8 of the Pennsylvania Assembly defining a street "includes a street, road, lane, court, cul-de-sac, alley, public way and public square, either for or intended for public use, and includes the cartway, sidewalk, gutter and the right-of-way area, whether or not the street or a part of the street is owned in fee by others than the borough".

Mr. Josh Goldfinger on 830 Tombler St raised concerns about driveway aprons in the Church Alley. A driveway apron is defined as the transitional area between the edge of street pavement and the property owner's driveway that is primarily used for vehicular access. He questioned if the property lines between the aprons and the public Right of Way are defined and if any easements were granted. Mr. Branco explained that Borough surveys are available showing the Borough boundaries and also referred to Ordinance No. 13 defining a "Street" and its width from curb to curb (i.e. 16' wide). No easements are known other than easements to utilities or public right of way. A property owner's deed should show the property boundary and/or any markings by surveyors.

Mr. Ferencin noted that parking issues are especially created Oak Street from the intersection with Church Alley and to the intersection with Hill Street because residents use their garages as storage units causing traffic obstructions.

PRIVILEGE OF THE FLOOR – Discussion on Agenda Items

Mr. Branco reported:

- He contacted the YMCA to run the Summer 2019 recreation program again.
Mr. Atkinson announced the creation of a Recreational Committee to explore other options for future summer recreation programs.
- The Bethlehem YMCA asked to run the Summer Meal Program again that is financed by United Way and supported by the Bethlehem Area School District (i.e. supplies the lunch bags) on the Swimming Pool premises.
- Thirty-three (33) Water Shut-off requests will be mailed to the City of Bethlehem Water Company to schedule water shut-offs for property owners who have not paid their sewer rents and not responded to any Borough reminder letters.
- Mr. Branco asked for a resolution to rename the Dodson Street Ballfield and dedicate it to the late Council President “Larry Rapp Ballfield”.

MOTIONS:

	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						

ORDINANCES

First Reading

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

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) TO
PROHIBIT PARKING ON OAK STREET FROM THE INTERSECTION WITH CHURCH ALLEY TO THE
INTERSECTION WITH HILL 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:

ADD:

STREET	SIDE	BETWEEN
Oak Street intersection with	East	Intersection of Church Alley going North to the Hill Street (no parking, no stopping)
Oak Street intersection with	West	Intersection of Church Alley going North to the Hill Street (no parking, no stopping)

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 January 23, 2019. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

The 2nd Reading and Approval of Ordinance No 848 is scheduled for the February 4th, Council Meeting.

RESOLUTIONS – none.

OLD BUSINESS

- Mr. Mike Mayrosh has applied to serve on the UCC Appeals Board (9/18/17).

Volunteer Board Member will also be needed for:

- Disruptive Conduct Appeals Board
- Commercial Fire Inspection Board.

Mr. Branco explained that the Commercial Fire Inspection Board’s function is to hear petitioners’ complaints against inspection reports and can over-ride the inspector’s findings.

DISCUSSION ITEMS

In relation to the First Reading of the proposed Ordinance No 848 (Prohibiting Parking), Mr. Branco referred again to Ordinance No. 13 for the definition of an “alley”. It was noted that parking on the garage apron which is considered private property is legal.

Mr. Haven asked how the police was going to enforce the parking/no parking zones. Police Chief Ed Bachert explained that illegally parked vehicles would be ticketed. Any vehicles parked in a no-parking zone and creating a hazard would be towed.

COUNCIL ACTION

The 1st Reading of Ordinance No 848 (Prohibiting Parking) was approved.

	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						

PRIVILEGE OF THE FLOOR – Discussion on Non - Agenda Items

In addition to the proposed Ordinance No. 848 (Prohibiting Parking), Mr. Goldfinger suggested to extend the no-parking zone even farther on Church Street and suggested to Council to have a comprehensive review of the parking zones done.

Mr. Brian Ferencin on 1210 Broadway and a City of Bethlehem Equipment operator offered to instruct the Borough crew on the usage of the Borough Paver to improve the road surfaces on some of the alleys.

Mr. Mike Spencer on Jeter Avenue raised concerns again about feral cats and asked Council to re-visit this matter.

EXECUTIVE SESSION –As needed – none.

ADJOURNMENT

At 7:55 PM, Mr. Atkinson made the motion to adjourn, seconded by Ms. Jordan and unanimously approved.

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

By: _____
Leo Atkinson - President of Council

SUBMITTED BY

By: _____
Cordula Voges, Finance Officer

ATTEST:

By: _____
Anthony Branco, Executive Administrator

Next Ordinance – 848
Next Resolution – 2019-24