

**BOROUGH OF FOUNTAIN HILL
COUNCIL MEETING MINUTES
June 1, 2020
7:00 PM**

Due to Governor Tom Wolf’s Coronavirus (COVID-19) Emergency Disaster Declaration on March 6, 2020, a virtual/remote public Council Meeting was held via phone/zoom. The remote participation option for residents was provided on the Borough’s website (www.fountainhill.org). Remotely participating Council members were: Ms. Jordan, Ms. Johnson, Mr. Rufe, Mr. Trotter, Mr. Atkinson, Mr. Trabel, Ms. Halleman and Mayor Gifford. Also, remotely participating were Anthony Branco (Borough Manager), Cordula Voges (Finance Director), Pete Lehr (Solicitor), Wayne Hochwarter (Sergeant), Jason Quarry (Public Works Supervisor), and guests.

MINUTES

- Minutes of May 20, 2020

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Jamie Johnson			x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel			x			
Helen Halleman			x			
Leo Atkinson			x			
Mayor Gifford						

PRIVILEGE OF THE FLOOR

- Verizon – 5 G Small Cell Antennas

Mr. McGuckin, a Verizon External Affairs representative, presented Verizon’s proposal for a “small cell” program in the Borough. He explained that it is part of the *Next Generation* technology to expand the network capacity and increase its effectiveness. Trends like tele medicine and remote learning would benefit from it. Verizon currently proposes thirteen (13) locations in the Borough using existing utility poles and infrastructure. Mr. McGuckin mentioned that the distribution system needs to be close to the end user because the width of the frequency does not travel very far.

Council President Atkinson invited Council, Mayor Gifford and the public to ask questions. In summary, based on the preliminary discussions pricing for a potential rights-of-way license agreement would be based on the guidelines established by the Federal Communications Commission (FCC). Any device maintenance will be monitored by Verizon and the pole maintenance would be in alignment with the existing pole owners. Verizon would not be able to share any infrastructure with other carriers because of the different frequencies. However, locations could be shared using different devices. Any new poles would be constructed to blend in with the surrounding infrastructure (e.g. height etc.). Concerns about possible health effects of radio-frequency (RF) energy transmitted by 5G base stations would have to be further researched and discussed. The Verizon representative stressed that the FCC has preserved the municipalities’ zoning rights and also the noise level produced by the devices are minuscule (i.e. comparable to a fan running in a laptop). In closing, Verizon emphasized that the discussions are in the early stages and that it will be providing more detail information to the Borough in the future. Council President Atkinson asked to publish information on the 5G small cell program on the Borough’s website.

- Social Media Use Policy & Procedure Regulations.

Mr. Spencer at 1035 Jeter Ave criticized the wording in the Social Media Use Policy & Procedure Regulations (as proposed in the Resolution No. 2020-29) is not clear enough to only include “official Borough social media accounts” but is overreaching in its mentioning “any elected official, officer, appointee, employee, agent assign or volunteer of the Borough”. He also suggested to exclude any option for public commenting on the official Borough social media site. Mayor Gifford shared Mr. Spencer’s concerns. The solicitor, Mr. Lehr, who co-drafted the policy

with Attorney Berger and the Borough Manager, clarified that the policy does not pertain to private social media accounts and did not find the language too vague in that respect. He stated, however, that any officials' social media site could be subject to review under a Right-to-Know request. Council President Atkinson emphasized the importance for an official Borough social media presence and suggested to not vote on the presented Resolution No. 2020-9 but review its wording to find common consent.

MAYOR'S REPORT

In light of the public upheaval related to the death of a Minneapolis resident, the Mayor stated that the local police force is well received in the community. She also reported that Chief Bachert is recovering from his emergency surgery. Officer Concilio signed up for a different Police department and resigned.

BOROUGH MANAGER'S REPORT

Mr. Branco announced that June 2nd, 2020 will be the last day for contractors submitting any bids for the road construction on Stanley Avenue and Hoffert Street. He will share them as soon as received.

NEW BUSINESS - None.

RESOLUTIONS

RESOLUTION NO. 2020- 29

A RESOLUTION OF THE BOROUGH OF FOUNTAIN HILL IN THE COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA TO ADOPT THE FOLLOWING SOCIAL MEDIA USE POLICY & PROCEDURE REGULATIONS

The Borough of Fountain Hill (the "Borough") has a business need to augment traditional communication methods and understands that social media can be an effective and valuable tool for sharing Borough information and promoting programs and events. However, use of social media also presents certain risks and carries certain responsibilities. This document establishes Borough-wide social media use policies, protocols and procedures intended to mitigate associated risks from use of this technology where possible. This policy applies to any elected official, officer, appointee, employee, agent, assign or volunteer of the Borough who at any time is appointed by the Social Media Manager (hereinafter defined) to manage and maintain the Borough's Social Media (hereinafter defined) sites (each an "Associate" and collectively referred to as "Associates"). Should the Borough change its direction on social media use, this policy will be revised, and agency/department social media activity shall be adjusted accordingly.

Social Media:

"Social Media" as defined herein is any tool or service that facilitates conversations over the internet, i.e. Facebook, Twitter, Instagram, Snap Chat, WeChat, YouTube, Flickr, Zoom, blogs and wikis, and any other means of communicating or posting information or content of any sort on the Internet.

Responsibility:

The Borough's Social Media Use Policy & Procedure was approved by the Borough Council on June 1, 2020.

The Borough Manager shall appoint a manager (the "Social Media Manager") who shall be responsible for maintaining and facilitating the Borough's Social Media Policy in compliance with the rules and protocols as established by the Borough Council. This includes responsibility to audit agency/department use of Social Media and enforce policy compliance.

Policy:

1. Associates' use of Social Media shall conform to the rules and policies already in effect including, but not limited to, such policies in the Borough Handbook and the Borough 's policies on Ethics, Discrimination, Harassment, Confidential Information, and the use of the its systems and equipment. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or

similar inappropriate or unlawful conduct will not be tolerated and may subject any Associate to disciplinary action.

2. An Associates' decision to embrace social media shall be a risk-based business decision supported by a strong business case that considers the agency/department's mission and goals, audience, legal risks, technical capabilities and potential benefits.

3. Any Social Media account created by the Social Media Manager or his/her designated Associate for the Borough of Fountain Hill shall be Borough property. Upon creation of such Social Media account, the Associate who set up and maintains the account shall provide the Social Media Manager with all necessary log-in information to allow the Borough access to the account. Any changes to the log-in information shall be immediately reported to the Social Media Manager.

4. Access to social media networks from within the Borough's IT infrastructure is limited to individuals performing official Borough business.

5. The Social Media Manager is responsible for determining which Associate is authorized to use social media on behalf of the Borough, and for designating appropriate access levels.

6. Associates shall only utilize Borough approved Social Media networks for hosting official Borough Social Media sites.

7. Borough Social Media sites shall be created and maintained in accordance with Borough social media usage standards and with identifiable characteristics of an official Borough site.

8. The Social Media Manager and his/her delegated Associate(s) are responsible for establishing and maintaining content posted to their Social Media sites and shall have measures in effect to prevent inappropriate or technically harmful information and links.

9. Use of Social Media shall be documented and maintained in an easily accessible format that tracks information and preserves items that may be considered a record subject to disclosure under the Pennsylvania Open Records laws.

10. Any Borough Social Media sites shall be monitored regularly, and prompt corrective action shall be taken when an issue arises that places, or has potential to place, the Borough at risk.

11. The Social Media Manager and/or his/her delegated Associate(s) shall not utilize Social Media to speak with the news media or reporters on behalf of the Borough without specific authority to do so. Any such inquiries shall be first directed to the Borough Manager.

12. Failure to adhere to these Policies and Procedures may result in disciplinary action including but not limited to, loss of access to Borough Social Media sites and/or removal from any Borough Boards or Commissions.

Procedures:

1. Authorized Use. The Social Media Manager and/or his/her designated Associate(s) are responsible for determining who is authorized to use Social Media on behalf of the agency/department, and for designating appropriate access levels.

a. Social Media network access shall be limited only to those Associates with a clear business purpose to use the forum.

b. Only Associates specifically designated by the Social Media Manager shall have permission to create, publish or comment on behalf of a Borough agency/department.

c. Associates authorized to use the Borough's Social Media sites shall be provided a copy of the Borough's Social Media Policies and Procedures and shall be required to acknowledge their understanding and acceptance via wet signature.

d. Links by the Social Media Manager or Associates to personal blogs, websites or other Social Media sites from a Borough site are not permitted without prior approval from the Borough Manager.

2. Official Borough Social Media Sites. Borough Social Media sites shall be created and maintained in accordance with Borough standards and with identifiable characteristics of an official Borough site.

a. Borough Social Media accounts shall be created using an official Borough email account, when possible.

b. Sites shall contain visible elements that identify them as an official Borough of Fountain Hill site. Among other items, this includes displaying official Borough seals, agency/department brands, contact information and a link to agency/department websites.

3. Site Content. The Social Media Manager and/or his/her authorized Associates are responsible for establishing and maintaining content posted to the Borough's Social Media sites and shall have measures in effect to prevent inappropriate or technically harmful information and links.

a. The Social Media Manager and/or his/her authorized Associates are responsible for the content and upkeep of their Social Media sites.

b. The Borough website shall remain the primary and predominant source for Borough internet information

c. Information and comments shared through Social Media channels shall fully comply with Borough policies and procedures and shall not disclose confidential or proprietary information.

d. Sharing or posting content owned by others shall be performed in accordance with copyright, fair use and established laws pertaining to materials owned by others. This includes, but is not limited to, quotes, images, documents, links, etc.

e. Never post any information or rumors that you know to be false about the Borough, fellow Associates, employees, members of the public, residents, customers, contractors, people working on behalf of Borough or competitors.

f. When in doubt, do not post. Exercise sound judgment and common sense, and if you have any doubt, do not post. The Social Media Manager and/or his/her authorized Associates shall only post information relevant to their position with the Borough, or information those users have been approved to post by the Borough. It is not intended to use Social Media sites in a way that guarantees the right to protected free speech. The Social Media Manager and/or his/her authorized Associates are responsible for monitoring postings, and taking appropriate action when necessary, to protect general site visitors from inappropriate or technically harmful information and links.

g. Social Media sites that allow public comment shall inform visitors of the intended purpose of the site and provide a clear statement of the discussion topic introduced for public comment so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal, including but not limited to the following types of postings regardless of format (text, video, images, links, documents, etc.):

i. Comments not topically related;

ii. Profane language or content;

iii. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regards to public assistance, national origin, physical or mental disability or sexual orientation;

iv. Sexual content or links to sexual content;

v. Solicitations of commerce;

vi. Conduct or encouragement of illegal activity;

vii. Information that may tend to compromise the safety or security of the public or public systems; and

viii. Content that violates a legal ownership interest of any other party.

ix. Photos of minors without verbal or written consent of the minor's guardian.

4. User Behavior. The same standards, principles and guidelines that apply to the Borough Associates in the performance of their assigned duties apply to Associates' Social Media technology use.

a. The Social Media Manager and/or his/her authorized Associates authorized to use social media technology shall do so only within the scope defined by their respective agency/department and remain in compliance with all applicable state and federal rules, practices and use agreements.

b. The Social Media Manager and/or his/her authorized Associates participating in personal social networking discussions related to Borough business matters shall indicate that viewpoints are personal and may not reflect Borough opinion.

5. Site Monitoring. Social Media sites shall be monitored regularly and prompt corrective action shall be taken when an issue arises that places, or has potential to place, the Borough at risk.

a. The Social Media Manager and/or his/her authorized Associates shall review site activity and content daily for exploitation or misuse.

b. The Social Media Manager and/or his/her authorized Associates that allow the public to post comments, links or material directly onto their Social Media sites shall have a process to ensure that postings meeting the rules and procedures established under these guidelines and that posts deemed technically harmful or inappropriate shall be handled pursuant to this policy. The Borough Council may also be consulted to determine whether to remove comments that violate this policy.

c. The Social Media Manager and/or his/her authorized Associates shall be further responsible for monitoring employee use of Social Media and social networking websites.

The vote is postponed to be review some of wording as discussed above.

ORDINANCES – None.

MOTIONS – None.

OLD BUSINESS

- Garbage & Recycling RFP

The Borough Manager reminded Council to submit any comments/recommendations to him for the next Council Meeting, so the Request for Proposal (RFP) can be finalized by late July, early August.

- Façade Program – Rec and Community Development Committee – None.
- Parking Ordinance – H&O – None.

COUNCIL PRESIDENT’S REPORT – None.

SOLICITOR'S REPORT

Mr. Lehr reminded that Borough Emergency Declaration is expiring and suggested a motion to extend it potentially to July 6, 2020 in alignment with Governor’s Wolf deadline.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Jamie Johnson	x		x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel				x		
Helen Halleman				x		
Leo Atkinson			x			
Mayor Gifford						

COMMITTEE REPORTS

A. Finance (Trotter, Atkinson, Jordan)

Mr. Trotter read the check detail reports for the month of May and asked for approval.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		X	X			
Jamie Johnson			X			
Wilbert Rufe			X			
Doug Trotter	X		X			
Philip Trabel			X			
Helen Halleman			X			
Leo Atkinson			X			
Mayor Gifford						

B. Public Works (Jordan, Trotter, Rufe)

The Public Works Supervisor, Mr. Quarry, reported the continuation of road repair work.

- C. Police (Atkinson, Trotter, Johnson) – None.
- D. House & Ordinances (Rufe, Halleman, Jordan) - None.
- E. Fire (Trabel, Halleman, Rufe) – None.
- F. Recreation (Johnson, Rufe, Trabel) – None.
- G. Health & Sanitation (Halleman, Johnson, Trabel)

Ms. Halleman read the Sewer and Garbage collection reports for the month of May.

H. Personnel (Trotter, Atkinson, Jordan) – None.

SPECIAL OR SELECT COMMITTEES

Ms. Jordan reported that the library will offer online reservations for books beginning June 5, 2020.

PRIVILEGE OF THE FLOOR – Discussion on Non - Agenda Items – None.

EXECUTIVE SESSION (if needed) – None.

ADJOURNMENT

At 8:47 PM Council President Atkinson asked for a motion to adjourn. Ms. Jordan made the motion, seconded by Ms. Johnson and unanimously approved.

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

By:

Leo Atkinson - President of Council

SUBMITTED BY

By: _____
Cordula Voges, Finance Director

ATTEST:

By: _____
Anthony Branco, Borough Manager

Next Resolution 2020-30
Next Ordinance 858