

**COUNCIL MEETING MINUTES  
RE-ORGANIZATION MEETING  
January 4, 2010  
6:30 P.M.**

Magisterial District Judge Anthony G. Rapp administered the oath of office to the Mayor, Ned C. Fink and Council-elect Lawrence E. Rapp.

Mayor Fink then administered the oath of office to Council-elect Helen Halleman, Carolee Gifford and Mark Ferencin.

Council President Rapp called the meeting to order and noted that the following Council members were present: Helen Halleman, Mark Ferencin, Fred Capuano, Norman Blatt, Carolee Gifford, Doug Trotter. Others present were: Mayor Ned C. Fink; Rick Prill, Executive Administrator, Donald Lipson, Solicitor, Sook Choi, Finance Director, Jill Smith, Borough Engineer, Fire Chief Sabo; Jim Levernier, Public Works Supervisor; Police Chief Tim Stephens, Ms. Annamarie Jordan, Library Representative, Mr. Robert Erland, Asst. V. P., St. Luke's Hospital.

**RE-ORGANIZATION OF COUNCIL**

Mayor Fink presided over the next portion of the Re-organization meeting. Mayor Fink called for nominations for Council President.

Councilman Blatt nominated Councilman Rapp. The motion was seconded by Councilwoman Gifford. Hearing no further nominations, Councilman Rapp was elected as Council President.

Council President Rapp presided over the remainder of the Re-organization meeting.

Council President Rapp asked for nominations for Council Vice-President.

Councilwoman Gifford nominated Councilman Blatt. The motion was seconded by Councilman Trotter. Hearing no further nominations, Councilman Blatt was elected as Council Vice-President.

Council President Rapp asked for nominations for Council Chairman Pro Tempore.

Councilman Capuano nominated Councilman Trotter. The motion was seconded by Councilman Ferencin. Hearing no further nominations, Councilman Trotter was elected Council Chairman Pro Tempore.

At this point in the meeting, Council President Rapp indicated that a break would be taken until 7:00 pm.

At 7:00 p.m., Council President Rapp called the meeting back to order.

At this time Council President Rapp indicated the next item on the agenda was the approval of minutes:

1. November 18, 2009 Work Session meeting minutes. Any corrections/revisions were to have been submitted to Mr. Prill. Hearing no further comments regarding revisions/corrections, Council President Rapp called for a motion and second for approval of the minutes. Councilman Capuano motioned for approval of the minutes, seconded by Councilman Ferencin, the minutes were unanimously approved.
2. December 7, 2009 Regular meeting minutes. Any corrections/revisions were to have been submitted to Mr. Prill. Hearing no further comments regarding revisions/corrections, Council President Rapp called for a motion and second for approval of the minutes. Councilman Capuano motioned for approval of the minutes, seconded by Councilman Trotter, the minutes were unanimously approved.

Council President Rapp opened the meeting for any public comments on any Agenda item. Hearing no comments from the public, this public portion of the meeting was closed.

Council President Rapp noted the next item on the agenda was the Mayor's report. Mayor Fink reviewed the following Police Department reports:

1. December Crime Statistics report.
2. Year-end Crime Statistics report.
3. November and December Abandoned Vehicle report and yearly totals.
4. District Justice fines report for December.

The next item on the agenda was the Executive Administrator's report. Mr. Prill indicated that he had no report at this time.

Council President Rapp noted the next item on the agenda was New Business and asked if any member of Council had any new items to review or discuss. Hearing no comments, Council President Rapp moved to the next item on the agenda.

Council President Rapp indicated that there were various appointments to be made as follows:

1. Appointment of Don Lipson, of Tallman Hudders & Sorrentino, as Borough Solicitor. Councilman Trotter moved for this appointment. The motion was seconded by Councilwoman Halleman and approved unanimously.

2. Appointment of J. Bradley Youst and Jill Smith, Hanover Engineering Associates, as Borough Engineers. Councilman Capuano moved for the appointment. The motion was seconded by Councilman Ferencin and approved unanimously.
3. Appointment of Brian Ashley, Fonzone & Ashley, as Solicitor to the Planning Commission and Zoning Hearing Board. Councilwoman Halleman moved for the appointment. The motion was seconded by Councilman Trotter and approved unanimously.
4. Appointment of David Shields, Keystone Code Consulting, as the Borough's 3<sup>rd</sup> Party Construction Code Inspection & Plan Review Consultant. Councilman Capuano moved for the appointment. The motion was seconded by Councilwoman Gifford and approved unanimously.
5. Appointment of Christopher Bennick to a 4 year term, 1/1/10 – 12/31/13, to the Planning Commission. Councilman Trotter moved for the appointment. The motion was seconded by Councilwoman Halleman and approved unanimously.
6. Appointment of a member of Council to the Planning Commission, for a 4 year term, 1/1/10 – 12/31/13. Councilwoman Gifford nominated Councilman Trotter. The motion was seconded by Councilman Capuano. Council President Rapp asked if there were any further nominations. Hearing none, he asked for a vote on the appointment of Councilman Trotter to the Planning Commission and the appointment was approved unanimously.
7. Appointment of Mike Klo to a 5 year term, 1/1/10 – 12/31/14, to the Shade Tree Commission. Councilman Capuano moved for the appointment. The motion was seconded by Councilwoman Halleman and approved unanimously.
8. Appointment of Ed Stech to a 3 year term, 1/1/10 – 12/31/12, to the Civil Service Commission. Councilman Trotter moved for the appointment. The motion was seconded by Councilwoman Gifford and approved unanimously.

The next item on the Agenda were approval of Resolutions:

Resolution # 2010-01 Approving the Appointment of Sewage Enforcement Officers

**RESOLUTION 2010-01**

APPOINTMENT OF SEWAGE ENFORCEMENT OFFICERS IN THE BOROUGH OF  
FOUNTAIN HILL

WHEREAS, Act 247 requires that the Borough, by Resolution, appoint a Sewage Enforcement Officer(s); and

WHEREAS, Act 247 requires that in addition to the appointment, the Borough also approve the Engineer's rate schedule

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill appoint the following Sewage Enforcement Officers from the firm of Hanover Engineering Associates, Inc., for calendar year 2010:

Jeffrey T. Huff - 01900  
Janice S. Buskirk - 01762  
Scott J. Brown - 01716

The Rate Schedule marked Attachment "A" is hereby adopted and may be examined in the Office of the Executive Secretary.

Councilman Blatt made a motion to approve Resolution # 2010-01. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution #2010-02 Approving Meeting Schedules for Borough Council, Planning Commission & Zoning Hearing Board.

**RESOLUTION NO. 2010-02**

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL  
APPROVING THE FOLLOWING MEETING SCHEDULE  
CALENDAR FOR 2010**

**BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby approve the Meeting Schedule Calendar for 2010 as follows:

**NOTICE OF MEETINGS**

The following is a list of meeting schedules for calendar year 2010. All meetings will be held in Borough Hall, 941 Long Street, Fountain Hill, PA:

**COUNCIL MEETINGS: First Monday of each Month @ 7:00 pm; Third Wednesday of each Month @ 7:00 pm; unless otherwise noted**

January 4	July 6
January 20	July 21
February 1	August 2
February 17	August 18
March 1	September 7
March 17	September 15
April 5	October 4
April 21	October 20
May 3	November 1
May 19	November 17
June 7	December 6
June 16	December 15

**PLANNING COMMISSION: Second Monday of each Month @ 7:00 pm**

January 11	July 12
February 8	August 9
March 8	September 13
April 12	October 11
May 10	November 8
June 14	December 13

**ZONING HEARING BOARD: Third Monday of each Month @ 7:00 pm**

January 18	July 19
February 15	August 16
March 15	September 20
April 19	October 18
May 17	November 15
June 21	December 20

Councilwoman Gifford made a motion to approve Resolution # 2010-02. The motion was seconded by Councilman Ferencin and approved unanimously.

Resolution # 2010-03 Approving Schedule of Holidays / Observed Days Off.

**RESOLUTION NO. 2010-03**

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL  
APPROVING THE FOLLOWING HOLIDAYS / OBSERVED DAYS OFF  
FOR CALENDAR YEAR 2010**

**BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby approve the following Holidays / Observed Days Off for 2010:

January 1	New Year's Day
February 15	President's Day
April 2	Good Friday
May 31	Memorial Day
July 5	Independence Day (observed)
September 6	Labor Day
November 25	Thanksgiving Day
November 26	Friday after Thanksgiving
December 24	Christmas Eve
December 25	Christmas Day
Individuals Birthday	

Councilman Capuano made a motion to approve Resolution # 2010-03. The motion was seconded by Councilwoman Gifford and approved unanimously.

Resolution #2010-04 Restating the Fountain Hill Police Association Member Contribution to the Police Pension Plan.

**RESOLUTION NO. 2010-04**

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL  
RESTATING THE FOUNTAIN HILL POLICE ASSOCIATION  
MEMBER CONTRIBUTION TO THE POLICE PENSION PLAN**

**WHEREAS**, the Borough of Fountain Hill, by enactment of Ordinance 702, adopted December 15, 2004, restated the terms and conditions of the Police Pension Plan; and

**WHEREAS**, Section 403 (a) and (b) of said Ordinance establishes participant contributions to the Plan; and

**WHEREAS**, the Borough Council and the Fountain Hill Police Association by an agreement dated August 3, 2009, agreed to a required member contribution to the Plan to 2.5% of total compensation, covering the years 2010 & 2011; and

**WHEREAS**, pursuant to the provisions of Act 600, the Borough of Fountain Hill must restate and/or reaffirm the required member contribution on an annual basis either by Ordinance or Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby restate that the members of the Fountain Hill Police Pension Plan shall contribute 2.5% of their monthly total compensation to the Plan for calendar year 2010; and

**BE IT FURTHER RESOLVED**, that the Borough Secretary shall file a copy of this Resolution with the Administrator of the Fountain Hill Police Pension Plan in order to affirm the required member contribution.

Councilman Trotter made a motion to approve Resolution # 2010-04. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution #2010-05 Approving the 2010 Agreement for Animal Control Services.

**RESOLUTION 2010-05**

**APPROVING THE 2010 AGREEMENT FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, The Borough of Fountain Hill has a responsibility for the health, welfare, and safety of the Borough, its citizens and property, and has from time to time a need for the care, boarding, disposal, spaying, and other services with respect to the stray animals which the Borough must, from time to time, take custody of; and

**WHEREAS**, The Lehigh County Humane Society has the facilities, personnel and expertise to provide such services to the Borough; and

**WHEREAS**, The Borough of Fountain Hill desires to engage the services of the Lehigh County Humane Society for animal control services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Fountain Hill does hereby approve the 2010 Animal Control Services Agreement with the Lehigh County Humane Society, effective 1/1/10, and continuing through 12/31/10, for the provision of services as outlined in the attached Agreement.

Councilman Blatt made a motion to approve Resolution # 2010-05. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution #2010-06 Approving the Appointment of Delegates to the Northampton County Tax Collection Committee for 2010

**RESOLUTION NO. 2010-06**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE APPOINTMENT OF DELEGATES TO THE NORTHAMPTON COUNTY TAX COLLECTION COMMITTEE FOR CALENDAR YEAR 2010**

**WHEREAS**, The approved Bylaws of the Northampton County Tax Collection Committee (TCC), requires the governing bodies of school districts, townships, boroughs and cities to appoint one voting delegate and one or more alternate delegates, on an annual basis, to be their Tax Collection Committee representatives; and

**WHEREAS**, The Borough of Fountain Hill has been assigned to participate with the Northampton County Tax Collection Committee due to the Borough being a part of the Bethlehem School District;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby appoint the following individuals as the Borough's delegates to the Northampton County TCC for calendar year 2010:

Primary Voting Delegate: Councilman Norman E. Blatt, Jr.  
First Alternate Voting Delegate: Rick Prill, Executive Administrator

**AND BE IT FURTHER RESOLVED** as follows:

1. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting.
2. These appointments are effective immediately and shall continue until successors are appointed. All delegates shall serve at the pleasure of the Borough Council and may be removed at any time.

Councilman Trotter made a motion to approve Resolution # 2010-06. The motion was seconded by Councilwoman Gifford and approved unanimously.

Resolution #2010-07 Approving the Appointment of a Representative to the Middle Eastern Counties Association of Boroughs (MECAB) for 2010

**RESOLUTION NO. 2010-07**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE APPOINTMENT OF A REPRESENTATIVE TO THE MIDDLE EASTERN COUNTIES ASSOCIATION OF BOROUGH (MECAB) FOR CALENDAR YEAR 2010**

**BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby appoint the following member of Council as the Borough's delegate to MECAB for calendar year 2010:

Council member: Mark Ferencin

Councilwoman Gifford made a motion to approve Resolution # 2010-07. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution #2010-08 Approving the Appointment of Tavis Grotenhuis as Tax Collector.

Councilman Blatt commented that even though this vacancy was advertised on the Borough website, it should be advertised in the local newspaper as well. Councilman Blatt made a motion to table this Resolution. The motion was seconded by Councilwoman Halleman and the motion was approved unanimously.

Council President Rapp indicated the next item on the agenda is the Approval of Ordinances but noted that there are no Ordinances under review at this time.

Council President Rapp indicated the next item on the agenda was Motions and asked if any member of Council had any motions that needed to be reviewed and discussed at this time. Hearing no motions, Council President Rapp moved onto the next Agenda item.

Council President Rapp asked if any members of Council had any Old Business to bring up.

Councilman Blatt commented on actions that the new Northampton County Tax Collection Committee has been taking with regards to various appointments and his concern that there are only a few municipalities and school districts that are controlling the decisions being made. This was exemplified in the appointment of a law firm to represent the TCC where one firm had a majority of votes but another firm was appointed because those municipalities and school districts who have a majority of the weighted votes chose the other firm. Fountain Hills weighted vote in these matters is only about 0.6 percent.

Councilwoman Gifford commented that this is not fair to Fountain Hill and that a letter should be written to our State Representative about this issue.

Councilman Blatt also expressed concern about the meeting times of the TCC being changed from evening meetings to day meetings. The representatives of the municipalities and school districts who are controlling the votes are employees of those entities and are more easily able to attend day meetings, whereby the representatives of a number of other municipalities are elected officials who work during the day and therefore may have more difficulty making day meetings.

Councilwoman Gifford stated that our State Representative should be invited to attend a meeting to discuss the representation issue with Council.

Councilwoman Halleman complimented Mr. Prill on the memo he prepared for Council regarding options for applying for the casino revenue available through Lehigh County.

Hearing no further comments, Council President Rapp thanked the members of Council for electing him as Council President again.

Council President Rapp then asked for the Solicitor's Report.

Don Lipson commented briefly that the Borough did not have any litigation during 2009 and that he needs to meet with Council in Executive Session to discuss one matter. Council President Rapp indicated that Council would go into Executive Session following the meeting.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. Commented on a memo from Mr. Prill regarding the receipt of grant funding in the amount of \$195,000 from DCED (\$95,000) and CDBG (\$100,000) for a storm sewer project and that it is important to note that these funds are very important to the Borough in helping to offset budget increases.
2. Mr. Trotter noted that the amount collected in tax revenue for 2009 is in excess of what was budgeted, therefore the 2009 budget ended the year in good shape.
3. Reviewed the amount of bills to be paid by Fund and made a motion for the approval of the Bill List. The motion was seconded by Councilman Capuano. Councilwoman Halleman asked questions about a few of the bills in the General Fund and received answers to her questions. Hearing no further questions or comments, the motion was approved unanimously.

Police Committee: Council President Rapp indicated he had no report as this time. Mayor Fink commented that the Borough is purchasing two additional security cameras as a result of donations being received from residents and that these cameras will be used at the Stanley Avenue Recreation Area.

Public Works Committee: Councilman Capuano reviewed the following:

1. December monthly report.
2. Noted that the Stanley Avenue / N. Lynn Street storm sewer project has been completed and that 3 dumpster of dirt and rock were removed from the drain lines.
3. Thanked the PW crew for their efforts lately with the plowing.

House & Ordinance Committee: Councilman Blatt indicated he had no report.

Fire Committee: Councilman Capuano reviewed the Fire Department reports as follows:

1. November monthly report
2. December monthly report
3. Annual report

Councilman Capuano thanked the Fire Department for all their efforts during the year and noted that they are a very important part of this community and largely go unnoticed.

Recreation Committee: Councilwoman Gifford indicated she had no report at this time.

Councilwoman Halleman noted that Council still has not received the year-end reports for the Pool and Playground programs. Council President Rapp noted that Mr. Prill has requested these reports but they have not been received from the respective program managers.

Councilwoman Halleman presented the December Garbage & Sewer report as follows:

12/31/2009		Current & Prior Billings Due	2009 Dec. Receipts	Total Quarterly Collections To-Date	Balance Due
<b><u>Garbage Collections</u></b>					
Current	(Billed Dec. '09)	\$ 74,239.82	\$ 110,631.86	\$ 110,631.86	\$ 63,607.96
* Prior / Delinquent		\$ 38,311.33	\$ 5,028.99	\$ 5,028.99	\$ 133,282.34
Recycling Cans		\$ -	\$ 20.00	\$ 20.00	\$ -
Grant/Recycling		\$ -	\$ -	\$ -	\$ -
<b>Total</b>		<b><u>\$312,551.15</u></b>	<b><u>\$ 115,680.85</u></b>	<b><u>\$ 115,680.85</u></b>	<b><u>\$ 196,890.30</u></b>
<b><u>Sewer Collections</u></b>					
Residential	Current (Billed Dec. '09)	\$150,639.48	\$ 95,809.28	\$ 95,809.28	\$ 54,830.20
Residential	* Prior/Delinquent	\$126,922.53	\$ 3,616.58	\$ 3,616.58	\$ 123,305.95
Commercial	Current (Billed 3rd Qtr '09)	\$ 91,475.40	\$ 80,293.07	\$ 80,293.07	\$ 11,182.33
Commercial	* Prior/Delinquent (Prior to 3rd Qtr. '09)	\$ 9,407.83	\$ -	\$ -	\$ 9,407.83
	Salisbury Twp.	\$ -	\$ -	\$ -	\$ -
	Star Village	\$ -	\$ 198.46	\$ 198.46	\$ -
	St. Luke/Pump House	\$ -	\$ -	\$ -	\$ -
<b>Total</b>		<b><u>\$378,445.24</u></b>	<b><u>\$ 179,917.39</u></b>	<b><u>\$ 179,917.39</u></b>	<b><u>\$ 198,726.31</u></b>
<b>Grand Total</b>		<b><u>\$690,996.39</u></b>	<b><u>\$ 295,598.24</u></b>	<b><u>\$ 295,598.24</u></b>	<b><u>\$ 395,616.61</u></b>

\* Prior/ Delinquent - Outstanding Bills except Current Bill.

Council President Rapp reviewed the December District Justice non-motor vehicle fines and collections report and then asked if there were any reports from any Special or Select Committees.

Ms. Jordan, representative to the Bethlehem Area Library, indicated that she had no report at this time.

Community Officer Apgar addressed Council reporting on the following:

1. He is continuing to get volunteers lined up for the Fall Halloween event
2. He is working on getting thank you letters out to everyone who helped out or donated items from the previous Fall event
3. He is working on the Easter Egg Hunt program
4. He is working on various lesson plans / programs for presentations to area groups
5. He is continuing to work on a program for the National Night Out event later this year

At this time, Council President Rapp opened the meeting up to any public comments.

Hearing no comments, the public session was closed.

Hearing no further comments from Council, Council President Rapp asked for a motion to adjourn. Councilman Capuano made the motion, seconded by Councilwoman Gifford and approved unanimously. The meeting adjourned at 7:40 pm.

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Minutes approved on February 1, 2010.

	Motion	2nd	Yes	No	Abstain
Mark Ferencin			X		
Carolee Gifford		X	X		
Norman Blatt			X		
Fred Capuano			X		
Larry Rapp			X		
Doug Trotter	X		X		
Helen Halleman			X		
Mayor Ned Fink					

**ATTEST:**

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

By: \_\_\_\_\_  
Rick Prill, Borough Secretary

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