

COUNCIL MEETING MINUTES

January 4, 2011

7:00 P.M.

Council members present were: Mr. Blatt, Mr. Rapp, Ms. Gifford, Mr. Capuano, Mr. Trotter, Jr., Mr. Stech and Ms. Halleman. Also in attendance were Rick Prill, Borough Administrator, Solicitor Don Lipson, Acting Chief Anthony, and members of the Fire Department.

Council President Rapp called for the pledge to the flag.

The first item of business was a presentation by former Mayor Ned Fink. Mr. Fink commented that a number of years ago the Exchange Club presented Council with a plaque to be used to list the former Mayors of the Borough. Over the years, the plaque became too small to continue listing future Mayor's so the Exchange Club has had a new plaque made up which will provide additional space for the current and future Mayor's to be listed. Mr. Fink presented the plaque to Mayor Rosado. Mayor Rosado thanked Mr. Fink and the Exchange Club for this donation.

Mr. Fink also noted that members of the Exchange Club, along with members of the Police Department, went to St. Luke's hospital over the Christmas Holiday and presented gifts to patients.

On behalf of Council, Council President Rapp thanked Mr. Fink and the Exchange Club for their donation and service to the Borough.

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

1. November 17, 2010 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 Trotter motioned for approval of the minutes, seconded by Councilwoman Gifford, the minutes were unanimously approved.
2. December 6, 2010 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 Stech motioned for approval of the minutes, seconded by Councilman Blatt, the minutes were unanimously approved.

Council President Rapp opened the meeting to the public for any public comments on any Agenda item.

Mr. Ted Haven, 846 Tomblor Street, asked questions about the proposed Resolution 2011-08, establishing a Capital Reserve Fund.

Councilman Blatt commented that budgeting classes offered by the PSAB for elected officials recommends communities to establish Capital Reserve Funds for the purpose of funding capital expenditures such as equipment purchases, public building construction or reconstruction, capital projects, etc.

Councilman Trotter concurred with Councilman Blatt's comments

Mr. Prill indicated that the establishment of the Capital Reserve Fund is his recommendation to Council and the driving force for this is the upcoming Delaware Avenue reconstruction project. Part of the budget problem Council is dealing with is running capital projects like this through the General Fund operating account. By establishing the Capital Reserve Fund, any capital project or purchase can be run through and accounted for in the Capital Reserve Fund. Funding for these capital expenditures will mostly be grant funds received and/or funds borrowed by the Borough.

Councilwoman Halleman questioned where funding will come from for this Fund. She also indicated that she wants to be notified when Committee meetings are being scheduled.

Mr. Haven asked how much money will be going into the Capital Reserve Fund and noted that Council might want to place a cap on the amount of funding.

Councilman Capuano indicated that the initial funding will be what is received in grant funds.

Councilman Blatt commented that placing a cap on the funding level does not make sense since funding will initially be based on any grants received. Council can decide in the future if it wants to appropriate any funds in the this Fund.

Hearing no further comments from the public, Mr. Rapp closed this public portion of the meeting.

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

1. 2010 Crime Statistics report
2. December Abandoned Vehicles report
3. December Ticket report
4. December District Judge's report
5. December Vehicle Maintenance report
6. Letter from Representative Brennan indicating that the Borough will be receiving a \$11,719 recycling performance grant for the Borough's calendar year 2008 recycling program.

Council President Rapp asked for the Administrator's report. Mr. Prill indicated that he had no report at this time.

Council President Rapp asked if any members of Council had any New Business to bring up. Hearing no comments, Council President Rapp moved on to Resolutions:

Resolution No. 2011-01:

RESOLUTION 2011-01

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 2011:

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.

Councilwoman Halleman moved for approval of Resolution No. 2011-01. The motion was seconded by Councilman Stech and approved unanimously.

Resolution No. 2011-02:

RESOLUTION NO. 2011-02

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL
APPROVING THE FOLLOWING MEETING SCHEDULE
CALENDAR FOR 2011**

BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby approve the Meeting Schedule Calendar for 2011 as follows:

NOTICE OF MEETINGS

The following is a list of meeting schedules for calendar year 2011. 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 5
January 19	July 20
February 7	August 1
February 23*	August 17
March 7	September 6
March 23*	September 21
April 4	October 3
April 20	October 19
May 2	November 7
May 18	November 23*
June 6	December 5
June 22*	December 21

* 4th Wednesday

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

January 10	July 12
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February 14
March 14
April 11
May 9
June 13

August 8
September 12
October 10
November 14
December 12

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

January 17
February 21
March 21
April 18
May 16
June 20

July 19
August 15
September 19
October 17
November 21
December 19

Councilman Capuano moved approval of Resolution No. 2011-02. The motion was seconded by Councilman Trotter and approved unanimously.

Resolution No. 2011-03:

RESOLUTION NO. 2011-03

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL
APPROVING THE FOLLOWING HOLIDAYS / OBSERVED DAYS OFF
FOR CALENDAR YEAR 2011**

BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby approve the following Holidays / Observed Days Off for 2011:

<u>HOLIDAY</u>	<u>OBSERVED</u>
New Year's Day	January 3
President's Day	February 21
Good Friday	April 22
Memorial Day	May 30
Independence Day	July 4
Labor Day	September 5
Thanksgiving Day	November 24
Friday after Thanksgiving	November 25
Christmas Eve	December 23
Christmas Day	December 26
Individuals Birthday	

Councilman Capuano moved approval of Resolution No. 2011-03. The motion was seconded by Councilwoman Gifford and approved unanimously.

Resolution No. 2011-04:

RESOLUTION NO. 2011-04

**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 year 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 2011; 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 moved approval of Resolution No. 2011-04. The motion was seconded by Councilwoman Halleman and approved unanimously.

Resolution No. 2011-05:

RESOLUTION 2011-05

APPROVING THE 2011 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 2011 Animal Control Services Agreement with the Lehigh County Humane Society, effective 1/1/11, and continuing through 12/31/11, for the provision of services as outlined in the attached Agreement.

Councilman Blatt moved approval of Resolution No. 2011-05. The motion was seconded by Councilman Stech and approved unanimously.

Resolution No. 2011-06:

RESOLUTION NO. 2011-06

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 2011

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 2011:

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 moved approval of Resolution No. 2011-06. The motion was seconded by Councilman Stech and approved with Councilman Blatt abstaining.

Resolution No. 2011-07:

RESOLUTION NO. 2011-07

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 BOROUGHES (MECAB) FOR CALENDAR YEAR 2011

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 2011:

Council member: Ed Stech

Councilwoman Gifford moved approval of Resolution No. 2011-07. The motion was seconded by Councilman Trotter and approved unanimously.

Resolution No. 2011-08:

RESOLUTION 2011 - 08

APPROVING THE ESTABLISHMENT OF A CAPITAL RESERVE FUND AND A MUNICIPAL DEPOSIT & AUTHORIZATION RESOLUTION WITH FIRST NIAGARA BANK

WHEREAS, The Borough Council desires to establish a separate Capital Reserve Fund pursuant to Section 1202 (33) of the PA Borough Code, for anticipated capital expenditures, including but not limited to, the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the Borough; and

WHEREAS, In compliance with DCED regulations, this new account will be established with First Niagara Bank for the new Fund Account as follows:

NOW, THEREFORE, BE IT RESOLVED, that First Niagara Bank, N.A., headquartered in Buffalo, New York, is designated as an authorized depository of the Borough of Fountain Hill (hereinafter referred to as Borough); and

BE IT FURTHER RESOLVED, that all drafts, checks, or other instruments or orders for the payment of money drawn against the account of the Borough with said depository shall be signed by any two (2) of the following Officers:

Lawrence Rapp	Council President
Norman Blatt, Jr.	Council Vice President
Ricky Prill	Executive Administrator

BE IT FURTHER RESOLVED, that said depository is authorized to place to the credit of the account, or any of the accounts, of the Borough, funds, drafts, checks or other property by whomever delivered to said depository or agent thereof for deposit to the accounts of the Borough, endorsed with the name of the Borough, by rubber stamp, facsimile, mechanical, manual, or other signature (and unendorsed by whomever affixed shall be the endorsement of the Borough), or otherwise endorsed, or unendorsed, provided that if any such item shall bear, or be accompanied by, directions (by whomever made) for deposit to specific account, then such deposit shall be to the credit of such specific account; and

BE IT FURTHER RESOLVED, that said depository is hereby directed to accept, and/or pay and/or apply any draft, check, instrument or order for the payment of money, or any proceeds thereof, drawn on such account or accounts when signed as required by this resolution by manual, rubber stand, facsimile, or other mechanical signature (by whomever affixed) without limit as to amount, without inquiry, and without regard to the disposition of any such item or any proceeds thereof. Further, said depository shall not be liable in connection therewith notwithstanding that such item may be payable to the order of a person whose signature appears thereon or of any other officer or officers, agent or agents of the Borough, or such items or any proceeds thereof may be used or disposed of for the personal credit or account of any such person or persons, officer or officers, agent or agents with the depository or otherwise.”

BE IT FURTHER RESOLVED, that in connection with all existing accounts held with First Niagara Bank, N.A., that Sook Lee Choi, Director of Finance, be and is hereby authorized to (1) transfer funds between accounts, (2) authorize wire transfers, and (3) obtain account information.

Councilman Trotter moved approval of Resolution No. 2011-08. The motion was seconded by Councilman Stech and approved unanimously.

Resolution No. 2011-09:

RESOLUTION NO. 2011 - 09

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL
APPOINTING THE FOLLOWING INDIVIDUALS FOR CALENDAR YEAR 2011**

BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint the following individuals for calendar year 2011:

Civil Service Commission

James Lamb 6 year term 1/1/11 – 12/31/16

Councilman Stech moved approval of Resolution No. 2011-09. The motion was seconded by Councilman Capuano and approved unanimously.

Council President Rapp noted the next item on the agenda was Ordinances.

Introduction of Ordinance #764 – Approving the Installation of a Handicapped Parking Space – 1004 Delaware Avenue.

Council President Rapp asked Acting Chief Anthony if there were any issues with this proposed handicapped parking space.

Acting Chief Anthony noted that the applicant had requested the handicapped space be located at the top of Clewell Street at the intersection with Delaware Avenue but that there was a No Parking zone on Delaware Avenue that extends a distance down Clewell Street and that this was in place due to previous vehicle accidents which have occurred at this intersection. There would be the possibility of locating the handicapped space on the opposite side of Clewell Street, approximately 20+ feet down from the intersection and that he had attempted contacting the applicant but has not heard back from her.

Councilman Blatt made a motion to table the introduction of Ordinance #764. The motion was seconded by Councilman Trotter and approved unanimously.

Council President Rapp noted that there is one Motion on the Agenda, this motion approving the Volunteer Fire Department Officers for 2011-2012, and asked for a motion approving the list of Officers. Councilwoman Gifford made the motion to approve the Officers for 2011-2012. The motion was seconded by Councilman Stech and approved unanimously.

Council President Rapp asked if any member of Council had any Old Business to discuss. Hearing none, Council President Rapp moved on to the Solicitor's Report.

Mr. Lipson reported on the following:

1. A Notice of Incident has been received by the Borough with regards to a trip and fall accident on the sidewalk in front of 1304 Broadway. This notice is filed to preserve the right of the accident victim to possibly file a claim and/or lawsuit in the future. This matter has been referred to our insurance carrier for their review and action.
2. His continuing effort with regards to sewer and garbage liens noting that an additional \$13,031.04 has been collected.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. Made a few follow-up comments with regards to the \$200,000 deficit noted in the November ending financial report.
2. 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 Councilwoman Gifford and the motion was approved unanimously.

Councilman Blatt questioned how long the Borough can continue to spend more money than is being brought in, in revenue.

Mr. Prill noted that part of the over-expenditure is a result of capital projects, such as the Phase IV Storm Sewer work, and the installation of the new sand volleyball court, being paid for out of the General Fund operating budget but having to spend the money up front and not getting the grant funds in until after the project has been completed, and in the case of these two projects, some of the grant funds coming in after the end of the year so the revenue will be reflected in the 2011 budget and not in the 2010 budget, which would have offset some of the deficit. Mr. Prill further explained that this is why he has requested the Capital Reserve Fund be established so that projects like these will be funded out of these new Fund and not out of the General Fund operating budget.

Public Works Committee: Councilman Capuano reviewed the following:

1. December monthly report.

Police Committee:

1. Council President Rapp noted had no further report.

House & Ordinance Committee:

1. Councilman Blatt indicated that the Committee met and (1) approved the proposed \$25 fee for fingerprinting services which will now be reviewed along with other fees by the Finance Committee; (2) reviewed the status of repairs resulting from the water damage; (3) discussed the condition of the Public Works Garage.

Fire Committee: Councilwoman Gifford reviewed the following:

1. Councilwoman Gifford reviewed the December and 2010 year-end Fire Department report.

Councilwoman Halleman asked how the Christmas Tree sales were this year? The Fire Department noted that tree sales were ok but not as good as they had hoped for, indicating that being off of Broadway probably hurt the sales, but thanked the Borough for allowing them to use the Pool property.

It was also noted that the new Forestry gear which was recently purchased has been received.

1. Recreation Committee: Councilman Stech indicated he had no report.

Health & Sanitation Committee: Councilwoman Halleman reviewed the following items:

1. Councilwoman Halleman reviewed the November monthly report for Garbage and Sewer operations as follows:

12/30/2010	Current & Prior Billings	Dec	Quarterly Collections	Balance Due	
	<u>Due</u>	<u>Receipts</u>	<u>To-Date</u>	<u>Due</u>	
<u>Garbage Collections</u>					
Current	(Billed Dec. 2010)	\$173,694.64	\$ 91,177.01	\$ 91,177.01	\$ 82,517.63

* Prior / Delinquent Recycling Cans Grant/Recycling	\$ 96,991.18	\$ 10,725.73	\$ 10,725.73	\$ 86,265.45
	\$ -	\$ 40.00	\$ 40.00	\$ -
	\$ -	\$ -	\$ -	\$ -
Total	<u>\$270,685.82</u>	<u>\$101,942.74</u>	<u>\$101,942.74</u>	<u>\$168,783.08</u>

Sewer Collections

Residential Current (Billed Dec.2010)	\$149,772.50	\$ 79,058.37	\$ 79,058.37	\$ 70,714.13
Residential * Prior/Delinquent	\$ 92,487.01	\$ 16,790.13	\$ 16,790.13	\$ 75,696.88
Commercial Current (Billed 3ed Qtr '10)	\$124,354.93	\$116,229.87	\$116,229.87	\$ 8,125.06
Commercial * Prior/Delinquent (Prior to 3rd Qtr. '10)	\$ 8,403.37	\$ -	\$ -	\$ 8,403.37
Salisbury Twp.	\$ -	\$ -	\$ -	\$ -
Star Village	\$ -	\$ -	\$ -	\$ -
St. Luke/Pump House	\$ -	\$ -	\$ -	\$ -
Total	<u>\$375,017.81</u>	<u>\$212,078.37</u>	<u>\$212,078.37</u>	<u>\$162,939.44</u>
Grand Total	<u>\$645,703.63</u>	<u>\$314,021.11</u>	<u>\$314,021.11</u>	<u>\$331,722.52</u>

* Prior/ Delinquent - Outstanding Bills except Current Bill.

Council President Rapp asked if there were any reports from any Special or Select Committees.

1. Mrs. Jordan reported that the Library has been working on an early retirement incentive program for its' staff and that 13 staff have accepted the early retirement which will have a positive impact on the Library's finances in 2011.

Hearing no further reports, Council President Rapp opened the meeting up to any public comments.

Mr. Ted Haven requested that Council should provide the Finance Committee with its' recommendations for revenue options, expenditure cuts and any other budget options going into the 2012 budget preparation cycle.

Councilman Trotter noted that the problems being faced by Council are not with the budgeted accounts but more with unanticipated expenditures.

Councilwoman Halleman commented on the cost of the Library service and that other communities are threatening to withdraw from the BAPL. Councilman Blatt reminded Councilwoman Halleman that this matter was put on the ballot in Fountain Hill and that the Borough's participation in the BAPL system was approved by the voters.

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 8:07 pm.

Minutes approved on February 7, 2011.

	Motion	2nd	Yes	No	Abstain
Ed Stech		X	X		
Carolee Gifford			X		
Norman Blatt			X		
Fred Capuano			X		
Larry Rapp			X		
Doug Trotter	X		X		
Helen Halleman			X		
Mayor Rosado					

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

By: _____
Lawrence E. Rapp, President of Council

ATTEST:

By: _____
Ricky L. Prill, Borough Secretary