

**COUNCIL MEETING MINUTES**  
**February 17, 2010**  
**7:00 P.M.**

Council members present were: Mr. Rapp, Mr. Blatt, Mr. Capuano, Mr. Ferencin, Ms. Gifford, Ms. Halleman and Mr. Trotter, Jr.. Also in attendance were: Mayor Fink, Rick Prill, Administrator and Chief Stephens.

Council President Rapp called for the pledge to the flag.

Mr. Rapp reviewed items to be placed on the March 1, 2010 meeting Agenda as follows:

1. Minutes of the 1/20/10 and 2/1/10 Council Meetings have been prepared for review. Mr. Rapp noted that anyone with corrections to the draft Minutes of the 1/20/10 and 2/1/10 meetings should provide them in writing to Mr. Prill.

Council President Rapp moved on to the next agenda item regarding review and/or discussion on the following matters:

1. Proposed re-zoning of the Bethlehem Water Authority property. Councilman Trotter indicated that the Planning Commission attorney had suggested an Open Space zoning with the Water Authority use as a pre-existing, non-conforming use, which he feels is the best direction to proceed with. Councilwoman Gifford added her agreement with this. Councilwoman Halleman indicated that Urban Research & Development should be brought in to assist with this proposed re-zoning. Councilman Blatt noted that URDC was paid a lot of money for working with the Borough in the development of the Comprehensive Plan and during this whole process, nothing was said about the current zoning of this property. To re-zone this tract of land, it is a long and complicated process which will cost the Borough some money and maybe URDC should be advised they should cover part of these expenses since they seemed to have made a mistake on the zoning of this property. Councilwoman Halleman stated that two public meetings were held and the zoning of this property was not identified as a problem. No one is at fault for this issue not being addressed previously. However, it needs to be taken care of now and it should be done with URDC's help.

Councilwoman Gifford made a motion to proceed with developing an Open Space definition and adoption of an ordinance re-zoning the property. Councilman Trotter seconded the motion and the motion was approved.

2. Proposed donation of property by the DeAngelis family. Councilman Blatt again stated that he would not be participating in any discussion on this matter. Councilman Trotter stated that he agreed with Councilman Capuano's previous comments that there should not be any conditions attached to the donation proposal. Council agreed with this position. Council President Rapp asked Councilman Blatt to take this position back to the DeAngelis family for their consideration.
3. DCNR Grant Application – Dodson Street Baseball Field Reconstruction. Mr. Prill advised Council that DCNR has established a new condition as part of their 2010 grant application process whereby applications that are relying on different funding sources must have non-DCNR funding sources committed before DCNR will consider a grant application. Previously, other funding sources only needed to be identified. DCNR stated that the reason for this is to try and move projects along to completion quicker than has been happening in the past. As a result of this new requirement, our application will need to indicate that any funding not received from DCNR would be covered by the Borough. In the meantime, we will make a request to St. Luke's to see if they will participate financially in this project.

Council President Rapp noted that this will be placed on the March 1<sup>st</sup> meeting agenda for approval.

4. Review of Fee Resolution. Mr. Prill noted that this fee resolution is an effort to pull together all fees charged by the Borough into one document which can be reviewed by Council each year and adopted. In pulling this information together, there are a couple of proposed new fees included in the resolution and one, a bicycle fee, which is being recommended to be deleted since the Borough has not issued bicycle permits and licenses for at least 15 years. Mr. Prill indicated that an ordinance can be prepared to amend the current Bicycle Ordinance to eliminate the fee as well as the provisions addressing the issuance of permits and licenses.

Council President Rapp noted that this resolution will be placed on the March 1<sup>st</sup> agenda for approval.

5. Review of proposed handicapped parking space ordinance. Two applications have been received and approved by Chief Stephens for handicapped parking spaces at 1129 Russell Avenue and 836 Delaware Avenue.

Council President Rapp noted that this ordinance will be placed on the March 1<sup>st</sup> agenda for approval.

Review of proposed Sewer and Solid Waste delinquency collection ordinances. Councilwoman Gifford indicated that she has questions and concerns about these proposed ordinances and indicated that the Borough would actually be losing money if the new delinquency collection procedures were approved. Councilman Capuano indicated that these proposed ordinances have been reviewed and discussed by the Finance Committee along with the Staff. Currently, there are many delinquent accounts that will never get caught up based on their being allowed to pay whatever they want towards to the amount due. By not mandating a higher level of payment, they will not get caught up. Councilwoman Halleman feels the proposed ordinances are too complicated and that the required payments should be simplified and if any residents don't comply, their water should be turned off. Councilman Blatt commented that a number of years ago Council adopted the ordinance allowing for water to be shut off but that this procedure has never been implemented. The Borough should proceed with shutting off water on delinquent accounts. Council President Rapp noted that these proposed ordinances are a result of Finance Committee meetings and reviews and that Staff input was included.

Council President Rapp indicated that these proposed ordinances will be put on the March 1<sup>st</sup> agenda for Introduction.

6. An application appealing a Fire Code requirement has been received from Jenn's House and such an appeal needs to be heard by a Board of Appeals. Unfortunately, the Borough no longer has a Board of Appeals in place, therefore, one of two options is available. First, a Board of Appeals would need to be constituted and appointed, or, the appeal can be directed to another community which has a Board of Appeals. Contact has been made with Salisbury Township and their Board of Appeals would be willing to hear the matter if Council is alright with this process. Mr. Prill noted that the Borough is under a specific time frame to act on this appeal request and that referring it to Salisbury would be the most expedient option available.

Councilman Blatt made a motion approving sending the Jenn's House Fire Code appeal to the Salisbury Township Board of Appeals. The motion was seconded by Councilman Capuano and approved unanimously.

Councilman Blatt commented that Council should consider setting up a Board of Appeals for the Borough.

7. Resolution # 2010-11 Approving Change Order #1 and Payment Application for the Stanley Avenue / N. Lynn Street Storm Water Project.

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2010-11**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING CHANGE ORDER No. 1 AND FINAL PAYMENT FOR THE STANLEY AVENUE / N. LYNN STORM SEWER REHABILITATION PROJECT**

**WHEREAS**, Bids were received on October 19, 2009 for the Rehabilitation of a portion of the storm sewer lines on Stanley Avenue and N. Lynn Streets; and

**WHEREAS**, The contract was awarded to Proshot Concrete Inc., in the amount of \$140,385.00; and

**WHEREAS**, The project has been completed and the Borough Engineer has reviewed and approved the work performed and based upon less work needing to be done than originally estimated, is recommending the approval of a Change Order decreasing the amount due to Proshot Concrete Inc. by \$42,895.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fountain Hill that:

1. Change Order No. 1, reflecting a net decrease in the contract price of \$42,895.00, be approved; and
2. Payment to Proshot Concrete Inc., in the amount of \$97,490.00 be approved.

Mr. Prill noted that the Change Order is a reduction in the contract amount of \$42,895.00 which is the result of less concrete work needing to be done than what was originally estimated. The revised contract amount and payment application is for \$97, 490.00.

Councilman Ferencin made a motion to approve Resolution #2010-11. The motion was seconded by Councilwoman Gifford and approved unanimously.

8. Council President Rapp noted that Chief Stephens has submitted a recommendation to Council to establish a No Parking zone on the east side of Bishopthorpe Street, between Delaware Avenue and Ostrum Street. Council President Rapp referred this matter to the House & Ordinance Committee for their review and recommendation.

Council President Rapp indicated that Representative Joe Brennan is planning on attending the March 1<sup>st</sup> Council meeting in response to Council's request regarding the EIT Collection program.

Hearing no further comments, Mr. Rapp asked for a motion to adjourn. Councilman Capuano made a motion to adjourn, seconded by Councilwoman Gifford and the motion passed at 7:48 pm.

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Minutes approved on April 5, 2010.

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

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Lawrence E. Rapp, President of Council

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Rick Prill, Borough Secretary