

## COUNCIL MEETING MINUTES

February 2, 2009

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Capuano, Mr. Trotter, Jr., Mr. Blatt, Ms. Halleman, Ms. Gifford and Mr. Grotenhuis. Also in attendance were: Mr. Rick Prill, Administrator, Mr. Timothy Stephens, Chief of Police, Mr. Don Sabo, Fire Chief, Mr. Joe Gatta, Zoning/Code Enforcement Officer.

Council President Rapp called for the pledge to the flag.

Council President Rapp indicated the next item on the agenda was the approval of the January 5, 2009 Regular meeting minutes. Hearing no comments regarding revisions/corrections, he called for a motion and second for approval of the minutes. Councilman Trotter motioned for approval of the minutes, seconded by Councilman Capuano, the minutes were unanimously approved.

Council President Rapp opened the meeting for any public comments. Hearing no comments, Mr. Rapp closed the public portion of the meeting and in the absence of the Mayor, reviewed the Mayor's report which included the Jan. 2009 Police Department Crime Statistics and Abandoned Vehicle Statistics reports.

The next item on the agenda was the Executive Administrator's report. Mr. Prill reviewed the following items:

1. The Borough has received a proposed Electronic Access Licensing Agreement from PennDOT. This licensing agreement will initially allow the Borough to file future Liquid Fuels reports online versus the current method of filing paper reports. In the future, the access agreement is intended to incorporate additional program filing reports and grant programs. Mr. Prill noted that a Resolution has been placed on the agenda for approval of the Electronic Access Licensing Agreement.
2. Mr. Prill noted he provided Council with a memo identifying the annual state reports which have been filed to date, all of which have met their respective filing deadlines. Additional annual reports are being worked on, these having filing deadlines in the March and April time frame.
3. Mr. Prill noted that he will be attending an upcoming DCNR 'C2P2' grant workshop on Feb. 24<sup>th</sup>.
4. Mr. Prill reported that on the evening of 1/29/09, one of the Borough PW trucks was salting/sanding the Warren Street hill, which because of the steep grade of the road, requires the truck to back up the hill. Due to very icy conditions, as the truck was backing up the hill it began to slide back down the roadway on the ice which resulted in a parked truck being hit. There was minor damage to the Borough truck but the parked truck received more damage. Fortunately, no personnel were injured in this incident. The PW Dept. and Police accident reports have been submitted to our insurance carrier.

5. Mr. Prill reported that Mr. Francesco DiMatteo of the Public Works Department has submitted his letter of resignation effective as of 1/26/09. Mr. DiMatteo's resignation was accepted following a motion by Councilman Capuano, seconded by Councilwoman Gifford, and approved by Council

Council President Rapp proceeded to the next agenda item – New Business. There are three Resolutions on the agenda as follows:

Resolution # 2009-04:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-04**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, TO APPOINT A BOROUGH SECRETARY AND BOROUGH TREASURER**

**WHEREAS**, Following the resignation of Mr. Randy Soriano as the Borough's Executive Secretary and Treasurer, Ms. Barbara Merkle was appointed as the Borough's Acting Secretary and Ms. Sook Choi was appointed as the Borough's Acting Treasurer; and

**WHEREAS**, It is the intent of Borough Council to appoint Mr. Prill as the Borough Secretary and Borough Treasurer, therefore, Ms. Merkle's services as the Acting Secretary and Ms. Choi's services as Acting Treasurer are no longer required;

**NOW, THEREFORE, BE IT RESOLVED** that the Fountain Hill Borough Council of the Borough of Fountain Hill does hereby approve the following:

1. Appoint Mr. Rick Prill as the Borough Secretary and Borough Treasurer;
2. Rescind the appointment of Ms. Barbara Merkle as the Acting Secretary;
3. Rescind the appointment of Ms. Sook Choi as the Acting Treasurer.

Duly Adopted by Borough Council at a meeting held on the 2<sup>nd</sup> day of February 2009.

**ATTEST:**  
**LEHIGH COUNTY, PENNSYLVANIA**

**BOROUGH OF FOUNTAIN HILL**

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

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

Council President Rapp noted in connection with this Resolution and Resolution No. 2009-05, that Mr. Prill's application for a Public Officials Bond has been submitted to Selective Insurance Co. but that the actual bond has not yet been received, therefore, both Resolutions need to be adopted with the condition that Mr. Prill's duties as Treasurer will not be effective until the Public Officials Bond is received.

Councilman Capuano made a motion to approve Resolution No. 2009-04, subject to the condition outlined by Council President Rapp. The motion was seconded by Councilman Trotter and approved unanimously.

Resolution # 2009-05:

**BOROUGH OF FOUNTAIN HILL**

**RESOLUTION NO. 2009-05**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, TO APPOINT SIGNATORIES FOR THE BOROUGH'S FINANCIAL ACCOUNTS**

**WHEREAS**, Pursuant to Resolution # 2008-08, Sook Choi was appointed as a temporary Signatory to the Borough's financial accounts at East Penn Bank and PLGIT to replace Randy Soriano; and

**WHEREAS**, With the appointment of Rick Prill as the Borough Treasurer, Mr. Prill needs to be appointed as a Signatory to the Borough's financial accounts;

**NOW, THEREFORE, BE IT RESOLVED** that the Fountain Hill Borough Council of the Borough of Fountain Hill does hereby appoint the following individuals as Signatories to the Borough's financial accounts at East Penn Bank and PLGIT:

4. Larry Rapp, Borough Council President
5. Norman Blatt, Jr, Borough Council Member
6. Rick Prill, Borough Treasurer

Duly Adopted by Borough Council at a meeting held on the 2<sup>nd</sup> day of February 2009.

**ATTEST:**

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

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

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

Councilman Trotter made a motion for approval of Resolution No. 2009-05, again subject to the condition outlined previously by Council President Rapp. The motion was seconded by Councilman Capuano and approved by unanimous vote.

Resolution # 2009-06:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-06**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING EXECUTION OF THE PENNDOT ELECTRONIC ACCESS LICENSING AGREEMENT**

**WHEREAS**, the PennDOT and Borough of Fountain Hill have agreed to use the dotGrants system to file the required Liquid Fuels forms annually, including but not limited to, the MS-965, MS-329 and MS-999;

**NOW, THEREFORE, BE IT RESOLVED** that the Fountain Hill Borough Council of the Borough of Fountain Hill does hereby approve the following:

Council President Rapp and Rick Prill, Borough Secretary, are authorized to execute all documents necessary to effect such an agreement, including but not limited to, an Electronic Access License Agreement (EALA) on behalf of the municipality.

Duly Adopted by Borough Council at a meeting held on the 2<sup>nd</sup> day of February 2009.

**ATTEST:**

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

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

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

Councilman Blatt made a motion to approve Resolution No. 2009-06. The motion was seconded by Councilman Grotenhuis and approved by unanimous vote.

Council President Rapp indicated the next item on the agenda was the introduction of Ordinance #2009-01, an Ordinance Implementing the Requirements of the Pennsylvania Open Records Law. Councilwoman Halleman asked for a brief explanation as to how this new law differs from what was in place previously. Councilman Blatt, Solicitor Lehr and Mr. Prill offered comments on how this new law will standardize the process of information requests being processed and establishing specific time frames and procedures for responses to requests. Mr. Prill also reviewed a procedural issue involving requests for information which is maintained by the Police Department which, by the nature of the information, may not be accessible to anyone outside of the law enforcement community. Because of the potential nature of these requests, Mr. Prill suggested that a process be set up whereby requests for Police Department information will be handled by the Police Chief, with a log being maintained of all requests made and how the requests were handled. A copy of this log would then be provided to Mr. Prill on a periodic basis, in his capacity as the Borough's point of contact for all Right To Know requests. All other non-police RTK information requests would be processed through Mr. Prill's office.

Hearing no further comments or discussion on the Ordinance, Council President Rapp called for a motion to Introduce Ordinance No. 2009-01:

ORDINANCE NO. 739

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

**AN ORDINANCE IMPLEMENTING THE REQUIREMENTS OF THE PENNSYLVANIA OPEN RECORDS LAW BY ADOPTING A FORMAL POLICY, RULES AND REGULATIONS AND FORMS FOR REQUESTS FOR INSPECTION AND/OR COPYING OF PUBLIC RECORDS.**

**FOUNTAIN HILL BOROUGH RIGHT TO KNOW ORDINANCE**

1. **TITLE.** A New Ordinance: (a) implementing the requirements Act 3 of 2008, the Pennsylvania Open Records Law; (b) adopting a formal policy to follow when handling requests for access to public records; (c) adopting rules and regulations for implementing such policy; (d) adopting forms to be used for any and all requests for access to public records; and (e) establishing provisions for preserving the integrity of the Borough's records and minimizing the financial impact to the residents of the Borough regarding the resources consumed in the copying of Borough files.

2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Fountain Hill Borough Right to Know Ordinance" of 2009.

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 Introduces into an Ordinance the attached documents this date of February 2, 2009. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: March 2, 2009

Councilman Trotter made a motion for the introduction of Ordinance No. 2009-01. Councilman Blatt seconded the motion and the Ordinance was introduced by unanimous vote.

Council President Rapp indicated the only item he had to report on was a follow-up on the matter raised at the Jan. 5<sup>th</sup> Council meeting regarding complaints received against the residence at 1225 Moravia Street and that no additional complaints have been received since the Borough met with the operators of the residence and a meeting was held with the affected neighbors. Chief Stevens also indicated that his Department has not received any further complaints.

Council President Rapp asked the Solicitor for his report. Solicitor Lehr indicated he had nothing to report on at this time.

Council President Rapp then proceeded to Committee Reports:

Finance Committee:

1. Councilman Trotter moved for approval of the bills paid through January. Councilwoman Gifford seconded the motion and the motion was approved unanimously.

Public Works Committee:

1. Councilman Capuano reviewed the January Public Works monthly report.

Police Committee: Council President Rapp indicated he had no further report but did express appreciation to the Chief for the new Monthly Police Blotter report that is being generated. Councilwoman Halleman also thanked Chief Stevens for the efforts being made to provide more information on Police operations and activities. The rest of Council agreed with these comments.

House & Ordinance Committee: Councilman Blatt indicated that the Committee did not meet in January.

Fire Committee:

1. Councilman Grotenhuis reviewed the January Fire monthly report.

- Mr. Prill read a letter from Chief Sabo with regards to the Fire Department receiving a grant in the amount of \$10,246.87 from the PA Emergency Management Agency under Fire Assistance grants. These funds will be used for the purchase of gas detectors for use by Fire and Police personnel at fire scenes. Chief Sabo also indicates that this is the 6<sup>th</sup> consecutive year that he has been successful in applying for and receiving these grant funds on behalf of the Department.

Recreation Committee: Councilwoman Gifford indicated she had no report.

Health & Sanitation Committee:

- Councilwoman Halleman reviewed the January monthly report for Garbage and Sewer operations:

Garbage Collection

Residential	Current	\$ 57,783.43
	Delinquent	\$ 2,196.19
	Recycling Reimb.	<u>\$ 40.00</u>
	Total	\$ 60,019.62

Sewer Collections

Residential	Current	\$ 57,024.41
	Delinquent	\$ 3,396.21
	Star Village	\$ 396.92
	Salisbury Twp.	\$ 878.57
	St. Luke Pump House	\$ -
Commercial	Current	\$ 4,867.20
	Delinquent	<u>\$ -</u>
	Total	\$ 66,563.31

Total Collection \$126,582.93

Council President Rapp indicated that there were no reports from any Special or Select Committees.

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 called for a motion to adjourn the meeting. Councilman Capuano made a motion to adjourn, seconded by Councilwoman Gifford and approved by unanimous vote, the meeting was adjourned at 7:40 pm.

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Minutes approved on March 4, 2009.

Motion to Approve  
Minutes:

	Motion	2nd	Unanimous Yes	No	Abstain
Tavis Grotenhuis			X		
Carolee Gifford			Absent		
Norman Blatt			X		
Fred Capuano	X		X		
Larry Rapp			X		
Doug Trotter		X	X		
Helen Halleman			X		

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Lawrence E. Rapp, Council President

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Rick Prill, Borough Secretary