

## COUNCIL MEETING MINUTES

March 4, 2009

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Capuano, Mr. Trotter, Jr., Mr. Blatt, Ms. Halleman, and Mr. Grotenhuis. Also in attendance were: Mayor Fink, Mr. Rick Prill, Administrator, Solicitor Don Lipson, Mr. Gus Entler, PW Supervisor, Mr. Don Sabo, Fire Chief, Mr. Joe Gatta, Zoning/Code Enforcement Officer. Councilwoman Gifford was an excused absence.

Council President Rapp called for the pledge to the flag.

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

1. January 21, 2009 Work Session 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.
2. February 2, 2009 Regular meeting minutes. Hearing no comments regarding revisions/corrections, he 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. Mr. Repesch commented that Council should approve the Fire Chief's request to be allowed to take the Chief's vehicle home with him in order to respond to fire calls during his non-working hours. The vehicle is equipped and intended to help save lives by getting to the scene of a fire quickly. Hearing no further comments, Mr. Rapp closed the public portion of the meeting.

Council President Rapp asked for the Mayor's report. Mayor Fink reviewed the Police Department fines and collections for the month of February and the February Police Department Crime Statistics report.

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

1. A letter has been received from the Bethlehem Authority advising the Borough that the Authority will be pursuing grant funds through the Commonwealth Financing Authority H2O program, in part for the repair and/or replacement of the Southside Reservoir in Fountain Hill.
2. A letter has been received from the Engineering Consulting firm Remington & Vernick, representing the City of Bethlehem, advising the Borough that they will be pursuing grant funds through the Commonwealth Financing Authority H2O program in the amount of \$20,000,000 for the Bethlehem Sewage Treatment Plant Expansion and Improvements, and that if awarded

these funds, matching funds from participating municipalities will be based on existing agreements. The letter also asks for the Borough's written response concerning this project moving forward.

3. Mr. Prill noted that Council has received the Bethlehem Area Public Library 2008 Annual Report.

Council President Rapp proceeded to the next agenda item – New Business:

Mr. Rapp called for a motion approving the appointment of Mr. Gus Entler to the Shade Tree Commission. Councilman Capuano made a motion to this effect. The motion was seconded by Councilman Trotter and approved unanimously.

There are three Resolutions on the agenda as follows:

Resolution # 2009-07:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-07**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,  
LEHIGH COUNTY, PENNSYLVANIA, APPROVING CORRECTIONS TO ORDINANCE  
NUMBERS**

**BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby approve the following corrections to Ordinance numbers:

Ord. No.	Ordinance Description	Introduced	Adopted	Corrected
				Ord. No.
748	Pension Plan Revisions	11/3/2008	12/1/2008	739
749	Handicapped Pkg Sign Removal	11/3/2008	12/1/2008	740
739	Establishing 2009 Tax Rate	12/1/2008	12/17/2008	741
739	Implementing Right-To-Know Law	2/3/2009		742

Duly Adopted by Borough Council at a meeting held on the 4th day of March 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. 2009-07. The motion was seconded by Councilwoman Halleman and approved unanimously.

Resolution # 2009-08:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-08**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,  
LEHIGH COUNTY, PENNSYLVANIA, ADOPTING THE REVISED PENNSYLVANIA  
MUNICIPAL RECORDS MANUAL**

**WHEREAS**, the Pennsylvania Local Government Records Committee has approved revisions to the Municipal Records Manual; and

**WHEREAS**, municipalities are requested to have their respective Governing Bodies take formal action to approve the revised Municipal Records Manual with regards to their compliance with the disposition of municipal records.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby adopt the revised Municipal Records Manual.

Duly Adopted by Borough Council at a meeting held on the 4th day of March 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. 2009-08. The motion was seconded by Councilman Blatt and approved by unanimous vote.

Resolution # 2009-09:

**RESOLUTION NO. 2009-09**

**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 February 12, 2007, agreed to a required member contribution to the Plan to 2.5% of total

compensation, covering the years 2007, 2008 & 2009; 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 2009; 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.

Duly Adopted by Borough Council at a meeting held on the 4th day of March 2009.

**ATTEST:**

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

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

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

Councilman Grotenhuis made a motion to approve Resolution No. 2009-09. The motion was seconded by Councilman Blatt and approved by unanimous vote.

Council President Rapp indicated the next item on the agenda was the adoption of Ordinance #742, an Ordinance Implementing the Requirements of the Pennsylvania Open Records Law. Mr. Prill noted that with the adoption of this Ordinance, the Borough will be in full compliance with the new State law. Hearing no further comments or discussion on the Ordinance, Council President Rapp called for a motion to adopt Ordinance No. 742, as follows:

**ORDINANCE NO. 742**

**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 4, 2009

Councilman Trotter made a motion for the adoption of Ordinance No. 742.  
Councilwoman Halleman seconded the motion and the Ordinance was adopted by unanimous vote.

Council President Rapp indicated the next item on the agenda was the Introduction of Ordinance #743, an Ordinance Approving the Removal of a Handicapped Parking Sign, and called for a motion for the Introduction of Ordinance #743, as follows:

ORDINANCE NO. 743

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 15, PART 3, PROHIBITING PARKING AT VARIOUS TIMES, AMENDING SECTION 302 ( c ) (3), BY DELETING THE FOLLOWING HANDICAPPED PARKING SIGN

DELETE:

STREET	SIDE	LOCATION
Forrest Street #632	Front	# 602 (Incorrectly identified as in Ord. # 2002-07)

GENERAL REPEALER

All Ordinances or parts of ordinances, and all resolutions or part of resolutions, inconsistent herewith shall be and are herewith repealed.

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 enacts and ordains into an Ordinance the attached documents this date of March 4, 2009. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: April 6, 2009

Councilwoman Halleman made a motion for the Introduction of Ordinance #743. The motion was seconded by Councilman Capuano and approved by unanimous vote.

Council President Rapp noted the next item on the agenda was Old Business:

1. Demolition of the building at the Stanley Avenue Recreation Area. The is the single story concrete block building which has been identified in the Recreation Master Plan to be removed. The current plan would be to replace the building with a sand volleyball court possibly in the fall or the following spring. Mr. Prill will be applying for grant funds for this purpose. Mr. Rapp indicated that Mr. Prill has solicited price quotes for the demolition and debris removal and received two quotes back with the lowest quote being \$7,500 for the demolition and debris removal. This company also included a price of \$2,500 for restoration of damage to the ballfield but Mr. Rapp indicated that the Public Works Department would be taking care of this. The other price quote received was for \$9,500 for the demolition and debris removal. Mr. Rapp noted that the Borough had received a cost estimate for this work in the past for \$10,000 and that PITA funds were available and would be used to cover this cost. Mr. Prill noted that prior to the demolition work taking place, the Borough is required under State law to have an asbestos assessment performed on the building and a certification submitted to PA DEP, and that there is a 10 day review period prior to demolition work actually taking place. Mr. Rapp asked for a motion approving the demolition of the building and awarding the work to Raymond Gonzales Trucking, in the amount of \$7,500. Councilman Grotenhuis asked to clarify that the motion was just for the approval of the demolition of the building and not for approval of the sand volleyball court installation. Mr. Rapp confirmed that the motion would be just for the demolition of the building. Councilman Grotenhuis made this motion. The motion was seconded by Councilman Trotter and approved unanimously.
2. Fire Chief's Vehicle. Council President Rapp indicated that Councilwoman Gifford has requested in writing that any vote on approving the Fire Chief's request involving the vehicle be put off until the next Council meeting since she was unable to attend tonight's rescheduled meeting. Councilman Blatt made a motion to hold this matter over to the next Council meeting. Councilman Capuano seconded the motion and a tie vote resulted with Councilman Blatt, Councilman Capuano and Council President Rapp voting in favor and Councilman Grotenhuis, Councilwoman Halleman and

Councilman Trotter voting no. Solicitor Lipson indicated that in the case of this motion, the Mayor would not be allowed to vote to break the tie and that the motion failed for lack of a majority vote in favor of the motion.

Councilwoman Halleman urged Council to approve the Fire Chief being able to take the Chief's vehicle home with him so he could respond directly to the scene of a fire from his home during his non-working hours. Council President Rapp expressed his concern that the vehicle would be sitting at the Chief's house during those times when the Chief needs to respond to a fire during his normal working hours. Councilman Capuano stated that Council had previously established a policy that no Borough vehicles would be allowed to be taken out of the Borough overnight and that if Council is going to approve the Fire Chief keeping the vehicle at his home, then Council should address the policy issue and not specifically the Fire Chief's vehicle, because the policy also affects the Police Department personnel. Councilman Grotenhuis indicated that the Fire Chief is a volunteer whereas Police personnel are paid employees, and that Council should make a distinction between volunteers and paid staff and show appreciation to the volunteer Chief by approving his overnight use of the vehicle. Councilman Blatt expressed concern about the precedent being set by approving the request and whether it would be committing the Borough to having to replace the vehicle when the current one dies. Councilman Grotenhuis made a motion approving allowing the Fire Chief to take the vehicle home with him in order to respond to fires during his non-working hours. The motion was seconded by Councilman Trotter. A roll call vote was taken with Councilman Grotenhuis, Councilwoman Halleman and Councilman Trotter voting in favor and Councilman Blatt, Councilman Capuano and Council President Rapp voting against. As a result of the tie vote, the Mayor's vote was needed to break the tie. Mayor Fink voted in favor indicating that since the vehicle was already in place and equipped with equipment for use at a fire scene, then the Chief should be allowed to take it home overnight.

Solicitor Lipson recommended that guidelines be established to clearly govern the Chief's use of the vehicle. It was decided that the Fire Committee would prepare these guidelines in consultation with the Fire Chief.

Council President Rapp indicated that he had no report to make and asked the Solicitor for his report. Solicitor Lipson indicated he had nothing to report on at this time.

Council President Rapp then proceeded to Committee Reports:

Finance Committee:

1. Councilman Trotter reviewed the February financial reports and moved for approval of the bills paid through February. Councilman Capuano seconded the motion and the motion was approved unanimously.

Public Works Committee:

1. Councilman Capuano reviewed the February Public Works monthly report.
2. Councilwoman Halleman asked Mr. Entler who is responsible for the repainting of crosswalks, specifically near St. Lukes. Mr. Entler indicated that

his Department repaints all crosswalks but this is not done until the weather improves in the Spring.

House & Ordinance Committee:

1. Councilman Blatt indicated that the Committee met to review proposed fee increases but that Mr. Gatta and Mr. Prill are still working on this and the Committee will meet again when the information is ready.

Fire Committee:

1. Councilman Grotenhuis reviewed the February Fire monthly report.

Recreation Committee:

1. In Councilwoman's Gifford's absence, Council President Rapp noted that the Recreation Committee needs to meet and asked Mr. Prill to schedule a meeting.

Health & Sanitation Committee:

1. Councilwoman Halleman reviewed the February monthly report for Garbage and Sewer operations:

			<b>Current &amp; Prior Billings Due</b>	<b>February Receipts</b>	<b>Total Quarterly Collections To-Date</b>	<b>Balance Due</b>
<b><u>Garbage Collections</u></b>						
	<b>Current</b>	<b>(Billed Dec. '08)</b>	\$ 153,936.67	\$ 15,545.19	\$143,375.84	\$ 10,560.83
	<b>* Prior / Delinquent</b>		\$ 96,461.00	\$ 4,912.51	\$ 10,057.74	\$ 86,403.26
	<b>Recycling Cans</b>		\$ -	\$ 60.00	\$ -	\$ -
	<b>Grant/Recycling</b>		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
	<b>Total</b>		<b><u>\$ 250,397.67</u></b>	<b><u>\$ 20,517.70</u></b>	<b><u>\$153,433.58</u></b>	<b><u>\$ 96,964.09</u></b>

**Sewer Collections**

<b>Residential</b>	<b>Current</b>	<b>(Billed Dec. '08)</b>	\$ 149,419.91	\$ 13,532.96	\$138,486.47	\$ 10,933.44
<b>Residential</b>	<b>* Prior/Delinquent</b>		\$ 100,852.32	\$ 4,941.41	\$ 12,369.85	\$ 88,482.47
<b>Commercial</b>	<b>Current</b>	<b>(Billed 3rd Qtr '08)</b>	\$ 92,302.19	\$ -	\$ 91,620.05	\$ 682.14
<b>Commercial</b>	<b>* Prior/Delinquent</b>	<b>(Prior to 3rd Qtr. '08)</b>	\$ 5,858.83	\$ 1,060.53	\$ 2,272.51	\$ 3,586.32
	<b>Salisbury Twp.</b>		\$ -	\$ -	\$ -	\$ -
	<b>Star Village</b>		\$ -	\$ -	\$ -	\$ -
	<b>St. Luke/Pump House</b>		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
	<b>Total</b>		<b><u>\$ 348,433.25</u></b>	<b><u>\$ 19,534.90</u></b>	<b><u>\$244,748.88</u></b>	<b><u>\$ 103,684.37</u></b>

