

## COUNCIL MEETING MINUTES

April 21, 2010

7:00 P.M.

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

Council President Rapp called for the pledge to the flag.

Mr. Rapp reviewed items to be placed on the May 3, 2010 meeting Agenda as follows:

1. Minutes of the 3/17/10 and 4/5/10 Council Meetings have been prepared for review. Mr. Rapp noted that anyone with corrections to the draft Minutes of the 3/17/10 and 4/5/10 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. Mr. Rapp noted that the Borough received an email from a resident on Stanley Avenue complaining about trash containers being placed in the roadway to save parking spaces. Mr. Prill indicated that he has prepared a draft ordinance for Council review to make the placing of objects in the roadway a violation which the Police can then use to enforce the prohibition. Councilman Blatt commented that he feels that the penalty for violating this prohibition should be enhanced from the standard \$300 maximum fine. Councilwoman Gifford disagreed with increasing the penalty. Council President Rapp suggested a penalty provision of \$300 for a first offense and \$500 for a second and each subsequent offense. Councilwoman Halleman indicated that she felt this was excessive. Council President Rapp noted that it was 3 to 2 to increase the penalty provision and that the ordinance will be placed on the next meeting agenda for introduction.
2. Zoning change request re – 950 Broadway, recommendation of the Planning Commission.

Mr. Prill indicated that Don Lipson has prepared the draft Zoning ordinance amendment but that he did not include any specific restrictions or conditions, feeling that since the applicant will have to go back to the Zoning Hearing Board for a Special Exception, the ZHB would be in a better position to place restrictions on the proposed use.

Councilman Blatt commented that the ZHB can impose restrictions but that it should be up to the business to determine how they will operate. If a business

wanted to be open 24 hrs/day, that is a business decision and the Borough should not be involved in that decision.

Councilwoman Gifford and Councilman Trotter disagreed with the possibility that the proposed check cashing business should be allowed to remain open 24 hrs/day if they wanted to. Councilman Trotter indicated that the applicant had proposed certain restrictions which the Planning Commission was in agreement with. Attorney Matt Tranter, who represents the applicant, indicated that the proposed tenant has no intent to be open 24 hrs/day.

Council President Rapp indicated that this proposed ordinance will be placed on the May 3<sup>rd</sup> meeting agenda for introduction.

Council President Rapp moved on to the next agenda item, Council Action as follows:

1. A letter of resignation has been received from George Williams from the Planning Commission. This will be placed on the May 3<sup>rd</sup> meeting agenda.
2. Resolution #2010-19 Appointing Tracey Shamenek as Tax Collector:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2010-19**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE APPOINTMENT OF TRACEY SHAMENEK AS TAX COLLECTOR**

**WHEREAS**, on April 5, 2010, Borough Council approved Resolution No. 2010-17, appointing Tavis Grotenhuis as the new Tax Collector and subsequent to this appointment, Mr. Grotenhuis has advised Borough Council that he cannot accept the position due to his decision to move out of the Borough;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby rescind the appointment of Tavis Grotenhuis as Tax Collector and does hereby appoint Tracey Shamenek as Tax Collector, effective May 3, 2010, and serving through the first Monday in January following the next Municipal election (January 2, 2012); and

**BE IT FURTHER RESOLVED** that in order to provide for a smooth transition:

1. Diane Allen be authorized to continue collecting taxes as a Deputy Tax Collector until such time as Ms. Shamenek has been officially sworn in by Mayor Fink and by Lehigh County, and for a period of time thereafter, as determined by Ms. Shamenek; and
2. Diane Allen will continue to receive compensation from the Borough, for a period of thirty (30) days following the effective date of appointment of Tracey Shamenek, after which any services provided by Diane Allen will be paid for by the new Tax Collector.

Councilwoman Halleman made a motion to approve Resolution # 2010 – 19. The motion was seconded by Councilman Capuano and the motion was approved by unanimous vote.

3. Resolution #2010-20 Appointing Jim Levernier as Permanent Public Works Superintendent:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2010-20**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,  
LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE PERMANENT APPOINTMENT  
OF JIM LEVERNIER AS PUBLIC WORKS SUPERVISOR**

**WHEREAS**, James Levernier has completed his six (6) months probationary work period as a Public Works Supervisor; and

**WHEREAS**, The Public Works Committee and Executive Administrator have recommended that Mr. Levernier be appointed as the permanent Public Works Supervisor for the Public Works Department;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fountain Hill that James Levernier be appointed as the permanent Public Works Supervisor for the Public Works Department, effective as of April 6, 2010.

Councilman Trotter made a motion to approve Resolution # 2010 – 20. The motion was seconded by Councilwoman Halleman and the motion was approved by unanimous vote.

Council President Rapp noted the next item on the agenda was Announcements:

1. Arbor Day program is scheduled for Friday, April 30<sup>th</sup>, at 2:00 pm, at the Stanley Avenue Recreation Area.

Council President Rapp indicated that there was one additional item which was not on the agenda, this being a request for the use of the basketball courts on three (3) days in May for a 3-on-3 basketball tournament. Mr. Edward Luge, of 552 S. Benner Street, was in attendance and it is his request. He indicated that he has coordinated other events in the past and anticipates maybe 50 – 60 middle and high school kids would be involved in this tournament. The \$1.00/player registration fee is intended to guarantee the kids will actually show up and that the money could be donated to the Borough. The tournament would be in the memory of an individual who was active in the area working with children but that he did not have this person's last name.

Council President Rapp commented that a certificate of insurance would need to be submitted to the Borough before the courts could be used for this event.

Council members asked other questions about the proposed event and did not indicate any objection to it as long as the necessary paperwork was submitted and approved.

Council President Rapp asked if Council members had any other items to bring up.

Councilwoman Halleman asked Chief Stephens if he has received many applications from prospective Police Officers. Chief Stephens noted that we have not yet advertised for the Patrol Officer examination but that he is in receipt of a number of applications for P/T positions and would anticipate that many of these individuals would be interested in taking the Patrol Officer examination.

Jim Levernier requested a no parking zone be approved at the entrance to where the Public Works Department deposits firewood on Jeter Avenue to prevent people from parking and blocking the entrance. Council indicated their support for this. Mr. Prill indicated that an ordinance will need to be adopted to establish this no parking zone.

Chief Stephens commented on the request that had been made at the last meeting by the owner of Jenn's House with regards to no parking on a portion of Dodson Street. The Chief noted that he and Jim Levernier had reviewed this situation and his recommendation would be to approve an ordinance that prohibits parking within a specific distance (possibly 5') of any driveway. Such an ordinance would be effective throughout the Borough, not just in this one location.

Councilman Capuano noted that since the request was made at the last meeting he has been watching the area but has not seen any vehicles parking in front of Jenn's House, and that he thinks it might be vehicles from the body shop being parked on Dodson on occasion.

Councilwoman Halleman noted that if a no parking sign were to be erected, that the person making the request should pay for it.

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 7:36 pm.

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Minutes approved on June 7, 2010.

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

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

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

**ATTEST:**

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