

COUNCIL MEETING MINUTES

April 6, 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: Mayor Fink, Mr. Rick Prill, Administrator, Solicitor Don Lipson, Mr. Don Sabo, Fire Chief, Mr. Joe Gatta, Zoning/Code Enforcement Officer and Chief Tim Stephens.

Council President Rapp called for the pledge to the flag.

Council President Rapp indicated that there would be a slight change to the meeting agenda and moved the following two resolutions up on the agenda:

Resolution # 2009-12:

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-12**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,
LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE APPOINTMENT OF A
COMMUNITY POLICING OFFICER**

WHEREAS, In December 2008 the Borough submitted to Lehigh County a Safe Streets Grant Application to partially fund the hiring of a Community Policing Officer; and

WHEREAS, The Borough has been advised by Lehigh County that the Borough has been approved for one Police Officer to be partially funded through the County’s Safe Streets program, said funding to be 50% of the cost of a new Officer up to a maximum of \$50,000/year for a three year period; and

WHEREAS, Chief Timothy Stephens and Mayor Ned Fink have prepared and submitted to Council a Community Policing Strategic Plan, dated January 2009, which outlines the Initiative, Plans and Policing Strategies for the Police Department under a Community Policing Program; and

WHEREAS, Borough Council desires to move forward with this Community Policing Initiative and has identified an Officer in the Department who has the requisite Community Policing training and has previous work experience as a Community Police Officer;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint Officer David S. Apgar as the Community Police Officer for the Fountain Hill Police Department effective April 7, 2009.

Duly Adopted by Borough Council at a meeting held on the 6th day of April, 2009.

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Resolution # 2009-13:

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-13**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE APPOINTMENT OF A NEW POLICE OFFICER

WHEREAS, In December 2008 the Borough submitted to Lehigh County a Safe Streets Grant Application to partially fund the hiring of a Community Policing Officer; and

WHEREAS, Under the Lehigh County Safe Streets Grant program, the Borough has been approved for one Police Officer to be partially funded at 50% of the cost of a new Officer up to a maximum of \$50,000/year for a three year period; and

WHEREAS, with the appointment of Officer David S. Apgar as the Community Policing Officer, and pursuant to the requirements of the Safe Streets program, the Borough will be adding a new Patrol Officer position to the Police Department; and

WHEREAS, The Borough has interviewed three candidates who are on the current Civil Service list for new Police Officers and has made a determination as to which of the three candidates it desires to hire at this time; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint Mr. James Scoble to the full-time position of Patrol Officer, effective April 7, 2009.

Duly Adopted by Borough Council at a meeting held on the 6th day of April , 2009.

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Mayor Ned Fink proceeded to administer the oath of office and swearing in of Officer James Scoble.

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

1. February 18, 2009 Work Session 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.
2. March 4, 2009 Regular meeting minutes. Hearing no comments regarding revisions/corrections, he called for a motion and second for

approval of the minutes. Councilwoman Gifford motioned for approval of the minutes, seconded by Councilman Blatt, 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.

Council President Rapp asked for the Mayor's report. Mayor Fink reviewed the following Police Department reports:

1. March fines and collections
2. February and March abandoned vehicle reports
3. March crime statistics
4. March tickets issued

The next item on the agenda was the Executive Administrator's report. Mr. Prill indicated that he had no items to discuss at this time.

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

1. Presentation by St. Lukes regarding a curb cut request. Mr. David Tetterer, of Keystone Consulting Engineers, briefly outlined the new parking lot development on St. Lukes Place that has received approval from both the Planning Commission and Zoning Hearing Board. He indicated that there are two existing driveway curb cuts which will be removed and replaced with full curbing, and that a new driveway curb cut will be installed farther down the road to accommodate the new parking lot. Councilman Capuano made a motion to approve the new driveway curb cut. The motion was seconded by Councilman Trotter and approved unanimously.

2. Block Party Request. A request for a block party has been received from Mr. Lance Storm, for the 1200 block of Wiley Street, scheduled for July 11, 2009, from Noon to 10:00 pm. Chief Stephens reported that the party held last year did not cause any problems. Council President Rapp stated to Mr. Storm that the party was to end at 10:00 pm. Councilman Blatt made a motion to approve the block party subject to a Waiver of Liability being executed by Mr. Storm, that the street is to be cleaned following the party, that the residents are to strictly observe noise and conduct regulations and that all residents on the block are to be notified in advance of the block party. The motion was seconded by Councilwoman Gifford and approved unanimously.

3. Appointments to Pool Feasibility Study Committee. Councilwoman Gifford indicated that the Recreation Committee is still coming up with names of individuals to ask to serve on the Pool Feasibility Study Committee.

4. Request for Unpaid Leave of Absence. Council President Rapp noted that the Council has received a request from Officer Shane Anthony for an unpaid leave of absence from 5/2 – 5/13. Councilman Trotter made a motion to approve the request. The motion was seconded by Councilman Grotenhuis and approved unanimously.

Council President Rapp noted that there are two additional Resolutions on the agenda as follows:

Resolution # 2009-10; Mr. Prill indicated that this Resolution is submitting a grant application to the County of Lehigh for Community Development Block Grant funds for the continuation of the Borough's storm sewer rehabilitation program, this phase of the project being Phase 4 involving a section of the storm sewer on Long and Clewell Streets with an estimated project cost of \$215,000. This application is for \$100,000. A grant application will be submitted to DCED in an effort to secure additional grant funds.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA
RESOLUTION 2009-10**

**APPROVING THE SUBMISSION OF AN APPLICATION TO LEHIGH COUNTY FOR 2009
CDBG FUNDING**

WHEREAS, The Borough of Fountain Hill is experiencing an aging storm water infrastructure that has resulted in the deterioration of storm sewer pipes throughout the Borough; and

WHEREAS, The Borough Council, commissioned the Borough Engineer to develop a plan for the replacement and/or rehabilitation of the storm sewer system to address the ongoing deterioration problem and to alleviate localized flooding problems; and

WHEREAS, The Borough Engineer has estimated the Phase 4 cost of rehabilitation of the storm sewer lines on Long and Clewell Streets to be approximately \$215,000.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Fountain Hill does hereby authorize Rick Prill, Executive Administrator, to act as the official to prepare and submit a Community Development Block Grant Application to the County of Lehigh for potential funding of this project.

Duly Adopted by Borough Council at a meeting held on the 6th day of April, 2009.

ATTEST:

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

By: _____
Rick L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilman Blatt made a motion to approve Resolution No. 2009-10. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution # 2009-11; Mr. Prill noted that this is ministerial in nature. The purpose of this resolution is to appoint Mr. Prill, Borough Administrator, as the Borough's liaison with Berkheimer, replacing Mr. Soriano who was the former Borough liaison.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA
RESOLUTION 2009-11**

**APPROVING A LIAISON BETWEEN THE BOROUGH AND BERKHEIMER, THE DULY
APPOINTED COLLECTOR OF LOCAL SERVICES TAX FOR THE BOROUGH, FOR THE
EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE
BOROUGH FOR OFFICIAL PURPOSES**

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania (53 P.S. Section 6901 et. seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, The Borough of Fountain Hill, Lehigh County, has entered into contractual agreement with Berkheimer of Bangor, Pennsylvania, whereby and whereunder the Borough appointed Berkheimer to collect the Local Services Tax; and

WHEREAS, said Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of the Borough of Fountain Hill, Lehigh County, specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Fountain Hill, Lehigh County:

1. Does hereby appoint Rick Prill, Executive Administrator, as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for the Borough, as desired and deemed necessary by the Borough, to be used for official purposes only; and
2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the Borough of Fountain Hill, Lehigh County, upon request to Rick Prill as the authorized contact representative for it; and
3. The Borough of Fountain Hill, Lehigh County, hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

Duly Adopted by Borough Council at a meeting held on the 6th day of April, 2009.

ATTEST:

BOROUGH OF FOUNTAIN HILL

LEHIGH COUNTY, PENNSYLVANIA

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilman Grotenhuis made a motion for approval of Resolution No. 2009-11. The motion was seconded by Councilman Capuano and approved by unanimous vote.

The next item on the agenda was the public hearing and adoption of Ordinance # 743, authorizing the removal of a handicapped parking sign.

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 April 6, 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

DULY ENACTED AND ORDAINED on this 6th day of April , 2009, by the Borough of Fountain Hill in lawful session duly assembled.

APPROVED:

ATTEST:

Lawrence E. Rapp, President of Council

Ricky L. Prill, Borough Secretary

Council President Rapp opened the public hearing asking if any member of Council or anyone else had any questions or comments regarding this ordinance. Hearing no comments or questions, Council President Rapp closed the public hearing and asked for a motion to approve the Ordinance.

Councilwoman Gifford made a motion to approve Ordinance No. 743. The motion was seconded by Councilman Grotenhuis and approved by unanimous vote.

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

1. Approving waiver of demolition permit. Mr. Prill indicated the purpose of this waiver is for record keeping purposes. The Borough has a permit fee it charges for demolition activities. Since the Borough is in the process of demolishing the building at the Stanley Avenue Recreation Area, it is appropriate for Council to waive the demolition permit fee. Councilman Blatt made a motion approving the waiver of the permit fee. The motion was seconded by Councilman Capuano and approved unanimously.
2. Approval of the Phase III Stanley Avenue/Lynn Street storm sewer rehabilitation project. Council President Rapp indicated that the Public Works Committee has met with Borough Engineer Youst to discuss this project and is recommending proceeding with the work as outlined by Brad. Councilman Trotter made a motion to approve the project and authorize the preparation of bid specifications and bidding. The motion was seconded by Councilman Capuano and approved unanimously.

Council President Rapp indicated that he had one item to report, this being a letter from the Arbor Day Foundation, congratulating the Borough on being named a Tree City USA community for the 16th straight year.

Council President Rapp asked for the Solicitor's Report:

1. Mr. Lipson just wanted to acknowledge the passing of George Laughlin, who served as Mayor of the Borough for a number of years. Council President Rapp thanked Mr. Lipson for noting this and asked everyone to observe a moment of silence in honor of Mr. Laughlin.
2. Mr. Lipson indicated that one item scheduled for the 4/22/09 Council work session meeting is a presentation by St. Lukes with regards to the proposed

dedication of Riverside Drive to the three communities (Fountain Hill, the City of Bethlehem and Salisbury Township) which the road runs through. Earlier today, Mr. Tom Maloney, who represents Reeb Millworks has indicated a desire to also make a presentation to Council on this matter but that Mr. Maloney will be away on the 22nd and asked if Council would be agreeable to changing the date of for the presentations. Mr. Joseph Bubba, who is representing St. Lukes, indicated that time is of the essence on this matter but that St. Lukes would agree to a change in the meeting to an early May time frame. It was agreed that Council would hold a special meeting on May 6, 2009 at 6:30 pm to hear the two presentations.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter noted the following:

1. Councilman Trotter commented that revenues are coming in more slowly than usual, this being reflective of the economy, but that expenses are being incurred on a normal basis, so the Borough will need to carefully review this situation as we get a better picture of overall revenue collections.
2. Councilman Trotter made a motion for the approval of the Bill List. The motion was seconded by Councilman Grotenhuis and approved unanimously.

Public Works Committee: Councilman Capuano reported on the following:

1. Reviewed the March Public Works monthly report.
2. Reported that the Committee has identified three individuals who will be invited in for interviews for the vacant laborer position in the Department.
3. Commented that we are starting to see a greater number of potholes showing up as a result of the ground thawing but that the Department is and will continue to work on repairing the potholes and asked for everyone's patience while the work is being done.

Councilwoman Halleman asked what is the full compliment of the PW Department and how many individuals will be hired? Councilman Capuano indicated that it is 5 workers plus the Supervisor and that only one individual will be hired. Councilwoman Halleman also commented on one of the Departments new trucks. Councilman Capuano provided a brief overview of the vehicles in the Department and indicated that the truck being asked about is a new pickup truck with a plow which was purchased last year, and that this truck primarily focuses on plowing alleys.

Police Committee:

1. Council President Rapp clarified that the new Patrol Officer effective date as a Full-Time officer is 4/7/09.

House & Ordinance Committee:

1. Councilman Blatt indicated that the Committee will be meeting to finalize proposed fee increases and asked Mr. Prill to schedule the meeting.

Fire Committee: Councilman Grotenhuis reported on the following:

1. Reviewed the March Fire monthly report.
2. Noted that the Chief's vehicle usage report is attached to the monthly report.

Councilwoman Halleman commented that she would like to see the Fire monthly report formatted in a different fashion. Councilman Grotenhuis indicated that he will review this with the Fire Chief.

Recreation Committee: Councilwoman Gifford reported on the following:

1. Noted that the building at Stanley Avenue Recreation Area is currently being demolished.
2. Reported that the Little League Opening Day ceremony is scheduled for April 18th at Noon.
3. Councilman Blatt noted that there has been a request to use the pool for swim lessons and that the Committee needs to meet to review and discuss this.

Health & Sanitation Committee:

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

3/31/2009		Current & Prior Billings Due	March Receipts	Total Quarterly Collections To-Date	Balance Due
<u>Garbage Collections</u>					
	Current (Billed Mar. '09)	\$173,893.72	\$ 81,158.99	\$ 81,158.99	\$ 92,734.73
	* Prior / Delinquent Recycling Cans	\$106,532.79	\$ 4,490.43	\$ 4,490.43	\$ 102,042.36
	Grant/Recycling	\$ -	\$ 40.00	\$ 40.00	\$ -
	Total	<u>\$280,426.51</u>	<u>\$ 85,689.42</u>	<u>\$ 85,689.42</u>	<u>\$ 194,777.09</u>

Sewer Collections

Residential	Current (Billed Mar. '09)	\$149,209.70	\$ 70,464.98	\$ 70,464.98	\$ 78,744.72
Residential	* Prior/Delinquent	\$107,434.44	\$ 5,540.92	\$ 5,540.92	\$ 101,893.52
Commercial	Current (Billed 4th Qtr '08)	\$ 78,055.44	\$ 14,643.68	\$ 14,643.68	\$ 63,411.76
Commercial	* (Prior to 4th Qtr.	\$ 7,041.84	\$ 433.72	\$ 433.72	\$ 6,608.12

Prior/Delinquent '08)				
Salisbury Twp.	\$ -	\$ -	\$ -	\$ -
Star Village	\$ -	\$ 198.46	\$ 198.46	\$ -
St. Luke/Pump House	\$ -	\$ -	\$ -	\$ -
Total	<u>\$341,741.42</u>	<u>\$ 91,281.76</u>	<u>\$ 91,281.76</u>	<u>\$ 250,658.12</u>
Grand Total	<u>\$622,167.93</u>	<u>\$ 176,971.18</u>	<u>\$ 176,971.18</u>	<u>\$ 445,435.21</u>

* Prior/ Delinquent - Outstanding Bills except Current Bill.

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

Hearing no reports, Council President Rapp read a letter of resignation from Mr. Dale Koch as the Borough's Emergency Management Coordinator. Mr. Rapp commented to Mr. Koch that he is sorry to see him leave and that it will be difficult to find someone to replace him. Mr. Koch indicated that there is a member of the Fire Department who might be interested in taking on this responsibility. Mr. Rapp indicated that the Borough would be more than happy to speak with this individual.

Mayor Fink reported that he has spoken to Dr. Barnes regarding the possibility of the Borough taking over the coordination of the Memorial Day and Veterans Day programs and that this will be discussed further and he will report back to Council.

Councilwoman Halleman asked why members of the Fire Department are directing traffic on Delaware Avenue at Ostrum and Bishopthorpe. Mr. Johnson of St. Lukes indicated that the hospital was only given two days advance notice of the work being done on the Hill to Hill bridge and that they had requested the assistance of the Fire Police to help direct and control traffic to prevent any serious problems from occurring with regards to access into and egress out of the hospital campus. Mr. Erland of St. Lukes also commented that St. Lukes has agreed to make a financial contribution to the Fire Department covering the time being put in by the Fire Police. Councilwoman Halleman asked Mr. Prill if the Fire Police have insurance coverage for the work being done. Mr. Prill indicated that the individuals have insurance coverage as long as they are acting in their capacity of Fire Police. Solicitor Lipson suggested that Council might want to formally approve the work being done by the Fire Police. Councilwoman Gifford made a motion approving and authorizing the Fire Police to conduct the traffic control services while the work is being done to the bridge. The motion was seconded by Councilwoman Halleman and approved unanimously.

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 asked for a motion to adjourn. Councilman Capuano made the motion, seconded by Councilman Grotenhuis and approved unanimously.

Minutes approved on _____.

Motion to Approve
Minutes:

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

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary