

COUNCIL MEETING MINUTES

May 4, 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, Gus Entler, PW Superintendent and Chief Tim Stephens.

Council President Rapp called for the pledge to the flag.

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

1. March 18, 2009 Work Session 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 Capuano, the minutes were unanimously approved.
2. April 6, 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 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. April fines and collections
2. April Crime statistics
3. April abandoned vehicle report
4. April vehicle maintenance statistics (new report)

The next item on the agenda was the Executive Administrator's report. Mr. Prill indicated that he had two items:

1. Mr. Prill noted that Council had previously approved the submission of a CDBG application to the County for funding for Phase 4 of our stormwater system rehabilitation program, this being for Long & Clewell Streets. In connection with this project, another grant application has been submitted to DCED in an effort to secure grant funds for the project.

2. A request has been received from Mr. George Jarrah, the owner of 1007 Delaware Avenue, which property was damaged by a fire in Sept. '08 and is nearing completion of repairs and renovation. Mr. Jarrah is requesting relief of his sewer fees during this time period. Council indicated that in accordance with past practice when requests of this nature are received that they were not inclined to approve the request.

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

1. A request has been received from Cityline Construction requesting the release of their Standby Letter of Credit for the Police Department renovation work. Council President Rapp noted that all work has been satisfactorily completed by Cityline, therefore a motion is needed to approve the release of the Letter of Credit. Councilman Blatt made a motion to release the Letter of Credit. The motion was seconded by Councilman Trotter and approved unanimously.

Council President Rapp asked for approval of the following Resolutions on the agenda:

Resolution # 2009-16; Mr. Prill indicated that this Resolution is approving the 2009 agreement for animal control services with Lehigh County Humane Society.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA
RESOLUTION 2009-16**

**APPROVING THE 2009 AGREEMENT FOR
ANIMAL CONTROL SERVICES**

WHEREAS, The Borough of Fountain Hill has a responsibility for the health, welfare, and safety of the Borough, its citizens and property, and has from time to time a need for the care, boarding, disposal, spaying, and other services with respect to the stray animals which the Borough must, from time to time, take custody of; and

WHEREAS, The Lehigh County Humane Society has the facilities, personnel and expertise to provide such services to the Borough; and

WHEREAS, The Borough of Fountain Hill desires to engage the services of the Lehigh County Humane Society for animal control services;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Fountain Hill does hereby approve the 2009 Animal Control Services Agreement with the Lehigh County Humane Society, retroactive to 1/1/09, and continuing through 12/31/09, for the provision of services as outlined in the attached Agreement.

I hereby certify that this Resolution was adopted by the Borough Council of the Borough of Fountain Hill on this 4th day of May, 2009.

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilman Trotter made a motion to approve Resolution No. 2009-16. The motion was seconded by Councilwoman Halleman and approved unanimously.

Resolution # 2009-17; Mr. Prill noted that this resolution is approving a Memorandum of Understanding (MOU) with the City of Allentown, who is serving as the 'Fiscal Agent' for the distribution of grant funds for the 2009 Edward Byrne Memorial Justice Assistance program.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA
RESOLUTION 2009-17**

**APPROVING MEMORANDUM OF UNDERSTANDING FOR THE
2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT PROGRAM AWARD**

WHEREAS, The Borough of Fountain Hill has been awarded a grant in the amount of \$12,169 under the 2009 Edward Byrne Memorial Justice Assistance Grant Program; and

WHEREAS, Pursuant to the grant program, the City of Allentown has been designated to serve as the 'Fiscal Agent' for the grant funds on behalf of communities awarded grant funds and is to receive compensation in the amount of 5.0% of the grant funds received by each municipality to administer the allocation of the funds; and

WHEREAS, A Memorandum of Understanding (MOU) has been prepared by the City of Allentown to be approved by each of the grant recipients authorizing the City of Allentown to serve as the 'Fiscal Agent';

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Fountain Hill does hereby approve the Memorandum of Understanding (MOU) authorizing the City of Allentown to serve as the 'Fiscal Agent' for the distribution of grant funds for the 2009 Edward Byrne Memorial Justice Assistance Grant Program, and authorizes the Council President to sign the MOU on behalf of the Borough of Fountain Hill.

I hereby certify that this Resolution was adopted by the Borough Council of the Borough of Fountain Hill on this 4th day of May, 2009.

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilman Capuano made a motion for approval of Resolution No. 2009-17. The motion was seconded by Councilman Grotenhuis and approved by unanimous vote.

Resolution # 2009-18; Mr. Prill noted that this resolution is approving a change in the Borough's telephone service provider to One Communications and is authorizing a three (3) year agreement.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA
RESOLUTION 2009-18**

**APPROVING AN AGREEMENT WITH ONE COMMUNICATIONS
FOR THE PROVISION OF TELEPHONE SERVICES**

WHEREAS, The Borough of Fountain Hill has received a proposal for the provision of telephone services from One Communications; and

WHEREAS, The proposal from One Communications has identified proposed cost savings of approximately \$3,100/year; and

WHEREAS, The proposal from One Communications is for a three (3) year time frame effective with the execution of the Service Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Fountain Hill does hereby authorize Rick Prill, Executive Administrator, to execute the Service Agreement with One Communications and to coordinate the transfer of telephone service for Borough facilities to One Communications effective with the adoption of this Resolution.

I hereby certify that this Resolution was adopted by the Borough Council of the Borough of Fountain Hill on this 4th day of May, 2009.

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilman Blatt asked if the cost savings noted in the proposal from One Communications were guaranteed? Mr. Prill indicated that the savings were guaranteed but that other factors could affect the savings such as tariff rates being increased or call usage increasing. Councilwoman Halleman asked if we needed to approve a 3 year agreement? Council President Rapp noted that One Communications had requested a 3 year agreement, in part due to the fact that they were waiving upfront costs and were offering one month free.

Councilman Capuano made a motion for approval of Resolution No. 2009-18. The motion was seconded by Councilwoman Gifford and approved by unanimous vote with Councilman Blatt abstaining. Mr. Blatt indicated he was in favor of approving the agreement with One Communications but was abstaining because he had not been able to be present when One Communications had made their presentations to the Finance Committee and Council.

Resolution # 2009-19; Mr. Prill noted that this resolution is approving the appointment of the Playground and Pool supervisory staff and that this action is needed to allow these individuals to review the employment applications for the other staff positions.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-19**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE APPOINTMENT OF POOL MANAGERS AND PLAYGROUND SUPERVISOR

WHEREAS, The Recreation Committee has met with the following individuals who have provided services to the Borough in past years in the Borough's Pool and Playground operations; and

WHEREAS, The Recreation Committee is satisfied with the past performances of these individuals and is recommending that they be retained again for the 2009 Pool and Playground programs; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint the following individuals to the stated positions and hourly rates:

Karen Redding	Playground Supervisor	\$11.00/hour
Gillian Raines	Pool Manager – P/T	\$12.00/hour
Hayley Zurick	Pool Manager – P/T	\$12.00/hour

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

ATTEST:

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

By: _____
Ricky L. Prill

By: _____
Lawrence E. Rapp

Councilwoman Gifford made a motion for approval of Resolution No. 2009-19. The motion was seconded by Councilman Trotter and approved by unanimous vote.

Resolution # 2009-20; Councilman Blatt noted that the House & Ordinance Committee has met to discuss the need to increase various fees and escrow accounts and that the following resolution identifies those changes needed.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-20**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, REVISING VARIOUS PERMIT FEES AND ESCROW ACCOUNT FEES

WHEREAS, Various fees and escrow accounts have been identified as needing to be increased to better cover the cost of providing review, inspection and permitting services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fountain Hill as follows:

1. The Uniform Construction Code Building Permit Fee Schedule shall be revised as follows:

RESIDENTIAL

	<u>Current Fee</u>	<u>Proposed Fee</u>
Addition to 500 square feet (excluding electrical, plumbing & HVAC) \$15 for each additional 100 square feet	\$250	\$500
Renovation/Alteration and Accessory Structure to 500 sq. ft. (excl. electric, plumbing & HVAC) \$15 for each additional 100 sq. ft.	\$175	\$350
Mobile/ Manufactured Home or with Axle Capabilities (including electric)	\$225	\$275
Industrialized Housing-Modular per unit (including electric)	\$250	\$500
Oil & Gas Furnace (excluding electric)	\$ 75	\$100
Spa / Hot Tub	\$100	\$200
<u>Electric Service</u>		
To 200 AMPS	\$ 70	\$ 75
To 400 AMPS	\$ 95	\$100
To 800 AMPS	\$120	\$125
Addition/Renovation (to 500 sq ft – excl. HVAC)	\$ 95	\$105
Baseboard Heater for First Unit	\$ 50	\$ 65
<u>Plumbing</u>		
Up to 5 fixtures	\$100	\$105
<u>HVAC</u>		
For 1 Unit (excluding electric)	\$100	\$105

Re-Inspection Review

Plan Re-Submisison/Re-Review	\$ 60	\$ 75
Code Enforcement Services	\$ 65	\$ 80

2. The Subdivision / Development Review escrow and office fee schedule shall be revised as follows:

	<u>Current Fee</u>	<u>Proposed Fee</u>
Subdivision / Development Review escrow fee	\$ 500	\$1,000
Per Lot Office fee	\$ 30	\$ 50

GENERAL REPEALER

All resolutions or part of resolutions, inconsistent herewith shall be and are herewith repealed.

SEVERABILITY

The provisions of this Resolution are severable. If any provision, sentence, clause, phrase, section or part thereof shall for any reason be found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts thereof, but the same shall remain in effect. It is hereby declared to be the intent of the Borough that this Resolution shall stand notwithstanding the invalidity of any part included herein.

Duly Adopted by Borough Council at a meeting held on the 4th day of May 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 for approval of Resolution No. 2009-20. The motion was seconded by Councilwoman Halleman and approved by unanimous vote.

Councilman Capuano indicated that the next Resolution on the agenda, Resolution #2009-21, will be held pending the Public Works and Personnel Committees having an opportunity to review the background check report on the candidate which has only recently been received but not reviewed by Committee members. Councilman Capuano made a motion to withdraw Resolution #2009-21 pending review of the background report. The motion was seconded by Councilman Grotenhuis and approved unanimously.

The next item on the agenda was the Introduction of Ordinance # 744, revising the fee for a Warrant of Survey.

ORDINANCE NO. 744

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 21, STREETS & SIDEWALKS, PART 4, SIDEWALKS, CURBS & GUTTERS

I. The following Section of Part 4, Sidewalks, Curbs and Gutters, shall be revised and amended as follows:

1. Section 403, Fee for Warrant of Survey, shall be revised to read as follows:

Any person applying to the Borough of Fountain Hill for a warrant of survey establishing lines and grades in connection with the construction of curbs, gutters and/or sidewalks, shall pay to the Borough for each warrant of survey issued, fees based upon the following:

Office Review Fee:	\$100
Escrow Fee:	
Sidewalk only with no survey work / cutsheet required:	\$ 350
Curb or sidewalk requiring survey work and cutsheet:	\$ 800
Curb and sidewalk requiring survey work and cutsheet:	\$1,100

The fees established herein may be revised by resolution from time to time approved by a majority of Borough Council.

II. **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.

III. **PROCEDURAL DEFECTS IN ENACTMENT.** Any procedural challenge shall be filed in accordance with applicable law.

IV. **ENACTMENT.** Under Authority of Law, Borough Council of Fountain Hill hereby enacts and ordains into an Ordinance this date of _____. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing:

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

BY:

ATTEST:

Lawrence E. Rapp, President of Council

Ricky Prill, Borough Secretary

Councilman Blatt made a motion to approve the introduction of Ordinance #744. The motion was seconded by Councilwoman Gifford and approved by unanimous vote.

Council President Rapp indicated that there was one additional item under New Business which Councilman Capuano had. Councilman Capuano indicated that at the last meeting he had raised the possibility of Council renaming a two block section of an alley behind George Laughlin's home after Mr. Laughlin. He has subsequently talked to the family about this and they would be pleased to have Council take this action. Councilman Capuano made a motion to approve the naming of this section of the alley 'Laughlin Lane'. The motion was seconded by Councilman Trotter and approved unanimously.

BOROUGH OF FOUNTAIN HILL

RESOLUTION NO. 2009-21

**A RESOLUTION TO NAME AN UNNAMED BOROUGH STREET,
LAUGHLIN LANE, IN HONOR OF GEORGE A. LAUGHLIN**

WHEREAS, George A. Laughlin (hereafter "Laughlin") was a life-long resident of the Borough of Fountain Hill; and

WHEREAS, Laughlin was active in athletic programs for young people and local government; and

WHEREAS, Laughlin was Mayor of the Borough of Fountain Hill for a period of twenty (20) years from 1974 - 1994; and

WHEREAS, Laughlin was elected as the Borough of Fountain Hill's representative to the Lehigh County Board of Commissioners; and

WHEREAS, Laughlin became Chairman of the Lehigh County Board of Commissioners; and

WHEREAS, Laughlin was a respected citizen, dedicated worker, public servant, and always working for the betterment of the Borough.

NOW, THEREFORE, BE IT RESOLVED that an unnamed street located between S. Lynn Street (on its' western terminus) and its' intersection with an unnamed alley on its' eastern terminus) shall be named as Laughlin Lane.

AND BE IT FURTHER RESOLVED that the Borough Public Works Department is hereby authorized to purchase and install street name signs identifying this Lane as Laughlin Lane.

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be presented to the family of George A. Laughlin.

Duly adopted this 4th day of May, 2009.

Council President Rapp asked if any members of Council had any Old Business to bring up. Hearing no comments, Council President Rapp moved onto the President's Report.

Council President Rapp noted that at the April COG meeting, which was attended by himself, Mayor Fink and Administrator Prill, that one of the items discussed was that the County has received some additional CDBG funds from the federal stimulus monies. As a result of this additional funding, the Borough has submitted a supplemental CDBG application for the road work on N. Clewell Street and for the slurry seal work to be done.

Council President Rapp asked for the Solicitor's Report. Mr. Lipson indicated that he had no report at this time.

Council President Rapp proceeded to Committee Reports:

Finance Committee:

1. Councilman Trotter commented that revenue collections seem to be showing a bit of an upswing.
2. Councilman Trotter made a motion for the approval of the Bill List. The motion was seconded by Councilman Capuano and approved unanimously.

Councilwoman Halleman commented that she would like for the Borough Auditor to attend a meeting of the full Council to present his audit report and that she would like to receive a copy of the audit report. Council President Rapp noted that the Auditor is scheduled to meet with the Finance Committee on Wednesday, May 6th at 4:00 pm.

Public Works Committee: Councilman Capuano reported on the following:

1. Reviewed the April Public Works monthly report.

Police Committee: Chief Stephens commented that new cameras have been installed in the patrol vehicles.

House & Ordinance Committee:

1. Councilman Blatt indicated that the Committee had met to finalize proposed fee increases which were acted on by Council earlier this evening.

Fire Committee:

1. Councilman Grotenhuis noted that due to a problem with the Fire Department's computer that the April monthly report was not available. Chief Sabo indicated that the problem has been resolved and that the data saved on the computer has been recovered and that he will submit the April monthly report.

Recreation Committee: Councilwoman Gifford reported on the following:

1. The Committee has been meeting and are moving forward with getting the Pool and Playground operations in place. Councilwoman Halleman asked what the status of the Pool Feasibility Study Committee was? Councilwoman Gifford indicated that letters have been sent out asking certain individuals if they were interested in participating on the Committee and we are waiting for responses back. Once the Committee is up and running they will report back to Council.
2. Reported that this year's Arbor Day program was great.

Health & Sanitation Committee:

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

4/30/2009		Current & Prior Billings Due	April Receipts	Total Quarterly Collections To-Date	Balance Due
<u>Garbage Collections</u>					
Current	(Billed Mar. '09)	\$ 73,893.72	\$ 58,853.33	\$	\$ 33,881.40

			140,012.32	
* Prior /			\$	
Delinquent	\$106,532.79	\$ 4,459.45	8,949.88	\$ 97,582.91
Recycling	\$		\$	
Cans	-	\$ 40.00	80.00	\$ -
	<u>\$</u>			
Grant/Recycling	-	\$ -	\$ -	\$ -
			<u>\$</u>	
Total	<u>\$280,426.51</u>	<u>\$ 63,352.78</u>	<u>149,042.20</u>	<u>\$ 131,464.31</u>

Sewer Collections

Residential	Current	(Billed Mar. '09)	\$149,209.70	\$ 49,336.03	\$ 119,801.01	\$ 29,408.69
	*				\$	
Residential	Prior/Delinquent		\$107,434.44	\$ 4,247.56	9,788.48	\$ 97,645.96
Commercial					\$	
Commercial	Current	(Billed 4th Qtr '08)	\$ 78,055.44	\$ 62,228.77	76,872.45	\$ 1,182.99
Commercial	*	(Prior to 4th Qtr.			\$	
Industrial	Prior/Delinquent	'08)	\$ 7,041.84	\$ -	433.72	\$ 6,608.12
			\$		\$	
	Salisbury Twp.		-	\$ 863.39	863.39	\$ -
			\$		\$	
	Star Village		-	\$ 396.92	595.38	\$ -
			<u>\$</u>			
	St. Luke/Pump House		-	\$ -	\$ -	\$ -
					<u>\$</u>	
Total			<u>\$341,741.42</u>	<u>\$117,072.67</u>	<u>208,354.43</u>	<u>\$ 134,845.76</u>
					<u>\$</u>	
Grand Total			<u>\$622,167.93</u>	<u>\$180,425.45</u>	<u>357,396.63</u>	<u>\$ 266,310.07</u>

* Prior/ Delinquent - Outstanding Bills except Current Bill.

Councilman Blatt expressed concern over how much is outstanding in delinquencies and that the Borough needs to try and address this figure out how better to collect these outstanding balances.

Mr. Prill noted that in the past the Borough approved liens against properties which were delinquent in their utility accounts but that once established, these liens did not get paid until the property ultimately sold. In more recent years the Borough has taken the longer overdue accounts to the District Magistrate in an effort to get them paid, or in some instances these overdue accounts would be put on a payment plan. Councilman Capuano indicated that the problems with liens is that there are ways for the property owners to change ownership of the property without having to pay the liens.

Councilwoman Gifford noted that she feels we need to reach out to each of the property owners to talk to them about paying their outstanding balances.

Councilman Trotter asked if the total delinquencies are a combination of both short term and long term balances due or are a majority longer term balances? Mr. Prill indicated that it is a combination of both long and short term.

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

Councilwoman Halleman commented to the Borough's Library representative that DVD usage was up and commented that Hanover Township representatives met with the Library Board and wondered if this was in relation to the cost of Library services.

At this time, Council President Rapp opened the meeting up to any public comments. Hearing no comments, the public session was closed.

Councilman Capuano asked the members of the Public Works and Personnel Committees if they were available for a short meeting on Thursday, 5/6, at 6:00 pm, to review and discuss the background report for the Public Works candidate.

Hearing no further comments from Council, Council President Rapp asked for a motion to adjourn. Councilman Capuano made the motion, seconded by Councilwoman Gifford and approved unanimously. The meeting adjourned at 7:55 pm.

Minutes approved on June 1, 2009.

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

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary