

COUNCIL MEETING MINUTES

June 1, 2009

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Capuano, Mr. Trotter, Jr., Mr. Blatt, Ms. Gifford and Mr. Grotenhuis. Absent was Ms. Hallemen. 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. April 22, 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 Councilwoman Gifford, the minutes were approved with Councilman Blatt abstaining since he was not in attendance at this meeting.
2. May 4, 2009 Regular meeting minutes. Hearing no comments regarding revisions/corrections, he called for a motion and second for approval of the minutes. Councilman Blatt motioned for approval of the minutes, seconded by Councilman Trotter, the minutes were unanimously approved.
3. May 6, 2009 Special 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:

Mr. Stephen Repasch addressed Council indicating that the annual George Yasso 5K Race is in the process of being scheduled and permission is needed from the Borough to use the Pool facility and for the assistance of Public Works Department and Police Department in setting up barricades and traffic control on race day. Councilman Capuano made a motion to approve the request. The motion was seconded by Councilman Trotter and approved by Council.

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 following Police Department reports:

1. May fines and collections
2. May Crime statistics
3. May abandoned vehicle report
4. Letter from Lehigh County announcing a press conference to be held on 6/12 at 10:00 am at the Bethlehem Police Substation at 4th & Broad with regards to the Safe Streets Grant program.

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

1. Mr. Prill noted that Council has received a request from the PA Migrant Education Program wherein they are requesting permission to use the Pool two days per week for 1 1-1/2 hours per day during the month of July for approximately 40 students, at no cost to the program.

Councilwoman Gifford expressed concern about the precedent that would be set if permission were given to this organization to use the Pool for free when residents of the Borough are required to pay a fee.

Councilman Grotenhuis indicated that he coordinates these programs in his district and feels that Council should approve the request.

Councilman Blatt noted that in the past Council had approved a modified rate for Day Care usage of the Pool and feels that this request should be treated similarly.

Councilman Capuano stated that the taxpayers of the Borough pay for the Pool operation and it would not be fair to allow non-residents to use the Pool for free.

Council President Rapp noted that the Pool operates at a loss each year and that Council should not be approving the free usage of the Pool.

Councilman Capuano indicated that he would consider offering this organization a modified rate previously offered to Day Care Centers.

Councilwoman Gifford made a motion to approve the request subject to the modified Day Care Center rate being paid. The motion was seconded by Councilman Capuano and approved with Councilman Grotenhuis voting No.

Council President Rapp noted that there was no New Business on the agenda for Council review or action.

Council President Rapp noted the next item on the agenda was Resolutions and for approval of the following Resolution:

Resolution # 2009-23 Approving the appointment of Pool and Playground Staff and establishing hourly rates.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-23**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,
LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE APPOINTMENT OF STAFF FOR
SUMMER POOL AND PLAYGROUND OPERATIONS**

WHEREAS, Each year the Borough is in need of Part-Time Staff to assist in the Pool and Playground Operations; and

WHEREAS, The Recreation Committee has received and reviewed the hiring recommendations from the Playground Supervisor and Pool Managers of individuals to fill the various staff positions;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby approve the appointment of the following staff for the Summer Pool and Playground Operations:

<u>POOL</u>		<u>2009</u>	<u>Recommendation</u>
Bates	Taylor	\$ 8.00	Lifeguard
Celia	Anthony	\$ 7.50	Lifeguard
Downing	Randy	\$ 8.00	Lifeguard
Entler	Paul	\$ 7.50	Lifeguard
Glagola	Zach	\$ 8.00	Lifeguard
Johnson	Aimee	\$ 7.25	Cashier
Johnson	Nick	\$ 7.25	Cashier
Knappenberger	Justin	\$ 8.00	Lifeguard
McCafferty	Patrick	\$ 7.75	Lifeguard
Mock	Ryan	\$ 7.50	Lifeguard
Raines	Gillian	\$ 12.00	Pool Manager
Redding	Andrew	\$ 10.00	Assistant Manager
Redding	Bryan	\$ 7.50	Lifeguard
Schwalm	Emily	\$ 7.50	Lifeguard
Specht	Alexander	\$ 8.00	Lifeguard
Stech	Catherine	\$ 7.75	Cashier
Taglang	Mary Catherine	\$ 7.75	Lifeguard
West	Aaron	\$ 7.75	Lifeguard
West	Isaiah	\$ 7.25	Cashier
Zurick	Hayley	\$ 12.00	Pool Manager

PLAYGROUND

Bobal	Andrew	\$ 8.00	Asst. Supervisor
Glagola	Kristen	\$ 5.50	Park Aide
Redding	Karen	\$ 10.50	Supervisor
Redding	Mary	\$ 8.00	Asst. Supervisor
Samu	Joanna	\$ 5.15	Park Aide
Spirk	Kristin	\$ 8.00	Asst. Supervisor
Tomaszewski	Stephen	\$ 10.00	Asst. Supervisor

Duly Adopted by Borough Council at a meeting held on the 1st day of June, 2009.

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilwoman Gifford made a motion to approve Resolution No. 2009-23. The motion was seconded by Councilman Grotenhuis and approved unanimously.

Council President Rapp indicated the next item on the agenda is approval of Ordinances.

Ordinance #745 is for Introduction and was reviewed at the previous Council work session meeting and revises CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, PART 4, DISPOSAL AND DISCHARGE OF INDUSTRIAL WASTE in order to bring the Borough's ordinance in compliance with the recently revised City of Bethlehem ordinance.

ORDINANCE NO. 745

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, PART 4, DISPOSAL AND DISCHARGE OF INDUSTRIAL WASTE

I. The following Sections of Part 4, Disposal and Discharge of Industrial Waste, shall be revised and amended as follows:

1. Section 401, Definitions, shall be revised as follows:

A. Deletion of the numbering sequence, # 1 - #56;

B. The first subsection of the definition of ‘Authorized Representative of a User’, shall be amended as follows:

Authorized Representative of a User — An Authorized representative of an Industrial User may be: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation;

C. Addition of the following definition:

Best Management Practice (BMP) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP’s also include treatment requirements, operating procedures, and practices to contract plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

D. Addition of the following definition:

Water Quality Manager – The person designated by the City to supervise the operation of the Water Quality Bureau.

2. Section 401, Abbreviations, shall be revised changing “BODS” to “BOD5”

3. Section 402(1)(J) shall be revised to read as follows: Slug loads as defined in §401 of this Part.

4. Section 402(4), Maximum Allowable Concentration (24 Hour Average), shall be revised as follows:

Specific Pollutant Discharge Limitations – Local Limits – Under Section 402(6) of this Part and in accordance with 40 CFR Section 403.5(c), the Borough imposes the following Specific Pollutant Discharge Limitations for all Industrial Users:

Pollutant (Total)	Local Limit (mg/l)
Arsenic	0.11
Cadmium	0.05
Chromium	0.91
Copper	1.35
Lead	0.39
Mercury	0.007
Molybdenum	0.22
Nickel	1.36
Selenium	0.23
Silver	0.21

Zinc	2.58
Cyanide	0.38

And the fifth paragraph of Section 402(4) shall be revised to read as follows:

The City reserves the right to establish alternate Specific Pollutant Discharge Limitations in individual Industrial Waste Discharge Permits, but only in accordance with regulatory requirements. In no event shall any alternate limit allow the total loading allocated to all Industrial Users for any pollutant to exceed the maximum allowable industrial headworks loading as determined in the City's most recent local limits evaluation approved by the Approval Authority, defined in 40 CFR Part 403. The Specific Pollutant Discharge Limitations, if more stringent than the National Categorical Standards, shall immediately supersede the Categorical Standards.

5. Section 402(9)(B), shall be revised to read as follows:

For existing Industrial Users. The Industrial Pretreatment Coordinator shall evaluate whether each Industrial User needs a new or updated accidental discharge/slug control plan.

6. Section 402(10), shall have the following paragraph added to the end of the section:

All Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.

7. Section 403, Fees, shall be revised to read as follows:

It is the purpose of this Section to provide for the recovery of costs from Users of the City's wastewater disposal system for the implementation of the program established herein. The City of Bethlehem's Ordinance on Disposal and Discharge of Industrial Waste, Article 923.03, as amended, is hereby incorporated in its entirety by reference and made applicable to Borough users. A copy of the City of Bethlehem Ordinance, Article 923, is on file and available for inspection at the Borough Office of the Executive Administrator. (Ordinance 380, May 6, 1985; as amended by Ordinance 591, November 4, 1996, §403; and by Ordinance 669, May 6, 2002)

8. Section 404(1), the word "industrial" in the first line is to be capitalized – "Industrial".

9. Section 404(2) shall be revised to read as follows:

The compliance schedules, reporting requirements, notification requirements, certification requirements, authorized signatory requirements, recordkeeping requirements, sampling requirements, inspection, copying, surveillance and monitoring requirements, confidentiality/non-confidentiality requirements and all other requirements imposed under Section 923.04 of the Codified Ordinances of the City of Bethlehem, as amended, are hereby incorporated herein in its entirety by reference and made applicable to the Borough. A copy of the City of Bethlehem's Ordinance, Article 923, is on file and available for inspection at the Borough Office of the Executive Administrator.

10. Section 408(7), shall be revised to read as follows:

Fees. A fee based on the City's current fee schedule will be levied on all holding tank waste or septage discharged to the City's POTW. Holding tank waste and septage may also be subject to surcharge fees as described in Section 923.03 of the City's Ordinance.

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 the attached documents 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.

Councilman Capuano made a motion to approve the introduction of Ordinance #745. The motion was seconded by Councilman Blatt and approved by unanimous vote.

Council President Rapp noted the next item on the agenda is adoption of Ordinance #744 which revises the fee structure 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 June 1, 2009. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: June 1, 2009

DULY ENACTED AND ORDAINED on this 1st day of June, 2009, by the Borough of Fountain Hill in lawful session duly assembled.

Councilman Trotter moved for the approval of Ordinance #744. The motion was seconded by Councilman Capuano and approved unanimously.

Council President Rapp indicated that there were two items on the agenda that need approval by Council as follows:

1. Motion to approve a parking pad request for the rear of 722 S. Hoffert Street. Council President Rapp confirmed with Mr. Entler, Chief Stephens and Mr. Gatta that they did not see any problem with the approval of this request. Hearing no concerns about the request, Council President Rapp asked for a motion to approve the request. Councilman Capuano made a motion to approve the parking pad request. The motion was seconded by Councilwoman Gifford and approved unanimously.

2. Motion to approve the advertising of the N. Clewell Street reconstruction project. Councilman Capuano made a motion to authorize the advertising of the bid specifications for this project. Councilman Blatt seconded the motion. Mayor Fink asked if this was the project that would be receiving grant funds? Mr. Prill indicated that the Borough did apply for CDBG funds for this project and we are waiting to find out if grant funds will be approved by the County. Hearing no further comments, the motion was approved unanimously.

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 indicating that he had no report at this time.

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 to-date are behind last years collections for this time period and noted that it will be monitored closely.
2. Councilman Trotter made a motion for the approval of the Bill List. The motion was seconded by Councilwoman Gifford and approved unanimously.

Public Works Committee: Councilman Capuano reported on the following:

1. Reviewed the May Public Works monthly report.

Fire Committee:

1. Councilman Grotenhuis reviewed the Fire Department's May monthly report. Chief Sabo indicated that the April monthly report was also attached since it was not available last month due to a computer problem.

Police Committee: Council President Rapp reported on the following:

1. Indicated he was in receipt of cards from children at the YMCA thanking members of the Police Department for their visit to talk about safety.
2. Read a Letter of Commendation from the City of Bethlehem awarded to Officer Sam Del Rosario.

House & Ordinance Committee:

1. Councilman Blatt indicated that the Committee had no report.

Recreation Committee: Councilwoman Gifford reported on the following:

1. The Committee is looking forward to another successful Pool and Playground program again this year.

Health & Sanitation Committee:

1. Council President Rapp indicated that Councilwoman Halleman was absent but that the May monthly report for Garbage and Sewer operations had been provided to all Council members as follows:

5/29/2003			Current & Prior Billings Due	May Receipts	Total Quarterly Collections To-Date	Balance Due
<u>Garbage Collections</u>						
		(Billed Mar. '09)				
	Current		\$ 173,893.72	\$ 17,224.14	\$ 157,236.46	\$ 16,657.26
	* Prior / Delinquent		\$ 106,532.79	\$ 5,549.06	\$ 14,498.94	\$ 92,033.85
	Recycling Cans		\$ -	\$ -	\$ 80.00	\$ -
	Grant/Recycling		\$ -	\$ -	\$ -	\$ -
	Total		<u>\$ 280,426.51</u>	<u>\$ 22,773.20</u>	<u>\$ 171,815.40</u>	<u>\$ 108,691.11</u>
 <u>Sewer Collections</u>						
Residential	Current	(Billed Mar. '09)	\$ 149,209.70	\$ 14,441.40	\$ 134,242.41	\$ 14,967.29
Residential	* Prior/Delinquent		\$ 107,434.44	\$ 6,653.21	\$ 16,441.69	\$ 90,992.75
Commercial	Current	(Billed 4th Qtr '08)	\$ 78,055.44	\$ -	\$ 76,872.45	\$ 1,182.99
Commercial	* Prior/Delinquent	(Prior to 4th Qtr. '08)	\$ 7,041.84	\$ -	\$ 433.72	\$ 6,608.12
	Salisbury Twp.		\$ -	\$ -	\$ 863.39	\$ -
	Star Village		\$ -	\$ 198.46	\$ 793.84	\$ -
	St. Luke/Pump House		\$ -	\$ -	\$ -	\$ -
	Total		<u>\$ 341,741.42</u>	<u>\$ 21,293.07</u>	<u>\$ 229,647.50</u>	<u>\$ 113,751.15</u>
	Grand Total		<u>\$ 622,167.93</u>	<u>\$ 44,066.27</u>	<u>\$ 401,462.90</u>	<u>\$ 222,442.26</u>

* Prior/ Delinquent - Outstanding Bills except Current Bill.

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

At this time, Council President Rapp opened the meeting up to any public comments. Mr. William Rogers addressed Council with regards to a parking problem with a handicapped parking space on Clewell Street, asking if there was any way to better mark or delineate the space. Council President Rapp asked Mr. Entler if the curbing or space could be marked with blue paint. Mr. Entler indicated that marking the curb with blue paint can be problematic when and if the handicapped parking designation is removed, leaving the blue curbing. Chief Stephens asked Mr. and Mrs. Rogers to call him the next morning to discuss the issue.

Hearing no further 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 Councilwoman Gifford and approved unanimously. The meeting adjourned at 7:37 pm.

Minutes approved on July 6, 2009 .

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

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary