

COUNCIL MEETING MINUTES

July 6, 2009

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Capuano, Mr. Trotter, Jr., Mr. Blatt, Ms. Gifford, and Ms. Halleman. Absent was Mr. Grotenhuis. Also in attendance were: Mayor Fink, Mr. Rick Prill, Administrator, Solicitor Don Lipson, Don Sabo, Fire Chief and Community Police Officer Apgar.

Council President Rapp called for the pledge to the flag and a moment of silence for Gerard McCafferty & William 'Billy' DeAngelis.

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

1. May 20, 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 Trotter, the minutes were unanimously approved.
2. June 1, 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 Capuano, 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. June Cash Receipts
2. June District Justice fines and collections report
3. June Crime statistics

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

Under New Business, Councilman President Rapp asked the members of the Laughlin family to step forward. Mr. Rapp read and presented the family with the following Resolution which was adopted by the Borough Council on May 4th, 2009:

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 showed the family the new street signs that will be installed by the Public Works Department.

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

Resolution # 2009-28 Approving the appointment of Pool and Playground Staff.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-28**

**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:

PLAYGROUND:

Martin Joseph \$ 5.00 Park Aide

Duly Adopted by Borough Council at a meeting held on the 6th day of July, 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. 2009-28. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution # 2009-29 Authorizing the Auction of the Fire Department 1982 GMC Truck.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-29**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,
LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE SALE OF VEHICLES AND/OR
EQUIPMENT THROUGH PUBLIC AUCTION**

WHEREAS, From time to time the Borough has used vehicles and/or equipment no longer needed for public use and which it desires to sell at public auction;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby authorize the Fire Department's 1982 GMC Quick Attack Truck to be sold at the annual public auction conducted by the Peter Krall Auction Company, and that any proceeds from the sale of the truck shall be deposited in the Fire Department budget for use towards the purchase of a replacement truck.

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

ATTEST:

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

By: _____
Ricky L. Prill
Borough Secretary

By: _____
Lawrence E. Rapp
President of Council

Councilman Blatt made a motion to approve Resolution No. 2009-29. The motion was seconded by Councilman Trotter and approved unanimously.

Resolution # 2009-30 Revising Pool Fee Schedule.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-30**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,
LEHIGH COUNTY, PENNSYLVANIA, REVISING POOL SWIM LESSON AND BIRTHDAY
PARTY FEES**

WHEREAS, The Pool Managers have identified the need to increase the fees charged for swim lessons and birthday parties at the Pool;

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

1. The 2009 Pool Fee Schedule shall be revised as follows:

	2008	2009
	<u>Fee</u>	<u>Fee</u>
Swim Lesson Fee:		
Season Pass Holder	\$ 25	\$ 35
Non-Season Pass Holder	\$ 35	\$ 45
Birthday Party Fee	\$ 65	\$ 75

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

ATTEST:

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

By: _____
Rick Prill, Borough Secretary

By: _____
Lawrence E. Rapp, President of Council

Councilwoman Gifford asked for discussion on this Resolution before any vote was taken. She indicated that she is not comfortable revising these fees midway through the season. Mr. Prill indicated that he was made aware of a past practice where it was left up to the Pool Manager to decide what the fees should be for these activities, but that this practice is not acceptable. Any fee charged by the Borough needs to be memorialized and approved by Council action, which is why this Resolution is being brought to Council for approval. Councilwoman Gifford agreed that the past practice was not proper but feels that the fees should be kept at the current level for the balance of this year and that the Recreation Committee should discuss this further. The other members of Council agreed that these fees need to be approved by Council and that the Pool Manager(s) should not be put in the position of deciding what the fees should be. Council President Rapp noted that the fee for Birthday Parties is intended to cover the cost of any supplies provided by the Borough along with offsetting the cost of guards on duty. Councilman Capuano indicated that this fee is not a lot compared to what would be charged at other facilities. Councilwoman Gifford agreed but noted that other facilities might provide more services than we do.

Councilman Capuano made a motion to approve Resolution No. 2009-30. The motion was seconded by Councilman Blatt and approved unanimously.

Resolution # 2009-31 Authorizing the Permanent Appointment of Rick Prill as Executive Administrator & Borough Secretary.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-31**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE PERMANENT APPOINTMENT OF RICK PRILL AS EXECUTIVE ADMINISTRATOR & BOROUGH SECRETARY

WHEREAS, Rick Prill has completed his six (6) months probationary work period as the Executive Administrator & Borough Secretary;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fountain Hill that Rick Prill be appointed as a permanent employee to these positions, effective July 13, 2009.

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

ATTEST:

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

By: _____
Rick Prill, Borough Secretary

By: _____
Lawrence E. Rapp, President of Council

Councilman Capuano made a motion to approve Resolution No. 2009-31. The motion was seconded by Councilman Trotter and approved unanimously.

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

Ordinance #745 is on the agenda for Adoption and was introduced by Council at the June 1, 2009 meeting. Ordinance #745 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.

Mayor Fink asked for a brief explanation of the purpose of this Ordinance. Mr. Prill noted that the City of Bethlehem had revised their industrial waste disposal ordinance earlier this year which necessitated our revising our ordinance to bring it in compliance with the City's revised ordinance.

Councilwoman Halleman made a motion to approve the adoption of Ordinance #745. The motion was seconded by Councilman Capuano. Hearing no further comments by members of Council or members of the public, Ordinance #745 was approved by unanimous vote.

Council President Rapp noted the next item on the agenda is a Motion to appoint the Pool Feasibility Study Committee. Councilwoman Gifford made a motion to authorize the appointment of the following members to the Pool Feasibility Study Committee:

J. Bradley Youst	Bob Hercik
Bob Erland	Liz Fox
Larry Rapp	Carolee Gifford
Fred Capuano	Norman Blatt
Rick Prill	

The motion was seconded by Councilman Trotter and approved unanimously. Council President Rapp asked Councilwoman Gifford to schedule the first meeting of the Committee.

Councilwoman Halleman offered a comment that she is pleased to see the excellent condition of the Pool facility this year and that the wood on the benches have been repaired.

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 noting the following items:

1. The Borough has not yet received any word from Lehigh County regarding the distribution of casino revenues;
2. Reiterated that the Borough has executed the Agreement of Sale for the purchase of the Gatta property;

Council President Rapp asked for the Solicitor's Report. Mr. Lipson reported on two items as follows:

1. Added some follow-up comments on the pending purchase of the Gatta property
2. Reported that a lawsuit has been filed in connection with a 'slip-and-fall' incident that occurred in February of 2008. The Borough's insurance company will assign counsel to represent the Borough in this matter.

Council President Rapp proceeded to Committee Reports:

Finance Committee:

1. Councilman Trotter commented that revenue collections and expenses to-date are close to being on target for this time of year.
2. Councilman Trotter reviewed the amount of bills to be paid by Fund and made a motion for the approval of the Bill List. A question was asked about a payment to St. Lukes Hospital which was explained as being the refund of an overpayment of taxes. The motion was seconded by Councilman Blatt and approved unanimously.

Public Works Committee: Councilman Capuano indicated that he had no report for this month.

Police Committee: Council President Rapp indicated that he had no report but that Officer Apgar, our new Community Police Officer, was in attendance and asked if he would like to offer any comments:

Officer Apgar indicated he had a brief report as follows:

1. Indicated he was in the process of trying to secure presentation equipment for use in making presentations to various groups;
2. Is in the process of updating Borough records;
3. Looking into starting a 'National Night Out' program in the Borough but that this year would start small and hopefully grow in future years;
4. Has met with the Parks and Pool management staff, along with the PW Supervisor;
5. There is a need to re-install No Smoking signs at the Park.

Councilman Blatt commented that the Police need to review our ordinance with regards to smoking in the Park before any signs are posted.

Council President Rapp commented that people are being chased off the property at closing time but they are returning a short time later. The Police Department needs to address this situation.

House & Ordinance Committee: Councilman Blatt indicated he had no report.

Fire Committee: With Councilman Grotenhuis absent, Council President Rapp asked Chief Sabo if he had any report. Chief Sabo indicated that he has provided a copy of the Fire Department monthly report to the Fire Committee.

Recreation Committee:

1. Councilwoman Gifford encouraged people to use the Park and Pool during the summer.

Health & Sanitation Committee:

1. Councilwoman Halleman reviewed the June monthly report for Garbage and Sewer operations as follows:

6/29/2009	Current & Prior Billings Due	June Receipts	Total Quarterly Collections To-Date	Balance Due
<u>Garbage Collections</u>				
Current (Billed Jun. '09)	\$ 174,319.24	\$ 61,597.37	\$ 61,597.37	\$ 112,721.87
* Prior / Delinquent	\$106,385.36	\$ 2,859.01	\$ 2,859.01	\$ 103,526.35
Recycling Cans	\$ -	\$ 50.00	\$ 50.00	\$ -
Grant/Recycling	\$ -	\$ -	\$ -	\$ -
Total	<u>\$ 280,704.60</u>	<u>\$ 64,506.38</u>	<u>\$ 64,506.38</u>	<u>\$ 216,248.22</u>

Sewer Collections

Residential	Current	(Billed Jun. '09)	\$ 149,345.42	\$ 48,910.00	\$ 48,910.00	\$ 100,435.42
Residential	* Prior/Delinquent		\$104,027.76	\$ 2,121.75	\$ 2,121.75	\$ 101,906.01
Commercial	Current	(Billed 1st Qtr '09)	\$ 73,330.43	\$ 67,453.03	\$ 67,453.03	\$ 5,877.40
Commercial	* Prior/Delinquent	(Prior to 1st Qtr. '09)	\$ 8,224.83	\$ 433.72	\$ 433.72	\$ 7,791.11
	Salisbury Twp.		\$ -	\$ -	\$ -	\$ -
	Star Village		\$ -	\$ -	\$ -	\$ -
	St. Luke/Pump House		\$ -	\$ -	\$ -	\$ -
Total			<u>\$334,928.44</u>	<u>\$ 118,918.50</u>	<u>\$ 118,918.50</u>	<u>\$ 216,009.94</u>
Grand Total			<u>\$615,633.04</u>	<u>\$ 183,424.88</u>	<u>\$ 183,424.88</u>	<u>\$ 432,258.16</u>

* Prior/ Delinquent - Outstanding Bills except Current Bill.

Councilwoman Halleman commented that the level of delinquencies is unacceptable and that the Borough needs to do something to go after these people. Council President Rapp noted that some of the delinquent accounts are old accounts that have liens against them and these will not be satisfied until the properties are sold. The majority of the other delinquent accounts are on payment plans

Councilman Capuano indicated that he feels Councilwoman Halleman is not understanding the monthly report and not presenting it properly, and that as Chair of the Sewer Committee that she and the Committee need to meet to come up with options and a possible solution to this issue.

Councilwoman Halleman stated that she has provided options, such as turning their water off, publishing their names in the newspaper or hiring a collection agency.

Councilman Blatt indicated that the Borough could take the delinquencies to a Sheriff's sale that that other communities use a company by the name of Portnoy to do this. The company then keeps part of the payment made as compensation for their services. He also noted that the monthly report should be revised so it is clearer about current billing and delinquent accounts.

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

Ms. Jordan, the Borough's Library Representative, commented that the Library has received a small amount of casino revenue and that the Library is a popular place to be in this economic climate. The Library is a good bargain for Borough residents.

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 Councilwoman Gifford and approved unanimously. The meeting adjourned at 7:50 pm.

Minutes approved on August 3, 2009.

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

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary