

## COUNCIL MEETING MINUTES

August 3, 2009

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Capuano, Mr. Trotter, Jr., Mr. Blatt, Ms. Gifford, Mr. Grotenhuis. Absent was Ms. Halleman. Also in attendance were: Mayor Fink, Mr. Rick Prill, Administrator, Solicitor Don Lipson, Chief Stephens and Jim Levernier, Acting Public Works Supervisor.

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. June 17, 2009 Work Session 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 Councilwoman Gifford, the minutes were unanimously approved.
2. July 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 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.

Councilwoman Halleman arrived at the meeting at 7:08 pm.

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

1. July Crime Statistics
2. July ticket fines and collections report
3. July Abandoned Vehicle Report
4. July Community Police Officer Report

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 Capuano questioned whether we have an Ordinance on the books prohibiting the repair of vehicles on Borough roadways. He noted that he

has seen oil and antifreeze stains on the roads. There was a brief discussion about the need to keep an eye out for this kind of work happening on the roadways.

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

Resolution # 2009-32 Approving the Acceptance of a New (Used) Fire Truck From the Fountain Hill Volunteer Fire Department.

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-32**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,  
LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE ACCEPTANCE OF A NEW (USED)  
FIRE TRUCK FROM THE FOUNTAIN HILL VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, The Fountain Hill Volunteer Fire Department has purchased a new (used) 2002 GMC 3500HD truck with a utility body to replace the 1982 GMC truck which was taken out of service in June of this year; and

**WHEREAS**, In order for the truck to become a Borough owned asset and included in the Borough's insurance coverage, the Volunteer Fire Department donates the truck to the Borough;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby accept the donation of the 2002 GMC 3500HD truck with a utility body.

Duly Adopted by Borough Council at a meeting held on the 3rd day of August, 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 to approve Resolution No. 2009-32. The motion was seconded by Councilwoman Gifford and approved unanimously.

Resolution # 2009-33 Approving the Appointment of Delegates to the Northampton County Tax Collection Committee.

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-33**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE APPOINTMENT OF DELEGATES TO THE NORTHAMPTON COUNTY TAX COLLECTION COMMITTEE**

**WHEREAS**, Act 32, Section 505(b) requires the governing bodies of school districts, townships, boroughs and cities to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives; and

**WHEREAS**, The Borough of Fountain Hill has been assigned to participate with the Northampton County Tax Collection Committee due to the Borough being a part of the Bethlehem School District;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby appoint the following individuals as the Borough's delegates to the Northampton County TCC:

Primary Voting Delegate: Councilman Norman E. Blatt, Jr.  
First Alternate Voting Delegate: Rick Prill, Executive Administrator

**AND BE IT FURTHER RESOLVED** as follows:

1. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting.
2. These appointments are effective immediately and shall continue until successors are appointed. Delegates shall be appointed each in November or December, or as soon thereafter as possible. All delegates shall serve at the pleasure of the Borough Council and may be removed at any time.

Duly Adopted by Borough Council at a meeting held on the \_3rd\_ day of \_August, 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 to approve Resolution No. 2009-33. The motion was seconded by Councilman Trotter and approved unanimously with Councilman Blatt abstaining.

Resolution # 2009-34 Approving the Extension of the Collective Bargaining Agreements with the Full-Time & Part-Time Police Officers of the Fountain Hill Police Association.

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-34**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE EXTENSION OF THE COLLECTIVE BARGAINING AGREEMENTS WITH THE FULL-TIME & PART-TIME POLICE OFFICERS OF THE FOUNTAIN HILL POLICE ASSOCIATION**

**WHEREAS**, The Police Committee has met with representatives of the Fountain Hill Police Association for the purpose of conducting contract negotiations for the upcoming 2010 contract year; and

**WHEREAS**, The Police Committee and Fountain Hill Police Association have reached agreement on the extension of the terms and conditions of the contracts for both the Regular Full-Time Officers and Part-Time Officers, for calendar years 2010 and 2011, and are recommending approval of the respective contracts; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby approve the extension of the Regular Full-Time and Part-Time Collective Bargaining Agreements for calendar years 2010-2011.

Duly Adopted by Borough Council at a meeting held on the   3rd   day of   August  , 2009  .

**ATTEST:**

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

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

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

Council President Rapp noted that the terms and conditions of the current contracts will be unchanged with the exception of compensation increases of 2 ½ % in 2010 and 3.0 % in 2011.

Councilman Trotter made a motion to approve Resolution No. 2009-34. The motion was seconded by Councilman Grotenhuis and approved unanimously.

Council President Rapp indicated the next item on the agenda is the Introduction and Approval of Ordinances. There is one Ordinance on the agenda for Introduction as follows:

Introduction of Ordinance #746 Approving the Installation of Handicapped Parking Signs and the Removal of No Parking Loading Zone Signs.

ORDINANCE NO. 746

**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) (Schedule 1(A)), BY ADDING THE FOLLOWING HANDICAPPED PARKING SIGNS, AND (Schedule 2(B)(8)), BY DELETING NO PARKING LOADING ZONE SIGNS

SECTION 302 ( c ) (3) (Schedule 1(A)), shall be amended by adding the following Handicapped Parking spaces and signs:

ADD:

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Seneca	Front	# 924
Russell	Front	#1231
Cherokee	Front	# 830

SECTION 302 ( c ) (3) (Schedule 2(B)(8)), shall be amended by deleting the following:

DELETE:

<u>STREET</u>	<u>LOCATION</u>	<u>SIGN TO READ</u>
S. Hoffert Street	West side; beginning 54' No Parking Loading Zone From the southwest corner of Broadway and S. Hoffert Street intersection and Extending 40' in a southerly direction	Fridays 8:00 am – 11:00 am

**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 \_\_\_\_\_. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: September 8, 2009

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

**APPROVED:**

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

**ATTEST:**

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

Councilman Blatt made a motion to for the Introduction of Ordinance #746. The motion was seconded by Councilwoman Gifford. Hearing no further comments by members of Council or members of the public, Ordinance #746 was Introduced by unanimous vote.

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 item:

1. A press conference is scheduled for Thursday, August 6, at 11:00 am, at the Gatta property, with County Executive Don Cunningham. Everyone is invited to attend.

Council President Rapp asked for the Solicitor's Report. Mr. Lipson noted one item as follows:

1. The closing on the Gatta property purchase is scheduled for August 11<sup>th</sup> at 10:00 am.

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, with real estate tax collection at approximately 80%.

- Councilman Trotter reviewed the amount of bills to be paid by Fund and made a motion for the approval of the Bill List. The motion was seconded by Councilwoman Gifford. Councilwoman Halleman asked questions about three items on the bill list and received explanations for each item. Hearing no further questions or comments, the motion was approved unanimously.

Public Works Committee: Councilman Capuano reviewed the July monthly report and noted that copies of the June monthly report have been provided to Council for review.

Police Committee: Council President Rapp indicated that he had no report.

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

Fire Committee: Councilman Grotenhuis noted that the July Fire Department monthly report has been presented to Council. Councilwoman Halleman questioned one of the responses on the report, #439, which references a boarding house. An explanation was provided with regards to this response.

Recreation Committee: Councilwoman Gifford indicated she had no report. Councilman Grotenhuis asked if the request from the PA Migrant Program was worked out? Mr. Prill indicated that an arrangement was reached and the participants used the Pool for three weeks in July.

Health & Sanitation Committee:

- Councilwoman Halleman reviewed the July monthly report for Garbage and Sewer operations as follows:

7/31/2009		Current & Prior Billings	July	Total Quarterly Collections	Balance Due
		<u>Due</u>	<u>Receipts</u>	<u>To-Date</u>	<u>Due</u>
<b><u>Garbage Collections</u></b>					
Current	(Billed Jun. '09)	\$174,319.24	\$ 67,152.10	\$128,749.47	\$ 45,569.77
* Prior / Delinquent		\$106,385.36	\$ 5,301.50	\$ 8,160.51	\$ 98,224.85
Recycling Cans		\$ -	\$ 20.00	\$ 70.00	\$ -
Grant/Recycling		\$ -	\$ -	\$ -	\$ -
<b>Total</b>		<b><u>\$280,704.60</u></b>	<b><u>\$ 72,473.60</u></b>	<b><u>\$136,979.98</u></b>	<b><u>\$143,794.62</u></b>

**Sewer Collections**

Residential	Current	(Billed Jun. '09)	\$149,345.42	\$ 57,578.12	\$106,488.12	\$ 42,857.30
Residential	Prior/Delinquent		\$104,027.76	\$ 4,122.66	\$ 6,244.41	\$ 97,783.35
Commercial	Current	(Billed 1st Qtr '09)	\$ 73,330.43	\$ 5,877.40	\$ 73,330.43	\$ -
Commercial	Prior/Delinquent	(Prior to 1st Qtr. '09)	\$ 8,224.83	\$ -	\$ -	\$ 8,224.83
	Salisbury Twp.		\$ -	\$ -	\$ -	\$ -
	Star Village		\$ -	\$ -	\$ -	\$ -
	St. Luke/Pump House		\$ -	\$ -	\$ -	\$ -
	<b>Total</b>		<b><u>\$334,928.44</u></b>	<b><u>\$ 67,578.18</u></b>	<b><u>\$186,062.96</u></b>	<b><u>\$148,865.48</u></b>
	<b>Grand Total</b>		<b><u>\$615,633.04</u></b>	<b><u>\$140,051.78</u></b>	<b><u>\$323,042.94</u></b>	<b><u>\$292,660.10</u></b>

\* Prior/ Delinquent - Outstanding Bills except Current Bill.

Councilwoman Halleman commented that Mr. Prill had prepared a memo with regards to sewer delinquencies and feels that the Borough should retain the services of a collection agency in an effort to bring the delinquencies current. At a minimum, a letter should be sent to the property owners warning them of possibility that a collection agency might be used.

Councilman Blatt noted that we are a small Borough and that we need to be talking to the residents who are delinquent. These are our neighbors.

Councilwoman Halleman feels that the Finance Committee should meet to discuss this matter and make recommendations on how to collect the delinquent accounts.

Councilwoman Gifford indicated that the people who are delinquent are being talked to and that Barbara Merkle should be commended for her efforts to collect the past due amounts.

Council President Rapp commented that approximately 98% of the people with delinquent accounts are making payments.

Councilman Capuano indicated that only a few of the delinquencies have actual liens against them and the majority of the other delinquent accounts are on payment plans. These people are trying to make themselves current.

Councilwoman Halleman indicated that it is not fair to those residents who are making their payments in a timely fashion and that this is no way to run a business or municipal government.

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

Hearing no reports, Council President Rapp asked if Council had any comments. Councilwoman Halleman asked the Library Representative if she received a copy of the letter sent to the Library by Lower Saucon Township and is requesting that Mr. Prill be directed to send a similar letter on behalf of the Borough. Council President Rapp asked Council if they were in support of a letter being sent. Council was in agreement and Mr. Prill was directed to send the letter.

At this time, Council President Rapp opened the meeting up to any public comments.

Mr. Stephen Repasch addressed Council reporting that the George Yasso 5K Run was very successful and raised enough money to provide scholarships to local students. He thanked the Police and Public Works Departments for their assistance.

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 7:40 pm.

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Minutes approved on \_\_\_\_\_ .

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

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

\_\_\_\_\_  
Rick Prill, Borough Secretary