

## COUNCIL MEETING MINUTES

September 7, 2010

7:00 P.M.

Council members present were: Mr. Blatt, Mr. Rapp, Ms. Gifford, Mr. Capuano, Mr. Trotter, Jr., Mr. Stech and Ms. Halleman. Also in attendance were Mayor Fink, Mr. Rick Prill, Administrator, Solicitor Don Lipson, Joe Gatta, Zoning Officer, and Sergeant Anthony.

Council President Rapp called for the pledge to the flag.

At this time Council President Rapp noted that Officer Wayne Hochwarter is the highest scoring candidate for the Sergeant's promotional exam and asked for a motion approving the promotion. Councilman Capuano made a motion to approve the promotion of Officer Wayne Hochwarter to Sergeant. The motion was seconded by Councilman Stech and approved with Councilwoman Gifford voting No. Mayor Fink proceeded to swear Officer Hochwarter in as Sergeant.

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

1. July 21, 2010 Work Session meeting minutes. Any corrections/revisions were to have been submitted to Mr. Prill. Hearing no further comments regarding revisions/corrections, Council President Rapp 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 unanimously approved.
2. August 2, 2010 Regular Meeting minutes. Any corrections/revisions were to have been submitted to Mr. Prill. Hearing no further comments regarding revisions/corrections, Council President Rapp called for a motion and second for approval of the minutes. Councilman Trotter motioned for approval of the minutes, seconded by Councilwoman Gifford, the minutes were unanimously approved.

Council President Rapp opened the meeting to the public for any public comments on any Agenda item. Hearing no comments from the public, Mr. Rapp closed this public portion of the meeting.

Council President Rapp noted the next item on the agenda was the Mayor's report. Mayor Fink reviewed the following Police Department reports:

1. August Abandoned Vehicles Report
2. August District Judge's Report
3. August Ticket Report
4. August Crime Statistics Report
5. August Vehicle Maintenance Report

Council President Rapp indicated that since the Mayor needs to leave to attend another meeting, prior to his leaving there is a motion on the agenda regarding the appointment of a new Fire Chief and Assistant Chief. Councilman Blatt made a motion to accept the appointment of Mr. Richard Reis as Fire Chief and Mr. Daniel Pope as Assistant Chief. The motion was seconded by Councilwoman Gifford and approved unanimously.

At this time, Mayor Fink swore Mr. Reis and Mr. Pope in as Fire Chief and Assistant Chief.

The next item on the agenda was the Executive Administrator's report. Mr. Prill reported on the following:

1. With the appointment of Mr. Stech to the vacant Council position, Mr. Stech has submitted his letter of resignation from the Zoning Hearing Board and Civil Service Commission. Councilwoman Gifford made a motion to accept Mr. Stech's resignation from the Zoning Hearing Board and Civil Service Commission. The motion was seconded by Councilman Capuano and approved unanimously.
2. Mr. Prill noted that he is working on a grant application under the PennDOT transportation enhancement program in an effort to try and secure funding for the handicapped curb ramp installation program.

Council President Rapp noted the next item on the agenda was New Business and asked if Council had any matters to bring up. Hearing no comments, Council President Rapp moved to the next item on the agenda - Resolutions:

Resolution # 2010-25 Approving Council Meeting Schedule Change:

**RESOLUTION NO. 2010-25**

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL  
APPROVING THE FOLLOWING COUNCIL MEETING SCHEDULE  
CHANGE FOR 2010**

**BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby approve a change in the Council Meeting Schedule Calendar for 2010 as follows:

**FROM**

**TO**

September 15  
December 15

September 22  
December 22

Councilman Stech made a motion to approve Resolution # 2010-25. The motion was seconded by Councilwoman Gifford and approved by unanimous vote.

Resolution # 2010-26 Amending Fee Schedule to Establish a Fee and Costs for Returned Checks:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2010-26**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING FEE AND COST FOR RETURNED CHECKS**

**BE IT RESOLVED** by the Borough Council of the Borough of Fountain Hill that a new fee shall be established and added to the Borough Fee Schedule as follows:

ADMINISTRATION

Fee for Returned Checks (Not Sufficient Funds)

Bank Charge + \$5.00  
Administrative processing fee

Credit Card Processing Fee

3.3% of transaction amount

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.

Councilman Blatt asked if the 3.3% credit card processing fee covers the Borough’s costs for accepting credit card payments?

Council President Rapp noted that it does.

Councilman Blatt made a motion to revise the fee for returned checks to the maximum allowed by law, which he believes is \$50.

Councilwoman Gifford noted her objection to increasing this fee to \$50.

Hearing no further discussion, Council President indicated that there was a motion on the floor and asked if there was a second. Councilwoman Halleman seconded the motion. Upon a vote, the motion failed with Councilman Blatt and Councilwoman Halleman being the only two voting in favor of the motion.

Councilman Capuano made a motion for the approval of Resolution #2010-26, as presented. The motion was seconded by Councilman Stech and approved with Councilman Blatt voting No, for the reason that he feels the Borough is losing money by not increasing the returned check fee to the maximum allowed by law.

Resolution #2010-27 Approving a Revision to the Personnel Policy & Employee Manual:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2010-27**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING A REVISION TO SECTION 10 – PERSONNEL FILE, OF THE BOROUGH PERSONNEL POLICY & EMPLOYEE MANUAL**

**WHEREAS**, Section X – Personnel File, of the Borough Personnel Policy & Employee Manual is being revised to add a new Subsection D, as follows:

D. Policy on Disciplinary Records

1. A policy is hereby established that all disciplinary matters involving a Borough employee are to be documented in writing in that employee's Personnel File and that all disciplinary records are to remain a permanent part of an employee's Personnel File.

**WHEREAS**, any Departmental policy or practice to the contrary is hereby rescinded and said Departmental policy or practice shall be brought into conformance with the above stated policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby adopt the new Policy on Disciplinary Records.

Councilwoman Gifford made a motion to approve Resolution #2010-27. The motion was seconded by Councilman Trotter and approved by unanimous vote.

Resolution #2010-28 Authorizing the Sale of Public Property at Auction:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2010-28**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE SALE OF VEHICLE(S) 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 following to be sold at the annual public auction conducted by the Liberty Auction Services, on 9/25/10:

1. 1989 International Dump Truck
2. 1984 Chevrolet Ambulance
3. 1992 Exmark 36" Walk Behind Mower
4. Miscellaneous Public Works equipment (weed trimmer, leaf blower) and bicycles confiscated by the Police Department

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to execute the necessary paperwork and sign the vehicle titles on behalf of the Borough to effectuate the sale of these items.

Councilman Stech made a motion to approve Resolution #2010-28. The motion was seconded by Councilman Capuano and approved by unanimous vote.

Resolution #2010-29

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

**RESOLUTION 2010-29**

**APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE COUNTY OF LEHIGH UNDER THE REGIONAL INITIATIVE GRANT PROGRAM**

**WHEREAS,** The Township of Salisbury and the Borough of Fountain Hill are applying to the County of Lehigh Regional Initiative Grant Program jointly seeking funding to update their respective Subdivision & Land Development Ordinances (SALDO's); and

**WHEREAS,** A joint application to the Regional Initiative Grant Program requires the designation of a lead agency;

**NOW, THEREFORE, BE IT RESOLVED,** that the Council of the Borough of Fountain Hill does hereby approve the submission of a joint application to the Regional Initiative Grant Program and does hereby designate the Township of Salisbury as the lead agency in connection with the grant application

Councilman Blatt made a motion to approve Resolution #2010-29. The motion was seconded by Councilwoman Gifford and approved unanimously.

Council President Rapp noted that there were no Ordinances for Introduction but that there were two Ordinances coming up for Adoption, as follows:

Adoption of Ordinance #760 Amending Chapter 15, Motor Vehicles & Traffic, Providing for Restrictions on N. Lynn Street and Approving the Installation of a Handicapped Parking Space

ORDINANCE NO. 760

**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 SCHEDULE 1 (A) AND (B), PROHIBITING PARKING ON THE NORTH SIDE OF N. LYNN STREET

BE IT ORDAINED by the Borough Council of the Borough of Fountain Hill, Lehigh County, Commonwealth of Pennsylvania, that Chapter 15, Part 3, shall be amended as follows:

1. Schedule 1(A), Parking Prohibited at All Times in Certain Locations, shall be amended as follows:

ADD:

STREET	SIDE	BETWEEN
N. Lynn Street	West	Russell Avenue to Stanley Avenue

2. Schedule 1(B), Parking Prohibited Between Certain Hours, shall be amended as follows:

1. Section B heading to read as follows:

B. Parking Prohibited Between Certain Hours on Certain Streets and Alleys. Parking is hereby prohibited on the following streets and alleys of the Borough:

2. Section B shall be revised as follows:

DELETE:

STREET	SIDE	BETWEEN	PARKING PROHIBITED
N. Lynn Street	West	Russell Ave. to Stanley Ave.	8:00 am – 9:00 p.m, during the months of April - September

3. 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>
S. Hoffert Street	West	54' from the southwest corner of Broadway and S. Hoffert Street intersection

**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 September 7, 2010. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: September 7, 2010

Councilman Trotter moved for the Adoption of Ordinance #760. The motion was seconded by Councilman Stech and adopted by unanimous vote.  
Adoption of Ordinance #761 Amending the Police Pension Plan of the Borough of Fountain Hill to Eliminate the Killed-In-Service Provision.

ORDINANCE NO. 761

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

AN ORDINANCE AMENDING THE BOROUGH OF FOUNTAIN HILL  
POLICE PENSION PLAN & TRUST TO ELIMINATE THE  
KILLED-IN-SERVICE DEATH BENEFIT

**WHEREAS**, by Ordinance No. 702, the Borough Council (“**Council**”) of the Borough of Fountain Hill (“**Borough**”) amended and restated the Borough of Fountain Hill Police Pension Plan and Trust (the “**Plan**”), a defined benefit pension plan for the full-time police officers of the Borough pursuant to Act 600 of 1955 as amended, 53 PA. STAT. ANN. §§ 767-778, and Council has further amended the Plan thereafter; and

**WHEREAS**, until recently, section 5(e)(2) of Act 600, 53 PA. STAT. ANN. § 771(e)(2), required that the Plan provide a “killed in service” death benefit calculated at one hundred percent of a participant’s salary at the time of death, and such a benefit is provided under Plan § 305(c); and

**WHEREAS**, effective October 9, 2009, Pennsylvania Act 51 of 2009 repealed section 5(e)(2) of Act 600, and amended section 1 of the Emergency and Law Enforcement Personnel Death Benefits Act, 53 PA. STAT. ANN. § 891, to replace the “killed in service” municipal pension death benefit with an additional state death benefit payable to the same beneficiaries, but not to the extent the beneficiaries receive other pension or retirement benefits; and

**WHEREAS**, Council desires to amend the Plan to conform to Act 600 as amended by Act 51 of 2009, and to provide killed in service salary continuation death benefits through direct payments from the Commonwealth rather than from the Borough’s police pension plan; and

**WHEREAS**, prior to the adoption of this Ordinance the Council reviewed a cost estimate of the effect of the changes made herein prepared by the plan’s actuarial firm in accordance Section 305 of the Municipal Pension Plan Funding Standard and Recovery Act, 53 PA. STAT. ANN. § 895.305; and

**WHEREAS**, prior to the adoption of this Ordinance, the terms of this ordinance were negotiated with and accepted by the Fountain Hill Police Association;

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Fountain Hill, Lehigh County, Pennsylvania, that the Borough of Fountain Hill Police Pension Plan and Trust (as amended and restated by Ordinance No. 702) is further amended by amending sections 127, 305(a), (c), (d), and (e), and 306(a)(5)(G) as follows (with additions indicated by double-underlining, and deletions indicated by stricken-through type), effective immediately:

#### **§ 127 Salary.**

The monthly “Salary” of a Qualified Employee as of any given date shall mean the Qualified Employee’s base hourly rate of compensation as of that date, multiplied by 2080 and divided by 12. {The term “Salary” is defined for purposes of the new Act 2002-30 minimum disability ~~and killed in service~~ benefits which are based on salary at the time of the injury causing disability ~~or death~~, in contrast to the pre-existing Act 600 benefits which are based on compensation averaged over a 36-month period—“Final Monthly Average Compensation”.}

#### **§ 305 Death Benefits.**

##### **(a) Qualification for Normal Death Benefit.**

The Beneficiaries of a Participant shall be entitled to receive a Normal Death Benefit if the Participant dies—

However, a Normal Death Benefit shall not be paid if the Participant's Beneficiaries are entitled to receive a Killed in Service Death Benefit under subsection (e).

~~(e) Killed in Service Death Benefit. [RESERVED]~~

~~The Beneficiaries of a Participant who dies due to injuries incurred while performing the duties of his/her employment as a Qualified Employee shall be entitled to receive a Killed in Service Death Benefit, which shall consist of a series of monthly payments—~~

- ~~(1) beginning on the first day of the month following the month of the Participant's death, and~~
- ~~(2) continuing on the first day of each succeeding month until there is no person who qualifies as a Beneficiary,~~
- ~~(3) in a monthly amount equal to one hundred percent (100%) of the Participant's monthly Salary as of the Participant's Final Police Date.~~

(d) Beneficiaries.

(1) In General.

Any given payment in the series of payments which constitutes the Normal Death Benefit ~~or Killed in Service Death Benefit~~ shall be paid to the person(s) who is/are a Beneficiary as of the date for which the payment is being made.

(2) Definition.

For purposes of the Normal Death Benefit ~~and Killed in Service Benefit~~, a person is a "Beneficiary" of a Participant as of the date of any given payment if:

(3) Multiple Beneficiaries.

For purposes of the Normal Death Benefit ~~and Killed in Service Benefit~~, if there is more than one Beneficiary at the time of any given payment, the amount of the payment shall be split into equal shares, one for each Beneficiary.

(e) Death Benefit Return of Accumulated Contributions.

(1) In General.

If a Participant—

- (A) dies at a time when his/her Beneficiaries are not eligible to receive a Normal Death Benefit ~~or Killed in Service Death Benefit~~ or has no Beneficiaries, **and**

## § 306 Limitation on Benefits.

(a) Definitions.

For purposes of this Section, the following words and phrases shall have the meanings provided in this subsection (a):

(5) Dollar Limitation.

The term “Dollar Limitation” shall mean \* \* \* with the following modifications, as applicable—

(G) In the case of a Participant receiving a Disability Retirement Benefit, or a Beneficiary receiving a Normal Death Benefit ~~or Killed in Service Death Benefit~~, subparagraphs (B) and (D) shall not apply.

Date of Borough Council Public Hearing: September 7, 2010.

Councilman Capuano moved for the Adoption of Ordinance #761. The motion was seconded by Councilman Stech and adopted by unanimous vote.

Council President Rapp noted the next item on the agenda were Motions:

1. Councilman Stech made a motion for the approval of a Curb-Cut Crossover permit for 1510 Graham Street. The motion was seconded by Councilman Capuano and approved unanimously.

Council President Rapp asked if any members of Council had any Old Business to bring up.

Councilman Blatt commented that a notice has been received from Lehigh County Assessment Office confirming that the (DeAngelis) property acquired by the Borough has been removed from the tax roles.

Hearing no further comments, Council President Rapp noted that he had only one item under the Council President’s Report:

1. Pro Shot Concrete is scheduled to begin the Phase IV Stormwater project work this week.

Council President Rapp asked for the Solicitor’s Report.

1. Mr. Lipson indicated that the matter on the agenda, BASD school tax on Gatta Property, needs to be discussed in executive session;.
2. Mr. Lipson also indicated that he has provided Council with a memo outlining the status of his efforts with regards to the collection of delinquent garbage and sewer charges.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. Committee had reviewed and discussed the credit card fee matter which Council acted on earlier.

2. 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 and the motion was approved unanimously.

Public Works Committee: Councilman Capuano reviewed the following:

1. August monthly report.

Police Committee:

1. Sergeant Anthony reported that the Police Department will be participating with Lehigh County for a National Take-Back Day on 9/25/10, where old medications / drugs can be dropped off at Police Headquarters for destruction by the County..

House & Ordinance Committee:

Councilman Blatt indicated that Council has received a notice that St. Luke's Hospital is appealing their assessment for 701 Ostrum and asked if Solicitor Lipson should attend the upcoming hearing to represent the Borough's interest in this matter. Councilman Blatt moved for approval of Solicitor Lipson attending this assessment appeal hearing. The motion was seconded by Councilman Trotter and approved unanimously.

Fire Committee: Councilwoman Gifford reviewed the following:

1. July & August monthly reports
2. Chief Reis advised Council that he was appointing Don Sabo as the Fire Marshall. Councilwoman Gifford moved approval of Don Sabo being appointed as Fire Marshall. The motion was seconded by Councilman Stech and approved unanimously.
3. Chief Reis noted that he is having a couple of the tires on one of the trucks inspected as they may need to be replaced prior to the truck going in for its' annual inspection. Councilwoman Halleman inquired about the cause of the Day Care Center at 523 S. Clewell Street being evacuated last month. Chief Reis noted that one of the businesses in the adjacent building had an open can of gasoline which was causing a problem with fumes.

Recreation Committee: Councilman Stech commented on the following:

1. Year-End Playground Report
2. Year-End Pool Report.

Health & Sanitation Committee: Councilwoman Halleman reviewed the following items:

1. Complimented on receiving the Pool and Playground year-end reports and noted that Karen Redding had recommended that the sand volleyball court be installed in a different location. Councilwoman Halleman asked what Council felt about that?

Council President Rapp commented that the Borough has received a grant for the sand volleyball court installation and that this was previously approved by Council in the specified location.

2. Councilwoman Halleman reviewed the August monthly report for Garbage and Sewer operations as follows:

8/30/2010		Current & Prior Billings	Aug.	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. 2010)	\$174,102.14	\$ 17,954.18	\$141,076.58	\$ 33,025.56	
* Prior / Delinquent		\$125,805.54	\$ 32,046.47	\$ 69,058.47	\$ 56,747.07	
Recycling Cans		\$ -	\$ 40.00	\$ 80.00	\$ -	
Grant/Recycling		\$ -	\$ -	\$ -	\$ -	
<b>Total</b>		<b><u>\$299,907.68</u></b>	<b><u>\$ 50,040.65</u></b>	<b><u>\$210,215.05</u></b>	<b><u>\$ 89,772.63</u></b>	
<b><u>Sewer Collections</u></b>						
Residential	Current	(Billed Jun.2010)	\$149,714.70	\$ 11,535.07	\$111,616.52	\$ 38,098.18
Residential	Prior/Delinquent		\$112,609.63	\$ 15,683.19	\$ 48,130.11	\$ 64,479.52
Commercial	Current	(Billed 1st Qtr '10)	\$ 91,852.55	\$ 1,183.00	\$ 91,852.55	\$ -
Commercial	Prior/Delinquent	'10)	\$ 6,509.00	\$ -	\$ -	\$ 6,509.00
	Salisbury Twp.		\$ -	\$ -	\$ 967.51	\$ -
	Star Village		\$ -	\$ 396.92	\$ 793.84	\$ -
	St. Luke/Pump House		\$ -	\$ -	\$ -	\$ -
<b>Total</b>			<b><u>\$360,685.88</u></b>	<b><u>\$ 28,798.18</u></b>	<b><u>\$253,360.53</u></b>	<b><u>\$109,086.70</u></b>
<b>Grand Total</b>			<b><u>\$660,593.56</u></b>	<b><u>\$ 78,838.83</u></b>	<b><u>\$463,575.58</u></b>	<b><u>\$198,859.33</u></b>

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

Council President Rapp noted that the Police Committee met with Sergeant Anthony and approved the Police Departments annual purchase of a new vehicle. The vehicle being purchased this year is a Ford Expedition, which will replace the Ford Explorer.

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

Ms. Jordan reported that the Library's proposed 2011 budget has been distributed to Council and that the Borough's share would be increasing by approximately \$2,300.

Councilwoman Halleman asked Ms. Jordan what would happen if Lower Saucon pulled out of the Library?

Ms. Jordan indicated that she doesn't know for sure but does not believe that the other member municipalities would be required to make up the funding difference if Lower Saucon did pull out. The Library would need to make adjustments to its' expenses.

Councilman Blatt commented that the Library has fixed costs and that some portion of these fixed costs might have to be passed onto the other member communities if Lower Saucon pulled out.

Hearing no further reports, Council President Rapp opened the meeting up to any public comments.

Mr. Ted Haven, 846 Tomblor, reported that he is working with a general contractor to get prices for the curb and sidewalk work to be done. This seems to be going well and the contractor is proposing doing the work in the November / December time frame, weather permitting. Mr. Haven requests that the contractor be allowed to work at his discretion in November / December, subject to the Borough Engineering making necessary inspections.

Council President Rapp asked Mr. Levernier if he had any concern regarding this proposal. Jim noted that the Borough would be responsible for making temporary repairs to the roadway where any cuts are made for the installation of new curbs and that the Borough might not be able to get asphalt for these repairs in November / December if the asphalt plants are closed.

Council President Rapp noted that the Borough would need to get the Borough Engineer's recommendation regarding this proposal.

A member of the audience asked about a rumor that a new business was coming into the Borough. Council President Rapp confirmed that a new Bottom Dollar grocery store will be locating in the Borough if their application is approved by the Planning Commission.

Hearing no further comments, the public session was closed.

Hearing no further comments from Council, Council President Rapp asked for a motion to adjourn, noting that Council would have a short Executive Session. Councilman Capuano made the motion, seconded by Councilman Stech and approved unanimously. The meeting adjourned at 7:55 pm.

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Minutes approved on October 4, 2010.

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

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

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

**ATTEST:**

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