

COUNCIL MEETING MINUTES
October 5 2009
7:00 P.M.

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

Council President Rapp called for the pledge to the flag and a moment of silence for the loss of Mr. August 'Gus' Entler.

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

1. August 19, 2009 Work Session meeting minutes. Hearing no 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 Halleman, the minutes were unanimously approved.
2. September 8, 2009 Regular meeting minutes. Hearing no comments regarding revisions/corrections, Council President Rapp 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.

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

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

1. August Crime Statistics
2. August financial monthly report
3. August ticket fines and collections report from District Judge Rapp
4. August Abandoned Vehicle Report

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

1. Status of Road projects. The bid previously awarded to PAN Inc. for the N. Clewell project was conditioned upon approval from Lehigh County since this project will be funded through Community Development Block Grant funds. We have received word today that the County has reviewed the documentation submitted by PAN Inc. and have approved the bid. The Borough will now

- proceed with collecting the necessary bid award documents from PAN Inc. and proceed with this project.
2. Microsurfacing project. This bid was awarded with the work either being done this year or in early spring. Due to the curing time needed for this product, and the weather starting to get cooler, along with the Borough's finances being a bit tight at this time, it has been decided to hold this work off until Spring of next year.

Mr. Prill also reported on a meeting he attended in Allentown this afternoon with regards to an invitation from the City of Allentown looking at the possibility of forming a consortium of governmental entities in Lehigh and Northampton Counties for the purpose of going out to bid on electrical energy rates. The current rate caps in place for PPL are being discontinued as of 12/31/09 and the prediction is for electrical energy rates to increase anywhere from 20-30% in 2010. The City of Allentown has engaged the services of a company to go out into the energy marketplace at the end of October with a bid in an effort to offset this anticipated rate increase, and the City is inviting other municipalities to join with them in this effort. At this time, the City is requesting those municipalities interested in participating to approve a Memorandum of Understanding (MOU) which would allow the consultant to do an analysis of each municipality's electrical load requirements, along with other factors, to determine who should be a part of this consortium. There is no up-front cost to the Borough to have this analysis performed.

Councilman Trotter made a motion to approve having either Council President Rapp or Mr. Prill sign the MOU and to come back to Council later this month with more information on this program. The motion was seconded by Councilman Grotenhuis and approved unanimously.

Council President Rapp noted that there was one item under New Business, this being a letter of resignation from the Tax Collector. Councilman Blatt made a motion to table this letter pending the outcome of the upcoming election, where the Tax Collector is on the ballot. The motion was seconded by Councilman Trotter and approved unanimously.

Council President Rapp moved to the next item on the agenda - Resolutions:

Resolution # 2009-42 Approving the Appointment of Public Works Supervisor.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-42**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL,
LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE APPOINTMENT OF JAMES
LEVERNIER AS PUBLIC WORKS SUPERVISOR**

WHEREAS, As a result of the death of August 'Gus' Entler, Jr., Public Works Supervisor, a need exists to fill the Public Works Supervisor position; and

WHEREAS, James Levernier was appointed as the Acting Public Works Supervisor on June 17, 2009, and has been fulfilling the duties and responsibilities of the position to the satisfaction of the Borough Council for the past three months;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby approve the appointment of James Levernier as Public Works Supervisor effective immediately at the annual salary of \$40, 268.80;

AND, BE IT FURTHER RESOLVED that James Levernier shall serve a six (6) month probationary period as the Public Works Supervisor and at the completion of the probationary period, upon permanent appointment to the Public Works Supervisor position, shall receive a \$500.00 increase in compensation.

Duly Adopted by Borough Council at a meeting held on the 5th day of October, 2009.

Councilman Blatt made a motion to approve Resolution No. 2009-428. The motion was seconded by Councilman Trotter and approved unanimously.

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

Adoption of Ordinance # 747 Accepting a Portion of Warren Street.

ORDINANCE NO. 747

AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, ACCEPTING A PORTION OF WARREN STREET AS A PUBLIC ROAD AND PROVIDING FOR AN EFFECTIVE DATE AND GENERAL REPEALER

WHEREAS, the Subdivision Plan of William R. Sullivan, approved by the Fountain Hill Planning Commission and recorded in the Lehigh County Recorder of Deeds Office to Document I.D. No. 7163765 provides for the dedication of a certain portion of Warren Street improved by the Developer to the Borough upon completion of the construction and approval by the Borough Engineer; and

WHEREAS, the Borough Code provides that a Borough may, by Ordinance, accept any open street not previously dedicated to or laid out by the Borough and the effect of such acceptance shall be the same as of opening such street, 53 P.S. 46734; and

WHEREAS, the Borough Engineer has advised the Borough that all public improvements work has been completed for the Subdivision; and

WHEREAS, the description of Warren Street to be dedicated to the Borough has been approved by the Engineer and is attached to this Ordinance as Exhibit A; and

WHEREAS, a diagram of Warren Street to be dedicated to the Borough dated October 14, 2008 has been approved by the Engineer and is attached to this Ordinance as Exhibit B; and

WHEREAS, the owner of the street, Wilson Hoffman, has dedicated the street to the Borough by Deed of Dedication to be recorded in the Office of the Recorder of Deeds of Lehigh County.

NOW, THEREFORE, be it ordained and enacted that the portion of Warren Street referred to and described in this Ordinance is hereby accepted as an open and public street of the Borough.

GENERAL REPEALER

All ordinances or parts of ordinances, and all resolutions or parts of resolutions, inconsistent herewith shall be and are herewith repealed.

SEVERABILITY

The provisions of this ordinance 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 affect 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 ordinance shall stand notwithstanding the invalidity of any part included herein.

EFFECTIVE DATE

The provisions of this ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED on this 5th day of October, 2009, by the Borough of Fountain Hill in lawful session duly assembled.

Councilman Grotenhuis made a motion for the approval of Ordinance #747. Councilwoman Halleman seconded the motion. Council President Rapp asked if any members of Council had any comments or questions regarding this ordinance. Hearing none, Council President Rapp asked if any members of the audience had any comments or questions regarding this ordinance. Hearing none, Council President Rapp asked for a vote on the adoption of this ordinance. Ordinance #747 was adopted by unanimous vote.

Adoption of Ordinance # 748 Approving Handicapped Parking Space

ORDINANCE NO. 748

**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 SIGN

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

ADD:

STREET

SIDE

LOCATION

S. Bergen

Front

613

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 October 5, 2009. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: October 5, 2009

DULY ENACTED AND ORDAINED on this 5th day of October, 2009, by the Borough of Fountain Hill in lawful session duly assembled.

Councilwoman Gifford made a motion for the approval of Ordinance #748. Councilman Grotenhuis seconded the motion. Council President Rapp asked if any members of Council had any comments or questions regarding this ordinance. Hearing none, Council President Rapp asked if any members of the audience had any comments or questions regarding this ordinance. Hearing none, Council President Rapp asked for a vote on the adoption of this ordinance. Ordinance #748 was adopted by unanimous vote.

Adoption of Ordinance # 749 Approving Parking Restrictions on Warren Street.

ORDINANCE NO. 749

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 SCHEDULE 2 (B)(7), AUTHORIZING THE INSTALLATION OF NO PARKING AND SPECIAL PURPOSE PARKING SIGNS ON WARREN 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
Warren Street de-Sac	Cul-de-Sac	Entire circumference of the Cul-
Nace Avenue de-Sac	Cul-de-Sac	Entire circumference of the Cul-

2. Chapter 15, Part 3, Schedule 2(B)(7), Special purpose parking signs are hereby erected at the following locations:

ADD:

STREET	LOCATION	SIGN TO READ
Warren Street	East side, beginning at the entrance of the cul-de-sac and extending 100' north	No Parking, Stopping or Standing November 1 – March 31
Warren Street	West side, beginning at the entrance of the cul-de-sac and extending 60' north	No Parking, Stopping or Standing November 1 – March 31
Warren Street	East side, beginning at the Intersection of Moravia Street and extending 115' south	No Parking, Stopping or Standing November 1 – March 31
Warren Street	West side, beginning at the Intersection of Moravia Street and extending 140' south	No Parking, Stopping or Standing November 1 – March 31

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.

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Date of Borough Council Public Hearing: October 5, 2009

DULY ENACTED AND ORDAINED on this 5th day of October, 2009, by the Borough of Fountain Hill in lawful session duly assembled.

Councilman Trotter made a motion for the approval of Ordinance #7498. Councilwoman Halleman seconded the motion. Council President Rapp asked if any members of Council had any comments or questions regarding this ordinance. Hearing none, Council President Rapp asked if any members of the audience had any comments or questions regarding this ordinance. Hearing none, Council President Rapp asked for a vote on the adoption of this ordinance. Ordinance #749 was adopted 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 noted that he had no President's Report to make at this time.

Council President Rapp asked for the Solicitor's Report. Mr. Lipson commented that he had no report.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. Noted that to-date, tax revenue collections are going well, better than expected given the current economic conditions.
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 Councilman Blatt. Hearing no questions or comments, the motion was approved unanimously.

Public Works Committee: Council President Rapp reviewed the following:

1. September monthly report.

3. Noted that the Public Works Department have completed the reconstruction and resurfacing of Church alley which will be opened back up tomorrow morning.

Police Committee: Council President Rapp asked Chief Stephens if he had any report to make. Chief Stephens reported on the following:

1. The new patrol vehicle is about ready and will be put into service next week.

Councilman Trotter asked the Chief about the reduction in traffic violations noted on the monthly report. Chief Stephens noted that the Department is handling an increasing number of calls in other areas which resulting on less time that can be devoted to traffic control.

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

Fire Committee: Councilman Grotenhuis reviewed the September monthly report.

Councilwoman Halleman asked if a representative of the Fire Department were present this evening and asked what the status is of their fund raising drive. It was noted that donations to-date are down from last year.

Recreation Committee: Councilwoman Gifford indicated she had no report at this time.

Councilwoman Halleman noted that no report has been received for the Pool and Playground programs this year. Mr. Prill indicated that he has received the annual Pool report and will provide copies to Council.

Health & Sanitation Committee:

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

9/30/2009

		<u>Current & Prior Billings Due</u>	<u>Sep. Receipts</u>	<u>Total Quarterly Collections To-Date</u>	<u>Balance Due</u>
<u>Garbage Collections</u>					
	Current	(Billed Sep. '09)	\$ 174,216.09	\$ 102,782.70	\$ 71,433.39
	* Prior / Delinquent		\$ 127,228.36	\$ 4,485.19	\$ 122,743.17
	Recycling Cans		\$ -	\$ 10.00	\$ -
	Grant/Recycling		\$ -	\$ -	\$ -
	Total		\$ 301,444.45	\$ 107,277.89	\$ 194,176.56
 <u>Sewer Collections</u>					
Residential	Current	(Billed Sep. '09)	\$ 150,656.69	\$ 91,197.65	\$ 59,459.04
Residential	* Prior/Delinquent		\$ 119,793.12	\$ 4,217.62	\$ 115,575.50
Commercial	Current	(Billed 2nd Qtr '09)	\$ 88,330.12	\$ 86,483.22	\$ 1,846.90
Commercial	* Prior/Delinquent	(Prior to 2nd Qtr. '09)	\$ 8,816.33	\$ 663.90	\$ 8,152.43
	Salisbury Twp.		\$ -	\$ 871.19	\$ -
	Star Village		\$ -	\$ 198.46	\$ -
	St. Luke/Pump House		\$ -	\$ -	\$ -
	Total		\$ 367,596.26	\$ 183,632.04	\$ 185,033.87
	Grand Total		\$ 669,040.71	\$ 290,909.93	\$ 379,210.43

* Prior/ Delinquent - Outstanding Bills except Current Bill.

Solicitor Lipson commented that he is working with Mr. Prill on a draft Ordinance addressing the collection of delinquencies.

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

Community Officer Apgar addressed Council reporting on the following:

1. Halloween program is progressing well.
2. Working with the school on parking problems.
3. Attended the recent school open house to meet the parents.
4. Participated in the Cops & Kids program, involving a book give away effort
5. Participated in a 911 memorial service in the Borough.
6. Had requested computers from Lehigh County and have received 4 refurbished computers.
7. Will be putting on a program about how children should react when they come into contact with guns.
8. Working on programs for seniors.

Councilwoman Halleman asked who should donations be made out to for the Halloween program? Officer Apgar indicated that checks can be made out to the Police Department and the funds will go into a special account for the program.

Mr. Levernier, PW Supervisor, noted that the work on Church Alley has been completed and that his crew will be working on the two sink holes on Beech Street.

Council President Rapp asked Mr. Erland if he had any report. Mr. Erland indicated no comments.

1. Council President Rapp asked Annamarie Jordan, Library Representative, if she had any report. Ms. Jordan indicated no report at this time.

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

The owner of the Benner Street restaurant commented about a problem with vehicles being parked in the spaces in front of the restaurant for extended periods of time which takes away from her patrons being able to park there. She requested that Council approve 2 hour parking in these spaces.

Council President Rapp asked that she provide the request to Mr. Prill for Council consideration.

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 Blatt made the motion, seconded by Councilwoman Gifford and approved unanimously. The meeting adjourned at 7:35 pm.

Minutes approved on November 2, 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			X		
Mayor Ned Fink					

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary