

## COUNCIL MEETING MINUTES

November 2, 2009

7:00 P.M.

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

Council President Rapp called for the pledge to the flag.

Council President Rapp noted that before Council proceeds with the regular agenda items, Chief Stephens has Awards of Merit to present. Chief Stephens noted that Awards of Merit are being presented to Officer William Gerancher and Officer James Scoble for their actions during a residential fire earlier this year on Cherokee Street. Chief Stephens also presented a Certificate of Appreciation to Public Works Supervisor Jim Levernier and his Public Works crew for their assistance in the Halloween Spooky Forest program.

Council President Rapp congratulated Officers Gerancher and Scoble and Jim Levernier and the Public Works crew.

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

1. September 23, 2009 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 Councilman Trotter, the minutes were unanimously approved.
2. October 5, 2009 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 Councilman Capuano, the minutes were unanimously approved.

Council President Rapp opened the meeting for any public comments on any Agenda item. Joanne Reed addressed Council commenting on the proposed budget, stating that she knows many people who are struggling to survive in this economy and urged Council to seriously look at the budget and not approve a tax increase.

Hearing no further 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. Mayor Fink reviewed the following Police Department reports:

1. October Abandoned Vehicle Report
2. October Crime Statistics
3. October ticket fines and collections report from District Judge Rapp

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

1. Auction results. The Borough had taken some equipment and the Fire Department Utility truck to the annual Fall auction conducted by Peter Krall and the items sold brought in a total of \$2,589.00, of which \$1,400 was for the Fire utility truck, so this will be turned over to the Fire Department, presumably to be deposited in their truck account for the future purchase of a new fire truck.
2. St. Luke's donation/reimbursement. On Friday, Robert Erland dropped off a check in the amount of \$100,000 towards the cost of purchasing the Gatta property.

Council President Rapp noted that there was one item under New Business, this being a letter from Attorney Matthew Tranter, requesting on behalf of his clients, that a zoning change be approved for the property at 950 Broadway.

Attorney Lipson outlined procedural steps to be taken with regards to this request. If a majority of Council is not in favor of this request, then no further action is required. However, if a majority of Council is inclined to allow this request to proceed, then it should be referred to the Planning Commission for their review and recommendation. The Planning Commission will also need to submit it to the Lehigh County Planning Commission for their input. The Planning Commission will refer the matter back to Council if an Ordinance is required to amend the Zoning Ordinance, which in turn would require public notice being provided to property owners within a 200' distance of the subject property.

Councilman Trotter made a motion to refer this request to the Planning Commission for their review and recommendation. The motion was seconded by Councilman Blatt and approved unanimously.

Councilwoman Halleman stated that she feels that the Zoning Hearing Board made a mistake in denying this application and feels that Council should approve the application. Council President Rapp commented that the Zoning Hearing Board is an autonomous body and Council does not have the authority to overrule any decision they make. Attorney Lipson confirmed that Council does not have the ability under law to overrule a decision of the Zoning Hearing Board and that the applicant is following proper procedure by requesting a change in zoning to Council and Council must refer the matter

to the Planning Commission unless Council is not inclined to consider such a zone change.

Attorney Tranter thanked Council for referring this matter to the Planning Commission for their review and recommendation.

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

Resolution # 2009-43 Approving the City of Bethlehem Act 537 Sewage Facilities Plan.

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-43**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE CITY OF BETHLEHEM ACT 537 SEWAGE FACILITIES PLAN**

**WHEREAS**, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the 'Pennsylvania Sewage Facilities Act,' as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services' adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

**WHEREAS**, Malcolm Pirnie, Inc. has prepared a Final Draft Act 537 Plan which provides for sewage facilities in a portion of Fountain Hill Borough and the alternatives of choice to be implemented are Wet Stream Alternative No.5 – Plug Flow with Anoxic Selector Zones and Solids Train Alternative No. 4. The key implementation activities include a new aeration basin, improvements to WAS and primary sludge thickening, digesters and dewatering, and upgrade of deficient sanitary sewers. Implementation dates are shown in Figure 10-1 of the plan and are based on trigger values for flow, solids loadings, and service life; and

**WHEREAS**, Fountain Hill Borough finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the 'Official Plan' of the Borough, the above referenced Facility Plan. The Borough hereby assures the Department of the complete and timely implementation of the said plan as required by law (Section 5, Pennsylvania Sewage Facilities Act as amended).

Duly Adopted by Borough Council at a meeting held on the 2nd day of November, 2009.

Councilman Capuano made a motion to approve Resolution No. 2009-43. The motion was seconded by Councilman Blatt and approved unanimously.

Resolution #2009-44: Approving the Award of Bid for the Stanley Avenue / N. Lynn Storm Sewer Rehabilitation Project.

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2009-44**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE AWARD OF BID FOR THE STANLEY AVENUE / N. LYNN STORM SEWER REHABILITATION PROJECT**

**WHEREAS**, Bids were received on October 19, 2009 for the Rehabilitation of a portion of the storm sewer lines on Stanley Avenue and N. Lynn Streets; and

**WHEREAS**, The lowest bid received was from Proshot Concrete Inc., as follows:

Base Bid	\$110,490.00
Add Alternate Bid	<u>\$ 29,895.00</u>
Total	\$140,385.00

**WHEREAS**, The Borough Engineer has reviewed the bid documents and is recommending the award of the bid to Proshot Concrete Inc.;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fountain Hill that the bid for the Rehabilitation of a portion of the storm sewer lines on Stanley Avenue and N. Lynn Streets contract be awarded to Proshot Concrete Inc. in the amount of \$140,385.00.

Duly Adopted by Borough Council at a meeting held on the 2nd day of November 2009.

Councilman Trotter made a motion to approve Resolution No. 2009-44. The motion was seconded by Councilman Capuano and approved unanimously.

Council President Rapp indicated the next item on the agenda is the Approval of Ordinances. Ordinance #750, Establishing the Tax Rate for 2010 is on the agenda but the Finance Committee is recommending this be held over to the November 18<sup>th</sup> Council work session meeting.

Councilman Trotter made a motion to table the introduction of Ordinance #750 until the November 18, 2009 Council work session meeting. The motion was seconded by Councilwoman Gifford and approved unanimously.

Council President Rapp indicated the next item on the agenda was Motions and there is a proposed motion for the Pool Feasibility Study Committee.

Councilwoman Gifford indicated that the Pool Feasibility Study Committee held its' initial meeting on October 28<sup>th</sup> and one of the matters discussed was soliciting proposals

from consulting firms to assist the Committee in evaluating options for the Pool. She also noted that the Borough has received grant funds from DCNR for retaining the services of an outside consultant.

Councilwoman Gifford made a motion authorizing the Pool Feasibility Study Committee to solicit proposals for a Planning Consultant to assist the Committee. Councilman Capuano seconded the motion and the motion was approved unanimously.

Councilwoman Halleman asked if Council will be receiving minutes of the Committee's meetings. Mr. Prill indicated that he will provide the minutes to Council.

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

Councilman Blatt commented that he has been attending the Act 32 EIT Committee meetings on behalf of the Borough and that progress is being made to get this organization set up.

Councilwoman Halleman asked Mr. Blatt to explain this further. Councilman Blatt indicated that the Borough was assigned by the State to participate with Northampton County and other municipalities and school districts in Northampton County to decide how and who would be collecting the Earned Income Tax beginning in 2012. At this point in time, the Committee is still working on setting up the bylaws. Mr. Prill, as the Borough's alternate delegate, is being asked to attend the Nov. 12<sup>th</sup> meeting. Unfortunately, the Borough is going to have less than 1 vote in this new entity that is being established and set up.

Hearing no further comments, Council President Rapp noted he had one item under President's Report to make, this being to congratulate the Officer Apgar and the Police and Public Works Departments in a successful Halloween Spooky Forest program. He has heard nothing but positive comments from residents.

Council President Rapp asked for the Solicitor's Report. Mr. Lipson commented that he is continuing to work on the proposed sewer delinquency collection ordinance and that it is probably time to schedule another meeting of the Finance Committee to review the progress to date.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. Appreciates the monthly reports being submitted by the Police Department detailing the activities and incidents they are involved in.
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

Grotenhuis. Hearing no questions or comments, the motion was approved unanimously.

Public Works Committee: Councilman Capuano reviewed the following:

1. October monthly report.
3. Noted that the Public Works crew have been busy with road improvements/repairs and that his has been completed and they will be focusing on leaf collection starting in the next few days.

Police Committee: Council President Rapp indicated he had no further report as this time.

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

Fire Committee: Councilman Grotenhuis reviewed the October monthly report.

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 the Pool annual report is being worked on by Hayley Zurick and will be forthcoming. No report has been received for the Playground program.

Health & Sanitation Committee:

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

10/30/2009			Current & Prior Billings Due	Oct. Receipts	Quarterly Collections To-Date	Balance Due
<b><u>Garbage Collections</u></b>						
	Current	(Billed Sep. '09)	\$174,216.09	\$ 30,521.00	\$ 133,303.70	\$ 40,912.39
	* Prior / Delinquent		\$127,228.36	\$ 9,995.40	\$ 14,480.59	\$ 112,747.77
	Recycling Cans		\$ -	\$ 20.00	\$ 30.00	\$ -
	Grant/Recycling		\$ -	\$ -	\$ -	\$ -
	<b>Total</b>		<b><u>\$301,444.45</u></b>	<b><u>\$ 40,536.40</u></b>	<b><u>\$ 147,814.29</u></b>	<b><u>\$ 153,660.16</u></b>
 <b><u>Sewer Collections</u></b>						
Residential	Current	(Billed Sep. '09)	\$150,656.69	\$ 25,660.54	\$ 116,858.19	\$ 33,798.50
Residential	* Prior/Delinquent		\$119,793.12	\$ 9,476.08	\$ 13,693.70	\$ 106,099.42
Commercial	Current	(Billed 2nd Qtr '09)	\$ 88,330.12	\$ 688.11	\$ 87,171.33	\$ 1,158.79
Commercial	* Prior/Delinquent	(Prior to 2nd Qtr. '09)	\$ 8,816.33	\$ 1,134.40	\$ 1,798.30	\$ 7,018.03
	Salisbury Twp.		\$ -	\$ 837.67	\$ 1,708.86	\$ -
	Star Village		\$ -	\$ 198.46	\$ 396.92	\$ -
	St. Luke/Pump House		\$ -	\$ -	\$ -	\$ -
	<b>Total</b>		<b><u>\$367,596.26</u></b>	<b><u>\$ 37,995.26</u></b>	<b><u>\$ 221,627.30</u></b>	<b><u>\$ 148,074.74</u></b>
	 <b>Grand Total</b>		 <b><u>\$669,040.71</u></b>	 <b><u>\$ 78,531.66</u></b>	 <b><u>\$ 369,441.59</u></b>	 <b><u>\$ 301,734.90</u></b>

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

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

Community Officer Apgar addressed Council and provided a summary report for the Halloween Spooky Forest program:

Officer Apgar thanked everyone for their help and assistance and support which made this program successful. The financial outcome is as follows:

Gross earnings / donation:	\$ 615.00
Spooky Forest earnings:	\$1,867.70
Pumpkin sale:	<u>\$ 84.00</u>

	Total	\$2,566.70
Expenses		\$1,058.46 (many items can be re-used next year)
Net earnings:	\$1,508.24	

The Police Department set up a tent on Halloween night to give out candy and the Fire Department participated as well. He feels that they had upwards of 1,600 visitors. There was great interaction between the Police, Fire Department members and the public.

Will be holding a follow-up meeting to review the program and start planning for next year.

Officer Apgar indicated the would like to start planning an Easter event for younger children. Council indicated their support for this program.

Council President Rapp asked Mr. Erland if he had any report. Mr. Erland thanked the Police representatives for attending a Hospital management meeting.

Councilwoman Gifford thanked Officer DelRosario for his presentation to the Exchange Club.

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 7:52 pm.

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Minutes approved on December 7, 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					

**ATTEST:**

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

By: \_\_\_\_\_  
Rick Prill, Borough Secretary

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