

COUNCIL MEETING MINUTES
December 7, 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, Sook Choi, Finance Director and Public Works Supervisor Jim Levernier.

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. October 21, 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. Councilwoman Gifford motioned for approval of the minutes, seconded by Councilman Trotter, the minutes were unanimously approved.
2. November 2, 2009 Special 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.
3. November 2, 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 Blatt motioned for approval of the minutes, seconded by Councilman Trotter, the minutes were unanimously approved.

Council President Rapp opened the meeting for any public comments on any Agenda item.

Stephen Repesch addressed Council noting that the Fountain Hill Bacchanalia Committee has worked for years raising funds for the Stanley Avenue playground and over the years has raised approximately \$30,000 which has been donated to the Borough. At this time, a check in the amount of \$5,000 was presented to the Borough on behalf of the Fountain Hill Bacchanalia Committee. Councilman Capuano complimented the Bacchanalia Committee and all its members for the outstanding effort on behalf of the Borough.

Councilman Blatt also thanked the Bacchanalia Committee for all their good work which is a tremendous benefit to the Borough.

Maryann Schwartz addressed Council on budget concerns. She indicated the following:

1. Does not want to see the playground going unsupervised
2. Does not want to see any reductions in police services. Councilman Capuano commented that the Borough has not increased its tax rate since 2001. The Borough is experiencing the same increases in expenses that the homeowners do and unless the tax rate is increased, Council would have no choice but to look at service level reductions, and feels that Council has done a good job managing costs and services to the community.
3. Maybe the Borough will receive some of the casino money which could be used to offset the proposed tax increase. Council President Rapp noted that the Borough cannot budget for casino revenue when we don't know how much we might actually receive from the County. The Borough will be filing an application in January but will not know the outcome until March, but the 2010 budget must be adopted before the end of the year.

Councilwoman Gifford stated that Council has worked very hard on the budget and that the tax increase is needed.

Councilwoman Halleman indicated that she disagrees with her Council colleagues and that Council needs to do more to reduce the budget in order to avoid the proposed tax increase. If necessary, Council should use the Fund Balance even if it means reducing it to zero. Regarding recreation, the new Pool Feasibility Study Committee will analyze repairs that need to be made to the Pool.

4. Ms. Schwartz urged Council to try harder to not have a tax increase.

Sally Newbauer addressed Council noting that she and most of her neighbors oppose the proposed 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. District Justice fines report for November
2. November ticket report
3. November Vehicle maintenance report
4. November Crime Statistics report

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

1. Proshot Concrete, the contractor awarded the contract for the Stanley Avenue & North Lynn Street storm sewer rehabilitation project, has begun work and they

have completed the cleaning of the block of Dodson Avenue, between Broadway and Stanley, and are now working on cleaning out the block of N. Lynn Street between Stanley and Delaware Avenue. The contractor hopes to have this project completed before Christmas.

Council President Rapp noted the next item on the agenda was New Business and indicated that a letter has been received from Mr. Edward Stetch, indicating his willingness to be appointed to the vacant position on the Zoning Hearing Board. Councilman Trotter made a motion approving the appointment of Mr. Stetch to the Zoning Hearing Board, effective immediately, for a term that will expire on 12/31/13. The motion was seconded by Councilman Capuano and approved unanimously.

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

Resolution # 2009-46 Approving the Appointment of Audit Firm for 2010.

RESOLUTION NO. 2009-46

**A RESOLUTION OF THE FOUNTAIN HILL BOROUGH COUNCIL
APPROVING THE APPOINTMENT OF AN AUDITING FIRM FOR CALENDAR YEAR 2010**

BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint the following firm to provide auditing services to the Borough for calendar year 2010:

<u>Firm Name</u>	<u>Service Provided</u>	<u>Annual Fee</u>
Kirk, Summa & Co. LLP	Auditing	\$8,150.00

Duly Adopted by Borough Council at a meeting held on the 7th day of December, 2009.

Councilman Trotter commented that the Finance Committee had interviewed the firms who responded to the RFP and unanimously selected the firm of Kirk, Summa & Co. as the company who could best meet our needs. Mr. Prill noted that the RFP was sent out to 14 firms who provide auditing services in Lehigh, Northampton and Monroe counties and of these 14, 4 companies responded. The Finance Committee interviewed these 4 companies and is recommending the appointment of Kirk, Summa & Co.. The price of \$8,150 is a little less than what the Borough currently pays for auditing services.

Councilman Trotter made a motion to approve Resolution No. 2009-46. The motion was seconded by Councilwoman Gifford and approved unanimously.

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

ORDINANCE No. 750

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, ESTABLISHING THE REAL ESTATE AND OTHER TAXATION FOR BOROUGH PURPOSES FOR FY 2010.

SECTION I - The Real Estate Tax Rate for all Borough purposes for Fiscal Year 2010 is as follows:

General Fund	11.0	mils (Municipal government operations)
Fire Department	0.25	mils (Debt payment on fire apparatus)
Library Services	<u>1.0</u>	<u>mils</u> (Provision of Library services)
Total	<u>12.25</u>	<u>mils</u>

These taxes are to be levied on all properties in the Borough subject to taxation for Borough purposes.

GENERAL REPEALER

All Ordinances or parts of ordinances, especially Ordinance 741, and all resolutions or part 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 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 Ordinance shall stand notwithstanding the invalidity of any part included herein.

EFFECTIVE DATE

The provision of this Ordinance shall become effective January 1, 2010 .

DULY ENACTED AND ORDAINED on this 7TH day of December, 2009, by the Borough of Fountain Hill in lawful session duly assembled.

Councilman Trotter made a motion to approve the adoption of Ordinance No. 750. The motion was seconded by Councilwoman Blatt and approved with Councilwoman Halleman voting No.

Councilman Blatt commented that no one on Council wanted to increase the tax rate by 1 mil but we had no choice other than to look at reductions in services.

Council President Rapp indicated the next item on the agenda was Motions:

1. Councilwoman Gifford made a motion for the approval of the 2010 Budget. Councilman Blatt seconded the motion and the motion was approved with Councilwoman Halleman voting No.
2. Councilman Capuano made a motion to set the date and time of the 2010 annual re-organization meeting for January 4, 2010, at 6:30 pm. The motion was seconded by Councilwoman Gifford and approved unanimously.
3. Councilman Blatt made a motion to approve the appointment of Jim Levernier to

the Shade Tree Commission. 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. Hearing no comments, Council President Rapp asked for the Solicitor's Report.

Mr. Lipson commented that he is working on collecting utility delinquency charges from one of our commercial accounts. Mr. Lipson also noted that the Borough does have a residential property that is billed at a commercial rate since it has a water connection of a size that places it in the commercial rate category. Lastly, he is continuing to work on the proposed ordinance revision to address the garbage and sewer delinquencies and that the Finance Committee will be meeting soon to review the proposed ordinance.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. This is the first year that he can remember where the Borough is very close to collecting the full amount of what was anticipated in revenue.
2. Mr. Trotter noted that the amount collected in State Aid came in higher than what was anticipated; the Local Service Tax came in higher than anticipated, and over \$300,000 has been received in community development grants. Mr. Trotter stressed that the Borough is conservative in its revenue anticipation which is very prudent in these difficult financial times.
3. 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. November monthly report.

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 noted that the November Fire Department report has not been received.

Recreation Committee: Councilwoman Gifford thanked the Mayor for all of his hard work on the Christmas tree lighting program, and also thanked the Public Works and Police Department personnel for their efforts and everyone else who contributed their time and effort.

Councilwoman Halleman noted that Council still has not received the year-end reports for the Pool and Playground programs. 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 November monthly report for Garbage and Sewer operations as follows:

11/30/2009			Current & Prior Billings	Nov.	Total Quarterly Collections	Balance Due
			<u>Due</u>	<u>Receipts</u>	<u>To-Date</u>	<u>Due</u>
<u>Garbage Collections</u>						
	Current * Prior / Delinquent Recycling Cans Grant/Recycling	(Billed Sep. '09)	\$174,216.09	\$ 16,345.11	\$149,648.81	\$ 24,567.28
			\$127,228.36	\$ 4,281.32	\$ 18,761.91	\$108,466.45
			\$ -	\$ 11,321.00	\$ 11,351.00	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		<u>\$301,444.45</u>	<u>\$ 31,947.43</u>	<u>\$179,761.72</u>	<u>\$133,033.73</u>
<u>Sewer Collections</u>						
Residential	Current *	(Billed Sep. '09)	\$150,656.69	\$ 12,630.42	\$129,488.61	\$ 21,168.08
Residential	Prior/Delinquent		\$119,793.12	\$ 4,760.15	\$ 18,453.85	\$101,339.27
Commercial	Current *	(Billed 2nd Qtr '09)	\$ 88,330.12	\$ 803.67	\$ 87,975.00	\$ 355.12
Commercial	Prior/Delinquent	(Prior to 2nd Qtr. '09)	\$ 8,816.33	\$ -	\$ 1,798.30	\$ 7,018.03
	Salisbury Twp.		\$ -	\$ -	\$ 1,708.86	\$ -
	Star Village		\$ -	\$ 396.92	\$ 793.84	\$ -
	St. Luke/Pump House		\$ -	\$ 13,000.00	\$ 13,000.00	\$ -
	Total		<u>\$367,596.26</u>	<u>\$ 31,591.16</u>	<u>\$253,218.46</u>	<u>\$129,880.50</u>
	Grand Total		<u>\$669,040.71</u>	<u>\$ 63,538.59</u>	<u>\$432,980.18</u>	<u>\$262,914.23</u>

* 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 reporting on the following:

1. He enjoyed the Christmas Tree lighting program
2. He has made a presentation to the YMCA Day Care program and will schedule more presentations
3. He has met with Seniors and will schedule more programs
4. He met with the elementary school teachers during an in-service day program
5. He is starting the planning for the 2010 Halloween program. The funds raised in this program are being used for other community programs.

Ms. Jordan noted that the Bethlehem Area Library was hit with a 30% reduction in state aid which has necessitated actions to be taken to reduce costs, including closing the Library on Thursday evenings and a reduction in the number of P/T employees.

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 8:00 pm.

Minutes approved on January 4, 2010.

	Motion	2nd	Yes	No	Abstain
Mark Ferencin			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