

COUNCIL MEETING MINUTES

March 1, 2010

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Trotter, Jr., Mr. Blatt, Ms. Halleman, Mr. Ferencin, Ms. Gifford and Mr. Capuano. Also in attendance were: Mayor Fink, Mr. Rick Prill, Administrator, Solicitor Don Lipson, Chief Stephens, Joe Gatta, Zoning Officer 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. January 20, 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 Ferencin motioned for approval of the minutes, seconded by Councilman Capuano, the minutes were unanimously approved.
2. February 1, 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, 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. February District Justice fines report
2. February Abandoned Vehicle report
3. February Crime Statistics report
4. February Vehicle maintenance report
5. February Ticket report

At this time Council President Rapp noted that Resolution #2010-14 is on the agenda for approval and asked for action to be taken on this Resolution at this time.

Councilman Blatt made a motion for the approval of Resolution #2010-14 as follows:

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2010-14**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE APPOINTMENT OF A NEW POLICE OFFICER

WHEREAS, with the retirement of Officer Brian Capuano in 2009, the Borough has the need to fill a Patrol Officer position in the Police Department; and

WHEREAS, The Borough has previously interviewed the candidates who are on the current Civil Service list for new Police Officers and has made a determination as to which of the candidates it desires to hire at this time;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint Mr. Grady Cunningham to the full-time position of Patrol Officer, effective March 1, 2010.

Duly Adopted by Borough Council at a meeting held on the 1st day of March, 2010.

The motion was seconded by Councilman Capuano and approved by unanimous vote.

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

1. St. Luke's Hospital has submitted a Subdivision and Land Development Plan for the Brighton Street project to the Planning Commission and this Plan will be reviewed at the March 8th Planning Commission meeting. If any Council members would like to offer comments, they can attend the Planning Commission meeting or pass the comments onto Councilman Trotter and Councilwoman Gifford who can take them to the Commission meeting.
2. It is time again to submit a grant application to Lehigh County for the 2010 Community Development Block Grant program. This would be for a 2011 project. If we continue with past practice, we would submit an application for Phase V of our Stormwater Rehabilitation program, this project involving the removal and replacement of a storm sewer line on Seneca Street, between Bergen and Long Streets. The estimated cost of this project is \$245,000.

A second grant application could also be submitted, this for funding to cover the cost of handicapped curb and sidewalk ramps on Tombler and Sioux Streets. The estimated cost of this work on Sioux Street is approximately \$17,000. Hanover Engineering is working on the cost estimate for Tombler Street. The Public Works Committee has met to discuss road work for 2010 and it was decided to hold off on work on Sioux Street until 2011, and to notify the residents of this work to give them a year's advance notice. Tombler Street would be the project to be done in 2011. The CDBG application, if funded, would help offset or cover the cost of the handicapped curb and sidewalk work on behalf of the residents, who are required under our Code to pay for these improvements.

Council expressed its' support of submitting two applications this year as noted above.

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:

Councilman Blatt made a motion to approve Resolution #2010-12.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA
RESOLUTION 2010-12**

**APPROVING THE SUBMISSION OF AN APPLICATION TO DCNR
FOR 2010 FUNDING**

WHEREAS, The Borough of Fountain Hill ("Applicant") desires to undertake the following project:
Dodson Street Baseball field Reconstruction

at the Stanley Avenue Recreation Area; and

WHEREAS, The Applicant desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

WHEREAS, The application package includes a document entitled "Terms and Conditions of Grant" and a document entitled "Grant Agreement Signature Page"; and

WHEREAS, The Applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. The "Grant Agreement Signature Page" may be signed on behalf of the applicant by the Official who, at the time of signing, has TITLE of President of Council.
2. If this Official signed the "Grant Agreement Signature Page" prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the "Grant Agreement Signature Page", signed by the above Official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the TITLE specified in paragraph 1 and the grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the Borough Council of the Applicant this 1st day of March, 2010.

The motion was seconded by Councilman Capuano and approved by unanimous vote.

Resolution # 2010-13 Approving the Borough Fee Schedule.

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2010-13**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, REVISING VARIOUS FEES AND COSTS

WHEREAS, Various fees and escrow accounts have been identified as needing to be increased to better cover the cost of providing review, inspection and permitting services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fountain Hill as follows:

ADMINISTRATION

Publications:	
Zoning Map	\$ 5.00
Zoning Ordinance	\$ 40.00
Subdivision Ordinance	\$ 50.00
Photocopy / Electronic charges:	
Paper copies (per page per side)	\$ 0.25
Electronic disk (per disk)	\$ 1.00
Fax copies (per page)	\$ 0.50
‘True & Correct Certification’	\$ 2.00
Mailing	Postage cost
Accident Reports (Police & Fire)	\$ 10.00
Moving permit	\$ 10.00
Amusement device (coin operated)	\$ 50.00/machine/year
Security/Alarm Registration:	
Registration fee	\$ 25.00
Late registration (after 45 days from Installation)	\$ 25.00
Renewal fee	\$ 20.00
False Alarms (in excess of 3 within 6 months)	
First alarm	\$ 100.00
Second alarm	\$ 200.00
Third alarm	\$ 300.00
Solicitation license	
One (1) day license	\$ 10.00
Weekly (7 consecutive days) license	\$ 15.00
Thirty (30) day license	\$ 30.00
Handicapped Sign Application	\$ 25.00
Tax Certification fee	\$ 15.00
Bicycle license	\$ 0.50
Health:	
License – Annual Renewal	\$ 100.00
New Establishment	\$ 125.00
Fairs/Carnivals (per stand/vendor charge)	\$ 25.00
Inspections	\$ 50.00
Follow-up Inspections	\$ 25.00
Consumer Complaint	\$ 50.00
Plan Review	\$ 50.00
Prosecution / Testimony	\$ 50.00
Recreation:	
Playground:	
Non-Resident registration	\$ 20.00 / family
Pool:	
Season Pass:	

Family	\$ 140.00
Single	\$ 110.00
Senior Citizen (62 & Older):	
Family	\$ 70.00
Single	\$ 50.00
Twilight / Weekend:	
Family	\$ 85.00
Single	\$ 75.00
Senior Family	\$ 45.00
Senior Single	\$ 35.00
Daily Admission:	
Adult	\$ 6.00
Children	\$ 5.00
After 5:00 pm	\$ 2.00
Daycare Fees:	
Supervisors	\$ 60.00 each
Children	\$ 45.00 each
On Street parking application (commercial)	\$ 75.00
Sewer Connection	Per 3 rd Party Inspection Agency Fee
Sewage Enforcement Officer	Per Hanover Engineering Annual Fee Schedule
Recycling containers 20 gallon	\$ 10.00
Rental of Borough Properties:	
Resident	\$ 25.00
Non-resident	\$ 35.00
Warrant of Survey	
Office fee	\$ 100.00
Escrow Fee:	
• Sidewalk only with no survey work / cutsheet required:	\$ 350.00
• Curb or sidewalk requiring survey work and cutsheet:	\$ 800.00
• Curb and sidewalk requiring survey work and cutsheet:	\$1,100.00
Excavation permit:	
• Excavation escrow fee	\$1,000.00
• In the street	\$ 100.00
• Behind the curb	\$ 50.00
Driveway construction permit:	
• 1 st 20 feet of curb cut	\$ 10.00
• Per foot above 20 feet	\$ 0.20
Sidewalk construction permit	\$ 20.00
Dumpsters - Road occupancy permit	\$ 35.00
Tree removal / pruning (in road ROW planting strip)	\$ 5.00
Drainage plan review:	
Drainage Plan review escrow fee	\$ 500.00
Office processing fee	\$ 50.00
Zoning:	
Zoning application/permit	\$ 50.00
Certificate of Occupancy permit	\$ 50.00
Special Exceptions:	

Residential	\$ 300.00
Commercial	\$ 750.00
Variances & Appeals:	
Residential	\$ 300.00
Commercial	\$ 750.00
Subdivision / Development Review escrow and office fee:	
Subdivision / Development Review escrow fee	\$1,000.00
Office fee (Per Lot)	\$ 50.00
BOCA Board of Appeal:	
Appeal fee	\$ 300.00
Rental Inspection:	
Change of Tenants (per Unit charge)	\$ 50.00
Change of Ownership:	
3 units or less (per unit charge)	\$ 50.00
4 – 7 units (per unit charge)	\$ 45.00
8 or more units (per unit charge)	\$ 40.00
Reinspection (per unit charge)	\$ 35.00
Signs:	
Application fee	\$ 10.00 + \$2.50/sf
Uniform Construction Code Building Permit Fee Schedule:	
<u>RESIDENTIAL</u>	
Single Family Dwelling (including electric up to 200 AMP services, plumbing & HVAC) up to 3,500 sq ft	\$ 750.00
• Each additional 100 sq ft.	\$ 15.00
Addition to 500 square feet (excluding electrical, plumbing & HVAC)	\$ 500.00
• Each additional 100 sq ft.	\$ 15.00
Renovation / Alteration and Accessory Structure to 500 sq. ft. (excl. electric, plumbing & HVAC)	\$ 350.00
• Each additional 100 sq ft.	\$ 15.00
Accessory Structures UP TO 1,000 sq. ft. (excl. electric, plumbing & HVAC)	\$ 175.00
• Each additional 100 sq ft.	\$ 15.00
Mobile/ Manufactured Home or with Axle Capabilities (including electric)	\$ 275.00
Industrialized Housing-Modular per unit (including electric)	\$ 500.00
Deck to 200 sqft (\$15 for each addtl. 100 sqft (excluding electric)	\$ 175.00
Roof	\$ 100.00
Demolition	\$ 125.00
Fence	\$ 75.00
Above-ground Pool (including electric)	\$ 175.00
In-ground Pool (including electric)	\$ 250.00
Concrete Slab (excluding electric)	\$ 75.00
Oil & Gas Furnace (excluding electric)	\$ 100.00
Spa / Hot Tubs	\$ 200.00
<u>Electric Service</u>	
To 200 AMPS	\$ 75.00
To 400 AMPS	\$ 100.00
To 800 AMPS	\$ 125.00
Addition/Renovation (to 500 sq ft – excl. HVAC)	\$ 105.00
• Each additional 500 sq.ft.	\$ 40.00
Baseboard Heater for First Unit	\$ 65.00
Spa, Hot Tub	\$ 100.00
Oil & Gas Furnaces (Excluding Building)	\$ 70.00
<u>Plumbing</u>	
Master Plumber registration	\$ 50.00
Up to 5 fixtures	\$ 105.00
• Each additional fixture	\$ 7.00
<u>HVAC</u>	
For 1 Unit (excluding electric)	\$ 105.00
• Each additional unit	\$ 50.00

Re-Inspection Review

Plan Re-Submisison/Re-Review	\$ 75.00
Code Enforcement Services	\$ 80.00

COMMERCIAL

Plan Review	\$ 900.00
Plan Revision (Major Revisions Only) / Plan Review	\$ 450.00
Re-Inspection	\$ 80.00

<u>Occupancy Category</u>	<u>Square Feet</u>	
B, E, I-3, R-1, R-2, F-1, F-2, S-2, U	Up to 10,000 or fraction thereof	\$900.00
	10,001-50,000 or fraction thereof	\$700.00
	50,001- 100,000 or fraction thereof	\$450.00
	100,001 – 250,000 or fraction thereof	\$450.00
	> 250,000 or fraction thereof	\$450.00
A-3, A-4, H-5, I-1, I-4, M, R-4, S-1, H-1, H-2, H-3	Up to 10,000 or fraction thereof	\$900.00
	10,001-50,000 or fraction thereof	\$700.00
	50,001- 100,000 or fraction thereof	\$450.00
	100,001 – 250,000 or fraction thereof	\$450.00
	> 250,000 or fraction thereof	\$450.00
A-1, A-2, A-3, I-2	Up to 10,000 or fraction thereof	\$900.00
	10,001-50,000 or fraction thereof	\$700.00
	50,001- 100,000 or fraction thereof	\$450.00
	100,001 – 250,000 or fraction thereof	\$450.00
	> 250,000 or fraction thereof	\$450.00
Additions, Modifications and Alterations (All Non-Residential Occupancies)		\$450.00
Sprinklers and Standpipes to 50 heads		\$275.00
• Each additional 25 heads		\$ 30.00

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.

Duly Adopted by Borough Council at a meeting held on the 1st day of March, 2010.

Councilman Capuano made a motion to approve Resolution # 2010-13. The motion was seconded by Councilwoman Gifford and approved unanimously.

The next item on the agenda is Introduction of Ordinances.

Introduction of Ordinance #751 Amending Chapter 15, Addition of Handicapped Parking Spaces.

ORDINANCE NO. 751

**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:

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Russell Avenue	Front	# 1129
Delaware Avenue	Front	# 836

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 April 5, 2010. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Borough Council Public Hearing: April 5, 2010.

Councilwoman Gifford moved for the approval of the Introduction of Ordinance #751.
Councilman Capuano seconded the motion and the motion was approved unanimously.

Introduction of Ordinance #752 Amending Chapter 18, Establishing Procedure for the Collection of Delinquent Sewer Rents.

ORDINANCE NO. 752

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, PART 2, RATES AND CHARGES, SECTION 210, COLLECTION OF SEWER RENTS, AND SECTION 211, RATE OF INTEREST ON UNPAID RENTAL, ESTABLISHING THE PROCEDURE FOR THE COLLECTION OF DELINQUENT SEWER RENTS.

WHEREAS, the Borough of Fountain Hill wishes to amend Chapter 18, Part 2 of the Codified Ordinances of the Borough of Fountain Hill regarding the collection of sewer rents;

WHEREAS, the Borough of Fountain Hill wishes to permanently establish and adopt an ordinance to provide for the collection of delinquent sewer rents; and

WHEREAS, the Borough of Fountain Hill has determined that it is in its best interests of the Borough of Fountain Hill to adopt such an ordinance.

NOW THEREFORE, BE IT DULY ENACTED and ORDAINED by the Borough Council of the Borough of Fountain Hill:

1. The Chapter 18, Part 2 of the Code of the Borough of Fountain Hill shall be amended as follows:
 - § 210. Collection of Sewer Rents.
 - A. The Office of the Executive Administrator/Secretary of the Borough of Fountain Hill is hereby charged with the duty of collecting all residential and commercial sewer rents, and is authorized to adopt such regulations as may, in his/her discretion, seem fit and proper, subject to the approval of Borough Council.
 - B. The following provisions shall apply to the collection of all residential and commercial sewer rents:
 1. **Payment Discount.** The sewer rental charge as set forth by Borough Council shall be subject to a two percent (2%) discount if paid within thirty (30) days of receipt of the bill. The gross amount is to be paid if payment is made in the following thirty (30) days.

2. Delinquent Rentals. Any sewer or rental charge not paid within sixty (60) days after the date due shall be classified as delinquent. The Borough shall notify the property owner of the delinquency in writing, via first class, postage prepaid United States mail, at the last known address of the property owner.
 - (a) In the event that a property owner makes payments on a delinquent account, those payments shall be first applied to satisfying the current quarterly sewer charge until such current charge is paid in full, at which time any excess monies collected will be applied against fees, costs, interest, penalties and principal account balance.
 - (b) The Executive Administrator is authorized, in appropriate cases, to enter into agreements permitting the property owner to make payments on his or her delinquent rentals.
 - (c) The Executive Administrator shall permit property owners to enter into the agreements mentioned in subsection (b) above when (i) the gross household income for a property owner is less than or equal to the annual Poverty Guidelines as set forth by the United States Department of Health and Human Services, and (ii) the property owner does not owe more than One Thousand Five Hundred Dollars (\$1,500.00) in delinquent rentals. This subsection may be amended from time to time by resolution of Borough Council as to the eligibility to enter into agreements.
 - (d) The monthly payment plans shall be completed as follows:
 - (i) If the total amount of delinquent rentals is less than \$500.00, the property owner may enter into a repayment plan not to exceed ninety (90) days, with a minimum monthly payment equal to the total amount outstanding divided by three (3).
 - (ii) If the total amount of delinquent rentals is equal to or greater than \$500.00 but less than \$1,000.00, the property owner may enter into a repayment plan not to exceed one hundred twenty (120) days, with a minimum monthly payment equal to the total amount outstanding divided by four (4).
 - (iii) If the total amount of delinquent rentals is equal to or greater than \$1,000.00 but less than \$1,500.00, the property owner may enter into a repayment plan not to exceed one hundred eighty (180) days, with a minimum monthly payment equal to the total amount outstanding divided by six (6).
 - (iv) If the total amount of delinquent rentals is equal to or exceeds \$1,500.00, the property owner's account will be referred to the Borough Solicitor for collection.
 - (e) If a property owner should fail to pay any current quarterly sewer charge while enrolled in a monthly repayment plan as set forth in Section 210(B)(2)(d), any and all delinquent rentals owed pursuant to the repayment plan will become immediately due and payable.
 - (f) Failure to pay any installment of delinquent rental when due pursuant to any repayment plan entered into between the Borough and the property owner will result in an enforcement action, additional interest, late fees, costs of collection and attorney's fees.
3. Enforcement Actions.
 - (a) Legal Actions; Filing of a Lien. Such sewer or rental charge shall be a lien on the properties charged with the payment thereof, from the date set forth in this Section, and if not paid after thirty (30) days notice or, if applicable, within the timeframes set forth in Section 210(B)(2)(d), may be collected by an action of assumpsit in the name of the Borough against the owner of the property charged, or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien. All proceedings under this action shall be subject to an attorney's commission in the statutory amount of five percent (5%) the amount outstanding, provided that notice is given to the property owner as provided by law. Notice shall mean delivery of the sewer rental bill by ordinary mail to the owner of the premises.
 - (b) Shutting Off Water if Sewer Rentals or Charges Are Not Paid; Notice; Statement of Defense.
 - (i) If the owner or occupant of any premises served by the Borough Sewer System shall neglect or fail to pay the sewer rentals within thirty (30) days after the date of the notice of intent to shut off the water, the Borough may request the City of

Bethlehem, the utility supplying the Borough residents with water, to shut off the supply of water to such premises until all such overdue rentals and charges, together with any penalties and interest, until all such overdue rentals and charges, together with any costs, penalties, fees and interest thereon, shall be paid to the Borough. Upon such request, the City of Bethlehem is hereby authorized and required to shut off the supply of water to such premises until all such over due rentals and charges, together with any costs, penalties, fees and interest thereon shall be paid to the Borough.

- (ii) In no case shall the water supply be shut off to any premises until ten (10) days after written notice of an intention to do so has been mailed to the person liable for payment of the rentals or charges and there has been posted a written notice in a conspicuous spot at the main entrance to the premises. If during such ten (10) day period, the person liable for the payment of the rentals or charges delivers to the Borough or the City of Bethlehem, a written statement, under oath or affirmation, stating that he/she has a just defense to the claim, or part of it, for such rentals or charges, then the water supply shall not be shut off until the claim has been judicially determined. The statement shall also contain a declaration under oath or an affirmation that it was not executed for the purpose of delay.
- (iii) Nothing contained in this Section shall authorize the Borough or the City of Bethlehem to shut off or deny water service to any lessee or a property because a previous lessee failed to pay the sewer rental charge.
- (iv) If requested by the City of Bethlehem, the Borough shall pay to the City the mutually agreed cost of such shut-off service and the estimated loss of water revenues resulting from such shut-off. Any such costs shall be reimbursed by the owner or occupant of the premises at which the water is shut off.
- (v) The Borough may enter into a long-term agreement with the City of Bethlehem for the performance of such water shut-off services; which agreement shall be binding upon the City of Bethlehem, its successors and assigns.
- (vi) The Borough Council may, by resolution, adopt such rules and regulations as are necessary to effectuate the purposes of this Section.

2. Chapter 18, Part 2, Section 211 of the Code of the Borough of Fountain Hill shall be amended in its entirety as follows:

§ 211. Rate of Interest on Unpaid Rental.

Any sewer or rental charge not paid within sixty (60) days after the date due shall bear interest at the maximum rate permitted by law. As of the effective date of this Ordinance, the maximum rate of interest permitted by law is six percent (6%).

3. 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 had advance knowledge that any part would be declared invalid.

- 4. Any procedural challenge shall be filed in accordance with applicable law.
- 5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 6. This Ordinance shall become effective sixty (60) days after the date of enactment.

Date of Borough Council Public Hearing: April 5, 2010.

DULY ENACTED AND ORDAINED on this ____ day of ____1____, 2010 by the Borough of Fountain Hill in lawful session duly assembled.

Councilman Trotter made a motion for the Introduction of Ordinance #752. The motion was seconded by Councilwoman Halleman.

Councilwoman Gifford asked Council to consider not enacting these measure for a period of time to give those residents who are delinquent time to come up with the money necessary to pay the delinquencies off.

Councilwoman Halleman indicated that on the next bill that is sent out that we should include a message about the new delinquency collection requirements and also a note that payments can be made by credit card.

Councilman Capuano indicated that the Ordinance includes a provision for people who can show a financial hardship can be placed on a payment plan by the Administrator.

Attorney Lipson noted that there is already a time period in place before the provisions of the Ordinance will become effective. Mr. Prill also noted that in addition to this time period, there is additional time provided for delinquent accounts to be paid.

Hearing no further comments, Council President called for a vote on the motion. Ordinance #752 was Introduced with Councilwoman Gifford voting No.

Councilman Ferencin moved for the Introduction of Ordinance #753. The motion was seconded by Councilwoman Halleman.

ORDINANCE NO. 753

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 20, SOLID WASTE TO ESTABLISH A PROCEDURE FOR THE COLLECTION OF DELINQUENT FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE.

WHEREAS, the Borough of Fountain Hill wishes to amend Chapter 20 of the Codified Ordinances of the Borough of Fountain Hill regarding the collection of delinquent fees for the collection and disposal of solid waste;

WHEREAS, the Borough of Fountain Hill wishes to permanently establish and adopt an ordinance to provide for the collection of delinquent fees for the collection and disposal of solid waste; and

WHEREAS, the Borough of Fountain Hill has determined that it is in its best interests of the Borough of Fountain Hill to adopt such an ordinance.

NOW THEREFORE, BE IT DULY ENACTED and ORDAINED by the Borough Council of the Borough of Fountain Hill:

1. The Chapter 20 of the Code of the Borough of Fountain Hill shall be amended to include Section 111, which shall read as follows:

§ 111. Collection of Fees for the Collection and Disposal of Solid Waste.

A. The Office of the Executive Administrator/Secretary of the Borough of Fountain Hill is hereby charged with the duty of collecting all residential and commercial fees for the collection and disposal of solid waste, and is authorized to adopt such regulations as may, in his/her discretion, seem fit and proper, subject to the approval of Borough Council.

B. The following provisions shall apply to the collection of all residential and commercial fees for the collection and disposal of solid waste:

1. **Payment Discount.** The solid waste collection and disposal charge as set forth by Borough Council shall be subject to a two percent (2%) discount if paid within thirty (30) days of receipt of the bill. The gross amount is to be paid if payment is made in the following thirty (30) days.

2. **Delinquent Rentals.** Any solid waste collection and disposal charge not paid within sixty (60) days after the date due shall be classified as delinquent. The Borough shall notify the property owner of the delinquency in writing, via first class, postage prepaid United States mail, at the last known address of the property owner.

(a) In the event that a property owner makes payments on a delinquent account, those payments shall be first applied to satisfying the current quarterly charge for solid waste collection and disposal until such current charge is paid in full, at which time any excess monies collected will be applied against fees, costs, interest, penalties and principal account balance.

- (b) The Executive Administrator is authorized, in appropriate cases, to enter into agreements permitting the property owner to make payments on his or her delinquent rentals.
- (c) The Executive Administrator shall permit property owners to enter into the agreements mentioned in subsection (b) above when (i) the gross household income for a property owner is less than or equal to the annual Poverty Guidelines as set forth by the United States Department of Health and Human Services, and (ii) the property owner does not owe more than One Thousand Five Hundred Dollars (\$1,500.00) in delinquent rentals. This subsection may be amended from time to time by resolution of Borough Council as to the eligibility to enter into agreements.
- (d) The monthly payment plans shall be completed as follows:
 - (i) If the total amount of delinquent solid waste collection and disposal charges is less than \$500.00, the property owner may enter into a repayment plan not to exceed ninety (90) days, with a minimum monthly payment equal to the total amount outstanding divided by three (3).
 - (ii) If the total amount of delinquent solid waste collection and disposal charges is equal to or greater than \$500.00 but less than \$1,000.00, the property owner may enter into a repayment plan not to exceed one hundred twenty (120) days, with a minimum monthly payment equal to the total amount outstanding divided by four (4).
 - (iii) If the total amount of delinquent solid waste collection and disposal charges is equal to or greater than \$1,000.00 but less than \$1,500.00, the property owner may enter into a repayment plan not to exceed one hundred eighty (180) days, with a minimum monthly payment equal to the total amount outstanding divided by six (6).
 - (iv) If the total amount of delinquent solid waste collection and disposal charges is equal to or exceeds \$1,500.00, the property owner's account will be referred to the Borough Solicitor for collection.
- (e) If a property owner should fail to pay any current quarterly solid waste collection and disposal charge while enrolled in a monthly repayment plan as set forth in Section 210(B)(2)(d), any and all delinquent charges owed pursuant to the repayment plan will become immediately due and payable.
- (f) Failure to pay any installment of delinquent solid waste collection and disposal charges when due pursuant to any repayment plan entered into between the Borough and the property owner will result in an enforcement action, additional interest, late fees, costs of collection and attorney's fees.

3. Enforcement Actions.

- (a) Legal Actions; Filing of a Lien. Such solid waste collection and disposal charge shall be a lien on the properties charged with the payment thereof, from the date set forth in this Section, and if not paid after thirty (30) days notice or, if applicable, within the timeframes set forth in Section 210(B)(2)(d), may be collected by an action of assumpsit in the name of the Borough against the owner of the property charged, or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien. All proceedings under this action shall be subject to an attorney's commission in the statutory amount of five percent (5%) the amount outstanding, provided that notice is given to the property owner as provided by law. Notice shall mean delivery of the sewer rental bill by ordinary mail to the owner of the premises.

3. Chapter 20 of the Code of the Borough of Fountain Hill shall be amended to include Section 112, which shall read as follows:

§ 112. Rate of Interest on Unpaid Charges.

Any solid waste collection and disposal charge not paid within sixty (60) days after the date due shall bear interest at the maximum rate permitted by law. As of the effective date of this Ordinance, the maximum rate of interest permitted by law is six percent (6%).

3. 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 had advance knowledge that any part would be declared invalid.

4. Any procedural challenge shall be filed in accordance with applicable law.

5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

6. This Ordinance shall become effective sixty (60) days after the date of enactment.

Date of Borough Council Public Hearing: April 5, 2010.

DULY ENACTED AND ORDAINED on this ____ day of _____, 2010 by the Borough of Fountain Hill in lawful session duly assembled.

Hearing no comments from Council, Council President Rapp asked for a vote on the motion. Ordinance #753 was Introduced with Councilwoman Gifford voting No.

Ordinance #754, an Ordinance amending Chapter 4, Bicycles, was the next Ordinance on the agenda for Introduction. Councilman Blatt noted a concern with some of the language in the Ordinance and expressed a desire to have an opportunity for the House and Ordinance Committee to review the current ordinance and the proposed revision before any Council action is taken. Councilwoman Gifford moved to table the Introduction of Ordinance #754. Councilman Blatt seconded the motion and the motion was approved.

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

Councilman Trotter asked for clarification of Council's intent with regard to the possibility of re-zoning the Bethlehem Water Authority property. His understanding is Council supports re-zoning it as Open Space with the Authority use being a pre-existing non-conforming use. Councilman Capuano asked Attorney Lipson if changing the zoning would infringe on the property owners rights? Attorney Lipson indicated that it could represent a taking but that the property owner would be notified of the proposed change and would have the right to argue against it.

Council President Rapp noted that he, Mayor Fink and Brad Youst, Borough Engineer, met with the Bethlehem City Engineer last week to discuss the issue of sewer gallonage. Mr. Rapp indicated that based on the meeting, the City is willing to consider approving a change in the amount of gallonage allocation the Borough has available to a lower level, thereby freeing up gallonage for current and future uses. Brad Youst is working on compiling some additional information to present to the City.

Council President Rapp indicated that he had no further report to make and asked for the Solicitor's Report. Mr. Lipson indicated that he had no report at this time.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. 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. The motion was approved unanimously.

Public Works Committee: Councilman Capuano reviewed the following:

1. February monthly report.
2. Members of Council complimented Mr. Levernier and the PW Crew for their work during the recent snow storms.

Police Committee:

1. Chief Stephens asked Council when the effective date is for the hiring of Mr. Grady Cunningham. Council President Rapp indicated that the Resolution was effective immediately.

House & Ordinance Committee:

1. Councilman Blatt indicated that a meeting will be scheduled to review the proposed Bicycle amendment ordinance and any other matters that need Committee review.

Fire Committee: Councilman Ferencin reviewed the following:

1. February monthly report.

Recreation Committee: Councilwoman Gifford commented on the following:

1. Easter Egg Hunt program sign-ups are underway.
2. Council President Rapp noted that Mr. & Mrs. Stech have offered to run the concession stand at the Pool this year.

Health & Sanitation Committee:

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

2/28/2010		Current & Prior Billings Due	2010 Feb. Receipts	Total Quarterly Collections To-Date	Balance Due
<u>Garbage Collections</u>					
	Current (Billed Dec. '09)	\$174,239.82	\$ 16,966.71	\$155,526.52	\$ 18,713.30
	* Prior / Delinquent	\$138,311.33	\$ 7,395.98	\$ 16,934.99	\$121,376.34
	Recycling Cans	\$ -	\$ 20.00	\$ 40.00	\$ -
	Grant/Recycling	\$ -	\$ -	\$ -	\$ -
	Total	<u>\$312,551.15</u>	<u>\$ 24,382.69</u>	<u>\$172,501.51</u>	<u>\$ 40,089.64</u>

Sewer Collections

Residential	Current (Billed Dec. '09)	\$151,341.36	\$ 14,030.33	\$133,616.35	\$ 17,725.01
Residential	* Prior/Delinquent	\$126,922.53	\$ 8,708.63	\$ 20,453.43	\$106,469.10
Commercial	Current (Billed 3rd Qtr '09)	\$ 88,947.39	\$ -	\$ 80,293.07	\$ 8,654.32
Commercial	* Prior/Delinquent (Prior to 3rd Qtr. '09)	\$ 8,080.03	\$ 397.95	\$ 586.54	\$ 7,493.49
	Salisbury Twp.	\$ -	\$ 899.66	\$ 899.66	\$ -
	Star Village	\$ -	\$ -	\$ 396.92	\$ -
	St. Luke/Pump House	\$ -	\$ -	\$ -	\$ -
	Total	<u>\$375,291.31</u>	<u>\$ 24,036.57</u>	<u>\$236,245.97</u>	<u>\$140,341.92</u>

Grand Total \$687,842.46 \$ 48,419.26 \$408,747.48 \$280,431.56

* Prior/ Delinquent - Outstanding Bills except Current Bill.

Council President Rapp indicated that he had one additional item to present, this being a request from Community Officer Apgar soliciting donation for a \$40 grand prize for the Easter Egg Hunt.

Council President Rapp read a letter from Community Officer Apgar regarding a reading challenge program in the Elementary School and where he is asking Council to approve the issuance of free individual pool passes to the six (6) winners of the challenge. Councilman Capuano made a motion to approve the issuance of six free individual pool passes to the winners. Councilwoman Gifford seconded the motion and the motion was approved unanimously.

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

1. Ms. Jordan advised Council that the Bethlehem Area Library will be holding two fund raising programs in the near future, one being an indoor golf course set up in the Library, and second, a fashion show which will be held at the Hotel Bethlehem in April.
2. Community Police Officer Apgar reported on the following:
 - Thanked Council for supporting the children’s literacy program
 - The Community Day program planning is moving forward
 - The children’s Easter Egg Hunt program is progressing but they are still looking for more volunteers.

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 7:53 pm.

Minutes approved on _____.

	Motion	2nd	Yes	No	Abstain
Mark Ferencin		X	X		
Carolee Gifford			X		
Norman Blatt			X		
Fred Capuano			X		
Larry Rapp			Absent		
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