

## COUNCIL MEETING MINUTES

May 2, 2011

7:00 P.M.

Council members present were: Mr. Blatt, Mr. Rapp, Ms. Gifford, Mr. Capuano, Mr. Trotter, Jr., Mr. Stech and Ms. Halleman. Also in attendance were Mayor Rosado, Rick Prill, Borough Administrator, Solicitor Don Lipson, Joe Gatta, Zoning Officer, Jim Levernier, Public Work Supervisor, Sook Choi, Finance Director, and Acting Chief Anthony.

Council President Rapp called for the pledge to the flag.

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

1. March 23, 2011 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. April 4, 2011 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 Stech motioned for approval of the minutes, seconded by Councilman Capuano, the minutes were unanimously approved.

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

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

1. April Crime Statistics Report
2. April Abandoned Vehicles Report
3. April Ticket report

Council President Rapp asked for the Administrator's report. Mr. Prill noted that a letter has been received from Mr. Stephen Repasch, Executive Director of the Bethlehem Authority, with regards to maintenance and repair work that they will be performing on the water reservoir tank located behind St. Luke's Hospital and that they are requesting a waiver of permit fees for this work.

Councilman Blatt commented that the way the letter is written indicates that the Borough does not have any choice in this matter and that a waiver approval may not be necessary. Attorney Lipson indicated that it is not clear whether the nature of the work to be done by the Authority automatically qualifies them for a waiver but that this is a point of law that would have to be decided through court action which would generate legal fees to challenge. Attorney Lipson also

noted that since the Authority is willing to share with the Borough all inspection reports from their inspectors and that he is comfortable with this report sharing arrangement.

Hearing no further comments, Councilman Trotter made a motion to approve the waiver request, on the condition that the Bethlehem Authority share all inspection reports with the Borough. The motion was seconded by Councilwoman Halleman and approved unanimously.

Council President Rapp moved on to items of New Business:

1. Application for a handicapped parking space at 1334 Stanley Avenue. Councilman Blatt recused himself from participating in this discussion because the applicant is a former client of his law firm. Hearing no discussion on this application, Council President Rapp asked for a motion on the application. Councilwoman Halleman moved for the approval of the application. The motion was seconded by Councilman Trotter. The motion was approved with the following vote: Yeas – Councilwoman Halleman, Councilman Stech, Councilman Trotter, Councilwoman Gifford; Nays – Councilman Capuano, Council President Rapp.

Councilman Stech commented to the applicant and her family encouraging them to consider building a ramp in the future in concern for the mother's health, but that this was only a recommendation and not a requirement.

Council President Rapp indicated that with the approval of this application that final approval must be done by way of an Ordinance being approved by Council. It was agreed that the vote taken would be for the Introduction of Ordinance # 766 and that the Ordinance will come up for final vote on June 6, 2011.

2. A request has been received from Mr. Ron Miller, 850 Kieffer Street, for permission to block off Hill Street from Elm Alley to Kieffer Street, on Saturday, June 4<sup>th</sup>, from 11:00 am to 9:00 pm for a graduation / neighborhood block party.

Councilwoman Gifford moved approval of this request on the condition that all necessary paperwork be provided to the Borough. The motion was seconded by Councilman Capuano and approved unanimously.

3. Requests have been received from the BASD to allow the 1<sup>st</sup> and 3<sup>rd</sup> grade students to use the playground and restroom facilities at Stanley Avenue park on May 26<sup>th</sup> and May 27<sup>th</sup>, from 10:00 am to 2:30 pm.

Councilman Capuano moved approval of this request on the condition that all necessary paperwork be provided to the Borough. The motions was seconded by Councilman Trotter and approved unanimously.

Hearing no further discussion on any items of New Business, Council President Rapp moved onto the next item on the agenda, approval of Resolutions:

Resolution No. 2011-21:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2011-21**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPROVING A REVISION TO SECTION 7 – OPERATING PROCEDURES, OF THE BOROUGH PERSONNEL POLICY & EMPLOYEE MANUAL**

**WHEREAS**, Section VII – Operating Procedures, of the Borough Personnel Policy & Employee Manual is being revised to clarify the policy on lunch breaks and inclement weather for Administrative Staff, as follows:

Under Sub-section A. Working Hours,

1. The following new paragraph will be added:

Management (Department Heads, Finance Director, Executive Administrator) – Monday through Friday, 8 hours per day (inclusive of lunch period) / 40 hours per week, in addition to attending Borough Council and Committee meetings as required. Normal working hours shall coincide with the operational working hours of their respective Departments. A 30 minute lunch period shall be granted.

2. Under Closing of Municipal Offices, the following revised language will be added (revised language in bold type):

Heavy snow or other emergency may require the closing of all or part of the municipal offices. These decisions will be made by the Executive Secretary, or in his/her absence, the President of Borough Council or Vice President  
. Employees pay during **these** closings is as follows:

Hourly **and salaried** employees will be paid for periods of time during which they do not work for the Borough because of snow or other emergency closing.

**If the Borough offices remain open during a heavy snow or other emergency, and an hourly or salaried employee chooses not to report to work, they will be allowed to use either accrued vacation or personal time for the time not worked. If the employee does not have any accrued time available, the time not worked will be deducted from a subsequent payroll.**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby adopt the new Policy on lunch breaks and inclement weather.

Councilman Blatt moved for approval of Resolution No. 2011-21. The motion was seconded by Councilman Capuano and approved unanimously.

Resolution No. 2011-22:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2011-22**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, MODIFYING THE 2011 LIQUID FUELS FUND BUDGET**

**WHEREAS**, the Pennsylvania Borough Code; Section 1312. Modification of the Budget, authorizes the Borough Council to modify the budget after its final adoption; and

**WHEREAS**, Borough Council approved the scraping of the unusable asphalt paving machine under the condition that the proceeds of the sale be used for road repairs and maintenance; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Fountain Hill does hereby approve the following modifications to the 2011 Liquid Fuels Fund budget:

Miscellaneous Revenue

Highways, Roads & Streets

Acct 380 - Misc. Rev. \$2,204.20

Acct - 438 Maint./ Rprs of Roads \$2,204.20

Council President Rapp noted that these funds were the result of the Borough disposing of the old paver machine which was no longer operational.

Councilman Capuano made a motion for the approval of this Resolution. The motion was seconded by Councilwoman Gifford and approved by unanimous vote.

Resolution No. 2011-23:

**BOROUGH OF FOUNTAIN HILL  
RESOLUTION NO. 2011-23**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, APPOINTING AND DESIGNATING A LIAISON BETWEEN THE BOROUGH AND THE NORTHAMPTON TAX COLLECTION COMMITTEE AND ITS TAX OFFICER FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE BOROUGH FOR OFFICIAL PURPOSES.

**WHEREAS**, the Pennsylvania Local Tax Enabling Act (LTEA), 53 P.S. Sec. 6924.101, et seq., requires and empowers the Northampton Tax Collection Committee (NTCC) to provide for local earned income tax (EIT) collection in the Northampton Tax Collection District (NTCD); and

**WHEREAS**, the Borough of Fountain Hill, hereinafter referred to as the 'Borough', is a constituent member of the NTCD; and

**WHEREAS**, NTCC has appointed, and contracted with, Keystone Collection Group (Tax Officer) as the private agency responsible for EIT collection in the NTCD; and

**WHEREAS**, Sec. 6924.514 of the LTEA, 53 P.S. Sec. 6924.514 provides that information gained by a tax officer, or any employee or agent of a tax officer, or of a tax collection committee as a result of any declarations, returns, investigations, hearings, or verifications shall be confidential tax information; and

**WHEREAS**, Sec. 6924.514 prohibits, except for official purposes or as provided by law, the Commonwealth, any political subdivision, tax collection committee member, tax officer, or employee or agent of a tax officer or tax collection committee from divulging or making known confidential tax information, inter alia; and

**WHEREAS**, Sec. 6924.514 further provides criminal and civil penalties, including loss of employment, in the event of violation of its confidentiality requirements; and

**WHEREAS**, the NTCC and Tax Officer request the passage of a Resolution by the Borough Council of the Borough of Fountain Hill appointing and designating the specific representative on behalf of the Borough to request and receive confidential tax information on behalf of the Borough for official purposes, and absolving the NTCC and Tax Officer from any liability in connection with the release of said confidential tax information to such individual.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Borough Council of the Borough of Fountain Hill hereby appoints and designates the Borough Secretary as the Borough's authorized representative to make requests upon, and receive any and all tax information records from, the NTCC or the Tax Officer relative to the Borough's EIT collection, as desired and deemed necessary by the Authorized Representative on behalf of the Borough, to be used for official purposes only, or as provided by law.
2. The NTCC and Tax Officer are hereby authorized and directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of EIT taxes for the Borough, upon request, to the Authorized Representative as the authorized representative for the Borough. Requests by the Authorized Representative shall be considered requests for official purposes, or as provided by law.
3. The Authorized Representative is further authorized to release [municipality/school district] confidential tax information to the NTCC and Tax Officer for the purpose of the administration and collection of the [municipality's/school district's] EIT.
4. The Borough hereby agrees to save harmless, indemnify and/or absolve the NTCC and Tax Officer from and against any and all liability in connection with the release of confidential tax information to such Authorized Representative.
5. A certified copy of this Resolution shall be provided to the NTCC and Tax Officer, both of which may rely upon the Resolution and designation contained therein on an ongoing basis until they receive a written notice or certified Resolution to the contrary from the Borough of Fountain Hill.

Councilman Blatt indicated that the purpose of this Resolution is in connection with the change taking place with the appointment of Keystone Collections as the new EIT collection agency for the Northampton Tax Collection Committee which will be taking place effective January 1, 2012. The Resolution identifies a Borough liaison who will be authorized to receive and/or share confidential tax information with the TCC and Tax Officer.

Councilman Trotter moved approval of the Resolution. The motion was seconded by Councilman Stech and approved unanimously.

Council President Rapp noted the next item on the agenda was Ordinances.

Introduction of Ordinance #765 – Re-Statting and Re-Enacting the Earned Income Tax Ordinance:

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

**ORDINANCE No. 765**

**AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, RE-ENACTING, RESTATING AND AMENDING ITS EARNED INCOME TAX ORDINANCE TO ESTABLISH CONFORMITY WITH THE LOCAL TAX ENABLING ACT AS AMENDED BY ACT 32 OF JULY 2, 2008; LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.**

**WHEREAS**, the Borough of Fountain Hill, Lehigh County, Pennsylvania (hereinafter referred to as the “Borough” previously enacted its Ordinance No. 348 & 353 (hereinafter the “Prior EIT Ordinances”), imposing a tax at the rate of one percent (1.0%) for general revenue purposes on earned income; and

**WHEREAS**, on July 2, 2008, the Pennsylvania Legislature enacted Public Law 197, Act No. 32 (hereinafter “Act 32”), which Act 32, *inter alia*, provided for the consolidated collection of local income taxes within a tax collection district established in each county under Section 504 of Act 32 for tax years beginning not later than on and after January 1, 2012; and

**WHEREAS**, the Borough desires to re-enact, restate and amend in its entirety the Prior EIT Ordinance relating to the imposition and collection of an earned income tax by the Borough of Fountain Hill in order to conform with the provisions of Act 32.

**NOW, THEREFORE**, the Borough of Fountain Hill does hereby ordain that its Prior EIT Ordinance is hereby re-enacted, restated and amended in its entirety to read as follows:

**SECTION 1. DEFINITIONS**

For purposes of this Ordinance, all terms defined in the Local Tax Enabling Act, 53 P.S. Sec. 6924.101, et seq., shall have the meanings set forth therein, except as modified below. The following terms shall have the meanings set forth herein:

- a. Tax Officer. The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax in the TCD.
- b. Effective Date. January 1, 2012.
- c. Local Tax Enabling Act. The Local Tax Enabling Act, 53 P.S. Sec. 6924.101, et seq., and as amended in the future, including any regulations adopted by the Department of Community and Economic Development thereunder.
- d. TCD. The Northampton Tax Collection District, or any future tax collection district, to which the Borough/Township/City or any part of the Borough/Township/City is assigned under the Local Tax Enabling Act.
- e. TCC. The tax collection committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.
- f. Tax. The tax imposed by this Ordinance.
- g. Tax Return. A form prescribed by the Tax Officer, and approved by the TCC, for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Ordinance or the Local Tax Enabling Act.
- h. Tax Year. The period from January 1 to December 31.
- i. Taxpayer. A person or business required under this Ordinance or the Local Tax Enabling Act to file a return of an income tax or to pay an income tax.

**SECTION 2. IMPOSITION OF TAX**

- a. General Purpose Resident Tax. The Borough hereby imposes a Tax for general revenue purposes at the rate of one percent (1.0%) on earned income and net profits of individual residents of the Borough.
- b. General Purpose Municipal Nonresident Tax. The Borough/Township/City also imposes a Tax for general revenue purposes at the rate of one percent (1.0%) on earned income and net profits derived by an individual non-resident from any work, business, profession, or activity, of any kind engaged in within the boundaries of Borough.
- c. Ongoing Tax. The Tax shall continue at the above rates during the current Tax Year and each Tax Year thereafter, without annual re-enactment, until this Ordinance is repealed or the rate is changed.
- d. Local Tax Enabling Act Applicable. The Tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Ordinance. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Ordinance upon the effective date of such amendment, without the need for formal amendment of this Ordinance, to the maximum extent allowed by 1 Pa.C.S.A. Sec. 1937.
- e. Applicable Laws, Regulations, Policies, and Procedures. The Tax shall be collected and administered in accordance with (1) all applicable laws and regulations; and (2) rules, regulations, policies and procedures adopted by the TCC or by the Tax Officer in conformity with the Local Tax Enabling Act. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. Sec. 1937.

**SECTION 3. NO EXEMPTION FROM TAX**

Although credits and deductions against Tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from Tax based on age, income, or other factors.

**SECTION 4. INDIVIDUAL TAX RETURNS AND PAYMENTS**

Every Taxpayer receiving earned income or earning net profits in any Tax Year shall file Tax Returns and pay Tax in accordance with the Local Tax Enabling Act and the rules, regulations, policies and procedures of the TCC and Tax Officer. A Taxpayer is required to file a return even if no Tax payment is due and owing.

**SECTION 5. EMPLOYER WITHHOLDING, REMITTANCE, AND TAX RETURNS**

Every employer shall register, withhold, and remit Tax, and file Tax Returns in accordance with the Local Tax Enabling Act and the rules, regulations, policies and procedures of the TCC and Tax Officer.

**SECTION 6. TAX OFFICER**

- a. Collection of Tax. The Tax will be collected from individuals and employers by the Tax Officer. The Tax Officer is authorized to file an action in the name of the Borough for the recovery of income taxes due to the Borough and unpaid. Nothing in this section shall affect the authority of the Borough to file an action in its own name for collection of income taxes under the Local Tax Enabling Act.
- b. Criminal Complaints for Violations. The Tax Officer is authorized to file criminal complaints on behalf Borough for violation of this Ordinance or the Local Tax Enabling Act. Nothing in this section shall affect the authority of the Borough to file a criminal complaint on its own behalf for violation of this Ordinance or the Local Tax Enabling Act.

**SECTION 7. INTEREST, PENALTIES, COSTS AND FINES**

Individuals and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs of collection imposed by the Tax Officer in accordance with authorization by the TCC. The Tax Officer may retain reasonable costs of collection in accordance with Local Tax Enabling Act and as approved by the TCC.

**SECTION 8. SEVERABILITY**

The provisions of this Ordinance are severable and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the governing body of the Borough/Township/City that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

**SECTION 9. PURPOSE/REPEAL**

The primary purpose of this Ordinance is to confirm the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior ordinance or part of any prior ordinance conflicting with the provisions of this Ordinance is rescinded insofar as the conflict exists. To the extent the same as any ordinance in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior ordinance and not as a new ordinance. If this Ordinance is declared invalid, any prior ordinance levying a similar tax shall remain in full force and effect and shall not be affected in any manner by adoption of this Ordinance. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provision affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any ordinance in force prior to adoption of this Ordinance. Subject to the foregoing provisions of this Section, this Ordinance shall supersede and repeal on the Effective Date any ordinance levying a tax on earned income or net profits in force immediately prior to the Effective Date.

**SECTION 10. CONSTRUCTION**

This Ordinance is intended to be consistent with the Local Tax Enabling Act, and to include all necessary authorizations to permit the Tax Officer to take such Tax collection, administration, disbursement, enforcement and other activities as authorized by the Local Tax Enabling Act, subject to the policies and procedures of the TCC.

**SECTION 11. EFFECTIVE DATE**

The provisions of this Ordinance shall become effective on January 1, 2012, and shall apply to earned income received or earned and net profits earned or made by a taxpayer during calendar year 2012 and each year thereafter without annual re-enactment unless the rate of tax is subsequently changed. Changes in the rate of tax shall become effective on the date specified in the ordinance imposing such change.

Councilman Blatt commented that like the previous Resolution approved, the purpose of this Ordinance is to bring the Borough’s EIT collection ordinance in line with current State statute in connection with the change taking place in the EIT collection program effective as of January 1, 2012.

Councilman Blatt moved approval of the Introduction of Ordinance #765 on first reading. The motion was seconded by Councilman Capuano and approved unanimously.

Council President Rapp indicated that there were no Motions on the agenda for Council action and moved onto Old Business.

1. Council President Rapp indicated that a decision is needed on the request of Dr. Cantor for dedicated parking spaces for his patients. Councilman Blatt made a motion for the approval of two (2) dedicated patient parking spaces. Council President Rapp noted that

with the approval of these dedicated spaces that the existing handicapped parking space will remain in place. The motion was seconded by Councilman Trotter.

Councilman Capuano indicated that he would like to know where the staff parks and feels that the dedicated parking spaces should be limited to 2 hour parking for patients only. Councilman Blatt amended his motion to reflect the 2 hour parking for patients. Councilman Trotter amended his second. Council President Rapp confirmed that there are other people parking in these spaces currently and that these individuals will end up being pushed to park somewhere else.

Hearing no further comments, the motion was approved unanimously and Council President Rapp noted that the vote would serve as the Introduction of Ordinance # 767 which will be acted on by Council at the June 6<sup>th</sup> meeting.

Council President Rapp reported on the following:

1. Thanked the Shade Tree Commission and all others involved in the 2011 Arbor Day Celebration
2. Noted that the Memorial Day program will be held on Thursday, May 26<sup>th</sup>, 1:00 pm at the Memorial Triangle.
3. Read a letter from Allentown Mayor Pawlowski inviting Council to participate in their Armed Services events.

Councilwoman Halleman commented that the Allentown Memorial Day celebration is a very moving program and she encouraged everyone to participate in it.

4. Council President Rapp read the following statement:

Last Wednesday, April 27, 2011, Lehigh County Executive Don Cunningham, held a press conference in the Borough with the following persons present: Commissioners Dean Browning and Dan McCarthy, members of the County Staff, Salisbury Township Commissioner, Police Chief and Township Manager, along with Acting Chief Anthony and Officers of the Borough.

Before the press conference began, the County Staff was informed that a representative of State Representative Joe Brennan's office was present. When called on to speak, he then proceeded to attack Mr. Cunningham. When he was told this was not the proper venue and that he should sit down, the attacks continued. Mr. Cunningham then said that this press conference is over. While speaking with Mr. Cunningham, he said that this is the first time he had to be a bouncer at this own press conference. Individuals from Salisbury Township apologized and Mr. Kane, Mr. Cunningham's Chief of Staff, called Mr. Brennan. While talking to the County Commissioner, I was told that I should go to the lobby because Mr. Cunningham was being verbally abused. Before I got there, a Fountain Hill Police Officer stepped in and Mr. Cunningham was able to leave. After arriving home, I received a phone call from Representative Brennan from the floor of the House, apologizing and saying that he did not send anyone to represent him, as he forgot to put the press conference on his

calendar. This kind of behavior cannot and should not be tolerated and the Borough of Fountain Hill should not be subjected to this kind of behavior.

Councilwoman Halleman commented that she was in attendance at this press conference and that Mr. Ferencin did not say anything wrong. This involves the freedom of speech.

Councilwoman Gifford said she applauds the statement read by Council President Rapp.

Councilman Blatt stated that the Borough does not have any right to the casino funds and that we are appreciative of the funds we do receive.

Councilman Capuano noted that the Borough does receive the majority of the casino funds which are available to the municipalities.

Councilwoman Halleman commented that she is upset with Mr. Cunningham and the County for increasing the County tax and then announcing that they found a surplus of funds.

Council President Rapp indicated the next item of the agenda was the Solicitor's Report.

Mr. Lipson reported that he has submitted a report to Council summarizing the collection efforts to-date on the delinquencies and liens.

Mr. Lipson also noted that a water shut-off notice has been posted at 531 S. Clewell Street for the owners failure to pay a water delinquency that is over \$8,000 due. The Borough will be coordinating with the City of Bethlehem Water Department on this water shut-off action.

Councilwoman Gifford noted that this action is being taken on a commercial property and not on a residential property.

Council President Rapp proceeded to Committee Reports:

Finance Committee: Councilman Trotter reported on the following:

1. Asked about the electrical line item in the Recreation budget which appears to have something charged against it that is not correct. Ms. Choi, Finance Director, indicated that she will review this item.
2. Reviewed the amount of bills to be paid by Fund and made a motion for the approval of the Bill List. The motion was seconded by Councilwoman Gifford and the motion was approved unanimously.

Public Works Committee: Councilman Capuano reviewed the following:

1. April monthly report.

Police Committee:

1. Thanked the Police Association for their sponsorship of the Easter Egg Hunt program and all those who participated in the program. Thanked Councilwoman Gifford for

being the Easter Bunny this year. Officer Del Rosario noted that over 100 children participated in the program this year.

2. Council President Rapp noted that the Borough has applied for a renewal of the Buckle-Up grant program in the amount of \$1,500 and that these funds are used by the Police Department to enforce traffic laws in the Borough.

House & Ordinance Committee:

1. Councilman Blatt noted he had no report.

Fire Committee: Councilwoman Gifford reviewed the following:

1. April Fire Department report.

Recreation Committee: Councilman Stech noted the following:

1. The Public Works staff have made repairs to the roof of the Pool building
2. The Public Works staff are making final preparations to the volleyball court
3. The Recreation Committee will be meeting soon to finalize plans for the Pool and Playground programs

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

1. April monthly report for Garbage and Sewer operations as follows:

4/28/2011		Current & Prior Billings Due	Apr. Receipts	Quarterly Collections To-Date	Balance Due	
<b><u>Garbage Collections</u></b>						
	Current * Prior / Delinquent Recycling Cans Grant/Recycling	(Billed Mar. 2011)	\$173,991.73	\$33,844.29	\$122,982.06	\$ 51,009.67
			\$105,669.89	\$11,512.90	\$ 48,283.80	\$ 57,386.09
			\$ -	\$ 20.00	\$ 30.00	\$ -
			\$ -	\$ -	\$ -	\$ -
	<b>Total</b>		<b><u>\$279,661.62</u></b>	<b><u>\$45,377.19</u></b>	<b><u>\$171,295.86</u></b>	<b><u>\$108,395.76</u></b>

**Sewer Collections**

Residential	Current *	(Billed Mar.2011)	\$149,583.43	\$29,728.25	\$102,549.27	\$ 47,034.16
Residential	Prior/Delinquent		\$ 96,664.87	\$10,637.07	\$ 43,585.98	\$ 53,078.89

<b>Commercial</b>	<b>Current</b>	<b>(Billed 4th Qtr '10)</b>	\$ 78,597.95	\$ 3,693.91	\$ 77,766.99	\$ 830.96
	*	<b>(Prior to 4th Qtr.</b>				
<b>Commercial</b>	<b>Prior/Delinquent</b>	<b>'11)</b>	\$ 2,089.31	\$ 100.00	\$ 200.00	\$ 1,889.31
	<b>Salisbury Twp.</b>		\$ -	\$ 983.04	\$ 983.04	\$ -
	<b>St. Luke/Pump House</b>		\$ -	\$ -	\$ -	\$ -
	<b>Total</b>		<b><u>\$326,935.56</u></b>	<b><u>\$45,142.27</u></b>	<b><u>\$225,085.28</u></b>	<b><u>\$102,833.32</u></b>
	<b>Grand Total</b>		<b><u>\$606,597.18</u></b>	<b><u>\$90,519.46</u></b>	<b><u>\$396,381.14</u></b>	<b><u>\$211,229.08</u></b>

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

Councilwoman Halleman asked Attorney Lipson how we can get a better hold on collecting the sewer and garbage delinquent accounts? Attorney Lipson indicated that the Borough is doing as much as it can.

Councilman Blatt noted that significant progress has been made over the past year in reducing the level of delinquencies.

Council President Rapp asked if there were any reports from any Special or Select Committees. Hearing none, he moved on in the agenda.

Council President Rapp opened the meeting up to any public comments.

Marie Hoch, 880 Tombler, commented that she does not feel she should have to upgrade the handicapped ramp on her property and that PennDOT does not have control over our local roads.

Mr. Levernier commented that he has checked with the Borough Engineer and she has confirmed that the handicapped curb ramp must be upgraded in compliance with PennDOT standards.

Suzanne Porozslai indicated she was here this evening as a result of an issue coming up about the location of the two trees planted as part of the Arbor Day program.

Council President Rapp noted that one complaint has been received from a resident and that this was being looked at. The Shade Tree Commission will be consulted in the matter.

Mike Klo indicated that he was here this evening also in connection with the tree issue.

Mrs. Werner, 939 Jeter, commented that she and her husband had received a letter from Mr. Prill in response to a letter they sent advising that they were not going to proceed with the upgrading of their two handicapped ramps until this matter has been reviewed and an answer received by the Federal Department of Justice who is looking into this matter on behalf of them. They are concerned with the possibility of a lien being placed on their property if the Borough proceeds with having the handicapped work performed.

Mr. Frank Jordan, 603 S. Lynn Street, indicated that he is very concerned about a letter they received from the Borough advising them that they must pay for the upgrade of two handicapped ramps which are on the corners of their property. He is upset that some property owners are not having to pay for this work because a grant has been received but that other property owners are having to pay because no grant was received for this road project.

Councilman Capuano commented that the Borough could change it's policy and the Borough could do the handicapped curb ramp work but that this would result in taxes having to be increased to pay for this work.

Mr. Ted Haven commented that he has spoken to Congressmen Dent's office about this issue being a federal mandate but that there are no funds being provided by the federal government to pay for the mandate.

Hearing no further comments from the public, Council President closed the public portion of the meeting.

Hearing no further comments from Council, Council President Rapp asked for a motion to adjourn, noting that Council would be holding a short executive session but would not be returning to the regular meeting. Councilman Capuano made the motion, seconded by Councilwoman Gifford and approved unanimously. The meeting adjourned at 8:21 pm.

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Minutes approved on June 6, 2011.

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

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

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

**ATTEST:**

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