

BOROUGH OF HATBORO

COUNCIL MEETING

Monday, April 23, 2007

PRESENT

President Zygmunt, Vice President LaSorsa, Councilpersons Guent, Moll, Ostrander, Tompkins & Vasoli, Mayor Hawkes, Borough Solicitor Meyer, Borough Manager/Chief Gardner, Fire Marshal Stauch, Code Enforcement Heller, Borough Engineer Dougherty, Assistant Secretary Valesky & Treasurer Reymer.

ABSENT

CALL TO ORDER

PRESIDENT ZYGMONT called the April meeting of the Council of the Borough of Hatboro to order at 7:00 P.M.

INVOCATION

MAYOR HAWKES asked for everyone in attendance to observe a moment of silence for the victims of the Virginia Tech shootings a week ago.

MINUTES

PRESIDENT ZYGMONT stated Council is in receipt of the minutes of the March 26, 2007 Council meeting. COUNCILPERSON GUENST made a MOTION to approve the minutes of the March 26, 2007 Council meeting. This MOTION was SECONDED by COUNCILPERSON OSTRANDER and APPROVED by Council unanimously.

PRESIDENT'S REPORT

PRESIDENT ZYGMONT stated he had nothing else to report this evening.

BOROUGH MANAGER/CHIEF OF POLICE REPORT

BOROUGH MANAGER/CHIEF GARDNER stated he was going to combine his Manager's Report with his Police Department report. BOROUGH MANAGER/CHIEF GARDNER stated the 2007 Streets Program was placed out to bid. BOROUGH MANAGER/CHIEF GARDNER stated the bid opening is scheduled for May 8, 2007, 10:00 AM at Borough Hall.

BOROUGH MANAGER/CHIEF GARDNER discussed the Loller Building Renovations to the roof. BOROUGH MANAGER/CHIEF GARDNER stated a Structural Engineer has been contracted and was out to Borough Hall last Tuesday. BOROUGH MANAGER/CHIEF GARDNER stated a report should be back to his office in a few weeks.

PRIVILEGE OF THE FLOOR

PRESIDENT ZYGMONT stated this privilege of the floor is for residents to address Council to discuss items on tonight's agenda. There was no public comment.

TREASURER'S REPORT

TREASURER REYMER reported the interest earned in March was \$22,435.65. This was for all 14 accounts at Commerce Bank at a rate of 4.90%. Total account balance is \$6,389,395.84.

APPROVAL OF WARRANTS LIST

PRESIDENT ZYGMONT stated that Council is in receipt of the **warrant list and manual check list**. PRESIDENT ZYGMONT stated that Council has had the opportunity in advance to review the warrant list and direct any questions to the Chief or Department Head. VICE PRESIDENT LASORSA made a MOTION to approve the warrant list and manual check list. This MOTION was SECONDED by COUNCILMAN TOMPKINS and APPROVED by Council unanimously.

PAYMENT OF BILLS

VICE PRESIDENT LASORSA made a MOTION to authorize the payment of bills. This MOTION was SECONDED by COUNCILPERSON GUENST and APPROVED by Council unanimously.

MAYOR'S REPORT

MAYOR HAWKES read a Mayoral Proclamation celebrating National Nurses Week, May 6-12, 2007. MAYOR HAWKES recognized and honored the Nurse's in attendance at tonight's meeting.

SOLICITOR'S REPORT

SOLICITOR MEYER prepared legal documents for Stoveworks Escrow Agreement, Developers Agreement, Reserve Parking Escrow Agreement and Stormwater Agreement.

SOLICITOR MEYER reviewed Board of Assessment Appeals Procedure.

SOLICITOR MEYER prepared oral argument for Commonwealth Court, Schieber vs. Borough of Hatboro, scheduled for June 13, 2007.

SUPERINTENDENTS REPORT

SUPERINTENDENT STAUCH submitted a report in advance.
SUPERINTENDENT STAUCH stated he had nothing to report this evening.

FIRE MARSHALS REPORT

FIRE MARSHAL STAUCH submitted a report in advance. FIRE MARSHAL STAUCH stated he had nothing to report this evening.

PRESIDENT ZYGMONT announced that Superintendent/Fire Marshal Stauch submits a written report to Council in advance of each meeting for Council's review.

COUNCIL/COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE - MAYOR HAWKES

MAYOR HAWKES stated he had nothing on his agenda for this evening.

FIRE BOARD REPORT - PRESIDENT ZYGMONT

VICE PRESIDENT LASORSA stated he had nothing on his agenda for this evening.

PUBLIC WORKS COMMITTEE – COUNCILMAN MOLL

COUNCILMAN MOLL stated he had nothing on his agenda for this evening.

ZONING, PLANNING and HISTORIC PRESERVATION COMMITTEE – COUNCILMAN TOMPKINS

COUNCILMAN TOMPKINS stated he had one item on his agenda this evening, the consideration of approval of a Parking Escrow Extension for the Stoveworks Project. Councilman Tompkins reviewed the deadlines that have past for this project and the request by the applicant to extend the deadlines. Mr. Bruce Nicolson, Attorney for the developer addressed Council and apologized for all the delays and did state that the developer is close. Mr. Nicolson stated that all the documents for the escrow and engineering comments have been addressed and revisions done. Mr. Nicolson stated that for the past two weeks his client has

been cooperating completely in order to get past this point. Mr. Nicolson stated he is waiting for agreements from the Borough Solicitor and they will be signed as soon as they are received. Mr. Nicolson stated the lender wants to do a tri-party agreement as a different form of securing the escrow. Mr. Nicolson explained the tri-party agreement, which involves the lender in the escrow agreement. Mr. Nicolson stated they are looking for the ability to obtain building permits, payment of various fees and expenses and debt that we have with the borough. Mr. Nicolson acknowledged that his client is aware that they aren't going to get that until the Borough Solicitor is satisfied with the agreements. Mr. Nicolson feels that his client is at this point and is why they are asking so that we can tie up these loose ends and get settled and put all this behind them. Mr. Nicolson stated the final thing he wanted to convey tonight, there are projects where it feels like the wheel is falling off and looking back this feels like this is one of those projects and he and the developer continue to believe in this project. There was a conversation about the building permit process and how it ties into the financing of the project because that means for them that the project is ready to happen. There was a discussion about the review process, the code issue along with the building construction. PRESIDENT ZYGMONT stated that he is not signing anything and all 7 members of Council should be in agreement. Mr. Nicolson stated that once these agreements are signed and in place, the developer will know what they owe the Borough and what the costs of the Building Permits will be, the Borough can issue a letter stating that upon payment of the monies due the developer can get the Building Permits. COUNCILMAN VASOLI asked if this was all the conditions that were to be met. BOROUGH ENGINEER DOUGHERTY stated there are other several permits that are necessary and are outlined in the latest Engineer Review Letter. Mr. Jim Cassidy explained the different steps including the requirements necessary for the Building Permit. COUNCILMAN TOMPKINS asked if the Borough Solicitor would approve the agreement or would it go back to Council again for approval. SOLICITOR MEYER reviewed and explained the process. COUNCILMAN VASOLI questioned outstanding engineer issues. Mr. Nicolson stated that the developer would not be doing any site work until the permits are obtained. After discussion it was agreed that any extension of time frame would have to be time definite and if a established date comes and goes then the developer would have to come before Council again. Mr. Nicholson stated that his client can not close on the financing until the building permits are issued. Mr. Nicolson stated there have been gaps that have not worked to their advantage. PRESIDENT ZYGMONT reminded Mr. Nicolson that he really did not want to start a conversation about long delays and gaps. Mr. Nicolson stated he wanted to get this completed and start fresh. COUNCILMAN TOMPKINS asked if everyone was in agreement not to do the extension until all the paperwork is in order. PRESIDENT ZYGMONT asked for May 14th, time sensitive, with everything done and ready to go. Mr. Nicolson asked for a special meeting to approve. PRESIDENT ZYGMONT stated no, all the paperwork needed to be in order and Council have time to review the information and be the declarative body that Council is. COUNCILMAN VASOLI rescinded his prior motion. COUNCILMAN

VASOLI made a MOTION to table this matter for possible voting on Monday, May 14th, 2007 Meeting. This MOTION was SECONDED by COUNCILPERSON GUENST and APPROVED by Council unanimously. Mr. Nicolson asked if that meeting would be a special meeting. PRESIDENT ZYGMONT stated yes it would be advertised as a voting meeting as long as all the documents are received by the timeline established.

GRANTS AND EXTERNAL FUNDING COMMITTEE - MR. VASOLI

COUNCILMAN VASOLI stated he had nothing on his agenda this evening.

PARKS and FACILITIES COMMITTEE - MRS. GUENST

COUNCILPERSON GUENST stated she had nothing on her agenda this evening.

BUDGET and INSURANCE COMMITTEE - VICE PRESIDENT LASORSA

VICE PRESIDENT LASORSA stated he had nothing on his agenda for tonight's meeting.

PUBLIC RELATIONS and COMMUNITY INFORMATION COMMITTEE -
COUNCILPERSON OSTRANDER

COUNCILPERSON OSTRANDER stated she had nothing on her agenda for tonight's meeting.

ADMINISTRATION COMMITTEE - PRESIDENT ZYGMONT

PRESIDENT ZYGMONT stated he had several items on his agenda for this evening. The first item was to consider awarding the Elm Street Intersection Improvement Bids. PRESIDENT ZYGMONT asked Borough Manager/Chief Gardner to update Council on recent developments concerning this project. BOROUGH MANAGER/CHIEF GARDNER stated that Senator Greenleaf's office is assisting with paperwork with regards to a Liquid Fuels issue and State HOP requirements. BOROUGH MANAGER/CHIEF GARDNER stated the bids need to be awarded and the project started due to grant requirements. There was a brief discussion regarding the bids, alternates and intersections in the Stoveworks Project. BOROUGH MANAGER/CHIEF GARDNER announced the base bid with alternates was for a total of \$218,364.00, with the low bidder being Associated Paving Contractors, Inc.

COUNCILMAN VASOLI made a MOTION to award base bid and alternates subject to Borough Engineer approval. The MOTION was SECONDED by COUNCILMAN TOMPKINS and approved by COUNCIL unanimously.

PRESIDENT ZYGMONT stated the second item on his agenda was consideration of Resolution #2007-09, Traffic signal application at York Road & School Road. PRESIDENT ZYGMONT stated this application only is for the Victorian Village Project.

VICE PRESIDENT LASORSA made a MOTION to approve Resolution #2007-09, York & School Road traffic signal application to Penndot. The MOTION was SECONDED by COUNCILMAN TOMPKINS and approved by COUNCIL unanimously.

PRESIDENT ZYGMONT stated the third item on his agenda was to consider forwarding pool invoice in the amount of \$84,150.00 to the Borough Authority for reimbursement.

COUNCILPERSON TOMPKINS made a MOTION to approve sending pool invoice paid by the Borough to Talucci Contractors in the amount of \$84,150.00 to the Borough Authority for reimbursement. The MOTION was SECONDED by COUNCILPERSON GUENST and approved by Council unanimously.

STORMWATER MANAGEMENT COMMITTEE - COUNCILMAN MOLL

COUNCILMAN MOLL stated he had one item on his agenda for tonight's meeting. COUNCILMAN MOLL wanted to update Council on a resident's flooding problems last Sunday. COUNCILMAN MOLL stated although Council is aware of this issue, which is part of a larger problem. COUNCILMAN MOLL stated there have been prior meetings/discussions of a short term solution which should be followed by a long term solution. COUNCILMAN MOLL advised Council that during this last rain incident on weekend of April 15, 2007, Public Works employees along with Fire Department members assisted with relieving water from excessive rainfall. COUNCILMAN MOLL stated that he, the Borough Manager, Public Works Superintendent and Engineer met to discuss the short term solution and the Borough Engineer is formalizing a short term solution which should be completed and ready for discussion by Council at the May Committee meeting and possibly get started. COUNCILMAN MOLL reminded Council that the short term solution will not resolve this issue or other similar issues but may help. COUNCILMAN MOLL stated the Borough is attempting to get money via grants to minimize the costs to the Borough.

MAIN STREET REPORT - COUNCILPERSON GUENST

COUNCILPERSON GUENST stated she had nothing to report this evening.

ELM STREET REPORT - COUNCILMAN VASOLI

COUNCILMAN VASOLI stated he had nothing to report this evening.

OLD BUSINESS

There was no old business to come before Council.

NEW BUSINESS

There was no new business to come before Council.

PRIVILEGE OF THE FLOOR

There was no public comment.

ADJOURNMENT

PRESIDENT ZYGMONT adjourned the April 23, 2007 Council meeting at 8:30 P.M. and announced after a 5 minute recess Council would reopen the Victorian Village Conditional Use Hearing.

REOPEN APRIL 23, 2007 COUNCIL MEETING

PRESIDENT ZYGMONT reopened the April 23, 2007 Council meeting at 9:10 P.M. to announce a vacancy on the Borough Planning Commission. PRESIDENT ZYGMONT stated Council would interview interested residents the week of May 14, 2007 and consider appointment at the May 21, 2007 Council meeting.

EXECUTIVE SESSION

PRESIDENT ZYGMONT stated there would be a brief executive session tonight to discuss personnel matters.

ADJOURNMENT

PRESIDENT ZYGMONT adjourned the April 23, 2007 Council meeting at 9:11 P.M.

Respectfully submitted,

Diane C. Valesky
Assistant Borough Secretary