

**BOROUGH OF HATBORO  
COUNCIL MEETING  
MONDAY, JANUARY 25, 2010**

**PRESENT**

President Reymer, Vice President Guenst, Councilpersons Ostrander, Fleming, Zygmunt, Tompkins and LaSorsa, Mayor Hawkes, Borough Manager/Chief Gardner, Assistant Manager/Planner Miller, Superintendent Thomas, BCO/Zoning Officer Fugate, Borough Solicitor Pionzio, Borough Engineer Dougherty, Treasurer Lutz & Assistant Fire Marshal Joe Reading.

**CALL TO ORDER**

President Reymer called the January meeting of the Council of the Borough of Hatboro to order at 7:00 P.M. President Reymer announced that the meeting was being recorded.

**INVOCATION**

Mayor Hawkes gave the invocation for the January 25, 2010 meeting of the Borough Council.

**MINUTES**

President Reymer stated Council is in receipt of the minutes of the September 3, 2009 Special Council meeting. Vice President Guenst made a motion to approve the minutes of the September 3, 2009 Special Council Meeting. Both Councilman Zygmunt and Councilman Tompkins stated they were concerned with the quality and content of the minutes. President Reymer stated that the corrections should be made to the minutes and then re-submitted. Vice President Guenst advised that she withdrew the motion to approve the September 3, 2009 Special Council Meeting Minutes.

**PRESIDENTS REPORT**

President Reymer stated that she wanted to report that there was an Executive Session at 5:30 ~~P.M.p.m~~ to discuss ~~both~~ a personnel and a legal matter. President Reymer advised that Council Appointments have been distributed and there is a copy on the press table.

**TREASURER'S REPORT**

Treasurer Lutz reported that the interest earned in December was \$ 1270.70. This was for all 16 accounts at TD Bank at a rate of 0.46 %. Total balance of all accounts is \$3,388,307.98.

President Reymer stated that Council is in receipt of the warrant list and manual checklist with some additions to the original warrant list. President Reymer stated that she would like it to go on the record that the utility bills were paid. Councilman Zygmunt asked if Council should vote to approve the approval of the warrant list when Council has not considered the Final Payment Request relating to 2009 Paving Project. Vice President Guentz made a motion to move items b. Consider Final Payment Request relating to 2009 Paving Project and c. Consider approval of Warrant list and manual checklist to Administration on the agenda and that Council would vote to approve items a. Cash Balances & Investment Income Report and d. Payment of Bills & Ratification of Transfers for January 2010. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

### **MAYOR'S REPORT**

Mayor Hawke's presented Mr. David Rich with a certificate of appreciation for dedicated service as a member of Borough Council for the Borough of Hatboro.

### **BOROUGH MANAGER'S REPORT**

Borough Manager/Chief Gardner stated the Williams Lane project is moving forward. The project will entail total new construction of the street etc. curbs, sidewalks. Borough Manager/Chief Gardner stated that there are 25-30 easements that need to be signed by the residents. There will be a letter and the easements going out to the residents in the effected area. The residents that do not require easements will still be sent a copy of the letter inviting them to the 2 meetings that are scheduled for February 4, 2010 and February 11, 2010 at 6p.m. Borough Manager/Chief Gardner advised that himself, Engineer Dougherty and a representative from the Solicitors office to answer any questions that the residents may have.

Borough Manager/Chief Gardner advised that he, Superintendent of Public Works Thomas and Brent Sine attended the York Road Re-signalization Pre-Construction Meeting. Borough Manager/Chief Gardner advised that the project has been awarded and the project is set to conclude in June of 2011. Borough Manager/Chief Gardner advised that the Borough did receive the black poles with decorative bases. The Borough did not receive the two pedestals that were requested for York and Byberry Roads.

Borough Manager/Chief Gardner there is an update on the Lease Option at the site of the Hatboro Little League Fields. T-Mobile is going to extend the Lease Option for another year. Borough Manager/Chief Gardner stated that he anticipates hearing about the construction of that site once it moves through Horsham.

Borough Manager/Chief Gardner stated the next item on his agenda is the DCNR Grants commonly known as the C2P2 Grants. These Grants are now open and due on April 21, 2010. There is a match with these Grants.

Borough Manager/Chief Gardner advised that the District Court was to be on the County Agenda for January 22, 2010 but has been pushed back and is now on the Docket for the Commissioners meeting on February 4, 2010.

Borough Manager/Chief Gardner stated that the Borough received updated plans for the 123 Manor Road project on Friday, January 22, 2010. He advised that the plans are in the Borough Hall office for anyone to review.

### **CHIEF OF POLICE'S REPORT**

Borough Manager/Chief Gardner stated he wanted to thank Enterprise Fire Company, Fire Chief Zollers, BCO Fugate, Superintendent Thomas, PA DEP and the Hatboro Police Department for their quick response and expertise for the Hazardous Material spill that the Borough had on Tanner Avenue.

### **SOLICITOR'S REPORT**

Solicitor Pionzio advised that the review of the SALDO has been finalized. She advised that the SALDO is extensive and that her recommendation is to have a small group to go over the "nuts and bolts" before it goes back to the Planning Commission so that they do not have to re-advertise if changes are made.

### **SUPERINTENDENTS REPORT**

President Reymer stated the Public Works report was submitted in advance and copies of the report were available on the press table.

### **FIRE MARSHALS REPORT**

President Reymer stated the Fire Marshal report was submitted in advance and copies of the report were available on the press table. Assistant Fire Marshal Reading stated that in the past 30 days there were two fires in the Borough. Assistant Fire Marshal Reading stated that he would like it to be publicly known that the Borough does provide free smoke detectors to the residents. He stated that he would be attending the 6ABC Seminar in March to obtain more smoke detectors.

### **BCO/CODE ENFORCEMENT REPORT**

President Reymer stated that the BCO/Code Enforcement report was submitted in advance and copies of the report were available on the press table. BCO/Code Enforcement Officer Fugate stated that the revisions for Independence Avenue and the Baskwill Parking Lot were in. He advised that they were given to Engineer Dougherty for his review.

Councilman Zygmunt requested an Executive Session with the Solicitor regarding a personnel matter regarding a voting item.

President Reymer stated that would be taking a brief recess for the Executive session. Recess began at 7:32 PM. Meeting was resumed at 7:36 PM.

### **PRIVILEGE OF THE FLOOR**

Leigh Phillips, 204 Wood Street advised that after the heavy rain last night the two pipes at the rear of her yard were gushing water. Mrs. Phillips stated that she had been advised that there were revised plans for 123 Manor Road. Mrs. Phillips requested that Engineer Dougherty and BCO Fugate meet with her after the meeting to explain the changes on the plans. President Reymer and Borough Manager/Chief Gardner stated that both Engineer Dougherty and BCO Fugate had not yet had a chance to review the plans as they had just come in. Mrs. Phillips stated that while she is grateful that the Planning Commission volunteers their time, they have never come out in person to see the water problem so how can they know what they are voting on. Vice President Guenst advised that the Planning Commission works from the recommendations from the Engineer and the BCO. Solicitor Pionzio suggested that the residents take pictures of the storm water issue and present it to the Planning Commission.

Bill George, President of the Greater Hatboro Chamber of Commerce stated that by unanimous vote of The Chamber of Commerce Executive Board and several other organizations in town he would like to express a concern on the proposed walking trails for Miller Meadow. The concern is that the Borough may prohibit these organizations from using Miller Meadow for fund raising purposes and community events. Mr. George stated that he is sure Council is aware of how much the Chamber and other organizations rely on the income that are generated from the fund raising events. Mrs. George further stated that the community has also come to look forward to these events. Mr. George stated that if the proposed walking trail at Miller Meadow will prohibit any of these events than he would respectfully request that Borough Council vote no.

Ron Battis, 320 W Moreland Avenue stated that he would like to echo Mr. George's thoughts. Mr. Battis stated that money moons ago the Borough put in a jogging trail and the YMCA put in physical fitness equipment at Eaton Park, which is exactly what is proposed at Miller Meadow. Mr. Battis advised that these additions lasted about 5 years at Eaton Park before the problems started. Constantly ruts in the path, when it rained the stones would spread out. The physical fitness equipment was never used. Mr. Battis stated that the Council members before this Council decided to remove all of the physical fitness equipment and pave the walking trail. Mr. Battis stated that he does not see why Borough Council would consider repeating the same mistake. Not to mention that Eaton Park has a parking lot where Miller Meadow does not. Mr. Battis advised he does not like that this Grant has a match of \$10,000.00. He assumes that the \$5000.00 that the Borough claims to already have budgeted for Miller Meadow was supposed to go to fix the Meadow after the various Carnivals and Circuses. Mr. Battis stated that he thinks Miller Meadow should be left a meadow. Vice President Guenst advised Mr. Battis that the first \$5000.00 match is actually from a PECO Green Grant in order for tree plantings along the streambed.

John Farnen, President of Elm Street stated that he agrees with Bill George that if whatever Council decides to do at Miller Meadow is going to effect anyone's income then he requests that Council votes no.

Ed Henry, 238 Bonair Avenue stated he agreed with Mr. Farnen, Mr. George and Mr. Battis and would like to see Miller Meadow left as a meadow. He further stated that he fears if the walking trail is put in that eventually there will be a dog park.

### **HEARING REGARDING ORDINANCE #995 RELATING TO AMENDMENTS TO POLICE PENSION ORDINANCE**

President Reymer stated that she was opening the hearing regarding Ordinance #995 relating to amendments to the Police Pension Ordinance.

Borough Manager/Chief Gardner stated that he received information from the Borough's Actuary Tom Zimmerman of Conrad Siegel regarding Act 51, which was passed by the State Legislature in October of 2009, which amended Act 600 of 1956 that deals with the Police Pension Plans of the Commonwealth of Pennsylvania. Borough Manager/Chief Gardner states that what the new Act does is transfer the burdens of payment from the Local Police Pension Plan over to the Commonwealth of Pennsylvania for survivors of police officers killed in the line of duty. Borough Manager/Chief Gardner advised that Tom Zimmerman drafted the Ordinance before Council to ensure the Borough's Police Pension Ordinance reflects the changes to Act 600 to make it consistent with the State Law. Borough Manager/Chief Gardner advised that this Ordinance was shared with the Police Bargaining Unit and also the Police Representative on the Police Pension Board.

### **PRIVILEGE OF THE FLOOR**

Bob Hegele, 220 Pinetree Lane asked if the burden of payments for death benefits was the only thing changed in this Ordinance. Borough Manager/Chief Gardner stated that no nothing else was changed.

President Reymer then adjourned the Hearing Regarding Ordinance #995 and re-opened the January 25, 2010 Council Meeting.

### **ADMINISTRATION & CONTRACTS**

President Reymer advised the first item on her Agenda this evening was to consider the Adoption of Ordinance #995 relating to the Amendments to Police Pension Ordinance. Vice President Guenst made a motion to approve the adoption of Ordinance #995. Councilperson Tompkins seconded this motion and was approved unanimously by Council.

President Reymer advised the next item on her Agenda was to consider the awarding of bids to sell 2001 Ford Crown Victoria and 1995 Elgin Street Sweeper through Municibid.com. Vice President Guenst made a motion to award bids to sell 2001 Ford

Crown Victoria and 1995 Elgin Street Sweeper through Municibid to the first highest responsive bidder. This motion was seconded by Councilman Tompkins and approved unanimously by Council.

President Reymer advised the next item on her Agenda was to consider the engagement of Gilmore Engineering to develop Manor Road Storm Water System upgrades. Vice President Guentz made a motion to Authorize Gilmore and Associates to proceed with development of the Feasibility Study for solutions to the Manor Road storm water upgrades. Councilperson Ostrander seconded this motion and was approved unanimously by Council. Councilperson Zygmunt then made a motion for the Feasibility Study not to exceed \$10,000.00. Councilperson LaSorsa seconded this motion. The motion was passed by a vote of 6 yeas by President Reymer and Councilpersons Zygmunt, LaSorsa, Tompkins, Ostrander and Fleming. Vice President Guentz was opposed.

President Reymer advised the next item on her Agenda was to consider the Submission of Preliminary Application to Montgomery County for Local Economic Enhancement Grant (Marketing Grant). Councilperson LaSorsa made a motion to consider the Submission of Preliminary Application to Montgomery County for Local Economic Enhancement Grant and Marketing Grant modifying the application to remove the Chamber of Commerce and add the Hatboro Business Community. Councilperson Guentz seconded this motion and was approved unanimously by Council.

President Reymer advised the next item on her Agenda is to consider Appointments to Borough Boards and Commissions.

Zoning Hearing Board/Geri Weideman – 3-year term  
Planning Commission/Catharine Farnen – 4-year term  
Planning Commission/Luanne Kline – 4-year term  
Civil Service/Walter Kenney – 6-year term  
Borough Historian/Dave Shannon – 1-year term  
Vacancy Board/Michael Ostrander – 1-year term  
Fire Board/Allen Mosebach – 3-year term

Vice President Guentz made a motion to approve the Appointments listed to Borough Boards and Commissions effective as of January 1, 2010 in the event that the ethics statements are required Council will extend the Appointments to Borough Boards and Commissions to the February 22, 2010 Council Meeting. Councilman Zygmunt seconded this motion and was approved unanimously by Council.

President Reymer then advised that they are re-visiting items B & C from the Treasurer's Report. Vice President Guentz made a motion to approve the Final Payment Request to Bray Brother's for the 2009 Paving Project in the amount of \$126,536.70. Councilperson Ostrander seconded this motion and was approved unanimously by Council. Councilman Zygmunt made a motion to approve the warrant list and manual checklist. Councilman Tompkins seconded this motion and was approved unanimously by Council.

## **PARKS AND RECREATION**

Vice President Guerst stated that she had one item on her Agenda this evening, which was to consider Resolution #2010-01 in support of PECO Growing Greener Grant Application for Miller Meadow Improvements. Vice President Guerst made a motion to consider Resolution #2010-01 in support of the PECO Growing Greener Grant Application for Miller Meadow improvements. Councilman Zygmunt seconded this motion. This motion was denied with a vote of 3 yeas by Councilman Zygmunt, LaSorsa and Tompkins and 4 nays by President Reymer, Vice President Guerst, Councilperson Ostrander and Fleming.

## **OLD BUSINESS**

Engineer Dougherty advised that he submitted plans and storm-water reports for the Wachovia Property Disposition to Borough Manager/Chief Gardner today so that they will be ready to go before the Planning Commission on February 2, 2010. Engineer Dougherty stated that he would be coordinating with the Solicitor to work on easements and a few other items.

Borough Manager/Chief Gardner advised that they wanted to get this before the Planning Commission in February so that the Borough could get the property on the market as soon as possible. Borough Manager/Chief Gardner stated that he thought it would be a good idea to get some pre-advertisement on this property so that when the property is actually listed on the market they may already have some people interested. President Reymer stated that there is also a Municipal link where the property can be listed. Mr. Miller stated he contacted the County regarding the link and they will list the property for free.

Solicitor Pionzio stated the Enterprise Fire Company Grant is very convoluted. The Grant is \$500,000.00 and it states that you must spend 125% of that money in order to be reimbursed. The Borough has put \$300,000.00 out of the Bond Issue, some of which has been sent on soft costs. There is also the \$500,000.00 line of credit, which is what the Borough was going loan to the Fire Company, which they could then draw down from and also the note in the Mortgage. There also is the Fire Companies effort to raise money and the Authority's money to match that. Solicitor Pionzio advised that she received the Transfer Agreement from the Fire Company's Attorney that tells a different story. Solicitor Pionzio advised that she thinks that it is time to sit across the table from each other and hammer this out. Councilman LaSorsa stated that would coordinate a meeting with the Fire Board, Fire Company Attorney, Borough Solicitor and also invite Councilman Zygmunt to work all this out.

## **NEW BUSINESS**

Vice President Guerst stated that she read an interesting article in the Newspaper where Municipalities were having their utility bills reviewed for over charges. Councilman Tompkins stated that he too read the article. Councilman Zygmunt stated that this could

be something that the Borough put out an RFP for. Council President Reymer asked Vice President Guent to forward the article to the rest of Council.

### **PRIVILEGE OF THE FLOOR**

Leigh Philips 204 Wood Street stated that during the previous Privilege of the Floor she had stated that there was water in her backyard. Mrs. Philips stated that Solicitor Pionzio then advised her to take pictures. Mrs. Philips advised that it just happened, and further more she did not have any film in her camera. Solicitor Pionzio advised that she believes she asked the question whether or not Mrs. Philips took photos so they could be presented to the Planning Commission. Solicitor Pionzio then stated that she in no way was intending to tell Mrs. Philips what to do. Mrs. Philips then stated that during the previous Privilege of the Floor she had asked for Engineer Dougherty and BCO Fugate to go over the new plans for Manor Road with her and she did not receive an answer. President Reymer advised Mrs. Philips that Borough Manager/Chief of Police Gardner would show her the plans after the meeting.

Larry Philips, 204 Wood Street advised that on December 8, 2009 he put in a Public Records request for a map showing the sewer lines and the storm water management pertaining to the creek along the back of the homes on Wood Street. On December 9, 2009 he received a letter from Diane Hegele advising him that he would have to wait 30 days for this information. He advised it is now well over 30 days and he still has not received anything. Mr. Philips also asked if the Feasibility Study that was authorized tonight would delay the approval of the Sub Division. Councilman Tompkins advised that the Borough is on a time limit on the Sub Division and have to act on it by March 31, 2010. Councilman Tompkins advised that the Feasibility Study is to determine what actions the Borough can take, not the builder. Mr. Philips then stated that he requested the copy of the map and storm water management because he wants to see if the proposed develop is going to impact his property and he feels that he has a right to the map. Borough Manager/Chief Gardner asked if Mr. Philips knew why the request had been delayed for 30 days. Borough Manager/Chief Gardner then read the letter and stated that there was a review invoked on the request. Solicitor Pionzio stated that whatever the Borough has on Mr. Philips property he is entitled to.

Sandy Zygmunt 645 S York Road asked why Council voted on the Vacancy Board for a second time when it was voted on at the January 4, 2010 re-organization meeting. Mrs. Zygmunt also stated that she felt it was very unethical for Councilperson Ostrander to vote for her husband for the Vacancy Board whether it is a paid position or not, and that if anyone else on Council had done the same that she feels Councilperson Ostrander would have had a problem. Councilperson Ostrander thanked Mrs. Zygmunt for her comments and advised that it is not a paid position. Mrs. Zygmunt stated that it does not matter she feels that it is unethical to vote for your spouse.

Ron Battis, 320 West Moreland Avenue stated that there has been an unwritten rule for no use of cell phones during a Council Meeting. Mr. Battis would like to see the prohibition of texting or other cell phone communication for those on the Borough

payroll for any meeting of Council except for the Chief of Police. Mr. Battis feels it is rude and unprofessional to have Borough employee's texting during a meeting.

Bob Hegele, 220 Pinetree Lane stated that he would like to know what the status is of the position of Assistant Borough Secretary that is currently held by Diane Hegele. President Reymer advised that this item was not on the Agenda and was a personnel matter and discussion in an Executive Session, which Council cannot discuss. Mr. Hegele stated that he disagrees that it is a personnel issue as it was brought before Council 4 years ago and voted on. He further stated that it was not a personnel issue then. President Reymer again advised that it was discussed in an Executive Session and that any remaining appointments would be made at a later time. Councilman Tompkins stated that the sheet he received tonight shows that the position has been eliminated and he feels that that is an action that Council has to take in an open meeting. Councilman Tompkins then asked Solicitor Pionzio if you could eliminate a position in an Executive Session. Councilman Tompkins also asked if the Assistant Borough Secretary was not reappointed by Resolution every year for the last 4 years should Council be concerned about anything that the Assistant Borough Secretary has signed in the last 4 years. Solicitor Pionzio stated that she was not sure and would provide an answer in a few days. Mr. Hegele then asked if the meeting was being taped. President Reymer stated yes it was.

Sandy Zygmunt 645 S York Road stated that "you guys" claim to be about open Government but do not seem to be to open tonight.

President Reymer adjourned the January 25, 2010 Council meeting at 9:34 P.M.

Respectfully submitted,

Amy E. Wack  
Borough Administration