

**BOROUGH OF HATBORO  
COUNCIL MEETING  
MONDAY, JANUARY 26<sup>th</sup>, 2009**

**PRESENT**

President Zygmunt, Vice President LaSorsa, Councilpersons Guenst, Ostrander, Tompkins, Rich & Reymer, Mayor Hawkes, Borough Manager/Chief Gardner, Planner/Assistant Manager Hartey, Assistant Secretary Hegele, Superintendent Thomas, BCO/Zoning Officer Fugate, Borough Solicitor Meyer & Borough Engineer Dougherty.

**ABSENT**

Treasurer Lutz was absent this evening.

**CALL TO ORDER**

President Zygmunt called the January meeting of the Council of the Borough of Hatboro to order at 7:00 P.M.

**INVOCATION**

Mayor Hawkes gave the invocation for the January 26<sup>th</sup>, 2009 meeting of Borough Council.

**MINUTES**

President Zygmunt stated Council is in receipt of several months of minutes and would like to know if Council is in agreement to approve the minutes as a group or for each month. Borough Council was in agreement to approve the minutes as a whole. Vice President LaSorsa made a motion to approve the September 22<sup>nd</sup>, 2008 Zoning, Planning and Historic Development Committee Minutes, the October 27<sup>th</sup>, 2008 Council Meeting Minutes, the November 17<sup>th</sup>, 2008 Special Council Meeting Minutes, the November 24<sup>th</sup>, 2008 Council Meeting Minutes and the December 15<sup>th</sup>, 2008 Council Meeting Minutes. Councilman Tompkins stated he submitted some revisions to Assistant Secretary Hegele earlier in the day via email. Assistant Secretary Hegele stated his changes would be made. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

**PRESIDENTS REPORT**

President Zygmunt stated he had nothing to report this evening.

## **BOROUGH MANAGER/CHIEF OF POLICE REPORT**

Borough Manager/Chief of Police stated he had two items to report on this evening, the first was an update to the upcoming West Monument Avenue bridge project. Borough Manager/Chief Gardner stated the work should begin around February 2 or February 9, weather dependent. Borough Manager/Chief Gardner stated the work would be done in 2 phases, Phase 1 will be the underneath work and Phase 2 would be the decking. Borough Manager/Chief Gardner stated the road would be closed for approximately one week during Phase 2. Borough Manager/Chief Gardner stated all the residents in the area have been notified.

Borough Manager/Chief Gardner stated the second item is with great pleasure to announce the recent hiring of Mr. Keith Fugate as Building Code Official and Zoning Officer for the Borough. Borough Manager/Chief Gardner stated Keith comes to the Borough with a lot of experience and is a welcome addition to the Borough Staff.

## **TREASURERS REPORT**

### **1. CASH BALANCES & INVESTMENT INCOME REPORT**

President Zygmunt reported Treasurer Lutz was absent this evening. Vice President LaSorsa reported the interest earned in December 2008 was \$1,626.95. This was for all 14 accounts at TD Banknorth at a rate of 0.55%. Total account balance is \$3,789,259.35. Vice President LaSorsa also reported that the total interest earned for 2008 was \$123,891.82. Councilman Tompkins asked why there was a different budgeted amount. Vice President LaSorsa stated is were due to interest rates being down. Councilperson Guenst made a motion to approve the Treasurer's report for the month of December 2008. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

### **2. APPROVAL OF WARRANTS LIST**

President Zygmunt stated Council is in receipt of the warrant list. President Zygmunt stated Council is not in receipt of the manual checklist, he stated he is aware that the Delaware Valley Insurance Trust Invoices for General Liability and Workers Compensation Trust are on this list. President Zygmunt asked for a copy of the manual checklist to be provided in Council's packet this coming Wednesday for review. President Zygmunt stated 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 for the month of January 2009. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

### **3. PAYMENT OF BILLS**

Vice President LaSorsa made a motion to authorize the payment of bills and ratification of transfers for the month of January 2009. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

**4. PAYMENT OF BILLS - MANUAL LIST**

Vice President LaSorsa made a motion to authorize the payment of invoices to DVIT, Delaware Valley Insurance Trust for Borough General Liability Insurance and Workers Compensation Insurance. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

**MAYORS REPORT**

Mayor Hawkes stated he made the trip to Washington D.C. to witness the Inauguration of President Barack Obama. Mayor Hawkes stated if anyone wanted to see the tickets or some of the souvenirs he brought back to please let him know. Mayor Hawkes stated it was quite an experience and never has he seen that many people in one place.

**SOLICITORS REPORT**

Solicitor Meyer reported he drafted a Tax Collector Remuneration Resolution.

Solicitor Meyer reported he drafted ordinances for the Uniformed and Non-uniformed Pension Plans.

Solicitor Meyer reported he reviewed the TD Equipment Finance Lease and drafted a "Opinion of Counsel" letter for lessor.

**SUPERINTENDENTS REPORT**

President Zygmunt stated the Public Works report was submitted in advance and copies of the report were available on the table in the front of the meeting report. Superintendent Thomas stated he had nothing additional to report.

**FIRE MARSHALS REPORT**

President Zygmunt stated the Fire Marshals report was submitted in advance and copies of the report were available on the table in the front of the meeting room.

**PRIVILEGE OF THE FLOOR**

President Zygmunt stated this privilege of the floor is for residents to address Council to discuss voting items on tonight's agenda. Mrs. Harriet Ehram, Librarian, Union Library of Hatborough stated she was in attendance this evening to answer any questions regarding the submission of the Keystone Grant for the Library. Mrs. Ehram stated the Library ceiling and masonry were in need of replacement and she has obtained quotes and for the Borough to submit a letter of intent for the Keystone Grant.

**PRESENTATION TO MR. & MRS. JOHN FARNEN - OLD MILL PICTURE**

Councilperson Reymer asked Mr. & Mrs. Farnen to come forward. Councilperson Reymer stated that the Farnen's recently presented the Borough with a picture of the Old Mill Tea House from 1935. Councilperson Reymer stated the photo has been mounted and will be hung in the hallway of Borough Hall with all the other photos from years past. Borough Council thanked Mr. & Mrs. Farnen for their donation to the Borough.

## COUNCIL/COMMITTEE REPORTS

### A. PUBLIC SAFETY COMMITTEE- Mayor Hawkes

Mayor Hawkes stated he had one item on his agenda for this evening to consider the 2009 Police Civil Service Entrance Exam. Borough Manager/Chief Gardner stated he recently attended a meeting concerning the cooperative 2009 Police Exam scheduled tentatively for June 20<sup>th</sup>, 2009. Borough Manager/Chief Gardner reported the Borough should take part in this test to establish an eligibility list. Councilperson Ostrander made a motion that Council directs the Civil Service Commission to meet to establish an eligible list for the position of police officer with the Hatboro Police Department. This motion was seconded by Vice President LaSorsa and approved by Council unanimously. Borough Manager/Chief Gardner stated he would contact the Civil Service Commission to begin this process.

### B. FIRE BOARD - Vice President LaSorsa

Vice President LaSorsa stated he did not have anything for his agenda this evening.

### C. PUBLIC WORKS - Councilman Rich

Councilman Rich stated he did not have anything for his agenda this evening.

### D. ZONING, PLANNING & HISTORIC PRESERVATION COMMITTEE -

Councilman Tompkins

Councilman Tompkins stated he had several items on his agenda for this evening; the first was to consider escrow release for 399 Springdale Avenue. Councilman Tompkins made a motion to approve the escrow release for 399 Springdale Avenue in the amount of \$9,331.20. This motion was seconded by Vice President LaSorsa and approved by Council unanimously.

Councilman Tompkins stated the second item on his agenda was to consider the Land Development Application for 69 Byberry Avenue. Councilman Tompkins stated this matter was discussed in length at the Committee meeting and prior meetings. Councilman Tompkins asked Borough Engineer Dougherty if he was comfortable with the changes that have since been made by the applicant's engineer. Councilperson Guenst made a motion to approve the Land Development application for 69 Byberry Avenue subject to the January 20, 2009 Gilmore & Associates Review letter with the exception of the County Conservation District comment being removed from this letter. This motion was seconded by Councilman Tompkins and approved by Council unanimously.

Councilman Tompkins stated the third item on his agenda was to consider the Land Development application for 400 North York Road. Councilman Tompkins stated there is a January 16<sup>th</sup>, 2009 review letter from Gilmore & Associates. Borough Engineer Dougherty stated there still needs to be a review of stormwater changes. Borough Engineer Dougherty stated the applicants engineer called his office today but he has not had the opportunity to contact him back. Councilman Tompkins made a motion to approve continuance of this matter for further discussion at the February 9<sup>th</sup>, 2009 Committee meeting of Borough Council. This motion was seconded by Vice President LaSorsa and approved by Council unanimously.

Councilman Tompkins stated the last item on his agenda is to consider the Wireless Facilities Telecommunications Siting Ordinance #985 which is an agenda item at the end of this agenda and will be voted on at that time.

- E. **PARKS & RECREATION COMMITTEE** – Councilperson Guenst  
Councilperson Guenst stated she had one item to report on; the Open Space Grant Application and Acquisition of Open Space. Councilperson Guenst stated the Borough has entered into an agreement to purchase 445 South York Road, the remainder of the Miller Property. Councilperson Guenst stated there would be a public hearing on February 9<sup>th</sup>, 2009 where the public can hear details of the purchase and have the opportunity to make comment. Vice President LaSorsa made a motion to approve the Open Space Grant Application/ Acquisition and also to approve Borough Manager/Chief Gardner and President Zygmunt to sign documents relating to this matter and approve the actions of both Borough Manager/Chief Gardner and President Zygmunt with regards to this purchase. This motion was seconded by Councilperson Guenst and approved by Council unanimously.
- F. **FINANCE, PARKS & RECREATION COMMITTEE BUDGET & INSURANCE COMMITTEE** – Vice President LaSorsa  
Vice President LaSorsa stated he had one item on his agenda this evening; consideration of Resolution #2009-02, Tax Collector Compensation. Vice President LaSorsa made a motion to approve Resolution #2009-02, Tax Collector Compensation. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.
- G. **PUBLIC AND COMMUNITY RELATIONS COMMITTEE** – Councilperson Reymer  
Councilperson Reymer stated she had one item on her agenda this evening; consideration of Resolution #2009-01, Pennypack School. President Zygmunt asked if Councilpersons Reymer and Guenst could please present this resolution to the School Board. Councilperson Reymer stated she would set something up. Assistant Secretary Hegele stated she would put something together for the formal presentation. Mrs. Ersham, School Board member thanked Council for the resolution and stated that recently Pennypack School, Crooked Billet School and Blair Mill Elementary School were

designated Title 1 Schools, which is a great accomplishment. President Zygmunt asked if the Press in attendance could place something in the upcoming edition about this Resolution. Councilman Tompkins made a motion to approve Resolution #2009-01, Pennypack School Resolution. This motion was seconded by Councilperson Reymmer and approved by Council unanimously.

- H. **ADMINISTRATION & CONTRACTS COMMITTEE** - President Zygmunt  
President Zygmunt stated he had several items for his agenda this evening; the first item is to consider the 2009 Board appointments. President Zygmunt stated Council would approve as a group the following appointments: Rich Seeds, Borough Authority, Robert Ehram, Borough Authority, Doug Mauer, Borough Authority, Ron Battis, Planning Commission, George Lewis, Upper Moreland-Hatboro Joint Sewer Authority, Michael Ostrander, Vacancy Board, John Demcisak, Zoning Hearing Board, Rich Seeds, Fire Board, Dave Shannon, Borough Historian and Lou Russo, Library Board. President Zygmunt stated the Fire Board would need to interview Mr. James Giamarruti, once the Fire Board interviews him then he will be appointed to serve on the Fire Board. President Zygmunt stated Council is still actively seeking interested applicants to serve as the Borough Health Officer. Vice President LaSorsa made a motion to approve the appointments listed above. This motion was seconded by Councilman Tompkins and approved by Council unanimously.

President Zygmunt stated the balances of appointments are staff appointments that will be done at the February 28<sup>th</sup>, 2009 meeting. Vice President LaSorsa made a motion to approve appointments to Borough Staff on the February 28<sup>th</sup>, 2009 meeting. This motion was seconded by Councilperson Guent and approved by Council unanimously.

Assistant Secretary Hegele will send letters to all the appointees confirming dates of appointment and term expiration.

President Zygmunt stated the next two items on his agenda, Uniformed Pension Plan Ordinance No. 989 and Non-uniformed Pension Plan Ordinance No. 990 are agenda items at the end of the agenda and will be discussed and voted on at that time.

President Zygmunt stated the next item on his agenda is the consideration letter of intent Library Keystone Grant. Librarian Harriet Ehram stated the Library would be writing the grant; they need this letter from the Borough sponsoring the Library for this program. The Grant is going to be for ceiling repairs and masonry work, the approximate cost is around \$58,790 per estimates received. Borough Manager/Chief Gardner stated there is no money needed from the Borough, the Borough needs to appoint a municipal contact for the Grant Application. Vice President LaSorsa made a motion to appoint Assistant Manager/Planner Hartey as the municipal contact. This

motion was seconded by Councilperson Ostrander and approved by Council unanimously.

Councilperson Ostrander thanked Librarian Ehram for everything she does for the Library.

President Zygmunt stated the next item on his agenda was to consider the purchase of a Street Sweeper and Vacuum for the Public Works Department. Borough Manager/Chief Gardner stated he and Superintendent Thomas would be meeting with the vendor. Borough Manager/Chief Gardner stated it would take about 6 to 12 weeks for the equipment to arrive. President Zygmunt stated this transaction would require three separate motions for approval. Vice President LaSorsa made a motion to participate in the PACC Program, Resolution #2009-03. This motion was seconded by Councilperson Guent and approved by Council unanimously.

Vice President LaSorsa made a motion to approve Resolution #2009-04, authorizing the financing through TD Equipment Finance for a street sweeper and vacuum in the amount of \$179,761.14 and authorization of President Zygmunt and Borough Manager/Chief Gardner as authorized signers for this transaction. This motion was seconded by Councilperson Reymer and approved by Council unanimously.

Vice President LaSorsa made a motion to approve Borough Manager/Chief Gardner to meet with the vendor on 1-27-09 and to make the purchase. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

President Zygmunt stated the next item on his agenda was discussion of stormwater grant application. Assistant Manager/Planner Hartey updated Council on this application. Assistant Manager/Planner Hartey stated there is \$8 million dollars in funding available; project to be submitted would need to be a certain amount. Assistant Manager/Planner Hartey stated the next meeting of the review board is not until May 13<sup>th</sup>, 2009.

President Zygmunt stated Council was in receipt of the Employee Ratification List for the month of January 2009. Councilperson Guent made a motion to approve the January 2009 employee ratification list. This motion was seconded by Vice President LaSorsa and approved by Council unanimously.

President Zygmunt stated the last item on his agenda was the appointment of Mr. Keith Fugate as Building Code Official (BCO) and Zoning Officer. Councilperson Guent made a motion to appoint Mr. Keith Fugate as BCO/Zoning Officer for the Borough of Hatboro. This motion was seconded by Councilman Tompkins and approved by Council unanimously.

I. **EMERGENCY SERVICES AND PEDESTRIAN SAFETY COMMITTEE** -

Councilperson Ostrander

Councilperson Ostrander stated she did not have anything for her agenda this evening.

J. **OPEN PUBLIC HEARING** - Ordinance #985, Wireless Telecommunications Facilities Ordinance

1. **Privilege of the Floor for the purpose of hearing public comment regarding the Wireless Telecommunication Facilities Ordinance No. 985.**

Councilman Tompkins opened the hearing and asked for public comment regarding this Ordinance. Mr. John Demcisak urged adoption of this most complex ordinance. Mr. Demcisak stated it is necessary for the health and safety of all Borough residents. Mr. Demcisak thanked Councilman Tompkins and Solicitor Meyer for getting this done. Councilperson Guenst stated if she was a cell tower she wouldn't go near Hatboro. Councilman Tompkins thanked everyone in the Zoning Group along with Mr. Demcisak and Solicitor Meyer for their hard work on this ordinance.

2. **Consideration of Wireless Telecommunication Facilities Ordinance No. 985.**

Vice President LaSorsa made a motion to approve Ordinance No. 985, the Wireless Telecommunication Facilities Ordinance. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

3. **Privilege of the Floor** - There was no other comment from the Public on this ordinance.

K. **OPEN PUBLIC HEARING** - Ordinance #989, Uniformed Pension Plan Ordinance

1. **Privilege of the Floor for the purpose of hearing public comment regarding this Ordinance No. 989.**

President Zygmunt opened the hearing and asked for Borough Manager/Chief Gardner to summarize this ordinance. Borough Manager/Chief Gardner stated this new ordinance incorporates recent changes, recommendations from the Pension actuary and recent IRS updates. Borough Manager/Chief Gardner stated that the ordinance does not effect labor agreements. President Zygmunt asked if there was

any comment from the public. There was no comment from the public on this Ordinance.

**2. Consideration of Uniformed Pension Ordinance No. 989.**

Councilperson Ostrander made a motion to approve Ordinance No. 989, Uniformed Pension Plan Ordinance. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

Vice President LaSorsa made a motion to appoint Borough Manager/Chief Gardner to execute plan and trust documents and President Zygmunt from Borough Council as trustee for the Uniformed Pension Plan. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

**3. Privilege of the Floor -** There was no comment from the public on this ordinance.

**L. OPEN PUBLIC HEARING -** Ordinance No. 990, Non-Uniformed Pension Plan Ordinance.

**1. Privilege of the Floor for the purpose of hearing public comment regarding the Non-uniformed Pension Plan Ordinance No. 990.**

President Zygmunt opened the hearing for Ordinance No. 990, Non-uniformed Pension Plan Ordinance No. 990. President Zygmunt stated this is the same as the Uniformed Pension Ordinance. There was no comment from the public on this Ordinance.

**2. Consideration of Non-uniformed Pension Ordinance No. 990.**

Councilperson Reymer made a motion to approve Ordinance No. 990, Non-uniformed Pension Plan Ordinance. This motion was seconded by Vice President LaSorsa and approved by Council unanimously.

Councilperson Guenst made a motion to appoint Borough Manager/Chief Gardner to execute plan and trust documents and President Zygmunt from Borough Council as trustee for the Non-uniformed Pension Plan. This motion was seconded by Councilperson Reymer and approved by Council unanimously.

**3. Privilege of the Floor -** There was no comment from the public on this ordinance.

**OLD BUSINESS**

There was no Old Business to come before Borough Council.

**NEW BUSINESS**

Councilman Tompkins stated that he attended a multi municipal meeting last Thursday evening, Assistant Manager/Planner Hartey has copies that will be distributed to Borough Council.

Councilman Tompkins stated that he along with Assistant Manager/Hartey recently attended a meeting at Temple Ambler where Dr. Featherstone updated everyone in attendance on stormwater. Councilman Tompkins stated that they're maybe some Pennvest funding and the Army Corp maybe adopting the FEMA study in March.

President Zygmunt announced that Council is seeking input on how to use the already acquired Wachovia Property and soon to be acquired Miller Property. President Zygmunt stated anyone interested in serving on these committees should submit their letter of interest to Diane Hegele, Assistant Borough Secretary.

**PRIVILEGE OF THE FLOOR**

There was no comment from the Public.

**ADJOURNMENT**

President Zygmunt adjourned the January 26<sup>th</sup>, 2009 Council meeting at 8:11 P.M.

**EXECUTIVE SESSION**

President Zygmunt stated there would be an executive session this evening to discuss a Personnel Matter.

Respectfully submitted,

Diane C. Hegele  
Assistant Borough Secretary